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PROCEEDINGS AND DEBATES

OF THE

FOURTH SESSION OF THE SIXTY-SEVENTH CONGRESS

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PROCEEDINGS AND DEBATES OF THE SIXTY-SEVENTH CONGRESS FOURTH SESSION.

SENATE.

THURSDAY, *February 8, 1923.*

(Legislative day of Monday, February 5, 1923.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT resumed the chair.

SOUTHERN PINE LUMBER INDUSTRY.

The VICE PRESIDENT laid before the Senate a communication from the acting chairman of the Federal Trade Commission, transmitting, pursuant to law, the report of the commission on the costs, prices, and profits of the southern pine lumber industry for the years 1917 and 1918, which was referred to the Committee on Interstate Commerce.

CLAIMS OF CONTRACTORS UNDER TREASURY DEPARTMENT.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a report showing the number of claims filed under the act for the relief of contractors and subcontractors for post offices and other buildings and work under the supervision of the Treasury Department and the present status of the work involved in connection with their adjudication, which was referred to the Committee on Public Buildings and Grounds.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT laid before the Senate a communication from the town clerk of Hancock, Mass., which was referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

HANCOCK, MASS., *February 6, 1923.*

CLERK OF THE SENATE,
Washington, D. C.

DEAR SIR: At the annual town meeting of the voters of the town of Hancock, Mass., held February 5, 1923, the following resolution was adopted:

"*Resolved*, That we, the citizens of Hancock, in town meeting assembled, request the Senate and House of Representatives of the United States to designate or to create some agency of the Federal Government which shall have all the powers essential to fix, and power to fix a maximum price on coal whenever and wherever sold, either by producer or dealer, any or all such powers to be exercised, the need being shown therefor, for the benefit of any congressional district or part thereof whenever said agency is so requested in writing by the Members of Congress representing said district; any or all such powers to continue in force so long as, in the opinion of the Congressman making request, the need of such Federal control exists.

"*Resolved*, That we further request legislation which shall provide that, in the sale and shipment of coal at the mines or elsewhere, orders for coal from consumers and dealers selling directly to consumers shall take precedence over all other orders, said legislation to provide also for prompt transportation of such shipments.

"*Resolved*, That a copy of these resolutions be sent by the town clerk to the clerk of each branch of Congress, together with the vote thereon."

Respectfully, A. D. MCSORLEY, *Town Clerk.*

Mr. LODGE presented resolutions of the House of Representatives of the General Court of Massachusetts relative to the coal situation in New England, which were referred to the Committee on Interstate Commerce, as follows:

THE COMMONWEALTH OF MASSACHUSETTS, 1923.

In the year one thousand nine hundred and twenty-three.

Resolutions favoring the passage by Congress of legislation placing an embargo upon coal.

Whereas there are now pending before the Congress of the United States various bills and resolutions providing for and favoring the passage of legislation placing an embargo upon the export of coal from the United States during the present period of coal shortage; and

Whereas the Hon. JOHN J. ROGERS, Congressman from Massachusetts, has introduced a bill in Congress entitled "A bill declaring an embargo on anthracite coal," being H. R. No. 12827, which declares that the conditions at present prevailing in the production and distribution of anthracite coal constitute a national emergency; and

Whereas great distress and hardship exist in New England on account of such coal shortage: Therefore be it

Resolved, That the House of Representatives of the General Court of Massachusetts urgently requests that Congress take immediate steps for the passage of appropriate legislation to relieve the great distress existing in New England, and hereby records itself in favor of immediate passage of H. R. No. 12827; and be it further

Resolved, That copies of these resolutions be sent by the secretary of the Commonwealth to the President of the United States, to the Presiding Officers of both branches of Congress, and to the Senators and Representatives in Congress from this Commonwealth.

In the house of representatives, adopted January 29, 1923.

A true copy.

Attest:

F. W. COOK,
Secretary of the Commonwealth.

Mr. MCNARY presented the following joint memorial of the Legislature of Oregon, which was ordered to lie on the table:

Senate Joint Memorial 2.

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

We, your memorialists, the Senate and House of Representatives of the State of Oregon, in regular session assembled, respectfully represent that—

Whereas your honorable body has under consideration a bill compelling every manufacturer or handler or seller of woolen fabrics and woolen garments to place thereon a tag plainly stating the exact percentage of virgin wool and also how much and what other materials enter into such cloth; and

Whereas such a law will be of inestimable value to both those who wear clothing and also to producers of wool and mohair; and

Whereas Oregon is interested both as a producer and as a user of woolen goods: Therefore be it

Resolved by the senate (the house of representatives concurring), That the Congress of the United States be, and it is hereby, memorialized to enact such legislation; and be it further

Resolved, That the secretary of state be directed to transmit by mail a copy of this memorial to the President of the United States Senate and to the Speaker of the House of Representatives and to each of the Senators and Representatives from the State of Oregon.

Adopted by the house January 29, 1923.

CYRIL G. BROWNELL,
Speaker of the House.

Adopted by the senate January 23, 1923.

JAY UPTON,
President of the Senate.

(Indorsed: "Senate Joint Memorial No. 2. Introduced by Senator Zimmerman. John P. Hunt, chief clerk. Filed February 1, 1923. Sam A. Kozer, secretary of state.")

UNITED STATES OF AMERICA,
STATE OF OREGON,
Office of the Secretary of State.

I, Sam A. Kozer, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of Senate Joint Memorial No. 2 with the original thereof adopted by the Senate and House of Representatives of the Thirty-second Legislative Assembly of the State of Oregon and filed in the office of the secretary of state of the State of Oregon February 1, 1923, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 2d day of February, A. D. 1923.

[SEAL.] SAM A. KOZER, *Secretary of State.*

Mr. KEYES presented a resolution adopted by the Episcopalian Club of St. Thomas Church, of Dover, N. H., favoring an amendment to the Constitution regulating child labor, which was referred to the Committee on the Judiciary.

Mr. JONES of Washington presented a petition of sundry citizens of Seattle, Wash., praying for the passage of legislation extending immediate aid to the famine-stricken peoples of the German and Austrian Republics, which was referred to the Committee on Appropriations.

AMENDMENT OF FARM LOAN ACT.

Mr. FLETCHER. I ask unanimous consent to have printed in the RECORD a letter from L. C. Manson, attorney for the Federation of National Farm Loan Associations, a part of which bears on Senate bill 4130 and Senate bill 4453, which were referred to the Committee on Banking and Currency, and it also relates to House bill 14041, which is pending in the House. Mr. Manson gives certain reasons why these bills ought not to be passed, and those reasons I think are sufficiently sound and substantial to be laid before all interested in the measures. I therefore ask that the letter be referred to the Committee on Banking and Currency and printed in the RECORD.

There being no objection, the letter was referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., *January 30, 1923.*

DEAR SIR: The Strong bill (H. R. 13125) has been rewritten by the committee and reintroduced as H. R. 14041.

The new bill (H. R. 14041) is a more vicious measure than H. R. 13125.

H. R. 14041 was reported for passage January 27 and is now before the House for action.

Whatever is to be done to defeat this measure must be done at once.

H. R. 14041, like H. R. 13125, authorizes direct unindorsed loans, the direct borrower to become a direct stockholder in the Federal land bank.

H. R. 14041, however, eliminates the provisions of H. R. 13125, attaching a double liability to stock to be held by direct borrowers.

This new bill not only strikes at the foundation of the cooperative system but discriminates against the association borrowers by requiring them to assume twice the risk of loss assumed by direct borrowers. It reduces by one-half the margin of capital security behind the bonds.

I appeal to you for your prompt assistance in preventing the passage of this bill. If you have written your Congressmen and Senators relative to H. R. 13125, please write them again at once, or preferably wire them, to oppose H. R. 14041. If you have not written, please do not fail to do so at once. Also get your officers and directors and as many of your members as possible to do the same.

ASSOCIATIONS MISREPRESENTED TO CONGRESS.

The committee has been misled, and Congress is being misled by misrepresentations as to the situation. The associations are being blamed for the failure of the system to properly function at a time when shortage of money and delay was entirely due to the policy of the Farm Loan Board and its appointees in charge of the bank.

During the time the system was tied up by litigation, during the whole of 1921, and during the first few months of 1922 the Federal land bank system did not meet the demand for money. After the litigation was over the demand was overwhelming and but few bonds were placed on the market for sale. The result was that many farmers desiring loans could not get them.

So few appraisers were employed by the banks that applicants were required in many cases to wait for months before their farms were appraised. The internal organization of the banks was such that interminable delays occurred before many of the applications were passed upon.

This shortage of funds and delay in the banks led to great dissatisfaction among the farmers, many of whom blamed the associations and complained to their Members of Congress and Senators. They did not know where the trouble lay, but did know there was something wrong. Complaints also came from farmers whose applications were rejected because the associations did not consider the risk good. These farmers claimed that the associations, having secured their loans, would not let others in.

This general dissatisfaction has been capitalized by those seeking to destroy the associations. Although the trouble was entirely due to the Farm Loan Board and the banks, and the associations were loud and vigorous in their protests, they are now being blamed because they did not function when they had nothing to function with.

* * * * * * *

H. R. 14041 AUTHORIZES DIRECT UNINDORSED LOANS.

The new bill (H. R. 14041) wipes out the provisions of section 15 of the original act requiring agents to indorse loans and provides "that whenever it shall appear to the Federal Farm Loan Board that national farm-loan associations have not been formed, or the local national farm-loan association is not in the opinion of the Federal Farm Loan Board properly serving the needs of its territory in any locality, said board may, in its discretion, authorize Federal land banks to make loans on farm lands through agents approved by said board."

This provision looks innocent. It would appear to be meant to cover a situation where farmers can not do business through an association. Let us consider its origin.

This provision was recommended to Congress in the fifth annual report of the Farm Loan Board, dated December 15, 1921. At that time and for months after the banks were so far behind in filling applications forwarded by associations that the right to apply for loans had been shut off by most of the banks. At the time this recommendation was made there could have been no demand for new agencies to procure business, because the banks could not take care of the business forwarded through the associations. We are forced to the conclusion that the real purpose of those who are behind this provision is to substitute subservient agents for independent associations, instead of to merely use them where associations do not cover the field.

A committee of the American Bankers' Association came to Washington last winter for the purpose of pushing the same plan, but deemed the time for doing so inopportune. These bankers wanted to get the commission, but did not want to indorse the loans.

Under this bill it is to be left to the opinion of the board whether an association is serving the needs of its territory. Thus, if an association which is required to indorse the loan rejects an application because, in the opinion of its directors, the risk is bad, if a secretary-treasurer does not happen to be in his office when a farmer calls, or if he can not get his directors to meet as soon as an applicant desires, any of these facts may, in the opinion of the board, justify the conclusion that the association is not satisfactorily serving its territory. It can then set up an agency across the corner which can make loans without indorsement.

Section 5 of this bill provides that the direct borrower "shall contribute 5 per cent of the amount of his loan to the capital of the Federal land bank and shall become the owner of as much capital stock of the land bank as such contribution shall warrant."

This bill (H. R. 14041) eliminates the provision of H. R. 13125 and S. 4130, making such direct stock subject to a double liability. In my memorandum published in Rural Credits and in my previous communications discussing H. R. 13125 and S. 4130 I pointed out that the double liability attached to the stock held by direct borrower does not mean the same thing, either as an obligation of the stockholder or as an element of security to the bank and the bondholder as the double liability of stockholders in the associations. By entirely eliminating the double liability on direct stock the direct borrower is required to assume just one-half the liability of loss assumed by a borrower through an association. The capital stock of the bank and the double liability of stockholders in the association are additional elements of the security behind the bonds. To the extent that direct loans may be made, this additional security is reduced by one-half.

DIRECT UNINDORSED LOANS A DISCRIMINATION AGAINST ASSOCIATIONS.

I am not going to repeat the arguments against direct unindorsed loans. They are fully set forth on pages 17 to 22 of the pamphlet sent you.

THE ASSOCIATIONS CAN NOT COMPETE WITH AGENTS MAKING UNINDORSED LOANS.

No sensible borrower will assume the double liability incident to the ownership of stock in an indorsing association if he can get his loan through an agent without it.

It is discrimination to require association loans to be indorsed (with the indorsement backed by the double liability) and to permit agency loans to be made without indorsement. It is further discrimination to require a part of the dividends to associations to be set aside as reserves while the full dividends will be paid direct borrowers. Additional discrimination will result in association borrowers being required to lose a part or the whole of their dividend to cover defaults of fellow borrowers while the direct borrower is required to stand no loss at all in this respect. In addition to all this, the association as a stockholder in the bank must stand its share of the losses on direct loans which fall directly on the bank, while the direct borrower does not share the association losses on indorsements.

REDUCING THE SECURITY WILL INCREASE THE INTEREST.

This indorsement (backed in the double liability of stockholders in the association) is an element of security behind the bonds. It is prominently advertised by the bond houses in selling the bonds. To eliminate it is to create a different security, for which a new market must be created.

What is the necessity for this change? The associations have produced more business than the banks have been able to handle promptly. What is the need for additional agents to bring in business?

By doing business through associations which are required to indorse their loans, the poor risks have been kept out, and the banks have suffered practically no losses. Why do business through agents who will have no interest in a loan except their commission?

A market has been created which is taking the present bonds as fast as they are offered, at constantly decreasing rates of interest. Why destroy this market by substituting a different security?

LOAN LIMIT $16,000.

The Strong bill 14041 increases the loan limit to $16,000, with the provision that the Federal Farm Loan Board may in special cases authorize loans up to $25,000, but that loans of $10,000 and under shall be given the preference. In this connection, I call your attention to the fact that the increase in the loan limit is not dependent upon the passage of this bill. The Capper bill which has already passed the Senate contains an unqualified provision increasing the loan limit to $25,000.

PERMANENT MANAGEMENT.

By the provisions of this bill the permanent management of the Federal land banks is to be in boards of seven directors. Each Federal land bank district is to be divided into three divisions. The associations and direct borrowers are to elect a director and nominate a candidate for director at large for each division. The board is to appoint the director at large from among the three nominated and is also to appoint three district directors.

While this provision limits the board in selecting the seventh director to one of three nominated by the stockholders, yet it gives the board the power to appoint four out of the seven directors. The director at large will know that unless he votes with the other three appointed by the board he will not be reappointed. He will be responsive to the wishes of the board, instead of to the wishes of the stockholders, whenever there is a conflict of views.

While even such a plan of choosing directors would be a distinct gain over the one contained in H. R. 13125, and standing alone might be worth a trial, yet the cooperative method of making indorsed loans through farm-loan associations should not be sacrificed to secure any such doubtful provision for permanent management as this. It is the inherent right of the stockholders to control their own property by choosing, without interference, at least a majority of the directors. Congress will recognize and observe this right when the associations unite in asserting it.

ALL BILLS AIMED AT DESTRUCTION OF COOPERATIVE SYSTEM.

The enactment of any of these bills (H. R. 13125, H. R. 14041, or S. 4130) will result in the disintegration of the farm-loan association, the elimination of cooperation, an increase in interest rates, the killing of the present market for bonds, and an eventual destruction of the system. The essential features of all these bills are the same as the recommendations of the Farm Loan Board in its fifth annual report. Soon after this report was made public, in response to Senator FLETCHER'S questionnaire, hundreds of associations expressed their disapproval of these changes in the act.

* * * * * * *

Very truly yours,

L. C. MANSON,
Attorney for the Federation of National Farm Loan Associations.

REPORTS OF COMMITTEES.

Mr. TOWNSEND, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 4448) for the relief of certain disbursing officers, reported it without amendment and submitted a report (No. 1111) thereon.

Mr. McCUMBER, from the Committee on Finance, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 13774. An act to amend the revenue act of 1921 in respect to exchanges of property (Rept. No. 1113); and

H. R. 13827. An act relating to the sinking fund for bonds and notes of the United States (Rept. No. 1114).

Mr. JONES of Washington, from the Committee on Commerce, to which was referred the bill (H. R. 12368) to abolish the inspection districts of Apalachicola, Fla., and Burlington,

Vt., and the office of one supervising inspector, Steamboat Inspection Service, reported it without amendment and submitted a report (No. 1115) thereon.

ENROLLED BILL PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that on February 8, 1923, they presented to the President of the United States the bill (S. 4029) to amend and supplement the act entitled "An act to incorporate the Texas & Pacific Railroad Co., and to aid in the construction of its road, and for other purposes," approved March 3, 1871, and acts supplemental thereto, approved, respectively, May 2, 1872, March 3, 1873, and June 22, 1874.

MOBILE RIVER BRIDGE, ALA.

Mr. CALDER. I report back favorably without amendment from the Committee on Commerce the bill (S. 4469) to extend the time for the construction of a bridge or bridges and trestles over the navigable channels of the mouth of the Mobile River in the State of Alabama. The Senator from Alabama [Mr. HEFLIN] is anxious to have the bill passed, and I ask for its immediate consideration.

There being no objection, the bill was considered as in Committee of the Whole, and it was read as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge or bridges and trestles, authorized by the act of Congress approved October 5, 1917, as revived and reenacted by the act of Congress approved February 14, 1922, to be built by the Gulf Ports Terminal Railway Co., a corporation existing under the laws of the State of Florida, over and across the navigable channels of the mouth of Mobile River from Bay Port, in township 4 south, range 2 east, on the east shore of the waters of Mobile Bay, in Baldwin County, Ala., on a direct line to a point on Blakely Island, in Mobile County, on the east shore of Mobile River, opposite the municipal docks of the city of Mobile, Ala., are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RESTORATION TO PUBLIC DOMAIN OF LANDS IN LOUISIANA.

Mr. PAGE. Mr. President, from the Committee on Naval Affairs I report back favorably, with an amendment, the bill (H. R. 5224) to authorize the Secretary of the Navy to certify to the Secretary of the Interior, for restoration to the public domain, lands in the State of Louisiana not needed for naval purposes, and I submit a report (No. 1112) thereon. I may say that the bill has passed the House and come to the Senate and has been unanimously reported favorably by the Senate Committee on Naval Affairs. I think it will not take more than a minute to consider and pass the bill, and, as my friend from Louisiana [Mr. BROUSSARD] is interested in it, I ask unanimous consent for its immediate consideration. If its consideration shall take more time than I have indicated, I will withdraw the request.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment was, on page 5, line 11, after the word "half," to strike out "or" and insert "of," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized to cause to be certified to the Secretary of the Interior, for restoration to the public domain, the whole or such portion or portions of the several tracts of land in the State of Louisiana heretofore set apart and reserved for naval uses as are no longer required for the purposes for which they were reserved or for any purposes connected with the naval service, and upon such certification the tracts of land described herein shall be duly restored to and become a part of the public lands of the United States; and a preference-right entry for a period of six months from the date of this act shall be given all bona fide settlers who are qualified to enter under the homestead law and have made improvements and are now residing upon any agricultural lands in said reservations, and for a period of six months from the date of settlement, when that shall occur, after the date of this act: *Provided*, That persons who enter under the homestead law shall pay for such lands the value heretofore or hereafter determined by appraisement, not less than the price of the land at the time of entry; and such payment may, at the option of the purchaser, be made in five equal installments, at times and at rates of interest to be fixed by the Secretary of the Interior: *Provided further*, That the certification of lands hereby authorized by the Secretary of the Navy and the Secretary of the Interior shall be subject to confirmation of title, as follows:

Title is hereby confirmed to the original entrymen, their heirs, assigns, or legal representatives to the lands upon which entries were made at the United States land office at Opelousas, La., paid for at the legal rate at the time of entry for Government lands in that locality, and for which lands the said land office issued certificates of purchase to the original entrymen, as follows, to wit:

In township 14 south, range 11 east, on Cypress Island—

Fractional sections 31 and 32, Joseph T. Hawkins, August 7, 1844; certificate No. 4184.

In township 15 south, range 11 east, on Cypress Island—

Lot 1 of section 6 and lots 1 and 2, section 5, John Dawson, December 26, 1843; certificate No. 4115.

Lots 3, 4, and 5, section 5, and lots 2, 3, 4, and 5, section 6, John D. Alston, December 26, 1834; certificate No. 4114.

In township 15 south, range 12 east, on Navy Commissioners Island—

Fractional section 38 and lots 1 and 2, section 36, Henry Bradley, April 29, 1843; certificate No. 4081.

Lots 3 and 4, section 36, John L. Baize, September 5, 1838; certificate No. 1998.

In township 14 south, range 11 east—

Lot 3, section 27 (with other lands), John Brownson and Daniel Fisher, May 27, 1839; certificate No. 2604.

East half of southeast quarter section 27 (with other lands), Daniel Fisher, October 27, 1840; certificate No. 2799.

Lot 5, section 28 (with other lands), John Brownson and Daniel Fisher, May 27, 1839; certificate No. 2607.

Lots 3 and 4 and southwest quarter of southwest quarter section 28, Daniel Fisher, September 15, 1840; certificate No. 2759.

Fractional section 29, Daniel Fisher, September 16, 1840; certificate No. 2760.

Fractional section 32, Daniel Fisher, September 16, 1840; certificate No. 2762.

Northeast quarter section 33, John Fowler, May 10, 1839; certificate No. 2581.

West half and southeast quarter section 33, Daniel Fisher, September 16, 1840; certificate No. 2763.

East half of northeast quarter section 34, Daniel Fisher, October 27, 1840; certificate No. 2802.

Lots 3 and 4, section 34 (with other lands), Pierre Jupiter, May 10, 1839; certificate No. 2582.

Southwest quarter section 34, Daniel Fisher, September 16, 1840; certificate No. 2761.

Southeast quarter section 34 (or lots 5 and 7 and south half of southeast quarter), John Brownson and Daniel Fisher, May 27, 1839; certificate No. 2603.

West half of northwest quarter section 35, Daniel Fisher, October 27, 1840; certificate No. 2800.

Southwest quarter and west half of southeast quarter section 35, John Brownson and Daniel Fisher, May 27, 1839; certificate No. 2605.

The amendment was agreed to.

Mr. KING. Mr. President, I should like to inquire of the Senator from Louisiana why the lands are not ceded directly to the State? So far as I am concerned I should be willing to have them ceded to the State.

Mr. BROUSSARD. I will state to the Senator that away back in 1832 these lands were set aside, consisting mainly of live-oak forests, for the purpose of constructing ships. In 1879 some of these lands were restored to the public domain in the State of Florida, and in 1895 in the States of Alabama and Mississippi. The lands in the State of Louisiana were never restored to the public domain. Through an error these lands were certified by the Land Office to the State of Louisiana, and under the laws of the State were rented by citizens of the State of Louisiana. Later it was discovered that the lands belonged to this naval reservation. We are now asking that the lands be restored in the State of Louisiana, just as they were in Florida, Alabama, and Mississippi—merely that they be restored to the public domain and be disposed of under the Federal laws.

Mr. KING. Mr. President, as I stated, I think it would be wiser and fairer to transfer these lands to the State. What business has the Federal Government with those lands that the people of Louisiana have been occupying for years? I believe in extinguishing so far as it is possible the title of the Federal Government to lands that the Federal Government does not need within the States and transferring the jurisdiction to the States. I should be willing to transfer these lands directly to the State of Louisiana and let the State dispose of them as it sees fit.

Mr. BROUSSARD. We did not propose to introduce a bill here that was contrary to the existing law. That was the reason for it.

Mr. KING. I would be more generous than the Senator if I had the disposition of these lands.

Mr. BROUSSARD. We merely want them restored to the public domain.

Mr. KING. I think the Senator makes a mistake. I think he ought to provide that title shall be taken by the State of Louisiana, and I feel sure that the Senate would vote to give the State the lands.

Mr. BROUSSARD. I wish to say to the Senator from Utah that this bill has passed the House, and we would like to have it become a law.

Mr. KING. If the Senator is satisfied, I am satisfied, of course.

Mr. McKELLAR. Mr. President, may I ask whether the lands will be subject to entry and patent just exactly as other lands are?

Mr. BROUSSARD. Yes; they will be.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON:

A bill (S. 4498) to authorize the purchase of a general and surgical hospital in Los Angeles County, Calif., and for other purposes; to the Committee on Finance.

By Mr. FERNALD:

A bill (S. 4499) granting a pension to Affie M. Crockett; to the Committee on Pensions.

By Mr. REED of Pennsylvania:

A bill (S. 4500) authorizing the appointment of William Schuyler Woodruff as an Infantry officer, United States Army; to the Committee on Military Affairs.

By Mr. OVERMAN:

A bill (S. 4501) providing for the closing of Weaver Place NW., and for other purposes; to the Committee on the District of Columbia.

By Mr. CALDER:

A bill (S. 4502) to authorize the construction of a subway for the transmission of mail in the city of New York, N. Y.; to the Committee on Post Offices and Post Roads.

By Mr. FRANCE:

A bill (S. 4503) granting the consent of Congress to Bethlehem Steel Co. to construct a bridge across Humphreys Creek at or near the city of Sparrows Point, Md.; to the Committee on Commerce.

By Mr. RANSDELL:

A bill (S. 4504) authorizing the Secretary of the Interior to sell and patent certain lands to Robert E. Wyche, a resident of Caddo Parish, La.; to the Committee on Public Lands and Surveys.

By Mr. LENROOT:

A bill (S. 4505) granting a pension to Eldora Mallon; to the Committee on Pensions.

AMENDMENT TO WAR DEPARTMENT APPROPRIATION BILL.

Mr. SPENCER submitted an amendment providing that so much of section 24 of the act approved June 4, 1920, as provides that any person originally appointed under the provisions of said act at an age greater than 45 years shall, when retired, receive retired pay at the rate of 4 per cent of active pay for each year of commissioned service shall not be construed as applicable to said officers when retired for disability incident to the service, intended to be proposed by him to House bill 13793, the War Department appropriation bill, which was ordered to lie on the table and to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 13593) making appropriations for the Post Office Department for the fiscal year ending June 30, 1924, and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 10817) to amend section 100 of the Judicial Code of the United States.

The message further announced that the House had passed a bill (H. R. 10819) relating to the Department of Agriculture, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 4029) to amend and supplement the act entitled "An act to incorporate the Texas & Pacific Railroad Co., and to aid in the construction of its road, and for other purposes," approved March 3, 1871, and acts supplemental thereto, approved, respectively, May 2, 1872, March 3, 1873, and June 22, 1874, and it was thereupon signed by the Vice President.

HOUSE BILL REFERRED.

H. R. 10819. An act relating to the Department of Agriculture was read twice by its title and referred to the Committee on Agriculture and Forestry.

REGULATION OF RADIO COMMUNICATION.

Mr. KELLOGG. Mr. President, House bill 13773 is the radio bill which passed the House a few days ago, and has not yet been referred. The bill would properly go either to the Interstate Commerce Committee or to the Commerce Committee. The original radio bill came from the Commerce Committee; but after consulting with the Senator from Washington [Mr. JONES], he thinks that as the Interstate Commerce Committee has taken some testimony on this subject the bill ought to go to that committee, and I ask that it be so referred.

The bill (H. R. 13773) to amend an act to regulate radio communication, approved August 13, 1912, and for other purposes, was read twice by its title and referred to the Committee on Interstate Commerce.

DISTRICT OF COLUMBIA APPROPRIATIONS—CONFERENCE REPORT.

Mr. JONES of Washington. I desire to submit a conference report on the District of Columbia appropriation bill. The principal items in the bill are reported in disagreement. The conferees on the part of the House will submit some proposals to the House, which will later come to the Senate. Otherwise the agreement simply covers minor items in the bill. I ask for the present consideration of the report.

The PRESIDING OFFICER (Mr. LADD in the chair). Is there objection to the present consideration of the conference report presented by the Senator from Washington? The Chair hears none. The Secretary will read the report.

The Assistant Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13660) "making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1924, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 5, 6, 7, 10, 11, 16, 29, 32, 40, 41, 42, 43, 45, 47, 48, 60, 61, 62, 63, 67, 68, 77, 78, 80, 81, 82, 90, 92, 93, 97, 107, 109, 110, 111, 113, 119, 122, 128, and 130.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 8, 9, 13, 14, 17, 18, 20, 21, 22, 23, 26, 27, 31, 34, 35, 36, 37, 38, 39, 50, 52, 59, 66, 70, 72, 73, 79, 85, 86, 89, 91, 94, 95, 98, 99, 102, 108, 114, 115, and 125; and agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "$154,180"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "and two Ford runabouts of the 'slip-on' body type without self-starter, not exceeding $550 each; in all, $3,750"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: " : *Provided*, That after April 30, 1923, until the constitutionality of the act creating this board shall have been determined by the Supreme Court of the United States there shall not be expended from this appropriation or from the appropriation for this board for the remainder of the fiscal year 1923 a greater sum than at the rate of $1,600 per annum for personal services and $400 per annum for contingent and miscellaneous expenses"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "including an allowance to the secretary of the Board of Charities, not exceeding the rate of $20 per month, for the maintenance of an automobile to be furnished by him and used in the discharge of his official duties, $47,500"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "other than motor vehicles for the police and fire departments, but no such vehicles shall be transferred from the police or fire departments to any other branch of the government of the District of Columbia"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$16,500"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and

agree to the same with an amendment as follows: In lieu of the sum proposed insert "$573,300"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$20"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$55,000"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ", $20 per month for an automobile, and $10 per month for a motor cycle"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ", $20 per month for automobiles, and $10 per month for motor cycles"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$860,000"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$20"; and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$30,000"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "give his whole time from 9 o'clock a. m. to 4 o'clock p. m., and"; and the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert: "$240"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "or contracts as in this act provided"; and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: " : *Provided*, That none of the money appropriated by this act shall be paid or obligated toward the construction of or addition to any building the whole and entire construction of which, exclusive of heating, lighting, and plumbing, shall not have been awarded in one or a single contract, separate and apart from any other contract, project, or undertaking, to the lowest bidder complying with all the legal requirements as to a deposit of money or the execution of a bond, or both, for the faithful performance of the contract: *Provided further*, That no architect's fee shall be paid or obligated for plans, specifications, or any professional services whatever unless they are such as will enable the Commissioners of the District of Columbia, or those letting a contract, to secure a legal bid within the amount authorized by Congress for the building or other projects: *Provided further*, That nothing herein shall be construed as repealing existing law giving the commissioners the right to reject all bids"; and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "The total cost of the sites and of the several and respective buildings herein provided for, including heating, lighting, and plumbing, when completed upon plans and specifications to be made previously and approved, shall not exceed the several and respective sums of money herein respectively appropriated or authorized for such purposes, any provision in this act to the contrary notwithstanding"; and the Senate agree to the same.

Amendment numbered 88: That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,500"; and the Senate agree to the same.

Amendment numbered 96: That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$20"; and the Senate agree to the same.

Amendment numbered 100: That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "$325; maintenance of motor vehicle used in performance of official duties, at not to exceed $20 per month, $240"; and, on page 69 of the bill, in line 7, strike out "$5,137" and insert "$5,065"; and the Senate agree to the same.

Amendment numbered 101: That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,700"; and the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "$56,000, and all moneys hereafter received at the reformatory as income thereof from the sale of brooms to the various branches of the government of the District of Columbia shall remain available for the purchase of material for the manufacture of additional brooms to be similarly disposed of"; and the Senate agree to the same.

Amendment numbered 104: That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$136,000"; and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,000"; and the Senate agree to the same.

Amendment numbered 120: That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended as follows: On page 91 of the bill, in line 3, strike out "$40,000" and in lieu thereof insert "$45,000," and on page 91 of the bill, in line 18, strike out "$8,000" and in lieu thereof insert "$10,000," and on page 92 of the bill, in lines 2 and 3, strike out "$20,000, payable wholly out of the revenues of the District of Columbia," and in lieu thereof insert "$15,000"; and the Senate agree to the same.

Amendment numbered 121: That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For the preparation of designs and estimates for development of the Rock Creek and Potomac Parkway, $4,000"; and the Senate agree to the same.

The committee of conference have not agreed upon amendments numbered 24, 33, 55, 56, 64, 65, 75, 76, 83, 105, 112, 116, 117, 118, 123, 124, 126, 127, and 129.

LAWRENCE C. PHIPPS,
W. L. JONES,
L. HEISLER BALL,
CARTER GLASS,
MORRIS SHEPPARD,
Managers on the part of the Senate.

LOUIS C. CRAMTON,
ROBERT E. EVANS,
BEN JOHNSON,
Managers on the part of the House.

Mr. JONES of Washington. I ask for the adoption of the conference report.

Mr. McKELLAR. May I ask the Senator if the House provision has been agreed to relative to the question of passenger-carrying automobiles?

Mr. JONES of Washington. It was.

Mr. McKELLAR. And the Senate receded from its amendment?

Mr. JONES of Washington. The Senate receded from its amendment.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

POST OFFICE APPROPRIATIONS—CONFERENCE REPORT.

Mr. TOWNSEND. I present the conference report on the Post Office appropriation bill and shall ask for its immediate consideration.

Mr. LODGE. Is the report a complete agreement?

Mr. TOWNSEND. It is.

The PRESIDING OFFICER. The Secretary will read the report.

The Assistant Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 13593) making appropriations for the Post Office Department for the fiscal year ending June 30, 1924, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 12, and 13.

CHAS. E. TOWNSEND,
THOMAS STERLING,
LAWRENCE C. PHIPPS,
KENNETH MCKELLAR,
Managers on the part of the Senate.

C. B. SLEMP,
MARTIN B. MADDEN,
CHAS. F. OGDEN,
EDWARD T. TAYLOR,
C. D. CARTER,
Managers on the part of the House.

Mr. TOWNSEND. I ask unanimous consent for the immediate consideration of the conference report.

There being no objection, the Senate proceeded to consider the report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

STREET-RAILWAY FARES IN THE DISTRICT OF COLUMBIA.

Mr. McKELLAR. Mr. President, some days ago Commissioner Keller, of the District of Columbia Public Utilities Commission, published a reply to certain statements I had made about 5-cent fares, in which reply he took occasion to say I ought not to complain of 8-cent fares here when we had 7-cent fares in Memphis, Nashville, and Chattanooga, and 6-cent fares in Knoxville. In making the statement I suppose Commissioner Keller must have thought I was in favor of such fares in Tennessee and was only opposed to such fares in Washington. Mr. Keller is very greatly mistaken.

Mr. President, I am opposed to the present high rate of street-car fares in Washington and I am opposed to the present high rates of street-car fares charged by street-car companies in Tennessee. I want to say that the same cause of the high fares exists in Tennessee that exists in Washington, namely, a public utilities commission. I shall not speak of the street-car situation in Nashville, Knoxville, and Chattanooga, because I am not absolutely familiar with their contracts. I think, however, that each of those cities has a contract with the respective street-railway companies for a 5-cent fare. I know this is true in Memphis. It is a charter contract, just as it is in Washington.

However, a public utilities law was passed in Tennessee for the ostensible purpose of regulating public utilities, and there, as here, instead of the commission regulating the public utilities, it has permitted the public utility companies to violate their contracts by raising their rates of fare. So incensed were the people of Tennessee at the action of the public utilities commission in raising street-car and other fares that the question of the abolition of the utilities commission became an issue between the Democratic and Republican Parties in the last campaign, Governor Peay, candidate of the Democratic Party, taking the position that the utilities commission should be abolished. He was elected by 38,000 majority. A bill is now pending to abolish the utilities commission of that State, and I have no doubt that the platform pledge will be lived up to and the utilities commission abolished and all the street-car companies of the State required to operate their lines in conformity with their several contracts.

I am in favor of the abolition of the public utilities commission in Tennessee just as I am in favor of abolishing the Public Utilities Commission here in Washington. In both places, without making any charges whatsoever against the members of the commissions personally, the result of their action in regard to street-car fares has been favorable only to the street-car companies and not in favor of the people. In both places the utilities commission has assumed the right to permit the street-car companies to violate their contracts. The utility commissions were never created for any such purpose. At the time of their creation there was never any claim made that they would have any such power, and their exercise of the power is wholly unwarranted and, in my judgment, without the pale of the law. If the constitution and laws were properly administered, the action of the Tennessee Utilities Commission in raising fares in violation of contracts would be unconstitutional and void as contrary to that provision of the United States Constitution which inhibits a State from passing any law impairing the obligation of a contract.

Mr. President, there is another similarity between the Memphis street-car situation and one of the Washington street railway companies, namely, that in each place the street-car company is undertaking to secure fares high enough to earn dividends on watered stock. During the time I have been in Memphis the street-car company has been reorganized two or three times, or possibly more, and each time there was an enormous addition to the stock issued. Just now, even with 7-cent fares, that company is not able to make dividends on its watered stock and is in the hands of a receiver.

Mr. Keller claims that the Washington Utilities Commission is not undertaking to say that the Washington companies shall earn dividends upon watered stock, but that the purpose of the commission is to keep the fares at such a rate as will earn a reasonable return on the valuation of the company. Of course, Mr. President, we all know that this is just another way of providing for the earning of dividends on watered stock. Valuation is always a matter of opinion. The real question is, What amount of money has been invested by the present stockholders? It has never been denied that much of the present stock of one of the companies is watered stock, and that watered stock is now selling at a very high price solely because the commission has raised the rates so high as to earn money on such watered stock. The Congress owes it to the people in the District of Columbia to prohibit the earning of dividends upon watered stock regardless of valuation. The Utilities Commission was created to prevent the street-car companies from exploiting the citizens of Washington. Instead of its carrying out its original purpose, it is aiding the street-car companies in exploiting the citizens. The Congress also owes it to the people of the United States to set a good example to the rest of the country in prohibiting the exploitation of the people of the District of Columbia for the benefit of these stock manipulators.

I want to take this occasion also to say, Mr. President, that high street-car fares is not the only subject upon which our Public Utilities Commission here is at fault. I have no doubt the commission is permitting the gas company and the electric light company and other public utilities to charge rates higher than are permitted in their contracts. I am inclined to believe that the whole public utilities commission law should be repealed, but for the present I am not going to take up the matter. My first purpose is to confine myself solely to reducing street-car fares in Washington to accord with the contracts between the Government and the companies. The adoption of the amendment I have offered to any one of the District bills would effect this purpose. When we get street-car fares reduced in accordance with the contract, we will take up the remainder of the reduction program afterwards. I have offered amendments to various District bills upon which I propose to obtain a vote, if possible, whenever the bills come up. The fight is on and is going to be continued until the matter is settled and settled right.

On yesterday a purported interview was given out by Mr. Keller or one of the other Utilities Commissioners which reads in part as follows:

If any member of the Senate or anyone else can tell the Utilities Commission how it can reduce street-car fares below the present point we will welcome the information, but it is time that Members of the Senate and others also should cease discussing something about which they apparently have never taken the trouble to inform themselves properly. The capitalization of the car companies, I repeat, has nothing to do with the rate of fares, which is fixed on the valuation of the property, which in turn was set by the Utilities Commission.

Mr. President, I shall pass over this lecture of the Senate or Senators by the Public Utilities Commissioners. It is the old story of the attitude of one possessed with a little brief authority. The commissioner who made the statement does himself no credit by making such a statement and does the cause of the street-railway companies no good. I suggest to him that if he wants to continue to serve the street-car companies well and faithfully he had better quit criticizing Senators in their efforts to defend the people of Washington against the depredations of the predatory interests.

WORLD WAR FOREIGN DEBT SETTLEMENT.

Mr. HARRISON. Mr. President, on yesterday the President of the United States came before the Congress and delivered his message. We had thought, indeed many of us had hoped, that it would be confined to the very important question of the agreement entered into between the representatives of this country and of Great Britain with respect to the funding of the British debt. That part of the message touching the agreement entered into between the representatives of this country and the representatives of Great Britain with respect to the funding of the debt was couched in eloquent language and was most adroit. It was a very beautiful picture of the possibilities that are interwoven in the agreement. I shall not to-day, in the brief time I shall occupy the floor, take issue with the President on anything he said respecting the funding of the debt. I think that he exaggerated the situation; that he magnified the possibilities; and that he gave greater weight to the agreement than the facts would warrant.

In the course of his message, touching the funding of the debt, the President said:

> The call of the world to-day is for integrity of agreement, the sanctity of covenants, the validity of contracts.

Then he said that the agreement—

> is a covenant of peace and recuperation, of respect and cooperation.

He said further that—

> It is a new element * * * a reminder of the ways of peace.

Then he drew a picture of the encouragement and inspiration that would come from it when the world, as he said—

> is staggering in discouragement and bowed with the sorrows of wars that were and fears of wars which humanity is praying may be avoided.

Now, I can not see why this very beautiful picture was drawn with respect to the covenants of peace. I wonder if the call of the world to-day for integrity of agreement is greater than it was three years ago? I wonder if the call of the world to-day for sanctity of covenants is greater than it was three years ago? I wonder if the call of the world to-day for the validity of contracts is greater than it was three years ago?

I am wondering in my own mind, and I am sure people throughout the country as they read the message of yesterday are wondering, why it is that the distinguished President did not feel the same impulse three years ago that he feels now when the call of the world is for integrity of agreements, the sanctity of covenants, the validity of contracts. I am glad, however, that the President at this late time, almost five years since the war clouds have passed and the armistice was signed, can now say as he said in his message—

> Here is the first clearing of war-clouded skies in a debt-burdened world.

I am wondering, since all the power was placed in his hands and he has wielded the scepter now for three years, why during that time he has not done something before that might clear the war-clouded skies in a debt-burdened world. Why, may I ask, has the President of the United States seen fit, at this late day and for the first time on yesterday, to do the first positive act that might lift the war clouds from a war-burdened world?

I can not attach such great significance to the agreement. It may be that the representatives of Great Britain should be praised for their work. I shall not criticize it nor shall I condemn the representatives of this country for the agreement into which they have entered. But I see no occasion for great and profuse praise for Great Britain in this instance. They have done nothing more than every American citizen who knew the history of Great Britain expected them to do. Is it not an honest debt? Were not the American people taxed in order to help them to the amount of the indebtedness? When we made the loan did we not expect Great Britain to comply, as she always has complied, with her promises in the matter of the payment of her indebtedness? What is it the representatives of Great Britain have done in the agreement that the American people did not expect them to do when the money was loaned to them? Why all this praise of Great Britain for entering into the agreement? They have done nothing more nor less in funding the indebtedness, in entering into the agreement, than was expected Great Britain would do.

Some of us, not only on this side of the Chamber but on the other side as well, will defer judgment as to what we shall do until the matter is laid before the Senate. Personally I want all the facts. I do not want to see the agreement delayed in the Senate one day longer than is necessary for the facts to be laid before us and an honest discussion of the agreement had upon the floor of the Senate. So much for that.

Now, Mr. President, when we had expected a message to be delivered on a high plane, as it was on a high plane so far as the funding of the British indebtedness is concerned, namely, the first part of the message, why should the President have come to the Congress and offered insult to the Senate of the United States? About the only time applause was elicited during the delivery of the message was when he said that the Senate of the United States by its delay had shown and exhibited a mark of impotence.

Read between the lines, analyze the language, place the interpretation upon it as those who heard it yesterday did, and no other conclusion can be reached than that the President intended to have the country believe that we were but marks of impotence in the Senate of the United States. He raised that issue and did the unseemly thing of coming down from the high pedestal upon which he should always stand as President of the United States to tie a ship subsidy bill to his message and offer insult to the Senate of the United States. Here is what he said:

> Congress owes to itself, to the executive branch of the Government, and to the American public some decisive action.

He was speaking then of the ship subsidy bill. He said:

> Mere avoidance by prolonged debate is a mark of impotence on a vitally important public question.

He said further:

> I plead for a decision.

Ah, Mr. President, mere avoidance by prolonged debate was not believed in by the President of the United States when he was a Senator from Ohio and with others who entered into the conspiracy with him held up the treaty of Versailles. It was then not a mark of impotence upon the part of Senators to take that course. On yesterday he said:

> I plead for a decision.

Yes; and the then President of the United States pleaded for decision with reference to the treaty of Versailles. President Harding did not believe at that time that a mere avoidance by prolonged debate was a mark of impotence, and yet debate was continued in this body and unnecessarily prolonged. Instead of a few days, as has marked the consideration of the ship subsidy bill, it wended its weary way along for, I believe, almost a year. Not only did the now President of the United States, who was then a Senator from Ohio, assist in prolonging the debate and avoiding the issue and not making decision with respect to the treaty of Versailles, but he was one of the Senators who signed the round robin serving notice upon the representatives of this country at Versailles that no matter what they did if the League of Nations, which was intended to promote the peace of the world, should be included within the treaty of Versailles it would be not only avoided and delayed but would be defeated.

Ah, Mr. President, he said:

> There is call for congressional expression, not mere avoidance.

And further:

> I plead for a decision.

It is almost enough to make one who is familiar with the attitude of the President of the United States, the attitude that has marked his course as Chief Executive of this Nation, laugh when he hears him tell the Senate of the United States that it must show some mark of decision, some action, some program, some policy. The President of the United States telling us that we ought to evidence some qualities of decision! Why, Mr. President, the executive department of this Government does not know what the word "decision" means, and it has not since it took control of the Government two years ago. The executive department have supplanted the word "decision" with the word "vacillation," and no one, not only with respect to our domestic policies but with respect to our foreign policies, has been able to tell one day what would be the policy the next. The administration has worshiped at the shrine of isolation and has marched to the tune of a program of negation. Decision! The administration does not know that the word is in the dictionary; yet the President comes to the American Congress and offers an insult to the Senate of the United States by his expression, as such, because, forsooth, for a few days, during the short session of Congress, some of us have seen fit to oppose his program affecting the ship subsidy bill. Mr. President, I accept the insult that is offered as a compliment

to me and to my people. I have been able in part up to this good hour, in common not only with Senators on this side of the aisle but with some on the other side of the Chamber, to prevent the additional burdens to the amount of $875,000,000 which are carried in the ship subsidy bill from being imposed on the American people.

The President should have known that we have done pretty well in the Senate of the United States during this session of Congress. He saw fit to call an extraordinary session solely to deal with the ship subsidy bill, and yet during the two or three weeks we were then in session the ship subsidy bill did not come before the Senate; we did not have it here for discussion. So no blame could attach to us for any delay during that time. The blame for delay must attach to those in the majority who have attempted to steer the bill through the Senate of the United States. Since we met in regular session in December last what has been the record of the Congress? Does it warrant the President in finding fault with us for asking a reasonable time within which to discuss the ship subsidy bill, a measure which proposes to revolutionize our merchant marine and at the same time, as I have said, which would carry additional burdens to the American people?

A few years ago—in 1919, I think it was—the distinguished Senator from Washington [Mr. JONES], the chairman of the Commerce Committee of the Senate, reported to the Senate a bill to take care of the merchant marine. We were told at that time that the measure thus reported embodied the policy of the Government with respect to the merchant marine; we were told that if we passed that legislation we should be able to boast of a merchant marine second in all the world only to that of England. I recall that at that time the President of the United States was a distinguished Senator from the State of Ohio, and I shall never forget him rising in his place and making a speech in support of that measure. I recall how he pleaded for its passage; how he said it would guarantee a merchant marine to America; and yet we are now told by the President, who has fallen under the influence of Lasker, who jumps when Lasker pulls the string—and it is due more to Lasker's influence and power of persuasion over the President than to anything else that to-day we have the ship subsidy bill in the United States Senate, which hardly a Republican Senator in his heart indorses—that the funding agreement and the ship subsidy bill "are inseparably related to our good fortunes at home and our high place in the world."

He thought when we passed the Jones merchant marine act that we had enacted a piece of good legislation which would insure to us a merchant marine, but now he tells us that should the ship subsidy bill fail, not only shall we have to liquidate but that we shall also be humiliated in doing so.

Mr. President, what is it that this administration has done which proves that we are trying to take our "high place" in the world? Has it done it by erecting barriers with tariff rates so high that they hamper our international trade? Does it do it by refusing to attend economic conferences in order to stabilize the world which is in distress? Does it do it by refusing to permit the majority Senators here to pass the so-called Robinson resolution to remove the obstacle which the Republican Party incorporated into the law by the ratification of the separate treaty with Germany forbidding the President to name a representative upon the Reparation Commission without the consent of Congress? Is the Republican Party promoting good relationship with all the world and carrying us to a higher level among all people by refusing to permit the distinguished Senator from Idaho [Mr. BORAH] to secure consideration for his resolution proposing an economic conference of Eurpean powers? Yet the President has stated that because we have asked for a liberal discussion relative to the ship subsidy bill we are going to lose our "high place" among all the peoples of the world.

Mr. President, I care not how long a Senator may have served in this body, I assert there is not a Senator here who in all his experience ever saw legislation affecting the general supply bills go through more quickly and with less discussion than has been the case as to such legislation during this session of Congress. Have we thrown obstacles in the way of their passage? No; we have cooperated with the majority to provide to all branches of the Government the necessary appropriations in order that the Government might be run in an orderly manner. We have passed every supply bill save one, and it has been done through the cooperation of the minority in this body. Indeed, the only bill concerning which it could have been hinted that there was the slightest filibuster was the agricultural credits bill; and I recall that twice I myself offered a request for unanimous consent to close debate so that we might vote on it. Both times, however, the objection came from the other side of the aisle; and finally when a unanimous-consent agreement was entered into to vote on that bill, the request for unanimous consent came from the distinguished Senator from Virginia [Mr. SWANSON], a Democratic Member of the Senate.

We on this side proposed a unanimous-consent agreement to stop the debate upon the pending bill. We have been willing to stop debate upon it; but the objections which have been made to closing the debate, as my friend the Senator from New York [Mr. WADSWORTH] knows, because he made such a request, came from a Republican Senator, a friend of the present administration. Yet the President of the United States comes to Congress and with the power and influence he has endeavors to create the impression that we here are recreant to our legislative duty and have not cooperated with the majority in passing legislation through this body. I deny the assertion.

For my part, if the President of the United States and the leadership on the other side of the Chamber would say, "We want to vote on the ship subsidy bill to-morrow, and we will use our influence upon those Members of the Senate who went down to defeat at the November election and who do not now represent the wishes of the people affecting this matter, to cause them to refrain from voting," we would be ready to vote. If such an understanding or agreement could be reached, Senators on the other side of the Chamber know that the ship subsidy bill would be defeated by at least 8 votes in the United States Senate. The most optimistic champions of the ship subsidy legislation in this body claim only 2 majority if any vote should come on the ship subsidy bill, and that 2 majority comes from the fact that at least 10—I believe it is 10, though perhaps the number may be greater—of the Senators who went down in defeat in November will vote for the ship subsidy bill.

Do you think, Mr. President, that the American people when they understand the situation will be hoodwinked or misled about it? If the President wants action on the ship subsidy bill upon the part of Senators who represent the people as well as Representatives in the other House who represent the people, let him call an extra session of Congress on the 5th day of March, so that we may meet here, and then we will give you "a run for your money," and let you have a vote pretty quickly. Are we asking an unreasonable thing when we make that suggestion? Are we to rest under the imputation that we are asking anything unfair when we are trying to defeat a piece of legislation that is wicked; that is monstrous; that is unfair and wrong, which seeks to take from the people $875,000,000 and give it over to the shipping trust? Because we rise here and protest against that are we to be held up to the country as emblems of impotency?

Now, Mr. President, one more thought and I am through. The shipping trust of this country is not in a bad shape. It made tremendous profits during the war. I will tell the Senate, however, a class of people who are in distress, who have been in distress not for a month or two months, as my friend from Colorado and my friend from Oregon and others know, but have been in distress for three years and more, and that is the American farmer. I do not know what the price of wheat to-day is, but I am told that the wheat growers can not get a reasonable price for it and that every farmer who raises wheat is losing money. I will ask the Senator from Iowa [Mr. BROOKHART] what is the price of wheat to-day?

Mr. BROOKHART. The price is now about $1.15 a bushel.

Mr. HARRISON. The price is about $1.15 a bushel for wheat, while corn only a little while ago was selling for from 25 to 30 cents a bushel. I do not know what the price of corn now is, but I know it is not over 60 to 65 cents a bushel. There is distress in every agricultural district throughout this country. Farmers have had their mortgages foreclosed. They have seen their deposits and balances in the banks dwindle and disappear. Distress is everywhere. Rising to the emergency, rising to the hour, this body, which on yesterday the President of the United States lifted his voice against and criticized, passed only last week or week before last two measures intended to help the agricultural interests of the country, one of them known as the Capper bill, the other known as the Lenroot agricultural credits bill, both seeking as best they could to help the farmers and the live-stock men of the country to procure credit so that they might exist and prosper. Mark you, Mr. President, those two bills passed this body by the unanimous indorsement of every Senator here. On the Capper bill there was not even a roll call, so unanimous was the support accorded it; and on a roll call on the Lenroot agricultural credits bill 62 Senators raised their voices and voted in the affirmative, and every one who

was absent was for it. Those bills have gone to the House, and yet I read in the paper this startling headline:

No farm credits until ship subsidy passes—Harding may outmaneuver the blocs after all.

The article says that the leader of the Republican Party in the House went up to see President Harding, and he came back and said: "I am not sure that an agricultural credits bill will pass the House of Representatives."

What is it that this administration would do in order to carry to fulfillment their nefarious measures that can not be defended before an honest citizenship in this country? When the President yesterday was speaking so eloquently in behalf of the Shipping Trust and for the passage of the debt-funding measure, why did he not lift his voice and exert the power of his office, in view of these statements that are printed and the rumors that are here and the plans that are being promulgated, and say to the House of Representatives: "Gentlemen, the Senate has passed two pieces of legislation for the farmers—the Capper bill and the Lenroot agricultural credits bill"? He could have then said: "Gentlemen, they received the unanimous indorsement of the Senate of the United States. I want to appeal to you—because when Congress adjourns on the 4th of March it will not meet, perhaps, unless I call it back, until December, 1923—let me appeal to you, Representatives, to pass the rural-credits legislation." No; the President's time was too much occupied in telling about the ship subsidy bill, and in reflecting on the Senate of the United States, and in urging the passage of that bill.

Why, I have heard it said that some of the high officials connected with the ship subsidy bill say that the word will come down the line that this funding agreement will not be ratified until the ship subsidy bill is out of the way. I hope that is not true, but if you start tactics of that kind you will be to blame for whatever the consequences may be.

The American farmers will read that message of yesterday, Mr. President, and they will wonder not one time but many times why it was that the President, with only these few days remaining, did not appeal to the House, as he appealed to the Senate to pass the ship subsidy bill, to pass the two measures that we have given them to facilitate credits for the agricultural interests of the country.

WAR DEPARTMENT APPROPRIATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13793) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1924, and for other purposes.

Mr. NORRIS. Mr. President, when I was interrupted yesterday by several very lengthy statements of Senators I had commenced to read from the report of the engineers that had been printed in the RECORD the day before some items that it seemed to me required at least some additional evidence to justify their presence in this legislation. It is true they are not in the bill; this is a lump sum; but we have been informed by this report where the money is to go if the lump sum remains intact and the bill is passed in that form. It seemed to me that where there was a river or a harbor already completed, or nearly completed, and the cost of maintenance that must come out of the Treasury of the United States was practically the same and in some instances more than the entire tonnage that went through the river in the preceding year, the burden of proof was placed upon those who wanted to use the money for that purpose, and that unless it did affirmatively appear that the item was a meritorious one it was a good reason why the lump-sum appropriation should be cut down. I assume that if the lump-sum appropriation is cut down, those in charge of the distribution of the sum will divide it up among those projects which, in the judgment of the Board of Engineers, are the most meritorious, and that the least meritorious propositions will be excluded in the division of the fund.

I had read only one of these items—there are a great many of them—when immediately I was attacked by those who favor the bill in its entirety. I can not be put in the class of Senators who are opposed to river and harbor improvement. I believe in it; but I had called attention yesterday to the fact that river and harbor appropriation bills were in bad repute with the country because history had shown that they contained so many unworthy projects for development and improvement at the expense of the taxpayers of the country, and that the people had begun to regard the river and harbor bill as a pork-barrel proposition gotten together by logrolling tactics, and that by a combination of a whole lot of inferior propositions, a great many of them unworthy propositions, the votes of the Representatives and the Senators were massed in sufficient quantity to give a majority at all times and put the bill through.

For the sake of good legislation for rivers and harbors, for the sake of the fair development of river and harbors and the improvement of our commerce, that condition ought to be eliminated by putting the river and harbor bill and all the items in it above suspicion. While I think it has been improved, that state of affairs has not been brought about and does not exist now in reference to this lump-sum appropriation. Instead of jumping on a Senator or a Representative who modestly calls attention to some item that he thinks ought to be excluded, we ought to have the assistance of all believers in fair development of the rivers and harbors of our country. We ought to unite all those who believe they ought to be properly developed in order to throw off that suspicion and let the bill be able to stand before the country on its merits and eliminate the suspicion that I think was well grounded and that exists yet. So I am not speaking as an enemy of river and harbor appropriations; I am pleading for what I believe to be legislation that will fairly develop those harbors and those rivers that under existing conditions and the condition of the Treasury can be with good business judgment improved and developed.

Mr. President, in the report to which I have referred there are some other items to which I wish to call attention; and I want to hurry on, because I understand several other Senators perhaps want to debate this proposition, and the debate is limited to 4 o'clock, and I do not want to deprive anybody else of reasonable debate.

I notice here an item where the maintenance charge is $34,500, and the tonnage is 5,165 tons.

Here is another one where the maintenance charge is $2,000, and the entire tonnage the preceding year was 2,900 tons—practically a dollar a ton. The other one that I mentioned is much more than a dollar a ton.

Here is another one where the engineers propose to use $5,000 for maintenance in the coming year, and yet the entire tonnage of that stream during the preceding year was only 2,215 tons; more than $2 a ton.

Mark you, Mr. President, this must be paid out of the Treasury of the United States. Unless there is some specific reason out of the ordinary why these things should be done, it seems to me that we are not justified in taxing all the people of the United States a sum that is from $1 to over $2 a ton for all the tonnage that goes down the stream in order that it may be kept open for navigation. As a business proposition no business concern on earth would continue to do such a thing.

[At this point a message was received from the House of Representatives, which appears earlier in the proceedings.]

Mr. WADSWORTH. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from New York?

Mr. NORRIS. I yield.

Mr. WADSWORTH. I submit a request for a unanimous-consent agreement, which I would like to have read by the Secretary.

The VICE PRESIDENT. It will be read.

The ASSISTANT SECRETARY read as follows:

It is agreed by unanimous consent that from and after the hour of 2 o'clock p. m. on the calendar day of Friday, February 9, 1923, no Senator shall speak more than once nor longer than 10 minutes upon the bill H. R. 13793, "An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1924, and for other purposes," nor more than once nor longer than 10 minutes upon any amendment thereto that may then be pending, or any amendment that may thereafter be offered thereto, or on any motion made relative to the bill or amendments.

Mr. WADSWORTH. I ask unanimous consent that the proposed agreement may be entered into.

The VICE PRESIDENT. Is there objection?

Mr. KING. I suppose the Senator agrees that there ought to be a quorum call, in order to have all the Senators present?

Mr. NORRIS. If that is to be done, I hope it will take place later.

Mr. WADSWORTH. It is not necessary under the rule to have a quorum. No hour is fixed for a final vote on the bill in the proposed agreement. It is simply an agreement to limit debate to 10 minutes after 2 o'clock to-morrow.

Mr. KING. Speaking for myself, I am willing to assent to it.

Mr. WADSWORTH. I have consulted with quite a number of Senators, and I find no disposition to object to the agreement.

Mr. KING. Did the Senator consult with the Senator from Idaho [Mr. BORAH]?

Mr. WADSWORTH. I did.

Mr. KING. And he argeed to it?

Mr. WADSWORTH. He agrees to it.

Mr. KING. Did the Senator consult the Senator from Iowa [Mr. BROOKHART]?

Mr. WADSWORTH. No; I did not.

Mr. KING. Will the Senator withhold the request until the Senator from Iowa is present?

Mr. WADSWORTH. I will withhold it.

The VICE PRESIDENT. The Senator from Nebraska will proceed.

Mr. NORRIS. Mr. President, another item similar to those I have previously read is an instance where the maintenance charge is $2,000 and the tonnage is 1,800 tons. Another one is where the maintenance charge is $2,000 and the tonnage is 1,050 tons, practically $2 a ton. I could go on and give many other items similar to these, some worse and some not so bad. I wonder if we understand that it is proposed that we shall take, for some little locality, for some local community, for their benefit entirely, enough money from the Treasury of the United States to pay $2 a ton, or 50 cents a ton, for the tonnage which passes through the stream or enters into the harbor?

Can we, under any system of government, justify that? I appeal to those who are behind river and harbor appropriations, where there is some justification for appropriations, can we afford to put before the country the good propositions jeopardized by putting in with them a lot of unworthy propositions? Are we not now, under the present parliamentary situation, up to this point, that if we have any river and harbor improvements at all, we must cut down this lump sum in order to compel those who are to distribute the money to divide it up among the good ones and cut out the poor ones?

There is a reason now why we ought to be more careful than under ordinary conditions, which I mentioned yesterday. It is the condition of the Federal Treasury and the necessity for the levying of heavy taxes in order to make both ends meet, speaking in a governmental sense. We ought to be more careful now than under ordinary circumstances. It is only good business that we should.

Complaint was made when I called attention to the Ohio River, in connection with which the report shows that if we do not appropriate this large sum the engineers will not be able to begin three dams which are necessary before work on that stream can be completed. I would be glad if those improvements could be completed to-morrow. I would be glad if we could carry enough money in the bill to complete them next year or permit them to go as far toward completion as possible, but the question arises, under the financial condition of the country and the people, Can we afford to do it? Would it not be better to postpone the construction of those three dams? There would be no loss to the taxpayers because of their postponement. If we cut down the appropriation so the engineers could not go on with the work on the dams which are partially completed, then good business judgment would dictate that perhaps we ought to strain ourselves in order to keep that work going so that there would not be a loss, but where something has not been begun we ought to take the condition of the country and the Treasury into very serious consideration.

I frankly admit that if we reduce the appropriation it will postpone for another year at least the completion of some of the projects—for instance, the work on the Ohio River—but it would not result in navigation on that river being blocked. Senators yesterday referred to the immense volume of traffic now passing along that river. There will be more when the plan laid out for the entire stream is completed, and I will be glad when that is completed. But we can not do it all at once. It has been the argument of Senators—and in one sense it is a good argument—that the quicker we can complete these works the better; and if we had unlimited funds we ought to go on with them.

There is another reason why there should be a postponement. In all probability this work can be done cheaper in a few years than it can be done now. That is another consideration for the taxpayer. Unless we have it started and in such a condition that it would be injurious not to continue the work, where we would be apt to lose some if not all the money already expended on an improvement, then, it seems to me, we ought to hesitate.

We have gone way beyond the estimates. In this bill we have practically doubled the estimates made under the Budget law. Yesterday a question was raised about an item for an improvement down at Galveston, Tex., and the Senator from Missouri [Mr. SPENCER] was laboring under the impression that if we did not give the entire amount they could not do anything with that. He thought it was a new project. As a matter of fact, the testimony of General Taylor shows that if we cut the appropriation down to what the Budget estimated that work will be completed.

Mr. SPENCER. Is the Senator referring to Galveston?

Mr. NORRIS. Yes.

Mr. SPENCER. May I say to the Senator that neither Galveston, or Coos Bay, or the improvement at Milwaukee, to which I particularly referred, can be touched if the appropriation is cut down to the Budget figure, except by the elimination of projects which have already been begun and whose maintenance is essential. It may be that Galveston will be of such tremendous importance—the extension of the improvement there is included among the 35 new projects adopted by Congress in 1921—that the engineers may include the improvement at Galveston out of any fund they get, because of its importance; but if they do, it can only be at the expense of cutting out some established project, because the $27,000,000 is only enough for the existing harbors.

Mr. NORRIS. I presume that is true, and that we can not cut down the amount proposed to be appropriated without cutting out some of these projects. If we cut down the amount, something will have to be dropped out. Is it not fair to presume that the most unworthy projects will be dropped out if we put it up to those who have charge of the matter, our engineers, our scientific men, and say they can have only so much money, and that they will have to curtail some of these things? Is it not fair to presume that they will cut out the most unworthy ones and will use whatever amount may be given in carrying on those which are most worthy? It is true that we can not cut the amount down without cutting out some of the improvements.

Something was said yesterday and the day before about the effect of these improvements upon railways. I think there is a great deal in that. During the war we built some very fine barges as a war proposition, because of the congestion of freight traffic on the railroads. I do not know how many there were, but we built quite a large number to be used on the Mississippi River. When the war was over some of them were put on other streams. We built barges without any engines in them, barges which had to be towed by other boats. We also built quite large river steamers which carried their own power. We paid the war cost for them. We built them at the peak of prices, but we built good ships. As far as I know, no man has ever denied that they were up to date in every respect. We got the best there was to be built. Now, when the war is over, when we could duplicate those barges and those ships for 50 cents on the dollar compared with what they cost during the war, if a business man were operating them he would charge off half of the cost, or whatever amount of it might be necessary to bring them down to present prices, and he would compute his overhead charges on that basis. It seems that the Government has not done that. These barges and these ships are being operated. As a whole, they have made a profit. Even with their fictitious value, they have been doing a great work. They are operated by the Government. Contrary to the statements of those who are always opposed, honestly and conscientiously, to the Government operating anything, Government operation in this case has been a success. It has been the means in a great many instances of cutting down the freight charges where they compete with the private owners. I understand that one tug can start at St. Louis with six or eight barges and take several trainloads of freight at once down to New Orleans.

They are equipped for unloading from the train onto the barges. One of the handicaps now existing is that even with the barges built during the war we do not have enough to take care of that traffic, to meet the railroads which center at St. Louis and bring in from all over the West and Middle West various kinds of agricultural products. I am glad to say we are utilizing the barges and ships for that purpose. I would like to extend operations and business of that kind. I would like to have it go further and on other rivers. If it is successful there and cuts down freight rates and thus reduces the cost of living to the consumer, on the one hand, and gives additional profits to the producer, on the other hand, it is a good thing, because we all know that our freight rates are too high. Our civilization can not live under them and prosper; we can not stand it.

I think I mentioned a few days ago, while the debate was progressing, that several of the boats built by the Government are on the Warrior River in Alabama. They go down the Warrior River and carry freight clear to New Orleans. When they were put on that river the freight rates on various kinds of commodities within 50 or 60 or 100 miles of the river to New Orleans and adjacent points were cut down, automatically put down to begin with, and those barges have not had a square deal with the railroads. I have heard Senators here discussing who was to blame for it. If they had had a square division of profit, even with that fictitious capitalization, the boats would have

made money for the Government. Taken as a whole, they made money anyway, but in many instances they have lost money. They have been capitalized at double what they should have been capitalized for. Where they had to divide the freight rate on any article between the railroads and themselves they have gotten practically nothing and the railroads nearly all of it, although in most instances the haul made by the boat was three or four times longer than the haul made by the railroads.

Now, Mr. President, one reason why there is objection to river and harbor legislation—one reason in addition to the one I mentioned a while ago that gave to this kind of legislation the reputation of being a logrolling or pork-barrel institution—is that the railroads have put water transportation out of business. The taxpayers put up the money and dig out the stream and make it navigable. The railroads put down the rates in competition with the boats which are put on the stream until they get the boats out of business, and then the rates go up. I believe, therefore, that we will not be able to get results for the money that we spend in the development of our rivers and harbors until some action in that direction is taken. It may be that the Interstate Commerce Commission have authority to take it, but whether they have or whether they have not, they have not taken any action.

I believe we will not get results until Congress takes some action in regard to the differential in rates between the river boats and the railroads. We ought to provide some law, even an arbitrary one, if we can not get the Interstate Commerce Commission to act, by which the practice of putting the transportation business off the rivers would be prohibited. We can not fairly ask the taxpayers of the United States to develop the Mississippi River, for instance, or ask the Government or business men to build boats to ply up and down that stream, if it is known that whenever they go on there they are going to meet unfair competition and are going to be put out of business, and then the people will have to pay all the expense back to those who put them out of business.

There must be some plan of fair division of rates where there is a division. There should be some law that would prohibit rail transportation companies from lowering a rate below a compensatory basis in order to put the water carriers out of business. Otherwise what is the use of spending the people's money to make the improvements in the streams? We might develop every harbor, every stream, every river in the United States, but unless we right that condition we would not get the worth of the taxpayers' money that would be expended.

I want to be regarded by the friends even of this appropriation proposition as one who is willing to go even to the extent often of experiment in order that we may bring about a reduction of freight rates. Even though I had doubts, if we were in normal condition I would be in favor of expending money to see whether by its expenditure we could not reduce the cost of transportation. That must be done, and personally I believe it can be done.

Mr. President, there are several other Senators who want to talk on the pending proposition. I am loath to use any more time because of the limitation on debate. I think, although there are several other things to which I should like to call attention, that in order to be fair to my colleagues I had better close at this point. I therefore yield the floor.

Mr. WADSWORTH. Mr. President, I renew the request for a unanimous-consent agreement, which I submitted a short while ago. I may say that I think I have now discussed the matter with all the Senators who are interested.

The PRESIDING OFFICER (Mr. LADD in the chair). The request for unanimous consent submitted by the Senator from New York will be read.

The ASSISTANT SECRETARY. The Senator from New York asks for the following unanimous-consent agreement:

It is agreed by unanimous consent that from and after the hour of 2 o'clock p. m. on the calendar day of Friday, February 9, 1923, no Senator shall speak more than once nor longer than 10 minutes upon the bill H. R. 13793, "An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1924, and for other purposes"; nor more than once nor longer than 10 minutes upon any amendment thereto that may then be pending, or any amendment that may thereafter be offered thereto, or on any motion made relative to the bill or amendments.

The PRESIDING OFFICER. Is there objection to entering into the unanimous-consent agreement as read?

Mr. FLETCHER. Mr. President, I make no objection to the request for unanimous consent; I think it is quite reasonable; but I desire to inquire whether it is the purpose that at the close of its business to-day the Senate shall take a recess until 12 o'clock to-morrow? I think we ought to do that if we enter into the unanimous-consent agreement.

Mr. WADSWORTH. So far as I may do so, I am willing to agree that the Senate shall take a recess until 12 o'clock to-morrow if we may get this unanimous-consent agreement.

Mr. FLETCHER. With that understanding, I have no objection to the proposed unanimous-consent agreement.

Mr. McKELLAR. There will be no trouble about the Senate recessing until 12 o'clock to-morrow, I am sure.

The PRESIDING OFFICER. Is there objection to the unanimous-consent agreement submitted by the Senator? The Chair hears none, and it is entered into.

Mr. CARAWAY. Mr. President, I regret that the Senator from Nebraska [Mr. NORRIS] and the Senator from Arizona [Mr. ASHURST], who have so bitterly assailed the item in the pending bill relative to river and harbor improvements, should have been called out of the Senate as soon as they had concluded their remarks. I wish briefly to discuss statements made by those Senators.

The Senator from Nebraska was very much concerned because, as he stated, the rivers and harbors bill was falling into disrepute, and he appealed to friends of river and harbor improvement to take some action to restore such improvements in the confidence of the people. I wish to say, Mr. President, that if legislation for the improvement of rivers and harbors is falling into disrepute, it is because of statements assailing the advisability, the propriety, and even the honesty of making such appropriations, which are made by Senators who live in sections of the country where there are no rivers to be improved and where there are no harbors. They assail river and harbor improvements each year and then imagine, because the newspapers published in their localities reflect their opinions, that the improvement of rivers and harbors as a governmental policy has fallen into disfavor.

I do not question the patriotism and the desire to be of service to the whole country of the two Senators, but what is remarkable to me is that every improvement that is to be made in their particular sections of the country, including the reclamation of the desert, the building of roads through national parks, the setting aside of great areas to be maintained at public expense as national playgrounds, is always a justifiable and a wise expenditure of public money.

The Senator from Arizona yesterday waxed fervid in his criticism of the river and harbor item of this bill and those who support it. He said:

This river and harbor provision of this bill was prepared to pass. This Congress is officially in extremis and it can do no more fitting thing as a capstone to its discreditable record than to reach its hands into the Treasury and squander $28,964,150 of the money of already heavily burdened taxpayers. One discreditable feature of this item is that this unnecessary expenditure is included in the military appropriation bill.

The President of the United States, I believe, would veto this item if he could separate this excess above the Budget recommendations and approve as to the amount actually needed. The Budget officials know how much money is necessary, and they have estimated for that amount, to wit, $27,625,170.

The Senator from Idaho [Mr. BORAH] is wasting his time in opposing this measure. This bill is loaded to pass. The "skids are greased" so that this item will easily slide through. Not 20 votes can be mustered against it under any circumstances. I desire to vote for the Army appropriation bill, but I fear that to do so I must vote for an excess expenditure of nearly $29,000,000. The Budget cracks and collapses when the pork barrel rolls over it.

Passing over, Mr. President, the inference, which really amounts to more than an inference, that all those who expect to vote for this appropriation are "pork-barrel" statesmen; that they are actuated by motives that would not bear investigation; that they are looters of the Public Treasury; that it is an unpatriotic thing to do—I say passing all that, I wish to call attention to the fact that no one on this floor has been more insistent than has the Senator from Arizona in getting appropriations for his own particular section of the country. There great reclamation projects have been built, when it has cost so much to reclaim the lands that the people who went upon them have never yet paid a penny they contracted to pay for the land; they have not paid for the water they have used; they have not even paid the interest. Ever since I have been in Congress for 10 years we have passed bills to extend the time when they should comply with the various provisions of their contract.

We have during the present Congress at different times voted appropriations to give seed wheat to these people. It was called a loan, but we made such a loan to them year before last and last year the crop was worse each year than it was last. So we wiped that off and extended them another loan, which all of us know is not a loan but a gift. That money comes out of all the people of these United States; and yet the Senator from Arizona and the Senator from Nebraska have no complaint against that policy, but I will not say because the money is to

be expended in the particular sections of the country which they represent. That is honest statesmanship, but it would be "pork barrel" if any other section of the country gets a penny.

I know how the Senator from Arizona stood here day in and day out and accused other Senators of lacking vision because they would not give him a duty of 35 cents a pound on cotton that grew in Arizona and in a little valley in California whenever a dollar given to the producers of that cotton in Arizona and California had to come out of the pockets of the poor people of this country who wear cotton clothes. But that was wise, because it would be spent in Arizona; it was something that ought to be done.

I regret that the Senator from Arizona is not here. I called his attention to the fact that I wanted to discuss his speech. Of course, he has a right to go away; I presume it will not interest him; but I do not want anyone to imagine that I am criticizing his attitude in his absence without his knowledge. It would seem that Budget recommendations have nothing to do with legislation that is to bring money to that particular section of the country but are sacred things if they are to prevent the expenditure of public moneys in some other section.

The Senator from Arizona in effect said, "I want to vote for the Army bill; I want to spend $250,000,000 to build a machine to destroy life; but I am against spending $29,000,000 as an absolute waste of public funds if it will help to increase the wealth of the people of this country by spending it upon river and harbor improvements."

That is good local statesmanship, Mr. President; but if that policy were to be pursued, we people who tried to go out of the Union in 1861 were respecters of the Union as compared with those who want to nullify the Government's activities except where those activities shall be used for their particular locality and their benefit. We never did go that far. There were at least 11 States of us who agreed to stand together, but this attitude would mean that each State shall fight every other State for every dollar of the public funds and for every activity of the Government.

I have been tolerant of the opinions of people who do not agree with me. I have voted for appropriations when I realized that I did not know the wisdom of them, but I was willing to take the word of Senators who were more familiar with the matter. I have voted to extend the interest payments on all the reclamation projects. I have voted for these projects whenever they have been presented to me. I voted for every one of the measures to give free seeds to the people in the West. I voted for $20,000,000 to buy corn to ship to Russia, and yet I knew that largely it was to relieve the necessities of the corn growers of the North and West. I did not object to it. I hope to God I shall be able always to remember that there are 48 States in these United States, and that each one of them has as much right as the particular section that I represent. I hope I never shall forget that it is no part of the duty of a Senator to fight everybody else for every dollar there is in the Public Treasury, that it may be spent in his own particular locality.

However, I am willing to say that if that is to be the policy, if the Senators who represent these arid areas are to demand everything for their section and fight everybody from every other section, if that is to be the policy of the Senate, it is as well that the rest of the country shall know it. Nobody said, when these matters were up for the arid sections, that they were grabbers or pork-barrel people. Nobody accused them of "greasing the skids" that they might get a measure favored by them through the Senate, or get something to which they were not entitled. I never have heard that charge made in either branch since I have been a Member of Congress. It is left for the Senators from that section to talk about the pork barrel when it comes to river and harbor measures.

It would be so much better if we could have just a little vision—if the two Senators from Utah, who fight this measure so viciously, had the vision of the founders of Utah and could look a little into the future. All of us know that when unfortunately a mob killed the leader of the Mormon church in Illinois, and these people started west, and went west and west and west to beyond the mountains, there was not anything there then. There was no traffic there. There was no commerce there; there were no farms there; but they had vision, and they founded a great State, and increased the national wealth of the entire United States, and builded a wonderful civilization.

There was not any commerce when the Pilgrim fathers, beaten by the storms, were tossed upon Plymouth Rock one winter day in 1620. There was not any commerce on the James River when the people came there in 1607 and made the beginning of European civilization in America; but the people had vision, and they looked forward to a future.

When Thomas Jefferson for $15,000,000 bought all the Louisiana Purchase from France people opposed it, and Senators in this body opposed it. They said it was worthless; and yet if Thomas Jefferson had not had vision, and had not expended that money, all of the States that are now the homes of these people who now fight the rivers and harbors appropriation would not have been. That part of the country would have remained a desert, inhabited by coyotes and Indians and buffaloes, as it then was.

If there had not been vision, we would not have bought Alaska. The administration was ridiculed for buying that frozen strip, and yet in one year it paid back five times as much as it cost the Government. It took some vision when the Thirteen Colonies stretching along the Atlantic coast were willing to reach out and develop a wilderness. The State of Virginia, for instance, gave up an empire to which she had as good a title as had she to any foot of land that now is within that great Commonwealth. She gave it up for the public good; and yet, if her Senators stand here on the floor and ask for an appropriation to take care of her rivers and harbors they are denounced as "pork-barrel" statesmen by these people who profited and never paid.

There ought to be some limit to such extravagant statements. I am in favor of river and harbor improvements; and yet, when we try to take care of our situation, the Congress, wise or otherwise, said: "For every two dollars the Government shall put up, you must put up one"; and we went into our pockets and taxed ourselves when our country was a swamp, and we are paying taxes to-day, and our children's children after us will keep paying taxes, to meet our part of it.

I am not complaining about it. I do not think it was the same attitude that had been adopted toward other sections, but we took whatever the Congress gave us. We did not denounce it. We do not denounce it now. We do not say that people who got better treatment were pork-barrel beneficiaries, or that they "greased the skids" in order that legislation might pass. I have never thought it. I have been willing to concede that Senators vote for a measure or against a measure because, in their judgment, it is wise. I can say that I have not discussed with a single Senator in this body whether "if we will support this proposition, you will support that." It never has been discussed, so far as I know, by anybody who is in favor of this appropriation.

The Senator from Nebraska [Mr. NORRIS] has picked out some particular projects—talked with great fervor about the waste of money. I should like to call his attention to the fact that the so-called minor rivers receive in this appropriation $181,820, and no more, for improvement; and yet these streams that he denounced carried upon their half-improved bosoms last year a total freight of 4,798,709 tons. If freight were moved at a dollar a ton cheaper by water than by rail, there would be practically $5,000,000 paid back to the people of this country for an expenditure of $181,820, but the record that I produced yesterday, which came from the Interstate Commerce Commission, shows that the saving to the people where they may have water rates and for that section of the country where river improvement has made water transportation possible is twice as much as a dollar a ton, or, in other words, the country is richer by $10,000,000 for the expenditure of $181,820; and yet, because people advocated the expenditure of this money to save this tremendous burden, they are called "pork-barrel statesmen," and it is said that the "skids have been greased" to pass this "iniquitous measure."

Oh, Mr. President, it is so easy to fall out with people and denounce them without analyzing the motives that actuated them. I say that the great cry of this country is for transportation—reasonable transportation—transportation that will let the city live as well as the farmer live, because whoever imagines that because we cheapen the production of farm products or cheapen the transportation of them to the markets all that benefit inures to the farmer has not studied economics. People in the country produce. If they ever are to have the cost of production, we must take into consideration the cost of transporting their production to market. The people in the city must live, and they can not live unless they buy those things that the farmer produces. Therefore, if there is a single appropriation that reaches every man, woman, and child that breathes it is something that cheapens the cost of living, because all must eat and all must wear, and every bite of food they eat and every yard of cloth they wear must be produced in the country. It is not produced on Broadway, nor is it produced on the old historic Commons in Boston. It is produced on somebody's farm; and now, with some chance to develop

waterway transportation so that we may demonstrate that the rivers can be used, we are called "pork-barrel statesmen."

Mr. President, here is the truth: Knowing how much cheaper river transportation could be than rail transportation, when we provided for the operation of the Government barges we wrote into the law that they should not reduce their freights more than 20 per cent below those that the commission might approve for rail-competing transportation. If it were not for that, Mr. President, we could to-day haul the freight on the rivers of this country for 50 per cent of the rail charges.

In order to keep the barge lines from cutting below that, we wrote into the law that they must charge 80 per cent of the rail rates. The lower Mississippi last year carried 10,000,000 tons of freight. It could have carried much more if some little stretches in the river were improved. From Cairo to St. Louis there are times in the year when the channel can not be used, not because there is not plenty of water, but because it is scattered over such a wide channel. With a very nominal improvement it would be possible to reach the Gulf with practically half the wheat and corn that is grown in the great upper Valley of the Mississippi River between the Rockies and the Allegheny Mountains at an enormous saving; and yet, because that is suggested, somebody from an arid State says we have "greased the skids," and how happy they would be to vote against the measure if it were just put out on its merits; and what is funny, Mr. President, is that both of these gentlemen who so denounce that matter were for the rule under which we tied our hands. I voted against it. I wanted to get a chance to present the matters on their merits, but other Senators who did not agree with us tied their hands and ours, and now complain as if we were responsible for a condition for which they themselves solely are to blame.

I heard the rather remarkable statement made here yesterday that it might be profitable to transport freight by river short distances but not long distances. Everybody knows that the advantage comes more when the distance is great. Loading a barge with coal or iron or structural steel at Pittsburgh and sending it to New Orleans, over 3,000 miles as the rivers run, it can be carried for practically nothing. It can be carried 3,000 miles almost as cheaply as it can be carried 300, because the cost is in the loading and unloading.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Does the Senator from Arkansas yield to the Senator from Kentucky?

Mr. CARAWAY. I yield.

Mr. STANLEY. I take this occasion to add that freight can not only be carried more cheaply from Pittsburgh to New Orleans by water, but it can be carried with greater celerity. A steamboat plying that river makes comparatively few stops, and will make 15 miles an hour. It will run 24 hours in the day, with the exception of the time it stops at a few stations to unload. A freight train travels less than 30 miles a day.

If a contractor in New Orleans is putting up a steel building, and has a steamboat loaded with structural and standardized shapes, and has need, before his boat gets there, of these articles, he knows exactly where his steamboat is; he knows just where it will land, and he can go to dealers and without hesitation take their entire supply of that same commodity, with the understanding that he will replace it, where they do not want to sell out their stocks entirely.

There is no reason in the world why semifinished products and heavy freight should be transported by rail instead of by water, except under such conditions as we find on the Ohio and the Mississippi Rivers, especially the Ohio, where you can not always count on river transportation because the stream is not canalized. In addition to that, wherever merchants doing a heavy freight business patronize the river, they are discriminated against by the railroads. There has been a system of blackmail exercised by the carriers against the users of river transportation which ought to be investigated in this country; and I am not railing against the railroads, either.

Mr. CARAWAY. Another thing, Mr. President. We know the difficulty of moving freight at all by rail. If the higher class freights only were moved by rail, it could bear the higher commodity prices, but when the tremendous rates which are now in force are applied to all classes of freight, industry all over this country is paralyzed.

As an illustration of the difference between water transportation and rail transportation, I had occasion at one time to buy screen doors and windows in Maine. They came to Savannah by sea and then crossed from Savannah to Memphis, Tenn. I live 60 miles from Memphis, and my freight bill for the last 60 miles was more than the bill for the first 4,000 miles because of the difference between the rail rates and the water rates.

It does not avail much, however, to argue about these matters. If the rule is to be laid down in the Senate that if the improvement to be made is not in my immediate vicinity it is a waste of public revenue, it is not worth while to argue about this matter, because then the question becomes one of geography only, and all one has to do is take down his map and see how far he is from a river. According to that theory a Senator is guilty of an offense if he votes for such appropriation if the improvement is beyond a certain milepost. The appropriation is always wise or otherwise as it may be near or remote. I say that if that rule is to be adopted arguments might as well cease. It is but a question of geography, depending on whether more people live remote from the improvement than near it. It is not a question of general benefit. I hope, however, that rule is not to prevail.

There is now a motion pending to reduce the appropriation to what it was last year. Some Senators have the impression that this $13,000,000, if added, is to be distributed among the projects which were taken care of with the $43,000,000 appropriation last year. That is not true. The new appropriations are for new projects which the Senate authorized last September. That appropriation was to take care of projects contained in a bill which was approved the 7th day of last September. Therefore, if we cut off that $13,000,000, we will cut it off from projects to take care of which we appropriated $43,000,000 last year. Many of them are projects which are already carrying tremendous freight tonnages, one of them to cost $600,000, for the improvement of a ship channel, which last year lacked just a few tons of carrying 9,000,000 tons of freight. It is desired that that be cut off. Senators want to cut off all those projects which do not show tremendous freight-carrying capacity and use. If the policy of never providing means to transport freight until freight was being hauled over the route had been pursued, the pioneers would never have built a railroad. They builded railroads into the trackless desert, into the wildernesses, and civilization and commerce followed them. It seems to me to be so unreasonable to say that we will never make provision for carrying freight until freight is being carried. The other rule should prevail; first improve the freight-carrying arteries and then expect commerce to follow the improved highway, and not that it shall precede the improvement.

THE FERTILIZER PROBLEM AND THE FARMER.

MUSCLE SHOALS AND NITROGEN FIXATION.

Mr. LADD. Mr. President, since the question of an appropriation for the future development of Muscle Shoals, for the construction of a dam, and for other purposes is involved in the present Army appropriation bill, I feel that the present is an opportune time to discuss some phases of this highly important subject, which is attracting not only the attention of the American people but has come to be a matter of concern before the legislatures of several sovereign States, and must in all fairness be disposed of in the near future.

Failure to have permanently settled this perplexing political question, which should have been only the economic question of national protection and in time of peace an adequate supply of fertilizers for the farmers of America, has been an unfortunate affair. The delay is depriving agriculture of an essential supply at reasonable prices of the nitrogen fertilizer that is so necessary to economical food production and for soil enrichment and is costing the people untold amounts.

Can we afford to continue the present "watchful-waiting" policy or should we act in accordance with some definite national policy which may have been developed during the past five years in study and research in this great and important field for our national defense and for the purpose of insuring cheap fertilizers to our farmers in times of peace? Thus far only one definite, practical policy has been worked out, and of this I expect to speak more fully at a later time.

Mr. President, the Senator from Nebraska has indicated his intention to propose an amendment to the Army appropriation bill which would call for appropriating $2,000,000 to carry out certain experimental operations at nitrate plant No. 1, at Muscle Shoals, Ala. I am entirely in sympathy with the Senator's evident desire to see the nitrate problem solved, but, Mr. President, my studies of this subject convince me that this is not a move in the right direction.

It is not my purpose in addressing the Senate to make a speech, Mr. President, but merely as a chemist to make a plain statement of the facts in the case, for the facts are a matter of record and anyone interested can confirm them for himself.

SIGNIFICANT ATTITUDE OF AMERICAN CAPITAL.

Before discussing the technical questions involved I would like to point out this undeniable fact: The supremacy of the American people in business matters has been established beyond question. American capital and American enterprise is constantly seeking opportunity. If the development of Muscle Shoals constitutes a great opportunity to secure financial rewards running into the hundreds and thousands of millions of dollars, as has been represented by the opposition, it is inconceivable to me that these great financial interests, amply supplied with capital, able to buy the best brains which the most advanced country on earth has produced, should decline to come forward with a proposal for this enterprise.

EFFORTS OF DOCTOR GLASGOW.

The Senate will recall that the former nitrate director, Dr. A. G. Glasgow, earnestly sought to interest private capital in the operation of the nitrate plants, offering them the plants rent free until they should earn 9 per cent on whatever investment was necessary for their operation, and thereafter dividing additional profits evenly with the Government.

His associate, Mr. G. J. Roberts, described Mr. Glasgow's efforts before the Senate Committee on Agriculture and Forestry (hearings on S. 3390, pp. 84–85, on March 22, 1920) in the following language:

> The question naturally arises, Why does not private industry undertake the operation of these plants? I shall not attempt to give what is in the minds of those who are most interested in the production of nitrates in this country. All I can state is that months of time were expended attempting to get the fertilizer industry interested in taking over and operating the Government plants. The presidents of all the large fertilizer companies in the United States were seen and the matter fully discussed with them, and they were asked if they would undertake the operation of these plants if they were to pay no rental to the Government until they had received 9 per cent on their working capital, and after that the profit should be divided between them and the Government. A part of the agreement was that the United States would complete the plants so as to provide storage and bagging facilities, a sulphate of ammonia plant, and all the work outlined in Mr. Glasgow's letter of October 22. But they could not be brought to the point of making a formal offer. An effort was also made to get certain financiers in New York to undertake to form a company to operate these plants. Scant consideration was given to the scheme and no investigation undertaken. An appeal was likewise made to the coke-oven interest, with the same result. There seems to be a decided antipathy of capital to engage in any partnership arrangement with the Government.

The very fact that no proposals have been forthcoming is in itself conclusive evidence to my mind as to what American business thinks about these plants. They very well know that Muscle Shoals is not an opportunity to collect great profits with an insignificant investment, but it is an opportunity to invest great sums of money in a partially developed art, promising enough, perhaps, in its future possibilities, but requiring the investment of millions upon millions of dollars, with no assurance whatever that this investment will earn any return of interest or principal.

It is true that these properties cost $87,000,000, built, as they were, in a time of war, when the United States was getting perhaps 30 cents' worth of labor and material for every dollar it invested. It is only to be expected that the total cost of these great plants was an amazing sum of money; but the mere fact that this is true does not argue that these plants have any such value at the present time or that Mr. Ford under the circumstances should have offered more for them than he did.

NITROGEN FIXATION A RAPIDLY DEVELOPING ART.

Mr. President, the fixation of nitrogen is in its merest infancy. It is an art which in commercial form has sprung up within the last 15 years, and no one can study the progress of commercial chemistry without being impressed with the fact that the first years of any industrial process are years of change and of rapid obsolescence on the part of any existing scheme of operation.

HISTORY OF NITRATE PLANT NO. 1.

Nitrate plant No. 1 was not modeled after any commercial plant; there was no commercial plant in operation which was available to the War Department as a guide in designing this plant. The facts are that on March 9, 1917, the Secretary of War appointed the so-called nitrate supply committee, and this committee adopted the recommendations of Dr. Charles L. Parsons, who at that time was chief chemist of the Bureau of Mines. Doctor Parsons submitted a report on April 30, 1917, in which he called attention to a process developed by the General Chemical Co. to produce ammonia by direct combination of nitrogen and hydrogen at somewhat lower pressures than those which previously had been considered necessary under the patents of this process which had been granted to a Dr. Fritz Haber in Germany.

The General Chemical Co. did not have all the secrets of the German Haber process, but they had been carrying on some experiments on something more than a laboratory scale, and Doctor Parsons, after visiting their experimental plant and studying their plans for a modification of this German Haber process which the company was expecting to build at Shadyside, N. Y., advocated very strongly the acceptance of a tentative proposal which, it appears, the General Chemical Co. had made on their own account, granting to the Government of the United States the use of its process and designs or apparatus for the manufacture of ammonia by this method, and asking a royalty of $5 per ton of fixed nitrogen if the process should be used for the manufacture of fertilizer products.

NITRATE DIVISION HAD LITTLE TIME TO INVESTIGATE PROCESS.

The nitrate supply committee seems to have accepted fully Doctor Parsons' recommendations, and in turn recommended them to the President. Thereupon, on July 21, 1917, a separate division of the Ordnance Department, known as the Nitrate Division, was formed. This division, which was created to have charge of nitrogen fixation problems, had as its first duty the execution of the recommendations of the nitrate supply committee. By way of explanation, the official report of the Nitrate Division states that—

> plans for the location and construction of the synthetic ammonia plant naturally absorbed the energies of the new division for the first few weeks and left little time for investigating the process. This, however, had already been favorably reported upon by the nitrate supply committee, and orders for the construction of the plant were mandatory, so that every effort was bent toward carrying out the program, with the assumption that expectations with regard to the processes would be fulfilled.

A THIRTEEN-MILLION-DOLLAR ASSUMPTION.

It is therefore evident that nitrate plant No. 1, costing more than $13,000,000, was built upon an assumption. Instead of waiting until the process had been demonstrated upon a commercial scale in a pilot plant of some kind, the Nitrate Division proceeded to build a plant with an estimated capacity of 22,000 tons of ammonium nitrate per annum, and constructed the special equipment, housed in special buildings in an entirely permanent way, as though they were dealing with a well-established and unquestioned matter of industrial chemistry, the performance of which was a matter of mere routine. They laid out and constructed this permanent plant, with permanent houses for employees, all based on the assumption that the process would work.

THE FIXATION PROCESS WAS NOT A SUCCESS.

Unfortunately, Mr. President, the process did not work. Testifying before the House Committee on Military Affairs, Maj. J. H. Burns, former chief of the Nitrate Division, stated on February 13, 1922:

> The plant was not only to fix nitrogen and form ammonia but also to change the fixed nitrogen or ammonia into nitric acid, and finally to form ammonium nitrate or the explosive. * * * The fixation process, however, was not a success. (Hearings, p. 208.)

And on May 19, 1922, Major Burns testified before the Senate Committee on Agriculture:

> If you put in the Haber electrolytic process at No. 1, you would have to scrap everything you have at No. 1. Nothing there would be of any great value. I imagine putting in a 30-ton unit would cost in the neighborhood of $4,000,000 or $5,000,000. (Hearings, p. 694.)

The efficient report of the Nitrate Division on the Fixation and Utilization of Atmospheric Nitrogen explains (p. 202) that the Sheffield plant was not a success, and that this was partly due to insufficient technical information in connection with the various physical-chemical steps which go to make up the process. The report describes the difficulties which were experienced (p. 272); changes were found necessary at every stage of the attempted operations.

"FIXING" ATMOSPHERIC NITROGEN TO FORM AMMONIA.

Ammonia, it should be understood, is formed by the welding together of hydrogen and nitrogen in gaseous form. Under this process this is accomplished at very high pressure, about 1,450 pounds per square inch, or about seven times the pressure of an ordinary steam boiler, and a very high temperature. Moreover, the gases must be very pure. Pure nitrogen is not a difficult thing to secure, as this can be had by liquefying air by well-known processes and distilling off the nitrogen from the liquid product.

To secure hydrogen two general methods have been employed. One is to secure it by passing steam over incandescent coke. This forms what is known as water gas, which contains a large proportion of hydrogen. This water gas is then brought in contact with steam in the presence of what is known as a catalyst. A catalyst is a peculiar substance which although it does not enter into a chemical reaction will cause that reaction to take place merely by its presence.

When this water gas and steam are brought together in the presence of this catalyst, which in this case is iron oxide con-

taining cerium oxide and chromium oxide, the steam is broken down and free hydrogen is released. After the removal of the excess steam a resulting product has been obtained running as high as 98 per cent pure hydrogen.

THE IMPORTANCE OF PURE HYDROGEN.

Another curious feature, however, is the fact that certain impurities which are present in water gas have a poisoning or destructive effect upon the action of the catalyst, so that it is necessary to remove these impurities as completely as possible.

The net result is that in the Haber-Bosche process, which was the process employed at Sheffield and in which the hydrogen was secured from water gas, about 20 per cent of the total cost of the process is for the production of the water gas and about 50 per cent of the cost is for the purification of this gas, so that about 70 per cent of the cost of the ammonia represents nothing but the cost of securing pure hydrogen (p. 246).

It is very evident, then, that the Haber process is an economical process if a supply of by-product hydrogen at low cost or at no cost at all is available, and the information which I get from most excellent authority is that the reason the German plants using this process have been able to supply cheap fertilizers to the farmer is that they have been operated in connection with a supply of hydrogen obtained in large quantities as a by-product in the manufacture of caustic soda. This has also been pointed out as a reason for the establishment of the modified Haber process on a small scale at the soda plant of the Solvay Process Co., at Syracuse, N. Y.

Needless to say, there are no caustic-soda plants at Muscle Shoals and no supply of by-product hydrogen. There is, however, another plan that might be utilized for producing pure hydrogen. This has never been worked out on the large scale that would be required at Muscle Shoals, but in view of the investigations that have been made it seems probable that this method might be used successfully.

ELECTROLYTIC HYDROGEN.

This is simply the decomposition of pure water by electrolysis in an electrolytic cell and utilizing secondary or off-peak electrical power for the purpose. The hydrogen obtained by such a method would be very pure and there would be produced at the same time an enormous supply of by-product oxygen, which is of great value in securing high temperatures for metallurgical purposes, for destroying bacteria, for medicinal purposes, and for use in the oxyacetylene torch or blowpipe for cutting steel.

There is also a possibility of producing cheaply such a product as sodium peroxide, which would serve as a convenient means of distributing oxygen gas without the use of the heavy steel cylinders in which the liquified gas is now shipped under heavy pressure.

Commenting on these possibilities, Prof. Hugh S. Taylor, of Princeton University, in a recent article in Chemical and Metallurgical Engineering, points out that the production of nitrogen and hydrogen for synthetic ammonia represents at least 75 per cent of the cost of its production, and he predicts the use of electrolytic hydrogen where very cheap power—that is, power which could be sold as low as 1 mill per kilowatt hour, and probably not to exceed 2½ mills per kilowatt hour—is available. In closing his paper, Professor Taylor states:

> Initiation of electrolytic manufacture of hydrogen for ammonia synthesis will constitute a bold experiment. If successful, it will lead to industrial development far outside the range of ammonia synthesis alone, by reason of the simultaneous oxygen production, uses for which would inevitably be sought. (Chemical and Metallurgical Engineering, December 27, 1922.)

DEVELOPMENT OF NITROGEN FIXATION A "BOLD EXPERIMENT."

Mr. President, I want to say that I agree with Professor Taylor; the development of synthetic ammonia and the fixation of nitrogen at Muscle Shoals does constitute a bold experiment; and when we have an offer from a responsible party, who agrees to enter this field of costly experimentation and produce 40,000 tons of fixed nitrogen annually at his own expense, taking all of these risks in this partially developed technical operation, I say we should let him do it.

There is another feature of this Haber process at nitrate plant No. 1, which this Senate will do well to keep in mind. I have no desire to take the position of an alarmist or to magnify dangers that in reality are insignificant, but you will notice that in Mr. Ford's offer he has not agreed to use the Haber-Bosche process nor the Haber electrolytic process nor the cyanamide process nor any other particular process for the production of this large tonnage of nitrogen—nitrogen enough to supply this element in 2,000,000 tons of 2-8-2 commercial fertilizer—and while I can not claim to be familiar in detail with Mr. Ford's plans, I do not believe that he contemplates using the Haber process. One reason for this, I feel sure, is to be found in the history of the development of this process itself.

HISTORY OF EXPLOSIONS IN THE HABER PLANTS.

The world has not forgotten the terrific explosion that occurred about 7.30 on the morning of September 22, 1921, at the Haber process plant of the Badische Anilin und Soda Fabrik at Oppau, in Germany. It has been claimed that this explosion was due to the blasting of a stored supply of a new nitrate fertilizer compound which was not believed to be explosive. The account of the explosion from the Philadelphia Ledger of September 22, 1921, is as follows:

[From the Philadelphia Ledger, September 22, 1921.]

MORE THAN 1,000 KILLED IN EXPLOSION ON RHINE; SUSPECT BOLSHEVISTS—GREAT CHEMICAL PLANT NEAR LUDWIGSHAFEN AND TOWN OF OPPAU DESTROYED—TELEPHONE WIRES CUT AT TIME OF CATASTROPHE—PEASANTS IN FIELDS KILLED.

(Special cable dispatch. Copyright, 1921, by Public Ledger Co.)

BERLIN, September 21.—More than 1,000 lives were lost and property valued at 2,000,000,000 marks was destroyed in a few minutes this morning, when the famous Oppau ammonia works of the Badische Anilin-Fabrik Co., near Ludwigshafen, were wrecked by an explosion.

It is the worst catastrophe of the kind that has ever occurred in Germany, and there are well-founded suspicions that the Bolshevists are responsible.

As far south as Heidelberg and farther north than Frankfort on the Main and up and down the broad Rhine Valley the tremendous shock following the explosion made people think an earthquake was taking place, and they ran from their houses, which showered glass splinters from broken windows upon them.

The scene of the disaster itself was one impenetrable mass of black smoke, which rested immovable from 7.30 o'clock in the morning until late this afternoon upon the ruins and extended on all sides, crawling even across the Rhine and south to the sister works about a mile distant. The Badische anilin factory at Ludwigshafen itself, the greatest of its kind in the world, though it was not the scene of any explosion, suffered greatly from the shock.

POISON VAPOR HALTS RESCUERS.

The first explosion at Oppau, according to an engineer employed at the factory, was that of a gas compressor, and a few seconds later it was followed by another and even stronger one, and for a short time there was ceaseless thunder caused from many explosions following in quick succession among the masses of ammonia in progress of manufacture, causing thick clouds of poisonous vapor, which stuck close to the ruins and would not permit the rapidly arriving firemen and ambulances to approach near enough, though they could hear the stifled cries of choking victims.

Not only the Oppau factory but also the village of Oppau was completely destroyed by the blast. Many children, not having risen so early, were killed or more or less wounded in their beds. In Mannheim, Ludwigshafen, Frankenthal, and all of this thickly populated industrial district much damage was done, and many people miles away were hurt by flying débris.

Here, too, at first the people believed there had been an earthquake, and the streets were crowded with half-clothed persons, some carrying satchels, boxes, even loose garments and other articles in their hands and rushing toward the open country. And still the explosions continued and the vapor from across the Rhine crawled nearer and nearer.

HUNDREDS OF DEAD BODIES.

Meanwhile some of the laborers at the Oppau works, almost stifled by the poisonous gases, had managed to escape the vaporous net and told confused stories of hundreds of dead bodies counted in their flight.

Firemen from Mannheim, having secured gas masks, now made a brave attempt to enter the black sea of smoke, but they never got far, their masks not availing them against that cloudy poison. However, some 20 victims were saved by their efforts. When later they arrived in the factory hospitals they found them already overcrowded by the wounded and dying taken from the ruins of the villages and factories that had been collapsing from the shock.

Toward noon it was estimated that of 900 persons employed in the Oppau works, at least 700 must have been buried in the ruins, and there seemed to be no chance of saving them. The greenish fire now began to flicker and dance on top of the poisonous fog and mocked all efforts of firemen from Frankfort, Mannheim, Ludwigshafen, and Karlsruhe, who had meanwhile arrived and vainly directed hundreds of streams of water at the vicious elements.

The ambulances, though they could only work at the fringe of the scene of the catastrophe and ruins near by, soon had all the hospitals full in the neighboring towns and cities, and the railway authorities arranged for hospital trains to carry away the victims that might yet be saved to Darmstadt and Frankfort.

SUSPICION POINTS TO BOLSHEVISTS.

As there was danger of still further explosions, the police drove back the immense masses of people that had gathered around the scene of the disaster. The French troops of occupation stationed in Ludwigshafen refusing assistance in maintaining order or saving victims, as—so explained a French officer—they had been commanded to stand ready for an alarm at the barracks, suspicion having arisen that the explosion was the work of Bolshevists, who might use the general confusion for revolutionary purposes. This rumor seemed to receive some confirmation from the fact that telephone and telegraph connections had been destroyed on many lines leading to or past Ludwigshafen in places where the shock could not have had any such effect.

Toward afternoon many dead and dying had been collected by daring firemen from the scene of the disaster, as a light wind had chased the vaporish mass from the Rhine. These victims, some awfully mutilated and all blackened by smoke, soon numbered several hundreds awaiting either ambulance or dead wagon; and whole families, made homeless and having lost everything by the catastrophe, camped beside the dead.

All peasants working in neighboring fields were killed by heavy iron girders weighing many tons being thrown about by the explosion like so many matches.

Three firemen succeeded in penetrating the center of the ruins, where they discovered a crater 315 feet in diameter and 100 feet deep caused by the original explosion. Here had been situated a basin containing 5,000 tons of a mixed mass of ammonia, sulphur, and saltpeter, which only a short while before the explosion had been carefully examined and—so the director of the Oppau works asserts—could not have exploded except without certain chemicals having been added by a criminal hand.

Later this afternoon, for the reason mentioned above, a French general appeared on the scene and French troops took over responsibility for maintaining order.

I would like to point out that in this cable dispatch, written at the time of the disaster, the following statement is made:

The first explosion at Oppau, according to an engineer employed at the factory, was that of a gas compressor, and a few seconds later it was followed by another and even stronger one, and for a short time there was ceaseless thunder caused from many explosions following in quick succession. * * *

Whatever the cause may have been—and it will probably never be proved beyond a doubt just what did occur, for everyone in the neighborhood was killed, the loss of life amounting to some 1,500 people while 4,500 were injured—it has been pointed out by a former Army officer that this is not the first explosion which had occurred at that plant.

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Utah?

Mr. LADD. Certainly.

Mr. KING. If the Senator has not stated in his address and will not state it later, for information I would like to ask if the view of the Senator is that there were some defects in the process or whether it was the Haber process that was responsible for the explosion, or, in the plenitude of his experience and wisdom as a chemist, what was the cause of it, in his judgment?

Mr. LADD. I think the inherent cause is the impossibility of producing machinery, compresses, of sufficient strength to withstand the pressure of 1,450 pounds per square inch, which is seven times that of the average boiler, together with a very high temperature. Until the Germans had developed a special steel, which is very thick, as I will point out later, they were unable to use the process. I think that is one of the dangers and difficulties of the Haber process.

Mr. KING. Does the Senator think it was nitrogen alone which exploded, or nitrogen in combination with other gases?

Mr. LADD. It was not nitrogen, but hydrogen, probably in combination with other gases generated in the course of the process.

Mr. KING. It was not a solid?

Mr. LADD. It was not a solid, although a large amount of solids did explode. I have asked that photographs be passed around the Senate in order that Senators may appreciate the magnitude of the explosion at Oppau, where a mass of this fertilizer material exploded and made a crater in the ground 315 feet in diameter and 100 feet deep. That only came after the other explosion and was not in reality the cause, as it is believed now, of the real explosion.

Mr. KING. Was the fertilizer at the time ready for use in its perfected condition?

Mr. LADD. Whether it was in its perfected condition I can not say, but it was being blasted out to be used for fertilizer purposes. Whether it was intended to treat it further I have no knowledge.

THE GREAT EXPLOSION NOT THE FIRST ONE AT OPPAU.

I would ask unanimous consent to insert in the RECORD at this point an article which appeared in the New York Times of September 23, 1921, describing the experience of Maj. Theodore Sill, who visited the Haber plant in 1919 and was told that in September 1917, while the war was in progress, there was an explosion of one of the high-pressure gas containers or "bombs," as they were called, an explosion in which about 100 people lost their lives. The concussion from this explosion was said to have been so great as to be fatal to workmen crossing a bridge half a mile from the scene of the accident.

The VICE PRESIDENT. Without objection, it is so ordered.

The article referred to is as follows:

[From the New York Times, Friday, September 23, 1921.]

GERMANS FEARED PROCESS—CALLED TANKS "BOMBS," ACCORDING TO AMERICAN WHO INSPECTED PLANT.

The explosion in the Oppau plant of the Badische Aniline Co. was not the first since the factories were completed. An account of others was given yesterday by Maj. Theodore W. Sill, of the Warner-Klipstein Chemical Co., 52 Vanderbilt Avenue, who was a member of the Inter-allied Mission appointed to study the German chemical industry.

Major Sill visited the plants of the Badische Co. in February and March, 1919. He said that the Germans in charge of the plant told of several explosions at Oppau in the war. One of the compression tanks blew up in September, 1917, causing a loss of about 100 lives.

So great was the danger of an explosion of any one of a dozen or more huge compression tanks into which nitrogen and hydrogen were introduced under enormous pressure and extreme temperatures that the German experts took no chances while operating the large drums. In stations about 100 yards from these tanks they manipulated the mixing process in the compression tanks by levers and valves.

The compression tanks, according to Major Sill, were constructed of alloy steel plates 6 inches thick. These tanks or "bombs," as they were described by the Germans, were constructed by welding two sections. The inner diameter of the towering gun-shaped chambers was 30 inches, and the height was about 40 feet.

Inside this larger tube was a smaller tube of steel one-fourth of an inch thick. The Haber process was used for the introduction of hydrogen and nitrogen into these long "bombs," where the two gases were compressed in the presence of a catalyzer. By this process nitrogen was taken out of the air and converted into ammonia, nitric acid, nitrates, fertilizers, and ammonium sulphates.

Until the Germans solved the problem during the war no steel had been manufactured strong enough to withstand the force of hydrogen gas under pressure. According to Major Sill, a special kind of steel at the Krupp works was used successfully in the nitrate works.

This steel was tested to withstand the pressure of more than 2,000 pounds a square inch when the hydrogen and nitrogen gases were compressed under a temperature running from 500 to 600 degrees. Sometimes the tanks burst, and the effects were first fully understood in the explosion of 1917, when workmen crossing a bridge a half mile away were killed by concussion.

The plant at Oppau was started in 1913 with a government subsidy, and in February, 1917, was producing 100,000 tons of nitric acid a year. According to information given to the Allied Mission by Doctor Gausse, director of the Badische Co., it cost $25,000,000, of which $1,000,000 was spent on the laboratory. The entire plant would cover roughly between 200 and 250 acres.

The nitrate plant was laid out on a rectilinear plan, and the buildings were constructed of brick. These structures, of which there were approximately 100 at the Oppau plant, were two stories high at the eaves, and another story higher in the center, the central portion being about 100 feet long and 50 feet wide.

Major Sill believes that it will take the Germans at least a year and a half to rebuild this plant if the first reports of the explosion are correct. Meantime, he said, the dye works of the Badische Co., which depended on the nitrate plant for fundamental chemicals, would be compelled to curtail their output unless they succeeded in procuring chemicals from the other two nitrate plants in Germany.

EXPLOSION AT THE SYRACUSE PLANT.

Mr. LADD. I also wish to put in the RECORD the following extract from Chemical and Metallurgical Engineering, of June 14, 1922:

[From the Chemical and Metallurgical Engineering, June 14, 1922.]

EXPLOSION IN SYNTHETIC AMMONIA PLANT OF ATMOSPHERIC NITROGEN CORPORATION.

Four persons were injured in an explosion on June 11 at the new Haber process plant of the Atmospheric Nitrogen Corporation, at Solvay, just west of Syracuse, N. Y. Officials of the Allied Dye & Chemical Corporation, of which the Atmospheric Nitrogen Corporation is a subsidiary, were not able to explain the cause of the accident or to estimate the damage. It was stated, however, that operation will be normal within a few days. The damage was confined to the interior of the process building, the walls remaining intact.

Evidently the plant that has been pointed out as a successful example of Haber process operation in this country is not without its record of explosions.

ACCIDENTS AT NITRATE PLANT NO. 1.

Even nitrate plant No. 1 had its accidents, for in the report of the operations (No. 2041 Nitrate Div.) I find the following:

Great difficulties also were experienced with the ammonia synthesis and liquefaction systems. The ammonia catalyst is contained in a steel bomb about 48 inches internal diameter and 15 feet 2 inches long, with screwed heads, top and bottom. The main difficulty was the inability to keep this bomb tight, in view of the pressure of 1,450 pounds per square inch which had to be maintained. The catalyst operated at 500° C., which temperature is maintained by heat interchangers and a gas heater, which supplied additional heat at the entrance to the bomb. The tubes in the heater burned out frequently, permitting the escape of gas, which often caused the process to be shut down. The escaping hydrogen often ignited, but fortunately there was no loss of life in any of these accidents (p. 272).

Mr. President, experience in industrial chemistry has shown that accidents are apt to occur under those conditions of strenuous operation which accompany a state of war. For my part I should hate to see the United States dependent for its nitrogen upon a process so dangerous that a slip on the part of an operative, the forgetfulness of some one who fails to turn a valve at the right time, results in a catastrophe that, with great loss of life, wipes out an essential military operation. For my part, Mr. President, as a chemist I warn this Senate against depending upon such a process, for I do not believe that it is necessary.

VIOLENCE OF THE OPPAU EXPLOSION.

I have before me a photograph of what was left of the portion of the Haber process plant which exploded at Oppau. The principal feature to be seen in the foreground is a great hole, said to have been 315 feet across and 100 feet deep. Not even the "Big Bertha" which was a crowning achievement of German military effort could have caused this yawning crater. Only a volcano could be compared with the Oppau explosion.

I maintain, Mr. President, that the science of nitrogen fixation has progressed far enough so that it is not necessary to erect a volcano in a civilized community to supply this country with nitrogen for its military explosives.

TABLE VI.—*Cotton*—Continued.

IMPORTS.

[The great customers who use the bulk of the world's exportable surplus of cotton (stated in thousands of bales of 500 pounds gross weight).]

Year (average).	1 Canada.	2 Belgium.	3 France.	4 Germany.	5 Italy.	6 Japan.	7 Netherlands.	8 Spain.	9 Sweden.	10 Switzerland.	11 Great Britain.	12 Russia.	13 Austria-Hungary
1909–1913	137	496	1,435	2,258	896	1,405	277	382	93	113	4,164	886	905
1914	152	None.	949	None.	679	1,705	245	389	107	101	3,447	801	None.
1915	197	None.	1,052	None.	1,344	2,015	365	660	558	147	4,820	641	None.
1916	205	None.	1,178	None.	1,170	2,299	177	471	130	123	4,045	57	None.
1917	178	None.	1,260	None.	828	1,947	46	447	82	94	3,163	None.	None.
1918	226	None.	656	None.	601	1,886	1	277	33	38	3,114	None.	None.
1919	179	289	1,007	None.	826	2,190	114	341	80	115	3,816	None.	None.
1920	241	506	1,033	691	825	2,176	124	375	113	97	3,457	375	None.

TABLE VII.—*International trade balance sheet between Europe-Canada and United States of America. Item I: United States bill to Europe and Canada; Item II: Part paid. Item III: Balance due and unpaid for eight years, January, 1915, to January, 1923, inclusive.*

	Europe-Canada eight-year bill.	Debit.	Credit.
Item I. United States bill to Europe and Canada for eight years.			
Invisible debits:			
1. Agricultural products sold and exported to Europe	$20,430,625,433		
Manufactured products, raw materials, and all other merchandise, sold and exported to Europe	7,945,233,225		
Merchandise and agricultural products (total exports) sold and exported to Canada	5,038,146,108		
Army and Navy supplies, sold by liquidation commissions in Europe after the war to Nov. 15, 1922	574,876,884		
Supplies and merchandise, mostly agricultural products, sold and exported by American Relief, $84,093,963, plus United States Grain Corporation, $56,858,802	140,952,765		
2. Interest accrued to United States Government on loans to European Governments of $10,126,140,829, to Nov. 15, 1922 [1]	2,115,471,345		
Interest accrued to American investors on European loans at average rate of 6 per cent and average $2,881,501,000, less refund of $648,246,316, to January, 1923	584,097,106		
Interest accrued to American exporters and bankers on an average (from Jan. 1, 1915, to Jan. 1, 1923) of $2,500,000,000 current open credits	819,000,000		
Interest accrued to American investors on Canadian loans, rate 6 per cent (on $156,819,683, Jan. 1, 1915, plus $1,455,778,114, loaned since), on a total of $1,612,597,797	372,571,523		
3. Discount at an average 4 per cent paid by Europeans in United States on sale of $2,881,501,000. European securities sold to American investors [1]	115,000,000		
Discount at an average 5 per cent on resale of American securities sold by European owners to American investors on $2,500,000,000	125,000,000		
4. War service of transportation and other items furnished allies in United States out of $10,000,000,000 loan in addition to items in sub 1, item 1	1,346,780,348		
5. War liquidation items, incurred in United States on cancellation of allied war contracts and expenses of allied commissions in United States	100,000,000		
6. Insurance, shipping, repairs, supplies in United States ports, tourists, $75,000,000 per year (war transportation shipping in sub 1, item 1) [1]	600,000,000		
7. European agreement to repay occupational services furnished by War Department to United States on Rhine	255,862,608		
8. European loans placed in United States taken up and paid off by Europe	650,500,000		
		$41,214,117,346	
Item II. Payments made.			
Invisible credits:			
1. All merchandise purchased and imported from Europe to Jan. 1, 1923	5,846,968,461		
All merchandise purchased and imported from Canada to Sept. 20, 1922	2,972,276,711		
2. Gold and silver net balance delivered to United States by Europe	771,715,000		
Gold and silver net balance delivered by Canada—largely French and Italian gold deposited with Great Britain sent via Canada	1,418,392,000		
Gold and credits delivered to United States Treasury by British Government from India	81,000,000		
3. American securities purchased from European holders by American investors	2,500,000,000		
European securities, public and private, purchased by American investors ($2,881,506,000, less $648,246,316 refunded through $10,000,000,000 loan by British)	2,232,259,684		
Francs, marks, lire, pounds sterling purchased and held by American investors	1,000,000,000		
Canadian securities, public and private, purchased by American investors	1,455,780,000		
4. War merchandise and service by United States Government purchased in Europe for war, Navy aircraft, and United States Government needs to end armistice period paid in cash	2,509,442,889		
War merchandise and service by United States Government for same purposes as sub. 4, Item II, paid by United States from francs, lire, and pounds sterling furnished by allied Governments	1,490,557,111		
War merchandise and service by United States Government for same purposes from armistice period to present for occupational expenses on the Rhine	255,862,608		
5. Interest accrued to European investor and holder of American securities on an average rate of 5½ per cent on $2,500,000,000 [1]	1,526,322,688		
6. Remittances by European immigrants in America to Europe, 1915, 1916, 1917, and 1918, at $175,000,000 per year; 1920, 1921, and 1922, at $300,000,000 per year—all Europe [1]	1,600,000,000		
7. Tourist and shipping, repairs for years 1919, $100,000,000; 1920, $150,000,000; 1921, $175,000,000; 1922, $200,000,000 [1]	622,000,000		
8. American investments in Canadian and European properties and agencies (motors, tires, farm implements, oil, packing, etc.) [1]	50,000,000		
9. Current revolving credit advances to European and Canadian merchants by American bankers and exporters for United States exports and imports [1]	2,000,000,000		
			$28,335,557,132
Unsettled trade balance of Europe and Canada in favor of United States			12,878,560,194
Total United States bill to Europe and Canada for eight years		$41,214,117,346	41,214,117,346
Item III. Balance due and unpaid.			
1. European allied Government notes received by United States Government for allied loans under Liberty loan act—unpaid balance to Nov. 15, 1922	9,386,422,558		
2. European Government notes received by United States Government for War-Navy supplies sold since war, $574,876,884; sales American relief, $84,093,963; and sales U. S. G. Co., $56,858,802, plus $255,862,608, United States Rhine cost	871,692,257		
3. Interest accrued and unpaid on sub. 1–2, Item III, by European countries to United States Government balance to Nov. 15, 1922	1,554,783,389		
4. Total obligations of European Governments to United States Government	11,812,898,204		

Farm industry's interest in the above—international transactions covering eight years:

(a) The $10,000,000,000 Allied loan by the United States was directly expended for agricultural products, $7,889,001,697; for manufactured and raw materials, $2,699,106,125; railroad freight, $136,083,774.

(b) The $871,692,257 liquidation sales—notes, United States Grain Corporation and American Relief—at least 80 per cent thereof, or $697,353,705, was for agricultural products.

(c) Of the total exported merchandise to Europe and Canada (excluding supplies to Army and Navy in Europe), $26,184,701,270 was agricultural products.

American banking and investment houses' interest in the above—international transactions covering eight critical years:

(a) The financing and sale of all securities purchased and sold in American markets.

(b) All credit arrangements and settlements on total exports and imports.

(c) Total shipments of all gold and silver imported and exported.

(d) Collections and payments of all interest and discount, together with the handling of invisible credits and debits of immigrant remittances, tourists, shipping, and insurance.

(e) Investigating, reporting, and passing, as well as establishing European customers' credits for merchandise exported, for which they have established in European countries large American branches.

(f) The American seaboard banks and American investment houses from New York to San Francisco handled $56,000,000,000 for our foreign trade during those eight critical years while the great American interior banks financed in addition the money for the planting and sale of the farm products during the same period.

TABLE VIII.—*Looking backward from January 1, 1914, to January 1, 1900—Fourteen years pre-war peace period—International trade balance sheet between United States and all Europe, years 1900 to 1914, inclusive—Peace time pre-war trade sheet with Europe.*

Fiscal years.	United States bill of items to Europe.						Europe's payment on bill.						
	Fiscal year exports.	Fiscal year imports.	Fiscal year net excess of United States exports and imports.	Fiscal year net excess gold and silver to Europe.	To Europe United States securities sold as merchandise.	United States total bill to Europe.[1]	Total Europe payments.[1]	Interest 5½ per cent paid to Europe on United States securities purchased.	Interest 6 per cent paid to Europe on $1,500,000,000 on our world's trade.	Net excess of European ocean drayage for United States.	United States tourists' money in Europe.	Immigrant remittance to Europe.	Net excess gold and silver to United States.
1900	$1,040,167,763	$440,567,314	$599,600,449	$75,313,684	$70,000,000	$744,914,133	$737,600,000	$227,600,000	$90,000,000	$50,000,000	$170,000,000	$200,000,000	.....
1901	1,136,504,605	429,620,452	706,884,153	92,240,955	.....	.....	.....	.....	.....	.....	170,000,000	200,000,000	.....
1902	1,008,033,981	475,161,941	532,872,040	75,424,417	.....	.....	.....	.....	.....	.....	170,000,000	200,000,000	.....
1903	1,029,256,651	547,226,887	482,029,770	48,717,734	.....	.....	.....	.....	.....	.....	170,000,000	200,000,000	.....
1904	1,057,930,131	498,697,379	559,232,752	79,610,721	.....	.....	.....	.....	.....	.....	170,000,000	200,000,000	.....
1905	1,020,972,641	540,773,092	480,199,549	1,563,792	.....	.....	.....	.....	.....	.....	170,000,000	200,000,000	.....
1906	1,200,166,036	633,292,184	566,873,852	.....	.....	.....	.....	.....	.....	.....	170,000,000	200,000,000	$785,818
1907	1,298,452,380	747,291,253	551,161,127	.....	.....	.....	.....	.....	.....	.....	170,000,000	200,000,000	44,425,633
1908	1,283,600,153	608,014,147	675,586,008	2,134,700	.....	.....	.....	.....	.....	.....	170,000,000	200,000,000	.....
1909	1,146,755,321	654,322,918	492,432,403	82,331,925	.....	.....	.....	.....	.....	.....	170,000,000	200,000,000	.....
1910	1,194,062,988	790,134,594	403,928,399	71,877,002	.....	.....	.....	.....	.....	.....	170,000,000	200,000,000	.....
1911	1,293,072,862	770,293,236	522,779,626	34,525,802	.....	.....	.....	.....	.....	.....	170,000,000	200,000,000	.....
1912	1,467,451,834	900,003,944	567,447,890	64,138,330	150,000,000	781,586,220	776,750,000	26,675,000	90,000,000	50,000,000	170,000,000	200,000,000	.....
1913	1,499,573,363	864,666,103	634,907,260	.....	150,000,000	784,907,260	793,360,330	275,000,000	90,000,000	50,000,000	170,000,000	200,000,000	8,360,330

[1] 1922 exports and imports used as basis for 1923.

Looking backward: To the close of this normal 14-year period Europe's credit position, as a result of an almost uninterrupted half a century of peaceful commercial civilization, was as follows:

(a) Europe, with the rest of the world, was enjoying the benefits of international trade, which was at its highest point, with 45,000,000 tons of shipping facilities sufficient to adequately handle the world's commerce.

(b) In the world's commerce Europe was the great financial center, supplying the new money for United States, Russia, Japan, China, India, South America, Africa, Australia, Canada, and the Balkan States—in a word, to the world.

(c) The investors of Great Britain alone owned and controlled $250,000,000 of the $300,000,000 of the annual gold supply of the world.

(d) The investors of Great Britain alone had invested capital in the countries of the world of $18,000,000,000.

(e) Europe had purchased and held American securities to the extent of $5,000,000,000.

(f) Great Britain had invested in the financing of our foreign trade an additional $1,500,000,000.

(g) Europe was collecting annually from the United States an interest charge at 5½ per cent on $5,000,000,000 and 6 per cent on an additional $1,500,000,000 invested in our foreign trade—a total annual interest of $365,000,000.

(h) Europe was doing our annual ocean drayage in excess of $50,000,000 over that carried in American bottoms.

(i) Europe was loaning to the United States new capital at the rate of $100,000,000 a year.

(j) All of the European nations had a small national debt, the interest on which was easily met by small annual tax of $1,600,000,000 for interest on their national debts.

(k) The franc, lira, crown, ruble, and pound sterling were sound and approximately at par the world over, with all the European nations solvent.

(l) European merchants were well known and financially strong, with unquestioned credit the world over.

These were the financially strong and the good customers for the exportable surplus of the American farm, factory, and mine.

Let us now look at Europe—our same good customers—as of January 1, 1923, after the destructive calamity of a world-destroying war.

Looking forward—from January 1, 1923, to the years to come—10, 20, 30, 40 years:

(a) The United States has become the financial center and great creditor nation of the world, with $250,000,000,000 of national wealth and a comparatively small national debt—to-day the only world market for substantial amounts of new capital.

(b) The lines of the world's international commerce broken down and largely destroyed, except for taking care of only the almost actual necessities of life for many of the countries of the world—their buying reduced to the lowest possible minimum.

(c) The world's shipping facilities greatly overbuilt, with 54,000,000 dead-weight tons of steel cargo shipping, in desperate competition, to carry the "world's commerce," which does not require to-day more than 35,000,000 dead-weight tons of shipping.

(d) With a total of $28,000,000,000 paid on our $40,000,000,000 of trade balance, there is hanging over and menacing our foreign trade relations with Europe a $12,878,560,194 unsettled trade balance in favor of the United States.

1. This terrific unsettled trade balance exists, too, even after Europe has exhausted almost all of her available resources to settle it. Great Britain, realizing the effect of this unsettled trade balance and its menace to world conditions, endeavors in a statesmanlike manner to promptly accept our terms and thus reduce her portion of that trade balance by approximately $5,000,000,000.

2. Hanging over the European nations to-day are great unfunded external debts, owed principally to the United States and Great Britain, of $11,812,898,204 to the United States alone, with an annual interest charge of $354,000,000, menacing and destroying the reasoning powers of the afflicted nations of Europe, which must be met by taxes upon her people.

(e) To meet forty billions of trade balance in favor of the United States during the last eight critical years, of which trade $26,000,000,000 was for agricultural products, our great customers in Europe have since 1914—

1. Returned to the United States two and one-half billion dollars' worth of American securities, and the United States, through the Alien Property Custodian, has impounded $400,000,000 worth of German securities.

2. Sent to us a $2,271,107,000 net balance of gold and silver, mostly Russian, Austrian, German, Italian, and French, together with new world production, which the United States holds, and as a result these nations are off a good basis.

3. Borrowed new money in the American investment markets of $2,232,259,684.

4. Canada has borrowed in the American investment markets $1,455,780,000. Europe in pre-war days furnished Canada all her new capital; and

5. The United States has taken over from Europe the financing of her own world trade and has invested in it about $2,000,000,000 of American banking money.

(f) Europe is collecting interest to-day from us on $1,500,000,000 of American securities, as against $5,000,000,000 held by her investors in 1914.

(g) The countries of Europe staggering under national external and internal debts, with interest charges from those debts equaling $11,000,000,000 a year, as against $1,500,000,000 of interest charges for 1913.

(h) While the dollar and pound sterling are practically at par, the lira is a little over one-fifth of par and the franc a little less than one-third of par, with the ruble, Austrian crown, and the German mark depreciated to practically nil.

(i) The credits of a large percentage of the merchants of Europe are weak and gradually shriveling up. Yet midst all the financial chaos that exists in Europe to-day, Great Britain, with $15,000,000,000 of world securities still in the hands of her private investors, within the very heat of the firing line, stands cool and set at home like the sentinel "Rock of Gibraltar," while promptly honoring her obligations abroad. The world has confidence in her statesmanship because Great Britain always leans in her international affairs upon the tried and experienced men of her country, in her hours of success as well as in her hours of need. They know the present-day history of "world commerce" and they can read the future. What a lesson to this country—her debt-funding commission arrived home on Saturday, reported to the Government, and by the following Wednesday that nation had accepted and taken on its obligations of principal and interest to the United States Government, assuming for its people, already heavily taxed, a further tax burden of $170,000,000 a year for 66 years.

(j) Great Britain, along with the neutral countries of Norway, Sweden, Denmark, Holland, Switzerland, Spain, and Portugal, are alone left with foreign financial credit and stability.

England, is carried on commercially. I have no positive information to that effect, but my impression is very strong that it is. As I said, there is no recovery of ammonia from producers in this country, as far as known to me, and I know many of the works where the big producer plants are.

I think Mr. Summers made a slight error in dates in regard to the introduction of the by-product oven in this country. It was started in Syracuse by the Sement-Solvey Co. in 1893. They were the only ones until the Glassport installation, and that was quickly followed by the Dunbar installation.

H. K. HITCHCOCK. There was a producer plant for recovery of ammonia erected in this country by the Columbia Chemical Co., Barberton, Ohio. Before it was decided to erect this plant Mr. Galt carefully investigated the operation of these same producers in England and found they were operated successfully there and giving very excellent commercial results. After these producers were erected here, however, the patentees were not able to operate them with the coal which was used at the Barberton plant, so as to get a commercially economical result. Theoretically the process should have been commercially successful. But while it was technically successful, it was never a practical success from an economic point of view.

In this connection there is another possibility for the by-product coke industry which might be interesting. Quite recently I have heard suggestions for utilizing the by-product coke oven to make coke and by-product gases; then pump the gases through existing natural-gas pipe lines, in order to deliver the fuel gas at the point of consumption and at the same time make the by-product coke at the mine where the coal is produced. An arrangement of this kind should be commercially available, and every time a supply of natural gas falls short and the demand for gas fuel becomes acute the problem bobs up. I have no doubt it will eventually be done to considerable extent in the Pittsburgh district and considerable ammonia recovered.

FRANCIS C. FRARY. In regard to the statement about by-product ammonia in Chicago and neighborhood, to my personal knowledge the Sement-Solvay Co. erected a plant there about nine years ago which has been continuously producing by-product ammonia ever since.

L. L. SUMMERS. I spoke extemporaneously. I will make one statement. In regard to the Mond process for washing gas, there have been a number of plants tried in this country, but the fundamental weakness is the fact that in washing a low-grade gas, primarily the producer gas is used for combustion purposes, and in gas running from 80 British thermal units to 140 British thermal units per cubic foot, which is the range of blast-furnace gas and producer gas, you sacrifice its physical temperature, so instead of having a temperature of 1,500°, 1,700°, or 1,800° F., which you might get direct from the producer (or, in the Mond process, 1,000° F., on account of the excessive steam used), you sacrifice the sensible heat, and you have reduced the calorific value of the fuel about 18 or 20 per cent. To show such a large volume of gas requires quite a large plant, and commercially you are on the wrong side of the books.

President LIDBURY. It is a fact, I might mention, that the plants in England are in connection with the engines used for combustion power purposes.

L. L. SUMMERS. The primary installation was laid down by Dr. Ludwig Mond many years ago in his own works at New Castle, and that is where the greatest development has taken place.

JOSEPH W. RICHARDS. The gas was made near the mines and piped to the point of consumption, and therefore the original heat of the gas, in that distribution system, would be lost anyhow.

LEO BAEKELAND. I know there are many important sources of ammonia which have up to this time practically remained untouched. In this country there are immense deposits of peat, which, in conjunction with the production of gas, would furnish an enormous supply of ammonia; peat has been utilized successfully for this purpose in some European countries where good coal is less abundant than in the United States.

J. E. JOHNSON, Jr: They tried it in Canada also.

PROGRESS IN NITROGEN FIXATION REQUIRES COSTLY EXPERIMENTING.

Mr. LADD. Mr. Peacock has shown in a general outline certain reactions which he thinks should be utilized at such a location as Muscle Shoals. These reactions have been combined into a series of processes which has been the subject of most careful study and investigation. I do not know whether the application of these processes will result in the production of 5-cent ammonia or not, but as a chemist it does seem to me that this procedure is a start along the right road. These particular processes may or may not succeed, but sooner or later some development will be made which will succeed. How soon such a process is made commercial depends largely upon the amount of money which is available for the preliminary work.

In brief, then, the situation is just this: American capital has rightly appraised Muscle Shoals, not as an opportunity to make untold millions but as a half worked-out development on which many millions must be spent before the problem is solved. Neither the cyanamid process, with its complications and large expense, nor the Haber process, which offers little hope of ammonia for less than 10 cents a pound and which is accompanied by dangers unpleasant to contemplate, is likely to be the process desired. Neither of these processes represents the last word in nitrogen fixation. What the ultimate process will be only time can tell. One thing is certain, and that is that before the answer is reached and the problem solved somebody must spend a large sum of money.

The amendment proposed by the Senator from Nebraska is only the first step, the mere beginning on a long road of experimentation. If the first step costs $2,000,000, I leave it to Senators to judge for themselves how expensive this undertaking ultimately will be. To deliberately engage in such an enterprise contrary to the recommendations of the Ordnance Department, and particularly in view of the fact that private capital has already offered to shoulder this responsibility, appears to me to be a policy which the taxpayers in this country will never understand, and which we who authorize such a policy will never be able to explain.

It is unfortunate that the importance of the fixation of nitrogen is not better understood in the United States. The chemist well knows the facts, but he does not speak the language of the farmer, and when he undertakes to express his views he finds difficulty in making himself understood.

Nitrogen, Mr. President, is both bread and meat, although in the United States it is seldom thought of as an essential article of food. Germany understands how important it is. One of her four leading physicists and chemists is Dr. Nikodem Caro, inventor of the cyanamid process of nitrogen fixation and of a very successful process for generating hydrogen gas; during the war he was appointed minister of raw materials and was charged with the responsibility of providing German industries with raw materials for making munitions, equipment, and supplies. The New York Times of December 20, 1922, quotes Doctor Caro as saying that nitrogen is bread and that Germany would be ruined by the French demand for 60,000 tons of pure nitrogen, which he declares would result in a harvest decrease amounting to 1,500,000 tons of grain worth 200,000,000 gold marks.

I ask that the article be included without reading.

The PRESIDING OFFICER [Mr. CURTIS in the chair]. Without objection, it is so ordered.

The matter referred to is as follows:

[From the New York Times of December 20, 1922.]

SAYS NITROGEN EXPORT WOULD RUIN GERMANY—EXPERT OPPOSES FRENCH DEMAND FOR 60,000 TONS—COMPARES IT TO 1,500,000 TONS OF GRAIN.

BERLIN, December 20.—"Nitrogen is bread," asserts Dr. Nikodem Caro, well-known German agricultural expert, declaring that fulfillment of the French demand for the delivery of 60,000 tons of pure nitrogen would intensify Germany's food problem to the point of catastrophe.

The amount of nitrogen demanded by France, he adds, is equivalent to 300,000 tons of ammonium sulphide (sulphate) and its loss to German agriculture would result in a harvest decrease amounting to 1,500,000 tons of grain, or about 6,000,000 tons of vegetables. It would cost 200,000,000 gold marks to replace this grain, which sum he declares it impossible to obtain under present conditions.

Doctor Caro claims that through the partition of upper Silesia Germany lost one of her largest nitrogen plants to Poland, and was thus cut off from an annual supply of 30,000 tons. This meant a reduction of 750,000 tons in the grain yield yearly, which reverse could not be offset for at least two years.

Germany needs 340,000 tons of nitrogen for her own requirements annually, he says, disputing the charge recently made in the French press that Germany had a surplus and could meet the French demand if she desired.

Mr. LADD. Mr. President, this appreciation in Germany of the direct relation between a plentiful supply of nitrogen and a plentiful supply of food for a nation is in striking contrast with the misunderstanding, inertia, and indifference with which this subject is treated in the United States. While it is true that Germany lost the war, she made a great accomplishment when at one blow she freed her food supply from dependence upon Chilean nitrogen and at the same time provided for her national defense for the future by making possible the production of powder and explosives in such formidable proportions that she was able to hold the whole world at bay for four years.

On the other hand, we have paid a nitrogen food bill to Chile, from 1831 to September 30, 1922, amounting to the amazing total of $982,561,953.72, of which $188,625,591.80 went to support the Chilean Government in the form of an export duty. More than 99 per cent of this amount has been paid for foreign food-producing nitrogen since the close of the Civil War. Our national nitrogen bill represents nearly one-third of the world's total purchases of Chilean nitrate.

Mr. President, I know of no example in the history of civilization which is a parallel to the dependence of civilized nations upon Chilean nitrates—a dependence which has grown up during the past 50 years. Since January 1, 1865, careful estimates, based upon the cost of Chilean nitrate in North Atlantic ports, show that the world has paid about $3,281,000,000 for this single element which is so necessary in food production.

And yet nature has provided an inexhaustible supply of this same nitrogen in our atmosphere. Over every acre of ground there are 33,800 tons of pure nitrogen awaiting only a commercially successful fixation process to make it available. Nature challenges us to take our nitrogen from this great reservoir, and Henry Ford offers to start an American nitrogen industry with a guaranteed production of 40,000 tons of fixed nitrogen annually.

The question may well be asked, if it is not to be the cyanamide process, and if the Haber process will not do, then how does Mr. Ford propose to produce this large tonnage of fixed nitrogen?

Mr. President, science has scarcely scratched the surface in its investigations of the possibilities in this field. We have a nitrogen-fixation laboratory here in Washington; it has cost

us nearly a million dollars in the past three years, and while I have no doubt that its work has been handled by competent scientific men, there is a whole field of nitrogen fixation which they pass over with less than half a page in a report of 353 printed pages. This is the field of metallic nitride processes. While it is true, as they report, that none of these metallic nitride processes has achieved any degree of commercial success, I can not agree "that it does not appear that they have any immediate prospect of such development." To make such a statement as that is to wholly ignore the power situation at Muscle Shoals; and if I understand it correctly, the purpose of the Fixed Nitrogent Research Laboratory is to work out a satisfactory solution for the fixation of nitrogen at that location.

The enormous secondary or irregular power at very low cost makes it possible to make metallic sodium from ordinary salt by a simple process. This can be done by the use of calcium carbid under the well-known Freeman patent, in which commercial calcium carbid and dry sodium chloride are ground together and the mixture charged into an electric furnace and heated to a bright-red heat, about 1,400° centigrade. The result is the production of sodium carbid, which is broken down by heat and decomposed into metallic sodium and carbon. Since the carbid portion of nitrate plant No. 2 is probably the largest calcium carbid plant in the world and stands ready for immediate operation, it appears that the production of sodium from salt could be readily accomplished with cheap secondary power.

However, there are other processes for producing metallic sodium from salt which do not use carbide, and very promising results have been reported from experiments in smelting phosphate rock with salt by means of which are produced phosphoric acid, a very important part of complete fertilizer, hydrochloric acid, a valuable by-product which would reduce the cost of fertilizer, and sodium oxide which could be reduced to metallic sodium by the use of carbon and cheap secondary power. Once having a large supply of cheap metallic sodium available, Mr. President, this whole field of promising nitride methods for nitrogen fixation immediately becomes available. For example, boron trioxide, which is readily obtainable from a cheap material called "borax," is an excellent agent for nitrogen fixation, because a small amount of boron will unite with a large amount of nitrogen; and in a boron-nitride process nearly all of the boron trioxide would be recovered, so that no great tonnage of borax would be required as a raw material. When boron trioxide is heated in a closed furnace in the presence of metallic sodium and in an atmosphere of nitrogen, a heavy dark greenish gas[1] called "boron nitride" is formed, together with a by-product production of sodium oxide, which in turn becomes a source of new supplies of metallic sodium. The greenish gas is sprayed with steam or hot water and gives up its nitrogen in the form of ammonia, which is the same form in which nitrogen is obtained by either the cyanamide process or the Haber process. But in this nitride process there are no dangerous high pressures, and it is not even necessary to secure a supply of pure hydrogen, for that is obtained directly from the hot water.

There is, however, another process only recently developed and which is available to Mr. Ford which promises greater results than anything heretofore accomplished. I am not permitted to give the details of this process, Mr. President, because of the fact that to do so at this time might deprive Mr. Ford of its use, but I am free to say that it works at atmospheric pressure and at moderate temperature. It is true that this new process requires a supply of pure hydrogen, but as I have stated, Mr. President, where cheap secondary power can be used to produce electrolytic hydrogen the problem of a pure supply of this element is solved.

However, the availability of cheap sodium again comes into play, for, suppose that it is desired to produce hydrogen at a time when no secondary power is available. It is possible with plenty of cheap sodium to store hydrogen in a solid form just as it is possible to store acetylene gas in solid form for illuminating purposes.

It is well known, Mr. President, that to produce acetylene gas on short notice it is only necessary to place calcium carbide in a closed gas generator in which a small amount of water is allowed to drip upon it, and the gas is immediately generated. In the same way, during that portion of the year when a large amount of power is available, electrolytic hydrogen could be produced cheaply. If this hydrogen is passed over metallic sodium at the very moderate temperature of about 200° C., the hydrogen is chemically absorbed, in accordance with the following equation: $4Na+H_2=Na_4H_2$.

In other words, 4 atoms of sodium unite with 2 atoms of hydrogen to make 1 molecule of sodium hydride. Sodium hydride, when allowed to cool and placed in water has a curious effect; not only does it give up the pure hydrogen which it has received from the electrolytic hydrogen generator, but it decomposes the water in which it is placed and releases a weight of hydrogen twice as great as the hydrogen which it carries, so that the total yield is three times the amount of hydrogen originally used to make the sodium hydride. This interesting reaction may be set down as follows: $Na_4H_2+4H_2O=4NaOH+3H_2$. (Teed, Chemistry and Manufacture of Hydrogen, p. 33.)

The commercial meaning of this, then, is that with cheap secondary power, both sodium and hydrogen can be produced at certain seasons of the year and carried in storage for several months, to be released when the water is low and the secondary power is no longer available.

EXPERIMENTING WILL BE COSTLY.

Mr. President, there are a score of other processes which I might describe, any one of which may be commercially useful at Muscle Shoals, but to determine which of them is the process which will yield 5-cent ammonia calls for costly experimenting on a large scale. Our own little experimental station out here at the American University, begun scarcely three years ago, has cost us nearly a million dollars and has done nothing, so far as I am aware, in this great and promising field. Mr. President, I am not able to estimate the cost of the large-scale experiments which will have to be made before this problem is solved, but it is a matter that will certainly run into many millions of dollars.

The latest news from France is an article in a fertilizer trade magazine called "Le Phosphate et Les Engrais Chimiques," and in the issue for November 1, 1922, we find an account of the production of pure hydrogen from water by means of metallic silicon or its alloys. This process has been developed by the German company, Elektricitats Gesellschaft Vorm. Schuckurt & Co. By this process hydrogen 99 per cent pure is obtained by using metallic silicon in a finely divided state, suspended in an aqueous solution of caustic soda. The Campaigné Générale de Electrochimie de Bozel (General Electrochemical Co., of Bozel) produces hydrogen regularly by the following reaction: $Si+2NaOH+H_2O=SiO_2Na_2+2H_2$.

For economy in the use of soda, a paste composed of silicon, lime, carbonate of soda, and water is used.

What happens is that the lime acts on the carbonate of soda to liberate the sodium which, with the silicon, reacts on the water, liberating the hydrogen. Ferrosilicon is frequently used as a cheap source of silicon, and a ferrosilicon paste is obtained which can be introduced without any danger into the hydrogen generator. The advantage of this manner of operation is to abolish the danger of explosion.

Is this one of the processes which should be used to secure hydrogen for the purpose of fixing nitrogen in the form of ammonia at Muscle Shoals? Frankly, gentlemen, I do not know. But I know that it is possible, with the large secondary power, to produce ferrosilicon economically there. But whether this recent German development is the most economical method for the production of pure hydrogen is a question which, like many others at Muscle Shoals, is still to be worked out.

Being familiar, as a chemist, with the difficulties, dangers, and the enormously heavy expense which must be faced in reaching a solution of the nitrogen fixation problems at Muscle Shoals, I want to say, Mr. President, that since we have a bona fide offer in which production is guaranteed and all of these difficulties, dangers, and heavy expense are avoided, I can not understand why this Government should embark on such an enterprise, for I believe that the solution of the difficulty lies in the immediate and unqualified acceptance of the offer of Henry Ford.

Finally, Mr. President, without criticism I wish to say in all frankness that failure to accept the Ford proposal will be ground for just criticism of our republican form of government and, to my mind, an indication of one of its dangers.

Speaking for myself, it is not hard to understand the fixation of the nitrogen of the physical atmosphere, but I am frank to say that it is beyond me to comprehend the fixation of our policies in the political atmosphere.

Mr. KING. Is there any provision in this bill which commits us to the Henry Ford proposition with respect to Muscle Shoals?

Mr. LADD. Not so far as I am aware; not at all. The Senator from Nebraska proposes to amend the bill by adding $2,000,000 for further nitrogen studies in fixation at Muscle Shoals plant No. 1.

Mr. KING. Is that an amendment to be offered to this bill?

Mr. LADD. That is an amendment which has been proposed to be offered by the Senator from Nebraska and which has been printed.

Mr. KING. As I understand the Senator now occupying the floor, in his judgment that is not necessary?

Mr. LADD. I feel personally that it would be an unnecessary use of money. I do not believe the Haber process will be the one employed. I do not believe that nitrogen fixed in the form for fertilizer by this process can be produced at a low enough cost to be commercially feasible, and that some other method will have to be substituted in place of it. There are other methods suggested more promising with the cheap power available at Muscle Shoals, which I believe can be adopted without any danger of explosion.

Mr. KING. Does Henry Ford propose to use one of these other methods which meet the approval of the Senator?

Mr. LADD. He has not stated in his offer. He has not pledged himself to use either of the methods which are now in use, but has left it open to himself to use such method as he may choose.

Mr. KING. Is it the Senator's understanding, from the hearings and from what he can learn with respect to Mr. Ford's proposition, that whatever method he adopts it will be one which will be scientifically feasible and will result in the accomplishment of what the Senator has in view?

Mr. LADD. That is my judgment; yes.

Mr. KING. Does the Senator believe that there is any other proposition superior to that which has been submitted by Mr. Ford?

Mr. LADD. There is no other proposition except for the Government to finish the project and then dispose of it or use it. In fact, Henry Ford's is the only offer at the present time.

Mr. KING. What is the policy of the War Department, if the Senator is able to advise us?

Mr. LADD. I can not say what their policy is at the present time, but reports I have read indicate that they have decided not to go any further with plant No. 1 at Muscle Shoals.

Mr. KING. Are they offering any obstacles to entering into contractual relations with Henry Ford or offering obstacles to that and presenting no other policy?

Mr. LADD. I have no definite knowledge, but I feel that it probably is up to Congress to determine whether Henry Ford's offer shall be accepted or whether a new national policy shall be developed. But whatever it is to be, to my mind this "watchful waiting" is very unfortunate and very unnecessary, and either a national policy should be adopted or the offer before us accepted.

Mr. KING. If nothing is done toward repairing or improving the river and the dams, will there be waste and injury to existing dams, which in the future would have to be replaced in the event any projects were completed?

Mr. LADD. There would be, yes; and I am informed, though I have not had an opportunity to make a personal investigation, that it is necessary to modify the plans at Muscle Shoals somewhat before it is too late in order to insure their workability for nitrogen fixation.

Mr. KING. Does the Senator think that Mr. Ford's proposition is sufficiently concrete and definite as to justify the Government in entering into contractual relations with him?

Mr. LADD. Mr. President, I am going to answer that in this way: I came here as an advocate and friend of Government operation of public utilities. After making the investigation at Muscle Shoals, after considering the propositions that were before us, I determined in my own mind that the Henry Ford offer was the only practicable one before us, and I therefore did not support the proposition for Government operation.

Mr. KING. If that proposition should be accepted by the Government, what future appropriations would be required from the Government?

Mr. LADD. I am not prepared to answer as to the cost of the project, and I would not attempt to answer that at this time.

Mr. KING. Of course, it would be very much less than if the Government should attempt construction of the necessary dams and the nitrogen plant itself?

Mr. LADD. There is no question about that.

Mr. KING. The Ford plan, then, does contemplate considerable expense on his part?

Mr. LADD. It does contemplate a large expenditure on his part, and in fact, in my judgment, he could not make a success of Muscle Shoals if he did not build additional dams in the upper branches of the Tennessee River and impound their water, so as to stabilize the secondary power and increase the primary power.

Mr. KING. Does the Senator think it is wise for the Government to make any further appropriations upon that river for any purpose whatever, or would it be wiser, in his opinion, to seek to obtain lessees under the Federal power act and make as good terms as possible with some lessees who would construct dams and furnish electrical energy for the section of the country in which the dams are situated?

Mr. LADD. I came to the conclusion, after studying the proposition, after going to Alabama and visiting the plant and seeing what had been done, and after listening to all the testimony, that it would be far better to accept the proposition for the completion of the dams under Government control rather than for the Government to do the work itself.

Mr. KING. I recall that some reference has been made in the discussion to the Alabama Power Co.—although I may not have the corporate name correct—which has operated for a number of years in Alabama and surrounding States. As I recall, some statement was made as to the willingness of that corporation to acquire the Muscle Shoals project for power purposes. Does the Senator think there is any possibility of our entering into arrangements under the Federal power control act with that corporation, or some other large private corporation, to produce electric energy and dispose of it, of course at rates which would be fixed by a commission to be appointed by the Government?

Mr. LADD. I referred to a statement from Doctor Glasgow, who made every effort to get financiers and fertilizer concerns and institutions interested in operating these plants, but he was unable to induce any of them to make an offer to take over the plant at Muscle Shoals, and therefore I conclude that they are fearful. I think they have reason to be fearful, because in my judgment many millions of dollars are going to be required to perfect those plants and make them successful for the production of nitrogen, either for powder purposes in time of war or for fertilizer purposes in time of peace. Conditions are changing so rapidly in experimental chemistry that any plant put up to-day, costing millions of dollars, may have to be scrapped inside of three years and replaced by a more modern plant.

Mr. KING. Is not the Senator afraid that the dangers and obstacles and impediments to which he has referred may deter Mr. Ford and frighten him from completing the project according to the plan which he has submitted?

Mr. LADD. I feel that he or his associates have in mind some method which they believe to be practicable, and he is willing to risk his millions. If he fails, under the contract the Government will have the right to take the property back at any time because of the failure of the lessee or purchaser to live up to the contract. The provisions of the contract are very rigid in that respect.

Mr. KING. The Senator favors the appropriation carried in this bill?

Mr. LADD. I have no objection to that.

Mr. SHIELDS. Mr. President, I favor the appropriation for the rivers and harbors of the United States, and I am opposed to any reduction of the amount recommended in the report, either as proposed by the amendment offered by the Senator from Idaho [Mr. BORAH] or that offered by the Senator from Wisconsin [Mr. LENROOT].

The sum proposed to be appropriated, in my opinion, is subject to but one objection, and that is that it is not large enough to take care of the great interests involved. The improvement of our rivers is of the greatest importance to this country, and any reduction of it will jeopardize the prosperity of our country and be hurtful to the development of our natural resources.

The subject has been discussed at length, and I do not intend to make any detailed argument or any argument in favor of any particular project, but to speak generally on the merits of the measure, on the great benefits to be derived by the people of this country from the improvement and proper maintenance of transportation upon our great rivers.

This morning I read an article in one of the greatest journals in this country, one that has done as much to advance the development of our natural resources and the manufactures of the entire United States as any other journal ever published. It has sound views upon most subjects, although with some of its positions I have not agreed. I am a subscriber to it, and I read it because I always find it interesting and instructive. I thoroughly agree with the editorial appearing in the magazine this morning, and it states the views I have of this bill, along the lines I intended to present it to the Senate, so much abler than I was able to do that I am going to read that article as a part of my remarks. I refer to the Manufacturers Record, of Baltimore, the issue of February 8, 1923. It is entitled "Wasting a priceless opportunity for national upbuilding," and reads as follows:

Adequate river transportation would create for this country billions of business now impossible of development through lack of transportation.

It would duplicate on our rivers the traffic through the "Soo" canal, which many times exceeds the aggregate traffic through the Suez and the Panama Canals. The value of these canals to world traffic is immeasurable, but it is not greater than would be the value of the full utilization of the traffic potentialities of the Tennessee, the Warrior, the Ohio, the Mississippi, and other rivers available for improvement and the construction of the Lakes-St. Lawrence waterway.

These improvements would be cheap if we expended a billion dollars upon them as rapidly as the work could be pushed. Indeed, it is safe to say that they would add at least a billion dollars a year to our national wealth. These improvements would unshackle trade held in check by lack of transportation; they would save hundreds of millions to our farmers; they would quicken the lifeblood of the whole country.

A few months ago Mr. Moreton Frewen, one of Europe's ablest students of world affairs, long an intimate friend and often adviser of E. H. Harriman, James J. Hill, and other giants in the American railroad field, wrote the Manufacturers Record that the construction of the Lakes-St. Lawrence deeper waterway would almost overnight double the value of every foot of land in Chicago and create similar conditions elsewhere by the enormous development of trade. That measurably indicates what every one of these big river improvements would mean; and yet Congress halts, and the Nation and many of its people squabble over a petty expenditure of about $50,000,000 to secure such gigantic results.

Liverpool is to spend $70,000,000 to improve its harbor facilities; Baltimore voted a few years ago a bond issue of $50,000,000 for enlarged harbor terminals, but the United States, the great dominating industrial and agricultural country of the world, balks at the beggarly sum proposed in Congress for river and harbor work over an area of more than 3,000,000 square miles. What petty, parsimonious, narrow vision of how to create wealth by investing capital is displayed in this case by Congress and by the newspapers that parrotlike cry "pork barrel"!

Mr. President, there is no doubt that some bad projects are under construction upon our rivers and our harbors, but as to the merits of the great body of projects for the improvement of our waterways there can be, in my opinion, no reasonable controversy. We have the greatest system of inland waterways in the world. There is no country that can compare with ours in that respect. Many of our waterways are navigable without any improvement. Others, by a comparatively insignificant improvement, can be made navigable for many miles.

I think there is no question at this day that the Congress has the right to make appropriations for this purpose. I have no doubt that Congress, under the commerce clause, has jurisdiction to improve, has the right to remove obstructions, both natural and artificial, in our navigable streams for the aid and advancement of commerce. It would be, as has been said, a very limited power if we could only regulate commerce—that is, trade—without controlling the instrumentalities that are necessary to carry it on, and navigation is one of those. The only possible question that could ever be raised in this regard is whether the jurisdiction extended beyond the navigable waters, which in America means streams that are navigable in fact. We can not make a stream navigable by law. Under the common law of England, the system which we inherited and adopted, navigable streams were defined to be those in which the tide ebbed and flowed. That rule, of course, was inapplicable to the great waterways of the United States, and a different one was adopted, which is that those waters navigable for vessels engaged in commerce, ascending and descending in the natural condition of the waterways, or when reasonably improved, are in law navigable.

When we go beyond such waters, in my opinion, the Congress has no jurisdiction, but the pending bill proposes nothing of the kind. It is simply to improve the navigable waterways of the United States.

What we need in this country above all other things is cheap transportation. We can talk here for days and pass all sorts of measures to give the agricultural interests credit. We can do everything possible to get them in debt. But that is not really what the agricultural interests, the great body of them, in this country want. They do not want to get in debt. They want to get out of debt. They want reasonable and just prices, a fair price for their produce and a fair return for their labor. Furnish them a market, furnish them cheap transportation, and the agricultural interests do not ask any odds of any other interests. The agricultural interests always have been and always will be able to take care of themselves; indeed, they take care of the whole country. What is choking them now is the cost of the transportation of products to the market.

It is to my mind a crime that we do not develop our waterways and afford that transportation. It ought to have been done many years ago. If our rivers had been improved, if all their facilities and possibilities for transportation had been developed, there never would have been any trouble about transportation during the great war. We never would have been under any necessity of the Government taking charge of our railroads, with the net result of a resulting indebtedness to the Government of the enormous sum of $1,800,000,000. We would have had ample transportation.

We would have it to-day. We have to look to the waterways for such transportation in the future. The railroad companies have got in such a condition in this country that further construction is at a standstill. There has been less railroad building in the last two or three years than heretofore for 50 years. With the troubles resulting from regulation and wages, the railroads have had hard going. I do understand the railroad question, and I am not going to attempt to argue it, but no one who reads the papers and has even a superficial knowledge of it can fail to recognize that there are two conflicting interests that seriously affect this great system of transportation in our country, and so affect capital and the investing interests that they have ceased to put their money into railroads as they formerly did.

Until there is a better condition, until there is more profit in that business, I do not see any chance for further extension of railroad transportation. But if there was, we want the waterways developed. We want competing transportation to the railroads. Competition is the best way to reduce freight rates. It would control them better than any law. Let them compete for the business. Let us develop the waterways, furnish cheaper transportation than the railroad companies can possibly furnish, and then we will have facilities for getting the products of the farmer and the manufacturer to the markets where they are needed and desired and where they can be sold at profitable prices. In that way we will do more to relieve agriculture and to relieve general conditions in the country, in my opinion, than in any other way possible.

In other words, Mr. President, I believe transportation is now giving the country more trouble than any other question. We should devote our attention to that problem and develop our waterways, and if possible do something to get cheaper rates upon the railroads for the farmers. I think in some sections they can carry the produce of the country cheaper than they are doing it now, and I think they ought to do it. I think it would be to their interest to do it, for in many instances the producers have absolutely stopped shipping their product because the freight rates are greater than the prices that can be realized, and produce is rotting in the warehouses and on the farms.

For these reasons I am in favor of the improvement of all our waterways. I would be glad to vote for a larger sum for that purpose. I think it is the poorest business imaginable, after the country has spent approximately a billion dollars in improvement of the waterways, to abandon them. We should, by failing to make appropriations, not only stop the improvements but allow the billion dollars in improvements we have already made to go to wreck and ruin and waste. We know it requires constant attention and constant expense to keep them up. We would simply be guilty of the poorest economy and poorest business management imaginable.

Mr. President, I hope the amendments will be voted down and the full amount proposed appropriated.

Mr. McKELLAR. Mr. President, the provision of the bill on the subject of rivers and harbors is as follows:

For the preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore authorized as may be most desirable in the interest of commerce and navigation, $56,589,910.

As I understand it, there are two amendments offered to this section, one by the Senator from Wisconson [Mr. LENROOT] to reduce the amount to $42,000,000, and another one by the Senator from Idaho [Mr. BORAH] to reduce it to $27,000,000. I am opposed to both amendments.

The amount reported by the committee is, in my judgment, a reasonable and proper amount. If there is any trouble with it, it is too low. It is certainly not too high. This work on the rivers and harbors of the country is a great work and means a great deal to the people of the country. The need of the larger appropriation can not be better illustrated than by referring to the situation on the Mississippi River.

In the past we have spent large sums for the improvement of the Mississippi River, and we are now obtaining the fruits of the expenditures heretofore made. Transportation upon the Mississippi River has increased several fold in the last few years.

On the barge line alone the increases are shown in the following figures. The line was put in operation November 1, 1919:

Nov. 1, 1919, to July 1, 1920, tons of freight carried	115,907
July 1, 1920, to July 1, 1921, tons of freight carried	237,258
July 1, 1921, to July 1, 1922, tons of freight carried	655,789

It will be recalled that the Government barge line was established nearly three years ago on that river and on the Warrior River. The barge line on the Mississippi runs principally between St. Louis and New Orleans. Since the barge line on this great river has been in existence it has been a paying proposi-

tion. It was a paying proposition from the first month, as I recall, paying even upon the large cost of the barges on the line, which, as we all know, were built at war costs. The result has been that an enormous business has been built up, increasing several fold each year. The first year it was prosperous, the second year it was very much more prosperous, and the third year even more prosperous, though it had an accident to which I now wish to call attention, an accident that will probably not occur again if the provision of the bill which I am now discussing is agreed to unamended.

The Mississippi River between St. Louis and New Orleans is navigable, practically speaking, at all times of the year. However, between Cairo and St. Louis there are a number of shallow places and occasionally the water gets so low that boats of the draft drawn by the Government barges get stuck.

Unfortunately, last September, on this particular stretch of the river, the barge line was put out of commission for nearly three months, beginning in September and ending in November, as I recall, simply because that part of the river had not been dredged and opened as it should have been. I wish to take this occasion to say that the Chief of Engineers, General Beach, immediately upon that trouble arising came to the rescue of the barge line. He is one of the most capable and efficient officers of the Government, and always stands ready to safeguard the Government's interests. He sent his engineers there, he sent his dredge boats there, and did everything in the world that could be done in order to clear that part of the river so that the barge line might proceed with its business, and it was cleared as soon as possible. If General Beach had had the money, if he had had the equipment, that accident never would have happened. Notwithstanding the barge line being virtually out of commission in that part of the river for a period of nearly three months, it made a large amount of money during the past year, and the losses that were then sustained will soon be wiped out and the line will show a large profit for the present fiscal year.

This is too great a work for us to take any chances on it. We ought to see to it that the river between St. Louis and New Orleans is kept absolutely free from obstructions at all times during the year. It can be done by an appropriation of a reasonable amount such as has been reported in the bill. I understand the appropriation carried this year will amply provide for that stretch of the river. I hope such appropriation will not be reduced; it ought not to be reduced. We know the difficulties which we have had in reference to transportation, and there is no reason in the world why the Government should not improve its rivers and its harbors so as better to take care of the Nation's business. With railroad rates as high as they are, with rates on the barge line 20 per cent less than railroad rates, with lack of building of new railroads, with our unexcelled waterways, we should improve them and make them do the work they are so capable of performing.

Mr. President, a committee of this body has recently been appointed to investigate and report on a 9-foot water channel from the Great Lakes to the Gulf. The State of Illinois has already appropriated $20,000,000 to be used on this work in Illinois. When completed it will constitute one of the greatest waterways in the world. It will not only give water transportation between Chicago and New Orleans but will give it between many other cities on the Mississippi and its tributaries. Nashville will have this transportation; Louisville, Cincinnati, St. Louis, Little Rock, Muscle Shoals, and many other places. Memphis will be on the direct line. If our plans are carried out we will soon build up between the Great Lakes and the Gulf on these rivers and canals the greatest system of inland water transportation in the world. We should leave no stone unturned to make this great waterway a success.

I believe that the money which is proposed to be expended in this appropriation will be as well spent as any money which we shall appropriate this year, and a great deal better than much of the money which we have already appropriated or which we shall hereafter appropriate.

Mr. President, for these reasons I very much hope that the amendments which have been offered to the bill will be voted down and that the report of the committee carrying $56,589,910 will be left in the bill.

Mr. HEFLIN. Mr. President, I am in hearty accord with what the Senator from Tennessee has said. I very much hope that the Senate will vote down the amendment of the Senator from Idaho [Mr. BORAH]; in fact, that it will vote down both amendments. A Republican Congress by its silence permitted four Federal reserve banks to appropriate about $50,000,000 to construct bank palaces in four large cities. A large amount of that money would have gone into the Federal Treasury as a franchise tax had it not been for the approval by the Federal Reserve Board of the use of that money for those four banks.

Mr. President, I might cite a number of instances where special interests have been favored. I could call to the attention of the Senate, as I have done frequently and as I shall frequently in the future, the fact that $90,000,000 a year was taken off the big income taxpayers of the country; the men of all men in the country who are most able to pay taxes. They were entirely excused from the payment of those taxes. So they are saving to themselves every year now $90,000,000. I might again remind the Senate, and it is well that the country also should be reminded—for this Government belongs to the people of the country and they must make up their minds next year so as to decide who shall have control of the Government for the following four years—I might remind the Senate and also the people of the country through the RECORD that this Republican Congress voted to exempt certain taxpayers from the payment of $450,000,000 a year. The profiteers of the United States received at your hands an annual gift of $450,000,000.

Mr. President, if this Congress can sit without batting its eye and permit four Federal reserve banks to build four bank palaces costing about $50,000,000, if it can permit the big income taxpayers to be excused from the payment of $90,000,000 a year taxes and profiteers to be exempt from the payment of $450,000,000 annually, it does seem to me that it can grant to the whole people of the United States for river and harbor purposes the sum of $56,000,000.

Why can we not do that? Such an appropriation would benefit millions of people; and we ought here to do that which will bring about the greatest good to the greatest number. That may be an unpopular doctrine in the Senate now; it may be that we have fallen upon a time when he who lifts his voice against special or favored interests transgresses the rules of the Republican Senate, is out of order, and is talking in another age. Thank God, however, we are approaching a time when the people will again be heard, and, as I said a few days ago, when a new declaration of independence will be submitted to them. It is high time it were being submitted. We are fighting to hold in this bill a sufficient appropriation to provide for opening up rivers so that ships may bear the products of the farm to the factories and to the marts of trade, and thus contribute to the development of commerce in the United States. It looks as if a combination is being formed to strike down this appropriation.

Mr. President, I merely want to say a word on this subject. The Senator from Idaho [Mr. GOODING] called attention yesterday to the fact that he knew of vast quantities of agricultural products, wheat, corn, and other commodities, which rotted at the docks because there were not sufficient transportation facilities to carry them to the market place. Senators, there is no excuse for a situation such as that under a great Government like ours. If this is a government of the people, by the people, and for the people, why can not we, who are in charge of the Government, unloose these instrumentalities so that they will serve the needs of the people? We are not sent here to use these instrumentalities to serve the needs or the greed of a favored few to the hurt and the injury of the many. Probably I violate the rule when I say that, but I say it and I repeat it—we are not here to vote to use these instrumentalities to serve the whim and the greed of a favored few; we are here to use them to serve the needs of the common masses of the common people. Probably the majority of the Senate will adopt a rule to reach just such a speech as that and cut it out of the RECORD, and perhaps the time may come when a Senator who wants really to speak what he thinks will prepare his remarks and hand them to a Republican committee to examine and blue pencil. He will say, "Is there anything in that, my lord, to which you object?" Well, it will be a good while before they can make me conform to any such rule.

Now, Mr. President, I want to answer an argument made yesterday by one of the Senators on the other side about water and rail transportation. One Senator suggested that he did not know that water transportation influenced the railroads in giving cheaper rates. There is not any doubt about that in the world. If a railroad line parallels a river, and the Government goes to work and opens up the river so that boats may ply on it, the railroad line will make more reasonable rates. So when we open up one of these rivers and make it navigable we serve the needs of commerce; we are doing that which will benefit the farmer; we are helping also in doing that which will cause the railroads to charge fair and reasonable rates.

So when we stand here this afternoon—and I am just going to say a word more—and plead for the appropriation provided in the bill of $56,000,000 for river and harbor improvements for 110,000,000 people we are pleading for a righteous project, we are pleading for a cause that is just, and I hope that no combination of interests will be permitted to strike out the provision which sets aside $56,000,000 for river and harbor purposes.

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). The question is on the amendment offered by the Senator from Wisconsin [Mr. LENROOT] to the amendment proposed by the Senator from Idaho [Mr. BORAH].

Mr. UNDERWOOD. Mr. President, I have before me a memorandum prepared by the War Department in reference to these minor projects proposed to be covered by the appropriation in the pending bill, on which projects most of the criticism has fallen. The memorandum goes to show the reasons for the particular expenditures along that line, and I ask that it may be read by the Secretary in my time.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Assistant Secretary read as follows:

Memorandum.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, February 8, 1923.

The total number of localities given in the annual report of the Chief of Engineers upon which it is stated that any funds can be profitably expended during the fiscal year ending June 30, 1924, is 308. Of this total 24 only reported a tonnage during the calendar year 1921 of 5,000 tons or less. These localities are as follows:

Plymouth Harbor, Mass.: There was practically no tonnage for this harbor during 1921, due to the fact that most of the wharf property in Plymouth Harbor was destroyed during that year by the Pilgrim Tercentenary Commission in connection with the celebration of the landing of the Pilgrims. Prior to 1921 the commerce ranged from 13,500 tons to 28,600 tons, and the number of passengers is normally about 70,000 to 75,000 per annum. The improvement it is planned to undertake is the dredging of the harbor at a locality where the wharf facilities can be restored, it being impracticable to restore them in their old locality on account of the monuments erected during the celebration. This is a cooperative project, one half ($51,000) being paid by the United States and the other half by the State of Massachusetts. The maintenance is nominal.

Mattituck Harbor: The commerce for 1921, 1,324 tons. Proposed expenditure, $5,000. This is a small harbor on the north shore of Long Island, which is made use of by light-draft boats carrying oysters, clams, fruit, and vegetables. The average cost of maintenance of this harbor for the years 1918–1922, inclusive, was $1,662.93. The present relatively large amount required is due to the fact that the harbor has not been properly maintained in the past few years.

St. Jones River, Del.: This is a small stream flowing southeasterly and emptying into Delaware Bay about 26 miles above Cape Henlopen. It is used by small boats carrying coal, grain, and vegetables. The use of the river has been limited by sharp bends and insufficient depth of channel. The amounts stated in the report as $45,000 for improvement and $5,000 for maintenance, which can be profitably used now, are those necessary to place the river in a suitable navigable condition. After the stream is once dredged the cost of maintenance should be small.

Channel, Thoroughfare Bay, Cedar Bay, N. C.: This is a small channel connecting two larger bodies of water, Core Sound and Pamlico Sound, and is used largely by small boats carrying fish and oysters. The existing project was completed in 1921. There have been no expenditures for maintenance during the past five years. The estimated annual cost of maintenance is $300 after the channel has once reached a stable condition, and it is expected that the work which will be done with the allotment now contemplated will bring about this condition.

Channel, Apalachicola River, St. Andrews Bay, Fla.: This is a waterway approximately 36¾ miles in length, extending from a point 6 miles above the mouth of the Apalachicola River in a northwesterly direction to St. Andrews Bay, Fla. The commerce passing through this channel for the calendar year 1921 was 3,422 tons, consisting of logs, general merchandise, and vegetables. The contemplated expenditures for 1924 are wholly for repairs to plant, which has been used in the maintenance of this improvement.

Clear Creek, Tex.: This is a small stream emptying into the west side of Upper Galveston Bay. It is used as a navigable waterway connection between the towns of Seabrook, Webster, League City, and Friendswood, and the cities of Houston and Galveston, and at times it is used as a means of distributing shell at the former places for the county highways and for railway ballast, but during the year 1921 the commerce consisted entirely of oysters, crabs, and fish, which were moved in small boats over the waterway. The average expenditure for maintenance during the five years 1918–1922 was $2,000.

Umpqua River and Bay, Oreg.: The Umpqua River is the largest stream entering the Pacific Ocean between Sacramento and Columbia Rivers. It empties into the ocean about 180 miles south of the Columbia River and 465 miles north of San Francisco Bay. The country tributary to the Umpqua River produces a large amount of lumber; but the shipments by water have been impracticable, due to the fact that the depth over the bar was insufficient for deep-sea ships. The project for the improvement of this harbor was adopted by the river and harbor act of September 22, 1922, which provided that one-half of the cost of the project should be borne by local interests. Local interests have already undertaken their share of the work and have expended over $200,000 toward the construction of the jetty authorized by the project. The commerce for the calendar year 1921 was only 3,456 tons, but this was due to the fact, as stated, that the depth on the bar was insufficient for the character of boats desiring to use the harbor. The expenditure proposed for 1923 is $276,500, which is the total cost of the Government's share of the work.

Plattsburg Harbor, N. Y.: A harbor on the east side of Lake Champlain. Commerce for 1921, 3,951 tons. Proposed expenditure, $1,000 for maintenance of old breakwater.

Port Wing Harbor, Wis.: Located on the south shore of Lake Superior, 34 miles east of Duluth. Commerce for 1921, 893 tons. Proposed expenditure, $1,000 for maintenance.

Ontonagon Harbor, Mich.: Located on the south shore of Lake Superior, 136 miles east of Duluth and 274 miles west of Sault Ste. Marie. Commerce of 1921, 80 tons. Proposed expenditure, $9,000 for maintenance, for dredging and repairs to the piers, which have been neglected and which are now in a bad state of decay, requiring extensive repairs to superstructure. This was formerly an important lumber port, and unless it is to be entirely abandoned, which has not been authorized by Congress, the piers must be repaired from time to time in order to prevent their entire destruction and the closure of the harbor.

Grand Marais Harbor, Mich.: Located on the south shore of Lake Superior, 314 miles east of Duluth. Commerce for 1921, 40 tons. Proposed expenditure, $15,000 for dredging and repairs to piers. This harbor is used as a harbor of refuge, and, during the year 1921, 17 vessels, with a net registered tonnage of 4,959 tons, entered the harbor for shelter. The depth entrance is insufficient to provide for larger vessels, otherwise it would probably be used to a much greater extent as a harbor of refuge by vessels. However, its availability, even in its present condition, results in a saving of life and property.

Zippel Bay, Lake of the Woods, Minn.: Zippel Bay is located on the southern shore of the Lake of the Woods, Minn. Tonnage for 1921, 1,258 tons. Proposed expenditure, $2,000 for dredging. The harbor is used by small boats carrying miscellaneous merchandise, fish, vegetables, lumber, and transportation of passengers.

Cape Vincent Harbor, N. Y.: This harbor is located on the south shore of the St. Lawrence River, 2½ miles from Lake Ontario. Tonnage for 1921, 3,058 tons. Proposed expenditure, $500. This expenditure is for general supervision and such minor surveys and examinations as may be necessary to keep track of the condition of the harbor.

Blackwater River, Va.: A small stream emptying into Albemarle Sound. Tonnage for 1921, 2,544 tons. Proposed expenditure, $2,000 for the removal of obstructions to navigation in the shape of logs, snags, and other similar obstructions. The average expenditure for maintenance for the five years 1918 to 1922 was $419.80. The commerce carried consists principally of peanuts, cotton, fertilizer, and general merchandise. The stream affords navigation facilities for a section of the country without other means of transportation.

Pamlico and Tar Rivers, N. C.: This stream affords a navigable channel at least 6 feet deep from Pamlico Sound to Greenville, N. C., a distance of 60 miles, and a natural channel, cleared of snags, for 27 miles farther. The commerce for this stream, stated in tabular statement prepared in the office of the Chief of Engineers, showing the amounts stated in the Annual Report of the Chief of Engineers as those that can be profitably expended during the fiscal year June 30, 1924, for maintenance and improvement of river and harbor works, and commerce for 1921 is in error in the amount of commerce stated, namely, 644 tons. This commerce for 1921 amounted to 145,772 tons, which was the least that had been in five years, with the exception of 1920, when it was 139,951 tons. The stream is an important commercial highway.

Contentnea Creek, N. C.: This is a small stream emptying into Neuse River about 32 miles above New Bern, N. C. It has been improved for a length of 63 miles, and it has been an important commercial stream and has had a material effect in the development of the country. It is still occasionally used. The proposed expenditure of $1,500 is entirely for snagging, in order to prevent the stream from being entirely closed to commerce.

Savannah River above Augusta, Ga.: The portion of the Savannah River included in this improvement extends from Augusta upstream a distance of 45 miles. The project provides for light-draft navigation to permit of the carrying of cotton, food products, and lumber in small boats. The work consists in the removal of snags and loose rocks. The proposed expenditure is $1,000. The average expenditure for the past five years has been (from 1918 to 1912, inclusive) $768.10.

Kissimmee River, Fla.: A small stream emptying into Lake Okeechobee. The commerce for 1921 was 2,215 tons. Proposed expenditure, $5,000, for maintenance by a small amount of dredging. The stream affords a navigable waterway which facilitates the transportation of fruits and vegetables which are largely raised in the section of the country tributary to this stream. The small commerce has been due to the lack of a suitable channel, which has made the navigation difficult.

Holmes River, Fla.: A small stream in Alabama and Florida which empties in the Choctawhatchee River, Fla., about 27 miles above its mouth. Commerce for 1921 was 563 tons. Proposed expenditure, $1,680, for snagging operations in the lower part of the river in order to permit of the utilization of the stream for such commerce as may desire to use it. The commerce carried during 1921 consisted of fertilizer carried upstream and resin and turpentine downstream. While the commerce is small, it is important to the community, and could not be carried on at all were it not for the small amount of snagging work proposed.

Boeuf River, La.: This river rises in Arkansas and flows in a general southwesterly direction, entering the Ouachita River 81 miles above the mouth of the Black River. The commerce for 1921 was 1,495 tons. Proposed expenditure, $5,000, for snagging. The commerce consists of timber, farm products, and general merchandise carried in small boats. The snagging is necessary in order that the river may be navigated.

Bayou Bartholomew, La. and Ark.: This stream rises in Jefferson County, Ark., and enters the Ouachita River near Ouachita, La., 210 miles above the mouth of the Black River. The commerce for 1921 was 1,805 tons. Proposed expenditure, $2,500, for snagging. The commerce consists of lumber, farm products, and general merchandise. The proposed work is necessary in order that the stream may not be entirely closed by snags.

Bayous D'Arbonne and Corney, La.: These streams combine and enter the Ouachita River, La., about 189 miles above the mouth of the Black River. Commerce for 1921 was 1,660 tons. Proposed expenditure, $2,000, for snagging. The commerce consists of timber, farm products, and general merchandise. The commerce for 1921 was much less than in preceding years, due to the fact that sawmills located on the river were not in operation. The work proposed is snagging, which is necessary to prevent the stream becoming entirely closed to traffic.

Steele and Washington Bayous and Lake Washington, Miss.: These streams combine and enter the Yazoo River about 8 miles above its mouth. Tonnage for 1921 was 4,662 tons. Proposed expenditure, $2,500, for snagging. The usual tonnage on these streams has ranged from 10,000 to 27,000 tons. The tonnage for 1921 was due to the falling off in operation of the sawmills. The proposed work is necessary in order to prevent the stream becoming entirely closed to commerce.

The total amount involved in all of the projects referred to above, which are all of the projects upon which it is proposed to expend any funds during 1924 which have tonnages of less than 5,000 tons each, amounts to $137,180, except for the two projects, Plymouth Harbor, Mass., and Umpqua Bay and River, Oreg., on which the amounts are, respectively, $51,000 and $276,500, which are cooperative projects where

local interests are to pay one-half of the total costs and where, in the case of the Umpqua project, local interests have already proceeded with and practically completed their share of the work. The amount which it is proposed to expend by the United States is merely to meet the expenditures already made by local interests. Both of these projects, it should be noted also, were adopted by the September 22, 1922, act.

Mr. UNDERWOOD. Mr. President, I had this memorandum read because it gives the statement of the War Department in reference to the minor projects which have been assailed in connection with the discussion of the bill. It gives a full and complete explanation with regard to all the projects where less than 5,000 tons of freight were carried last year. The expenditures are very small, and the authorization has been made by the Congress.

Although I think the development of commerce lies along the great rivers, in large part, these smaller expenditures are on short rivers, in order to make it possible to reach the ports, so that commerce may get out to sea. They are improvements on small streams, in localities where there are no other facilities for transporting commerce, in the main.

As the Constitution of the United States gives the power to the Federal Government to look after the commerce of the people of the United States, I do not see any reason why a small fishing village may not have its commerce considered and an opportunity given to carry the product of its fishing industry out to sea by an expenditure of $5,000, as much as a great port like New York should have its facilities improved by the expenditure of $50,000,000, as sometimes happens.

So I do not think a project is to be condemned just because it is small. Of course the amount of the expenditure ought to be considered in connection with the amount of business actually done; but in reference to the small projects which have been castigated in this debate, the expenditures are very small, and those improvements will be of as great service proportionately to the people who get the advantage of them as those on the greater projects will be to the larger commerce of a larger port.

Without cutting off any debate, when the time comes I wish to make a motion to lay the pending amendment and the amendment thereto on the table. My purpose in doing that will be to bring directly before us the issue as to whether the Senate stands for the appropriation of the $56,000,000 for river and harbor improvements, which was recommended by the engineers, or whether it does not.

Mr. FLETCHER rose.

Mr. WADSWORTH. Mr. President, does the Senator from Alabama intend to make but one motion to table, and that that motion shall carry both the amendment of the Senator from Idaho and the amendment of the Senator from Wisconsin?

Mr. UNDERWOOD. I am not making the motion in order to cut off debate, but debate will close in eight minutes, anyhow. I am not going to make the motion until the eight minutes are up, if anyone wants to take the floor. My only purpose is to bring forward the direct issue as to whether the United States Senate stands for the recommendation of the engineers or not.

Mr. WADSWORTH. So far as the Senate's vote on the motion which the Senator says he will make is concerned, there will be no direct issue left. Some Senators are in favor of an appropriation of $27,000,000 and others are in favor of an appropriation of $42,000,000. The Senator's motion will prevent them from voting for the amount of their choice.

Mr. UNDERWOOD. Some of them are in favor of $56,000,000.

Mr. WADSWORTH. Surely.

Mr. UNDERWOOD. If the majority of the Senate is in favor of an appropriation of $56,000,000, why should we delay the Senate by voting for other amounts?

Mr. WADSWORTH. The Senator has not told quite all the story. There are some Senators who might prefer $56,000,000 to $27,000,000, but would prefer $42,000,000 to either. The Senator's motion will make it impossible for those Senators to vote that way. But I think a way will be found.

Mr. UNDERWOOD. I realize that; but I want to test the Senate to find out who is standing for $56,000,000, the recommendation of the engineers.

Mr. WADSWORTH. Is there anything in the normal procedure which would fail to bring such a test?

Mr. UNDERWOOD. I do not know why we should vote on the different figures if we are going to find that a majority of the Senate is for the larger amount. If it is not, then we will have to determine between the other propositions. I bring the issue at the top of the ladder instead of the bottom, that is all. The Senator from New York wants me to start at the bottom of the ladder, but I want to start at the top.

Mr. WADSWORTH. No; if I had my choice I would start with $42,000,000.

Mr. UNDERWOOD. I understand; but my purpose is to bring the direct issue before the Senate as to whether the Senate stands for $56,000,000, the amount recommended by the engineers and carried in the bill by the House and reported by the committee to the Senate.

Mr. LENROOT. Then a vote in favor of the Senator's motion will mean that the Senator casting the vote stands for the appropriation of $56,000,000?

Mr. UNDERWOOD. Undoubtedly. I think that is a fair presentation of the case. I ask that that motion may be pending, or that I may have an opportunity to make it when 4 o'clock arrives. I do not want to cut off the Senator from Florida.

Mr. FLETCHER. I wanted to say just a word.

Mr. UNDERWOOD. I will yield to the Senator until one minute before 4, if he will allow me to take the floor then to make the motion.

Mr. FLETCHER. Mr. President, I have just noticed an observation made by the Senator from Wisconsin [Mr. LENROOT], on yesterday at page 3200 of the CONGRESSIONAL RECORD. In the course of his remarks he said:

> There is a river in Florida, the name of which I can not pronounce, upon which it is proposed to expend $90,000, as I read it, for maintenance, upon which 5,000 tons of commerce were carried last year.

The Senator is entirely mistaken as to the location of the river. What he had in mind, as shown by the hearings and the list of projects to be taken care of by the engineers, was undoubtedly the Chattahoochee River, where it is proposed to expend that amount for maintenance. In volume 1, part 1, of the report of the Chief of Engineers, page 866, the Chattahoochee River is described as follows:

> The Chattahoochee River rises in the north central part of the State of Georgia and flows in a southwesterly direction to West Point and thence in a southerly direction to join with the Flint at the southwest corner of the State of Georgia, forming the Apalachicola River.

After it gets into Florida, there the combination of the Chattahoochee and the Flint make the Apalachicola, but the Chattahoochee River is the river to which the Senator referred, and the Report of the Chief of Engineers shows precisely what the proposed operation will be, and shows the reason for this recommendation. The amount of commerce was comparatively small last year because one of the boats was destroyed by fire and they have not been able to replace it, and the tonnage is comparatively small, but it is a very valuable tonnage. It is composed of cotton, fertilizer, grain, and naval stores. The river is a navigable stream. The depth of water is, of course, not very great, 3 or 4 feet, and the commerce is carried largely by packet boats. It is proposed to apply this money for the following purposes:

> For dredging operations between Columbus, Ga., and Eufaula, Ala., $30,000, using the U. S. dredge *Muscogee;* for repairs to, extension, and construction of jetties, $30,000; for snagging operations from Columbus, Ga., to the mouth, $15,000; for the construction of two new steel barges, one steel hull quarterboat, and one inspection launch, $28,000; for minor repairs to plant, $5,000; for care of idle plant, $5,000; and for overhead expenses and superintendence, $12,000. The above covers $35,000 for new work and $90,000 for maintenance.

That is the project on the Chattahoochee River, to which the Senator referred. It does not touch Florida at all. Besides that, the report says:

> While the amount required for maintenance is $60,259.02 greater than the average amount expended for maintenance during the preceding five years, this may be explained by the fact that appropriations for the past several years have been so small that maintenance operations could not be kept up to date. The plant has deteriorated to such an extent that extensive replacements are necessary.

That accounts for the large amount of maintenance in that item.

Mr. UNDERWOOD. Mr. President, I now move that the pending amendment and the amendment thereto be laid on the table. Pending that motion, I make the point of no quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Curtis	Harris	McCormick
Bayard	Dial	Heflin	McCumber
Borah	Dillingham	Hitchcock	McKellar
Brookhart	Ernst	Johnson	McKinley
Broussard	Fernald	Jones, N. Mex.	McNary
Bursum	Fletcher	Jones, Wash.	Moses
Calder	France	Kendrick	Myers
Cameron	Frelinghuysen	Keyes	Nelson
Capper	George	King	New
Caraway	Gerry	Ladd	Nicholson
Colt	Glass	La Follette	Norbeck
Couzens	Gooding	Lenroot	Norris
Culberson	Harreld	Lodge	Oddie

Overman	Robinson	Sterling	Walsh, Mont.
Page	Sheppard	Sutherland	Warren
Pepper	Shields	Swanson	Watson
Pittman	Shortridge	Townsend	Weller
Poindexter	Smoot	Trammell	Williams
Pomerene	Spencer	Underwood	Willis
Ransdell	Stanfield	Wadsworth	
Reed, Pa.	Stanley	Walsh, Mass.	

The PRESIDING OFFICER. Eighty-two Senators have answered to their names. A quorum is present. The question is on the motion of the Senator from Alabama [Mr. UNDERWOOD] to lay on the table the amendment of the Senator from Idaho [Mr. BORAH] and the amendment thereto offered by the Senator from Wisconsin [Mr. LENROOT].

Mr. UNDERWOOD. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. DIAL (when his name was called). I am paired with the Senator from Colorado [Mr. PHIPPS]. I transfer that pair to the Senator from Missouri [Mr. REED] and vote "yea."

Mr. LADD (when his name was called). On this question I am paired with the junior Senator from Mississippi [Mr. HARRISON], who is necessarily absent. I therefore withhold my vote.

Mr. SHIELDS (when the name of Mr. REED of Missouri was called). The Senator from Missouri [Mr. REED] is necessarily absent on account of the death of his law partner, J. G. L. Harvey. If the Senator from Missouri were present, he would vote "yea."

Mr. SHIELDS (when his name was called). I have a general pair with the Senator from Maine [Mr. HALE], who is absent on account of illness. I transfer that pair to the senior Senator from North Carolina [Mr. SIMMONS] and vote "yea."

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Iowa [Mr. CUMMINS] and vote "nay."

The roll call was concluded.

Mr. FLETCHER (after having voted in the affirmative). I transfer my pair with the senior Senator from Delaware [Mr. BALL] to the junior Senator from Minnesota [Mr. KELLOGG] and allow my vote to stand.

Mr. CURTIS. I wish to announce that the Senator from New Jersey [Mr. EDGE] has a general pair with the Senator from Oklahoma [Mr. OWEN].

Mr. GERRY. I wish to announce that the junior Senator from Mississippi [Mr. HARRISON] is necessarily absent. If present, he would vote "yea" on this question.

The result was announced—yeas 46, nays 35, as follows:

YEAS—46.

Bayard	France	McNary	Shortridge
Broussard	Frelinghuysen	Nelson	Spencer
Bursum	George	Oddie	Stanfield
Calder	Gerry	Overman	Stanley
Cameron	Glass	Pepper	Sutherland
Caraway	Gooding	Pittman	Swanson
Colt	Harris	Pomerene	Trammell
Culberson	Heflin	Ransdell	Underwood
Dial	Johnson	Reed, Pa.	Walsh, Mass.
Ernst	Jones, Wash.	Robinson	Williams
Fernald	Kendrick	Sheppard	
Fletcher	McKellar	Shields	

NAYS—35.

Ashurst	Jones, N. Mex.	Moses	Sterling
Borah	Keyes	Myers	Townsend
Brookhart	King	New	Wadsworth
Capper	La Follette	Nicholson	Walsh, Mont.
Couzens	Lenroot	Norbeck	Warren
Curtis	Lodge	Norris	Watson
Dillingham	McCormick	Page	Weller
Harreld	McCumber	Poindexter	Willis
Hitchcock	McKinley	Smoot	

NOT VOTING—15.

Ball	Elkins	Ladd	Reed, Mo.
Brandegee	Hale	McLean	Simmons
Cummins	Harrison	Owen	Smith
Edge	Kellogg	Phipps	

So Mr. BORAH's amendment and Mr. LENROOT's amendment to the amendment were laid on the table.

Mr. WADSWORTH. Mr. President, I move, in line 12, page 106, to strike out the numerals "$56,589,910" and to insert "$50,000,000."

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from New York.

Mr. WADSWORTH, Mr. SMOOT, and Mr. FLETCHER asked for the yeas and nays, and they were ordered.

The reading clerk proceeded to call the roll.

Mr. DIAL (when his name was called). Making the same announcement as to my pair and its transfer as on the former ballot, I vote "nay."

Mr. SHIELDS (when his name was called). Making the same transfer of my pair as on the former vote, I vote "nay."

Mr. STERLING (when his name was called). Making the same announcement as to my pair and its transfer as on the last vote, I vote "yea."

The roll call was concluded.

Mr. FLETCHER (after having voted in the negative). I have a general pair with the Senator from Delaware [Mr. BALL] who is absent. I transfer that pair to the junior Senator from Minnesota [Mr. KELLOGG] and allow my vote to stand.

Mr. LADD. I transfer my pair with the Senator from Mississippi [Mr. HARRISON] to the Senator from Connecticut [Mr. BRANDEGEE], and vote "yea."

Mr. GERRY. I desire to announce that the Senator from Mississippi [Mr. HARRISON], the transfer of whose pair has just been announced by the Senator from North Dakota [Mr. LADD], is necessarily absent. If present the Senator from Mississippi would vote "nay."

The result was announced—yeas 38, nays 44, as follows:

YEAS—38.

Ashurst	Jones, N. Mex.	Moses	Townsend
Borah	Kendrick	Myers	Wadsworth
Brookhart	Keyes	New	Walsh, Mass.
Calder	King	Nicholson	Walsh, Mont.
Capper	Ladd	Norbeck	Warren
Curtis	La Follette	Norris	Watson
Dillingham	Lenroot	Page	Weller
Fernald	Lodge	Poindexter	Willis
Harreld	McCormick	Smoot	
Hitchcock	McCumber	Sterling	

NAYS—44.

Bayard	France	McKinley	Sheppard
Broussard	Frelinghuysen	McNary	Shields
Bursum	George	Nelson	Shortridge
Cameron	Gerry	Oddie	Spencer
Caraway	Glass	Overman	Stanfield
Colt	Gooding	Pepper	Stanley
Couzens	Harris	Pittman	Sutherland
Culberson	Heflin	Pomerene	Swanson
Dial	Johnson	Ransdell	Trammell
Ernst	Jones, Wash.	Reed, Pa.	Underwood
Fletcher	McKellar	Robinson	Williams

NOT VOTING—14.

Ball	Elkins	McLean	Simmons
Brandegee	Hale	Owen	Smith
Cummins	Harrison	Phipps	
Edge	Kellogg	Reed, Mo.	

So Mr. WADSWORTH's amendment was rejected.

Mr. WADSWORTH. Mr. President, I do not desire to offer an amendment to this particular section, but I have an amendment to offer to another title of the bill, although it relates to river and harbor work. I am not certain whether the unanimous-consent agreement made on yesterday would prohibit my explaining the amendment or not, if, indeed, an explanation is desired. However, I will offer the amendment at this time.

Mr. UNDERWOOD. I have no doubt the Senator from New York can obtain unanimous consent to explain his amendment for a reasonable time.

Mr. BORAH. Does the Senator's amendment propose to increase or decrease the appropriation?

Mr. WADSWORTH. It makes no change in that respect.

The VICE PRESIDENT. The amendment proposed by the Senator from New York will be stated.

The ASSISTANT SECRETARY. On page 22, line 9, after the numerals "$1,000,000," it is proposed to insert the following proviso:

Provided, That hereafter when in the opinion of the Secretary of War the change of station of an officer of the Corps of Engineers is primarily in the interest of river and harbor improvements, the mileage and other allowances to which he may be entitled incident to such change of station may be paid from appropriations for such improvements.

Mr. WADSWORTH. I think the amendment almost explains itself. The amendment is offered to the title "Mileage of the Army," on page 22. Under the amendment if the Chief of Engineers, with the approval of the Secretary of War, desired to transfer a district engineer, for example, from the South Atlantic district to the Pacific coast and put him to work on a project out there for which he was especially fitted, and the work related solely to a river and harbor improvement, that officer's mileage and transportation allowances could be charged against the appropriation for rivers and harbors rather than being taken out of the appropriation for mileage of the Army. The whole thing would amount to only about $4,000 or $5,000 a year.

Mr. FLETCHER. Mr. President, if I may ask the Senator from New York a question I desire to say that I think the amendment is not worded quite properly. The amendment, I think, refers to the transfer being principally in the interest of river and harbor improvements. I desire to amend the amendment so that it shall read "solely in the interest of river and harbor improvements."

Mr. WADSWORTH. The word used in the amendment is "primarily."

Mr. FLETCHER. I think the word should be "solely," and I suggest that amendment.

Mr. WADSWORTH. The difficulty in connection with that suggestion, as I understand it—although I am not certain that I would oppose the suggestion of the Senator from Florida—is that an Engineer officer while assigned to river and harbor work perhaps for one hour in a month might be required to fill out some blanks or make some kind of return to the War Department which did not relate to river and harbor work but that had to do with his status as an officer in the Regular Army; and if we put in the word "solely" it would, I fear, make the amendment quite useless. I think the word "primarily" covers it, and we can trust the Secretary of War to see that it is properly administered. In any event the officer has to be paid, and the question is, Shall he be paid mileage and transportation allowances out of the appropriation "Mileage of the Army" or out of the river and harbor appropriation? I believe in making river and harbor appropriations stand on their own feet.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Mississippi?

Mr. WADSWORTH. I yield.

Mr. WILLIAMS. An officer's mileage and transportation allowances are generally carried, if I am not mistaken, in the military appropriation bill. Is that true?

Mr. SMOOT. Yes.

Mr. WILLIAMS. Then, I see no reason why an officer's mileage and transportation when he is engaged in river and harbor work should not continue to be carried in the military appropriation bill, just as when he is doing any other character of work to which he might possibly be detailed. This can not mean anything except a thrust at the river and harbor bill; that is all.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New York.

The amendment was agreed to.

Mr. BORAH. Mr. President, I am not desiring to present an amendment or anything of that kind, but there is an item in the bill concerning which I should like to have some information. I have a letter here which, perhaps, has been called to the attention of the Senator from New York with reference to the work which the War Department is doing in the way of ferreting out crimes and criminals, and so forth. This letter is under date of October 16, 1922. It is written by W. D. Long, first lieutenant, Seventh United States Infantry, intelligence officer. It says:

DEAR SIR: The intelligence service of the Army has for its primary purpose the surveillance of all organizations or elements hostile or potentially hostile to the Government of this country, or who seek to overthrow the Government by violence.

Then there is another paragraph, explanatory also:

Not only are we interested in these organizations because they have as their object the overthrow of the Government but also because they attempt to undermine and subvert the loyalty of our soldiers.

With the few scattered military posts in this part of the country, it is obviously impossible to cover all points as thoroughly as they should be, hence it is necessary in many cases to trust to the cooperation of law-enforcement officers whose duties and whose knowledge of a particular locality give them a thorough insight into such matters.

What I desire to ask the Senator from New York is: Under what authority of law is this work carried on?

Mr. WADSWORTH. Mr. President, that work is not carried on. The officer who wrote that letter completely misstated the case.

Mr. BORAH. I am glad to know that. I did not know what the facts were.

Mr. WADSWORTH. The thing is very important, and I think we might as well get a clear understanding of it now. The young officer out at Vancouver Barracks was apparently carried away by his enthusiasm, for he certainly has described a state of affairs which does not exist and has not existed since the close of the World War.

In that connection I desire to have put in the RECORD a letter addressed by the Secretary of War to Mr. Samuel Gompers, under date of January 30, together with another letter addressed by the Secretary of War to Mr. W. G. Lee. Mr. Gompers, of course, is the president of the American Federation of Labor, and Mr. Lee is the president of the Brotherhood of Railroad Trainmen. I think it would be well if the letter to Mr. Gompers were read to the Senate now. The letter to Mr. Lee, being practically the same, need not be read; and following that I am going to ask to have put into the RECORD a statement as to just what the Military Intelligence Division does. The first letter I should like to have read.

The VICE PRESIDENT. Without objection, the letter will be read.

The reading clerk read as follows:

WAR DEPARTMENT,
Washington, January 30, 1923.

Mr. SAMUEL GOMPERS,
President American Federation of Labor,
901 Massachusetts Avenue NW., Washington, D. C.

DEAR MR. GOMPERS: It was recently brought to my attention that a young intelligence officer at Vancouver Barracks, Wash., had sent out a circular letter to law-enforcement officials in the vicinity of that post. In this letter it is intimated that the intelligence service of the Army is interested in the American Federation of Labor as an element potentially hostile to the Government of this country. I have since learned that this letter has been printed on page 122 of The Nation of January 31, 1923.

The Military Intelligence Division does not conduct in time of peace any investigations of the nature indicated by the above-mentioned officer. I am sure you will agree with me that the utterly ridiculous assertion that the American Federation of Labor should be considered as an organization having as its object the overthrow of the Government should not even be accorded the dignity of a denial. I have directed a thorough investigation of this matter and propose to apply such corrective and disciplinary measures as may prove to be merited.

I sincerely regret this incident and hope that you will attach to it only the importance which should be given to the thoughtless and immature action of a young man whose enthusiasm has completely dwarfed his judgment and discretion.

Yours very truly,

JOHN W. WEEKS, *Secretary of War.*

Mr. WADSWORTH. I ask to have the other letter and statement printed in the RECORD without reading.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

WAR DEPARTMENT,
Washington, January 30, 1923.

Mr. W. G. LEE,
President Brotherhood of Railroad Trainmen, Cleveland, Ohio.

DEAR MR. LEE: It has recently come to my attention that the intelligence officer at Vancouver Barracks, Wash., has sent out a circular letter to law-enforcement officials of local communities, intimating that the Military Intelligence Division of the Army is interested in the railroad brotherhoods as elements potentially hostile to the purposes of this Government. This letter was printed on page 122 of the Nation, January 31, 1923.

The Military Intelligence Division conducts no investigations in time of peace of the nature indicated in this young officer's letter. I feel assured that you will agree with me that his assertions are so absurd that the War Department should not accord the dignity of a denial to the suggestion that organized labor is looked upon as a hostile organization. I have directed a thorough investigation of the matter and shall apply such corrective and disciplinary measures as may prove warranted.

I sincerely regret this incident and trust that you will look upon it only as the immature action of a young man whose enthusiasm has completely dwarfed his judgment.

Yours very truly,

JOHN W. WEEKS,
Secretary of War.

—

STATEMENT OF SECRETARY OF WAR GIVEN TO PRESS ON INCIDENT AT VANCOUVER BARRACKS, WASH.

It having recently come to the attention of the Secretary of War that the unauthorized activities of subordinate officers have in a few isolated instances occasioned the possibility of a public misunderstanding of the proper function of military intelligence in time of peace, he has directed the publication of the following statement:

The surveillance of domestic organizations or groups is not at all the purpose of the Military Intelligence Division, the authorized activities of which are clearly set forth in Army Regulations, 10–15, as follows:

"The Military Intelligence Division is charged, in general, with those duties of the War Department General Staff which relate to the collection, evaluation, and dissemination of military information.

"The Military Intelligence Division is specifically charged with the preparation of plans and policies and the supervision of all activities concerning—

"(1) Military topographical surveys and maps.
"(2) The custody of the General Staff map and photograph collection.
"(3) Military attachés, observers, and foreign-language students.
"(4) Intelligence personnel of all units.
"(5) Liaison with other intelligence agencies of the Government and with duly accredited foreign military attachés and missions.
"(6) Codes and ciphers.
"(7) Translations.
"(8) Relations with the press.
"(9) Censorship in time of war."

During the World War our widespread military interests necessitated special measures which resulted in authority being given for the Military Intelligence Division to conduct investigations of far-reaching character. During the period of demobilization and contraction of the Military Establishment to a normal peace-time basis activities of this nature were transferred as rapidly as seemed practicable to the proper civil agencies.

Not only have the instructions which were in effect for the operation of the military intelligence service during the war and shortly thereafter been rescinded, but repeatedly since that time instructions have been issued emphasizing the fact that the military authorities are expressly prohibited from making investigations in time of peace other than within the Military Establishment.

The following paragraphs quoted from the above-mentioned instructions indicate the intention of the War Department:

"At certain posts and stations along the coasts and frontiers where information in connection with actual or theoretical plans of defense is required, the necessity for intelligence officers is clear. It is also

necessary to appoint the intelligence officers prescribed by the tables of organization and to employ them in training their personnel in combat intelligence. But it is no longer necessary to have intelligence officers at all posts and stations in the United States, as the conditions requiring their employment have long ceased to exist.

"With the foregoing in mind, a corps area commander will appreciate the necessity for giving his personal attention to seeing that his staff are correctly oriented as to intelligence work in general and as to its extremely limited application to domestic affairs. It is a case of not only revoking obsolete orders and instructions but of guiding such intelligence officers as are retained to a correct mental conception of the duties of military intelligence within the United States."

Mr. BORAH. Mr. President, as I understand the matter now, no such work is being done?

Mr. WADSWORTH. None at all.

Mr. BORAH. With reference to the American Federation of Labor or any other organization?

Mr. WADSWORTH. Or any other.

I think, Mr. President, in order that that matter may be made perfectly clear, that I ought to read a few very short paragraphs from a statement issued by the Secretary of War on this incident:

It having recently come to the attention of the Secretary of War that the unauthorized activities of subordinate officers have in a few isolated instances occasioned the possibility of a public misunderstanding of the proper function of military intelligence in time of peace, he has directed the publication of the following statement:

The surveillance of domestic organizations or groups is not at all the purpose of the Military Intelligence Division, the authorized activities of which are clearly set forth in Army Regulations, 10–15, as follows:

"The Military Intelligence Division is charged, in general, with those duties of the War Department General Staff which relate to the collection, evaluation, and dissemination of military information.

"The Military Intelligence Division is specifically charged with the preparation of plans and policies and the supervision of all activities concerning:

"'(1) Military topographical surveys and maps.

"'(2) The custody of the General Staff map and photograph collection.

"'(3) Military attachés, observers, and foreign-language students.

"'(4) Intelligence personnel of all units.

"'(5) Liaison with other intelligence agencies of the Government and with duly accredited foreign military attachés and missions.

"'(6) Codes and ciphers.

"'(7) Translations.

"'(8) Relations with the press.

"'(9) Censorship in time of war.'"

That covers all the duties of military intelligence in time of peace.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. WADSWORTH. Mr. President, I happen to know of some other amendments which Senators desire to offer. I hope they can arrange to offer them now. To-morrow we are to have a discussion on at least two amendments the proposers of which, I understand, are not ready to discuss them this afternoon.

Mr. HARRELD. Mr. President, I send to the desk an amendment which I desire to offer.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On line 15, page 38, after the word "hospital," it is proposed to add the words:

and $20,000 to build a heating plant for that part of the fort used by the School of Fire.

Mr. HARRELD. Mr. President, this amendment proposes to reinstate in the bill an appropriation which was recommended by the Bureau of the Budget. Within the last year the several schools of fire, so-called, that were located at various forts in the United States have been consolidated at Fort Sill, Okla., and they are occupying a part of the barracks there. It is a very important function of the War Department. I visited the fort myself some time ago and visited this department. The buildings in which the School of Fire is conducted are not equipped with steam heat. They are heated by stoves, and the danger of fire is enormous. If a fire were to occur in those buildings to-day, the loss to the United States would be a million dollars or more, and yet they are there in this exposed condition. The Budget Bureau, realizing this, recommended that $20,000 be appropriated to put in a heating plant by which these buildings could be heated by steam, but, for some reason, the House saw fit to leave it out and the Senate likewise. My amendment proposes to reinsert that item in the bill.

By way of explanation, I may say that the School of Fire trains mechanics so that they may keep the airplanes in condition in time of war, keep the automobiles in condition in time of war, keep the cannon and mountings of the cannon in condition, and so forth. It trains men in those particular lines of a technical character. In order to train those men they have a lot of high-priced equipment, a lot of high-priced tools, a lot of high-priced machinery, which they tear down and rebuild in teaching these boys how to manipulate machinery and handle machinery and repair machinery. This is a very necessary adjunct of the War Department; and it is to avoid any possibility of loss by reason of fire that I am urging that this amendment be adopted.

I offer the amendment and ask for its adoption.

Mr. WADSWORTH. Mr. President, it is true, as the Senator from Oklahoma says, that this item was contained in the Budget estimate and that it was left out by the House and left out by the Senate Committee on Appropriations. There is no doubt that this item and about seven others looking toward providing for new construction or new equipment at various Army stations and forts are desirable. The committee, in calculating the total of the bill and in examining a considerable number of new construction projects suggested by the Budget estimate, made up its mind that it could not possibly adopt them all and ask the Senate to pass the bill with such largely increased totals; so this item for the heating system at Fort Sill, as well as an item for continuing construction at Fort Sam Houston, an item for new construction at Fort Myer, Va., across the river here, half a dozen items for new construction at Hawaii, and two or three items for new construction in Panama have been necessarily left out. As I said upon a former occasion, the bill has been turned lopsided by the vast increase in the river and harbor appropriation; and that increase, in the judgment of the committee, makes impossible for the time being the granting of these new construction projects in the Army itself.

Mr. HARRELD. Mr. President, may I ask the Senator a question?

Mr. WADSWORTH. Certainly.

Mr. HARRELD. Are any of the other things that the Senator mentions in imminent danger of fire, as the buildings of this School of Fire are?

Mr. WADSWORTH. Yes, Mr. President; in several ways the Government is in grave danger of losing property, either by absolute destruction or by deterioration. For example, in the Hawaiian Islands we have $7,000,000 worth of stores lying mostly in the open, covered by tarpaulins or temporary shack-like sheds, exposed in a tropical climate. Last year we appropriated for six storehouses. They have been built. This bill carries an appropriation for six more. The department wanted 18 more. We simply have not the money. At Panama there is grave need for storage to shelter Army property in connection with the Panama defenses. At one side of the Isthmus there is no storage, and the Government property is wasted in constantly being transported across the Isthmus for use at both ends of the line. At Camp Eustis, Va., we have a regiment of Infantry living in the war-time cantonments, run up with matches and glue. The Senator knows what they are like—probably the same type of buildings in which this School of Fire is housed at Fort Sill.

Mr. HARRELD. No; the buildings are all right there.

Mr. WADSWORTH. The buildings at Camp Eustis are of the typical cantonment type. If they catch fire, and there is any wind blowing, the whole thing will go, and the whole regiment will be out of shelter, and probably most of its equipment will be lost.

The Fort Myer project was to take care of that situation for building permanent quarters at Fort Myer, but the committee thought we could not allow all these requests. Every one of them is desirable. The request made by the Senator is absolutely reasonable, but when we got the bill up to the point where it was $21,000,000 above the Budget estimate the committee was forced to make up its mind to refuse some of them.

Mr. HARRELD. I would like to ask the Senator if he does not think that is poor business?

Mr. WADSWORTH. I think it is poor business.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. KING. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. On page 106, line 12, after the numerals "$56,589,910" and before the period, insert the following proviso:

Provided, That no part of that sum shall be expended for improvements on the Missouri River between St. Louis and Kansas City, Mo.

Mr. KING. Mr. President——

Mr. WADSWORTH. Is debate in order?

The VICE PRESIDENT. Debate is not in order on the river and harbor item. The question is on agreeing to the amendment offered by the Senator from Utah.

The amendment was rejected.

Mr. WADSWORTH. I ask unanimous consent that when the Senate finishes its business this afternoon it recess until 12 o'clock to-morrow.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. KING. Mr. President, I send to the desk and ask the Secretary to read the notice of an amendment of the rules which I send to the desk.

The VICE PRESIDENT. The Secretary will read the notice.

The reading clerk read as follows:

Pursuant to the provisions of Rule XL of the Standing Rules of the Senate I hereby give notice in writing that I will move to suspend paragraph 3 of Rule XVI for the purpose of offering to the Army appropriation bill (H. R. 13793) the following amendment:

At the proper place insert the following: "That the President is authorized and requested to invite the Governments with which the United States has diplomatic relations to appoint representatives to a conference to be held in the city of Washington, which shall be charged with the consideration of the causes and purposes of present military and naval expenditures, and the formulation of measures for the reduction of land and naval armaments, for the improvement of industry and commerce, the assurance of public order, and the promotion of peace throughout the world."

Mr. STERLING. I offer the following amendment.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. On page 10, line 5, after the word "each," strike out all down to and including the word "regulations," in line 9 on said page.

Mr. STERLING. The language proposed to be stricken out by this amendment is as follows:

Provided further, That hereafter civilians employed in the hostess and library services and paid from the appropriation for military post exchanges may be appointed by the Secretary of War without reference to civil-service rules and regulations.

I see no reason why these civilian employees, though connected with the Army service, should not be required to come under the civil-service rules. It would seem quite appropriate, indeed, that librarians, those who have the handling of the libraries at these posts, should be qualified, and their qualifications and fitness tested by open competitive examinations, the same as other civilian employees of the Government.

I want to say further that if in the case of any hostess at any post it is desirable that the civil-service rules relative to competitive examinations be waived, the President has the authority under the civil service law to waive the rules and make the appointment notwithstanding. There is no need that I can see of exempting either of these positions from the civil-service rules. I want to say that a like paragraph in the last Army appropriation bill contained no provision exempting these particular classes of employees from civil-service examinations, and I see no reason why this bill should contain an exemption clause. I think the proviso should be stricken out.

Mr. WADSWORTH. Mr. President, I hope the motion of the Senator from South Dakota will not prevail. The employees in the hostess houses of the Army, so called, who are very few in number, and the librarians, are women, I think all of them women who accompanied troops during the war with Germany and engaged in the so-called welfare activities. They are experienced along these lines. The character of work which they have to do in Army posts and camps in running the hostess houses, which are the equivalent of clubs, at which the relatives and visitors of the soldiers may be received and made comfortable, and in the libraries where the soldiers come and go, taking out books, and where they are guided somewhat in their reading, is unlike the work done by anybody else among the civilian employees of the Government. I doubt if any civil-service examination could possibly determine whether an applicant for such a place was fit.

These women are very carefully selected from among those who have had this experience. I think there are only 30 of them left. If there are any more than that, it is very few. I do not believe civil service should apply to them. It has not applied in the past. The examinations which they have had to take have been made up by the supervisor of the service under the approval, of course, of the commanding officers and the Secretary of War. The thing has been running beautifully, and there has not been a complaint against it. These women have performed a splendid service. They are highly respected by the officers and enlisted men with whom they come in contact every day, and I can see no reason for subjecting this little service to the rules and regulations of the National Civil Service Commission.

Mr. STERLING. Mr. President, just a word in reply. I think the Civil Service Commission itself would be very well qualified to ascertain the duties and responsibilities of even hostesses at these various posts, and could frame examination questions accordingly and apply civil-service rules accordingly. With reference to that, if it is thought desirable that any one of these hostesses, or all of them, should be exempt from civil-service examination, the President of the United States can waive the civil-service rules which would require such an examination. He is expressly authorized to do that. But it seems to me that there are good reasons for requiring the librarians to take the examinations. A man who is to take the place of a librarian ought to know something about books, about handling books, about the needs and tastes of those who call for books. He ought to be something of a guide and a director to those who seek to avail themselves of the libraries. I think this amendment ought to prevail. Where there is no good reason for the exemption, I do not like to see the civil-service requirements set aside. Wherever there are civilian employees, unless good reasons are shown to the contrary, those employees ought to be subject to civil-service rules. I hope the amendment will prevail.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. McKELLAR. Mr. President, on page 3, line 1, I move to strike out "$840" and to insert in lieu thereof "$1,140," in order to equalize the salaries of these employees with the salaries paid similar employees in the Navy Department. I believe I understood the Senator from New York to say he has no objection to the amendment. I will ask the Secretary to report the amendment.

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On page 3, line 1, after the words "13 telephone switchboard operators, at," strike out "$840" and insert in lieu thereof "$1,140."

Mr. SMOOT. I do not think that should be adopted as an amendment to this bill.

Mr. WADSWORTH. I assured the Senator from Tennessee that I would not raise the point of order, for this reason, that we have an intolerable situation in the joint telephone exchange of the War and Navy Departments. The telephone operators working for the Navy Department and sitting at the same switchboards alongside the War Department operators are paid, as I recollect, about $400 or $500 a year more than the War Department operators.

Mr. McKELLAR. Three hundred dollars more. The War Department operators are paid $840, while the Navy Department operators are paid $1,140.

Mr. WADSWORTH. I overstated it. It is $300 more.

Mr. McKELLAR. I understand that in the reclassification this matter will be taken care of, and I suggest that we make the salaries the same this year, and let the committee handling the reclassification determine what is a fair salary.

Mr. SMOOT. Mr. President, there are a great many switchboard operators drawing $840 a year. That matter will be regulated as soon as the reclassification bill is enacted into law, which I expect will be the case before the close of the present session of Congress. In fact, I am quite sure it will pass. Therefore I make the point of order against the amendment.

The VICE PRESIDENT. The point of order is well taken.

Mr. McKELLAR. I wish to give notice of a motion to suspend the rules and reoffer the amendment to-morrow.

The VICE PRESIDENT. The notice will be read.

The Assistant Secretary read as follows:

Pursuant to rule 40 of the standing rules of the Senate, I hereby give notice that I shall move to suspend paragraph 3 of rule 16, for the purpose of proposing to H. R. 13793 the following amendment:

On page 3, line 1, to strike out "$840" and insert "$1,140."

Mr. BROOKHART. Mr. President, on page 73, line 20, I move to strike out the numerals "$100" and to insert in lieu thereof "$40,000."

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 73, line 30, under the heading of "Ordnance equipment for rifle ranges for civilian instruction," the Senator from Iowa proposes to strike out "$100" and in lieu thereof to insert "$40,000."

Mr. JONES of Washington. Mr. President, I wish to state to the Senator that the committee took care of the rifle-practice proposition and went, I thought, considerably above the Budget estimate. On the trophy matter we also raised the amount, because of the information which the Senator gave before the committee. But the proposition now presented by the Senator has not been estimated for and was not reported by the committee. I think the committee feel that the amount should not be increased. I am constrained, therefore, to make a point of order against the amendment on the ground that it was not estimated for and not reported by a standing committee.

The VICE PRESIDENT. The point of order is well taken.

EXECUTIVE SESSION.

Mr. WADSWORTH. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 20 minutes spent in executive session the doors were reopened.

FRED G. LEITH.

Mr. GERRY. From the Committee on Naval Affairs I report back favorably without amendment the bill (H. R. 855) for the relief of Fred G. Leith, United States Navy, and I submit a report (No. 1116) thereon. I ask unanimous consent for the present consideration of the bill.

The PRESIDING OFFICER (Mr. MOSES in the chair). Is there objection?

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That the service rendered by Fred G. Leith, United States Navy, in the Army of the United States during the World War shall be considered as if rendered in the Navy of the United States for all purposes connected with continuous service in the Navy of the United States, and that the Secretary of the Navy be, and he is hereby, authorized and directed to cause the records of the said Fred G. Leith in the Navy Department to be corrected to conform with this authorization, to the end that the said Fred G. Leith shall be entitled to all pay, benefits, and emoluments conferred by law or regulation for continuous service in the Navy of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LANDS IN SISKIYOU COUNTY, CALIF.

Mr. SHORTRIDGE. I ask unanimous consent for the present consideration of the bill (S. 3892) authorizing the State of California to bring suit against the United States to determine title to certain lands in Siskiyou County, Calif.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments.

The amendments were, on page 1, line 3, after the word "That," to strike out "in any suit" and insert "consent is hereby given that a suit or suits may be"; and on page 2, at the end of line 11, after the numerals "1905," to insert "and in any such suit," so as to make the bill read:

Be it enacted, etc., That consent is hereby given that a suit or suits may be instituted by or in behalf of the State of California in the Supreme Court of the United States to determine the right, title, and interest of such State to certain lands in Siskiyou County, Calif., alleged to have been ceded by such State to the United States by act of the Legislature of the State of California entitled "An act authorizing the United States Government to lower the water levels of any or all of the following lakes: Lower or Little Klamath Lake, Tule or Rhett Lake, Goose Lake, and Clear Lake, situated in Siskiyou and Modoc Counties, and to use any part or all of the beds of said lakes for the storage of water in connection with the irrigation and reclamation operations conducted by the Reclamation Service of the United States; also ceding to the United States all the right, title, interest, or claim of the State of California to any lands uncovered by the lowering of the water levels of any or all of said lakes not already disposed of by the State," approved February 3, 1905, and in any such suit the right, title, and interest of such State and of the United States may be fully tested and determined if the Secretary of the Interior is made a party to such suit.

Upon the request of such Secretary the Attorney General of the United States is authorized and directed to defend the right, title, and interest of the United States to such land or any part thereof.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RECESS.

Mr. JONES of Washington. I move that the Senate take a recess in accordance with the unanimous-consent agreement.

The motion was agreed to; and (at 5 o'clock and 19 minutes p. m.) the Senate, under the order previously entered, took a recess until to-morrow, Friday, February 9, 1923, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 8 (legislative day of February 5), 1923.

UNITED STATES MARSHAL.

Martin Brown, of Michigan, to be United States marshal, western district of Michigan, vice Herman O'Connor, resigned, effective March 1, 1923.

REGISTERS OF THE LAND OFFICE.

Mrs. Eva A. Brittain, of Colorado, to be register of the land office at Leadville, Colo.;

Frank P. Light, of Oregon, to be register of the land office at Lakeview, Oreg.; and

Elzie K. Fritts, of Washington, to be register of the land office at Waterville, Wash.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 8 (legislative day of February 5), 1923.

POSTMASTERS.

CALIFORNIA.

Daniel G. Thomas, Colton.

IOWA.

Glen C. Briggs, Brandon.
Mayme A. Kneeland, Clermont.
Cornelius A. Rubly, Elma.
Albert E. Fentress, Greeley.
Smiley B. Hedges, Kellerton.
Otho O. Yoder, West Branch.
Charles F. Chambers, West Union.

KANSAS.

Lewis Pickrell, Minneapolis.

MASSACHUSETTS.

John C. Angus, Andover.
Erastus T. Bearse, Chatham.
Merritt C. Skilton, East Northfield.
Herbert W. Damon, Framingham.
Sadie G. Donahue, Huntington.
Thomas Fisken, Ludlow.
Elmer E. Landers, Oak Bluffs.
Robert M. Lowe, Rockport.
George Hall, Smiths.
Amasa W. Baxter, West Falmouth.

MICHIGAN.

Josephine O'Leary, Carrollton.
William C. Thompson, Midland.

OHIO.

Charles C. McMaken, Covington.
Herbert E. Whitney, Danville.
William M. Carlisle, Gambier.

TENNESSEE.

Frances S. Pickering, Carthage.
Clarence E. Locke, Ethridge.
Merle Morgan, Graysville.
Willis F. Arnold, Jackson.
Harold T. Hester, Portland.

TEXAS.

Charles J. Hostrasser, Hearne.
Daniel B. Gilmore, McGregor.

UTAH.

Ralph Guthrie, Salt Lake City.
Alfred L. Hanks, Tooele.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 8, 1923.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We bless Thee, our Father in heaven, that the tabernacle of God is with men and within its folds we have a refuge in every time of need. O in a world of so many stricken hopes we thank Thee for the shadow and the shelter of the Most High! Lead us to believe that there is instruction, discipline, and blessing in faithfulness to duty. O let us care for our characters. May not failure nor weakness mar the beauty and the force of the fine qualities of manhood. As we abide in Thy mercy, may we trust Thee, obey Thee, and honor Thee, through Christ, our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

PERSONAL PRIVILEGE.

Mr. HERRICK. Mr. Speaker, I rise to a question of personal privilege, and base it on an article which I send to the Clerk's desk.

Mr. MADDEN. Mr. Speaker, I object.

The SPEAKER. Will the gentleman wait until some unanimous requests of Members can be considered?

Mr. HERRICK. I withhold it for that long and no longer.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to—

Mr. HOCH, for three days on account of illness.

Mr. KINDRED, indefinitely on account of illness.

Mr. RAMSEYER, for eight days on account of sickness in family.

Mr. SIEGEL, for five days on account of sickness in family.

The SPEAKER. The gentleman from Oklahoma rises to a question of personal privilege. The Chair will first recognize the gentleman from Kansas.

Mr. LITTLE. If the Chair will permit, I want to ask leave to extend my remarks by printing a couple of little editorials, one from the Outlook of January 31, 1923, one from the American Economist of February 2, 1923, and a letter from John H. Wigmore of January 15, 1923.

The SPEAKER. Is there objectoin?

Mr. STAFFORD. On what subject?

Mr. LITTLE. On my code.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The editorials and letter are as follows:

[The Outlook, January 31, 1923.]

LITTLE'S BIG BOOK.

Citizens who are not lawyers will be surprised to learn that there has been no digest and codification of Federal laws since 1878. Never before has such a time elapsed in the publishing of a compendium of Federal laws, nor have any of the States (with one single exception) allowed their statutes to go uncodified for 25 years. Every lawyer knows what a tedious and intricate piece of work it is to find out what the law of the United States is on any given topic. There has been a general and definite demand for some recognized and authoritative work of the kind needed.

Now, Mr. EDWARD C. LITTLE, of Kansas, who is chairman of the Committee on Revision of the Laws for the House of Representatives, has completed such a work and the House has twice approved of the book as valuable and needed. The Senate, however, for some reason or other, seems to hang fire on this matter, although a high authority in legal literature, Dean Wigmore, of Northwestern University, has declared: "The state of things has now become intolerable. Since the completion of your draft revision the failure to act has become a disgrace on the part of Congress. The shame of leaving the Federal laws in this condition is no longer excusable on any ground."

To-day, if anyone wants to know precisely what the Federal statute law is on any individual point, he can not be sure that he is right until he has examined minutely 36 volumes of statutes. He is lucky if he finds what he wants even then, for many enactments on individual points are hidden away in appropriation bills or under other misleading titles, and even the most accurate and painstaking of indexers of the 36 volumes may easily overlook some reference which might be pounced upon greedily by a contesting attorney.

There are many things which ought to be done in the few weeks remaining of the present session of Congress. It is to be hoped that this greatly needed piece of legislation will not be neglected.

[The American Economist, February 2, 1923.]

CODIFICATION OF UNITED STATES STATUTES.

One of the most important bills pending in Congress, if not the most important of all, is H. R. 12, a bill to consolidate, codify, revise, and reenact the general and permanent laws of the United States in force March 4, 1919. This bill should be so amended as to include all laws in force on March 4, 1923, so as to bring the codification of United States statutes up to date.

We can not see why this bill for the codification of laws of a permanent character has not been passed before, unless, indeed, there is some truth in the suggestion which has been advanced that the delay has been due to the opposition of law-book publishing houses.

The United States Statutes at Large cover a lot of "dead wood"—that is, laws which have been repealed and are no longer in force and laws which are of a temporary nature, and hence not now applicable. The multiplicity of such out-of-date laws is confusing, even to practicing lawyers. It is necessary to scan a number of volumes to ascertain if any given law is now in force or has been repealed. A single "slip" in such scanning is likely to give rise to needless confusion, loss, and delay. It is in every way desirable that the laws now in force shall be gathered together in one volume and that all laws not in force shall be omitted from such volume.

The said bill includes the codification of all the said laws in force up to March 4, 1919, and has been most carefully prepared under the direction of the House Committee on Revision of the Laws, of which Hon. EDWARD C. LITTLE, of Kansas, is chairman. Although the said codification has been most carefully scanned since it was first introduced, no errors therein have been discovered.

We sincerely hope and earnestly urge that this valuable contribution to our laws be enacted into law. There is everything to be said in favor of such action and no good reason to be urged against it.

JANUARY 15, 1923.

Hon. RICHARD P. ERNST,
Senate Chamber, Washington, D. C.

MY DEAR SENATOR ERNST: I have been very hopeful that the Senate would proceed to the prompt enactment of the new United States code passed by the House a year ago last May. During the past year I have used the copy of it in preparing a new edition of my Treatise on Evidence, and have been through every page of the work and find it entirely satisfactory. For 20 months it has lain in the hands of your committee.

Is there any reason you care to give explaining the delay?

Very truly yours,

JOHN H. WIGMORE.

The SPEAKER. The gentleman from Oklahoma will state his question of privilege.

Mr. HERRICK. I base it on the slanderous and libelous article from the Washington Herald of February 6, which I send to the Clerk's desk and ask to be read, and then I want to address the House in denial thereof and at the conclusion of my remarks ask for a vote.

The SPEAKER. Does the article libel the gentleman in his personal or representative capacity?

Mr. HERRICK. Well, principally representative, for the reason that I went at 11 o'clock on the 5th and warned them not to publish the article, and they scoffed at me and the whole Congress and told me that they did not care about me or any Congressman or the whole Congress put together, or what I did or Congress to the contrary. In other words, they thought they were bigger than Congress.

The SPEAKER. Of course, the statement does not—the Chair will look at the article if the gentleman will send it to the Chair. [After examining the article.] The Chair very clearly thinks that this simply criticizes the gentleman personally.

Mr. HERRICK. I consider it is an insult to the House of Representatives of the United States, and I think, owing to the contempt that this paper has expressed toward the House, it is up to the House to take action.

The SPEAKER. The Chair does not see anything in it attacking the House or attacking the gentleman in his representative capacity.

Mr. MADDEN. Mr. Speaker, I call up the conference report on the Post Office appropriation bill.

Mr. HERRICK. They simply intimate they have no respect for the House of Representatives.

The SPEAKER. This paper does not——

Mr. HERRICK. I understand they say that in defiance of warning to the contrary.

Mr. CLARK of Florida. Can not we have the article read to the House? [Cries of "No!" and "Regular order!"]

The SPEAKER. The Chair thinks the gentleman does not bring himself within the rule, and the Chair does not see that any question of personal privilege is raised.

CONFERENCE REPORT, POST OFFICE APPROPRIATION BILL.

Mr. MADDEN. Mr. Speaker, I call up the conference report on the Post Office appropriation bill.

The SPEAKER. The Clerk will report the conference report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 13593) making appropriations for the Post Office Department for the fiscal year ending June 30, 1924, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 12, and 13.

C. B. SLEMP,
MARTIN B. MADDEN,
CHAS. F. OGDEN,
EDWARD T. TAYLOR,
C. D. CARTER,
Managers on the part of the House.

CHAS. E. TOWNSEND,
THOMAS STERLING,
LAWRENCE C. PHIPPS,
KENNETH MCKELLAR,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 13593) making appropriations for the Post Office Department for the fiscal year ending June 30, 1924, and for other purposes, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

On No. 7: Strikes out the language, inserted by the Senate, relative to the carrying of foreign mail on American steamships.

On No. 12: Strikes out the language, inserted by the Senate, providing for the continuance of the Joint Postal Commission until June 30, 1924.

On No. 13: Corrects section number.

C. B. SLEMP,
MARTIN B. MADDEN,
CHAS. F. OGDEN,
EDWARD T. TAYLOR,
C. D. CARTER,
Managers on the part of the House.

Mr. MADDEN. Mr. Speaker, I ask for a vote.

The question was taken, and the conference report was agreed to.

AMENDING SECTION 100, JUDICIAL CODE OF THE UNITED STATES.

Mr. CABLE. Mr. Speaker, I ask to take from the Speaker's table the bill H. R. 10817 and agree to the Senate amendments.

The SPEAKER. The gentleman from Ohio asks to take from the Speaker's table the bill with Senate amendments, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 10817) to amend section 100 of the Judicial Code of the United States.

The Senate amendments were read.

The question was taken, and the Senate amendments were agreed to.

ORDER OF BUSINESS.

Mr. SNELL. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. SNELL. I desire to present a privileged report from the Committee on Rules.

The SPEAKER. For the consideration of a bill?

Mr. SNELL. Yes, sir.

The SPEAKER. The Chair thinks there is before the House the unfinished business of Tuesday, which comes up under a rule, and the Chair thinks he ought to recognize the gentleman from Pennsylvania, the chairman of the Committee on Foreign Affairs.

Mr. HERRICK. Mr. Speaker, I make the point of order of no quorum.

Mr. SNELL. May I make a statement for a minute?

The SPEAKER. Does the gentleman from Oklahoma withhold for a moment?

Mr. HERRICK. I will.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. SNELL. Mr. Speaker, I would like to have some definite understanding as to when I shall call up this matter. It is in reference to the migratory bird act. I have had it for several months, there have been several agreements as to the time for calling it up, and I would like to know when the Speaker will recognize me for that purpose?

Mr. GARRETT of Texas. Mr. Speaker, the gentleman from Oklahoma made a point of no quorum. The gentleman from New York [Mr. SNELL] can not proceed under the rules in the absence of a quorum.

The SPEAKER. The gentleman withdrew it temporarily. The Chair will state, in answer to the gentleman from Texas, that the Chair intends to recognize the gentleman from Oklahoma presently.

Mr. HERRICK. I merely withheld it. I make the point of no quorum. [Laughter.]

The SPEAKER. The gentleman makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anderson	Dominick	Jacoway	Maloney
Ansorge	Drane	Jeffers, Ala.	Mansfield
Appleby	Dunbar	Johnson, Miss.	Michaelson
Atkeson	Dunn	Johnson, S. Dak.	Mills
Blakeney	Dyer	Jones, Pa.	Moore, Ill.
Boies	Fairfield	Kahn	Morin
Bond	Faust	Keller	Mott
Bowers	Fish	Kelley, Mich.	Mudd
Brennan	Focht	Kendall	Murphy
Britten	Foster	Kennedy	Newton, Mo.
Brooks, Pa.	Frear	Kindred	O'Brien
Bulwinkle	Free	King	O'Connor
Burdick	Freeman	Kirkpatrick	Olpp
Burke	French	Kitchin	Osborne
Burton	Frothingham	Kleczka	Overstreet
Butler	Gahn	Kline, N. Y.	Paige
Carew	Garner	Knight	Park, Ga.
Carter	Gensman	Kraus	Parker, N. Y.
Chandler, N. Y.	Gilbert	Kreider	Paul
Chandler, Okla.	Goodykoontz	Kunz	Perlman
Classon	Gorman	Larson, Minn.	Petersen
Clouse	Gould	Lee, N. Y.	Radcliffe
Codd	Graham, Pa.	Lehlbach	Rainey, Ala.
Connally, Tex.	Greene, Vt.	Lineberger	Ransley
Connolly, Pa.	Henry	Logan	Reber
Crago	Hicks	McArthur	Reed, W. Va.
Crowther	Hoch	McDuffie	Riddick
Cullen	Hogan	McFadden	Riordan
Davis, Minn.	Hooker	McLaughlin, Nebr.	Robertson
Davis, Tenn.	Hueck	McLaughlin, Pa.	Rodenberg
Dempsey	Hutchinson	McPherson	Rose
Rossdale	Stoll	Thomas	Webster
Ryan	Strong, Pa.	Thompson	Wheeler
Scott, Mich.	Sullivan	Treadway	Winslow
Scott, Tenn.	Tague	Vinson	Wise
Shreve	Taylor, Ark.	Volk	Wood, Ind.
Siegel	Taylor, Colo.	Walters	Woodyard
Smith, Mich.	Taylor, N. J.	Wason	Yates
Stiness	Ten Eyck	Watson	Zihlman

The SPEAKER. On this vote 271 Members have answered to their names. A quorum is present.

Mr. PORTER. Mr. Speaker, I ask unanimous consent to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to dispense with further proceedings under the call. Is there objection?

There was no objection.

The SPEAKER. The Doorkeeper will open the doors.

Mr. BLANTON. Mr. Speaker, I rise to a question of the privileges of the House.

The SPEAKER. The gentleman will state his question of privilege.

Mr. BLANTON. I submit, Mr. Speaker, that any untrue statement about a Member published in the public press——

Mr. SANDERS of Indiana. Mr. Speaker, a point of order. I make the point of order that the gentleman can not rise to a question of the privileges of the House without offering a resolution or something.

Mr. BLANTON. I am going to offer something that represents the privileges of the House, a question of privilege which requires no resolution.

Mr. SANDERS of Indiana. Mr. Speaker, I make that point of order.

The SPEAKER. The Chair sustains the point of order made by the gentleman from Indiana. The gentleman from Pennsylvania [Mr. PORTER] is recognized.

Mr. BLANTON. Mr. Speaker, I rise to a question of privilege of the whole House.

The SPEAKER. The gentleman stated that before, and the Chair has overruled it.

Mr. BLANTON. Does the Speaker hold that it has ceased to be a privilege for a Member of this House to raise a question of privilege?

The SPEAKER. The Speaker sustains the point of order made by the gentleman from Indiana [Mr. SANDERS].

Mr. BLANTON. I appeal from the decision of the Chair, Mr. Speaker, and make the point of order that the gentleman from Oklahoma [Mr. HERRICK] had raised a question of privilege.

Mr. PORTER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 13880.

Mr. BLANTON. I make the point of order that the gentleman from Oklahoma [Mr. HERRICK] has raised a question of personal privilege by submitting to the Speaker a document which shows that he has been brought into ridicule by the press.

The SPEAKER. That is a different question. The gentleman is shifting his ground.

Mr. BLANTON. I make the point of order that the gentleman from Oklahoma [Mr. HERRICK], who is a Member of Congress, and has some rights here, has submitted to the Speaker a document which I hold in my hand, which he claims to be untrue, and which has brought not only him into ridicule but the membership of the House.

The SPEAKER. The Chair would like the gentleman to state wherein it has brought the membership of the House into ridicule.

Mr. BLANTON. The gentleman from Oklahoma states that these statements are absolutely unfounded and without basis. Here are the press headlines:

Herrick sued by Follies beauty, etc. Rival wrecks Herrick's new love romance. Now he styles himself the spark-plug lover and employs sleuths to get even. Bigger fish in the sea. Dare-devil Congressman, jilted by Miss Nettie Morrison, clerk at Veterans' Bureau.

Mr. MONDELL. Mr. Speaker, I call for the regular order.

Mr. BLANTON. I am stating facts which constitute a privilege of a Member of this House, and you can not sidetrack it. He has got rights here, and you can not down him. I am not responsible for his being here; but, being here, he has rights. [Applause.]

The SPEAKER. Any Member of Congress has the right to raise the question of privilege of the House. Any gentleman has the right to raise the question of his own privilege, but the Chair is not aware of any precedent where one gentleman can rise to a question of personal privilege respecting another gentleman.

Mr. BLANTON. But a Member can rise to a point of order, where the privileges of the House have been denied another Member in the House.

Mr. SANDERS of Indiana. Mr. Speaker, I make the point of order that the gentleman's point of order comes too late in that transaction. That is past. He can not now interpose a point of order with reference to a transaction that happened five minutes before.

Mr. BLANTON. The point of no quorum was made by Mr. HERRICK immediately after the ruling, so there has been no other business transacted.

The SPEAKER. The gentleman is mistaken in that.

Mr. MONDELL. The Chair has held that the article does not affect the gentleman from Oklahoma in his representative capacity, and therefore there is no question of privilege presented.

Mr. BLANTON. The article brings ridicule upon the Congress of the United States and upon the whole House of Representatives in particular.

Mr. SANDERS of Indiana. With reference to that the gentleman must offer a resolution.

The SPEAKER. The Chair sustains the point of order of the gentleman from Indiana [Mr. SANDERS] and overrules the point of order of the gentleman from Texas.

Mr. BLANTON. I appeal from the decision of the Chair. I want to see if the gentleman from Oklahoma [Mr. HERRICK] has any rights.

Mr. MONDELL. I move to lay that appeal upon the table.

The SPEAKER. The gentleman from Texas appeals from the decision of the Chair, and the gentleman from Wyoming moves to lay the appeal on the table.

The question being taken, the motion of Mr. MONDELL was agreed to.

Accordingly the appeal was laid on the table.

FOREIGN SERVICE OF THE UNITED STATES.

On motion of Mr. PORTER, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 13880) for the reorganization and improvement of the foreign service of the United States, and for other purposes, with Mr. SANDERS of Indiana in the chair.

The CHAIRMAN. The Clerk will continue the reading of the bill from the point where he stopped on Tuesday.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 7. That on the date on which this act becomes effective the Secretary of State shall certify to the President, with his recommendation in each case, the record of efficiency of the several secretaries in the Diplomatic Service, consuls general, consuls, vice consuls of career, consular assistants, interpreters, and student interpreters then in office, and shall, except in cases of persons found to merit reduction in rank or dismissal from the service, recommend to the President the recommissioning, without further examination, of those then in office as follows:

Secretaries of class 1 designated as counselors of embassy and consuls general of classes 1 and 2 as foreign service officers of class 1.

Secretaries of class 1 designated as counselors of legation and consuls general of class 3 as foreign service officers of class 2.

Secretaries of class 1 not designated as counselors, consuls general of class 4, and consuls general at large as foreign service officers of class 3.

Secretaries of class 2, consuls general of class 5, and consuls of classes 1, 2, and 3 as foreign service officers of class 4.

Consuls of class 4 as foreign service officers of class 5.

Secretaries of class 3 and consuls of class 5 as foreign service officers of class 6.

Consuls of class 6 as foreign service officers of class 7.

Secretaries of class 4 and consuls of class 7 as foreign service officers of class 8.

Consuls of classes 8 and 9 as foreign service officers of class 9.

Vice consuls of career, consular assistants, interpreters, and student interpreters as foreign service officers, unclassified.

Mr. STAFFORD. Mr. Chairman, I wish the gentleman having the bill in charge would give to the House a statement of the increases in the salaries in these respective grades of secretaries and consuls that will be provided by this section.

Mr. ROGERS. If the gentleman will turn to the hearings at pages 27 to 29, inclusive, he will find a rather elaborate chart showing both the present salaries, the present grades, and the number of individuals in each grade, on the one hand, and showing, second, the proposed grades and the number of individuals in each of the new grades.

Mr. STAFFORD. I have a copy of the hearings before me. They are rather elaborate. Can not the gentleman give the information to the House in a general way how much permanent increase is provided under this new arrangement?

Mr. ROGERS. Speaking very generally, the increases on the consular side of the service as compared with the present scale of salaries will be about 14 per cent. The gentleman from Wisconsin is well aware that the number of consular officers very largely exceeds the number of diplomatic officers, the proportion being approximately 520 consular officers and 120 diplomatic officers.

When I say that the increase in salary for consular officers is 14 per cent I am comparing the present salary schedule with the proposed salary schedule.

I have before me a memorandum showing the average salaries of consular officers as of the year 1907 when the new merit classification was first introduced into the Consular Service. The average salary in 1907 was about $3,400. The average salary to-day is about $3,600. Thus in the last 16 years the average salary in the Consular Service has been increased about $200, although the responsibilities of the service and the cost of living have increased pretty generally since that time. The proposed increase, being about 14 per cent, would add $300 or $400 to the average salary of to-day.

Mr. STAFFORD. Is the gentleman's standard of estimates a correct one in view of the fact that the number of consular officers has been increased so generally since 1907, especially those of the lower classes, by consular assistants and deputy consuls? Have not the salaries of the principal consular officers been decidedly increased over what the gentleman's statement would seem to indicate? Take the case of the principal consuls at leading ports——

Mr. ROGERS. There has been no increase whatever in the salaries of the principal officers in the last 16 years. Such salary increases as have come about have been increases in the salaries of the $2,000 and $3,000 classes.

Mr. STAFFORD. In these respective grades, what increases will be provided, for instance, in the case of consuls general of classes 1 and 2, and how much in the case of consuls general in classes 3 and 4, and so on?

Mr. ROGERS. The consul general of class 1 is reduced from $12,000 to $9,000, saving the salaries of the present occupants.

Mr. STAFFORD. There are only two of those I believe.

Mr. ROGERS. Only two, and one of them immediately retires because he is now over 65 years of age. The only one whose salary will be spared to him through his occupancy is Consul General Skinner, at London. He gets $12,000, and, by a saving clause in this bill, his salary is protected as long as he is in the service. His successor will receive not more than $9,000.

Mr. STAFFORD. Will the gentleman give us information as to the increases provided for in the other grades of consular officers?

Mr. ROGERS. The increase in the salary of the consul general of class 3, for example, is $2,000. I will not read them all, but I will give illustrative ones.

Mr. STAFFORD. Just give the leading ones, the increases in the salaries of the leading consular officers.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. I ask unanimous consent that my time be extended five minutes in order that the gentleman from Massachusetts may complete his statement.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. ROGERS. The increase in the salary of consul of class 5 will be $500, and that is true also of consuls of classes 6 and 7. There are only a very few consuls as to whom the increase will be over $1,000, and the vast majority of cases will remain either fixed or will have increases at most of $500. The gentleman can see that that must be so from the fact that 14 per cent is the average increase over the whole service.

Mr. STAFFORD. I have had some difficulty in bringing myself to the conclusion that this interchangeability feature of having consuls transferred to the Diplomatic Service is really a valuable provision. The duties of the consular officers are different from those of the secretarial force connected with the Diplomatic Service. One is business, and the other is diplomacy. Originally it was contemplated to retain intact the consular branch of the service and not merge them under one general head as foreign-service officers. There may be occasional instances where a man has occupied the post of a consular office and may have a turn for diplomatic service, but I do not think there have been many instances in the history of our Government where consular officers have been transferred to the Diplomatic Service or where they desired to be transferred to the secretarial force of the Diplomatic Service. If I am in error, I would like to be corrected.

Mr. ROGERS. Will the gentleman permit me to say that almost every question which comes before our foreign service to-day does involve diplomacy or international relationships politically on the one hand and international trade on the other

hand? I think that has become especially true in the years during and succeeding the war. Secretary Hughes in his testimony before the committee laid great stress on the importance of having men in each service who were trained in the functions belonging to both services.

The gentleman suggests that relatively few consuls would want to be transferred to the Diplomatic Service.

Mr. STAFFORD. To the secretarial force of the diplomatic side, which the bill provides for.

Mr. ROGERS. As a matter of mathematics alone there is much force in the gentleman's suggestion, because, as I said, there are four or five times as many consular officers as diplomatic, and there will not be enough places to take care of all the consuls. But my view of the principal utility of this interchangeable provision is that under it we shall send our young men to school in the consulates. There we shall give them a thorough grounding in the practical side of business representation abroad so that later, as their fitness makes it proper, they can be transferred to diplomatic work. They will have acquired a fundamental grasp of international trade and commerce that is going to make them immeasurably more useful to themselves and to the country.

Mr. STAFFORD. To me it seems that it is going to be difficult to apply a new name to a service like the Consular Service that has been applied almost since the development of the Government. I recognize the value that will be attained along the lines of suggestion of the gentleman and as described by our eminent Secretary of State, but I have doubts still whether it would not have been better to retain separately by designation and classification the two respective services.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. Mr. Chairman and gentlemen of the House, I am very glad to believe that the bill reported by the Foreign Affairs Committee will add materially to the efficiency of our foreign activities. I think one of the most valuable contributions to the service will be the advantage that we can take of the experience of the men in the Consular Service and of the experience of the men in the Diplomatic Service and the interchangeability of these services. Where we find a man in either of the services who by years of work has acquired knowledge and experience that is valuable to the Government, we should be able to take advantage of that experience. It will be done in other lines of business, at least in other lines of successful business, and the weakness of our Government in the past has been that we have really had no permanent foreign staff that could work to a well-defined policy. This is the entering wedge of a permanent policy to be fixed by the Government, under which we will have in the service men who are educated for the service, whether they receive the education in the consular activities or in the diplomatic. And as years go by the United States will find itself able to cope with the representatives of foreign nations, because we are henceforth to be able to take advantage of the knowledge of men whether they have been theretofore in the Diplomatic or in the Consular Service.

After this bill becomes a law we are to be able to take a man out of either service and put him into the other service, not because we want to favor the man but because we want to improve the service. What is there simpler than that? What is more worth while than to lay the foundation for efficiency, permanency, and knowledge in the great Government service that has to do with the activities of the world? We have never been looked upon as qualified to speak, because we have not been able to bring men into the Diplomatic and Consular Service except men who were rich enough to pay their own way. This will help in a large measure, not only to take advantage of the experience acquired by these men, but it will democratize the service and encourage those who have to make a livelihood out of the position they occupy to know that the position not only is permanent but that they are to be permitted to retire with some pension after a life of faithful service. There is no opportunity for these men to acquire a competency as a result of the service, and if they give their lives to the country and the country is able to profit by that life of service and experience, what is there more just than to say to the men who do that, after a long period of devotion and service, the Government will see to it to the extent that it will be the instrumentality in having a fund paid into the Treasury out of their own purses so that when they grow old they may not fear the poorhouse. [Applause.]

The Government is not going to pay this annuity. The men pay this annuity themselves, and the annuities that are paid to the men in other branches of the service require men and women to whom they are paid to pay 2½ per cent of their earnings into the fund, while this bill provides that the men in this service shall be required to pay 5 per cent of their earnings into the fund. That is much more than is required in any other branch of the service.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. STAFFORD. Is it the gentleman's opinion that this annuity fund should be self-sustaining?

Mr. MADDEN. It will be substantially self-sustaining. I have figures prepared by the Bureau of Efficiency of the Government which indicate that the total maximum cost of the annuity between 1940 and 1945—and that will be the peak—will be $400,000, but included within that $400,000 is $50,000 which is proposed to be appropriated in this bill, which I understand is to be eliminated, so that it will be only $350,000. Of the total amount of the cost, the highest amount to be paid by officials into the fund will be paid between 1940 and 1945 and will amount to $150,000, and the highest amount paid by the Government will be paid within the same period and will amount to $250,000, from which should be deducted the $50,000 that is proposed to be appropriated in this bill, so it will amount to only $200,000. That will be the most the Government will ever be called upon to pay, and as we proceed beyond 1945 up to 1965 there will be no expense to the Government as far as I can see.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MADDEN. So that we are not doing any injustice to the Treasury of the United States when we make this provision. On the other hand, we are acting as trustees—and when I say "we," I mean the country—of the men who are devoting their lives to the service of the country, and we are investing their contributions from a fund which will afterwards be used to meet the annuities that may be required as the result of this law.

This chart which I have, and which has been prepared after great study, indicates that the total number of officials in the service July 1, 1922, was 635; that the pay roll July 1, 1922, was $2,288,000; and that the pay roll under the reorganization provided in this bill will amount to $2,842,500. That brings the cost to $500,000 above the present law, when it reaches its maximum, but it will not cost anything to speak of for some time to come. It is true that the compensation of the men will be more, and it should be more. The bill, while seeming to cost $500,000 and odd more for compensation, really costs no such sum, because to-day we have $200,000 expended for post exchange, appropriated under the present act, which under this act will be incorporated in the expense that I have just alluded to, so that if we deduct the $200,000 from the $525,000 we will have less than $350,000 as a maximum additional cost for a service that will be so much better that dollars do not measure it.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. STAFFORD. The statement made by the gentleman from Illinois that the retirement fund in 1955 or 1958 will not cost the Government anything is directly counter to the statement made in the hearings, on page 31, and to the position of the gentleman from Massachusetts [Mr. ROGERS], the author and the sponsor of the bill.

Mr. MADDEN. Yes; I made a mistake on that.

Mr. STAFFORD. It states this—

> As already stated, this total in 1958 will reach approximately $646,800. In that year and for all following years the appropriation by the Government will have to be $646,800, less $142,500, or $504,300.

In view of that statement, I am desirous of ascertaining the gentleman's opinion whether these men who are going to receive a living salary with retirement besides——

Mr. MADDEN. They pay for the retirement.

Mr. STAFFORD. Whether they should not bear the expense of their retirement, in so far as the annuities under this bill are concerned, rather than having an annual charge on the Government after 1958 of $500,000.

Mr. MADDEN. When I said there was to be no expense attached to the Government at a given period I was making my own statement. I believed that when I said it from the calculations that I had made, but the expert says that in 1965 it will cost the Government $260,000, and it will cost the officers $177,000, and in 1995 it will cost the Government $212,000 and the officers $153,000. So that at no time, even assuming the gentleman's position, will it be possible for the Government to

be called upon to pay more than $260,000 a year, and that will be at the peak. The Government is paying something toward the annuities paid to other employees of the Government, but those employees pay in only 2½ per cent of their earnings, while these people are required to pay under this act 5 per cent. Why should there be any difference? Why should the Government discriminate against these people? Is it because they are not loyal, is it because they are not unselfish, is it because they have less knowledge and are of less value to the Government than employees engaged in other lines of Government activity? Why should not the Government treat all its employees on a basis of equality?

Mr. LINTHICUM. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. LINTHICUM. The gentleman said the additional amount of $350,000 would probably be required. Is it not true that the amount is $328,000?

Mr. MADDEN. It is hardly worth while to quarrel about the difference. I do not pretend to have the exact figures in everything I say. I am speaking approximately, speaking generally. I am speaking about the fundamental principle involved, and if my figures are not exactly correct I hope the gentlemen on the floor will not think it is because I have any desire to state them incorrectly, but rather that I simply want to state what I have to say in round figures, and that I am speaking as to the advisability of the policy and the effect that it will have on the foreign relations of the Government of the United States in its transactions with the governments of the world. [Applause.]

Mr. BLANTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that all debate on this section and all amendments thereto close in 10 minutes. Is there objection? [After a pause.] The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 8, strike out the words "record of efficiency."

Mr. BLANTON. Mr. Chairman, I offer this amendment, I want to say to my Republican friends on the other side of the aisle, to save you and your party from embarrassment. There should be no bill passed by this Congress with any reference made to any record of efficiency. In one particular, however, I might say that you grade up 100 per cent in efficiency, in one particular only, and that is through machine action in creating new positions and raising salaries. You grade up 100 per cent on that subject.

It was your record on efficiency that figured in the last election that reduced your majority here from 170 down to 20 in the coming House. I want to give you my view; it may not be worth anything, yet I want to give you my judgment of the comparison of efficiency of our two great parties here in the House. On my side of the aisle when the Democratic Party sends a man to Congress he comes here as an individual, with some individuality about him. He can speak his sentiments, he can vote his own conclusions. When you Republicans send a man here he comes here merely as part of a machine. When he announces for office he is part of a machine. He is elected by a machine. He comes here and votes with a machine; he is controlled by a machine.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. BLANTON. He has no rights except what the machine gives to him. Why, the humblest man of the Democratic Party, when the Democrats send him to the great House of Representatives, has the right to be heard; he is on a parity with every other Member; he has got a place here; he is something else besides a salary drawer; but when you send a man here you may have picked him out as the best you had in his district, you may have picked him out as the most available man for that office in the district and had your machine bring him here, and when he comes here and votes he must approve salary-raise bills like this that increases the salaries of the consular office $328,000 a year and then an additional $500,000 for retirement, and you machine vote him to pass these sort of bills. You machine vote him to pass your sugar bill, you machine vote him to pass your subsidy bill, but when the newspapers malign and exploit him, when the newspapers bring him into ridicule, when the newspapers make a monkey both out of him and your party, then your great Republican Party that sent him here will not even let the poor devil rise up to defend himself, his good name and yours upon the floor. You put a gag in his mouth. That is what is the matter with Republican efficiency. Ah, ah, that is not right. I never have been in favor of gag rule. I have always been taught during the 50 years of my life that when a man was specially deserving of sympathy you ought to give him an extra amount of sympathy; that if he was deficient in any particular line give him just that much more justice and square dealing. You will not give it on your side; we do on the Democratic side.

Mr. Chairman, I ask unanimous consent to withdraw the pro forma amendment.

There was no objection.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DENISON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 13660. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1924, and for other purposes.

H. R. 13593. An act making appropriations for the Post Office Department for the fiscal year ending June 30, 1924, and for other purposes.

FOREIGN SERVICE OF THE UNITED STATES.

The committee resumed its session.

The Clerk read as follows:

SEC. 8. That consuls general of class 1 and consuls of class 1 holding office at the time this act takes effect shall not as a result of their recommissioning or reclassification suffer a reduction in salary below that which they are then receiving: *Provided, however*, That this provision shall apply only to the incumbents of the offices mentioned at the time this act becomes effective.

That the grade of consular assistant is hereby abolished, and that all consular assistants now in the service shall be recommissioned as foreign-service officers, unclassified.

Mr. ABERNETHY. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman in charge of the bill a question. I directed an inquiry day before yesterday about the percentage salary which these employees would retire on at the date of their retirement. I would like to know if the gentleman of the committee can give that information to me now?

Mr. ROGERS. Yes; there are two factors in determining the amount of the retirement allowance. The first factor is the length of time the man has served at the moment he reaches the age of 65. The second factor is the size of his salary averaged over a period of 10 years just prior to his retirement.

Mr. ABERNETHY. What section is that in?

Mr. ROGERS. All of the retirement provisions of this bill are grouped in section 16, and the gentleman will notice section 16 begins by reenacting for this purpose the Lehlbach law of 1920, except as modified in four or five respects. Thus, in order to have a complete picture of the retirement provision, Members would naturally refer back to the Lehlbach law and see wherein that law is modified by this proposal.

Mr. ABERNETHY. I thought the gentleman could probably give information about the percentage. Now, assuming an employee gets a $5,000 salary at his retirement, what retirement pay would he get?

Mr. ROGERS. You have to know also how long he has served. Assuming he has served 15 years at the time of retirement he would get 30 per cent of $5,000, or $1,500. If he has served as long as 30 years, which is the maximum period, he would receive a percentage of 60, which would give him $3,000 under the retirement allowance.

Mr. ABERNETHY. What other department of the Government permits a man to retire with less than 30 years' service?

Mr. ROGERS. Every officer coming under the Lehlbach law has a retirement status after 15 years, and the Lehlbach law, of course, includes all the civil service employees of the Government.

Mr. BLACK. After 15 years if he has reached the retirement age.

Mr. ROGERS. Yes; I thank the gentleman. That must be added.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CABLE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Ohio moves to strike out the last word.

Mr. CABLE. I just want to take the time of the House long enough to call attention to——

Mr. ROGERS. Mr. Chairman, will the gentleman withhold for a moment?

Mr. CABLE. Yes.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate close on this section at the end of five minutes.

Mr. FESS. I have been waiting for time. I will take it on the next paragraph if I can get it.

Mr. ROGERS. All right.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that all debate on this section close at the end of five minutes. Is there objection?

There was no objection.

Mr. CABLE. Mr. Chairman, the American consuls abroad play an important part in our immigration service. I refer to the duty of viséing passports of immigrants seeking to come to the United States.

As many of you know the requirement of passport and visé is a war-time regulation. By the act of May 22, 1918, Congress provided that when the United States was at war the President had the power, through Executive order, to make it unlawful for any alien to enter the United States except under such reasonable rules, regulations, and orders and subject to such limitations as the President might prescribe. By authority of this law the President issued the Executive order of August 8, 1917, establishing rules requiring viséed passports as a condition of entry of aliens into the United States.

The Secretary of State was also given authority to issue regulations as might be necessary for the enforcement of this Executive order.

Congress, by the act of March 2, 1921, extended the provision of its original act in so far as it related to requiring passports and visés of aliens seeking to come to the United States and providing that such law should continue in force and effect until otherwise provided by law.

An alien is charged with a fee of $1 for executing application for a visé and $9 for each visé of the passport.

Under the Executive order and regulations, certain discretion is given the American consul, but that discretion is limited as to the viséing of immigrants' passports. For example, an alien presents his application and his $1 to American consul with the request that his passport be viséed. If the consul believes him to be an enemy of our country and its form of government, then under regulations of State Department he has the right to refuse to visé the passport. So also, if immigrant presents his passport and the quota for his particular nationality is filled and no more can be admitted, then he may again exercise his discretion and refuse to visé that passport. Again, if the quota is exhausted, he has the discretion of determining whether the party presenting the passport is of exempted class and not within the quota, and if he so finds, he may visé the passport. Or, again, if the quota is almost exhausted and several immigrants apply, part of whom come within preferred class as designated by the immigration laws and part do not, he may exercise his discretion and visé the passports of those within the preferred class. But, beyond that point the consul has no further discretion.

Under section 3 of our immigration law there are 30 or 40 classes of aliens enumerated who can not be admitted even if quota is not filled, such as idiots, insane, criminals, prostitutes, those afflicted with loathsome contagious or dangerous contagious diseases, contract laborers; and yet the consul, even though he may know that such applying immigrant comes clearly within the class not admitted, has no right to exercise his discretion and refuse a visé. But, on the other hand, it seems to be mandatory that the passport must be viséed. The alien may be warned by the consul and at the same time the officials at port of entry are warned of coming of inadmissible alien. How much better it would be to refuse the visé of passport rather than permit this immigrant to sell his home, if he has one, his personal property, buying a high-priced steamship ticket, coming to America in the steerage, enduring suffering and hardship, only when he reaches our port of entry to have his hopes blasted and to be refused admittance for the very cause and the very reason that the American consul knew to exist at time he viséed the passport.

Mr. BOX. Mr. Chairman, will the gentleman yield?

Mr. CABLE. Yes.

Mr. BOX. If the consul undertakes to choose between them on the basis of their physical, mental, or moral fitness, will he not then infringe upon the rule that forbids us to adopt such an examination on foreign territory? And does any nation permit us to do that?

Mr. CABLE. I am not unwilling to go so far as to make examination abroad final. My proposition is to require the alien to produce a certificate of a reliable physician and also a statement as to his record, and then if from the facts and such other information as the consul may have it is clearly and beyond doubt apparent to the consul that such alien is not admissible, in fairness to the alien, as well as for the protection of the people of this country, the American consul should be given the right to tell the man that he can not be admitted and at the same time refuse to visé the passport.

If the alien has reached a port of entry in our country, it is difficult and sometimes impossible to deport him.

There is pending before the Immigration Committee at the present time bills to permit feeble-minded to remain permanently in this country, who now are temporarily admitted here under bond.

The cry of hardship to the alien and his family is raised in support of these measures, as well as cold facts that in some cases there may be no country or place to which the alien can be deported. How much better it would have been to have given the consul permission to refuse the visé of these feeble-minded.

Mr. WOODRUFF. Mr. Chairman, will the gentleman yield?

Mr. CABLE. Yes.

Mr. WOODRUFF. Is it not a fact that the permission given by this Government to aliens to come to this country constitutes a privilege and a very high privilege?

Mr. CABLE. It is.

Mr. WOODRUFF. And is it not a fact, if that is true, that this country can lay down under legislation rules whereby this privilege will be granted? I believe the right of Congress to enact such legislation is very clear.

Mr. CABLE. You do not need congressional legislation. If the Secretary of State would give to the American consul discretion, he could eliminate many hardships occasioned to immigrants seeking to come here. At the same time he could relieve the officials at ports of entry of the unwelcome task of debarring and sending back to their native land those who are inadmissible and who should not have been permitted to start on the long journey to America.

The consul should have the right to refuse to visé passports of immigrants clearly and beyond doubt in the excludable class. I suggest this in addition to the inspection and examination on this side.

The revenue from viséing of passports runs into hundreds of thousands of dollars, and the $10 of the excluded alien is not returned to him. Fair treatment requires its return. But the greatest good can be accomplished by preventing the departure of the inadmissible alien from his native land.

The CHAIRMAN. The time of the gentleman from Ohio has expired. All time has expired. The Clerk will read.

The Clerk read as follows:

SEC. 9. That sections 1697 and 1698 of the Revised Statutes are hereby amended to read as follows:

"Every secretary, consul general, consul, vice consul of career, or foreign service officer, before he receives his commission or enters upon the duties of his office, shall give to the United States a bond, in such form as the President shall prescribe, with such sureties, who shall be permanent residents of the United States, as the Secretary of State shall approve, in a penal sum not less than the annual compensation allowed to such officer, conditioned for the true and faithful accounting for, paying over, and delivering up of all fees, moneys, goods, effects, books, records, papers, and other property which shall come to his hands or to the hands of any other person to his use as such officer under any law now or hereafter enacted, and for the true and faithful performance of all other duties now or hereafter lawfully imposed upon him as such officer: *Provided*, That the operation of the existing bond shall in anywise be impaired by the provisions of this act: *Provided further*, That such bond shall cover by its stipulations all official acts of such officer, whether as foreign service officer or as secretary in the Diplomatic Service, consul general, consul, or vice consul of career. The bonds herein mentioned shall be deposited with the Secretary of the Treasury."

Mr. FESS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Ohio moves to strike out the last word.

Mr. FESS. The other day the gentleman from New York [Mr. HUSTED] raised the question of the facilities for study in matters of foreign service, and stated that he thought there ought to be attached to the Department of State a school of diplomacy. Some inquiry was then made on what the colleges and universities were doing to supply this training. There has recently been a survey made of colleges and universities of the country as to what has been undertaken in this sort of study and equipment for foreign service. That survey has been made by the Institute of Public Service of the city of New York. I have examined the facts collected. The report, I think, is informing and rather suggestive.

The report says that there were 510 catalogues examined, and of that number 325 did not even mention the matter of foreign affairs. One hundred and eighty-five referred little or much to foreign affairs. The subjects or courses published indicates the character and extent of the training. Three announced courses in present-day world policies; 40 in contemporaneous history, which usually starts about 1870; 33 in foreign relations, treated

historically; 53 in the history of diplomacy, usually starting back 100 or more years; 69 in the theory of international law; 25 in comparative governments, largely remote and historical; and 10 in the World War and its results.

It will be noted by this report that the educational institutions of our country do not regard foreign service a field offering a career to young men. No agency of our national life is more responsive nor quicker to react to the demands of fields of intellectual training for service than the leaders of education.

The field of foreign service had not sufficiently attracted American citizens to fill all the places. When the World War came we found in this service several foreign citizens who were available both from the point of ability and training and remuneration.

This field of service demands a particular character of training, which colleges have not as yet fully comprehended, as an examination of the survey before mentioned discloses.

This report states that of 50 State-supported universities, normal colleges, and technical schools none mentions foreign affairs in its index, 5 say they are using current events in teaching foreign affairs, 15 announce courses on the World War or problems resulting from it.

Of the 14 well-known colleges for women in the United States, with 11,000 students, none gives a course on the World War. One gives a course on current events. Four state that current topics are used in courses which begin with more or less remote history.

Of those colleges that take up this work the character of the courses is significant. For example, to run over some of the courses that are offered in the universities, I notice that there is one which gives current events and their historical background. You can imagine about how far that would go.

Another offers courses on the disarmament conference and its problems; another the insistent major problems of the last two decades; another, present-day geography.

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption?

Mr. FESS. Yes.

Mr. COOPER of Wisconsin. What sort of problems?

Mr. FESS. Present-day problems, which I take to mean political and economic. Another gives current and intricate problems as a subject of research work, given as a seminar in a university; another, the World War, with its background and results. That is a very good subject. Another, a general introduction to the religious, cultural, and social life of today; another, the great World War and the new era. I am mentioning a few of the courses offered in different universities under the title of foreign service or Diplomatic and Consular Service, that Congress may know how broad is the character of the training offered by our educational institutions.

In addition, I might say, however, that there is one effort that is quite outstanding, that every member of the committee will recall. That is the effort stimulated largely by Mr. Bernard Baruch in inducing Williams College to give a summer course on matters international, to which were invited leading lights of the world. These courses are given as summer-school courses. You all recall that the famous Viscount James Bryce appeared there and gave a series of lectures. Other less distinguished men of world-wide recognition on matters of international significance were on the program.

Mr. WHITE of Kansas. Will the gentleman yield?

Mr. FESS. I yield to the gentleman from Kansas.

Mr. WHITE of Kansas. Is the gentleman able to state just about how many leading lights are invited or are to be invited?

Mr. FESS. Two years ago the catalogue of announcements included, I should judge, not less than a dozen of the very best international talent available in the world.

Mr. WHITE of Kansas. I think probably this country could furnish 20,000,000.

Mr. FESS. I think my friend has a very good opinion of "leading lights" of our country.

Mr. BLANTON. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired.

Mr. FESS. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. BLANTON. Will the gentleman yield?

Mr. FESS. I yield to the gentleman from Texas.

Mr. BLANTON. Was the Republican Representative who was denied his rights on the floor this morning included in that bunch?

Mr. FESS. The character of those invited is suggested by men like Viscount James Bryce, author of The American Commonwealth, which is recognized as the best book on the American Government yet published or written by a foreigner.

More and more the colleges are taking up the work of current events, but that does not touch the subject that we have in mind. I rose simply to give this information, in line with the suggestion of the gentleman from New York [Mr. HUSTED]. I am more or less in sympathy with what he said. However, if you enact this bill into law, we will provide for a real career for young men and our colleges will very quickly respond to the needs of such training. With the advancing rank of this Nation among the nations of the world we must have an increasing interest in foreign matters, and our representatives must continue to be more and more able to properly reflect the character and ideals of the Nation. International good will is a wonderful asset and merits the concern of the American Congress in insuring not only the creation of such good will but also in maintaining it.

Now, may I say, gentlemen of the committee, that I regard this legislation which we are now considering to be as far-reaching in its important significance upon foreign relations as anything that we will have done during this session, except the funding of the debt soon to be completed. It deals with a problem that involves problems that are delicate. Everybody knows that with the newer discoveries and inventions in communication and transportation the world is becoming more and more a neighborhood, that no portion of it is entirely detached from communication with every other portion, and our relations, diplomatic as well as commercial, are bound to be more and more important, and with that as a statement of fact we can assert that business is going to grow as rapidly in the future as it has in the last 10 years. The business of the State Department in the last five years has more than doubled, and everybody will also notice that the business of the Commerce Department, especially as expressed in our foreign commerce, is growing by leaps and bounds.

This Congress responded to that situation in an increase of the facilities of the Secretary of Commerce, to which Congress responded favorably since the close of the Great War. If you will look over the figures of the last 10 years I believe you will all agree that we are justified in our belief that the commerce between our country and other countries is now very small in comparison with what it is going to be in the very near future. This alone argues strongly for this proposed legislation. That means our trade relations are not only growing, but they are bound to be more complicated, which last consideration is an additional reason why the bill should become law.

And then there is still another feature. This is not only the greatest Government, measured by industry, in the world, and growing apace, but here is a line of service needing the best available talent of America to represent our country properly in foreign parts, a line of service that ought to be made a profession as well as a business, so that ultimately you will call from the ranks the best available talent of our country, which, unless this legislation is enacted, the opportunity will not open to serve the Nation abroad in a manner commensurate with the Nation's dignity and commercial standing before the world. I urge this particular consideration, that it would be a very serious position for America to take to close the door to those who are not what the world calls fortunately born or persons who must concern themselves about the "bread-and-butter" consideration. This field of service must not be open only to those who can easily go into it because they have the money. To close the door to all except that class would be a very unfortunate position for America to take. That consideration appeals to me wonderfully, because we know how frequently in the rough we find the diamond, and this bill opens up the way to this service to call for that talent. [Applause.]

The qualifications of the service entails talent, special training, time, and considerable expense. Uncertain tenure, lack of remuneration, and rigid requirements have not in the past made this service appeal to the best talent of our country. This bill proposes to correct these errors and remove these obstacles to opening this service as a career for young men. Among the important measures of the Sixty-seventh Congress this proposed legislation, if it becomes law, will stand as a leading constructive measure of the present administration.

Mr. CABLE. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. ROGERS. I ask unanimous consent that all debate on this section and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that all debate on this section and all amendments thereto close in 10 minutes. Is there objection?

There was no objection.

Mr. LITTLE. Mr. Chairman, in response to a question, the gentleman in charge of the bill called my attention to what I think they feel is a weakness in the bill. In the gradual development of the Department of Commerce we have now in addition to the old diplomatic service a force whose business it is to visit the various capitals and to get in touch with the business interests of this country, in my opinion to be more important than the diplomats. Those people serve under the Secretary of State in a way, and yet in a way not. I am sorry these gentlemen, who I think themselves agree with me that it should be done, have not arranged that feature while they were covering so broadly and so well the other features of this work. They say that they could not. I believe they could if they would put it in the bill, and I think that as soon as possible that should be done.

This bill in getting together, unifying, and disciplining the foreign service is probably a great improvement, but I have no doubt it will have some difficulty which may be very important. In the first place you note that the ambassadors and ministers, the officers of eminence and real political responsibility, are not selected under this law. That is well, for the reason that all governments find that as a rule all their great diplomats are men not trained in the Diplomatic Service. It is infrequent that you find any man rising in the Diplomatic Service who amounts to anything seriously who is trained in that service. Anybody who has kept in touch with them will notice that most of England's great ministers were raised in some other service. In other words, you have got to skip the civil service and avoid stereotyped types and take men of brains and force and character, trained in the world's battles. This will also have a similar effect on the lower branches of the service. If you stop to think a minute, you have got to select consuls away from the men who work in a groove when you need men with initiative, like the country doctor, the country lawyer, the country merchant, active farmer, and stockman, who have initiative and shrewdness, and when they go abroad they can cut some real figure and get results. You are going to be met with lack of initiative, lack of assertion, lack of push among your people if you stick in the grooves always. I think the general arrangement and discipline will change or offset that to some extent; but you are going to find, sometimes, difficulty in getting efficient servants that have any energy to them, under this legislation.

Some years ago Great Britain issued a proclamation to her consuls telling them that their long-stereotyped methods gives a great superiority to American consuls, who are selected for ability, push, and energy and not for mechanical methods. In my judgment that part of the bill is going to be severely tested. We must organize and put this service on a scientific basis, with trained men, but I view with some trepidation the lack of push, the diminutive energy, initiative, and imagination that will ensue at times. That is what you are up against. Benjamin Franklin never had any consular or diplomatic training, but is still considered the foremost American diplomat.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. LONDON. Mr. Chairman, I desire to pursue the thought of the gentleman from Ohio [Mr. FESS] a little further. So far as the bill is concerned, it is a meritorious bill. Nothing can be of more value than the placing of the Consular Service upon a more scientific basis. I want to address myself to the subject of the study of history with particular reference to the World War.

There is appalling ignorance of international affairs in the United States even among intelligent people. In a way it was almost inevitable that it should be so. America has lived her own life. Her problems were the problems of a young giant having before him an unlimited field of activity on the American Continent. America treated Europe and Europe's difficulties with the commiseration which a vigorous young man feels for senility.

This indifference to European affairs reflected itself in our schools and colleges, where very little attention was paid to modern history. The educated American knew more about ancient Rome and Greece than about France, Austria, Germany, or any of the continental European countries.

During the war we had a committee on public information. It was an important committee and it was in charge of an able man. I understand that he publicly made the statement that he did not know whether Ukraine was the name of a country or the name of a musical instrument.

When one reads the proceedings of the Versailles conference one is dumfounded at the lack of knowledge of elementary facts relating to other countries displayed by the statesmen who rewrote the map of Europe. The mischief of the Versailles treaty is not all due to evil intent. A great deal of it is the direct result of the absence of definite information on the subjects the peacemakers were dealing with. And yet, of all subjects that the world must be informed about, there is nothing more important than a knowledge of the difficulties and problems that confront the nations of the world.

There are many obstacles in the way of knowing the truth. History has not yet reached the state of a reliable science. The individual historian manages to marshal out of the multiplicity of human events enough facts to support his particular theory. And if history is unreliable because of the prejudgments and vagaries of historians, it becomes a veritable trap when one takes seriously the enormous volume of deliberate falsehoods spread about each other by the representatives of the belligerent nations in the latest world contest.

The greatest philosophers have failed to escape this tendency. The poison war of the trenches had its counterpart in the poison distributed by the intellectuals by lip and pen. The World War was in preparation for a long time. It is impossible to understand it unless one studies its background.

Fortunately there are now available for the men who are anxious to know the truth many documents bearing upon the causes of the great world tragedy which were heretofore unavailable, and about the existence of which there was a great deal of guesswork. The revolutionary governments of Germany and Russia, and the researches made by a number of fearless British scholars and statesmen have revealed to the world the contents of the previously secret archives. The schemes and the intrigues, the plots and counterplots, the sinister designs of emperors and czars, of kings and rulers, of financial princes and industrial magnates, the treachery and falsehood among the great of this world have been laid bare for the benefit of those who want to know the facts.

There is by this time probably more than a million books and pamphlets about the war. The greater part of this literature is the old style, self-glorification, and dishonest abuse of adversaries. One must chart his course carefully in this ocean of words. It is in the original State documents now made public that one can hope to find the basis for a true history of the World War.

American colleges are enlarging their courses on modern history. Will it be history that they will study hereafter or will it be again the horrible thing that Byron called "history, the great liar"? Will our students learn to know the true causes which have wrecked Europe and which have brought the dark clouds of reaction upon the horizon of our beloved country?

Some time ago I suggested that a scientific commission be appointed to make a dispassionate scientific study of history. I wish America would undertake that task. I wish a suitable appropriation would be made for that purpose. After all we do not share the intensity of the hatreds which torture the rest of the nations.

Long before the World War the socialists of the world urged the necessity of international understanding. Facing persecution, they stressed the necessity of that patriotism which in advocating love for one's own country refuses to preach the gospel of hatred of other nations. It is the socialist who warned mankind of the menace of militarism, of the danger of employing armies and navies as instruments for commercial aggrandizement. The internationalism of the socialist means nothing more than cooperation and mutual regard among nations for the general advancement of the cause of humanity.

Of what value is our progress if the progress of social science, the greatest of all sciences, the science of the relation between man and man and nation and nation, shall continue to be impeded by prejudice, ignorance, and selfishness?

Mr. LITTLE. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 10. That the provisions of section 4 of the act of April 5, 1906, relative to the powers, duties, and prerogatives of consuls general at large are hereby made applicable to foreign-service officers detailed for the purpose of inspection, who shall, under the direction of the Secretary of State, inspect the work of offices in the foreign service, both in the diplomatic and the consular branches.

Mr. BRIGGS. Mr. Chairman, I move to strike out the last word. What are the provisions of section 4 of the act of April

5, 1906, which are made applicable under the provisions of section 10 of this bill?

Mr. ROGERS. The act of April 5, 1906, as since amended, authorizes the appointment of seven consular officers as consuls general at large for the purpose of inspecting consular missions throughout the world. Singularly enough, as I view it, we have never had any provision for inspecting diplomatic offices. The intent of this section is simply to enable the Secretary of State to continue inspection work of consulates, and also to inaugurate a system of inspecting diplomatic missions.

Mr. BRIGGS. It includes those which have not been heretofore included in that inspection?

Mr. ROGERS. Yes; and I think the gentleman will agree that it is desirable to have some supervision over both branches of the foreign service.

Mr. BRIGGS. What is accomplished through these inspections? Are they simply visitations of a pleasant character, or do they result in some tangible good to the Government?

Mr. ROGERS. It is about the most rigid auditing system that there is in any branch of the Government. The men who are detailed to this inspection work, as I know from personal experience with many of them, are able and thorough and scrupulous examiners of every office into which they go. They check up the accounts; they report upon the kind of work that is being done by the individual consular officers at these offices. In general, they make a thorough inspection both of the general business practices prevailing in the particular office and of the routine administration of the office.

Mr. BRIGGS. In other words, they are to the Consular Service what the post-office inspection service is to the Post Office Department?

Mr. ROGERS. I should think very much akin to that.

Mr. KETCHAM. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. KETCHAM. If this bill is enacted into law, will the gentleman state to the committee something where it will place our Consular and Diplomatic Service in comparison with similar services of other countries with which we are now on a par in other matters?

Mr. ROGERS. Speaking generally, I think the effect of this bill will be to assimilate our service more closely to that of our principal trade rivals abroad. The element of interchangeability, which I regard as one of the extremely important provisions of this bill, prevails almost universally among the other powers of the world. The retirement system, which is perhaps the second most important element in this bill, prevails in the case of every first-class power, and in almost every second-class power as well.

Mr. KETCHAM. May I follow that with another question? Will the provisions of this bill make the foreign service sufficiently attractive by reason of its increased salary and retirement provisions so that young men may look forward not only to adequate preparation but to continued service with the same satisfaction that they view their entrance into other professions of the country or other activities?

Mr. ROGERS. I think the answer is emphatically yes. Every man who has studied this question and has given the committee the benefit of his opinion agrees in the strongest possible terms. I believe—and this, of course, is only surmise—the field of selection will be broadened tenfold as the result of the enactment of this legislation.

Mr. KETCHAM. One other question. Will the gentleman state how the provisions of this bill, so far as the items of expense of increased appropriation are concerned, compare with the appropriations made for similar services on the part of other countries supposed to be on a par with us?

Mr. ROGERS. I can refer the gentleman specifically to the British service, which is, perhaps, more nearly analogous to ours in the nature of its problems. The net cost of the British service is $8,332,000 a year. The net cost of our foreign service for this year, including the expenditures of the Department of State, is $3,606,000 a year. Within the past year or two the receipts of the foreign service were more than sufficient to pay every cent of outlay, both for the Diplomatic and Consular Service and the Department of State itself.

The CHAIRMAN. Without objection, the proforma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

SEC. 11. That the provisions of sections 8 and 10 of the act of April 5, 1906, relative to official fees and the method of accounting therefor shall include both branches of the foreign service.

Mr. ROACH. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. ROACH. Page 7, line 11, after the word "service," add a new section as follows: "The act approved March 2, 1921, entitled 'An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1922,' is hereby amended to include Lisbon, Portugal, among the places at which the acquisition of embassy, legation, or consular buildings and grounds are authorized within the amount appropriated."

Mr. BLANTON. Mr. Speaker, I make the point of order against it that it is not germane to the purpose of the bill.

Mr. ROACH. Will the gentleman withhold his point of order just for a moment?

Mr. BLANTON. I will reserve it.

Mr. ROGERS. Before the gentleman begins will he permit me to submit a unanimous-consent request?

Mr. ROACH. Certainly.

Mr. ROGERS. I ask unanimous consent that all debate on this section and amendments——

Mr. STAFFORD. I hope the gentleman will not press that at this time.

Mr. ROGERS. I withdraw it.

Mr. ROACH. Mr. Chairman, I confess that perhaps the point of order made against this amendment may have to be sustained, but I particularly wanted to direct the attention of the committee and the gentlemen handling the bill that is now under consideration to the act of March, 1921, which made a general appropriation for legation buildings and created authority under which those sites were to be selected and the buildings purchased. For some reason unknown to me and which I have been unable to ascertain Lisbon, Portugal, was omitted from the list of capitals at which the United States Government was authorized to erect or purchase a suitable legation building. In that connection it is pertinent to say that Lisbon, Portugal, is one of the important foreign stations, and I am unable to reason out why it was omitted from this list of capitals at which United States legations should be purchased or erected. In that same connection my attention has been called to this matter by the present United States minister at Lisbon, and from what he says I infer that the United States is being literally held up in the rental of a suitable building for the United States legation at that point; the rents, as I am informed, ranging from $600 to $2,000 per month for an adequate building, a sufficient amount in a few years' time to pay for a building for the United States Government. Therefore from economy standpoint alone it requires no argument upon my part to convince the committee that it would be both economy and greatly add to the dignity and prestige of the United States to own a proper legation building at a foreign post so important as Lisbon, Portugal. And I have offered the amendment at this time to direct the attention of the committee to what appears to have been a clear oversight, in that Lisbon, Portugal, was not included in the act of 1921, and in some way I have been unable through my investigation to ascertain from any source any good reason Lisbon, Portugal, was not included in the provision of the act of March 21, which, as you know, authorized a number of legation buildings.

Mr. ROGERS. Will the gentleman yield?

Mr. ROACH. I will.

Mr. ROGERS. I had something to do with the drafting of the provisions of the law to which the gentleman refers, and I can assure him that if the matter had been brought to my attention at that time Lisbon would have been included in it.

Mr. ROACH. I am very glad to hear the gentleman make that statement, and it only emphasizes the importance of this matter receiving consideration either on this legislation or on any legislation affecting our Diplomatic and Consular Service that may be proposed in the future; and should the point of order be sustained against the amendment I have offered, I want to call it to the attention of the committee in order that this matter may receive the consideration in future legislation to be considered by this House upon this subject.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. ROACH. I will.

Mr. CHINDBLOM. I do not know why there should be any reason to concede the point of order. The bill is one for the reorganization and improvement of the foreign service of the United States, and for other purposes, and consists of a large number of sections relating to different matters connnected with our foreign service.

Mr. ROACH. I am not proceeding on the point of order except to say that perhaps inferentially it carries an appropriation, although the act referred to carried an appropriation in its own provisions. Others will discuss the point of order.

Mr. FAIRCHILD. I will say to the gentleman that it is not too late now for it to receive the consideration of the committee.

The CHAIRMAN. Does the gentleman from Texas [Mr. BLANTON] desire to make his point of order?

Mr. BLANTON. Yes; I make the point of order.

The CHAIRMAN. The gentleman will please state his point of order.

Mr. BLANTON. My point of order is that the amendment is not germane to the purposes of the bill.

The CHAIRMAN. Does the gentleman from Missouri [Mr. ROACH] desire to be heard on the point of order? Or does the gentleman from Iowa [Mr. TOWNER] desire to be heard?

Mr. TOWNER. Mr. Chairman, I was going to suggest that I had many grave doubts as to whether the point of order could be sustained. This is a general bill for the reorganization of the foreign service, the purpose being to improve the efficiency of the State Department in a general way. The two preceding sections, as the Chair will see by an examination, are exactly similar in character to the provision which is sought to be inserted by the gentleman from Missouri [Mr. ROACH]—sections 10 and 11. So as this is offered as a new section, and is in consonance with the provisions of the bill, which is a general bill, I think it is within the rule that it shall be considered germane to the purpose of the bill.

Mr. BLANTON. Mr. Chairman, the rule is that it must not only be germane to the purpose of the bill but it must also be germane to the section immediately preceding the point where it is offered in the bill. It is not germane to the preceding section. This is a bill for the reclassification of salaries. It is not a bill for the purchase of embassies. The design of this bill is not to purchase property for embassies.

The CHAIRMAN. Does the gentleman from Iowa have any authority in view?

Mr. TOWNER. No; I have no authority particularly in view, but that certainly is the rule; and, contrary to the suggestion of the gentleman from Texas, it is not the rule that it must be germane to the section preceding it. A new section offered is germane if it is germane to the general purposes of the bill.

Mr. BLANTON. Will the distinguished gentleman yield?

Mr. TOWNER. Yes.

Mr. BLANTON. I cite to the Chair a very elaborate opinion on the question by the gentleman from Connecticut [Mr. TILSON], where he went into this question at great length and called attention to some ruling that had been made to the contrary. But he went back to the fundamental proposition that when you offer a new section as a new section, nevertheless for the purpose of parliamentary procedure it is in a sense a part of the preceding section and must be germane to the preceding section.

Mr. TOWNER. Mr. Chairman, I do not remember the particular decision suggested, but it must have been in accord with the general decisions regarding those matters. Many authorities support the proposition that a new section need not be germane to the preceding section of the bill, but that it is only necessary that it shall be germane to the general purposes of the bill.

Mr. STAFFORD. Mr. Chairman, the amendment is not only not germane to the present section but I respectfully affirm it is not germane to the general purposes of this bill. A casual examination of all the sections of this bill will show that it relates exclusively to the personnel of the Consular and Diplomatice Service. Nowhere does it relate to the housing of that service in any particular. As to the sections referred to by the distinguished gentleman from Iowa [Mr. TOWNER], sections 10 and 11, stating that those are of a general character, a mere reference to them in the statute shows that those relate to fees to be covered in and not regarded as salaries. It extends the fee system now in force as to consular officers to these new described officers, namely, foreign-service officers.

Let me present this parallel case to the Chair: Assuming for the moment that there is presented by the Committee on the Post Office and Post Roads a bill providing for increase of the salaries of all persons engaged in the Postal Service, would anyone for one minute contend that it would be germane to provide in that bill by an amendment for a public building at Milwaukee or any other place?

The CHAIRMAN. May the Chair inquire if there are any appropriations in this present measure under consideration?

Mr. STAFFORD. I have not been able to find any appropriations.

The CHAIRMAN. This amendment is an appropriation.

Mr. STAFFORD. But I would go further, Mr. Chairman, and say it would be violative of the fundamental principles prevailing in the consideration of bills in this House, that in the consideration of a bill relating to the personnel of a department you could attach to that a provision so diverse as to provide for a public building. To me it is clearly similar to the case instanced by me just a moment ago, providing for the reorganization of the Postal Service, making it as general as possible, and limiting it to one phase, namely, the reorganization of that personnel and providing for their salary. It might include from the Postmaster General down to the various grades of supervisory officials, clerks, and carriers. And yet you could not attach a provision for a public building. It would then be possible to consider an omnibus public building bill in a bill limited to personnel if that were allowed.

Mr. ROACH. This amendment which I offer only does that which section 19 of this bill does. That makes it available from the money already appropriated for the Diplomatic and Consular Service of the United States, and includes reports in that appropriation already made.

Mr. STAFFORD. Oh, no. That section makes it available, not for Portugal, but for this specific purpose; not for a public building in Portugal or at Rio de Janeiro or Buenos Aires. No. It makes it available for these specific purposes. You are proposing an extraneous provision. If we launch upon your proposition, we will never get through with the consideration of this bill.

Mr. ROACH. We will be conforming to the announced and expressed purpose of the bill, if you will read the title of it, for the reorganization and improvement of the foreign service of the United States.

Mr. STAFFORD. The title is not controlling on the question of germaneness. It is the various sections of the bill that are controlling.

Mr. TILSON. Mr. Chairman, I am very strongly in favor of the legislation proposed by the gentleman from Missouri [Mr. ROACH], and I will go as far as any Member of this House in the direction of making appropriations toward acquiring proper embassies and legations in foreign countries. I think that we ought to do much more than we have done in this direction. In my judgment, we have been remiss in our duty in this respect, and we are suffering on account of it. But my views on this subject do not carry me to the point of being willing to see an amendment come in, after a point of order has been made against it, which, if admitted, would violate the best precedents of this House.

I think that we are liable to get away from the crux of the question. Therefore, in order that we may get back to it, I will read the clause of Rule XVI that applies here:

> No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

The question submitted to the Chair reduces itself to this proposition: Is this a different subject from that which we are considering in this bill? I have read the bill pretty carefully and have found nothing in regard to the acquiring of legation or embassy buildings in foreign capitals. However, in order to be doubly sure, I have inquired of the chairman of the committee [Mr. PORTER] and of the gentleman from Massachusetts [Mr. ROGERS], and they tell me that there is nothing in the bill that in any way relates to the acquiring of these properties in foreign countries.

Mr. ROACH. Will the gentleman yield?

Mr. TILSON. In just a moment. It seems to me that by admitting this amendment we shall say that we can in this bill embark upon a program of building or otherwise acquiring property in foreign capitals. I do not believe that this bill or any section of it will warrant such a construction as to lend itself to such a program.

Mr. BANKHEAD. Will the gentleman yield?

Mr. TILSON. I yield to the gentleman from Alabama.

Mr. BANKHEAD. I do not know whether the gentleman noticed the reading of the amendment, but it does not even purport to be an amendment to this bill that we are now considering. It purports to be an amendment to the act of March, 1921.

Mr. TILSON. Yes; I noticed it.

Mr. BANKHEAD. An entirely separate and independent piece of legislation.

Mr. TILSON. What the gentleman suggests is an additional objection to the amendment, which alone is probably decisive. But stripping it of all technicalities and bringing it right down to the question whether this amendment introduces a new subject, on this ground alone I believe that the amendment will not stand the test of a point of order.

Mr. BLANTON. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. BLANTON. If the gentleman's amendment is in order, then it would be in order to offer amendments to buy properties for legations and embassies in every country of the world.

Mr. TILSON. Yes; the gentleman is correct.

Mr. CHALMERS. If one of these sections provided for the leasing of property for legation purposes in a foreign capital, would the gentleman then consider this amendment germane?

Mr. TILSON. That might open the question somewhat as to whether it is a different subject to propose to buy an embassy if the bill already provides for the leasing of embassies. It would make it a closer question, but the supposed case does not arise here.

The CHAIRMAN. This bill relates to the foreign service and deals with the question of reorganizing the diplomatic and consular service into one service. The entire bill is a question of the organization of personnel. The amendment offered by the gentleman from Missouri [Mr. ROACH] is an amendment to an appropriation act. In the opinion of the Chair, if the specific point of order were made that it is an appropriating paragraph, such point of order would be sustained, because such an amendment is not permissible on a bill coming from this committee. However, on the question of germaneness, the amendment, in the opinion of the Chair, is subject to the point of order. The amendment deals with the question of appropriations for buildings, which question is not dealt with in the pending measure. For that reason the Chair sustains the point of order.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I wish to inquire of the gentleman having charge of the bill the reason why he did not include the provisions of section 9 of the act of April 5, 1906, as well as sections 8 and 10.

Mr. MOORE of Virginia. What is section 9?

Mr. ROGERS. Section 9 reads as follows:

That fees for the consular certification of invoices shall be, and they are hereby, included with the fees for official services for which the President is authorized by section 1645 of the Revised Statutes to require rates of tariff—

And so on.

The reason for that was twofold. In the first place, diplomatic officers do not handle consular fees. In the second place, section 18 of the bill provides:

That all provisions of law heretofore enacted relating to secretaries in the Diplomatic Service and to consular officers, which are not inconsistent with the provisions of this act, are hereby made applicable to foreign service officers when they are designated for service as diplomatic or as consular officers, and that all acts or parts of acts inconsistent with this act are hereby repealed.

Mr. STAFFORD. That information is sufficient. I withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

SEC. 12. That the President is hereby authorized to grant to diplomatic missions and consular offices at capitals of countries where there is no diplomatic mission of the United States representation allowances out of any money which may be appropriated for such purpose from time to time by Congress, the expenditure of such representation allowance to be accounted for in detail to the Department of State quarterly under such rules and regulations as the President may prescribe.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I think this is one of the most important provisions in the bill. I believe it recognizes for the first time in substantive legislation the policy of granting allowances to our diplomatic and consular officers. True there has been carried for the last several years an appropriation, amounting this year, I believe, to $200,000 for this purpose. I can see the reason why we should grant allowances to our diplomatic establishments. But I question very much whether any allowances should be granted to consular representatives, even though they are at capitals where there is no diplomatic mission.

I was rather impressed by the statement of a former distinguished Member of this House, recently the honored ambassador to the Court of St. James, Mr. John W. Davis, in his testimony before the committee on this bill that he did not favor increasing the salaries of our ambassadors and ministers, but favored more a policy of allowances. I can readily understand, as any Member of the House can readily understand, that while a certain legation or embassy might have a standard that would entitle it to one range of salary, nevertheless the obligations as far as social affairs are concerned would not be as great as in some others. This system of allowances is one to be determined, I assume, according to the special consideration of social obligations at the respective capitals. I am not very much of a social man myself; I am not on the Committee on Foreign Affairs; and I am not qualified to speak as authoritatively about the need of these appropriations as some others in this House. My entire information in regard to it comes from reading the hearings. But I do question much whether a consular officer up in Ottawa, for instance—and we have a consul there in the capital of Canada, where there is no diplomatic mission—I question very much whether he should be entitled to any allowance. His duties are not as onerous as those of the consular representative at Windsor. The duties of the consular representative at Windsor are tremendously heavier than those at Ottawa, largely because of the great amount of imports that go across the Detroit River into Canada. Why should we extend the policy of giving a man an allowance for dinner arrangements in consular offices. I can see the need if we are to elevate the salaries of diplomatic attachés from $4,000 to $8,000 of giving them rather more for entertaining in a social way, but why should we extend it to the consular representatives? I cited the case at Ottawa—I do not know of another case where we would have an important consul representing our Government, and there would not be a diplomatic mission.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ROGERS. Will the gentleman yield?

Mr. STAFFORD. Certainly.

Mr. ROGERS. There are not many cases where the particular language of this section to which the gentleman alludes would be applicable. There are four or five cases within the British Empire. The gentleman has cited one—Ottawa. Among the others are Cape Town, Calcutta, and Melbourne, the capital city of the Commonwealth of Australia. Of course, these several dependencies of the British Empire are practically and for all real purposes independent countries to-day. They are within the fabric of the British Empire, but in most respects they are countries standing on their own footing. Their capitals are comparable in importance to many of the capitals in Latin America or in South American countries. The obligations that go with a decent and dignified representation of the United States at these capitals necessarily cost money. The question is whether, if it is fair to give our minister at La Paz, Bolivia, an allowance, it is not fair to authorize an allowance in the case of the consul at one of these places.

Mr. STAFFORD. Is it the intention to grant an entertainment allowance to the diplomatic representatives of all of these positions like that of Bolivia?

Mr. ROGERS. I do not think that the allowance will ever be made, in fact. I am dealing with what we are authorizing here. I think it is fair that we should authorize the possibility of helping to defray the expenses of a man who represents us at a capital of a great dominion.

Mr. STAFFORD. Take the case I cited at Ottawa, why should the consul have any entertainment allowances?

Mr. ROGERS. Because the cost of suitably upholding his position at that capital is very much larger than the cost of maintaining his position in another city where he represents the United States simply as a consular officer and nothing more.

Mr. STAFFORD. This is but an illustration of making provision for every conceivable case which is likely in time to be the subject of great extravagance.

The CHAIRMAN. The pro forma amendment is withdrawn and the Clerk will read.

The Clerk read as follows:

SEC. 13. That any foreign service officer may be assigned for duty in the Department of State without loss of class or salary, such assignment to be for a period of not more than three years, unless the public interests demand further service, when such assignment may be extended for a period not to exceed one year. Any foreign service officer of whatever class detailed for special duty not at his post or in the Department of State shall be paid his actual and necessary expenses for travel and not exceeding an average of $8 per day for subsistence during such special detail: *Provided*, That such special duty shall not continue for more than 60 days, unless in the case of trade conferences or international gatherings, congresses, or conferences, when such subsistence expenses shall run only during the period thereof and the necessary period of transit to and from the place of gathering.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will report the amendment offered by the gentleman from Texas.

The Clerk read as follows:

Amendment by Mr. BLACK: Page 8, line 4, strike out "$8" and insert in lieu thereof "$5."

Mr. BLANTON. Mr. Chairman, I ask for recognition on the amendment.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate upon the section and all amendments thereto close in seven minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Chairman, I have had occasion to examine a great many of these expense accounts in the various

departments of the Government where, in addition to the salary and traveling allowance, a subsistence is allowed to various employees. I wish I could put a number of them that I have noted lately into the RECORD and let gentlemen see just exactly what is charged in some of them. I have found some where $1 tips have been given to Pullman-car porters on the trains. I can not afford to give a Pullman porter a tip of $1. I try to give him a fair tip every time I travel with him. I have found instances where the waiter in the dining car has been given a dollar tip. I can not afford it, and I am a Member of Congress, and I try to be fair with the waiters. I have found in instances where the red caps that carry the suitcases from the depot to the train and from the train to the depot have been paid $1 tips. I can not afford that, and I am a Member of Congress, and I try to be fair with the red caps. This is all paid with public money. When is it going to stop?

We have been increasing it all of the time. Four dollars as my colleague [Mr. BLACK] knows, because he has studied the question carefully—he is alive on the question—was the limit for subsistence allowed until recently. We pay them good salaries. We are increasing their salaries by this bill in a very substantial sum, and we not only do that, but we pay all of the traveling expenses for railroad fare, their Pullman fare, their tips to waiters in the dining cars and their tips in the Pullman cars, and the tips to the red caps, and for their hotel bills, and we are now allowing them $8 a day for subsistence.

Mr. BLACK. If we do this thing once, the very next demand that will be made of Congress will be a general raise in lieu of subsistence from what is the present amount allowed to $8 a day.

Mr. BLANTON. Of course, my colleague is right. The only raise that we have permitted above $5 in any of the bills until this one has been for subsistence in Alaska, and I asked the Delegate from Alaska [Mr. SUTHERLAND] at the time why that should be and he said that it costs more up there in Alaska than it does in other parts of the country, and we let it go by for Alaska; but the other employees of the Government have been limited to $4 a day until recently for subsistence, and now in the Diplomatic Service we are allow- just double that amount. We ought to stop this. We are drifting along with the tide in a way that we will strike an iceberg of disaster if we do not stop. We ought to take time by the forelock and be careful in these matters. I read the hearings. They brought one man here who said that it cost him a little extra, and do you know why? They put him up at a fine hotel in Chicago. I do not stop at the most expensive hotels always. I know that if you put him in the Willard or the Raleigh and let these Washington taxicab drivers get hold of him, it is liable to cost a lot of money, but a man has to use some judgment when he is traveling for this Government at the people's expense. A man can afford to be extravagant when he is spending his own money. Our distinguished New York brother, when he goes to New York, can give those red caps a dollar if he wants to, because that is his own money; but if he is spending the people's money he ought to be a little careful about the tips that he gives. That is all I have to say.

Mr. TEMPLE. Mr. Chairman, the allowance of $8 a day is a maximum which is reimbursed to the agent of the State Department, provided he spends it. If he spends less than $8 a day, of course he gets only his actual and necessary expenses, not only for traveling but for subsistence.

I wish also to correct the statement that was made that, first of all, we pay the railroad fare and the Pullman fare and the tips and the hotel bills and then allow $8 a day.

Mr. BLANTON. Oh, no; the hotel bill was part of the subsistence.

Mr. TEMPLE. I misunderstood the gentleman.

Mr. BLANTON. The $8 a day included the hotel bill.

Mr. TEMPLE. The gentleman stated a moment ago it did not include the hotel bill.

Mr. BLANTON. If so, that was an error.

Mr. TEMPLE. That is the reason I am correcting it.

Mr. BLANTON. I did not think I said it.

Mr. TEMPLE. I am glad now there is no difference of opinion about it. I wish to call attention to a statement in the hearings.

Mr. Lay was sent down to Bordeaux under orders of the State Department, and under our present regulations Mr. Lay could only be paid $5 a day. This is found on page 69 of the hearings.

What did it cost you, Mr. Lay?

Mr. LAY. It cost about $35 above my expenses—above the expenses that were allowed me by the Government.

Mr. COCKRAN. Not $35 a day?

Mr. LAY. For the trip.

Mr. COCKRAN. For how many days?

Mr. LAY. I was obliged to spend much more than I was able to collect from the Government—in excess of the $5.

Mr. COCKRAN. For how many days' service?

Mr. LAY. I was there nearly two weeks.

Now, another instance:

Mr. LAY. I may say that I was ordered while at home on leave to the National Foreign Trade Conference in Chicago in 1919, at which I delivered an address, on the instructions of the department, in respect to trade, and that trip cost me about $40 out of my own pocket above the limits of the amount that could be collected from the Government. The department was kind enough to reserve a hotel room for me in Chicago. The cost of the room alone was $4 a day, so I had left a dollar for subsistence above my room, which, of course, was not sufficient.

That is the first-class hotel in Chicago that the gentleman from Texas speaks about, $4 a day. Anybody who travels now knows what kind of a room he can get in a first-class hotel for $4 a day. Under the present allowance the representative of the State Department would have $1 a day left for his three meals. This bill provides for the actual and necessary expenses for travel not in excess of $8 a day, which means that if the representative of the Government gets off with less than $8 a day actual and necessary expenses his allowance will be less than $8, but $8 is the upper limit, and it seems to me any man who travels in these days knows that that is not too much.

The CHAIRMAN. The time of the gentleman has expired, all time has expired, and the question is on the amendment offered by the gentleman from Texas.

The question was taken, and the Chair announced the noes seemed to have it.

Mr. BLANTON. Mr. Chairman, let us have a division so as to see if there are any economists here.

The committee divided; and there were—ayes 14, noes 40.

So the amendment was rejected.

The Clerk read as follows:

SEC. 14. That part of the act of July 1, 1916 (Public, No. 131), which authorizes the President to designate and assign any secretary of class 1 as counselor of embassy or legation, is hereby amended to read as follows:

"*Provided*, That the President may, whenever he considers it advisable so to do, designate and assign any foreign-service officer as counselor of embassy or legation."

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I understood the President had authority to assign these respective foreign-service officers to their respective posts. What is the necessity for this legislative provision?

Mr. ROGERS. The title of counselor of embassy is a secondary one. A foreign-service officer when he is sent to a particular capital may act as counselor when so designated by the President, just as a secretary of embassy or legation now may be designated by the President to act as counselor at his post.

Mr. STAFFORD. Is it necessary to have this special authorization? I thought the general provisions of the bill authorizing the transfer and retransfer by the President to the various posts were sufficient.

Mr. ROGERS. I can only repeat. This is not a primary designation. The present position of secretary may or may not involve the performance of duties as counselor, and the President is authorized to designate secretaries as counselor under such assignment.

Mr. STAFFORD. What are the special duties of a counselor of embassy or legation?

Mr. ROGERS. He is the representative of the ambassador or minister and in the absence of the ambassador or minister he is in charge. It is a title which has become very well known in every other country but ours, and if we do not have a counselor by name, our man who is performing the duties of counselor is very much handicapped.

Mr. STAFFORD. Where does the chargé d'affaires come in or the secretary of legation? I thought the secretary of legation was under the ambassador or minister under the present organization.

Mr. ROGERS. The secretary of the embassy or legation is designated under the present system to act as counselor. He is one of the secretaries. The chargé d'affaires is simply the officer who is designated during the absence of his chief and is the one who remains in charge.

Mr. STAFFORD. That may apply to the secretary under our present organization?

Mr. ROGERS. It is habitually.

Mr. STAFFORD. And I suppose it will apply to these distinguished counselors of embassies or legations?

Mr. ROGERS. In the absence of the minister the counselor would also be chargé d'affaires.

Mr. STAFFORD. And have this additional designation of chargé d'affaires?

Mr. ROGERS. Yes.

Mr. SEARS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Florida moves to strike out the last word.

Mr. SEARS. I would like to ask the chairman of the committee a question. You have struck out the word "diplomatic" and now use the words "foreign service." In order to make it strictly American, why not, in the section just read, strike out the words "chargé d'affaires" and make it "charge of affairs" and make that American also?

Mr. ROGERS. That is in the next section. It is a little difficult to say why not. Perhaps the only answer I can think of would be that this designation, while it is a strange one to our ears, is known elsewhere all over the world and has been ever since the Congress of Vienna.

Mr. SEARS. Yes; it is known abroad. It is also known to the gentlemen whose salaries are increased?

Mr. ROGERS. Yes.

Mr. BLANTON. It corresponds with one of those nine social rungs of the new ladder of the gentleman from Massachusetts that we are to have in our foreign service. [Laughter.]

Mr. ROGERS. It corresponds only in the mind of the gentleman from Texas. [Laughter.]

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

SEC. 15. That within the discretion of the President, any foreign service officer may be appointed to act as commissioner, chargé d'affaires, minister resident, or diplomatic agent for such period as the public interests may require without loss of grade, class, or salary.

That section 1685 of the Revised Statutes as amended by the act entitled "An act for the improvement of the foreign service, approved February 5, 1915," is hereby amended to read as follows:

"SEC. 1685. That for such time as any foreign service officer shall be lawfully authorized to act as chargé d'affaires ad interim or to assume charge of a consulate general or consulate during the absence of the principal officer at the post to which he shall have been assigned, he shall, if his salary is less than one-half that of such principal officer, receive in addition to his salary as foreign service officer compensation equal to the difference between such salary and one-half of the salary provided by law for the ambassador, minister, or principal consular officer, as the case may be."

Mr. HUSTED. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. HUSTED. I do so for the purpose of asking the gentleman from Massachusetts how the provision of section 1685 of the Revised Statutes as amended differs from the present law? It seems to me they are exactly the same.

Mr. ROGERS. This section does not change the present law except that it makes it perfectly clear that the section would apply to officers of the foreign service. But it does simplify and bring up to date, somewhat, some of the obsolete propositions of section 1685.

Mr. SEARS. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Florida is recognized for five minutes.

Mr. SEARS. Mr. Chairman, I would like to ask the chairman of the committee a question for the purpose of getting some information. I call the gentleman's attention to section 2 of the bill. Without taking up too much time—I have no desire to do that—I would simply call attention to the fact that in classes 1, 2, and 3, up to and including 8, we find salary increases of $500 or $1,000. We know, of course, from the tables filed by the committee the number of men whose salaries will be increased. I understand the increase in some of these cases will be $1,000.

Mr. ROGERS. The average increase is 14 per cent.

Mr. SEARS. In class 6, as I recall, the person now holding the position is getting $3,500. This makes it $4,500, an increase of $1,000.

Mr. ROGERS. There are some increases at $1,000, but most of them are $500.

Mr. SEARS. In the increases in that class, from $1,500 to $3,000, how many employees are affected?

Mr. ROGERS. About 100.

Mr. SEARS. How many will get the $3,000, and what are they now drawing?

Mr. ROGERS. That unclassified provision is a sort of basket clause, which takes care of men who are now consular assistants, men who are vice consuls, and men who are student interpreters and assistant student interpreters. Each of those three groups has classes within themselves. The man who enters as a vice consul starts at $1,500 and gets ultimately $3,000 as vice consul. The same situation is true generally as to interpreters and assistant interpreters.

Mr. SEARS. What will those who are now receiving $1,500 get under this bill? They are not receiving under $1,000, are they?

Mr. ROGERS. I do not think there will be any increase of salary in these unclassified places as compared with the present compensation. The purpose of the department is to have the ultimate objective relatively higher than the initial salary.

Mr. SEARS. These men who do not go to these social functions get only $1,500. It does not seem to matter about their salary?

Mr. ROGERS. It puts a maximum at the top, to which good men may aspire.

Mr. SEARS. Usually it is the man who is now getting $25,000 who will get $30,000 or more. But the man who is working for $1,500 must not expect to get any raise in this country, where we are all supposed to be equal. This is a great country, but I have come to the conclusion that there are only two things in which all men here are equal or where their privileges are the same. We are permitted to live, in most cases I should say exist, and we are permitted to die. It would be futile for me to undertake to increase the salary of any person who is only receiving a salary barely sufficient for him to exist on, for I learned long ago the efforts of anyone would be useless.

Mr. BLANTON. The gentleman from Florida ought to be the last man in this body to object to this, and I am surprised that he is objecting to large salaries, because if it were not for this action on the part of our Republican brethren across the aisle the gentlemen who are to be increased would not take their families down to Palm Beach in Florida. [Laughter.]

Mr. SEARS. If I thought the gentlemen who are representing us in China with this meager increase of compensation could pay their way to Palm Beach, I would hesitate to let them come, because they would not have enough money to live on when they got there. It would take all their salary to get to Palm Beach and they would have nothing left. [Laughter.]

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that all debate on this section and all amendments thereto close in five minutes. Is there objection?

There was no objection.

Mr. BRIGGS. Mr. Chairman, I want to ask the gentleman in charge of the bill a question or two with reference to the application of the civil service law to members of the Consular Service.

As I understand it now, the civil service law applies only in a limited degree. Does this bill in recasting the service make the civil service rules and regulations applicable to the new service or not?

Mr. ROGERS. No change from the present practice in that regard is contemplated in the present bill.

Mr. BRIGGS. But this bill enlarges very much, it seems to me, the personnel of the Consular Service by recasting it entirely. I am wondering whether under this new measure the civil service rules and regulations are going to be applicable to all these men in the Diplomatic Service except the ministers and ambassadors, so that they may be gauged by the period of service which they faithfully render to the Government, or whether it will be by their opportunity to hold the positions which they hold through varying administrations of the Government.

Mr. ROGERS. The gentleman is aware, I think, that the examination feature applies to-day to every diplomatic secretary and to every consular officer from top to bottom. But after a man once enters the service his promotion does not depend upon any civil-service consideration. The intent of the committee was to leave the situation in that respect entirely unchanged. Every man who enters the foreign service hereafter enters after examination, with one class excepted. I will read the applicable section:

SEC. 5. That hereafter appointments to the position of foreign service officer shall be made after examination or, after five years of continuous service therein, by transfer from the Department of State under such rules and regulations as the President may prescribe.

Mr. BRIGGS. Appointments of secretaries to embassies now are not made under the civil service or through examination, are they?

Mr. ROGERS. I suggested a moment ago, but perhaps did not make myself entirely clear, that entry into the service heretofore has been and hereafter will be by examination.

Mr. BRIGGS. Even with respect to secretaries of legations and embassies at the present time?

Mr. ROGERS. Yes, indeed.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

SEC. 16. That the provisions of the act approved May 22, 1920, entitled "An act for the retirement of employees in the classified civil service, and for other purposes," as the same has been or may hereafter be amended, are hereby made applicable to foreign-service officers with the modifications hereinafter stated, to wit:

(a) The age of retirement shall be 65 years: *Provided*, That the President may in his discretion retain any foreign-service officer who has reached the age of 65 years for such period not exceeding five years as he may deem for the interests of the United States.

(b) The maximum and minimum annuities under the several classes, instead of those stipulated in section 2 of the said act, shall be as follows:

Class A, maximum annuity $5,400, minimum annuity $1,500; class B, maximum annuity $4,860, minimum annuity $1,350; class C, maximum annuity $4,320, minimum annuity $1,200; class D, maximum annuity $3,780, minimum annuity $1,050; class E, maximum annuity $3,240, minimum annuity $900; class F, maximum annuity $2,700, minimum annuity $750.

(c) In lieu of section 3 of the said act the following provision shall apply:

That for the purposes of this act the period of service shall be computed from the date of original oath of office as secretary in the Diplomatic Service, consul general, consul, vice consul of career, consular assistant, or student interpreter, and shall include periods of service at different times in either the Diplomatic or Consular Service, or while on assignment to the Department of State, or on special duty, but all periods of separation from the service and so much of any period of leave of absence as may exceed six months shall be excluded: *Provided*, That the President is authorized from time to time to establish, by Executive order, a list of places in tropical countries which by reason of climatic or other extreme conditions are to be classed as unhealthful posts, and each year of duty at such posts while so classed, inclusive of regular leaves of absence, shall be counted as one year and a half, and so on in like proportion in reckoning the length of service for the purposes of retirement: *Provided further*, That service in the Department of State prior to appointment as a foreign service officer may be included in the period of service, in which case the officer shall pay into the civil-service retirement and disability fund a special contribution equal to 5 per cent of his annual salary for each year of such employment, with interest thereon to date of payment compounded annually at 4 per cent, less a deduction of the amount of all contributions and accrued interest thereon previously paid by such employee into the civil-service retirement and disability fund under the act of May 22, 1920.

(d) That the rate of deduction in the case of all officers eligible to retirement under the provisions of this act shall be a sum equal to 5 per cent of that portion of the basis salary not in excess of $9,000.

(e) In lieu of section 15 of the said act the following provision shall apply:

That there is hereby authorized to be appropriated, from any moneys in the Treasury not otherwise appropriated, the sum of $50,000 for the payment of annuities provided for in this act for the fiscal year ending June 30, 1924.

The Secretary of the Interior shall submit annually to the Secretary of the Treasury estimates of the appropriations necessary to continue this act in full force and effect.

With the following committee amendment:

Page 11, line 10, after the word "employment" strike out the words "after this act goes into effect."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. ROGERS. Mr. Chairman, I have a further amendment. In line 19 of page 11 strike out the word "basis" and substitute in lieu thereof the word "basic."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ROGERS: Page 11, line 19, strike out the word "basis" and insert in lieu thereof the word "basic."

The amendment was agreed to.

Mr. ROGERS. Mr. Chairman, I move further to amend, in line 20, page 11, and down to and including line 5, on page 12, to strike out all of subsection (e).

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ROGERS: Page 11, beginning with line 20, strike out the remainder of the page, and on page 12 strike out all of lines 1 to 5, inclusive.

Mr. ROGERS. That is all provided for in the Lehlbach Act, and apparently it is not necessary to repeat it here.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BLACK. Mr. Chairman, I have an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK: Pages 10, 11, and 12, strike out paragraphs (b), (c), and (d) of section 15.

Mr. BLACK. Mr. Chairman, if the House should agree to my amendment, the following provision in the bill would be left unimpaired:

SEC. 16. That the provisions of the act approved May 22, 1920, entitled "An act for the retirement of employees in the classified civil service, and for other purposes," as the same has been or may hereafter be amended, are hereby made applicable to foreign service officers with the modifications hereinafter stated, to wit.

And then the modification in paragraph (a) would be retained, which would permit these foreign service officers to retire at the age of 65.

Gentlemen of the House who are familiar with the civil service retirement act—and, of course, that includes most Members—know that there are three ages of retirement—62 for railway mail clerks, 65 for rural carriers, and 70 for Government employees generally. I think it would be all right to agree to paragraph (a), which provides for the retirement of these foreign service officers at the age of 65; but the main point that I have in mind is this: Inasmuch as we are giving to these foreign service officers what amounts to a civil service status, I agree that it is all right to bring them under the terms of the civil service retirement act. I see no objection to that. But this act goes much further in its provisions than the general civil service retirement law and provides rates of annuities which are extravagant and excessive. Now, the gentleman from Iowa [Mr. TOWNER] yesterday urged as a reason for passing this bill that it was in the interest of agriculture and the farmer. I imagine that the farmer will enthuse a great deal over retiring a Government employee who has been receiving $9,000 a year for 30 years, or $270,000 aggregate, and retiring him at $5,400 per year, which is what this bill does. Of course, the case I have cited is of the highest rate provided in the bill, but nevertheless it is a real illustration and not an imaginary one.

Gentlemen, the reason that I have taken the floor to discuss this particular provision is that I happen to be a member of the Committee on Reform in the Civil Service and have had something to do with the general retirement act. Our committee now has before it several bills to increase the annuities under that act; but we have taken the view, and the Members of the House have urged upon us the view, and I think very properly, that now is no time to increase the burdens of the Treasury by increasing the annuities under the retirement act.

If we had brought into this House a bill that was anything like as extravagant in its payments as the provisions of this bill, gentleman would have said: "Well, now, that may be all well and good, but now is no time to do it. Economy is imperative."

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLACK. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. BLACK. At a time when everybody is crying out against the burdens of taxation, when criticism is being made in every quarter that legislative bodies are too extravagant, it is properly urged that we should not bring in a bill enlarging annuity payments, and we have refrained from doing it, and have not given hearings on the bill. And yet if the House passes this provision you will be setting a precedent that will confront the Committee on Reform in the Civil Service in the very near future.

Mr. BROWNE of Wisconsin. Will the gentleman yield?

Mr. BLACK. Yes.

Mr. BROWNE of Wisconsin. Under this bill the employee pays 5 per cent, while under the general law he pays 2½ per cent. Would not the high-salaried officer have to pay a good deal more for what he gets than he would under the civil service law?

Mr. BLACK. No. The annuities which are provided in this bill are much more generous in amount than those which are provided under the general law.

Mr. LONDON. Will the gentleman yield?

Mr. BLACK. Let me answer the gentleman from Wisconsin.

Mr. LONDON. The gentleman can answer both questions at the same time.

Mr. BLACK. Very well.

Mr. LONDON. You can not get an annuity until the man has been in the service 15 years. That means until he has contributed 75 per cent of the amount—I do not know whether that 75 per cent includes compound interest or not, but at least he would contribute 75 per cent of his annuity. The gentleman should take that into consideration.

Mr. BLACK. Now, I want to answer the questions of my friends from Wisconsin and New York. In the first place, the retirement act will become effective at once, as the foreign-service officers will be entitled to retirement when they reach the retirement age whether they have paid in 75 per cent or not. Then there is another argument which has been used in this debate similar to that made by the gentleman from Wisconsin

and the gentleman from New York, and it is a misleading argument. It is: That because there is a large fund accumulating in the Treasury to the credit of the retirement fund, therefore larger annuities can be paid without any greater charge upon the Treasury. Every one knows that the only sound principle to base an annuity fund on is to create a fund large enough which will not only pay the current obligations but will set up a reserve sufficient to take care of the obligations maturing in the future. Nearly every fraternal insurance order that has ever gone on the rocks has gone there because it did not charge an adequate rate which would pay the current obligations and set up a sufficient reserve to take care of those liabilities which were inevitably to come later. I will admit that we do not expect the civil-service retirement fund to be self-sustaining. It is estimated, I believe, that the Government will pay anywhere from 50 to 65 per cent and the employees will pay the balance. The estimates vary. If I understand the debate on this bill correctly, it is assumed that the foreign-service officers will pay about 42 per cent and the Government will pay the balance. Now, that brings me down specifically to the question which the gentleman from New York asked.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLACK. Now, what led the gentleman from New York into error for the moment is that he was thinking of the payment of annuity for one year only. The gentleman from New York says because an employee pays in 5 per cent of his annual pay for 15 years, therefore he would pay in 75 per cent of his retirement fund. But I would remind him that the employee who reaches the age of 65 years will have an expectancy of probably 10 years. If the retirement pay is, we will say, $2,500 per year, then the total amount which would be paid him during his expectancy of 10 years would amount to $25,000; therefore a 5 per cent payment annually for 15 years would not create a fund that would equal anything like $25,000. What the gentleman had in mind was that 15 payments would equal 75 per cent of one year's pay.

Mr. STAFFORD. Will the gentleman yield?

Mr. BLACK. Yes.

Mr. STAFFORD. I am interested, and I think the membership of the House is interested, in what effect the gentleman's amendment would have and what retirement pay they would receive if this amendment is adopted; also how much they would contribute proportionately. This matter has been under consideration in general debate, and we would like to know how much of a charge it would be on the Treasury.

Mr. BLACK. If my amendment is adopted, these employees will all be brought under the general civil service retirement act and instead of paying 5 per cent of their salaries into the annuity fund they will pay 2½ per cent to such fund, and upon retirement will receive the same retirement pay as other Government employees, as follows:

Class A, from $720, maximum, to $360, minimum; class B, from $648, maximum, to $324, minimum; class C, from $576, maximum, to $288, minimum; class D, from $504, maximum, to $252, minimum; class E, from $432, maximum, to $216, minimum; class F, from $360, maximum, to $180, minimum.

Mr. Chairman, gentlemen may say the figures I have given is too small a retirement fund. But we must remember that this thing of retiring civilian employees is a new departure and we should not enter upon any extravagant rates. Therefore I want to place the class of Government employees covered by this bill under the very same civil service retirement law as applies to other Government employees.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. ROGERS. Mr. Chairman, this retirement section of the bill, which is a very important one and which, of course, should be thoroughly understood, has been discussed at every phase in the debate. I should very much like, primarily for the convenience of the committee, to see if we can not agree on time when we shall close debate on this section. I suggest that we close debate on this section in 20 minutes, and I ask unanimous consent——

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that all debate on this section and all amendments thereto close in 20 minutes.

Mr. LINTHICUM. Mr. Chairman, reserving the right to object, I would like to know how it is to be divided?

Mr. ROGERS. I have in mind five minutes to the gentleman from Maryland, the gentleman from Florida said he would like five minutes, the gentleman from Wisconsin [Mr. STAFFORD] five minutes, and I want to reserve five minutes.

Mr. STAFFORD. Make it 25 minutes.

Mr. ROGERS. I will make it 25 minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that all debate on this section and all amendments thereto close in 25 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. JONES of Texas. Mr. Chairman, I wish to say just a word in reference to annuities. I notice in most of the discussion carried on that gentlemen seem to think that a very large portion of the annuities are to be paid out of salaries of those who draw the annuities, but, as a matter of fact, whatever the annuities may be they are in the last analysis paid out of the Treasury of the United States, because the salaries are increased, and out of those increases the Government collects a sum and thus creates a fund. That is the true principle of all annuities, so I do not think that the fact that some part of the annuities are paid out of salaries amounts to much one way or the other. I am not discussing the merits of the annuity, but am endeavoring to direct attention to the fact that, whatever annuities may be allowed, a measure is usually so drafted that the net balance after the deduction of anything that may be used for the annuity fund is about what those drafting the measure think the compensation for that particular work should be. In other words, enough is usually added to the salary to take care of the annuity contributions, so that after all the annuity is paid out of the Treasury. But here is the principal point I want to make, and it seems to me it is an important one. The annuity is paid simply for this reason, that it is desired that no man who has been in the employ of the Government for a long period of years should be permitted to be in want after he is disconnected from the service.

I never understood that the purpose of an annuity was to enable a man to have more than just enough to keep him from being in want or being in privation and misery and suffering.

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. JONES of Texas. In a moment. Surely it has never been the purpose to enable a man from the annuity alone to live in a better condition than the average American citizen is able to live.

Mr. BLACK. I just want to agree with the gentleman, that the public has the right to expect that a Government official drawing $8,000 or $9,000 a year will make some provision for himself; and then, of course, according to my view, if Congress allows an annuity, it should be a small annuity such as is paid by the Government to its subordinate employees.

Mr. JONES of Texas. I think the gentleman's idea is entirely correct. In the nature of things everybody in this country can not be paid an annuity. The argument on which all annuities have been allowed is that when a man has worked for a long period of years for the Government the Government should see to it that after he has given that service he should not fall into poverty or want. In most instances men should be able to put aside something for a rainy day, but if they have not been able to do that, the Government should not do more than pay such a sum as will not permit them to come to want. I do not think that on that basis the Government should pay a class of men as much as $5,400 per year; not that a man can not use that much and more, but because it is not intended that the taxpayer shall be taxed to establish a fund to pay any man as much as may enable him of itself to live in any degree of luxury. I think that would be contrary to the whole basis and theory of an annuity.

Of course, it would be nice for every one of them to get $5,400 per year. It would also be fine if every taxpayer could receive that much after he has done his duty and reached the age of 65. But in the nature of things that is impossible. After you have passed the stage where it is necessary to keep a man from suffering actual bodily want, you pass beyond the pale of what I conceive you are privileged to do in taking money out of the Treasury of the United States and giving it to any man, regardless of how long he may have served and regardless of how valuable his service may have been.

Mr. SEARS. Mr. Chairman, of course I realize the amendment of the gentleman from Texas [Mr. BLACK] will not carry, because all efforts for economy seem to be futile. But by making these few remarks perhaps we can call the attention of the country to some of the conditions as they exist.

I am not opposed to retirement in some cases. The gentleman from Texas [Mr. BLACK] said he could imagine the enthusiasm of the farmers when they learned that men who have been drawing $9,000 a year had been retired at an annuity of $5,400 a year.

Mr. HERRICK. Mr. Chairman, I make the point of order that there is no quorum present. If I get time to-morrow, I am going to make that speech.

The CHAIRMAN. The gentleman from Oklahoma makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and two Members are present, a quorum.

Mr. SEARS. Mr. Chairman, when interrupted I just stated that the gentleman from Texas [Mr. BLACK] said he could imagine the enthusiasm of the farmers when they learned that gentlemen who had been drawing a salary of $9,000 a year would be retired at an annuity of $5,400 a year. I can also imagine the enthusiasm with which this will be received by the merchants and laboring men of this country who are receiving in many cases far less than $9,000 a year; in fact, many of them barely eke out an existence. Of course all the people pay taxes, either directly or indirectly. When they purchase merchandise of course the taxes must be added to what they buy, and therefore they indirectly pay their taxes, and already the burden has just about reached the breaking point.

The gentleman from Texas [Mr. BLACK] also stated, Mr. Chairman, that these men would be retired at the end of 30 years' service. In that he is not correct. I desire to call his attention to the fact that this bill provides that it is possible after only 15 years or less of service they may be retired with this annuity. I stated the other day that if I had my way I would incorporate in this bill that they would have to be in the Government service at least 30 years in order to receive this retirement and annuity.

Some years ago, when I first came to Congress, I called the attention of the House to several of the retirement features which the taxpayers were paying and which I believed they were not aware of. Let me again call attention to the fact that two departments of this Government alone were paying, about 6 years ago, approximately $12,000,000 as retirement pay to employees of those departments. The judges of the United States courts and other officials are retired with a certain annuity.

The gentleman from Texas [Mr. BLACK] called attention to the fact that other Government employees were now being retired, but at a much smaller rate than that provided in this bill, so that I think I can safely say that the taxpayers of this country are now being taxed at least $15,000,000 or $20,000,000 a year to pay annuities already provided for by law, and now you propose to further tax them, unless the amendment of the gentleman from Texas is adopted, to keep those who have been receiving $5,000, $6,000, $7,000, $8,000, or $9,000 a year from suffering during the few remaining years of their lives.

When I think of Uncle JOE CANNON, that grand old man who for 46 years has devoted his life to his country, who has so well and faithfully served in this House, who is still active and energetic, although 87 years of age, and who, unfortunately for his country, will, on the 4th of next March, voluntarily retire from this House without an annuity, I sometimes wonder why it is that more of the people do not complain when we retire young men at the age of 65 and tax old men for the purpose of keeping them in luxury and permitting them to continue the mode of life which they have enjoyed in the past.

I might also call your attention to the services of the Clerk of the House, Mr. Tyler Page. For almost 42 years he has been continuously in the employ of the Government. He began as page in 1881, and by faithful, earnest, and conscientious efforts at all times has finally advanced to his present position. In passing I would be remiss if I did not mention Mr. Cameron, assistant reporter, with a record of 42 years; Mr. W. A. Smith, clerk in charge at Capitol of CONGRESSIONAL RECORD, with a record of 45 years; Mr. Sam Robinson, CONGRESSIONAL RECORD messenger, with a record of 41 years. Sam, as he is known, goes whether the weather is good or bad, and we all know how well and faithfully he performs his duties. There are others too numerous to mention, but just as faithful.

We know the uncertainty of a political life, and the position of each of these is in a way political. Therefore they may be dropped from the roll at any time; and if such should be the case, regardless of how well they have performed their duties, they would receive no annuity.

Let us hope while they have been faithful and energetic that they have provided for the future.

Mr. Chairman, where and when will this end? When, if there is to be a retirement policy, will all be placed on an equality?

Certainly, if we keep up our present unequal and uncertain policy the taxpayers will not be able to stand up under the burden.

I therefore sincerely trust the amendment of the gentleman from Texas [Mr. BLACK] will be adopted; but, as I stated before, I doubt it, for many talk economy but vote otherwise.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LINTHICUM. Mr. Chairman, the question of retirement, as set forth in this foreign service bill, was given very considerable attention by the committee. We admit that these retirement allowances are larger than those provided in the Lehlbach Act for other governmental employees and in which the retirement is too small. It must be remembered that this is an entirely different service. This is a foreign service, where men are sent to various sections of the world. Some of the places to which they are sent are not healthful. In most of them living is very expensive, and a man is somewhat like a preacher who may be in one section for a year or two and is subject to orders, and is moved from place to place, in the case of foreign-service men sometimes a thousand or two thousand miles away. His conditions are such that he can not save anything for the time when he will need it, when old age or sickness comes on. In several branches of the Government we have recognized a much larger retirement allowance than is granted in the Lehlbach bill. For instance, in the Army and Navy, where a man is given three-quarters of his grade pay upon retirement, and he makes no contribution whatever to the fund. We give the judges about three-quarters of their pay on retirement and they make no contribution to the fund. Here we give them at most 60 per cent and compel them to pay 5 per cent, being twice what is required under the Lehlbach bill. Very few will ever get the 60 per cent—those entitled must have served 30 years, a mighty long time to be moved from pillar to post in all manner of countries.

The gentleman from Texas [Mr. BLACK] is not fair in his argument. He argues that in 30 years a man ought to save enough to help himself out on $9,000 a year. Well, there are very few men in the service who get $9,000 a year, and it is most likely that a man would never get $9,000 except for a couple of years. He starts at a very low salary. At the present time he starts at a salary which does not even pay his expenses. As I said the other day, at the present time the salaries of most of them when they start are so low that the department will not even appoint a married man to the low-grade positions, because they say he can not support a wife on the salary. Therefore, we place this retirement upon a 60 per cent basis for 30 years' service. If a man has been in the service only 15 years and reaches the age of 65 he gets only 30 per cent.

The gentleman must remember another thing. The foreign service is practically self-supporting and costs the Government very little money indeed. There is another thing that we must remember, and if gentlemen would only take the trouble to read some parts of these hearings where these matters are set out very fully, I do not think we would need a great deal of discussion. On page 30 of the hearings it is shown that we will not have to pay a single dollar into this fund for 20 years. Beginning in 1944, we will be compelled to pay, perhaps, $48,000, but in the next 20 years the money paid in by the employees into this service will take care of the fund. And it is estimated by the gentleman from Illinois [Mr. MADDEN], who brings the statistics here to prove it, that even under present conditions in 1965 we will be paying only $260,000 a year. I believe the foreign-service fees will increase more than enough in that time to take care of this additional burden.

I append the statement showing how this retirement feature will work to the year 1944, and, as I have said, after that time, unless the returns from the foreign service increases, which I believe they will, the Government will be compelled to contribute to the fund, just as it will be compelled to contribute under the Lehlbach bill for other civil employees.

FOREIGN SERVICE RETIREMENT SYSTEM.

Statement showing estimated annuities payable to foreign-service officers under the proposed retirement system prior to the year 1944, which will be paid solely from the contributions, with interest thereon, of such officers.

Fiscal year ending June 30—	Annuities payable during year.	Available retirement fund from contributions with interest compounded at 4 per cent.	Balance after payment of annuities.	Necessary appropriation.
1924	$61,176.41	$143,719.85	$82,543.44	$50,000.00
1925	71,791.67	229,405.80	157,614.13	.....
1926	80,866.60	307,343.20	226,476.60	.....
1927	86,633.43	378,873.36	292,219.93	.....
1928	93,260.35	446,654.93	353,394.58	.....
1929	97,131.26	510,257.20	413,125.94	.....
1930	101,759.00	572,762.10	471,003.10	.....
1931	111,163.40	632,812.27	521,648.87	.....
1932	116,355.09	685,406.97	569,051.88	.....
1933	129,925.29	734,502.58	604,577.28	.....
1934	141,951.55	771,268.00	629,316.95	.....

Statement showing estimated annuities payable to foreign-service officers under the proposed retirement system, etc.—Continued.

Fiscal year ending June 30—	Annuities payable during year.	Available retirement fund from contributions with interest compounded at 4 per cent.	Balance after payment of annuities.	Necessary appropriation.
1935	$149,410.66	$796,989.63	$647,578.97	
1936	164,715.13	815,902.13	651,267.00	
1937	179,978.65	819,817.68	639,839.13	
1938	199,987.14	807,932.70	607,945.56	
1939	212,814.00	774,763.38	561,949.38	
1940	232,009.55	726,927.36	494,827.81	
1941	248,431.01	657,120.92	408,689.91	
1942	265,266.43	567,537.51	302,271.08	
1943	308,209.60	456,861.92	148,652.32	
1944	346,050.10	297,098.00		48,951.69

I believe with the enactment of this measure we will have placed upon the statute books one of the most constructive pieces of legislation which this Congress has enacted. Certainly the most constructive piece of legislation passed during my service of 12 years for the foreign service. It will of course increase salaries about 14 per cent, but it will give a stability to the service, the value of which can not possibly be estimated. Men will enter with a desire to make it their career, and it will not be like it is now—as soon as men are equipped for the service they become more valuable to private individuals and corporations.

It is true that individuals and corporations may still offer larger salaries than the foreign service can afford, but they can never give them that position in life and that standing in their communities which the foreign service affords them, nor will they be able to assure them of a fair retirement after they have performed their life work. If we would extend our trade and our influence among the nations of the world, we must be prepared to meet other nations in competitive work.

With a well organized and an efficient foreign service composed of men equipped and with experience, we can compete.

I believe that this service will be of great benefit to all our people in that it will bring trade and business for our farmers and our factories. The foreign-service men will compose a satisfied and contented body of men, and that is certainly of great value to any nation or to any people.

While we have somewhat increased salaries, we are still far below our competitor Great Britain, as shown by the statement I append. Hereafter, our foreign service will represent both the diplomatic and consular; it will enable the President to shift men from one service to the other; it will democratize the service, because men can be removed from one to the other; it will bring about a better understanding and agreement between the Diplomatic and Consular Bureaus of the Foreign Service, and as I have said before, I believe the legislation will be of inestimable benefit to our people everywhere, and certainly enhance the value and importance of the service.

Comparative statement showing salaries of ambassadors and ministers at important posts.

	Great Britain.	United States.
Albania	$8,515	$10,000
Argentina	43,978	17,500
Austria	[1] 21,899	10,000
Belgium	[1] 26,765	17,500
Bolivia	14,599	10,000
Brazil	45,014	17,500
Bulgaria	17,032	10,000
Chile	23,359	[1] 17,500
China	[1] 24,332	[1] 12,000
Colombia	14,399	10,000
Cuba	19,012	[1] 12,000
Czechoslovakia	19,466	10,000
Denmark	21,899	10,000
Egypt	[1] 58,398	7,500
Esthonia, Latvia, and Lithuania	18,006	10,000
Finland	18,735	10,000
France	[1] 80,297	17,500
Germany	[1] 38,932	17,500
Great Britain		17,500
Greece	19,466	10,000
Italy	[1] 38,932	17,500
Japan	[1] 29,199	[1] 17,500
Mexico	14,599	[1] 17,500
Netherlands	[1] 24,332	12,000
Norway	21,899	10,000
Panama	15,572	[1] 10,000
Persia	24,332	10,000
Peru	18,102	17,500
Poland	[2] 7,252	12,000

[1] Residences owned by Government and supplied in addition to salary.

Comparative statement showing salaries of ambassadors and ministers at important posts—Continued.

	Great Britain.	United States.
Portugal	$19,466	$10,000
Rumania	19,466	10,000
Serbs, Croats, and Slovenes	18,979	10,000
Siam	14,599	[1] 10,000
Spain	[1] 29,199	17,500
Sweden	21,899	10,000
Switzerland	[1] 18,248	10,000
Turkey	[1] 42,581	17,500
United States	[1] 97,330	
Uruguay	20,439	10,000
Venezuela	14,599	10,000

[1] Residences owned by Government and supplied in addition to salary.

Comparative statement showing salaries of principal consular officers at important posts.

	Great Britain.	United States
Argentina:		
Buenos Aires	$11,922	$8,000
Rosario	7,907	3,500
Austria, Vienna	6,325	3,500
Belgium, Antwerp	9,246	4,500
Brazil:		
Bahia	8,394	4,000
Para	9,124	5,000
Rio de Janeiro	12,166	8,000
Chile, Valparaiso	11,679	5,500
Denmark, Copenhagen	6,569	5,500
Ecuador, Guayaquil	6,812	5,500
France:		
Bordeaux	6,447	4,500
Havre	6,569	5,500
Lille	6,325	4,000
Lyon	6,569	5,000
Marseille	9,246	5,000
Paris	9,246	12,000
Germany:		
Berlin	9,002	6,000
Cologne	9,002	4,500
Hamburg	8,759	4,000
Munich	6,325	2,500
Great Britain, London		12,000
Greece, Athens	6,325	5,500
Italy:		
Genoa	9,246	5,500
Milan	9,246	5,000
Naples	9,246	5,000
Palermo	6,447	4,000
Mexico, Mexico City	8,273	[1] 5,000
Netherlands:		
Amsterdam	6,325	5,000
Rotterdam	9,246	8,000
Norway:		
Christiania	6,569	5,500
Bergen	6,325	4,500
Paraguay, Asuncion	6,813	4,000
Peru, Callao	8,150	[1] 4,500
Poland, Warsaw	6,447	6,000
Portugal:		
Lisbon	6,325	4,500
Lourenco Marques	8,515	3,500
Rumania, Bucharest	6,447	5,000
Russia:		
Moscow	9,246	[2] 5,500
Petrograd	7,664	[2] 3,500
Spain:		
Barcelona	9,246	5,500
Madrid	6,447	2,500
Sweden:		
Goteborg	9,246	3,000
Stockholm	6,447	8,000
Switzerland:		
Geneva	6,326	3,500
Zurich	9,246	8,000
Turkey:		
Constantinople	8,759	8,000
Beirut	8,759	4,000
Smyrna	8,759	5,500
United States, New York	26,035	

[1] Consul temporarily in charge. [2] Office now closed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANDREWS of Nebraska. I ask unanimous consent that the gentleman may have two minutes more.

The CHAIRMAN. Debate has been limited, so that the Chair does not feel at liberty to entertain that request.

Mr. LINTHICUM. I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection. [Applause.]

Mr. STAFFORD. Mr. Chairman, in adopting the recommendation of the committee extending the principle of retire-

ment to officers of the Government, we are indeed proceeding on very dangerous ground when the recommendation comes from a committee that has not given the exhaustive consideration to this subject that the Committee on Reform in the Civil Service would have given it. As the Members of this House know, the retirement feature of the law applies to employees connected with the civil service and not to officers. We are attempting here for the first time to extend it by a different rule of payment to officers of the Government. This is the beginning of a far venture, and no one can tell how extensive it will be.

Mr. PARKER of New Jersey. Will the gentleman yield for a question?

Mr. STAFFORD. I have only five minutes.

Mr. PARKER of New Jersey. I wish simply to ask the gentleman if these foreign-service employees are not like military officers?

Mr. STAFFORD. They are not like military officers. The hearings disclose that with the salaries that are to be paid these positions will be desired and sought after for a literary career.

Mr. HERRICK. Will the gentleman yield?

Mr. STAFFORD. No; I decline to yield to the gentleman from Oklahoma. We are not proposing to retire them under the general provisions of the retirement act. It is stated that the conditions are similar to those which apply to the judges.

Mr. HUSTED. Will the gentleman yield for a very brief question?

Mr. STAFFORD. No; I have not the time to yield. If I had the time, I would be glad to yield to the gentleman from New York. As far as the judges are concerned, everyone knows that we pay our judges salaries not commensurate with the work they perform—district judges only $7,500 and circuit judges $8,500. They give their best years to the service. In the foreign service they do nothing that conflicts with their taking private employment afterwards.

But worse than all, in this provision recommended by the Committee on Foreign Affairs you are proposing to retire men at a maximum of $5,400 and a minimum of $1,500, where under the retirement act their retired pay would be only $360 minimum and $720 maximum. No man will be kept out of the service if we apply only the retirement features of the general law to these men. No men have been kept out of this service, as far as consular officers are concerned. Even under the present scale of employment there have been numerous applications for consular positions. It is proposed to raise their salaries a minimum of $500 a year and some of them $1,000. Yet you are going ahead without the legislative committee, the Committee on Reform in the Civil Service, having investigated the subject, and are establishing a policy that is going to haunt us in the future.

The naval service or the military service is not akin to this service. As a general thing, when a man in the military or naval service gets to the age of retirement he is incapacitated. These gentlemen in the foreign service, in the Consular Service and secretarial service, are not incapacitated from doing other civilian work.

When the War Department appropriation bill was before the House it was called to our attention that enlisted men were retired on $1,200 and $1,400 pay, and a total of $7,000,000 was appropriated for retired pay of enlisted men alone. Members were amazed; they could not believe it. Now, you are proposing to give retirement pay to many men who have reached retirement age who will not contribute anything. I never desired to enter the Diplomatic Service, but if I wanted a good easy berth for life, I would seek the Consular and Diplomatic Service.

Mr. HUSTED. Will the gentleman yield?

Mr. STAFFORD. I will.

Mr. HUSTED. Does not the gentleman realize that unless you make some provision for the future of these men when at the height of their usefulness, when they can render the best service to the Government, when they have acquired the ability to secure outside positions, they are going outside to get the positions, and that they are compelled to do it in order to make provision for themselves and their families? They are not going to stay in the Diplomatic Service when they can get a position that will provide for them outside.

Mr. STAFFORD. I differ with the gentleman having the State Department bill in charge. We are raising the salaries of secretaries from $4,000 up to $8,000. The exceptionally bright will generally not remain, the mediocre will cling to the service regardless of retirement pay or not. These high rates are extravagance run wild.

Mr. BLANTON. We have to make provision for the lame ducks.

Mr. STAFFORD. They will not have to make any provision for me, for I am going back to private life.

Mr. ROGERS. Mr. Chairman, I am in favor of the retirement provision partly because it is fair to the individual, but I am in favor of it more because it is fair to the United States. It is interesting to hear the gentleman from Wisconsin [Mr. STAFFORD] declaim about the evils of this proposal. It may be that if the retirement question was coming up for the first time, that if we had never retired officers of the United States in the past, his argument would have some force and importance. But, Mr. Chairman, I have in my hand a list of 20 or 25 different classes and types of Government officers and employees who are retired under provisions of as many existing laws. It is too late to say that retirement is not the policy of the United States, provided the elements of time, nature of service, and propriety warrant.

I have in my hand the indorsement of the bill from the very people about whom previous speakers have been so much concerned. I have the indorsement of organized labor of the United States to this bill from the first line to the last. I do not, of course, say that should be conclusive on the House, but I do suggest that when men say we are doing something unwise and unfair in this measure that the workingmen of America, speaking through organized labor, cordially approve our proposals.

The gentleman from Illinois [Mr. MADDEN] is not regarded as an extravagant man in his views and recommendations. I think most of us have in the past frequently felt that the gentleman from Illinois sometimes erred on the side of economy but never that he erred on the side of extravagance. I desire to call the attention of Members who were not present to the fact that earlier in the day the gentleman from Illinois [Mr. MADDEN] made a most convincing speech for this bill, and especially for this retirement system. He stated that the proposed retirement would not cost the Government a single penny until 1944. He stated that in 1965 the maximum appropriation from the Government that would be required would be between $200,000 and $250,000. He said that this legislation presents, in his judgment, a wise business program of economy for the United States. If he at all criticized the committee, it was because we recommended a contribution of 5 per cent from officers of the foreign service instead of 2½ per cent, as in the Lehlbach law.

I may repeat, in closing the debate upon this important provision, that the three-fourths retirement pay for our Army and Navy officers has not been contributed to in the least degree by the officers themselves. Further, the foreign service retirement, universally found in the case of foreign countries, is wholly noncontributory. We are doing too little rather than too much.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired. All time has expired, and the question is on the amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. BLACK) there were—ayes 15, noes 64.

So the amendment was rejected.

The Clerk read as follows:

SEC. 17. In the event of public emergency any retired foreign service officer may be recalled temporarily to active service by the President, and while so serving he shall be entitled in lieu of his retirement allowance to the full pay of the class in which he is temporarily serving.

Mr. HERRICK. Mr. Chairman, I move to strike out the last word. I merely rose for the purpose of asking the chairman of the committee, the author of the bill, or any other person who will acknowledge being the father of the measure and responsible for its care and bringing up, a few questions. This is a bill providing for the retirement of persons now serving in the Consular and Diplomatic Service accredited to foreign governments.

If this bill should pass the House and Senate immediately, would any of these persons be retired soon enough to make open positions for the possible benefit of defeated Congressmen or Senators, so that they might be appointed to these positions?

Mr. ROGERS. I think so.

Mr. HERRICK. Then, in that event I want to say that I am among those who are not coming back, and I am also among those who are not hunting for any Federal appointment. I do not like the idea of defeated Congressmen and Senators running after Federal appointments after their term in the Senate or the House expires, and I for one am not going to run after any Federal appointment. In fact, there is where the odium and the ridicule is being heaped upon Congress, and there is where that rather uncomplimentary term "congressional lame duck" comes from. It is because Senators and Congress-

men lay aside their dignity to go down to the other end of Pennsylvania Avenue and ask for an appointment. It is rather distasteful to me to see them lower their dignity in that manner, and I would like to be assured by the chairman of this committee that he will introduce an amendment barring ex-Members of the House and ex-Senators from being beneficiaries of the law.

Mr. BLANTON. What are we going to do with these hundred lame ducks?

Mr. HERRICK. Let them go home and feed in their own corn fields.

Mr. WINGO. Mr. Chairman, I rise in opposition to the pro forma amendment. The question naturally arises, Where are we going to end with this matter of retirement pay? I doubt very seriously if Members of the House realize the extent to which Congress, by first one law and then another, has practically provided for rewarding men with pensions who have been privileged and had the honor of serving their Government. I have been reared with the notion—it may be foolish—that it is a privilege and an honor to be selected as an officer of the United States Government, however simple and humble the office may be. I have never yet been able to comprehend the argument of those who say that one who receives the benefit of that honor and that distinction places the taxpayers of this country under a pecuniary obligation to pension him in his old age. But, Mr. Chairman, if you are going down that road, it occurs to me we ought not to discriminate. I saw my good friend, the lady from Oklahoma [Miss ROBERTSON], a moment ago voting upon the amendment that has just been defeated, and I recall how she and I have pleaded with a committee of this House to grant a small recognition of the splendid services and the risk of life that a certain group of men rendered and suffered in the early days of the Indian Territory. I refer to the old deputy United States marshals of that Territory. There were not many of those men left when we appeared before the committee—72—a few months ago, and some of them have died since then. They are wrinkled and withered and old and gray, most of them depending for their living upon the bounty of their friends. They went into that Territory as special United States deputy marshals under the peculiar jurisdiction of a special court, and they rendered military service in maintaining law and order and bringing to justice the outlaws who had disturbed four or five States surrounding the Indian Territory.

Oh, it sounds like a romance to read the story of the splendid service of those heroic men. Their service was really military service, and at times as few as five or six of them rendered greater military service than a whole troop of soldiers, and in more than one instance they have gone out and captured bands that a whole military company had not been able even to locate. Yet, when we go before that committee, the lady from Oklahoma and I, we have been met with the bland smile and the statement that to grant our request would be extending the pension laws to the civil service of the United States.

Mr. HUSTED. Over how long a period did that service extend?

Mr. WINGO. They served for several years. We established a special court with special jurisdiction at Fort Smith. Theirs was the most daring and the most hazardous service that any troop of military men ever rendered in America, and I feel deeply the fact that this Congress is adjourning and that the lady from Oklahoma and I have not been able to have a modicum of justice done to these old men. Only one or two of them live in my district; most of them live in Oklahoma, Texas, and in Kansas. These old men rendered real military service, though not officially designated as such. I have seen a few of them on parade, crippled, weak, but still there was the daring in their eyes; there was the courage apparent that made their service so valuable. They maintained law and order and saved civilization in those trying times, and yet Miss ALICE and I, when we asked that they be placed on the pension rolls of the Government, are met with the reply that we can not do that, and the men who turned us down vote to-day to practically pension these consular officers who hold honorable positions and run no risk to either their lives or their property. [Applause.]

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

The Clerk read as follows:

SEC. 19. That all moneys heretofore appropriated for the Diplomatic and Consular Service of the United States are hereby made available for the purposes of this act.

Mr. ROGERS. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 12, line 18, strike out all of section 19 and insert the following: "SEC. 19. That the appropriations contained in Title I of the act entitled 'An act making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1924, and for other purposes,' approved January 3, 1923, for such compensation and expenses as are affected by the provisions of this act, are made available and may be applied toward the payment of the compensation and expenses herein provided for, except that no part of such appropriations shall be available for the payment of annuities to retired foreign-service officers."

Mr. ROGERS. Mr. Chairman, just a word upon the amendment. The suggestion came from Mr. MADDEN, the chairman of the Committee on Appropriations, that the language of the present section 19 might be broader than was wise from an accounting standpoint. The language which I have offered was drafted in the Committee on Appropriations and meets with the approval both of Mr. MADDEN and of the gentleman from New York [Mr. HUSTED] who was in charge of the bill mentioned in the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

The Clerk read as follows:

SEC. 20. That this act shall take effect on July 1, 1923.

Mr. HERRICK. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HERRICK: Page 12, after line 21, insert as a new section as follows:

"That no one who is now a Member of the House or Senate of the United States shall be eligible to any appointment under this act."

Mr. ROGERS. Mr. Chairman, I make the point of order against the amendment that it is not germane to the section.

The CHAIRMAN. The gentleman from Massachusetts makes the point of order that it is not germane to the section. The Chair will hear the gentleman from Massachusetts.

Mr. ROGERS. The provision of section 20 is that this act shall take effect on July 1, 1923. The proposal of the gentleman from Oklahoma is not cast in the form of a limitation and has no relationship whatever to the mere assertion of the date upon which this act shall take effect.

Mr. MOORES of Indiana. Mr. Chairman, I make the further point of order that the Constitution itself is declaratory on this, and under the Constitution not a single Member of this House or the other House, if it should pass, would be eligible.

Mr. HERRICK. Mr. Chairman, the chairman of this committee stated to me a little while ago that one of the purposes of this bill was to make provision for some of these so-called lame ducks.

Mr. ROGERS. Mr. Chairman, I do not want to dignify that remark by denying it. Of course, I said nothing of the kind.

The CHAIRMAN. The Chair is ready to rule. The amendment offered by the gentleman from Oklahoma is evidently not germane to the section to which it is offered.

Mr. HERRICK. I offer it as a separate section and make it read section 21.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to withdraw his amendment and offer it as a separate section. Is there objection?

Mr. ROGERS. Mr. Chairman, I object.

The CHAIRMAN. The point of order having been sustained the amendment goes out and unanimous consent is not required. The gentleman offers his amendment, which the Clerk will report.

The Clerk read as follows:

Page 12, after line 21, insert as a new section the following: "That no one who is now a Member of the House or Senate of the United States shall be eligible to any appointment under this act."

Mr. ROGERS. Mr. Chairman, I renew the point of order on the ground that the amendment is not germane to the subject matter of the section immediately preceding, and I call attention of the Chair to the fact that early in the bill there were at least two sections to which this amendment might appropriately have followed as far as the question of germaneness was concerned.

Mr. BANKHEAD. Mr. Chairman, I am not in sympathy with the amendment of the gentleman from Oklahoma and I expect to vote against it, but I certainly do not think it is subject to the point of order that has been suggested by the gentleman from Massachusetts. The mere fact on his last proposition that there occurred an opportunity in a prior section of the bill to offer a limitation of this character—and that was waived by the failure to offer it—certainly does not inhibit any Member at any subsequent stage of the proceedings from offering an amendment which is germane to the general purposes of

the bill; and it seems to me that the amendment is entirely germane to the purpose of the bill, because it prescribes, in effect, a limitation upon the personnel of these consular officers who are covered in the bill, and it seems to me, upon reflection, the Chair will come to the conclusion that the point of order is not well taken.

The CHAIRMAN. The Chair is ready to rule in favor of the gentleman. The gentleman from Oklahoma offers an amendment which provides that no former Member of the House or Senate shall be eligible to any of these appointments. He offers it as a separate section. Of course, it has been sometimes held that an amendment offered to a preceding section must be germane to the one immediately preceding, but the rule in reference to germaneness when a separate section is offered is not so strict as in case of amendment to a section. The Chair is inclined to think on a bill covering many different employees and officers this sort of provision offered at the close thereof should be held in order. The point of order is overruled. The Chair recognizes the gentleman from Oklahoma [Mr. HERRICK].

Mr. HERRICK. Mr. Chairman, this Congress will adjourn on March 4, 1923, and this act will take effect on July 1, 1923. Well, now, from March 4 to July 1 that would be just simply time for the Members of the House and Senate who are, according to the funny papers and the yellow papers, designated as "lame ducks"—as I say, it just gives them time enough to arrange their own private affairs and to heckle and harass the President, saying, "Please give me a Federal plum, so that I can go abroad at Federal expense," and I feel that they ought to go home and attend to their own knitting, and if there has been anything wrong about the election—that is, if they received any injustice at the hands of anybody—they can go back and have ample time to right it. I have intended to show for a long time where Newberryism has been rather rampant in the House and Senate and deserving Members have been beaten out by unfair means for reelection, and all that.

But I contend that it is up to them to go back and refight their battle, and, if they want to continue in the Government service, either come back here or let a decent, respectable interval elapse between the expiration of their service in the House here and their seeking to reenter the Federal service. In fact, it looks rather unwise to me, and it gives an opportunity to such papers as those that I have designated "yellow rags," such as the Washington Times and the Washington Herald, to poke fun at those men and refer to them as lame ducks quacking around the public corncrib, and all that. [Laughter.]

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. ROGERS. Mr. Chairman, I move to close debate on the bill.

The CHAIRMAN. The gentleman from Massachusetts moves to close debate on the bill. The question is on agreeing to that motion.

The motion was agreed to.

Mr. ROGERS. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. SEARS. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Massachusetts moves that the committee do now rise and report the bill and amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SANDERS of Indiana, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 13880) for the reorganization and improvement of the foreign service of the United States, and for other purposes, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. The Chairman of the Committee of the Whole House on the state of the Union, having under consideration the bill H. R. 13880, reports that that committee had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. HERRICK. Mr. Speaker, I make the point that there is no quorum present.

Mr. BLANTON. I suggest that the gentleman withdraw it for a moment.

Mr. HERRICK. Withdraw nothing. Give me time to make my speech to-morrow and I will stop filibustering. [Laughter.]

The SPEAKER. The gentleman from Oklahoma makes the point of order that there is no quorum present. The Chair will count. [After counting.] There is no quorum present.

Mr. ROGERS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anderson	Focht	Kraus	Riordan
Ansorge	Free	Kreider	Rodenberg
Atkeson	Freeman	Kunz	Rose
Barkley	French	Langley	Rosenbloom
Beck	Funk	Larson, Minn.	Rossdale
Blakeney	Gahn	Lee, Ga.	Rucker
Bland, Ind.	Garner	Lee, N. Y.	Ryan
Boies	Garrett, Tex.	Lehlbach	Scott, Mich.
Bowers	Gensman	Lineberger	Scott, Tenn.
Brennan	Gilbert	Logan	Shreve
Britten	Goldsborough	McFadden	Siegel
Brooks, Pa.	Goodykoontz	McLaughlin, Nebr.	Slemp
Buchanan	Gould	McLaughlin, Pa.	Smith, Mich.
Bulwinkle	Graham, Pa.	MacGregor	Smithwick
Burdick	Greene, Vt.	Maloney	Steagall
Burke	Hayden	Mead	Stephens
Butler	Hays	Merritt	Stiness
Campbell, Kans.	Henry	Michaelson	Stoll
Cannon	Hersey	Mills	Strong, Pa.
Carew	Hicks	Montague	Sullivan
Chandler, N. Y.	Himes	Moore, Ill.	Sweet
Chandler, Okla.	Hoch	Morin	Tague
Clague	Hogan	Mudd	Taylor, Ark.
Classon	Huck	Nelson, J. M.	Taylor, Colo.
Clouse	Hukriede	Norton	Taylor, N. J.
Codd	Humphreys, Miss.	O'Brien	Ten Eyck
Connally, Tex.	Hutchinson	O'Connor	Thomas
Connolly, Pa.	Jefferis, Nebr.	Oliver	Treadway
Copley	Jeffers, Ala.	Olpp	Upshaw
Crowther	Johnson, Miss.	Osborne	Vinson
Cullen	Johnson, S. Dak.	Overstreet	Voigt
Dale	Johnson, Wash.	Paige	Volk
Darrow	Jones, Pa.	Park, Ga.	Wason
Davis, Minn.	Kahn	Parker, N. Y.	Wheeler
Davis, Tenn.	Keller	Patterson, Mo.	Winslow
Dempsey	Kelley, Mich.	Patterson, N. J.	Wise
Dominick	Kendall	Perlman	Wood, Ind.
Drane	Kennedy	Petersen	Woods, Va.
Drewry	Kindred	Pou	Woodyard
Dunn	King	Radcliffe	Wright
Dyer	Kirkpatrick	Rainey, Ala.	Yates
Fairfield	Kitchin	Ramseyer	Zihlman
Faust	Kleczka	Reber	
Fenn	Kline, N. Y.	Reed, W. Va.	
Fish	Knight	Riddick	

The SPEAKER. Two hundred and fifty Members have answered to their names. A quorum is present.

Mr. STAFFORD. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Wisconsin moves to dispense with further proceedings under the call. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

The doors were opened.

The SPEAKER. The Chairman of the Committee of the Whole House on the state of the Union reports that that committee, having had under consideration the bill (H. R. 13880) for the reorganization and improvement of the foreign service of the United States, and for other purposes, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass. By the resolution the previous question is ordered. Is a separate vote demanded on any amendment? If not, the Chair will put the amendments in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. BLACK. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. The gentleman from Texas offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. BLACK moves to recommit the bill to the Committee on Foreign Affairs, with instructions to report the bill forthwith to the House with the following amendment: Strike out paragraphs (b), (c), and (d) of section 16, on pages 10 and 11 of the bill.

Mr. ROGERS. Mr. Speaker, I move the previous question on the motion to recommit.

The SPEAKER. The gentleman from Massachusetts moves the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The affirmative vote was taken.

Mr. BLANTON. Mr. Speaker, I call for a division.

The SPEAKER. The gentleman from Texas demands a division.

The House divided; and there were—ayes 39, noes 138.

Mr. BLACK. Mr. Speaker, I object to the vote just taken, and make the point of order that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and seven members are present, not a quorum.

The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll. Those favoring the motion to recommit will when their names are called answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 73, nays 180, not voting 174, as follows:

YEAS—73.

Abernethy	Doughton	Lankford	Sisson
Almon	Driver	Larsen, Ga.	Smithwick
Andrews, Nebr.	Fields	Lea, Calif.	Stafford
Aswell	Fisher	Lee, Ga.	Steagall
Bankhead	Fulmer	Lowrey	Stevenson
Bell	Garrett, Tenn.	Lyon	Sumners, Tex.
Black	Hammer	McDuffie	Swank
Bland, Va.	Haugen	McSwain	Tillman
Blanton	Herrick	Mansfield	Tucker
Bowling	Hooker	Nelson, J. M.	Turner
Box	Huddleston	Oldfield	Tyson
Briggs	Hudspeth	Quin	Weaver
Byrnes, S. C.	Humphreys, Miss.	Raker	Williams, Tex.
Byrnes, Tenn.	Jacoway	Rankin	Wilson
Carter	James	Rayburn	Wingo
Collier	Jeffers, Ala.	Rouse	Wright
Cramton	Jones, Tex.	Sanders, Tex.	
Crisp	Kincheloe	Sandlin	
Deal	Lanham	Sears	

NAYS—180.

Ackerman	Evans	Longworth	Sanders, Ind.
Andrew, Mass.	Fairchild	Luce	Sanders, N. Y.
Anthony	Faust	McArthur	Schall
Appleby	Favrot	McCormick	Shaw
Arentz	Fitzgerald	McKenzie	Shelton
Bacharach	Fordney	McLaughlin, Mich.	Shreve
Barbour	Frear	MacGregor	Sinclair
Beck	Frothingham	MacLafferty	Sinnott
Beedy	Fuller	Magee	Slemp
Begg	Gallivan	Mapes	Smith, Idaho
Bird	Gernerd	Martin	Snell
Bixler	Gifford	Mead	Snyder
Bond	Glynn	Michener	Speaks
Britten	Graham, Ill.	Miller	Sproul
Brooks, Ill.	Green, Iowa	Mondell	Stedman
Brown, Tenn.	Greene, Mass.	Moore, Ohio	Strong, Kans.
Browne, Wis.	Greene, Vt.	Moore, Va.	Summers, Wash.
Burtness	Griest	Moores, Ind.	Swing
Cable	Griffin	Mott	Temple
Campbell, Pa.	Hadley	Murphy	Thompson
Cantrill	Hardy, Colo.	Nelson, Me.	Thorpe
Chalmers	Hawes	Nelson, A. P.	Tilson
Chindblom	Hawley	Newton, Minn.	Timberlake
Christopherson	Hickey	Newton, Mo.	Tincher
Clarke, N.Y.	Hill	Norton	Tinkham
Cockran	Hukriede	Ogden	Towner
Cole, Iowa	Hull	Parker, N. J.	Underhill
Cole, Ohio	Humphrey, Nebr.	Parker, N. Y.	Vaile
Colton	Husted	Patterson, Mo.	Vestal
Cooper, Ohio	Ireland	Paul	Voigt
Cooper, Wis.	Kearns	Perkins	Volstead
Coughlin	Kelly, Pa.	Porter	Walters
Crago	Ketcham	Pringey	Ward, N. Y.
Curry	Kiess	Purnell	Ward, N. C.
Dallinger	Kissel	Rainey, Ill.	Watson
Dempsey	Kline, Pa.	Ransley	Webster
Denison	Kopp	Reece	White, Kans.
Dickinson	Lampert	Reed, N. Y.	White, Me.
Dowell	Lawrence	Rhodes	Williams, Ill.
Dunn	Layton	Ricketts	Williamson
Dupré	Lazaro	Roach	Woodruff
Echols	Leatherwood	Robertson	Woods, Va.
Edmonds	Linthicum	Robsion	Wurzbach
Elliott	Little	Rogers	Wyant
Ellis	London	Sabath	Young

NOT VOTING—174.

Anderson	Burton	Crowther	Foster
Ansorge	Butler	Cullen	Free
Atkeson	Campbell, Kans.	Dale	Freeman
Barkley	Cannon	Darrow	French
Benham	Carew	Davis, Minn.	Funk
Blakeney	Chandler, N. Y.	Davis, Tenn.	Gahn
Bland, Ind.	Chandler, Okla.	Dominick	Garner
Boies	Clague	Drane	Garrett, Tex.
Bowers	Clark, Fla.	Drewry	Gensman
Brand	Classon	Dunbar	Gilbert
Brennan	Clouse	Dyer	Goldsborough
Brooks, Pa.	Codd	Fairfield	Goodykoontz
Buchanan	Collins	Fenn	Gorman
Bulwinkle	Connally, Tex.	Fess	Gould
Burdick	Connolly, Pa.	Fish	Graham, Pa.
Burke	Copley	Focht	Hardy, Tex.
Hayden	Knutson	Oliver	Steenerson
Hays	Kraus	Olpp	Stephens
Henry	Kreider	Osborne	Stiness
Hersey	Kunz	Overstreet	Stoll
Hicks	Langley	Paige	Strong, Pa.
Himes	Larson, Minn.	Park, Ga.	Sullivan
Hoch	Lee, N. Y.	Parks, Ark.	Sweet
Hogan	Lehlbach	Patterson, N. J.	Tague
Huck	Lineberger	Perlman	Taylor, Ark.
Hutchinson	Logan	Petersen	Taylor, Colo.
Jefferis, Nebr.	Luhring	Pou	Taylor, N. J.
Johnson, Ky.	McClintic	Radcliffe	Taylor, Tenn.
Johnson, Miss.	McFadden	Rainey, Ala.	Ten Eyck
Johnson, S. Dak.	McLaughlin, Nebr.	Ramseyer	Thomas
Johnson, Wash.	McLaughlin, Pa.	Reber	Treadway
Jones, Pa.	McPherson	Reed, W. Va.	Upshaw
Kahn	Madden	Riddick	Vinson
Keller	Maloney	Riordan	Volk
Kelley, Mich.	Merritt	Rodenberg	Wason
Kendall	Michaelson	Rose	Wheeler
Kennedy	Mills	Rosenbloom	Winslow
Kindred	Montague	Rossdale	Wise
King	Moore, Ill.	Rucker	Wood, Ind.
Kirkpatrick	Morgan	Ryan	Woodyard
Kitchin	Morin	Scott, Mich.	Yates
Kleczka	Mudd	Scott, Tenn.	Zihlman
Kline, N. Y.	O'Brien	Siegel	
Knight	O'Connor	Smith, Mich.	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. McClintic (for) with Mr. Treadway (against).

Mr. Connally of Texas (for) with Mr. Lineberger (against).

Until further notice:

Mr. Butler with Mr. Collins.

Mr. Anderson with Mr. Garner.

Mr. Graham of Pennsylvania with Mr. Drewry.

Mr. Michaelson with Mr. Kindred.

Mr. Crowther with Mr. O'Connor.

Mr. Keller with Mr. Barkley.

Mr. Fish with Mr. Johnson of Kentucky.

Mr. Lehlbach with Mr. Pou.

Mr. Burdick with Mr. Davis of Tennessee.

Mr. Johnson of South Dakota with Mr. Overstreet.

Mr. Hoch with Mr. Garrett of Texas.

Mr. Cannon with Mr. O'Brien.

Mr. Olpp with Mr. Brand.

Mr. Fess with Mr. Logan.

Mr. Gorman with Mr. Cullen.

Mr. Ramseyer with Mr. Hardy of Texas.

Mr. Brennan with Mr. Kitchin.

Mr. Kahn with Mr. Riordan.

Mr. Langley with Mr. Clark of Florida.

Mr. Morgan with Mr. Buchanan.

Mr. Foster with Mr. Kunz.

Mr. Kennedy with Mr. Parks of Arkansas.

Mr. Darrow with Mr. Drane.

Mr. Connolly of Pennsylvania with Mr. Bulwinkle.

Mr. Kline of New York with Mr. Gilbert.

Mr. Fenn with Mr. Carew.

Mr. Hutchinson with Mr. Hayden.

Mr. Burton with Mr. Dominick.

Mr. Kendall with Mr. Johnson of Mississippi.

Mr. Davis of Minnesota with Mr. Goldsborough.

Mr. Fitzgerald with Mr. Montague.

Mr. Mudd with Mr. Rucker.

Mr. Free with Mr. Sullivan.

Mr. Madden with Mr. Oliver.

Mr. Rose with Mr. Tague.

Mr. Merritt with Mr. Park of Georgia.

Mr. Siegel with Mr. Taylor of Arkansas.

Mr. Patterson of New Jersey with Mr. Rainey of Alabama.

Mr. Stephens with Mr. Taylor of Colorado.

Mr. Strong of Pennsylvania with Mr. Thomas.

Mr. Wood of Indiana with Mr. Vinson.

Mr. Taylor of New York with Mr. Wise.

Mr. Winslow with Mr. Upshaw.

Mr. Osborne with Mr. Stoll.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The question is on the passage of the bill.

The question being taken, on a division (demanded by Mr. BLANTON) there were—ayes 203, noes 27.

Accordingly the bill was passed.

On motion of Mr. ROGERS, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. FORDNEY, from the Committee on Ways and Means, reported the bill (H. R. 14254, Rept. No. 1567) to amend the act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign governments held by the United States of America, and for

other purposes," approved February 9, 1922, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and with the accompanying report ordered to be printed.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent——

Mr. GARRETT of Tennessee. Mr. Speaker, did the gentleman from Michigan report that as a privileged bill?

The SPEAKER. He did.

Mr. GARRETT of Tennessee. I think the question of its consideration is going to be settled without any necessity of that being passed upon, but I would like to reserve the point of order that it is not privileged.

Mr. MONDELL. Mr. Speaker, I was about to submit a request. I ask unanimous consent that the bill just reported may be taken up for consideration under the rules of the House to-morrow morning, and that when the House adjourns to-day it adjourn to meet at 11 o'clock.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that the bill just reported be taken up to-morrow under the rules of the House—it is on the Union Calendar—and that when the House adjourns to-night it adjourn to meet at 11 o'clock to-morrow morning. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, the gentleman from Wyoming [Mr. MONDELL] and I discussed the matter of this request a few moments ago, and I have discussed it with several gentlemen upon this side, and would have discussed it more if I had had longer opportunity.

So far as I know we upon this side feel that without reference to the attitude which Members may take on the final passage of the bill there is no desire to delay its consideration. Some of us would have preferred that it go over until next week. We realize that a rule could have been brought in, provided it is not a privileged matter, and that there would be small disposition on this side to resist the adoption of that rule, and therefore so far as I know there is no objection to the unanimous-consent request to make this the order of business under the general rules of the House to-morrow. As to the second part of the request, I understand that by meeting at 11 o'clock debate can be extended longer than otherwise might be possible. So far as I know there is no objection to that.

Mr. BLANTON. Reserving the right to object, under the request as made the gentleman from Michigan could move the previous question any time after there had been a few minutes' debate.

Mr. LONGWORTH. Oh, no; this will be considered in the Committee of the Whole House on the state of the Union.

Mr. BLANTON. I understood it was to be taken up in the House under the rules of the House. Then it will go to the Committee of the Whole House on the state of the Union under the rules of debate, which would give those opposed to it an hour?

Mr. MONDELL. There will be no disposition on this side to unduly limit debate. We want liberal debate on the bill.

Mr. ABERNETHY. Mr. Speaker, reserving the right to object, I am very much opposed to the proposition, but if we are allowed to express our views in regard to it I will not interpose any objection.

Mr. GALLIVAN. Reserving the right to object, I would like to know if it is the intention of the gentlemen on that side to have a vote on this bill to-morrow?

Mr. MONDELL. We hope to, unless there is a request for general debate at such length that it will prevent.

Mr. GALLIVAN. But that is the intention of the managers?

Mr. MONDELL. It is hoped that we may get a vote to-morrow.

The SPEAKER. Is there objection?

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATION BILL (REPT. NO. 1568).

Mr. CRAMTON. Mr. Speaker, I present a conference report on the bill (H. R. 13660) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1924, and for other purposes, for printing under the rule.

CHANGE OF REFERENCE.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent that the reference of the bill H. R. 8908 may be changed from the Rivers and Harbors Committee to the Flood Control Committee.

The SPEAKER. The gentleman from Iowa asks unanimous consent for a change of reference of the bill H. R. 8908 from the Rivers and Harbors Committee to the Flood Control Committee. The Chair understands that the chairmen of both committees are in favor of it.

Mr. GARRETT of Tennessee. Reserving the right to object, where does it belong, in fact?

Mr. HAUGEN. It belongs to the Committee on Flood Control. Other bills of a like character have gone to that committee. The chairmen of both committees are in favor of it.

Mr. STAFFORD. I think the matter had better go over until to-morrow, so that the Chair may examine it.

Mr. HAUGEN. I will withdraw the request.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. OLIVER, for to-day, on account of official business.

To Mr. DAVIS of Tennessee, for to-day, on account of illness.

To Mr. KINDRED, at the request of Mr. MCDUFFIE, indefinitely, on account of illness.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

H. R. 10211. An act authorizing an appropriation to meet proportionate expenses of providing a drainage system for Piute Indian lands in the State of Nevada within the Newlands reclamation project of the Reclamation Service.

The SPEAKER announced his signature to enrolled bills of the following title:

S. 4029. An act to amend and supplement the act entitled "An act to incorporate the Texas & Pacific Railroad Co., and to aid in the construction of its road, and for other purposes," approved March 3, 1871, and acts supplemental thereto, approved, respectively, May 2, 1872, March 3, 1873, and June 22, 1874;

S. J. Res. 259. Joint resolution authorizing the President to abrogate the international agreement embodied in certain Executive orders relating to the Panama Canal;

S. 1016. An act to amend an act entitled "An act to repeal section 3480 of the Revised Statutes of the United States";

S. 1878. An act to permit the State of Montana to exchange cut-over timberlands granted for educational purposes for other lands of like character and approximate value;

S. 1926. An act to extend the provisions of the act of February 8, 1887, as amended, to lands purchased for Indians;

S. 2023. An act defining the crop failure in the production of wheat, rye, or oats by those who borrowed money from the Government of the United States for the purchase of wheat, rye, or oats for seed, and for other purposes;

S. 4260. An act to extend the time for the construction of a bridge over the Columbia River, between the States of Oregon and Washington, at a point approximately 5 miles upstream from Dalles City, Wasco County, in the State of Oregon;

S. 4169. An act granting the consent of Congress to the city of Aurora, Kane County, Ill., a municipal corporation, to construct, maintain, and operate a bridge across the Fox River;

S. 3702. An act providing for the acquirement by the United States of privately owned lands situated within certain townships in the Lincoln National Forest, in the State of New Mexico, by exchanging therefor lands on the public domain also within such State;

S. 4288. An act to grant the consent of Congress for the special commission constituted by an act of the Legislature of Massachusetts to construct a bridge across the Merrimack River;

S. 4341. An act granting the consent of Congress to the Oregon-Washington Bridge Co., and its successors, to construct a bridge across the Columbia River at or near the city of Hood River, Oreg.;

S. J. Res. 248. Joint resolution to provide for the payment of salaries of Senators appointed to fill vacancies, and for other purposes;

S. 4346. An act granting the consent of Congress to the Delaware State Highway Department to construct a bridge across the Nanticoke River;

S. 4353. An act granting the consent of Congress to the highway commissioner of the town of Elgin, Kane County, Ill., to construct, maintain, and operate a bridge across the Fox River;

S. 4439. An act to revive and to reenact an act entitled "An act granting the consent of Congress for the construction of a bridge and approaches thereto across the Arkansas River between the cities of Little Rock and Argenta," approved October 6, 1917; and

S. J. Res. 226. Joint resolution authorizing the acceptance of title to certain land within the Shasta National Forest, Calif.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 23 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Friday, February 9, 1923, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

965. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the legislative establishment of the United States for the fiscal year ending June 30, 1923, for improving the United States Botanic Garden, $122,635 (H. Doc. No. 559); to the Committee on Appropriations and ordered to be printed.

966. A letter from the Secretary of the Treasury, transmitting the sixth annual report of the Federal Farm Loan Board for the year ended December 31, 1922 (H. Doc. No. 560); to the Committee on Banking and Currency and ordered to be printed.

967. A letter from the Secretary of the Navy, transmitting a draft of a bill to authorize the Secretary of the Navy to make reimbursement to the Naval Academy dairy for losses sustained by fire; to the Committees on Naval Affairs and Appropriations.

968. A letter from the acting chairman of the Federal Trade Commission, transmitting report of the Federal Trade Commission on costs, prices, and profits of the southern pine lumber industry for the years 1917 and 1918; to the Committee on Interstate and Foreign Commerce.

969. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Summer Harbor, Me.; to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BURTNESS: Committee on the Public Lands. S. 3123. An act to amend section 1 of the act entitled "An act providing for the location and purchase of public lands for reservoir sites," approved January 13, 1897, as amended; without amendment (Rept. No. 1561). Referred to the House Calendar.

Mr. NEWTON of Minnesota: Committee on Interstate and Foreign Commerce. H. R. 14222. A bill to amend the trading with the enemy act; with amendments (Rept. No. 1565). Referred to the Committee of the Whole House on the state of the Union.

Mr. FOSTER: Committee on the Judiciary. S. 4176. An act to amend section 370 of the Revised Statutes of the United States; with amendments (Rept. No. 1566). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. MILLER: Committee on Military Affairs. S. 2750. An act to provide for the advancement on the retired list of the Regular Army of Second Lieut. Ambrose I. Moriarity; without amendment (Rept. No. 1560). Referred to the Committee of the Whole House.

Mr. MILLER: Committee on Military Affairs. H. R. 1252. A bill to remove the charge of desertion from the military record of John A. Douglas; with amendments (Rept. No. 1562). Referred to the Committee of the Whole House.

Mr. MILLER: Committee on Military Affairs. S. 2632. An act to correct the military record of Martin Cletner; with amendments (Rept. No. 1563). Referred to the Committee of the Whole House.

Mr. KRAUS: Committee on Naval Affairs. H. R. 14089. A bill granting six months' pay to Harriet B. Castle; without amendment (Rept. No. 1564). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ROACH: A bill (H. R. 14251) for the erection of a Federal post-office building at the city of Centralia, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. PATTERSON of New Jersey: A bill (H. R. 14252) to acquire additional site and make additions, extensions, and improvements to the public building at Camden, N. J.; to the Committee on Public Buildings and Grounds.

By Mr. CRAMTON: A bill (H. R. 14253) to fix the amount to be contributed by the United States toward defraying expenses of the District of Columbia; to the Committee on the District of Columbia.

By Mr. BURTON: A bill (H. R. 14254) to amend the act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign governments held by the United States of America, and for other purposes," approved February 9, 1922; committed to the Committee of the Whole House on the state of the Union.

By Mr. SWING: A bill (H. R. 14255) for the improvement of San Diego Harbor, Calif.; to the Committee on Rivers and Harbors.

By Mr. HAUGEN: A bill (H. R. 14256) to authorize the acquisition of a site and the erection thereon of a Federal building at Mason City, Iowa; to the Committee on Public Buildings and Grounds.

By Mr. DUPRÉ: A joint resolution (H. J. Res. 437) authorizing the Secretary of War to loan 3,000 wooden folding chairs to the general committee of the Confederate reunion for use at the annual reunion of the United Confederate Veterans to be held at New Orleans, La., in April, 1923; to the Committee on Military Affairs.

By Mr. GRAHAM of Illinois: A resolution (H. Res. 514) for the immediate consideration of H. R. 14222; to the Committee on Rules.

By Mr. HERRICK: A resolution (H. Res. 515) expelling all representatives of the Washington Herald and the Washington Times from the House press gallery; to the Committee on Rules.

By Mr. COOPER of Wisconsin: A resolution (H. Res. 516) fixing the compensation of the expert transcribers in the office of the official reporters of debates and directing payment out of the contingent fund of the House; to the Committee on Accounts.

By the SPEAKER (by request): Memorial of the Legislature of the State of Missouri urging Congress to accept the offer made by Henry Ford to take over and operate the Muscle Shoals project; to the Committee on Military Affairs.

By Mr. ROACH: Memorial of the Legislature of the State of Missouri, relating to the utilization and preservation of Muscle Shoals for the manufacture and sale of fertilizers to farmers and farm organizations, and for other purposes; to the Committee on Military Affairs.

By Mr. HAWES: Memorial of the Legislature of the State of Missouri urging Congress to accept the offer of Henry Ford in connection with Muscle Shoals; to the Committee on Military Affairs.

By Mr. GALLIVAN: Memorial of the Legislature of the State of Massachusetts favoring the passage by Congress of legislation placing an embargo on coal; to the Committee on Interstate and Foreign Commerce.

By Mr. DALLINGER: Memorial of the Legislature of the State of Massachusetts favoring the passage of legislation placing an embargo on the exportation of coal; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ABERNETHY: A bill (H. R. 14257) providing for the examination and survey of the harbor in Morehead City, N. C.; to the Committee on Rivers and Harbors.

By Mr. CRAMTON: A bill (H. R. 14258) granting a pension to Mary A. Sturtevant; to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 14259) granting an increase of pension to Cora D. White; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 14260) granting a pension to Nathan B. H. Gardner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14261) granting a pension to Rebecca Raburn; to the Committee on Invalid Pensions.

By Mr. ROACH: A bill (H. R. 14262) granting a pension to Katie Cummings; to the Committee on Invalid Pensions.

By Mr. SANDERS of Texas: A bill (H. R. 14263) granting an increase of pension to William N. Richardson; to the Committee on Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 14264) granting a pension to Josephine Albert; to the Committee on Invalid Pensions.

By Mr. TEMPLE: A bill (H. R. 14265) granting a pension to Lizzie G. Chapman; to the Committee on Invalid Pensions.

By Mr. McPHERSON: A resolution (H. Res. 513) for the employment of Richard Streets as a page in the House of Representatives, compensation at the rate of $900 per annum, under the direction of the Doorkeeper, said position to be in lieu of one page at the rate of $2.50 per diem, now authorized by law; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7227. By Mr. ABERNETHY: Petition of Leon Daugherty Post of the American Legion, of Clinton, N. C., opposing soldiers and sailors' adjusted compensation bill, if the revenue to pay for same is to be raised by a sales tax, but favoring the adjusted compensation otherwise; to the Committee on Military Affairs.

7228. By Mr. DALLINGER: Petition of the Cambridge, Mass., Republican Club, favoring an embargo on the exportation of coal; to the Committee on Interstate and Foreign Commerce.

7229. Also, petition of the representatives of women on the Republican State committees of New York, Maine, Vermont, New Hampshire, and Massachusetts, favoring national child labor legislation; to the Committee on Interstate and Foreign Commerce.

7230. By Mr. DARROW: Petition of the Philadelphia Board of Trade, favoring the enactment of Senate Joint Resolution 269, relative to the payment of claims arising through Federal control of railroads; to the Committee on Claims.

7231. By Mr. GALLIVAN: Petition of the Board of Aldermen, Medford, Mass., favoring an embargo being placed on coal shipped from the United States to Canada; to the Committee on Interstate and Foreign Commerce.

7232. Also, petition of Columbia Typographical Union, No. 101, opposing recommendation of the Public Printer in regard to annual leave granted to employees in the Government Printing Office; to the Committee on Printing.

7233. By Mr. KAHN: Petition of the board of supervisors of the city and county of San Francisco, Calif., urging that an antinarcotic week be proclaimed early in 1923; also, that an international conference on the narcotic problem be called, with a view to securing the limitation by treaty of the basic production of poisonous drugs which constitute a major menace to American life; to the Committee on Interstate and Foreign Commerce.

7234. By Mr. KELLEY of Michigan: Petition of 42 residents of Farmington, Mich., favoring the joint resolution extending immediate aid to the famine-stricken peoples of the German and Austrian Republics by the purchase and distribution of American food supplies for the use of such peoples; to the Committee on Foreign Affairs.

7235. By Mr. KETCHAM: Petition of 94 citizens of Marcellus, Mich., and vicinity, protesting the tax on small-arms ammunition and firearms; to the Committee on Ways and Means.

7236. By Mr. KISSEL: Petition of the American Farm Bureau Federation, Washington, D. C., urging Congress to authorize the Secretary of War to enter into such contract or contracts with Henry Ford for the completion and continuous operation of the Muscle Shoals project as will protect the public welfare; to the Committee on Military Affairs.

7237. By Mr. LAWRENCE: Petition of the Northwest Missouri Press Association, urging passage of Senate Joint Resolution 232; to the Committee on Interstate and Foreign Commerce.

7238. By Mr. LAYTON: Petition of members of the Delaware Sportsmen, indorsing House bill 5823, establishing public shooting grounds; to the Committee on Agriculture.

7239. By Mr. MICHENER: Petition of sundry citizens of Michigan, favoring resolution extending relief to German and Austrian Republics; to the Committee on Foreign Affairs.

7240. By Mr. NEWTON of Minnesota: Petition presented by Arthur Schaub, of St. Paul, and signed by sundry residents of Minnesota, urging favorable action by the Congress on resolution to provide immediate relief to Germany and Austria; to the Committee on Foreign Affairs.

7241. By Mr. PORTER: Petition of the District of Columbia Department, National Chapter No. 1, American Legion, indorsing Senate bill 4398, authorizing the Seventy-ninth Division Association to erect in France, in the vicinity of Montfaucon, a memorial to the men of the Seventy-ninth Division who died in action there, or afterwards from wounds received, and which bill further authorizes the placing of an enlarged replica of the distinguished-service cross upon a memorial to honor those dead; to the Committee on Foreign Affairs.

7242. By Mr. ROUSE: Petition of Kishmee Grotto, of Covington, Ky., asking the President to set aside a week to be called "antinarcotic week"; to the Committee on Interstate and Foreign Commerce.

7243. By Mr. SINCLAIR: Petition of the Noonan National Farm Loan Association, Noonan, N. Dak., condemning the Strong bill, to change the Federal farm loan act; to the Committee on Banking and Currency.

7244. Also, petition of William Witte and 70 others, of Regent, New England, Dickinson, and Lefor, N. Dak., urging that aid be extended to the suffering peoples of Germany and Austria; to the Committee on Foreign Affairs.

7245. Also, petition of Yucca National Farm Loan Association, Yucca, N. Dak., condemning the Strong bill to change the Federal farm loan act; to the Committee on Banking and Currency.

7246. By Mr. SWING: Petition of various citizens of San Diego, Calif., favoring action by Congress in extending aid to the famine-stricken regions of Germany and Austria by furnishing food supplies; to the Committee on Foreign Affairs.

SENATE.

FRIDAY, *February 9, 1923.*

(Legislative day of Monday, February 5, 1923.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed a bill (H. R. 13880) for the reorganization and improvement of the foreign service of the United States, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the Vice President:

S. 1016. An act to amend an act entitled "An act to repeal section 3480 of the Revised Statutes of the United States";

S. 1878. An act to permit the State of Montana to exchange cut-over timberlands granted for educational purposes for other lands of like character and approximate value;

S. 1926. An act to extend the provisions of the act of February 8, 1887, as amended, to lands purchased for Indians;

S. 2023. An act defining the crop failure in the production of wheat, rye, or oats by those who borrowed money from the Government of the United States for the purchase of wheat, rye, or oats for seed, and for other purposes;

S. 3702. An act providing for the acquirement by the United States of privately owned lands situated within certain townships in the Lincoln National Forest, in the State of New Mexico, by exchanging therefor lands on the public domain also within such State;

S. 4169. An act granting the consent of Congress to the city of Aurora, Kane County, Ill., a municipal corporation, to construct, maintain, and operate a bridge across the Fox River;

S. 4260. An act to extend the time for the construction of a bridge over the Columbia River, between the States of Oregon and Washington, at a point approximately 5 miles upstream from Dalles City, Wasco County, in the State of Oregon;

S. 4288. An act to grant the consent of Congress for the special commission constituted by an act of the Legislature of Massachusetts to construct a bridge across the Merrimack River;

S. 4341. An act granting the consent of Congress to the Oregon-Washington Bridge Co. and its successors to construct a bridge across the Columbia River at or near the city of Hood River, Oreg.;

S. 4346. An act granting the consent of Congress to the Delaware State highway department to construct a bridge across the Nanticoke River;

S. 4353. An act granting the consent of Congress to the highway commissioner of the town of Elgin, Kane County, Ill., to construct, maintain, and operate a bridge across the Fox River;

S. 4439. An act to revive and to reenact an act entitled "An act granting the consent of Congress for the construction of a bridge and approaches thereto across the Arkansas River between the cities of Little Rock and Argenta," approved October 6, 1917;

H. R. 10211. An act authorizing an appropriation to meet proportionate expenses of providing a drainage system for Paiute Indian lands in the State of Nevada within the Newlands reclamation project of the Reclamation Service;

S. J. Res. 226. Joint resolution authorizing the acceptance of title to certain land within the Shasta National Forest, Calif.;

S. J. Res. 248. Joint resolution to provide for the payment of salaries to Senators appointed to fill vacancies, and for other purposes; and

S. J. Res. 259. Joint resolution authorizing the President to abrogate the international agreement embodied in certain Executive orders relating to the Panama Canal.

PETITIONS AND MEMORIALS.

Mr. KENDRICK presented resolutions of the Wyoming Engineering Society, of Cheyenne, Wyo., favoring the passage of the so-called Sterling-Lehlbach bill providing for the reclassification of positions and salaries in the Federal civil service, which were referred to the Committee on Appropriations.

Mr. WILLIS presented a resolution of Goddess of Liberty Council No. 62, Daughters of America, of Cleveland, Ohio, protesting against any amendment of the existing immigration laws of the United States, which was referred to the Committee on Immigration.

Mr. LADD presented a petition of 18 citizens of Chaseley, N. Dak., praying for the passage of legislation extending immediate aid to the famine-stricken peoples of the German and Austrian Republics, which was referred to the Committee on Appropriations.

Mr. CAPPER presented a petition of sundry members of the department of clothing and textiles, Kansas State Agricultural College, of Manhattan, Kans., praying an amendment of the Constitution regulating child labor, which was referred to the Committee on the Judiciary.

Mr. BROUSSARD presented a memorial, numerously signed, by sundry citizens of New Orleans, La., remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. REED of Pennsylvania presented a petition of the Philadelphia (Pa.) Board of Trade, praying for the passage of the joint resolution (S. J. Res. 269) authorizing the President of the United States, under the provisions of the first sentence of section 202 of the transportation act, 1920, to pay just and meritorious claims for loss of or damage to freight in transportation arising out of or incident to Federal control, and declaring the intent of section 206 (a) of said act in relation to the provision authorizing actions at law against an agent appointed by the President, which was referred to the Committee on Interstate Commerce.

PRICE OF SILVER.

Mr. PITTMAN. Mr. President, I present certain correspondence on the silver situation, which I ask may be printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

AMERICAN SMELTING & REFINING CO.,
New York, January 26, 1923.

Hon. KEY PITTMAN,
United States Senator from Nevada,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In the CONGRESSIONAL RECORD of January 22, 1923, on page 2184, appears copy of a letter written by you to the Governor of Nevada, in which, among other things, you say in effect that a vice president of the American Smelting & Refining Co. (meaning the writer of this letter) admitted before a Senate committee "that the smelting companies were not particularly interested in the price of silver, as they pay the producers the market price and sell it at the market price."

The smelting companies handle silver from two classes of product—one, the silver contained in ore which they buy; the other, the silver produced from their own mines. I was discussing the former, and my language was intended to refer only to the fact that smelting companies do not seek to make a profit on the silver they buy in ore in the sense of attempting to sell it for more than they pay for it, as does a merchant, but rather contemplate selling the silver at the same price at which they buy it, making their profit out of the smelting and refining charge agreed upon between the parties.

In this sense my statement is strictly true, but I did not mean to say that smelting companies are not interested in the price of silver. The direct opposite is emphatically the case, for the very excellent reason that the higher the price of silver the larger is the tonnage produced by the mines, and hence the greater the profits for treatment charges that inure to the smelters.

There is another most important reason why smelting companies are directly interested in the price of silver. Every one of them is itself a miner of silver, directly or indirectly. The American Smelting & Refining Co., for instance, is to-day producing silver at the rate of about 20,000,000 ounces per year from the mines owned or controlled by it or its subsidiaries. Every 10-cent increase in the price of silver over the cost of production means to it an increased annual profit of $2,000,000. If we assume, for illustration, the cost of producing silver at 50 cents, and the year's output is sold at 60 cents, a profit is made of $2,000,000; if it is sold at $1 a profit is made of $10,000,000. Parenthetically let me add that 90 per cent of our silver-mine production is from outside the United States and is not saleable under the Pittman Act.

In short, as a large miner of silver-bearing ores, the American Smelting & Refining Co., as well as every other smelting company without exception, so far as I know, is as directly interested in the price of silver as it is possible for any miner to be, and this entirely aside from its smelting business and its purchase of silver-bearing ore in connection therewith.

In your letter to Governor Boyle you further say, in effect, that the smelting companies have failed to give their aid to the organization of a selling and credit association which could control over 80 per cent of the production of the world, and that this attitude is "grossly selfish and unfair."

No subject has been more carefully investigated by smelting companies than the organization of such an association as you describe. All investigations have come up against the insurmountable difficulty that such an association is neither legal nor capable of being financed. Under present conditions, if it could be financed, it is not legal, and if it is legal it can not be financed.

The legal difficulty is the Sherman law and supplementary legislation prohibiting combinations for the purpose of raising the price of any commodity. An export association, under the Webb-Pomerene law permitting combinations for sales abroad, would not be effective in the case of silver, for the reason that the price abroad can not be materially raised without likewise raising the price in the United States, and this is specifically prohibited by the Webb Act itself. Obviously the foreign price can not exceed the price in the United States plus freight.

The Copper Export Association well illustrates this principle. It has not tended to raise prices, as is evident from the fact that since its organization the price of copper has been selling pretty steadily below the pre-war level, when there was no export association. All it has been able to do has been to successfully meet the combinations of buyers in foreign countries, which before its organization enabled those countries to acquire their copper at a price lower than it was commanding in the United States.

Entirely aside from the legal difficulty, financial considerations prevent such an association in the case of silver.

The price of silver, unlike that of other metals and commodities in general, is relatively very slightly affected by the production. Other metals and commodities have actual utilitarian uses, but there is in existence in China, Japan, and elsewhere vast volumes of silver which can be immediately placed upon the market, as it is not being utilized for any immediate purpose other than that of being hoarded as a saving. Under this term we may include all silver used for a quasi ornamental purpose. There are, conservatively, at least 10,000,000,000 ounces, and possibly several times that amount, that could be brought upon the world's market in a relatively short time if the price attracted it, and no one can foretell what that price will be from time to time.

In the Review of the Silver Market for 1922, published by Handy & Harman, there is a discussion of this subject on pages 2, 3, and 4, from which a condensed quotation is as follows:

"Production has never been the dominant factor in the silver market, as even a casual comparison of average annual prices and yearly outputs will show. The demand from India and China, more than any other factor, accounts for the price levels at which the silver market rules. Trite as this statement may be, its verity, which has been proved by the experience of many years, appears to have been lost sight of. * * *

"More tangible proof of the comparatively subordinate part which production, or the supply of silver, plays in determining the market price * * * may be seen in a brief consideration of the great rise in silver from 1916 up to January of 1920 and its abrupt fall during the rest of that year. * * * Production figures bore little relation to the course of silver during the years of these violent fluctuations, and at no time during this period could the varying amount of the world's output be said to have influenced the market quotations. * * *

"The pre-war years of 1908 through 1914, however, furnish a more reliable period in which to point out the unimportance of production in influencing silver market quotations. According to statistics furnished in the 1922 report of the Director of the Mint, the world's total output of silver increased from 203,000,000 ounces in 1908 to a record production of 230,000,000 in 1912, but the yearly average price of silver, instead of declining in inverse ratio to the annual supply, rose to an average of over 60⅞ cents during the same year that the world's production was at its maximum. Furthermore, when supplies of bullion had fallen to 166,000,000 ounces for 1914, the year's average price for silver had dropped to less than 55 cents."

In financing any association such as you mention, it is therefore necessary to decide whether withholding a large part of the world's production for a period of time will cause such a rise in the price of silver as will enable the withheld production to be then sold at the higher price.

It is for this reason that the financing of the movement must have behind it some credit in addition to the silver itself, for when the breaking point is reached and the withheld silver placed upon the market the price may immediately fall.

The history of many efforts in the past to control the price of silver, as well as that of other metals, by withholding from the market, has been almost uniformly one of financial disaster.

You have evidently not been informed of the very careful study given by the various smelting companies to the organization of such an association as you describe, and their investigation, through various financial authorities, of the possibility of doing the necessary financing.

No financing would be possible which did not have back of it the entire credit of all the combined smelting companies, and even then the amount of money that could be raised would not be in all probability sufficient to accomplish the desired result. The smelting companies would be taking all the risk, their very financial existence depending on the success of the movement, while of the profits they would only get that proportion which the output of their mines bears to the total output. In other words, they would take all of the risk and suffer all of the loss if there was a loss, but if the project was successful they would only receive a portion of the profits.

Your letter, if I interpret it correctly, is one of great promise in the cause of silver, because you intimate that the Government of the United States might support such an association.

In that event the Government could readily change the law so as to permit of the necessary association, thus removing the legal barrier by which all attempts to date have been stopped. It could also, by its cooperation, remove the financial difficulty without financial risk to itself, because the influence of our Government with foreign countries is, in my judgment, sufficient to stop the greatest menace to silver which now exists, namely, its rapid demonetization through the debasement or entire abolition of silver for coinage purposes. As, one by one, the currencies of the bankrupt countries are stabilized silver should be restored to their monetary systems. The present tendency, supported by the English Government, to substitute paper currency for silver in India should be suspended.

In my humble opinion, the greatest danger to silver in the future lies not in the termination of the Pittman Act, serious though that may be. The end of the Pittman Act, after all, means only a return to the conditions existing before the United States entered the war. The paramount danger to silver lies in the continuation of the recent steady, remorseless increase of the discontinuance of its use as money. The last few years have seen the debasement of the silver coinage in Great Britain, in the Scandinavian countries, in Central American and in South American countries, and its entire abolition in all countries in Europe who were engaged in the war. If for the next 10 years the tendency of mankind to abolish the use of silver for monetary purposes equals the movement in that direction for the last 10 years, one may readily envisage the ultimate destruction of that intrinsic value in silver which has been placed upon it by the consensus of opinion of mankind since the dawn of history.

No association of smelting companies and mines, either or both, can stop this tendency. It requires the action of governments, and if the Government of the United States does not lend its predominating influence in the councils of the nations of the world to the cause of silver during the next few years, when the currencies of the bankrupt countries of Europe are being stabilized, then the cause of silver seems gloomy, indeed.

The Nicholson resolution seems a step in the right direction. It is a pleasure to note that your keen and lucid mind and sincere loyalty to the cause of silver is engaged in the consideration of that measure to which it promises to bring effective results.

As your letter may inadvertently give the wrong impression of the attitude of the smelting companies, and particularly of my company, on the subject of interest in silver, will you not do us the justice of giving the same publicity in the CONGRESSIONAL RECORD to this letter which you have given to your own? Your so doing will be very greatly appreciated.

With great respect, believe me, sincerely yours,

F. H. BROWNELL,
Vice President American Smelting & Refining Co.

—

UNITED STATES SENATE,
Washington, February 5, 1923.

Mr. F. H. BROWNELL,
Vice President American Smelting & Refining Co.,
120 Broadway, New York City.

MY DEAR MR. BROWNELL: I have read more carefully your letter of January 26, in reply to a letter addressed to the former Governor of the State of Nevada, appearing in the CONGRESSIONAL RECORD of January 22, 1923, on page 2184.

I am pleased to have your explanation of the meaning that you intended to give in your testimony before the Committee on Mines and Mining of the United States Senate, wherein you said in substance that the smelter companies were not interested in the price of silver, as they all sold at the market.

I was aware, of course, that for many reasons the smelter companies should be interested in the price of silver. You have stated very clearly these reasons. This should urge the smelter companies to take the most active interest in all plans looking to the betterment of the silver industry.

I am still rather at a loss to understand why the smelter companies have so quickly surrendered, particularly in the matter of financing an export association. There is a minimum price for silver. At that minimum price there is no better security in the world than silver bullion. Since the writing of your letter I have discussed this very matter with men who are able to finance such association, and they have expressed their entire willingness to undertake it.

You use a double argument against the formation of such an association. You say if it can be financed, then it is not legal; and if it is legal, then it can not be financed. It is this hopeless attitude on the part of the smelters that appears so unreasonable under the statement of the interest of the smelters in silver as set forth in your letter.

The smelter and copper people organized a copper export association. I assume that that was legal—at least, our Government has not seen fit to attack it. What was the object of such association? Was one of its purposes to sustain the price of copper? Is there any distinction in law in sustaining the price of copper to prevent it from going to a lower level or in raising it from the lower level to the sustained price?

Copper is sold abroad and in the United States just as silver is sold abroad and in the United States. Did the sustaining of the price of copper abroad sustain the price of it in the United States? If so, was that a violation of our antitrust acts? Is it any more illegal to artificially prevent the price of copper from going down in accordance with the supply and the demand than it would be to put it up to such price and hold it there by the same means?

All of our antitrust acts were passed for the purpose of preventing the fixing of unfair and extortionate prices through combinations in restraint of trade. A silver export association will have no such purpose nor will it have that effect.

The exchange value of silver and subsidiary coins and gold in the United States is on the basis of approximately $1.29 an ounce for silver. Whenever the price of silver is below such price it is below par. The purpose and intent of a silver export association is not to artificially increase its value, but, on the contrary, to remove the artificial restrictions imposed upon its marketing, which do now and for a long time have prevented it from rising to its natural value based on supply and demand.

Congress had in mind at the time that the Webb-Pomerene Act was passed these combinations in foreign countries which have discriminated against and restricted the rise in price of our products. I can hardly conceive of a case in which the price of our products were increased abroad that there would not be some shadowy reflection upon the price at home. It was not this shadowy reflection that Congress intended to prohibit, because such a prohibition would be an annulment of all of the benefits of the act.

The greater part of our American silver is sold abroad. Suppose the association received only that proportion of the American-produced silver and left the proportion that is generally consumed in the United States in the hands of the producers or holders to be sold in competition in the United States as they saw fit. Could the association then be charged with combining to increase the price of silver in the United States? Would not there then be an active competition between the same competitors that now exist in the market of the United States?

The Webb-Pomerene Act was not a foolish thing, as the copper people discovered when they organized the copper export association. It has proven a great benefit to copper. Such an association can be as legally organized for silver, and it will prove equally as beneficial to that metal.

While I am convinced that the organization can be accomplished in a legal way so at least as to protect that part of our silver that is normally sold abroad, it is my intention when the opportunity offers to introduce an amendment to the Webb-Pomerene Act that will clearly remove any ambiguities and dissipate the fears of you and your associates with regard to the legal power to organize a silver export association.

In your reply to me you include a long argument to show that silver is in a desperate situation by reason of the debasement of silver coins in Europe. At the same time, while you quote in your letter United States experts Handy & Harman, you do not emphasize that portion of their report dealing with the subject of debasement of coin. Handy & Harman in their report on this subject say, "But Europe is not our great market for silver."

Again, the silver experts to whom you refer, Handy & Harman, in their report say, "The demand from India and China more than any other factor accounts for the price levels at which the silver market rules." Undoubtedly our great markets for silver are in India and China. There is no debasement of silver in either of these countries and never will be.

The agencies of the British Government have always made a large profit upon the sale of silver both in India and in China. The advantage of Great Britain in oriental commerce is due to a great extent to their control of the supply of silver.

It is true that the fixing of a price for silver is an international matter, but, as I have before stated, so long as foreign agencies can artificially restrict the price of silver below a dollar an ounce, it is useless to discuss with them the fixing of a price for silver at a dollar or above that price. We have it in our power to fight and destroy such restrictions, and such was the intention of the Webb-Pomerene Act. As I have said before, the organization of such an association will be attempted, and I hope that you and your associates will take a less fearful attitude toward the matter.

I thank you for your very frank discussion of the subject. I am aware of the great knowledge you possess with regard to the production and marketing of silver and its condition throughout the world, and it is particularly for this reason that we must have your earnest and active support.

Sincerely,

KEY PITTMAN.

THE COAL SITUATION.

Mr. WALSH of Massachusetts. I present several resolutions from State and city governments, also a few of many communications received by me from citizens illustrating the unrest and anxiety in New England and other parts of the country because of the present coal shortage. These letters indicate that the patience of anthracite-coal consumers is rapidly becoming exhausted, and if some action is not taken by this Congress we should not be surprised at the extreme political views certain to follow such experiences as these letters depict. I ask that they be printed in the RECORD and referred to the Committee on Education and Labor, and also that a copy of the RECORD be sent to the Federal Coal Commission.

There being no objection, the matter referred to was referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

THE COMMONWEALTH OF MASSACHUSETTS, 1923.

Resolutions favoring the passage by Congress of legislation placing an embargo upon coal.

Whereas there is now pending before the Congress of the United States various bills and resolutions providing for and favoring the passage of legislation placing an embargo upon the export of coal from the United States during the present period of coal shortage; and

Whereas the Hon. JOHN J. ROGERS, Congressman from Massachusetts, has introduced a bill in Congress entitled "A bill declaring an embargo on anthracite coal," being House bill 12827, which declares that the conditions at present prevailing in the production and distribution of anthracite coal constitute a national emergency; and

Whereas great distress and hardship exist in New England on account of such coal shortage: Therefore be it

Resolved, That the House of Representatives of the General Court of Massachusetts urgently requests that Congress take immediate steps for the passage of appropriate legislation to relieve the great distress existing in New England, and hereby records itself in favor of immediate passage of House bill 12878; and be it further

Resolved, That copies of these resolutions be sent by the secretary of the Commonwealth to the President of the United States, to the presiding officers of both branches of Congress, and to the Senators and Representatives in Congress from this Commonwealth.

In House of Representatives, adopted, January 29, 1923.

A true copy.

Attest:

F. W. COOK,
Secretary of the Commonwealth.

—

CITY OF MEDFORD, *January 30, 1923.*

Resolution in board of aldermen, offered by Alderman Edwin M. Harkins.

Be it resolved, That, owing to the present inadequate coal supply and the stringent regulations in force relative to procuring and selling coal, the bill now pending before the House of Representatives at Washington, D. C., relative to placing an embargo on coal being shipped from this country to Canada is a measure that deserves the support of the Congressmen and Members of the Senate from Massachusetts; and be it further

Resolved, That the board of aldermen of the city of Medford hereby places itself on record as favoring this legislation; also that a copy of this resolution shall be forwarded to the Congressmen from Massachusetts and to the Senators from this State and to Vice President Calvin Coolidge, of this State.

In board of aldermen, January 30, 1923. Passed.

A true copy.

Attest: CHARLES A. WINSLOW, *City Clerk.*

—

BOARD OF ALDERMEN,
SOMERVILLE, MASS., *January 25, 1923.*

Resolved, It is the opinion of this board that the so-called Rogers bill, now before the Federal Congress to the effect that an embargo should be established on the exportation of coal to the Dominion of Canada, should pass; and it is further

Resolved, That a copy of this resolution be sent to the Representative to Congress from this district and to the Senators from this State.

A true copy of an order approved January 26, 1923.

Attest:

JASON M. CARSON, *City Clerk.*

—

DETROIT, MICH., *December 29, 1922.*

Hon. JOHN HAYS HAMMOND,
Chairman of United States Coal Commission, Washington, D. C.

MY DEAR SIR: The Republican National News Service has received a large number of letters from all over the country, asking what is being done regarding coal by your commission, and what progress is being made toward obtaining concrete results before the expiration of this winter.

One of the deep-seated issues that comes home to every citizen is the coal situation. It should be grappled with and solved immediately. It is the most important question before the people of all classes to-day.

The mines should reopen, and the men should go back to work on a definite understanding that whatever the tentative terms of resumption, they should begin work with the explicit purpose and under the fixed program of going immediately, vigorously, and intelligently. Our Government should relentlessly, with arbitrary determination, assume dictatorship over the mines, because there exists an emergency directly affecting the peace, health, safety, and welfare of the Nation, requiring at once governmental regulation and control of the supply of coal during such an emergency, and its equitable distribution to consumers at reasonable prices.

I have personally visited many families of the tenement districts of Detroit, and the condition is appalling. I met a family consisting of father, mother, and five children, burning wood and obtaining poor heat out of that. The mother is expected to be confined shortly, and one of the children is sick in bed. This is a fair example of what exists in other parts of the country. The people are more interested now in how they can buy coal than they are in any other question now before Congress.

The coal question is not a political issue and should not be used for party advantage from any angle, which is clearly demonstrated by the personnel of your commission. I am deeply sensible to the fact that no higher caliber of men could be selected by President Harding to solve the coal problem.

I am taking the liberty of inclosing a bill as drawn by Governor Groesbeck which contains his analysis of the situation, highly commended by the leading men throughout the United States, including governors of States.

The suggestions made in this letter are made with a kindly spirit with no intention to criticize anyone connected with your commission to retard its activity.

With best wishes, I remain yours faithfully,

HENRY W. ROSE,
General Manager Republican National News Service.

(This form of letter was mailed to every member of the United States Coal Commission.)

—

[From the Detroit News-Journal.]

THE COAL REPORT.

As an expedient for the diversion of an outraged public, the coal fact finders have had a certain political value. As discoverers of new information the body was bound to appear of slighter purpose. The intelligence it has just brought the Government in its first report is merely what thousands of informed citizens have always known. Every fact in the finding is old stuff, every observation might have been made after a day's diligent reading last March.

The commission cites five familiar reasons for the scarcity and high price of bituminous coal, with which it is largely concerned. They are profiteering, which is not discussed; labor difficulties, growing out of a deeper condition; transportation shortage; over-development of mines and surplus miners; and irregularity of demand. If there is any novelty in the report it is its evaluation of these facts. The fact finders regard the first three conditions as symptomatic, the last two as the basic diseases of the coal industry.

Being merely a recounter of old tales, the commission has not felt impelled to produce any ready-made miracle for the correction of either condition. It speaks mildly of encouraging consumers to store coal in the spring and summer, thus making demands on mines and transportation uniform through the year. Consumers, of course, will never do this, since the public is obliged to store no other commodity half a year ahead, and has no intention of tying up funds in dead stock or financing anyone's industry. Concerning the surplus of mines and miners the commission has nothing to say. Unless the public interferes this problem must be unmade by the industry itself, since it has been erected by the same agency. Obviously if the public is supporting 200,000 surplus miners and their families there should be a diversion of their efforts to other fields.

In its parting shot the commission makes the not very original comment that something must be done at once, and makes casual reference to a more intimate participation of the public in the public business of digging and moving coal.

The importance of this report, however, lies chiefly in the fact that it has been made. There is nothing new in it, certainly. But another political expedient is playing out. That is a help, since the problem goes automatically back to the Government's hands, where action must now originate on the familiar truths reported by the commission. If this body has been sufficiently forceful to animate Washington toward seeking any path to peace and order in the coal industry, it will have justified an existence which to date has not appeared necessary. It will, at any rate, have done more than an aimless but loudly protestant public has accomplished in a year.

The law of supply and demand takes a lot of punishment at times. The coal commission has just succeeded in proving that coal is hard to get and harder to pay for because there are too many mines and too many miners.

—

SPRINGFIELD, MASS., *February 1, 1923.*

Hon. DAVID I. WALSH,
Washington, D. C.

DEAR SIR: I note with interest your advocacy of the Government taking over the control of the coal mines—a basic necessity. I believe all the investigations on both sides show that the best good of the country in regard to the production and cost of coal will be best served by what you propose, and I know that I voice the opinion of many other men and women that this sane and feasible solution may be brought about and properly safeguarded from the evil effects of partisan politics. * * *

Very sincerely, HELEN D. CHAMBERLAIN
(Mrs. George D. Chamberlain).

—

WORCESTER, MASS., *January 11, 1923.*

Hon. DAVID I. WALSH,
Senator, Congress, Washington, D. C.

DEAR SIR: I read your suggestions in reference to shipments of coal to New England. Since then I read the clippings inclosed, and it seems to me if there was an embargo put on shipments of anthracite coal to Canada it would help New England people very much. * * *

Most respectfully yours,

M. A. WHITING.

—

BROWN SHOE CO.,
St. Louis, January 3, 1923.

Hon. DAVID I. WALSH,
Washington, D. C.

DEAR SIR: * * * If the next election has Government ownership of coal mines and railroads for its issue, I believe the side advocating Government ownership would sweep the country. The people are very sick of the railroad and coal situation just now. * * * Go after the railroads and coal mines. That is what the people are interested in.

Yours very truly, R. B. MCCARTHY.

—

HARWICH, MASS., *February 6, 1923.*

Hon. DAVID I. WALSH,
Washington, D. C.

DEAR SIR: * * * I have the misfortune to be the local fuel distributor for fuel, and the situation here is deplorable. We have been forced to deplete our forests at an alarming rate in order to prevent actual distress, and if something is not done we shall undoubtedly suffer another winter. Are we to freeze throughout New England while the operators and miners are quarreling over a division of spoils? Is our National Congress helpless to devise any method to remedy this situation? I have been in Pennsylvania and know the situation. Plenty of coal, plenty of men to mine it, and the people who live in the North suffering for want of fuel. Your own knowledge of the conditions is superior to mine and I trust will lead you to point the way to some remedy before we are faced with the same condition another year. If taking over the mines is the only remedy, let us take them; if there is a better way, let us take that; but let us do something now and not wait as we did last year. We are anxiously awaiting some act by Congress that will lead us to believe that our representatives are alive to the importance of immediate action.

Yours respectfully, CHAS. E. HAMER.

—

[From the Detroit Evening Times.]

UNITED STATES MINE OPERATION SOUGHT—MICHIGAN LEGISLATURE TO DEMAND ACTION TO SECURE ADEQUATE ANTHRACITE.

[Special to the Detroit Times.]

LANSING, January 24.—Federal operation of anthracite mines in Pennsylvania will be demanded by the State of Michigan, it developed to-day.

Convinced beyond any doubt that the Federal and State Governments have exhausted all available means to secure anthracite in adequate quantities from the mines, a concurrent resolution is to be introduced in the legislature by Representative Aaron W. Miles, of Big Rapids.

The resolution will request the enactment of a Federal constitutional amendment which would give the Federal Government the power to operate and perhaps own those mines.

TAKE INITIATIVE.

Michigan would thus be taking the initiative in the attempt to obtain this constitutional amendment, and after a canvass of influential members of both the house and senate, it seems quite probable the resolution will be adopted.

William W. Potter, State fuel administrator and the man who is in as close touch with existing conditions in the Pennsylvania mines as anyone in the country, said this afternoon he would be heartily in favor of Federal control and perhaps Federal ownership of the anthracite mines. It is probable that Potter will assist in every possible way to draft a suitable resolution for introduction in the house.

CERTAIN OF STAND.

"I am absolutely certain the only way to get adequate supplies of coal from the Pennsylvania mines," the fuel administrator declared, "is to operate those mines either under Government control or Government ownership. Numerous letters have come to my office asking that Michigan take the initiative in constructing the necessary machinery to secure such a Federal constitutional amendment. I am glad to know that Representative Miles is preparing such a resolution, and if any senators or representatives are not familiar with the anthracite situation in the United States, I want them to know that all my information is at their disposal at any time. I am convinced that if they knew the situation as I do all of them would exert their influence for the passage of the Miles resolution."

Potter declared further that the resolution would be the proper thing at this time, regardless of whether or not it asked for Government ownership of the hard-coal mines or merely Government control.

LYNN, MASS., *February 7, 1923.*

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.:

Over 3,000 families in this district without any supply of coal. The Lynn (Mass.) Chamber of Commerce petitions you to place an embargo on all anthracite coal for foreign countries until the necessities of the people in our own country are properly taken care of. Copy sent Interstate Commerce Commission.

RALPH S. BAUER, *President.*

—

JANUARY 24, 1923.

Hon. DAVID I. WALSH,
Care of United States Senate, Washington, D. C.

DEAR SENATOR WALSH: I believe the proposition of the United States establishing standards for units of heat per 100 pounds in both bituminous and anthracite coal will be one of the most helpful things that has happened in a long time, in so far as the American people are concerned.

I am sending you an editorial from this morning's Boston Post, which will give you an idea of how the matter is being received.

Most of the delays on our railroad trains in New England which have been continuous all winter have resulted from the miserable quality of steam-making, bituminous coal sold to the railroads, the coal being so full of dirt and sulphur that it is impossible to make any great amount of steam from it, and the consequence is that when the train starts out it has to run so slowly because of this that they are anywhere from half an hour to four hours late at their destination. I have talked with many of the engineers on the different engines, and they say that the delays are almost entirely up to the coal. It seems to them that the coal set aside for their use in the engines has been taken from the dump at the mines, as there are so few heat units in it.

You can see how this affects every consumer of coal in the country, whether hard coal or soft coal, and the point raised by the Boston Post that the different grades of coal would mean different grades of prices, corresponding to the heat-producing elements in the product, is something that will eventually work out to at least create honesty and lack of deception in the coal business.

In the meantime the people everywhere are patiently suffering privations unknown to the legislators at Washington, hoping that sometime in the future matters will change so they can more nearly know that they are getting just what they pay for.

With best wishes to you in the effort, believe me,

Sincerely yours,

RALPH S. BAUER.

—

FIREPROOF COAL.

Senator WALSH'S proposal to enact a law that will compel standardization of coal will strike a responsive chord throughout New England and doubtless in every other section of the country. For even though the chief trouble in recent years has been to get any kind of coal at any price there are still a few of us left with faith that under proper regulation real coal can be produced in sufficient quantities and at reasonable prices.

As to the quality of coal that has been delivered in this section in recent years, a great many people will testify that President Bauer, of the Lynn Chamber of Commerce, was making a conservative statement when he said that 35 per cent of the anthracite delivered in Lynn was fireproof. It is well known that the large buyers of coal, the big industrial corporations and the public utilities companies, employ experts who know coal and who insist that the coal they buy shall contain a certain number of standard heat units to the pound. But the average householder simply orders "coal," and if the material delivered is black he pays the bill.

That there are wide variations in the heating value of coal from different mines everyone connected with the business will readily admit. Why, then, should the price be practically uniform amongst the various dealers? Cotton, wool, flour, almost every basic commodity, is sold on grade at variable prices. It is just as essential for fair dealing that coal for family use be graded and priced accordingly.

As we have remarked before, we are not inclined to hold the retailers very much to blame in this matter of adulterated coal. They have to take it "as is" from the big operators and wholesalers, and it is hardly to be expected that they are going all over it and throw out stone and slate that they have paid for at coal prices. The fault is with the operators, who are too greedy to pay for "picking," as they used to do years ago—or are too mean to forego the profits they make on the "fireproof" stuff. The only way to get after them is by Federal law.

—

LYNN CHAMBER OF COMMERCE,
Lynn, Mass., January 29, 1923.

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

DEAR SENATOR WALSH: I am sending you one of many samples of fireproof coal—a shovelful taken out of a 20-ton pile from a coal yard in this district.

This so-called hard coal is sold at $16 a ton to the consumer. Less than 5 per cent of it will burn in any kind of a test. When put up in 25-pound bags and sold at 35 cents a bag to thousands of families, who are unable to obtain coal in larger quantities, this means that they are paying $560 a ton for that portion of this fuel that will really burn and make heat. This is dishonesty and robbery. The mine owners or operators are responsible for it.

The only relief is for the National Government to establish at the mines grades of coal based on its heat-producing content per 100 pounds as shipped out and sold according to standard grades, with severe penalties for violation.

Every State in the Nation is afflicted with this fireproof, unburnable-coal swindle. Because it fails to produce heat, results in distress and sickness, leading to death among thousands of families during these long weeks of freezing weather.

To overcome this disaster is a real job, and I hope you have the courage and strength to go through with it. The people in Washington have little idea of the suffering this lack of obtaining fuel that will produce heat has caused—to say nothing of the millions of dollars that have been lost on account of transportation and production delays.

Very truly yours,

RALPH S. BAUER.

FEBRUARY 3, 1923.

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

DEAR SENATOR WALSH: I was very glad indeed to get your letter and a copy of the CONGRESSIONAL RECORD, showing that you presented the letter of the fuel commissioner of the State of Wisconsin along the same lines you and I have been taking up together.

Will you please send me a copy of the CONGRESSIONAL RECORD that has the account of your presenting the letter I sent you originally to the Senate in the form of a petition and having it referred to the committee, as I would like to keep this for my file.

This fireproof coal swindle is nation-wide in its extent, and I think if the Senators who are keeping house in Washington would look into their own coal piles they will find to what extent they are getting theirs with this fireproof product.

I am inclosing to you two more clippings, one from the Boston American of to-day and one from the Lynn Item of to-day. I have had clippings sent to me from papers all over the United States on this matter, all giving you credit for handling it in the Senate.

Senator LODGE writes me that he will do everything he can to help you get this bill through, as I wrote him asking him to do this.

John Hays Hammond, who is the head of this special committee investigating the fuel question, personally knows me. When I was president of the Essex County Associated Boards of Trade several years ago I invited him to two of our outings as a guest of the association, and he came to both of them and seemed to enjoy it immensely. So he will remember me all right, if you have occasion to take this matter up with him, and you might mention this to him.

I know of no subject that really concerns and directly interests the ordinary run of people so much as this paying continually in times of stress for such a large proportion of fuel that will not create any heat at all.

You certainly have the best wishes of this whole Commonwealth with you on this matter.

Very truly yours,

RALPH S. BAUER.

—

SPRINGFIELD, ILL.,
715 South Douglas Avenue, January 24, 1923.

Senator DAVID I. WALSH,
Washington, D. C.

DEAR SIR: The inclosed clipping from the Springfield (Ill.) State Register intrigues me.

We are at the coal-mine mouth, and it does us little good.

The arrogant "public-be-damned" attitude of the operators is only the more apparent.

Providence has been kind to the consumers in giving us an open winter, and the operators have come down one step from their arbitrary raise of $1.25 per ton and knocked off 50 cents. As this arbitrary lift of $1.25 came on top of a 50-cent boost made before the strike last April, we consumers still figure we are being gouged to the $1.25 limit.

Surely the operators are doing their getting while the getting is good. The consumers are defiantly told that we must pay all the costs of the operators and their loss of profits during that strike. In any case, we seem helpless. Freeze or pay the price is what we are up against.

* * * * * * *

Frankly, the coal situation is not a pleasant one to consider.

The combustibility is a most important question. Even here we are victims of the present habit of leaving a large percentage of incombustible material in coal.

Perhaps you think the operators would be good enough neighbors to not abuse their community. Their greed is insatiable and their coal full of horseback.

I have reached my three score years and ten and am now simply waiting until the operators' greed shall o'ershoot itself and fall on the other side. It is coming to them and is going to bump them plenty.

If not too much trouble, will you send me a few papers on this Canadian angle of the game, and other angles? I am happy to find some one who is asking a few pertinent coal questions.

There is little use of talking of normalcy until we get back to old-fashioned honesty and all classes are nearly on the same business level in regards to the returns from their labors.

A fair day's wage for a fair day's work and a fair return for invested capital will win out in the end. Lord hasten the day. It will come, but like Old Black Joe, "I'se coming mighty slow."

Respectfully.

GEO. WILLIAMS.

—

CAMDEN, N. Y., *January 26, 1923.*

Senator DAVID I. WALSH,
Washington, D. C.

MY DEAR SIR: I take my hat off to the man who serves the people instead of private interests. I note the stand you take in regard to the coal situation and efforts to bring about a change. As you say, there is much suffering for the need of it. This town has a population of 2,000 and three retail coal yards, and not a pound of hard coal to be obtained at this writing. The New York Central Railroad runs through it, and trains of loaded cars pass daily through it with coal for Canada. Why should this be allowed?

I am a Republican, but can see the party speeding on to defeat in 1924 from playing the game of politics and neglecting the interest of the people.

I wish you success, but doubt if any measure taken will bring about any immediate relief, as a long program will be gone through with and warm weather come before anything will be effected. It takes Congress a long time to get into action. In the meantime the people will suffer and maybe wake up.

Respectfully,

A. B. LE CLARE.

—

BOSTON, MASS., *February 1, 1923.*

Hon. Senator WALSH,
Washington, D. C.

DEAR SIR: I inclose a clipping which tells me that you are introducing a bill in regard to the grading of coal, and I take this opportunity of informing you that I am pleased that you should do this.

As a manufacturer and also as a consumer at home I have had many grounds on which to make complaint about the kind of coal that I have had to pay for. I can see no reason why coal should not be graded and paid for according to its quality. It comes very close to food products in determining the cost of living under modern conditions.

We have been paying $17 a ton for anthracite in West Newton, where I live, and for soft coal to burn in our building in Boston and our factory in Somerville $12 a ton. We have to take just what we can get, as there is no competition in the price, all the dealers asking the same in Boston. With such prices as these the matter of quality in fuel becomes very important. The business men feel as I do, that the price is altogether higher than necessary, but that is another matter.

I wish to thank you for putting forward this bill, and would be glad to render you any assistance if it would be any value.

Respectfully yours,

PAPER GOODS CO.,
By EDGAR E. AHELAMS.

"LONGMEAD" ROAD ENDING,
Plainfield, N. J., January 23, 1923.

Hon. DAVID WALSH,
United States Senate, Washington, D. C.

MY DEAR SENATOR: It was with great pleasure that I noticed your interest in the present coal situation in this country. The situation in Lynn and Boston is no worse than in New Jersey. Recently the mayor of this city, in order to relieve the poor, had the coal sold in bags, the price of which would aggregate around $15 and over a ton.

I think that it is about time that some one would come forward as the spokesman for the people and not wait until the situation becomes worse.

Trusting that you will continue your good work, I am,

Very truly yours,

FRANK LINKE.

LAWRENCE, MASS., *February 6, 1923.*

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.:

It is reported that thousands of tons of coal consigned to Lawrence and other New England points in railroad tie up at Rotterdam Junction, N. Y. We exhort our United States Senators to take immediate action before the proper Federal board to cause the railroads to move this coal to its destination. If cold wave continues conditions will be alarming.

Hon. DANIEL W. MAHONEY, *Mayor,*
PETER CARR,
JOHN A. FLANAGEN,
PATRICK F. MCNULTY,
WILLIAM H. D. VOSE,
Aldermen of Lawrence, Mass.

ARTHUR R. HENDERSON & CO.,
Cambridge, Mass., January 22, 1923.

Senator DAVID I. WALSH,
Washington, D. C.

DEAR SENATOR WALSH: I read with interest your statement of your conviction that Government ownership of coal mines was the only solution of the coal situation. In this statement you said something to the effect that that conclusion was reached by you after a thorough study of the situation and that unless some one could offer a better solution you would remain so convinced.

This seemed sufficient invitation to warrant my writing to you to make a suggestion which I believe is worthy of your consideration.

I am a Progressive Republican, and I think I have always believed in the Government ownership of railroads, the telegraph, and telephones (means of communication). In the Government ownership and operation of railroads I believe it would be possible to control the coal situation without Government ownership. By specific regulation of seasons and times of shipment and the enforcement of those regulations on operators and miners and distributers under licensing regulations and requirements this coal situation could be handled.

At present it is a rotten, rotten mess, and my notion of the situation is that it is a thoroughly organized plan of greed from the mine owner and miner down to the smallest retail dealer. It has taken several years to accomplish it, but they have done it now. We certainly are a long-suffering public.

* * * I am not a socialist and never had any sympathy for socialism, but I often wonder we do not have more of it.

May I ask you to let me know what you think of this suggestion?

Very truly yours,

A. R. HENDERSON.

PEABODY FURNITURE CO.,
Boston, January 20, 1923.

Senator DAVID I. WALSH.

DEAR SIR: I take this liberty of writing you and expressing my appreciation as a Republican of the stand you have taken on the coal situation. Your conception of the matter, as expressed or printed in the Herald or Traveler of the 19th instant, is to my mind and that of every thinking man and woman absolutely correct. The sooner this abuse and imposition upon the American people is corrected the better for the Government. Is it possible that the representatives of the people can not see where such a condition of affairs is bringing us to? It is, indeed, unfortunate that they are so unconcerned or blind to the needs of the people and ultimately that of their country. If we are to be saved, our only hope is in men like yourself—unbiased, unselfish, and with a touch of human sympathy, yet ever mindful of the economic needs of the country.

Respectfully yours,

WILLIAM C. LOVETT.

DORCHESTER MASS., *January 12, 1923.*

DEAR SENATOR WALSH: I am sending you a clipping from the Boston Globe of this date, which I think sets forth pretty clearly some of the deplorable phases of the coal situation.

* * * * * * * *

I for one have so far been unable to buy a single ton of nut coal this winter, although my order has been in the office of the Metropolitan Coal Co. for about two months, and we have two small children in the house at that. If I had not had a little coal left over from last year, we would have been in a bad fix at this time.

Can not something be done to prevent a recurrence of this state of affairs next year?

Very respectfully yours,

FREDERICK M. GREEN.

HOUSE OF REPRESENTATIVES,
COMMONWEALTH OF MASSACHUSETTS,
Boston, February 2, 1923.

Hon. DAVID I. WALSH,
Massachusetts Senator, Washington, D. C.

MY DEAR SENATOR: Is it possible that a few coal owners and operators in the State of Pennsylvania are bigger than the Government of the United States? That they may throttle the situation so acutely as to cause the suffering that is now existing in the State of Massachusetts? Certainly there are no excuses for the conditions that existed last spring, due to the strikes in the coal regions, when a Government as large as this stands idly by and allows it to exist, knowing full well what the consequences will be and are. We feel sure that you and our Congressmen could, if you wished, do something to relieve the intense suffering among our people, caused by the lack of anthracite coal, with no relief in sight.

It is disgraceful for our Government to allow it. Doesn't it seem strange to you that a few coal barons and money fakirs of Wall Street can influence the present administration to believe that the coal miners are to blame for the hardships we are now going through, due to the lack of coal, when in consequence the blame rests entirely with the chosen Representatives to Congress and administration?

This situation will not all be forgotten when the citizens of Massachusetts come to cast their vote in the fall of 1924. We are satisfied that the present Representatives and Senators from the districts have surely all laid down on the job.

Respectfully yours,

WM. E. STAPLES,
Representative Fourth Berkshire District.

CHELMSFORD CENTER, MASS., *February 8, 1923.*

Hon. DAVID I. WALSH,
Member of the Senate, Washington, D. C.

MY DEAR SIR: May I be favored with a copy of your bill on the standardizing of anthracite?

After 30 years in the retail coal business, and now closely identified with the trade, also as a consumer, I am much interested in some form of regulation at the point of production.

Yours with high respect,

HERBERT R. WHITE,
Chelmsford Center, Mass.

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9 BEVERLY ROAD, WORCESTER, MASS.,
February 5, 1923.

Senator DAVID I. WALSH,
Washington, D. C.

DEAR SIR: I write to say that I am in hearty accord with effort to have a Federal law to eliminate "fireproof" coal from our coal bills.

I heat three flats. Last fall I had installed a forced draft controlled by a thermostat so I could burn buckwheat coal. I put in as much as my bin would hold. Lately I have had to buy more. The first was passable, but this last 4 tons! Out of about 4 shovelfuls I picked almost a quart of stones—not slate, just stones. There is also a lot of small pieces about one-half inch that look like melted rock or iron ore, besides the usual amount of slate. Coal dealers blame it on the mines, but why should not the dealer protect his customer; why should they be allowed to sell this stuff for coal? A grocer is not allowed to sell sand for sugar, or even a coal dealer to give short weight, but what's the difference if it's 10 per cent stones?

Yours for protection from extortion,

P. A. CARR.

CAREY'S MEN'S STYLE SHOP,
Boston, Mass., December 20, 1922.

Hon. DAVID I. WALSH,
Washington, D. C.

DEAR SIR: * * * I have always been conservative, but I fear if there isn't some relief from the present condition of things many others, including myself, will be following Bill Haywood and Debs, whom I always thought insane. Now I think different. It seems we are at the mercy of a pack of greedy gougers, with no relief in sight.

Commissions have been investigating. What have they accomplished? There is no need to investigate. You all know we are trimmed to a finish. I may be wrong, but I think there is a fight to a finish coming in the near future, and if it does, I think I know who is going to win. I am writing this letter not with any hope it will do a fraction of good, but merely to express my opinion and let Washington know how we feel.

Respectfully yours,

T. J. CAREY.

DAUGHTERS OF THE AMERICAN REVOLUTION,
The Old South Chapter, January 1, 1923.

MY DEAR MR. WALSH: I am writing to thank you for the interest you have taken in the coal question.

I assure you there is much suffering, and I believe there will be many deaths on account of not being able to get coal.

It is a shame and disgrace to our country, but those men in Washington are very comfortable and they do not care for the people, the ones who put them in office; but I am glad to feel that there is one of you who remembers us. If your efforts do not help us we appreciate your thought just the same.

Very respectfully,

REBECCA L. MARSTON,
44 Henry Avenue, Melrose Highlands, Mass.

CHICOPEE, MASS., *December 29, 1922.*

Senator DAVID I. WALSH,
Washington, D. C.

DEAR SIR: The coal situation in our city is critical. Can not something be done to relieve us? Hundreds coming to my store daily complaining that they have none and can get none. When a car comes in there are 300 to 500 children waiting to get a bushel to draw away on their sleds. I myself am burning soft coal at home. I have four children under 10 years old, and there are many others who will suffer if larger quantities are not immediately forthcoming. You know the months of January and February are cold. The Government must take care of us.

Yours,

JOSEPH R. HASTINGS.

24 SHEAFE STREET,
Boston, Mass., December 19, 1922.

Hon. DAVID I. WALSH,
United States Senator, Washington, D. C.

DEAR SIR: The inclosed clipping from the Boston American shows where American anthracite coal is being delivered in Canada while us poor people here in Boston can not seem to get any hard coal at all. This matter seems quite strange.

I have put in an order for some coal since September and have been unable to receive any at all. We have used every effort and have called the coal company a great many times, as we are desperately in need of it.

We know you are interested in the welfare of the people and any step which you may take to help this situation will be more than appreciated by the general public.

Thanking you, I beg to remain, very respectfully,

MARY A. COLUCCI.

—

43 CHAPEL STREET,
Canton, Mass., December 20, 1922.

Senator DAVID I. WALSH,
Washington, D. C.

DEAR SIR: Won't you do something to help people get coal, please?

Why is it innocent little children have to shiver and freeze while overworked parents actually have to beg for coal after getting a letter from the fuel administration of the town? Our regular dealer would give us no hard coal, only the cannel coal, which is very poor, just like painted rocks as large as a teakettle, and when the oil or tar burns off there is nothing but clinkers left, and $17 a ton for that! What kind of a Government have we? Why can't some one do something? Do we have to go to the fuel administrator every time we want a bit of coal, then beg to buy it, and pay such high prices for junk? We have had just one-half ton of hard coal, and Sunday, after seeing cars of hard coal in the coal yard, we are unable to get anything but buckwheat coal, which falls right through the grate. Now, let me tell you I do not ask for charity. I will pay for coal if I can get it, and get it I must. I have five small children all under 8 years. My husband is a good provider, works early and late for us, but he has done all in his power to get coal, so I now appeal to you in the name of the law.

Whoever is responsible for this coal situation has indeed no conscience, and I think and know you are a just man working for the common good, so do see if you can not do something so all will be treated equal. If hard-working people who are willing to buy coal and give their families the best they can afford suffer so, I tremble to think what the poor and needy suffer, and at this Christmas season.

My five little ones have whooping cough and I trust you will do all in your power to relieve the situation before the extremely cold weather sets in.

Wishing you the season's greeting, I am, very truly,

Mrs. MARY I. KESSLER.

—

MITTINEAGUE, MASS., *December 29, 1922.*

Hon. DAVID I. WALSH,
Washington, D. C.

DEAR SENATOR: May I ask you a few questions which I hope you will find time to answer for me, as I find it hard to understand? It is the coal question which has us all guessing. Why is it that the railroads can not supply cars enough for the mines to ship us hard coal, but they manage to get cars for soft coal to sell at $13 to $15 per ton? Why is coal (soft) sold at above prices when it is quoted at mine at $2.35 to $4.50 for gas coal?

There is no shortage here of soft coal; can buy all you want at above prices and some of the mixtures (good road filling for spring road building). It certainly took cars to deliver same.

I am inclosing clipping from our local paper (Springfield Daily News), as it affects us. Why does this happen? Also, why is there no company coal shipped East? All around this district it it independent coal, and of course the price must be more, as it costs more. Company coal holdings must be very small.

Why were we led to believe there would be coal at reduced prices and not to buy last spring? Now, the strike is settled; freight rates the same, miners' pay the same, and coal selling around $20 a ton. It was not so high during war times, and pay was 20 per cent higher.

We were told to have fuel-saving day during the war to help win. There is no need to tell us now; we have to, for want of coal. I am beginning to believe like alien work mates when told not to buy this or that by our leaders, be it sugar or coal, as it will be cheaper or more plentiful. Then is the time to buy and get all you need.

Also, why is it when the Senate starts a probe on high prices they go higher? But the boats go heavier laden to the other side of the ocean, and a six months' or one year probe is ended with no results and another started.

If you can enlighten me, Senator, I will be greatly obliged. Thanking you for the favor, I beg to remain,

EDWARD BARNARD,
108 Moose Street, Mittineague, Mass.

MARINE HOSPITAL RESERVATION, WILMINGTON, N. C.

Mr. FERNALD. I report back favorably without amendment from the Committee on Public Buildings and Grounds the bill (H. R. 13046) authorizing the Secretary of the Treasury to convey to the city of Wilmington, N. C., marine hospital reservation, and I ask for its immediate consideration.

Mr. SMOOT. Let the bill be read first.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and empowered to convey to the city of Wilmington, New Hanover County, State of North Carolina, by the usual quitclaim deed, at a fair valuation to be determined by the Secretary of the Treasury, but for not less than $20,000, the following-described tract of land, with all structures and improvements thereon, being the marine hospital reservation in the city of Wilmington, if in the opinion of the said Secretary of the Treasury it is no longer needed for marine hospital purposes, to wit: Fifteen acres, more or less, covering four whole and two one-half city blocks, lying between Eighth and Tenth Streets and extending from Ann Street on the north to a point about 125 feet north of the north line of Nun Street, in the city of Wilmington, county of New Hanover, State of North Carolina.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STATE CAPITOL PARK, BOISE, IDAHO.

Mr. FERNALD. I report back favorably without amendment from the Committee on Public Buildings and Grounds the bill (H. R. 12007) providing for the conveyance of certain land to the city of Boise, Idaho, and from the city of Boise, Idaho, to the United States, and I ask for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and empowered to convey by quitclaim deed to the city of Boise, Ada County, Idaho, for enlargement of the State capitol park, and for no other purpose, all right, title, and interest of the United States of America in and to the alley running east and west through block 54, in which is located the post-office site in the said city: *Provided, however*, That the city shall not have the right to sell and convey the said premises, nor to devote the same to any other purposes than as hereinbefore described, and shall not erect thereon any structures or improvements except such as are incidental to boundaries and ornamentation as part of the State capitol grounds; and in the event that said premises shall not be used as part of the said State capitol grounds, and cared for and maintained as such, the right, title, and interest hereby authorized to be conveyed shall revert to the United States: *Provided, also*, That the city of Boise shall convey to the United States for alley purposes, in accordance with a resolution of the city council of Boise, April 25, 1922, a strip of land in said block 54 as now laid out for such purposes, commencing at the northeast intersection of the post-office site (addition) with Jefferson Street; thence with said Jefferson Street, crossing said alley, 20 feet; thence in a southwesterly direction 78 feet 6 inches; thence in a reverse curve, following the curb now in place, to a north lot line of the said post-office site; thence along said lot line, northwesterly, approximately 49 feet to a point; thence northeasterly to the point of beginning.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. TOWNSEND. The Senator from Vermont [Mr. PAGE] has a report which he is ready to submit, and when it is presented I wish to ask for the consideration of the bill.

Mr. KING. Let me state to the Senator from Michigan that after 2 o'clock debate will be limited upon the pending bill, and there are a number of amendments, and with the limited time I trust the request will not be made.

Mr. TOWNSEND. Very well; I shall call up the bill later.

Mr. PAGE, from the Committee on Naval Affairs, to which was referred the bill (H. R. 11389) for the relief of Robert Guy Robinson, reported it without amendment and submitted a report (No. 1117) thereon.

Mr. McCUMBER, from the Committee on Finance, to which was referred the bill (S. 4318) authorizing the Secretary of the Treasury to make collections and refunds of taxes out of the proceeds of sales of property held in the Treasury, reported it with amendments and submitted a report (No. 1118) thereon.

Mr. ROBINSON, from the Committee on Military Affairs, to which was referred the bill (H. R. 6204) to grant the military target range of Lincoln County, Okla., to the city of Chandler, Okla., and reserving the right to use for military and aviation purposes, reported it without amendment and submitted a report (No. 1119) thereon.

Mr. FLETCHER, from the Committee on Military Affairs, to which was referred the bill (H. R. 11603) to validate for certain purposes the revocation of discharge orders of Lieut. Col. James M. Palmer and the orders restoring such officer to his former rank and command, reported it without amendment and submitted a report (No. 1120) thereon.

Mr. STANFIELD, from the Committee on Claims, to which was referred the bill (S. 1513) for the relief of Margaret Nolan, reported it with an amendment in the nature of a substitute, and submitted a report (No. 1121) thereon.

Mr. CAPPER, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 1490. An act for the relief of G. T. and W. B. Hastings, partners, trading as Hastings Bros. (Rept. No. 1122); and

H. R. 10529. An act for the relief of Harry E. Fiske (Rept. No. 1123).

Mr. STANFIELD, from the Committee on Claims, to which was referred the bill (S. 1538) for the relief of Louis F. Meissner, reported it without amendment and submitted a report (No. 1124) thereon.

Mr. ROBINSON, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 3879. An act for the relief of William H. Lee (Rept. No. 1125); and

S. 4071. An act for the relief of David C. Van Voorhis (Rept. No. 1126).

COINAGE OF COMMEMORATIVE 50-CENT PIECES.

Mr. PEPPER. From the Committee on Banking and Currency I report back favorably without amendment the bill (S. 4468) to authorize the coinage of 50-cent pieces in commemoration of the three hundredth anniversary of the settling of New Netherlands, the Middle States, in 1624, by Walloons, French and Belgian Huguenots, under the Dutch West India Co. I ask unanimous consent for the immediate consideration of this measure. I think it will occasion no debate. The bill is in the usual form and provides that the coinage shall be done without expense to the United States.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That in commemoration of the three hundredth anniversary of the settling of New Netherlands, the Middle States, in 1624, by Walloons, French and Belgian Huguenots, under the Dutch West India Co., there shall be coined at the mints of the United States silver 50-cent pieces to the number of 300,000, such 50-cent pieces to be of the standard troy weight, composition, diameter, device, and design as shall be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, which said 50-cent pieces shall be legal tender in any payment to the amount of their face value.

SEC. 2. That all laws now in force relating to the subsidiary silver coins of the United States and the coining or the striking of the same, regulating and guarding the process of coinage, providing for the purchase of material and for the transportation, distribution, and redemption of the coins, for the prevention of debasement or counterfeiting, for security of the coin, or for any other purposes, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein authorized: *Provided*, That the United States shall not be subject to the expense of making the necessary dies and other preparations for this coinage.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PITTMAN:

A bill (S. 4506) to provide for the acquisition of a site and the erection thereon of a Federal building at Las Vegas, Nev.; to the Committee on Public Buildings and Grounds.

By Mr. McNARY:

A bill (S. 4507) granting an increase of pension to Louise Lucier; and

A bill (S. 4508) granting an increase of pension to Alice Hathaway; to the Committee on Pensions.

A bill (S. 4509) to extend the time for the reimbursement of certain sums appropriated for the benefit of the Indians of the Klamath Indian Reservation in Oregon; to the Committee on Indian Affairs.

By Mr. ODDIE:

A bill (S. 4510) to amend section 24 of the Federal reserve act; to the Committee on Banking and Currency.

By Mr. DIAL:

A bill (S. 4511) granting a pension to John J. Hester; to the Committee on Pensions.

By Mr. KENDRICK:

A bill (S. 4512) for the relief of Oscar A. Demple; to the Committee on Public Lands and Surveys.

By Mr. LA FOLLETTE:

A bill (S. 4513) granting an increase of pension to Mary Lamb; to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 4514) authorizing a preliminary examination and survey to be made from Anclote Anchorage to Sponge Exchange Docks and Basin, Tarpon Springs (Fla.) Harbor;

A bill (S. 4515) authorizing a preliminary examination and survey to be made from Whitehead Spit Buoy to the Florida East Coast Railway Terminals, Key West (Fla.) Harbor;

A bill (S. 4516) authorizing a preliminary examination and survey to be made of Manatee River, Fla.;

A bill (S. 4517) authorizing a preliminary examination and survey to be made from Lake Apopka to Lake Tohopekaliga, in Florida; and

A bill (S. 4518) authorizing a preliminary examination and survey to be made of an inland waterway from Pensacola Bay, Fla., to Mobile Bay, Ala.; to the Committee on Commerce.

By Mr. CARAWAY:

A bill (S. 4519) to authorize the county of Lee, in the State of Arkansas, to construct a bridge over the St. Francis River; to the Committee on Commerce.

By Mr. COLT:

A bill (S. 4520) granting an increase of pension to Ella R. Shaw; to the Committee on Pensions.

By Mr. SPENCER:

A bill (S. 4521) to extend the benefits of the employers' liability act of September 7, 1916, to Florence E. Blanks, a former employee of the post office in St. Louis, Mo.; to the Committee on Claims.

By Mr. PEPPER:

A joint resolution (S. J. Res. 277) granting permission for the erection of a monument to symbolize the national game of baseball; to the Committee on the Library.

By Mr. HARRELD:

A joint resolution (S. J. Res. 278) providing for continuation of register and receiver of the land office at Guthrie, Okla., at salaries in effect prior to act of January 24, 1923; to the Committee on Public Lands and Surveys.

THE MERCHANT MARINE.

Mr. KING. I submit an amendment intended to be proposed to the pending ship subsidy bill, House bill 12817. It is not an amendment which I indorse, except that it is an improvement upon the pending bill. In view of the efforts which are being made by the President and Mr. Lasker and numerous lobbyists who are around here in favor of the shipping bill, it is a good time to offer the amendment for consideration. I move that the amendment be printed and lie on the table.

The motion was agreed to.

APPRAISAL OF INDIAN TRIBAL PROPERTY.

Mr. ASHURST submitted two amendments intended to be proposed by him to the bill (H. R. 13835) authorizing the Secretary of the Interior to appraise tribal property of Indians, and for other purposes, which were referred to the Committee on Indian Affairs and ordered to be printed.

AMENDMENTS TO THIRD DEFICIENCY APPROPRIATION BILL.

Mr. LODGE submitted an amendment proposing to appropriate $233,885.82 to pay the State of Massachusetts for interest and premium paid on coast-defense bonds, as set forth in the findings reported by the Court of Claims in favor of the Commonwealth of Massachusetts and printed in House Document 359, Sixty-fifth Congress, first session, intended to be proposed by him to the third deficiency appropriation bill, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to pay $2,500 to Charles F. Redmond as compensation for compiling a revised supplement to the compilation entitled "Treaties, Conventions, International Acts, and Protocols Between the United States and Other Powers," etc., intended to be proposed by him to the third deficiency appropriation bill, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

JOINT COMMISSION ON GOLD AND SILVER INQUIRY.

Mr. NICHOLSON submitted the following concurrent resolution (S. Con. Res. 37), which was referred to the Committee on Mines and Mining:

Resolved by the Senate (the House of Representatives concurring), That a joint commission is hereby created, to be known as the joint commission of gold and silver inquiry, which shall consist of five Senators, three of whom shall be members of the majority party and two of whom shall be members of the minority party, to be appointed by the President of the Senate, and five Representatives, three of whom shall be members of the majority party and two of whom shall be members of the minority party, to be appointed by the Speaker.

Said commission shall investigate and report to the Congress upon the following subjects:

1. The causes of the continuing decrease in the production of gold and silver.

2. The causes of the depressed condition of the gold and silver industry in the United States.

3. The production, reduction, refining, transportation, marketing, sale, and uses of gold and silver in the United States and elsewhere.

4. The effect of the decreased production of gold and silver upon commerce, industry, exchange, and prices.

The said commission is further authorized:

1. To confer with citizens, associations, or corporations of foreign countries with a view to the stabilization and wider use of silver in exchange.

2. To propose, either formally or informally, to the President of the United States, or the heads of the proper departments, plans for negotiations with foreign governments to the same end.

The commission shall include in its report recommendations for legislation which in its opinion will tend to remedy existing conditions and shall specifically report upon the limitations of the powers of Congress in enacting relief legislation.

The commission shall elect its chairman, and vacancies occurring in the membership of the commission shall be filled in the same manner as the original appointments.

The commission or any subcommittee of its members is authorized to sit during the sessions, recesses, or adjournment of Congress in the District of Columbia or elsewhere, to send for persons and papers, to administer oaths, to summon and compel the attendance of witnesses, and to employ such personal services and incur such expenses

as may be necessary to carry out the purposes of this resolution; such expenditure shall be paid from the contingent funds of the Senate and House of Representatives in equal proportions, upon vouchers authorized by the committee and signed by the chairman thereof.

HOUSE BILL REFERRED.

H. R. 13880. An act for the reorganization and improvement of the foreign service of the United States, and for other purposes, was read twice by its title and referred to the Committee on Foreign Relations.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On February 5, 1923:

S. 472. An act for the relief of William B. Lancaster.

On February 6, 1923:

S. 2210. An act for the relief of Lucy Paradis; and

S. 4390. An act to amend the last paragraph of section 10 of the Federal reserve act as amended by the act of June 3, 1922.

On February 8, 1923:

S. 841. An act for the relief of Elizabeth Marsh Watkins; and

S. 1945. An act to reimburse the Navajo Timber Co., of Delaware, for a deposit made to cover the purchase of timber.

WAR DEPARTMENT APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13793) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1924, and for other purposes.

Mr. NORRIS. Mr. President, a few days ago, while the Army appropriation bill was before the Senate, I gave notice of a motion to suspend the rules in order that I might offer an amendment.

Mr. CURTIS. Mr. President, will the Senator yield to me to make the point of no quorum?

Mr. NORRIS. I am willing to do that, because there are some Senators absent whom I desire to have present when I offer the motion. In order that those Senators may be here when the motion is made, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Glass	McKellar	Smoot
Bayard	Gooding	McKinley	Spencer
Brookhart	Harreld	McNary	Stanfield
Bursum	Harris	Moses	Stanley
Calder	Harrison	New	Sterling
Cameron	Heflin	Nicholson	Sutherland
Capper	Johnson	Norris	Swanson
Caraway	Jones, Wash.	Oddie	Townsend
Couzens	Kellogg	Overman	Trammell
Culberson	Kendrick	Page	Underwood
Curtis	Keyes	Pepper	Wadsworth
Dial	King	Pittman	Walsh, Mass.
Ernst	Ladd	Pomerene	Warren
Fernald	La Follette	Ransdell	Watson
Fletcher	Lenroot	Reed, Pa.	Willis
Frelinghuysen	Lodge	Robinson	
George	McCormick	Sheppard	
Gerry	McCumber	Shortridge	

The VICE PRESIDENT. Sixty-nine Senators have answered to their names. There is a quorum present.

Mr. NORRIS. Mr. President, on the 5th of February last, while the Army bill was under consideration, I gave notice that I intended to make a motion to suspend the rules of the Senate in order that I might offer the following amendment to the bill, to be inserted on page 104, after line 24:

For the improvement of nitrate plant No. 1 at Muscle Shoals, Ala., by the installation of new machinery therein in order that said plant may be utilized for experimental purposes in extracting nitrogen from the air with the view of lessening the cost of explosives in time of war and fertilizer in time of peace, $2,000,000.

Mr. President, the proposed amendment would be subject to a point of order under the rules of the Senate, and, therefore, I gave notice that I should make the motion which I now make to suspend the rules in order that I might offer the amendment. I wish to speak briefly in regard to the fertilizer situation and also as to the amendment which I propose to offer, if the rules of the Senate shall be suspended to enable me to do so.

Mr. President, I come from a section of the country where the fertilizer question is not at the present time a real live issue, and it probably will not be so during my lifetime. I am, therefore, not moved in this action by any consideration that in the ordinary happening of events I or my people could have a direct interest in the result. I believe, however, that since the people of a large portion of the country are concerned in the fertilizer situation and since the prosperity of agriculture, or that part of it which is dependent upon fertilizer, is also vitally interested in the question, as are also the consuming public, who are anxious that commodities for human consumption should be produced and delivered to the consumer as cheaply as possible, that this is a subject of great importance in which all of us, when we are considering the welfare of the country, are deeply interested.

We are now compelled, Mr. President, to import nitrates from Chile, and the Chilean Government has levied an export tax on nitrates amounting to something over $11 a ton, so that fertilizer is necessarily very expensive. I am one of those who believe that, since this is a matter in which all the people have a direct interest, though some of them do not now realize it fully, the Government of the United States can afford to spend public money for the purpose of any legitimate experimentation having in view the cheapening of fertilizer ingredients, the use of which is necessary to sustain human life.

The question of the cheaper production of fertilizer is growing in importance from year to year. In some places even now the success of agriculture is dependent upon the accomplishment of that result. We have everywhere an unlimited source of supply of nitrogen, which is one of the necessary ingredients of all fertilizer. The air which we breathe is composed largely of it; the supply is unlimited, and it is not confined to any locality of the globe; but, Mr. President, so far our scientists have not been able to extract nitrogen from the air without going to an expense that makes the cost of the fertilizer produced from it almost prohibitive. Unless we reestablish our civilization on a different basis or unless we cheapen and improve the method of extracting nitrogen from the air, we will be brought face to face sooner or later with a situation, due to the cost of fertilizer, whereby the cost of living to every human being on earth will be increased to such an extent that, as I have said, we will have to reestablish our entire civilization. To my mind it is a serious question; it is one that faces not only us but the entire world.

It is common knowledge, Mr. President, that nitrogen, one of the principal ingredients of fertilizer——

Mr. President, I wish Senators would not continue their loud conversation around me while I am trying to speak.

The VICE PRESIDENT rapped with his gavel.

Mr. NORRIS. As I have said, I have no selfish interest in this subject; I could have avoided altogether the work that I have devoted to it without in any way affecting my personal or political fortunes. I have come in contact with it not because I wanted to; I did not seek the study of the question, and if I had followed the lines of least resistance I would have made no study of it; but in my official capacity as chairman of the Committee on Agriculture and Forestry it seemed to me that if I did my duty I ought to face this question, not for my people so much as for other people not only in this country but in all the world.

I was about to say, Mr. President, that it is common knowledge that nitrogen, one of the necessary and principal ingredients of all fertilizers, is also a necessary and principal ingredient of all explosives. So there is a connection between nitrogen in time of peace and explosives in time of war. When we became involved in the World War the necessity for having more nitrogen in order to supply our armies and the armies of our allies was apparent to all students of the subject. The question of explosives was all important, and our Government officials, together with all the scientific men they could gather together, began its study.

It was known that there were in operation several processes of extracting nitrogen from the air; it was known that most of those processes were very expensive, that they required immense amounts of capital and some of them very large power facilities in order to bring about the necessary result. So our officers, wisely I think, decided that the Government of the United States as a war measure should go into the business of extracting nitrogen from the air. Everybody knows that the war developed one thing very prominently, and that was that manyfold more explosives are required in modern warfare than have ever been used before and that large quantities are necessary to keep armies in the field. I presume the people will never know how near the verge of ruin we stood on that question alone.

Germany had several processes by which nitrogen was extracted from the air. It had been extracted in Norway, where water power was very cheap. The one method that was probably understood better than any other was what was known as the cyanamid process, but it was known that that process, while successful, was very expensive and required very large amounts of power. It was known also that Germany was extracting nitro-

gen from the air by other processes which it was believed were cheaper and more economical. One was known as the Haber process, but our scientists did not have the knowledge to put that process into operation. After legislation by Congress the executive department, under authority of law, located at Muscle Shoals, Ala., a great governmental institution and undertook to build not only dams across the Tennessee River, where large amounts of power could be developed, but to construct the machinery, the buildings, and the plants necessary to extract nitrogen from the air.

The one process that was known and understood, the cyanamid process, was provided for by a very large plant. It is known as nitrate plant No. 2. It is as modern as any plant of its kind in the world. It is the last word in that process. The capacity of that plant is 40,000 tons of nitrogen a year; but it was known by our scientific men that nitrogen was also an important ingredient of fertilizer, and it was thought that the two things could be worked together. For war purposes the cost is a secondary consideration. For fertilizer purposes it is perhaps the first consideration. So they constructed also what was known as nitrate plant No. 1 at Muscle Shoals with a view of extracting nitrogen from the air by the Haber process.

Compared with nitrate plant No. 2, it was a very small affair. It has steam power connected with it, as I remember now, of 5,000 or 6,000 horsepower. The other plant takes a great deal more power. The Haber process does not require nearly so much power. In fact, power is really a secondary consideration in the extraction of nitrogen from the air in that way; but our people did not know enough about the Haber process to make that plant a success. We spent several millions of dollars on it. It never has operated. It has been a failure, while the other plant was as successful as anybody expected it to be.

We have that plant at Muscle Shoals. The machinery in it is of no value. The building is modern and as nearly fireproof as it can be. Its power plant is modern, but as far as the extraction of nitrogen from the air is concerned it has been a failure. Since that time up to the present great advancement has been made in the extraction of nitrogen from the air, and we know now how to build a plant to extract nitrogen from the air by the Haber process. It is still an expensive process for fertilizer, perhaps too expensive to make it practicable. It would be desirable, of course, in time of war that we should establish that process, even though it was not cheap enough to extract nitrogen for fertilizer. We have, of course, the large nitrate plant No. 2 in running order, ready to start up on an hour's notice for the manufacture of fertilizer to its complete capacity. It is a safeguard to the same extent and in the same way that a battleship is a safeguard. Until we devise a better method, a cheaper method, a more economical method, we must, of course, think of nothing else except to keep it in that condition, as we now keep our battleships in first-class condition.

On the basis of the testimony taken by the Agricultural Committee on the Muscle Shoals propositions that were referred to that committee, I think it is a fair statement to say that scientific men agree that there must be some improvement somewhere in the way of cheapening the extraction of nitrogen from the air before we can use that process and have it practical and economical enough to lower the cost of fertilizer. I am just as firm in my belief that we are going to succeed, that by investigation and experimentation we are going to lessen the cost, as I am that we have any plant at all. We have already advanced quite a perceptible degree beyond the knowledge that we had at the time that we built those plants.

Mr. DIAL. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from South Carolina?

Mr. NORRIS. I do.

Mr. DIAL. Do I understand that plant No. 2 could be operated by water?

Mr. NORRIS. Yes. Plant No. 2 has a steam power in connection with it that will operate it when there is not water power. There is not any there yet, of course, but the intention was to operate it by water power when the dams were completed, because that power would be much cheaper than steam, although steam power down there is cheaper than it is in most sections of the country.

Mr. President, because of the importance of this question as a war proposition, if we should be so unfortunate as ever to need it for that purpose, and because of its still greater importance as an agricultural proposition, in my judgment—because, as a war proposition, we can use the other one if necessary—to my mind the most important thing is for the Government, through its scientific departments, its chemistry bureaus, to experiment. We have that other plant there. It is of no value whatever unless it is used for some purpose. It is true it could be scrapped and the building and the power used for anything in the way of manufacturing; but since we have constructed it, since we own it, since we must concede the importance of the matter, it does seem to me that we are justified in seeing if we can not, by experimentation, cheapen the cost of the extraction of nitrogen from the air.

Since we have constructed that plant a Haber-process plant has been constructed by private people at Syracuse, N. Y., and they are extracting nitrogen from the air now; but I am told by chemists who have examined the plant that, although it is probably as modern as any that we have in this country, they can not even there get the nitrogen cheaply enough to reduce materially the cost of fertilizer, unless they do away with overhead expenses of all kinds.

Recently I talked with one of the leading chemists of our country, who was selected by President Wilson and his advisers to travel over Europe, or that part of Europe where he could travel, before the plant was located at Muscle Shoals. He traveled also over this country, with a view of finding a good location. He has recently been to Europe. He returned just a short time ago. He came to my house a week ago Sunday and told me that in France they had already improved upon the Haber process; they had operations going on now by which they had reduced the cost of extraction of nitrogen from the atmosphere below what Syracuse was able to do, so that improvement is going on. It seems to me that as long as there is a hope of cheapening the process we are justified in keeping on, and who should do it? It is in the interest of all of the people, not only of our country but of the world. We are legislating, however, only for our people. It seems to me we are justified in the use of public funds to go on with that experimentation, especially when at an expense of several millions of dollars we have constructed a plant down there that can be remodeled and made modern. I do not expect it to remain, as it will be reconstructed. I do not want to practice any deception on the Senate or on the people. My own belief is that if we should install the machinery according to my amendment here the time would come when that machinery itself would become junk.

I should be glad to see that time come, because when they work with it on a large scale they will discover, in my judgment, new methods. In fact, that is the object that I have in view. So, Mr. President, it has seemed to me that we ought to remodel the plant down there, that we ought to install the most modern machinery known to the scientific world and extract nitrogen from the air, all of the time working for improvement, recognizing, I will admit, that we may fail.

I am not offering this proposition with any mathematical assurance that it will be a success. I concede that there is such a thing possible as man having reached the last step in the extraction of nitrogen from the air, but I do not believe it. In fact, the time will come in the generations that shall follow, if we have reached the last step, when the human race will be in a sorry predicament; so I have not any hesitancy in using public funds for the purpose of experimentation in this great, important industry, and experimentation always means that we may lose our money and get no return. That is a possibility. I believe the time will come—I think it will follow if this amendment is agreed to—when nitrate plant No. 2, which is now there in full condition to extract nitrogen under the cyanamid process, will become out of date, when we will junk that machinery, and eventually use that great plant by a simpler process, a cheapened process. In fact, Mr. President, the chemists of the entire universe are working on this proposition. If private parties get it, the process will be patented and the people will not get the full benefit of it. If the Government does it, it will be free and open to everybody, not only in this country but everywhere else. We are doing it for the good of all the people. No one will have a monopoly of it if the Government officials make the improvement; and, Mr. President, in my judgment we have them now.

I was talking this morning with a Senator about this proposition, and he said: "The thing I do not like about your proposition is that it is a Government institution. I would rather let private initiative go and get it."

Mr. President, I would, too, if it would get it. I do not want to interfere with private initiative; but if private initiative does get it, the first thing that will happen on every improvement that is made will be a patent not only in this country but in every other country; and while some relief would come to the people at large, perhaps, it would be many years before we would get the full benefit of it. We would have to pay a royalty, whether the Government did it or anybody else did it, to somebody who took out the patent. On a thing that is of

such universal importance it seems to me that we can afford ourselves to employ specialists, chemists, and let them experiment. They will not be in competition with any others. Their methods will be open to the inspection of every chemist and every scientific man in the world. They will consult with everybody everywhere where they can get any information, and work in harmony with them with the one view of cheapening the method of the extracton of nitrogen from the air.

The Senator with whom I was talking this morning—a broad-minded man, a very able Senator, in whom I have the utmost confidence, and for whom I have unlimited respect—said: "One of the troubles with Government employees is that when they get a job that is permanent they lose their initiative. They do not go on and try to do better and improve conditions. They are interested in having short hours themselves and increasing their salaries."

Mr. President, I think there is a great deal in that, and I am not here to deny it. But I am here to assert that at least, in my humble judgment, it does not apply to our scientific men. During the time I have been chairman of the Committee on Agriculture I have come in contact with some of the chemists of the Bureau of Chemistry. I have likewise come in contact with some of the men who are in the Bureau of Standards, all scientific men of the highest degree of efficiency, and I want to say that I never met a body of men more intelligent in the first place, more honest in the next place, and more patriotic in the third place. As a rule they have no idea about 9 o'clock and 4 o'clock and 8 hours a day.

I have a neighbor, a man living within a stone's throw of where I live, in the suburbs of Washington, who has fitted up a laboratory in his attic, and you can find him there every Sunday; or, if he is not there, he will probably be at the Bureau of Standards, and he can often be found there at night. He becomes interested in a problem and never stops studying and working on it. He hardly stops to eat. One of the principal chemists in the Government service during the war used to come to my house quite often and tell me what he had done and what he was doing. He had no idea about his salary; he had no conception of money. He was wedded to his profession. He cared more about doing something for the benefit of humanity than he did about being a millionaire and having an office in Wall Street.

I think of all the classes of men I have ever come in contact with, those people in the Government employ who are doing scientific work are more unselfish than any other class of people I ever met. I know of one of those chemists who turned down an offer from the Standard Oil Co. time after time to go out at more than double his salary, to leave the Government service; and although he was a poor man, striving to pay the mortgage on a little seven-room house he had bought, he refused to do it. So I believe no objection of that kind can be urged as against the class of men, the class of governmental officials, who would handle this work of experimentation if this amendment were agreed to.

I think I said that I could not make any definite promise about what would be accomplished at Muscle Shoals. We are traveling on a path which leads into an unknown and an undeveloped wilderness. We may fail; but, unless somebody makes the investigation and brings about an improvement, if it is possible to bring it about, we will all suffer on account of it. I believe in this kind of an investigation, this kind of experimentation on the part of the Government, because whatever good does come from it will immediately be open to all the people of the United States. No private initiative will be denied the right to use the process, whatever it may be, or go into business anywhere they please and utilize the improvements developed, and get the benefit of the discoveries made at the expense of the public.

A two-thirds vote will be required to carry this motion to suspend the rules. I have talked with several of the Senators who are in favor of accepting the proposition of Mr. Ford in regard to Muscle Shoals, I do not want to be, and I will not be, unless I am forced into it, led into a debate on the Ford proposition now. I think this is away beyond it, away above it. I can not expect this motion to prevail if those who are in favor of accepting Mr. Ford's offer are opposed to the motion, because we will lack the votes. I want to be perfectly frank and perfectly fair with those who believe that Mr. Ford's offer ought to be accepted, and say that while it does not follow as a matter of course, it may be that if this amendment is agreed to, it will require a modification of Mr. Ford's offer. In his offer Mr. Ford has said nothing about nitrate plant No. 1. He has agreed to keep up nitrate plant No. 2, the big one. Under his offer he would get title in fee simple to nitrate plant No. 1 as well as to all the others. He may use it for any purpose. He may manufacture automobiles there, or he may tear out the machinery and use the building for any other purpose. He is not limited in any way.

It is claimed by those who advocate the acceptance of the Ford offer that Mr. Ford is going to cheapen the price of fertilizer. The people have been led to believe, by the wonderful propaganda which has gone over the country, that he is going to cut the price in two. Recently an interview was given out by Mr. Gray Silver, the Washington representative of the American Farm Bureau Federation, but who, as a matter of fact, devotes most of his time to the Ford proposition, in which he said that if this offer of Mr. Ford were accepted, the price of fertilizer would be cut not only one-half but three-fourths. I will read the first sentence of his interview, which he gave to all the newspapers, and which is published in the American Farm Bureau Weekly News Letter, which goes to all the farmers of that organization throughout the United States. He said:

By authorization of Congress, the price of nitrogen used as a fertilizer in this country can be reduced three-fourths.

Then he went on to say that the way to reduce it would be for Congress to accept the Ford offer. It has often been stated by me and others that no such proposition is involved in Mr. Ford's offer. Mr. Ford has never agreed to reduce the cost of fertilizer one cent; and I do not complain because he does not agree to that, but he does not know whether he could reduce it.

I think he could reduce it, but if he does he will have to experiment; he will have to have a factory somewhere; he will have to have an extensive plant at some place where he can work out all the suggested improvements and see which is practical and which is not in the way of getting nitrogen from the air. It is not known now, either by Mr. Ford or anybody else.

So I am not offering this as against the Ford proposition. Mr. Ford has not yet disclosed to any human being that he is going to utilize this plant No. 1 for the purpose of experimenting in the extraction of nitrogen from the air, with a view of cheapening the price. If he has that idea in his mind—and it would be reasonable he should have—if he is in earnest, if he means what he says, if he thinks he can cheapen the price, he must utilize some machinery, he must utilize some buildings, he must utilize some plant, and he must do it on a large scale in order to cheapen this product; and if he expects to use nitrate plant No. 1, which was built for that purpose, then this will not interfere with his offer one iota. If he got the property, he could simply go on just the same. If, on the other hand, he does not intend to do that, if he does not intend to use nitrate plant No. 1 for experimental purposes, if he does not expect to utilize that method of cheapening the product, then he would have to modify his proposition and he would have to agree not only to maintain plant No. 2 but to maintain plant No. 1 as a nitrate proposition. That would be a small modification. If he is in earnest, if he expects the country to believe the representations which have been made in his behalf, he ought to be glad to do it, it seems to me. So, even though I favored the Ford proposition, I would likewise favor this amendment.

Mr. DIAL. Just for information, why does not the Government operate plant No. 2?

Mr. NORRIS. The Government would operate plant No. 2 if we were in war, and they would operate it, I suppose, even in time of peace if they wanted to make explosives. They could operate it to-morrow; but we are not in war, we do not need a great supply of explosives, and therefore they keep it in a stand-by condition, ready to operate, the same as a battleship.

Mr. DIAL. I thought there was simply a good deal of water running away, doing no good, and that we could operate the plant and make fertilizer and experiment.

Mr. NORRIS. The water power is not finished yet. We can not operate plant No. 2 or any other plant there by water power now because the dam is not completed. We could experiment with plant No. 2, and I should think it would be all right to do so. Most of the scientific witnesses who testified before the committee, while they could not say definitely, as a rule, at least, gave it as their opinion that the probable improvement and the cheapening of the extraction of nitrogen from the air would not come through the cyanamid process but through the Haber or some modification of the Haber process. If I am not right in that, I would like to be corrected by any member of the committee who heard the testimony. It was testified, as I recall, that the field seems more inviting for the manufacture under the Haber process than any other. It must be improved and we expect that it will be improved.

Mr. President, I know there are some Senators who are opposed to the Ford offer and to any other proposition of de-

veloping this property. I am not criticizing them. I concede that they have just as good a right to their opinions as I have to mine. I can not myself understand how a man can take that position, but that makes no difference; there are lots of things I do not understand. Those Senators are against the Ford offer, and they are against any other proposition for the improvement of Muscle Shoals. When they are combined with those who want to accept the Ford offer, they can defeat this amendment or any other similar proposition, because a two-thirds vote is required to suspend the rule and make the amendment in order. Therefore, if those Senators who are in favor of the Ford offer do not feel that they could support a proposition of this kind at this time, of course I can not hope to have my amendment agreed to.

Mr. KING. Mr. President, I understood the Senator to take the position that a vote against his motion to suspend the rule and vote upon the proposition which the Senator is about to submit commits those who vote against it to the Ford proposition. I do not so understand it.

Mr. NORRIS. No; I do not mean to say that, because there are those who are opposed to the Ford offer who will likewise be opposed to this motion. I know that, and I think I said it. I tried to do so.

Mr. KING. I think there are some Senators here who have not committed themselves to the Ford proposition, but who may vote against the Senator's proposition, because they may not feel that it is wise to expend $2,000,000 for the purpose indicated by the Senator.

Mr. NORRIS. I concede that; the Senator is perfectly right. I concede that a Senator may think we can not afford and that it is not good wisdom to expend this amount of money in experimentation; and, of course, those Senators may be right, because I can not promise any definite result. I do not know what the outcome will be. I only see this one opening in the wilderness, however. It seems to me there is no other. Some man may invent some other method, or some mine of fertilizer may be discovered somewhere in our own country which would result in a reduction in the price. There is no indication that that is going to happen. I would be glad if it should happen.

The Senator from Michigan [Mr. TOWNSEND] has just made a suggestion aside to me that I think is worthy of consideration. He asks what is the objection to not confining this proposition to the extraction of nitrogen from the air. I do not want it confined in that way, I will say frankly to the Senator, although perhaps the amendment does that. I would be glad to modify it so that any method would be open to use. I really accept the wisdom of the suggestion made by the Senator from Michigan. It does not make any difference where the nitrogen comes from. It must come, I think, from some place, or we will be in a deplorable condition.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER (Mr. REED of Pennsylvania in the chair). Does the Senator from Nebraska yield to the Senator from Michigan?

Mr. NORRIS. I yield.

Mr. TOWNSEND. I am in great sympathy with the suggestions of the Senator from Nebraska. After listening to the remarks of the Senator from North Dakota [Mr. LADD] yesterday, in which he contended that the processes of extracting from the air, if I understood him correctly, were not feasible, it occurred to me that the amendment of the Senator from Nebraska should be so changed as to appropriate $2,000,000 to be used by the scientists of the United States Government in developing some method of producing nitrogen, whatever that method might be, and not confine it in terms to extraction from the air.

Mr. NORRIS. I would be glad to accept the amendment suggested by the Senator when I offer my amendment, if I ever get an opportunity to offer it. I would suggest a proviso that they shall not be confined to nitrate plant No. 2 or to this particular method, but that they may use the money in any way they see fit. I did not hear the Senator from North Dakota [Mr. LADD] yesterday, although I knew he was going to speak. I had a conference that took me away from the Senate and when I returned I found he had finished. I have not had time to read his address in the RECORD. I have great respect for the Senator from North Dakota. He is, as we all know, a chemist. If there is any other method, or if we can modify my amendment so as to make it general in any way to cover any other method, I shall certainly be glad to accept it. I would just as soon cheapen the cost of fertilizer in some other practical way as through the method of obtaining nitrogen from the air. If we can get it in any other way I shall be glad to have it done.

Mr. UNDERWOOD. Mr. President, I am delighted at the interest the Senator from Nebraska [Mr. NORRIS] takes in the manufacture of nitrogen at the Muscle Shoals plant. I wish that I could agree with him that his proposal is a practical one and one that could produce results that would be beneficial.

I remember when I was a Member of the House I made the first speech that was made on the question of developing air nitrogen in this country. It was during Mr. Taft's administration. I heartily supported the provision in our national defense act appropriating $20,000,000 and authorizing the President of the United States to select a site for a dam and for the building of a plant to make nitrogen out of the air. That is the law now. It is really the law that controls the existing plant, because although vastly more money was spent than $20,000,000, it was under the provisions of the national defense act that the plant was located at Muscle Shoals and the subsequent appropriations and authorizations and allotments made.

I am sure that my friend from Nebraska does not contend that there is any way to supply an adequate amount of nitrogen, except from the Chilean nitrate beds, unless it shall come from the air. I am sure that the Senator from North Dakota [Mr. LADD], to whose remarks I listened yesterday with great interest, because he is a great and able chemist, would not so contend. He indicated that there might be other methods than those used now by which we could produce an adequate supply of nitrogen, but I did not understand him to abandon the air as the source of supply. So far as I know, although we find nitrogen in plant life and find it in many other places, it is not found in usable commercial quantities outside of the guano beds of the Pacific Ocean islands, which are about exhausted, and the Chilean nitrate beds of South America and the atmosphere which rests above us. So far as the world knows, that is where it must come from.

Mr. NORRIS. Mr. President, I was interrupted just at the moment and did not hear the sentence just before the last one uttered by the Senator from Alabama. What was it the Senator said about the source of nitrogen?

Mr. UNDERWOOD. I simply said if we eliminate the guano beds of the Pacific islands and the nitrate beds of South America, I know of no other place where an adequate supply of nitrogen could come from except out of the air. I mean in commercial quantities. Of course we could produce nitrogen by breathing the air into our lungs and allowing the blood to absorb the oxygen in the air and then exhale the nitrogen, but we can not confine that in commercial quantities to accomplish any result.

Mr. WADSWORTH. The Senator will admit, however, that it can be acquired through by-product coke ovens.

Mr. UNDERWOOD. Yes; there is a moderate supply that can be taken from that source, but I would not say an adequate supply. I happen to be in the coke-oven business myself. There is only a small supply of nitrogen that can come from by-product ovens, because the amount of by-products that we make is limited by the production of the pig iron. We can not make the by-products commercially successful for the mere production of coke unless we are going to use the coke in the blast furnaces of the country for the production of pig iron. That supply is largely absorbed in the lines that are not used for fertilizer purposes. We supply the nitrogen that is used to make ammonia which is used in the refrigerating plants of the country.

So that when we come to speak of nitrogen for either war purposes or the supply of fertilizer for agricultural purposes we have the Chilean nitrate beds on the one hand, and we have the atmosphere on the other hand. Now, I take it that the Senator from Nebraska in saying that he was ready to adopt any other method that would prove practical meant, as a practical proposition, any other method that could be invented or found that would convert the nitrogen that is found in the air into a form that could be commercially used. Of course, we would all agree to that if some one would find the way. I believe that the world should go on experimenting. I have been told that there have been over a thousand methods devised by which the nitrogen can be drawn from the air, but there are only two or three of them that have ever been practical that can be used to produce a commercial product. The cyanamid process, the Haber process, and perhaps one or two others have been successful, but at any rate we could count all the processes that can be considered at all practical on the fingers of two hands.

I do not object to experimentation. In connection with the Muscle Shoals plant I hope the day may come when in addition to producing nitrogen for war purposes and fertilizer purposes there may be a great experiment plant, but I am not in favor of putting the cart in front of the horse. We had too much experimentation in the matter in the beginning. When the national defense act was passed before we got into the war the bureaus of the Government used a very large proportion of the

appropriation in experimentation and delayed action over 18 months, or nearly two years, by their experimentation that got us nowhere. Then finally they had to come down, when war forced us to action, to do the practical thing, to take a known process to accomplish any result.

A part of their experimentation after we got into the war was the building of nitrate plant No. 1 at Muscle Shoals. It never met with my approval because I thought we ought to do something that was practical and that was not an experiment, which that plant was. It was an effort to adopt the Haber process when we do not know what the Haber process is except theoretically. We knew theoretically what it was, but we did not know the practical details of how to work it out. The result was that the money expended on plant No. 1 was not of any benefit. All that time we were delaying the building and operation of a practical plant by a process that the world had tried and the world knew, but finally at great cost, because it happened during the war time, we built the plant. If we had started to build plant No. 2 at Muscle Shoals two years before the war, before the strain was made on our resources, we probably could have built it for one-half the money that it cost us to build during the pressure of war conditions. But it was this experimentation, when the Congress has called for action, that delayed the plant and probably cost the Government $40,000,000 more than was necessary.

Now, if we want a lay-by plant to take care of the Government during war times and serve the agricultural interests of the country during peace times, the practical thing to do is not to experiment as an initial step but to adopt the best practical methods of the day and hour and put them into use, using them for the benefit of the people who want the nitrogen, who need the nitrogen, and to whom we pledged the Government to furnish nitrogen in the national defense act passed some five or six years ago. I do not remember the exact date of its passage.

There is no question before the Congress that is nearer to my heart than the real development of this great plant at Muscle Shoals in the interest of the American people, as well as the people of my State.

What we spend, however, I desire shall be spent along business lines, so that a practical result may be accomplished and one which we know is going to be accomplished when we spend the money, and not to spend any more money in experimentation until real accomplishment has been made in the interest of those who need this necessary plant food in order that they may develop agriculture and produce cheaper food. Therefore, Mr. President, I do not favor the proposal of the Senator from Nebraska [Mr. NORRIS].

I do not know about what we are going to experiment. I think if we should provide an appropriation of $2,000,000 to experiment it would take us away from the practical question of doing something, of accomplishing a result. I think there is a real issue before the Senate and before the House of Representatives, and that is how are we going to operate the plant we already have? We have a going concern; that is, a concern that is prepared to go. We have a great nitrate plant at Muscle Shoals, probably the greatest single nitrate plant in the world, which has in the past made and which can now make nitrogen in the form of cyanamid in commercial quantities, and along commercial lines, and which can supply the fertilizer market. Such production is no experiment. Nitrogen is being produced at the plant at Niagara Falls to-day, which is a plant of similar construction to ours, although it is not so great a plant as that at Muscle Shoals. The fertilizer interests of America are absorbing its product. Nitrogen is being produced in Germany, although the bulk of the production of nitrate in Germany is under the Haber process. The cyanamid process, however, is being used successfully. It is being done in France; it is being done in England; and I think there is also a plant in Italy, although I am not sure about that. But, I repeat, this production is no experiment. Nitrogen has been made. All we shall have to do is to start turning the wheels.

So far as the dam is concerned, that is practically an accomplished fact; it is in the process of building. In the course of two years or, at any rate, not to exceed three years, that great plant will be finished, and the electrical current will flow from the river into it. When this bill passes, as it will, there will then be no dispute about the completion of Dam No. 2 at Muscle Shoals, because the bill not only carries the appropriation for this year but authorizes the engineers to make the final contract for its completion. So, practically speaking, we know that at the end of three years we are going to have great electrical power behind the nitrate plant, which can be successfully and efficiently operated in a business way.

If we are going to spend $2,000,000, I desire that it shall be spent along practical lines—lines which we are developing—and not stop the wheels of this endeavor for further experimentation at this time.

I wish, however, to go further than that; that is not my only reason for opposition to the proposal of the Senator from Nebraska. I think the question before Congress now for determination is how the great nitrate plant which is now finished and the power plant at Dam No. 2, which will be finished, at Muscle Shoals, in not to exceed three years, shall be operated. Are we going to operate it by private effort or are we going to operate it as a Government institution? That is the issue which is before the Congress. The Senator from Nebraska favors the operation of this great plant by the Government, while the Secretary of War and the administration did not agree with him in reference to that matter. I agreed with the Senator from Nebraska at one time; two years ago it seemed to me that there was no other way to secure its operation; but the administration which is now in power did not agree with the Senator from Nebraska or myself. The administration said that these great plants should be operated by private concerns; and the Secretary of War asked private enterprise to make a bid or bids for the operation of those plants, so that the Government would have a stand-by plant to make nitrates in time of war and an operating plant to make nitrates for fertilizer in time of peace.

In response to the request of the administration, coming through the Secretary of War, Mr. Henry Ford made a proposal to take over these plants, to pay the Government a certain amount of money, himself to invest $10,000,000 for the future operation of the plants, and agreed that he would put the plants in operation and would yearly produce 40,000 tons of concentrated nitrates, which I am told equals the amount of Chilean nitrates that we import into this country. I am not sure that I am accurate in reference to the latter statement, but it is approximately correct that the 40,000 tons of concentrated nitrates which Mr. Ford guarantees to produce, if we shall close the contract with him, will substantially equal the amount of nitrogen that we are now importing from Chile in the form of Chilean nitrates. Of course, there is a lot of waste product in the Chilean nitrate, and the tonnage runs to a very much greater amount than 40,000.

However, the question now before the country and before Congress is as to whether we are going to accept an offer which was called for by the War Department and which was made by Henry Ford and submitted to the Congress of the United States for ratification or rejection. So far as I am concerned, I am not going into a full discussion of the Ford offer at this time. I merely wish to say that I think the Ford offer the best proposal that has been made in order to work out the situation along practical lines. The reason why I say it is the best proposal is that behind it is a man who is financially responsible and who guarantees to make 40,000 tons of concentrated nitrogen a year. When he is given an opportunity to carry out that proposal the American people will get the benefit of it. He has agreed to convert that 40,000 tons of nitrogen into fertilizer for the benefit of the American farmer and not to charge over 8 per cent of profit for himself, which is a reasonable limitation.

I do not believe there is any other man in the United States with the capital behind him that could accomplish this result, and I do not believe the Government, if it should operate these plants, can produce 40,000 tons of nitrogen, convert them into fertilizer, and turn the fertilizer over to the agricultural interests of America as cheaply as can Henry Ford. Therefore I stand for the Ford proposal, and if I have an opportunity to vote in the Senate on it I shall vote for it. But there are Senators who differ from me; the Senator from Nebraska differs from me, and I respect his opinion very highly, because I know he is never moved by motives except the highest. Everybody knows the Senator from Nebraska to be an honest and sincere man, and I respect his opinions, although I very seriously differ from his judgment in the matter. I think his judgment is wrong. However, that is the issue. Why should we sidetrack it? Why should we go off on a tangent?

I think it is nothing but fair to Mr. Ford, if the Congress is going to act on this matter at all, that before we tie it up and complicate it by additional expenditures and additional experimentation and additional contracts, we should have a fair and honest vote on the proposal of Mr. Ford as the situation stood when he made the proposal.

Mr. WILLIAMS. Mr. President, is it not rather a universal rule of business ethics that when bids are invited the bidders must be told whether their proposals are accepted or rejected?

Mr. UNDERWOOD. Undoubtedly.

Mr. WILLIAMS. And that action ought to be taken within a reasonable time?

Mr. UNDERWOOD. Undoubtedly; I am in thorough accord with what the Senator says; and I think that is the position here. I believe that Congress has treated Mr. Ford in relation to his offer in a very cavalier way. I think that is the least that can be said about it. The administration invited an honest business man to make an honest proposal. It did not come voluntarily from him, but it was made by invitation. The offer has been here for more than a year; in fact, I think for more than 18 months, and it has been ignored by inaction. As I have said, I think Henry Ford's offer ought to be accepted. Senators may disagree with me; a majority of the Senate have a right to express their opinion on the subject; and the judgment of the House and the Senate must determine the question. Other Senators may be right, and I may be wrong, but I do not think they are right, and I have not any doubt in my mind about one thing, namely, that no matter who is right or who is wrong as to what should be done with this plant, when there was invited a proposal about a Government business, and a very large Government business, from a substantial citizen of the United States, he is being treated in a cavalier manner when it is proposed to sidetrack his proposal——

Mr. WILLIAMS. It is worse than cavalier; it is puritanical.

Mr. UNDERWOOD. When it is proposed to sidetrack his proposal for further experimentation, and a direct opportunity is not given to the Congress of the United States either to accept or reject the proposal.

Therefore I think that, in the interest of the great plants which are in my State, and their future development along practical lines, in what I believe to be the best interest of the Government and of those people of the United States who desire cheaper and better fertilizer, we ought, before we do anything else, directly accept or reject the Henry Ford proposal. Then, if we shall accept it, the situation will be ended; but if we reject it we should then consider what we are going to do with these great plants. After that question is determined, then we can decide how we are going to do it, and then the question as to whether we shall enter upon further experimentation or not may be a vital one and one worthy of consideration. Of course, if we are not going to operate the plants ourselves, but are going to turn them over to Henry Ford, it will be for him to determine how he will experiment and how he will produce the nitrogen; but we must first determine the question as to how and when and by whom these great plants are to be operated. Therefore, Mr. President, I intend to vote against the proposal of the Senator from Nebraska.

WORLD WAR FOREIGN DEBT SETTLEMENT.

Mr. McKELLAR. Mr. President, some days ago I wrote the Secretary of the Treasury asking him to give me the figures showing the amounts of principal and interest to be paid by Great Britain under the proposed agreement. I ask unanimous consent to insert in the RECORD Secretary Mellon's reply and the figures he sent to me.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

THE SECRETARY OF THE TREASURY,
Washington, February 7, 1923.

Hon. KENNETH MCKELLAR,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I have your letter of February 6, and note your desire for figures showing the amounts of principal and interest, each, to be paid by the British under the proposed debt settlement plan as published during each year of the loan.

In reply, I take pleasure in inclosing herewith a schedule which I think will give you just the figures you desire.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

(Inclosure.)

Statement of amounts payable to the United States on account of the proposed refunding bonds to be issued by Great Britain.

Year.	Principal.	Schedule of annual interest installments to be paid by British Government on refunding bonds at rate of 3 per cent for first 10 years, 3½ per cent until final payment.	Schedule of annual principal installments to be paid on account of principal.	Total annual payments.
1	$4,600,000,000	$138,000,000	$23,000,000	$161,000,000
2	4,577,000,000	137,310,000	23,000,000	160,310,000
3	4,554,000,000	136,620,000	24,000,000	160,620,000
4	4,530,000,000	135,900,000	25,000,000	160,900,000
5	4,505,000,000	135,150,000	25,000,000	160,150,000
6	4,480,000,000	134,400,000	27,000,000	161,400,000
7	$4,453,000,000	$133,590,000	$27,000,000	$160,590,000
8	4,426,000,000	132,780,000	28,000,000	160,780,000
9	4,398,000,000	131,940,000	28,000,000	159,940,000
10	4,370,000,000	131,100,000	30,000,000	161,100,000
11	4,340,000,000	151,900,000	32,000,000	183,900,000
12	4,308,000,000	150,780,000	32,000,000	182,780,000
13	4,276,000,000	149,660,000	32,000,000	181,660,000
14	4,244,000,000	148,540,000	32,000,000	180,540,000
15	4,212,000,000	147,420,000	37,000,000	184,420,000
16	4,175,000,000	146,125,000	37,000,000	183,125,000
17	4,138,000,000	144,830,000	37,000,000	181,830,000
18	4,101,000,000	143,535,000	42,000,000	185,535,000
19	4,059,000,000	142,065,000	42,000,000	184,065,000
20	4,017,000,000	140,595,000	42,000,000	182,595,000
21	3,975,000,000	139,125,000	42,000,000	181,125,000
22	3,933,000,000	137,655,000	46,000,000	183,655,000
23	3,887,000,000	136,045,000	46,000,000	182,045,000
24	3,841,000,000	134,435,000	46,000,000	180,435,000
25	3,795,000,000	132,825,000	51,000,000	183,825,000
26	3,744,000,000	131,040,000	51,000,000	182,040,000
27	3,693,000,000	129,255,000	51,000,000	180,255,000
28	3,642,000,000	127,470,000	53,000,000	180,470,000
29	3,589,000,000	125,615,000	55,000,000	180,615,000
30	3,534,000,000	123,690,000	57,000,000	180,690,000
31	3,477,000,000	121,695,000	60,000,000	181,695,000
32	3,417,000,000	119,595,000	64,000,000	183,595,000
33	3,353,000,000	117,355,000	64,000,000	181,355,000
34	3,289,000,000	115,115,000	64,000,000	179,115,000
35	3,225,000,000	112,875,000	67,000,000	179,875,000
36	3,158,000,000	110,530,000	70,000,000	180,530,000
37	3,088,000,000	108,080,000	72,000,000	180,080,000
38	3,016,000,000	105,560,000	74,000,000	179,560,000
39	2,942,000,000	102,970,000	78,000,000	180,970,000
40	2,864,000,000	100,240,000	78,000,000	178,240,000
41	2,786,000,000	97,510,000	83,000,000	180,510,000
42	2,703,000,000	94,605,000	85,000,000	179,605,000
43	2,618,000,000	91,630,000	89,000,000	180,630,000
44	2,529,000,000	88,515,000	94,000,000	182,515,000
45	2,435,000,000	85,225,000	96,000,000	181,225,000
46	2,339,000,000	81,865,000	100,000,000	181,865,000
47	2,239,000,000	78,365,000	105,000,000	183,365,000
48	2,134,000,000	74,690,000	110,000,000	184,690,000
49	2,024,000,000	70,840,000	114,000,000	184,840,000
50	1,910,000,000	66,850,000	119,000,000	185,850,000
51	1,791,000,000	62,685,000	123,000,000	185,685,000
52	1,668,000,000	58,380,000	127,000,000	185,380,000
53	1,541,000,000	53,935,000	132,000,000	185,935,000
54	1,409,000,000	49,315,000	136,000,000	185,315,000
55	1,273,000,000	44,555,000	141,000,000	185,555,000
56	1,132,000,000	39,620,000	146,000,000	185,620,000
57	986,000,000	34,510,000	151,000,000	185,510,000
58	835,000,000	29,225,000	156,000,000	185,225,000
59	679,000,000	23,765,000	162,000,000	185,765,000
60	517,000,000	18,095,000	167,000,000	185,095,000
61	350,000,000	12,250,000	175,000,000	187,250,000
62	175,000,000	6,125,000	175,000,000	181,125,000
Total		6,505,965,000	4,600,000,000	11,105,965,000

Schedule of annual principal installments to be paid on account of principal of refunding bonds to be issued by Great Britain.

1	$23,000,000	33	$64,000,000
2	23,000,000	34	64,000,000
3	24,000,000	35	67,000,000
4	25,000,000	36	70,000,000
5	25,000,000	37	72,000,000
6	27,000,000	38	74,000,000
7	27,000,000	39	78,000,000
8	28,000,000	40	78,000,000
9	28,000,000	41	83,000,000
10	30,000,000	42	85,000,000
11	32,000,000	43	89,000,000
12	32,000,000	44	94,000,000
13	32,000,000	45	96,000,000
14	32,000,000	46	100,000,000
15	37,000,000	47	105,000,000
16	37,000,000	48	110,000,000
17	37,000,000	49	114,000,000
18	42,000,000	50	119,000,000
19	42,000,000	51	123,000,000
20	42,000,000	52	127,000,000
21	42,000,000	53	132,000,000
22	46,000,000	54	136,000,000
23	46,000,000	55	141,000,000
24	46,000,000	56	146,000,000
25	51,000,000	57	151,000,000
26	51,000,000	58	156,000,000
27	51,000,000	59	162,000,000
28	53,000,000	60	167,000,000
29	55,000,000	61	175,000,000
30	57,000,000	62	175,000,000
31	60,000,000		
32	64,000,000	Total	4,600,000,000

Mr. McKELLAR. Mr. President, I want to say, in reference to those figures, that Senators will recall that the average rate of interest paid by the United States on this $4,600,000,000 of bonds—4¼ per cent—by a simple calculation amounts to $195,500,000 per year. I also call attention to the fact that the highest interest rate and principal rate combined, as reported by the Secretary of the Treasury, is one hundred and eighty-seven million and some hundred thousand dollars a year. The average amount of principal and interest paid by Great Britain each year during the life of the loan is just a trifle above $180,000,000; so that the loss to the American people each year will be just a trifle more than $15,000,000, and at the end of the period the British loan will be paid, and, unless our loan is paid by us by taxation of the American people, it will not be paid.

I submit these figures, and I hope that Senators will examine them.

Mr. President, I further ask unanimous consent to submit as a part of my remarks an article substantially as published in the New York Times a day or two ago.

The PRESIDING OFFICER. Is there objection?

Mr. CURTIS. Mr. President, the Senator says "substantially as published." What does he mean by that?

Mr. McKELLAR. There were some matters of law, the acts of Congress, that were incorporated in the article as written that were not incorporated in the article as published. Of course, I am perfectly willing, if the Senator has any objection, to read the article.

Mr. WILLIAMS. Mr. President, before I consent to the insertion of that I should like to see it.

Mr. McKELLAR. I will take pleasure in handing it to the Senator.

Mr. WILLIAMS. After that I probably shall not object, but I should like to see it first.

Mr. McKELLAR. I will send it over to the Senator.

Mr. WILLIAMS. I have not time to read it now.

Mr. McKELLAR. Does the Senator from Mississippi object?

Mr. WILLIAMS. I object for the present.

Mr. McKELLAR. If the Senator objects, I will read the article into the record.

Mr. WILLIAMS. Very well. Who is the article from?

Mr. McKELLAR. It is written by myself.

Mr. WILLIAMS. Oh!

Mr. McKELLAR (reading)—

"The debt settlement proposition with Great Britain is purely a business proposition. If the proposal submitted by the two commissions is fair and just alike both to the United States and Great Britain, it ought to be confirmed by the Congress. If it is not fair and just alike to both countries, it ought not to be confirmed. Surely no one can gainsay this proposition. I take the position that the settlement is neither fair nor just to the United States. I take the position we should confirm no settlement which means the cancellation of the principal while Great Britain's annual interest and principal payments combined are not as much as our annual interest payments alone. The result of the agreement is that in 62 years Great Britain, without paying as much in principal and interest combined in any one year as we pay in interest alone, will rid herself of the whole debt, while we will still be obligated in the principal sum of $4,600,000,000. I can not yet give exact figures"—

I am reading from an article that was prepared by me some days ago. I have just submitted the exact figures, as given by the Secretary of the Treasury—

"but, according to figures I have, the annual sums to be paid by Great Britain, including both principal and interest, will not exceed $185,000,000 in any one year."

That statement is not exactly accurate. For one year, I think, the combined payments amount to $187,000,000, and for one or two years to $186,000,000; but the average as submitted by the Secretary of the Treasury is substantially $180,000,000 a year; so that I overestimated it rather than underestimated it.

"The original agreement under the act of April 24, 1917"—

I will say to the Senator from Mississippi and to the Senator from Kansas that that is the part of the article I desired to insert in the RECORD. It deals entirely with excerpts from previous statutes governing these bonds, and I am a little surprised that my two friends object to things like that going into the RECORD. I regret that they did it.

Mr. WILLIAMS. Mr. President, I objected merely because I did not know what it was. I told the Senator that.

Mr. McKELLAR. I offered to show it to the Senator.

"Under the act of April 24, 1917:

"The President is hereby authorized on behalf of the United States to purchase at par from such foreign governments then engaged in war with the enemies of the United States their obligations hereafter issued bearing the same rate of interest and containing in their essentials the same terms and conditions as those of the United States issued under authority of this act.

"In the act of September 24, 1917, in which another bond issue was authorized, a like provision was inserted, except that it was provided as follows, in the second issue of bonds:

"But the rate or rates of interest borne by any such obligation shall not be less than the highest rate borne by any bonds of the United States which, at the time of the acquisition thereof, shall have been issued under the authority of said act approved April 24, 1917.

"It also further provides that whenever the American Government had to pay a higher rate of interest that foreign governments should likewise pay the increased rate.

"On April 14, 1918, another act was passed providing for the taking of bonds under like conditions. On March 3, 1919, it was provided that until the expiration of 18 months after the termination of war between the United States and the German Government, as fixed by proclamation of the President, the Secretary of the Treasury, with the approval of the President, is hereby authorized, on behalf of the United States, to establish, in addition to the credits authorized by section 2 of the second Liberty bond act as amended, credits with the United States for any foreign government now engaged in war with the enemies of the United States for the purpose only of providing for purchases of any property owned directly or indirectly by the United States not needed by the United States, or of any wheat the price of which has been or may be guaranteed by the United States. The act further required the Secretary to take 'obligations hereafter issued bearing such rate or rates of interest not less than 5 per cent per annum maturing at such date or dates not later than October 15, 1938, etc.'

"The act under which our commission was established provides as follows as to the rate of interest:

"Provided that nothing contained in this act shall be construed to authorize or empower the commission to extend the time of maturity of any such bonds or any other obligations due to the United States by any foreign government beyond June 15, 1947, or to fix the rate of interest at less than 4¼ per cent per annum.

"And again—

"This act shall not be construed to authorize the exchange of bonds or other obligation of any foreign government for those of any foreign government or cancellation of any part of such indebtedness except through payment thereof.

"Great Britain received this money under the terms of these various acts, but instead of selling and delivering to our Government her bonds, she simply made certificates of indebtedness bearing the rate of 5 per cent per annum. This she did of her own accord, and our Government now holds these certificates of indebtedness, bearing the rate of 5 per cent per annum, and Great Britain has paid recently nearly $100,000,000 as interest upon obligations. It will thus be seen that the Congress voluntarily and in exact accordance with the terms under which the money was borrowed from the American people, and in exact accordance with the terms under which it was loaned to Great Britain, authorized the commission to refund the debt at an average rate of interest of 4¼ per cent, that being the average we have to pay, without including the cost of selling our bonds, which cost was quite large. This was the situation when the two commissions met in Washington some weeks ago for the purpose of refunding the debt.

A BUSINESS PROPOSITION.

"The terms on which the money was loaned constituted a plain business transaction. The money was accepted by Great Britain as a business transaction. Our dealings with Great Britain all during the war were all on a business basis. She charged us full war prices for transporting our troops over to France, troops who so nobly aided in preventing her destruction as well as defending our own honor. She charged war prices for all supplies furnished, for all property rented, such as camps, buildings, offices, and the like, to our armies. After the war was over, though she owed us billions in principal and interest, she demanded the cash in dollars—not in her depreciated pounds—for all sums we owed her on any account whatsoever, which balances ran into the millions, and we appropriated the money and paid her cash, in dollars and at full war prices, for all we owed her.

"As heretofore noted, we loaned her, after the war was over, something like a billion of dollars, and really under an express contract for 5 per cent, in order that she might buy our war supplies over there—many of them bought very cheap—and in order that she might bolster up her exchange and increase her commerce. The value of her money was thereby greatly enhanced. Her credit was thereby greatly improved, her business greatly prospered. There has been nothing that suggests the Shylock about our dealings with her. We have resolved every doubt in her favor. We have been more generous to her

than any nation ever was to another in the history of the world. We have been generous to her in dollars, generous to her in service, and generous to her in our unfailing sentiments of kinship. She promised us bonds in the very beginning when we loaned her the money, but she gave us no bonds at that time, as she agreed to do. She made no pretense of giving us bonds, and for four years paid us not a cent of interest, and our Government did not even ask any such payment thereof during the time we paid the balances to her.

"Last fall she said she wanted to settle. We passed a bill constituting a commission to settle with her. She had given us obligations at 5 per cent. She wanted to get that interest rate reduced. That law was openly passed. The terms were expressly set forth. She had full knowledge of these terms. When her commissioners first came over they announced that they were going to pay to the last farthing. The people of the United States thought she was. Everybody knew those terms. The terms on which she borrowed this money were the lowest any nation ever borrowed money for in time of war. The interest rate agreed upon was the identical rate we borrowed the money for from our own people, 4¼ per cent. What could be fairer, what could suggest less of the Shylock, what could be less hard, what could be more generous? The rate was probably a little less than one-third the rate at which she borrowed, through J. P. Morgan & Co., the $500,000,000 borrowed by her just before we went into the war. There is no evidence that she has not paid J. P. Morgan & Co. in full, or is paying in full, at the enormously high rate of interest agreed upon with Morgan & Co. It seems that there was no reduction even asked for there.

THE CONFERENCE.

"Yet, though avowing that Great Britain was going to pay to the last farthing, when she got into secret conference with our commission she took a very different attitude. She claimed, in substance, that it would be to our interest to tax our people for part of the interest she had agreed to pay instead of requiring her to tax her people for it; that she was not able to pay full interest; that her people were already heavily taxed, and more heavily than any other people, and that they would have to economize further to pay even a part; but in a public statement the head of their commission said: 'We are not here to ask for favors or to impose upon generosity.' He simply wanted a 'square deal'; and then, by means known only to the most masterly diplomats, the British commission now say they secured an offer from the American commission to disregard the law of Congress under which the money was loaned, to disregard the contract which the United States already had with Great Britain with respect to this loan, to disregard the law under which the commission was created, to disregard the generous terms which the Congress had fixed, and to make the British a new proposal which will scale the interest charges on the debt in such a way as to permit Great Britain to pay less than the interest charges originally agreed upon and finally to cancel the principal of the indebtedness; and yet Mr. Baldwin announced that he was 'not here to ask for favors.'

WHAT THE SETTLEMENT MEANS.

"The settlement proposed permits Great Britain to pay interest for the first 10 years at 3 per cent and thereafter at 3½ per cent during an additional 52 years. It provides that, beginning the first year with $23,000,000 payment on the principal, such payments upon the principal will be regularly increased during the life of the bonds until in the sixty-second year the amount of the installment of principal will be $175,000,000 a year.

"The average rate of interest that the United States pays on this debt of $4,600,000,000, in round numbers, is 4¼ per cent, or $195,300,000 annually. If this proposed settlement is confirmed by the Congress, Great Britain will never in the 62 years pay as much as $195,300,000 in both interest and principal payments, and at the end of the period she will have paid us in full under the proposed agreement, while we will still owe the entire $4,600,000,000."

Of course, provided that we do not refund it at a lower rate of interest at some time in the future. In such event we would take the risk, we would take the chance. As for some of these bonds, they can not be redeemed until 1947, and as to others I am not advised as to whether or not they can be refunded at certain periods. If the Secretary of the Treasury had the right to fix certain periods at which they might be refunded we might save something, but nothing like the immense amount involved in this transaction. I continue the reading:

"In other words, Great Britain's annual payments of both principal and interest will not amount to as much as our annual payments on interest alone. Of necessity, therefore, we will in the long run have canceled the principal indebtedness. This was precisely what our commission was prohibited by law from doing.

GREAT BRITAIN SOLVENT AND ABLE TO PAY.

"Why should we enter into this agreement to cancel the principal of the indebtedness due by Great Britain? She is fully able to pay it. Her bonds are above par. Her exchange is within 18 cents of normal and going up all the time. It has received a large boost by the expected saving of this settlement upon such favorable terms to her. She has nearly all the world, except the United States, indebted to her. She will undoubtedly get her portion of German reparations before the matter is concluded. Our debt against her is as good as gold. There was no business necessity of scaling our debt or canceling the principal. If our commission did it voluntarily, as the Great Britain commission claims, then our commission was unmindful of American interests and rights and was violating the law, and the Congress ought not to feel in the slightest bound by its action. Great Britain knew the law we had passed, and she can not claim any advantage if she secured or acquiesced in the American commission violating the American law.

THE RIGHT OF THE TRANSACTION.

"Every international controversy should be settled upon the exact rights of the parties thereto. Great Britain, in 1917 and 1918, earnestly sought those loans. Without them and without the services of American soldiers there would have probably been no British Empire to-day. We loaned her this money with the agreement that we would take her bonds bearing the same rate of interest that our bonds were to bear, issued to secure this very money, though Great Britain's bonds were then selling on the market at 95 cents and 2½ per cent; consols at 53. There was never greater generosity shown than in the lending of money upon such terms. That contract under which it was borrowed is the just measure of the right of the case. We lent the money on the solemn promise to our people that Great Britain would pay the same interest on it as we pay and that our people would not be further taxed for either principal or interest. We are paying now an average of 4¼ per cent for this money. We should take British bonds bearing a like rate. If in the future we are able to refund our bonds at less interest we should then, in all fairness, allow Great Britain to benefit by the reduced rate. In my judgment, such a settlement would be exceedingly fair and just and even extraordinarily generous.

WE HAVE NO RIGHT TO SETTLE ON ANY OTHER TERMS.

"We are trustees of the American people. What man of us who holds a British obligation, perfectly good, bearing 4¼ per cent, will to-day refund it for 3 or 3½ per cent? Of course, no individual would do it. Yet, because it is so easy to tax the American people, there are Representatives in Congress who are willing to make this gigantic reduction in settlement of the British debt. We have no right to do it. The war cost America nearly or quite as much as it cost Great Britain. We received no territory and no reparation, as Great Britain did, and there is not the shadow of an excuse that we can render the people of the United States in defense of our action if we settle this debt upon the terms set forth by the debt commission, which settlement means a less rate than we are paying and a cancellation of the principal.

EXCUSES.

"The British say that they used the money over here to buy American supplies at war prices. So they did; but our goods and supplies were more valuable to them than all the money in the world. They could not have prosecuted the war without our goods and supplies, and they could get them cheaper nowhere in the world. Besides, they charged us for supplies bought of them even more than they charged their own people, or tried to do so. The fact that they bought our goods, instead of being an excuse for reducing the debt, forms a higher reason why it should be collected as agreed upon.

"They next say that they were in the war before we were and lost vastly more men. The answer to this is, we did not owe Great Britain the slightest obligation to have entered the war before we did enter it, not the slightest. It was not our responsibility. We more than did our part and every Briton has admitted it—or at any rate until the debt payment question arose. We had nothing to do with bringing on the war and had no duty to prevent it in the same way that Great Britain had.

"It is next claimed that we should give Great Britain these vast sums of money because of our kinship. The reply to this is that Great Britain has never considered her kinship with us when it interfered with her interests. The question of kin-

ship is all the more reason why the debt should be settled on fair terms, otherwise it will always be a bone of contention. The greatest acrimony in the world always arises when people who are kin have controversies, and especially when one side gets an advantage. Great Britain is the only nation that ever made war on us twice. This debt settlement is not a matter of kinship or sentiment but purely a matter of business. The question is, Should we allow Great Britain this great reduction in her debt, this cancellation of the tremendous principal of her debt, and make up the loss by putting additional tax burdens upon our own people, or shall we settle on the original terms which must be admitted to be the fairest, most generous, ever entered into between nations?

NO OCCASION FOR UNSEEMLY DISCUSSION.

"There is no necessity for crimination or recrimination in regard to these debts. Great Britain is a mighty nation. Her people are a great people; they are a debt-paying people. They are entirely a solvent people. She is not an international bankrupt. She will pay as she agreed to pay if the Congress so directs. She will not lay down upon her obligations. In the refunding transaction she has overreached our commission. She has obtained the recognition of terms from our commission that are not justified, that can not be defended, and in my judgment will never receive the approval of the American people. If we have a proper regard for our own heavily burdened taxpayers we will not ratify this proposed settlement but will settle under the original terms. Such a settlement would be absolutely fair to our own people and absolutely fair to Great Britain.

"The provision for permitting Great Britain to pay only 1½ per cent interest during the first five years is wrong. She is paying more interest than that now. The provision giving her the right to pay in Liberty bonds for par and interest is also to the disadvantage of the United States. She borrowed in dollars and should be required to pay back in dollars."

During the reading the following colloquy took place:

Mr. WILLIAMS. Mr. President, I understand that at 2 o'clock we go under the 10-minute rule. I want to make some observations in reply to the Senator from Tennessee, and I would like to inquire whether it is his object to consume all the time until 2 o'clock?

Mr. McKELLAR. I asked the Senator and the Senate to permit me to place this matter in the RECORD without reading, and the Senator from Mississippi objected, something rather unusual when a request of that sort is made. I do not desire to take up any more time than is necessary. I am trying to read as rapidly as possible.

Mr. WILLIAMS. The Senator did make a few remarks, and said he wanted to put something in the RECORD in corroboration of them. My utmost concept never led me to believe that he was going to put in the RECORD in corroboration of his own assertion something which he at some place had previously said.

Mr. McKELLAR. Perhaps the Senator did not hear me state that it is an article which was published in the New York Times a few days ago.

Mr. WILLIAMS. The Senator did not say it was written by himself. It is rather unusual to have a man prove his own statement by something he himself previously said.

Mr. McKELLAR. I think the Senator misunderstands the situation. He either did not hear my request or he misunderstands it now. I am not trying to prove anything.

Mr. WILLIAMS. You are reading your article, are you not?

Mr. McKELLAR. I desired to put in the RECORD my views on this subject, and that is what I propose to do, if the Senator will permit me.

Mr. WILLIAMS. Then I ask unanimous consent that the Senator be allowed to print the balance of it, if it is from his pen.

Mr. McKELLAR. If the Senator will not object, I will make the request for unanimous consent.

Mr. WILLIAMS. Very well, then, let the Senator ask it.

Mr. McKELLAR. So that the Senator may have as much time as can be given him now, I ask unanimous consent that the remainder of the article, which is very brief, be printed in the RECORD.

The PRESIDING OFFICER. Is the Chair to understand that the article is one written by the Senator himself?

Mr. McKELLAR. Absolutely.

The PRESIDING OFFICER. Then, under the rule of the Senate, the Chair understands it can not be printed without being read by the Senator.

Mr. McKELLAR. I think that is the rule, Mr. President, and I am sorry to discommode the Senator.

Mr. WILLIAMS. What was the statement of the Chair?

Mr. McKELLAR. That it is not proper to put the article in the RECORD in that way.

Mr. WILLIAMS. Not by unanimous consent?

Mr. McKELLAR. The rule prohibits it. I will just continue. I will try to hurry through so as to give the Senator the time he is seeking.

Mr. WILLIAMS. It will deprive me of the opportunity of replying to the Senator, of course, for it is now only 10 minutes of 2 o'clock.

Mr. McKELLAR. I will ask unanimous consent that the Senator may have an opportunity. I continue reading.

The reading having been concluded, Mr. McKELLAR said:

I ask that the article I have read may be printed in the RECORD in 8-point type.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS. Mr. President, there is one diversion of the American politician well known to the current history of the United States for the last 40 years which used to be very popular, but which, thank God, is ceasing to be quite so popular now as it formerly was. I refer to the attempt to cultivate the voters who happen to hate our British ancestors by "twisting the British lion's tail." That performance has been enacted upon this stage and upon the stage at the other end of this Capitol many times more ably than it was enacted a few minutes ago, and by many men much abler than the Senator who just enacted it.

We have just witnessed a rather curious performance. The Senator offered to put in the RECORD something to corroborate a statement which he had just made.

Mr. McKELLAR. Mr. President, the Senator misunderstood me.

Mr. WILLIAMS. I will leave it to the stenographer's record. When I do hear, I hear.

Mr. McKELLAR. The Senator did not hear me, then.

Mr. WILLIAMS. The Senator made several statements, most of which were incorrect, some of which were correct, and then he offered to read an article in corroboration of what he had said. *He failed to mention that the article was written by him.* If he had mentioned that the article was written by him, the Chair would have ruled it out upon a point of order upon a request to insert it in the RECORD; but he failed to mention that fact. Why? Then I said that I would not consent to its insertion unless I knew something about it, that I would like to read it first, and the Senator wanted me to read it then, which, of course, was impossible. Then he undertakes to prove his own statements by his own previous statements. That may be debating; but if it is, it has never been honored much in the past history of debating, either in Great Britain or in this country or in any other free country.

Now, Mr. President, I have only 20 minutes, as I understand it, 10 upon the bill and 10 upon the amendment, and a minute or two of that time has already expired.

The Senator from Tennessee said in his broad way that "the war cost the United States almost as much as it did Great Britain." Why, it did not cost the United States as much as it cost Canada. It did not cost the United States as much as it cost Australia. It cost the United States only a little bit more than it cost New Zealand and South Africa, not in money alone but in men. We did not measure prices and expenses in money alone there. We left 50,000 upon the field of battle. Great Britain left something approaching 1,800,000, if I remember correctly. Little Canada alone left twice as many upon the field as we did, and Australia probably nearly twice as many.

Then the Senator wants us to regard this as a little retail mercantile operation—the whole cost measured in dollars or in pounds or in pounds measured back in dollars. Not one word is said by him about human life; not one word about human sympathy; not one word about saving civilization. He wants the United States to be regarded as a cool outsider who came to the aid of Great Britain, engaged in fighting against Germany and Turkey and Bulgaria and Austria-Hungary, as if we were cool outsiders, as if it were no matter of ours, no affairs of ours! He talks as if part of the money was lent by us before we became *partners in the enterprise.* We were not outsiders. We were partners in the enterprise and avowed our honor and our lives and our money to its success. Thank God, it can not be reduced to a little simple proposition of a retail dealer's offset with another retail dealer with whom he keeps mutual accounts.

A great deal of the money that Great Britain obtained from us, coming down to money merely, was money which she bor-

rowed from us to lend to the other copartners in the common enterprise. She lent a great deal more than she borrowed. Why, it is like two men going out to fight a feud with other men in another family, and then one of them keeping account of each chew of tobacco on the route and insisting upon the other fellow paying it back with interest after the game of death is over.

Why, Mr. President, I should be ashamed of any people in the world who could regard a great enterprise like that—a great adventure, or "the great adventure," as Theodore Roosevelt called it—from a common ordinary standpoint of interest rates and nothing else. If we could do that with Great Britain, we could not do it with Belgium, whose people were slapped over like helpless children by superior strength and without any provocation of any description. We could not do it with Serbia, to whom an ultimatum was issued that amounted to a surrender of her sovereignty.

The best terms that we will ever get for the payment of a debt are the terms of the bill for the payment of Great Britain's debt. The Senator spent quite a time telling how much Great Britain owed us and how much we owed Great Britain, but not a word about France or Italy, and when the time comes to fix terms of settlement with France or Italy, he will be found doubtless in favor of more favorable terms to them than these terms are to Great Britain and less favorable to us. There will be no votes to be gained then. It will be said that France is our hereditary ally, our hereditary friend; she came to aid us in the Revolution—Rochambeau, Lafayette, and all that.

I am one of the few men on this floor who voted against the bill which the Senator spent so much unnecessary time in reading. I said then that if we were going to "negotiate" with people, we must "negotiate"; that if we are going to lay down an *ultimatum*, then we should lay down an ultimatum. The Congress laid down an ultimatum and then, in spite of that, the President of the United States, clothed with constitutional power, proceeded to "negotiate," hampered only by the one thing to which he was forced, to wit, that before he could get the results of his negotiations into accomplishment, he must consult Congress. He is now consulting Congress.

There were a few other little inaccuracies. The Senator said that we "are paying more in any one year" in the shape of interest or rate of interest than Great Britain is paying upon this common transaction. Later on, it is true, he said the statement was not exactly accurate. It is well that he made at least that reservation. It was not only not *exactly* accurate; it was not accurate at all. Under the terms of this settlement, if we make the settlement, *we will get back every dollar of principal that Great Britain owes us* and we will get more in interest than principal during the extension of time.

Mr. President, the Senator said that Great Britain borrowed this money "of her own accord." Belgium borrowed what she borrowed "of her own accord." France—brave, virile, generous France—borrowed what she borrowed "of her own accord." Oh, in a certain sense that is true, of course. They had to try to borrow it, but they borrowed it under *a world necessity of maintaining civilization and democracy* against barbarism and autocracy. We had the money, and we ought to thank God that we *did* have it so we *could* help the world, instead of stepping in like a cheese-paring retail merchant and saying, "While we were engaged upon a common enterprise which resulted in my saving my wife and children and you saving your wife and children from the Indians who were attacking us, I lent you a pound of tobacco, and it has been six months and I want interest at the rate of 10 per cent per annum on it."

Mr. President, I thank God that in great national affairs that sort of a voice as a rule goes unheeded, as well as in great international affairs, great philanthropic affairs, great adventures, to carry through great enterprises in behalf of liberty and humanity and right, in behalf of peace and against the spread of war.

The two fallacies in the Senator's argument were these: The first was that "we were an impartial outsider, and Great Britain was in trouble, so we lent her money." We were in some degree of trouble ourselves and we were not impartial outsiders. We were partners in the enterprise. That is one of the fallacies in his argument. Thank God this question mounts to a height of argument far above that sort of thing.

The next fallacy in his argument is that somehow Great Britain is not paying us her debt. She is under this settlement paying every dollar of principal, and that will be more than half of our debtors will pay. She is paying us an amount of interest, an amount which, stretched through the time of payment, will amount to more than the principal itself. Moreover, she is not saying to us what practically France is saying to-day, because France is saying practically, "Unless we can collect from Germany we can not pay you; unless we shall collect from Germany we shall not pay you." The balance of the Allies and associates in the Great War owed Great Britain nearly twice as much as Great Britain owes us. Great Britain has never once said, "Unless we can collect from our debtors we can not pay you, or we will not pay you."

The Senator paid one tribute to Great Britain which came unconsciously from him, I suppose. He called them a debt-paying people. Thank God, our ancestors in Great Britain have always been a debt-paying people, and I hope that their descendants in America will always be a debt-paying people. I am pretty near a hard-shell Baptist about one thing. I think almost there is an eleventh commandant; in the words of St. Paul: "Owe no man anything."

Now, what is the object of this? It is true that the proposition comes from a Republican administration. It is true that I consider it an absolute miracle that a Republican administration can at any time do anything right, but sometimes it does. I am neither Pharisee nor Sadducee, and I am prepared to admit that "good *can* come out of Nazareth" at times. Mr. President, as a matter of fact, these great rich United States will pay their public debt off in about one-fourth the time that Great Britain will pay hers, one-half of the time anyhow, and if we pay off our debt our interest stops and we will make a clear profit in interest alone as against Great Britain when the final settlement day comes between Great Britain and us.

Then this debt-paying nation—Great Britain—furthermore has said, "We ask another privilege of you, that if at any time we can pay more than we think, you shall take it." I am astonished that somebody does not get up and say, "No; that would deprive us of some interest in the future."

Mr. President, I am going to take my seat now with this final remark: I hope that the time will never come when America can regard her allies and associates in a great war as merely men who were engaged in a mercantile operation with them. The Senator emphasized again and again and again that this was purely a mercantile operation, or, as he called it, a business proposition.

Mr. McKELLAR. I merely followed the example of President Harding, who used the expression in his message.

Mr. WILLIAMS. If the President of the United States said that, he did a great deal to cancel the broadmindedness of his administration by the feebleness of his utterance. The Senator did not improve it by repeating it. Nobody ever improves a feeble utterance by repeating it, and no honest man who does not believe a thing ever repeats it. I took it for granted that when the Senator kept dwelling upon it as "a purely business proposition and nothing else" that he meant it, whether Harding had first said it, or whether he had first said it, and I would have thought from my knowledge of him that he would have granted less credence to the proposition because Harding first said it than he did if he himself had been the originator of it. "A purely business proposition!" France in the Ruhr; the German people sullen; Turkey on the alert on the outside; Bulgaria waiting for the proper moment to help Turkey against her fellow Christians; the United States certain to be drawn in again, if it should become a world war; for somebody would tread upon our neutral rights; the whole world in chaos; we alone rich and united; with European cabinet governments likely to be overthrown day after to-morrow by an adverse vote; yet, gentlemen who are elected to the Senate of the United States—who, of course, deserve their place in it—want us to consider past transactions with our copartners in the World War and the present state of the world as a pure "business affair," a pure matter of dollars and cents and pounds and shillings and pence!

Oh, Mr. President, the Senator from Tennessee [Mr. McKELLAR] did not mean that. I have known him for a long time, and I know he could not have meant that. He was not thinking about the real meaning of his words when he uttered them. He would have been one of the last men in the world to have meant that.

Thank God, man has a dual nature. He is a trading animal, of course, in a certain sense, just as he is a hating animal and a loving animal in a certain sense, and yet there is a sense in which man was built in the image of God. He can go upon the wings of thought to the very footstool of God and scrutinize Deity itself. That part of him always responls to the more generous emotions and the more generous impulses of human nature and will never consent to be bound by mathematical calculations. I saw a thing in a book not long ago that struck me. The author said that he had no confidence in Ricardo's political-economic theories. The other asked, "Why?" "Why," he said, "Ricardo considers a man solely as an economic unit, and man is not an economic unit; he has traditions; he has

ideals; he has loves; the most wicked of us have our adorations inside of ourselves somewhere; and I have never heard"—and this is the sentence to which I call attention—"that a man ever fell in love by mathematical calculation or ever died for a syllogism." And, like the author, I have never heard of it either. So far as I am individually concerned, I had rather fall in love, emotionally and accidentally; and when I come to die I had rather die for a sentiment or a love, and I am not going to die for a logical syllogism or for a mathematical calculation, especially not from the standpoint of the retail merchant, keeping a petty account with another peanut establishment and measuring interest not by mutual advantage in a common enterprise but by daily offsets of expense account.

The VICE PRESIDENT. The Senator's time has expired.

WAR DEPARTMENT APPROPRIATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13793) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1924, and for other purposes.

Mr. HEFLIN obtained the floor.

Mr. JONES of Washington. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. JONES of Washington. I merely wish to know whether or not there is an amendment pending.

Mr. WADSWORTH. There is a motion pending.

The VICE PRESIDENT. The motion of the Senator from Nebraska [Mr. NORRIS] is pending.

Mr. HEFLIN. Mr. President, I wish to say a word——

Mr. NORRIS. If the Senator from Alabama will permit me, I desire to make another parliamentary inquiry. The unanimous-consent agreement provides that—

> No Senator shall speak more than once nor longer than 10 minutes upon the bill, * * * nor more than once nor longer than 10 minutes upon any amendment thereto.

When an amendment is pending, does it not follow under the agreement that speeches are limited to 10 minutes and that the only time a Senator may speak on the bill is when no amendment is pending?

The VICE PRESIDENT. Generally speaking, the Chair would rule that way, but when a Senator rises and says he wishes to speak on the bill the Chair has to assume that he is speaking on the bill; and the Senator would also have 10 minutes to speak on an amendment.

Mr. HEFLIN. Mr. President, I wish to say a few words in indorsement of what my colleague [Mr. UNDERWOOD] said a few moments ago in opposition to the motion made by the Senator from Nebraska [Mr. NORRIS]. I can not see the good that is hoped to be accomplished by the adoption of the Senator's proposed amendment. Its adoption would mean the expenditure of $2,000,000 on plant No. 1 at Muscle Shoals. It may be that the Ford offer will be accepted—and I very much hope that it will be—and if it shall be accepted the money which the Government would expend for putting plant No. 1 in order might not be expended as Mr. Ford desired. In other words, it may be that the $2,000,000 which the Government might expend in putting plant No. 1 in running order would result in the installation of machinery and processes wholly different from those which Mr. Ford would employ.

My recollection is that Mr. Mayo, Mr. Ford's engineer, testified before our committee in the hearings last year that they had a secret process, or thought they had, which they were not at this time willing to make public. They hoped, however, to make commercial fertilizer and make it so that it could be sold for half the price at which fertilizer is being sold to-day.

I am anxious to complete the work at Muscle Shoals; it is a crying shame that it has not been completed long ago; but, as my colleague has said, the whole thing has been abandoned; the Government had quit work; the work already done was being injured, and the money which we had already expended was about to be lost. We all know that nobody had made any bid on it and that the Government had quit work; but when the Government invited bids, Mr. Ford came and inspected Muscle Shoals and made his offer, which is by far the best offer that has been made, and I am whole-heartedly in favor of it. The more that offer is studied, Mr. President, the more men who will carefully examine it, the greater will be the number of Members of the Senate and of the House who will favor finally giving this project over to Mr. Ford. A speech was made recently in the House of Representatives by Representative MADDEN, of Chicago, Ill., strongly indorsing the Ford offer, and I suggest that anyone who wants to inform himself upon this subject, if he will study the speeches delivered by the distinguished Senator from North Dakota [Mr. LADD], will acquire the information which he may desire. I believe that a majority of the people in the country who have informed themselves favor accepting the Ford offer.

Now, when the matter is held up as it is, with bills pending in the Senate and in the House for the acceptance of the Ford offer, it does seem to me that it would be a little bit out of place for the Government now to appropriate $2,000,000 to put plant No. 1 in running order, when, if the Government should see fit to accept the Ford offer, that whole amount may have been unwisely expended. It may be that it would not be the process that Mr. Ford wants, that he could not use it, and if so, it would be money wasted. On the other hand, if the Government does expend that $2,000,000 there, somebody will say then Ford ought to amend his proposal and offer more than he has already proposed to give the Government for this work. Then he might answer, and say, "I can not use the process you put in; I do not want it at all; it is not worth anything to me." That does not seem to me to be good business.

I believe that, as my colleague has suggested, this matter should be determined and that we ought to have a decision upon the question as to who is going to operate Muscle Shoals. If Mr. Ford is not going to get it, he is entitled to know just what the judgment of Congress is; and if he is going to get it, I submit that he ought to get it soon, because we can thereby save much to the American people. The farmers of America are certainly entitled to the consideration and the benefit that would come to them from the acceptance of the Ford offer.

The making in the United States of a nitrogen supply equal to that now which we bring from Chile, a foreign power, each year would result in great good; it would be something worth while to the whole country.

The thing to do now is to decide what we are going to do with Muscle Shoals. Let us decide whether or not we are going to accept the Ford offer. I would like to see it accepted to-day. I am opposed to complicating the matter by tying new propositions to the project. And I trust that the Senator's amendment will not now be agreed to.

Mr. NORRIS. Mr. President, in offering this amendment I confess I was not thinking of Mr. Ford or any other bidder. He is not the only bidder; and, in my judgment, his bid is not as good as the bids of several others which have been made, although I am not in favor of accepting any of them. However, men disagree on those propositions. I was thinking of making available cheap fertilizer, but it seems I have conflicted with the wishes of Mr. Ford. I was thinking of giving to the farmer fertilizer below the present cost; I was thinking of making an investigation that would reduce the cost of fertilizer, and I did not think that I had first to consult Mr. Ford before offering the amendment.

The junior Senator from Alabama who has just spoken says that if we appropriate this money and change this plant, perhaps Mr. Ford would not like it. Well, I confess I had not thought about that, Mr. President. Perhaps he would not. I did say that if he were interested in getting cheap fertilizer for the farmer, he would have to experiment, as anybody would have to do in order to cheapen the process; and if he secured the contract and was in earnest when he was thinking about the dear farmer and providing cheap fertilizer for him he could profit by this improvement in the plant, and it would help him to cheapen the cost of fertilizer. If we wait until the dams are completed and then turn the project over to Ford and he decides to put in this improvement—and he will have to make this or some other improvement—it will then be a year or two before it will be ready, while, if Ford does not get it and somebody else gets it or the Government keeps it and we do not begin this improvement until the dams are finished, we have only delayed furnishing cheap fertilizer to the farmer that much longer. I did not know that we had to consult Mr. Ford when we were trying to get cheap fertilizer for the farmer, and so I have probably made a mistake.

Mr. HARRELD. Mr. President——

Mr. NORRIS. I yield to the Senator from Oklahoma.

Mr. HARRELD. Does the Senator know of anything in the Ford offer which binds him to experiment in the matter of obtaining nitrogen?

Mr. NORRIS. No. I said that when I was speaking before. Of course he is not bound to experiment at all, but I assumed that he would, because his men say that he expects to cheapen the cost of fertilizer. If he does, he will have to experiment.

Mr. HARRELD. As a matter of fact, is he not guaranteed 8 per cent profit, whether he cheapens the cost of producing nitrogen or not?

Mr. NORRIS. Yes; that is true.

Mr. CARAWAY. Mr. President, the Senator surely does not mean that.

Mr. NORRIS. He is not guaranteed.

Mr. CARAWAY. Oh, well, that is what the Senator from Oklahoma said—that he was guaranteed a profit.

Mr. NORRIS. No; he is not guaranteed.

Mr. HARRELD. He agrees to sell it for not exceeding 8 per cent profit.

Mr. CARAWAY. If he can find a market.

Mr. NORRIS. Yes; he does not have to sell it for less than 8 per cent profit. That is true. He can sell it without any profit if he wants to, but it will not be Ford; it will be this corporation, I presume, that will sell it, and not sell it below 8 per cent profit. I think that is a fair construction of what the practical operation will be.

The junior Senator from Alabama [Mr. HEFLIN] says, likewise, that he thinks Ford has some secret process, some secret improvement that he knows now, by which he is going to make cheap fertilizer. Mr. President, that may be. I can not dispute that. If he has, if he gets this plant he will cheapen the product; but as a great, big American, as a great, big patriot, as Mr. Ford of course is, would it be fair even to him for us to say or to believe or to intimate that he has within his brain a secret process by which he can cheapen fertilizer to the American farmer, and that he has kept it a secret all these years, and is still keeping it a secret, while the poor farmer is toiling in the sun, trying to raise a crop, and paying an enormous price for fertilizer? If we will credit him with the ordinary amount of milk of human kindness that there is in the heart of any honest citizen, we certainly will not say that he has a secret process by which he can cheapen the cost of fertilizer and that he will not divulge it for the American farmer unless he is given Muscle Shoals, unless he is given a hundred-year lease, unless he is given $100,000,000 worth of property for $5,000,000, and unless he is given the money of the taxpayers at less than 3 per cent.

I think more of Mr. Ford than that. Certainly, Mr. President, we will not ascribe to Mr. Ford such unphilanthropic principles as those. We will not charge Mr. Ford with being so hard-hearted, with considering the poor farmer so little, that he will carry in his brain a secret process by which he can cheapen fertilizer to the farmer and not give the farmer the benefit of it unless we pay him a bonus from the Treasury of the taxpayers of the United States. As the Senator from Indiana [Mr. NEW] says, he is probably one of the wealthiest men of the world. If we are going to say——

Mr. HEFLIN. Mr. President, we can not hear this drop-stitch conversation that is going on over there.

Mr. NORRIS. I think the Senator can hear what I say, and I am the one who has the floor, and I am not responsible for anybody else.

Mr. President, it seems to me that if we want to cheapen fertilizer to the farmer we ought not to say, when the proposition comes up: "We do not know what Ford thinks about it. We must consult Henry Ford first. Maybe this legislation will not suit Henry Ford. Maybe he has a secret process in his mind, and if we will pay him several hundred million dollars out of the Treasury he will give that process to the American farmer and let him live." If that is how we must legislate, then it is time we turned the Senate over to Mr. Ford's men and Mr. Gray Silver.

Mr. HARRIS. Mr. President, as I understand the Senator's amendment, it appropriates $2,000,000, not to be available until July 1. If Congress, before the end of this session, should accept the Ford proposition, then the Government would not have to spend that money.

Mr. NORRIS. No; it would not, and that reminds me of another point, Mr. President. This money will not be available before the 1st of July, and between now and the 1st of July we can find out what Henry Ford thinks about it, and if he does not like it we can repeal it. There is plenty of time.

Mr. WADSWORTH. An extra session can be called.

Mr. NORRIS. Yes; of course an extra session can be called if he wants it.

Mr. President, as I said in the beginning, my political fortunes are not tied up in this proposition. I have not any interest in it. Although I may be foolish, I have been moved only by what to me seems to be the duty to do something to help out the American farmer.

I do not seem to have pleased the Ford men any better than I have pleased the administration. I conceded to begin with that I could not secure the passage of this amendment, because under the rules it takes a two-thirds vote to suspend the rule, if the Ford people are opposed to it. It is quite evident that the Ford people are opposed to it. They are going to vote against it. I do not want to take up the time of the Senate in longer debate or useless voting; and since the Ford people do not want it, and I can not pass it without their assistance, I will just have to let the American farmer go on the fertilizer question; and I therefore withdraw the motion that I have made.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. KING. Mr. President, I gave notice a few days ago that I should propose a suspension of the rules for the purpose of offering an amendment, which I ask the Secretary to read.

The VICE PRESIDENT. The amendment will be read.

The reading clerk read as follows:

At the proper place in the bill insert the following:

"That in conformity with the act entitled 'An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands and to provide a more autonomous government for those islands,' approved August 29, 1916, the Philippine Legislature is hereby authorized to provide for a general election of delegates to a constitutional convention which shall prepare and formulate a constitution for an independent republican government for the Philippine Islands, and that upon the ratification and promulgation of said constitution and the election of the officers therein provided for and upon satisfactory proof that the government provided for under said constitution is organized and ready to function, the President of the United States shall recognize and proclaim the independence of the Philippine government under said constitution and shall notify the governments with which the United States is in diplomatic correspondence thereof, and shall invite said governments to recognize the independence of the Philippine Islands; and that the President is directed to withdraw the military forces of the United States from said islands within six months after said proclamation recognizing the independence of said Philippine government."

Mr. KING. Mr. President, under the unanimous-consent rule I will have but a short time to discuss this amendment, so can not hope to cover the vital points involved. First let me call the attention of the Senate to the following resolution adopted by the Philippine Legislature:

SIXTH PHILIPPINE LEGISLATURE, FIRST SESSION.

Begun and held at the city of Manila on Monday, the 16th day of October, 1922.

Concurrent Resolution 5, asking the Congress of the United States for authority to call and hold a constitutional convention for the Philippine Islands.

Whereas it is a principle recognized in all democracies, and especially in the political organization of the United States, that a people must be governed by its own constitution, as the legitimate and efficient form of government of the people, by the people, and for the people;

Whereas the situation of the Philippine Islands is and always will be a substantially anomalous one so long as we are not governed by a constitution approved by our representatives, our present liberties, guaranties, and institutions being but concessions of the Congress of the United States;

Whereas the Filipino people have from the beginning on opposed this anomaly and have expressed their desire to enjoy the benefits of immediate and complete independence;

Whereas the people and the Government of the United States have solemnly promised to grant such independence as soon as a stable government can be established in the Philippine Islands;

Whereas such stable government does now exist and operate in said islands, with the necessary guaranties for permanent success and security;

Whereas it is essential, in order that the bonds of friendship between the people of the United States and the people of the Philippine Islands may be strengthened and the best interests of both peoples promoted and assured, that the demand of the Filipino people be complied with and the solemn pledge of the American people redeemed in a speedy and satisfactory manner; and

Whereas it is the sense of this legislature that the discussion and approval, by the legitimate representatives of the people, of a political constitution for the Philippine Islands is an orderly and expeditious procedure for the immediate realization of our independence: Now, therefore, be it

Resolved by the Senate (the House of Representatives of the Philippines concurring), That the Congress of the United States be, and the same hereby is, requested to authorize the Philippine Legislature to provide for a general election, to be held for the purpose of selecting delegates for a constitutional convention, which shall prepare, discuss, and approve a political constitution for the independent Philippine Republic, determine, with the Government of the United States, what kind of relations, if any, shall in future be maintained between said Government of the United States and the Government of the Philippine Islands, and, finally, provide for the election by the people of the Philippine Islands of the officials who shall have authority and perform duties under the constitution so approved, and to whom the present government of the Philippine Islands shall be transferred as soon as they shall legally assume office.

The presiding officers of both houses of the legislature are hereby authorized to communicate the text of this resolution to our Resident Commissioners, for presentation to the Congress of the United States.

Adopted, November 29, 1922.

[SEAL.]

MANUEL L. QUEZON,
President of the Senate.
MANUEL ROXAS,
Speaker of the House of Representatives.

This resolution, which originated in the Philippine Senate, was finally adopted by the same on November 29, 1922.

[SEAL.]

FERNANDO MA. GUERRERO,
Secretary of the Senate.

Finally adopted by the house of representatives on November 21, 1922.

[SEAL.]

NARCISO PIMENTEL,
Acting Secretary of the House of Representatives.

Mr. President, this resolution should go to the Committee on Territories and Insular Possessions, and I ask such reference.

The VICE PRESIDENT. It will be so referred.

Mr. KING. I appreciate that in the closing hours of this session I can not hope to have the resolution which I have offered considered either by a committee of the Senate or by the Senate itself; but I have felt constrained to challenge attention to the Philippine question and to what I conceive to be the duty of the United States regarding such question. The Philippine Islands are far distant from our shores and the wishes of the millions of people inhabiting them seem to be of but little concern to the American people or to this Congress. It is true that declarations have been made by organizations and political parties within this Republic, in which freedom is promised to the Filipinos; and solemn promises have been made that the United States will withdraw its authority and leave the government of the Philippine Archipelago to the inhabitants thereof. But apparently these promises are forgotten and the years go by without bringing to the Philippine people the realization of their desires and aspirations. In view of the solemn pledges made by the Congress of the United States, to withdraw the sovereignty of this Republic from the Philippine Islands and to recognize their independence, I have been surprised and grieved at the indifference to such promises and the general apathy existing throughout the country with respect to the rights of the Filipinos. Senators are familiar with the act of Congress approved August 29, 1916, commonly known as the Jones Act, in which the following legislative declaration appears:

> Whereas it was never the intention of the people of the United States in the incipiency of the war with Spain to make it a war of conquest or for territorial aggrandizement; and
>
> Whereas it is, as it has always been, the purpose of the people of the United States to withdraw their sovereignty over the Philippine Islands and to recognize their independence as soon as a stable government can be established therein; and
>
> Whereas for the speedy accomplishment of such purpose it is desirable to place in the hands of the people of the Philippines as large a control of their domestic affairs as can be given them without, in the meantime, impairing the exercise of the rights of sovereignty by the people of the United States, in order that, by the use and exercise of popular franchise and governmental powers, they may be the better prepared to fully assume the responsibilities and enjoy all the privileges of complete independence: Therefore
>
> *Be it enacted, etc.*—

The Jones Act, as Senators will recall, gave to the Filipinos a larger measure of local self-government than that which they had theretofore enjoyed under the American occupation. While it did not give to the Filipinos the full measure of liberty which they desired, nevertheless it was a progressive step and afforded them wider opportunities for political and economic development. When the Jones Act was under discussion there were many people in the United States who believed that the inhabitants of the Philippine Islands were entitled to complete independence, and contended that the United States should withdraw from the islands and surrender the control of the same to the people and to the government erected by them. This view, however, did not prevail, although the thought was expressed by many who did not support the immediate independence of the Filipinos, that within a few years they would have so demonstrated their capacity to maintain order and observe international obligations as to not only justify but require that the United States wholly withdraw from the islands. It seems to me that the time has now come when our Government should redeem its promises and enact such legislation as will enable the Filipinos to call a constitutional convention and formulate such organic law as to them may seem proper.

The Filipinos are a unit in demanding independence. They have patiently and patriotically conducted themselves during the years in which the United States has governed them. They have welcomed all suggestions made looking to their progress and development. They have eagerly assimilated whatever of good our Government brought to them. They have studied our Constitution as well as our institutions. They have sought to learn the art of self-government, appreciating that—

> Self-government is not a mere form of institutions to be had when desired * * * it is a form of character.

But during all these years they have maintained their ideals and their national aspirations. While recognizing the fine service of this Republic and the sacrifices made by it in their behalf, they have never lost sight of what they believed to be their destiny and the independent station which they felt they were entitled to enjoy among the free peoples of the earth.

Conceding the advantages derived from the administrative efforts of this Republic, they still desire their own freedom and the right to order their own lives and to determine the form of government under which they shall live. Their attitude is one to be commended not condemned. Their desires for a republic of their own choosing should find a hearty response and most cordial support in this Republic which is a child of revolution and has grown to preeminence and power under the laws and institutions which a free people enacted and established.

The desire for freedom can not be successfully countered by pointing to the benefits derived from alien control. Material or moral benefits, rich and important though they be, never compensate a courageous, virile, and self-reliant people for a denial of liberty or even a slight deprivation of the right to govern themselves.

The authority of the British crown was tenuous indeed, in 1776, and there were no chains of bondage and no servitude in the thirteen Colonies. The people in the New England colonies as well as in all of the thirteen Colonies, were practically self-governing and enjoyed a high degree of liberty; but they were not completely free; therefore, they severed the cord, slender though it was, which bound them to the British Empire.

And so the Philippine people, though they acknowledge the beneficent work of this Republic in their behalf, have looked forward with the keenest delight to that day when the flag of this Republic would be lowered from the forts and buildings within their homeland and the flag of a free and independent Philippine republic raised as the symbol of authority and sovereignty over their country. Mr. President, no government which we can give them will prove entirely satisfactory to them. We do not regard the Philippine Islands as a part of the territory of the United States. By legislative enactment and by decrees of our judicial tribunals we have said that the Philippine Archipelago is not a part of the United States, nor may the Filipinos enjoy the privileges and immunities possessed by citizens of the United States. We have in effect declared that the Philippine Islands may not be admitted to the Union as one or more States but are to be treated as a colonial possession, subject to such laws and authority as the Congress of the United States may provide. This attitude condemns the Philippine Islands to a status different from that enjoyed by other territory over which our flag floats and which is subject to the control of the Federal Congress. In other words, we have differentiated the Filipinos and their home land from territory which has been acquired by the United States and out of which sovereign States have been carved. It is manifest that such an anomalous situation would intensify the desires of the Filipinos for independence and a severance of the bonds which now bind them to the United States.

Mr. President, we assumed jurisdiction over the Philippine Islands and their inhabitants without the consent of the latter. Our flag was not welcomed by them; they had won their independence from the Spanish Crown and set up a republican form of government under a constitution which contained many liberal and progressive features. They exhibited remarkable patriotism and great ability, and there were manifold evidences that they were competent to govern themselves and to establish domestic tranquillity and discharge such international obligations as are required of an enlightened nation.

It is not my purpose to review the causes leading to the occupation of the Philippine Islands by American troops and the overthrow of the Philippine republic and the assertion of control and authority over the islands and their inhabitants; but I wish to briefly call attention to the fact that the act of this Government in the matter referred to was war, and it resulted in bringing under the authority of the United States millions of people against their will and without their consent.

There were many in the United States who insisted, at the time of American occupation of the Philippine Islands, that they be annexed to the United States forcibly or otherwise, and forever remain a part of the territory of our Nation. Others took the view that our occupation should be indefinite and that when we believed the Filipinos had demonstrated their competency to maintain a stable government we should withdraw from the islands. Still others insisted that our course was imperialistic and could not be defended in morals or upon any principles which had guided the life of this Republic. Without pausing to discuss these views—and time would not permit if I so desired—it is sufficient to say that the Filipinos were led to believe that their islands would not be annexed by the United States, and that in time we would withdraw from the islands and surrender all authority and control to a government to be established by the Filipinos.

President McKinley, soon after the commencement of the Spanish-American War, declared that "forcible annexation can not be thought of—that, according to the code of American morals, is criminal aggression."

Mr. President, I have taken perhaps more than 10 minutes, and I shall now speak on the amendment.

The VICE PRESIDENT. The Senator did not give that notice when he began his remarks.

Mr. KING. I have not offered it as yet as an amendment to the pending bill. I merely directed attention to the fact that I had given this notice. I have not moved for its consideration. I now offer the motion which has been read by the Secretary.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Utah.

Mr. KING. I now claim the right to address myself to the motion for 10 minutes.

The VICE PRESIDENT. The Senator from Utah.

Mr. KING. Mr. McKinley at a later date declared that—

The Philippines are ours, not to exploit, but to develop, to civilize, to educate, and to train in the science of self-government.

Mr. Taft, when Secretary of War, speaking of the Filipinos, said:

When they have learned the principles of popular self-government from a gradually enlarged experience therein, we can discuss the question whether independence is what they desire, and grant it, or whether they prefer the retention of a closer association with the country which, by its guidance, has unselfishly led them on to better conditions.

In 1907 Mr. Taft, in opening the Philippine Assembly, declared that the policy of the United States looked to the improvement of the people industrially and in a self-governing capacity, and he further stated:

As this policy of extending control continues it must logically reduce, and finally end, the sovereignty of the United States in the islands, unless it shall seem wise to the American and the Filipino peoples, on account of mutually beneficial trade relations and possible advantage to the islands in their foreign relations, that the bond shall not be completely severed.

In 1908 Mr. Taft, speaking to the General Assembly of the Philippine Islands, referred to the ultimate independence of the islands.

There are many statements made by officials of the United States authorized to speak, made following the occupation of the islands by the United States, which support the contention I am making, that the Filipinos were led to believe that it was not the purpose of the United States to annex their territory or to keep them indefinitely under the dominion of this Republic. The concurrent resolution adopted by the Philippine Legislative Assembly, and which has just been read, is a pertinent and proper reminder of the promise which we have made and the duty resting upon the United States. This legislative declaration is an assertion of the competency of the Philippine people to govern themselves and a solemn statement that they have a stable government established and functioning. It is a respectful demand that we redeem our promises. We declared, as stated in the Jones Act, that the United States would "withdraw their sovereignty over the Philippine Islands and recognize their independence as soon as a stable government can be established therein."

Does anyone doubt that a stable government has been established? One need only ascertain conditions in the Philippine Islands and compare them with many governments of Europe, as well as other nations of the world, with which we have diplomatic relations, to be convinced that a stable government is established therein. A stable government does not necessarily mean a government which may not change or may not suffer from internal convulsions. But industrial and political conditions in the Philippine Islands furnish satisfactory evidence to the students of government that the Filipinos have made remarkable progress along economic and political lines and have shown character and capacity and those fine qualities which exist in a greater or less degree among a free people and those who seek an orderly and progressive government.

Mr. President, the declarations made by Mr. McKinley and Mr. Taft, as well as those made by Mr. Roosevelt and Mr. Wilson, have been regarded by the Filipinos as pledges that the United States would withdraw their sovereignty from the Philippine Islands and recognize their independence. I remarked that the progress made by the inhabitants of the Philippine Islands has been phenomenal. I submit that the evidence is clear that the time has arrived when the Filipinos have the right to demand that we comply with the solemn covenant contained in the act of Congress of August 29, 1916.

Permit me to briefly call attention to some of the conceded facts with respect to conditions now prevailing in the Philippine Islands. The population is probably 12,000,000. It was more than 10,000,000 in 1918. More than nine-tenths of the inhabitants of the islands are Christians belonging principally to the Roman Catholic Church. May I say in passing that undoubtedly the influence of the religious faith of the people has contributed to the progress made by the people and is, in part, responsible for the orderly conditions there existing.

There are perhaps 500,000 Mohammedans within the islands and several hundred thousand who are denominated pagans. The European and American population is limited. There are some in our country who have affected to believe that Japan was seeking to colonize the Philippine Islands with a view to ultimate annexation of the islands. The fact is that but few Japanese reside in the Philippine Islands. In 1918 the number was less than 8,000. Japan has evinced no purpose whatever to interfere with the Philippine Islands and in all of her dealings with the islands and with the Filipinos the conduct of Japan has been that of a friendly and honorable nation. The jingoists are responsible largely for the untruthful and fantastic stories which in the past were so persistently circulated, either for the purpose of prejudicing the American people against Japan or to strengthen the imperialistic view entertained by some of our citizens and thus compel the United States to retain control over the Filipinos.

The entire European and American population in 1918 did not exceed 11,000. It will thus be perceived that the Philippine Islands are inhabited by Filipinos. For 20 years they have been in contact with the spirit of our Constitution and have developed a respect for the principles of free government. They are familiar with the Bill of Rights and with the constitutional guarantees enjoyed by the citizens of this Republic. They are acquainted with the tripartite division of powers and understand the functions of the judiciary and the duties of the Executive and the authority and responsibilities of the legislative branch of government. They have courts presided over by able jurists in which controversies arising among the people are determined in an orderly and judicial manner. Their lawyers are men of character and ability, and it is declared by those familiar with the workings of the courts that they compare favorably in their knowledge of the law and in the administration of justice, with courts in some of the States of the Union. The records show that the courts are resorted to by the people to settle disputes, and that there is respect for the courts and for their decrees.

The legislative branch of the government consists of two houses, and the laws enacted demonstrate that men of ability and possessing a knowledge of progressive legislation have places within the legislature. The fiscal affairs of the islands are sound, and the officials exhibit a devotion to their work and an appreciation of the responsibilities resting upon them which argues well for the efficiency of the administration and the stability of any government which they may establish. Great progress has been made in education. Both young and old have exhibited an enthusiasm for knowledge that has been most remarkable. There are to-day enrolled in the public schools more than 950,000 pupils. There are more than 5,000 schoolhouses, and facilities for education have been taken to the remotest parts of the archipelago. The thirst for knowledge exhibited by the people is good augury for the progress of the people.

There is a university in Manila attended by hundreds of students, and the courses of study there prescribed would be creditable to some of the most advanced universities to be found in the United States. I am told that in the law department of this university seven years of study are required. Throughout the islands there are hospitals, dispensaries, and institutions that care for the sick, afflicted, and indigent; indeed, the essential concomitants of a highly civilized state are found among the Filipinos. There are thousands of men and women of the highest culture and refinement and of broad and comprehensive knowledge.

Hundreds of miles of roads have been constructed, so that the people are brought into closer relations. The internal commerce has greatly expanded and the domestic products have reached a very large volume. I have not seen recent figures as to the foreign commerce, but my recollection is that the figures which I last saw showed a foreign commerce exceeding 600,000,000 pesos.

One of the remarkable features of the islands is the almost universal ownership of land by the people. There are nearly 2,000,000 farms in the islands, showing that a very large proportion of the male population are agriculturalists and own their own farms. This situation makes for stability and character and insures industrial and material progress. Practically all of the land of the islands is owned by the Filipinos, and, as I have indicated, the agricultural products are varied and abundant.

While there is no great individual wealth there is but little poverty. The products of the islands, as stated, are varied, and there is every indication that the exports will increase and that the foreign commerce will expand.

Mr. President, a people, homogeneous as the Filipinos are; living in territory that yields abundantly in fruits and agricul-

tural products; free from debts and oppressive taxation; not menaced by foes from without or dangers from within; and possessing characteristics and ideals and aspirations such as are exhibited among the Filipinos and with a record of achievement along moral, religious, and material lines—demonstrate their fitness for self-government and furnish convincing proof of their future advancement. I submit, Mr. President, that in view of these conditions it is the duty of the United States to give the Filipinos the opportunity to frame their organic law, establish a republic—that being the form of government they desire—and, having so done, to withdraw from the islands and bid the people and their new government Godspeed along the pathway of independence.

May I inquire what reasons exist for our retaining jurisdiction over the islands? The costs to date of this experiment, in what some denominate imperialism and others colonialism, has been stupendous. In 1902 Senator Hoar declared that it had cost our Government $1,000,000,000. I am advised by the Bureau of Insular Affairs that, according to the figures in that office, the United States has expended nearly $700,000,000 in connection with the Philippine Islands. The bill before us carries large sums to be expended in the Philippine Islands during the next fiscal year; and, of course, if we retain possession there will be millions annually required which must be met by taxing the American people.

Mr. President, if we are sincere, if we believe in the right of self-determination, if we still follow the precepts of the Declaration of Independence, then the conclusion is inevitable that the Philippine Islands belong to the Filipinos and not to the United States. They have the right to govern themselves in their own way and establish such forms of government as to them may seem just and proper. We can by pursuing the course which I have indicated in my resolution earn the eternal gratitude of the Filipinos. They will be willing to enter into any treaty that will be fair and just and protect whatever interests we may feel our Government or American citizens may have in the Philippine Archipelago. We can bind the Philippine people to this Republic with bands of steel by a generous and just course. This great Republic will have forever the love and the unalloyed affection of the people of these 5,000 islands, more than 7,000 miles distant from our shores. They will pattern their government after the Government of this Republic. They will seek the spirit of liberty which has animated the American people and will have pride and joy in following the footsteps of a Nation that is the greatest force for freedom and justice and righteousness in all the world.

The VICE PRESIDENT. The question is on agreeing to the motion offered by the Senator from Utah to suspend the rules. (Putting the question.) The motion is rejected, there not being two-thirds voting in the affirmative.

Mr. KING. Mr. President, I indicated the other day that I should move to strike out the appropriation of $56,000,000 plus, under the rivers and harbors item, for the reason that the House had included in the Army bill an appropriation which dealt with rivers and harbors, and I felt that an opportunity should be given the Senate to determine whether they would consider these two bills together, or whether they would insist upon a policy which would call for a segregation of these two important subjects. But the vote yesterday conclusively demonstrated that no attack could be successfully made upon this huge appropriation. The recommendations of the Budget Bureau have been disregarded, the condition of the Treasury ignored, millions of dollars have been demanded for creeks and streams, where there is no commerce—and there is no power to prevent the demands from being satisfied. I shall therefore not press the motion which I gave notice I would offer.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. KING. Mr. President, I sent to the desk yesterday a notice that I would move a suspension of the rule, which I ask may be read at this time.

The VICE PRESIDENT. The notice will be read.

The READING CLERK. The Senator from Utah gives notice of an amendment to insert the following at the proper place in the bill:

That the President is authorized and requested to invite the Governments with which the United States has diplomatic relations, to appoint representatives to a conference to be held in the city of Washington, which shall be charged with the consideration of the causes and purposes of present military and naval expenditures, and the formulation of measures for the reduction of land and naval armaments, for the improvement of industry and commerce, the assurance of public order, and the promotion of peace throughout the world.

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator move to suspend the rule?

Mr. KING. For the purpose of submitting a word or two, I do.

The VICE PRESIDENT. The Senator has already spoken on the bill.

Mr. KING. Then I move to suspend the rule.

The VICE PRESIDENT. The question is on the motion to suspend the rule.

Mr. KING. Mr. President, I had intended to address myself to the motion. Yesterday the time of the Senate was so occupied in the discussion of the rivers and harbors provisions of the bill that I had no opportunity to present my motion, and this morning Senators have consumed the time allotted to general debate in considering Muscle Shoals and the debt-funding plan. I had thought I could have a part of the time before 2 o'clock, when the limit on debate was set. I regret that there is no opportunity to consider the resolution without suspending the rule. I shall seek an opportunity to offer it when it will not be subject to a point of order and can be fully discussed.

The observations just made by the Senator from Mississippi [Mr. WILLIAMS] indicate the necessity of the United States taking a course such as is contemplated by the amendment which I had intended to propose. At an early date I hope to have the opportunity to present it to the Senate in the form of a resolution and to obtain a vote upon it. I shall not press the motion at this time.

The VICE PRESIDENT. The Chair understands the motion is withdrawn.

Mr. KING. I withdraw it.

Mr. POINDEXTER. Mr. President, I offer the following amendment to be inserted at the end of the bill.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. Add at the end of the bill the following:

That the President of the United States be, and he is hereby, authorized to nominate and by and with the advice and consent of the Senate to appoint any commissioned officer of the Army not above the grade of brigadier general, who served in the Army of the United States during the World War, whose service since that war has been creditable, and who has been or may hereafter be retired according to law, to an advanced grade on the retired list at the highest grade held by him during the World War: *Provided*, That no officer shall be thus promoted who was demoted prior to November 11, 1918, for professional unfitness: *Provided further*, That any officer so advanced on the retired list shall continue to receive the pay and allowances of his grade at date of such advancement and that no increase of pay and allowances shall result from the provisions of this act.

Mr. POINDEXTER. Mr. President, the amendment is intended to give to officers of the Army of the United States who served with credit and many of them with distinction in the late war the reward for those services of being allowed to retain the title of the highest rank in which they served during the war. It does not involve the expenditure of a dollar of money. It does not increase in any way their retired pay. It would have the effect of saving those officers from the humiliation which many of them have suffered in place of the reward and distinction from a country that ought to be grateful for their services. This humiliation comes from being demoted in status for the remainder of their lives while on the retired list, many of them being old men, and in not being allowed to wear on occasions of ceremony the uniform or to write upon their cards the name of the rank under which they rendered these responsible services to the Nation.

I have in mind one case of an engineer officer who retired as a colonel. He had a long and distinguished career in the service of his country after he graduated from West Point. He served in France and there, through his efficiency, he became the chief engineer of the American Expeditionary Forces, the head of the great Engineer Corps which we sent to France. Yet, when he returned to the United States he was demoted to the rank of colonel, and is not allowed under existing law to assume on any occasion the rank under which he rendered those valuable and distinguished services in France.

I have a letter from the Secretary of War recommending the adoption of the amendment, which I ask leave to have printed at the close of my remarks.

The VICE PRESIDENT. Without objection it is so ordered.

Mr. POINDEXTER. Just for the information of the Senate, I wish to call particular attention to one paragraph in which the Secretary of War stated:

The amendment proposed by Senator POINDEXTER carries with it no expense to the Government. The increased rank it proposes to confer carries with it no additional pay; it offers only an honorary peacetime title to those who have held the actual title and met the obligations which went with the actual rank, but who, because of retirement, are prevented from reaching such rank the second time. In spite of the fact that the officers concerned would receive no material benefit from this legislation, I think its passage would be a source of much gratification to them and would be recognized by the service generally as a gracious act of recognition of war service.

Mr. HITCHCOCK. What would happen in a case like this. Suppose one of these officers so demoted were called into active service, what rank would he then have?

Mr. POINDEXTER. He would have his actual rank and not the brevet or complimentary rank.

Mr. HITCHCOCK. I do not think so. I do not see on what theory that would be so.

Mr. POINDEXTER. Undoubtedly that would be the case, because there is a provision expressly prohibiting giving him any command except under the rank under which he originally retired. It prohibits paying him any salary emoluments except those of that rank. If that does not accomplish the purpose, the amendment could be further amended in order to accomplish it. The Secretary of War stated in his letter that that is the effect of it. In fact, the amendment was prepared at the War Department in order to avoid any such effect as that which is suggested by the Senator from Nebraska.

Mr. HITCHCOCK. It seems to me he is either one or the other, and if he should be called into active service at his actual rank it ought to be so stated. Otherwise he would be called in at his so-called brevet rank and he would have the pay in that case, of course, of the higher rank.

Mr. POINDEXTER. It reads:

These privileges shall not entitle any officer to command, pay, or emoluments.

Under the provision it would be impossible to call him into active service at the advanced rank. The provision is contained in the amendment.

Mr. HITCHCOCK. What authority would there be to call him into service with either rank?

Mr. POINDEXTER. There would undoubtedly be the authority of the Commander in Chief of the Army under the general law authorizing the detailing of retired officers to active service.

Mr. HITCHCOCK. Yes; but the War Department has no authority to call a man in, after demoting him, and give him active pay.

Mr. POINDEXTER. It would not be demoting him, because it is expressly provided, should the amendment go into effect, that it carries no command and no pay.

Mr. HITCHCOCK. It carries no command, but the Secretary of War under certain circumstances has the power to take a man on the retired list and put him on active duty and give him active pay. I ask the Senator what rate of pay he would have? Would it be the pay of his retired rank or would the Secretary of War demote him and give him the lower rate?

Mr. POINDEXTER. He would have the pay provided by law, and that is the pay of his actual rank. It is expressly provided in the amendment that he can not get any other pay. I fail to see how the question the Senator from Nebraska raises could be considered.

Mr. HITCHCOCK. The amendment provides for his pay while he is retired, but the law provides that when he is on active duty he shall have the pay of his actual rank.

Mr. POINDEXTER. The Senator does not state the amendment exactly. It does not say while he is retired, but it is universal in effect. It says:

These privileges shall not entitle any officer to command pay or emoluments.

Mr. WADSWORTH. May I ask the Senator where that language appears in the amendment he has offered? I can not find it.

Mr. POINDEXTER. I beg the pardon of the Senator. I was reading the law that is already applicable to the officers of the Civil War. I had several typewritten sheets before me and apparently picked up the wrong one. In effect the language of the amendment which I have proposed is the same—

That any officer so advanced on the retired list shall continue to receive the pay and allowances of his grade at date of such advancement, and that no increase of pay and allowances shall result from the provisions of this act.

It is the same in effect, although not exactly, as the language which I was reading, and which I read from a typewritten sheet which I picked up by mistake, and which is the present law relating to officers who served in the Civil War.

In that connection I call attention to the provisions of the Revised Statutes of 1866, enacted immediately after the close of the Civil War. The following provision was then enacted:

All officers who served during the Rebellion as volunteers in the Army of the United States, and have been honorably mustered out of the volunteer service, shall be entitled to bear the official title, and, upon occasions of ceremony, to wear the uniform of the highest grade they have held, by brevet or other commissions, in the volunteer service. The highest volunteer rank which has been held by officers of the Regular Army shall be entered, with their names, respectively, upon the Army Register. But these privileges shall not entitle any officer to command, pay, or emoluments.

That was enacted in 1866.

Mr. WARREN. That had reference entirely to volunteer officers?

Mr. POINDEXTER. That applied to volunteers.

Mr. WARREN. Those officers were receiving no pay after they were mustered out.

Mr. POINDEXTER. No.

Mr. WARREN. They had no retired pay.

Mr. POINDEXTER. But in 1897 the following provision was passed, which Senators will find at page 546 of the second supplement of the Revised Statutes.

The VICE PRESIDENT. The time of the Senator from Washington has expired.

Mr. POINDEXTER. I wish to speak 10 minutes upon the bill.

The provision of 1897, to which I had just referred, reads as follows:

All officers who have served during the War of the Rebellion as officers of the Regular Army of the United States, and have been regularly discharged or resigned from the service, shall be entitled to bear the official title and, upon occasions of ceremony, to wear the uniform of the highest grade they have held, by (2) brevet or other commission, as is now authorized for officers of volunteers by section 1226, Revised Statutes (February 4, 1897).

Mr. HITCHCOCK. Will the Senator state how many officers the amendment would affect?

Mr. POINDEXTER. I do not know that I can do so, unless the information may be contained in the document which I have here.

Mr. HITCHCOCK. It would, in effect, be the promotion by wholesale of thousands of retired officers, would it not?

Mr. POINDEXTER. There would not be any such number, and it is not a promotion at all, in so far as command or pay are concerned. It is a mere honorary rank which would be held by such officers if the amendment should be adopted. The Senator from Wyoming [Mr. WARREN] called attention to the fact that the act of 1866 applied to volunteers. I have read the statute which was passed in 1897 which gives to officers of the Regular Army the same identical privileges as to title and wearing the uniform of the highest rank which they held by brevet or other commission during the Civil War as were accorded to the Volunteer officers in the act which was passed in 1866. The amendment which I propose and which is recommended by the Secretary of War and is greatly desired by officers who are affected by it would give to the officers in the last Great War the same compliment and privileges that are enjoyed by the officers who served in the Civil War.

APPENDIX.

WAR DEPARTMENT,
Washington, February 6, 1923.

Hon. JAMES W. WADSWORTH, Jr.,
Chairman Committee on Military Affairs,
United States Senate.

SIR: With reference to your letter of February 3, 1923, requesting a report on an amendment to H. R. 13793 introduced by Senator POINDEXTER, I invite your attention to the fact that in my report of November 4, 1922, on S. 3669 (copy inclosed) the War Department gave favorable indorsement to the provisions contained in the amendment proposed by Senator POINDEXTER. Since the date of that report, however, several matters in connection with this legislation have been brought to my attention which I think should be incorporated in the amendment. The reasons for the proposed changes are given below, and the amendment as it would read with these changes incorporated is given as the concluding paragraph of this letter.

The reasons for the changes recommended are as follows:

It is desirable that provision be made for brigadier generals who held the rank of major general during the World War to cover the case of those who may retire without having reached the highest rank held by them during the World War. It is not necessary to extend the provisions of the bill to major generals, as there are now several bills before the Congress which provide World War rank for officers of that grade.

A few officers were demoted prior to November 11, 1918, for causes not involving professional unfitness, and the change recommended would prevent an injustice being done them. During the World War some retired officers who had received promotion after going on the retired list received further temporary promotion. By the terms of the amendment as introduced such officers, if advanced to the highest grade held by them during the World War, would receive the pay of the grade held by them when retired instead of the pay of the grade to which they were promoted while on the retired list.

The amendment proposed by Senator Poindexter carries with it no expense to the Government. The increased rank it proposes to confer carries with it no additional pay; it offers only an honorary peace-time title to those who have held the actual title and met the obligations which went with the actual rank, but who, because of retirement, are prevented from reaching such rank a second time. In spite of the fact that the officers concerned would receive no material benefit from this legislation, I think its passage would be a source of much gratification to them and would be recognized by the service generally as a gracious act of recognition of war service.

The amendment with the changes above referred to incorporated is given below. In this form it has the full approval of the War Department.

That the President of the United States be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint any commissioned officer of the Army, not above the grade of brigadier general, who served in the Army of the United States during the World War, whose service since that war has been

creditable, and who has been or may hereafter be retired according to law, to an advanced grade on the retired list at the highest grade held by him during the World War: *Provided*, That no officer shall be thus promoted who was demoted prior to November 11, 1918, for professional unfitness: *And provided further*, That any officer so advanced on the retired list shall continue to receive the pay and allowances of his grade at date of such advancement, and that no increase of pay and allowances shall result from the provisions of this act.

Sincerely yours,

JOHN W. WEEKS, *Secretary of War.*

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The CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,
United States Senate.

SIR: I have the honor to inform you that I have been unavoidably delayed until now in the preparation of the report on S. 3669, to which I referred in my letter to you of August 7, 1922.

I have given careful consideration to the general question of rewards to officers for war-time service and have arrived at the conclusion, after going over the various bills concerning this question that have been introduced from time to time, that this matter can not be equitably nor satisfactorily disposed of unless consideration is given to the claims of all officers of whatever rank who had World War service. For this purpose I think it is both necessary and convenient to divide these officers into two general classes—those who now hold the rank of general officer and those not above the rank of colonel. S. 3669, with the amendments suggested below, offers, in my opinion, a suitable reward for the last-named class.

In arriving at a standard which may be used in determining whether or not an officer is entitled to the reward under consideration, I have become convinced that the satisfactory and equitable criterion is to be found in the character of service rendered during the war, and that length of service and the possession of a decoration should not be considered as determining factors. The great majority of the officers who took part in the war did not have long service, but the services rendered by them were meritorious—in many cases highly so. If the chance to secure decorations came equally to all members of the service their possession could be taken as indicative of meritorious service to the exclusion of other considerations, but as a matter of fact the opportunity to gain them comes to but few, and failure to receive them does not indicate lack of merit.

The various bills referring to this subject which have been introduced have for their object the promotion with or without pay of the officers to whom they relate to the rank held by them during the World War. During that war every worthy officer of the Regular Army, except a very few in the higher grades, received promotion. The deserving ones retained their advanced rank or received further promotion, and the undeserving were demoted. Those holding advanced grades when the war ended had demonstrated their fitness for increased rank by the satisfactory performance of their war-time duties. It seems to me that we have in this fact the standard we are seeking.

If we are now, in time of peace, to confer war-time rank on retired officers not above the rank of colonel, it seems to me that we should not exclude any of those who held advanced rank at the time of the armistice. By doing so we would make a distinction in time of peace which was neither necessary nor practicable in time of war, and would thus place a higher valuation on peace-time rank without command than on war-time rank with command.

While the bill, on account of the omission of pay, does not offer as satisfactory a solution of the matter as I would wish, I believe the solution offered is the only one practicable at this time, and I think its enactment would be gratifying to members of the service and would probably put a stop to the flow of bills on this subject.

S. 3669, amended so that it would receive the approval of the War Department, would read as follows:

"*Be it enacted, etc.*, That the President of the United States be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint any commissioned officer of the Army not above the grade of colonel, who served in the Army of the United States during the World War, whose service has been creditable, and who has been or may hereafter be retired according to law, to an advanced grade on the retired list at the highest grade held by him during the World War: *Provided*, That no officer shall be thus promoted who was demoted prior to November 11, 1918, for causes other than physical: *And provided further*, That any officer so advanced on the retired list shall have pay and allowances of his grade at date of retirement, and that no increase of pay and allowance shall result from the provisions of this act."

Respectfully,

JOHN W. WEEKS, *Secretary of War.*

Mr. WADSWORTH. Mr. President, the amendment offered by the Senator from Washington brings up a very important and very complicated matter. Thus far Congress has not found a way which is satisfactory to its own ideas of giving suitable recognition to officers who distinguished themselves or who served with credit during the war with Germany. There are three or four bills relative to the subject which are pending in the Military Affairs Committee of the Senate, one of them introduced by myself, and even that is but tentative in its provisions. The fact of the matter is the Senate Military Affairs Committee is groping toward the objective sought in part by the Senator from Washington. The Military Affairs Committee is not yet satisfied just what is the right thing to do. It is at work on the subject, and I am informed that the House Military Affairs Committee is also studying the problem.

The truth is we have given no recognition to any Army officer as the result of his service in the World War with the single exception of General Pershing. No other officer, no matter how distinguished his service was—and some of them commanded 500,000 men—has received any recognition.

However, as this is legislation which is offered to an appropriation bill and touches on a topic which at least two standing committees of Congress are now studying with all earnestness, I feel impelled to raise the point of order against it.

The VICE PRESIDENT. The point of order is sustained.

Mr. MCKELLAR. Mr. President, I desire at this time to call up the motion which I made on yesterday to suspend the rules for the purpose of offering an amendment to strike out, on page 3, line 1, of the bills, the numerals "$840" and to insert in lieu thereof the numerals "$1,140."

The VICE PRESIDENT. The Senator from Tennessee moves that the rules be suspended in order that he may offer an amendment to the pending bill, which the Secretary will state.

The ASSISTANT SECRETARY. On page 3, line 1, it is proposed to strike out "$840" and in lieu thereof to insert "$1,140"; so as to make the clause read:

Thirteen telephone switchboard operators at $1,140 each.

The VICE PRESIDENT. The question is on the motion of the Senator from Tennessee to suspend the rules.

The motion was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The VICE PRESIDENT. The bill is in the Senate and is open to amendment.

Mr. BROOKHART. Mr. President, on yesterday I offered an amendment, to come in on page 73, line 20, but the Senator from Washington [Mr. JONES] then made a point of order against the amendment. I have since explained the matter to him, and I think the point of order will not be made against the amendment at this time. So I now offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Iowa will be stated.

The ASSISTANT SECRETARY. On page 73, at the end of line 20, it is proposed to strike out "$100" and in lieu thereof to insert "$40,000," so as to make the clause read:

For arms, ammunition, targets, and other accessories, for target practice for issue and sale in accordance with rules and regulations prescribed by the National Board for the Promotion of Rifle Practice and approved by the Secretary of War, in connection with the encouragement of rifle practice, in pursuance of the provisions of law, $40,000.

Mr. BROOKHART. Mr. President, in explanation of the situation which impels me to offer the amendment, I desire to say that this item is to provide an appropriation for the purchase of small-bore rifles. Appropriations for this purpose have heretofore been made as high as $100,000 at different times, but during the World War production the appropriation was dropped down to the nominal sum which is carried in the pending bill, somewhat by reason of the fact that plenty of such rifles were made in the war production. Now, however, the supply of those rifles is exhausted. They were turned over to the Reserve Officers' Training Corps camps, which are, however, the best places in the world for them. We need a thousand rifles, while there are only 200 of them now available. Such rifles cost about $40 apiece.

The appropriation carried in the amendment, if agreed to, will provide rifles of small bore to be used for training purposes.

Mr. WADSWORTH. Is the Senator from Iowa quite certain that a .22-caliber Springfield rifle costs $40?

Mr. BROOKHART. Yes; the .22-caliber rifle is the same as the .30 caliber, except, of course, as to bore.

Mr. WADSWORTH. I understand; but how much does the .30-caliber rifle cost?

Mr. BROOKHART. It costs $41. That is my recollection. They are made by the Ordnance Department.

Mr. WADSWORTH. Certainly no such figure as to the cost of rifles has ever been presented to the Military Affairs Committee. Does the Senator mind stating where he got the information that a Springfield .30-caliber rifle costs $41?

Mr. BROOKHART. The cost is $39 or $41, or somewhere along there. I would not say just what the cost is at this time, for the prices have changed a little bit since the World War.

Mr. WADSWORTH. Will the Senator state where he got the information as to the price of such rifles?

Mr. BROOKHART. I got it from the men who make the rifles.

Mr. WADSWORTH. Does the Senator mean he got it from the Ordnance Department?

Mr. BROOKHART. Yes; I got it from the Ordnance Department. I talk with those officers every year. I did so last year at the Camp Perry School, where they send the officers who supervise the manufacture of the rifles. I am sure the National Rifle Association sells them at cost, and from $39 to $41 are the figures for which they have been making those rifles since the World War.

Mr. WADSWORTH. That is the highest figure that I have ever heard mentioned, and the figures which I last heard represented the war-time cost. We have not investigated the cost of the Springfield rifle for the last four years, but the highest cost I have ever heard them quoted at was a trifle over $30. Before the World War their cost was only about from $16 to $19.

Mr. BROOKHART. Then the cost was about $19. That is correct.

Mr. WADSWORTH. And I do not think the price has doubled since that date.

Mr. BROOKHART. The price has not come down as yet.

Mr. HITCHCOCK. I should like to ask the Senator whether the rifles to which he is referring and which are used in target practice are different from the ordinary service rifle?

Mr. BROOKHART. Yes; they are .22 caliber instead of the high-powered .30 caliber. They are intended for use in armories and for gallery practice, but are not intended for outdoor rifle practice. Rifle practice, especially in peace times, is very valuable, and the use of the small-bore rifle involves a great saving in expense, because on a thousand rounds of ammunition the cost of the rifle itself is saved if a .22 caliber is used instead of a .30 caliber.

Mr. HITCHCOCK. As I recall the testimony before the committee last year, it revealed the fact that we have millions of rifles on hand which are stored and not in use, and yet the Springfield Armory is still making rifles for which we have no use. I suggest to the Senator that instead of authorizing the manufacture of additional rifles it would require nothing but an order from the War Department to have the men in the Springfield Armory make the small-bore rifles.

Mr. BROOKHART. I know all about the million rifles to which the Senator refers; I helped to make some of them myself; but——

Mr. HITCHCOCK. What I have stated, however, is a fact, is it not?

Mr. BROOKHART. They are the high-powered Army rifle, and, of course, absolutely can not be used for the purpose of indoor rifle training. Indoor rifle practice is a very important part of military training, especially in peace times, and the use of the small-bore rifle, as I have said, saves a great deal of expense, because the ammunition for it costs about one-tenth of what the ammunition of the other rifle costs; and by the time a thousand rounds of ammunition have been fired in the .22-caliber rifle the price of the rifle has been saved. Of course, a rifle will stand six or seven thousand rounds now.

Mr. HITCHCOCK. I want to ask the Senator whether it is necessary for the Springfield Armory to continue manufacturing, at the expense which is being constantly incurred, high-power rifles which are not needed?

Mr. BROOKHART. The rifles I have in mind, I again say to the Senator, are not high-power rifles, but are the .22-caliber rifles.

Mr. HITCHCOCK. But the services of the same men who are now wasting the money of the Government in the manufacture of high-power rifles can be diverted to the manufacture of the rifles which the Senator thinks are needed for target practice?

Mr. BROOKHART. The amendment proposes to pay the expense of the same men for manufacturing the .22-caliber rifles who are now manufacturing the high-power rifles. The work will be done by the same men.

Mr. HITCHCOCK. Then, I think the Senator should modify his amendment so as to provide that an equal number of the high-power rifles should not be manufactured, in order not to impose an additional expense on the Government.

Mr. BROOKHART. They are not making the rifles except as necessity requires; there are only a few of the .30-caliber rifles being made at this time.

Mr. WARREN. Mr. President, I do not wish to take the Senator from the floor, but I feel impelled to make a point of order against the amendment. The amount was not estimated for; it enlarges the appropriation provided in the bill; the amendment has not been reported favorably by a standing committee of the Senate, and therefore is entirely out of order.

Mr. BROOKHART. Mr. President, I will say that I myself presented this matter to the committee, to the Senator from Washington [Mr. JONES], and others. I think perhaps they did not grasp my explanation of it at that time. In a general way, I then gave the same explanation that I have undertaken to give here, although I do not think I went into the matter of the number of rifles needed or the cost per rifle, as I have on the floor of the Senate.

Mr. WARREN. But the item was not reported favorably by the Appropriations Committee.

Mr. BROOKHART. I myself presented it to the committee.

Mr. WARREN. The Senator does not understand me. The point of order is that the amendment does not come before us by the report of any committee, nor has any committee recommended it; it is not within the estimate of the Budget Bureau; and, furthermore, it increases the amount of the appropriation. Rule XVI, I think, is perfectly plain.

Mr. BROOKHART. If the Senator desires to urge it, I think his point of order is perfectly good.

The VICE PRESIDENT. The point of order is well taken.

Mr. KING. Mr. President, a parliamentary inquiry with respect to the last amendment. What disposition was made of the amendment offered by the Senator from Iowa?

The VICE PRESIDENT. A point of order being made against it, the Chair ruled that the point of order was well taken.

Mr. KING. I desired to submit an observation on the amendment.

Mr. WADSWORTH. It is out of order.

Mr. KING. It is out of order now. It was not until the Chair so held.

The VICE PRESIDENT. If there be no further amendment to be proposed, the question is, Shall the amendments be engrossed and the bill be read a third time?

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

Mr. WADSWORTH. I ask unanimous consent that the clerks be authorized to correct the totals in the bill just passed, and any typographical errors that may have occurred in connection with the totals or punctuation.

The VICE PRESIDENT. Without objection, it is so ordered.

EMBASSY LAND AT SANTIAGO, CHILE (S. DOC. NO. 300).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and House of Representatives:

I invite the attention of Congress to the inclosed report from the Secretary of State recommending legislation by Congress which will enable him, as agent of the Government of the United States, to convey to the municipality of Santiago, Chile, the title to and interest in a certain portion of that parcel of land on which the American Embassy in the city of Santiago is situated, and to acquire with the proceeds thereof or to receive in exchange therefor title to a parcel of land adjoining another part of the embassy land, in order to enable the city of Santiago to carry out its project for the construction of a new street.

It will be observed that the American ambassador at Santiago is of the opinion that the proposed transaction would be advantageous to the United States and that the Secretary of State holds the view that the exchange should be authorized as an evidence of our friendly desire to gratify the wish of the municipality of Santiago to improve and beautify the city. Agreeing with both, I request favorable consideration by Congress of the draft of proposed legislation submitted by the Secretary of State.

WARREN G. HARDING.

[Inclosure: Report from the Secretary of State.]

THE WHITE HOUSE, *February 9, 1923.*

Mr. LODGE. Mr. President, in accordance with the message which has just been laid before the Senate I introduce a bill which I ask may be read the first and second times and referred to the Committee on Foreign Relations.

The bill (S. 4522) authorizing the Secretary of State to convey certain land owned by the United States in Santiago, Chile, to the municipality of that city, and to acquire or receive in exchange therefor other land located in the said city, was read twice by its title and referred to the Committee on Foreign Relations.

THE MERCHANT MARINE.

Mr. JONES of Washington. I ask that the unfinished business be laid before the Senate and proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes.

Mr. McKELLAR. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Brookhart	Bursum	Cameron
Bayard	Broussard	Calder	Capper

Caraway	Heflin	Nelson	Sterling
Colt	Hitchcock	New	Sutherland
Couzens	Johnson	Norbeck	Swanson
Culberson	Jones, Wash.	Norris	Townsend
Curtis	Kendrick	Oddie	Trammell
Dial	Keyes	Overman	Underwood
Dillingham	King	Page	Wadsworth
Ernst	Ladd	Pepper	Walsh, Mass.
Fletcher	Lenroot	Poindexter	Walsh, Mont.
France	Lodge	Ransdell	Warren
George	McCormick	Reed, Pa.	Watson
Gerry	McKellar	Sheppard	Weller
Glass	McKinley	Smoot	
Gooding	McNary	Spencer	
Harris	Moses	Stanley	

The VICE PRESIDENT. Sixty-five Senators have answered to their names. A quorum is present.

Mr. JONES of Washington. Mr. President, I desire to submit some remarks with reference to the shipping bill, which is the unfinished business. In the interest of time, I have reduced to writing what I have to say; but, before proceeding, I want to ask unanimous consent that when the Senate closes its business to-day it recess until 11 o'clock to-morrow. In that connection I will say that I shall be willing to-morrow to have an adjournment taken until 11 o'clock Monday. That will give a morning hour on Monday. After that I expect to press the bill just as urgently as possible.

The VICE PRESIDENT. Is there objection?

Mr. FLETCHER. Mr. President, I am inclined to think that the request is reasonable, and I make no objection to it so far as I am concerned

The VICE PRESIDENT. Without objection, it is so ordered.

ROBERT GUY ROBINSON.

Mr. TOWNSEND. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Michigan?

Mr. JONES of Washington. I do.

Mr. TOWNSEND. This morning the Committee on Naval Affairs reported a bill which passed the House unanimously, and which received the unanimous approval of the Committee on Naval Affairs, but, at the suggestion of the junior Senator from Utah [Mr. KING], who wanted to proceed with his speech, I did not ask unanimous consent for its consideration at that time. I now ask unanimous consent for the present consideration of that bill, which is House bill 11389.

Mr. JONES of Washington. With the understanding that it will take no time, I yield for that purpose.

Mr. POINDEXTER. Mr. President, may I ask the Senator from Michigan what the subject matter of the bill is?

Mr. TOWNSEND. It is a bill for the retirement of Robert Guy Robinson under the act of July 12, 1921, he not having known of the limitation that he must make his application before October 1, 1921, he having been wounded 21 times in the war abroad, and carrying to-day two bullets in his body, and the Secretary of the Navy having recommended that this action be taken.

Mr. POINDEXTER. This bill permits him to make application to the Veterans' Bureau for such compensation as is provided by law, does it?

Mr. TOWNSEND. No; it simply entitles him to retirement to the inactive list of the Navy under the act of July 12, 1921.

The VICE PRESIDENT. For the information of the Senate the bill will be read.

The reading clerk read the bill (H. R. 11389) for the relief of Robert Guy Robinson, as follows:

Be it enacted, etc., That so much of section 6 of the Naval appropriation act approved July 12, 1921, as provided that the application for retirement of officers of the Naval Reserve Force and temporary officers of the Navy who have heretofore incurred, or who may hereafter incur, physical disability in line of duty in time of war shall be filed with the Secretary of the Navy not later than October 1, 1921, be, and hereby is, waived in the case of Second Lieut. (provisional) Robert Guy Robinson, Marine Corps Reserve, inactive, and his case is hereby authorized to be considered and acted upon under the remaining provisions of said section if his application for retirement is filed not later than 60 days from the approval of this act.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

Mr. LENROOT. Mr. President, the Senator from Vermont [Mr. PAGE] is not here. Does the Senator know whether any other cases similar to this have come in?

Mr. TOWNSEND. I do not know of one.

Mr. LENROOT. Does the Senator know that there are none?

Mr. TOWNSEND. I do not know that. I am satisfied that practically everybody knew of the act of Congress, and took advantage of it. This man did not know of it. He was in a hospital in Michigan, and knew nothing about it until after the 1st of October, when he could not make his application.

Mr. LENROOT. Was he in the hospital during the entire time?

Mr. TOWNSEND. Practically all of the time. The Secretary of the Navy recommends the passage of this bill with the amendment which he suggests, and which was adopted by the House.

Mr. LENROOT. I shall not object, Mr. President; but I do not want it said hereafter that here is a precedent for lowering the statute which was deliberately enacted.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. WALSH of Massachusetts. Mr. President, I should like to ask why there was not some general legislation dealing with this subject.

Mr. TOWNSEND. I do not know of another case where advantage was not taken of the statute.

Mr. WALSH of Massachusetts. I know of four reserve officers in the Navy who have been injured since October 1, between October 1 and July 1, when all reserve officers were put on the inactive list; and it seems to me that this legislation ought to provide the same status for them as for those who were injured prior to October 1.

Mr. TOWNSEND. It is my understanding that this matter was discussed before the Committee on Naval Affairs of the House and that they knew of no other case presented, and there is not a person who is familiar with the case, not excepting the Secretary of the Navy, who does not sympathize with this particular measure.

Mr. WALSH of Massachusetts. I do not want the Senator to think I am opposing the bill now under discussion, but I want to call attention, now that it is under consideration, to the fact that there is general legislation pending before the Committee on Naval Affairs to take care of the reserve officers who have been seriously injured since October 1, and who ought to have the same rights which men have who were injured September 30. I hope there will be some action taken upon that bill before Congress adjourns. I do not mean to object to the bill presented by the Senator from Michigan.

Mr. POINDEXTER. The limitation to which the Senator from Massachusetts refers, October 1, was the date at or before which they were required to make their application. That was not the time within which the injuries must have been incurred, but the time within which application must have been made. The disability must have been incurred in the service in time of war.

Mr. WALSH of Massachusetts. But is it not a fact that those reserve officers who met with disability after October 1 are debarred from the general benefits of the law?

Mr. POINDEXTER. Those who met with disability before October 1 are also barred unless the disability occurred during war service and was of service origin.

Mr. WALSH of Massachusetts. But if they met with disability on September 30 and made application by October 1, they could take advantage of this law?

Mr. POINDEXTER. No. It depended altogether on whether they were still in the service, and as to whether or not the disability was of service origin in time of war.

Mr. WALSH of Massachusetts. I am referring only to those in the service. The Senator remembers that reserve officers did in fact remain in the service until July 1 last, but there was no provision made to take care of those who were disabled while in the service after October 1.

Mr. POINDEXTER. That is true. In the case of temporary officers there was a distinction made between injuries incurred in time of war and those occurring in time of peace.

The VICE PRESIDENT. Is there objection to the consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE MERCHANT MARINE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes.

Mr. JONES of Washington. Mr. President, complaint has been made on the outside by those who did not understand the situation because the shipping bill has been laid aside so often and so long. We have been twitted on this floor because we have laid the bill aside from time to time by those who do understand the situation and who know why it has been done.

There is a strong desire in Congress for a vacation. Members do need a rest. Mentally and physically many of them are worn out. Working day after day from early morning till late

at night, as many of them have been doing, without a vacation for years, it is no wonder that they are worn out. No man will know how many years have been taken from his life, but we are sure that many men have had their lives shortened by their work here. The country will be a little more satisfied if Congress appears to be getting on a more normal basis, and that will be a benefit to everybody and to every business.

The only sure way to avoid an extra session was to pass the appropriation bills. While I knew the situation that confronted us, I would have taken a different course if I could have had my way. I believed, and I still believe, that we could have taken up the shipping bill and passed it and then passed the rural-credits legislation and the appropriation bills. I urged this course, but it was not deemed wise. It was insisted that appropriation bills should be passed as they were reported. I yielded, and for this reason have laid aside the shipping bill from time to time.

These bills have passed the Senate. While much talk could just as well have been left unsaid no one can complain. These bills, taken as a whole, have been passed with unusual speed. We are now ready to proceed with the shipping bill. It will not be laid aside for other measures except by a vote of the Senate. We will pass it or we will reject it as the majority shall determine. There are other important measures that should be passed and that I want to see passed. Among them are the debt adjustment bill, the truth in fabrics bill, the filled milk bill, the flood control bill, the reclassification bill, and others. I am in favor of all of them. There is time to consider and pass all of them in regular order. We may have to give long hours to their consideration for the next three weeks, but if we will use the time wisely they will all be brought to a vote after due consideration.

Every Senator will take the course he deems best. I shall question the honesty and sincerity of no man. I accord to each one what I ask for myself and shall do all I can to bring this bill to a vote, taking such means to meet the opposition as may appear to be proper, wise, and necessary.

This bill is opposed because it is said to embody a policy rejected over and over again by Congress. Grant it. That may have been wise then, it is unwise now. Conditions are wholly different. Never before has Congress been confronted with the problem of doing something to get a substantial sum out of a $3,000,000,000 war investment and to put ships already built into active operation. To my mind there is far more justification for this legislation than there would be if we had no ships. Before the war the failure to provide a subsidy could not affect the value of our ships because we had none. Now it may do so, because we have the ships and we want to sell them. This bill will aid in securing a permanent merchant marine and also help us to sell our ships at a better price than we can otherwise do.

It is said that this aid is not given to build ships but that we propose to give our ships away and then pay men to run them. Not at all. We can not give our ships away now on the condition that they be operated. We hope to make it worth while to buy our ships at a fair price and then to operate them. Its main purpose is to enable those who purchase ships to operate them and to replace them as they wear out with new ships and to build up-to-date ships so as to give us a permanent, well-balanced fleet. If it does this, it will be a great success. If not our ships will waste away and we will soon have no ships, much less a merchant marine.

The able Senator from Florida [Mr. FLETCHER] opposes the provision in the bill giving the board the power to sell the ships on the terms it may prescribe because he says it has that power now. I agree that it has this power under the act of 1920, and so no harm is done by this provision. In addition to this the board is allowed to control the use of the ships if it deems it wise to do so through the terms of sale. This is a wise provision. If ships are suitable for a certain trade, it is well to require such ships to be used in that trade if we want it developed.

It is said that our ships can be bought at $30 a ton, and that this puts our capital cost even with that of the ships of other flags. Our ships have been offered at $30 a ton, but they have not been sold. Why? Either that they are not suitable for the routes to be served or that our people do not feel that they can run them under normal conditions in competition with their rivals. This fact alone shows the need of this or some similar aid.

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Montana?

Mr. JONES of Washington. I yield.

Mr. WALSH of Montana. Will the Senator kindly tell us what character of ships are being offered at $30 a ton?

Mr. JONES of Washington. Our average steel ships have been offered at $30 a ton, taking them generally.

Mr. WALSH of Montana. Does the Senator contemplate that under this bill, if it becomes an act, the general run of them will be sold at about that figure?

Mr. JONES of Washington. I hope they will be sold at least for that. I hope they will be sold for more, but I do not know.

Mr. WALSH of Montana. But what does the Senator expect? I hope they will be sold for $500 a ton.

Mr. JONES of Washington. I wish they could be, but I do not expect it. I have figures here showing that in England ships are being built, especially adapted for special routes, at $40 a ton. If that is true, we can not hope to sell ships that are 4 or 5 years old for more than $30 a ton, and I doubt if we can sell them for $30 a ton.

Mr. WALSH of Montana. What was the average cost per ton?

Mr. JONES of Washington. The average cost was possibly $185 a ton. It was a war proposition. They were built during the war.

Mr. WALSH of Montana. The Senator says ships are now being built for $40 a ton?

Mr. JONES of Washington. They are now being built at $40 a ton in England for special routes.

Mr. WALSH of Montana. I recall the estimate made when the shipping bill of 1915 was under consideration by the Congress, which, by the way, was defeated by a filibuster, it will be remembered, terminating the session of 1915, in which the distinguished President of the United States, then a Senator from Ohio, participated. It was then represented that about $100 was the cost of construction; and I recall that those opposing that particular shipping bill insisted that under the then existing condition, in view of the price of labor and that kind of thing, they could not be built for less than $125, and that $150 was more nearly what they probably would cost.

Mr. JONES of Washington. Even granting that to be true—and I have no recollection about it——

Mr. WALSH of Montana. I was wondering how it could be possible to construct ships now on a basis of $40 a ton in view of the fact that the then proponents of the bill contended that the ships would cost $100 a ton, and the opponents of the measure were then insisting that they would cost anywhere from $125 to $150 a ton.

Mr. JONES of Washington. Mr. President, I am not going to solve or try to solve past problems. I am looking at the present and the future. It is a fact that ships suitable for special trade are now being built in England at $40 a ton. When ships are being built abroad now for as low as $40 a ton good shipping men are not likely to pay $30 a ton for ships 4 or 5 years old that have been laid up when they can get ships new and specially built for $40 a ton.

The skill of our labor in the shipyards during the war is cited as proof that we can compete in the building of ships. We may have done it then. Our yards were crowded with work. Special effort was made to turn out work quickly. Not so now. Our yards are closed. Labor is disbanded, and unless we put our shipping on a permanent basis we will have no shipyards. What more conclusive proof of cheaper construction in alien yards can be had than the fact that our people are having ships built in them? They are doing it as the minority report says. They are not doing it for charity's sake, and they are not throwing their money away. They are no doubt following the Democratic policy of getting their ships in the cheapest market.

I agree with Senators that Americans ought to favor American ships and American shipyards. We ought to ride in American ships without the compulsion of law even if the service may not be so good. We ought to have ships built in American yards even if they cost a little more. But human nature is all the same—we will buy if we may where our money will go the farthest. If we have a permanent merchant marine, our shipyards will become efficient, our labor skilled, and we will be able to build as cheaply as anyone, and we will not need to continue this aid. I join most earnestly in urging cooperation among our people on behalf of a merchant marine. I have urged time and again the will to have an American merchant marine. This is well, but our people need the hope of profit to induce them to put their money in an enterprise of any kind. We seek to give that hope in this bill. If we succeed, cooperation will come; the will to do will animate our people, and we will attain our end.

The fact that we had the ships to carry coal from England to this country when the coal strike was on is cited to prove how emergencies like this can be met with the Government ships. Instead of being an argument against this bill it is an argument for it. It was a fortunate thing that we had the ships. Otherwise the rates would have been much higher, and very likely would have been paid to aliens. What do those opposed to this bill propose to do to guard against such a condition in the future? Nothing. The ships we have will not last forever. Idle, they will be useless in a few years. They propose nothing to replace them. The main purpose of this bill is to cause them to be so used that without additional expense to the Government they will be replaced and a permanent supply of ships made available for just such emergencies as well as for the ordinary demands of trade.

Complaint is made that there is no power to control the rates our ships will charge for carrying our products. Those who framed the shipping act of 1916 did not deem it wise to give any governmental body the power to fix the rates on overseas ships. They felt that the competition of foreign ships would be ample and that it would be dangerous to control the rates of our ships when we could not adequately control the rates of our competitors. This was wise then and it is wise now. No policy could be followed that would so deter our people from going into shipping as this. We do protect the Government in this bill without taking away the incentive to efficient and economical handling of the ships. We let the shipowner have the profits on his ships up to 10 per cent in any one year, but if the profits exceed that he must pay into the Treasury one-half of all above that amount up to the amount of his compensation. This is a reasonable assurance, too, that if the shipping business improves very much, practically all of the $30,000,000 will be paid back. If it be contended that private shipping will make large profits, then it must be granted that the subsidy will be repaid. If the emergency comes and big profits are made, the Government will get its money back, and then there is nothing in this bill to prevent our regulating the rates. We can do that hereafter if we deem it wiser to do so. Let us get our shipping before we begin to regulate it. This is true, however: Our ships can charge no more than their competitors, and the more we have running the lower the rates are likely to be.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER (Mr. LADD in the chair). Does the Senator from Washington yield to the Senator from Ohio?

Mr. JONES of Washington. I yield.

Mr. POMERENE. The Senator referred to the fact that after earning 10 per cent there can be a refund. Of course under the provisions of the bill that only applies to each fiscal year; that is to say, if a shipping company were to earn even 30 per cent on its capitalization during a given year, only one-third of that would be refunded to the Government. The surplus over and above 10 per cent for that year could not be applied toward the repayment of a subsidy which had been paid in a previous year. Am I right about that?

Mr. JONES of Washington. The Senator is right; but it is also true that if the company earned, say, only 4 per cent, it would get no credit for the amount over 10 per cent that it may have earned the preceding year.

In connection with the matter of rates, the fact was brought out a few days ago by the able junior Senator from Iowa [Mr. BROOKHART] that our farmers are now getting a rate of about $2 a ton for the transportation of their wheat. That is true, but how does that compare with the pre-war rates when we had no shipping? It is about one-half what our farmers had to pay then. Why is it that it is $2 now? It is because we have the ships. If we get rid of the ships, if they are not replaced, if they are not kept going by the Government or in some other way, when they are gone the rates will go up; in other words, they would get all the traffic would bear. I think our people sometimes overlook the main purpose of the bill, and that is that it will enable us to maintain our shipping, and when ships wear out it will enable private capital to replace them.

Mr. BROOKHART. Mr. President——

Mr. JONES of Washington. I yield to the Senator from Iowa.

Mr. BROOKHART. With reference to the rate proposition, there is no provision in the bill for regulating rates. If we turn over the ships to private parties, any combination after that with reference to rates would stand. As long as we keep the ships with the Government we can have the dominating influence on rates.

Mr. JONES of Washington. After we get the ships in private hands and get an ample supply of shipping, we can regulate the rates on our ships if we then deem it wise to do so. But we would find it a mighty difficult thing to regulate and let the foreign competitors go unregulated. It would be a mighty difficult thing to regulate them. But grant that they need regulation, let us get the shipping first.

Now, of course, the Senator from Iowa is going to urge continued and perpetual Government ownership and operation. That is all right. We will have ships then to lower the rates. But we are not finding that the rates on the Government ships are lower than competitive rates. I did not intend to argue, and I am not going to argue, the proposition of Government ownership; but it is true that that action can drive every private shipowner out of business. There is no question of that. If we put the United States Treasury and the wealth of the people of the country behind ships, we could maintain them, no matter what it would cost, and we could drive every private ship owner and operator out of business. But unless we do that, we will not get lower rates. If we maintain the Government ships at the same rates as private parties, then they will probably compete with the Government ships and cause us to run the ships at a loss. In order to get the business we would have to put the rates down and drive private companies out of business.

In my judgment, if we would put the Treasury of the United States and the wealth of the people behind our shipping, we could drive the merchant marine of England off the sea, but where would we be as to transportation facilities, and what would be the cost? I do not know; but the cost, in my judgment, would be simply staggering. However, I am not going to argue that proposition with the Senator from Iowa. If he believes in Government ownership and Government operation being continued, that is very well. I was rather inclined to that view five or six years ago with reference to our railroads, but the more I have been brought in touch with Government agencies trying to transact commercial business the more I have had those ideas driven out of my system.

Mr. BROOKHART. Mr. President, will the Senator yield further?

Mr. JONES of Washington. I yield to the Senator, if he would like to ask me a question.

Mr. BROOKHART. From the Senator's suggestion it would seem that the bill is designed, first, to protect the private shipping of the United States——

Mr. JONES of Washington. Oh, no; not at all. The Senator certainly can not draw that conclusion from my remarks. The purpose of the bill, and I will state it frankly to the Senator, is to get our shipping upon the best possible terms into private ownership and private operation. That is declared to be the policy of the United States and was so declared by Congress in the act of 1920, which has been referred to very often. If the Senator does not agree with that policy, quite well and good.

Mr. BROOKHART. The Senator injected the question of the railroads and spoke about Government management.

Mr. JONES of Washington. No; I have not. I do not yield to the Senator to take up that matter. I do not wish to be discourteous, but I do not want to take up the time of the Senate on that question.

Mr. BROOKHART. May I make just one suggestion? The expenses increased over $1,400,000,000 on the railroads the first year after they were turned back to private hands.

Mr. JONES of Washington. I am not going to discuss that matter with the Senator.

Mr. HITCHCOCK. I understand, then, the Senator concedes that under Government ownership we are in a better position to compete with the world in shipping than if the vessels were in private ownership?

Mr. JONES of Washington. No; not at all.

Mr. HITCHCOCK. The Senator stated there was no doubt that under Government ownership we could drive the whole merchant marine of Great Britain off the seas.

Mr. JONES of Washington. The Senator has left out a little of what I said. I said if we put the Treasury of the United States behind those ships and all the wealth of the country behind them, we could do it.

Mr. HITCHCOCK. It would be behind under Government ownership, would it not?

Mr. JONES of Washington. I suppose it would as long as the people would consent, but I do not think they would stand for it very long.

Mr. HITCHCOCK. Does the Senator understand by that that under Government ownership the competition could be made more effective than under private ownership?

Mr. JONES of Washington. No; it could be made more destructive.

Mr. HITCHCOCK. It would be more effective if more destructive.

Mr. JONES of Washington. To crush private enterprise and private shipping would be the very worst possible condition that could come to the world.

Mr. HITCHCOCK. There is no need to carry it to that extent.

Mr. JONES of Washington. I think that is where it would have to go if we maintained Government ownership and operation.

Mr. HITCHCOCK. The Senator practically concedes also that as far as regulation of the railroads is concerned, it is hardly feasible under private control and it is feasible entirely under Government control.

Mr. JONES of Washington. No, it is not; it is destructive.

Mr. HITCHCOCK. The Senator made the statement that there were difficulties in the way of Government regulation of freight rates under private control.

Mr. JONES of Washington. Why, certainly.

Mr. HITCHCOCK. But there is no such danger under Government control.

Mr. JONES of Washington. The danger under Government control is that we do not regulate; we destroy.

Mr. HITCHCOCK. We can regulate.

Mr. JONES of Washington. No; we can not.

Mr. HITCHCOCK. We could regulate without the Shipping Board.

Mr. JONES of Washington. If we give cheaper rates and the proposition our friends urge is that under Government ownership and operation there would be cheaper rates. That would not be the case unless we put the rates lower than private parties had them, and when we did that we would drive them out of business. They can not maintain themselves upon rates that we can force by Government ownership and operation.

Now, I am not going to discuss Government ownership and operation. If the Senator believes in that, I have no quarrel with him.

Mr. HITCHCOCK. But that is the issue.

Mr. JONES of Washington. But I am not going to argue it. I have had that knocked out of me by actual experience and observation.

Mr. HITCHCOCK. Is not that the issue in this contest?

Mr. JONES of Washington. It looks like that is where it comes to.

Mr. HITCHCOCK. It is absolutely the issue.

Mr. JONES of Washington. Very well. I am glad to have the Senator say that those who oppose the bill favor Government ownership and operation as a permanent policy. The minority in the House of Representatives were very careful to declare in their report that they do not favor Government ownership and operation. I am glad to have the Senator openly avow that that is the policy and the position of the Senators in this body who oppose the bill.

Mr. HITCHCOCK. I will say to the Senator that without that policy we would not have had a merchant marine, and without that policy we would not have been able to put the freight rates down so that the farmers would get some benefit from them.

Mr. JONES of Washington. We did not do what we have done because we were in favor of it. We did it because we had to do it under the pressure of war needs and war requirements. Of course, every Senator knows that.

Mr. POINDEXTER. Does my colleague have in mind what it has cost the United States to conduct this experiment of Government construction and Government ownership and operation?

Mr. JONES of Washington. Oh, something over three billion of dollars, but that seems to be considered a very small sum.

Mr. HITCHCOCK. Having suffered that loss as a war proposition, is there any reason why we should throw it away and turn it over to private interests and give them a subsidy besides?

Mr. JONES of Washington. Does the Senator think that it is throwing it away if we can sell our ships to private interests and get them to operate the ships in such a way as to replace them and carry out the replacement?

Mr. HITCHCOCK. I think the bill is practically throwing away this great merchant marine and paying those to whom we give it to operate the ships.

Mr. JONES of Washington. The Senator can find nothing in the bill which warrants any assertion of that sort unless he believes that the commission which we have will simply throw the ships away. The Senator, as I said awhile ago, could not give these ships away to-day upon the condition that they must be run and operated.

Mr. HITCHCOCK. And yet this time is selected in which to offer them to the public, at a time when they will sell for the very least, perhaps.

Mr. JONES of Washington. It is not because of the time; it is because of the conditions that confront our people for the future. It is because the people of the country who are acquainted with shipping know that even if they had these ships given to them upon the condition that they must run them and operate them they could not do it in competition with the ships of the world under the conditions which our laws impose upon them for the operation of the ships.

Mr. HITCHCOCK. But our Government can do exactly that thing and is doing it now.

Mr. JONES of Washington. I am going to allow the Senator to argue that matter in his own time. I am perfectly willing to yield for a question, but the Senator would have the same opinion when we got through that he has now, and I would have the same opinion, and we would probably be a little stronger in it when we got through.

It is urged that trade is quiet, that ships are tied up all over the world, that what we want is cargoes, and that this aid will not bring cargoes to the ships. It may not, but it will take American ships to the cargoes, and that is what we want to do. Our trade to-day is being carried more and more in alien ships, while our ships lie idle. It may be said that this ought not to be, but that does not alter the fact. This must be because of inequality of some kind, and that is what we seek to overcome in this bill. If we can get our people to use our ships to carry our cargoes, it will not be long until they can hold their own with the world. Ten or fifteen years is not long in the life of the Nation; it is not a long time to establish and put in operation a merchant marine, but we believe it will do it.

It is said that the board is not taking care of the tramp ship and that this bill favors the liner. The board is taking care of routes established under section 7 of the act of 1920, a section considered of special importance to our smaller ports. Under that section concentration of shipping lines at a few ports is prevented. Our southern friends have always been most zealous in behalf of those lines and make no complaint against the subsidy of $50,000,000 we are now paying to keep them going. They want it continued by the Government. We who support this bill want those routes kept going, but we want it done by private enterprise at far less cost and in a way to insure their permanency. Those who oppose the bill propose no way to keep those routes going when the ships are worn out, as they soon will be.

Of course, that statement is hardly correct in view of the declared attitude of the Senator from Nebraska. The Senator from Nebraska would propose, I have no doubt, that we appropriate $50,000,000, $75,000,000, or $100,000,000 a year for the building of new ships to take the place of those which become worn out or to supply the needs that may develop with reference to our commerce; but Congress has specifically declared against and prohibited the building of any new ships, and we shall have to overturn that policy before we can accomplish much along that line.

We do care for the tramp service under this bill, and proportionately we give such ships greater compensation than we give the liners. While the tramp ship is an important part of a merchant marine, commerce and trade are expanded more in these modern days by fleet ships and regular sailings on definite routes. Shipping men tell me that is the case.

I was very much surprised at this—the statement—for I recalled when we were considering shipping measures before the World War it was stated that tramp ships carried from 60 to 75 per cent of the world's trade, and I had supposed that that condition had continued, but in talking with shipping men was informed otherwise. I wish to say that one of those men was the man of whom the minority speaks so highly and to whom they propose to turn over our shipping. I refer to Mr. Rossbottom. His judgment in this matter ought to be accepted, I should say.

Shipping men tell me—and Mr. Rossbottom was one of them—that conditions are entirely different now from what they were before the war. Then from 60 to 75 per cent of the world's commerce was done by the tramp, while now it is done by the liner.

It is said that a ship subsidy never built up a permanent merchant marine. True enough; but it is also true—and this must not be forgotten—that no extensive merchant marine has ever been created or maintained without government aid, direct or indirect.

The MO–4 contracts are denounced. Chairman Lasker's denunciation is quoted with glee, but no one is fair enough to tell why Mr. Lasker did not do away with them.

Mr. POMERENE. Mr. President, may I ask the Senator from Washington a question?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Ohio?

Mr. JONES of Washington. I yield.

Mr. POMERENE. The Senator makes a pretty broad statement when he says that no merchant marine was ever maintained without government aid. Does the Senator, when he uses that expression, mean aid out of the treasury of the government?

Mr. JONES of Washington. I said "direct or indirect."

Mr. POMERENE. Beginning with the law of 1781, when our Government adopted the policy of preferential tariff rates for goods which came in American bottoms——

Mr. JONES of Washington. I had that in mind. That was indirect aid.

Mr. POMERENE. That was not indirect aid out of the Treasury.

Mr. JONES of Washington. I did not mention the Treasury. The Senator from Ohio will not have any controversy with me over discriminating duties.

Mr. POMERENE. No; because I think the Senator and I are practically in agreement as to what ought to be done in this matter. I think we should have found more satisfaction if the Government had followed out the policy contained in the merchant marine act of 1920 upon which the Senator from Washington devoted so much very efficient work.

Mr. JONES of Washington. I feel that way, but, of course, I may be mistaken. I have studied over that proposition a great deal, and I sometimes think that probably I studied over it so long that I may have gotten into a rut and that I may be mistaken.

Mr. POMERENE. I am quite willing to join hands with the Senator from Washington along the line of that legislation.

Mr. JONES of Washington. Mr. Lasker denounced the MO–4 contracts in unmeasured terms, but when he came to deal with the problem in actual practice he found he could not get our ships run any other way. No one would take them on any other contract. He had to run them in that way or not at all. The board deems it for the best interest of the people to keep about 400 ships running on 80 or more routes even under those contracts than to close the routes and turn the trade over to foreigners. I believe they have acted wisely; others may not think so. This bill will aid in getting rid of those contracts, avoid much of the $50,000,000 we are paying out, and will maintain the service. How would our friends get rid of those contracts? By tying up the ships and losing the trade. Perhaps that might be wise but it would not create a merchant marine, establish trade, or expand commerce. It is also true that much of the graft and viciousness of the MO–4 contracts have been eliminated by the efficient methods of accounting and supervision of the board.

What do my friend from Florida and my friend from Wisconsin propose to do with our ships? They would tie them up with all the attendant loss of business and damage by deterioration or turn them over to the Panama Steamship Co. and Mr. Rossbottom. Then we would have real Government operation that would be a success, so they say. Why? Because they say those are Government agencies that have operated ships successfully. I do not want to disparage those agencies, but there are some facts the people should be told that they probably do not know. One is that the great reason for whatever success has attended the Panama Steamship Co.'s operation is that it has a monopoly of the Government business to and from the Panama Canal, and, above all, it has been run in conjunction with and as a feeder to the Panama Railroad and wholly without Government interference; in other words, as and like a private enterprise.

For the year ending June 30, 1921, the Panama Railroad Steamship Co. had a deficit or loss of $700,810.27, and for the year ending June 30, 1922, the deficit or loss was $587,332.45. These facts appear in the annual report of the company itself, so there can be no controversy over them.

What of the United States Lines? Much is attempted to be made of the testimony of Mr. Rossbottom and of the profits made by certain individual ships. Mr. Rossbottom stated the real situation of the United States Lines in a letter to Mr. Lasker in which he said:

> It must be borne in mind that the results of the present operation of the United States Lines would show a loss if items of insurance, depreciation, and interest were charged against operating income. This situation would be aggravated if the anticipated reduction in passenger rates takes place.
>
> We can not impress upon you too forcibly the necessity for the enactment of the "alien" provision in the shipping bill in order to accomplish the purpose of the Shipping Board to have a privately owned, permanent merchant marine established and in successful operation upon the north Atlantic.
>
> Unless that or some equivalent method is adopted the steamers at present being operated by the United States Lines must continue to be run by the Shipping Board, with a probable drain on the Treasury until the vessels become obsolete, when the United States Lines will automatically retire from the north Atlantic passenger trade, leaving that service to be maintained by the steamships of foreign registry.

That will happen unless we adopt a permanent Government ownership and operation policy under which we will proceed with Government construction of ships.

Mr. Rossbottom says he has two of the 535 ships, and that they will not last in the North Atlantic service more than 10 years. Why? Because they are not physically fitted for that route, but that they are much better fitted for the Pacific trade. This is one illustration of the inefficiency of Government operation. If privately owned, those ships would be used where they would be most suitable and where they would last the longest. He has two slow German ships which are not suitable for that route, but there are no suitable ships to take their place. There are two large German ships that can be reconditioned, but it will cost from $3,500,000 to $4,000,000 to recondition each one. With about $1,000,000 more a new, up-to-date ship could be built. The Shipping Board, under the law, can spend $4,000,000 to recondition each of these ships, but it can not take $5,000,000 and build a new ship. That is Government efficiency, Government operation. If we were to put $8,000,000 in reconditioning those two ships they would probably be worn out before we got our money back, while if the board could expend $10,000,000 we could secure two good, first-class ships that would last 20 or 30 years. We could probably take $10,000,000 and build four high-class, up-to-date combination freight and passenger ships that would last from 20 to 30 years.

This is another illustration of Government waste and inefficiency. Mr. Rossbottom tells me that if he had five ships like the *George Washington* they would all pay. It would cost $25,000,000 or $30,000,000 to get them. If we are to continue Government ownership and operation, are we going to appropriate the money to build the ships? If we do not, the very thing Mr. Rossbottom says will happen will come to pass—the vessels of the United States Lines will become obsolete and that line "will automatically retire from the North Atlantic passenger trade, leaving that service to be continued by steamships of foreign registry." He tells me that ships of superior speed and of about 25,000 tons capacity are now being built to go into this trade by Great Britain. I have no doubt that they are so certain of our division and lack of support of our merchant marine that they feel confident they will have no trouble in getting this trade.

Suppose we turn our ships over to these agencies. What would they do with them? They do not need them on the routes they are operating. They would have to tie them up or find or create some agency to run them somewhere else. That would mean a new organization, more demoralization, and we would be right where we are now, only probably worse off.

Grant that we decide that our ships shall be run by the Government, even though the people make good a deficit of $50,000,000 or more each year and get no lower rates than private ships give; there is a very serious phase that must be cared for, but those who oppose this bill offer nothing to meet it. With the ships running, they will be good only for 10 or 15 years; tied up they will be useless in much less time. What do you propose to do to meet this situation? There is only one of two courses to take; either we will do nothing to replace them or the Government will have to tax the people hundreds of millions of dollars to carry out a building program. Do you dare propose that now?

The Senator from Nebraska has very frankly told the people by his declaration here this afternoon, which is the first straightout, square, unequivocal declaration I have heard, that those who oppose this bill propose that the Government shall again go into the building of ships in order to maintain permanently Government ownership and operation.

Mr. POMERENE. Mr. President, if the Senator will pardon an interruption, I can not allow the Senator to make that declaration applicable to me. I am against Government ownership, and that attitude can not be expressed too strongly, but I am of the opinion that if the plan which was evidently in the mind of the committee when the act of 1920 was adopted had been carried into effect we could have gotten rid of Government ownership in that way just as well as under the present proposed plan.

Mr. JONES of Washington. Much better, I think, I will say to the Senator.

Mr. POMERENE. And we would have done it with very much less expense to the Government than it can be done under the proposed plan now.

Mr. JONES of Washington. I agree with the Senator as to that.

Mr. POMERENE. And if we can judge by the history of the shipping in the early part of the last century and the latter part of the eighteenth century, that plan would be a success; but it has not been shown, I submit, in the course of debate, that the present plan, if put into effect, will be a success.

Mr. JONES of Washington. Mr. President, right there let me say that I do not suppose anybody can actually demonstrate that this plan will be a success. It may be and it may not be; but I want to call the Senator's attention to this fact, which it seems to me can not be controverted:

If this plan fails to build up an American merchant marine we do not lose anything, because we will not pay out this $30,000,000 unless we have ships purchased or built and operated. According to the testimony of the experts—I can not say myself—the way they figure it out, they say that if this plan costs us $30,000,000 a year we will have 7,500,000 tons of shipping under the American flag, and they estimate that that amount of shipping is sufficient to carry at least 50 per cent of our foreign commerce. So, Mr. President, it seems to me that there can be no question but that if this bill does what we think it will do—we can not demonstrate it except by trial—it is well worth the $30,000,000 that we will expend. I will say frankly that the experts estimate that about $4,000,000 of this money will go to private shipping now running. That is true; but the balance will have to go to new ships or new ownerships.

Mr. POMERENE. Mr. President, was not the Senator of opinion when the act of 1920 was passed that if that act was passed we would have at least 7,500,000 tons of American shipping?

Mr. JONES of Washington. The Senator will get into no controversy with me over the act of 1920. The trouble is that I see no chance of getting that—none at all—and so, if I can not get that, I am willing to take the next best thing. I want an American merchant marine so badly that if I can not get what I think we ought to have, or what I want, I will take the next best thing that offers any promise of getting it. I know the Senator's views.

Mr. POMERENE. Mr. President, the Senator is appealing to the Senate now to adopt this plan because the experts say that if we have this plan we will have at least 7,500,000 tons of American shipping.

Mr. JONES of Washington. That is not exactly the reason why I appeal to the Senate to vote for it.

Mr. POMERENE. Well, that is one of them.

Mr. JONES of Washington. That is one of the justifications.

Mr. POMERENE. Yes; and I do not lose sight of the fact that many of the men who are now urging this plan have insisted all the while that the plan which the Senator had in mind when the act of 1920 was before the Senate was the more feasible plan of the two.

Mr. JONES of Washington. I want to say to the Senator that many of the men who are urging this plan were opposed to the plan of 1920.

Mr. POMERENE. That is possibly true; but the fact nevertheless remains that some of the men who are on the Shipping Board now and are insisting upon this plan are on record as having said that the other was the better plan.

Mr. JONES of Washington. Oh, yes. I want to say to the Senator, and I think the Senate ought to know it, that Mr. Lasker, the chairman of the Shipping Board, I think with all the Shipping Board behind him, urged President Harding to put into force section 34; but President Wilson did not do so, and President Harding has not done so.

Mr. POMERENE. Then it resolves itself into this: President Wilson, who approved the act of 1920 under which he was directed by the Congress of the United States to serve notice upon the governments of the other countries that we were about to rescind the different treaties and conventions which interfered with preferential freight rates, failed to act, no doubt for reasons that were sufficient to him, and President Harding felt like following in the footsteps of President Wilson; and because the two Executives differ from the Congress of the United States it is now suggested that the Congress of the United States shall surrender without an attempt being made to carry out the plan that the Congress had in mind.

Mr. POINDEXTER. Mr. President, will my colleague allow me to ask a question of the Senator from Ohio?

Mr. JONES of Washington. Yes; although I must say that I do not want to get up an argument on matters that I am not touching on. I will yield to the Senator to ask the question.

Mr. POINDEXTER. Just one question. I am in entire accord with the Senator from Ohio as to the desirability of putting into effect the provisions in regard to preferential tariffs in behalf of American shipping that were contained in both the Republican and the Democratic tariff bills; but I should like to ask the Senator from Ohio what is the difference in principle between remitting 10 cents on the dollar of tariff dues upon goods imported in American ships as one plan, and, on the other hand, collecting the 10 cents, putting it into the Treasury, and then taking it out again and giving it back to the owners of the ships?

Mr. POMERENE. Mr. President, there is all the difference in the world.

Mr. POINDEXTER. Then there is just one further aspect of the same question. I urged, with all of the force that I was capable of bringing to bear upon the question, that American ships should have the preference and privilege and benefit of going through the Panama Canal without paying toll, because I regarded it as an American canal, built for American benefit; and I believe that if the two provisions—preferential duties and free use of the Panama Canal—had been given to American shipping it is very likely that we would not have needed any other aid to American shipping. I must say, however, that I am not convinced as to the difference in principle fundamentally between giving such privileges and preferences as those and the plan of paying a so-called subsidy.

Mr. POMERENE. Mr. President——

Mr. JONES of Washington. I hope the Senator will wait just a moment.

Mr. POMERENE. Very well.

Mr. JONES of Washington. I have an answer to the question of my colleague.

I want to say, Mr. President, that the plan that I had in mind would not have cost the Treasury of the United States a single penny, because what I proposed was to put a higher duty than the normal, regular duty upon goods brought into this country in foreign ships. If they came in American ships they would bear the ordinary, basic duty and it would not cost the Government a penny. If they came in foreign ships, then the duty would be 10 per cent higher, and, instead of costing the Treasury anything, it would put money into the Treasury. That plan was not followed, however, and there is no hope of getting it now, and I do not desire, at this time at any rate, to go into a discussion of that matter. I have very clear views on the subject. They are just in accord with those of my friend from Ohio. I have no doubt he is going to make a speech on that proposition, and I want to hear it, too; but I hope he will not take the time to discuss that matter now.

Mr. POMERENE. Will the Senator pardon me? A question was asked of me. I am not going to answer it now if the senior Senator from Washington objects to my taking the time to do it.

Mr. JONES of Washington. It will not take the Senator long to answer it; will it?

Mr. POMERENE. No; it will not take me very long to do it.

The junior Senator from Washington asks, What is the difference in principle between paying money out of the Treasury and a reduction of tariff rates for goods which come in American bottoms? The difference is this: When we pay money out of the Treasury of the United States in the form of a subsidy, we are paying that money to individual companies. We can understand better what "subsidy" means if we call it a pension, a hand-out, and all of it at the expense of the public.

Mr. JONES of Washington. I will get into a controversy with the Senator over that. We will touch on that a little bit later.

Mr. POMERENE. I think the Senator and I can reconcile our differences if I can just get him to do what he thinks ought to be done here.

Mr. JONES of Washington. Oh, if I had the doing of it, it would soon be done.

Mr. POMERENE. I am quite sure the Senator and I would join hands on that.

Mr. JONES of Washington. But I found out about 24 years ago that there was somebody else in Congress besides myself.

Mr. POMERENE. I recognize that, and I recognize the fact that more than a majority of the Congress in 1920 agreed with the Senator. He was not alone by any means.

As to the other proposition, when we provide for preferential freight rates we are not taking money out of the Treasury. It is true we are benefiting shipping indirectly, but the effect of that policy is this: We are saying to the world that we have a

foreign commerce, partly imports, partly exports; and when we say as to those imports which are on the dutiable list that we will allow American bottoms to carry them and admit them at a lower duty, and say on the other hand as to those goods which are on the free list that we will place a slight duty on them if they come in in foreign bottoms, we are in effect simply building a wall around our own ships, which are our property, our commerce, and we are saying to American shippers, "This is your shipping, and the men who have American bottoms can compete for it, and we will protect you as against the foreign shippers." That is all there is to it.

The Senator refers to the treaty with Great Britain in regard to shipping through the Panama Canal. That is a different proposition. Those of us who believe that all shipping should be treated alike were of the opinion that a formal contract had been entered into between the British Government and the American Government, and that certain rights had been surrendered by the British Government; and under that treaty as we construed it we felt that we were bound to carry out our contract agreement, and hence we provided that there should be no difference. I may have been wrong about that; I do not think I was; but that indicates what is in my mind as to the difference between the two propositions.

Mr. JONES of Washington. I hope we will not go into that subject now.

Mr. SWANSON. Mr. President, I should like to ask the Senator just one question, to see if I misunderstood something he said. As I understand the Senator, he thinks the act of 1920 is better and more effective than this bill.

Mr. JONES of Washington. I think it would be if it were carried out.

Mr. SWANSON. If it were put into operation?

Mr. JONES of Washington. If it were put into operation.

Mr. SWANSON. Then, as I understand, the Senator now offers a measure that is less effective because the President will not execute one that is still existing as law?

Mr. JONES of Washington. No; the other is not self-executing. Section 34 of the act that is referred to does not impose any discriminating duties at all.

Section 34 of the act of 1920 simply directs the President to abrogate the treaties which prevent us from doing it. After that is done then we will have to pass legislation, and the Senator knows what it is to pass tariff legislation.

Mr. SWANSON. But we directed the President to do it.

Mr. JONES of Washington. Yes; we directed the President to do it.

Mr. SWANSON. Under the act of 1920 it would be effective if the President would do that, would it not?

Mr. JONES of Washington. Not unless the provision in the Underwood tariff law would automatically go into effect, and there is a difference of opinion as to that.

Mr. SWANSON. A difference of opinion as to whether it would go into effect automatically?

Mr. JONES of Washington. Yes. I want to say, frankly, that it was not my idea in framing section 34 of the act of 1920 that that in itself would put into effect discriminating duties, and we declared on the floor of the Senate that it simply unshackled our hands and made us free to inaugurate the discriminating duty policy if we deemed it wise to do so. That was declared on the floor of the Senate, and that was my idea about it.

Mr. FLETCHER. In the act of 1913 we adopted that policy.

Mr. JONES of Washington. Yes; but, of course, we did not abrogate the treaties in that act.

Mr. FLETCHER. No.

Mr. JONES of Washington. We simply made it applicable where we did not have any treaty, and it amounted to nothing; but it did embody the principle, we might say.

Mr. POMERENE. Mr. President, I want to ask a question for information. The Senator has just said that if notice had been served, it would have simply unshackled our hands, and then we could have provided for the preferential duties. Am I not right in this, that the act is still on the statute books, in full force and effect, so far as the preferential duties are concerned, except as it has been modified by special conventions entered into by and between this Government and other governments?

Mr. JONES of Washington. My understanding is that if as a matter of fact the discriminating duty policy had gone into effect automatically, it would have been by virtue of the Underwood-Simmons Tariff Act or the act of 1853, under which we provided really by statute for reciprocity between this and other countries.

Mr. SWANSON. Has the Senator discussed with the President his plan as embodied in the act of 1920, as outlined by the Senator, and this plan and discussed with him and the administration leaders which of the two is preferable?

Mr. JONES of Washington. The President, for reasons satisfactory to himself, took the same position that President Wilson took, that section 34 should not be put into effect. Chairman Lasker and the Shipping Board urged their view upon the President and presented a printed brief, I think, as to their reasons for it, but still did not convince him.

Mr. SWANSON. I understand the Committee on Commerce in the preparation of this bill did not consider the plan the Senator had in contemplation in 1920.

Mr. JONES of Washington. What was the use? We put that into effect in 1920.

Mr. SWANSON. Would it not have been a wise course, if the Senator and the committee thought that was the wiser and better plan, to consider it in connection with this plan and reach a conclusion in Congress, after considering it fully and completely, and then send it to the President, with our conclusions, and give him an opportunity to act?

Mr. JONES of Washington. No.

Mr. SWANSON. It seems to me that would be a wise course to pursue now.

Mr. JONES of Washington. No; that was not deemed wise, and I do not think it is deemed wise now, under the conditions in which our shipping is at the present time. This is rather an emergency proposition, and my opinion is that unless we do something of this kind now it will not be possible for us to do anything before December, at the next session, and we will suffer tremendous losses. But that is only an opinion of mine.

Mr. FLETCHER. May I interrupt the Senator there to bring him back to where he was when he was interrupted?

Mr. JONES of Washington. I would like to get back there.

Mr. FLETCHER. The Senator said we would have 7,500,000 tons of shipping in operation if we would expend the $30,000,000 provided for in the bill; in other words, that by expending that sum, we could put in private ownership 7,500,000 tons.

Mr. JONES of Washington. I think we ought to put it just the other way, that we would not expend it unless that occurred.

Mr. FLETCHER. Very well. I want to ask the Senator if he believes that anything approaching that quantity of shipping could be sold now, even if the bill should pass and become a law?

Mr. JONES of Washington. The experts themselves do not think so. They frankly say that they think it will probably be three or four years before that is accomplished. In other words, they think that the expenditures under this bill will be only ten or twelve or fifteen million a year, instead of $30,000,000 during the next three or four years.

Mr. FLETCHER. They hold, I believe, that they could not expect to sell over 300 or 400 ships in the first year. That being true, they will proceed with the operation of some of the other ships, will they not?

Mr. JONES of Washington. I hope so, and I am willing to have the Government make good the losses.

Mr. FLETCHER. Mr. Lasker has also testified before the committee that the overhead cost—which I think is the principal cost—will be about as much when they operate 100 vessels as when they operate 400 vessels; so that in continuing operations they will continue the overhead, and it will be a loss, if it is a loss now.

Mr. JONES of Washington. Let me ask the Senator a question. I ask the Senator from Florida whether or not he is in favor of the permanent Government ownership and operation of ships?

Mr. FLETCHER. Mr. President——

Mr. JONES of Washington. I would like to have an answer without an argument, and the Senator can argue it in his own time.

Mr. FLETCHER. I am not going to argue it. The more I have studied this situation, the more I have gone into the activities of the Shipping Board and the results that have been obtained and accomplished, the more I have observed the lack of public spirit and patriotism and enterprise on the part of individuals in undertaking to supply the country with an adequate merchant marine, the more I am satisfied that we will never have and maintain a merchant marine to serve our commercial needs overseas until the Government owns and operates it.

Mr. JONES of Washington. Then, as I understand it, the Senator is in favor of the permanent ownership and operation of ships?

Mr. FLETCHER. Supplemental to private ownership and private operation.

Mr. JONES of Washington. That is good. Coming back to the proposition, this argument does not apply very well now, in view of the position of the Senator from Florida and the position of the Senator from Nebraska, but I hope we will get a declaration from various other Senators before the session is through.

What I have to say here does not apply to the Senator from Florida now or to the Senator from Nebraska. You ought to tell the people what this building program involves. You ought to deal with them fairly. The Senator from Florida is dealing with them fairly. Let them know that what you propose is to run these ships till they wear out or tie them up till they rot. Are you going to embark on a program of shipbuilding as well as ship operation that will mean an annual expenditure of seventy-five or one hundred million dollars a year for 15 or 20 years with a personnel of Government employees that will run into hundreds of thousands? How long do you suppose the people will stand for anything of the kind? By the time such a policy is abandoned, as it will be, you will have driven every dollar of private capital out of the shipping business and our entire commerce will be at the mercy of foreign shipping. Then, in order to protect the American people from exorbitant rates, you are going to have to drive foreign shipping out of business. The people may condemn those who support this measure now, but it will not be long before those who oppose it will be calling upon the rocks and hills to save them from the wrath of those they have so woefully deceived.

Now, I want to refer to Mr. Rossbottom again. I had the pleasure of meeting Mr. Rossbottom a short time ago here in Washington. I hope the Senator from Florida met him also, and that other Senators met him. It has been said we ought to turn this over to him. They cite him as the proper agency to run these ships. I talked with Mr. Rossbottom about that, and about the success of the Panama Railroad Steamship Line, and he tells why it was a success. I am going to ask Senators whether or not they are willing to follow what Mr. Rossbottom says is necessary in order to make Government operation a success.

Mr. President, I ask leave to print in the RECORD this entire letter without reading it all.

The PRESIDING OFFICER (Mr. LADD in the chair). Is there objection? The Chair hears none, and it is so ordered.

(See Appendix A.)

Mr. JONES of Washington. Mr. Rossbottom gives the history of his connection with the Panama Canal and of the origin of the Panama Railroad Steamship Co. He was connected with the railroad during the French days, and so on. Here is what he states as to why the Panama Steamship Co. was a success:

> The successful operation of the Panama Railroad Steamship Line is due in a great measure to the fact that it is operated strictly as a commercial proposition, just as if its stockholders were private individuals and corporations, such as own the stock of the important railroads in this country.

Listen to this:

> There has never been any interference on the part of the Government of the United States with the operations of the Panama Railroad Steamship Line by the directors, who are in fact selected by the Government.

Listen:

> Those directors have been able to use their best judgment, without direction from anyone, as to the policy that that company should pursue, the salaries these officers and employees should receive, and the manner in which the accounts should be audited. In fact, did not the stock records of the Panama Railroad Co. indicate that the Government of the United States is the chief and sole stockholder of record, there would be practically no evidence of Government ownership.

Oh, Mr. President, if you let the Shipping Board handle the property in its care as the Panama Steamship Co. has been able to handle its property, then I grant you that there is hope of success of Government ownership and operation, but you will not let that be done. Hardly a day passes but that the Senate or the House passes a resolution asking why this is done and why that is done, and for this information and that information with reference to the Shipping Board. The only thing I am afraid of now is that when some of the facts I have called to the attention of the Senate are brought before the Senate, in a day or two, somebody will be offering a resolution for an investigation of the Panama Railroad Steamship Co., trying to find out why it is paying certain salaries, trying to find out why it is employing certain men. Then will be the end of the Panama Railroad Steamship Co.

Oh, Mr. President, the bane of Government ownership and operation is the interference of Congress in the administration of the affairs of any governmentally owned proposition. What is one of the great criticisms of this bill? It is that it gives too much power and too much discretion to the Shipping Board, and yet the Panama Railroad Steamship Co. has had absolute and unlimited discretion, and has fixed the salaries of all of its employees; yet we haggle here in the Senate over the salaries of men in the Shipping Board, making provision that no more than so many shall get more than so much, no matter what the needs and requirements may be, and, as I have said, passing resolutions every day disrupting the organization, passing resolutions which mean an expense of thousands of dollars in the preparation of data which comes here printed, and which nobody ever looks at. Talk about running Government business in that kind of way! It can not be done. But if we would give them the power and the discretion which has been given and allowed to the Panama Canal Railroad Steamship Co. there would be some hope of success, I admit.

Mr. DIAL. I thought the Shipping Board had all the power, and if they had operated like the Panama Co. operated there would have been no trouble. The trouble is they interfered.

Mr. JONES of Washington. We interfere with them all the time.

Mr. DIAL. I mean the Shipping Board itself interfered with the operators of the ships.

Mr. JONES of Washington. If the Shipping Board did not exercise any control over the people whom it allows to operate its ships, Congress would rise up and remove them. That is what we would do. They would not last a day. They would be denounced, and the President would be impeached if he did not remove them.

Now I am going to read the other statement from Mr. Rossbottom's letter:

> In the operation of the Panama Railroad Steamship Line its directors and officers are able to exercise their own judgment as to the salaries that should be paid to its officials and employees, settlements of claims for damage to cargo, accidents, etc., which they would not be allowed to exercise if the corporation were operated, as is the United States Lines, as a direct branch of the Government. The business judgment of its directors and officers is used on all occasions, having regard solely to the best interests of the corporation, and without being affected in the slightest degree by fear as to whether or not that judgment may run counter to special Government laws or regulations, as is required of the Shipping Board and its subsidiaries.

Mr. BROOKHART. Mr. President——

Mr. JONES of Washington. I will grant to the junior Senator from Iowa, I will grant to the Senator from Florida, I will grant to the Senator from Nebraska that if we would intrust this unrestricted power to the Shipping Board and assume that they are honest, patriotic men, trying to do the right thing for the Government and the people, there would be hope of success. Nevertheless, it would drive private enterprise and private capital out of the business. I yield to the Senator from Iowa.

Mr. BROOKHART. I would like to ask the Senator if the salaries paid in the Panama Co. are comparable to those paid in the Shipping Board?

Mr. JONES of Washington. I am glad the Senator asked that question. I was just coming to that point. I have another letter from Mr. Rossbottom, and I am going to read it. I asked him these very questions. Remember now the $3,000,000,000 of capital investment which was intrusted to the Shipping Board. I wrote a letter to Mr. Rossbottom and this is his reply:

> MY DEAR SENATOR: I have your letter of the 11th instant, and reply to your several inquiries as follows——

Mr. BROOKHART. That $3,000,000,000 of capital has been reduced to some $100,000,000 or $200,000,000, has it not?

Mr. JONES of Washington. It is just like the cantonments we built during the war. Of course, it is not worth that much now. It cost more during the war than it should have cost, and yet I criticize nobody for it.

Mr. BROOKHART. But it is unfair to speak of it as $3,000,000,000 of capital now.

Mr. JONES of Washington. I do not intend to be unfair. I do not think it is unfair. It was a frank statement with reference to the expenditure of the people's money and that we desire to get as much as possible out of it. At any rate, they have a great many more ships to handle than the Panama people have.

I read now from Mr. Rossbottom's reply:

> Question 1. What, in my opinion, should be the type, speed, and tonnage of vessels required for the satisfactory Government operation of the United States lines?

I am going to read the answer to this, because it gives some idea of what Mr. Rossbottom thinks we ought to do if we carry out the building program that is absolutely essential for the Government to continue.

> Answer. The North Atlantic passenger service is the "top notch" of all passenger steamship operation. The Germans, in my opinion, have the best ideas as to the type of steamer to be operated, and that is 30,000 tons, 20–21 knot speed, capable of carrying between 500 and 600 first class, approximately the same number of second class, and up to 1,200 third class in closed rooms, with freight accommodations for between 3,500 and 4,000 tons. Vessels of this type will in the long run give more satisfactory results.

I ask leave to print the entire letter in the RECORD, and I shall not read it all at this point.

The PRESIDING OFFICER (Mr. MCNARY in the chair). Without objection it is so ordered.

(See Appendix B.)

Mr. JONES of Washington. I read further:

Question 2. What is the number of vessels operating by the Panama Railroad Steamship Line?

Keep in mind when I read the answer that the Shipping Board is operating in round numbers 400 ships and that they have in their charge 1,000 more which they hope to operate, and remember that the Panama line is operating practically on one route, just one way from the United States down to Panama with a few feeders in different directions, while the Shipping Board people operate their ships all over the world.

Mr. CALDER. May I suggest to the Senator that only 10 or 12 vessels are operated by the Panama Co.?

Mr. JONES of Washington. I am going to read that just now. I have the answer of Mr. Rossbottom with respect to it. I am calling the attention of Senators to the situation, and I want them to compare it with the answer.

Mr. CALDER. They are operating not 1,500 ships, but about 15.

Mr. JONES of Washington. Here is Mr. Rossbottom's answer:

Answer. Up to within a year ago the Panama Railroad Steamship Line operated a total of 15 vessels, as follows: Ten passenger and cargo steamers, one cattle steamer, two 15,000-ton colliers, and two 7,500-ton coal barges towed by the colliers. It is now operating on regular schedule seven steamers, the remainder of its fleet being tied up because of the depression in trade.

Now, for those 12 ships there are three salaries in excess of $10,000, two being $15,000 and one $12,000. I hope that there will not be any action taken by Congress now to interfere with the Panama Railroad Steamship Co. in the payment of those salaries.

Mr. FLETCHER. But on the Shipping Board they are paying a lot of people over $20,000 a year.

Mr. JONES of Washington. The Senator thinks it is fine to have two salaries paid to two employees of $15,000 each for running 12 ships—I do not know how many $10,000 men they may have—and then try to denounce what is being done here by the Shipping Board when they have claims presented against them of $300,000,000, which have to be looked after by lawyers, and we have not given them discretion like the Panama Railroad Steamship Line has. I think the comparison is mighty favorable to the Shipping Board.

Mr. President, it may be true that there are too many men employed on the Shipping Board. I expect there are. My recollection is that since the present board got in it has cut off 4,000 or 5,000 of the employees. They may have too many there now. It is again one of the inefficiencies of Government operation. What is the procedure? I will tell Senators what the procedure is, although every Senator knows it. The Shipping Board goes to cut off a man down there, and a Senator hikes himself down to the Shipping Board to protest against it, and tells them, "If you turn this man off, I will jump onto you people in the Senate; I will not support your measure," or something of that sort. That is what is done under Government ownership and operation. We all know that to be true. It is regrettable that it is true. It ought not to be true, but, nevertheless, the fact exists.

Mr. BROOKHART. I would like to inquire if the Senator is in favor of correcting those evils in the Government?

Mr. JONES of Washington. I am.

Mr. BROOKHART. Would it not be a good idea to do that instead of condemning Government operation all the time?

Mr. JONES of Washington. I want to say to the Senator that it is one of the inevitable consequences of our system of Government with Government operation. I want to say to the Senator—and I do not say it boastingly or assuming to myself any better attitude than anybody else—that I had not done it. I have not asked the Shipping Board to put in a man. I have not urged the Shipping Board to keep a man. I have been called on as chairman of the Commerce Committee by people outside my State and away from my State simply because I was chairman of that committee. I have refused to use my position as chairman of the committee to aid men to retain their positions there. I have told the chairman of the Shipping Board that I wanted him to run that board as nearly as possibly as a business and have no politics in it, but to run it as efficiently as possible.

In my speech opening the debate on this bill I stated that pride is taken in the minority report presented by the able Senator from Florida [Mr. FLETCHER] for the upbuilding of the merchant marine during the last few years. The Senator took me to task and said there was no such statement in the report. He is right. There is not. I do not know how I got that impression, which was a very clear one. I must have read his mind unconsciously, however. He did take pride in this fact in the able speech which he delivered. Toward the close of that speech he presents certain tables showing the condition and growth of our merchant marine, and he said:

I submit that these data contradict any sort of inference that the United States is in a bad way regarding the American merchant marine, and all this has been built without any subsidy, if we may for the moment disregard the mail contract subvention which we have heretofore referred to. These figures will show what our shipping was in 1914 and what it is to-day. They will show the development in a really marvelous way of American shipping interests.

Then he said that the private overseas shipping has been doing "fairly well, thank you." Yes; we had but 15 ships of over 1,000 tons each in the overseas trade in 1914, and since then our merchant marine has increased several million tons without what we call a subsidy. Would he have us think this increase has come about by normal means and under ordinary conditions? He knows and the people know that when war broke out our private shipping began to develop with feverish activity under the impetus and the demands of war. The war gave them far more aid than any subsidy could possibly do. It stimulated shipbuilding and ship operation, just as it developed and encouraged other industries in this country. It is true that our merchant marine has increased many millions of tons since 1914, but the Senator knows and the people know that this was done at a cost of nearly $3,000,000,000 of the people's money. If this increase is an argument for anything, it is an argument showing the necessity of some kind of aid to take the place of war stimulus, which has been taken away.

There can not be any doubt in the mind of any reasonable man that if the war had not come on, if we had not done anything more in shipping than we have been doing in the last 50 years, our shipping would have been to-day in just as bad condition as it was in 1914, if not worse.

Yes; private shipping interests made money during the war, just as all other interests did; but the facts and figures show that shipping did not make so much as other enterprises, and many, if not all, of the ships that were building for private account when we entered the war were taken over by the Government and their owners did not get the profits and build up the reserves they otherwise would, and which those who are their competitors now did get.

But, Mr. President, our competitors are running their ships to-day, under the conditions of world trade, largely upon the reserves which they built up during the war. Private ships not taken over did make good profits during the war, but they are not making profits now. That is clearly shown by the fact that the Government lines, so much talked of, have been running at a loss for the last year or two, and it is also shown by the books of private shipping companies.

The able Senator from Tennessee [Mr. MCKELLAR] has told the people of the country that this measure would cost them $77,000,000 a year. He would have them believe that they would be taxed that much if the bill passes. I know that he does not seek to deceive them, but I fear that he has not looked into the matter carefully. How does he get the sum of $77,000,000? He estimated 10 per cent of the import revenues at $35,000,000. I find no fault with that. It may be more. It may be less. Then he said that there are $10,000,000 of income-tax exemptions. These are all eliminated from the bill by the Commerce Committee, and I have no doubt the Senate will approve this action and the House will accept it. Then there are $4,000,000 tonnage dues. Those dues are to be paid by shipping and are not to be a tax on the people. They will be paid largely by foreign shipping, too, because foreign shipping is doing most of our business.

Then the Senator included $15,000,000 for the transportation of Government employees. I do not know if it is that much, but whatever it is it is paid now. It is not new nor is it an added cost to the people. Is it fair to charge it up to this bill? All the bill does in this regard is to require Government officials to travel on American ships instead of foreign ships. It adds not one penny to the taxes of the people. Then, he included $5,000,000 for the Government mail. That is no new expense. We pay that out for mail carriage now, and a large part goes to foreign shipping. We seek to stop payment to foreign ships, but we do not add to the expense of carrying the mail. In fact, the bill as it passed the House simply provides for carrying the mail at pound rates and added nothing to the marine fund.

Then, the Senator from Tennessee included $8,000,000 for the carrying of immigrants to this country. Surely the Senator knows that the Government does not pay the traveling expenses of immigrants to this country. All the bill does is to require

one-half of the immigrants to come in our ships, but they must pay their own way as heretofore.

Then, to show more clearly the fallacy of the Senator's contention, so often made in the press as well as here, as to the tax on the people under the bill, I call attention to the fact that the Commerce Committee prepared an amendment limiting the amount that may be expended from the marine fund in any one year to not more than $30,000,000 a year, instead of $77,000,000. I am sure the Senate will approve this limitation, and I am confident that the House will accept it. And so, instead of $77,000,000, no more than $30,000,000 will be paid out under the bill in any one year.

This constant assertion that the people will be taxed thirty, fifty, or seventy millions a year by this bill is a more confident assertion of its success than its proponents dare to make. I wish I could feel sure that $30,000,000 would be paid out under it the first year of its passage and every year thereafter. That would show it to be an unqualified success. The fact must not be lost sight of, and it is a fact that no one can dispute, that $30,000,000 will not be paid out until about 7,500,000 tons of shipping are operating in the foreign trade in private hands under the American flag. When that time comes the Government will have sold at least 5,000,000 tons of its shipping. The amount of this fund that may go to ships now in private ownership will be only about $4,000,000, and the remainder will go to new or newly bought ships. The object of the bill will be attained and we will have a merchant marine sufficient to carry half our commerce. I do not hope for such a result for three or four years at the best, but if we pay out anything like the money the opponents of the bill say we will pay out, this bill will do all its friends expect.

It is charged that some of the men placed in most responsible positions in operating our ships were in the employ of the British companies before they came into the employ of the Shipping Board. That is true. If these men are genuinely patriotic Americans—and I believe they are—then their experience with and knowledge of the business methods of our greatest competitor should better fit them to handle our ships and meet that competition. If they are not, then the sooner they are removed the better. No proof is presented to show that they are not true to their trust. I think they are giving fine patriotic service.

Senators argue for the continuance of Government operation, and even seem to take the position that the Government should operate ships in competition with private shipping lines. If there has been one complaint more than another against the Shipping Board it has been that it has done this very thing. It has not been its policy to do so where private shipping was furnishing reasonably good and adequate service. The board has felt that the Government is to get out of the shipping business as soon as possible, and that Government ships should not be operated in competition with private ships.

The only purchasers of the Government ships would be private shipping interests or those who want to go into shipping. No one will want to go into the shipping business if they think they must compete with Government ships. They know they can not do it. If the Government operates its ships in competition with private lines it will run them out of business. Such ships backed by the National Treasury supplied by the taxes taken from the people will crush any private competition and so destroy the only purchaser there may be for our ships.

The minority in the House report, so often quoted, says:

> We are opposed to permanent Government ownership or operaton of our merchant ships; we favor the sale of them to private owners as soon as practicable, but at such time and in such manner as will protect the public interest and insure the establishment and maintenance of a real American merchant marine for the interest of the whole American people, and so as to prevent our ships from falling into the hands of a large syndicate or merchant marine being controlled by a few large companies which would drive out of business the smaller companies and numerous valuable trade routes.

The minority in this body propose nothing, but all their argument leads to permanent Government ownership and operation. I do not believe there are any more Democrats who believe in such a policy than there are Republicans, but to defeat this bill they seem to be willing to take this position.

Criticism is made because certain information was not disclosed to the joint committee. The reason for this refusal was clearly stated, and was that it would furnish information of great value to rival shipping. I believe that reason will appeal to the good judgment of the people and to every business man. The information if it had been disclosed would have been of the greatest possible benefit to our foreign competitors. It would have been of little if any use in the consideration of this bill, but it would have injured our shipping interests and aided our competitors.

This incident illustrates one of the difficulties of the Government engaging in business. There are business methods which are perfectly honorable but which must be kept from business rivals if success would be attained. There must be more or less secrecy in the conduct of private business. The Shipping Board has never refused to give the fullest possible information to the committee. Resolutions to investigate its operations were pending some time ago. It asked the Commerce Committee to be permitted to meet with it in executive session. We did so, Democrats and Republicans alike being present. Those who had introduced the resolutions were invited to be present, but they did not appear. The operations of the board were gone into in the greatest detail. All questions were answered fully and freely. Every Senator was at full liberty to give to the public anything that he felt could properly be given out, and I think I can say that the committee were unanimous that it would be very unwise to have a public investigation because of the aid it would give to our foreign competitors. The board had nothing to conceal from the public, but it would not be wise to give all the facts to the world.

If words would build a merchant marine and maintain it, we would have a fine one. If loud professions of friendship would bring prosperity to the farmer, he would be rolling in wealth. Words, words, words! Beating upon the breast and fervent thanksgiving that one is better than his colleagues harass this Chamber from day to day. And then when a genuine, sincere attempt is made to aid the farmer by bringing in a bill that will aid in meeting the problems that face our people we again hear nothing but words, words, words; and those of loudest professions are most opposed to doing anything. "You can not serve God and mammon." "You are for the Shipping Trust or you are for the farmer." These words are thundered at us across the aisle as conclusive against the bill. It may be fine declamation, but there is not any argument to it and it should fool no one.

When Senators who ought to know better say this bill simply means more money for the Shipping Trust, it is no wonder that the plain man of the street and the farm repeats it. It appeals to a public sentiment founded on prejudice and false assumptions. There is no shipping trust in American ships, and certainly none that will benefit from this bill. Even if there were, it would not be a very large one. There are 60,000,000 tons of shipping in the world in foreign trade, and only a little over 2,000,000 of it is under the American flag.

If we have any shipping trusts they are the Standard Oil Co., the United States Steel Corporation, and the United Fruit Co. They are the largest owners of ships under the American flag, but they get but little aid from this bill. Why? Because the bill expressly prohibits the payment of subsidies to ships carrying the products of the company by which the ships are owned.

Mr. BROOKHART. Mr. President, will the Senator yield?

Mr. JONES of Washington. I yield for a question.

Mr. BROOKHART. In reference to prohibiting the payment of any subsidy to a ship carrying the products of the company by which it is owned, if a subsidiary carrying company were organized, that would avoid the prohibition, and such a ship would be enabled to secure the subsidy, would it not?

Mr. JONES of Washington. If the Senator will suggest an amendment that will cover that situation it will be put in the bill, because the prohibition now in the bill is not intended to be evaded at all. I repeat, if the Senator will propose an amendment that will protect that phase of the situation, so far as I am concerned it will be accepted.

Mr. BROOKHART. I would be helping the Senator out in drafting his bill.

Mr. JONES of Washington. I would be helping the Senator out.

Mr. STANLEY. Mr. President, will the Senator yield?

Mr. JONES of Washington. I yield for a question.

Mr. STANLEY. As I understand there is no question now, however, between the Senator from Iowa and the Senator from Washington that a subsidiary company operating a ship could under the terms of the bill participate in its benefits, notwithstanding the parent company was engaged in the production of the freight that is carried?

Mr. JONES of Washington. Is it the purpose of this bill to prevent the payment of subsidy to the owner of a vessel for carrying his own products whether that vessel is operated by him directly or by some subsidiary company?

Mr. STANLEY. But the United States Steel Corporation does not operate any ships, and I think it highly probable that the Standard Oil Co. does not. I do not know with certainty as to that; but I know that the company operating the ships on the Great Lakes which carry the ore of the steel corporation

entirely is not the United States Steel Corporation itself, but a shipping company whose stock is owned by the steel corporation.

Mr. JONES of Washington. The Senator from Kentucky need not take my time nor his in reference to that phase of the matter, because I am willing to accept any amendment that will eliminate that possibility so far as ownership is concerned. We do not intend to give a subsidy to the owner of a ship, whether it is operated by him directly or through a subsidiary company, for carrying his own products.

Mr. STANLEY. If the Senator will pardon me, my question is not directed to what the committee or the Senator from Washington intend, but what the bill now authorizes. When the white slave act was under consideration in Congress, Senator after Senator said it meant one thing, but it was not in the act, and the Supreme Court said it meant another. The same thing occurred with reference to the pure food law; one thing was intended, according to the statement of the proponents of the bill, but another thing was in the bill.

I should like to ask one other question because I am very much interested in this matter. Is there anything in this bill to cover the case of a common directorate or common stockholding in carrying companies and industrial companies by which indirectly the shipping company may profit by the carrying of its own freight?

Mr. JONES of Washington. I do not think we have gone into the matter of stock ownership, and so on. I want to call attention now to some facts as to our ships which are engaged in the foreign trade.

Mr. STANLEY. One other question. I am sure if the question of stock ownership is not gone into and if the bill is not fortified by providing, as the Senator from Iowa has suggested, against joint directorates and common ownership of stock, and against an actual common interest, the fruit companies, the Standard Oil Co., the steel company, and every other company that is both an industrial and a carrying company will go through the meshes of the net. What I wanted to know was whether the safeguard provided in the bill is anything more than mere words?

Mr. JONES of Washington. The experts who framed the bill have gone into detail; they have studied it from every angle, and they have tried in the best possible way to meet every condition of that kind which the Senator suggests.

They may not have met every condition, but they have tried to do so. If the Senator will study the terms of the bill, he will find that they have gone into what might be called minute details in order to prevent the evasion of the purpose of the bill. However, if the Senator can suggest any such provision that he thinks is not made I do not think there would be any hesitation about accepting it.

Mr. STANLEY. I am like the Senator from Iowa; I think it is very wise to put in such a provision in case the bill should pass.

Mr. JONES of Washington. I think the Senator will find that the provisions of the bill are adequate.

Mr. STANLEY. I have read the bill fairly carefully; that is, I have read it in a casual way as a Senator would who is not a member of the committee, and I do not mean to quote it verbatim; but I do not recall anything more than a mere statement that a company which carries its own products shall not participate in the benefits of the bonus, or whatever you may choose to call it—the subsidy—provided in this bill.

Mr. JONES of Washington. I think the Senator will find the definitions and details to prevent payment being made in such cases.

Mr. STANLEY. I do not recall any details that afford sufficient protection, and I wish to get the Senator's opinion. Does the Senator believe that the bill as now written will prevent either a subsidiary company or a company which is owned through a joint-stock ownership or other device from participating in the benefits of this bill?

Mr. JONES of Washington. I do think so. I am going to say frankly that personally I doubt the wisdom of it, and I will tell the Senator why.

Mr. STANLEY. Does the Senator——

Mr. JONES of Washington. Now, just wait; let me answer this question in my own way. The Standard Oil Co., as I will point out here in a moment, owns a large number of tankers. They are flying the American flag. They carry the oil of the Standard Oil Co. They will get no subsidy. Those ships are not going to last forever. What is going to happen? When one of those ships wears out and they want another one, they are going to build it under the British flag and put it under the British flag; and when another one wears out and they have to replace it, they are not going to build it and put it under our flag. They are going to build it and put it under a foreign flag, and so on; and it will not be very many years until these ships that are absolutely essential in time of war will be under a foreign flag, and if we get into trouble and need these ships we can not take them. In deference, however, to the sentiment that there seems to be against giving a subsidy to these ships, we have put this provision in the bill and excluded them from it. If it has not gone far enough, I hope the Senators will suggest some provision to go further, because as the bill is framed it is the intention not to give subsidy to those vessels.

Mr. STANLEY. If the Senator will pardon me, I thoroughly understand that that is the intention.

Mr. JONES of Washington. Then, let us not take any further time on it to-night.

Mr. STANLEY. I want to understand the Senator clearly. Does the Senator mean to state that the language in this bill will prevent a subsidiary of the Standard Oil Co., of the United Fruit Co., or of the Steel Corporation, operating ships, from participating in this benefit?

Mr. JONES of Washington. I do think so. I do so understand it.

Mr. HARRELD. Mr. President——

Mr. JONES of Washington. I yield to the Senator.

Mr. HARRELD. I should like to ask whether, under the terms of this measure, the Standard Oil Co., for instance, could take advantage of this cheap money in building its ships?

Mr. JONES of Washington. No. The Senate committee also reported an amendment prohibiting the loan of any of this money for the building of ships to carry the products of the owners of the vessel. We have met a good many of these suspicious things, or tried to, at any rate.

Here is the situation regarding our ships in the foreign trade: There are 452 ships, of 2,518,206 tons, privately owned in the foreign trade. Of these there are 268, of 1,664,750 tons, carrying oil in bulk or otherwise devoted exclusively to carrying cargoes owned by the owners of the ships. Under the shipping bill there would be no compensation paid on these ships. This leaves 184 vessels, of 853,456 tons, operating in the foreign trade. Of these, 65 are passenger ships, of 338,014 tons, and 119 are cargo vessels, of 515,442 tons; 44 of these passenger ships, of 1,833,031 tons, and 61 cargo ships, of 180,568 tons, are engaged in the West Indian and Caribbean trades, leaving 21 passenger ships, of 154,983 tons, and 58 cargo ships, of 334,874 tons, engaged in the ocean overseas trade. But this is not all of these 65 passenger ships. Twenty-one, of 99,383 tons, and, of the 119 cargo ships, 31, of 162,538 tons, are vessels owned by persons who use them largely for carrying products of their own. Assuming that these ships would be used to the extent of one-half of their capacity for carrying the products of their owners, we have a total of 288,322 tons of passenger ships and 434,173 tons of cargo ships eligible to a subsidy under this bill, or 722,495 tons in all. This would take, in round numbers, $3,500,000 a year.

Of the 17 overseas passenger ships, 5 belong to the International Mercantile Marine Co., on the north trans-Atlantic route; 2 belong to the Oceanic Steamship Co., now running between San Francisco and Australia and receiving a special postal pay or subsidy nearly three times what they would receive under this bill; 2 belong to the China Mail, running between San Francisco and the Orient; 1 belongs to Stephenidis, and runs between New York and Constantinople; and the other 4 run between the Atlantic and Pacific ports for the Pacific Mail, but are considered foreign going because they touch at Mexican ports. From this it will be seen that our privately owned shipping in the foreign trade is small in amount.

The United Fruit Co., the United States Steel Corporation, and W. R. Grace & Co. are large owners of these ships, it is true. They may be more or less connected with each other. They can maintain their ships and do maintain them in competition with foreign ships largely because they carry the products of their other businesses. This bill is not for the aid of these large companies, but it is intended to promote the establishment of new companies that will compete with these companies as well as with foreign companies. This bill is in the interest of smaller capital units in the shipping business. It is intended to give those who may want to go into shipping a fighting chance to compete in foreign trade.

How, then, can anyone who regards the facts say that this bill aids the shipping trusts? I can not understand it. I do not like to think that it is said to deceive the people. If there are any shipping trusts they are under the British flag, and they will be aided by our failure to pass this bill. In any event, I would rather pay a little something to wealthy American shipping interests and keep the freight money at home, employ American seamen, and have American ships to help pay our

taxes and bear the burdens of our Government than to pay out all the freight money to rich foreign companies that pay none of our taxes and share none of our burdens.

Agriculture needs this bill more than any other industry in the country. This is my honest opinion; but I will state why I think so, and I should like some one to point out where I am wrong and wherein the farmer will be injured by this legislation.

The farmer must have cars to get his products to the home market. He must have ships to get his surplus products to world markets. Why? If we have no American merchant marine, he is dependent upon a foreign merchant marine. If that merchant marine is diverted to war needs, the American farmer suffers. This was true in the Boer War, to which we were not a party. English ships were withdrawn from our trade, and rates went up, and farmers' prices went down. When the World War began the farmer suffered most. Rates for transporting his products went up from 100 to 1,100 per cent, and were reflected in lower prices for his products, both at home and abroad. The farmer who must depend upon his neighbor for the plowing of his land or the reaping of his crop is in a bad way. If anyone must suffer from delay, he is the one. The same is true of shipping. The British ship will favor British trade and commerce.

Right here let me give a striking instance that occurred before the war, showing how that is done.

Before the war Argentina wanted to buy 50 locomotives. Bids were called for. British and American bidders made proposals. The American proposal was the lowest. The only way to get these locomotives to Argentina was over a British line running from this country to Argentina or over a British line running from London to Argentina. What was done? The British line from this country to Argentina asked the American bidder $3 a ton more freight than the line from London asked of the British bidder. What was the result? The result was, of course, that the Americans could not furnish the locomotives for Argentina. That trade, which ought to have come to this country, went to England. How the laboring men of the country can oppose legislation of this kind, looking toward the building up of industries here, I do not know; I can not understand.

Take that one instance: Those engines are largely labor—labor in the mine, labor in the factory, labor in the manufacturing and building of the locomotives. If those engines had been furnished by this country, if we had had American shipping so that we could have carried those engines to Argentina at a lower rate and helped the American manufacturers make good their bid, then not only would our ships have had that business, but the American laborer would have built these engines, and mined the mineral necessary for making the iron, and all that sort of thing.

That just illustrates what happens in manufacturing lines. The same thing would be true of the farmer. Take it out in our country: We raise a lot of apples out there. British Columbia raises apples. Suppose we want to ship apples from our section over to London, and there are two British lines, and we have no American shipping. Who will be favored? Why, of course the British Columbia apple raiser will be favored in lower rates and in quicker service. If any delay must occur, our people will have to suffer it. If we have no ships, our farmer must get to market when and as he can, and if British ships can better serve themselves and their people by carrying the products of other farms, our farmers will be without transportation.

An American merchant marine is of more benefit to agriculture than to any other industry because of the character of the products of the farm. A couple of months ago the apple farmers of our State faced almost total loss of their crops. Why? Because they could not get cars to carry apples to market.

The coal man and the lumberman were suffering, but their coal and lumber were not rotting. They would keep for months until cars could be had. Not so with the apples. So, if there are no ships at the seaboard to take our surplus products to the markets of the world, not only do we get nothing for the surplus but the entire production is badly affected; and here, again, the farmer suffers more than anyone else. If his products are blocked at the seaboard from a lack of ships, not only does the price go down but the product itself rots and wastes away.

The products of the manufacturer can be stored indefinitely. Not so with the products of the farm. This was clearly shown when the World War broke out. Millions of tons of farm products were piled on the docks in the ports of the country, waiting for ships to take them to markets that were crying out for them. The few ships that were available demanded exorbitant freight rates, and the cheap shipping that the farmer had had under a foreign flag became the dearest transportation in his hour of need and brought upon him hundreds of millions of loss. These are facts within the knowledge of all.

Can there be any doubt but that the farmer is more vitally affected by the lack of ocean transportation than anyone else? Is it best for him to be wholly dependent upon foreign shipping, even if it should be a little cheaper for the time being? Surely not. If there is but one great foreign shipping fleet—and there will be but one if we fail to build up our merchant marine—its rates will not be cheap in the end. Trusts and combines will flourish over which we will have no control. If the farm products of another country whose flag the ships fly compete with the products of our farmers in the markets of the world, our farmers will be at their mercy. If any products are to be delayed in getting to the markets, ours will be the ones to suffer. Surely no one will question that fact. It is simply the working of human nature and the law of self-preservation. If we will shut our eyes against prejudice, overlook the fact that some one else may make a little money, weigh the situation and the needs of the farmer, and measure the benefits that will come to him by having a full and adequate supply of ships under a friendly flag to take his surplus products to market when they ought to get there and to aid in opening up new markets for him, I am sure the farmer will not only favor but he will urge and insist upon such steps as may be necessary to attain this great thing. I have two small orchards. They produce all I have to sell; and so I am looking at this matter not only as a citizen of our country but from the standpoint of the actual farmer and from the standpoint of selfish interests.

The House inserted a provision that the amount of compensation to be paid out must be appropriated each year. The Commerce Committee has stricken this provision. Senators throw up their hands in horror at this amendment, and cry out that Congress is abdicating its functions and losing its control over this fund. This is said to be a terrible thing; and yet those who do this proposed to displace the shipping bill and take up a bill that appropriated outright $100,000,000 and put it in the hands of a board of three, to be spent from time to time as this board deems best. Of course this is no argument one way or the other, but it throws a flood of light upon the motives of the opposition.

This provision is a good one or a bad one. If we hope to make a market for our ships by inducing men to go into the shipping business, we must make it certain that they will get the compensation promised. Capital is timid. It must be sure of its ground. Men will not invest in shipping if they must await the uncertain action of Congress, and we can not compel them to do so. Men will not loan money to others to invest in ships if there is any doubt about the Government keeping its contract. We are sure Congress will carry out a contract made according to the law, and yet I do not know; if the attitude of those who oppose the striking out of this provision means anything, it means that they would not favor carrying out such a contract.

I meant what I said in the report on this bill, and this debate shows that I was right. This amendment is vital to the bill. The President considers it so, and justly so. He proposes to deal honestly with the people. He could accept this provision, remove much opposition to the bill, and have the people still think they have something substantial. He knows they would not have. He does not propose to fool them in this way. He is going to be honest with them. If this amendment is defeated, the bill amounts to nothing. No investments will be made under it. It would better not be passed. If there is no doubt of Congress carrying out any contract made, what is gained by leaving the matter to uncertainty? It will cost no more to make the matter certain. No money will be paid out except under contract, and for the service rendered.

We are told that we do not need any aid, and to let our shipping go on and it will grow and prosper. We did this for 50 years, with the result that we had only 15 ships in the overseas trade when the war broke out in 1914. If our shipping did not grow then what is there to lead us to think it will grow now? There is every indication to the contrary. Our shipping is being laid up now, and more and more the foreign ship is taking our commerce. Ships are being built abroad not only for the home trade but for us also.

I have here a quotation from Fair Play, an English journal, the issue of January 25, 1923, which calls attention to the large amount of building which has been done this last year. I ask that this may be printed in the RECORD without reading.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Fair Play, January 25, 1923.]

During the year 1922 there have been launched in Great Britain and Ireland 235 merchant vessels of 1,031,081 tons, namely, 208 steamers of 950,516 tons, 17 motor vessels of 78,341 tons, and 10 barges of 2,224 tons. These vessels have been built of steel. The output represents 41.8 per cent of the world's output for 1922, as compared with 35.5 per cent in 1921 and 58 per cent in 1913.

Of the tonnage launched during the year 762,769 tons are for registration in Great Britain and Ireland, and 268,312 tons, 26 per cent of the total tonnage, are for owners residing abroad. This percentage, although much lower than that for the previous year, is still higher than the pre-war figures, which, for the five years 1909–1913, gave an average of 22½ per cent. Of the tonnage launched in 1922, 97,600 tons are for Dutch owners, 43,757 tons for French owners, 33,092 tons for owners in the British Dominions overseas, and 26,715 tons for Spanish owners.

The returns for 1922 show that 91 vessels of between 5,000 and 10,000 tons each and 17 vessels of 10,000 tons and upward were launched. The following are the largest:

	Tons.
Franconia	20,000
Conte Verde	18,000
Doric	16,300
Mongolia	15,550
Veendam	15,434
Volendam	15,434

It will be noticed that while in the last two years English shipping men have been crying out for the United States to scrap its ships because there was such a terrible surplus of tonnage in the world, the same British shipping men have continued to build, as the above figures show; and it will be noticed that the tonnage built for registration in Great Britain and Ireland alone last year, 762,769 tons, is greater than the total amount which Great Britain built for herself and all her customers in 1908.

Mr. JONES of Washington. Mr. President, we must aid our shipping to get its place in the world trade or we will have none at all. We would better face that fact squarely and manfully. Our great rival used heroic measures to bring her shipping to its strong position. We must do so, too. Our task is far more difficult because of the long training and strong position of our competitors. They have their business agencies and connections, banking facilities, trained personnel, and the cooperation of their Government, which is trying to build it up instead of tear it down. We must have a personnel, make trade connections, establish agencies, create banking facilities, and build up our shipping in the face of the competition of this grown-up marine and with the opposition of many of our people and public officials and the spur of party advantage.

They say sell our ships now. We can not do it unless we sell abroad or to a few strong companies at home. We do not want to favor a few companies. We want to encourage the formation of many companies. We want to multiply the number of owners of ships rather than to diminish them. To defeat this bill is to play into the hands of any trusts there are and to enlarge the profits of the rich and strong. Those who inveigh most against the rich and the trusts, in my judgment, would aid them most by defeating this bill.

The man who fights this bill fights the battle of British shipping. He may not intend it so, but the only fear British shipping has that we will build up a large merchant marine to share with them the carrying trade of the world grows out of the possibility of our doing something to aid shipping. That British interests are doing everything they can to defeat this legislation I have no doubt, even if I can not prove it. Through their interlocking interests and connections with our financial, business, and transportation institutions they exert an unconscious, if not a direct, influence upon individual and public sentiment. Many of the arguments advanced here were first advanced in British journals. I do not blame them for what they do. They are fighting for their own interests, and I need no proof that they are doing so. The fact that they think this bill will injure them is conclusive proof to me that it will help us.

I may not be able to show to the satisfaction of anyone that it costs more to construct and operate our ships than it does foreign ships. Hundreds of pages of testimony have been taken, from which anyone seeking evidence to support any particular conclusion can find it. I believe it does cost more to operate our ships. I believe we do pay higher wages. Here are some facts:

I asked an expert of the Shipping Board to prepare a statement with reference to wages paid on British ships and the wages paid on American ships, and he has furnished it to me. I ask to have this inserted in the RECORD at this point as a part of my remarks.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

Comparison of British and American ships' wages by similar types of ships, showing total crew cost and relationship between officer and crew wages.

[Taken from recent pay rolls conversion of British pound at $4.65.]

Flag.	Dead-weight.	Fuel.	Crew.	Annual officer wages.	Annual crew wages.	Annual total wages.
American	10,600	Coal...	40	$16,710	$22,494	$39,204
British	10,800	...do...	45	9,796	17,074	26,870
				6,914	5,420	12,334
American	8,800	...do..	39	16,680	21,564	38,244
British	9,850	...do..	44	9,696	16,579	26,275
				6,984	4,985	11,969
American	8,800	Oil....	34	16,680	16,824	33,504
British	8,800	...do..	34	9,672	15,438	25,110
				7,008	1,386	8,394
American	7,800	Coal...	39	16,680	21,564	38,244
British	7,800	...do..	42	9,548	16,380	25,928
				7,132	5,184	12,316
American	5,495	...do..	34	16,140	15,930	32,106
British	5,000	...do..	34	9,287	15,537	24,824
				6,853	423	7,276
American	3,390	Oil....	27	15,480	13,284	28,764
British	3,400	...do..	27	8,990	11,482	20,472
				6,490	1,802	8,292
American	2,875	Coal...	34	15,420	17,160	32,580
British	3,200	...do..	23	6,944	9,486	16,430
				8,476	7,674	16,150

Mr. JONES of Washington. This does not give the details, the number of men, and all that sort of thing, but I have here several statements, data taken from the pay rolls of the various ships, British and American, which give the number of men and the amount paid to each one. It is rather long, yet it furnishes facts which, it seems to me, can not be controverted and which establish beyond controversy the difference in the wages paid American seamen operating American ships and those paid seamen operating British ships. The date of these statements is the date of the paper showing the wages paid. I ask that these may be printed as appendices to my remarks, not inserted here, but at the end of my remarks.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

(See Appendix C to Appendix G.)

Mr. HEFLIN. May I ask the Senator how much longer we are to stay in session and whether we are to have an executive session?

Mr. JONES of Washington. We are going to have an executive session and I shall be through in just a little while.

I believe it does cost more to build ships in our yards. I think the facts clearly prove all this, but I am not going to try to point out the proof. There are some facts no one can deny which to my mind are conclusive of this question. We did not build ships and we did not operate ships in the foreign trade for 50 years before the World War. Since that war closed our foreign trade is more and more being carried in foreign ships, our own people are building ships in foreign shipyards, and our ships are being laid up in a greater proportion than any other ships. We do not, under present conditions, hold our own with our competitors. This convinces me that our shipping must have help to survive.

You can wander in the field of theory, speculation, suspicion, fear, doubt, prejudice, and envy all you please, and you will always confront the fact that it took the need and stimulus of war to start us to building and operating ships, and that, with the war closed, our rivals are taking the overseas transportation away from us. We are drifting back to our position before the war, and these plain questions face each of us: Do you want an adequate merchant marine privately owned and operated? Nearly all will answer "yes." Are you willing to do what may be necessary to have it? To that there must be an answer of "yes" or "no." If "no," that ends it; but if "yes," then you will hesitate long before voting against this bill, which is the only practical, concrete proposal presented. As I have said before, it does not suit me in many particulars, but if it does not succeed it will not cost us much, and if it costs us the limit

we will have our merchant marine running as we desire, and I want a merchant marine so hard that I will gladly vote for any measure that holds out a reasonable hope of securing it. Every man who earnestly desires a merchant marine, it seems to me, can well do likewise.

I do not know that this bill, if passed, will build up an American merchant marine and put it upon a permanent basis. No one can tell until it is tried. I think it will do it. If we do not pass it, I think I know what will happen. The organization created to deal with the chaotic problem turned over to this administration by the last one will disintegrate. Its efficiency will be destroyed.

The Shipping Board and the Emergency Fleet Corporation will become the haven of discredited and impecunious politicians and of persons scheming to defraud the Government by getting its property for a song or securing the allowance of stuffed and fraudulent claims. Our ships will rot at the wharves or be run at a great loss to the Treasury, and within 5 or 10 years the hundreds of millions of value we now have in our ships will be dissipated, our merchant marine will be gone, and our farmers, merchants, and industries will be at the mercy of foreign shipping. Of course there will be an honest difference of opinion as to whether or not this will be the condition, but from what I know of the situation there is no doubt about it in my mind. Whatever others may do, I can find no justification for my not supporting anything that offers a hope of avoiding such calamitous results.

Mr. President, I desire to ask that certain matter may be printed at the close of my remarks. I have here an address delivered by Mr. Plummer, of the Shipping Board, to the National Merchant Marine Association last evening, which I ask may be printed at the conclusion of my remarks.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

(See Appendix H.)

Mr. JONES of Washington. I have here an extract from a speech by ex-President Taft, delivered on September 30, 1909, at Seattle, Wash., which, it seems to me, is very appropriate at the present time. It presents arguments in favor of an American merchant marine and of our doing something to aid it, very clearly and very concisely. I ask that that may be printed at the conclusion of my remarks.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

(See Appendix I.)

Mr. JONES of Washington. I have two other articles which I want printed as a part of my remarks. One is from the Manufacturers' Record of February 1, 1923, entitled "Why the South should favor subsidy for an American merchant marine." The other is an article which struck me as a very clear and cogent argument in favor of the merchant marine, sent me by Hon. Winthrop L. Marvin. I ask that these may be printed at the conclusion of my remarks.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

(See Appendix J and Appendix K.)

APPENDIX A.

UNITED STATES LINES,
New York, January 9, 1923.

Hon. WESLEY L. JONES,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In compliance with your verbal request, I take pleasure in submitting the following information relative to the activities of the Panama Railroad Steamship Line:

I became connected with the Panama Railroad Co. in 1887. At that time the company operated a railroad across the Isthmus of Panama. It afforded the only means by which cargo and passengers were carried from Europe and from the United States to the west coast of Central and South America, other than the route via Cape Horn and that via the Straits of Magellan. The bulk of the cargo moving from Europe and from the United States to Central and South America and in the opposite direction was carried over the Panama Railroad, with the exception possibly of that cargo originating at, or destined to, ports so close to the Magellan route as to permit of it being carried with equal speed via Magellan or via Panama.

The railroad was "fed" by steamship lines that operated on both sides of its terminals, and the "feeder" from the United States was the Pacific Mail Steamship Co., which operated between New York and Colon on the Atlantic, and between Panama, Central America, Mexico, and San Francisco on the Pacific.

In 1894 the contract between the Panama Railroad Co. and the Pacific Mail Steamship Co. expired by limitation, and, as the directors of the Panama Railroad Co. and of the Pacific Mail Steamship Co. could not agree upon a new form of contract, the Panama Railroad Co. established its own steamship line, operating between New York and Colon, its Altantic terminals; and also later established another steamship line, operating between Panama and San Francisco. Its line on the Atlantic was first named the "Columbia Line," and later the "Panama Railroad Steamship Line."

The stock control of the Panama Railroad Co. passed to the Government of the United States some time during 1904, when the Government purchased the assets of the French Panama Canal Co., among which were included all but approximately 3,000 shares of the capital stock of the Panama Railroad Co.

From the inauguration of the Panama Railroad Steamship Line in 1894 until the Government of the United States purchased control of the railroad company in 1904, the steamship line was operated solely as a feeder for the Panama Railroad. Its "bookkeeping" proportion of the through rate for the haul on the Atlantic Ocean was purposely made low, so as to yield just a slight return over operating expenses, the idea being to increase the revenue of the railroad itself, which was the important factor in the through traffic between Europe and the United States and the West coast of Central and South America.

Up to 1904 the rates between Europe and Central and South America, although involving a greater Atlantic Ocean haul of 2,000 miles, were always considerably lower than the rates between New York and Central and South America, and some of the European steamship companies that carried traffic from Europe to Central and South America via Colon also operated steamships of foreign registry between New York and Colon, *charging for the latter service much higher than they were charging for the haul on their steamers from Europe.* This was due, first, to the fact that there was greater competition for the European traffic, a larger number of steamship lines being involved; and, second, to the policy of charging all that the traffic would stand.

In 1904 when the Government of the United States purchased the assets of the French Panama Canal Co., among which was included the majority of the shares of the Panama Railroad Co., a change was necessitated in the policy of the steamship line—no longer could that line be a party to an arrangement by which American shippers were charged more than foreign shippers for a service involving a lesser ocean haul of over 2,000 miles; and by direction of Mr. Taft, then Secretary of War, no rate could be increased except when justified by operating conditions, and no rate, when decreased, could be later increased unless justified by operating expenses.

From 1894 up to the completion of the Panama Canal, the Panama Railroad Steamship Line, which had, with one or two exceptions, always operated at a slight profit, continued to operate at a profit, notwithstanding the fact that it was obliged to carry all employees of the Government between New York and the Canal Zone for a subsistence rate ranging from $20 to $30—in most instances $20—and the bulk of the supplies and equipment needed in the construction of the canal at rates that always involved a reduction from the regular tariff, and in a number of instances resulted in actual loss. It was able to do this and operate at a profit, because of the large quantity of commercial cargo that it handled at regular rates. It did not have sufficient facilities to enable it to handle all the commercial cargo that was offered, and it was obliged to give preference on its steamers to all shipments for account of the Government, with the result that not only was considerable commercial cargo diverted to its competitors but it in many instances was obliged to turn over to its competitors cargo that had been tendered by shippers but which had been shut out for poor-paying Government cargo.

During the period of the war all the facilities of the Panama Railroad Steamship Line were devoted to the transportation of "war-essential" cargo, in cooperation with the war industries and other boards; and even during that period, and subsequently, when rates throughout the world were increased by 200 per cent and 300 per cent, merely because the traffic could stand it, no rate was ever increased by the Panama Railroad Steamship Line except it was justified by increased operating expenses. Subsequent to the termination of the war the large through business that had been previously carried over the Panama Railroad was naturally diverted to the steamships operating through the Panama Canal, because of the reduced cost of transportation and the lesser number of handlings, and of the local business that has not been affected by that competition the Panama Railroad Steamship Line has been obliged to fight for its share with other steamship lines operating on the Atlantic, some of which are of foreign registry.

The loss of this good-paying through traffic is the principal cause of the deficit from which the Panama Railroad Steamship Line has suffered within the past two years and the substitution in its place of local traffic that is carried at ruinous rates in competition with other lines.

The successful operation of the Panama Railroad Steamship Line is due in a great measure to the fact that it is operated strictly as a commercial proposition, just as if its stockholders were private individuals and corporations, such as own the stock of the important railroads in this country. There has never been any interference on the part of the Government of the United States with the operations of the Panama Railroad Steamship Line by the directors, who are in fact selected by the Government. Those directors have been able to use their best judgment, without direction from anyone, as to the policy that the company should pursue, the salaries these officers and employees should receive, the manner in which the accounts should be audited. In fact, did not the stock records of the Panama Railroad Co. indicate that the Government of the United States is the chief and sole stockholder of record, there would be practically no evidence of Government ownership.

The operation of the United States Lines, to which I was transferred a little over a year ago with the approval of the Secretary of War, is an entirely different proposition. In its efforts to secure business the Panama Railroad Steamship Line competed with other lines that had approximately the same kind of tonnage and facilities to offer to shippers. In the United States Lines we are in exactly the reverse position, in that we are not able to offer to shippers anything like the facilities that our competitors, most of whom operate steamers of foreign registry, are able to offer. We have but one real steamer, the steamship *George Washington*, and even that steamer is not to be compared with many of the large steamers of our competitors. The rest of our fleet can not be compared in size, speed, or capacity with even the second-class steamers of our foreign competitors; and even should it be determined to continue the Government operation of the United States Lines, success can not reasonably be expected until a building program is inaugurated that will place in its service steamers of as high and satisfactory a type as are being operated by our foreign competitors in this strictly American traffic.

If the Panama Railroad Steamship Line had been obliged to meet with such severe competition as the United States Lines meets every day and with the same kind of inadequate facilities as are possessed by the United States Lines, the Panama Railroad Steamship Line could never have been operated at a profit, except possibly during the few months of the war, when American steamships had a monopoly

of all traffic from the United States because of foreign steamships being commandeered by foreign admiralties.

In the operation of the Panama Railroad Steamship Line its directors and officers are able to exercise their own judgment as to the salaries that should be paid to its officials and employees, settlements of claims for damage to cargo, accidents, etc., which they would not be allowed to exercise if the corporation were operated, as is the United States Lines, as a direct branch of the Government.

The business judgment of its directors and officers is used on all occasions, having regard solely to the best interests of the corporation, and without being affected in the slightest degree by fear as to whether or not that judgment may run counter to special Government laws or regulations, as is required of the Shipping Board and its subsidiaries.

Very respectfully yours,

T. H. ROSSBOTTOM.

APPENDIX B.

UNITED STATES LINES,
New York, January 12, 1923.

MY DEAR SENATOR: I have your letter of the 11th instant, and reply to your several inquiries as follows:

Question 1. What, in my opinion, should be the type, speed, and tonnage of vessels required for the satisfactory Government operation of the United States Lines?

Answer. The North Atlantic passenger service is the "top notch" of all passenger steamship operation. The Germans, in my opinion, have the best ideas as to the type of steamer to be operated, and that is 30,000 tons, 20–21 knots speed, capable of carrying between 500 and 600 first class, approximately the same number of second class, and up to 1,200 third class in closed rooms, with freight accommodations for between 3,500 and 4,000 tons. Vessels of this type will in the long run give more satisfactory results not only from a passenger and cargo but also from a financial viewpoint than larger steamers of the type of the steamship *Majestic* and steamship *Leviathan*. The German idea is an improved *George Washington*, somewhat larger, and of from 3 to 4 knots greater speed. This is my ideal of a first-class trans-Atlantic liner.

Europeans will travel second class; Americans do not care to do so because they don't want to travel on a steamer in which there is a class of passengers apparently superior to them. For that reason we are changing the steamship *America*, which is now a first-second-third class steamer, to a cabin type steamer, carrying one type of cabin passengers and third class. The cabin passengers will pay approximately the same rate as is now charged to second-class passengers. The steamship *America*, with a speed of from 16 to 17 knots, is a most satisfactory cabin ship, and in my judgment is the ideal type of steamer for the cabin trade.

Our London service is an entirely different proposition. We are now operating with 5 steamers of the 502-foot type that are capable of 14 knots speed. They are about 100 feet too short and 3 knots too slow. They can carry a little in excess of 100 cabin passengers; they should have good accommodations for not less than 200. Three of them have no third-class accommodations; they should have accommodations for not less than 100, and preferably 150, third class in rooms. With the latter type in the London trade, four steamers could operate on a weekly schedule where it now takes five; the increased speed would result in our securing the mail from the New York post office; and the additional passenger capacity could be expected to sufficiently increase the passenger revenue to make the line a profitable one.

Question 2. What is the number of vessels operated by the Panama Railroad Steamship Line?

Answer. Up to within a year ago the Panama Railroad Steamship Line operated a total of 15 vessels, as follows: Ten passenger and cargo steamers, one cattle steamer, two 15,000-ton colliers, and two 7,500-ton coal barges towed by the colliers. It is now operating on regular schedule seven steamers, the remainder of its fleet being tied up because of the depression in trade.

Question 3. State the number of salaries of $10,000 and up, giving the amount of each.

Answer. There are three salaries in excess of $10,000, two being $15,000 and one $12,000.

Question 4. What is my opinion of the suggestion that the ships of the Emergency Fleet Corporation be turned over to me or to some other individual or single operating agency?

Answer. I do not take much stock in this. The present officials of the Emergency Fleet Corporation are among the most experienced of steamship operators. No one individual could do as well as these officials are doing, and I can not see how any single operating agency could accomplish any more than those officials are now accomplishing.

Question 5. What, in my opinion, should be done if we are to continue Government ownership of our steamers and operate them by the Government or through operating agencies?

Answer. There are three kinds of service that must be considered—(1) the tramp-steamer service, (2) the cargo-liner service, (3) the combined passenger and cargo service.

I do not see why the Government should go into the tramping business. It would be difficult to compete with the foreign tramps because of their very low operating costs, and nothing would be gained in the direction of establishing trade routes or regular service. Let the foreign shippers hunt for and take care of the tramp trade.

The establishment and maintenance of regular trade routes by the operation of cargo and passenger liners is well worth while.

The real question is, what do you mean by "Government operation"? Is it merely operating the steamers, making the necessary repairs, and letting them wear themselves out? Or is it a question of operating what we have and planning new construction, just the same as all privately owned steamship companies are obliged to do? If the first is to be considered "Government operation," and no building is contemplated, the best thing to do, in my judgment, is to continue the operation of steamers for Government account by private operators, but tie up the operators in some way, so that they will have a financial risk of some kind. The present method results in the operator being certain of his expenses for commissions, etc., and he is merely an "agent," sure of his compensation—he can not be expected to take the same interest in the business as if he were financially concerned. A better plan would be to charter the steamers to him—even if the Government pays him for chartering them, instead of the charterer paying for the use of them; or agree upon some plan whereby the operator runs more of a risk—financial, legal, and business—than he does under the present arrangement.

If "Government operation" involves a construction policy, my idea is that the Government should get out of the steamship business as soon as it has established a balanced fleet and has something that it can sell to private steamship operators, and which those operators can afford to purchase. When the time for sale arrives, it should not be a question of "jacking up" private operators to make high bids for the steamers; it should be a question of accepting reasonable bids from responsible concerns, but tying up those concerns with the obligation to operate that particular trade route with American steamers for a definite number of years. I am rather hopeful that at the end of that period the trade will be so firmly intrenched that the operators will stick to American tonnage.

Regardless as to which of these two plans is adopted, I can not see anything but confusion and heavier financial loss if steamship lines now operating Shipping Board steamers on regular trade routes are replaced by direct Government operating agencies. It would, of course, be possible to establish the Government agencies to operate; but the building up of a business takes considerable time, and the agency and other arrangements that the present operators now have abroad and the facilities they have acquired in the handling of steamers can not be taken from them at short notice and acquired by any direct Government operating agency.

It all takes time and should not be attempted except it be definitely determined that the Government is to run American shipping as it operates, for instance, the Post Office, War, Navy, and other departments of the Government.

There are several other questions that could be handled with advantage to American steamship interests, if you gentlemen of Congress would look into them carefully. They are as follows:

(1) Reciprocity in the matter of licenses to steamship lines. Foreign steamship lines operate to the United States and are admitted here without any restriction whatever. Foreign governments require steamship lines to secure licenses before they can engage in the passenger traffic. Unheard of difficulties are encountered when applications are made on behalf of American lines. All sorts of obstacles are placed in the way, and in many instances licenses are never granted.

(2) The booking of passage on steamships of foreign registry by Government officials and employees traveling at the expense of the Government of the United States instead of on American steamships—a condition practically unheard of with citizens of foreign countries.

(3) The adoption of the policy of foreign governments in requiring that their mail matter be forwarded by steamers flying the flag of their country—rigidly adhered to, regardless as to the extent to which the mail might be delayed. The mail revenue, in many instances, with American steamship lines changes a deficit into a profit.

(4) Allowing immigrants to enter the United States at the rate of 20 per cent per month for 5 months, instead of at the rate of 10 per cent per month for 10 months, results in the control of this traffic by steamship lines of foreign registry. The adoption of a 10 per cent per month plan would correct this condition.

(5) A tendency on the part of Government officials to construe navigation, tariff, and similar laws in a reasonable way, as Congress undoubtedly intended, instead of compelling American steamship operators to comply strictly with various interpretations of the law, all tending to increase operating expenses, would be a step in the right direction.

I trust this letter will give you the information that you desire. If it does not, I shall be glad to be of any further assistance to you.

Very sincerely yours,

T. H. ROSSBOTTOM, *General Manager.*

Hon. WESLEY L. JONES,
United States Senate, Washington, D. C.

APPENDIX C.

AMERICAN STEAMSHIP OWNERS' ASSOCIATION,
New York, January 29, 1923.

Hon. WESLEY L. JONES,
Chairman Committee on Commerce, United States Senate,
Washington, D. C.

MY DEAR SENATOR: I am inclosing two copies of additional comparisons of American and British and American and Norwegian steamers engaged in similar trades—the figures being taken directly off the pay rolls as the ships arrived at the port of New York. The date stated on these memoranda is the date of paying off.

You will observe that one of the American-British statements compares the wages of an American with a British white crew—the other of an American with a British crew composed chiefly of Lascars—East Indians. It is significant that 34 members of the American white crew in this case received a total pay of $2,742.50 a month, while the partly British but chiefly Lascar crew of 69 of the British steamer received only $1,707.05—or more than $1,000 less for one ship per month. It is the practice of British shipowners in the East India and other trades wherever possible to match Lascar crews against American crews—the more effectively to drive our ships off the ocean.

Other comparisons are being made from day to day and will be forwarded to you as completed.

Sincerely yours,

WINTHROP L. MARVIN,
Vice President and General Manager.

AMERICAN STEAMSHIP OWNERS' ASSOCIATION,
New York, January 14, 1923.

Comparison of pay rolls, American and British cargo ships.

AMERICAN STEAMSHIP "WINONA," OF PHILADELPHIA.

(4,964 gross tons, 3,034 net tons, oil burner.)

	Pay per month.
1 first mate	$160.00
1 second mate	140.00
1 third mate	125.00
1 radio operator	90.00
1 boatswain	65.00
5 able seamen, at $55	275.00

		Pay per month.
2	ordinary seamen, at $40	$80.00
1	chief engineer	230.00
1	first assistant engineer	160.00
1	second assistant engineer	140.00
1	third assistant engineer	125.00
3	oilers, at $65	195.00
2	water tenders, at $65	130.00
3	firemen, at $57	172.50
1	steward	105.00
1	chief cook	90.00
1	second cook	70.00
3	mess boys, at $35	105.00
1	purser	100.00
31	Total pay per month	2,557.50

BRITISH STEAMSHIP "TREGENNA," OF ST. IVES.

(5,241 gross tons, 3,200 net tons, coal burner.)

		Pay per month.
1	first mate	$105.08
1	second mate	81.73
1	third mate	60.71
1	carpenter	58.38
1	boatswain	53.71
7	able seamen, at $46.70	326.90
1	chief engineer	142.44
1	first assistant engineer	102.74
1	second assistant engineer	79.39
1	third assistant engineer	60.71
2	donkey men, at $53.71	107.42
1	oiler and fireman	51.37
12	firemen and coal passers, at $49.04	588.48
1	steward	67.72
1	cook	63.05
3	boys, at $26.15	78.45
36	Total pay per month	2,028.28

On basis of pound sterling=$4.67.

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AMERICAN STEAMSHIP OWNERS' ASSOCIATION,
New York, September 8, 1922.

Comparison of pay rolls, American and British cargo ships, New York-East India trade.

AMERICAN STEAMSHIP "THE LAMBS," OF NEWARK.

(Shipping Board; 6,629 gross tons; 4,122 net tons; oil burner.)

		Pay per month.
1	first mate	$165.00
1	second mate	145.00
1	third mate	130.00
1	radio operator	90.00
1	carpenter	70.00
1	boatswain	65.00
6	able seamen, at $55	330.00
2	ordinary seamen, at $40	80.00
1	chief engineer	240.00
1	first assistant engineer	165.00
1	second assistant engineer	145.00
1	third assistant engineer	130.00
3	oilers, at $65	195.00
3	firemen, at $57.50	172.50
2	wipers, at $50	100.00
1	chief steward	105.00
1	cook	90.00
1	second cook	70.00
3	messboys, at $35	105.00
32	Total pay per month	2,592.50

BRITISH STEAMSHIP "LORENZO," OF LONDON.

"Ellerman," Wilson Line (Ltd.), 6,008 gross tons, 3,753 net tons; coal burner.

		Pay per month.
1	first mate	$118.46
1	second mate	96.11
1	third mate	78.23
1	radio operator	49.17
1	carpenter	64.82
5	apprentices (receive no wages).	
1	chief engineer	158.69
1	second engineer	118.46
1	third engineer	96.11
1	fourth engineer	78.23
1	fifth engineer	73.76
1	chief steward	78.23
16		1,010.27

LASCARS—DECK DEPARTMENT.

1	boatswain (serang)	18.00
1	boatswain's mate	17.11
5	quartermasters (seacanny), at $16.50	82.50
23	able seamen, at $7.50	172.50
1	cleaner (lapas)	6.60
31		296.71

LASCARS—ENGINE DEPARTMENT.

1	first oiler (tindal)	11.10
1	second oiler (tindal)	9.00
1	No. 1 fireman	22.50
1	No. 2 fireman	13.20
1	No. 3 fireman	11.10
1	No. 4 fireman	10.50
1	donkey man	10.50
32	firemen, at $9	288.00
11	coal passers, at $7.20	79.20
50		455.10

LASCARS—STEWARD'S DEPARTMENT.

1	cook	25.50
1	second cook	22.50
1	third cook	13.50
4	boys, at $10.50	42.00
7		103.50
104	Total pay per month	1,865.58

On basis of pound sterling=$4.47.
On basis of rupee=30 cents.

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AMERICAN STEAMSHIP OWNERS' ASSOCIATION,
New York, September 7, 1922.

AMERICAN SHIP WAGES.

Steamship "Sabotawan," cargo ship, of New York (Shipping Board), 4,834 gross tons, 3,045 net tons, oil burner.

MEDITERRANEAN TRADE.

		Pay per month.
1	first mate	$160.00
1	second mate	140.00
1	third mate	125.00
1	radio operator	90.00
1	carpenter-boatswain	65.00
6	able seamen, at $55	330.00
2	ordinary seamen, at $45	90.00
1	chief engineer	230.00
1	first assistant engineer	160.00
1	second assistant engineer	140.00
1	third assistant engineer	125.00
3	oilers, at $65	195.00
3	firemen, at $57.50	172.50
2	wipers, at $50	100.00
1	steward	105.00
1	cook	90.00
1	second cook	70.00
3	messboys, at $35	105.00
31	Total pay per month	2,492.50

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AMERICAN STEAMSHIP OWNERS' ASSOCIATION,
New York, August 14, 1922.

AMERICAN SHIP WAGES.

Steamship "Rotarian," cargo ship, of Tacoma (Shipping Board), 4,747 gross tons, 2,925 net tons, oil burner.

WEST COAST OF SOUTH AMERICA TRADE.

		Pay per month.
1	first mate	$160.00
1	second mate	140.00
1	third mate	125.00
1	radio operator	90.00
1	boatswain and carpenter	65.00
6	able seamen, at $55	330.00
2	ordinary seamen, at $40	80.00
1	purser	90.00
1	chief engineer	230.00
1	first assistant engineer	160.00
1	second assistant engineer	140.00
1	third assistant engineer	125.00
3	oilers, at $65	195.00
3	firemen, at $57.50	172.50
2	wipers, at $50	100.00
1	steward	105.00
1	cook	90.00
1	second cook	70.00
3	messboys, at $35	105.00
32	Total pay per month	2,572.50

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AMERICAN STEAMSHIP OWNERS' ASSOCIATION,
New York, August 19, 1922.

AMERICAN SHIP WAGES.

Steamship "Norlina," cargo ship, of New York, 4,596 gross tons, 2,840 net tons, oil burner.

EUROPEAN TRADE.

		Pay per month.
1	first mate	$135.00
1	second mate	115.00
1	third mate	95.00
1	radio operator	90.00
1	carpenter	55.00
1	boatswain	50.00
6	able seamen, at $45	270.00
2	ordinary seamen, at $40	80.00
1	chief engineer	185.00
1	first assistant engineer	135.00
1	second assistant engineer	115.00
1	third assistant engineer	95.00
3	oilers, at $50	150.00
3	firemen, at $47.50	142.50
2	wipers, at $40	80.00
1	steward	95.00
1	cook	80.00
1	galley boy	45.00
3	messmen, at $40	120.00
32	Total pay per month	2,132.50

AMERICAN STEAMSHIP OWNERS' ASSOCIATION,
New York, September 2, 1922.

BRITISH SHIP WAGES.

Steamship "Kazembe," cargo ship, of North Shields (Ellerman & Bucknall Steamship Co., Ltd.).

(4,676 gross tons, 2,938 net tons; coal burner.)

EAST INDIA TRADE.

		British money per month.	American money per month.
		£. s.	
1	First mate	21 10	$95.99
1	Second mate	18 0	80.28
1	Third mate	14 10	64.67
[1]1	Radio operator	1 0	4.46
1	Chief engineer	30 10	136.03
1	First assistant engineer	23 10	104.81
1	Second assistant engineer	18 0	80.28
1	Third assistant engineer	14 10	64.67
1	Fourth assistant engineer	13 10	60.21
1	Carpenter	13 0	57.98
1	Chief steward	15 0	66.90
[2]4	Apprentices	.. ..	.....
15	Total	183 0	816.18
	LASCARS—DECK DEPARTMENT.	*Rupees per month.*	
4	Quartermasters (seacanny), at 55 rupees	220	@$15.95=63.80
1	Boatswain (serang)	60	17.40
1	First mate (tindal)	37	10.73
1	Second mate (tindal)	30	8.70
1	Cassab	30	8.70
1	Winchman	28	8.12
4	Seamen, at 25 rupees	100	@7.25=29.00
2	Seamen, at 23 rupees	46	@6.67=13.34
1	Seaman	22	6.38
3	Seamen, at 20 rupees	60	@5.80=17.40
2	Seamen, at 18 rupees	36	@5.22=10.44
1	Tapass (cleaner)	22	6.38
22		691	200.39
37	Carried forward (American money)	.....	1,016.57
	LASCARS—ENGINE DEPARTMENT.		
1	Serang	60	17.40
1	First tindal	35	10.15
1	Second tindal	30	8.70
1	Third tindal	28	8.12
1	Cassab	28	8.12
3	Donkey men and oilers, at 28 rupees	84	@8.12=24.36
12	Firemen, at 23 rupees	276	@6.67=80.04
6	Trimmers, at 18 rupees	108	@5.22=31.32
26	Total	649	188.21
	LASCARS—ENGINE DEPARTMENT.	*Hongkong dollars per month.*	
1	Fireman	25	13.50
1	Storekeeper	25	13.50
2	Total	50	27.00
	LASCARS—STEWARD'S DEPARTMENT.	*Rupees per month.*	
1	Cook	75	21.75
1	Second cook	40	11.60
1	Pantryman	34	9.86
5	Boys, at 34 rupees	170	@9.86=49.30
8	Total	319	92.51
73	Total pay per month	.....	1,324.29

[1] Balance paid by Marconi Co. [2] Stand wireless watches.

Pound sterling=$4.46.
Rupee=29 cents.
Hongkong dollar=54 cents.

APPENDIX D.

AMERICAN STEAMSHIP OWNERS' ASSOCIATION,
New York, July 26, 1922.

AMERICAN SHIP WAGES.

Steamship "Independence Hall," cargo ship, of Philadelphia (Shipping Board), 5,050 gross tons, 3,076 net tons, oil burner.

EUROPEAN TRADE.

	Pay per month.
1 first mate	$165.00
1 second mate	145.00
1 third mate	120.00
1 radio operator	90.00
1 boatswain	65.00
6 able seamen, at $55	330.00
2 ordinary seamen, at $40	80.00
1 chief engineer	240.00
1 first assistant engineer	165.00
1 second assistant engineer	145.00
1 third assistant engineer	130.00
3 oilers, at $65	195.00
3 water tenders, at $65	195.00
3 firemen, at $57.50	$172.50
2 wipers, at $50	100.00
1 steward	105.00
1 cook	90.00
1 baker	70.00
3 mess boys, at $35	105.00
34 Total pay per month	2,707.50

AMERICAN STEAMSHIP OWNERS' ASSOCIATION,
New York, August 17, 1922.

AMERICAN SHIP WAGES.

Steamship, steel, "Seafarer," cargo ship, of New York, 5,685 gross tons, 3,450 net tons, oil burner.

ATLANTIC-PACIFIC TRADE.

	Pay per month.
1 first mate	$165.00
1 second mate	140.00
1 third mate	125.00
1 junior third mate	100.00
1 radio operator	90.00
1 carpenter	70.00
1 boatswain	65.00
7 able seamen, at $47.50	332.50
2 ordinary seamen, at $35	70.00
1 chief engineer	285.00
1 first assistant engineer	165.00
1 second assistant engineer	140.00
1 third assistant engineer	125.00
1 junior third assistant engineer	70.00
1 storekeeper	55.00
3 oilers, at $55	165.00
3 firemen, at $50	150.00
3 wipers, at $40	120.00
1 steward	105.00
1 cook	90.00
1 second cook and baker	70.00
2 messmen, at $40	80.00
2 mess boys, at $30	60.00
38 Total pay per month	2,837.50

25 Americans.

AMERICAN STEAMSHIP OWNERS' ASSOCIATION,
New York, September 11, 1922.

BRITISH SHIP WAGES.

Steamship "Matoppo," cargo ship, of London (Ellerman & Bucknall Steamship Co., Ltd.).

(5,280 gross tons, 3,420 net tons; coal burner.)

SOUTH AFRICAN TRADE.

		British money per month.	American money per month.
		£ s.	
1	First mate	24 10	$109.27
1	Second mate	21 0	93.66
1	Third mate	17 10	78.05
[1]1	Radio operator	0 1	.22
[1]1	Second radio operator	0 1	.22
1	Carpenter	14 10	64.67
1	Boatswain	13 10	60.21
7	Able seamen, at £12 6s	86 2	@$54.84=383.88
1	Able seaman	12 0	53.52
1	.....do	10 4	45.48
2	Able seamen, at £10	20 0	@44.60= 89.20
1	Ordinary seaman	5 10	24.53
1	Chief engineer	35 10	158.33
1	First assistant engineer	26 10	118.19
1	Second assistant engineer	21 10	95.89
1	Third assistant engineer	17 10	78.05
1	Fourth assistant engineer	16 10	73.59
1	Chief steward	16 10	73.59
25	Total	358 18	1,600.55
	LASCARS—DECK DEPARTMENT.	*Rupees per month.*	
4	Quartermasters (seacanny), at 55 rupees	220	@15.95=63.89
1	Serang (boatswain)	60	17.40
1	Tindal (second boatswain)	37	10.73
1	Cassab	30	8.70
4	Sailors, at 25 rupees	100	@7.25=29.00
4	Sailors, at 22 rupees	88	@6.38=25.52
4	Sailors, at 21 rupees	84	@6.09=24.36
1	Sailor	20	5.80
1	Bhandary	25	7.25
1	Tapass	22	6.38
22	Total	686	198.94
47	Carried forward (American money)	.....	1,799.49
	LASCARS—ENGINE DEPARTMENT.		
1	Serang	60	17.40
1	Tindal	35	10.15
1	Second Tindal	30	8.70
2	Donkey men, at 28 rupees	56	@8.12=16.24
3	Greasers, at 26 rupees	78	@7.54=22.62

[1] Balance paid by Marconi Co.

Steamship "Matoppo," cargo ship, of London, etc.—Continued.

SOUTH AFRICAN TRADE—continued.

		British money per month.	American money per month.
	LASCARS—ENGINE DEPARTMENT—continued.	*Rupees per month.*	
12	Firemen, at 23 rupees	276	@$6.67=$80.04
9	Coal passers, at 18 rupees	162	@ 5.22= 46.98
1	Bhandary	25	7.25
30	Total	722	209.38
	LASCARS—STEWARD'S DEPARTMENT.		
1	Cook	75	21.75
1	Second cook	40	11.60
4	Waiters, at 35 rupees	140	@10.15=40.60
1	Pantryman	35	10.15
1	Mess boy	34	9.86
1	Cassab	28	8.12
9	Total	352	102.08
86	Total pay per month		2,110.95

Pound sterling=$4.46.
Rupee=29 cents.

APPENDIX E.

AMERICAN STEAMSHIP OWNERS' ASSOCIATION,
New York, July 28, 1922.

AMERICAN SHIP WAGES.

Steamship "Luxpalile," cargo ship, of Philadelphia (Shipping Board), 4,929 gross tons, 3,051 net tons, oil burner.

EUROPEAN TRADE.

		Pay per month.
1	first mate	$165.00
1	second mate	145.00
1	third mate	130.00
1	radio operator	90.00
1	boatswain	70.00
5	able seamen, at $55	275.00
2	ordinary seamen, at $40	80.00
1	chief engineer	240.00
1	first assistant engineer	165.00
1	second assistant engineer	145.00
1	third assistant engineer	130.00
3	oilers, at $65	195.00
2	water tenders, at $65	130.00
3	firemen, at $57.50	172.50
2	wipers, at $50	100.00
1	steward	105.00
1	cook	90.00
1	second cook and baker	70.00
3	messboys, at $35	105.00
32	Total pay per month	2,602.50

AMERICAN STEAMSHIP OWNERS' ASSOCIATION,
New York, August 18, 1922.

AMERICAN SHIP WAGES.

Steamship "Satartia," cargo ship, of Philadelphia (Shipping Board), 4,994 gross tons, 3,021 net tons, oil burner.

EAST INDIA TRADE.

		Pay per month.
1	first mate	$160.00
1	second mate	140.00
1	third mate	125.00
1	radio operator	90.00
1	boatswain	65.00
7	able seamen, at $55	385.00
2	ordinary seamen, at $40	80.00
1	chief engineer	230.00
1	first assistant engineer	160.00
1	second assistant engineer	140.00
1	third assistant engineer	125.00
3	oilers, at $65	195.00
3	water tenders, at $65	195.00
3	firemen, at $57.50	172.50
2	wipers, at $50	100.00
1	steward	105.00
1	cook	90.00
1	second cook	45.00
3	messboys, at $35	105.00
35	Total pay per month	2,707.50

AMERICAN STEAMSHIP OWNERS' ASSOCIATION,
New York, July 30, 1922.

AMERICAN SHIP WAGES.

Steamship "Winona," cargo ship, of Philadelphia (Shipping Board), 4,964 gross tons, 3,034 net tons, oil burner.

MEDITERRANEAN TRADE.

		Pay per month.
1	first mate	$160.00
1	second mate	140.00
1	third mate	125.00
1	radio operator	90.00
1	boatswain	65.00
5	able seamen, at $55	275.00
2	ordinary seamen, at $40	80.00
1	chief engineer	230.00
1	first assistant engineer	160.00
1	second assistant engineer	140.00
1	third assistant engineer	125.00
3	oilers, at $65	195.00
2	water tenders, at $65	130.00
3	firemen, at $57.50	172.50
1	steward	105.00
1	chief cook	90.00
1	second cook	70.00
3	messboys, at $35	105.00
1	purser	100.00
31	Total pay per month	2,557.50

AMERICAN STEAMSHIP OWNERS' ASSOCIATION,
New York, August 27, 1922.

BRITISH SHIP WAGES.

Ssteamship "Swazi," cargo ship, of London (Ellerman & Bucknall Steamship Co., Ltd.)

(4,940 gross tons, 3,174 net tons; coal burner.)

EAST INDIA TRADE.

		British money per month.	American money per month.
		£. s.	
1	First mate	20 10	$91.23
1	Second mate	16 10	73.43
1	Third mate	13 0	57.85
[1] 2	Radio operators, at £1	2 0	@$4.45=8.90
1	Chief engineer	28 10	126.83
1	Second engineer	22 10	100.13
1	Third engineer	16 10	73.43
1	Fourth engineer	13 0	57.85
1	Fifth engineer	12 0	53.40
1	Steward	14 10	64.53
11	Total	159 0	707.58
	LASCARS—DECK DEPARTMENT.	*Rupees per month.*	
1	Fourth mate (serang)	75	22.50
1	Boatswain (tindal)	46	13.80
1	Second boatswain	37	11.10
1	Winchman	36	10.80
1	Carpenter	120	36.00
4	Quartermasters (seacanny), at 69 rupees	276	@20.70=82.80
4	Seamen, at 31 rupees	124	@9.30=37.20
4	Seamen, at 28 rupees	112	@8.40=33.60
2	Seamen, at 25 rupees	50	@7.50=15.00
3	Seamen, at 22 rupees	66	@6.60=19.80
1	Storekeeper	36	10.80
23	Total	978	293.40
	LASCARS—ENGINE DEPARTMENT.		
1	Serang	75	22.50
1	Tindal	44	13.20
1	Second tindal	37	11.10
2	Donkey men, at 35 rupees	70	@10.50=21.00
3	Oilers, at 32 rupees	96	@9.60=28.80
13	Firemen, at 30 rupees	390	@9.00=117.00
15	Trimmers, at 24 rupees	360	@7.20=108.00
1	Casab	35	10.50
37	Total	1,107	332.10
71	Carried forward (American money)		1,333.08
	LASCARS—STEWARD'S DEPARTMENT.		
1	Steward	90	27.00
1	Chief cook	85	25.50
1	Second cook	45	13.50
1	Pantryman	45	13.50
1	Messroom boy	35	10.50
3	Galleymen, at 30 rupees	90	@ 9.00=27.00
1	Messman	35	10.50
1	Tapass	29	8.70
10	Total	454	136.20
81	Total pay per month		1,469.28

[1] Balance paid by Marconi Co.

Pound sterling=$4.45.
Rupee=30 cents.

APPENDIX F.

AMERICAN STEAMSHIP OWNERS' ASSOCIATION,
New York, January 1½, 1923.

Comparison of pay rolls, American and British cargo ships, Far East trade.

AMERICAN STEAMSHIP "STANLEY," OF SEATTLE.

(6,463 gross tons, 4,712 net tons; oil burner.)

		Pay per month.
1	first mate	$165.00
1	second mate	145.00
1	third mate	130.00
1	radio operator	90.00

		Pay per month.
1	carpenter	$70.00
1	boatswain	65.00
6	able seamen, at $55	330.00
2	ordinary seamen, at $40	80.00
1	chief engineer	240.00
1	first assistant engineer	165.00
1	second assistant engineer	145.00
1	third assistant engineer	130.00
3	oilers, at $65	195.00
3	firemen, at $57.50	172.50
2	wipers, at $50	100.00
1	steward	105.00
1	cook	90.00
1	second cook	70.00
3	messboys, at $35	105.00
32	Total pay per month	2,592.50

BRITISH STEAMSHIP "KENTUCKY," OF NORTH SHIELDS.

(6,601 gross tons, 4,250 net tons; coal burner.)

		Pay per month.
1	first mate	$123.76
1	second mate	98.07
1	third mate	63.05
1	chief engineer	165.79
1	first assistant engineer	114.42
1	second assistant engineer	98.07
1	third assistant engineer	81.73
1	fourth assistant engineer	77.06
1	steward	81.73
9		903.68
	LASCARS—DECK DEPARTMENT.	
1	serang	11.66
1	tindal	8.82
1	cassab	8.19
4	quartermasters, at $9.45	37.80
9	sailors, at $7.25	65.25
1	bhandary	7.88
1	tapass	5.67
18		145.27
	LASCARS—ENGINE DEPARTMENT.	
1	serang	18.90
1	tindal	11.03
1	second tindal	9.45
1	cassab	8.82
3	donkey men, at $8.82	26.46
16	firemen, at $7.25	116.00
6	trimmers, at $5.67	34.02
1	bhandary	7.88
30		232.56
	LASCARS—STEWARD'S DEPARTMENT.	
1	cook	23.63
1	second cook	12.60
1	pantryman	10.71
2	galley servants, at $10.71	21.42
1	mess boy	10.71
6		79.07
63	Total pay per month	1,360.58

On basis of pound sterling=$4.67.
On basis of rupee=31½ cents.

AMERICAN STEAMSHIP OWNERS' ASSOCIATION,
New York, January 20, 1923.

Comparison of pay rolls, American and British cargo ships, European trade.

AMERICAN STEAMSHIP "EASTERN PILOT," OF SEATTLE.

(3,162 gross tons, 1,924 net tons; coal burner.)

		Pay per month.
1	first mate	$160.00
1	second mate	140.00
1	third mate	125.00
1	radio operator	90.00
1	boatswain	65.00
4	able seamen, at $55	220.00
2	ordinary seamen, at $40	80.00
1	chief engineer	230.00
1	first assistant engineer	160.00
1	second assistant engineer	140.00
1	third assistant engineer	125.00
3	oilers, at $65	195.00
6	firemen, at $57.50	345.00
3	coal passers, at $50	150.00
1	steward and cook	105.00
1	second steward and cook	70.00
3	messboys, at $35	105.00
32	Total pay per month	2,505.00

BRITISH STEAMSHIP "WOLDINGHAM," OF LONDON.

(3,043 gross tons, 1,938 net tons; coal burner.)

		Pay per month.
1	first mate	$109.75
1	second mate	93.40
1	carpenter	67.72
1	boatswain	63.05
8	able seamen, at $56.04	448.32
1	chief engineer	170.46
1	first assistant engineer	109.75
1	second assistant engineer	95.74
1	donkeyman	$63.05
8	firemen and trimmers, at $58.38	467.04
1	steward	77.06
1	cook	72.39
1	engineer's boy	23.35
8	boys, at $0.23	.69
30	Total pay per month	1,861.77

On basis of pound sterling=$4.67.

APPENDIX G.

AMERICAN STEAMSHIP OWNERS' ASSOCIATION,
New York, January 12, 1923.

Comparison of pay rolls, American and British cargo ships, Far East trade.

AMERICAN STEAMSHIP "ENDICOTT," OF SEATTLE.

6,319 gross tons, 4,720 net tons, oil burner.

AMERICAN SHIP, ALL-WHITE CREW.

		Pay per month.
1	first mate	$165.00
1	second mate	145.00
1	third mate	130.00
1	radio operator	90.00
1	carpenter	70.00
1	boatswain	65.00
6	able seamen, at $55	330.00
2	ordinary seamen, at $40	80.00
1	chief engineer	240.00
1	first assistant engineer	165.00
1	second assistant engineer	145.00
1	third assistant engineer	130.00
3	oilers, at $65	195.00
3	firemen, at $57.50	172.50
3	wipers, at $50	150.00
1	steward	105.00
1	cook	90.00
1	second cook	70.00
3	mess boys, at $35	105.00
1	purser	100.00
34	Total pay per month	2,742.50

BRITISH STEAMSHIP "CITY OF MELBOURNE," OF LIVERPOOL.

(6,630 gross tons, 4,125 net tons; coal burner.)

BRITISH SHIP PART WHITE, CHIEFLY LASCAR CREW.

		Pay per month.
1	first mate	$121.42
1	second mate	102.74
1	third mate	86.40
1	chief engineer	165.79
1	first assistant engineer	119.09
1	second assistant engineer	102.74
1	third assistant engineer	86.40
1	fourth assistant engineer	81.73
4	quartermasters, at $58.38	233.52
1	steward	81.73
1	storekeeper	63.05
14		1,244.61
	LASCARS, DECK DEPARTMENT.	
1	serang	11.97
1	tindal	8.82
1	cassab	6.30
14	sailors, at $7.25	101.50
1	cook	7.88
1	pantry boy	.95
1	pantry boy	1.26
1	carpenter	37.36
21		176.04
	LASCARS, ENGINE DEPARTMENT.	
1	serang	18.90
1	tindal	11.03
1	second tindal	9.45
1	third tindal	8.82
1	cassab	8.82
1	donkeyman	8.82
3	greasers, at $8.19	24.57
10	firemen, at $7.25	72.50
9	trimmers, at $5.67	51.03
1	bhandary	7.88
1	topass	6.93
1	mess boy	10.71
1	cook and baker	23.63
1	second cook and baker	12.60
1	galley boy	10.71
34		286.40
68	Total pay per month	1,707.05

On basis of pound sterling=$4.67.
On basis of rupee=31½ cents.

APPENDIX H.

UNITED STATES SHIPPING BOARD,
DIVISION OF INFORMATION,
Washington.

[Release Thursday morning papers, February 8, 1923.]

ADDRESS OF EDWARD C. PLUMMER, COMMISSIONER, UNITED STATES SHIPPING BOARD, AT THE EVENING SESSION OF THE ANNUAL CONVENTION OF THE NATIONAL MERCHANT MARINE ASSOCIATION, AT THE WASHINGTON HOTEL, WASHINGTON, D. C., FEBRUARY 7, 1923.

Mr. President, members of the National Merchant Marine Association, and friends, it is a special pleasure to address you at this time,

not only because I know and have for years followed with increasing admiration the work of President RANSDELL, who is a statesman ever keeping in mind the interests of all the people in all the States of this Union instead of local fragments, but also because this National Merchant Marine Association is doing an educational work of measureless value to our country.

For years propaganda in the interest of foreign ships, which had found such a treasure house in the foreign commerce of the United States, pursued a devious course among our people with little difficulty. Now and then there was a partial exposure of this influence; but it was when the National Merchant Marine Association began its work of presenting actual facts to the whole American public—began to reveal the nature and sources of insidious attacks upon American shipping—that the citizens of the United States were given an opportunity to know the whole truth, were awakened to the vast national interests which this question of an American merchant marine involves, and to the fact that the commercial independence of this country, to say nothing of our national security, demands an adequate fleet of merchant ships under the Stars and Stripes.

It is an honor—a great honor—to address men who are performing such notably patriotic services as these. You are men who deal with facts. Therefore I shall not indulge in argument; I shall not discuss theories; I shall not attempt to impose personal views; I shall do exactly what the title to my address indicates that I propose to do here—I shall discuss "Shipping facts."

In doing this it is important for us constantly to keep in mind the controlling truth that we must deal with our shipping and our shipping conditions as they are, not as they might be. This is a fact which too many would-be illuminators of maritime problems overlook. There is no sense in discussing what we might do if we were permitted by law to man our ships with Chinese or other inexpensive labor; to ignore food and sanitary regulations; to have our vessels foreign in everything except the name—and have even the name painted abroad. We must take things as they are. We must recognize American standards. We must talk as Americans. Foreigners know this, and therefore we find those competitors agreeing that only by Government aid can American ships be enabled to exist in the foreign trade of this country.

This is the distinct statement of the great British authority—Lloyd's. This is the declaration to be found in the British Fairplay's summary of shipping views with which it opened the New Year. This is a fact which every practical shipping man knows. And therefore the only practical question left for discussion is whether or not it is of importance to have American ships engaged in our foreign trade. If this question be answered in the affirmative, Government aid becomes mandatory. There is absolutely no escape from it. Anyone who denies this conclusion willfully ignores the truth.

Now, is it of national importance to have American ships engage in the foreign trade of this country? It happens that the answer to this question can be taken in abundance from foreign sources and therefore from sources which opponents of American shipping, who generally—consciously or unconsciously—reflect and accept the foreign view, can hardly fail to recognize.

The recent report of Sir John E. Thornycroft, appearing in the British Lloyd's, reviewing the situation as he found it in Brazil during a recent visit there, speaks volumes. To use his own words:

"The Americans are pushing everywhere and taking control. Large orders for locomotives, for coal-plant grabs, etc., have recently gone to the United States, and a new steel factory is equipped with American plant, while it is probable that large orders for electrifying the street railways will also go to America. Germany, of course, has always had a watchful eye on Brazil and is pushing her wares there. There is still room for British enterprise, and we trust this will not be lacking even to the extent of giving the long credit which the present low exchange makes necessary.

"It would be apparent to British exporters that in Brazil there is a market capable of great development if they will set about exploiting it with energy and resourcefulness, as they have now every inducement to do."

This growth of American business in South America, which has given such employment to Americans, is wholly—mark, I say wholly—due to the fact that since the war we have put American ships into the service between those countries and the United States. There had been ships plying between Brazil and the United States for 50 years, but they were foreign ships, and the foreigners got the business which is now coming to us. That is the statement of Sir John, and surely no opponent of American shipping would think of questioning the word of a titled Englishman!

Take the case of our services from the Pacific States to the east coast of South America. Before our vessels were put on that route business there was negligible. We started with freighters and small cargoes. The business sought by the Shipping Board has so developed that already we have supplemented those freighters with combination freight and passenger ships, and the growth of this business, constant and healthy, is of great benefit not only to the people of the United States but to the people of South America whom we serve.

Adequate water services between two countries are always beneficial to both countries, and what both of our South American lines have accomplished is a benefit to the South American countries served as well as to the United States.

Now, it is a common, and suspiciously consistent, statement made by opponents of American shipping (and among the opponents of American shipping I, of course, include those who profess to favor American shipping but whose actions invariably contradict their words) that foreigners always have supplied us with adequate shipping in international trade, and therefore that there is no need of adding American ships to the fleets in international service.

Of course, the statement is false. Of course, any man who looks into the facts knows the statement is false. Of course, this falsity has been exposed repeatedly. But a characteristic of both the conscious as well as the unconscious opponents of American shipping is that a mere truth never interferes with the continuance of their false declarations. However, once more I will call attention, as so many others have done, to the lie which this statement of adequate service to this country by foreign ships carries.

Only recently Senator BROOKHART of Iowa put into the RECORD the fact that American farmers have this year been securing lower freight rates on their grain than those enjoyed prior to the World War. Now, when it is remembered that the cost of operating all ships, foreign as well as domestic, has been greatly increased since the World War; that, logically, the grain rates across the Atlantic would this year have been far higher than they were before the war, just as other transportation costs are higher; that if these Atlantic grain rates now were 50 per cent higher than they were before the war, they would then be nothing more than on an equality with rates which foreigners charged us before the war, it will be understood what a tremendous saving this low freight rate, to which the Senator has so properly called attention, has meant to the American farmer, and what vast sums of money foreign shipping men took away from Americans while they controlled our ocean transportation.

For the only reason assigned by anyone, and the one reason which the foreign shipping men unanimously give, for these "excessively low rates"—as they choose to term them—is the surpluses of ocean tonnage, which surpluses are charged directly to that vast increase in the amount of American merchant shipping created by the war.

Lloyd's List has repeatedly discussed this feature and shown that the increase in American shipping is almost identical with the amount of world surplus tonnage now afloat. Now, it is obvious that since the farmer this year has been getting his grain carried at figures which, in effect, are 50 per cent less than the figures charged by the foreign shipping men prior to the World War, that the foreign shipping men then were not giving the American shipper the cheap rates and the cheap service which they could have given him if they had had to—that it was only when American ships forced foreign ships to reduce their rates that they made these reductions, therefore facts clearly give the lie to the foreign claim that foreign ships always gave Americans adequate services at low rates.

Smoke screeners may attempt to divert attention from this "knock-down" fact by arguing the problem of whether or not such low rates are profitable to the shipowners; but as long as foreign ships continue to congest our harbors seeking this business at these low figures, and the principal foreign lines engaged in it continue somehow to pay 10 per cent dividends, most real Americans will be willing to let the American farmer get the benefit of these low rates which American ships have made possible and let the foreigner and his friends in the United States do the arguing.

Since the price of export grain is made in Liverpool, the American farmer does get the benefit of low Atlantic freight rates; and it's more important for Americans to guard the interests of the American farmer than it is to guard the interests of the foreign shipowner.

This is not theory; this is a fact, and a fact brought before the public by an eminent Senator who is not to be charged with being an advocate of subsidies to American vessels.

Now take a specific case that happened only a few years before the World War and which shows the kind of service Americans received and will receive from foreign ships when there are no American ships to insure us fair treatment. The Government of Argentina was in the market for 50 locomotives. Americans and Englishmen were the close bidders on that great contract. On the actual price of these locomotives the Americans were the lowest bidders. But we had no American steamship service to South America then. Both the British and the American locomotive builders had to depend on British steamers to carry those locomotives to South America, and it happened that the same British company operated the line from the United States and the line from England by which these locomotives must be transported.

Although the distance that the British locomotives must be carried was some 500 miles greater than the distance the American locomotives must be carried, those British steamship people named the American builders a rate $3 a ton higher than what they offered to these British locomotive builders. That extra charge of $3 a ton defeated the American manufacturers and gave this contract to their competitors. If American ships had been in the service then, as they are now, we would have had that contract.

Now, when it is recalled that a locomotive is practically all labor, it can be seen what the lack of American shipping in that single instance cost the workmen of this country. And that is only one of many cases.

The four-volume report of evidence and findings resulting from the investigation conducted by the Merchant Marine Committee, of which former Secretary of Commerce Alexander was chairman in 1914, gives a very good picture of shipping conditions as they were before the war. "Fighting ships"—and that is what the owners of those craft themselves called them—which crushed all would-be competitors in ocean areas which the English, German, and French combination had reserved to itself, are not the best evidences of an undying love and affection for the merchant marine of this country or of a desire to give our merchants and our exporters a fair chance in the commercial marts of the world.

But now comes a proposition, based on alleged unprofitable freight rates of which American citizens have been receiving the benefit, which has far-reaching possibilities and deserves immediate attention.

Foreign shipping authorities are busily preparing the public for an increase in freight rates. They apparently consider the American competition as temporary; they repeatedly refer to the time when the people of the United States will "weary of taxing themselves for the benefit of a special class" and they—the foreigners—will be able to secure "remunerative rates" for shipping.

Of course, the proper solution of the problem, even taking it as they present it, is in an enlarged employment of the more economical ships, rather than in charging increased rates so that uneconomical ships may be made profitable. That uneconomical ships are in the service is admitted. While attempting to propose a solution of the problem which will confront foreign ships if Government aid shall make it possible for American ships to engage in the foreign trade of the United States, English statisticians analyzed the merchant fleet of England and classified fully one-quarter of the fleet as really obsolete. They also admit the great economies which are already demonstrated as practicable both in type and operation of the modern ship.

American competition on the ocean will compel the giving of those transportation benefits to Americans. The question then will be not "How much will the traffic bear?" but "How low a rate of transportation is it possible for us to make?" Compelling the foreign shipping man constantly to face this latter question is worth more in actual cash to the people of the United States than any amount which any form of Government aid to United States vessels could cost.

Proof of this statement is right at hand. Already those Shipping Board steamers running to South America have compelled our British competitors to build for that service three 10,000-ton Diesel-engined ships. They know they must make the lowest possible rates if they are to share in this great ocean business of the United States, and these new ships can be operated on those long runs at less than two-thirds of the cost of corresponding steamships. That is what we have compelled them to do, to the mutual benefit of the people of those South American countries and of the United States.

But this is only the beginning. Ocean service is on the threshold of as great a change as that which followed the advent of steam. Just as steam, and the consequent development of economical water transportation, developed an international business which raised the merchant fleet of England from 3,000,000 to 21,000,000 tons, so those coming economies in ocean transportation by making possible exchange of commodities which heretofore have not been able to stand the traffic charge will create employment for a far greater fleet than the world ever has known, and in that fleet the American ships must have their proper place.

Fortunately we have hundreds of ships whose hulls are perfect and which, through Government aid, can be put into the trade as needed. Temporarily it means taking some business from our competitors. Ultimately it means more business for all the ships of the world.

Shipping is a means, not an end. It means foreign markets for the people who have ships. Merchant shipping is what enabled England to build up such a tremendous world trade; made her commercial empire possible. Merchant shipping is what gave England and Germany their dominating commercial influence in South America before the war, to the practical exclusion from that continent, so logically associated with us, of Americans, who then had no ships of their own. The changed conditions there, brought about by the services which the Shipping Board has established, have demonstrated anew, and in a most striking manner, how national ships develop national trade. Now, it is for Americans to act on the knowledge they possess and not be misled in a matter of such vast commercial importance to our country by deluding utterances from those who either have omitted to examine facts or who prefer to accept foreign theories regardless of their effect upon the people of the United States.

This truth the National Merchant Marine Association is doing much to bring home to the people of the United States. May it never falter in this great patriotic work!

APPENDIX I.

[Extract from speech of President William Howard Taft, made in Seattle, Saturday, September 30, 1909.]

MERCHANT MARINE NEEDS AID.

China is waking up. She is approaching a period of development that can not but increase her trade and augment her importance as a customer and as a trader with this country, while Japan and all other oriental countries are moving onward with giant steps in the commercial competition of the world. The many prophecies that have been made that in the next half century the commercial progress of the world is to be seen more decidedly in the Pacific than anywhere else are certainly well founded; and under those conditions it behooves us Americans interested in pushing our trade into every quarter of the globe to take steps to repair a condition that exists in respect to our merchant marine that is humiliating to our national pride and most burdensome to us in competition with other nations in obtaining international trade.

We maintain a protective tariff to encourage our manufacturing, farming, and mining industries at home and within our jurisdiction, but when we assume to enter into competition on the high seas in trade between international ports, our jurisdiction to control that trade, so far as the vessels of other nations are concerned, of course ceases, and the question which we have to meet is how with the greater wages that we pay, with the more stringent laws that we enact for the protection of our sailors, and with the protective system making a difference in the price between the necessaries to be used in the maintenance of a merchant marine, we shall enable that merchant marine to compete with the marine of the rest of the world.

$35,000,000 PAID IN SUBSIDY.

This is not the only question, either, for it will be found on an examination of the methods pursued in other countries with respect to their merchant marine, that there is now extended by way of subsidies by the various governments to their respective ships upward of $35,000,000, and this offers another means by which in the competition the American merchant ship is driven out of business and finds itself utterly unable to bid against its foreign competitors.

Not only this, but so inadequate is the American merchant marine to-day that in seeking auxiliary ships with which to make our Navy an instrument of offense or defense, or, indeed, in sending it around the world as a fleet, we have to call on vessels sailing under a foreign flag to carry our coal and to supply the other needs of such a journey. Were we compelled to go into a war to-day, our merchant marine lacks altogether a sufficient tonnage of auxiliary unarmed ships absolutely necessary to the proper operation of the Navy, and were a war to come on we should have to purchase such vessels from a foreign country, and this might, under the laws governing neutrals, be most difficult.

SOUTH AMERICAN TRADE.

The trade between the eastern ports of the United States and South America is a most valuable trade, and now equals something like $250,000,000; but European nations, appreciating the growing character of this trade, have, by subsidies and other means of encouragement, so increased the sailings of large and well-equipped vessels from Europe to the ports of South America as visibly to affect the proportion of trade which is coming to the United States by the very limited service of a direct character between New York and South American ports.

I need not tell you of the inadequacy of the American shipping marine on the Pacific coast and the growing power for commercial purposes in this regard of the Empire of Japan. Japan is one of the most active and generous countries in the matter of subsidies to its merchant marine that we have, and the effect is only too visible in an examination of the statistics. For this reason it seems to me that there is no subject to which Congress can better devote its attention in the coming session than the passage of a bill which shall encourage our merchant marine in such a way as to establish American lines directly between New York and other eastern ports and South American ports, and between our Pacific coast ports and the Orient and the Philippines. We earn a profit from our foreign mails of from $6,000,000 to $8,000,000 a year. The application of that amount would be quite sufficient to put on a satisfactory basis two or three oriental lines and several lines from the east to South America. Of course, we are familiar with the argument that this would be contributing to private companies out of the Treasury of the United States; but we are thus contributing in various ways on similar principles in effect, both by our protective tariff law, by our river and harbor bills, and by our Reclamation Service. We are not putting money into the pockets of the shipowners, but we are giving them money with which they can compete for a reasonable profit only with the merchant marine of the world.

THINKS COUNTRY IS READY FOR SUBSIDY.

From my observation I think the country is ready now to try such a law and to witness its effect in a comparatively small way upon the foreign trade of the United States. If it is successful, experience will show how the policy can best be expanded and enlarged and the American commercial flag be made to wave upon the seas as it did before our Civil War. It is true that our foreign trade is great and increasing, and this without the merchant marine, but it is also true that the ownership of a merchant marine greatly enhances the opportunities for extending trade for the merchants of the country having such a merchant marine.

There is no part of the country more interested in the development of this policy than Seattle, Wash., and the whole Pacific coast. With the enormous energy and potential force that you have developed in your community here for trade and business expansion, it can not have escaped the foresight of your business captains that the development of a merchant marine means the growth of Seattle into a port of such importance that hardly the lively imagination of her ambitious citizens can compass it.

APPENDIX J.

WHY THE SOUTH SHOULD FAVOR SUBSIDY FOR AN AMERICAN MERCHANT MARINE.

Of all sections of this country the South preeminently should be active and aggressive in favor of the development of an American merchant marine, and this can only be brought about by an adequate subvention or subsidy to American ships. The South has three-fifths of the coast line of the United States; it has vast potentialities for the development of foreign commerce. For the fiscal year 1921 the total exports through southern ports amounted to $2,294,000,000, which largely exceeded the total value of exports from the United States for any year prior to 1913, and were nearly double the total value of foreign exports for the entire country as late as 1900. For the same year the value of imports at southern ports amounted to $391,489,000, giving a total commerce in and out of over $2,800,000,000. The exports from five leading southern customs districts for that year amounted to $1,867,000,000, as compared with a total of $356,000,000 from the entire Pacific coast. The exports, for instance, from Galveston for that year were $550,000,000, or nearly $200,000,000 more than the total exports for the entire Pacific coast. The exports from New Orleans that year were $614,000,000, or nearly four times the total exports from San Francisco, or $240,000,000 more than the combined exports from San Francisco, Los Angeles, and San Diego. These figures, startling as they are, as indicative of the enormous expansion at southern ports, are merely suggestive of the possibilities of foreign commerce through these ports. They do not, of course, include the enormous coastwise commerce to and from all of the southern ports. They merely serve to show what the South is beginning to do in the way of exporting its own products through its own ports, and how the West is also seeking an outlet through the South. Every dollar of foreign trade through southern ports is an argument in favor of the development of our own merchant marine.

It seems scarcely conceivable that the people of this country, with its resources so boundless as to stagger the mind, with a growth already great enough to give us one-half of the world's railroad mileage, one-half of the world's coal and iron and steel output, with other things in proportion, should for one moment be satisfied to permit our flag to be driven from the high seas.

"Commerce follows the flag," is an old saying as true to-day as when uttered. Unless our flag floats in all the ports of the world the respect for it will be lessened on the part of other nations and our power to command the trade of other countries will be greatly decreased. The ships of every other nation give first attention to the trade of their own people, regardless of all denials which may be made by foreign shipowners. As a German steamship line some years ago, in fighting the effort of this country to develop a merchant marine, was found by congressional investigation to be carrying on its pay roll a Washington agent of one of the leading press associations, in order to mislead the public as to the need of an American merchant marine, so influences of many kinds are at work to-day to mislead the people of the country and to fill many newspapers with propaganda, the origin of which some of them do not themselves understand, against the necessity of a subvention for the upbuilding of a merchant marine. Without a merchant marine this Nation would lose many of its commercial potentialities and would be, in time of peace and in time of war, at the mercy of other countries, and its flag would be despised by the peoples of many nations because it did not have the courage to see that the Stars and Stripes floated in every port and on every sea.

The South, of all sections, should unite in favor of legislation for the maintenance of American shipping against the foreign shipping interests which are vigorous and aggressive in trying to prevent the passage of such a measure.

APPENDIX K.

The real problem of the American merchant marine is very simple. This is overwhelmingly a protectionist country. It is not a free-trade country. When the Democratic Party comes into power it carefully reduces tariff rates. It does not efface them. Its revenue duties leave substantial protection to every American industry exposed to foreign competition. The Republican Party systematically places high duties on foreign products that come into competition with our own products. This has been the policy of the United States for more than a hundred years.

In the first 60 years of our national existence overseas shipping was protected exactly as were all other American industries—by preferential tariff rates, and in addition by preferential tonnage rates. During these 60 years the United States was one of the greatest and undoubtedly the most efficient and successful maritime country in the world.

Gradually these discriminating duties, initiated in 1789, were given up under so-called treaties of reciprocity with other Governments. But these other Governments, and notably Great Britain, then proceeded to subsidize a part or all of their new steamship lines. The United States, except for a brief period from 1847 to 1856, has not in a general way subsidized any steamship services. That is to say, our overseas shipping, unlike all other internationally competitive indus-

tries, has for 60 years been without any actual protection by the Government. It is significant that our overseas shipping business under these conditions is the only American industry that has declined.

Our American shipowners and operators, though regarded as the most expert in the world, have been unable in these past 60 years to compete with the lower wages, aided by the subsidies and bounties of foreign Governments. Thus our sea shipping has been gradually driven from the ocean. In 1914, when the World War began, there were only six American ships in regular trans-Atlantic service, and only six American ships in trans-Pacific service to the Orient, under the American flag.

This condition had its inevitable result on American shipbuilding. For several years before the World War not one large steamer had been built in this country exclusively for the overseas trade.

The sole cause of the loss of our overseas shipping was that alone of all American competitive industries it was an absolutely unprotected industry.

The Republican national platforms had repeatedly declared for protection to American overseas shipping. Bills to carry out this solemn pledge had been repeatedly offered in Congress. They have all been defeated by narrow majorities because a certain number of Middle Western Senators and Representatives voted with virtually the solid body of the Democrats against any aid to the overseas merchant marine. This, in brief, is the history of our ocean shipping since the Civil War.

The World War, as you know, found the United States helpless to transport any appreciable part of its own export products in its own ships, when the ships of foreign governments that had been monopolizing our overseas carrying trade were largely withdrawn or interned, as was the case in the summer of 1914.

As a consequence freight rates were advanced to unheard-of figures by the few foreign ships that remained available for our ocean carrying. Secretary McAdoo, then the head of the Treasury Department, estimated that these arbitrarily advanced freight rates were costing the farmers of this country in particular at the rate of several hundred million dollars a year in the year 1915. Indeed, as you remember, some of our products could find no ships at all, and a severe blockade ensued on American railroads.

All this was one price which the American people were forced to pay for the incomprehensible neglect of the merchant marine by the national lawmakers.

Another price, and a very great and staggering one, was the $3,500,000,000 which we expended for the emergency construction of ships at a cost as high as $200 per dead-weight ton—ships which could have been built in this country before the war for from $50 to $65 a ton. All but a small part of this cost of war emergency ship construction could have been saved if the United States had given moderate, systematic aid to its merchant marine beforehand.

Now, the question that confronts the country is what to do in order that such an enormous penalty for the lack of a merchant shipping may never be incurred again. As we understand your suggestion, it is that the Government should continue the operation of the ships it now has and should continue to own and operate their own merchant marine.

May we submit that if this policy were adopted, to continue to own and operate the Government-owned merchant marine, it would fail to solve the question, because of the fact, which we fear you overlook, that a great part of our merchant marine engaged not only in coastwise commerce but in overseas trade is owned and operated at the present time by private American citizens and corporations.

On January 1, 1923, out of our total seagoing merchant marine of a total of 13,193,935 gross tons, the Government, through the Shipping Board, owned 7,350,643 tons, while 5,843,292 tons were held in private ownership. If from the Government-owned total of 7,350,643 tons there were stricken out, as there logically should be, the amount of war-built tonnage gravely defective in character and of no possible commercial use, it would be found that the Government-owned tonnage and the privately owned tonnage in our ocean-going fleet were practically equal. Therefore continued Government ownership and operation would solve the shipping problem only so far as a part of our ocean-going shipping is concerned.

Of the privately owned tonnage, the greater part is now engaged in the coastwise trade, where there is not and never has been foreign competition. But a very substantial part of the privately owned tonnage is struggling against heavy odds to live against the double competition of foreign ships, with their lower wages and, in some cases, their bounties and subsidies, and also against the competition of the Government-owned ships, whose deficits are made up out of the Public Treasury.

Permanent ownership and operation of Government-owned ships would in all probability finally destroy the private American investments in overseas shipping enterprises.

As the Government would presumably scarcely undertake to build any more ships, the result would be the extinction of American shipbuilding for overseas commerce and its dependence entirely on the modest demands of the coastwise trade. Such a condition as this would gravely menace our resources for national defense in time of a national emergency.

We do not believe that those Senators who urge continued private Government ownership and operation realize its disastrous effect upon those private American shipping companies which have been making a very earnest struggle to survive. Governmental competition imposed upon foreign competition would most certainly put an end to them and to all of our shipyards except those required for the purposes of domestic commerce.

In this connection we would like to emphasize the fact that it is the privately owned ships that are making relatively the best headway today against foreign competition, for the reason that it is the private lines that are operated with the greater economy and enterprise and show the better results from operation. It is estimated that $30,000,000 a year in shipping subsidies to privately owned ships and to the additional ships purchased by private owners from the Shipping Board would enable our merchant marine to increase and prosper in the foreign trade, while, on the other hand, the operation of that part of our merchant marine now Government owned is costing the country $50,000,000 a year.

There are two main methods by which the American merchant marine may be aided and protected in overseas trade. One is the former national policy of discriminating customs duties and tonnage dues, which was unquestionably effective in the first decades of our national history. But unfortunately, in order to apply these policies, it is necessary to ask for the amendment of all of our principal commercial treaties with foreign governments, which President Wilson and President Harding have successively refused to undertake.

The shipping subsidy policy, on the other hand, is the modern method of aid and encouragement to the merchant marines of the world as practiced in one form or degree or another by all foreign maritime governments. Great Britain subsidizes her principal lines of steamers through mail and admiralty payments. She has been doing this since 1839, when she began with the Cunard Line. Her total expenditures on mail, admiralty, and other forms of imperial encouragement are now stated to be nearly $10,000,000 a year. She is not paying an excessive sum, because she is realizing on her immense previous expenditures for this purpose. France has been paying as high as $13,000,000 a year; Italy is now proposing to pay about $10,000,000 a year; Japan has been paying from $4,000,000 to $6,000,000 a year. All nations giving subsidy grant these payments under careful terms of law and contract, as it is proposed to do in the pending shipping bill. All of them continue the policy, with the conviction that it is wise and advantageous.

Some governments pay direct bounties of so much per ton or per horsepower as direct encouragement to shipbuilding. Others pay subsidies or bounties only for purposes of navigation. But the great fundamental fact may be stated that all maritime nations in the world, our own excepted, do follow a policy of frank protectionism by subsidy either to all of their steamship lines or to those of them that are regarded as of the greatest national value.

How can the United States, paying generally higher wages, offering more liberal subsistence to its officers and seamen, hope to prevail under a policy of free trade on the sea against the world-wide policy of subsidies or subvention? Our national experience in the past 60 years has absolutely proved that such an effort is impossible.

In the course of the present debate assertions have been made regarding provisions of the present shipping bill that are based on a grave misapprehension. It has been stated, for example, that the bill confers its benefits chiefly on the larger and faster passenger liners and discriminates against the purely cargo ships. It is true that a higher rate of subsidy or compensation is provided for fast steamers carrying the mails than for "tramp" ships which convey no mails or passengers. But this is based on the fact that the "tramp" steamers, with their relatively low capital costs and small crews, do not need so high a compensation as the faster and more costly liners, with greatly larger crews, to place them on a basis of equality in competition with foreigners.

We would urge that you read carefully the statement recently presented by Senator JONES, chairman of the Committee on Commerce, as follows:

"Mr. President, it is true that the rate specified for the cargo ships is not as great in figures as that specified for the liners, and yet the experts before the committee testified that proportionately and relatively a greater benefit goes to the cargo ships than to the liners, because they are less expensive to operate, have smaller crews, and take less coal or oil, and so forth; so the fact that there is a higher rate of cents per ton for the liners than for the cargo ships does not show that more favors are rendered to the liner than to the cargo ship. As I said, the experts say that there is less favor to the liner proportionately and relatively than to the cargo ship; but the purpose of the subsidy payment to cargo ships is entirely to meet the difference in wages between the American ship and her foreign, particularly her British, competitor of like type and tonnage, because that is the main difference.

"The following is an exact comparison of wages paid on the American steamer *Hog Island* and the British steamer *Cornish Point*, of nearly equal dead-weight tonnage, the American ship being an economical oil burner and the British ship a coal burner, the American ship having a speed of 10 knots and the British ship a speed of 13 knots.

"Mr. President, I ask permission to print this table here. It shows the specific charges and rates. It shows that the difference in cost of American wages over the English wages per month is $735, or per year $8,820. In other words, it costs that much more to operate that American ship than it does to operate that corresponding British ship.

There being no objection, the table referred to was ordered to be printed in the RECORD, as follows:

Comparison of American and British ship wages.

DECK DEPARTMENT.

[Pound sterling equals $4.50.]

United States, Hog Island, 7,800 dead-weight tons, oil burner, 10 knots.				England, Cornish Point, cargo, 8,200 dead-weight tons, coal burner, 12½–13 knots.			
Rate.	Number.	Pay per man.	Pay per month.	Rate.	Number.	Pay per man.	Pay per month.
						£ s.	£ s.
Master	1	$270	$270	Master	1	48 10	48 10
First officer	1	165	165	Chief officer	1	23 10	23 10
Second officer	1	145	145	Second officer	1	17 0	17 0
Third officer	1	130	130	Third officer	1	13 0	13 0
Carpenter and boatswain	1	65	65	Carpenter	1	12 10	12 10
				Boatswain	1	11 10	11 10
Able-bodied seamen	6	55	330	Able-bodied seamen	8	10 0	80 0
Ordinary seamen	2	40	80	Apprentices	2	0 0	0 0
Total	13	.....	1,185	Total	16	.....	157 10
ENGINE DEPARTMENT.							
Chief engineer	1	$240	$240	Chief engineer	1	30 10	30 10
Assistant engineer	1	165	165	Second engineer	1	23 10	23 10
				Third engineer	1	17 0	17 0
Second assistant engineer	1	145	145	Fourth engineer	1	13 0	13 0
				Donkeyman	1	11 10	11 10
Third assistant engineer	1	130	130	Greasers	2	11 0	22 0
Oilers	3	65	195	Firemen	12	10 10	126 0
Firemen	3	57½	172½				
Wipers	2	50	100				
Total	12	.....	1,147½	Total	19	.....	243 10

Comparison of American and British ship wages—Continued.

STEWARD'S DEPARTMENT.

United States, Hog Island, 7,800 dead-weight tons, oil burner, 10 knots.				England, Cornish Point, cargo, 8,200 dead-weight tons, coal burner, 12½–13 knots.			
Rate.	Number.	Pay per man.	Pay per month.	Rate.	Number.	Pay per man.	Pay per month.
						£ s.	£ s.
Chief steward	1	$105	$105	Chief steward	1	14 10	14 10
Chief cook	1	90	90	Assistant steward	1	9 5	9 5
Second cook and baker	1	70	70	Mess room steward	1	9 0	9 0
Mess boys	3	35	105	Chief cook	1	13 10	13 10
				Second cook	1	10 0	10 0
Total	6	.....	370	Total	5	.....	56 5
Wireless operator	1	90	90				
Grand total	32	.....	2,792½	Grand total	40	.....	457 5

RECAPITULATION.

Deck department	13	.....	$1,185	Deck department	16	157 10	$708½
Engine department	12	.....	1,147½	Engine department	19	243 10	1,095¼
Steward's department	6	.....	370	Steward's department	5	56 5	253
Wireless operator	1	.....	90				
Total	32	.....	2,792½	Total	40	.....	2,057½

Difference in cost American wages over English:

Per month	$735
Per year	8,820

"Mr. JONES of Washington. Now, what about the subsidy?

"If, as is stated in the minority report, the *Hog Island* under this bill were to receive a subsidy of $11,000 a year, this would adequately cover the annual difference in the pay of the crew, which would be $8,820, and a further difference that exists in the cost of feeding the officers and seamen. This is all that would be required, for American and British cargo ships purchase their fuel and general stores and supplies on the world's level of markets. The higher wage and subsistence cost of the American crew is, therefore, the only factor that needs to be covered by a subsidy or compensation. There would be hundreds of American cargo steamers, like the *Hog Island*, afloat and in active service in the hands of American owners if they were given a rate of compensation of $11,000 a year; that would virtually equalize their wage-operating costs with the costs of their British competitors. This $11,000, it is true, is not a large subsidy, but it is all that the distinctive cargo steamer needs. It covers the difference in the cost of operation and a little bit more; but that is all that we ask for. That is all that anybody could expect.

"The minority report emphasizes the fact that the great, fast ships will receive a higher rate of subsidy because of their superior size and speed combined. The truth is that because of their size and speed and, therefore, of the larger crews which they demand, especially for the proper care of passengers, they actually require a very much larger compensation from the Government in order to be able to meet their foreign competitors on anything like equal terms. In other words, the differential is greater, and, of course, a larger subsidy in amount must be raised to cover that differential.

"The minority report cites the steamers *George Washington* and *America*, of the United States lines, declaring that the *America* would receive a 'gift of $300,000 under this bill.' But, again, it is easy to demonstrate from official facts that the higher compensation for the large, swift American passenger ships is necessary and justifiable. In a comparison of the wage roll of the *America* and of a similar British steamer, the *Baltic*, both well-known mail, passenger, and cargo carriers in the trans-Atlantic trade—the *America*, of 21,114 gross tons, 17 knots, burning coal, and the *Baltic*, of 23,884 gross tons, 17 knots, also burning coal—the differential in the American pay roll over the British pay roll for each month is $19,451.50, or, for the entire year, $233,468.

"As in the case of the *Hog Island* and the *Cornish Point*, there must be also an allowance for the difference in the cost of subsistence of the American and British crews. Allowing for this subsistence of the 300 or 400 men usually carried on the *America* and *Baltic*, it is manifest that a compensation of the $300,000 a year mentioned in the minority report will approximately put the American liner on an equality with the British liner, exactly as the $11,000 a year would place the American freight ship on approximately even conditions with the British freight ship. Therefore, in proportion to the requirements of the case, the American cargo ship is just as well protected by a subsidy of $11,000 a year as the American mail, passenger, and freight lines is protected by a subsidy of $300,000.

"The shipping bill does not discriminate against the cargo ship. It gives that ship exactly the same good, fair American chance that it gives the liner. As a matter of fact, it gives it a little bit better chance, and we can well afford to give more to the liners as a measure of national defense. We will be fully justified in doing that."

The assertion has repeatedly been made that the cost of the shipping subsidy bill would be $75,000,000 a year. You will find that in the present bill the expenditures for compensation or subsidy are strictly limited to $30,000,000.

All ships receiving subsidy must be built, as a general policy, in the United States, thus affording very direct, powerful encouragement to our shipbuilding industry, so valuable for national defense. Moreover, two-thirds of the crews of compensated ships below the rank of officers must be American citizens, thus assuring the Government of a large body of citizen seamen.

All the compensated ships must be turned over to the Government in war at a price not enhanced by any emergency that requires their transfer. American ownership of the compensated ships must be preponderant.

Not to go further into detail, the shipping bill, in our judgment, honestly represents an effort to secure a greatly prosperous merchant marine and at the same time to protect the vital interests of the Government. We would reemphasize the fact that if the Government continues to own and operate its ocean tonnage, such a course will fail to solve the problem of the merchant marine and will enhance the difficulties of and effectually destroy American private initiative and enterprise in overseas commerce. We are very sure that you do not desire such a result. Under continued Government ownership and operation, that one-half of our merchant marine that is Government owned would be in fact subsidized from the National Treasury against the other half, privately owned, that would remain absolutely unprotected as at present.

It would be exactly as if the United States were to take over, own, and operate, at the expense of the Public Treasury, one-half of the railroads of the United States, to the certain destruction of the remainder. We believe that such a course could not possibly be advocated by Senators in possession of the full knowledge of the facts. It should be remembered that American ships in overseas trade as a rule are now making no money and are maintaining themselves by the utmost exertions. They could not possibly survive against Government-owned American ships whose deficits were made up, as they are now, by appropriations of Congress.

Finally, we submit that the total cost of the proposed subsidy is set in the act at $300,000,000 a year. This is about one-tenth of the annual expenditure for the maintenance of the United States Navy. Rear Admiral William S. Sims, who speaks with the utmost knowledge and authority, has lately said, "The Navy of the United States would be of very little value as a defense of the United States and our possessions if it were not for the merchant marine."

OIL AND GAS WELLS ON PUBLIC LANDS IN OKLAHOMA.

Mr. STANFIELD. From the committee on Public Lands and Surveys I report back favorably with amendments the bill (S. 4197) to authorize the Secretary of the Interior to issue to certain persons and certain corporations permits to explore, or leases of, certain lands that lie south of the medial line of the main channel of Red River, in Oklahoma, and for other purposes, and I submit a report (No. 1127) thereon. I ask for the immediate consideration of the bill. It is not a bill which will require any explanation.

Mr. FLETCHER. Mr. President, I dislike to object to this kind of a request, but, of course, as the Senator knows, there are very few now here and there may be some Senators absent who will be interested in this kind of a measure.

Mr. STANFIELD. I should like to say to the Senator from Florida that the bill has been very carefully considered by the Public Lands Committee and has the unanimous approval of the committee, and also the approval of the Secretary of the Interior. It is important that the bill should be acted upon immediately in order that the Secretary of the Interior may be empowered to act.

Mr. ROBINSON. To what does the bill relate?

The VICE PRESIDENT. The bill will be read by title.

The Assistant Secretary read the bill by title.

Mr. ROBINSON. I hope the bill may be passed.

Mr. FLETCHER. I do not know anything about the bill but I have no objection to its passage. I only believe that it is a bad practice at the close of a day's session to call up bills for passage when there may be those interested who are not here. I believe it is a bad practice to give unanimous consent for the passage of a measure of any importance under such circumstances; but I do not in this case insist on my objection to the passage of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments were:

On page 1, line 4, after the word "citizens," to insert "of the United States";

On page 1, line 5, after the word "deposits," to insert "belonging to the United States and";

On page 1, line 9, to strike out the words "prior to October 1, 1919," and insert ", prior to January 1, 1920";

On page 1, line 10, after the word "faith," to insert the words "and with reasonable diligence";

On page 2, line 17, after the word "interest," to strike out the period and insert a comma, followed by the words "which the lessee or permittee assumes and agrees to observe";

On page 2, line 24, after the word "otherwise," to strike out the period and insert a comma, followed by the words "having made expenditures thereon as in section 1 required";

On page 3, line 5, to change the word "four" to "six";

On page 3, line 6, to change the word "eighty" to "forty";

On page 3, line 20, after the word "deducting," to strike out the word "the" and insert the words "one-half";

On page 3, line 21, to strike out the words "proper proportionate part";

On page 3, line 22, to strike out the words "and the cost of administration and production" and insert in lieu thereof the words "but not including the cost of drilling and operating the wells";

On page 4, line 2, to change the period to a colon and add the following provisos: "*Provided*, That the Secretary of the Interior is authorized and directed to take such legal steps as may be necessary and proper to collect from any person or persons who shall not be awarded a permit or lease under this act an amount equal to the value of all oil and gas produced by him or them from any of said lands prior to the inclusion of said property in the receivership, except oil or gas used on the property for production purposes or unavoidably lost and except other reasonable and proper allowances for the expenses of production: *Provided further*, That of the amount so collected, 12½ per cent shall be reserved to the United States as royalty and the balance after deducting the expense of collection shall be paid over to the person or persons awarded permits or leases under this act, as their interests may appear"; and

On page 6, line 6, after the word "ship," to insert the words, "which the Attorney General is hereby directed to apply for and secure at the earliest practicable date";

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to adjust and determine the equitable claims of citizens of the United States and domestic corporations to lands and oil and gas deposits belonging to the United States and situated south of the medial line of the main channel of Red River, Okla., which lands were claimed and possessed in good faith by such citizens or corporations, or their predecessors in interest, prior to January 1, 1920, and upon which lands expenditures were made in good faith and with reasonable diligence in an effort to discover or develop oil or gas. And the Secretary of the Interior is further authorized to issue to those persons or corporations that may be found equitably entitled thereto permits to explore, or leases of, said lands so claimed by them.

SEC. 2. That applications for permits and leases under this act shall be made to the Secretary of the Interior, and shall be made within and not after 30 days from and after the date that this act becomes a law. Leases and permits under this act shall be granted to the assignees or successors in interest of the original locators or the original claimants in all cases where the original locators or original claimants have assigned or transferred their rights, but when leases or permits are granted to the assignees or successors in interest of the original locators or original claimants the said leases and permits shall be subject to all contracts, not contrary to law or public policy, between the original locators or original claimants and their successors in interest, which the lessee or permittee assumes and agrees to observe. In every case where there shall be any conflict or contest on account of overlapping claims the said conflict or contest shall be determined upon competent evidence, and in every such case the land in conflict shall be granted to the person or corporation that in good faith first possessed and claimed the land and maintained such possession until dispossessed by judicial process or otherwise, having made expenditures thereon as in section 1 required.

SEC. 3. That not more than 160 acres shall be granted by leases or permits to any one person or corporation, except in those cases where two or more locations or claims have been assigned to one person or corporation, and in such cases not more than 640 acres shall be granted by leases or permits to any one person or corporation.

SEC. 4. That each lessee shall be required to pay to the United States an amount equal to the value at the time of production of 12½ per cent of all oil and gas produced by him prior to the issuance of the lease, except oil or gas used on the property for production purposes or unavoidably lost; and shall be required to pay to the United States a royalty of not less than 12½ per cent of all oil and gas produced by him after the issuance of the lease, except oil and gas used on the property for production purposes or unavoidably lost. Of the proceeds of the oil and gas that have been produced or that may hereafter be produced by the receiver of said property, who was appointed by the Supreme Court of the United States, after deducting one-half of the cost of the said receivership but not including the cost of drilling and operating the wells, 12½ per cent shall be paid to the United States, and the residue shall be paid to the person or corporation to whom may be granted a lease of the land on which said oil and gas were produced: *Provided*, That the Secretary of the Interior is authorized and directed to take such legal steps as may be necessary and proper to collect from any person or persons who shall not be awarded a permit or lease under this act an amount equal to the value of all oil and gas produced by him or them from any of said lands prior to the inclusion of said property in the receivership, except oil or gas used on the property for production purposes or unavoidably lost, and except other reasonable and proper allowances for the expenses of production: *Provided further*, That of the amount so collected 12½ per cent shall be reserved to the United States as royalty and the balance, after deducting the expense of collection, shall be paid over to the person or persons awarded permits or leases under this act as their interests may appear.

SEC. 5. That except as otherwise provided herein the applicable provisions of the act of Congress approved February 25, 1920, entitled "An act to permit the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," shall apply to the leases and permits granted hereunder, including the provisions of sections 35 and 36 of said act relating to the disposition of royalties: *Provided*, That after the adjudication and disposition of all applications under this act, any lands and deposits remaining unappropriated and undisposed of shall, after date fixed by order of the Secretary of the Interior, be disposed of in accordance with the provisions of said act of February 25, 1920: *Provided further*, That upon the approval of this act the Secretary of the Interior is authorized to take over and operate existing wells on any of such lands pending the final disposition of applications for leases and permits, and to utilize and expend in connection with such administration and operation so much as may be necessary of moneys heretofore impounded from past production or hereafter produced, and upon final disposition of applications for and the issuance of leases and permits, after deducting the expenses of administration and operation and payment to the United States of the royalty herein provided, to pay the balance remaining to the person or company entitled thereto: *And provided further*, That out of the 10 per cent of money hereafter received from royalties and rentals under the provisions of this act and paid into the Treasury of the United States and credited to miscellaneous receipts, as provided by section 35 of the said act of February 25, 1920, the Secretary of the Interior is authorized to use and expend such portion as may be required to pay the expense of administration and supervision over leases and permits and the products thereof.

SEC. 6. That nothing in this act shall be construed to interfere with the possession by the Supreme Court of the United States, through its receiver or receivers, of any part of the lands described in section 1 of this act, nor to authorize the Secretary of the Interior to dispose of any of said lands or oil or gas deposits involved in litigation now pending in the Supreme Court of the United States until the final disposition of said proceeding. The authority herein granted to the Secretary of the Interior to take over and operate oil wells on said lands shall not become effective until the said lands shall be, by the Supreme Court of the United States, discharged from its possession. And nothing in this act shall be construed to interfere with the jurisdiction, power, and authority of the Supreme Court of the United States to adjudicate claims against its said receiver, to direct the payment of such claims against the said receiver as may be allowed by the said court, to settle the said receiver's accounts, and to continue the receivership until, in due and orderly course, the same may be brought to an end. The Supreme Court of the United States is hereby authorized, upon the termination of the said receivership, which the Attorney General is hereby directed to apply for and secure at the earliest practicable date, to direct its receiver to pay to the Secretary of the Interior all funds that may at that time remain in the hands of the said receiver; and when said funds shall be paid to the Secretary of the Interior, the same shall be administered as in this act provided.

SEC. 7. That the Secretary of the Interior is authorized to prescribe the necessary and proper rules and regulations and to do any and all things necessary to carry out and accomplish the purposes of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. JONES of Washington. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 6 o'clock and 5 minutes p. m.) the Senate, under the order previously entered, took a recess until to-morrow, Saturday, February 10, 1923, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate February 9 (legislative day of February 5), 1923.

AMBASSADOR EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Maj. Gen. Enoch H. Crowder to be ambassador extraordinary and minister plenipotentiary of the United States of America to Cuba.

PROMOTIONS IN THE REGULAR ARMY.

To be first lieutenants.

Second Lieut. Charles William Leng, jr., Cavalry, from January 7, 1923.

Second Lieut. Edward Ward Hendrick, Coast Artillery Corps, from January 7, 1923.

Second Lieut. Frederick Pearson, Infantry, from January 8, 1923.

Second Lieut. Charles Frederick Colson, Infantry, from January 11, 1923.

Second Lieut. Albert Walker Johnson, Cavalry, from January 11, 1923.

Second Lieut. Donald Frederic Carroll, Infantry, from January 13, 1923.

Second Lieut. Bernard Wellington Slifer, Coast Artillery Corps, from January 16, 1923.

Second Lieut. Willard Ames Holbrook, jr., Cavalry, from January 17, 1923.

Second Lieut. Auston Monroe Wilson, jr., Coast Artillery Corps, from January 18, 1923.

Second Lieut. Samuel Powell Walker, jr., Cavalry, from January 24, 1923.

Second Lieut. Robert Alwin Schow, Infantry, from January 27, 1923.

Second Lieut. John Harrison Stokes, jr., Infantry, from January 30, 1923.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY.

ORDNANCE DEPARTMENT.

Maj. Donald Armstrong, Coast Artillery Corps, with rank from July 1, 1920.

FIELD ARTILLERY.

Capt. Douglas Lee Crane, Quartermaster Corps, with rank from July 1, 1920.

AIR SERVICE.

Second Lieut. Louis Meline Merrick, Cavalry.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 9 (legislative day of February 5), 1923.

UNITED STATES DISTRICT JUDGE.

Charles L. McKeehan to be district judge, eastern district of Pennsylvania.

INTERNAL REVENUE COLLECTOR.

Acel C. Alexander to be collector of internal revenue for district of Oklahoma.

UNITED STATES COAST GUARD.

Wilfred N. Derby to be lieutenant.
Herman H. Curry to be ensign (engineering).

POSTMASTERS.

ARKANSAS.

Edward S. Miller, Bentonville.
James W. Oglesby, jr., Gravette.

CALIFORNIA.

James R. Willoughby, Corcoran.
George L. Clare, Guerneville.
William E. Hunt, Kelseyville.

GEORGIA.

Charles H. Crumbly, Greensboro.
Pleasant N. Little, Madison.

IDAHO.

Clyde Hanson, Malad City.

MINNESOTA.

Anna W. Isaacson, Palisade.
Samuel A. Nystrom, Watertown.

MONTANA.

Fred N. Weed, Terry.

NEBRASKA.

William R. Brooks, Campbell.
Edward T. Best, jr., Neligh.
Ray L. Mallory, Pierce.
John Becker, Stanton.

NEW YORK.

Sumter L. Happy, Mount Vernon.

OHIO.

Henry A. Taylor, Cleveland.
John T. Daniels, Greenfield.

OKLAHOMA.

Dory E. McKenney, Custer.
Ada Bartels, Denoya.

PENNSYLVANIA.

Frank H. Cratsley, Imperial.

SOUTH DAKOTA.

Truman C. Knott, Bristol.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 9, 1923.*

The House met at 11 a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Father in heaven, hear us and come to our help. We entreat Thee that all that is deepest and all that is truest in our own natures may be inspired by Thy Holy Spirit. Meet us to-day and work in us the blessing that falls like an angel's spirit from the upper places. Again hearts are wounded and stricken, and O how they know their own anguish. Come to them with the comfort that heals and with the faith that recovers. Help us to hold on for the few years that remain. In all good things may our constancy and fidelity be without flaw or hesitation. When our arms are empty, our hands idle, and our home desolate may we incarnate in our lives the sublime truth of the cross and live under its light that never grows dim. Amen.

The Journal of the proceedings of yesterday was read and approved.

REFUNDING OF FOREIGN DEBT.

The SPEAKER. By unanimous consent it is in order to-day to take up for consideration the bill (H. R. 14254) to refund the foreign debt.

Mr. FORDNEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 14254) to amend the act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign Governments held by the United States of America, and for other purposes," approved February 9, 1922. Pending that motion, I desire to come to some agreement with gentlemen on the other side respecting the time for general debate. The gentleman from Tennessee [Mr. GARRETT] suggested that there be four hours of general debate. That is satisfactory to this side.

Mr. COLLIER. Mr. Speaker, I think that is satisfactory.

Mr. FORDNEY. Very well, Mr. Speaker, I make that request, one-half of the time to be controlled by myself and one-half by the gentleman from Mississippi [Mr. COLLIER].

The SPEAKER. The gentleman from Michigan moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 14254, and pending that motion asks unanimous consent that general debate be limited to four hours, one-half to be controlled by himself and one-half by the gentleman from Mississippi [Mr. COLLIER]. Is there objection?

Mr. BLANTON. Mr. Speaker, I understand that the gentleman from Michigan [Mr. FORDNEY] and the gentleman from Mississippi [Mr. COLLIER] are both in favor of the resolution.

Mr. COLLIER. I will say right now that the gentleman's understanding is not correct.

Mr. BLANTON. Very well; then I have no objection.

Mr. STAFFORD. May I inquire whether it would be agreeable to the gentleman to have general debate confined to the bill?

Mr. FORDNEY. Oh, by all means.

Mr. STAFFORD. Will the gentleman not incorporate that in his request?

Mr. FORDNEY. And that general debate be confined to the bill.

The SPEAKER. Is there objection?

Mr. LONDON. Mr. Speaker, reserving the right to object, the subject is so broad that it is almost impossible to confine it to the bill. Intelligent discussion of it would involve the entire situation. I favor the bill, but I think there should be no such limitation.

Mr. MONDELL. Of course, the limitation is only that the debate shall be confined to the general subject before us.

Mr. GREEN of Iowa. It merely means that those having the floor will not discuss matters not related in any way to the general subject.

Mr. LONDON. Such as the protective tariff?

Mr. GREEN of Iowa. No.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Michigan that the House resolve itself into Committee of the Whole House on the state of the Union.

The question was taken; and on a division (demanded by Mr. GARRETT of Tennessee) there were—ayes 78, noes 6.

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Tennessee makes the point of order that there is no quorum present. Evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 278, nays 2, not voting 146, as follows:

YEAS—278.

Abernethy	Box	Cole, Iowa	Driver
Ackerman	Brand	Cole, Ohio	Dunbar
Andrew, Mass.	Briggs	Collier	Dupré
Andrews, Nebr.	Brooks, Ill.	Collins	Echols
Appleby	Brown, Tenn.	Colton	Edmonds
Arentz	Browne, Wis.	Connally, Tex.	Elliott
Aswell	Burtness	Cooper, Ohio	Ellis
Atkeson	Burton	Cooper, Wis.	Evans
Bacharach	Butler	Copley	Fairchild
Bankhead	Byrnes, S. C.	Coughlin	Fairfield
Barbour	Byrns, Tenn.	Crago	Favrot
Barkley	Campbell, Kans.	Cramton	Fenn
Beck	Campbell, Pa.	Crisp	Fess
Beedy	Cannon	Curry	Fisher
Begg	Cantrill	Dale	Fitzgerald
Benham	Carter	Dallinger	Fordney
Bird	Chalmers	Darrow	Foster
Bixler	Chandler, Okla.	Deal	Frear
Black	Chindblom	Dempsey	Free
Bland, Ind.	Christopherson	Denison	Freeman
Bland, Va.	Clague	Dickinson	Frothingham
Blanton	Clark, Fla.	Dominick	Fuller
Boies	Clarke, N. Y.	Dowell	Fulmer
Bowling	Cockran	Drewry	Gallivan

Garrett, Tenn.	Knutson	Newton, Minn.	Steagall
Garrett, Tex.	Kopp	Norton	Stedman
Gensman	Kraus	Ogden	Stevenson
Gernerd	Lampert	Oldfield	Strong, Kans.
Gifford	Langley	Oliver	Summers, Wash.
Glynn	Lanham	Olpp	Sumners, Tex.
Goodykoontz	Lankford	Parker, N. Y.	Swank
Graham, Ill.	Larsen, Ga.	Parks, Ark.	Sweet
Green, Iowa	Larson, Minn.	Patterson, Mo.	Swing
Greene, Mass.	Lawrence	Paul	Taylor, Colo.
Griest	Layton	Perkins	Taylor, Tenn.
Griffin	Lazaro	Porter	Thompson
Hadley	Lea, Calif.	Pou	Thorpe
Hammer	Leatherwood	Pringey	Tillman
Hardy, Colo.	Lee, Ga.	Purnell	Tilson
Hardy, Tex.	Lineberger	Quin	Timberlake
Haugen	Little	Radcliffe	Towner
Hawley	Logan	Rainey, Ill.	Turner
Hayden	London	Raker	Tyson
Henry	Longworth	Rankin	Underhill
Hersey	Lowrey	Rayburn	Vaile
Hickey	Luce	Reece	Vestal
Hicks	Luhring	Rhodes	Vinson
Hill	Lyon	Ricketts	Voigt
Himes	McClintic	Riordan	Volstead
Hooker	McDuffie	Roach	Walters
Huddleston	McLaughlin, Mich.	Robertson	Ward, N. Y.
Hudspeth	McPherson	Robsion	Ward, N. C.
Hull	McSwain	Rodenberg	Watson
Humphrey, Nebr.	MacGregor	Rogers	Weaver
Husted	MacLafferty	Rouse	White, Kans.
Ireland	Madden	Sabath	White, Me.
Jacoway	Maloney	Sanders, Ind.	Williams, Ill.
Jefferis, Nebr.	Mansfield	Sanders, Tex.	Williams, Tex.
Jeffers, Ala.	Mapes	Sandlin	Williamson
Johnson, Ky.	Martin	Schall	Wilson
Johnson, Miss.	Mead	Shelton	Wingo
Johnson, Wash.	Michener	Sinclair	Winslow
Jones, Tex.	Mondell	Sinnott	Wood, Ind.
Kearns	Montague	Slemp	Woodruff
Kelly, Pa.	Moore, Ohio	Smith, Idaho	Woods, Va.
Ketcham	Moore, Va.	Snell	Wright
Kiess	Moores, Ind.	Snyder	Wyant
Kincheloe	Morgan	Speaks	Young
Kissel	Murphy	Sproul	
Kline, Pa.	Nelson, A. P.	Stafford	

NAYS—2.

Carew	Cullen

NOT VOTING—146.

Almon	Goldsborough	McKenzie	Scott, Mich.
Anderson	Gorman	McLaughlin, Nebr.	Scott, Tenn.
Ansorge	Gould	McLaughlin, Pa.	Sears
Anthony	Graham, Pa.	Magee	Shaw
Bell	Greene, Vt.	Merritt	Shreve
Blakeney	Hawes	Michaelson	Siegel
Bond	Hays	Miller	Sisson
Bowers	Herrick	Mills	Smith, Mich.
Brennan	Hoch	Moore, Ill.	Smithwick
Britten	Hogan	Morin	Steenerson
Brooks, Pa.	Huck	Mott	Stephens
Buchanan	Hukriede	Mudd	Stiness
Bulwinkle	Humphreys, Miss.	Nelson, Me.	Stoll
Burdick	Hutchinson	Nelson, J. M.	Strong, Pa.
Burke	James	Newton, Mo.	Sullivan
Cable	Johnson, S. Dak.	O'Brien	Tague
Chandler, N. Y.	Jones, Pa.	O'Connor	Taylor, Ark.
Classon	Kahn	Overstreet	Taylor, N. J.
Clouse	Keller	Paige	Temple
Codd	Kelley, Mich.	Park, Ga.	Ten Eyck
Connolly, Pa.	Kendall	Parker, N. J.	Thomas
Crowther	Kennedy	Patterson, N. J.	Tincher
Davis, Minn.	Kindred	Perlman	Tinkham
Davis, Tenn.	King	Petersen	Treadway
Doughton	Kirkpatrick	Rainey, Ala.	Tucker
Drane	Kitchin	Ramseyer	Upshaw
Dunn	Kleczka	Ransley	Volk
Dyer	Kline, N. Y.	Reber	Wason
Faust	Knight	Reed, N. Y.	Webster
Fields	Kreider	Reed, W. Va.	Wheeler
Fish	Kunz	Riddick	Wise
Focht	Lee, N. Y.	Rose	Woodyard
French	Lehlbach	Rosenbloom	Wurzbach
Funk	Linthicum	Rossdale	Yates
Gahn	McArthur	Rucker	Zihlman
Garner	McCormick	Ryan	
Gilbert	McFadden	Sanders, N. Y.	

So the motion was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. Bowers with Mr. Garner.
Mr. Magee with Mr. Almon.
Mr. Shreve with Mr. Sullivan.
Mr. Johnson of South Dakota with Mr. Davis of Tennessee.
Mr. Stephens with Mr. Goldsborough.
Mr. Tincher with Mr. Kindred.
Mr. Kendall with Mr. O'Brien.
Mr. Reed of New York with Mr. Sears.
Mr. Treadway with Mr. Fields.
Mr. Graham of Pennsylvania with Mr. Upshaw.
Mr. Michaelson with Mr. Bell.
Mr. Burdick with Mr. Tague.
Mr. Faust with Mr. Doughton.
Mr. Lehlbach with Mr. Hawes.
Mr. Newton of Missouri with Mr. Linthicum.
Mr. Mudd with Mr. Park of Georgia.
Mr. Merritt with Mr. Tucker.
Mr. Britten with Mr. Gilbert.
Mr. Strong of Pennsylvania with Mr. Kitchin.
Mr. Patterson of New Jersey with Mr. Wise.
Mr. Kahn with Mr. O'Connor.
Mr. Kirkpatrick with Mr. Humphreys of Mississippi.
Mr. Davis of Minnesota with Mr. Buchanan.
Mr. Fish with Mr. Thomas.
Mr. Wurzbach with Mr. Smithwick.
Mr. Paige with Mr. Kunz.
Mr. Moore of Illinois with Mr. Drane.
Mr. Dunn with Mr. Bulwinkle.
Mr. Kline of New York with Mr. Stoll.
Mr. Connolly of Pennsylvania with Mr. Taylor of Arkansas.
Mr. Brennan with Mr. Rucker.
Mrs. Huck with Mr. Sisson.
Mr. Keller with Mr. Overstreet.
Mr. Crowther with Mr. Rainey of Alabama.

The result of the vote was announced as above recorded.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 14254, with Mr. TOWNER in the chair.

The Clerk read the bill, as follows:

Be it enacted, etc., That the first proviso of section 2 of the act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign governments held by the United States of America, and for other purposes," approved February 9, 1922, is amended to read as follows:

"*Provided*, That the settlement of indebtedness of the United Kingdom of Great Britain and Ireland to the United States, recommended by the commission and approved by the President, as set forth by him in a message presented to Congress on February 7, 1923, as contained in House Document No. 554, Sixty-seventh Congress, fourth session, as follows:

Principal of notes to be refunded	$4,074,818,358.44
Interest accrued and unpaid up to Dec. 15, 1922, at the rate of 4½ per cent	629,836,106.99
	4,704,654,465.43
Deduct payments made Oct. 16, 1922, and Nov. 15, 1922, with interest at 4½ per cent thereon to Dec. 15, 1922	100,526,379.69
	4,604,128,085.74
To be paid in cash	4,128,085.74
Total principal of indebtedness as of Dec. 15, 1922, for which British Government bonds are to be issued to the United States Government at par	4,600,000,000.00

"'The principal of the bonds shall be paid in annual installments on a fixed schedule, subject to the right of the British Government to make these payments in three-year periods. The amount of the first year's installment will be $23,000,000, and these annual installments will increase with due regularity during the life of the bonds, until, in the sixty-second year, the amount of the installment will be $175,000,000, the aggregate installments being equal to the total principal of the debt.

"'The British Government shall have the right to pay off additional amounts of the principal of the bonds on any interest date upon 90 days' previous notice.

"'Interest is to be payable upon the unpaid balances at the following rates, on December 15 and June 15 of each year: 3 per cent semiannually, June 15, 1923, to December 15, 1932, inclusive; 3½ per cent semiannually, June 15, 1933, until final payment.

"'For the first five years one-half the interest may be deferred and added to the principal, bonds to be issued therefor similar to those of the original issue.

"'Any payment of interest or of principal may be made in any United States Government bonds issued since April 6, 1917, such bonds to be taken at par and accrued interest'—is hereby approved and authorized, and settlements, similar but not more favorable in terms with other governments indebted to the United States, as set forth in this section, are hereby authorized to be made, subject to the approval of the President."

Mr FORDNEY. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. BURTON]. [Applause; Members rising.]

Mr. BURTON. Mr. Chairman and gentlemen, I thank you for this very kind reception. It is my desire to proceed for 20 minutes without interruption, and the remaining 10 minutes I shall give to the answering of questions.

It is with a profound sense of responsibility that I approach the discussion of this bill. No measure has been presented in this House of more far-reaching importance since the days when our armies were battling in the field. At the outset I wish to call attention to the exceptional quality of these obligations which we are discussing. They are an obligation from one country to another. Instances have been frequent in which a nation has granted subventions to allies in war, but loans have usually been subscribed for by private individuals or organizations. This feature gives a peculiar delicacy to a transaction of this kind. The unprecedented magnitude of the amounts of these loans must impress us very strongly, as well as the effect upon exchanges, upon trade, and more than that, upon relations of amity between nations. Therefore, every American citizen who has a vision of world welfare must give careful consideration to this proposition.

I take the stand here, which I have repeatedly taken, that we should not release the principal of these debts from foreign countries, but I think I should be recreant to duty, I should be unmindful of the interests not only of our own country but of those vast interests which pertain to the whole world, if I did not also advocate a reasonable degree of concession and leniency in the terms of payment. These debts were incurred for advances made at various times after our entry into the war. Their amount, in the principal sum, on the 15th of November last was computed at $10,045,000,000.

This debt was made up of four classes, the first and most important being for advances made under the Liberty loan act, amounting to $9,386,000,000. The second was for purchases of surplus war supplies amounting to $574,000,000. Next to that comes advances made by the American Relief Association, $84,000,000 in amount, and fourth and last, although there are some other sums of minor importance, the debts due the United States Grain Corporation, the stock of which is exclusively owned by the United States, amounting to $56,000,000. This last amount is not included in the above total.

Divers payments have been made on these amounts, but at the time the World War Debt Commission was created, in February, 1922, only two countries had settled. Cuba, having a debt of $7,740,500, gave bonds, and has regularly paid installments of principal and interest. [Applause.] The State of Nicaragua gave an obligation which provided that the interest should not be collected until the maturity of the principal. That amount is comparatively small, amounting to $170,585.35.

It was in this situation that the World Debt Funding Commission was created, with the authority which is set forth in the report of the Committee on Ways and Means. That commission has very vigorously, I might say, endeavored to make some settlement of those debts. Notice was given at an early date to all the debtor countries that we were ready to meet with them and negotiate upon the subject. Their diplomatic representatives here in Washington conferred with us. Delegates came from various countries to the United States to present their case. No adjustment, however, which was within the terms of the law, or which we could recommend to the Congress has, however, been possible, except in the case of the United Kingdom of Great Britain and Ireland.

No amounts are now due from that Government except for advances authorized by the Liberty loan acts. The principal sum of this debt is $4,074,000,000. After computing interest from the date of an adjustment made in April and May, 1919, deducting payments of $100,000,000 in October and November last and a sum of little over $4,000,000 which is proposed shall be paid in cash when a settlement is concluded, the indebtedness of the English Government under the plan recommended would be $4,600,000,000 as of December 15, 1922. The commission presents you the settlement set forth in extenso in the bill, with the approval of the President and with the earnest recommendation that it be adopted. The terms of the original law provided that the duration of any loan should not be more than 25 years nor the rate of interest less than 4½ per cent.

This was manifestly impossible at the outset. Some time, when a larger amount of time can be allotted to me, I wish to speak, with the kind permission of the House, upon the economic phases of this situation. I will say right briefly here that so great a transfer of capital as would be involved in the payment of those debts, or even in the payment of the debt of Great Britain inside of 25 years, would be disastrous to our own people as well as to the United Kingdom of Great Britain and Ireland. Under the last administration the payment of interest was suspended when Mr. CARTER GLASS, then Secretary of the Treasury, on the 18th of December, 1919, sent a letter to the Committee on Ways and Means in which he said:

> The collection in dollars of this interest under present circumstances would be no less disastrous to American interests than to the interests of our debtors.

And so payment of interest was suspended. You can not destroy a delicate balance in finance between countries by an overwhelming wrench such as this would create without disaster. France, after the war of 1870–71, was subject to the payment of an indemnity of 5,000,000,000 francs, approximating a billion dollars. What was the result—and that indemnity, by the way, is not at all comparable with these amounts—France by rigid economy, by changing an excess of imports over exports to an excess of exports over imports, by calling in foreign loans, by calling forth that which was in the stockings or houses of the peasants, paid off that amount by 1873; and yet the payment of this very large amount of money to Germany inflated values, increased prices, and caused an artificial prosperity there, which was followed by a wave of depression, so that one of their comic newspapers said, more in earnest than in jest, "Let us have another war, let us be defeated next time and pay an indemnity and then we will be prosperous." And even the great Bismarck at one time remarked that he did not know but it would be better if Germany had an indemnity to pay and then they would have prosperity. I may say here that our stock of gold in the United States, though it affords us most sincere gratification, is not altogether an asset; that it would be far better for us if a part of this gold were distributed among the nations of the earth, loaned on adequate security, because its presence here tends to create inflation, raise prices, and stimulate injudicious enterprise.

For that reason the commission felt that it was best for the first five years to make the terms very moderate, and I now come to a statement of the particulars. First, consideration was given to the rate of interest on these advances, which in 1917 was fixed at 3 and 3½ per cent, and then raised gradually until our Treasury Department on October 31, 1918, suggested that it should be 5 per cent. The interest was incorporated with the principal April 15 and May 15, 1919—about two-thirds in April and one-third in May. The commission recommends that the rate of interest from those dates to December 15, 1922, be made 4½ per cent, the rate of interest on the larger amount of our bonds. The second modification from the statute of last year is in the rate of interest in the future.

We suggest the 4½ per cent as provided in the existing law be changed to 3 per cent from December 15, 1922, to December 15, 1932, and thereafter 3½ per cent, payable semiannually. I also desire again to say that some time I wish to address you on rates of interest. There is every probability after 10 years rates of interest will come down within that figure of 3½ per cent. For 30 years, from 1880 to 1909, inclusive, the return on English consols was less than 3 per cent, reaching a minimum of 2.4 per cent in 1897.

Our own experience has been in the same direction. Especially after the Civil War the rate of interest decreased so rapidly that some of our bonds which had been placed were sold at a very large premium. Since 1920 rates of interest and the return on securities in this country have very substantially fallen.

The third change is the extension of the period from 25 years to 62 years, during which time, by regular increase, partial payments are to be made, the first payment being fixed at $23,000,000 in 1923, and at $175,000,000 in the last year that the loan has to run, which would be 1984.

Four provisions have been recommended which, I think, the members of the commission had a right to make under the authority of the existing statute. Great Britain may make payments of principal in three-year periods instead of annually. She may, on giving 90 days' notice, pay installments of principal. Thirdly, for the first five years the interest, half of it, may be funded with the principal; that is, the amount of interest would be $138,000,000. The debtor country may fund $69,000,000 of that into bonds on the same terms as the original bonds, 3 per cent until 1932 and 3½ per cent thereafter. The fourth provision is that the debtor may pay installments of principal and interest by the presentation of our bonds issued after April 6, 1917, and such bonds are to be credited at par with accrued interest. The date of April 6, 1917, is fixed to avoid the Panama bonds and some other bonds and obligations which are now selling at a discount. I do not see why we, who are so proud of our credit, could refuse to meet this offer. They would come to us with our own bonds in their hands and say, "We will pay you with these." How can we refuse? Again, it would be extremely favorable for us, in that it would bolster up the price of our own bonds because of those withdrawn by payments.

These, gentlemen, are the conditions under this bill in a general way.

Mr. BLANTON. Mr. Chairman, will the gentleman yield for a question?

Mr. BURTON. My time is not quite up. I will yield in a very few minutes. How much time have I used, Mr. Chairman?

The CHAIRMAN. Seventeen minutes.

Mr. BURTON. Then, I have three minutes more. Now, the importance of this transaction to us and to the world I can not overrate. We can not afford to take the position of a harsh and grasping creditor. The whole world is now open to us and to our trade and to our enterprise. We hope also to our helpful influence.

Let the principal of the debt be paid. I might rehearse some of the reasons which I have often given for my contention on

that point: The sacredness of national obligations which must be observed, the cancellation of which would hereafter tend to break down national credit; the fact that the loans we made to those countries were made not from an overflowing Treasury but by issuing bonds; the fact that if we were to cancel these debts, Europe, in a ferment, might use a very considerable share of that which would otherwise be used in the payment of this debt in military equipment, which would carry a constant threat to the peace of the world. Then, again our obligations in the way of debt at the beginning of the war were trivial, almost, and the increase of our debt and taxation as a result of the war has been as great or greater proportionately than is the case with our debtors.

Those are the reasons on one side. What are the reasons on the other side, in the midst of this uncertainty? Great Britain comes forward and says, "We expect to pay if you will make the terms such that we can meet them."

This $4,600,000,000, again, it must be remembered, was for purchases made in this country, and to that $4,600,000,000 and more were added $3,000,000,000 for purchases paid in cash—a great stimulus to our trade and to our wealth, changing us in effect from a debtor into a creditor nation; and because of these purchases made by Great Britain in that time of whirling activity very large income taxes and excess-profits taxes were paid into the American Treasury, reaching into the hundreds of millions, maybe a billion or more. They themselves are staggering under a crushing weight of taxation in order to meet their expenses and maintain their credit, which they have so proudly maintained for 200 years. This they have accomplished by subjecting their people to a rate of taxation more severe per capita and more severe in its various forms than that ever borne by any nation in time of peace. Without alliance with them, with no encouragement of any imperial aspirations of theirs, we know that the future progress of the world in civilization depends very largely upon the concurrent action of the two great branches of the English-speaking race. [Applause.]

Mr. Webster, after having listened to the morning call at Quebec, thought out that famous apostrophe to the British Empire, "whose morning drumbeat, beginning with the sun and keeping pace with the hours, encircles the globe with one continuous unbroken strain of the martial airs of England." Those martial airs were sounded to rouse soldiers on many a bloody field, in Flanders, at Ypres, and wherever the fight was bloodiest, and many of those who were roused by that call sleep where the poppies grow. But we hope that this other country with which we have so much in common, with the same literature, the same sweet English tongue, may in the future, with strains, not so much of martial music as of beneficence and blessing, with us encircle the globe with those notes which make for peace and amity and a new era on the earth. [Prolonged applause.]

Now, Mr. Chairman, I believe I have 10 minutes in which to answer questions.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. BURTON. Yes.

Mr. BLANTON. In support of the gentleman's position that it would be disastrous to this country for this debt to be paid back in 25 years, the gentleman reminded us of the wish made by the German funny papers and by Bismarck. That wish has been realized for the German people. The German people now are paying an indemnity. If Bismarck could see the German people now do you think he would still wish them in their present situation?

Mr. BURTON. Oh, all I care to say in regard to that situation is that we must bear in mind that harsh treatment from one country to another is very likely to bring reciprocity at some future time, and therefore it is not best to be harsh. [Applause.]

Mr. COCKRAN. Will the gentleman yield for a question?

Mr. BURTON. Certainly.

Mr. COCKRAN. I should like to ask the gentleman from Ohio if the reason for this remission of interest from the amount promised in the contract to that mentioned in this bill is the fact that England is not able to pay a higher rate of interest?

Mr. BURTON. I think it is entirely impossible for England to assure us of larger payments in the way of interest and principal than those provided here. I may say to the gentleman from New York that the settlement we have made is not based alone on any consideration of leniency, important as that is, but upon the probable ability of our debtor to meet the demand.

Mr. CARTER. Will the gentleman from Ohio yield?

Mr. BURTON. I yield to the gentleman from Oklahoma.

Mr. CARTER. I wish to know—I am sure the gentleman can give the House the information—what is the relative indebtedness of the two countries, Great Britain and the United States.

Mr. BURTON. Great Britain owes about £7,700,000,000, which would be $35,000,000,000 and more, based upon present rates of exchange. Our net debt, which has been diminished in the last few years, is somewhere between $22,000,000,000 and $23,000,000,000.

Mr. CARTER. Can the gentleman give the per capita debt of the two countries?

Mr. BURTON. The per capita debt is very much larger in Great Britain than in the United States. I could not figure it accurately in a moment.

Mr. BARKLEY. Will the gentleman yield?

Mr. BURTON. I yield to the gentleman from Kentucky.

Mr. BARKLEY. Will the gentleman give us the relative per capita tax of the two countries?

Mr. BURTON. The per capita tax is a somewhat difficult proposition, but that of Great Britain is about $80 per capita for national purposes, and about $20 per capita for domestic rates and purposes. Ours is between $30 and $35 per capita for national purposes, and for domestic purposes it is difficult to say, perhaps from $20 to $30 up. It differs very materially in the different States. I should like at some time to answer the question of the gentleman from Kentucky [Mr. BARKLEY] after a more careful preparation as to the exact figures. There is no question that theirs is two-thirds larger than ours.

Mr. BARKLEY. It is safe to assume that the per capita tax of Great Britain is much larger than that of the United States.

Mr. BURTON. It is at least five-thirds—once and two-thirds as much.

Mr. FESS. Will the gentleman yield?

Mr. BURTON. Yes; I am glad to yield to my colleague.

Mr. FESS. Will my colleague state the percentage of debt in ratio to our wealth in comparison with that of Britain?

Mr. BURTON. Estimates of wealth are more or less fanciful. I have given a good deal of time to the gathering of figures on that subject. Our own wealth is variously estimated at from $220,000,000,000 to $280,000,000,000. That of Great Britain is estimated at only about $80,000,000,000, probably not more than a third as much as ours. Those estimates, I must say, however, are more or less conjectural.

Mr. FESS. I have seen the statement that the British debt is 46 per cent of her wealth, while ours is only about 10 per cent. Is that correct?

Mr. BURTON. Oh, yes; I think so.

Mr. PURNELL. Will the gentleman yield?

Mr. BURTON. I yield to the gentleman from Indiana.

Mr. PURNELL. So many conflicting statements have been made that I should like to know what the Government of the United States actually holds as evidence of these various debts.

Mr. BURTON. There is a kind of due bill, a copy of which is attached to the hearings.

Mr. LONGWORTH. I can furnish my colleague with a copy.

Mr. BURTON. I have never gained any very great satisfaction from reading it.

Mr. PURNELL. I wish the gentleman would enlarge upon that.

Mr. BURTON. I have not the time to do that, much as I would like to do so; but I will ask the gentleman to examine the document.

Mr. WOODS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. BURTON. I yield to the gentleman from Virginia.

Mr. WOODS of Virginia. Will the gentleman kindly tell us what effect this settlement will have upon the stability of European governments, and what will be the effect if the settlement is not made?

Mr. BURTON. The making of this settlement will have a very favorable effect as regards stability of exchanges and things of that kind. If not made, the effect would certainly be disastrous.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. BURTON. Certainly.

Mr. MOORE of Virginia. May I ask the gentleman a question which seems to suggest an equitable consideration in reference to this matter? What loans did Great Britain make to her allies during the war, and to what extent has she been able to recover them?

Mr. BURTON. Her loans aggregated in principal up to date £1,503,000,000. I do not think there have been any collections made on the loans.

Mr. SUMNERS of Texas. Will the gentleman yield?

Mr. BURTON. I will yield to the gentleman from Texas.

Mr. SUMNERS of Texas. Has the gentleman any figures as to the relative earning capacity of the English as compared with the Americans?

Mr. BURTON. That is merely conjectural. I think our earning capacity per capita is greater than that of England, because we are more advanced in the methods of using machinery in place of manual labor, by the greater readiness and adaptability of most of our workmen, and our resources in the way of raw material are more immediately at hand. These are the principal advantages of the United States.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. FORDNEY. I yield the gentleman 5 minutes more.

Mr. OLIVER. Will the gentleman yield?

Mr. BURTON. Certainly.

Mr. OLIVER. The gentleman stated that the debt of England was $35,000,000,000. Did not a part of that indebtedness represent the expenditures in the World War by Great Britain?

Mr. BURTON. I have a table in regard to that. Nearly all of it, or about nine-tenths is the result of the World War. I have the figures running back to 1840, and I think for a considerable time after that date the English debt was nearly 800,000,000 pounds.

Mr. BYRNES of South Carolina. Will the gentleman yield?

Mr. BURTON. I will yield to the gentleman from South Carolina.

Mr. BYRNES of South Carolina. Would the gentleman from Ohio be willing to say whether he would recommend the settlement of the debts of other nations to us on similar terms to that provided in this bill?

Mr. BURTON. Yes; I regard this as establishing a new standard.

Mr. BYRNES of South Carolina. Does not the gentleman think the people would rejoice to know that they could settle the other debts on the same terms as provided in this resolution? [Applause.]

Mr. BURTON. No one would rejoice any more than the members of the commission.

Mr. BANKHEAD. Will the gentleman from Ohio yield?

Mr. BURTON. I will yield to the gentleman from Alabama.

Mr. BANKHEAD. If we do not accept the terms of settlement imposed in the pending bill, what alternative remedy has this Government?

Mr. BURTON. Let it run as it is, run with only an occasional payment, without payment of interest or principal indefinitely. Since April, 1919, there has been a payment made of $100,000,000; but it has run along like a debt that had no special recognition or standing with either country.

Mr. CLARK of Florida. Will the gentleman yield?

Mr. BURTON. I will yield to the gentleman from Florida.

Mr. CLARK of Florida. The gentleman spoke about some paper in writing, in the nature of a due bill, or something of that kind. I would like to ask the gentleman if one nation can have any written paper that would be binding on that nation, whether a bill of sale or a promissory note or a bond or anything else, if the debtor nation determines not to pay?

Mr. BURTON. There would be remedies known to international law. One would be to wage war; another would be to grab the property of that debtor nation and of its nationals that was inside of our country. There are several remedies, but we would not want to resort to them.

Mr. KNUTSON. Will the gentleman yield?

Mr. BURTON. I will yield to the gentleman from Minnesota.

Mr. KNUTSON. Have the debts due to Great Britain from other countries been funded?

Mr. BURTON. I think not. The Balfour proposition was to release them, but they wanted some other releases besides.

Mr. KNUTSON. Do they carry any interest?

Mr. BURTON. That is a little uncertain. I do not think more than a very small amount of interest has been received.

Mr. KNUTSON. What is the per cent of interest?

Mr. BURTON. There is no agreement about it.

Mr. LONGWORTH. Will the gentleman yield?

Mr. BURTON. I will yield to my colleague.

Mr. LONGWORTH. I do not know as the gentleman has mentioned it, but there is one important consideration in this bill, and that is that Great Britain may, if she pleases, pay a portion of the debt in American bonds.

Mr. BURTON. I did mention it. That was a concession that we could not refuse.

Mr. BRITTEN. Will the gentleman yield?

Mr. BURTON. Certainly.

Mr. BRITTEN. Will the gentleman tell the House, if he can, the approximate value of the colonies acquired by Great Britain after and during the war?

Mr. BURTON. They are figuring on the question whether they are worth anything or not. They are a very large source of expense thus far. If you figure it per acre or per hectare, the area taken over would be very valuable. There is an illustration of what may be the result of large indemnities. The Allies took away the ships of Germany and virtually destroyed the shipbuilding trade in their own countries for a time.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. FORDNEY. I yield to the gentleman five minutes more.

Mr. KINCHELOE. Will the gentleman yield?

Mr. BURTON. I will yield to the gentleman from Kentucky.

Mr. KINCHELOE. The gentleman, in the course of his remarks, stated that England had some American bonds with which she would pay a part of the debt. Would the gentleman mind stating what the sum total of those bonds is and when they were bought and the interest they are drawing?

Mr. BURTON. I do not think I made quite that statement. It is thought that there is a certain amount of bonds of the United States in England. I doubt if there is a very large amount. They were practically all sent over during the war to apply on payments. I do not think that they subscribed for our bonds during the war.

Mr. KINCHELOE. If there are any bonds there, they are owned by individuals?

Mr. BURTON. Yes; and not by the Government.

Mr. STAFFORD. Can the gentleman make any forecast, without embarrassment to his work as a member of this commission, as to when the other debtor nations will fund their debts owing to us, as Great Britain has so magnanimously funded this?

Mr. BURTON. I could not say. That is the reason for the last provision in this law. We want to be able to function between now and the time when Congress next meets.

Mr. COLLIER. Let me ask the gentleman if he has estimated the amount of interest that would be lost by making the proposed settlements instead of the one under which the commission was created proposed. The gentleman yesterday could not give us any information on that.

Mr. BURTON. It is a matter of long computation. The abatement on past indebtedness would be approximately $80,000,000 up to December 15, 1922. For the next 10 years, if no payments were made on principal, it would be $57,500,000 per annum, which would amount to $575,000,000, but payments on principal are to be made during that time, which would diminish the $575,000,000 estimate substantially. Then after the 10 years it would be something over $30,000,000 a year, diminishing. But to my mind we can brush all that aside. It is not a question of whether we get the full pound of flesh, but whether we get anything, and whether we conduct ourselves as this great wealthy Nation which wants to be a leader in world affairs ought to conduct itself. [Applause.] I concede the amounts bulk large. It is just about $80,000,000 that we are abating, if you call it 5 per cent to date on past advances.

The original interest on these advances was 3 per cent, then 3½ per cent, then 4 per cent, a very complicated proposition, then 4½ per cent on that proportion of the indebtedness on which our bonds were paying 4½ per cent, and finally our Government sent word on October 31, 1918, that it ought all to be settled at 5 per cent.

Mr. COLLIER. For the reason the gentleman stated our representatives did not push the 25-year proposition. I understood the gentleman to say it was manifest to all that that was impossible to be agreed to.

Mr. BURTON. We repeatedly called attention to what the law was and what our limitations were, but from the very outset it was manifest that neither the rate of interest nor the time was possible of agreement.

Mr. COLLIER. After the commission found they could not agree on any of the essentials of the law which created the commission there was no attempt on the part of the commission to report back to the body from which they got their authority, was there?

Mr. BURTON. No.

Mr. COLLIER. Everything was kept quiet?

Mr. BURTON. Well, so far as secrecy is concerned, I quote to the gentleman what I quoted yesterday from Mr. David Lloyd-George, that anyone who has ever been a member of a family of more than three would see the howling absurdity of holding an international conference in public. [Laughter.]

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. COLLIER. Mr. Chairman, I request the Chair to let me know when I have consumed 15 minutes. I ask unanimous consent to extend and revise my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COLLIER. Mr. Chairman and gentlemen of the House, I know that I speak for all when I say that we would be glad to get the refunding of these foreign obligations behind us. I wish to congratulate the gentleman from Ohio [Mr. BURTON] upon his presentation of the case from his side of the question, and I regret very much that in the discussion of a question which means so much to the American people I find myself unable to agree to the proposition now before the House. I believe it of the utmost importance that these foreign obligations should be refunded, and if I had absolute knowledge that this is the last word of Great Britain, and that the proposal now before us is the best that Great Britain can do, I for one, honoring and respecting that great country, would be among the very first to agree to that proposal. We have had one of the commissioners, the gentleman from Ohio [Mr. BURTON], before us, and we got no information from him at all, except vague statements that it was manifest to us from the start that Great Britain could not comply with the American demands as set forth in the law which created the commission.

We asked him for some information regarding the proposals made by the British Government. There was the law which in its essentials empowered the commission to make specific terms with England. Every essential of this law was ignored. These loans made by our Government were accepted by the foreign governments at the time of their greatest need. The foreign governments came to us and said, "If you will lend us this money to fight the common enemy, we will pay it back to you upon the same terms and under the same conditions parallel with the bonds you have to issue to get this money. That is the brief history of the lending of this money, and the Congress of the United States, without, I believe, one dissenting vote, agreed to a law which empowered the American commission to do two things in the negotiation of the settlement of these debts. One was to refund these obligations at 4¼ per cent interest, and the other was to extend the time of maturity for a period of 25 years.

In view of the fact that both of these essentials of the law creating this commission were ignored, we at least had the right to expect some information as to why they were ignored. We wanted to know if every effort to conform to the statute creating the commission had been made. But all information was refused us on the ground that these negotiations were sacred and confidential.

If I had information that would convince me that this is the best proposition Great Britain can accept, then I, too, would gladly vote for the refunding of these bonds upon the proposed agreement.

I do not want to force Great Britain or any other country to make terms impossible for them to carry out. I do not want "the pound of flesh" that the gentleman from Ohio referred to so often. But I do want the gentleman from Ohio or some other member of the commission to give me some information why the American people should surrender and cancel $1,600,000,000 of our foreign debt to England.

I want to know whether Great Britain refused to pay this $1,600,000,000, or whether Great Britain says the United Kingdom was unable to pay this sum, or whether the American commission generously gave England this sum. I think the American people who are paying 4¼ per cent interest upon money they borrowed to lend to England are entitled to know officially at least why England is willing to pay only 3 per cent upon this money.

The gentleman from Ohio gives us only his own impressions which he gathered talking to various citizens of England. I again repeat that if the American commission will lay before the House convincing information that these terms are the only terms Great Britain can or is willing to make I will vote to ratify them.

Briefly speaking, what is the history of these foreign debts? The provisions of the various Liberty loan acts which authorized the lending of this money to our allies in order to carry on the war are plain and explicit. They do not give the Secretary of the Treasury or any commission any discretion to either change the rates of interest or fix the maturity of the loans. They simply provide that when the Secretary of the Treasury shall loan money to the representatives of the foreign governments, the Secretary shall with this money purchase at par from those foreign governments their obligations at a rate of interest not less than the highest rate of interest in any Liberty loan act bond that may be issued here in the United States. They further provide that these foreign obligations or bonds so purchased at par by the Secretary of the Treasury from the foreign governments shall bear in all their essentials resemblance to the bonds that have been issued here in the United States and which were purchased by the American people.

We all know that when the Democratic administration negotiated these loans no partisanship of any kind crept into the discussion of the methods of these negotiations. There were no executive meetings of the Ways and Means Committee and the Republicans Members were invited to participate with us on each and every occasion.

Partisanship for the first time came into the attempted settlement of these debts when the bill creating the commission was, in October, 1921, discussed in the House.

It was first contemplated that the Secretary of the Treasury, Mr. Mellon, be given full authority to settle these debts, and bills were introduced in the House by the chairman of the Ways and Means Committee [Mr. FORDNEY] and in the Senate by the chairman of the Finance Committee, the late Senator PENROSE, conferring upon the Secretary of the Treasury discretionary powers to settle these obligations. These bills even contemplated giving the Secretary permission to accept the obligations of one government in exchange for the obligations of another government. There was so much dissatisfaction over these bills that a bill creating a commission was then reported to the House. The bill gave discretionary powers to a commission of five Members, and I offered an amendment that this commission report back to Congress before the terms of any final settlement should be made. This motion was defeated by a partisan vote. I then offered the same amendment in the form of a motion to recommit, which on a call of the House was defeated.

The Senate amended the bill by taking away the discretionary powers of the commission and accomplishing in another way the substance in all its essentials of what the Democrats tried to embody in the bill when it passed the House. The Senate amendment was a proviso that nothing contained in the act shall be construed to authorize or empower the commission to extend the time of maturity of any such bonds or other obligations due the United States by any foreign government beyond June 15, 1947, or to fix the rate of interest at less than 4¼ per cent per annum.

When the bill was reported back to the House it was passed unanimously with the Senate amendments.

The commission had no authority to change the rate of interest from 4¼ per cent per annum, as set forth in the law creating the commission, nor did the commission have authority to extend the time of maturity from 25 years, as set forth in the law, to 62 years, as proposed in the proposal submitted by our commission to the representatives of Great Britain.

This is the proposition our representatives made to the representatives of the British Government:

Principal of notes to be refunded		$4,074,818,358.44
Interest accrued and unpaid up to Dec. 15, 1922, at the rate of 4¼ per cent		629,836,106.99
		4,704,654,465.43
Deduct payments made Oct. 16, 1922, and Nov. 15, 1922, with interest at 4¼ per cent thereon to Dec. 15, 1922		100,526,379.69
		4,604,128,085.74
To be paid in cash		4,128,085.74
Total principal of indebtedness as of Dec. 15, 1922, for which British Government bonds are to be issued to the United States Government at par		4,600,000,000.00

The principal of the bonds shall be paid in annual installments on a fixed schedule, subject to the right of the British Government to make these payments in three-year periods. The amount of the first year's installment will be $23,000,000, and these annual installments will increase with due regularity during the life of the bonds until in the sixty-second year the amount of the installment will be $175,000,000, the aggregate installments being equal to the total principal of the debt.

The British Government shall have the right to pay off additional amounts of the principal of the bonds on an interest date upon 90 days' previous notice.

Interest is to be payable upon the unpaid balances at the following rates, on December 15 and June 15 of each year:

Three per cent semiannually, June 15, 1923, to December 15, 1932, inclusive; 3½ per cent semiannually, June 15, 1933, until final payment.

For the first five years one-half of the interest may be deferred and added to the principal; bonds to be issued therefor similar to those of the original issue.

Any payment of interest or of principal may be made in any United States Government bonds issued since April 6, 1917, such bonds to be taken at par and accrued interest.

Partisanship never entered into these proceedings until the bill creating the commission was brought up for consideration. On the floor of the House that day a great many cruel and unkind things were said about the Democratic administration and the way in which Mr. McAdoo had made these loans. The gentleman from Ohio [Mr. LONGWORTH] seems to be obsessed with the idea that the "mere notes of hand," as he described the security Mr. McAdoo took—the mere notes of hand, the I O U the Democratic administration took—were not good security. He has made many speeches denouncing the notes Mr. McAdoo received from the foreign governments. A few days ago on the floor of this House, speaking on this bill, he congratulated the Congress and the American people that now we had good security. My friends, there is no more power to collect the bonds that you take to-day, if this bill is passed, than there was to collect the notes given by foreign governments to the Secretary of the Treasury when the loans were first made. I consider a bond of Great Britain, I consider a note of hand of Great Britain, I consider an I O U, if you please, of Great Britain—if written in that I O U and on that note of hand there is a solemn promise to pay—good and ample security.

But I am sick and tired of hearing men like the gentleman from Ohio [Mr. LONGWORTH] and the gentleman from Michigan [Mr. FORDNEY], and even the gentleman from Ohio [Mr. BURTON], get up and talk about the false security that the Democratic administration took. Yesterday I asked Commissioner BURTON, when he appeared before the committee, if Great Britain's solemn promise to pay, written into a note of hand and signed by her representative agents, was not as good a moral obligation as the present bond, and to my intense surprise he said it might be as good a legal obligation but was not as good a moral obligation. I for one can not understand such reasoning. What is behind these bonds? What makes these bonds ample security? Has Great Britain pledged to us her real estate? Are they backed by negotiable stocks and bonds? Has England pledged to us her colonial possessions? Has she even set aside a special tax for a sinking fund; has she provided in any way for a sinking fund? No. Then, what makes these bonds ample and good security? It is simply and solely because England's solemn promise to pay is written on those bonds; and that same solemn promise to pay was written on the notes given by England to secure Mr. McAdoo for the money he loaned to that country.

Mr. HUSTED. Will the gentleman yield?

Mr. COLLIER. Briefly.

Mr. HUSTED. Of course, we will all admit that these I O U's which were signed by diplomatic officials evidenced the debt and the intention to pay, but the gentleman will admit, I think, that they were not definitive obligations; they did not carry all the terms intended to be followed by a definitive obligation in which would be defined exactly what the terms agreed upon should be.

Mr. COLLIER. The gentleman will admit this, that the I O U's would not be worth the paper they are written on if England repudiated them; and the gentleman will admit that the bonds, if we pass this bill to-day, will not be worth the paper that they are written on if England repudiates them. There is only one court in which those bonds, if a default should be made, could be enforced, and that is not a court of law—it is a court of force—and I for one would never refer to that court for these debts or the debts of any other country. [Applause.]

Mr. BLANTON. Will the gentleman read the obligation which she gave us?

Mr. COLLIER. I have that and I will put it in the RECORD. This is a sample of the obligation Mr. McAdoo took from the representatives of the British Government when he loaned them the money. This is a sample copy of the obligation signed by the representatives of the British Government which these gentlemen so facetiously refer to as a mere note of hand, an I O U.

CERTIFICATE OF INDEBTEDNESS.

$——— (amount in figures).

The Government of (name of foreign Government), for value received, promises to pay to the United States of America, or assigns, the sum of (number of dollars in words) on demand, with interest from date hereof at the rate of (rate per cent) per cent per annum. Such principal sum and the interest thereon will be paid without deduction for any (name of foreign Government) taxes, present or future, in gold coin of the United States of America of the present standard of weight and fineness at the Subtreasury of the United States in New York, or, at the option of the holders, at the Treasury of the United States in Washington.

This certificate will be converted by the Government of (name of foreign Government) if requested by the Secretary of the Treasury of the United States of America at par with an adjustment of accrued interest into an equal par amount of (rate per cent) per cent convertible gold bonds of the Government of (name of foreign Government), conforming to the provisions of acts of Congress of the United States known, respectively, as second Liberty bond act, third Liberty bond act, and fourth Liberty bond act. If bonds of the United States issued under authority of said acts shall be converted into other bonds of the United States bearing a higher rate of interest than 4½ per cent per annum, a proportionate part of the obligations of the Government of (name of foreign Government) of this series acquired by the United States under authority of said acts shall, at the request of said Secretary of the Treasury, be converted into obligations of said Government of (name of foreign Government), bearing interest at a rate exceeding that previously borne by this obligation by the same amount as the interest rate of the bonds of the United States issued upon such conversion exceeds the interest rate of (rate of this obligation) per cent, but not less than the highest rate of interest borne by such bonds of the United States.

——— ———.
(Signature of representative of foreign Government.)
For the Government of (name of foreign Government).
Dated the ——— day of ———.

This mere note of hand is as solemn and as honest an obligation as any Government bond. There is no court of law in which the bonds in the proposed bill could be collected that these notes could not also be collected.

Both depend solely and alone upon Great Britain's promise to pay, and there is no tribunal save the tribunal of war where either one of these obligations could ever be collected if England refused to pay.

But, say the gentleman from Ohio [Mr. LONGWORTH] and the gentleman from Michigan [Mr. FORDNEY], the Democratic administration violated the Liberty loan acts. Mr. McAdoo should have taken a bond for each dollar as he gave it to the foreign governments, as the law directed him to do. These gentlemen tell us that if the Democratic Secretary of the Treasury had done that we would not be in the position we are now in.

These gentlemen know that this could not have been done at that time. These gentlemen know that this money was not loaned in one sum at one time to our allies, but that the loaning of this money covered a considerable period of time and it was given out in installments as the Allies needed it.

England would tell us that during the period of seven or eight months a billion dollars would be needed. France might tell us that during that same period of time a billion and a half might be needed. Other countries might want several hundred millions more to be paid to them as they needed it in commitments, as they were called. When we informed our allies that we would let them have this money on the same terms and conditions we would have to pay the American people in order to borrow this money to lend to them, this money was not in the Treasury at that time. These gentlemen knew that. This money had to be raised by the sale of Liberty bonds.

These countries were given a credit for the amount that was asked for and it was given to them as they needed it.

One week a certain amount would be drawn, another week another amount, and several weeks afterwards still another amount. We did not have this money in the Treasury. We had to raise it by the sale of Liberty bonds. England would ask for $2,000,000,000, two-thirds of it to be advanced at the end of 60 or 90 days or longer. How could the Secretary of the Treasury know what the rate of interest would be on bonds to be issued three or four months in advance? We did not know how long the war would continue. We did not know how many bond issues would have to be made. Experience had already proved that subsequent bond issues would have to authorize a higher rate of interest than the first issue. How could the Secretary of the Treasury, at the time the loan was credited to the foreign Government, refund these obligations and fix the rate of interest when he himself did not know when the money would be raised by succeeding Liberty bond acts nor what the rate of interest would be?

So he did the only feasible, the only sensible, thing, which was to place this amount to the credit of the foreign governments to be drawn by them as needed, and took their demand notes, which afterwards could be changed into bonds parallel in their essentials with our own Liberty bonds.

But I want to make a few observations on the question of partisanship, which the Republicans have shown in the consideration of this matter.

This is a government by parties. That has been the policy of our Government since first it took its place among the nations of the earth. A strong majority party to put into effect the principles for which it stands and to carry on the Government according to the mandates of those who placed that party in power. That is the function of a majority. But the minority has an equally important function. Its function is to stand guard against the excesses and extravagances of the majority. The minority is the sentinel standing on the

watchtower warning and restraining the majority from acts which the free exercise of power unchecked might prove to be dangerous to our institutions and to our Government.

This policy has been recognized from the very moment our country took its place among the great nations of the earth. But what do we find now? A partisanship unheard of in the annals of our country. I challenge the pages of the history of American politics to show as partisan an appointment as the appointment of three Republican Cabinet officers and a Republican Senator and a Republican Member of the House to be the sole members of a commmission which had to deal with the refunding of over $11,000,000,000, contributed alike by the American people.

As against the personnel of those gentlemen I, of course, have nothing to say and could have nothing to say. But there are millions of people in the United States who contributed of their means so that this money could be loaned to our allies and who belong to the minority party. I ask you, do you think it fair, do you think it right, do you think it just that their voices should be silent and that their interests should not be represented in the settlement of these debts?

If they wanted to be fair about this matter, if they wanted the twenty or thirty millions of people who helped to contribute to these loans by their means to be represented, why did they not give the minority at least one member on this commission? I ask you again, I ask the American people, was it right, was it fair, was it proper to deny the minority even one representative on a commission which meant so much not alone to our people but to the rest of the world?

Mr. HUDSPETH. Will the gentleman now yield?

Mr. COLLIER. I will.

Mr. HUDSPETH. The gentleman from Ohio [Mr. BURTON] stated that the obligation of Cuba had been settled by bonds. Can the gentleman state whether there was any remission of any interest in reference to that obligation?

Mr. COLLIER. Of course, I could not answer that question, because all matters connected with this was turned over to this partisan commission, and I gather from the former Senator from Ohio that all these matters are sacred and it would be bad and not proper for us to go into them.

Mr. DENISON and Mr. CARTER rose.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I will yield first to the gentleman from Illinois, who rose first.

Mr. DENISON. When these obligations were first incurred and the loans were made and the money advanced, of course that was all handled by one party alone—the Democratic Party?

Mr. COLLIER. Yes.

Mr. DENISON. And the Republicans were not consulted or asked for advice; and if they gave advice, their advice was not accepted. Is there any difference in principle between letting one party make the obligations and the other fund them?

Mr. COLLIER. There would be no difference in the principle, but there is a great deal of difference in the gentleman stating here something that, with all due deference to him, I may say, are not parallel instances.

Mr. McAdoo was the agent. He got that money through the Liberty bond act, for which the gentleman from Michigan [Mr. FORDNEY] and every other Republican Member of the Committee on Ways and Means and of the House voted; that was to borrow money to loan to our allies. I see what the gentleman is coming to. He wants to ask why Mr. McAdoo did not fund the bonded debt.

Mr. DENISON. I am not coming to anything. I want to ask a question. The same Congress that gave Mr. McAdoo the authority to make these obligations gave him this authority to fund them.

Mr. CARTER. Mr. Chairman, will the gentleman yield now?

Mr. COLLIER. Yes.

Mr. CARTER. I agree with the gentleman that there has been some surrender of our rights here. I agree that the matter has been handled in a partisan way. I agree most heartily in all that the gentleman says about the way the party on the other side have acted in this matter. But the question before us now is, What are we going to do if we are not going to do this? [Applause.]

Mr. COLLIER. I must have expressed myself badly. If any Member here has gathered from my criticism of the administration making an economic question such a partison one, that that would now have anything to do with the final settlement of this question. It should not. I am as anxious to see this debt refunded as any of you, and I have tried my best to get the gentleman from Ohio to tell us why it was that the commission came to the conclusions they have. What proposition did England offer? What happened around the table? I made a motion in the committee that we send up to the other end of the Avenue and get a financier who very often forgets that he is a politician, the Secretary of the Treasury, and ask him some questions, and the motion was voted down. And when I myself tried to get some information, so that I could go home and justify my action to the people whom I represent, so that I could say, "Here are the reasons why we should surrender $1,600,000,000 in an obligation which we took from Great Britain and which was accepted in good faith by Great Britain."

I was told in the usual gentle way by the chairman of the committee that I was delaying the proceding and remonstrated with so often on the ground that I was taking up the time and trying to delay the expedition of the bill that I was practically forced to desist. It was passed through with the most indecent haste. We have had no consideration of the measure, and we have not been able to get any information. Every question we asked would be met with the statement that that question would be a privileged question, and that they could not answer it by reason of making some international blunder. Of course, I do not wish to embroil us in any of those international complications any more than the gentleman from Ohio does. But I do think that when a law is passed by practically a unanimous vote of the House and Senate, putting several essentials into that law and empowering the commission to act up to those essentials, and the commission ignores each and every one of those essentials, the American people have a right to know why these essentials were ignored. We asked the gentleman from Ohio [Mr. BURTON], "Please tell us what were the reasons actuating you in ignoring all the essentials in the law which created you?" And all that we could get was the answer that it was manifest from the start that Great Britain would not be able to do this. And the only reason Commissioner BURTON could give us was not anything England's representatives said or did, but was from his personal observation when he went to England.

Mr. McSWAIN. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. Yes.

Mr. McSWAIN. Has the committee of which the gentleman is a distinguished member ever investigated to see what taxes in Great Britain go to subsidies for the support of their merchant marine and for keeping in commission the greatest navy in the world?

Mr. COLLIER. Nobody suggested anything of that sort.

Mr. McSWAIN. Is that not like the case of a man who can not pay his grocer's bill because he must keep up his expense for gasoline for his limousine?

Mr. COLLIER. I do not want to tax anybody beyond their ability to pay. I thought the committee ought to have some information upon which to act. I am anxious, and I know the American people are anxious, to get these foreign debts behind us. We are willing to strain a number of points, and I was trying in all sincerity and to the best of my ability to get all the information I could; but I could get nothing but platitudes and a story about a man who told Senator BURTON that he was willing to pay 15 shillings on the pound to pay the debt, and then he was knighted. Every time we came to those questions they would be declared to be privileged.

My friends, I think this is a matter in which the American people are entitled to have some information.

Mr. LONDON. Mr. Chairman, will the gentleman yield on this last question of secrecy for a suggestion?

Mr. COLLIER. I will.

Mr. LONDON. If on the score of secrecy members of the Committee on Ways and Means are prevented from getting at the facts now, why will not the same thing occur in the future? What will prevent it from occurring in the future?

Mr. COLLIER. I did not catch the gentleman's question.

Mr. LONDON. I say that on the score of secrecy members of the Committee on Ways and Means were unable to get information and facts.

Mr. COLLIER. We did not get information.

Mr. LONDON. Now, in case England should refuse to live up to the new arrangement in the future, then on the score of secrecy she may be able to get away with it?

Mr. COLLIER. Yes.

Mr. LONDON. Why do you permit that secrecy? Why do you stand for it?

Mr. COLLIER. You may go over there and put it over NICK LONGWORTH and Brother FORDNEY and the balance of them, but I could not do it. [Laughter.]

Mr. Chairman and gentlemen of the House, because of the great importance to the American people and to the rest of

the world in the refunding of these debts the majority party in this House owed it to us and to the country that we should obtain some information from a commission of five Republicans in whom was vested all the power to negotiate. I state here on the floor of this House that we did not get that information and were met with generalities only. [Applause.]

I reserve the remainder of my time.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HILL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 855. An act for the relief of Fred G. Leith, United States Navy;

H. R. 13046. An act authorizing the Secretary of the Treasury to convey to the city of Wilmington, N. C., marine-hospital reservation; and

H. R. 12007. An act providing for the conveyance of certain land to the city of Boise, Idaho, and from the city of Boise, Idaho, to the United States.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4469. An act to extend the time for the construction of a bridge or bridges and trestles over the navigable channels of the mouth of the Mobile River in the State of Alabama; and

S. 3892. An act authorizing the State of California to bring suit against the United States to determine title to certain lands in Siskiyou County, Calif.

The message also announced that the Senate had passed with an amendment the bill (H. R. 5224) to authorize the Secretary of the Navy to certify to the Secretary of the Interior for restoration to the public domain lands in the State of Louisiana not needed for naval purposes, in which the concurrence of the House of Representatives was requested.

REFUNDING OF FOREIGN DEBT.

The committee resumed its session.

Mr. FORDNEY. I yield eight minutes to the gentleman from Wisconsin [Mr. FREAR].

Mr. FREAR. Mr. Chairman and gentlemen of the House, I do not believe anyone present will charge me with partisanship ordinarily. I have tried to get at the merits of propositions presented here, and although frequently disagreeing with some of my colleagues on this side of the aisle, I can not see any real question of difference to separate us to-day. The gentleman from Mississippi [Mr. COLLIER], who has just spoken, my colleague on the Ways and Means Committee, has referred to partisanship politics in this matter, and I fear that he has rather represented himself than the people on his side of the aisle, and I do not believe he has done justice to himself, for he is a very able Member. I will leave to the gentleman from Ohio [Mr. LONGWORTH] to answer—as I know he will—matters in regard to the inception of this loan. Speaking for myself, I will say that as the loan was made during the war the mantle of fairness ought to be spread over those who undertook to negotiate this loan with Great Britain, and also the loans with other governments, because they acted under a tremendous pressure at that time, and could not do what would be done in ordinary times of peace.

Responding to the question that was asked a few moments ago of the gentleman from Mississippi, as to whether or not England at this time is sending her warships abroad and whether that is not a great expense to Great Britain that might better be paid in interest, let me say that Great Britain to-day is not spending more for her war vessels than we are in this country, according to my best information, and we are at peace with the world. Practically in the throes of war to-day, Great Britain is trying to protect her possessions, and yet in these trying times her cabinet has offered this settlement. So far as the ship subsidy is concerned, and the inquiry covered that—I say this with equal fairness—I do not believe she pays any subsidy in proportion to what has been proposed in the legislation pending before Congress, as the gentleman who propounded the inquiry can readily ascertain.

With this situation abroad, I believe we have all essential facts before us, and I do not ask Senator BURTON to testify on this. We have facts before us that will convince any intelligent man that this was a fair settlement for us under all the circumstances and that Great Britain certainly did a wonderful thing in making good her national credit. [Applause.]

The estimates to-day of able economists show the average per capita debt in this country to-day is $160; that is, after we deduct this British debt, which we can fairly do when the debt obligations are received. That means an $800 national-debt average for a family of five in the United States. In Great Britain to-day, without any substantial prospect of getting back any or practically any debts due her from other countries, her debt per capita is $800, or as much as that of our average family of five; and a family of five in England is obligated on the average to an amount of $4,000. Can we as intelligent legislators fail to recognize the condition that confronts Great Britain to-day or the great effort she has made to meet her war-time obligations? It does not require any additional facts than knowledge of her own comparative financial burdens to understand fully what she has done to meet her promises to us.

I do not care to ask the gentlemen who made up the American Debt Commission to tell all the conversations that occurred over the board or the pleas that were made for or by Great Britain in that delicate transaction. We know what they were, and Great Britain has done a wonderful thing in coming up as closely as she has to the mark and far beyond expectations of this country. [Applause.] In the law which we passed the House never inserted any rate of interest. In that law we never inserted any determination as to time of payment—not when it passed the House. It was the Senate which did both, and we finally confirmed the Senate action; but it was not put in when it passed here. We did provide for the commission; and if there is one thing of which we may well be proud it is of the distinguished Member whom the House furnished as a part of that commission and of the fine work that he did. [Applause, Members rising.] I may say, what is generally appreciated, that our distinguished colleague from Ohio [Mr. BURTON] is known throughout the country as an authority second to none on the subject of finance. We all understand that, and I believe it is a great credit to the House as well as to the country that he was a member of that commission. In a way I feel pleased to know that in the committee I urged five different amendments, all of which finally became a part of the law under which the settlement was made. As it came originally from the Secretary of the Treasury the bill was without any limitation. The Secretary of the Treasury had sole power to settle in his own way and terms all debts, and the proposition pressed in committee was to put his resolution through that same morning. Members of the committee who were present will remember that five amendments were urged by me to the bill. One was for a commission, another no cancellation of bonds, a third for no substitution of bonds. All those provisions were adopted, and they are the essentials under which the commission acted when effecting this debt settlement, notwithstanding the fact that my good friend from Mississippi [Mr. COLLIER] says none of the essentials are in it. The question of interest becomes a question of England's ability to pay, and with a national indebtedness of $4,000 for the average family of five can we say that they did not offer us a fair proposition when without any expectation of payments to themselves from other governments they now undertake to pay the full face of the obligation and pay interest, not what the Congress originally proposed but an interest rate that is ordinarily paid in times of peace by great governments.

Mr. Chairman, an important factor in arranging settlements with foreign governments confronts us. The present English ministry is jealous of the honor and good name of the English people, never yet tarnished with the charge of debt repudiation.

Strong political interests in England to-day and also in other countries indebted to ours have voiced a protest or hope that in addition to an expenditure of more than $20,000,000,000 apart from money loaned to foreign governments, we should cancel foreign loans aggregating nearly $11,000,000,000. We are not selfish nor mercenary when asking for a repayment of these debts. Apart from sacrifices made by our people when engaged in a common cause we pledged them that so far as we could act these foreign debts would be repaid and their heavy burden of taxation, both local and national, be lightened to that extent. The people gave until it hurt to raise the money. Our good faith is involved in such payments and repayments.

We have a group of international bankers in New York, powerful in wealth and influence, that seeks to undermine our own position by widely published proposals for a cancellation of foreign debts, notwithstanding the law prohibits any such act by the commission. Inspired, as many believe, by a desire to enhance the value of billions of dollars in foreign securities now held by these bankers, as owners or agents, which they would not dream of canceling, foreign governments have been misled by propaganda for debt cancellation into a belief that the American Congress and the country would approve a proposition of that character.

Those advocating cancellation at home or abroad have complicated a delicate situation in these debt negotiations, but our commission has sought to meet every essential under the law and the Government of Great Britain has met their proposals fairly and, in my judgment, equitably.

The settlement of $4,700,000,000 due from England on which amount 3 per cent is to be paid for 10 years and 3½ per cent thereafter until fully paid, will practically reach the ordinary interest rate on Government securities within a decade in all probability.

Remembering that international obligations are a matter of faith and not of enforcement other than by military and naval power; that we believe in peace and fought the war to end all wars, and also in the interest of world-wide confidence that forms a basis for all industrial and political strength, I feel the agreement reached by all parties has marked a forward step toward better adjustment of our relations with all governments indebted to ours.

Mr. LONDON. Will the gentleman yield?

Mr. FREAR. I will when I have finished. I have one or two other matters briefly to discuss. One proposition contained in this bill that seems to me of supreme importance is that it establishes a permanent policy for this Government in its transactions with foreign governments. We have here an acknowledgment of our debt. We have here a proposition that there is to be no repudiation by one of the great governments of the world. In my opinion, we could have afforded to go further in order to have that fact established, in order to set a precedent for other governments with which we are to negotiate hereafter. [Applause.] This was admittedly a partisan or one-party commission. I was desirous, according to my original amendment, of having its members come from both sides of the aisle, but I feel that this commission in a nonpartisan manner has secured far more than was expected by the Congress in having an agreement reached to be placed upon the statute books.

Mr. SNYDER. And more than was expected by the public, either.

Mr. FREAR. And more than was expected by the public, as has been suggested by my colleague from New York. Now, as to the other governments, we can not say what the future may bring forth in settlements; but under the terms of the proposition as it passed the House and the Senate in this bill it is announced that no more favorable conditions can be expected by other governments than those given to Great Britain. We may not receive as good terms in all cases, for we can not get money from people unless they have it or can raise it hereafter. But we do know this: That the commission must come back to the House and to the Senate if it can not secure an agreement as fair as this, and its members have accomplished, in my judgment, a splendid work. [Applause.]

Mr. FORDNEY. I yield 10 minutes to the gentleman from Ohio [Mr. LONGWORTH].

The CHAIRMAN. The gentleman from Ohio [Mr. LONGWORTH] is recognized for 10 minutes. [Applause.]

Mr. LONGWORTH. Mr. Chairman and gentlemen, I join with my colleague from Wisconsin in lamenting the fact that the gentleman representing the minority of the Ways and Means Committee [Mr. COLLIER] has seen fit to bring partisan politics into the discussion of this question. I, however, hope and believe that when the final vote is taken a very substantial majority on that side of the House will be found voting with us in favor of the bill. [Applause.] The gentleman from Mississippi has brought up the fetish on which he has harped for months—that his party has not been allowed on all occasions to sit with the majority of the Ways and Means Committee, while during the war our party, then in the minority, sat with the Ways and Means Committee. That is a perfectly simple proposition. During the stress of war the Republican minority upon the Ways and Means Committee could be trusted not to bring politics into consideration. [Applause.]

I have never said that we had no security from Great Britain or any other country for the loans advanced to them. I merely said that the law under which these loans were authorized was ignored at the time they were made, and I leave it to any unprejudiced lawyer in this House, after I read the section of the first Liberty bond act under which the loans to Great Britain and other countries were made, whether the law was not ignored in receiving the security which the gentleman from Mississippi prizes so highly.

Section 2 of the first Liberty loan act, which for the first time authorized loans to foreign governments, reads as follows:

SEC. 2. That for the purpose of more effectually providing for the national security and defense and prosecuting the war by establishing credits in the United States for foreign governments, the Secretary of the Treasury, with the approval of the President, is hereby authorized, on behalf of the United States, to purchase at par, from such foreign governments then engaged in war with the enemies of the United States, their obligations hereafter issued, bearing the same rate of interest and containing in their essentials the same terms and conditions as those of the United States issued under authority of this act.

Now, what does that mean?

Mr. GRAHAM of Illinois. The act says during the period of the war, does it?

Mr. LONGWORTH. No; it does not limit it to the war period. What is the effect of this provision? It simply authorizes the proceeds of the bonds purchased by the American people to be invested in precisely similar securities issued by foreign governments. There was no authorization whatever to lend cash on a note of hand.

Now, what is the security that we have received from Great Britain and other countries?

Mr. HARDY of Texas. Will the gentleman read that provision of the law again?

Mr. LONGWORTH. If I can get some more time. Can the gentleman from Michigan yield me more time?

Mr. FORDNEY. I have requests for 20 minutes more time than I have. Will the gentleman from Mississippi let us have a little more time?

Mr. COLLIER. I have requests for 50 minutes more time than I have.

Mr. LINEBERGER. Mr. Chairman, I have five minutes which I will yield to the gentleman from Ohio.

Mr. LONGWORTH. I am under great obligation to my friend from California, because I think this matter ought to be straightened out so that we may see just where we stand.

I am not speaking for political effect at all. I am simply asserting that as a matter of fact the law was violated, and in that I am confirmed by the gentleman from Texas [Mr. GARNER], who the other day admitted that the law had been violated. I will read the section again, if desired:

SEC. 2. That for the purpose of more effectually providing for the national security and defense and prosecuting the war by establishing credits in the United States for foreign governments, the Secretary of the Treasury, with the approval of the President, is hereby authorized, on behalf of the United States, to purchase at par, from such foreign governments then engaged in war with the enemies of the United States, their obligations hereafter issued, bearing the same rate of interest and containing in their essentials the same terms and conditions as those of the United States issued under authority of this act.

That same provision was carried in the subsequent Liberty loan acts. Now what was the security that came into the possession of the Treasury Department? I hold in my hand one of the last certificates of indebtedness, and here are the essential parts of it:

The Government of the United Kingdom of Great Britain and Ireland, for value received, promises to pay to the United States of America, or assigns, the sum of $1,000,000 on demand, with interest from the date hereof at the rate of 5 per cent per annum.

Such a transaction, in my opinion, was not authorized under the law. I am not saying that it is not good security to an extent at least, and possibly the exigencies of the situation made it necessary. But I have said repeatedly and now assert that the law was violated in making it.

Mr. BLANTON. Will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. BLANTON. Will not the gentleman be fair enough to read it all?

Mr. LONGWORTH. There is a provision later for subsequent conversion, but that is not an essential. I said that I read the essential part.

Mr. BLANTON. It provides for giving bond at the rate of interest not less than that charged by the United States for its money.

Mr. LONGWORTH. Yes; but that is nonessential in the proposition we are now considering.

Mr. COLLIER. Mr. Chairman, will the gentleman state to the House whether there is any court on the face of the earth where this security could be enforced and bonds taken?

Mr. LONGWORTH. Oh, what is the use of talking about a court when it is a question of an obligation between two great nations.

Mr. COLLIER. In case of default could it be collected, except by force?

Mr. LONGWORTH. Mr. Chairman, the gentleman begs the question. Here is the only proposition: We can not collect that demand note, and every sensible man in the United States and every sensible man in Great Britain knows it. Is there a man anywhere within the sound of my voice who will assert that it is possible under existing conditions to collect $4,600,000,000 from Great Britain, at 5 per cent, on demand? It is too absurd to talk about, and that is all there is involved in this proposition. Instead of having that doubtful security, we have, if we accept the proposition brought in by our commission, a debt funded under such conditions that it can be collected, and that is what the American people are interested

in and what the people of Great Britain are interested in. [Applause.]

Mr. LANKFORD. Mr. Chairman, will the gentleman yield?

Mr. LONGWORTH. I can not yield. The gentleman from Mississippi [Mr. COLLIER] says that the two essentials of the law were violated, those essentials being an interest rate of 4½ per cent and a 25-year limitation. If the gentleman thinks that those are the essentials of this law, why did he not insist upon them when the bill was under consideration in the House? And why did he not suggest them in committee? No such suggestion was ever made. The bill that passed this House had no limitation whatever with regard to interest or with regard to the period of the loan.

Those provisions were added in the Senate. If they could have been put in when the bill was under consideration in the House why did he not suggest that they be inserted if he believes them to be essential? As a matter of fact we are getting back more nearly to the attitude of the House on this proposition when it passed the House, and what I think was the proper attitude.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. COLLIER. The gentleman asked me why we did not put those in in the House. I offered a motion to recommit, when you vested full power in this commission, that this commission be empowered to come back to Congress before they made any settlement, and that motion was voted down.

Mr. LONGWORTH. Precisely, and that is just practically what we are doing now. They have come back to Congress. [Applause.] When did any man on the other side try to limit the rate of interest or the period of time? You say you insisted that any agreement made by the committee must be referred to the House for ratification. Why, that is what we are doing now, and that is what we are to vote upon to-day.

Mr. COLLIER. I want to congratulate the gentleman from Ohio on his at last coming to the subject of my motion to recommit.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. LONGWORTH. I can not yield.

Mr. STEVENSON. I just want to get some information.

Mr. LONGWORTH. It is not a question whether our obligation to-day from Great Britain is good or not. Of course it is good, but it is not in a form in which it can be executed in detail. This new agreement is creditable to Great Britain; it is creditable to the United States, and it will do much to stabilize financial conditions throughout the world.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. COLLIER. Mr. Chairman, I yield 15 minutes to the gentleman from Arkansas [Mr. OLDFIELD].

Mr. OLDFIELD. Mr. Chairman and gentlemen of the committee, a good deal has been said here this morning about which is the best security, the note of hand which we got during the war, or these bonds that we are going to get now. I do not think there is any difference, for this reason: The notes have not been disputed. Great Britain has never said that she did not owe these obligations and she has shown no disposition up to date to repudiate them. I have great respect for the British nation. I think they have the smartest statesmen in the world, in fact, I think they have bested our statesmen in this proposition, and I am going to tell you why. I have great respect for the British people. You know that they want to pay their debts and I believe they are going to pay their debts. I believe in being generous to the taxpayers of Great Britain, but I think generosity to a foreign taxpayer means putting him on the same basis, on the same level, on the same footing with the taxpayers of our own country. I dare say this commission would have had a great deal of trouble if they had suggested to Great Britain that they pay more interest than we pay. I know that the taxpayers of this country are up against it, and everybody knows it. They are clamoring all the time to reduce taxes. They have had the excess profits tax repealed because it was too much, they said; they said they could not pay it, and they have had the surtaxes reduced because they said they could not pay them, and I get letters almost every day from constituents saying that they are going to have to borrow money to pay their taxes. I believe we ought not to charge the taxpayers of Great Britain less than we charge our own taxpayers. Here is what ought to have been done. I was very anxious to have Secretary Mellon before our committee. He is the chairman of the commission and I think the ablest man in the Republican administration, and also I think he plays politics less than any other man connected with the administration, from the President down. You can always tell where Secretary Mellon stands. When he says to-day that he stands for a certain proposition or against a proposition, you may put it down that to-morrow he will be standing right on that same spot.

I wanted to have Secretary Mellon before us, because I wanted to get as good information as we could from the chairman of the commission. They refused to let him come. Here is what ought to have been done. Mr. BURTON, the gentleman from Ohio, said in 10 years the interest rate will probably be down to 3 or 3½ per cent. Here is the reason it is likely not to come down. The British people will give these bonds, this $4,600,000,000 worth of bonds, that they are going to give this country. Now, under this provision here they can pay these bonds in American bonds. That is perfectly all right. There is nothing wrong about that, but our bonds will draw 4½ per cent, and we are going to have bonds outstanding just as long as those bonds run, or 62 years.

Mr. SNYDER. We have some at 3½ per cent.

Mr. BLACK. Will the gentleman yield for a brief question?

Mr. OLDFIELD. I will.

Mr. BLACK. Simply in direct connection with what the gentleman is discussing. These bonds will be entirely tax exempt?

Mr. OLDFIELD. Yes.

Mr. BLACK. And our tax-exempt bonds at 3½ per cent are now selling at par, which is convincing to my mind we can float 3½ per cent bonds.

Mr. OLDFIELD. All right, why not wait until that time comes?

Mr. BLACK. I think it is here now, I will say to the gentleman.

Mr. OLDFIELD. They are not——

Mr. BLACK. We are not issuing tax-exempt bonds.

Mr. WOODRUFF. Will the gentleman yield?

Mr. OLDFIELD. I will.

Mr. WOODRUFF. The gentleman stated the English will exchange our bonds, drawing presumably 4½ per cent interest, for their bonds, which draw only 3 or 3½ per cent. I do not believe that the English sense of good business would permit them to do such a thing.

Mr. OLDFIELD. I did not say that exactly. I said the British international bankers can purchase for the British Government bonds to-day at 98.60, 4½ per cent United States bonds. They can hold those bonds until maturity, if they desire, and make 1½ per cent on the money. In other words, the taxpayers of this country would be paying into the British treasury, because the British treasury would own these bonds, 4½ per cent, while the British taxpayers would be paying into our Treasury only 3 per cent.

Mr. LINTHICUM. How long do they run?

Mr. OLDFIELD. Until 1952, some of them, long after the 10 years. Here are some that run until 1952, drawing 4½ per cent. If they can do that, they can force the taxpayer of America to pay into the British treasury, because those bonds are going to be held by the British treasury and held until they are due; it will make our taxpayers pay into the British treasury 4½ per cent semiannually while they pay into our Treasury 3 per cent semiannually. Here is what ought to be done——

Mr. HUSTED. Will the gentleman yield?

Mr. OLDFIELD. I have not the time.

Mr. HUSTED. For a brief question.

Mr. OLDFIELD. Another thing. I think there is some understanding between the British international bankers and the American international bankers to hold up the interest rate on bonds of our country. It would be easy to do it so as to give the international bankers an opportunity of making 1½ per cent on the money which they owe us. Now, that can be done; and that is what will be done if it can be done, because there are no smarter statesmen on the globe to-day than Stanley Baldwin and Bonar Law and that bunch. There are none who know how to take care of the taxpayer of Great Britain better than they do, and they are always on the job. I yield to the gentleman from New York.

Mr. HUSTED. If the British Government can not pay their debts without issuing bonds, where are they going to get the money from to buy our Liberty bonds?

Mr. OLDFIELD. I say we can not pay our own debts without issuing bonds.

Mr. HUSTED. Even if they could make the 1 per cent on the exchange, where are they going to get the money to buy our bonds in order to make 1 per cent profit? They have got to get the money, as they certainly have not got the money to invest in our bonds.

Mr. JOHNSON of Mississippi. We are to-day paying 4½ per cent and propose to take 1½ off what our debtors owe us.

Mr. OLDFIELD. They are promising to pay so much each year—$23,000,000 and interest. That amounts to a great deal of money—$150,000,000 or $200,000,000—and if they can make 1¼ per cent on $200,000,000, do you not think the British Government is going to do it? And they are going to make the taxpayer of America pay the difference. That is the situation. There is no way around it. Now, as to partisanship, of course there has been partisanship from the start to finish about this. Mr. Leffingwell, Assistant Secretary of the Treasury, conversant with all the details in regard to these loans and one of the biggest Republicans in the country, a very able fellow, you do not say anything about. Mr. Leffingwell did more than any other one man to make these loans to Great Britain in the first place during the war. Yet you on the Republican side persist in saying that the Democrats played partisan politics when this money was loaned to Great Britain. Gentlemen, you can not get away with that stuff. You growled all the time during the war; that is, the leaders on the Republican side did. And my good friend from Pennsylvania, Mr. Moore, a member of the Committee on Ways and Means at that time, got up here seriously day after day and wanted to take the conduct of the war out of the President's hands and put it into the hands of a commission—I presume a Republican commission. There was partisanship manifested by the Republicans all through the war, if you please, and now you come here and want to give the taxpayers of foreign countries an advantage over our own taxpayers. I do not think it is right; I do not think it is fair to our taxpayers. I believe Great Britain can pay, because I believe if she can pay 3 per cent or 3½ per cent she can pay 4¼ per cent. I think that about it, and you think that about it, too. If she can not pay the debt at all, she will repudiate these bonds just as quickly as she would repudiate a note of hand or any other agreement.

You are going to have trouble explaining to the taxpayers of America why it is you charge the taxpayers of our country more than you charge the taxpayers of some foreign country. I do not say that with any disrespect for Great Britain. She is one of the greatest nations in the world. She has her drum beat all around the world, just as the gentleman from Ohio [Mr. BURTON] said. There is no question about that. But it is costing her a great deal of money, and if she did not have to beat so many drums all over the world she might have more money with which to pay her debts.

Mr. BOX. Mr. Chairman, will the gentleman yield?

Mr. OLDFIELD. Yes.

Mr. BOX. When this commission found itself unable to act under the instructions contained in the act creating them, were they able to show any reason for not obeying that act? Was there anything more than an expression of opinion, any concrete facts?

Mr. OLDFIELD. We have had no concrete facts, only a statement from the gentleman from Ohio [Mr. BURTON], a member of the commission. We thought the Secretary of the Treasury would be able to give us the best information. He has less of the politician in his make-up than any of them. But we could get no facts from him. Mr. BURTON gave us no more facts then than he did in his speech here. There were no facts in his speech, but some of the best speeches made both on the floor of this House and elsewhere are void of facts. Lots of good speeches are not intended to contain facts. But there is no reason on earth for not requiring the British Government to pay more than 3 per cent. They are willing, my friends, to tax the taxpayers of America 4¼ per cent and let the British off at 3 per cent and 3½ per cent.

If they want to repudiate the debt, let them do it. That is their lookout. But they are not going to do it. I do not like to see a bill passed here, my friends, that will permit any conspiracy of any sort by which our taxpayers are compelled to pay money into the Treasury at 4¼ per cent and then have our Government pay it into the exchequer of Great Britain and transfer it over there at 3 and 3½ per cent. It is not fair to the American people. I am not going to vote for this bill. [Applause.]

Mr. COLLIER. Mr. Chairman, I yield 15 minutes to the gentleman from Georgia [Mr. CRISP].

The CHAIRMAN. The gentleman from Georgia is recognized for 15 minutes.

Mr. CRISP. Mr. Chairman and gentlemen of the committee, believing that this settlement, all things considered, is a reasonable one, I expect to vote for it. [Applause.]

But I, in common with the men on my side of the House, resent the unfair and partisan way in which this whole matter has been handled by this Republican administration. This is a country of parties, and while minority parties have very few rights, they have always been permitted heretofore to serve on commissions and legislative committees dealing with things going to the vital interests of the people of the United States. Common courtesy demands that they be given this consideration, which was denied us.

Here is a proposition dealing with $10,000,000,000 of the public debt, and the minority party was absolutely refused any representation on the commission. In saying that, I do not want to cast any reflection upon the personnel of that commission. I think they are splendid, able men, and I have no doubt whatever that they did what they believed was for the best interests of the people of the United States. As I have just said, I think their proposal a reasonable one, and I expect to vote for it.

Mr. Chairman, this is not an ordinary debt between nations in peace time, or a debt like a debt between two individuals. Let us consider briefly the history of this debt. When we entered the war it was to our interest to see that the Allies maintained their armies in the field. Shortly after we declared war the Russian Army collapsed and was withdrawn from the conflict. Our allies were being hard pressed for money, and the Congress of the United States knew that if our fighting allies could not get money to purchase supplies for their armies, they would have to withdraw them from the battle fields and America would have to send many more million boys overseas to carry on the conflict than she would if the Allies continued to function. So it was suggested that as our credit was good and the Allies were paying to private individuals as much as 6 per cent or 7 per cent for money, that we loan them money, and we thought it was to our selfish interest that we make these loans.

I was on the Committee on Ways and Means during the war and was present when all of these loans were authorized. It was the intent of Congress that we should lend this money to the Allies at the same rate of interest we had to pay to raise the money by selling our bonds. We did not care to make any money on the transaction, but we wanted to give them, our allies, battling for our rights as well as theirs, the benefit of our credit and let them get the money as cheap as they could.

Gentlemen of the Congress, do you not know that about every dollar we loaned England was expended in the United States for the purchase of cotton, cotton goods, machinery, war material, and food supplies to be used in the prosecution of the war in which we were actively engaged? The sum so expended here increased our national wealth, and the United States Treasury benefited to the extent of millions of dollars by receiving income taxes and excess-profits taxes from the American citizens who made money out of these expenditures. Do you not know also that England loaned to our mutual allies fighting with us approximately $6,000,000,000 to enable them to maintain their armies, and none of this colossal sum has been repaid England to-day?

Now, that is the history of this transaction. That being true, is it to our honor or credit to be like a Shylock and demand the last drop of blood, even if we could collect it, which we can not? The President and our funding commission say to Congress this is the best settlement we can get. I conceive it to be my duty as a Representative to represent the United States and my people in exactly the same way that I would represent myself in an individual transaction.

Now, what are the facts in this case we are called upon to decide? England, like most of the world, ourselves included, is staggering under a great debt and tax burden. There is economic unrest and unemployment there as there is elsewhere in all the world, and what humanity to-day craves above everything else is stabilization of the world's economic conditions and a return to a peace basis.

Now, when our Government made these loans it took demand obligations, the first ones drawing 3 per cent, and finally the obligation of Great Britain took the form of a promissory note payable on demand and bearing 5 per cent interest. That was made during the war as a war loan to help our allies carry on a common war, fighting a common enemy. Now the war is over. In war time interest rates are always higher than in peace time. These loans were made during the greatest war of history. Happily that war is now over. England owes us approximately $5,000,000,000, and no sensible man for a moment believes that it is possible for England to now pay that colossal sum on demand, as their note we hold provides. The foreign debt being in an uncertain and chaotic condition, therefore, the wise and sensible thing to do was to fund and settle the debt. Congress appointed a commission to do that. That commission was limited as to the time to which they could extend the debt and as to the rate of interest. Under the terms of the act of Congress the commission could not extend the

time beyond 25 years nor agree upon a rate of interest lower than 4½ per cent. Now, I wish we had more information as to what transpired between our commissioners and those of Great Britain. I recognize, however, the delicacy of the situation from an international standpoint. We are called upon to approve a settlement which, in effect, requires Great Britain to pay us interest at the rate of 4½ per cent up to the 15th of last December, which equals the interest we had to pay on our bonds to obtain the money to loan them, future interest from the date of settlement to be at the rate of 3 and 3½ per cent. The time of the debt was extended to 62 years. Our funding commission entered into a tentative agreement for a settlement of the debt on this basis, stating to the English representatives that it could be put in force and effect only when Congress gave approval to it. We are now asked to ratify that agreement. I sought and desired all the information I could get. Why, our commission even tentatively agreed to a proposition that contravened the limitation under which the commission was acting as to the time and the rate of interest. May I read to you a question which I asked our colleague, Senator BURTON, who was a member of the commission, when he testified yesterday before the Ways and Means Committee, he being the only witness that we had before the committee, though we sought to have others:

Mr. CRISP. I understood you to say that the representative of Great Britain said they could not and would not fund the debt under the terms of the original act.

Mr. BURTON. Oh, yes; they practically said that again and again. Whether we ever put up to them the question, "Will you pay that?" and they said "No," I could not absolutely recollect, but in substance that question was presented to them a great many times. We pointed out to them, "There is the statute under which we are working, and we desire you to come to that."

But they would not come to that. Now, gentlemen, a contract is mutual. Both parties to the contract must agree to it. It was manifestly to our interest that this debt be funded, and here the contracting parties could not agree under the terms under which our commissioners were acting.

If they could not agree and would not agree to it, what is our alternative? Gentlemen of the House of Representatives, there are only two ways to collect an international debt. One is by the voluntary payment of the debt. The other is by the use of your Army and Navy. We to-day have many thousand brave American boys sleeping in Flanders Field and thousands of others in the United States maimed and crippled for life. God knows I would not vote to snatch any American boy from his mother's arms, nor any husband from a loving wife, to send him overseas to collect this debt [applause], and I say to you what you all know, that it is unthinkable that there should ever be a conflict between the two great English-speaking nations on the earth over money. But I do say that this settlement is a reasonable settlement. Most of the wars that have been fought have been fought over commerce, money. Here are the two greatest nations on earth, the English-speaking nations of the world, setting an example to the world showing that they can amicably adjust their business relations, even to the amount of $5,000,000,000, to the welfare and honor of both nations. That in my judgment is what this settlement does.

Gentlemen, America is very much interested in selling our surplus products, and the market for them is broad. My own section is vitally interested, because a great part of the cotton crop is bought in England. If Europe becomes bankrupt and can not purchase our cotton, the American mills will have a monopoly, and I have no doubt the price of cotton will be greatly depreciated. In 1914, owing to submarine warfare, when Europe could not purchase it, the price dropped to 5 cents per pound. The West and other sections of this country are likewise interested, for their surplus wheat and meat products are shipped abroad. If the English Government and the other governments have to pay all these colossal sums at once, their purchasing power will be destroyed, and their currency depreciated and become of very little purchasing value. What I say about the English Government of course applies to the others, for if this settlement is made all the other governments are entitled to the same terms, and our great Government of course will extend those terms to them. If they have to pay these colossal sums at once in money, they can not purchase our surplus products, and that will keep the economic condition of the world upset. Some may say "If they can pay according to the terms of this agreement, why should they not pay under the old terms?" When this debt is funded it will be amortized and the English Government will know that it has only a certain amount of interest and principal to pay each year.

Their industrial life will become stimulated, their economic conditions will be stabilized, and they will go to work to create the wealth necessary to meet the payments due under the funding agreement. Until the debt is funded, their financial affairs are uncertain and chaotic, but, when funded, they will know how to proceed.

They can levy their taxes accordingly, and they can and will, in my judgment, meet these payments, whereas it is physically impossible for them to meet the payments under the terms of the war obligation which this Government holds. Do you know that to-day the English people are paying the highest taxes of anybody in the world? Their income tax is higher than ours. We come next to them. Our taxes are next to theirs in the degree of burdensomeness; but the per capita taxes in the United States are $160 a year, while the English per capita is $800. England's bonded indebtedness aggregates the enormous sum of $35,000,000,000, five-sevenths of which was expended in the prosecution of the war in which we were engaged. Her indebtedness approximates 50 per cent of her national wealth. The wealth of the United States is estimated at two hundred and eighty-six billions, and our national indebtedness, deducting the amount owed us by the foreign nations, amounts to a net debt of about $12,000,000,000, or only approximately 8 per cent of our national wealth.

Now, gentlemen, if you had as an individual the note of a debtor who could not pay at once, if he had defaulted on the interest for years and had not paid any of the interest, if he proposed to fund that debt, to amortize the principal, and you believed that by doing so you could get your money, what would you do? You would extend the time, just as when you have an insolvent creditor who has gone into bankruptcy you will take anything you can get.

My friend [Mr. OLDFIELD] had a good deal to say about the possibility of England buying up our bonds and making a profit on the interest. I do not believe that will happen. I think that is a mere straw man, for I do not believe England, when she has not the money to pay her own obligations, has any money to buy our bonds. England is a debt-paying country, and if she had the money, in my judgment, she would pay the last shilling of this debt. I think the suggestion of the gentleman from Arkansas [Mr. OLDFIELD] is a mere myth and will not amount to anything. But even admitting that it is true, I do not think this great Government of ours can refuse to accept its own solemn obligation—its bonds—in payment of an indebtedness owing to it.

But should the English Government attempt to buy up our bonds, seeking to make a profit out of them by virtue of the different rate of interest, we have a complete remedy. Under an act of Congress we have a sinking fund in the Treasury, and the Secretary of the Treasury is authorized to use this fund in purchasing any United States outstanding bonds and canceling the bonds so purchased. If Great Britain were to buy any United States bonds and hold them to collect a higher interest than they are paying us, our Government would purchase the bonds from her, which England could not, in good conscience after this settlement, refuse to permit, and cancel same. In peace time our Government can easily float bonds nontaxable, as the English bonds will be, at the same rate of interest provided in this funding proposition, 3½ per cent. To-day United States bonds, nontaxable, bearing a rate of 3½ per cent are selling above par. Mr. Speaker, I am unalterably opposed to canceling the debts due us by the foreign nations of the earth and will always insist on their paying every dollar of the principal with a reasonable rate of interest thereon. The proposition we are to-day called upon to vote on provides for the payment of every dollar of the principal owing us by England with interest thereon at 4½ per cent up to the date of this settlement, the debt bearing interest from that date at 3 and 3½ per cent. I am not a financier, but all financiers agree that bonds to run over a period of 62 years, nontaxable, issued by one of the greatest nations of the earth are a fine investment, yielding 3½ per cent interest. Before the European war, English consols, or their bonds, sold at par, bearing only 3 per cent interest. Therefore, I do not think the United States is making any sacrifice in settling this war debt with its principal ally on the basis proposed in this settlement. Mr. Speaker, Great Britain is the only nation of the world owing us that has made any effort whatever to settle her indebtedness, or has responded to our invitation to enter into negotiations for funding same. It is certainly to her honor and credit that she regards as inviolate her obligations and wishes to settle them so far as her ability to do so permits. As I have before stated, I am opposed to the cancellation of the amounts owing to us by other nations, and, in my judgment, the funding of this debt will be notice to France, Belgium, Italy, and the other nations owing us that the United States demands and expects them to pay their indebtedness, and I have no

doubt that national pride and honor will induce them to fund their debt on the same basis as herein proposed. Would not every American rejoice to-day if he knew that we would be paid back the principal owing to us by the foreign nations, with 3 per cent interest on each? I am a Democrat and have my share of partisanship, and I am willing to play politics on domestic questions where the welfare of humanity is not involved. I do not arrogate to myself superior virtues over my colleagues, but accord to each of them the utmost sincerity of purpose and believe that they vote their convictions having in mind the best interest of the country, just as I do. In my judgment, the war-torn, tax-burdened, weary world longs, above everything else, for stabilization of world conditions which will tend to promote the peace, prosperity, and happiness of the people of the world. In my judgment, the funding of this debt is the first step inaugurated by this administration that tends to do this. Therefore, I shall not let politics nor, possibly, my own personal political welfare deter me from voting for a proposition that, from the depths of my soul, I believe is fair and reasonable to the contracting parties and tends to promote the welfare and happiness of humanity. Therefore, I am going to vote to fund this debt as proposed in the resolution before us. [Applause.]

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. BEGG having taken the chair, a message in writing from the President of the United States, by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On February 6, 1923:

H. R. 6294. An act promoting civilization and self-support among the Indians of the Mescalero Reservation, in New Mexico.

On February 8, 1923:

H. R. 11731. An act to provide for the renting of the first floor of the customhouse at Mobile, Ala., to the Mobile Chamber of Commerce.

H. R. 12473. An act granting the consent of Congress to the Winco Block Coal Co., a corporation, to construct a bridge across the Tug Fork of the Big Sandy River, in Mingo County, W. Va.

REFUNDING OF FOREIGN DEBT.

The committee resumed its session.

Mr. FORDNEY. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Chairman and members of the committee, I wish to compliment the gentleman who has just left the floor [Mr. CRISP] over the fair, unbiased statement that he has made. He has put the discussion on the basis that the committee would like to hear discussed in this great transaction. It is in sharp contrast with the position of some of the minority who, on the foreign-debt question, are not in position to throw stones. I do not believe I am overstating when I say that this is the largest transaction in the way of payment of obligations in the history of the world. When you look over the figures that will entail the debtor country, the amount of payment, the sum total when completed—the principal of $4,600,000,000 and accumulated interest—will amount to $11,105,000,000 that one government is to pay another government. When a sovereign power engages in a solemn obligation such as this is, to respect and satisfy a debt that was contracted in war time, when nobody thought of the terms except to win the war, it is a tremendous undertaking and reflects credit not only on the debtor country but great credit on the commission that has brought to consummation this transaction. [Applause.]

I want to note the merits of the proposition the commissioners have brought in. It is to be paid in dollars and not in sterling. That does away with the possibility of the debtor country inflating its money in order to make easy payment. No one can overlook the importance of that. In Germany, now, her public debt has been canceled by the simple process of inflating the mark. Even in France the franc has gone from normal down to about 6 cents, so that debts paid in francs are paid at about one-third of their normal value. No such possibility of debt scaling is allowed in this settlement. The obligation is also permitted to be paid in bonds, and that makes sure immediately that there will be no discount of the American securities, because it offers a new market for our own obligations. It will, on the other hand, greatly appreciate their value. [Applause.] That is one of the chief features of the transaction, and discloses the wisdom of the commission. It is one of the surest ways to strengthen Government credit. Besides these two features, it makes certain a definite amount of income each year to our Government and our Treasury, an income from one source, definitely set out in this plan of settlement, which makes easy future financing of our Treasury in future obligations that we are to take up. All elements of indefinite calculations on the foreign debt are removed. These are some of the merits from our Government's standpoint of this tremendous consummation. Gentlemen, we are apt to overlook the burden of this debt and properly sympathize with the attitude of the countries concerned. It certainly reflects credit on the debtor country. In the first place the United Kingdom of Great Britain faces tremendous problems of ominous seriousness. Her changing Empire in the last 10 years, especially during and since the Great War, is one of the most outstanding symptoms of a modern trend of colonial governments throughout the world.

These facts should not be ignored in the adjustment of the greatest fiscal transaction in the history of the world. Look at her uncertainty in India. Anyone who has followed the recent movements in India must recognize, in spite of her wonderful work in that part of the world, that Britain has a problem in that country. Look at the present situation in Egypt. Anyone who has followed the modern trend there must recognize that Great Britain has a problem there.

Think of the enormous debt of the British Empire, $33,000,000,000 or more, when it was only three billions when the war began, according to the best authorities. It has been estimated to be as much as 46 per cent of her wealth. Our wealth has been estimated as high as $300,000,000,000, but if we make it $250,000,000,000 and include in our public debt all of the loans that the other governments owe us, outside of Great Britain, our debt would only be then 7 per cent of our wealth, while Britain's debt is nearly one-half of her wealth. In the light of these facts we should realize that the tremendous outlay that Great Britain agrees to pay us is only one-sixth of her total indebtedness. So I say to you, my friends, that when a nation like Britain comes up and meets her obligations as she has agreed to in this proposal no one can overestimate its abiding results. It is no desire on the part of America to drive a hard bargain and we do not mean to do so in this plan. On the other hand, when Britain acts as she has in this case, freely, we ought to show her leniency. It would be different did she complain that she did not owe us.

It must not be overlooked that this debtor country's chief source of wealth is in her merchant marine. We are now on the sea, and will in time become the chief competitor in her main source of wealth. Her attitude in thus freely admitting the obligation and her specific steps to pay, notwithstanding her heavy taxes, reflect great credit upon her honor.

Mr. EVANS. Will the gentleman yield?

Mr. FESS. I regret that I can not yield. I want now to say something on the interest item. In addition to this side of the discussion there is another consideration, if you view the future from the past, and that is that 3 or 3½ per cent is not a lower rate of interest than we will be financing our own obligations after we have reached stability. We had that rate in the Panama bonds, and we even went as low as 2 per cent in some bonds; but to be absolutely fair, that is not a good comparison, because the bonds at 2 per cent had a circulation privilege, which does not make it a good comparison. But with our credit assuring stability, as it will, our bonds are going above par, and we will see American bonds selling for more than 100 per cent, as they did before the war.

Mr. SNYDER. The 3½ per cent bonds are above par now.

Mr. FESS. As the gentleman from New York says, our 3½ bonds are above par now, and just as certainly as we stabilize conditions and secure this agreement we are strengthening our national credit, and our bonds will steadily increase in value. The provision in this bill which accepts our bonds in payment of the debt will prevent their discount by creating a foreign demand for them.

Everyone who studies the current of credits will also note that as our bonds go up our interest goes down. That is the law of all international transactions as well as governmental business.

Now, in the minute I have remaining I want to succinctly state what I think will be the specific results in the larger sense of this measure. The world will see as the result of this the greatest single transaction the country has ever undertaken, in my judgment, in some ways the greatest act for general stability since the armistice; that it is the prelude of other European settlements and sets a standard at once for all debtor countries. Secondly, it shows that the possibility of governmental defaults upon international obligations has been removed, and this twaddle in Europe and in certain sections in America urging, if not demanding, the cancellation of these debts will be forever ended. [Applause.] In addition to that,

and as a result of it, stability in Europe will be advanced by the people setting their houses in order and proceeding upon business lines as no other thing up to date will insure.

So long as Americans, from whatever reasons, agitate for cancellation, whether it be based on business, altruistic, or foreign-market arguments, there will be a disinclination for these countries to take the proper steps to insure economic stability. This measure will have at least the merit of putting an end to this sort of misguided judgment.

With the economic recovery in Europe on its way, capital will begin to flow to Europe, and American capital will seek that field as a safe one for investment and in this way will assist Europe as well as ourselves. Besides that, this measure will create a better feeling between the two branches of the Anglo-Saxon or English-speaking people, which will insure stability, if it can be secured, both politically and economically, and peace in the world, if peace is possible, will be advanced in the interests of all peoples. I compliment this commission and this committee upon this remarkable achievement that is to be its second step in the incorporation into law to-day by what I predict an almost unanimous vote of this branch of Congress. [Applause.]

Mr. FORDNEY. Mr. Chairman, I yield five minutes to the gentleman from North Dakota [Mr. YOUNG].

Mr. BLANTON. Mr. Chairman, I rise to a point of order. Under the rules of the House under which we went into the committee to consider these resolutions there were to be four hours of general debate. I raise the question in order to say that there should be a fair division of the time. Nearly three hours have been consumed, and yet there have been only two speeches against this resolution.

Mr. FORDNEY. That is about the proportion in the House against the bill.

Mr. BLANTON. But that is not what the rule provides or what the arrangement was.

Mr. FORDNEY. Does the gentleman want two hours?

Mr. BLANTON. Oh, no; but we ought to have some time.

Mr. FORDNEY. The gentleman is about the only one who is against the bill.

Mr. BLANTON. I am glad that there is at least one against the bill besides the gentleman from Arkansas [Mr. OLDFIELD] and the gentleman from Mississippi [Mr. COLLIER]. We are entitled to a fair division of this time, and I think the time has been running long enough, so that there ought to be a little more consideration given to the few men who oppose the resolution.

The CHAIRMAN. It is not within the power of the Committee of the Whole to change the rule that was adopted by the House.

Mr. BLANTON. I raised the question yesterday evening and I raise it again this morning to see that those in opposition would be given time, and we were assured that we would be given a fair division of the time, and the time is not being fairly divided now. This is just a mild protest.

The CHAIRMAN. There is nothing before the committee. The Chair recognizes the gentleman from North Dakota.

Mr. YOUNG. Mr. Chairman, this has been a most interesting debate. During the debate and during the hearings before the Ways and Means Committee one or two things which might have been mentioned were overlooked, and I think perhaps it might be well to call attention to them now.

In the first place, it was not good hard money that was loaned to Great Britain, in the sense that the money was turned over to the one who borrowed it. This money did not go to Great Britain to be expended by Britain in payments to its own manufacturers, laborers, and farmers. We simply established a credit for them here; all the money to be paid to our manufacturers, to our laborers, and to our farmers. It might properly have been called a due bill. It is about the same as though the owner of a department store were to make a contract with a builder to construct a building and to pay him for it in goods. That would be quite an advantage, would it not? I think this ought to be kept in mind when we consider whether 3 or 3½ per cent upon the entire face of the loan is fair or not. We have not permitted Great Britain to make repayment in kind. They have not been permitted to pay in merchandise. In fact, we have passed a tariff law which has raised the duties upon British and other foreign products.

There is another consideration. To my mind it is a very distinct advantage to have the payment of the loan spread over a period of 62 years. This goes to the purchasing power of Great Britain, and if settlements are made with other countries upon the same basis it will go to the purchasing power of all these countries, and this method of settlement means that they are going to be able to buy more of our American products. Some of our people have thought it so important to increase the purchasing power of the European debtor countries that they have even advocated the entire cancellation of the loans. Those who do not go that far will at least agree that the long period for payment will make it possible to sell more of our manufactured goods and farm products.

Mr. LONDON. Mr. Chairman, will the gentleman, as a member of the Committee on Ways and Means, yield for a brief question?

Mr. YOUNG. Yes.

Mr. LONDON. I have been trying to find out whether the arrangement means that Great Britain shall issue bonds of small denominations or whether it means that we are going to get a diplomatic piece of paper such as we obtained in 1917? What does the arrangement mean?

Mr. YOUNG. My impression is that those bonds will undoubtedly be issued in the customary form of Government bonds. I doubt if the commission worked out the details to show the denominations, but undoubtedly there will be formal bonds issued somewhat the same as they are issued now in Great Britain and such as they sell to their own people, and they will be sent here.

Mr. LONDON. The proposed law does not demand it.

Mr. YOUNG. This ratification does not require it.

Mr. GREEN of Iowa. I think the gentleman speaks a little hastily. On page 2 there is the statement that the total principal of indebtedness as of December 15, 1922, "for which British Government bonds are to be issued to the United States Government at par."

Mr. YOUNG. I believe that was my statement. Formal British bonds will be issued. The gentleman asked in what denominations. I do not know whether they will be in $500 denominations or in $1,000 denominations.

Mr. LONDON. The British Government bonds may be of five documents, each for $2,000,000,000, say.

Mr. YOUNG. Oh, there is reason in all things. I do not think any such settlement is proposed. This is a good-faith proposition all around.

Mr. LONDON. The original bond that was given by Great Britain——

Mr. YOUNG. That was simply an I. O. U., and informal proposition, and this agreement calls for the giving of formal bonds.

Mr. LONDON. It was a bond as much as any obligation could be.

Mr. YOUNG. I think the gentleman is unreasonable in his criticism.

Mr. LONDON. Oh, I am friendly to the bill and I shall vote for it. But I want to know whether the bonds will be denominations and amounts that will place them on the general market or whether it will be a repetition of a Government statement in writing, such as we had in 1917.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. FORDNEY. Mr. Chairman, I yield five minutes to the gentleman from Illinois, Mr. GRAHAM.

Mr. GRAHAM of Illinois. Mr. Chairman and gentlemen of the committee, I have watched with considerable interest to see what the attitude of the minority of the House would be on this very important question. I have been very much pleased to see that many of the membership of the minority are doing what I think they should do in this matter—approving of it; but I have been disappointed to see some of the leaders of the minority upon the Ways and Means Committee opposing this very just and wise proposition. To those I want to say a word or so. It seems to me, gentlemen of the minority, as to those of you who oppose this proposition, that you are putting yourselves and your party in a very undesirable position.

In the first place, we all voted for these Liberty loan acts, and authorized President Wilson to make certain loans to foreign countries. We provided, in effect at least, that those loans should be made during the period of the war and close at the end of the war, and we provided that they should be made by taking the bonds of other countries. That was not done, as has been stated, and the obligations taken were not obligations such as were prescribed by the act, but were, in my opinion, in entire violation of the letter of the act. Not only was that true, but after the period of the war ended over a billion dollars of this money was loaned at times when I have always contended, and now contend, under the law it was absolutely illegal to do so. Not only was that true, but over $150,000,000 of this money was loaned to people who had not been allies of ours in the war, but were our enemies. Now this was done by the last administration. And during the time that administration kept in power and up to March 21, 1921, not a single step was taken toward the funding of this debt, not a thing, and the impression was prevalent over the

world, and held in other countries very strongly, that it was our intention never to insist upon the collection of that debt.

Mr. LINEBERGER. Will the gentleman yield for a brief question?

Mr. GRAHAM of Illinois. I have not the time. There was the impression that it was never our intention to collect this money; whether created rightfully or wrongfully, that was the impression. On the first of March, 1921, when President Harding came into office with his administration everything was in a condition of uncertainty. No one knew what the obligations were; there was nothing found except these diplomatic promissory notes of no legal and binding effect, because everybody knows that the only way one nation can bind itself to pay money to another is by its bonds, issued by authority of the legislative bodies of those countries. The day came along when we desired to have authority to have a debt-funding commission appointed. I say nothing in regard to the question of whether we should have had a bipartisan commission, that is not a matter to be considered now. I want, however, to call attention to what happened when that matter came up in the House. When it was taken up in the House on October 24, 1921, for the passage of that bill, almost the entire minority of this House voted against it, and almost the entire majority voted for it. The ayes were 200 and the nays were 117, the nays being almost entirely from the minority. In the Senate, January 30, 1922, the yeas were 29 and the nays were 26, the minority opposing it. At the time when we were trying to appoint a commission and straighten matters out, the minority in this House and the minority in the other House joined in opposition to our doing anything at all. Now, gentlemen of the minority, and those of you who oppose this proposition to-day, your party can not stand safely upon the proposition of opposing the passage of this bill, when the only proposition of settlement that could be made is brought before us and is in the bill.

No party can stand on that record. No party can afford to do it, and I say to you now, gentlemen of the minority, that, while we would like to have you join with us in the passage of the bill, we will pass it whether you join or not. It is a just proposition, it is a sound proposition, and one of the things which the people commissioned the majority party of this House to do at the last election.

Mr. STEAGALL. Will the gentleman yield?

Mr. GRAHAM of Illinois. No; I have not the time. If you are not going to do this, what are you going to do? Are we going to sit still and do nothing? Are we to continue the policy adopted by the last administration, sit idle and do nothing? To reject this proposal would bring disaster. You ask us why we are taking these bonds at a lower rate than the original interest. The reason is we are getting bonds in lieu of ambassadorial notes; we are getting the debt funded. This funding will lead to the funding of the rest of the international debt in a similar manner and reestablish amity and credit throughout the world. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. COLLIER. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BLANTON. Mr. Chairman, this debt of $4,604,128,085.74 with interest from December 15, 1922, which Great Britain now owes the United States represents loans we made her during the recent war, which Great Britain and her allies entered against Germany, because that war-mad Imperial Government treated sacred national obligations as a scrap of paper.

The distinguished gentleman from Ohio would have us and the country believe that the sacred obligations which the Government of the United Kingdom of Great Britain and Ireland signed and gave our country, evidencing this stupendous loan of $4,604,128,085.74 made during the war, is now deemed by England a mere scrap of paper. He and other prominent Republican leaders would have us believe that such obligations are not collectible at face value, and, secondly, if we sought to collect face value on same, we would be Shylocks demanding our pound of flesh.

There is nothing Shylock in the proposition of demanding settlement of a debt at face value in kind, especially where the debtor is financially able to fund a settlement at face value. Where money is borrowed on certain terms and the terms are met by money being paid back or promised to be paid, according to the agreement, there is no pound of flesh in the proposition. The settlement becomes a Shylock transaction only when the unreasonable is demanded, and flesh and blood rather than money is the resulting sacrifice.

What are the facts? Under what conditions did we enter this war and make this loan of $4,604,128,085.74 to England? Belgium had been invaded and devastated, and was facing annihilation. Russia, after nobly defending one frontier, had collapsed and was taken over by enemies and no longer in a position to render aid, but was becoming a costly liability. All of Russia's artillery had been captured or destroyed, and her crushed soldiers ragged and barefooted and rapidly renegading. France, sore and bleeding, had her back to the wall. Italy was ready to give up the struggle. England was practically upon her knees, and, like France, had her back to the wall. Under such conditions these countries sent their various commissions to this country, many of whom were received on this floor and addressed this House, and all appealed for help and financial succor. They represented to us that European civilization was in the balance and that without immediate financial help ruination would surely result.

Not only did our country mobilize and train 4,000,000 soldiers and send many of them across the seas to their assistance but we loaned them over $10,000,000,000. Our Government did not have this money to loan. It had to borrow it from the people of the United States. It had to issue Government bonds and sell these bonds to the people of the United States. Many of these bonds were bought by the poor people of the United States. Vigilant committees were formed in every community in the United States, who represented to all citizens that unless they bought bonds to the uttermost limit of their financial capacity they were yellow and not patriotic. In instances where certain citizens failed to buy bonds their homes and business houses were in the nighttime painted with yellow streaks, and they and members of their families were ostracized by neighbors. Many citizens were forced to borrow money and buy bonds. Some were insulted, killings took place between former friends and neighbors over the question. Some of these bonds bore interest as high as 4¾ per cent, payable semiannually in cash. And during the deflation period many families were forced to sell their bonds far below face value in order to pay back the purchase money they had borrowed at the banks.

When so raising this money through issuing and selling our bonds to our people, in order to make these foreign loans, Congress did it under a law which assured our own people that England and the other foreign countries accepting such loans under the terms of such law would pay us in bonds carrying the same rate of interest which our Government had to pay for its money borrowed. And Woodrow Wilson, the great American President, saw to it that our rights were thus protected. Did he take a mere scrap of paper? Did he take a worthless document? Was it a mere unauthorized I O U, noncollectible between honorable governments? Ah, no; he did nothing of the kind. Why is it that no Member yet has read the kind of an obligation that he took from these foreign countries? Would it not have been as little as the gentleman from Ohio [Mr. LONGWORTH] could do, in fairness to Woodrow Wilson, when he criticized this obligation, to have read it to you and placed it in the RECORD, so that it would clearly appear just what kind of an obligation Great Britain is now under to the United States? Here is a copy of one of these certificates of indebtedness which Great Britain gave to the United States, signed and executed by her representative, every time she got a dollar in loan from our Government:

CERTIFICATE OF INDEBTEDNESS—SEVENTH SERIES—$1,000,000.

The Government of the United Kingdom of Great Britain and Ireland, for value received, promises to pay to the United States of America, or assigns, the sum of $1,000,000 on demand, with interest from the date thereof, at the rate of 5 per cent per annum. Such principal sum and the interest thereon will be paid at the subtreasury of the United States in New York, or, at the option of the holder, at the Treasury of the United States in Washington, in gold coin of the United States of America of the present standard of weight and fineness, or, at the option of the holder, at the Bank of England, London, England, in pounds sterling, at the buying rate for cable sterling on London in the New York market at noon on the day of such demand, as determined by the Federal Reserve Bank of New York, and at any such place of payment, without deduction for any British taxes, present or future.

This certificate will be converted by the Government of the United Kingdom of Great Britain and Ireland, if requested by the Secretary of the Treasury of the United States of America, at par, with an adjustment of accrued interest, into an equal par amount to 5 per cent convertible gold bonds of the Government of the United Kingdom of Great Britain and Ireland conforming to the provisions of acts of Congress of the United States known, respectively, as second Liberty bond act, third Liberty bond act, and fourth Liberty bond act. If bonds of the United States issued under authority of said acts shall be converted into other bonds of the United States bearing a higher rate of interest than 4¼ per cent per annum, a proportionate part of the obligations of the Government of the United Kingdom of Great Britain and Ireland of this series acquired by the United States under authority of said acts shall, at the request of said Secretary of the Treasury, be converted into obligations of said Government of the United Kingdom of Great Britain and Ireland bearing interest at a rate exceeding that previously borne by this obligation by the same

amount as the interest rate of the bonds of the United States issued upon such conversion exceeds the interest rate of 4½ per cent but not less than the highest rate of interest borne by such bonds of the United States.

For the Government of the United Kingdom of Great Britain and Ireland.

_____ _____:

_____ _____:

Dated this — day of ———, 1919.

Is that a mere scrap of paper? Not if the debtor is an honorable nation with ability to pay. Just such a certificate of indebtedness as the foregoing did our Government take from Great Britain for every loan we made her, and we now hold certificates of indebtedness such as the above duly signed and executed by the Government of the United Kingdom of Great Britain and Ireland covering the entire $4,604,128,085.74 now owing us by Great Britain. And I submit to the lawyers of this House and to the lawyers of the United States that, considering the stress of war during which this money was loaned, we could not have drawn up a more binding obligation had the matter been submitted to the entire membership of the American Bar Association for drafting. What more could Woodrow Wilson have done during this stress-time emergency of war? What more could he have gotten from Great Britain to hold as a proper evidence of indebtedness until the war could be won and in the after-war settlements Great Britain could then issue bonds under legislative authority?

Yet the distinguished gentleman from Ohio [Mr. LONGWORTH] says that it is merely an unauthorized I O U; that it is a mere scrap of paper; that it is noncollectible except by force of arms; and that in order to now secure proper bonds from Great Britain, in accordance with the terms of her agreement, we must take what we can get; we must be willing to sacrifice part of what is due, otherwise we might not get anything. He and those with him would have us believe that Great Britain is bordering on insolvency; that we are dealing with a bankrupt. And he intimates to us that the bonds which under this sacrifice he proposes for our people to make in order to get them will be collectible without force of arms. What is there about such bonds that will make them more collectible than the present certificates of indebtedness we already hold? I am not surprised at his display of ignorance on legal matters. Unfortunately for Mr. LONGWORTH, after he took his course of law at Harvard and then finished in the Cincinnati Law School and received his law diploma, instead of continuing in the practice and learning more about the law he shortly let his friends place him on a school board and then went into politics, and has since been too busy to learn much about the law.

What will make the bonds of Great Britain collectible? It will be the honor of Great Britain. It will be the stability of her faith and credit. Without such we would never be able to collect one penny on such bonds from Great Britain, for our Nation will never collect any money debt by force of arms. The identical same thing that will make the bonds which we are to receive collectible will make the certificates of indebtedness we now hold equally collectible. The honor of a great nation is behind the certificates of indebtedness we already hold. That is all Great Britain will put behind the bonds she is to give us, the honor of Great Britain. And that is enough to make these certificates of indebtedness worth 100 cents on the dollar.

Now, under what authority was this Debt Funding Commission created? What limitations did we place around them? How far did we tell them they could go, and when did we tell them to stop? By section 2 of the act creating the commission Congress thus limited them:

Provided, That nothing contained in this act shall be construed to authorize or empower the commission to extend the time of maturity of any such bonds or other obligations due the United States of America by any foreign government beyond June 15, 1947, or to fix the rate of interest at less than 4½ per cent per annum.

Thus Congress, representing the American people, whose $4,604,128,085.74 was loaned to Great Britain, instructed this Debt Funding Commission not to extend the time of payment beyond 25 years, or 1947, and not to accept a rate of interest less than 4½ per cent, which was amply authorized by the certificates of indebtedness executed and given us by Great Britain.

And in section 3 of such act, creating such commission, Congress, representing the American people, further provided:

SEC. 3. That this act shall not be construed to authorize * * * cancellation of any part of such indebtedness except through payment thereof.

And the rate of interest on deferred payments constituted just as much a part of said indebtedness as the principal sum. And the commission was thus definitely instructed by Congress not to cancel any part of the principal, interest, or rate of interest on deferred payments. Therefore this commission was instructed not to extend the time of payment beyond 25 years and not to fix the rate of interest on deferred payments at less than 4½ per cent.

Any statesman in any party would assume that in appointing five members of such a nonpartisan commission to handle debts aggregating the stupendous sum of nearly $11,000,000,000 the Executive would appoint two Democrats from the minority party, or at least give them some representation on the commission. But to our surprise President Harding placed only orthodox Republicans on this commission. And not one single Democrat and only a very few Republicans have been able to find out what actually transpired during the conference that resulted in this unauthorized and unwarranted settlement.

And what are the excuses now offered us for accepting it? We are not accepting it, for that term implies discretion. We have no discretion in the matter. It is being thrust upon us. It is being now forced down us. We have to take the medicine because the doctor says so. We can not refuse. It is alleged there is no other alternative. When we confront the gentleman from Ohio [Mr. BURTON] with the direction Congress gave him and his confederates that they must not extend the time beyond 25 years, this distinguished statesman tells us that Congress was shortsighted, that it did not know what was good for the American people, that for this four and one-half billions of dollars to be paid back to us within 25 years would bring disaster to our Government and to our people, that it would go to our head and cause too much prosperity in the United States.

Analyzing his position, do you know what that means? Just one thing. That where a country during war could mobilize, train, arm, and ship 4,000,000 soldiers across the seas, and then finance, borrow, and raise in cash over $10,000,000,000 and loan it to its allies, then for Great Britain to pay back $4,000,000,000 to such country within 25 years would make a fool out of the United States. Are we in such splendid financial condition that we could not safely assimilate $4,000,000,000 if paid to us in 25 years? Why, our Government now owes approximately $23,000,000,000. Just a few months ago we had a deficit of $760,000,000, and the only way it has been reduced was through the sale of our capital assets. Our annual expenses are approximately $3,000,000,000. We have an unsettled outstanding obligation due our ex-service men of about $3,000,000,000 in adjusted compensation. It ought to occur to any business man, and more especially to every statesman in the United States, that our country could place to very good use the sum of four and one-half billion dollars if collected during the period of 25 years.

Now, as to the other excuse that this action was necessary, that Great Britain was not financially able to pay the face value of her certificates of indebtedness. Has that position been proven?

Mr. HUDSPETH. Is there any statement by this Debt Settlement Commission to the effect that the British Government at this time is bankrupt?

Mr. BLANTON. Well, if they had so stated we would not believe it.

Mr. HUDSPETH. Have they stated it?

Mr. BLANTON. No. We know better; we know it by the conduct of every Britisher who has come to this country within the last two years, who has gone back home with an arrogant, supercilious slur upon us.

If Great Britain were unable to pay the face value of her obligations with an extension of 25 years for payment, why did not she so represent the matter to our commission? And in such case, why did not they return to Congress and so state the facts? In such a situation Congress would have gladly extended proper leniency. And our commission would have kept within the law and obeyed our instructions. But without bringing any such representations to us, and without bringing any proposition whatever from England to us, our commission went beyond the law and exceeded its authority by proposing to Great Britain that she should have 62 years in which to pay off this debt, and should be allowed the interest rate of 3 per cent for the first 10 years and 3½ per cent for the other 52 years, and entered into a tentative settlement with Great Britain on that basis, under such circumstances as prove that they knew the President and his administration would approve of it, and would order his 170 majority in this House to ratify it. I am not going to do it. I am not going to sanction such high-handed methods by my vote.

Why Great Britain is the mistress of the seas. She boasts that the sun ever shines upon her dominions. Her titled nobility live in luxury and extravagance. She complains that she is forced to tax the royal estates of her great lords and noblemen, which is causing some of their immense land holdings to be sold, and that she only wants to tax their incomes, and does not want to force them to sell any of their lands.

Notwithstanding the fact that she owed us $4,603,128,085.74 she has made every kind of claim imaginable against our Government and collected the money from us in cash. We paid England immense sums for transporting our soldiers to France to save her and all Europe from destruction, and she has not hesitated to charge us at every turn. The claims she has made against us, and which we have paid, would disgust any fair-minded citizen. Since the armistice we have paid Great Britain sums approximating $1,000,000,000. She did not offer to let us credit it on what she owed us, but had our Government pay her the money. One of the German ships which we took over in New York after war began, and which under international law we would have been authorized to keep ourselves, we permitted to be given to Great Britain as part of her reparation against Germany, and because we used this German ship during the war to transport our troops and supplies to Europe for England's defense, England is now asking that we pay her several hundred thousand dollars for such use of said ship during the war. Upon just such ridiculous claims as this did we pay England nearly $1,000,000,000 since the armistice. And by passing this resolution to-day you are to make England another present of about $2,000,000,000 in interest that belongs to the American people, who are now taxed most heavily themselves. I am not going to do it with my vote.

I am not going to ratify a proposition where our agents have exceeded their authority. What we ought to do is to vote down this resolution and reinstruct our commission to have a new conference with Great Britain's commission and have them advise us whether they are financially unable to meet their obligations with a 25-year extension of time and the interest rate they contracted, and if they are not then to make us the best proposal they can, according to their financial ability, and then let Congress, and not an unauthorized Republican commission, grant them the necessary concessions.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. GRAHAM of Illinois. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. COLLIER. Mr. Chairman, I yield 15 minutes to the gentleman from Tennessee [Mr. GARRETT].

The CHAIRMAN. The gentleman from Tennessee is recognized for 15 minutes.

Mr. GARRETT of Tennessee. Mr. Chairman, I regret to find myself out of accord with some of the leading members of the Committee on Ways and Means on my side of the House as well as with other colleagues in whose judgment and patriotism and loyalty I have such profound confidence. But this is a major question with which we are dealing to-day. I share with my colleagues who are opposed to this measure the resentment which they feel on account of the way in which this business has been handled from the beginning by this administration. I share the resentment which all fair-minded men must feel at the action of the administration in making this commission the representative of one party alone upon a purely business transaction. I share the resentment which is felt toward the attitude which the majority party maintained toward the Democratic war administration from the very close of the war. I deplore the fact that through their machinations, indulged in for partisan political purposes in the main, a great program which was laid down by the great Democratic administration was interfered with, and that as a result of that interference desolation came throughout the world, and for their folly men, women, and children everywhere on earth have paid in torture and toil and tears. [Applause.]

But, Mr. Chairman, that resentment which I feel does not in my opinion justify me, as a Representative in the American Congress, in rejecting the only thing which this administration has done that has even a tendency toward stabilizing world conditions, and I shall support this proposition. [Applause.]

I do not support it for the reason given by the gentleman from Illinois [Mr. GRAHAM] a few moments ago. Let me say to the gentleman from Illinois [Mr. GRAHAM] that this side of the Chamber needs no lecture from him in order to enable it to do the thing that is right and the thing that is statesmanlike. [Applause.] The gentleman from Illinois is mistaken in his recollection of the facts. The gentleman from Ohio [Mr. LONGWORTH] is mistaken when he asserts that the Secretary of the Treasury originally in taking these obligations violated the law. I have not the time to go into that now, but the gentleman from Ohio [Mr. LONGWORTH] and I fought out that proposition on the floor before when we had up the matter of the creation of this commission, and I am satisfied with the record as it stands. Who expected that the Secretary of the Treasury at that time would literally take bonds of Great Britain? The people of this country who were buying Liberty bonds paid their money months and months in advance before they ever got a bond. They simply got the obligation of the Government. The Secretary of the Treasury took the I O U's of the British Government to be replaced by bonds. He acted within the law. He acted in the only way that he or any other Secretary of the Treasury could have acted. So far as the security is concerned, gentlemen are nonsensical when they assert that the security contained in these bonds will be any better than the security behind those I O U's. [Applause.] All that was behind those I O U's and all that is behind these bonds is the faith, the honor, and the integrity of the British Nation. [Applause.]

Now I will tell you why I am for this settlement. I do not know whether these gentlemen could have done any better or not. I know that they did not do any better, and you gentlemen upon the Democratic side of the Chamber who are disposed to vote against this settlement because you think it is possible that they might have done better, let me ask you, What do you hope to gain by voting it down if you had the power to vote it down?

Do you hope to abolish this commission? Why, no. Do you hope to have a nonpartisan or bipartisan commission? Why, no; you can not hope that from this administration. Where will you be if it be voted down? You will be in the hands of the same commission dealing with the same questions; you will be in the hands of the same administration. In God's name do you say we shall wait another two years, that the Democratic Party shall go before the country saying that we shall wait for another two years, for Calpurnia perhaps to have sweeter dreams, before we will take a step toward settling this indebtedness and stabilizing to the extent that we can the affairs of the world?

Losses! Well, after all, that is speculative. That will depend upon world conditions in the future as to whether we shall lose by this transaction. Sixty-two years is a long time, even in the life of a nation. What vicissitudes will occur in the world during that time we do not know. Oh, from the time we began to make these loans—and I always favored the loans—I have felt that these international debts were going to be a source of irritation, of annoyance, of possible trouble between nations through at least half a century and perhaps a full century. If there be some financial sacrifice in this, and that is speculative, I think, Mr. Chairman, we can afford to make that sacrifice in order to have this much settled and to that extent remove a possible cause of irritation and the dangers of future conflicts. [Applause.]

Some gentlemen talk about this as though it were a debt between individuals. Not so. Nations can apply the same principles to the settlement of debts between themselves that are applied between individuals, but they have not the tribunals that individuals have. There is no court before which we can sue and obtain a judgment, there is no international sheriff to enforce an execution. There are just two ways, Mr. Chairman, in which this money will come into our Treasury. One is by voluntary payment on the part of the nations that owe us. The other is by the arms of the United States being sent forth in the hands of the young men of the United States to collect the debt.

This does much more than settle the basis of the indebtedness with England. This, if I interpret it correctly, fixes irrevocably, unless Congress shall change its action in the future, the basis which must be adopted in settling more indebtedness than is involved with England, to wit, the indebtedness of France and Italy and Belgium and all the other nations that owe us. This fixes the terms upon which they, too, will pay. Do you believe there is an individual in the United States to-day reasonably well informed of the conditions in foreign nations who would not regard it as a splendid transaction if we could have the assurance, even such as is given here, that we shall obtain from France and Italy and Belgium and Czechoslovakia and those other nations 3 and 3½ per cent on the indebtedness that they owe us?

This transaction can not be judged by the British debt alone. It fixes inevitably the basis upon which all the other settlements are to be made.

Whether England has done all she could do of course I do not know. I think it is reasonably certain that we can not expect these other nations to do more, even if this basis were not fixed. The great proposition involved here is this: It looks toward the stabilization of the world. [Applause.]

There may be complaints here and there about the rate of interest. I do not know. Temporarily, at least, we are paying more upon our bonds than we will receive upon these; but there is a larger aspect, there is a broader vision, there is a greater thing. The happiness, the prosperity, the peace of the human race will be at least advanced somewhat by the adoption of this settlement. And for that reason, feeling my responsibility as a Representative, I am willing to forget the partisanship that has been manifested by Republicans, I am willing to forget the narrowness of the administration that happens to be in power. I am willing to forget the indecencies of their campaign of 1920, in order to try to rise to the bigness of the subject and the bigness of the hour. [Applause, the Members rising.]

Mr. FORDNEY. I yield five minutes to the gentleman from Texas [Mr. SUMNERS].

The CHAIRMAN. The gentleman from Texas [Mr. SUMNERS] is recognized for five minutes. [Applause.]

Mr. SUMNERS of Texas. Mr. Chairman and gentlemen of the committee, this talk about the prior obligation negotiated under the former administration not being as binding as the bonds to be issued is absurd. But that is beside the point. What ought we now to do, all things considered? The agents of this Government have been in negotiation with the agents of the British Government and report an arrangement, agreed to by the agents of the British Government, looking to the refunding of its debt owing to this Nation. Payments are to be extended through a long period. That is necessary because everybody knows and all will admit that Great Britain can not pay the debt now. It is necessary for our own interest to have these payments gradually made. Money is the blood of commerce. It is as dangerous to the body to get too much at one place as it is not to have enough in another. If we are to sell our surplus cotton, grain, live stock, and so forth, we must leave our customers with something to pay for them.

As I understand from this debate, the difference between Members is largely a question as to interest. The proposed rate on the British bonds is 3 and 3½ per cent, while our own tax-free 3½ per cent bonds are at par. When I consider the conditions in Great Britain, financial, industrial, and political; when I consider the general world conditions, and the probable effect, I am unwilling to take the responsibility of throwing this matter back into negotiations because of the difference in the interest rate. That is the clear-cut issue. I have no responsibility with reference to the negotiations or the result thereof up to this time. All the negotiations come from the party in power. But regardless of the view of the minority with reference to how they have proceeded, the fact is they have proceeded. We come now to pass judgment on the situation as it is this day, upon our duty as it is this day. Great Britain is having its political difficulties. The talk of repudiation is not unheard in that country. What would be the effect upon public opinion there of the failure to ratify the results of the negotiations which have been in progress no one can foretell. But no student of conditions which obtain can fail to appreciate its probable effect. We can not afford to take the chance of throwing this matter back, even if a little higher rate of interest should have been agreed upon.

The strain upon that nation is great to-day. How much more it can stand nobody knows. But everybody knows that the failure of these negotiations would add to that strain, reduce the chances of having even the principal of our debt paid, and imperil the markets for our products. Not only that, but in the midst of a world disorganized and confused there are two great nations on the earth, and only two, upon which rest the major part of the responsibility of holding the world together until sanity and order shall have come again to the world. If Great Britain goes, there will be but one—your Nation and mine. I do not know what was the best our representatives could have done, but I do know that in the state of public opinion in Great Britain there is a limit beyond which the present Government there can not go and remain in power. Nobody can guess what would happen then.

Every man should vote on this question assuming his share of responsibility as though his vote would determine the issue. No man should take the position in his own mind that if he votes against ratification all he will have to do will be to criticize it, because it will pass anyway and he will not have to answer for the results which would have followed if the proposition had been defeated. If we should throw the matter back into negotiation and uncertainty we would do that which, in my judgment, the present condition of the world does not justify us in doing. This is perhaps the most tragic and dangerous hour in the world's history, and I do not believe that any man who looks with understanding at the world situation can fail to recognize that government, broadly speaking, in the world was never in greater peril. This is a solemn hour for the man who has the responsibility of being a Member of the American Congress. On one hand is the rate of interest, on the other the matter of adjustments, of greater assurance of payments, of contribution to world stability, of greater probability of preserving a market for our products. The influence of disintegration, political, economic, moral, and religious, working in the world to-day, and I am not a pessimist, is characteristic of that period between the fifth and tenth centuries when the world went into the Dark Age in its history. I do not believe that a more solemn hour ever came in the world's history than this. I am willing to share responsibility. I may make a mistake, but its consequences can not possibly exceed a matter of 1 per cent per annum in interest, and it will make more sure the payment of the principal; it will make more sure a market for my people; and without a shadow of doubt will help toward world stability.

Now let us see about this trade. This is a business transaction. I am talking now about this as a plain, common-sense business transaction—the American Government on one hand and a hard-pressed creditor on the other. Every man who has ever represented clients engaged in the wholesale business, for instance, has confronted the situation where a creditor who in a bad condition is unable to meet his payments as they become due. What is the horse-sense thing to do? Take a chance on forcing repudiation, of losing the debt and a good customer besides, or getting around the council table with the representatives of the creditor and determine the best thing to do and agree to do it? That is the common-sense thing to do. [Applause.] Never in my life, nor did any of the rest of you who represented a client that had as much at stake as our client, this nation, cavil over the difference of 1 per cent interest. [Applause.] I do not say that much is involved. Our 3½ per cent bonds are selling at par, and these British bonds run that high; I do not recall the exact figures. Let us remember one other thing: Of all these war-loan debtors this Nation has to-day, England is the only one who will even talk with us about paying. [Applause.] Now, I want to help them along; I want to encourage them; and I want them to set a good example for the other debtors. [Applause.] The rest of them are either talking or acting repudiation.

We are not dealing simply with England's debt to-day; we are dealing with the great international debts owing to this Republic. I want to make them understand that we will be kind, that we will be reasonable, but that we expect them to "come across." [Laughter and applause.] That is the practical, common-sense thing to do if nothing more was involved than the collection of our debt. We can not sue these creditors. There is no court to hear the case and no constabulary to enforce the judgment. But what do we do under similar conditions even when we do have courts and sheriffs? I challenge the common sense and experience of any lawyer here that whenever a lot of debtors of his clients got into a situation like that in which our European creditors are now, most of them not even talking about paying at all, and one of them makes a proposition as favorable to his client as this British proposition is, I challenge the experience of any lawyer on the floor if he ever turned down the proposition. I am not willing to do it, especially when I consider the inevitable effect toward world stability which would come from its acceptance and the inevitable contrary effect which would come from the rejection not only upon world conditions but upon the markets in which my people must sell their surplus products.

Mr. FORDNEY. Mr. Chairman, I yield three minutes to the gentleman from Ohio [Mr. CHALMERS].

Mr. CHALMERS. Mr. Chairman, as a Member of Congress I want to congratulate all who have been instrumental in bringing to pass this just settlement of the greatest financial transaction of all ages. It is a settlement. Already it has been approved by the British Government. It has been met with almost unanimous approval by the people of this country and shortly will have been officially indorsed by the American Congress. In my judgment, on the final vote there will not be more than 25 recorded against it. Why should there be? Why should anyone vote against an agreement that is just and fair to both parties? We do not wish to exact the last ounce of the pound of flesh.

This is a settlement with honor. The debtor nation says that this far we can go and no further. We accept that statement in good faith.

As I have said before, this is the largest business deal since the creation, and probably there never will be a transaction

of such magnitude again. I hope this resolution will be the first and the model for others that will bring about as just a settlement of all our international credits.

This fair and equitable settlement of the indebtedness of the United Kingdom of Great Britain and Ireland to the United States will go down in history as a great achievement in a great administration. This resolution, which will be adopted to-day by the House of Representatives, and the Limitation of Armaments Conference write the Harding administration indelibly on the pages of history as one of the great administrations of the American Nation. [Applause.]

Mr. COLLIER. Mr. Chairman, I yield 10 minutes to the gentleman from North Carolina [Mr. ABERNETHY].

Mr. ABERNETHY. Mr. Chairman and gentlemen of the House, no one feels more than I do to-day my limitations in this debate. I would be very glad indeed if I could follow some very good friends of mine on the minority side of the House and vote for this proposition, but I have not read nor have I heard an argument from anyone that will justify me when I go back home to my people, from whom I recently came—and more recently than most of you—and sustain the position of a vote whereby, in my opinion, we give to the Government of Great Britain in a period of 62 years approximately more than $2,000,000,000 in interest.

At the present time, Mr. Chairman and gentlemen of the House, the debt of Great Britain to this country amounts to $4,135,818,358.44 as principal. The interest (including the interest due November 15, 1922) amounts to $611,044,201.85, making a total indebtedness to this country of $4,746,862,560.29. I talked this morning with the Treasury Department, and they tell me that at the present time these demand obligations of Great Britain due this country carry a rate of interest of 5 per cent.

We are asked to solemnly cast our votes to reduce that interest rate from 5 per cent to 3 per cent for 10 years and to 3½ per cent for a period of 52 years. Should we do it? By what process of reasoning can we come to the conclusion to do it? Should we do it from patriotic motives? Should we do it because we love Great Britain? Should we do it because Great Britain is a bankrupt nation? Should we do it to help the people down home who are paying enormous taxes? Right down here in the Internal Revenue Bureau to-day I know a man who has been assessed as high as $40,000 and who only has until a specified day in March to seek relief from that assessment. Has there been any let-up of the burdensome taxes in this country except to repeal certain surtaxes in favor of the rich interests of the country?

I ask you men here, who have to vote, and who have to go back home and meet the folks two years hence, how are you going to justify your vote in giving Great Britain more than $2,000,000,000 in interest? The funding act, passed February 9, 1922, allowed the World War Foreign Debt Commission to refund or convert and to extend the time of payment of foreign debts due us provided the interest should not be less than 4½ per cent and that the period of time should not be extended for payment beyond June 15, 1947. That is what this commission was authorized to grant to Great Britain. Practically everybody voted for that. What did the commission do? Great Britain said to them, "We can not pay now; we can not pay these demand obligations; we want time." The commission said, "Very well, we will give you time," and they gave Great Britain time—62 years. Great Britain still was not satisfied; they wanted a reduction of interest. Our commission became generous and liberal and agreed to recommend to the President and Congress a reduction from 5 to 3 per cent for 10 years and to 3½ per cent for 52 years.

Let us say that you owe a bank money on a 12 months' note. You are called upon to pay that loan at the expiration of the 12 months, and you can not pay it. You say to the bank, "I owe this money and want to pay it, but I can not do it now," and you ask for time. The bank agrees that it will give you time; and then suppose you turn around and say to the bank that you not only want time but that you want a reduction in the interest rate from 5 per cent to 3 per cent or 3½ per cent. What would the banker say to you?

According to my calculation, if this bill we are now considering becomes a law, for the first 10 years we would be giving to Great Britain 1½ per cent in interest, which would amount in 10 years on the debt now due to $593,357,820. During the 52 years Great Britain would be given three-quarters of 1 per cent in interest, which would amount for that period of time to $1,856,277,398.48. Adding what we give to Great Britain in interest for the 10 years with what we give in interest for 52 years, we have a grand total of $2,449,635,218.40. These are the figures.

Let us consider the matter for a moment as to the amount of interest we are giving Great Britain, calculating the reduction in interest from the present 5 per cent which is now being charged. For the first 10 years we would be giving Great Britain 2 per cent, which, according to my calculation, would amount in 10 years on the debt now due to $875,372,512.10. And during the 52 years Great Britain would be given 1½ per cent in interest, which would amount for that period of time to $3,413,952,796.80, a grand total for the 62 years of $4,289,325,308.90.

Mr. MURPHY. Mr. Chairman, will the gentleman yield?

Mr. ABERNETHY. No; I can not yield; I have not the time. I want to read you now something from a very good authority.

This is a statement prepared and submitted to Secretary Mellon, Secretary Hoover, Senator Smoot, Representative Burton, and Secretary Hughes by Mr. Walter S. Tower, American commercial attaché in London—a man right on the ground, an $8,000 per annum employee, or officer of the Government, who has studied this question. What does he say? Let me read it to you:

AMERICAN EMBASSY, OFFICE OF THE COMMERCIAL ATTACHÉ,
London, January 31, 1922.

The main points in the plan for refunding foreign debts owed to the United States, as proposed by B. F. Yoakum, probably would meet with general approval not only in the United States but also in the debtor countries.

There are two fundamental ideas which apparently lie behind the suggestions:

First. The need for reduction of taxes in the United States, and,

Second. A definite arrangement regarding payment of interest and principal of war debts to the United States, in order that the European countries may know exactly where they stand in this matter.

Both of these objectives are not only desirable but necessary for the full recovery of industrial and trade activity.

The main idea in the Yoakum plan is to refund the debts at 4½ per cent interest for 50 years, with 2 per cent sinking funds. The bonds given by the European nations on this basis could then be used as collateral by the United States Government for the issue of, say, $5,000,000,000 of 4½ per cent Treasury bonds, which would refund a like amount of outstanding war loans. Interest and sinking-fund payments on the foreign government issues, held as collateral for this domestic issue, would provide for both interest payment and amortization.

From the standpoint of the European countries, I believe the plan would be acceptable, in the main; 50 years is long enough for any refunding issue to run and 4½ per cent is not too high a rate of interest, at least under existing circumstances.

The immediate criticism which I am sure would develop, however, would be that Britain alone is in a position immediately to pay interest on its share of the debt, to say nothing of payments into a sinking fund. Clearly France is not now and for five years may not be in position to pay anything either on interest or principal account. For Italy it may be 10 years before such payments can reasonably be expected. Even Britain, according to some opinions, can and will pay only in the event that the United States takes a firm stand and indicates the necessity of having such payments undertaken immediately, whatever may be the effects of such payments on the fiscal policy of the British Government. I think a good many financial men here believe that it would do this country a good service to have the United States adopt a firm attitude toward such payments from Britain, because of their feeling that much of the British Government fiscal policy is unsound and foolish.

If the suggestions made by Mr. Yoakum were modified in such respects as to provide for postponing interest payment, and payments into the sinking fund, according to the varying prospective ability of the several countries to discharge their obligations, I think the opinion here would be very favorable to such a solution of a vexatious and disturbing problem. Such postponing of interest and sinking fund payments as would be required, for instance, in the case of France and Italy might modify somewhat the idea of issuing a United States domestic loan for refunding war issues on the basis of the European government securities as collateral on account of the fact that only the British share of the collateral would immediately have value through meeting of interest and sinking-fund obligations.

As Mr. Yoakum points out, however, a United States Treasury issue does not need collateral, and the possible exception to his plan, made to cover the present inability of certain of the debtors to meet their obligations, would not destroy the value of his suggestion as an apparently satisfactory and effective solution of the debt question.

WALTER S. TOWER,
American Commercial Attaché.

I dare say that this gentleman has made a greater study than has this partisan commission that we are asked as Democrats here to sustain. I want something else besides the advice of a partisan commission to justify me when I go home to the folks and ask them to send me back. I want something more than a vote to give away to the British people over $2,000,000,000 in interest and to grant an extension of demand notes of $4,600,000,000 of Great Britain for 62 years.

What are the reasons assigned why we should be so liberal to Great Britain in this settlement? I take it that the statement of Hon. THEODORE E. BURTON, of the Debt Funding Commission, in the hearings before the Ways and Means Committee furnishes for the proponents of this measure the most forcible reasons, and in all fairness I incorporate them in my remarks, as follows:

The proposed settlement must have the approval both of the President and the Congress. It is to be noted that the rate of interest is lower and the term longer than that fixed by the statute creating the commission. It is extremely desirable that a settlement should promptly be made on the plan outlined for the following reasons: First, in fairness to Great Britain. England is the only country which has come forward with a proposition looking to an immediate settlement of debts incurred to this country during the war. Also, it is the sole country of

Europe which is providing for current expenditures by taxation. In order to do this it has been necessary for her to impose a burden of taxation far heavier than any of the leading nations has ever imposed in time of peace. A commendable pride in her credit stimulates a desire to meet all her obligations. In this connection it must be said that while the debts of the various nations of Europe to us should not be canceled, a considerate, yes, a generous, policy should be adopted in the terms imposed. It must be recognized that all of our allies in the late war made sacrifices far in excess of those suffered by the United States, however great our own may have been. Each is carrying a weight of obligations approaching or even surpassing one-half of all the wealth they possess, accumulated through centuries. Universal bankruptcy is threatened in all of them unless conditions improve. The ability to pay their obligations must be based upon faith in the future.

Second, as a practical matter. The rates of interest, although lower than those now prevailing, are not lower than in normal times. The average rate of return on English consols for more than 50 years prior to 1914 was less than 3 per cent. The rate reached a minimum of 2.4 per cent in 1897 and was less than 3 per cent from 1880 until 1909. There is every reason to believe that, notwithstanding the unfavorable situation created by the vast amount of national debts and the loss of resources by reason of the war, there will be a marked decrease in interest rates in the next 10 years. Since the peak in 1920 there has been a fall varying from 1 to 2 per cent in the United States, in the return upon investments and the rate at which new securities can be floated. In the time of the Civil War our Government issued securities at 7.3 per cent and also 6 per cent, payable in gold. There was a very marked fall soon after the close of the war.

Third, there is a financial advantage which can hardly be measured which inures to the people of the United States in case rates of exchange become more favorable to our debtors.

This would mean greatly increased purchases from us, especially in cotton and meats and all the varied products of agriculture. A crushing weight of taxation in any country will seriously diminish its purchasing power and fetter industry.

In conclusion, it is scarcely necessary to mention the stabilizing effect in finance and trade which a settlement of this debt would accomplish. Quite as important as anything is the good will which would be promoted by a settlement of debts which, so long as they remain unliquidated, are sure to promote controversy and ill feeling.

When the taxpaying citizenship of this country, who are groaning under the heavy weight of taxes, look at this statement of Mr. BURTON they will begin to compare notes and see about the justification for the passage of this bill. We are dealing to-day in the consideration of this bill primarily with Great Britain.

I assert that Great Britain never anticipated such favorable terms of settlement. The leading and oldest journal of practical finance and trade in Great Britain and a paper that more nearly represents the substantial thought of the people of that country in financial matters is The Statist, and in this connection it is well to quote from this paper. In the issue of January 22, 1921, on page 122, in an article entitled "British debt to United States of America," in discussing the refunding of the debt the paper uses this sentence:

It is hoped that Lord Chalmers will be able to secure a 5 per cent rate in funding the demand notes.

And again on May 28, 1921, on page 1009, The Statist published an article entitled "British debt to the United States," as follows:

FINANCIAL NOTES.

BRITISH DEBT TO THE UNITED STATES.

Further information on the course of negotiations between the Governments of the United Kingdom and the United States as to the settlement of our war debts to the United States was given by President Harding in a speech delivered in New York on the 23d instant, in which he outlined a tentative scheme which, it is understood, is being submitted to the British treasury. The new scheme has reference not to measures for repaying our indebtedness but to changing the form of our obligations with a view to making our creditors the general public of the United States instead of the United States Government. To secure this end it is suggested that the demand notes now held by the United States Treasury be converted into bearer bonds which are to be distributed to the public in exchange for the Liberty bonds at present held. The principal and interest of these bearer bonds would be payable by the British Government in dollars, and would be guaranteed by the United States Government. Special terms would, of course, be given in order to insure that the bonds would be accepted by the public in exchange for Liberty bonds. From the point of view of the United States Government the operation would be a favorable one, as, if successful, it would be tantamount to paying off a considerable portion of their unfunded indebtedness. From our point of view it would have the advantage of converting our obligations to the United States, amounting to nearly £1,000,000,000 at the par of exchange, from an obligation payable on demand to a long-term debt, for the term of the bearer bonds proposed is 30 years. Against this, however, must be set the fact that our annual interest charge would have to be substantially increased in order to make the debt in its new form acceptable by United States investors, and this is an important consideration in view of the position of the New York exchange. The merit of the scheme from our point of view obviously depends on the extent of the increase in interest charges to our Government, but considering that the proposed bearer bonds would have the guaranty of the United States Government, the operation could scarcely be more costly to us than if we sought to achieve the same end by floating a loan in the United States for the purpose of repaying our demand notes. It is understood that if an agreement can be arrived at as regards the scheme, it will be extended so as to cover the whole of the Allies' debt to the United States Government.

And, again, on September 23, 1922, page 440, The Statist published the following article:

FUNDING THE DEBT.

On Tuesday it was announced that the chancellor of the exchequer, Sir R. Horne, would head the Government delegation to America to arrange with the United States committee the terms of the funding of our debt to the United States. In view of the proximity of the negotiations (Sir R. Horne is to leave on October 18) it will be useful to set out the existing position of our American debt. The details, as on March 31 last, are shown in the following table:

Debt of United Kingdom Government to United States Government and United States nationals.

(Amount outstanding on March 31, 1922.)

Form of debt.	When payable.	Amount.	Sterling equivalent at $4.40 to 1 pound.
Government loan	On demand	$4,166,318,358	£946,891,000
5½ per cent 10-year bonds	Aug. 1, 1929	116,331,600	26,453,000
5½ per cent 3-year notes	Nov. 1, 1922	53,421,000	12,141,000
5½ per cent 20-year bonds	Feb. 1, 1937	143,587,000	32,633,000
American loan (unpaid balance)	Oct. 15, 1940	13,850	3,000
Total		4,479,731,808	1,018,121,000
Add unpaid interest on Government loan		509,148,000	115,715,000
Grand total		4,988,879,808	1,133,836,000

During the last financial year our debt to America was reduced by $209,909,000, equivalent to £47,707,000 at an exchange of $4.40 to the pound, and between March 31 last and September 16 a further reduction of £9,435,000 has been effected. The total debt owed by our Government to the United States on March 31 last stood at $4,988,879,808, or £1,133,836,000 at $4.40 to the pound, which is slightly below the current rate. The gross amount includes $4,166,318,358 in demand notes and accrued interest thereon amounting to $509,148,000. Of the remainder $53,421,000, or £12,141,000 at $4.40 to the pound, is payable on November 1 of this year, $116,400,000 is due in 1929 and $143,600,000 is repayable in 1937. It may be presumed that the amount due on November 1 next will be retired at maturity.

The demand notes, which constitute the bulk of the debt, are held by the United States Government and not by United States nationals. It is with these alone that the American allies' debt refunding act is concerned as regards our own portion of the debt, and it is with these that the forthcoming discussions will be concerned. The act referred to has entrusted the handling of the negotiations on the American side to a committee appointed by Congress, under the chairmanship of Mr. Mellon, Secretary of the Treasury. The discussions to take place are limited by the act to matters of detail rather than general principles. Thus it is already fixed by legislation that the demand notes at present held by the United States Government are to be exchanged for long-term bonds. The bonds to be issued in exchange by us are to be bonds of our Government and no other, no set-offs in respect of debts owed by other governments to us being allowed. The maximum currency of the bonds is fixed at 25 years and the minimum rate of interest they may bear is 4½ per cent. Subject to these limits the negotiating parties are to agree upon the rate of interest on the bonds and their term and the manner in which interest and amortization is to be paid.

Perhaps the chief interest of our creditor in the arrangements to be made for funding the debt is the possibility of selling our bonds to United States nationals, and thus acquiring ready cash before the maturity of the debt, and without doubt the American committee will have this end in view throughout the discussions with our delegation. It is safe to forecast that when the long-term bonds of our Government are made available they will be offered to American investors, backed by the additional guaranty of the United States Government. The American Government can naturally borrow more cheaply in the New York capital market than our Government could, and, consequently, bonds guaranteed as to principal and interest by the home Government can be absorbed in the United States at a lower rate of interest than if they carried the guaranty of the British Government alone.

The rate of interest which we will have to pay on our debt to America, therefore, depends mainly on the marketability of the funding bonds in the United States and the valuation which American investors are likely to place on securities of the home Government. At present the United Kingdom 5½ per cent bonds (1937) are quoted at around 103 in Wall Street, having fallen substantially in price during the past fortnight. At this price they offer a direct yield of £5 6s. 10d. per cent and a yield with redemption of £4 19s. 8d. per cent. The 5½'s of 1929 at 106¾ give a flat return of £5 2s. 11d. per cent and a redemption yield of £4 7s. 3d. per cent. As regards United States Government securities in New York, the 4¼ per cent Liberty loan, 1932–1947, offers a flat yield of £4 4s. 7d On the whole it would appear that a British Government 4½ per cent security would have to be offered at a discount in New York, and, even if backed by the guaranty of the United States Government, would not find an eager market if yielding only 4½ per cent. It must be remembered also that the force of the gilt-edge boom has been spent for a considerable time in New York and the appetite of investors for fixed interest-bearing descriptions will be in the near future as it has been in past months. If, therefore, the American Government contemplate a transfer of their United Kingdom Government credits to the general investing public, in all probability we will be called upon to pay on our funding bonds a higher rate of interest than the stipulated minimum, 4½ per cent. In view of the huge size of the debt the ultimate decision as to the rate of interest is one of great importance to our financial position. At an exchange of $4.40 to the pound the total of our demand indebtedness amounts to £946,891,000, on which 1 per cent represents nearly £9,500,000 yearly. If we assume that our Government will have to pay 4½ per cent on the debt, our annual interest remittance to the United States Government will be in the neighborhood of £48,000,000. Adding accrued interest, the total amount in respect of principal to be paid to America is £1,062,000,000. Assuming that payment is spread equally over 25 years, the annual payment would be about £42,000,000. The statement, therefore, that during the next quarter of a century our annual remittance to the American Government will be at amounts varying from £90,000,000 down to £40,000,000 presents a fairly accurate picture as to the extent to which our war borrowings from America are going to affect our national finances. Obviously, our American debt will from next year onward place a strain on our resources so great that we can not afford to talk lightly of remitting the debts owed by our allies to us. From the American point of view it means that the Government will be granted a long respite before they are forced to retrench in expenditure and will find it easier to launch out in popular schemes such as that embodied in the soldiers' bonus bill. The American industrial com-

munity must, however, be prepared for many years to come to tolerate an excess of imports into the country. Any attempt to prevent an increased influx of commodities through the medium of tariff legislation will simply result in a restriction of exports of American commodities.

It will be noted from these various articles that the rate of interest which Great Britain hoped to be able to secure was ranging from 5 per cent to 4½ per cent, and that the time period which they hoped to get was 25 years.

Now, what has happened to change the situation? Our debt commissioners were instructed by Congress to make no settlement to extend beyond June, 1947, and to grant no rate of interest of less than 4½ per cent.

What has brought about this sudden change? Congress is not informed. We are told that the delicate situation forbids our securing this information from the commissioners. Even the powerful Ways and Means Committee can not secure this information. It is locked up in the breasts of this partisan commission, and we are asked to vote as a gift to Great Britain billions of dollars and to do it blindfolded and on the say so of this commission.

I for one am not willing to do so, nor do I believe the American people are willing to go into this proposition. Why should we not take the American people into our confidence in this matter? The question of the settlement has been submitted to Congress, and the American people are entitled to know the real reasons which are now hid behind the curtain, which cause the commission to recommend the settlement.

It is well in this connection to call to your attention what our Government is paying in the way of interest on its bonds.

The report of the Secretary of the Treasury, on page 159, gives the following information:

Liberty and Victory bonds outstanding June 30, 1922.

First Liberty loan 3½ per cent interim certificates	$267,950
First Liberty loan 3½ per cent bonds	1,407,650,600
First Liberty loan converted 4 per cent bonds	12,475,400
First Liberty loan converted 4¼ per cent bonds	525,107,100
First Liberty loan second converted 4¼ per cent bonds	3,490,000
Second Liberty loan 4 per cent bonds	54,113,050
Second Liberty loan converted 4¼ per cent bonds	3,253,661,950
Third Liberty loan 4¼ per cent bonds	3,469,741,800
Fourth Liberty loan 4¼ per cent bonds	6,339,167,050
Victory Liberty loan 3¾ per cent notes	14,609,400
Victory Liberty loan 4¾ per cent notes	1,985,842,100
Total outstanding	17,066,126,400

Most of these bonds are long-term bonds. Some of them run until June, 1947.

I desire to call especial attention to that provision of the bill now under consideration which provides as follows:

Any payment of interest or of principal may be made in any United States Government bonds issued since April 6, 1917, such bonds to be taken at par and accrued interest.

Now, under this provision what is to hinder the British Government or its bankers or agents from buying our Liberty and Victory bonds, which draw from 3½ to 4¾ per cent, and pay off all the British debt by the interest saved by the transaction? This is not unlikely and it is most probable. It is possible for Great Britain or her agents to buy up Liberty and Victory bonds and pay us back at the expiration of the term of the American bonds, and in the interim we would find our Government paying Great Britain or her agents 3½ per cent, 4 per cent, 4¼ per cent, or 4¾ per cent on the American bonds, as the case may be, and our Government only receiving 3 per cent and 3½ per cent on the British bonds. The possible action as above indicated by Great Britain or her agents would enable Great Britain to pay back her debt to us by the profits made out of us in the difference in interest, and a calculation will demonstrate this, I confidently assert.

The great argument in favor of the proposed legislation is Great Britain's inability to pay. A careful study of the internal affairs of Great Britain, I take it, will show that country has recovered rapidly from the war. I think it is well to call to the attention of the House and the country—and especially at this time, when our President and the leaders of the majority side of this House have refused to permit the soldiers' and sailors' compensation or bonus to be taken care of by the payments to be made by Great Britain under this bill—to the liberal way in which Great Britain has taken care of her sailors and soldiers of the World War, and I desire to insert for public information, and especially for the information of our veterans of the World War, who have been denied their adjusted compensation by this administration, the following statements, one by Mr. Carl Meyer, December 6, 1921:

LIBRARY OF CONGRESS,
Legislative Reference Service.

War gratuities to soldiers and sailors.

GREAT BRITAIN.

A.—ARMY.

I. Gratuities to noncommissioned officers and men. (London Times, December 20, 1918, p. 5.)

A royal warrant of December 19, 1918, authorizing a gratuity to noncommissioned officers and men was issued as an army order. (Army Order No. 17, 1919.) The minimum gratuity payable to a soldier is as follows:

(1) Private, lance corporal, lance bombardier, or equivalent rank	£5
(2) Second corporal, bombardier, corporal, or lance sergeant	6
(3) Corporal of horse (household cavalry) or sergeant	8
(4) Squadron quartermaster, corporal (household cavalry) or squadron, battery, troop, or company quartermaster sergeant, staff corporal (household cavalry), staff sergeant, or color sergeant	10
(5) Warrant officer, class 2	12
(6) Warrant officer, class 1	15

Sections 6 to 9 of Army Order 17, 1919, follow:

"SEC. 6. Soldiers who have completed more than 12 calendar months' war service will receive, in addition, the following sums in respect of each complete calendar month or portion of a calendar month of war service beyond 12 months, subject to a maximum of 48 such monthly increments, corresponding to a total gratuity covering five years' war service—

	Shillings.
"(a) If with any war service overseas	10
"(b) If with no such service	5

the rates under both (a) and (b) being subject to reduction in the cases shown in the next paragraph, and the rate under (b) not applying to any war service rendered by the soldier as a boy.

"SEC. 7. If a soldier has been entitled to draw service pension during any portion of his war service, or if he has been entitled under article 6 of the royal warrant published in Army Order 1, of 1918, to elect to draw it, in respect of any portion of that service, irrespective of whether he has actually drawn it or not, the monthly addition for any month during the whole of which pension has been, or would have been issuable, will be 5 shillings or 2 shillings 6 pence instead of 10 shillings and 5 shillings, respectively.

"SEC. 8. The minimum gratuity payable to a soldier who is a boy will be £2. The additional sum for each month's war service after the first 12 months will be as in paragraph 6, except that if no service has been rendered overseas the sum shall be 2 shillings 6 pence instead of 5 shillings. For the purpose of this warrant the term 'boy' will include trumpeters, drummers, buglers, pipers, fifers, and bandsmen enlisted as boys, and under the age of 18.

"SEC. 9. The soldier who has served both as boy and man will be eligible for the minimum as a man if he has given any war service overseas, or has over six months' war service as a man. Otherwise the boy's minimum will apply."

The monthly additions will be 10s. if any overseas war service has been rendered; if not, they will be 2s. 6d. for each month beyond the first 12 served wholly as a boy and 5s. for each subsequent month.

II. GRATUITIES TO OFFICERS (ARMY AND NAVY GAZETTE, FEBRUARY 15, 1919, PAGE 109; SEE ALSO LONDON TIMES, FEBRUARY 13, 1919, PAGE 6).

The gratuities to officers of the army in recognition of their war service are set forth in a schedule appended to a royal warrant which is published as an army order. The schedule, subject to certain exceptions, runs as follows:

1. Subject to the other conditions laid down below, war service for the purpose of this warrant shall be commissioned service within periods beginning from August 4, 1914, inclusive, and ending at the date of the termination of the war as defined by statutory authority, or August 3, 1919, whichever comes first.

2. Such service shall include any war service with the Egyptian Army, West African Frontier Force, King's African Rifles, or in the Royal Navy, Royal Marines, or Royal Air Force, which would qualify for a war gratuity under this warrant had such service been in the army.

3. The minimum gratuity payable to an officer in respect of war service will be as follows:

Second lieutenant Officer classed for pay Q.H., or JJ., royal warrant of July 5, 1918 Staff lieutenant, third class Lieutenant Aid-de-camp	£35
Staff lieutenant, first or second class Officer classed for pay N, O, P, GG, or HH, royal warrant of July 5, 1918, or paid at an equivalent rate	£40
Captain Brigade major Assistant military secretary (unless otherwise classed for pay) General staff officer, third grade Staff captain	£45
Commandant or governor of detention barracks or military prison, second class Officer classed for pay K. L. M., CC, DD, EE, or FF, royal warrant of July 5, 1918, or paid at an equivalent rate Chaplain, fourth class Major Deputy assistant director at the war office General staff officer, second grade Deputy assistant, adjutant and quartermaster general	
Deputy assistant, adjutant general deputy assistant quartermaster general Deputy assistant director of supplies and transport	£60
Commandant or governor of detention barracks or military prison, first class Officer classed for pay G, H, I, J, Z, AA, or BB, royal warrant of July 5, 1918, or paid at an equivalent rate Chaplain, third class Lieutenant colonel Assistant director at war office Commander of a district Officer i/c records (other than royal engineers) General staff officer, first grade Assistant adjutant and quartermaster general Assistant adjutant general Assistant quartermaster general Officer classed for pay D, E, F, V, W, X, or Y, royal warrant of July 5, 1918, or paid at an equivalent rate Military attaché Chaplain, second class Colonel Assistant director of supplies and transport paid at £900 Commander of coast defenses (unless paid as a brigadier general or major general) Commander of royal garrison artillery	£75
Officer classed for pay C. or T., royal warrant of July 5, 1918, or paid at an equivalent rate Chaplain, first class (including deputy chaplain general, and principal chaplain)	£100

Brigadier genera i/c administration	£140
Brigadier general, general staff (other than commandants of the Royal Military Academy and Royal Military College)	
Brigadier general, not otherwise classified	
Brigade commander	
Chief engineer	
Officer i/c royal engineer records	
Commander of coast defenses, if a brigadier general	
Commandant, school of military engineering	
Commandant, ordnance college	
Officer classed for pay B. or S., royal warrant of July 5, 1918, or paid at an equivalent rate	
Major general	£200
Chaplain general	£370
Lieutenant general	

General and field marshal, rates to be fixed by the army council.

III. GRANTS TO COMMANDING OFFICERS.[1]

On August 6, 1919, the House of Commons appropriated the sum of £585,000, to be issued as grants, varying from £10,000 to £100,000, to military and naval leaders in the war. Of this sum £375,000 were distributed among the military leaders.

B—NAVY.

By order in council of March 25, 1920 (Order in Council, 1920, No. 629; Great Britain, Statutory Rules and Orders, issued in the year 1920, London, 1921, vol. 2, p. 265 ff), gratuities were granted to officers and men of the navy, marines, naval reserves, and naval volunteer reserves who have served during the war.

I. Gratuities to temporary officers, officers of the royal naval reserve and royal volunteer reserve, and officers of the retired and emergency lists were granted subject to certain exceptions, on the following scales:

(a) Entered or promoted from ratings, etc., on or before February 18, 1919—

For the first year's service or part of a year's service, 124 days' pay.

For each subsequent year or part of a year's service, 62 days' pay.

(b) Entered or promoted from ratings, etc., after February 18, 1919, 31 days' pay.

All officers on the retired or emergency lists employed during the war, for year's service or part of a year's service, 31 days' pay.

II. Gratuities to permanent officers on the active lists of the royal navy and royal marines, including the R. N. R. and R. N. V. R., for service during the war.[1]

Relative rank of officer.	For the first year's service (or for a part of a year if a year has not been served).	Increment for each additional month after a year's service.	
		Officers who have served at sea or overseas.	Officers who have not served at sea or overseas.
	£	£	£ s. d.
Admiral of the fleet	720	3	1 10 0
Admiral	540		
Vice admiral	370		
Rear admiral	200		
Commodores, first and second class	140	2	1 0 0
Captain, over 3 years' seniority	100		
Commander and captain, under 3 years' seniority	75	1	0 10 0
Lieutenant commander	60		
Lieutenant	45		
Sublieutenant	40		
Commissioned warrant officer	35	.....	.....
Warrant officer	30	.....	.....
Midshipman	20	.....	.....
Paymaster cadet	15	.....	.....

1. Order in Council, 1920, No. 649; Great Britain, Statutory Rules and Orders, 1920, London, 1921, volume 2, page 271.

Officers who have served at sea or overseas for any period during the war to receive the higher rate of increment for the whole of their war service after the first year, irrespective of any shore service which may be included therein.

The war gratuities of chaplains to be assessed on the following scales:

Chaplain of the fleet, same rate as for rear admiral.

Chaplain of 20 years' seniority, same rate as for captain, over 3 years' seniority.

Chaplain of 15 years' seniority, same rate as for commander.

Chaplain of 8 and under 15 years' seniority, same rate as for lieutenant commander.

Chaplain under 8 years' seniority, same rate as for lieutenant.

III.—GRATUITIES TO SEAMEN AND MARINES.[2]

(a) *Royal Navy.*

	For the first year's service or part of a year if a year has not been served.[3]	Increment for each additional calendar month or final portion of a calendar month after a year's service, subject to a maximum of 48 such monthly increments.
	£	
Boys	2	s. 10 To those who have served at sea or overseas for any period during their qualifying war service.
Ordinary seamen or able seamen.	5	
Leading rates	6	
Petty officers	8	
Chief petty officers	12	5 To those who have not served at sea or overseas.

[1] Parliamentary Debates, House of Commons, vol. 119, p. 208 ff.

[2] Order in Council, 1920, No. 649; Great Britain, Statutory Rules and Orders, London, 1921, vol. 2, p. 274.

[3] No gratuity to be paid to ratings who have rendered only 6 months or less than 6 months' service within the prescribed war period without any service at sea or overseas.

(b) Royal marines.

The scale for warrant officers, noncommissioned officers, men, and boys of the royal marines to be as laid down for equivalent ranks in the army, and to be inclusive of marching money now payable.

IV.—GRATUITIES TO CERTAIN NAVAL AND MARINE OFFICERS.

By Order in Council of October 13, 1920 (Order in Council, 1920, No. 2087; Great Britain, Statutory Rules and Orders, London, 1921, vol. 2, p. 330), gratuities, subject to certain exceptions, were granted to certain officers of the naval and marine forces who were employed during the late war but were not paid at naval rates of pay, as set forth in the following schedule:

(1) The gratuity to be at the rate of 31 days' pay for each complete year of service.

(2) The conditions governing the award to be the same as those which apply to the ordinary war gratuity.

(3) No service rendered subsequent to the 1st of August, 1919, and no service for which pay has not been issued direct from naval funds to count for the gratuity.

(4) The rate of pay on which the gratuity would be assessed to be not the full pay of the rank held but the pay actually drawn on the 1st of August, 1919 (or on the last day of service, if previous to that date), or on the 11th of November, 1918, if more advantageous, and to be exclusive of the retired pay element, if any, merged in such rate of pay.

(5) The gratuity to have retrospective effect to August 2, 1914

V.—GRANTS TO COMMANDING OFFICERS.

Of the sum of £585,000 appropriated by Parliament on August 5, 1919, to be issued as grants varying from £10,000 to £100,000 to military and naval leaders[1] in the war, £200,000[2] were distributed among seven of the leading naval officers.

(c) Table showing expenditures and estimates for purposes of war gratuities:[3]

	Amount.
I. ARMY.[4]	
Gratuities on discharge, etc.:	£ s. d.
Appropriations for 1919–20	65,787,081 17 5
Estimates for 1919–1921	97,000 0 0
Estimates for 1921–22	187,000 0 0
Total	66,071,081 17 5
II. NAVY.[5]	
Gratuities to officers and men:	
Appropriations for 1919–20	11,620,173 18 10
Estimates for 1920–21	389,300 0 0
Estimates for 1921–22	166,000 0 0
Total	12,175,473 18 10
III.	
Army and Navy commanders[6]	585,000 0 0
Grand total	78,831,555 16 3

[1] For detailed statement see Parliamentary Debates, House of Commons, vol. 19, p. 207.

[2] £275,000 were distributed among 11 army chiefs; the remainder of £10,000 went to Sir Hugh Trenchard, of the Air Service.

[3] So far as they are available.

[4] The data for the appropriations for 1919–20 are taken from Great Britain Army annual account, 1919–20 (H. of C. P. 72), London, 1921, p. 114; the estimates for 1920–21 and for 1921–22 are taken from Great Britain Army estimates for 1921–22 (H. of C. P. 99), London, 1921, p. 126.

[5] The data for the appropriations for 1919–20 are taken from Great Britain Navy appropriation account, 1919–20 (H. of C. P. 56), London, 1921, p. 60; the estimates for 1920–21 and for 1921–22 are taken from Great Britain Navy estimates for the year 1921–22 (H. of C. P. 43), London, 1921, p. 150.

[6] Parliamentary Debates, House of Commons, vol. 119, No. 109, p. 207.

Another statement by Mr. C. C. Tansill, August 25, 1922:

War gratuities paid to British admirals and to British generals.

	Pounds.
NAVY.	
Admiral of the Fleet Sir David Beatty (earldom)	100,000
Admiral of the Fleet Viscount Jellicoe (viscounty)	50,000
Admiral Sir Charles E. Madden (baronetcy)	10,000
Admiral Sir F. C. Doveton Sturdee	10,000
Rear Admiral Sir John de Robeck (baronetcy)	10,000
Vice Admiral Sir Roger J. B. Keyes (baronetcy)	10,000
Commodore Sir Reginald J. Tyrwhitt (baronetcy)	10,000
ARMY.	
Field Marshal Sir Douglas Haig	100,000
Field Marshal Viscount French	50,000
Field Marshal Sir Edmund Allenby	50,000
Field Marshal Sir H. Plumer	30,000
Field Marshal Sir Henry Wilson	10,000
Gen. Sir Henry Rawlinson	30,000
Gen. the Hon. Sir Julian Byng	30,000
Gen. Sir Henry Horne	30,000
Gen. Sir William Robertson	10,000
Gen. Sir William Birdwood	10,000
Lieut. Col. Sir Maurice Hankey	25,000
AIR.	
Air Vice Marshal Sir Hugh Trenchard	10,000

DRAFT PROCLAMATION GRANTING PRIZE MONEY TO THE FLEET.[1]

"We do therefore now make known to all our loving subjects and to all others whom it may concern * * * that the net produce of all such prizes captured during the present war as shall * * * be declared to be droits of the Crown, and of all other sums which shall be paid into the naval prize fund shall be for the entire benefit and encouragement of the officers and men of our naval and marine forces, and shall be distributable when * * * there is a sufficient fund

[1] Official; issued by H. M. Stationery Office, 1918.

standing to the credit of the naval prize fund to warrant it; that a distribution shall be made in shares and proportions hereafter mentioned to those members of our naval and marine forces as aforesaid who have during the present war performed service at sea in our ships and vessels of war," etc.:

	Shares.
Commander in chief Grand Fleet	2,000
Admiral commander in chief	1,250
Admiral commanding a squadron	1,000
Vice admiral commander in chief	1,000
Vice admiral commanding a squadron	750
Vice admiral	500
Rear admiral commander in chief	750
Rear admiral commanding a squadron	500
Rear admiral	300

From a letter of Robert P. Skinner, American consul general, London, to the Secretary of the Navy:

"Instead of as in the past making the award of prize money to the actual captors, the net value of the prizes taken will be pooled and distributed among the whole of the fleet engaged in this war at the close of hostilities under a scale of distributions."

SPEECH OF THE PRIME MINISTER, AUGUST 6, 1919, RELATIVE TO THE GRANTING OF WAR GRATUITIES TO BRITISH ADMIRALS AND SAILORS.

The PRIME MINISTER[1]. It is an honored tradition of this country that it rewards liberally those who have rendered it conspicuous and distinguished services in time of peril, and that, I venture to say, is a sound tradition for a country. Ingratitude chills the ardor of service, and no State has long thriven which does not display its gratitude to those who have served it well in its time of peril. It was really one of the marked features of distinction between Rome and Carthage, and the lesson is not without its value. I am proud of the fact that the pensions we have voted in this House—the scale of pensions—to the men who have served us well in the field and in the air and on the sea is incomparably the most generous in Europe. I think the amount aggregates £98,000,000 a year, which is half the whole of the national expenditure before the war. There is no scale in Europe which compares with it, and I am proud of it. But we do wisely, we shall do wisely, if we accept this motion, in maintaining the tradition that exceptional rewards should be given to those who have borne exceptional responsibilities with exceptional success. That is the proposition which I would invite the committee to accept.

The Duke of Wellington had voted to him two pensions, in the aggregate £4,000 a year, for three lives, and after the Battle of Waterloo a sum of £500,000 was voted to him. That was for him alone. Lord Wolseley had £25,000 voted to him for the Ashanti campaign and £30,000 for the Egyptian campaign. Those were moved by Mr. Gladstone, who was undoubtedly one of the most rigid and stern of all the great economists. Lord Roberts had £12,000 voted to him for the Afghan campaign and £100,000 for the Boer War. Lord Kitchener had £30,000 voted to him for the Soudan campaign and £50,000 for the Boer War. Those two were moved by another famous and very rigid economist, Sir Michael Hicks-Beach. That was the view taken in the past of the kind of reward that ought to be accorded to men who had rendered services of this kind to the country. In magnitude, in fatefulness for this country, there is no comparison between those wars and the war which has just come to a conclusion.

Therefore, the sums which we are inviting the committee to agree to err in comparison, not on the side of overliberality, but quite the reverse, and we have come to the conclusion that the precedents of the past should rather be fined down, not because we regard the merits of the men to whom we are going to invite the House to accord the vote as being less in comparison than those whose names I have quoted, but because we had to have regard to the gigantic burdens of the community. I need hardly tell the committee that our greatest difficulty was in choosing—a very delicate and difficult task. There were so many who have done well, there were so many who have rendered brilliant and even dazzling service, and our difficulty is not in recommending the names which are down in the list, but in confining the appeal to the munificence of Parliament to these names. I may say a few words about each of these men. There are so many that I can not possibly do justice to any of the individuals which are mentioned. Therefore, if I say a few sentences in respect to men of great and outstanding merit it must not be regarded as in the least an indication that I do not consider that a good deal more might be legitimately said to the committee on the subject.

I, first of all, naturally, choose Field-Marshall Sir Douglas Haig. I have already spoken in this House, and at some length, on his great qualities. His tenacity of purpose, his dauntlessness in the face of what looked like disaster, make him an embodiment of the race which is so proud to claim him amongst its sons. But there is another quality of Sir Douglas Haig, which is known well only to those who knew him well, and that is the readiness with which he has always been prepared to subordinate self to the demands of his country. That was never more clearly manifested than in the way in which he accepted the command of Field Marshal Foch over the British forces which hitherto had been commanded by Sir Douglas Haig. There have been great men in the past who have rendered distinguished service to their country in this and in other lands, and who never hesitated to risk their lives in rendering that service, but who, somehow, failed in loyalty when it was a question of personal pride or professional pride. Sir Douglas Haig has been as ready to sacrifice his own pride of position as he has always been ready to run the risk of his life. For that especially we honor and respect him. After all, modesty adds a cubit to the stature of the tallest man.

I would like to say a word now about Lord French, and I should like to say that in this day of crowning triumph we must not forget the day of small things—the time when Field Marshal French, then Sir John French, had to lead few men, fine men, great men, never finer soldiers quitted these shores to fight for the flag, but they were few against overpowering odds, inadequately equipped against the most finely equipped army in Europe. He fought one of the six decisive battles in this war. That is too often forgotten. Sir John French led the British Army in one of the six decisive battles and campaigns of a war which produced hundreds of great battles. He fought the Battle of Ypres—it is now clear from the German account of it—against overpowering odds. He won it. Had it been lost, the war would have taken a different turn. From the moment he won it the faith in German military supremacy was irretrievably doomed. It is, therefore, meet that we should now, when German militarism is shattered beyond recovery, remember the great commander who, with small means, fought during the first year of the war and won a battle which covered the British Army with honor.

The name of General Allenby will be ever remembered as that of the brilliant commander who fought and won the last and most triumphant of the crusades. It was his good fortune, aided by his skill, to be able to bring to a glorious end an enterprise which absorbed the chivalry of Europe for centuries. We forget now that the military strength of Europe was concentrated for generations upon this purpose and concentrated in vain. A British Army under the command of General Allenby achieved it and achieved it finally.

I have spoken quite recently of Sir Henry Wilson, one of the most gifted soldiers this country has ever possessed. I will add only one word to what I have said. His vision and organizing gifts constituted one of the most treasured assets of this country in the trying days of 1918, and no list would be complete without Sir Henry Wilson. As for Sir William Robertson, his services were rendered in the all-important field of organization. It is he we have to thank for the fact that the general staff was so well organized and rendered such great service, especially during the last two or three years of the war. He certainly deserves a name in this great list. As for Air Vice Marshal Trenchard, he, by his energy and daring and drive and imagination and magnetism, which make for great leadership in war, made the air force become the powerful and formidable fighting machine that it was.

I have another name, the name of one who took no part in battle, but he was as essential to our success in this war as any name—I mean Sir Maurice Hankey. It is difficult for those who know to speak about Sir Maurice Hankey's services without appearing to exaggerate. His services were known only to a few, but none rendered greater service and none, therefore, is more worthy of honor and of thanks. If any Member of this House will take the trouble to ask the leaders in any sphere of this war or of the peace about the services of Sir Maurice Hankey, they will realize what I mean. Let them ask naval leaders or military leaders, let them ask M. Clemenceau or President Wilson or Signor Orlando, and they will all bear the same testimony. He was the first to recognize before this war that if a great war ever came it would be a matter not merely of fighting men but for the organization of the whole resources of a country, and inspired that war book that is one of the most remarkable productions that any man could peruse. Going through it now, one can see how he foresaw things which were perhaps not visible except to very searching minds like his at the time, and which have now become part of the horrible realities of war. He served under my predecessor for a good many years, and I am permitted to read a letter Mr. Asquith wrote to him in November of last year, after the signing of the armistice. This is Mr. Asquith's letter:

"No one knows as well as I do how much we owe to you for our (ignorantly derided) pre-war preparation, nor the extent and value of your daily, and almost hourly, contribution during the first two and a half years to every measure in all spheres that was thought out and done. I know that you have continued to the end, under constant strain which can not be measured, to render the same invaluable service. I should like you to know that in my judgment you have been in a true sense what Carnot was called, 'The Organizer of Victory.'"

I am in accord with every word of that. He refused a highly remunerative offer in order to remain in the service of Britain. If Sir Maurice Hankey's name were left out of this list I should feel ashamed of it. There is no one who has a better right to be in it, and there is no one I recommend to the House with less hesitation.

With regard to the army commanders whose names are very well known and whose achievements are known, no army ever had better fighting commanders, and those who take an interest in the history of war know how much a commander in chief depends on his fighting commanders and how much they contributed to Wellington's success in the peninsula and to Napoleon's success in his great European campaign. As a matter of fact, when Napoleon was deprived of the support of his great marshals, he failed; and Sir Douglas Haig and Field Marshal Foch were the first to recognize that it would have been impossible, especially in 1918, to have turned the tide of battle had it not been for the brilliant leadership of General Plumer, General Horne, General Byng, General Rawlinson, and afterwards General Birdwood, and I certainly commend their names to the generosity of the House.

I come to the fleet. As for Admiral Beatty, everybody will recognize that he is worthy of the highest traditions of British seamanship. By his great fighting qualities in the war he established finally the supremacy of the British Navy over its foes. There is no better tribute to his leadership than the fact that the fleet of the foe, having contested that leadership once, thought it wise to avoid putting it to any further test. As for Admiral Jellicoe, his services before the war and during the war were incalculable. His chief work was the work of organization, not so well known to the public but just as essential to the success of a fleet in war as that of the fighting leaders who went into battle. Those are the services that Admiral Jellicoe rendered to the British Navy. As for Admiral Sturdee, the committee will remember the brilliant action he fought off the Falkland Islands, by which he rid the Pacific Ocean and the Atlantic of raiders who interrupted our commerce and threatened to put an end to it for some years. As for Admiral de Roebeck, his services in the Ægean are well known. Admiral Tyrwhitt, who commanded the torpedo flotillas on the east coast, is the outstanding representative of that special branch of naval service which embodies that ceaseless vigilance, ever watching, ever pursuing, ever chasing, ever striking, night and day, summer and winter, fair weather and foul, which ultimately ended in completely baffling the designs of the foe. Then there is Sir Roger Keys. His name will ever be quoted in naval history as the chief figure in one of those dramatic exploits which enrich the story of the fleet and enter into the character of the fleet. Those are the stories which attract children and attract the human mind when impressions sink deep into it and remain firmly in it, and this is one of the stories that will help build up the character of the race. No list would be complete without Sir Roger Keys, the hero of one of the most dramatic exploits of the war. There is also Admiral Madden, who undoubtedly rendered invaluable aid in the organization of the Grand Fleet and of the navy.

That, I think, completes the list. I think that it will be agreed that they are all men who deserve well of the bounty of the House. I have taken the trouble to examine the precedents for grants of this character covering two or three centuries, and I think that if Members of the House will take the same trouble they will find that we have fallen short of precedent, if at all. I think the members of this committee would do well, remembering this tradition, which is an honor-

[1] Great Britain Parliamentary Debates, Com. 119, 4–19, August, 1919, pp. 208–213.

able and high one, not to depart from it; and I therefore, remembering the great services these people rendered, and remembering what might have befallen this country if we had not had skillful leadership, earnestly say to the House that this is but a small part of the recognition which we owe to these great men.

It is evident from the above statements that Great Britain is abundantly able to take care of her soldiers and sailors of the World War and has done so.

An examination of the heavy subsidies paid by Great Britain to her shipping will show that she is abundantly able in this particular.

I can not see how this legislation will help the taxpayers of this country. I can see how it may and probably will increase the value of the British and other foreign bonds held by certain financial interests in this country. I think Great Britain is abundantly able to pay, and I can not see any reason why we should present her with billions of dollars in interest.

Mr. FORDNEY. Mr. Chairman, I yield four minutes to the gentleman from Texas [Mr. BLACK].

Mr. BLACK. Mr. Chairman, I think the debate on both sides of the House has been worthy of the important question now before us. Of course, in the few minutes I have available, or even if I had longer time, I would not expect to contribute anything noteworthy to the discussion. However, I want to state briefly why I am going to vote for the resolution approving the settlement. I think it may be fairly stated that the chief argument against the acceptance of it is that it is not the best one that we can procure. Well, that term "best" is susceptible of two constructions. Some gentlemen seem to think the hardest bargain we can drive is the "best" settlement. I take a different view. My view is that a settlement upon terms which the debtor nation may reasonably be expected to fulfill is better than one which might look more attractive on its face, but which imposed a burden of settlement impossible to fulfill. The world is still bleeding from the wounds of war. It is true the great World War ended more than four years ago, but the world is in a more disturbed condition of mind than almost ever before. The kaleidoscope of the world has been changed. Empires have fallen and thrones have crumbled as the dust of the desert. It seems sometimes that the elemental forces have suddenly been unloosed and are about to overrun the world. Serious-minded men are inquiring, What forces can be brought into play which will hold back the advancing tides of racial hate, of sectional animosities, and of imperialistic designs? One of the answers to that question is: Promote a feeling of friendliness and cooperation between the two great nations of the English-speaking race, the United States and Great Britain.

Therefore the question does not present itself, to my mind, What is the best bargain we can drive? but rather more, Is this a fair and equitable settlement considering the conditions which obtain? I think it is. If this settlement can not be justified as a fair settlement, then it can not be justified at all, and I say vote against it. Any proposition to arrive at terms for the settlement of the debt due should satisfactorily provide for the fulfillment of three important conditions:

First. Payment of the principal in full, without the remission of any part of it to the debtor nation.

Second. The payments should be upon the amortization plan, so that by the payment of a certain part of the principal each year the whole debt will be paid in a given number of years agreed upon.

Third. The rate of interest should be such as a solvent government would be expected to pay upon a bonded obligation extending over a long period of years.

Does the settlement agreed upon meet these conditions? I do not hesitate to say that in my judgment it does. (1) It provides for the payment of every dollar of the debt in American dollars and not in British pounds sterling. Therefore if the rate of exchange is against the pound sterling, as it now is and has been for several years, we will not lose by it. We will receive payments at par. (2) It provides that the payments shall be made upon the amortization plan, which, of course, we all understand is a payment of part of the debt each year, in such amounts as will pay all of the debt in 62 years.

It may not be out of place for me to remind the House that when the original refunding bill was passed providing for the appointment of this commission, I offered an amendment authorizing the commission to make settlement upon the amortization plan. By examining the CONGRESSIONAL RECORD of that date my amendment will be found to read as follows:

Amendment offered by Mr. BLACK to the Frear amendment: After the word "provided" strike out the balance and insert the following: "Any such bond or obligation of any foreign government accepted under the authority herein granted may contain an agreement providing for the repayment of the loan on an amortization plan by means of a fixed number of annual or semiannual installments sufficient to cover, first, a charge on the loan as interest at the rate of 4 per cent per annum, and, second, such amounts to be applied on the principal as will extinguish the debts within an agreed period of not more than 35 years."

I did not expect the amendment would carry at that time and yet I felt sure that it was the only plan possible to provide for a real sure-enough payment of the debt. I am glad the commission has followed it, though varying the terms somewhat from those I suggested.

(3) The settlement provides for 3 per cent interest for first 10 years and 3½ per cent thereafter until all payments are made. Now that is the only thing that is even subject to an argument. We are all agreed upon the other two propositions. Objection is made that the rate is too low, but it must be remembered that the interest will be going entirely to the United States Government and will be entirely tax exempt. Our tax-exempt 3½ per cent Liberty bonds are now selling at par and that fact establishes to the satisfaction of my mind that the rates of interest provided in this agreement are reasonably fair to us. Before the war the United States Panama 3 per cent—a straight investment bond without the currency provision—sold up to 103. We may reasonably expect the same conditions to return within a few years. Therefore, Mr. Chairman, believing that the terms of agreement meet the three conditions which I outlined at the outset of my remarks as being necessary to an equitable settlement, I shall vote for it. [Applause.]

Mr. CRISP. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. BANKHEAD]. [Applause.]

Mr. BANKHEAD. Mr. Chairman and gentlemen of the committee, this is a question that has naturally given many of us considerable concern as to how we should vote upon it, but after having given it all the mature consideration of which I have been capable, I can not escape the conclusion as a representative of the people of my own congressional district and partially as a representative on the floor of this House of the Government of the United States, that it is my duty to support this settlement of the British debt. [Applause.] Some complaint has been made here that it has been admitted that the proposal upon which we are now acting was the proposal of the American commission itself. I do not see anything in that fact to subject our commissioners to criticism. They were appointed, as I understand the spirit and letter of the act under which they were appointed, not to meet British representatives across a dead line and demand a settlement in terms, but they were appointed for the purpose of undertaking to negotiate for a fair settlement with the British Government. [Applause.]

And after they had had the facts fully presented to them, after they had learned from creditable witnesses, as they no doubt esteemed the representatives of the British Government to be, of the fiscal situation in Great Britain, the economic difficulties under which they were laboring, of their staggering national debt, I say I do not see anything inherently discreditable that they should propose themselves the terms of settlement which they are now offering. Gentlemen, the great question, it occurs to me, we should ask ourselves in this dilemma is this: If we do not accept the terms of this proposal what remedy, what reasonable remedy is at our command either to induce or enforce the settlement of this tremendous amount of money now long since past due? There is only one, and in its last analysis, as has been so admirably suggested by the gentleman from Tennessee in his excellent presentation of this question, it is the force of arms. Is there any gentleman here who proposes to vote against this debt settlement who would follow his action to its logical conclusion and say that if Great Britain will not meet it according to the terms of the original obligation, we will mobilize the Army and the Navy of the United States and send them abroad to enforce this collection? Is there any Representative of his people here to-day who will be willing to say, after the fresh memories of the recent great world tragedy through which we have gone, again we will summon our soldiers for the purpose of enforcing that debt? Gentleman, solemnly and seriously I say to you that this is the only legitimate and logical sequence to a refusal, to accept the offer now made, and for one I would not pursue that course.

Gentleman have urged here that a great Government like Great Britain will not repudiate an obligation, yet I want to call to your attention the evidence quoted by the gentleman from Georgia [Mr. CRISP] that the gentleman from Ohio [Mr. BURTON] quoted the British representatives as having said they could not and would not pay 4½ per cent interest and undertake to pay this debt in 25 years. If that is a correct statement of their attitude, gentlemen, it trenches dangerously close to repudiation. I say the settlement here proposed seems to be an adequately fair one considering all the elements that enter into it. Gentlemen, the international situation of the world with reference to credits and economic stability is like

a log jam on a great stream. That is the situation, and here is the key log. It is a log jam of the international stream of the world, and here it seems to me is an opportunity to loosen the key log and thereby release the obstructions of international debts all along the line. The cotton growers of my section are vitally concerned in the stability of British credit, for there lies our greatest foreign consumer of cotton. I would rejoice to believe that we could be assured of the protection of our other foreign debts upon as favorable terms as those here offered by England. It would be a tremendous relief to our Treasury and tax payers to get such settlements. That is the reason, gentlemen, and for others that occur to me, which I have not time to argue, I shall give my support to this proposition. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FORDNEY. I yield four minutes to the gentleman from New York [Mr. HUSTED].

Mr. HUSTED. Mr. Chairman, I think that practically all of us on both sides of the aisle are agreed that our Intenational Debt Commission has made a good settlement, as favorable to us as we had any right or reason to expect. We all know the circumstances under which these foreign loans were made, and most of us remember them. We loaned this money after we entered the European war when Great Britain was on her knees, when France and Italy were on their knees, and when they could no longer carry on as they had been carrying on, because they did not have the necessary money and they could not borrow the money unless we loaned it to them. This money which we loaned was expended in a joint enterprise; it was used in the prosecution of a common undertaking in which we were all interested and in which we were all engaged. It was expended for the carrying on of the war, and it was expended chiefly during the period when we were not ready to do our part, when we did not have men in the trenches, when we could not send a soldier to the front. This money which we loaned was expended for us just as it was expended for Great Britain and for France. It was used for the benefit of all the nations that were engaged in the war against the Central Powers.

And the money was expended in this country; not one cent of it ever went out of it. It was expended here for the products of the American farm and for the products of the American factory. Those farm products and those manufactured goods were sold at high, inflated war prices. The profits went into the pockets of the American farmers and into the pockets of the American manufacturers, and on those profits income taxes were paid, which went into the Treasury of the United States. If Great Britain is satisfied with this settlement, I certainly think that the United States of America ought to be. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BANKHEAD. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. CRISP. Mr. Chairman, I yield 10 minutes to the gentleman from Alabama [Mr. STEAGALL].

The CHAIRMAN. The gentleman from Alabama is recognized for 10 minutes.

Mr. STEAGALL. Mr. Chairman, I greatly regret that I am unable to follow the counsel of those on the Republican side of the House who bear responsibility on this legislation. Even more do I regret that I am unable to agree with the distinguished Members on the Democratic side of the House who look upon the proposal in a different light from the views I entertain. I am especially embarrassed in not being able to follow the splendid leader of the minority [Mr. GARRETT], who, perhaps, made the ablest and most convincing speech that has been made in the discussion of this bill.

But, Mr. Chairman, all of us have our individual responsibilities here, and I am trying to live up to mine. I am sure that I approach the consideration of this question from the standpoint of utmost friendliness to Great Britain. I cast my vote to loan American money and to send the young men of America to shed their blood side by side with her when she was fighting with her back to the wall. I appreciate her sacrifices in that great struggle, and I do not for a moment forget that she is to-day attempting to lead the world into the paths of peace and prosperity and to restore order out of chaos and confusion. I rejoice that she is presenting to other nations the spectacle of a Government that is attempting to show something of common honesty and good faith in her international relationships.

I do not think that the United States can be justly classed as cruel, grasping, or unreasonable in asking and expecting that the money furnished by the taxpayers of the Nation and sent to the rescue of Great Britain in the hour of her distress shall be repaid in full. I know of no better consideration that could exist, either in law or morals, than that which underlies the debt of the Allies to this Government. This money was loaned and expended in the fight which saved the very lives of the allied governments.

I decline to join in the imputation that Great Britain would consider the repudiation of such an obligation. There is nothing to substantiate such a charge. On the contrary, the Government of Great Britain has all along acknowledged this indebtedness and has been making actual payments on it.

I am frank to say that if I were convinced that a real necessity existed for the acceptance of the offer tendered the Congress I should unhesitatingly cast my vote accordingly, but we have no information to that effect. So far as I can learn, and so far as has been disclosed in the hearings—and these hearings, let me say, are embodied in one little pamphlet containing about a dozen pages, though we are dealing with the greatest financial transaction ever handled in all human history—our representatives went into the conference to begin the discussion of this question, having made up their minds to repudiate the solemn instructions of the Congress that created them and laid down the conditions and limitations under which they were empowered to make settlement, and, so far as we are told, never for a moment was there any effort made by them to secure an agreement in accordance with the terms of the act which gave them their powers. Their attitude was about like that of lawyers going out to confess judgment against their clients.

With all deference to the able and distinguished gentlemen who constituted the American commission, I want to say that I am unable to find justification for the great rejoicing and congratulations indulged in by some of the gentlemen who have participated in this discussion. I can not quite recognize that it is a great accomplishment for a lawyer who goes out to collect a debt and walks up to those from whom he is to obtain payment and asks "how much do you want deducted?" If this is to be the measure of success, it would be easy to surpass the achievement. It would only be necessary to create another commission, call another meeting, and let them knock off two or three billion dollars more. Then the glory and congratulations of to-day would be forgotten in the greater glory of the achievement of to-morrow.

Gentlemen, I can not accept the reasoning that we must deal with this proposition as if the financial interests of America were absolutely and inseparably merged in the interests of Great Britain. All during this debate we hear these questions: How much are the taxes of Great Britain? What is her wealth? What does she own as compared with what we own? How much ought to be taken off her indebtedness to enable her to meet it without having to sacrifice too much?

I do not desire that our Government attempt to drive any hard bargain or make any harsh or oppressive exactions, but it is my desire as a Representative in the American Congress to approach this question from the standpoint of America and American interests. I am under oath to do that, and I do not believe that the best interests of America, or even the best interests of Great Britain, can be promoted by a settlement that amounts practically to half payment and half cancellation.

Much has been said in this discussion of the effect the proposed settlement would have in reviving confidence and stabilizing world conditions. I appreciate the benefits to follow on that line. The argument has weight with me, but it is more important that such a settlement be effected as will preserve undiminished the confidence and good feeling that exists between the people of the United States and Great Britain. Nothing could be more unfortunate than that the masses of the American people should be left to feel that their interests have been betrayed and that any portion of the burdens of the war that should properly be borne by Great Britain had been transferred to the backs of the people of this country. [Applause.]

When we made these loans to the Allies their credit was impaired, and the bonds held against them by the bankers and investors of the United States of America were below par. We restored their credit and made their bonds safe and sound. We may be sure that whatever reductions in the indebtedness of the Allies may be granted or allowed by the United States, the bankers and investors will not fail to collect in full all

that is owing to them. I do not object to this. It is perfectly legitimate and proper; and I am glad that it is so. It is best for us and best for the world that the debts of the Allies, no matter to whom they are owing, shall be paid in full, but as long as there is no question about the discharge of the indebtedness to the bankers and bondholders I do not think that we, as representatives of the American people, should hastily and unnecessarily make unjust reductions in the indebtedness to our Government. The bankers will not reduce their interest below the stipulations of their contracts or extend their holdings for a period of over 60 years.

The gentleman from Georgia [Mr. CRISP] in his very able argument in favor of this legislation made a statement that contains much food for serious thought when he said that wars are generally fought over money and commerce. In my humble judgment, the wise course for this Government is to discharge the debts growing out of the war in as short time as may be done with wisdom and prudence. A burden so vast as that which rests upon our people as a result of the war is enough to endanger the peace and perpetuity of any other Government on earth, and the sooner we are rid of it the brighter will be our future. Public safety requires that we should pay off our debts, get a clean sheet, and be prepared to finance any conflict that may threaten us in the years to come. An unimpaired credit constitutes the best possible preparedness. In my judgment we ought to have the patriotism and foresight to levy sufficient taxes to pay our debts and restore our credit as the surest guaranty of the Nation's safety.

When the loans were made to our Allies they contracted with us to pay 5 per cent interest, with the stipulation that the interest rate to be charged would not exceed the rate at which we floated our indebtedness, from the proceeds of which we made the loans. It is perfectly right and proper that the rate be reduced so as not to exceed that which the United States is paying. But there can be no justification for accepting less. Anything else is not payment, but repudiation or cancellation to the extent that our Government loses on the transaction.

The plan submitted to us contemplates a relinquishment of our rights under our contract and a loss of several billions of dollars to be borne by the taxpayers of America.

We have reduced the interest rate to be paid by Great Britain from 5 to 4½ per cent, the average amount which it is estimated we have to pay. The yearly interest rate of Great Britain on her entire indebtedness to the United States at 4½ per cent is $199,750,000. For the first 10 years during which time the rate, under the proposed plan, is to be reduced to 3 per cent, the yearly interest would be $141,000,000, lacking $582,750,000 a year, which we as the surety for Great Britain would have to make good. This would amount in 10 years to $587,500,000—nearly $600,000,000—which is in effect a reduction of Great Britain's indebtedness to that amount.

The yearly interest, rated at 3½ per cent, amounts to $164,500,000. That is $35,250,000 a year less than the amount which would be due at 4½ per cent, and for a period of 52 years would amount to $1,833,000,000 to be paid by the United States. So we see, assuming that only the interest is paid, the United States would lose a total of $2,420,000,000. This is the amount which we would have to lose in this period by reason of becoming surety for Great Britain, because it must be remembered that the United States had to go out and borrow this money and still owes for it, and our interest-bearing bonds are still outstanding to cover it.

The following table shows the advances by this country to the Allies:

Country.	Credits established.	Cash advanced.	Other charges against credits.	Balance under established credits.
Belgium	$349,214,467.89	$349,214,467.89		
Cuba	10,000,000.00	10,000,000.00		
Czechoslovakia	67,329,041.10	61,974,041.10		$5,355,000.00
France	2,997,477,800.00	2,997,477,800.00		
Great Britain	4,277,000,000.00	4,277,000,000.00		
Greece	48,236,629.05	15,000,000.00	$33,236,629.05	
Italy	1,648,034,050.90	1,648,034,050.90		
Liberia	26,000.00	26,000.00		
Rumania	25,000,000.00	25,000,000.00		
Russia	187,729,750.00	187,729,750.00		
Serbia	26,780,465.56	26,780,465.56		
Total	9,636,828,204.50	9,598,236,575.45	33,236,629.05	5,355,000.00

Now, let us see where we land if we follow the plan we are asked to adopt. We are urged to make the reduction in favor of Great Britain, amounting to $2,420,000,000, on the score of the financial difficulties confronting Great Britain. I do not accept the contention that Great Britain is not able to keep her contracts or that she desires to repudiate her debts. I acquit her of these imputations of weakness and bad faith. The fact is she is meeting her obligations elsewhere all along the line. She is going forward with a program of economic reconstruction and strengthening her preparations for defense and improving her navy. She is paying a liberal bonus to her soldiers of the late war. Right here I want to ask how we can justify the shifting of the enormous burden of $2,420,500,000 to be borne by our people, for which we are to tax our brave boys who risked their lives in defense of the allied cause and who have been denied the recognition which Great Britain has generously bestowed upon her gallant defenders?

But we are urged to grant this enormous reduction to Great Britain because of the serious demands now being made upon her strength and resources. Let us see where we shall land if we follow this policy to its logical conclusion. Gentlemen tell us that "this is not merely a settlement with Great Britain alone, but it is the beginning of other settlements to be consummated with the other allies who are indebted to us." Admit for the sake of argument—though we have no real proof to substantiate the contention—that Great Britain says it is necessary to have this enormous reduction.

Mind you, no one has shown us the mathematics by which it is determined that Great Britain is able to pay within 62 years all the principal of her debt and interest at 3 or 3½ per cent, but is unable to pay on the basis of 4½ per cent interest. [Applause.]

But suppose we follow the reasoning in the case of Great Britain. How much do we surrender? More than $2,420,500,000. What are we going to do when we get to the case of France, after having announced our program of generosity? We must consider her distressed condition and pay regard to the troubles which beset her and the dangers which threaten her safety. How can we be less generous to France than we are to Great Britain? Nothing so stirred the patriotism and fervor of our people as the recollection of our debt of gratitude to France for her aid when the American Colonies were struggling for independence. Who would attempt to defend a policy on the part of our Government that discriminated against France and in favor of Great Britain? If we make good to France the same loss we propose to bear on behalf of Great Britain we surrender nearly all of her debt. The amount it is proposed to allow Great Britain in the way of a reduction exceeds the amount of the debt of any other ally, unless it be that of France. If we follow the logic that underlies this proposed settlement with Great Britain and the argument made in support of it to-day, it is idle to talk any more about collecting debts from any other country. If all the Allies are to be allowed reductions in accordance with their peculiar difficulties and necessities, we shall never be able to collect a dollar from anybody except Great Britain. [Applause.]

We are told that this original contract or bond which the Secretary of the Treasury accepted for the United States covering loans made to Great Britain is a scrap of paper and worth nothing. That is hardly justified in the face of the great boasts being made to-day over the settlement which our representatives are attempting to have us accept. All this accomplishment of which they boast is based on the contract made by Secretary McAdoo, and which they now brand as worthless. I want to know what we shall have behind any new promise of Great Britain that does not stand behind the contract that the Secretary of the Treasury took when this money was loaned at the outset?

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. STEAGALL. I am sorry, but I have not the time.

There is not a particle of security, no collateral—nothing whatever except a promise to pay. We should be then, as now, dependent upon the resources and good faith of Great Britain.

What assurance have we that Great Britain will not seek a new settlement? If the very Congress that created the commission and wrote into the act the limitations to control in the exercise of the power granted stands ready now to swallow its words and say, "The great Congress of America did not know how to deal with this thing; we bow to the superior wisdom of the commission created by us; we withdraw the effort unwisely and thoughtlessly made to limit and control them in their negotiations," how do we know that a subsequent Congress will not set aside what we are doing to-day? Indeed, Great Britain would be justified in coming again, even to the present Congress, for further reductions.

Mr. LINEBERGER. Will the gentleman yield?

Mr. STEAGALL. Yes.

Mr. LINEBERGER. Has not Great Britain already accepted this proposition which we are passing on to-day?

Mr. STEAGALL. Did not Great Britain accept our terms when we loaned her the money and accepted her bond under the other contract?

Mr. LINEBERGER. She has accepted this specific proposition through the action of her Parliament.

Mr. STEAGALL. Surely, and if the next Congress comes along and wants to knock off a billion or two more, as we have every right to assume might be the case, I have no doubt a superior diplomatic commission could be established who might hoodwink the British representatives into accepting that! [Applause.]

Mr. FORDNEY. I yield five minutes to the gentleman from Massachusetts [Mr. ANDREW], and if he does not wish to use it I yield five minutes to the gentleman from North Carolina [Mr. POU].

Mr. POU. Mr. Chairman, in view of the great sacrifices that were made by Great Britain during the war, in view of the fact that Great Britain was our ally, not wishing to drive any hard bargain with an ally, and because I believe this is a reasonable, fair, and just settlement of this great debt, I shall vote to approve the action of the commission. [Applause.] After the tragedy of the war some of us had many varied and serious reflections. We made certain resolves. For one I made the resolve that by the help of Almighty God the remainder of my life should be dedicated to the cause of peace. I believe that the acceptance of this settlement by the commissioners is a step toward world peace. [Applause.] After all, the only controversy is about the matter of interest. There is no real controversy about the length of time. We are debating here whether we shall demand from Great Britain 4¼ per cent interest or whether we shall accept 3 per cent, followed by an increase to 3½ per cent. Why, Mr. Chairman, in the cause of international good feeling, in my judgment the sacrifice of interest sinks into utter insignificance when we consider the good feeling that will be engendered between these two great nations in a satisfactory settlement of a matter of this magnitude. I have no hesitancy about my position. The gentleman from Tennessee [Mr. GARRETT], in the great speech—though it was a short one—that he delivered from this desk a few minutes ago, expressed my sentiments in words far better than I could hope to express myself; but I can not help asking myself this question: If I vote against the report of these commissioners, what alternative is there? This is the first step toward world adjustment. It is a step in the direction of making the murderer, Germany, pay for crimes which engulfed the whole world in blood. [Applause.] So, Mr. Speaker, having attempted to justify my vote in this feeble manner, I take the responsibility and go back to my constituents in the full belief that they will be glad to approve the settlement which is recommended by the American commissioners, and which, in my humble judgment, means so much for world peace and world stability. [Applause.]

I yield back the remainder of my time.

Mr. FORDNEY. I yield five minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Chairman, with the nationalistic spirit engendered by reason of the World War it is not surprising that there is such general unanimity throughout the country in approval of the terms of the British debt settlement, because the public recognizes the magnanimity of the British Government in offering such generous terms of settlement. Beset with difficulties that have not confronted the British nation in generations other than those during the World War, with the withdrawal of France from participation in the settlement of reparations with Germany, with a break in the negotiations at Lausanne, with Ismet Pasha demanding more than can be expected of our former allies, Great Britain does not seize upon existing conditions as an excuse for withdrawing and terminating the negotiations. She goes ahead, the only debtor nation of this Government that has done so, and presents terms which are so flatteringly generous that the whole country virtually, as expressed in the public press, indorses the terms.

We who were here during the World War remember that it was never intended that the I O U's given by the diplomats and held by the United States as evidences of the indebtedness of the various nations should be the permanent form of the indebtedness. Those who served here during those trying days knew that it was impracticable for any of the foreign governments to negotiate at that time the bonds in exchange for our bonds. Those were the days when we were occupied with greater things. The Committee on Appropriations during that time voted authorizations of $23,000,000,000. The I O U's which were taken gave ample security to our Government, but it was never intended that the obligation of 5 per cent should be exacted from these foreign governments. The very reading of the certificates shows that that was not the intention, and it would be unconscionable on the part of our Government now, if it were a bond, to insist on the payment of 5 per cent, when everyone knows that this Government can get the money at less than 4 per cent. I would be guilty of the basest betrayal of my trust if I were to exact not only the pound of flesh but also the ounce of blood from our foreign associates in the World War, just because that rate happened to be written down as the maximum rate to secure our Government against any possible rise in rates. The very reading of the certificate shows that it was only intended as a temporary expedient. Those who know about it know that it was not intended even after the war that we should accept the I O U's as a permanent form of indebtedness. Assistant Secretary Leffingwell stated after the armistice before the Committee on Appropriations that it was not intended at that time to accept permanent forms of indebtedness in the way of bonds. Why? Because Great Britain was not in any position to give any permanent bond. Everything was in a topsy-turvey condition.

Should there be any criticism because we waited three or four years before negotiations were begun? Anyone acquainted with international finance knows that the terms written into the authorization of this commission, the limitation of 25 years, was not possible of fulfillment, and that the limitation of 4¼ per cent is greater than the now prevailing rate. Shall we to-day exact 4¼ per cent in the way of interest from one of our allied powers when we can borrow money on long-term bonds for less than 4 per cent? Is there not going to be any conscience on the part of this great Nation in dealing with another?

I wish the military intelligence officers of every other debtor nation could have been present here to-day and have seen the unanimity of sentiment throughout this Chamber in response to the remarks of the gentleman from Texas [Mr. SUMNERS] when he said he hoped this indication of our purpose in settling this debt would inspire other debtor nations to do likewise. If they had been here and seen that demonstration they would know that Great Britain has sensed the mind of America in the settlement of this debt. They would have seen an example which ought to be followed by these other nations instead of trying to exact blood money when it is not possible to pay it. For everyone who knows anything about international finance knows that France can not maintain her large standing army of 400,000 men and at the same time pay the indebtedness that she owes to this Government. She has her choice between paying that indebtedness and reducing her standing army. Let France cease her imperial conquest in the Ruhr. Let France and Italy give heed to the voice of America as expressed by our great Secretary of State to have a redetermination by unprejudiced financial experts of the amount of reparations that Germany can pay, and then accept the bond and end the strife that may, unless checked, imperil the civilization of Europe. England has shown the way, will France and Italy follow?

Mr. FORDNEY. Mr. Chairman, I yield five minutes to the gentleman from North Carolina [Mr. DOUGHTON].

Mr. DOUGHTON. Mr. Chairman, believing as I do after such an investigation as I have had an opportunity to make that the settlement recommended by our commission is fair and just and equitable, I shall support this resolution. [Applause.] To me, my colleagues, it is not so much a question as to what Great Britain can pay or what she is able to pay, but the consideration with me is what is it just and right she should pay. I would much have preferred to see the President appoint a bipartisan commission to investigate and make a recommendation on this great matter of world importance, but in his wisdom he did not do so, and the fact that he appointed a partisan commission is no evidence to me that they acted in a partisan manner. I have every reason to believe that they acted in a patriotic manner. They had all the facts before them and every opportunity to make a thorough and complete investigation, and after doing so they have recommended to us this settlement as just and fair to both nations.

When we entered the World War Belgium lay prostrate, France was bled white, and England was fighting with her back to the wall. At least, my colleagues, from the time we passed the war resolution until our armies were on the Continent of Europe, England and her allies were fighting our battles. They not only needed our armies to stop the German onrush to Paris but they needed our financial assistance to keep their armies up to efficient standards until our armies reached the battle lines. They were our fellow sufferers and comrades in arms, helping to fight our battles, and I feel that they have come forward with a manly offer to do what is equitable, just, and fair.

Mr. McSWAIN. Will the gentleman yield?

Mr. DOUGHTON. Yes.

Mr. McSWAIN. There was a remark made by the gentleman from North Carolina [Mr. POU] to the effect that this proposal was the entering wedge for a requirement to compel Germany to pay for the assault that she had committeed on civilization. Will my friend state whether he concurs in that remark, and what connection there is between this matter and that; if we agree with Great Britain in this, will she join with France in making Germany pay?

Mr. DOUGHTON. If I had an hour's time I might enter into that phase of the controversy. I was stating the reasons that impel me to support this measure. I believe when the settlement is made it will be a long forward step taken toward world stabilization and world peace.

Without criticizing or impugning the motives of those who oppose this measure or see differently from myself, I fully believe, everything being considered, that the recommendation of the committee is an equitable and just settlement. Therefore I shall whole-heartedly support this bill.

Mr. COLLIER. Mr. Chairman, I yield five minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Chairman, I shall support this bill giving authority to our debt-funding commission to settle with Great Britain upon a basis of 3 per cent for the first 10 years and thereafter at 3½ per cent and, when the time comes, with the other countries who owe us money, upon a like basis. I look upon the indebtedness of Great Britain to us differently from a debt contracted in peace times or for money to be used, by the Government borrowing for such purposes, as it might see fit. The debt of Great Britain was created at a time when we were one of her allies straining ourselves for the preservation of civilization in the world by the defeat of the German and Austrian Empires. It was created at a time when England called across the waters that the Allies' backs were against the wall and help must be forthcoming immediately; at a time when we were preparing with breakneck speed our armed forces to cross the seas and join our allies in the defense of our rights.

England needed funds; she had borrowed to her limit, and the only place she could get the money was from our Government. We agreed to loan it, because we knew by lending the money the Allies would be able to keep their forces in the field until we could reach them to lend our aid.

It was not, Mr. Chairman, a loan in dollars and cents, but a loan in credits. In other words, we established a credit for Great Britain in this country, and with that credit she purchased food for her armies, ammunition, and all other things which go to make up the defense in a great war. With this credit she purchased from our farmers, our merchants, and our manufacturers. She paid war prices, and our people made large profits. Upon these profits they paid income taxes, and so it made our people more prosperous and rich, and our country received greater funds in taxation. I daresay considerable of this money found its way into the United States Treasury in income taxes, because, with surtaxes and excess-profit taxes, millions were collected from the people of this country.

Great Britain, as the gentleman from Texas [Mr. SUMMERS] has said, is the only one of our debtors who will even talk to us about a settlement. I add to this that she not only will talk to us but she has already paid $150,000,000 to us in interest on the debt. Great Britain now offers to settle with us by paying all interest at 4½ per cent to December 15, 1922, and thereafter 3 per cent for the first 10 years, and 3½ per cent thereafter, thereby canceling the whole indebtedness by interest and partial-principal payments within 62 years, and at the expiration thereof she will have paid $11,105,965,000 in interest and principal.

The question which is debated to-day is whether she should not pay 4½ per cent for the entire time. I realize, Mr. Chairman, it would bring to us a very considerable sum by this additional interest, but I verily believe that if we would take this entire British indebtedness, represented in bonds, we could underwrite them, as we have done for many of the Philippine bonds, and sell them to the public at a rate to yield us 3½ per cent, especially when you realize the fact that these bonds are tax exempt.

We must not forget that there is a widespread sentiment among many of our people that we should not charge any interest. There is also a considerable sentiment that the Allies should all cancel their entire debts in order to bring about stability and peace in the world. I do not agree with this sentiment, but I do believe that our people will be entirely satisfied with the settlement as made by our debt commission and will feel that Great Britain in her present financial straits has endeavored to do her best in the settlement of her debts.

We must not forget, as the gentleman from Virginia [Mr. WOODS] has reminded me, that when we came to settle our Revolutionary debt to France, that country said, "Pay me the principal and I will forgive you the interest."

The money represented by these national debts was all expended in a common cause in which the Allies had united—the preservation of civilization and the rights of individuals.

So long as Great Britain, France, and Belgium were able to maintain their armies in the fields it saved our boys from taking their places. Those nations were fighting after we entered the war with us and for us, and taking all these matters into consideration and the success of the war, I can not but feel that the settlement is just and fair, when we realize the chaotic condition of the entire world. [Applause.]

The gentleman from Virginia in a conversation with me a short time back reminded me of the fact that when we came to settle our Revolutionary debt with France, France said to us, "Pay me the principal and I will forgive you the interest," and we settled our national debt in that way.

Mr. Chairman, I feel, as I have said, that we can accept this settlement; that it will not be any loss to our country; and I believe that Great Britain, with her great national honor, will carry it out according to the details described in the settlement.

Mr. FORDNEY. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Chairman, I had not expected, nor had I desired, that this debate should take a partisan turn, but almost from the beginning from the other side of the House politics has been injected into it. The principal charge made has been that the commission has consummated a great achievement, but that it was created by a Republican administration and composed of Republicans. To this charge I enter a plea of guilty. It is not the first time that anything of that kind has occurred, and it probably will not be the last time that the capacity of Republican leaders for managing the most important affairs of the country has been demonstrated.

The achievement of the commission, to my mind, has been not simply worthy of approval, but in fact most remarkable under the circumstances. Throughout the whole world there was a clamor for repudiation and constant demands for cancellation of the debts which arose out of the Great War, and which are owing from any of the allied nations to another. This sentiment not only prevailed in Europe but to a certain extent existed in our own country, and many of our people contended that it was actually to our interest that all these debts should be extinguished, including the one which is now in process of settlement.

Out of this clamor for repudiation the commission has come back to Congress with a positive acknowledgment of the debt. Instead of the indefinite, uncertain scrap of paper which we had we have now an acknowledgment of the debt and will obtain bonds precise and certain in their terms. From a condition under which we received nothing either in the way of principal or interest they have rescued us and brought back a proposition which provides for annual payment and in the long run will finally wipe out the debt.

Mr. Chairman, the credit is not alone with the commission nor to this country in accepting these terms. No more credit than is due has been given at any time in this debate for the part which England herself has taken. Few perhaps have considered fully the conditions which prevail in England which made it extremely unlikely that she should comply with the terms of this proposition and utterly impossible that she should pay this debt in full, according to the original terms. It was not alone the stupendous debt under which she labored, for the war had created a staggering load of other charges which must be met each day for pensions and the care of her disabled soldiers, and crushing taxes are already required to meet her liabilities. As a result of European conditions her business has been depressed and a million and a half men walk her streets and roads in search of employment that can not be found. Nor is this all. Her peace is threatened by wars which involve other nations and rumors of war in which the British nation must take part. Unrest and discontent are rife in many of her colonies, and even revolutions are threatened. Yet England, bending under the crushing load, harassed on every side, troubled in her various domains, has proudly taken up this additional burden and will march with it along the path of honor, rugged and thorny though it be. All honor, I say, to England. [Applause.]

Mr. Chairman, as everyone here knows, I represent in part one of the great agricultural States of the Middle West, perhaps the greatest agricultural State of our Union. As such I fall in the class that, according to a prominent English

authority, if correctly reported by the newspapers, is not capable of taking a broad view of such matters as are before us. Be that as it may, Mr. Chairman, I was from the first in favor of giving the commission full power with reference to the settlement of the British debt and believed that a better and more satisfactory settlement was likely to be obtained if such authority was given. It did not seem to me to be necessary to require the commission to come back to Congress to obtain its final approval. I also was in favor of granting liberal terms to England for many reasons. We should keep in mind it is the only country that has made any overtures to us concerning the settlement of its debt, and for this reason is entitled to favorable consideration. But above and more important than this, it seemed to me, that we could not, as a great nation which had lost in comparison but little by the war, deal rigidly with a debtor which had been brought to a most unfortunate condition by reason of expenditures, both in blood and treasure, made primarily, it is true, for its own interest, but actually in a large degree for our benefit. We were partners in the great enterprise of preserving the freedom of the world from the domination of a military autocracy. Shoulder to shoulder our soldiers fought by the side of the English in the greatest conflict the world has ever known. Hundreds of thousands of British subjects now sleep beneath the soil of France, having given their lives in a cause which was not theirs alone but ours as well.

Mr. Chairman, on such a debt we can not correctly strike a balance by a mechanical computation which is governed by technical legal rules. A higher principle should guide us and I hope has controlled in this settlement. For my part I should have voted for it if the commission had found that even more favorable conditions ought to have been granted. As it is, I hope and trust that the moderate terms which have been granted will serve to further cement that friendship which ought to exist between two great English-speaking nations, which, acting together, can control the destinies of the world, but which, parted by discord and enmity, can only bring ruin upon themselves and destruction to civilization. For these reasons I most heartily congratulate the commission on its work, and when I vote for this measure will do so with a degree of pleasure and satisfaction which I have not often found in my congressional work.

Mr. COLLIER. Mr. Chairman, I yield seven minutes to the gentleman from Mississippi [Mr. HUMPHREYS].

Mr. STEAGALL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FESS. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I do not think I can contribute anything to this debate. I have asked this time because I did not want the RECORD to fail to disclose exactly my attitude on the subject. I have heard several gentlemen wondering what would be said when they return home to their constituents, what their constituents would think of their vote here. I believe I represent as intelligent a constituency as any other gentleman on this floor, and with all due respect to my constituents I think I know more about this proposition than they do. If I do not, then they ought to send some man here who will study these questions and understand them better than they because they have not the time to study and understand them as we do. I am in favor of this bill, and I am in favor of the arrangement which the commissioners have made. For that reason I shall vote for the bill.

If I were to consider this solely from the selfish standpoint of my constituents—and I suppose we are all more or less influenced by such considerations—I would certainly favor this settlement, and I am rather inclined to the belief that I would favor it even if it had been more generous than it is. I know of no constituency that is more deeply interested in stabilizing the business conditions of the world, in stabilizing international credit and exchange, than mine is, because my constituents are practically all engaged in or in some way dependent upon the production of cotton which they hope to ship abroad and sell to consumers on the other side. Viewing it solely from a selfish standpoint, what would happen to them if we rejected this proposition? I am not an expert in international credit and banking. I do not understand the intricacies of international exchange, but I have the opinion of men who are experts, that if the word goes out from Washington throughout the world that the United States has rejected this proposition and will insist that England pay her debt at 4½ per cent within 25 years, and that we are going to insist that she live up to her contract, it will seriously disturb international trade conditions and still more seriously hamper international exchange and credits.

If that happens one result will be that those producers in this country who are largely dependent upon foreign markets will see the products of their fields decline tremendously in value. [Applause.] Suppose our action should be to discredit England. Suppose it should be to destroy or seriously impair the credit of England in the world, and that the rest of the world should understand that we had issued a proclamation that we are not interested in their welfare, that we shall do nothing on our part to contribute to the rehabilitation of the world, and that our only concern is in collecting, and collecting now, the money they owe us, what then? I believe that anything that seriously retards the rehabilitation of the Old World will do the cotton producer infinitely more harm than the boll weevil has ever done. If we can not sell our cotton across the ocean, we may just as well let the boll weevil have it, for he will pay practically as much as we can get for it elsewhere.

I do not indorse the action of the administration, of course, in appointing a partisan commission to deal with this great subject. I think it is a mistake for a President in such circumstances to fail to select out of the opposite political party some outstanding man to represent the Government on such commissions. President Wilson failed to do that himself when he undertook to make the first readjustment after the armistice, and Mr. Harding is following that bad example. When he came back a partisan Senate, inspired, I have always believed very largely by the fact that no Republican of national importance had been put on the commission, defeated the treaty which he had helped negotiate and which meant so much for the world, and I, among others on my side of the House, severely criticised the partisan stand of the Republican party upon that occasion. Are we now to emulate that bad example and because a Republican President through a Republican commission has made this agreement undertake to defeat it? That is not a sufficient reason to convince my judgment.

Suppose we refuse to ratify this agreement; what will be the effect upon public opinion not only in England but throughout the world? Is it true that no President can negotiate any treaty or effect any arrangement looking to the settlement of the tremendous problems which we have inherited from the war without encountering the bitter opposition of the opposite political party in this country?

Mr. Wilson undertook to effect an agreement at Versailles, which, in my opinion, would have brought peace to this very distracted world and would have made possible the readjustment of the infinite variety of perplexing questions which have harried all the nations ever since its rejection. But a partisan majority in the Senate defeated his high purpose.

Mr. Harding, through the commissioners of his choosing, has now undertaken to settle one of the great problems which has disturbed and still is disturbing business conditions throughout the world, and I, for one, am not going to follow the bad example which the Republicans set when they defeated the treaty of Versailles.

It is true when we loaned this money to England we had to issue our own bonds and borrow the money, and, as I understand the facts, it was a part of the agreement that she would take the money upon exactly the same terms as to interest and maturity of the bonds upon which we ourselves had borrowed it.

Under the arrangements recently effected by the commissioners of the two countries these terms are changed, and those changes are all favorable to England.

There is only one forum in which such matters can be properly determined and that is the forum of good conscience. We can, of course, insist that she live up to the letter of the agreement. But for the astute counsel who saved him from the performance of a very specific contract into which he had deliberately entered, the Merchant of Venice would have been compelled to pay the penalty nominated in his bond, but all of us who have witnessed this great trial, perhaps with no exceptions, were delighted at the outcome when the new Daniel came to judgment.

Washington warned us in his farewell address of the unwisdom of an undue friendship for one nation or an undue prejudice against another.

But I can not wipe out of my memory to-day and approach this question uninfluenced by the facts which that memory presents at the time this money was loaned and when, as we believed, the liberties of the world were in jeopardy.

Those conditions doubtless did and should properly enter into the consideration in this settlement.

Three years of war had well-nigh exhausted the Allies. The government of the Czar had been overthrown by revolu-

tion and it was quite apparent that Russia would retire from the conflict. Rumania and Serbia had been overrun and the campaign at Gallipoli had failed. Germany, flushed by these victories, was able to strengthen her western front by the addition of many thousands of soldiers withdrawn from the other fronts.

England, in addition to the then unequaled expenditure of money for the conduct of her own military operations, had been forced to finance her allies. She believed that the destruction of the British Empire was imminent, and we believed that the liberties of the world were involved in the outcome.

Money, of course, was difficult to get and interest rates soared high. It was in such circumstances that we loaned her the money after we had been drawn into the conflict.

The armistice was signed and the guns ceased to fire on the battle fronts, but we know now that the war had not ended.

President Wilson with the representatives of our associates in the war undertook to negotiate a treaty which he believed, and all of us hoped, would inaugurate an era of peace on earth. When that treaty came to us, a partisan majority in the Senate refused to ratify it, and by so doing complicated the already dangerously unsettled conditions of the world.

I did, and so did the rest of us on this side of the Chamber, criticize the Republican Party for what we believed to be its spirit of narrow partisanship in dealing with a great international matter.

To-day conditions are reversed. President Harding has now undertaken to help to readjust the appalling industrial and financial conditions which have so seriously interfered with all international trade since the war.

Surely we are not going to follow the bad example set us by the Republican Senate and permit our partisanship to lead us into the serious error of blocking this first great step toward world rehabilitation.

England has come to us with an earnest and genuine desire to repay the money we loaned her when we were both touching elbows in the fight for democracy. She has asked no alms; she has not appealed to our charity; she frankly asks us for our bill. Our commissioners proposed to her to settle upon certain terms which provide for the amortization of her debt in 62 years at a rate of interest which they believed fair and just. I believe they have done well, and I am going to vote to ratify their acts.

What would happen if we should reject this as we rejected the treaty of Versailles? If we say to the world, as we would practically be saying, that we will not ratify any agreement any Executive may make with any of the powers of the earth looking to a peaceful settlement of the distressful conditions which now obtain throughout the world?

Our commissioners say this is a fair and just settlement, and I believe it is. England is not the great money power of the earth she was a few years ago, and the Government of England is not refusing to lay the heavy hand of the tax gatherer on her people in an earnest effort to discharge all of her obligations. The fact is, as I am advised, the Englishman is the most heavily taxed citizen in the world. Any substantial increase would amount to practical confiscation. Their wealth is not more than 30 per cent of the estimated wealth of the United States. The increase in her present revenue over her revenue before the war exceeds the total annual savings of all of her people prior to 1914. Can we in good conscience demand that she do more?

Assuming that we will never collect the debt owing to us by any of the other allies, the debt of the United States Government is about $180 per capita of our population. The per capita debt of the English Government is $900. In other words, the debt of the United States Government for each family is about $900, and the national debt of England is $4,000 for each family. She has no undeveloped resources. Ours are almost unlimited. She is the best customer we have across the seas, and upon the ability of her industrial enterprises to continue functioning depends in considerable degree the prosperity of the producers of raw materials in this country.

The nations she financed—and they were our allies as well as hers—have not paid her and can not pay her.

I am not at all influenced by the charge that we are showing favoritism to England. The bill provides that no settlement hereafter made with any of our other allies shall be upon more favorable terms to them; but I dare say if we could make an arrangement with our other debtors that would really guarantee the repayment to us of the vast sums they owe us we would not quibble with them long about the rate of interest they were to pay.

England is doing her best to-day to keep the peace of the world, and she can not be charged with shirking the great responsibility which rests upon every powerful member of the family of nations. She is to-day at Smyrna in a desperate effort to stamp out a fire which, if kindled, may start a conflagration which will sweep the earth.

If another European war should come and the existing order of things be overturned, she will be the rock upon which the waves of Bolshevism will dash to pieces, if, indeed, they can be stopped at all. She stands for orderly government everywhere her influence is dominant; for the enforcement of law; for the preservation of governmental guaranties of life, liberty, and property; and when these guaranties are lost men will in vain engage in the pursuit of happiness.

I am not willing to take the chance of crippling her or lessening the power of her strong right arm, and therefore, Mr. Chairman, I shall vote for this bill. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FORDNEY. I yield five minutes to the gentleman from Maryland [Mr. HILL].

Mr. HILL. Mr. Chairman and members of the committee, when this House in a few minutes passes this legislation by an almost unanimous vote, as it will do, it will have done a thing far greater for national and international peace and stabilization than even the Conference on Limitation of Armament accomplished.

On October 24, 1921, when the World War Foreign Debt Commission was discussed in this House, foreign governments owed the United States $10,141,267,585.68 in addition to certain accrued interest. Of this vast sum, $13,999,146.60 was lent to Esthonia and $9,025,000 to Cuba, but the greatest sums were advanced to our allies in the war, Great Britain, France, and Italy.

When we were discussing the creation of that commission, whose splendid work we will soon ratify and confirm, I said that "the American people will be glad to see in this bill that the World War Foreign Debt Commission will not have power to cancel 'any part of such indebtedness except through payment thereof.'" To-day, I am sure that the American people are glad that Great Britain has led the way for final settlement of this huge debt. War on account of these debts with any of our recent allies is inconceivable, but this settlement with Great Britain removes a constant possibility of misunderstanding and mutual distrust, and makes for world balance and world peace and good will.

It is a privilege of high order to participate as a Member of this House in this, the greatest international achievement since the armistice, and it has been a memorable thing to have heard such contributions to the discussion as the speeches of the gentlemen from Ohio [Mr. BURTON and Mr. LONGWORTH] and the gentleman from Tennessee [Mr. GARRETT] and others. The Evening Sun, of Baltimore, remarked editorially Saturday evening, February 5, under the caption "A good settlement," that "the terms of the agreement reached between the American Debt Funding Commission and the British mission seem to be based on a certain businesslike recognition of the facts of the situation."

This, I think, will be the sound judgment of the Nation, and on that firm basis of fair business dealings the two great English-speaking nations stand together for world peace and fairness.

The President said in this Hall a few days ago—

> The call of the world to-day is for integrity of agreements, the sanctity of covenants, the validity of contracts. Here is the first clearing of the war-clouded skies in a debt-burdened world, and the sincere commitment of one great nation to validate its financial pledges and discharge its obligations in the highest sense of financial honor.

This agreement is alike to the honor of England and ourselves and to the great credit of the President, the commission, and all concerned. [Applause.]

The CHAIRMAN. The gentleman from Michigan [Mr. FORDNEY]. [Applause.]

Mr. FORDNEY. Mr. Chairman and gentlemen of the committee, we are dealing with a people who are indebted to us. Nine men out of 10 in this House are indebted to somebody. [Applause.] Do not forget. I have been married nearly 50 years, and I am still indebted to my mother-in-law. I want to deal generously with the people who owe us this great sum of money. This is a precedent and basis for other nations of the world who owe us money. We expect them to come forward and settle upon practically this same basis. The question has been asked here, What is the per capita debt of Great Britain? Great Britain's per capita debt to-day in round numbers is $800, and that of France $900, and of Germany $1,500, and of the people of the United States $200; or deducting from our public debt the amount owing us by foreign nations, our public

debt per capita to-day is $118, $30 greater than the per capita debt of this great Nation at the close of the Civil War.

My good friends, it behooves us to deal generously with the people who were engaged in that Great War, and who suffered more than we did, both in the loss of property and human life. To-day we can afford to settle upon this basis, and I am going to ask for a record vote, a yea-and-nay vote, at the passage of this bill for one purpose only, and that is to show to the world the support of the Congress of the United States to our commission which was created by law to deal with this great question.

At the time our Government took these short-time or demand foreign bonds I, upon the floor of this House, stated that I justified the action of the Secretary of the Treasury in doing so, for the reason that at that time we did not know the rate of interest we would be obliged to pay our own people for money to loan to these foreign governments. We did not know how long the World War would last; therefore we took the demand bonds, with the understanding that we would, at the end of the war, surrender these short-time bonds for long-time bonds, and, my friends, that is just what is proposed by this bill. In other words, we now propose to close the deal entered into by the former administration with Great Britain, and Great Britain has agreed to settle as per conditions set out in this bill.

For the purpose of information I now wish to insert into the RECORD a letter just received from the Treasury Department; also copy of one of the demand certificates held by our Government given by Great Britain, and, Mr. Chairman, I now ask for a reading of the bill.

THE UNDERSECRETARY OF THE TREASURY,
Washington, February 8, 1923.

Hon. JOSEPH W. FORDNEY,
Chairman Committee on Ways and Means,
House of Representatives, Washington, D. C.

DEAR MR. FORDNEY: In accordance with our conversation of this afternoon, I am inclosing herewith a copy of a form of obligation (seventh series) given by the British Government for advances made under the Liberty bond acts. The terms of the obligations changed from time to time in order to conform to the provisions of the successive Liberty bond acts, but the seventh series was the last, and the form used for that series serves to indicate the general form of the obligations of the earlier series. I shall be glad to let you have copies of the obligations of the other series if desired.

Sincerely yours, S. P. GILBERT, Jr.,
Undersecretary.

—

CERTIFICATE OF INDEBTEDNESS.

SEVENTH SERIES.

($1,000,000.)

The Government of the United Kingdom of Great Britain and Ireland, for value received, promises to pay to the United States of America, or assigns, the sum of $1,000,000, on demand, with interest from the date hereof, at the rate of 5 per cent per annum. Such principal sum and the interest thereon will be paid at the subtreasury of the United States in New York, or, at the option of the holder, at the Treasury of the United States in Washington, in gold coin of the United States of America of the present standard of weight and fineness, or, at the option of the holder, at the Bank of England, London, England, in pounds sterling, at the buying rate for cable sterling on London in the New York market at noon on the day of such demand, as determined by the Federal Reserve Bank of New York, and at any such place of payment without deduction for any British taxes, present or future.

This certificate will be converted by the Government of the United Kingdom of Great Britain and Ireland, if requested by the Secretary of the Treasury of the United States of America, at par, with an adjustment of accrued interest, into an equal par amount of 5 per cent convertible gold bonds of the Government of the United Kingdom of Great Britain and Ireland conforming to the provisions of acts of Congress of the United States known, respectively, as second Liberty bond act, third Liberty bond act, and fourth Liberty bond act. If bonds of the United States issued under authority of said acts shall be converted into other bonds of the United States bearing a higher rate of interest than 4¼ per cent per annum, a proportionate part of the obligations of the Government of the United Kingdom of Great Britain and Ireland of this series acquired by the United States under authority of said acts shall, at the request of said Secretary of the Treasury, be converted into obligations of said Government of the United Kingdom of Great Britain and Ireland bearing interest at a rate exceeding that previously borne by this obligation by the same amount as the interest rate of the bonds of the United States issued upon such conversion exceeds the interest rate of 4¼ per cent but not less than the highest rate of interest borne by such bonds of the United States.

———, ———,
For the Government of the United Kingdom
of Great Britain and Ireland.

Dated this — day of ———, 1919.

Mr. Chairman, I now ask for a reading of the bill.

The Clerk read as follows:

Be it enacted, etc., That the first proviso of section 2 of the act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign governments held by the United States of America, and for other purposes," approved February 9, 1922, is amended to read as follows:

"*Provided*, That the settlement of indebtedness of the United Kingdom of Great Britain and Ireland to the United States, recommended by the commission and approved by the President, as set forth by him in a message presented to Congress on February 7, 1923, as contained in House Document No. 554, Sixty-seventh Congress, fourth session, as follows:

Principal of notes to be refunded	$4,074,818,358.44
Interest accrued and unpaid up to Dec. 15, 1922, at the rate of 4¼ per cent	629,836,106.99
	4,704,654,465.43
Deduct payments made Oct. 16, 1922, and Nov. 15, 1922, with interest at 4¼ per cent thereon to Dec. 15, 1922	100,526,379.69
	4,604,128,085.74
To be paid in cash	4,128,085.74
Total principal of indebtedness as of Dec. 15, 1922, for which British Government bonds are to be issued to the United States Government at par	4,600,000,000.00

"'The principal of the bonds shall be paid in annual installments on a fixed schedule, subject to the right of the British Government to make these payments in three-year periods. The amount of the first year's installment will be $23,000,000 and these annual installments will increase with due regularity during the life of the bonds until, in the sixty-second year, the amount of the installment will be $175,000,000, the aggregate installments being equal to the total principal of the debt.

"'The British Government shall have the right to pay off additional amounts of the principal of the bonds on any interest date upon 90 days' previous notice.

"'Interest is to be payable upon the unpaid balances at the following rates, on December 15 and June 15 of each year: 3 per cent semiannually, June 15, 1923, to December 15, 1932, inclusive; 3½ per cent semiannually, June 15, 1933, until final payment.

"'For the first five years one-half the interest may be deferred and added to the principal, bonds to be issued therefor similar to those of the original issue.

"'Any payment of interest or of principal may be made in any United States Government bonds issued since April 6, 1917, such bonds to be taken at par and accrued interest'—is hereby approved and authorized, and settlements, similar, but not more favorable in terms, with other governments indebted to the United States, as set forth in this section, are hereby authorized to be made, subject to the approval of the President."

Mr. BURTON. Mr. Chairman, I desire to offer an amendment to give greater clarity to one portion of the bill.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BURTON: Page 3, lines 8 to 10, strike out all of lines 8, 9, and 10, after the word "year" and the colon following, and insert in lieu thereof the following: "At the rate of 3 per cent per annum payable semiannually from December 15, 1922, to December 15, 1932; thereafter at the rate of 3½ per cent per annum payable semiannually until final payment."

Mr. BURTON. Mr. Chairman, I regard the provisions there as such that while it can be readily interpreted it is not altogether in the best form, and the amendment states clearly——

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. BURTON. Certainly.

Mr. GARRETT of Tennessee. The provisions in the bill, in line 8, is June 15, 1923. As I heard the amendment read from the desk it said June 15, 1922.

Mr. BURTON. December 15, 1922.

Mr. STAFFORD. Mr. Chairman, may we have the amendment again reported, with the permission of the gentleman?

The CHAIRMAN. Without objection, the amendment will again be read.

The Clerk read as follows:

Page 3, lines 8 to 10, strike out all of lines 8, 9, and 10, after the word "year" and the colon following, and insert in lieu thereof the following: "At the rate of 3 per cent per annum, payable semiannually, from December 15, 1922, to December 15, 1932, thereafter at the rate of 3½ per cent per annum, payable semiannually, until final payment."

Mr. FORDNEY. Mr. Chairman, the committee will accept that amendment.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman from Ohio [Mr. BURTON] yield before he yields the floor and that amendment is voted on?

Mr. BURTON. Yes.

Mr. GARRETT of Tennessee. As I understand, this proposition set forth in the bill is the basis of the agreement. Can the gentleman inform the House whether this same text is that which has been ratified by the British Government?

Mr. BURTON. The British Government had a representative here, who agreed upon this modification. It means the same thing in any event, but it is more clearly expressed.

Mr. GARRETT of Tennessee. The payments will begin six months earlier under the gentleman's amendment.

Mr. BURTON. No. The bonds are dated December 15, 1922, and this interest is payable June 15 and December 15. The object of that is so that whatever is paid may be available for payments from our Treasury July 1 thereafter and January 1 thereafter. That was the suggestion of the American commission, that it be made December 15 and June 15.

Mr. BLANTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. LONDON. Mr. Chairman, will the gentleman yield?

Mr. BURTON. Yes.

Mr. LONDON. The gentleman has just stated that the bonds are dated December 15, 1922. I have been endeavoring to find out the denominations of those bonds.

Mr. BURTON. That is a matter of detail, to be arranged according to the option of our Treasury Department. Presumably in the beginning they will be in very large amounts, with the option, at the request of our Government, to split them up into smaller denominations.

Mr. LONDON. In other words, it is in the nature of an obligation given by one government to another instead of the usual bond?

Mr. BURTON. A usual bond, but an unusual payee.

Mr. LONDON. A government obligor to a government obligee.

Mr. BURTON. Yes.

Mr. BLANTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. HUDSPETH. Mr. Chairman, I wish to offer an amendment to the amendment.

The CHAIRMAN. The Chair will recognize the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, if this resolution is to be adopted at all——

A MEMBER. Oh, no. [Laughter.]

Mr. BLANTON. Do not get in a hurry. I am here to use time, and I will use it. If this resolution is to be adopted at all, we ought to adopt the amendment just offered by the gentleman from Ohio. We ought to adopt another amendment, also, to place back into this resolution a further restriction in this proviso in section 2 that will place proper limitation upon settlements concerning the other five or six billions of dollars that other countries owe us. When we adopt this resolution we are taking away every restriction from this present commission. For two more years they have a right to act in the settlement of the other $6,000,000,000 that the other foreign countries owe us without any restriction. Is not that true?

Mr. BURTON. By no means.

Mr. BLANTON. What restriction is left?

Mr. BURTON. In settlements similar but not more favorable in terms with other Governments indebted to the United States, as set forth in this section, subject to the approval of the President. [Applause.]

Mr. BLANTON. That is all right, so far as it goes. [Laughter.] But then the commission, as the distinguished gentleman will admit—if the other country wanted to come up and say, "I do not treat my obligations as a scrap of paper; I want to pay 100 cents on the dollar on my obligations; I want to pay 4½ per cent interest, what I agreed to pay," the American Government could not accept it? You could not accept it?

Mr. BURTON. Will the gentleman promise to make that same speech to these Governments that are indebted to us and induce them to come up and say that? [Laughter.]

Mr. BLANTON. I will ask the gentleman if he would accept it under this resolution? You could not accept a more favorable proposition.

Mr. BURTON. Certainly we could; any offer under the terms of the original statute. But it is inconcelvable that that will happen. [Laughter.]

Mr. FORDNEY. Mr. Chairman, I move that all debate on this amendment and all amendments thereto be now closed.

The CHAIRMAN. The gentleman from Michigan moves that all debate on this amendment and all amendments thereto be now closed.

Mr. ROSENBLOOM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROSENBLOOM. Will that mean that no more amendments will be offered at all?

The CHAIRMAN. No, the Chair thinks.

Mr. FORDNEY. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in five minutes, for the purpose of letting the gentleman from New York [Mr. LONDON] have five minutes.

The CHAIRMAN. The gentleman from Michigan moves that all debate on this amendment and all amendments thereto be closed in five minutes. The question is on agreeing to that motion.

The motion was agreed to.

The CHAIRMAN. The gentleman from New York [Mr. LONDON] is recognized.

Mr. LONDON. Mr. Chairman, I feel that if I did not speak on this measure I would be remiss in my duty as a Representative of the largest one-Member constituency. After all, I represent a certain school of thought, and while in various parliamentary bodies there are representatives of schools of "sharks" I represent a school of philosophy. [Laughter.] As a socialist I can not content myself with merely voting for the bill. I want also to say a word in favor of it. [Applause.]

This is the outstanding act of this Congress. Not since 1814, when the agreement was reached between the United States and Great Britain for removing all war vessels from the Great Lakes and all forts on a boundary line of 3,000 miles, has so great a step been taken in the direction of peace between two great nations. Having cast my vote against the declaration of war and having lived through its sorrows, I rejoice that I have now an opportunity to vote for a measure which will help to promote international understanding and the peace of the world. [Applause.] I am not interested in percentages of interest; you can not speak the language of usury in dealings among nations.

When you extend the time of payment for 62 years—for nearly two generations—you offer a basis of an adjustment to all nations of the world. I will take the converse of the proposition laid down by the gentleman from Texas [Mr. SUMNERS], which you all applauded, because I am afraid to be too much in agreement with you; it makes me doubt whether I am right. [Laughter.] He thought it was an invitation to all nations to pay their debts. It is more than that. It is a plea to the distracted nations to recognize each other's difficulties and to mutually liquidate their indebtedness. By this we say to France and her militaristic element, "See what we have done! See how the United States has acted toward a great, prosperous, and rich nation like Great Britain. We invite you to do likewise to the prostrate and helpless people of Germany." It will be a suggestion to ourselves as well as to the rest of the world how to deal with the distressed and bleeding people of Russia—180,000,000 in the agony of more than one revolution striving toward the light and trying to rise above themselves toward a better future. It is but a first step, but a giant's step forward, this settlement of the debt between Great Britain and this country. I support whole-heartedly this legislation. [Applause.]

Mr. HUDSPETH. Mr. Chairman, I have an amendment.

Mr. FORDNEY. I move that all debate on this amendment and all amendments to the bill close in 10 minutes.

Mr. ROSENBLOOM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan moves that all debate on the bill and all amendments thereto close in 10 minutes.

Mr. HUDSPETH. Will the gentleman give me one minute?

The CHAIRMAN. The question is on the motion of the gentleman from Michigan.

The motion of Mr. FORDNEY was agreed to.

Mr. HUDSPETH. Mr. Chairman, I want to offer an amendment to the amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

Mr. HUDSPETH. I desire to offer an amendment to the amendment of the gentleman from Ohio by striking out "3½ per cent" where it occurs and inserting "4½ per cent."

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HUDSPETH: Strike out "3 and 3½ per cent" where they occur in the amendment offered by Mr. BURTON and insert in lieu thereof "4½ per cent."

Mr. HUDSPETH. Will the gentleman yield me a moment?

Mr. FORDNEY. I yield to the gentleman one minute.

The CHAIRMAN. There can be no time yielded on this amendment, because by a vote of the committee debate was closed on the amendment of the gentleman from Ohio and all amendments thereto. The question is on the amendment offered by the gentleman from Texas [Mr. HUDSPETH].

The question being taken, the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Ohio.

The question being taken, the amendment was agreed to.

Mr. ROSENBLOOM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from West Virginia offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Rosenbloom, page 3, line 13, after the word "issue" insert:

Provided, however, That during the period of time set out above, if there shall be found due or owing any sum or sums of money from the United States to the United Kingdom of Great Britain and Ireland, that such sum or sums shall be credited to the Government of Great Britain and Ireland as against the full indebtedness to the United States, as of the date of such finding.

Mr. BURTON. I reserve a point of order on the amendment.

Mr. LONGWORTH. I reserve a point of order on the amendment.

Mr. ROSENBLOOM. Mr. Chairman and gentlemen of the committee, the purpose of this amendment may be discerned readily by the majority of you who are familiar with financial matters. The bill provides that for three years there can be no payment on principal should Great Britain desire that, and that half of the amount of interest that accrues for the first five years may be reduced by issuing bonds similar to those exchanged at this time. So that, with the exception of the $23,000,000 provided for in line 14, the probabilities are that all the real, hard cash that our people paid over to England that will come back to us in the first five years under the provisions of this bill will be that $23,000,000. Ever since this bill was presented I have tried to secure from the Treasury Department a statement of how much money we have paid Great Britain since this indebtedness was incurred as well as the amount they were still claiming from us. I have failed to get any definite statement, but it was $1,000,000,000 anyhow; and it may be that in the next two or three years we will be called upon to pay from $500,000,000 to $800,000,000 more in the good, hard cash of the people whom we represent while we are securing for them in return a promise to pay something running over the period of 62 years. So, in all good spirit and well wishes to Great Britain, our ally, but in the interest of the people of this country, why add to the amount that shall be due to us when they begin paying real, hard cash by our sending more cash over there in payment for the carrying of our troops and supplies and the purchase of cannon, and so on, for which we owed them and for which they have many hundreds of millions in claims against the United States?

The purpose of this amendment is that when these things are adjudicated, and it is held that they have a valid claim for two or three or four hundred million dollars, why not credit it to the interest account that is accrued rather than be sending it over to them in cash? I do not see anything unreasonable in that proposition. It would be regarded as sound business for the grocers and butchers and individuals whom you represent, and if it is sound business for individuals, why is it not sound business for the Nation?

Mr. GREEN of Iowa. Does the gentleman understand that the effect of this amendment would be to throw this whole thing back into the chaos where it was before?

Mr. ROSENBLOOM. Not necessarily. We accept the term of the indebtedness, we accept the interest rate. We are extending the time 62 years. I am going to vote for this bill regardless of whether this amendment is adopted or not. In the next five years cash will be king more than ever before. During that time governments will be extending credit to other governments for commercial purposes, to finance business men, and so forth. If my amendment is defeated, we shall in all probability pay to Great Britain five or six hundred million dollars more than we receive. This is not good judgment and is not required by the situation. The acceptance on our part of 3 and 3½ per cent on the debt, the extension to 62 years in the time for payment should be enough to show the world our willingness to help. We should not, however, be asked to further advance money to Great Britain, which we certainly do if my amendment is omitted from the bill.

The CHAIRMAN. The gentleman from Michigan [Mr. FORDNEY] is recognized for five minutes.

Mr. FORDNEY. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia.

The question was taken, and on a division (demanded by Mr. BLANTON) there were 8 ayes and 111 noes.

So the amendment was rejected.

Mr. FORDNEY. Mr. Chairman, I move that the committee do now rise and report the bill with an amendment to the House, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to; accordingly the committee rose, and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 14254) to amend the act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign governments held by the United States of America, and for other purposes," approved February 9, 1922, and had directed him to report the same back with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. FORDNEY. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time, and was read the third time.

Mr. O'CONNOR. Mr. Speaker, I move to recommit the bill to the Committee on Ways and Means, with instructions to report it back forthwith, with the following amendment:

"This resolution shall not go into effect until the Hay-Pauncefote treaty is repealed."

The SPEAKER. The gentleman from Louisiana moves to recommit the bill with instructions which the Clerk will report.

The Clerk read as follows:

Mr. O'CONNOR moves to recommit the bill to the Committee on Ways and Means with instructions to that committee to report the same back forthwith with the following amendment: At the end of the bill insert: "This resolution shall not go into effect until the Hay-Pauncefote treaty is repealed."

Mr. STAFFORD. Mr. Speaker, I make the point of order on the motion to recommit.

The CHAIRMAN. The Chair sustains the point of order. The question is on the passage of the bill.

Mr. FORDNEY. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 291, nays 44, not voting 91, as follows:

YEAS—291.

Ackerman	Dunn	Kopp	Robsion
Anderson	Dupré	Kraus	Rodenberg
Andrew, Mass.	Echols	Lampert	Rogers
Andrews, Nebr.	Edmonds	Langley	Rosenbloom
Anthony	Elliott	Lanham	Rucker
Appleby	Evans	Larsen, Ga.	Sanders, Ind.
Arentz	Fairchild	Larson, Minn.	Sanders, N. Y.
Aswell	Faust	Lawrence	Schall
Atkeson	Fenn	Layton	Scott, Tenn.
Bacharach	Fess	Lazaro	Sears
Bankhead	Fields	Lea, Calif.	Shaw
Barbour	Fish	Leatherwood	Shelton
Barkley	Fisher	Lee, Ga.	Sinclair
Beck	Fitzgerald	Lineberger	Sinnott
Beedy	Focht	Linthicum	Sisson
Begg	Fordney	Little	Slemp
Bell	Foster	London	Smith, Idaho
Benham	Frear	Longworth	Snell
Bird	Freeman	Luce	Snyder
Bixler	French	Luhring	Speaks
Black	Frothingham	Lyon	Sproul
Bland, Ind.	Fuller	McArthur	Stafford
Bland, Va.	Fulmer	McDuffie	Stedman
Boies	Funk	McKenzie	Steenerson
Bond	Garrett, Tenn.	McLaughlin, Mich.	Stephens
Briggs	Gensman	McLaughlin, Nebr.	Stevenson
Britten	Gernerd	McPherson	Strong, Kans.
Brooks, Ill.	Gifford	MacGregor	Summers, Wash.
Brown, Tenn.	Glynn	MacLafferty	Sumners, Tex.
Browne, Wis.	Graham, Ill.	Madden	Swank
Buchanan	Green, Iowa	Magee	Sweet
Burtness	Greene, Mass.	Maloney	Swing
Burton	Greene, Vt.	Mapes	Taylor, Colo.
Butler	Griest	Martin	Taylor, Tenn.
Byrnes, S. C.	Griffin	Michener	Temple
Byrns, Tenn.	Hadley	Miller	Thompson
Cable	Hardy, Colo.	Mondell	Thorpe
Campbell, Kans.	Hardy, Tex.	Montague	Tilson
Campbell, Pa.	Haugen	Moore, Ill.	Timberlake
Cannon	Hawes	Moore, Ohio	Tinkham
Cantrill	Hawley	Moore, Va.	Towner
Carter	Hayden	Moores, Ind.	Tucker
Chalmers	Hays	Morgan	Turner
Chandler, Okla.	Herrick	Mott	Tyson
Chindblom	Hersey	Mudd	Underhill
Christopherson	Hickey	Murphy	Upshaw
Clague	Hicks	Nelson, Me.	Vaile
Clark, Fla.	Hill	Nelson, A. P.	Vestal
Clarke, N. Y.	Hoch	Nelson, J. M.	Vinson
Clouse	Hooker	Newton, Minn.	Voigt
Cole, Iowa	Huddleston	Newton, Mo.	Volstead
Cole, Ohio	Hukriede	Norton	Walters
Colton	Hull	Ogden	Ward, N. Y.
Connally, Tex.	Humphrey, Nebr.	Oliver	Ward, N. C.
Cooper, Ohio	Humphreys, Miss.	Overstreet	Watson
Cooper, Wis.	Husted	Parker, N. J.	Weaver
Coughlin	Ireland	Parker, N. Y.	Webster
Crago	Jacoway	Patterson, Mo.	White, Kans.
Cramton	James	Patterson, N. J.	White, Me.
Crisp	Jefferis, Nebr.	Paul	Williams, Ill.
Curry	Jeffers, Ala.	Perkins	Williams, Tex.
Dale	Johnson, Wash.	Porter	Williamson
Dallinger	Kearns	Pou	Wilson
Darrow	Kelley, Mich.	Pringey	Winslow
Deal	Kelly, Pa.	Purnell	Woodruff
Dempsey	Ketcham	Radcliffe	Woods, Va.
Denison	Kiess	Rayburn	Woodyard
Dickinson	Kincheloe	Reece	Wright
Doughton	Kirkpatrick	Reed, W. Va.	Wurzbach
Dowell	Kissel	Rhodes	Wyant
Drewry	Kleczka	Ricketts	Young
Driver	Kline, Pa.	Roach	Zihlman
Dunbar	Knutson	Robertson	

NAYS—44.

Abernethy	Favrot	McCormick	Riordan
Almon	Gallivan	McSwain	Rouse
Blanton	Garrett, Tex.	Mansfield	Sabath
Bowling	Hammer	Mead	Sanders, Tex.
Box	Hudspeth	O'Connor	Sandlin
Brand	Johnson, Ky.	Oldfield	Smithwick
Carew	Johnson, Miss.	Parks, Ark.	Steagall
Collier	Jones, Tex.	Quin	Taylor, Ark.
Collins	Lankford	Rainey, Ill.	Thomas
Cullen	Logan	Raker	Tillman
Dominick	Lowrey	Rankin	Wingo

NOT VOTING—91.

Ansorge	Garner	Kreider	Rose
Blakeney	Gilbert	Kunz	Rossdale
Bowers	Goldsborough	Lee, N. Y.	Ryan
Brennan	Goodykoontz	Lehlbach	Scott, Mich.
Brooks, Pa.	Gorman	McClintic	Shreve
Bulwinkle	Gould	McFadden	Siegel
Burdick	Graham, Pa.	McLaughlin, Pa.	Smith, Mich.
Burke	Henry	Merritt	Stiness
Chandler, N. Y.	Himes	Michaelson	Stoll
Classon	Hogan	Mills	Strong, Pa.
Cockran	Huck	Morin	Sullivan
Codd	Hutchinson	O'Brien	Tague
Connolly, Pa.	Johnson, S. Dak.	Olpp	Taylor, N. J.
Copley	Jones, Pa.	Paige	Ten Eyck
Crowther	Kahn	Park, Ga.	Tincher
Davis, Minn.	Keller	Perlman	Treadway
Davis, Tenn.	Kendall	Petersen	Volk
Drane	Kennedy	Rainey, Ala.	Wason
Dyer	Kindred	Ramseyer	Wheeler
Ellis	King	Ransley	Wise
Fairfield	Kitchin	Reber	Wood, Ind.
Free	Kline, N. Y.	Reed, N. Y.	Yates
Gahn	Knight	Riddick	

So the bill was passed.

The Clerk announced the following additional pairs:

On the vote:

Mr. Treadway (for) with Mr. Knight (against).

Mr. Graham of Pennsylvania (for) with Mr. Sullivan (against).

Mr. Davis of Tennessee (for) with Mr. Kindred (against).

Mr. Morin (for) with Mr. Tague (against).

Mr. Tincher (for) with Mr. Keller (against).

Until further notice:

Mr. Reed of New York with Mr. Bulwinkle.

Mr. Free with Mr. McClintic.

Mr. Crowther with Mr. Goldsborough.

Mr. Yates with Mr. Wise.

Mr. Fairfield with Mr. Stoll.

Mr. Kendall with Mr. Garner.

Mr. Johnson of South Dakota with Mr. Cockran.

Mr. Hutchinson with Mr. Drane.

Mr. Brennan with Mr. Kitchin.

Mr. Merritt with Mr. O'Brien.

Mr. Lehlbach with Mr. Kunz.

Mr. Smith of Michigan with Mr. Gilbert.

Mr. Shreve with Mr. Park of Georgia.

Mr. Perlman with Mr. Rainey of Alabama.

Mr. HENRY. Mr. Speaker, I desire to vote "yea."

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. HENRY. I was not.

The SPEAKER. The gentleman does not bring himself within the rules.

The result of the vote was announced as above recorded.

On motion of Mr. FORDNEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. FORDNEY. Mr. Speaker, I ask unanimous consent that all Members of the House may have general leave to extend their remarks in the RECORD upon the subject matter of the bill for five legislative days.

The SPEAKER. The gentleman from Michigan asks unanimous consent that all Members have five legislative days within which to extend their remarks upon the bill just passed. Is there objection?

There was no objection.

The extensions of remarks referred to are here printed in full as follows:

Mr. STEVENSON. Mr. Speaker, I will vote for this bill and take this opportunity to state some of my reasons:

First. It closes up and funds the debt of our largest debtor at a rate which will be equal in a few years to the rate all the bonds of the United States will bear, and insures good feeling with our greatest customer; with Britain prosperous and friendly, the cotton farmer of the South has a market always.

Second. It closes the door to the clamor for debt cancellation. England having funded and agreed to pay her debt will not back any other nation in asking to be freed from them.

Third. It backs up Mr. Wilson's position, that we were not in the war for profit, but patriotism; and we would not drive a Shylock trade with our greatest associate in the war.

Fourth. It cements the friendship of the great English-speaking peoples and presents to the world the spectacle of amity which does much to insure lasting peace. The balance of the world will be slow to attack the Anglo-Saxon combination and they do not seek to attack others. There are many other reasons which I will not stop to enumerate. I append an editorial, by former Chief Justice Jones of South Carolina, in the Lancaster News, which states the case so well that it deserves perpetuation, as follows:

THE BRITISH DEBT SETTLEMENT.

We believe the proposed adjustment of the British debt to the United States meets the demands of both justice and equity. A speedy acceptance of the terms of agreement by Congress would be most salutary in its stabilizing effect on world finance and the promotion of good will between the great English-speaking nations. To make the adjustment a subject for partisan politics would be very unwise. We must admire the British for the unflinching maintainance of their debt-paying honor in times of great economic distress. The United States can certainly afford to be considerate in long-time extension of credit at moderate interest.

Mr. APPLEBY. Mr. Speaker and gentlemen of the House, I have listened with a great deal of interest to the statements made by the Members of this House upon this most important subject. The proponents of the measure, as well as its opponents, all seem to agree upon the main points at issue, viz, that it will be to the advantage of America to have this obligation on the part of Great Britain gotten into funded obligations rather than allow the I O U's to continue in their present shape. The only real question to be determined by this Congress is the duration of the bonded indebtedness and the rates of interest on said bonds. It will make little difference to our people whether the bonds are to be paid in 25 years at the rate of 4½ per cent or whether these bonds will be paid in 62 years at an interest rate of 3 and 3½ per cent. What the American people want is a speedy settlement of not only this obligation but the remaining $19,000,000 owing the United States by our late allies. It seems to me that the English Government has made a fair proposition when all phases of their financial condition are taken into consideration. The most cordial relations exist between England and America, and knowing that we all desire that such pleasant relations continue this act on the part of this branch of our National Legislature will have a beneficial effect upon the other nations who are our debtors, and probably cause them to begin negotiations with us with a view of settling their debts upon a similar basis. May this 9th day of February, 1923, be a historic day of our Nation, a day marking the beginning of a new era not only for America but for England.

Mr. ACKERMAN. Mr. Speaker, the observation has been made to-day that the United States of America is giving away billions in the settlement proposed in this bill to the great detriment of our own nationals. Let us see exactly what it amounts to. The difference between a 3½ per cent rate and a 5 per cent rate for the 62 years during which the amortization of the principal takes places is stated to be $2,449,635,218.40.

Viewed as a concrete proposition this is a sum exceeding the amount asked for by the first Liberty loan. However, this is not to be conceded all at once, but through a period nearly equal to the allotted life of man—over three score years. Now let us analyze the figures as compared with the present population of the United States and what it will be at the end of 1985 when the last installment will be liquidated.

The population of the United States at the present time is 110,000,000 people. It is increasing at the rate of not less than 1,680,000 persons a year. If only that normal increase is considered, the population in the United States in 1985, when very few of those who are living will be alive, will be practically doubled—it can not be less than 214,160,000. Of course the cumulative increase will be much greater. Granting that situation, do we all realize that this concession will not amount to 2 cents per month per inhabitant in this country? Not the price of a postage stamp to mail a letter! Let us figure it out: 2 cents per month equals 24 cents per individual per year, or $26,400,000 per year. Sixty-two times this amount would equal $1,636,800,000. But the population in that time will have increased by at least 104,160,000 persons, which at 24 cents a year or a postage stamp per month equals the sum of $24,998,400. For 62 years this progressive increase, averaged over the period, will amount to $774,950,400, which added to $1,636,800,000 amounts to $2,411,750,400, or practically the total amount of interest conceded; the fractions that I have discarded will take care of the small deficiency. Therefore we who are enthusiastically

favoring this settlement can truthfully say to anyone who may object to the proposed terms that the concession of interest does not amount to a postage stamp per month for each person in our country.

Mr. HUMPHREY of Nebraska. Mr. Speaker, I am very glad to give my support to H. R. 14254, in substance approving the report and settlement of the conferees in the adjustment of the indebtedness of the two great English-speaking nations. The terms of the settlement, I am sure, will meet with the approval of the people of my district, and they will be satisfied with the definite and fixed terms of the agreement presented.

It shows a very healthy return to pre-war conditions when the only two nations on earth to-day worth living for and fighting for can get together on a business basis and adjust the money consideration that exists between them, strike a balance, and arrive at a conclusion. Apparently the United States made no effort to drive a sharp bargain because she held the whip hand. And the British Government made no attempt to confess and avoid payment because she was and is hard pressed as a result of the World War. The "pound of flesh" does not appear in the transaction between these two great nations.

About the middle of last November the total debts owed to the United States by the fighting nations in the war was, in round numbers, $10,100,000,000. About this sum of money had been sent overseas to help out the allied governments in their mighty effort to carry on the war. On the money advanced interest had accrued amounting to about $1,500,000,000, bringing the total amount due to the United States Government up to about the sum of $11,500,000,000. The money loaned or passed over to the allied governments represented transactions that occurred in 1917, 1918, and 1919. It seems to be an "open account" that the allied governments had with the United States. On her individual account payments have been made by Great Britain, in all, amounting to $100,526,000, and the remainder of the sum due was subject to such counterclaims and offsets as the English Government might wish to interpose in order to reduce its liability.

To the credit of the English people, let it be known that no such claims were filed. Of the moneys invested in the allied governments during the war period the English Government admits a just claim against her exchequer amounting to $4,604,000,000. And this sum she has arranged to pay. The difference between what England will pay and the total sum invested, if it can be called an investment, is the money loaned to the other allied nations engaged in the war. What these other nations will do, what course they may pursue, in no way affects the validity or equity of this settlement.

France owes the next largest sum, and so far shows no disposition to pay either interest or principal. She says she must depend on the German indemnity to pay her obligations to us. And as matters now stand it looks like the collection of the German indemnity will be indefinitely delayed. The other nations whose "I O U's" we are said to hold are now out of the game, and an understanding with them along any line of proposed settlement is not likely at an early date. It seems that it resolves itself into the parable, "Behold, a sower went forth to sow," and out of every 11 grains of seed that left his hand 4 of them fell on good ground and will return the seed that he sowed. The other seven grains fell on stony ground, among the thorns and tares, and if they produce at all it will be a straggly, uneven field.

The work of this World War Foreign Debt Commission has been thorough and accurate, and it has arrived at results. It is set out in full review in H. R. 14254. The opponents to the passage of this bill base their objection to the change the commission makes in the terms of the agreement differing from the conditions set out in the bill creating the commission. But the Congress passed the law under which the commission acted. It set out rigid, fixed, unworkable conditions, under which results could not be proclaimed. The same power that fixed this rule can certainly change it. The purpose of the bill is to make the law conform to the agreement reached by the commission. This is within the purview of power granted.

The fact that other countries do not, will not, or can not pay in no way absolves Great Britain, or does it furnish her an excuse for further delay or compromise. But the fact that she is the only one of the allied nations that acknowledges her indebtedness and fixes the time and the interest rate and the amount of the obligation, invites at least reasonable consideration for a fair offer as to the terms of payment. Her proposal is to issue bonds for the amount found due, fixing the interest rate and the time of payment. It is a fair proposal in itself. It ought to be accepted. It will clean the slate, close at least one account, and establish the cordial relations between the two great English-speaking peoples that in the immediate future is as important as the settlement itself.

Stability, credit, confidence, faith in men as individuals, as well as in governments, is an essential condition to world peace right now. This will help it along.

It ought also to put an end to the propaganda of the United States canceling the obligations incurred by the various allied nations under stress of war. The purpose of war is to put stress on somebody—on some nation. Forgiving debts may or may not be a Christian act. "As we forgive our debtors," it is said, "so will they forgive their debtors." And thus the German indemnity will be reduced to the allied nation to which it has been allocated by the sum of our forgiveness. If this should so result, the transaction certainly presents an anomalous situation.

In 1917, 1918, and 1919 the American people bent their backs to raise the money necessary to win the war. If by forgiving the debt of the allied nations due us from the money thus raised the German indemnity is correspondingly decreased, the net result is that the moneys raised by the American people in 1917 to "win the war" is applied and used in 1923 to pay the German indemnity. And this, to my mind, is unthinkable. These debts due from the various allied nations are not due so much to our Government as they are to our people as individuals. We personally raised the money that went to these debtor nations. And while our investments in our own Government securities have been taken over by the Government in a legal and orderly way, ours is not a forgettable interest in the transaction in which practically every American had a part. And all Americans will hail with delight the settlement negotiated with Great Britain and hope for an equally just settlement with other nations when the leaven of honesty, outcropping at all points in this settlement, has leavened the whole of the allied powers.

Mr. LANKFORD. Mr. Speaker, occasionally I hear talk of economy. I thought that economy meant to save. I did not know it meant to take from him that "hath not" and give "unto him that hath." This, though, is the economy practiced here. A few days ago a great move for economy was made. The free garden and flower seed was killed. The millions of people—school children, little boys and girls—were deprived of free flower seed and garden seed. There was great rejoicing among the alleged economists. Of course, free seed cost money, but why rejoice so much over saving a few pennies from the hands of children and the poor and yet give untold millions to the big rich; millions to the big shipping interest in the form of a subsidy; millions, yea billions, to the British Government—billions not of our own but of the people's hard-earned money.

There is great rejoicing when a few pennies are saved from the meager allowance that the farmers of the Nation have been getting. This rejoicing is only exceeded when billions are given to Wall Street, the corporate interests, or to England. The shouting over the defeat of the free-seed item reminds me of the fellow who was rejoicing because he killed a rabbit in his cabbage patch and paid no attention to a thousand head of elephants which were devouring his cabbage.

Gentlemen, you are worrying about a gimlet hole in one end of the financial barrel when the whole head is out of the other end. For every dollar you saved by cutting off free seed you give by this bill to the British Government $30,000. You cancel a small per cent of interest on a large sum of money, which is equivalent to canceling a large amount of the debt. What is the difference between giving away a dollar of interest and giving away a dollar of principal? It is a dollar in either event. England owes the United States about $50 for every man, woman, and child in the United States, or $5,000,000,000. Those in favor of giving part of this money to England avoid saying they favor canceling one-third or one-half of this debt, but say they favor giving 62 years' time on the debt and a very low rate of 3 per cent interest. The payments to be made are very small compared to the size of the debt. If England paid 4½ per cent interest and made these small payments, she would pay interest and a very small part of principal each year, so that at the end of 62 years there would still be due about two-thirds of the debt. This is what is to be knocked off. I can not agree to it. Why let England have money at less interest than we are paying for the very money we are loaning? Why let England have money for decidedly less than our people can borrow it?

The United States is taxing everybody and everything to get money to pay interest on this money that is being given away. It is even proposed to tax farm-loan bonds and run up the rate to the farmers so as to get money to give away to England. It is proposed to give millions, yea, billions, to England to use

in building up a shipping interest to compete with our shipping, and it is proposed to give a subsidy to the American ship interests to compete with the English shipping. This is to be some race, with the peoples' money being given away to pay the expenses of the big shipowners in America and England. Where does the taxpayer come in? Well, he is catching what "Paddy" gave the drum.

They say we are not able to pay our soldiers a bonus. England is paying her soldier boys a bonus, and we are giving her the money to pay it with. How can any just man favor that? It is said that giving this money to England will cause her to like us. Why do we want her to only like us a few billion dollars' worth? Why not give it all to her, and then maybe she would love us. The idea is absurd.

Is it true that England does not like us and we must give her this money to get her to like us? Is it true she likes us but will hate us if we do not give her a few billions of the people's money? These propositions are too absurd for any purpose.

It has even been suggested that it would hurt this country for all this money to be paid back in a short time. I admit the big bankers do not want it paid back now. They can manipulate money for their selfish purposes best when there is little money other than that which they control. These foreign debts are the biggest debts ever owed by any debtor since the beginning of time, and it is an outrage for them to be manipulated solely as pleaseth the international bankers and other multimillionaires.

How long will the people do the paying and the big financial crooks of the Nation do the manipulating? These big rich are not giving away any of their money, either interest or principal. In fact, they loaned money to England, and she owes it yet. When Uncle Sam's debt is donated in part, then England can pay the big rich promptly in full, interest and principal. Everyone who thinks knows why Wall Street would be glad for all these debts to be canceled. If every Congress gives away as much as this Congress is trying to give away, in 10 years our national wealth will be gone, our people will be paupers, and will be the most abject slaves the sun ever shone on.

Mr. PARKER of New Jersey. Mr. Speaker, I am most heartily in favor of the settlement made with Great Britain. It gives the United States a real security, payable with interest at definite times which will pay $4,600,000,000 of our debt. This is much better than the vague notes held by us now. The settlement will have world-wide influence. It will tend to stabilize British finance, which is not oversecure when we consider how much Great Britain owes; that she is paying current expenses out of principal by excessive death duties; that she depends on foreign trade; that her markets have been reduced so that over a million of her people are without employment and receiving employment doles; and that she must maintain an army and navy to meet European and eastern crises. This settlement is an example to other nations which makes possible and probable some settlement with them.

These advantages have been so powerfully brought before the House that they effectually dispose of the objection that the United States was to receive bonds bearing as much interest as those which she had issued; that she is now to receive 4½ per cent for the last four years, 3 per cent for 10 years hereafter, and 3½ per cent for the next 52 years, and that these rates are less than the interest which the United States is paying, which interest is 4¼ per cent.

This statement is plausible, but it is not true. The United States is paying only 3½ per cent on tax-free bonds which are now above par in the market. The last sale was at 101.74. This interest of 3½ per cent is well above our former peace rates for Government securities, which used to be at 3 and 2 per cent before the war and will be so again. The United States is not paying 4¼ per cent interest, because that interest is subject to large surtaxes now and to the ordinary income tax after a few years, and these taxes are supposed to amount to much more than the difference between 4¼ per cent and 3½ per cent. If sales prove anything, these bonds sell at about 3 per cent less than the 3½ per cent nontaxable bonds.

It seems, therefore, that Great Britain by this settlement will pay us more interest than what the United States is paying upon its own bonds, because the United States takes back by surtaxes and taxes a large part of the amount of interest which it agrees to pay. It is perfectly plain that the statutes for the issue of like bonds by foreign governments can only refer to tax-free bonds.

The first act authorizing bonds for the war and to extend credit to foreign governments was passed April 24, 1917, and authorized five billions of bonds at not over 3½ per cent, payable in gold and exempt both as to principal and interest from all taxation except estate or inheritance taxes imposed by authority of the United States or its possessions or by any State or local taxing authority, but without the circulation privilege.

By the second section of this act the United States could buy at par from foreign governments engaged in war with our enemies, their obligations bearing the same rate of interest and containing in their essentials the same terms and conditions as ours, and providing that if any of our bonds issued for such purchase shall thereafter be converted to a higher rate of interest, then the foreign bonds shall be converted in like manner into obligations bearing the same rate of interest as our bonds. Section 5 provides that if before the war is over we issue bonds at a higher rate, these bonds may be so converted. The essential parts of the act are as follows:

The bonds herein authorized shall be in such form and subject to such terms and conditions of issue, conversion, redemption, maturities, payment, and rate and time of payment of interest, not exceeding 3½ per cent per annum, as the Secretary of the Treasury may prescribe. The principal and interest thereof shall be payable in United States gold coin of the present standard of value and shall be exempt, both as to principal and interest, from all taxation, except estate or inheritance taxes, imposed by authority of the United States or its possessions or by any State or local taxing authority, but such bonds shall not bear the circulation privilege.

The bonds herein authorized shall first be offered at not less than par as a popular loan, under such regulations prescribed by the Secretary of the Treasury as will give all citizens of the United States an equal opportunity to participate therein, and any portion of the bonds so offered and not subscribed for may be otherwise disposed of at not less than par by the Secretary of the Treasury, but no commissions shall be allowed or paid on any bonds issued under authority of this act.

SEC. 2. That for the purpose of more effectually providing for the national security and defense and prosecuting the war by establishing credits in the United States for foreign governments, the Secretary of the Treasury, with the approval of the President, is hereby authorized, on behalf of the United States, to purchase, at par, from such foreign governments then engaged in war with the enemies of the United States, their obligations hereafter issued, bearing the same rate of interest and containing in their essentials the same terms and conditions as those of the United States issued under authority of this act; to enter into such arrangements as may be necessary or desirable for establishing such credits and for purchasing such obligations of foreign governments and for the subsequent payment thereof before maturity, but such arrangements shall provide that if any of the bonds of the United States issued and used for the purchase of such foreign obligations shall thereafter be converted into other bonds of the United States bearing a higher rate of interest than 3½ per cent per annum under the provisions of section 5 of this act, then and in that event the obligations of such foreign governments held by the United States shall be by such foreign governments converted in like manner and extent into obligations bearing the same rate of interest as the bonds of the United States issued under the provisions of section 5 of this act. For the purposes of this section there is appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $3,000,000,000, or so much thereof as may be necessary: *Provided*, That the authority granted by this section to the Secretary of the Treasury to purchase bonds from foreign governments, as aforesaid, shall cease upon the termination of the war between the United States and the Imperial German Government.

SEC. 3. That the Secretary of the Treasury, under such terms and conditions as he may prescribe, is hereby authorized to receive on or before maturity payment for any obligations of such foreign governments purchased on behalf of the United States, and to sell at not less than the purchase price any of such obligations and to apply the proceeds thereof, and any payments made by foreign governments on account of their said obligations, to the redemption or purchase at not more than par and accrued interest of any bonds of the United States issued under authority of this act; and if such bonds are not available for this purpose the Secretary of the Treasury shall redeem or purchase any other outstanding interest-bearing obligations of the United States which may at such time be subject to call or which may be purchased at not more than par and accrued interest. * * *

SEC. 5. That any series of bonds issued under authority of sections 1 and 4 of this act may, under such terms and conditions as the Secretary of the Treasury may prescribe, be convertible into bonds bearing a higher rate of interest than the rate at which the same were issued if any subsequent series of bonds shall be issued at a higher rate of interest before the termination of the war between the United States and the Imperial German Government, the date of such termination to be fixed by a proclamation of the President of the United States.

On September 24, 1917, after two billions of bonds had been issued, we authorized seven and one-half billion more at not over 4 per cent, and, after provision for certificates of loan, section 7 provided that all such bonds and the certificates should be exempt from United States, State, or local taxation, "except (a) estate or inheritance taxes, and (b) graduated additional income taxes, commonly known as surtaxes, and excess-profits and war-profits taxes now or hereafter imposed by the United States upon the income or profits of individuals," and so forth, with a proviso that $5,000 owned by any person should be tax free.

It is perfectly plain that we could not exchange this form of bonds for British bonds bearing the same condition and which would therefore be subject to British surtaxes and excess-profits taxes.

On October 3, 1917, the first war revenue act was passed, with a graduated income tax, surtaxes, and excess-profits taxes.

On April 4, 1918, the third Liberty loan was passed, authorizing twelve billions of new bonds at not over 4½ per cent, with-

out privilege of conversion, and issues of bonds payable in foreign money were authorized.

July 9, 1918, the fourth Liberty bond act was passed, changing twelve billions to twenty billions, and providing that bonds payable in foreign money, while beneficially owned by a nonresident alien not engaged in business in the United States, should be wholly exempt from United States or local taxation.

On September 24, 1918, certain changes were made in the amount of exempt holdings of bonds.

February 24, 1919, a new revenue act was passed. By section 211 the surtaxes were very largely increased. By section 221 all income of a nonresident alien individual received from the United States was subject to 8 per cent, and by section 400 nonresidents paid estate or inheritance taxes. The conversion privilege hampered the United States in issuing new bonds and we had to resort to short-term notes.

The Victory Liberty loan act was passed March 3, 1919, for 7,000,000,000 of notes, at 4¾ per cent, which might be wholly or partially exempt from taxation at the discretion of the Secretary of the Treasury, and section 4 amended the previous act so as to provide that all United States indebtedness while beneficially owned by a nonresident alien should be wholly exempt from taxation.

This review of the statutes has been tedious, but it has not been useless if it bring out the curious muddle introduced by the system of taxing our own securities under which British or German or French capital may now buy United States 4¼ per cent bonds and hold them absolutely free of tax, while an American capitalist can not afford to own them because he might have to pay back to the Government two-thirds of the income received by way of surtaxes. Meanwhile we are paying to our own people less than 3½ per cent, tax free, if the prices in the market tell anything.

This settlement is on fair, sensible, old-fashioned terms. The bonds that we receive will be tax free and the United States will do well if it make new issues of tax-free bonds at not over 3 or 3½ per cent per annum, and reestablish its credit and business on the old-fashioned basis which can be thoroughly understood, and which imposes no penalty upon rich men for putting their capital into business at low rates of interest.

It is absolutely necessary that we should be able to fund our debt at low interest, and capital can not afford to own our securities so long as they are subject to taxes and surtaxes in the hands of men of wealth.

This settlement is a great step forward.

Mr. HUDDLESTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of Americanism.

The SPEAKER. Is there objection?

There was no objection.

The extension of remarks referred to is here printed in full as follows:

Mr. HUDDLESTON. Mr. Speaker, under leave to extend my remarks I desire to print a speech which I made in the city of Baltimore on February 4, 1923, as follows:

THE NEW AMERICANISM—AND THE OLD.

What is Americanism? Does the new Americanism differ from that taught by the founders of the Republic? Do the security leagues, defense societies, and other self-appointed guardians of our institutions hold to the principles of Jefferson and Lincoln, or are they seeking to train America in a new departure? The pronouncements of these organizations upon the subject are not to be accepted as final, for they are merely representatives of classes and groups and are in no sense qualified to voice the patriotism and wisdom of the whole people.

To understand America we must know not merely the history of our country but of the world's civilization. We must consider not merely political systems but the development of economic principles. We must understand something of world conditions of the time when our Nation came into being.

AMERICA, THE FIRST GREAT EXPERIMENT IN DEMOCRACY.

America was the first of the great republics. Here was made the original great experiment in democracy, in the ability of all of the people of a nation to govern themselves. The principle that governments derive their just powers from the consent of the governed was here for the first time applied on an important scale. That principle as enunciated in the preamble to the Declaration of Independence was untried. It was launched upon a world in which civil government shaded from rule by a small and privileged class down to sheer autocracy. The doctrines of the preamble were heard in the Old World as the ravings of wild radicals. The beneficiaries of the old system, riding at ease upon the shoulders of the masses, viewed the principles of Jefferson as impossible, almost insane. These principles came into a world of baron and serf, of privilege smug and assured, a world which could not believe it possible that men are created equal.

World conditions have changed since '76. America's example has not been wholly in vain. The spirit of democracy has pervaded all the peoples. None now accept despotism without protest. Empires have crumbled, thrones have tottered, princes and lords have hurried into the dust. There is a danger that we will conceive of Americanism as having been born in a time such as we now have. With such a conception it is impossible to understand our institutions.

There are two schools of political thought in every land. On the one side are the antidemocrats, those who hold that men have no natural right to order their own lives and that the wealthy, the cultured, and those of birth are best qualified to rule and hence should hold the political power. A tenet of the faith of these is that property and property rights are sacrosanct as the instrumentality through which their positions of influence may be assured. On the other hand are the humanitarians, those who value men per capita, those who feel that the right to life, liberty, and the pursuit of happiness is equally the natural and moral right of all men whether great or small. These hold that God never made any man wise enough or good enough to be the ruler of another man.

We are prone to think that the people of the Colonies were united in their aspirations. To the contrary, the principles which inspired the Revolutionaries were grossly offensive to an important faction. The rich, the powerful, the officials, and many of the educated had Old World ties of both interest and ideals. They wanted to hold to the old systems. They wanted no independence which meant more than the mere transfer of the seat of government to our own shores. It was in the main the great masses who believed in democracy and who were willing to die if need be for a new order. This division of sentiment weakened our efforts and made success infinitely more difficult.

TORIES DISPUTED WITH REVOLUTIONARIES FOR POLITICAL POWER.

From the parts of the Colonies not occupied by British troops the Tories withdrew to the West Indies, to Canada, and to Europe. Some of them never came back, but after independence was gained many returned and resumed their property and by degrees their dominating status. Resuming their former wealth, they soon asserted themselves in resuming their former influence. It was only a few years after the Revolution before those who had been Tories during the war disputed for political power with the Revolutionaries who had fought the war.

The Revolution was fought under the Articles of Confederation. For the purpose of forming a permanent pact between the Colonies, a Constitutional Convention was assembled in 1787. It is a startling fact that in the convention held so soon after the treaty of peace was signed there was no representative of the masses—no member of the mechanic or small-farmer class. It was a "property-owners' convention," composed almost wholly of land speculators, large planters, owners of public securities, and of professional men. Small wonder, then, that the convention concerned itself chiefly with protecting business and property rights. It eventually found it necessary to resort to the revolutionary method of submitting the Constitution for ratification in a manner violative of the plain provisions of the Articles of Confederation.

In answer to the criticism of the democratic elements that the Constitution had omitted all reference to the English Bill of Rights, the reactionaries argued that express mention of the rights was unnecessary, as they were the implied prerogative of every citizen and existed independently of the Constitution. The liberals were not content with this and insisted that the Bill of Rights should be included within the letter of the law. The Constitution would never have been ratified by the required number of States except for the promise made by its supporters that the Bill of Rights should be incorporated by amendments, a promise which was subsequently violated by the rejection of all but 10 of the proposed amendments.

THE SOURCE OF AMERICANISM.

Thus we find that the greatest political issue of post-revolutionary days concerned the first 10 amendments to the Constitution. I believe that there can be no doubt, if in that time either Washington, Jefferson, Madison, or Samuel Adams had been asked to define "Americanism," he would have pointed to the preamble to the declaration and to the amendments. Either would have said that the chief function of the Constitution was to safeguard the principles enunciated in these documents and as machinery for the defense of those principles.

But we need not look merely to statesmen for a definition of the old Americanism. To Jefferson, it was his great mission to defend the principles of civil liberty as found in the preamble and the amendments and to extend their operation. He, with others of his school, were the organized fighting forces of early democracy. They thwarted Hamilton's purpose to clothe the Executive with panoply befitting a monarchy. They opposed the Federalist program in every detail. They struck down the alien and sedition acts of 1798. Their principles were approved in popular elections by overwhelming majorities, so that for a continuous 25 years of the formative period of the Republic that liberal group remained in power.

By the support which the people gave to that group approval was given to its interpretation of the purposes of the Revolution. The people approved the position of Jefferson and his associates that true Americanism was embodied in the preamble and the amendments. Therefore, to learn of the old Americanism we have but to study these documents.

The corner stone of American foreign policy from the close of the Revolution was isolation. Nowhere is that policy more clearly expressed than in Washington's Farewell Address, the gist of which is in these words:

"The great rule of conduct for us in regard to foreign nations is in extending our commercial relations; to have with them as little political connection as possible.

"Europe has a set of primary interests, which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns."

In discussing the subject, Jefferson said:

"I am for free commerce with all nations and political connections with none."

This policy was adhered to by every statesman in power during the period; it also found expression in the Monroe doctrine and later in Jackson's state papers and in the eloquent speeches of Clay. It may be confidently said that to definitely separate ourselves from the political intrigues of the Old World was practically the sole foreign policy of the earlier statesmen.

Be it also remembered that our isolation from Old World concerns was never geographical nor commercial but was always purely political. With Great Britain in Canada and in the West Indies, with Spain in Florida and Mexico, and with France in Louisiana, we were geographically surrounded. On the other hand, the need for commercial intercourse with foreign nations was always pressing and the desire to foster commerce never lacking. Those who now argue that because of the development of rapid transit and overseas communication we should abandon our old policy of isolation do not understand the reasons back of that policy, for our geographical contact with Old World nations was infinitely closer than steamships and telegraphs can produce.

AMERICAN FUNDAMENTALS.

Let us see, then, what are American fundamentals: Equality, liberty, and self-government, found in the preamble; the right of habeas corpus, as protected by section 9 of Article I; and freedom of speech, religion, and assemblage; prohibition against searches and seizures; due process of law, trial by jury, and other civil rights as secured by the amendments. It is to be noted that these principles relate chiefly to the enjoyment of civil and religious liberty, and, as an incident thereto, to the protection of private property. Without regard for these fundamental principles our Nation may be rich and powerful, but it can not be said to represent the ideals for which the Revolutionaries shed their blood. Without these fundamentals the Nation may possibly be perpetuated, but with the surrender of any one of them or its perversion from its true and original meaning the soul of the old Americanism will have departed.

All governments respond to the collective will of the Nation. Whether it be the Emperor of Japan or the President of the United States, Lenin in Moscow or Bonar Law in Downing Street, all rulers are at last the puppets of public opinion. Only we must not forget that public opinion is not always majority opinion; usually it is the opinion merely of those who count, of the coterie or group, large or small, who surround the seat of power. In the case of the United States there is a ruling class none the less than characterize an autocracy. Only with us the dominant elements are forced to take the trouble to mold a public opinion to support their measures. It thus becomes more expensive and troublesome to rule in a republic, for public support is essential and always must the rulers have the cooperation of the picked and leading spirits of the communities.

Again it must be borne in mind that governments usually take the form and adhere to the policies consistent with the ideals of their peoples and which further their material interest. In other words, they are dominated by public opinion as I have defined it. And when the ideals and interests of a people change, a tendency toward change in government and principles is inevitable.

Americans of Revolutionary days were a rural people, scattered upon the border of a wide continent. They or their fathers had come to these shores to escape oppression. Their chief desire was to be let alone and to have an opportunity to work out their own salvation. They feared Europe and Old World intrigues. They did not expect fostering and did not feel a need for protection except as against the painted savages. To a people of this social and economic habit, and holding to these ideals of liberty, the old Americanism was admirably adapted.

THE FORMATIVE PERIOD.

The seventy years following the Revolution were a formative period. The population multiplied, the frontier expanded deep into the continent, roads were built, national borders were established, and our civic institutions developed by experience. There were social and economic changes, but they were not fundamental, so that our people remained about the same with much the same opinions and interests.

Following the Civil War, industrialism had its rise. With a large and increasing population, there was a growing demand for goods and manufactured articles. A tariff wall was erected upon our boundaries, and American industrialists and financiers found a market upon whatever terms they chose to ask. Then followed a tremendous growth in industry and in industrial populations, drawn from our own farms and augmented by an ever-increasing stream of immigrants. Great changes were worked within two or three decades. We became less and less an agricultural people and more and more devoted to industrialism. Great fortunes arose out of the operations of Civil War contractors, railroad promoters, manufacturers, and financiers.

GOVERNMENT BY BIG BUSINESS.

In the early nineties a change began to come over the spirit of the American dream. Production in our factories had mounted until in many lines it began to exceed the home demand. Manufacturers who had had no competition except the competition from abroad, from which they were protected by tariffs, began to find themselves in competition with each other for an American market not large enough to satisfy them all. Tariff walls no longer sufficed to keep mills going. Competition at home became increasingly acute with a resulting shrinkage in prices and loss in profits. There was resulting industrial depression which affected both commerce and finance and even reacted disastrously upon the farmers. Out of the welter came monopolization, the organization of trusts and combines, the real excuse and purpose of which was to prevent ruinous competition among American industrialists.

But the structure of industrialism had been erected. It was not possible to abandon the system. Trustification at best was merely a palliative. It related merely to the home situation. As it proceeded until practically all lines of industrial production found protection against each other and ways of perpetuating by monopoly their profits from home business, more and more was felt the need for foreign markets. The era of railroad building had ended. Practically all of the Nation's mineral wealth had been collected into a few hands. Development at home was so far advanced that capitalists and financiers found themselves under the same pressure as captains of industry. More and more their eyes turned to foreign fields for investment and exploitation.

OUR FIRST ADVENTURE IN IMPERIALISM.

The control of Government by big business and big finance culminated in the inauguration of President McKinley in 1897. That administration and all those which have followed have responded to the changed American outlook. Possibly the first straw which indicated the veering of the American breeze was the program for naval increase promoted by Secretary Whitney. At any rate, the change was well under way by '98. By that time we had marked for our own the West Indies, Central and South America, and a share of the rapidly dissolving Chinese Empire. Cuba gave the first opportunity, and "Cuba libre" was the hypocritical slogan by which the masses were rallied to our first great adventure in imperialism. It was not by mere chance that Dewey's squadron was in oriental waters, ready to swoop on the Philippines, an admirable base for our operations in the Orient.

We swallowed Porto Rico at a gulp, but our professions concerning Cuba forced us to almost Old World diplomatic delicacy in assuming a protectorate. What the Cuban protectorate means is aptly illustrated by the presence of an American major general in Habana at this time and the dictation to which he has required the Cuban Government to submit. The house of Morgan is now advertising $50,000,000 of Cuban bonds for sale at ninety-nine odd. Our Government forced Cuba to issue these bonds. Morgan paid 96 for them and so cleans up a million and a half on the deal and who knows what else in commissions—the new Americanism!

DOLLAR DIPLOMACY AND THE RAVISHMENT OF COLOMBIA.

The Philippines secured, came Hay with his "dollar diplomacy," and an American regiment marched to Peking by way of showing the world that we had entered the great game. Came later from year to year the strengthening of our hold on sundry South American countries, our ravishment of Colombia for Panama, the Sandwich Islands incident, and our adventures in Nicaragua, Haiti, and Santo Domingo. We have also twice invaded Mexico.

The incidents and activities to which I have referred are not to be taken separately. They are parts of a whole, and bespeak a definite national policy. They are merely the tangible, visible evidences of the change. Those who rule America, those who mold its public opinion and dominate its ideals, have deliberately decided upon a new national course. They have need for foreign markets and for foreign fields for investment and exploitation. They have definitely decided that we shall go into competition with Great Britain, Germany, France, and Japan in the world-wide business of exploitation in which they are engaged.

Greatest profits are realized when goods are sold or money loaned to weak and undeveloped peoples. Competition is troublesome, therefore zones and spheres are selected and competitors excluded from them. The fundamental rule of the great game is that other nations are not to be allowed to compete on equal terms, and that the choicest bits are to be reserved for the overlording power. Other nations of the world know this, and our rulers know it no less well. Other powers practice it for the advantage of their nationals, and our rulers are resolved also to practice it for their own benefit.

THE PHILOSOPHY OF THE NEW AMERICANISM.

We have definitely entered into competition with the great exploiting nations in the business in which they are engaged. To successfully compete we must qualify and perfect ourselves, we must place ourselves in as good situation as our competitors, we must shape our political, social, and economic lives for the competition. We must make of ourselves a competitor as perfect as those whom we oppose. This is the philosophy of the new Americanism.

Competition is a matter of strength, of cheap production, readily available resources, facility and safety in distribution, domestic tranquillity and order, strength to collect debts, and to prevent encroachment upon our chosen fields of trade. These are the outlines of the new Americanism.

"DOWN WITH FREE SPEECH AND FREE ASSEMBLAGE."

To insure domestic tranquillity there must be no political agitation. "Demagogues and socialists" must be muzzled; hence down with free speech and free assemblage. Witness the Sterling sedition bill passed by the recent Senate and the sedition bill fathered by Attorney General Palmer and favorably reported by the House Judiciary Committee in the form of the more oppressive Graham bill. Only by an eyelash were these measures prevented from becoming law. Witness the sedition statutes of New York, California, Michigan, and other States. Witness 60 men yet in Federal prisons, most of them merely for membership in an organization said to be opposed to the recent war. Witness Daugherty at Chicago enjoining railroad strikers from speech and assemblage.

Domestic tranquillity also requires a docile population trained in obedience. Conscription is very useful to this end. The unformed boys are taken from their homes and placed in the ranks under hard-handed drillmasters. Here everything depends upon rank; the conscripts are trained to respect their betters and those in authority.

The impassable gulf which separates them from officer class accustoms them to social and economic barriers. If they have ideas of equality and democracy, here they are strangled. If they have initiative, it is quelled. If they are ambitious, they are subdued. If they are resentful, they are crushed. Out they go upon discharge, molded into orderly, quiet, resigned, unresentful, and unimaginative uniformity. Surely no agitator can find material in them.

Peace at home requires the means to enforce peace. There must be no possibility that the situation will ever get out of hand. Police, and again police; and since conscripted soldiers are the cheapest police, then soldier conscripts for policemen. And with police, espionage—a land filled with spies. Witness Daugherty, who has literally spent millions on his espionage system during the past 12 months. And with spying, passports made difficult to obtain, and the registration of aliens only, since the time is not yet ripe to register citizens.

DOWN WITH LABOR UNIONS; UP WITH THE "OPEN SHOP."

Cheap production requires cheap, docile, and steady labor. Organization encourages laborers to be more independent and assertive. They produce an objectionable class consciousness. Then down with labor unions and up with a nation-wide conspiracy for the "open shop," the great "American plan," even if it requires provoked strikes to destroy the unions. Witness the strikes in the textile, coal mining, steel, and railroad industries.

But strikes tend to increase production costs, so that strikes must be outlawed both in public opinion and the courts. Witness the nation-wide propaganda and misrepresentation of excesses of strikers. Witness the Kansas industrial court. Witness an orgy of antistrike legislation in the States. Witness again Daugherty's Chicago injunction, with the President of the United States demanding of Congress that strikes should be prohibited by law.

Cheap production is insured by cheap and docile labor. Ignorant and untrained immigrants are quite desirable. Therefore open up the gates. But stay, a strange ferment is working in the downtrodden European masses. They are holding to new heresies of equality and justice. Let us, then, be very careful that in admitting aliens we accept none who think. Muscle is what we want, not brains. If there were only some way to insure that the alien laborer would remain docile and cheap all would be well, but let us not ignore the urge which may come in his strange new surroundings for more than he should have. A cunningly devised immigration law which will comb out the "brother to the ox" from the "dangerous agitator" would be admirable. But to make sure we must postpone the protection of citizenship so as to hold a threat of deportation over the immigrant and thus prevent labor strikes.

TRADITIONAL POLICY OF ISOLATION ABANDONED.

A policy of foreign isolation is inconsistent with the strength in diplomacy required for competition in playing the great game. Farewell, then, to the teachings of the fathers; farewell to American non-intervention. How can there be isolation from Europe and Asia and yet meddling all the while with every South American concern?

The present administration has been frank in its five-power pact. We have solemnly bound ourselves not to have a larger Navy than any other power in the world. What a concession! For 300 years naval supremacy has been the corner stone of British policy. An island homeland, dependent upon ships for food for her people and with possessions in all the seven seas, the empire would crumble if an enemy should wrest control of the seas from Great Britain for 60 days. We have been generous. Her chiefest world competitor, self-supporting at home, we condescend to agree that we will not aspire to domination of the seas.

The four-power treaty is a still more frank admission that we are engaged in the same business as Great Britain, France, and Japan. We entered into partnership with them, each virtually agreeing to defend the other in its possessions in the Orient and not to poach on the other's preserves. It assures us peace for 10 years, and perhaps assures us war shortly after its period has expired.

Only by sheer good luck did we escape binding ourselves by the treaty of Versailles to defend the newly carved and fanciful boundaries of Europe. Nevertheless we have our observer at Lausanne. Were there anything to gain, the word might yet be given that we should help or hinder—as our business interests might appear—France in the Ruhr, or battle for British oil promoters at Baku or Mosul. The nations of the world must be made to know that America has arrived and will be a factor in all divisions of spoil in the future.

MILITARISM AND NAVALISM.

Of course, there must be great armies and navies, for war is a necessary incident to the great game. The possibility of war must always be in the background, for intimidation is the chiefest factor in preventing competition. There is always probability of war over division of spoil, and when the world has all been staked off, war is necessary in order to remove the landmarks.

A proposal to submit the decision for war or peace to the people is ridiculous—it is almost treason. What do the people know of the springs which move rulers? What would be the use of being strong on land and sea if we must submit whether we will use the strength to town meetings and country hustings, where not one in ten can hope to derive any benefit from a war?

No; it is hard for democracies to wage successful war. A strong centralized government is needed, a corps of trusty councilors with authority to decide in secret and to launch, without warning, armies and navies upon an adversary. National policies must be kept secret from competitors. The people even must not dream of the war they are being driven toward. The adversary must have no time to prepare for the onslaught. It is hard for democracies to wage war. Therefore minimize Congress and make it servile; this will make for a strongly centralized government; "stand by the President; he knows—let him decide."

And in this connection conscription again is of great value. It insures plenty of "cannon fodder" and makes unnecessary any appeal to the people to support the war. Without conscription wars must be popular, time and trouble must be taken to inculcate faith in the righteousness of the cause. With conscription all this is unnecessary. It is no matter that the masses who are expected to do the fighting are opposed to the war. Their opinions are not considered.

My friends, I wonder if yet you have not said the word "Prussianism." That is what we are driving for. That is the ideal of the dominant group; that is the new Americanism.

We who hold to the old Americanism found in the preamble and the 10 amendments have reason to fear for the future of our country. We may well realize that there can be no abiding democracy among a people separated into social classes and economic groups, in which all the advantage, all the hope, and all the opportunity rests with the few, and all the labor and all the burdens are imposed upon the many. We may well oppose the tendency toward the aggregation of the wealth of the Nation into a few hands, the monopolization of our natural resources, and the usurpation by the few of the opportunities which naturally belong to all. A Nation may be a powerful imperialism, but it can not be truly great, it can not be a truly democratic nation if, typical of its life, is the gilt and splendor of Fifth Avenue and the squalor and hunger of the slums.

The real patriots—those who love the soul of America and wish to hold it true to its high mission as the exemplar of liberty and justice to all the world—must bind themselves to the task to see that those who do the hard and useful work may still aspire, and that the door of hope and opportunity shall be open to those who may come after them. We must fight for our country. We must fight for its institutions. We must fight to keep it what the founders designed—a home for men who are free, a land of hope and opportunity. We must hold onto the old Americanism of justice, liberty, and equality. We must fight for the old Americanism.

Mr. ECHOLS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the radio message sent out by the Department of Labor in connection with the school system of West Virginia.

Mr. STAFFORD. Is that very lengthy?

Mr. ECHOLS. No.

The SPEAKER. Is there objection?

There was no objection.

The extension of remarks referred to is here printed in full as follows:

Mr. ECHOLS. Mr. Speaker, under leave granted me to extend my remarks, I wish to explain that my delay in doing so has been due to my desire to make some investigation of the activities of one Crane Gartz, mentioned in an interview recently published in the Washington Times. According to the interview, Mr. Gartz is to go into West Virginia at the head of some sort of investigating committee. I shall refer to him later on. At this point I want to have printed in the RECORD some extracts from the radio message recently sent out by the Department of Labor relating to certain conditions alleged to prevail in West Virginia. They are as follows:

1. One of the first necessities for children's health in wintertime is coal. It is almost as necessary as milk.

2. Schools in camps are often of the rural type—one room, one teacher—offering only five or six elementary grades. The terms are short, the schools are poorly equipped, and the teachers are untrained. In the West Virginia camps which the children's bureau studied many of the teachers had had no education beyond the eighth grade, and two-thirds of their pupils were failing to make normal progress for their ages.

3. In order that American children may live in warm houses, is it necessary for several thousand of them to engage in the mining industry? Is it necessary that the miners' children, even if they do not go to work, should have a seriously restricted education?

These statements are made by a Government agency. They are not in general true, and, therefore, are defamatory of the State's good name. It is wonderful what the demagogue can do with his weird imagination and half truths. What are the facts as to West Virginia? We are now spending in road improvement $50,000,000 covered by State bonds, paying the Virginia debt of $13,000,000, and building a capitol which will cost $6,000,000 to $8,000,000. Despite these extraordinary tax burdens, 52 per cent of the total expenditures of public money in the State is being used in educational work; 75 per cent of that amount is expended in what might be properly termed the rural sections of the State.

McDowell County, the greatest coal-producing county in the State, ranks third in educational advancement. It has 25 high schools. It pays among the highest salaries paid teachers in the State. The length of the term of school is nine months. Outside "uplifters" and other "Meddlesome Matties" have not seriously interfered with the development and school progress in McDowell County. In Fayette, the third largest coal-producing county in the State, the salaries of teachers in the coal districts of the county, in the elementary grades, range generally from $150 to $200 per month, and in the high schools from $208.33 to $300 per month. These are higher salaries than are paid the teachers right here in the city of Washington for performing the same grade of work. Fayette County was at one time seriously afflicted with the "reformers," but in recent years she has been getting rid of them. These are typical coal counties.

The per capita cost in the State based on enrollment is $45.10. The minimum school term is seven and one-half months for the present year, and next year it will be eight months. Hundreds of the teachers in the coal fields are graduates of the State normal schools, of which there are six, and the primary purpose of these schools is to train teachers. The law so requires. The students at these schools come from the coal fields in as great numbers or perhaps greater than anywhere else in the State, and they go back there after graduation to teach. Two of the normal schools are located in great coal-producing counties and rank high as educational institutions. How many States in the Union spend more than half the total annual expenditures in educational work?

The coal-producing sections are rapidly surpassing the other rural sections of the State in offering educational opportunities. It is true that the miner is often of a migratory nature, and thousands of illiterates come into the State, work for a while, maybe a year or two, and drift elsewhere. It is also true that the teacher in the coal fields has rather serious competition with the socialist reformer; while the teacher is trying to develop the boy into a substantial, educated American citizen the socialist reformer is trying to make of him a flaming anarchist who would resist all law enforcement and orderly procedure.

West Virginia will welcome practical suggestions from practical people with honest intentions, but we are growing tired of the Stephen S. Wises, the John D. Ryans, the guardians from the other end of the Capitol, and the "uplifters" from up the Avenue—self-constituted keepers of the public conscience—appointing themselves committees and investigators, coming into West Virginia, staying a few hours, obtaining no general truth, and then publishing broadcast to the country slanderous statements. They condemn the whole State because everything is not just what they think it ought to be.

The law prohibiting the working of children in the mines is generally well observed. There are, no doubt, isolated cases of its infraction. The State is rapidly bringing right to the door of the children in the coal fields an opportunity to educate themselves.

The radio message says, "One of the first necessities for children's health in wintertime is coal." Here is wisdom; here is a discovery—a child's health depends upon coal. This knowledge must not be kept from the world a minute. Send it by mail? No, indeed. Broadcast it by telephone or telegraph? Not on your life. We will flash it right into the homes by radio. The poor mothers will not have coal, but they will have radio receivers by the thousands.

All the Wises, the Ryans, the self-appointed investigators and "uplifters," and the ten thousand additional demagogues who have prated about "social justice" and the evils in the mining sections of the country never had a job for a workingman; they never found a job for a workingman; they never paid a day's wages to a workingman, or built a mile of railroad to haul coal or other commodities, or manufactured a foot of lumber with which to build a home, created an industry, or made a practical suggestion of any kind to correct the evils about which they complain. Their chief business is to make socialists, anarchists,

more political demagogues, and fill the jails and penitentiaries of the country with the dupes to whose credulity they appeal and upon whose hard-earned money they often subsist. Untold tons of coal have remained in the West Virginia hills for thousands of years, and they never furnished the brains, the energy, or the money with which to remove a ton of it; and it would remain there for untold centuries yet to come if the world depended upon them to remove it. The children of the country, in whose welfare they pretend to be interested, would go without homes and freeze a thousand times if they waited for actual help from them. They would Russianize the world in a decade if their advice were followed. The greatest thing they possess is irresponsibility. If windmills would produce coal and create industry, they could successfully operate; but since it requires intelligence, energy, and means, the production of coal and the creation of industry are not in their line.

They go into the West Virginia coal fields with their carrion proboscides, and carrion they must find, or else their missions would be failures. Finding the carcass of an ant one-fourth of an inch in length and weighing one forty-eighth of an ounce, they magnify it a few million times, return, and herald the news of their find to the rest of the buzzard flock from the Atlantic to the Pacific. Their baseless reports and irresponsible statements create wrong impressions in the minds of good people and distrust in the minds of the credulous and encourage violence and crime.

If these "reformers" had gone into West Virginia for the purpose of finding facts, they could have found the best equipped coal mines, the most sanitary conditions surrounding coal mines in mountainous regions, and the purest drinking water in the world, the highest paid wages to miners considering the labor required to mine the coal anywhere to be found, and more days' work per year than anywhere in the United States. They could have found all that, and they could have found that these conditions prevail in ten mining towns where what they report prevails in one. They could have found also a contented, happy people in those sections where outside demagogic influences have not interfered.

We do not object to Rabbi Wise and Father Ryan because of their religious affiliations. We object to them because their impractical preachments do infinitely more harm than they do good. Their use of figments of truth creates an atmosphere of poison and hate which has frequently resulted in the death of innocent people. Press reports in the last few days state that Rabbi Wise denies the authenticity of the Ten Commandments. Father Ryan has been discredited by some of the great leaders of his own church.

These bigots go so far as to even defy the courts, as shown by an interview recently appearing in the Washington Times. In that interview one Crane Gartz is quoted as saying in reference to a court order entered by the judge of the Circuit Court of Logan County, W. Va.:

> This injunction is null and void if it is made to apply to us, who are attempting only to exercise our constitutional rights, and we shall ignore it.

Gartz; a name not yet quite Americanized. Why not Fritz or Trotz(ky)? The interview also shows Gartz is from Chicago and California. Being from Chicago he is probably a friend of Big Bill Haywood, convicted of conspiracy against the Government, a fugitive from justice now "serving time" in Russia; and being from California he is probably a friend of the McNamara brothers who served a term in the penitentiary for bombing the Los Angeles Times Building and killing more than a score of innocent men, women, and children.

It is further stated that "with young Gartz will be public officials, ministers, and attorneys." No mission into West Virginia headed by a man like Gartz would be complete without "public officials and ministers," who will probably need the "attorneys." Why the "officials"? Who are they, and whom do they represent? What authority will they have in West Virginia? Why the "ministers" but to give a semblance of respectability to a disreputable gang?

Let the country take notice that West Virginia, defamed and maligned, is to again be afflicted with outside, self-appointed, front-page notoriety seekers coming into the State admittedly with the intention of violating an order of the judge of a circuit court of that State, duly elected by the people of his circuit, which, by the way, is composed of three counties, two of which are farming and not coal-producing counties.

Who are Gartz and his official, ministerial, and legal mob-inciting accomplices that they are above the law of the State? Gartz says: "This injunction is null and void, * * * and we shall ignore it." Who believes that this uninvited bunch of conspirators are going into West Virginia for the purpose of helping conditions in that State? They have no such purpose in mind. After their visit, in which they will accomplish nothing for good, they will broadcast a statement to the country to gain notoriety and to spread their insidious propaganda.

Gartz in 1921 was an assistant organizer of the amnesty committee of the American Civil Liberties Union and served as a picket at the White House in Washington. He has been a frequent consultant with Eugene V. Debs, who served a term in the penitentiary for violating the laws of the land. He has been keeping in close touch with one Roger M. Baldwin, president of the American Civil Liberties Union, and who also served a year in the Essex County jail for violating the draft law. He has been in the western Pennsylvania coal fields, and after his visit there he reported to an executive meeting of the American Civil Liberties Union. He is an active opponent of the California criminal syndicalist law.

This is a brief sketch of the activities of the man who is going into West Virginia as head of a committee composed of "officials, ministers, and attorneys."

I do not know whether or not the injunction order of the judge of the circuit court of Logan County is authorized by the laws of the State of West Virginia. I do not know the facts; but if it is not the law, there is a supreme court in the State of West Virginia composed of able, conscientious jurists, who will promptly correct any error made by any circuit court in the State when properly brought before them.

What would the people of New York or the people of Chicago think if a few infamous plotters down in West Virginia would constitute themselves committees and announce that they intended to go to the city of Chicago or the city of New York for the purpose of enforcing their "constitutional rights" and there violate the order of the courts of those great cities? They could find more poverty, misery, and illiteracy on the East Side of New York or the river section of Chicago than can be found in the whole of the State of West Virginia. If such committees should go into these cities with such avowed intentions as are stated by Gartz and undertake to carry them out they would sleep in the jails of those cities the first night after their arrival, and that is where they ought to sleep.

It is no defense to West Virginia to direct attention to violence, illiteracy, misery, and crime in other States. She does not depend upon such defense. She is justified, however, in calling attention to the character, capability, associates, and activities of her detractors.

The people of West Virginia entertain a very keen and deep sympathy for her people in any sufferings that might come to them. They as keenly and deeply resent any outside interferences that intensify these sufferings. The people of that State as much understand and appreciate their moral obligations and sacred responsibilities to society as do the people of any other section of the country, and they are as ready, willing, and competent to perform those obligations and carry out those responsibilities as are the people of any other section, and they are quite capable of defending the State's good name when maligned by outside political posers, religious fanatics, and social reformers.

Any State is worthy to be classed among the great States of the Union that enforces her laws, preserves order, furnishes adequate educational opportunities to her youth, builds good roads, and provides a reasonable and equitable system of taxation. These constitute the most of government. To the performance of these duties West Virginia is earnestly and successfully devoting her energy.

Mr. VOLSTEAD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein certain decisions and cases with reference to the enforcement of prohibition in the various States.

The SPEAKER. Is there objection

Mr. STAFFORD. How extensive are those?

Mr. VOLSTEAD. Just one page.

Mr. STAFFORD. As the gentleman and I are both leaving Congress I shall not object.

The SPEAKER. Is there objection?

There was no objection.

The extension of remarks referred to is here printed in full as follows:

Mr. VOLSTEAD. Mr. Speaker, under consent granted to extend my remarks, permit me to call attention to the following decisions construing and sustaining prohibition legislation, National and State:

The eighteenth amendment valid: Rhode Island *v.* Palmer (253 U. S. 350); Dillon *v.* Gloss (256 U. S. 368).

Power of Congress to define "intoxicating liquor": Rhode Island *v.* Palmer (253 U. S. 350); Ruppert *v.* Caffey (251 U. S. 264).

Chief Justice White said, in Rhode Island *v.* Palmer (253 U. S. 350, 391):

"* * * as the prohibition did not define the intoxicating beverages which it prohibited, in the absence of anything to the contrary

it clearly, from the very fact of its adoption, cast upon Congress the duty not only of defining the prohibited beverages but also of enacting such regulations and sanctions as were essential to make them operative when defined. * * *"

State laws prohibiting liquor traffic not repealed and new prohibitory legislation authorized: U. S. *v.* Barto, Lanza, et al., decided Dec. 11, 1922, U. S. Su. Ct. Adv. Op., 1922–23, No. 5, p. 169; Vigliotti *v.* Pennsylvania, decided April 10, 1922, U. S. Su. Ct. Adv. Op., 1921–22, No. 13, p. 389; Ewing *v.* State (Ala.), 90 So. 136; Smith *v.* State (Ga.), 105 S. E. 364; State *v.* Campbell (N. C.), 110 S. E. 86; Allen *v.* Comm. (Va.), 105 S. E. 589; Ex Parte Volpi (Cal.), 199 Pac. 1090; State *v.* Moore (Idaho), filed Dec. 30, 1922 (not yet reported); Comm. *v.* Nickerson (Mass.), 128 N. E. 273.

Prosecution under State law not a bar to a prosecution for the same offense under the Federal law: U. S. *v.* Lanza, Barto, et al., decided Dec. 11, 1922, U. S. Su. Ct. Adv. Op., 1922–23, No. 5, p. 169.

United States revenue laws revived by supplemental prohibition act as of November 23, 1921: U. S. *v.* Stafoff, Brooks, and Remus, decided Jan. 2, 1923, U. S. Su. Ct. Adv. Op. 1922–23, No. 7, p. 211.

Prohibition act providing for injunction against liquor nuisances valid: Lewinsohn *v.* United States, C. C. A., 7th Cir., 278 Fed. 421, certiorari denied, 42 Su. Ct. 463; United States *v.* Reisenweber, C. C. A., 2d Cir., decided January 18, 1923. (Not yet reported.)

Shipment of beverage liquor through the United States prohibited: Grogan *v.* Walker, Anchor Line *v.* Aldridge, decided May 15, 1922, U. S. Su. Ct. Adv. Op. 1921–22, No. 15, p. 511.

Liquor may not be withdrawn from bonded warehouses for beverage use in home: Corneli *v.* Moore, 257 U. S. 491.

State search and seizure laws construed: Banks *v.* State (Ala.), 93 So. 293, certiorari denied November 13, 1922, U. S. Su. Ct. Adv. Op. 1922–23, No. 6, p. 176; Mike Rosanski et al *v.* State of Ohio, decided December, 1922 (not yet reported); State *v.* Wasyl Chuchola (Del.), decided September 29, 1922 (not yet reported); People *v.* Mayen (Cal.), 205 Pac. 435; City of Sioux Falls *v.* Walser (S. Dak.), 187 N. W. 821; Watson *v.* State (Nebr.), 189 N. W. 620; State *v.* Shaffer (Wash.), 207 Pac. 229; State *v.* Kees (W. Va.), 114 S. E. 617; State *v.* Brown (W. Va.), 114 S. E. 372; State *v.* Snodgrass (W. Va.), 114 S. E. 136; People *v.* DeCesare (Mich.), 190 N. W. 302; People *v.* Case (Mich.), 190 N. W. 289; Pasch *v.* People (Colo.), 209 Pac. 639; Green *v.* State (Tex.), 241 S. W. 1014; Shaddix *v.* State (Tex.), 235 S. W. 602; State *v.* Magnano (Conn.), 117 Atl. 550; State *v.* Mullen (Mont.), 207 Pac. 634; Brent *v.* Comm. (Ky.), 240 S. W. 45; Bowling *v.* Comm. (Ky.), 237 S. W. 381; State *v.* Simmons (N. C.), 110 S. E. 591; Hughes *v.* State (Tenn.), 238 S. W. 588.

Conspiracy to violate national prohibition act punishable: Violette *v.* United States (C. C. A., 9th Cir.), 278 Fed. 163, certiorari denied, 42 Su. Ct. 382; Reid et al *v.* United States (C. C. A., 6th Cir.), 276 Fed. 253; United States *v.* Heitler (D. C. N. D., Ill.), 274 Fed. 401; Alderman *v.* United States (C. C. A., 5th Cir.), 279 Fed. 259, certiorari denied, 42 Su. Ct. 586.

Mr. HILL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein an address which I delivered at the Economic Club in New York last week.

The SPEAKER. Is there objection?

Mr. HERRICK. Mr. Speaker, I object.

Mr. LONDON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by incorporating therein an appeal purporting to have been made by German trade-unions to the American Congress.

The SPEAKER. Is there objection?

Mr. SNELL. Mr. Speaker, I object.

Mr. MONDELL. Mr. Speaker, will the gentleman withhold his objection?

Mr. SNELL. Certainly.

Mr. MONDELL. Does the gentleman from New York know anything about the authenticity of this?

Mr. LONDON. I said "purporting to be."

Mr. SNELL. We have a lot of just such resolutions sent in to us and we do not put them in the RECORD.

The SPEAKER. Is there objection?

Mr. LINEBERGER. Mr. Speaker, reserving the right to object, just what is this?

Mr. LONDON. It is an appeal which is reported to have been addressed to the American Congress by representatives of German trade-unions—12,000,000 workers.

Mr. LINEBERGER. Mr. Speaker, I object.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted to—

Mr. KENDALL, for one week, on account of illness.

Mr. DAVIS of Tennessee, for to-day, on account of illness.

AGRICULTURAL APPROPRIATION BILL.

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Agricultural appropriation bill, insist upon the amendment of the House to the amendment of the Senate No. 33, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to take from the Speakers' table the Agricultural appropriation bill, insist upon the amendment of the House to the amendment of the Senate No. 33, and agree to the conference asked by the Senate. Is there objection?

There was no objection.

The Chair appointed the following conferees:

Mr. ANDERSON, Mr. MAGEE, Mr. WASON, Mr. BUCHANAN, Mr. LEE of Georgia.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4469. An act to extend the time for the construction of a bridge or bridges and trestles over the navigable channels of the mouth of the Mobile River, in the State of Alabama; to the Committee on Interstate and Foreign Commerce.

S. 3892. An act authorizing the State of California to bring suit against the United States to determine title to certain lands in Siskiyou County, Calif.; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 10817. An act to amend section 100 of the Judicial Code of the United States.

H. R. 13593. An act making appropriations for the Post Office Department for the fiscal year ending June 30, 1924, and for other purposes.

THE LATE REPRESENTATIVE HENRY Z. OSBORNE.

Mr. CURRY. Mr. Speaker, it is with extreme sorrow and regret that I announce to the House the death of that splendid patriotic American citizen and able Representative, Hon. HENRY Z. OSBORNE, of the tenth California district. He passed away at his home in Los Angeles yesterday. Captain OSBORNE was the last and the only Member of the House who was a survivor of the Civil War on the Union side. There is one other Member of the House who is a survivor of the Civil War, but on the Confederate side, the distinguished gentleman from North Carolina, Major STEDMAN.

Mr. MONDELL. Mr. Speaker, the announcement of the death of our respected colleague came to us at a time when, by unanimous consent, it had been arranged to take up and consider a measure of very great importance to-day. Under any other circumstances the House, out of its regard to Captain OSBORNE, would have adjourned immediately. We who knew him, however, were convinced that if the wishes of this man, who was patriotic enough to enlist in his country's cause as a boy of 16, and who gained for himself a wonderful record of patriotic service all of his life, could have been expressed, he would have desired us to continue and complete this day's work.

Mr. CURRY. Mr. Speaker, at some future time I shall ask that a day be set aside for addresses on the life, character, and public services of our late friend and colleague. Meanwhile I send to the Clerk's desk the following resolution, which I ask to have read:

The Clerk read as follows.

House Resolution 518.

Resolved, That the House has heard with profound sorrow of the death of Hon. HENRY Z. OSBORNE, a Representative from the State of California.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect this House do now adjourn.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ADJOURNMENT.

Accordingly (at 5 o'clock and 3 minutes p. m.) the House adjourned until to-morrow, Saturday, February 10, 1923, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

970. A letter from the Postmaster General and the Secretary of the Treasury, transmitting additional recommendations to the one submitted December 30, 1922 (H. Doc. No. 523), for a Federal building program throughout the United States, and submitting a table showing the number of leases and approximately the amount of rents paid for buildings for Federal use (H. Doc. No. 561); to the Committee on Public Buildings and Grounds and ordered to be printed.

971. A communication from the President of the United States, transmitting a communication from the Secretary of the Treasury submitting an estimate of appropriation in the sum of $425 to pay a claim which he has adjusted, and which requires an appropriation for its payment (H. Doc. No. 562); to the Committee on Appropriations and ordered to be printed.

972. A letter from the Secretary of the Treasury, transmitting summary showing status of claims for reimbursement of losses on account of war conditions of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department; to the Committee on Expenditures on Public Buildings.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. DEMPSEY: Committee on Rivers and Harbors. S. 3968. An act to improve the navigability of waters of the United States by preventing oil pollution thereof; with an amendment (Rept. No. 1569). Referred to the House Calendar.

Mr. PARKER of New York: Committee on Interstate and Foreign Commerce. S. 4358. An act to authorize the American Niagara Railroad Corporation to build a bridge across the Niagara River between the State of New York and the Dominion of Canada; with amendments (Rept. No. 1572). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. EDMONDS: Committee on Claims. S. 3412. An act for the relief of Mrs. John D. Hall; without amendment (Rept. No. 1570). Referred to the Committee of the Whole House.

Mr. EDMONDS: Committee on Claims. H. R. 6108. A bill to permit the correction of the general account of Charles B. Strecker, former Assistant Treasurer United States; with an amendment (Rept. No. 1571). Referred to the Committee of the Whole House.

Mr. McCORMICK: Committee on Public Lands. H. R. 8291. A bill for the relief of Trygve Kristian Lode; without amendment (Rept. No. 1573). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HOGAN: A bill (H. R. 14266) to amend section 4 of the national defense act; to the Committee on Military Affairs.

By Mr. WINGO: A bill (H. R. 14267) to authorize the Baptist National Hospital Association (Inc.) to use and occupy certain land in the Hot Springs National Park, and for other purposes; to the Committee on the Public Lands.

By Mr. DRIVER: A bill (H. R. 14268) to authorize the county of Lee, in the State of Arkansas, to construct a bridge over the St. Francis River; to the Committee on Interstate and Foreign Commerce.

By Mr. VAILE: A bill (H. R. 14269) to authorize the general accounting officers of the United States to allow credit to certain disbursing officers for payments of salary made on properly certified and approved vouchers; to the Committee on Claims.

By Mr. STRONG of Kansas: A bill (H. R. 14270) to amend sections 3, 4, 9, 12, 15, 21, 22, and 25 of the act of Congress approved July 17, 1916, known as the Federal farm loan act; to the Committee on Banking and Currency.

By Mr. HERRICK: A bill (H. R. 14271) appropriating the sum of $25,000 from the Federal Treasury, to match a like sum appropriated by any State legislature, to be used in said State for the suppression of venereal diseases; to the Committee on Appropriations.

By Mr. HAUGEN: A bill (H. R. 14272) to amend section 81 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. JOHNSON of Washington: A bill (H. R. 14273) to limit the immigration of aliens into the United States; to the Committee on Immigration and Naturalization.

By Mr. FULMER: A bill (H. R. 14274) to establish and promote the use of the official cotton standards of the United States in interstate and foreign commerce, to prevent deception therein, and provide for the proper application of such standards, and for other purposes; to the Committee on Agriculture.

By Mr. HAUGEN: A joint resolution (H. J. Res. 438) authorizing the chairman of the Committee on Agriculture to appoint a subcommittee, to consist of not more than eight members of the Committee on Agriculture, to investigate problems relating to reforestation, and for other purposes; to the Committee on Rules.

By Mr. ALMON: A joint resolution (H. J. Res. 439) providing for printing additional copies of soil survey of Lauderdale County, Ala.; to the Committee on Printing.

By Mr. FULLER: A resolution (H. Res. 517) to pay Norman E. Ives $800 for extra and expert services to the Committee on Invalid Pensions during the third and fourth sessions of the Sixty-seventh Congress by detail from the Bureau of Pensions; to the Committee on Accounts.

By Mr. TINKHAM: Memorial of the Legislature of the State of Massachusetts favoring an embargo being placed on coal shipped from United States to Canada; to the Committee on Interstate and Foreign Commerce.

By Mr. STEENERSON: Memorial of the Legislature of the State of Minnesota expressing its opposition to branch banking; to the Committee on Banking and Currency.

By Mr. ROGERS: Memorial of the Legislature of the State of Massachusetts favoring the passage by Congress of legislation placing an embargo on coal; to the Committee on Interstate and Foreign Commerce.

By Mr. NEWTON of Minnesota: Memorial of the Legislature of the State of Minnesota opposing branch banking; to the Committee on Banking and Currency.

By Mr. ANDREW of Massachusetts: Memorial of the Legislature of the State of Massachusetts favoring the passage by Congress of legislation placing an embargo on coal; to the Committee on Interstate and Foreign Commerce.

By Mr. FROTHINGHAM: Memorial of the Legislature of the State of Massachusetts favoring the passage of legislation placing an embargo on coal; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COLE of Ohio: A bill (H. R. 14275) granting a pension to Lewis Corfman; to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 14276) granting a pension to John W. Genung; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 14277) granting a pension to John Scott; to the Committee on Invalid Pensions.

By Mr. GIFFORD: A bill (H. R. 14278) granting a pension to Abbie D. Washburn; to the Committee on Invalid Pensions.

By Mr. HICKS: A bill (H. R. 14279) providing for the examination and survey of Great Peconic Bay, at Jamesport, Long Island, N. Y.; to the Committee on Rivers and Harbors.

By Mr. KENDALL: A bill (H. R. 14280) granting a pension to Lydia Boyer; to the Committee on Invalid Pensions.

By Mr. MacGREGOR: A bill (H. R. 14281) granting a pension to Margaret Heid; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 14282) granting a pension to Eugenia Hammond; to the Committee on Invalid Pensions.

By Mr. WILLIAMSON: A bill (H. R. 14283) granting a pension to Eusiby Peyton Cleaver and Rosemary Cleaver; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7247. By the SPEAKER (by request): Petition of members of the General Richard Montgomery Council, American Association for Recognition of the Irish Republic, demanding that England pay 4 per cent on her debt; to the Committee on Ways and Means.

7248. By Mr. ANSORGE: Petition of the Brunswick-Balke-Collender Co., New York City, favoring bill S. 4303, to amend the joint resolution extending the operation of the immigration act of May 19, 1921, as amended by the resolution of May 11, 1922; to the Committee on Immigration and Naturalization.

7249. By Mr. BECK: Petition of W. A. Schreiber and others, of La Crosse County, Wis.; George F. Woerth and others, of Sauk County, Wis.; Frank P. Hemp and others, of Clark County, Wis.; Albert Degener and others, of Clark County, Wis.; J. Mittelstoedt and others, of Monroe County, Wis.; and also letter from Rev. William Parisius, of Neillsville, Wis., urging immediate passage of the joint resolution for the relief of the starving people of central Europe; to the Committee on Foreign Affairs.

7250. By Mr. COLE of Ohio: Petition of executive committee of the Federal Council of Churches, urging the United States to associate itself with the humanitarian commissions of the League of Nations; to the Committee on Foreign Affairs.

7251. Also, petition of executive council, Thirty-seventh Division Veterans' Association, requesting that there be included

in the bill which has been introduced in the United States Senate providing for the erection of a monument memorial of the capture of the village of Montfaucon, suitable mention of recorded facts concerning the part played by the Thirty-seventh Division in such capture; to the Committee on Foreign Affairs.

7252. By Mr. KISSEL: Petition of Knights of Pythias Relief and Employment Bureau, New York City, N. Y., favoring the establishment of a central police bureau; to the Committee on the Judiciary.

7253. By Mr. MACGREGOR: Petition of Edgar Braun and other citizens of Buffalo, N. Y., favoring legislation extending aid to the people of the German and Austrian Republics; to the Committee on Foreign Affairs.

7254. Also, petition of members of the Political Service Club, of Erie County, urging the passage of the Townsend bill, which provides for a shorter hour for night employees; to the Committee on the Post Office and Post Roads.

7255. By Mr. TINKHAM: Petition of Columbia Typographical Union, No. 101, opposing recommendation of the Public Printer in regard to annual leave granted to employees in the Government Printing Office; to the Committee on Printing.

7256. By Mr. WATSON: Petition of the Mothers' Club of North Glenside, Pa., favoring restrictive immigration; to the Committee on Immigration and Naturalization.

SENATE.

SATURDAY, *February 10, 1923.*

(Legislative day of Monday, February 5, 1923.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. HARRISON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Gerry	McCormick	Ransdell
Bayard	Glass	McCumber	Reed,Pa.
Brookhart	Gooding	McKellar	Robinson
Bursum	Harreld	McKinley	Sheppard
Calder	Harris	McNary	Spencer
Cameron	Harrison	Moses	Stanfield
Capper	Heflin	Nelson	Stanley
Colt	Hitchcock	New	Sterling
Couzens	Johnson	Nicholson	Sutherland
Culberson	Jones, Wash.	Norris	Townsend
Curtis	Kellogg	Oddie	Trammell
Dial	Keyes	Overman	Underwood
Dillingham	Ladd	Page	Walsh, Mass.
Fletcher	La Follette	Pepper	Walsh, Mont.
France	Lenroot	Poindexter	Warren
George	Lodge	Pomerene	Willis

The VICE PRESIDENT. Sixty-four Senators have answered to their names. A quorum is present.

REPORT OF THE COMMISSIONER OF PATENTS.

The VICE PRESIDENT laid before the Senate a communication from the First Assistant Secretary of the Interior, transmitting, pursuant to law, the report of the Commissioner of Patents for the calendar year 1922, which was referred to the Committee on Patents.

TRANSCONTINENTAL FREIGHT BUREAU.

The VICE PRESIDENT laid before the Senate a communication from the chairman of the Interstate Commerce Commission, transmitting, in response to Senate Resolution 194, submitted by Mr. PITTMAN and agreed to December 15, 1921, a report of the results of its investigation of the organization, management, and control of the Transcontinental Freight Bureau, which was referred to the Committee on Interstate Commerce.

DEPARTMENTAL USE OF AUTOMOBILES.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, ordered to lie on the table:

To the Senate:

I transmit herewith a report by the Secretary of State furnishing, in response to the Senate's resolution of January 6, 1923, information concerning the passenger automobile in use by the Department of State.

WARREN G. HARDING.

THE WHITE HOUSE, *February 10, 1923.*

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had insisted upon its amendment to Senate amendment No. 33 to the bill (H. R. 13481) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1924, and for other purposes, had agreed to the further conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ANDERSON, Mr. MAGEE, Mr. WASON, Mr. BUCHANAN, and Mr. LEE of Georgia were appointed managers on the part of the House at the further conference.

The message also announced that the House had passed a bill (H. R. 14254) to amend the act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign governments held by the United States of America, and for other purposes," approved February 9, 1922, in which it requested the concurrence of the Senate.

The message further communicated to the Senate the intelligence of the death of Hon. HENRY Z. OSBORNE, late a Representative from the State of California, and transmitted the resolutions of the House thereon.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 10817. An act to amend section 100 of the Judicial Code of the United States; and

H. R. 13593. An act making appropriations for the Post Office Department for the fiscal year ending June 30, 1924, and for other purposes.

PETITIONS AND MEMORIALS.

Mr. ROBINSON presented resolutions of the Farmers' National Farm Loan Association, of Fordyce, Ark., favoring the passage of the so-called Strong bill amending certain sections of the Federal farm loan act, which were referred to the Committee on Banking and Currency.

Mr. KEYES presented resolutions of the congregation of the South Main Street Congregational Church, of Manchester; the executive committee of the Woman's Club of Hanover, of Hanover; and the Sunday School Superintendents' Association, of Manchester, all in the State of New Hampshire, praying an amendment of the Constitution regulating child labor, which were referred to the Committee on the Judiciary.

Mr. NELSON presented a resolution adopted by a general council meeting of the White Oak Point Bands of Chippewa Indians of the Mississippi, at Ball Club, Itasca County, Minn., favoring the passage of the so-called Larson bill, providing for a per capita distribution of funds in the Treasury to the credit of Chippewas for the relief of suffering and distress among said Indians, which was referred to the Committee on Indian Affairs.

Mr. LADD presented a resolution of the Killdeer National Farm Loan Association, of Killdeer, N. Dak., protesting against the passage of the so-called Strong bill amending certain sections of the Federal farm loan act, which was referred to the Committee on Banking and Currency.

Mr. WILLIS presented a resolution of the Ohio State Horticultural Society, favoring the passage of the so-called Purnell bill, for the financial assistance of agricultural experiment stations, which was referred to the Committee on Appropriations.

Mr. OWEN presented the following resolutions of the House of Representatives of Oklahoma, which were referred to the Committee on Foreign Relations:

STATE OF OKLAHOMA,
HOUSE OF REPRESENTATIVES, NINTH LEGISLATURE,
Oklahoma City, January 27, 1923.

Senator ROBERT L. OWEN,
Washington, D. C.

DEAR SENATOR OWEN: Inclosed find copy of Engrossed House Resolution No. 16 which was passed by unanimous consent of the House of Representatives.

Very truly yours, C. J. KENDLE, *Chief Clerk.*

Engrossed House Resolution No. 16 memorializing Congress to give its sympathetic consideration to a basic plan for a return to world sanity through a conference of world war powers under leadership of the United States.

Whereas it is made known by the American press that conditions in continental Europe grow daily worse; that nations, great and small, are tottering, unable to pay expenses; and

Whereas suffering among the people is increasing, famine threatens here and there, unemployment is growing, and a spirit of suicidal desperation has settled down over half the world; and

Whereas if step follows step and a new world war results this conflict by comparison will bleach the red horror of the last one, sweeping us along with the rest; and

Whereas the time to avert the European crisis is before it leads to a new conflict of nations: Now, therefore, be it

Resolved by the House of Representatives of the Ninth Legislature of the State of Oklahoma, That we memorialize the Congress of the United States to give its sympathetic consideration to the following basic plan for a return to world sanity:

First. That the United States must assume the leadership;
Second. That at the first possible opening President Harding should call a conference of the leading World War powers;
Third. That the program at this conference should be in two sections, economic problems and limitation of armaments;
Fourth. That instantly the conference is called to order America's spokesman should lay before the assembly some specific plan of world rehabilitation which might involve an international moratorium on war debts and an international loan to the worst stricken nations; and be it further
Resolved, That a copy of this resolution be sent to each Member of the Oklahoma delegation in Congress.
Adopted by the house of representatives this the 24th day of January, 1923.

CHAS. S. BRICE,
Speaker pro tempore of the House of Representatives.

Mr. OWEN presented the following concurrent resolution of the Legislature of Oklahoma, which was referred to the Committee on Interstate Commerce:

SENATE CHAMBER, STATE OF OKLAHOMA,
State Capitol, January 29, 1923.

Hon. ROBERT L. OWEN,
United States Senator, Washington, D. C.

DEAR SENATOR: I herewith inclose a copy of Senate Concurrent Resolution No. 8, with reference to the Orient Railroad. As you know, the western part of Oklahoma is very much interested in this railroad, and we want to ask you to use your best efforts to help save it.

Yours very truly, IRA A. HILL,

A concurrent resolution memorializing the Congress of the United States to grant aid to the Kansas City, Mexico & Orient Railroad.

Be it resolved by the Senate of the State of Oklahoma (the House of Representatives concurring), That—
Whereas the Legislature of the State of Texas has memorialized the Congress of the United States to aid the Kansas City, Mexico & Orient Railroad; and
Whereas the said railroad traverses the western part of the State of Oklahoma; and
Whereas the abandonment and discontinuance of said railroad would work an equal hardship on the State of Oklahoma: Therefore be it
Resolved by the Senate and House of Representatives of the Ninth Legislature of the State of Oklahoma, That we join with the Legislature of the State of Texas in their memorial to the Congress of the United States in asking for the relief set forth in their memorial, which is as follows:

"Senate Concurrent Resolution 8, by Bledsoe and Dudley.

"*Be it resolved by the Senate of the State of Texas (the House of Representatives concurring)*, That the following memorial and petition to the Congress of the United States and prayer for relief from pending disaster and destruction of the Orient Railroad be adopted by the Thirty-eighth Legislature of the State of Texas and presented to the Congress of the United States and to the Interstate Commerce Commission; that—
"Whereas the Kansas City, Mexico & Orient Railroad, particularly that part of it built through Texas, is built through a pioneer section of the State susceptible of great development possibilities if given transportation facilities that must come through the proper maintenance and operation of said road, which aid and assistance can only come through the united action of our Federal Congress and the Interstate Commerce Commission permitting said road and the physical properties thereof to be taken over and operated under such conditions as will permit said road to continue as a factor for good in the development of that section of the State through which it has been constructed; and
"Whereas the necessity for such transportation facilities in the proper development of the pioneer section of our country has heretofore been recognized and encouraged both by Federal and State land grants; and
"Whereas said land grants can no longer be extended to any road because of the exhaustion of the public lands by such railroad grants; and
"Whereas a great injustice can be done to a patriotic citizenship by permitting the abandonment of said railroad and the discontinuance of its operation: Therefore be it
"*Resolved*, That the plan heretofore submitted to the Interstate Commerce Commission of the United States by the Hon. Lynch Davidson, Lieutenant Governor of the State of Texas, and embodied in this resolution as follows:
"'Immunity from and relaxation of both Federal and State transportation laws are solvents to save the Orient railroad from abandonment, the scrap pile, and wreckage.
"'That purpose is to be accomplished by Federal and State legislation. An act to be enacted by the Federal Government exempting any railroad owned, or of which a substantial part is owned, by a sovereign State or by the Nation from all transportation acts and laws other than the ordinary civil laws of the State and Nation.
"'The classification of the Federal acts to provide that the title, or some substantial part of the title, of a road or roads enjoying such immunity shall be vested in a sovereign State or an agency created by a sovereign State.
"'To further provide that any debt or obligation owing to the Federal Government by any road or roads so situated, whose rehabilitation and operation has been assumed by a State, shall be subordinated to all claims and moneys expended by said State in the rehabilitation or operation of such railroad.
"'The measure to further provide that any net profits not essential to improvements, developments, and betterments shall apply 50 per cent to the payment of any sums due the State and 50 per cent to repayment of any sum advanced by the Federal Government.
"'To further provide that such immunity, in the event of sale, transfer, or lease of a road to individuals or corporations, etc., shall continue for a period of 10 or 15 years following such transfer, lease, or conveyance, provided the State shall retain its control of said road and reserve the right to direct its affairs.
"'The Federal act to require the State or States to furnish the necessary capital for rehabilitation and operation of the road to which it has taken title, and such requirements to constitute a substantial guarantee of continuity of operation of such road or roads by the State or those holding under it.
"'Repayment of all moneys due the State or Nation by a railroad under this classification shall be a condition of its relinquishment by the State.
"'The Federal act to be effective only upon the enactment of corresponding legislation by a State or States.'
"be submitted to the Congress of the United States with the request that suitable legislation be enacted carrying said plan into effect and directing the Interstate Commerce Commission of the United States to make all suitable and necessary rules and regulations for the maintenance, operation, conduct, control, and management of said road in accordance with the terms of said plan; be it further
"*Resolved*, That copies of this resolution be presented to the Oklahoma Legislature now in session and to the Kansas Legislature now in session; be it further
"*Resolved*, That a copy of this concurrent resolution be submitted to the Congress of the United States and copies presented to the Texas and Kansas Legislatures now in session."

REPORTS OF COMMITTEES.

Mr. TOWNSEND, from the Committee on Post Offices and Post Roads, to which was referred the bill (H. R. 6954) fixing rates of postage on certain kinds of printed matter, reported it without amendment and submitted a report (No. 1128) thereon.

Mr. ROBINSON, from the Committee on Military Affairs, to which was referred the bill (S. 1194) for the relief of Northrop Banks, reported it with an amendment and submitted a report (No. 1129) thereon.

Mr. WILLIAMS, from the Committee on the Library, to which was referred the bill (S. 4282) for the purchase of the statue "The Pilgrim Mother and Child of the Mayflower" and presentation of same to the Government of Great Britain, reported it without amendment.

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (S. 3023) for the relief of Robert F. Hamilton, reported it without amendment and submitted a report (No. 1131) thereon.

Mr. SPENCER, from the Committee on Claims, to which was referred the bill (S. 4156) authorizing the accounting officers of the General Accounting Office to settle the accounts of W. H. Power, reported it without amendment and submitted a report (No. 1132) thereon.

Mr. HARRISON, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 1076) establishing standard grades of naval stores, preventing deception in transactions in naval stores, regulating traffic therein, and for other purposes, reported it with an amendment in the nature of a substitute and submitted a report (No. 1133) thereon.

Mr. NICHOLSON, from the Committee on Mines and Mining, to which was referred the concurrent resolution (S. Con. Res. 37) proposing to create a joint commission, to be known as the joint commission of gold and silver inquiry, which shall consist of five Senators, to be appointed by the President of the Senate, and five Representatives, to be appointed by the Speaker, reported favorably thereon and moved that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, which was agreed to.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that on February 9, 1923, they presented to the President of the United States the following enrolled bills and joint resolutions:

S. 1016. An act to amend an act entitled "An act to repeal section 3480 of the Revised Statutes of the United States";

S. 1878. An act to permit the State of Montana to exchange cut-over timberlands granted for educational purposes for other lands of like character and approximate value;

S. 1926. An act to extend the provisions of the act of February 8, 1887, as amended, to lands purchased for Indians;

S. 2023. An act defining the crop failure in the production of wheat, rye, or oats by those who borrowed money from the Government of the United States for the purchase of wheat, rye, or oats for seed, and for other purposes;

S. 3702. An act providing for the acquirement by the United States of privately owned lands situated within certain townships in the Lincoln National Forest, in the State of New Mexico, by exchanging therefor lands on the public domain also within such State;

S. 4169. An act granting the consent of Congress to the city of Aurora, Kane County, Ill., a municipal corporation, to construct, maintain, and operate a bridge across the Fox River;

S. 4260. An act to extend the time for the construction of a bridge over the Columbia River, between the States of Oregon and Washington, at a point approximately 5 miles upstream from Dalles City, Wasco County, in the State of Oregon;

S. 4288. An act to grant the consent of Congress for the special commission constituted by an act of the Legislature of

Massachusetts to construct a bridge across the Merrimack River;

S. 4341. An act granting the consent of Congress to the Oregon-Washington Bridge Co. and its successors to construct a bridge across the Columbia River at or near the city of Hood River, Oreg.;

S. 4346. An act granting the consent of Congress to the Delaware State highway department to construct a bridge across the Nanticoke River;

S. 4353. An act granting the consent of Congress to the highway commissioner of the town of Elgin, Kane County, Ill., to construct, maintain, and operate a bridge across the Fox River;

S. 4439. An act to revive and to reenact an act entitled "An act granting the consent of Congress for the construction of a bridge and approaches thereto across the Arkansas River between the cities of Little Rock and Argenta," approved October 6, 1917;

S. J. Res. 226. Joint resolution authorizing the acceptance of title to certain land within the Shasta National Forest, Calif.;

S. J. Res. 248. Joint resolution to provide for the payment of salaries to Senators appointed to fill vacancies, and for other purposes; and

S. J. Res. 259. Joint resolution authorizing the President to abrogate the international agreement embodied in certain Executive orders relating to the Panama Canal.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHORTRIDGE:

A bill (S. 4523) to exempt from cancellation certain desert-land entries in Riverside County, Calif.; to the Committee on Public Lands and Surveys.

Br. Mr. SPENCER:

A bill (S. 4524) granting an increase of pension to Henrietta Geiger (with accompanying papers); to the Committee on Pensions.

By Mr. JONES of New Mexico:

A bill (S. 4525) granting to the State of New Mexico certain lands; for reimbursement of the counties of Grant, Luna, Hidalgo, and Santa Fe for interest paid on railroad-aid bonds; and for the payment of the principal of railroad-aid bonds issued by the town of Silver City, and to reimburse said town for interest paid on said bonds, and for other purposes; to the Committee on Public Lands and Surveys.

HOUSE BILL REFERRED.

H. R. 14254. An act to amend the act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign governments held by the United States of America, and for other purposes," approved February 9, 1922, was read twice by its title and referred to the Committee on Finance.

WORLD WAR FOREIGN DEBT SETTLEMENT.

Mr. HARRIS submitted an amendment intended to be proposed by him to the bill (H. R. 14254) to amend the act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign governments held by the United States of America, and for other purposes," approved February 9, 1922, which was ordered to lie on the table and to be printed.

HOUR OF MEETING ON MONDAY NEXT.

Mr. JONES of Washington. Mr. President, if I can secure a unanimous-consent agreement to-day to adjourn until 11 o'clock on next Monday morning I shall not ask that the Senate take a recess to-night. So I ask unanimous consent that when the Senate closes its business to-day it adjourn to meet at 11 o'clock on Monday next.

The VICE PRESIDENT. Is there objection?

Mr. NORRIS. Mr. President, I should like to say to the Senator from Washington that the Committee on Agriculture and Forestry has been trying practically all of the week to hold a session. We tried it again this morning; but we could not secure the attendance of Senators, as the Senate met at 11 o'clock this morning. The hearing in the committee was therefore prevented. We have several bills before us, some of them being House bills, and some Members of the Senate are anxious to be heard. One of those desiring to be heard before the committee is the Secretary of Agriculture, who has asked for a hearing.

I have already called a meeting of the Agricultural Committee for 10.30 o'clock on Monday morning next in order to hear Members of the House of Representatives on certain bills which have passed the House and are pending here. If the Senate meets at 11 o'clock, it means that committees will practically be unable to hold hearings or to dispose of any business. Senators will not attend a committee meeting for half an hour, because they know that nothing can be accomplished in that length of time.

Personally, when the Senate closes its business to-day, I do not care whether we shall then take an adjournment or a recess, but I should like to give the committees an opportunity to meet. I have this morning been told that four committees tried to secure a meeting to-day and that they all failed; that none of them was able to secure a quorum. The principal reason for that was that the Senate convened this morning at 11 o'clock, and Members knew in advance that they would simply lose the time if they should go to the committee meeting.

Mr. JONES of Washington. Mr. President, I wish to say that I desire that the committees of the Senate shall meet and consider the legislation which has been referred to them by the Senate. The Committee on Commerce has been at work and has acted upon bills which have been referred to the committee. The session of Congress is nearing its close, however, and it seems to me there is very little possibility of any new business of importance which may be reported from committees, where the subject matter excites any division of opinion, being acted upon at this time. So I do not feel justified in preventing the Senate from meeting sufficiently early in the morning to act upon measures which have been reported to the Senate, in order that committees may consider matters as to which, while, of course, they are important and hearings should be held upon them, no one can hope to have action by the Senate during the present session.

Therefore, Mr. President, so far as I can, I shall insist upon the Senate meeting at 11 o'clock on Monday morning next, either following a recess or by adjournment. I submit the request for unanimous consent which I have made.

Mr. NORRIS. Mr. President, I dislike to object to the request which is now submitted by the Senator from Washington. Personally, I am not interested in the hearings which are now being held before our committee.

Mr. JONES of Washington. I know the Senator is not, and I did not suggest anything of the kind.

Mr. NORRIS. I spent a half hour this morning in the committee room waiting for Senators to be present in order that there might be a hearing on the bill which has been introduced by the Senator from Idaho, but we were not able to secure a quorum. I feel in duty bound—and I have never failed to perform that duty—to call a meeting of the committee when any Member of the Senate asks to be heard or when any Member of the other House asks to be heard.

I feel that it is my duty always to comply with such requests. That means that, at least so far as I am concerned, my time is gone, and the time of one of my clerks is taken up, while awaiting the attendance of Senators. The hearings which are proposed to be held before the Agricultural Committee are not on bills which I myself have introduced but on bills which have been introduced by other Senators, and so long as Senators ask for a hearing thereon, it seems to me that they have that right, or at least that the chairman of the committee ought to do the best he can to secure a quorum of the committee and give them a hearing.

For that reason, Mr. President, not because of any desire of mine to object but because of the responsibility which rests on me to obtain a quorum of the committee if I can, much as I dislike to do so, I am compelled to object to the request for unanimous consent which is made by the Senator from Washington.

Mr. JONES of Washington. Mr. President, of course, I hope the Senator will not think anything that I have said is a criticism of his course, for I have not any criticism whatever to make of him.

Mr. NORRIS. I am not finding fault with the Senator from Washington.

Mr. JONES of Washington. The Senator from Nebraska is discharging his responsibility as he sees it and I am discharging mine as I see it. I desire to give notice that at the close of the session to-day I shall move that the Senate take a recess until 11 o'clock on Monday, and I hope that Republican Senators will be present so that we may have the quorum necessary to take that action.

Mr. NORRIS. And I hope that those Senators who have been importuning me for hearings and who are anxious to be heard on the various bills, especially those which are pending before the committee of which I am chairman, may also be present at the time referred to by the Senator from Washington. I wish to give notice to those Senators that in making the objection I have done what I believe to be my duty, not in be-

half of myself but in their behalf. If they mean what they say, if they feel as though they wish to back me up in taking the position I have taken, I give notice to them that they ought to be here and vote against the proposition that at the close of business to-day the Senate take a recess until 11 o'clock on Monday next.

Mr. ASHURST. The Senator from Washington said that he would move to take a recess until 11 o'clock on Monday. I think it would be better if the Senator would move that when the Senate adjourns, it adjourn to meet at 11 o'clock on Monday.

Mr. JONES of Washington. Possibly that would be better.

Mr. ASHURST. Monday being calendar day, I think we should have an adjournment instead of a recess.

Mr. JONES of Washington. Yesterday, when I asked unanimous consent to take a recess until 11 o'clock to-day, I stated that if I could get unanimous consent I would be willing to adjourn until 11 o'clock Monday morning, and I am perfectly willing to move that when the Senate adjourns it adjourn until 11 o'clock Monday morning.

Mr. ASHURST. I think the Senator would be doing better to move to adjourn until 11 o'clock.

Mr. JONES of Washington. I say I am perfectly willing to do that when the time comes.

I desire to submit a parliamentary inquiry. Is a motion that when the Senate adjourns to-day it shall adjourn to meet at 11 o'clock on a day certain debatable?

The VICE PRESIDENT. The Chair does not understand it is debatable under the rule.

Mr. JONES of Washington. Under that decision, I move that when the Senate adjourns to-day it adjourn to meet at 11 o'clock on Monday next.

The VICE PRESIDENT. The question is on the motion of the Senator from Washington.

Mr. NORRIS. Mr. President, on that motion I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HARRISON. Mr. President, I desire to make a point of order because of the precedent that might be established. I make the point that it is not in order at this time to move that when the Senate adjourns it adjourn to a set date and hour. The only way to do that is by unanimous consent, and the only time to make the motion would be this afternoon, if it shall be desired to make it at that time, but it is premature to make it at this time, and it is not in order under the rules of the Senate.

Mr. WARREN. There is no rule against it; the motion is in order.

Mr. JONES of Washington. I have not looked the matter up, but I know it has been a very common practice in the Senate.

Mr. HARRISON. Personally, I have no objection to meeting at 11 o'clock on Monday.

Mr. WARREN. I know of no rule which precludes the Senator from Washington making the motion which he has made. On the other hand, it has been done very frequently in the practice of the Senate during the course of many years.

Mr. HARRISON. My impression, so far as my short experience in the Senate is concerned, is that when the Senate meets at 11 o'clock it does so by unanimous consent. An order is made at the beginning of each session under the rules of the Senate fixing the hour of meeting at 12 o'clock. The rules can not be suspended except by a two-thirds vote, and in order to suspend the rules a day's notice is required, so that the hour of meeting can not be changed except by unanimous consent.

Mr. WARREN. The Senator is mistaken about the motion being contrary to the rules, because a motion to adjourn to an hour certain is in order. The standing order of the Senate specifically states that the hour of meeting shall be 12 o'clock unless otherwise ordered, and the motion now pending proposes to order a different hour for meeting on next Monday.

Mr. HARRISON. I probably did not make myself plain to the Senator. I said that it might be in order this afternoon when we get ready to adjourn to adjourn to a definite hour on Monday. Then, if another motion should be made to adjourn to 12 o'clock, that would have priority, but at this time, when we are just beginning the day's proceedings, it seems to me that it is not in order to make the motion.

Mr. WARREN. It is immaterial to me, of course.

Mr. HARRISON. It is also immaterial to me.

Mr. WARREN. I am only making the statement now because I would not like to have it understood that a motion that when the Senate adjourns it shall adjourn to an hour certain is not in order at any time.

Mr. HARRISON. I submit that under the practice and under the rules the only way to do it is by unanimous consent.

The VICE PRESIDENT. The Chair does not exactly understand what the objection is which is made by the Senator from Mississippi.

Mr. HARRISON. The motion now is that when the Senate adjourns to-day it shall adjourn to 11 o'clock on Monday. Under the rules of the Senate 12 o'clock is the hour fixed for meeting; my point of order is that the only way to change it at this stage of the proceedings is by unanimous consent, and that has been the practice of the Senate. A request for unanimous consent was made, and objection was interposed to it. Now, the motion is made at this particular time when we are not ready to adjourn that when the Senate shall adjourn it shall adjourn to meet at 11 o'clock on Monday, and I submit that the motion at this time is not in order, and I have made a point of order to that effect.

Mr. JONES of Washington. Mr. President, I want to suggest to the Senator that I find nothing in the rules anywhere with reference to the hour of meeting. My recollection now is that an order is made at the beginning of each session that unless otherwise ordered the hour of meeting shall be 12 o'clock. I find nothing in the rules on the subject.

Mr. HARRISON. That may be true, but it was set as a precedent at the beginning of the session that the rule of the Senate would be to meet at 12 o'clock, as I understand, unless by other arrangement it should be changed. That is my recollection about it.

Mr. LENROOT. Mr. President, I should like to call the attention of the Chair to the first volume of the Precedents, page 24, subdivision 6:

> The Senate had under consideration the bill (S. 65) "to authorize the President of the United States to contract for the transportation of the mails, troops, seamen, munitions of war, Army and Navy supplies, and all other Government service, by railroad, from the Missouri River to San Francisco, in the State of California."
>
> After numerous ineffectual attempts to postpone its further consideration and to adjourn, Mr. Johnson of Arkansas moved that when the Senate adjourn it be to Monday next.
>
> The President (Mr. Stuart in the Chair) decided that this motion was not in order while another matter is pending.
>
> From this decision Mr. Johnson of Arkansas appealed.
>
> On the question, "Shall the decision of the Chair stand as the judgment of the Senate?" it was determined in the affirmative.

Then the next precedent, under date of May 16, 1860, is—

> The Senate resumed the consideration of the unfinished business, the resolutions submitted by Mr. Davis in relation to the questions of slavery and the rights of property in the Territories of the United States; and, pending debate,
>
> Mr. Hale submitted a motion that when the Senate adjourn it be to meet to-morrow, at 2 o'clock, being made pending another subject; and the motion being objected to as not in order,
>
> The President (Mr. Foot in the chair) decided that the motion was in order.

The VICE PRESIDENT. What inference does the Senator draw from those two decisions?

Mr. LENROOT. I simply cite them. I would, however, call the attention of the Chair to a precedent that I can not turn to at this moment, but it is with reference to the adjournment sine die of Congress. Senators will remember that two years ago, I think, the question was up as to that motion being in order, that when the Senate do adjourn sine die it be on a certain date. I can not give the Chair a reference to the precedent, but I think the Senator from Mississippi very fully argued that question, and I think an appeal was taken, and the Senate decided that it was in order, as I recollect.

The VICE PRESIDENT. The last decision seems to have been made in 1860. The Chair thought the difficulty with the motion would be the one that is decided in the decision of 1860, rather than the one raised by the Senator from Mississippi. The time of day that the Senate shall meet is not fixed by rule but by resolution. It is not a question of changing the rules, as the Chair understands; so the Chair is going to rule that the motion at the present time is in order.

Mr. JONES of Washington. Mr. President, will the Chair state the motion now, so that all Senators will understand it?

The VICE PRESIDENT. The question is on the motion of the Senator from Washington [Mr. JONES] that when the Senate adjourns to-day it adjourn to meet on Monday at 11 o'clock. On this motion the yeas and nays have been demanded and ordered. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Delaware [Mr. BALL]. He is absent. I transfer that pair to the Senator from Missouri [Mr. REED], and will vote. I vote "nay."

Mr. HARRISON (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. ELKINS] to the senior Senator from Nevada [Mr. PITTMAN], and will vote. I vote "nay."

Mr. McKINLEY (when his name was called). I have a standing pair with the Senator from Arkansas [Mr. CARAWAY], which I transfer to the Senator from Connecticut [Mr. BRANDEGEE], and will vote. I vote "yea."

Mr. STANLEY (when his name was called). I have a general pair with the junior Senator from Kentucky [Mr. ERNST]. Being unable to secure a transfer, I withhold my vote.

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from New York [Mr. WADSWORTH], and will vote. I vote "yea."

Mr. WALSH of Montana (when his name was called). I transfer my pair with the Senator from New Jersey [Mr. FRELINGHUYSEN] to the Senator from Ohio [Mr. POMERENE], and will vote. I vote "yea."

The roll call was concluded.

Mr. DIAL. I have a pair with the Senator from Colorado [Mr. PHIPPS]. Being unable to secure a transfer, I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. KELLOGG. I transfer my general pair with the Senator from North Carolina [Mr. SIMMONS] to the Senator from California [Mr. SHORTRIDGE] and will vote. I vote "yea."

Mr. POMERENE entered the Chamber and voted "nay."

Mr. WALSH of Montana. Mr. President, the Senator from Ohio [Mr. POMERENE] having appeared and voted, I withdraw the transfer of my pair with that Senator, and being unable to secure a transfer I withdraw my vote.

Mr. JONES of Washington (after having voted in the affirmative). I understand that the senior Senator from Virginia [Mr. SWANSON] has not voted. I have a pair with him for the day, which I find I can transfer to the Senator from Maryland [Mr. WELLER]. I do so, and will allow my vote to stand.

Mr. CURTIS. I have been requested to announce the following general pairs:

The Senator from Maine [Mr. FERNALD] with the Senator from New Mexico [Mr. JONES];

The Senator from Maine [Mr. HALE] with the Senator from Tennessee [Mr. SHIELDS];

The Senator from North Dakota [Mr. McCUMBER] with the Senator from Utah [Mr. KING];

The Senator from Connecticut [Mr. McLEAN] with the Senator from Montana [Mr. MYERS]; and

The Senator from Indiana [Mr. WATSON] with the Senator from Mississippi [Mr. WILLIAMS].

The result was announced—yeas 31, nays 26, as follows:

YEAS—31.

Bursum	Johnson	Moses	Ransdell
Calder	Jones, Wash.	Nelson	Reed, Pa.
Cameron	Kellogg	New	Stanfield
Colt	Keyes	Nicholson	Sterling
Curtis	Lenroot	Oddie	Townsend
Dillingham	Lodge	Page	Warren
France	McCormick	Pepper	Willis
Harreld	McKinley	Poindexter	

NAYS—26.

Ashurst	George	Ladd	Robinson
Bayard	Gerry	La Follette	Sheppard
Brookhart	Glass	McKellar	Trammell
Capper	Harris	McNary	Underwood
Couzens	Harrison	Norris	Walsh, Mass.
Culberson	Heflin	Overman	
Fletcher	Hitchcock	Pomerene	

NOT VOTING—39.

Ball	Fernald	Norbeck	Spencer
Borah	Frelinghuysen	Owen	Stanley
Brandegee	Gooding	Phipps	Sutherland
Broussard	Hale	Pittman	Swanson
Caraway	Jones, N. Mex.	Reed, Mo.	Wadsworth
Cummins	Kendrick	Shields	Walsh, Mont.
Dial	King	Shortridge	Watson
Edge	McCumber	Simmons	Weller
Elkins	McLean	Smith	Williams
Ernst	Myers	Smoot	

So the motion of Mr. JONES of Washington was agreed to.

POWER OF STATE LEGISLATURES OVER ELECTORAL COLLEGE.

Mr. NORRIS. Mr. President, I desire to announce that on Thursday next, as soon after the convening of the Senate as I can get recognition, I shall address the Senate on the subject of the power of the State legislatures over the Electoral College.

JACOB F. ROSENBERGER.

Mr. REED of Pennsylvania. Out of order I ask unanimous consent for the immediate consideration of Order of Business 1051, being the bill (H. R. 12887) granting a pension to Jacob F. Rosenberger. The bill, I am quite sure, can be disposed of without any debate at all. It merely corrects a clerical error in the omnibus pension bill of September 18, 1922. The clerk of the committee, I understand, put in the wrong first name for one of the claimants, and this bill merely corrects that error. I will be compelled to be absent on Monday, or I would not ask for the consideration of the bill at this time.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Jacob F. Rosenberger, helpless and dependent son of Frederick Rosenberger, late of Company B, One hundred and thirty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month from the 18th day of September, 1922.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TARGET RANGE OF LINCOLN COUNTY, OKLA.

Mr. HARRELD. I ask unanimous consent for the present consideration of the bill (H. R. 6204) to grant the military target range of Lincoln County, Okla., to the city of Chandler, Okla., and reserving the right to use for military and aviation purposes. This is a bill which has been passed by the House and reported favorably from the Committee on Military Affairs of the Senate. It will take but a moment to pass it.

Mr. JONES of Washington. With the understanding that it will not lead to discussion, I shall make no objection; but we are going to have a morning hour on Monday, and in the meantime I hope Senators will not call up any more bills from the calendar than are necessary.

Mr. ROBINSON. The report on the bill by the Committee on Military Affairs is unanimous.

Mr. JONES of Washington. As I said, if it does not give rise to debate, I shall not object to its consideration.

There being no objection, the bill was considered as in Committee of the Whole and it was read as follows:

Be it enacted, etc., That the title and fee to the military target range of Lincoln County, Okla., described in words and figures as follows, to wit: The south half of the south half of the northwest quarter of section 9, in township 14, north of range 4, east of the Indian meridian; except the land described as follows: Beginning at the southeast corner of said northwest quarter of section 9, running thence west 363 feet; thence north 445 feet; thence east 363 feet; thence south 445 feet to the place of beginning. Also, except the right of way of the Choctaw, Oklahoma & Western Railroad, now the Chicago, Rock Island & Pacific Railroad, being a strip of land 100 feet in width across said land, extending 50 feet on each side of the center of the roadbed or main track of said railroad company. Also, except a strip of land 16 feet wide across the south line of the northwest quarter of said section 9, extending from the west line of the right of way of the Chicago, Rock Island & Pacific Railroad to the west line of the said northwest quarter of the said section 9, said tract so conveyed containing 34.48 acres, according to the survey thereof. And the south half of the south half of the northeast quarter of section 8, in township 14, north of range 4, east of the Indian meridian, containing 40 acres, according to the Government survey thereof. And the south half of the northwest quarter of section 8, in township 14, north of range 4, east of the Indian meridian, be, and the same is hereby, granted and conveyed to the city of Chandler, Okla., to be used as a public park, subject, however, to the right of the United States to at any time reenter and occupy the same for military purposes or as an aviation field; or the same may be used for said purposes by the militia of the State of Oklahoma under such terms and regulations as may be prescribed by the Secretary of War of the United States of America: *Provided, however,* That in the event the said lands are not used by the municipality for the purposes specified in this act the same shall revert to the United States: *And provided further*, That said lands shall be subject to the right of the United States at any and all times and in any manner to assume control of or use and occupy the same or any part thereof, without license, consent, or leave from said city or State for any and all military purposes, including use for a target range or aviation purposes, free from any conveyance, charges, incumbrances, or liens, made, created, permitted, or sanctioned thereon by said city or State.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE MERCHANT MARINE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes.

Mr. RANSDELL. Mr. President, I ask unanimous consent to present a petition from representatives of commercial organizations, Commonwealths, and cities, assembled in convention in this city on February 7, urging that the pending bill be brought to a vote before the end of the present session of Congress. I ask that the petition, which is very brief, and the signatures of some 65 commercial bodies, be printed in 8-point type in the RECORD and lie on the table.

The VICE PRESIDENT. Without objection, it is so ordered.

The petition, with the signatures, was ordered to be printed in the RECORD in 8-point type and to lie on the table, as follows:

The honorable the VICE PRESIDENT OF THE UNITED STATES,
United States Senate, Washington, D. C.

SIR: We, the undersigned, representatives of commercial organizations, Commonwealths, and cities of the Nation, in convention assembled in Washington, D. C., this 7th day of February, 1923, do hereby petition the Congress of the United States

to pass speedily the pending legislation, with any necessary perfecting amendments, designed to establish permanently an adequate American merchant marine.

Failure on the part of this Congress to act promptly and constructively will in our judgment constitute an abandonment of our interests on the seas and will result in the disintegration of the great bulk of our present merchant fleet, because of the inability of our ships, unaided, to meet the competition of cheaper-built and cheaper-operated foreign tonnage. Without adequate shipping facilities under the American flag, not only our commercial prosperity, but the Nation's safety as well, will be endangered.

Delay in acting on the pending legislation will mean the surrender of an opportunity for the national welfare that may never return. We therefore urge, with the utmost earnestness, that the shipping bill be brought to a vote before the end of the present session of Congress.

National Merchant Marine Association, Jos. E. Ransdell, president; Chamber of Commerce of Cincinnati, Ohio, per Robt. S. Alter, director; Middle West Merchant Marine Committee, by Malcolm Stewart, chairman; United States Ship Operators' Association, by Charles H. Potter, president; National Association of Manufacturers, 50 Church Street, New York, by Nathan B. Williams; Maj. Andrew W. Feuss, delegate; Washington Board of Trade, Washington, D. C., by Frank P. Leetch, delegate; Neptune Association of Masters and Mates (Inc.), John F. Milliken, secretary; Pacific American Steamship Association, per Edwin H. Duff and H. S. Scott; State of Maryland, W. H. Stayton, Wm. H. Matthias, and James E. Abbott, delegates; Geo. M. Shriver, per F. J. C.; American Manufactures' Export Association, Myron W. Robinson, president; Galveston Commercial Association, by T. R. Hancock, director; New Orleans Association of Commerce, by William Allen, special representative; City of Tampa, Fla., by J. T. Lykes; Board of Harbor Commissioners, Wilmington, Del., Fredk. W. Hersey, operating division; C. A. McAllister, vice president American Bureau of Shipping; Memphis (Tenn.) Chamber of Commerce, S. H. Butler, president; Manufacturers and Jobbers' Association of the Columbus Chamber of Commerce, Avery G. Clinger, secretary; Muscatine Association of Commerce, C. E. Fox, secretary; Iowa State Chamber of Commerce, of Des Moines, Iowa, by Jos. F. Leopold; Gulf Shipping Conference (Inc.), S. O. Pedricky, president; South Atlantic States Association, Matthew Hale, president; American Steamship Owners' Association, by Winthrop L. Marvin, vice president and general manager; St. Joseph (Mo.) Chamber of Commerce, Harold S. Foster, secretary; Davenport Chamber of Commerce, C. R. Miles, secretary; Winona (Minn.) Association of Commerce, C. A. Bolton, secretary; the City of Philadelphia, by Emil P. Albrecht, delegate by appointment of Mayor J. Hampton Moore; the Philadelphia Bourse, by Emil P. Albrecht, president; Philadelphia Board of Trade, by Anthony S. Haydin, chairman foreign and coastwise commerce committee; Minneapolis (Minn.) Civic and Commerce Association, J. S. Cady, secretary; Kansas City (Kans.) Chamber of Commerce; Huron Commercial Club, Huron, S. Dak., J. Valentine, secretary; Lacrosse (Wis.) Chamber of Commerce; the St. Paul Association, Herman Mueller, traffic division; Fort Dodge (Iowa) Chamber of Commerce, R. O. Green, secretary; the Leavenworth (Kans.) Chamber of Commerce, E. G. Blum, secretary-manager; New Orleans Board of Trade (Ltd.), Thomas V. Cunningham; special committee representing the city of Boston, J. W. Bruce, chairman, Lewis K. Thurlow; Illinois Chamber of Commerce, by John H. Camlin, president; Civic and Commerce Association of Superior, Wis., by W. H. Tyson, secretary; Chamber of Commerce, Mobile, Ala.; Manufacturers and Merchants' Association, St. Louis, Mo., Albert J. Davis; Lumberman's Club, Memphis, Tenn., J. H. Hines; Memphis Chamber of Commerce, J. H. Hines; Chicago Board of Trade, John V. Stream, president; Association of Commerce, Madison, Wis., Don E. Mowry; Dubuque (Iowa) Chamber of Commerce, H. R. Hanger, acting secretary; Oklahoma Chamber of Commerce, T. C. Thatcher; Oklahoma Millers' Association, T. C. Thatcher; Oklahoma Grain Dealers' Association, T. C. Thatcher; Des Moines (Iowa) Chamber of Commerce, L. B. Jeffries; Chicago (Ill.) Association of Commerce, P. W. Kunning; Chicago World Trade Club, Chicago, Ill.; Institute of American Meat Packers, Chicago, Ill.; Topeka Flour Mills Co., Topeka, Kans., H. D. Yoder, vice president; Southwestern Millers' League Export Committee, Topeka, Kans., by H. D. Yoder, chairman; Millers' National Federation, Topeka, Kans., H. D. Yoder, director; Mobile (Ala.) Clearing House Association, Thos. M. Moore, secretary and manager; Fond du Lac Association of Commerce, Wis., E. T. Markle; the City Club of Decatur, Ill., Geo. A. Williams; Association of Commerce, Decatur, Ill., Geo. A. Williams; Chamber of Commerce, Evansville, Ind., J. S. Johnson, secretary; Chamber of Commerce, Huntington, W. Va., O. S. Frick, secretary; Toledo Chamber of Commerce, Toledo, Ohio, L. G. Macomber, traffic commissioner; St. Paul Association of Public and Business Affairs, St. Paul, Minn., J. A. Seegar, president; Milwaukee Association of Commerce, by M. A. W. Bably; H. W. Lawrie, representative Portland Chamber of Commerce, Portland, Oreg.

Mr. FLETCHER addressed the Senate. After having spoken for some time,

Mr. WALSH of Massachusetts. Mr. President——

Mr. FLETCHER. I yield to the Senator from Massachusetts.

Mr. WALSH of Massachusetts. I understood the Senator to state that Government ownership had never been given a fair trial. Is it not a fact that the Government lines which have been conducted by the Shipping Board have been a financial success? I would like to have the Senator tell us what he means by stating that it has not been given a fair trial, and whether or not, to the extent to which it has been given a fair trial, it has been a success.

Mr. FLETCHER. I shall be very glad to do that. Perhaps I ought to qualify what I said about the Government operation never having been given a chance by saying that in the instance of the Panama Steamship Line, where there has been Government operation all along from Panama——

Mr. WALSH of Massachusetts. For how long?

Mr. FLETCHER. Some 20 years. They have made an abundant success. Out of the whole 20 years they have had a deficit in only two years, and those deficits amounted to a very small sum when we consider all the circumstances surrounding them. For instance, last year the deficit has been stated to be $587,000. If we allowed them credit at commercial rates for the supplies and employees carried down there for the Government, their deficit would not amount to $125,000. In other words, they have been carrying supplies and employees to Panama at much less than commercial rates have been all along.

Mr. WALSH of Massachusetts. And, of course, last year overseas freight cargoes reached the bottom as to rates.

Mr. FLETCHER. Oh, undoubtedly. Even the Shipping Board put the Government-owned ships in competition with the Government's own line.

Mr. CALDER. But did they do that in the case of the Panama Steamship Co.?

Mr. FLETCHER. Oh, yes. The routes and service covered by the Panama Steamship Co. were also covered by the Shipping Board.

Mr. CALDER. Direct to Panama?

Mr. FLETCHER. The Shipping Board ships, I think, operated touching possibly at Porto Rico and Haiti, and perhaps some ports along the West Indies to Panama, and were in the same service.

Mr. WALSH of Massachusetts. The Panama line did not touch those ports?

Mr. FLETCHER. Yes; it went direct to Panama. I do not think the service by the other company was direct to Panama, but was the same service the Panama line had been engaged in.

Mr. CALDER. If the Senator will permit me, for a number of years the Panama Steamship Co. operated its ships direct to Panama and did not stop at those outlying West Indies ports, but a few years ago, under Secretary of War Baker, it was determined to have the vessels stop at the West Indies ports. Now the shipping interests of the country have con-

tended that the Government-owned vessels were actually put in competition with privately owned vessels on those routes run by private lines before, and that they have almost completely destroyed the opportunity for private lines to operate to the West Indies.

Mr. FLETCHER. I presume the Senator's statement is correct, and I expect he is better informed than I am on the subject. I did not mean to offer any criticism with reference to using Shipping Board vessels in that service as against the Panama line. I think the Shipping Board vessels were operated by private operators and not by the Government itself in that service. It is possible that some years ago the service was direct between Panama and New York. I do not know just when it was broadened to take in the other ports.

Mr. CALDER. I think it was about three years ago. I know at the time that representatives of shipping companies in New York and some from the Gulf States came to see me here, and I went with them and protested to the Secretary of War against the operation of the Government-owned ships competing with privately owned lines which had been operating the lines to the West Indies for years, and that they were being destroyed because of Government operation. I tried to induce Secretary Baker to give an opportunity to those people to continue their business rather than have it destroyed by the Government.

Mr. BROOKHART. Mr. President——

Mr. FLETCHER. I yield to the Senator from Iowa.

Mr. BROOKHART. If it is true that Government shipping destroyed them, is not that a pretty strong argument for the efficiency of Government operation?

Mr. CALDER. If the Senator from Florida will permit me to answer the inquiry of the Senator from Iowa, of course the Government can operate in competition with private companies where the Government has no insurance to pay, where the Government does not figure any interest on capital expenditure, and very often does not figure depreciation. Let me say to the Senator that the Government can not operate vessels in competition with privately owned lines if they do not have those extraordinary expenses to pay, as the private operator has.

Mr. BROOKHART. If they do not have them to pay, that means there is greater efficiency in Government operation.

Mr. CALDER. From my investigation of the subject, I quite disagree with the Senator. From every investigation I have made and every inquiry I have been able to make, it is just like the matter of the operation of the railroads by the Government during the war. When we got through with that operation we discovered that we had worked out a deficit of $1,800,000,000. We could go on paying such deficits, of course, but it would be unwise to do so.

Mr. BROOKHART. Let me call the attention of the Senator to another fact which he forgets, and that is that the first year after the roads were turned back to private ownership, which would be the best year for comparison with Government operation, the operating expenses increased about $1,485,000,000 under private operation. Does the Senator consider that fact? The people have to pay all that money.

Mr. CALDER. It cost us nearly $2,000,000,000 to operate the railroad lines under Government operation.

Mr. BROOKHART. Even if that were true, of course all of it was expense that private sources took from the railroads when they were not entitled to do it. One trouble with American business is that they are all the time shouting about better government, all the time saying to the Government, "You are inefficient, you can not do anything, you had better turn everything over to us." I think their attitude toward the Government of the United States is the most unpatriotic attitude in the country. Instead of trying to help the Government be efficient, they take the unpatriotic position that they want to get all these things themselves and do not want the Government to perform its real functions.

Mr. CALDER. Of course, we are getting far afield from the shipping business, but I want to say to the Senator that I utterly disagree with him on the question of Government operation of utilities like railroads and steamship lines. I am quite convinced that in the matter of the operation of Government-owned steamship lines there is just one thing or the other for us to do if we hope to maintain an American merchant marine, either through the Government saying to private shipowners to go ahead in that direction, or else, as the Senator apparently proposes, let the Government operate the vessels itself. There are just those two lines of thought.

Mr. BROOKHART. When it reaches the stage that we must take Government money out of the Treasury so it will make millionaires out of private shipowners, then I protest that as a matter of principle the Government, under those conditions, ought to operate the ships.

Mr. CALDER. That is the Senator's opinion, but my judgment, after a wide study of the subject, convinces me that Government aid and private operation can be worked out with much less expense to the Government and much more efficient operation.

Mr. BROOKHART. I do not like the Senator's line of argument. When I am talking about my Government and saying my Government is the best institution in the world, I do not like to be met with the argument that the Government is inefficient and that it can not do these things. If the Government is inefficient, it is the fault of the Senate and the House and the President and the officials who are running it, and that fault ought to be corrected so the Government could do its duty in that matter as well as in other matters.

Mr. WALSH of Massachusetts. Mr. President——

Mr. FLETCHER. I would like to finish the answer to the Senator's first question about Government operation. The other instance of Government operation is the United States Lines.

Mr. WALSH of Massachusetts. I was going to ask about that line.

Mr. FLETCHER. That has only begun comparatively recently. It has been of short duration. They had to take over a bankrupt concern that undertook to buy the ships and could not carry out the contract. They collected money ahead of time on passenger fares when they never could carry out their contracts with the passengers. The Government took over one line and, not having any private operator available and not having been offered a MO–4 contract, they had to take the ships, and so they put Mr. Rossbottom in charge of the line. That is the only other instance, and that has been a success.

Mr. McKELLAR. One of the lines has made considerable money, has it not?

Mr. FLETCHER. Yes.

Mr. McKELLAR. The other, running to London or to Southampton, is not paying so well, but they are more than breaking even, taking them together.

Mr. FLETCHER. They are doing splendidly wherever the boats are adapted to the service. There are some ex-German 25-year-old tubs, as Mr. Rossbottom called them, that ought not to be in the service at all. They could not be operated profitably by anybody. They might be used on the Pacific in certain kinds of service over there, and with profit. I do not mean that they ought to be given away or scrapped. They are not worthless, but they are not suited for the Atlantic service, and consequently they are losing money. Outside of that the line is a great success.

Mr. WALSH of Massachusetts. As I understand it, the Government has pursued two policies in reference to Government-owned ships. It has maintained lines of its own, ships owned and operated by the Government. The other policy is one of loaning ships to private interests and making contracts with those private interests for the operation of them. Under the bookkeeping system of the Shipping Board, is it not a fact that the bookkeeping of the Shipping Board showed a profit in the activities of the Government operating its own ships and a substantially great loss in the operation of loaning ships to private interests and making contracts for their operation?

Mr. FLETCHER. I think that is quite true.

Mr. WALSH of Massachusetts. So that, so far as the financial statement of the Shipping Board goes, the more profitable operation for the Government has been of the two experiments operating ships under Government operation?

Mr. FLETCHER. Unquestionably.

Mr. WALSH of Massachusetts. And the great financial losses that have come have been as a result of the MO–4 contracts, which are contracts entered into with private concerns to operate Government-owned vessels.

Mr. FLETCHER. Yes. I think the Senator states that correctly.

Mr. McKELLAR. I desire to ask the Senator this question: Is it not true that the confused policy of the Shipping Board is hurting the operation of its ships very greatly? In order to make myself clear, I desire to say that I understand the Shipping Board is very anxious to put all the ships into private hands, and as soon as practicable to sell them, if possible; and, if not, otherwise to get rid of them. If the Government were to pursue a policy of making our shipping a success and, say for a period of years, establish the policy of building up our shipping, under those circumstances would it not, in the Senator's opinion, cut down the losses very greatly, if not remove them entirely?

Mr. FLETCHER. I think undoubtedly that would be so. I have tried to state during the course of my remarks here to-

day that where they are handling the ships on the basis of liquidating the business they can not expect to succeed. It is entirely different from operating the ships as a going concern.

Mr. McKELLAR. In other words, they have put themselves in the position of a receiver for a private corporation who is winding up the corporation?

Mr. FLETCHER. Yes.

Mr. McKELLAR. And it is not intended to build up the business, to make it a paying business, but the purpose under those circumstances is simply to get as much cash out of it as possible and then to quit?

Mr. FLETCHER. And to hold out to the world the idea that it is a temporary emergency concern.

Mr. McKELLAR. That it is a temporary emergency concern which is going to be put out of business at the earliest moment possible?

Mr. FLETCHER. Of course.

Mr. McKELLAR. Under those circumstances, I desire to ask, did the Senator from Florida ever know any business to make a success?

Mr. FLETCHER. It would be impossible. I think the Shipping Board has done remarkably well under those conditions in establishing what routes they have established and in the amount of business they have done.

Mr. McKELLAR. To my mind that is the cause of the trouble that the Shipping Board is now in. If they would go out and get business in order to build up a permanent and successful merchant marine for our country, instead of showing a $50,000,000 a year loss they would show an enormous profit in the business.

Mr. CALDER. Mr. President, will the Senator from Florida yield to me just there?

Mr. FLETCHER. I yield to the Senator from New York.

Mr. CALDER. I think the statement made by the Senator from Tennessee [Mr. McKELLAR] and the response of the Senator from Florida are substantially correct. I think it is undoubtedly true that such operation of a shipping company, like the operation of any other business with the intention of liquidating the business rather than making it a going concern ultimately to be operated at a profit, undoubtedly tends to destroy the effectiveness of the organization. Undoubtedly that is true. We should have done much better if we had gone ahead on the theory that the business was to be a Government-owned and Government-operated business of running ships overseas.

Mr. McKELLAR. At least until we had made it a success and could in a proper way turn the business over to private interests.

Mr. CALDER. If the Senator from Florida will permit me a little further, I desire to say that from my investigation of the subject—and coming from New York City, I have opportunities of inquiring into these matters—I know that it is true that in nearly every case overseas voyages made by the vessels which are operated by private lines under contract with the Shipping Board result in a loss to the Government. I know of instances where the operation of vessels to various ports in Europe by shipping companies results in losses of $2,000, $3,000, $4,000, and even $10,000 a voyage to the Government.

I have in mind the statement made by the Senator from Florida [Mr. FLETCHER] and the Senator from Massachusetts [Mr. WALSH] in connection with the United States Line. I have taken the trouble to have some of their figures analyzed, and I shall print in the RECORD, at the end of the remarks of the Senator from Florida, if he has no objection to my asking permission now, the statement, which has been worked out by some gentlemen who are shipping men and who know the circumstances. They tell me when one comes to consider the maintenance and repairs for the vessels of the United States Line, the really genuinely operated Government line, that the aggregate losses will run into the neighborhood of $500,000 a month; in other words, the loss to the Government in the operation of the United States Line for the past year will total nearly $6,000,000.

Mr. McKELLAR. Does the Senator take any other lines into consideration except the lines which are running from New York to Plymouth and from New York to Bremen?

Mr. CALDER. I am considering the operation of the vessels which are under control of the line referred to.

Mr. McKELLAR. As I understand, those are the two lines of which Mr. Rossbottom has charge, and they are run purely as Government lines. As I understand, the line which runs to Bremen is a success and made last year a profit of something like $700,000, and while the other line, running to Plymouth, has not paid, the losses do not amount to as much as the profits which were made on the route to Bremen.

Mr. CALDER. The gentlemen whom I have in mind point out that on some of the round trips of the United States Line vessels the losses to the Government total as high as $40,000.

I submit, Mr. President, that we are not going to continue that sort of business forever. We are going to do one of three things: Give Government aid; establish the policy of Government operation and pay the losses out of the Treasury; or, as the Senator from Utah said the other day, put the ships up on the auction block, sell those which we can sell, and those which we can not sell take out in the ocean and sink.

Mr. McKELLAR. If the Government can not make the business a success, with no insurance, as was said awhile ago, and with no interest on capital, and with other carrying charges less than a private individual could possibly have, does the Senator think that an individual could make it a success? How does the Senator figure that out?

Mr. CALDER. I think with Government aid such as is proposed to be provided in the pending bill it may be done.

Mr. McKELLAR. Oh, of course, if we make the aid large enough; but if we ever start the aid, as we know from having previously given aid in other instances, whenever a particular interest gets its hands into the Public Treasury it puts them down deeper and deeper and deeper and gets more and more as the years pass by.

Mr. CALDER. I do not think so. I think when it gets to the point where the American people will feel the burden is too great, and that satisfactory results are not being obtained, the whole thing will be abandoned; just as I believe—if the Senator from Florida will permit me to interrupt him further—that if we go on as we have in the last year or two under Government operation, we will proceed for a while with losses aggregating $30,000,000 or $40,000,000 or $50,000,000 or $60,000,000 a year, as the case may be, and some day, in view of the spirit of economy and the demand for a decrease in the cost of government and the lowering of taxes, we will sell the ships, as the Senator from Utah has suggested, on the auction block, to whomsoever wants to buy them, and go back to the condition we were in in the days before the war, when Europe had over 90 per cent of our carrying trade.

Mr. McKELLAR. Then, the Senator does not think that America will ever be able to build up her merchant marine?

Mr. CALDER. I do not think it will ever be possible for America to build up her merchant marine in competition with nations abroad which can build ships and operate them cheaper than Americans can.

Mr. McKELLAR. Then, how can the Senator get his consent to vote for a subsidy if the payment will never be of any lasting benefit or good to the American people?

Mr. CALDER. I will say to the Senator that I do not believe it is possible for us to maintain a privately operated merchant marine in competition with Sweden, Norway, Denmark, Holland, France, Germany, England, and other nations without sufficient Government aid to make up the difference in operating our ships as compared with the operating costs of European ships. If it is against the policy of the Government to give that sort of aid, then we might as well abandon the whole thing, and go back to the pre-war arrangement.

Mr. McKELLAR. As I understand the Senator, he says that even if we started the subsidy plan and expended $30,000,000 or $40,000,000 or $50,000,000 a year at first, and even if we increased it later, he does not think even then we could make it a success?

Mr. CALDER. The Senator misunderstood me.

Mr. McKELLAR. I understood the Senator to say that we would soon go back to pre-war conditions.

Mr. CALDER. Oh, no; but I am fearful when we start out giving the subsidy that some day the American people may become tired of contributing money in that direction. I admit to the Senator that it is a pretty serious matter; the taking of money out of the Public Treasury and giving it to private interests to operate a business directly for their benefit as well as for the benefit of the country is a question as to which men may honestly differ; but it seems to me that shipping is a little different from anything else; it is a splendid auxiliary for our Navy, a second line of defense, as it were, and a good means to bring about the expansion of our business abroad. I think that the farmers of Iowa and of Tennessee and of all the other sections in the interior of the country away from the seacoast will be directly benefited by having a merchant fleet carrying their products all over the world.

Mr. McKELLAR. I, too, think so; I believe in building up the merchant marine; and I think that the Government should

aid in every way in securing business for our merchant marine, in securing cargoes for American vessels; but the Senator knows that wherever any fleet of ships, say, those of the Standard Oil Co. or of the United Fruit Co. or of the United States Steel Co. or of any other business corporation, have cargoes both ways they make money. They do not need any subsidy. What the Government ought to do, in my judgment, is to make the conditions as favorable to our getting cargoes as it is possible. I differ from the Senator about the future of our merchant marine. I believe if the Government would secure favorable conditions under which our ships could get cargoes to carry our products abroad and to bring foreign products to our shores we would have as prosperous a merchant marine as any other nation, and probably more so, because we have more business.

Mr. CALDER. We have our commercial attachés throughout the world, and I think, perhaps, they are doing some good for us; but we will, it seems to me, never get all of the foreign trade which we ought to get until we have a merchant marine of our own.

Now, let me say to the Senator it was my privilege to talk at length to a gentleman who represented our Shipping Board in Buenos Aires for several years and until very recently. He told me when he went there he found our Shipping Board interests in the hands of a European—I forget whether the agent was a German, a Dutchman, or of some other nationality—but he found no real sympathy there on the part of the men acting for our Shipping Board in our business. He said we have not thought in terms of shipping. In the very recent past people from the Argentine and Brazil went to Europe in order to reach the United States, and naturally traded in Europe; we were not getting all the trade we could in those countries; whereas if we had had our ship lines running up and down the east and west coast of South America and to the principal ports of the world we would increase our business.

I do not question the Senator's desire to do the best thing for his country; I am sure he means to do the best thing; but I am confident that if he agreed to my theory of the shipping business he would support my position, as I would support his position if I believed in his theory. However, I am convinced from my observation, from long residence in New York and long experience with shipping interests, and from intimate first-hand knowledge, that we will not be able to operate a fleet of vessels in competition with European nations unless we give Government aid to them; otherwise we will, as the Senator's argument seems to indicate he favors, be compelled to resort to Government operation of the vessels.

Under Government operation, let me say to the Senator, American private competition is driven out; the operation of American vessels is then put entirely in the hands of the Government. Is the Senator for that? Does he believe that to be the best policy for the future merchant marine in this country? If he does, then the question is merely one of Government operation as against private operation. The lines are then directly drawn.

Mr. McKELLAR. I will say to the Senator I am inclined to believe that if we imposed a discriminating duty of 5 per cent upon the goods brought to our shores in American bottoms and required, of course, that goods which are on the free list should be brought in in American bottoms, that would give us the business. The Senator knows that there are a number of old treaties, one of them made in 1815, more than a hundred years ago, that greatly discriminate against American trade and commerce and that have discriminated against them ever since they were made; but for some unimaginable reason they have been allowed to remain as they are by the inaction of our executive department. I say let us abrogate those treaties and put in a discriminating duty, and then all American ships, private and public, would get all the business that they could do and make a great success of it.

Mr. CALDER. In response to that statement let me say to the Senator that with the distinguished Senator from Florida [Mr. FLETCHER], the Senator from Washington [Mr. JONES], in charge of this bill, and several other Senators I helped prepare the so-called Jones Shipping Act of 1920. We provided in that bill substantially the very thing the Senator suggests. I recall that the Senator from Florida was quite enthusiastic about how that would work out. I will say to the Senator from Tennessee that I fully concur with him; if we had been able to put the discriminating-duty provision into effect, it would have had a splendid effect and might have solved the problem. I am inclined to believe that it would have solved it; and if that had been done I do not think we would be here to-day.

Mr. McKELLAR. It would have been better than any subsidy, would it not?

Mr. CALDER. But, as the Senator knows, a Democratic President did not agree with that. He did not agree with it when it was incorporated in the Underwood Tariff Act. I did not vote for that tariff act, but I did vote for that particular provision in it. It was a splendid thing, and I thought it would be helpful to our merchant marine; and then it was incorporated in the Jones law.

Neither President Wilson nor our present President was willing to put it into effect, however. One of the things our present President is enthusiastic about and exceedingly anxious to see, one of the great things he has always urged, is the development of a merchant marine; but, for some reason, both President Wilson and President Harding were fearful that our treaties would be violated if we attempted to put that provision into effect. I think that would solve the problem. I should like to see it done.

Mr. McKELLAR. If the Senator will permit me just a moment, the Senator knows that Congress itself has the right to annul and abrogate these commercial treaties. We did it in the case with Russia and in other instances. We have the right to do it. I have already prepared and offered an amendment to this bill to abrogate those treaties, and if that is done there is no reason in the world why we can not put the discriminating duty in force; and I want to ask the Senator this question: With the treaties abrogated, and the discriminating duty in force, does not the Senator believe it would be very much better than any cash payment?

Mr. CALDER. I am not certain of that; but it might be, and I am willing to try it if it can be put into effect.

Mr. McKELLAR. I hope the Senator will vote for the amendment that I shall offer in order to try it.

Mr. CALDER. Will the Senator permit me to ask unanimous consent to have printed in the RECORD a letter analyzing the cost of operating the United States Lines?

Mr. FLETCHER. I yield for that purpose. Of course, it will follow my remarks, and not appear as a part of my remarks——

Mr. CALDER. Certainly; it will follow the Senator's remarks.

Mr. FLETCHER. Because I differ with the Senator's view, and I have no doubt with his correspondent's view, about the estimates as to these losses; and I have already put in the RECORD some data furnished by Mr. Manson and Mr. Rossbottom showing the contrary—that those lines have been successful.

The VICE PRESIDENT. Without objection, the letter will be printed in the RECORD.

The letter is as follows:

The Journal of Commerce of January 10 contains a statement by Mr. T. H. Rossbottom, general manager of the United States Lines, in which he claims that in the statement from which Mr. Lasker derived his figures the United States Lines was compelled to carry a financial burden which a privately owned company would not be called upon to bear in its operating account. This statement leaves the erroneous impression that the United States Lines' losses are largely paper losses and that Government operation is efficient and likely to prove profitable for the Government. That such is not the case should not require demonstration. If it did require demonstration, the list of voyage losses sustained by the United States Lines' vessels should make a complete refutation. However, as the United States Lines form the best presently known example of Government operation an examination into their accounts is pertinent.

The period I shall cover will be from July 1 to December 1 of 1922. This is the most favorable period of earnings that could be taken. On July 1 new immigration quotas are opened up. In August, September, and October the spring tourist trade eastbound is returning home. The three critical months in the passenger business, namely, January, February, and March, are excluded:

The net profit of the United States Lines for the month of July was $61,809.43.

The net loss of the United States Lines for the month of August was $187,707.79.

The net loss of the United States Lines for the month of September was $124,031.24.

The net loss of the United States Lines for the month of October was $74,276.17.

The net loss of the United States Lines for the month of November was $436,004.83.

The net loss of the United States Lines for a period of five months was $760,210.60.

Mr. Rossbottom objects to the financial burden of reconditioning ships. Let us examine these costs—

Maintenance and repairs for July	$55,339.50
Maintenance and repairs for August	283,479.78
Maintenance and repairs for September	218,228.39
Maintenance and repairs for October	95,233.82
Maintenance and repairs for November	297,465.14
Total	949,746.63

This $949,000 is not merely a book transfer, it is money that has been actually paid out by the Government. How it would relieve the situation to charge this amount to a capital account I am unable to understand. However, advocates of Government ownership seem to object to taking it into account. As a matter of fact, it is excessive.

Under prudent operation and following normal commercial practice maintenance and repairs for this fleet would probably cost in the neighborhood of $450,000.

But raising the question of a capital account works both ways. The fact that the United States Lines' accounts do not include capital charges is the reason that they are able to make any showing whatsoever. The fleet of ships under control of the United States Lines costs the Government between $70,000,000 and $100,000,000. These ships are conservatively worth $17,000,000. Insurance, depreciation, interest, and other capital charges would certainly amount to 2 per cent a month. This would mean an additional loss of $340,000 per month, or for the period of five months an additional loss of $1,700,000 if a capital account were considered.

An examination of these figures shows that the Government in operating United States Lines is sustaining a loss of between $5,000,000 and $6,000,000 a year. Even assuming that $1,000,000 is extraordinary and unnecessary, the figures are still startling. In one operation alone the Government is losing about one-sixth of the total amount of the subsidy asked for, and these losses are not confined to one line alone. Scarcely a ship is sailing for the Shipping Board to-day that is showing a profit. I know that every month ships are sailing for the account of the Shipping Board showing losses ranging from $2,000 to $40,000 a voyage. This is not the fault of the Shipping Board. They have done a stupendous task in reducing the losses to what they are. The fault lies in the fact that the Government can not succeed in so personal a business as is shipping. Furthermore, as I have clearly shown before, operating costs under the American flag and the extraordinary expenses incident to the development of a pioneer industry are too great for private enterprise to overcome.

There is only one alternative if the merchant marine is to survive. Government aid in some form must be given. The method provided in the ship subsidy bill is the most businesslike and workable plan that can be devised.

Mr. BROOKHART. Mr. President, if the Senator will yield to me, I should like to ask the Senator from New York a question.

Mr. FLETCHER. I yield to the gentleman for that purpose.

Mr. BROOKHART. The Senator spoke of the benefits of ship subsidy to the farmers of Iowa and of the United States generally. At present, according to the letter from Mr. Lasker, under Government operation of these ships the rates on grain are perhaps about 40 per cent less than they were before the war. That is a direct benefit to the farmers, and grain is the biggest of our export cargoes. What advantage can there be to the farmers of Iowa and the rest of the United States if we turn this matter over to private companies, who will fix the rates then without regulation of the Government, and they will surely be raised, and the farmers will pay them? They always pay the freight, whether coming or going. They pay it both ways. There is no way for them to add it in. Now I will ask the Senator if that will not destroy the benefit we are getting out of the Government operation of these ships right now?

Mr. CALDER. Mr. President, if the Senator will permit me to answer that question——

Mr. FLETCHER. I yield to the Senator.

Mr. CALDER. The farmers are getting low freight rates on their grain to-day not because of Government-operated vessels or Government-owned vessels of the United States Shipping Board or anything else but because of the competition in carrying overseas tonnage of every character. There is a dearth of cargo for the amount of space available, and, of course, the freight rates are down, and that will happen whether the vessels are operated by the Government or by private concerns; it does not make a bit of difference.

Mr. BROOKHART. The Government is a real competitor. It competes. It is not afraid to compete; but as soon as we turn over these ships to private parties there is nothing in the world to prevent them from making a combination that will end the competition. That is what usually happens with the financiers of New York.

Mr. CALDER. Mr. President, the financiers of New York are just as patriotic as the splendid people the Senator represents. They are interested in getting the best they can for what they have to sell, just like the farmers of the West, upon whom we of the East depend so much, and who, I agree with the Senator, are more in need of help than the financiers of the East; but the Senator evidently has not informed himself upon the practice of dealing in freight charges for oversea tonnage, because if he had he would know that it has been the practice for decades that whenever there is a dearth of tonnage the freight rates come down.

Our own Shipping Board has sat in conferences and agreed upon rates for its shipping, just the same as private people have; but to-day, because of the need of freights, the rates have been cut, and the farmer is getting the advantage. I am glad he is, because he needs it; and while the Senator lives nearer the farmer than I do, because I live in a big city, I want to tell him that anything that will help his farmer I will join with him in getting, because I think the farmer belongs to the one class of producers in America that needs help, is entitled to help, and ought to have it more than any other.

Mr. BROOKHART. But the thing that will help the farmer will be to continue this Government operation, and, if a deficit occurs, levy a tax on these high percentages of earnings to pay the deficit.

Mr. CALDER. That is just a difference of opinion between the Senator and myself. I am against Government operation of steamship lines. He is for it. That is our division of thought, and I doubt if we ever can get together on it.

Mr. FLETCHER resumed and concluded his speech, which, entire, is as follows:

Mr. FLETCHER. Mr. President, I desire to refer to some of the arguments offered yesterday by the chairman of the Committee on Commerce [Mr. JONES of Washington], and to certain impressions which seem to have gone forth regarding the pending bill and the attitude of Senators with reference to it, and to consider generally the whole subject. The statement is made in the press, and the idea seemed to be somewhat emphasized by the address of the President to Congress on the 7th of this month, that those opposed to the pending bill have been employing obstructive tactics, wasting time, and indulging in what is commonly called a filibuster in an effort to prevent a vote being taken on the bill. I do not feel called upon to consider the circumstances in which a filibuster would be justified in either branch of Congress or to discuss the merit or demerit of such practice as the occasion may call for, but I refer to it simply by way of getting at the truth and stating the facts with regard to what the Senate has been doing in connection with the legislation which it has been considering.

It will be recalled that the President called an extraordinary session of Congress last year for the purpose of having the ship subsidy bill considered. The object was to secure the passage of that legislation at the extraordinary session. No obstructive tactics were employed on this side of the Chamber in connection with that movement. It was found that there was no strong support of the measure in either branch of Congress, at least not sufficiently strong to warrant an attempt to press the measure to a vote, and it was finally decided that hearings should be had, and after that that Members of Congress would better return to their homes and get the views of their constituents. When they came back, they were no more impressed with the importance of passing such legislation than they had been before, and in fact, less so. The reaction of the constituency in each case seems to have been just the other way, and if we can judge from the election, whatever bearing that question had on the issues the country is opposed to this kind of legislation. In the recent election, the result of all inquiry and submission of the question to the people, wherever it has been presented and considered, has been to confirm the old-established policy of the country against subsidy.

During this session of Congress there has been no marked delay in the consideration of this bill. The chairman of the committee, always frank, candid, and fair, yesterday stated expressly that the appropriation bills had been put through the Senate with a speed unprecedented. If there had been in operation in the Senate any filibuster against the pending bill, it would have been perfectly easy to pursue dilatory tactics in connection with every appropriation bill presented, but, as a matter of fact, as the chairman of the committee has said, every appropriation bill has been passed without delay, and with only such inquiry and discussion and debate as were necessary to inform the Senate of the contents of such bills.

The pending bill has been laid aside by the chairman in pursuance of a program which, with or without his consent, was agreed upon on the other side. I believe he said on yesterday that he did not quite agree, but that his will was overcome by others, and it was determined that the ship subsidy bill should be laid aside and the appropriation bills taken up and considered as they came forward. For nearly a month that has been the procedure, not by any design or as the result of any effort on the part of those who oppose the bill, but in pursuance of a program approved and fixed on the other side of the chamber, where the bill is being supported.

As the result of that, the bill has not thus far had the consideration and the discussion to which its importance entitles it. My idea is that it should be fully and freely discussed and considered here upon its merits, and whether any filibuster may develop hereafter or not remains to be seen, and I take it that when it does develop, if it does, it will be of such sort and in such shape as to be fully recognized.

The impression has been created that the fact that the bill has not been considered and kept constantly before the Senate is the result of efforts on the part of the opponents of the bill, which is not true at all. That impression was emphasized by the address of the President delivered to the Congress on the 7th of this month. The President used this language:

I am unwilling—the public is unwilling—to continue these appalling losses to the Public Treasury when we know we are operating with no prospect of relief or of ultimate achievement. Congress owes to itself, to the executive branch of the Government, and to the American public some decisive action. Mere avoidance by prolonged debate is a mark of impotence on a vitally important public question.

Those are quite significant words, and the question naturally arises, what has given the occasion to the President for this lecture of the Congress or either branch of the Congress? Has it been shown that those who oppose the bill have indulged in such tactics as to warrant the observation that it is demonstrating impotency on the part of Congress to act?

In the first place, I have always questioned, and I think with full justification, the claim about the appalling losses arising from the operation of the ships. I have pointed out on numerous occasions that there is no Government operation of the ships except in the case of one line that is of recent establishment, the United States Line, in charge of Mr. Rossbottom, and except in the case of the Panama Steamship Co., which has been in charge of the Government, of course, from the beginning and long before we ever had ships built by the Government. Those are the only two instances of Government operation.

What is called Government operation by the Shipping Board has been in pursuance of what we know as the MO-4 contract, whereby private operators have charge of the Government ships, under which arrangement the Government stands all the losses, and pays a commission of 5 per cent on the gross amount of business done. That contract was denounced by Mr. Lasker in July, 1921, as vicious and inexcusable, and as constituting a means for raiding the Treasury, and yet it is continued up to this minute. Although he has been in charge since that time and he found the contract thoroughly indefensible as he did, yet he has continued it up to the present time.

That has been called Government operation. Of course it is not Government operation at all. It is the handling of Government-owned ships by private operators where the Government stands all the lossess and the private operator makes a commission on the business no matter what it is.

In addition to that the private operator is allowed what is called a husbanding fee, a fee in addition to the commission allowed him as a sort of bonus or contribution toward covering his expenses for the care of the ship, and that is paid by the Government. Under this plan there is no approach to Government operation. It has not any of the essential features of Government operation except the Government furnishes the ships. It is a kind of operation that must mean utter failure, no matter by what agency or power or authority it is undertaken, so far as the Government is concerned. Any individual using his property in that way would suffer loss inevitably and could not make a success in the way of establishing the business which he was undertaking to establish.

The whole trouble has been that the Shipping Board never has meant seriously to undertake to operate the ships as a Government enterprise. The whole plan and idea and thought has been to conduct the business as a liquidating process, not as a going concern. There is no chance of success where the aim and effort has been not to succeed. But that does not mean that there can be no such thing as successful Government operation of merchant ships in overseas trade. It has never had a trial by the Shipping Board except when they were driven to attempt it in the one instance of the United States Line and that succeeded beyond and contrary to their expectations as I shall show.

I have questioned the alleged excessive losses even under those circumstances and conditions. The figures of the total expenditures of the Shipping Board last year show they amounted to $30,046,584. How can it be said that they lost $50,000,000 operating the ships? The testimony before the joint committee of the House and Senate on this very bill showed that the losses then figured and established by their books and the records, as testified to by their witnesses, amounted to less than $3,000,000 a month. Their own statement in the hearings on the independent offices appropriation bill just recently passed shows that the losses have been less than $3,000,000 a month. Why keep proclaiming here over and over again and reiterating, and having the President adopt it—and, of course, the President is dependent upon these gentlemen for his information—that the loss is $50,000,000 a year? That may have been the case under the MO-4 contract at a time when they were sailing three times as many ships as now. The board claims to have effected many economies since then and reduced the losses. So that these losses, great as they are and inexcusable as they are in my judgment, do not approach the figures which have been given to the President and which the President designates as appalling.

The President might have in mind when he goes to scold Congress or either branch of it, what the Congress has done and called on him to do by express enactment, which he has refused to do. Because his views on this subject do not seem to be readily accepted here he is scarcely warranted, I think, in holding up to the country the idea of impotency on the part of either branch of Congress or lecturing either branch of Congress because of its inaction or prolonged debate. It must be remembered that Congress has heretofore expressed its conclusions and adopted a policy with reference to the proper way of establishing an American merchant marine.

In 1920, after a thorough study of the whole subject and after some considerable experience extending over a period of at least four years, Congress reached a very definite conclusion about the policy to be adopted by the country looking to the establishment and maintenance of an American merchant marine and wrote it into the law. This policy was announced as contained in section 34 of the act of June 5, 1920, page 60, as follows:

That in the judgment of Congress articles or provisions in treaties or conventions to which the United States is a party which restrict the right of the United States to impose discriminating customs duties on imports entering the United States in foreign vessels and in vessels of the United States, and which also restrict the right of the United States to impose discriminatory tonnage dues on foreign vessels and on vessels of the United States entering the United States should be terminated, and the President is hereby authorized and directed within 90 days after this act becomes law to give notice to the several governments, respectively, parties to such treaties or conventions that so much thereof as imposes any such restriction on the United States will terminate on the expiration of such periods as may be required for the giving of such notice by the provisions of such treaties or conventions.

The chairman of the committee, pressing this bill, yesterday frankly admitted that if this policy had been carried into effect, if this law had been executed, if we had only put into force the policy adopted by Congress in 1920, it would have accomplished far more in the way of establishing and maintaining an American merchant marine than the most ardent friends of the pending measure could hope for under it if it should become a law.

Now, Congress has, not only with the approval of the present President, who was then in the Senate and indorsed this action, but with the approval of the then President of the United States, enacted a law declaring the policy, declaring the principles upon which an American merchant marine must be built, which not only authorized but directed the President to do the things set forth in section 34.

Mr. POINDEXTER. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER (Mr. LADD in the chair). Does the Senator from Florida yield to the Senator from Washington?

Mr. FLETCHER. I yield.

Mr. POINDEXTER. Is the Senator advised why President Wilson did not execute the similar provisions contained in the tariff act of 1913, enacted at a time when his own party was in power?

Mr. FLETCHER. The courts held the act of 1913 was in violation of treaties and conventions, and therefore could not be enforced. As to the act of 1920, I only know, Mr. President, that one of the grounds assigned was that it was not considered advisable or advantageous in any way for the country to undertake to terminate the conventions as therein provided. For certain economic reasons, on account of certain conditions as to the world situation, and so forth, it was thought to be an unwise policy to proceed to put into effect the law or to do the things specified in the act of 1920. Then there was, as I recall, another argument and there may be something in it—it is worth considering in this connection—that here are certain contracts, commercial agreements, conventions, or treaties, or whatever we may call them. We are parties to them. The other countries, respectively, are parties to those contracts.

The general rule of contracts, as the Senator knows, is that neither party may modify a contract by striking out certain clauses in it, either taking from or adding to the language expressed and agreed upon in the original contract, without the consent of the other party. If a party to a contract should undertake to do that, and the other party does not agree, the only thing which may be done is to end the whole contract and make a new one. The language of the act is:

To such treaties or conventions, that so much thereof as imposes any such restriction on the United States will terminate on the expiration of such periods.

I am inclined to believe that we were a little unfortunate in using language indicating a purpose to denounce only portions of those treaties, so much of the treaties as interfered with our free liberty and right to impose discriminating duties. What we should have done in the act of 1920 was not to undertake to denounce certain portions of the treaties but to denounce the treaties in their entirety according to their terms; for I very much question whether the party to a contract may select certain portions of it and say that as to those portions it shall not

be longer binding. The truth is that the requirement should have been that each one of the treaties should be denounced according to its terms in toto and new treaties entered upon. At any rate, without going into the reasons why that was not done, it was not done in the previous administration and it has not been done in this administration, and I think for the same reasons that prompted and that were given in the last administration; but, for some cause or other, it has not thus far been considered advisable to denounce those treaties. It may be that it would impose a great deal of hard work upon the State Department to enter upon new negotiations and to contract new treaties; but suppose it should do that, suppose it should involve a considerable amount of effort and work on the part of the State Department. These old treaties are out of date and are obsolete anyway, their terms provide how and when they may be terminated, and we should not be violating any of them by adopting the course provided for and expressly set forth in the treaties in denouncing them. Either party to them, respectively, has that right by their very terms.

What I am claiming now is that the President, while refusing and declining absolutely to execute a mandate of Congress, undertakes to lecture Congress because it indulges in debate on a measure which he proposes; in other words, he says in his address:

> I am trying to emphasize a responsibility which can not be met by one branch of the Government alone. There is call for congressional expression, not mere avoidance. I am not seeking now to influence the Senate's decision, but I am appealing for some decision.

He says that Congress ought to go along with him, but he is unwilling to go along with Congress. Here is a law authorizing and directing the President to do certain things. The President refuses to do those things. The law lays down a definite, clear, expressed policy which Congress feels ought to be pursued with reference to this whole question, but the President says, "I do not agree with you about that." He then goes further and in effect says, "This is not a matter for the Executive alone, but it is a matter for both legislative and executive branches of the Government to take hold of, and you must do as I say in connection with it. I am unwilling to do what you decide is the proper thing to do; I refuse to do it; but you must cooperate with me by doing what I want; and if you do not cooperate with me, I will take you to task about it; I will call you 'impotent'; I will say you are indulging in obstructive tactics; I will say that you are unreasonably wasting time in handling these great public questions; in other words, "you must go along with me as I go, but I am unwilling to go with you in the direction which you determine is the right road to travel." I merely mention that in connection with the position which seems to be emphasized by the President's observation.

I also call attention to his further remark, which is quite serious either in the way of a notice or a threat. In any case, it is quite significant when the President says:

> Then, if Congress fails in providing the requested alternative measure, the executive branch of the Government may proceed as best it can to end the losses in liquidation and humiliation.

Does that mean that if the pending bill shall not be passed, then the President is to give orders to the Shipping Board, and the Shipping Board shall immediately tie up all the ships, abandon all the routes and discontinue all the services, and absolutely and entirely cease all kinds of operation? Is that what we are to understand by that observation?

Again, we are confronted with what Congress thought was the wisest thing to do. It is true that in the act of 1920 the policy announced at the beginning of the act is stated in this language:

> That it is necessary for the national defense and for the proper growth of its foreign and domestic commerce that the United States shall have a merchant marine of the best equipped and most suitable types of vessels sufficient to carry the greater portion of its commerce and serve as a naval or military auxiliary in time of war or national emergency.

I quite agree with that. There is no use to argue with anybody, it seems to me, on that proposition. There is no use publishing articles in the newspapers and taking up a lot of time trying to impress that upon the country. But I think we were unfortunate in the act of 1920—I did not think so at the time, for I did not think it would be construed as it apparently is about to be construed—when we used this expression:

> Ultimately to be owned and operated privately by citizens of the United States.

To-day I would strike that language out; I would not promise that the Government was to retire wholly from the ownership and operation of merchant ships. Even if I expected that to be done I would not say so. The effect of that language has been to give the excuse to the Shipping Board for a half-hearted make-believe Government operation; the effect of that has been to enable them to claim justification for pretended, temporary, soon to be discontinued, Government operation, which has been a liquidating process, as I have said, and not operation as a going concern. How could they expect ever to build up the business when they announced to the world, "in a short time we expect to be entirely out of it, and we are only doing this now as a temporary measure because we have got the ships on our hands and we do not know what else to do with them except to operate some of them; but we do not seriously mean to make a business of operating ships; we are doing this simply as something we can not avoid doing for a short period, but expect and intend to get out of in a very short time?"

The result has been, of course, that the whole process has been unsatisfactory and the whole undertaking has fallen down, largely by reason of the lack of effort to make it a serious work and to make a success of operating ships. Even then we used the word "ultimately"—not now, not at once, not immediately, but ultimately we expected that these ships would pass into private hands. The act continues:

> And it is hereby declared to be the policy of the United States to do whatever may be necessary to develop and encourage the maintenance of such a merchant marine; and, in so far as may not be inconsistent with the express provisions of this act, the United States Shipping Board shall, in the disposition of vessels and shipping property as hereinafter provided, in the making of rules and regulations, and in the administration of the shipping laws, keep always in view this purpose and object as the primary end to be attained.

In addition to that, in paragraph 4, on page 2, the act provides:

> The board shall have full power and authority to complete or conclude any construction work begun in accordance with the provisions of such acts or parts of acts if, in the opinion of the board, the completion or conclusion thereof is for the best interests of the United States.

We gave the board power to go on and complete ships, showing that we did not intend at once to abandon all Government ownership or control or operation.

Then, in reference to the sale of vessels, we provided:

> SEC. 5. That, in order to accomplish the declared purpose of this act and to carry out the policy declared in section 1 hereof, the board is authorized and directed to sell as soon as practicable—

Not now; not at once, necessarily—

> consistent with good business methods and the objects and purposes to be attained by this act, at public or private competitive sale, after appraisement and due advertisement—

And so forth.

Further on in the same section it is provided:

> The board in fixing or accepting the sale price of such vessels shall take into consideration the prevailing domestic and foreign market price of, the available supply of, and the demand for vessels; existing freight rates and prospects of their maintenance; the cost of constructing vessels of similar type under prevailing conditions, as well as the cost of the construction or purchase price of the vessels to be sold; and any other facts or conditions that would influence a prudent, solvent business man in the sale of similar vessels or property which he is not forced to sell.

That is the policy, that is the principle upon which we have instructed the Shipping Board to proceed; yet, if I can read between the lines here, the President indicates very clearly that it has been apparently the policy of the Shipping Board all along, and is now their purpose, to cease Government operation entirely, tie up the ships, abandon the routes, and give up the services in which they have been heretofore employed if Congress does not pass this bill.

That would be a clear violation of the law which we have laid down. If this bill fails, and does not pass, the previous acts of Congress are not thereby repealed. The alternative is, "Live up to the laws which are before you, and which you have been required to execute and ordered to execute; carry out the policies heretofore adopted by Congress." That is the thing to do if we refuse to do something else. They are not without statutory authority and power. Congress has expressed itself, determined this whole question, put it into the law, and directed the President to execute the law.

The responsibility is on him. He refuses to carry out a mandate of Congress, and now he proposes to disregard what has been set forth in the legislation where we said we expected the ships ultimately to pass to private ownership, but in the meantime we would not part with them except under conditions that would influence a prudent, solvent business man in the sale of similar vessels or property which he is not forced to sell.

We said further, in section 7:

> That the board is authorized and directed to investigate and determine as promptly as possible after the enactment of this act and from time to time thereafter what steamship lines should be established

and put in operation from ports in the United States or any Territory, district, or possession thereof to such world and domestic markets as in its judgment are desirable for the promotion, development, expansion, and maintenance of the foreign and coastwise trade of the United States and an adequate postal service, and to determine the type, size, speed, and other requirements of the vessels to be employed upon such lines and the frequency and regularity of their sailings, with a view to furnishing adequate, regular, certain, and permanent service. The board is authorized to sell, and if a satisfactory sale can not be made, to charter such of the vessels referred to in section 4 of this act or otherwise acquired by the board, as will meet these requirements to responsible persons who are citizens of the United States who agree to establish and maintain such lines upon such terms of payment and other conditions as the board may deem just and necessary to secure and maintain the service desired; and if any such steamship line is deemed desirable and necessary, and if no such citizen can be secured to supply such service by the purchase or charter of vessels on terms satisfactory to the board, the board shall operate vessels on such line until the business is developed so that such vessels may be sold on satisfactory terms and the service maintained, or unless it shall appear within a reasonable time that such line can not be made self-sustaining.

Then on down in other clauses of the same section, we said:

Provided further, That where steamship lines and regular service have been established and are being maintained by ships of the board at the time of the enactment of this act, such lines and service shall be maintained by the board until, in the opinion of the board, the maintenance thereof is unbusinesslike and against the public interests: *And provided further*, That whenever the board shall determine, as provided in this act, that trade conditions warrant the establishment of a service or additional service under Government administration where a service is already being given by persons, citizens of the United States, the rates and charges for such Government service shall not be less than the cost thereof, including a proper interest and depreciation charge on the value of Government vessels and equipment employed therein.

So that, from the language here, the scope and purpose of the act, as expressing the intention of Congress, was that the board should carefully investigate and ascertain the routes and services that needed attention and, if they could not charter the ships to operate on all routes, to put in the Shipping Board ships and operate those routes themselves. Of course, that was not to continue indefinitely if it was an absolutely losing business. I grant that; but two years is a comparatively short time in the life of a great undertaking. This act was passed in June, 1920. Undoubtedly some of these ships have rendered valuable service and with a considerable profit to the Government. All of them are not total failures; not all of them are creating these colossal losses that are talked about. There is ample time yet to determine what the Government will do with reference to these ships. There has not been any sincere, bona fide effort at Government operation up to this time. There has been no test with reference to that.

I say that the law of 1920, the previous legislation, all that the Congress has done in connection with this merchant marine are wholly inconsistent with any purpose to abandon immediately the routes and services and tie up these ships; and if the president of the Shipping Board pursues that course, it will be done in defiance of Congress and in the teeth of the mandate of the legislative branch of this Government.

Mr. POMERENE. Mr. President, if I may interrupt the Senator——

Mr. FLETCHER. I yield to the Senator.

Mr. POMERENE. The Senator's position is this: The Congress of the United States adopted a specific plan for the development of its merchant marine. The President was charged with the execution of that plan, and, among other things, was directed to serve notice upon the other nations that we preferred to do away with the conventions which provided for reciprocity; and, notwithstanding the fact that that plan was approved by President Wilson when he approved the bill, nothing has been done toward carrying out those provisions, either by President Wilson or by President Harding. In other words, the policy of the Congress of the United States in that behalf has been ignored. Is that right?

Mr. FLETCHER. Precisely. The language was—

And the President is hereby authorized and directed within 90 days after this act becomes law to give notice—

And so forth. It has been ignored, frankly, upon the ground, apparently, that they did not consider it advisable to carry out that law. What I am saying is said with the utmost respect to the President and in all good will; but I am simply mentioning this in response to his scolding, if we may call it that, of the Senate for what he calls delay in action upon this bill and evidence of impotency, when he ought to remember that Congress has expressed in law its policy on the subject, and he, as the Executive, has refused absolutely to carry it out.

I had reached the point of dealing with this subject of Government operation, and I want to dwell somewhat further on that point. I have stated that there never has been any effort made to operate the ships by the Government successfully. Going back beyond the present board, it seemed to be assumed that the Government should not compete with, but only do the things that would help, private owners.

I have recently had some correspondence with a gentleman who is well informed and thoroughly posted on this subject in general, and as to some specific matters in particular, Mr. Nelson Collins, and he has furnished me a very interesting statement covering the history of what he calls "The Government civilian fleet."

I have his permission to make use of these facts, which I consider pertinent, as showing what the Government can do and one reason why it is able to boast of having done so little:

What came to be called in maritime circles "the New York office" was the branch of the Shipping Board that actually ran all the ships—165 of them at the maximum—that the Government held in one great civilian fleet throughout the war. There were many ships operated by private companies—the Army Transport Service also ran ships with civilian crews throughout the war—but this was the separate governmental civilian undertaking. While other offices in Washington and New York and Philadelphia devised policy, or built ships, or assigned cargoes and routes, or tabulated statistics, or investigated and investigated and investigated, this was the office charged with getting the ships in and out of port, storing them, manning them, repairing them, keeping them at sea as much as possible and at piers as little as possible. A hundred and sixty-five ships and 8,000 seagoing men was what the term "the New York office" came to mean in the clipped speech of the shipping world, with a perfected arrangement of piers and offices and repair yards and manning headquarters ashore.

Capt. Charles Yates was the head of the organization, Capt. E. P. McCaulder the marine superintendent, Walter Scott the supervising engineer, W. H. J. Reynolds the commissary superintendent. They operated nearer to the normal civilian basis than anybody else; than even the private companies, dominated and interefered with as the private companies were throughout the war by numerous governmental war agencies.

The ships of "the New York office" were on the runs to France and England and Italy and Russia; went coastwise to Atlantic South America and through the Panama Canal to Pacific South America; ran down to Cuba and Porto Rico, carried coal from Newport News to New England. Its ships carried 20 per cent of all the supplies taken to Europe under the United States flag for both our own armies and our allies. The office devised and executed its own repair system for both the incidental voyage repairs and the semiannual general overhaul. It had its own legal bureau. It maintained a system of guarding its ships in port, under W. H. Moore, that kept its great fleet throughout the war without a single serious fire or theft. Its commissary operated in 1918 at 86 cents per man per day with satisfied crews and a variety and value in its food that led to many inquiries from private companies. It handled its own manning problems and its shipping office at No. 5 Greenwich Street, under John J. Daly, never failed to keep the ships supplied with crews, in regular routine or emergency call. This shipping office was used as the basis of the Government's shipping-office system when the Shipping Board reorganized its operations in a peace-time program. It established a complete system of medical inspection and treatment under Dr. W. H. Meiners.

"The New York office" got started early in April of 1917. Captain Yates came over to New York from Washington with only a slip of paper that certified his authority from the Shipping Board. He at once organized the protection and the overhaul of the interned German liners until the Navy was in shape to take them over. Within a week Captain Yates let $7,000,000 of verbal repair contracts on the German ships, the great dockyards proceeding upon his simple assurance that the Government would, as time permitted, put the engagements he made into formal instruments. Weeks were thus saved in getting the great German liners to sea.

The first three ex-German ships were repaired, manned with civilian officers and crews, and at loading berth for cargo one month after the declaration of war, and before Congress passed the resolution authorizing the President to take over the ships and operate them. The *Clara Mennig*, renamed the *Yadkin*, was the first ship got to sea. She was out within three weeks. The first ship to make a European port was the *Maia*, in command of Capt. Louis Lefevre. Captain Lefevre was shortly after transferred to command the *Artemis*, a big ship and a fast one, and in her he added to his record of getting the first Shipping Board ship to a foreign port, the bigger record of making the fastest turn arounds, and the greatest number of them in the fleet throughout the war.

But this necessary offhand and verbal method of handling the ex-German ships at the outset immediately gave way to careful and economical organization. The Atlantic fleet of "the New York office" started with six ships only and a dead-weight—that means, roughly, cargo-carrying—tonnage of 28,828 in May of 1917. A year later, when the United States was swinging into the fullness of its war effort, the fleet was 128 ships, with a dead-weight tonnage of 810,562. It was the greatest fleet of merchant ships that ever has been gathered into one operating unit under the United States flag. Besides these that the office actually operated thirty-odd more were in its possession at times for repair or for a single voyage. An idea of the operating problem is afforded by the fact that the fleet in May of 1918 was twice the number of ships that it had been three months before, in February. As a matter of crews and supplies and repair yards and office force, that increase is a strain on an organization. In March of 1918 there were 88 ships, and the next month, April, there were 122, which meant more than a ship a day during the entire month assimilated by the Government's operating office for manning and running. Back in May, 1917, the second month of us in the war, the ships under the New York office steamed 6,963 miles, all of it to Europe, for there was no time as yet for ships to be headed home again. In May of the next year, 1918, the ships under the New York office steamed 345,244 miles.

The record for actual war service of this fleet will stand at approximately 3,000,000 ship miles, 200,000,000 ship-ton days (the number of days a single ton of shipping might be imagined as sailing the seas), and 20,000,000 ship-ton miles (the number of times a ton of cargo-carrying shipping went a mile). It employed 8,000 civilian ship officers and men at sea. It standardized the commis-

sary of ships, it solved important manning problems and labor relations and it systematized repairs.

It lost 13 ships, 8 destroyed by submarines, 1 destroyed by internal explosion of its TNT cargo, 2 sunk in collisions, and 2 lost in storms.

The way the work progressed is typically expressed in a telegraphic report to Washington July 14, 1917, three months and a week after the state of war was declared:

"Summary work New York office close of this week as follows: 17 ocean-going ships and 4 harbor craft now in full commission. Fourteen ocean-going ships to be commissioned during month August. Three ocean-going ships to be commissioned after August. Sixteen large passenger-ships with repairs from 5 to 90 per cent complete chartered to Navy Department as transports. Four ocean-going ships loaned Panama Railway Steamship Co. Seven ex-Austrian ships not yet purchased by Government. Total, 65 ships, over 500,000 gross tons, or approximately 750,000 tons dead weight."

* * * The one advantage that the New York office had then and inescapably would have had in a peace-time existence over any private shipping corporation was the prestige of the Government for financial and operating accommodations, particularly in foreign ports. That is bound to attach to it, but again the advantage is more apparent than real, for the financial prestige of any successful office handling so many ships is quite sufficient for all purposes and carries with it the operating accommodations and courtesies, such few as may from time to time be exacted in relations with jealous foreign competitors.

Nothing can be conceived in which the Government fleet was not on all fours with the private companies, the bigger of them. Aside from routing and stevedoring everything had to be done by the particular office that had the ships assigned to it, and in the case of the New York office it meant a hundred and fifty ships. The scaling of ship's boilers is a good illustration. This is a dirty job that has to be done each voyage with each ship, and the office had to keep its force of men competent and willing for such a task in a state of constant efficiency.

The ships went on all the routes, the great trunk thoroughfares of the liners and the little poking side trips of the tramps. They sailed constantly from New York or Newport News or Baltimore or Philadelphia or Halifax. Sometimes a new ship—just finding herself in stress of seas—came around from Seattle or San Francisco. * * *

The greatest service of the New York office was in fighting the fight for civilian life in merchant ships throughout the war, in keeping the pride of the civilian system alive for growth in times of peace by showing that it did not break down in morale and organization in time of war. How much that was needed is shown by the care of countries greater at sea than we are to keep the civilian aspects of life in their merchant marine intact throughout the war, and how it might have failed is shown by the ease with which such a problem was ignored by every other agency of Government or private shipping. The New York office by its size and equally by its effectiveness was the center of the whole civilian maritime system. Here also, of necessity, was the only great experiment in Government ownership and operation of ships. The New York office, by the very fact that it became willy-nilly a great example, was under all kinds of experienced technical observation. Some were hopeful of its success, many were hopeful of its failure.

I want to say right here, Mr. President, in answer to a suggestion made by the Senator from Washington yesterday to the effect that those who oppose this bill are speaking the language of British shipping, that nothing would bring greater joy to British shipping and to our other competitors on the high seas than for the United States Government to cease to own and operate merchant ships. There is no question about that. If the United States lines now operating across the Atlantic were turned over to private enterprise, if those ships were sold to individuals, and they undertook to operate them in that service, it is within the power of the British and our other competitors on the high seas to put the entire line out of business within 30 days, and I have no question but that they would do it. They would proceed to do that now if it were not for the fact that the United States Government owns those ships and is behind the operation of that line. That is the only thing that saves us at all. There is no doubt, in my judgment, that if this bill passes—though I do not believe it will—within a few years, possibly 10 years, after subsidies have been paid for that length of time, the American flag will disappear from the seas so far as foreign commerce is concerned, and we will find ourselves just where we were in 1914. The only way to make certain that American ships, owned by Americans, flying the American flag, and serving American commerce, shall be continued, and that that flag shall wave from port to port around the world as the talisman of a world commerce, is for the United States to own and operate a sufficient number of ships to secure protection to our commerce through just and reasonable rates and the service which our people need in their overseas trade. There is no doubt at all but that Great Britain would like to see this shipping bill fail, provided the President proceeds, as he indicates in his message he may do, to tie up all the ships we own and cease to operate a single ship in a single service or over a single route already established.

That is exactly what Great Britain would like to have done; but if this bill is not passed, if the Shipping Board will proceed as we authorized them in the act of 1920, which is still in force and never has been repealed, to operate those ships where they are needed, where they can serve our commerce, tie them up where they incur losses of a serious character, and wait for the time when they can be put out into the trade profitably, but hold them and not give them away and pay somebody to take them—if they will pursue that policy and continue to operate the United States Lines, because it is a profit-making line, as I propose to show, so as to serve our overseas trade and build up and develop our markets, it will be the saddest day and the day of the greatest apprehension and disappointment that ever came to British shipping. That is a thing they do not want. They do not care anything about the subsidy. They do not care anything about any other process that looks to liquidating these ships. They want us to liquidate. What they dread and what our competitors everywhere dread is the assurance that this Government proposes to own and operate merchant ships in sufficient quantity to serve our trade.

I do not mean that I advocate the Government taking over all shipping from individuals, or to discourage private enterprise. On the contrary, the very policy which I have outlined, if put into effect, would encourage private enterprise, would help individuals to build ships and develop trade and privately owned shipping. The Government would merely supplement what is needed and take care of our people in reference to foreign markets and overseas trade.

Mr. Collins further says:

Every month of increasing effectiveness in operation seemed to make Captain Yates, its managing head, less confident of permanence for the great organization he was welding. "It is safe for a reasonable length of time, if it is mediocre," was his intimate reply to any congratulations. "Real success will give it too many enemies." Reared in the Coast and Geodetic Survey Bureau at Washington, he knew the red-tape dangers of any Washington overlordship upon the office. "I dread the bureaucrats more than I do the American Steamship Owners' Association," he used to say when objection of shipping corporations to it as a growing example of Government operation was repeated to him. His whole policy was to make the New York office the autonomous center of Government ship operation, responsible to Washington, the division of operations of the Shipping Board there, for results, but not for day-by-day procedure.

A great seaport not a great national capital was the right seat for full and final practical operating authority. At Washington the concern was and could profitably only be with ship construction and with general questions of administration, the relations of the Shipping Board with the President, with the two Houses of Congress, with foreign shipping, with the War Department and the Navy Department, with the contacts that any governmental department must maintain throughout the country. Washington was the natural seat of nearly all such activities, though as a matter of fact Mr. Schwab finally secured the transfer of shipbuilding headquarters offices from Washington to Philadelphia, because the greatest shipbuilding plant, Hog Island, was there and along the Delaware also were the greatest private shipbuilding plants of the country. By the same sound reasoning the management and operation of ships needed headquarters at New York, the chief port of the country, and management and operation in other ports of the country, in Philadelphia, Boston, Savannah, Newport News, New Orleans—everything on the Atlantic and the Gulf or that came around to these ports from the Pacific coast and from the Great Lakes—needed to be in relation to New York first of all and in relation to Washington only secondly through New York. For more than a year this autonomy of the operating office was maintained. It was the principle of Captain Yates's entire administration of the office. But the bureaucrats he feared and the private shipping men in the Washington offices saw alike in this matter. The general accounting office of the Shipping Board in Washington insisted upon including the New York office accounts in its general mess of financial records, and so the orderly financial showing of voyage by voyage was lost. The next vitiation came when Washington decided along in the summer of 1918 that all other ports should be shorn from New York, and instead of operating with New York and through the New York office to the other functions of the Shipping Board in Washington should report direct to Washington, which would then communicate with New York. It was like telling ships in convoy to wireless direct to their owners and then notify the flagship in case something suddenly happened aboard or as though the shipping control committee had elected to function from Washington instead of from New York, where the ships centered. Captain Yates protested this shearing away and offered his resignation, but the resignation was refused; we were in the middle of the war, and he kept at his post.

Now, what finally happened? This venture was a success. Its very success was its undoing. I am showing now that back in 1917 and 1918, as well as all along, the Shipping Board never intended to have the Government operate the ships with any degree of permanency or success.

He said further:

In the late autumn of 1918 and cumulatively on into the spring of 1919 announcement was made from Washington that every appointment to a ship must be referred there for approval, that no appointment must be considered made, however minor the post to be filled, until Washington had passed on it. It was becoming apparent, too, that no friendliness for the fleet as a fleet existed anywhere, either in private shipping offices or in Shipping Board circles. Incapable it could have been commended and dismissed, but successful it became too formidable an argument for Government ownership and operation, with all the disliked supervisions and comparisons that might mean for private companies owning and operating. The President was busy with peace conference plans and could not be appealed to. The knowledge that the fleet was doomed seriously discouraged the men at sea in the fleet and their inquiries as to their future were anxious. On January 21, 1919, Captain Yates sent a letter to the Director of Operations at Washington, Mr. J. H. Rossiter, part of which was as follows:

"Under dates of January 10 and 11 Mr. Hitchcock wired, instructing us to take over various steamers from Navy management and reman with Shipping Board crews. This was also confirmed by letter on January 11 by Mr. Clegg (of the shipping control committee). * * * We immediately made arrangements to provide men * * *, as you will appreciate it is impossible to pick up first-class officers at the last moment. * * * As the vessels were practically new it was

our desire to man them with officers whom we knew were efficient, also having in mind, in order to avoid dissention, promotion for the men to a better-class vessel. We therefore transferred men from some of the smaller steamers under our management, replacing them with others. After all arrangements had been made we were advised that the steamship *Willimantic* and the steamship *West Kyska* would continue with Navy crew.

"We also desire to call your attention to the circumstances in connection with the steamship *Sacarappa*. We were requested by your office to man this vessel, and the necessary arrangements were made accordingly and a crew placed aboard. We were informed that the steamer had been assigned to the Red Star Line to load from New York to Antwerp, and, under instructions from the division of operations, the vessel was ordered to this port. Yesterday morning we were advised that this assignment had been canceled, and to-day we are advised by your office that the ship had been assigned to A. H. Bull & Co. for management and operation. In other words, after we had placed crew aboard and made every arrangement, the vessel was withdrawn from our management.

"Officers and men who had been in our employ for a long time were picked by us to man these ships, and most of these men prefer to remain with this organization rather than go with private companies. On the other hand, if they do go, it causes dissatisfaction on their part, and, as far as we are concerned, it means that private operators are given the advantages of the pick of our organization, which has taken us some time to build up. We are then obliged to fill their places with new men with whom we have had no previous experience or check as to their efficiency.

"We fully appreciate that there are a good many problems involved in the allocation and assignment of vessels; but the officers and crews do not appreciate this, and, after all, the success of the future American merchant marine, which we all have in mind at the present time, largely depends on these men.

"We have felt that we should call this matter to your attention, having in mind that it might be possible to make some arrangement whereby instances of this kind could be avoided in the future."

This brought back a prompt reply setting forth the policy the Shipping Board meant to follow, though there had been no formal minute of it in any proceedings, no open announcement of it, no authorization of it that had been made public or submitted to Congress. It meant the end of the Government civilian fleet and was followed within a few days by the resignation of Captain Yates, whose far-sighted policy for the fleet had been thus thrown to the discard.

Captain Yates was an experienced shipping man, a civil engineer by profession, highly educated and trained, and served in the Coast and Geodetic Survey for some years as commander of vessels and in the field work and was in charge of this business in New York by direction of the Shipping Board.

Now, listen to this reply from Mr. Rossiter, director of operations for the Shipping Board:

* * *, it is the declared policy of the Shipping Board to assign all its tonnage to private concerns, both for operation and management, as rapidly as possible. This with the view of building up and assisting private enterprise in organization for the increased American merchant marine.

In view of this fact, direct management of ships from the New York office of the Division of Operations must be considered only an emergency measure, and assignment of ships to that office for management is only temporary and to be terminated as rapidly as these ships can be assigned for private management.

It should be the policy of your office, in conformity with the policy of the board, to assist officers and men who have been directly in the employ of the Shipping Board to posts with private companies and explain to them the policy of the board in order to prevent dissatisfaction. * * *

Just think of that. There is an order issued by the director of operations of the Shipping Board to the official in charge of the New York office and this great civilian fleet which he has been trying to build up, that—

It is the policy of the board to assign all its tonnage to private concerns, both for operation and management, as rapidly as possible. This with the view of building up and assisting private enterprise in organization for the increased merchant marine.

That was the policy back in 1918. It has been the policy ever since. How could we ever hope to succeed under such conditions as that? No matter what the men in charge of the ships did in order to increase business and to build up trade and to make a success of their undertaking, here they were on notice all the time that the policy was simply an emergency measure, that they would be expected to help private enterprise, really, on every occasion to serve private enterprise, and that they must yield every kind of advantage that they might gain by efficiency and energy and skill in order that private shipping might ultimately be in command of the whole situation.

Mr. Collins concludes:

That letter really formally marked the end of the Government civilian fleet and the beginning of a policy, informally and rapidly put into action late in 1918, to prevent a successful Government-owned, Government-managed, and Government-operated fleet from being in evidence as a working possibility in devising permanent maritime policy. The unexpected slump in shipping business came and the Government was the owner of four-sevenths of the tonnage afloat under the United States flag, so that it was not so easy as had been hastily assumed for private shipping corporations to take possession of the whole field again, but the great fleet laboriously organized to a position of complete competence was at least out of the way.

Now, that is an illustration of what has been done in the past and it shows also what has been the continued policy and effort up to the present time, and yet we are told that the Government can not efficiently and successfully operate merchant ships.

After this was brought to my attention, which only confirmed what I had before every reason to believe had been the policy and course with reference to Government operation, I became absolutely convinced that there never had been any purpose or effort made by the Government to operate successfully the ships.

The present board by its own admissions and record makes a showing that it never intended that the Government should own and operate ships except temporarily and to as limited an extent as possible. Whatever has been accomplished in the way of approaching public satisfaction has been done in spite of their plans.

Another correspondent expresses this view:

Now, what will the passage of the subsidy bill mean? First, the tying up of possibly all of our 1,200 freight vessels, which are the real backbone of any merchant marine, for no private company will take over a losing proposition.

This is his conclusion regarding the results if the bill is enacted into law:

Second. The grabbing of all our fine passenger vessels which are now earning revenues and in addition will draw large amounts from the Government, and toward this end certain of the heads of the Shipping Board have already laid plans, along with certain shipping men who are pushing the bill, and if there are not enough plums to go around then money will be borrowed from the Government at 2 per cent interest to build more fast passenger vessels that will participate in the subsidy. Third, the Government will have to either destroy the freight vessels, scrap them, or maintain a force to look after them. There will have to be a large accounting force to distribute funds to the various steamship companies and vessels.

The writer further says:

Under the subsidy bill the *George Washington* will draw from the Government approximately $500,000 per annum in addition to the enormous revenues shown, while the freight ships can only draw at the very most—figuring 220 days at sea during the year—$11,000; or, in other words, a first-class freight vessel will draw from the Government in a year less than she is now losing on one single voyage, while the *Leviathan* can draw as much as $3,000,000.

* * * * * * *

Another example, the steamship *Minnekahda*, of the Atlantic Transport Co., a subsidiary company of the International Mercantile Marine, a British-owned vessel, partially, under American registery, will draw more money on this one vessel from the subsidy than the Pacific Mail will draw on all 11 of their vessels, and the Pacific Mail is a pure American steamship company.

* * * * * * *

Can any reasonable man think that our merchant marine can become dependent on fifty million or more of the people's money for a number of years and then be dropped flat and still hold up? No; because a subsidy places a premium on waste, extravagance, careless operation, while to let the steamship companies go after their own profits as other classes of business, forces economy, thrift, ingenuity, and hard work to survive in competition.

He continues:

I am not considering the question of whether this is a raid on the United States Treasury or not, but simply whether it will be a benefit or a detriment to our merchant marine, and I can without hesitation say I feel sure it will be the greatest blow to a real substantial merchant marine and shipping industry of any legislation that could possibly be concocted, because it turns our steamship men into a bunch of swag grabbers, and the ones who are not in on the loot are forced out of business altogether.

The United States Lines and the Panama Line are two Government-owned lines and both are making money, while all the private lines that are handling our vessels are losing for the Government—not themselves—millions. Why not either operate the vessels for the people and by the people, sell them outright and let the purchasers compete with foreign shipping, assisted by sane shipping laws, or, if we must turn them over to private companies, do so on bareboat charter and not continue to encourage American shipping men to look for their profits from the pockets of American taxpayers rather than from the legitimate profits made on the carriage of cargo and passengers in competition with other nations, who have no better ships—not as good, for most of ours burn oil—have not as good crews, though ours are paid a very little more, and have no better facilities, though they have better shipping laws, and that is their sole advantage.

I have discussed this bill with the heads of various departments who really know the shipping business and are familiar with the bill, and they all agree that the bill will work contrary to the real purpose Congress and the people think it is intended.

* * * * * * *

There are certain routes on which we run our vessels, which have been a dead loss to us, and certain private American steamship companies have offered to take over these runs with their own vessels, but for reasons better known to those higher up these offers have been declined, viz: Black Diamond Steamship Co. operates vessels to European ports at heavy loss, the Luckenback Steamship Co. offered to take over this run.

That illustrates some ways in which mistakes are being made in reference to this matter.

I have an interesting letter from another correspondent who states:

It appears that in shifting of vessels from one operator the crews are almost invariably changed, offering no inducement or incentive to the crews to keep their vessels in good condition. These changes have been made shortly before sailing, giving the new crews insufficient opportunity to get familiar with the condition of the machinery, etc., resulting in breakdowns, towage, interrupted schedules and worse than all a bad reputation for the ship with shippers. This could

and should have been prevented and remedied by the Shipping Board itself. Their reason for not doing so, so I am informed, is that they want the managing agent to have a "free hand." Therefore, this loss is not properly chargeable to Government operation but a lack of it.

Suggestions have been put forward from time to time of devising a bonus schedule for officers and crew as an inducement to economical operation—these have likewise been rejected on the ground that the board expected to abandon its operations.

This is a pertinent suggestion which any intelligent, well-informed citizen would feel is worth considering, and the people of this country are thinking about that.

How can it be said, then, that these ships are being operated as economically as possible under Government supervision? This announcement and repeated assertion on the part of the board itself that it proposed to abandon its operations has tended to discredit it with business men, who desire something permanent and dependable to assure them of proper service. The shippers of the world would be glad to do business with us if, in their own hearts, they felt that the service would be permanent and dependable. The reports of Shipping Board foreign agents emphasize this fact.

There is no reason why a bonus scheme could not be made workable for officers and crews as an inducement to economy. The Shipping Board has established similar schemes to induce operators to save money. I refer to allowances made to ships for stores and food consumption. Capt. W. E. Griffith, manager of the operating department, an ex-shipmaster of considerable experience, could, if permitted and free from the influences prevailing in the board, give valuable information on this matter.

It may be broadly stated as true that our losses have been due more to a failure of the board to exercise its authority than to its exercise of that power.

He says further:

I am inclosing herewith clipping from the New York Herald of January 29 showing how the German ships are profiting by present exchange rates. The object and purpose of the subsidy bill, as claimed by its proponents, is to equalize operating costs between American ships and British ships. How are they going to equalize so as to enable American ships to meet German, Swedish, and other maritime nations' competition? It is obvious that they have embarked upon a road that leads to an impossible end.

That clipping says:

The announcement that the big German steamship companies—the North German Lloyd and the Hamburg American Line—are to redeem on April 1 bonds that originally brought about $25,000,000 for about $3,500, on the basis of 28,000 marks to the dollar, serves to bring into sharp relief the great advantage in competitive operation given shipowners of countries with depreciated currencies.

Of course a subsidy can not be provided that will equalize such a difference as that in the value of the dollar.

My correspondent continues:

Capt. Daniel A. J. Sullivan, last fall before a convention of the American Naval Architects and Engineers in New York, "bluntly told shipowners that more efficiency in the conduct of their business would place them on a par with their foreign rivals in point of operating costs"—quoting from the New York Herald.

A closer study of efficiency methods, he said, would develop valuable data which could be placed in the hands of the shipmaster, and he should be made directly responsible for economical operation and encouraged by a bonus system. This scheme has been employed by the Swedes and Norwegians with marked success.

* * * * * * *

Again referring to the "economy" of the present administration of the board, you might profitably ask why they had the barge *Wasayga* towed from the Azores in December, 1921, resulting in the stranding of the *Manatee*, tug *Butterfield*, at Bermuda, a loss to the board of upward of $100,000, when the barge was not worth more than $20,000. They performed this towage at the worst season of the year against the advice of seagoing men.

You might ask them why they sent the *West Cotomska* out from Baltimore on trans-Atlantic voyage June 3, 1922, with only 2,400 tons cargo, revenue $13,434.93, without any return cargo in sight, well knowing the expense of that voyage would approximate $30,000. I am merely citing this not as an isolated instance but as a sample of what has been happening under this so-called economy program. Many others could be enumerated.

This is somewhat in line with what happened back in 1918, and this correspondent especially emphasizes what I have already mentioned that they can not expect to succeed or to make money or to avoid losses in operating ships so long as they are doing it not as a going business, but as a temporary emergency matter, with notice to all the world that they propose to throw it up and quit just as soon as they can get somebody to take the ships off their hands.

The Senator from Minnesota intimates that politics of a partisan character is promoting those opposed to this bill. I candidly believe that a majority of Senators are opposed to the bill, but, considering the majority of 22 on the Senator's side, it would seem unwarranted to address his appeal to this side as if all the opposition existed here and no support.

He says a vote against this bill means a vote to scrap our ships. I have great respect for his judgment and confidence in his sincerity, but as in the case of any conscientious, capable man his conclusions will be erroneous if his premises are wrong, and his premises will likely be wrong if he has been misled as to the facts—if he has failed to get them all before him. I apprehend the Senator has reached a hasty conclusion based upon an incomplete examination of all the facts. For instance, if I own a vessel and decline to sell it for about one-third its real value under a contract by which I would have agreed to pay the purchaser annually many thousand dollars, depending upon the size and speed of the vessel, to operate her for a period of 10 years, which he might have extended for 5 years more, I do not thereby lose or destroy my vessel; I still have the vessel to use, enjoy, charter, or sell as my interest may determine. If I decide to sell the vessel in the instance stated, then I would not only lose her, but bind myself to pay out a certain annual benefit to the purchaser. Furthermore, if I keep my vessel I am relieved of that obligation and burden, and I have the vessel to dispose of or employ as I see fit so long as she lives.

I can tie her up if no one wants her, or I can put her in service as conditions warrant. In the first instance, if I sell her, she is worse than scrap, because she carries with her a towline on my purse for 15 years. In the instance when I hold her she is still mine and is not scrapped at all, but is available for service when needed.

I can very well see how those who have a selfish interest to serve—those who get some benefits under a bill like this—should make every effort to have it passed, and those are about the only people who are lobbying here and bringing pressure to bear on the administration and Congress to have it passed.

It is reported, for instance, that the marine engineers, numbering 22,000, have withdrawn from the American Federation of Labor because that organization opposes the bill. The shipbuilders, some of them, believe it will help them. The ship operators believe it will help them. The United States Chamber of Commerce, composed of large manufacturers, think it will help them, and they are for it. They opposed the building of the ships. They have always opposed steps leading to the first thing to be done in the way of establishing an American merchant marine—getting the ships. Now they want to turn over the ships to private enterprise and have the Government discontinue its operation and cease to own the ships. That organization is mainly an aggregation of large manufacturers, and they favored the high protective tariff bill, the latest monstrosity of that kind, known as the Fordney-McCumber bill, which provides that whenever repairs are made in a foreign country on any American ships the owner must add 50 per cent of the cost of those repairs to his taxes in this country. He must pay 50 per cent of the cost of the repairs into the Treasury of the United States under the tariff act which we passed last year. That is a distinct handicap to American shipping. It means a tremendous burden on the American shipowner. He must either have all his repair work done in American yards at the prices which prevail here, or if he is obliged to have any of it done in foreign yards, he must add 50 per cent to the cost of it in the way of a tax upon that amount of expenditure. Repairs are very important on all these ships. They can not all be done in American yards. With any shipowner the item of repairs is the chief, the primary, source of expense and outgo, and that has to be watched very carefully. These people were in favor of that tariff bill which puts that additional handicap and burden on American shipping, and I am not surprised that they favor the ship subsidy bill.

Foreign interests have no objection to this bill. What foreign interests want to see accomplished is for the United States to go out of the shipping business. What disturbs foreign interests is the ownership and operation by the Government. The sooner you can dispose of your ships, cease to own them, and quit operating, the more you please foreign interests. That is the thing to be accomplished by this bill, as alleged by its supporters. It gets rid of the ships. It gets rid of the Shipping Board. That does not bring many tears to my eyes. My plan would be to turn over these ships to the United States Lines and to the Panama Steamship Line, in such proportions as might be determined to be wise as to passenger and cargo ships, and let these organizations take charge of them. If you want to get rid of the Shipping Board, another suggestion is, you can enlarge somewhat the Transportation Bureau in the Department of Commerce, and let that bureau get together a force of competent men and a sufficient organization to handle the ships.

If the Shipping Board wants to bid us good by, God-speed! It was never intended, however, that the Shipping Board should be abolished now, even if the ships are to be sold. There is work for them to do. I have tried to point that out in previous addresses here. There is plenty of work for the Shipping Board to do; but if they are determined that they are going to resign or quit, there are ways of surviving that great catastrophe. We can do one of the things that I mentioned, or we can do another thing: We can apportion these ships that are idle, add to them those that are losing money, if there are such, stop this "colossal loss" spoken of so proudly by the Shipping Board, tie up more of the ships, and then distribute them to the

20 or 21 or 22 harbors and ports along the Atlantic and the Gulf and the Pacific, where they have a sufficient depth of fresh water in which the ships can be anchored, taken care of, and preserved.

Apportion to these different ports these vessels that need to be tied up in order to avoid loss, and see that three or four of them in each port are kept in condition so that they may be put into service on a week's notice. Take care of them, keep them up so that they can sail on a week's notice, and as commerce revives, as business escapes from this period of intense depression, demand for ships will appear and the ships will be wanted and needed, and as they are called for they can be put into service. In the meantime we have them. The expense of taking care of them is almost nominal. It will not cost over $10,000,000 or $12,000,000 a year to care for all these ships in this way and keep up ready for service at least 10 per cent of them; and they are there, available to serve the needs of this country in their overseas trade, to carry their supplies, to bring to them the things they need, and to respond to the demand which will develop as conditions become more normal and light again begins to break for the future.

There are various ways of handling this situation that are perfectly feasible, keeping in mind that we are not compelled to dispose of these ships. We are not in the position of a debtor who is forced to dispose of his property. The act of 1920 says we shall not dispose of them as if we were forced to sell them; we shall sell them only as a prudent business man would dispose of his property. Who ever heard of a prudent business man undertaking to dispose of his assets at a time when there was no market, when there was no demand? Granting that there are no purchasers now for ships, why do you insist that we must now sell our ships? Any prudent business man would hold his property in those circumstances until the demand was created or developed. That demand is bound to come. We need about eight or ten million tons of merchant shipping to carry 50 per cent of our overseas commerce.

Everybody concedes that who knows anything about the subject. We have only about 3,000,000 tons in operation. There will be demand for the remaining 6,000,000 or 7,000,000 tons of this shipping we own now. There is no demand for it at this time. That demand is bound to come, and the sensible thing to do is not to give away our property, and, in addition to practically giving it way, pay somebody an annual amount to take it off our hands. This bill provides for a permanent appropriation of $30,000,000 in one instance, and it provides for various other indirect benefits in various other respects that I need not take time now to relate.

Under this policy then is to be taken from the Treasury every year the annual tonnage dues now forming part of the general revenue, about $4,000,000, and 10 per cent of customs receipts, estimated at $42,500,000, thus necessitating other direct taxation on the people equal to the amount thus taken. Shipowners will receive $4,000,000 without adding a ship or purchasing a single Shipping Board vessel. Not interfering with private business, which some people stress so much, may be carried too far. It may be carried to such an extent that it would prevent people from having sufficient food in a land where food products rot in the fields. It may force them to suffer for lack of fuel with wood and coal within a few miles of them. It may oblige them to do without shelter when good lumber is burned at the mills. It may paralyze all means of distribution where production is abundant. It may shut off production where the means of distribution are sufficient. I conceive it to be worse for the country to be without carriers than for the Government to own and operate the conveyers of our commerce.

There has been some comment to the effect that certain great business interests support this measure, and it has undoubtedly met with the favor of a good many newspapers, apparently. It is conceivable that an advertising fund of over a million dollars, furnished by Congress, adroitly used by an expert, can be very effective in securing publicity of the kind desired. A paid advertisement placed in newspapers will produce returns. The opponents of this bill have had no such fund, no means of conducting a propaganda campaign; and grounds of their opposition, their reasons, their facts, and arguments receive generally but little space, where any at all is given. They have no interest behind them but the public interest, which is slow to develop in the absence of the means of reaching the public. The old saying applies, that what is everybody's business is nobody's business. But it would be a mistake to suppose that the public is in ignorance of what is proposed and what is happening.

I have here a statement from the American Farm Bureau Federation, by Mr. Gray Silver, Washington representative, reciting that at the annual convention of the American Bureau Federation this resolution was passed:

Inasmuch as it has been the general policy of this county to subsidize railroads by land grants, bonds, and granting special privileges; manufacturers by a protective tariff, and it is now proposed by those in charge of our general policy to subsidize our shipping interests by the payment to them of a bonus, for all of which the consuming public must foot the bill; we emphatically protest against the continuance of a policy that has become confiscatory instead of protective.

I have a letter here from Mr. T. C. Atkeson, Washington representative of the National Grange, in which he sets forth a copy of a telegram furnished by the master of the Washington State Grange, Mr. A. S. Goss, in reference to the ship subsidy bill, as follows:

WESLEY L. JONES:

Have just read your statement of December 12 that ship subsidy will help farmer more than any other class. Since the farmers are practically certain that this is the opposite of the truth, I would appreciate letter from you for publication showing on what you base your statements.

A. S. Goss,
Master Washington State Grange.

I could furnish other expressions from similar sources of opposition to this bill.

I have a press statement, dated Indianapolis, Ind., February 7, to this effect:

SUBSIDY BILL DENOUNCED.

INDIANAPOLIS, IND., February 7.—After Samuel Gompers, president of the American Federation of Labor, had addressed the board of governors of the International Allied Printing Trades Association, in session here, denouncing especially the contract feature of the ship subsidy bill, the board adopted a resolution indorsing the Federation's stand against the subsidy bill.

* * * * * * *

Every farmers' organization in the country that I know of has expressed itself as opposed to this legislation. The Middle West Merchant Marine Committee reported resolutions which appear to have been adopted at the second annual meeting of the committee, held at Milwaukee, Wis., November 27, 1922, that committee representing 90 of the leading commercial organizations in 17 States, formed for the purpose of getting the producers and consumers of the Middle West in direct and untrammeled touch with the consumers and producers of all other countries.

I ask that these resolutions may be inserted as an appendix to my remarks.

The PRESIDING OFFICER (Mr. NICHOLSON in the chair). Without objection, it is so ordered.

(See Appendix 1.)

Mr. FLETCHER. I have a communication here from a gentleman in the Northwest who has made a great study of this matter, Mr. C. C. Gilliland. He says:

I believe in subsidies if necessary, but I want to know when a loss is realized where the money went; and I believe in subsidies if honestly and fairly administered so that the North and the South, the East and the West, will all be treated alike. The present bill before Congress is not truly a subsidy bill; it is masquerading "under false colors." Because of the vicious conditions contained therein, it is my opinion that if passed it will mean the absolute destruction of our merchant marine, and which will also deprive us of our Naval Reserve and transport ships.

That is an expression from a thinker, a patriotic citizen, which I think is worthy of consideration.

In addition to that, Mr. C. E. Bell, of Hillsboro, Ohio, under date of December 15, 1922, speaking about some of the difficulties shippers have and bearing on the question of the effort to make Government operation a success, said:

To-day, as a result of an agreement on the part of what is known as the Atlantic conference, of which the Shipping Board is a part, the rate from New York to Rio de Janeiro is $11 per ton, while freight has been carried on an open rate from Hamburg to Rio de Janeiro for $4 per ton. The Shipping Board some months ago had a boat in the Hamburg-Rio trade and carried freight for $4.50 per ton, at the same time demanding $10 per ton from New York to Rio, so that the American taxpayer made good the deficit on the Hamburg-Rio boat for the benefit of the German manufacturer.

The Shipping Board said if we had freight for Rio they would be glad to make a satisfactory rate, and, as we had a carload going there, we asked them to name a rate, and through their representative we were quoted $10 per ton, but told them we would be unable to use that rate as our agent in New York already had a rate of $8 per ton on a Shipping Board boat.

The Shipping Board also claims that this country is at a disadvantage because of return cargoes from Mexico, Central and South America, but as a matter of record the reports show that this country exports and imports from those countries a higher percentage than does any European country.

He attaches a statement giving the freight rates and the business between these countries. I think it worth while to ask to have the statement attached as a part of my remarks. There is some valuable information in it.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Distribution of February shipments, 1922, of coffee from Santos.

	Bags.
London	216,331
New Orleans	118,885
Galveston	12,250
New York	75,711
Boston	23,400
Rotterdam	45,501
Hamburg	44,887
Havre	41,265
Antwerp	16,574

Coffee from Rio de Janeiro, February, 1922.

	Bags.
Hamburg	21,002
Antwerp	17,125
New Orleans	13,450
New York	9,250

Hides from Rio de Janeiro and Santos, February, 1922.

New York	17,529
Hamburg	4,000

Bales of wool from Uruguay, October 1, 1921–February 28, 1922.

	Bales.
Hamburg	16,502
United States	19,962
United Kingdom	2,455

January shipments of coffee from Rio de Janeiro.

	Bags.
New York	73,359
New Orleans	20,873
Trieste	56,451
Havre	12,821
Antwerp	16,821
Hamburg	11,756

Manganese from Rio de Janeiro for the year 1922.

	Tons.
Baltimore	238,850
Philadelphia	18,400
Rotterdam	11,400
Hamburg	2,521

Wool from Uruguay for the months October, November, and December.

	Bales.
United States	13,353
Hamburg	3,518
United Kingdom	908

Ocean freight rates.

Ports.	Miles.	Per ton.	Reference exhibit.
Liverpool to Rio de Janeiro	5,158	$13.20	A.
Hamburg to Rio de Janeiro	5,519	3.97	K.
		4.07	C.
New York to Rio de Janeiro	4,748	10.00	B-1.
Liverpool to Vera Cruz		8.80	A.
		12.00	B.
New York to Vera Cruz	1,973	14.56	B.
		20.16	B' B-1
New Orleans to Vera Cruz	788	11.65	D.
		16.80	D.
Hamburg to Vera Cruz		[1]6.60	F.
Hamburg to Barranquilla		6.90	M.
New York to Barranquilla		16.50	D C A.
Hamburg to Port Limon		6.90	M.
New York to Port Limon		21.00	D C A.

[1] 30 shillings.

Exports and imports.

BRAZIL.

Year.	United States.	England.	Germany.
	Tons.	*Tons.*	*Tons.*
1913 (to)	394,493	153,406	211,103
1913 (from)	870,497	2,618,412	505,252
1920 (to)	967,233	113,117	98,469
1920 (from)	1,259,807	253,795	17,213

COLOMBIA.

1920 (to)	161,862	.....	.....
1920 (from)	101,538	.....	.....

VENEZUELA.

1913 (to)	174,040	17,453	25,818
1913 (from)	63,107	30,559	16,296
1914 (to)	111,846	7,250	12,920
1914 (from)	54,900	20,614	11,083
1920 (to)	84,161	.....	.....
1920 (from)	60,099	[1]	.....
1921 (to) [2]	49,843	669	3,337
1921 (from)	20,643	4,328	1,105

[1] No reports. [2] 6 months.

Imports and exports.

MEXICO.

[Dollars.]

Year.	Imports from, by—			Exports to, from—		
	United States.	England.	Germany.	United States.	England.	Germany.
1913	77,543,842	9,116,807	5,958,000	54,383,424	10,830,448	11,422,000
1914	92,690,566	8,969,125	.....	38,748,793	3,123,958	.....
1920	179,331,755	65,205,791	.....	207,858,497	21,070,350	.....
1921	119,145,533	.....	.....	221,854,304	.....	.....
COLOMBIA.						
1913	15,979,912	5,280,278	3,796,000	7,397,696	8,209,824	4,289,000
1914	16,051,120	5,287,295	.....	6,786,153	5,654,571	.....
1920	53,641,738	13,040,006	.....	59,133,277	30,016,703	.....
1921	43,976,205	.....	.....	17,734,662	.....	.....
VENEZUELA.						
1913	10,852,331	2,716,873	4,913,000	5,737,118	4,101,519	2,216,000
1914	9,763,069	1,066,845	.....	5,401,386	2,775,233	.....
1920	22,388,862	4,387,965	.....	29,204,396	16,395,425	.....
1921	11,295,159	.....	.....	9,498,257	.....	.....
BRAZIL.						
1913	120,155,855	48,540,580	59,008,000	42,638,467	60,455,808	47,546,000
1914	101,329,073	38,696,365	.....	29,963,914	30,387,447	.....
1920	227,587,594	58,323,083	.....	156,740,365	117,803,658	19,443,000
1921	96,326,200	.....	.....	58,106,414	.....	[1] 6,776,000

[1] May to December.

There is no question, Mr. President, but that there has been a falling off of overseas commerce, necessitating the tying up of ships everywhere. It is not expected that that will continue. Germany is building fast, and other countries are keeping up their merchant shipping.

In the New York Times of December 31, 1922, I find this statement with reference to foreign trade:

[From the New York Times, December 31, 1922.]

FOREIGN TRADE OF THE COUNTRY.

In all the calculations for the future the country's foreign trade comes up as an important element. Despite the allurement of the promises of capturing far-off markets, the fact remains that those which were the best before the war still remain so. Canada, Mexico, and Cuba on this continent and the countries of central and western Europe are the ones which take most of American products. In pre-war days Europe took from one-half to two-thirds of all this country's exports, and for the first nine months of this year more than one-half of them went thither. On the other side of the ledger there has been some change. European countries, which used to send here about one-half of the total imports, sent this year less than one-third. Cotton and certain foodstuffs are the big items in the exports to Europe. Of the latter, a considerable portion comes under the head of charitable contributions. Of cotton, it is well known that much more would be taken if the European countries could pay for it. There would also be less need of charitable relief from this country if certain European countries could be made self-supporting by being enabled to ship their products here in exchange. At present financial conditions in all the countries on the Continent are at their ebb. The next few months are bound to show a betterment in this respect, because it is impossible for present conditions to continue much longer. Some modus vivendi will have to be established in order to escape chaos.

STATISTICS ARE TOO BELATED.

Not very long ago Secretary Hoover was quoted as expressing the opinion of a very favorable shift in the foreign commerce of this country. This was based on the statements of imports and exports of a single month and was speedily shown to be erroneous. The other day Mr. Hoover was again the authority for statements of a similar kind made to President Harding. He was reported as saying that both imports and exports had been increasing since the new tariff went into effect and as reiterating his belief that the "invisible exports" might soon result in causing exports of gold. The data for these statements are not available. No official statements of imports have been published that go beyond September 20. The complications of the new tariff are said to be the cause of the delay. But there must be something more than this. All the monthly summaries of foreign trade have been behindhand for a year or more. This may be due to a lack of facilities, in turn caused by too small appropriations. But the fact remains that American statistics of foreign commerce are usually at least five weeks behind the detailed British ones and are not of much value when they do appear because of this very delay. It is only a few days ago that the export figures, in detail, for October were published. On December 12 the complete British import and export statistics for November were available. Under such circumstances any and all kinds of opinions may be expressed by those in authority without fear of contradiction. When complete data are available it may again be shown that Secretary Hoover's conclusions are based on hope rather than on reality.

That is an important statement in connection with what we have seen as bearing on the point.

In Commerce Reports of January 8, 1923, there is a statement by the Director of the Bureau of Foreign and Domestic Commerce concerning the foreign trade situation, which

I would like to have inserted as a part of my remarks as an appendix. The article appears on page 72 and is entitled "Survey of Industrial and Economic Conditions at the End of 1922."

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Appendix 2.)

Mr. FLETCHER. There was another article in the New York Times of January 7, 1923, which I would like to have inserted as a part of my remarks. It deals somewhat with the tariff situation and bears upon the thought that there are ways of helping an American merchant marine without paying out subsidies from the Treasury of the country. There are also ways of hurting the American merchant marine. I mentioned awhile ago the provision in the tariff law about adding 50 per cent to the cost of repairs made in foreign yards. That tariff law further affects our volume of trade, and there can be no question about it. The statement in the New York Times refers to that situation. With reference, for instance, to one item, it is said:

Dealers have been taken to task by customers because of higher prices asked and have had to do much explaining. One State association of retail dry goods men is sending to its members, for their use in connection with this, a letter written "by one of the largest manufacturers and importers of gloves in New York City."

It shows the duty imposed in the tariff bill on gloves, where there is one manufacturing concern in one county in one State of the United States, as given here, to be as follows: The old duty on certain kinds was $2 and the new duty $6.20; the old duty on certain other kinds $2.25, new duty $7; on some other kinds the old duty was $2.25, the new duty $8.20; on some other kind, 16-button Seville, for instance, the old duty was $4.75 and the new duty $13.80; on 20-button overseam the old duty was $5.70 and the new duty $22. To the rates just cited as new rates there is added an item of 1.1 per cent exportation tax.

This case is one of many which caused high-tariff men to gnash their teeth in impotent rage when asked to explain their favorite theory that the foreigner pays the tariff. I ask to have that article inserted in the RECORD as an appendix to my remarks, together with an article entitled "How the tariff law operates" and still another article entitled "The vicious circle."

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Appendix 3, Appendix 4, and Appendix 5.)

Mr. FLETCHER. Mr. President, I mentioned the fact that it would cost comparatively little to keep these ships, to keep them tied up as they are or distributed to the different ports, as I have suggested. I have some information that they are not properly painted and the machinery is not properly leaded and tallowed. That, of course, ought to be looked after. It would be a crying shame to have them go down and depreciate in value, when it is perfectly easy to keep them reasonably preserved. A foreigner would take care of his property, and when there was a call to put it into service the owner would get an engineer and the captain and mate on board and put it in shape, test it out, and sail. While we take our ship for instance, that needs repairs out to a dry dock and there have it repaired and spend $25,000 or $30,000, the foreigner would have the crew and the people in charge of the ship do most of the work.

We can learn all that by experience. We have been making progress. Mr. Lasker stated in the hearings before the Subcommittee on Appropriations of the House, considering the independent offices appropriation bill:

I believe that the operation of the present Shipping Board is the best operation ever made by any business department of the Government.

Then he went on to say:

In the face of the way the fleet had deteriorated and the decline of freight rates, if it had not been for this particular Shipping Board, and particularly in its operations through the Emergency Fleet Corporation, instead of the present Shipping Board having cut a loss of from $11,000,000 to $16,000,000 a month down to $4,000,000 a month and still keep the routes going, the losses would have been kept up and probably increased.

That is a statement to the effect that the board is growing more and more efficient and putting into force more and more economy from time to time. That would indicate that this is no time to be discouraged about Government operation.

Furthermore, in another statement Mr. Lasker said they have now got the overhead down from some $16,000,000 a year to about $7,500,000. There is every reason to believe from Mr. Lasker's own statement that, so far from proving Government operation impossible, he is able to demonstrate that it is entirely feasible, entirely practical, and that the board is all the while getting upon a sounder and better basis.

There was an item which appeared in the Washington Star of December 31, 1922, entitled "Shipping Board acts to cut insurance cost in half." They were proceeding in that direction, and that is another very commendable thing to do, to reduce the losses. The losses stated, for the purpose of influencing the passage of this bill, to be $50,000,000 are quite differently stated on other occasions.

In a statement called No. 437, July 24, 1922, which I happen to have at hand, it is said:

The next excess of outlay over income on voyage operations for May—excluding overhead, repairs, and insurance—was $376,445.84. In June for the first time income exceeded outlay, the excess of income over outlay amounting to $204,531.75. This improvement is due partly to the increase in passenger revenues, which for the month of June showed an excess of income over outlay—excluding overhead, repairs, and insurance—of $354,630.78, which is an improvement of $137,261.65 over the preceding month.

Since then that has been decreased. I ask to have that statement put in the RECORD as part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Appendix 5½.)

Mr. FLETCHER. That all bears on the question of the losses and, as I have before shown, the testimony before the committee indicated the losses would not exceed $3,000,000 a month, that in many months less than that. This statement to which I have just referred shows that the losses have not nearly approached $50,000,000 a year.

Now, Mr. President, a moment ago I was proceeding to dwell on the repair problem. There has been some boast on the part of the Shipping Board with reference to economies effected by reducing wages and reducing the number of men. I am very much impressed with the thought that that is not real economy. To economize by reducing the pay of skilled men is false economy. The real question of economy is missed entirely. In that connection I wish to refer to an article which was published in the Seaman of January, 1922, by Mr. Andrew Furuseth, which is entitled "Reduction of crews means increase of cost." I ask to have that article inserted in the RECORD at the close of my remarks as an appendix.

The PRESIDING OFFICER. If there be no objection, it is so ordered.

(See Appendix 6.)

Mr. FLETCHER. This issue of The Seaman carries a striking illustration also. I wish I could put the illustration into the RECORD, but the rules of the Senate do not allow it. It shows "The repair shops devouring the merchant marine," and the comment is:

The repair shops on shore and insufficient or inefficient crews on board ships represent a system of mismanagement which is certain to accomplish the complete wrecking of any merchant marine to which it is applied.

The illustration shows a ship with a serpent leading out to boiler scalers and boiler makers; another one leading out to electricians and blacksmiths; another to sailmakers and riggers; another to longshoremen and hoisters; another to carpenters and painters; another to pipe fitters and machinists; and over all are hovering vultures representing the International Shipping Federation (Ltd.), the I. W. W., and the American Steamship Owners' Association; all indicating the enemies of American shipping. It is a very graphic illustration, but, of course, I can not ask to have it inserted in the RECORD, but I have asked that the article by Mr. Furuseth, who is thoroughly well informed on this whole subject, be printed as a part of my remarks.

My contention is that there is no reason whatever for the showing that Government operation is a costly experiment and has proven to be a failure, and therefore is not further to be thought of.

In that connection I offer and ask to have printed as an appendix at the end of my remarks a couple of short editorials from the Titusville Star-Advocate bearing on that particular point.

The PRESIDING OFFICER. In the absence of objection, it is so ordered.

(See Appendix 7.)

Mr. FLETCHER. Here is the lesson. The Master said to Simon, "Put out into the deep and let your nets down for a draft."

The idea was they were fishing along the shore, taking no risks, making no serious effort, where there were no fish. Consequently they caught nothing. Simon answered, "Master, we toiled all night and took nothing." Of course, they were half-hearted, indifferent, expecting the fish to come to them instead of going after them. But "when they had done as directed they inclosed a great multitude of fishes, and Simon and James and John were amazed."

What the Shipping Board should have done and should yet do, is "Put out into the deep." If they made an earnest effort

with a sincere purpose and a genuine determination to succeed in a great business enterprise they would get returns in the establishment of an American merchant marine.

Mr. President, it has been recently asserted that the Panama Steamship Co. as a Government enterprise has suffered heavy losses and that there have been serious deficits, particularly for the last year. Heretofore in discussing this bill I referred to the success of the Panama Steamship Line as an evidence of what could be done under Government operation. I was taken to task about that by the New York Tribune and the Philadelphia Inquirer. The New York Tribune in its issue of December 12, 1922, undertakes to say:

The Panama Railroad Steamship Co., which, with the Panama Railroad, is owned by the War Department, had a net deficit during the fiscal year ended June 30 of $587,332.45, according to the annual report made public yesterday. This figure compares with a loss last year of $700,810.22. The company attributes the poor showing to the depression that has affected all shipping industries and particularly to the rate war waged between the United Fruit Co. and the Shipping Board service operated by the Clyde Line.

This company is the one to which Senator FLETCHER, of Florida, in his minority report on the ship subsidy bill, referred to as an instance of profitable operation under Government ownership. He advocated turning over the entire fleet to the Panama Line and the United States Line, which is operated directly by the Shipping Board, as an alternative to a subsidy.

The editorial then proceeds to compare the losses, and so forth.

The New York Tribune also had an editorial in its issue of December 13, 1922, which was entitled "Thrifty Spendthrifts," referring to what it calls the record of the Panama Steamship Line. Mr. Phillip Manson, of New York, wrote a communication to the editor of the Tribune dated December 16, 1922, and also another one dated January 5, 1923. I have never seen those communications published, and I doubt if they ever were published. I have, however, the permission of Mr. Manson to use them in any way I see fit, and I ask to have the two communications by Mr. Manson to the editor of the New York Tribune printed in the RECORD at the close of my remarks and as a part thereof. They completely answer the critics of Government operation. I need not reiterate what Mr. Manson so conclusively sets forth.

The PRESIDING OFFICER. There being no objection, it is so ordered.

(See Appendixes 8 and 9.)

Mr. FLETCHER. The communications give the facts. Mr. Manson has been a student of this subject for a long while; he has kept up with the hearings and all the developments in and out of Congress, and also with the reports which have been made by the officials of the departments, and he knows what he is talking about. He expresses himself rather plainly, and, perhaps, rather too strongly at times in characterizing representations which have been made by people in and out of Congress. As to those portions of his communications I need not commit myself one way or the other, but I have no hesitation in indorsing the facts stated by him and the soundness of his arguments and the logic of his reasoning.

Mr. JONES of Washington. Mr. President, may I ask the Senator from Florida a question?

Mr. FLETCHER. I yield.

Mr. JONES of Washington. Are there attacks in those letters upon the good faith and motives of Members of Congress?

Mr. FLETCHER. Oh, no; they contain nothing of that sort.

Mr. JONES of Washington. I did not think the Senator would put a letter of that character in the RECORD.

Mr. FLETCHER. Oh, no.

Mr. JONES of Washington. But I know the temper of Mr. Manson and the character of the language he uses, not only when he is testifying but also in letters which I have seen, and I wondered whether he could write letters of the length the Senator indicates without attacking the integrity of Members of Congress.

Mr. FLETCHER. No. These communications do not undertake to question anybody's motives. They simply represent efforts on the part of Mr. Manson to correct statements made by the Tribune as to the facts which developed in the hearings and as shown by the reports of the Panama Steamship Co. He has, I think, no comment to make regarding any differences with Members of Congress. I have read over the communications, and I do not find anything in them which the Senator could regard as objectionable in that respect.

We are not, of course, confined to the views of others or the arguments of others, but here is a report of the board of directors of the Panama Railroad Co. to the stockholders for 1922. At page 23 it refers to the steamship line, and says:

The total operating revenues of the company's steamship line were $2,723,985.58, a decrease of $2,268,765.54 as compared with the 12 months ending June 30, 1921; operating expenses for same period were $3,443,490.39, as against $5,850,407.22 for the preceding year, a decrease of $2,406,916.83. The net operating deficit resulting therefrom decreased $138,151.29 as compared with loss for prior year.

Passenger traffic shows a decrease in revenue of $115,591.71. Revenue from the transportation of mails and treasure decreased $75,442.01 and $20,099.33, respectively.

Then the report gives the total tonnage transported in the 12 months ending June 30, 1922, and shows that 197,099 tons were carried by the company's steamers and 55,767 tons by chartered steamers.

Then under the head of "General remarks" this statement is made:

The operations of the Panama Railroad Steamship Line during the fiscal year ending June 30, 1922, although more favorable than for the preceding year, resulted in a deficit of $587,332.45, after charging to operating expenses $358,429.44, account of depreciation and general and extraordinary repairs. The primary cause for loss was the continued worldwide depression in business, with its consequent heavy decrease in tonnage transported; the marked lowering of rates of freight owing to the severe competition of direct lines operating between south Pacific and east coast Colombian ports and New York; the unsettled exchange situation, which, with the curtailment of credits previously granted by American merchants to South American merchants, compelled the latter to buy and sell in Europe instead of, as formerly, buying and selling in the United States, and the continued high cost of foodstuffs, stores, and material.

In pursuance of the company's policy all freight and passengers carried for account of the United States Government during the year were charged for at material reductions from regular tariff rates. Had the steamship line received tariff rates for such services its deficit of $587,332.45 would have been reduced to approximately $125,000.

That is the report itself; so that the loss is really reduced to $125,000 in spite of these most depressing and unusual conditions, and yet they are charged here with having suffered a deficit of over $500,000 up to June 30, 1922!

In that connection I am allowed to offer a letter of December 15, 1922, from Mr. W. R. Pfizer, assistant to the president, to Mr. Manson, which gives a statement concerning this alleged deficit, and the reasons and occasions therefor. I think it is due the Panama Steamship Line, and will be simply furnishing the truth on this subject, to have that letter printed as a part of my remarks, and I ask to have it inserted in the RECORD.

The PRESIDING OFFICER. If there is no objection, it is so ordered.

(See Appendix 10.)

Mr. FLETCHER. Mr. President, this letter says—and I simply refer to that part of it—

The combined operations of the Panama Railroad and its steamship line while under Government control from 1904 to 1921, resulted in a net surplus of approximately $23,000,000 (of which the steamship line contributed $5,500,000).

That is one of the results. The fact is that for something like 20 years they have had only 2 years when there was a deficit, and this letter explains the circumstances under which that occurred. There was a slight deficit last year—2 years in 18.

Regarding the operation of the United States Lines, in these letters which Mr. Manson has written to the New York Tribune, he refers to that undertaking, and I think sufficiently meets the claim that the United States Lines have been suffering a loss. In a letter to me of June 30 Mr. Manson adds some comments to what he has heretofore said about that, and without taking time to read that letter I should like to have it inserted in my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

(See Appendix 11.)

Mr. FLETCHER. There is another experience by another country to which it seems to me we ought to give attention. It ought to have some weight with those people who are insisting all the while that the Government is incompetent and inefficient, and can not get honest men and capable men, and can not manage an important enterprise because of its impotency and helplessness and supineness, or for other reasons. I refer to the experience which Australia has had.

As bearing on that, I have before me an article from The Round Table of December, 1922, entitled "The Commonwealth Line of Steamers," and without taking time to read very extensively from it I should like to read from a portion of it, beginning at page 189. It says:

In 1917 and 1918 the Federal Government took over 21 ex-enemy vessels and ran them as part of its line. These ships are still being used, Mr. Hughes having claimed them as part of the war indemnity. It is noteworthy that these vessels have earned much more than any other ships of the Government line, possibly because they were originally intended for the Australian trade and are more suited for it.

Of the steel steamers announced by the Government as ordered in Australia 12 were built and 6 were building at the end of 1921. Three more had been ordered and were to be built, and contracts for 2 were canceled. Of the completed steamers 6 were of the D class, 5,500 tons; and 4 of the E class of 6,100 tons. Of the steamers building all are of the E class. Two of the 8 vessels ordered are much larger ships of 12,700 tons. To these must now be added the 5 "bay" liners built for the Commonwealth Line in England. As all the world knows, Mr. Hughes went to the peace conference in 1919.

While there he became alarmed at further rumors of consolidations of the shipping ring, and apparently after consultation with Mr. Larkin, the general manager of the Commonwealth Line, persuaded his cabinet to order five large steamers of 13,850 tons, with passenger accommodation, refrigerating space, and a speed of 15 knots. In July, 1919, contracts were let for three of them to Vickers's yards, and for the remaining two to Beardmore's yards. Once again Parliament was not taken into the Government's confidence, the excuse being that the matter had to be arranged swiftly and secretly lest the shipping conference should hear of it and intimidate the English shipping yards into refusing to contract for the ships. One of these liners is expected to be finished by the end of this year, while four of them have been completed and have made their maiden voyages to Australia. These are the ships that attained notoriety this year through the action of the Australian Seamen's Union in refusing to allow the English crew to man them on the return journey and in attempting to enforce its right to select the crew in advance from among its own members. The latter claim was, in the end, successfully resisted.

This completes the actual list of the vessels of the Commonwealth Line. It comprises:

In commission—	
Australs (remaining from original purchase in 1916)	12
Ex-enemy ships	17
D-class steamers (5,500 tons)	6
E-class steamers (6,100 tons)	4 or 6
Bay liners (13,850 tons)	4
Building or ordered—	
E-class (6,100 tons)	8 or 7
For cargo (12,700 tons)	2
Bay liner (13,800 tons)	1

It is difficult to estimate the venture from a business point of view, because very little information is available in the way of intelligible balance sheets. Accounts of the Austral Line, as it is called, have been furnished with the budget papers from year to year, and these show the following profits: In 1917, £327,335; in 1918, £576,164; in 1919, £1,160,055; in 1920, £137,959. The amount of the profit made in the year ending June, 1921, was stated by Sir Joseph Cook to be £300,000, after allowing 10 per cent instead of the usual 6 per cent for depreciation.

The ex-treasurer also complained that both the Commonwealth Bank and the Commonwealth Line were keeping their profits from him. The bank carries them to reserves and the line to depreciations. Whether Sir Joseph Cook's estimate refers to the whole line or only to the Australs is not clear. The nearest approach to a complete statement of the financial position of the whole line was given by the Prime Minister to Parliament in November, 1921. He dealt with the existing financial position of each branch of the line, and then gave an aggregate estimate of the whole position. From this the following figures have been extracted:

Dr.

Original capital cost 11 remaining Australs	£1,621,578
Original capital cost (valuation) 18 ex-enemy ships	909,315
Original capital cost 17 D and E class ships (built and building)	3,176,083
Original capital cost of 5 bay liners (built and building)	5,000,000
Total capital cost of fleet built and building	10,706,976
Add interest not charged on capital	382,000
Grand total	11,088,976

Cr.

Total profits earned by Australs	2,993,245
Total profits earned by sailers (since sold)	41,382
Total profits earned by D and E ships	84,588
Total profits earned by ex-enemy ships	4,066,266
Brokerage and commissions	181,995
Net gain on sale of 2 Australs and 2 sailers, plus insurance on 2 Australs and 1 sailer lost	74,343
Net profits to June 30, 1921	7,441,819

This leaves a net capital of £3,647,157 after devoting all profits to writing down stock. Thus the Commonwealth has its fleet on the one hand and a liability of over £3,500,000 on the other. This means, according to Mr. Hughes, that the ships stand in to the Commonwealth at £9 5s. a ton dead weight. If, however, the total loss in wooden ships (£2,615,513) be carried by the line, the total net capital would amount to about £6,250,000, and the ships would stand in at £16 2s. 2d. per ton.

It is worth noticing that the present Federal Treasurer, Mr. Bruce, criticized Mr. Hughes's statement very acutely in the House, especially drawing attention to the age of the Australs and the ex-enemy ships. After valuing and writing off the Australs, ex-enemy ships and the D and E class at a figure considerably lower than their purchase price, Mr. Bruce reduced the tonnage to 62,500 tons, capitalized at £1,375,000. This means that the five big Bay liners, now costing the Government about £80 a ton to build, are held by the Commonwealth at £22 a ton. It is interesting to observe that the Commonwealth Line from its inception has followed the policy of not claiming in any country the immunity from the jurisdiction of the courts commonly accorded to government-owned vessels. It pays for all services, such as pilotage, including such as are charged for in the form of a rate, but does not pay income tax either in the Commonwealth or the United Kingdom.

If, then, the line is satisfactory from a financial viewpoint, what can be said of its usefulness? Its defenders make several claims for it, the chief being that it has provided further opportunities for direct shipment from all United Kingdom main ports; it has amended outward bills of lading to the advantage of Australian shippers; it has helped to enable Australian producers to get rid of primary products throughout a critical period; it has relieved the congestion of coastal shipping, making phosphates, coal, and wheat available in times of scarcity in the various Australian States; it has fostered shipbuilding in Australia; and it has prevented material increases in freights similar to those which have taken place in other trades during and since the war. All these claims probably would be conceded even by its opponents, with the exception of the last one. It is very difficult to express an opinion on this question. On general cargo the Commonwealth Line has charged the same rates of freight as the conference lines, but what has been the effect of its competition in restraining freights now and during the war is a question that can only be answered by the directors of the conference lines. In the case of wheat the line does appear to have kept freights down. Its charges have never exceeded £7 10s. per ton to London. When this rate was fixed, in February, 1918, the ruling rate for full cargoes for British vessels was about £11 10s. per ton, and neutrals were refusing £13 15s. Whether the Commonwealth Line has actually restrained the shipping conference from becoming burdensome to Australia or not, there can scarcely be any doubt that the majority of the Australian people think it has done so.

And toward the end of 1921 this impression was very generally confirmed by the offer of Lord Inchcape to buy out the line on behalf of the shipping conference. The offer was quite clear and unequivocal, and was forwarded to Mr. Larkin, the general manager, who at once transmitted it to the Prime Minister. "I recognize and admit," the offer ran, "that the Australian Government with the taxpayers behind it can go on indefinitely, and that the conference lines may eventually be ruined. I am prepared to recommend the conference to come to an agreement with the Australian Government, either to buy its ships on reasonable terms or to suggest that they should sell their ships to the Australian Government and leave the latter a free field." Mr. Hughes, with his usual acumen, hurled this message into a committee of the federal house on the estimates. He had previously taken the House into his confidence for almost the first time in regard to the position of the Commonwealth with respect to shipping and shipbuilding, and had made the statement from which the preceding figures have been extracted. A full-dress debate on Commonwealth shipping took place, and it showed quite plainly that the majority in Parliament was strongly of opinion that Lord Inchcape's offer revealed his uneasiness at the prospect of the line's continuance, and proved that it had acted as a shield to Australian interests. On previous occasions, when Parliament had debated our shipping affairs, its main criticism had been directed against the unconstitutionality of the methods by which Mr. Hughes founded the Commonwealth Line and bought ships without consulting Parliament. Members of the opposition have always, of course, availed themselves of the wooden-ship fiasco and other administrative errors to launch attacks on the Government. But the debate of November last revealed that, despite these things, members were convinced that the line was a good thing, and that the fact that the shipping conference wanted it was only an additional reason why the Commonwealth should not give it up. The only opposition came from convinced opponents of State enterprise of any kind among the country and national parties. But the majority of these parties and the whole of the Labor Party were solidly behind the enterprise, and a motion to reduce the estimate in order to indicate that the continuance of the line was inadvisable was overwhelmingly defeated.

There is no doubt that, on the whole, this vote represents the national feeling with regard to the ships. At the same time there is a considerable distrust of the efficiency of State undertakings. So far the line has not only justified itself sentimentally and politically but also financially. Yet it is still a Government department under the Prime Minister. It needs to be freed and set under some independent authority, as has been done with the State railways and the Commonwealth bank. Mr. Hughes has indicated that this will be done, and the Governor General's speech at the opening of the second session of the current Parliament promised legislation along these lines. But the legislation has not yet been passed. The status of the general manager is apparently obscure. And there is an uneasy feeling that the line is too costly and too powerful an instrument to be subject to the risk of any kind of dictation at the whim of a political party.

That shows that the Government of Australia has made a success of the operation of ships in that country, and that the question whether the Government should give up its ships was an issue recently in the campaign in which Premier Hughes was reelected. Most of his colleagues were beaten. He has stood all along for Government ownership and Government operation of the merchant marine of Australia, and on that question the people stood by him, and the showing is that it has proven a wise policy on the part of Australia.

As to Canada, in the Canadian Annual Review I find a clipping, at page 414, to this effect:

The shipping interests of Canada had a year of difficulty in 1921; there were political troubles for those associated with the Government and in most cases reduced rates and traffic. There was, also, keen competition between Government and private lines and strong opposition expressed on behalf of the latter against Government aid being given to one set of ships at the country's expense.

* * * * * * *

There are 6 vessels yet to be delivered; the complete program of 66 vessels will provide a total of 380,000 tons. These vessels provide cargo and liner services all over the world.

Meantime, Mr. Ballantyne in the Commons, on March 29, had reviewed the C. G. Merchant Marine conditions during 1920 with sailings by different ships to Liverpool, London, and Glasgow, Cardiff, and Swansea, the British West Indies, Cuba, the Mediterranean, Straits Settlements, Java, India, Australia, and New Zealand. The minister claimed substantial gains to Canada's export trade as a result; the fixed assets were stated at $49,243,604 (vessels at cost less depreciation), the current assets at $3,535,653, the gross earnings at $10,210,442, the operating expenses at $8,733,917, and the total net earnings at $781,460.

That is not a bad showing. On page 416 appears the statement:

At the close of the year four Government vessels were laid up in Montreal for the winter season; the final report of operations for the year showed a substantial deficit. The operating revenue for the year ended December 31, 1921, was $10,768,828 and operating expenses $12,979,553, with a deficit of $2,210,724. To this had to be added interest accrued on notes to Government during the year of $3,351,500 and re-

serve for depreciation of $2,374,410, which, with minor items, made a total deficit of $8,047,635. Mr. Hanna, in submitting this report, stated that "conditions existing in the steamship business throughout the world made such a result inevitable. Admittedly, from an economic standpoint, 1921 was the worst year in recent shipping experience. In addition to a general falling off in tonnage, ocean rates were reduced in some cases as much as 50 per cent. Steamship rates that would bring in a proper return did not exist, and the best rates would only pay operating expenses. While tonnage outward was fairly well maintained, the inward business, especially from the United Kingdom, continental ports, and South America, fell away to such an extent that home-bound cargo was practically impossible to obtain. On this account many voyages resulted in losses. The total loss had been substantially increased by charging depreciation at 4 per cent and interest at 5½ per cent per annum on the original cost of the vessels. The difficulties of the situation were further increased by the addition of 18 new vessels to the company's fleet during a most severe business depression."

There was no doubt as to the world conditions in shipping. Mr. Hanna explained some of the advantages of operating the C. G. M. M. in face of these losses. To Canadian trade in general and to the national railways in particular the gains had been considerable: "Large shipments, which have been handled by the merchant marine at the low rates prevailing, have provided traffic return to the national railways. Much business of this character would have been handled through foreign ports and by other or foreign railways if the company's vessels had not been available. Boards of trade throughout Canada and exporters of many products have placed on record their appreciation of the assistance the merchant marine has rendered to them, without which they claim a large amount of export business secured would have been lost to other countries."

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The Canadian Pacific Railway Steamship Service held its course in 1921 along the usual lines of successful and profitable operation.

On page 419 it is said:

The Canada Steamship Lines (Ltd.): The report of this company for the year of December 31, 1920, showed fixed assets—ships, real estate, docks, etc.—of $35,468,716, with $6,261,584 allowed for depreciation reserve; current and working assets of $8,017,693; leases, contracts, and good will, $8,424,646, and a total of $48,894,394; the liabilities included capital stock, $24,500,000; funded debt and bonds of $6,501,483, and current or accrued liabilities of $7,547,999; the revenue was $20,248,611, the expenses $16,220,337, the net earnings $4,028,274, and the profits of the year $1,932,772, with a surplus of $8,611,147.

I can not see where there is anything discouraging about that. Again, on page 420, it is stated:

The Government mail subsidies and steamship subventions for the year beginning March 31, 1921, totaled over $700,000 for the following services not of a local nature:

Canada and Newfoundland	$35,000
Canada, the West Indies, and South America	340,666
Canada and South Africa	146,000
Canada, Australia or New Zealand, or both (Pacific)	130,509
Prince Rupert and Queen Charlotte Islands	21,000
Victoria, Vancouver, and Skagway	25,000
Victoria and West Vancouver Island coast	15,000
Vancouver and northern ports of British Columbia	24,800

This shows the total amount of aid given by Canada and the purposes for which it was given, mainly mail subventions.

Some comment has been made about what Italy was doing, and I have here a statement from Fair Play, the issue of December 14, 1922, as follows:

ITALIAN SHIPPING NEWS.

GENOA, December 8.—Provision has been made by the present cabinet for the suppression of some of the subventioned steamship services. According to the Tribuna, published in Rome, the services to be suppressed are: The Trieste-Odessa, the Trieste-Curzola, the Trieste-Japan, an Adriatic service having Bari as its starting point, an Adriatic service having Ravenna as its starting point, a service known as the "Periplo della Penisola," and a Gulf of Naples service.

By the suppression of these services and a considerable reduction of the number of ports of call in the services that are maintained it is claimed that the Government will save a considerable amount of money, which will be further increased in the future by a stricter application of the Government's policy for confining to a minimum the number of services to be subventioned and for cutting down the subvention rates.

According to the Tribuna, not more than about 40 vessels will be amply sufficient to meet the requirements of the subventioned services, these 40 vessels including many of rather limited tonnage. This first step under the new "economy policy" will mean a saving to the mercantile marine budget of about 73,000,000 lire.

The market values of the principal steamship companies' shares are showing of late a considerable improvement, which is undoubtedly ascribable to brighter conditions of the country generally, the stricter discipline of the crews, and the increase in the exports.

That bears on the question that has been raised as to the alleged enormous subventions paid by Italy. I have heretofore mentioned that whereas Italy was, in pre-war times, quite generous in the matter of aid to shipping and shipyards, the policy has recently been changed, and Italy is reducing the services and the subventions, although Italy owns the ships and directs the operations of some of these services herself, and she has been keeping that up. In that respect her efforts have not been unsatisfactory or too costly. She gives another illustration of what can be accomplished by Government operation. Government operation means the extension of markets and the opening up of new trade.

In the Commerce Reports of February 5, 1923, at page 372, we find an illustration of that. Beginning at the top of the page, I read as follows:

The decrease in cargoes destined for the Hamburg-Havre range resulted from the depreciation of the German mark and the consequent elimination of Germany as a market for American wheat. Shipments to Germany during the first seven months of 1922 were 435,000 tons less than during the corresponding period of 1921. The Belgian market showed a decrease of 116,000 tons, France's share decreased 16,000 tons, and Holland's increased by 4,000 tons.

South Atlantic Europe decreased principally in shipments to the Bordeaux-Brest region of France and to Spain. This section does not normally absorb much of the United States wheat, and the falling off is largely a return to normal conditions.

The decrease of almost 800,000 tons to the west Mediterranean region occurred mainly in shipments to Italy, southern France, and Spanish Mediterranean ports. During the first seven months of 1922 shipments to Italy decreased over 644,000 tons, to southern France 47,600 tons, and to Spanish Mediterranean ports 104,600 tons. The principal causes of this decrease are unfavorable exchange rates and return of these countries to agricultural pursuits, with the consequent cultivation of large quantities of grain.

SHIPPING BOARD VESSELS OPEN NEW MARKET.

Shipments of wheat to the east Mediterranean and Black Sea region showed an increase over the corresponding period of 1921. As in the case of shipments to the Baltic region, relief measures were responsible for the increase, cargoes to Greece decreasing 45,000 tons in 1922, while those to Russia and Turkey totaled 72,000 tons—an increase of 100 per cent.

The increased shipment of wheat to the Orient is notable, indicating the establishment of a new market for American wheat through extended services by Shipping Board vessels. Heretofore this market has relied on the Australian and Indian crops. Japan is consuming more wheat than before, as a result of the efforts of its Government to establish wheat and wheat flour as an adjunct to the national diet of rice. China, which received no wheat cargoes in the 1921 period, received 22,547 tons in 1922. The Philippines and Asiatic Russia took 6,978 tons and 3,000 tons, respectively, in 1922, with no comparable shipment in 1921.

SHARE OF WHEAT CARRIED BY AMERICAN VESSELS.

The total oversea movement of wheat during January–July, 1921, was 3,883,500 tons, of which United States vessels carried 27 per cent (1,031,000 tons) and foreign vessels 73 per cent (2,852,500 tons). During the same period of 1922, oversea shipments of wheat totaled 2,459,500 tons. American vessels transporting 28 per cent (679,500 tons) and foreign vessels 72 per cent (1,780,000 tons). The employment of American bottoms in the carriage of relief supplies in 1922 increased the percentage of wheat carried under the American flag by 1 per cent.

That shows how, by the use of these vessels, we are extending our trade and opening up new markets.

The more I learn of what was done in the past and of the policy of the Shipping Board, the more I learn of what is being done and of present policies, the more I am convinced that Government operation never had a chance to prove itself. There has never been any opportunity allowed that it might succeed. Pains have been taken all along to make it a failure. When I note what has been accomplished in every instance, even by piecemeal, in chance attempts here and there under Government operation, the more I believe in it.

Heretofore I have felt that private enterprise ought to own and operate our merchant marine, although I was aware how they failed us for 50 years. Now, when it is attempted to encourage them by a draft on the taxpayers of $30,000,000 for 10 years, and probably for 5 years more, besides granting other important benefits, I can see plainly that we can never rely on private enterprise to establish and maintain an adequate American merchant marine, and we are headed straight for the situation in which we found ourselves in 1914, when less than 10 per cent of our overseas trade was carried in American bottoms.

[At this point Mr. FLETCHER yielded to Mr. WALSH of Massachusetts and a colloquy took place, in which several Senators participated.]

Mr. FLETCHER. Mr. President, I shall be glad to continue now.

I was proceeding to say that in view of our experience, and as a result of my study of this whole question, I am satisfied that if we are ever going to have an American merchant marine of any consequence the Government must own and operate merchant ships. I do not say it must own and operate all of them; I do not mean that the Government must have an absolute monopoly; but I mean that it must have a fleet that is supplemental to the privately owned fleet—a fleet that will serve us when we most need it, that will protect our people in their rates and their commerce and open our markets, and that we will be able to bring into play as we did when we had to bring coal from England and when we had to send wheat to Russia. We were able to take those cargoes in our own ships. If we had not been, our people would have been taxed two and three times the going rates on those commodities just because we had no

ships and had to be dependent upon foreign vessels to move them.

I maintain also that the fact that the Government owns and operates merchant ships does not mean that private enterprise must abandon the field or be driven out. On the contrary, private enterprise can be encouraged and helped and benefited by the activities of the Government in this field. In my judgment, we should hold to that policy of the Government's owning and operating merchant ships and set about sincerely and honestly and earnestly to have it succeed. There is no question that it can be done. There is less question that it is best for the country. Sell those ships that we do not need to carry out this purpose and plan when we can sell them at fair prices based on market value.

Tie them up meanwhile when they are not needed and care for them. Operate directly by the Government those that are needed to serve our overseas commerce, and to put into full execution that policy looking to future needs and requirements. It will be time enough hereafter, when the plan shall have been given a fair trial, and we have settled down to stable conditions, and development shall have taken place, to consider and determine whether or not the policy should be changed or modified.

As illustrating the point that individuals will not be driven out of the business, and that it will not stifle enterprise to have the Government operate ships, I refer to the Commerce Report of January 29, at page 302:

CURRENT AMERICAN SHIPBUILDING.

On January 1, 1923, American shipyards were building, or under contract to build, for private shipowners, 218 steel vessels, of 251,858 gross tons, compared with 216 steel vessels, of 257,328 gross tons, on December 1, 1922.

Then it gives the number of vessels completed in December, showing that now, while we are claiming to be operating by the Government and while we are owning these ships, and have been for more than two years, yards are busy building for private owners, and the building is increasing all the while.

At page 170 of the Commerce Reports of January 15, 1923, the following is stated:

CURRENT AMERICAN SHIPBUILDING.

On December 1, 1922, American shipyards were building, or under contract to build, for private shipowners, 216 steel vessels of 257,828 gross tons, compared with 197 steel vessels of 258,373 gross tons on November 1, 1922.

These figures do not include Government ships or ships building or contracted for by the United States Shipping Board.

Following is a summary of reports of shipyards to the Bureau of Navigation, Department of Commerce, showing the number and gross tonnage of steel vessels under construction or contract for private owners on December 1, 1922:

Companies.	Number.	Gross tonnage.
American Bridge Co., Ambridge, Pa	83	38,050
American Car & Foundry Co., Wilmington, Del	6	350
American Shipbuilding Co., Cleveland, Ohio	6	46,100
Bath Iron Works, Bath, Me	1	800
Bethlehem Shipbuilding Corporation (Ltd.):		
Baltimore Dry Docks Plant, Locust Point, Baltimore, Md	1	920
Harlan Plant, Wilmington, Del	6	2,736
Sparrows Point Plant, Sparrows Point, Md	4	4,200
Union Plant, San Francisco, Calif	4	29,682
Chas. Ward Engineering Works, Charleston, W. Va	3	1,820
Dravo Contracting Co., Pittsburgh, Pa	18	6,465
Dubuque Boat & Boiler Works, Dubuque, Iowa	1	125
Federal Shipbuilding Co., Newark, N. J	6	15,000
Great Lakes Engineering Works, River Rouge, Mich	2	8,550
Howard Shipyards Co., Jeffersonville, Ind	2	995
James Rees & Sons Co., Pittsburgh, Pa	1	175
Johnson Iron Works, Dry Dock & Shipbuilding Co., New Orleans, La	2	750
Kyle & Purdy (Inc.), City Island, N. Y	2	710
Los Angeles Shipbuilding & Dry Dock Corporation, Los Angeles, Calif	2	3,500
Manitowoc Shipbuilding Corporation, Manitowoc, Wis	1	175
Marietta Manufacturing Co., Point Pleasant, W. Va	11	4,050
Nashville Bridge Co., Nashville, Tenn	2	500
Newport News Shipbuilding & Dry Dock Co., Newport News, Va	2	13,000
New York Shipbuilding Corporation, Camden, N. J	7	29,990
The Pusey & Jones Co., Wilmington, Del	6	7,740
Riter-Conley Co., Pittsburgh, Pa	10	9,000
Staten Island Shipbuilding Co., Mariners Harbor, N. Y	5	2,738
Sun Shipbuilding Co., Chester, Pa	12	14,150
Tebo Yacht Basin Co., Brooklyn, N. Y	3	657
Todd Dry Dock & Construction Corporation, Tacoma, Wash	1	3,000
Toledo Shipbuilding Co., Toledo, Ohio	2	8,200
Union Construction Co., Oakland, Calif	1	1,100
Wm. Cramp & Sons Ship & Engine Co., Philadelphia, Pa	3	2,100
Total	216	257,328

DETAILS OF NEW CONTRACTS.

Following are the particulars of new contracts entered into during the month of November, 1922:

Vessel.	Approximate gross tonnage.	Speed.	Owner.	Trade.	Probable date of launch.
American Car & Foundry Co., Wilmington, Del.:					
Hull No. 565	[1]	[1]	Chas. Warner Co.	Sand and gravel.	Spring, 1923.
Hull No. 566	[1]	[1]	do	do	Do.
Hull No. 567	[1]	[1]	do	do	Do.
Hull No. 568	[1]	[1]	do	do	Do.
Hull No. 569	[1]	[1]	do	do	Do.
Bethlehem Shipbuilding Corporation (Ltd.), Harlan Plant, Wilminton, Del.:					
Hull No. 3483	[1]	[1]	F. S. Fish	Yacht	[1]
Sparrows Point Plant, Sparrows Point, Md.:					
Hull No. 4216	[1]	[1]	B. & O. R. R	Car float	[1]
Hull No. 4217	[1]	[1]	Hudson River Day Line.	Passenger.	[1]
Federal Shipbuilding Co., Newark, N. J.:					
Hull No. 76	1,700	9	Pittsburgh Steamship Co.	Lakes	Apr. 16, 1923.
Hull No. 77	1,700	9	do	do	May 1, 1923.
New York Shipbuilding Corporation, Camden, N. J.:					
Hull No. 278	3,100	12½	Red "D" Line	Passenger and cargo.	Summer, 1923.
Pusey & Jones Co., Wilmington, Del.:					
Hull No. 1026	920	14	Philadelphia & Reading R.R.Co.	Ferry	[1]
Hull No. 1027	920	14	do	do	[1]
Sun Shipbuilding Co., Chester, Pa.:					
Hull No. 62	[1]	[2]	American Dredging Co.	Oil	Dec. 10, 1922.
Hull No. 63	[1]	[2]	New York Central R. R. Co.	do	February, 1923.
Hull No. 64	[1]	[2]	do	do	Do.
Hull No. 65	[1]	[2]	Standard Transportation Co.	do	March, 1923.
Hull No. 66	[1]	[2]	Tide Water Oil Co.	do	Do.
Hull No. 67	[1]	[2]	do	do	Do.
Hull No. 68	[1]	[2]	do	do	Do.
Toledo Shipbuilding Co., Toledo, Ohio:					
Hull No. 175	[1]	12	Huron Transportation Co.	Cement	June, 1923.

[1] Not given. [2] No power.

VESSELS COMPLETED IN NOVEMBER.

Following are the particulars of the new steel vessels completed during November, 1922, for private owners:

Vessel.	Gross tonnage.	Speed.	Owner.	Trade.
American Shipbuilding Co., Cleveland, Ohio:				
Fred G. Hartwell	9,166	11½	Franklin Steamship Co.	Freight.
Bethlehem Shipbuilding Corporation (Ltd.) Union Plant, Bethlehem, Pa.:				
Shasta	1,782	[1]	James Rolph & Co., Trustee.	Ferry.
Kyle & Purdy (Inc.), City Island, N. Y.:				
Bird S. Colier	190	10	Department of Public Welfare.	Do.
Nashville Bridge Co., Nashville, Tenn.:				
Wm. P. Fiske	96	[1]	Nashville Supply Co.	Sand.
Newport News Shipbuilding & Dry Dock Co., Newport News, Va.:				
Ohio	513	[1]	E. W. Scripps	Yacht.
New York Shipbuilding Corp., Camden, N. J.:				
Rock Harbor	943	[1]	Rockland Transportation Co.	Freight.
Rock Haven	943	[1]	do	Do.

[1] Not given.

VESSELS COMPLETED IN NOVEMBER—continued.

Vessel.	Gross tonnage.	Speed.	Owner.	Trade.
The Pusey & Jones Co., Wilmington, Del.:				
State of Maryland..	1,783	18	Seaboard-Bay Line....	Pass. and freight.
Sun Shipbuilding Co., Chester, Pa.:				
"801"	542	(1)	Pennsylvania Railroad.	Grain.
"802"	542	(1)	.....do.....	Do.
"803"	542	(1)	.....do.....	Do

[1] Not given.

SHIPPING BOARD—CARGOES CARRIED IN OVERSEA COMMERCE DURING FIRST SEVEN MONTHS, 1921 AND 1922.

[Prepared by the Bureau of Research, United States Shipping Board.]

This study of the movement of commodities in oversea commerce is based on cargoes carried by vessels clearing United States ports, and not on shipments actually originating within the United States. Shipments in bond, which do not enter into export figures but do form an important part of cargoes clearing our ports in oversea carriage, are included. For instance, Canadian wheat, although not an export from the United States, moves in bond to Portland, Me., for shipment and becomes a part of cargo clearing. In many instances, therefore, the following tables are not comparable with figures from other sources for the same period based on the export of productions of the United States.

The commodity movement in oversea cargoes for the first seven months of 1922, compared with the corresponding period of 1921, shows a steady decrease in the volume of bulk commodities and an increase in the majority of manufactured products, as shown by the following table:

Principal outbound commodities, January–July, 1921 and 1922.

Commodities.	1921	1922
	Long tons.	*Long tons.*
Coal and coke	9,827,200	1,680,500
Petroleum and products	3,910,100	4,230,700
Wheat	3,883,500	2,459,500
Corn	1,078,600	1,845,000
Rye	208,300	411,300
Barley	188,200	195,100
Other grains	714,600	1,561,400
Lumber	853,100	1,622,700
Iron and steel manufactures	752,000	698,400
Cotton, raw	696,800	672,400
Wheat flour	567,900	696,500
Phosphates	407,600	265,700
Sugar	241,100	613,200
Machinery	168,800	86,200
Meat and dairy products	146,300	116,000
Sulphur	139,300	92,800
Tobacco	120,700	103,300
Chemicals	105,000	98,600
Other and general cargo	5,235,600	3,281,400
Total	29,254,700	20,730,700

Of course, as everybody knows, we have given encouragement to our shipping, and we will keep up the policy of giving American ships the monopoly of our coastwise trade. We have also assisted in other ways, and we will probably keep that up.

It appears from the Commerce Reports of November 20, 1922, at pages 497 and 498, that we have, under the ocean mail act of 1891, provided a system of contract payments at specific rates of American ocean steamers and paid out certain amounts, which I will have inserted in the RECORD without reading.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

AMERICAN OCEAN MAILS.

(Eugene T. Chamberlain, Transportation Division.)[1]

[The statistical summaries regarding United States mails in the following article are compiled from detailed figures in the unpublished report of the superintendent of foreign mails for the fiscal year ended June 30, 1922, furnished to the Department of Commerce through the courtesy of the Second Assistant Postmaster General.]

The only considerable payments by the Government of the United States at the present time to American merchant ships, outside of those involved in the operations of the United States Shipping Board, are the amounts paid for transportation of ocean mails to foreign countries.

The ocean mail act of 1891 provided a system of contract payments at specific rates for American ocean steamers of given rates of speed and given tonnages; but developments in shipbuilding and ocean transportation during the past third of a century have so changed conditions that the act is of no considerable present service, and during the past fiscal year only four mail routes were maintained under its provisions. The Oceanic, or Spreckels, Line, was paid $186,384 for its contract service from San Francisco to Hawaii and Australia, supplemented by payments from the Navy Department for transportation of naval supplies to American naval stations in the Pacific. The New York & Cuba Mail Steamship Co., or Ward Line, was paid $55,752 for its mail service from New York to Vera Cruz, but this contract expired on October 31, 1922, and is not likely to be renewed. The Red D Line was paid $65,422 under its two contracts for carrying the mails from New York to Venezuela.

All told, therefore, during the past fiscal year the expenditures under the act of 1891, sometimes called the "postal subsidy law," amounted to only $307,558, while the total cost of carrying the American ocean mails was $5,500,000 in round numbers, not including $379,000 for transporting closed mails of foreign origin.

OCEAN MAIL TRANSPORTATION COSTS—TRANSATLANTIC SERVICE.

The ocean transportation of the great volume of American mails for foreign countries is paid for according to the weight carried, American steamers receiving 80 cents a pound for letters and post cards and 8 cents a pound for other articles, while foreign steamers are paid under the international postal rates 4 francs per kilo, reckoned as equivalent during the past fiscal year to 35 cents a pound for letters and post cards, and 50 centimes per kilo (4½ cents a pound) for other articles. On these bases (including payments under the act of 1891 already mentioned), the cost of transporting American ocean mails for the year ended June 30, 1922, was as follows:

Transportation costs on United States ocean mails, year ended June 30, 1922.

	American ships.	Foreign ships.	Total.
Trans-Atlantic mails	$2,084,400	$1,268,239	$3,352,639
Trans-Pacific mails	744,742	163,634	908,375
Miscellaneous mails	1,022,622	209,656	1,232,278
Total	3,851,764	1,641,529	5,493,292

The trans-Atlantic mails, of course, exceeded in weight those to all the rest of the world, during the past fiscal year, comprising almost 2,800,000 pounds of letters and post cards and a little over 30,500,000 pounds of other articles. The payments to the principal steamship lines engaged in this service were as follows:

American ships:	
United States Lines	$1,036,149
International Mercantile Marine	426,001
Red Star	270,751
United American Line	149,014
United States Mail Steamship Co	117,477
A. H. Bull	31,887
All others	52,820
Total to American	2,084,099
Foreign ships:	
Cunard	272,230
White Star	271,980
Transatlantique	200,003
Baltic-American	152,893
Red Star	100,717
Holland-American	66,797
United American	29,323
Scandinavian-American	28,921
All others	145,375
Total to foreign	1,268,239

TRANS-PACIFIC AND MISCELLANEOUS SERVICES—CLOSED MAILS.

The trans-Pacific service, of course, is concentrated in fewer lines and the volume of mails is much less—570,000 pounds of letters and post cards and nearly 11,000,000 pounds of other articles. The principal lines and payments for the past fiscal year were:

American ships:	
Admiral Line	$396,543
Oceanic (Spreckles) contract	186,384
Pacific Mail Steamship Co	144,684
China Mail Steamship Co	12,930
All others	4,200
Total to American	744,741
Foreign ships:	
Union Steamship Co	56,698
Toyo Kisen Kaisha	30,821
Osaka Shosen Kaisha	28,019
Nippon Yusen Kaisha	17,971
Canadian Pacific	12,579
All others	17,545
Total to foreign	163,633

The miscellaneous service includes foreign mails to South America, the West Indies, and foreign countries and islands generally in the American Hemisphere. The weight of letters and post cards in this service was 540,000 pounds, and the weight of other articles 11,260,000 pounds. Except to South America the distances are relatively short, and mails are carried by many steamers and occasionally by sailing vessels (paid whether American or foreign, at the foreign-steamer rates). The principal lines and payments during the year ended June 30, 1922, were:

American ships:	
Munson Line	$163,793
United Fruit (New York)	156,676
United Fruit (New Orleans)	138,263
Clyde Line	99,942
Grace Steamship Co	99,803
Panama Steamship Co	94,848
Red D (contract)	65,422
Red D	16,995
New York & Cuba Mail (contract)	55,752

[1] [This is the thirteenth in the series of articles by Mr. Chamberlain on Government subsidies to the merchant marine in various countries. Preceding articles have appeared in Commerce Reports as follows: France, May 8, page 369, August 7, page 398, and September 11, page 737; United Kingdom, July 31, page 326, and October 2, page 41; Norway, August 21, page 551, and October 30, page 302; Canada, September 4, page 679, and October 9, page 114; Japan, September 25, page 837; Australia, October 16, page 170; Denmark, October 23, page 239; Belgium, November 6, page 372.]

American ships—Continued.	
New York & Cuba Mail	$46,623
Luckenbach Steamship Co	40,205
Bull Insular Line	19,469
Pacific Mail Steamship Co	13,027
All others	11,804
Total to American	1,022,622
Foreign ships:	
Pacific Steam Navigation Co	24,306
Lamport & Holt	24,172
Furness Bermuda Line	18,236
Quebec Steamship Co	14,515
Trinidad Line	10,366
Cuyamel Fruit Co	9,905
All others	108,155
Total to foreign	209,655

The closed mails of foreign origin, of course, are not American mails but transit mails through the United States forwarded to foreign destinations and paid for at international rates already quoted, regardless of whether the ship is American or foreign. These mails for the past year amounted to 498,000 pounds of letters and post cards and 665,000 pounds of other articles carried across the Atlantic at a cost of $203,500 to the Post Office; in the miscellaneous service they made up 176,500 pounds of letters and post cards and 2,610,000 pounds of other articles, with a carriage cost of $175,400.

APPROPRIATIONS FOR FOREIGN MAIL SERVICE, 1914–1922.

The growth of the foreign mail service of the United States during the past nine years and the effects upon it of the war may be judged from the appropriations for each fiscal year, beginning with that which ended June 30, 1914:

1914	$3,900,000	1919	$5,800,000
1915	4,000,000	1920	4,700,000
1916	4,000,000	1921	4,700,000
1917	3,800,000	1922	5,920,000
1918	3,720,900		

In comparison, the British appropriations for foreign and colonial mails of the United Kingdom covering the fiscal year ended March 31, 1914, were £640,386; appropriations for the fiscal year 1921–22 were £685,470; and for the current year 1922–23 are £672,260. The weight of the foreign and colonial mails out of the United Kingdom in the year 1913–14 was 6,291,000 pounds of letters and post cards and 42,921,000 pounds of other articles; the foreign and colonial mails to the United Kingdom were 4,990,000 pounds of letters and post cards and 13,055,000 pounds of other articles. No later figures are available.

Mr. FLETCHER. There appears also in the July 31, 1922, Commerce Reports, at page 326, a statement under the head "Ocean Mail Contracts for the United Kingdom," which gives the ocean mail contract system for the United Kingdom in operation practically as in 1913. I ask to have that inserted in the RECORD without reading. This shows how baseless is the argument that we must subsidize shipping because other countries have pursued such a policy with extreme liberality.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

OCEAN MAIL CONTRACTS FOR THE UNITED KINGDOM.

[Assistant Trade Commissioner H. B. Allin Smith, London, June 27.]

The ocean mail contract system of the United Kingdom is in operation now practically as in 1913, although there have been several modifications to the advantage of the British Government and contributory to the companies concerned.

SERVICES BETWEEN SOUTHAMPTON AND NEW YORK.

The contract with the Cunard Steamship Co. for a mail service every Saturday from Southampton to New York, with supplemental services, now provides for a payment of £65,390 ($317,795 at normal exchange, or $290,272 at current exchange of $4.44), a reduction, compared with the payment of $330,922 in 1913. The admiralty subvention, which in 1913 was £150,000, has been reduced to £90,000, partly in consequence of the loss of the *Lusitania*.

The construction of this steamship and of the *Mauretania* was the result of a special contract (expiring in 1927) by which the British Government assured to the Cunard Steamship Co. for 20 years a mail subsidy of £68,000 and an admiralty subvention of £150,000, together with a Government loan of £2,600,000 at 2¾ per cent to insure the construction of two steamships of higher speed than the trans-Atlantic liners of the North German Lloyd. The total contract payment to the Cunard Line for trans-Atlantic service from the United Kingdom to New York was thus £218,000 in 1913; at the present time it is £155,390, a reduction of £62,610.

This reduction has been offset, however, by a contract with the White Star Line (Oceanic Steam Navigation Co.) for a mail service every Wednesday from Southampton to New York and for transportation of parcel post by all steamers of the line in return for £72,000 annually. The present contract payments by the British Government for the mail services between Southampton and New York are accordingly £137,390 ($667,715 at normal exchange), an increase of about £10,000 over 1913. This expenditure covers subsidiary mail and parcel-post service by other steamers of the two companies.

Under the pre-war Cunard contract the Government secured two auxiliary cruisers, the *Mauretania* and *Lusitania*, built in 1907, each of 30,750 gross tons and 25 knots speed. Under the present arrangement the Cunard contract is performed by the *Mauretania*, as before; by the *Aquitania*, launched in 1915, of 45,650 gross tons, 24 knots speed; and by the *Berengaria* (formerly the German *Imperator*), launched in 1912, of 52,022 gross tons, 23 knots speed. The new White Star contract is performed by the *Olympic*, built in 1911, of 45,360 gross tons, 24 knots speed; the *Majestic* (formerly the German *Bismarck*), launched in 1914, of 56,000 gross tons, 24 knots speed; and the *Homeric* (formerly the German *Columbus*), launched in 1913, of 35,000 gross tons, 18 knots speed.

COMPETITION IN TRANS-ATLANTIC SERVICE.

Of quite as much importance to the companies as the mail subsidy and Admiralty subvention is the elimination of German competition represented in the three German steamers noted above that were built for trans-Atlantic passenger trade.

The only trans-Atlantic mail steamers of 22 knots or over now in competition with the Cunard and White Star ships named are the *France*, launched in 1912, of 23,666 gross tons, 24 knots speed; the *Paris*, launched in 1917, of 33,700 gross tons, 22 knots speed; and *La Savoie*, of 11,168 gross tons, or *La Lorraine*, of 11,372 gross tons, both launched in 1900, and of 21 knots speed. These perform the weekly mail contract service from Havre to New York under agreement between the Compagnie Générale Transatlantique and the French Government. The French budget estimates for 1923 provide a subvention of 2,500,000 francs for this service, the same amount as during the current year. At the normal rate of exchange this would equal $482,500, but at the present rate (8.2) it actually equals only $205,000.

SERVICES TO THE FAR EAST AND AUSTRALIA.

The principal British ocean mail contract is with the Peninsular & Oriental Steamship Co. for transportation of mail from Southampton weekly to Bombay and return for £160,000, fortnightly to Shanghai and return for £50,000, and once a month to Adelaide and return for £42,500—in all, £252,500 ($1,227,150 at normal exchange), compared with $1,484,300 in 1913. This reduction is due to the fact that in 1913 the Australian mails were carried fortnightly, instead of monthly as at present, by the Peninsular & Oriental steamships; the Australian line of Government steamers is also beginning to carry the mails monthly, thus maintaining the pre-war regularity of service.

Even before the war, with the full measure of self-government assumed by British oversea Dominions, they also assumed a share of the naval expenditures of the British Empire and of the cost of ocean mail transportation. The colonial mail contracts are not available at the present time, and they are complicated by the fact that, in consequence of the war, the Dominion of Canada, the Commonwealth of Australia, and British India all own and operate Government fleets of merchant ships.

The letter mails from the United Kingdom for India, China, and Australia are not dispatched at Southhampton on the Peninsular & Oriental steamers, but are sent by rail to Dover and thence by special Indian mail packet to Calais. For this mail-packet service a subsidy of £10,000 is granted, increased for the present to £17,500. From Calais the mails are forwarded by French and Italian railroads to Brindisi, and thence by small, fast steamers to the Peninsula & Oriental ocean liners as they enter or leave the Suez Canal, thus gaining the time saved by the greater speed of express trains over express steamers.

For the same reason, among others, the Italian Government has not provided mail subsidies to Italian lines to the Unitd States, as quicker dispatch for Italian mails is secured by sending them by rail to Cherbourg, Havre, or Southhampton, there to embark on the British or French trans-Atlantic liners.

Incidentally it may be noted that the British Government is considering projects for the transportation of mails by aerial navigation from the United Kingdom to Egypt, India, and Australia; the French Government already has air-mail services to several points in French Africa.

SERVICES TO THE CONTINENT.

Mails from the United Kingdom for the Continent of Europe are dispatched daily by the Dover-Calais ferry of the Southeastern & Chatham Railway, the annual subsidy for this service being £30,000, as before the war. For the daily mail service from Harwich to the Hook of Holland the pre-war subsidy was £850, but this at present is under revision.

SERVICES TO SOUTH AND WEST AFRICA.

The Union of South is charged with the subsidy to the Union-Castle Line for transportation of mails between the Cape of Good Hope and England; the present arrangement, however, is not at hand. The British Post Office Department appropriates £5,070 to the ships of this line for stopping once in four weeks outward and inward bound at Ascension Island and St. Helena.

It also pays, according to the volume of mails, an approximate total of £15,355 to the African Steamship Co. and to the British & African Steam Navigation Co. for transporting the mails every Saturday from Liverpool to British possessions on the West Coast of Africa. These two arrangements are the same as before the war. So far as both British and French possessions in Africa are concerned, it is quite probable that in the near future letter mail will be transported under subvention contracts with aerial navigation companies.

[The report received from London by the Department of Commerce makes no mention of the Royal Mail Packet Co.'s subvention to the West Indies, which has been in effect with varying services and varying subsidies for nearly 80 years. Its contracts for a fortnightly service from Southampton to Trinidad ($306,000) and for fornightly service between Barbados and Guiana ($121,700) expired in 1917. It is possible that they have not been renewed, as Sir Owen Phillips, president of the company, stated on several occasions in the past that the execution of the contract entailed a loss; and under existing shipping conditions that loss would doubtless be increased. It is also possible that the contract is under revision, or that the company has been accidentally omitted from the report. Information on this point will be published in a later issue of Commerce Reports.]

Mr. FLETCHER. I have other references to the Commerce Reports dealing with other phases of the matter and furnishing authority for other matters, which I will not now take the time to refer to.

I will sum up what I maintain would happen if this bill should be enacted into law.

First. It would retard the establishment of an American merchant marine and probably destroy what we have.

Second. It would encourage and promote waste, recklessness, and inefficiency.

Third. It would result in our profit-earning ships, particularly the passenger vessels, passing into the hands of private owners, to whom the Government would pay out of the Treasury and therefore out of taxes collected from the people, millions of dollars each year, as I have specified heretofore. The Government would be deprived of the ships and the profits they

would earn. The passenger ships would be the chief beneficiaries under the bill.

I have cited in the minority report various instances to show what the *America* and what the *Washington* would be entitled to and what a cargo ship would be entitled to. From $300,000 to $400,000 a year would come to the passenger ship now earning good profits, the best paying of the profit-paying portion of the fleet, and about $11,000 a year would come to the cargo ships, which are the ships which move our commerce and which have always had to be depended upon for the carrying of overseas trade.

Fourth. A few of the other and best vessels would be sold at about one-third what they could be replaced for, and the purchasers of them would be paid large amounts out of the Treasury annually for their operation.

Fifth. Some of the remaining ships would continue to be operated and that would necessitate keeping up the overhead of about $8,000,000 a year.

Mr. Lasker has said he hopes to get that down to $7,500,000, and he thinks that will be a very great achievement. It would certainly be much less than it is costing now. He said, also, in his statement before the committee that this overhead would continue whether we operated 100 ships or 400 ships. Consequently we do not get rid of that overhead, that item which enters most largely into the cost of operating ships, and these other expenses, but we add the subsidy which the bill will carry to the overhead and to the losses now occurring, because we can not expect to immediately abandon all operation when this bill passes, nor immediately sell the ships.

In talking about these losses I want to say now, referring to the letter which the Senator from New York will have put into the RECORD, that it is not fair to charge against operating losses these enormous expenditures for reconditioning and for what are called repairs, but are really structural changes in the ships. We might as well charge to the cost of operating the cost of every new ship added to the line. The type of the ship has been changed at enormous expense at different times, making a passenger ship out of a cargo ship, and all that sort of thing, at enormous expense, and they want to charge that up against operating costs.

It is not fair; it is not right; it is not the truth. It is not a part of the operating cost. So they want to charge against Mr. Rossbottom the complete reconditioning and structural changes of certain ships, and they attempt to show that when that is charged against the cost of operation, along with $360,000 for rent of pier and $600,000 for advertising, we have thereby had certain losses. Many of these items should not be charged against operation; and that remark applies to all the shipping down the line. Wherever there is talk about sustaining losses, those losses are largely due to the fact that the ships have been reconditioned and changed at enormous expense, and that is charged up to operating cost.

Sixth. The other cargo carriers would be tied up at expense and depreciation.

If the bill does not pass, the Shipping Board should continue to operate directly the United States Line, replacing the 25-year-old ex-German tubs with proper ships for the trans-Atlantic business, having the ships always at our command and paying into the Treasury the profits they can undoubtedly make. The ex-German ships can be transferred to the Pacific, where they can be operated at a profit.

Some cargo vessels can be chartered on a bare-boat basis, and that should be done. Others can be operated on routes now well established, where they can be operated at a profit or without loss and serve American commerce, keeping rates reasonable. Where serious losses are occurring, the ships should be withdrawn. Of course, sales should be made whenever possible at a figure approaching world market prices.

These vessels not now in operation without serious losses and which can not be chartered or sold should be distributed to the 22 or more deep-water ports on the Atlantic, Gulf, and Pacific in proportion to the existing and prospective commerce as to each port, anchored in fresh water, and a percentage of them kept in condition to be available for use on a week or 10 days' notice. Either that or turn them over to the United States Lines or the Panama Steamship Co. if we want to get rid of the Shipping Board and its activities in that direction, and let them be responsible for them, and let them find work for them, or take care of them until trade revives and there is demand for them.

The demand will come for them as soon as we recover from the intense depression of the past year or more, when ships were everywhere dragging the bottom. Trade will revive and the ships will be needed—all of them.

Ships have been tied up all over the world, in every country. Every maritime nation on earth has had merchant ships tied up at the piers waiting for business, because there was not trade enough to keep them occupied. But that will not continue.

We should denounce the old, obsolete commercial conventions, as their terms provide, and become free to provide for discriminating duties if we should find within a few years that is advisable.

We should pay such wages, provide such living conditions on board, as will secure well trained and experienced American officers and seamen, and thus keep the ships up and expedite movement and save costly repair bills.

The only Government operation we have had, to wit, the Panama Line and the United States Line, has been successful, and there is no occasion to rush into the policy of subsidizing shipping.

We should save the country from the proposed raid on the Treasury, a step which would be ineffective in accomplishing what the supporters claim, and demoralizing to the whole enterprise.

The Shipping Board should discontinue the M. O.-4 contracts and take over the ships and operate them directly. I have repeatedly shown that Government operation can be efficient and successful. The only illustrations of it are the United States Line, managed by Mr. Rossbottom for the Shipping Board, and the Panama Steamship Line, operated by the War Department, through Governor Morrow, of the Canal Zone. The agency of the Shipping Board, known as "the New York office," under Capt. Charles Yates, successfully operated 165 ships during the war, got them in and out of port, manning them, repairing them, and keeping them at sea as much as possible, and at prices as little as possible. They were operated in the normal business-like manner, and carried 20 per cent of all the supplies taken to Europe under the United States flag for both our own and our allies' armies, and made a record for quick turn around, for quick repairs, for commissary, and in other respects, not exceeded by the Navy or any private companies. It was wiped out early in 1919 by the Shipping Board, for unknown reasons.

I would be in no hurry to terminate Government operation. As a permanent maritime policy I believe it could be made to promote the prosperity of the private companies and develop a real national sea following for all the future.

Mr. President, I have not concluded what I intended to cover in these remarks, but for the present I will not pursue the subject further.

APPENDIX 1.

OCEAN DIFFERENTIALS.

Whereas at present, when distance favors the North Atlantic ports, the Shipping Board allows a differential on the ocean rates in favor of those ports; and

Whereas at present, when distance favors the South Atlantic and Gulf ports, the Shipping Board allows no differential in favor of those ports; and

Whereas such discrimination against South Atlantic and Gulf ports in ocean rates tends to nullify the building up of our trade routes and the equalization of export rail rates from the Middle West, and consequently tends to hamper the establishment of additional outlets to world markets needed by producers of the Middle West: Now, therefore, be it

Resolved, That the Shipping Board should forthwith, either abandon the differentials existing in favor of North Atlantic ports or establish a similar differential in favor of South Atlantic and Gulf ports, where distance favors those ports; and be it further

Resolved, That the contact committee appointed at the suggestion of Chairman Lasker, of the Shipping Board, by Senator JOSEPH E. RANSDELL, president of the National Merchant Marine Association, be urged to take this matter up at once with the Shipping Board.

TRAMP SHIPS.

Whereas the export movement of the agricultural and live-stock products of the Middle West and South are largely seasonal; and

Whereas such seasonal movement of bulk commodities require a flexibility of ocean transportation that can not be secured through liner or semiliner service; and

Whereas the experience of the world has demonstrated that tramp ship service operated by companies trained in that particular type of ship operation constitutes the backbone of a successful merchant marine; and

Whereas the Shipping Board has apparently, for reasons of economy, given up or delayed the building up of an independent tramp ship service; and

Whereas the large part of our Government-owned tonnage is suitable only for tramp ship operation, and can not be sold unless a market for this type of service is built up by the immediate encouragement of efficient tramp ship operators: Therefore be it

Resolved, That in the interests of the farmers and producers of the Middle West and South we urge the Shipping Board immediately to start the development of an independent tramp service through efficient tramp ship operators; and be it further

Resolved, That if the Shipping Board feels that it has not authority to do so under the provisions of the Jones Act, the pending shipping bill should in that case be amended to give the Shipping Board the necessary authority; and be it further

Resolved, That copies of this resolution be presented to the President and to the chairman of the Shipping Board, and that a special committee be appointed to confer in regard to this matter with the President, the chairman of the Shipping Board, and, if necessary, with the appropriate committees of the Senate and House.

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COORDINATION OF RAIL AND OCEAN TRANSPORTATION.

Whereas without coordination of rail and ocean transportation it is manifest that the agricultural producers and interior manufacturers of the country will be at a permanent disadvantage in competing with the seaboard agricultural producers of foreign countries and of seaboard manufacturers at our own ports and at foreign ports; and

Whereas agricultural producers and manufacturers of the interior must know accurately what their transportation costs will likely be to foreign countries in order that the competition of foreign producers can be effectively met, and likewise foreign buyers must know accurately what these costs are from the point of shipment to destination in order to give preference to American goods; and

Whereas the Middle West feels as its fundamental right to ship its export products of farm, factory, and mine via the ports of the United States with as much freedom as is exercised in domestic shipments and in making shipments to and from Canada: Now, therefore, be it

Resolved, That it is the opinion of the Middle West that the rail and ocean transportation media be drawn together and made to function as one transportation system to all ports of the world; and be it further

Resolved, That permission be given to railroads and steamship lines to enter into cooperative agreements to divide their said joint rates in a manner similar to that universally pursued in the division of rates on domestic traffic and traffic with Canada.

—

EXPORT RAIL RATES.

Whereas the congestion of traffic and the consequent paralysis of our transportation and industrial systems, caused in 1919 and 1920 by our continued attempt to ship the great bulk of our exports through the "neck of the bottle" at the North Atlantic ports, cost us large sums of money; and

Whereas in the words of Mr. Elisha Lee, vice president of the Pennsylvania system: "The next time our country has a real revival in business we shall in all probability be confronted with the most severe congestion of railroad traffic and the greatest inadequacy of railroad facilities ever experienced in our history"; and

Whereas this congestion in the northeast has been largely caused by our export rail-rate structure, which has forced the products of the Middle West to be concentrated at or near North Atlantic ports; and

Whereas such concentration and consequent congestion can best be relieved by the building up of trade routes from other ports, which can not be successfully done without an equalization of export and import rail rates to all ports; and

Whereas in order to relieve this congestion the United States Railroad Administration in 1920 established export rail rates to the Gulf and South Atlantic on a parity with those to New York, Halifax, and St. Johns; and

Whereas an attempt is now being made on the part of certain interests to secure a readjustment of those rates to the disadvantage of the Middle West and southern ports: Now, therefore, be it

Resolved, That the Interstate Commerce Commission, which is now considering the question of export and import rates from all ports, be urged to maintain the equalization already granted in these rates from the Middle West, and to extend this equalization to all export rates from the Middle West not already equalized; and to establish equalized import rates from those ports to the Middle West; and be it further

Resolved, That a committee be appointed to attend the hearings of the Interstate Commerce Commission in Philadelphia on December 11, to present this resolution to the Interstate Commerce Commission.

—

TRADE ROUTES.

Whereas the producers and consumers of the Middle West are vitally interested in the continued development and ultimate success of the trade routes required under section 7 of the Jones Act, from Pacific, Gulf, and South Atlantic ports, as well as from North Atlantic ports; and

Whereas the depression in foreign trade through which we have recently gone makes it impossible for the board to tell as yet which of such trade routes will ultimately prove profitable; and

Whereas the development and ultimate success of these trade routes can not be secured except by having their operation in the hands of independent companies backed by their local communities, as defined in section 2 (a) of the pending shipping bill, and not in the hands of mere agents of companies owned and controlled by other local communities and interested primarily in the development of other ports: Therefore be it

Resolved, That none of these trade routes should be discontinued as "unbusinesslike" under the terms of section 7 of the Jones Act until foreign trade conditions become more normal; and be it further

Resolved, That section 2 (b) of the pending shipping bill be amended so as to prevent monopoly in the operating as well as in the sales policy of the board, by making sure that when two trade routes are for the sake of economy temporarily operated as a unit nothing shall be done during such unified operation which will in any way interfere with the identity or ultimate success of either of such combined trade routes, or which will in any way tend to make one trade route become merely a subsidiary of the other.

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[From Commerce Reports, Jan. 8, 1923.]

SURVEY OF INDUSTRIAL AND ECONOMIC CONDITIONS AT END OF 1922.

FOREIGN TRADE SITUATION.

[Julius Klein, Director, Bureau of Foreign and Domestic Commerce.]

Certain outstanding tendencies are clearly indicated in the figures thus far available on the foreign trade of the United States for 1922: (1) There is a strong movement toward a more normal balance of trade. (2) Our exports have recently been increasing very decidedly. (3) Asia is taking a more prominent place in the whole picture, especially as a market for our exports and also as an increasingly important contributor to our imports. (4) Our purchases abroad seem to be more and more predominantly raw materials and basic commodities for further use in manufacture. In general our purchases of so-called "tropical materials," which before the war made up approximately one-third of our imports, now constitute approximately one-half.

On the basis of statistics now available it seems probable that our favorable trade balance for the year will amount only to about $750,000,000, as compared with nearly $2,000,000,000 in 1921. Deducting the $200,000,000 representing our net imports of gold, and such invisible items as remittances and tourist expenses, it is clearly evident that we have reached the end of our favorable-trade-balance period and that in the immediate future, barring unforeseen developments, our trade balance will be more in harmony with our international economic position.

The value of exports for the 11 months ended December 1, 1922, shows a decrease of about $700,000,000, as compared with the corresponding period of 1921. This falling off is more pronounced in the case of raw foodstuffs and manufactures than in prepared foodstuffs and semimanufactures, and is due to a very large extent to the change in the price level, as indicated by a comparison on a quantitative basis for a considerable number of representative products.

An examination of our export trade from a geographical standpoint indicates a decrease during 1922, against 1921, of about 25 per cent in the value of our exports to North and South America, as compared with a decline of 20 per cent in our total trade. In value our exports to Europe show a decrease of 18 per cent, while those to Asia have decreased only 15 per cent. The tendency toward an improvement in our export trade is quite pronounced; the November shipments amounted to $383,000,000, as compared with about $279,000,000 in January, this representing an accentuation of the usual seasonal rise at this time. The abnormal depression during 1921 showed a decline in monthly export figures for the same period, January to November, from $654,000,000 to $294,000,000.

According to figures for the first nine months of 1922, our imports for that year will probably show an increase of $410,000,000 over 1921. This is made up largely of raw materials and semimanufactures, while foodstuffs and finished manufactures show only a very slight increase. Geographically, the increased import trade is divided almost evenly between Europe and Asia, while the trade with the rest of the world shows very slight change from 1921.

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APPENDIX 3.

[From New York Times, January 7, 1923.]

HOW IT HITS THE GLOVE BUYER.

Among the items in the tariff law recently enacted, the one concerning duties on gloves came in for considerable attention. Few are employed in the business and nearly all of them are in a single county in this State. Especially high duties, furthermore, are provided for kinds of gloves which have hitherto not been made in this country. Dealers have been taken to task by customers because of higher prices asked, and have had to do much explaining. One State association of retail dry goods men is sending to its members, for their use in connection with this, a letter written "by one of the largest manufacturers and importers of gloves in New York City." This states:

"According to the latest ruling of the glove appraiser at the port of New York, the advance in tariff on our lines of imported gloves is considerably in excess of what we expected. For your guidance, and to permit you to protect your stocks on hand for future make-up, we list the rate of duty that we paid prior to the passage of the Fordney-McCumber bill and the rate of duty we are compelled to pay since September 21, 1922:

	Old duty.	New duty.
Florine, 2-clasp, kid, overseam	$2.00	$6.20
Isoro, 2-clasp, kid, pique	2.25	7.00
Seville, 1-pearl clasp, kid, pique	2.25	7.00
Bandalette, 2-pearl clasps, novelty, kid, overseam	2.00	7.00
Capitol, 2-clasp, lamb, overseam	2.00	5.20
Capitol, 2-clasp, lamb, pique	2.25	5.60
Van Dyke, 2-clasp, kid, overseam	2.00	7.40
Elsinoro, 2-pearl clasps, kid, pique	2.25	8.00
Fielder, 4-button, semimousquetaire, kid	2.25	8.20
8-button mousquetaire, overseam	2.50	8.00
8-button Seville, mousquetaire, pique	2.75	9.00
12-button mousquetaire, overseam	3.50	11.75
12-button Seville, mousquetaire, pique	3.75	12.20
16-button mousquetaire, overseam	4.50	12.64
16-button Seville, mousquetaire, pique	4.75	13.80
20-button mousquetaire, overseam	5.50	22.00

"And on all of the above new rates there is an added item of $1\frac{1}{10}$ per cent, exportation tax.

"The case is one of many which cause high-tariff men to gnash their teeth in impotent rage when asked to explain them on their favorite theory that 'the foreigner pays the tax.'"

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APPENDIX 4.

[From the Fort Myers (Fla.) Press, Thursday afternoon, January 4, 1923.]

HOW THE TARIFF LAW OPERATES.

Manufacturers of woolen fabrics and cotton textiles, to whom the Fordney-McCumber profiteers' tariff law has given the power to tax the American people almost at will, are taking their tolls in such measure that they are nearly all able to divide millions of dollars among their stockholders. Some of the concerns to which the Fordney-McCumber law has brought fine Christmas gifts and the amounts of these presents are the following:

Wanskuck Co., maker of worsted, increased capital stock from $500,000 to $8,000,000 and distributed the new shares as a stock dividend of 1,500 per cent.

York Manufacturing Co., Saco, Me., manufacturer of cloths, doubled capital stock of $1,800,000 and declared a stock dividend of 100 per cent.

New Bedford Cotton Mills Corporation increased its capital stock from $350,000 to $1,050,000, and distributed a stock dividend of 200 per cent.

Davis & Brown Woolen Co., Uxbridge, Mass., expanded its capital from $15,000 to $500,000 to make possible a 3,333 per cent stock dividend.

The Pacific Mills, manufacturing cotton and worsted cloths, have proposed to make their capitalization $20,000,000 instead of $10,000,000, and the directors have recommended a 100 per cent stock dividend.

The Cornell Mills, Fall River, makers of cotton cloth, have announced increase of their capital to permit of a 50 per cent stock dividend.

Lincoln Manufacturing Co., Fall River, is considering a recommendation of its directors that its capital stock be increased from $1,625,000 to $2,250,000, and that a stock dividend of 40 per cent be distributed among its shareholders.

Merrimac Woolen Co. increased its capital stock from $750,000 to $1,000,000 to provide for a stock dividend from capital and surplus the amount of which is not made known.

The Oakdale (R. I.) Worsted Co. increased its capital stock from $60,000 to $540,000 and distributed the difference in the form of an 800 per cent stock dividend.

Of course the cotton growers, sheep raisers, and other agricultural producers haven't declared any dividends recently; that is, not for themselves. They are not "protected" by the Fordney-McCumber law. The only big financial operation with which they are concerned at present is their indebtedness of $5,000,000,000.

APPENDIX 5.

THE VICIOUS CIRCLE.

In a speech in the Senate a few days ago Senator BORAH said:

"We are traveling in a vicious circle. We enacted an emergency, and also a permanent tariff bill. Nevertheless, the cry of distress from the producers of the country is even more piteous than at any time since the war. The farmer can find no markets abroad for his surplus products and without a market for his surplus products it is impossible for him to realize the value of that which he produces. We now propose to enact a ship subsidy bill but there are no cargoes to carry and no markets to supply. If we should give our millions in the way of subsidies, it would not open a single market nor supply a single cargo. These things are not produced by subsidies. There are millions of shipping tonnage lying idle now waiting to carry the cargoes which do not appear. Markets are opened and cargoes are produced by men going back to work and setting down to business, not by imposing more taxes in the way of subsidies."

The Republicans increased the tariff rates with the object of reducing imports. Of course this reduces the business done by the ships, for imports except from Canada and Mexico are brought in by ships. A reduction of imports reduces exports for the foreigner can't buy from us what we can make at less cost than he can market unless we buy from him what he offers at less cost than our own producers charge. This cuts down the need of ships again. Now, having cut down the cargoes of the shipping engaged in carrying products to and from America we propose to tax the people to make our shipping lines profitable whether they get business or not. We would, if we could, discriminate so as to bring more of the reduced shipping in American than in foreign bottoms and here again we would cut the ability of the foreigner to buy and again reduce our exports for the foreigner can make an amount of money transporting our products and can use it in paying for products they buy from us. In the interest of certain classes of this country we not only tax other classes but we also reduce their sales by making those who would buy them unable to do so.

But for the tariff our imports would be much greater and so would our exports. It is safe to say there would be 50 per cent more to carry and Americans would get a share of this increased business. We could help our shipping more by writing a tariff that was intended to encourage trade than we could by paying twice as large a subsidy as is proposed. The gain would be to the people in general. The loss would be to the protected classes for they would have to meet foreign competition and would not be able to hold up the American people as much as greed dictated and sell the balance of their products at whatever they could get for them in foreign markets. Our system makes the farmers of this country sell in the cheapest market and buy in the highest and it also gives their foreign competitors cheaper American products than they can buy.

APPENDIX 5½.

(Release Monday, July 24, 1922.)

UNITED STATES SHIPPING BOARD
EMERGENCY FLEET CORPORATION,
DIVISION OF INFORMATION,
Washington.

(No. 437.)

Chairman Lasker, of the United States Shipping Board, made public to-day the results from the operation of vessels for the month of June.

The Shipping Board continues to cover all trading routes, so that American shippers can ship in American vessels to any port of the world.

The total expenses incurred in excess of income from vessel operations (including overhead, repairs, insurance, and lay-up expenses) were $2,783,216.29. This result is almost as good as the result attained in May, which was the most favorable month under the present board in the operation of United States Shipping Board vessels. The corresponding excess of expenses over income for the month of May was $2,660,486.81, or a slight increase in the month of June of $122,729.48. The total voyages completed in May were 205 and the total voyages completed in June were 198—a decrease of 7 completed voyages.

The net excess of outlay over income on voyage operations for May (excluding overhead, repairs, and insurance) was $376,445.84. In June, for the first time, income exceeded outlay, the excess of income over outlay amounting to $204,531.75. This improvement is due partly to the increase in passenger revenues, which for the month of June showed an excess of income over outlay (excluding overhead, repairs, and insurance) of $354,630.78, which is an improvement of $137,261.65 over the preceding month.

A considerable improvement was effected in operation of cargo vessels. Excess of outlay over income in May amounted to $863,320.47 as against $317,816.78 in June, an improvement of $545,503.69.

Tanker voyages decreased from 40 in May to 22 in June and for the month of June the excess of income over outlay (excluding overhead, repairs, and insurance) for tanker voyages was $153,310.74, which is a decrease of $114,234.67 below the preceding month.

Charter-hire receipts for the month of May were $79,829.27 as against $70,634.99 for the month of June.

The outlay for repairs in May amounted to $1,019,232.65, as compared with $1,461,016.71 for the month of June. The larger expenditure for repairs offset the better direct operating results and prevented an outstanding improvement over the May results.

In this connection a committee has recently been appointed, consisting of Commissioner T. V. O'Connor, chairman of the board, and Vice Presidents J. Barstow Smull and Edward P. Farley, and Acting Vice President Joseph E. Sheedy, of the Emergency Fleet Corporation, who are now engaged in making a survey of Shipping Board tonnage, particularly that part of the fleet which is laid up, with a view to determining what repairs and reconditioning should be undertaken at this time. When this report is made and the work recommended is undertaken, the item for repairs will of necessity increase the excess of expenses over income.

Insurance premiums for May amounted to $329,839.88, as against $418,873.40 for the month of June.

The lay-up expenses remained substantially the same, amounting to $365,452.51 in May and $365,572.61 in June.

Salaries and wages amounted in May to $477,209 and in June to $471,396.80.

General expenses increased from $172,136.20 in May to $282,523.51.

These favorable results attained for the month of June are the result partly of the increased gross revenues resulting from the present heavy seasonal activity in passenger traffic and partly from the operating economies instituted and the consequent reduction in the operating expenses.

In making public this report Chairman Lasker stated that while the cost of operations is now low—and has constantly declined since the present administration has taken hold—he did not desire the impression to be conveyed that this low figure could be consistently maintained throughout the year, inasmuch as this is the best season of the year for ship operations, and passenger earnings are at a high peak. In later months, Mr. Lasker stated, large sums will have to be spent on putting the tied-up fleet in better condition.

Chairman Lasker in making public the above statement again emphasized that in its accounting the board does not figure capital charges and several forms of insurance, which the board carries itself. The chairman strongly feels that failure to include the proper proportion of capital charges in monthly cost statements does not present a true picture of the results, such as all commercial statements should reflect; these omissions, however, are in line with established practice.

APPENDIX 6.

[From the Seaman.]

REDUCTION OF CREWS MEANS INCREASE OF COST.

(By Andrew Furuseth.)

A merchant vessel is built to carry commodities and passengers across the water. When a vessel is occupied in doing this she is earning money. When she is lying in harbor she is expending money. It matters not when she is lying there idle, whether she is using an unduly long time in loading or discharging, or whether she is undergoing repairs—she is expending money. New vessels properly built are not supposed to be undergoing repairs every time they get into harbor. It has been generally stated that shipowners who really know how to handle their ships endeavor to sell them when they have to undergo serious repairs, such as getting new boilers or replacing certain parts of the engine. They sell, and then buy new vessels, taking advantage of the increased knowledge in shipbuilding with reference to the cheapness with which cargo can be handled.

Steam vessels are subject to speedy deterioration when laid up, unless the greatest of care is used in protecting such part of the machinery as is especially subject to rusting. A vessel lying without this particular care is sure to go to the repair shop before she can be put into proper use. When a vessel is running and she has a crew in sufficient number and of sufficient skill she is keeping in such condition that, excepting an accident, she never has to undergo repairs until her boilers or machinery are beginning to wear out. In order to keep a vessel out of the repair yards, therefore, it is necessary to keep her running and to have a crew sufficient in number and in skill to keep her in proper order. "A stitch in time saves nine" has a still greater application to a vessel than it has to a garment, and a highly skilled crew of sufficient number will keep a vessel in running order.

Much is said in the public press about the difference in the manning of vessels under various flags. The following figures were taken from the Pacific Marine Review, January, 1921, page 38. They were first issued in the bulletin of Dow, Jones & Co., of New York, and show difference in number of unlicensed members of crew required to man an 8,800 dead-weight ton coal-burning cargo ship under various flags:

American.

DECK DEPARTMENT.

Quartermaster	--
Carpenter	1
Boatswain	1
Able seamen	7
Ordinary seamen	3
Young men	--
Total	12

ENGINE DEPARTMENT.

Deck engineer	1
Storekeeper	1
Oilers	3
Firemen	9
Coal passers	6
Total	20

STEWARD DEPARTMENT.

Chief steward	1
Chief cook	1
Second cook	1
Utility man	1
Messenger	2
Mess boys	2
Total	8
Total of unlicensed crew of American	40

British.

DECK DEPARTMENT.

Carpenter	1
Bosun	1
Able seamen	10
Ordinary seamen	2
Total	14

ENGINE DEPARTMENT.

Deck engineer	1
Storekeeper	1
Oilers	3
Firemen	8
Coal passers	4
Total	17

STEWARD DEPARTMENT.

Chief steward	1
Chief cook	1
Second cook	1
Utility man	1
Messenger	1
Mess boy	1
Total	6
Total of unlicensed crew of British	37

Japanese.

DECK DEPARTMENT.

Quartermaster	3
Carpenter	1
Boatswain	1
Able seamen	6
Ordinary seamen	6
Total	17

ENGINE DEPARTMENT.

Deck engineer	1
Storekeeper	1
Oilers	6
Firemen	12
Coal passers	8
Total	28

STEWARD DEPARTMENT.

Chief steward	1
Chief cook	1
Second cook	1
Messengers	3
Total	6
Total of unlicensed crew of Japanese	51

Norwegian.

DECK DEPARTMENT.

Quartermaster	1
Carpenter	1
Boatswain	1
Able seamen	5
Ordinary seamen	5
Young men	1
Total	14

ENGINE DEPARTMENT.

Deck engineer	
Storekeeper	
Oilers	
Firemen	11
Coal passers	4
Boy	1
Total	16

STEWARD DEPARTMENT.

Chief steward	1
Chief cook	1
Mess boy	1
Total	3
Total of unlicensed crew of Norway	33

An American ship is supposed to carry more men in the deck department than any others, and yet this table, made up by the shipowners and published under their authority, shows that in an 8,800-dead-weight-ton coal-burning vessel the American crew was 40 unlicensed men—12 in the desk department, 20 in the engine department, and 8 in the steward department. The British ship carries 14 in the deck department, the Japanese 17 in the deck department, and the Norwegian 14 in the deck department. In the American ship we have 20 in the engine department, in the British 17, in the Japanese 28, and in the Norwegian 16. It will be noted that in the engine department the American carries 3 more than the British, 8 less than the Japanese, 4 more than the Norwegian. The real difference occurs in the steward department, where the American carries 2 more than the British, 2 more than the Japanese, and 5 more than the Norwegian.

Shipowners running vessels for themselves and with the purpose of making money are not carrying any more men than they need for the proper upkeep of their vessels, and yet the United States Shipping Board Emergency Fleet Corporation issues the following manning requirements:

Single-screw coal-burning cargo vessels, from 7,001 tons to 9,000, inclusive, effective December 10, 1921:

DECK DEPARTMENT.

Carpenter and boatswain	1
Able seamen	6
Ordinary seamen	2
Total	9

ENGINE DEPARTMENT.

Oilers	3
Firemen	9
Coal passers	3
Total	15

STEWARD DEPARTMENT.

Chief steward	1
Chief cook	1
Second cook and baker	1
Mess boys	3
Total	6
Total number of unlicensed crew	30

This, as will be seen, is applicable to vessels from 7,001 to 9,000 dead-weight tons, inclusive. Here we find the deck department reduced to 9, the engine department reduced to 15, and the steward department reduced to 6, making a total number of unlicensed crew of 30. This is a smaller crew than is carried by any vessel of any nation of that tonnage, figures of which are at all available.

Of course, it is absurd even to think of keeping a vessel of that size in order with a crew of this number.

It is rather difficult to understand the idea back of this sweeping reduction. American vessels built by the Shipping Board and operated by or allocated to private operators have been notorious for constant repairs. The repair bill is so great that it seems to be necessary to keep it secret. That repairs will eat up the vessels and thus bankrupt a shipping firm is a matter so well known among shipping men that they are trying to guard themselves against it by port captains and port engineers, and there are some shipping firms who have found that port captains and port engineers do not constitute safety. In one case a shipowner, who was suffering from repairs, began to examine the vessels himself, and then he began to dismiss engineers and officers that were not able to take care of the upkeep of the vessels, with the result that his vessels went less and less to the repair yards, until it practically ceased.

Of course, the United States Shipping Board is handling, to a very large extent, fabricated ships employing fabricated officers and fabricated seamen, and there was at one period some real excuse for this because of the tremendous expansion and of the fact that skill in seamanship does not grow like cabbages in the soil. Why the board should continue to use fabricated officers and fabricated seamen when skilled officers and skilled seamen are so abundant that in the last year skilled officers have been sailing in ratings in which they had no need of their certificates is very difficult to understand, and why they should reduce the number of men carried with the repair bills staring them in the face from every report seems incomprehensible.

Of course, the articles determine the number of men and the wages, and it isn't at all difficult to tell how much it costs per day while at sea. There is no room here for any juggling with figures or for padding of accounts. It surely is not possible that somebody has imposed upon the Shipping Board from sinister motives. That the repair shop or repair yard, and the stevedore can be used to eat up a ship's earnings, no matter how great they may be, can not be open to question. But there is another phase that is of equal importance. When a ship is not kept up the men on board are not learning seamanship in a sense in which the word "seamanship" is usually used by seamen. The skill that is used in a harbor in doing repair work, especially in dealing with the rigging and gear, is in the possession of men who have acquired their skill as seamen when the vessel was operated so as to develop and maintain skill. When such skill is passing from the seamen it will also pass from the longshoremen and the riggers.

It matters not what business is considered, skill is most important. Any business that employs men of low skill can not compete with other business men in the same line who employ higher skill. Really skilled men can do more with ineffective tools than unskilled men can do with the very best of tools. This is so elementary that it is difficult to understand how or why the same principle is not to apply at sea. One is forced to wonder why ordinary common sense is not, or can not be employed by men who handle ships under the American flag. It seems as if everything was being done with the deliberate purpose to destroy ships and the personnel at the same time, and as if the reduction in skill and number of men were part of this plan.

APPENDIX 7.

[From the Titusville (Fla.) Star Advocate of January 26, 1923.]

THREATENING THE SOUTH.

Florida newspapers are printing columns about taking all Shipping Board support away from Florida ports if the ship subsidy bill does not pass this Congress. The Tampa Daily Times has an article by David Lawrence, nationally known Washington correspondent, with the threat in it, concluding—

"The Shipping Board's plan of withdrawing southern trade routes is not issued as a threat to southern Senators but, etc."

Senator FLETCHER, who is leading the fight against the subsidy in the Senate, retorts that it is simply a threat to discipline him and other Senators.

The Shipping Board also intimates that Chairman Lasker and all members of the Shipping Board will resign if the subsidy bill fails. That sounds more like a promise than a threat. The Government has two gentlemen, Thomas H. Rossbottom and Capt. Charles Yates, either or both, who can organize and operate the ships better than the present Shipping Board or any other that has been appointed.

Meantime the Tampa Inter-Ocean Steamship Co., which operates the largest single fleet of Shipping Board freight ships—20 of them—announces a prosperous year. The Tampa company has branch offices in New Orleans, Galveston, New York, Savannah, Jacksonville, Barcelonia, Valencia, and Shanghai.

With the Government in shipping, the South will not have less shipping; it will have more. And neglected matters like the Florida East Coast Canal will get the deep-water development they deserve, in spite of the railroads, a matter of prime importance to Titusville.

But it is curious to see the prosperity of United States shipping depending in its present crisis so much upon two southerners in Congress, Senator FLETCHER and Judge EWIN L. DAVIS, of Tennessee. The present threat against them and the ports of the South is a tribute to their statesmanship.

[From Titusville, Fla., Star-Advocate, of January 9, 1923.]

SENATOR FLETCHER'S STATESMANLIKE IDEA.

Senator FLETCHER said in the Senate awhile ago:

"My proposal is this: Just as soon as possible the Shipping Board should take over and operate directly all their ships, precisely as the Government now operates the Panama Steamship Line and the United States Line. * * * Conduct the affairs on a business basis and according to business principles. I know they will say it can not be done. My answer is, try it. You have not yet given that plan a full and fair trial."

It has been done, Senator. But its very success was fatal to it.

What came to be called in Shipping Board and general maritime circles "The New York Office" was the agency of the Shipping Board that actually ran all the ships, 165 of them at the maximum, that the Government held in one great civilian fleet throughout the war. There were many ships operated by private companies, but this was the governmental undertaking. There were many cargo ships taken over by the Navy, but this was pure civilian. It was the New York office of the Division of Operations of the United States Shipping Board. But while other offices in Washington or New York or Philadelphia devised policy, or built ships, or assigned routes, or tabulated statistics, this office was the office that got the ships in and out of port, storing them, manning them, repairing them, keeping them at sea as much as possible and at piers as little as possible. These ships were operated nearer to the normal civilian basis of private shipping companies than any others, then even those of the private companies, dominated and interfered with as the private companies were throughout the war by numerous governmental war agencies.

"The New York office," as a matter of fact, had the distinction and the importance of building a stable spirit and program for the merchant marine both for the war and for peace time afterwards. Its record was a real record. Its expeditiousness and its economy were matters of comment in maritime circles. But the more successful the fleet was the fewer friends it had. Though it had 8,000 men afloat under its jurisdiction and was distributing a million dollars a day: carried 20 per cent of all the supplies taken to Europe under the United States flag for both our own armies and for our allies; and had a record for quick turn around, for quick repairs, for commissary, for manning that private companies and that the Navy could not equal, it was wiped out in January of 1913, as quickly as possible after the armistice, by orders issued out of the Washington headquarters of the Shipping Board that neither Congress nor the President knew anything about.

That is part of the unrevealed history of the Government in civilian shipping. It is the only part that stands on its own feet, courting fuller knowledge of it, and yielding nothing anywhere of its claims for competence and economy and farsightedness.

Senator FLETCHER can see his statesmanlike idea in its full workings, and profit by seeing what happened to it just because it lacked Senators to be jealous about its welfare, by calling for an inquiry into the operations and the fate of "The New York office" under Capt. Charles Yates.

APPENDIX 8.

DECEMBER 16, 1922.

EDITOR NEW YORK TRIBUNE,
New York City.

SIR: Your report, in your issue of December 12, of the operations of the Panama Steamship Co. for last year is grossly misleading in its implications. The great majority of your readers would infer from your article that the "Panama Ship Co. suffers heavy losses in year" (your main heading), "United States Government-owned fleet has deficit of nearly $600,000" (your subheading), because it is a Government line, and if it had been a privately owned and privately operated line there would have been no "heavy losses."

The propaganda character of your article and its gross unfairness is further manifested by the following paragraph taken from it:

"This company is the one to which Senator FLETCHER, of Florida, in his minority report on the ship subsidy bill, referred to as an instance of profitable operation under Government ownership. He advocated turning over the entire fleet to the Panama Line and the United States Line, which is operated directly by the Shipping Board, as an alternative to a subsidy."

Mr. T. H. Rossbottom, third vice president of the Panama Steamship Co., also general manager of the United States Lines, in his testimony before the joint congressional committee recently (p. 364 and following), said: "That during the more than 20 years of its ownership and operation by the United States Government it has made good earnings every year excepting the last two years, and most lines, even the best of the privately owned lines, had very bad earnings during the last two years, this being true of foreign lines as well as American lines." Mr. Rossbottom testified:

"We made money in the Panama Line up to about two years ago, when the depreciation in traffic and the reduction in rates resulted in a deficit, as it did with all other companies operating in that particular trade. * * * The year before last the Panama Line earned between $1,400,000 and $1,500,000."

This sort of testimony not being to the liking of the "statesmen" advocating the ship subsidy, the venerable chairman of the committee, Congressman GREENE, said: "I hardly can see what is to be gained from these questions."

Congressman BRIGGS and Congressman HARDY, however, insisted in developing the facts, Mr. HARDY saying: "It is a constant statement here that the Government can not make any profit out of anything." Whereupon Mr. Rossbottom continued as follows in reply to questions from members of the committee:

Mr. Rossbottom's testimony:

"The Panama Line ever since it started, with the exception of probably two years, always made a profit ranging from $89,000, which was, I think, the lowest, up to about $400,000, which I think was the highest, up to the time of the beginning of the war. The year before last the profits were $1,500,000. * * * In figuring profits we allowed for every charge that every other steamship company allows for—depreciation, interest charges, repairs, etc. I discussed all this very fully at a previous hearing of the Merchant Marine Committee when it was contemplated to abolish the Panama Steamship Co. We charged 6 per cent for depreciation each year. Privately owned lines as a rule charge only 5 per cent for depreciation. The Panama Railroad Steamship Co. has operated at a profit ever since its existence in 1893, with the exception, probably, of about three years, when it operated at a deficit. The three years at a deficit were last year and the year before that and one year about seven or eight years ago when we were in a rate war. Previous to our entering that trade the business was practically all done by foreign lines, and the rates between the United States and Central and South America were very much higher than between Europe and Central and South America. The establishment of the Panama Line reduced the rates and at the same time the line was operated at a profit. The line should not be abolished and the Government should continue to operate it."

It would take too much space to give all the evidence that was given to the committee on this matter. In fact, I am quite certain that you are fully aware of all the evidence that was given. However, the following questions and answers brought out by Senator CALDER will prove of special interest:

"Senator CALDER. Mr. Rossbottom, you said a moment ago, as I recollect it, that the Panama Line is operating at a profit?

"Mr. ROSSBOTTOM. Yes.

"Senator CALDER. Did you take into consideration the capital cost of the ships?

"Mr. ROSSBOTTOM. Yes.

"Senator CALDER. And the interest upon the capital cost?

"Mr. ROSSBOTTOM. Yes.

"Senator CALDER. In other words, you made a profit, allowing for interest charges?

"Mr. ROSSBOTTOM. Interest, depreciation, insurance, and repairs.

"Senator CALDER. Speaking of the profit of the Panama Line, did you not have a monopoly of that business, practically?

"Mr. ROSSBOTTOM. No."

Mr. Rossbottom then proceeded to explain in detail that the Panama Canal Zone business was shared by the "Munson Line, which operated foreign ships, and the Hamburg-American Line and the Royal Mail Steam Packet Co." And he said further: "Our principal competitors in that traffic to the west coast were the Royal Mail Steam Packet Co., the United American Line, and sometimes the United Fruit Co."

Mr. CALDER, however, persisted in his efforts to show that the Government-owned and Government operated Panama Line is a failure and should be put out of existence. He asked: "Still, you carried practically all of the material used in the construction work to be used on the canal, did you not?"

And Mr. Rossbottom replied again, "No." And he went on to explain that they carried all of the cement at a nominal rate to the Government of $1.25 a ton, which rate was a fraction of what the other lines charged. And yet, testified Mr. Rossbottom, notwithstanding all that, the Panama line was operated at a profit.

Senator CALDER then directed his questions toward the operation of the United States Lines; he asked, "Did I understand you to say that some of your ships in the United States Lines were being operated now at a profit?"

And Mr. Rossbottom replied, "Yes, sir."

Senator CALDER, still not satisfied, then asked. "You are operating the United States Lines in strict accordance with our existent laws? I mean, you know, we have had some complaint from the Seamen's Union and others that we were not carrying—some of our American vessels—a complete complement of American crews, as provided by law."

And Mr. Rossbottom replied, "There is no question about that. It is being operated in accordance with the law.

"Senator CALDER. It is?

"Mr. ROSSBOTTOM. Yes; there is no question about that."

Mr. Rossbottom proceeded to state that in addition to making a profit upon the investment, after allowing for interest, depreciation, and repairs, the Panama Line carried freight that was needed by the Government at from one-half to one-third of the rates private lines were seeking to charge; as to general cargo, the reduction was about 25 per cent, and laborers were carried back and forth at almost a nominal price—that is, $20 to $30 a passenger.

The last annual report of the Panama Line, which you made the subject of your propaganda article, stated that if the Government had been charged ordinary commercial rates for the freight it shipped over the Panama Line, instead of the much lower rates that are being charged, the deficit would have been only $125,000, instead of the "nearly $600,000" which you so gleefully blazoned in the heading of your article. And if the $358,429.44 which the Panama Line last year charged off "for depreciation and general and extraordinary repairs" is taken into account, a less scrupulously managed company would have recorded a profit.

Considering the great depression in the steamship business, and the further fact, as made clear by the report, that in the trade covered by the Panama Steamship Co. a rate war waged last year between the United Fruit Co. and the Clyde Steamship Co., all of which resulted in the gross revenue of the Panama Steamship Co. for last year being cut almost in half, the showing of this Government-operated line is truly remarkable. It must also be borne in mind that the enemies of the Panama Steamship Co. who would legislate it out of existence because it gives the lie to their contention that the Government can not successfully operate a steamship line, leave nothing undone that will handicap and restrict the operations of this company.

I challenge you to show an instance of a privately operated steamship company, under similar circumstances, that has done as well as has the Panama Steamship Co. last year or at any other time in its history. The net surplus of the Panama Railroad Co., which includes the Panama Steamship Line, for the last fiscal year, after making the fullest provision and deductions for interest, depreciation, upkeep, and all other requirements, and after charging off all deficits, includ-

ing those which you take such great satisfaction in emphasizing in your propaganda article, is $25,431,937.72. If you can get any satisfaction from these figures in your attempt to discredit this honestly and efficiently Government-owned and Government-operated railroad and steamship line, you are welcome to it.

In your issue of December 13 you indulge yourself further in a leading editorial on the subject, in which editorial, as is your practice when writing on a matter that you are espousing, you make many deliberate misstatements. You say that Senator FLETCHER says the subsidy bill (which you call the shipping bill) "may involve the Government in an annual expenditure of $42,000,000." "This figure," you then say, "is too high."

As a matter of fact, the above figure is not Senator FLETCHER's figure at all. It is Chairman Lasker's figure, as developed at the recent hearings when he was subjected to a little cross-examination. He admitted that the subsidy would cost the taxpayers $52,000,000, and Senator FLETCHER deducted $10,000,000 representing the item of income-tax deductions which the Senate Committee on Commerce threw out, though that has not yet been passed upon. The proponents of the bill would never be so honest in the use of their opponents' figures as Senator FLETCHER has been in using Lasker's own figures.

Senator FLETCHER has submitted to the Senate a very conservative and detailed calculation of what the ship susbidy bill will actually cost the taxpayers each year. It totaled "$72,750,000 besides other possible and contingent benefits that shipowners will receive." Representative DAVIS also made a calculation of the cost of the subsidy to the American people, and it exceeded $75,000,000. These figures of Senator FLETCHER are well known to you, yet you falsify your editorial by making it appear that Senator FLETCHER states that the subsidy "may involve the Government in an annual expenditure of (only) $42,000,000," when his figures are nearly double that.

Now, as to the rest of your editorial, I, though a Democrat, have been one of Wilson's severest critics because of what took place in the Shipping Board under his administration; but I have proved over and over again in my testimony before committees of both Houses of Congress, and in the public press, that the unparalleled corruption and Treasury looting that took place in the Shipping Board under Wilson's administration was committed by Republicans of national renown whom President Wilson called to his aid in the crisis created by the war, and who used their official positions and opportunities to amass fortunes for themselves, or to add to their already great fortunes, while at the same time sabotaging and making a total wreck of the legislation that created the Shipping Board and the Emergency Fleet Corporation, which legislation had for its specifically stated purpose the creation of a Government-owned and Government-operated merchant marine. If you will refer to my testimony on this matter before Congress you will find therein the names of some of the very distinguished Republicans who were part of the Shipping Board organization when it basely betrayed the Nation.

It was upon the recommendation of these eminent Republicans who were filling the most important posts in the Shipping Board—most of them of the 100 per cent American, dollar-a-year self-sacrificing patriot species—that Congress voted, quoting your words, "to take millions and millions out of the Treasury in order to build and maintain an ocean-going fleet." Over $4,000,000,000 of the taxpayers' money was thus appropriated, and all that the people have for it is a fleet of nondescript vessels which would not bring $200,000,000, if it was possible to sell them all for the highest price that similar vessels can be bought for. Just think of it, ships costing over $4,000,000,000—most of it expended long after the war had ended—would not now bring one-half of 1 per cent of what the taxpayers paid for them.

And now you dare chide Senator FLETCHER for voting with the Republican Members of Congress these "millions and millions," which I warned against at the time, as the records of Congress will show, because I saw how these distinguished Republican patriots who were administering the affairs of the Shipping Board and fixing its policies, were studiedly wrecking it and betraying the American people.

Your persistence in stating that the subsidy will cost the taxpayers "from $15,000,000 to $30,000,000 a year," in the face of Lasker's admission that it will cost $52,000,000, and Senator FLETCHER'S and Judge DAVIS'S figures showing that it will cost over $75,000,000 a year, is characteristic of the Tribune. What is a little thing like the truth when it stands in the way of looting the Public Treasury to the tune of three-fourths of a billion to a billion dollars during the next 10 years by such good Republicans as the subsidy-seeking shipping interests, which incidentally also feed you a page or more of advertising every day.

You conclude your editorial with the following:

"Mr. FLETCHER seems, in fact, unwilling to admit, even at this late date, the failure of Government operation. He said airily in his report:

"'One thing is certain, and that is there is no occasion for continuing these (Government operation) losses. If the Shipping Board can not escape them, then let them turn the ships over to the Panama Steamship Co., or to the United States Line under Mr. Rossbottom, these two concerns alone now being guilty of the offense of Government operation, and we have no doubt we will share in the experience which these lines have enjoyed up to this time, namely, a profitable and successful business.'"

Two days after the Fletcher report was filed the Panama Steamship Co. made its report for the fiscal year 1921–22. This disclosed a net deficit of $587,332, compared with a net deficit of $700,810 for the preceding year. There should be no question of the passage of the shipping bill if these are the best arguments which the Commerce Committee minority can advance against it.

The losses of the Shipping Board mentioned by Senator FLETCHER in the above-quoted statement are not "Government-operation" losses, as falsified by you by the totally unwarranted insertion of the words "Government operation" in parentheses. It was conclusively proven at the recent hearings, and so admitted by Shipping Board officials under cross-examination, that these losses are due to private operation of the Shipping Board's ships under the infamous MO–4 contract, which was deliberately contrived by officials of the Shipping Board to create such losses and insure against the successful and profitable operation of these Government-owned ships.

As to your sneering references to Senator FLETCHER'S recommendations that the Shipping Board's ships be turned over to the Panama Steamship Co. and the United States Lines, and your misleading reference to the report of the Panama Steamship Co. for last year, which the figures show was better than the previous year, the fore part of this letter, I am sure, effectually disposes of that.

Yours truly,

PHILIP MANSON.

APPENDIX 9.

JANUARY 5, 1923.

The EDITOR NEW YORK TRIBUNE,
New York City.

SIR: In your issue of January 1 you give considerable space to statements made by Mr. John L. Bogert, in which he undertakes to criticize Senator FLETCHER for his opposition to the subsidy bill now before Congress. Mr. Bogert's statements, like all other prosubsidy arguments, are either false or fallacious, as I will demonstrate.

He makes the statement that "we are practically back where we were in 1914." That statement is so grossly false that it would be absurd to even discuss it. He further states, "Not one single American ship is carrying any American grain." I am not prepared at this writing to give figures as to how much American grain is being carried in American ships, but I can declare Mr. Bogert's statement to be false because I, myself, have seen American grain being loaded into American ships within the last few weeks. After stating that 102 vessels were engaged to carry grain to Europe and not one United States ship was among them, Mr. Bogert asks Senator FLETCHER if he is prepared to show that the Shipping Board is willfully withholding its ships from charter. I will say that it can be shown that the Shipping Board is willfully withholding its ships from charter, except where secret, private contracts can be made with certain of its favorites. In fact, up to quite recently the Shipping Board had a fixed policy against chartering any of its vessels. It wanted them to be operated only under the infamous M O—4 agreement by the private operators whom it favored with its ships, and it picked operators who could be depended upon to show operating losses so as to make a heavy deficit, on the strength of which they could go before Congress and demand a subsidy.

Mr. Bogert, like all other advocates of the subsidy bill, makes the totally unwarranted and false statement that the subsidy bill will give us an American merchant marine and do all the other desirable things which he enumerates. Testimony was given and evidence submitted to the joint congressional committee which held hearings on the subsidy bill proving that the passage of this bill would not only not create a permanent American merchant marine but would, on the contrary, retard it. Permit me to quote briefly from my testimony at these hearings:

"No one questions the vital need of an American merchant marine. The real question for the committee to decide is, Will subsidies create a merchant marine? I will prove to you that subsidies will not create a merchant marine, and I will also prove that subsidies will, on the contrary, seriously retard the proper development of a permanent American merchant marine.

"I ask you to carefully note the following:

"During the last three and a half years this Government has given to American shipping interests a subsidy so vast that even the most brazen subsidist would not have dared to ask for it. There was turned over to American shipping interests, free of all cost to them, a fleet of over 1,500 vessels, including some of the finest passenger ships afloat. Not only have American shipping interests had the free use of this fleet of ships, which has cost the American people over $4,000,000,000—I say over $4,000,000,000, because to the amount actually appropriated must be added the interest which the Government must pay on this money—but the shipping interests to whom these ships were turned over for operation received in addition from the Government hundreds of millions of dollars in cash to cover alleged losses in the operation of these ships, notwithstanding that during much of the period during which they have had these ships high freight rates prevailed and large profits should easily have been earned.

"Not only has this vast subsidy to American shipping interests during the last three and a half years failed to create a permanent American merchant marine, but it has fastened upon American shipping a curse of incompetence and graft which it will take many years to eradicate.

"In the light of these indisputable facts, how dare anyone say that a permanent American merchant marine can be created through subsidies, no matter how extensive those subsidies may be? I say to you that the only thing that subsidies will do will be to transfer from the Public Treasury to the pockets of a few favored steamship men, some of whom have appeared before this committee, large sums of the taxpayer's money; and, what is worse, it will perpetuate the graft and incompetence which is now the real reason for our failure to have a merchant marine worthy of this Nation."

Very truly yours,

PHILIP MANSON.

APPENDIX 10.

PANAMA RAILROAD CO. (PANAMA RAILROAD STEAMSHIP LINE),
New York, December 15, 1922.

Mr. PHILIP MANSON,
Pacific & Eastern Steamship Co., 149 Broadway, New York City.

DEAR SIR: Receipt is acknowledged of your letter of the 12th instant, addressed to Mr. Drake, who we regret has been absent from the office for several weeks past because of severe illness. We are, therefore, taking the liberty of replying for him.

We have read with interest the inclosures accompanying your letter, and in accordance with your request take pleasure in inclosing copy of our annual report for the fiscal year ended June 30, 1922. As you will see from a reading of that report, the statement published in the New York Herald is not correct. In the first paragraph of the "general remarks" concerning the steamship line it is stated that the deficit of $587,332.45 resulted "after charging to operating expenses $358,429.44, account of depreciation and general and extraordinary repairs." Had we followed the so-called "Government accounting method" and made no allowance for depreciation and general and extraordinary repairs our deficit would have been reduced to $228,903.01. Had we charged tariff rates for the freight and passenger service performed by our steamship line for the Government of the United States there would have been a further increase in our revenues of $460,000.

As you undoubtedly know, we are prohibited by congressional action from covering our property by insurance. Under an act of Congress approved May 27, 1908, congressional appropriations were made available to reimburse the Panama Railroad Co. for marine losses or for losses due to destruction of or damage to its plant equipment or commissary supplies by fire, provided, however, that we should cease to carry insurance against loss from causes thereby covered. In accordance with that legislation we have carried our own insurance. Our losses have been quite heavy since that time, and the question as to

whether we have made or lost because of carrying our own insurance is a debatable one. We have not, however, called upon Congress to pay these marine losses, as we had a right to do under the act of Congress referred to, and have paid them out of our own funds.

Our steamship line was established in 1894, and up to the opening of the Panama Canal acted as a feeder for the railroad on through freight to and from Central and South America, and since its control by the Government of the United States in 1904 has accomplished more in the direction of stabilizing and establishing reasonable rates between the United States and Central and South America than all the other steamship lines put together. The opening of the Panama Canal to commerce and the discontinuance by the Panama Railroad of the practice of handling through freight across the Isthmus brought about a complete change in the operations of the steamship line in that its profitable through business was taken away from it by vessels operating through the Panama Canal and its service limited to the carrying of Government supplies and employees, necessitating the development of local traffic to Haiti, Colombia, etc., to a sufficient degree to prevent it operating at a loss.

Our operations as a whole have been successful with the exception of the past three years, when deficits were incurred for the following reasons:

1. Extreme depression throughout the world that seriously affected the trade between the United States, the Caribbean and Central and South America.

2. The high value of American money as compared with English, German, and French money, compelling South Americans to trade in Europe rather than in the United States.

3. The competition in American trade of foreign steamship lines that made it necessary for us to operate some of our steamers through the Panama Canal to the West Coast.

4. The serious competition of Shipping Board steamers under the control of managing operators, who received compensation for their services regardless as to the heavy losses sustained by the Shipping Board in their operation.

We have been able to more than hold our own against the foreign competition, but it has been impossible to profitably compete with the steamers operated for account of the Shipping Board and a great deal of the loss that we have incurred last year was due to that competition.

The rate situation with which we are now confronted is one that we called to the attention of the Shipping Board about three years ago, when we asked their approval to the plan of establishing rates between the United States and the West Coast of Central and South America to the level of the very low rates that were made effective shortly after the termination of the war by the foreign steamship lines operating between Europe and the West Coast. At that time the Shipping Board and the various operating companies saw no necessity for reducing rates to the level established by the European lines so long as the American shipper was willing to pay the higher rate.

The result of that policy is that the American shipper now has no voice in the matter, because the traffic is moving to and from Europe notwithstanding the fact that rates to and from the United States have now been considerably reduced. At the time that we offered this suggestion the American shipper controlled the traffic, and the adoption of that policy would have placed him in a position from which he could not be easily dislodged Now the American shipper is in the position of fighting for the trade that the merchants of Europe secured because of our short-sighted policy.

In considering the status of the Panama Railroad Steamship Line very little credit is given to it by the general public for the policy it pursued in preventing unreasonable freight rates between the United States and Central and South America by maintaining equitable and reasonable rates during periods when rates could easily have been increased 100 per cent or over. Had our line been privately operated we would probably have followed the same policy as any other privately owned steamship line, but being owned by the Government of the United States we could not subject our owner to any criticism because of increasing rates beyond the point justified by our operating expenses.

The combined operations of the Panama Railroad and its steamship line while under Government control, from 1904 to 1921, resulted in a net surplus of approximately $23,000,000, of which the steamship line contributed $5,500,000, all of which was expended in improving facilities at the Isthmus, such as coaling plants, cold-storage plant, concrete piers, etc., which are of inestimable value in connection with the operation of the Panama Canal, and the cost of which would otherwise have been met by congressional appropriation. That net surplus, however, does not do justice to our showing, inasmuch as during that entire period we carried practically all the supplies and material that entered into the construction of the Panama Canal, as well as its employees and their families, at rates that in some instances represented actual cost while in others involving a loss. This is still our policy.

Readjustments from the abnormal conditions that prevailed during the war to the subnormal conditions that have prevailed for the past two years or more are of necessity slow, but we are beginning to see daylight a short way ahead, and we feel that it will only be a short time before we will again start to show a profit.

We shall be very glad indeed to furnish you with any detailed information that you consider would be of help to you in the very good work upon which you are engaged in defending our steamship line in the press.

Yours very truly,

W. R. PFIZER, *Assistant to Vice President.*

APPENDIX 11.

NEW YORK CITY, *January 30, 1923.*

Hon. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Referring to my letter to you of January 10 regarding Lasker's statement of alleged losses by the United States Lines, my statement to you in that letter that you should not accept as correct any figures or statements submitted by the Shipping Board was confirmed the very next day. In a statement made by Mr. Rossbottom in the New York Journal of Commerce of January 11, he said that the Shipping Board charges to the operating account of the United States Lines the cost of reconditioning its ships, and of increasing their accommodations, and for other extensive repairs and structural changes which should properly be charged to capital account. You pointed this out in your remarks in the Senate on January 22. Mr. Rossbottom cited an item of this kind amounting to $160,000 for installing additional accommodations on the steamer *President Garfield.*

Bearing on this matter, Mr. Rossbottom said: "Were charges assessed in the months that the expense is incurred it would not be quite so bad, but it often occurs that an accumulation will be dumped in on me in one month, covering perhaps several months previous."

Furthermore, excessive advertising costs are charged to the United States Lines' operations, totaling $600,000 annually. It is pretty well known and understood that this heavy advertising expenditure is a subtle form of bribery and has been very effective in bringing to the defense of the Shipping Board and the support of the Harding administration, including the unspeakable Daugherty, and to the support of the infamous subsidy bill many newspapers which had heretofore always opposed the subsidy—a striking example being the Hearst press. Of course, all newspapers that have received this Shipping Board advertising did not succumb to this bribe, nor did the Shipping Board dare to withhold its advertising from such antisubsidy papers as the New York World, New York Times, etc., as that would have been prima facie evidence of the bribery purpose of its advertising expenditures. No private steamship line of the size and extent of the United States Lines would saddle itself with such an advertising expenditure as the Shipping Board imposes upon the United States Lines, nor would they use such extensive space in many of the mediums that the Shipping Board does.

Mr. Rossbottom also called attention to the very high rentals which the Shipping Board charges the United States Lines for piers and offices—$360,000 a year for the Hoboken piers against $74,000 a year paid by the International Mercantile Marine Co. and the Cunard Line for Manhattan piers, and $120,000 a year for the United States Lines offices in the Shipping Board's building at 45 Broadway, New York.

Lasker's explanation that these rentals are based upon short-term periods is no good. The Shipping Board should give the United States Lines the benefit of the very lowest rentals for its piers and offices, inasmuch as the United States Lines is a subsidiary of the Shipping Board, which owns these piers and offices. It is a common practice for privately owned holding companies or private owners of subsidiary companies to make unfair contracts or terms with their subsidiaries, so as to drain these subsidiaries of their profits for the benefit of the holding company. In one of my appearances before the Senate Committee on Commerce I gave an instance of this in the case of the Pacific Mail Steamship Co. when it was owned by the Southern Pacific Railroad Co., which, through an unfair charter for the steamers *Mongolia* and *Manchuria,* which were nominally owned by the Oregon Short Line, a railroad owned by the Southern Pacific Railroad Co., diverted all of the Pacific Mail Steamship Co.'s profits so that the minority stockholders received no dividends for many years, although the Pacific Mail Steamship Co. did an enormously profitable business during all this time and would have paid handsome dividends if its earnings were not improperly diverted to the Southern Pacific Railroad Co.

Also, Lasker's explanation that because the Shipping Board paid "many times their worth" for the United States Lines ships, hence all expenditures for reconditioning and betterments must be charged to operating expenses, is no good. The United States Lines should not be loaded down with the false costs of its ships. Its ships should be considered only at their present actual worth. As a matter of fact, however, the most important of the United States Lines' ships are the ex-German liners, for which the Shipping Board paid nothing.

Mr. Lasker has himself said that the 535-foot liners, which have cost the Shipping Board between $7,000,000 and $8,000,000 each, and which make up part of the fleet of the United States Lines which Lasker says cost "many times their worth," are so badly built that they require expenditures of from $25,000 to $35,000 each trip. The United States Lines should be given credit for these extraordinary expenditures if it is compelled to use such ships.

I applaud the language you used when you said in your remarks to the Senate, "Information comes to me, which I scarcely dare to report here, about the robbery that has been taking place under the guise of repairs to ships."

* * * * * * *

Sincerely yours,

PHILIP MANSON.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 13793) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1924, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ANTHONY, Mr. STAFFORD, and Mr. SISSON were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the report of the committee of conference on certain amendments of the Senate to the bill (H. R. 13696) making appropriations for the Executive Office and for sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1924, and for other purposes.

WAR DEPARTMENT APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 13793) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1924, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JONES of Washington. On behalf of the Senator from New York [Mr. WADSWORTH] I move that the Senate insist upon its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. WADSWORTH, Mr. JONES of Washington, Mr. SPENCER, Mr. HITCHCOCK, and Mr. HARRIS conferees on the part of the Senate.

INDEPENDENT OFFICES APPROPRIATIONS—CONFERENCE REPORT.

Mr. WARREN. Mr. President, I send to the desk a brief final conference report on House bill 13696, making appropriations for the Executive Office, and so forth. It refers to two items. I ask that the report be read and agreed to.

Mr. CURTIS. Let that be done by unanimous consent.

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). The Senator from Wyoming asks unanimous consent for the consideration of a final conference report on House bill 13696. The report will be read.

The report was read as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 13696) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1924, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 10 and 25.

F. E. WARREN,
WM. J. HARRIS,
Managers on the part of the Senate.
WILL R. WOOD,
L. J. DICKINSON,
JOSEPH W. BYRNS,
Managers on the part of the House.

The PRESIDING OFFICER. The question is on the adoption of the conference report.

Mr. SMOOT. Mr. President, just a word in relation to the report. I refused to sign the report as one of the conferees because, in the first place, I do not think the House conferees treated the conferees of the Senate properly.

The amendments on which the Senate conferees had to recede were the two items consisting of the steel stacks to be erected in the Pension Office Building, and the first appropriation for an archives building. The House conferees first objected to those two items but promised the conferees of the Senate that they would take them back to the House and have a vote in the House on them. I have always understood that wherever the conferees of the House promised the conferees of the Senate that an item would be taken back to the House for a separate vote the House would vote upon the item itself without any adverse expression, and particularly no bitter expression, on the part of the conferees of the House when the item was brought before the House for consideration. But as the plan is now carried out, under the House rule with reference to conferees on the part of the House, the Senate has three conferees and the House has 435. It results in there being no free conference, and there never will be a free conference between the two Houses as long as the existing rule is in operation in the House.

One member of the conferees at least went out of his way to criticize most severely the two items. I know a part of the statement he made was furnished him, prepared by some clerk or official of the Government who did not want to be deprived of some particular position or place that he is now occupying in the Pension Building. His view would no doubt be interrupted. I do not know whether it was a view outside of the building or whether it was a view inside of the building, but the gentleman did not want his view interrupted, and therefore the Government is deprived of saving $1,000,000 in two years.

I was very much put out over the way the matter was handled. But as long as I am in the Senate of the United States and there is a responsibility resting upon me as chairman of one of the committees that must look after the records and the safe-keeping of the records of the Government I am going to call the attention of the Congress, whenever I get a chance, to the conditions that exist and ask for legislation that will bring about a change and a correction of existing situations. It is a disgrace to the Government the way our records are being kept to-day.

The proposition was one that would allow the Government of the United States under existing conditions to take space in Government buildings now occupied by old records—and some very valuable records, too—and make that space available for the employees of the Government. The commission had a plan whereby they could take all the employees out of the Wardman Building and house them in Government-owned buildings if this provision had remained in the bill. The owners of the Wardman Building are demanding that the Government give up the building. They have told your commission that with a small expenditure of money they could get returns from that building of $253,000 a year.

I stated upon the floor of the Senate that after the five-year lease expired, providing for a rental of $37,500 annually for the building, I would ask for an appropriation of $75,000, or double the amount previously paid. The owners of the building are not satisfied with that amount; but, so far as I am concerned, I shall never vote for a dollar more than $75,000 for the annual rental of that building.

I do believe that when we had a plan mapped out and arranged that would not interfere with any working of the Government in any department, where we knew just what it would cost, where we knew that we could make space in the different Government buildings and in making that space take out wooden files and old papers, where, if a fire occurred, it perhaps would destroy the whole building, and put them into a fireproof place for safe-keeping and thus save a large amount of rent, that the item should have remained in the bill. But it is to be otherwise, because of the fact that the conferees of the House told the House itself that the conferees on the part of the House could not agree to the two items and gave reasons that are not substantiated by the facts.

I know it would be unusual to ask the Senate of the United States now to vote against the report. The House has voted already. Therefore I am not going to ask for a separate vote upon the particular items, but I am going to continue every year, as long as I am chairman of the Public Buildings Commission, to try to get through Congress some legislation that will not only save money to the Government of the United States but will put our records in a position where they will not be destroyed by fire and where they will not rot as they are doing now. Some of the most valuable records the Government has to-day, if they should be taken out of the place where they are now kept, would drop to pieces unless handled with the greatest care. In another 10 years no one will be able to read them, and they will be perfectly worthless.

Mr. SWANSON. Mr. President, may I suggest to the Senator that we have two or three weeks remaining of this session and I do not see why he does not want to send the items back to conference.

Mr. SMOOT. But the House has already voted on them.

Mr. SWANSON. Do we always have to accept the vote of the House as final? I think this is one of the most important matters we have had before us. I was chairman of the Committee on Public Buildings and Grounds for a long time and tried for 15 or 20 years to get a building in which we could take care of our valuable records and perhaps give us more space in the other Government buildings. In Government buildings like the Treasury, War, Navy, and State Buildings, we could make more space for the clerks by taking out the records and documents now kept there and placing them in an archives building. They would be safer and better kept; we would gain much additional space in the present buildings, and in addition to that we would have the records classified and the work of looking them up when needed could be done with one-third less clerks.

We have tried and tried to get this proposition accepted and I do not believe in surrendering on it. I would like to see the amendment go back to conference and have another vote on it, anyway. The only way we will get it is by persistently fighting for it. We have had it up for 10 or 15 years and every time it comes up they take a vote in the House, and they have an idea that if they vote in the House one way it is the duty of the Senate to surrender to that vote. They come to conference and say, "We have voted in the House on this proposition," and they think when they have voted, if the matter has been voted down, it is the conclusion of the matter. I, as a conferee on various bills, have ridiculed any such view. I think the Senate is a coordinate branch of the Government. I believe a vote in the Senate is entitled to as much respect as a vote in the House and is worthy of as much consideration and should be as potential with them as their vote should be with us.

Mr. SMOOT. I will say to the Senator from Virginia that we are told that just as soon as the Senate of the United States will vote a general public buildings bill, then these items can go through; but as long as they can not have a post office at Podunk, we can not have an archives building in the District of Columbia.

Mr. SWANSON. I have served on the commission with the Senator from Utah and I know the splendid work he is doing.

I know how the buildings of the Government are crowded. The erection of an archives building and the storing of our valuable documents there would relieve the situation very greatly. I believe in an archives building. If we could take all our old valuable records out of the various Government buildings in which they are now stored, it would leave a vast quantity of available space for the clerks and the housing of the departments themselves. We have fought for such a proposition, but we have not been able to get it. I hope the Senator will move to send this one item back to conference.

Mr. SMOOT. I gave notice to the conferees that next year I shall, if the Senate will support me in putting the items in an appropriation bill, present them again, and if that is done, it would be a question then as to which vote shall prevail, whether it would be that of the Senate or the House. But I will say to the Senator now that I do not feel like asking it at this time, because this is a short session of Congress and the next session will be a long session, and we shall have more time to thrash the matter out.

Mr. SWANSON. But we have about three weeks more. This has occurred so often that I am getting tired of it. The conferees on the part of the Senate have surrendered so often whenever they have taken a vote in the House that I think it is a good time on this matter to let them understand we are as persistent as they. I had hoped that the Senator from Utah, after the splendid presentation of the matter which he has made in such a determined manner, would move to insist on the amendment and let it go back to conference once more.

Mr. WARREN. Mr. President, I am sure, although the Senator from Utah [Mr. SMOOT] did not mention it, that if he were asked he would state that his fellow conferees on the part of the Senate were in full sympathy and accord with him, and it was only after his consent was given that the report was made. I feel that he is not casting the blame on his fellow conferees on the part of the Senate. But on the part of the House it is to be remembered, as the Senator has stated, that when the conference report was made on the House side there was a very unusual attack made upon it by the gentleman who was in charge of the conference report. The surrender on the part of the Senate when made was under protest, and while it is true the Senator from Utah refrained from signing the report, and I do not blame him for that, yet it was entirely with his sympathy that it was signed by his fellow conferees and the report was presented to the Senate.

The Senator from Utah has said that this is the short session of Congress, which is true. We are also lamed somewhat by the fact that we did not prepare beforehand to have these items come down in the regular way through the Budget Bureau and have them taken up through the House, so the House could have the privilege of presenting them. The gentlemen on the House side are somewhat sensitive about supplemental estimates that come in through the Senate, and while very properly the Senator from Utah, the chairman of the Public Buildings Commission, should be looking after the particular business of storage of documents, yet when before the House the matter could be put in the way it was, that we had proceeded in a somewhat crosscut way.

I think I have in my career in this body every time the matter has been brought up committed myself to the preservation of the Government records. I remember, when I was ranking member on the Committee on Public Buildings and Grounds, that we bought a block of ground and paid for it for the purpose of erecting a records building. It was afterwards taken away from us and a building for the Interior Department was erected upon the site, and it is probably the finest office building the Government now owns. I believe we ought to have an archives building, and I believe we ought to have the steel stacks, too. But, as the Senator has so well stated, the House had the opportunity and voted as a House upon it, and it was stated before them that we did not proceed in the way of having estimates made, that there was no estimate for an archives building, and so forth.

So in my judgment we would gain nothing by pursuing this contest further. However, I do not shrink from it at all, but if the conference report should be sent back, I think it would be fruitless and in the long run we would lose rather than gain ground.

The PRESIDING OFFICER (Mr. MOSES in the chair). The question is on agreeing to the conference report.

The report was agreed to.

PURCHASE OF GRAIN FOR SEED PURPOSES.

Mr. CURTIS. I submit a concurrent resolution and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent to present a concurrent resolution, which the Secretary will read.

The Secretary read the concurrent resolution (S. Con. Res. 38) as follows:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill (S. 2023) defining the crop failure in the production of wheat, rye, or oats by those who borrowed money from the Government of the United States for the purchase of wheat, rye, or oats for seed, and for other purposes, to correct an error therein.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent for the immediate consideration of the concurrent resolution. Is there objection?

The concurrent resolution was considered by unanimous consent and agreed to.

CHARLES RIVER BRIDGE, MASS.

Mr. CALDER. Out of order, from the Committee on Commerce I report back favorably without amendment the bill (H. R. 13760) to amend an act entitled "An act to authorize the construction of drawless bridges across a certain portion of the Charles River, in the State of Massachusetts," approved November 14, 1921. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the act to authorize the construction of drawless bridges across a certain portion of Charles River, in the State of Massachusetts, approved November 14, 1921, is hereby amended to read as follows:

"That the Metropolitan Park Commission, or any town or city, or any other public body authorized by the State of Massachusetts, all or any of them, be, and they hereby are, authorized to construct, at any time hereafter, drawless bridges across the Charles River, in the State of Massachusetts, connecting Massachusetts Avenue in Cambridge and Massachusetts Avenue in Boston, and at any other points upon said river at, near, or above said Massachusetts Avenue: *Provided*, That said bridges shall be at least 12 feet above the ordinary level of the water in the basin over the main ship channel, and the piers and other obstructions to the flow of the river shall be constructed in such form and in such places as the Secretary of War shall approve.

"Except as inconsistent herewith, this act shall be subject to the provisions of an act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906."

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE, NEAR ST. PAUL, MINN.

Mr. CALDER. From the Committee on Commerce I report back favorably without amendment the bill (S. 4411) granting the consent of Congress to the cities of Minneapolis and St. Paul, Minn., or either of them, to construct a bridge across the Mississippi River in section 17, township 28 north, range 23 west of the fourth principal meridian, in the State of Minnesota. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the consent of the Congress is hereby granted to the cities of Minneapolis and St. Paul, or either of them, to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River at a point suitable to the interests of navigation in the northwest quarter of section 17, township 28 north, range 23 west of the fourth principal meridian, between the cities of Minneapolis and St. Paul, in the State of Minnesota, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HUMPHREYS CREEK BRIDGE, SPARROWS POINT, MD.

Mr. CALDER. From the Committee on Commerce, I report back favorably without amendment the bill (S. 4503) granting the consent of Congress to Bethlehem Steel Co. to construct a bridge across Humphreys Creek at or near the city of Sparrows Point, Md. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to Bethlehem Steel Co., and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across Humphreys Creek at a point suitable to the interests of navigation at or

near the city of Sparrows Point, the county of Baltimore, in the State of Maryland, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RED RIVER BRIDGE BETWEEN TEXAS AND OKLAHOMA.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (S. 4235) granting consent of Congress to the Charlie Bridge Co. for construction of a bridge across Red River between Clay County, Tex., and Cotton County, Okla., and I submit a report (No. 1134) thereon. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Charlie Bridge Co. to construct, maintain, and operate a bridge and approaches thereto across the Red River at a point suitable to the interests of navigation between Clay County, Tex., and Cotton County, Okla., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HEARINGS BEFORE COMMITTEE ON MINES AND MINING.

Mr. CALDER. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably Senate Resolution 428, and ask unanimous consent for its immediate consideration.

The resolution (S. Res. 428) submitted by Mr. POINDEXTER January 30, 1923, was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Mines and Mining or any subcommittee thereof be, and hereby is, authorized, during the Sixty-seventh Congress, to send for persons, books, and papers, to administer oaths, and to employ a stenographer at a cost not exceeding 25 cents per 100 words to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate.

WILLIAM O. DOHERTY.

Mr. CALDER. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report back favorably without amendment Senate Resolution 430. The resolution proposes to pay one year's salary to the heir of Edward W. Doherty, who was a messenger employed by the Senate for a period of 35 years. I ask unanimous consent for the immediate consideration of the resolution.

The resolution (S. Res. 430) submitted by Mr. LODGE February 2, 1923, was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay out of the contingent fund of the Senate to William O. Doherty, son of Edward W. Doherty, late a messenger acting as assistant doorkeeper of the Senate, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

WORLD WAR FOREIGN-DEBT SETTLEMENT.

Mr. McCUMBER. I ask unanimous consent to report back favorably, with an amendment, from the Committee on Finance, House bill 14254, to amend the act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign governments held by the United States of America, and for other purposes," approved February 9, 1922, and I submit a report (No. 1130) thereon.

The VICE PRESIDENT. Without objection, the report will be received and placed on the calendar.

Mr. UNDERWOOD. Mr. President, may I ask the Senator when he expects to have that bill considered?

Mr. McCUMBER. I do not suppose we can have an opportunity to consider it before Tuesday; possibly not by then; but I hope we shall be able to take it up by that time.

THE MERCHANT MARINE—PROPOSED UNANIMOUS-CONSENT AGREEMENT.

Mr. JONES of Washington. Mr. President, I am going to present a unanimous-consent proposal which I intend to submit to the Senate on Monday next. I do not want it understood that it is being presented because of any idea I have with reference to any undue delay upon the shipping bill. I am presenting it merely because I want to do what I can to expedite the business of the Senate. There are several very important bills which ought to be passed before this session of Congress closes. Those bills, in my judgment, can be passed with the proper discussion if the Senate deals with them promptly.

I further wish to say that it is my desire to avoid, if possible, night sessions. I know what night sessions mean to the Senate and to Senators, especially at this time of the year, and I want to do what I can to avoid them. I want also to do what I can to expedite the business of the Senate. So, Mr. President, I ask that the Secretary may read the unanimous-consent proposal, which I will ask may lie on the table, and I will then call it up on next Monday.

The PRESIDING OFFICER (Mr. MOSES in the chair). The Senator from Washington gives notice that on Monday next he will ask unanimous consent that the agreement be entered into, which the Secretary will read for the information of the Senate.

The Assistant Secretary read as follows:

It is agreed by unanimous consent that on and after Friday, February 16, no Senator shall speak more than once nor longer than 60 minutes on the shipping bill, or more than once nor longer than 30 minutes on any amendment pending or that may be offered to said bill; and that on and after Tuesday, February 20, if said bill is not sooner disposed of, no Senator shall speak more than once nor longer than 15 minutes on said bill or more than once nor longer than 5 minutes on any amendment that may be pending or that may be offered.

The PRESIDING OFFICER. In accordance with the request of the Senator from Washington, the proposed unanimous-consent agreement will lie on the table.

EXECUTIVE SESSION.

Mr. CURTIS. I move the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

DEATH OF REPRESENTATIVE HENRY Z. OSBORNE.

The PRESIDING OFFICER. The Chair lays before the Senate resolutions of the House of Representatives, which will be read.

The resolutions (H. Res. 518) were read, as follows:

IN THE HOUSE OF REPRESENTATIVES
OF THE UNITED STATES,
February 9, 1923.

Resolved, That the House has heard with profound sorrow of the death of Hon. HENRY Z. OSBORNE, a Representative from the State of California.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect this House do now adjourn.

Mr. SHORTRIDGE. Mr. President, I offer the resolutions which I send to the desk and ask for their adoption.

The PRESIDING OFFICER. The resolutions will be read.

The resolutions (S. Res. 436) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. HENRY Z. OSBORNE, late a Representative from the State of California.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Mr. SHORTRIDGE. Mr. President, as a further mark of respect to the memory of the deceased Representative, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 4 o'clock and 32 minutes p. m.) the Senate, under the order previously entered, adjourned until Monday, February 12, 1923, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate February 10 (legislative day of February 5), 1923.

UNITED STATES DISTRICT JUDGE.

Morris A. Soper, of Maryland, to be United States district judge, district of Maryland, vice John C. Rose, promoted to circuit judge.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 10, (legislative day of February 5), 1923.

AMBASSADOR EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Maj. Gen. Enoch H. Crowder to be ambassador extraordinary and minister plenipotentiary of the United States of America to Cuba.

REGISTERS OF THE LAND OFFICE.

Mrs. Eva A. Brittain to be register of the land office at Leadville, Colo.

Elzie K. Fritts to be register of the land office at Waterville, Wash.

Frank P. Light to be register of the land office at Lakeview, Oreg.

POSTMASTERS.

ALABAMA.

Tyler M. Swann, Roanoke.
John R. Harris, Wadley.

ALASKA.

Martin J. Martin, Nenana.

CONNECTICUT.

Norman C. Kruer, Shelton.

GEORGIA.

Charles R. Jones, Rossville.

ILLINOIS.

Merle C. Champion, Byron.
Jacob M. Tindall, Chester.
Thomas F. Olsen, De Kalb.
Bertie D. Yeazel, Fairmount.
Charles T. Gilkerson, Marengo.
Walter W. Ward, Maroa.
Edgar B. Walters, Oblong.

MARYLAND.

Beatryce B. Bounds, Fruitland.

MASSACHUSETTS.

Nathaniel P. Coleman, Hyannis.

MISSOURI.

Henry L. Windler, Barnett.
James S. Miller, Bloomfield.
Harry E. Carel, Blue Springs.
Ethel N. Hudson, Clever.
Margaret C. Lester, Desloge.
George W. Gasche, Hillsboro.
John F. Hull, Maryville.
Roy R. Quinn, Moberly.
Andrew L. Woods, Naylor.
Cyrus R. Truitt, Novinger.
Ben. B. Smith, Potosi.
Arthur T. King, Warrensburg.

NEW JERSEY.

Horace E. Richardson, Cape May Court House.
Charles G .Wittreich, Chatham.
Richard Watt, Garwood.
Lewis E. Matteson, Grantwood.
Thomas J. Raber, Hampton.
James T. Steel, Little Falls.
Wilbert F. Branin, Medford.
Richard Lufburrow, Middletown.
George F. Moore, Oradell.
Frederick C. Docker, Oxford.
George C. Reed, Park Ridge.
J. Hosey Osborn, Passaic.
Stanley B. Van Iderstine, South Orange.
Hammond S. Ireland, Williamstown.

NEW YORK.

Harry F. House, Chester.
Henry W. Roberts, Clinton.
Mary H. Avery, Elmsford.
Adolph N. Johnson, Falconer.
William D. Creighton, Fort Covington.
Oby J. Hoag, Greene.
Joseph Ogle, Greenport.
Benjamin F. King, Madrid.
Burton E. McGee, Norfolk.
William S. White, Oriskany.
Besse R. Griffin, Quogue.
Fred C. Smith, Vernon.
George M. Lewis, Whitesville.
Albert A. Patterson, Willsboro.

PENNSYLVANIA.

Harry H. Wilson, Blairsville.
Wade M. Henderson, Brookville.
William L. Gouger, Danville.
Anthen C. Messinger, Tatamy.
William Evans, Westgrove.

WEST VIRGINIA.

Charles E. Colman, Curtin.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 10, 1923.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Again O Lord Thou hast remembered us in our low estate. Thy mercies are showered upon us in crowded succession. May a sense of the eternal goodness compel us to silence and to confession. In wonder and in gratitude we thank Thee. We would cherish, Holy Spirit, the greatest of gifts, which is an honest and a contrite heart. Impart a force to our wills and a warmth to our hearts that shall more than compensate for our defects and excesses. Do Thou greatly enrich our country. Bless it abundantly with the spirit of good will, with zealous philanthropic efforts, with high ideals, with an earnest sensitive conscience, with a deep reverence for God, and with a charity for all men. In the name of Jesus our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

Mr. WOOD of Indiana. Mr. Speaker, I desire to call up the conference report on the Executive Office and independent offices appropriation bill.

The SPEAKER. Will the gentleman suspend for a moment in order to take up one or two little matters?

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 12887. An act granting a pension to Jacob F. Rosenberger;

H. R. 6204. An act to grant the military target range of Lincoln County, Okla., to the city of Chandler, Okla., and reserving the right to use for military and aviation purposes; and

H. R. 11389. An act for the relief of Robert Guy Robinson.

The message also announced that the Senate had passed with amendments the bill (H. R. 13793) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1924, and for other purposes, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4468. An act to authorize the coinage of 50-cent pieces in commemoration of the three hundredth anniversary of the settling of New Netherlands, the Middle States, in 1624, by Walloons, French and Belgian Huguenots, under the Dutch West India Co.

S. 4197. An act to authorize the Secretary of the Interior to issue to certain persons and certain corporations permits to explore or leases of certain lands that lie south of the medial line of the main channel of Red River, in Oklahoma, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below.

S. 4468. An act to authorize the coinage of 50-cent pieces in commemoration of the three hundredth anniversary of the settling of New Netherlands, the Middle States, in 1624, by Walloons, French and Belgian Huguenots, under the Dutch West India Co.; to the Committee on Coinage, Weights, and Measures.

S. 4197. An act to authorize the Secretary of the Interior to issue to certain persons and certain corporations permits to explore or leases of certain lands that lie south of the medial line of the main channel of Red River, in Oklahoma, and for other purposes; to the Committee on Public Lands.

LANDS IN THE STATE OF LOUISIANA.

Mr. LARSEN of Georgia. Mr. Speaker, I ask to call up the bill H. R. 5224 with Senate amendment.

The SPEAKER. The gentleman from Georgia asks to call up the House bill with Senate amendment, which the Clerk will report.

The Clerk read as follows:

H. R. 5224. An act to authorize the Secretary of the Navy to certify the Secretary of the Interior for restoration to the public domain lands in the State of Louisiana not needed for naval purposes.

The Senate amendment was read.

Mr. LARSEN of Georgia. I move to concur in the Senate amendment.

The motion was agreed to.

EXTENSION OF REMARKS.

Mr. HILL. Mr. Speaker, I ask unanimous consent to extend my remarks by printing an address I made last week before the Economic Club in New York on law enforcement.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The address is as follows:

ADDRESS OF REPRESENTATIVE JOHN PHILIP HILL, BEFORE THE ECONOMIC CLUB OF NEW YORK, HOTEL ASTOR, THURSDAY EVENING, JANUARY 25, ON THE SUBJECT "THE VOLSTEAD ACT AND ENFORCEMENT OF PROHIBITION."

Kipling tells us that in the twilight of the Magic Jungle, in a sort of singsong to little Mowgli, old Baloo recited—

"As the creeper that girdles the tree trunk,
The law runneth forward and back."

It may not be amiss for me to say as a preface to my remarks that in 1916, before any one of us ordinary mortals dreamed of the possibility of the eighteenth amendment, using this little verse as a text, I called attention to the fact that in antitrust prosecutions, in the crusade against the white slaver, in the enforcement of pure food laws, in interstate commerce cases, in the suppression of fraudulent use of the mails, the power of the Attorney General runs forward and back throughout all the States of this great Union, and the activities of the Department of Justice wipe out State lines and from year to year increase the power of the Federal Government and its Executive, of whose growth they are the most striking illustration.

The eighteenth amendment and the Volstead Act have gone farther into the personal life of the individual citizen than any previous growth of Federal power, and to-day, when constitutional amendments are being seriously suggested providing that the Federal Government shall extend its control to domestic relations—that is to say, to marriage and divorce and also to child labor—directly in the States, the great questions behind the eighteenth amendment and the Volstead Act become of vital and immediate importance.

The subject for discussion to-night is "The Volstead Act and the enforcement of prohibition."

This subject contains three specific and independent topics—

(1) Prohibition as declared by the eighteenth amendment, (2) enforcement of this prohibition, and (3) the Volstead Act as a method of enforcement.

The Volstead Act is one of many possible efforts at enforcement, but enforcement itself is the sole method of making the prohibition of the eighteenth amendment effective. Therefore, unless we agree to put the eighteenth amendment in the same ineffective class as the fourteenth amendment, we must have some form of enforcement, but we need not adhere to that method offered by the Volstead Act.

I propose for your consideration the following substitute for the Volstead Act:

Repeal the Volstead Act and enact the following:

"SEC. 1. Each State shall for itself define the meaning of the words 'intoxicating liquors' as used in section 1 of Article XVIII of the amendments to the Constitution of the United States, and each State shall itself enforce within its own limits its own laws on this subject.

"SEC. 2. Any person who transports or causes to be transported into any State any beverage prohibited by such State as being an 'intoxicating liquor' shall be punished by the United States by imprisonment for not more than 10 years or by a fine of not less than $10,000 nor more than $100,000, or by both such fine and imprisonment."

The first section of this proposed enforcement act is based on the theory of local option; the second section is based on the Webb-Kenyon Act, by which the United States guarantees the States from outside interference. The proposed substitute, taken as a whole, permits concurrent action each in their own sphere by the United States and by the individual States to carry out the provisions of the eighteenth amendment.

In 1907 the Anti-Saloon League approved my declaration for local option, made as a candidate for the Maryland Legislature. In 1914 I advised the American Express Co. that the Webb-Kenyon Act was constitutional, and that they should not ship liquor into West Virginia. The Supreme Court sustained my view, and Mr. Wayne B. Wheeler very ably and successfully argued that view in the Supreme Court in the appeal in the cases of the Clark Distilling Co. against the Western Maryland Railway Co. and the State of West Virginia, and the Clark Distilling Co. against my client, the American Express Co., and the State of West Virginia, which cases were decided in 1917.

I do not expect, however, that Mr. Wheeler will agree with my proposed substitute for the Volstead Act. He will probably say of it what he said at the City Club in Cleveland last October about the proposed amendment to the constitution of Ohio permitting 2.75 beverages, which proposed amendment was afterwards defeated: "Nullification has always been indefensible," said Mr. Wheeler, "but now it is reprehensible. When the doctrine was first invoked in the name of State rights there was an honest doubt concerning its legal application. It was finally settled on more than 100 battle fields in the Civil War, and it has never lifted its head in decent society since then until the outlawed liquor traffic, in the name of concurrent power, attempts to nullify our National Constitution and government of laws."

I offer for consideration this substitute for the Volstead Act, and I shall invite your attention to certain considerations relating to the Volstead Act, to enforcement acts in general, and to the eighteenth amendment itself. I think I can show you that there can be enforcement by concurrent power of the United States and the individual States which will not nullify the eighteenth amendment, and which will be satisfactory to those of us who have not and who never have had any connection with any liquor traffic.

Let us consider, first, the Volstead Act. Before the eighteenth amendment many States had one-half of 1 per cent prohibition laws. These States wanted such laws, and no one seeks to disturb their satisfaction with them. But the Volstead Act imposed this standard on other States that did not want such a law. In the one-half of 1 per cent dry States the Volstead Act was not needed; the State law was sufficient to satisfy their people. In the so-called "wet" States the law has been a failure. It has been a failure because it was based on a misstatement of fact. The Volstead Act declares that an intoxicating liquor is anything containing one-half of 1 per cent or more of alcohol by volume which is fit for beverage use.

This is a legislative lie; but even a legal lie remains untrue in fact. In any community where everybody believes that a lie is the truth, for all practical purposes such a lie becomes the truth, and there is no need for laws on that subject; but in those communities which know a lie when they see one, the inherent instinct for truth makes enforcement of even a legalized lie impossible.

Beverages containing one-half of 1 per cent of alcohol are not in fact intoxicating, and are therefore not prohibited by the eighteenth amendment. Why, then, is not the Volstead Act an immoral law, seeking to enforce a lie?

I do not ask you to accept my statement on this. I shall give you the testimony of Mr. VOLSTEAD himself, of Federal Prohibition Commissioner Haynes, and of the superintendent of the Anti-Saloon League of Maryland that one-half of 1 per cent is not intoxicating, and that therefore the fundamental basis of the Volstead Act is false.

On Friday, June 10, 1921, before the Committee on Rules of the House of Representatives, discussing cider and homemade wine, Representative CANTRILL asked Representative VOLSTEAD the following question: "According to your construction, it was not the intent of Congress that it would be a violation of law if wine was made at home containing one-half of 1 per cent of alcohol?" To this Representative VOLSTEAD replied, "No; my contention is this, that it might contain 1 or 2 or possibly 3 per cent without being intoxicating."

On May 2, 1922, Federal Prohibition Commissioner Haynes wrote me officially "that under the provisions of section 29, title 2, of the Volstead Act cider and other nonintoxicating fruit juices manufactured exclusively for use in the home of the maker are not necessarily limited to less than one-half of 1 per cent of alcohol, but must be intoxicating in fact to be in violation of the Volstead Act." He also stated that "no specific alcoholic limit had been fixed," and that as at present advised his office was not disposed to take action against the manufacture for use in the home of the maker of cider or other fruit juices "containing not more than 2.75 per cent of alcohol by volume."

I at once, on June 12, 1922, asked him to fix the "specific alcoholic limit" of cider and homemade wine. On June 20, 1922, he declined to do so, and gave as a reason "that Congress has not done so and the courts have not as yet definitely settled the question."

After some more correspondence, on July 3, 1922, Mr. Haynes wrote me that his statement of May 2 was a "misapprehension." Finally I got the Secretary of the Treasury to ask the Attorney General for a ruling as to what "nonintoxicating" meant in section 29, title 2, of the Volstead Act. The Attorney General has not yet rendered an opinion, but these proceedings show that even the Government itself agrees to the falsity of the fundamental one-half of 1 per cent declaration of the Volstead Act.

The superintendent of the Anti-Saloon League of Maryland on July 10, 1922, said that any man who owns an apple tree, whether it be in his back yard in the city or on an extensive farm, can use his apples for cider. Furthermore, he added, he can let it stand and get hard and, should he desire, he can give it to guests in his home. In view of the fact, vouched for by the Secretary of Agriculture that hard cider contains 6 per cent of alcohol, we have Mr. VOLSTEAD, Mr. Haynes, and the superintendent of the Anti-Saloon League of Maryland agreeing that the fundamental statement of the Volstead Act, that beverages containing one-half of 1 per cent are intoxicating, is not true. So the Volstead Act being based on untruth can not prevail. I charge that being based on untruth it is a failure, and again I do not ask you to take my own statement. The President, as well as the most ardent prohibitionists, admit that to-day it is a failure.

On December 8, 1922, the President said to Congress, "There are conditions relating to the enforcement of prohibition which savor of nation-wide scandal. It is the most demoralizing factor in our public life." The President also referred to "men who are rending the moral fiber of the Republic through easy contempt for the prohibition laws." I admit a contempt for the Volstead Act, and I do not hesitate to admit it. I stand on the principle "Ye shall know the truth, and the truth shall make you free." The Volstead Act is based on a lie, and it can not stand. It ought not to stand. There can be no respect for laws of this kind.

That the Volstead Act is a failure is attested by Representative UPSHAW, of Georgia, who has exhorted the governors of the States, led by the President and Vice President of the United States and all the members of the Cabinet and followed by every Member of Congress and by every United States Senator, to declare that they will never again build up a bootleggers' barbarous business by drinking illicit liquor. If Representative UPSHAW did not have proof that the personal actions of these high officials showed they considered the Volstead Act a failure, he would not have asked them to stop their wicked deeds.

Again Representative CRAMTON, of Michigan, on January 18, 1923, in the House referred to the "activities of rum smuggling along the Atlantic coast," and said: "The extent to which the smuggling trade in liquor, narcotics, and aliens has recently grown is sufficient to challenge the consideration of every thoughtful citizen." He then added, "the report of actual seizures made by the enforcement officers shows the amazing growth of this trade."

I believe Mr. UPSHAW and Mr. CRAMTON to be sincere personal and political supporters of the Volstead Act, but I think their charges prove it is a failure.

If the Volstead Act can not stand, what shall be done to enforce the eighteenth amendment? Let us consider for a moment enforcement of other constitutional amendments.

The fourteenth amendment is not enforced and nobody is attempting to enforce it, but that is not the only amendment that is openly nullified. The medical beer bill, or Volstead Act, junior, deliberately ignores certain guaranties of the Constitution. Section 6 of this act provides punishment for any prohibition enforcement agent or other person who shall search a dwelling without a warrant, but your or my automobile may be stopped on a lonely road at night and your wife or mine may be searched by prohibition agents in violation of the fourth amendment which says "the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated." There is no law to protect the persons, papers, and effects of the people, but we do not hear from those who framed the Volstead Act that the fourth amendment is nullified.

Again, the theory of the fifth amendment against double jeopardy has always been taken to mean that people shall not be tried and punished once by the State and again by the United States for one and the same offense. Yet we find no outcry from those who claim to cherish so highly constitutional rights when the Supreme Court very correctly declares in United States *v.* Lanza that the United States and the States each have their separate systems of law, and that Bill, the bootlegger, can get a year in a New York jail and another year in a Federal jail for selling a high official the same one bottle of moonshine at one time in one place.

Again, the guaranty of the sixth amendment is that "in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by jury." The United States courts are crowded with Volstead Act cases that have not been speedily tried, many of them having been on the docket over two years. Yet those who oppose what they call "nullification" of the Constitution make no complaint, but try to substitute trial by injunction for trial by jury under the Volstead Act.

The assistant superintendent of the Anti-Saloon League of Maryland said, on June 20, 1922: "A great deal of nonsense has been uttered from time to time about the sacred right of a citizen to be tried by a jury of his peers." He then added that "in nine cases out of ten a judge can pass with more certainty upon cases than a jury of 12 men, some of whom," said he, "at least are likely to be ignorant, if not prejudiced." He then complained that "jurors often forget their oath on account of their sympathy for the offender and refuse to turn in a verdict when the case clearly shows the guilt of the accused." The purpose of the sixth amendment was to guarantee that 12 jurors and not 1 judge should decide the guilt of American citizens; but we do not hear those who believe in the Volstead Act charging that such statements attempt to nullify the Constitution.

And, finally, the fourteenth amendment. Section 19 of the Penal Code of the United States penalizes those who conspire to violate the guaranties of the fourteenth amendment. In 1911, as United States attorney for Maryland, I convicted the supervisors of elections of a county for conspiring to disfranchise colored citizens, proving that the fourteenth amendment has been and could be enforced if the sentiment of the people in the States where it is violated desires it enforced, yet we do not hear those who are back of the Volstead Act insisting on enforcement of the fourteenth amendment or raising the cry of nullification of the Constitution.

Constitutions are declarations of principles, supposed to be fundamental and permanent. Enforcement laws are intended to carry out the spirit of the constitutional principles.

We have seen that the interpretation of the fourth, fifth, sixth, and fourteenth amendments can be liberal, and at times enforcement, as in the fourth and the fourteenth amendments, totally lacking. Therefore, why should we not apply a liberal interpretation to the enforcement of the eighteenth amendment?

The Volstead Act is based on a misstatement of fact. It should be repealed, and a true standard applied to decide what are intoxicating beverages. Under the law I suggest the States could not say constitutionally that 49 per cent whisky is not "intoxicating," but they could say that 2.75 per cent beer, or beer and light wines of a higher alcoholic content are not "intoxicating," and the Supreme Court would say, as it did of the one-half of 1 per cent declaration of Congress, that a State's declaration to this effect is not improper.

In closing let me say one word in general on law enforcement by the Nation and the States. The Constitution does not provide the details of the Federal judicial system. The judiciary bill, debated in the Senate in July, 1789, did this. This bill, which was prepared by a committee of which Charles Carroll, of Carrollton, a great lover of freedom, was a member, was bitterly opposed by some of the Members of the Senate. "I opposed this bill from the beginning," wrote Senator Maclay, of Pennsylvania; "it certainly is a vile law system, calculated for expense and with a design to draw by degrees all law business into the Federal courts. The Constitution is meant to swallow all the State constitutions by degrees, and thus to swallow by degrees all the State judiciaries."

We who stand for the old theory of the Nation and the States feel that in order to enforce the Volstead Act, as Senator LODGE once said, 500,000 spies would be necessary.

We stand to-day at the parting of the ways. Shall we provide 500,000 spies in an attempt to enforce an immoral law, a law based on a legislative lie, or shall we leave enforcement to the States by reasonable State laws which conform to the practices and desires of their people? Personally, I am for a more liberal interpretation of the eighteenth amendment so as to permit the legal sale of wine and beer in those States which want them.

MESSAGE FROM THE PRESIDENT.

The SPEAKER laid before the House the following message from the President.

The Clerk read as follows:

To the Senate and House of Representatives:

I invite the attention of Congress to the inclosed report from the Secretary of State recommending legislation by Congress which will enable him, as agent of the Government of the United States, to convey to the municipality of Santiago, Chile, the title to and interest in a certain portion of that parcel of land on which the American Embassy in the city of Santiago is situated, and to acquire with the proceeds thereof or to receive in exchange therefor title to a parcel of land adjoining another part of the embassy land, in order to enable the city of Santiago to carry out its project for the construction of a new street.

It will be observed that the American ambassador at Santiago is of the opinion that the proposed transaction would be advantageous to the United States, and that the Secretary of State holds the view that the exchange should be authorized as an evidence of our friendly desire to gratify the wish of the municipality of Santiago to improve and beautify the city. Agreeing with both, I request favorable consideration by Congress of the draft of proposed legislation submitted by the Secretary of State.

WARREN G. HARDING.

(Inclosure: Report from the Secretary of State.)

THE WHITE HOUSE, *February 9, 1923.*

The SPEAKER. Referred to the Committee on Foreign Affairs.

CONFERENCE REPORT, EXECUTIVE OFFICE AND INDEPENDENT OFFICES APPROPRIATION BILL.

Mr. WOOD of Indiana. Mr. Speaker, I desire to call up the conference report on the Executive Office and independent offices appropriation bill.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 13696) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and other offices for the fiscal year ending June 30, 1924.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 13696) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1924, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 10 and 25.

WILL R. WOOD,
L. J. DICKINSON,
JOSEPH W. BYRNS,
Managers on the part of the House.

F. E. WARREN,
WM. J. HARRIS,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 13696) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1924, and for other purposes, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

On No. 10: Strikes out the language inserted by the Senate making an appropriation of $99,185 for the improvement of the grounds and approaches, parking, retaining walls, etc., for the Perry Victory Memorial.

On No. 25: Strikes out the language inserted by the Senate making an appropriation of $1,000,000, immediately available, for the installation of 15 stories of filing stacks in the interior court of the Pension Office Building.

WILL R. WOOD,
L. J. DICKINSON,
JOSEPH W. BYRNS,
Managers on the part of the House.

Mr. WOOD of Indiana. Mr. Speaker, I move the conference report be concurred in.

The question was taken, and the conference report was adopted.

ARBITRATION OF NORWEGIAN CLAIM.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of the joint resolution, which the Clerk will report by title.

The Clerk read as follows:

Joint Resolution (H. J. Res. 440, Rept. 1574) to satisfy the award rendered against the United States by the arbitral tribunal established under the special agreement concluded June 30, 1921, between the United States of America and the Kingdom of Norway.

Resolved, etc., That the appropriation of $50,000,000 for the payment of claims by the United States Shipping Board contained in the act entitled "An act making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes," approved June 12, 1922, is made available to the extent required to enable the Secretary of State to satisfy the award rendered against the United States on October 18, 1922, by the arbitral tribunal established under the special agreement concluded June 30, 1921, between the United States of America and the Kingdom of Norway. And the Secretary of State is authorized to withhold from the total amount awarded the sum of $22,800 with interest at the rate of 6 per cent per annum from October 18, 1922, to the date of payment of the award, and to pay the claim of Page Brothers, American citizens, in accordance with the decision of the arbitral tribunal.

The SPEAKER. Is there objection?

Mr. BLANTON. With the understanding that the gentleman is going to give time as agreed upon, I shall not object; otherwise I would.

Mr. MADDEN. That is all right.

Mr. SNELL. Mr. Speaker, reserving the right to object, how much time will it take?

Mr. MADDEN. Not over 15 minutes.

Mr. SNELL. If it is going to take all the afternoon, I shall object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDEN. Mr. Speaker, I wish to say in explanation of this resolution that in about 1915, and later in 1916 and 1917, just before the outbreak of the war, the President of the United States issued a proclamation declaring an emergency existing, and under that proclamation the Shipping Board and the Emergency Fleet Corporation commandeered all the shipyards of the United States and all the ships under construction for nationals of foreign governments. It happened that many of those ships under construction were being constructed for nationals of Norway, and they had paid toward the construction costs about $2,600,000 at the time the requisition of the yards was completed. The Government of the United States continued to complete those ships. They built other ships which were requisitioned from other nationals. No part of the amount advanced for the ship construction by the Norway nationals has ever been returned to them. They made a claim to the Shipping Board, not only for the amount of money they had paid but for the loss sustained by reason of the requisitioning of the ships which were being constructed for them. The claim amounted in all to about $11,659,000, and with interest to $16,000,000 and something; without interest, later on they reduced the original claim to $13,000,000 and something. The question went to the Shipping Board, and an attempt was made between the Shipping Board and the Norway nationals to adjust the differences between the United States and those people. I understand the Shipping Board offered to pay $2,600,000 and the Norway people refused to accept. They stood on what they originally presented. The final outcome of the difference was an agreement was entered into between Norway and the United States. That agreement was ratified by the Senate. In terms the agreement provided that the President of the United States should appoint one arbiter, the King of Norway appoint another, and those two should name the third, if they could agree; and if they could not agree, then the President of Switzerland was to name the third.

It happened that the duty of naming the third man fell on the President of Switzerland. As organized after the appointment of the third man, the board of arbitration met at The Hague. They took testimony, much of which is submitted in their report, and they found a judgment against the United States for $11,955,000, with interest at 6 per cent until the time of payment.

The reason why we are here asking unanimous consent for the consideration of this question is that the interest amounts to $2,000 a day, and every day we delay payment means an additional $2,000.

Last year the Shipping Board Congress appropriated $50,000,000, out of which they were authorized to pay any claims that might be adjudicated by the Shipping Board. They have expended out of that $50,000,000 about $30,000,000, so that there is a balance of about $20,000,000 yet on hand; and this being a Shipping Board case, the Committee on Appropriations thought it quite proper to authorize the payment of this award, amounting to $11,955,000, with interest, out of the unexpended balance of $50,000,000 then appropriated.

That is all there is to the case. It is a case that we can not avoid. Payment must be made. The award is equivalent to a judgment rendered by the highest court in our own land.

Mr. BLANTON. Mr. Speaker, will the distinguished gentleman from Illinois yield?

Mr. MADDEN. Yes, indeed.

Mr. BLANTON. At this hearing at The Hague which was to decide this matter before the members of the board of arbitration our Emergency Fleet Corporation was invited to show, if they could, that they did not get credit from the contractors for $2,500.000 that Norway had paid on these ships, and it seems strange to me that, so far as the hearings show, they were unable to do it. They could neither show that they did not get credit or that they did; and of course, not being able to show it, the board of arbitration charged them with having received the credit.

The situation is this: The contractors may have the full $2,500,000.

Mr. MADDEN. I do not think so.

Mr. BLANTON. The gentleman promised to yield me 10 minutes.

Mr. MADDEN. Yes. I now yield to the gentleman from Tennessee [Mr. BYRNS].

The SPEAKER. The gentleman from Illinois does not control the time. The gentleman from Tennessee is recognized.

Mr. BYRNS of Tennessee. Mr. Speaker, I simply wanted to make this statement: Of course, this is a claim that must be paid, for it is an arbitration award between our country and Norway and is a treaty obligation, and, as the gentleman from Illinois [Mr. MADDEN] says, it should be paid at once, for it involves an expense of about $2,000 for every day of delay.

I have always contended that direct appropriations to take care of claims and other Government activities and operations should be made, but this comes under a different classification. This is a Shipping Board claim, and inasmuch as the Congress has heretofore appropriated $50,000,000 for the purpose of settling Shipping Board claims, and there will be turned back into the Treasury, according to the statement of Mr. Lasker, something like $20,000,000 at the beginning of the next fiscal year, I think it is entirely proper that this claim, which is really a Shipping Board claim, should be paid out of that money already appropriated, and which will not be expended in payment of other claims. I am, of course, in favor of the resolution, and I am glad that the gentleman from Illinois has asked unanimous consent in order that it may be passed quickly and thus save enormous expense.

Mr. MADDEN. Mr. Speaker, I understood the Speaker to say that I did not control the time.

The SPEAKER. The Chair recognizes the gentleman from Texas.

Mr. MADDEN. I promised to yield to him.

Mr. BLANTON. Mr. Speaker, of course we are going to have to pay this $11,955,000, because it is a matter that has been settled by arbitration. I would be the last man in the world to object to paying an honest obligation that has been adjusted by arbitration; but here is what I complain about: This arbitration agreement was entered into without our knowledge or consent by Mr. Hughes, the present Secretary of State, with the Kingdom of Norway, and here is where our Government slipped a cog; here is where our Government did not look out for our interests—the State Department agreed that we would appoint one arbitrator and that the King of Norway would appoint another. And who should be the third?

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. In one minute.

Mr. MADDEN. I just wanted to say, if the gentleman will yield, that this treaty was ratified by the Senate.

Mr. BLANTON. I understand that; but it was made by Mr. Secretary Hughes in the State Department of the present administration, and it was ratified by the present administration. Now, here is the situation: Who was to be the third arbitrator? The third arbitrator should have been a man who was disinterested and unbiased in the question between the two parties, and a man also who would not only be fair to our country in a conflict with Norway, but who would have no bias in favor of a European nation. But no; they left the third arbitrator undetermined. They decided if our two arbitrators could not agree upon a third, then that the third should be selected by one who would naturally be inclined toward a European nation rather than our own.

It was the opinion of our experts that we should not pay Norway more than $2,679,220. But this arbitration court, composed of two Europeans and only one American, decided that we should pay Norway $11,955,000, with interest, and now, of course, we must pay it.

Mr. BYRNS of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. I want to yield first to the gentleman from Illinois, if he wanted to ask me a question; then I will yield to the gentleman from Tennessee.

Mr. BYRNS of Tennessee. I simply wanted to ask the gentleman what we have to do with that matter, inasmuch as this treaty was regularly made?

Mr. BLANTON. I am not talking about what we have to do with it. We had nothing to do with it. But we have got to pay it. I would not have agreed that the main deciding judge of this matter would be a European, because it is my firm belief that with two Europeans and only one American, the decision will be in favor of the European and against us ninety-nine times out of one hundred.

Mr. BYRNS of Tennessee. The treaty-making power and the United States Senate have agreed to it.

Mr. BLANTON. I know; but the State Department did not properly safeguard our interests when it agreed that a European should be the third deciding judge in this matter. It was a matter that our State Department should have safeguarded at that time. No one can object now to this resolution. We must pass it and pay the decree. The State Department acted hon-

estly and in perfect good faith, but it acted very unwisely, and instead of paying back to Norway $2,500,000 that they had paid on these ships, with reasonable interest, we have now got to pay the stupendous sum of $11,955,000, with interest, because the two Europeans outvoted one Amercan, and decided that because the United States requisitioned ships in our own shipyards during the war which cost Norway $2,679,220, that we should now pay Norway not the $2,679,220 but the stupendous profit of $11,955,000, notwithstanding that we used those very ships to help save the civilization of the whole world for Norway's benefit.

I say it is just one of those situations where we do not look after matters at the proper time. We do not give these matters proper consideration at the time they ought to be given consideration. There is too much disregard for the rights of the American people, in being kind and considerate to Europeans. There is not enough care and good judgment exercised concerning matters in which the American taxpayer is vitally interested. We are growing into the habit of forgetting Americans to help Europeans. I am just merely voicing the protest here that in the future we ought to look after our own American interests a little more carefully.

Mr. WINGO. Mr. Speaker, I move to strike out the last word. I have never thought it was the province of the legislative body to go into matters that would require a quasi judicial determination of facts within the jurisdiction of the executive departments. I have been one of those who believed that the functions of the legislative department and of the executive department were very clearly defined and separated, and that the definition and separation was a wise thing for the good of the Government. The proposition presented by this resolution is, Shall we make good the decision and the action of one of the independent coordinate branches of the Government within its jurisdiction, to wit, the State Department, a part of the executive department? If the department that is charged with the duty of handling these things handles them in good faith and renders its judgment and asks us to make the necessary appropriations to carry out the decisions of the State Department, I feel that we are morally bound to do that, in the absence of fraud or bad faith, and that if we undertake to go behind the findings of the State Department in matters of this kind honestly and in good faith made we make the confusion worse confounded. I not only say to the State Department and to the Executive, "You keep your hands off of legislative matters," but I in turn am willing to say to the legislative department, "You keep your hands off of that which is peculiarly within the province of the executive department, and especially where it involves our foreign affairs." For that reason I shall not undertake to go behind the findings of our State Department. You have got to trust it to a certain extent upon matters of this kind, and unless some gentleman can show bad faith on the part of Secretary Hughes—and I do not believe you can—I believe in backing him up in matters of this kind.

Mr. BLANTON. Will the gentleman yield?

Mr. WINGO. I yield to the gentleman from Texas.

Mr. BLANTON. I agree with the gentleman. My whole speech agrees with him. We must now comply with this arbitration decision and pay the bill. But suppose the State Department, under either Democratic or Republican régime, though absolutely honest, makes a foolish agreement, one which means nothing but one kind of a verdict against our country, has not a representative of the people a right to voice the people's protest?

Mr. WINGO. Yes; and I think the time to enter protests was when the foolish act was done.

Mr. BLANTON. We had nothing to do with providing for the arbitration here in the House.

Mr. WINGO. Well, it was known. But, be that as it may, do we know that it was a foolish act? Under the Constitution is it our duty to say whether or not the Secretary of State in handling certain matters that are clearly within his province and his duties, and shall we every time sit in judgment upon his decision when there is no evidence of fraud or neglect of duty? If I think that he is deliberately betraying his trust, then I for one not only will scrutinize very carefully the particular matter in controversy, but from that time on I will scrutinize every matter with which he is concerned. But, however much I may differ in some respects with the present Secretary of State, I do not believe he is going to deliberately betray the interests of the United States. I do not believe he has done it in this instance. I have faith in his integrity. [Applause.]

Mr. TOWNER. Mr. Speaker, I desire to say that in my judgment there was no unwisdom, there was no lack of good judgment in this whole transaction. I see nothing whatever in it from beginning to end that is a subject for criticism. Here was a controversy between Norway and the United States. Instead of dragging it out, instead of making it a cause of ill will and bad feeling between the two nations, we agreed on an arbitration of settlement. Mr. Speaker, we are, we hope, on the opening of a new era in which international quarrels shall not be settled by war, but either by arbitration as it is now carried on, or by the determination of a great international court where nations, when unable to agree upon a peaceful settlement, may go into court instead of going to war. This, however, was an agreement by arbitration. It was an agreement by which each party selected an arbitrator, and then they were to agree upon a third if they could do so, and if they could not agree upon a third, a person was to be named, impartial, outside of the controversy, to name the third arbitrator. That is the usual custom in disputes which are settled by arbitration. Let me say to my friend from Texas [Mr. BLANTON], who criticizes the appointment which was made, that the selection was undoubtedly absolutely fair and impartial. Certainly we should approve this arbitration promptly and gladly, because of the influence that it will have upon future peaceful determinations of international affairs. [Applause.] Besides, Mr. Speaker, we will not acquire credit when we agree only when the decision is favorable to us, but we shall acquire favor when we promptly and without protest acquiesce when the decision is against us.

Mr. BLANTON. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. BLANTON. Does the gentleman from Iowa, who has very sound judgment, contend that in a controversy between the United States and Norway a European country would be absolutely impartial and unbiased?

Mr. TOWNER. I certainly do.

Mr. BLANTON. I would have chosen some other arbitrator.

Mr. TOWNER. Certainly the gentleman can not have any knowledge that would justify him in objecting to an arbitration such as the one we are now considering.

Mr. CONNALLY of Texas. Mr. Speaker, when the Select Committee on the Shipping Board was operating under the authority of this House it went into the matter of the Norwegian claims at some length.

Those claims arose from requisitions made by the Shipping Board of Norwegian vessels and the plants in which vessels were being constructed. Most of the vessels were in course of construction. A controversy arose as to whether or not the requisitions were really requisitions of the plants and of the ships themselves or of the building contracts. The requisitions were made at a time when shipping in the markets of the world was selling at exorbitantly high prices.

Our ships cost on an average of about $220 per ton. At the time the Norwegian ships were requisitioned some ships were selling in the markets of the world at $300 per ton, and of course Norway contended that she was entitled to be compensated at the rate that similar ships were bringing in the world markets. The only question ever involved was the measure of damage. The United States admitted liability, and it was only a question of how much we owed Norway. We submitted that matter to arbitration. The arbitrators ruled and made a finding, and of course there is nothing for the United States to do, either from the standpoint of justice and right or from the standpoint of absolute law in this particular case, except to comply with the finding; and I am glad that the United States has brought this controversy to a settlement. I believe it will be an evidence to the world that the United States intends to live up to her obligations and that when she submits a controversy to arbitration or to a court and the judgment goes against us we are just as willing to comply with it as if it went in our favor. [Applause.] I believe that just now, in the disturbed condition of the world, when public credit and public faith—at least in some regions of the world—are not up to the standard that they once enjoyed, this action of the United States will be a distinct contribution to the public integrity and to the spirit of public fair dealing and of international justice, not only here but throughout the whole world. [Applause.]

Mr. LONDON. Mr. Speaker, I take the floor to express my disagreement with the view expressed by the able gentleman from Arkansas [Mr. WINGO]. We are all in favor of complying with the award. I do not think that anybody has acted in bad faith in the matter. Both the Secretary of State and the Senate have done the wise thing in submitting this matter to arbitration. I take issue with the view expressed by the gentleman from Arkansas that the division of the three powers—legislative, executive, and judicial—is so distinct that the House of Representatives has nothing to do with any question affecting international relations. The very fact that this matter

is before the House contradicts his theory. The House of Representatives controls the purse, and in controlling the purse it controls in a way every other department. It is within the power of the House to refuse to vote any appropriation for the judiciary. It is within the power of the House to refuse to vote an appropriation for salaries or clerks or books for the Supreme Court. It may decline to appropriate moneys for the maintenance of embassies. The body that is vested by the Constitution with the duty of initiating all measures to provide revenue represents the ultimate power which lies in the sovereign people.

Mr. WINGO. Will the gentleman yield?

Mr. LONDON. Yes.

Mr. WINGO. The gentleman makes no distinction between power and policy?

Mr. LONDON. I do. Let me say to the gentleman from Arkansas, who has stated his position clearly and who knows how to present an argument in unmistakable form, that the Supreme Court on more than one occasion has laid down the policy for the country.

Mr. WINGO. The distinguished gentleman thinks because the judiciary, which is one coordinate branch of the Government, and the executive, another branch, usurped some of our legislative power by declaring the policy that the House of Representatives is justified in invading theirs.

Mr. LONDON. In the very essence of things the House, which consists of Representatives of the people, receiving their mandates at frequent intervals, the body intended to control the finances of the country, the ways and means of raising taxes, should be the principal repository of the power of the Government.

Mr. WINGO. I agree with the gentleman. There is no question but that we have the power to refuse to appropriate the salaries for the judges of the Supreme Court and the salary of the President, but while we have the power is it not our moral duty to make the appropriations?

Mr. LONDON. Take the question of a treaty which calls for an expenditure of money. It is up to the House to provide the appropriation or to decline to do so. But I am contending—in five minutes I can not develop my argument or state it as clearly as perhaps the gentleman from Arkansas would—that in the actual working of the Government the supposed separation between the three departments does not exist, or at least to the extent to which gentlemen claim.

Mr. EVANS. Will the gentleman yield?

Mr. LONDON. Yes.

Mr. EVANS. Does the gentleman contend that the House has any more control over appropriations for the Department of State than the Senate had in fixing this matter?

Mr. LONDON. There is no doubt but that the House would have the power to deny the appropriation.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. FESS. Mr. Speaker, the gentleman from New York has attracted my attention in the observations he has just made. I appreciate the trend of the last 20 or 30 years toward the larger powers in the House of Representatives, but I do not believe that that trend is a wise one, especially if it goes to the destruction of the nice relationship between the coordinate powers of the Government. In other words, I think that our system is the greatest invention to maintain independent action of the coordinate departments so that each one may perform its functions without any interference with the other, and at the same time be in a sense interdependent upon one another. My point is this: That the legislative department is somewhat constructed by the Executive power to veto, and, secondly, by the judiciary with the power to declare a law unconstitutional and therefore null and void. There is some limitation on the legislative power in that regard, and I regard this balance of power a wise provision.

Mr. LONDON. Will the gentleman yield?

Mr. FESS. I will.

Mr. LONDON. What I was trying to make clear was that the House of Representatives had a voice in the determination of international relations, and that was inevitable because of the proper functioning of the American system of government.

Mr. FESS. I doubt whether that statement is justified. The Senate has something to do with the adjustment of international relations in the degree that it has the treaty power of confirmation. The House only responds to the treaty when an appropriation is required by the treaty. Whether the House of Representatives could refuse to make an appropriation that the treaty involved is an open question, because the treaty is the supreme law of the land, and that is constitutional, and it is a question whether, when the treaty is made, it is not an obligation on the House to meet the requirements of the treaty, and, in fact, history shows that we have always done so.

Mr. WINGO. Both the power and the duty is identical in a case where a treaty to be carried out must have an appropriation, just as in the case where by law a salary is fixed and the service is rendered we have the power to refuse, but it is something that goes to integrity of the body.

Mr. FESS. The gentleman has stated it more clearly than I.

Mr. LONDON. Mr. Speaker, will the gentleman yield?

Mr. FESS. Not for this moment. This is what I am concerned about: In this stage of our cycle of thinking we can not improve upon the plan that we have to-day, which is unlike any other plan in the history of all governments. Let us stand by that wise provision which insures independence of action of all the coordinate departments.

Mr. MACLAFFERTY. Mr. Speaker, will the gentleman yield?

Mr. FESS. Yes.

Mr. MACLAFFERTY. I would like to ask the gentleman from New York [Mr. LONDON] if he contends that it is within the power of the House of Representatives to destroy our Government?

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. TOWNER. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. BLANTON] and myself may have the privilege of extending our remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the House joint resolution.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MADDEN, a motion to reconsider the vote by which the House joint resolution was agreed to was laid on the table.

DISTRICT OF COLUMBIA APPROPRIATION BILL—CONFERENCE REPORT.

Mr. CRAMTON. Mr. Speaker, I call up the conference report upon the bill (H. R. 13660) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1924, and for other purposes, and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from Michigan calls up the conference report upon the District of Columbia appropriation bill and asks unanimous consent that the statement may be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13660) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1924, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 5, 6, 7, 10, 11, 16, 29, 32, 40, 41, 42, 43, 45, 47, 48, 60, 61, 62, 63, 67, 68, 77, 78, 80, 81, 82, 90, 92, 93, 97, 107, 109, 110, 111, 113, 119, 122, 128, and 130.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 8, 9, 13, 14, 17, 18, 20, 21, 22, 23, 26, 27, 31, 34, 35, 36, 37, 38, 39, 50, 52, 59, 66, 70, 72, 73, 79, 85, 86, 89, 91, 94, 95, 98, 99, 102, 108, 114, 115, and 125, and agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$154,180"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "and two Ford runabouts of the 'slip-on' body type without self-starter, not exceeding $550 each; in all, $3,750"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: Restore

the matter stricken out by said amendment, amended to read as follows: "*Provided*, That after April 30, 1923, until the constitutionality of the act creating this board shall have been determined by the Supreme Court of the United States there shall not be expended from this appropriation or from the appropriation for this board for the remainder of the fiscal year 1923 a greater sum than at the rate of $1,600 per annum for personal services and $400 per annum for contingent and miscellaneous expenses"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Including an allowance to the secretary of the Board of Charities, not exceeding the rate of $20 per month, for the maintenance of an automobile to be furnished by him and used in the discharge of his official duties, $47,500"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "other than motor vehicles for the police and fire departments, but no such vehicles shall be transferred from the police or fire departments to any other branch of the government of the District of Columbia"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$16,500"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$573,300"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$20"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$55,000"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "$20 per month for an automobile, and $10 per month for a motor cycle"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "$20 per month for an automobile, and $10 per month for a motor cycle"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$860,000"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$20"; and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$30,000"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "give his whole time from nine o'clock antemeridian to four o'clock postmeridian to, and"; and the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$240"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "or contracts as in this act provided"; and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "*Provided*, That none of the money appropriated by this act shall be paid or obligated toward the construction of or addition to any building the whole and entire construction of which, exclusive of heating, lighting, and plumbing, shall not have been awarded in one or a single contract, separate and apart from any other contract, project, or undertaking, to the lowest bidder complying with all the legal requirements as to a deposit of money or the execution of a bond or both, for the faithful performance of the contract: *Provided further*, That no architect's fee shall be paid or obligated for plans, specifications, or any professional services whatever, unless they are such as will enable the Commissioners of the District of Columbia, or those letting a contract, to secure a legal bid within the amount authorized by Congress for the building or other project: *Provided further*, That nothing herein shall be construed as repealing existing law giving the commissioners the right to reject all bids"; and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "The total cost of the sites and of the several and respective buildings herein provided for, including heating, lighting, and plumbing, when completed upon plans and specifications to be made previously and approved, shall not exceed the several and respective sums of money herein respectively appropriated or authorized for such purposes, any provision in this act to the contrary notwithstanding"; and the Senate agree to the same.

Amendment numbered 88: That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,500"; and the Senate agree to the same.

Amendment numbered 96: That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$20"; and the Senate agree to the same.

Amendment numbered 100: That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "$325; maintenance of motor vehicle used in performance of official duties, at not to exceed $20 per month, 240"; and on page 69 of the bill, in line 7, strike out "$5,137" and insert "$5,065"; and the Senate agree to the same.

Amendment numbered 101: That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,700"; and the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "$56,000, and all moneys hereafter received at the reformatory as income thereof from the sale of brooms to the various branches of the government of the District of Columbia shall remain available for the purchase of material for the manufacture of additional brooms to be similarly disposed of; and the Senate agree to the same.

Amendment numbered 104: That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "136,000"; and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,000"; and the Senate agree to the same.

Amendment numbered 120: That the House recede from its disagreement to the amendment of the Senate numbered 120,

and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended as follows: On page 91 of the bill, in line 3, strike out "$40,000" and in lieu thereof insert "$45,000"; and on page 91 of the bill, in line 18, strike out "$8,000" and in lieu thereof insert "$10,000"; and on page 92 of the bill, in lines 2 and 3, strike out "$20,000, payable wholly out of the revenues of the District of Columbia" and in lieu thereof insert "$15,000"; and the Senate agree to the same.

Amendment numbered 121: That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For the preparation of designs and estimates for development of the Rock Creek and Potomac Parkway, $4,000"; and the Senate agree to the same.

The committee of conference have not agreed upon amendments numbered 24, 33, 55, 56, 64, 65, 75, 76, 83, 105, 112, 116, 117, 118, 123, 124, 126, 127, and 129.

LOUIS C. CRAMTON,
ROBERT E. EVANS,
BEN JOHNSON,
Managers on the part of the House.

LAWRENCE C. PHIPPS,
WESLEY L. JONES,
L. HEISLER BALL,
CARTER GLASS,
MORRIS SHEPPARD,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13660) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1924, and for other purposes, submit the following statement explaining the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On Nos. 1 to 12, inclusive, relating to the executive office: Appropriates $350 for the veterinary division, as proposed by the Senate, instead of $250, as proposed by the House; improves the form of the bill, as proposed by the Senate; fixes the maintenance allowance for privately owned motor cycles at $10 per month, as proposed by the House, instead of $13 per month, as proposed by the Senate, and appropriates in pursuance thereof $360, as proposed by the House, instead of $468, as proposed by the Senate; fixes the maintenance allowance for privately owned automobiles at $20 per month, as proposed by the House, instead of $26 per month, as proposed by the Senate, and appropriates in pursuance thereof $1,200, as proposed by the House, instead of $1,560, as proposed by the Senate; improves the form of the bill as proposed by the Senate; fixes the maintenance allowance for privately owned motor cycles at $10 per month, as proposed by the House, instead of $13 per month, as proposed by the Senate, and appropriates in pursuance thereof $600, as proposed by the House, instead of $780, as proposed by the Senate.

On Nos. 13 and 14, relating to the collector's office: Appropriates for four bailiffs, at $1,200 each, as proposed by the Senate, instead of three bailiffs at the same rate, as proposed by the House.

On No. 15, relating to the municipal architect's office: Appropriates for two instead of four Ford runabouts, as proposed by the Senate.

On No. 16: Appropriates $5,000 for contingent expenses of the Public Utilities Commission, as proposed by the House, instead of $8,000, as proposed by the Senate, and retains the limitation proposed by the House precluding the employment of special legal services by the commission.

On Nos. 17 and 18, relating to the surveyor's office: Appropriates $10,000, as proposed by the Senate, instead of $7,000, as proposed by the House.

On No. 19: Retains the limitation proposed by the House limiting expenditures by the Minimum Wage Board until the constitutionality of the act creating such board shall have been finally determined as amended so as not to become effective until May 1, 1923.

On Nos. 20 and 21, relating to the Rent Commission: Appropriates $51,750, as proposed by the Senate, instead of $42,500, as proposed by the House, and increases the sum made available for salaries of members of the commission from $13,750, proposed by the House, to $23,000, as proposed by the Senate.

On Nos. 22 and 23: Appropriates for an additional assistant at $1,000 per annum for the Southeast Branch Library, as proposed by the Senate.

On Nos. 25 to 32, inclusive, relating to contingent and miscellaneous expenses: Appropriates $47,500 for contingent and miscellaneous expenses instead of $45,000, as proposed by the House, and $50,000, as proposed by the Senate; authorizes an allowance at the rate of $20 per month to the secretary of the Board of Charities for supplying for official uses his own automobile, instead of such an allowance at the rate of $26 per month to said secretary and the purchasing officer of the District besides, as proposed by the Senate; strikes out the paragraph proposed by the House requiring, with certain exceptions, all appropriations on account of passenger motor transportation to be pooled; broadens the general provision limiting the cost of automobiles purchased or exchanged, specifically excluding motor vehicles for the police and fire departments, as proposed by the Senate, amended so as to prevent the transfer of motor vehicles acquired by the police and fire departments to other branches of the government of the District of Columbia; strikes out the authorization, proposed by the Senate, for the maintenance of telephones in the residences of three employees of the water department; appropriates $16,500 for postage instead of $15,000, as proposed by the House, and $18,000, as proposed by the Senate; strikes out, as proposed by the Senate, the provision proposed by the House with respect to the printing and sale of the pamphlet of taxes in arrears; and makes the provision with respect to compensation for copying instruments and making copies of records in the office of the recorder of deeds permanent law, as proposed by the House, instead of confining its effect to the fiscal year 1924.

On Nos. 34 to 44, inclusive, relating to street improvements: Strikes out, as proposed by the Senate, the appropriation proposed by the House for paving Georgia Avenue, Military Road to Dahlia Street; appropriates $110,000, as proposed by the Senate, instead of $210,000, as proposed by the House, for paving Bladensburg Road; strikes out, as proposed by the Senate, the appropriation proposed by the House for paving Canal Road, Aqueduct Bridge to Foxall Road; provides for paving Spring Place, end of pavement to Sixteenth Street, as proposed by the Senate; appropriates $11,000 and $12,600 for paving portions of Kenyon Street and Kansas Avenue, respectively, as proposed by the Senate; strikes out the appropriations proposed by the Senate for paving portions of Thirteenth, Buchanan, and Ninth Streets; and restores the appropriation proposed by the House for paving Sigsbee Place NE., Tenth Street to Twelfth Street.

On No. 45: Strikes out the paragraph proposed by the Senate repealing the appropriation made for the fiscal year 1923 for repaving a portion of Fifteenth Street NW.

On No. 46: Authorizes an allowance at the rate of $20 per month for providing a privately owned automobile for official uses in connection with street repair work, instead of at the rate of $26 per month, as proposed by the Senate.

On No. 47: Strikes out the authorization, proposed by the Senate, for an allowance to the overseer of bridges for supplying an automobile for official uses.

On No. 48: Designates the new bridge crossing the Potomac River at Georgetown as the Francis Scott Key Bridge, as proposed by the House, instead of as the Key Bridge, as proposed by the Senate.

On No. 49: Appropriates $55,000 for trees and parkings instead of $50,000, as proposed by the House, and $60,000, as proposed by the Senate.

On Nos. 50 and 51, relating to street cleaning: Makes the appropriation available for allowances to inspectors for maintenance of motor vehicles, as proposed by the Senate, and makes the rate of allowance for an automobile $20 per month and for a motor cycle $10 per month instead of $26 and $13 per month, respectively, as proposed by the Senate.

On Nos. 52 to 54, inclusive, relating to garbage disposal: Makes the appropriation available for allowances to inspectors for maintenance of motor vehicles, as proposed by the Senate; makes the rate of allowance for an automobile $20 per month and for a motor cycle $10 per month instead of $26 and $13 per month, respectively, as proposed by the Senate; and appropriates $860,000 instead of $825,000, as proposed by the House, and $900,000, as proposed by the Senate.

On Nos. 57 to 60, inclusive, relating to the electrical department: Provides for an allowance for the maintenance of not more than three privately owned automobiles at not to exceed $20 per month each instead of $26 per month each, as proposed by the Senate; appropriates $30,000 for general supplies, etc., instead of $27,500, as proposed by the House, and $32,000, as proposed by the Senate; appropriates $472,000 for lighting, as

proposed by the Senate, instead of $450,000, as proposed by the House; and appropriates $20,000, as proposed by the House, instead of $35,000, as proposed by the Senate, for replacing lighting fixtures.

On Nos. 61 to 63, inclusive, relating to public schools: Appropriates for two assistant superintendents, as proposed by the House, instead of three assistant superintendents, one to have charge of business affairs, as proposed by the Senate.

On No. 66: Appropriates $25,000, as proposed by the Senate, instead of $40,000, as proposed by the House, for allowance to principals of grade school buildings.

On No. 67: Appropriates $6,480 for Americanization work, as proposed by the House, instead of $9,980, as proposed by the Senate.

On No. 68: Provides that the appropriation on account of community-center activities shall be paid wholly out of the revenues of the District of Columbia, as proposed by the House.

On No. 69: Requires that the chief medical and sanitary inspector of the public schools shall give his whole time from 9 o'clock a. m. to 4 o'clock p. m. to his duties, instead of his "whole time," as proposed by the House.

On Nos. 70 to 73, inclusive, relating to miscellaneous expenses of the public schools: Appropriates $3,000, as proposed by the Senate, instead of $2,000, as proposed by the House, for transportation of tubercular pupils; provides for an allowance for maintenance to be paid to nine officers and employees of the public schools for providing their own automobiles for official uses at the rate of $240 per annum, instead of $312 per annum, as proposed by the Senate; appropriates $6,000, as proposed by the Senate, instead of $4,500, as proposed by the House, for purchase of apparatus; and provides, as proposed by the Senate, that children of employees of the United States stationed outside of the District of Columbia shall be admitted to the public schools without payment of tuition.

On No. 74: Provides in connection with the appropriation for remodeling and constructing an addition to the Western High School that one or more contracts may be entered into, as proposed by the Senate, subject to the restrictions elsewhere proposed in the bill.

On Nos. 77 to 82, inclusive, relating to sites for school purposes: Strikes out the appropriation of $15,000 proposed by the Senate for the purchase of land adjoining the Ludlow School; strikes out the appropriation of $50,000 proposed by the Senate for the purchase of a site on which to locate a junior high school north of Lincoln Park; appropriates $100,000, as proposed by the Senate, for the purchase of land adjoining the Dunbar High School; strikes out the appropriation of $20,000 proposed by the Senate for the purchase of a site near the Brightwood School; strikes out the appropriation of $30,000 proposed by the Senate for the purchase of a site near Rittenhouse and Fifth Streets NW., and strikes out the appropriation proposed by the Senate of $45,000 for the purchase of a site north of Webster Street and east of Georgia Avenue.

On No. 84: Restores the matter proposed by the House with respect to building contracts and architects' fees, amended so as to permit separate contracts being entered into for heating, lighting, and plumbing.

On No. 85: Appropriates $300,000, as proposed by the Senate, instead of $250,000, as proposed by the House, for repairs and improvements to school buildings and grounds, etc.

On No. 86: Provides that the appropriations contained in the bill for the purchase of land for school purposes shall be available immediately, as proposed by the Senate.

On No. 87: Restores the matter proposed by the House requiring that the total cost of sites and buildings shall respectively come within the respective appropriations, amended so as to include specifically the cost of heating, lighting, and plumbing, and to supersede any contrary provision.

On Nos. 88 to 91, inclusive, relating to the police department: Appropriates $8,500 for fuel, instead of $7,000, as proposed by the House, and $10,000, as proposed by the Senate; appropriates $35,000 on account of the maintenance and replacement of motor vehicles, as proposed by the Senate, instead of $25,000, as proposed by the House; strikes out the appropriation of $2,500 proposed by the Senate for marking traffic lines for cross walks at street intersections; and appropriates $3,500 for fuel, and so forth, harbor patrol, as proposed by the Senate, instead of $3,000, as proposed by the House.

On No. 92: Appropriates $4,500 for forage, fire department, as proposed by the House, instead of $5,000, as proposed by the Senate.

On Nos. 93 to 99, inclusive, relating to the health department: Appropriates $6,000 for maintenance of disinfecting service, as proposed by the House, instead of $6,500, as proposed by the Senate; appropriates $750 on account of the bacteriological laboratory, as proposed by the Senate, instead of $650, as proposed by the House; appropriates $1,000 on account of the chemical laboratory, as proposed by the Senate, instead of $750, as proposed by the House; provides for an allowance for supplying privately owned automobiles for official uses at the rate of not to exceed $20 per month instead of $26 per month, as proposed by the Senate; appropriates $6,000 on account of dairy-farm inspection, as proposed by the House, instead of $8,000, as proposed by the Senate, striking out the authorization proposed by the Senate extending the availability of the appropriation for traveling expenses; appropriates $250 for the dog pound, as proposed by the Senate; and appropriates $18,000 on account of the child-hygiene service, as proposed by the Senate, instead of $15,000, as proposed by the House.

On No. 100: Provides for an allowance for the maintenance of a privately owned automobile used for official purposes, as proposed by the Senate, fixing the rate, however, at $20 per month instead of $26 per month, and in consequence thereof makes the appropriation on account of the probation system of the Supreme Court of the District of Columbia $5,065 instead of $5,137, as proposed by the House and Senate.

On No. 101: Appropriates $1,700 on account of maintenance of motor ambulances under the Board of Charities, instead of $1,600, as proposed by the House, and $1,800, as proposed by the Senate.

On No. 102: Appropriates $4,750 for screening at the jail, as proposed by the Senate, instead of $1,500, as proposed by the House.

On Nos. 103 and 104, relating to the reformatory: Appropriates $56,000 for maintenance, etc., instead of $52,000, as proposed by the House, and $60,000, as proposed by the Senate; and restores the authorization proposed by the House to employ the income from the sale of brooms for producing additional brooms, amended so as to limit the application of such receipts to the purchase of broom material only.

On No. 106: Appropriates $10,000 for indigent patients cared for at the Eastern Dispensary and Casualty Hospital, instead of $5,000, as proposed by the House, and $15,000, as proposed by the Senate.

On No. 107: Strikes out the authorization, proposed by the Senate, to receive pay patients at the Tuberculosis Hospital.

On Nos. 108 and 109, relating to the Gallinger Municipal Hospital: Appropriates $5,000 for repairs to buildings, as proposed by the Senate, instead of $3,000, as proposed by the House; and strikes out the authorization, proposed by the Senate, to receive pay patients in the psychopathic ward.

On Nos. 110 and 111: Strikes out the two additional placing and investigating officers at $1,000 each under the Board of Children's Guardians, proposed by the Senate.

On No. 113: Appropriates $5,000 on account of a cottage for boys at the Industrial Home School for Colored Children, as proposed by the House, instead of $7,000, as proposed by the Senate.

On Nos. 114 and 115: Appropriates for an additional cook at $180 per annum under the Home for Aged and Infirm, as proposed by the Senate.

On No. 119: Restores the appropriation of $31,200, proposed by the House, for salaries of foremen, gardeners, etc., under the office of public buildings and grounds.

On No. 120: Restores the 32 separate appropriation paragraphs proposed by the House for the improvement and care of public grounds in the District of Columbia instead of providing for same in four appropriation paragraphs, as proposed by the Senate, amended so as to increase the amount proposed by the House for improvement, care, and maintenance of various reservations from $40,000 to $45,000, and the amount for oiling and otherwise treating macadam roads from $8,000 to $10,000, and so as to reduce the amount proposed by the House for placing and maintaining special portions of the parks in condition for outdoor sports from $20,000 to $15,000, and making such appropriation chargeable 40 per cent to the United States and 60 per cent to the District of Columbia, instead of wholly out of the revenues of the District of Columbia, as proposed by the House, so that the restored paragraphs provide in the aggregate for $2,000 more than proposed by the House and $10,000 less than proposed by the Senate in the four substitute paragraphs proposed by the Senate.

On No. 121: Appropriates $4,000 for the preparation of designs and estimates for development of the Rock Creek and Potomac Parkway, instead of for the commencement of the preparation of such designs and estimates, as proposed by the Senate.

On No. 122: Strikes out the appropriation of $50,000 proposed by the Senate for continuing the construction of a sea wall.

On No. 125: Appropriates $37,000 for lighting the public grounds, as proposed by the Senate, instead of $24,000, as proposed by the House.

On No. 128: Strikes out the authorization and appropriation proposed by the Senate in connection with a restudy of the highway system of the District of Columbia.

On No. 130: Fixes the allowance to be paid for the maintenance of privately owned motor cycles used for official purposes at $10 per month, as proposed by the House, instead of $13 per month, as proposed by the Senate.

The committee of conference have not agreed upon the following amendments of the Senate:

On No. 24, relating to the Mount Pleasant Branch Library.

On No. 33, relating to the erection of accommodations for the office of the recorder of deeds and other activities of the District government.

On Nos. 55 and 56, relating to the purchase of sites for playgrounds.

On Nos. 64 and 65, relating to administrative principals of elementary schools.

On Nos. 75, 76, and 83, relating to the purchase of sites for school purposes and to the erection of school buildings.

On No. 105, relating to the purchase of a site and the erection of buildings thereon for the accommodation of girls committed to the National Training School for Girls.

On No. 112, relating to a home and school for feeble-minded persons.

On No. 116, relating to an appropriation for aid and support of the National Library for the Blind.

On No. 117, relating to an appropriation to aid the Columbia Polytechnic Institute for the Blind.

On No. 118, relating to a modification of the existing project for Anacostia Park above Benning Bridge.

On No. 123, relating to an appropriation for the construction of a comfort station and shelter at Haines Point, East Potomac Park.

On No. 124, relating to the appropriation for the construction of a bathing beach and bathhouse for the colored population of the District of Columbia.

On No. 126, relating to the areas to comprise the Rock Creek and Potomac Parkway and to the protection of Rock Creek and its tributaries.

On No. 127, relating to the acquisition of the tract known as the Klingle Valley Park, the Piney Branch Valley Park, and a portion of the tract known as the Patterson tract.

On No. 129, relating to the appropriation for increasing the water supply of the District of Columbia.

LOUIS C. CRAMTON,
ROBERT E. EVANS,
BEN JOHNSON,
Managers on the part of the House.

ARMY APPROPRIATION BILL.

Mr. CRAMTON rose.

Mr. ANTHONY. Mr. Speaker, will the gentleman from Michigan yield to me for a moment?

Mr. CRAMTON. Certainly.

Mr. ANTHONY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 13793) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1924, and for other purposes, with Senate amendments thereto, disagree to all of the Senate amendments, and ask for a conference.

The SPEAKER. Is there objection?

Mr. McKENZIE. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Kansas a question or two. The Senate has placed on this bill an amendment which is intended to prevent any violation of the service pay bill by permitting officers in the Army and the Navy and the Marine Corps from getting allowances in kind in addition to the $20 per month rental allowance. Is it the gentleman's purpose to look with favor upon that amendment?

Mr. ANTHONY. I would say to the gentleman that my attitude personally would rather favor an amendment of that kind, but I would not like to bind the conferees in advance of a discussion of the matter.

Mr. McKENZIE. The gentleman, however, before agreeing that that amendment might be stricken out would possibly give the House an opportunity of expressing itself?

Mr. ANTHONY. Undoubtedly, I think the gentleman will find that the House conferees will desire to consult the wishes of the House as largely as possible on any disputed question in the conference.

Mr. McKENZIE. One other matter. The Senate has placed an amendment on the bill which provides for the retirement of certain officers with higher grades, and changes the law which is now in existence—that is, the Army reorganization law—and would permit not only taking these men from the eligible list, as provided for in the Army reorganization bill, but going down into the grade of major and promoting majors to some higher grade, such as brigadier general. Before the Committee on Military Affairs there is pending now a bill, introduced by the gentleman from Kansas himself, covering some of those points. It is a very important bill. We have not had time to consider it, and I certainly feel that it would be a mistake to undertake to legislate changes in the Army reorganization act in this manner; and I hope that the gentleman will not consent to that amendment without giving the House an opportunity to pass upon it.

Mr. CONNALLY of Texas. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. CONNALLY of Texas. The gentleman has expressed his intention with reference to some of these amendments. Was the gentleman's attention called to an amendment offered by the gentleman from Illinois in the committee when the bill was under consideration here, providing that no part of the funds should be used until certain captains were promoted?

Mr. ANTHONY. I understand the Senate has amplified the amendment adopted by the House—has further perfected it.

Mr. CONNALLY of Texas. The Senate committee struck it all out.

Mr. ANTHONY. It was restored, as I understand, by an amendment offered from the floor of the Senate. I am talking about the Hull amendment.

Mr. HULL. That is in satisfactory shape.

Mr. CONNALLY of Texas. I thought it was offered by the gentleman from Illinois. What is the gentleman's purpose with reference to the amendment the House adopted regarding enlistments from 18 to 21 years of age?

Mr. ANTHONY. I would be unable to tell the gentleman what the sentiment of the conferees would be. Personally I look upon that amendment as unwise. I can not speak for my colleagues.

Mr. CONNALLY of Texas. The gentleman realizes that that amendment was adopted by the House and put on the bill. Would he disregard the action of the House?

Mr. ANTHONY. Oh, no; I think not. I think the gentleman will find that the conferees will desire to consult the wishes of the House on all important things of that kind where the House has expressed itself. There is no intent on the part of the conferees to go against the wishes of the House.

Mr. CONNALLY of Texas. Could the gentleman assure us that the conferees will bring that amendment back to the House for a vote before the matter is settled?

Mr. ANTHONY. I doubt if I could assure the gentleman of that, because I am unable to give him the attitude of the other conferees.

Mr. CONNALLY of Texas. Would that be the attitude of the gentleman?

Mr. ANTHONY. I told the gentleman that I personally was opposed to that amendment.

Mr. CONNALLY of Texas. The gentleman also said that, while he was opposed to it, he was disposed to consult the wishes of the House.

Mr. ANTHONY. Absolutely.

Mr. CONNALLY of Texas. Does he mean by that that he would be willing to bring it back to the House again for a vote?

Mr. ANTHONY. Ordinarily on any amendment.

Mr. CONNALLY of Texas. I am talking about this particular amendment only, not ordinarily.

Mr. ANTHONY. I do not believe the gentleman would want me to promise in advance what the action of the conferees would be.

Mr. CONNALLY of Texas. No. I was trying to get the gentleman's attitude.

Mr. ANTHONY. If it comes to a vote of the conferees, personally I shall vote against such an amendment.

Mr. CONNALLY of Texas. Against bringing it back to the House?

Mr. GREENE of Vermont. How can we have a conference if everybody goes to it hog tied?

Mr. ANTHONY. We would not have much of a conference in that event. I think the gentleman can be assured that he will undoubtedly have an opportunity to have the matter considered.

Mr. GARRETT of Texas. Mr. Speaker, would not this be the time to make a motion to instruct the conferees?

The SPEAKER. The time for instructing the conferees is after the bill has been ordered to conference.

Mr. DICKINSON. Mr. Speaker, reserving the right to object, I would like to ask the gentleman—my understanding is the amendment affecting the retired pay of officers connected with corporations, and so forth, selling to the Government has been stricken out by the Senate.

Mr. ANTHONY. That is my understanding.

Mr. DICKINSON. It is my hope we will have an opportunity to vote on that amendment, which was adopted by the House, or in some modified terms whereby retired officers are prevented from becoming sales agents, and so forth, and prevented from selling materials as officers of corporations to the respective services from which they have been retired. I would like to know whether or not the conferees will be disposed to bring that back to the House for some decision?

Mr. ANTHONY. I will say to the gentleman, just the same as I said to the gentleman from Texas [Mr. CONNALLY], on any proposition that comes up where a considerable number of Members of the House are interested, I think the disposition of the conferees will be to bring it back to the House for consideration.

Mr. DICKINSON. I would like to suggest to the gentleman it seems to me the honor of the Members of the House is at stake here when our decision here is given such wide publicity, and so forth; I think that we ought to have a chance to show to the country we are in sincere faith here in adopting this policy.

Mr. ANTHONY. I think I can assure the House there will be no disposition to foreclose on this amendment or any others.

Mr. McSWAIN. Bearing in mind the fact the gentleman said he would be disposed to bring back for consultation of the House any important matter that a considerable number of Members express interest in, I desire to say that, speaking in behalf of a number on our side of the aisle, I am intensely interested in the same proposition of the gentleman from Iowa, and I hope the gentleman will bring it back to the House for consideration.

Mr. HULL. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Kansas what his attitude will be in regard to the amendment put on in the Senate to abolish the stop-watch proposition? I presume the gentleman is fairly well informed of the history of this. There are a great number of gentlemen in the House who would like to have an opportunity to express themselves. Can the gentleman give some assurance that we will be given an opportunity to secure that——

Mr. ANTHONY. I can not give the gentleman any assurance as to what the action of the conferees will be, but I think undoubtedly that the gentleman will have an opportunity to discuss the matter in the House.

Mr. HULL. And have a vote on it in the House?

Mr. ANTHONY. I can assure him——

Mr. BLANTON. It has to come back; it is subject to a point of order.

Mr. HULL. There is a question about the point of order which must be raised at the proper time.

Mr. ANTHONY. I told the gentleman from Iowa yesterday what my judgment was on the matter.

Mr. BLANTON. I intend to make a point of order against it so quick as to make the gentleman's head swim.

Mr. HULL. That is all right; the gentleman made a point of order before and he has been overruled by the best parliamentarians of the House. We are willing to argue the point of order. All we ask of the conferees is that they shall bring it back to the House the same as is promised as to the others.

SEVERAL MEMBERS. Regular order.

Mr. GREENE of Vermont. Will the gentleman from Kansas express any opinion as to the amendment put on in the Senate raising the rank of the President's aid, Colonel Sherrill, to that of brigadier general?

Mr. ANTHONY. I will say to the gentleman that is an entirely new proposition put on by the Senate, and one that, as far as I know, none of the House conferees have ever discussed. I know it has not been discussed by the House conferees, and on all matters of military legislation, I want to say to the gentleman that it is the disposition of the conferees to consult freely the members of the Committee on Military Affairs of the House, especially on their ideas of these things.

Mr. GREENE of Vermont. I want to remind the gentleman that two years ago we sat together, he and I, with our colleagues of the Committee on Military Affairs, while we framed the Army reorganization act, and one of the particular features of that act was designed to remove the evil consequences of what might be called perhaps preferential appointment of Army officers theretofore by assigning them to details whereby a man of a lesser grade might be advanced to some higher grade that carried with it pay. We thought that by the passage of that Army reorganization act we had put an end for all time to such mischief by making it absolutely impossible to change the grade of a man by detail; that if a man was to be assigned to a place where a major was wanted, a major would be sent rather than promote a captain to be a major, and then send him. Now, we do not want to violate that principle, which is one of the fundamental principles in the whole act. I hope the gentleman, and the conferees on the part of the House, will keep that in mind, or else we will lose a most important victory which we achieved over old-time favoritism.

Mr. HICKS. Regular order, Mr. Speaker.

Mr. BLANTON. I shall object if we can not ask the gentleman some questions. If we can not do that I will object.

The SPEAKER. The Chair recognizes the gentleman from Michigan [Mr. CRAMTON].

Mr. HICKS. I will insist upon it, Mr. Speaker. Then, perhaps, we can get through with it.

Mr. CRAMTON. We can have an agreement on that question.

Mr. BLANTON. I want to ask the gentleman from Kansas [Mr. ANTHONY] several questions.

Mr. KNUTSON. The gentleman from Kansas has acted as a conferee on many occasions, and I do not think he has ever violated the confidence of the House.

Mr. BLANTON. I want to ask some questions. I will remind the gentleman from Kansas, who has the matter in charge, that what is known as the Dickinson amendment, I believe, that he stated he would be disposed to bring that back.

Mr. ANTHONY. Undoubtedly.

Mr. BLANTON. But what is known as the Sherrill amendment—that is, to make a brigadier general out of Colonel Sherrill—and what is known as the Hull amendment, which was placed on in the Senate, concerning the exercise of watchfulness by the Government over some of its employees—those are two matters that had to be brought back here?

Mr. ANTHONY. Of course, if they are agreed to in conference they must be brought back to the House first.

Mr. BLANTON. But if the Senate, which put them on the bill, is disposed to yield on that proposition, the gentleman would not have to bring them back. He would not have to bring them back if the Senate receded from them. As to the matter referred to by my colleague [Mr. CONNALLY], every father and mother in the Nation having boys under 18 or 20 years of age is interested in it; and upon that and the Dickinson matter I hope the gentleman will give the House an opportunity to pass.

Mr. ANTHONY. On any question where there is a considerable number of Members of the House vitally interested we shall be disposed to bring it back.

Mr. BLANTON. Very well. One more suggestion and then I am done. The same agreement was made by the distinguished gentleman from Michigan [Mr. CRAMTON], who indicated that he would give the House an opportunity to act upon certain matters. He asked to disagree to all the Senate amendments, and yet he went into conference and had the House recede in 40 different amendments, involving $800,000.

Mr. SNELL. Mr. Speaker, I object.

The SPEAKER. Objection is made.

Mr. LINTHICUM. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman just one question.

Mr. MONDELL. Regular order, Mr. Speaker.

Mr. LINTHICUM. I will withdraw my reservation of an objection.

Mr. SNELL. Mr. Speaker, I withdraw my objection.

Mr. LINTHICUM. Will we have an opportunity to vote on the increase to officers in training camps?

Mr. ANTHONY. I can not say that a vote will be given on that question, but a full and free conference will be had on that question.

The SPEAKER. Is there objection? If not, the Chair will appoint the conferees.

Mr. CONNALLY of Texas. Mr. Speaker, before the conferees are appointed I ask leave to make a motion of instruction.

The SPEAKER. It is supposed that there will be a full and free conference.

Mr. CONNALLY of Texas. I will make a motion to instruct on this particular amendment, but if the gentleman will assure me that we will have a vote, I will not make the motion.

The SPEAKER. Even under instructions of the House the Chair believes that the conferees under the rules are not allowed to agree to that. They may not bring it back.

Mr. BLANTON. They struck it out.

The SPEAKER. The Chair was not aware of that.

Mr. CONNALLY of Texas. The Senate struck it out. If the gentleman will give me that assurance I will withdraw my suggestion.

The SPEAKER. The Chair appoints as conferees on the part of the House Mr. ANTHONY, Mr. STAFFORD, and Mr. SISSON.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. CRAMTON. Mr. Speaker, the pending District of Columbia appropriation conference report comes before the House recommending the smallest increase over the original bill as reported to the House of any District appropriation bill, probably, in 20 years. I shall want to insert some figures; but, desiring to protect the time of the House, I will ask unanimous consent that I may have the right to revise and extend my remarks.

The SPEAKER. The gentleman from Michigan asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. CRAMTON. Briefly, the action of the conferees, so far as an agreement is reported, adds to the bill that went to the Senate from the House only $309,380. But there are reductions proposed by the Senate, which were accepted by the House conferees, amounting to $240,000. So the net increase at the present stage of affairs, if the pending report is accepted—the net increase on the bill as it passed the House would be only $69,380.

There are items receded from by the Senate to the amount of $515,998 carried in the pending report. There were in addition items stricken out on the floor of the House that were originally recommended by the committee to the House which will come up under the rules of the House requiring a separate vote on items that would have been subject to a point of order in the House. That includes $550,000 for library site, playground sites, and school buildings and grounds, and we will move later to restore those items. If the action that has already been taken by the conferees is indorsed by the House and if the further action that we will recommend upon these items that would have been subject to a point of order is indorsed by the House, then the total of the bill, the appropriation act for 1924, will be $22,778,915. That amount will be $72,694.80 below the 1923 appropriation. It will be $772,215 below the Budget recommendation for 1924. It will be $1,691,070 below the bill as it passed the Senate, and it will be only $154,020 above the bill as the committee originally reported it to this House. So I say it will be the smallest increase, I believe, comparing the bill that came from the Committee on Appropriations to the House and the final action, of any District bill in many years.

In connection with that I will insert in the RECORD a detailed statement of the increases on particular items. On most of them, small items, I will not take the time of the House. I would, however, call attention to the item of paving, on which the Senate made material reductions and some increases. We have accepted reductions of $225,000, and then additions have been made of $23,600, so that the net reduction below the House bill is $202,400.

In the main, the Senate went a little further on the same policy which the House had adopted in giving emphasis to the paving of unpaved streets where they are 100 per cent built up on both sides.

There is in reference to schools this situation: We give another $1,000 for transportation of tubercular pupils, $1,500 for laboratory supplies, $50,000 for repairs of buildings, and $100,000 for land adjacent to the Dunbar High School. That is to say, the bill as reported to the House carried every item in the budget that meant a new seat for a pupil in the schools. Some of these which were struck out in the House on a point of order we will ask that they be restored by a separate vote. The only new item we recommended in this report or that we will recommend by a separate vote is the item of $100,000 for land adjacent to the Dunbar School. That has not been before the House before. In regard to that, this is the situation: There is a splendid stadium adjoining the Central High School for the white children. There is a proposal for an athletic field adjoining the Western High. There is no athletic field for the colored schools. They have quite a colored educational center out here on First Street. There is the Armstrong Manual Training School on O Street, and on the opposite side in the next block is the Dunbar High; then they have the Shaw Junior High for colored two or three blocks away, and in that vicinity there are several colored grade schools. There is land adjacent to the Dunbar High School which is in a large part undeveloped. There are some shacks and poor buildings on a portion of it and some better buildings on another part. If they can have the land which is recommended in this report they can develop an athletic field where sports can be conducted by the colored students in the schools.

They have athletic teams in the Dunbar High, in the Armstrong Manual Training, and in the Shaw Junior High Schools. They have teams which meet other teams from Baltimore, Alexandria, and other places for contests. The only place that they can go now is to the American League Baseball Park or down on the Monument Lot. In the latter case they can not charge for attendance. The proposed field would be located near all these schools and in the midst of a large colored population.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. CRAMTON. I will.

Mr. NEWTON of Minnesota. The gentleman has referred to the fact that provision had been made for an athletic field adjoining the Western High School.

Mr. CRAMTON. I am not so familiar with that; it is not carried in the bill.

Mr. NEWTON of Minnesota. They very much need one out there at the Western High, but I did not know that there was a proposition for one.

Mr. CRAMTON. I think it is in contemplation.

Mr. NEWTON of Minnesota. It certainly ought to be done, because they have no facilities of that kind there now.

Mr. CRAMTON. I knew it was contemplated, and I thought it was under way. They have adjoining the Central High, as the gentleman well knows, a fine stadium. But there is nothing available for the colored students.

There is another important provision in the bill. Last year was the first year that the item of new buildings for schools was made immediately available. We expedite the new work of construction proposed by making it available when the bill passes as early as this. This will be a law before February is closed. We have gone further and made the appropriations for land also immediately available. There is one item of the bill to buy more land and another item for building upon it. By making the land immediately available, as well as for the building, we are assured of expediting it to the utmost.

Mr. YOUNG. Will the gentleman yield?

Mr. CRAMTON. I will.

Mr. YOUNG. In a case of this kind, where the officials ask money to purchase land, I would like to know whether they get options on the land before that.

Mr. CRAMTON. I think they do not.

Mr. YOUNG. If they did not, it seems to me they might be held up when the owners understood that there was a fat appropriation for it.

Mr. CRAMTON. That might be true in some cases. In some cases the selection of the land is limited, but they have the remedy of condemnation proceedings. In other cases we have given them the option of selection between certain limits—as, for instance, between Georgia Avenue and Sixteenth Street and north of Park Road.

There are various features in the bill that would interest the House, but I am going to call attention only to the matter of allowance for officials for the use of their own automobiles or motor cycles in public business. In the current year it was $13 for a motor cycle and $26 for an automobile. Our bill carried $10 for a motor cycle and $20 for an automobile, and those figures have been accepted by the Senate. Also there is a limitation on the appropriation for Public Utilities Commission to guard against further expenditure for special legal services. That limitation proposed by the House has been accepted by the Senate conferees.

The name of the new bridge in Georgetown will interest the gentleman from Maryland [Mr. HILL]. The name he suggested—Francis Scott Key—will be the official name. The result of this conference report and the further motions that we will offer, if accepted by the House, will, as I stated before, make $22,778,915.

Following is the detailed financial statement:

Appropriated, 1923 act	$22,851,609.80
Proposed in Budget for 1924	23,551,130.00
Bill as reported to House carried	22,624,895.00
Bill as passed by House carried	22,078,607.00
Reduction by House	546,288.00
Bill as passed by Senate carried	24,469,985.00
Less amount carried as passed by House	22,078,607.00
Senate increase	2,391,378.00

Money effect of action agreed upon:	
Of amount added by Senate; conferees agreed to	$309,380.00
Of reductions proposed by Senate ($248,000); conferees acceded to	240,000.00
Total increase over House bill agreed to in conference (excludes reduction of $72 as result of action upon amendment No. 100)	69,380.00
Net amount of Senate increases receded from by Senate conferees	515,998.00
Amount involved in amendments not agreed to but which House conferees will propose favorable action upon	631,000.00
Amount involved in amendments not agreed to and on which the House conferees will not recommend favorable action	1,175,000.00
Total	2,391,378.00

So at this stage the bill, so far as affected by the conference report, adds to the amount carried when passed by the House $69,308 ($72 being taken off on account of action on amendment No. 100, which reduced a total not in conference), which will be made with respect to amendments not agreed to there will be added the further sum of $631,000, or a total over the bill as passed by the House of $700,308, or but $154,020 more than the bill carried as originally reported to the House and $1,691,070 less than proposed by the Senate.

Of the sum of $631,000 which it is proposed to recommend for acceptance, $550,000 represents items reported by the Appropriations Committee of the House and stricken from the bill on points of order, namely:

Mount Pleasant branch library	$25,000
Playground sites	25,000
School buildings and grounds	500,000

The amendments agreed to in conference making up the larger portion of the $309,380 are—

Garbage removal	$35,000
Lighting	22,000
Land adjoining Dunbar High School	100,000
Repairs to school buildings	50,000

If the action heretofore taken by the House conferees and that about to be recommended is approved by the House the amount appropriated—

Will be	$22,778,915.00
Which is below the 1923 appropriations	72,694.80
Which is below the 1924 Budget	772,215.00
Which is below the Senate figure on this bill	1,691,070.00
Which is above the original House committee report	154,020.00

Changes recommended in House bill:

	Increase.	Decrease.
Veterinary supplies	$100	
Collector, one more bailiff	1,200	
Municipal architect (two Ford runabouts)	1,100	
Temporary services, surveyor's office	3,000	
Rent Commission, salary of commissioners	9,250	
Library, Southeast branch, one assistant	1,000	
Contingent	2,500	
Postage	1,500	
Paving:		
Reduce $225,000		
Add 23,600		
		$201,400
Trees and parkings	5,000	
Garbage collection	35,000	
Current $750,000		
House 825,000		
Senate 900,000		
Lighting:		
General supplies	2,500	
Maintenance	22,000	
House $450,000		
Schools:		
Transportation tubercular pupils	1,000	
Laboratory supplies	1,500	
Dunbar land	100,000	
Repairs to buildings, etc	50,000	
Police:		
Fuel	1,500	
Maintenance and replacement motor equipment	10,000	
Harbor patrol, fuel, etc	500	
Health:		
Bacteriological laboratory	100	
Chemical laboratory	250	
New dog pens	250	
Child hygiene	3,000	
Charities and corrections:		
Maintenance of ambulances	100	
Screening jail	3,250	
Reformatory, maintenance	4,000	
Eastern Dispensary and Casualty Hospital	10,000	
Gallinger Hospital, repairs	2,000	
Home for Aged and Infirm, employee	180	
Parks:		
Maintenance of various reservations	5,000	
Treating macadam roads	2,000	
Outdoor sports		5,000
Plans for Rock Creek and Potomac Parkway	4,000	
Lighting public grounds	13,000	

As I have said, the amount as proposed by the House conferees for the entire building is $22,778,915. The cost to the Federal Treasury out of that will be something less than $8,300,000. The immediate proportion will be larger than that, but some of the fees, and so forth, payments for paving, and such things, go back into the Treasury in the same proportion that the District or the Federal Government contributes for them; and basing it upon the best opinion available, that will be sufficient to bring the Federal contribution in this bill to something less than $8,300,000. In connection with that I am going to take the liberty of inserting, under the leave given me, some reference to a proposed change in this system of contribution, and in connection with that will also include a very interesting statement as to the Federal contribution that has been prepared at my request by the auditor of the District of Columbia, showing what the actual contribution of the Federal Government has been year by year for the past 10 years.

I have introduced H. R. 14253, as follows:

A bill to fix the amount to be contributed by the United States toward defraying expenses of the District of Columbia.

Be it enacted, etc., That on and after July 1, 1924, the Government of the United States shall not bear any fixed proportion of the expenses of the District of Columbia but shall pay the sum of $8,000,000 annually toward defraying such expenses of the District as may be appropriated for by law.

SEC. 2. That on and after such date there shall be credited wholly to the District of Columbia any revenue now required by law to be credited to the District of Columbia and the United States in the same proportion that each contributed to the activity or source from whence such revenue was derived.

SEC. 3. That nothing contained in this act shall be construed to prevent, until July 1, 1927, the advancements permitted to be made for expenses of the District by the Treasury Department in accordance with the first paragraph of section 1 of the District of Columbia appropriation act approved June 29, 1922.

I believe it highly desirable, both for the Federal Government and the District of Columbia, that the change I propose in the Federal contribution to District expenses be made. The property interests of the Federal Government in the District of Columbia, so far as land area, and so forth, is concerned, have reached an approximate maximum, while the development of other property interests in the District is going on at a constantly increasing ratio. The rapid growth of population in the District, accompanied by an even greater real-estate development and increase in other taxable property, make it imperative, in fairness to the Federal Treasury, that the old proportional policy of contribution be thrown into the discard.

I propose in lieu of this that a fixed amount each year be contributed by the Federal Government toward the expenses of the District and suggest as that amount $8,000,000. That is approximately the amount the Federal Treasury contributes at the present time under the present plan, and while there are many in Congress who criticize the present Federal contribution as too liberal, in view of the extremely low tax rate in the District of Columbia I think consent of Congress to that amount as a fixed annual contribution could be secured.

I am aware that the first impulse of District residents may be one of opposition to my suggestion. I believe, however, that on consideration it will be realized that the best interests of the District in the years to come, its most rapid development can be secured under the plan which I suggest. At the present time Congress feels that the total appropriations for the government and development of the District of Columbia must be restricted to such an amount that the Federal share thereof, at present 40 per cent, shall not constitute an undue burden upon the Federal Treasury. At the same time the city is developing, as I have said, and its needs in many directions are acute, as is the case in any growing city. The tax rate is low, and some increase in it could be borne by the District without undue hardship and I think would be borne cheerfully in the interest of a more rapid development of the District needs in the way of paving, schools, sewers, lighting, police, fire protection, and so forth. If the plan I propose were adopted, and the contribution of the Federal Treasury were a fixed, stipulated sum, I am sure the disposition of Congress would be to expedite development of such District matters as rapidly as the sentiment of the people of the District might demand within a reasonable tax rate. At the present time Congress is inclined to feel that District support for increased expenditures is the more enthusiastic because so large a part of the proposed expenditure must be made from the Federal Treasury. The realization that the entire expenditure beyond the $8,000,000 must come from District revenues would, no doubt, have a sobering influence upon some propagandists for reckless expenditures; but where real need existed and a pronounced public sentiment was manifested for the expenditure of money to be contributed solely by the people of the District I am sure that appropriations would be made by Congress in response to such a demand. I think the people of the District are sincere in their demand for needed improvements in the District, and that a slight increase in the tax rate to meet more rapid filling of those demands would be cheerfully met. I am satisfied that my bill provides very just treatment of the Federal Treasury and a more liberal policy of development for the District.

The following is the letter and statement by Colonel Donovan, auditor of the District:

FEBRUARY 10, 1923.

Hon. LOUIS C. CRAMTON,
House of Representatives, Washington, D. C.

DEAR MR. CONGRESSMAN: Mr. Pugh, one of the clerks of the Committee on Appropriations, telephoned me last evening that you desired I should prepare for your use a statement covering the fiscal years beginning with 1913 and ending with 1922, showing the total expenditures made by the District of Columbia from appropriations for each of said years, with the proportions charged, respectively, to the District of Columbia and the United States, and showing further the receipts collected by the District and covered into the Treasury to the credit of the United States for each of said years, with the resulting net expenditure charge to the United States.

It was not practicable to prepare a statement literally as requested within the short time allowed, as it is not customary to analyze expenditures on the basis of division between the United States and the District. But the information contained in the statement is substantially about what I understand you wish. The statement shows the total appropriations for each of the fiscal years named, with the proportion charged to each the United States and the District, the receipts credited to the United States, with the resulting net charge to the United States.

In determining the total appropriations for each fiscal year deductions have been made for unexpended balances of appropriations which lapsed under limitations of law, and were covered into the surplus fund by warrants issued by the Secretary of the Treasury. The appropriations are therefore purely on a net basis and as set up approximate very closely the expenditures in each year. The statement assumes the expenditure of the unexpended balances of appropriations on June 30, 1922, amounting to $3,307,414.94, of which amount the sum of $2,076,725.99 is chargeable to the revenues of the District and $1,230,688.95 to the revenues of the United States. Practically this entire amount was obligated prior to June 30, 1922, but would not mature for payment until after July 1.

The net approximate average expenditure from the revenues of the United States, on the basis adopted in the preparation of the statement, for each of the years beginning with 1913 and ending with 1922 is $7,089,405.27. Using such an average does not present a fair answer considered in the light of conditions of to-day. In 1913 the total appropriations amounted to $11,317,440, while in 1922 they were $22,254,670, an increase of nearly 100 per cent. The charge to the United States in 1913 was only $5,344,857, under the half-and-half system, while in 1922 the charge was $8,456,313, with the United States paying but 40 per cent.

Very truly yours,

D. J. DONOVAN,
Auditor of the District of Columbia.

Statement showing appropriations of the District of Columbia for each fiscal year beginning with July 1, 1912, and ending with June 30, 1922; the proportion of such appropriations chargeable to the District and the United States; the amount of District receipts credited to the United States during each of said years, and the resulting net appropriation charge to the United States for each year.

Fiscal year.	Total appropriation.	Charged to District.	Charged to United States.	Receipts credited to United States.	Net charge to United States.
1913	$11,317,440.87	$5,710,618.15	$5,606,822.72	$261,965.23	$5,344,857.49
1914	11,801,768.01	5,960,541.28	5,841,226.73	232,886.95	5,608,339.78
1915	13,592,688.48	7,002,256.92	6,590,431.56	215,909.82	6,374,521.74
1916	12,358,687.50	6,255,071.94	6,103,615.57	275,440.02	5,828,175.55
1917	14,358,755.81	7,299,152.02	7,059,603.79	255,865.13	6,803,738.66
1918	15,879,083.48	8,007,946.48	7,871,136.99	211,771.33	7,659,365.66
1919	17,157,762.52	8,841,540.78	8,316,221.74	368,025.63	7,948,196.11
1920	19,185,394.34	9,728,437.50	9,456,956.84	394,332.93	9,062,623.91
1921	21,097,753.13	12,774,822.06	8,322,931.07	515,010.55	7,807,920.52
1922	22,254,670.79	13,385,892.58	8,868,778.21	412,464.89	8,456,313.32
	159,004,004.93	84,966,279.71	74,037,725.22	3,143,672.48	70,894,052.74
1923		13,162,841.88	8,650,747.92	314,367.00	8,346,380.92
1924		13,106,149.80	8,631,745.20	314,367.00	8,317,378.20

NOTE.—The foregoing statement assumes the expenditure of the unexpended balances of appropriations on June 30, 1922, amounting to $3,307,414.94. Of this amount the sum chargeable to the revenues of the District of Columbia is $2,076,725.99, and to the revenues of the United States $1,230,688.95.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BLANTON. In that connection, since it is a matter that is going to be a very material question before long, could the gentleman not have gone back to 1878, at the time when the Government was paying 50 per cent of the $15,000,000 bond issue, and 50 per cent of the million-dollar bond issue which was subsequently issued, and guaranteeing all of the $15,000,000 bond issue, so that we would understand exactly what the Government has contributed?

Mr. CRAMTON. The gentleman will understand that in the last appropriation bill for the District of Columbia there was carried a provision for a joint commission to go into that very matter. A report has been filed. I feel that it is only a very partial performance of what the law demanded, and perhaps sometime I shall expand my ideas more upon that; but this was simply a request, which the auditor very kindly complied with on short notice, and only covers the 10 years which I speak of.

Mr. BLANTON. This is just what the commission did.

Mr. CRAMTON. This is not as comprehensive even as their work. It only relates to the net expenditure from the Federal Treasury for this purpose.

Mr. EVANS. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. EVANS. Is it not also true that in fixing that amount, as fixed by the chairman, which is appropriated from the exclusive Federal revenues, you have not made probable deductions which will certainly come from returns from activities in the District to which both the District and the Federal Government have contributed or shall contribute?

Mr. CRAMTON. An estimate has been made.

Mr. EVANS. Is that included in the deduction?

Mr. CRAMTON. Yes.

Mr. EVANS. Covering both rentals and fines?

Mr. CRAMTON. The estimate is supposed to. Of course, it can not be accurate. It may vary one or two hundred thousand dollars.

Mr. Speaker, I yield 10 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, I think it would have been very valuable information for the House if the gentleman from Michigan [Mr. CRAMTON] had had our auditor go back to the time when the District was under its own management and was issuing bonds in $15,000,000 blocks, behind which the Government was placing the credit of the people of the United States, 50 per cent of which, together with the interest thereon, the people of the whole country paid. We are going to have to look into this question of the fiscal relations between the District and the Government a little more closely. There is a move already on foot now to try and establish a credit here of four and a half million dollars in the Treasury to the benefit of the District, and I am sorry that the distinguished gentleman from Nebraska [Mr. EVANS], who now sits on this floor, is not going to be with us in the next term when that fight comes up. We need him here, because he, in my judgment, more than any other Member, except the gentleman from Kentucky [Mr. JOHNSON], has given this matter close study and investigation.

Years ago this Government built the entire water system conduit and paid for it out of the people's money and permitted the people here in the District to rent the water out and get the returns for that, and they have made no recompense whatever to the Government for it. While the Government has paid the expense of its courts, the District has collected its own fines and its own penalties and taken in other revenue in many respects without accounting to the Government for any portion of same, where the cost of the proceeding was paid up to a short time ago 50 per cent by the people of the United States and is now paid 40 per cent by the people generally. And yet because Congress has permitted the people in this District to pay taxes, now $1.30 on the hundred, and never since 1878 having been more than 2 per cent lower than the taxes paid in any other city, as their part of the expense of running this big city of 437,000 people, that being all of the expense that the people here have to pay, because of these facts and because Congress was liberal and has paid out money for many of the District's own expenses directly from the Treasury, some of that $1.30 taxes did not go into the expenses and left a little surplus over every year, they now claim that they should be given back that part of their little $1.30 tax which was unused, aggregating about $4,500,000 as a cash surplus to their credit. It is the most absurd and ridiculous proposition I ever heard of.

I can not stop the passage of any of these provisions that the Senate has placed on this bill. If I could do so I would, if I had to fight here until sundown; but I can not stop it. There is no better man in this House than the gentleman from Michigan [Mr. CRAMTON], there is no man who has the interest of the people more at heart than he, and yet he as one of the conferees has been forced to recede from the disagreement of the House to 43 different amendments placed on in the Senate and accept the same; and there are others here which he has had to bring back because they are legislative items, which he has promised to accept, which items involve $800,000 of the people's money, or approximately that amount, more than the bill carried when the House got through with it and sent it to the Senate.

Mr. CRAMTON. The gentleman desires to be accurate. It was $631,000.

Mr. BLANTON. Six hundred and thirty-one thousand dollars that the gentleman has already receded from.

Mr. CRAMTON. Yes.

Mr. BLANTON. And in addition to that there is about $140,000 more that he is going to try to get the House to accept, besides several hundred thousand dollars more which he is going to fight here. The amount he has already receded from plus the amount that he is going to try to let stay in amounts to approximately $800,000, the sum that I stated. I

was not speaking inadvisedly when I made that statement. It was a matter of investigation and computation.

Mr. CRAMTON. The amount that would have been subject to the point of order which we recommend is $631,000.

Mr. BLANTON. How much more is it that you are not going to recommend?

Mr. CRAMTON. There is one item included in the report of $500,000 on which the Senate has already receded.

Mr. BLANTON. We are going to fight that.

Mr. CRAMTON. But that is already defeated in conference, and that is for the recorder of deeds building. There is another item of $675,000 on which I hope——

Mr. BLANTON. I am talking about amendments the gentleman is not going to agree to——

Mr. CRAMTON. But I am trying to tell him. There is an item of $675,000 for parks which I shall hope we shall disagree upon.

Mr. BLANTON. Well, as a matter of fact there is an amount of $800,000 here that could go into the bill without very much trouble, more than the bill contained when the bill left the House and went to the Senate; not as the bill was brought into the House, but as it left the House and went to the Senate. How much longer are the people of your State, Michigan, California, and Colorado, Iowa, Kansas, and New York, how long are your taxpayers going to continue to pay the expenses of the schools of the District of Columbia, buying the land, building these million and a half dollar plants like the Central High and the Eastern High, and all these other splendid high schools here, paying 50 per cent of all of same until just a short time ago, for the expenses of 2,500 teachers to teach 66,000 school children? Now the people of the United States pay 40 per cent of this expense, but how much longer will your people at home feel like doing that? When you go home in the summer and speak on the hustings, do you tell the people that you tax them 40 per cent for these playgrounds, these $100,000 playgrounds that the gentleman from Michigan is going to add to this Dunbar Colored School, that they are paying 40 per cent on all these numerous school buildings, do you tell them that?

Mr. COLTON. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. COLTON. Does the gentleman have any figures of the number of these children who come from the States and are not permanent residents of the District?

Mr. BLANTON. Does that matter? Why should our constituents pay for their children? My children are here, why should not I pay for them, and I ought to pay for them. Why should I tax my people at home and your people to pay for my children here in the District? I have no right to do it. They have their school taxes down in Texas, they have their State taxes and their county taxes and their city taxes, their municipal taxes, and all kinds, and why should I tax them to pay for the teaching of my children here? That is the question you have got to settle sooner or later, because if you do not settle it the people at home are going to change the personnel of this House, and that quickly. They are getting tired of it. There are civic improvements here that pertain only to the conveniences of the rich residents of this city, wholly unconnected with the Government, and your people are getting tired of paying for them. We ought to stop it. The bill which the gentleman from Michigan [Mr. CRAMTON] introduced day before yesterday which will let the whole people pay $8,000,000 only is just a drop in the bucket. That is a step in the right direction. I am for his bill as far as it goes, but it does not go far enough.

Mr. COLTON. Will the gentleman yield?

Mr. BLANTON. I believe I have given more study to this question than the gentleman has, but I will yield.

Mr. COLTON. The only question, I take it the gentleman pays his school taxes in Texas?

Mr. BLANTON. Yes.

Mr. COLTON. And that will be a double tax for your children while here?

Mr. BLANTON. As a matter of fact there are 66,000 school children in the District and 2,500 live in Virginia and Maryland and they get their schooling free, they get their books furnished free, and the taxpayers in the gentleman's State and mine now pay 40 per cent of all that expense. It ought not to be.

Mr. TINCHER. Will the gentleman yield?

The SPEAKER. The time of the gentleman has expired.

Mr. BLANTON. I ask for one minute to answer the gentleman from Kansas.

Mr. CRAMTON. I yield the gentleman one minute.

Mr. BLANTON. What is the question of the gentleman?

Mr. TINCHER. I ask for information. The gentleman says he has given much thought to it. What per cent does the gentleman think the National Capital of the Nation should contribute?

Mr. BLANTON. I tell you what I think, and the gentleman from Kansas is a man usually of good judgment when he has not got politics on his brain. If you make the local tax rate here in the District at least 3 per cent—that is what the Kansas people pay; that is what the New York people pay; that is what the California people pay; that is what the gentleman's people and mine pay—3 per cent instead of 1.30 and let the Government pay the balance, I am willing. But until you fix a proper, reasonable tax rate here it is an infamous injustice to the people of the United States.

The SPEAKER. The time of the gentleman has again expired.

Mr. CRAMTON. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken, and the conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Page 14, amendment No. 24, after line 21, insert:

"MOUNT PLEASANT BRANCH LIBRARY.

"For the purchase of a site for a branch of the free public library in the Mount Pleasant-Columbia Heights section of the District of Columbia, $25,000, or so much thereof as may be necessary, and authority is hereby conferred upon the Commissioners of the District of Columbia to accept from the Carnegie Corporation of New York not less than $100,000 for the purpose of erecting a suitable branch library building on such a site, subject to the approval of said comissioners and the board of library trustees."

Mr. CRAMTON. Mr. Speaker, this is the restoration of the item recommended to the House which went out in the House on a point of order. I move that the House recede and concur with an amendment.

The question was taken, and the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 33, page 23, beginning line 1, insert: "For the erection of a fireproof addition to the courthouse of the District of Columbia, for the use of the office of the recorder of deeds and such other activities of the District government as the commissioners may designate, including fireproof vaults and heating and ventilating apparatus, to be constructed under the supervision of and on plans to be furnished by the Architect of the Capitol and approved by the Commissioners of the District of Columbia, $500,000."

Mr. CRAMTON. Mr. Speaker, this amendment proposed by the Senate an appropriation of $500,000 for an addition to the courthouse to house the recorder of deeds and other activities. I shall offer an amendment that does not carry any appropriation and is for preparation of plans and estimates upon such a building. I move that the House recede and concur with the amendment which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In lieu of the matter inserted by said amendment, insert the following:

"The Architect of the Capitol, in collaboration with the Commissioners of the District of Columbia, shall prepare plans for the erection of a fireproof addition to the courthouse of the District of Columbia for the use of the office of the recorder of deeds and such other activities of the government of the District of Columbia as the commissioners may designate, including fireproof vaults and heating and ventilating apparatus, and such plans, together with an estimate of the cost of construction in accordance therewith, shall be transmitted to Congress on the first day of the next regular session."

The SPEAKER. The question is on agreeing to the motion to recede and concur with an amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next one.

The Clerk read as follows:

Senate amendment No. 55, on page 37, beginning with line 1, insert: "For the purchase of a site now occupied by Hoover Playground, located in square 546, containing 65,000 square feet, at 25 cents per square foot, $17,000;

"For the purchase of a site at Twenty-seventh and O Streets NW., in square 1238 (803), containing 10,000 square feet, at an estimated cost of $5,000; and for the purchase of lot 804, square 1238, containing 3,840 square feet, at $3,000; in all $8,000.

"So much of any balance remaining after the purchase of sites for playgrounds authorized by this act as is necessary to clean up, grade, drain, fence in, and place such sites in safe and suitable condition for the purposes intended, may be used for such purposes."

Mr. BLANTON. Mr. Speaker, I move to amend the gentleman's motion.

Mr. CRAMTON. Mr. Speaker, I move that the House recede and concur. Upon that I shall only say that this is a restora-

tion of an appropriation and language as originally reported to the House from the committee. It went out in the House on a point of order.

I yield to the gentleman from Texas.

Mr. BLANTON. Mr. Speaker, I move that at the end of the gentleman's amendment he add the following proviso: "*Provided*, That the cost of the above shall be paid wholly out of the revenues of the District of Columbia."

The SPEAKER. The gentleman from Texas offers an amendment, which is not in order now, but it may come later. The question is on agreeing to the motion of the gentleman from Michigan to recede and concur.

The motion was agreed to.

The SPEAKER. The Clerk will report the next one.

The Clerk read as follows:

Senate amendment No. 56: Page 37, line 19, strike out "$111,032, to be paid wholly out of the revenues of the District of Columbia," and insert "$136,032."

Mr. CRAMTON. Mr. Speaker, on that item I propose to recede and concur with an amendment. Under the amendment the amount for maintenance of playgrounds will be paid wholly out of the revenues of the District of Columbia, $111,032; $25,000 for purchase of sites will continue under the 60-40 plan. I offer a motion to recede and concur with an amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Mr. CRAMTON moves to recede and concur with an amendment, as follows: Restore the matter stricken out by said amendment, amended to read as follows: "$136,032, of which $111,032 shall be paid wholly out of the revenues of the District of Columbia and $25,000, or so much thereof as may be expended for the purchase of sites for playgrounds and for the improvement of such playgrounds, shall be paid 40 per cent out of the Treasury of the United States and 60 per cent out of the revenues of the District of Columbia."

The SPEAKER. The question is on agreeing to the motion of the gentleman from Michigan.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Senate amendment No. 64: Page 43, in line 18, after the word "including," insert "administrative principals."

Mr. CRAMTON. Mr. Speaker, I move that the House recede and concur.

The SPEAKER. The gentleman moves that the House recede and concur.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Senate amendment No. 65: Page 45, line 24, after the word "work," insert "administrative principals of elementary schools."

Mr. CRAMTON. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The SPEAKER. The gentleman from Michigan moves that the House recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next one.

The Clerk read as follows:

Senate amendment No. 75: In line 3, page 54, after the word "land," strike out "adjacent to" and insert "in the vicinity of."

Mr. CRAMTON. Mr. Speaker, that is a proposal restoring the language originally reported by the House, which went out on a point of order in the House. The paragraph had to be modified, but for the reason suggested by the gentleman from North Dakota [Mr. YOUNG], the original House language being preferable, I move that the House recede and concur.

The SPEAKER. The gentleman from Michigan moves that the House recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next one.

The Clerk read as follows:

Senate amendment No. 76: Page 54, line 10, insert:

"For the purchase of a site on which to locate a 16-room building between Georgia Avenue and Sixteenth Street NW., north of Park Road, $60,000;

"For the erection of an 8-room extensible building on the site to be purchased in the vicinity of Georgia Avenue and Sixteenth Street NW., north of Park Road, $130,000;

"For the erection of an 8-room extensible building, including a combination assembly hall and gymnasium, on the site to be purchased in the vicinity of and to relieve the Tenley School, $160,000;

"For beginning the erection of a 16-room building, including a combination assembly hall and gymnasium, to replace the old John F. Cook School, $100,000, and the commissioners are hereby authorized to enter into contract or contracts for such building at a cost not to exceed $250,000;

"For the purchase of a new site on which to locate a junior high school between Twentieth Street and Rock Creek and K and O Streets NW., or vicinity, $50,000."

Mr. CRAMTON. Mr. Speaker, I move that the House recede and concur with an amendment. I will state that the language which is covered by the Senate amendment No. 76 is simply a restoration of the language originally reported by the House, which went out on a point of order in the House, and the action I propose now is to accept that language with two small changes to clarify it. I move that the House recede and concur with an amendment.

The SPEAKER. The gentleman from Michigan moves that the House recede and concur with an amendment. The Clerk will report the amendment.

The Clerk read as follows:

In line 5 of the matter inserted by said amendment, strike out the words "in the vicinity of," and in lieu thereof insert "between"; and, in line 15 of the matter inserted by said amendment, after the word "contracts," insert "as in this act provided."

Mr. BLANTON. Mr. Speaker, will the gentleman yield to me to offer an amendment?

Mr. CRAMTON. Yes; I yield to the gentleman from Texas to offer an amendment.

Mr. BLANTON. Mr. Speaker, these are all for school buildings here in Washington?

Mr. CRAMTON. Buildings or land.

Mr. BLANTON. Buildings or land connected with the school system?

Mr. CRAMTON. Yes.

Mr. BLANTON. It relates to buildings and land for schools in the District of Columbia? It is not for Government buildings for departments?

Mr. CRAMTON. No; it is not for Government buildings for departments.

Mr. BLANTON. I offer the following amendment, that at the end of the matter inserted by the Senate add the following: "*Provided*, That the cost of the above shall be paid wholly out of the revenues of the District of Columbia."

Mr. CRAMTON. Mr. Speaker, I make the point of order. I do not want to interfere at all with the gentleman getting his proposition before the House, but to keep the record straight the motion should be a motion to recede and concur with an amendment, and to accomplish that, it not being preferential, we would need to divide the question first and let the House recede. If the gentleman desires, I will ask that the question be divided.

Mr. BLANTON. My amendment is an amendment to the amendment offered by the gentleman from Michigan.

Mr. HICKS. Mr. Speaker, did not the gentleman from Michigan make a motion to recede and concur with an amendment?

The SPEAKER pro tempore. That is the motion that the gentleman made.

Mr. HICKS. Then the motion of the gentleman from Texas must be an amendment to that amendment.

Mr. BLANTON. That is what I offered it as, to add the following proviso.

Mr. CRAMTON. I was thinking my motion was to recede and concur.

The SPEAKER pro tempore. The gentleman made a motion to recede and concur with an amendment, and to that the gentleman from Texas offers an amendment to the amendment.

Mr. ZIHLMAN. Mr. Speaker, I make the point of order that a motion to amend a motion to recede and concur with an amendment is not in order.

Mr. BLANTON. I contend that it is in order when the chairman yields, and again, the point of order of the gentleman from Maryland comes too late.

Mr. ZIHLMAN. I do not insist on it.

Mr. HICKS. It seems to me that the point made by the gentleman from Texas is good; while it might have been subject to a point of order, it comes too late.

Mr. BLANTON. I do not think it is subject to a point of order, but my point of order is good against the gentleman's point of order.

The SPEAKER pro tempore. The Clerk will report the amendment of the gentleman from Texas to the amendment of the gentleman from Michigan.

The Clerk read as follows:

Amendment by Mr. BLANTON to the amendment of Mr. CRAMTON: Add, at the end of the amendment: "*Provided*, That the cost of the above shall be paid wholly out of the revenues of the District of Columbia."

Mr. CRAMTON. Mr. Speaker, I move the previous question on the amendment.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Texas to the amendment offered by the gentleman from Michigan.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 2, noes 29.

So the amendment was rejected.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Michigan to recede and concur with an amendment.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

Page 55, line 17, strike out the figures "$700,000" and insert "$1,460,000."

Mr. CRAMTON. Mr. Speaker, this is the item carrying the total amount for new schools and new land and buildings for the schools, and I move to recede and concur with an amendment carrying the correct total.

The Clerk read as follows:

Mr. CRAMTON moves to recede and concur with an amendment as follows: "In lieu of the sum proposed insert $1,300,000."

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Michigan.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

Page 81, line 23, insert the following:

"That the board of trustees of the National Training School for Girls of the District of Columbia, a body corporate, is hereby authorized and directed to purchase, subject to the approval of the Commissioners of the District of Columbia, a tract of land of not more than 160 acres, to be situated in the District of Columbia or in the State of Maryland or in the State of Virginia, for the use of said school; and the said board of trustees are hereby authorized to construct on said tract two buildings, of sufficient capacity to accommodate not more than 150 persons, the plans and specifications for which shall be approved by the Commissioners of the District of Columbia before acceptance by said board of trustees: *Provided*, That the purchase price for the said tract of land, the erection of the said buildings, and all expenses incidental thereto shall not exceed the sum of $62,000, which amount is hereby appropriated. The title to the said tract of land shall be taken directly to and in the name of the United States; and in case a satisfactory price can not be agreed upon for the purchase of said tract, or in case the title to said tract can not be made satisfactory to the Attorney General of the United States, then the latter is directed to procure said tract of land by condemnation, and the expense of procuring evidence of title, or of condemnation, or both, shall be paid out of the appropriation herein made for the purchase of said tract. The said board of trustees may, within their discretion, transport to the aforesaid tract for such periods as they may see fit any of the girls which may have been committed to said school in the District of Columbia, and the said board of trustees shall have the same power and authority over such girls during the period of their commitment to said tract, or while they are being conducted to or from said tract, as they now possess over such girls within the limits of the District of Columbia."

Mr. CRAMTON. Mr. Speaker, I move to recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. CRAMTON moves to recede and concur with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"The president of the board of trustees of the National Training School for Girls of the District of Columbia is hereby authorized and directed to purchase a tract of land of not more than 160 acres, situated in the District of Columbia or in the State of Maryland or in the State of Virginia, as a site for the use of said school, and the said board of trustees is hereby authorized to construct on said tract buildings of sufficient capacity to accommodate not more than 150 persons, the plans and specifications for which shall be prepared by the municipal architect of the District of Columbia. The purchase price for the said tract of land, the erection of the said buildings, and all expenses incidental thereto shall not exceed the sum of $62,000, which amount is hereby appropriated for that purpose. The title to the said property shall be taken directly to and in the name of the United States; and in case a satisfactory price can not be agreed upon for the purchase of said land or in case the title can not be made satisfactory to the Attorney General of the United States, then the latter is directed to acquire said tract of land by condemnation, and the expense of procuring evidence of title or of condemnation, or both, shall be paid out of the appropriation herein made for the purchase of said tract. The board of trustees of said school may, in their discretion, remove and transport to the aforesaid tract for such legal periods as they may see fit any of the girls who may have been committed to the National Training School for Girls in the District of Columbia, and the board of trustees of said school shall have the same power and authority over such girls during the period of their commitment to said tract or while they are being conducted to or from said tract as they now possess over such girls within the limits of the District of Columbia. When the buildings herein authorized to be constructed shall be in readiness to receive girls committed to the National Training School for Girls, it shall not be lawful to keep white and colored girls on the same reservations under the control of the board of trustees of said school."

Mr. STAFFORD. Will the gentleman yield?

Mr. CRAMTON. I will.

Mr. STAFFORD. Has the proposal for the erection of a new school been considered by the House?

Mr. CRAMTON. It was considered by the committee in charge of the bill, and hearings were held. It was not reported favorably to the House, however, but further hearings were held by the Senate, and the Senate recommends the item.

Mr. STAFFORD. Are the present quarters unsuitable for the use of this school?

Mr. CRAMTON. The difficulty is in having the girls of the two races in adjacent buildings in the same institution. That is urged as undesirable, and the purpose of this amendment is to authorize a second reservation under the same board where the white girls will be quartered and have the colored girls remain in the present institution, or they could reverse that.

Mr. STAFFORD. Have the estimates been submitted to the committee whereby a tract of 160 acres can be purchased and two buildings erected for the outside figure of $62,000?

Mr. CRAMTON. The item in the bill carries language that came to Congress from the Budget, but the language does have a possibility of seeking the impossible if it were carried out strictly.

The language that we propose now is entirely within the limits of possibility. In fact, some definite propositions have been given some consideration which would come well within the requirements of the proposed amendment.

Mr. STAFFORD. What was the reason that the conferees made the change in respect to the person who is to make the purchase?

Mr. CRAMTON. That language was arrived at in conference in order to meet the views of all of the conferees.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Michigan to recede and concur with an amendment.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment 112: Page 87 of the bill, at the top of the page, insert:

"The paragraph in the District of Columbia appropriation act for the fiscal year 1923, approved June 29, 1922, which reads as follows:

"'The Commissioners of the District of Columbia are authorized and directed to use a site for a home and school for feeble-minded persons, said site to be located in the District of Columbia on lands owned by the District of Columbia and now allotted to the Home for the Aged and Infirm, and to erect thereon suitable buildings at a total cost not exceeding $250,000, and toward said purpose there is hereby appropriated the sum of $100,000, to be immediately available. The persons to be admissible thereto and the proceedings with reference to securing such admission to be in accordance with law'—is hereby repealed; and the Commissioners of the District of Columbia are authorized and directed to acquire a site for a home and school for feeble-minded persons, said site to be located in the District of Columbia or in the State of Maryland or in the State of Virginia, and to erect thereon suitable buildings at a total cost not exceeding $300,000, of which not more than $40,000 shall be expended for a site, and toward said purpose there is appropriated the sum of $125,000 to be immediately available; if the land proposed to be acquired is within the District of Columbia, and the same can not be acquired by purchase at a price satisfactory to the commissioners, they are authorized to condemn the same under the provisions of chapter 15 of the Code of Law for the District of Columbia. If the land can not be acquired within the District of Columbia, the Attorney General of the United States, at the request of the Commissioners of the District of Columbia, shall institute condemnation proceedings to acquire such land as may be selected for said site either in the State of Maryland or in the State of Virginia in accordance with the laws of said States, the title of said land to be taken directly to and in the name of the United States, but the land so acquired shall be under the jurisdiction of the Commissioners of the District of Columbia as agents of the United States, and expenses of procuring evidence of title or of condemnation, or both, shall be paid out of the appropriation herein made for the purchase of said site."

Mr. CRAMTON. Mr. Speaker, I move that the House recede and concur with an amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Mr. CRAMTON moves to recede and concur with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"The Commissioners of the District of Columbia are authorized and directed to acquire a site for a home and school for feeble-minded persons, said site to be located in the District of Columbia or in the State of Maryland or in the State of Virginia, and to erect thereon suitable buildings at a total cost not exceeding $300,000, of which not more than $88,000 shall be expended for a site, and toward said purpose there is reappropriated the sum of $100,000 contained in the District of Columbia appropriation act for the fiscal year 1923 toward the erection of suitable buildings for a home and school for feeble-minded persons, to be available immediately. If the land proposed to be acquired is within the District of Columbia, and the same can not be acquired by purchase at a price satisfactory to the commissioners, they are authorized to condemn the same under the provisions of chapter 15 of the Code of Laws for the District of Columbia. If the land proposed to be acquired is without the District of Columbia and can not be purchased at a satisfactory price, the Attorney General of the United States, at the request of the Commissioners of the District of Columbia, shall institute condemnation proceedings to acquire such land as may be selected for said site either in the State of Maryland or in the State of Virginia in accordance with the laws of said States, the title of said land to be taken directly to and in the name of the United States, but the land so acquired shall be under the jurisdiction of the Commissioners of the District of Columbia as agents of the United States, and expenses of procuring evidence of title or of condemnation, or both, shall be paid out of the appropriation herein made for the purchase of said site. The persons to be admissible to said home and school and the proceedings with reference to securing such admission to be in accordance with law. The authorization to use a site for a home and school for feeble-minded persons on lands owned by the District of Columbia, contained in the District of Columbia appropriation act for the fiscal year 1923, is hereby repealed."

The SPEAKER pro tempore. The question is on agreeing to the motion to recede and concur with an amendment.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 116: Page 93, after line 19, insert:

"NATIONAL LIBRARY FOR THE BLIND.

"For aid and support of the National Library for the Blind, located at 1800 D Street NW., to be expended under the direction of the Commissioners of the District of Columbia, $5,000."

Mr. CRAMTON. Mr. Speaker, I move to recede and concur with an amendment which I send to the desk and ask to have read.

The Clerk read as follows:

In lieu of the amount proposed in said amendment, insert "$2,500."

Mr. CRAMTON. Mr. Speaker, that restores the amount of the appropriation for the current year.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. STAFFORD. How long has the National Government been aiding in support of this library?

Mr. CRAMTON. For 10 years or more.

Mr. STAFFORD. It has been my understanding that the Library of Congress has special books for the use of the blind which are sent out to libraries throughout the country. I was not aware that there was a special library here for the blind having national support.

Mr. CRAMTON. This library was incorporated in 1911 and is supported by dues and gifts. It is engaged in circulating books to blind people throughout the United States, and it provides employment for certain blind people in preparing such books. They have the free use of the mails for circulating the books, under act of Congress passed in 1904.

Mr. STAFFORD. This is the first time that we have recognized an appropriation for this service.

Mr. CRAMTON. Oh, no; it has been carried for 10 years or more.

Mr. STAFFORD. It was not carried in the House bill.

Mr. CRAMTON. On several occasions it has been omitted in the House and has been restored in the Senate, and we are simply following tradition.

Mr. STAFFORD. Was this stricken out on a point of order in the House?

Mr. CRAMTON. It was not recommended to the House by the committee.

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Michigan to recede and concur with an amendment.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 117: On page 94, at the top of the page, insert:

"COLUMBIA POLYTECHNIC INSTITUTE.

"To aid the Columbia Polytechnic Institute for the Blind, located at 1808 H Street NW., to be expended under the direction of the Commissioners of the District of Columbia, $1,500."

Mr. CRAMTON. Mr. Speaker, I move that the House recede and concur.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Michigan to recede and concur.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment 118: Page 97, at the top of the page, insert:

"The Board of Engineers constituted by Public Act No. 441, approved March 2, 1911, is hereby directed to submit through the Chief of Engineers, United States Army, on or before the first day of the next regular session of Congress a report recommending such modifications in existing project for Anacostia Park above Benning Bridge as may now appear desirable and in the interest of economy."

Mr. CRAMTON. Mr. Speaker, I move that the House recede and concur with an amendment which I send to the desk.

The Clerk read as follows:

Mr. CRAMTON moves that the House recede from its disagreement to Senate amendment No. 118 and concur in the same with the following amendment:

In lieu of the matter inserted by said amendment insert: "The Board of Engineers constituted by Public Act No. 441, approved March 2, 1911, is hereby directed to submit through the Chief of Engineers, United States Army, on the first day of the next regular session of Congress a report on the desirability or undesirability of continuing the said project above Benning Bridge, and if it is to be so continued what modifications in existing project above Benning Bridge appear desirable and in the interest of economy. Such report shall include such recommendations with a statement of the facts and shall include detailed estimates of cost under the modifications proposed compared with the estimates under present plans and the decrease in cost as a result of such modification."

The SPEAKER. The question is on agreeing to the motion to recede and concur with an amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 123, page 102 of the bill, after line 17, insert:

"For the construction of a comfort station and shelter at Haines Point, East Potomac Park, $15,000."

Mr. CRAMTON. Mr. Speaker, I move that the House recede and concur.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 124: After the amendment just adopted on page 102 insert: "The appropriation of $25,000 contained in the District of Columbia appropriation act for the fiscal year 1923 for the construction of a bathing beach and bathhouse for the colored population of the city is continued and made available during the fiscal year 1924 for the construction and maintenance of said bathing beach and bathhouse at the Virginia end of the Key Bridge."

Mr. CRAMTON. Mr. Speaker, I move to recede and concur with an amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Mr. CRAMTON moves that the House recede and concur in Senate amendment No. 124, with an amendment as follows:

"In line 7 of the matter inserted by said amendment before the word 'Key' insert 'Francis Scott.'"

Mr. CRAMTON. Mr. Speaker, in connection with this proposed proposition, I think that the RECORD should show that considerable difficulty is being experienced by the authorities in finding a location for this bathing beach. The bathing beach for white people is in the Tidal Basin. The Secretary of War holds that if he had authority he would remove that, or if it were not already located there he would protest against its being placed there, because the water is not in a healthy enough condition to have it desirable for bathing. The authorities are having difficulty in finding a place for the colored people which will be healthy and still be satisfactory to those who are to use it.

There is a proposition to put it over here in the Anacostia River, a place where there is a gravel beach, but the authorities find the waters are so contaminated by the sewage as to make it unhealthful for bathing. There have been one or two other places suggested, but the only place that they have been able to recommend as desirable, reasonably accessible, with water in proper condition for such use, is at the end of the Key Bridge, as is proposed by this language. There have been many protests from colored persons against its being located in that section, so that it is by no means certain that the improvement covered by the appropriation here provided for will be made during the next year, but it seems the only tenable proposition pending.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. CRAMTON. I will.

Mr. MOORE of Virginia. May I suggest to the gentleman that it would be very inadvisable to attempt even a tentative location at this time.

Mr. CRAMTON. The authorities have been investigating and considering it for one or two years. I talked with Colonel Sherrill about it this morning, and he feels that this is the only site which combines the desirable features of accesibility and healthfulness.

Mr. MOORE of Virginia. I would like to say to the gentleman that the senior Senator from Virginia [Mr. SWANSON] and myself had a very recent conference with the Secretary of War. We understood from him very definitely that nothing had been finally determined, and that the matter would be held for further consideration. We relied upon that understanding, and I am surprised to find the Senate provision that is carried in his report. I may say, in addition, that the facts within my possession show that the proposed location, for many reasons, is most undesirable, and I may say further that the newspapers of the city seem to indicate very clearly that the site is not acceptable to the people for whose use it is designed.

Mr. CRAMTON. If the gentleman will permit, it is my expectation that, unless it is definitely developed that the colored people for whose benefit this is being provided manifest a desire to have it constructed at this location, it will not be placed there; and therefore I have said I thought there was quite a possibility that the appropriation would not be used. I may say to the gentleman that the Senator from Virginia [Mr. GLASS] was one of the conferees who signed this report.

Mr. MOORE of Virginia. I must assume the Senator's attention was not called to this matter.

Mr. CRAMTON. I think that is probably true.

Mr. MOORE of Virginia. And I therefore ask the gentleman in fairness—nothing can be lost by it—to modify his amendment so as to exclude the location specified. The Secretary of War, under the authority heretofore conferred, would then have the right to locate the bathing beach at such place as he might determine to be appropriate, and I urge the gentleman to modify his amendment to the extent I suggest.

Mr. CRAMTON. My amendment is only taken after a conference with the House conferees and the Senate conferees, and I would not feel it proper now to modify that language, as it is not my own entirely. But this was in the bill. No word has come to us from the Secretary of War of any such understanding, and I talked this morning with Colonel Sherrill without learning of such an understanding; but I understand that the construction of this beach will not be proceeded with by the authorities unless it becomes definite that the site is acceptable to the people for whom it is intended.

Mr. MOORE of Virginia. Well, assuming that, in view of the fact that one of the conferees is the Senator from Virginia, who, as the gentleman says, did not have his attention called to this matter, and that the situation is as I have tried to explain it——

Mr. CRAMTON. Do not quote me as saying——

Mr. MOORE of Virginia. I thought the gentleman stated that.

Mr. CRAMTON. No; I said I thought it was possible.

Mr. MOORE of Virginia. Well, even so, I hope the gentleman will agree to accept a modification of his amendment.

Mr. CRAMTON. The gentleman realizes this language was inserted in the Senate and the Virginia Senators had every opportunity to know what the language was.

Mr. MOORE of Virginia. I would ask the gentleman to consider a modification of his amendment by striking out the words "at the Virginia end of the Key Bridge," leaving the matter at large within the discretion of the Secretary of War, where it rests now.

Mr. CRAMTON. Of course the gentleman has the right to offer an amendment, but I have no authority to accept it.

Mr. MOORE of Virginia. Mr. Speaker, I offer an amendment, which I hope the House will adopt.

The SPEAKER. An amendment is not in order now.

Mr. MOORE of Virginia. Will the gentleman yield to allow me to offer an amendment?

The SPEAKER. The motion pending is to recede and concur with an amendment. If the gentleman will separate the motion to recede and concur——

Mr. CRAMTON. I am willing to do that.

The SPEAKER. The question is on the motion to recede.

The question was taken, and the motion was agreed to.

Mr. MOORE of Virginia. Mr. Speaker, I offer an amendment to the amendment. Strike out the words "at the Virginia end of the Key Bridge," and I hope the House will agree to it.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Mr. MOORE of Virginia moves to amend the Senate amendment, page 103, after the word "bathhouse," by striking out the words "at the Virginia end of the Key Bridge."

Mr. CRAMTON. Mr. Speaker, I would not feel like accepting that amendment. This is a matter that was put in the bill several weeks ago, and in the conference where it was considered one of the Senators from Virginia was present. I talked this morning with Colonel Sherrill, and while he felt that he might not need it this year, would not be able to use it because of all this controversy, there was nothing about any agreement, and I fear the gentleman's amendment will simply complicate matters. I hope it will not be agreed to.

Mr. MOORE of Virginia. Mr. Speaker, I do not think the adoption of my suggestion can result in any complication. According to the statements that have been made one of the conferees would be placed in a very embarrassing attitude if the amendment offered by my friend from Michigan [Mr. CRAMTON] is accepted; whereas, on the other hand, if the modification that I propose is approved there will not only be no serious complication but there will be no injury to any interest or individual, for the very simple reason that the entire matter will rest within the judgment of the Secretary of War, as it rests with him now and has rested with him heretofore.

Mr. BLANTON. Is not the real difficulty this, that there are some white folks over there in Virginia who are opposing this location? Where is there a location in the District of Columbia that is more healthful and more desirable as a site for a bathing beach?

Mr. MOORE of Virginia. There is land on the other side of the river granted by the State of Virginia to the Government of the United States. The location would either be on that land or on land that has been developed by the action of the river in the course of time. The question is not of interest alone to the people on the other side of the river. But it is general, and most serious so far as they are concerned. It is of interest to all people who oppose a bathing beach in the wrong place or operate it under improper and unhealthful conditions. There are people on both sides of the river who do not care to see the new bridge, which is one of the handsomest structures in the country, continually crowded with persons going to and from a bathing beach. There is opposition by those on both sides of the river who think it undesirable that a bathing beach should be in sight of those using the Key Bridge for ordinary purposes. Furthermore, according to the newspapers, there is pronounced opposition by many colored people in the District of Columbia who say they do not care to have a bathing beach located at that particular point.

Mr. BLANTON. Mr. Speaker, will the gentleman from Michigan yield to me?

Mr. CRAMTON. How much time would the gentleman like?

Mr. BLANTON. Three minutes.

Mr. CRAMTON. I yield to the gentleman from Texas three minutes.

Mr. BLANTON. Mr. Speaker, there are liabilities that go with all assets, responsibilities with all benefits. The distinguished gentleman from Virginia [Mr. MOORE], I believe, secures more bacon for his constituents than does any other Member of Congress. The great Potomac River separates his district from the city of Washington. Every fine, magnificent bridge that spans the Potomac River over which his favored people have easy access into the United States Capital has been built without one cent of expense to them, and maintained without one cent of expense to them, at Government cost. They do not have to be taxed to build bridges across the main stream that borders their country like people have to do in every other district. The gentleman here has exercised such a great influence over this House from time to time that he gets for them exactly what they want. He had this fine two and one-half million dollar Francis Scott Key Bridge built for his Virginia people who daily come into Washington so that they would not have to go two or three hundred yards farther to another bridge, which was not quite so convenient to them. This new bridge was constructed so that they would have a handy bridge right at their front door, as it were. They are not satisfied. Now, when the District of Columbia wants to use its own bridge in order to let its colored children who need bathing go to their bathing beach on the other side of the river, he does not want such clouds to obscure the fair skies of patrician Virginia. [Laughter.] Now, when Congress wants to give him and his Virginia people a present of a colored bathing beach he does not want to take it. [Laughter.]

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman from Michigan yield some time?

Mr. CRAMTON. I yield to the gentleman five minutes.

Mr. MOORE of Virginia. Mr. Speaker, the gentleman from Texas must be facetious. Since I have been here I do not think there has been any original bridge legislation. It was before my advent here that Congress planned and authorized the construction of the Key Bridge. It is true that there have been additional appropriations made since I came here. The fact is that none of the water and land spanned by the Key Bridge is under the jurisdiction of the State of Virginia. That is true also with reference to the new railway bridge and with reference to the Highway Bridge, so that there is nothing in the point that the State of Virginia has not contributed anything to the construction of the Key Bridge. The matter now being considered is altogether aside from any such point. It is a question of large expediency. It relates to the wisdom of the action we should take. It relates to whether the motion of the gentleman from Michigan [Mr. CRAMTON] shall be adopted in the terms in which it is framed or whether it shall be adopted by excluding any particular location. As I understand it, Mr. Speaker, the effect of the amendment would be to tie the Government to the selection of this specified place, instead of the Government having the right, as now, of establishing a bathing beach for colored people anywhere within the limits of the District of Columbia.

Mr. BLANTON. I am going to vote with the gentleman.

Mr. MOORE of Virginia. I am glad the gentleman will vote with me, and I hope the House will. I do not want to take the time of the gentleman from Michigan, and it will only be reiterating to say what I have already said heretofore, that no harm can be done by the modification of his amendment, while there will be a great deal of harm done and embarrassment created by adopting his amendment as it is written.

Mr. GRAHAM of Illinois. Mr. Speaker, in the original appropriation act for 1923, was the language in that appropriation "at the Virginia end of the Key Bridge?"

Mr. MOORE of Virginia. No.

Mr. GRAHAM of Illinois. Was it a general authorization, without any particular designation?

Mr. MOORE of Virginia. Yes.

Mr. GRAHAM of Illinois. So that now for the first time in this act it has been located?

Mr. MOORE of Virginia. Yes.

Mr. CRAMTON. Mr. Speaker, I will say only this: The situation is that Colonel Sherrill tells me he has investigated this question and that the only available site suitable for this beach is the one specified in the bill. The gentleman from Virginia states that the Secretary of War, if he has the power, will not locate it at the point specified in the bill. So if you adopt the amendment of the gentleman from Virginia you are making an idle appropriation because the Secretary of War will not put it at the one place which Colonel Sherrill says is the only available place. I hope therefore that the appropriation carried for the next year will specify it is to be put in the only place that is available.

Mr. EVANS. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. EVANS. Is it not true that in the original appropriation the hearings show that it was intended to put the beach on that side of the river at the end of the other bridge?

Mr. CRAMTON. The gentleman's information goes further than mine.

Mr. GRAHAM of Illinois. Mr. Speaker, I asked the gentleman from Virginia whether this was the first time that this location was ever made, and if the original authorization was general, and he said yes.

Mr. CRAMTON. It was general, but this language was inserted in the Senate this year.

Mr. GRAHAM of Illinois. The Senate concluded that it was desirable to locate it at this place?

Mr. CRAMTON. Yes.

Mr. GRAHAM of Illinois. And if the location was not specified in the bill, it still could be located here?

Mr. CRAMTON. Yes; but the gentleman from Virginia says that the Secretary of War would not put it there.

The SPEAKER. The question is on the amendment offered by the gentleman from Virginia.

The question was taken; and on a division (demanded by Mr. MOORE of Virginia), there were 37 ayes and 44 noes.

Mr. MOORE of Virginia. Mr. Speaker, I ask for tellers.

The SPEAKER. The gentleman from Virginia demands tellers. All those in favor of tellers rise. [After counting.] Twenty-four Members have arisen, not a sufficient number, and tellers are refused. The question is on the amendment offered by the gentleman from Michigan.

Mr. CLARK of Florida. Mr. Speaker, I make the point that no quorum is present.

Mr. GARRETT of Tennessee. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. GARRETT of Tennessee. If it should be ascertained that a quorum is not present, will it be in order to ask for tellers on the amendment of the gentleman from Virginia?

The SPEAKER. No; that is passed, and the Chair was putting the other motion.

Mr. WINGO. I thought the Speaker had put the question and counted the ayes, and the noes had not been counted.

The SPEAKER. The Chair was putting the question as to the amendment of the gentleman from Michigan.

Mr. WINGO. We were in the midst of a vote on that?

The SPEAKER. There has been no vote. There has been no division.

Mr. CLARK of Florida. Mr. Speaker, I withdraw the point of no quorum.

Mr. STAFFORD. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. STAFFORD. The House having receded on its disagreement, will it be in order to vote down the concurrence?

The SPEAKER. Of course. The question is on the motion of the gentleman from Michigan.

The question was taken; and on a division (demanded by Mr. MOORE of Virginia) there were 73 ayes and 35 noes.

So the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 103, line 19, insert the following:

"*Provided*, That the following areas and parcels described and delineated on map No. 2, contained in House Document No. 1114, Sixty-fourth Congress, first session, as a part of total area to be acquired for said parkway shall be excluded from the total area finally to be acquired, to wit: Three hundred and fifteen square feet of lot 801 in square 2541, 349 square feet of lot 836, 1,303 square feet of lot 74 in square 2543, 549 square feet of lot 58, 2,106 square feet of lot 800 in square 1262, 3,600 square feet of lot 20 in square 23, 199 square feet of lot 80 in square 1238, and 50 square feet of lot 3 in square No. 1: *Provided further*, That the following-described lots and parcels that are without the taking line shall be included in the area finally to be acquired, namely, 4,483 square feet of lot No. 1, 2,919 square feet of lot 2, 3,259 square feet of lot 3 in square 2510, 6,879 square feet of lot 1 in square 47, and about 902 square feet of lot 803 in square 2543: *Provided further*, That in order to protect Rock Creek and its tributaries, none of the moneys herein or heretofore appropriated for the opening, widening, or extending of any street, avenue, or highway in the District of Columbia shall be extended for the opening, widening, or extension of any street, avenue, or highway which shall or may in the judgment of the District Commissioners permanently injure or diminish the existing flow of Rock Creek or any of its tributaries, nor shall permission so to do at private expense be granted to any private person or corporation except by the joint consent and approval of the Commissioners of the District of Columbia and the officer in charge of public buildings and grounds.

Mr. CRAMTON. Mr. Speaker, I move to recede and concur with an amendment.

The Clerk read as follows:

Mr. CRAMTON moves to recede and concur in Senate amendment 126 with an amendment, as follows: In line 28 of the Senate amendment strike out the word "extended" and insert "expended."

Mr. CRAMTON. Mr. Speaker, this amendment restores the language originally reported to the House and the amendment I am proposing to the Senate amendment No. 126 is to correct a typographical error.

Mr. DALLINGER. What is the object of this language in the Senate amendment?

Mr. CRAMTON. This was with reference to the Rock Creek-Potomac Park Driveway, which has boundaries that have been authorized heretofore, and this language is to modify those boundaries as in their actual survey and work they have found is to be desirable; in some places to take out little pieces of land that it is not desirable to have within the parkway and in others to add to the parkway similar small portions of land now outside.

The SPEAKER. The question is on the motion of the gentleman from Michigan that the House recede from its disagreement to Senate amendment No. 126 and concur in the same with an amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 127: Page 105, after line 4, insert:

"The authority of the commission is hereby extended to acquire, by purchase or condemnation or otherwise, the following additional tracts of land for park purposes, to wit: The tract known as the Klingle Valley Park, containing about 8 acres, as shown on map filed in the office of the executive officer of the Rock Creek and Potomac Parkway Commission and designated as the map of Klingle Valley Park, dated January 12, 1923; the Piney Branch Valley Park, containing about 6 acres, as shown on map filed in the office of the executive officer of the Rock Creek and Potomac Parkway Commission and designated as the map of Piney Branch Valley Park, dated January 12, 1923; and a portion of the tract known as the Patterson tract, being parcel 129/2, except the portion of the west side of said tract, indicated as eliminated from said tract by a map filed in the office of the executive officer of the Rock Creek and Potomac Parkway Commission and designated as map of the Patterson tract, dated January 12, 1923, containing about 70 acres. The commission is further authorized to reduce the area to be acquired in either of said tracts, where, by reason of improvements constructed or unreasonable prices asked, or for other reasons in their judgment the public interest may require, and the limit hereinafter fixed to be paid for said tracts shall be reduced accordingly: *Provided*, That if acquired by purchase the cost of the respective tracts shall not exceed the following sums: The Klingle Valley Park, $155,950; the Piney Branch Valley Park, $94,050; and that portion of the Patterson tract above designated, $425,000, and there is hereby authorized and appropriated for the purposes specified herein the sum of $675,000: *Provided further*, That the tracts authorized to be acquired by this act shall become part of the park system of the District of Columbia and be under control of the Chief of Engineers of the United States Army: *Provided further*, That Cleveland Avenue from Thirty-fourth Street eastward to Thirty-third Place is hereby declared closed and the title thereto receded to the owner of the abutting property by whom it was dedicated, in consideration of the dedication by the same owner of a larger area for the widening and extension of Thirty-third Place, as shown by the map of Klingle Valley Park herein referred to."

Mr. CRAMTON. Mr. Speaker, I move that the House further insist upon its disagreement to Senate amendment No. 127.

Mr. DALLINGER. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. DALLINGER. I would like to ask why these parcels should not be taken. As I understand it, they are tributaries of Rock Creek, and if they are closed up and filled in it will seriously affect the amount of water in Rock Creek, which is already small. It would seem to anyone coming here from another State that in any other city in the country those two branches of Rock Creek would be taken as a natural part of the park system, and I have always wondered why they were not originally taken.

Mr. CRAMTON. There are three parcels called for, one the Patterson tract, which was not in the Budget and has nothing

whatever to do with the situation the gentleman speaks of, because it is in another part of the city; the Klingle Valley and Piney Branch portions are both tributaries of Rock Creek and have been urged that they would be desirable additions to the park. I have not heard it urged that these had any material bearing upon the water situation the gentleman speaks of. My own impression is that the reason that this land has not been acquired is that Congress has always felt that the owners of the land were trying to make a bonanza out of the Government by having the Government take it over at an unfair price. The lands are not good for anything else than park purposes.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BLANTON. I would state to the gentleman from Massachusetts that there has been a concerted effort for the last four years upon the part of owners of these tracts of land to unload them on the Government of the United States at this big price. They do not affect the waterway. That matter has been looked into carefully by men who are just as much interested in the District of Columbia and the city of Washington as any other person. I do not believe the gentleman from Massachusetts, if he understood the inside of it, would permit these owners to unload this property on the Government at this big price.

Mr. EVANS. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. EVANS. I would like to make a statement in answer to the question of the gentleman from Massachusetts. One of these tracts crosses Sixteenth Street at the bridge, with which we are all familiar, and the park as owned by the Government runs to the bridge. Immediately east of Sixteenth Street there is an avenue running from the north end of the bridge in a northeasterly direction, which runs in the direction in which those who wish to purchase this land for park purposes wish to have the parkway run, and there can be on the south side of this little valley at the south end of the bridge and from the park up to the south end of the bridge a roadway that is better than you can build on the east side of the bridge where it is proposed to develop a roadway. There is a flood-water sewer now constructed, the end of which is immediately west of Sixteenth Street Bridge, which carries all of the water, except that which falls on the small tract in question, down into the park. The other tract of land is over under Connecticut Avenue. There is now a roadway 50 feet wide, belonging to the Government, one of the proper highways of the District, and the proposed purchase of that land is simply to extend that highway 200 feet wide and put upon the Government the burden of fixing up nicely a property for a rich proprietor. That is its only advantage.

The SPEAKER. The question is on the motion of the gentleman from Michigan.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 129: Page 108, line 10, after the figures "$1,500,000" insert: ": *Provided*, That the Secretary of War may enter into contracts for materials and work necessary to the construction of said project, to be paid for as appropriations may from time to time be made, not to exceed in the aggregate the sum of $6,150,000, including all appropriations and contract authorizations herein and heretofore made: *Provided further*, That no bid in excess of the estimated cost for that portion of the work or plant covered by the bid shall be accepted, nor shall any contract for any portion of the work, material, or equipment to constitute a part of the plant for which this appropriation is available be valid unless the Chief of Engineers of the United States Army shall have certified thereon that all its terms are within the requirements of the authorization and the revised estimates for the work: *Provided further*, That whenever the Secretary of War causes proceedings to be instituted for the acquirement by condemnation of any lands or interests therein needed for the said work, the United States, upon the filing of the petition in any such proceedings, shall have the right to take immediate possession of said lands, easements, rights of way, or otherwise, to the extent of the interest to be acquired, and to proceed with the work herein authorized: *Provided further*, That certain adequate provisions shall have been made for the payment of just compensation to the party or parties entitled thereto, either by previous appropriation by the United States or by the deposit of moneys or other form of security in such amount and form as shall be approved by the court in which such proceedings shall be instituted. The respondent or respondents may move at any time in the court to increase or change the amounts or securities and the court shall make such order as shall be just in the premises and as shall adequately protect the respondents. In every case the proceedings in condemnation shall be diligently prosecuted on the part of the United States in order that such compensation may be promptly ascertained and paid: *Provided further*, That the Secretary of War shall submit to Congress on the first day of the next and each succeeding regular session of Congress, until the entire project shall have been completed, a report on said water system and increase of water supply showing, among other things, the progress of the work, construction under way and proposed within the District, connections with the present system of distribution, and revised estimates of cost."

Mr. CRAMTON. Mr. Speaker, I move that the House recede from its disagreement to Senate amendment No. 129 and concur in the same with an amendment, which I send to the desk and ask to have read:

The Clerk read as follows:

In line 2 of the matter inserted by said amendment, after the word "within," insert the words "or without."

Mr. STAFFORD. Mr. Speaker, I would like to have a statement made upon this very important project.

Mr. CRAMTON. Mr. Speaker, the language covered by the Senate amendment No. 129 is the language originally reported to the House from the Committee on Appropriations, which went out on a point of order in the House. It has been restored by the Senate, and the amendment which I suggest is with reference to the report which the Secretary of War is required to submit to Congress on the first day of the next session of Congress, showing, among other things, progress of the work, the construction under way and proposed within and without the District. The language as the Senate inserted it does not refer to the work without the District, and the amendment proposes that the report shall deal with the work without the District as well as within.

Mr. STAFFORD. When I rose I was under the impression that when this matter was under consideration in the House and was stricken out on the point of order I believed at that time that without it the interests of the District would be jeopardized; that this safeguarded the interest of the District by placing certain limitations about this proposed project.

Mr. CRAMTON. The gentleman from Nebraska, [Mr. EVANS], a member of the subcommittee last year and this year, as the gentleman from Wisconsin probably knows, gave a great deal of study and investigation to this subject of an addition to the Washington water supply, and in the subcommittee this year this language was prepared under the direction of Mr. EVANS. The subcommittee were very glad to follow his views with reference to this subject, because we knew that the interest of the Government and of the District would be fully safeguarded thereby.

Mr. STAFFORD. When is it proposed that this work of construction shall be completed, so that the District will have the benefit of this increased water supply?

Mr. CRAMTON. I will yield to the gentleman from Nebraska to answer that question.

Mr. EVANS. In answer to the question——

Mr. BRIGGS. Just a minute. I would like to ask in that connection the gentleman from Michigan to explain——

Mr. CRAMTON. If the gentleman will permit, I will yield to the gentleman from Nebraska to answer the question.

Mr. BRIGGS. It is along the same line, and that is whether any actual work has been undertaken yet in connection with the construction of this new conduit?

Mr. EVANS. Mr. Speaker, I presume it is best for me to make a preliminary statement.

Mr. BRIGGS. I would like to hear that.

Mr. EVANS. There was originally by act of Congress a comprehensive investigation of the conditions which related to the water supply of the city of Washington connected with the probability of utilizing the power which is contained in the conditions that are presented at Great Falls. One of the various projects reported and the one which it was advised should be adopted was called, as I recall it, project E, and provided only for an increase of the water supply. The condition present is a conduit taking the water from Great Falls by a tunnel under the canal and then bringing it into this conduit which follows what is known as the Conduit Road to the reservoir known as the Dalecarlia Reservoir.

Mr. BRIGGS. In that connection, can the gentleman answer the other question as to whether new property is to be acquired by condemnation. Has not the Government enough property that it owns that it can utilize that right of way for this additional conduit instead of acquiring new property?

Mr. EVANS. I may say this, that the amount of property which is owned by the Government between the District line and Great Falls is nearly sufficient, but there are places where it will be necessary to acquire, either by purchase or condemnation, additional ground to carry out the improvement proposed and approved by Congress, which is the construction of another conduit of similar size from Great Falls to the Dalecarlia Reservoir. Then there is also a portion of the project which contemplates the distribution, in so far as it carries the water from the Dalecarlia Reservoir, to certain areas in the city, and we must acquire a right of way for putting in the various pipes or mains which will be necessary for that purpose. For this particular purpose it is necessary to have the right of condemnation.

Mr. BRIGGS. Has the gentleman any idea what the estimated cost would be for this new property which is to be acquired in this way?

Mr. EVANS. The gentleman can find that in the report which was made by the commission, and I think I have in my office a revised and detailed estimate which covers that proposition, but I do not have it at my tongue's end so as to give it to the gentleman.

Mr. BRIGGS. Could the gentleman incorporate that in his remarks?

Mr. EVANS. I will endeavor to do so if I have it, but in any event the gentleman will get it approximately correct from the proceedings of the commission and likewise in the first volume, I think, of the Chief of Engineers' Report for the Army for the year 1921; at least there is much valuable information in that report if the gentleman is interested.

Mr. BRIGGS. I thought for the RECORD the gentleman would not mind incorporating it.

Mr. EVANS. I shall incorporate the latest estimates I have for the project.

WAR DEPARTMENT,
UNITED STATES ENGINEER OFFICE,
ROOM 250, OLD LAND OFFICE BUILDING,
Washington, D. C., November 18, 1922.

Subject: Supplemental report on increase of water supply, District of Columbia.
To: The Chief of Engineers, United States Army.

1. Act (Public) No. 256, Sixty-seventh Congress, approved June 29, 1922, contains the following:

"For increasing the water supply of the District of Columbia, in accordance with project E, submitted in Senate Document No. 403, Sixty-sixth Congress, third session, the estimated cost of which has been revised and placed at $8,738,000, there is hereby authorized an appropriation, including those heretofore made, to be expended under the direction of the Secretary of War, of not to exceed the sum of $8,738,000, which shall include the cost of all land, rights of way, easements, materials, engineering, labor, equipment, service, and all things necessary to complete said project and its full and complete connection with the present water plant of said District and its distribution system, and of said sum there is hereby appropriated for said purpose the sum of $1,500,000, to be immediately available and to be expended in such a manner as will at the earliest possible date provide for the completion of said project. The Secretary of War may enter into contracts for materials and work necessary to the construction of said project, to be paid for as appropriations may from time to time be made, not to exceed in the aggregate the sum of $1,450,000 in addition to the amount herein appropriated. The Secretary of War is hereby authorized to acquire all necessary land, easements, and rights of way necessary to the construction of said project by purchase or condemnation: *Provided*, That no bid in excess of the estimated cost for that portion of the work or plant covered by the bid shall be accepted, nor shall any contract for any portion of the work, material, or equipment to constitute a part of the plant for which this appropriation is available be valid unless the Chief of Engineers of the United States Army shall have certified thereon that all its terms are within the requirements of this authorization and the revised estimates: *Provided further*, That the Secretary of War shall submit to Congress on the first day of the next regular session a supplemental report on said water system and increase of water supply, showing among other things new or proposed construction within said District, connections with the present system of distribution, and revised estimates of cost."

2. In compliance with the foregoing provisions of law contracts were made with the low bidder for the construction of so much of the new conduit from Great Falls to the Dalecarlia Reservoir, at the District line, as the funds appropriated and authorized would permit. These contracts, three in number, were approved July 28, 1922, by the Chief of Engineers, and provide for the construction of 45,700 linear feet of the conduit from a point 2,800 linear feet below Great Falls to the Dalecarlia Reservoir. Construction is simultaneously under way at a number of points on this new conduit. There remains to be contracted for the conduit from Great Falls to the point of beginning of the existing contracts 2,800 linear feet, mostly in tunnel, which work can not be done until land and rights of way are secured. There also remains, not covered by existing contracts, one-half of each cross-connection foundations and cross-connection superstructures.

The work not contracted for and which is required to complete the new conduit, and which must be done before additional water can be brought from Great Falls, it is estimated will cost as follows:

Gate chamber at Great Falls	$80,000
Conduit, section No. 1	38,000
Tunnel at Great Falls	300,000
Cross-connection gatehouses	80,000
Land and rights of way	13,000
Total	511,000
Superintendence, inspection, and omissions	51,000
Total	562,000

3. This report is particularly directed to the provision of law quoted in paragraph 1 preceding, requiring a supplemental report on new or proposed construction within the District of Columbia, connections with the present system of distribution, and revised estimates of cost.

4. Since the enactment of the law quoted the question of purification and distribution of additional water has been very carefully restudied.

The conclusion reached is that the general plan of filtration and distribution proposed in Senate Document No. 403, Sixty-sixth Congress, third session, is sound and for the reasons stated in that report should be put under construction at the earliest possible date.

5. Works proposed: The works proposed and required are as follows:

(a) A filtration plant complete, pumping station and power plant on Government-owned land near the District line.

(b) A distribution reservoir for the first high service, located on high ground about 1,200 feet northeast of the Georgetown Reservoir.

(c) A distribution reservoir for the second high service, located on high ground near Forty-fourth and Van Ness Streets NW.

(d) Pipe lines from the pumping station to the said new first and second high-service reservoirs and to the existing third high-service reservoir at Reno.

(e) A pipe line from the said new first high-service reservoir to connect with the existing first high-service mains at the existing gatehouse in the Georgetown Reservoir.

(f) A pipe line from the said new second high-service reservoir to connect with the existing second high-service main at the intersection of Seventeenth and Taylor Streets NW.

(g) New connection between the filtered water reservoir at the McMillan Park Filtration Plant and the existing gravity service mains to obtain 10 feet additional head on the gravity service.

(h) The installation of a chlorinating apparatus at the Georgetown Reservoir so that in case of emergency water may be supplied the gravity area directly from that reservoir.

(i) Repairs to existing works.

6. Filtration plant: This plant is located just west of the Conduit Road, near the District line, and will receive water by gravity from the Dalecarlia Reservoir. It is designed for an average capacity of 75,000,000 gallons per day. The location and general arrangement are shown on sheet No. 3. The plant consists essentially of an influent conduit to take water from the reservoir, a head house for controlling the operation of the plant with a tower in which is placed storage for chemicals and all mechanical equipment for applying them, covered mixing basins, open coagulating basins, 20 filters suitably housed, a covered filtered water reservoir, a pumping station and power plant for the development of power for the operation of the pumps, and dwellings for the operating force. The essential features of the plant are shown on sheets Nos. 4, 5, 6, 7, 8, 9, 10, and 11.

7. First high-service distribution reservoir: A 15,000,000-gallon covered reservoir is located as shown on sheets Nos. 12 and 13, to supply the first high service by gravity. The reservoir will supply water to that service with a head of 220 feet instead of the present head on the service of 210 feet.

8. Second high-service distribution reservoir: A 15,000,000-gallon covered reservoir is located as shown on sheets Nos. 14 and 15, to supply the second high service with a head of 30 feet greater than that now furnished by the existing Brightwood Reservoir.

9. The pipe line to supply the first high-service reservoir is 48-inch cast-iron pipe laid along the Conduit Road as shown on the plans (sheet No. 1).

The pipe lines to supply the second high-service reservoir and the existing third high-service reservoir at Reno are 36-inch cast-iron pipes located as shown on the plans, sheet No. 1.

10. A 48-inch pipe line will connect the first high-service reservoir with the existing first high-service mains, and the details of the connections are shown on sheet No. 1.

11. The pipe line to connect the second high-service reservoir with the existing 36-inch second high-service main at Seventeenth and Taylor Streets NW. is 72-inch diameter concrete-lined tunnel from Forty-fourth Street NW. along the line of Upton Street for 3,300 feet, thence 42-inch cast-iron pipe, all as shown on sheet No. 1.

12. Desirability of obtaining additional head on gravity service: The head on gravity service is now about 146 feet above sea level. The desirability of a somewhat greater head has been obvious for many years, but the necessary work for accomplishing that purpose has been deferred until a general overhauling of the water-supply system was taken up.

An increase in pressure head on the gravity service of from 10 to 15 feet can be secured by laying a new pipe line to connect the filtered-water reservoir of the McMillan Park plant with the existing gravity mains, at a total cost of about $100,000. No extra pumping would be required to supply the extra pressure, so that the cost of the pipe line would be the only expense incurred. As it would cost about $12,000 per annum to produce the above extra pressure by pumping, it is evident that the cost of the pipe line will be a good investment.

13. Arrangement for emergency supply to gravity area from Georgetown Reservoir: Connections will be made for supplying unfiltered, chlorinated water to the gravity service in case a break occurs in the old tunnel or filtration plant, as shown on sheet No. 1. This water would be supplied through the existing 30 and 36 inch mains, making the conditions for the gravity service similar to those existing for many years before the filtration plant was built, with the very important exception that formerly the water was supplied in an entirely untreated state, whereas the future emergency supply would be clarified by the use of a coagulant and sterilized by the application of chlorine.

14. The normal operation of the entire water-supply system when the new works are put in operation will be as follows (see sheet No. 2):

Gravity-service area: The gravity-service area will be supplied from the existing filtration plant at McMillan Park "A" by gravity with a head of 156 feet. In case of any emergency which might interrupt service from this plant, water can be supplied from the Georgetown Reservoir "C" to this area with a head of 146 feet. This water would be chlorinated but not filtered.

First high-service area: The first high-service area will be supplied by gravity from the new first high-service reservoir "F," which will receive filtered water by pumping from the new filtration plant "D." In case of an interruption of this service, this area can be supplied by direct pumping from the existing pumping station "B," at First and Bryant Streets.

Second high-service area: The second high-service area will be supplied by gravity from the new second high-service reservoir "E," which will receive water by pumping from the new filtration plant "D." In case of interruption in this service, the area can be supplied by direct pumping from the existing pumping station "B," at First and Bryant Streets.

Third high-service area: The third high-service area will be supplied by gravity from the existing Reno Reservoir "C," as at present, but that reservoir will receive its water by pumping from the new filtration plant "D." In case of necessity, it can be supplied, however, as at present, from the old plant "A" through the First and Bryant Streets pumping station "B."

15. Repairs to existing works: The consumption of water is now so great that the existing works can not be put out of service long enough to permit repairs. As soon as the new conduit is completed the old conduit should be put out of commission and thorough and complete repairs should be made wherever they may be found to be necessary. With the new filtration plant and distribution system to the first, sec-

ond, third, and fourth high-service areas in commission, the demand for water on the tunnel under the city and the existing filtration plant will be reduced about 50 per cent. This condition will permit unwatering the tunnel and the making of repairs therein. Once the deterioration in the old works caused by their long service has been made good, they can be operated until the safe operating capacity of the combined old and new works has been reached.

The extent of repairs and estimated cost for such work are as follows:

Repairs to intake at Great Falls	$10,000
Repairs to gatehouse at Great Falls	10,000
Lining unlined sections of tunnels	60,000
Repairing lining of conduit	30,000
Repairing lining by-conduit at Dalecarlia Reservoir	27,000
New gate in Dalecarlia sluice tower	2,000
New gate at wasteweir No. 3	2,000
Repairing lining in tunnel	115,000
Three new air shafts in tunnel	11,000
New pumps and repairing machinery at Rock Creek station	21,000
New stack at Rock Creek station	2,000
New stack at Champlain Avenue pumping station	2,000
Repairing machinery at Champlain Avenue pumping station	4,000
New stack at East Shaft pumping station	2,000
Repairing machinery at East Shaft pumping station	4,000
Total	302,000

16. The locations shown on the drawings for the power station at the new filtration plant, the first and second high-service reservoirs, and pipe lines are the best from an engineering standpoint. Should undue difficulty or expense be encountered in acquiring the lands at any of these points, some modification of design of the corresponding structure to more economically fit such conditions may become desirable. The lands required for reservoir sites are so located that they are rapidly appreciating in value. They should, therefore, be acquired promptly. Some of the lands through which tunnel rights near Great Falls are required are in disputed ownership. It is evident that to await the results of efforts to settle questions of title or obtain title by condemnation will greatly delay the completion of the conduit, and similar delays may be experienced in acquiring sites for reservoirs and pipe lines. Congress, recognizing similar conditions as the cause of undue and expensive delays in the construction of urgently needed public works, has in the past enacted legislation which permitted construction to proceed while at the same time protecting the interests of the owners of property taken. The following is quoted from existing law:

Congress enacted the following (chap. 294, Supplement to the Rev. Stats., vol. 1) in providing for the construction of the extension to McMillan Park of the original Aqueduct:

* * * * * * *

"When the map and survey are completed the Attorney General shall proceed to ascertain the owners or claimants of the premises embraced in the survey, and shall cause to be published for the space of 30 days in one or more of the daily newspapers published in the District of Columbia a description of the entire tract or tracts of land embraced in the survey, with a notice that the same has been taken for the uses mentioned in this act, and notifying all claimants to any portion of said premises to file, within its period of publication, in the Department of Justice a description of the tract or parcel claimed, and a statement of its value as estimated by the claimant."

* * * * * * *

"Upon the publication of the notice as above directed the Secretary of War may take possession of the premises embraced in the survey and map and proceed with the construction herein authorized; and upon payment being made therefor, or, without payment, upon the expiration of the times above limited without the filing of a petition, an absolute title to the premises shall vest in the United States."

The river and harbor act of July 18, 1918 (40 Stats. 911), contained this provision:

"SEC. 5. That whenever the Secretary of War, in pursuance of authority conferred on him by law, causes proceedings to be instituted in the name of the United States for the acquirement by condemnation of any lands, easements, or rights of way needed for a work of river and harbor improvement duly authorized by Congress, the United States, upon the filing of the petition in any such proceedings, shall have the right to take immediate possession of said lands, easements, or rights of way, to the extent of the interest to be acquired, and proceed with such public works thereon as have been authorized by Congress: *Provided*, That certain and adequate provision shall have been made for the payment of just compensation to the party or parties entitled thereto, either by previous appropriation by the United States or by the deposit of moneys or other form of security in such amount and form as shall be approved by the court in which such proceedings shall be instituted. The respondent or respondents may move at any time in the court to increase or change the amounts or securities, and the court shall make such order as shall be just in the premises and as shall adequately protect the respondents. In every case the proceedings in condemnation shall be diligently prosecuted on the part of the United States in order that such compensation may be promptly ascertained and paid."

In the District of Columbia appropriation act of July 11, 1919 (41 Stats. 100):

"*Provided*, That whenever the Secretary of War, in pursuance of authority conferred on him by law, causes proceedings to be instituted for the acquirement by condemnation of any lands, easements, or rights of way needed for the said work, the United States, upon the filing of the petition in any such proceedings, shall have the right to take immediate possession of said lands, easements, or rights of way to the extent of the interest to be acquired and to proceed with such public works thereon as have been authorized by Congress: *Provided further*, That certain adequate provisions shall have been made for the payment of just compensation to the party or parties entitled thereto, either by previous appropriation by the United States or by the deposit of moneys or other form of security in such amount and form as shall be approved by the court in which such proceedings shall be instituted. The respondent or respondents may move at any time in the court to increase or change the amounts or securities, and the court shall make such order as shall be just in the premises and as shall adequately protect the respondents. In every case the proceedings in condemnation shall be diligently prosecuted on the part of the United States in order that such compensation may be promptly ascertained and paid."

In order that the completion of the new works may not be unduly delayed it is strongly recommended that there be enacted into law a provision permitting the Secretary of War to take possession of property required for the construction of such works upon the filing of a suit in condemnation.

17. Estimates of cost of works within the District of Columbia filtration plant:

Excavation, 112,000 cubic yards, at 70 cents	$78,400
Roller embankment, 8,800 cubic yards, at 50 cents	4,400
Fill over filtered-water reservoir, 14,700 cubic yards, at 70 cents	10,300
Concrete, 32,000 cubic yards, at $20	640,000
Steel for reinforcement, 2,378,000 pounds, at 6 cents	140,000
Acid-storage vault, tanks, and pumps, complete	16,000
Reaction tanks	18,000
Elevator	6,000
Bucket conveyor	8,000
Pulverizer, motors, blower, separator, complete	10,000
Belt, conveyors, and all weighing apparatus	8,000
Electric wiring and lighting	3,000
Heating plant, complete	16,000
20 rate controllers	50,000
Sluice gates	43,000
Gate valves	60,000
Meters	39,000
Chemical feed devices and gauges	28,000
Piping	65,000
Wash-water tanks and supports	31,000
Filter sand, 2,200 cubic yards, at $3	6,600
Filter gravel, 1,700 cubic yards, at $3	5,100
Head house, superstructure	226,000
Filter house, superstructure	175,000
Garage, shop, and storehouse	40,000
Office furniture	1,000
Laboratory equipment	1,000
1 tank truck for hauling acid	5,000
1 3-ton truck for hauling	3,000
1 house for superintendent	15,000
3 double houses for employees	45,000
Total	1,796,800
Superintendence and omissions, 10 per cent	179,700
Total	1,976,500
Power plant:	
Land, 2⅜ acres, at $1,000	2,300
Superstructure of building	20,000
Substructure of building	34,000
Tailrace and tunnel	53,000
Surge tank	6,000
Penstock	64,000
Machinery	120,000
Total	299,300
Superintendence and omissions, 10 per cent	29,900
Total	329,200
Pumping station:	
Superstructure of building	83,000
Substructure of building	61,000
Motors and pumps, first high service	31,000
Motors and pumps, second high service	34,000
Motors and pumps, third high service	51,000
Motors and pumps, sand washer	9,000
Motors and pumps, priming	500
Transformers	23,000
Crane	4,000
Switchboard	20,000
Piping and valves	79,000
Total	395,500
Superintendence and omissions, 10 per cent	39,500
Total	435,000
Reservoir for first high service:	
Land, 220,000 square feet, at $0.50	110,000
Excavation, 77,200 cubic yards, at $0.70	54,000
Fill over reservoir and around walls, 35,800 cubic yards, at $0.40	14,300
Concrete, 12,700 cubic yards, at $20	254,000
Manholes, drains, gates, and valves	22,000
Total	454,300
Superintendence and omissions, 10 per cent	45,400
Total	499,700
Pipe line for first high service:	
13,540 linear feet of 48-inch pipe	431,300
Drains, gates, and valves	10,900
Total	442,200
Superintendence and omissions, 10 per cent	44,200
Total	486,400
Reservoir for second high service:	
Land, 310,000 square feet, at $0.50	155,000
Excavation, 62,600 cubic yards, at $0.70	43,800
Fill over reservoir and around walls, 23,200 cubic yards, at $0.40	9,300
Concrete, 12,710 cubic yards, at $20	254,200
Manholes, drains, gates, and valves	7,100
Total	469,400
Superintendence and omissions, 10 per cent	46,900
Total	516,300

Tunnel for second high service:	
Right of way, 800 linear feet, at $1	$800
Tunnel, 3,300 linear feet, at $80	264,000
Total	264,800
Superintendence and omissions, 10 per cent	26,500
Total	291,300
Pipe line for second high service:	
Land, 132,000 square feet, at $0.50	66,000
Grading, 16,400 cubic yards, at $0.70	11,500
Pipe, 9,230 linear feet of 36-inch	172,200
Pipe, 10,610 linear feet of 42-inch	249,000
Drains, culverts, crossing at Rock Creek, gates, and valves	11,500
Total	510,200
Superintendence and omissions, 10 per cent	51,000
Total	561,200
Pipe line for third high service:	
Land, 80,630 square feet, at $0.50	40,300
Grading, 12,100 cubic yards, at $0.70	8,500
Pipe line, 11,200 linear feet	223,800
Culverts, drains, gates, and valves	11,300
Total	283,900
Superintendence and omissions, 10 per cent	28,400
Total	312,300
Pipe line between filtered-water reservoir of existing plant and gravity main	100,000

SUMMARY.

Work within the District of Columbia:	
Maps and plans	50,000
Filtration plant	1,976,500
Relocation of railroad tracks	14,100
Power plant	329,200
Pumping station	435,000
Reservoir for first high service	499,700
Pipe line for first high service	486,400
Reservoir for second high service	516,300
Tunnel for second high service	291,300
Pipe line for second high service	561,200
Pipe line for third high service	312,300
Pipe line from filtered-water reservoir of existing plant to gravity main	100,000
Total	5,572,000
18. Work outside of the District of Columbia:	
Gate chamber at Great Falls	80,000
Conduit, section No. 1	38,000
Tunnel at Great Falls	300,000
Cross-connection gatehouses	80,000
Land and right of way	13,000
Total	511,000
Superintendence, inspection, and omissions	51,000
Total	562,000
Work on new conduit now under contract	2,080,000
Superintendence and inspection	104,000
Materials furnished by United States for work	40,000
Maps and plans	60,000
Temporary buildings	8,000
Total	2,854,000
19. Recapitulation:	
New work within the District of Columbia	5,572,000
New work outside the District of Columbia	2,854,000
Repairs to existing works within and outside the District of Columbia	302,000
Total	8,728,000

20. Detailed plans for all work proposed are in hand and construction can go forward as rapidly as funds that may be appropriated will permit.

M. C. TYER, *District Engineer.*

Fifteen inclosures, viz, blue prints and tracings:
Sheet No. 1. General location plan.
Sheet No. 2. Water service areas.
Sheet No. 3. Filtration plant, general location plan.
Sheet No. 4. Filtration plant, roof plan.
Sheet No. 5. Filtration plant, elevations.
Sheet No. 6. Filtration plant, ground-floor plan.
Sheet No. 7. Filtration plant, mixing basins.
Sheet No. 8. Filtration plant, coagulating basin.
Sheet No. 9. Filtration plant, filtered-water reservoir.
Sheet No. 10. Pumping station, arrangement of machinery.
Sheet No. 11. Hydroelectric plant, arrangement of machinery.
Sheet No. 12. First high reservoir.
Sheet No. 13. First high reservoir.
Sheet No. 14. Second high reservoir.
Sheet No. 15. Second high reservoir.

Mr. BRIGGS. Has the gentleman answered the question of the gentleman from Wisconsin as to how long it will probably be?

Mr. EVANS. I am trying to come to that. The project also includes another filtration plant similar to the one that is now used for the purpose of purifying the water—settling it—a purification of it that will be placed at about the District line at a point near that of the Dalecarlia Reservoir. The two parts of projects which require the greater length of time are the construction of this conduit and the filtration plant. It is stated that it can be completed in three years, and at the present rate of appropriation it will probably take about five years. I think now I have answered the questions which the two gentlemen put, unless there is something else——

Mr. STAFFORD. If the gentleman will yield further——

Mr. EVANS. I will.

Mr. STAFFORD. Does this project in any wise include the taking of any rights of way of the Chesapeake & Potomac Canal which have become moribund and obsolete?

Mr. EVANS. My understanding is that it runs under the canal by a tunnel. Now, it is, of course, as the gentleman understands quite well, an easement, and there is a matter of value, and it will have to be settled by contract or condemnation; and that calls to mind the question, perhaps, which the gentleman really has in mind, which is that at the time the original conduit was constructed there was a dispute between certain landowners and the Government, and a certain amount of money under condemnation proceedings was appropriated but has never been accepted by the owners, although all rights of appeal have lapsed.

The SPEAKER. The time of the gentleman has expired.

Mr. LINTHICUM. I ask that the gentleman have two additional minutes.

Mr. CRAMTON. I yield the gentleman one minute. I have an agreement to get out of the way——

Mr. LINTHICUM. I want——

Mr. SNELL. Mr. Speaker, under the circumstance, which is very important, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from New York makes the point of order there is no quorum present. The Chair will count. [After counting.] It is clear there is no quorum present.

Mr. CRAMTON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

Andrew, Mass.	Fish	Kleczka	Rodenberg
Ansorge	Frear	Knight	Rogers
Atkeson	Frothingham	Kreider	Rose
Bacharach	Funk	Kunz	Rosenbloom
Barkley	Gahn	Lampert	Rossdale
Beck	Gallivan	Langley	Rouse
Beedy	Garner	Layton	Rucker
Bell	Garrett, Tex.	Lazaro	Ryan
Benham	Gilbert	Leatherwood	Schall
Black	Glynn	Lee, N. Y.	Scott, Mich.
Blakeney	Goldsborough	Lehlbach	Sears
Bland, Ind.	Gould	Little	Shreve
Bowers	Graham, Pa.	Luce	Siegel
Brennan	Greene, Vt.	Luhring	Slemp
Britten	Griffin	McArthur	Smith, Mich.
Brooks, Pa.	Hawes	McClintic	Snyder
Brown, Tenn.	Hayden	McCormick	Stephens
Bulwinkle	Hays	McFadden	Stiness
Burdick	Henry	McLaughlin, Nebr.	Stoll
Burke	Hickey	McLaughlin, Pa.	Strong, Pa.
Butler	Himes	Mansfield	Sullivan
Cable	Hoch	Mead	Sweet
Campbell, Kans.	Hogan	Michaelson	Tague
Cannon	Hooker	Mills	Taylor, Ark.
Cantrill	Huck	Morin	Taylor, N. J.
Carew	Hudspeth	Mudd	Thomas
Chandler, N. Y.	Hukriede	Nelson, J. M.	Thompson
Chandler, Okla.	Hull	Newton, Minn.	Tilson
Chindblom	Humphreys, Miss.	O'Brien	Timberlake
Clague	Hutchinson	Olpp	Treadway
Classon	Ireland	Overstreet	Upshaw
Clouse	Jacoway	Paige	Vestal
Codd	James	Park, Ga.	Voigt
Connolly, Pa.	Johnson, S. Dak.	Patterson, Mo.	Volk
Coughlin	Johnson, Wash.	Patterson, N. J.	Wason
Crisp	Jones, Pa.	Perkins	Watson
Crowther	Kahn	Perlman	Webster
Cullen	Kearns	Petersen	Wheeler
Curry	Keller	Pou	White, Kans.
Davis, Minn.	Kelley, Mich.	Radcliffe	Williams, Tex.
Davis, Tenn.	Kelly, Pa.	Rainey, Ala.	Winslow
Dominick	Kendall	Rainey, Ill.	Wise
Drane	Kennedy	Ransley	Wood, Ind.
Dunn	Kincheloe	Reber	Wyant
Dyer	Kindred	Riddick	Yates
Edmonds	King	Riordan	Young
Fairfield	Kitchin	Robertson	Zihlman

The SPEAKER. Two hundred and thirty-eight Members are present. A quorum is present.

Mr. CRAMTON. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Michigan moves to dispense with further proceedings under the call. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

The doors were opened.

The SPEAKER. The question is on the motion of the gentleman from Michigan that the House recede from its disagreement to the Senate amendment and agree with an amendment.

The motion was agreed to.

HOUR OF MEETING TO-MORROW, 11 O'CLOCK A. M.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow. Is there objection?

There was no objection.

DESIGNATION OF SPEAKERS PRO TEMPORE TO-MORROW.

The SPEAKER. The Chair will designate to act as Speaker pro tempore to-morrow in the memorial exercises for the late Senator WATSON of Georgia, his colleague, Mr. LEE of Georgia, and for the memorial exercises for the late Representative BRINSON, of North Carolina, Mr. STEDMAN, of North Carolina.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DAVIS of Tennessee, for to-day, on account of illness;

To Mr. REED of New York, indefinitely, on account of death in the family; and

To Mr. ROGERS, for three days, on account of illness in his family.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Craven, its chief clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 10 and 25 to the bill (H. R. 13696) making appropriations for the Executive Office and for sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1924, and for other purposes.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 13793) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1924, and for other purposes disagreed by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon and had appointed Mr. WADSWORTH, Mr. JONES of Washington, Mr. SPENCER, Mr. HITCHCOCK, and Mr. HARRIS as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following concurrent resolution, in which the concurrence of the House of Representatives was requested:

Senate Concurrent Resolution 38.

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill (S. 2023) defining the crop failure in the production of wheat, rye, or oats by those who borrowed money from the Government of the United States for the purchase of wheat, rye, or oats for seed, and for other purposes, to correct an error therein.

ENROLLED BILL SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill of the following title, when the Speaker signed the same:

H. R. 13696. An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1924, and for other purposes.

LEGISLATIVE APPROPRIATION BILL—CONFERENCE REPORT.

Mr. ANDERSON. Mr. Speaker, I call up the conference report on the legislative appropriation bill.

The SPEAKER. The gentleman from Minnesota calls up the conference report on the legislative bill. The Clerk will report it.

The conference report and accompanying statement were read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13926) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1924, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24, and agree to the same.

The committee on conference have not agreed upon amendments numbered 10, 25, and 26.

J. G. CANNON,
SYDNEY ANDERSON,
Managers on the part of the House.

F. E. WARREN,
REED SMOOT,
WM. J. HARRIS,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13926) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1924, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On Nos. 1 to 9 and 11 to 17, inclusive, relating to the Senate: Appropriates for the officers and employees of the Senate in the numbers and amounts as proposed in the Senate amendments and makes the appropriation for the maintenance of the Vice President's automobile "immediately available."

On No. 18: Provides, as proposed by the Senate, that the statement of appropriations shall include the third and fourth sessions of the Sixty-seventh Congress.

On No. 19: Appropriates $31,385, as proposed by the Senate, for special repairs to the Senate Chamber.

On No. 20: Appropriates $55,370, as proposed by the Senate, for painting and renovating the Senate Office Building.

On No. 21: Appropriates $16,180, as proposed by the Senate, for storeroom cages on the attic floor of the Senate Office Building.

On Nos. 22, 23, and 24, relating to the Library of Congress Building: Provides for the compensation of a clerk at $2,250, as proposed by the Senate, instead of $2,000, as proposed by the House, and makes the compensation of two attendants in ladies' room $720 each, as proposed by the Senate, instead of $480, as proposed by the House.

The committee of conference have not agreed upon the following amendments of the Senate:

On No. 10: Relating to the appointment of clerks to Senators.

On No. 25: Providing for a disbursing clerk for the Government Printing Office.

On No. 26: Authorizing the employment of apprentices in the Government Printing Office in excess of 25 at any one time.

J. G. CANNON,
SYDNEY ANDERSON,
Managers on the part of the House.

Mr. ANDERSON. Mr. Speaker, I move the adoption of the conference report.

The SPEAKER. The gentleman from Minnesota moves the adoption of the conference report. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 10: On page 6, after line 12, insert: "Senators elected, whose term of office begins on the 4th day of March, and whose credentials in due form of law shall have been presented to the Senate, or filed with the Secretary thereof, are authorized to appoint the same number of clerical assistants, not to exceed four, at the same annual salaries, to which qualified Senators not chairmen of committees are entitled, whose compensation shall be paid out of the appropriation for clerical assistance to Senators."

Mr. ANDERSON. Mr. Speaker, I move that the House recede and concur in the Senate amendment. This amendment relates to the clerical force of the Senate.

Mr. STAFFORD. Mr. Speaker, may we have this amendment reported?

Mr. ANDERSON. It has been reported. This amendment relates, I say, to the clerical force in the Senate. Under the present practice of the Senate a newly elected Senator gets as clerical assistance only the secretary provided by law. The effect of this amendment is to give to a newly elected and incoming Senator the same clerical force on March 4 that he would be entitled to on the 1st of December, at the beginning of the regular session. This amendment is obviously in accordance with the principle of equality between incoming and existing Senators, and we thought it would be proper to adopt it. I ask for a vote, Mr. Speaker.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Minnesota that the House recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Senate amendment No. 25, page 24, line 23, after the semicolon, strike out the words "cashier and paymaster, $2,500," and insert in lieu thereof "disbursing clerk, $2,500: *Provided*, That the disbursing clerk of the Government Printing Office hereafter shall be charged with the receipt and disbursement of all moneys for said office in accordance with the provisions of the law relating to the Public Printer and other disbursing officers of the Government, under such bond and rules as the Secretary of the Treasury shall prescribe; and thereafter the Public Printer shall give a bond in the sum of $25,000 for the faithful performance of his duties."

Mr. ANDERSON. Mr. Speaker, under the existing law the Public Printer is the disbursing officer of the Government Printing Office. As such disbursing officer he has to give a bond of $100,000. The Government Printing Office is the only department of the Government where the head of a department or of the service is also the disbursing officer. The existing situation is the occasion of a great deal of inconvenience on the part of the Public Printer, and in order to bring this part of the Government service into conformity with the situation in other departments of the Government this amendment provides that the existing cashier and paymaster shall be the disbursing officer and shall give such bond as may be required by the Secretary of the Treasury, and thereafter the Public Printer shall give a bond in the sum of $25,000. I move to recede and concur in the Senate amendment.

The SPEAKER. The gentleman from Minnesota moves to recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 26: On page 35, line 18, after the figures "$128,810" insert "The Public Printer may hereafter employ such number of apprentices as in his judgment will be consistent with the economical service of the office."

Mr. ANDERSON. Mr. Speaker, I move to recede and concur with an amendment, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Minnesota moves to recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. ANDERSON moves to recede and concur in Senate amendment No. 26 with the following amendment: In lieu of the matter inserted by said amendment, insert the following: "The Public Printer may hereafter employ such number of apprentices, not to exceed 200 at any one time, as will in his judgment be consistent with the economical service of the office."

Mr. KIESS. Mr. Speaker, I make a preferential motion. I move, Mr. Speaker, to recede and concur in the Senate amendment.

The SPEAKER. The gentleman from Pennsylvania moves that the House recede and concur in the Senate amendment.

Mr. ANDERSON. Mr. Speaker, I yield to the gentleman from Pennsylvania five minutes.

The SPEAKER. The gentleman from Pennsylvania is recognized for five minutes.

Mr. KIESS. Mr. Speaker, as chairman of the Printing Committee of the House I am acting in accordance with the wishes and instructions of our committee in making this preferential motion. We believe that there is no necessity for limiting the number of apprentices to 200. The Joint Committee on Printing, as well as the House Committee on Printing, and, I might add, the Senate Committee on Printing, are unanimous on this point and favor concurring in the Senate amendment. In evidence of our belief that there is no necessity for the amendment limiting the apprentices to 200, I want to call the attention of the House to section 49 of the act of January 12, 1895, which is the general printing law:

The Public Printer may employ, at such rates of wages as he may deem for the interest of the Government and just to the persons employed, such proof readers, laborers, and other hands as may be necessary for the execution of the orders for public printing and binding authorized by law; but he shall not, at any time, employ in the office more hands than the absolute necessities of the public work may require.

I also want to call attention to the authority given the Joint Committee on Printing in the legislative appropriation act for 1920, approved March 1, 1919:

That the Joint Committee on Printing shall have power to adopt and employ such measures as, in its discretion, may be deemed necessary to remedy any neglect, delay, duplication, or waste in the public printing and binding and the distribution of Government publications.

We believe, Mr. Speaker, that the existing law which I have quoted will take care of the matter of apprentices and there is no danger of too many being employed.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. KIESS. Yes.

Mr. BYRNS of Tennessee. The statement has been made to me that the expenditure for apprentices in the printing department of the Government was a useless expenditure because they were not needed; that the printing concerns all over the country were not employing apprentices in any great numbers, but they desired the Government to expend the money for apprentices so as to educate them in the trade, and as soon as they were educated they would take them away from the Government and employ them.

Mr. KIESS. I think that this statement is not correct. We are supposed to have the best printing establishment in the world, and I think it is only fair that the Government should train its proportionate share of apprentices.

Mr. BYRNS of Tennessee. On the other hand, if the statement made to me is true, that apprentices are not generally employed in private establishments, but that they looked to the Government to make the expenditure it would be equally unfair for the Government to train them all.

Mr. KIESS. That is not true; and it has been proven that the training of apprentices is a good thing at the Government Printing Office. It has been unfortunate that under an act of Congress passed in 1895 the Public Printer has been limited to 25 apprentices in an establishment with over 4,000 employees. I am glad to say that the Public Printer has started in to train apprentices, and we now have the full limit of 25. The reason that the amendment was placed in the bill in the Senate was to give the Public Printer an opportunity to more economically carry on the business of the Government Printing Office.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. KIESS. Yes.

Mr. BYRNS of Tennesee. I want to ask the gentleman whether he will say that private concerns are employing in a considerable number apprentices in the printing business?

Mr. KIESS. I do know that private concerns are employing apprentices, perhaps not as many as in times past, but that will apply not only to the printing trade but other trades. Apprentices are not as plentiful as in years past. I want to say to the gentleman from Tennessee that in the hearings before the Committee on Printing we brought out the fact that there could be no reasonable objection to increasing the number of apprentices in the Government Printing Office.

Not only on account of the shortage of labor in various trades, but also to obtain employees properly trained in the special requirements of the Government service, is it highly essential that the Government Printing Office resume at this time the work of training many of its own skilled workers and continue without let or hindrance this most important duty to itself and to the printing industry of the United States.

On the recommendation of the Public Printer, the Civil Service Commission has agreed that any person entitled to preference because of military or naval service may be appointed an apprentice without regard to the 20-year maximum age limit. This will afford an opportunity for the rehabilitation training of many war veterans if the restriction to 25 apprentices now imposed by law is removed without further delay.

It is important, therefore, that the apprentice limitation be repealed by Congress at the present session, so that the Government Printing Office can begin at once more extensive training of veterans who may desire to earn a good and comfortable livelihood as thoroughly competent craftsmen.

As the Government Printing Office is unquestionably the best equipped and most suitable place in the United States for training in the various branches of the allied printing trades, it is regrettable that this wonderful opportunity is now denied by law to all but a few of the young men who so heroically offered their lives in defense of the Nation which maintains this big establishment. Their training can be carried on without the expenditure of a single additional dollar save for the compensation of the veterans who desire better to fit themselves for the continued service of their country. If for no other reason, the vocational training of disabled veterans alone will fully justify the extension of the apprenticeship system to meet their special needs.

Mr. ANDERSON. I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, the reason there are few apprentices in private business is because of a union rule that the unions enforce in these private businesses that prevents them from employing apprentices at will—the same influence that has

made Congress limit by law the number of apprentices to 25 in a four-year period in the Government Printing Office.

In every open shop in the United States to-day employing printers, without any exception at all—and by open shop I mean the kind of shop that employs a printer for what he can do regardless of whether he does or does not belong to a union—in every open shop at least 33⅓ per cent of the employees are apprentices. And the employers are not limited, restricted, or dictated to as to the number of apprentices they employ.

In all of what is called closed shops, where they will not permit you to employ any but union laborers, they have none—no apprentices or a very limited few. Will the gentleman tell us what is the average age of our 4,000 employees the Government now has down at the Government Printing Office?

Mr. KIESS. I could not tell.

Mr. BLANTON. I have understood that it is 42. I may be mistaken, but I have been told so.

Mr. TINCHER. Mr. Speaker, I think this is a very important subject, and that we ought to have a quorum here. I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Kansas makes the point of order that there is no quorum present. Evidently there is not.

Mr. ANDERSON. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ansorge	Fairchild	Kindred	Riddick
Bacharach	Fairfield	King	Riordan
Barkley	Faust	Kirkpatrick	Robertson
Beck	Fish	Kitchin	Rodenberg
Beedy	Focht	Kleczka	Rogers
Bell	Foster	Knight	Rose
Benham	Frear	Kreider	Rosenbloom
Black	Free	Kunz	Rossdale
Blakeney	Frothingham	Lampert	Rouse
Bland, Ind.	Funk	Langley	Rucker
Bowers	Gahn	Layton	Ryan
Brand	Gallivan	Leatherwood	Schall
Britten	Garner	Lee, Ga.	Scott, Mich.
Brooks, Pa.	Garrett, Tex.	Lee, N. Y.	Sears
Browne, Wis.	Gilbert	Lehlbach	Shreve
Bulwinkle	Glynn	Luce	Siegel
Burdick	Goldsborough	Luhring	Slemp
Burke	Gould	McClintic	Smith, Mich.
Burtness	Graham, Pa.	McFadden	Snyder
Burton	Greene, Mass.	McKenzie	Stephens
Butler	Greene, Vt.	McLaughlin, Nebr.	Stiness
Byrnes, S. C.	Griest	McLaughlin, Pa.	Stoll
Cable	Griffin	McPherson	Strong, Pa.
Campbell, Kans.	Hawes	MacGregor	Sullivan
Cannon	Hayden	Martin	Sumners, Tex.
Cantrill	Hays	Mead	Sweet
Carew	Henry	Michaelson	Tague
Chandler, N. Y.	Hickey	Mills	Taylor, Ark.
Chandler, Okla.	Hicks	Moore, Ill.	Taylor, Colo.
Chindblom	Himes	Morin	Taylor, N. J.
Clark, Fla.	Hoch	Mudd	Thomas
Classon	Hogan	Nelson, Me.	Thompson
Clouse	Hooker	Nelson, J. M.	Tilson
Cockran	Huck	Newton, Minn.	Timberlake
Codd	Hudspeth	O'Brien	Treadway
Cole, Iowa	Hukriede	Olpp	Upshaw
Cole, Ohio	Hutchinson	Overstreet	Vestal
Connolly, Pa.	Ireland	Paige	Voigt
Copley	Jacoway	Park, Ga.	Volk
Coughlin	James	Parks, Ark.	Volstead
Crago	Jefferis, Nebr.	Patterson, Mo.	Ward, N. C.
Crisp	Johnson, Ky.	Patterson, N. J.	Ward, N. Y.
Crowther	Johnson, Miss.	Perkins	Wason
Cullen	Johnson, S. Dak.	Perlman	Webster
Davis, Minn.	Johnson, Wash.	Petersen	Wheeler
Davis, Tenn.	Jones, Pa.	Porter	Winslow
Drane	Kahn	Pou	Wise
Dunbar	Keller	Radcliffe	Wood, Ind.
Dunn	Kelley, Mich.	Rainey, Ala.	Woodyard
Dupré	Kelly, Pa.	Rainey, Ill.	Wyant
Dyer	Kendall	Ramseyer	Yates
Echols	Kennedy	Ransley	Zihlman
Edmonds	Kincheloe	Reber	

The SPEAKER. Two hundred and seventeen Members have answered to their names, a quorum.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

Mr. BLANTON. Mr. Speaker, resuming where I left off when the roll was called, I want to be fair upon this question. I understand, for instance, that the unions do allow a few apprentices. Take my friend from Pennsylvania [Mr. WALTERS], for instance. He has 103 union employees in his printing establishment, and he has four apprentices out of the 103 employees. Take the bricklayers in Chicago. They allow each Chicago contractor to have one apprentice a year. For instance, if the contractor is employing 50, or 500, or 1,000 bricklayers on one or many big jobs he can have one apprentice a year and one only. The unions permit the Government to have 25 apprentices in the Printing Office in a four-year period. I have evidence in my office, given me in writing by employees in the Government Printing Office, that there are employees there now doing work that apprentices could do and receiving the pay of journeymen printers for doing it; and that no matter how capable and proficient such employees become, or how well qualified they are to do the work of journeymen printers, they can never be promoted to that position because union rules will not permit it.

Mr. MORGAN. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. I regret that I have not the time. If I had, I would be very glad to yield. Where we have 4,000 employees in the Government Printing Office, why should we not have as many apprentices as the Public Printer can use to the advantage of the Government? That is all this amendment provides. Let me quote it exactly:

The Public Printer may hereafter employ such number of apprentices as in his judgment will be consistent with the economical service of the office.

Why should the Public Printer not employ as many apprentices as he thinks is to the best interest of the Government? Why should he not be allowed to do that? The unions do not want him to do it. The law limits him to 25. Is there any reason that you can give to your judgment and conscience against that proposition? That is all the Government is trying to do here. Why limit it to 200? If among the 4,000 employees the Government can use 400 or 1,000 apprentices, why limit the number to 200? Oh, gentlemen, it is merely a union proposition. You can not get away from it. If limiting the number to only 200 had good sense in it, I would be for it. I am for union propositions when they are based on good sense, but when they are ridiculous I am against them. I am for many of the propositions that my good friend from Ohio [Mr. COOPER] stands for, and I tell you if they were all like him they would not be far wrong——

Mr. COOPER of Ohio. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. COOPER of Ohio. Does the gentleman know how many printers they have in the Government Printing Office?

Mr. BLANTON. Four thousand employees there.

Mr. COOPER of Ohio. For years they have had 25 apprentices, and the amendment of the gentleman from Minnesota [Mr. ANDERSON] gives them 200. Does the gentleman not think that is a pretty good increase?

Mr. BLANTON. Why limit the number to 200? It is a union proposition. The Government should not have its hands tied.

Mr. COOPER of Ohio. And does the gentleman not think that union men have the right to protect themselves or try to do so in a lawful way as far as they can do so?

Mr. BLANTON. Let me tell my good friend from Ohio that I am not in favor of unions protecting themselves by laws that benefit only their 4,000,000 union members to the detriment of the 107,000,000 people of the United States. I am for the whole people. There is not a man here who thinks more of him than I do——

Mr. COOPER of Ohio. Oh, answer the question.

Mr. BLANTON. Why do that to benefit 4,000 men to the detriment of the interest of 107,000,000 people.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. BLANTON. That is the proposition that I am for. I am for the interest of the whole people as against the interest of a few.

Mr. ANDERSON. Mr. Speaker, I yield five minutes to the gentleman from South Carolina [Mr. STEVENSON].

Mr. WOODRUFF. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Michigan makes the point of order that there is no quorum present. Evidently there is not.

Mr. ANDERSON. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The Clerk called the roll and the following members failed to answer to their names:

Ansorge	Blakeney	Burdick	Cantrill
Bacharach	Bland, Ind.	Burke	Carew
Barkley	Bowers	Burtness	Chandler, N. Y.
Beck	Britten	Butler	Chandler, Okla.
Beedy	Brooks, Pa.	Cable	Chindblom
Bell	Browne, Wis.	Campbell, Kans.	Clark, Fla.
Black	Bulwinkle	Cannon	Classon

Clouse	Hickey	MacLafferty	Sears
Cockran	Hicks	Martin	Shreve
Codd	Hill	Mead	Siegel
Cole, Ohio	Himes	Michaelson.	Slemp
Connolly, Pa.	Hoch	Mills	Smith, Mich.
Copley	Hogan	Moore, Ill.	Smithwick
Coughlin	Hooker	Moores, Ind.	Snyder
Crago	Huck	Morin	Stafford
Crisp	Hukriede	Mudd	Stedman
Crowther	Hutchinson	Nelson, Me.	Steenerson
Cullen	Ireland	Nelson, John M.	Stiness
Davis, Minn.	Jacoway	Newton, Minn.	Stoll
Davis, Tenn.	Jefferis, Nebr.	O'Brien	Strong, Pa.
Dominick	Johnson, Ky.	Oldfield	Sullivan
Drane	Johnson, Miss.	Oliver	Sumners, Tex.
Dunn	Johnson, S. Dak.	Olpp	Sweet
Dupré	Johnson, Wash.	Overstreet	Tague
Dyer	Jones, Pa.	Paige	Taylor, Ark.
Echols	Kahn	Park, Ga.	Taylor, Colo.
Edmonds	Kearns	Parks, Ark.	Taylor, N. J.
Fairfield	Keller	Patterson, Mo.	Thomas
Faust	Kelley, Mich.	Patterson, N. J.	Thompson
Fish	Kelly, Pa.	Perkins	Thorpe
Fitzgerald	Kendall	Perlman	Tilson
Focht	Kennedy	Petersen	Treadway
Fordney	Kincheloe	Pou	Upshaw
Frear	Kindred	Radcliffe	Vinson
Free	King	Rainey, Ala.	Volk
Frothingham	Kirkpatrick	Rainey, Ill.	Ward, N. Y.
Funk	Kitchin	Ramseyer	Ward, N. C.
Gahn	Kleczka	Ransley	Wason
Gallivan	Knight	Rayburn	Watson
Garner	Kreider	Reber	Weaver
Garrett, Tex.	Kunz	Reed, W. Va.	Wheeler
Gilbert	Langley	Riddick	Williams, Ill.
Glynn	Layton	Riordan	Williams, Tex.
Goldsborough	Lee, N. Y.	Robertson	Wilson
Gorman	Lehlbach	Rodenberg	Winslow
Gould	Luce	Rogers	Wise
Graham, Pa.	Luhring	Rose	Wood, Ind.
Greene, Vt.	McClintic	Rosenbloom	Woodyard
Griffin	McFadden	Rossdale	Wyant
Haugen	McKenzie	Rouse	Yates
Hawes	McLaughlin, Nebr.	Rucker	Zihlman
Hayden	McLaughlin, Pa.	Ryan	
Hays	McPherson	Schall	
Hersey	MacGregor	Scott, Mich.	

Mr. BANKHEAD. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BANKHEAD. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The Chair has not reported the roll call yet. Two hundred and nine Members have answered to the call, not a quorum.

Mr. BANKHEAD. Mr. Speaker, I renew my motion.

The SPEAKER. The gentleman from Alabama moves that the House do now adjourn.

The question was taken; and the Speaker announced the noes seemed to have it.

Mr. BANKHEAD. Mr. Speaker, I ask for a division.

The House again divided; and there were—ayes 46, noes 104.

So the motion was rejected.

The SPEAKER. Two hundred and fourteen members are present, a quorum.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors, and the gentleman from South Carolina [Mr. STEVENSON] is recognized for five minutes.

Mr. STEVENSON. Mr. Speaker and gentlemen, this amendment placed in this bill by the Senate merely gives the Public Printer the right to employ such number of apprentices as, in his judgment, will be consistent with the economical service of the office. The law regulating the Government Printing Office provides that he can not employ any more than necessary for the economical administration of his office in any department, and then the law gives the Joint Committee on Printing the right to supervise that proposition and require him to put on 15 or 30 or 40 or whatever they see fit. Now, the proposition of the conference committee is to concur with an amendment fixing it at 200, and it is simply an invitation to the Public Printer to appoint 200 and sweep away the power that the Joint Committee on Printing has to limit it to less than that. For instance, we have no idea the present Public Printer would do anything of the kind, but we do not know who will be the Public Printer five years from now, and he might come up and undertake to put 200 in there and the Joint Committee on Printing might say he does not need them. The Printing Committee says, "You can not put in over 50." His reply might come, "The Congress has given me authority to do that and I propose to do it," and that sweeps away all the right of the Committee on Printing to limit it. The whole proposition is just one of leaving it with the Joint Committee on Printing to determine whether he is employing them in a proper and economical way. Now, as to the question of employing apprentices in commercial establishments. The testimony of the Public Printer is that in commercial establishments of the size of the Government Printing Office 200 apprentices would probably be employed, that would be about the per cent, and that is why this limitation of 200 has been put in this proposed amendment. The law as it stands here puts it in the hands and control of the Joint Committee on Printing—and that is not a very extravagant committee, if any of you have had any dealings with it—and the committee is a unit, both the Senate and House committee on the proposal that it ought to be left as the Senate put it.

Mr. COOPER of Ohio. Will the gentleman yield for a question for information?

Mr. STEVENSON. I will.

Mr. COOPER of Ohio. It has been in a way said by the gentleman from Texas that this has been forced upon the committee by the labor union.

Mr. STEVENSON. I do not know anything about that. We have had no trouble with labor about it. This is a pure matter of business in a great business establishment of the Government, and we want the law left so that there can be no question about the fact that the Joint Committee on Printing can say to this man how many he can employ and if he has too many to tell him to go and get rid of them, if he can.

Mr. BLANTON. Will the gentleman yield?

Mr. STEVENSON. I will.

Mr. BLANTON. Now, the gentleman knows that the law limits the number to 25, and the effect of the amendment put in here cuts out the limit altogether.

Mr. STEVENSON. I do not know why the limit was put in; I am not responsible for it; but I do tell you this, that an apprentice gets 25 cents an hour and the journeyman printer, whose place the apprentice is supposed to take, gets 85 cents an hour, and it might be economical to have more apprentices or it might not be, according to the efficiency of the men.

Mr. MAPES. Will the gentleman yield?

Mr. STEVENSON. I will.

Mr. MAPES. If the amendment proposed by the chairman of the subcommittee on the legislative bill limiting the number to 200 should be adopted, would the Committee on Printing then have authority to control the Public Printer within the 200 limit?

Mr. STEVENSON. This is a later law, and the proposition is that they give him the right to employ as many as 200, and he can say to the joint committee that Congress has amended the law and said that he could employ 200, which would sweep away the power to control him within the 200. That is the construction I put upon it. That is all I want to say about it, and the committee is a unit on both sides, and it is not in the interest of union labor or in the interest of nonunion labor, but it is in the interest of the economical administration of this great industry that we have reached this conclusion.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANDERSON. Mr. Speaker, the whole question involved in the motion of the gentleman from Pennsylvania and the motion I have made is whether the Public Printer shall have unlimited authority to appoint as many apprentices as he deems proper, subject to the approval of the Committee on Printing, or whether the number of apprentices shall be limited to 200, as proposed by the amendment I have offered.

Mr. CLARKE of New York. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from New York makes the point of order that there is no quorum present. It is evident that there is no quorum present.

Mr. ANDERSON. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Minnesota moves a call of the House.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Wyoming moves that the House do now adjourn. The question is on agreeing to that motion.

The motion was agreed to; accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned, under the order previously made, until to-morrow, Sunday, February 11, 1923, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

973. A communication from the President of the United States, transmitting an estimate of appropriation in the sum of $1,154 required by the United States Coast Guard, Treasury

Department, for payment of damages caused by collisions with Coast Guard vessels (H. Doc. No. 563); to the Committee on Appropriations and ordered to be printed.

974. A letter from the First Assistant Secretary of the Interior, transmitting the report of the Commissioner of Patents for the calendar year 1922; to the Committee on Patents.

975. A letter from the Secretary of War, transmitting a list of leases granted by the Secretary of War during the calendar year 1922; to the Committee on Expenditures in the War Department.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. MADDEN: Committee on Appropriations. H. J. Res. 440. A joint resolution to satisfy the award rendered against the United States by the Arbitral Tribunal established under the special agreement concluded June 30, 1921, between the United States of America and the Kingdom of Norway; without amendment (Rept. No. 1574). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on District of Columbia. H. R. 4389. A bill to create a traffic court in and for the District of Columbia, and for other purposes; with amendments (Rept. No. 1576). Referred to the Committee of the Whole House on the state of the Union.

Mr. VESTAL: Committee on Coinage, Weights, and Measures. H. R. 13809. A bill to authorize the coinage of 50-cent pieces in commemoration of the three hundredth anniversary of the settling of New Netherland, the Middle States, in 1624, by Walloons, French and Belgian Huguenots, under the Dutch West India Co.; with amendments (Rept. No. 1577). Referred to the Committee of the Whole House on the state of the Union.

Mr. STRONG of Kansas: Committee on Banking and Currency. H. R. 14270. A bill to amend sections 3, 4, 9, 12, 15, 21, 22, and 25 of the act of Congress approved July 17, 1916, known as the Federal farm loan act; with an amendment (Rept. No. 1578). Referred to the Committee of the Whole House on the state of the Union.

Mr. NEWTON of Minnesota: Committee on Interstate and Foreign Commerce. H. R. 13906. A bill granting the consent of Congress to the cities of Minneapolis and St. Paul, Minn., or either of them, to construct a bridge across the Mississippi River, in section 17, in township 28 north, range 23 west of the fourth principal meridian, in the State of Minnesota; without amendment (Rept. No. 1581). Referred to the House Calendar.

Mr. NEWTON of Minnesota: Committee on Interstate and Foreign Commerce. H. R. 14081. A bill granting the consent of Congress to the Valley Transfer Railway Co., a corporation, to construct three bridges and approaches thereto across the junction of the Minnesota and Mississippi Rivers, at points suitable to the interests of navigation; without amendment (Rept. No. 1582). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FULLER: Committee on Invalid Pensions. H. R. 14288. A bill granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; without amendment (Rept. No. 1575). Referred to the Committee of the Whole House.

Mr. MILLER: Committee on Military Affairs. H. R. 13004. A bill authorizing the Secretary of War to lease to the Kansas Electric Power Co., its successors and assigns, a certain tract of land in the military reservation at Fort Leavenworth; without amendment (Rept. No. 1579). Referred to the Committee of the Whole House.

Mr. EDMONDS: Committee on Claims. S. 1298. An act to carry out the findings of the Court Claims in the case of the Fore River Shipbuilding Co.; without amendment (Rept. No. 1580). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FORDNEY: A bill (H. R. 14284) to provide the necessary organization of the customs service for an adequate administration and enforcement of the tariff act of 1922, and all other customs revenue laws; to the Committee on Ways and Means.

By Mr. MILLER: A bill (H. R. 14285) to limit the immigration into the United States of aliens ineligible to citizenship, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. McKENZIE: A bill (H. R. 14286) to authorize the Secretary of Commerce and the Secretary of War to exchange the Long Point (N. C.) Lighthouse Reservation and a portion of the War Department reservation at Coinjock, N. C.; to the Committee on Military Affairs.

By Mr. FAIRCHILD: A bill (H. R. 14287) to authorize the Secretary of State to acquire in Paris a site with an erected building thereon, at a cost not to exceed $300,000, for the use of the diplomatic and consular establishments of the United States; to the Committee on Foreign Affairs.

By Mr. FULLER: A bill (H. R. 14288) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee of the Whole House.

By Mr. HERRICK: A bill (H. R. 14289) prohibiting Members of the United States House of Representatives and Members of the United States Senate from accepting entertainment at the hands of an individual citizen or corporation, or from going upon pleasure trips, commonly called junkets, wherein the expense is borne by a private individual or corporation; to the Committee on the Judiciary.

By Mr. GALLIVAN: A bill (H. R. 14290) to erect additional buildings to be used as rest camps for convalescents, beneficiaries of the United States Veterans' Bureau; to the Committee on Interstate and Foreign Commerce.

By Mr. ALMON: A concurrent resolution (H. Con. Res. 83) providing for printing additional copies of soil survey of Lauderdale County, Ala.; to the Committee on Printing.

By Mr. COLTON: A joint resolution (H. J. Res. 441) creating a joint commission, to be known as the joint commission of gold and silver inquiry, which shall consist of five Senators, to be appointed by the President of the Senate, and five Representatives, to be appointed by the Speaker; to the Committee on Mines and Mining.

By Mr. KIESS: A resolution (H. Res. 519) to print as a House document the journal of the fifty-seventh national encampment of the Grand Army of the Republic for the use of the House and the Senate; to the Committee on Printing.

By Mr. LINEBERGER: A resolution (H. Res. 520) authorizing the Clerk of the House to pay out of the contingent fund of the House to Chlide Nelms and Sherrill B. Osborne one month's salary as clerks to the late Hon. Henry Z. Osborne; to the Committee on Accounts.

By the SPEAKER (by request): Memorial of the Legislature of the State of North Dakota urging Congress to enact legislation guaranteeing to the wheat grower a minimum price of $1.50 per bushel; to the Committee on Agriculture.

By Mr. HAWLEY: Memorial of the Legislature of the State of Oregon favoring legislation which compels woolen manufacturers to label woolen fabrics by placing a tag on the product plainly stating the exact percentage of virgin wool; to the Committee on Interstate and Foreign Commerce.

By the SPEAKER (by request): Memorial of the Legislature of the State of Massachusetts favoring an embargo being placed on coal; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Legislature of the State of Montana requesting Congress to enact such legislation as may be necessary to issue patents to farm units on Federal reclamation projects in order that such farm units may become taxable; to the Committee on the Public Lands.

By Mr. RAKER: Memorial of the Legislature of the State of Oregon, urging Congress to submit a constitutional amendment prohibiting the further issuance of tax-exempt securities; to the Committee on the Judiciary.

By Mr. YOUNG: Memorial of the Legislature of the State of North Dakota, urging Congress to enact a law to guarantee $1.50 per bushel to the growers of wheat; to the Committee on Agriculture.

By Mr. SINCLAIR: Memorial of the Legislature of the State of North Dakota, urging that Congress take cognizance of the present unfortunate condition of the wheat farmers of the Northwest and that a price of $1.50 per bushel be set on wheat while this emergency lasts; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ABERNETHY: A bill (H. R. 14291) providing for the examination and survey of North River, N. C.; to the Committee on Rivers and Harbors.

By Mr. HUMPHREY of Nebraska: A bill (H. R. 14292) granting a pension to S. F. Foster; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 14293) granting an increase of pension to Louisa Smith; to the Committee on Invalid Pensions.

By Mr. RAKER: A bill (H. R. 14294) for the relief of William J. McGee; to the Committee on Appropriations.

By Mr. KNUTSON: A resolution (H. Res. 521) to pay Walter C. Neilson $800 for extra and expert services to the Committee on Pensions; to the Committee on Accounts.

Also, a resolution (H. Res. 522) to pay Richard E. Roberts $250 for extra and expert services to the Committee on Pensions; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7257. By the SPEAKER (by request): Petition of the City Council of Worcester, Mass., condemning that group or organization known as the Ku-Klux Klan; to the Committee on the Judiciary.

7258. Also (by request), petition of McKinley Council, No. 50, Daughters of America, opposing any legislation removing the restrictions of the present immigration law; to the Committee on Immigration and Naturalization.

7259. Also (by request), petition of New Mexico Wool Growers' Association, urging that the proper Government authorities perfect all necessary arrangements to permit owners of live stock in the United States to keep their stock in Mexico for a period of two years; to the Committee on Ways and Means.

7260. Also (by request), petition of representatives of commercial organizations of the United States assembled in Washington urging Congress to pass pending legislation relating to the American merchant marine; to the Committee on the Merchant Marine and Fisheries.

7261. By Mr. DARROW: Petition of the Woman's Club of Germantown, Philadelphia, Pa., protesting against the passage of the Bursum Indian bill, S. 3855; to the Committee on Indian Affairs.

7262. By Mr. GALLIVAN: Petition of Citrus Chapter, No. 2, Daughters of American Veterans of the World War, regarding legislation for disabled tuburcular veterans; to the Committee on Interstate and Foreign Commerce.

7263. Also, petition of Massachusetts Department, Reserve Officers Association of the United States, favoring ample appropriations for the organization and training of reserve officers; to the Committee on Appropriations.

7264. By Mr. GRAHAM of Illinois: Petition of Mrs. James Carl and others, of Rock Island, Ill., favoring the passage of House bill 10427; to the Committee on the Merchant Marine and Fisheries.

7265. By Mr. KISSEL: Petition of the Community Councils of the City of New York, New York City, N. Y., recommending that the President take such action as will insure an uninterrupted supply of coal at a reasonable price to the public in the future; to the Committee on Interstate and Foreign Commerce.

7266. By Mr. LINTHICUM: Petition of C. S. Longacre, general secretary of the Religious Liberty Association, Takoma Park, Washington, D. C., submitting the names of 356 citizens of Baltimore, protesting against Sunday bills pending in the House; to the Committee on the District of Columbia.

7267. By Mr. RAKER: Petition of the Earle C. Anthony (Inc.), of Los Angeles, Calif., indorsing and urging passage of the White radio bill; to the Committee on the Merchant Marine and Fisheries.

7268. Also, petition of the Chamber of Commerce of the State of New York, relative to the Army and Navy of the United States; to the Committee on Appropriations.

7269. Also, petition of the Chamber of Commerce of the State of New York, opposing any amendment of the Constitution of the United States which shall disqualify either the Federal Government or any State or municipal government from issuing bonds free from both Federal and State taxation; to the Committee on the Judiciary.

7270. Also, petition signed by N. B. Hull and 20 other residents of Montague, Calif., asking the abolishment of the discriminatory tax on small-arms ammunition and firearms; to the Committee on Ways and Means.

7271. Also, petition of the Illinois Manufacturers' Association, of Chicago, Ill., relative to the question of the foreign debt of the United States and opposing cancellation of any of these debts; to the Committee on Ways and Means.

7272. Also, petition of the Long Beach Dairy & Creamery, of Long Beach, Calif., indorsing and urging the passage of Senate bill 4280; the De Laval Pacific Co., of San Francisco, Calif., indorsing and urging the passage of Senate bill 4280; to the Committee on Agriculture.

7273. Also, petition of the National Guard Association of the United States, Indianapolis, Ind., relative to the organization and equipment of the National Guard; to the Committee on Appropriations.

7274. Also, petition of the Woman's Christian Temperance Union of California, relative to the narcotic drug menace; the Department of Civics, California Club, of San Francisco, Calif., relative to the narcotic drug menace; to the Committee on Foreign Affairs.

7275. By Mr. TINKHAM: Petition of State Directorate, Massachusetts American Association for Recognition of the Irish Republic, favoring the 25-year plan with 4½ per cent interest passed by Congress; to the Committee on Ways and Means.

7276. By Mr. WYANT: Petition of Greensburg Council, No. 82, Order of Independent Americans, opposing any increase of the 3 per cent quota in the restriction of immigration; to the Committee on Immigration and Naturalization.

7277. By Mr. YATES: Resolution of Illinois Commandery, Naval and Military Order of the Spanish American War, favoring sufficient appropriations to put the Navy on the same basis as Great Britain's, for an Army of such size as shall insure the carrying out of the law of June 4, 1920, and preclude the possibility of the recurrence of conditions of the World War; to the Committee on Appropriations.

HOUSE OF REPRESENTATIVES.

SUNDAY, *February 11, 1923.*

The House met at 11 a. m., and was called to order by Mr. Lee of Georgia as Speaker pro tempore.

The Rev. Page Milburn offered the following prayer:

Holy Father, Almighty, Eternal God, we the creatures of Thy hand, and the grateful recipients of Thy daily bounty, present our sincere acknowledgment of Thy mercy and protection.

Unworthy as we are of Thy gratuity and too often forgetful of our obligation to Thee, we beseech Thee to continue to bear us up in Thy hands and comfort us with Thy counsel. In prosperity restrain us; in sorrow and calamity comfort and calm us.

May the citizens of this Republic, and more particularly those identified with the making of its laws, be sensible of their obligation to remember Thy commandments to keep them, and to be filled with the spirit of the Son of Man who gave Himself to the uplifting of mankind, and was not unwilling to suffer death, to finish His chosen service.

May the grace of our Lord and Savior Jesus Christ be with us all. Amen.

The SPEAKER pro tempore. Without objection, the reading of the Journal of yesterday will be deferred. [After a pause.] The Chair hears no objection. The Clerk will report the special order for the day.

THE LATE SENATOR THOMAS E. WATSON.

The Clerk read as follows:

Pursuant to House Resolution 471, Sunday, February 11, 1923, at 11 o'clock a. m., is set apart for addresses on the life, character, and public services of THOMAS E. WATSON, late a Senator from the State of Georgia.

Mr. BELL. Mr. Speaker, I offer the following resolution.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Resolution 523.

Resolved, That the House has heard with profound sorrow of the death of Hon. THOMAS E. WATSON, late a Senator from the State of Georgia.

Resolved, That as a mark of respect to the memory of the deceased the business of the House be now suspended to enable his associates to pay tribute to his high character and distinguished public services.

Resolved, That the Clerk of the House of Representatives transmit a copy thereof to the family of the deceased.

The question was taken, and the resolution was unanimously agreed to.

Mr. BELL. Mr. Speaker, it was with deep regret that we all learned of the death of Senator THOMAS E. WATSON. The sad news was quickly carried over the wires all over the country, and the hearts of his thousands and multiplied thousands of friends and admirers, not only in Georgia, his native State,

but in many States of this Union, were saddened. His death was not wholly unexpected by those who were close to him, but his friends generally were not prepared for the early passing of the great American whom they had learned to love and cherish.

In all probability no man in this country had as strong personal following as our late colleague. His friends had for him the strongest admiration and their loyalty and devotion are almost without parallel in this country. His brief service in the United States Senate was not a disappointment to his many friends, but they had hoped for a long and continued service in that great legislative body.

Senator WATSON had a most remarkable career and his trials and vicissitudes, as well as his remarkable successes, were ever apparent from the beginning of his life up to his death. He was born in what was then Columbia, now McDuffy County, Ga., September 5, 1856, and was at the time of his death 66 years of age. His parents, at the time of his birth, lived in a plain log house. They were poor, but honest and good, and on account of their financial conditions they were unable to give him the advantages they so much desired. In their determined efforts they were finally able to give him a good English education at the Steed High School in Thomson, Ga. After he left high school he was employed as a clerk in a general merchandise store in Thomson, and later in a store at Norwood where he received the salary of $5 per week. Later he went to Mercer University, which was in the fall of 1872. This course was at the behest of Professor Steed, who had interested himself in this young student and aided him in entering college. Between terms at the university he taught school in Bibb County, thereby earning enough money to complete the sophomore term.

The panic of 1873 caused the Watson family a great loss in the property they then owned and consequently they faced hard times for several years. However, young WATSON was full of fire and vim, and, acting for himself, he gathered the books which had been given to him by his father and grandfather and sold them to a firm in Augusta, Ga., for a small amount of money but sufficient at that time to pay his expenses into Screven County where he obtained another school, which he taught with signal success and ability. During this trying period a friend gave him a copy of Blackstone and through this avenue he mastered the fundamentals of our system of jurisprudence and wrote his mother that he meant to practice law. His mother remonstrated, because she felt it too big an undertaking for him under the circumstances, but he insisted and was determined to pursue his plans, and paved the way. His old and tried friend, Mr. James Thompson, for whom Mr. WATSON had plowed in the field at 50 cents a day, encouraged him to apply for admission to the bar. This he did, and was admitted to practice in the courts in 1875. He "hung out his shingle," and Mr. Robert H. Pierce, then clerk of the Superior Court, permitted young WATSON to occupy a part of his office until he could establish himself.

It is said of him that his first signal victory in the court room was when he regained for a mother an infant girl child whom she had deeded away to its putative father. Col. Bill Tutt, the then big lawyer of the town and vicinity, prepared the papers deeding the little girl to the supposed father, and before the trial was concluded Colonel Tutt found himself completely routed by the masterful effort and presentation of the case, which was lost to Mr. WATSON, due mainly to his acknowledged superior ability as a young lawyer.

After this, clients came to him from various parts of the State. He appeared as leading counsel in many murder trials and his speeches in many instances are remembered to this day. His fees were always in proportion to the gravity of the case, and the surrounding circumstances, and the last murder case in which he appeared his fee was $5,000.

He entered public life in 1882 and was elected to the General Assembly of Georgia. There he gained additional reputation as a debater and some of his activities in that body are still fresh in the minds of many Georgians. He was elected to Congress in 1890, and while here obtained by the passage of a resolution the first appropriation ever used in the inauguration of rural free delivery of mail. He championed the automatic car-coupler bill and the eight-hour day for labor. He openly attacked the sale of liquor in the National Capitol, and it was finally driven out. Congressman WATSON sought reelection, and the contest was so bitter and the irregularities were so apparent that Maj. J. C. C. Black, of Augusta, who had been, upon the face of the returns, elected, refused the nomination, and another election was called which resulted in the defeat of Mr. WATSON. He then retired to private life. He practiced law for several years, retiring from the law in 1896 to accept the nomination for the Vice Presidency on the ticket with William J. Bryan. Following that defeat he turned his attention to literature. It was during this retirement that he wrote the "Life and Times of Thomas Jefferson." Other contributions to literature emanated from his brain and pen, chief among them, as believed by critics, being the "Story of France." "Napoleon," "Bethany," and "Waterloo" are also among his contributions which indicate the master mind. It was during this period of his career that his gentle, loving, and devoted wife gave him the inspiration that only a kind and loving wife or mother can bestow. She was mindful of every detail of his surroundings, and his environments were made pleasant by the happy smile and the womanly grace which adorned the household and beautified every nook and corner of their premises. By her ever-ready mind, heart, and hand he was enabled to enjoy the quietude in his study which was most essential in the production of the publications which will be handed down from generation to generation as among the most classic literature of modern days. In a conversation on one occasion with the late Speaker Champ Clark he told me that, in his judgment, TOM WATSON was the best historian in the United States.

In 1910 Mr. WATSON established "The Jeffersonian" and "Watson's Magazine" at Thomson, and published them until 1917, when Postmaster General Burleson refused them admission to the mails on account of Mr. WATSON's strong opposition to conscription. He then retired from the newspaper field. During this period he lost his children by death. He sought rest and quietude in another State, but when he returned from his Florida home he was a broken figure in every way. Though of strong mentality and wonderful determination this bereavement proved too much for him. Finally he mustered all the strength and power left to him and again entered newspaper work and purchased the Columbia Sentinel, which he edited up to the time of his death.

His friends entered his name as a candidate for President on the ticket in Georgia's preferential primary in 1920, and he led the ticket in the election in the State over two opponents. During the same year he became a candidate for the United States Senate and was nominated over two opponents.

He entered the Senate in March, 1921. In feeble health he delivered his maiden Senate speech on the Columbian Treaty, which was regarded by those who heard him as a most powerful argument.

An acute attack of asthma hastened his death, which occurred in Washington, September 26, 1922. I was on the committee appointed by the Speaker of the House which accompanied his remains to its last resting place at Thomson, Ga., the home of his youth. Along the line of travel in South Carolina and Georgia I saw large crowds of people at all the stations with bowed heads and tear-dimmed eyes. In Augusta, where our train was delayed for several minutes, thousands of people were standing, waiting to get a glimpse of their dead chieftain. When we arrived at Thomson there was a sea of people, variously estimated from ten to fifteen thousand in number, who had gathered there from all parts of the country to pay their last tribute of respect to the man they loved so well.

Many had driven long distances and some had traveled all night in order that they might have an opportunity to once more look upon the face of their departed friend, whom they had followed through many fierce political battles and who had kept in close touch with every phase of his life. I chanced to talk with several men on the day of the burial who told me that, on account of not being able to get rooms in which to rest for the night, they walked the streets of the town until the following morning.

The floral offerings were the most beautiful I have ever seen in a rural community. It was very evident that a large number of these were sent from distant towns and cities. They were superb in every way. A large number of bouquets of flowers were brought by loving, tender hands, signifying the love and esteem in which he was held by admiring friends. In this connection I want to incorporate in my remarks a portion of an article which appeared in the Atlanta Journal in the afternoon of the day of the burial:

It was a gathering thoroughly representative of Senator WATSON'S friends and adherents. It included the high and the low, the rich and the poor, the banker and the business man, the statesman and jurist, the landlord and the tenant; but in the overwhelming majority were men whose sun-browned features proclaimed them sons of the soil, men who followed the plow over the red hills of Georgia. For it was among them that Senator WATSON gathered his greatest following. They loved him devotedly, followed him unhesitatingly, and his pronouncement was their gospel. And now that he has gone they feel a loss as though one of their own flesh and blood had passed over the river.

His body was tenderly laid to rest by loving hands with garlands upon his grave.

His was the troubled life,
The conflict and the pain,
The grief, the bitterness of strife,
The honor without stain.

Death takes us by surprise,
And stays our hurrying feet;
The great design unfinished lies,
Our lives are incomplete.

But in the dark unknown
Perfect their circles seem,
Even as a bridge's arch of stone
Is rounded in the stream.

Alike are life and death
When life in death survives,
And the uninterrupted breath
Inspires a thousand lives.

Were a star quenched on high,
For ages would its light,
Still traveling downward from the sky,
Shine on our mortal sight.

So when a great man dies,
For years beyond our ken,
The light he leaves behind him lies
Upon the paths of men.

Mr. GREEN of Iowa. Mr. Speaker, it falls to the lot of few men to make "footprints on the sands of time," and even when this impression is left a never-ceasing ebb and flow of the centuries too often obliterates the imprint. THOMAS E. WATSON was one of those rare geniuses whose path is marked so plainly that generation after generation will see and note it.

My personal acquaintance with the late Senator began shortly after he entered upon his term in the upper House. For some time he and I lived at the same hotel and, while I can not claim to have been intimate with him, I often met him. This acquaintance, although slight, greatly impressed me.

Years before when that remarkable work of his, The Story of France, first appeared, being a student of history and at that time making a practice of reading everything in that line that seemed worth while, I observed the favorable mention of the work by the critics and obtained a copy. It is no exaggeration to say that I was literally fascinated by it. From the moment I commenced to read it I could hardly lay the book aside and was astonished by the erudition it manifested. Through its passages kings and potentates, scholars and peasants, the classes and the masses, walked in one vast panorama like creatures of life. This work was soon followed by The Life of Thomas Jefferson, and then came The Life of Napoleon. As fast as they came out I eagerly sought them. Even to the most careful student of history these works presented a new view. Through them we could see the times they depicted in a better as well as in a more glowing light. To Senator WATSON the fact that some custom had prevailed for years meant nothing, nor did the glitter and parade of military heroes or the swagger of monarchs deceive him.

Naturally an iconoclast, with smashing blows he shattered many an idol forever. He stripped the tinsel from kings and showed the hollowness of their pretenses. He tore the plumes and epaulets from military heroes and exposed many of them as merely bloodthirsty ruffians with talents only for destruction. Filled with a love for the people, he lashed with scorn and contempt the exaltation of the aristocracy and pictured as never before had been done the wrongs inflicted upon the masses during those years which so many historians had imagined to be some of the most glorious in the history of France. The clearness of his style, the brilliancy of his expression, the wonderful erudition manifested by these works, made them famous all over the world, and to-day no one can really claim to be a profound student of history who is not familiar with them. Mr. Speaker, these words will constitute an imperishable monument to his memory.

In political matters he was fearless. With many of his theories and principles I was unable to agree, yet I could not but admire the ability and courage with which he presented and adhered to them. He did not hesitate to oppose the most powerful political leaders, not only of his own State but of the Nation. When he espoused a cause he supported it with his whole heart and with a vigor that was astonishing. Naturally the opposition he met was great, but no matter what enmity he might excite, what wrath he might provoke or what punishment might be feared, nothing swerved him from his course. The result was that his following was not confined to his own State but his influence was felt nation-wide. To a large portion of our citizens he was an acknowledged leader, and in his own State he became almost supreme.

It is seldom indeed that a scholar becomes a man of action. Often the student is of a shrinking nature and stands aside while the great procession of mankind moves on, or halts for counsel. But here was a man of great erudition and at the same time of most remarkable force and power.

Political questions furnished to him the breath of life and he was ever ready to champion what he believed to be the cause of the people. It is too early for us to pass final judgment upon his work. He accomplished much. How much, only some one with the gift of prophesy can foretell. We know that the world advances and that ideas rejected to-day may be almost universally accepted by another generation. Civilization has moved far since the days described in his story of France. Administrations have come and gone, kings and emperors have fallen, dynasties have been overthrown, and while war has not been abolished it has become more hideous and more detested by mankind generally. All through these changing tides of time the cause of the common people has advanced and in this advance he had his part, and it was a great one.

When I first met him I discovered that he was not at all the man I had expected to see. It seemed almost impossible that so slight a frame and so frail a body could contain so much force and energy. Nor did I expect to find a man who had already demonstrated his power, to be so unassuming. I had hoped, Mr. Speaker, that I might have an opportunity some time to sit beside him and have him relate to me how he conceived the plan and obtained the material for his great historical works. Unfortunately the opportunity never came, partly because he had so little desire to do anything that might seem like making a parade of his attainments. So in a social way I only knew him as a courteous and affable gentleman who arrogated nothing to himself and with whom companionship would certainly have been a pleasure.

He is now gone to a final rest, a rest well earned from a life of conflict, of unceasing activity devoted to what he believed to be in the interest of his fellowmen. I am thankful for this opportunity, as one from a State far removed from his home, to offer this tribute to his memory.

Mr. CRISP. Mr. Speaker—

Oh, why should the spirit of mortal be proud?
Like a swift-fleeting meteor, a fast-flying cloud,
A flash of the lightning, a break of the wave,
Man passes from earth to rest in his grave.

Mr. Speaker, of a surety, Death is no respecter of persons; He visits alike the hovels of the poor, the palaces of the rich, and the halls of Congress. During the Sixty-seventh Congress the final summons has come to 19 Congressmen and to four United States Senators. The lesson should be clear to all:

So live, that when thy summons comes to join
The innumerable caravan which moves
To that mysterious realm where each shall take
His chamber in the silent halls of death,
Thou go not, like the quarry-slave at night,
Scourged to his dungeon, but sustained and soothed
By an unfaltering trust, approach thy grave
Like one that wraps the drapery of his couch
About him, and lies down to pleasant dreams.

On September 26, 1922, the angel of death touched the soul of the Hon. THOMAS E. WATSON, the distinguished junior senator from my beloved State, and this great Georgian peacefully fell asleep and was gathered to his fathers. "Know ye not that a prince and a great man has this day fallen in Israel?" Senator WATSON's long public life was an eventful and tempestuous one, and, during the course of it, he never asked nor gave quarter. He was, in the language of the great emperor, Napoleon, "the bravest of the brave:"

Cowards die many times before their death;
The valiant never taste of death but once.

Mr. WATSON was the peer in intellect of any man who ever graced the halls of the United States Senate. His life's successes should be an inspiration to the youth of our land. Born in Columbia County, Georgia, on September 5, 1856, his parents poor, but of honorable lineage, Mr. WATSON knew the pangs and hardships of poverty, and his heart and sympathy were ever true to the poor and struggling masses of humanity, and, to the day of his death, he was their able and devoted champion.

By his own efforts earning the money to pay for his schooling, later reading law at night while teaching school by day, he acquired a splendid education; defeats and adversities affected him not; and, by his indomitable will, energy, industry, and loyalty to the principles he believed in, he achieved renown in many fields. When admitted to the bar, he speedily took high rank among the lawyers of his section, and, when he retired from the practice of law, he was universally considered one of the ablest men of the profession in the State. In 1891 elected to the United States House of Representatives; in 1896 nominated by the Populist Party for Vice President of the United States; in 1904 nominated by the People's Party for President

of the United States; and, in 1921, elected to the United States Senate from Georgia; thus we see the humble Georgia plowboy by his own efforts rise phenomenally to rare heights of fame.

During the two years Mr. WATSON was a Member of the House of Representatives he served with distinguished ability. It was my privilege to be parliamentarian of that Congress, and I remember Mr. WATSON well. Slim of stature, of frail physique, red haired, he presented a striking appearance. He was always in his seat when the House was in session, and paid close attention to his duties. Possessed of extraordinary oratorical powers and being a profound student of the science of government, he was a foe to be dreaded in debate by the ablest Members of the body. When he was recognized to address the House he always commanded the closest attention of the Members. During this Congress he introduced a resolution making an appropriation for the establishment of the rural-mail service in this country, thus becoming the father of this great government service which has been of incalculable benefit to the rural communities of the United States. In this same Congress he led the debate requiring the railroads to use automatic car couplers, the use of which has yearly prevented thousands of deaths.

Senator WATSON assumed his senatorial duties on March 5, 1921. His marvelous store of knowledge, his matchless oratorical ability, and his mastery of invective in debate soon gained for him high rank in the Senate. As an opponent, he was always respected and feared; as a friend and ally, he was thrice welcome. His public services in both branches of Congress entitle him to be acclaimed statesman.

To my mind, one of his greatest successes was his marvelous achievement in the literary world. His Story of France is recognized by all critics as one of the finest histories ever written of that Republic, and to-day a translation of this work is taught in the public schools of France. Among his great productions are The Life of Napoleon, the Life and Times of Andrew Jackson, Life of Thomas Jefferson, and Bethany, a Study and Story of the Old South. These literary gems will be read by our children's children, and their author has earned a niche in history that will entitle his name to be recorded among earth's great.

Senator WATSON's public life was a stormy one. God gave him a superb mind, and he was the most fearless and outspoken public man I ever knew. If I were to criticise the public men of to-day, it would be because of their lack of backbone as evidenced by their failure to voice and vote their convictions on public questions when political exigencies seem to decree otherwise; Senator WATSON was all backbone, and feared no living man. He was ever true to his convictions, even when threatened by the Federal Government itself with imprisonment in the penitentiary. He never swerved or deviated one hair's breadth, but boldly and publicly advocated his views on all public questions. Being a bold, aggressive, and positive character, Senator WATSON made bitter enemies and devoted friends. No public man in Georgia, nor I dare say anywhere in the United States, ever had as devoted, loyal, and loving a following as Senator WATSON enjoyed.

Thousands of people in my State loved him with a devotion that beggared words, they regarded him as truly their great tribune, and they followed him implicitly. They would not only vote for him when he was a candidate, but, at his suggestion, would espouse the cause of any other candidate in Georgia, firmly believing that whomever Senator WATSON championed for public office was the right man for that place. Senator WATSON might truly be called the Warwick of Georgia politics; he could make and unmake governors, and his political support was eagerly sought by Georgia political aspirants for office.

Mr. Speaker, public men are often misjudged, frequently unjustly condemned, made the butt of ridicule and contumely, many times lied on and slandered; and I have often wondered if public service was worth the price it cost. Congress had just adjourned, and I was at my home in Americus when the wires flashed the sad tidings that Senator WATSON was dead. Old and young men approached me on the streets overcome with their grief, some with tears in their eyes, and, with faltering voice, choking with emotion, said: "Senator WATSON is gone; who can take his place?" It was my privilege to attend the funeral of the deceased Senator. When the train bearing his body arrived in Augusta, Ga., en route to Thomson, the station and streets were thronged with men and women of high and low estate, with bared heads, who had gathered to look upon his bier and do him honor. Their every look and gesture betokened the sincere sorrow they felt at his taking away. This same condition obtained at every station through which the train passed from Augusta to Thomson. When we arrived at this beautiful little city, the streets leading from the station to the Senator's home—Hickory Hill—were draped in mourning, and the town was filled to overflowing with Georgians who had gathered from every section of the State to pay a last loving tribute to their beloved dead. A great concourse of people, variously estimated at from 10,000 to 15,000 people attended his funeral—not an idle crowd gathered there out of mere curiosity, but a sober, solemn assemblage, many with tear-dimmed eyes. When I recall this picture, Mr. Speaker, I answer, "Yea, public service, if faithfully rendered, is worth the price!"

God's choicest gift to man is a pure, loyal, and devoted wife. Senator WATSON was indeed fortunate in this respect, for in 1878 he won the heart and hand of Miss Georgia Durham, of Thomson, Ga., who, with two beautiful granddaughters, survive him. It is my good fortune to be intimately acquainted with Mrs. Watson, and to know her is to love her—a pure, gentle, retiring, intellectual, and refined lady of the old southern type. I shall not attempt to depict the home life of the deceased Senator, of which, as well probably as of much of his public success, the gentle spirit of the sweet and cultured companion of his married life was the inspiration. Nor shall I dwell upon those traits of character that grappled his friends to him with hooks of steel, for I am fortunate in having before me the written tribute of one who knew him better than I. At my request, Mrs. Alice Louise Lytle, for many years a business associate of Senator WATSON and associate editor of his paper, the Columbia Sentinel, has prepared a tribute to her deceased friend, which I shall now read and publish as a part of my simple tribute to this great man, lawyer, scholar, author, and statesman.

Senator WATSON died at the height of his power and popularity, in harness, at his post of duty, while toiling unceasingly to ameliorate the condition of his fellow man.

> And could we choose the time, and choose aright,
> 'Tis best to die, our honors at the height,
> When we have done our ancestors no shame,
> But served our friends and well secured our fame.

THOMAS E. WATSON—THE MAN.

(By Mrs. A. L. Lytle.)

Of THOMAS E. WATSON, the orator, the lawyer, the scholar, and the Senator, the world has heard much and read much. A great deal of what has been said and written would make the man himself appear as a bloodless, unlovely character, devoid of almost every human attribute.

But the real THOMAS E. WATSON, the man who loved and protected the birds and squirrels of his beloved "Hickory Hill;" the man whom his dogs coaxed to go to walk with them; the man whose horse stood at the lot gate and whinnied as he saw him coming for his daily ride; the man who founded a bank that the poor people of his section might borrow money on security that the other banks refused to risk; the man who never forgot a friend—this is the THOMAS E. WATSON I knew in the fourteen years of daily association with him.

The deeds of kindness he did, these will never be all known, because many of those who benefited are gone, and he never told.

The old friend whom he kept in his home place for so many years; the old music teacher whom he loved and whom he never forgot when the fruits of summer were ripe, when the winds of winter blew—she is still living here, and will bring tears to your eyes as she speaks of "TOM'S goodness" to her.

The old schoolmate whom he found living on a little, isolated farm, suffering from a broken hip, and with none but negroes to minister to him, unable to leave his bed because of the lack of a wheeled chair. A wheeled chair appeared and the old schoomate spent many happy days in the sunshine because of that thoughtfulness.

There was a wide roof outside the window of his study; the window at which he wrote looked out on it, and it was no uncommon sight to see six or eight redbirds, as many squirrels, and other birds feeding, in the depth of winter, on the cracked nuts and corn which was spread there for them by the kindly-faced man who peered at them from the window as he wrote some of those wonderful articles that have been read by the world.

His home was the home of the average southern gentleman; and the hospitality of the old régime still existed there.

If "company" came, there was no flurry and no worry; it was simply a case of adding more chairs to the table, and more food. His friends were always his friends, and welcomed as such.

When he was writing, he was never disturbed; the home revolved around his work—and there was never anything permitted to disturb him in the hours devoted to that work.

Simple in his tastes, loving all that was beautiful, he had gathered in that home in the years that he had spent there books, pictures, bits of choice old furniture, rugs, hangings, and ornaments that gave the home an air of comfort and elegance which has so long been the keynote of old southern homes.

Music he loved passionately, and it was a beautiful epoch in his life when he would play his old "fiddle" to the accompaniment of his daughter—whose death was one of the greatest sorrows in his life; and he never touched the fiddle after her death.

Sensitive, the hurts he received in the many battles he had lived through left scars that he never forgot; but there was less of the bitterness than one would almost expect, when he would talk over the stormy days.

He softened, with the years, as all of us must, and he regretted much that had happened in the days of political difference—and he never harbored ill-will against any who showed a tendency to play fair with him.

The old negroes clung to him as they had clung to his father who had owned them; in the "Quarter" now connected with Hickory Hill there still lives the old negro mammy who nursed him; she will live there until she, too, goes on that long journey which her "Mar'se TOMMY" has gone on—and she, too, mourns still for that kindly master who never forgot her.

Quick-tempered, and as quick to forgive; generous, but just; honest to others—and exacting honesty when he knew it was possible, but forgiving many debts when he knew they could not be paid.

Interested in all that concerned his friends; ambitious for those he loved, giving even his bitterest enemies the benefit of doubt—his days were full of interest to him.

When he had at last reached the goal of his ambition—the United States Senate—there were some of us who feared that his health would not be equal to the tasks he would have to face, but he would smilingly say:

Let me die in harness; I will at least have accomplished some of the things I have wanted to do for so long.

And that wish was granted him.

He died as he had lived—interested in what was of interest to his fellow-man, and with his desk cleared of every obligation there.

And in his going, there are some of us who will try to do, as bravely and as thoroughly as he would have us do, the things he wanted done.

Mr. RANKIN. Mr. Speaker, I regret that my physical condition for the last few days has prevented me from preparing an address for this occasion or writing a manuscript. I once heard a great man, who later adorned the United States Senate, introduce the late Senator WATSON to a vast audience, and in that introduction he said:

I am presenting a man with whom I have not always politically agreed, but I have found it much easier to criticize his views than it was to answer his arguments.

I think that statement defines the position of a great many friends of Senator WATSON who admired him for his great ability, and agreed with him on a great many propositions, but disagreed with him on others.

Mr. Speaker, we have come to-day to commemorate, in our humble way, the life of a great man, and I might say that it is too early after his death for even his friends, or those who knew him best, properly to estimate or appreciate his great ability and his great work, or to forecast their estimation by future generations.

When William Shakespeare, the greatest individual of the human race, who has been referred to as "an intellectual ocean that touched all the shores of thought," when that great dramatist "shuffled off this mortal coil" and proceeded to "that undiscovered country from whose bourne no traveler returns," possibly none of his contemporaries realized that the brightest star had faded from that constellation of great men who adorned and enriched the Elizabethan age. When a few of his relatives and friends gathered to lay him to rest in the little church yard at Stratford they did not dream that the spire of that small church would stand as a sentinel finger to guide the literary pilgrims of future generations to his grave. They no doubt failed to realize that they were then standing upon hallowed ground and that throughout coming ages the men of letters and of learning of the world would stand above that sacred dust with bowed, uncovered heads and pay reverence to the memory of the "rarest genius and the richest soul that ever lived and loved and wrought of words the pictures, statues, robes, and gems of thought."

When Robert Burns, the Bard of Scotland, whose singing pen made the little rivulets of his native land historic streams, who "sang old Scotia's praise in terms that will vibrate in the human heart until all songs shall cease," when that great genius passed away, bowed down as he had been by adversity, the victim of obloquy and derision heaped upon him by those baser, meaner, smaller souls who could not break his independent will, scarce honor he received from them, who did not deign to claim him as their own until death and fame and immortality had claimed him first.

When Edgar Allan Poe, America's greatest poet, whose Raven sits above the door of every aching heart and throws his ominous shadow across the path of every troubled soul; when that great poet passed away, amid the rags of poverty and woe, the American men of letters of his day little dreamed that history would accord to them the position of satellites to him, the greatest literary luminary of his time.

When THOMAS E. WATSON, the South's greatest writer, if not the greatest writer in America, dropped his pen and fell asleep to awake only in that "radiant Hereafter," of which he once said that Hope was the creator and Faith the defender, little wonder it is that his invidious contemporaries would attempt to withhold from him that recognition of his great services and his great ability which the unbiased judgment of future generations will accord.

I have read, Mr. Speaker, his History of France, and to me it is the most remarkable publication I have ever seen. A man who was not educated in the French tongue, who had never set foot on European soil, wrote the history of the French Republic so accurately that it became a standard work, not only in his own country, but was even translated and became a standard work in France. Recently our distinguished colleague from North Carolina [Major BULWINKLE], who rendered such gallant services to his country in the late World War, told me on the floor of this House that when he was in Paris he went into Brentano's bookstore and asked for the best history of France that they had, when they presented him with the one written by THOMAS E. WATSON, of Georgia, and told him that although it was written by an American author and was translated into French, it was nevertheless the best history of France he could buy. I related this to Senator WATSON on one occasion, and he told me that some of his friends had begged him at the time this book was written to have it copyrighted in France, but he did not take it seriously enough to do so, and he added that by that failure he had lost thousands of dollars on that publication.

His Life of Thomas Jefferson, his Life and Times of Andrew Jackson, his Life of Napoleon, and his History of France will always stand as monuments to his great ability. But in my opinion his short editorials such as his tribute to "Uncle Remus," "The Dream Children," the "Wine Cup," and a great many other such articles, will carry his name farther down the years to come than will any other achievements of his great career. My opinion is that, as Napoleon once said about himself and his civil code, Senator WATSON will go down to posterity with his books in his hands.

But, Mr. Speaker, these are not the only considerations to commend him to the future. Some one has said:

I wrote my name upon the sand,
And trusted it would stand for aye;
But soon, alas, the refluent sea
Had washed my feeble lines away.

I carved my name upon the wood,
And after years returned again,
I missed the shadow of the tree
That stretched of old upon the plain.

The solid marble next, my name
I gave, as a perpetual trust;
An earthquake rent it to its base,
And now it lies o'erlaid with dust.

All these had failed; I was perplexed;
I turned and asked myself, "What, then?
If I would have my name endure,
I'll write it on the hearts of men."

Senator WATSON wrote his name on the hearts of the toiling masses of America by his unremitting, relentless service in their behalf. On the floor of this House, on the 17th day of February, 1893, as has been said by one or two of the gentlemen who have spoken from his State, he offered the amendment to the Post Office appropriation bill which established for the first time the rural free delivery service in this country, which to-day carries the mails to millions and millions of people far removed from railroads and steamship lines. He was an advocate of the eight-hour day for labor. He fought for automatic couplers on railroad trains. He was a pioneer in the fight for the parcel post, in opposition to the exorbitant charges of the express companies.

I remember reading an editorial once from a northern newspaper in which it was said that THOMAS E. WATSON was not popular in Wall Street, that he was not popular with the money

power, but that he was known and loved by millions of the farm hands of America.

In commenting upon that statement Senator WATSON said, "Write this on my tombstone." He preferred such an epitaph; and, regardless of what may be said of him here to-day, regardless of what the press may say, regardless of the opinions of men in public life, his services will carry his name on down to future generations as long as men toil for a livelihood.

He was a historian of great ability, whose brilliancy and fluency of expression were charming to every reader, and whose accuracy under the circumstances was most astounding. He was a writer of short stories and editorials who has seldom been equaled, and never surpassed, in American literature. He was a statesman who looked beyond the present hour and fought always for what he believed to be the betterment of mankind. He was an American with the courage of his convictions, and the most relentless toiler I have ever known.

He was a man, take him for all in all.
I shall not look upon his like again.

Mr. BRAND. Mr. Speaker, when the soul of THOMAS E. WATSON was cut loose from its moorings and entered upon its journey to its Maker, one of the most picturesque and one of the greatest men Georgia ever produced passed from life to eternity.

When he died there was more grief and sorrow among the men and women in Georgia and more people went about their daily pursuits with bowed heads and sad hearts than was ever before manifested over the death of any other one of her citizens.

Certainly over a hundred thousand citizens of Georgia and many thousands in other States intensely deplore his death. His followers and real friends believed in him, they trusted and loved him and to most of them his death was a calamity; and yet, we should not be unmindful of the fact that the grave will open its portals to all of us, soon or late.

Leaves have their time to fall,
And flowers to wither at the North Wind's breath,
And stars to set, but all—
Thou hast all seasons for thine own, O Death!

We know when moons shall wane,
When summer birds from far shall cross the sea,
When autumn's hues tinge the ripening grain—
But who shall tell us when to look for Thee?

The mourners at the tomb of Senator WATSON, and others who sorrow over his demise, are not confined to the State of Georgia. He had his friends and followers in every State in this Union. He had become a national figure before he was ever elected to the Senate. The "Jeffersonian," which was unjustly suppressed, and the Columbia Sentinel went to every State in the Union. Senator WATSON'S articles which appeared from time to time in his various publications and the speeches he made in the Senate were read by more people in the United States than the writings and speeches of any other man in public life.

It is common knowledge among Members of the Senate and House and officers at the Capitol, when visitors to the Capitol from different States in the Union entered the gallery of the Senate the first question asked, as a rule was: "Where is TOM WATSON?" or "Point out Mr. WATSON to me." This is indicative that Mr. WATSON was a prominent and well-known figure in the minds of the American public.

While not in the prime of life and yet with an intellect as vigorous as it was when he was a young man he was called to his last reward when he least expected it. Senator WATSON did not expect to die so soon. He and I in the privacy of his room and my own room at the George Washington Inn have talked over the issue of life and death, and I know he expected to live to a ripe old age. He certainly expected to live out his present term as Senator from Georgia and to be reelected for another term without opposition, which I believed and hoped would be his lot. And yet death intervened and put an end to his earthly ambitions. His labors for his people were ended; his writings in the Columbia Sentinel were brought to a sudden termination; his brilliant speeches in the Senate which charmed Senators and attracted the attention of the people all over the United States were finished; he had fought his last battle and had won his last victory. Fate decreed that life's honors for him should end forever.

The boast of heraldry, the pomp of power,
And all that beauty, all that wealth e'er gave,
Await alike the inevitable hour;
The paths of glory lead but to the grave.

His death was a great blow to me. I was sick in bed at my residence in Athens, Ga., when a telegram came early in the morning announcing his death, and I was in the hospital when his funeral occurred. For that reason I was denied the opportunity of being present on the funeral occasion where thousands and thousands of people from all over Georgia had gathered to pay their last respects to their departed friend.

His short and brilliant record in the Senate, added to the record which he had made during the last quarter of a century, easily placed Senator WATSON among the foremost leaders of the Republic.

One of his most aggressive political enemies, Mr. T. W. Loyless, a brilliant writer, in an article entitled "Peace to his soul. Peace to our State," while criticizing therein much of Senator WATSON'S public record, began his post-mortem analysis of his public life as follows:

To-day, some fifty thousand people in Georgia, maybe more, several times that many throughout the South, mourn the death of a man whom they sincerely believed was one of God's annointed; to them the consecrated, self-sacrificing apostle of democracy undefiled—the friend of man and champion of the common people.

Later on in this article he referred to Senator WATSON as follows:

A great genius has passed from earth, a wonderful intellect has been dimmed by death, an eloquent tongue silenced, and a gifted pen put for the last time upon paper.

And again he writes:

For almost a third of a century THOMAS E. WATSON has been the "stormy petrel" of Georgia politics and public life, with his penetrating cry heard above the tempest in which he reveled. For fully half of that time he has been the virtual dictator of Georgia politics; making and unmaking men at will, through the "balance of power" that he wielded with but a wave of his hand—and which weak men feared and fawned upon.

Some people in Georgia envied Senator WATSON, some were jealous of him, some despised him, some cursed him, some hated him, and most of the politicians feared him, but all of them welcomed his support and were happy to get it in any political conflict, either State or Federal. From a political point of view, he was by odds the strongest man in Georgia and had been so for many years.

In his race for the Senate over 104,000 white people of Georgia voted for him against Hon. Hoke Smith, then United States Senator, a great lawyer and a strong man from every point of view. He received about 4,000 more votes than the combined vote of the three strongest candidates in the election which was held to select his successor. In passing it may be said of Senator WATSON in regard to this race that he was the only man ever elected to the American Congress, either to the House or Senate, who did not spend a dollar to become elected.

His friends do not deny that he was the "stormy petrel" of Georgia politics for several decades, but one thing his enemies can not truly deny, and that is that his contests have always been in the interest of the people—the masses—and as some express it, the common people of the State. Like Victor Hugo he was a man of the people. He was the best friend in public life the poor people had; his love for them was not only genuine but it was a passion with him. He entertained the same tender feels toward them that Gray did when writing his "Elegy in a Country Churchyard"—

Far from the madding crowd's ignoble strife,
Their sober wishes never learn'd to stray;
Along the cool sequester'd vale of life
They kept the noiseless tenor of their way.

Let not ambition mock their useful toil,
Their homely joys, and destiny obscure;
Nor grandeur hear with a disdainful smile
The short and simple annals of the poor.

Most men have moods both in public and private life. At times Senator WATSON would be as tranquil as a lake in the calm of a summer's evening and at other times he would be more or less tempestuous. I say this in all kindness to him and with all respect to his memory, because it was my pleasure and good fortune to be on intimate terms with him during the last years of his life. He was a friend to me in sickness and in health. It was a friendship which I shall cherish and hold in affectionate memory as long as life lasts.

Though his real friends intensely mourn his death, there is a measure of consolation in the thought of the poet who wrote of a departed friend:

The storm that wrecks the wintry sky
No more disturbs his sweet repose
Than summer evening's latest sigh
That shuts the rose.

When his mind was not burdened with "matters of state" he was pleasant and agreeable, kind and sympathetic, and as friendly as any public man I ever knew. He had a quick perception of the ridiculous and a keen sense of humor. Whether one agreed or disagreed with his public record, those who knew him well greatly enjoyed his companionship.

Senator WATSON will be remembered by his countrymen generally as an able lawyer, a renowned orator, a great historian, and a statesman of national repute.

He was one of the greatest criminal lawyers ever admitted to the bar in the State of Georgia. He successfully tried numbers of murder cases from one end of the State to the other; his services were sought from the mountains to the seaboard in defense of those charged with murder. Whenever he spoke to juries the courthouse was full of people who listened to him in utmost silence and with intense interest. Besides he was a learned civil lawyer. In his early days he regarded law as Blackstone did, who said "Law is a jealous mistress." The best years of early manhood were given to the study and practice of law.

His fame as an orator is known to all men. When he spoke in Georgia he had more people to hear him than any other public man during my time. His audiences ran from 5,000 to 20,000 people. When he last spoke in the city of Atlanta he had the greatest audience that ever assembled there to hear a public speaker.

As a historian, it is my purpose to say but little, because his reputation as such is world-wide. Senators and Members of the House who have delivered memorial addresses on the life and character of Senator WATSON have thoroughly covered this phase of his public life. I remember going over to the Senate to see him one day on business and failed to find him in his seat. I asked Senator CARAWAY, of Arkansas, whom Speaker Clark once told me was the best lawyer in the House, if he knew where the historian of the Senate was. Senator CARAWAY replied: "Judge, you will find Senator WATSON in the cloak room."

I believe it is universally conceded by Members of the House and Senate that Senator WATSON was the most scholarly historian in the American Congress. My humble opinion is that he had no equal as a historian in the United States.

The first speech I ever heard of Senator WATSON making was when he was running for the legislature in McDuffie County, Ga., as an independent candidate against what he termed the "courthouse ring." This was 42 years ago. I was a college boy at the University of Georgia at that time. It impressed me so that I put part of the speech in my boy scrapbook. He opened his speech as follows:

Fellow citizens, in my boyhood I loved to picture to myself a future where manly ambition was cheered on by generous words and by strong helping hands.

I had thought that the people, proud of the high resolve of him who battled onward and upward, would gather applaudingly around his course, and on his pathway would strew flowers. The years have passed on, and I know now 'tis written, before the ascension lies Gethsemane's Garden. I know now that the pathway is lined with brambles and at each footstep I have passed the thorns.

In those young days my fancy had made an Eden filled with purpling hopes of public honors. The sweep of the years robs all such gardens of their tenants, the gates close forever, and about them flash the swords of fire.

Notwithstanding a stiff fight was waged against him he was triumphantly elected.

One will observe from reading this brief excerpt of this speech that he then had ambition in life to acquire fame. Indeed this is the ambition of most men, and yet to succeed fights have to be made and mountains of opposition overcome. Some orator whose name I can not now recall said:

To abide in the hearts and affections of our fellow men is the most gracious lodgment we can establish during the years of existence in this life; and to be treasured in the memories and minds of our friends and neighbors after we have been released from this tabernacle of clay and from the responsibilities and burdens of humanity is a gratifying anticipation.

It is true that these longings are common to human nature; and as all men, however humble or exalted, have personal friends and social surroundings, the desire of the heart to this extent is accomplished toward almost every soul on earth. But as the field of human usefulness is greatly enlarged to some, and the influence of good deeds and noble purposes grows broader, and the power of accomplishing useful ends increases, in an equal ration the love of our fellows and the esteem of the public center upon and embrace some fortunate subject, and surround him with a broader cordon of love and affection in the honor paid him by his countrymen. So that, if one can look forward to the time when he shall no longer tread the pathway of life beside his dearest personal friends, or move along its highways amid the plaudits of an admiring public, and yet feel certain that he shall still retain the love of the former, and the honor and esteem of the latter, he may see with prophetic eye that, even though all his purposes and aims have not been accomplished, his life has been a success, and he has indeed secured the best rewards of human effort, and the noblest crown that human love can bestow upon him.

The first speech I ever heard Senator WATSON make was in the famous Colquitt convention of August, 1880, a copy of which I also put in my scrapbook. Governor Colquitt had a majority of the delegates but Democratic usage required a two-thirds vote to nominate. After long and much balloting it developed that he could not get the two-thirds vote. Hon. Patrick Walsh, a Colquitt man, delivered a speech which enraged the anti-Colquitt men. In concluding this speech, he said:

We have come here to nominate Colquitt and we are going to stay until Christmas to do it.

When Walsh concluded, Senator WATSON, being a delegate to this convention, arose from his seat and with pale face and quivering lips spoke as follows:

Mr. Chairman, the speech of the delegate from Richmond [Mr. Walsh] is not that of a Democrat to Democrats or of a friend to a friend. It is rather the language of a master to a slave.

Mr. Chairman, let me say to the gentleman that a silken cord may lead me, but all the cables of all the ships of the seas can not drag me. Rather than follow the course of the delegate from Richmond in his rule or ruin policy, I would see the party cut adrift from its past and its traditions like an old ship which has worn out its usefulness.

He concluded—

Nail to the mast the tattered flag,
Set every threadbare sail,
And give her to the God of Storms,
The lightning and the gale.

The position Senator WATSON assumed in this short speech put him on the map of Georgia politics. By this one speech he became famous and from that day on he had to be reckoned with in all political campaigns of importance in the State of Georgia.

This speech also disclosed another phase of his character; namely, that he had in him the elements of a fighter which, during the following years of his life, blossomed into full fruitage.

His speeches in the Senate will compare favorably with the speeches made by any of the great orators of the Republic. When it became known, or was published in the Washington papers, that Senator WATSON would speak on any public question the galleries were always full of men and women. Time and again various Members of the House, both Republicans and Democrats, would leave the deliberations of the House and go to the Senate when it was scheduled that Senator WATSON would make a speech. It was an undisputed fact that he was one of the Senate's best debaters.

I may be wrong about it, but I have seen the time when I thought Senators on the Republican side were unwilling to enter into a debate with him or challenge the positions and contentions he was making upon some vital public questions. While the Republicans, as a rule, disagreed with him, and now and then this was true of a few Democratic Senators, yet both were loath to get tangled up with him in a debate. He was at his best when debating, and the Senator who interrupted him generally got the worst of it. I do not mean to discount the ability of Senators on either side of the chamber, yet in general debate Senator WATSON was the peer of any of them.

Another unusual feature with regard to his public speaking is that he never used a manuscript. He never read any of the speeches he delivered in the Senate, and he told me that he never corrected, revised, or altered any of them.

It is a remarkable thing to find combined in the brain of one man the intellectual qualifications which are essential to the making of a great lawyer, a brilliant orator, and a celebrated historian. God bestows these attainments upon but few men and yet Senator WATSON possessed them in a high degree.

During my last campaign for reelection I was often asked the question how Senator WATSON stood with his colleagues. I had no trouble in answering the question. He was greatly respected and admired as a lawyer, orator, and historian by every Member of the Senate. He was on good working terms and cordial relations with every Democrat in the Senate and likewise with all Republicans with the exception of three or four Members on the Republican side. As the public knows, he became involved in one or two acrimonious colloquies with two Senators, both of whom were from a section of the country which had little sympathy for the southern people. He likewise stood well with the Members of the House who came in touch with him in an official way. Particularly was he on cordial terms with every Member of the Georgia delegation.

I wish to make only one other observation regarding Senator WATSON. Notwithstanding many people did not approve of some of the contentions he stood for during his public life, and notwithstanding during this time he had made political enemies, no one ever questioned his personal and political integrity. Whether friend or foe, all will testify that he lived and died an honest man.

When Senator WATSON realized dissolution was approaching, if the infirmities of body and mind enabled him to speak, I honestly believe he could say of the life he led among his fellow men as Sir William Blackstone said—

Untainted by the guilty bribe,
Uncursed amidst the harpy tribe;
No orphan's cry to wound my ear,
My honor and my conscience clear;
Thus may I calmly meet my end—
Thus to the grave in peace descend.

Mr. COLLINS. Mr. Speaker, we mourn to-day the loss of a superior man—one who was of consequence in the world—one who possessed a clear brain, abundant learning, a wealth

of general information, and a quick sympathy for the cause of the workers of the world. His handiwork is known throughout our country and even beyond its confines. His memory is cherished everywhere by true lovers of liberty. His name will linger in human households, and human hearts will warm in gratitude because of his splendid service to men and women everywhere.

He was one of the greatest teachers of our time. Gentle in his personal characteristics, kindly and sympathetic in spirit, deep-true in his loves, making room for sentiment in his life, he was like an alabaster vase through whose thin-hewn walls shines the inner light. The fire which burned within him with beautiful intensity, giving out always a compellingly sincere message, was the eternal advancement of a free and sovereign people—his own. He burned with the belief that the ballot of the voter was the trophy won by those brave reformers of bygone days who followed the lead of the many pioneers who had preceded them in the revolt against tyranny and oppression. He stated many times that the ballot was not only the sacred souvenir of those days when the great struggle was on for its possession, but that it was the bloodless weapon by which men might defend their all, their wives, home, children, their very liberty and life, from those powers whose oppressions would drive men again into servitude. The advancement of the human cause through the ballot and through honest organization was his battle cry. He believed in political parties, though never did he advocate blind party allegiance, but rather that the voter should adhere to that party whose purpose and principles were those of the voter himself.

Let me quote him, speaking at Nashville in 1904:

> It does seem to me that it is high time that the average man * * * should do some of his own thinking and act for himself according to his own light, and not forever obey the crack of his party whip.

Endowed with a deep and throbbing love of the blessed, plain people of the earth, he knew no other nor sought no worthier service than their advancement. His creed is summed up in these earnest words of his:

> I do not speak for the lordly magnates of class legislation. I do not speak for those who for one hundred years have stood at the doorways of national legislation begging for special favors. No! The men whose cause I would plead before the bar of American public opinion are chiefly those who toil in the hundred different places of industry and who have never lifted their voices to ask anything of this Government except just laws and honest administration. They are the men of the mine, the mill, the shop, and the field. They are the obscure toilers who in time of peace send pulsing through the veins of commerce the rich blood of prosperity. They are the men who, in time of war, spring into the battle line at the tap of the drum, and with patient feet follow the march, and with fearless heart make the charge upon which is based and builded the world-wide fame of your commanders to whom you rear monuments in the open places of your cities.

For these convictions he battled and suffered to the end, and because of them enemies pursued him with a bitterness which made no allowance for honesty of belief. They gave him many a bitter hour because of the difficulties they threw in his way. They arrayed against him many even of those he was trying to serve. But never did he by word or written expression depart from his creed. As was well said of him, "Mr. WATSON never lifts his feet from his rock of principle."

His warm and vibrant love of humanity and its needs gave him an almost prophetic insight into and vision of the legislation that was vital for the people's welfare. He was truly the father of rural free delivery mail service, an instrumentality of education of the great farming population of this country and a convenience to them beyond estimate. He outlined and recommended an income-tax law at a time when it was political heresy to do so. It is remarkable to note that of the 17 planks in one of the People's Party platforms that he mainly formulated, all of them are now the law of the land.

Ever a true, burning disciple of pure Jeffersonian, Jacksonian democracy, his life was dedicated to molding into useful laws the tenets of this political faith. He fought a constant fight, nor let his armor rust, for those principles which spoke to him of ultimate, glorious, perfect freedom for Americans. He fought to make good men out of American boys. He strove to build back into prosperity desolated homes, so that the chains of special privilege might be broken, and the laws that oppressed them might be removed. He battled for a square deal for all. He was a manly, but a relentless foe. Twenty years ago he said:

> With the convictions which I hold, Roosevelt [and he meant all those who held beliefs destructive of the things he held most dear] represents the thing that I would fight from morning to night every opportunity I got, every day of my life from now until the folding of my hands across my breast.

Those words were like a clear-cut vision of his life's journey, for never thereafter was his great brain dormant an instant, nor his eloquent voice unused, in the business to which he had consecrated himself, believing and knowing that Divine Power itself was using him as an instrument to unfetter men from evil oppression and forward them on the road of onward progress. He wrote the story of his own life in 1908, and he said at that time that he had no more political ambitions, but was content to give himself to his literary and editorial work. Even after this, however, came the clarion call for further service in the ranks of the people. So, true to his own prophecy, his last hours were given in the same consistent manner to the service of those he loved, the great mass of the American public. Let him speak to you a last farewell:

> So with your bright eyes looking into mine and your cheers ringing in my ears I go on my way encouraged, inspired with the belief that it is a glorious thing to represent a people like this, and I can well afford to leave the harvest to time and to the God who rules us all.

Sweet must have been his last days. From a richly deserved seat in the Senate of his country he had the satisfaction of seeing the first reaping of this harvest. His old enemies were adopting his creed as their own. His cherished reforms were being enacted into laws. His dreams of the awakening of men's consciences were being realized. Success was crowning his life-long efforts. The dawn of a better economic day was at hand.

Mr. TILSON. Mr. Speaker, what I shall say of Senator WATSON will be from the viewpoint of one who, in regard to political matters, usually disagreed with him. In fact, it was the exception rather than the rule for me to find myself in accord with his views. It is also necessary for me to speak of him from outside the limits of close personal acquaintance, for my acquaintance with him personally was of less than two years' duration, while my contact and conversation with him were limited to brief and infrequent meetings.

It was therefore from his writings as well as from the power he exercised and the influence he exerted over the thought and actions of others that I have judged him.

It will not be denied that Senator WATSON was an unusual man, so unusual that it is not easy to find a single character with whom to compare him. The distinctive traits of many individuals were combined in him. He wielded a trenchant pen, and the person was to be pitied against whom he turned it. He was a master of language, so that from it he could forge thunderbolts to be hurled in defense of the cause he espoused or against the individual unfortunate enough to call forth his wrath or displeasure. He could receive as well as deliver blows, and seemed never to be quite so much himself as when in the thick of a battle royal.

When THOMAS E. WATSON put on full armor, which was his belief in the righteousness of his cause, and went forth to do real battle the usual result was that the people of Georgia were soon arrayed in hostile camps, the one side ready to slay him and the other willing to die for him. Of course, it was inevitable that such a man should make bitter enemies. No one would have been more sorely disappointed than he had he failed to do so. On the other hand, he made and kept to the end an increasing number of deep and strong friendships. And the friends who were permitted to see beneath the exterior would seem to have the better of the argument, in making up a just estimate of the real man, over his enemies, who saw only a front of steel.

As a rank outsider, far removed from the field of the greater part of his activities, and usually holding views widely divergent from those advanced by him, I have often admired his great force and ability and wished that they might be employed on the other side of the question. At the same time, in fairness to those who honestly hold opinions differing from my own, I can readily understand what admiration, coupled with devotion, was entertained by those who fully embraced his views and believed him to be fighting their battles. It is only thus can be explained his great power and influence exerted during so many years over so large a number of his fellow men.

Mr. VINSON. Mr. Speaker, the sentiment that brings us here to-day is an honor to the living as well as to the dead, for honor to the dead is an incentive to the living.

We are advised by Holy Writ that "there is a time to weep; and a time to laugh; a time to mourn; and a time to dance," and in the official life of Members of the House of Representatives, to-day is dedicated as a day of mourning. We have ceased to think the thoughts of our parties; we have banished the dreams of ambition; we have put away the trappings of place and pride and left our mirth and employment, to spend a brief while in solemn reflection upon the life and virtues of that distinguished Member of the United States Senate who has been translated to the realms of eternal bliss.

It is true that many great and distinguished Members of that august body have passed over the river and gone to that Great Beyond, but, Mr. Speaker, I measure my words when I say that among that great number there has been few, yea very few, who gave more complete and unfaltering devotion to their State and the Nation they loved than did the illustrious lawmaker, Senator THOMAS E. WATSON, of Georgia, who on the 27th day of September, 1922, answered the summons and was guided into that radiant hereafter of which hope is the creator and faith the defender.

The news of the death of Georgia's greatest commoner caused more genuine sorrow—sorrow that penetrated the very soul and literally brought tears of anguish and genuine grief from the very hearts of men and women, than that of any other Georgian in the memory of the living. He died in the way he always said he wanted to die—like a soldier at his post of duty.

He was an intellectual giant; a man among men; highly gifted in speech and with the pen; his genius never doubted, or his profound ability questioned. He was a champion of the causes of the common people as distinguished from the classes. He waged an unbroken fight for their emancipation from what he conscientiously believed to be the bondage of big business, concentrated wealth, and predatory interests.

He fought their battles with a courage unsurpassed, and every pulsation of his heart beat in harmony and unison with theirs; their cradle songs and funeral hymns were his cradle songs and his funeral hymns. The love he cherished for them was fully reciprocated, as he was the idol of his devoted followers. His word to them was a Holy Gospel; his views once published to his legions were accepted and adhered to as unchangeable as the laws of the Medes and Persians, and no better citizens can be found, many of whom are my warm personal friends. They were affectionately termed by him as "The Old Guard," and were ever ready to do the bidding of their "Chief," and they, like him, lived to see the day come when a great many of the political principles sponsored by their beloved leader, and loyally supported by them, ultimately were written upon the statute books of the Nation.

He regarded as a sacred trust the loyalty and confidence that his followers reposed in him. It was a political asset of priceless value, but never did he abuse it or capitalize it for personal gain.

No man in Georgia, or any other State of the Union, ever commanded the devotion and love of his adherents as did the sage of McDuffie, nor never before in the history of the Empire State of the South has there been a man with so large a personal following. For 30 years he held the balance of power in political affairs of the State; made and unmade governors; elected and defeated Senators and Congressmen. Though engaged in many acrimonious political battles, sometimes wearing the wreath of victory and sometimes going down in defeat, yet it can be truly said that he never took any unfair advantage of a political opponent, even though the contest may have been most bitter.

In some political campaigns which he led, he knew he had no chance of success. This was notably true in '96 when he made the race for Vice President, and in 1904 and 1908, when he ran for President on the People's Party ticket. He truly said:

> Any soldier can fight bravely when he knows his are the heavy battalions that are sure to win. The truest soldiers are those who fight gallantly when they know they can not win. Why, then, do they fight? Because, sometimes, it is better to have fought and lost than not to have fought at all.

As an orator he had no superior. Few men in the Nation could sway the masses to such a degree. He could play on their emotions like a master of a violin plays on his delicate instrument. His hearers were moved by his matchless eloquence and their souls stirred by the fire of his spirit. Every energy of his being was put forth and his words flowed like streams of molten metal, burning their way into the hearts of his audience.

This remarkable man, whose memory we commemorate today, a true son of the soil of Georgia and of the South, has been truly likened to four of the Republic's most historic figures:

> Jefferson, Henry, Otis, and Jackson were all reflected in THOMAS E. WATSON. He loved liberty with the passion of Henry; he always held to his political doctrine untarnished, as did Jefferson; he possessed all the courage and determination of Jackson; and he had all the great heart and flaming tongue of Otis.

As a lawmaker, first a member of the General Assembly from McDuffie County, then the Representative of the people of the tenth congressional district, and later as United States Senator from the Commonwealth of Georgia, he wrote his name indelibly in the history of his State and the Nation.

It was his fiery eloquence in the legislature in 1882 in behalf of the cause of temperance that caused the enactment of the local-option law under which the people voted out the saloons in 117 counties. It was during his service in the House of Representatives in 1890 that he secured the first appropriation for the establishment of rural free delivery mail service, whereby he made the daily Postal Service of his Nation become the—

> Messenger of sympathy and love;
> Servant of parted friends;
> Consoler of the lonely;
> Bond of the scattered family;
> Enlarger of common life—

for the people toiling out in the field under the blue skies and near to nature's heart.

Coming to the United States Senate in 1921, his brilliant career was cut short by his untimely death, but no man ever served a constituency more zealously, unselfishly, and unfettered. He served all the people alike, friend and foe. He was recognized as the best read man in the Senate, and it was not long before he was considered as one of the leading debaters of that body.

Conspicuous as he was in political affairs of the State and Nation, and famed as a leader of the bar, however posterity will remember him as a scholar and historian, for his distinction finds the happiest, the most abiding and everlasting form in the fruitage of his pen.

As an author he occupied a permanent place, and had he given to the literary world nothing else except "The Life of Napoleon," he would have made for himself a name as a writer. His "Story of France" and his "Life of Jefferson and Jackson" stamp him as a profound student. The Philadelphia North American Review in 1898 said, "Many histories of France have been written, but none equals this." In his writings his talent flourished to its true harvest and his brilliant and versatile mind gave expression to what must have been its deepest love. By these illuminating pages he erected a memorial to himself that will endure until the end of time.

His style of editorials for the Jeffersonian and the Columbia Sentinel was epigrammatical. At times he was a master of satire; then again through his writings flowed a gentle kindness and a sympathetic touch.

He was ever true to his principles; a Southern gentleman to the manner born; a devoted husband and father. In the days to come he shall stand—

> side by side with scholars as their shining faces tend upward to the higher summits of thought, soul to soul with patriotic statesmen who give their days and nights to the noble problems of just laws, healthy conditions, happy homes. Wherever the orators shall speak with tongues of flame he shall be heard; wherever warriors strike for liberty, poets embody truth and majesty in verse, statesmen evolve civilizations, and scholars and philosophers and scientists conquer new worlds, he shall be known and honored.

In the little cemetery in the town of Thomson, where the morning-glory points its purple bugle to the sky, and the sigh of the cedars mingles its music with the soughing of the pines, the willow and cypress grown around his tomb with loving but mournful embrace which will ever be a shrine where boys and girls, men and women in generations to come will be inspired by the achievements of this illustrious son of Georgia.

Hon. Grover C. Edmondson, for many years private and confidential secretary of the late Senator WATSON, probably better acquainted with him than any other man, has prepared a beautiful tribute to his chief, which I incorporate as a part of my remarks.

To those who knew the kindly figure in his home; to those who were in daily contact with him in his business affairs, his literary work, and the making of his newspaper, The Columbia Sentinel—the Benjamin of his old age—to those who knew the steadfast effort and adherence to high ideals invested in every act of his career; to those who treasured all that he wrote and accepted as Gospel all that he said; to unnumbered boys and girls who received material assistance from this self-made Georgian and American, in their efforts to reap the advantages of education; to the men and women who found inspiration in what he accomplished *outside* of public office; and to the older heads who followed their leader into the thick of every battle and shared with him the heartache of every defeat, the death of THOMAS E. WATSON carries a sense of *personal* loss.

When Capt. John S. and Mrs. Watson named their son—the subject of this sketch—it did not occur to them that he would find the name "T. EDWARD WATSON" awkward and unsatisfactory. Even in those early years the youngster had opinions as original as the ones characterizing the maturer years of his life, when this Warwick made and unmade governors, his word being sufficient to shape the destiny of nearly every leader in our political Israel. It was during his 'teens that he silenced the "EDWARD" and wrote thé name to suit himself—THOMAS E. WATSON. And now that name is treasured in the hearts of

hundreds of thousands of Americans, in almost every walk of life, who find it difficult to realize that TOM WATSON is dead.

A distinguished writer, speaking of Senator WATSON's "strange influence," says that he succeeded because he understood the Georgia "Cracker" better than his contemporaries. That is probably true in a sense; and it is also true that the Georgia "Cracker" understood TOM WATSON better than he did WATSON's contemporaries. Our people love frankness, sincerity, and courage; and those qualities rendered Senator WATSON estimable as a man.

He was, like all sensitive and sensible men, profoundly impressed by the immense misery to be seen all about us. He was not radical; he was not destructive; it is true that he proposed to tear down the bad, but he offered something better than the existing order of things. When he wrote the famous Ocala platform, nearly every prominent journal denounced both platform and writer; those journals could see nothing good in either the "creed" or the "dreamer"; but the dreamer lived to see every one of those demands either enacted into law or accepted by the "conservatives," who once bitterly denounced both dreamer and dreams.

Discussing Populism, at that time, the conservative Atlanta Constitution preached against the work of this "political adventurer" who had sprung from the "ranks of the disgruntled." Another conservative journal, the Savannah Morning News, used this language:

"Such a lot of cranks, demagogues, small politicians, dangerous theorists, and agitators never before collected anywhere" as this band of Populists. But, those great newspapers have changed their views and they have written beautiful editorials for the income tax; the direct election of Senators; the eight-hour day, and the rural free delivery system.

Senator WATSON's political activities during those days—the nineties—won him national fame. His work bore good fruit. Others gathered the rich harvests, but that neither discouraged the Populist nor lessened his faith in the permanency of the splendid reforms written into that Ocala platform by the original exponent of Populism. When the young lawyer closed his Thomson law office to become the tribune of those reforms, he established a permanent place in the hearts of his followers; the flag then intrusted to his care was never dipped to the enemy, adversity and defeat sharpened his weapons, both offensive and defensive; and his shining lance like the white plume of Navarre was seen at the front line during every battle.

This leader of another "lost cause" did not surrender when Fate turned the battle against him; he did not desert his comrades, as others did, when the Fusion movement destroyed their organization: he continued the war until the dominant parties accepted his principles.

He passed through the vicissitudes common to all reformers, and he emerged unscathed from every fight.

His enemies could not shake his faith in his followers; they could not turn those followers against their leader.

But, Senator WATSON's victories are not confined to the field of politics. The permanency of his fame rests upon his achievements in the world of letters, where his ripe scholarship, good taste, and broad sympathies are set down in that great volume Napoleon and in that doubly enriching masterpiece The Story of France.

The orator's influence can not be conveyed to printed page; the brilliant lawyer whose eloquence shaped verdicts and wrote judgments for clients can not extend his intellectual superiority beyond the confine of his own generation; the publicist whose burning message swayed the multitude will continue to live in the hearts of his comrades; but Senator WATSON's permanent memorial is found not in those achievements but in the children of his brain, his books.

Georgia has turned out many great sons; the names of Bob Toombs, Ben Hill, Alex Stephens, William H. Crawford will be cherished by our people forever and ever. Those great men had friends and followers, but not the devotion found in the bosom of a Watson man for TOM WATSON.

Senator WATSON was without a superior as lawyer, scholar, orator, business man, publicist, and statesman. He could measure swords with any man, and his vast storehouse of information enabled him to debate any subject in any forum with all comers.

His home life was ideal; he loved the birds, the trees, the flowers, and they loved Senator WATSON. He was their protector, their friend.

His associates loved him and found him generous in everything.

His servants were not slaves in his eyes; they were human beings and treated as such.

If he ever uttered a harsh word to a coworker I never heard it during the years I spent with him.

He loved his followers—his friends—and when letters came to his house announcing the death of a member of the "Old Guard" this soldier who was not afraid to die broke down and cried like a little child.

During his stormy career he received inspiration from his wife, to whom he was married in 1878, and who followed him through every battle, sharing his victories and helping him to overcome his sorrows.

Mr. BELL, of Georgia, took the chair as Speaker pro tempore.

Miss ROBERTSON. Mr. Speaker, my first personal impression of the man to whom we have assembled to pay a tribute of respect was through meeting his wife—a true southern gentlewoman—shrinking in manner yet fearless, her silvering hair rippling back from her brow; a bit of old lace at her throat, caught modestly together with an heirloom cameo brooch. She won my heart for all time.

The little book I hold which is a collection from Senator WATSON's writings bears the following dedication, penned a decade before his death:

To Miss GEORGIA DUNHAM:

In whose pure affection and loyal soul a briefless young lawyer found favor in the good year 1877 and who not so very long afterwards—for the course of true love, as from time immemorial, did not run smooth—became Mrs. Thos. E. Watson, and who has, ever since, walked the long path by his side, through health and through sickness, through joy and through sorrow, through sunlight and through tempest, with the unfaltering devotion of the typical wife, and who now turns with him to face the afternoon of life, without any sort of fear, and with the peace of soul that passes understanding.

I want to commend to each of you the little collection of prose gems thus dedicated. In the Bible we read—

Every tree is known by his own fruit. For of thorns men do not gather figs, nor of a bramble bush gather they grapes. A good man out of the good treasure of his heart bringeth forth that which is good; and an evil man out of the evil treasure of his heart bringeth forth that which is evil; for of the abundance of the heart his mouth speaketh.

This compilation was published 10 years before he came to the Senate; when he was less battle scarred and world worn. As we knew him here his matchless mentality was struggling to overcome physical weakness.

In "Glimpses Behind the Curtain" we find a rapid, telling portrayal of the very human weaknesses of men whom we have not been accustomed to consider as other than giants, and between the lines of this portraiture may read a certain plea that we shall judge him as has been our judgment of them by the good of their strongest, truest selves rather than their weakness. So hoping that in this way you may have a new vision of the good in the soul of TOM WATSON we did not perhaps really know I read to you from these pages words more forceful than any I could utter. His was a personality not immediately understood.

Soon after it was my honor to become a member of this body a friend from my own town came to the Capital on a special mission which I could not enter into beyond giving him desired introductions. My constituent was a native of a southern State—one of those men as gentle as they are fearless, yet with unchangeable convictions of right, and relentless and merciless in carrying out of such convictions. For this reason, as we passed Senator WATSON I stopped to present my friend to the Senator. I was rather surprised that the exchange of greetings seemed perfunctory on both sides. Remembering how of the world's strongest writer, the Apostle Paul, it was said "his letters are weighty and powerful but his bodily presence is weak," I said, after we had passed on, "you knew that was Senator WATSON, of Georgia?" "TOM WATSON, and I passed him by like that?" He had not realized that WATSON, like Napoleon, his ideal, was not a physical giant.

[From "Reverie and Suggestion."]

The next great event and happiness of your life was when the sweetheart to whom you had been awkwardly, timidly, making love, let you "cut out" all the other boys, and walk home with her.

Weren't you proud? And wasn't she pretty?

Those clear, pure eyes; those rosy cheeks; those smiling lips; that wealth of glossy hair; those pearly teeth—heavens! how you worshiped her.

Would you have swapped places with a king that day, when she first accepted your invitation to a buggy ride?

When she came close to you and pinned the hyacinth or the violet to your coat lapel, your heart beat pit-a-pat, and you held your breath till the dainty boutonnière was fixed.

And when you had worn the flower till it was wilted, you reverently laid it away in some book—didn't you? And you have them yet—nor is there gold enough in all the world to buy those faded flowers!

After ever so long a time, as you thought—*ages*, it seemed to your impatience—she said "*Yes*"—and let you kiss her.

Wasn't *that* a glorious night?

You walked on air as you went back to your home, didn't you?

You were in such a state of happy exhilaration that you couldn't sleep.

Are you ashamed to admit that deep down in your heart was a tender thankfulness to the God who had blessed you with the love of so good a woman?

Ah, well—you were married to her, and you two began the upward struggle together.

How hard the climb of the hill! What labor there was; what disappointments; what days of bleak despondency; what nights of black despair.

In that terrible climb of the hill, did you neglect your wife?

Did you fail of that tender consideration which was her due?

Did you sometimes bring your clouded face and sour mind to the fireside, and morosely impose your own sufferings upon *her?*

Were those sweet lips made to tremble in mute pain? Those fond eyes to shed secret tears?

Happy the husband who can say, "I never did. Wretch that I am—*I can not.*"

The years pass, pass, pass—and now you are on the western slope of the hill. The wife who climbed the hill with you is still at your side. No matter who else failed you, she did not. No matter who else found fault with you, she never did. If she ever spoke to you unkindly, and served you reluctantly, or fell short of perfect wifely devotion, you did not realize it.

How can you reward your noble wife? Will you not prove to her that you appreciate her? Will you not bring to her that splendid loyalty which a proud woman prizes more highly than a miser prizes gold?

In word, in thought, in deed, will you not be as true to her as she has been to you?

Will you not prove by unfailing tenderness with which you minister to her happiness, now, the depth of your remorse for your shortcomings in those early years?

Will you not call back the spirit of the days of your courtship, and be as proud of her kiss, just as happy to take her to your arms, as on that glorious night when she promised to be yours, and yielded her queenly lips to your kiss?

But perhaps you are of another sort. Perhaps you think all this silly. Maybe the softening touch of Christmas-time softens nothing in you. I pray God it may not be so.

For your sake, as well as your wife's, listen: The only human being that you can count on to stand by you, in spite of "the world, the flesh, and the devil," is your wife.

Children will grow up and pass onward—out of your life and into one of their own. Relatives and friends may go with you a long way, but they will not go all the way. Your wife will.

In all the universe you can't be sure of anyone but her. Then make the most of her. Are her cheeks faded? Kiss her on the lips, and then see the roses blossom once more on that pallid face.

Have her eyes been swollen and dim with tears? Put your arms about her and tell her you love her just as much as you every did.

Then watch the light of joy kindle those eyes, until they sparkle as brightly as in the days of youth.

Ah, it is so easy to make a woman happy, if the right man wants to do it. And the right man to make your wife happy is you.

Think of the nights you were sick unto death, and she nursed you; think of the fearful agonies of the birth hour, when she brought your children into the world; think of the long-drawn years in which she has daily done the drudgery of a slave; think how she has had to bear the cross of your troubles, as well as her own; think what she has had to go through with in rearing your children; think of her cramped, dull, and monotonous life at home, while you were mingling with the bustling crowds of the outside world.

Think of all this, brother, and allow much for the jaded, faded wife. Go to her and warm your own heart, as well as hers, by talking to her in the old, old way of lovers.

Court her again, as you courted her when you sought her hand.

Tell her that she is just as pretty as ever. This may possibly not be the truth; but if a lie at all, it will be the whitest one you ever told. The Recording Angel may feel in duty bound to charge it upon the debit side of your account, but as he washes it out afterwards with a tear he will enter an item to your credit on the other side of your ledger, and he will write it in letters of gold.

THE WINE CUP.

It is a warrior whom no victory can satisfy, no ruin satiate. It pauses at no Rubicon to consider, pitches no tents at nightfall, goes into no quarters for winter. It conquers amid the burning plains of the South, where the phalanx of Alexander halted in mutiny. It conquers amid the snowdrifts of the North, where the Grand Army of Napoleon found his winding sheet. Its monuments are in every burial ground. Its badges of triumph are the weeds which mourners wear. Its song of victory is the wail that was heard in Ramah: "Rachel crying for her children, and weeping because they are not." It never buries the hatchet; its temple of Janus never closes its doors. No dove of peace ever carries its message; in its hand is never the olive branch. It sends no flag of truce, and receives none; its wounded are left where they fall, and its dead bury their dead. Every citadel that it storms it devastates; and in every charge which it makes its cry is, "No quarter."

Those who fall before its onset die deaths of shame; and they go down to dishonored graves to which love can bring no willing tribute of flowers, and over which pride can rear no enduring monument. To its prisoners it grants no exchange, holds them to no ransom, but clutches them fast, in a captivity that is worse than death, and which ends only at the grave.

The sword is mighty, and its bloody traces reach across time, from Nineveh to Gravelotte, from Marathon to Gettysburg. Yet mightier is its brother the wine cup. I say "brother," and history says "brother." Castor and Pollux never fought together in more fraternal harmony. David and Jonathan never joined in more generous rivalry. Hand in hand they have come down the centuries, and upon every scene of carnage, like vulture and shadow, they have met and feasted.

Yea; a pair of giants, but the greater is the wine cup. The sword has a scabbard, and is sheathed; has a conscience, and becomes glutted with havoc; has pity, and gives quarter to the vanquished. The wine cup has no scabbard and no conscience, its appetite is a cancer which grows as you feed it; to pity, it is deaf; to suffering, it is blind.

The sword is the lieutenant of death, but the wine cup is his captain; and if ever they come home to him from their wars bringing their trophies, boasting of their achievements, I can imagine that Death, their master, will meet them with garlands and song, as the maidens of Judea met Saul and David. But as he numbers the victims of each, his pæan will be: "The sword is my Saul, who has slain his thousands; but the wine cup is my David, who has slain his tens of thousands."

FORTITUDE.

Do not become discouraged! Don't lose heart.

You may not be able to see the harvest where you have patiently sown the seed, but be assured of this: No seed is lost.

The truthful word manfully spoken, the earnest effort honestly made, the noble creed consistently held—these are things which do not perish; they live on and move the world and mold the destinies of men, long after you are dust.

Leave cowardice to the cowards; leave servility to the slaves. Be a man—proud, though in homespun; free, though in a hut.

Own your own soul!

Dare to listen to your own heartbeat. Between you and God's sunlight let no shadow of fear fall.

What is there to live for, if you are never to think, never to speak, never to act, save as the echo of some master? Better the death of the brave than the long misery of the mental serf.

Not always is it easy to know the right—very often is the road rough. Human praise can be won by shorter routes. Honors and riches are not always its rewards. Pleasanter days and calmer nights may be yours, if you float smoothly down the tide of policy, steering deftly by the rules of the expedient.

But has life nothing loftier than this? Is there no divine voice within you that calls for better things? Is there no great pulse-beat of duty within you; no flame of the warrior spirit, when insolent wrong flings its gage of battle at your feet?

Are you willing that the Right shall call for aid, and you give no succor; that Truth shall plead for help, and you bear no witness?

Is the sacred torch of Liberty—passed on from hand to hand, down the ages in which brave men dared to keep it lighted—to find you unwilling to hold it aloft?

Shall the temple of civic freedom, reared by the great men who are gone, stand vacant, calling mutely, calling vainly for votaries at the shrine?

Was it all a mockery—this long struggle your forefathers made for Justice? Is it an idle tale—this story of the heroism with which the rights of the people were slowly won?

Not so—not so! Levity may slight, and ignorance may disregard the blessed heirlooms of human endeavor, of patriotic purpose, of high-minded self-sacrifice—but they are there, and, *like the signal fires of the highlands,* they call heroic hearts to *duty!*

You may have desponded, but you must not despair. You may have stumbled, but you must not fall. You will rouse yourself, and press forward. You will do your duty—for that is your religion.

If Wrong triumphs, it shall not claim you as a partner in the crime.

If the light dies out in the homes of the people, the curse of the unhappy shall not blast your name.

You shall be a man—loyal, fearless, independent, ready for work, and *loyal to the last,* to the creed which your heart approves.

Men like these—and no others—won every treasure in the storehouse of liberty, every jewel in the crown of good government, every thread in the golden tissue of religious and political freedom.

Men like these—and no other—are going to keep alive the sacred fires our fathers kindled, are going to stamp out the foul heresies that imperil our rights, are going to fight to the death those who would turn back the march of human happiness, and are going to rededicate this Government to the principles upon which it was founded!

Stand firm and fear not.

Brave men who are nothing more than brave, rush into the combat, get worsted and quit.

Brave men, who are something more than brave, take no defeat as final.

There is an order to which many men belong that knows no creed, but is directed by fraternal regard, rather than narrow obligation. They call themselves the best people on earth, and in one respect, indeed, they are, because with them "the good men do is not interred with their bones" while they allow the ill to live after them, but instead they say: "The frailties of our brothers we write upon the sand." So let us forget, if we might have seen them, any frailties of this man except lessons they may bring to us, and remember the gentleness and sweetness of his life, his own recognition of failure to gain all of his ambitions and his abiding desire for the right. We must think of his bravery and fearlessness in defense of his standards and of his dauntless fights for these ideals. We must do our duty as we see it, and then go bravely forward. None but the Master may make the final verdict as judge. We may go the right road, we may go the wrong, in the trust we are going right. And yet even on the wrong road there may come at our time of mortal peril a wonderful flash of lightning from the sky, showing us where we are, and on the very brink we may look up in self-surrender to the Master and say: "I am wrong, help me; set me right." No one shall ever say that such a last prayer is refused by Him who pitieth all His children.

Mr. LEE of Georgia. Mr. Speaker, it is certainly safe to say that the history of Georgia, the Empire State of the South, for the last 40 years has very conspicuously mingled in it the life work of Hon. THOMAS E. WATSON, whom we do well to memorialize to-day. It is likewise not going too far to say that the history and the thought of the United States during these years have been very greatly impressed and influenced by his life and speeches and writings. In many ways he went far ahead of his times. He advocated more than 30 years ago many of the great moral movements which were then scorned

and ridiculed as visionary and impracticable, and which have since then reached full fruition in the legislation of the country.

He was always a foe to sham and an apostle of the genuine. He believed in the doctrine: "Hew to the line, let the chips fall where they may." He was never daunted by difficulty or swayed in his thoughts or his actions by circumstances. He did not follow the herd. He did not follow anybody. He led where his own convictions pointed. From this distinguished feature of his character the most useful lessons can be drawn. Certainly great influence was for this reason exerted by him.

It is a sad but nevertheless true thing to say that one of the distressing signs of the times is the disposition of people to follow the leader, to let others do their thinking, to go with the tide. It is one of the discouraging symptoms of the day. The world is full of illustrations of the fact that men and women far too often allow others to do their thinking; likewise that they formulate their actions upon bases that have little or no relationship to fact or truth or righteousness or the object to be attained. Senator WATSON did much to displace this with individual thinking. He set a high example of such thinking, and made it so plain that he who would might follow.

Mr. Speaker, this is peculiarly an age of propaganda. The country is now more largely governed by propaganda than by any other means or force. Big offices in Washington, with big staffs, make big money by securing widespread publication of many kinds of propaganda. They call themselves publicity bureaus; they are really propaganda bureaus. In hundreds of instances, those concerned put out their own propaganda. The public is so bombarded with it through the newspapers and pamphlets of all kinds that it is almost impossible to tell when one reads his paper or his mail what motives or what interests are back of what he reads.

I believe I can safely say that but few men have appeared who, with keener edge of satire and ridicule, have punctured the bubbles of deception and false propaganda than has our brilliant deceased friend.

Mr. Speaker, I wish I had TOM WATSON'S facility of language that I might paint a word picture of his struggles in early life and the indomitable will with which he overcame all obstacles. He was between eight and nine years old when the Civil War closed. His family—the best of Georgia stock—who had been modestly independent, had had their property swept away by the ruthless hand of war. Therefore, the most impressionable and formative years of his young life were spent amid the horrible days of reconstruction—the bitterest times that the South ever saw—times as bitter as any country on earth before or since has ever seen. But the courage and ambition of this frail country boy were undaunted. He determined to secure an education, to make a career, to carve out his own fortune, to help his people, to become their tribune. How well he succeeded has been many times told in the public prints of Georgia, and in both Houses of Congress during the progress of these eulogies.

Not more true nor impressive have been the stories of the early life of Garfield, "The Canal Boat Boy"; of Henry Clay, "The Mill Boy of the Slashes"; Andrew Johnson, "The Tailor"; of Abraham Lincoln, "The Rail Splitter"; of infirmities and early struggles of Alexander Hamilton Stevens, or of other indomitable men of history. I dare to say that even as the South he loved so well displayed its finest spirit in its darkest hours, so did he manifest his greatest courage and his most indomitable character when ill fortune did its worst toward crushing him. And even as the South rose triumphant over all opposition, so did he rise above every misfortune, every disaster, every discouragement, to the highest position in the gift of his State, to be the recognized tribune of his people, to an admitted loyal personal following greater than ever held by any other man of his generation.

He was a commoner in the highest sense of the term. He believed in the plain people. He fought for the common man. He proclaimed the rights of the under dog. The passion of his life lay in demanding justice for the common, everyday man. The powers of wealth, dignity, high position, influence, nor anything else ever caused him for a moment to forget the needs of humanity.

Nearly every one of us in our schoolboy days has declaimed the great address of Spartacus to the gladiators in which he said:

> Ye call me chief, and ye do well to call him chief, who for twelve long years has met upon the arena every shape of man or beast which the broad empire of Rome could furnish and who never yet lowered his arm.

I call those who knew Senator WATSON to witness that for forty long years he met upon the arena of politics, the forum of public discussion and the courthouse, all comers, of all creeds, of all kinds, on all subjects, and fought them to a finish in every matter of controversy, and never shirked or dodged or equivocated or lowered his flag. He appears to have had no fear. Nothing daunted him. Nothing could stop him. Neither the world, the flesh, nor the devil—neither the power of the church, or state, or wealth—neither the Army, or Navy, or the Government—nothing could swerve him from the free, full, and forcible expression of his own convictions.

That he loved to fight a bit too well and possibly fight too often is probably true; but better far to err on this side than on the more numerous side of equivocation, dodging, backing, and filling that too much characterizes business men, professional men, and politicians of the present day.

Indeed, the critics of our departed friend could find many things in his career to criticize—so they could in the career of any other red-blooded, aggressive, progressive man. That he had a very high temper is true; that he often gave way to his temper is true; that he sometimes carried his opposition to things he did not like too far is true; that he was a good hater is true. A wise old man once proclaimed his love for a good hater and made out a very good case along the line that the man who has not the power of hating likewise is too apt not to have the power of loving and the aggressive force necessary to accomplish things in a world in which all progress includes, at least, a considerable element of strife.

Passing over his well-known struggles to get an education, the beginning of his practice of the law, the rapid growth of that practice, the winning of financial success—all of which are well known—may I mention a few crucial periods of his career?

In 1880, when but 24 years old, he was a delegate to the famous Georgia gubernatorial convention of that year. He electrified the old-timers with the most eloquent and dramatic speech of the convention—on the losing side, as was most often the case with him—but losing bravely, as usual.

Two years later he became a member of the Georgia Legislature—made a conspicuous record—and closed the long and fierce debate on prohibition with a singularly eloquent speech.

Following his advocacy of the common man he led the fight for the Farmers' Alliance in 1890; was elected to the Fifty-second Congress; was nominated for Speaker by the Populists; was easily the leader of that party, and added to his reputation of fearlessness and constructive ability.

As the Populist nominee for Vice President on the Bryan ticket in 1896, while Mr. Arthur Sewell, of Maine, was the Democratic nominee on the same ticket and was favored by Mr. Bryan, TOM WATSON again bravely made an utterly hopeless fight. As the candidate of the People's Party for President in 1904, he made a marvelous campaign against hopeless odds to revive the party. He appeared to care nothing for success, or, at least, he continuously subordinated success to the principles of his cause.

Through all the intervening and following years, he, with tongue and pen, kept up his fight. The success, the popularity, the trials of his papers and magazines; his wonderful work as a historian, acknowledged and acclaimed by friends and opponents alike, all these make a thrilling story too long to tell.

Again, in 1920, when in the Georgia presidential preference primary no candidate appeared to espouse the principles he believed in, he became the candidate himself and rolled up a vote that astounded the State. Later in the same year, in one of the most spectacular campaigns ever known in the South, he won the nomination to the United States Senate by a popular and county unit majority.

Then came, as a fitting rounding out of his marvelous life, his useful and constructive career in the Senate, resulting in his not only holding all his old friends, but gaining the respect of his opponents and winning over to himself many new friends and supporters.

His indomitable industry and will continued to the very last. He made the last speech of the session in the Senate. He died proclaiming the doctrines and fighting the battles of the people.

Passionately loving the South, his own State, his own people, he centered his love first of all about his hearthstone, and largely drew his inspiration from his family associations. I wish I had the time and the delicacy of touch to paint his beautiful home life—his love for his devoted wife and her ever-continuing inspiration to him—his love for his children, whom fate took away from him. And to these should be added, as testimonials to his magnetic nature, the devotion accorded him by the managing editor of his paper, Mrs. Alice Louise Lytle; by the assistant editor, Grover C. Edmonsdon; by his circulation manager, "Uncle Charlie" Atkinson; in a word, by the whole force of those who worked with him. From this safe

and sane base, his influence and his following radiated throughout his State, the South, and the Nation.

Those who loved him, and they are legion, can greatly rejoice that—

> They have well learned, in hours of faith,
> This truth, to flesh and sense unknown,
> That Life is always Lord of Death,
> And love can never lose its own.

Editor, orator, author, statesman, tribune of the common people, friend of mankind—eternal peace be to you.

Mr. LARSEN of Georgia. Mr. Speaker, for more than twenty-five years it was my good fortune to enjoy the personal acquaintance of the distinguished Senator whose life and public service we commemorate to-day.

No native or adopted son of Georgia ever made a greater impress upon its people than did Senator THOMAS E. WATSON. This occasion will record no sentiment that can add to his fame or glory. It is a part of the history of our country and his name will be treasured forever in the hearts and affections of those who knew him.

The ambitious youth seeking for inspiration will gather it from the record of his achievements. In a modest country home, nestled among the bare red hills of Georgia, he may enter and form the acquaintance of an obscure, red-headed, freckeled-face boy, who was ushered upon the stage of life during the tempestuous days of political excitement, just preceding the Civil War, and whose life career seemed shaped by destiny to be not unlike the years of his early existence.

Through the misfortunes of war he became a victim of poverty and, therefore, learned early in life to battle against adversity. In these contests he was not always victorious—although sometimes beaten to the ground—yet, he never surrendered.

Penniless and without friends to aid him, he was driven from college at the end of his sophomore year. As the principal of a country school he accumulated sufficient funds that he might have returned to college and completed his education, but domestic complications were then to be considered. It had become a choice between the completion of a college education and the care of parents crushed by poverty in their declining years. He did not hesitate to choose, and, as was so characteristic of his nature, he pursued the most honorable course. This he did, however, without relaxation of private study. By industrious reading at nights, and other spare moments, he was soon enabled to pass the bar examination and enter upon the practice of law. By the end of the second year his earnings were such that he arranged to purchase the dilapidated farm from which the misfortunes of war had driven the family.

The parents were once more comfortable and happy; for a time at least, fortune seemed to smile upon him. The ability of the young barrister was soon recognized—he became one of the leading lawyers of his section, and honors were in his reach.

He first became a member of the Georgia Legislature and served with distinction. His election to Congress followed. Serving in this body he secured the first appropriation for rural free delivery of mail, and rendered other valuable service to the country; but, casting his lot with the new People's Party, he was defeated for reelection at the end of his first term. Political reverse, after reverse, followed, and for a time he seemed to have met his political Waterloo.

He returned to the practice of law and was soon regarded not only one of the most profound lawyers of the State, but also as one of its greatest forensic orators and successful advocates. His professional services were sought in every section of the State, and his clients extended from the mountains to the sea.

Mr. Speaker, I may have reached that age in life which inclines my mind to magnify the happenings of youth, but if my judgment is not in error, the man whose memory we commemorate to-day was, when in his prime, one of the greatest trial lawyers I ever saw at the bar. His fortune grew with the passing years, but his professional success—phenomenal as it was—did not seem to satisfy nor to compensate his restless mind for the political reverse and disappointment which had come to him. Even thus, while fortune smiled, he determined to retire from both politics and the law and devote himself to literature. Upon his accomplishments in this field rests the most enduring achievement of his many-sided career.

One's contemporaries are not always best qualified to judge as to his merits. We of to-day may be swayed by affection, or biased by prejudice, but the historian of to-morrow will have a clear vision of the past and should render unerring judgment. I have no doubt that when the record of Senator WATSON has been written it will reveal him as one of the most scintillating stars in the constellations of the universe. His keen intellect, retentive memory, and love for information, combined with a capacity for study and reflection, made him an "intellectual ocean whose waves beat upon almost every shore of thought."

His numerous writings proclaim his genius, but his Life of Napoleon and his Story of France combine historical research and knowledge with such literary ability as to entitle him to a place of high rank among the best authors of the century.

So far as the obtaining and the retention of office is concerned he may not be considered a practical politician, though it must be admitted that when selected by the Democratic Party he served with signal ability in the legislature of his own State and in both Houses of the United States Congress. In addition to this he was twice the nominee of the People's Party—once for President and once for Vice President. Returning to the Democratic Party he again became a candidate for President, and was afterwards elected to the Senate of the United States, in which position he died. Even those who may assert him to have been an impractical politician must admit that for more than a quarter of a century he so dominated the political fortunes of others that he made and unmade both State and Federal officials.

All forms of oppression were abhorrent to his nature. He hated corruption whether in church or state, and with the heart of a crusader he attacked always where he suspected its existence. Senator WATSON had the courage of his convictions. He never hesitated to approve what he considered right, or to denounce what he believed was wrong. In speech and writings, at times, he was caustic, but in personality he was pleasing, and in emotion always generous.

The plan of Christian salvation teaches sacrifice. Senator WATSON's life was one of self-sacrifice. Is a life void of sacrifice worth the living? Were the accomplishments worth the price he paid? Ask those who best knew him; ask those who best knew the great work he did; ask those who were with the funeral party; those who saw the crowded stations between Washington and Thomson; ask those who saw the thousands of sad-faced men and women from every walk of life, and from every section of our country, who thronged the streets of his home town in the hope of catching a last grimpse of their fallen chief, and to pay a simple tribute of respect to his memory, and they will answer—yes. No greater tribute of love, no greater inspiration for public service was ever witnessed.

Senator WATSON, at an early age, was happily married. His gentle wife survives him. A son and a daughter came to bless his home, but the death angel kissed them into eternal sleep years ago. This masterful intellect, with all its abiding faith, could never understand why such crushing grief should come to him, but let us hope—let us believe—that to him the mystery has been revealed; that father, son, and daughter have joined in a happy reunion on the golden shore of eternal life where there are no sacrifices to be made, or disappointments to be endured.

Mr. WRIGHT. Mr. Speaker, it is a mournful pleasure to join with my colleagues in paying tribute to the life and character of the lamented THOMAS E. WATSON, who was representing his native State and mine in the upper branch of Congress when death cut short his brilliant career.

Others may have been in more intimate touch with the eminent Georgian than was my privilege; others may be more eloquent in eulogizing his public service and personal virtues, but I dare say none had more admiration for his brilliant attainments nor could appraise his worth more fairly.

Residing in opposite extremes of the great State which gave us birth, personal contact with Mr. WATSON was necessarily limited by distance and by the infrequent occasions when association was made convenient or practicable; but after he came to Washington, we were often together in conference over matters of legislation and other questions in which we were mutually interested. Upon these occasions I never failed to enlist his sympathetic interest and cooperation. I was thus afforded an opportunity to study at close range the human side of the man and found him not the least stilted or impulsive either in manner or speech, but a most charming companion, and moreover a safe adviser when his advice was sought. One could not fail to be impressed by his earnestness, his sincerity, howsoever one might withhold approval of his views upon some public questions, as I sometimes did, yet always with a lingering admiration for his plausible logic and his unwavering sturdiness of purpose. He seemed never to forget anything he had heard or read and was as familiar with the history of his

own country and that of the nations of the world as with his alphabet.

I venture to assert he had the confidence, devotion, and loyalty of a band of adherents never enjoyed by any man in public life in Georgia.

Often caricatured by his critics as a many-sided man—vitriolic and unrelenting in his bitter moods, and at other times emotional and tender as a child—he was an enigma to friend and enemy alike. It was my pleasure to know only the better side of his nature. If he had a worse side, it was not revealed in my intercourse with him. If he attained eminence as a publicist, he was even more distinguished in the world of letters, his literary productions ranking with those of the most scholarly writers and most profound thinkers of his time. His flaming genius, his wonderful grasp of a subject, his capacity to get the pith and substance of a proposition, his mastery of details, marks him as a man among men, whom to know was to respect and admire. True, he may have had faults, both of temper and tongue—few among us have not—but with it all he will be acclaimed by impartial biographers as one of the outstanding figures in the affairs of his State and Nation.

Sometime the secrets of this mystery called death we may know; and when our departed friend turned to the silent and unknown future, let us believe he could rely with unfaltering faith upon that most impressive and momentous assurance ever delivered to the sons of men—

"*He that believeth in Me, though he were dead, yet shall he live; and whosoever liveth and believeth in Me shall never die.*"

Mr. Speaker, some of our colleagues are unavoidably detained at their homes in Georgia, and I ask unanimous consent that they may be permitted to extend their remarks in the RECORD.

The SPEAKER pro tempore. Without objection, it will be so ordered.

There was no objection.

Mr. LOGAN. Mr. Speaker, I take this opportunity of paying a sincere, if humble, personal tribute to the late Senator WATSON. I enjoyed only a very slight acquaintance with the Senator, although, in common with the American people, I had long heard and known of him before I came to Washington. I took early opportunity to seek out the Senator and gain his acquaintance. In my State, among my people, as among the American people generally, Senator WATSON was regarded as having those qualities which always command admiration from the American people. He had a high degree of intelligence, he had complete and absolute honesty of purpose, and he had courage, morally and physically, of the very highest order.

In my campaign last summer there was injected as an issue a measure now pending in the American Congress. I was opposed to the measure. I had been written to about it by many constituents, and I had said that the measure was in committee, that I would give it careful consideration and earnest attention, as I was asked to do, and that when it came upon the floor of Congress, if I could vote for it I would do so. Senator WATSON had been written to about that measure, and he replied in an editorial in the Columbia Sentinel, his newspaper, in which he said to his people he thought the measure was absolutely wrong, that it was destructive of the rights of the States, and he wrote against it in the most able way. My constituents were not satisfied that I should discuss that measure on the floor of Congress when it came up for consideration and insisted that I must state as to how I should vote upon it. I then said that if that was the case, I was against the measure, and that I would do everything in my power to prevent its becoming a law.

When I went out through my district in South Carolina from stump to stump I read that editorial to those people, and I say now to his colleagues from Georgia that I believe in the rural districts of South Carolina he was as much beloved and as highly thought of and commanded as much respect as he did in his native State of Georgia. I read that editorial to my people, and everywhere I went they believed that if TOM WATSON was against that measure, if he had looked into it and considered it and believed it not to the interest of the South and the southern people whom he loved so much, it could not be good, it could not be entitled to their support. When the ballots were counted and I was elected I felt that I was under personal obligation to that able, splendid, Georgia Senator. It had been my intention to go to him personally and express to him my gratitude for what I considered he had done for me, but like many other things we put off, I did not have opportunity to avail myself of that pleasure. I was shocked when I saw that he had passed away, and when I heard that these ceremonies were to be held to-day I felt that it was my duty as a man to come here and to pay this humble tribute to his memory. It is absolutely sincere, it comes from the bottom of my heart, and if in the mysterious workings of Providence, in the unfathomable wisdom of God Almighty, it may be possible for that distinguished Senator to hear what I have to say to-day, he knows that I thank him for what I consider he did for me and for my people.

Mr. WISE. Mr. Speaker, we have assembled to-day for the purpose of paying tribute to a great Georgian. When the announcement of the death of Senator WATSON reached his native State, thousands were bowed down in grief; everywhere the expression was heard, "We have lost one of our greatest men."

The storms began to break early in his life. Born in the year 1856, just before the Civil War, in fairly good circumstances financially, he was, on account of the war and financial reverses, early thrown on his own resources, and here doubtless began the experiences which decided his destiny and mission in life. He knew what it meant to work on a farm for very small wages; to teach a country school; to walk to and from a country lawyer's office, carrying his lunch with him; to have few of the real necessities of life; to have a longing ambition for an education and no means by which to gratify it.

He succeeded in having two years in college, and was forced, for financial reasons, to leave. He then taught school and studied law at night, under adverse circumstances, but with that indomitable will and courage which was characteristic of his whole life.

All around him in his early manhood he saw poverty, distress, an oppressed and downtrodden people. Doubtless these things had a great deal to do with his future life, devoted to the interests of the poor, the weak, the needy, the helpless, the oppressed. It was said of him by one who knew him well: "By choice, by education, by inheritance, by environment, WATSON was the uncontrolled and uncontrollable tribune of the people. Born to dare for the people; to lead the people; to conquer for the people; and to die in the arms of popular love and righteousness."

His career was one of trial and struggle, of failure and success, of disappointment and achievement—all, as he believed, for the people and for the people's good. No storm ever turned back the onward feet of this man. No denial or disaster ever quenched the burning flame of his ambition. His disappointments were many. He often felt that he was mistreated, misjudged, misrepresented. I have no doubt he was. Yet he never swerved from the course he had selected.

He served one term in Congress. During that brief period he left his impress upon legislation of great benefit to that class of people to whom he had consecrated his life and his talents; in fact, to the benefit of all the people.

He was a candidate for reelection. It was one of the bitterest campaigns ever waged in Georgia. Enmities were engendered which were never completely healed; divisions among the people of his district which still exist to a large extent. It was and is still thought that he was elected by a majority of the qualified voters of the district, but he never obtained the certificate and was never seated. This he doubtless felt keenly. Who would not? It changed his entire course, but not the determination to carry on his work as he conceived it, in the interest of the people of his State. He simply pursued another but more enduring course, and one which brought to him his greatest fame and reputation—that of an historian. To this we are indebted for his "Life of Napoleon," his "Story of France," "The Life and Times of Andrew Jackson," "The Life of Thomas Jefferson," "Bethany, a Study and Story of the Old South," and his writings as an editor, in all of which was clearly shown his great storehouse of knowledge and ability, and through all of which, as I study his life, runs the one predominating thought and purpose, that he might be of service to those unable to help themselves, to serve humanity.

He was a great lawyer. It was necessary to hear him to fully realize his ability. As an advocate before a jury he had no equal. He was recognized as one of the best lawyers of his time.

There was another side to his life with which the public was not so well acquainted. He had strong, devoted friends and bitter enemies. He never shunned battle, and yet he was in his social life kind and tender, a gentleman, truly, of the old school. Judging from his writings, his thoughts turned often to the real things of life and the hereafter. May I here quote from an article denominated "The Late"?

Who are "The Late"? They are men who have acted their part and have left the stage. They are the dead.

I look over the list of "The Late", and I read the name of one I knew. Was he my foe? Was there enmity between us?

Alas, how pale and worthless the feud now appears. My passion is all gone. His white hand seems to wave me a flag of truce. Death obliterates his faults (if indeed they were his faults and not my

prejudices), and I recall whatever was manly and strong and admirable in him. I review our differences, mourn over the estrangement, and grieve that malice ever arose between us. The way is so short, the time for joy so brief, human ills of the inevitable sort so numerous, that it seems to me now a supreme pity that we willfully added to the thorns which beset our journey.

Reader, some day our names will go into the columns of "The Late." The list is there and our names will be written into the blank, after a while.

To us it will not matter at all what the world may think, or may say when it reads our names in the list. We will be at rest then—so far as the world is concerned. Love can not reach us—nor malice, thank God! Misconstruction, envy, hatred, can hurt us no more. It matters not what the world will say, except in so far as the world speaks the truth.

While we lived, the false may have worked us enormous harm. It can never harm us again. The true will reign supreme.

How true are these words to-day. How short life is, and how foolish for one man to judge another harshly and go through life with envy, hatred, and malice against his fellow man.

He also had a high and exalted ideal of life itself. The only life that is worth the while of any man. Let him speak:

What, truly, is the life worth living?

It is to cultivate, expand, energize, and consecrate all that is best within you; to search for Truth and Right and to lay your willing sword at their feet; to combat all shams and hypocricies and superstitions and frauds and errors and oppressions; to love the best interests of your fellow man and to put your whole heart in the struggle for his advancement, in spite of his own cruel hatred and persecutions.

What though this life condemns you to unrequited labor, unappreciated effort, the ingratitude which cuts like a knife, and the misrepresentation which chills worse than the wintry wind? All this is outward, temporary, inconsequent, the mere passing of the fleeting clouds, nothing more than incidental discords on the great harp of life. Things like these wound, inflict pain, sadden the soul somewhat, but they do not change the course of the vessel nor make coward of him who stands sturdily at the wheel steering through the night by the everlasting stars. * * *

The life which is worth living has not always led to ease, worldly success, happiness, and earthly honor.

Too often the man who consecrates himself to the nobler purpose has been what the world called a failure, has been led away into captivity by pitiless foes, has died at the stake amid tortures. * * *

I have fought a good fight. Never once did I lower my flag. To the right, as God gave me to see it, I was always true. Not once did I bend the knee to the wrong, consciously.

All my life I fought for the betterment of humanity. Here are the scars to show it. Defeat has rolled over me, but not dishonor.

To no man or woman have I knowingly done hurt; if I have not done some good, it is not because I failed to try.

On millions of my fellow men I found the chains of bondage more galling than slavery; I did my utmost to show them how to be free.

Millions I found hungry, naked, homeless; I did my best to point the way out of poverty into plenty. * * *

Yea! I have fought a good fight. Here are the wounds. No white flag flew over my citadel. It held out to the last.

Loneliness pained but did not subdue me; persecution saddened but did not conquer me; friends deserted me and foes multiplied, but I was not utterly cast down. The sacred torch of human progress I held aloft, even as better men had done in the ages of the past.

Its light will not fail. Others will seize upon it and bear it on. Some day the night will pass, and the human race will no longer grope in the gloom.

In that my faith is strong. For that I have never ceased to watch and pray and work.

And now my part is done. The shadows gather about me—but I am not afraid. The voices from the darkness call for me—and without regret I go.

Beautiful language. High conception of the true and only life worth while. He undertook to fulfill that life according to his own convictions and in his own way so far as mortal man could. I am glad to quote his words here, for someone floundering around on the stormy sea of life may see it and gain new courage to fight on to the end.

He is dead, but his works still live and will grow in splendor as the days go by, and his life work judged without passion and prejudice, remembering the good he has done for humanity.

The passing away of a man of such ability and power was a loss to the Nation and to his own State and to that large class of people everywhere who trusted and followed him for so many years, through sunshine and shadow, through victory and defeat, even unto death.

Mr. LANKFORD. Mr. Speaker, when a very small boy I read of TOM WATSON and longed for the time when I might see him and hear him speak. When the first opportunity presented itself I was delighted and heard him make a most eloquent and masterful argument in behalf of the South.

I later heard him make a great speech of a political nature in my home town of Douglas, Ga., and heard him next after he came to the Senate. One of my dreams as a boy was to see and hear some of the great men of the Nation. My fondest dreams have been fully realized by my being permitted to serve with them here in the Congress. Senator WATSON came to the Senate with more information than most Senators ever acquire and was recognized at once as one of the very best informed men in that august body.

His speeches were eloquent, logical, and persuasive in the extreme and always received the closest attention from those who differed with him as well as from those who agreed with him. Friend and foe admired his great information, his most excellent language, and his matchless eloquence. Even when a sick man, and scarcely able to stand, he ofttimes soared into the ethereal realm of eloquence and argued his cause with a force that appeared to be more than human.

To him, Thomas Jefferson was the ideal statesman. It is quite a coincidence that Senator WATSON, the great scholar and writer, should in many physical respects so closely resemble the great scholar and writer who wrote our Declaration of Independence. Very near the seat which Senator WATSON occupied in the Senate there hangs in the corridor of the Capitol a picture of Thomas Jefferson which is also a splendid picture of Senator WATSON. While walking near this picture one day with Senator WATSON, I said, "Senator, that picture of Thomas Jefferson is also a good picture of you." Senator WATSON smiled and replied, "Judge LANKFORD, several others have told me the same thing."

Senator WATSON was a hard worker. His service in the Senate was very probably shortened by his working here when most men, sick as he was, would have left off work altogether. Senator WATSON was active on the floor of the Senate the last day of the last regular session of Congress. This was four days before he died. Early in this his last day's service in the Senate he said:

I beg to make in one sentence the statement that when a vote was reached on the question as to whether the veto of the President of the soldiers' bonus bill should be overridden, I was struggling between life and death with asthma and had no chance to arrange a pair or to vote. Had I been present I would have voted to override that veto.

The silvery voice of Senator WATSON, which had been heard so often in behalf of the common people and which voice was so soon to be hushed by death, was the last voice to be heard in the proceedings of the Senate before final adjournment. His last words were against high-handed oppression and in behalf of some suffering, struggling miners and their families. He submitted and had printed in the RECORD several letters and clippings showing that some mine owners in Pennsylvania were unjustly turning some men, women, and children out of their homes. Senator WATSON was on duty to the last, "faithful to the end."

Senator WATSON loved the South and was ever ready to defend her and her people. On the 13th day of July, 1921, I heard him during a speech in the Senate make a most splendid reference to Gen. Robert E. Lee and to the Confederate soldiers buried in the cemetery at Arlington. He said:

You go out to Arlington, once the home of Robert E. Lee, who, as Theodore Roosevelt said, was the flower of Anglo-Saxon chivalry, the greatest soldier that our race ever produced, asleep in marble at Lexington, beside him the most splended of human swords—sleeping in marble at Lexington but living yet. Go to Arlington, and from the very time you enter the gates you are reminded, not of civilians but of heroes who fought battles on land and sea, which they thought were righteous, on the one side and on the other. Years ago it had been the custom there, Mr. President, to strew flowers only upon the Union graves. The men who had worn the gray slept beneath the sod with no roses and no lilies and no garlands upon their graves.

It thus happened on one Memorial Day that all the graves of Union soldiers were elaborately decorated with flowers, as was so natural to our friends of the North; and the southern graves of the "Rebels," if you please, had no flowers. During the night there came up out of the west the voice of the storm, the thunder rolled and the wind blew, and when the morning sun rose Providence had lifted those flowers and part of them rested impartially upon the graves of the Confederate dead.

Mr. Speaker, it is impossible to describe the eloquence of Senator WATSON or his wonderful power as a speaker. One of the best articles along this line was in the Observer, concerning a speech delivered by Mr. WATSON, at Newton, N. C., October 3, 1904. From this article is the following quotation:

Mr. THOMAS E. WATSON is not fairly represented in the pictures of him. He is not a large man, but of good proportions. He is well groomed and wears his clothes well. His face is full of healthful color. His jaws fit together firmly, and his sensitive red lips are expressive. He has that cut of nostril, thin and shapely, which sometimes means pride and always courage. His brownish yellow hair is thick and shocks over his forehead when he speaks. His eye is large and beautiful, and when he smiles the lower lid comes up and half conceals it.

He stood here to-day and spoke for an hour and a half, extemporaneously, and his language was classic and his thought as clear as sunshine. He is not a strenuous speaker, but the most persuasive, the most engaging and entertaining that I have ever heard.

The newspaper after quoting extensively from Mr. WATSON's speech said:

Mr. WATSON dwelt on the race question. His face wore a winning smile. His voice has a subtle quality, suggesting reserve power; and when he let it fall at his periods, there was something in it so sweet, so persuasive, that you can understand it only when you hear it. It seemed that he had extended his personality to his audience. While he was discussing straight political topics, making no effort at pathos or eloquence, I saw hundreds of eyes swimming in tears from no other cause than the mental excitement. I never saw people listen in this rapt way before. The little, quiet-mannered man stood there,

making a few gestures, not often raising his voice to a high pitch, not a hint of perspiration about him, but his very calmness was the calmness of strength.

The Observer again quoted from Mr. WATSON's speech at length and then used the following quotation with the following comments:

When I (Mr. WATSON) stood up in Congress and advocated that the mails should be distributed to the country people I was laughed at. Now 40,000 men are employed in the rural-free delivery of mail, and $26,000,000 expended. I have offered to give $1,000—and I'm able to do it, thank God—to anyone who will show that I am not the originator of the rural-free delivery of mails.

He cited the CONGRESSIONAL RECORD for February 17, 1893. No one can understand how impressive it was when he said, concluding this subject:

After I had been counted out and was not to be a Congressman any more, I remembered you; and now, since you have the opportunity, are you going to remember me?

He said this with his hands outstretched to the people. The beauty of it all was in the way in which it was said and done. There was not a ripple of applause, but tears were on many a cheek. It was the man's wonderful presence.

That was a splendid flight of oratory on the employment of children in factories. Now the South, with all its chivalry and humanity, winks at this thing, and the North, protecting its own children by statute, invests its capital in southern mills, where it can employ southern children.

"And we bow down to the Christ who loved little children, and have been taught to love Him because He cared for the helpless."

The scene at the close of this speech was remarkable. The people crowded about WATSON to shake his hand, and many of them were crying. There was no reason why they should be so moved, except that it was in the air. I have heard Bryan, Gunsaulus, the Dixons, and other great speakers, but this beat the band.

Several years ago John Temple Graves, in the Georgian, paid a most beautiful tribute to Senator WATSON. Among other things he said, speaking of Senator WATSON:

The publicist remains, leader of lost causes, focal of faction, and center of economic storms. He has fought his brave battle, with unbroken courage and with unfailing eloquence, to the armed armistice or to the predestined end. He has rebuked temptation, refused every compromise of principle, turned his back upon the glittering promises of office which were set for his return to the rank of the dominant faction, and with a consistency, pledged in sacrifice and maintained in heroic isolation, he has kept the faith of his advocacies and followed his convictions to successive stakes of martyrdom.

Through loneliness, misunderstanding, and misrepresentation, TOM WATSON has not faltered in fidelity to the cause and the people adopted as his own twelve years ago.

And he has rarely won. Never but once in his battle-scarred career has victory perched upon his banners or the flags of his faith over a triumphant field. His eloquence has been praised, his logic has been lauded, his consistency has been conceded, and his splendid courage has wrung tribute from his sternest foes. But by the world's standards, which are selfish and material, he must be measured as a defeated man—a baffled warrior—who has nearly always failed.

The defeated publicist—sitting for ten years desolate by his hearthstone—working out in solitude and patient honesty the strong convictions of his faith, goes forth with high courage and heroic zeal to fight. Great odds are piled against him. Slander stabs his name; scornful ridicule assails; money mocks his eloquence; friends fall away; comrades turn traitors in a night; bitterness blurs his battles; the ranks are hostile that were once his friends, and on the final field where he has staked and lost in dauntless sincerity his patriot sympathies and his brave beliefs, night falls in failure and darken in defeat.

But the patient publicist, struggling in darkness and defeat, has wrought like the tapestry weavers that work across the sea—worked on the wrong side, maybe, but worked for the right side aye. Parties that scorned him once are absorbing now his creeds; platforms that mocked him are marking his principles in planks that plead, and the people persuaded so often to defeat him and deny, are awaking at last to see that his warning was wisdom, and that his signal was the safety of the State.

Senator WATSON had many noble virtues which made him a great power in his State and Nation. One of his greatest virtues was his great love of people. He loved the folks and the folks loved him. No man without this great love could have spoken or written as he did. There is nothing in all literature truer or prettier than Senator WATSON's tribute to the country wife.

I told Senator WATSON one day that I wanted his permission to have this most splendid tribute printed in the CONGRESSIONAL RECORD so I could mail it to the good people of my district. He said he would be glad for this to be done. Neither of us then thought he would die so soon and that I would use it as part of a memorial address on his life and service. I told Senator WATSON that his tribute to the country wife was appreciated very much by me, as it was such an accurate description of my own dear mother who has been dead these 18 years. He said he had his own mother in mind when he wrote it.

It is a most splendid description of thousands of good women in our country. No man without the greatest of love for the mothers of our Nation could have written it. Let me read it to you:

There are thousands of devoted and absolutely admirable wives and mothers in our cities, in our towns, and in our villages, and it gives me pleasure and pride to testify to the fact; but if you ask me to carry you to the home of the true wife and the true mother, one who loses herself entirely in the existence of her husband and children, one who is the first to rise in the morning, and the last to retire at night, one who is always at her post of duty, and the one who carries upon her shoulders the burdens of both husband and children, one who is keeper of the household and the good angel of it, utterly unselfish, happy in making others happy, with no thought of fashionable pleasure, perfectly content in quiet home life in which she does nobody harm and everybody much good, taking as many thorns as she can from the pathway of her husband and strewing it with as many roses as possible, strengthening him by her inspiration as he goes forward to fight the battle of life, smoothing the pillow upon which he rests his tired head when he comes home, tenderly rearing the boys and girls who will in turn go away from the door some day for the last time—the boy to become a good soldier in life's continuous warfare, and the girl to become some ardent suitor's wife and to be to him what her mother has been to her father; and who, when all toils are done and her strength is departing, will sit calmly in the doorway, watching the setting sun, with a serene smile upon her face, and never a fear in her heart—ask me to find where this woman lives, where this type is to be found, and I will make a bee line for the country.

Senator WATSON loved the country folks and they loved him. There is no prettier or truer tribute to the farmer in literature than Senator WATSON's "Planting Corn." The picture is so true of life. I can see my father now in the "Old Bay Field" plowing and us children dropping corn. It is a true picture of millions of farmers and their children planting corn. Here it is:

The bluebird was out to-day; out in his blossiest plumage, his throat gurgling with song.

For the sunlight was warm and radiant in all the South, and the coming of spring had laid its benediction on every field and hedge and forest.

The smell of newly ploughed ground mingled with the subtle incense of the yellow jasmine; and from every orchard a shower of the blossoms of peach and apple and pear was wafted into the yard and hung lovingly on the eaves and in the piazzas of the old homestead—the old and faded homestead.

Was there a cloud in all the sky? Not one, not one.

"Gee! Mule!!!"

"Dad blast your hide, why don't you gee-e-EE!!"

"Co-whack" goes the plowline on the back of the patient mule—the dignified upholder of mortgages, "time price" accounts, and the family credit, generally.

Down the furrow, and up the furrow, down to the woods, and up to the fence—there they go, the sturdy plowman and his much-enduring but indispensable mule.

For the poplar leaves are now as big as squirrel-ears, and it's "time to plant corn."

On moves the plowman, steady as a clock, silent and reflective.

Right after him comes the corn-dropper, dropping corn.

The grains fairly chink as the bare feet of the corn-dropper hurry past; and before the corn has well cuddled itself into the shoe-heel of the plowman's track, down comes the hoe of the "coverer" and then the seeds pass into the portals of the great unknown; the unknown of burial and of life renewed.

Peeping from the thicket near at hand the royal redbird makes note of what is going on, nor is the thrasher blind to the progress of the corn dropper. And seated with calm but watchful dignity on the highest pine in the thicket is the melancholy crow, sharpening his appetite with all the anticipated pleasures of simple larceny.

The mockingbird circles and swoops from tree to tree, and in his matchless bursts of varied song no cadance is wanting, no melody missed.

The hum of the bees is in the air; white butterflies, like snowflakes, fall down the light and lazily float away.

The robin lingers about the china tree, and the bluejay, lifting his plumed frontlet, picks a quarrel with every feathered acquaintance, and noisily asserts his grievances.

The joree has dived deeper into the thicket, and the festive sapsucker, he of the scarlet crest, begins to come to the front, inquisitive as to the location of the bugs and worms.

On such a day, such a cloudless, radiant, flower-sweetened day, the horseman slackens the rein as he rides through lanes and quiet fields, and he dares to dream that the children of God once loved each other.

On such a day one may dream that the time might come when they would do so again.

Rein in and stop, here on this high hill. Look north, look east, where the sun rises, look south, look west, where the sun sets—on all sides the steady mule, the steady plowman, and the children dropping corn.

Close the eye a moment and look at the picture fancy paints. Every field in Georgia is there, every field in the South is there. And in each the figures are the same—the steady mule and the steady man and the pattering feet of the children dropping corn.

In these furrows lies the food of the Republic; on these fields depend life and health and happiness.

Halt those children, and see how the cheek of the world would blanche at the thought of famine.

Paralyze that plowman—and see how national bankruptcy would shatter every city in the Union.

Dropping corn! A simple thing, you say.

And yet, as those white seeds rattle down to the sod and hide away for a season, it needs no peculiar strength of fancy to see a Jacob's ladder crowded with ascending blessings.

Scornfully, the railroad king would glance at these small teams in each small field; yet check those corndroppers and his cars would rot on the road and rust would devour the engines in the roundhouse. The banker would ride through those fields thinking only of his hoarded millions, nor would he ever startle himself with the thought that his millions would melt away in mist, were those tiny hands never more to be found dropping corn. The bondholder, proud in all the security of the untaxed receiver of other people's taxes, would see in these fields merely the industry from which he gathers tribute; it would never dawn on his mind that, without the opening of those furrows and the hurrying army of children dropping corn, his bond wouldn't be worth the paper it is written on.

Great is the might of this Republic!—great in its schools, churches, courts, legislatures; great in its towns and cities; great in its commerce; great in its manufactures; great in its colossal wealth.

But sweep from under it all these worn and wasted fields, strike into idleness or death the plowman, his wife and his child, and what becomes of the gorgeous structure whose foundation is his fields?

Halt the food growers, and what becomes of your gold and its "intrinsic value?"

How much of your gold can you eat?

How many of your diamonds will answer the need of a loaf?

But enough.

It is time to ride down the hill. The tinkle of the cowbell follows the sinking sun—both on the way home.

So, with many an unspoken thought, I ride homeward, thinking of those who plant the corn.

And hard indeed would be the heart that, knowing what these people do and bear and suffer, yet would not fashion this prayer to the favored of the Republic: "O rulers, lawmakers, soldiers, judges, bankers, merchants, editors, lawyers, doctors, preachers, bondholders! Be not so unmindful of the toil and misery of those who feed you!"

I never knew how much the people of Georgia and of the Nation loved Senator WATSON until his death. Millions loved him who had seen and heard him. They loved him best for they knew him best. Millions loved him who had never seen or heard him, but only knew of his great service to mankind. All were filled with real grief. They could not fully realize that he was gone and that no more would he be heard for them and theirs.

Mr. Speaker, one of the most solemn occasions of my life was when a few of his best friends and I, the night following his death, when all the rest of the world was quiet and seemed asleep, stood with bowed heads by his casket and looked into his upturned pale face. It seemed that those lips were ready to speak again and his face ready to glow again with the sympathetic radiance of life. But then I said, no it will not be so. He is dead, but he shall live again. He shall live in the memory of a grateful people as long as the human voice shall sing the praises of men. He shall live again beyond the stars.

The next day we started for Georgia to consign his body to mother earth in the State he loved so well. The deepest grief was everywhere. Thousands of people with bowed heads watched the funeral train as it passed. In Georgia there was a mightly multitude waiting to get a last glimpse of the man they loved so well. The very deepest grief was evident everywhere. By words and tears thousands of people evidenced the devotion of the people of Georgia and the Nation to the man who was being laid to rest.

Mr. Speaker, I am to-day, as a part of my eulogy on the life of Senator WATSON, reading in whole or in part a very few of his most excellent writings. Instead of trying to write a memorial of him I am pointing you to some of the monuments of which he is the author and finisher. He wrote his own memorials, which are imperishable.

Mr. Speaker, there are scenes in nature which the artist can not paint, and there are thoughts within the human breast which we can not express. The artist can not fully paint a picture of Niagara, the Yellowstone, the Canyon of the Colorado, or of the starry heavens. You ask me to tell you of a mother's love and I am dumb, I can not. I can only take you to where a child is suffering and let you see for yourself the anxiety, the pain, the suffering of the mother, and then you know dimly what a mother's love encompasses. You ask me to tell you of the beauties of nature. All I can do is to point to the wonderful works of nature by day and at night point toward the starry heavens. "The heavens declare the glory of God and the firmament showeth his handiwork." So it is with the achievements and writings of Senator WATSON. I can not tell you of them, I can only point to a few passages from his almost unlimited writings. To read his wonderful works is to live a new life in the garden of the world's best literature.

A new year has begun, my colleagues, since we saw Senator WATSON's body lowered into the grave at Thomson, Ga. Let us, the living, now read Senator WATSON's own prayer to Father Time as he felt the leading hand, and may we, in memory of our deceased friend, from our hearts utter the same prayer:

Oh, Father Time! We tremble as we feel you leading us toward the door of the New Year. Beyond that portal we can not see, and we dread it—as children dread the dark.

Deal gently with us in the New Year, Father Time.

Give us strength to bear the cross—for we know that we must bear it.

Give us courage for the battle, for we know that we must fight it.

Give us patience to endure, for we know that we shall need it.

Give us charity that thinks no evil, and which will stretch forth the helpful hand to lift our weaker brother out of the mire, rather than the cruel scorn which passes him by or thrusts him further down.

Give us faith in the right which no defeat can disturb, and no discouragement undermine.

Give us the love of truth which no temptation can seduce and no menace can intimidate.

Give us the fortitude which, through the cloud and the gloom and sorrow of apparent failure, can see the distant pinnacles upon which the everlasting sunlight rests.

Give us the pride which suffers no contamination, no compromise of self-respect, no willful desertion of honest conviction.

Give us the purpose that never turns and the hope that never dies. And, Father Time, should the New Year, into which you are taking us, have upon its calendar that day in which the few that love us shall be bowed down in sackcloth and ashes, let that day, like all other days, find us on duty—faithful to the end.

Senator WATSON died as he had wished and prayed to die. "on duty—faithful to the end." He was not afraid to die. He had an abiding faith which lifted him to the highest heavens of thought in this life and made him "glad to go" to that better land when he heard the call. Listen while I read from his own words how he felt about the efforts of mortal man, about a "loftier life," and about future estate of the human race:

Not quite can the painter's art transfer to canvas the beautiful scene which dwells in his mind.

Then whence came that beauty which is too perfect to be reproduced by human skill?

Not quite can the great composer put into melodious notes those harmonies that enraptured his soul.

Then whence came those harmonies, those celestial airs which inspired, yet somewhat eluded, the divine genius of Handel and Beethoven and Schubert and Mozart?

Not quite can the speaker or writer catch and cage, in spoken or written words, those sublime thoughts which came into his solitude, when all the outer world was still, and lifted his soul into a higher, purer, lovelier, diviner world.

Then whence came those thoughts which carried him to the mountain top and bade him look down upon all the world below?

From within comes the conviction that there must be somewhere a loftier life that we poor, imperfect creatures can live, and that somewhere there is perfect Beauty, perfect Melody, perfect Truth, and perfect Good.

From some better world must come these better things.

Some day it may be that the Angel of Beauty, which has so long inspired the artist, will whisper to him, "Put the brush away. Turn the canvas to the wall. Come with me." And that which is best in him will be glad to go.

Some day it may be that the Spirit of Music, which has been the companion soul of the composer, will say, "Sister spirit! Come away." And the twin souls will seek together the world in which there is no discordant sounds.

Some night the radiant thought that visits me here in my solitude may say to me—

"It is finished—Come." And that which is best in me will be glad to go.

To Senator WATSON life was a battle in which he was fighting for the right. "At Fifty" years of age he wrote:

Give me the man who will live and die for his ideals, who will surrender no righteous position without a struggle, who will perish rather than pollute his soul by apostasy from Right!

Better—a thousand times better—the tempest and the shipwreck with such a creed than inglorious decay at the wharf with any other. Better a Waterloo and a glorious death in the squares of the Old Guard than worldly pensions and honors for base betrayal of cause and country.

So I thought at twenty. So I think at fifty. I have the scars to show for it. And, like any other soldier of the wars, I am proud of them.

Let the tide ebb—it must be so; let the daylight fade, it must be so—but this much any poor mortal can do, and should do: Hold aloft, to the very last, the banner of your creed; fight for it as long as you can stand; and when you go down, let it be possible for you to say to those who love you: "Lay a sword on my coffin; for I, also, was a soldier in the great struggle for humanity."

Mr. Speaker, I think that there is nothing in all literature better than Senator WATSON's "Song of the Bar Room" and his companion apostrophe, the "Wine Cup."

Listen to the "Song of the Bar Room":

Alive, let us live. Where is Yesterday? Lost forever. Where's To-morrow? It may never come. To-day is here. Within its fleeting hours runs the only certainty that you'll ever know. Come, eat, drink, and be merry, for to-morrow you die!

The chains of self-restraint are galling—throw them off! The burden of duty is grievous—fling it down! The cross of responsibility is crushing—let another bear it!

Live for yourself: Live for the now: Live for the lust of living.

Drink! and forget dull care. Drink! and ease the heartache. Drink! and drown the passion for the unattainable.

See how men are drawn to me! My lights blaze a brilliant welcome; I am never too hot, nor too cold. Mirrored vanity smirks in my gilded reflectors; and no one is ill at ease, in my Free-for-all Club. No shrewish wife can tongue-lash you here; no peevish child annoy you with its cries. Leave to them the ugliness of your haggard home, and come unto me for comfort. Theirs, the cold and the gloom and the lonely vigil—yours, the warmth and glow and social joy.

Clink your glasses, men! Drink, again, "Here's hoping." 'Tis well to toast here, where begins the trail to the grave of Hope. Be jolly; let the place ring with laughter; relate the newest story—the story that matches the nude pictures on the wall.

What's that? A dispute, angry oaths, a violent quarrel, the crash of overturned chairs, the gleam of steel, the flash of guns, the stream of lifeblood, the groans of dying men?

Oh, well, it might have happened, anywhere. The hearts of mothers and fathers I wrench with pain; the souls of wives I darken in woe. I smite the mansion, and there are wounds that gold can not salve; the hut I invade, and poverty sinks into deeper pits.

I sow and I till, and I reap where I sow, and my harvest—is what?

Men so brutalized that all of humanity is lost, save the physical shape—men reeking with moral filth, stony of heart, bestial vice—men who hear the name of God with a wrathful stare, or a burst of scornful mirth; men listen to the death rattle of any victim of their greed or their lusts, without a sign of pity.

And the women, too! How can I fitly sing of the woman of my harvest time? Did you ever hear her laugh? It must be the favorite music of the damned. Did you ever hear her ribald talk? The very sewers might shrink at bearing it away. Have you ever heard her libidinous songs? Did you ever watch her eyes—those defiant, mocking, hopeless, shameless eyes?

What warriors have I not vanquished? What statesmen have I not laid low? How many a Burns and Poe have I not dragged down from ethereal heights? How many a Sidney Carton have I not made to weep for a wasted life? How many times have I caused the ermine to be drawn through the mud?

Strong am I—irresistibly strong.

Samsonlike, I strain at the foundations of character; and they come toppling down, in irremediable ruin. I am the cancer, beautiful to behold, and eating my remorseless way into the vitals of the world. I am the pestilence, stalking my victims to the cottage door and to the palace gate. No respecter of persons, I gloat over richly garbed victims no more than over the man of the blouse.

The church, I empty it; the jail, I fill it; the gallows, I feed it. From me and my blazing lights run straight the dark roads to the slums, to the prisons, to the bread lines, to the madhouse, to the potter's field.

I undo the work of the school. I cut the ground from under law and order. I'm the seed bed of poverty, vice, and crime. I'm the leper who buys toleration and who has not to cry "Unclean." I'm the licensed ally of sin. I buy from the State the right to lay dynamite under its foundations. For a price they give me the power to nullify the work of lawmakers, magistrates, and rulers. For a handful of gold I am granted letters of marque to sail every human sea and prey upon its lifeboats.

Huge battleships they build, casing them triply with hardened steel; and huge guns they mount on these floating ramparts, until a file of dreadnaughts line the coast—for what? To be ready for perils that may never come. But I give them a pitiful purse, and in return they issue me the lawful rights to unmask my batteries on every square; and my guns play upon humanity every day and every night of every year. And were my destroyers spread out upon the sea they would cover the face thereof.

Around that grief-bowed woman I threw the weeds of widowhood—but I paid for the chance to do it; and they who took my money knew that I would do it.

To the lips of that desolate child I brought the wail of the orphan—but I bought the right to do it; and they who sold me the right knew what would come of it.

Yes. I inflamed the murderer; I maddened the suicide; I made a brute of the husband; I made a diabolical hag out of the once beautiful girl; I made a criminal out of the once promising boy; I replaced sobriety and comfort by drunkenness and pauperism—but don't blame me; blame those from whom I purchased the legal right to do it.

No Roman emperor ever dragged at his chariot wheels, on the day of his triumph, such multitudes of captives as grace my train. Tamerlane's marches of devastation were as naught beside my steady advance over the conquered millions. The Cæsars and the Attilas come and go—comets whose advents mean death and destruction for a season; but I go on forever, and I take my ghastly toll from all that come to mill.

In civilization's ocean I am the builder of the coral reef on which the ship goes down; of its citadel, I'm the traitor who lets the enemy in; of its progress I'm the fetter and the clog; of its heaven I'm the hell.

Now let me read to you "The Wine Cup":

It is a warrior whom no victory can satisfy, no ruin satiate. It pauses at no Rubicon to consider, pitches no tents at nightfall, goes into no quarters for winter. It conquers amid the burning plains of the South, where the phalanx of Alexander halted in mutiny. It conquers amid the snowdrifts of the North, where the grand army of Napoleon found its winding sheet. Its monuments are in every burial ground. Its badges of triumph are the weeds which mourners wear. Its song of victory is the wail that was heard in Ramah: "Rachel crying for her children and weeping because they are not."

It never buries the hatchet; its temple of Janus never closes its doors. No dove of peace ever carries its message; in its hand is never the olive branch. It sends no flag of truce, and receives none; its wounded are left where they fall, and its dead bury their dead. Every citadel that it storms it devastates; and in every charge which it makes its cry is "No quarter."

Those who fall before its onset die deaths of shame, and they go down to dishonored graves to which love can bring no willing tribute of flowers, and over which pride can rear no enduring monument. To its prisoners it grants no exchange, holds them to no ransom, but clutches them fast, in a captivity that is worse than death, and which ends only at the grave.

The sword is mighty, and its bloody traces reach across time, from Nineveh to Gravelotte, from Marathon to Gettysburg. Yet mightier is its brother, the wine cup. I say "brother," and history says "brother." Castor and Pollux never fought together in more fraternal harmony. David and Jonathan never joined in more generous rivalry. Hand in hand, they have come down the centuries, and upon every scene of carnage, like vulture and shadow, they have met and feasted.

Yea; a pair of giants, but the greater is the wine cup. The sword has a scabbard, and is sheathed; has a conscience, and becomes glutted with havoc; has pity, and gives quarter to the vanquished. The wine cup has no scabbard and no conscience; its appetite is a cancer which grows as you feed it; to pity, it is deaf; to suffering, it is blind.

The sword is the lieutenant of death, but the wine cup is his captain; and if ever they come home to him from their wars, bring their trophies, boasting of their achievements, I can imagine that death, their master, will meet them with garlands and song, as the maidens of Judea met Saul and David. But as he numbers the victims of each, his pæan will be: "The sword is my Saul, who has slain his thousands; but the wine cup is my David, who has slain his tens of thousands."

Mr. Speaker, those of us living need more fortitude, and I am sure that Senator WATSON's suggestions on fortitude will encourage, not only us but those who shall read them, long, long after we, too, shall have passed away.

Do not be discouraged! Don't lose heart.

You may not be able to see the harvest where you have patiently sown the seed, but be assured of this; no seed is lost.

The truthful word manfully spoken, the earnest effort honestly made, the noble creed consistently held—these are things which do not perish; they live on and move the world and mold the destinies of men long after you are dust.

Leave cowardice to the cowards; leave servility to the slaves. Be a man—proud, though in homespun; free, though in a hut.

Own your own soul!

Dare to listen to your own heartbeat. Between you and God's sunlight let no shadow of fear fall.

What is there to live for, if you are never to think, never to speak, never to act, save as the echo of some master? Better the death of the brave than the long misery of the mental serf.

Not always is it easy to know the right—very often is the road rough. Human praise can be won by shorter routes. Honors and riches are not always its rewards. Pleasanter days and calmer nights may be yours, if you float smoothly down the tide of policy—steering deftly by the rules of the expedient.

But has life nothing loftier than this? Is there no divine voice within you that calls for better things? Is there no great pulse beat of duty within you—no flame of the warrior spirit, when insolent wrong filings its gage of battle at your feet?

Are you willing that the right shall call for aid, and you give no succor; that truth shall plead for help, and you bear no witness?

Is the sacred torch of liberty—passed on from hand to hand, down the ages in which brave men dared to keep it lit—to find you unwilling to hold it aloft?

Shall the temple of civic freedom, reared by the great men who are gone, stand vacant—calling mutely, calling vainly for votaries at the shrine?

Was it all a mockery—this long struggle your forefathers made for justice? Is it an idle tale—this story of the heroism with which the rights of the people were slowly won?

Not so—not so! Levity may slight and ignorance may disregard the blessed heirlooms of human endeavor, of patriotic purposes, of high-minded self-sacrifice—but they are there, and, like the signal fires of the highlands, they call heroic hearts to duty!

You may have desponded, but you must not despair. You may have stumbled, but you must not fall. You will rouse yourself and press forward. You will do your duty—for that is your religion.

If wrong triumphs, it shall not claim you as a partner in the crime.

If the light dies out in the homes of the people, the curse of the unhappy shall not blast your name.

You shall be a man—loyal, fearless, independent, ready for work, and loyal to the last, to the creed which your heart approves.

Men, like these—and no other—won every treasure in the storehouse of liberty, every jewel in the crown of good government, every thread in the golden tissue of religious and political freedom.

Men like these—and no other—are going to keep alive the sacred fires our fathers kindled, are going to stamp out the foul heresies that imperil our rights, are going to fight to the death those who would turn back the march of human happiness, and are going to rededicate this Government to the principles upon which it was founded!

Stand firm and fear not.

Brave men, who are nothing more than brave, rush into the combat, get worsted and quit.

Brave men, who are something more than brave, take no defeat as final.

Senator WATSON, like all great authors, soared aloft, eaglelike, into the higher and purer air, and saw visions not seen by the great mass of humanity. He wrote vividly what he saw. Those reading his masterful works see the pictures which he has drawn and marvel at the almost superhuman knowledge and vision of the artist who drew them. He indeed was one of the very greatest historians of all time. As a literary genius he ranks with the most noted. As an orator he thrilled his hearers with an eloquence which was sublime. He is physically dead, but his works and his life is a part of that which is immortal. I can not refrain from quoting again from Senator WATSON's own most splendid writings, where he commented upon a stanza of "Gray's Elegy":

> The boast of heraldry, the pomp of power;
> And all that beauty, all that wealth e'er gave,
> Await alike the inevitable hour:
> The paths of glory lead but to the grave.

I have often heard this stanza from "Gray's Elegy in a Country Churchyard" used for the purpose of discouraging ambition. In my judgment the poet had no such intention. He meant merely to give expression to that thought which the Romans had in mind when they placed in the chariot of the conqueror, on the day of his triumph, its attendant whose duty it was to repeat from time to time in the ear of the victor, "But remember that you are mortal." The same thought was in the mind of the Orientals, who dragged a mummy case through the banquet hall where revelers were feasting.

Properly understood, there is in all this no discouragement to honorable ambition. True, the paths of glory lead but to the grave, but whither leads any other path? The lawgiver, after all his toil and all the splendor of the civic crown, sinks to dust; but equally so does the thoughtless, aimless boor, who had no care beyond his pigsty.

The warrior, after the battles have been fought and won, after the dash of onset, the thrill of contest, the hot wine of triumph, sleeps coldly and alone; but equally dismal is the fate of the coward cur who wounded himself with an imaginary bullet, shirked the fight, and lived, the scorn of mankind.

There was once an Indian chief, celebrated in the mountains of North Georgia. Some one asked him the way to his home. The red man haughtily answered, "I go home along the mountain tops."

To each one of us comes the hour when we meet—

> "The shadow cloaked from head to foot,
> Who keeps the keys of all the creeds."

To me it seems far more noble, far more inspiring, to have the inevitable meeting somewhere in the pathway that leads us home along the mountain tops.

Senator WATSON lived in a realm of sublime creative thought on the vantage grounds of the highest peaks of the world's history and literature. He went as he had wished, home "Along the mountain tops." Yea, the very highest mountain tops which reach up to the skies where the lamps of the heavens brighten and make easier the pathway of the way-worn traveler. The transition from toil to rest was easy.

He had lived, loved, and wrote in the purest and highest ecstasies of thought which touch the mystic realms of the great

unknown. It was a beautiful peaceful night when the earth is closest to heaven. In the silent hush which comes just before the dawn he reached out and grasped the hand of the Father and stepped across the narrow chasm which divides life from eternity, and heard from the Father of us all, the plaudit—

Well done, thou good and faithful servant, enter thou into the joys of thy Lord.

Mr. STEAGALL. Mr. Speaker—

The heights by some men reached and kept
Were not attained by single flight,
But they, while their companions slept,
Were toiling upward in the night.

These beautiful lines find splendid illustration in the remarkable career of THOMAS E. WATSON. In all our history it would be difficult to point to any great American in whose achievements the youth of the land may find deeper inspiration than in the life of the brilliant Georgian whose memory we honor to-day.

To arrive at a just estimation of the credit due him, it is necessary to consider the difficulties and obstacles which he had to overcome. His accomplishments are sufficient of their own merit to give him high place among the Nation's great men. But to do his name full justice it is necessary to contrast his accomplishments with his opportunities. His life throughout was one of arduous toil and self-reliance. The hardships and handicaps which he encountered find striking parallel in the case of the great Lincoln. With Senator WATSON, as with Lincoln, the obstacles of early life became mere stepping-stones and seem to have developed a sympathy for the poor and a devotion to the interests of the masses which became the guiding influence of a life devoted to their advancement.

At an early age, without necessary financial aid to pursue an education, with the responsibilities of a breadwinner thrust upon him, we find this red-headed boy at work on a farm at 50 cents a day. From the humble scenes and associations of simple farm life back in the hills of Georgia, a life of daily contact with farm hands, white and black, with no opportunities to make his way in the world save those carved by his own indomitable will and ambition, we see this farmer boy grow into the man of learning, enjoying the companionship of the greatest poets and philosophers of history. We see him master the world's classics—aye, more than that, the world's classics are enriched by his contributions, which will last as long as the English language shall be spoken. The backwoods country boy before reaching middle life is recognized as one of the world's great writers. Yet be it said to his credit that the glamor and glory of it all could never win his heart away from those to whom he had become attached in early youth. Through all his writing runs the vein of sympathy for them, the unabating effort to bridge the chasm between rich and poor and lead men to a recognition of brotherhood and equality.

I did not always agree with him. But I am glad to accept the invitation to speak on this occasion and to pay my tribute to this illustrious son of the South whose every heartbeat was loyal to her traditions and who spent his life in patriotic service of our common country.

Senator WATSON'S place as a writer is so unique that many who have been attracted by the brilliancy of his literary attainments seem not fully to appreciate his extraordinary achievements in other fields of endeavor. To become a successful lawyer is in itself enough to crown any man's career with success. Such a place is well worthy the life's effort of any man—such a reward is rich enough to compensate any amount of toil and endeavor. Senator WATSON was one of the country's really great lawyers. During the days of his struggles to obtain a college education, which was never completed, while teaching to obtain funds with which to prosecute his career at school, he took up the study of law, and at night burned his candle late, storing his mind with the fundamental principles of English jurisprudence. He laid well the foundations to which he always adhered, never falling into the evil of stopping with some decision or accepting as final some discovered precedent. His investigations were always exhaustive. He never reached a conclusion until prepared to fortify it by unanswerable reason. Soon after his admission to the bar his ability was recognized on every hand. His profound knowledge of the law and his remarkable gifts as an advocate created widespread demand for his services. His clientele at once extended throughout the entire State of Georgia. Always, after this, whenever it was found necessary to replenish his purse, so often wasted in political activity or public service, he had only to return to the practice of his profession to accumulate a comfortable fortune in a few brief years—and this, too, in a State where large accumulations of wealth are rare and where the fees of the lawyer are comparatively small. I would not be understood as attempting to measure his success as a lawyer solely by financial standards. That is only one of the elements by which to measure true success. It is said that Senator WATSON selected his cases and often refused to accept fees in instances which he regarded as unworthy of his efforts. On the other hand, no one was ever turned away because of poverty or obscurity. He sought always to use his splendid attainments in the promotion of justice and in service to his fellows.

But Senator WATSON had a love for mankind which made it impossible for him to rest content in the quietude of literary pursuits or the routine practice of law in the midst of wider opportunity for service. Too many problems affecting the masses pressed home for solution. In the presence of such conflicts and contending forces one of his restless nature and patriotic purpose could not remain passive or inactive. He had a love for the masses that was no less than a passion and an unyielding devotion to their interests and to every cause that lay close to their hearts or their welfare. He had unbounded faith in the right and capacity of the people to control their Government, and so long as this view was held in question nothing could swerve him from the purpose to accomplish its vindication. Politics to him was not a game to be played to obtain office or its emoluments. The appeal that allured him was the call to public service. Other things were mere incidents or means to be used to reach the higher end. He genuinely despised the ease and comfort, as he spurned the rewards, that attend the course of least resistance. He sought always a place on the firing line where he encountered hardships and often, I am sure, disappointments—but always his head was erect, his purpose fixed, and his spirit undaunted. Even political exile seemed only to deepen his faith, to strengthen his courage, and to increase his ardor. He let pass no opportunity to fight in any cause which he thought meant the betterment of the masses of mankind.

The plain people loved him with the same unyielding devotion with which he so gladly fought their battles. The people of Georgia loved and honored him to a degree not excelled in the case of any other illustrious son of that great Commonwealth. Probably in all the history of the State no such tribute was ever before paid one of her sons as was paid Senator WATSON by the thousands of toiling masses who swept into the little town of Thomson from every nook and corner of the State, many of whom, unable to obtain lodging, walked the streets or sat up all night awaiting the hour when they might look for the last time upon the silent face of their lamented chieftain. Not only in his beloved State of Georgia, but throughout the length and breadth of the land where dwell the men whose toil creates the wealth of this mighty Nation this man was loved and honored. They followed him when living, and now that he is gone they cherish his memory in lasting gratitude and affection.

Happy, indeed, the dispensation of Providence which permitted this devoted public servant to live to enjoy in some measure the rewards that come of unselfish service for the masses and to realize at least a partial fruition of his hopes and labors for their betterment. Not only was he called to the highest position within the gift of the people of Georgia but he lived to see the cause of those for whom he fought held in different regard by those in charge of their Government.

The principles penned by his hand and promulgated in ridicule and derision as populistic vagaries have been accepted as wise and beneficent by many of the leaders of the two great political parties, and their author triumphantly chosen to a seat in the Senate of the United States. The plan originated by him for the daily delivery of mail to the men about their daily toil has been accomplished. The masses have reached a higher degree of education and enlightenment. Improved methods of transportation have brought healthier and happier social and economic conditions throughout the land. The demand for financial reform, sneered at back in the nineties, has been met by the establishment of banking facilities which give the average citizen an opportunity in the struggle for industrial supremacy unknown in former years.

Farmers of the Nation, with new hope in their hearts and new light in their eyes, have caught step to the music of a better and a brighter day. He had only to look about him to behold on every hand the splendid fruits of his patriotic public service and a future bright with the promise of ever-widening prosperity and happiness.

Senator WATSON was a pioneer in every struggle in recent years that has brought relief to the masses of mankind. He was of heroic mold. He lived and died fighting for the uplift of his

fellows. His great learning, his masterly oratorical gifts, his rare courage, lofty patriotism, and labor for the common good give him place as one of the outstanding statesmen of our great Republic.

It is not gold, but only men
Can make a people great and strong.
Men who, for truth and honor's sake,
Stand fast and suffer long;
Brave men who work while others sleep,
Who dare while others fly,
These build a nation's pillars deep
And lift them to the sky.

Mr. OVERSTREET. Mr. Speaker, I shall not attempt to speak of the great attainments of the late Senator from Georgia, the Hon. THOMAS E. WATSON, because his character and abilities have already been beautifully and eloquently portrayed by his colleagues both in the House and the Senate. But I shall speak of him as a lawyer for the reason that Members of the Senate and the House have often asked me if Senator WATSON succeeded as well at the bar as on the hustings.

I knew him well as a lawyer, because I practiced law in the courts of our own State with him. To say that he was a good lawyer would not begin to do him justice, because he was one of the best, if not the very best, trial lawyer I have ever met in the courts. He was an advocate of marvelous ability and if he had the conclusion before a jury his logic and eloquence were simply irresistible. He rarely ever lost a case before a jury, and I have seen him try quite a number. And he did not depend alone upon his powers of speech, for no lawyer prepared his cases better than Mr. WATSON. I have been associated with him in the trial of several cases and have observed the care with which he prepared every detail. He was not satisfied with knowing the law, but he wanted to know, and did know, all the facts and details of every case. If the cause were one in which oral evidence alone was involved he would talk to each and every witness and question him closely and minutely in regard to every phase of the transaction. And when the case was sounded for trial Mr. WATSON was always ready and well prepared. He rarely made any notes, but carried everything in his marvelous memory.

The county of Scraven, my home county, was the scene of Senator WATSON'S early activities. It was there he taught his first school during vacation while attending college at Mercer University, and the old log house where he taught a country school at Goloid stood for a number of years until it rotted down from sheer decay. In fact, it remained standing until a few years ago, and when strangers came along the road near where the old building stood it was pointed out to them as an object of interest and curiosity, because Mr. WATSON labored there, while yet in his teens, within its humble walls.

He had loyal friends everywhere, but there were none more loyal and loving than those in Scraven County, where he made them while a young man struggling to obtain an education.

I was at my home in Scraven County when the death of Senator WATSON was announced from Washington, and it made one sad to witness the expressions of sorrow and bereavement depicted in the faces of his host of friends when they learned of his death.

He loved his friends and they worshiped him with a devotion that was truly wonderful. No man in Georgia ever had a more powerful, personal following than Senator WATSON. His followers grew from a small band in the early '90's until he was justly regarded at the time of his death as the strongest political factor the State has ever produced.

Senator WATSON had many and marvelous gifts. He was a lawyer of rare ability, a statesman with a national reputation, a historian of preeminent authority, a man of broad culture and wide information, a devoted husband, a loving father, and a loyal friend. No words of praise from his colleagues can add to his renown, and he has left in the hearts and affections of his people a monument that will last forever.

Mr. UPSHAW. Mr. Speaker and gentlemen of the House: "History has furnished but one perfect example" declared the eloquent J. C. C. Black in beginning his memorable speech at the unveiling of the Ben Hill monument in Atlanta; but the pages of history shine with the names and the deeds of men whose notable achievements have been at once the legacy and the inspiration of mankind. We have met to-day beneath the dome of this historic Capitol in the Capital of the proudest and happiest Nation on earth to pay tribute to a man—a scholar, a statesman—whose outstanding ability and whose remarkable versatility gave his name and his books an honored place in the libraries of two continents, and carried him to the shining pinnacle of the highest elective office, save one, in the United States of America.

THOMAS E. WATSON was humanly human, and therefore he was not a perfect man. His very humanity made thousands love him more. But any impartial study of notable men of notable achievements must admit that there was something tremendously unusual and notably worthy that caused this typical American boy of humble birth to so mightily grip the hearts of the masses that more than 10,000 people journeyed to his funeral in the now famous little town of Thomson, Ga.—people who followed him in life as "the Stormy Petrel of Georgia politics"—some in reverence, some in awe, some in reasoning sequence, some in blind and unreasoning devotion, but all with an unmatched enthusiasm—for they believed, somehow, that "Tom" WATSON was the friend and fearless champion of the "common man."

I saw those thousands that memorable September day—stunned, saddened, silent—wounded, wondering, weeping—feeling that one of their own number, one of their closest friends or relatives, even one of their family circle, had been called by God, leaving a vacant chair, an empty throne, which no other could ever fill.

A memorial address in a sacred hour like this is a good place for frankness and honesty; it is certainly not a place for other than honesty; and in that spirit of frankness which THOMAS E. WATSON would himself approve, I must say that I did not indorse some things which Mr. WATSON did, nor some measures for which he stood; and frankly, again, I am quite sure he did not indorse some things I did and some measures for which I stood; but we were personal friends, each recognizing the right and the duty of the other to think honestly and act fearlessly before the bar of personal conscience and political action.

In the brief compass of this memorial tribute, in which so many friends and colleagues join, it is manifestly impossible to record or even refer to many of Senator WATSON'S notable achievements; but to me, far more than the fact that he was one time the nominee for Vice President, and then the nominee for President by a national convention of political pathfinders, two things stand out above all others among his pioneer constructive efforts—his initial steps toward that great, beneficent legislation in behalf of the American farmer, rural free delivery, and his authorship of the antiliquor plank in the Populist platform of 1896.

Professor Arnett, of Columbia University, in his book, "The Populist Movement in Georgia," records that the Populists came out for prohibition in that year, and that Mr. WATSON, their acknowledged leader, wrote their platform demand for prohibition.

The masses were not ready for it then, but such pioneer declarations helped to blaze the trail for the "White Ribbon" legions who finally marched to constitutional victory. While a Member of Congress from the tenth district of Georgia in 1892, Mr. WATSON had already startled the country by his revelations concerning the barroom in the Capitol—the beginning of the fight which finally drove that insidious den of drink and shame from beneath the Capitol dome, and serving as a prohibition object lesson to the whole country, for the people naturally reasoned that if the debauching saloon was not fit for lawmakers in the National Capitol building, then surely it was not fit for the youth of America who would some day be the lawmakers or the lawbreakers of the Nation.

Leading Georgia papers declared at the time that the brilliant young representative of the tenth Georgia district had suffered the fate of practically all reformers—that he had lost all his influence in Congress by trying to bring about such a radical change in the habits and customs of recognized leaders. Henry Grady said:

All reforms are born through doubt and suspicion, but back of them, as back of the coming sun, stands the Lord God Almighty.

While naturally, of course, many would have rejoiced to see Senator WATSON more vigorous toward the enactment and enforcement of the Federal amendment, we rejoice to remember that the distinguished world historian, whose first public speech was an appeal for temperance, left to history one of the most graphic and powerful arraignments of "The Wine Cup" and "The Song of the Bar Room" in all literature. Every young man, every young woman, in America—yea, in the world—who is tempted to "look on the wine when it is red" and plunge into the debauching fascinations of bacchanalian revelry ought to read these brilliant and immortal warnings:

THE WINE CUP.

By THOMAS E. WATSON.

It is a warrior whom no victory can satisfy, no ruin satiate. It pauses at no Rubicon to consider, pitches no tent at nightfall, goes into no quarters for winter. It conquers amid the burning plains of the South, where the phalanx of Alexander halted in mutiny. It conquers amid the snowdrifts of the North, where the grand army of

Napoleon found its winding sheet. Its monuments are in every burial ground. Its badges of triumph are the weeds which mourners wear. Its song of victory is the wail that was heard in Ramah: "Rachel crying for her children and weeping because they are not."

It never buries the hatchet; its temple of Janus never closes its doors. No dove of peace ever carries its message; in its hand is never the olive branch. It sends no flag of truce, and receives none; its wounded are left where they fall, and its dead bury their dead. Every citadel that it storms, it devastates; and, in every charge which it makes its cry is, "No quarter."

Those who fall before its onset die deaths of shame; and they go down to dishonored graves to which love can bring no willing tribute of flowers, and over which pride can rear no enduring monument. To its prisoners it grants no exchange, holds them to no ransom, but clutches them fast in a captivity that is worse than death, and which ends only at the grave.

The sword is mighty, and its bloody traces reach across time, from Ninevah to Gravelotte, from Marathon to Gettysburg. Yet mightier is its brother, the wine cup. I say "brother," and history says "brother." Castor and Pollux never fought together in more fraternal harmony. David and Jonathan never joined in more generous rivalry. Hand in hand, they have come down the centuries, and upon every scene of carnage, like vulture and shadow, they have met and feasted.

Yea; a pair of giants, but the greater is the wine cup. The sword has a scabbard, and is sheathed; has a conscience, and becomes glutted with havoc; has pity, and gives quarter to the vanquished. The wine cup has no scabbard and no conscience, its appetite is a cancer which grows as you feed it; to pity, it is deaf; to suffering, it is blind.

The sword is the lieutenant of death, but the wine cup is his captain; and if ever they come home to him from their wars, bringing their trophies, boasting of their achievements, I can imagine that death, their master, will meet them with garlands and song, as the maidens of Judea met Saul and David. But as he numbers the victims of each, his pæan will be: "The sword is my Saul, who has slain his thousands; but the wine cup is my David, who has slain his tens of thousands."

THE SONG OF THE BAR ROOM.

(By THOS. E. WATSON.)

Alive, let us live. Where is Yesterday? Lost forever. Where's To-morrow? It may never come. To-day is *here*. Within its fleeting hours, runs the only certainty that you'll ever know. Come! eat, drink, and be merry, for to-morrow you die!

The chains of Self-restraint are galling—throw them off! The burden of Duty is grievous—fling it down! The cross of Responsibility is crushing—let another bear it!

Live for *yourself:* live for the *Now:* live for the *lust of living.*

Drink! and forget dull Care! and ease the heartache. Drink! and drown the passion for the unattainable.

See how men are drawn to me! My lights blaze a brilliant welcome: I am never too hot nor too cold. Mirrored Vanity smirks in my gilded reflectors; and no one is ill at ease in my Free-for-all Club. No shrewish wife can tongue-lash you here; no peevish child annoy you with its cries. Leave to *them* the ugliness of your haggard home and come unto me for comfort. Theirs, the cold and gloom and the lonely vigil—yours, the warmth and glow and social joy.

Clink your glasses, men! Drink again, "*Here's hoping.*" 'Tis well to toast her here, where begins the trail to the grave of Hope. Be jolly; let the place ring with laughter: relate the newest story—the story that matches the nude pictures on the wall.

What's that? A dispute, angry oaths, a violent quarrel, the crash of overturned chairs, the gleam of steel, the flash of guns, the stream of life-blood, the groans of dying men?

Oh, well, it might have happened anywhere. The hearts of mothers and fathers I wrench with pain; the souls of wives I darken with woe. I smite the mansion and there are wounds that gold can not salve; the hut I invade, and poverty sinks into deeper pits.

I sow and I till, and I reap where I sow, and my harvest—is what? Men so brutalized that all of humanity is lost, save the physical shape—men reeking with moral filth, stony of heart, bestial in vice—men who hear the name of God with a wrathful stare or a burst of scornful mirth; men who listen to the death rattle of any victim of their greed or their lusts without a sign of pity.

And the women, too. How can I fitly sing of the woman of my harvest time? Did you ever hear her laugh? It must be the favorite music of the damned. Did you ever hear her ribald talk? The very sewers might shrink at bearing it away. Have you ever heard her libidinous songs? Did you ever watch her eyes—those defiant, mocking, hopeless, shameless eyes?

What warriors have I not vanquished? What statesmen have I not laid low? How many a Burns and Poe have I not dragged down from ethereal heights? How many a Sidney Carton have I not made to weep for a wasted life? How many times have I caused the ermine to be drawn through the mud?

Strong am I—irresistibly strong.

Samson-like, I strain at the foundations of character; and they come toppling down, in irremediable ruin. I am the cancer, beautiful to behold, and eating my remorseless way into the vitals of the world. I am the pestilence, stalking my victims to the cottage door and the palace gate. No respecter of persons, I gloat over richly-garbed victims no more than over the man of the blouse.

The church, I empty it; the jail, I fill it; the gallows, I feed it. From me and my blazing lights run straight the dark roads to the slums, to the prisons, to the bread lines, to the madhouse, to the potter's field.

I undo the work of the school. I cut the ground from under law and order. I'm the seed bed of poverty, vice, and crime. I'm the leper who buys toleration, and who has not to cry "Unclean." I'm the licensed ally of sin. I buy from the State the right to lay dynamite under its foundations. For a price they give me the right to nullify the work of lawmakers, magistrates, and rulers. For a handful of gold I am granted letters of marque, to sail every human sea and prey upon its lifeboats.

Huge battleships they build, casing them triply with hardened steel; and huge guns they mount on these floating ramparts, until a file of dreadnoughts line the coast—for what? To be ready for perils that may never come. But I give them a pitiful purse; and, in return, they issue to me the lawful right to unmask *my* batteries on every square; and my guns play upon humanity every day and every night of every year. And were my destroyers spread out upon the sea they would cover the face thereof.

Around that grief-bowed woman *I* threw the weeds of widowhood—but I paid for the chance to do it; and *they who took my money knew that I would do it.*

To the lips of that desolate child *I* brought the wail of the orphan—but I bought the right to do it; and *they who sold me the right knew what would come of it.*

Yes! I inflamed the murdered: I maddened the suicide: I made a brute of the husband: I made a diabolical hag out of the once beautiful girl: I made a criminal out of the once promising boy: I replaced sobriety and comfort by drunkenness and pauperism—but don't blame *me; blame those from whom I purchased the legal right to do it.*

No Roman Emperor ever dragged at his chariot wheels on the day of his triumph such multitudes of captives as grace my train. Tamerlane's marches of devastation were as naught beside my steady advance over the conquered millions. The Cæsars and the Attilas come and go—comets whose advent means death and destruction, for a season: *but I go on forever, and I take my ghastly toll from all that come to mill.*

In civilization's ocean I am the builder of the coral reef on which the ship goes down: of its citadel, I'm the traitor who lets the enemy in: of its progress, I'm the fetter and the clog: of its heaven, I'm the hell.

SEPARATION OF CHURCH AND STATE.

Conducting the funeral of Senator WATSON, Dr. E. J. Forrester, the profound Bible scholar and Baptist preacher, who was the favorite pastor of the brilliant Georgian, brought out the fact that Senator WATSON, who united with the Baptist Church in his youth, loved the simplicities and verities of "old-time religion," and such old-time songs as "How Firm a Foundation" and "On Jordan's Stormy Banks I Stand," and that he believed what everybody knew he believed—in that fundamental Americanism which Roger Williams taught—the absolute separation of church and state, liberty of conscience and freedom of soul. His brilliant advocacy of these basic constitutional truths was like a blazing fire consuming everything before it that dared to touch the public treasury for sectarian purposes or dispute the supremacy of the American flag on the American continent.

HE COULD WEEP AS WELL AS FIGHT.

It was hard for many who only thought of him in the heat of fierce political conflict to realize that "TOM" WATSON, the fighting warrior of the hustings, had an intensely human heart that could obey the Biblical injunction to "weep with those who weep."

It was not merely the personal gratitude of one stricken family that learned that beautiful truth just after the Knickerbocker tragedy here in Washington, and not merely in his native Georgia were thousands moved to tears by his thoughtful, brilliant, tender words, but widely over America millions were touched and blessed when he had read before the Senate of the United States that beautiful editorial from the Washington Star entitled "Carolyn Upshaw," and addressing himself especially to the brave, striking words of faith and triumph, "Well, sister, I haven't cried yet," that fell from the smiling lips of that suffering, dying Christian girl of 16 years, Senator WATSON melted the hearts of listening Senators and a listening Nation by his wonderful words of pathos, beauty, and immortal truth.

Thank God for the mission and the ministry of human tenderness and Christian sympathy!

E'en sorrow touched by love grows bright
With more than rapture's ray,
As darkness shows us worlds of light
We never saw by day!

Senator WATSON wrote me one time in response to my letter of sympathy when his beloved daughter died: "I have almost reached the limit of the men of my line, and I want to die at peace with all mankind." And one day when I sat near him in the Senate while a fellow Senator was making a bitter speech toward certain politicians, the tempestuous leader of many a stormy battle turned and gently said to me:

It is a pity for a political leader to indulge in bitterness. I realize that I have made a mistake to find myself so often breasting the waves of the current and harboring and using bitter speech. I feel the new responsibility of being a Senator upon me and I want to represent, not a bitter feud, but all the people of Georgia.

It is highly gratifying to Senator WATSON's nation-wide circle of friends that his editorial ideals and potential activities did not stop with his untimely death, but that his paper, The Columbia Sentinel, is now being carried on by his former confidental secretary, Hon. Grover C. Edmonson, as the resourceful editor, and by that remarkably brilliant Georgia woman, Mrs. Alice Louise Lytle, as managing editor, who served in that capacity something like a dozen years during the life and labors of "The Chief," as his close associates affectionately called him.

Better than any other two persons of equal ability on earth, they are capable of lifting aloft the torch he carried so long, and projecting into the future those fundamental principles of militant Jeffersonian democracy for which THOMAS E. WATSON so fearlessly and brilliantly stood. It is especially fortunate for the cause of sobriety that, in consonance with the spirit of the first public utterance of their "Chief" in his brilliant youth, The Columbia Sentinel is firing a broadside every week

in behalf of the integrity of the Constitution and the strict enforcement of our prohibition law.

Victor, indeed, is that builder of states and nations who lived strongly enough to project his ideals beyond the touch of his own master hand and plant the seed—truths of a shining pyramid of light that will pierce the ages as they over it roll.

Do dreams of fame thy restless soul engage?
With sword or pen thou canst inscribe thy name
Upon the brow of Envious Time himself
And bid defiance to his blighting breath;
But thou must first build 'round thy human heart
An adamantine wall, impregnable alike
To Love's sweet smile or Pity's tear,
On the altar of thy purposes lay
Freedom and ease and rest and calm content—
The joys of home, hope, happiness, and Heaven;
And when thou'st reached the lonely mountain top
And stand at sunset by the glittering thing
For which thou'st left the peaceful vale below,
Thou'lt find the brightness that had lured thee on
Above the dear companionship of men
Was but a mocking gleam of chilling light
Reflected from some bleak and icy cliff
That frowns above eternal fields of snow.

These lofty words by Tom F. McBeath, one of the South's most gifted poets and educators, describes the melancholy fate, the lonely isolation, of many a son of fame who has lost the "common touch" by climbing above and away from the masses of men and women, but THOMAS E. WATSON carried the plain people with him to the heights, realizing that they and their clinging love and faith had placed him there, and he accepted that faith and love as the gift and the call of duty and of God.

THE LATE REPRESENTATIVE SAMUEL M. BRINSON.

Mr. STEDMAN took the chair as Speaker pro tempore.

The SPEAKER pro tempore. The Clerk will report the additional special order.

The Clerk read as follows:

On motion of Mr. ABERNETHY, by unanimous consent—
Ordered, That Sunday, February 11, 1923, be set apart for addresses on the life, character, and public services of the Hon. SAMUEL M. BRINSON, late a Representative from the State of North Carolina.

Mr. ABERNETHY. Mr. Speaker, I desire to send forward a resolution and ask for its adoption.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 524.

Resolved, That the business of the House be now suspended that an opportunity may be given for tributes to the memory of Hon. SAMUEL M. BRINSON, late a Member of the House from the State of North Carolina.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career, the House at the conclusion of the exercises of the day shall stand adjourned.

Resolved, That the Clerk send a copy of the resolutions to the Senate.

Resolved That the Clerk send a copy of these resolutions to the family of the deceased.

The resolution was unanimously agreed to.

Mr. ABERNETHY. Mr. Speaker, we speak of those who have departed as if they were swept out of existence. It is difficult to conceive that they have simply changed relations. We speak of the sun at evening as gone. It has only faded from our sight, to shed its light on some other part of the world. We speak of the ship, as it gradually sinks from sight, as gone. It is just plowing its way across waters deep to find, ere many days, another harbor. Our friend whose memory we honor to-day has gone to find rest in another harbor, to live in another realm and in a changed existence.

There is no death; what seems so is transition.
This life of mortal is but the suburb of the life elysian,
Whose portals we call death.

My distinguished predecessor, SAMUEL MITCHELL BRINSON, was born at New Bern, N. C., on March 20, 1870. He was the son of William George and Kittie (Chestnut) Brinson. His father was an honored citizen of Craven County and held positions of high trust in the county. SAMUEL M. BRINSON was educated in the public schools and at Wake Forest College, where he graduated A. B. in 1891. After his graduation he taught school for a year and then took the law course at the University of North Carolina, and was admitted to the bar in 1896 and began to practice at New Bern. In 1902 Mr. BRINSON was elected superintendent of public instruction for Craven County, and for more than 15 years he directed and supervised the county school system and built up for Craven County a system of schools the equal of any in the State. He soon became a prominent factor in school matters in the State and was a member of the executive committee of the North Carolina Teachers' Assembly and a trustee of the Eastern Carolina Training School at Greenville and a trustee of Meridith College at Raleigh.

Mr. BRINSON was elected to the Sixty-sixth Congress in November, 1918, and took his seat on March 4, 1919. He was reelected as a member of the Sixty-seventh Congress in November, 1920, and died April 13, 1922. Mr. BRINSON was a 32 degree Scottish Rite Mason, a member of Sudan Temple of the Mystic Shrine and was affiliated with the Royal Arcanum in which he was Supreme Guide. He was a deacon in the Baptist Church. Mr. BRINSON was married to Miss Ruth Martin Scales, of Salisbury, N. C., January 16, 1901. His wife died on January 19, 1919, while he was a member of Congress. They have one daughter, Miss Mary Steele Brinson. During the last few years of his life Mr. BRINSON was a terrible sufferer from illness. No one but he and God will ever know the suffering which he underwent.

We are told that all pain, sickness, weariness, distress and agony of body is to be treated reverently. Every sorrow is a billow in the world's troublesome sea, which we must pass over on the cross to bear us nearer home. The cloud forms, drops its rain, and passes away for the sun to shine and the flower to bloom. The storm gathers, purifies the air and passes away for the fragrant and healthful calm to settle like a benediction on the land. Affliction comes, and passes away for peace, joy, and glory to appear. When one passes under the shadow of the Cross of Calvary, he knows that through this shadow lies the passage to the great white throne. It is said of Michael Angelo, as he hewed away at his marble, he would watch the chips fall under the heavy strokes of his mallet, and would say "As the marble wastes the image grows." God's ways in his providences are incomprehensible, but through affliction and sorrow we may exclaim, "God is making us."

And may we say of our friend whose memory we honor that it is our fervent prayer that in the evening of his life, when the golden clouds rested sweetly and invitingly upon the golden mountains, and the light of heaven streamed down through the gathering mists of death, that he had a peaceful and abundant entrance into the world of blessedness, where the great riddle of life unfolded to him in the quick consciousness of a redeemed and purified existence.

Mr. GARRETT of Tennessee. Mr. Speaker, I am very grateful to my friends from North Carolina for the honor they do me in inviting me to be present and participate in these memorial exercises in honor of our departed colleague, who those of us who knew him generally respected so highly and those who knew him intimately loved so much. It is not improper that some Representative from Tennessee should participate in these exercises because the history of Tennessee is inseparably intertwined with that of North Carolina. The territory which is embraced in the State of Tennessee was embraced in the grant by Queen Elizabeth to Sir Walter Raleigh and in the subsequent grants by Charles II to the Lords Proprietary of the Carolinas.

As early as 1772 the people of what is known in history as the Watauga Settlement met and drew up certain articles of government, which were the first articles drawn by any body west of the Alleghenies that might be denominated self-governing articles. But the State of North Carolina subsequently asserted and maintained, by peaceful methods, its sovereignty over that section. I do not know just why the Watauga articles were drawn, except perhaps that it was due to the fact that the settlers at Watauga came from other States in the main rather than from North Carolina. At any rate, in 1784, North Carolina passed an act of cession, anticipating the act of Virginia. By this act what is now Tennessee was ceded to Virginia, but for some reason the Federal Government did not accept it; and some two years later there was formed the State of Franklin.

This had a stormy career. It was never recognized by North Carolina and of course was never recognized by the Federal Government; and in 1790 North Carolina passed a second act of cession, ceding what is now Tennessee to the Federal Government, and this cession was accepted. So that Tennessee comes from North Carolina.

There are other reasons why a Tennesseean should be invited to participate in this memorial service. Two, at least, of the Presidents of the United States who were citizens of Tennessee were natives of North Carolina. Polk was born in Mecklenburg County, and Johnson was born in the county in which Raleigh is situated. Where Jackson was born, of course, we do not know. There has always been a contest between gentlemen from North Carolina and gentlemen from South Carolina over that question. If he was born in North Carolina, then North Carolina has furnished three Presidents by way of Tennessee. If he was born in South Carolina, then South Carolina is in the happy condition of being able to quote the words put in the mouth of a lioness by some writer on natural history, in the story

with which you are familiar. During a truce among the animals the mothers met in order to show their progeny. The fox showed a number of babies. Other animals showed a number, and finally the fox said to the lioness, "How many can you show?" And the lioness said, "I can show only one, but look you well at it; it is a lion's cub."

Another reason why perhaps it is not improper that I was invited to participate is the extremely friendly relation always existing between the North Carolina delegation and myself. Ever since I have been here North Carolina has had a leading place in the affairs of the Nation. It was true long before I came here; it will be true long after I am gone from here. Among those from North Carolina with whom I have been associated was our departed colleague, Mr. BRINSON.

I can not say that I knew him intimately, but I knew him most pleasantly. He was in ill health during much of the time that he served here. He was unable to give to his service all the activity that he would have liked to give, but within the limits of his work he maintained in highest degree the fine traditions and splendid spirit of North Carolina; and that is saying much.

He was a well-educated man. He made one address here which I remember very well indeed, which was notable in character. When the reapportionment bill was presented from the Committee on the Census, of which he was a member, he felt that in a way the institutions and practices of his State had been attacked, and he made a speech which was exhaustive from the legal standpoint and from the broader standpoint of social necessity and of the rights of a sovereign State.

He was a very loyal man. He was loyal to duty; he was loyal to his State. He was proud of the honor that had been conferred upon him. He did all that he could to measure up to his responsibilities, and he measured well. He was an educator before he came here. He had a well-trained mind. His diction was clean and clear always. His impulses were fine. He was of gentle spirit, tender in heart. He rendered great service.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. WARD] is recognized.

Mr. WARD of North Carolina. Mr. Speaker, the beautiful custom which the Congress has followed through all its history of convening in special session, the public business laid aside, to give the Members an opportunity to say a word to the memory of those of their friends and favorites of the membership who may have been called away forever by the death angel during the term, has been called into exercise with fearful, almost shocking, frequency during the Sixty-seventh Congress. My State has been called to share with the others and our thoughts are now turned to the fondly cherished recollections of the late SAMUEL M. BRINSON, late a Representative from the third district of North Carolina. He came first to the Sixty-sixth Congress with but little experience of the larger affairs, so called, of public life and politics, coming first into public notice for valued and conspicuous service in the cause of public education in North Carolina 20 years ago, as soon as political peace was restored from the struggle that brought forth the suffrage amendment to the constitution of that State and its activities were embraced with a strong and universal enthusiasm throughout the State.

Mr. BRINSON lived in a large county whose suffering had been long and patient, and in the revival of its activities and the putting on of its new labors he was called to its support and continued to serve as the chief officer and leading proponent of that work in his county until his election to Congress in 1918. His heart and head and hand were enlisted as one who loved his work, for he loved humanity and sought always to lift it up. He loved children and loved to contemplate their possibilities, and saw in education the only hope and chance for the fullness of those possibilities.

His devotion to this service and unstinted qualifications produced efficiency that attracted attention from a distance, and he was called into service as an advocate to other parts of the State. The people saw in this service and this advocacy his unselfish nature, his freedom from demagogy, his high degree of capacity, and his genuine broad-gauged devotion to them and their children, and for these qualities and these causes they called him to a supposed higher service and more conspicuous honors, a service in the Congress of the Nation.

This call, coming as it did for this cause and in recognition of such an order of public service, may, I think, be said to be a larger compliment, so to speak, than that which frequently comes on account of political service and party zeal. Many calls to high public service come as expressions of necessary recognition to partisan activities and sacrifice. This probably is as it should be, but when an intelligent and patriotic electorate turn away from the active fields of politics and look for servants whose merit is tested by their closer touch with the fundamentals of life, the hearthstone cares and hopes and aspirations of homes where fathers and mothers pray and struggle and children are born and reared and take on the duties of life, it is, I think, a stronger expression of public confidence and affection and a prouder monument, a happier heritage—

A heritage it seems to me
A king might wish to hold in fee.

This is exactly what Mr. BRINSON's election to Congress meant, and he well deserved it. Yet, by that, I do not mean to indicate that he was lacking in party interest and loyalty, for he was not. He believed in his party as the best agency for the service of the people whose interests and welfare he loved, but he had not been as active as many men in his district in its behalf.

Firm as adamant in his party alignment and in all his connections, he had no heart for hate and no spirit narrow enough for intolerance. In the short time I served with him in the House I many times sat by him among the thin ranks of the Democratic side and heard him comment on the Members of the opposite side of the House, then strangers to me, as they rose to speak, and he always reserved something kind, complimentary, and generous to say—indeed he had the habit and disposition of speaking kindly of everybody.

And this, Mr. Speaker, I think is the delicate, accurate, and supreme test of human character—to speak generously of others in their absence. One who speaks generously thinks generously, and one who thinks generously of others has the fullness of human excellence, so far as it is given to human character to possess it.

I heard one of his campaign speeches in 1920, when he had a sharp campaign on for his nomination. Truth, candor, and absence of self-laudation, and a sincere interest in the public welfare were manifest in every utterance of his plain honest speech. He was as free from demagogy as a saint from heresy. It was not in him to deceive or mislead anybody for any cause or end, and the people as they stood round about him seemed so to estimate him. He would have made them a devoted and most valuable public servant in the Congress if he had been longer spared, for he "came out from among them," knew their needs, felt their impulses, shared their difficulties, bore with them their burdens, and rejoiced with them in their successes. In their churches and schools he was their faithful helper and leader, and his election to Congress was his direct reward from them of this devotion and service. In his death a splendid, useful, noble life has come to its lamented end. As the forest puts on its brightest robe to die in, so does such a life robe itself in its tints of eternal beauty as its sunset hour approaches.

When he last left these halls he knew he was going, not to return, but his bearing plainly showed that the shadows as they gathered brought no terror to his peaceful, quiet soul, but rather a glow of promise, pointing toward the dawn of the eternal morning. He went undisturbed to his home, where first he met his pastor as he fell back on his wearied couch and said, "It is all right."

A delegation of Members of the Congress from both Houses attended the funeral. I was among them. His friends packed the beautiful, spacious church, and as I marked their deep emotion, their wonderful floral tributes, and moved among them around the open grave and on the streets, I knew their affection would better guard his tomb and longer preserve his memory than the cold shaft of marble that stands above his grave. His beloved minister, the Rev. W. A. Ayers, spoke with deep emotion and striking eloquence. They were affectionate friends, but he spoke as knowing he had lost him but for awhile.

Knowing that I would be doing Mr. BRINSON's will and pleasure, if the dead could know the action of the living, I sought lately to obtain from Mr. Ayers a copy of his remarks, but he had not preserved them, and all I have is an extract taken from a local newspaper. I ask, Mr. Speaker, that it be printed as an extension of my own remarks and in the same type.

THE FUNERAL SERVICE HELD OVER THE REMAINS OF HON. S. M. BRINSON, AT THE FIRST BAPTIST CHURCH, NEW BERN, N. C.—HUNDREDS ASSEMBLE TO PAY CONGRESSMAN BRINSON TRIBUTE.—FIRST BAPTIST CHURCH WAS CROWDED WITH FRIENDS OF MR. BRINSON.—SCORES WERE UNABLE TO GAIN ADMISSION TO THE CHURCH WHEN THE SERVICES STARTED.—SPLENDID TRIBUTE.—EULOGY DELIVERED BY REV. W. A. AYERS WAS AN IMPRESSIVE TESTIMONIAL.

Mr. Ayers began by saying:

Our text to-day is Psalms 37:37: *Mark the perfect man, and behold upright: for the end of that man is peace.*

I find myself unable to pay fitting tribute to our departed brother, first, because his death has been such a shock to me

personally. My own heart is filled with uncontrollable emotion. And second, because no man could hope to do justice to this splendid character who has passed to the great beyond. Hence in this hour we must turn to the word of divine inspiration to find a fitting tribute—

"Mark the perfect man, and behold the upright: for the end of that man is peace."

S. M. BRINSON was marked for distinction from his birth, coming of a long line of noble ancestry. His mother belonged to the South's old-time aristocracy. She was the very soul of honor and the law of kindness was on her lips. Yielding himself to Christ and the ideals of christianity early in life, S. M. BRINSON translated his religion into terms of daily conduct. His religion came first. He was never too busy to give time to the work of his church. For 20 years he served as our church clerk. He also served as a member of the board of deacons and as Sunday school superintendent. He never slighted any duty placed on him by the church.

As an educator S. M. BRINSON was competent, efficient, and faithful. It was in this field that the greatest work of his life was performed.

For 17 years he was superintendent of public instruction in Craven County. It was through his efforts that our schools have gained a State-wide reputation for excellence; yes, a reputation that has extended throughout the entire Southland. A movement is now on among the school children of the county to raise funds for the erection of a monument to the memory of him who loved them so well and labored for them so faithfully.

As a statesman, S. M. BRINSON was the embodiment of integrity and honor. His broad information gave him a wonderful grasp on the needs of the hour, and with unsoiled hands he stood only for the things of righteousness. His soul loathed double-dealing as a thing of darkness. I have talked with many of his colleagues in Washington on various occasions, and on every hand I have heard nothing but the highest praise for him. He was recognized as one of the most promising younger Members of the House.

This was the man, my friends, to whom we would pay honor to-day. How well he bears out those words of David: *"Mark the perfect man, and behold the upright: for the end of that man is peace."* Peace has come to S. M. BRINSON; a peace that surpasses all understanding.

The SPEAKER pro tempore. The gentleman from Texas [Mr. BRIGGS] is recognized.

Mr. BRIGGS. Mr. Speaker, the invitation of the North Carolina delegation to participate in these memorial exercises is deeply appreciated and is one I sincerely welcome.

Throughout the service in Congress of our late colleague, SAMUEL M. BRINSON, Representative from the third district of North Carolina, I was rather closely associated with him, both in the House and particularly on the Committee on Coinage, Weights, and Measures, of which he was the ranking minority member at the time of his death, April 13, 1922. An uncompromising Democrat, a man of high principles, a faithful and devoted public servant, he won for himself in his brief congressional career the friendship, confidence, and esteem of his associates, and gave to his constituency a full measure of splendid and honorable service.

Unassuming and gentle in manner, but unswerving and positive in character, he brought to his labors not only a deep interest in national problems which he was called upon to face and help solve for the best interests of all, but also knowledge and ability, with a conscientious consideration and appreciation of the views and opinions of others.

A fidelity and loyalty to the highest ideals and standards of duty characterized and made conspicuous his congressional service in spite of the long and discouraging illness which prevented him in the latter part of his second term from the same degree of active participation in congressional work which had previously marked his comparatively brief career.

Those of his colleagues who knew him even longer and more intimately than I did have given a recital of how he rose, through successive steps in public office, to representation of his constituency and the State of North Carolina in the Congress of the United States.

The story of his success will, no doubt, furnish inspiration to many another patriotic and ambitious young American, and will contribute its share of encouragement to those who are also faced with difficulties and obstacles, but whose courage and determination prove sufficient to the accomplishment which they seek.

SAMUEL M. BRINSON has left to those of his family who survive a rich heritage. And in this expression of regard and esteem for our late colleague and associate I tender to his family and loved ones the sympathy of the membership of the House of Representatives and a sincere and devout wish for their welfare.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. DOUGHTON] is recognized.

Mr. DOUGHTON. Mr. Speaker, our late colleague, Hon. SAMUEL M. BRINSON, whose life and public services we to-day commemorate, was elected as a Representative in Congress from the third district of North Carolina at the November election, 1918, and reelected in the November election, 1920, serving through the Sixty-sixth Congress and during the Sixty-seventh Congress until his death on April 13, 1922, making a little more than three years that he was an honored and useful Member of this body.

Before his election to Congress he was a practicing attorney in his home town of New Bern, N. C., and also served as superintendent of public instruction of his native county of Craven for 17 years, from March, 1902, to March 4, 1919, the date on which he began his services as a Member of Congress. As head of the educational forces of his county he rendered a most useful service and made a reputation which doubtless had much to do with his being called to a wider field of usefulness and service.

My personal acquaintance with Mr. BRINSON began with the opening session of the Sixty-sixth Congress and soon grew into a strong and binding friendship which extended until the day of his death.

I was honored by the Speaker of the House in being appointed a member of the committee to accompany the remains of our friend and colleague to his home, the place where he was born and had spent his useful life—New Bern, N. C. It was an ideal spring day on April 14 when the last formal services were held in the church of which he was a faithful and consecrated member. A large concourse of people coming from all over North Carolina attended the funeral, showing the very high esteem in which Mr. BRINSON was held by the people of his native State.

The church of which he was a member was packed with sorrowing friends to pay a tribute of regard and love to their deceased friend. His pastor chose for a text the following words from the Thirty-seventh Psalm, thirty-seventh verse: *"Mark the perfect man, and behold the upright: for the end of that man is peace"*—from which he delivered a very adequate and appropriate discourse, portraying beautifully the life work and noble character of the deceased.

As a Member of Congress Mr. BRINSON rose rapidly, and early in his first term gave definite promise of becoming one of its most useful Members. However, early in his service here in Congress it became apparent to his colleagues that he was suffering from a serious and what soon proved to be an incurable malady. He bore his affliction patiently and uncomplainingly. He was taken off by the mysterious hand of death when it seemed a still brighter career of usefulness was just opening and his life's work was but partly done. Why he was thus caught by the strange hand of fate and his life's work suddenly ended is more than we are able to comprehend.

The high ideals, the noble deeds, and the pure, upright life of SAMUEL M. BRINSON speak more eloquently of his great service to his State and Nation than any words that can be uttered or written by his admiring, sorrowing friends. A truly great man, a faithful servant of the people, has passed to the realm of the beyond. Of such as was our worthy deceased colleague it has been truly said by the inspired writer: *"Blessed are the dead which die in the Lord, from henceforth; yea, saith the spirit, that they may rest from their labors and their works do follow them."*

The SPEAKER pro tempore. The gentleman from Georgia [Mr. LARSEN] is recognized.

Mr. LARSEN of Georgia. Mr. Speaker, the roll of the Sixty-sixth Congress contained for the first time the name of SAMUEL MITCHELL BRINSON, whose life and public service we commemorate to-day.

At the beginning of the session he was assigned to a committee of which I was already a member. We served together on the committee until the date of his death; were intimate friends almost from the date of our acquaintance; and hence my opportunity for judging as to his capacity, disposition, and

character. Mr. Speaker, I am therefore pleased to have the opportunity of speaking a few words of eulogy on this occasion.

He had served the people of his native State in public capacity for many years before he became a Member of Congress, and it was upon the efficiency of this service that he became a Member of this House. He was both by temperament and mental training well equipped for service here. While he died in the meridian of manhood, yet his life was filled with achievements. His native ability and genial nature made many warm friends for him in this House, but the condition of his health and his short duration of service may have prevented opportunity for making that lasting impress upon the country at large which his capacity warranted and most surely would have resulted had he lived and enjoyed a reasonable degree of health.

He was a positive character and possessed an analytical mind; hence he usually reached a correct conclusion easily and quickly. He was tolerant and respected the opinions of others, yet the course which he pursued was always the result of his own judgment. While he was modest in disposition he never hesitated to express his opinion when necessary.

Mr. Speaker, to me both life and death is a mystery; but after all, it is not the fact that a man has lived or that a man is dead that counts. It is, rather, how did he live? How did he die? Of SAMUEL BRINSON we may always truly say, he played his part in the world of men, and the Great Critic will hold it good.

The night dew that falls,
Though in silence it weeps,
Shall brighten with verdure
The grave where he sleeps;
And the tear that we shed,
Though in silence it rolls,
Shall long keep his memory
Green in our souls.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. LYON] is recognized.

Mr. LYON. Mr. Speaker, it is a beautiful custom that makes it possible for the colleagues of a deceased Member to meet together and hold memorial services for their departed friend, thereby placing on permanent record their testimonal of the worth of him who has crossed over the river. It may be that in some services of this kind the dead Member's past life was not such as to merit all of the spoken eulogies, but those who knew SAMUEL M. BRINSON know that his life was so clean, his character so beautiful, as to justify anything we can say here to-day.

I did not meet "SAM" BRINSON until I came to Washington in April, 1921. At that time he was a great sufferer from the disease that finally resulted in his death, but in spite of his suffering, which he bore with patience and resignation, he was companionable, anxious to advise and counsel with his friends, and remained so far as his strength would permit at his post of duty, serving with ability the people of his district, whom he loved so well.

Mr. Speaker, those of us who attended his funeral in the city of New Bern were everlastingly impressed with the fact that the entire city joined in sincerely mourning their friend. I have never seen such genuine sorrow over the death of any man as was depicted on the faces of the thousands who attended his funeral. No man can win and hold the love, honor, and respect of the entire community in which he lived like "SAM" BRINSON did who had not lived a life of service and self-sacrifice. And this he did, for he was a generous, warm hearted, Christian gentleman, and we, his friends and colleagues, feel keenly his loss.

Mr. Speaker, our hearts go out in sympathy to his young daughter, who is left motherless and fatherless. May the Great Architect of the universe comfort her and watch over her in the years to come.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. HAMMER] is recognized.

Mr. HAMMER. Mr. Speaker, SAMUEL M. BRINSON possessed in an unusual degree those principles and virtues essential to the most useful career. With a hatred for all kinds of shams, hypocrisy, fraud, and deceit and a love of truth and loyalty to convictions, with courage that never permitted him to swerve from his devotion to the highest ideals which were part and parcel of his very nature, he was a prince among men. His studious and industrious habits with a well trained and educated mind equipped him well for a successful field of endeavor in the learned professions, statecraft, and politics.

There was none of the dramatic in his make-up. His was a modest and retiring disposition, with a firmness of character and with a fixed purpose to do the right thing in all his actions and dealings with his fellow man, with no effort at sparkling wit, humor, or repartee. He was good natured, kind, and gentle, possessing the calm demeanor of the scholarly gentleman without the slightest air of pedantry or superiority which sometimes is associated with those superior minds who control the destiny of communities and States and dominate in various fields of human endeavor.

The political history of North Carolina might be written without a great deal about the activities of our lamented departed colleague, but the educational history of the State would lack much in completeness without a record of his achievements in the great battle for the education of all the people at public expense, first led by Aycock, McIver, Alderman, and others.

Mr. BRINSON was one of those who aided greatly in placing his State in the forefront in its public institutions of learning and the elevation of its public schools to the place they occupy to-day, for last year there were expended for public education nearly $30,000,000, and approximately the same amount for the building and improvements of a State system of hard surfaced roads, in addition to the very large expenditures by counties in this southern Commonwealth of which he was one of the builders in its educational rejuvenation and reconstruction.

While I knew nothing of Mr. BRINSON until he left college and was an active force in the educational affairs of the State, living as I do some 200 miles from his home, nor do I know whether his early life was one in which he had to contend with a thorny, rough, and rocky pathway, as most men in my State, born as he was, near the close of the Civil War, and for several years thereafter, for in North Carolina, as in other southern States, there were in those days bitter years of stress and turmoil, hardships, and difficulties well nigh insurmountable across the pathway of those who fought to get an education and climb the road which leads to usefulness and at times to fame and fortune.

Mr. Speaker, it matters not what his opportunities were in the formative period of early life, we pause not to inquire, for the fact is that his life demonstrates that he was one of the finest types of southern civilization.

He had those virtues which distinguish the truly great.

After the first session of the Sixty-seventh Congress convened it was my good fortune to know Mr. BRINSON intimately, for his apartment was next to mine and I saw him and conversed with him daily. In addition to a well-trained, clear, analytical mind, stored with almost inexhaustible information on various subjects and a grasp of public questions which he discussed most intelligently, he was a most interesting and valuable friend and associate.

In conclusion permit me to state that the outstanding characteristic of this good man, in my opinion, was that he could be depended upon. He was truthful and honest in all things. He could be measured by the same yardstick in his private as well as in his public life. He regarded not only a money promise as sacred but a political promise as well.

Stronger and stronger each day SAMUEL M. BRINSON grew in the confidence of his friends and the public. His death was a distinctive loss to the State and to the country which he loved so devotedly.

Mr. BANKHEAD. Mr. Speaker, we have set apart this hour to pay fitting tribute to the life, character, and services of SAMUEL M. BRINSON, late a Representative from North Carolina. I did not have the privilege of becoming as closely acquainted with our late colleague as did some of his associates in service, and, therefore, can not extol as well as they the many intimate excellencies of his nature and sweetness of his life outside of this Chamber. My contact with him and my observation of his qualities were confined to his activities on this floor, and of that, in just candor, I am restrained to speak.

Mr. BRINSON was the Representative of a fine constituency. I say this because soon after his death I had occasion to visit among them. Not possessing unusual attributes either of virtue or distinction, but all of the sturdy, dependable, and amiable qualities of a fine cross section of the American people—and that is as high a eulogy as can be pronounced. Among these people SAMUEL M. BRINSON had his origin, and in the midst of them he was nurtured. By their high standards of probity and duty his character was molded and his ambition fired, and by them he was honored with a high station in public life, and at its end was mingled back again with his ancestral soil amidst the lamentations of his bereaved constituency.

He practiced the great profession of the law for a few years, but the greater portion of his life was devoted to the still greater duties of public instruction. The man who during a long reach of years, with fidelity and consecration assumes as the champion of the youth of his community to battle against ignorance, and sloth, and error, and superstition, and impiety—to set burning in the hearts of the young the flames of higher aspirations and more exalted virtues—has performed a public service which happily does not die when he expires, but extends on and ever on in the widening cycles of the lives and characters of those who endure after he has departed.

His service in Congress was brief. His advent to his duties here was shadowed with a great sorrow, for only a few weeks before assuming his place here as the culmination of his life's ambition, his devoted wife "was beckoned by the pallid messenger with the inverted torch to depart." In the pall of so great a grief SAM BRINSON, although about to sit in the councils of State, no doubt exclaimed, "*vanitas, vanitatum omnia vanitas.*"

Mr. BRINSON was an earnest man, but not austere. Frivolity had no part in his nature, but he was nevertheless amiable and generous in his emotions.

He was meticulous in reaching conclusions upon public questions because his desire was to be a wise and conservative legislator. He sought always to reflect the good of his people in his public expression. Not given to much declamation, he was rather a listener, as most wise men are, hoping to garner some truth and some philosophy out of the millions of platitudes uttered in this Chamber. But his vote always registered his judgment, for he was no panderer amongst men. Our late colleague acquired, as he deserved, the universal respect and admiration of his associates in service, and his untimely death was to all of us a source of very sincere regret.

I know nothing of the spiritual side of his nature, but remembering as I do the resolute goodness of his countenance, the calm light that lay in his eye, I can well believe that as the twilight shadows of the last hour fell upon him, even as an honest plowman of the field, when his day's work is done, can reflect that he has paid to toil its full toll, so did this man of whom we speak look back upon his career among men and find it in his heart to say: "I have done my work; I have plowed a straight furrow."

Mr. SIEGEL. Mr. Speaker, the average reader of the daily newspaper gets the impression that service in Congress is simply one of ease and personal comfort. The contrary is the fact. In most cases the services rendered are of the most strenuous kind, taxing the physical strength of the Members to its greatest limit. Few realize the number of matters to which each individual Member must give his personal attention and careful consideration. Constituents expect favorable results. Members endeavor in every possible way to make anticipations become realizations. Nearly every Member of the House finds that when his term has expired that he is richer in experience, but poorer in the pocket. He has made many sacrifices for the honor of being a Member of Congress and he appreciates having had the great privilege of having served in the greatest legislative body on the face of the earth. No wonder then that since the Great War, with its heavy strain on the mental and physical strength of the membership of Congress, the toll which it has had to pay has been exceptionally large. The colleagues of a departed Member know these facts better than the outside world. They know very well that the hardest work in Congress is performed in committee rooms. Mr. BRINSON was a member of the Committee on the Census, of which I have the honor to be chairman. In considering the number of representatives to make up the future House the question of relationship of the white and the negro in the State of North Carolina frequently came up for discussion. Mr. BRINSON took keen delight in telling his colleagues how his State was making a herculean effort to educate the negro, and at the same time giving him the opportunity of exercising his suffrage. He was always courteous in his treatment of his fellow Members on the committee, and at all times was ready and willing to carefully listen to what others had to say. He had served his State and country well. He had taught in the public schools.

In that way he had done his full share toward helping the little acorns learn how to become the future oaks of the Republic. He had endeavored in every way to instill in the minds of the youngsters under his charge that not only must patriotic service be rendered in times of war, but an equal service must be rendered during the times of peace. He recognized, as all of us know, that the future of the Republic depended upon the rising generation being taught that with all the benefits and opportunities of American citizenship there came the duty and obligation to serve it at all times to the best of one's ability. Had he been spared, he undoubtedly in time would have become one of the most influential Members of the House. The custom has been established in Congress of setting aside a day on which Members pay their last tributes to those of their Members who have passed to the far beyond while in the service. Men of faith do not fear death. They are firm in their belief in immortality. They know that when the infant is born, he comes into this world usually with a cry. He is passing from darkness into light. We all know that tender hands are ready to receive him and give him every care. With this knowledge in mind men go to meet their Maker, realizing that they will receive at His hands the same tender care and consideration which the infant receives when he first arrives at the hands of those who are near and dear to him. So, while we pay this tribute to our dear departed friend and Member, we do so more for the sake of the living rather than for the honored dead, for his record of loyal and devoted patriotic public service to his State and Nation needs no tribute at the hands of man. Well may we repeat the words of the psalmist—

> Because he hath set his love upon me, therefore will I deliver him:
> I will set him on high, because he hath known my name.
> He shall call upon me, and I will answer him;
> I will be with him in trouble:
> I will deliver him, and honor him.
> With long life will I satisfy him,
> And show him my salvation.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. WEAVER] is recognized.

Mr. WEAVER. Mr. Speaker, we have come to-day to speak of the life, character, and service of a most distinguished son of North Carolina. At the time of his death he was one of our beloved colleagues in this House. It is not my purpose to attempt any fulsome flattery of him, but only to express in a few words, and as best I can, something of his great service to his State as well as my own personal regard and esteem for the man.

SAMUEL M. BRINSON was a native son of North Carolina. He was born at New Bern in that State and continuously resided there until his death. In church affiliations he was a Baptist. He graduated from Wake Forest College, with distinction, in 1891. He then taught school in the city of New Bern. In 1895 he studied law at the University of North Carolina and in 1896 was admitted to the bar of that State. He practiced his profession with ability and much success. His intellectual grasp early and easily ranked him among the best lawyers of his section.

In 1902, having become interested in public education, he became superintendent of public instruction of Craven County, in which the city of New Bern is situated. This office he filled with singular fidelity and acknowledged ability for a period of 17 years. During those years of his young manhood, with great energy and enthusiastic love of his work, he applied himself to the duties of this office. It brought him in close contact with the schools. It engendered a great interest in the young men and women of his county and his State, and he became endeared to the people of every class and of all conditions of life.

Recognizing the splendid talents and character of this man, realizing his force of character and intellect, the people of the congressional district in which he resided in 1918 elected him to the House of Representatives for the Sixty-sixth Congress. In him they had a Representative who was attentive to their wants, industrious in his habits, and who had a grasp of all great public questions.

He was reelected in November, 1920, to the Sixty-seventh Congress, and it was during the period of this Congress that, after a long and tedious illness, death came to him. It brought sorrow to his colleagues and to all who knew him here and at home. It has always seemed to me especially sad that death should have come to him just as he was beginning what undoubtedly would have been a splendid career in Congress. But we realize that for all of us somewhere along the path of life the shadow sits and waits.

This brief statement of his life does not express the intellectual and moral power of Mr. BRINSON. It does, however, most clearly point to the fact that he was at all times, from early manhood, a power, a factor, and a vital force in the life and progress of his community and State. He brought to his duties as a Representative in Congress a ripe experience and a high order of intellect, and, what is more than this, a character and texture of soul so splendid and so fine that he immediately impressed himself upon all of those who came in personal contact

with him. He early demonstrated his ability to become a most useful and highly esteemed Member of this House.

His appointment as a member of the great Committee on Education was a most fitting one. Mr. BRINSON was an enthusiast in this great cause. He had given of the best years of his life to promoting education in his county and his State. His heart was there. He had served his home people for years in extending the operation of their schools. He had fought and worked for education throughout North Carolina and he had lived to see his beloved State, with unparalleled progress, move forward in this great cause. He had seen the light of knowledge come to quicken the lives and strengthen the character of the children and young men and young women of his section and State. Much of this progress was due to his ability and his untiring energy. He had followed the course of education and had seen its advantages exemplified from the district country schools to the high schools and the great universities and colleges, and had seen that from thorough education, power would come into the life of his State.

He had been promoted, at the time of his death, to services in a wider field and to a theater of broader action. He was eager to take his part in promoting education from a national standpoint and to the fullest extent that the National Government might justly and properly cooperate with the States in this great enterprise. He was much interested in pending legislation that would dignify the cause of education and that would guarantee more fully, as he thought, to every child of the Nation the right to become an educated and helpful man or woman. I know that this matter was engaging the attention of this splendid man, when for some strange and unfathomable reason he was called to the great beyond. To lose him was to lose much in this great work.

He is gone from the field,
He is lost to the forest,
Like a summer dried fount,
When our need was the sorest.

During his brief service in Congress he had, however, given much attention to other important matters. As a member of the Committee on the Census he labored long and hard over the details of a reapportionment bill. He was always active and earnest and filled with a desire for true accomplishment.

Mr. BRINSON was of a very solid texture. He wished to do things that were worth while, and he did them. He lived in an exceptionally clear moral atmosphere. Life to him was more than a mere playing to the galleries. His desire was "To be, rather than to seem." In whatever capacity he touched the lives of his fellow man he was always helpful and wholesome. No sense of egotism directed his heart and brain. His convictions, when formed, were strong and enduring, and yet he was by no means intolerant of the opinion of those with whom he might find himself in opposition. He was ready to contend for what he thought was right, without condemnation, however, of others with whom he disagreed.

He was married in 1901 to Miss Ruth M. Scales, of Salisbury, N. C. They lived most happily together and were blessed with one splendid daughter. It was to me one of the saddest of incidents that, after the people of his section had chosen him to represent them in Congress—in November, 1918—that a few months later his wife should have been taken from him by death. She had shared with him their many trials and had helped him to grow into a splendid manhood. Eager for his future advancement, it was particularly sad that she was not to enjoy his further honors with him. To him the death of his wife was a crushing blow.

It was my sad privilege to attend his funeral at New Bern in April, 1922. I noted that he had erected a beautiful monument above the last resting place of her who had been his earliest mate. He now sleeps beside her. I have been told by one who knew him that in the days immediately preceding his death he was often seen rereading the letters she had sent him. He knew that she was waiting for his coming, and I doubt not that a feeling of nearness to her was resting upon him and that he had, indeed, said within himself:

I can not feel that thou are far,
Since near at hand the angels are;
And when the sunset gates unbar,
Shall I not see thee waiting stand,
And, white against the evening star,
The welcome of thy beckoning hand?

He made a noble fight against the disease that was to terminate his useful life. At times he thought he had won, and in his conversation with his colleagues he was most hopeful; but at last he began to feel that it was a losing fight, but he believed in the resurrection and the life beyond, and as he drew nearer to the great and final event he saw the welcome of the beckoning hand of his beloved wife. All that is mortal of him sleeps by her side in the beautiful cemetery at New Bern, but I doubt not the immortal reunion that has taken place upon the silent and everlasting shores of the great beyond.

Mr. DOUGHTON took the chair as Speaker pro tempore.

Mr. STEDMAN. Mr. Speaker, the life of every man exerts an influence either for good or evil upon those with whom he associates. This truth has often been impressed upon me during the long life vouchsafed me by the kindness of Providence. Notably so, and markedly distinct, was this evident in connection with the life of our late friend, SAMUEL MITCHELL BRINSON.

The first time I met Mr. BRINSON I realized that he was a man of rare and unusual attributes. He possessed two of the great qualities essential to high achievement in life—courage, both moral and physical, and a love for truth.

A lofty and generous patriotism, forgetfulness of self, absolute sincerity in word, in thought, and in deed, these, with an intense love for humanity, constituted the basis of his character. He ever stood for one principle—unchanging and imperishable—a supreme sense of duty.

Ability to endure suffering is a marked virtue of courage, and this quality was manifested to an eminent degree by our late colleague.

Suffering is necessary to make up a great character to its fullness. No man or woman, unless by the special providence of God, can live in the unbroken sunshine of plenty and prosperity without developing to a greater or less degree selfishness in some of its many hideous forms and being debarred from reaching the high state of excellence to which their nature might aspire. Suffering is needed to purify nations as well as individuals. It is from sacrificial flames that have arisen the noblest and grandest spirits which have shed a halo around humanity.

One trait of Mr. BRINSON's character which was predominant and contributed largely to his usefulness was his faith in the providence of God; no misfortune or disaster could shake his fortitude; it mattered not what had happened or how severe the trials to which he was subjected.

Courage and gentleness are closely allied. One rarely meets a man of high order of courage who is not also distinguished by his kindness and gentleness. His tender watchfulness and care for his daughter was beautiful, and attracted the attention of all who love and admire this moral trait of character.

Mr. BRINSON's political views were very decided. He made no compromise with those who would traffic in the honor of his State, or the best interests of its citizens, but he was ever their uncompromising foe.

He was passionately devoted to the good name of North Carolina, its fame and renown. He was worthy of any position to which his fellow citizens might have elevated him, but he was never envious of the political promotion of others. He was always satisfied if truth and justice prevailed, regardless of to whom the honors were given. It would have been difficult to have found a more unselfish and patriotic man living within the confines of his native State.

He was a very citadel of strength; all turned for help to him when the cause of morality was in danger. He never hesitated to espouse cordially what he believed to be the cause of right. If he erred, as all of us must do at times, it was on the side of humanity and morality. One always felt stronger and better for his companionship and advice.

The memory of Mr. BRINSON will live through many generations, and many a father and mother will bless his name for the example he has left to their children to point them the way to usefulness to their fellow citizens and honor to their State.

He died in the triumph and faith of the Christian religion and left a name without blemish and without reproach—a heritage of honor to his daughter, to his State, and to our common country.

Mr. STEDMAN resumed the chair as Speaker pro tempore.

Mr. LOWREY. Mr. Speaker, it is not my purpose to speak much of the political life of my lamented colleague. I shall speak more of his personal character and of service rendered outside his political career. In committee meetings, in this House, and wherever I met him, I was impressed that S. M. BRINSON was a man of information and ability, a man of clearness of thought and definiteness of action. Yet information and ability can not alone make a useful and effective life. A man may have large intellectuality, broad culture, and extensive influence, and yet his life may be worse than a failure. If a man's talents be not used to the real service of his fellow

men and to the honor of the River of Life, then his life is not a success. England's poet laureate said:

Howe'er it be, it seems to me,
'Tis only noble to be good;
Kind hearts are more than coronets,
And simple faith than Norman blood.

The greatest tribute that can be paid to the memory of S. M. BRINSON is not that he was a man of intellectuality—though he was intellectual—nor that he was a man of influence, though the attainment of influence is abundantly worth while. But my tribute to SAMUEL BRINSON is higher still. He was a man of high Christian character, who dedicated his powers to the betterment of his fellow men and to the advancement of the Kingdom of God. To a former chaplain of this House the rugged old Carlisle of England said late in life:

Tell my friend in America that after a long and stormy life, I still believe "The chief end of man is to glorify God and to enjoy Him forever."

In other words, the rugged old Carlisle, though called a cynic and by some called a skeptic, still held to the simple faith which in his childhood he had learned from his catechism. So with SAMUEL BRINSON.

It was my privilege to be one of the congressional party who went to his home town to attend his funeral. There I saw the devotion of the people among whom he had lived and loved and labored, and who clearly realized that they had lost a genuine friend and a strong champion of their rights and their best interests.

Before entering the arena of politics he had given his life largely to work in the fields of education and religion.

As superintendent of education he had done a tireless and effective work. Not only the schools of his own city and county, but those of the surrounding counties are better and more efficient because of his energy, ingenuity, and devotion. And boys and girls yet unborn will have happier school days and better opportunities and will live bigger and broader lives because of the official service of SAMUEL M. BRINSON.

As an active and earnest Christian layman, he gave much of his time and energy to the work of his church and the religious activities of his community and to efforts to lead the young people especially into the discipleship of Jesus Christ. And I feel sure that in the brighter and better life to which he has gone he will yet receive the gratitude of those who by his influence were brought to the joys of Christian faith.

What higher achievement can any man attain than that of leading large numbers of his fellows into the light of education and into the still brighter light of Christian faith?

Mr. ABERNETHY. Mr. Speaker, in view of the fact that a number of my colleagues have expressed a desire to extend their remarks in the RECORD, I ask unanimous consent that those who may desire to do so may have the privilege of extending their remarks in the RECORD concerning the life, character, and services of Mr. BRINSON.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that those Members who desire to do so may extend their remarks in the RECORD on the life and character and services of Mr. BRINSON. Is there objection?

There was no objection.

Mr. TOWNER. Mr. Speaker, the service of SAMUEL MITCHELL BRINSON in the House of Representatives of the United States was all too brief. It continued from March 4, 1919, to April 13, 1922, a period of only a little over three years. During that short period I had the opportunity and privilege of knowing personally Mr. BRINSON well, for we served together on two committees of the House. It is on these committees in the close contact and almost intimate relations of our work there that the character and qualifications of our associates become best known. It soon became apparent from such acquaintance with Mr. BRINSON that his nature was a rare combination of clear mind, pure heart, and high ideals. Any appeal based on justice, fair dealing, and, what Theodore Roosevelt used to call "civic righteousness," met with a ready response from him and enlisted his earnest support.

The life of Mr. BRINSON may be divided into three periods: That portion covered by his practice of law; that by his public service in education; and that by his service as a legislator in the Congress of the United States. To my mind there could have been no more valuable preparation for his work as a legislator than his experience as a lawyer and as an educator.

I know that much prejudice exists against lawyers in public service. I know that there is a feeling at least somewhat prevalent that there are too many lawyers in Congress. But lawyers have been both numerous and prominent in Congress throughout our history. For more than a century the people of the United States have continued to act on the belief that those were qualified to make laws who knew the law, and I indulge the belief that the reasoned, matured judgment of the people is of more value than the criticisms of the envious. I think it well to recall that from the formation of the Constitution down to the present day almost every step of progress, almost every guaranty of freedom, almost every beneficent law adopted has been formulated, advocated, and supported to final passage by the lawyer-statesmen who have served in the Congress of the United States.

And so I am satisfied that our colleague was strengthened and aided in his service here by reason of his study and practice of the law.

For more than 15 years Mr. BRINSON served as superintendent of public instruction for Craven County in North Carolina. This service was so distinguished that in large measure it resulted in his being called to the larger field of service here in Congress. This educational work also prepared and aided him in his work here. Education not only forms character in the individual but it also forms the character of the State or Nation. A State is but an association of individuals for their protection and betterment. It can not rise higher than the character and intelligence of the individuals who compose it. For this reason free governments especially must depend for their security and progress on the character and intelligence of their people. It must be evident that one who devotes thought and energy to enlarging the knowledge and elevating the character of the people can not but be himself increased in knowledge and strengthened in character for a larger field of public service.

And so our associate came to us well equipped for a career of great usefulness in the service of his country. His loss we deeply deplore. It is not only a breaking of the ties of fellowship, but it comes to us as a sad reflection that we have lost a distinct and potent force for good from the public service. Such losses are as much more serious than material losses as human worth is greater than sordid wealth. Men make and must preserve the State. More and more is it realized that most political ills can be cured by the simple method of electing good men to office. Perhaps we depend too much on forms of government. Too often, it is certain, we are indifferent as to the qualifications and character of those who serve and represent it. A form of democracy will not suffice unless we make it in fact representative of the common good. It follows that in a democracy there is no one thing so valuable, so indispensable, as good men in its service. There is no nobler ambition than worthily to serve the State. But no service can be worthy or of value to the people unless it be devoid of self-seeking and selfish purpose.

SAMUEL MITCHELL BRINSON was a good man, unselfish, devoted, a man of character, ability, and of high and noble purpose. His untimely death is a source of deep regret to his associates and a great loss to the people and the Nation he so faithfully served. It is a privilege for me, who only knew him for a few brief years but who respected and admired him greatly, to add this tribute to his memory.

Mr. DREWRY. Mr. Speaker, my service in the House of Representatives of the United States with Mr. BRINSON was very short, but it was long enough for me in my association with him to recognize in him the fine qualities of head and heart which he possessed, and to appreciate the faithful service he rendered as a Representative of his State, and further to know that his death was a loss to the country, which he loved so well and served so patriotically.

He came to the House of Representatives a little more than a year before I was sworn in, and we served together only about two years, and not all of that time was Congress in session. In that time, however, I saw a great deal of him, as our offices were not far apart, and we were together frequently.

Coming in personal and social contact with him I became very much impressed with the soundness and solidity of thought of the man. I gathered from his conversation that he had not only been trained as a lawyer, but that he had served his State in the educational field. I recall that he stated to me that he had been a superintendent of education in his Commonwealth. He was imbued with a desire to be of service to his fellowmen, and with that desire in mind he faithfully and conscientiously gave his service without stint. I do not know when I have ever met a man who impressed me as being more earnest and conscientious in his public labors than Mr. BRINSON.

He was unusually well equipped for service as a legislator. While not possessing the showy qualities of the ephemeral pub-

licity seeker, who strives to gain publicity through some sensational speech or work, he took great pains with all that he did and posted himself thoroughly on every question that came before him. Others have spoken of his work on the committees on which he served and have told how zealously and faithfully he labored. I did not have the pleasure of serving with him on any committees, but did observe the faithfulness with which he watched carefully all matters of public interest that arose as the subject of legislation in Congress. He was a man of splendid judgment, and I came to rely very much on his opinions regarding matters that were in debate.

Mr. BRINSON realized how hampering inexperience with the parliamentary procedure was to a newly elected Member of the House, and with his kindness and unfailing courtesy it was always his pleasure to advise with me on matters upon which I consulted him. He pointed out to me the difficulties that a newly elected Representative would have, and he gave advice always cheerfully and most courteously. It is a great advantage to an inexperienced man in Congress to have the advice of such a man as Mr. BRINSON.

During a great part of the time he was evidently suffering a great deal, but I never heard him complain. He bore his illness with great fortitude and continued his labors when many a man of less determinnation would not have attempted to carry on his work.

There is a great place in the affairs of our country for such men, who do their work cheerfully and uncomplainingly and with fidelity and zeal in the public service. The rewards for public service come late to such men, but they always come in the course of time as their fidelity and honesty and earnestness impress more and more the men with whom they serve and the people for whom they work.

It is a sad duty to have to voice the regret at the death of a colleague and friend, but I felt, Mr. Speaker, that I desired to lay my humble tribute before you in behalf of this very devoted public servant.

ADJOURNMENT.

The SPEAKER pro tempore. As a further mark of respect to the memory of the deceased Senator and Representative, the House will stand adjourned until 12 o'clock noon to-morrow.

Accordingly (at 3 o'clock and 35 minutes p. m.) the House adjourned until to-morrow, Monday, February 12, 1923, at 12 o'clock noon.

SENATE.

MONDAY, *February 12, 1923.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we give Thee thanks for the brightness of the morning. We give Thee thanks that in the passage of the years Thou dost give to us inspiration and direction in the paths of duty. We call to mind men of noble character, of great and devoted patriotism, and for all they have been to their country in the times of great stress and need. We think of one especially this morning whose natal anniversary claims the attention of multitudes of our people. The Lord grant unto us always such a sense of duty, such a high regard for the highest and best interests of the country that we may serve Thee acceptably. Through Christ, our Lord. Amen.

NAMING A PRESIDING OFFICER.

The Secretary, George A. Sanderson, read the following communication:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
Washington, D. C., February 12, 1923.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. GEORGE MOSES, a Senator from the State of New Hampshire, to perform the duties of the Chair this legislative day.

ALBERT B. CUMMINS,
President pro tempore.

Mr. MOSES thereupon took the chair as Presiding Officer and directed that the Journal be read.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Monday, February 5, 1923, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

DEPARTMENTAL USE OF AUTOMOBILES.

The PRESIDING OFFICER (Mr. MOSES) laid before the Senate a communication from the Secretary of Agriculture, transmitting, in response to Senate Resolution 399, agreed to January 6, 1923, a report concerning the number and cost of maintenance of passenger-carrying automobiles operated by the department in the District of Columbia, which was ordered to lie on the table.

Mr. MCKELLAR. Mr. President, I ask unanimous consent to have published in the RECORD in 8-point type the reply of Secretary Hughes transmitted by the President on Saturday to a resolution on the use of automobiles by the executive departments. I want to commend the reply of Secretary Hughes in regard to automobiles. I wish his example might be followed by other departments.

There being no objection, the message and the communication of the Secretary of State were ordered to be printed in the RECORD in 8-point type, as follows:

To the Senate:

I transmit herewith a report by the Secretary of State furnishing, in response to the Senate's resolution of January 6, 1923, information concerning the passenger automobile in use by the Department of State.

WARREN G. HARDING.

THE WHITE HOUSE, *February 10, 1923.*

The PRESIDENT:

The Department of State has received from the Secretary of the Senate an attested copy of a joint resolution adopted by the Senate on January 6, 1923, which reads as follows:

"*Resolved*, That the head of each department and the head of each independent bureau or commission of the Government in the city of Washington, including the District Commissioners, be, and they are hereby, directed to furnish to the Senate as early as may be practicable the number of passenger automobiles in use by such department, independent bureau, or commission; the name of the official or person to whom such automobile is assigned; the cost thereof; the cost of the upkeep and operation thereof; the salary or pay of chauffeur furnished, if one is furnished, to the end that the Senate may have accurate information as to the number of automobiles, the cost thereof, the person using same, and all the facts pertaining thereto in each department, independent bureau, or commission in the city of Washington. If allowances for privately owned automobiles are made in any department, independent bureau, or commission to officers or employees of such department, independent bureau, or commission, then the amount of such allowances for upkeep or operation shall be reported, with the names and positions of those to whom such allowances are made. Also the number, location, and cost of any garage or garages maintained by such department, independent bureau, or commission; where such garages are located; number of employees used in said garages; cost of same; rentals on same; and all other information in connection therewith; the number of passenger automobiles kept in said garages and the number of trucks; the names of such officers or employees keeping such automobiles in said garages. The heads of the several departments, independent bureaus, or commissions are likewise directed to furnish, in reports separate from the foregoing facts, like facts, figures, and information concerning the use, upkeep, and operation of all passenger vehicles in use in their said departments, independent bureaus, or commissions outside the city of Washington."

The undersigned, the Secretary of State, has the honor to furnish to the President the information requested by the resolution with respect to the Department of State, with a view to its transmission to the Senate if the President's judgment approve thereof:

The Department of State has one official passenger automobile which is assigned for the exclusive use of the Secretary of State. The car at present used by the Secretary of State is a LaFayette limousine which was purchased under authority granted by the act approved June 1, 1922, entitled "An act making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1923, and for other purposes." The amount appropriated for the purchase was $4,500 and the cost of the car was $5,700. The difference of $1,200 between the amount appropriated and the purchase cost of the car was allowed by the selling company in exchange for the Packard limousine formerly assigned to the Secretary of State. Since July 1 last the cost of upkeep and operation of the car above mentioned, including gasoline, repairs, and storage charges, has averaged $91.10 per

month. This car is stored in the War Department garage. The storage charges which are included in the charges above stated, and which include washing and care of the car, amount to $20 per month. A chauffeur is provided for in the State Department appropriation act at a salary of $1,080 per annum. In addition to this salary, the chauffeur receives the bonus of $240 per annum allowed by law.

This is the only passenger automobile in use by the Department of State in or outside the city of Washington.

No allowances are made by the Department of State for any privately owned automobiles, nor is any garage maintained by the department for housing or storage of such automobiles.

Respectfully submitted.

CHARLES E. HUGHES.

DEPARTMENT OF STATE,
Washington, February 8, 1923.

REPORT OF THE COMPTROLLER OF THE CURRENCY.

The PRESIDING OFFICER laid before the Senate a communication from the Comptroller of the Currency, transmitting, pursuant to law, the annual report of the comptroller for the year ended October 31, 1922, which was referred to the Committee on Banking and Currency.

ROYAL DUTCH-SHELL OIL COMPANIES.

The PRESIDING OFFICER laid before the Senate a report of the Federal Trade Commission, made pursuant to Senate Resolution 311 (submitted by Mr. KING and agreed to on the calendar day of January 27, 1922), relative to the ownership by persons who are not citizens of the United States of shares of the Union Oil Co., a Delaware corporation, the Union Oil Co., a California corporation, and the Shell Oil Co., a California corporation, etc., which was referred to the Committee on Manufactures and, on motion of Mr. KING, the letter of submittal was ordered to be printed in the RECORD, as follows:

LETTER OF SUBMITTAL.

FEDERAL TRADE COMMISSION,
Washington, February 12, 1923.

To the PRESIDENT OF THE SENATE.

SIR: The Federal Trade Commission submits herewith a report on foreign ownership in the petroleum industry, pursuant to Senate Resolution 311, Sixty-seventh Congress, second session.

This report describes the organization, development, and present status of the Royal Dutch-Shell group, with special reference to its holdings in the United States, and particularly the absorption of the Union Oil Co. (Delaware); it relates the facts regarding the present ownership and control of the Union Oil Co., of California, and outlines the situation with respect to discrimination of foreign governments against citizens of this country in the acquisition and development of petroleum-producing properties in foreign lands.

The more important facts developed in this report may be concisely stated as follows:

1. The Royal Dutch-Shell group, a combination of the Royal Dutch Co. and the Shell Transport & Trading Co., of London, has world-wide oil investments, including numerous refineries, an immense fleet of tank ships, and petroleum production in many lands which, in 1921, was no less than 11 per cent of the world output.

2. The Royal Dutch-Shell group in February, 1922, consummated a merger of the principal properties and investments of the Union Oil Co. (Delaware), with its chief American subsidiaries, in a new company, the Shell Union Oil Corporation.

3. The Shell Union Oil Corporation now controls over 240,950 acres of oil lands in the United States; has about 3.5 per cent of the total output of crude petroleum; owns extensive properties in refineries, pipe lines, tank cars, and marketing equipment; and is one of the larger companies in the domestic petroleum industry.

4. The Union Oil Co. (Delaware) owned about 26 per cent of the stock of the Union Oil Co., of California, but, to prevent the Royal Dutch-Shell group from gaining control, certain stockholders of the Union of California organized an American-controlled holding company, which now owns more than half of its issued stock.

5. The most important instances of discrimination by foreign governments against citizens of this country are the exclusive policies of the Governments of Great Britain and the Netherlands in respect to the oil fields of India and the Dutch East Indies, and the 1922 San Remo agreement of Great Britain and France covering the undeveloped oil fields of Mesopotamia and of the British and French colonies.

6. Denial of reciprocity of treatment to citizens of this country appears to exist with respect to the petroleum industry of Australia, British Borneo, certain African colonies, British Honduras, British Guiana, and Trinidad; France and French possessions; Italy, and the Netherlands and its dependencies.

7. Thus forced to modify its historic policy, Congress in 1920 enacted a mineral leasing law for public lands, which forbids the acquisition of properties by the nationals of any foreign country that denies reciprocity to Americans, in consequence of which certain applications for petroleum leaseholds have been denied to the Royal Dutch-Shell group.

What further efforts may be made by this combination to acquire privately owned petroleum lands or competing oil companies, it is, of course, impossible to predict, or how far antitrust laws may be effective to prevent them.

The supply of crude petroleum in this country is being rapidly depleted to meet the requirements of a growing domestic consumption and foreign trade. The sources of supply of the domestic industry are concentrated within its own borders and in Mexico, while those of its principal competitor are widely distributed throughout the whole world. It appears obvious that a nation having widely distributed supply and storage facilities and owning the means of distribution will have certain advantages in world trade against one having concentrated supply.

Respectfully,

FEDERAL TRADE COMMISSION,
By HUSTON THOMPSON,
Acting Chairman.

Attest:

OTIS B. JOHNSON, *Secretary.*

PETITIONS AND MEMORIALS.

Mr. ROBINSON. The General Assembly of the State of Arkansas, now in session, on the 6th instant adopted a resolution advocating an amendment to the Constitution of the United States with respect to the taxation of securities. I ask that the resolution be referred to the Committee on the Judiciary and in conformity to the practice of the Senate that it be printed in the RECORD.

The PRESIDING OFFICER. The resolution will be referred to the Committee on the Judiciary and under the rule it will be printed in the RECORD.

The resolution is as follows:

Senate Concurrent Resolution 14.

Whereas there is now pending before our National Congress a measure known as the Green resolution, for the purpose of bringing about an amendment to our Federal Constitution to make it possible to tax securities now exempted from taxation: And now, therefore, be it

Resolved by the senate (the House of representatives concurring therein), That after full consideration of the subject we hereby indorse the Green resolution now pending in Congress, and we respectfully request the Arkansas delegation in Congress to take the proper steps to make effective our wishes in regard to this matter; and be it further

Resolved, That the President of the Senate is hereby directed to have copies of this resolution printed and forwarded at once to the President of the United States Senate, the Speaker of the House of Representatives in Congress, and to each of our delegation in Congress.

Mr. WALSH of Montana. Mr. President, I present and ask to have referred to the Committee on Irrigation and Reclamation a memorial of the Legislative Assembly of the State of Montana, praying for the enactment of a law authorizing the issuance of patents for the farm units on Federal reclamation projects, subject to final payment for the same, in order that taxes may be levied thereon.

The PRESIDING OFFICER. The memorial will be received and referred to the Committee on Irrigation and Reclamation, and under the rule printed in the RECORD.

The memorial is as follows:

Senate Joint Memorial No. 1, introduced by Rhoads.

Memorial to the Congress of the United States to enact such legislation as may be necessary to issue patents to farm units on Federal reclamation projects in order that such farm units may become taxable.

To the honorable Senate and House of Representatives in the Congress of the United States of America:

Your memorialists, the members of the Eighteenth Legislative Assembly of the State of Montana, the senate and house concurring, respectfully represent:

Whereas during the past few years many Federal reclamation projects have been established in the State of Montana and the farm units thereof sold to settlers; and

Whereas such settlers have established schools and road districts on such projects which depend for maintenance and support upon taxes levied for that purpose upon the property of such settlers, including the equity of such settlers in the said farm units; and

Whereas by a recent decision of the Supreme Court of the United States (Irvin *v.* Webb, U. S. Sup. Ct. 66 L. ed. 333) the said farm units have been held to be nontaxable until patents therefor have been issued to the purchaser; and

Whereas under the existing laws of the United States such patents may not be issued until the final payment is made for such farm units; and

Whereas the money derived from taxation of the personal property alone on such projects is not sufficient to maintain the schools and roads established on said projects: Therefore be it

Resolved, That it is the sense of this legislative assembly that the Congress of the United States should enact such legislation as may be necessary to authorize the issuance of patents for the farm units on Federal reclamation projects, subject to the final payment for the same, in order that taxes may be levied thereon; and be it further

Resolved, That a copy of this memorial be forwarded to the Senate and House of Representatives of the United States and to each of the Senators and Representatives from Montana in Congress.

NELSON STORY, Jr.,
President of the Senate.
CALVIN CRUMBAKER,
Speaker of the House.

Approved February 2, 1923.

JOS. M. DIXON, *Governor.*

Filed February 2, 1923, at 3.40 o'clock p. m.
C. T. STEWART, *Secretary of State.*

Mr. WILLIS. Mr. President, I ask unanimous consent to have printed in the RECORD and to lie on the table a brief resolution adopted by the directors of the Burley Tobacco Growers' Cooperative Association, at Lexington, Ky., with reference to the funding of the foreign debt.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

BURLEY TOBACCO GROWERS' COOPERATIVE ASSOCIATION (INC.),
Lexington, Ky.

The following resolution was unanimously adopted at the regular meeting of the directors of the Burley Tobacco Growers' Cooperative Association, held at Lexington, Ky., Wednesday, February, 7, 1923, and the secretary was directed to mail a copy of same to each of the honorable United States Senators and Representatives from the States of Kentucky, Ohio, Indiana, Tennessee, and West Virginia, being the States in which virtually all of the burley tobacco grown in this country is produced, and to bespeak their earnest and favorable consideration of same, to wit:

"Whereas it is known to all that there can be no real stabilization of the commercial or economic condition of the world, that its peace will remain in jeopardy until there is some settlement of existing debts between the nations involved in the late World War, and that the best interests of all the people of the earth will be served by the earliest settlement that can be arrived at; and

"Whereas there is no people of this country and no industry of this Nation that is more vitally concerned in the settlement of said question than the farmers and those engaged in the farming industry of this country; and

"Whereas such a settlement will open up to the farmers and allied business interests additional markets for the consumption of the growing surplus of this country, thereby affording greater opportunity for profit and employment of our people, which is daily becoming more of a necessity to our peace and progress; and

"Whereas Great Britain is now our largest customer and the greatest consumer of our surplus products, and whatever adds to its purchasing power adds to our prosperity, and by the stabilization of its affairs all of Europe will be helped and started on the road to peace, prosperity, and a better understanding: Therefore be it

"*Resolved*, That it is the unanimous opinion of this board, representing a membership of 78,864 members, numbering among its membership some of the largest landowners, taxpayers, and growers of farm products in the States of Kentucky, Ohio, Indiana, Tennessee, and West Virginia, that the best interests of the United States and the world at large will be served and farming and other business of our country sooner revived and substantially improved by the early approval by Congress of the terms recommended by the American commission on the refunding of the British debt to the United States growing out of the late World War. We feel that the immediate settlement upon the terms agreed upon and at the rate of interest fixed by said commission will afford our people to soon make more thorough cordial business relations than can possibly be obtained by quibbling over a small increase in the interest rate or a shortening of maturity."

We want what our boys fought for—an early and liberal settlement of world conditions.

Mr. McNARY presented the following concurrent resolution of the Legislature of Oregon, which was referred to the Committee on Finance:

STATE OF OREGON,
THIRTY-SECOND LEGISLATIVE ASSEMBLY, REGULAR SESSION,
Hall of Representatives.

House Joint Memorial No. 3.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Legislature of the State of Oregon, respectfully represent that—

"Whereas the Senate and House of Representatives of Oregon State Legislature have under consideration at the present time various income-tax measures which have been introduced ostensibly for the purpose of redistribution of the tax burden of the State of Oregon; and

"Whereas the people of the State of Oregon indicated by their affirmative vote at the last general election their desire for an income tax measure; and

"Whereas there is a strong probability that an income-tax measure will be passed by the present legislative assembly; and

"Whereas in the event such income-tax measure is passed it will be necessary for the officers of the State of Oregon to have access to the income-tax returns filed under the Federal income tax law now in effect; and

"Whereas the officers of the State of Oregon do not now have access to the income-tax returns filed by individuals: Therefore be it

"*Resolved by the House of Representatives of the State of Oregon (the Senate jointly concurring)*, That we most earnestly petition and memorialize the Senate and House of Representatives of the United States of America in Washington in the name of the State of Oregon that Congress enact such legislation as will permit and require the various collectors of internal revenue to permit upon application of such commission or person as authorized by the Governor of the State of Oregon to examine any and all income-tax returns filed under the Federal income tax act by individuals, corporations, and others doing business in the State of Oregon, as well as any persons, corporations, or others deriving any income from business transacted in the State of Oregon: *Provided, however*, That the same secrecy which safeguards income-tax records made to the Federal Government be extended to any information regarding income-tax statements furnished to the officials of the State of Oregon; and be it further

"*Resolved*, That the secretary of state of the State of Oregon be, and he is hereby, instructed to forward a copy of this resolution to each Member of Congress of the United States of America and to the respective legislatures of the respective States of the United States."

Adopted by the house January 29, 1923.
K. K. KUBLI,
Speaker of the House.

Adopted by the senate January 30, 1923.
JAY UPTON,
President of the Senate.

(Indorsed: House joint memorial No. 3, introduced by Mr. McMahan, of Linn County; W. F. Drager, chief clerk. Filed February 2, 1923, Sam A. Kozer, secretary of state.)

UNITED STATES OF AMERICA,
STATE OF OREGON,
Office of the Secretary of State.

I, Sam A. Kozer, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of house joint memorial No. 3 with the original thereof adopted by the Senate and House of Representatives of the Thirty-second Legislative Assembly of the State of Oregon and filed in the office of the secretary of state of the State of Oregon February 2, 1923, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon. Done at the capitol at Salem, Oreg., this 2d day of February, A. D. 1923.

[SEAL.]
SAM A. KOZER,
Secretary of State.

Mr. LADD. I ask unanimous consent to present and have referred to the Committee on Agriculture and Forestry and printed in the RECORD in 8-point type a concurrent resolution of the Legislature of North Dakota recommending and urging stabilization of wheat prices.

There being no objection, the concurrent resolution was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD in 8-point type, as follows:

[Eighteenth Legislative Assembly of North Dakota, begun and held at the capitol in the city of Bismarck on Tuesday, the 2d day of January, 1923.]

Concurrent resolution.

Be it resolved by the House of Representatives of the Eighteenth Legislative Assembly of the State of North Dakota (the Senate concurring therein)—

Whereas since the cessation of the war with Germany and the removal of the minimum wheat price guaranty of the Federal Government in effect during a part of the period of said war, the price of wheat to the wheat producer of the Northwest has depreciated to a point far below the cost of production; and

Whereas the general level of price on articles which the wheat producer is obliged to buy and consume gives no promise of a proportionate reduction, but, on the contrary, appears to be increasing at this time; and

Whereas these circumstances have caused an unprecedented condition of distress to the wheat producer of the Northwest, and to all legitimate enterprises more or less directly dependent upon his prosperity and solvency, which condition of distress is so acute as to threaten a great loss of population in the farming communities of the Northwest, accompanied by consequent insolvency, bankruptcy, and other results so dire and serious as to directly and indirectly affect a large proportion of the population of the Nation; and

Whereas the Federal guaranty of a minimum price on wheat during a part of the war period was, in fact, a serious injustice to the wheat producer of the Northwest, resulting as it did in greatly reducing his price far below the level of the price which supply and demand conditions would have otherwise created, and which therefore operated as an actual and artificial reduction and limitation of his price and not as a subsidy; and

Whereas the Government of the United States received $50,000,000 as profits from the operation of the United States Grain Corporation during the war, which really belongs to the producer; and

Whereas the Northwest wheat producer alone among all the producers in the United States suffered such arbitrary reduction in the price of his product during the war period from which the entire consuming public directly benefited, he being obliged during the said period to pay the highest market prices for all articles which he used and consumed, there being no governmental limitation on the price of any such article during said period; and

Whereas this present condition resulting from the foregoing is such as to threaten a calamity: Now, therefore, be it

Resolved by the House of Representatives of the Eighteenth Legislative Assembly of the State of North Dakota (the Senate concurring therein), That we do hereby respectfully urge the Congress of the United States to take cognizance of the present situation in which the Northwest wheat farmer is placed, and the circumstances which have resulted in his present condition of distress and guarantee a minimum price of $1.50 per bushel while this emergency lasts; be it further

Resolved, That inasmuch as the policy of Government aid has been recognized under similar circumstances as being proper and constitutional and was so recognized in the six months' guaranty provision to the railroads, and is now being urged in connection with the so-called ship subsidy bill, the Congress of the United States is hereby respectfully urged and earnestly petitioned to labor to the end that it may find a proper and constitutional means of bringing immediate relief to the Northwest wheat producer by guaranteed price; be it further

Resolved, That the secretary of state be directed to transmit a copy of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the

National House of Representatives, and to all Members of both Houses of the National Congress from North Dakota immediately upon its passage and approval.

RAY JOHNSON,
Speaker of the House.
W. F. CUSHING,
Chief Clerk of the House.
FRANK H. HYLAND,
President of the Senate.
[SEAL.] W. E. PARSONS,
Secretary of the Senate.

This certifies that the foregoing resolution was adopted by the House of Representatives of the Eighteenth Legislative Assembly of the State of North Dakota, the senate concurring therein.

W. F. CUSHING,
Chief Clerk of the House.

Mr. LADD presented a resolution of the Benson County National Farm Loan Association, of North Dakota, protesting against the passage of House bill 13125, proposing to amend certain sections of the Federal farm loan act, which was referred to the Committee on Banking and Currency.

He also presented petitions of 24 citizens of Tioga and White Earth, N. Dak., praying for the passage of legislation abolishing the discriminatory tax in existing law on small-arms ammunition and firearms, which were referred to the Committee on Finance.

He also presented a resolution of the Benson County National Farm Loan Association, of North Dakota, protesting against the passage of House Joint Resolution 314, proposing an amendment to the Constitution of the United States making all Federal securities subject to State income tax, and all State, county, and municipal securities subject to Federal income tax, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted at an executive council meeting of the International Typographical Union with the executive boards of the International Printing Pressmen and Assistants' Union, the International Photo-Engravers' Union, the International Stereotypers and Electrotypers' Union, and the International Brotherhood of Bookbinders, at Indianapolis, Ind., protesting against the passage of the so-called ship subsidy bill, which was ordered to lie on the table.

Mr. McLEAN presented a petition of the directors of the Norwich (Conn.) Chamber of Commerce, favoring the passage of Senate bill 4202, providing for the creation of a national police bureau in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a resolution adopted by the United Congregational Church School, of Norwich, Conn., favoring an amendment to the Constitution regulating child labor, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. McNARY, from the Committee on Agriculture and Forestry, to which were referred the joint resolution (S. J. Res. 91) authorizing the President to require the United States Equalization Board (Inc.) to adjust a transaction relating to 3,500 tons of sugar imported from the Argentine Republic, and the joint resolution (S. J. Res. 172) authorizing the President to require the United States Sugar Equalization Board (Inc.) to take over and dispose of 2,000 tons of sugar imported from the Argentine Republic and adjust the loss sustained thereby, reported them favorably without amendment and submitted a report (No. 1135) thereon.

Mr. NELSON, from the Committee on the Judiciary, to which was referred the bill (H. R. 6423) to detach Pecos County, in the State of Texas, from the Del Rio division of the western judicial district of Texas and attach same to the El Paso division of the western judicial district of said State, reported it without amendment and submitted a report (No. 1136) thereon.

Mr. McCUMBER, from the Committee on Finance, to which was referred the bill (H. R. 13775) to amend the revenue act of 1921 in respect to credits and refunds, reported it with amendments and submitted a report (No. 1137) thereon.

He also, from the Committee on the Library, to which were referred the following bills and joint resolution, reported them severally without amendment:

A bill (S. 4350) authorizing the Secretary of the Interior to erect a monument at Fort Pierre, S. Dak., to commemorate the explorations and discoveries of the Verendrye brothers, and to expend not to exceed $25,000 therefor;

A bill (S. 4463) to authorize the erection of a memorial monument or fountain as a gift to the people of the United States by the Henry B. F. Macfarland memorial committee; and

A joint resolution (S. J. Res. 277) granting permission for the erection of a monument to symbolize the national game of baseball.

Mr. McCUMBER, from the Committee on the Library, to which was referred the joint resolution (S. J. Res. 274) to provide for the participation of the United States in the observance of the one hundredth anniversary of the enunciation of the Monroe doctrine and of the ninety-second anniversary of the death of James Monroe, reported it with an amendment.

Mr. CAMERON, from the Committee on Military Affairs, to which was referred the bill (S. 3761) for the relief of James Moran, reported it with amendments and submitted a report (No. 1138) thereon.

Mr. NEW, from the Committee on Claims, to which was referred the bill (S. 4308) to authorize the general accounting officers of the United States to allow credit to certain disbursing officers for payments of salary made on properly certified and approved vouchers, reported it without amendment and submitted a report (No. 1140) thereon.

SOUTHERN TRANSPORTATION CO.

Mr. PAGE. The bill (H. R. 7010) for the relief of the Southern Transportation Co. was considered by the Committee on Claims of the House and referred to the Committee on Naval Affairs of the Senate. I can not understand why it was sent to the Committee on Naval Affairs. I have taken up the matter with the Senator from Kansas [Mr. CAPPER], the chairman of the Committee on Claims, and he thinks the bill should properly go to that committee. I move that the Committee on Naval Affairs be discharged from the further consideration of the bill and that it be referred to the Committee on Claims.

The motion was agreed to.

AMERICAN EMBASSY IN SANTIAGO, CHILE.

Mr. LODGE. From the Committee on Foreign Relations I report back favorably, without amendment, the bill (S. 4522) authorizing the Secretary of State to convey certain land owned by the United States in Santiago, Chile, to the municipality of that city, and to acquire or receive in exchange therefor other land located in the said city.

I ask unanimous consent for the present consideration of the bill.

Mr. ROBINSON. Will the Senator from Massachusetts explain the bill?

Mr. LODGE. Yes; it is very easily explained. We bought and own a very fine embassy in the city of Santiago, Chile, with the land surrounding the embassy. On a portion of the land, a small lot 15 by 40 feet, with frontage on another street, there is a small adobe shanty. The city is going to put a new street through there and desires to take that small lot in order to get rid of the building, and will give us another piece of land at the other end of the embassy grounds which is even better than the lot to be taken by them. It is a good exchange for us. The bill is simply to authorize the Secretary of State to make the exchange of this small parcel of land.

Mr. ROBINSON. I think there is no objection to the bill.

Mr. LODGE. There can be no objection to it.

There being no objection, the bill was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of State, acting as the agent of the Government of the United States, is hereby authorized to convey to the municipality of Santiago, Chile, the title to and interest in a portion, containing not more than 30 square meters, of that parcel of land located in the city of Santiago on which the American Embassy is situated, together with the building thereon, known as 206 Merced Street, and other appurtenances thereto, and to acquire with the proceeds thereof, which are hereby appropriated for that purpose, or receive in exchange therefor, title to a parcel of land not exceeding 30 square meters in extent at the western end of Bueras Street and the appurtenances pertaining thereto.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WELLER:

A bill (S. 4526) authorizing the construction, maintenance, and operation of a dam and appurtenant intake and outlet structures across or in the Potomac River at or near Williamsport, Washington County, Md.; to the Committee on Commerce.

By Mr. SHEPPARD:

A bill (S. 4527) for the relief of A. H. Rebentish; to the Committee on Claims.

A bill (S. 4529) to complete the publication of the Moses Austin and Stephen F. Austin papers; to the Committee on Appropriations.

By Mr. BROOKHART:

A bill (S. 4530) granting a pension to Ed Colins; to the Committee on Pensions.

By Mr. BURSUM:

A bill (S. 4531) granting a pension to Nestor Alarcon;

A bill (S. 4532) granting a pension to Bernard Higgins;

A bill (S. 4533) granting a pension to Fannie E. Hilton;

A bill (S. 4534) granting an increase of pension to Edith B. Macon; and

A bill (S. 4535) granting a pension to Felipe Perata y Cisneros; to the Committee on Pensions.

KANSAS CITY, MEXICO & ORIENT RAILROAD.

Mr. SHEPPARD introduced a bill (S. 4528) for the relief of the Kansas City, Mexico & Orient Railroad of Texas, Oklahoma, and Kansas, which was read twice by its title and referred to the Committee on Interstate Commerce.

Mr. SHEPPARD. I present, for reference to the Committee on Interstate Commerce, a memorial of the Texas Legislature supporting the bill which I have introduced for the relief of the Kansas City, Mexico & Orient Railroad.

The memorial was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

Resolution relating to Orient Railroad, by Texas Legislature, on January 17, 1922.

The speaker laid before the house for consideration at this time the following resolution:

Senate Concurrent Resolution No. 8, relating to the Orient Railroad.

Resolved by the Senate of the State of Texas (the House of Representatives concurring), That the following memorial and petition to the Congress of the United States and prayer for relief from pending disaster and destruction of the Orient Railroad be adopted by the Thirty-eighth Legislature of the State of Texas and presented to the Congress of the United States and to the Interstate Commerce Commission; that

Whereas the Kansas City, Mexico & Orient Railroad, particularly that part of it built through Texas, is built through a pioneer section of the State susceptible of great development possibilities if given transportation facilities that must come through the proper maintenance and operation of said road, which aid and assistance can only come through the united action of our Federal Congress and the Interstate Commerce Commission permitting said road and the physical properties thereof to be taken over and operated under such conditions as will permit said road to continue as a factor for good in the development of that section of the State through which it has been constructed; and

Whereas the necessity for such transportation facilities in the proper development of the pioneer section of our country has heretofore been recognized and encouraged both by Federal and State land grants; and

Whereas said land grants can no longer be extended to any road because of the exhaustion of the public lands by such railroad grants; and

Whereas a great injustice can be done to a patriotic citizenship by permitting the abandonment of said railroad and the discontinuance of its operations: Therefore be it

Resolved, That the plan heretofore submitted to the Interstate Commerce Commission of the United States by the Hon. Lynch Davidson, lieutenant governor of the State of Texas, and embodied in this resolution, as follows—

Immunity from and relaxation of both Federal and State transportation laws are solvents to save the Orient Railroad from abandonment, the scrap pile, and wreckage.

That purpose is to be accomplished by Federal and State legislation, an act to be enacted by the Federal Government exempting any railroad owned or of which a substantial part is owned by a sovereign State or by the Nation from all transportation acts and laws other than the ordinary civil laws of the State and Nation.

The classification of the Federal acts to provide that the title of a road or roads enjoying such immunity shall be vested in a sovereign State or an agency created by a sovereign State, which agency shall be equivalent to State ownership of some substantial part of the road or all of said road.

To further provide that any debt or obligation owing to the Federal Government by any road or roads so situated, whose rehabilitation and operation have been assumed by a State, shall be subordinated to all claims and moneys expended by said State in the rehabilitation or operation of such railroad.

The measure to further provide that any net profits not essential to improvements, development, and betterments shall apply 50 per cent to the State and 50 per cent to repayment of any sum advanced by the Federal Government.

To further provide that such immunity, in the event of sale, transfer, or lease of a road to individuals or corporations, etc., shall continue for a period of 10 or 15 years following such transfer, lease, or conveyance, provided the State shall retain its control of said road and reserve the right to direct its affairs.

The Federal act to require the State or States to furnish the necessary capital for rehabilitation and operation of the road to which it has taken title, and such requirements to constitute a substantial guaranty of continuity of operation of such road or roads by the State or those holding under it.

Repayment of all moneys due the State and Nation or by a railroad under this classification shall be condition of its relinquishment by the State.

The Federal act to be effective upon only the enactment of corresponding legislation by a State or States—

Be submitted to the Congress of the United States, with the request that suitable legislation be enacted carrying said plan into effect and directing the Interstate Commerce Commission of the United States to make all suitable and necessary rules and regulations for the maintenance, operation, conduct, control, and management of said road in accordance with the terms of said plan.

Be it further resolved, That copies of this resolution be presented to the Oklahoma Legislature, now in session, and to the Kansas Legislature, now in session.

The resolution was read second time.

On motion of Mr. Chitwood, the resolution was referred to the committee on State affairs.

THE MERCHANT MARINE.

Mr. FLETCHER submitted an amendment intended to be proposed by him to the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENTS TO THIRD DEFICIENCY APPROPRIATION BILL.

Mr. CALDER submitted an amendment providing that the Comptroller General of the United States be authorized and directed to adjust and audit the claim of the city of New York for expenses incurred by said city in aiding to suppress the insurrection against the United States during the years 1861 to 1865, etc., intended to be proposed by him to the third deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BURSUM submitted an amendment proposing to pay $1,200 to Alexander K. Meek for extra and expert services rendered to the Committee on Pensions during the third and fourth sessions of the Sixty-seventh Congress as an assistant clerk to said committee by detail from the Bureau of Pensions, intended to be proposed by him to the third deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

ADDITIONAL CLERK TO DISTRICT COMMITTEE.

Mr. BALL submitted the following resolution (S. Res. 437), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That S. Res. 339, agreed to September 13, 1922, authorizing the Committee on the District of Columbia to continue the employment of an additional clerk, payable out of the contingent fund, until the end of the present Congress, be, and the same hereby is, further continued in full force and effect until the end of the Sixty-eighth Congress.

MONTHLY REPORTS OF CONDITION OF RAILROAD EQUIPMENT.

Mr. LA FOLLETTE. Mr. President, I ask leave to submit a resolution, which I ask may be printed in the RECORD.

Mr. ROBINSON. Let the resolution be read for the information of the Senate.

The resolution (S. Res. 438) was read, as follows:

Resolved, That the Interstate Commerce Commission be, and it is hereby, requested to report to the Congress, and when Congress is not in session to the President, as soon as possible after the first day of each month the condition of railroad equipment as revealed by the reports of the carriers and by the inspections of the commission, the number of persons killed, the number injured upon the railroads, and any other available data bearing upon the physical condition of the railroads and of railroad equipment, together with a statement of what action, if any, has been taken by the Interstate Commerce Commission within its statutory power to remedy the situation.

Resolved further, That such monthly reports as soon as transmitted to the President or to the Congress shall be available to the public.

Mr. LA FOLLETTE. I ask that the resolution lie upon the table, to be called up by me at the first opportunity.

The PRESIDING OFFICER. It will lie upon the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had adopted the concurrent resolution (S. Con. Res. 38) requesting the President to return to the Senate the bill (S. 2023) defining the crop failure in the production of wheat, rye, or oats by those who borrowed money from the Government of the United States for the purchase of wheat, rye, or oats for seed, and for other purposes.

The message also announced that the House had passed a joint resolution (H. J. Res. 440) to satisfy the award rendered against the United States by the arbitral tribunal established under the special agreement concluded June 30, 1921, between the United States of America and the Kingdom of Norway, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13926) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1924, and for other purposes; that the House had receded from its disagreement to the amendments of the Senate numbered 10 and 25 to the said bill and concurred therein; and that the House had receded from its disagreement to the amendment of the Senate numbered 26 and concurred therein with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13660) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1924, and for other purposes; that the House had receded from its disagreement to the amendments of the Senate numbered 24, 55, 64, 65, 75, 117, and 123 to the said bill and concurred therein; that the House had receded from its disagreement to the amendments of the Senate numbered 33, 56, 76, 83, 105, 112, 116, 118, 124, 126, and 129 and had concurred therein, severally, with an amendment, in which it requested the concurrence of the Senate; and that the House further insisted upon its disagreement to the amendment of the Senate numbered 127.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Presiding Officer [Mr. MOSES] as Acting President pro tempore:

H. R. 855. An act for the relief of Fred G. Leith, United States Navy;

H. R. 6204. An act to grant the military target range of Lincoln County, Okla., to the city of Chandler, Okla., and reserving the right to use for military and aviation purposes;

H. R. 11389. An act for the relief of Robert Guy Robinson;

H. R. 12007. An act providing for the conveyance of certain land to the city of Boise, Idaho, and from the city of Boise, Idaho, to the United States;

H. R. 12887. An act granting a pension to Jacob F. Rosenberger; and

H. R. 13696. An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1924, and for other purposes.

HOUSE JOINT RESOLUTION REFERRED.

H. J. Res. 440. A joint resolution to satisfy the award rendered against the United States by the arbitral tribunal established under the special agreement concluded June 30, 1921, between the United States of America and the Kingdom of Norway was read twice by its title and referred to the Committee on Appropriations.

THE CALENDAR.

The PRESIDING OFFICER. Morning business is closed and the calendar under Rule VIII is in order.

Mr. CURTIS. I ask unanimous consent that this morning we begin the call of the calendar at the number where we left off on the last calendar day, Calendar No. 992, and that unobjected bills be considered.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent that the calling of the calendar may begin with No. 992, and that unobjected bills be considered. Is there objection?

Mr. STERLING. Is that done with the understanding that we shall begin then at the beginning of the calendar?

Mr. CURTIS. Certainly; if the call of the calendar is completed before 2 o'clock, then we will begin at the beginning of the calendar.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Kansas?

Mr. McNARY. I wish to inquire if that is the number at which we stopped when the calendar was last called?

The PRESIDING OFFICER. It is the number, as the Chair stated.

Mr. McNARY. Then if we finish the rest of the calendar, we will start with the first number on the calendar?

Mr. CURTIS. Yes; we shall then start at the beginning.

The PRESIDING OFFICER. The Chair so understands. Is there objection to the request made by the Senator from Kansas that the calling of the calendar begin with No. 992 and that unobjected bills be considered? The Chair hears no objection. The Secretary will report Calendar No. 992.

Mr. UNDERWOOD. As I understand the order, it is that we will consider only unobjected bills?

The PRESIDING OFFICER. That was the request.

Mr. ROBINSON. What was the request of the Senator from Kansas?

The PRESIDING OFFICER. The request of the Senator from Kansas was that the call of the calendar should begin with the number where the call of the calendar was left off on the last day it was considered, and that unobjected bills shall be considered. The Secretary will report Calendar No. 992.

Calendar No. 992, the bill (S. 129) to provide for election contests in the Senate of the United States, was announced as first in order.

Mr. WALSH of Montana. That bill was reported from the Committee on Privileges and Elections. I have not yet had an opportunity to look into it fully, and I ask that it may go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. ASHURST. Mr. President, this is calendar Monday, and I emphatically object to call the calendar in any other fashion than in accordance with the rule. That is to say, I desire the rule to be strictly observed in this respect: That if anyone objects to a bill, a Senator shall have the right to move to proceed to its consideration.

Mr. LODGE. The order has already been made.

The PRESIDING OFFICER. The Chair will state that unanimous consent has already been granted.

Mr. ASHURST. Then, of course, I am helpless and powerless, but I shall hereafter insist that those who ask for unanimous consent shall at least not whisper the request. I do not know who made it, and I think that is not exactly the best way to proceed with the calendar. I promised over a dozen Senators that we should have calendar Monday, but a whispered conversation arises as a result of which we are precluded from moving to proceed to the consideration of bills that are objected to. I ask unanimous consent that the order be rescinded and that the calendar be called as the rule requires it to be called.

Mr. CURTIS. In view of the fact that I presented the unanimous-consent request and stood in the center aisle, as I did so, and stated it loudly enough for the Chair to hear, and it was submitted to the Senate about three times by the Chair, I shall object to the Senator's request.

The PRESIDING OFFICER. Objection is made.

Mr. FRELINGHUYSEN. I should like to ask the Senator from Kansas whether there will be an opportunity to consider those bills which precede Calendar No. 992. There are a number of us interested in those bills, and we would like to have them considered if possible.

Mr. CURTIS. It was stated when the unanimous-consent request was agreed to that if the calendar was completed before 1 o'clock, we would begin at the beginning and the call would proceed in that way.

The PRESIDING OFFICER. The Chair will announce for information that, in pursuance of that understanding, the Chair will hold that bills objected to, prior to No. 992 on the calendar, may be taken up on motion.

Mr. CURTIS. That is right.

The PRESIDING OFFICER. The next bill on the calendar will be reported.

The bill (H. R. 7761) to amend the Revised Statutes of the United States relative to proceedings in contested-election cases was announced as next in order.

Mr. ASHURST. Let that go over.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 4283) to authorize the Commissioners of the District of Columbia to require operators of motor vehicles in the District of Columbia to secure a permit, and for other purposes, was announced as next in order.

Mr. ASHURST. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3773) to reduce night work in the Postal Service was announced as next in order.

Mr. DIAL. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4248) to fix the compensation of employees in post offices for overtime services performed in excess of eight hours daily was announced as next in order.

Mr. DIAL. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3942) for the relief of John H. McAtee was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4315) to amend section 2 of the legislative, executive, and judicial appropriation act, approved July 31, 1894, was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

ESTATES OF CITIZENS DYING ABROAD.

The bill (S. 4379) to amend section 1709 of the Revised Statutes of the United States, as amended, was announced as next in order.

The reading clerk proceeded to read the bill.

Mr. ROBINSON. Mr. President, I ask the Senator from Minnesota [Mr. NELSON], who I observe reported this bill, to make a statement respecting its purpose.

Mr. NELSON. Mr. President, I will make a brief explanation of the bill. It relates to the disposition by the diplomatic and consular officers of the Government of the funds arising from the estates or effects of citizens of the United States who die abroad. At present such funds are handled by the Secretary of State, and the purpose of this bill is to turn them over to the accounting officers of the Government. No change is proposed in the existing law except the transfer of such funds to the accounting officers of the Government.

Mr. ROBINSON. Is the report of the committee unanimous in favor of the bill?

Mr. NELSON. Yes; the report is unanimously in favor of the bill.

Mr. ROBINSON. I have no objection to the consideration of the bill.

Mr. KING. Let the bill be read.

Mr. UNDERWOOD. I should like to have the bill read.

The PRESIDING OFFICER. The bill will be read.

The bill was read, and the Senate, as in Committee of the Whole, proceeded to its consideration, as follows:

Be it enacted, etc., That section 1709 of the Revised Statutes of the United States as amended by the act of March 3, 1911, is hereby further amended so that the fifth and sixth paragraphs of the said section shall read as follows:

"Fifth. To transmit the balance of the estate to the General Accounting Office, to be holden in trust for the legal claimant; except that if at any time before such transmission the legal representative of the deceased shall appear and demand his effects in their hands they shall deliver them up, being paid their fees, and shall cease their proceedings.

"Sixth. The General Accounting Office shall act as conservator of such part of these estates as may be received, and for their protection the Comptroller General of the United States may order such effects to be sold as may consist of jewelry or other articles which have heretofore or may hereafter be received, and pay the expenses of such sale out of the proceeds: *Provided*, Application for these effects shall not have been made by the legal claimant within two years after their receipt. The Comptroller General is authorized to indorse all bills of exchange, promissory notes, and other evidences of indebtedness due to such estates, and to take such steps as may be necessary for their collection. The proceeds of such sales, together with such other moneys as may be collected by him, shall be deposited into the Treasury in trust for the legal claimant, and be reported to the Secretary of State."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MAILING PRIVILEGES FOR PUBLICATIONS FOR THE BLIND.

The bill (S. 3078) to provide for the free transmission through the mails of certain publications for the blind was announced as next in order.

Mr. STERLING. Mr. President, I am requested by the author of that bill to ask that the bill go over pending some conferences which it is desired may be held with the Post Office Department relative to the measure. It is an important bill.

The PRESIDING OFFICER. The bill will be passed over. The Secretary will state the next bill on the Calendar.

EUGENE K. STOUDEMIRE.

The bill (S. 1031) for the relief of Eugene K. Stoudemire was considered in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and to insert:

That the United States Employees' Compensation Commission shall be, and it is hereby, authorized to extend to Eugene K. Stoudemire, who suffered the loss of an eye on August 3, 1915, while in the discharge of his duty as an engineer on the towboat *Alabama*, in the river and harbor service of the Government, the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, compensation hereunder to commence from and after the passage of this act.

Mr. KING. Mr. President, reserving the right to object, I should like some explanation in regard to the bill and, furthermore, in regard to the policy which seems to be suggested under this bill and under one or two other bills which have recently come before us of extending the benefits of the compensation law to those who may have claims against the Government for injuries arising long before the passage of the act. It seems to me that when Congress passed a law and fixed the date when it should go into operation and made no provision that it should be retroactive, it is rather a dangerous precedent to have Congress now open up all cases involving persons who were injured at a period anterior to the passage of the law. If we permit injuries which were inflicted in 1915 to be compensated for, why not allow compensation to be paid by the Government for injuries which were inflicted in 1914 and in 1912 and in 1911 and in 1910, and, indeed, 20, 30, or 40 years ago? I should like some explanation as to the reason why the Government did not make the compensation act retroactive; and if it did not see fit in its wisdom to do so, why we should take up these cases by piecemeal and grant relief to all persons who were injured many years ago while in the employ of the Government.

Mr. HEFLIN. Mr. President, when this bill was introduced it sought to have paid to this injured man $7,500. The Committee on Claims investigated the case, however, and decided that the claimant was not entitled to that amount or that it would not consent that he be paid that amount in a lump sum, but that he did have a meritorious case and should be put on the list of those injured in the service of the Government who have been granted relief under the compensation act. That is what has been recommended by the committee. I trust there will be no objection to the passage of the bill, Mr. President. He is a humble citizen——

Mr. ROBINSON. He is a laboring man?

Mr. HEFLIN. Yes; he is a laboring man. He suffered the loss of his eye, and as a result is in bad shape. He is a poor man; he was serving the Government at the time this accident occurred; he is, as I have said, a poor man and needs the money. I had hoped that the committee would recommend the payment of $7,500 to him; but, instead, it saw fit to put him on the list of those who were injured in the service of the Government, which will allow the payment to him of a small sum each month.

I trust that my friend from Utah will make no objection to the bill. I should like to have it passed by the Senate so that it may be sent to the House and receive consideration in that body before the present session of Congress expires.

Mr. KING. Mr. President, may I inquire of the Senator whether he believes the Government of the United States should now provide compensation for all persons who were injured prior to the passage of the compensation act, regardless of any statute of limitations, assuming there is a statute of limitations in these matters, back for 20 or 30 or 40 years? Where are we going to draw the line?

Mr. HEFLIN. I would be governed largely by the circumstances in the case. Many poor fellows who are injured do not know what to do until somebody tells them, "If you were injured while in the service of the Government you ought to have presented your claim to the Government." That frequently happens, and in many instances in cases of this sort a long time elapses after the injury occurs before any action is taken, because the person injured does not know what steps to take. The poor fellow who is the claimant in this case was knocked down and his eye put out; the committee investigated and saw fit to recommend that he be put on the list of those receiving benefits under the compensation act. I would favor relief for cases of that kind.

Mr. KING. Mr. President, I shall not object to the consideration of this bill; but it seems to me that when Congress had this subject before it in the beginning, knowing, undoubtedly, that there were persons who had been in the employ of the Government who had been injured, and did not see fit in their wisdom to make the bill retroactive so as to afford relief to those who may have been injured 5, 10, 15, or 20 years prior to that time, it is rather a dangerous thing for the Congress now to open the gates to all such claims.

Mr. ROBINSON. Mr. President, will the Senator yield to me?

Mr. KING. I yield.

Mr. ROBINSON. The bill is somewhat unusual in form, but my information is that in a number of instances the Congress has provided for claimants whose injuries occurred prior to the passage of the compensation act by appropriating the sums which they would have received if they had been entitled to the benefits of that act.

Mr KING. That is to say, if the bill was in force at the time of the injury.

Mr. ROBINSON. Yes. This bill has the same effect as a number of bills reported from the Claims Committee and passed by the Senate heretofore giving the claimants the benefits of the provisions of the compensation act. The language is different, but the effect is the same. Quite a number of bills of this character have been enacted.

Mr. KING. May I say to my good friend from Arkansas that it is my understanding of the effect of the bill that it would, if passed, give the beneficiary the same rights and the same benefits as if the compensation had been in force at the time of the accident?

Mr. ROBINSON. In a number of cases, instead of making the provisions of the compensation act applicable to the particular

individual and the injury that he sustained, the Congress has simply made an appropriation of the amount which would accrue to him under the compensation act.

Mr. KING. I should be glad to have my friend from Arkansas give his view as to the wisdom and propriety of going back of the compensation act and allowing compensation to persons who were injured long before the act was passed.

Mr. ROBINSON. If the Congress had pursued the course implied in the question of the Senator from Utah and had declined to allow compensation to any individual before the compensation act became effective or applicable to his rights, I would be in sympathy with the proposal to deny its benefits in a particular case, such as the one at bar, but inasmuch as we have heretofore relaxed it in a number of instances, I see no reason why it should not be done in this case.

Mr. KING. The Senator will see that many years after an accident occurs it may be impossible to ascertain the facts and perhaps show very good reason why no compensation should be paid at all on any moral or legal ground.

Mr. ROBINSON. The Senator from Utah will also see that in a great many instances—I do not know that the statement is applicable to this particular case—where claims presented to the Congress of the United States the condition of business before the Congress is such that they can not have consideration here until after a great many years have elapsed. That statement is applicable to a large number of claims which are now pending before the Congress. It is admittedly difficult to give prompt consideration to every claim that is presented. Our system in that respect is subject to criticism. All such claims ought to be determinable by some tribunal having the qualifications and jurisdiction ordinarily possessed by courts, but I know that the Congress during my service here has passed a great many bills which have given to claimants who were injured prior to the passage of the compensation act the benefits of that act.

Mr. KING. Let me say to the Senator I have been advised that certain persons have been quite alert since a number of these bills have been passed to find persons who were injured years before the compensation act was enacted for the purpose of urging the presentation of their claims to Congress. It seems to me that when Congress passed the compensation act it ought either to have provided for those who were injured prior to its enactment or fixed a time beyond which the benefits of the act would not go.

Mr. ROBINSON. As a general proposition, I think the Senator is right in that particular.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REPRESSION OF PROSTITUTION.

The bill (S. 3544) to enlarge the powers and duties of the Department of Justice in relation to the repression of prostitution for the protection of the armed forces, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with an amendment, on page 2, line 19, after the words "June 30," to strike out "1923" and insert "1924," so as to make the bill read:

Be it enacted, etc., That the powers and duties of the Department of Justice be, and they are hereby, enlarged to enable the agents or representatives of the department to inquire into and investigate vice conditions in the vicinity of or adjacent to Army or naval camps, posts, stations, forts, ports, or hospitals in the continental United States, the Territories of the United States, the insular possessions of the United States, and the Panama Canal Zone, or at any place under the authority of the United States where the armed forces of the United States or ex-soldiers and ex-sailors of the United States are stationed under the care and authority of the United States, and to use every lawful means, either independently or in cooperation with the authorities of any State, city, town, county, District, Territory, or the authorities of the insular possessions of the United States and the Panama Canal Zone for the prevention and repression of such vice conditions for the protection of the armed forces or such ex-soldiers and ex-sailors against venereal infection.

SEC. 2. That the Department of Justice shall take over such of the duties, books, records, equipment, and personnel of the United States Interdepartmental Social Hygiene Board as the President of the United States may by Executive order direct.

SEC. 3. That there is hereby authorized an appropriation out of the Treasury of the United States annually, beginning with the fiscal year ending June 30, 1924, the sum of $325,000 to carry out the purposes of this act, including the payment for personnel services, books, furniture, periodicals, and necessary books of reference in the District of Columbia.

Mr. WALSH of Montana. Mr. President, I should like to have the Senator from California [Mr. SHORTRIDGE], who reported this bill, explain to us just exactly what means the representatives of the Department of Justice may take independently of the local authorities to accomplish the result to be achieved by this bill.

Mr. KING. Reserving the right to object, Mr. President, I shall be glad to hear the explanation.

Mr. SHORTRIDGE. Mr. President, this bill was introduced by the Senator from Washington [Mr. JONES]. It found its way to the Committee on the Judiciary and was by that committee considered and reported with an amendment, the reason for the action of the committee being set forth in the printed report accompanying the bill.

The Senate is doubtless aware that the activities referred to in this bill have heretofore been discharged by an interdepartmental commission or committee. The purpose of the bill is to transfer those activities to the Department of Justice. The report accompanying the bill carries a letter addressed to me by the Interdepartmental Social Hygiene Board.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Montana?

Mr. SHORTRIDGE. Certainly.

Mr. WALSH of Montana. Perhaps the Senator did not understand my question. I have no difficulty at all in arriving at the purpose of the bill. I addressed a specific question to the Senator, namely: The bill provides that the representatives of the Department of Justice shall take such means as may be necessary, any lawful means, for the prevention and repression of these vice conditions; and these lawful means are to be pursued either independently of the local authorities or in conjunction with the local authorities. What I want to know is, What are these independent means that the secret service will take, independently of the local authorities, to suppress vice conditions?

Mr. SHORTRIDGE. My immediate reply to the question would be this, although the Senator states the matter in such form, it seems to me, as to bring about its own answer: As I understand this proposed measure, the Department of Justice is to cooperate with the local authorities.

Mr. WALSH of Montana. Quite so, sir; but in addition to that they are to proceed independently, if they desire to do so.

Mr. SHORTRIDGE. The word indicates what they are to do. If they have the legal power under existing laws, in cooperation, it may be, with the Army officers, they are to take such steps, suggest such means, and employ such persuasive force as will accomplish the end desired, namely, the protection as against dangerous diseases of the sailors and the soldiers in the public service. Just what means they would adopt, just in what way they would proceed, would be a matter within their discretion, as I understand this measure. I think that is a sufficient answer.

Mr. WALSH of Montana. That is just exactly what I am trying to find out from the Senator. They may proceed in cooperation with the local authorities. That is to say, they may go before the justice of the peace or the committing magistrate and complain about violations of the local law, and the local authorities will thereupon proceed to prosecute. Anybody can understand that; but, in addition to that, they are given authority to proceed, independently of these local authorities, to do something. That is what I want to know. Here is a grant of authority to officers of the Secret Service to proceed independently, within the exclusive jurisdiction not of the United States but of the State authorities, by some means independent of the State authorities, to do something. What I want to know is, What it is that thing they are going to do?

Mr. SHORTRIDGE. Will the Senator permit me, then, to give my view touching the scope of this bill? I understand that the Department of Justice is to carry on the work hitherto carried on by the Interdepartmental Social Hygiene Board. In a word, as I recall and understand, that board has proceeded somewhat in this way——

The PRESIDING OFFICER. The time of the Senator from California has expired.

Mr. SHORTRIDGE. I was answering the question of the Senator from Montana.

The PRESIDING OFFICER. To be sure; but the Senator from California will recall that the Chair specifically asked if he yielded to the Senator from Montana.

Mr. SHORTRIDGE. I did not know I had the floor.

The PRESIDING OFFICER. Certainly. The Chair said the Senator from California was recognized. The Chair wishes to state that in view of the crowded condition of the calendar, in view of the fact that there will be but three calendar days prior to the expiration of this Congress, and in view of the further fact that so many Senators are interested in measures upon the calendar, so far as the present occupant of the chair can do

it the five-minute rule and the speaking-but-once rule will be strictly enforced.

Mr. SHORTRIDGE. I am not seeking to offend against that rule.

Mr. WALSH of Montana. Mr. President, I move to amend by striking out the words "either independently or," in line 5, on page 2.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Montana.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the committee.

The amendment was agreed to.

The PRESIDING OFFICER. Without objection, the bill as amended——

Mr. STANLEY. Mr. President, there is objection to the passage of this bill as amended.

The PRESIDING OFFICER. Then the bill will be passed over. The Secretary will state the next bill on the calendar.

FRANKLIN GUM.

The bill (S. 2598) for the relief of Franklin Gum was announced as next in order, and was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, Franklin Gum, who was a private in Company A, Forty-eighth Regiment Wisconsin Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged therefrom: *Provided*, That other than as above set forth no bounty, pay, pension, or other emolument shall accrue prior to or by reason of the passage of this act.

Mr. KING. Mr. President, reserving the right to object, I should like to have an explanation of the bill and I should like to have the report read, too.

Mr. BROOKHART. Mr. President——

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. BROOKHART. Does the Senator desire the report to be read?

Mr. KING. Yes; I should like the report read.

The PRESIDING OFFICER. The report will be read.

The reading clerk proceeded to read the report (No. 1033) submitted by Mr. BROOKHART on January 23, 1923, as follows:

Report to accompany S. 2598.

The Committee on Military Affairs, to which was referred the bill (S. 2598) for the relief of Franklin Gum, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The report from the War Department on this measure is appended hereto and made a part of this report, as follows:

CASE OF FRANKLIN GUM, PRIVATE, COMPANY A, FORTY-EIGHTH WISCONSIN INFANTRY, CIVIL WAR.

The records show that Franklin Gum was enrolled February 15, 1865, at Omro, Wis., and was mustered into service February 18, 1865, at Milwaukee, Wis., as a private of Company A, Forty-eighth Wisconsin Infantry, to serve one year, and deserted therefrom April 1, 1865, at Camp Washburn, Milwaukee, Wis. He never thereafter returned to his command, which remained in service until December 30, 1865, or reported his whereabouts or the cause of his absence to the military authorities. No medical record in the case of this solider has been found.

It appears that prior to this soldier's service in the Army as above stated he served an enlistment in the United States Navy, and in applying to this department in 1895 for removal of the charge of desertion and for an honorable discharge he stated that he was prevented from completing his term of enlistment in the Army because of chronic diarrhea contracted while serving in the Navy.

The soldier again made application to this department for relief in 1904, and submitted an affidavit in which he stated that he served as a private in Company A, Forty-eighth Wisconsin Infantry, until April 1, 1865, when without any intention of deserting he left the regiment under the following circumstances: "While we were stationed at Milwaukee I got a furlough to go home, and while at home was taken sick, it being a recurrence of chronic diarrhea that I contracted during my previous service in the Navy; and when my furlough expired I was not able to return to my regiment, and for that reason I could not report for duty."

This soldier again testified, April 20, 1907, that he served faithfully until on or about the —— day of April, 1865; that he left the regiment on furlough and was unable to return on account of sickness—chronic diarrhea.

The application for removal of the charge of desertion and for an honorable discharge in the case of this soldier has been denied and now stands denied on the ground that he did not complete his term of enlistment and that it has not been satisfactorily established that he was prevented from completing it by reason of disability incurred in the line of duty in the Army, and because the case does not come within any of the provisions of the act of Congress approved March 2, 1889 (25 Stat. L. 869), which is the only law in force governing the subject of removal of charges of desertion.

Respectfully submitted.

ROBERT C. DAVIS,
Acting The Adjutant General.

WAR DEPARTMENT,
The Adjutant General's Office, June 7, 1922.

The SECRETARY OF WAR.

Three affidavits have been submitted to your committee regarding this case. All three affidavits recite the facts in detail, and, as they agree in all the details, is is thought that only one need be inserted in this report. An affidavit from A. A. Wiles is therefore inserted, as follows:

"IN RE FRANKLIN GUM, OMRO, WIS., LANDSMAN, U. S. S. 'GREAT WESTERN,' AND PRIVATE, COMPANY A, FORTY-EIGHTH WISCONSIN INFANTRY, CIVIL WAR.

"STATE OF WISCONSIN, *Winnebago County, ss:*

"A. A. Wiles, being first duly sworn, on oath deposes and says that he is now and ever since the year 1864 has continuously been a resident of the village of Omro, Winnebago County, Wis.; that ever since the year 1864 he has known the above-named Franklin Gum; that he knew of him as a soldier in the Civil War and of his service in the United States Navy; that since he came home from the War of the Rebellion he has known him to be in poor health, particularly immediately after his return from the Army; that during all of his years of acquaintance with the said Franklin Gum he has known him to be a good, law-abiding citizen, a person without financial means, and because of his advanced age at the present time and his condition of poverty and poor health he is unable to earn or provide himself with a livelihood; that the said Franklin Gum was a mere youth at the time he entered the service of the United States Government in the Civil War; that he was when a youth and young man and always has been a person of subnormal intellect, but harmless and law-abiding.

"Deponent further says that he verily and sincerely believes and feels that because of the honorable service of the said Franklin Gum in the Civil War and his honorable discharge from the United States Navy at the close of the period of his enlistment and his subsequent reenlistment in the Army that he should be reinstated to the pension roll of the United States Government, from which he was stricken in 1895.

"And deponent further says that he verily believes that the failure of the said Franklin Gum to return to his command in the Army and receive his discharge therefrom after the surrender of General Lee in 1865 was due solely to the fact of the extreme youth of the said Franklin Gum at that time, the condition of his health and mind, and his failure to understand what was required of him, and not through any desire on the part of the said Franklin Gum to refract any of the laws of the United States or to evade any duties required of him, and that the said Franklin Gum then honestly believed that the war was over and that his services were no longer required in the Army, and that nothing further in reference to his enlistment in the Army was required of him.

"A. A. WILES.

"Subscribed and sworn to before me this 6th day of October, A. D. 1921.

"[SEAL.] "WILBUR E. HURLBUT,
"*Notary Public, Wisconsin.*

"My commission expires April 2, 1922."

In view of the fact that Gum completed his enlistment period in the Navy and was honorably discharged therefrom, and also that the affidavits submitted testify that Gum suffered from illness at the time of his furlough and did not later believe that it was necessary for him to return because the war was over, and also because of the mental condition of Gum as sworn to by the persons making affidavits, your committee recommends that the bill be passed.

Mr. KING. Mr. President, if I may interrupt the reading, with a view to further investigating the matter I shall object to the immediate consideration of the bill, because it appears that this man was a deserter.

The PRESIDING OFFICER. The bill will be passed over. The Secretary will state the next bill on the calendar.

ELI N. SONNENSTRAHL.

The bill (S. 1280) for the relief of Eli N. Sonnenstrahl was announced as next in order.

Mr. KING. Reserving the right to object, let the bill be read.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The READING CLERK. The amendment of the Committee on Claims proposes to strike out all after the enacting clause, and to insert:

That the claim of Eli N. Sonnenstrahl, of Brooklyn, N. Y., for such further sum as he may be entitled to recover, as added to the amount he has already received, for certain beans commandeered by the Navy Department, at San Francisco, Calif., on or about February, 1918, may be sued for and submitted to the United States District Court in and for the Eastern District of New York, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for such amount and costs, if any, as shall be found to be due against the United States in favor of said Sonnenstrahl upon the same principles and measures of liability as in like cases under section 10 of the Lever Act, and with the same rights of appeal: *Provided*, That suit shall be brought and commenced within four months from the date of the passage of this act.

Mr. KING. Let the report be read, please.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

Mr. CALDER. Mr. President, if the Senator will permit me, I think the letter in the last part of the report, signed by the Assistant Secretary of the Navy, covers the ground.

Mr. KING. I shall be glad to have an explanation from the Senator from New York as to this bill.

Mr. CALDER. Mr. President, the beans that are referred to in this bill were owned by one Eli N. Sonnenstrahl. He offered to sell them to the Government at cost. The Government refused to take them; but in 1918, without notice, the Government commandeered these beans, and paid him some $22,000 for them. He claims that they were worth $26,000. At any rate, the Government refused to pay him more than

they tendered him. Subsequently, however, in negotiations with the Navy Department, they offered to give him an additional sum of $472.66. He believed he was entitled to something like $2,851. He asks the right to sue for that amount.

Mr. KING. It is a question of ascertaining the value of property which the Government commandeered?

Mr. CALDER. It is.

Mr. KING. The Government feels that the claimant is entitled to $400 more?

Mr. CALDER. Yes; and he thinks he is entitled to $2,815.28.

Mr. KING. And he wants the right to sue the Government?

Mr. CALDER. That is all he asks.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CALL OF THE ROLL.

Mr. DIAL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Gerry	McKinley	Smoot
Ball	Glass	McLean	Spencer
Bayard	Gooding	McNary	Stanley
Borah	Harreld	Moses	Sterling
Brookhart	Harris	Nelson	Sutherland
Calder	Harrison	New	Swanson
Cameron	Heflin	Norris	Townsend
Capper	Hitchcock	Oddie	Trammell
Caraway	Jones, Wash.	Overman	Underwood
Colt	Keyes	Owen	Wadsworth
Couzens	King	Page	Walsh, Mass.
Culberson	Ladd	Phipps	Walsh, Mont.
Curtis	La Follette	Pomerene	Warren
Dial	Lodge	Ransdell	Weller
Dillingham	McCormick	Robinson	Williams
Frelinghuysen	McCumber	Sheppard	Willis
George	McKellar	Shortridge	

The PRESIDING OFFICER. Sixty-seven Senators having answered to their names, a quorum is present. The Secretary will report the next bill on the calendar.

HARRY E. FISKE.

The bill (S. 4191) for the relief of Harry E. Fiske, was announced as next in order and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $3,689.35 to Harry E. Fiske, on account of injuries received at the Watertown Arsenal, through no fault of his own, while testing a gun carriage on January 6, 1916.

Mr. DIAL. I notice from the report in this case that the beneficiary has received compensation, and this is a bill to give him additional compensation. I wonder if Congress wants to follow that policy. It occurs to me that it would be unwise.

Mr. LODGE. This is the case of a man who was blinded for life by an accident at the Watertown Arsenal. The passage of the bill is recommended by the War Department. The man did not have the benefit then of the workmen's compensation act, and this is a bill to settle his claim. It has been approved by the department. It is a case where the claimant deserves this additional $5,000, which, without this bill, he would not receive.

I ask that there be substituted for the bill just read House bill 10529, a bill on the calendar, passed by the House, for the relief of the claimant and reported favorably by the Committee on Claims.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10529) for the relief of Harry E. Fiske, which was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $3,689.35 to Harry E. Fiske on account of injuries received at the Watertown Arsenal, through no fault of his own, while testing a gun carriage on January 6, 1916.

The motion was agreed to.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. LODGE. I move that Senate bill 4191 be indefinitely postponed.

The motion was agreed to.

PAYMENT OF CLAIMS FOR DAMAGES.

The bill (S. 4313) for the payment of claims for damages to and loss of private property incident to the training, practice, operation, or maintenance of the Army, was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to claimants named in this act the several sums appropriated herein, for the payment of claims for damages to and loss of private property incident to the training, practice, operation, or maintenance of the Army, namely:

To Mary Bauman, Lancaster, Calif., $1,048.75; to R. W. Eubanks, Atlanta, Ga., $842.28; to William R. Midgley, Oceanport, N. J., $538; to Standard Shipbuilding Corporation, New York City, $3,921.59; to Lord Dry Dock Corporation, Weehawken, N. J., $1,034.55; to Fred E. Jones, New York City, $13,457.64; to Stephenson & Bills, Lakewood, N. J., $2,211.90; to B. F. Jones estate, Pittsburgh, Pa., $596.06; to W. S. Lloyds (Inc.), New York City, $890.33; to Firemen's Fund Insurance Co., New York City, $890.33; to St. Paul Fire & Marine Insurance Co., New York City, $890.33; to Mrs. W. D. Holman (estate of Moses Samuels), Lakewood, N. J., $13,368.18; to Dominion of Canada, Ottawa, Canada, $1,200; to James R. Sutton, Kempton, Ill., $850; to Arabella D. Huntington, New York City, $524.27; to Porto Rico Coal Co., San Juan, P. R., $1,000; to the New York State Fair Commission, Syracuse, N. Y., $12,098.25; to Riverside Contracting Co., Brooklyn, N. Y., $8,893.01; to Charles Jensen, Omaha, Nebr., $1,038.50; to Cornell Steamboat Co., New York City, $1,235; to Southern Transportation Co., Philadelphia, Pa., $651; to Joe A. Ottman, Mercedes, Tex., $512.20; to Silver Lake Park Co., Atlanta, Ga., $18,000.

Mr. WARREN. Mr. President, this is a matter which was sent to us by the Budget a year ago, and also this year. All of these are claims which have been audited, but under a clause included in an appropriation last year all claims amounting to more than $5,000 were made subject to subsequent legislation. Hence this list of claims was sent to the Committee on Claims and acted on favorably by that committee. We have passed this same list of claims twice in appropriation bills, but they have gone out in conference. All of them are adjudicated claims, and among them is one for a sum due the Dominion of Canada. All the claimants should have their money; they have been waiting a long time.

Mr. FRELINGHUYSEN. Reserving the right to object, I should like to ask the Senator from Wyoming if this is not supposed to be clean-up of all the claims for damages caused in the various cantonments during the war? There are two claims covered by House bills for damages to cranberry bogs in my State. The damage was caused by firing from Camp Dix, and I ask why those claims are not included. They have been passed upon and approved by the War Department, and this is supposed to be an omnibus bill carrying all those claims. Will not the Senator allow those to be added to this bill as amendments?

The PRESIDING OFFICER. The Senator from Wyoming having already spoken once on the bill, if he speaks again it will have to be in the time of the Senator from New Jersey.

Mr. FRELINGHUYSEN. I yield for that purpose.

Mr. WARREN. The claims spoken of by the Senator from New Jersey do not seem to have reached the same point the others have reached, although from letters in his possession, which I have seen, it would seem as if they had been adjudicated up to a certain point and would probably go through at some other time. I personally believe the claims are good, but I have not as much information regarding them as I have with respect to the others.

Mr. FRELINGHUYSEN. I move that the bill be amended by adding a new paragraph at the end of the bill, as follows:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lee C. Davis, of Wrightstown, N. J., the sum of $1,807.61, for damages by fire on June 11, 1921, to certain cranberry bogs adjacent to the rifle range at Camp Dix, N. J.

The amendment was agreed to.

Mr. FRELINGHUYSEN. I now move that the bill be further amended by adding, after the amendment just agreed to, the following:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Thomas N. Emley, of Cookstown, N. J., the sum of $7,040.08, for damages by fire on June 11, 1921, to certain cranberry bogs adjacent to the rifle range at Camp Dix, N. J.

Mr. WARREN. I suggest to the Senator that if he wishes to have the first amendment go through, he had better withhold the one just suggested. The latter amendment has not reached the same point in consideration.

Mr. FRELINGHUYSEN. I withdraw the amendment just offered.

Mr. KING. Mr. President, in my time I would like to have the Senator from Wyoming explain the liability of the Government. I am not sure as to the basis of these claims against the Government.

Mr. WARREN. The claims are all right. The laws provided for the settlement of them and similar claims under the Lever Act and the other acts. They are being settled, and have very largely been settled, but when it came down to the last ones, where there were different points which required investigation, they were very carefully investigated, but a clause in an appropriation bill really repealed all legislation theretofore passed for any claim amounting to over $5,000. These amounts were grouped together, and consequently they amounted to some eighty or ninety odd thousand dollars, and they have been eliminated from the usual payments and sent to Congress by the Budget Bureau. They have been twice put in appropriation bills, because they are as much due as any other obligation of the Government.

Mr. KING. I understand these are valid claims against the Government. Are they under contracts or for torts?

Mr. WARREN. They are in payment of damages caused at various places by the Army, in camp, training, and so forth.

Mr. KING. And each one has been investigated?

Mr. WARREN. Each has been investigated.

Mr. KING. The Budget has approved them?

Mr. WARREN. Yes; there is a list of some 25 of them.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HOWARD R. GURNEY.

The bill (S. 4333) for the relief of Howard R. Gurney was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

E. J. REYNOLDS.

The bill (S. 4345) for the relief of E. J. Reynolds was announced as next in order.

Mr. SMOOT. Let that go over.

Mr. WILLIS. Mr. President, will not the Senator from Utah withhold his objection a moment? I want to call his attention to the favorable report from the department, and also, if I may, bring his attention more particularly to the facts of the case. The department recommends the passage of the bill.

Mr. SMOOT. I do not know whether the Secretary of the Treasury recommends it or not. In a letter from Secretary Mellon, appearing on page 3 of the report, he states:

A protest was filed by Mr. Reynolds against the liquidation under the provisions of paragraph N, section 3 of the tariff act of 1919, which protest was forwarded to the department by the collector under date of July 9, 1920. The claim was made that the entry should be liquidated under the provisions of paragraph Y.

Mr. WILLIS. If the Senator will read the later letter, under date of May 9, 1922, a year after that, which he will find on page 2 of the report, he will see that the department are in favor of the passage of the bill. The Senator is reading an old letter, under date of May 12, 1921. A year later, after they had the facts before them, they favored the passage of the bill.

Mr. SMOOT. I ask that the bill go over temporarily, and I will read the whole report.

The PRESIDING OFFICER. The bill will go over.

W. ERNEST JARVIS.

The bill (S. 4366) for the relief of W. Ernest Jarvis was announced as next in order.

Mr. KING. Reserving the right to object, let the bill be read.

The reading clerk read the bill.

Mr. KING. I will be glad to have an explanation from the Senator from Delaware as to the liability of the District and the Government of the United States in this case.

Mr. BALL. Mr. President, this is a case where there was a girl, an inmate of the National Training School for Girls, who was paroled in the custody of Mr. Smith, and while in his custody was taken sick and died.

Mr. Smith was ordered by the institution to take care of the funeral expenses, thinking there was no doubt that the appropriation for the National Training School for Girls would cover such expenses, but the Comptroller General decided that the appropriation act was so ordered that only expenses incurred while actually an inmate of the National Training School could be taken care of. Therefore there is no way for the undertaker to be paid except through some measure of this kind.

Mr. KING. May I inquire of the Senator if the young girl had died while an inmate of the home who would have made payment?

Mr. BALL. There could not be any question about it then, and there has not been any question in the past.

Mr. KING. Did the young girl have any parents or guardians who were able to pay the expense?

Mr. BALL. I know nothing about the condition of the girl. She had been an inmate at some time and had been paroled to Mr. Smith, and it was supposed, of course, that the same law controlled the payment of such expenses while the girl was under parole as if she had actually been in the institution.

Mr. KING. I have no objection to the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to W. Ernest Jarvis the sum of $97.50, 60 per cent thereof to be paid out of the revenues of the District of Columbia and 40 per cent out of any money in the Treasury not otherwise appropriated, such sum being the claim of said W. Ernest Jarvis covering undertaker's services for and burial expenses of Willie L. Byers, late an inmate of the National Training School for Girls, in the District of Columbia.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF OWNER OF OLD DOMINION PIER A.

The bill (H. R. 369) for the relief of the owner of Old Dominion Pier A was announced as next in order.

The reading clerk read the bill.

Mr. SMOOT. Mr. President, I notice in the report that the department said:

The records of the department show that the U. S. S. *West Corum* struck and damaged the Old Dominion Pier A on or about June 7, 1919, but it appears that the accident was not due to any negligence or carelessness on the part of those in charge of the vessel, which was forced against the pier by a heavy and sudden squall.

Mr. SWANSON. If the Senator will read further he will see that the Secretary of the Navy said, too, that they did not have steam up as required by the rules and regulations. If they had had steam up, the waves and storm would not have driven it against the pier. He said there was no negligence on the part of the officers, but they did not have the vessel under steam and could not manage it.

Mr. SMOOT. Further on it is stated:

It is believed that there is a serious question as to whether or not the accident may not be considered as inevitable, for which no responsibility can be attached to the *West Corum*.

Mr. SWANSON. If the Senator will read further, he will see that the department recommends that the bill be passed, that there is an issue as to whether the failure of the officers to have steam up was not the cause of the accident when the storm and wind came up, so that the vessel became helpless and was driven against the pier. If they had had steam up there would not have been any trouble. The rules require that steam shall be kept up, and it is a question to be determined by the court as to whether it ought to be or not. There has never been any failure in cases of this kind, so far as I know, to refer them to the Court of Claims.

Mr. SMOOT. The report also states:

The United States steamship *West Corum* was not assisted in getting away from the pier subsequent to the collision, but hove up anchor and proceeded to a safe anchorage under her own power.

Mr. SWANSON. The Secretary recommends the passage of the bill because that is an issue for the court to determine.

Mr. SMOOT. I do not want the Government of the United States to go to any further expense if we are not responsible for the accident, and I can not see anything here which shows that the Government is responsible.

Mr. SWANSON. How are we going to determine it except by reference to the Court of Claims? The Secretary recommends the passage of the bill. The House passed it. The vessel had no right to have steam down and be absolutely helpless, because if a storm arose the waves might cause just such an accident. The officers did all they could, but the vessel was not in condition to prevent the accident.

Mr. SMOOT. I can not see anything in the report to justify the passage of the bill.

The PRESIDING OFFICER. The time of the Senator from Utah has expired.

Mr. SWANSON. Here is what the Secretary of the Navy said:

However, it is believed that the claimant is entitled to have the case passed upon by a court of claims, and it is respectfully recommended that bill H. R. 369 receive favorable consideration and action.

That is the only way the question can be determined as to whether or not the vessel was at fault for not having steam up.

The PRESIDING OFFICER. Does the Chair understand the Senator from Utah to object?

Mr. SMOOT. Yes; I object.

The PRESIDING OFFICER. The bill will be passed over.

NOLAN P. BENNER.

The bill (H. R. 3836) for the relief of Nolan P. Benner was announced as next in order.

Mr. DIAL. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

HENRY PETERS.

The bill (H. R. 7583) for the relief of Henry Peters was announced as next in order, and was read as follows:

Be it enacted, etc., That the claim of Henry Peters, a citizen of the city of New Orleans, in the State of Louisiana, against the United States for damages alleged to have been caused to the derrick boat *Pelican*, property of the said Henry Peters, while in tow of the United States Navy tug *Barnett* on July 2, 1918, may be sued for by the said Henry Peters in the District Court of the United States for the Eastern District of Louisiana, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the said Henry Peters, or against the said Henry Peters in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same right of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

Mr. SWANSON. Mr. President, this is a bill identical with the bill (H. R. 369) which just went over on the objection of the Senator from Utah. I object to the consideration of the bill. I do not think when two bills of the same character are presented to the Senate one should go over on objection and the other be passed. It is the same question as to whether or not a vessel that lets its steam go down and can not operate under its own power is responsible for an accident that may ensue.

Mr. KING. I object to the consideration of the bill for the present. I want to have a chance to look into it.

The PRESIDING OFFICER. The bill will be passed over.

OVERTIME SERVICES OF POST-OFFICE EMPLOYEES.

Mr. TOWNSEND. Mr. President, I did not remember that the Senate would meet at 11 o'clock this morning and that we would take up the Calendar, and hence was not here until just a few moments ago. I understand that Calendar Nos. 996 and 997 were passed over on objection. I concede that Calendar No. 996 might lead to some discussion, although I would like very much to see it passed. I do not want to urge its consideration at this time, but I have talked with the Senator who objected to the consideration of Calendar No. 997, the bill (S. 4248) to fix the compensation of employees in post offices for overtime services performed in excess of eight hours daily, and, as I understand it, he withdraws his objection. I think no one can object to the passage of the bill when he understands the real situation.

Under the reclassification law of a year or two ago an attempt was made to grant extra pay for overtime services in the departments. The committee were against it but did provide that the employees in the Railway Postal Service should have pay at the regular rate for overtime. For some reason or other a mistake was made, so that now the regular clerks in the employ of the Government in first and second class offices get less pay for overtime than they get for regular work. The latter is estimated on the basis of a certain number of hours for the year and the overtime for a greater number of hours by the year.

What we have attempted to do, under the advice of the department and by the unanimous recommendation of the Committee on Post Offices and Post Roads, was to provide that the regular clerks in the employ of the Government should receive the same pay for overtime that they receive for regular time. There can be nothing of an injustice in the recognizing of their basis of pay for the payment of overtime. The bill simply provides for that and, as I said, has the recommendation of the Postmaster General. I ask unanimous consent that we may return to Calendar No. 997, Senate bill 4248, and act upon it now.

The PRESIDING OFFICER. The Senator from Michigan asks unanimous consent, the objection having been withdrawn, that the Senate consider Senate bill 4248. Is there objection?

There being no objection, the Senate as in the Committee of the Whole proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That hereafter clerks and other employees in post offices, entitled by law to compensation for service performed in excess of eight hours daily, shall be paid for such overtime service on the basis of annual pay received by such employee: *Provided*, That in computing such overtime the annual salary or compensation of such employee shall be divided into 12 equal installments, one of which shall be the pay for each calendar month which, in turn, shall be divided by the number of days in the month less all Sundays and legal holidays enumerated in the act of July 28, 1916, occurring in the month; the quotient thus obtained will be the daily compensation which, divided by eight, will give the hourly compensation for overtime service. All laws or parts of laws in conflict herewith are hereby repealed.

Mr. KING. Mr. President, may I inquire of the Senator from Michigan to what extent the department employs its clerks in overtime work, and what is the relative cost?

Mr. TOWNSEND. During the year before last and last year about $2,000,000 was paid for overtime services. The amount so paid was reduced materially during the last year and the Postmaster General reports that he expects to reduce overtime services by one-half during the coming year.

Mr. KING. May I inquire whether the bill will extend to janitors and custodians of post-office buildings?

Mr. TOWNSEND. It would extend to all employees whose salaries are limited by the eight-hour provision covered under the reclassification act of 1920 or 1921. It is simply to make clear what was evidently the intent of the Congress, not to make an exception of railway postal clerks, not to reduce the pay for overtime from what they had asked, they having asked for time and a half and we having granted them the same pay that they received for regular services. That is what the bill attempts to do.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRANK VUMBACA.

The bill (S. 1103) for the relief of Frank Vumbaca was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby directed to pay, out of any money in the Treasury not otherwise appropriated, to Frank Vumbaca, of Portland, Me., the sum of $419, to reimburse him for damages to his house, No. 469 Washington Avenue, Portland, Me., caused by concussion from blasts.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD N. M'CARTY.

The bill (S. 3071) to extend the benefits of the employers' liability act of September 7, 1916, to Edward N. McCarty was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. McKINLEY. Mr. President, I hope the Senator from Utah will withdraw his objection to the consideration of the bill in order that I may make a short explanation relative to it.

Mr. KING. I withdraw my objection pending an explanation of the bill by the Senator from Illinois.

Mr. McKINLEY. I know the man who is the proposed beneficiary of the bill. I knew him at the time the injury referred to in the bill occurred. He was a clerk in the post office at Mattoon, Ill., and the injury was occasioned by the fault of the Government and not in any way to any fault of his. It was the result of tinsel on post cards getting into his eye. Congress subsequently passed a law preventing such cards being transmitted through the mails. The bill provides that he shall receive the compensation which is now allowed under the law for such injuries. I hope that the bill may be passed.

Mr. KING. What was the extent of the injury—was it permanent?

Mr. McKINLEY. As the result of the injury he became totally blind.

Mr. KING. And his blindness resulted solely from the accident?

Mr. McKINLEY. Yes.

Mr. KING. I withdraw my objection to the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to extend to Edward N. McCarty, a former employee in the post office in Mattoon, Ill., the provision of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, compensation hereunder to commence from and after the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL H. BUTLER.

The bill (S. 4085) for the relief of Samuel H. Butler was announced as next in order.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, $170.40 to Samuel H. Butler,

late United States commissioner at Ardmore, Okla., as a refund of money earned by him for services rendered as ex officio justice of the peace, which he was required by the Attorney General to deposit in the United States Treasury contrary to existing law at that time, and the amount necessary to carry out the purposes of this act is hereby appropriated.

Mr. KING. Reserving the right to object, I should like an explanation of the bill. It seems to me it provides for double compensation.

Mr. HARRELD. Mr. President, Samuel H. Butler, the claimant under this bill, was ex officio a commissioner in the Territory of Oklahoma before the Territory attained statehood. Under the law particularly applicable to that Territory as such he was also authorized to act ex officio as justice of the peace and notary public. There were several such officers who collected certain fees pertaining to their offices as justices of the peace and as notaries public. After Oklahoma was admitted to statehood the Department of Justice called on those officers to pay into the Treasury the fees which they had received. One of those officers, as I know, refused to do so, but Mr. Butler complied with the request of the department. The court afterwards decided in an action which was brought by the Government against the officer who did not pay his fees into the Treasury that he was entitled to retain those fees; but Mr. Butler in the meantime had paid his fees into the Treasury. This bill is simply for the purpose, in accordance with that decision of the court, of reimbursing him for the fees thus paid by him.

Mr. KING. I desire to inquire of the Senator from Oklahoma if this is the case to which the Senator from Arkansas objected the other day, upon the ground that the claimant was seeking compensation for work done in two capacities, although the law forbade him exercising jurisdiction in both capacities?

Mr. HARRELD. He was specifically allowed to exercise these two functions, and the courts have since held that the man who did not pay in his fees in compliance with the order of the Department of Justice was justified in refusing to do so. I do not think the question has ever been up before in the Senate, because the bill has only been on the calendar for a few days.

Mr. KING. When did the claim accrue?

Mr. HARRELD. It accrued before Oklahoma was admitted to statehood, in 1905 or 1906. The bill, however, has been pending in the House of Representatives several times since that date.

Mr. KING. I shall not object to the consideration of the bill, but it seems to me its passage will afford a very bad precedent.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

E. G. CREWS.

The PRESIDING OFFICER. The next bill on the calendar, being the bill (S. 4218) for the relief of E. G. Crews, having been adversely reported from the Committee on Claims, without objection the adverse report will be agreed to, and, without objection, the bill will be stricken from the calendar. The Chair hears no objection.

ELIZABETH M'KELLER.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4254) for the relief of Elizabeth McKeller, which had been reported from the Committee on Claims with an amendment, in line 6, after the words "sum of," to strike out "$10,000" and to insert "$2,500," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Elizabeth McKeller the sum of $2,500, payment in full as compensation for injuries sustained while traveling within the Navajo Indian Reservation, State of New Mexico, September 7, 1921.

The amendment was agreed to.

Mr. KING. Let the report on this bill be read, unless there shall be some explanation of the bill.

The PRESIDING OFFICER. The report will be read.

Mr. NEW. Mr. President, I think I can explain the bill in very much less time than the report can be read.

Mr. KING. I shall be very glad to hear the explanation of the bill by the Seator from Indiana.

Mr. NEW. Mr. President, the lady who is the claimant in this case was traveling with her husband along a Government-built and Government-owned road between Gallup and Tohatchi, in New Mexico. There was a bridge across an arroyo which had been washed out at that point. No sign was erected there to indicate that the bridge was missing. In the darkness this lady, with her husband, drove over the embankment and into the arroyo. The automobile was, of course, wrecked, and the lady was very badly and permanently injured. The claim has resulted by reason of those injuries. The bill has been examined by the Department of the Interior and has been approved by that department. After a very careful examination of all the papers and evidence in the case I thought that she was entitled not to the full amount for which she made claim, but to $2,500. I reported the bill favorably because I thought her claim was entitled to favorable consideration for that amount.

Mr. KING. I desire to inquire of the Senator whether any appreciable time had elapsed after the bridge was carried away by the flood and the time when the accident occurred?

Mr. NEW. No.

Mr. KING. Then, was there any negligence on the part of the Government?

Mr. NEW. Yes.

Mr. KING. Because it would be an act of God, perhaps.

Mr. NEW. No; it was not. The rangers had notified the authorities that the bridge was missing, but no sign had been erected by the agents, and Mr. and Mrs. McKeller had no means in the darkness of perceiving that the bridge had been washed away.

Mr. KING. What discipline or what punishment did the Department of the Interior inflict upon this negligent agent of the Government?

Mr. NEW. Oh, Mr. President, I do not know.

Mr. KING. One further inquiry: Is the sum of money to be paid under this bill, if it shall be passed, to be charged against the funds of the Indians or is it to be paid out of the Treasury?

Mr. NEW. It is to be paid out of the Treasury.

Mr. KING. Was this road one which was built for the benefit of the Indians or was it a military road of the Government?

Mr. NEW. It was part of the park system and not for the Indians. The damages would not be properly charged to their funds at all.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL INDEFINITELY POSTPONED.

The PRESIDING OFFICER. The next bill on the calendar being the bill (S. 3854) for the relief of Liberty loan subscribers of the National Bank of Cleburne, Tex., has been adversely reported from the Committee on Claims. Without objection, the adverse report will be agreed to, and the bill be stricken from the calendar.

ANTTI MERIHELMI.

The bill (S. 1517) for the relief of Antti Merihelmi was announced as next in order.

Mr. DIAL. Mr. President, that bill ought not to be allowed to pass. I have no objection to its coming to a vote, but I think the bill should be defeated. The report of the board of Army officers who investigated this matter says:

(a) That any and all claims against the United States arising out of the foregoing circumstances be not allowed.

That is the statement of the Government officials who investigated the claim.

The PRESIDING OFFICER. Does the Chair understand the Senator from South Carolina to object to the consideration of the bill?

Mr. CALDER. Mr. President, will the Senator permit me to make a brief explanation?

Mr. DIAL. Certainly.

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from New York?

Mr. DIAL. Yes, sir.

Mr. CALDER. Mr. President, this bill as originally introduced proposed to pay to the beneficiary $5,000. The committee struck out "$5,000" and inserted "$500." There is no doubt that the claimant in the case was run over by an Army truck. The officers appointed by the Secretary of War to investigate the accident say he was run over, but they add that, in their judgment, he contributed to some extent to the accident himself. However, in their report they say:

That the driver of the Government truck did not have his truck under the proper control necessitated by the crowded condition of the traffic, and to this extent contributed to this accident and to this extent is responsible.

There is no doubt about this man being laid up in the hospital; there is no doubt that he was run over by an Army truck

and injured, and the committee believed that for the loss of his time he should be compensated.

Mr. KING. Mr. President, will the Senator yield?

Mr. CALDER. Yes.

The PRESIDING OFFICER. The Senator from South Carolina has the floor and has yielded to the Senator from New York. Does the Senator from South Carolina yield now to the Senator from Utah?

Mr. DIAL. When the Senator from New York concludes I will yield to the Senator from Utah for a question.

Mr. KING. Then, I had better take the floor in my own time.

Mr. CALDER. So I say, Mr. President, that while the conclusions of the board appointed by the Secretary of War to investigate this case is against allowing this claim, it is quite clear from their own statement that the driver of the truck was in part to blame. Under the amendment reported to the bill, it is proposed to allow the claimant but $500. He was confined to the hospital and lost his pay, and it seems to me the amount awarded is quite small compared to the loss which he actually suffered.

Mr. DIAL. Mr. President, it is not a question about the man; the question is, Is any amount due when the Government is not responsible? The board of Army officers further found:

(d) That Antti Merihelmi crossed the street without paying proper heed to the traffic, and so contributed to his own injury.
(e) That the board is of the opinion that Antti Merihelmi is not suffering from any permanent disability whatsoever.

No bones were broken; the claimant paid no attention to the traffic; the truck was only running 2 or 3 miles an hour; and the man who was injured himself got in the way of it and brought about his own injury, and therefore is not entitled to recover.

The PRESIDING OFFICER. The time of the Senator from South Carolina has expired. Is there objection to the present consideration of the bill?

Mr. KING. I object.

The PRESIDING OFFICER. Objection being made, the bill will be passed over. The Secretary will state the next bill on the calendar.

ARTHUR FROST.

The bill (S. 661) for the relief of Arthur Frost was announced as next in order, and the bill was read.

Mr. KING. Let the report be read, Mr. President.

The PRESIDING OFFICER. The report will be read.

Mr. HARRELD. Mr. President, if the Senator from Utah will allow me, I should like to make a brief statement concerning the bill.

Mr. KING. I yield to the Senator.

Mr. HARRELD. Mr. President, I personally know the facts in this case. I know right where the accident occurred in Oklahoma City and I know when it occurred. I heard all about it the next morning, for it occurred right across the street from the hotel at which I was living at that time. One of the soldiers from Fort Sill during the war, while chasing a deserter down an alley by what is known as the city jail in Oklahoma City, fired his gun. He claimed he fired in the air to make the deserter stop, but the bullet struck Arthur Frost, an innocent bystander. The soldier was engaged in the performance of his duty. I repeat I know all about the facts in this case. It is a just claim, and the bill should certainly pass, in my opinion.

Mr. KING. That is, it is a just claim if the Government is responsible for all the torts and wrongdoings of every soldier and every employee of the Government.

Mr. HARRELD. The soldier was performing a duty for the Government. I do not see why the Government should not be held to the same strict accountability that an individual is.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which is as follows:

Be it enacted etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Arthur Frost the sum of $960 in full for damages suffered by reason of being negligently shot and seriously injured by a regularly enlisted soldier of the United States while in pursuit of a deserter and in the legal discharge of his duty as a military policeman.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANNE C. SHYMER.

The bill (H. R. 6134) for relief of estate of Anne C. Shymer was announced as next in order, and was read.

Mr. KING. Reserving the right to object to the bill, if there is an explanation of it I would be very glad to hear it.

Mr. HARRELD. Mr. President, I was chairman of the subcommittee of the Committee on Claims to which the bill was referred. I told the claimant she would have to produce additional testimony as to the value of the jewelry. She complied with that demand. The facts in the case are that the package of jewelry was recovered from the *Lusitania* and passed into the hands of our consul at London. That consul was directed to send it to those who were entitled to receive it, but it disappeared in transit. There is no proof showing that the consul himself was guilty of any laches. He says he sent it by express or by the usual method, but according to the proof the jewelry was lost in the mails; at any rate it disappeared after it was delivered to the United States consul at London. As chairman of the subcommittee I recommended that the amount be paid. The full committee indorsed that recommendation and reported the bill.

Mr. KING. I think that the Government of the United States under the circumstances is not liable. It is a matter that ought to be further investigated, it occurs to me, particularly in view of the fact that a commission is considering all these claims. I object to the present consideration of the bill.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

STEAMSHIP "MOHICAN."

The bill (S. 4310) for the relief of the owners of the steamship *Mohican* was announced as next in order.

Mr. SWANSON. Mr. President, the Senator from Utah [Mr. SMOOT] has objected to that class of cases. I have had several of them, and I think they all ought to stand or fall together; and I ask that this bill go over.

The PRESIDING OFFICER. The bill will be passed over.

STEAM LIGHTER "COMPORT."

The bill (S. 4311) for the relief of the owners of the steam lighter *Comport* was announced as next in order.

Mr. SWANSON. That is the same kind of a bill, and I ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. UNDERWOOD. Mr. President, the only way in which these people can have any relief at all is to give them a standing in the Court of Claims.

Mr. SWANSON. I wish to say to the Senator that I have advocated that. Five or six bills of that kind that I introduced have been passed over. They are bills that have passed the House unanimously, and have been reported to the Senate; but the Senator from Utah [Mr. SMOOT] objects to that class of bills. I am not going to let him let other bills of that character pass and object to mine.

Mr. UNDERWOOD. All I want to say to the Senator is this: In this particular class of cases a Government boat sometimes collides with a boat of some individual, and, of course, it is not a matter of contract. If it were a matter of contract, they could appear in the Court of Claims anyhow; but there is only one way in which an innocent owner can be relieved in this class of cases, and that is to give him a standing in the court where he can present his case; that is all.

Mr. SWANSON. I agree with the Senator. I have had about a dozen passed at this session, and I have about a dozen more of this kind; but the Senator from Utah objects to that class of cases being referred to the Court of Claims for adjudication. If we are going to have that done with some of them, it ought to be done with all of them.

Mr. UNDERWOOD. I think the Senator from Virginia would accomplish more result by objecting to the bills of the Senator from Utah; but I do not see how the Senator from Virginia affects the Senator from Utah by objecting to this bill.

Mr. SWANSON. No; I am not objecting to the bills of the Senator from Utah. I simply think all cases of this class ought to be treated alike.

The PRESIDING OFFICER. On the objection of the Senator from Virginia, the bill will be passed over.

BLATTMANN & CO.

The bill (S. 3701) for the relief of Blattmann & Co., was announced as next in order.

The bill had been reported from the Committee on Foreign Relations with an amendment, on page 1, line 3, after the words "sum of," to strike out "$145,526" and insert "$124,383.86," so as to make the bill read:

Be it enacted, etc., That the sum of $124,383.86 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of compensating Blattmann & Co., of Waedenswil, Switzerland, for losses sustained through the wrongful seizure and sale of 1,057,100 pounds of devitalized gluten by the Alien Property Custodian of the United States, which belonged to the said Blattmann & Co.

Mr. NEW. Mr. President, I want to say just a word about this bill. It is a claim against the Alien Property Custodian

for compensation for property taken by him during the war. I believe the claim to be entirely just, but since this report was made the committee which reported it has been informed that there is a letter of some kind which is in the hands of the Alien Property Custodian which the committee did not see and of which it did not hear at the time the bill was being considered. I, therefore, as one of the committee that reported the bill, suggest that it be referred back to the committee, in order that we may see what substance there is in the report that has come to us.

The PRESIDING OFFICER. The Senator from Indiana moves that the bill be recommitted to the Committee on Foreign Relations.

The motion was agreed to.

RELIEF OF OWNER OF OLD DOMINION PIER A.

Mr. SMOOT. Mr. President, referring back to House bill 369, for the relief of the owner of Old Dominion Pier A, I have read the report clear through. The only real objection that I had to the bill was because it contained the words "and to enter a judgment or decree for the amount of such damages and costs." In the past, until just lately, so I am informed, we have always stricken out those words, "to enter a judgment or decree for the amount of such damages." The clerk at the desk tells me that of late these bills have been passing through with the words "to enter a judgment or decree" in them. If that is the case, and if that is the policy of Congress, I have no objection to this bill or to the other bills of the same kind.

Mr. SWANSON. Mr. President, I should like to say to the Senator that I have a great many cases of this kind arising in Norfolk and Newport News, growing out of collisions with vessels of the Government. The facts are stated very briefly, a summary of the evidence, and a judgment is entered giving the facts as they have been agreed on, and then the amount of damage sustained. This is the language used for all of them. I think every bill on the calendar has the same language.

Mr. SMOOT. I have stood on the floor of the Senate and had not 1 but 20 or 30 or 40 bills passed with those words stricken out, but I am informed that of late the bills have passed with that language in them; and in view of that fact, I have no objection to the consideration of this bill.

The PRESIDING OFFICER. The Senator from Utah asks unanimous consent that the Senate recur to the consideration of House bill 369. Is there objection?

Mr. UNDERWOOD. Mr. President, I think the Chair ought to include in that request Senate bill 4310 and Senate bill 4311.

The PRESIDING OFFICER. The Chair will state to the Senator from Alabama that he intends to do that.

Mr. WALSH of Montana. Mr. President, some misapprehension concerning the attitude of the Senate with respect to these matters may be inferred from the remarks made by the Senator from Utah. There are two distinct classes of these cases. One class is such as this now under consideration, where, when the facts are established, no one can doubt what the law applicable to them shall be. In these collision cases, if it is found that the Government vessel was negligent, there is nothing to do except to pay the bill; that is all; and there is no reason why the judgment of the Court of Claims should not be entered. There is another class of cases, however, which we often refer to the Court of Claims, in respect to which we do not admit a liability even if the facts are against us. There it is unwise, as a matter of law——

Mr. McNARY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Oregon?

Mr. McNARY. If there is going to be a controversy over this matter I shall object to the request made by the Senator from Utah.

The PRESIDING OFFICER. Objection is made.

Mr. WALSH of Montana. Mr. President, I want to conclude what I have to say.

We shall presently consider the case of a claim that is to be referred to the Court of Claims for the purpose of finding the facts. The court is not authorized to enter any judgment, because we do not concede that there is a liability against the United States even if the facts are found against us or found as the claimant asks; but in all these cases of collision it seems to me it would be foolish to refer the matter to the Court of Claims and then again trouble Congress with it when the court finds that the Government boat is responsible for the injury.

Mr. SMOOT. The Senator is wrong when he makes the statement that that has not been the practice in the past.

Mr. WALSH of Montana. Oh, I do not say that.

Mr. McNARY. I ask for the regular order.

The PRESIDING OFFICER. The regular order is demanded. The Secretary will state the next bill on the calendar.

Mr. UNDERWOOD. Mr. President, I ask unanimous consent, if we can do so without discussion—because I think these are meritorious bills, and they were passed over under a misapprehension—that the Senate may consider Orders of Business 1016, 1018, 1028, and 1029.

The PRESIDING OFFICER. The Senator from Alabama asks unanimous consent that the Senate recur to the consideration of Orders of Business 1016, 1018, 1028, and 1029. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 369) for the relief of the owner of Old Dominion Pier A.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY PETERS.

The bill (H. R. 7583) for the relief of Henry Peters was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STEAMSHIP "MOHICAN."

The bill (S. 4310) for the relief of the owners of the steamship *Mohican* was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the claim of the Clyde Steamship Co., a corporation organized under and by virtue of the laws of the State of Maine, with its principal place of business in the city and State of New York, owners of the steamship *Mohican*, for damages alleged to have been caused by collision between said vessel and the United States tug *Barlow* on the 31st day of July, 1919, while said steamship *Mohican* was moored at Pier No. 2, Empire Stores, Brooklyn, N. Y., may be sued for and submitted to the United States District Court in and for the Southern District of New York, sitting as a court of admiralty and acting under the rules in admiralty governing such court; and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the owners of the said steamship *Mohican*, or against the owners of the said steamship *Mohican* in favor of the United States and upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STEAM LIGHTER "COMPORT."

The bill (S. 4311) for the relief of the owners of the steam lighter *Comport* was considered as in Committee of the Whole and read, as follows:

Be it enacted, etc., That the claim of the New York & Cuba Mail Steamship Co., a corporation organized under and by virtue of the laws of the State of Maine, with its principal place of business in the city and State of New York, owners of the steam lighter *Comport*, for damages alleged to have been caused by collision between said vessel and the United States steam lighter *President*, now called the *General Sawtelle*, on the 1st day of March, 1919, near Piers Nos. 13 and 14, East River, N. Y., may be sued for and submitted to the United States District Court in and for the Southern District of New York, sitting as a court of admiralty and acting under the rules in admiralty governing such court; and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the owners of the said steam lighter *Comport*, or against the owners of the said steam lighter *Comport* in favor of the United States, and upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONVENTION OF MYSTIC SHRINE.

The joint resolution (S. J. Res. 266) authorizing the use of public parks, reservations, and other public spaces in the District of Columbia; and the use of tents, cots, hospital appliances, flags, and other decorations, property of the United States, by the Almas Temple, Washington, D. C., 1923 Shrine Committee (Inc.), and for other purposes, was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on the District of Columbia with an amendment, on page 4, line

2, after the word "spaces," to insert "under his control," so as to make the joint resolution read:

Resolved, etc., That the Secretary of War is hereby authorized to grant permits to Almas Temple, Washington, D. C., 1923, Shrine Committee (Inc.), for the use of any parks, reservations, or other public spaces in the District of Columbia, under his control, on the occasion of the forty-ninth annual session of the Imperial Council, Ancient Arabic Order Nobles of the Mystic Shrine, in the month of June, 1923: *Provided*, That in his opinion, such use will inflict no serious or permanent injuries upon such parks, reservations, public spaces, or statuary therein; and the Commissioners of the District of Columbia may designate, for such and other purposes on the occasion before named, such streets, avenues, and sidewalks in the said District of Columbia, under their control, as they may deem proper and necessary: *Provided, however*, That all stands, arches, or platforms that may be erected on the public spaces aforesaid, including such as may be erected in connection with any display of fireworks, shall be under the supervision of the said Almas Temple Shrine Committee and in accordance with plans and designs to be approved by the Architect of the Capitol, the Engineer Commissioner of the District of Columbia, and the officer in charge of public buildings and grounds: *And provided further*, That the reservations or public spaces occupied by the stands or other structures shall be promptly restored to their condition before such occupancy, and the said committee shall indemnify the War Department and the District of Columbia for damage of any kind whatsoever upon such reservation or space by reason of such use.

SEC. 2. That the Secretary of War and the Secretary of the Navy are hereby authorized to loan to the said committee such tents, camp appliances, and other necessities, hospital furniture and utensils of all descriptions, ambulances, horses, drivers, stretchers, and Red Cross flags and poles belonging to the United States as in their judgment may be spared at the time of the session: *Provided*, That the said Shrine committee shall indemnify the United States for any loss or damage to such tents, appliances, etc., as aforesaid, not necessarily incident to such use: *And provided further*, That the said committee shall give approved bond to do the same.

SEC. 3. That the Secretary of War and the Secretary of the Navy are authorized to loan to the said committee such ensigns, flags, decorations, etc., belonging to the United States (battle flags excepted) as are not then in use and may be suitable and proper for decorations and other purposes, which may be spared without detriment to the public service; such ensigns, flags, decorations, etc., to be used by the committee under such regulations and restrictions as may be prescribed by the said Secretaries, or either of them: *Provided*, That the said committee shall, within five days after the close of said session, return to the said Secretaries all such ensigns, flags, decorations, etc., thus loaned; and said committee shall indemnify the United States for any loss or damage not necessarily incident to such use.

SEC. 4. That the officer in charge of public buildings and grounds, subject to the approval of the Secretary of War, is hereby authorized to permit the use of any or all public parks, reservations, or other public spaces under his control in the District of Columbia for use by said committee for parking automobiles, the temporary erection of tents for entertainments, hospitals, and other purposes; and said committee is hereby authorized to charge reasonable fees for entertainment and accommodations on said parks, reservations, or other public spaces to aid in meeting the necessary expenses incident to the session.

SEC. 5. That the Commissioners of the District of Columbia are hereby authorized to permit said committee to stretch suitable overhead conductors, with sufficient supports, wherever necessary and in the nearest practicable connection with the present supply of light, for the purpose of effecting special illumination: *Provided*, That the said conductors shall not be used for the conveying of electrical currents after June 10, 1923, and shall, with their supports, be fully and entirely removed from the public spaces, streets, and avenues of the said city of Washington on or before June 15, 1923: *Provided further*, That the stretching and removing of the said wires shall be under the supervision of the Commissioners of the District of Columbia, who shall see that the provisions of this resolution are enforced; that all needful precautions are taken for the protection of the public; and that the pavement of any street, avenue, or alley disturbed is replaced in as good condition as before entering upon the work herein authorized: *And provided further*, That no expense or damage on account of or due to the stretching, operation, or removing of the said temporary overhead conductors shall be incurred by the United States or the District of Columbia, and that if it shall be necessary to erect wires for illuminating or other purposes over any park or reservation in the District of Columbia the work of erection and removal of said wires shall be under the supervison of the officer in charge of said park or reservation.

SEC. 6. That the Commissioners of the District of Columbia are hereby authorized to grant, under such conditions as they may impose, special licenses to peddlers and vendors to sell goods, wares, and merchandise on the streets, avenues, and sidewalks in the District of Columbia during said session, and to charge for such privileges such fees as they may deem proper.

SEC. 7. That the Commissioners of the District of Columbia are hereby authorized to permit the telegraph and telephone companies to extend overhead wires to such points as shall be deemed necessary by the said committee, the said wires to be taken down within 10 days after the conclusion of the session.

SEC. 8. That the Public Buildings Commission is hereby authorized to assign to said committee for use and occupancy during said session such unoccupied public buildings in the District of Columbia as, in its discretion, may appear advisable: *Provided*, That any and all buldings so assigned shall be surrendered within 10 days after the close of the said session: *And provided further*, That the said committee shall furnish a bond or other satisfactory assurance of indemnity against damage to said property while in its possession, incidental wear and tear excepted.

The amendment was agreed to.

Mr. MCKELLAR. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 6, line 8, it is proposed to insert a new section, as follows:

SEC. 9. The Public Utilities Commission of the District of Columbia shall not hereafter have or exercise power to fix rates of fare for the street railway companies in the District of Columbia at rates in excess of the rates of fare fixed in the existing charters or contracts heretofore entered into between said companies and the Congress; and from and after the passage and approval of this act said street railway companies shall receive 5 cents per passenger as a cash fare, but they shall issue and sell six tickets for 25 cents, as provided in existing charters.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. BALL. Mr. President, I object to the amendment.

Mr. SMOOT. Mr. President, I shall object to the consideration of the bill, because we can not consider it under the five-minute rule.

The PRESIDING OFFICER. Upon the objection entered by the Senator from Utah, the bill will be passed over.

Mr. ASHURST. Mr. President, I move that the Senate proceed to the consideration of the bill notwithstanding the objection.

The PRESIDING OFFICER. That may not be done under the unanimous-consent agreement already entered into.

Mr. ASHURST. Mr. President, I believe the Chair is correct. I am wholly, solely, and only to blame. I should have been giving attention when that order was entered—that order which prevents the Senate from taking a vote on a bill that will pass if the roll is called.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Michigan?

Mr. ASHURST. I will yield in a moment.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. ASHURST. I can easily pay my fare, 8 cents per transit. It does not distress me to reach the Capitol; but here in the Federal city, where thousands of clerks are assembled to do the Nation's business, they are exploited, not only by being charged 8 cents per transit but exploited by the rapacity of the telephone company, of the electric-light company, of the gas company, in a manner that would put to shame the most rapacious school of sharks that ever sank teeth into human flesh.

The Senator from Illinois [Mr. MCCORMICK] asks how the sharks operate? Do you know what a pilot fish is? On or near every shark is a pilot fish, and without that pilot fish to guide the shark where to find his prey, the shark starves. Who will be the pilot for the sharks to-day?

Mr. DIAL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. DIAL. What disposition was made of Senate Joint Resolution 266?

The PRESIDING OFFICER. It was passed over.

Mr. MCKELLAR. The Senator from Utah [Mr. SMOOT] objected to its consideration.

Mr. DIAL. I trust the Senator from Utah will permit the joint resolution to be passed at an early day.

LONGEVITY PAY OF NAVAL OFFICERS.

The bill (H. R. 7864) providing for sundry matters affecting the Naval Establishment was announced as next in order.

Mr. KING. Let that be passed over.

Mr. WADSWORTH. I desire to call the attention to section 12, at the bottom of page 9 of the bill. Section 12 is reported as a committee amendment, and in that amendment it is proposed that officers of the Navy shall count, for purposes of computing increased pay for length of service and for other allowances, the time spent at the Naval Academy as midshipmen. The pay bill of last year, which took care of all the six services, specifically reiterated the provisions of the act of 1916, which brought to a termination the counting of academy service, both at West Point and Annapolis, for the purpose of computing longevity pay. It is utterly unfair to the other services to repeal the law of 1916 and permit naval officers to have the advantage of that increase, when the Congress in 1916 decreed that thereafter they should not have that advantage.

Mr. KING. I have objected to the consideration of the bill.

The PRESIDING OFFICER. On objection of the Senator from Utah the bill will be passed over.

Mr. POINDEXTER. Speaking in whatever time I may have on the next bill, I would like to say a word, not for the purpose of expecting the consideration of this measure at this time, but to answer some of the statements made by the Senator from New York.

The PRESIDING OFFICER. The Secretary will report the next bill; then the Senator from Washington will be recognized.

The bill (S. 4245) to provide the necessary organization of the Customs Service for an adequate administration and enforce-

ment of the tariff act of 1922, and all other customs revenue laws, was announced as next in order.

Mr. POINDEXTER. Reserving the right to object, I would like to say, in answer to the remarks of the Senator from New York, that he has not stated all of the circumstances relating to the matter to which the section which he cited of House bill 7864 refers. He has stated only a part of them, and missed the essential objects of this section. It is not true that the law of 1916, or of any other year, prohibited altogether the counting of the time of midshipmen at the Naval Academy in estimating their longevity pay.

The law to which the Senator refers was passed in 1913, instead of 1916; but the trouble about it was that while it provided that all of the midshipmen who graduated after 1916 should not be allowed to count their service at the Naval Academy in the computation of service for the purpose of computing longevity pay, it allowed all those who graduated in 1916 and previous years to count such time. It was not considered important by the Committee on Naval Affairs whether that time is counted or not counted, but it was considered important that all officers in the Navy should be put upon the same basis as to pay.

In 1922 the pay bill to which the Senator from New York refers, which applied to six services, established an entirely new basis of pay for officers of these services. Before the passage of that act pay had been based almost entirely upon rank. After the passage of that act it was based principally upon length of service, and it was the view of the committee that when that new basis was established and the pay which officers of the Navy should receive was based upon the length of service the same method of computing service should be applied to all officers of the Navy; that there should not be one class of officers who, in the average length of expectation of service in the Navy, should receive from $13,000 to $15,000 more in the way of pay and allowances than another set of officers of identical rank and of identical length and character of service. In a word, the committee proposed this measure simply for the purpose of removing this discrimination. It does not make any difference whether you take service in the Naval Academy as a standard upon which pay is computed or some other standard; the object is to obtain a just result, fair pay and allowances, and that there shall be a uniform basis of pay for all officers entering the same services who are of the same rank and have the same length and character of service.

At some other time before the adjournment of the session I will ask the Senate to take up and consider House bill 7864.

ENFORCEMENT OF CUSTOMS REVENUE LAWS.

The bill (S. 4245) to provide the necessary organization of the customs service for an adequate administration and enforcement of the tariff act of 1922, and all other customs revenue laws was next in order.

Mr. WILLIAMS. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

LEGISLATIVE APPROPRIATIONS.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives receding from its disagreement to the amendments of the Senate numbered 10 and 25 to the bill (H. R. 13926) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1924, and for other purposes, and receding from its disagreement to the amendment of the Senate numbered 26 to the said bill and concurring therein with an amendment as follows:

In lieu of the matter proposed by said amendment to insert:

"The Public Printer may hereafter employ such number of apprentices (not to exceed 200 at any one time) as in his judgment will be consistent with the economical service of the office."

Mr. WARREN. Mr. President, I move that the Senate concur in the amendment of the House of Representatives to the amendment of the Senate No. 26.

The motion was agreed to.

Mr. ROBINSON. Mr. President, what is the measure on which the Senator from Wyoming has requested action?

Mr. WARREN. We have just concluded consideration of the conference report on the legislative, executive, and judicial appropriation bill. The amendment of the House to the amendment of the Senate numbered 26, in which the Senate has concurred, involves the employment of apprentices by the Public Printer. The Senate provided for such apprentices, but the House restricted the number to 200 at any one time. I may say that even before the amendment went to the House we had agreed in conference to restrict the number as provided in the House amendment to the Senate amendment.

Mr. ROBINSON. Very well.

AWARD AGAINST THE UNITED STATES IN FAVOR OF NORWAY.

Mr. WARREN. I now wish to submit a report relative to another matter which I think will take but a moment, and if it shall take longer I shall withdraw it.

From the Committee on Appropriations I report back favorably without amendment the joint resolution (H. J. Res. 440) to satisfy the award rendered against the United States by the arbitral tribunal established under the special agreement concluded June 30, 1921, between the United States of America and the Kingdom of Norway, and I submit a report (No. 1139) thereon.

The joint resolution proposes to provide for the payment of nearly $12,000,000 to the Norwegian Government, but it appropriates nothing now, for it is to be paid out of an appropriation which we provided for the Shipping Board last year. The sum of $50,000,000 was then appropriated to provide for this and other similar matters.

Mr. UNDERWOOD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Alabama?

Mr. WARREN. I do.

Mr. UNDERWOOD. I understand in reference to the matter now referred to by the Senator from Wyoming that we agreed to submit the case of this Government and the Norwegian Government in relation to their shipping to arbitration at The Hague?

Mr. WARREN. Yes.

Mr. UNDERWOOD. And the sum carried in the joint resolution was found to be due by the court of arbitration?

Mr. WARREN. Yes; and this proposed legislation is to carry out the award?

Mr. NORRIS. The effect of this joint resolution, as I understand, if passed will be simply to carry out the judgment which was rendered by the court of arbitration?

Mr. WARREN. That s all. I may say by the award of the tribunal itself the judgment bears 6 per cent interest from the time it is rendered, and we wish to stop the payment of the interest.

Mr. NORRIS. Was the dispute with the Norwegian Government directly?

Mr. WARREN. It was with the Norwegian Government, and the matter was decided through arbitration.

Mr. NORRIS. The question was left to arbitration?

Mr. WARREN. Yes.

Mr. NORRIS. And the arbitrators found that we were indebted in this amount?

Mr. WARREN. Exactly, and the settlement is satisfactory to both countries.

Mr. NORRIS. Very well.

Mr. WARREN. I ask unanimous consent for the immediate consideration of the joint resolution.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate as in Committee of the Whole proceeded to consider the joint resolution, which was read as follows:

Resolved, etc., That the appropriation of $50,000,000 for the payment of claims by the United States Shipping Board, contained in the act entitled "An act making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1923, and for other purposes," approved June 12, 1922, is made available to the extent required to enable the Secretary of State to satisfy the award rendered against the United States on October 13, 1922, by the arbitral tribunal established under the special agreement concluded June 30, 1921, between the United States of America and the Kingdom of Norway. And the Secretary of State is authorized to withhold from the total amount awarded the sum of $22,800 with interest at the rate of 6 per cent per annum from October 13, 1922, to the date of payment of the award, and to pay the claim of Page Bros., American citizens, in accordance with the decision of the arbitral tribunal.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SOUTHERN PACIFIC CO.

The bill (S. 3805) to confer jurisdiction upon the Court of Claims to ascertain the cost to the Southern Pacific Co., a corporation, and the amounts expended by it from December 1, 1906, to November 30, 1907, in closing and controlling the break in the Colorado River was considered as in Committee of the Whole and was read, as follows:

Whereas, at request of President Roosevelt and under the stress of great emergency, from December 1, 1906, to November 30, 1907, the Southern Pacific Co. closed and controlled the break in the Colorado River and thereby prevented the overflow and destruction of 1,214,000 acres of irrigable land in the Imperial Valley, in southern California,

and saved to the Government the Laguna Dam and the Yuma reclamation project connected therewith in Arizona, as well as thousands of acres of other Government land along the Colorado River: Therefore

Be it enacted, etc., That the claim of the Southern Pacific Co., a corporation, against the United States for reimbursement and repayment to such company of the cost to said company and the amounts expended by it from December 1, 1906, to November 20, 1907, in closing and controlling the break in the Colorado River be, and such claim is hereby, referred to the Court of Claims, and full jurisdiction is hereby vested in said court to ascertain the amounts actually expended and the actual costs incurred by the said Southern Pacific Co. in closing and controlling said break within said period, what portion of such expenditures or costs protected or saved the company's railroad lines and roadbed, and to report its findings to Congress. In ascertaining aforesaid costs and expenses the court may receive and consider all papers, depositions, records, correspondence, and documents heretofore at any time filed in Congress and in the executive departments of the Government, together with any other evidence offered, and no statute of limitations shall apply.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

WAR-RISK INSURANCE.

The bill (H. R. 10003) to further amend and modify the war risk insurance act was considered as in Committee of the Whole.

The bill had been reported from the Committee on Finance with an amendment to strike out all of the bill down to and including line 12, page 3, and to insert in lieu thereof the following words:

SEC. 23. (1) That, except as provided in subdivision (2) of this section, when by the terms of the war risk insurance act and any amendments thereto, any payment is to be made to a minor, other than a person in the military or naval forces of the United States, or to a person mentally incompetent, or under other legal disability adjudged by a court of competent jurisdiction, such payment shall be made to the person who is constituted guardian, curator, or conservator by the laws of the State or residence of claimant, or is otherwise legally vested with responsibility or care of the claimant or his estate: *Provided*, That prior to receipt of notice by the United States Veterans' Bureau that any such person is under such other legal disability adjudged by some court of competent jurisdiction, payment may be made to such person direct.

(2) The director, when satisfied after due investigation that any person entitled to receive compensation under Article III of the war risk insurance act is mentally incompetent, may order that all moneys payable to him or her under said article shall be held in the Treasury of the United States to the credit of such person. All funds so held shall be disbursed under order of the director and subject to his discretion for the comfort and maintenance of such incompetent, and any surplus remaining in his hands may be used by the director in accordance with regulations to be prescribed by him for the comfort and maintenance of the dependents of the incompetent. If said incompetent be an inmate of any asylum or hospital for the insane maintained by the United States, or by any of the several States or Territories of the United States, or any political subdivision thereof, the director may pay to the chief executive officer of said asylum or hospital in which said person is an inmate such portion of said compensation as the director may deem proper, to be used by such officer for the maintenance and comfort of said inmate, subject to the duty to account to the United States Veterans' Bureau and to repay any surplus in his hands in accordance with regulations to be prescribed by the director. Any surplus compensation held by the director under this subdivision shall be invested in interest-bearing securities of the United States. When such incompetent shall be found to be mentally competent or shall die any balance or securities remaining to his credit shall be paid or turned over to the claimant, if living, or to his personal representative, if dead: *Provided further*, That for the purpose of payments of benefits under Article III of the war risk insurance act, as amended, where no guardian, curator, or conservator of the person under a legal disability has been appointed under the laws of the State or residence of the claimant, the director shall determine the person who is otherwise legally vested with responsibility or care of the claimant or his estate.

The amendment was agreed to.

Mr. KING. I would like to have some explanation of this bill and a statement as to whether it is unanimously reported by the committee.

Mr. McCUMBER. The bill is unanimously reported by the committee, at the urgent request of the Veterans' Bureau. The real purpose of the bill is to cover cases of this kind: There are many instances in which a soldier or sailor has become mentally incapacitated, and is in a hospital for the insane, where there has been no curator appointed, and no one to represent the person so afflicted. The bureau is authorized by this bill to use for his comfort the money that would come under the provisions of the law until some one is appointed to care for him.

Mr. KING. It is not a general revision of the act?

Mr. McCUMBER. Not at all.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

E. J. REYNOLDS.

Mr. SMOOT. I ask unanimous consent to return to Order of Business No. 1014, the bill (S. 4345) for the relief of E. J. Reynolds.

The PRESIDING OFFICER. Is there objection

Mr. McNARY. I would like to go forward with the calendar. In going backward we do not get anywhere.

Mr. WILLIS. Objection was made to the consideration of this bill by the Senator from Utah [Mr. SMOOT], but he has now informed himself as to the facts and will withdraw his objection. It will take very little time to pass the bill.

Mr. McNARY. I object until after action has been had upon Senate bill 4399.

Mr. DIAL. Mr. President, I call for the regular order.

The PRESIDING OFFICER. The regular order is called for, and the Secretary will report the next bill on the calendar.

STANDARDS FOR HAMPERS, ETC.

The bill (S. 4399) to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes, was announced as next in order.

Mr. OVERMAN. I object to the consideration of the bill at this time. I have some letters objecting to the passage of the bill and others favoring it. I want to look carefully into the bill and I object to its consideration now.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

Mr. McNARY. I regret the attitude of the Senator from North Carolina. This legislation has passed the House. It is sought by the consumers, various farm organizations, and producers generally, and I have received many requests from the Senator's own State for early action on the bill.

Mr. OVERMAN. I have some letters favoring it and others against, and I want to know what is best to do about it. So I object to the consideration of the bill until I can look into it. I do not say that I am opposed to the bill.

The PRESIDING OFFICER. The bill will be passed over.

E. J. REYNOLDS.

Mr. WILLIS. Now that Senate bill 4399 has been disposed of for the present, I renew the request that we return to Order of Business 1014, Senate bill 4345.

Mr. DIAL. I call for the regular order.

The PRESIDING OFFICER. The Senator from South Carolina demands the regular order. The Secretary will report the next bill on the calendar.

AMENDMENT OF NATIONAL DEFENSE ACT.

The bill (S. 4132) to amend an act entitled "An act to provide further for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to provide credits for industries and enterprises in the United States necessary or contributory to the prosecution of the war, and to supervise the issuance of securities, and for other purposes," approved April 5, 1918, and for other purposes, was announced as next in order.

Mr. SMOOT. It will be impossible to pass that bill in five minutes, so I ask that it may go over.

The PRESIDING OFFICER. The bill will be passed over.

LIEUTENANT COLONEL HARDIN AND CAPTAIN SCHOLL.

The bill (S. 4425) to authorize appropriations for the relief of certain officers of the Army of the United States was announced as next in order, and was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States be authorized and directed to allow and credit in the accounts of Lieut. Col. Joseph S. Hardin, Finance Department, the sum of $6,779.96, and in the accounts of Capt. P. A. Scholl, Finance Department, the sum of $202.02, which amounts represent public funds which were stolen by a former employee.

Mr. KING. Reserving the right to object, I would like to have an explanation of the bill.

Mr. NEW. This bill deals with the cases of two officers who were in charge of the disbursement of Government funds. A civil-service employee, a civilian, with whose appointment they had nothing whatever to do, embezzled about $11,000 worth of public money which was in their charge. He ran away, was captured in Mexico, was brought back to the United States, prosecuted, and convicted. He was under the usual bond of $5,000, which was collected and applied on the amount of the embezzlement. It leaves six thousand and some odd dollars, nearly all of which is chargeable to one of the officers, the remainder, two or three hundred dollars, to the other. The War Department favors the passage of the bill; it is the usual course to follow, and I think the officers should be relieved of responsibility for a theft of which the Government was the real victim and not themselves.

Mr. SMOOT. Does the Senator say that the Secretary of War recommends the passage of the bill?

Mr. NEW. Yes; I said that the War Department recommends its passage.

Mr. DIAL. I call the attention of the Senator from Indiana to the fact that the party who stole the money has been prosecuted and is now in the penitentiary.

Mr. NEW. I so stated.

Mr. SMOOT. Is it to be the policy of the Government that when an individual steals money, no matter under what conditions, the Government is to repay the officer the amount of money? Why not extend it to everybody in the United States?

Mr. NEW. I tried to make it clear that the man was not there at the behest or order of these officers. He was sent there, and they had to take him whether they wanted to have him or not. He was given to them by the Civil Service Commission. He proved dishonest and stole the money. One of these officers followed him to Mexico——

THE MERCHANT MARINE.

The PRESIDING OFFICER. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, House bill 12817.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes.

The PRESIDING OFFICER. The Secretary will state the pending amendment.

The ASSISTANT SECRETARY. On page 3, line 14, before the word "vessels" strike out the word "such."

The amendment was agreed to.

Mr. JONES of Washington. Mr. President, I desire to submit the unanimous consent proposal which I offered to the Senate on Saturday, and I ask that it may be read.

The PRESIDING OFFICER. The Senator from Washington desires to have reported the unanimous-consent proposal which he offered on Saturday. The Secretary will read as requested.

The Assistant Secretary read as follows:

It is agreed by unanimous consent that on and after Friday, February 16, no Senator shall speak more than once nor longer than 60 minutes on the shipping bill, or more than once nor longer than 30 minutes on any amendment pending or that may be offered to said bill; and that on and after Tuesday, February 20, if said bill is not sooner disposed of, no Senator shall speak more than once nor longer than 15 minutes on said bill or more than once nor longer than 5 minutes on any amendment that may be pending or that may be offered.

The PRESIDING OFFICER. Is there objection?

Mr. WILLIAMS. I object.

The PRESIDING OFFICER. Objection is made.

Mr. JONES of Washington. Mr. President, I recognize the very great importance of action upon the foreign debt funding bill. That bill was passed by the House with, I think, only one day's consideration. I do not know of any serious objection to it in the Senate. It ought to be acted upon in the Senate without taking very much time. I want to facilitate it in every way that I can. I am going to say now that I am willing, so far as I may, that the Senate shall adjourn from day to day for a couple of days so that we may have the morning hour to devote to that bill, but I also want now to give notice that on Wednesday I shall ask the Senate to remain in session in the evening, at least until 10 or 11 o'clock.

Mr. ROBINSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Arkansas?

Mr. JONES of Washington. I yield.

Mr. ROBINSON. When is it expected that the British debt funding bill will be brought before the Senate?

Mr. JONES of Washington. I have just stated that I am willing to adjourn, when we close our business to-day, until 11 o'clock to-morrow and that that measure might be taken up during the morning hour to-morrow and then, if not disposed of, I would be willing to adjourn to-morrow until the next day, so that at least two hours could be devoted to it on that day. Possibly by that time, if not sooner disposed of, we might be able to reach some agreement or understanding.

Mr. ROBINSON. So it is expected that the debt funding bill may be brought forward to-morrow during the morning hour?

Mr. JONES of Washington. I am willing that that may be done.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Florida?

Mr. JONES of Washington. I yield.

Mr. FLETCHER. Does the Senator propose to lay aside the pending bill, the unfinished business, until the debt funding bill is disposed of?

Mr. JONES of Washington. No; I do not.

Mr. FLETCHER. Only for the morning hour?

Mr. JONES of Washington. Just during the morning hour. I propose to ask the Senate to continue the consideration of the shipping bill until time to quit to-day, and then I shall perhaps move to adjourn instead of recessing. I would be willing to adjourn until 11 o'clock to-morrow morning. That would give the morning hour of two hours that could be used in the consideration of the debt funding bill. Then, as I said, if not disposed of to-morrow, I would be willing at the close of business to-morrow to adjourn until the next day, so as to give two hours on that day for the consideration of the debt funding bill. It seems to me that with those four hours we ought to get a pretty clear indication as to some arrangement to finally dispose of the debt funding bill.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Kansas?

Mr. JONES of Washington. Certainly.

Mr. CURTIS. If upon Wednesday it should develop by 1 o'clock, at the close of the morning hour, that there was a likelihood of reaching a vote within a few hours on the debt fund ing bill, I ask the Senator whether he would consent to lay aside the unfinished business temporarily in order that the debt funding bill might be disposed of?

Mr. JONES of Washington. If the debt funding bill could be disposed of on Wednesday, I would be perfectly willing to do that.

PROPOSED INVESTIGATION OF VETERANS' BUREAU.

Mr. WALSH of Massachusetts. Mr. President, I ask unanimous consent for the present consideration of the resolution which I send to the desk.

Mr. CURTIS. Let the resolution be reported.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent to present a resolution. The resolution will be read for the information of the Senate.

The resolution (S. Res. 439) was read as follows:

Whereas it has been reported in several press dispatches and asserted on the floor of the House of Representatives that there is evidence of waste, extravagance, irregularities, and mismanagement in the operation of the United States Veterans' Bureau;

Whereas it has been reported that general dissatisfaction prevails among the officials of said bureau;

Whereas because of such chaotic conditions and lack of coordination it is alleged that officials of said bureau have been removed and others have tendered their resignations;

Whereas the burden of such waste, extravagance, irregularities, and mismanagement falls upon the incapacitated soldier for whose relief said bureau was created; and

Whereas the conditions as alleged to exist would necessarily impair the morale of said bureau: Therefore be it

Resolved, That the special committee appointed under authority of Senate resolution 59, agreed to June 9, 1921, be requested to consider these allegations, in executive session or otherwise, and report to the Senate within seven days:

1. Whether it is feasible and desirable to institute a thorough investigation into the alleged waste, extravagance, irregularities, and mismanagement in the United States Veterans' Bureau; and

2. If said committee is of the opinion that an investigation be instituted that it make such recommendations to the Senate as to the manner and scope of such investigation; and

3. In view of the expiration of the terms of office of several members of said committee on March 4 next, make recommendation as to what committee, if any, should conduct such investigation.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent for the immediate consideration of the resolution. Is there objection?

Mr. WALSH of Massachusetts. Mr. President, may I make a brief statement? A committee already exists that could institute the investigation, a special committee of five, headed by the Senator from West Virginia [Mr. SUTHERLAND]. But the terms of office of three members of the committee expire on March 4, and the committee's existence terminates on that date. Of course no complete or thorough investigation could be conducted in the course of the next three weeks. The resolution simply asks the committee to meet in executive session, if desirable, consider the allegations made, and report back to the Senate whether it is feasible and advisable to have a broad investigation, and by what committee it should be made. In other words, all the resolution asks is that the committee, upon which there are three Republicans and two Democrats, consider it in executive session, if it sees fit, because it is alleged that the Department of Justice is making investigation, and report back to the Senate within the next few days just what should be done by Congress in view of existing conditions.

Mr. JONES of Washington. If the resolution can be disposed of without discussion, I have no objection to its present consideration.

The resolution was considered by unanimous consent, and agreed to.

Mr. WALSH of Massachusetts. I ask to have printed in the RECORD at this point a letter from Congressman LARSEN, of Georgia, dealing with the subject covered by the resolution.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., February 6, 1923.

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Of course your attention has been attracted during the past few weeks by the numerous press items regarding extravagance, mismanagement, and, in some instances, corruption alleged to exist in the Veterans' Bureau, both at its central office and in many of the regional and suboffices.

On March 17 last I introduced House Resolution 306, providing for the appointment of a committee to investigate and report on conditions and operations of the Veterans' Bureau in the management and control of claims for compensation, allotments, insurance, and vocational training, and all other matters over which said bureau has jurisdiction, to determine whether or not said bureau is efficient and economical in the management of its affairs, and also generally to investigate and report on all things affecting the welfare, management, and results obtained by the operations of the said bureau at its central office, regional offices, and suboffices.

This resolution was referred to the Committee on Rules, but notwithstanding many efforts to obtain report on same I have been unable to do so.

I notice that you are a member of a Senate committee which seems to be empowered to make such an investigation as is provided for in the resolution introduced by me, and I therefore wonder if you can obtain through this committee such authentic official information as would completely inform the public as to exact conditions existing in the bureau.

There are now employed in the Veterans' Bureau nearly 30,000 persons, at a cost of more than $425,000,000 per annum to the taxpayers, and such charges of extravagance, corruption, and graft should not, therefore, go unnoticed by the Congress. Certainly to furnish the desired information would not be incompatible with the public welfare.

I trust that you may be in position to obtain definite information not only along the lines referred to in the resolution mentioned above but specifically regarding conditions as to rentals of property at Stockton, Calif.; Richmond, Va.; Nauvoo, Ill.; Livermore, Calif.; Goshen, N. Y.; Aspinwall, Pa.; Tupper Lake, Pa.; and North Hampton, Mass.; as well as with reference to the sale of Army supplies at Perryville, Md., all of which has been recently alluded to in press dispatches as aforesaid, and with which, I am sure, you are familiar.

With sentiments of high regard,

Very truly yours, W. W. LARSEN.

PROPOSED CHANGE IN PRESIDENTIAL AND CONGRESSIONAL TERMS.

Mr. NORRIS. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 918, the joint resolution (S. J. Res. 253) proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress, and providing for the election of President and Vice President by direct vote.

The PRESIDING OFFICER. The question is on the motion of the Senator from Nebraska to proceed to the consideration of the joint resolution to which he has referred.

Mr. HARRISON. Mr. President, will the Senator explain the joint resolution?

Mr. NORRIS. I expected to make some explanation of it. It is a joint resolution, as its title states, proposing an amendment to the Constitution of the United States. It has in it two distinct propositions. One of the propositions relates to the term of office and the method of election of a President and Vice President. The other relates to the fixing of the beginning of the term of office of Members of the House of Representatives and the Senate.

It will be seen, therefore, that while I have coupled them in one resolution and they have been reported that way from the committee, yet they are capable of being separated into two distinct propositions and either one of such propositions could become a part of the resolution without in any way interfering with the other one. I have recognized that the resolution is capable of such a division. While I am just as much in favor of one proposition as the other, I have realized for some time that there was some opposition to one of the propositions both in the Senate and outside. Personally, I do not concede that the opposition is well founded. I do not believe there can be any valid objection made to the elimination of the Electoral College. I have never heard what to my mind was any argument in favor of maintaining and still retaining in our Constitution that fifth wheel of our governmental wagon.

But, Mr. President, I realize that this Congress is drawing to a close, that on the 4th of March all bills, joint resolutions, and other measures that have not received the sanction of both the House and the Senate must fall. I had confidence that a very large number of the legislatures now in session would approve either one or both of the propositions, if submitted to them before they adjourned, but I know that it will be an impossibility to get the joint resolution agreed to in the Senate and in the House during the remainder of this session if there is any substantial opposition to it.

I have agreed, therefore, that so far as I can I will consent to the separation of the two propositions and for the present eliminate all that part of the joint resolution that applies to the Electoral College and the office of President and Vice President, and confine it only to the proposition so far as it applies to Members of the House of Representatives and Members of the Senate. If that be done, section 2 would be left, reading as follows:

That the terms of Senators and Representatives shall commence at noon on the first Monday in January following their election.

It would also leave section 3, which reads as follows——

Mr. ROBINSON. Mr. President, will the Senator from Nebraska yield to me for a question?

Mr. NORRIS. Yes.

Mr. ROBINSON. If the motion of the Senator from Nebraska shall prevail, it is his purpose so to modify the joint resolution that the Senate shall consider the question of advancing the time when Senators and Representatives shall assume their duties from March 4, as now provided under the Constitution, to January 1?

Mr. NORRIS. To the first Monday in the following January.

Mr. ROBINSON. To the first Monday in January. That is correct. So that the interim of time when the result of the election may reflect itself in the action of Congress shall be shortened, and Senators and Representatives elected in the November election shall begin their duties the first Monday in January instead of subsequent to the 4th of March. Under the Constitution as it now exists, unless a special session of the Congress shall be called by the President, a Member of the House of Representatives or of the Senate who is elected in November does not actually assume the performance of his duties until the first Monday in December of the following year. Members who have been defeated may continue to perform their functions until the 4th of March of the year following their defeat in November.

Mr. NORRIS. Yes; the Senator has stated the condition with absolute correctness.

Now, Mr. President, let me proceed from the point where the Senator from Arkansas interrupted me in order that I may show just exactly what would be the result of the passage of the joint resolution. I have read section 2. Section 3 would also remain, reading as follows:

SEC. 3. That the Congress shall assemble at least once in every year and such meeting shall be on the first Monday in January, unless they shall by law appoint a different day.

Then a part of section 4 would remain. If Senators who are following me will turn to page 4, line 3, of the joint resolution, commencing after the period in that line and reading the remainder of the section, they will find that what still remains would read as follows:

The terms of Senators and Representatives who may be in office at the time of the adoption of this amendment shall end at noon on the first Monday in January of the year in which such terms would otherwise have ended on the fourth day of March.

If the changes which I have suggested were made, that would be all which would remain of the proposed constitutional amendment.

Mr. JONES of Washington. Mr. President——

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). Does the Senator from Nebraska yield to the Senator from Washington?

Mr. NORRIS. I yield to the Senator from Washington.

Mr. JONES of Washington. Does the Senator from Nebraska know of any opposition to that proposition?

Mr. NORRIS. I do not know of any, I will say to the Senator.

Mr. JONES of Washington. I wish to say to the Senator from Nebraska that I really can not conceive of any opposition to it; I should be heartily in favor of it; and am perfectly willing, so far as I am concerned, that it may be passed during the morning hour by unanimous consent. I am inclined to think the Senator ought to be able to secure that result. Of course, I would not be in favor of displacing the unfinished business.

Mr. NORRIS. If it be true, I will say to the Senator, that we could pass the joint resolution during the morning hour, it would not take any longer after the morning hour; and if the Senator would defer his opposition to it, I certainly would be glad to have a vote upon the proposition at any time, as soon as it may be obtained; but I do not mean when I suggest that the Senator withdraw his opposition that the Senator is opposed to the joint resolution. I mean that he would probably be opposed to the motion I have made displacing the unfinished business.

Mr. JONES of Washington. That is what I am opposed to, but I should like to see the Senator ask unanimous consent that the joint resolution be considered during the morning hour and ascertain whether there would be any objection to the request.

Mr. NORRIS. I should have followed that course if I had thought it would be possible to get the joint resolution through in that way, but I have never known a proposition for the submission of an amendment to the Constitution to go through in that way. I do not believe I could get it through in that way, although I should be glad to do so if I could. However, no one made such a suggestion, and, in fact, it never occurred to me that it would be possible to have the joint resolution passed during the morning hour.

Mr. ROBINSON. Mr. President, will the Senator from Nebraska yield to me for a question?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Arkansas?

Mr. NORRIS. I yield to the Senator from Arkansas.

Mr. ROBINSON. The Senator from Nebraska has recently read section 3 of his joint resolution, which provides that Congress shall assemble at least once in every year, and that its meeting shall be on the first Monday in January following. The effect and purpose of that provision, as I understand, is more promptly and more effectively to reflect in the action of Congress the result of the election?

Mr. NORRIS. Yes, sir; that is the purpose.

Mr. ROBINSON. If the proposed constitutional amendment should be submitted and ratified, the country would not again be confronted with the spectacle which is now presented——

Mr. NORRIS. No, sir; that would be an impossibility.

Mr. ROBINSON. Namely, pressure from the administration in power to secure—I will not say coerce—the passage of a measure which has been disclosed to be unpopular among the voters of the Nation in an election held prior to the time that measure was taken up for consideration in the Senate of the United States. It has been called to the attention of the Senate and of the country that a great many Members of the body at the other end of the Capitol and some Senators who have committed themselves to what we have come to know as the ship subsidy bill were defeated in the last election, and their successors in many instances are opposed to the passage of that measure. I think it is quite generally admitted that if consideration of the ship subsidy bill be postponed until the new Congress meets, the Congress elected in the November election in 1922, the bill sponsored and advocated so ably by the Senator from Washington [Mr. JONES] would not be passed. For that reason, the President, conscientiously convinced that the public interest requires the enactment of the provisions of the ship subsidy bill or some similar provisions, is apparently exerting every influence he possesses to secure the final disposition of the pending bill.

I stated in the beginning of this debate that the measure should be fully considered by the Senate; that it was not my intention to pursue a course which would prevent the Senate from registering its conclusions respecting the subject after it had become fully familiar with the purposes and provisions of the pending bill. There is in committee amendments proposed to the ship subsidy bill incorporated a policy the effect of which, if enacted into law during the present Congress, will be to deny to subsequent Congresses the opportunity of enacting into law the will of the American people respecting the subject matter of this legislation.

It is proposed now permanently to appropriate out of the Treasury of the United States every dollar of a fund which has not yet been created, the amount of which fund is not yet known and can not as yet be determined. The only purpose that can be in the mind of Senators proposing the provision to which I have referred is to take advantage of the majority that now exists, or is thought to exist, in favor of the proposed legislation, but which will not exist when the viewpoint of the American people as expressed in the last November election is given effect in the Congress of the United States.

Senators who have been defeated, in part because of their support of this measure, and Representatives whose advocacy of it has occasioned their defeat, are asked, in defiance of the will of those who gave them their power here, to impose the burdens of the ship subsidy bill on the Treasury and the people of the United States for a period of 15 years; so that in good faith, however futile may prove the provisions of the bill to accomplish its purposes, however detrimental experience may show them to be to the general public interest, the Congress and the country will be irrevocably committed to the expenditure of the very large sums contemplated by the bill in the nature of a ship subsidy.

For my part, I think the issue of the ship subsidy bill can be simplified. Assuming no authority to speak for any other Senator, but speaking for myself alone, if the Senate committee is willing to recede from the amendments to the bill which seek to fasten upon the country for 15 years the obligations of the bill without regard to the political sentiment of the Nation, I know of no reason why a vote may not be had during the present session of the Congress.

Mr. ASHURST. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Arizona?

Mr. ROBINSON. I have not the floor. The Senator from Nebraska has been good enough to yield to me, and I apologize now to the Senator from Nebraska for taking so much of his time.

Mr. JONES of Washington. Mr. President——

Mr. ROBINSON. Of course, if the Senator from Washington or other Senators object to my continuing my remarks now, I shall be compelled to take the floor in my own time.

Mr. JONES of Washington. I was not going to do it.

Mr. ROBINSON. If permitted to continue, the time of the Senate will be conserved. I shall conclude my remarks in a few minutes.

Mr. JONES of Washington. I was not going to object. I was just going to express the hope, however, that when the Senator gets through, the Senator from Nebraska will not yield too often for speeches. I have not been disposed to appeal to the rule.

Mr. ROBINSON. Of course, it is entirely in the power of the Senator from Washington or any other Senator to prevent interruptions.

Mr. JONES of Washington. I know it; but I am not going to appeal to the rule.

Mr. ROBINSON. Very well.

Mr. NORRIS. I realize that if anyone wanted to enforce the rule, I could not permit it to go on without losing the floor. I do not want to lose the floor; but, while the Senator from Arkansas is using my time, I think he is making an argument that applies directly to the question that I am trying to bring before the Senate. I think myself that it is a very appropriate and a very weighty argument that he is making.

Mr. ROBINSON. I do not understand that the Senator from Washington has raised any objection.

Mr. JONES of Washington. Oh, no.

Mr. ROBINSON. And, with the indulgence of the Senator from Nebraska, I will continue for a few minutes and conclude now what I have in mind to say upon this subject.

This Congress, if it pursues the normal course, may perhaps with propriety legislate and bind the Government for a period of one year. Under the circumstances that exist I think it is objectionable to a degree almost reprehensible to insist, because there is a majority here now, some of whom have been discredited, and because there will not be a majority hereafter in favor of this bill, that the legislation should be passed in spite of the overwhelming sentiment disclosed among the people of the country in opposition to the legislation. For my part, if the application of this bill is limited with due respect to the right and privilege of future Congresses to legislate upon the subject without being confronted with the question of the abrogation of contracts, I have no objection to the Senate taking such course as it deems proper with reference to the matter, and have no objection to a vote on the bill.

Mr. President, I meet the proposal of the President of the United States, contained in his message to Congress delivered a few days ago, that the Senate ought to take a vote upon this proposition, with a counterproposition, so far as my individual attitude is concerned, and that is: All right; abandon the attempt to enact into law now, with the support of Senators and Representatives who have been defeated because of their advocacy of this measure, a bill that will impose upon the country burdens which can not be avoided during the period of 15 years; legislate according to the ordinary practice of the Congress; pursue the policy adopted by the overwhelming vote of the House of Representatives; restore to the bill the provision that the sums hereafter to accrue to the merchant-marine fund must be annually appropriated, and, I think, in view of the conditions that have been disclosed, limit the power to make contracts so that future Congresses may have full and free opportunity to reflect the will of the people concerning the subject, and I see no reason why a vote may not be had upon the bill.

The joint resolution proposed by the Senator from Nebraska is of great importance. It meets a demand that has been growing throughout the United States that discredited and defeated Congressmen and Senators shall not be permitted to register their support in favor of measures which their constituencies have impliedly disapproved. The joint resolution will give effect to the result of national elections. If adopted as proposed by the Senator from Nebraska, it will put Senators and Congressmen into office a few weeks after their election and

it will bring Congress into session within a very short time following the election.

I am not unmindful of what was originally said when the Constitution was adopted and what has recently been said by some public men touching this subject; but it must appear anomalous to students of the question that when a great issue is fought out before the American people and public sentiment is expressed in the election respecting that issue, under the conditions as they now exist the Congress may, as in the instance of the ship subsidy bill now under consideration, impose, in violation of the wishes and the will of the people of this country, obligations and burdens which the public neither approves nor has expressed willingness to assume.

Mr. FLETCHER. Mr. President, may I interrupt the Senator?

Mr. ROBINSON. With the indulgence of the Senator from Nebraska.

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Florida?

Mr. NORRIS. I yield.

Mr. FLETCHER. If the Senator will allow me at this point—and I call the attention of the Senator from Nebraska to it—there seems to be some impression over the country that this joint resolution contemplates the election of the President by direct vote of the people.

Mr. NORRIS. No; I will say to the Senator that that is not correct.

Mr. FLETCHER. I do not understand that that is the case at all.

Mr. NORRIS. No. The Senator from Florida probably was not here when I began my remarks. I explained that I had agreed that as far as I was concerned, if Senators would take up this joint resolution, I would divide it into its two component parts and would only ask for the passage at this time of the one relative to the House of Representatives and the Senate.

Mr. FLETCHER. I see. I wanted, however, to have that cleared up a little, because I have here an editorial from a very excellent newspaper in Florida that seems to be under that impression.

Mr. NORRIS. That is true of the resolution as it stands, of course. If we get it up, I expect to modify it in accordance with the outline I have already given.

Mr. FLETCHER. This editorial lays down the broad proposition that—

> if the election of the President be conceded to a majority of the total number of popular votes in these United States, State lines will be wiped out and the voters in the larger States, particularly New York, Pennsylvania, Massachusetts, Indiana, and Ohio, will determine every presidential election.

Mr. NORRIS. The writer of that editorial had a misconception even of the proposed amendment. It would not do anything of the kind. The amendment retains the State unit just as it is now.

Mr. FLETCHER. That is what I said.

Mr. NORRIS. The only difference would be, if that part of the amendment were put into the Constitution, that there would be no such thing as electing a lot of presidential electors. The State would have the same number of votes that it has now in the Electoral College——

Mr. FLETCHER. Precisely.

Mr. NORRIS. But they would certify those votes up here, instead of sending a lot of unnecessary men up here to cast them.

Mr. FLETCHER. Yes. It is not, however, the same as a direct popular vote for the officers.

Mr. NORRIS. Of course, in the sense that the people would have a chance, then, to vote directly for President and Vice President, it is popular voting.

Mr. FLETCHER. Yes.

Mr. NORRIS. But some unit, of course, it is conceded, must be maintained; and in order to make as little change as possible in the Constitution, I have retained in this amendment the State unit.

Mr. FLETCHER. I thought there was a distinction there, and I should like to have that cleared up. That is the reason why I mentioned this. Then, as I understand, the Senator proposes to deal particularly with what the Senator from Arkansas is discussing now—the time of going into office and election of Members of the House and Senate, and so forth.

Mr. NORRIS. Yes. That is all that would be left in it when the modification is made.

Mr. ROBINSON. Mr. President, respecting that portion of the Senate joint resolution as printed to which the Senator from Florida has referred, I do not desire at this time to express an opinion, further than to say that I think it is essential and necessary, if the manner of electing Presidents be changed, that the unit shall continue to be the State. It should be the State rather than the total vote of the Nation. There are many reasons which I could cite in justification of that suggestion, but I desire to confine my remarks to what I understand will be the question immediately under consideration if the motion of the Senator from Nebraska prevails. namely, changes in the Constitution so as to bring into office on the first Monday in January following their election Senators and Representatives in the Congress of the United States; further, to move forward the annual sessions of Congress so that the public may be assured, after having considered and determined issues of interest to them, that such issues will be dealt with by Senators and Representatives who are in a position to reflect the viewpoint of their constituencies.

There can be no escape from the declaration that one of the considerations which impelled the advocates of the pending bill to insist upon its determination during the present Congress is to secure the support for the measure of Senators and Representatives who have been defeated in part because of their attitude in favor of this legislation. I shall not attempt to characterize a motive which would prompt the exertion of influence approaching coercion for the passage of legislation known or generally regarded to be violative of the general public will. I shall content myself with saying that the Congress of the United States should not lend its processes to the enactment of legislation and the imposition of burdens upon the Treasury, when the evidence reasonably discloses that such legislation and such burdens meet with disapproval upon the part of the general public.

I have taken the liberty, with the consent of the Senator from Nebraska, to bring to the attention of the Senate these considerations at the present time, because they seem to have forceful relationship to the provisions of the pending bill. But the importance of the constitutional amendment now proposed by the Senator from Nebraska can not be determined or limited by its relationship to a single measure. It involves a question of national policy and issues of very great importance. It is a response to the inquiry whether the Congress of the United States, often justly or unjustly criticized as slow to respond to public sentiment, is unwilling to accept the public decisions of questions on which the public have a right to pass, and it answers that question, in my judgment, in a manner consistent with the highest standards of public duty which Senators and Representatives can establish. It solves the problem reasonably and fairly. It does not contemplate the enactment of legislation responsive to passion or vindictiveness, but it seeks to remedy what the press of the Nation, what students of political science, what Senators themselves have come to regard as quite objectionable under the prevailing system.

If it is desirable that the impulse and the impetuous demand for reform sometimes reflected in elections shall not be too promptly responded to, it is of even greater importance that when a question has been made an issue in a political campaign, when the voters have registered their decision and judgment affecting it, those who have been discredited and defeated shall not be permitted to defy the power which exalted them and override the will of the constituency by whose favor they enjoy public office.

I thank the Senator from Nebraska.

Mr. CALDER. Will the Senator from Nebraska permit me to make a few observations right at this point?

Mr. NORRIS. I have no objection. I can make my remarks later, and if Senators want to debate I will yield the floor and finish my remarks after they are through.

Mr. CALDER. Mr. President, I served five terms in the House of Representatives and have been a Member of this body for six years. I returned four times to Washington to take my seat in the House of Representatives for the short sessions of Congress, a reelected Representative, and I have been here twice in the short sessions when Senators were retiring. Frankly, it never occurred to me in those days that any Member of the House or the Senate who had failed of reelection should be debarred from his right to act upon questions under consideration. He had been elected by his people, and I always assumed, in my thought on the subject, that he would represent the sentiment of his people. In fact, I never gave little thought to it.

When I returned to the Capitol, however, on the first Monday of December last, a defeated Senator, then it did seem, when the thing was applied to me, when the acid test was put on, that after all it was a very great mistake to bring back de-

feated Senators and Representatives to pass upon questions which had been voted upon by the people in the very recent past. So for the first time in 16 years' service it was brought home to me. I repeat that in the six years of my service in the Senate, when Senators returned after having been defeated, it never occurred to me to question their right to pass upon matters before us here in the Senate.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Nebraska?

Mr. CALDER. I yield.

Mr. NORRIS. I have always abstained, in arguing this question, from raising any question about those who had been defeated. Of course, technically they have the same rights as others. The Senator from New York is taking a very high moral ground in this matter, and it does him great credit and great honor to talk as he does. I presume he feels as I have thought I would feel, just a little bit embarrassed in acting on questions, particularly something which had been submitted to the people in a recent election. I should think that Senators and Representatives would often feel that way.

Mr. CALDER. As I have indicated, Mr. President, I have been embarrassed. I came back with great misgivings, and for that reason, when this constitutional amendment was introduced and was discussed in the Senate, I made up my mind that if the opportunity came to me to vote to advance the day when a new Congress should meet, I should gladly do so.

I shall not vote for the Senator's motion to lay aside the subsidy bill. I want the Senate to take a little longer time to its consideration to see if we can pass this measure which, I believe, will be most helpful to America's foreign trade.

Mr. NORRIS. Will the Senator yield again?

Mr. CALDER. Just let me conclude what I wanted to say. I made a speech on the subsidy bill about three weeks ago. I had prepared this speech several weeks before, and I had some misgivings about making it. I said to myself, Shall I address the Senate at all in this short session? Shall I express my views here, or shall I, as a Senator from New York, representing that State under the Constitution—the greatest State in population and wealth, entitled to the votes of its two Senators—just occupy my seat and vote on these matters as I believed my people would have me vote, or shall I also take part in the discussion?

I argued with myself, and finally I concluded that the subsidy was a subject which had no part in the campaign in my State. It was never discussed. I venture the statement that if my successful opponent were asked, he would say that he never mentioned it. Frankly, I never mentioned it. I am quite confident that if we could have drawn the line on the issue of Government aid to American shipping, and if that had been the sole issue, I would be sworn in again for another six years when the new Congress meets in December. But it was not.

The Senator from Arkansas [Mr. ROBINSON] might have discussed with me the question of the tariff, the soldiers' bonus, prohibition—all those questions were issues, along with my vote on the Esch-Cummins bill, and all of those things contributed to the result in New York—but with regard to the ship subsidy bill, I will say to my friend from Arkansas, who I am quite certain was not talking to me alone, that I agree that his contention is absolutely sound, that we ought to have the new Congress meet immediately after the election, that the new Members should come in and take their places here, and that the defeated Members should not vote upon questions which were passed upon adversely, as far as they were concerned, by the people.

That is all I wanted to say. I desire to go on record that I am strongly for this resolution, and hope an opportunity may come to me to vote for it.

Mr. ROBINSON. Mr. President, with the Senator from Nebraska [Mr. NORRIS] I agree that the Senator from New York [Mr. CALDER] has taken a very high ground respecting the subject. I have not suggested that any Senator or Representative who has been defeated should be denied his constitutional privilege to participate in the discussion and the decision of questions that arise here. My colleague, the junior Senator from Arkansas [Mr. CARAWAY], on November 22, 1922, introduced a concurrent resolution which seemed to have been the original movement in Congress on this important subject. I ask that the resolution may be printed in the RECORD for the information of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution is as follows:

Whereas this is a representative Government speaking for and interpreting the will of the people of the United States as expressed at the polls; and

Whereas no Representative in either branch of Congress has the moral right to support or vote for any measure which the people by their votes have repudiated; and

Whereas certain proposed legislation affecting a fundamental change in our economic and commercial policy is now recommended by the Executive for consideration by Congress; and

Whereas this proposed legislation has failed to receive the approval of the voters as evidenced by the elections recently held; and

Whereas Congress has been called into extraordinary session for the purpose of passing this legislation which the people have by imperative and unmistakable mandate repudiated; and

Whereas a Congress which adopts legislation in defiance of a popular mandate to the contrary would perpetrate an act of usurpation; and

Whereas many advocates of the ship subsidy bill in the present Congress have been rejected by emphatic majorities by their constituents; and

Whereas it is unwise to place in the hands of rejected public servants the power to adopt fundamental legislation; and

Whereas a sense of official propriety would suggest to the defeated Members the unwisdom of participating in legislation which, if enacted, would materially affect fundamental questions of public policy: Therefore be it

Resolved, etc., I. That it is the sense of the Senate of the United States that all Members defeated at the recent polls abstain from voting on any but routine legislation, such as necessary supply bills, motions to adjourn, or motions to recess, and such other legislation as does not involve any material change of national policy.

II. That chairmen of committees, not in sympathy with the people's wishes as expressed at the polls, and which have an important effect on legislation, resign from their respective chairmanships, so that their places may be filled by those who are known to be willing to carry into legislative effect the mandate of the people as expressed at the polls on the 7th day of November, 1922.

III. That the Senate of the United States reaffirm their readiness to bow to the people's will, when expressed at the polls, and declare that the vote of want of confidence in the leaders which has been registered shall not be disregarded.

Mr. ROBINSON. The purpose of the concurrent resolution was to express the sense of the Senate that Senators and Representatives who have been defeated should not vote on important issues here pending the time when their successors shall take their places. While it appears that the end sought by the concurrent resolution introduced by my colleague is not to be accomplished in the way that he sought to accomplish it, I have not the slightest doubt that when the subject is fully considered by the Congress and when the American people know that it is to be determined here the principle underlying the concurrent resolution offered by the junior Senator from Arkansas on November 22, 1922, and the provisions of the joint resolution now proposed by the Senator from Nebraska [Mr. NORRIS] will be incorporated into the law of the land. The Constitution ought to be so amended that Senators and Representatives after they have experienced defeat will not be compelled to experience the humiliation of passing upon questions, when they know that their opinions respecting those questions do not reflect the viewpoint of their constituents.

Mr. ASHURST. Mr. President, on the 12th of April, 1921, I introduced Senate Joint Resolution No. 8, to amend the Constitution of the United States, which is as follows:

A joint resolution (S. J. Res. 8) proposing an amendment to the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment to the Constitution be, and hereby is, proposed to the States, to become valid as a part of the Constitution when ratified by the legislatures of the several States as provided by the Constitution:

"ARTICLE —.

"SECTION 1. The terms of the President and Vice President of the United States shall commence on the third Monday in January following the election of presidential and vice presidential electors.

"SEC. 2. The presidential and vice presidential electors, composing the Electoral College, shall assemble in the States by which they are appointed and cast their votes for President and Vice President on the second Monday in December following their appointment, and the vote so cast, duly certified, shall be filed with the President of the Senate before the first Monday in January next thereafter, and the Congress shall meet in joint session on the second Monday in January following and open and count the same: *Provided*, That Congress may alter all the dates fixed in this section, in its discretion.

"SEC. 3. The terms of Senators and Representatives shall commence on the first Monday in January following their election.

"SEC. 4. There shall be held two regular sessions of Congress, convening on the first Monday of January each year.

"SEC. 5. This amendment shall not take effect until after the 4th day of March of the year 1925."

The Committee on the Judiciary of the Senate appointed a subcommittee to hear arguments. The American Bar Association sent a representative, a learned and distinguished lawyer, Mr. William L. Putnam, of the Boston bar. He argued in support of the principle of the resolution.

There also appeared before the committee Mr. Levi Cook, of the District of Columbia bar, and Mr. Edgar Wallace, legislative representative of the American Federation of Labor. I ask unanimous consent to incorporate in the RECORD at this

point the statements of Mr. Cook and Mr. Wallace made before the subcommittee of the Committee on the Judiciary.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT OF MR. LEVI COOKE, MEMBER OF SPECIAL COMMITTEE ON CHANGE OF DATE OF PRESIDENTIAL INAUGURATION, AMERICAN BAR ASSOCIATION, WASHINGTON, D. C.

Mr. COOKE. Mr. Chairman and gentlemen of the committee, I have but little to add to Mr. Putnam's statement. The American Bar Association is committed to this change. The lawyers in their association meetings have studied this matter, and it is their conviction, after a consideration extending over a period of several years, that such a change should be made.

From my own observations I feel that the people of the country do not understand the short session of Congress following the general election. That session of Congress has got the reputation for a period of years of doing very little except to pass the supply bills, not concerning itself with great questions of policy that the country may be interested in, for the most part because of the inability of the Congress during that short time to give the necessary attention to such subjects.

I think the Congress itself will be far more efficient with two long sessions in the course of a two-year term, each beginning on the 1st of January.

As Mr. Putnam has stated, the beginning of the presidential term and the coming in of the Congress on March 4 is in a way an historical accident and has now become a dangerous anachronism.

I think while it may have applied accidentally to the Congress in the earlier days, in the first days of the Government under this Constitution, yet the necessities of the times in those days commended the dates to the people. Travel was difficult. There was not an automobile or an airplane; in fact, we had no railroad trains or steamboats in those days, and there was not a Burroughs adding machine to count the election returns. Men in remote parts of the country had to send in their two or three ballots by horseback, over long distances, so that their votes might be counted. I know that in the lifetime of my own father it was two months after the election of President before they knew the result in the country at large, particularly in southern Ohio, I mean; and they did not know who were the Members of the new Congress until a much later time than that.

The times have completely changed. What was an accident in the beginning, and thereafter a necessity, has long since ceased to be useful in this country, and has led us now in the year 1922 to a point where the public at large does not understand why the Congress functions in the way it does after election.

Furthermore, we have had the experience in the past decade of almost regular extraordinary sessions of Congress to fill the gaps and make the Congress function as it should function.

The more important acts of Congress are usually passed in September or October after a long session extending throughout the summer, commencing in March, or perhaps called by the President in April. That can be avoided by this system. Congress can function promptly after January 1 and dispatch its business, and, in addition, there can be some relaxation for the Members of the House and Senate, which will not only benefit them individually but give them some more vacation than they have had and some more opportunity to return to their homes and mix with their people.

The point that Senator ASHURST mentioned as being one objection has been studied by some of the persons who have given thought to the subject; that is, under the present system, cumbersome as it can be, there is a cooling-out period between the excitement of the campaign and election and the actual holding of a session. That is an argument that is without foundation in fact, a criticism that certainly can not be substantiated. If five months is a good cooling-out period, maybe five years would be better. We would then have gentlemen coming here so well cooled out that the topics discussed on the hustings would no longer be fresh in their minds and they would probably be heating up on something else.

Senator ASHURST. If that be true, perhaps a jury should be allowed a cooling period after hearing evidence in a criminal case.

Mr. COOKE. Yes; they might be sent home for a year to cool off.

While we can not, perhaps, be guided by English customs and precedents for this country, it is none the less fair to take their experience as illuminating. They have no objection to going into a general election and then bringing their members to Westminster without any delay. And they have their bitter contests as well as we. They have just had an election, which was very warmly contested, indeed. I think they have never had any difficulty by way of any radical action because of the immediate meeting of a new Parliament.

Certainly we can trust the mass of our citizenry to send men to Senate and House who will be prepared to do their duty the day after election as well as five months after election.

If the American people take this amendment and ratify it, they will themselves be getting what they want in the way of prompt dispatch of public business by the Congress.

Without any criticism of the operations of the Congress over a period of years, I feel that it is fair to say, and that the statement would be fully understood, that the short session of the Congress is not a good institution. It has been a source of great criticism and it ought to be abandoned. We ought to have each of the two sessions of the Congress equally dignified, equally able to dispatch public business in a deliberate and fair fashion, in the way it should be dispatched. As matters stand now we are driven to the substitute of extra sessions of Congress to patch out, and we are practically losing one year.

It is not necessary to comment on the attitude of any individual Member of House or Senate who may find himself in the short session a Member of Congress defeated at the polls. It is possible that some men, finding themselves in the Congress in that position, are at least indifferent.

There is but one other thing I have to add, but because I live in the District of Columbia I have had my attention drawn to it particularly. There has been discussion from time to time in the city of Washington as to the propriety of changing the date of the inauguration on account of the inclemency of the weather on March 4 for a period of many years. I do not think that should concern the Congress at all in submitting this amendment. Slush on the streets in Washington one day in four years certainly ought not to affect public business forever. I think that idea should be discarded completely as having no bearing upon this great and fundamental question of the legislative system for the Nation.

If it should be decided to inaugurate the President in January, I think they would find just as crisp and sparkling weather in Washington as in May. At any rate, it is not a matter of any great importance. The great and vital thing is that the people of the country would welcome and hurriedly indorse a change in the system which would allow their balloting at the polls promptly to be recorded in the presence of the men they elect in Congress.

I will add, Senator BRANDEGEE, on the date of making the amendment effective, this statement: Of course, when the eighteenth amendment was submitted it was provided that it should become operative one year after ratification by three-fourths of the States. I do not question that when the committee comes to deal with the precise point in this proposed amendment a similar provision to that incorporated in the eighteenth amendment might be employed which would accomplish precisely the purpose the committee would wish the resolution to have.

And I might add that the Supreme Court of the United States scanned that provision with great care and decided it was strictly proper. And, as Senator PEPPER says, it becomes a part of the Constitution and is effective as such, but speaking intrinsically in its own terms it becomes operative at a date so provided.

The CHAIRMAN. Senator PEPPER, are you interested in this question and will you give us the benefit of your views?

Senator PEPPER. Mr. Chairman and gentlemen of the subcommittee, I am interested in this question, but everything I had to say has been better said by those who preceded me. Mr. Cooke, I think, has summed the case up admirably, and I will not attempt to spoil the case by adding anything to what he has said.

The CHAIRMAN. Does anyone else wish to be heard?

STATEMENT OF MR. EDGAR WALLACE, LEGISLATIVE REPRESENTATIVE, AMERICAN FEDERATION OF LABOR, WASHINGTON, D. C.

Mr. WALLACE. Mr. Chairman and gentlemen of the committee, I want to say that the executive council has taken cognizance of this resolution and favor the principles of it. We recognize that there may be some difference of opinion as to the language, but we are confident that you gentlemen can fix that to the best advantage.

We favor the principle because we believe immediate steps ought to be taken to make the change that seems to be the unanimous wish of everyone I have spoken to, in all walks of life.

Probably at the time the Constitution was written it was necessary to allow the long time to elapse between election and actual entry upon the duties of the office, as provided in the Constitution. That was the time of the stage coach, and when it was only possible to transmit ideas by word of mouth or by handwriting. It was a slow and laborious method of doing business, and it was necessary, no doubt, to have a considerable time elapse.

But that day and generation has passed. It is the opinion of the American Federation of Labor that immediate steps ought to be taken to submit this very desirable amendment to the States.

I believe that is about all I have to say.

The CHAIRMAN. Does anyone else desire to be heard? [After a pause.] If not, the hearing will be considered as closed and the subcommittee will adjourn.

MEMORANDUM IN REGARD TO A CONSTITUTIONAL AMENDMENT SHORTENING THE TIME WHICH ELAPSES BETWEEN THE ELECTION AND THE INAUGURATION OF THE PRESIDENT OF THE UNITED STATES AND ABOLISHING THE SHORT SESSION OF THE OLD CONGRESS, PREPARED FOR SUBMISSION TO THE SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY OF THE SENATE.

The American Bar Association is a conservative body whose members love and reverence the Constitution and are reluctant to change it.

They were led to consider this change because the present Constitution seemed to them to contain a weakness and a source of danger which might not be generally obvious, and that it was the duty of the association as lawyers to call this danger to the attention of the President and Congress in order that it might be dealt with calmly and in a nonpartisan spirit by the friends of the Constitution.

It seems better to us to have the Constitution amended carefully by skillful hands rather than to run the risk of its being found wanting at some critical time and subjected to unfriendly attack and perhaps mutilation. In 1917, therefore, the bar association appointed a special committee to consider this question. During the war the committee was not very active, but in 1919 and 1920 they reported favorably to the change and their reports were approved by the association. In 1921 at the request of the committee the association passed the following resolution:

"Whereas the association at its last meeting passed a resolution favoring such action as would lead to the dates of the election and of the inauguration of the President of the United States being brought nearer together and to the abandonment of the short session of the old Congress; and

"Whereas it is deemed desirable to express further the sense of this association that as far as practicable there should be the shortest possible interval between the mandate of power and the assumption of responsibility thereunder: Now, therefore, be it

"*Resolved*, That it is desirable—

"1. That Congress should come into being immediately upon its election and that the ensuing session of Congress should be a session of the new Congress and not of the old one.

"2. That the electors should meet at the earliest practicable date to cast their votes for President and Vice President.

"3. That the Congress should meet at the earliest practicable date to count the votes for President and Vice President.

"4. That the President and Vice President should be inaugurated thereafter without any unnecessary lapse of time." (Reports of American Bar Association, Vol. XLVI, 1921, p. 76.)

It is reasonably clear that the framers of the Constitution intended the new Congress and not the old one to assemble in December after they were elected. Throughout the debate on this particular clause of the Constitution which will be found in II Farrand's Constitutional Convention, pages 194 to 200, this intention is shown. For example, a suggestion was made that May instead of December should be the date of the assembling of Congress in order that the latest advices from Europe might be at hand, but this suggestion was defeated on the argument of Mr. Randolph that "the time—the States' elections—with which the elections of the national Representatives would no doubt be made to coincide, would suit better with December than May." (II Farrand, p. 200.) If it had been the old Congress who were to assemble the exact times when they were to be elected would have been immaterial. The fact that December was chosen as the date for the convening of Congress because the time suited better with the time of the election shows not only that it was intended that it should be the new Congress which assembled in December but that the

framers believed in having the new Congress assemble reasonably soon after it was elected.

The date on which the new Constitution should go into effect was not fixed by the Constitutional Convention because it was dependent on the action of the States in ratifying the Constitution. The date was fixed by the old Continental Congress, and they fixed the first Wednesday in March, 1789, which happened to be the 4th of March, as the time for commencing proceedings under the new Constitution. (Journal of Congress, vol. 13, p. 141, and also H. R. 121, p. 5, 61st Cong., 2d sess.)

A quorum of Congress was not present on March 4 and did not arrive until April 6, 1789, on which date the votes were counted by the new Congress and Washington and Adams were declared elected President and Vice President, respectively, and Washington was inaugurated President on April 30, 1789. Toward the close of Washington's first administration Congress passed an act declaring (sec. 12) "that the term of four years for which a President and Vice President shall be elected shall in all cases commence on the 4th day of March next succeeding the day on which the votes of the electors shall have been given." (Act of March 1, 1798, I Stat. L. p. 239 et seq.)

As Washington and Adams took their oaths of office on April 30, 1789, this act shortened their terms by nearly two months. The act, however, was never called in question.

In this curious way it came about that in the case of the first election of Washington it was the newly elected Congress which counted the votes but that thereafter it was always the old Congress which counted the votes for President.

This was brought about by shortening the terms of Washington and Adams without correspondingly shortening the terms of the Congressmen elected during the same year.

All the committees of the bar association who have considered this matter have been of the opinion that it would not be wise to try to shorten the terms of the President, Vice President, or Congressmen without a constitutional amendment. The constitutional amendment is, however, of an administrative character and would operate only on the terms of one President and Vice President and one set of Congressmen. The reasons which have led us to recommend this change are in general the same which would lead any business man or manufacturing corporation which had decided to change its general manager to make the change as promptly as possible. People holding office who know they have lost the confidence of their employer or constituents have necessarily lost a great part of their usefulness.

Now that the United States has come into close contact with other nations, situations frequently arise which require prompt and firm handling so that the danger from the present situation is becoming very great.

We firmly believe that if President Lincoln had been inaugurated in January instead of March the Civil War might have been avoided. Lincoln's kind and sagacious diplomacy and his trustworthy character would probably have so soothed the Virginia legislators that that State would never have seceded and that there would have been no war. With this terrible example in our history of the dangerous hazards that may attend the present interval between the election and the inauguration of the President, we feel that steps should be immediately taken to remedy the defect.

WILLIAM L. PUTNAM.
LEVI COOKE.

(Whereupon at 11 o'clock and 25 minutes a. m. the subcommittee adjourned.)

Mr. ASHURST. I would also include the illuminating paper and able speech of Mr. Putnam, of the Boston bar, but his statement and speech was so broken by interruptions that I do not feel justified in taking so much of the space of the RECORD.

Mr. President, the Constitution, Article II, section 1, ordains that the President and Vice President shall hold office for the term of four years, but does not provide when the terms shall commence. The only recognition of the 4th of March succeeding the day of a presidential election as the day of the commencement of the terms of the President and Vice President is the provision in the twelfth amendment to the Constitution, effective September 25, 1804, that—

if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them before the 4th day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President.

This would probably be construed to be a provision that the term of the President expired on the 4th of March after a presidential election—that a vacancy then exists—in which event the then Vice President succeeded to the office.

The time when the presidential electors should be elected, and the date on which they shall meet and give their vote is, by Article II, section 1, of the Constitution, left to the discretion of Congress, with the restriction that the day of voting shall be the same throughout the United States. An act was passed February 3, 1887, requiring them to meet and give their vote on the second Monday in January next after their appointment, in such place in each State as the legislature thereof shall direct; which vote, duly certified, to be delivered to the President of the Senate before the first Wednesday in February, and be canvassed by Congress, in joint session, on the second Wednesday in February thereafter.

The Constitution, while providing that Representatives shall hold their offices for two years (Art. I, sec. 2) and Senators for six years (Art. I, sec. 3), does not provide when the terms shall commence.

The commencement of the terms of the first President and Vice President, and of the Senators and Representatives composing the first Congress, was fixed by a resolution of Congress adopted September 13, 1788, providing "that the first Wednesday in March next—which happened to be the 4th day of March—be the time for commencing proceedings under the Constitution."

Congress has provided (act of Mar. 1, 1792, Rev. Stat., sec. 152) that the terms of the President and Vice President shall commerce on the 4th day of March next succeeding the day on which the votes of the electors have been given, but there seems to be no statutes enacted since the adoption of the Constitution fixing the commencement of the terms of Senators and Representatives.

The Constitution is proposed to be amended by the resolution as follows:

1. The terms of the President and Vice President, by the first section, are made to commence on the third Monday in January instead of the 4th day of March succeeding the election of electors.

The electors are required, by the second section, to meet and cast their vote on the second Monday in December succeeding their appointment; the vote to be filed with the President of the Senate before the first Monday in January thereafter, and the Congress to meet, in joint session, to open and count the same on the second Monday in January succeeding. The Congress, however, is authorized to change these dates.

The provisions of this section are entirely new, the present Constitution having left these matters entirely to the discretion of Congress, and are for the purpose of preventing confusion in putting the first section into effect.

3. The terms of Senators and Representatives are, by a third section, made to commence on the first Monday in January following their election.

This provision is new, and although there is no provision in the present Constitution fixing when the terms of Senators and Representatives shall commence, yet those providing that their terms shall be six and two years entitle those now in office and hereafter to be elected to hold for two years after the 4th of March succeeding their election, the day when the first Senators and Representatives were qualified under the Constitution, and their terms can not be changed without a constitutional provision.

4. The fourth section merely changes the second paragraph of section 4 of Article I of the Constitution, in effect, so as to provide that Congress shall meet each year, commencing on the first Monday of January instead of the first Monday in December.

5. The provisions of section 5 are temporary, and for the purpose merely of putting into effect the material provisions by shortening the terms of the President and Vice President, and Senators and Representatives, to the extent of the periods between the dates fixed by the resolution for the commencement of the terms of these officers hereafter, and the 4th of March succeeding said dates.

Under the present law Congress does not convene in regular session until 13 months after the election of its Members. There was some reason for such a provision at the time of the formation of our Government, as it then took a long time to ascertain the results of elections and to reach the Capitol from remote parts of the country. But there is no excuse whatever now, since the most distant States of the Union are within a few days' travel of Washington.

Senators heretofore have been elected by the legislatures of the States in January, and sometimes not until February or March. But since the adoption of the seventeenth amendment to the Constitution, by which Senators are to be elected by the people, probably at the November election, it becomes opportune for Congress to convene in January following. The convening of Congress on the first Monday of December, as at present, is inopportune, as adjournment for the Christmas holidays is always taken and many Members go to their homes, returning late, which precludes any real work until January.

The reasons for the adoption of the proposed amendment are these:

First. Congress should at the earliest practicable time enact—within the limits of the Constitution—the principles of the majority of the people, as expressed in the election of each Congress. That is why the Constitution requires the election of a new Congress every two years. If it be not to reflect the sentiment of the people these frequent elections have no meaning nor purpose. Any evasion of this is subversive of the fundamental principle of our Government, that the majority shall rule. No other nation has its legislative body convene so long after the expression of the people upon governmental questions.

During the campaign preceding a congressional election the great questions that divide the political parties are discussed

for the purpose of determining the policy of the Government and of having the sentiments of the majority crystalized into legislation. It seems to be trifling with the rights of the people when their mandates can not be obeyed within a reasonable time. It is unfair to an administration that the legislation which it thinks so essential to the prosperity of the country should be so long deferred. It is true an extraordinary session may be called early, but such sessions are limited generally to one or two subjects, which of necessity make for enormous waste of the time of each House, waiting for the other to consider and pass the measures.

Second. As the law is at the present time, the second regular session does not convene until after the election of the succeeding Congress. As an election often changes the political complexion of a Congress, under the present law many times we have the injustice of a Congress that has been disapproved by the people enacting laws for the people opposed to their last expression. Such a condition does violence to the rights of the majority. A Member of the House of Representatives can barely get started in his work until the time arrives for the nominating convention of his district. He has accomplished nothing, and hence has made no record upon which to go before his party or his people. This is an injustice both to the Members and to the people. The record of a Representative should be completed before he asks an indorsement of his course.

Third. Under the present system a contest over a seat in the House of Representatives is seldom, if ever, decided until more than half the term, and in many instances until a period of 22 months of the term has expired. For all that time the occupant of the seat draws the salary, and when his opponent is seated he also draws the salary for the full term; thus the Government pays for the representation from that district twice. But that is not the worst feature of the situation; during all of that time the district is being misrepresented, at least politically, in Congress.

By Congress meeting the first Monday in January succeeding the elections, contested-election cases can be disposed of at least during the first six months of the Congress.

Fourth. The President and Vice President should enter upon the performance of their duties as soon as the new Congress can count the electoral votes. The newly elected governors of the States are inducted into office as soon as the new legislatures of the States canvass the votes and declare their election. It is the old Congress which now counts the electoral votes. It is dangerous to permit the defeated party to retain control of the machinery by which such important officers are declared elected.

In the event that no candidate for President receives a majority of the electoral votes, the Constitution provides that the House of Representatives shall elect the President, each State having one vote. At the present time it is the old Congress that elects the President under such contingency, and thereby it becomes possible for a political party repudiated by the people to elect a President who was defeated at the election. Under the present provision of the Constitution, in the event the House fails to choose a President before the 4th of March, then the Vice President then in office becomes President for four years. This affords a temptation by mere delay to defeat the will of the people, and if it is ever exercised it will likely produce a revolution.

It is true that January weather might be inclement for an inaugural parade, but that is a reason too insignificant to constitute an argument against a constitutional amendment which promises so much for good government. Nearly all the governors of the States are inaugurated in January. The pomp and ceremony which usually attend the coronations of monarchs are at least not necessary to a republic.

But, Mr. President, even greater in importance than advancing the date for the inauguration of President and Vice President is our duty to submit a constitutional amendment so that the people themselves in some manner may have an opportunity to be heard upon the ratification of amendments.

Mr. President, in the Sixty-sixth Congress the Senator from Connecticut [Mr. BRANDEGEE] introduced a proposed amendment to the Constitution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That Article V of the Constitution of the United States is hereby amended to read as follows, to wit:

"ARTICLE V.

"The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or on the application of the legislatures of two-thirds of the several States shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution when ratified within six years from the date of their proposal by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, or by the electors in three-fourths thereof, as the mode of ratification may be proposed by the Congress: *Provided*, That no State, without its consent, shall be deprived of its equal suffrage in the Senate."

This amendment was reported favorably from the Senate Committee on the Judiciary.

We have had 19 amendments to the Federal Constitution. I will consider the first 10 amendments as a part and parcel of the original Constitution, because when the Constitution was ratified it was upon the implied, in some cases express, understanding that these Bill of Rights amendments would be adopted. They were proposed and submitted by the First Congress on the 15th of September, 1789. They were 12 in number. The third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, and twelfth were ratified by the required number of States within exactly two years and three months. But No. 1 and No. 2 are still pending, and on the 15th day of next September will have been pending 134 years.

Congress, in submitting the prohibition amendment, laid a limit upon the time within which the States could ratify.

Amendments have been brought about by "amendment epochs." The eleventh and twelfth amendments were adopted in the 10-year period between 1794 and 1804, the twelfth having been brought about by the unfortunate tie in the Electoral College between Thomas Jefferson and Aaron Burr. Call that the first amendment epoch. Then, notwithstanding the fact that many scores of amendments were introduced in Congress and two were proposed between 1804 and 1864, no amendment was adopted; thus there was a 60-year period of immobility with respect to amending our Federal Constitution.

Then came the second amendment epoch, which began in 1865 and lasted until 1875. In that 10-year period the thirteenth, fourteenth, and fifteenth amendments were proposed and adopted.

Then came nearly 40 years of immobility, and then came the sixteenth, seventeenth, eighteenth, and nineteenth amendments—the third amendment epoch, 1909 to 1923—showing that these amendments move in cycles.

The Federal Constitution conserves and protects all that real Americans hold precious; it should not be changed by legislative caucus.

There is not a State in the Federal Union whose constitution may be amended by the State legislature. The State of Delaware is an apparent but not a real exception, as Delaware requires that an amendment to the State constitution must be proposed by at least two-thirds of one legislature, then there must be notice to the electors for a certain period before the next election, so that if they desire they can express their will at the polls upon the proposition, then the amendment must be ratified by a second legislature by a two-thirds vote, which gives them an indirect vote. The various State constitutions may be amended only by the electorate of the State. How utterly archaic, therefore, it is to deny the electorate an opportunity to express itself upon the proposed change in our fundamental law.

If the consent of the voters be required to alter and amend a State constitution, a fortiori, the vote of the people should be required to change the Federal Constitution.

It is vital to our American system that the voter should have an opportunity to say at the ballot box under what form of government he desires to live.

If you are not willing that the State legislatures should choose United States Senators, for a much stronger reason the State legislatures should not change your fundamental law.

Every argument in favor of the election of Senators by a direct vote of the people is a stronger argument in favor of consulting the people on constitutional amendments.

I favored the amendments providing for the income tax, direct election of Senators, prohibition, and woman suffrage. I believe they were wise amendments, and that they were in response to the deliberate judgment and progressive thought of a vast majority of our countrymen; indeed, I believe those amendments were demanded by the people and were not forced upon the people. My belief, unfortunately, does not settle the question; for the stubborn fact exists that millions of our countrymen thoroughly believe that the prohibition and woman-suffrage amendments were adopted by cunning, by craftiness and indirection, and that the Congress and the State legislatures were either browbeaten into voting for the amendments or were induced to do so by an insidious lobby. It is my opinion that if a referendum to the people on the prohibition and woman-suffrage amendments could have been had, each amendment would have been adopted and ratified by the electors. We should, therefore, take the requisite steps to preclude in the future a recurrence of such discontent and

suspicion by providing a means by which the electors of each State may pass upon amendments to the Federal Constitution.

Mr. President, there are 435 Members of the House of Representatives and 96 Members of the Senate, in all 531. I ask unanimous consent to include in the RECORD, as a part of my remarks, a statement showing the number of State senators, number of members of the house or assembly, as the case may be, in the State legislatures.

There being no objection, the statement was ordered to be printed in the RECORD as follows:

Number of members in State legislatures according to the year 1919.

State.	Senate.	House or assembly.
Alabama	35	106
Arizona	19	35
Arkansas	35	100
California	40	80
Colorado	35	60
Connecticut	35	258
Delaware	17	35
Florida	32	75
Georgia	44	189
Idaho	37	65
Illinois	51	152
Indiana	50	100
Iowa	50	108
Kansas	40	125
Kentucky	38	100
Louisiana	41	115
Maine	31	151
Maryland	27	102
Massachusetts	40	240
Michigan	32	100
Minnesota	67	130
Mississippi	49	133
Missouri	34	142
Montana	41	95
Nebraska	33	100
Nevada	17	37
New Hampshire	24	404
New Jersey	21	60
New Mexico	24	49
New York	51	150
North Carolina	50	120
North Dakota	49	113
Ohio	36	128
Oklahoma	44	111
Oregon	30	60
Pennsylvania	50	207
Rhode Island	39	100
South Carolina	44	124
South Dakota	45	103
Tennessee	33	99
Texas	31	142
Utah	18	46
Vermont	30	246
Virginia	40	100
Washington	41	97
West Virginia	30	94
Wisconsin	33	100
Wyoming	27	57
	1,760	5,643

Members of senate	1,760
Members of houses of assembly	5,643
Total	7,403

So we have a total of 7,403 members of the State legislatures, according to the figures for the year 1919—not two-thirds but a bare majority of that 7,400 men—may pass upon an amendment to the Constitution.

We find ourselves in this posture: Two-thirds of the Congress and a majority of the 7,400, or about 4,500 men, pass upon the destiny of the most advanced people that ever lived in the tide of times. We set ourselves up as the leader among the nations in thought and as responsive to the people's will, and yet 4,500 men, if they saw fit, could Prussianize the Republic.

It is startling to investigate and then reflect upon the perils that have come and that in the future may come by a continued failure to set a time limit within which a proposed amendment may be ratified.

Four different amendments duly proposed by the Congress are now pending before the States for their action. These amendments are as follows:

One, proposed September 15, 1789, 134 years ago, relating to enumeration and representation:

ARTICLE I. After the first enumeration required by the first article of the Constitution there shall be one Representative for every 30,000 until the number shall amount to 100, after which the proportion shall be so regulated by Congress that there shall be not less than 100 Representatives, nor less than 1 Representative for every 40,000 persons, until the number of Representatives shall amount to 200, after which the proportion shall be so regulated by Congress that there shall not be less than 200 Representatives nor more than 1 Representative for every 50,000 persons.

Another, proposed September 15, 1789, 134 years ago, relating to compensation of Members of Congress:

ART. II. No law varying the compensation for the services of the Senators and Representatives shall take effect until an election of Representatives shall have intervened.

Another, proposed May 1, 1810, 113 years ago, to prohibit citizens of the United States from accepting presents, pensions, or titles from princes or from foreign powers:

If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

Another, proposed March 2, 1861, 62 years ago, known as the Corwin amendment, prohibiting Congress from interfering with slavery within the States:

No amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish or interfere, within any State, with the domestic institutions thereof, including that of persons held to labor or service by the laws of said State. (12 Stat. 251.)

On September 15, 1789, 12 constitutional amendments were proposed by the First Congress. The requisite number of States ratified proposed articles numbered 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 within exactly two years and three months, whilst Nos. 1 and 2, although proposed 134 years ago, have not, according to the latest available returns, received favorable action by the requisite number of States and are yet before the American people, or the States, rather, have been for 134 years, and are now subject to ratification or rejection by the States. After those two proposed amendments, to wit, Nos. 1 and 2, had been in nubilous—"in the clouds"—for 84 years, the Ohio State Senate in 1873, in response to a tide of indignation that swept over the land in opposition to the so-called "back-salary grab," resurrected proposed amendment No. 2 and passed a resolution of ratification through the State senate. No criticism can be visited upon the Ohio Legislature that attempted to ratify the amendment proposed in 1789, and if the amendment had been freshly proposed by Congress at the time of the "back-salary grab," instead of having been drawn forth from musty tomes, where it had so long lain idle, stale, and dormant, other States doubtless would have ratified it during the period from 1873 to 1881.

Thus it would seem that a period of 134 years, or 84 years, within which a State may act is altogether too long, and I will support a proposition limiting the time to 6, 8, or 10 years within which a State may act under a particular submission, so that we will not hand down to posterity a conglomerate mass of amendments floating around in a cloudy, nebulous haze, which a State here may resurrect and ratify, and a State there may galvanize and ratify.

We ought to have homogeneous, steady, united exertion, and certainly we should have contemporaneous action with reference to these various proposed amendments. Judgment on the case should be rendered within the ordinary lifetime of those interested in bringing about the change in our fundamental law. Final action should be had while the discussions and arguments are within the remembrance of those who are called upon to act.

There is still another reason why a time limit should be set: When the 12 amendments were submitted in 1789 there were only 13 States. Vermont had not been admitted, if I remember correctly.

Question: Should three-fourths of the States then in the Union or three-fourths of those now in the Union be the test as to what shall be the number required for ratification?

The amendment proposed on May 1, 1810, was submitted to the States under interesting and peculiar auspices and was as follows:

If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatever from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States and shall be incapable of holding any office of trust or profit under them, or either of them.

What was the reason for that proposed amendment? It is probable that the Congress which submitted the amendment believed that when officials accept presents of great value they dissolve the pearl of independence in the vinegar of obligation.

Unfortunately, the annals of Congress and contemporary newspapers do not give any of the debate upon this interesting proposition. The only light thrown upon the subject by the annals is the remark of Mr. Macon, who said "he considered the vote on this question as deciding whether or not we were to have members of the Legion of Honor in this country."

What event connected with our diplomatic or political history suggested the need of such an amendment is not now apparent, but it is possible that the presence of Jerome Bonaparte in this country a few years previous, and his marriage to a Maryland lady, may have suggested this measure.

An article in Niles's Register (vol. 72, p. 166), written many years after this event, refers to an amendment having been adopted to prevent any but native-born citizens from being President of the United States. This is, of course, a mistake, as the Constitution in its original form contained such a provision; but it may be possible that the circumstances referred to by the writer in Niles relate to the passage of this amendment through Congress in regard to titles of nobility. The article referred to maintains that at the time Jerome Bonaparte was in this country the Federalist Party, as a political trick, affecting to apprehend that Jerome might find his way to the Presidency through "French influence," proposed the amendment. The Federalists thought the Democratic Party would oppose it as unnecessary, which would thus appear to the public as a further proof of their subserviency to French influence. The Democrats, to avoid this imputation, concluded to carry the amendment. "It can do no harm" was what reconciled it to all.

Mr. CARAWAY. Mr. President, may I interrupt the Senator?

Mr. ASHURST. I yield.

Mr. CARAWAY. Even in those days there were some "four-flushers."

Mr. ASHURST. I recognize the term; I know the nomenclature whence it comes, and "four-flushers" I think there were at that time.

That amendment was submitted 113 years ago, and it was ratified within two years by Maryland, Kentucky, Ohio, Delaware, Pennsylvania, New Jersey, Vermont, Tennessee, Georgia, North Carolina, Massachusetts, and New Hampshire. It was rejected by two or three of the States. At one period of our national life the school-book histories and the public men stated that it was a part of our organic law, because in the early days of our Government the Secretary of State did not send messages to Congress announcing ratification or promulgate to the public any notice whatever as to when an amendment became a part of the Constitution. I have caused the journals, records, and files in the Department of State to be searched, and there may not be found any notice of any proclamation or promulgation of the ratification of the first 10 amendments to the Constitution. The States assumed—it was not an unwarranted or violent assumption—that when the requisite number of States had ratified an amendment it was then and there a part of our organic law.

When the War between the States began to throw its shadow over the land, men rushed here and there with a compromise to heal the breach, if possible, and tried to avert the shock that was apparently about to come to our governmental structure.

Expedient after expedient was proposed, and just before the adjournment of Congress—to wit, on March 2, 1861—the following amendment, known as the Corwin amendment, to the Constitution of the United States was proposed to the States, and it read as follows:

No amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish or interfere, within any State, with the domestic institutions thereof, including that of persons held to labor or service by the laws of said State. (12 Stat. 251.) Proposed by Congress March 2, 1861.

That amendment was proposed by Congress on the 2d of March, 1861, and I warrant there are not 5,000 people in the United States to-day who know that such an amendment is now pending before the various States of the Union for their ratification. The amendment was ratified by the State of Ohio and by the State of Maryland through their legislatures and by the State of Illinois in 1862 by a convention.

Thus we perceive that a system which permits of no limitation as to the time when an amendment may not be voted upon by the State is not fair to posterity nor to the present generation. It keeps historians, publishers, and annalists, as well as the general public, constantly in doubt.

Having searched closely as to whether there is in the Constitution itself any expressed or implied limitation as to when an amendment may not be adopted, I am driven irresistibly to the conclusion that an amendment to the Constitution, once having been duly proposed, although proposed September 15, 1789, could not be recalled even by the unanimous vote of both Houses, if the Congress wished the same recalled, because the power to submit an amendment is specifically pointed out; but no power is given to recall it, and silence is negation.

I am not without authority on this subject, and I shall include in the RECORD some data I have collected on this subject.

Mr. CARAWAY. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER (Mr. MOSES in the chair). Does the Senator from Arizona yield to the Senator from Arkansas?

Mr. ASHURST. I do.

Mr. CARAWAY. While the Senator is discussing that subject, does he recall the rather interesting decision of the court that a State that refuses to ratify may afterwards ratify, but a State that has once ratified can not recede?

Mr. ASHURST. Yes. I will discuss that.

Mr. CARAWAY. All right.

Mr. ASHURST. Of course, I am only giving my own opinion now; but I am of opinion that a State which rejects a proposed amendment may, of course, at any time thereafter ratify the same, and that a State which adopts or ratifies a proposed amendment may withdraw its ratification, provided it withdraws such ratification before the required number of States shall have ratified. That is to say, if 36 States are necessary to a ratification, and State A ratifies and becomes the thirty-sixth to do so, manifestly it can not thereafter withdraw its ratification; but if the 36 States were necessary, and State A were the thirty-fifth or the twentieth State to ratify, it could withdraw that ratification when its withdrawal would not be determinative of the result.

As a little thumb-nail sketch, as a vignette of many things that took place with reference to the fifteenth amendment, let me read now from a statement that was read to the Committee on the Judiciary by Mr. Caperton Braxton, of Staunton, Va. I can not read it all; it would be too long; but it is an interesting paper, and Senators will find their time well repaid to read it all.

THE FIFTEENTH AMENDMENT—AN ACCOUNT OF ITS ENACTMENT.

[By A. Caperton Braxton, of Staunton, Va.]

"If the passage of this amendment through Congress was unseemly, its ratification by the State legislature was, in several instances, at least, nothing short of scandalous.

"The amendment passed the Senate rather late Friday night, February 26, 1869. The next morning, as soon as the enrolled resolution was signed by the Presiding Officer, it was telegraphed by Congressman Sydney Clarke to the Legislature of Kansas, then on the point of adjournment. His telegram, entirely unofficial, was received by the legislature during its afternoon session, and that very evening, in less than 24 hours after the amendment had passed Congress, long before it had been certified to the States for action, and before anyone in Kansas had even seen it (other than Clarke's telegraphic copy), the legislature of that State ratified it. The people of Kansas, at the polls about a year previous, had voted against negro suffrage by a majority of 2 to 1.

"Senator Stewart, of Nevada, was, if anything, more anxious than Congressman Clarke, of Kansas, to obtain action by existing legislatures before the people could make themselves heard. The State of Nevada had very recently adopted a constitution which restricted suffrage to 'white' men. The people of that State, like those of California and Oregon, were overwhelmingly opposed to an extension of the elective franchise to any but white men—not so much for fear of the negro as of the Chinese vote. It was generally conceded among the radical press that Nevada would certainly reject the amendment, but they underrated the resources of their own generals. Late Friday night, as soon as the Presiding Officer had announced that 39 votes was two-thirds of a Senate of 66 Members, Senator Stewart, impressed with the fact just stated by him to the Senate that the legislatures were waiting to ratify the amendment, and that if it was not done by them, and at once, the whole thing would be lost, caused the Secretary of the Senate, without even waiting for the resolution to be enrolled or signed, to telegraph it to the Legislatures of Nevada and Louisiana, to which telegrams he and three others added a message urging the immediate ratification by the legislatures.

"This remarkable dispatch did not reach Nevada till the next morning, Saturday, when the legislature at once endeavored to comply with its instructions, but they were not quite so docile as in Kansas, and did not succeed until Monday morning, March 1, 1869, when they ratified the amendment against a strong written protest of the minority, including Republicans and Democrats. This protest insisted, among other things, that the amendment had not received the constitutional two-thirds majority in the Federal Senate; that the Legislature of Nevada had as yet no official knowledge of the proposed amendment (the telegraphic report of it being, as it afterwards transpired, materially incorrect); that the people of Nevada should be given an opportunity to be heard upon it, and that the people, by voting the Republican ticket for President, had just within a few months past ratified the declaration of the Republican platform of May, 1868, that the control by loyal States of their

suffrage laws should not be interfered with. But all this was as baying at the moon, and Nevada was recorded as the second State ratifying the fifteenth amendment.

"The records of the Legislature of Missouri fail to show how that body was informed of the passage of the fifteenth amendment in Congress; the newspapers of the day said some one heard of it by telegram. This was enough; accordingly, that legislature, early Monday morning, March 1, 1869, suspended their rules and ratified what they thought was the amendment, but it turned out, after they had adjourned, that the thing they ratified was not the amendment at all and so they had to ratify all over again when they next assembled.

Mr. OVERMAN. The Senator will put that in the RECORD. It is in our hearings.

Mr. ASHURST. It is so long that I hesitate to include the entire article in the RECORD. It is, as I say, from a statement made by Mr. Caperton Braxton, of Staunton, Va., respecting the fifteenth amendment.

Mr. CARAWAY. Mr. President, is the Senator going to discuss also the fact that some of the States that ratified the fifteenth amendment were required to do so before they were permitted to be States?

Mr. ASHURST. I am not so familiar with that as the Senator probably is, and I had not intended to discuss it.

Mr. CARAWAY. A State, being declared out of the Union, was told that it could get back only by ratifying the amendment, which it had to do as a State when it was not a State.

Mr. ASHURST. That is true.

Mr. CARAWAY. It is interesting in this connection.

Mr. ASHURST. It has been stated that the inclemency of the weather on the third Monday of January is such that it would not make an inauguration a pleasant function. It so happens that I have caused the records to be examined, and find that the third Monday of January is usually more pleasant than the 4th of March.

Mr. CARAWAY. Mr. President, I rather imagine the people would be willing to ratify a new President now in any kind of weather.

Mr. ASHURST. I almost despair of securing at this session of the Congress the submission of this amendment which I have introduced. Animadversions have been made upon the present system of permitting hold-over or lame-duck Members of Congress to make laws. As to that feature of the argument, on this side there are some members going out of the Senate whom we all ardently wish were going to continue here. Those on this side who leave us on the 4th of March may have successors, but their places will not easily be filled.

I am, however, encouraged by the thought that the circumstance which led to the formation of the Federal Constitution was the debility of the Continental Congress. There is no American but who thrills when he reads of the Continental Congress. After the Revolutionary War was over, that inept Continental Congress proved even more inept and inefficient, and as time went on that ineptitude progressively increased, and that was what in some measure caused the formation of the Federal Constitution.

The last thing, and surely one of the great things which the Continental Congress did, was performed by lame-duck Members of the Continental Congress. They adopted and passed the Ordinance of 1787, setting up the machinery whereby we now have five great States as monuments to the liberality and generosity of Virginia, and the General Government as a whole, and the bringing of those five States into being proved to be the action which I believe was the last important act of the Continental Congress.

So it is here to-day. Those Members who, through the mutations of politics or because they have constituencies, such as Aristides had, are about to leave us, could do no more worthy thing, could do no greater thing for their country and for their Government, than to help us submit the amendment which will provide that in the case of all amendments hereafter submitted the people shall be consulted, that there shall be a vote of the people in each State, and that in respect to the election of President and Senators and Representatives, as soon as may be with decency and with propriety the newly elected official shall be inaugurated to take up the burden and to begin the work of the people.

I hope that those who on the 4th of March will leave us, as we in our turn on some 4th of March shall also leave here, will become profoundly impressed with the importance of rendering this most signal service to this Republic, by helping us to submit these amendments I have outlined.

I ask unanimous consent to insert in the RECORD some data respecting the ratification of the various amendments to the Constitution.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

DISCUSSION OF CONSTITUTIONAL QUESTIONS INVOLVED.

(Jameson.)

SEC. 585. VI. Two further questions may be considered: (1) When Congress has submitted amendments to the States, can it recall them? and (2) How long are amendments thus submitted open to adoption or rejection by the States?

1. The first question must, we think, receive a negative answer. When Congress has submitted amendments at the time deemed by itself or its constituents desirable to concede to that body the power of afterwards recalling them would be to give to it that of definitely rejecting such amendments, since the recall would withdraw them from the consideration of the States and thus render their adoption impossible. However this may be, it is enough to justify a negative answer to say that the Federal Constitution, from which alone Congress derives its power to submit amendments to the States, does not provide for recalling them upon any event or condition, and that the power to recall *can not be* considered as involved in that to submit as necessary to its complete execution. It therefore can not exist.

2. The same consideration will perhaps furnish the answer to the second question. The Constitution gives to Congress the power to submit amendments to the States; that is, either to the State legislatures or to conventions called by the States for this purpose, but there it stops. No power is granted to prescribe conditions as to the time within which the amendments are to be ratified, and hence to do so would be to transcend the power given. The practice of Congress in such cases has always conformed to the implied limitations of the Constitution. It has contented itself with proposing amendments to be come valid as parts of the Constitution according to the terms of that instrument. It is therefore possible, though hardly probable, that an amendment once proposed is always open to adoption by the nonacting or nonratifying States.

The better opinion would seem to be that an alteration of the Constitution proposed to-day has relation to the sentiment and the felt needs of to-day, and that, if not ratified early, while that sentiment may fairly be supposed to exist, it ought to be regarded as waived and not again to be voted upon unless a second time proposed by Congress.

SEC. 586. In discussing the question of the right of the States to vote upon proposed amendments at any time after the date of their proposal it is proper to look into the consequences of such a right. If they have the right, there are now floating about us as it were in nebulous several amendments to the Constitution proposed by Congress which have received the ratification of one or more States but not of enough to make them valid as parts of that instrument. Congress could not withdraw them, and there is in force in regard to them no recognized statute of limitations. Unless abrogated by amendments subsequently adopted they are, on the hypothesis stated, still before the American people to be adopted or rejected.

In 1873 the Senate of Ohio, acting upon the theory that once proposed an amendment to the Constitution is always open to ratification, adopted a joint resolution ratifying the second of the 12 amendments submitted to the States by Congress in 1789, but then rejected, providing that "no law varying the compensation of Members of Congress shall take effect until an election for Representatives shall have intervened." This resolution, prepared by Madison, was an excellent one; but suppose it had been unjust, proposed, perhaps, in the interest of a section or of a party, and, failing at the time to receive the requisite majority, it had subsequently by a concerted rally of those interested in its adoption been carried without discussion or a clear expression of the existing public will; is that a true construction of the Constitution which may be followed by so dangerous consequences? And supposing the right referred to exists, by what majority shall the resurrected amendments be adopted? If proposed in 1789, when the States numbered but 13 and when a majority of 10 States might have ratified the amendment, how many would have been requisite in 1873, when there were 38 States which would have been called upon to vote? If the answer should be that 29 States must have voted to ratify, since that number was three-fourths of all the States in 1873, however reasonable such an answer might seem, it would be founded upon no statute or custom of the country, and therefore different opinions as to its reasonableness might well be entertained. Hence the danger of confusion or conflict. We discuss this question here merely to emphasize the dangers involved in the Constitution as it stands and to show the necessity of legislation to make certain those points upon which doubts may arise in the employment of the constitutional process for amending the fundamental law of the Nation. A constitutional statute of limitation prescribing the time within which proposed amendments shall be adopted or be treated as waived ought by all means to be passed. (Jameson, John A. A treatise on constitutional conventions (4th ed., 1887), pp. 634–636.)

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AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES PROPOSED BY CONGRESS BUT NOT RATIFIED BY THREE-FOURTHS OF THE STATES, COLLATED BY SENATOR ASHURST.

APPORTIONMENT OF REPRESENTATIVES.

After the first enumeration required by the first article of the Constitution, there shall be one Representative for every 30,000 until the number shall amount to 100; after which the proportion shall be so regulated by Congress that there shall be not less than 100 Representatives nor less than 1 Representative for every 40,000 persons, until the number of Representatives shall amount to 200; after which the proportion shall be so regulated by Congress that there shall not be less than 200 Representatives nor more than 1 Representative for every 50,000 persons. (1 Stat. 97.) (Submitted at the same time as those which became part of the Constitution as amendments 1 to 10.)

Proposed by Congress September 15, 1789.

Ratified by the following States:

New Jersey, November 20, 1789. (Senate Journal, p. 199, 1st Cong., 2d sess.)

Maryland, December 19, 1789. (Senate Journal, p. 106, 1st Cong., 2d sess.)

North Carolina, December 22, 1789. (Senate Journal, p. 103, 1st Cong., 2d sess.)

South Carolina, January 19, 1790. (Senate Journal, p. 50, 1st Cong., 2d sess.)

New Hampshire, January 25, 1790. (Senate Journal, p. 105, 1st Cong., 2d sess.)

New York, March 27, 1790. (Senate Journal, p. 53, 1st Cong., 2d sess.)
Rhode Island, June 15, 1790. (Senate Journal, p. 110, 1st Cong., 2d sess.)
Virginia, October 25, 1791. (Senate Journal, p. 30, 2d Cong., 1st sess.)
Pennsylvania, September 21, 1791. (Senate Journal, p. 11, 2d Cong., 1st sess.)
Vermont, November 3, 1791. (Senate Journal, p. 98, 2d Cong., 1st sess.)
Pennsylvania had first rejected the proposed amendment March 10, 1790.
Rejected by Delaware January 28, 1790.
The Journals give no record of the action of the Legislatures of Massachusetts, Connecticut, and Georgia.

COMPENSATION OF MEMBERS OF CONGRESS.

No law varying the compensation for the services of the Senators and Representatives shall take effect until an election of Representatives shall have intervened. (1 Stat. 97.) (Submitted at the same time as those which became part of the Constitution as amendments 1 to 10:)
Proposed by Congress September 15, 1789.
Ratified by Congress September 15, 1789.
Maryland, December 19, 1789. (Senate Journal, p. 106, 1st Cong., 2d sess.)
North Carolina, December 22, 1789. (Senate Journal, p. 103, 1st Cong., 2d sess.)
South Carolina, January 19, 1790. (Senate Journal, p. 50, 1st Cong., 2d sess.)
Delaware, January 28, 1790. (Senate Journal, p. 35, 1st Cong., 2d sess.)
Vermont, November 3, 1791. (Senate Journal, p. 98, 2d Cong., 1st sess.)
Virginia, December 15, 1791. Senate Journal, p. 69, 2d Cong., 1st sess.)
Rejected by New Jersey, November 20, 1789 (Senate Journal, p. 199, 1st Cong., 2d sess.); New Hampshire, January 25, 1790 (Senate Journal, p. 105, 1st Cong., 2d sess.); Pennsylvania, March 10, 1790 (Senate Journal, p. 39, 1st Cong., 2d sess.); New York, March 27, 1790 (Senate Journal, p. 53, 1st Cong., 2d sess.); Rhode Island, June 15, 1790 (Senate Journal, p. 110, 1st Cong., 2d sess.).
The Journals give no record of the action of the Legislatures of Massachusetts, Connecticut, and Georgia.

TITLES OF NOBILITY.

If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States and shall be incapable of holding any office of trust or profit under them or either of them. (2 Stat. 613.)
Proposed by Congress May 1, 1810.
Ratified by the following States:
Maryland, December 25, 1810.
Kentucky, January 31, 1811.
Ohio, January 31, 1811.
Delaware, February 2, 1811.
Pennsylvania, February 6, 1811.
New Jersey, February 13, 1811.
Vermont, October 24, 1811.
Tennessee, November 21, 1811.
Georgia, December 13, 1811.
North Carolina, December 23, 1811.
Massachusetts, February 27, 1812.
New Hampshire, December 10, 1812.
Rejected by New York (senate) March 12, 1811; Connecticut, May session, 1813; South Carolina, approved by senate November 28, 1811, reported unfavorably in house and not further considered December 7, 1813; Rhode Island, September 15, 1814.

AMENDMENT ABOLISHING OR INTERFERING WITH SLAVERY PROHIBITED (CORWIN AMENDMENT).

No amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish or interfere, within any State, with the domestic institutions thereof, including that of persons held to labor or service by the laws of said State. (12 Stat. 251.)
Proposed by Congress March 2, 1861.
Ratified by the following States:
Ohio, March 13, 1861.
Maryland, January 10, 1862.
Illinois (convention), February 14, 1862.

ATTEMPTS TO REGULATE RATIFICATION.

On May 23, 1866, when the resolution proposing the fourteenth amendment was under consideration, Mr. Buckalew, of Pennsylvania, submitted an amendment to add to the resolution the following additional section:
"SEC. 6. This amendment shall be passed upon in each State by the legislature thereof which shall be chosen, or the members of the most popular branch of which shall be chosen, next after the submission of the amendment, and at its first session; and no acceptance or rejection shall be reconsidered or again brought in question at any subsequent session; nor shall any acceptance of the amendment be valid if made after three years from the passage of this resolution." (Cong. Globe, vol. 36, p. 2771.)
When the fifteenth amendment was before the Senate on February 3, 1869, Mr. Buckalew, of Pennsylvania, proposed to add to the resolution submitting it to the States the words:
"That the foregoing amendment shall be submitted to the legislatures of the several States, the most numerous branch of which shall be chosen next after the passage of this resolution." (Cong. Globe, vol. 40, p. 828.)
His speech in support of this proposal on February 5, 1869, is reported in the Congressional Globe, volume 40, pages 912 and 913. On February 9, 1869, this amendment was rejected—yeas 13, nays 43.
On February 17, 1869, an amendment practically identical with the above was offered by Mr. Hendricks, of Indiana, and the constitutionality of such a limitation was discussed by Senators Morton, Bayard, Buckalew, Dixon, and Yates. The question being taken, the amendment was rejected—yeas 12, nays 40. (Cong. Globe, vol. 40, pp. 1311–1314.)

On January 30, 1882, Mr. Berry, of California, introduced a joint resolution (H. J. Res. 116, 47th Cong., 1st sess.) proposing an amendment to the Constitution to regulate ratification, as follows:
"SECTION 1. The legislature of a State shall not vote upon a proposed amendment to the Constitution of the United States except at a regular session held following an election of the members of the most numerous branch of the State legislature, which election must take place subsequent to the time of submission by Congress or a convention of the proposed amendment.
"SEC. 2. This amendment shall not take effect until the 5th of March, 1885."
On March 17, 1869, Mr. Morton, of Indiana, introduced in the Senate, and on March 29, 1869, Mr. Shanks, of Indiana, introduced in the House identical joint resolutions (S. J. Res. 32 and H. J. Res. 57, 41st Cong., 1st sess.), which read as follows:
"*Be it resolved, etc.*, That on the sixth legislative day of a regular session, or of a legally called special session, of any State legislature, each house of said legislature, at the hour of 12 meridian, shall proceed to the consideration of any amendment of the Constitution of the United States that may have been submitted by the Congress of the United States to the legislatures of the several States for ratification, according to the provisions of the fifth article of the Constitution of the United States: *Provided*, That such amendment may not have been acted upon at any preceding session of said legislature. And if, upon the consideration of such amendment, it shall receive the votes of a majority of the members elected to each house of said legislature, it shall be held to be duly ratified by such legislature. And if final action is not taken upon the first day, then the house shall meet the next day at the same hour and so continue to meet from day to day (Sundays excepted) until final action is taken upon such amendment. Nor shall the action of either house of said legislature upon such amendment be hindered or prevented by the resignation or withdrawal, or the refusal to qualify, of a minority of either or of both houses of said legislature.
"SEC. 2. *And be it further resolved*, That if such amendment or amendments shall be ratified according to the provisions of the preceding section, the same shall be duly certified by the officers of each house and shall be transmitted by the governor of the State to the President of the United States."
(Cf. Ames. H. V. The proposed amendments to the Constitution of the United States during the first century of its history. Pp. 287–292.)

Mr. STANLEY. Mr. President, this is the natal day of the immortal founder of the Republican Party, and the full attendance upon the right-hand side of the Chamber to the duties which devolve upon the members of that party now shows that they rival even the immortal Lincoln in their faithful attendance to the business of the country.

Mr. McKELLAR. Mr. President, the Senator said there was a full attendance on the Republican side of the Chamber. He was speaking ironically, I suppose, as I see but one member of that party over there.

Mr. STANLEY. Certainly I was speaking ironically. It shows that they realize, as Lincoln realized, the burdens of their day and generation and by their studious attendance and their presence here are endeavoring to do as he did in his lifetime, prove worthy of the trust reposed in them.

Could Abraham Lincoln, like Peter Grimm, return to Congress to-day, oh, how lonesome he would be.

In the maintenance of the rights of men, without regard to race or color or creed, two lofty spirts, separated by the lapse of three-quarters of a century, are silhouetted, mountainlike, against the history of the past.

Strange as it may seem, the father of democracy and the founder of republicanism were the exponents of the same essential and eternal principle, that it is the function of government to vest all men, without regard to wealth or culture or condition, with the greatest measure of individual independence consistent with the maintenance of an organized society.

History must recall that the two great emancipators were Lincoln and Jefferson. To the one is due the abolition of the slave trade and to the other the institution of chattel slavery.

Apprehensive of Federal aggression, Lincoln warned his countrymen in his day that it was—

No child's play to save the principles of Thomas Jefferson from total overthrow in this Nation.

No man more sincerely admired or more thoroughly understood the complete accord between himself and Thomas Jefferson upon basic and eternal principles than Abraham Lincoln.

All honor to Thomas Jefferson—

said he—

to a man who in the concrete pressure of a struggle for national independence by a single people, had the coolness, forecast and capacity to introduce into a mere revolutionary document an abstract truth applicable to all men and all times, and so to embalm it there that to-day and in all coming days it shall be a rebuke and stumbling block to the harbingers of reappearing tyranny and oppression.

Had the Civil War determined not the right of a State to secede but the right of a State to exist, Abraham Lincoln would to-day be canonized by many ardent patriots in both political parties. As it is, should he return in the flesh to-day, I fear his old-fashioned notions of personal liberty and the inviolate rights of the States would render him an Ishmaelite upon either side of the Chamber, and whether he took his seat upon the right or the left, he would certainly be damned as a hopeless reactionary.

In his first inaugural address, he declared that those who nominated and elected him—

Placed in the platform for my acceptance and as a law to themselves and to me the clear and emphatic resolution that I now read—

"*Resolved*, That the maintenance inviolate of the rights of the States, and especially the right of each State to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of power on which the perfection and endurance of our political fabric depends."

It is my duty and my oath to maintain inviolate the rights of the States and to order and control, under the Constitution, their own affairs by their own judgment exclusively. Such maintenance is essential for the preservation of that balance of power on which our institutions rest.

To-day there are pending more than two score amendments to the Constitution, the purpose of which, in the main, is to deprive these States, in the language of the Republican platform of 1861, "of the power to order and control its own domestic institutions according to its own judgment exclusively."

In his first political speech, Abraham Lincoln declared: "I am in favor of internal improvements," and he was the champion of internal improvements until the day of his death. Never since the birth of Abraham Lincoln has the agricultural or industrial life of this country been in greater need of internal improvements or an adequate transportation system, and yet I am advised that the President of the United States to-day proposes to nullify an appropriation of the measly sum of $56,000,000 for the improvement of our waterways, in the face of the fact that our common carriers are admittedly impotent to render an adequate service. Lincoln, above all others, tenderly safeguarded the rights of the soldier and stoutly maintained the duty of the Government to adequately compensate his heroic service. To-day he is excluded from public office by political henchmen and denied compensation at the demand of high finance. The man who placed "the man above the dollar" would place the bonus above the bond. Lincoln would, if living to-day, be a political apostate or an advocate of the bonus.

In its indifference to the rights of men, to the service of heroes, and in its subservience to special privilege and to special interests the present administration may trace its lineage direct and unquestioned to Alexander Hamilton, the great protagonist of caste and privilege. In subsidizing the rich and plundering the poor it is the party of Hamilton, pure and simple, but it has nothing in common with the great defenders of the rights of men—Thomas Jefferson and Abraham Lincoln.

Mr. NORRIS and Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. NORRIS. I have no desire to talk now on the motion I have made, if other Senators for any reason want to talk first. I have yielded to several others. If the Senator from Alabama [Mr. HEFLIN] desires to speak now I shall be glad to yield the floor to him.

Mr. HEFLIN. I wish to speak just for a few moments.

Mr. NORRIS. I do not want to curtail any Senator, but before my motion is voted on I want to make a further explanation of it. I yield the floor at this time.

Mr. HEFLIN. Mr. President, the remarks made by the distinguished Senator from the State of Kentucky [Mr. STANLEY] cause me to desire to say a few words at this time. He has spoken of the great Lincoln, the great commoner, the great statesman, who was a friend of the common masses of the common people. As he spoke of him in this Chamber and referred to him as being the father of the Republican Party, I wondered what he would think if he could come back to life and come into this historic Senate hall, where free speech was one of the things prized by the statesmen of his day and by statesmen before that time, and even by the statesmen of this time—with emphasis upon the word "statesmen." I wondered, if Lincoln could come back and they should tell him as he came into the Capitol that the Republican Senate by a large partisan vote had said that a Senator could not declare in this Chamber "that he did not represent the bond sharks and big financiers of Wall Street," what he would say. Why, Lincoln would say that the Republican Party has become degenerate, an unclean thing, the common tool and handy instrument of the predatory interests of the country.

I thought, as the Senator from Kentucky was speaking of the great Lincoln, of the record made by the present day time-serving Republican Party in this Chamber just a few days ago, when we were discussing the debt settlement with Great Britain. A marvelous piece of diplomatic achievement for Great Britain is that settlement. I used this language:

I am here to represent the people, to represent in part my State. I am not here to represent the bond sharks, the big financiers of Wall Street.

That is as far as I got. I offended the leaders of the Republican Party with that statement. I have wondered frequently just why it was they stopped me at that point. I have been thinking about it since, and I have wondered if the high "muck-a-mucks" of Wall Street—the big financiers and bond sharks, if you please—had been complaining to the leaders of the Republican Party down here. I wondered if they have not been whispering something like this into their ears:

"You are permitting HEFLIN and other Senators down there to talk about us up here in Wall Street, and we see no effort on your part to stop him or them. We are not going to tolerate that. We furnished your campaign funds. We are the power behind the throne in your party, and yet you permit the Senators on the other side of the Chamber to get up and criticize the doings of Wall Street. We have not heard one of you yet administer a severe rebuke to one of those Senators who dares to criticize the conduct of Wall Street. We want that situation changed. We want to see you get a move on in this matter. The very first one that assaults Wall Street hereafter, we want you to rise in your place and stop him on the spot. Make a point of order and call him down. Have you no written rules in the Senate that will protect Wall Street? If you have no rule in the Senate that will protect Wall Street, will not your Presiding Officer sustain the point of order if you make it; and if he does sustain it, and they appeal from his decision, can you not get enough Republicans to sustain a proposition which seeks to favor and protect Wall Street? If you will not do the thing necessary to shield and protect Wall Street when she is assailed by a Senator, we will not give you another nickel. Do you get that? Put that in your pipe and smoke it."

Mr. President, when I got up the other day and said I was not here to represent the bond sharks and big financiers of Wall Street the leader of the Republican Party [Mr. LODGE] rose and made a point of order. I was astounded. I wondered what had happened to the Senator. They reduced my language to writing. Here it is. I wish I could read it loud enough for everybody in the United States to hear it. This is the language objected to and against which a point of order was made by the Senator from Massachusetts:

I am here to represent the people, to represent in part my State. I am not here to represent the bond sharks, the big financiers of Wall Street.

That is as far as I got. I offended the leaders of the Republican Party in the Senate. I trespassed upon the proprieties of the occasion with them, and I was called to order and requested by the Presiding Officer to take my seat until the matter was disposed of. I, a Senator from a sovereign State, speaking against sinister interests in Wall Street, that literally control the Republican Party to-day, as I was aiming shafts of criticism against the Wall Street octopus, whose tentacles hold the Government by the throat at this hour—when I dared to stand in my place and criticize Wall Street they did not answer my arguments. They did not deny the correctness of my statements. They did not flash their scintillating blades in the arena of debate upon the question, but they invoked the aid of their Presiding Officer and violated all the precedents of the Senate. They resorted to strong-arm methods and called me down. Such a method has been the handy instrument of tyrants for all time; when they can not answer your argument they lay their hands upon you.

I want to read what I said just prior to the point of order. The distinguished Senator from Arkansas [Mr. ROBINSON] read it the next morning when he made the position of those who voted to sustain the Chair look miserable and measly. Here is what I was saying. I was putting my finger on the sore spot. I was going to the headwaters. That is why they wanted to stop me.

I read from the RECORD of February 1, 1923, page 2831:

Mr. HEFLIN. I merely wanted to go on record as saying a word in behalf of some of the statements of my friend, the Senator from Tennessee [Mr. MCKELLAR]—I did not hear all of his speech—and to speak for the American people somewhat about a debt that is due to them. Does Wall Street want to collect her money from Great Britain and have this whole debt held up until she can collect it? She did have it held up, it seems, until she collected $1,700,000,000 from France and Great Britain. Does she want to have this debt held up for 62 years so she can go on undisturbed and collect the other money due her from the various countries? I am here to represent the people, to represent in part my State; I am not here to represent the bond sharks, the big financiers of Wall Street. I want the American people to have a fair deal.

My God! here in the same Hall where we eulogize the great Lincoln that remarkable performance took place. Why, Mr. President, if Lincoln could come into this Hall to-day he would lash the Republicans out of it, as Christ drove the money changers out of the temple at Jerusalem. Talk about the party of Lincoln! There is nothing to remind one of Lincoln in the Republican Party as it exists to-day—I am talking about the leaders of it, the big bosses—in the time-serving Republican

Party as we know it now. There are many of the rank and file in that party who feel just as I do and just as the Democratic rank and file feel.

I have received, I suppose, a hundred letters from Republicans since that remarkable incident took place the other day in this Chamber. Many of those letters begin by saying, "While I am a Republican, I hang my head in shame at the conduct indulged in in stopping you when you said you were trying to represent the people," and so forth. Others say, "I am a Republican, but I condemn the conduct of the Republican Senate."

These are the things which are transpiring here in the closing hours of the session of Congress when the ship subsidy bill is hanging in the balance in the Senate. The Senator from Washington [Mr. JONES], clever, smooth artist that he is, is handling this measure in splendid fashion; he hopes to get it through, and I guess he thinks he will get it through. When I was speaking here the other night, going right to the meat of another issue, I was stopped. I have wondered if that was done as a feeler, in order to intimidate other Senators and to make them exceedingly careful about what they were going to say when we get into the ship-subsidy debate. If they could pick me out and stop me when I was saying that I did not represent Wall Street, and they could have me take my seat, perhaps it was thought that more timid Senators might refrain from saying anything. Well, Senators on the other side of the Chamber have another thought coming to them. Before they get through with the ship-subsidy fight they are going to hear some pretty plain talk on this side of the Chamber on that subject.

The ship subsidy plan involves the biggest deal of all the big deals that this administration has put over, and the country is entitled to know the truth about it. Senators owe it to themselves, they owe it to the oaths which they have taken in this Chamber, and they owe it to the people whom they are supposed to serve, to tell the truth and the whole truth about that question. There never was such a propaganda carried on as is going on now in certain newspapers boosting this bill, pressing for the ship subsidy, and trying to drive into a corner and silence those who dare to open their mouths against it.

However, Mr. President, I rose at this time to say a few words about Lincoln, the "man of sorrow" who stood at Gettysburg and said, "Let us here highly resolve * * * that this Nation, under God, * * * shall not perish from the earth." I call upon every Democrat in the land, and upon every Republican in the land, to let us all on this Lincoln's birthday reconsecrate our hearts, our strength, and our all to the highest and best interests of our common country. Let us resolve to-day that this Government shall not perish from the earth; let us resolve that free speech in this Chamber shall live, and that a clean and honest free press shall live. Free speech and free press are twin angels of good for the Government, but suppressed speech and a venal, corrupt press are millstones about the neck of the Republic. Let us fight the latter and uphold the former. Let us follow Lincoln's suggestion and make sure that this Government shall endure. Let each one of us remember that day by day we either contribute to its strength and its glory, or we contribute toward dragging it down the way that other nations have gone in the long night of time.

Mr. NORRIS. Mr. President, when I had the floor previously on the pending motion I outlined what I had agreed to do, so far as I was able to do so, in the way of eliminating portions of the joint resolution so as to confine it entirely to the term of office of the Members of the House and of the Senate. I now ask unanimous consent that there be printed in bill form a copy of the joint resolution showing the proposed amendments so that Senators may see at a glance just what the effect of the changes will be and what portions of the joint resolution will remain. I have been asked by a number of Senators since I last had the floor and who did not hear the explanation what would be left in the joint resolution; and, if it shall not be disposed of to-day, the reprint showing the proposed changes will be on the desks of Senators to-morrow, and they will be able to see just what the joint resolution is designed to accomplish.

The PRESIDING OFFICER. Is there objection?

Mr. CARAWAY. Mr. President, I shall not object, but I should like to ask the Senator a question. Did the Senator in his remarks call attention to those portions of the joint resolution which he intended to strike out?

Mr. NORRIS. Yes. What I want to do is to have the joint resolution printed as a bill is printed when reported by a committee, showing the amendments recommended.

The PRESIDING OFFICER. Is there objection?

There being no objection the order was agreed to as follows:

Ordered, That the joint resolution (S. J. Res. 253) proposing an amendment to the Constitution of the United States, fixing the commencement of the terms of President and Vice President and Members of Congress, and providing for the election of President and Vice President by direct vote, be printed, showing the proposed amendments.

Mr. NORRIS. Mr. President, I was making an explanation of the joint resolution which proposes an amendment to the Constitution when I yielded the floor to other Senators who were anxious to speak on it without any delay. If the changes which I have suggested shall be made and the joint resolution shall be passed and then ratified by the legislatures of the States so that it shall become a part of the Constitution of the United States it will have this effect: Senators and Members of the House of Representatives elected at the general election in November will take their seats the first Monday of January thereafter; their terms of office will commence at that time, and Congress will convene in annual session at that time. Therefore those Members of the House and of the Senate elected in November will assume the duties of their office within two months of the time when they were chosen.

Another effect would be that there would be no such thing as a short session of Congress. The term of Members of the House and of the Senate would commence on the first Monday in January at the same time when the session of Congress would commence, and a Congress would not terminate by the expiration of the terms on the 4th day of March of Members of the House and one-third of the Senate, as is the case now, every other year.

Mr. President, that one proposition, which is not discussed very often by those who consider this question, is of great importance. The point will be immediately appreciated by all of those who have any experience with the work of Congress. We are right now in the closing days of a short session which must terminate on the 4th day of March because the term of office of one-third of the Members of the Senate and of all the Members of the House expires at that time. Congress can not regularly convene until the first Monday in December, and following that come the Christmas holidays, which always interfere with the work of Congress. So we never get down to real work until about the 1st of January or a little thereafter.

It is a physical impossibility, Mr. President, for the Congress to consider with any mature deliberation important questions of legislation within the life of a short session, and at the same time properly to consider and pass the necessary appropriation bills to keep the Government running for another year.

The result is we must either throw aside much proposed legislation of a great deal of importance without considering it at all, or we must consider it in a "half-baked" fashion and dispense with much of the debate that ought to take place on and much of the consideration that ought to be given to the appropriation bills. We do a little of both of those things. Important matters of legislation are killed because of want of time. Other matters of appropriation in which the country is vitally interested, where hundreds of millions of dollars are involved, are given but scant consideration because we have not the time if we take up the other things; and every Member of each House is interested in a great many other matters of legislation that he thinks he will get more time to accomplish by shortening the consideration of these appropriation bills. The result is bad legislation in the short session, half-baked, unfinished legislation. Another result is that we must necessarily kill good legislation because of the want of time to consider it.

If this amendment were part of the Constitution, such a condition could not exist. We would not have, as a rule, any extended filibustering in the Senate. There would be no limit of time up to which we could work and then would have to quit as a matter of law. Every session of Congress could last an entire year if it were necessary to do the business.

Moreover, when we have a short session of Congress and do not finish the business before us, as has been the case almost universally for eight years, a special session is called. That means increased expense to the taxpayers. That means additional work for Members of Congress. It means that by the time the special session is called and organized and gotten into operation we are in the hot season of the year, and everybody knows that we can not get good legislation; that we can not get the best of legislation in the city of Washington when we are trying to legislate in July and August, when the weather is almost unbearable and good work can not be done. That would be obviated. Special sessions would become practically an unknown thing.

That is only one thing that would be brought about. It is not usually considered the most important. As a matter of fact, it is of very much more importance than it is usually considered to be.

Another thing would be, Mr. President, that the new Congress elected in November would go into office and go into active

duty in the January following. I do not know myself of any reason why a Congress elected in November should wait until a year from the following December before it actually commences operations, and yet that is what it does now unless the President calls a special session. There is not a State legislature in the United States where a similar condition exists. Not in a single instance in the civilized world is there a parliament or a legislature that, after it is elected, must wait for a year and a month before it commences to legislate; and yet in a democracy, in what is supposed to be the freest and the greatest country in the world, where freedom prevails, where the will of the people is the law of the land, that is the kind of a condition that we find.

I do not know of anybody who defends it. I can not myself conceive of a single argument in favor of that kind of a condition, and yet that is the condition that exists here.

The only objection that I have ever heard to this proposition was to the effect that "We had better not tamper with the Constitution."

Let us see. When the Constitution of the United States was made, Mr. President, no time was fixed, and none is now fixed, providing for the beginning of the term of office of a Member of the House or of the Senate. The Constitution says that the term of a Senator shall be six years, and the term of a Member of the House of Representatives shall be two years; but it does not fix the beginning or the end. As a matter of fact, the only reason why the 4th of March became the beginning and the end of congressional terms was because that was when they were organized. That was when the Congress provided by statute that the new Congressmen should go into office; and, of course, the term beginning then, when it had lasted two years it ended then. The framers of the Constitution did not know, at the time they adopted the Constitution, that we were going to have such a foolish condition.

Moreover, some reason existed in those days why more time should elapse. Railroads were unknown, the telegraph was undiscovered, and even the roads to travel on were mere trails. Automobiles had not come into use, and ox teams and mule and horse teams were the only way they had to go from one part of the country to another. It was months before one part of the country knew how another part of the country had voted. It was months before the people in the remote parts of the country knew who had been elected President; and, of course, under those conditions expedition could not take place. It was necessary that there should be more delay than now.

Another reason was that the Constitution provided that Senators should be elected by the State legislatures. They did not meet, as a rule, until after the 1st of January. It was sometimes late in their session before they succeeded in electing a Senator, and on that account there was some reason why there should be a delay.

All those things have passed away. None of them exist now; and, as far as I know, Mr. President, not a single objection of any kind has ever been raised against this proposed change. Is it not queer, Mr. President, that something that everybody is for nobody can get? Is it not queer that in a democracy like ours, where we have a unanimous Senate and a unanimous House wanting to vote for this proposition, we can not get it? Is it not queer that in our country, where throughout its length and breadth, as far as I know, no voice has been raised against this change, and everyone who has spoken has spoken in its favor, we can not bring it about? Are we so far removed from what we want to do ourselves and from what our people want us to do that we can not accomplish anything?

Right now it is said: "Why, I am in favor of this proposition, but I can not vote for your motion to take it up, because by doing so I would displace the so-called ship subsidy bill." But, Mr. President, I do not know how to get it up without displacing the ship subsidy bill; and the ship subsidy bill is going to be here, very likely, until the 4th of March, and stand as a barrier to progress, stand in the way of doing something that everybody wants to see done.

Who is it that is opposed to this? Who is it that does not want to propose this amendment? Who is it that condemns it? Let him rise in the Senate, and let us see who he is. He has not so far said a word or entered a word of protest; and yet we are confronted with the peculiar parliamentary situation that because we must have a ship subsidy bill we can not get anything else until we get that.

Mr. President, I think the remarks of the Senator from Arkansas [Mr. ROBINSON], made at some length an hour or two ago in regard to the ship subsidy bill as it is connected with this proposition, were to the point. Without finding fault with any man as to his standing or his belief on the ship-subsidy measure—it must be apparent, it is apparent it is known to everybody, it is an open secret—that if the Congress elected in November were here now doing business the ship subsidy bill would not be here; nobody would propose it. It is known that it would not pass. There is only one way to pass it, and that is to pass it through a Congress whose successors have already been elected; when, because of a peculiar condition of our Constitution that came about, as I have explained to a great degree by accident as far as the beginning of the term is concerned, the new Congress is unable to operate.

What would you say if this condition existed in your State? Just take it home to your own State. Suppose that the State, let us say, of Washington, represented here so ably by the senior Senator from that State [Mr. JONES], had a provision in its constitution that the members of the State legislature should be elected in November, that their term of office should not begin until the 4th of March, and that there was no way on earth for them to assemble even after that unless the governor called them, and that the first time when under the law they could meet and do business for that State would be a year from the following December after they had been elected. Do you suppose that the people of Washington, intelligent, patriotic, and progressive as I know they are, would stand for that kind of a proposition? Where is the State that would submit to such a thing? Point to me the civilized government anywhere under God's sun that would stand for it. There is not one anywhere to-day; and yet in free, great America that is our condition, and we are so helpless that although all the people want this change, and all the Senators want it, and all the Members of the House want it, nobody can get it.

Mr. President, I ask unanimous consent to have printed as a part of my remarks the report that I made from the Committee on Agriculture and Forestry on this joint resolution.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The report (No. 933) submitted by Mr. NORRIS on December 5, 1922, is as follows:

Report to accompany Senate Concurrent Resolution 29.

The Committee on Agriculture and Forestry, having had under consideration S. Con. Res. 29, beg leave to report thereon as follows:

This resolution undertakes to express the sense of the Senate to the effect that Members of Congress defeated at the recent election should abstain from voting on anything but routine legislation, and that chairmen of committees not in sympathy with the people's wishes as expressed at the polls should resign from their respective chairmanships.

The passage of such a resolution would not only be unwise, but if it were complied with it would interfere with the constitutional right and privilege of many Members of Congress. Under our Constitution a Member's right, if not his duty, to participate fully in all legislation up to the close of his constitutional term can not be questioned or denied.

The resolution, however, does call attention to a very serious defect in some of the provisions of the Constitution. The passage of the resolution, however, would not bring a remedy, and your committee, after due consideration, has reached the conclusion that it should report to the Senate for its action a proposal to amend the Constitution of the United States that will in the judgment of the committee bring relief from the conditions pointed out by the concurrent resolution.

Under existing conditions a new Congress does not actually convene in regular session until a year and one month after its Members have been elected. When our Constitution was adopted there was some reason for such a long intervention of time between the election and the actual commencement of work by the new Congress. We had neither railroads nor telegraphic communication connecting the various States and communities of the country. Under present conditions, however, the result of elections is known all over the country within a few hours after the polls close, and the Capital City is within a few days' travel of the remotest portions of the country.

Originally, Senators were elected by the legislatures, and as a rule the legislatures of the various States did not convene until after the beginning of the new year, and it was difficult and sometimes impossible for Senators to be elected until February or March. Since the adoption of the seventeenth amendment to the Constitution, however, Senators have been elected by the people at the same election at which Members of the House are elected. There is no reason, therefore, why the Congress elected in November should not be sworn in and actually enter upon the duties of office at least as soon as the beginning of the new year following their election.

The only direct opportunity that the citizens of the country have to express their ideas and their wishes in regard to national legislation is the expression of their will through the election of their Representatives at the general election in November. During the campaign that precedes this election the great questions demanding attention at the hands of the new Congress are discussed at length before the people and throughout the country, and it is only fair to presume that the Members of Congress chosen at that election fairly represent the ideas of a majority of the people of the country as to what legislation is desirable. In a Government "by the people" the wishes of a majority should be crystallized into legislation as soon as possible after these wishes have been made known. These mandates should be obeyed within a reasonable time.

Under existing conditions, however, more than a year elapses before the will of the people expressed at the election can be put into statutory law. This condition of affairs is not only unfair to the citizenship at large, who have expressed their will as to what legislation they desire, but it is likewise unfair to their servants whom they have elected to carry out this will. It is true that it is within the power of the President to call an extraordinary session of Congress at an earlier

date than the one provided by law, but the new Congress can not be called into extraordinary session until after the 4th of March, which would not give the new Congress very much time for the consideration of important national questions before the summer heat in the Capital City makes even existence difficult and good work almost impossible. It is conceded by all that the best time for legislatures to do good work is during the winter months. Practically all the States of the Union recognize this fact and provide for the meeting of their legislatures near the 1st of January. Moreover, the wishes of the country having been expressed at an election should not be dependent for their carrying out upon the will of the President alone. Provision should be made by law so that the new Congress could begin the performance of its important duties as soon after election as possible and under conditions that are the most favorable for good work. Under existing conditions a Member of the House of Representatives does not get started in his work until the time has arrived for renominations in his district. He has accomplished nothing and has not had an opportunity to accomplish anything because Congress has not been in session. He has made no record upon which to go before his people for election. It is unfair both to him and to the people of his district. In case of a contest over a seat in the House of Representatives, history has shown that the term of office has practically expired before the House is able to settle the question as to who is entitled to the contested seat. During all this time the occupant of the seat has been drawing the salary; and if it is decided in the end that the occupant was wrongfully seated, then the entire salary must again be paid to the person who has been unjustly deprived of his seat. Double pay is therefore drawn from the Treasury of the United States and the people of the district have not been represented by the Member whom they selected for that purpose. No reason has been given, and undoubtedly it is correct to say that none can be given, why a new Congress elected at a general election to translate into law the wishes of the people should not be installed into office practically as soon as the results of the election can be determined.

The question is sometimes asked, Why is an amendment to the Constitution necessary to bring about this desirable change? Congress has authority under the Constitution to change the day upon which Congress shall convene, but it can not put this time prior to the 4th day of March, and thereby give the new Congress an opportunity to commence work, because the term of office of the new Congress under existing conditions does not commence until the 4th day of March following their election. It is true the Constitution does not provide the date when the terms of Senators and Representatives shall begin. It does fix the term of Senators at six years and of Members of the House of Representatives at two years. The commencement of the term of the first President and Vice President and of the Senators and Representatives composing the first Congress was fixed by act of Congress adopted September 13, 1788, and that act provided "that the first Wednesday in March next be the time for commencing proceedings under the Constitution." It happened that the first Wednesday in March was the 4th day of March, and hence the terms of the President and Vice President and Members of Congress begin on the 4th day of March. Since the Constitution provides that the term of Senators shall be six years and the term of Members of the House of Representatives two years, it follows that this change can not be made without changing the terms of office of Senators and Representatives, which would in effect be a change of the Constitution. By another act (the act of March 1, 1792) Congress provided that the terms of President and Vice President should commence on the 4th day of March after their election. It seems clear, therefore, that an amendment to the Constitution is necessary to give relief from existing conditions.

The necessary constitutional change to fix the beginning of the terms of President and Vice President and of Members of Congress and to place such time soon after the general election, thus enabling the wishes of the people to be translated into law, is only a step in placing the people more directly in control of their Government. If it is desirable that the wishes of the people as expressed at the ballot box should have the effect of law so far as Senators and Representatives are concerned, it is equally important and desirable that the same rule should apply to the selection of a President and Vice President. The President under our Constitution is in reality part of the legislative machinery of the country. In fact, he probably has more influence over legislation than either branch of Congress. It is therefore just as important that the people have an opportunity to express their wishes as directly as possible as to who their Chief Magistrate should be as it is to express this wish in regard to Senators and Members of the House of Representatives. But the President and Vice President are not elected by a direct vote of the people. They are elected by electors, who are themselves selected in accordance with laws and regulations provided by the legislatures of the various States. The method provided by our Constitution for the election of a President is not only archaic but it stands as an impossible barrier across the road of progress and makes it impossible for the people to enjoy the freedom and rights that ought to come to the citizenship of a free democracy. It is completely out of date, and the wonder is that a liberty-loving people, who are sufficiently intelligent to govern themselves, should have permitted it to remain this long as a part of the organic law of the land. When our Government was founded and our Constitution was adopted it was more or less an experiment in the world of governmental affairs. The step which our forefathers took was greater than any that had ever been taken toward a free government; and yet, in the preparation of that wonderful document, our forefathers were fearful lest the step proposed to be taken should be too great and thus bring ruin instead of success. They deemed it wise to remove the governmental functions in most cases one or more steps from the direct control of the people to be governed. They provided that the President and Vice President should be elected by electors and that these electors in turn should be "appointed" according to the provisions of the various State legislatures. Senators were elected by the legislatures of the various States, and it took many years of agitation and work to secure an amendment to the Constitution providing for the direct election of such officials.

That such change has been beneficial and helpful will not be denied by anyone. The same reasons that impel the adoption of a constitutional amendment providing for the direct election of Senators would seem to demand that the President and Vice President should be elected by a direct vote of the people. No reason can be given why an independent people, capable of self-government, should not have the right to vote directly for the Chief Magistrate, who has more power than any other official in our Government. It is true that these presidential electors are pledged to vote for some particular man for President and for Vice President. At the very best, they are an unnecessary and useless part of our political machinery; but even though every candidate for presidential elector is pledged to vote for some particular man for President and Vice President, there can be no reason given for the existence of such an official. If he is only to carry out the will of the voter, why not do away with his office entirely and permit the voter to carry out his own will by a direct vote? Under existing conditions the names of all the candidates of all parties for presidential elector must be printed on the official ballot, and then there must be as many blank places left on the ballot, under the laws of the various States, as there are candidates for electors, giving the voter the right to write in the names of any other candidates for electors for whom he desires to vote. The result is that in all of our States the ballot is unreasonably and unnecessarily lengthy. In some of the larger States, where there are a large number of presidential electors, the official ballot is often from 25 to 30 feet in length.

All this could be avoided if the names of the candidates for President and Vice President were printed on the ballot and the voter given the right to directly express his choice. While the system is unnecessary, cumbersome, and confusing, and has no merit whatever that can be mentioned in its favor, it has an evil and disastrous effect and as a matter of fact often indirectly, but certainly, takes away from the voter the right to effectively express his will. Since no person has the legal right to vote directly for President and Vice President, and since presidential electors are named by political parties, pledged to vote for the nominee of their respective parties for both President and Vice President, it follows that it is a physical impossibility for a citizen to vote for the candidate for President in one party and the candidate for Vice President in another party. The ordinary citizen does not realize that his electoral right and privilege is thus curtailed. It is not often that voters would want to take such a course, but as a matter of fundamental justice we ought to be protected by law in taking such a course should we desire to do it. It is practically an impossibility for any person to become an independent candidate for the office of President. In theory this could be done. In practice it is just as much prohibited as though the right were denied by express term of the Constitution. This point is very important and bears directly upon the fundamental principle of the right of an ordinary citizen to be heard and to have his influence and his vote count in whatever direction he desires to use it. He is compelled, from the very nature of things, to vote for the candidate of some great political party, and the powers and influences which control the nominations in such parties, indirectly but very perfectly and completely, control the vote of the citizen, and in reality elects the President. The voter has nothing left but a choice between two evils.

Everybody knows that political conventions are very frequently manipulated and controlled by powerful secret influences that have selfish ends in view rather than the benefit of all the people. The machinery of a great political party of national scope is sufficient to enable those in control of that machinery to control the action of a national convention. Within the memory of all of us we have seen such control exercised, sometimes completely, and almost universally at least to a partial extent. If a few men under existing conditions are able to control nominations without consulting the wishes or wants of the voters, and if a nomination is necessary for election, then the only right given to the voter is that of choosing between two samples which are set before him. This is in reality a denial of suffrage. At least, the right of suffrage so given is not absolute and is little more than a hollow sham and mockery. As a matter of fact the actual practice always has been, and perhaps as long as the system lasts always will be, that the man or men who control political parties do it from selfish motives. They care but little about the wishes of the people. They are sometimes the representatives of special interests, and even though those who do the work directly may not ask or expect any benefit, those whom they in reality represent and who furnish the sinews of political warfare expect to benefit by national legislation or by presidential appointments of administrative officials. The people are not consulted, and the people have in reality no voice in the selection of their own President, whose power and influence in administrative directions is almost unlimited and who has more to do with their laws, their surroundings, with their environment, their country, and their happiness than any other one official.

Even though the people are dissatisfied, they are helpless, because it is practically impossible for anyone to be an independent candidate for President, no matter what demand there may be from the people in this respect. The Electoral College stands in the way. In order to run for President it is necessary to organize in every State and in every congressional district of every State, and to select candidates to become electors, pledged to the man who is to become the candidate. This takes not only time but a vast amount of money. For practical purposes it is an impossibility. If the Electoral College were abolished and the people allowed to vote directly for President, it would naturally follow that those who controlled political conventions would be more careful in their selection of nominees. Political conventions would pay more attention to the wishes of the people at large, and successful candidates would give closer adherence to preelection promises. If national political conventions were controlled by selfish interests and nominated candidates unsatisfactory to the people at large, it would be easy for the people to defeat such nominees by rallying behind an independent candidate for President. It would be a very easy matter to have printed on the official ballot in all the States the name of an independent candidate. This could be done without the organization of a new party and at very little if any expense; and when the voter went into the booth to cast his ballot, instead of a ballot 10 or 20 feet in length, he would be confronted with the actual names of presidential candidates on a space 2 or 3 inches in length. It would be a very simple procedure, inexpensive, and perfectly practical. Practically every State in the Union has what is known as an official ballot and provides by law for a method of putting names on this ballot. Such machinery is already provided for in the States and applies to every office except that of President and Vice President, and the reason it can not apply to those is because the Electoral College stands in the way. Under existing conditions we have no way of expressing our opinion. Our Constitution keeps from the people the right to be heard in the selection of a Chief Magistrate. If the people are competent to select Members of the House of Representatives, if they are likewise competent to vote directly for Senators, why should they not likewise have an opportunity to vote directly for President and Vice President?

To remedy the situation pointed out by the concurrent resolution referred to the committee, and which has been thus briefly discussed, we recommend in lieu of S. Con. Res. 29 the passage of the following

resolution proposing an amendment to the Constitution of the United States:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following amendment to the Constitution be, and hereby is, proposed to the Senate, to become valid as a part of the Constitution when ratified by the legislatures of the several States as provided by the Constitution:

ARTICLE —.

"SECTION 1. The terms of the President and Vice President of the United States shall commence at noon on the third Monday in January following their election, and they shall be elected as follows: The choice of each State for President and Vice President shall be determined at a general election of the qualified electors of such State. The time of such election shall be the same throughout the United States, and unless the Congress shall by law appoint a different time such election shall be held on the first Tuesday after the first Monday of November in the year preceding the expiration of the regular term of the President and Vice President. Each State shall be entitled to, and shall be given, as many votes for President and Vice President as the whole number of Senators and Representatives to which the State may be entitled in Congress. Each State shall certify and transmit, sealed, to the seat of government of the United States, directed to the President of the Senate, the result of said election. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all certificates, and the votes shall then be counted. The person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of votes to which all of the States are entitled; and if no person have such majority, then from the persons having the highest numbers, not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately the President. In choosing the President the votes shall be taken by roll call of the Members and all such votes shall be recorded in full in the Journal and a majority of all of the Representatives shall be necessary to a choice. If the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them before the third Monday in January next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice President shall be the Vice President if such number be a majority of the whole number of votes to which all of the States are entitled, and if no person have a majority, then from the two highest numbers on the list the Senate shall, in like manner, choose the Vice President, and a majority of the whole number of Senators shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

"SEC. 2. The terms of Senators and Representatives shall commence at noon on the first Monday in January following their election.

"SEC. 3. The Congress shall assemble at least once in every year and such meeting shall be on the first Monday in January unless they shall by law appoint a different day.

"SEC. 4. The terms of the President and Vice President who may be in office at the time of the adoption of this amendment shall end at noon on the third Monday in January of the year in which such terms would otherwise have ended on the 4th day of March. The terms of Senators and Representatives who may be in office at the time of the adoption of this amendment shall end at noon on the first Monday in January of the year in which such terms would otherwise have ended on the 4th day of March."

Mr. JONES of Washington. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Washington?

Mr. NORRIS. I yield to the Senator.

Mr. JONES of Washington. I desire to submit a request for unanimous consent under which I think the Senator will have an opportunity to try to get his joint resolution through, and, in my judgment, will get it through.

I ask unanimous consent that when the Senate closes its business to-day it adjourn to meet at 11 o'clock to-morrow.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. NORRIS. Before closing my remarks I intended to make that very suggestion to the Senator from Washington, and I assure him that I will do everything I can to secure favorable action on this joint resolution. I hope to get the assistance of the other Members of the Senate, like the Senator from Washington, who are in favor of this measure, and pass it, if we can, to-morrow in the morning hour. However, I want to be frank with the Senator from Washington. If I am not able to do that, I shall renew my motion.

Mr. JONES of Washington. I understand that.

Mr. NORRIS. I shall renew my motion to-morrow, if I am able to get recognition.

APPROPRIATIONS FOR RIVER AND HARBOR IMPROVEMENTS.

Mr. CARAWAY. Mr. President, a statement at which I was very much surprised appeared in the Washington Post of yesterday. It has been repeated in many papers of to-day, but has just been confirmed by a Republican Member of the Senate that the President of the United States has decided, notwithstanding the will of Congress expressed, he will not permit the expenditure of the appropriation made by Congress for river and harbor improvement. It was said yesterday in the Post that the President, by reason of the fact that he is Commander in Chief of the Army and Navy, and because the bill making the appropriation for the river and harbor improvements provides that these expenditures shall be subject to the approval of the Secretary of War, has or will direct the Secretary not to approve the expenditures except those which he himself may favor, and that the total expenditure should not exceed $27,000,000, although the Congress made available $56,000,000.

An editorial which appeared in the New York Times of to-day calls attention to that report, and I take it that the editor had information which he thinks reliable that that is to be the President's attitude.

I hope the President has been misquoted. He is the Chief Executive. It is his duty to have the laws enforced. If it shall transpire that the President instead of enforcing the laws shall himself issue an Executive order forbidding the officers of the Government from obeying the law, it will be a very unfortunate circumstance. We have heard much recently, and especially from the Attorney General, to the effect that every man should bow to the law. If the President, the Chief Officer of this Republic, shall himself forbid the officers to obey the law, it will prove poor encouragement to other people to respect the law.

Congress saw fit, after the President had made his views known, to vote $56,000,000 for river and harbor improvements. Every Representative in the House and every Senator in this Chamber knew the President was opposed to that appropriation. Therefore there is no excuse upon the part of the Executive for refusing to obey the law on the ground that Congress did not realize what the Chief Executive wished. I hope this report is not well founded. It would be very unfortunate indeed if the President should take the position that because he can not be compelled to obey the law that he will set at naught the will of Congress, expressed by a substantial majority, and withhold from some sections of the country the appropriations which Congress has made to improve the waterways of that section, because he does not approve of the expenditure of the funds, or does not like the way the people vote there. If he shall do so, it will lead to an embarrassing situation, both for the Congress and for the President.

It comes with poor grace, indeed, for the President, urging and insisting as he is that Congress shall now pass a ship subsidy bill increasing the expenses of the Government millions of dollars through a measure the people tried in November to repudiate, and as just said by the Senator from Nebraska, if the President had waited until the new Congress came in that Congress would not pass. I say it comes with poor grace now for the President to say, "I do not care how hard pressed the Treasury may be for ready cash, I am going to drive through the Congress a ship subsidy which will cost the people hundreds of millions of dollars as a subsidy to private individuals, but as Chief Executive I shall ignore the will of the people, as registered by the Congress, and refuse to authorize expenditures for the improvement of rivers and harbors, because I do not happen to approve these projects."

Mr. President, the situation which will develop if the President shall make good that threat will be one that he at some time will regret as much as anyone else. The time has not yet come, however circumstances sometimes may lead people to suspect that it has, when the people are going to submit to the dominancy of the Chief Executive, whoever the President of this country may be. I hope that the advisers will take serious counsel with him before such a decision to ignore the will of the country shall be made by the President of these United States.

The PRESIDING OFFICER. The question is upon agreeing to the motion made by the Senator from Nebraska.

Mr. HARRISON. Mr. President, I desire to have read at the desk a very interesting article from the Dearborn Independent, released this morning, touching the shipping question.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Secretary will read, as requested.

The Assistant Secretary read as follows:

TWO HUNDRED DELEGATES AND BIG OFFICIALS OF CHAMBERS OF COMMERCE FROM OUR PRINCIPAL CITIES, REPRESENTING 150 OF OUR GREAT COMMERCIAL BODIES, SAILED SATURDAY, FEBRUARY 10, TO ITALY UNDER THE BRITISH FLAG TO ATTEND THE WORLD MEETING OF THE INTERNATIONAL CHAMBER OF COMMERCE AT ROME IN MARCH—THESE ARE THE IDENTICAL CIVIC BODIES THAT INDORSED THE SHIP SUBSIDY BILL—THEY CHARTERED A BRITISH SHIP AND PAY ABOUT $350,000 OF GOOD AMERICAN MONEY FOR IT, WHILE THE SHIPPING BOARD HAS HUNDREDS OF SHIPS TIED UP AND IDLE—IS THE WORD "CONSISTENCY" SIMPLY A WORD IN THE DICTIONARY?—ARE BRITISH SHIPS WET AND AMERICAN SHIPS DRY?

WASHINGTON, February.—The following has been contributed to the forthcoming issue of the Dearborn Independent by James Martin Miller:

"A notable meeting of the International Chamber of Commerce will be held in Rome, Italy, March 18 to 24 next. One hundred and fifty directors and officers of Chambers of Commerce and boards of commerce in the United States sailed from New York on February 10 aboard the Cunard steamship *Coronia*, cruising through to Egypt, Constantinople, etc., disembarking at Naples in time to reach Rome for

the notable gathering. The delegates and other representatives of America's leading civic bodies come from the principal cities of the United States; identically the same ones that the National Marine Association induced to indorse the ship subsidy bill now before the United States Senate in a desperate effort to force it into law.

"Now, why did these American civic bodies that are said to be so anxious to have the American flag become the advance agent of American commerce throughout the world charter a British ship to carry them to a gathering where they will meet and deliberate with the very forces from every country of the world that hold, perhaps, more than any other class of men the commerce of the world in the palms of their hands? The United States has hundreds of ships, many of them the most magnificent the world has ever seen, and all these commercial representatives from the different countries of the world know we have them. What effect will this historic commercial pilgrimage, sent out by our most influential commercial bodies, have upon the foreign representatives of commerce in their respective countries as regards American commerce and shipping? Let the reader answer. Our British cousins must smile, likewise our Latin second cousins. Seems to us someone said Great Britain had a lobby in Washington working to the end of defeating the ship subsidy bill. If it is true, they certainly have made a 'killing' with the chambers of commerce and boards of commerce in the United States.

"What was our great Shipping Board doing with its high-powered men that they let such important and vital business get away from them? I asked an official of the United States Chamber of Commerce in Washington, which is sending three or four delegates to Rome, under the British flag, to bolster up American commerce and shipping, why his organization and the same 150 other civic bodies, so anxious to have the ship subsidy bill passed, did not go to the Rome meet on an American ship. He replied that he, personally, as well as other members of the institution and some of those going from the different commercial bodies throughout the country, preferred to travel on a British ship.

"'Is it because the British ships are "wet"?' I pressed. His answer was amiable but vague.

"I then asked an official of the Shipping Board about the matter. He was a bit embarrassed, but, after a hesitation sentence, said: 'The Shipping Board did not have a ship available.'

"This, of course, is rank nonsense. Great Britain always has a ship available where there is any business. And this voyage of our great commercial representatives means far more than the money expended for the trip. They will pay the British ship about $325,000 to carry them.

"Can it be satisfactorily explained why these boosters of American commerce and of an American merchant marine will steam into Italy under a British flag instead of under the American flag? Mr. Webster's Dictionary contains a word we call 'consistency.' The time-honored proverb 'Consistency thou art a jewel,' should be revised to read, 'Applied consistence thou art a jewel.'"

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nebraska [Mr. NORRIS] to proceed to the consideration of Senate Joint Resolution 253.

EXECUTIVE SESSION.

Mr. JONES of Washington. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and the Senate (at 4 o'clock and 5 minutes p. m.), under the order previously entered, adjourned until to-morrow, Tuesday, February 13, 1923, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate February 12, 1923.

RECEIVER OF PUBLIC MONEYS.

Ezra T. Monson, of Idaho, to be receiver of public moneys at Blackfoot, Idaho, vice Peter G. Johnston, nominated as register of the land office at Blackfoot, Idaho.

REGISTER OF THE LAND OFFICE.

Peter G. Johnston, of Idaho, to be register of the land office at Blackfoot, Idaho, vice Joseph T. Carruth, whose term will expire February 12, 1923.

COAST AND GEODETIC SURVEY.

James Francis Downey, jr., of Massachusetts, to be aid (with relative rank of ensign in the Navy) in the Coast and Geodetic Survey, vice C. H. Wright, resigned.

APPOINTMENT IN THE REGULAR ARMY.

JUDGE ADVOCATE GENERAL'S DEPARTMENT.

To be Judge Advocate General, with the rank of major general, for a period of four years from date of acceptance.

Col. Walter Augustus Bethel, Judge Advocate General's Department, from the date following the date of retirement of Maj. Gen. Enoch H. Crowder, vice Maj. Gen. Enoch H. Crowder, who is to be retired from active service.

POSTMASTERS.

ALABAMA.

Allen R. Byrd to be postmaster at Luverne, Ala., in place of J. C. Routon. Incumbent's commission expired September 5, 1922.

Edna Young to be postmaster at Warrior, Ala., in place of S. T. Moss. Incumbent's commission expired October 24, 1922.

ARKANSAS.

Arch B. Smith to be postmaster at Osceola, Ark., in place of A. S. Rogers. Incumbent's commission expired March 18, 1922.

CALIFORNIA.

Alice E. Tate to be postmaster at Lone Pine, Calif., in place of A. E. Tate. Incumbent's commission expired September 5, 1922.

Clare E. Murlin to be postmaster at Escalon, Calif., in place of A. O. Peterson, resigned.

CONNECTICUT.

William P. English to be postmaster at Collinsville, Conn., in place of G. B. Moroney. Incumbent's commission expired September 5, 1922.

George L. Gardner to be postmaster at Central Village, Conn., in place of Frank LaFavre, resigned.

Burton Hodge to be postmaster at Roxbury, Conn. Office became presidential January 1, 1923.

FLORIDA.

Edith C. Ryer to be postmaster at Lake Alfred, Fla. Office became presidential January 1, 1923.

William P. Moore to be postmaster at Wellborn, Fla. Office became presidential January 1, 1923.

GEORGIA.

Earnest C. Smith to be postmaster at Bainbridge, Ga., in place of J. M. Scott. Incumbent's commission expired September 26, 1922.

HAWAII.

Kenichi Masunaga to be postmaster at Kealia, Hawaii. Office became presidential January 1, 1923.

ILLINOIS.

Blanche V. Anderson to be postmaster at Leland, Ill., in place of B. V. Anderson. Incumbent's commission expired December 6, 1922.

David G. Birkett to be postmaster at Washington, Ill., in place of G. W. Cress. Incumbent's commission expired October 24, 1922.

Harry C. Shales to be postmaster at North Crystal Lake, Ill., in place of H. C. Shales. Incumbent's commission expired December 6, 1922.

John F. Mains to be postmaster at Stronghurst, Ill., in place of J. F. Mains. Incumbent's commission expired December 6, 1922.

Ralph Austin to be postmaster at Milford, Ill., in place of David McFadden. Incumbent's commission expired October 24, 1922.

William C. Kelley to be postmaster at Simpson, Ill. Office became presidential January 1, 1923.

INDIANA.

Lee H. Pillers to be postmaster at Monroeville, Ind., in place of A. S. Robinson, resigned.

Roy M. Nading to be postmaster at Flat Rock, Ind. Office became presidential January 1, 1923.

IOWA.

Lewis H. Mayne to be postmaster at Emmetsburg, Iowa, in place of P. H. Donlon, removed.

William D. Lorenzen to be postmaster at McCallsburg, Iowa, in place of W. A. Stevenson, removed.

Samuel C. Laverty to be postmaster at Promise City, Iowa. Office became presidential January 1, 1923.

KANSAS.

John A. Stark to be postmaster at Bonner Springs, Kans., in place of W. S. Twist, resigned.

Ellen Simmons to be postmaster at Cottonwood Falls, Kans., in place of L. E. Waddell. Incumbent's commission expired September 13, 1922.

Oliver R. Durham to be postmaster at Udall, Kans., in place of E. B. Pontius, resigned.

David H. White to be postmaster at Merriam, Kans. Office became presidential January 1, 1923.

KENTUCKY.

Claude A. Foote to be postmaster at Sulphur, Ky. Office became presidential October 1, 1921.

Charles A. Glascock to be postmaster at Flemingsburg, Ky., in place of Anna Glascock, appointed but not commissioned.

LOUISIANA.

Dudley V. Wigner to be postmaster at Vidalia, La., in place of H. J. Knight, resigned.

Henry A. Forshag to be postmaster at Crowley, La., in place of A. G. Lormand. Incumbent's commission expired September 5, 1922.

Theophile P. Talbot to be postmaster at Napoleonville, La., in place of T. P. Talbot. Incumbent's commission expired May 16, 1922.

MAINE.

Frank O. Wellcome to be postmaster at Yarmouth, Me., in place of F. O. Wellcome. Incumbent's commission expired September 28, 1922.

MARYLAND.

Horace O. Makinson to be postmaster at Ellicott City, Md., in place of E. A. Rodey. Incumbent's commission expired September 5, 1922.

MASSACHUSETTS.

John G. Faxon to be postmaster at Fitchburg, Mass., in place of J. R. Smith, deceased.

James F. Healy to be postmaster at Worcester, Mass., in place of J. F. Healy. Incumbent's commission expired June 27, 1922.

MICHIGAN.

Grace Tillie to be postmaster at Honor, Mich., in place of E. L. Lewandowsky, resigned.

Gertrude S. Scott to be postmaster at Sterling, Mich., in place of E. J. Bullock. Incumbent's commission expired September 13, 1922.

Perry Anderson to be postmaster at Stanwood, Mich. Office became presidential January 1, 1923.

MINNESOTA.

Nels A. Thorson to be postmaster at Crookston, Minn., in place of W. T. Nicholson. Incumbent's commission expired September 26, 1922.

MISSISSIPPI.

James C. Brent to be postmaster at Biloxi, Miss., in place of J. R. Meunier. Incumbent's commission expired November 18, 1922.

Willie Ramsey to be postmaster at Drew, Miss., in place of J. P. Bullock. Incumbent's commission expired November 18, 1922.

James L. Donald to be postmaster at Tutwiler, Miss., in place of J. L. Donald. Incumbent's commission expired September 19, 1922.

John L. Kirby to be postmaster at Water Valley, Miss., in place of J. L. Kirby. Incumbent's commission expired September 19, 1922.

William W. Cain to be postmaster at West, Miss., in place of W. W. Cain. Incumbent's commission expired November 18, 1922.

MISSOURI.

George L. Pemberton to be postmaster at Charleston, Mo., in place of M. L. Edwards. Incumbents' commission expired September 5, 1922.

David W. Puthuff to be postmaster at Bolivar, Mo., in place of F. L. Stufflebam. Incumbent's commission expired October 14, 1922.

John R. Edwards to be postmaster at Dawn, Mo., in place of Emma Currin. Office became third class January 1, 1921.

NEBRASKA.

Harry A. Riley to be postmaster at Spalding, Nebr., in place of E. J. Whalen. Incumbent's commission expired November 21, 1922.

NEVADA.

Annie J. Christensen to be postmaster at Fernley, Nev. Office became presidential January 1, 1923.

NEW HAMPSHIRE.

Alice R. Thompson to be postmaster at Antrim, N. H., in place of H. W. Eldredge, resigned.

Edson M. Barker to be postmaster at Plymouth, N. H., in place of H. B. Heath. Incumbent's commission expired September 19, 1922.

Wells D. Foote to be postmaster at South Lyndeboro, N. H. Office became presidential January 1, 1923.

NEW JERSEY.

Walter W. Whitman to be postmaster at Pleasantville, N. J., in place of T. H. Obert. Incumbent's commission expired October 24, 1922.

Reuben Coyte to be postmaster at Coytesville, N. J., in place of Reuben Coyte. Incumbent's commission expired October 24, 1922.

William G. Britton to be postmaster at Frenchtown, N. J., in place of O. R. Kugler. Incumbent's commission expired May 6, 1920.

Clayton E. Green to be postmaster at Glen Gardner, N. J., in place of Watson Rhinehart. Incumbent's commission expired October 24, 1922.

Peter Tillman to be postmaster at Rahway, N. J., in place of G. L. Kirchgasner. Incumbent's commission expired October 24, 1922.

Edward J. Tidabach to be postmaster at Short Hills, N. J., in place of E. J. Tidabach. Incumbent's commission expired October 24, 1922.

William A. Polhemus to be postmaster at Whippany, N. J., in place of J. P. Walsh. Incumbent's commission expired October 24, 1922.

NEW MEXICO.

Harvey Springer to be postmaster at Dawson, N. Mex., in place of Harvey Springer. Incumbent's commission expired November 18, 1922.

NEW YORK.

Emil M. Pabst to be postmaster at Huntington Station, N. Y., in place of J. L. Durney. Incumbent's commission expired October 24, 1922.

Hilbert W. Becker to be postmaster at Brightwaters, N. Y. Office became presidential January 1, 1923.

Christopher Martin to be postmaster at Altamont, N. Y., in place of G. S. Vroman. Incumbent's commission expired November 21, 1922.

Robert B. Hoag to be postmaster at Iona Island, N. Y., in place of R. B. Hoag. Incumbent's commission expired November 21, 1922.

Albert M. Thayer to be postmaster at Livonia, N. Y., in place of A. M. Thayer. Incumbent's commission expired November 21, 1922.

Charles G. Mackey, jr., to be postmaster at Milton, N. Y., in place of F. H. Smith. Incumbent's commission expired November 21, 1922.

Henry A. Holley to be postmaster at Otisville, N. Y., in place of L. N. S. Rockwell. Incumbent's commission expired March 28, 1920.

Francis D. Lynch to be postmaster at Stony Point, N. Y., in place of F. D. Lynch. Incumbent's commission expired November 21, 1922.

NORTH CAROLINA.

Grover C. Robbins to be postmaster at Blowing Rock, N. C., in place of T. H. Coffey. Incumbent's commission expired September 5, 1922.

Robert D. Herndon to be postmaster at Chapel Hill, N. C., in place of R. L. Strowd, resigned.

Jasper R. Guthrie to be postmaster at Graham, N. C., in place of R. N. Cook. Incumbent's commission expired October 24, 1922.

Joseph M. Carstarphen to be postmaster at Tarboro, N. C., in place of W. D. Leggett, resigned.

NORTH DAKOTA.

Luella F. Stewart to be postmaster at Bottineau, N. Dak., in place of R. B. Stewart, removed.

James E. Galehouse to be postmaster at Carrington, N. Dak., in place of J. W. Stambaugh. Incumbent's commission expired September 5, 1922.

Chapin Hayford to be postmaster at Casselton, N. Dak., in place of William Strehlow. Incumbent's commission expired September 5, 1922.

Clarence G. Mathys to be postmaster at Wilton, N. Dak., in place of Samuel Fairman. Incumbent's commission expired September 5, 1922.

OHIO.

Charles F. Decker to be postmaster at Vermilion, Ohio, in place of C. A. Trinter. Incumbent's commission expired September 19, 1922.

Eugene G. Dick to be postmaster at Oberlin, Ohio, in place of M. A. Houghton. Incumbent's commission expired September 19, 1922.

OKLAHOMA.

Eugene F. Harreld to be postmaster at Ardmore, Okla., in place of T. L. Hopson, resigned.

Cora A. Sharp to be postmaster at Foraker, Okla. Office became presidential July 1, 1922.

S. Edgar Thomas to be postmaster at Dewey, Okla., in place of Leslie Hurlock, resigned.

Charles C. Sellers to be postmaster at Quapaw, Okla., in place of A. G. Sweezy, removed.

PENNSYLVANIA.

Jennie A. Hickernell to be postmaster at Schaefferstown, Pa. Office became presidential January 1, 1923.

Edythe T. Davies to be postmaster at Girardville, Pa., in place of P. J. McLane, deceased.

George D. Frey to be postmaster at Newville, Pa., in place of T. A. Derick, resigned.

SOUTH CAROLINA.

Benjamin F. Foreman to be postmaster at Allendale, S. C., in place of M. V. Keel. Incumbent's commission expired December 23, 1922.

TEXAS.

Pierce Mayer to be postmaster at Corsicana, Tex., in place of A. N. Justiss. Incumbent's commission expired September 5, 1922.

James J. Ormsbee to be postmaster at El Paso, Tex., in place of E. A. Shelton, removed.

Ferman Carpenter to be postmaster at Franklin, Tex., in place of L. L. Bradbury. Incumbent's commission expired September 5, 1922.

Annie S. Watson to be postmaster at Sugar Land, Tex., in place of A. S. Watson. Incumbent's commission expired January 24, 1922.

UTAH.

John F. Hunter to be postmaster at Helper, Utah, in place of B. E. Hemphill, resigned.

VERMONT.

Ray H. Dearborn to be postmaster at South Fairlee, Vt. Office became presidential January 1, 1921.

VIRGINIA.

Charles F. Gauthier to be postmaster at Bristol, Va., in place of E. S. Kendrick, removed.

William B. Murphy to be postmaster at Charlottesville, Va., in place of J. S. White. Incumbent's commission expired September 13, 1922.

Blanche M. E. Harris to be postmaster at Crozet, Va., in place of E. F. Harris. Incumbent's commission expired July 21, 1921.

Tivy E. Jenkins to be postmaster at Wilder, Va., in place of L. T. Addington, resigned.

WASHINGTON.

Frank Givens to be postmaster at Port Orchard, Wash., in place of E. R. Hanks. Incumbent's commission expired October 14, 1922.

Ira S. Fields to be postmaster at Woodland, Wash., in place of L. M. Fields. Incumbent's commission expired October 14, 1922.

Joseph L. Milner to be postmaster at Almira, Wash., in place of W. P. Conners. Incumbent's commission expired October 14, 1922.

Inez G. Spencer to be postmaster at Creston, Wash., in place of I. G. Spencer. Incumbent's commission expired November 21, 1922.

Charles C. King to be postmaster at Entiat, Wash., in place of C. C. King. Incumbent's commission expired October 14, 1922.

Tolaver T. Richardson to be postmaster at Northport, Wash., in place of T. T. Richardson. Incumbent's commission expired October 14, 1922.

Edward Hinkley to be postmaster at Snohomish, Wash., in place of J. W. Miller. Incumbent's commission expired October 14, 1922.

Maud E. Hays to be postmaster at Starbuck, Wash., in place of M. E. Hays. Incumbent's commission expired October 14, 1922.

Matthew W. Miller to be postmaster at Waterville, Wash., in place of J. M. G. Wilson. Incumbent's commission expired October 14, 1922.

WEST VIRGINIA.

Fred A. Smith to be postmaster at Northfork, W. Va., in place of W. S. Wray. Incumbent's commission expired November 21, 1922.

WISCONSIN.

Joseph F. Huber to be postmaster at West Bend, Wis., in place of H. B. Kaempfer, resigned.

Leon F. Pallister to be postmaster at Brandon, Wis., in place of L. B. Halsey. Incumbent's commission expired October 24, 1922.

Albert L. Marsh to be postmaster at Elroy, Wis., in place of J. H. Smith. Incumbent's commission expired September 5, 1922.

George L. Leverenz to be postmaster at New Holstein, Wis., in place of W. W. Lauson. Incumbent's commission expired September 5, 1922.

Oscar C. Wertheimer to be postmaster at Watertown, Wis., in place of J. W. Moore. Incumbent's commission expired September 5, 1922.

R. Claire Dixon to be postmaster at Silverlake, Wis. Office became presidential October 1, 1922.

WYOMING.

Alma N. Johnson to be postmaster at Yoder, Wyo. Office became presidential January 1, 1923.

James Syme to be postmaster at Superior, Wyo., in place of E. L. George, removed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 12, 1923.

UNITED STATES MARSHAL.

Martin Brown to be United States marshal, western district of Michigan.

POSTMASTERS.

ILLINOIS.

Paul M. Green, Bluffs.
Viola E. Buckingham, Washburn.

KENTUCKY.

Mollie L. Nolan, Harlan.

OHIO.

Charles C. Shaffer, Alliance.

PENNSYLVANIA.

Otto R. Baer, Irwin.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 12, 1923.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou who makest the morning and the evening to rejoice, lift upon us the light and the blessing of Thy holy countenance. Thou who are the light of life, illuminate the pathway that awaits us. When other voices tempt and other guides are false, keep us in the way of Thy truth. May we be proud to listen to human appeals and always magnanimous to serve their needs. O may we know how to use power. The God of the nations bless our country. We are touched with gratitude to-day as we get a glimpse of the past. On this his natal day, bless us with the spirit of him whose heart bore no guile, whose mind stored no prejudice, and who breathed upon all men heaven's blessing when he said: "With malice toward none and charity for all." When the shadow of the dusk descends, bring to our breasts the blessings of a day well spent. Amen.

The Journal of the proceedings of Saturday, February 10, and of Sunday, February 11, 1923, was read and approved.

SWEARING IN OF A MEMBER.

Mr. CURRY. Mr. Speaker, I have the honor to present and request that the oath of office be administered to Mrs. MAE ELLA HUNT NOLAN, Representative elect from the fifth California district, to fill the vacancy caused by the death of her husband, Hon. John I. Nolan, who for nearly five terms so ably represented that district in Congress.

The SPEAKER. The certificate seems to be in proper form.

Mrs. NOLAN appeared at the bar of the House and took the oath of office prescribed by law, the Members rising and applauding.

APPRENTICES IN THE GOVERNMENT PRINTING OFFICE.

Mr. ANDERSON. Mr. President, I call up the conference report on the appropriation bill for the legislative branch of the Government.

Mr. BLANTON. Mr. Speaker, may I submit a request for unanimous consent?

The SPEAKER. The gentleman from Minnesota calls up a conference report, and that has preference.

Mr. BLANTON. Will the gentleman allow me to submit a request for unanimous consent? It will take but a moment.

Mr. ANDERSON. Very well.

Mr. BLANTON. I ask unanimous consent to place in the RECORD the letter which the Public Printer has sent to the membership this morning, approving the Senate amendment which is embraced in the motion made by the gentleman from Pennsylvania [Mr. KIESS].

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD for the purpose indicated. Is there objection?

There was no objection.

The letter referred to is as follows:

GOVERNMENT PRINTING OFFICE,
OFFICE OF THE PUBLIC PRINTER,
Washington, February 10, 1923.

MY DEAR CONGRESSMAN: The legislative appropriation bill (p. 35) contains a Senate amendment authorizing the Public Printer to employ such number of apprentices as in his judgment will be consistent with the economical service of the Government Printing Office. A motion is pending in the House for concurrence in this amendment. It has my hearty approval.

The Senate amendment has also been unanimously approved by the House and Senate Committees on Printing and the Joint Committee on Printing. The employment of apprentices in the Government Printing Office has likewise been indorsed by the first vice president of the International Typographical Union, Mr. Charles P. Howard, and by the United Typothetæ of America, an organization of the foremost employing printers in the United States. At a hearing before the House Committee on Printing on January 22, 1923, Mr. Howard said:

"There is no desire on my part to indicate that there is any opposition to an increased number of apprentices in the Government Printing Office if the Congress should see fit to change the regulations. I might add that the proper training of apprentices is a subject in which we are intensely interested and in which we are spending a great many thousands of dollars every year."

Under a law enacted in 1895, when the Government Printing Office was a comparatively small establishment, the number of apprentices was restricted to 25 at any one time. This limitation stopped the training of apprentices in the Government Printing Office until last July. The system was then revived and is now in successful operation as far as possible within the limit as to the number of apprentices fixed by the old law.

Chiefly for the purpose of making the world's greatest printing plant available for the proper training of disabled veterans of the World War, it is proposed to remove the restriction as to number of apprentices. There is no intention to train more apprentices than the work of the office will justify, but in order that the Government Printing Office may be able to secure at all times an adequate number of thoroughly qualified workmen and to open the way for this great establishment to do its full share in the vocational rehabilitation of disabled veterans, it is earnestly urged that the Senate amendment be enacted into law.

Inclosed is an extract from my report as Public Printer presenting in detail the reasons for a restoration of the apprenticeship system in the Government Printing Office. I would greatly appreciate your support in this worth-while endeavor, which now depends for its permanent success upon the authorization asked of Congress in Senate amendment No. 26 to the legislative appropriation bill. This will be acted upon by the House probably Monday or Tuesday.

Sincerely yours,
GEORGE H. CARTER,
Public Printer.

—

TRAINING OF APPRENTICES IN THE GOVERNMENT PRINTING OFFICE.

[Extract from Annual Report of the Public Printer for 1922.]

In accordance with the plans outlined in the report for 1921, preparations were completed during the year for the training of apprentices in the Government Printing Office. Adequate courses were carefully prepared for the instruction of apprentices to qualify them as printers, pressmen, bookbinders, electrotypers, stereotypers, and machinists, each course covering a period of four years of intensive study and work. All the apprentices were appointed through civil-service examination, and the commission cooperated in every way possible to make a success of these examinations, which were held throughout the country on a given date. One hundred and sixty-two boys took the examinations, and out of these, 118 qualified for appointment.

Twenty of the number taking the examination were messenger boys in the Government Printing Office who had become inspired by their close association with the work of this office to learn a useful trade. The Civil Service Commission generously permitted the messenger boys to take a noncompetitive examination so that they might be appointed on passing, without regard to their relative rating. This provides a suitable stepping-stone for any ambitious messenger boy who desires to better his condition, and is especially advantageous to the Government in making available for apprentice training a group of boys who already have considerable knowledge of the trade they may elect to follow. Another very helpful action on the part of the Civil Service Commission was its agreement that apprentices, on satisfactorily completing their four years' training, could be appointed as journeymen in their respective trades without further civil-service examination.

The printing act of 1895 unfortunately restricts the number of apprentices that may be appointed in the Government Printing Office to not to exceed 25 at any one time. This law was enacted when there were only a few hundred journeymen in the Government Printing Office, as compared with more than 1,500 to-day. Even under union rules, the office now would be entitled to approximately 200 apprentices. As a matter of fact, however, no apprentices had been trained in the Government Printing Office for more than 35 years. The last of the few apprentices trained in this office are now retiring on account of age, after having proven themselves to be among the best and most faithful workmen ever employed in the Government Printing Office.

Not only on account of the shortage of labor in various crafts, but also to obtain employees properly trained in the special requirements of the Government service, is it highly essential that the Government Printing Office resume at this time the work of training many of its own skilled workers and continue without let or hindrance this most important duty to itself and to the printing industry of the United States.

On the recommendation of the Public Printer, the Civil Service Commission has agreed that any person entitled to preference because of military or naval service may be appointed an apprentice without regard to the 20-year maximum age limit. This will afford an opportunity for the rehabilitation training of many war veterans if the restriction to 25 apprentices now imposed by law is removed without further delay.

It is most urgently recommended, therefore, that the apprentice limitation be repealed by Congress at the present session, so that the Government Printing Office can begin at once more extensive training of veterans who may desire to earn a good and comfortable livelihood as thoroughly competent craftsmen.

As the Government Printing Office is unquestionably the best-equipped and most suitable place in the United States for training in the various branches of the allied printing trades, it is regrettable that this wonderful opportunity is now denied by law to all but a few of the young men who so heroically offered their lives in defense of the Nation which maintains this big establishment. Their training can be carried on without the expenditure of a single additional dollar save for the compensation of the veterans who desire better to fit themselves for the continued service of their country. If for no other reason, the vocational training of disabled veterans alone will fully justify the extension of the apprenticeship system to meet their special needs.

In this connection it should be stated that the Public Printer is already cooperating with the Veterans' Bureau in every way possible under the present law to train such disabled veterans as may be placed in the Government Printing Office for vocational instruction. Several trainees are now learning trades in this office. Expressing his appreciation of the interest which the Government Printing Office has taken in the adequate training of disabled veterans, the assistant director of the rehabilitation division of the Veterans' Bureau recently wrote the Public Printer as follows:

"* * * It is such practical cooperation as extended by you in this instance that encourages the bureau in its very difficult task of restoring to active and useful service such veterans as were disabled in defense of their country, and assists materially the plans of a grateful public and Government to restore such disabled veterans to their former capacity as useful citizens."

LEGISLATIVE APPROPRIATIONS.

Mr. ANDERSON. Mr. Speaker, I call up the bill (H. R. 13926) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1924, and for other purposes.

The SPEAKER. The gentleman from Minnesota calls up a conference report on the bill which the Clerk will report by title.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Minnesota had moved to concur in a Senate amendment with an amendment. The Clerk will report the amendment and the amendment to the amendment.

The Clerk read as follows:

Amendment No. 26: Page 35, after line 18, insert:

"The Public Printer may hereafter employ such number of apprentices as in his judgment will be consistent with the economical service of the office."

Mr. ANDERSON moves to recede and concur in Senate amendment No. 26 with the following amendment. In lieu of the Senate amendment insert the following:

"The Public Printer may hereafter employ such number of apprentices, not to exceed 200 at any one time, as in his judgment will be consistent with the economical service of the office."

The SPEAKER. The gentleman from Pennsylvania [Mr. KIESS] had made a preferential motion that the House recede and concur.

Mr. ANDERSON. Mr. Speaker, in order that the membership of the House may be advised as to just what the situation is, I should like to say that the Senate adopted an amendment to the bill making appropriations for the legislative branch of the Government, as follows:

The Public Printer may hereafter employ such number of apprentices as in his judgment will be consistent with the economical service of the office.

Under existing law the number of apprentices in the Government Printing Office is limited to 25. So far as I know, there is no objection on the part of anyone to increasing the number of apprentices in the Government Printing Office. There are two fundamental reasons why this is desirable: First, because it will give the Public Printer an opportunity to bring into the service a number of young men who can be trained in the trades that are practiced in the Government Printing Office; second, because it will give the Public Printer an opportunity to cooperate with the vocational-training service in the interest of veterans of the Great War.

The only question involved in the two propositions now pending is whether the authority of the Government Printing Office to appoint apprentices should be unlimited, as is proposed by the gentleman from Pennsylvania [Mr. KIESS], or whether the number of these apprentices shall be limited to 200, as proposed by the amendment which I have offered.

Under the existing rules the number of apprentices employed in commercial establishments is limited by agreements between the employers and the employees. Mr. Carter, the Public Printer, in his testimony before the subcommittee in charge of this bill, stated that if 200 apprentices were allowed in the Government Printing Office that number would conform substantially to the number permitted in commercial establishments. I do not see any reason why the power to appoint an unlimited number of apprentices should be granted to the Public Printer. On the contrary, it seems to me only desirable that the power to appoint apprentices in the Government Printing Office should be limited as is proposed by my amendment.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. ANDERSON. I yield to the gentleman from Washington.

Mr. JOHNSON of Washington. The gentleman understands that in the Government Printing Office there are three great trades—pressmen, binders, and printers, thousands of employees in all—working along with the extremely small number of 25 apprentices. The House Committee on Printing, the Senate Committee on Printing, and finally the Joint Committee on Printing all met and agreed that the plan proposed in the Senate amendment was the preferential plan. It may be that the best we can do is to limit the number to 200, and, if so, that will be a step in the right direction. As I understand it, it is not proposed that the number of apprentices shall be out of proportion to the number of skilled men in the trade any more than it would be in any other trade. The Joint Committee on Printing, unless restricted by actual legislation, will have the final control.

Mr. ANDERSON. Of course it is true that the number of apprentices who could be employed is largely limited by the circumstances surrounding the operation of the Printing Office itself; but the fact still remains that the 200 provided in my amendment is substantially the number permitted in commercial establishments, and I do not see any reason why an unlimited number should be permitted. Unquestionably such an authority might be subject to abuse. I can see no possible harm that can come from limiting the number.

Mr. STEVENSON. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. STEVENSON. There is no other class of employees who are limited. The only limitation is that he shall not at any time employ more hands than the absolute necessities of the public work may require, and upon that the power of the Joint Committee on Printing limits it to what is economically necessary. In other words, the matter is committed to the Joint Committee on Printing. When there is no limitation placed on other classes, why place it on this one particular class? There is no charge of abuse by the Joint Committee on Printing or the Public Printer.

Mr. ANDERSON. It has always been the practice of Congress to fix the number. I do not see any good that can come from departing from that policy, especially in view of the fact that the necessary requirements can be met.

Mr. BLANTON. Will the gentleman yield?

Mr. ANDERSON. This matter was fully discussed on Saturday.

Mr. BLANTON. Well, if we can not have questions answered we had better go to something else.

Mr. ANDERSON. Mr. Speaker, I move the previous question.

Mr. BLANTON. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER. The gentleman from Texas makes the point that no quorum is present. Evidently there is no quorum present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

Ansorge	Evans	Lee, N. Y.	Rogers
Atkeson	Fenn	Little	Rose
Bacharach	Fess	Luce	Rossdale
Beedy	Fish	Luhring	Rucker
Begg	Free	McClintic	Ryan
Bird	Gallivan	McFadden	Schall
Bond	Garner	McLaughlin, Pa.	Scott, Mich.
Bowers	Gifford	Mead	Shreve
Brennan	Gilbert	Michaelson	Siegel
Britten	Goldsborough	Mills	Sisson
Brooks, Pa.	Gould	Montague	Slemp
Browne, Wis.	Graham, Pa.	Moore, Ill.	Smith, Mich.
Buchanan	Griffin	Morin	Stiness
Burke	Hawes	Mudd	Stoll
Butler	Hays	O'Brien	Strong, Pa.
Cable	Himes	Olpp	Sullivan
Carew	Hogan	Overstreet	Sweet
Carter	Huck	Paige	Tague
Chandler, Okla.	Husted	Park, Ga.	Taylor, Ark.
Chindblom	Hutchinson	Parker, N. Y.	Taylor, N. J.
Classon	Jones, Pa.	Patterson, N. J.	Thomas
Cockran	Kahn	Paul	Thorpe
Codd	Keller	Perlman	Tilson
Colton	Kelley, Mich.	Petersen	Treadway
Connolly, Pa.	Kendall	Porter	Tyson
Cooper, Wis.	Kennedy	Pringey	Volk
Coughlin	Kindred	Rainey, Ala.	Ward, N. Y.
Crowther	King	Rankin	Ward, N. C.
Cullen	Kirkpatrick	Reber	Wason
Davis, Minn.	Kitchin	Reed, N. Y.	Watson
Dominick	Kleczka	Riddick	Wheeler
Drane	Knight	Riordan	Winslow
Dyer	Kreider	Robsion	Wood, Ind.
Edmonds	Lampert	Rodenberg	Yates

The SPEAKER. Two hundred and ninety-one Members have answered to their names; a quorum is present.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

Mr. ANDERSON. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question comes, first, on the motion of the gentleman from Pennsylvania [Mr. KIESS] that the House recede from its disagreement to the Senate amendment and concur therein.

Mr. ANDERSON. Mr. Speaker, I ask for a division of the question.

The SPEAKER. The gentleman from Minnesota asks for a division of the question. The first question is on the motion to recede.

The motion to recede was agreed to.

The SPEAKER. The question is on the motion of the gentleman from Minnesota——

Mr. BLANTON. Mr. Speaker, I make the point of order that after recession by the House the motion to concur is still preferential, and the motion of the gentleman from Pennsylvania [Mr. KIESS] would be a preferential motion, because that disposes of the whole question.

Mr. ANDERSON. Unquestionably it has been held that way; the motion to recede and concur is divisible, and when divided the motion to recede and concur with an amendment takes precedence over a motion to recede and concur.

The SPEAKER. The Chair thinks that while originally the motion to recede and concur has precedence, yet after the question has been divided and the House has decided to recede, then the motion to recede and concur with an amendment has preference. The question is on the motion of the gentleman from Minnesota that the House recede and concur with an amendment.

The question was taken; and on a division (demanded by Mr. BLANTON) there were 126 ayes and 22 noes.

Mr. BLANTON. Mr. Speaker, I object to the vote because there is no quorum present, and make that point of order.

Mr. MONDELL. There is a quorum present; some gentlemen did not vote on either side.

The SPEAKER. The Chair is not sure and the Chair will count. [After counting.] Two hundred and thirty Members present. The ayes have it, and the motion is agreed to.

EXTENSION OF REMARKS.

Mr. CRISP. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, to be placed in the rear of the RECORD, by inserting therein the legislative history of certain constitutional amendments.

The SPEAKER. Is there objection?

There was no objection.

DEFINING CROP FAILURE IN PRODUCTION OF WHEAT, ETC.

Mr. TINCHER. Mr. Speaker, I call up from the Speaker's table Senate Concurrent Resolution 38, respecting the definition of crop failures in wheat, rye, and oats.

The SPEAKER. The gentleman from Kansas calls up Senate Concurrent Resolution No. 38, which the Clerk will report.

The Clerk read as follows:

Senate Concurrent Resolution 38.

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill (S. 2023) defining the crop failure in the production of wheat, rye, or oats by those who borrowed money from the Government of the United States for the purchase of wheat, rye, or oats for seed, and for other purposes, to correct an error therein.

Mr. TINCHER. Mr. Speaker, at the time this resolution was under consideration the minority floor leader called my attention to what he believed was a mistake in the bill. The bill was sent to one department, which reported that that department thought the bill was all right. It is now apparent that there will be a difference between the departments unless the error be corrected, and I ask that the resolution be agreed to.

The SPEAKER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

USE OF PUBLIC PARKS, ETC., FOR SHRINE CONVENTION.

Mr. FOCHT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 418, authorizing the use of public parks, reservations, and other public spaces in the District of Columbia; and the use of tents, cots, hospital appliances, flags, and other decorations, property of the United States, by the Almas Temple, Washington, D. C., 1923 Shrine Committee (Inc.), and for other purposes.

Pending that, I ask unanimous consent that general debate upon the resolution be dispensed with.

The SPEAKER. The gentleman from Pennsylvania moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 418, and pending that asks unanimous consent that the first reading of the resolution be dispensed with. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 418, with Mr. HICKS in the chair.

The Clerk proceeded to read the resolution.

Mr. FOCHT. Mr. Chairman, I ask unanimous consent that the first reading of the joint resolution be dispensed with.

Mr. BLANTON. Mr. Chairman, I make the point of order that where it has been agreed in the House that general debate shall be dispensed with the bill is then read under the five-minute rule in the committee.

The CHAIRMAN. The House having ordered dispensing with general debate on the resolution, the Chair will instruct the Clerk to read the resolution for amendments under the five-minute rule.

The Clerk read as follows:

SEC. 3. That the Secretary of War and the Secretary of the Navy are authorized to loan to the said committee such ensigns, flags, decorations, etc., belonging to the United States (battle flags excepted) as are not then in use, and may be suitable and proper for decorations and other purposes, which may be spared without detriment to the public service, such ensigns, flags, decorations, etc., to be used by the committee under such regulations and restrictions as may be prescribed by the said Secretaries, or either of them: *Provided*, That the said committee shall, within five days after the close of said session, return to the said Secretaries all such ensigns, flags, decorations, etc., thus loaned; and said committee shall indemnify the United States for any loss or damage not necessarily incident to such use.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. Has the Congress ever heretofore granted the use of bunting, flags, and the like to any private association for display purposes, as provided in this resolution? We have heretofore granted the use of tents for convention purposes outside of the District. This resolution is rather broad, permitting the Secretary of War to grant the use of flags and bunting, other than battle flags, ensigns, and decorations. The only liability upon the part of the host, the Almas Temple, is that they shall be liable for loss or damages not incidental to their use. Nearly everyone knows that when bunting and flags are used and rain comes they are not of much use thereafter.

If the Government is in possession of bunting and flags, why should not this private association indemnify the Government for their use?

Mr. FOCHT. I call the gentleman's attention to the fact that there is full and ample provision made in the resolution for replacement and indemnification. On page 3 in line 4 the gentleman will find that the Shrine committee shall indemnify the United States for any loss or damage to tents, and so forth.

Mr. STAFFORD. The gentleman does not answer my question. I am inquiring why this association should not be liable for the damage incident to the use of bunting and flags.

Mr. FOCHT. Does the gentleman mean the wear and tear? What kind of damage does the gentleman have in mind?

Mr. STAFFORD. I assume that the War Department has possession of a considerable number of flags and bunting.

Mr. FOCHT. Yes; stored away.

Mr. STAFFORD. We all realize that when they are exposed to the elements they are of little use thereafter.

Mr. FOCHT. Oh, no; it is the best thing in the world for them to be exposed, to get them out of storage, and have the moths shaken out.

Mr. STAFFORD. I challenge that statement, because the War Department in the preservation of its reserve stock does not have any loss by reason of moths. That is the case with woolens and all other clothing material. I know from observation that when flags and bunting are used and rain comes they are of little use thereafter. This bill does not indemnify the Government for that loss.

Mr. FOCHT. It clearly says that the Shrine committee shall indemnify the United States for any loss or damage to such tents. What kind of English does the gentleman want to convince him that they are held to liability?

Mr. STAFFORD. Let us take section 3 and see whether I am talking by the card. Section 3 authorizes the Secretary of War and the Secretary of the Navy to loan the said committee such ensigns, flags, decorations, and so forth, as are not then in use and may be suitable for the purpose, and then their responsibility is described as follows:

Provided, That the said committee shall, within five days after the close of said session, return to the said Secretaries all such ensigns, flags, * * * and * * * shall indemnify the United States for any loss or damages not necessarily incident to their use.

The pertinency of my inquiry from the start has been to inquire why you should not hold them liable for the damages that may result from the use of them in case of storm. When flags and bunting are used after a rain they are not of much further use.

Mr. ZIHLMAN. Would it remove the objection of the gentleman if we struck out the words "not necessarily incident to such use"?

Mr. STAFFORD. I think so.

Mr. BLANTON. Mr. Chairman, on this first amendment I rise in opposition.

Mr. ZIHLMAN. Mr. Chairman——

The CHAIRMAN. The gentleman from Texas is recognized in opposition to the amendment.

Mr. BLANTON. Mr. Chairman, in June—probably all the Members do not know—500,000 Shriner delegates from every part of the United States will be here in Washington in a conclave. It is estimated that they will spend in Washington at least $100 apiece. That is $5,000,000 they will spend here. It is impossible to find hotel rooms or rooms in private homes for 500,000 strangers here in this city in one body. It is estimated that probably 100,000 of them will camp down here in the tourist camp ground in their automobiles. It is estimated there will be at least 100,000 more who will be camping on the various railroad sidetracks in Pullman cars, having their Pullman cars chartered for the trip. The other 300,000 will try to find rooms in hotels, boarding houses, and in private homes. Now, this resolution is merely to try to take care of them and furnish them with the ordinary courtesies that any city in the United States would arrange for such a splendid body of men. There is not one of them but who occupies the highest standing in the community from which he comes as a leading citizen, as a moral, upright man of responsibility in his community. My friend from Illinois [Mr. IRELAND] knows that this is just as little as we can offer these men by this resolution. I do not think we ought to amend it. I do not think we ought to adopt the amendment which my friend from Wisconsin is trying to force out of my friend from Maryland. It is not necessary. Very naturally there is some little damage incident to the use of anything, but we ought not to place it upon the War Department to require the payment to this Government of some imaginary damage, and these men ought not to be held responsible for that when they come here to their Nation's Capital, and I hope the gentleman will not offer that amendment and that we adopt this resolution without amendment, just like it was brought in here.

MESSAGE FROM THE SENATE.

The committee informally rose, and the Speaker having resumed the chair, a message from the Senate by Mr. Craven, its Chief Clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4235. An act granting the consent of Congress to the Charlie Bridge Co. for construction of a bridge across Red River between Clay County, Tex., and Cotton County, Okla.;

S. 4522. An act authorizing the Secretary of State to convey certain land owned by the United States in Santiago, Chile, to the municipality of that city, and to acquire or receive in exchange therefor other land located in the said city;

S. 4503. An act granting the consent of Congress to Bethlehem Steel Co. to construct a bridge across Humphreys Creek at or near the city of Sparrows Point, Md.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 7583. An act for the relief of Henry Peters;

H. R. 10529. An act for the relief of Harry E. Fiske;

H. R. 13760. An act to amend an act entitled "An act to authorize the construction of drawless bridges across a certain portion of the Charles River in the State of Massachusetts," approved November 14, 1921; and

H. R. 369. An act for the relief of the owner of Old Dominion Pier A.

The message also announced that the Senate had passed the following resolution:

S. Res. 436. *Resolved*, That the Senate has heard with profound sorrow the announcement of the death of Hon. HENRY Z. OSBORNE, late a Representative from the State of California.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

USE OF PUBLIC PARKS, ETC., FOR SHRINE CONVENTION.

The committee resumed its session.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn and the Clerk will read.

There was no objection.

The Clerk read as follows:

SEC. 2. That the Secretary of War and the Secretary of the Navy are hereby authorized to loan to the said committee such tents, camp appliances, and other necessities, hospital furniture and utensils of all descriptions, ambulances, horses, drivers, stretchers, and Red Cross flags and poles belonging to the United States, as in their judgment may be spared at the time of the session: *Provided*, That the said Shrine committee shall indemnify the United States for any loss or damage to such tents, appliances, etc., as aforesaid, not necessarily incident to such use: *And provided further*, That the said committee shall give approved bond to do the same.

Mr. HULL. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee where he gets authority to loan Red Cross flags and poles?

Mr. FOCHT. The Government has furnished the Red Cross with these flags and poles.

Mr. HULL. They belong to the Red Cross.

Mr. FOCHT. No; they do not; the Government loaned them to the Red Cross. It has been generous with the Red Cross and with other institutions in order to inspire enthusiasm and patriotism and I am surprised there is any question about this matter at all.

Mr. HULL. Well, I am not haggling at all.

Mr. FOCHT. That is what this seems to be.

Mr. HULL. But I simply want to inquire where the authority comes for loaning Red Cross flags by the Secretary of War?

Mr. ZIHLMAN. If the gentleman will read the bill it says, "belonging to the United States." We are not loaning something that does not belong to the United States. The gentleman will find on line 2, page 3, it says, "Red Cross flags and poles belonging to the United States." So we are not trying to loan something the Government does not own. If it did not own them it could not loan them.

Mr. BLANTON. Will the gentleman yield?

Mr. HULL. Certainly.

Mr. BLANTON. When the Rock Island Arsenal visits Washington we will extend the same courtesy to all its members.

Mr. HULL. Well, I am not going to object to anything in this resolution, but, in my opinion, you are setting some very dangerous precedents here in regard to loaning Government property. The Committee on Military Affairs is continuously confronted with the same reasons for the loan of Government property which you are granting here. Now, if you are going to loan Government property on an occasion like this for the city of Washington, the question comes up, naturally, Why should you not do the same thing when Atlanta has something, or New Orleans has something, or San Francisco has something? and every one of you Congressmen will be asked by those cities to obtain the same as in this case. I call attention to the fact right here. You would not pass this resolution for any other city in the country, but you are passing it here for the city of Washington. I am not going to object, but I call attention to the fact.

Mr. STAFFORD. Mr. Chairman, I move to strike out line 6, page 3, the clause "not necessarily incident to such use."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. STAFFORD: Page 3, line 6, after the word "aforesaid," strike out the words "not necessarily incident to such use."

Mr. STAFFORD. Mr. Chairman, I do not know whether the chairman of the committee wishes to accept that amendment or not——

Mr. FOCHT. The author of the resolution is present and he can speak for himself, but I understand he does not want to accept any amendment whatever.

Mr. ZIHLMAN. Mr. Chairman, I do not see any harm in the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD].

Mr. BLANTON. You do not want to accept that.

Mr. STAFFORD. Mr. Chairman, I should think it ill becomes a member of the committee or any Member of the House to charge any Member of this House with "haggling" when he is seeking to protect the interest of the Government. The gentleman from Iowa [Mr. HULL] is well within his rights in calling it to the attention of the Members of the House that this is the first time that we have ever authorized the use of equipage and flags and poles to any convention. The extent to which the Committee on Military Affairs has gone whenever it has been called upon to authorize the loan of these things from the War Department has been merely the utilization of tents. We have not even allowed the use of bedding and mattresses in the possession of the War Department. There is no difference between this function being held in the District of Columbia or out in San Francisco or any other part of the country where there are large stores of Army reserve supplies. We should at least protect the interests of the Government when you are seeking to go to this extent and proposing to furnish everything, I might say—ambulances, drivers, and stretchers—and provide that if there is any damage incidental to the use of those things it should be repaired.

Particularly do I direct the attention of the committee to the fact that when bunting and flags are concerned what right have we, although the Government has in its possession large quantities of flags and bunting, to allow those article to be used for this private demonstration without indemnification on the part of the persons who use it? We have never done it heretofore in the case of inaugurations. I know the spirit that animates Members here is to be liberal. I want to be liberal, but I think we should particularly safeguard the interests of the Government.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. SNYDER. I think the gentleman is unduly exercised about this matter. There is no doubt but that there are coming to this city bodies of men such as never came here before. There are probably 100,000 people of the country coming to this town, representing every locality in the Union, and there is no reason why the Government should not loan these things to those men who are part of the whole people coming from all parts of the country. I have read this bill carefully; I knew something of it some time ago. I believe it should be passed just as it is without a change in it. [Applause.]

Mr. STAFFORD. You are seeking here to loan materials that we have never loaned to others under similar circumstances.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. BLANTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to proceed for five minutes more. I will yield some of it to others.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. STAFFORD. I will yield to the gentleman from Pennsylvania.

Mr. FOCHT. I want to say, Mr. Chairman, in answer to the remark of the gentleman from Iowa [Mr. HULL], that there was no attempt on my part, as suggested by the gentleman from Wisconsin [Mr. STAFFORD], to offer a rebuke to the gentleman from Iowa. What he says is absolutely correct. But a precedent was also set when we loaned the Liberty Bell to be sent across the continent to inspire the minds of the youth of the country. On that occasion we did not demand an indemnification for any injuries that might be entailed. Let us give consideration to each such precedent and determine it on its own merits. But allow me to say that this organization is well able to make good any indemnifying proposition that may be submitted to it. The author of the resolution is ready to accept any amendment intended to safeguard the property of the Government.

Mr. BLANTON. Oh, no. You can not move the previous question.

Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. BLANTON. Mr. Chairman, I want to show my colleagues the legal effect of the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD]. If you adopt his amendment you make it obligatory on the War Department to charge these Shriners for the value of the use of this property—the rental value. That is exactly what his amendment means, legally. You are to make them pay damages for the use of this property, not excluding the ordinary damage incidental to its use. Whenever you strike out this language, "not neces-

sarily incident to such use," that the gentleman asks you to strike out, you require the War Department to charge them for something that Congress does not intend that they shall be charged for. The chairman of the District Committee, when it is in session over there in his office, absolutely controls the committee, but he can not now speak for the committee in accepting this amendment. When he tells the gentleman from Wisconsin [Mr. STAFFORD] that he accepts it, he is speaking for one man, and one only.

Mr. FOCHT. Who are you speaking for?

Mr. BLANTON. For another man; and that other man has as much right to speak as the gentleman from Pennsylvania, especially as the "other man" will be here after the gentleman from Pennsylvania goes home. [Laughter.]

Let me call attention to what this proposition embraces. Do you know that every one of these 500,000 citizens of the United States who are coming here in June, every one of them, is either a Knight Templar Mason or he is a Thirty-second Scottish Rite Mason? You gentlemen know what that means in a community. It is the result of having lived a life of morality, and sobriety, and good citizenship for years. It is the result of having so conducted himself in his home community in such a way that he has the confidence and the respect of his home citizens. It is 500,000 of the leading citizens of this Nation who are coming here in June, and I do not think that we ought to place any such burden upon them or restrictions around them.

Mr. SPROUL. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I yield to the gentleman.

Mr. SPROUL. I want to say to the gentleman that there are nearly 50,000 Shriners coming from the Dominion of Canada.

Mr. BLANTON. That just emphasizes the argument I am making. I do not want to take up any more time, because my friend from California [Mr. MACLAFFERTY] is just dying to say something, and I yield to him.

Mr. MACLAFFERTY. Mr. Chairman, I move to strike out the last two words. I have almost imagined, as I have been sitting here, that I was in the Scotch Parliament instead of the American Congress. I am surprised that the gentleman from Wisconsin [Mr. STAFFORD] says that the Shrine coming to Washington, the home city of this Nation, the city that belongs to the people of the United States of America, is the same as if they went to San Francisco or New Orleans. I will tell you that I was at San Francisco when the Imperial Council of the Shrine was held there last year, and the city of San Francisco gave them everything they possessed to make that show a success. We boasted in San Francisco that we had 84 temples, and 129 temples have registered as intending to come here. Now, for God's sake, gentlemen, these men, when they come here, are to be the guests of our Nation. Let us put out the bunting, let us put out all the flags, let us make all the joy we can in this city. Every American ought once in his life to visit the city of Washington, the home of his National Government; and let us, if we can, strike every word out of the RECORD this morning that indicates that we have tried to deal with the Shriners in a close or parsimonious manner. Let us throw the door open and say, "Come in. You may be good Americans when you come, but when you go back you will be better Americans than you were before." [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD].

The question being taken, the amendment was rejected.

The Clerk read as follows:

SEC. 4. That the officer in charge of public buildings and grounds, subject to the approval of the Secretary of War, is hereby authorized to permit the use of any or all public parks, reservations, or other public spaces in the District of Columbia for use by said committee for parking automobiles, the temporary erection of tents for entertainments, hospitals, and other purposes; and said committee is hereby authorized to charge reasonable fees for entertainment and accommodations on said parks, reservations, or other public spaces to aid in meeting the necessary expenses incident to the session.

Mr. WINGO. Mr. Chairman, I move to strike out the last word, for the purpose of asking the gentleman in charge of the bill what is the meaning of the provision in lines 5, 6, 7, and 8 on page 4, that said committee is hereby authorized to charge reasonable fees for enteratinment and accommodations on said parks, reservations, or other public spaces to aid in meeting the necessary expenses incident to the session? As I understand it, that will permit the local committee here, who naturally will be anxious to recoup all the advances they have made for the purposes of getting this convention here, to charge fees for entertainments on public property. Does not the gentleman think he ought to have somebody approve these fees besides the committee, that is selfishly interested in getting a large return? I do not suppose the committee would be moved by any other consideration than would move any local committee. It occurs to me that if you are going to give them the use of the public parks for the benefit of these men, somebody besides the committee themselves ought to have some say-so about the amount of the fees that are going to be charged for the entertainments and concessions on these grounds.

Mr. BLANTON. Will the gentleman yield?

Mr. IRELAND. If the gentleman will allow me, while the charge made may be a little more than the actual expenses of caretaking, it is designed to protect the property that will be left there during the time the conclave is in session. The grounds must be policed and the property cared for in several different ways, and that expense has to be met. Let me call your attention to this fact: Last year at San Francisco the committee raised over $400,000 for the entertainment of this Imperial Council. They expended quite a bit over $300,000 and returned the remainder pro rata to the subscribers; but it cost them over $300,000 to carry on the Imperial Council. It may cost more than that here for the entertainment of the Imperial Council in Washington, because holding the conclave in the National Capital will attract people to the convention who possibly would not attend in any other city.

Mr. MACLAFFERTY. It is a center of population, too.

Mr. IRELAND. Yes.

Mr. WINGO. The gentleman does not get my point.

Mr. IRELAND. I will get to it in a moment. They have not the money; they can not call upon the residents of the District in the same way that they might in some other city, and they must have some slight means of raising funds.

Mr. WINGO. From the selfish money-making standpoint, why is not the bringing of this great crowd here just as valuable to the merchants of the city of Washington as it would be to the merchants of any other city of the same size?

Mr. IRELAND. I presume that may be true in a degree, and that is the only point of selfishness that may enter into it in any way. I do not think the merchants of Washington are especially interested——

Mr. WINGO. I am not charging them with any undue selfishness. Do not let that impression be created.

Mr. IRELAND. I understand that.

Mr. WINGO. But here is the point which the gentleman does not seem to catch. I am willing to have them charge a reasonable fee. It is very proper to have a reasonable fee for the entertainment and accommodations furnished upon these public parks; but I think the gentlemen who are anxious to recoup what they pay out should not be permitted to determine what the amount of the fee shall be, prejudiced as they are, as you and I would be, to charge what they think the public will stand in order to recoup what they pay out. The language of the bill provides that it is not simply to meet the expenses that the gentleman refers to but to meet the necessary expenses incident to the session.

Mr. IRELAND. Even so, the possibility of recoupment is so very remote they could not possibly receive in revenues any appreciable fraction of the amount necessary to be expended.

Mr. WINGO. What is the objection to having these fees approved by the commissioners?

Mr. IRELAND. I do not know that there would be any serious objection to that.

Mr. BLANTON. I will answer the gentleman.

Mr. IRELAND. I am positive that Almas Temple would not in any way want to abuse any privilege accorded.

Mr. WINGO. I do not think Almas Temple would.

Mr. IRELAND. They are the hosts. They do not want in any way to seem inhospitable to any of their guests.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WINGO. I ask unanimous consent that my time may be extended five minutes.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. BLANTON. Will the gentleman yield?

Mr. WINGO. I yield to the gentleman from Texas.

Mr. BLANTON. All the members of this committee that will have anything whatever to do with fixing the fees or making the charge will be Shriners in whom every one of these 500,000 men who are coming here will have absolute confidence, and every one of them will approve of their action even before he knows what it is; they all have such confidence in them.

We did this very same thing for the disabled ex-service men when they had a circus down near the depot; we gave them the free use of the lot for their circus. There will be certain Shriners' entertainments, and it will be the Shriners who will pay, and they will pay whatever the committee charges readily and willingly.

Mr. WINGO. Gentlemen think that I am trying to attribute to these men elements that are not common to the human family. I am a thirty-second degree Mason myself, but that does not make me so altruistic that I might sit on a jury in which I had an interest in property rights that were involved. I do not know; the gentleman may be a good Shriner, but he is no better Mason than I am. The proposition is that somebody who has not a selfish interest ought to pass on the reasonableness of these fees. I have been on entertainment committees myself. I think it would be a better protection to the committee if you had officials to approve the reasonableness of the fees.

Mr. IRELAND. Let me give one instance of unselfishness. The Almas Temple has voted to devote every cent they have in the treasury to this matter. The Almas Temple when they get through will be absolutely broke. They voted every cent it possesses.

Mr. WINGO. I have great confidence in the judgment of my friend. I am not going to offer an amendment, but I know the members of this temple and I know that they would thank the Lord if they had somebody to approve of these fees, so that they would not be cussed. There will not be, I fear, a State in the Union that you will not have some members kicking at the boys here when there ought to be some official to share the responsibility.

The Clerk completed the reading of the bill.

Mr. FOCHT. Mr. Chairman, I move that the committee do now rise and report the joint resolution to the House with the recommendation that it be agreed to.

The motion was agreed to; accordingly the committee rose, and the Speaker having resumed the Chair, Mr. HICKS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House Joint Resolution 418 authorizing the use of public parks, reservations, and other public spaces in the District of Columbia; and the use of tents, cots, hospital appliances, flags, and other decorations, property of the United States, by the Almas Temple, Washington, D. C., 1923 Shrine Committee (Inc.), and for other purposes, and had directed him to report the same back with the recommendation that it do pass.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read the third time, was read the third time, and passed.

Mr. BLANTON. Mr. Speaker, I move to reconsider that vote and lay that motion on the table.

Mr. STAFFORD. I object, Mr. Speaker; there is no necessity for it.

BOARD OF ACCOUNTANCY FOR THE DISTRICT OF COLUMBIA.

Mr. FOCHT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (S. 2531) to create a board of accountancy for the District of Columbia, and for other purposes, and pending that I ask unanimous consent that general debate be dispensed with.

Mr. BLANTON. Let us hear what the bill is.

The Clerk read the title of the bill.

Mr. BLANTON. I object to the request of the gentleman from Pennsylvania to dispense with general debate.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 2531.

The motion was agreed to; accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. HICKS in the chair.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. WINGO. Reserving the right to object, is the gentleman going to bring up the school teachers' bill to-day?

Mr. ZIHLMAN. We have a number of bills that we are to bring up first.

Mr. WINGO. The gentleman does not intend to pass the school teachers' bill to-day?

Mr. ZIHLMAN. I would like to pass it if we can.

Mr. WINGO. Is there any hope of reaching it to-day?

Mr. ZIHLMAN. I can not say; I am trying to expedite matters as much as possible.

Mr. BLANTON. If the gentleman will yield, I want to say that there is no chance in the world, because I believe that bill has been sandbagged.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. HERRICK. Mr. Chairman, I make the point of order that no quorum is present.

The CHAIRMAN. The gentleman from Oklahoma makes the point that no quorum is present. The Chair will count.

Mr. HERRICK. I will withdraw that for the time being.

Mr. FOCHT. Mr. Chairman, I yield five minutes to the gentleman from Maryland [Mr. ZIHLMAN].

Mr. ZIHLMAN. Mr. Chairman, there ought to be no controversy about this bill. It does not appropriate a single dollar out of the Federal Treasury. It simply gives the certified public accountants the same protection that they enjoy in all 48 States in the Union. It has the indorsement of the American Society of Certified Public Accountants, and is presented here owing to the fact that there was no protection at the present time for those who have expended time and money in obtaining the technical education as a certified public accountant here in the District.

An organization has been issuing certificates here and certifying public accountants to anyone who would pay a fee of $15, and recently the Supreme Court of the District of Columbia issued an injunction enjoining the furnishing or issuing of such certificate.

The expenses of the board here created are paid entirely out of the fees collected by them, and any remaining surplus is paid into the treasury of the District of Columbia.

I do not know of any matter in controversy in the bill, and I will be glad to answer any questions in reference to it that I am able to answer.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. STAFFORD. I remember reading about some voluntary board of accountancy here in the District being enjoined from furnishing certificates outside of the District. Can the gentleman give any information as to whether a voluntary association here has been furnishing certificates to authorize the performance of accountancy work in the States outside?

Mr. ZIHLMAN. Each State regulates its reciprocal relationship with other States and with the District of Columbia as to accountancy. The testimony before our committee was that an association here calling itself a board had been issuing certificates for certified public accountants upon the payment of a fee of $10, and we had before us a letter showing that in some cases they had issued certificates to persons who were not proficient in the art or profession of accountancy, with the proviso that those people should apply themselves and fit themselves, notwithstanding the fact that they had already received their certificates. That association has been enjoined from issuing these certificates.

Mr. STAFFORD. It is very likely that that is the association whose practices were condemned outside of the District. People were seeking to use these certificates to permit them to work in other States. The gentleman from Michigan [Mr. MICHENER] states that suits were brought in 10 other States to restrain the practices of this fake commission.

Mr. ZIHLMAN. That would not be possible if this bill becomes a law.

Mr. LAZARO. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. LAZARO. If I understand it, the District of Columbia is the only place in the United States that has no law regulating public accountants.

Mr. ZIHLMAN. That is correct. All of the 48 States of the Union have this protection for their certified public accountants.

Mr. BLANTON. Mr. Chairman, I ask for recognition.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. BLANTON. Mr. Chairman, there ought to be a board of accountancy. No man will deny the good policy of having a law which would require certain qualifications of men who act as public accountants. That is not the question that I now have in mind. The main question that I object to concerning this bill is that it will again delegate to others the power of Congress to fix salaries.

We permit the people of the District of Columbia, 437,000 of them, to have no voice whatever in the management of their own public business. We do not let them select their commissioners. We have their commissioners appointed for them. The commissioners suit a few of the people, but the great mass of the people of the District they do not suit. We let the members of the school board, the board of education, be appointed for the people. We do not let the people select their

own school board, but that board is selected under orders of Congress.

That board pleases some of the people, but most of the people it does not please. So with the Board of Public Utilities. We provide a method for their selection, concerning which the people of the District, whom they serve, have no voice whatever. That commission is selected under provisions authorized by Congress for the people, not by the people. The action of the Board of Public Utilities pleases a very few of the people of the District, but the most of the people of the District it does not please.

Because I have contended for one thing concerning the District I have been heralded publicly as the enemy of the District. I am not the enemy of the District. I am as good a friend of this Nation's Capital as any man in the House or any Member of Congress. There has just been one fundamental proposition that I have contended for here on the floor of the House which has caused me to be placed in the category of those who are not in favor of the District, and that is fair taxation upon the people. I have contended here that $1.30 on the hundred which is charged the people of the District is not fair taxation, when all of the balance of the expense of their civic improvement and their civic government is paid for by the whole people of the United States. This Board of Accountancy that we are giving the people of the District is one of the so-called recompenses that we make to the District people for not giving them any voice in their government. It is another of the recompenses that we make to the people of the District when they are given this low rate of taxation. It is not a proper recompense, however, to the whole people. It does not recompense the people of the United States.

If we will place anything like the taxation on the 437,000 people who live here in the District that our own people at home pay, you will never find me opposing a single bill that is designed for the interest of the District. Is not that a reasonable proposition? Is there any excuse for not accepting that one proposition? Why should the people who live in the city of Washington—the most beautiful city in the world, and if not that the most beautiful in the United States—not pay something like the taxes our home people pay? Why should they get all of the civic benefits, conveniences, and improvements here and pay only $1.30 on the hundred? That is the total tax they pay. That is a question that sooner or later will have to be answered here on the floor of this House and in the other end of the Capitol.

Mr. JOHNSON of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. JOHNSON of Mississippi. Then, that is based on a 60 per cent valuation, is it not?

Mr. BLANTON. No; it is presumed to be based on a 100 per cent valuation.

Mr. JOHNSON of Mississippi. Two-thirds is the testimony.

Mr. BLANTON. No; the gentleman is wrong about that, because I know what I am talking about. It is presumed to be based on a 100 per cent valuation, but it is not, when the property is rendered for taxation. Let me say to my friend that he probably noticed in the paper the other day, if he reads the papers as closely as I do, and I am sure that he does, that the property out here at 2400 Sixteenth Street, known to every Congressman—it is a kind of rendezvous for Congressmen and Senators——

Mr. WINGO. What?

Mr. BLANTON. They understand down in Texas what rendezvous means, and I am sure they do in Arkansas—that property was reported sold the other day for $2,500,000, so we are informed by the public press. Of course, I do not know myself what it sold for, but the public press is our only means of finding out things in some instances. If the press deceives us, that is not our fault. The newspapers of Washington—and it has not been denied—told us the other day that the property at 2400 Sixteenth Street sold for about $2,500,000. How much is it rendered for, for purposes of taxation?

I have been told it was less than $1,100,000 that this property is rendered for taxation. Is that full value? I noticed the press reported a building sold to a merchant about three months ago, and I noted the purchase price of the sale, and I caused an inquiry to be made to find out what that property was rendered for taxation, and it was rendered for only 48 per cent of what it sold for. Now, the presumption is that it was rendered at full value, but when you investigate you find that it is not. Go down and buy a home out here, one of these new homes on Irving Street, and pay $17,500 for it—that is what you will have to pay—and you go down here and see what that property is rendered for taxation, and you will find out that few of them are rendered for taxes for as much as $12,000.

Mr. STEVENSON. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. STEVENSON. That has not been my experience. I bought a home the first year I was here for $8,000, and they got it rated $7,900 for taxes, and that is pretty close.

Mr. BLANTON. How long ago was that?

Mr. STEVENSON. Nineteen hundred and eighteen.

Mr. BLANTON. The gentleman bought in 1918 for $8,000?

Mr. STEVENSON. Yes, sir.

Mr. BLANTON. And they are now rendering it for taxes at $7,900?

Mr. STEVENSON. It is rendered for taxation at $7,900.

Mr. BLANTON. That is about right if you want to get a rate of about 50 per cent, because the property which the gentleman bought back in 1918 for $8,000 is probably worth $16,000 now. Just take it all over the city, that is the fact; it has about doubled in price.

Mr. STEVENSON. If the gentleman wants to buy it at that figure, I will be glad to make a trade.

Mr. BLANTON. The gentleman will not sell at $8,000, will he?

Mr. STEVENSON. I will sell mighty close to it.

Mr. BLANTON. How much? We might make a deal.

Mr. STEVENSON. Well, I am not going to say; but if the gentleman wants to buy it at $16,000, he can get it.

Mr. BLANTON. But he will not sell at anything like the figure it is rendered for taxation? I am just making this point: That the people here pay on a tax of $1.30 per $100, and our constituents at home pay all the balance of their expenses.

Mr. STEVENSON. Will the gentleman yield for one further question?

Mr. BLANTON. Yes.

Mr. STEVENSON. I agree with the gentleman that the people here ought to pay equal taxes. I have a good deal more property elsewhere than here, but——

Mr. BLANTON. Is there a single man here who does not agree with that? I would like to see who does not. Now, wait just a minute. I want to clinch the nail here. There is not a man here who disagrees to that proposition, because no one has evidenced opposition. Then why do we not do it? We sit here day after day and year after year and let these 437,000 people in the District of Columbia continue to pay $1.30 for taxes, when people elsewhere, in every other city, are paying at least 3 per cent, and because I think they also ought to pay a fair tax here I am heralded as an enemy to the people of this District. My name is rarely mentioned in the newspapers here except in a derogatory way because I stand up and fight for something that is right and for something which ought to be done by Congress.

Mr. STEVENSON. What I wanted to ask the gentleman and what has bothered me is, What is to be done with the enormous amount of Government property here that ought to be put on the tax books, which, if it paid taxes on the absolute value, it strikes me, we would not have to get anything out of the Treasury at all to run the District government at the present rate? What about that?

Mr. BLANTON. This Government property has caused Washington to grow from a village to a city of 437,000. Mr. CRAMTON, the gentleman from Michigan, of whom I am a great admirer, because I have watched him here in his hard work, and I am a great admirer of any gentleman who works, has a bill here which he introduced the other day to change this fiscal relation and make the Government pay only $8,000,000 toward the expenses of this city and the District people pay the balance of it. That is a step in the right direction, but it does not solve the question.

It is not proper that the whole people of the United States should be made to pay $8,000,000 expenses for District people, whose total taxes aggregate only $1.30 on the $100. Why do we not wake up some day and stop this foolishness, and say that the people of the District of Columbia shall pay 3 per cent tax and the Government pay the balance? That is as little as we can do and do justice to the whole people of the United States. I wonder if there is a single city of 10,000 people or more in the United States whose total taxes—State, county, municipal, and school—is under 3 per cent all told. I do not think there is a city in the United States where the tax is under 3 per cent, total tax. Why do not we wake up and say that there shall be 3 per cent tax here? I will tell you why, and I want to be frank with my colleagues. Everyone is choosing the path of least resistance on this question. You are willing to sit down and say nothing. Are you afraid of the newspapers who condemn me because I speak the facts? Are you afraid of that, or are you afraid of their putting cartoons in the paper about you?

That is the path of least resistance. Do you let that influence you? I am not afraid of it. I can stand it. The time is going to come when the people of the District, the big men who think, are going to go to these papers and say, "You let Congressmen alone when they are honest and sincere, when they are speaking their convictions; you let them alone and not abuse them as you are doing. They have the right to speak their sentiments about the District. You are merely making enemies for the District instead of friends." They have never made me an enemy, because I am broader minded than that. I can withstand criticisms. I am not punishing the people of the District because of the way the newspapers treat me, but I stand up and fearlessly speak for what the whole people ought to get.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. WINGO. I would like the gentleman to enlighten the House as to why we can not get up the teachers' pay bill; why we can not get it up to-day.

Mr. BLANTON. The gentleman does not want to get me "in bad" with the committee, does he?

Mr. WINGO. No. I appreciate the amicable relations that exist between the gentleman from Pennsylvania [Mr. FOCHT] and the gentleman from Texas. But I would like to have some enlightenment as to when we shall be able to get the teachers' pay bill up.

Mr. BLANTON. I have so qualified and limited my remarks that I can still keep my feet under the table with the gentleman from Pennsylvania and sit with him at the various conferences we have on District business.

Mr. WINGO. How about what is on top of the table? [Laughter.]

Mr. BLANTON. I will tell you what I believe. I believe my good friend from Pennsylvania has sandbagged that bill, and I will tell you why. In the form in which that bill was brought into the committee, it took splendid care of the administrative officers of the school board. It raised their salaries to the limit, and the blue sky was the limit. The statutory salary of the president of that board is now $5,000. He had the Committee on Appropriations raise it to $6,000, but they did it without authority of law. His authorized statutory salary, I say, is only $5,000. When he prepared that teachers' pay bill he put his salary at $10,000, $2,500 more than a Senator at the other end of the Capitol gets, and the other administrative officers were all taken care of in the same proportion. Then I whittled on it in the committee, but succeeded in reducing it only to $7,500. When you came to the teaching teacher, the scientific teacher that actually teaches the children, the one who does the real work, the one who really forms the backbone of the educational system, you will find they were not properly taken care of at all, and if it had not been for the motions of my friend from Maryland [Mr. ZIHLMAN], seconded by myself, some of them would still be not properly taken care of. But Mr. ZIHLMAN, backed up by some of the rest of us on the committee, took care of those teaching teachers, and because the teachers asked us to do that they made these administrative officers mad, and to punish those teachers they said, "You let us run these legislative affairs. Keep your hands out. Now you have spoiled the broth, and the bill won't pass." If it had not been for the action taken by the teachers themselves, they would not have gotten any proper raises at all.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. MORGAN. Are you in favor of the union?

Mr. BLANTON. I am in favor of these teachers, and approve of them coming to Congress for proper redress of their rights. So we took care of those teachers in the bill. We seem to have made those administrative officers mad.

Mr. ZIHLMAN. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. ZIHLMAN. The gentleman does an injustice to the chairman of the committee. The bill has been on the calendar since the 9th day of August. We hope to reach that bill. But as to this bill which is pending now, about which there is no controversy, the gentleman by his objection has thrown it into general debate.

Mr. BLANTON. Will the gentleman tell me how long the teachers bill has been before Congress?

Mr. ZIHLMAN. It has been on the calendar ever since last August.

Mr. BLANTON. But for about three years it has been a mooted question before Congress, and we did not hear of this accountancy bill until just a short time ago.

Mr. ZIHLMAN. It has been on the calendar since last August.

Mr. BLANTON. Did we not hold hearings in our committee only a short time ago?

Mr. ZIHLMAN. They have not had any hearings on it. It is a Senate bill, on the calendar.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. WINGO. I am glad to hear that from the gentleman from Maryland. Do you not think we can pass this accountancy bill and then take up the teachers bill?

Mr. BLANTON. I gladly accept the statement of the gentleman from Maryland [Mr. ZIHLMAN] that he would take up the teachers' bill next.

Mr. FOCHT. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. In a minute.

I am glad that the gentleman will take up the teachers' bill next, because it is one of the most important pieces of legislation that is before our committee. It ought not to be sidetracked here. It is true that there are some little things in there that ought to be changed. We ought to change it. But apparently something had sandbagged it.

Mr. KNUTSON. Let me suggest that if we all talk an hour or so we will get nowhere. [Laughter.]

Mr. BLANTON. The gentleman from Minnesota can Coue some gentlemen, but he can not Coue me. [Laughter.]

I will agree to quit the floor now if the gentleman from Pennsylvania will promise to take up the school bill next.

Mr. FOCHT. We have it here.

Mr. BLANTON. Is the gentleman going to take it up to-day?

Mr. FOCHT. If you will get through talking or else talk to the question pending and help get some of these bills out of the way.

Mr. BLANTON. How many bills are ahead of it?

Mr. FOCHT. Three.

Mr. BLANTON. The gentleman says "three." The gentleman knows he can not pass those three bills to-day.

Mr. FOCHT. I want to ask the gentleman this question: Will you vote for this school bill? And if you will, when did you change your mind from what you said to me?

Mr. BLANTON. I am for the school bill, with a few minor changes. I am for every single feature of it that raises the teachers' salaries.

Mr. FOCHT. You are not for it except you want a teachers' bill in which the people of the District of Columbia will pay the whole expense.

Mr. BLANTON. That should be done. I am for the teachers part of it, too.

I am for the teachers' raises in the bill. I am against the administrative raises in it.

But let me get back to the bill under consideration. In this accountancy bill we are providing that the Commissioners of the District of Columbia may fix the remuneration that this board of accountancy shall receive out of the fees that they charge. That is an improper delegation of authority from Congress to the commissioners, the delegation of a power that Congress itself ought to exercise. I am not going to vote to delegate the power of Congress to fix salaries to any commission any more as long as I am here on the floor of this House. I am going to meet by my vote the responsibility that is upon my shoulders as a Representative of the people in Congress, and when these salaries are fixed they should be fixed by our votes here and not by the vote of a delegated authority. Why should we not fix these salaries ourselves? Why should we leave that matter indeterminate? Why should we leave that matter undecided and open? Why should we let the commissioners do in the future something that we ought to do in this bill ourselves? I am not in favor of it. I am in favor of fixing now the remuneration that this board of accountancy shall receive and not leave it to the commissioners to decide in the future. If the gentleman from Pennsylvania [Mr. FOCHT] will change that feature, if he will fix the reasonable remuneration so that we as Members of Congress will know what we are doing, then I will vote for this bill. Otherwise I am going to vote against it.

Mr. HAMMER. Will the gentleman yield?

Mr. BLANTON. I yield to the gentleman from North Carolina.

Mr. HAMMER. Does not the gentleman think we could pass this accountancy bill in five minutes if we would stop debating it?

Mr. BLANTON. There are a few other things I want to tell the gentleman.

Mr. HAMMER. It seems to me there is no necessity of debating all these questions of taxation and other things in the consideration of this bill.

Mr. HERRICK. Will the gentleman yield?

Mr. BLANTON. I am through.

The CHAIRMAN. The Clerk will read.

Mr. HERRICK. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Oklahoma makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and six Members are present, a quorum. The Clerk will read.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 2. That for the purpose of this act a public accountant is hereby defined as a person skilled in the knowledge and science of accounting, who holds himself out to the public as a practicing accountant for compensation, and who maintains an office for the transaction of business as such, whose time during the regular business hours of the day is devoted to the practice of accounting as a professional public accountant.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. Is it necessary for an accountant in the District of Columbia to maintain an office for the transaction of business, as this section provides?

Mr. ZIHLMAN. No.

Mr. STAFFORD. The section provides—

for the purpose of this act a public accountant is hereby defined as a person skilled in the knowledge and science of accounting, who holds himself out to the public as a practicing accountant for compensation, and who maintains an office for the transaction of business as such, whose time during the regular business hours of the day is devoted to the practice of accounting as a professional public accountant.

Mr. ZIHLMAN. Later in the act it defines those who do not maintain an office.

Mr. STAFFORD. I thought that the qualifications for accountancy were mental, and not physical.

Mr. ZIHLMAN. I think the gentleman is correct in that.

Mr. STAFFORD. When I read this section some months ago I thought it was rather strange that you should require a person in order to be considered a public accountant to maintain an office for the transaction of business as such.

Mr. ZIHLMAN. Anyone who comes here and who has not an office, who comes here to do some particular piece of work, will have a certificate as a certified public accountant from his own State. This is merely to license accountants in the District of Columbia.

Mr. STAFFORD. What is the necessity of requiring that he maintain an office for the transaction of business?

Mr. ZIHLMAN. Where do you want him to do business—on the street corner?

Mr. STAFFORD. Oh, no; that is not necessary. A man may be a professional man without having an office.

Mr. ZIHLMAN. It provides later in the bill for certifying men who are employed by other firms. It is the common language used in all these cases.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 4. That the board of accountancy shall not grant a certificate as a certified public accountant to any person other than (a) a citizen of the United States, one who has duly declared his or her intention of becoming such citizen, who is over the age of 21 years; and (b) of good moral character; (c) who is a graduate of a high school with a four years' course or has had an equivalent education; and (d) who has received a diploma from some recognized school of accountancy and has had one year's experience in the employment of a practicing certified public accountant, or has had three years' experience in the employ of a practicing certified public accountant; and (e) except under the provisions of section 6 of this act, who shall have successfully passed examinations in the theory and practice of general accounting, in commercial law as affecting accountancy, and in such other related subjects as the board may deem advisable: *Provided*, That the board of accountancy may waive the provision for accounting experience as set forth in clause (d) above, and in lieu thereof may hold in abeyance a certificate to any person who shall otherwise have qualified until such time as the applicant can prove to have served two years in the employ of a practicing certified public accountant: *Provided further*, That the board may waive the requirement for service in the employ of a practicing certified public accountant, as set forth in clause (d) above, in the case of any person who has had not less than five years' actual and continuous experience in auditing the books and accounts of other persons in three or more distinct lines of commercial business, but nothing contained in this act shall be construed as granting any power to wave any provision of this act other than as set forth herein, nor shall any such waiver be granted except by the unanimous vote of the members of the board.

With the following committee amendment:

On page 3, line 15, after the word "education" insert "or who, in the opinion of the board, has had sufficient commercial experience in accounting."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 8. That the board of accountancy shall charge for the examinations, together with certificates to successful applicants, provided for in this act, a fee of $25. This fee shall be payable by the applicant at the time of making his or her initial application. Should the applicant fail to pass the required examination, subsequent examinations will be given the same applicant for an additional fee of $10 for each examination. From the fees collected under this act the board shall pay all expenses incident to the examinations, the expenses of issuing certificates, and traveling expenses of the members of the board while performing their duties under this act; and if any surplus remain on the 30th day of June of each year the members of the board shall be paid therefrom such reasonable compensation as the Commissioners of the District of Columbia may determine: *Provided*, That no expenses incurred under this act shall be a charge against the funds of the United States nor the District of Columbia. The board shall annually report the number of certificates issued and the receipts and expenses under this act during each fiscal year to the Commissioners of the District of Columbia.

With the following committee amendments:

Page 6, line 23, after the word "compensation," insert "for actual time employed."

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

Page 6, line 25, after the word "determine," insert "and the remaining surplus, if any, shall be covered into the Treasury of the United States to the credit of the District of Columbia."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The Clerk resumed and completed the reading of the bill.

Mr. FOCHT. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to and that as amended the bill do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HICKS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill S. 2531 had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put the amendments in gross.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. HERRICK. Mr. Speaker, I object to the vote and make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Oklahoma makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. HERRICK. I withdraw the point of no quorum.

The SPEAKER. The Chair regrets to say that it is too late. The Chair has declared that there is no quorum present.

Mr. ANDERSON. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed.

The Clerk called the roll, and the following Members failed to answer to their names:

Andrew, Mass.	Dunn	Kreider	Rogers
Ansorge	Dyer	Lampert	Rose
Atkeson	Edmonds	Langley	Rosenbloom
Bacharach	Fairfield	Lee, N. Y.	Rossdale
Bankhead	Fenn	Luce	Ryan
Barkley	Fess	Luhring	Sanders, Ind.
Beck	Fish	McClintic	Schall
Beedy	Fitzgerald	McDuffie	Scott, Mich.
Benham	Frear	McFadden	Scott, Tenn.
Bird	Freeman	McLaughlin, Nebr.	Siegel
Black	Funk	McLaughlin, Pa.	Sisson
Bland, Ind.	Gallivan	Martin	Slemp
Bond	Garner	Mead	Smith, Mich.
Bowers	Gilbert	Michaelson	Smithwick
Brand	Goldsborough	Mills	Steenerson
Brennan	Gould	Montague	Stevenson
Britten	Graham, Pa.	Moore, Va.	Stiness
Brooks, Ill.	Greene, Vt.	Morgan	Stoll
Brooks, Pa.	Griffin	Morin	Strong, Pa.
Browne, Wis.	Hardy, Tex.	Mott	Sullivan
Buchanan	Hawes	Mudd	Tague
Burdick	Hayden	Murphy	Taylor, Ark.
Burke	Hays	Nelson, J. M.	Taylor, Colo.
Burton	Henry	Newton, Mo.	Taylor, N. J.
Byrnes, S. C.	Himes	O'Brien	Thomas
Cable	Hogan	Oliver	Thorpe
Campbell, Kans.	Huck	Olpp	Tilson
Cantrill	Hukriede	Overstreet	Timberlake
Carew	Husted	Paige	Tincher
Chandler, Okla.	Hutchinson	Park, Ga.	Treadway
Chindblom	Jefferis, Nebr.	Parks, Ark.	Voigt
Clague	Jeffers, Ala.	Patterson, Mo.	Volk
Classon	Jones, Pa.	Patterson, N. J.	Ward, N. Y.
Clouse	Kahn	Perlman	Ward, N. C.
Cockran	Kearns	Petersen	Wason
Codd	Keller	Porter	Watson
Cole, Ohio	Kelley, Mich.	Purnell	Wheeler
Connolly, Pa.	Kendall	Rainey, Ala.	Winslow
Copley	Kennedy	Reber	Wise
Crowther	Kiess	Reed, N. Y.	Wood, Ind.
Cullen	Kindred	Reed, W. Va.	Woods, Va.
Dale	King	Riddick	Wyant
Davis, Minn.	Kirkpatrick	Riordan	Yates
Dominick	Kitchin	Robertson	
Drane	Kleczka	Robsion	
Dunbar	Knight	Rodenberg	

The SPEAKER. Two hundred and forty-six Members have answered to their names; a quorum is present.

Mr. ANDERSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

BILLS REPORTED FROM COMMITTEE ON DISTRICT OF COLUMBIA.

Mr. FOCHT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of bills reported from the District of Columbia Committee.

The SPEAKER. The gentleman from Pennsylvania moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of bills reported by the District of Columbia Committee.

The motion was agreed to; accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. HICKS in the chair.

EQUALIZE PENSIONS OF RETIRED POLICEMEN AND FIREMEN OF THE DISTRICT OF COLUMBIA.

Mr. FOCHT. Mr. Speaker, I call up the bill (S. 3169), to equalize pensions of retired policemen and firemen of the District of Columbia, and for other purposes.

The Clerk read the title of the bill.

Mr. STAFFORD. Mr. Chairman, I ask for recognition.

The CHAIRMAN. The gentleman from Wisconsin asks for recognition. Is there objection?

Mr. HERRICK. I object.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That on and after the passage of this act all persons upon the pension rolls of the police and fire departments of the District of Columbia who were granted relief in accordance with laws enacted prior to December 5, 1919, shall receive such relief as is allowable under existing law, and all persons now or hereafter receiving relief from the policemen and firemen's relief fund shall also be entitled to all pension benefits resulting from any increase in pay that has or may hereafter be granted by Congress: *Provided*, That no arrears of pension shall be granted for any period prior to an application for an increase in pension under the provisions of this act: *Provided further*, That any widow entitled to relief from the policemen and firemen's relief fund may hereafter receive not more than $60 per month.

SEC. 2. That all acts and parts of acts to the extent that they are inconsistent with this act are hereby repealed.

Mr. UNDERHILL. Mr. Chairman, I ask for recognition.

The CHAIRMAN. The gentleman from Massachusetts is recognized.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MADDEN having taken the chair, a message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 440. Joint resolution to satisfy the award rendered against the United States by the arbitral tribunal established under the special agreement concluded June 30, 1921, between the United States of America and the Kingdom of Norway.

The message also announced that the Senate had agreed to the amendment of the House to Senate amendment No. 26 to the bill (H. R. 13926) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1924, and for other purposes.

EQUALIZE PENSIONS OF RETIRED POLICEMEN AND FIREMEN OF THE DISTRICT OF COLUMBIA.

The committee resumed its session.

Mr. UNDERHILL. Mr. Chairman, I dislike to take time on a bill of this character, but I do not want the Members of the House to vote without full knowledge of the real contents and purpose of this bill. In 1916 a law was passed retiring firemen and policemen of the District of Columbia. A fund was created to which the Government contributed liberally, and 1½ per cent of the salary of these employees was converted into the fund. In 1919 the pay of the police and firemen in Washington was materially increased. The men who had been retired under the old pension act—50 per cent of their salary—were entirely satisfied with the conditions, but became dissatisfied immediately on the increase of salary of those who took their places, because those in the department now are retired on one-half of the salaries which were increased in 1919. Now, this bill seeks to equalize the pensions of these two classes of employees. It is absolutely wrong to my mind, because it is retroactive in its character. It would be just as reasonable for the members of the Washington police and fire departments who were retired previous to the establishment of any pension legislation whatever to come here and ask that they, too, be granted the privileges of retirement under the present retirement bill. If the pay of those at present employed in these two capacities in the city of Washington should again be raised 10 years from now, all the men who shall have joined the ranks of the pensioners would come forward with this as a precedent to ask that they, too, be retired under the new pension bill.

It is practically a retroactive increase of salary for those who were in the departments from 1916 to 1919 and have been retired on a pension.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. STAFFORD. The report does not state at what age members of the police and fire departments are mandatorily retired. It states that under the existing law if they have reached the age of 55 years and have had not less than 25 years of service and are incapacitated, or have become permanently disabled so as to incapacitate them from further performance of duty, they are retired. What is the age at which they are retired compulsorily even though they are still fit to perform the duties of the respective services?

Mr. UNDERHILL. I can not tell the gentleman. I do not know that there is compulsory retirement.

Mr. ZIHLMAN. Mr. Chairman, if the gentleman will permit, I think I can give the information. They can be retired at the age of 60, after 25 years of service, at the discretion of the commissioners; but if in the discretion of the commissioners they are fitted to perform the duties of a policeman or fireman, they can be continued under existing law.

Mr. STAFFORD. What is the average age of retirement of the policemen and firemen at the time they sever their connection with the service?

Mr. ZIHLMAN. That is pretty hard to answer, because many of these men are retired because of disability incurred in the service; so that the average age would not indicate anything. If a man is permanently injured as a fireman or a policeman he is retired, regardless of his age.

Mr. STAFFORD. As I understand it, he is retired if he receives an injury in the performance of his duties; but if he has reached the age of 55 years and has had 25 years of service, and is then incapacitated, he is retired.

Mr. ZIHLMAN. That is correct.

Mr. STAFFORD. I was trying to ascertain, because this is a matter which has been before the House off and on for many years past. I want to know whether the rule is that they are retired when they reach the age of 55 years?

Mr. ZIHLMAN. No; that is not the rule.

Mr. STAFFORD. What is the rule as to whether they are retired as a matter of course when they reach 60?

Mr. ZIHLMAN. They are not retired at the age of 60 unless they make a regular application and on examination the board of surgeons determines that the fireman or the policeman is no longer fitted for active duty. Many of the men in the service are past the age of 60 years.

Mr. STAFFORD. Has the gentleman from Massachusetts any information as to the condition of this fund at the present time?

Mr. UNDERHILL. I think there is a sufficient amount in the fund to meet all of the demands on it for some time to come. But I want the members of the committee to give me their attention for just a moment. This retirement business has resulted in a very, very bad condition of affairs in the Government service. A man is retired upon application, and usually that is in control of some board which can find some excuse for retirement. He is retired at the age of 55 or 60 years. Does he retire on his pension? No. He goes out and gets another job from somebody else. He can afford to work cheaper than the ordinary individual, because he is drawing, in addition to what the job may pay, 50 per cent of a pretty good salary. I have had it brought to my attention only recently where a man in the customs service who had been retired from another branch of the Government service on a pension of $1,300 a year is now drawing from the Government $2,400 a year in addition to his pension.

As you visit various banks you find a watchman or messenger, or perhaps you may call him a sort of host, and you will find that nine times out of ten men occupying that position are retired Government employees holding down this extra job. Of course that has nothing to do with this bill, except that the more you increase pensions the more injustice is done to the man in the street, the ordinary, everyday average citizen, the

carpenter, the bricklayer, the minister, the lawyer, the doctor, the stenographers, typewriters, and the laborer in hundreds of trades and occupations who work for a living, and when they become 55 or 60 years of age they have to look out for themselves, with the little they have saved, and in addition pay taxes to take care of these pensioners. That is unjust, and unless Congress is ready to adopt an old-age pension scheme, and commit itself to a general pension for all citizens, we should pass legislation regarding special pensions with a great deal of care.

It has become a custom to pension public employees, but that does not make it right. These favored individuals who are retired with pay have had steady jobs; they have received their pay regularly; they have had 30 days' vacation, and if they are sick they are paid for the time that they lose. They are pensioned at 50, 55, or 60 years of age, when 90 per cent of our people have to retire at that age or perhaps a little older and pay, in addition to their own expenses, a contribution for these pensions. It is not right, after we make a law once, very liberal in its provisions, that because somebody else subsequently gets a little more salary for those already retired to come before Congress and state that they ought to have an increase in their pension. Of course many of them are not retired because they want to be, but because they have been injured in the service. They have my sympathy, but undoubtedly they have enough to take care of them.

Mr. STAFFORD. Will the gentleman inform the committee what the 50 per cent is that they are now receiving? I refer to those retired before we increased the salary.

Mr. UNDERHILL. The salary, as I understand, and I may not have the figures right, before they were retired was $1,800 a year, and the increase has been to $2,400.

Mr. STAFFORD. Oh! I question very much whether patrolmen or firemen received $1,800 a year at the time of their retirement.

Mr. ZIHLMAN. There is not a man who receives more than $65 a month, and many of them receive as low as $12.50 a month—those who would be benefited by the provisions of this bill.

Mr. STAFFORD. How can they receive so low an amount as $12.50 a month? That certainly is not 50 per cent of the pay they received at the time of retirement.

Mr. ZIHLMAN. I will give you the names as given to me. A. M. Carter, who is a fire pensioner. He receives $12.50 a month, I am advised by the District auditor's office.

Mr. STAFFORD. As I understand, they receive 50 per cent of the pay at the time of retirement?

Mr. ZIHLMAN. That is right.

Mr. STAFFORD. Is there any fireman employed in the District of Columbia at a salary of $300 or $400 a year?

Mr. ZIHLMAN. The figures are furnished me and the men named and the rate received——

Mr. UNDERHILL. That is part of the relief fund. That is, there will be so much for partial disability, and they are allowed so much for sickness. That is not a pension they are receiving. I think the lowest pension is about $900 a year.

Mr. STAFFORD. I am trying to find out what is the difference in the rate of pay per year they are now receiving and what they will receive under this bill.

Mr. ZIHLMAN. I am trying——

Mr. UNDERHILL. As to the accuracy of the statement furnished by the gentleman from Maryland——

Mr. ZIHLMAN. Many of these men are retired on salaries of $100 a month. The present rate, running from $120 a month and the higher rates of captain and other officers, firemen and policemen—does the gentleman want me to read the individual cases?

Mr. STAFFORD. No; I would like to know what the salary of a patrolman was before the increase is made? Of course, the retirement would be had at 50 per cent.

Mr. ZIHLMAN. Generally the pay has been about $100 a month, compared with $120 and $130 now. That is the preponderance of salary received by those men who retire.

Mr. UNDERHILL. Just one more word, and I will finish. Another one of the injustices has been just touched upon by the gentleman from Wisconsin. Take the case of a patrolman who, we will say, gets a salary of $1,200 a year—$100 a month. He is retired on half salary, or on $50 a month; and a captain who gets, instead of $1,200 a year, $3,600 a year. He is retired on half of his salary—a pension of $1,800 a year, or $600 more than his fellow worker received as salary. It costs the patrolman just as much to live as it does the captain, and he does not have the advantage of having a high salary to put aside something for his old age.

If we are going to establish a pension system, let us put all on the same basis and have the maximum which they will be entitled to at retirement, $600, $700, $1,000, or $2,000. Let us have a limit as to what they shall receive and let all retire at the same amount. It is not just or fair that we should make fish of one and fowl of another. Because the chief of the fire department gets $6,000 a year, we retire him on $3,000, whereas a fireman who takes all the risks or most of the risks—and I do not reflect upon the chief—is retired at $600 a year. I think this bill is a step in the wrong direction, and we ought to leave the law as it is until we are ready to amend it so as to meet all cases.

Mr. BLANTON. Mr. Chairman, I ask for recognition in my own right.

The CHAIRMAN. Has the gentleman yielded to the gentleman from Texas?

Mr. BLANTON. I ask for recognition in my own right.

The CHAIRMAN. Has the gentleman from Massachusetts concluded his remarks?

Mr. UNDERHILL. I reserve the remainder of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Texas.

Mr. BLANTON. Mr. Chairman, I do not intend to take up but 5 or 10 minutes to make the observation that we have not done enough for the policemen and firemen of the District. I think this committee, of which I am an humble member, has been a little careless about them. I can criticize, as I am a member of that committee. I do not think the committee has done enough for them.

However, if I could pass it, I would have an amendment placed on this bill to make all the expenses of this matter come wholly out of the revenues of the District, but that is a subject which in properly remedying we have got to work out a complete reorganization of the whole fiscal relations not only on this question but on many others, so I am going to wait for the reorganization plan on that subject, and therefore I will not offer such an amendment to this bill.

I want to tell the gentleman from Oklahoma something and the gentleman from Minnesota [Mr. KNUTSON]. I want to submit something about policemen and firemen in the District. Now, the policemen down here at the White House, and we have a number of them, and the ones in the grounds and the policemen in the Capitol—does the gentleman want some time?

Mr. HERRICK. Not now.

Mr. BLANTON. Then will he please defer his present conference. The policemen in the White House grounds and the ones in the Capitol and the policemen of the House Office Building are all furnished with all of their equipment and all of their uniforms, and they should be so furnished in addition to the salary. That is nothing but right and proper, but when we come to the policemen and firemen of the District of Columbia I want to call attention to what is done for them. Congress took away from them what they considered a valuable right. Congress by law said, "You must withdraw from organizations affiliated with the American Federation of Labor." We made every fireman and policeman withdraw from those organizations and they now have nobody here to represent them unless we protect them ourselves. They have no representation here at court; they have no friend to appear for them in court; and therefore we ought to be fair to them in every way; we ought to be fair to them, more just than ever when we have taken such a right away from them.

Now, what do we do to them? We do not give them their equipment. We do not give them their uniforms. We furnish them with motor cycles, it is true. We furnish them with little 38-caliber pistols to cope with the thugs of the country, to cope with the worst lawbreakers in the world, that center here in the Nation's Capital; the lawbreakers who are armed with 45's, that shoot farther and straighter than any other pistol you can get. They must cope with them with a little 38. The lawbreakers have found that out, and you can see in every pistol duel that occurs here in Washington that the policeman is at a disadvantage.

Why do we not give them their uniforms? We ought to do it. Why do we not give them their equipment? We ought to do it. Every time a policeman in Washington has to arrest a lawbreaker he must appear in court against him, if the arrest amounts to anything. It takes evidence to convict that lawbreaker. The policeman serves his full time on his beat, on duty, and then he has to go down and put in two or three or four or five extra hours a day, waiting around the court as a witness to help convict lawbreakers. Do not you think that is arduous on him? That is the hardest work a man ever did, hanging around a courthouse as a witness.

I contend that in addition to furnishing these policemen with their equipment and with their uniform, we ought to permit them to have extra pay when they serve extra time at courthouses as witnesses. It is nothing but right. It is just; it is proper.

Let me tell you another thing that we are derelict in.

Mr. UNDERHILL. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. UNDERHILL. What has that got to do with the man who has retired?

Mr. BLANTON. I was using this as an occasion for making these pertinent observations. I am for these District police and firemen.

I will tell you another thing that we have been a little derelict in. Why do we not give the policemen and firemen a day off each week in lieu of Sunday? We give it to every other employee in this Nation. Why should they not get it? They are entitled to it. We do not give it to them. We ought to do it. I am in favor of giving every man one day off per week in lieu of Sunday. Give him Sunday if possible; but we can not give them all Sunday, and I will tell you why. Some of them have to work on Sunday; some of them have to be there, ready for the fire call; some of them have to be on their beats to protect us against lawbreakers on Sunday. But when they have to work Sundays they ought to have a day off each week in lieu of Sunday.

I want my friends in this House to so importune the chairman of the District Committee and other members of the District Committee that they will take action on such legislation. I have just such a bill pending now before the District Committee, a bill which gives them their uniform and equipment, and gives them a day off in lieu of Sunday, and gives them pay for the time they put in as witnesses in court over their regular time. Why should it not pass? Help me to get it passed for the policemen and firemen of the city, who have no union friend here to plead for them, because the friend they had was taken away by the fiat of Congress. Let us do justice to them.

Mr. Chairman, I reserve the balance of my time, and I yield to the gentleman from New York [Mr. LONDON] 10 minutes.

The CHAIRMAN. The gentleman from New York is recognized for 10 minutes.

Mr. LONDON. Mr. Chairman, I do not expect to take up much of the time of the committee, as the teachers' bill is to come up this afternoon. The only reason I take the floor is that the gentleman from California [Mr. LINEBERGER] objected a few days ago to a unanimous-consent request of mine to incorporate in the RECORD the appeal made to the Congress of the United States in behalf of the 12,000,000 trade-unionists of Germany.

It is rather significant that, in spite of all the disappointments of the Versailles treaty, the great masses of the common people of Germany should still have faith in America.

There was a time in the history of Congress when petitions were read from the floor and formed the subject of discussion. That was so in the early history of Congress.

I have inquired personally and informally of the Speaker of the House whether he had received officially the appeal. I made that inquiry about a week ago, several days after the Associated Press had reported this incident, this appeal; the Speaker informed me that he had received no official notice. I understand that even if the Speaker would receive a copy of such an appeal he would probably refer it to the Secretary of State, and that Congress would obtain a copy of it only after the Secretary of State would transmit it. The appeal is brief, and I suppose most of you have read it in the press.

I now ask unanimous consent to incorporate this brief appeal in the RECORD as a part of my remarks.

The CHAIRMAN. The gentleman from New York asks unanimous consent to include as a part of his remarks the document referred to. Is there objection?

There was no objection.

Mr. LONDON. I presented the question of the Ruhr invasion to this Congress on the 20th of last month, and I expect to take it up again. I will not take any more time of the House at this juncture, as this is probably the last District of Columbia day of this Congress. I shall incorporate the appeal as it appeared in the press.

Following is the document referred to:

To the United States Senate and House of Representatives:

The undersigned federations of labor unions, representing 12,000,000 members, who with their families constitute more than half of Germany's population, again affirm that because of America's positive promise that right and justice shall prevail they substituted democracy for autocracy, submitted to complete disarmament, and gave an unqualified expression of their desire to work for peace and international reconciliation.

The German loves the pursuit of peaceful professions, but he is equally opposed to being made a slave indefinitely or to have the coming generations of his fellow citizens committed to a system of economic bondage. The Ruhr occupation and the Versailles treaty, however, make such a condition of servitude inevitable. They permanently destroy Germany and European economics and threaten unemployment for millions of German workers.

An impartial but authoritative survey of the situation will readily establish this fact and will in addition be able to confirm that in the midst of peace men and women—young and old—are forcibly being evicted from their homes and deported mereby because they have refused to become traitors to their country.

We have been reduced to a nation which is chronically hungry; our infants are wrapped in paper instead of swaddling clothes, while our women and children are succumbing to physical misery.

This appeal is not an attempt to induce the United States to take an attitude in favor of one or the other of the opposing parties. It is an appeal to the traditional American honor and appreciation of fair play. America, we are sure, did not enter the war for the purpose of annihilating the German people. American honor asserted at this time can save Europe and the world from inevitable disaster.

Mr. LONDON. The appeal carries the signatures of the chairmen of the executive boards of the General Federation of Trade-Unions, the Federation of Christian Labor Unions, the League of Clerical Employees, and the Independent Federation of Liberal Trades-Unions.

Mr. BLANTON. Mr. Chairman, how much time have I?

The CHAIRMAN. The gentleman from Texas has 48 minutes remaining.

Mr. BLANTON. I yield five minutes to the gentleman from Mississippi [Mr. LOWREY], and 43 minutes to the gentleman from Maryland [Mr. ZIHLMAN]; the gentleman from Mississippi first.

Mr. LOWREY. Mr. Chairman, the gentleman from Texas [Mr. BLANTON] made a statement a while ago that I think he ought to explain. I think it ought to go straight in the RECORD. He said, "the worst robbers in the world gather here in the Capital." I would like him to explain whether he meant the Capital City or the Capitol Building.

Mr. BLANTON. I do not include the gentleman from Mississippi, so he need not be uneasy.

Mr. LOWREY. I feel inclined to tell here a thing that happened. I hate to go into a gentleman's family affairs; but it got into the newspapers. It happened in the home of my friend the gentleman from Texas [Mr. JONES]. I do not believe he is here. Recently during the night his wife, Mrs. Jones, whispered to him in excitement that there were thieves in the house. He remonstrated with her and insisted that she ought not to make that kind of a charge against the House; that he was sure that proportionately there were more thieves in the Senate than there were in the House. [Laughter.]

Mr. GERNERD. What Mr. Jones does the gentleman refer to as being married?

Mr. LOWREY. My friend from Texas, Mr. MARVIN JONES.

Mr. GERNERD. I did not even know he was married.

Mr. LOWREY. I have known him longer than the gentleman has; and he ought to have been married a long time ago, though it may not be his fault.

Mr. GERNERD. I agree with the gentleman.

Mr. LOWREY. I was living in his town the first time he ran for Congress.

Mr. BLANTON. The gentleman from Mississippi was speaking about his first marriage.

Mr. KNUTSON. Which marriage is the gentleman speaking about now?

Mr. LOWREY. Do not spoil my story. Mr. Chairman, there are more good speeches ruined on this floor by fool questions than in any other way. [Laughter.] If the gentleman will just let me alone I will make a good speech.

Mr. HAMMER. The gentleman always makes a good speech, anyway.

Mr. LOWREY. I was going to say that my friend remonstrated with Mrs. Jones and said that there were proportionately more thieves in the Senate than there were in the House, and that she ought not to make that kind of a charge against the House. Then he insisted further that if they were in the House the most of them were on the Republican side, and the Republicans were not to be blamed for failure to turn them out, because they have to keep a quorum. [Laughter.] Now here comes the other gentleman from Texas [Mr. BLANTON] and asserts on the floor that the worst robbers in the Nation gather in the Capital. I do not know whether he means in the Capital City or the Capitol Building. But that much by way of correction of these insinuations.

What I wanted to speak on especially is the principle herein involved. I am sure that we are walking a very dangerous road in the way we are increasing the number of retirements on pay and the amount of the retirement pay; and I want to utter my protest. It seems to me that there is no good

reason to suppose that when a man has received a fairly good job at the hands of the city government or the National Government or the State government and has received the pay for years, he should then at a certain age be retired on half pay or part pay, when the very men who have wanted his job badly for all those years and have taken jobs at less pay and other men who have not made half the money that he has been making for those years should be required to pay taxes to keep him on half pay and then let him accept a job somewhere else and receive a salary for that and get his half pay at the hands of the taxpayers besides.

Mr. SPROUL. Does not the gentleman know that all these policemen and firemen are assessed for this insurance fund?

Mr. LOWREY. I know they are assessed 1½ per cent. I am willing for a man in any official position to be paid out of his own assessments, if he wishes to do that; but I am discussing the practice so constantly followed which comes out in the matter of bonuses and pensions to soldiers and men in various lines of work, and in retirement pay in the Army and Navy and everywhere else. I believe we ought to call a halt and to stop the trend toward the idea that when a man has held a public position of any kind for a number of years then he is to be retired on pension or part pay.

The CHAIRMAN. The time of the gentleman from Mississippi has expired. The Chair recognizes the gentleman from Maryland [Mr. ZIHLMAN].

Mr. ZIHLMAN. Mr. Chairman, the bill now before the committee is a Senate bill. It passed the Senate some time ago and was considered by our committee. It has been submitted to the Commissioners of the District of Columbia, and they have approved this bill. It seeks to equalize the pension rate received by disabled firemen and policemen, and makes the rate of pension received by them comparable with the pensions received by men who retired under an increase in pay. It affects about 400 firemen and policemen and the widows and orphans of those men. It will cost approximately $41,000 per annum, a part of which is paid by an assessment on the firemen and policemen now in the service. There should be no opposition to this measure. These men, who have served the District for many years and have been disabled in the service, have to live under the same conditions of cost and expense as those retired under an increase in pay. This simply seeks to equalize the pension rates received and to put all of them on an equal basis.

Mr. STAFFORD. Will the gentleman yield?

Mr. ZIHLMAN. I yield to the gentleman from Wisconsin.

Mr. STAFFORD. Does the government of the District contribute anything to the pension fund?

Mr. ZIHLMAN. Every appropriation bill for the District of Columbia carries an amount sufficient to make up the deficit, and there are also paid into this fund the fines imposed on firemen and policemen for neglect of duty, misconduct, or anything of that kind. In the old days the money received from dog licenses or something of that kind went into this fund.

Mr. STAFFORD. In the old days, before the officers were obliged to contribute to the fund, the fines levied against criminals in the police court were the means of supplying these pensions, and, as I understand it, that is still continued.

Mr. EVANS. Oh, no.

Mr. STAFFORD. And, in addition to that, it provides this installment. I should like to inquire of the gentleman from Maryland or the gentleman from Nebraska [Mr. EVANS], who is a member of the subcommittee on appropriations for the District of Columbia, if he knows the amount of money the Government is obliged to contribute annually to make up this fund?

Mr. EVANS. Will the gentleman yield?

Mr. ZIHLMAN. I yield to the gentleman from Nebraska.

Mr. EVANS. I rose to correct the statement of the gentleman from Wisconsin [Mr. STAFFORD]. The fines assessed against criminals do not go into this fund at all, but unless there is an adverse decision by the comptroller they will be divided between the District treasury and the Treasury of the United States at the ratio of 60–40.

Mr. STAFFORD. Before the policemen and firemen paid any assessment the entire fund was replenished from the fines levied against criminals. That may have been changed in the last act.

Mr. ZIHLMAN. I will read the law to the gentleman if he will permit me.

Mr. STAFFORD. Yes.

Mr. ZIHLMAN. It is found in chapter 433 of the Statutes of 1916:

The said fund shall consist of all fines imposed by the Commissioners of the District of Columbia upon members of the police and fire departments of said District by way of discipline; all rewards, proceeds of gifts, and emoluments that may be received by any member of said departments (for extraordinary services), except such part thereof as the said commissioners may allow to be retained by members of said departments; a deduction of 1½ per cent of the monthly salary of each member of said departments; donations and the net proceeds of sales of unclaimed property in the custody of the property clerk of the police department; all of which shall be paid into the Treasury of the United States to the credit of the "policemen and firemen's relief fund, District of Columbia."

Mr. EVANS. Will the gentleman yield?

Mr. ZIHLMAN. I yield.

Mr. EVANS. I wish to state, as supplementary to the statement made by the gentleman from Wisconsin, that in 1878 the law provided that the maintenance of the firemen and policemen fund should be paid exclusively by the District, but as it happens it never has been so done. It has been paid 50-50 until we changed it and made it 60-40. But there was a time, I do not know whether by enactment outside of an appropriation bill or not, that the fines assessed in the police court were taken to pay a portion of this fund. In answer to the question the gentleman propounded as to the amount, it is fixed each year on the sum necessary to make the necessary amount. I can not give the gentleman the exact figures.

Mr. STAFFORD. Can the gentleman give it generally?

Mr. EVANS. No; I can not give it near enough to make it worth while.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that further debate be dispensed with and the bill read under the five-minute rule.

Mr. STAFFORD. I object to that; there is no demand for general debate.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That on and after the passage of this act all persons upon the pension rolls of the police and fire departments of the District of Columbia who were granted relief in accordance with laws enacted prior to December 5, 1919, shall receive such relief as is allowable under existing law, and all persons now or hereafter receiving relief from the policemen and firemen's relief fund shall also be entitled to all pension benefits resulting from any increase in pay that has or may hereafter be granted by Congress: *Provided*, That no arrears of pension shall be granted for any period prior to an application for an increase in pension under the provisions of this act: *Provided further*, That any widow entitled to relief from the policemen and firemen's relief fund may hereafter receive not more than $60 per month.

SEC. 2. That all acts and parts of acts to the extent that they are inconsistent with this act are hereby repealed.

Mr. FOCHT. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

CHANGE OF CERTAIN STREETS IN DISTRICT OF COLUMBIA.

Mr. FOCHT. Mr. Chairman, I call up the bill H. R. 8084, for the change of certain streets in the District of Columbia.

Mr. STAFFORD. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Wisconsin makes the point of order that no quorum is present. The Chair will count. [After counting.] Eighty-six Members present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ansorge	Chindblom	Gallivan	Kendall
Anthony	Clarke, N. Y.	Garner	Kennedy
Atkeson	Classon	Garrett, Tex.	Kiess
Bankhead	Clouse	Gilbert	Kindred
Barkley	Cockran	Glynn	King
Beedy	Codd	Goldsborough	Kirkpatrick
Begg	Cole, Ohio	Gould	Kitchin
Bell	Copley	Graham, Pa.	Kleczka
Bird	Crago	Greene, Vt.	Knight
Blakeney	Crowther	Griffin	Kraus
Bland, Ind.	Cullen	Hawes	Kreider
Bond	Dale	Hayden	Lampert
Bowers	Davis, Minn.	Hays	Langley
Brand	Deal	Henry	Lee, N. Y.
Britten	Dempsey	Himes	Lineberger
Brooks, Ill.	Dominick	Hogan	Linthicum
Brooks, Pa.	Drane	Huck	Luce
Brown, Tenn.	Dunn	Hudspeth	Luhring
Browne, Wis.	Dyer	Hukriede	McClintic
Buchanan	Echols	Humphreys, Miss.	McDuffie
Burke	Edmonds	Husted	McFadden
Cable	Fairfield	Hutchinson	McLaughlin, Nebr.
Campbell, Kans.	Fenn	Jefferis, Nebr.	McLaughlin, Pa.
Cannon	Fess	Jeffers, Ala.	McSwain
Cantrill	Fish	Jones, Pa.	Magee
Carew	Focht	Kahn	Martin
Chandler, N. Y.	Frear	Keller	Mead
Chandler, Okla.	Funk	Kelley, Mich.	Merritt

Michaelson	Pringey	Siegel	Timberlake
Mills	Rainey, Ala.	Sinnott	Tincher
Montague	Rainey, Ill.	Sisson	Treadway
Morin	Rayburn	Slemp	Tucker
Mott	Reber	Smith, Mich.	Tyson
Mudd	Reed, N. Y.	Snyder	Vestal
Murphy	Rhodes	Steagall	Vinson
Nelson, J. M.	Riddick	Stiness	Voigt
Newton, Minn.	Riordan	Stoll	Volk
Newton, Mo.	Robertson	Strong, Kans.	Walters
Nolan	Rodenberg	Strong, Pa.	Ward, N. Y.
O'Brien	Rogers	Sullivan	Ward, N. C.
Oliver	Rose	Sweet	Wason
Olpp	Rosenbloom	Tague	Watson
Overstreet	Rossdale	Taylor, Ark.	Wheeler
Park, Ga.	Ryan	Taylor, Colo.	Winslow
Parker, N. Y.	Sanders, Ind.	Taylor, N. J.	Wise
Parks, Ark.	Schall	Thomas	Wood, Ind.
Patterson, N. J.	Scott, Mich.	Thorpe	Wyant
Perlman	Scott, Tenn.	Tillman	Yates
Pou	Sears	Tilson	

The committee rose; and the Speaker having resumed the chair, Mr. HICKS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration bills reported by the District of Columbia Committee and finding itself without a quorum had directed the roll to be called, whereupon 232 Members had responded to their names, and he presented a list of the absentees to be printed in the RECORD and the Journal.

The committee resumed its session.

The CHAIRMAN. The Clerk will report the bill.

Mr. BLANTON. Mr. Chairman, may I make a suggestion to the chairman of the committee? I find there is a great deal of strenuous opposition to this bill. There will be a motion made by a Member on the gentleman's side of the House to strike out the enacting clause. There will be a fight against it made by the gentleman from Illinois [Mr. MCKENZIE] and my colleague [Mr. BULWINKLE] is against it. What is the use of going on with this when there is so much opposition to it? Why can not we take up a bill to which there is no opposition. I suggest to the chairman that he take up some other bill.

Mr. FOCHT. Mr. Chairman, this is an extraordinary proposition. This is one of the most important bills that has been reported by the committee and was reported virtually without opposition. My policy is to see that bills reported by the Committee on the District of Columbia are considered and voted upon. I do not think the gentleman from Texas is going to find so much opposition as he thinks against the bill.

Mr. BLANTON. All right. The gentleman will probably find the throat of his bill cut.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 8084) to vacate certain streets and alleys within the area known as the Walter Reed General Hospital, District of Columbia; and to authorize the extension and widening of Fourteenth Street from Montague Street to its southern terminus south of Dahlia Street, Nicholson Street from Thirteenth Street to Sixteenth Street, Colorado Avenue from Montague Street to Thirteenth Street, Concord Avenue from Sixteenth Street to its western terminus west of Eighth Street west, Thirteenth Street from Nicholson Street to Piney Branch Road, and Piney Branch Road from Thirteenth Street to Blair Road, and for other purposes.

Be it enacted, etc., That in order to provide for the necessary extensions and additional buildings to be erected at the Walter Reed General Hospital, in the District of Columbia, all public streets except Fourteenth Street, and alleys included within the area bounded by Sixteenth Street on the west, Alaska Avenue on the northwest, Fern Street on the north, Georgia Avenue on the east, and Aspen Street, as platted on the official survey map, on the south, be, and the same hereby are, vacated, abandoned, and closed, the portions of public streets within said area which are hereby abandoned and closed by this act being known as Thirteenth Street, Fifteenth Street, Dahlia Street, Dogwood Street, and Elder Street.

SEC. 2. That under and in accordance with the provisions of subchapter 1, of chapter 15 of the Code of Law for the District of Columbia, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the Supreme Court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension and widening of Fourteenth Street from Montague Street to the southern boundary of the Walter Reed General Hospital grounds, Nicholson Street from Thirteenth Street to Sixteenth Street, Colorado Avenue from Montague Street to Thirteenth Street, Concord Avenue from Sixteenth Street to its western terminus west of Eighth Street west, Thirteenth Street from Nicholson Street to Piney Branch Road, and Piney Branch Road from Thirteenth Street to Blair Road, all in accordance with the plan of the permanent system of highways for the District of Columbia: *Provided, however*, That of the amount found to be due and awarded by the jury in said proceedings as damages for, and in respect of, the land to be condemned for said extensions or widening, plus the costs and expenses of the proceeding hereunder, four-tenths shall be assessed against the property which the jury shall find to be benefited.

SEC. 3. That when Fourteenth Street shall be opened for traffic to the south boundary of the property known as the Walter Reed General Hospital grounds, numbered for purposes of assessment and taxation as parcel 89 sub 7, the control and jurisdiction of that part of Fourteenth Street as laid down on the plan of the permanent system of highways of the District of Columbia which lies within the said hospital grounds, shall immediately pass to the Commissioners of the District of Columbia, the same in all respects as other streets and avenues in the District of Columbia: *Provided*, That the grade of the street through the hospital grounds shall be subject to the approval of the Secretary of War.

SEC. 4. That an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings taken pursuant hereto, and for the payment of the amounts awarded as damages, is hereby authorized, payable out of the revenues of the District of Columbia; the amounts collected as benefits to be covered into the Treasury of the United States to the credit of the revenues of the District of Columbia.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to address the committee for two minutes out of order.

The CHAIRMAN. The gentleman from Wyoming asks unanimouse consent to address the committee out of order for two minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, this is the anniversary of the birth of Abraham Lincoln. If it were not for the fact that we are approaching the close of the session with a very great deal of business needing attention, it would be proper and seemly, and I am sure that all of us would be disposed, to devote a considerable portion of this day to exercises in memory of the great emancipator, the savior of his country, the man in whose memory a grateful people have just erected a magnificent monument on the banks of the Potomac. Notwithstanding the fact that the press of important public business prevents an extended program, we all desire, I am sure, that we shall have at least a brief program in honor of the martyred President; therefore I ask unanimous consent that the gentleman from Kansas [Mr. HOCH] may have five minutes in which to address the committee on the life and services of Abraham Lincoln.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent that the gentleman from Kansas be given five minutes in which to address the committee on the life of Abraham Lincoln. Is there objection?

There was no objection.

Mr. HOCH. Mr. Chairman, as the gentleman from Wyoming [Mr. MONDELL] has said, it is well that we pause even in the midst of the pressure of business to-day to note the fact that this is the anniversary of the birth of Abraham Lincoln. One hundred and fourteen years ago to-day he was born, and for half that many years now he has "belonged to the ages."

There is no new thing to be said of Lincoln. There is no new thing to be said of the mountains, or of the sea, or of the stars. The years go their way, but the same old mountains lift their granite shoulders above the drifting clouds, and the same mysterious sea beats upon the shore, and the same silent stars keep holy vigil above a tired world. But to mountain and sea and star men turn forever in unwearied homage. And thus, with Lincoln, for he was mountain in grandeur of spirit; he was sea in under voice of mystic loneliness; he was star in steadfast purity of purpose and of service. And he, too, abides. The years go their way, but with the name of Lincoln childhood still learns to voice a patriot's devotion, and with the name of Lincoln tears are called from old men's eyes, and there is no new thing to be said of him. But while the Republic endures, upon whose altar he laid his great mind and heart, while liberty is cherished, while civic virtue and service and sacrifice are honored in the earth, the name of Lincoln will be spoken in undying love by the sons of men. [Applause.]

Mr. MONDELL. Mr. Chairman, I ask unanimous consent that the gentleman from Georgia [Mr. UPSHAW] may address the committee for five minutes upon the subject of Abraham Lincoln.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent that the gentleman from Georgia [Mr. UPSHAW] be permitted to address the committee for five minutes upon the life of Abraham Lincoln. Is there objection?

There was no objection.

Mr. UPSHAW. Mr. Chairman and gentlemen of the House, unexpectedly bidden to this moment, I felt that I would be recreant to every impulse of patriotism and national good will if I did not respond, although I had no time for preparation. Fortunately, any real American, appreciating rugged worth and lofty genius and rejoicing in the present fellowship of our reunited country, needs no specific preparation to speak a word of honest admiration for that great, typical American, Abraham Lincoln. [Applause.] In that immortal message of Henry W. Grady before the New England dinner, the message that arrested the hearts of the Nation as the first southerner who had been invited to attend a New England society since the Civil War, he uttered that inspiring declaration concerning Lincoln. Doctor Talmage and General Sherman had talked about the ideal American as yet to come, when Grady said, "I am here to say to you that the ideal American has already come in the person and the spirit of Abraham Lincoln." No other man who has given himself to the building of American

thought and American ideals had so much in his veins or in his place of birth or in the atmosphere that shaped his early manhood and his political affiliations to make him the typical American, capable of being honored alike by the sons of the South and the sons of the North. [Applause.] And really, Mr. Chairman and my colleagues, if I may be permitted a suggestion, I think that no celebration of Lincoln's birthday or of Washington's birthday, as for that, can ever be complete in this House if tribute is paid only by a son of the North. Lincoln carried in his veins and in the simple glory of his cabin birth the blood of the South, and in his ideals the inspiration and training of Illinois, the robust spirit of the West and the North.

We love, in an hour like this, to think of him, not as born in Kentucky or reared in Illinois, but as a son of all America [applause], and it is fitting, I think, Mr. Chairman, regardless of the personal equation, that the son of a Confederate soldier whose father taught his boys around the family altar to love the flag of their reunited country, should be permitted in this National House of Representatives to lay a tribute of faith and love and honor upon the stainless name of Abraham Lincoln. [Applause.] May I add this other word. I rejoice not in divisions and partisan contentions but in the national fellowship of an hour of common purpose. I am a son of the South—I plead guilty to the soft impeachment; I was born beneath the ambient blue of her arching skies, I was rocked in the cradle of her beauty and glory, I am proud of her priceless contribution to the building of this Nation; but, loyal as I am to the memory of my fathers, their traditions and their heroic loyalties, I love always an hour like this that makes us forget the aisle between us and the lines of political and sectional cleavage—that makes us shake hands as one people beneath the beauty of those stars and the glory of those stripes that we all love so well. [Applause.]

I love to think of another thing in this hour, when official leadership and personal example are so greatly needed. I know some of you will smile when I say it, but go on and let the smile widen into nation-wide approval. I love to remember that Abraham Lincoln, recognizing the responsibility of leadership, wrote with his own hand and signed with his own pen a pledge of total abstinence from strong drink, and urged the young manhood of America to follow his example. [Applause.]

And if he were living now, with his God-fearing spirit and his clear-headed patriotism, he would declare that the supreme question before the American people is the integrity of the Constitution, the majesty of the law, and personal and national sobriety. As a son of the South, as a friend of sobriety, law and order, and as the friend of an all-embracing Americanism, I rejoice to crown the memory of Abraham Lincoln, the typical American. [Applause.]

Mr. FOCHT. Mr. Chairman, I yield 10 minutes to the gentleman from Maryland [Mr. ZIHLMAN].

Mr. ZIHLMAN. Mr. Chairman, I am unable to understand just why there should be opposition to this bill, as stated by the gentleman from Texas a few moments ago. This bill has the approval——

Mr. PARKER of New Jersey. Will the gentleman yield for a question?

Mr. ZIHLMAN. I will.

Mr. PARKER of New Jersey. Has the gentleman read my report on this subject, Report No. 214, on the bill reported by the Military Affairs Committee with reference to the closing of streets, including——

Mr. ZIHLMAN. No; I will state to the gentleman I have not read the report.

Mr. STAFFORD. He certainly should have read the report of the committee which gave investigation to this subject.

Mr. HILL. Will the gentleman yield?

Mr. ZIHLMAN. I will.

Mr. HILL. I should like to say in reference to the report of the gentleman from New Jersey [Mr. PARKER] that since that report the Secretary of War has written to the gentleman's committee in favor of this bill and against the original bill.

Mr. ZIHLMAN. That is right. I will say to the members of the committee this bill has the approval of former Secretary of War Baker, it has the approval of the War Department through the present Secretary of War, it has the approval of the Chief of Engineers of the Army, it has the approval of the Federal Highway Commission, and it has the unanimous approval of the Commissioners of the District. It has the unanimous approval of the District of Columbia Committee of the Senate; it was unanimously passed by the Senate, and, now, who is opposed to the bill? The Surgeon General of the Army is said to be opposed to the bill and Army officers come in here and appeal to Members not to vote for this bill because it puts a street through what is called Walter Reed Hospital grounds, and when they come to Congress and ask for appropriation they speak of it as the Army medical center, and they appeal to Members of Congress to oppose a policy adopted by the War Department and by the Secretary of War, so that when they come here in reference to this bill they speak of it as the Walter Reed Hospital grounds. Now, this bill does more than extend Fourteenth Street through the hospital grounds. It closes five streets through the Walter Reed Hospital reservation, and then it proposes, it accordance with the plans drawn not only by the Chief of Engineers of the Army, not only approved by the Secretary of War, but a map here prepared in the office of the Surgeon General, showing how this street cuts through, not the Walter Reed Hospital grounds, but through the Army medical center on Sixteenth Street, between Fourteenth and Sixteenth Streets. It is the desire of these officers that the White House shall sit at one end of Sixteenth Street, the Avenue of the Presidents, and this Army medical center should be at the other, and when any plebeian dares to propose that a thoroughfare should be cut through this Army medical center, why they raise the cry about the disabled service men in the hospital wards, and yet during the past five years when these disabled soldiers were in the hospital wards at the Walter Reed Hospital they were on the car line on Georgia Avenue or as close to it as it was possible to get them.

Mr. BLACK. Will the gentleman yield for a question?

Mr. ZIHLMAN. I will.

Mr. BLACK. If I understand the situation, if Fourteenth Street is extended, as contemplated by this bill, all of the hospital buildings will still be on the east side of the street?

Mr. ZIHLMAN. The hospital wards will be a great deal closer to the existing car line on Seventh Street or Georgia Avenue, as it is named after it leaves Florida Avenue. Now, the wards under the plans proposed by the Surgeon General of the Army, who opposes this bill, will be closer to Georgia Avenue than they will be under this proposed depressed street on Fourteenth Street extended.

Mr. BLACK. There really will not be any hospital buildings that will be west of Fourteenth Street, will there?

Mr. ZIHLMAN. No; no hospital buildings will be west of Fourteenth Street or within a block of it, but this proposed street, if this proposed legislation is adopted, will go through the faculty officers' quarters, the museum, the library, student Army officers' quarters, and under the plan proposed by the Surgeon General of the Army the wards will be closer to the car line on Georgia Avenue than they will be to Fourteenth Street.

Mr. ANDREWS of Nebraska. Will the gentleman yield?

Mr. ZIHLMAN. I will.

Mr. ANDREWS of Nebraska. If I understand the statement correctly, these surgeons would rather discommode the entire public than have one or two medical officers inconvenienced in their conception of what is proper and right.

Mr. ZIHLMAN. I will say to the gentleman from Nebraska the Surgeon General, in his testimony before the Federal Highway Commission, said this would destroy the beautiful outlook, or the beauty of the landscape, or the beauty of the grounds, or some expression of that kind. I have his statement here.

Mr. KINCHELOE. Will the gentleman yield?

Mr. ZIHLMAN. I will.

Mr. KINCHELOE. Does the gentleman think these car lines running through there will contribute to the comfort of these boys who are sick in bed?

Mr. ZIHLMAN. Surely the gentleman must not have been in the House, because I stated this proposed extension of the Fourteenth Street was farther away from the hospital wards than the existing car line.

Mr. KINCHELOE. If it does not inconvenience these boys in any way, why do not the medical officers in charge of the Walter Reed Hospital approve it? May I ask the gentleman if he thinks they would have any selfish interest in it? I think the only interest would be that for the welfare and ease of these sick boys they would oppose it.

Mr. ZIHLMAN. I stated that he said that it would destroy the beauty of the landscape or the beauty of the grounds.

Mr. KINCHELOE. If that is true, is not that as good a ground for one to be against this bill as that it is to be for the benefit of these real-estate fellows who went out into Maryland beyond Walter Reed Hospital?

Mr. ZIHLMAN. I will restate that I know of no real-estate men not in favor of the bill, or any of the civic organizations here.

Mr. KINCHELOE. I would not imagine they are opposing it very seriously.

Mr. ZIHLMAN. I think the civic organizations are all for it. Anyone who has gone into the matter thoroughly and recognizes the hardships that will be put upon the people who have invested in their little homes under plans prepared by the Federal highway commission will realize that they were interested in getting a street to go out there. I think anyone who has investigated the matter, as have the former Secretary of War and the present Secretary of War and the District Commissioners and the Senate committee, would favor it.

Mr. KINCHELOE. Who would have more intimate knowledge as to the effect it would have on the patients out there than Colonel Glennon?

Mr. ZIHLMAN. The Secretary of War.

Mr. KINCHELOE. The Secretary of War with his many duties probably knows practically nothing about it.

Mr. FIELDS. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. FIELDS. Does not the gentleman recognize the fact that desirable surroundings are an important thing with respect to a hospital? Would it not be a mistake to destroy those beautiful surroundings, and does not the gentleman think that it would have a most detrimental effect on the condition of the patients there to do that?

Mr. ZIHLMAN. I will say to the gentleman that the patients are brought into this matter and the fear that they will be disturbed has been held out; but I will say to my friend that during the past five years those same patients, grievously wounded, have been placed almost on a car line on Seventh Street and on Georgia Avenue, so that if the Medical Department is so solicitous about the disabled men in Walter Reed, why did they build these Army buildings so close?

Mr. JONES of Texas. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. JONES of Texas. The gentleman stated some time ago that this does not run close to any of the present hospital wards. Would not this interfere with the extension and the future development of the hospital and the building of more wards?

Mr. ZIHLMAN. This plan that I have here was prepared in the office of the Surgeon General himself. These are the proposed buildings. Here are the wards [indicating on plan], and here is Georgia Avenue, and here is the proposed extension through Fourteenth Street. The Army Medical Corps proposes that the car line should go there [indicating], and the closing of this other street, after all the other streets were closed, was evidently an afterthought on the part of the Surgeon General of the Army.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. FOCHT. Mr. Chairman, I yield to the gentleman 10 minutes additional.

The CHAIRMAN. The gentleman from Maryland is recognized for 10 minutes additional.

Mr. LOWREY. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. LOWREY. Will the gentleman yield for just a question, for information?

Mr. ZIHLMAN. Yes.

Mr. LOWREY. Is anything brought out in the hearings about the need of this additional car line for the convenience of the convalescent soldiers in getting to and from town?

Mr. ZIHLMAN. I will answer that. This is the situation, I will say to the members of the committee: Under the proposed highway plan of the District of Columbia this military reservation is intersected by six streets, and it is proposed in this bill that five of those streets shall be closed, but because of the injustice, and because of the hardship placed upon the people who have bought property and little homes beyond the reservation, it is proposed by the War Department itself, by the former Secretary of War, and the present Secretary of War, and by the Chief of Engineers, and by the District commissioners that this street, Fourteenth Street, which is the main highway of travel into the northwest, shall be carried through the Walter Reed Hospital at a depressed level, upon plans to be approved by, or plans subject to the approval of, the War Department itself.

Mr. HULL. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. HULL. At the time the people referred to purchased this real estate for homes the Walter Reed Hospital was there, was it not? They knew it was there?

Mr. ZIHLMAN. Yes; and through that section, according to the permanent plan of the Highway Commission of the District of Columbia, which can only be changed by act of Congress, it was proposed that these streets be extended. That is very true.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. MILLER. The hospital grounds at Walter Reed had about 42 acres originally, had they not, and then they were enlarged subsequently?

Mr. ZIHLMAN. Yes; by taking in Fourteenth Street and Sixteenth Street. That was an afterpurchase.

Mr. MILLER. How much to the right and how much to the left will the street car lines be?

Mr. ZIHLMAN. I will say to the gentleman that I suppose it will conform with the majority of the streets in the District; 40 feet.

Mr. MILLER. Will it divide the grounds into two tracts of approximately equal size? What is the proportion?

Mr. ZIHLMAN. The proportion between Fourteenth Street and Sixteenth Street is about one-sixth.

Mr. MILLER. One-sixth will be detached and five-sixths——

Mr. ZIHLMAN. About one-third. I beg the gentleman's pardon. It is about one-third. Now, unless this legislation is agreed to by the Congress, this street remains open. It is open on the permanent highway plan of the District of Columbia. It takes an act of Congress to close this street. It also takes an act of Congress to close Thirteenth Street, and it takes an act of Congress to close Fifteenth Street and the cross streets from east to west. Nothing will be gained by the defeat of this measure, because until Congress acts and closes all of these streets, or unless the Federal Highway Commission closes the portion of the streets that are not dedicated, that remains open, and this military reservation can not be improved in accordance with the proposed plans of the Surgeon General's office.

Mr. SWING. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. SWING. Does the gentleman know the depth at which this will be put down—how far below the level of the surrounding street?

Mr. ZIHLMAN. It will be at a depth subject to the approval of the War Department.

Mr. SWING. Will it be a regular canyon?

Mr. ZIHLMAN. I will state that this matter has been passed upon by men who are competent engineers, because they are at the head of the Engineer Corps of the Army. I can tell you about the cost, but I can not say about the style or depth of the canyon.

Mr. SWING. The committee is considering the condition of the patients out there. How much of the canyon is to be left open? Has the committee any information on that?

Mr. ZIHLMAN. You might ask the Army engineers, who prepared this map, and the men in the Surgeon General's office, because they have evidently given it a great deal of thought. This is the situation: Fourteenth Street has been dedicated to the very edge of the reservation.

Mr. HULL. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. HULL. Has there been any estimate made of what this will cost?

Mr. ZIHLMAN. Yes.

Mr. HULL. What do they think will be the actual cost? Of course that is a minor part of the proposition, but I would like to know.

Mr. ZIHLMAN. I will say to the gentleman that it will cost about 50 per cent less than the plan proposed by the gentleman's colleagues on the committee.

Mr. HULL. What will it cost to pave this street? They will have to pave it if they run that street through there.

Mr. ZIHLMAN. Oh, no. This bill provides that the expense shall be paid out of the revenues of the District of Columbia.

Mr. HULL. What is the amount? Have you figured on it?

Mr. ZIHLMAN. I do not claim to be an engineer, and I do not pretend to be a layman engineer.

Mr. HULL. What will it be? Which plan is the gentleman defending?

Mr. ZIHLMAN. The plan for the extension of Fourteenth Street.

Mr. HULL. By which plan?

Mr. ZIHLMAN. By the plan agreed upon by the Secretary of War and the Chief of Engineers.

Mr. HULL. You claim the Secretary of War indorsed it. Show us.

Mr. ZIHLMAN. I will read you a letter.

Mr. HULL. He simply transmitted a letter. That is all.

Mr. ZIHLMAN. If a Cabinet officer sends a letter to Congress indorsing legislation, I should think that would be taken as an indication that he is for it.

Mr. HULL. Read us the letter and show us where the Secretary of War indorses it.

Mr. FOCHT. What is that?

Mr. HULL. Read the letter where the Secretary of War indorses it and recommends it.

Mr. ZIHLMAN. I will read it.

Mr. FOCHT. Does the gentleman want to read it?

Mr. ZIHLMAN. Yes; I will read it.

WAR DEPARTMENT,
Washington, October 13, 1921.

Hon. L. H. BALL,
Chairman Committee on the District of Columbia,
United States Senate.

MY DEAR SENATOR: At the request of the chairman of the House Committee on the District of Columbia, the highway commission of the District of Columbia considered some months ago H. R. 5824 and H. R. 5579, relating to certain streets in and in the vicinity of Walter Reed Hospital in Washington. In view of the important bearing that the provisions of these bills would have on the future development of the District of Columbia, as well as on the Walter Reed Hospital, a public hearing was held on the subject, at which all parties interested were afforded an opportunity to express their views. The highway commission, after very careful consideration of the case, arrived at the opinion that Fourteenth Street should not be closed through the Walter Reed Hospital grounds, but should be preserved for future needs of the District, with such grades, when eventually opened, that traffic will prove of as little inconvenience or annoyance to the hospital as possible. I inclose a copy of a letter written to the chairman of the House Committee on the District of Columbia expressing these views. I may state that Mr. FOCHT has introduced a bill in the form recommended in that letter as H. R. 8084.

This matter is brought to your attention at the request of Senator WELLER, in connection with the consideration of H. R. 5824 and S. 1575.

Sincerely yours,

JOHN W. WEEKS, *Secretary of War.*

Mr. HULL. Is that the only indorsement your committee had from the Secretary of War? He does not indorse it in that letter.

Mr. ZIHLMAN. He says Fourteenth Street should not be closed.

Mr. PARKER of New Jersey. He says the highway commission says so.

Mr. ZIHLMAN. He is chairman of the Federal Highway Commission.

Mr. LINTHICUM. Will the gentleman yield for a question?

Mr. ZIHLMAN. I yield to the gentleman from Maryland.

Mr. LINTHICUM. Did the gentleman notice that the Secretary of War says:

I may state that Mr. FOCHT has introduced a bill in the form recommended in that letter as H. R. 8084—

Showing conclusively that he indorses the recommendation?

Mr. ZIHLMAN. When I read to the gentleman a letter in which the Secretary of War says that he believes that the evident needs of the District are such that Fourteenth Street should not be closed, I can not make it any plainer.

Mr. HULL. That is not his view. That is the highway commission's view.

Mr. ZIHLMAN. The Secretary of War is chairman of the Federal Highway Commission, and I will say for the information of the gentleman that the other members are the Chief Engineer of the Army, the Secretary of the Interior, and one other official whose name I have forgotten.

Mr. HULL. There is not a word in that letter which says that the Secretary of War indorses it. He says this matter is brought to your attention; that is all.

Mr. ZIHLMAN. I will read the gentleman the opinion of the Chief of Engineers of the Army.

Mr. HULL. The gentleman has not answered my question yet as to the cost.

Mr. ZIHLMAN. The cost will be approximately $121,000, according to the estimates of the Commissioners of the District of Columbia.

Mr. PARKER of New Jersey. I will ask the gentleman whether that includes the walls on either side, 15 or 16 feet high?

Mr. ZIHLMAN. I am not familiar with the plan.

Mr. PARKER of New Jersey. Does that include the bridges?

Mr. ZIHLMAN. It includes the plan approved by the War Department.

Mr. PARKER of New Jersey. It seems to me that with 500 feet of walls on either side and the bridges it will cost a great deal more than $120,000.

Mr. ZIHLMAN. Fourteenth Street has been dedicated up to the eastern edge of the Walter Reed Hospital grounds, and then it has been dedicated on the west of the grounds out to the Maryland line, and thousands of small home owners who have been led by the permanent highway plan of the District of Columbia and by the assurances given by the Public Utilities Commission of the District of Columbia to believe that they would have rapid transit into the city have purchased lots and built homes west of the hospital grounds.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOCHT. Does the gentleman want any more time?

Mr. ZIHLMAN. No.

Mr. FOCHT. I yield 20 minutes to the gentleman from Oklahoma [Mr. HERRICK].

The CHAIRMAN. The gentleman from Oklahoma is recognized for 20 minutes.

Mr. DOWELL. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Iowa makes the point of order that a quorum is not present. The Chair will count. [After counting.] Eighty-seven Members present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anderson	Dyer	Knight	Rogers
Ansorge	Echols	Kreider	Rose
Anthony	Edmonds	Lampert	Rosenbloom
Atkeson	Fairfield	Langley	Rossdale
Bacharach	Fenn	Layton	Rucker
Bankhead	Fess	Lee, Ga.	Ryan
Barkley	Fish	Little	Sabath
Beck	Free	Luce	Sanders, Ind.
Beedy	French	Luhring	Schall
Begg	Funk	McClintic	Scott, Mich.
Blakeney	Gallivan	McCormick	Scott, Tenn.
Bland, Ind.	Garner	McFadden	Siegel
Bland, Va.	Garrett, Tex.	McLaughlin, Pa.	Sisson
Boies	Gifford	McSwain	Slemp
Bond	Gilbert	MacGregor	Smith, Idaho
Bowers	Glynn	Mansfield	Smith, Mich.
Brand	Goldsborough	Martin	Snell
Brennan	Goodykoontz	Mead	Steenerson
Britten	Gorman	Merritt	Stiness
Brooks, Ill.	Gould	Michaelson	Stoll
Brooks, Pa.	Graham, Pa.	Mills	Strong, Kans.
Brown, Tenn.	Green, Iowa	Montague	Strong, Pa.
Burke	Greene, Mass.	Moore, Ill.	Sullivan
Burton	Greene, Vt.	Morgan	Tague
Butler	Griffin	Morin	Taylor, Ark.
Cable	Hardy, Colo.	Mott	Taylor, Colo.
Campbell, Kans.	Hardy, Tex.	Mudd	Taylor, N. J.
Campbell, Pa.	Hawes	Murphy	Thomas
Cannon	Hayden	Nelson, John M.	Thorpe
Cantrill	Hays	Newton, Mo.	Tilson
Carew	Himes	Nolan	Timberlake
Carter	Hogan	O'Brien	Tincher
Chandler, N. Y.	Huck	O'Connor	Treadway
Chandler, Okla.	Hukriede	Oliver	Tucker
Chindblom	Husted	Olpp	Tyson
Clague	Hutchinson	Overstreet	Vinson
Clarke, N. Y.	Jefferis, Nebr.	Park, Ga.	Volk
Classon	Jeffers, Ala.	Parker, N. Y.	Walters
Clouse	Johnson, Miss.	Patterson, Mo.	Ward, N. Y.
Cockran	Jones, Pa.	Patterson, N. J.	Ward, N. C.
Codd	Kahn	Perlman	Wason
Cole, Ohio	Kearns	Pou	Watson
Connolly, Pa.	Keller	Pringey	Weaver
Copley	Kelley, Mich.	Rainey, Ala.	Wheeler
Crowther	Kelly, Pa.	Rayburn	White, Me.
Cullen	Kendall	Reber	Winslow
Dale	Kennedy	Reed, N. Y.	Wise
Darrow	Kiess	Rhodes	Wood, Ind.
Davis, Minn.	Kindred	Riddick	Wyant
Dempsey	King	Riordan	Yates
Dominick	Kirkpatrick	Roach	
Drane	Kitchin	Robertson	
Dunn	Kleczka	Rodenberg	

The committee rose; and Mr. TEMPLE having taken the chair as Speaker pro tempore, Mr. HICKS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration bills reported from the District of Columbia, and finding itself without a quorum he caused the roll to be called, when 218 Members had responded, and he presented a list of the absentees for printing in the Journal and the RECORD.

The committee resumed its session.

The CHAIRMAN. The gentleman from Oklahoma is recognized.

Mr. HERRICK. Mr. Chairman, I want the House to be in order, and I want to announce that I will not yield——

Mr. MONDELL. I move that the committee do now rise.

Mr. MADDEN. Mr. Chairman, I move that the committee rise.

Mr. BLANTON. I make the point of order, Mr. Chairman, that that motion is out of order.

The CHAIRMAN. The Chair feels that the motion that the committee rise is a preferential one and is in order.

Mr. BLANTON. I make the point of order that when a gentleman has been recognized on the floor, as was done in this case, he can not be taken off the floor by moving that the committee rise without overruling the rules of the House.

Mr. MONDELL. Mr. Chairman, it is a preferential motion.

The CHAIRMAN. The Chair feels that the gentleman from Oklahoma having been recognized but not having commenced his remarks——

Mr. BLANTON. I appeal from the decision of the Chair. I want to see whether a poor devil has any rights.

Mr. MONDELL. Mr. Chairman, the chairman of the committee was on his feet before the gentleman from Oklahoma was recognized, and moved that the committee rise. The Chair failed to recognize him and then I made the motion when I saw that the Chair had not recognized the gentleman from Pennsylvania.

Mr. CRISP. Mr. Chairman, I would like to be heard on the appeal. I am one of the last men in this House to support an appeal from the decision of the Chair if I think there is any doubt as to the correctness of the ruling of the Chair. In this controversy I have no interest. I do not care to hear the Member from Oklahoma. The only interest I have is maintaining the rules of the House in an ordinary, consistent, and parliamentary method of procedure. This ruling, if adhered to, establishes a bad precedent.

When a Member is recognized there is but one thing that will take him off the floor, and that is a point of order that there is no quorum. If there is no quorum, the House can not transact any business, not even hear a Member speak. I recognize that a motion that the committee rise is analogous to a motion to adjourn when we are in the House and it is of the highest privilege, provided the Chair is open to entertain that motion. When the Chair recognizes a Member to speak, whether that Member actually commences to talk or not, if he is recognized and has the floor time runs against him. I do not believe there is but one way that he can be taken off the floor and that is by a point of order that no quorum is present if he is proceeding in an orderly way. If a quorum is present, he is entitled to the floor and entitled to proceed. If we do not observe our rules, the House may become a mob. It is with reluctance that I shall be constrained to vote to overrule the decision of the Chair. [Applause.]

Mr. MONDELL. Mr. Chairman, I do not agree with the gentleman from Georgia at all. The gentleman from Pennsylvania, chairman of the Committee on the District of Columbia, is entitled to recognition. The gentleman stood in his place and made a motion that the committee rise before the Chair had recognized anyone. For some reason or other the Chair did not recognize him. I know he did make that motion, because I had talked with him in regard to it. I saw the gentleman was not recognized and so I made the motion. I still insist that my motion was in order. But the gentleman from Pennsylvania was on his feet and did make a motion before the gentleman from Oklahoma was recognized.

Mr. CLARK of Florida. Will the gentleman yield?

Mr. MONDELL. If I have the floor.

Mr. CLARK of Florida. I want to say that the gentleman from Pennsylvania [Mr. FOCHT] rose in his place and yielded 20 minutes to the gentleman from Oklahoma [Mr. HERRICK]. That is a fact. Then the gentleman from Iowa [Mr. DOWELL] made a point that no quorum was present after the gentleman from Oklahoma [Mr. HERRICK] was recognized. A call of the House was had and a quorum developed, and by every ordinary right and rule of procedure the gentleman from Oklahoma is entitled to the floor. [Applause.]

Mr. WINGO. Mr. Chairman, I have no interest in this other than to uphold the rules of the House. I want to make an appeal to the Chair, predicated on facts that I think the Chair will recall. Before the roll call developed a quorum, the gentleman from Oklahoma had been recognized. There can be no doubt about that. As soon as the quorum was developed the committee found itself in the exact status that it was when the point of no quorum was made. Speaker after Speaker has held that the committee rises to receive the report, and for that purpose only, and that even the Speaker can not recognize anybody, but the House automatically goes back into committee. When we got back into the committee under the parliamentary law of this body the gentleman from Oklahoma was in possession of the floor, and in addition to that, Mr. Chairman, the Chair distinctly stated "The gentleman from Oklahoma is recognized for 20 minutes."

Then some one in the confusion moved that the committee rise. It makes no difference if some one had asked the Chair for recognition before the gentleman from Oklahoma [Mr. HERRICK] had been recognized again. He still had the floor, and I appeal to the Chair, on mature reflection, to recall the ruling which he has made, because it will lead to an end that will destroy orderly procedure in the Committee of the Whole. We can not afford that simply because some gentleman may not like to hear the gentleman from Oklahoma.

Mr. MONDELL. Mr. Chairman, I did not hear all of the argument of the gentleman from Arkansas [Mr. WINGO]. If the gentleman from Arkansas said that the gentleman from Oklahoma was recognized before the point of order was made, he is, I think, mistaken——

Mr. BLANTON. He was recognized and had the floor.

Mr. MONDELL. He was yielded time, and that gives him no right until he is recognized. The mere yielding of time can not hold this House in session against its will.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Let us have that perfectly clear. The mere yielding of time can not hold this House in session against its will.

Mr. WINGO. Will the gentleman yield?

Mr. MONDELL. After the quorum was found to be present, the Chairman took his place, and the gentleman from Pennsylvania [Mr. FOCHT], chairman of the Committee on the District of Columbia, entitled to recognition, moved that the committee rise before the Chairman had recognized the gentleman from Oklahoma. The Chair does not seem to have heard the gentleman from Pennsylvania, but a dozen gentlemen here heard him, and there is no doubt that he made that motion. Mr. Chairman, I still insist that my motion would have been in order, but the Chair is not called upon to decide that question. The gentleman from Pennsylvania [Mr. FOCHT] did make the motion, and it was the duty of the Chair to recognize him. The Chair apparently did not hear him.

Mr. WINGO. As a matter of fact, the first thing that happened was that the Chair stated the gentleman from Oklahoma was recognized, and instead of the gentleman from Pennsylvania [Mr. FOCHT] making the motion, as a matter of fact it was the gentleman from Illinois [Mr. MADDEN] who made the motion that the committee rise. If there is any question about it, the reporter's notes will show the facts.

Mr. FOCHT. Mr. Chairman, I would like to have consent to make a statement in connection with this matter. It is fair enough and true enough that I did yield 20 minutes to the gentleman from Oklahoma [Mr. HERRICK].

Mr. BLANTON. And he was recognized.

Mr. FOCHT. I do not know that he was recognized.

Mr. BLANTON. I ask for the reporter's notes on that question.

Mr. FOCHT. I yielded him 20 minutes, but as time went on and the controversy extended it was apparent to me that we could not conclude the bill to-night. We found opposition to be developing, and while under ordinary circumstances I would have gone ahead with the idea of hearing the gentleman's speech, letting him occupy the 20 minutes, it was decided that we would rise and have the committee report the bill back to the House, and I rose to my feet for that purpose and made the motion, taking it for granted that if I happened to be a little more dilatory than is customary it was due to the fact that I would be recognized more readily than if I had not been the chairman of the committee in charge of this bill, and reporting the bill from the committee. My thought, so far as the gentleman from Oklahoma [Mr. HERRICK] was concerned, was that his speech might go over with the bill.

The CHAIRMAN. Previous to the point of order that no quorum was present the gentleman from Pennsylvania [Mr. FOCHT] yielded 20 minutes to the gentleman from Oklahoma [Mr. HERRICK], and the Chair recognized the gentleman from Oklahoma by name. Then the committee rose, and the Chair reported that a quorum was present after the roll had been called. The Chair has no desire to prejudice the gentleman from Oklahoma. As a matter of fact, the Chair himself suggested to the gentleman from Pennsylvania that the gentleman from Oklahoma be given time in order to present certain views he holds. The Chair is less inclined to override any precedent in this House or to misinterpret the rules; but the Chair feels that the motion to rise even after a Member has been recognized, but before the Member has commenced debate, is an entirely privileged motion and is in order. Therefore the Chair overrules the point of order made by the gentleman from Texas [Mr. BLANTON] and is perfectly willing to submit this to the members of the committee.

Mr. BLANTON. I appeal from the decision of the Chair.

Mr. MONDELL. I move to lay that appeal on the table.

Mr. CRISP. I make the point of order that you can not move to lay a motion on the table in Committee of the Whole.

Mr. SANDERS of Indiana. Mr. Chairman, I make the point of order that this is entirely a question of recognition and is not appealable.

Mr. BLANTON. I have already appealed from the decision of the Chair.

Mr. SANDERS of Indiana. But the question of recognition is not appealable.

Mr. MONDELL. Mr. Chairman, I renew my motion that the committee do now rise.

Mr. BLANTON. I appeal from the decision of the Chair, and I ask that the matter be submitted to the committee.

Mr. SANDERS of Indiana. Mr. Chairman, section 737 of the Manual and Digest in the last note——

Mr. CRISP. Mr. Chairman, I want to respectfully call the attention of the Chair to the fact that the question here involved is not one of recognition. The question involved here is one of overruling a point of order by the Chair, from which an appeal was made, and it seems to me clear that the committee is entitled to pass on the question of whether it will sustain the decision of the Chair in overruling the point of order.

The CHAIRMAN. The Chair feels that the gentleman from Georgia [Mr. CRISP] has correctly stated the situation. The Chair recognizes the point made by the gentleman from Indiana [Mr. SANDERS], and in referring to the rule to which he refers, feels that that point was made entirely upon a question of recognition. The Chair feels that the question before the committee now is not one of recognition but is a question of deciding a point of order. The Chair is therefore going to submit to the committee the question of whether the decision of the Chair shall stand as the judgment of the committee; and in order that the matter may be entirely impartial, the Chair will ask the gentleman from Illinois, Mr. MADDEN, to take the chair.

Mr. CRISP. Mr. Chairman, I call for tellers. That will settle the question.

Mr. MADDEN assumed the chair.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. BLANTON. Mr. Chairman, on that I demand tellers.

Tellers were ordered, and Mr. BLANTON and Mr. FOCHT were appointed to act as tellers.

The committee divided; and the tellers reported that there were—ayes 70, noes 78.

So the decision of the Chair was overruled. [Applause.]

The CHAIRMAN (Mr. HICKS). The Chair has enjoyed so many acts of kindness on the part of the Members of this House that the Chair wants to say he does not feel at all badly at being overruled, and perhaps the committee is right. [Applause.] The Chair recognizes the gentleman from Oklahoma.

Mr. HERRICK. Mr. Chairman, I want to announce before starting reading this speech or address, or whatever you choose to call it, that I shall decline to yield [laughter] or to answer any questions. I have promised the chairman of this committee that if I should conclude the reading of this matter inside of 20 minutes I would yield back the balance of the time.

Mr. SPROUL. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The Chair overrules the point of order because it is evident there is a quorum present.

Mr. HERRICK. Mr. Chairman and gentlemen of the committee, I arise for the purpose of calling the attention of the committee to a matter wherein flagrant insult has been offered to one Member of the House directly and to the whole membership of the House indirectly. The insult complained of and for which the complaining Member, Hon. MANUEL HERRICK, demands the protection of the House, is the unwarranted and unjustified publication of slander, lies, and libel since the 4th day of September, 1921, up to the present time almost daily. The basis of this complaint is an article published in the Washington Herald and in the Washington Times of February 6, 1923, and which article they were duly warned was slanderous and libelous and untrue and for which, if they did publish the same, they would be sued at law, and that a resolution expelling their representatives from the press gallery, lobby, corridors, and cloak rooms of the House would be introduced in the House, and they hooted at me and expressed their contempt for the House, declaring that they would print what they pleased regardless whether it was true or not, just so that it made news, thereby insulting the whole House and holding the House in contempt and ridicule. The slanderous portions of the article complained of are herewith set forth:

Representative MANUEL HERRICK, who said he was the "lonesomest man in town" and got sued for breach of promise by a Follies beauty, has had another romance shattered.

Rival wrecks HERRICK'S new love romance.

Now he styles himself "The spark-plug lover" and engages sleuths to get even.

Bigger fish in the sea.

Dare-devil Congressman, jilted by Miss Nettie Morrison, clerk at Veterans' Bureau.

Representative MANUEL HERRICK, describing himself as the "Spark-plug lover" [laughter] had another romance crash to earth last night after he had forsaken his airplane to take a flight on the wings of love, when his offer of marriage to a young Washington woman was definitely rejected.

ENGAGES SLEUTHS.

Portraying one of the most fervent courtships in the history of Washington, the latest love affair of the flying Representative came to light only after it was learned that he had employed the O'Dea Detective Agency to help him "get a line on" his rivals.

Despite his resourcefulness, the dare-devil of Congress, according to his own words, was told by Miss Nettie Morrison, 1916 N Street NW., "to be a-packin' away," because she would never consent to be his bride.

"I am going for deep water after big fish."

The pleadings of a congressional lover failing to influence the lady fair to reveal the name of the rival, Representative HERRICK sought recourse to his detective agency. Lawrence J. O'Dea was engaged to learn what manner of man it was who could pay successful court when a Congressman's hat was in the ring.

He visited the young woman at her home and made a final statement of his cause. She refused.

Miss Morrison, from Idaho, declared last night that she "would not marry the suitor if he was President of the United States."

The reason that these journalistic jackals, wolves, and hyenas of newspaperdom have it in for me and want to destroy me politically is because on August 12, 1921, and September 28, 1921, I introduced two bills that would put a crimp in their profits, to wit, bill No. 8208 and bill No. 8454. The first would put a stop to the profits which the papers make through running beauty contests, which is in reality camouflaged advertising for the benefit of the procurers throughout the country, and who work both directly after and through the medium of the movie film company, thus obtaining the names of the girls through this method, and the second one is to tax some of the Fatty-Arbuckleism out of the movie film companies, thereby placing a heavy tax upon what has come to be one of the papers' best customers, which would cause said customers to insist upon the papers destroying the standing, credit, and good name of anyone interfering with their profits.

H. R. 8208 (67th Cong., 1st sess.). In the House of Representatives, August 12, 1921, Mr. HERRICK introduced the following bill, which was referred to the Committee on the Judiciary and ordered to be printed:

A bill prescribing rules and regulations under which newspapers and advertising agencies may hold prize contests, and for other purposes.

Be it enacted, etc., That on and after the passage of this act it shall be unlawful for any newspaper or advertising agency to hold any prize contest or beauty contest where money or any other thing of value is given away or promised to be given away where the contestant does not have to obtain subscriptions or exchange any labor therefor.

SEC. 2. That it shall be unlawful for any newspaper or other advertising agency to hold any beauty contest contrary to this act or any contest wherein any moving-picture company or film producer or theatrical company are allowed to participate therein.

SEC. 3. That any person violating any of the provisions of this act shall, upon conviction thereof, be fined in the sum of $5,000, or imprisonment for the period of one year, or both fine and imprisonment, in the discretion of the court.

SEC. 4. That all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 5. That this act shall take effect and be in force from and after its passage and approval.

H. R. 8454 (67th Cong., 1st sess.). In the House of Representatives, September 28, 1921, Mr. HERRICK introduced the following bill, which was referred to the Committee on Ways and Means and ordered to be printed:

A bill for the purpose of raising revenue, diverting a portion of the citizenship of the Nation from nonproductive employment to productive employment, and for other purposes.

Be it enacted, etc., That any person manufacturing a movie film, producing a photoplay, or exhibiting a moving-picture show, or running a vaudeville show or theatrical show shall be required to pay into the United States Treasury 50 per cent of their ticket sales, if operating a show, or net profits, if a manufacturer of films.

SEC. 2. That any person having been convicted of a violation of this act shall be fined not less than $1,000 nor more than $5,000 for each offense.

SEC. 3. That each day that any person, company, or corporation shall carry on business in violation of this act shall constitute a separate offense.

SEC. 4. That all acts and parts of acts in conflict with this act are hereby repealed.

SEC. 5. That this act shall take effect and be in force from and after its passage and approval.

The method by which the procurer works is, first, to go to a certain newspaper, or chain of newspapers, and induce them to put on a beauty contest, and after the contest is over and the silly girls having competed for some bauble or cheap prize, and thus furnished their names, addresses, and photographs, they next select, first, orphans; second, daughters of widow women; and, third, daughters of poor people who would be unable to make much, if any, trouble for them at law, and offer them a position at a fabulous salary in the movies, taking them a great distance from home. Some are given a fake try-out and then discharged penniless in a strange city, to be immediately approached by a procurer and taken to the underworld, and others are taken directly to the underworld, without any pretense of giving them a job in a movie-film company. The unfortunate fact remains that approximately $3,000,000,000 are spent for immoral purposes in the United States, of which $500,000,000 is spent in the city of New York alone. It has been estimated that 500,000 young girls are debauched and taken to the underworld in the United States each year, and 50,000 of these are in the city of New York alone.

We legislate on the subject of bugs, beasts, and birds, but it seems like we can not legislate in the interest of human beings, and why any legislature should be willing that this debauchery should continue unhampered, unimpeded, and unchecked is beyond my understanding. I herewith include a sample of this kind of advertising taken from the Wichita Beacon published at Wichita, Kans., on July 21, 1922:

Here's real prize contest for Wichita girls.

[Laughter.]

Here is where some Wichita girl has a chance to do a great public service and at the same time win a wonderful prize. For years and years the world has been trying to find a wife for the Prince of Wales. No luck. Plenty of girls have been willing, but the right one has not appeared to date. Princesses and patrician young ladies of all sorts have been suggested, but the coy heart of the young heir to the throne has remained untouched.

With the fate of the Empire hanging in the balance, more or less, our British cousins are becoming worried. They want a wife for Prince Edward.

Well, the Beacon has decided to provide one. More than that, it has decided that the most fitting wife for the prince ought to be a Wichita girl.

Why not? American girls, and Wichita girls especially, are the grandest girls in the world, aren't they? They are. All right, then all we need to do is to let the girls come forward.

On this page, we will print their pictures. From among the pictures, we will pick the winner. And the winner will get the grand prize. She will be permitted to marry the prince—provided the prince is willing.

Out of the hundreds of pictures that will arrive at the Beacon office this evening, as a result of this announcement, we will print one to-morrow. And one a day from then on.

Watch for the first one. And for the others. You may see someone you know.

This ridiculous article put out for bait to catch the silly young girls has been selected from among many hundreds to show the extent to which these procurers will go to obtain victims. Any sensible man would know that the Prince of Wales could not marry a Wichita girl, for the reason that princes are required to marry some one of so-called noble blood; but many silly and giddy girls would not know that and reading in the papers of the many American heiresses who had married in the lesser nobility—the counts and no accounts, mostly no accounts—would be deluded thereby and induced to send in their names and addresses.

The Washington Times and the Washington Herald and the New York World, and other papers associated with them in their frantic desire to injure me and destroy my usefulness as a legislator, have had in their employ from September 4, 1921, to June 30, 1922, an actress, and had said actress give out false interviews to the papers in which she stated that I was her lover and that I had proposed marriage and that, after proposing marriage, I had jilted her, and that she had sued me for $50,000 for breach of promise. The facts are that I had never been her lover, never promised to marry her, and had never been sued by her for breach of promise nor for any other purpose [laughter], no more than any other Member of this House had, and said fact was well known to all of said papers. Yet, despite that fact, they continue to publish the lie broadcast to the world that I had been sued for breach of promise by said actress with the willful and malicious intent to injure my standing and good name as a citizen and to destroy my usefulness as a legislator. To show the widespread extent of this conspiracy, I herewith append an extract from the Astoria Budget published at Astoria, Oreg:

Not since our own Congressman Lafferty was strutting and fretting about the Nation's Capital has there been such a ——— in Congress as Representative MANUEL HERRICK, of Oklahoma, is proving himself to be. Like Lafferty, he likes pretty girls and makes advances to them in a way that indicates some form of mental and moral depravity, and his mushy proposals suggest a cross between a professional masher and a free lover, a free-verse poet of long-haired Bohemia rather than one of the country's lawmakers. Oklahoma ought to be and doubtless is ashamed of him. With the memory of Lafferty still fresh, Oregon can hardly taunt the State that sent HERRICK to Congress, but we can at least advise that the same fate be meted out to the latter as overtook the former.

I left Washington on the 30th day of June, 1922, to return to Oklahoma and did not get back until January 8, 1923, so during the time that I was absent from the city this actress hireling of these journalistic jackals, wolves, and hyenas could not hound nor harrass me.

Now, as a partial punishment of these slimy serpents who have been poisoning the Nation with their lies, libels, and slanders willfully and maliciously concocted by themselves for the purpose of serving their own vile ends, I ask that the rules be suspended and an immediate vote be taken upon House Resolution No. 515, expelling the representatives of these papers from the press gallery, lobby, cloakrooms, and corridors of the House.

If I have any time left, I yield it back to the gentleman from Pennsylvania.

Mr. FOCHT. Mr. Chairman, I move that the committee do now rise and report back Senate bill 3169 with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HICKS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill S. 3169, had directed him to report the same back to the House with the recommendation that the bill do pass.

The bill was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. ZIHLMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FENN, for four days, on account of important business.

To Mr. COLE of Ohio, indefinitely, on account of sickness in family.

EXTENSION OF REMARKS.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill H. R. 13835, the omnibus Indian appropriation bill, my own remarks.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below.

S. 4235. An act granting consent of Congress to the Charlie Bridge Co. for construction of a bridge across Red River, between Clay County, Tex., and Cotton County, Okla.; to the Committee on Interstate and Foreign Commerce.

S. 4503. An act granting the consent of Congress to Bethlehem Steel Co. to construct a bridge across Humphreys Creek at or near the city of Sparrows Point, Md.; to the Committee on Interstate and Foreign Commerce.

S. 4522. An act authorizing the Secretary of State to convey certain land owned by the United States in Santiago, Chile, to the municipality of that city, and to acquire or receive in exchange therefor other land located in the said city; to the Committee on Foreign Affairs.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 11389. An act for the relief of Robert Guy Robinson;

H. R. 12887. An act granting a pension to Jacob F. Rosenberger;

H. R. 12007. An act providing for the conveyance of certain land to the city of Boise, Idaho, and from the city of Boise, Idaho, to the United States;

H. R. 6204. An act to grant the military target range of Lincoln County, Okla., to the city of Chandler, Okla, and reserving the right to use for military and aviation purposes;

H. R. 855. An act for the relief of Fred G. Leith, United States Navy;

H. R. 13046. An act authorizing the Secretary of the Treasury to convey to the city of Wilmington, N. C., marine hospital reservation; and

H. R. 13760. An act to amend an act entitled "An act to authorize the construction of drawless bridges across a certain portion of the Charles River, in the State of Massachusetts," approved November 14, 1921.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 10211. An act authorizing an appropriation to meet proportionate expenses of providing a drainage system for Piute Indian lands in the State of Nevada within the Newlands reclamation project of the Reclamation Service.

H. R. 10817. An act to amend section 100 of the Judicial Code of the United States.

H. R. 13593. An act making appropriations for the Post Office Department for the fiscal year ending June 30, 1924, and for other purposes.

EXTENSION OF REMARKS.

Mr. CRISP. Mr. Speaker, the sixteenth amendment to the Constitution of the United States provided for the taxation of incomes "from whatever source derived." This was understood to mean the taxation of incomes of public officials and also the taxation of the income derived from State and municipal bonds. There is no disputing the fact that this was the general belief when the amendment was discussed in Congress at the time it was approved and referred to the States. It was also the belief of the people of the States when the amendment was ratified by the legislatures of the several States. There is no reciprocity clause in the sixteenth amendment to permit the States to levy taxes on the income from Federal bonds. The sixteenth amendment is one sided in that respect. The sixteenth amendment was adopted because the American taxpayers believed then, as they believe now, that incomes should be taxed and that property should not bear an undue share of the public burdens. This belief is not a matter of party politics. It is a matter of common sense and a matter of fair dealing.

The first resolution providing for an amendment to authorize Congress to levy income taxes was introduced by Mr. Butler, of North Carolina, December 27, 1895. It was not until July 12, 1909, nearly 14 years later, that the resolution providing for the sixteenth amendment permitting Congress to tax "incomes from whatever source derived" finally passed Congress. During this period of nearly 14 years 39 resolutions were introduced for this purpose. The record shows that 35 of the 39 resolutions were introduced by Congressmen representing Democratic States and 4 were introduced by Congressmen representing Republican States. The record further shows that the amendment was ratified by the people of the Democratic States through their chosen representatives.

After the sixteenth amendment was duly ratified it was interpreted in an informal way which nullified a large part of its intended purpose by conceding that the incomes of public officials and the income derived from State and municipal bonds can not be taxed by Congress.

The sixteenth amendment was not adopted with the understanding that it would afford an avenue of escape from taxation for the wealthy holders of State and municipal bonds. Its intent was directly to the contrary.

The Green resolution, which has passed this House and which is now pending in the Senate, was presented for the purpose of correcting the weakness of the sixteenth amendment. It does not go so far as the sixteenth amendment was understood to go, and the pending resolution grants to the States important rights which were not granted in the sixteenth amendment previously ratified by the States.

At this time I desire to emphasize the fact that the Democrats who voted for the Green resolution have been true to the traditions of their party in favoring a square deal in taxation. They have stood by the record. As shown by the resolutions introduced, favoring an income tax, 35 to 4—about 10 to 1—the sentiment of the Democratic States is shown to be overwhelmingly for the Federal income tax. All parties ought to be unanimously for it now.

The remarkable development of sentiment in favor of the pending amendment, as compared with the advancement of other changes in the Constitution, is briefly shown in this synopsis.

For the sixteenth amendment (income tax) 39 resolutions were proposed. The first in 1895, and it was finally passed by Congress in 1909, nearly 14 years later.

For the seventeenth amendment (popular election of United States Senators) 191 resolutions were proposed; the first in 1826, and it was finally passed by Congress in 1912, 86 years later.

For the eighteenth amendment (prohibition) 58 resolutions were proposed; the first in 1876, and it finally passed Congress in 1917, 41 years later.

For the nineteenth amendment (woman suffrage) 105 resolutions were proposed, the first in 1868, and it finally passed Congress in 1919, 51 years later.

The first resolution proposing an amendment to make the language "from whatever source derived" mean what it says, as applied to the income from State and municipal bonds, as originally intended, was introduced by Mr. McFADDEN, of Pennsylvania, December 28, 1920. Resolutions on the same subject were subsequently introduced by Senator SMOOT, of Utah, Senator KELLOGG, of Minnesota, and Mr. GREEN of Iowa. The Green resolution passed the House January 23, 1923, only 2 years and 26 days after the first resolution was introduced by Mr. McFADDEN.

The chronological history of the sixteenth, seventeenth, eighteenth, and nineteenth amendments has been carefully compiled by officials of the Congressional Library. It is a valuable contribution to current history on this important subject and I herewith submit it for publication:

LIBRARY OF CONGRESS,
Legislative Reference Service.

DATA RELATIVE TO THE SIXTEENTH, SEVENTEENTH, EIGHTEENTH, AND NINETEENTH CONSTITUTIONAL AMENDMENTS.

SIXTEENTH AMENDMENT.

In the case of Pollock *v.* Farmers' Loan & Trust Co. (157 U. S. 429, 158 U. S. 601), the Supreme Court, on May 20, 1895, declared the income-tax provision of the tariff act of 1894 unconstitutional. This at once led to a series of proposed amendments to the Constitution, which expressly gave Congress the right to levy income taxes without any reference to their apportionment among the States. The following table indicates the progress of this movement:

PROPOSED AMENDMENTS TO THE CONSTITUTION AUTHORIZING CONGRESS TO LEVY INCOME TAXES, BY WHOM INTRODUCED, DATE, CONGRESS, AND ACTION TAKEN.

Mr. Butler, of North Carolina, Dec. 27, 1895; Fifty-fourth Congress, first session.
Mr. Shuford, of North Carolina, Jan. 14, 1896; Fifty-fourth Congress, first session.
Mr. McMillin, of Tennessee, June 9, 1896; Fifty-fourth Congress, first session.
Mr. Butler, of North Carolina, Mar. 19, 1897; Fifty-fifth Congress, first session.
Mr. Griggs, of Georgia, Mar. 26, 1897; Fifty-fifth Congress, first session.
Mr. Cochran, of Missouri, May 17, 1897; Fifty-fifth Congress, first session.
Mr. Butler, of North Carolina, June 3, 1897; Fifty-fifth Congress, first session.
Mr. Stokes, of South Carolina, June 17, 1897; Fifty-fifth Congress, first session.
Mr. Stephens, of Texas, July 1, 1897; Fifty-fifth Congress, first session.
Mr. Butler, of North Carolina, Feb. 9, 1898; Fifty-fifth Congress, second session.
Mr. Stephens, of Texas, Dec. 5, 1899; Fifty-sixth Congress, first session.
Mr. Harris, of Kansas, Dec. 6, 1899; Fifty-sixth Congress, first session. Reported adversely.
Mr. Clay, of Georgia, Dec. 6, 1899; Fifty-sixth Congress, first session. Reported adversely.
Mr. Stokes, of South Carolina, Dec. 7, 1899; Fifty-sixth Congress, first session.
Mr. Williams, of Mississippi, Dec. 14, 1899; Fifty-sixth Congress, first session.
Mr. Butler, of North Carolina, Jan. 3, 1900; Fifty-sixth Congress, first session. Reported adversely.
Mr. Snodgrass of Tennessee, Jan. 3, 1900; Fifty-sixth Congress, first session.
Mr. Griggs, of Georgia, January 17, 1900, Fifty-sixth Congress, first session.
Mr. Cochran, of Missouri, January 23, 1900, Fifty-sixth Congress, first session.
Mr. Stephens, of Texas, December 2, 1901, Fifty-seventh Congress, first session.
Mr. Snodgrass, of Tennessee, December 10, 1901, Fifty-seventh Congress, first session.
Mr. Williams of Mississippi, December 10, 1901, Fifty-seventh Congress, first session.
Mr. Jenkins, of Wisconsin, January 15, 1902, Fifty-seventh Congress, first session.
Mr. Cochran, of Missouri, February 4, 1902, Fifty-seventh Congress, first session.
Mr. Stephens, of Texas, November 9, 1903, Fifty-eighth Congress, first session.
Mr. Williams, of Mississippi, December 15, 1903, Fifty-eighth Congress, first session.
Mr. Williams, of Mississippi, December 4, 1905, Fifty-ninth Congress, first session.
Mr. Stephens, of Texas, December 4, 1905, Fifty-ninth Congress, first session.
Mr. Kitchin, of North Carolina, February 20, 1907, Fifty-ninth Congress, second session.
Mr. Williams, of Mississippi, December 2, 1907, Sixtieth Congress, first session.
Mr. Stephens, of Texas, December 2, 1907, Sixtieth Congress, first session.
Mr. Kitchin, of North Carolina, December 5, 1907, Sixtieth Congress, first session.
Mr. Fulton, of Oklahoma, December 19, 1907, Sixtieth Congress, first session.
Mr. Gore, of Oklahoma, January 29, 1908, Sixtieth Congress, first session.
Mr. Ferris, of Oklahoma, May 1, 1908, Sixtieth Congress, first session.
Mr. Owen, of Oklahoma, May 1, 1908, Sixtieth Congress, first session.
Mr. Gore, of Oklahoma, March 25, 1909, Sixty-first Congress, first session.
Mr. Kinkaid, of Nebraska, April 26, 1909, Sixty-first Congress, first session.
Mr. Aldrich, of Rhode Island, June 28, 1909, Sixty-first Congress, first session. Passed Senate July 5, 1909 (yeas 77, nays 0, not voting 15). Passed House July 12, 1909 (yeas 318, nays 14, not voting 55). Signed by President July 16, 1909. (C. C. Tansill, January 3, 1923.)

SEVENTEENTH AMENDMENT.

This amendment was first proposed in Congress by Mr. Storrs, of New York, on February 14, 1826. From that date until the close of the Fiftieth Congress, March 4, 1889, resolutions providing for the popular election of Senators have been proposed in Congress some thirty-nine times. The following table indicates the resolutions that have been introduced in Congress in this regard from February 14, 1826, until the enactment of the amendment itself:

Mr. Storrs, of New York, February 14, 1826, Nineteenth Congress, first session. Tabled.
Mr. Hannegan, of Indiana, February 13, 1835, Twenty-third Congress, second session. Tabled.
Mr. Clemens, of Alabama, January 14, 1850, Thirty-first Congress, first session.

Mr. Johnson, of Tennessee, February 21, 1851, Thirty-first Congress, second session.
Mr. Mace, of Indiana, January 15, 1852, Thirty-second Congress, first session.
Mr. Johnson, of Tennessee, February 2, 1852, Thirty-second Congress, first session.
Mr. Mace, of Indiana, December 12, 1853, Thirty-third Congress, first session.
Mr. Selye, of New York, February 8, 1869, Fortieth Congress, third session.
Mr. Hawley, of Illinois, April 8, 1872, Forty-second Congress, second session.
Mr. Porter, of Virginia, December 20, 1872, Forty-second Congress, third session.
Mr. Harlan, of Iowa, January 31, 1873, Forty-second Congress, third session.
Mr. Windom, of Minnesota, December 1, 1873, Forty-third Congress, first session.
Mr. Wilson, of Indiana, December 4, 1873, Forty-third Congress, first session.
Mr. Hawley, of Illinois, January 5, 1874, Forty-third Congress, first session.
Mr. Hager, of California, February 18, 1874, Forty-third Congress, first session.
Mr. Creamer, of New York, April 14, 1874, Forty-third Congress, first session.
Mr. Parker, of Missouri, June 1, 1874, Forty-third Congress, first session.
Mr. Oliver, of Iowa, January 6, 1876, Forty-fourth Congress, first session.
Mr. Wright, of Iowa, January 31, 1876, Forty-fourth Congress, first session.
Mr. Oliver, of Iowa, November 6, 1877, Forty-fifth Congress, first session.
Mr. Rea, of Missouri, December 10, 1877, Forty-fifth Congress, second session.
Mr. White, of Pennsylvania, January 17, 1881, Forty-sixth Congress, third session.
Mr. Weaver, of Iowa, January 31, 1881, Forty-sixth Congress, third session.
Mr. Bayne, of Pennsylvania, January 9, 1882, Forty-seventh Congress, first session.
Mr. Townshend, of Illinois, July 31, 1882, Forty-seventh Congress, first session.
Mr. Townshend, of Illinois, January 7, 1884, Forty-eighth Congress, first session.
Mr. Eldredge, of Michigan, January 14, 1884, Forty-eighth Congress, first session.
Mr. Cox, of North Carolina, January 29, 1884, Forty-eighth Congress, first session.
Mr. Townshend, of Illinois, December 21, 1885, Forty-ninth Congress, first session.
Mr. Weaver, of Iowa, December 21, 1885, Forty-ninth Congress, first session.
Mr. Hill, of Ohio, March 1, 1886, Forty-ninth Congress, first session.
Mr. Van Wyck, of Nebraska, December 16, 1886, Forty-ninth Congress, second session.
Mr. Hermann, of Oregon, January 17, 1887, Forty-ninth Congress, second session. Reported adversely.
Mr. Little, of Ohio, February 14, 1887, Forty-ninth Congress, second session.
Mr. Townshend, of Illinois, January 4, 1888, Fiftieth Congress, first session.
Mr. Weaver, of Iowa, January 4, 1888, Fiftieth Congress, first session.
Mr. Hermann, of Oregon, January 4, 1888, Fiftieth Congress, first session.
Mr. Oates, of Alabama, March 27, 1888, Fiftieth Congress, first session. Tabled.
Mr. Mitchell, of Oregon, October 20, 1888, Fiftieth Congress, first session.
Mr. Williams, of Illinois, December 18, 1889, Fifty-first Congress, first session.
Mr. Lehlbach, of New Jersey, December 18, 1889, Fifty-first Congress, first session.
Mr. Hermann, of Oregon, December 18, 1889, Fifty-first Congress, first session.
Mr. O'Neall, of Indiana, December 20, 1889, Fifty-first Congress, first session.
Mr. Clunie, of California, January 20, 1890, Fifty-first Congress, first session.
Mr. Enloe, of Tennessee, January 20, 1890, Fifty-first Congress, first session.
Mr. Mitchell, of Oregon, March 11, 1890; Fifty-first Congress, first session.
Mr. Henderson, of North Carolina, April 4, 1890; Fifty-first Congress, first session.
Mr. Reagan, of Texas, April 17, 1890; Fifty-first Congress, first session.
Mr. Featherstone, of Arkansas, January 16, 1891; Fifty-first Congress, second session.
Mr. Turpie, of Indiana; February 2, 1891; Fifty-first Congress, second session.
Mr. Turpie, of Indiana, February 2, 1891; Fifty-first Congress, second first session.
Mr. Mitchell, of Oregon, December 10, 1891; Fifty-second Congress, first session.
Mr. Scott, of Illinois, January 5, 1892; Fifty-second Congress, first session.
Mr. Williams, of Illinois, January 5, 1892; Fifty-second Congress, first session.
Mr. Holman, of Indiana, January 5, 1892; Fifty-second Congress, first session.
Mr. Blanchard, of Louisiana, January 5, 1892; Fifty-second Congress, first session.
Mr. Bryan, of Nebraska, January 5, 1892; Fifty-second Congress, first session.
Mr. Johnson, of North Dakota, January 5, 1892; Fifty-second Congress, first session.
Mr. Caldwell, of Ohio, January 5, 1892; Fifty-second Congress, first session.
Mr. Greary, of California, January 5, 1892; Fifty-second Congress, first session.
Mr. Hamann, of Oregon, January 7, 1892; Fifty-second Congress, first session.
Mr. Dalzell, of Pennsylvania, January 7, 1892; Fifty-second Congress, first session.
Mr. Pierce, of Tennessee, January 7, 1892; Fifty-second Congress, first session.
Mr. Lanhem, of Texas, January 7, 1892; Fifty-second Congress, first session.
Mr. Stewart, of Texas, January 7, 1892; Fifty-second Congress, first session.
Mr. Miller, of Wisconsin, January 7, 1892; Fifty-second Congress, first session.
Mr. Enloe, of Tennessee, January 7, 1892; Fifty-second Congress, first session.
Mr. McRae, of Arkansas, January 11, 1892; Fifty-second Congress, first session.
Mr. Henderson, of North Carolina, January 11, 1892; Fifty-second Congress, first session.
Mr. Martin, of Indiana, February 1, 1892; Fifty-second Congress, first session.
Mr. Palmer, of Illinois, February 2, 1892; Fifty-second Congress, first session.
Mr. Babbitt, of Wisconsin, February 8, 1892; Fifty-second Congress, first session.
Mr. Babbitt, of Wisconsin, February 9, 1892, Fifty-second Congress, first session.
Committee on Election of President, Vice President, and Representatives in Congress, February 16, 1892, Fifty-second Congress, first session.
Mr. Gibson, of Louisiana, July 15, 1892, Fifty-second Congress, first session.
Mr. Mitchell, of Oregon, March 6, 1893, Fifty-third Congress, special session of Senate.
Mr. Palmer, of Illinois, September 1, 1893, Fifty-third Congress, first session.
Mr. Tucker, of Virginia, September 6, 1893, Fifty-third Congress, first session. Reported favorably (H. Rept. 994). Passed House July 21, 1894 (yeas, 141; nays, 50; not voting, 158). Reported adversely by Senate Committee on Privileges and Elections, February 12, 1895.
Mr. Bryan, of Nebraska, September 6, 1893, Fifty-third Congress, first session.
Mr. Martin, of Indiana, September 6, 1893, Fifty-third Congress, first session.
Mr. Blanchard, of Louisiana, September 9, 1893, Fifty-third Congress, first session.
Mr. Enloe, of Tennessee, September 11, 1893, Fifty-third Congress, first session.
Mr. Henderson, of North Carolina, September 12, 1893, Fifty-third Congress, first session.
Mr. Haines, of New York, September 13, 1893, Fifty-third Congress, first session.
Mr. Holman, of Indiana, September 23, 1893, Fifty-third Congress, first session.
Mr. Hermann, of Oregon, September 22, 1893, Fifty-third Congress, first session.
Mr. Bryan, of Nebraska, September 28, 1893, Fifty-third Congress, first session.
Mr. Martin, of Kansas, September 29, 1893, Fifty-third Congress, first session.
Mr. Johnson, of North Dakota, December 4, 1893, Fifty-third Congress, second session.
Mr. Bryan, of Nebraska, March 19, 1894, Fifty-third Congress, second session.
Committee on Privileges and Elections, February 12, 1895, Fifty-third Congress, third session. Reported adversely (S. Rept. 916).
Mr. Mitchell, of Oregon, December 3, 1895, Fifty-fourth Congress, first session. Reported with amendments.
Mr. Peffer of Kansas, December 3, 1895, Fifty-fourth Congress, first session.
Mr. Hermann of Oregon, December 3, 1895, Fifty-fourth Congress, first session.
Mr. Tucker of Virginia, December 9, 1895, Fifty-fourth Congress, first session.
Mr. Sulzer of New York, December 18, 1895, Fifty-fourth Congress, first session.
Mr. Shuford of North Carolina, December 23, 1895, Fifty-fourth Congress, first session.
Mr. Corliss of Michigan, February 3, 1896, Fifty-fourth Congress, first session.
Mr. Turpie of Indiana, February 4, 1896, Fifty-fourth Congress, first session.
Committee on Election of President, etc., March 30, 1896, Fifty-fourth Congress, first session.
Mr. Bell of Colorado, March 30, 1896, Fifty-fourth Congress, first session.
Mr. Corliss of Michigan, March 15, 1897, Fifty-fifth Congress, first session. Reported (H. Rept. 125) January 12, 1898; amended and passed House, May 11, 1898. Yeas 185, nays 11, answered "present" 10, not voting 149.
Mr. Turpie of Indiana, March 18, 1897, Fifty-fifth Congress, first session.
Mr. Allen of Mississippi, March 20, 1897, Fifty-fifth Congress, first session.
Mr. Bell of Colorado, June 10, 1897, Fifty-fifth Congress, first session.
Mr. Sulzer of New York, July 23, 1897, Fifty-fifth Congress, first session.
Mr. Butler of North Carolina, January 5, 1898, Fifty-fifth Congress, second session.
Mr. Allen of Nebraska, February 10, 1899, Fifty-fifth Congress, third session.
Mr. Smith of Kentucky, December 4, 1899, Fifty-sixth Congress, first session.
Mr. Sulzer of New York, December 4, 1899, Fifty-sixth Congress, first session.
Mr. Lloyd of Missouri, December 5, 1899, Fifty-sixth Congress, first session.
Mr. Corliss of Michigan, December 5, 1899, Fifty-sixth Congress, first session. Amended and passed House April 13, 1900. Yeas 242, nays, 15, "present" 4, not voting 89. Reported adversely in Senate by Committee on Privileges and Elections, May 29, 1900.
Mr. Bell, of Colorado, December 5, 1899, Fifty-sixth Congress, first session.
Mr. Harris, of Kansas, December 6, 1899, Fifty-sixth Congress, first session.

Mr. Clay, of Georgia, December 6, 1899, Fifty-sixth Congress, first session.
Mr. Berry, of Arkansas, December 7, 1899, Fifty-sixth Congress, first session.
Mr. Cushman, of Washington, January 4, 1900, Fifty-sixth Congress, first session.
Mr. Butler, of North Carolina, January 9, 1900, Fifty-sixth Congress, first session.
Mr. Rawlins, of Utah, April 14, 1900, Fifty-sixth Congress, first session.
Mr. Lloyd, of Missouri, December 2, 1901, Fifty-seventh Congress, first session.
Mr. Cushman, of Washington, December 2, 1901, Fifty-seventh Congress, first session.
Mr. Sulzer, of New York, December 2, 1901, Fifty-seventh Congress, first session.
Mr. Smith, of Kentucky, December 2, 1901, Fifty-seventh Congress, first session.
Mr. Corliss, of Michigan, December 3, 1901, Fifty-seventh Congress, first session; reported (with amendment) January 21, 1902; passed House February 13, 1902, without a recorded vote.
Mr. Berry, of Arkansas, December 4, 1901, Fifty-seventh Congress, first session.
Mr. Burrows, of Michigan, December 4, 1901, Fifty-seventh Congress, first session.
Mr. Mitchell, of Oregon, December 4, 1901, Fifty-seventh Congress, first session.
Mr. Harris, of Kansas, January 8, 1902, Fifty-seventh Congress, first session.
Mr. Dubois, of Idaho, January 13, 1902, Fifty-seventh Congress, first session.
Mr. Sulzer, of New York, November 9, 1903, Fifty-eighth Congress, first session.
Mr. Dubois, of Idaho, November 11, 1903, Fifty-eighth Congress, first session.
Mr. Mitchell, of Oregon, November 11, 1903, Fifty-eighth Congress, first session.
Mr. Lloyd, of Missouri, November 13, 1903, Fifty-eighth Congress, first session.
Mr. Cushman, of Washington, December 7, 1903, Fifty-eighth Congress, second session.
Mr. Lloyd, of Missouri, December 4, 1905, Fifty-ninth Congress, first session.
Mr. Sulzer, of New York, December 4, 1905, Fifty-ninth Congress, first session.
Mr. Hearst, of New York, December 4, 1905, Fifty-ninth Congress, first session.
Mr. Cushman, of Washington, December 6, 1905, Fifty-ninth Congress, first session.
Mr. Hermann, of Oregon, January 16, 1906, Fifty-ninth Congress, first session.
Mr. Hermann, of Oregon, March 5, 1906, Fifty-ninth Congress, first session.
Mr. Richardson, of Kentucky, May 25, 1906, Fifty-ninth Congress, first session.
Mr. Pearre, of Indiana, January 9, 1907, Fifty-ninth Congress, second session.
Mr. Sulzer, of New York, December 2, 1907, Sixtieth Congress, first session.
Mr. Lloyd, of Missouri, December 2, 1907, Sixtieth Congress, first session.
Mr. Weisse, of Wisconsin, December 9, 1907, Sixtieth Congress, first session.
Mr. Ferris, of Oklahoma, December 16, 1907, Sixtieth Congress, first session.
Mr. Gore, of Oklahoma, December 18, 1907, Sixtieth Congress, first session.
Mr. Hamilton, of Iowa, December 19, 1907, Sixtieth Congress, first session.
Mr. Fulton, of Oklahoma, December 19, 1907, Sixtieth Congress, first session.
Mr. Adair, of Indiana, January 10, 1908, Sixtieth Congress, first session.
Mr. Sulzer, of New York, February 13, 1908, Sixtieth Congress, first session.
Mr. Owen, of Oklahoma, May 21, 1908, Sixtieth Congress, first session.
Mr. Weisse, of Wisconsin, March 17, 1909, Sixty-first Congress, first session.
Mr. Sulzer, of New York, March 23, 1909, Sixty-first Congress, first session.
Mr. Gore, of Oklahoma, March 25, 1909, Sixty-first Congress, first session.
Mr. Owen, of Oklahoma, July 7, 1909, Sixty-first Congress, first session.
Mr. Lloyd, of Missouri, December 6, 1909, Sixty-first Congress, second session.
Mr. Cooper, of Wisconsin, December 6, 1909, Sixty-first Congress, second session.
Mr. Bristow, of Kansas, December 13, 1909, Sixty-first Congress, second session.
Mr. Fuller, of Illinois, December 14, 1919, Sixty-first Congress, second session.
Mr. Taylor, of Colorado, December 21, 1909, Sixty-first Congress, second session.
Mr. Parker, of New Jersey, January 7, 1910, Sixty-first Congress, second session.
Mr. Adair, of Indiana, January 11, 1910, Sixty-first Congress, second session.
Mr. Henry, of Texas, January 11, 1910, Sixty-first Congress, second session.
Mr. Henry, of Texas, January 19, 1910, Sixty-first Congress, second session.
Mr. Henry, of Texas, January 19, 1910, Sixty-first Congress, second session.
Mr. Henry, of Texas, January 21, 1910, Sixty-first Congress, second session.
Mr. James, of Kentucky, March 30, 1910, Sixty-first Congress, second session.
Mr. Keifer, of Ohio, April 13, 1910, Sixty-first Congress, second session.
Mr. Parsons, of New York, May 16, 1910, Sixty-first Congress, second session.
Mr. Clarke, of Arkansas, May 24, 1910, Sixty-first Congress, second session.
Mr. Hawley, of Oregon, January 5, 1911, Sixty-first Congress, third session.
Mr. Borah, of Idaho, January 11, 1911, Sixty-first Congress, third session.
Mr. Cooper of Wisconsin, April 4, 1911, Sixty-second Congress, first session.
Mr. Sulzer, of New York, April 4, 1911, Sixty-second Congress, first session.
Mr. Adair, of Indiana, April 4, 1911, Sixty-second Congress, first session.
Mr. Taylor of Colorado, April 4, 1911, Sixty-second Congress, first session.
Mr. Rucker, of Missouri, April 4, 1911, Sixty-second Congress, first session.
Mr. Ferris, of Oklahoma, April 4, 1911, Sixty-second Congress, first session.
Mr. Tribble, of Georgia, April 5, 1911, Sixty-second Congress, first session.
Mr. Hawley, of Oregon, April 5, 1911, Sixty-second Congress, first session.
Mr. Rucker, of Missouri, April 5, 1911, Sixty-second Congress, first session.
Mr. Bristow, of Kansas, April 6, 1911, Sixty-second Congress, first session.
Mr. Culberson, of Texas, April 6, 1911, Sixty-second Congress, first session.
Mr. Borah, of Idaho, April 6, 1911, Sixty-second Congress, first session.
Mr. Beal, of Texas, April 10, 1911, Sixty-second Congress, first session.
Mr. Raker, of California, April 10, 1911, Sixty-second Congress, first session.
Mr. Owen, of Oklahoma, April 17, 1911, Sixty-second Congress, first session.
Mr. Candler, of Mississippi, December 4, 1911, Sixty-second Congress, second session.
Mr. Rucker, of Missouri, April 6, 1911, Sixty-second Congress, first session. Passed House April 13, 1911 (yeas, 296; nays, 16; not voting, 77). Amended and passed Senate June 12, 1911 (yeas, 64; nays, 24; not voting, 3). House concurs in Senate amendment May 12, 1912 (yeas, 238; nays, 39; present, 5; not voting, 110).

EIGHTEENTH AMENDMENT.

The first constitutional amendment to prohibit the manufacture and sale of intoxicating liquors in the United States was introduced December 12, 1876, by Mr. Blair, of New Hampshire. The following table indicates the course of this movement.

Mr. Blair, of New Hampshire, December 12, 1876, Forty-fourth Congress, second session.
Mr. Blair, of New Hampshire, January 14, 1878, Forty-fifth Congress, second session.
Mr. Blair, of New Hampshire, February 8, 1881, Forty-sixth Congress, third session.
Mr. Plumb, of Kansas, February 15, 1881, Forty-sixth Congress, third session.
Mr. Ballou, of Rhode Island, February 21, 1881, Forty-sixth Congress, third session.
Mr. Joyce, of Vermont, February 21, 1881, Forty-sixth Congress, third session.
Mr. Plumb, of Kansas, January 24, 1882, Forty-seventh Congress, first session.
Mr. Blair, of New Hampshire, February 8, 1882, Forty-seventh Congress, first session.
Mr. Blair, of New Hampshire, December 5, 1883, Forty-eighth Congress, first session.
Mr. Plumb, of Kansas, January 16, 1884, Forty-eighth Congress, first session.
Mr. Plumb, of Kansas, December 8, 1885, Forty-ninth Congress, first session.
Mr. Blair, of New Hampshire, December 9, 1885, Forty-ninth Congress, first session.
Mr. Blair, of New Hampshire, December 12, 1887, Fiftieth Congress, first session.
Mr. Dingley, of Maine, January 4, 1888, Fiftieth Congress, first session.
Mr. Blair, of New Hampshire, December 4, 1889, Fifty-first Congress, first session.
Mr. Pickler, of South Dakota, January 13, 1890, Fifty-first Congress, first session.
Mr. Blair, of New Hampshire, February 19, 1895, Fifty-third Congress, third session.
Mr. Acheson, of Pennsylvania, February 24, 1908, Sixtieth Congress, first session.
Mr. Hobson, of Alabama, December 4, 1911, Sixty-second Congress, second session.
Mr. Hobson, of Alabama, April 7, 1913, Sixty-third Congress, first session.
Mr. Works, of California, June 21, 1913, Sixty-third Congress, first session.
Mr. Hobson, of Alabama, August 5, 1913, Sixty-third Congress, first session.
Mr. Hobson, of Alabama, October 28, 1913, Sixty-third Congress, first session.
Mr. Hobson, of Alabama, November 12, 1913, Sixty-third Congress, first session.
Mr. Hobson, of Alabama, December 1, 1913, Sixty-third Congress, second session.
Mr. Hobson, of Alabama, December 8, 1913, Sixty-third Congress, second session.
Mr. Sheppard, of Texas, December 10, 1913, Sixty-third Congress, second session.
Mr. Hobson, of Alabama, December 10, 1913, Sixty-third Congress, second session.
Mr. Hobson, of Alabama, June 9, 1914, Sixty-third Congress, second session.
Mr. Dillingham, of Vermont, June 16, 1914, Sixty-third Congress, second session.
Mr. Morrison, of Indiana, December 15, 1914, Sixty-third Congress, third session.
Mr. Morrison, of Indiana, December 17, 1914, Sixty-third Congress, third session.
Mr. Hobson, of Alabama, December 29, 1914, Sixty-third Congress, third session.

Mr. Morrison, of Indiana, December 6, 1915, Sixty-fourth Congress, first session.
Mr. Sheppard, of Texas, December 7, 1915, Sixty-fourth Congress, first session.
Mr. Thompson, of Kansas, December 10, 1915, Sixty-fourth Congress, first session.
Mr. Sheppard, of Texas, December 16, 1915, Sixty-fourth Congress, first session.
Mr. Dillingham, of Vermont, December 17, 1915, Sixty-fourth Congress, first session.
Mr. Webb, of North Carolina, January 4, 1916, Sixty-fourth Congress, first session.
Mr. Smith, of Idaho, January 4, 1916, Sixty-fourth Congress, first session.
Mr. Gallinger, of New Hampshire, January 5, 1916, Sixty-fourth Congress, first session.
Mr. Hayden, of Arizona, January 8, 1916, Sixty-fourth Congress, first session.
Mr. Taylor, of Colorado, January 13, 1916, Sixty-fourth Congress, first session.
Mr. Sheppard, of Texas, December 22, 1916, Sixty-fourth Congress, second session.
Mr. Morrison, of Indiana, December 22, 1916, Sixty-fourth Congress, second session.
Mr. Randall, of California, April 2, 1917, Sixty-fifth Congress, first session.
Mr. Keating, of Colorado, April 2, 1917, Sixty-fifth Congress, first session.
Mr. Hayden, of Arizona, April 2, 1917, Sixty-fifth Congress, first session.
Mr. Taylor, of Colorado, April 4, 1917, Sixty-fifth Congress, first session.
Mr. Thompson, of Kansas, April 4, 1917, Sixty-fifth Congress, first session.
Mr. Sheppard, of Texas, April 4, 1917, Sixty-fifth Congress, first session. Amended and passed Senate August 1, 1917; yeas, 65; nays, 20; not voting, 11. Amended and passed House December 17, 1917; yeas, 282; nays, 128; not voting, 23.
Mr. Shafroth, of Colorado, April 6, 1917, Sixty-fifth Congress, first session.
Mr. Blanton, of Texas, April 9, 1917, Sixty-fifth Congress, first session.
Mr. Gallinger, of New Hampshire, April 10, 1917, Sixty-fifth Congress, first session.
Mr. Webb, of North Carolina, April 11, 1917, Sixty-fifth Congress, first session.
Mr. Smith, of Idaho, April 11, 1917, Sixty-fifth Congress, first session.
Mr. Jones, of Washington, April 16, 1917, Sixty-fifth Congress, first session.
Mr. Shafroth, of Colorado, June 5, 1917, Sixty-fifth Congress, first session.

NINETEENTH AMENDMENT.

The first attempts to amend the Constitution relative to extending the right of suffrage to women were made immediately after the Civil War, when the reconstruction amendments were under consideration. On January 23, 1866, Mr. Brooks, of New York, after presenting a petition from some thousands of woman suffragists, gave notice of his intention to introduce an amendment to the resolution then pending by inserting the word "sex" after the word "color." The following list indicates the legislative history of the attempts through constitutional amendments to secure rights of suffrage for women:

Mr. Julian, of Indiana, December 8, 1868; Fortieth Congress, third session.
Mr. Brooks, of New York, January 23, 1869; Fortieth Congress, third session.
Mr. Pomeroy, of Kansas, January 29, 1869; Fortieth Congress, third session.
Mr. Pomeroy, of Kansas, February 3, 1869; Fortieth Congress, third session.
Mr. Julian, of Indiana, March 15, 1869; Forty-first Congress, first session.
Mr. Julian, of Indiana, April 4, 1870; Forty-first Congress, second session.
Mr. Jones, of Wyoming, March 4, 1872; Forty-second Congress, second session.
Mr. Sargent, of California, January 10, 1878; Forty-fifth Congress, second session; reported adversely.
Mr. Ferry, of Michigan, January 19, 1880; Forty-sixth Congress, second session.
Mr. Loring, of Massachusetts, January 20, 1880; Forty-sixth Congress, second session.
Mr. Lapham, of New York, May 2, 1882; Forty-seventh Congress, first session.
Mr. White, of Kentucky, July 10, 1882; Forty-seventh Congress, first session.
Mr. Lapham, of New York, December 6, 1883; Forty-eighth Congress, first session.
Mr. White, of Kentucky, December 10, 1883; Forty-eighth Congress, first session.
Mr. Blair, of New Hampshire, December 9, 1885; Forty-ninth Congress, first session.
Mr. Reed, of Maine, February 1, 1886; Forty-ninth Congress, first session; reported adversely.
Mr. Blair, of New Hampshire, December 8, 1886; Forty-ninth Congress, second session; rejected January 25, 1887 (yeas 16, nays 34).
Mr. Blair, of New Hampshire, December 12, 1887; Fiftieth Congress, first session.
Mr. Reed, of Maine, January 4, 1888; Fiftieth Congress, first session.
Mr. Mason, of Illinois, April 30, 1888; Fiftieth Congress, first session.
Mr. Blair, of New Hampshire, December 4, 1889; Fifty-first Congress, first session.
Mr. Baker, of New York, January 13, 1890; Fifty-first Congress, first session.
Mr. Blair, of New Hampshire, May 21, 1890; Fifty-first Congress, first session.
Mr. Greenleaf, of New York, January 5, 1892, Fifty-second Congress, first session.
Mr. Warren, of Wyoming, January 4, 1893, Fifty-second Congress, second session.
Mr. Bell, of Colorado, January 31, 1894, Fifty-third Congress, second session. Reported adversely (H. Rept. 395) and laid on table.
Mr. Walcott, of Colorado, February 8, 1894, Fifty-third Congress, second session.
Mr. Hoar, of Massachusetts, January 3, 1896, Fifty-fourth Congress, first session.
Mr. Northway, of Ohio, January 10, 1896, Fifty-fourth Congress, first session.
Mr. Shafroth, of Colorado, January 20, 1896, Fifty-fourth Congress, first session.
Mr. Call, of Florida, March 23, 1896, Fifty-fourth Congress, first session.
Mr. Shafroth, of Colorado, June 21, 1897, Fifty-fifth Congress, first session.
Mr. Warren, of Wyoming, February 7, 1898, Fifty-fifth Congress, second session.
Mr. Shafroth, of Colorado, January 10, 1900, Fifty-sixth Congress, first session.
Mr. Warren, of Wyoming, January 30, 1900, Fifty-sixth Congress, first session.
Mr. Shafroth, of Colorado, December 2, 1901, Fifty-seventh Congress, first session.
Mr. Warren, of Wyoming, December 16, 1901, Fifty-seventh Congress, first session.
Mr. Mitchell, of Oregon, February 10, 1902, Fifty-seventh Congress, first session.
Mr. Mitchell, of Oregon, November 11, 1903, Fifty-eighth Congress, first session.
Mr. Shafroth, of Colorado, December 18, 1903, Fifty-eighth Congress, second session.
Mr. Mondell, of Wyoming, January 19, 1906, Fifty-ninth Congress, first session.
Mr. Davey, of Louisiana, January 27, 1908, Sixtieth Congress, first session.
Mr. Warren, of Wyoming, January 30, 1908, Sixtieth Congress, first session.
Mr. Mondell, of Wyoming, February 19, 1910, Sixty-first Congress, second session.
Mr. Borah, of Idaho, February 21, 1910, Sixty-first Congress, second session.
Mr. Rucker, of Colorado, February 22, 1910, Sixty-first Congress, second session.
Mr. Rucker, of Colorado, April 4, 1911, Sixty-second Congress, first session.
Mr. Mondell, of Wyoming, May 5, 1911, Sixty-second Congress, first session.
Mr. Taylor, of Colorado, May 8, 1911, Sixty-second Congress, first session.
Mr. Lafferty, of Oregon, January 3, 1912, Sixty-second Congress, second session.
Mr. Raker, of California, January 5, 1912, Sixty-second Congress, second session.
Mr. Berger, of Wisconsin, January 16, 1912, Sixty-second Congress, second session.
Mr. Works, of California, February 29, 1912, Sixty-second Congress, second session.
Mr. Mondell, of Wyoming, April 7, 1913, Sixty-third Congress, first session.
Mr. Chamberlain, of Oregon, April 7, 1913, Sixty-third Congress, first session. Rejected in Senate, March 19, 1914—yeas, 35; nays, 34; not voting, 26.
Mr. Taylor, of Colorado, April 7, 1913, Sixty-third Congress, first session.
Mr. Lafferty, of Oregon, April 7, 1913, Sixty-third Congress, first session.
Mr. Raker, of California, April 7, 1913, Sixty-third Congress, first session.
Mr. Hayden, of Arizona, April 21, 1913, Sixty-third Congress, first session.
Mr. Shafroth, of Colorado, March 20, 1914, Sixty-third Congress, second session.
Mr. Bristow, of Kansas, March 20, 1914, Sixty-third Congress, second session.
Mr. Palmer, of Pennsylvania, April 6, 1914, Sixty-third Congress, second session.
Mr. Raker, of California, December 6, 1915, Sixty-fourth Congress, first session.
Mr. Mondell, of Wyoming, December 6, 1915, Sixty-fourth Congress, first session.
Mr. Keating, of Colorado, December 6, 1915, Sixty-fourth Congress, first session.
Mr. Taylor, of Colorado, December 6, 1915, Sixty-fourth Congress, first session.
Mr. Taylor of Colorado, December 6, 1915, Sixty-fourth Congress, first session.
Mr. Hayden, of Arizona, December 6, 1915, Sixty-fourth Congress, first session.
Mr. Hayden, of Arizona, December 6, 1915, Sixty-fourth Congress, first session.
Mr. Sutherland, of Utah, December 7, 1915, Sixty-fourth Congress, first session.
Mr. Thomas, of Colorado, December 7, 1915, Sixty-fourth Congress, first session.
Mr. Thompson, of Kansas, December 7, 1915, Sixty-fourth Congress, first session.
Mr. Chamberlain, of Oregon, December 10, 1915, Sixty-fourth Congress, first session.
Mr. Hayden, of Arizona, March 29, 1916, Sixty-fourth Congress, first session.
Mr. Poindexter, of Washington, January 19, 1917, Sixty-fourth Congress, second session.
Mr. Poindexter, of Washington, January 19, 1917, Sixty-fourth Congress, second session.
Mr. Raker, of California, April 2, 1917, Sixty-fifth Congress, first session.
Mr. Taylor, of Colorado, April 4, 1917, Sixty-fifth Congress, first session.
Miss Rankin, of Montana, April 2, 1917, Sixty-fifth Congress, first session.
Mr. Mondell, of Wyoming, April 2, 1917, Sixty-fifth Congress, first session.
Mr. Keating, of Colorado, April 2, 1917, Sixty-fifth Congress, first session.

Mr. Hayden, of Arizona, April 2, 1917, Sixty-fifth Congress, first session.
Mr. Austin, of Tennessee, April 28, 1917, Sixty-fifth Congress, first session.
Mr. Chamberlain, of Oregon, May 15, 1917, Sixty-fifth Congress, first session.
Mr. Jones, of New Mexico, April 4, 1917, Sixty-fifth Congress, first session.
Mr. Thompson, of Kansas, April 4, 1917, Sixty-fifth Congress, first session.
Mr. Owen, of Oklahoma, April 4, 1917, Sixty-fifth Congress, first session.
Mr. Shafroth, of Colorado, April 4, 1917, Sixty-fifth Congress, first session.
Mr. Poindexter, of Washington, April 4, 1917, Sixty-fifth Congress, first session.
Mr. Poindexter, of Washington, April 4, 1917, Sixty-fifth Congress, first session.
Mr. Raker, of California, December 15, 1917, Sixty-fifth Congress, second session.
Mr. Campbell, of Kansas, December 15, 1917, Sixty-fifth Congress, second session.
Mr. Hayden, of Arizona, December 18, 1917, Sixty-fifth Congress, second session.
Mr. Keating, of Colorado, December 18, 1917, Sixty-fifth Congress, second session.
Miss Rankin, of Montana, December 18, 1917, Sixty-fifth Congress, second session.
Mr. Raker, of California, December 18, 1917, Sixty-fifth Congress, second session. Passed House January 10, 1918 (yeas 274, nays 136, not voting 17); rejected in Senate October 1, 1918 (yeas 53, nays 31, not voting 12); rejected a second time in Senate February 10, 1919 (yeas 55, nays 29, not voting 12).
Mr. Mondell, of Wyoming, December 18, 1917, Sixty-fifth Congress, second session.
Mr. Fairfield, of Indiana, January 8, 1918, Sixty-fifth Congress, second session.
Mr. Burroughs, of New Hampshire, February 21, 1918, Sixty-fifth Congress, second session.
Mr. Jones, of Washington, February 13, 1919, Sixty-fifth Congress, third session.
Mr. Gay, of Louisiana, February 13, 1919, Sixty-fifth Congress, third session.
Mr. McKellar, of Tennessee, February 20, 1919, Sixty-fifth Congress, third session.
Mr. Jones, of New Mexico, February 28, 1919, Sixty-fifth Congress, third session.
Mr. Raker, of California, February 28, 1919, Sixty-fifth Congress, third session.
Mr. Mann, of Illinois, May 19, 1919, Sixty-sixth Congress, first session. Passed House May 21, 1919 (yeas 304, nays 90, present 1, not viting 33); passed Senate June 4, 1919 (yeas 56, nays 25, not voting 15).

(C. C. Tansill, January 12, 1923.)

ADJOURNMENT.

Mr. MONDELL. I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 32 minutes p. m.) the House adjourned until to-morrow, Tuesday, February 13, 1923, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

976. A communication from the President of the United States, transmitting two communications from the Postmaster General, submitting estimates of appropriations in the sum of $739.26 and $527.45, respectively, to pay claims which have been adjusted and require an appropriation for their payment (H. Doc. No. 564); to the Committee on Appropriations and ordered to be printed.

977. A letter from the Comptroller of the Currency, transmitting a text of the annual report of the Comptroller of the Currency for the year ended October 31, 1922; to the Committee on Banking and Currency.

978. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of the Hudson River at and near Stockport, N. Y.; to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. KIESS: Committee on Printing. H. Con. Res. 83. A concurrent resolution providing for printing additional copies of soil survey of Lauderdale County, Ala.; without amendment (Rept. No. 1583). Referred to the Committee of the Whole House on the state of the Union.

Mr. KIESS: Committee on Printing. H. R. 14202. A bill to authorize the Public Printer to fix rates of wages for employees of the Government Printing Office; without amendment (Rept. No. 1584). Referred to the Committee of the Whole House on the state of the Union.

Mr. VOLSTEAD: Committee on the Judiciary. H. R. 11490. A bill to enlarge the powers and duties of the Department of Justice in relation to the repression of prostitution for the protection of the armed forces; with an amendment (Rept. No. 1585). Referred to the Committee of the Whole House on the state of the Union.

Mr. PARKER of New York: Committee on Interstate and Foreign Commerce. H. R. 13978. A bill granting the consent of Congress to the Hudson River Bridge Co. at Albany to maintain two bridges already constructed across the Hudson River; without amendment (Rept. No. 1586). Referred to the House Calendar.

Mr. FAIRCHILD: Committee on Foreign Affairs. H. R. 14287. A bill to authorize the Secretary of State to acquire in Paris a site, with an erected building thereon, at a cost not to exceed $300,000, for the use of the diplomatic and consular establishments of the United States; without amendment (Rept. No. 1587). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. EDMONDS: Committee on Claims. H. R. 14249. A bill for the relief of the owners of the American schooner *Mount Hope*; without amendment (Rept. No. 1588). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Appropriations was discharged from the consideration of the bill (H. R. 14294) for the relief of William J. McGee and the same was referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GALLIVAN: A bill (H. R. 14295) to authorize an appropriation to enable the Director of the United States Veterans' Bureau to provide for the acquiring of sites and the building of rest camps as he may deem advisable in the several regional districts; to the Committee on Public Buildings and Grounds.

By Mr. CRAMTON: A bill (H. R. 14296) to authorize the county of Huron, State of Michigan, to convey a certain described tract of land to the State of Michigan for public park purposes; to the Committee on the Public Lands.

By Mr. SNYDER: A bill (H. R. 14297) to relieve the anthracite coal situation in the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. HUDSPETH: A bill (H. R. 14298) for the relief of the Kansas City, Mexico & Orient Railroad of Texas, Oklahoma, and Kansas; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYDEN: A bill (H. R. 14299) granting to the State of New Mexico certain lands for reimbursement to the counties of Grant, Luna, Hidalgo, and Santa Fe for interest paid on railroad-aid bonds, and for the payment of the principal of railroad-aid bonds issued by the town of Silver City, and to reimburse said town for interest paid on said bonds, and for other purposes; to the Committee on the Public Lands.

By Mr. McSWAIN: A bill (H. R. 14300) to further regulate interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. BLAKENEY: A bill (H. R. 14301) granting the consent of Congress to Bethlehem Steel Co. to construct a bridge across Humphreys Creek at or near the city of Sparrows Point, Md.; to the Committee on Interstate and Foreign Commerce.

By Mr. FULMER: A bill (H. R. 14302) to establish and promote the use of the official cotton standards of the United States in interstate and foreign commerce, to prevent deception therein and provide for the proper application of such standards, and for other purposes; to the Committee on Agriculture.

By Mr. HERRICK: A bill (H. R. 14303) to appropriate the sum of $1,200,000 to match sums made available by the several States, to be used in such States for the suppression and eradication of venereal diseases; to the Committee on Appropriations.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 14304) declaring Bear Creek in Humphreys, Leflore, and Sunflower Counties, Miss., to be a nonnavigable stream; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of South Dakota: A bill (H. R. 14305) making eligible for retirement under certain conditions officers of the United States Army, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the war; to the Committee on Military Affairs.

By Mr. WURZBACH: A bill (H. R. 14306) making eligible for retirement under certain conditions officers of the United

States Army, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the war; to the Committee on Military Affairs.

By Mr. BRENNAN: A bill (H. R. 14307) authorizing the Secretary of the Treasury to sell either or both of the United States Federal buildings, including sites and all improvements thereon, at Detroit, Mich., and to acquire a suitable site in the same locality and to erect thereon a modern building to house the various Federal departments, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. ROBSION: A bill (H. R. 14308) to establish a national park in the States of Kentucky, Tennessee, and Virginia; to the Committee on the Public Lands.

By Mr. WINSLOW: A bill (H. R. 14309) to amend section 206 of the transportation act of 1920; to the Committee on Interstate and Foreign Commerce.

By Mr. TURNER: A bill (H. R. 14310) to establish memorials to deceased soldiers of the World War; to the Committee on Public Buildings and Grounds.

By Mr. DAVILA: A joint resolution (H. J. Res. 442) to authorize the transportation to Porto Rico of a committee representing the Fourth Ohio Infantry, war with Spain; to the Committee on Military Affairs.

By Mr. WHITE of Maine: A resolution (H. Res. 525) requesting the Federal Trade Commission to investigate and to report to the House the facts relating to the ownership of radio patents, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By the SPEAKER (by request): Memorial of the Legislature of the State of Oregon, asking permission of the Federal Government to allow the officials of the State of Oregon to examine income-tax returns in the said State; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of Nebraska: A bill (H. R. 14311) granting a pension to Matilda Gordon; to the Committee on Invalid Pensions.

By Mr. BEEDY: A bill (H. R. 14312) granting a pension to Clara J. Foss; to the Committee on Invalid Pensions.

By Mr. BOX: A bill (H. R. 14313) for the relief of the Orange Car & Steel Co., successor to the Southern Dry Dock & Shipbuilding Co., of Orange, Tex.; to the Committee on Claims.

By Mr. COOPER of Wisconsin: A bill (H. R. 14314) granting an increase of pension to Edwin M. Brainard; to the Committee on Invalid Pensions.

By Mr. FAIRFIELD: A bill (H. R. 14315) granting a pension to Catherine E. Steward; to the Committee on Pensions.

By Mr. FESS: A bill (H. R. 14316) granting an increase of pension to Cynthia L. Nelson; to the Committee on Invalid Pensions.

By Mr. FISH: A bill (H. R. 14317) granting permission to Capt. Norman Randolph, United States Army, to accept the decoration of the Spanish Order of Military Merit of Alfonso XIII; to the Committee on Foreign Affairs.

By Mr. JOHNSON of Kentucky: A bill (H. R. 14318) granting an increase of pension to Ruth E. Stickler; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 14319) for the relief of J. I. Hall, of Jackson, Ky., to the Committee on Claims.

By Mr. SWEET: A bill (H. R. 14320) granting an increase of pension to Bertram B. Soper; to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 14321) granting an increase of pension to Hanna M. Batt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14322) granting an increase of pension to Jesse H. Harrison; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7278. By the SPEAKER (by request): Petition of Northeast Boundary Citizens' Association, of Washington, D. C., protesting against the erection of the so-called "mammies" monument; to the Committee on the Library.

7279. Also, petition of the city of Chicago, relating to the bill declaring the West Fork of the South Branch of the Chicago River a nonnavigable stream; to the Committee on Rivers and Harbors.

7280. By Mr. FULLER: Petition of sundry citizens of Belvidere, Ill., favoring joint resolution to extend aid to the famine-stricken people of the German and Austrian Republics; to the Committee on Foreign Affairs.

7281. By Mr. KISSEL: Memorial to the Legislature of the State of Oregon, relating to the Federal income tax act; to the Committee on Ways and Means.

7282. Also, petition of the Citizens' Medical Reference Bureau New York City, N. Y., relating to the vaccination law in the District of Columbia; to the Committee on the District of Columbia.

7283. By Mr. LEA of California: Petition of 15 residents of Chico, Calif., to abolish discriminatory tax on small-arms ammunition and firearms; to the Committee on Ways and Means.

7284. By Mr. LUCE: Petition of the Massachusetts Federation of Churches, urging amendment of the Constitution to give Federal Government the power to regulate child labor; to the Committee on the Judiciary.

7285. By Mr. ROUSE: Petition of sundry citizens of Kentucky, favoring legislation extending aid to people of German and Austrian Republics; to the Committee on Foreign Affairs.

7286. By Mr. SNYDER: Petition of J. J. McLoughlin and 41 others, favoring the abolishment of the tax on small arms and ammunition; to the Committee on Ways and Means.

7287. By Mr. TINKHAM: Petition of the International Typographical Union, protesting against the passage of the ship subsidy bill; to the Committee on the Merchant Marine and Fisheries.

SENATE.

TUESDAY, *February 13, 1923.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Gracious God, we thank Thee that Thou hast consideration for our needs. For all the blessings of life we return to Thee thanks this morning. As we look out upon a world in need we know Thou canst meet every necessity. Amidst all the turmoil give unto us rest and quiet in Thyself, and an understanding of the times, and how best to meet the manifold issues presented. Give wisdom this morning and help in all the deliberations of the hour, to the glory of Thy great name. Through Jesus Christ. Amen.

NAMING A PRESIDING OFFICER.

The Secretary, George A. Sanderson, read the following communication:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
Washington, D. C., February 13, 1923.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. GEORGE H. MOSES, a Senator from the State of New Hampshire, to perform the duties of the Chair this legislative day.

ALBERT B. CUMMINS,
President pro tempore.

Mr. MOSES thereupon took the chair as Presiding Officer.

The reading clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Glass	McNary	Shortridge
Ball	Gooding	Moses	Smith
Bayard	Harreld	Nelson	Smoot
Brookhart	Harris	New	Spencer
Broussard	Harrison	Nicholson	Sterling
Calder	Heflin	Norris	Sutherland
Cameron	Hitchcock	Oddie	Swanson
Capper	Jones, Wash.	Overman	Townsend
Caraway	Kellogg	Page	Trammell
Colt	Keyes	Phipps	Wadsworth
Couzens	King	Pittman	Walsh, Mass.
Culberson	Ladd	Poindexter	Walsh, Mont.
Curtis	La Follette	Pomerene	Warren
Dial	Lodge	Ransdell	Watson
Dillingham	McCormick	Reed, Mo.	*Willis
Fletcher	McCumber	Robinson	
Frelinghuysen	McKellar	Sheppard	
George	McLean	Shields	

The PRESIDING OFFICER. Sixty-nine Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed without amendment the bill (S. 3169) to equalize pensions of retired policemen and firemen of the District of Columbia, and for other purposes.

The message also announced that the House had passed the bill (S. 2531) to create a board of accountancy for the District of Columbia, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a joint resolution (H. J. Res. 418) authorizing the use of public parks, reservations, and other public spaces in the District of Columbia; and the use of tents, cots, hospital appliances, flags, and other decorations, property of the United States, by the Almas Temple, Washington, District of Columbia, 1923 Shrine Committee (Inc.), and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Presiding Officer [Mr. MOSES] as Acting President pro tempore:

H. R. 5224. An act to authorize the Secretary of the Navy to certify to the Secretary of the Interior, for restoration to the public domain, lands in the State of Louisiana not needed for naval purposes;

H. R. 13046. An act authorizing the Secretary of the Treasury to convey to the city of Wilmington, N. C., marine hospital reservation; and

H. R. 13760. An act to amend an act entitled "An act to authorize the construction of drawless bridges across a certain portion of the Charles River, in the State of Massachusetts," approved November 14, 1921.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER [Mr. MOSES] laid before the Senate the following concurrent resolution of the Legislature of South Dakota, which was referred to the Committee on Commerce:

A concurrent resolution.

Whereas South Dakota is almost wholly dependent upon agriculture, and consequently the market for agricultural products is of prime importance in our affairs; and

Whereas water transportation will reduce the cost of the carriage of wheat to the seaboard no less than 7 cents per bushel and proportionately upon other cereals, a saving that would add many millions to the market value of the products of our farms, to say nothing of the reduced cost of merchandise by reason of bringing the seaboard to the interior; and

Whereas the proposed Great Lakes-St. Lawrence deep waterway will bring South Dakota 2,000 miles nearer to the Atlantic and European markets and will result in substantial advantage to our markets and the consequent improvement to agricultural conditions and the general prosperity of the people: Therefore be it

Resolved by the Senate of the State of South Dakota (the House of Representatives concurring), That the Congress of the United States be, and it hereby is, memorialized and petitioned to promptly take such action as will result in immediate development of the Great Lakes-St. Lawrence deep waterway: Be it further

Resolved, That engrossed copies of this resolution be forwarded by the secretary of state to our Senators and Representatives in Congress and to the Secretary of the Senate and Chief Clerk of the House of Representatives of the United States, and to His Excellency the President of the United States, Warren G. Harding.

CARL GUNDERSON,
President of the Senate.
A. B. BLAKE,
Secretary of the Senate.
E. O. FRESCOLN,
Speaker of the House.
WRIGHT TARBELL,
Chief Clerk of the House.

Mr. CAPPER presented a petition of sundry citizens of Fort Scott, Kans., praying for the enactment of legislation to regulate radio broadcasting, which was referred to the Committee on Interstate Commerce.

Mr. LODGE presented memorials of the Framingham Central Labor Union and the Buildings Trades Council, both of Framingham, and Local Union No. 6, United Hatters of North America, of Boston, all in the State of Massachusetts, remonstrating against the passage of the so-called ship subsidy bill, which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. GOODING, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 4478) to promote agriculture by stabilizing the price of wheat, reported it with amendments and submitted a report (No. 1141) thereon.

Mr. LODGE, from the Committee on Foreign Relations, to which was referred the bill (H. R. 13880) for the reorganization and improvement of the foreign service of the United States, and for other purposes, reported it without amendment and submitted a report (No. 1142) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DIAL:

A bill (S. 4536) to authorize the building of a bridge across the Peedee River in South Carolina; to the Committee on Commerce.

By Mr. POINDEXTER:

A bill (S. 4537) for the relief of George Turner (with the accompanying papers); to the Committee on Foreign Relations.

By Mr. TOWNSEND:

A bill (S. 4538) granting a pension to Minnie L. Foster (with the accompanying papers); and

A bill (S. 4539) granting a pension to Clarissa A. Grover (with the accompanying papers); to the Committee on Pensions.

By Mr. SMITH:

A bill (S. 4540) to authorize the building of a bridge across the Peedee River, S. C.; to the Committee on Commerce.

By Mr. FRELINGHUYSEN:

A bill (S. 4541) for the relief of Thomas N. Emley and Ida E. Godfrey; to the Committee on Claims.

By Mr. OWEN:

A bill (S. 4542) relative to the claim of the Export Oil Corporation (with an accompanying paper); to the Committee on Claims.

By Mr. SPENCER:

A bill (S. 4543) to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916; to the Committee on the Judiciary.

By Mr. CURTIS:

A bill (S. 4544) to authorize the extension of the period of restriction against alienation on surplus lands allotted to minor members of the Kansas or Kaw Tribe of Indians in Oklahoma; to the Committee on Indian Affairs.

By Mr. LODGE:

A bill (S. 4545) to amend section 14 of the military services act, approved June 10, 1922; to the Committee on Military Affairs.

By Mr. BROUSSARD:

A joint resolution (S. J. Res. 279) authorizing the Secretary of War to loan 3,000 wooden folding chairs for the use of the United Confederate Veterans at their reunion to be held in New Orleans, La., on April 11, 12, and 13, 1923; to the Committee on Military Affairs.

SHIPPING BOARD DATA.

Mr. POMERENE. I submit a Senate resolution calling for certain information from the United States Shipping Board. I may state that on January 23 I presented a resolution and a response came under date of February 5. That related to ships which were sold since March 4, 1921. The resolution which I am now offering relates to ships which were sold on or before that date. I ask that the resolution may be acted upon.

The resolution (S. Res. 440) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the United States Shipping Board be, and it is hereby, directed and instructed to furnish to the United States Senate the following detailed information:

First. State number of ships sold by the United States Shipping Board on or before March 4, 1921.

Second. Give the names of persons, partnerships, or corporations to whom said sales have been made.

Third. Give the terms of the sale, whether for cash or on deferred payments, and the amount of each, with dates of maturity of deferred payments.

Fourth. Give in detail what settlements, if any, have been made for each of said ships so sold with said persons, partnerships, or corporations.

Fifth. If there has been any difference in the said terms of settlements, give the reasons therefor.

Sixth. If settlements have not been made in accordance with terms of sale by any of said persons, partnerships, or corporations, give the reasons therefor.

HOUSE JOINT RESOLUTION REFERRED.

H. J. Res. 418. A joint resolution authorizing the use of public parks, reservations, and other public spaces in the District of Columbia, and the use of tents, cots, hospital appliances, flags, and other decorations, property of the United States, by the Almas Temple, Washington, D. C., 1923 Shrine Committee (Inc.), and for other purposes, was read twice by its title and referred to the Committee on the District of Columbia.

BOARD OF ACCOUNTANCY FOR THE DISTRICT OF COLUMBIA.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 2531) to create a board of accountancy for the District of Columbia, and for other purposes, which were, on page 3, line 13, after "education," to insert "or who, in the opinion of the board, has had sufficient commercial experience in accounting"; on page 6, line 21, after "compensation," to insert "for actual time employed"; and, on page 6, line 22, after "determine," to insert "and the remaining surplus, if any, shall be covered into the Treasury of the United States to the credit of the District of Columbia."

Mr. BALL. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

PROPOSED CHANGE IN PRESIDENTIAL AND CONGRESSIONAL TERMS.

The PRESIDING OFFICER. Morning business is closed.

Mr. NORRIS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the joint resolution (S. J. Res. 253) proposing an amendment to the Constitution of the United States, fixing the commencement of the terms of President and Vice President and Members of Congress, and providing for the election of President and Vice President by direct vote. It is the joint resolution which I moved to take up on yesterday.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. NORRIS. Mr. President, there seemed on yesterday to be a sort of tacit understanding that there would be no opposition to the joint resolution as it is proposed to be modified and that we should be able to pass it during the morning hour. I wish to call attention to a mistake which I made on yesterday in the manner in which I then proposed to modify the joint resolution. I stated that the proposition was to strike out all of section 1, but I only proposed to strike out that part of section 1 pertaining to the election of President and Vice President. When thus amended there will be but little of the joint resolution left, and it will provide that the terms of President and Vice President shall commence at noon on the third Monday in January following their election; that the terms of Senators and Representatives shall commence at noon on the first Monday in January following their election; that Congress shall assemble at least once in every year, and that such meeting shall be on the first Monday in January, unless otherwise a different day shall be appointed by Congress; that the terms of President and Vice President and Members of Congress who may be in office at the time that the proposed constitutional amendment shall take effect shall expire, in the case of the President and Vice President on the third Monday in January instead of on the 4th of March, and in the case of Members of Congress on the first Monday in January instead of on the 4th of March.

Mr. ROBINSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Arkansas?

Mr. NORRIS. I will yield in just a moment. It will be observed that the commencement of the term of President and Vice President is two weeks subsequent to the commencement of the term of Members of Congress. The idea is to give Congress ample time to organize and to canvass the votes for President and Vice President, which, under the Constitution, it must do. I do not think it would be an insuperable objection if the terms of all these officers commenced on the same day; but if the joint resolution shall be adopted unamended, it will make a difference of two weeks in the time of the commencement of their terms and would give time to Congress to meet and for each body to organize before they held their joint session.

Mr. WARREN. Mr. President, will the Senator from Nebraska permit a question?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Wyoming?

Mr. NORRIS. I first promised to yield to the Senator from Arkansas [Mr. ROBINSON], and after I shall have done so I shall then gladly yield to the Senator from Wyoming.

Mr. ROBINSON. As I understand, the only change in the joint resolution as now proposed by the Senator from Nebraska, as compared to the modification which he proposed on yesterday, relates to the term of President and Vice President?

Mr. NORRIS. No. It relates to the method of the election of President and Vice President.

Mr. ROBINSON. I do not think the Senator understood my question.

Mr. NORRIS. It may be that I did not.

Mr. ROBINSON. On yesterday the Senator from Nebraska announced that it was his purpose so to modify the joint resolution as to omit all provisions relating to the election of President and Vice President, so as to confine the joint resolution solely to the terms of Senators and Representatives and the time when Congress shall assemble.

Mr. NORRIS. That is correct.

Mr. ROBINSON. I understand it is proposed by the Senator from Nebraska also to make the joint resolution applicable to the terms of President and Vice President?

Mr. NORRIS. That is correct.

Mr. ROBINSON. And to make their terms begin on the third Monday in January following their election instead of on the 4th of March as at present?

Mr. NORRIS. That is correct.

Mr. ROBINSON. The Senator now proposes the joint resolution in a form that will require the old Congress, to wit, the Congress sitting when the election may be held, to pass upon the election?

Mr. NORRIS. Oh, no; that would not be the effect of it. The Senator will observe that the new Congress will meet on the first Monday in January——

Mr. ROBINSON. Yes.

Mr. NORRIS. And that the President will not be inaugurated until the third Monday in January.

Mr. ROBINSON. So that the proposal is that the new Congress shall have ample time to pass upon the matter before the time for the inauguration of the new President arrives?

Mr. NORRIS. Yes.

Mr. McCUMBER. Mr. President——

Mr. NORRIS. I yield first to the Senator from Wyoming.

Mr. WARREN. I was about to ask the Senator from Nebraska a question relative to the last clause of his joint resolution, which would seem to cut short the term of the President who may occupy the office at the time the proposed amendment would go into effect. Is that correct?

Mr. NORRIS. Yes; and it would also shorten the terms of Members of Congress.

Mr. WARREN. As to the President, would not the amendment, if it were ratified, infringe on the President's vested right to his office under his election in pursuance of the Constitution?

Mr. NORRIS. I think so far as the change of the Constitution is concerned there could be no objection made on the ground of the curtailing of any vested right under the Constitution.

Mr. WARREN. I am not a lawyer, as is the Senator from Nebraska, and I wish to know if a change in the Constitution can be made to operate retroactively?

Mr. NORRIS. No; a change in the Constitution, however, may be made, I think, so as entirely to abolish a constitutional office, the same as may be done by a change of law.

Mr. WARREN. There is no doubt about that; but the Constitution limits the term of the President to four years, and the four years end on the 4th of March. It is now proposed that the presidential term shall end on the first Monday in January, and that the successor of the President shall then take the place of the incumbent of the office. That is the point I wish to make.

Mr. NORRIS. I do not see any legal objection to that. Of course, the ratification of the constitutional amendment would shorten the term of whoever happened to be President, the same as it would, by a couple of months, shorten the term of whoever happened to be Members of the Senate and of the House of Representatives whose terms expired on the 4th of March.

Mr. DIAL. Mr. President——

Mr. NORRIS. I yield first to the Senator from North Dakota.

Mr. McCUMBER. Mr. President, the Senator from Wyoming has practically asked the question that I was about to ask; that is, whether it was the intent to shorten the terms of those who had been elected under the Constitution as it now stands, and whether there ought not to be some provision so that at least the terms of those who are elected prior to the adoption of any new provision in the Constitution shall expire at the time now fixed under the present Constitution.

Mr. NORRIS. We shall, by some method, have to change the term of office, because if a man is elected before the proposed constitutional amendment goes into effect his term of office does not commence until the 4th of March; if it shall go into effect while he is in office his term would have to be shortened; but it would only be by a couple of months.

Mr. McCUMBER. To be sure, but it could be provided in the proposed amendment that those who were elected prior to the change of the Constitution should serve until the expiration

of their terms. Then those who would be elected subsequently, of course, would serve in their initial term for two months less.

Mr. NORRIS. That is true.

Mr. McCUMBER. That would seem to be the fairer and better way.

Mr. NORRIS. Let us see how that would work. That would be one way of solving the difficulty.

Mr. WARREN. Mr. President——

Mr. NORRIS. Just a moment. If we did that there would be somebody, for instance in the House of Representatives, elected for two years whose term would be shortened; somebody's term must be shortened, either the man who is in office or the man who is elected; there will be one term in the House of Representatives which will be shortened about two months.

Mr. McCUMBER. That should be the term of the newly elected Representative.

Mr. WARREN. Mr. President, there is no trouble about that; but those who have already been elected for a certain term have, it might be said, what is in the nature of a contract between them and the people of the United States who elected them under the Constitution. While I agree with the Senator that we should bring about in some manner this change, and I favor it, it looks to me as though in that particular situation it would be necessary to make some different provision for those who have been elected and are holding office.

Mr. NORRIS. There can not be any question about the proposal as a matter of law. The courts have always held, for instance, that a legislative office may be absolutely abolished by the legislature which established it and which has constitutional jurisdiction. Whoever is in office goes out when the office is abolished. That has been a common occurrence. On the other hand, a constitutional office by amendment of the Constitution may be entirely abolished; and it will be just as long as it is short in this case, because if we do not shorten the term of the man who happens to be in office we will have to shorten the term of the man who succeeds him. I myself do not care in which way it is worked out.

Mr. LODGE. Mr. President, I think the Senator is correct as to our right to take such action, but could we not meet the difficulty that has been suggested by providing that the proposed constitutional amendment shall take effect after the election of the first President who may be elected under it, so that the President in office will not have his term shortened, but that the proposed change in the Constitution shall apply to the next President who is elected under it?

Mr. NORRIS. We could do that, instead of adopting the provision I have placed in the joint resolution, and, if the Senate thinks that is a proper way to proceed, of course, I myself would not object, although I do not see anything wrong about it as it now stands, because the man who has been elected to office has not any contract with the Government such as a man has who makes a civil contract with another.

Mr. WARREN. But he has rights under the Constitution.

Mr. NORRIS. No; he has not any right to continue in office if the office is abolished. Now, let us see what would happen.

Mr. WARREN. Would the Senator abolish the office of President?

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield, and, if so, to whom?

Mr. NORRIS. I will yield in a moment. I should like to say a few words myself. Suppose we adopt the constitutional amendment and it is also adopted by the House and goes to the legislatures of the various States, everyone in the country will know that it is pending.

If an election occurs while it is pending and before it is ratified by a sufficient number of States to make it a part of the Constitution, candidates at that election know that, perhaps, the action of only two more States is required to make the proposed constitutional amendment effective; they understand that; everybody understands it; candidates are making their campaign on the strength of it. If it happens to be a presidential election—and it is not likely to be—candidates for President will understand that their term of office may be, instead of four years, about six weeks less than four years. No advantage will be taken of anybody. There is not anything under cover. It is all understood, and everybody knows what is going to happen, and they will make their campaign on that theory. If there are only a few legislatures left on the 7th of November, a year from next November, when we hold the election, every candidate, from President down, will know that the probabilities are that some time following the election, when the legislatures convene again, perhaps in February, March, or April, there will be an approval of this amendment, and thereby the term for which those men were elected, although they knew it when they were elected, will be shortened a month or two.

I want to say to the Senator from Wyoming that if it should happen that this amendment should be approved at once in sufficient number by the legislatures that are now in session—which I do not anticipate; nobody does, I think; it would be too much to expect—it would be in effect before the expiration of the present terms, and I would be one of those who would have his term cut short. I do not myself see any objection to it, because if we ever bring about this reform in this way we must shorten somebody's term of office.

Mr. WARREN. Mr. President——

Mr. NORRIS. I yield again to the Senator.

Mr. WARREN. I agree entirely with the Senator as to the Members of Congress, and so forth; but unless perhaps the Senator expects that the term of a Senator will expire before we shall be at work under this amendment, I think after a President has been elected for four years and duly installed, if we undertake to legislate him out of office we are going beyond what we have a right to do. I understand the Senator's remarks about shortening the term of a Senator. That is perfectly all right. A man, before he is elected, goes in knowing that his term is to be shortened.

Mr. NORRIS. The matter can be changed as suggested by the Senator from Massachusetts and the Senator from Wyoming.

Mr. WARREN. I think that suggestion is a good one, and I think it ought to be done. If the Senator wishes to put it into effect, I think an amendment of that kind should be made.

Mr. NORRIS. Let us see, first, if there is any objection to the amendment that I want to propose, striking out the last part of the section.

Mr. President, in accordance with the understanding that I outlined yesterday, I move to amend the joint resolution as follows: Commencing on page 1, line 11, after the word "election," strike out the comma, insert a period, and strike out the balance of the section, namely, all down to and including line 17, on page 3.

I should like to have the Secretary state the amendment.

Mr. WARREN. I wish it might be stated.

The PRESIDING OFFICER (Mr. McNARY in the chair). The amendment will be stated.

The ASSISTANT SECRETARY. On page 1, line 11, after the word "election," strike out the comma, insert a period, and strike out the remainder of section 1, or all down to and including the words "United States," on line 17, page 3.

The PRESIDING OFFICER. The question is upon the adoption of the amendment offered by the Senator from Nebraska.

The amendment was agreed to.

Mr. NORRIS. Now, Mr. President, I have not anything further to say, unless some Senator wishes to ask me some question. The Senator from Wisconsin [Mr LA FOLLETTE] rose awhile ago. Does he desire to interrogate me?

Mr. McCUMBER. Mr. President, if I may ask the Senator a question, taking section 2, which reads:

> That the terms of Senators and Representatives shall commence at noon on the first Monday in January following their election—

What objection would there be to an amendment to that which would make it read—

> That the terms of Senators and Representatives elected after the adoption of this amendment shall commence on the first Monday in January following their election?

Mr. NORRIS. I will say to the Senator that I will not offer any objection if the Senator offers that amendment.

Mr. McCUMBER. I think that ought to apply to all of them.

Mr. NORRIS. Of course, if it is desired to carry out the idea that has been suggested, that ought to be offered; and the same amendment ought to apply to article 1, in regard to the President and Vice President.

Mr. McCUMBER. I think so.

Mr. DIAL. Mr. President——

Mr. NORRIS. I will ask the Senator to wait until the Senator from North Dakota concludes his suggestion. Does the Senator desire to offer that amendment?

Mr. McCUMBER. Yes; I desire to offer it as to both matters.

Mr. NORRIS. Yes; it ought to be offered at both places.

Mr. McCUMBER. Will the Senator accept it?

Mr. NORRIS. I will not object to it.

Mr. McCUMBER. I offer the amendment so that in section 2, after the word "Representatives"——

Mr. NORRIS. Let us commence at the beginning first. Let us take the President first.

Mr. McCUMBER. I am reading from a different print.

Mr. NORRIS. Then I had better offer it from this one. The Secretary has the same print that I have.

Mr. President, I offer the following amendment: On line 10, page 1, after the words "United States," I move to insert "elected after the adoption of this article."

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT SECRETARY. On page 1, line 10, after the words "United States," insert a comma and the words "elected after the adoption of this article."

The PRESIDING OFFICER. The question is upon the amendment offered by the Senator from Nebraska.

The amendment was agreed to.

Mr. NORRIS. Then, on page 3, after line 17, I move to insert the same language.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT SECRETARY. On page 3, at the end of line 18, after the word "Representatives," insert a comma and the words "elected after the adoption of this article."

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the Senator from Nebraska.

The amendment was agreed to.

Mr. NORRIS. Mr. President, with those amendments in, I call the attention of the Senator from Massachusetts and the Senator from North Dakota to the fact that we ought to strike out section 4. We have corrected the joint resolution now so that that will be absolutely unnecessary.

Mr. McCUMBER. I think that is true.

Mr. NORRIS. I move to strike out section 4.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Nebraska.

The amendment was agreed to.

The PRESIDING OFFICER. Let the Chair ask the Senator from Nebraska whether the word "article" just inserted as an amendment should not be "amendment"?

Mr. NORRIS. I supposed it was "amendment."

Mr. LODGE. It ought to be "amendment."

Mr. NORRIS. Yes; that is the way I intended to offer it.

The PRESIDING OFFICER. Very well; the correction will be made.

Mr. LODGE. Also, Mr. President, at the proper time, which is not now, we ought to correct the title by striking out the words "and providing for the election of President and Vice President by direct vote."

Mr. NORRIS. Yes; we will have to.

Mr. LODGE. That comes later. That is an amendment to the title.

Mr. NORRIS. That is not in order now. That will have to come after the passage of the joint resolution.

Mr. LODGE. Yes.

Mr. DIAL. Mr. President——

Mr. NORRIS. I now yield to the Senator from South Carolina.

Mr. DIAL. Do I understand that this amendment changes the length of term of the President and Vice President?

Mr. NORRIS. No; their term is four years; just the same.

Mr. President, I do not know of anything else, unless some other Senator has a question to ask.

Mr. CALDER. Mr. President, let the amendments so far agreed to be read.

Mr. DIAL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	France	McCumber	Ransdell
Ball	Frelinghuysen	McKellar	Reed, Mo.
Bayard	George	McKinley	Robinson
Borah	Glass	McLean	Sheppard
Brookhart	Harreld	McNary	Smith
Broussard	Harris	Moses	Smoot
Bursum	Harrison	Nelson	Spencer
Calder	Heflin	New	Sutherland
Cameron	Hitchcock	Nicholson	Swanson
Capper	Jones, Wash.	Norbeck	Townsend
Caraway	Kellogg	Norris	Trammell
Colt	Keyes	Oddie	Wadsworth
Couzens	King	Overman	Walsh, Mass.
Culberson	Ladd	Page	Walsh, Mont.
Curtis	La Follette	Phipps	Warren
Dial	Lenroot	Pittman	Watson
Dillingham	Lodge	Poindexter	Williams
Fletcher	McCormick	Pomerene	Willis

The PRESIDING OFFICER. Seventy-two Senators having answered to their names, a quorum is present.

Mr. NORRIS. I presume we must have a record vote on the passage of the joint resolution, and I ask for the yeas and nays.

Mr. CALDER. I ask that the joint resolution be read as amended.

Mr. KELLOGG. I would like to have the joint resolution reported.

The PRESIDING OFFICER. The Secretary will read the joint resolution as amended.

The ASSISTANT SECRETARY. As amended, the joint resolution reads as follows, after the resolving clause:

SECTION 1. That the terms of the President and Vice President of the United States elected after the adoption of this amendment shall commence at noon on the third Monday in January following their election.

SEC. 2. That the terms of Senators and Representatives elected after the adoption of this amendment shall commence at noon on the first Monday in January following their election.

SEC. 3. That the Congress shall assemble at least once in every year, and such meetings shall be on the first Monday in January, unless they shall by law appoint a different day.

The joint resolution was reported to the Senate as amended and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The question is, Shall the joint resolution pass? The Senator from Nebraska demands the yeas and nays on the passage of the joint resolution.

Mr. LODGE. I think they are necessary under the circumstances.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. HARRISON (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. ELKINS]. I understand that if he were present he would vote as I intend to vote. I vote "yea."

Mr. KELLOGG (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. He is absent, and I withhold my vote.

Mr. McCORMICK (when his name was called). I have a standing pair with the junior Senator from Wyoming [Mr. KENDRICK], who, if present, would vote as I purpose to vote, and therefore I vote. I vote "yea."

The roll call was concluded.

Mr. LODGE (after having voted in the affirmative). My pair, the senior Senator from Alabama [Mr. UNDERWOOD], is absent. I transfer that pair to the senior Senator from Pennsylvania [Mr. PEPPER] and allow my vote to stand.

Mr. BAYARD. I have a general pair with the junior Senator from Pennsylvania [Mr. REED]. I transfer that pair to the junior Senator from Rhode Island [Mr. GERRY], and vote "yea."

Mr. JONES of New Mexico. Has the Senator from Maine [Mr. FERNALD] voted?

The PRESIDING OFFICER (Mr. MOSES in the chair). He has not voted.

Mr. JONES of New Mexico. I have a general pair with that Senator. I do not know how he would vote upon this question, and being unable to obtain a transfer I withhold my vote. If I were permitted to vote, I would vote "yea."

Mr. SMITH. My pair, the senior Senator from South Dakota [Mr. STERLING], not being present, and being unable to ascertain just how he would vote or to get a transfer I withhold my vote. If allowed to vote, I would vote "yea."

Mr. SHIELDS (after having voted in the negative). Not noticing the absence of my pair, the Senator from Maine [Mr. HALE], when my name was called, I voted. I am unable to obtain a transfer, and therefore withdraw my vote.

Mr. CURTIS. I desire to announce the following general pairs:

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN]; and

The junior Senator from Kentucky [Mr. ERNST] with the senior Senator from Kentucky [Mr. STANLEY].

The roll call resulted—yeas 63, nays 6, as follows:

YEAS—63.

Ashurst	Fletcher	McCumber	Robinson
Ball	Frelinghuysen	McKellar	Sheppard
Bayard	George	McKinley	Smoot
Borah	Glass	McLean	Spencer
Brookhart	Harreld	McNary	Sutherland
Bursum	Harris	Moses	Swanson
Calder	Harrison	Nicholson	Townsend
Cameron	Heflin	Norbeck	Trammell
Capper	Hitchcock	Norris	Wadsworth
Caraway	Jones, Wash.	Oddie	Walsh, Mass.
Colt	Keyes	Page	Wash, Mont.
Couzens	Ladd	Phipps	Warren
Culberson	La Follette	Pittman	Watson
Curtis	Lenroot	Poindexter	Williams
Dial	Lodge	Pomerene	Willis
Dillingham	McCormick	Ransdell	

NAYS—6.

Broussard	King	Overman	Reed, Mo.
France	Nelson		

NOT VOTING—27.

Brandegee	Gooding	New	Smith
Cummins	Hale	Owen	Stanfield
Edge	Johnson	Pepper	Stanley
Elkins	Jones, N. Mex.	Reed, Pa.	Sterling
Ernst	Kellogg	Shields	Underwood
Fernald	Kendrick	Shortridge	Weller
Gerry	Myers	Simmons	

The PRESIDING OFFICER. On the passage of the joint resolution the yeas are 63, the nays are 6. Two-thirds of the Senators present and voting having voted in the affirmative, the joint resolution is passed.

Mr. NORRIS. I move to amend the title by striking out the words "and providing for the election of President and Vice President by direct vote."

The PRESIDING OFFICER. The question is on the motion of the Senator from Nebraska to amend the title.

Mr. ASHURST. Mr. President, the joint resolution we have just passed reads as follows:

SECTION 1. That the terms of the President and Vice President of the United States elected after the adoption of this amendment shall commence at noon on the third Monday in January following their election.

SEC. 2. That the terms of Senators and Representatives elected after the adoption of this amendment shall commence at noon on the first Monday in January following their election.

SEC. 3. That the Congress shall assemble at least once in every year, and such meetings shall be on the first Monday in January, unless they shall by law appoint a different day.

It was my intention to offer an amendment to this proposed constitutional amendment so that hereafter upon all constitutional amendments a referendum should be had to the people of each State, but as the Committee on the Judiciary is now holding hearings upon that particular subject and doubtless will report a resolution to that purpose and effect, I shall be obliged to content myself by awaiting the action of that committee.

Mr. CARAWAY. Mr. President, I call attention to the fact that there is something new under the sun. This will be the first amendment ever submitted, if the joint resolution shall be agreed to by the House, that originated in the Committee on Agriculture and Forestry and not in the Committee on the Judiciary.

I introduced a concurrent resolution providing that Senators and Representatives who had been defeated or who had not stood for reelection should refrain from voting upon material legislation after the election and before the expiration of their terms. That resolution, of course, as everyone knew, rightfully belonged in the Committee on the Judiciary. I so announced it when I offered it, but asked unanimous consent that it be referred to the Committee on Agriculture and Forestry, and it went to that committee. A proposed constitutional amendment came back in its stead, striking out my resolution and incorporating a joint resolution proposing to amend the Constitution. I am glad it has passed. I want to utter a word of explanation.

I introduced the resolution, and I tried to say then, and I wish to repeat, that it was no expression of discourtesy or lack of confidence in the Members of the Senate and House who are about to retire. They are men of high character. But it was then known, and it is now known, that the principal administration measure before the Senate—the ship subsidy bill—could not be passed if the new Congress were permitted to vote upon the measure. The expiring Congress was called into extraordinary session in order to hasten that measure. And to emphasize that fact I introduced the resolution. I was conscious that Congress had no power to deprive a Representative or a Senator of his right to vote upon any measure that might be submitted to his branch of Congress during his term of office. The resolution did not seek to deprive him of it. It expressed the sense of the Congress that he should refrain from seeking to fasten upon the American people a measure the people in the recent election had repudiated. It emphasized that fact, and it hastened, I believe all will agree, the vote upon the proposed constitutional amendment. Without my resolution the Committee on Agriculture and Forestry could not have reported the joint resolution, and the Senate to-day could not have voted upon it.

I hope that it does more than that. I hope it will cause the administration to pause in its drive to fasten upon the American people during this Congress a measure which the President of these United States and every Member of the Senate knows would not be adopted if the Congress elected when that measure was before the people should be permitted to pass upon the question.

It seems to me there should be a sense of duty to the American people that ought to imbue public officials, the President most of all, with a respect for what the people have declared is their wish.

We hear much about the mandate of the election of 1920 to keep out of Europe. They want to respect that mandate, and yet as to one held two years later touching a material domestic policy, the President has said he "hoped Congress would not regard an ill-considered public opinion expressed in the last election." In other words, "Disregard the wishes of the people whose representative you are, and listen to me. I have the power yet to reward you if you are unfaithful to the people and if you respect my wish as I have ascertained what my wish is through Mr. Lasker, the chairman of the Shipping Board."

I know there is not a man on the floor of the Senate who will not agree with me that if only Members who are to hold their commissions in the Sixty-eighth Congress should vote upon it the measure would not pass. If a unanimous-consent agreement should be submitted that only those who are to be Members of the Sixty-eighth Congress shall vote upon the ship subsidy, we might have a vote on that shipping bill before to-night. Now, why, then, should those who pretend they want the shipping bill and who contend that the people want it refuse to agree to that suggestion?

I want to say again that I am not questioning the high character of those who go out of the Senate. Those we lost on this side are as shining lights in the public councils of the Nation, and we shall be the poorer by their going. Those gentlemen on the other side who go out are men also of high character; I am not questioning that; but we have just recorded our conviction that the organic law ought to be so amended that hereafter no repudiated Congress may come back and fasten upon the people legislation that the people have tried to avoid.

Here, Mr. President, is what I wish to say: If the measure is of such transcendent importance that the organic law of this Nation should be amended so as to make such a situation impossible to happen in the future, is it not of such importance that we might respect it now? Shall we insist that the Constitution shall be amended to prevent a thing that we know is about to happen, and yet pay no attention to the evil we seek to cure? That is the question which I wish to emphasize. Mr. President, if the Constitution ought to be amended so that a repudiated Congress can not come back and legislate, why should we not respect the will of the people as recorded by a substantial majority on the 7th day of November last and lay aside the shipping bill? There would be no occasion to revive it, for the next Congress would not pass it. Why? Because the people elected that Congress with the issue before them, and the Members of that Congress will know the people oppose it.

Another thing, Mr. President: The very Senator—and I have very great respect for him—who is seeking to drive that measure through the Senate was the author of a shipping bill two years ago. He was just as certain then that he had solved the problem of an American merchant marine as he now is. The President of the United States, who was then a Senator, was sure that was the measure to solve the American shipping problem, and he made a speech in its favor. That bill provided that when commercial treaties and conventions were abrogated, we could discriminate in favor of American merchant ships in the transportation of products to be imported into this country and thereby assure an American merchant marine. Why does not the President, then, under that law do what that law required the President to do? When a Senator he voted for it. The law required the President to negotiate new commercial treaties and to denounce existing treaties. Then, why does not the President obey the law of the land, for which he himself voted, and denounce these commercial treaties and conventions and give us the possibility of establishing a merchant marine, as he said when he was a Senator two years ago it would insure an American merchant marine?

I think he might take counsel of his own wisdom when he was a Senator, for I think he showed a great deal more wisdom as a Senator than he has shown as the President of these United States. I think he was a very much better Senator than he has been a President. However, I think there were plenty of Senators here then who were as wise as was the President when he was a Senator; and I am not overly complimentary of the Senate, either. I do not want anybody to think I am indulging in flattery of the Senate.

Mr. President, I am going to call attention to this matter again shortly. I merely wish, while the Senate is so busy proposing to amend the Constitution or to facilitate its amendment in order to prevent happening in the future what they have the power to prevent happening right now, to see if they are as courageous to correct an evil which they have the power

to correct as they are now insistent that the Constitution shall be amended to prevent some other Senate from doing in the future.

Mr. FLETCHER. Mr. President, will the Senator from Arkansas yield to me?

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Florida?

Mr. CARAWAY. I yield.

Mr. FLETCHER. Speaking about the President's relation to the Senate, if we may at all judge by what the newspapers are stating, the President does not seem to have much respect for the Senate or the House of Representatives or this whole aggregation down here. In the News of yesterday—I do not know whether this is true or not but there must be something to it, because it has been carried in various newspapers, including a notice in the Washington Post of Sunday bearing on the same subject—there is this specific statement:

Harding foils "pork bill." Won't allow Weeks to spend money appropriated. President Harding, in an effort to prevent spending the $30,000,000 appropriation for rivers and harbors, which, although not provided in the Budget, was attached to the Army appropriation bill, has ordered—

Has ordered—

Secretary Weeks to spend only the amount provided in the Budget.

The remainder, the appropriation of which raised a great cry of "pork," is to accrue in the Treasury.

Congressional leaders who have been expecting to see Harding bow regularly to their will are perplexed.

I do not know, of course, whether or not that is true; I am simply referring to it as having been stated in the press so emphatically that the President will assume to say to the Secretary of War what part of the appropriation which has been made by Congress shall be spent and what part shall not be spent.

Mr. CARAWAY. Oh, there is no question but the President said it. Of course, the President, as Senators know, will refine upon what he said until possibly we shall never know what he meant. The President has already explained what he said, but his explanation is as obscure as is the statement which he sought to explain. There is not any question but the President gave out an interview which all understood to be a declaration that he would substitute his own judgment for the expressed will of Congress and permit the expenditure of money in river and harbor improvements only on those projects which he himself should approve. I have an idea—and I do not mind "tipping off" my friends here—that if one has a project that he is particularly anxious about he would do well to vote for the British debt settlement and for the ship subsidy in order that he may stand well when he goes down to the department to have his river project approved by the President. I rather imagine that the President's statement is going to get some votes for the ship subsidy bill. I am rather inclined to suspect that the President hastened to give us that statement in advance of his having an opportunity to examine the Army appropriation bill, in which the river and harbor appropriations are carried, in order that he might influence the Congress into accepting his judgment.

Oh, Mr. President, the President said in his address to the joint meeting of the two Houses of Congress that we must hasten this British debt settlement; that in it was peace or war; that if we should approve it peace would smile upon the earth, while if we should disapprove it the shadow of war would hover over all the world. Nobody ever heard of it being a peace or war measure before; but the President, in his imagination, drew that picture, that in approving or disapproving it we were either voting for peace or war.

War threatens now, Mr. President; and yet, with this message of peace before the Senate, the President of these United States is not willing for that measure to be considered until the Congress shall record its submission to the President and to Mr. Lasker by voting for the shipping bill. Could it be possible that the President sincerely believes that the approval of the British debt settlement means peace or that its rejection means war, and is then willing to thrust the shipping program into the controversy and risk imperiling the peace of the world in order that he may enable Mr. Lasker to turn over the American fleet to his friends and business associates? That is the logic of his position.

Mr. McKELLAR. Mr. President, I desire at this time to place in the RECORD a statement relative to the subject of the speech just made by the Senator from Arkansas [Mr. CARAWAY]. I read from to-day's New York World an editorial headed "Mr. Harding's Gamble":

Last Wednesday Mr. Harding told Congress that the British debt settlement is "a recommitment of the English-speaking world to the validity of contract"; that "it is in effect a plight against war and war expenditures"; that "it is a covenant of peace and recuperation"; that it is "a covenant of peace no less effective than it would be if joint British and American opposition to war were expressly agreed on."

To make sure that he was placing sufficient emphasis on the supreme importance of this transaction, the President further informed Congress that "the failure of the British undertaking would have spread political and economic discouragement throughout the world, and general repudiation would have likely followed in its wake."

It is now evident that the earnestness that Mr. Harding displayed in his address to Congress was sheer affectation. He did not believe what he said. No sooner did the Senate take steps to insure an early vote on the debt settlement than the President intervened. He objects to having his ship-subsidy bill displaced on the calendar. He insists that it must be pressed to a vote and the debt settlement must wait. When he talks to Congress the debt settlement is vital. When he talks with the Republican leaders the subsidy must have the right of way.

Nobody has ever satisfactorily analyzed Mr. Harding's mental processes, and it is unlikely that anybody ever will. There are no data on which to arrive at an understanding of a President who describes the British debt settlement as "a covenant of peace" and then promptly drags a discredited ship-subsidy bill across the trail.

If Mr. Harding had believed the assertions that he made in his address he would have unhesitatingly sacrificed a score of ship-subsidy bills in order to get the immediate acquiescence of the Senate to the British debt settlement. He would have regarded everything else as so trivial in comparison that he would have permitted nothing to stand in the way. What he actually does, however, is to push his ship-subsidy legislation ahead of the debt settlement and gamble against a parliamentary deadlock.

Mr. Harding's infatuation for a ship subsidy is quite beyond explanation. It excludes everything else from his thoughts. He called Congress back into special session in November to pass it and learned nothing whatever from his failure. He is still confident that somehow and in some way the lame ducks in the Senate who are now dependent on him for further emoluments of office will manage to push it through for him, and the Treasury will be committed for the next 15 years to hundreds of millions of expenditure for the enrichment of favored interests.

The fact that the November elections disclosed no sentiment in favor of the subsidy and a very aggressive sentiment against it only increases the President's determination. He has his packed jury of defeated Republican Senators now; he will have no packed jury after March 4, and so he bends all his energies to the task of obtaining a verdict from a jury that has no moral right to sit in the case. What would Mr. Harding have said as Senator if Mr. Wilson had ever been guilty of such astounding folly?

Mr. President, I commend this editorial to all Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nebraska to amend the title of the joint resolution.

Mr. NORRIS. Mr. President, I wish to modify my motion by not only striking out the words "and providing for the election of President and Vice President by direct vote" but by inserting in lieu of the words stricken out the words "and fixing the time of the assembling of Congress." May I suggest to Senators I hope they will not debate the motion I have made, because at 1 o'clock the joint resolution, although we have passed it, will go to the calendar? There can be no objection, of course, to amending the title.

The PRESIDING OFFICER. The question is on the motion of the Senator from Nebraska to amend the title of the joint resolution as he suggests.

The motion was agreed to.

WORLD WAR FOREIGN DEBT SETTLEMENT.

Mr. McCUMBER. I ask unanimous consent that the Senate proceed to the consideration of the foreign debt funding bill, being House bill 14254.

The PRESIDING OFFICER. The Senator from North Dakota asks unanimous consent that the Senate proceed to the consideration of House bill 14254. Is there objection?

Mr. KING. Mr. President, I should like to inquire of the Senator from North Dakota whether it is his purpose when the hour of 1 o'clock arrives to insist upon continuing the consideration of the measure which he seeks to have laid before the Senate?

Mr. McCUMBER. I would be glad if that could be done, but that, of course, is subject to the will of the Senate itself.

Mr. SMOOT. I can say to the Senator that there will be a request for unanimous consent that the unfinished business shall be temporarily laid aside in order that the debt funding bill may be continued to be discussed.

Mr. KING. Why not make a motion at 1 o'clock to that effect?

Mr. SMOOT. Such a motion can not be made now.

Mr. KING. Why not make a motion at that time to consider the debt funding bill and to supersede the subsidy bill so as to give the debt funding bill the right of way?

Mr. LODGE. That motion can not be made now.

The PRESIDING OFFICER. The Chair will state to the Senator from Utah that such a motion can not be entertained now.

Mr. KING. Of course it may not be entertained now, but I was seeking to anticipate what our friends upon the other side will do when 1 o'clock arrives.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Dakota?

Mr. KING. I will not object, but I hope the motion will be made at 1 o'clock to proceed with the consideration of the debt funding bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 14254) to amend the act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign governments held by the United States of America, and for other purposes," approved February 9, 1922, which had been reported from the Committee on Finance with an amendment.

Mr. McCUMBER. Mr. President, I ask unanimous consent that the formal reading of the bill may be dispensed with and that the bill may be read for amendment, the committee amendments to be first considered.

The PRESIDING OFFICER. Is there objection?

Mr. KING. With the understanding that the text of the bill shall be read for committee amendments, I have no objection.

The PRESIDING OFFICER. The Chair hears no objection, and it is so ordered.

Mr. McCUMBER. Mr. President, let me say to the Senate that I have prepared a short statement of justification for the action of the commission which will require about a half hour. I want to complete the statement, if I may be allowed to do so without interruption, lest at the end of that time we might take up another bill.

Mr. HITCHCOCK. Mr. President, I suggest the absence of a quorum. We ought to take up this matter with a good attendance.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	George	McCumber	Sheppard
Bayard	Gerry	McKellar	Shields
Borah	Gooding	McKinley	Smith
Brookhart	Harris	McNary	Smoot
Broussard	Harrison	Moses	Spencer
Bursum	Heflin	Nelson	Stanfield
Cameron	Hitchcock	New	Swanson
Capper	Jones, Wash.	Nicholson	Townsend
Colt	Kellogg	Norbeck	Trammell
Couzens	Keyes	Norris	Wadsworth
Culberson	King	Oddie	Walsh, Mont.
Curtis	Ladd	Overman	Warren
Dial	La Follette	Pittman	Watson
Dillingham	Lenroot	Ransdell	Willis
Fletcher	Lodge	Reed, Mo.	
Frelinghuysen	McCormick	Robinson	

The PRESIDING OFFICER. Sixty-two Senators having answered to their names, there is a quorum present.

Mr. McCUMBER. Mr. President, I desire to present my justification of the bill before the Senate in the fewest possible words and in as logical a manner as I may be able to present it; and I therefore ask that I may proceed without interruption until I have completed the statement.

Mr. President, the most momentous question ever presented to the American people since the Civil War was that presented on the 6th day of April, 1917. On that day, by an overwhelming vote, both branches of Congress declared that instead of continuing to reap the immense benefits in treasure that were pouring into our coffers from the struggling, bleeding belligerents in that terrible conflict we should ourselves enter the war and expend both our blood and our treasure. That decision has cost us, I think, more than forty billions of dollars, twenty-three billions of which is still represented by bonded indebtedness.

Second in importance to that declaration of war is the bill now before the Senate to validate a settlement between the commissioners of this country and those of Great Britain, which funds an indebtedness of over four and a half billions of dollars and assures the payment of both principal and interest, which, if not sooner liquidated, will by the end of the period given for redemption amount to more than $11,000,000,000.

This first settlement of foreign indebtedness due the United States is important in bringing into our Treasury the interest due us from Great Britain, the principal debtor nation, not only in that it will exercise a tremendous influence in the stabilizing of world conditions but that it will be a lesson, if not an inspiration, to other debtor nations to come forward and set the seal of national approval upon their several debts and thereby in the end secure the liquidation of every dollar of indebtedness due us.

Mr. President, national repudiation of international obligations is the greatest blow to civilization that any country on the face of the earth at the present time, when all conditions are so uncertain and so chaotic, could give to a bewildered world. When national honor and integrity can no longer be relied upon, to what haven of safety is it possible for the individual to turn?

The greatest help any nation could give to civilization and to financial and economic stability to-day would be to acknowledge and fund its indebtedness; and, Mr. President, may I add right here that the greatest assistance which the United States, the creditor nation of the world, could bestow upon the present distracted world would be to recognize the dire distress of her debtors and show them the utmost leniency in the matter of maturity and rate of interest, bringing the settlement with each debtor nation within the ability of such nation to meet, recognizing that its budget must necessarily first provide for its national life.

LAW AUTHORIZING COMMISSION.

Mr. President, when the matter of creating a commission to settle our foreign credits was before the Committee on Finance the Secretary of the Treasury and the President, realizing the financial and economic conditions then prevailing in Europe, asked that the commission to be created be given such discretion in the matter of rates of interest and time of payment as would enable it to make settlement with each one of the debtor nations according to the special situation of such nation. I most earnestly concurred in that view. The majority of the committee, however, took the position that we should give no such unbounded power to the commission. The real reason which seemed to pervade the minds of the majority of the committee was not that any nation could proceed forthwith to pay interest upon its obligations and could provide for the payment within 25 years but, by thus declaring by law, it would be necessary for the commission to bring each settlement with each country before Congress for its acceptance; and, Mr. President, this has been the effect and result of that law. This is why it is necessary to have congressional approval of the settlement made by the commission.

By the law enacted on February 9, 1922, it was provided "that nothing contained in this act shall be construed to authorize or empower the commission to extend the time of maturity of any such bonds or other obligations due the United States of America by any foreign government beyond June 15, 1947, or to fix the rate of interest at less than 4¼ per cent per annum."

The commission finding it impossible to refund the British obligations on that basis, and taking into consideration the financial and economic conditions of Great Britain at the present time, agreed to a settlement as follows:

Interest on all obligations of Great Britain was computed at 4¼ per cent per annum up to the 15th day of December, 1922. This accrued interest was added to the principal. Then there were deducted therefrom two payments made by Great Britain aggregating $100,000,000, with like interest up to December 15, 1922. This left a total indebtedness due from Great Britain to the United States on that date of $4,604,128,085.74. Of this sum $4,128,085.74 was to be paid in cash, leaving a balance of $4,600,000,000 of principal, for which the British Government is to give its bonds, the principal to be paid in installments on a fixed schedule, the installments to increase with due regularity during the life of the bonds, which may run for a period of 62 years, the interest rate to be 3 per cent for the first 10 years and 3½ per cent thereafter. The first year's installment on principal will be $23,000,000. If the payments run the full 62 years, the last installment will be $175,000,000.

I ask here to insert a table which will show the annual installments during the full period of time. Of course, provision is made for payment before due.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Statement of amounts payable to the United States on account of the proposed refunding bonds to be issued by Great Britain.

Year.	Principal.	Schedule of annual interest installments to be paid by British Government on refunding bonds at rate of 3 per cent for first 10 years, 3½ per cent until final payment.	Schedule of annual principal installments to be paid on account of principal.	Total annual payments.
1	$4,600,000,000	$138,000,000	$23,000,000	$161,000,000
2	4,577,000,000	137,310,000	23,000,000	160,310,000
3	4,554,000,000	136,620,000	24,000,000	160,620,000
4	4,530,000,000	135,900,000	25,000,000	160,900,000
5	4,505,000,000	135,150,000	25,000,000	160,150,000
6	4,480,000,000	134,400,000	27,000,000	161,400,000

Statement of amounts payable to the United States on account of the proposed refunding bonds to be issued by Great Britain—Cont'd.

Year.	Principal.	Schedule of annual interest installments to be paid by British Government on refunding bonds at rate of 3 per cent for first 10 years, 3½ per cent until final payment.	Schedule of annual principal installments to be paid on account of principal.	Total annual payments.
7	$4,453,000,000	$133,590,000	$27,000,000	$160,590,000
8	4,426,000,000	132,780,000	28,000,000	160,780,000
9	4,398,000,000	131,940,000	28,000,000	159,940,000
10	4,370,000,000	131,100,000	30,000,000	161,100,000
11	4,340,000,000	151,900,000	32,000,000	183,900,000
12	4,308,000,000	150,780,000	32,000,000	182,780,000
13	4,276,000,000	149,660,000	32,000,000	181,660,000
14	4,244,000,000	148,540,000	32,000,000	180,540,000
15	4,212,000,000	147,420,000	37,000,000	184,420,000
16	4,175,000,000	146,125,000	37,000,000	183,125,000
17	4,138,000,000	144,830,000	37,000,000	181,830,000
18	4,101,000,000	143,535,000	42,000,000	185,535,000
19	4,059,000,000	142,065,000	42,000,000	184,065,000
20	4,017,000,000	140,595,000	42,000,000	182,595,000
21	3,975,000,000	139,125,000	42,000,000	181,125,000
22	3,933,000,000	137,655,000	46,000,000	183,655,000
23	3,887,000,000	136,045,000	46,000,000	182,045,000
24	3,841,000,000	134,435,000	46,000,000	180,435,000
25	3,795,000,000	132,825,000	51,000,000	183,825,000
26	3,744,000,000	131,040,000	51,000,000	182,040,000
27	3,693,000,000	129,255,000	51,000,000	180,255,000
28	3,642,000,000	127,470,000	53,000,000	180,470,000
29	3,589,000,000	125,615,000	55,000,000	180,615,000
30	3,534,000,000	123,690,000	57,000,000	180,690,000
31	3,477,000,000	121,695,000	60,000,000	181,695,000
32	3,417,000,000	119,595,000	64,000,000	183,595,000
33	3,353,000,000	117,355,000	64,000,000	181,355,000
34	3,289,000,000	115,115,000	64,000,000	179,115,000
35	3,225,000,000	112,875,000	67,000,000	179,875,000
36	3,158,000,000	110,530,000	70,000,000	180,530,000
37	3,088,000,000	108,080,000	72,000,000	180,080,000
38	3,016,000,000	105,560,000	74,000,000	179,560,000
39	2,942,000,000	102,970,000	78,000,000	180,970,000
40	2,864,000,000	100,240,000	78,000,000	178,240,000
41	2,786,000,000	97,510,000	83,000,000	180,510,000
42	2,703,000,000	94,605,000	85,000,000	179,605,000
43	2,618,000,000	91,630,000	89,000,000	180,630,000
44	2,529,000,000	88,515,000	94,000,000	182,515,000
45	2,435,000,000	85,225,000	96,000,000	181,225,000
46	2,339,000,000	81,865,000	100,000,000	181,865,000
47	2,239,000,000	78,365,000	105,000,000	183,365,000
48	2,134,000,000	74,690,000	110,000,000	184,690,000
49	2,024,000,000	70,840,000	114,000,000	184,840,000
50	1,910,000,000	66,850,000	119,000,000	185,850,000
51	1,791,000,000	62,685,000	123,000,000	185,685,000
52	1,668,000,000	58,380,000	127,000,000	185,380,000
53	1,541,000,000	53,935,000	132,000,000	185,935,000
54	1,409,000,000	49,315,000	136,000,000	185,315,000
55	1,273,000,000	44,555,000	141,000,000	185,555,000
56	1,132,000,000	39,620,000	146,000,000	185,620,000
57	986,000,000	34,510,000	151,000,000	185,510,000
58	835,000,000	29,225,000	156,000,000	185,225,000
59	679,000,000	23,765,000	162,000,000	185,765,000
60	517,000,000	18,095,000	167,000,000	185,095,000
61	350,000,000	12,250,000	175,000,000	187,250,000
62	175,000,000	6,125,000	175,000,000	181,125,000
Total		6,505,965,000	4,600,000,000	11,105,965,000

REASONS FOR EXTENDING TIME OF PAYMENT AND REDUCING INTEREST.

Mr. McCUMBER. Eliminating from our consideration every element of leniency which would influence a humane creditor in dealing with a hard-pressed debtor, it may be said that these were the very best terms that could be secured by the commission. They could either allow the indebtedness to remain in statu quo with no agreed date at which principal or interest would be paid, or they could accept a proposition that would immediately begin to bring into the Treasury of the United States interest upon the full obligation at a good, fair rate and assure the payment of the principal in ever-increasing amounts until the same should be fully liquidated. We all know that when a country like Great Britain executes her bonds with interest payable at specified times, and which interest becomes a component part of the budget of that nation, she is going to meet it and meet it promptly, as every great nation must meet its obligations.

The interest charges agreed upon are fully up to and somewhat beyond the rates generally carried in long-time interest-bearing obligations of the great countries of the world.

Of course, being the creditor nation and having a large debt already due and unpaid, we had the power to say to the British nation, "We will not extend this debt unless we have at least 4½ per cent interest." We, of course, could have said that, but we could not have gotten a settlement upon that basis. The debtor Government came forward and said to us, "We will pay you every cent that we have borrowed. We will pay you as high a rate of interest or a higher rate than we have ever in times of peace paid on long-time obligations. All we ask of you is that you will give us such time and such rates of interest as will, with our taxing power already pressed to nearly the utmost that our people can possibly bear, enable us to meet the obligations and meet them promptly."

We might have demanded the "pound of flesh," but it would have been a demand only. We are not going to war with any people, we are not going to attempt to enslave a people, to collect a debt. We are not going to imitate the Ruhr invasion to enforce a financial obligation.

And right here, and as bearing directly upon the rate of interest we ought to charge, let us not forget this most important element of the loan we are by this act funding. We did not place the $4,000,000,000 loaned to Great Britain in her hands and tell her to buy her goods where she could buy them the cheapest. We said, "We will give you a credit of $4,000,000,000 provided you will purchase the articles you shall need in this war from our merchants and manufacturers."

Not a dollar of this loan was paid in cash. It was all spent in the purchase of goods in the United States. These goods were purchased at enormous prices, giving enormous profits to our people. Not only was this $4,000,000,000 thus expended, but in addition thereto Great Britain paid in cash another $3,000,000,000 for like purchases, making a total of $7,000,000,000, on all of which we realized very great profits. The Government in turn said to our people concerning most of these purchases, "We will allow you any profits you may demand for the sale of your goods to foreign countries, but we will compel you to divide those immense profits with the Government under the provisions of our income, normal and surtax, our excise, profits, and excess profits tax laws." And so a very large part of this so-called loan of money, which was a mere credit, came back into the American Treasury and enabled us to become thereby the creditor nation of the world.

Recalling these immense profits to our people, and remembering the many hundreds of millions of dollars out of these profits which immediately went back into the Treasury of the United States, I say that we not only can with good grace, but in my opinion we should be most lenient in the matter of interest rates and time of payment of the principal.

ECONOMIC CONDITION OF GREAT BRITAIN.

Neither ought we at this time to fail to take cognizance of the economic condition of our debtors. A published statement but a very short time ago coming from Mr. Law himself, as I remember, was to the effect that Great Britain is now paying out $500,000,000 a year to support her unemployed hundreds of thousands. That of itself speaks of an economic distress that no words can adequately pen.

Neither should we forget the terrible consequences of this war to the British Empire and especially to the United Kingdom of Great Britain and Ireland. Hers are to-day the most heavily taxed people on the face of the earth. Nearly 1,000,000 of the manhood of the country are either sleeping under the poppies of Flanders, the lilies of France, or under the waves of the ocean. Add to that, say, double the number in maimed and dependent, and we begin to realize the heavy burden which that country must bear for many years. Her losses in ships during that war were 2,479 in number, and of a tonnage of nearly 8,000,000. The value of the ships lost with cargoes was probably not less than $4,000,000,000. Prior to the war, while her imports vastly exceeded her exports, she was able by reason of her great carrying trade on the ocean and her income from foreign investments to balance her ledger of income and expense. With lessened tonnage in ships, with vastly lessened commerce to carry, and her foreign securities sold to meet the expenses of this war, her situation is necessarily most burdensome.

When the matter of the settlement of our foreign indebtedness was under consideration a year ago, I presented certain tables to show the situation of our principal debtors. As these tables are substantially correct to-day I shall present them again.

The first table which I shall present is one showing the principal and interest owing by Great Britain, France, Italy, and Belgium to the United States. The amounts shown are as of the last interest-paying date prior to the time the table was made.

The table is as follows:

Principal and interest owing by Great Britain, France, Italy, and Belgium to the United States.

Great Britain:		
Principal	$4,166,318,358.44	
Interest	509,173,742.89	
		$4,675,492,101.33
France:		
Principal	3,358,104,083.20	
Interest	358,410,444.27	
		3,716,514,527.47
Italy:		
Principal	1,648,034,050.90	
Interest	202,279,732.07	
		1,850,313,782.97
Belgium:		
Principal	377,564,298.77	
Interest	42,699,698.78	
		420,263,997.55
Total amount due from above four debtor nations:		
Principal	9,550,020,791.31	
Interest	1,112,563,618.01	
		10,662,584,409.32
Total due from all other nations:		
Principal	600,380,514.18	
Interest	66,316,307.87	
		666,696,822.05
Percentage of total indebtedness owing to the United States by Great Britain, France, Italy, and Belgium		94.1
Percentage of total indebtedness owing by all other nations		5.9

I desire to follow this with another table showing the foreign obligations in addition to the obligations from loans made for the purpose of carrying on the war, as follows:

FOREIGN OBLIGATIONS.

The Treasury holds $10,150,401,305.49 of obligations of foreign Governments, distributed as follows:

Obligations of foreign Governments.

Held for advances made under the various Liberty bond acts	$9,434,774,829.24
Received from the Secretary of War and from the Secretary of the Navy on account of sales of surplus war materials (act of July 9, 1918)	574,673,710.21
Received from the American Relief Administration (act of Feb. 25, 1919)	84,093,963.55
Held by the United States Grain Corporation (act of Mar. 30, 1920)	56,858,802.49
Total	10,150,401,305.49

The interest accrued and unpaid up to and including the last interest period upon the obligations of foreign Governments and so-called governments held by the United States amounts to $1,178,879,925.88, and the amount of interest heretofore paid on such obligations is $478,863,632.99.

Mr. NORRIS. Mr. President, I wish the Senator would explain a little more clearly just what the second table is.

Mr. McCUMBER. The second table covers those amounts received from the American Relief Administration and from the Grain Corporation.

As shown in the first table, the principal credit we gave to Great Britain for which she purchased goods in this country was $4,166,318,358.44. It might be well to indicate what Great Britain was doing for her allies while we were giving her this credit, and I therefore insert a table showing loans made by Great Britain up to March 31, 1921, only suggesting that while some of the payments were not made until after the war, they were for obligations that were included during the war. The table is as follows:

Loans to allies and Dominions by Great Britain, March 31, 1921.

[Converted at 4.86.]

Dominions:		
Australia	$437,400,000	
New Zealand	143,856,000	
Canada	67,068,000	
South Africa	36,450,000	
Other Dominions and colonies	15,066,000	
		$699,840,000
Allies:		
Russia	2,728,404,000	
France	2,707,020,000	
Italy	2,317,248,000	
Belgium—		
(a) War	458,784,000	
(b) Reconstruction	43,740,000	
Serbia	107,406,000	
Portugal, Rumania, Greece, and other allies	321,732,000	
Relief	81,162,000	
		8,765,496,000
Total		9,465,336,000

No information as to the rate of interest charged on the above loans.

It will thus be seen that while we were lending to Great Britain $4,166,000,000, Great Britain was lending to her allies $9,465,000,000, or practically two and one-fourth times more than we loaned her. And it ought to be borne in mind right here that while Great Britain has come forward and offered to give her bonds and cash for the $4,675,000,000 and interest which has accrued since the table was made, whereby her entire indebtedness will be made to us as good as gold, she does not expect to receive any material amount from the more than $10,000,000,000 now due her from her allies. She has, so far as I am informed, not received a single cent of interest, and I notice by the press reports that proposals are now made to remit the whole indebtedness.

It might be well also, Mr. President, to include in this statement a table showing the loans to foreign Governments by France. This includes all loans made up to June 30, 1921. I insert the table and simply call attention to the fact that the total amount is $2,717,888,500. The table is as follows:

Loans to foreign Governments by France as of June 30, 1921.

[Converted at 5.18.]

Belgium	$584,300,000
Czechoslovakia	106,000,000
Esthonia	2,222,000
Georgia	38,500
Greece	177,200,000
Italy	9,450,000
Latvia	2,220,000
Lithuania	1,158,000
Montenegro	2,500,000
Poland	208,800,000
Rumania	213,000,000
Russia	1,111,000,000
Serbia	300,000,000
Total	2,717,888,500

No interest rate has been agreed upon and no interest is being paid.

I think we need but one more table to show the status of our principal debtors as compared with our own and which may well appeal to our sense of justice and fairness. I insert a table showing the national debt, the population, and the per capita indebtedness of the United Kingdom, France, United States, and Italy, as follows:

National debts, population, and per capita indebtedness of the United Kingdom, France, United States, and Italy.

National debts (converted at normal pre-war value of the respective currencies):	
United Kingdom	$37,910,000,000
France	51,000,000,000
United States	23,922,000,000
Italy	18,650,000,000
Population:	
United Kingdom	46,089,000
France	41,476,000
United States	105,683,000
Italy	36,740,000
Per capita indebtedness:	
United Kingdom	
France	$1,229.62
United States	
Italy	507.62

I wish simply to call attention to the fact that with only one-third of the population of the United States, the United Kingdom of Great Britain and Ireland has an indebtedness of approximately $38,000,000,000, while that of the United States, with three times the population of the United Kingdom, is something less than $23,000,000,000.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Ohio?

Mr. McCUMBER. I yield.

Mr. POMERENE. I ask the Senator whether the $38,000,000,000 included the indebtedness of the British colonies as well?

Mr. McCUMBER. No. It, however, includes the money loaned by her to the British colonies.

Mr. REED of Missouri. Mr. President, may I ask the Senator a question?

Mr. McCUMBER. Certainly.

Mr. REED of Missouri. The per capita indebtedness, as figured upon the population of the British Isles, takes no account of all the other vast population of the British Empire?

Mr. McCUMBER. That is true, because the indebtedness which I have mentioned is an indebtedness of the British Government; that is, the United Kingdom of Great Britain and Ireland are the principals. They have no authority to levy a tax upon Canada, Australia, New South Wales, or any of the other Dominions.

Mr. POMERENE. I am not quite sure that I understand the Senator's position. Canada, for instance, has a certain bonded indebtedness growing out of the war.

Mr. McCUMBER. Canada has a still further indebtedness than this. I am not mentioning that. The British indebtedness does not include the indebtedness that Canada owes. It simply includes the loans that were made by Great Britain to Canada, Australia, and so forth.

Mr. POMERENE. And neither does it include, I dare say, the indebtedness of New Zealand or Australia.

Mr. McCUMBER. It does not.

Mr. POMERENE. Or any of the colonies?

Mr. McCUMBER. It does not include the indebtedness of any of the colonies. Their indebtedness is in addition to that of the United Kingdom.

While this table shows the per capita indebtedness of the United Kingdom as $822.54, I am informed that it is to-day more than a thousand dollars per capita, while that of the United States is but $226.35 per capita. And what I have said with reference to Great Britain applies with still greater force to France, where the per capita indebtedness is even much larger.

It seems to me, Mr. President, that when we take all of these things into consideration we must admit that the commission has exacted everything that it could in conscience have asked of the other country. I am not unaware of the criticism that is made that the bonds representing the credits which I have mentioned should bear the same rate of interest and become due at the same time as our Liberty bonds. The first answer to this is that the condition of each particular creditor nation is such that it is impossible to fulfill that understanding. We must remember, however, that up to the present time we have computed interest on the whole sum due from Great Britain at 4½ per cent, which is greater than the rate of interest of the first Liberty bonds, greater than one of the other issues, and somewhat less than two of the issues; so that up to the present time the charges are about the same as our Liberty-bond interest.

Beginning then with December 15, 1922, we are charging a lower rate of interest than that carried by some of our Liberty bonds. The rate is 3½ per cent, or three-fourths of 1 per cent lower than the 4½ per cent carried by our Liberty bonds.

But let us not forget that in the year 1927, four years from now, we can, and in all probability will, retire all of our second Liberty loan bonds, amounting to $3,268,430,450, issuing in lieu thereof bonds bearing 3 per cent, or a half of 1 per cent lower than the long-time British bonds.

Again, in 1928 we have the privilege of paying the third Liberty loan bonds of $3,439,837,750. I believe we shall be able to substitute for these bonds new ones bearing a 3 per cent interest rate. The sum of these two loans, which can be replaced in a very few years by bonds bearing a 3 per cent rate of interest, is greater than the entire British indebtedness, which will, after 10 years, carry a half per cent higher rate of interest than our own bonds.

Again, the fourth Liberty loan bonds, amounting to $6,329,957,850, can all be paid off in 1933 by the issuance of new bonds bearing a like rate of 3 per cent interest.

Thus, Mr. President, in reality will vanish the claim that we shall lose vast sums due to the fact that our Liberty loans at present carry a rate of 4½ per cent interest.

In my judgment, 10 years from now all of our bonds will be carrying a less rate of interest by one-half per cent than those British bonds which will for 52 years longer be carrying a rate of 3½ per cent.

So the claim that in the 62 years, at the rate of interest we are charging our debtors, our people will lose a billion dollars or more is based upon the entirely unwarranted assumption that our indebtedness will all continue to bear the war rate of interest and bear it for 62 years. We all know that that will never happen. We are certain that our Liberty loans, bearing a higher rate than 3 or 3½ per cent, will be taken up and new bonds issued therefor the moment our right to pay them accrues.

Mr. President, much has been said during the past four years as to the great wealth acquired by some of these debtor nations in accepting mandates over what were once the colonial possessions of the vanquished nations, but I find nothing either in the treaty of Versailles or in any subsequent act providing for the annexation of any of the former German or Turkish possessions to any other country. Much of the territory wrested from the enemy is as worthless as the desert of Sahara, but whatever its intrinsic value, it is held by the different countries under mandates which bind the mandatory power to assure equality of right to every other country in the world; and, so far at least, the mandates have imposed heavy expenses upon the mandatory powers in policing and otherwise protecting the mandated territory, and all of those territories are to-day, I think, a liability rather than an asset.

So, also, I know of no authority of any nation to transfer title to a single foot of these old colonial possessions of the enemy.

Mr. President, so far as we are concerned, we have now on our hands about all the color-line problems that we care to assume. What we want is cash, the payment of our claims and the interest thereon; and this bill assures the payment of the major part of that indebtedness and all that is owing by the principal country, with good interest—very good interest as measured by the usual interest charges on bonds of great countries in times of peace.

Mr. President, the senior Senator from Utah [Mr. SMOOT] was one of the members of the commission which made this debt settlement. I have no doubt that there are many questions which will be asked concerning what took place in the sessions of the commission and the reasons which guided the commission in agreeing to the terms which I have presented. I therefore ask that the Senator from Utah kindly take charge of the bill for the reasons which I have given.

During the delivery of Mr. McCUMBER's speech,

The PRESIDING OFFICER. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The ASSISTANT SECRETARY. A bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes.

Mr. JONES of Washington. I ask unanimous consent that the unfinished business may be temporarily laid aside.

Mr. KING. Mr. President——

Mr. McCUMBER. I hope the request will be granted, and that after I have completed my remarks we can take up the question as to whether the laying aside temporarily shall or shall not become permanent for the day.

Mr. KING. Of course, a request from the distinguished Senator from North Dakota under ordinary circumstances is a command, so far as I am concerned, but, much as I should be glad to accede to his request at this time, I feel constrained to object to the request submitted by the Senator from Washington.

Mr. JONES of Washington. I move that the Senate proceed to the consideration of House bill 14254, the British debt funding bill.

Mr. McCUMBER. Just a moment before that motion is put.

Mr. KING. I am very glad the Senator from Washington has made the motion.

Mr. McCUMBER. I understand the Senator from Missouri [Mr. REED], who has just returned to the Senate, desires to have the matter go over to-day, and I hope the Senator from Washington and the junior Senator from Utah, in accordance with that wish, will allow me to complete my remarks and then let the bill go over at least for the day.

Mr. KING. May I say to my friend from North Dakota that if the motion submitted by the Senator from Washington, which is one that I was going to make myself, shall prevail, then the debt bill, which is so important that the President felt that he should come before the Congress and recommend its immediate consideration, will be before the Senate. The Senator then may proceed with his remarks and may take all the rest of the afternoon, and I am sure we shall be delighted to hear him.

Mr. JONES of Washington. Let me say in answer to the suggestion of the Senator from Utah that I think I have been rather decent in connection with the handling of the shipping bill. I recognize the importance of the debt bill, and I am not disposed to hinder or delay its passage. Under the unanimous-consent request which I submitted I was perfectly willing to go on to-day and to-morrow with the debt bill and possibly dispose of it.

I do not know what advantage the Senator from Utah seems to think he might get by moving to take up the debt funding bill. Of course, if we have the votes to take up the shipping bill when the debt bill is disposed of, we can take it up by motion, but it has not been the usual practice to do that. It has been the almost uniform custom in the Senate, as a matter of courtesy, if the Senator in charge of the bill asks to temporarily lay it aside, that it is laid aside for the consideration of other matters. I had hoped the Senator from Utah would permit that to be done in this case, but if he does not desire to do it, I am perfectly willing to have the motion to proceed to the consideration of the debt bill acted upon by the Senate and take up that bill and dispose of it.

The PRESIDING OFFICER. The Chair understands the junior Senator from Utah to object to the unanimous-consent request of the Senator from Washington and that the Senator from Washington has moved that the Senate proceed to the consideration of House bill 14254.

Mr. KING. I accede to that motion, and I hope the Senator will vote affirmatively to displace the ship subsidy bill and proceed to the consideration of this very important measure, which the President of the United States regarded as so im-

portant that he felt it necessary to come and address the Congress in respect to the same. So I am ready for a vote.

Mr. JONES of Washington. Very well.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Washington.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14254) to amend the act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign governments held by the United States of America, and for other purposes," approved February 9, 1922.

Mr. JONES of Washington. I merely wish to express the hope now that the Senate will proceed to consider the debt bill until it is finally disposed of.

After the conclusion of Mr. McCUMBER's speech,

Mr. HARRIS. Mr. President, I offer the amendment to the pending bill which I send to the desk, and I ask that it may be read by the Secretary.

The PRESIDING OFFICER. The Secretary will state the amendment proposed by the Senator from Georgia, and it will be printed and lie on the table.

The ASSISTANT SECRETARY. On page 3 it is proposed to insert the following new sections:

SEC. 2. That the first section of the act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign governments held by the United States of America, and for other purposes," approved February 9, 1922, is amended to read as follows:

"That a World War Foreign Debt Commission is hereby created consisting of eight members, one of whom shall be the Secretary of the Treasury, who shall serve as chairman, and seven of whom shall be appointed by the President, by and with the advice and consent of the Senate. Not more than four members so appointed shall be from the same political party."

SEC. 3. That the provisions of section 2 of this act shall not affect the tenure of office of any person who is a member of the World War Foreign Debt Commission at the time this act takes effect.

Mr. POMERENE. Mr. President, I desire to ask the Senator from North Dakota a question, if I may.

Mr. McCUMBER. I shall be glad to answer any question.

Mr. POMERENE. In the presentation of this subject to the Senate the chairman of the Committee on Finance has referred to the fact that the rate of interest to be paid on bonds which are to be given to us by Great Britain is less than the rate of interest which we are now paying on our bonds. The Senator also called attention to the fact that several of our issues of bonds mature at a comparatively early date, which, of course, would enable our Government to refund those bonds if we are not prepared to pay them. The question I had in mind was this: Did not the Senator from North Dakota understand that when the dates of maturity of these several issues of bonds were fixed it was the belief then not only of the executive branch of the Government but of the Congress of the United States that after the World War had been concluded and world conditions became normal we could certainly refund those bonds at a very much less rate of interest than we were paying on the short-time bonds?

Mr. McCUMBER. I think that was expected, and I think a fair construction of the law would be that if we refunded those bonds at a less rate of interest, as well as if we were compelled to refund at a greater rate, the debtor nations should have the advantage in the one instance and in the other should be bound by whatever interest we had to pay.

Mr. POMERENE. Mr. President, I merely wished to bring that out a little more fully, because I was perfectly clear that that would be the answer which the Senator from North Dakota would make.

Mr. SMOOT rose.

Mr. McCUMBER. Now, Mr. President, if the Senator from Utah will allow me, I desire to say that in the Committee on Finance the other day the Senator from Wisconsin [Mr. LA FOLLETTE] desired to secure what might be denominated the minutes of the meetings of the Debt Commission. The Senator from Utah [Mr. SMOOT] informed him that practically no minutes were kept; that whatever memoranda were kept were simply kept by Assistant Secretary Wadsworth, who was acting as secretary of the commission, and that none of them gave any information as to the discussions of the commission. I informed the Senator from Wisconsin, however, that I would ask Mr. Wadsworth to send up any statements or any records that he kept, and, if he kept any that he thought it was not improper to give to the public, we would have them printed.

The testimony has already been printed, and I should like to have read into the RECORD the letter which I hold in my hand from Mr. Wadsworth in answer to a telephonic communication which I had with him.

Mr. SMOOT. Does the Senator desire to have the letter printed in the RECORD or read at the desk?

Mr. McCUMBER. I asked that it might be read into the RECORD, for I thought possibly Senators would like to hear it.

Mr. POMERENE. I should like to have it read, and I therefore join in the request of the Senator from North Dakota that it be read.

The PRESIDING OFFICER (Mr. WILLIS in the chair). The Secretary will read as requested.

The Assistant Secretary read as follows:

WORLD WAR FOREIGN DEBT COMMISSION,
Washington, February 10, 1923.

MY DEAR SENATOR: In accordance with your request by telephone, I beg to give you the following information as to the records which were kept by the World War Foreign Debt Commission covering conferences with the representatives of the British Government in regard to the funding of the debt of that Government to the United States.

At the first meeting, which took place on January 8, 1923, it developed that the British representatives were unable to consider terms within the authority of the commission under the act of February 9, 1922, so it was concluded upon the part of the commission that it should proceed by informal discussion in order, if possible, to arrive at an arrangement upon terms which the commission might feel justified in recommending to the President for presentation to Congress for its consideration.

Upon discussion, it proved agreeable to both sides that the conferences should be considered as strictly informal and that nothing which might be said upon either side should be considered as a commitment; that no stenographer should be present or record kept of the proceedings. A number of conferences were held, each lasting for a considerable period, during which a most complete and exhaustive discussion took place of the many questions, economic and financial, which surrounded this problem. Aside from a formal record as to the dates and hours of the meetings and of those present, no further record was kept.

The terms which the commission finally determined to present to the British representatives as the limit which it would feel justified in recommending to the President were arrived at in the course of these conferences. These terms were not reduced to writing until after the British representatives had returned to England and had advised the British ambassador by cable that he was authorized to state that the British Government would accept the suggested terms in principle. Thereupon, in conference with the British ambassador, the terms were reduced to writing in the form of a statement to which the commission and the British ambassador agreed, which statement was given out to the public in the form shown on the attached sheet.

I trust that this fully explains the situation.

Yours very truly,

ELIOT WADSWORTH,
Secretary of the Commission.

Hon. PORTER J. McCUMBER,
United States Senate, Washington, D. C.

(Inclosure.)

—

FEBRUARY 2, 1923.

The Funding Commission met this afternoon to consider the final details of the proposed plan for funding the debt of Great Britain to the United States. Ambassador Geddes was present.

The commission decided to make the following recommendation to the President as a basis for settlement, which it is understood will be accepted by the British Government:

Summary.

Principal of notes to be refunded	$4,074,818,358.44
Interest accrued and unpaid up to December 15, 1922, at the rate of 4¼ per cent	629,836,106.99
	4,704,654,465.43
Deduct payments made October 16, 1922, and November 15, 1922, with interest at 4¼ per cent thereon to December 15, 1922	100,526,379.69
	4,604,128,085.74
To be paid in cash	4,128,085.74
Total principal of indebtedness as of December 15, 1922, for which British Government bonds are to be issued to the United States Government at par	4,600,000,000.00

The principal of the bonds shall be paid in annual installments on a fixed schedule, subject to the right of the British Government to make these payments in three-year periods. The amount of the first year's installment will be $23,000,000, and these annual installments will increase with due regularity during the life of the bonds until, in the sixty-second year, the amount of the installment will be $175,000,000, the aggregate installments being equal to the total principal of the debt.

The British Government shall have the right to pay off additional amounts of the principal of the bonds on any interest date upon 90 days' previous notice.

Interest is to be payable upon the unpaid balances at the following rates on December 15 and June 15 of each year:

Three per cent semiannually, June 15, 1923, to December 15, 1932, inclusive.

Three and one-half per cent semiannually, June 15, 1933, until final payment.

For the first five years one-half the interest may be deferred and added to the principal, bonds to be issued therefor similar to those of the original issue.

Any payment of interest or of principal may be made in any United States Government bonds issued since April 6, 1917, such bonds to be taken at par and accrued interest.

Mr. SMOOT obtained the floor.

Mr. ROBINSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Arkansas?

Mr. SMOOT. I yield.

Mr. ROBINSON. There are comparatively few Senators in the Chamber now. The Senator who is about to address the

Senate is a member of the commission which negotiated this settlement. I think Senators ought at least to have the opportunity of attending and hearing what he has to say. Unless he objects to my doing so, I shall suggest the absence of a quorum.

I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ball	Glass	McNary	Smith
Bayard	Gooding	Moses	Smoot
Borah	Harreld	Nelson	Spencer
Brookhart	Harris	New	Stanfield
Calder	Heflin	Norbeck	Sterling
Cameron	Hitchcock	Norris	Sutherland
Capper	Jones, N. Mex.	Oddie	Swanson
Caraway	Jones, Wash.	Overman	Townsend
Couzens	Kellogg	Owen	Trammell
Culberson	Keyes	Page	Underwood
Curtis	King	Pomerene	Wadsworth
Dial	Ladd	Ransdell	Walsh, Mass.
Dillingham	Lodge	Reed, Mo.	Walsh, Mont.
Fletcher	McCormick	Robinson	Warren
Frelinghuysen	McCumber	Sheppard	Watson
George	McKellar	Shields	Willis
Gerry	McKinley	Shortridge	

The PRESIDING OFFICER. Sixty-seven Senators having answered to their names, a quorum is present.

Mr. SMOOT. Mr. President, I wish every Senator had listened to the clear and understandable statement of the senior Senator from North Dakota [Mr. MCCUMBER] affecting the refunding of the British debt to the Government of the United States. In fact, I had planned to follow the same lines followed by the Senator from North Dakota, but I feel that it would be unwise for me at this time virtually to repeat what he has so well said.

No doubt in the discussion many questions will be asked. It would have expedited matters very greatly if all Senators could have been present when the outlines of the settlement were so well presented. There are, however, a few points that I feel ought to be called to the attention of the Senate that were not covered by the splendid speech of the Senator from North Dakota.

All Senators understand that for two years, at least, there has been a propaganda throughout the country the object of which was to impress upon the American people, if possible, the thought that it would be for the best interests not only of America but of the world as a whole to cancel all of the debts owed by foreign countries to the United States.

Mr. MCKELLAR. Mr. President did not the Senator entertain that view himself? Did he not express some such opinion as that here on the floor?

Mr. SMOOT. I did not, but to the contrary; and the Senator knows it, because when he called attention to the matter upon this floor once before I took the RECORD and asked the Senator to read the RECORD, and he was kind enough to make the correction upon the floor of the Senate.

Mr. MCKELLAR. Yes; there were apparently conflicting statements; but, of course, when the Senator says that he did not entertain that view, that ends it with me.

Mr. SMOOT. Not only has the Senator from Utah been opposed to it from the very first moment it was suggested in the United States, but I want to say that every member of the commission has been opposed to it, and the thought never entered the mind of any member of the commission that it would be the proper thing to cancel the debts of the foreign countries to America. So, whatever propaganda there has been in the past—and it is still on, to a limited degree—it has had no effect whatever in the rates of interest and the terms of settlement of which the commission is now asking Congress to approve.

Shortly after the creation of the commission, and in fact, I may say, at its very first meeting, the commission gave notice to all debtor countries that we were ready to meet with them and negotiate upon the question of refunding their indebtedness to the United States. The representatives of the foreign governments knew what powers had been conferred upon the commission to make a settlement of their obligations. They knew that the powers that were granted the commission were limited. They knew that the minimum rate of interest was 4½ per cent. They knew that it was provided that the life of the obligation should not exceed 25 years, and they knew also that the other power granted to the commission was that whatever interest might have accumulated upon the debt up until the time a settlement was arrived at could be added by the commission to the principal.

Those were the only powers granted to the commission, and they had to undertake to arrive, if possible, at a settlement upon those terms. Your commission knew it was impossible to do so, and I might add that the Finance Committee of the Senate, when they reported the bill to the Senate, knew that it was impossible to make a settlement upon those terms, and I think upon two occasions the senior Senator from North Carolina [Mr. SIMMONS] gave in the Senate the reason why the terms were as they were, because he knew that whatever modifications of those terms were made must be submitted to the Congress before the commission could agree to a settlement of the claims of the foreign countries. I want to say that, in my humble opinion, knowing the condition of the other countries, outside of Great Britain, which owe this Nation vast sums of money, your commission can not reach a settlement with those countries on the terms they have recommended to the President and which the President has recommended to the Congress to be approved. So I do not look for any settlement with any foreign country to be made by your commission without submitting the terms to Congress and receiving approval from Congress of the terms which may be submitted at that time.

Following the invitations extended to all the countries owing the United States there appeared before your commission diplomatic representatives authorized by their governments to appear in behalf of their government in relation to the indebtedness owing to the United States.

Mr. WALSH of Montana. Will the Senator yield?

Mr. SMOOT. I yield.

Mr. WALSH of Montana. The pending bill would amend the existing law so as to authorize settlements with the other countries upon substantially the same terms as the settlement with Great Britain. If that should be enacted and become a law, the commission would be authorized to make settlement upon those terms without bringing them back to Congress. So I interpret the statement now made by the Senator, to the effect that all these will come back to Congress, to mean that it will be necessary to offer terms to the other nations more favorable than those accorded to Great Britain in its settlement.

Mr. SMOOT. Under conditions in the world to-day, I will say to the Senator that that is my humble opinion.

Mr. WALSH of Montana. So that part of the pending bill becomes rather immaterial, then, because, even with that, the matter will have to come back to Congress.

Mr. SMOOT. Certainly; and I want to say to the Senator that the words referred to by him just now were agreed upon by the Ways and Means Committee of the House. They were not in the original bill as offered by myself in the Senate and by Representative BURTON in the House.

Not only did the diplomatic representatives of some of the countries appear before the commission, but a number of the countries sent delegations to Washington to meet with the commission, ostensibly for the purpose of seeing if an agreement of settlement could be arrived at on better terms than provided for in the act.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SMOOT. I yield.

Mr. BORAH. The Senator says a number of the countries sent delegations to Washington to see if terms could be agreed upon. Has France ever conferred with the commission and submitted any plan?

Mr. SMOOT. France sent a delegation headed by Mr. Parmentier.

Mr. BORAH. Did they submit any proposition?

Mr. SMOOT. They submitted no proposition, nor could we submit any proposition, because of the fact that they had no authority to talk settlement or terms of settlement.

Mr. BORAH. What was Mr. Parmentier's business over here?

Mr. SMOOT. I think he came because of the invitation issued by the commission. I will say to the Senator, however, that there was nothing whatever accomplished.

Mr. BORAH. And no proposition submitted?

Mr. SMOOT. France did not submit a proposition of settlement.

Mr. MCKELLAR. Mr. President, will the Senator yield?

Mr. SMOOT. I yield.

Mr. MCKELLAR. I want to call the Senator's attention to lines 16 and 17 on page 3 of the bill—

and settlements, similar but not more favorable in terms, with other Governments indebted to the United States.

Was there any understanding between the commissioners that if the United States would settle upon more favorable terms with other Governments, Great Britain should have the benefit?

Mr. SMOOT. None whatever; and there was no understanding between our commission and the British commission that

those words should be used in any law or in any bill which may be presented to Congress. As I stated before to the Senator from Montana, the words "but not more favorable" were agreed to by the Ways and Means Committee of the House.

No adjustment could be made within the law, or one which the commission could recommend to Congress, except in the case of the United Kingdom of Great Britain and Ireland. The terms of the settlement are incorporated in the pending bill. They have been approved by the President, and it has been earnestly recommended by him that they be adopted by Congress, and as a member of the commission I can not too strongly urge at this time that the terms be approved by Congress. I think they are the very best terms the Government of the United States ought to have asked of England, taking into consideration the conditions existing in the world to-day; taking into consideration the effect the imposition of more drastic terms would have upon the exchange values between the two countries; taking into consideration the fact that it would be an immense advantage to the Government of the United States in her commerce not only with England but with the world if the pound sterling were at par the same as the dollar of America. I think I ought to say at this point that if the pound sterling were at par there would be a much better chance for the exportation of all kinds of foodstuffs from this country to England; and, I might add, not only foodstuffs but everything we export to that country or any of her dependencies.

Under the last administration the payment of interest was suspended upon all the foreign countries' obligations. Secretary of the Treasury CARTER GLASS, now an honored Member of this body, on the 18th day of December, 1919, sent a letter to the Committee on Ways and Means in which he said:

> The collection in dollars of this interest under present circumstances would be no less disastrous to American interests than to the interests of the debtors.

I think that statement, made at that time, was absolutely true, and for the reason that the Secretary announced that principle, I say now that your commission thought that under conditions existing to-day it was no more than fair to Great Britain to say that for the first 10 years of the life of the bonds the interest shall be 3 per cent, and for the balance of the time that the bonds run 3½ per cent.

Further, Mr. President, they were given the privilege of paying the interest in the first five years one-half in cash and one-half in bonds of the British Government similar in form to the bonds which will be given for the original debt, as shown under the provisions of this bill.

Mr. ROBINSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Arkansas?

Mr. SMOOT. I yield.

Mr. ROBINSON. The Senator has just been discussing the reasons for the low rate of interest to be paid by the British Government for the 10-year period beginning December 15, 1922, and expiring December 15, 1932. I have not fully comprehended the justification made by the Senator from Utah for that provision.

Mr. SMOOT. I am not through yet.

Mr. ROBINSON. I understand that it is generally believed that interest rates are higher now than they will be in the future, certainly higher than they are expected to be unless world events take an unfortunate course after December 15, 1932. Why, then, I ask the Senator from Utah, was a lower interest rate made effective for the period when the prevailing interest rates throughout the world are higher than for the period following December 15, 1932, when it would seem that world conditions may have been adjusted to a degree that would justify the hope, at least, that interest rates may be reduced? In other words, why is the interest rate fixed at 3 per cent for the first 10 years and 3½ per cent for the subsequent period of the loan, when it is universally believed that the interest rate is higher now than it will be after the expiration of the first 10-year period?

Mr. SMOOT. Mr. President, I want briefly to state that there are a number of reasons why, but in the examination of the budget of Great Britain for the year 1923 we find that there is an item of £110,000,000 to be paid to the unemployed in Great Britain.

The Chancellor of the Exchequer, Mr. Baldwin, thought that the amount could not be decreased for some years to come. He was in hopes, however, that the economic conditions of the world, at least within five years, would be such that there will not be the unemployment in Great Britain that exists to-day and has existed for some years past. He was in hopes that out of the amount required now for the payment of the unemployed in Great Britain they will be able to pay us a higher rate of interest following the 10-year period.

But in this connection I wish to say that Great Britain has the privilege of paying the bonds at any time, and if history is to repeat itself and the rates of interest shall average as they have in the world from 1797, Great Britain will be able to borrow money at a very much less rate long, long years before the bonds become due. I call attention to the fact that, taking the equivalent yield upon the obligations of Great Britain for 50 years before the war, the average yield was 2.95 per cent per annum. Taking the years beginning 1888, when the average yield was 2.9, year by year succeeding it was as follows: 2.8, 2.8, 2.9, 2.8, 2.7, 2.6, 2.5, 2.4. The last figure given was in the year 1897, and I have not any more doubt than that I stand here at this moment that the rates of interest will not be very much higher than they have been in the past if economic conditions in the world ever return to what they were before the war.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SMOOT. Certainly.

Mr. BORAH. The Senator's reply to the Senator from Arkansas a moment ago presents what is to me the most interesting feature of the entire controversy. The supposition seems to be upon the part of those gentlemen who visited us, the members of the British Commission, that conditions are going to be better and the economic situation more encouraging within a short time. Now if the present policies of Europe continue to obtain, Great Britain will be less able to take care of the situation 10 years from now, or 25 years from now than she is now.

That presents, if I should vote against the bill, the only reason why I do so, not because of the rate of interest in the mere settlement of the collection of the debt, but because there accompanies the settlement nothing in the way of an indication upon the part of any of the European powers of a change of policies which must inevitably result before there can be any better economic conditions in Europe.

Mr. SMOOT. But the Senator must admit that with the two great English speaking peoples of the earth agreeing upon a settlement of the debt between the two and upon a fair and just rate of interest, it is going to have a wonderful effect upon the economic situation in the world. I will state to the Senator that if Europe continues to spend money in the way she is doing to-day, and if France particularly, does not cut her budget from what it is for the year 1923, France will not be able to pay her obligations to the United States, nor her obligations to her own people.

Mr. BORAH. I hesitate to express any views contrary to the views of the Senator from Utah in a matter of this kind, but I venture to say that unless there is a complete change of program and policy obtaining on the Continent of Europe the debt settlement effect upon economic and financial conditions will be very temporary, and unless those changes are to be permanent the situation is going to be no better in 10 or 25 years from now than it is at the present time.

I had always hoped that the settlement of the debt proposition would be one of the elements of an undertaking to adjust those conditions so that we might have a different condition of affairs confronting us on the Continent of Europe. The mere fact that two English-speaking races are cooperating or acting together, if the policies remain as destructive as they are at present, will assist the situation very little. It is that phase of the settlement that interests me, not the question of whether or not the rate shall be 3 per cent or 3½ per cent, but whether or not we are utilizing this instrumentality of debt for the purpose of effectuating or seeking to effectuate policies which will be of some benefit economically not only to Europe but to our own country.

Mr. SMOOT. The Senator from Idaho must admit that even with the debt settlement which we are now asking Congress to approve, we are in a very much stronger position to use our influence with European countries as to their future expenditures of money than we are in holding the I O U's which we are now holding.

Mr. BORAH. Now, if that is true, it is the most conclusive argument that can be presented to me for the settlement of the debt. If it is true that after we have settled the debt, and the terms of it have been agreed upon, and the matter has passed out of our hands—because it is then a mere question of their owing us so much, at stated periods to be paid, and so forth—if it is true that that will enable us to be more influential and more potential in adjusting the economic conditions

of the world, that is a most conclusive argument to me why we should approve of it.

But I do not see much hope in that way. If a man had a large farm and owed me $10,000, and it was due, and he should come to me for an extension of time for 10 years, I would be very much concerned before I made that grant to know whether or not he was going to change his program so that he could run his farm under better conditions in the future than he had in the past. If he was going to continue to live beyond his means, to absolutely destroy his means of production, and to devote his energy, money, and everything else to that which would not produce but would destroy, I would be interested in taking possession as soon as I could. Now, we can not take possession, and we do not want to do so; but I have always thought, and I still think, that with the adjustment of these debts ought to be an effort to adjust the economic problems, without the adjustment of which the settlement of the debt will not mean a great deal. I would treat them as a single element in the whole economic situation.

Mr. SMOOT. I want to say, in answer to the Senator, that if Great Britain becomes a bankrupt, at any time in our lives at least, I say God have pity upon the other peoples of the world.

Mr. BORAH. If a nation is in a position where it can not pay its debts and says that it can not pay its debts according to its agreements, as announced, what is the difference between that nation and a bankrupt nation? All these nations are threatened with bankruptcy, and if the present policies of war and turmoil and huge military establishments continue they will be bankrupt.

Mr. SMOOT. I have not any doubt that England will conform to and pay her obligations if the settlement is agreed upon.

Mr. BORAH. That may be true.

Mr. SMOOT. I have not the least doubt of it, but I want to say to the Senator in passing that I can not say the same so far as some of the other countries are concerned.

Mr. BORAH. No; and the disposition does not seem to be there.

Mr. SMOOT. No; that is true, too.

Mr. BORAH. But what I say is that England may be able to meet this obligation, but she has given us to understand that as it existed, with the obligation as it was, she was unable to meet it. Now, the fact of the business is that those nations are either bankrupt or upon the verge of bankruptcy.

Mr. POMERENE. Mr. President, assuming the situation to be as the Senator from Idaho suggests, is not this the first necessary step to take, namely, to settle the obligation of Great Britain, and then we can take care of world conditions thereafter by an economic conference and the association of nations which is to be formed?

Mr. SMOOT. Well, Mr. President, I do not want to get into the question of an economic conference.

Mr. BORAH. No; and I do not want to get into the subject of an economic conference either. I want to say that we may treat it lightly or we may treat it seriously, but this thing of juggling with debts until the securities of the debts are arranged and new policies are adopted upon which the security may be based with some degree of certainty will not bring the satisfaction now anticipated. If they are going to continue to build a vast military establishment and expend their money for destructive purposes, the mere question of arranging the debt will have but little effect upon the people of the country.

Mr. SMOOT. It is my opinion that if the settlement is accomplished and becomes a fact, it will have more effect upon the economic condition of the world than all the economic conferences that could be held. I want to say frankly to the Senator from Idaho that I can not see what is going to come out of an economic conference, to be held here or in any foreign country, taking all the countries into account, because I believe that the very first demand that would be made of the United States in such a conference would be to cancel all the debts of foreign countries owing to the United States. The next demand, I think, that would be made at that conference would be that France should be guaranteed against invasion from Germany. I think those questions would be the first that would be presented and would be the very first demands to be made; and are we prepared to grant them? I think not.

Mr. McCUMBER. Let me suggest to the Senator that the first thing which would be demanded would be money.

Mr. BORAH. Well, Mr. President, suppose the first thing demanded were money; suppose the second thing demanded were a guaranty, and the third thing demanded were a cancellation, what would our representatives be doing in that conference? Would we accede to the demands without hesitation? At a conference are different demands made from those which are made when commissions meet? Would the demand have any more sanction behind it than that in any other conference? I assume that the conference would be gathered together for the purpose of presenting the different views of the various nations, and if they presented their views as to the necessity of cancellation we might well say "In consideration of the cancellation, what do you propose to give in return in the way of adjusting your policy?" So far as I am concerned, Mr. President, I would be perfectly willing to cancel every dollar of this indebtedness if the economic conditions of Europe could be so adjusted that the producers of this country could have the benefit of the European markets for the next 20 years. If they do not have that benefit, the mere fact of the adjustment of this debt will be of very little benefit to the farmers of this country who in the meantime are being sold out for taxes.

Mr. SMOOT. Mr. President, I do not think it would be profitable at this point to go any further into the question of an economic conference.

Mr. CARAWAY. Mr. President, I wish to ask the Senator from Utah a question.

Mr. SMOOT. I yield to the Senator.

Mr. CARAWAY. In this morning's newspapers appears the statement that with the adjustment of the British debt other countries, especially France, will be permitted to go on and make no adjustment of their debt. Is there anything in that statement?

Mr. SMOOT. There is nothing whatever in that statement.

Mr. CARAWAY. The country may understand, then, that France and the other countries which owe us are to be pressed for a settlement?

Mr. SMOOT. Your commission is going to do everything in its power to try to arrive at a settlement with all of the countries which are indebted to the United States.

Mr. CARAWAY. Immediately?

Mr. SMOOT. Just as quickly as it is possible to be done.

Mr. CARAWAY. But there is to be no let up in the effort to do it now?

Mr. SMOOT. None whatever.

I will say to the Senator that we have answers from nearly all of the countries that are indebted to us, but some of those answers are not satisfactory. Your commission is going to try, if possible, to secure some kind of a proposition from those countries, and when their propositions shall have been submitted your commission will follow the same course as it has in the case of Great Britain and ask for authority to make the settlement. There are a number of countries, I will say to the Senator from Arkansas, that I wish we could receive the full amount of the indebtedness which they owe us without any interest from them in 10 or 20 years if such a settlement could be secured.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. MOSES in the chair). Does the Senator from Utah yield to the Senator from Idaho?

Mr. SMOOT. I yield.

Mr. BORAH. I was going to say, Mr. President, as the Senator from Arkansas [Mr. CARAWAY] has asked about the other countries, that the Prime Minister of France has notified us when France is going to pay her debt. He has stated that she would pay it when she has collected from Germany.

Mr. SMOOT. I will say to the Senator from Idaho that the Prime Minister of France has not notified the Debt Commission to that effect, and even that is a better promise than we have received.

Mr. BORAH. Well, the commission could not have received a much worse proposition.

Mr. SMOOT. Mr. President, perhaps I ought to state, in answer to the question which the senior Senator from Arkansas [Mr. ROBINSON] asked me, that the debt per capita in Great Britain to-day is $800, and the taxes which are imposed upon the British people amount to-day for every man, woman, and child to a little over $100 a year.

I also call attention to the fact that the cost of the British Government between the years 1914 and 1920 was more than it was for the 226 years preceding the year 1914, and in those figures the cost of all her former wars is taken into consideration. So during a period of six years the people of Great Britain incurred a debt and raised tremendous sums by taxation, the aggregate of which was more than the cost of the British Government for 226 years. Great Britain owes approximately $38,000,000,000, and yet I feel just as confident as that I live that if this settlement is made with Great Britain she will live up to the terms of the settlement; and if, perchance, conditions shall be such as to compel her to extend the payment of the debt over a period of 62 years, she will have paid us at

the end of that time nearly $11,200,000,000. I thought I had the exact figures before me, but I can not at this instant find them.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Tennessee?

Mr. SMOOT. I yield.

Mr. McKELLAR. How much will the American Government have paid out on account of this $4,600,000,000 indebtedness in a like period?

Mr. SMOOT. Does the Senator from Tennessee refer to the interest upon the indebtedness?

Mr. McKELLAR. I refer to both interest and principal. The Senator is figuring the interest and principal on what the British Government is going to pay, and I ask the Senator what amount he has figured, or has he figured it at all, the American Government is going to pay on the same debt during the same time?

Mr. SMOOT. No one would be able to give those figures, because the amount would depend upon how much of the indebtedness we collected and applied to the redemption of our interest-bearing obligations.

Mr. McKELLAR. Our bonds already bear interest and have already been issued, so it would be very easy to calculate as to how much we should pay in that period.

Mr. SMOOT. If we should take every dollar to be paid us by Great Britain and lock it up in a vault and should not redeem any of our bonds, then the argument of the Senator from Tennessee would have some effect; but who would be so silly as to do a thing of that kind?

Mr. McKELLAR. Mr. President, I did not ask any such question as that. The Senator from Utah knows that the aggregate amount of principal and interest payments by Great Britain during the next 62 years will be, on an average, according to his own figures or the commission's own figures, $15,000,000 less than the interest which the United States is now paying each year. Is not that correct?

Mr. SMOOT. Mr. President, if we were going to keep our obligations at just the same rate of interest that we are paying on them to-day for 62 years, of course, the Senator's statement would be correct; but we have the right to pay off many of our Liberty loan bonds in 1927, and, no doubt, they will be refunded at that time and at a lower rate of interest.

I wish also to say to the Senator that if those bonds were refunded to-day by tax-exempt bonds, I have no doubt the new issue could be floated at 3 per cent. We talk about a rate of interest of 4¼ per cent on our bonds, but Senators must remember that those bonds are taxable; they must remember that a certain amount of the interest upon those bonds is collected back by the United States in the shape of taxes.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield further?

Mr. SMOOT. Yes.

Mr. McKELLAR. May I ask the Senator from Utah if he is in favor of the American Government issuing tax-free bonds in lieu of the bonds which are now outstanding to which he has referred?

Mr. SMOOT. The Senator knows my position in relation to tax-exempt securities. If I had my way I would never allow the Government of the United States to issue another tax-exempt bond or obligation of any kind.

Mr. McKELLAR. Of course. Then, why is the Senator endeavoring to figure on the basis of tax-exempt securities when he is opposed to the issuance of such securities?

Mr. SMOOT. Mr. President, I do not look for any early prohibition of the powers of the States or the powers of the Government to issue tax-free securities. I know such a prohibition may not now be brought about, although I know the issuance of such securities is drying up the sources of income of our Government, and that it has a tendency to make districts and counties, States, and the Nation itself extravagant in the expenditure of money. I believe that in the future at some time or other the American people will wake up and realize that tax-exempt bonds for school districts, for counties, for road purposes, for State governmental purposes, and for national purposes have reached such an immense amount that all of the rich men of this country, through their purchase, may escape the payment of every cent of taxes not only to the National Government but to the State governments, to the county governments, and to the cities; and not only that, but when they die they will know that every dollar so invested will go without the payment of any inheritance tax. I believe that some day the people will wake up to a realization of what the issuance of tremendous volumes of tax-exempt securities means to them and their Government.

Mr. ROBINSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Arkansas?

Mr. SMOOT. I yield.

Mr. ROBINSON. The Senator from Utah realizes that the principal basis for opposition to the bill now under consideration grows out of, first, the interest rate, and, second, the time for payment; and I think it may be stated with reasonable accuracy that at this time the basis for the opposition centers mainly about the interest rate. The Senator has stated that it is expected that the economic conditions of the world, and particularly of Europe, will become so readjusted within the next 10 years that interest rates will decline. I asked him the question purely for information and not in a controversial spirit, why, then, is the interest rate in the settlement made lower for the first 10 years than it is for the remainder of the period for which a portion of the debt may run? If I understand the Senator from Utah correctly, he states that that adjustment and that arrangement were based principally upon consideration of the present ability of the British Government to meet its obligations.

Mr. SMOOT. And to assist in stabilizing conditions in the world to-day.

Mr. ROBINSON. If at the end of the 10-year period the hope of the world shall be realized and conditions shall have become stabilized and interest rates shall have declined so that the prevailing rates on Government securities shall be lower than 3½ per cent, is there in the mind of the commission the reservation that the remainder of the debt then due from the British Government to the United States may be refunded at a lower rate of interest than that contemplated in the pending settlement?

Mr. SMOOT. I have no doubt that, if conditions become normal at the end of 10 years, the rate of interest will be such that England will be able to sell her bonds and pay the Government of the United States.

Mr. ROBINSON. The Senator did not quite comprehend my question. The settlement gives the British Government the benefit of a low rate of interest for the first 10 years, and it fixes a higher rate of interest, somewhat in disregard of the general economic conditions, which would call for a higher rate during the first 10 years than for the remainder of the debt period. That is, it is 3 per cent for the first 10 years and 3½ per cent for the remainder of the period. My question is, If we give Great Britain the benefit of the low rate of interest for the first 10 years, will we likely be asked to give her the benefit of the prevailing rate of interest at the expiration of the 10-year period?

Mr. SMOOT. No such thought ever entered the minds of the commission, and I do not think the British representatives had any such thought in their minds.

Mr. ROBINSON. It is, then, the intention of the commission, so far as the Senator from Utah can express it, that this settlement shall be final, and that, while Great Britain is given an advantage in the rate of interest for the first 10 years, that advantage may be reversed in the remainder of the debt period—52 years—and may reflect itself to the benefit of the United States?

Mr. SMOOT. There is no question about it. The bonds will be issued, the terms of the bonds will be specifically stated, and there is only one way in which they can be withdrawn by Great Britain herself, and she will have to take the initiative, and that is by paying the amount of the bonds.

Mr. McKELLAR. Mr. President, when will they be payable? May she pay them at certain periods? If so, what periods?

Mr. SMOOT. As far as the bonds are concerned, on 90 days' notice she can pay any amount of them that she wants to pay.

Mr. McKELLAR. At any time upon 90 days' notice?

Mr. SMOOT. At any time after 90 days following an interest period.

Mr. ROBINSON. So that if, at the end of a 10-year period, conditions permit, she may refund her indebtedness, and, by procuring a loan at a lower rate of interest, pay off the debt to the United States?

Mr. SMOOT. She has that privilege.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. SMOOT. Yes.

Mr. HITCHCOCK. It seemed to me when the Senator from North Dakota [Mr. McCUMBER] was speaking, and when he put in the RECORD the tabulated statement of payments year by year,

that the last column in that table is calculated to give the public an erroneous idea of what amount Great Britain is required to pay to the United States year by year during the next five years. As stated in that list, the United States is to receive in principal and interest the first year $161,000,000, the second year $160,310,000, the third year $160,620,000, the fourth year $160,900,000, and the fifth year $160,150,000.

Mr. McCUMBER. Mr. President, if the Senator will allow me, when I mentioned that there would be $23,000,000 paid the first year, I thought I stated that was on the principal; and, of course, in addition she would have to pay the 3 per cent upon the entire indebtedness of $4,000,000,000.

Mr. HITCHCOCK. Let me finish this statement. In the five-year period, therefore, it appears, according to this column, that Great Britain would be under obligation to pay us $803,760,000; but there are two provisions in this bill which give Great Britain a very valuable option, in my opinion.

Mr. SMOOT. It is a valuable option, and it was done for the very purpose of assisting her in tiding over the actual economic conditions existing to-day in Great Britain.

Mr. HITCHCOCK. The effect of that option, if exercised by Great Britain, would be as follows: She would be able to omit the payment of $23,000,000 in principal the first year and $23,000,000 in principal the second year. She would be able to cut down her interest payment one-half the first year, one-half the second year, one-half the third year, one-half the fourth year, and one-half the fifth year, and have that added to the principal indebtedness.

Mr. SMOOT. That is, by issuing bonds covering the amounts.

Mr. HITCHCOCK. What is the net result of that? Instead of paying to the United States $803,760,000 in principal and interest during the first five years the actual payments to us during that period would be $408,660,000.

Mr. SMOOT. That is, the payments in cash.

Mr. HITCHCOCK. Yes. Let me finish this. The result of that would be that $395,100,000 would be added to the principal, and that would draw interest at the rate of only 3 per cent.

Mr. SMOOT. Up to the end of the 10 years.

Mr. HITCHCOCK. So that, in effect, those two options amount to allowing Great Britain to add $395,100,000 to the indebtedness which she will owe us, and upon which she will pay us only 3 per cent for the first 10 years.

Mr. SMOOT. No; from the year she exercises the option. The 5-year period is on the principal only.

Mr. HITCHCOCK. No; the 5-year period is on the interest. I have stated it exactly as it figures up.

Mr. SMOOT. Yes; the Senator is correct.

Mr. HITCHCOCK. Instead of paying us, during the first five years, $803,760,000 of principal and interest, she will, in effect, by exercising those options, pay us only $408,660,000, and she will secure from us an additional loan of $395,100,000 at 3 per cent interest.

Mr. SMOOT. That is, for the interest, up to the end of the 10-year period.

Mr. HITCHCOCK. Yes; within the 10-year period.

Mr. President, I am thoroughly in favor of making a just and a generous settlement with Great Britain. I think the commission has undoubtedly had that in mind, and has done what it considered wise under the circumstances; but I question very much whether, in conceding 3 per cent interest for the first 10 years, we should go so far as to allow Great Britain to add $395,000,000 to the principal, to bear 3 per cent interest.

Mr. SMOOT. I want to say frankly to the Senator—and I do not think Great Britain would object to my saying so here upon the floor of the Senate—that they did accept, in principle, the proposition made to them of 3 per cent straight for 10 years, and 3½ per cent for the remaining 52 years.

That was the cablegram that came from England, that they accepted it in principle; but the question of what "in principle" meant came up when the commission met, and the British ambassador, being instructed by his Government, asked the commission if they could not recommend to the President and whether the President would not recommend to the Congress to relieve them, because of the conditions existing to-day, of one-half of the interest for that limited period by accepting bonds instead of cash, and that was granted.

Great Britain is not pleading poverty altogether, and it is not all one-sided. If we can get the trade of the world balanced so that we will not have to have gold shipped to this country as it has been in the past, piling up here by the billions of dollars, if we can get our exchange so that it will bring the pound sterling to par, I want to say to the Senator that it means much to America, it means much to the commerce of our country, it means much to England; and the commission felt that it was not an unreasonable request, taking into consideration the conditions existing to-day.

Mr. HITCHCOCK. Mr. President, do I understand the Senator to say that the representatives of Great Britain accepted by cable the proposition to have this loan based upon 3 per cent interest for the first 10 years and 3½ per cent interest for the last 52 years, and that we voluntarily gave them this additional bonus or privilege?

Mr. SMOOT. No; not voluntarily; I did not say that. I said that in their cable they accepted it in principle—that is, that they would pay the full 3 per cent—but they did request that we give them the further privilege of paying one-half of the amount of interest for the first 10 years in bonds similar to the original bonds and cash for the balance; and whenever advantage was taken of the privilege, whatever year it might be, they would pay interest at the rate provided for in the original bonds.

Mr. HITCHCOCK. Then, in effect, that amounts to loaning Great Britain $395,000,000 at 3 per cent interest, in addition to what she owes us?

Mr. SMOOT. Of the interest that she owes us; yes—not of the principal that she owes us; of the interest that she owes us.

Mr. HITCHCOCK. It is an additional advance to Great Britain of $395,000,000 at 3 per cent within the 10 years over and above what she already had agreed to.

Mr. SMOOT. Mr. President, I do not want the Senator to say that she had agreed to it. She agreed to it in principle, and the ambassador of Great Britain asked that his Government be given the further privilege during this period of paying one-half the interest in bonds instead of in cash.

Mr. HITCHCOCK. Then, Mr. President——

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator yield, and, if so, to whom?

Mr. HITCHCOCK. I will defer to the Senator from Ohio.

Mr. POMERENE. I simply wanted to offer this suggestion: It has been said that this was in effect making a new loan. As I understand the proposition, it is simply deferring the payment of that interest. It is not by any means a new loan.

Mr. HITCHCOCK. Mr. President, I have another criticism to make. I am very sure that the average individual, in reading this tabulated statement, would draw the conclusion that the commission had made a deal with Great Britain which obligated Great Britain to pay us in principal and interest during the next five years $803,000,000.

Mr. SMOOT. Yes.

Mr. HITCHCOCK. But upon reading these two provisions, evidently injected into the bill as a subsequent matter, we find that instead of receiving $803,000,000 we will receive only $408,000,000 and that $395,000,000 will be deferred at 3 per cent interest. I say that even admitting that the Senator was justified in going beyond the original contract which Great Britain had accepted in principle, it ought to be shown here on this tabulated statement, which was put in for the guidance of Senators, that instead of receiving $803,000,000 during the next five years we may, and probably will, receive only $408,000,000. We should at least be candid with ourselves.

Mr. SMOOT. Certainly; and I want to be candid with the Senate. We could not make out a tabulated statement of that kind, because we do not know whether Great Britain will take advantage of that option for half the period, or one-third the period, or what part of it. She is not going to postpone payment any longer than she has to. She wants to stop whatever interest she can, of course; but I believe, as the Senator says, that she will be compelled to take advantage of the option to pay half of the interest during that period.

Mr. HITCHCOCK. Undoubtedly, because she will be borrowing $395,000,000 at 3 per cent, whereas in the open market she would be paying about 5 per cent.

Mr. SMOOT. Oh, no; not now.

Mr. HITCHCOCK. I do not know; not on Treasury notes, but upon some of her bonds. I will say she would be paying 5 per cent.

Mr. SMOOT. As to her consols, of course the Senator knows how they are sold; and she can sell them at most any time.

Mr. HITCHCOCK. I think there ought to be a correction of the tabulated statement, and we ought to state the fact that, instead of making a bargain with Great Britain under which she is to pay us $803,000,000 in five years, it is really a bargain under which she is going to pay us $408,000,000.

Mr. SMOOT. Of course the bill itself explains that in detail. This tabulation was made just as I stated it was, because we could not have said what the payments would be.

Mr. HITCHCOCK. I have found no difficulty in figuring out what the payments will be, and I can not have any doubt that those are the payments which Great Britain is going to make, because they are the most favorable to her.

Mr. SMOOT. They may be; if the rates of interest are as high, they may be. I do not know what will happen in 10 years.

Mr. DIAL. Mr. President, what amount of unemployment compensation does the Senator say Great Britain is paying annually?

Mr. SMOOT. Their budget calls for £110,000,000 for the year 1923.

Mr. DIAL. Are there any prospects of that decreasing?

Mr. SMOOT. We hope it will decrease. If not England could not pay her budget without a deficit. I think there will be a decrease, and so does the representative of England.

Mr. BORAH. I take it that England does not think so just now, in view of the condition of affairs. I do not know what Mr. Baldwin thinks, but I know that is not the view of the semiofficial English press. Under present conditions it is expected it will increase, and a most serious situation is anticipated during the coming summer.

Mr. WALSH of Montana. Mr. President, I find it difficult to conceive why we should make any concession to Great Britain with respect to this loan because she pays five hundred million annually to the unemployed. We do not pay a dollar to the unemployed here, and if one should go into one of the great industrial centers of this country, where there are a large number of unemployed, I would not think he would make very much of an impression upon the audience he addressed if he told them that we are making this agreement with Great Britain because of her heavy expenditures, including five hundred million she annually pays to her unemployed.

Mr. SMOOT. That was only mentioned as showing the burdens Great Britain is carrying to-day. I do not think I could make very much of an impression before an audience by saying that England was owing $800 for every man, woman, and child in that country. I do not know that I could make any impression upon an audience by saying that between the years 1914 and 1920 her expenses were greater than they were for the 226 years preceding that.

Mr. WALSH of Montana. That prompts me to inquire, if the Senator will pardon another interruption, speaking about the expenditures Great Britain has to make, just about how much she is obliged to expend annually in the territories over which she secured mandates by the treaty, over and above her revenues from those countries?

Mr. SMOOT. I can not answer that question, because I have not the figures with me. If I had the British budget before me, which I have not, I would gladly answer the question.

Mr. WALSH of Montana. It is a very considerable amount, is it not?

Mr. SMOOT. Yes; it is considerable. The Senator from North Dakota [Mr. MCCUMBER] in his able address here to-day stated that the British debt was not a debt for dollars sent to Europe, that the money was all expended here, most of it for cotton and wheat and food products and munitions of war. I know this question has been discussed throughout the country considerably, and I think it would be proper at this time to call attention to the fact that during that short period of time England spent in this country, either directly for England or for her allies, $7,219,408,669.94.

Mr. POMERENE. What period was that?

Mr. SMOOT. During the period of the war, beginning with the first loan we made her.

Mr. POMERENE. She also made expenditures in this country before we got into the war.

Mr. SMOOT. This is after we began to make loans to England and to her allies, and they consisted of these items:

Munitions, including remounts	$1,330,607,883.09
Munitions for other governments	205,495,801.10
Exchange in cotton purchases	1,682,419,875.31
For cereals	1,375,379,343.57
Tobacco	99,174,858.34
Other supplies	215,331,787.01
For transportation, shipping	48,890,000.00
For reimbursements	19,302,357.55
For interest	337,732,633.50
Maturities	353,501,561.61
Relief	16,000,000.00
Silver	261,643,388.41
Food for Northern Russia	7,029,965.94
Total	7,219,408,669.94

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDING OFFICER (Mr. MCNARY in the chair). Does the Senator from Utah yield to the Senator from Massachusetts?

Mr. SMOOT. I yield.

Mr. WALSH of Massachusetts. Has the Senator from Utah a list of the expenditures made by this Government in Great Britain as a result of our participation in the war, and also a list of the moneys expended by this Government in France, to the French people and the French Government, by reason of our participation in the war?

Mr. SMOOT. No, I have not.

Mr. WALSH of Massachusetts. So the commission received from the British Government a table of their expenditures in this country as a result of their participation in the World War, but made no inquiry as to how much money the American Government spent in Great Britain or in France?

Mr. SMOOT. This country spent in Great Britain and France just what she had to spend on account of her men being in the war. She did buy from Spain some blankets and a few other commodities which we could not furnish the Army at the time, but as far as any expenditure is concerned, outside of the expenses actually necessary for the maintenance of our men, mind you, we sent all the foodstuffs they used, we sent all the clothing they needed——

Mr. WALSH of Massachusetts. I am asking the Senator for facts. Everybody knows we spent money. The Senator has given the amount Great Britain spent in this country. Now I am asking him to state what we spent in Great Britain and France. It is a fair question, and we ought to have that information.

Mr. SMOOT. I do not think I could find the information. I want to say this, that this is not information which came from Great Britain. This is information which the Senator can find in the annual report of the Secretary of the Treasury. These purchases were made, and a record of the amounts kept, because of the fact that there was a requirement that every dollar advanced and every sale made to every foreign country, not only to Great Britain, but to any foreign country, should be reported to our Government, and we knew just who spent the money, how much it amounted to, and to whom the supplies were sent.

Mr. WALSH of Massachusetts. Mr. President, one of the difficulties I have experienced, as a member of the Finance Committee, in getting the information which led to the formation of its judgment by the Debt Commission, is that the only information available is the financial liabilities of Great Britain, which everybody knows is great. Everybody knows she is suffering from very heavy tax burdens. We have heard a great deal about the liabilities of Great Britain, but not one word about the assets, about the resources. I never before heard of one man settling a debt with another upon his present available cash, and not upon the basis of his real assets, including his possessions and ownership of resources and other tangible properties.

Mr. SMOOT. The estimated value of Great Britain is $80,000,000,000.

Mr. BORAH. How much?

Mr. SMOOT. Eighty billion dollars.

Mr. BORAH. What does the Senator include in that?

Mr. SMOOT. Everything that she owns outside of her colonies.

Mr. BORAH. Does the Senator mean her colonies and all her resources?

Mr. SMOOT. No; I am speaking of Great Britain alone.

Mr. BORAH. Oh!

Mr. SMOOT. The United Kingdom of Great Britain and Ireland. We are settling with her.

Mr. WALSH of Massachusettes. The British Isles?

Mr. SMOOT. The colonies have nothing whatever to do with this settlement. They are not responsible in any way, shape, or form for the obligation.

Mr. WALSH of Massachusetts. Does the Senator claim that the colonies are not a valuable asset to Great Britain?

Mr. SMOOT. I did not say that.

Mr. WALSH of Massachusetts. While I am on my feet, if the Senator is through with that line of argument, may I call his attention to a phrase in this bill I would like to get his opinion about?

Mr. SMOOT. I will be glad to answer any question that I can answer.

Mr. WALSH of Massachusetts. I want to call the Senator's attention to the last paragraph on page 3, and ask him the meaning of the clause, commencing on line 16. I will read

the paragraph first, and then ask the Senator a specific question. The paragraph reads:

> Any payment of interest or of principal may be made in any United States Government bonds issued since April 6, 1917, such bonds to be taken at par and accrued interest, is hereby approved and authorized.

I think it was explained pretty fully to the committee just what that meant, and I do not propose to ask any questions at this time about that part of this paragraph. But, continuing, the paragraph seems to inject an entirely different subject matter. It reads:

> And settlements, similar, but not more favorable in terms, with other governments indebted to the United States, as set forth in this section, are hereby authorized to be made, subject to the approval of the President.

Do I understand that language to mean that the debt commission can make no settlement with France or Belgium or Italy or any other country on any terms more favorable than those named in this bill?

Mr. SMOOT. That is what those words mean, in my opinion.

Mr. WALSH of Massachusetts. This is of interest, I might say, to my Democratic colleagues because of the fact that a Democrat has offered an amendment proposing that this commission be increased by putting two Democrats on it. If this language means what it is said it means, and what I think it means, what is there left for two Democrats on that commission to do? This bill fixes the rate of interest and the terms, and practically announces to the world the exact terms on which every other debt is going to be settled, because no more favorable terms can be made to any government.

Mr. KING. They might protest.

Mr. WALSH of Massachusetts. They might protest. We are agreed, and there is no doubt about it, that this act is an announcement to every government that before they come in and sit down with our commission to talk over the refunding of their debts, they have already declared that no one, nowhere, no matter what their financial status may be, no matter how bankrupt they may be, no matter how impoverished they may be, no matter how they suffered during the war, is going to get better terms than Great Britain. Is that true?

Mr. SMOOT. That is exactly the conditions of the original law.

Mr. WALSH of Massachusetts. Mr. President——

Mr. SMOOT. Wait until I answer.

Mr. WALSH of Massachusetts. The Senator has answered.

Mr. SMOOT. If the Senator objects to my replying, he may proceed.

Mr. WALSH of Massachusetts. The Senator may explain his answer, but he has answered. He has said it is true.

Mr. SMOOT. The original law gave notice to all of the countries that they could not have any better settlement than 4½ per cent interest, and for a 25-year period, with the interest added to the principal. That is what the original law provided.

Mr. WALSH of Massachusetts. That is the law enacted during the war?

Mr. SMOOT. No; not during the war; after the war. It was enacted, I think, in 1921.

Mr. ROBINSON. No; it was enacted in February, 1922.

Mr. SMOOT. That is correct. In February, 1922, the law was enacted.

Mr. WALSH of Massachusetts. I have that law before me.

Mr. SMOOT. That is when the law was enacted, and the Senator was out of the Chamber when I discussed that question in my remarks when I first began. The commission did not have any power or authority to make a settlement with Great Britain on the terms provided for in the pending bill. The commission never has undertaken to say that it had that authority.

The commission stated it would recommend such a settlement to the President and ask the President of the United States to recommend it to the Congress. That is what it did. The Senator will remember that when the original bill was presented to the Senate, the senior Senator from North Carolina [Mr. SIMMONS] made the statement that he was perfectly willing to have the bill passed because they could not make a settlement upon the terms of the bill and would have to come to Congress.

Mr. WALSH of Massachusetts. Come back to the Congress?

Mr. SMOOT. Yes. That is exactly what the House has proposed to do by the amendment. By the amendment the House has virtually said—not the commission, but the House of Representatives—that the commission shall not have the power to make any better settlement with any country than can be made under the pending bill.

Mr. WALSH of Massachusetts. May I call the Senator's attention to this phase of the question: The previous law, the law creating the commission which put certain limitations upon its power, was general and was in the nature of advice to the commission as to the attitude of Congress before any settlements were taken into account. But, now, with the passage of this bill, fixing the terms for Great Britain and with this clause in it, I ask the Senator if we would not be morally and legally bound in honor to Great Britain to make no different terms with any other nation than those named here? Of course, we could come back to Congress with a different refunding bill for Belgium, or France, or any other country. But this clause in the bill, refunding the debt to Great Britain, says that no different terms shall be made with any other country, and I ask the Senator again, are we not morally bound to Great Britain to make no other terms with any other country?

Mr. SMOOT. I say frankly we are not morally bound, and I know that Great Britain will never consider us morally bound. Of course England, I suppose, would like to have, although I am saying it without any authority whatever, a favored-nation clause put into the law, but the Senator knows the commission would never bring such a proposition to the Senate.

Mr. WALSH of Massachusetts. Did the House put it in?

Mr. SMOOT. Yes; the House put it in the bill. If the Senator will look at the bill which I introduced in the Senate and which was introduced by Congressman BURTON of Ohio, in the House he will not find those words.

Mr. WALSH of Massachusetts. So the refunding commission has never passed upon that aspect of this legislation?

Mr. SMOOT. It has not, and not only that——

Mr. WALSH of Massachusetts. Has the Senator from Utah as a member of the commission any opinion as to the wisdom of that clause incorporated in the bill by the House?

Mr. SMOOT. I do not think it is necessary at all.

Mr. WALSH of Massachusetts. Does not the Senator think that with it omitted from the bill we would be in a position to deal with more freedom of action with other nations?

Mr. SMOOT. No; I do not think so, because I do not think we are going to have a better settlement with any country than we have had with England, as I said before. I am quite frank in saying that.

Mr. WALSH of Massachusetts. But does not the Senator think it might be possible that circumstances would develop that we ought to make a more favorable settlement with some other country than we made with Great Britain?

Mr. SMOOT. When the Senator was out of the Chamber I made the statement, and I make it again, that I know of countries owing the United States as to which we would be delighted if they could give security and pay us the face of the obligation.

Mr. WALSH of Massachusetts. Yet the Senator does not think the incorporation of the clause would affect the commission in its negotiations with those countries?

Mr. SMOOT. Not in the least, because we could not promise them anything except that we would come back to Congress and tell why we recommended it.

Mr. WALSH of Massachusetts. What purpose is there in putting the clause in the bill if it is not notice by Congress to the commission and to Great Britain and to the other countries, Great Britain particularly, that the terms named here are as favorable as any other country can get?

Mr. SMOOT. It is at least a notice to the commission. Of course, every country would take notice of those words, just as they took note of the original act; and yet when we extended the invitation to France, she sent a delegation here, knowing that she could not meet the terms of the original act and that it was impossible for her to do so; and that would be the case in the future with other countries if this bill becomes a law.

Mr. WALSH of Massachusetts. If the phrase means nothing except notice to the commission that the terms we have named in the act of 1921 are now modified, why put it in the bill? Why not leave the language as it was?

Mr. SMOOT. The House thought it was necessary and the House put the language in.

Mr. ROBINSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Arkansas?

Mr. SMOOT. I do.

Mr. ROBINSON. I think the provision may have very great importance. It is proposed to incorporate in the bill authorizing a settlement with great Britain language which in effect declares that the Congress of the United States and the Government of the United States will not enter into a settlement with any other nation more favorable to that nation than the one made with the British Government. It is or may be considered a declaration by the United States that in the adjust-

ment of these debts no discrimination will be practiced by our Government against the British Government.

Now, if it is known that in future negotiations it may become necessary, in order to effect settlements at all, to accord more liberal terms to other governments than those accorded the British Government in this settlement, prudence and fairness to the British Government requires that the provision go out of the bill. Otherwise we will find a just resentment expressed by the British Government after the settlement has been consummated, if it is consummated, against any attempt to accord more favorable terms to other governments.

I think the provision ought to go out of the bill and that each settlement ought to be made on the basis of its merits. The commission ought to be left free, in the event it finds the best interests of the United States require that course, to negotiate for more liberal settlements with other governments less able to pay than is the British Government.

Mr. WALSH of Massachusetts. May I ask the Senator if it is not his opinion that with that clause in the law, which defines our financial obligations with Great Britain, it amounts to a moral obligation that this Government in negotiating the settlement of debts with other nations will not grant any more favorable terms?

Mr. ROBINSON. I think it is in legal effect a pledge that, Great Britain having taken the initiative, having made the first move of all governments indebted to the United States to settle, we will take such action as will not prove discriminatory against the British Government. I can not see where such a provision can perform any useful service, and I can see where it may cause dissatisfaction upon the part of the British Government after the settlement has been effected.

Mr. SMOOT. I will say to the Senator that, so far as I am personally concerned, if I had written the bill those words would not be in it.

Mr. REED of Missouri. Mr. President——

Mr. SMOOT. I yield to the Senator from Missouri.

Mr. REED of Missouri. If the sole purpose of the language is to limit the power of the commission, and if it is the desire to retain a limitation upon the powers of the commission, it would be a very simple proposition to adopt appropriate language which would make that particular object very plain, as, for instance, "the commission shall not grant better terms to any other country unless it shall first obtain the consent of Congress." Then plainly the words would be a mere limitation upon the commission and would imply the right of the American Congress at any time to change them.

Mr. ROBINSON. As the bill is now presented, I think the language to which the Senator from Massachusetts has called attention is not beneficial. I think it is harmful. It will not only prevent the commission from exercising discretion which it may be compelled to exercise in order to secure settlements of any kind with other governments, but it will form a just basis for some degree of complaint on the part of the British Government if the settlement is effectuated and subsequently more liberal terms are made with other governments.

Mr. REED of Missouri. May I be permitted to call attention to this point while the Senator is on his feet——

Mr. ROBINSON. I agree with the Senator from Missouri that if the purpose of the Congress of the United States is to say that the commission shall effect a settlement only in accord with the terms authorized by Congress, then the language ought to be made such that the commission can not do otherwise. All adjustments of debts due the United States should be subject to the approval of Congress.

Mr. REED of Missouri. If that is the object, it seems to me that it is not necessary. We already have a law which provides the terms and conditions upon which all of these debts may be settled by the commission without coming back to Congress. That, of course, requires the high rate of interest and a short time. Those are the present limitations upon the commission. The commission, finding itself confronted with that limit in the matter of its right to act, had to come back to Congress with the matter. So if there is nothing said in the bill with reference to it any future negotiations would be governed by that law. If it wants to make better terms or, indeed, as good terms with France or Belgium or any other country, the commission must come back and get the authority of Congress. So the words used are surplusage.

Mr. ROBINSON. I agree with the Senator from Missouri. If it is impossible to apply the provisions of the act of February 17, 1922, to the British Government and to adjust the settlement according to the terms of that act, it is unwise to continue in force the provisions of the act of February, 1922, as to governments less favorably situated with respect to their ability to pay their debts than is the British Government.

Mr. SMOOT. But this is an amendment of that act.

Mr. ROBINSON. I understand, and the effect would be this: If the bill as now presented shall be enacted into law, it would authorize more favorable terms than those under which the commission may now legally settle claims with other governments. But we all recognize the fact that even the terms contained in the bill are impossible of effectuation with certain other governments indebted to the United States.

I maintain that the sensible and the practical thing to do is to require the commission to bring its proposed settlements to the Congress for approval. Strike this language out of the present bill and modify the act of February, 1922, so that the commission may have more liberal authority in the performance of its duty, subject always to the approval of the Congress.

Mr. SMOOT. I want to say to the Senator from Arkansas that the commission has never promised any government that it had the power even to settle on the terms which the commission agreed they would recommend to the President.

Mr. ROBINSON. Oh, the Senator from Arkansas well understands that, but the Senator from Utah should understand that when an agency of the Government of the United States completes a negotiation and submits it to the Congress of the United States the issue is quite different from the original issue as to what the terms of the settlement should be. The economic and the political issues are both quite different.

Mr. WALSH of Montana. Mr. President——

Mr. SMOOT. I yield to the Senator from Montana.

Mr. WALSH of Montana. With deference I desire to say that I did not give to the language of the bill the significance which seems to have been attached to it by some of my colleagues. I did not interpret it as anything like a guaranty to the Government of Great Britain that other nations should not be more favorably treated. I understood the purpose of the provision in the bill to be this: Under the existing law no settlement could be made with any of the other nations except at the rate prescribed in the act of February, 1922.

Mr. SMOOT. The Senator is correct.

Mr. WALSH of Montana. That is, 4¼ per cent. Now, the settlement being effected with Great Britain at 3 and 3½ per cent, it was intended to give the commission the authority to settle with any other government on terms just exactly as favorable. That is to say, instead of making an agreement with other governments to pay 4¼ per cent interest, the commission was authorized to make settlement with other governments at 3 and 3½ per cent, and that without reporting to Congress at all.

Mr. SMOOT. That is correct.

Mr. WALSH of Montana. But if a settlement were made upon terms more favorable than 3 or 3½ per cent, then the commission would have to come to Congress for ratification. So I think, Mr. President, that although the language here is perhaps not altogether clear, though it may be a little ambiguous, the idea certainly ought to be embodied in the legislation, namely, that no harsher terms shall be exacted of any nation than those upon which we settle with the Government of Great Britain. If we strike out the words, the only authority the funding commission would have would be the authority under the prior act which would require them to exact not less than 4¼ per cent interest.

Mr. SMOOT. No; the language reads "settlements similar but not more favorable in terms."

Mr. WALSH of Montana. Yes.

Mr. SMOOT. That is the language we should have to follow.

Mr. WALSH of Montana. Yes—"similar but not more favorable in terms."

Mr. SMOOT. With those words stricken out, it would read:

> Approved and authorized, and settlements similar in terms with other governments indebted to the United States, as set forth in this section, are hereby authorized to be made.

Mr. WALSH of Montana. I supposed the discussion embraced the terms "settlements similar but not more favorable in terms."

Mr. SMOOT. Those words were inserted in the House.

Mr. WALSH of Montana. The point I wished to make was that the commission ought to be vested with a more liberal authority than that with which it is invested by the present law. It ought to be vested with authority to make settlements with the other governments no more onerous than those exacted from Great Britain.

Mr. ROBINSON. Mr. President, will the Senator permit me to interrupt him?

Mr. SMOOT. I will yield to the Senator in just a moment.

Mr. ROBINSON. Very well.

Mr. SMOOT. I agree with the Senator from Montana that that is the intention of those words. If the words "not more favorable" shall be stricken out, the clause will read:

And settlements similar in terms with other governments indebted to the United States, as set forth in this section, are hereby authorized to be made, subject to the approval of the President.

In other words, if your commission could settle, we will say, with any other of our foreign debtors on similar terms as found in this section as amended, then they would be enabled to do so with the approval of the President, and would not have to come back to Congress; but if the President disapproved of it or if the terms were different from those contained in the pending bill as finally enacted, then the commission would have to come back to Congress.

Mr. WALSH of Montana. I would say, with respect to that, I think the word "similar" is not sufficiently well defined to serve the purpose. I think that something in addition to that ought to be incorporated in the bill.

Mr. SMOOT. I will say to the Senator that I have given that much thought, but if we do not use the word "similar" and do use some more definite word than that, we could not change the annual payments; the annual payments would have to be just exactly the same as enumerated in the bill. The word "similar," however, will certainly cover the 3 per cent and 3½ per cent and the real fundamentals of a settlement.

Mr. WALSH of Montana. The trouble about that is, if we merely say the settlements shall be "similar" and the bonds go out on the market, the question would then be raised as to whether the terms were indeed similar, raising a doubt that ought not attach to any securities of that kind.

Mr. ROBINSON. Mr. President, with the further indulgence of the Senator from Utah [Mr. SMOOT], I desire to say that I agree that what was probably in mind when the provision was prepared was a relaxation of the limitation on the authority of the commission so as better to enable it to effect settlements. I maintain, however, that the difficulty goes deeper and is more important than this consideration. This settlement is a contract with one of the great governments of the world. It is, in the language employed, in the nature of an agreement that we will not discriminate against that Government; that we are making the same or substantially the same settlement with Great Britain that we shall make with other debtors of the United States. I can readily conceive how, if it becomes necessary for the United States to remit a portion of the principal due from other governments, Great Britain may declare "You have violated the contract that you made with us; you have discriminated against Great Britain."

Mr. WALSH of Massachusetts. Mr. President, may I interrupt the Senator from Arkansas there?

Mr. ROBINSON. I have not the floor.

Mr. WALSH of Massachusetts. I merely wish to suggest that there is not a sentence, not a word in the whole bill, until we get to the clause we are discussing, but speaks of Great Britain. Why is not Great Britain going to read this particular clause in the light of all that has gone before, namely, the contract between Great Britain and the United States? That is all the act is. There is not a word about any other debt except Great Britain's debt. It is not a separate sentence, but it is part of the sentence which says Great Britain in payment for this debt can deliver bonds which we have issued.

I wish to call the Senator's attention to that. Great Britain will be justified in saying, and she will put no other construction upon it than saying, "You gave me your pledge; it is part of my contract; here it is in writing; you said you would not make any different terms with any other nation."

Mr. ROBINSON. Mr. President, that interpretation of the provision is justified from a consideration of the fact that one of the basic principles underlying this whole problem is the maintenance of the integrity of the Governments which are indebted to the United States. I can readily conceive how Great Britain, taking the initiative in effecting these settlements, might desire that other Governments should stand upon the same ground, and might feel that the integrity of national obligations was a question worthy of very great consideration. I think we will find ourselves confronted with this difficulty: If, for instance, a settlement with Serbia should be so adjusted as to cancel a portion of that nation's indebtedness to us because she can not pay and different terms should be effectuated for the settlement than those agreed to with respect to Great Britain, we will find the British Government declaring that the United States has broken faith with her; that she has promised as a part of the program for these settlements to maintain national integrity the integrity of national obligations. It is a consideration that can not be treated lightly.

Mr. REED of Missouri. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Missouri?

Mr. SMOOT. I yield.

Mr. REED of Missouri. Is it not absolutely certain that, if there is a difference of opinion now on the floor of the Senate with reference to the meaning of these words, there will certainly be a difference of opinion some years from now or some months from now when we make settlements with other Governments. We are not in a position where we need to permit such a question to arise; we are now making this agreement, and if a difference has already arisen over an ambiguity of language we ought to remove it; that is all there is about it; there ought not to be any question left that raises a doubt in the minds of intelligent men.

Mr. SMOOT. I am going to ask the Senate to pass this question over to-night. I again say that the words "but not more favorable" were put in by the Ways and Means Committee of the House. In the meantime I will try to get the opinion of members of that committee as to why those words should go in the bill. I will frankly say I see no reason why they should. The bill which I first introduced did not contain those words at all; the bill which was originally introduced in the other House by Representative BURTON did not contain those words, but they were put in there for a purpose by the Ways and Means Committee of the House. I ask now that I do not be interrupted any further by a discussion of this particular matter.

Mr. McCUMBER, Mr. FLETCHER, and Mr. WALSH of Montana addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Utah yield; and if so, to whom,

Mr. SMOOT. I yield to the Senator from North Dakota.

Mr. McCUMBER. I think there is one reason, possibly, for retaining the last clause, which is the same reason practically as was given for fixing a limitation upon the commission in the previous law, namely, so that the commission would have to come back to Congress for the ratification of any agreement it might make. If we strike those words out of the bill, even if we could make exactly the same kind of arrangement with another nation, as the law is proposed now to be amended, I think we might have some difficulty. I do not expect, and I do not think anyone else expects, that we can make an agreement with any nation upon the face of the earth which is indebted to us that will be as favorable to this country as the agreement with Great Britain. I do not think any other one of the debtor nations is in a position to make as favorable an agreement with us. I might say in connection with that that I hope the commission will have added members in accordance with an amendment which has been offered, not to this bill but to the original bill——

Mr. SMOOT. The amendment has also been offered to this bill.

Mr. McCUMBER. So that both sides of the Chamber may be represented. I want to say that I believe we had better leave those words in the bill as they now stand, as an indication to the countries of the world that we desire to treat them all alike if it is possible to do so. Personally, I do not think it is possible for us to do so.

Mr. ROBINSON. Mr. President, will the Senator from Utah yield to me?

Mr. SMOOT. Yes.

Mr. ROBINSON. Before passing from this question I think it ought to be stated that undoubtedly the pending bill takes away from Congress any further jurisdiction over the settlement of debts due the United States from other governments. It provides that if a settlement shall be negotiated by the commission upon the mere approval of the President of the United States that settlement shall take effect. I inquire of every Senator who hears me what is the justification for that policy and that provision? From the beginning of this Government the Congress of the United States, particularly the House of Representatives, has been regarded as the guardian of the purse strings of this Government. What can be the justification of denying to Congress the privilege of passing upon an adjustment of our foreign loans which may involve millions or hundreds of millions of dollars and which will involve in some sense the question of the integrity of the nations which are indebted to the United States?

I believe that the present settlement, while it is objectionable in some of its aspects in view of the course that the matter has taken, should be consummated. I believe the Congress of the United States ought not to be deprived of the opportunity of passing upon future settlements of this nature, just as it has

not been deprived of the opportunity of passing upon this settlement.

Mr. SMOOT. I agree with the Senator.

Mr. ROBINSON. Very well; then let us change the present bill so as to provide that the commission may go forward with its negotiations, exercising its sound judgment and performing the best service that it can in behalf of the United States, and require all settlements negotiated by the commission to be submitted to the Congress of the United States and ratified or rejected according to the judgment of the representatives of the people of the United States, who have some interest in this subject, notwithstanding the course the matter has taken.

In this connection may I also say that I do not regard the settlement of debts due the United States by other governments as a political question. Those controversies should be determined solely from a consideration of what is best for the interests of the United States and what is fair to the nations that owe the United States. But, Mr. President, the course that the administration has taken in regard to the settlement of these debts has been calculated, if not designed, to provoke political controversy. When this great problem was first attempted to be adjusted, when the Congress passed the act under which the commission is presumed to be operating, it was not in the mind of Senators that a partisan commission should be created. It was expected both by the Congress and by the people of the Nation that the subject should be dealt with as one affecting the Government of the United States, affecting the general interests of the Nation, and that it should be disposed of as far as possible free from political considerations. But the Executive, in the selection of the commission authorized to execute the mandate of the Congress in the settlement of these debts, made it a partisan commission; and now, after the difficulties have become apparent, after it has become manifest to everyone that partisanship and political considerations should be abandoned and the subject dealt with solely with regard to the national interest, we hear it declared that there is objection to putting Democrats on the commission.

For my part, I am not greatly interested in such an amendment at this time. After the settlement of controlling importance has been effected, after the real issues of the matter have been determined, I am not greatly interested in having the commission made a bipartisan commission in order to give force and effect to the partisan action already taken.

Mr. HARRIS. Mr. President——

Mr. ROBINSON. I yield to the Senator.

The PRESIDING OFFICER (Mr. MOSES in the chair). The Senator from Utah has the floor. Does the Senator from Utah yield to the Senator from Georgia?

Mr. ROBINSON. With the indulgence of the Senator——

Mr. SMOOT. I yield to the Senator from Georgia.

Mr. HARRIS. The Senator's reference to a nonpartisan commission to handle this matter is one in which I have been very much interested. I agree with him that this should not be a partisan matter. While I think the President did wrong in not putting some Democrats on the commission at the beginning, I do not think it is too late now to have the minority represented; and I hope the Senator from Arkansas will not oppose the amendment that I have offered.

Mr. ROBINSON. Mr. President, I do not consider that feature of the discussion of the greatest importance. As I have already stated, the settlement with Great Britain is the important settlement. It has been negotiated; and I do not know that it is of very great consequence whether in the future settlements the negotiations be conducted by a bipartisan commission or not, in view of the course the matter has taken. I will say, however, that notwithstanding the effort upon the part of the administration to make it a political issue—perhaps I should not say "effort" but I should say "invitation"—notwithstanding the refusal of the Executive to accord to the minority representation upon this commission, whose duties are of the very greatest importance in so far as they affect the interests of the Treasury of the United States, my purpose is to take that course which is best calculated to promote the interests of the United States. My purpose is to forget the attempt of the administration—the invitation of the administration—to make it a political issue by denying to the minority representation upon the commission; and I hope when the bill is finally voted upon to be in a position to support the settlement.

Mr. SMOOT. Mr. President, as I stated before, I should like very much now to conclude my remarks.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Montana?

Mr. SMOOT. For a question only.

Mr. WALSH of Montana. If that matter is disposed of, even though temporarily, I should like to inquire of the Senator concerning the significance and importance of the clause immediately adjacent to that which has been the subject of discussion, namely:

> Any payment of interest or of principal may be made in any United States Government bonds issued since April 6, 1917, such bonds to be taken at par and accrued interest.

That is to say, as I understand, the Government of Great Britain is given the option to make its payments required hereunder either in cash or in bonds of the United States. In order to get the bonds of the United States it must go out into the market, of course, and purchase those bonds. They are now sold all practically at par. Of course, if they should go above par, Great Britain obviously will not go out into the market and buy the bonds and make payment in that way. She will do so only when the bonds of the United States are selling on the market below par. That is to say, if at some time in the future the credit of the United States, by reason of adverse conditions of trade and difficulties and embarrassments which may surround its operations in one way or another, or by reason of world conditions, should be depressed upon the market, and the credit of the United States should be thus impaired as thus evidenced, then the Government of Great Britain could go out, take advantage of the embarrassment of the credit of the United States, buy bonds, and pay in bonds. I ask the Senator what was the reason for inserting such a provision as that in the settlement?

Mr. SMOOT. Mr. President, the privilege granted to Great Britain to pay the principal or the interest upon her bonds in any United States Government bonds issued since April 6, 1917, was granted because I can not conceive of a time from now on when we are going to issue bonds that will be below par; but, even though they were below par, we do not want to speculate upon Great Britain in paying a debt that was created here during the war. I can see no wrong whatever, no inconsistency, in saying to Great Britain: "In the payment of the interest and the principal, we are perfectly willing to take our bonds issued after April 6, 1917, at par." Of course there are some bonds that were issued before 1917 drawing 2 per cent, with circulating privileges, and there are some 3 per cent bonds. We do not bring in those bonds. We are not including short-time certificates. It is only bonds of the United States issued after April 6, 1917, all of them drawing as high a rate of interest as we have in this bill, and higher.

Mr. WALSH of Montana. Am I right in the assumption that we could expect no payment in bonds unless the bonds were selling below par?

Mr. SMOOT. Why, certainly the Senator is right; but the mere fact of Great Britain coming into the market and buying the bonds, not by $1,000,000 or $10,000,000, but by $100,000,000, together with the fact that we have a sinking fund and we are purchasing the bonds for that fund will keep those bonds at par.

Mr. WALSH of Montana. Then it was for the purpose of getting Great Britain to help us preserve the credit of our bonds in the market?

Mr. SMOOT. Not at all, Mr. President; it was for the purpose of giving them the privilege, if they wanted to, of paying in bonds, and we would have that many bonds redeemed.

Mr. WALSH of Montana. Why, of course. That is what the bill says. That is what the agreement says.

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield; and if so, to whom?

Mr. SMOOT. It will not take me very long to conclude what I have to say, and then the Senator from Massachusets can proceed. I want to get through now.

Mr. WALSH of Massachusetts. I should like to have the Senator develop this feature of the discussion: I should like to say to the Senator from Montana——

Mr. SMOOT. If the Senator is going to ask me a question, I will yield; but I do not want him to get into a colloquy with the Senator from Montana in my time.

Mr. WALSH of Massachusetts. I will ask the Senator if he did not, in the Committee on Finance, interpret the language to which the Senator from Montana has just called his attention to mean that this clause gave the British Government the right to buy only such bonds as were issued between April 6, 1917, and the passage of this bill?

Mr. SMOOT. Yes; I said that I thought it could be construed in that way.

Mr. WALSH of Massachusetts. And is it not true that at the request of the committee the Senator from Utah was sent to the telephone to ask the Secretary of the Treasury if that

was the meaning of this clause, and his reply from the Secretary of the Treasury was that it was not the meaning of the clause, but that any bonds issued by this Government in the next 62 years—not now—at any rate of interest could be purchased and given in payment for this debt? Is not that the fact?

Mr. SMOOT. In the next 62 years, providing the bonds are not all paid off before that time. That is true; but I do not believe, Mr. President, that the American people, knowing the conditions that exist, knowing how this debt was incurred, knowing the amount of profit that was made out of Great Britain through her purchase of $7,000,000,000 worth of goods in this country, are going to try now to speculate upon the value of our bonds if she desires to purchase them and hold them between interest dates and have them on hand to pay at the time the interest or the amount of the principal becomes due.

Mr. WALSH of Montana rose.

The PRESIDING OFFICER. Does the Senator from Utah yield further to the Senator from Montana?

Mr. SMOOT. Just a moment. Whenever you take into consideration the privilege granted here you must also take into consideration the fact that Great Britain can not pile up the money here to pay the amounts agreed upon, and upon a certain day, without its affecting the exchange values of money between countries. Why can not we say to Great Britain: "During those periods, if you want your money invested so that you can secure a little interest upon it, purchase these bonds, and at the end of the period we will take the bonds"? That is what the commission agreed to recommend, and that is what the House says is the proper thing to do, and I believe it.

Mr. WALSH of Montana. Just one question, if the Senator please. As to the stabilization feature of the matter, would not the market be just as well stabilized if the British Government paid the United States in cash and the United States went out into the market and bought the bonds?

Mr. SMOOT. It might, but I do not know whether it would or not. If it were known that Great Britain was buying our bonds——

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield; and if so, to whom?

Mr. SMOOT. I yield to the Senator from Massachusetts.

Mr. WALSH of Massachusetts. I did not want the Senator to interpret my question as being critical of the action of the commission necessarily. I want the facts to appear, and every Senator to know just what this bill means. I would also like to have put into the RECORD, for the benefit of Senators, what appeared before the committee, that this clause was inserted at the request of the representatives of the British Government. The Senator agrees to that?

Mr. SMOOT. Yes; Mr. President, they asked that this privilege be granted to them. That was one of the first requests that was made. There is nothing to conceal about that. It was a fair, open request, and I can not conceive why anybody should object to it.

Mr. REED of Missouri. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Missouri?

Mr. SMOOT. I yield.

Mr. REED of Missouri. I do not want to interrupt the Senator if he is worried with these questions.

Mr. SMOOT. I want to answer every question I can. All I had in mind was that I would like to get through with what I had to say, and get it into the RECORD, and then at any time in the discussion I would be glad to answer any question I can.

Mr. REED of Missouri. This has to do with the very matter we are discussing. If this clause were not in the bill, the United States would then know with reasonable certainty that on a given date it would get a certain amount of cash from Great Britain. It would know with absolute certainty when its bonds were to mature.

Mr. SMOOT. Whose bonds?

Mr. REED of Missouri. Its own bonds.

Mr. SMOOT. We know that now.

Mr. REED of Missouri. That was part of my statement for the purpose of the conclusion. I repeat, if this clause were not in the bill, we would then know when England was going to pay us certain sums in cash. We would likewise know with absolute certainty when our bonds were going to mature, and we could make all of our fiscal calculations based upon those two known facts. But when you put this clause into the bill, do you not first make it so that we do not know whether we are going to get cash from Great Britain or not, and we can make no calculations for the use of the cash because we do not know we are going to get cash? Second, Great Britain has the right to mature our bonds at will by merely buying them in the market and bringing them to us and insisting that we accept them as cash. Suppose we have arranged our revenues for the purpose of meeting our obligations, and we calculate that within a given period of time Great Britain would pay to us $2,000,000,000 in cash, and that our own obligations came due at a certain time. But when the time comes around when we expect to have that $2,000,000,000 to use, when the period has elapsed, we do not have any cash at all, but we have some of our own bonds which were not then due? Does not that introduce a sort of chaos into all our calculations, and make all our fiscal calculations depend upon the action of the British Government? Is there a bank in the country which would make that kind of a deal?

Mr. SMOOT. Oh, certainly, Mr. President. There is not a bank in the country that does not make loans upon demand; not one.

Mr. REED of Missouri. I never knew a bank to make a long-time loan which provided for payment before the fixed maturity without fixing a penalty for the payment before maturity.

Mr. SMOOT. Mr. President, banks all over the world make loans on demand. They also make them payable on or before a date. It is about as common as to make 30-day loans.

Mr. REED of Missouri. I am talking about long-time loans.

Mr. SMOOT. Loans are not made by banks, of course, to run for 50 or 60 years. Banks generally make them for a year; but the loans are made payable "on or before." The debtors can pay any amount of the loan when they want to.

Mr. REED of Missouri. Some of them.

Mr. SMOOT. I want to answer the Senator's question.

Mr. REED of Missouri. Let me finish this. I do not want to be misunderstood. I referred to "banks." Perhaps I should have said loan companies. I never knew of a long-time loan being made with a provision for payment in advance of the fixed period which did not attach a penalty for the payment in advance.

Mr. SMOOT. There is not an obligation due the Government of the United States on account of any of the reclamation projects which the Government of the United States will not allow the debtor to settle at any time.

Mr. REED of Missouri. My question was whether the Senator knew of a private individual or a private concern which would make this sort of a loan, a loan where the creditor has the right to pay at any time, not in cash but in securities? There is no parallel.

Mr. SMOOT. Mr. President, there is no need discussing that question; but I wanted to answer the Senator's original question, because it was a question which ought to be answered. He spoke about $2,000,000,000 being paid. There can not be more than one year's interest and one year's principal paid, and that can not be at any time more than $181,000,000.

Mr. REED of Missouri. I said $2,000,000,000 within the period of time, and I was merely illustrating. The details of an illustration never get you anywhere.

Mr. SMOOT. Oh, yes; they do.

Mr. REED of Missouri. They will pay a given sum of money within a given period, according to the contract. We will make our plans within that 10 years based upon the cash to come in during that 10-year period. We do not get cash; but we get our bonds, which have not yet matured, and which we may not be prepared to handle.

Mr. SMOOT. Mr. President, I will proceed now. In any one year the amount can not be more than $181,000,000, and our sinking fund amounts to more than that. If we did not want to purchase bonds for our sinking fund we could take these very bonds England pays and use them as a sinking fund, because the sinking fund was maintained under the practice of the former administration, is obtained under this administration, and will be under any other administration that will come into power, by the purchase of bonds. We do not put the money into a safe and let it lie there. We purchase bonds, and they act as a sinking fund, and as soon as they are purchased by the Government the interest stops. So, I will say to the Senator from Missouri, that can not interfere. If we have the money to spare we can still purchase more than are necessary for the sinking fund. We can take these from England as payment upon the principal of the obligation and stop the payment of interest upon the bonds of this Government.

Mr. President, in order that every Senator may know the details of every obligation of our Government as of January 31, 1923, showing the date of issue, the rate per cent per annum, the principal amount outstanding, the interest rate for each issue, and the average rate of interest per annum, I ask

that the table I have in my hand be inserted in the RECORD at this time without reading.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Itemized statement of the public debt as of Jan. 31, 1923, showing (1) date of issue; (2) rate per cent per annum; (3) principal amount outstanding; (4) the interest for 1 year on the outstanding principal at the interest rate for each issue; and (5) the average rate of interest per annum (on the basis of daily Treasury statements).

Public debt.	Date of issue.	Rate per annum.	Principal amount outstanding.	Interest for 1 year on principal outstanding Jan. 31, 1923 (partly estimated).	Average rate of interest.
		Per cent.			*Per cent.*
Bonds:					
Consols of 1930	Apr. 1, 1900	2	$599,724,050.00	$11,994,481.00	
Loan of 1925	Feb. 1, 1895	4	118,489,900.00	4,739,596.00	
Panama's of 1916–1936	Aug. 1, 1906	2	48,954,180.00	979,083.60	
Panama's of 1918–1938	Nov. 1, 1908	2	25,947,400.00	518,948.00	
Panama's of 1961	June 1, 1911	3	49,800,000.00	1,494,000.00	
Conversion bonds	Jan. 1, 1916–17	3	28,894,500.00	866,835.00	
Postal savings bonds	Jan. 1, July 1, 1911–1922	2½	11,860,200.00	296,505.00	
			883,670,230.00	20,889,448.60	2.364
First Liberty loan of 1932–1947—					
3½ per cent bonds of 1932–1947	June 15, 1917	3½	1,410,001,050.00	49,350,036.75	
Converted 4 per cent bonds of 1932–1947	Nov. 15, 1917	4	11,542,450.00	461,698.00	
Converted 4¼ per cent bonds of 1932–1947	May 9, 1918	4¼	526,765,400.00	22,387,529.50	
Second converted 4¼ per cent bonds of 1932–1947	Oct. 24, 1918	4¼	3,492,150.00	148,416.37	
			1,951,801,050.00	72,347,680.62	
Second Liberty loan of 1927–1942—					
4 per cent bonds of 1927–1942	Nov. 15, 1917	4	49,771,750.00	1,990,870.00	
Converted 4¼ per cent bonds of 1927–1942	May 9, 1918	4¼	3,218,658,700.00	136,792,994.75	
			3,268,430,450.00	138,783,864.75	
Third Liberty loan of 1928	do	4¼	3,439,837,750.00	146,193,104.37	
Fourth Liberty loan of 1933–1938	Oct. 24, 1918	4¼	6,329,957,850.00	269,023,208.62	
			14,990,027,100.00	626,347,858.36	4.178
Treasury bonds of 1947–1952	Oct. 16, 1922	4½	763,915,800.00	32,466,421.50	4.25
Notes:					
Victory Liberty loan, 4¾ per cent, maturing May 20, 1923	May 20, 1919	4¾	843,634,500.00	40,072,638.75	4.75
Treasury notes—					
Series A, 1924	June 15, 1921	5½	311,191,600.00	17,893,517.00	
Series B, 1924	Sept. 15, 1921	5½	390,708,100.00	21,488,835.50	
Series A, 1925	Feb. 1, 1922	4½	598,384,200.00	28,423,249.50	
Series B, 1925	June 15, 1922	4½	333,334,800.00	14,452,147.50	
Series C, 1925	Dec. 15, 1922	4½	448,901,150.00	20,200,551.75	
Series A, 1926	Mar. 15, 1922	4½	616,769,700.00	29,296,560.75	
Series B, 1926	Aug. 1, 1922	4½	459,039,900.00	19,509,195.75	
Series A, 1927	Jan. 15, 1923	4½	366,741,435.00	16,503,364.57	
			3,522,068,885.00	167,767,422.32	4.763
Other:					
Treasury certificates—					
Series T M, 1923	Mar. 15, 1922	4½	265,170,000.00	11,269,725.00	
Series T M 2, 1923	Dec. 15, 1922	3½	111,994,500.00	3,919,807.50	
Series T J, 1923	June 15, 1922	3½	264,000,000.00	9,900,000.00	
Series T S, 1923	Sept. 15, 1922	3¾	227,000,000.00	8,512,500.00	
Series T D, 1923	Dec. 15, 1922	4	197,230,100.00	7,889,204.00	
			1,065,394,600.00	41,491,236.50	3.894
War savings securities, series of 1919, 1920, and 1921 (net cash receipts)	Jan. 2, 1919, 1920; Jan. 3, 1921	4	95,990,473.97	3,839,618.96	4
Treasury savings securities (redemption value of certificates outstanding)	Various dates from Dec. 15, 1921.	4½ / 4	189,358,114.58	8,047,719.87	4.25
Total interest-bearing debt			22,354,059,703.55	940,922,364.86	
Average interest rate on total interest-bearing debt					4.209
Average interest rate on interest-bearing debt exclusive of pre-war loans					4.285
Debt on which interest has ceased			118,558,115.04		
Noninterest bearing debt			258,544,556.07		
Total gross debt			22,731,162,374.66		

Mr. SMOOT. Mr. President, several Senators have questioned the amount of interest accrued and unpaid up to December 15, 1922, at the rate of 4¼ per cent. I do not see the Senator from Rhode Island [Mr. GERRY] in the Chamber. He has taken a considerable interest in the question, and claims that he can not figure the interest as stated in the bill. The difficulty with the Senator from Rhode Island is that he did not have the dates on which the obligations were incurred. Of course, if you take the amount of indebtedness, as stated in the bill, of $4,070,818,358.44, and figure on that sum back to the date of the first obligation that was made, the Senator from Rhode Island would be correct in stating that the interest would not be as stated; but I have here the exact dates at which all of the obligations were made, beginning with the first one that was made, April 15, 1919, down to the last one that was made, November 15, 1922. I ask that that be printed as a part of my remarks, so that all Senators can see it, if they so desire.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

$2,643,789,419.86 at 4¼ per cent for 3½ years (Apr. 15, 1919, to Oct. 15, 1922)	$393,263,676.19
$2,643,789,419.86 at 4¼ per cent for 31 days (Oct. 15 to Nov 15, 1922), basis 182 days	9,569,210.33
$1,404,028,938.58 at 4¼ per cent for 3½ years (May 15, 1919, to Nov. 15, 1922)	208,849,304.62
$10,000,000 at 4¼ per cent for 3 years, 177 days (May 22, 1919, to Nov. 15, 1922), basis 184 days	$1,479,415.76
$10,000,000 at 4¼ per cent for 3 years, 170 days (May 29, 1919, to Nov. 15, 1922), basis 184 days	1,471,331.52
$7,000,000 at 4¼ per cent for 3 years, 143 days (June 25, 1919, to Nov. 15, 1922), basis 184 days	1,008,104.62
$4,074,818,358.44 at 4¼ per cent for 30 days (Nov. 15, 1922, to Dec. 15, 1922), basis 183 days	14,195,063.95
Total	629,836,106.99
Deduct:	
$50,000,000 at 4¼ per cent for 60 days (Oct. 16, 1922, to Dec. 15, 1922), basis 182 days	50,350,274.72
$50,000,000 at 4¼ per cent for 30 days (Nov. 15, 1922, to Dec. 15, 1922), basis 181 days	50,176,104.97
Total	100,526,379.69
Net interest	529,309,727.30
Add principal	4,074,818,358.44
Total	4,604,128,085.74
To be paid in cash	4,128,085.74
To be given in bonds	4,600,000,000.00

Mr. SMOOT. A question arose in the committee as to why we should use the words "United Kingdom of Great Britain and Ireland." It was thought that the words "and Ireland" should be stricken from the bill. I now read paragraph 5 of

the treaty between Great Britain and Ireland, dated December 6, 1921:

The Irish Free State shall assume liability for the service of the public debt of the United Kingdom as existing at the date hereof and toward payment of war pensions as existing at that date, in such proportion as may be fair and equitable, having regard to any just claims on the part of Ireland by way of set-off or counterclaim, the amount of such sums to be determined in default of agreement by the arbitration of one or more independent persons being citizens of the British Empire.

That, as I said, is taken from paragraph 5 of the article of agreement for the treaty between Great Britain and Ireland dated December 6, 1921. The British Embassy, in reply to an inquiry, stated that the amount of the liability of the Irish Free State has not been settled and will be a subject of long negotiation. Therefore, it is necessary that we use the exact title "The United Kingdom of Great Britain and Ireland." Whatever advantages there may be in the settlement will redound to the credit of Ireland in the same proportion that she is owing Great Britain. I thought, to save further discussion upon that point, I ought to put that in the RECORD.

Mr. President, I do not think it is necessary for me at this time to go into further detail. No doubt during the discussion there will be many questions asked. I want merely to say in closing that the new bonds will be in conventional businesslike form. The Treasury will know in advance the income that may be depended upon in preparing Budget estimates. In considering its financial plans and dealings the Treasury will know what payments may be expected on account of principal, and therefore to what extent the reduction of the debts of the United States may be accomplished from this source.

Mr. ROBINSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Arkansas?

Mr. SMOOT. Certainly.

Mr. ROBINSON. The Senator has just referred to a question that has been discussed in the press, and I think it has also been mentioned in the Congress. Certainly it was discussed while the bill was under consideration in the body at the other end of the Capitol. That is with reference to the form of the bonds. Is the Senator prepared to discuss that in some detail?

Mr. SMOOT. No; I can not say as to details.

Mr. ROBINSON. Will it be the usual form of British bonds?

Mr. SMOOT. Oh, no. It will be the form of our bonds. It will be made payable in gold coin of the United States.

We will write the bonds, and we will put every detail in the bonds. There will be no question about that.

Mr. POMERENE. The bonds will be payable in dollars and not in pounds?

Mr. SMOOT. The bonds will be payable in dollars. In other words, the bonds will be for $4,600,000,000 gold, the same as every bank note is executed and signed to-day.

Mr. McKELLAR. Mr. President, are the bonds to be transferable by delivery, or how are they to be treated? Is there any limitation on their transfer in any way? Can the Government transfer them?

Mr. SMOOT. Of course there will be nothing in the bonds to prevent it.

Mr. McKELLAR. They will be negotiable bonds, in other words?

Mr. SMOOT. Yes; under the terms of the bonds themselves.

I was asked this afternoon to furnish a copy of the certificate of indebtedness now held by the Government of the United States as to its form, not amount and not for each country. I have in the report of the Secretary of the Treasury for 1920 an exact copy of the certificate of indebtedness now held by the Government of the United States in form as against each and every one of the countries. I ask that this form may be printed in the RECORD following my remarks, so that every Senator, who wants to see the form of obligation now held, will have it before him in the RECORD.

There being no objection the matter was ordered to be printed in the RECORD as follows:

The following is a skeleton copy of an obligation received under the fourth Liberty bond act:

CERTIFICATE OF INDEBTEDNESS.

$ (amount in figures).

The Government of (name of foreign Government), for value received promises to pay to the United States of America, or assigns, the sum of (number of dollars in words) on demand, with interest from date hereof at the rate of (rate per cent) per cent per annum. Such principal sum and the interest thereon will be paid without deduction for any (name of foreign Government) taxes, present or future, in gold coin of the United States of America of the present standard of weight and fineness at the Subtreasury of the United States in New York, or, at the option of the holder, at the Treasury of the United States in Washington.

This certificate will be converted by the Government of (name of foreign Government) if requested by the Secretary of the Treasury of the United States of America, at par with an adjustment of accrued interest into an equal par amount of (rate per cent) per cent convertible gold bonds of the Government of (name of foreign Government), conforming to the provisions of acts of Congress of the United States known, respectively, as second Liberty bond act, third Liberty bond act, and fourth Liberty bond act. If bonds of the United States issued under authority of said acts shall be converted into other bonds of the United States bearing a higher rate of interest than 4¼ per cent per annum, a proportionate part of the obligations of the Government of (name of foreign Government) of this series acquired by the United States under authority of said acts shall, at the request of said Secretary of the Treasury, be converted into obligations of said Government of (name of foreign Government), bearing interest at a rate exceeding that previously borne by this obligation by the same amount as the interest rate of the bonds of the United States issued upon such conversion exceeds the interest rate of (rate of this obligation) per cent, but not less than the highest rate of interest borne by such bonds of the United States.

———— ————,

(Signature of representative of foreign Government.)
(For the Government of (name of foreign Government.)

Dated the ——— day of ———.

Mr. JONES of New Mexico. Mr. President, I would like to propose an amendment, in the nature of a substitute for the pending bill, and I ask that it may be printed to-night in order that we may have it before us to-morrow. I will state in a general way just what the proposed substitute is. It proposes to amend the title of the bill so that it will be an act to authorize the settlement of the indebtedness of the United Kingdom of Great Britain and Ireland to the United States of America, and after the enacting clause it simply sets out the terms of this settlement.

This is not an amendment of the proviso of the original act creating the commission. It has been developed here, and I think was generally understood at the time we passed the original act creating the commission, that there would be no final settlement in accordance with the terms and limitations prescribed in that bill, and that settlements would be negotiated from time to time and submitted to the Congress for approval. I was opposed to the creation of any commission at all. I believed that negotiations with foreign governments should be conducted as contemplated by the Constitution—that is, through the executive branch of the Government. Of course, the President of the United States would have a perfect right to call to his assistance the present members of the World War Foreign Debt Commission, or any one else, to aid in the negotiation of any settlement.

It appears now that a settlement has been negotiated with the Kingdom of Great Britain and Ireland. It comes before the Congress of the United States for approval. Personally, I feel like voting for its approval, but I do not believe that we should indulge in any legislation here of doubtful construction. I do not see why we should undertake to amend the proviso of the act creating the commission. Let it remain just as it is, and for the purpose for which it was enacted, namely, to authorize the commission to negotiate settlements which should subsequently be presented to Congress for approval.

With that in view, Mr. President, I offer the following amendment as a substitute for the bill, and ask that it be printed and lie on the table, and also printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment intended to be proposed by Mr. JONES of New Mexico is to strike out all after the enacting clause and insert:

That a settlement of the indebtedness of the United Kingdom of Great Britain and Ireland to the United States, as follows:

Principal of notes to be refunded	$4,074,818,358.44
Interest accrued and unpaid up to December 15, 1922, at the rate of 4¼ per cent	629,836,106.99
	4,704,654,465.43
Deduct payments made October 16, 1922, and November 15, 1922, with interest at 4¼ per cent thereon to December 15, 1922	100,526,379.69
	4,604,128,085.74
To be paid in cash	4,128,085.74
Total principal of indebtedness as of December 15, 1922, for which British Government bonds are to be issued to the United States Government at par	4,600,000,000.00

The principal of the bonds shall be paid in annual installments on a fixed schedule, subject to the right of the British Government to make these payments in three-year periods. The amount of the first year's installment will be $23,000,000 and these annual installments will increase with due regularity during the life of the bonds until, in the sixty-second year, the amount of the installment will be $175,000,000, the aggregate installments being equal to the total principal of the debt.

"The British Government shall have the right to pay off additional amounts of the principal of the bonds on any interest date upon 90 days' previous notice.

"Interest is to be payable upon the unpaid balances at the following rates, on December 15 and June 15 of each year: At the rate of 3 per cent per annum payable semi-annually from December 15, 1922, to December 15, 1932, thereafter at the rate of 3½ per cent per annum payable semiannually until final payment.

"For the first five years one-half the interest may be deferred and added to the principal, bonds to be issued therefor similar to those of the original issue.

"Any payment of interest or of principal may be made in any United States Government bonds issued since April 6, 1917, such bonds to be taken at par and accrued interest—is hereby approved and authorized."

Amend the title so as to read: "An act to authorize the settlement of the indebtedness of the United Kingdom of Great Britain and Ireland to the United States of America."

Mr. ROBINSON. Mr. President, to effectuate the change in the bill which the Senator from Utah [Mr. SMOOT] agreed should be made, I submit an amendment, and ask that it be printed and lie on the table. Let me state that the purpose of the amendment is to give the commission authority to negotiate such settlements as the commission may find to be just affecting other debtor nations who may owe the United States, and to make all such settlements subject to the approval of the Congress.

The PRESIDING OFFICER. The amendment will be received, printed, and lie on the table.

Mr. POMERENE. Will not the Senator from Arkansas allow me to suggest that the amendment be printed in the RECORD, so we may have it there?

Mr. ROBINSON. Very well; I make that request.

The PRESIDING OFFICER. Without objection, the amendment will be printed in the RECORD.

The amendment intended to be proposed by Mr. ROBINSON is to strike out all after the word "settlements," on page 3, line 16, down to the end of line 20 and insert the following: "with other governments indebted to the United States are hereby authorized to be made upon such terms as the commission may believe to be just, subject to the approval of the Congress by act or joint resolution," so as to make the sentence read:

Settlements with other governments indebted to the United States are hereby authorized to be made upon such terms as the commission may believe to be just, subject to the approval of the Congress by act or joint resoultion.

Mr. SMOOT. Mr. President, I ask unanimous consent that when the Senate concludes its business to-day it take a recess until 10 o'clock to-morrow morning.

Mr. FLETCHER. No; make it 11 o'clock.

The PRESIDING OFFICER. The Senator from Utah asks unanimous consent that at the conclusion of to-day's business the Senate stand in recess until 11 o'clock to-morrow morning. Is there objection?

Mr. BORAH. I object if the hour is to be fixed at 10 o'clock. Eleven o'clock is early enough.

Mr. UNDERWOOD. I understood the Chair to say 11 o'clock.

The PRESIDING OFFICER. The Chair did say 11 o'clock.

Mr. SMOOT. My request was that the Senate recess until 10 o'clock.

The PRESIDING OFFICER. The request was for 10 o'clock.

Mr. McKELLAR. I object to 10 o'clock.

Mr. UNDERWOOD. I suggest that the Senator make it 11 o'clock.

Mr. SMOOT. Very well, then; I will make it 11 o'clock.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Utah that when the Senate concludes its business to-day it stands in recess until 11 o'clock to-morrow morning? The Chair hears none, and it is so ordered.

THE RUHR VALLEY.

Mr. FLETCHER. Mr. President, before proceeding with the bill that is under consideration I wish to submit a few observations with reference to the situation in the Ruhr Valley.

The Supreme Council met in January, 1921, in Paris, to consider reparations proposals. The French claim was then asserted to be 112,000,000,000 gold marks. It was stated, also, that the French share of the total claim against Germany was 52 per cent, making the total demand on Germany 215,000,000,000 gold marks. The interest and other claims would make it nearly double that, if charged and allowed. Germany proposed to make it 50,000,000,000 gold marks.

A number of conferences were held, subsequently, and resulted in reducing the amount of reparations until finally the irreducible minimum was reached about May 5, 1921, and the amount fixed at 132,000,000,000 gold marks gross.

On May 11, 1921, Germany accepted this ultimatum in a note to the Supreme Council.

She has paid on account, until on August 1, 1922, her reparations debt was brought down to 120,000,000,000 gold marks.

Germany started her printing presses going, with the result that the value of the mark collapsed. She evidently intended to bring that about, and deliberately flooded the country with paper marks. She has brought ruin on her professional and middle classes. She no doubt expected to pay obligations by the use of these paper marks, and repudiation must necessarily follow. She received gold from people of this country to the amount of nearly a billion dollars for some of those marks now worthless. Of course, the more money she makes by the printing-press method the less she has in fact. One dollar in gold will buy to-day 50,000 marks. The number in circulation is increasing at the rate of 20,000,000,000 per day. It is estimated that there are in circulation 2,000,000,000,000.

April 24, 1921, Germany offered to place with the Reparations Commission 150,000,000 marks gold in the form of gold and silver coin and 850,000,000 marks gold in the form of drafts on the treasury. This was when she proposed to make her total engagement 50,000,000,000 marks gold. She had gold then and she has it now. Since her failure to meet her obligations, as agreed on, attributing her plight largely to the decline in the value of the mark, which she deliberately brought about, she has offered to pay what she could in kind, and some payments of that sort were made to some of the Allies. She offered to furnish labor and material to rebuild destroyed towns in France, but no definite decision was reached in that regard. The situation has gone from bad to worse, until France has felt obliged to proceed, substantially, as set forth in the note of the Supreme Council to the German ambassador, dated May 5, 1921, to wit:

Failing fulfillment by the German Government of the above conditions by May 12, to proceed to the occupation of the valley of Ruhr and to take all other military and naval measures that may be required. Such occupation will continue so long as Germany fails to comply with the conditions summarized in paragraph (C).

We are not in possession of all the facts and circumstances; therefore, it seems to me, respecting the justification or the wisdom, from an economic or other point of view, of the course pursued by France may reasonably be questioned. Appreciating this, I venture to say it is believed that France is acting within her rights. If so, what she is doing is a question of expediency, and that France alone should determine.

In the absence of full information regarding all that has taken place and is taking place, no criticism is warranted, and I feel quite certain our advice is not wanted. So far as I have heard there has been no intimation from those in authority that our counsel was desired. If we can not be helpful, which those directly concerned do not seem to believe, we certainly should not volunteer in a situation where more likely we would do harm.

There are a few things we do know.

We know that Germany is responsible for bringing on the most disastrous war of all time in 1914. Her ambition was to make herself a master of nations, and her purpose was conquest.

We know that she was the aggressor in attacking France with sword and every conceivable means of destruction.

We know that she wantonly, wickedly, without cause, violated the pledged neutrality of Belgium.

We know, because we have seen it, we had occasion to know it, that she ruthlessly destroyed whole cities and towns, churches, homes, mines, and fields in Belgium and France, extending over vast areas—as much as four of our States.

We know she enslaved and slew and starved women and children and is responsible for the death of millions of men.

We know that Germany invaded Belgium and France with her armies, employing every engine of destruction conceivable, and was guilty of such atrocities as to arouse the indignation and horror of all civilized people until our own outraged sense of liberty, decency, and justice cried out to stop it.

We know that Germany deliberately and with malice aforethought put the supremacy of right in jeopardy and "imperiled free government everywhere," and by her intolerable aggression showed she respected neither right nor obligation.

It is true that happened under the autocratic power of the Hohenzollerns, her then imperialistic rulers, who flouted the rights of the citizens. That thought merits consideration.

It is now claimed the German people were not responsible for the doings of the militaristic régime in control, but, on the other hand, it is quite generally observed that we have not seen much evidence of regret, nor many admissions of wrong, nor many offers of apology on the part of the German people.

They see their buildings, their homes, their lands, canals, railroads, mines, and industries all intact, and their attitude seems to be rather self-satisfied, with a feeling not of guilt but a sort of consolation that while they did not make a success of the venture they really lost but little, and they see no good reason why they should be held to restitution. They seem to be

perfectly willing to evade doing honestly what they have agreed to do.

President Wilson's policy led to the armistice, and that made it unnecessary for the allied armies to go to Berlin and saved Germany from the effects of an invasion by opposing armies; but he only got abuse and the vilest denunciation from Germans at home and in America afterwards.

His broad liberality in dealing with the whole subject toward Germany was rewarded by their total lack of appreciation and violent animosity.

The manner in which German officials and people treated President Wilson might well cause us to pause before tendering our good offices in the present situation.

The truth is I do not believe that Germany, England, France, or Italy attach very much importance to the United States. They look upon us as new, inexperienced, and incompetent to deal with large problems. I rather suspect we have an exaggerated notion of our supposed influence in Europe.

They believe we have resources and some financial strength and may grow up some day to where our opinions may be entitled to some respect, but we are now youthful, and it would not be well to put our young heads along with those of mature years and wisdom gained by centuries of experience and achievement. I do not believe they would really welcome, and I am quite sure they would not appreciate, any assistance we might perchance render, particularly in dealing with sharp differences where no element of cooperation can be brought into play.

Let us proceed a little further with the things we know.

The time came, following some of the events I have mentioned and without discussing the reasons further, when, on April 6, 1917, we went in as champions of right. We raised armed forces totaling 4,800,000 men. We sent 2,086,000 of them across the sea. We raised internal loans from the people amounting to $22,228,118,400. We reloaned to the Allies $9,641,882,204. We gave $400,000,000 to the Red Cross and $700,000,000 for the relief of Belgium.

We know that October 10, 1918, our military forces held 23 per cent of the western front in France.

We know, too, that of our soldiers 77,118 were killed in battle and 221,059 were wounded.

We can not forget that.

We have already expended through the Veterans' Bureau and Public Health Service, as one of the consequences of that war, over $2,000,000,000, and the average monthly payments amount to over $14,000,000.

We know of the dead and wounded of France and the other allies.

We know of the destruction and devastation in France, and I would not now dwell on details, because I would not kindle the fires of hate or revenge. I wish we might get away from those emotions.

We sought no special reparations for ourselves in the settlement of peace.

We stood firmly "for the restoration of right and the assurance of liberty everywhere."

France has expended over 9,000,000,000 marks in restoring the wasted and ruined areas. Germany has only paid to her 1,500,000,000 marks on account of reparations and has made, first partial then complete, default. Justice and right require that Germany should pay the sum finally fixed by the commission after months of inquiry as to her ability to pay and in the light of all the facts and conditions. When she made demand on France in 1871 and set her own terms, France never whined nor bluffed. She went to work and paid in full before it was due—stupendous as the sum was.

The amount as determined Germany should pay is not one-third enough to cover the damage to France's property, to say nothing of the loss of life, for which there never can be compensation. The aggressor, the wrongdoer, was guilty of no ordinary tort in this case. Germany committed a wanton, deadly assault upon Belgium and France and continued it with barbarous frightfulness to the limit of her resources and strength. She did all the damage and committed all the injury she could.

The high court, the arbitrament of arms, the finding of the world, the course of events, resulted in judgment being entered against her.

She fails and refuses to pay. She seems to hold that France's claim was one of damnum absque injuria. The evidences of her ruthless destruction are in plain sight. The traveler has no difficulty in realizing, when going easterly from Paris, when he passes from France and reaches Germany.

There is nothing to do but issue execution and levy the fieri facias.

Germany took Alsace-Lorraine in 1871 as part of her spoils. France takes the Ruhr Valley temporarily to recover the damages decreed to her as her just due in addition to the return of Alsace-Lorraine and other incidental and pro rata settlements.

It is not a case of giving vent to a military spirit or the exercise of military power. It is not a case of dictation by those in authority arbitrarily and irrespective of the opinions of the French people. Prime Minister Poincaré realizes that the people of his country have reached a point where their patience is exhausted, and they do not propose to longer submit to the dilatory methods, the frivolous excuses, the sullen indifference and studied attempts to avoid payment, and the evident purpose to escape the penalty which Germany has adopted. The force behind the authorities is the public opinion of France, and if Poincaré hesitates, he would go as did Briand.

When Germany understands that France is going to stand on and have her rights, Germany will perform her engagement and meet her obligations, not before. France is evidently endeavoring to impress that understanding on her late enemy now, by the only process open to her.

There will be squirming, loud cries for sympathy, shouts of oppression, propaganda to arouse protests, all of which ought to have been thought of in July, 1914, and before November 11, 1918.

The German people look out upon their own country and see it is not scarred or hurt materially. They have the impression the conflict was a draw; that there was no victory. They appear to think France is lucky to escape capture and complete destruction. They will have to be taught that they lost the war, and although they suffered no damage to their property, France and Belgium did not so escape, and a partial restoration of what Germany ruthlessly destroyed must be made as agreed upon when her grip on the throats of France and Belgium was loosened and she was forced to her knees.

Her people engaged in agriculture have their farms and homes unharmed and are now generally free from mortgage or debt. Her capacity for production, her recuperative powers, are very great.

They can understand the language France now speaks to them; they appear deaf to any other. She is talking to them, not in temper, not in violence, but as calmly as the situation permits, she is telling them to pay up, meet their just obligations, satisfy the judgment recorded; and if they refuse, she must take sufficient property upon which she can realize the amount due her.

The duty of the United States in such a case is to recognize that it is not our affair; we are not directly involved; we are on friendly terms with both parties; it would be meddling and impertinent for us even to make a suggestion to either, unless solicited according to the practice in such cases.

There was a time when the United States was in a position of leadership for the establishment of world order and peace. That time has passed. We threw away the opportunity for usefulness and influence in such situations as threaten Europe to-day. More is the pity, we see plainly now. We retired in the face of small difficulties, and shirked our responsibilities. We are now a rank outsider. Anything we might do or say now would be regarded as voluntary interference in affairs that we declined, when we were needed, to concern ourselves about.

Whereas in the past we asked for no favors or rewards, and could stand out as the only disinterested party in any European controversy, to-day our action would be suspected, our motives questioned, and the place likely to be assigned to us would be that of a self-serving, ubiquitous meddler.

The only course open to us now, especially unless our good offices are requested, is to devote our attention to our own affairs and let other countries settle their own problems in their own way.

One other thought:

I have always contended that under the Constitution of the United States, with respect to foreign relations, the President is charged with the responsibility of leadership.

I have always believed that in the discharge of that high duty and the exercise of that clearly expressed authority he ought to move unhindered, and that those in office and out of office owe him loyal support.

I shall expect him to point the way, and, so far as my judgment and conscience will allow, which I hope will be the whole distance, I shall accompany him. Certainly I shall not undertake to embarrass him or impede his progress.

On the contrary, as he moves in the solution of those mighty questions peculiarly within his province, I shall endeavor to go with him. He is not the President of one political party alone; He is the President of the whole country and of all the people

and as such his course in these matters of foreign relations I feel it incumbent upon me to make my course if I can, and at least throw no obstacles in his way.

I felt the same way during the administration of his immediate predecessor in office, and I imagine troubled dreams must now come to those who obstructed and thwarted his conclusions and purposes.

SETTLEMENT OF DEBT DUE FROM GREAT BRITAIN.

Perhaps I should not have referred to the matters I have mentioned in connection with the consideration of the proposal for the funding of the debt due to the United States from the Government of Great Britain; but I have felt for some days like saying what I have said on the subject of the Ruhr Valley affair, and it would seem to be about as closely related to the debt settlement as that is to the ship subsidy.

Our World War Foreign Debt Commission has unanimously recommended a settlement with the British Government after negotiations with the representatives of that Government, and after giving the fullest consideration to the problems involved, as set forth by the President in his address to the Congress of February 7.

The President embodied the report of the commission in his address, and stated:

I bring it to you with the earnest recommendation that it be given, so far as legislative procedure will admit, a cordial and prompt approval.

The bill now before us is intended to approve and authorize the settlement of the indebtedness of the United Kingdom of Great Britain and Ireland to the United States, so recommended by the commission and approved by the President.

It is unnecessary to recite the details of the settlement which have been already mentioned. Summarized, it may be stated that the British Government is to pay in cash $4,128,085.74, and to issue her bonds to the United States at par for the total principal indebtedness as of December 15, 1922, $4,600,000,000. Interest is to be paid December 15 and June 15 of each year at the rate of 3 per cent per annum from June 15, 1923, to December 15, 1932, inclusive, and at the rate of 3½ per cent per annum beginning June 15, 1933, and continuing until final payment.

This Government can readily float at par its bonds bearing the rate of interest specified in this settlement for the period mentioned if issued tax free. It is true that our issues during the war bear a higher rate of interest. These British bonds, however, can be sold, with our indorsement, at par if desired. It is true that we borrowed at a higher rate of interest the money which we loaned to Great Britain; but, while not controlling in the matter, some consideration is due to the fact that the money we loaned was mainly spent in the United States, even though in many instances profiteers were the chief beneficiaries, and to the further fact that the cause with which we became and were associated was advanced by such loans.

In the spirit of good will and cooperation toward the establishment of better world conditions, I strongly favor the settlement recommended by the commission and approved by the President. This is a time when the ideals we have always professed should find practical expression. We should welcome the opportunity to put into practice the broad and generous policy of international cooperation. In doing so we likewise further an enlightened self-interest.

I favor the refunding of these obligations on the terms set forth in the bill.

REMOVALS FROM BUREAU OF ENGRAVING AND PRINTING.

Mr. CARAWAY. Mr. President, I desire to call to the attention of the Senate that a resolution I introduced, asking an investigation be had of the causes of the removal of 27 chiefs of bureaus and the Director of the Bureau of Engraving and Printing, went to the Committee to Audit and Control the Contingent Expenses of the Senate. That committee, after putting off from day to day any consideration at all of the resolution, to-day by a strictly party vote declares that no explanation shall be given by this administration of the outrageous removal of these employees; that the committee is willing that the President of these United States, for partisan reasons, shall strike down the good names and reputations of 28 men and women, shall brand them as thieves, shall remove them from office, shall put in their places men and women who are partisan puppets of the present administration, and the matter shall not be permitted to be inquired about by the Senate of the United States.

I think I know, I say now, without threat, some of the reasons why these people were removed, and the names of some who got patronage under that removal, and I am going to call the attention of the Senate to some of them before this week is over if nothing is done. If they want patronage, let them have it. As patronage brokers, let the administration cater to their demands. I have said all the time, if they want the offices, let them have them, but for God's sake let them take them as party spoilsmen, which they are, and not brand with infamy the names of men and women simply because they hold places they want.

One of the Senators who was so anxious to deny us this investigation, I am informed, got part of that patronage. I am perfectly willing, as I have said before, over and over again, to have them take the offices. Take them as spoilsmen, however. Do not brand men and women as thieves in order that you may give party henchmen jobs.

I want to say, Mr. President, that that is not an end of this matter. Of course, there are only 28 of these men and women. They are not powerful in this world. They are not loaded with wealth or influence; but there is certainly a sense of justice somewhere in the world that will whip any administration for outraging the humble and weak just as much as it will for offending the rich and powerful. They need not imagine that they can go into a committee room and stifle an investigation and escape finally, having the world thus know the motives that actuated the administration in doing it.

I do not like to be discourteous, and yet there comes a time when I do not hesitate to be. I do not like to call to the attention of the public an incident that is not creditable to those in high station, but there comes a time when I am not afraid to do it; and we are going to have some information, Mr. President, this committee to the contrary notwithstanding.

Mr. McKELLAR. Mr. President, I was not in the Chamber when the Senator from Arkansas [Mr. CARAWAY] began his remarks. I got here just at the close of them. I want to state that this afternoon there was a meeting of the Committee to Audit and Control the Contingent Expenses of the Senate, of which I am a member, and I made a motion to report favorably the resolution introduced by the Senator from Arkansas providing for this investigation. That motion was voted down. The other members of the committee voted against it, and, of course, I was in the minority, and could not report it out.

I want to take this occasion to say that I am thoroughly, heartily, and sincerely in favor of the investigation proposed by the Senator from Arkansas. It ought to be made. Two of these men are from my State, and I know of my personal knowledge that both are men of the highest integrity and the highest standing, unquestioned integrity, and ability. They never ought to have been discharged. It was an outrage upon their rights as citizens and as employees of the Government to discharge them. They never ought to have been discharged, and they ought to be reinstated. They ought to be reinstated with honor, and reinstated with full pay from the beginning, with an apology from the Government, in my judgment, for having been dismissed.

The Senator from Arkansas is exactly right. The time will come when this will be done. These people were dismissed without cause and, as I believe, upon an entire misunderstanding and misrepresentation of the facts. I want to assure the Senator from Arkansas that as a member of that committee I shall continue my efforts to have the resolution reported favorably and shall bring it up at every meeting of the committee.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. McKELLAR. Certainly.

Mr. CARAWAY. I understand that the resolution was voted down.

Mr. McKELLAR. It was voted down.

Mr. CARAWAY. Then will the Senator bring it on the floor with a minority report?

Mr. McKELLAR. I will.

Mr. CARAWAY. Will the Senator do that to-morrow?

Mr. McKELLAR. I will do that to-morrow, if the Senator desires it to be done.

Mr. CARAWAY. All right. Then we will get a chance to let all the Senate go on record as to whether it wants to continue this sham under which the administration is pretending that after a while these men may crawl back like whipped slaves and be given some kind of employment, while their reputations and their futures are damned.

Mr. McKELLAR. I will say to the Senator from Arkansas that the chairman of the committee has promised that there will be another meeting of the committee on Thursday morning. I said just now that I would file a minority report to-morrow. I do not know that I can do that unless a majority report is filed to-morrow. Whether or not a minority report would bring it before the Senate under those circumstances, I do not know. If it would, I shall be very glad to do it. If it would not, I

shall be glad to take the course that is found to be proper under the circumstances and under the rules of the Senate.

I want to say that I am just as much in favor of the resolution as the Senator from Arkansas is. I think an outrage has been committed against these men, and I will do anything that can be done within the bounds of reason and under the rules of the Senate to bring it up.

Mr. CARAWAY. I know that. When the committee sees fit to turn it down by a purely partisan vote, let us take it on the floor of the Senate; and, if the Senate wants to take the same course, let it do it, but that is not going to end the matter; but let us not let it end in the committee. Let us let it all come here on the floor of the Senate.

Mr. McKELLAR. I shall be glad to confer with the Senator from Arkansas and do whatever he desires about that.

Mr. CARAWAY. All right. I want it here on the floor of the Senate.

Mr. McKELLAR. I shall do my best to get it on the floor of the Senate.

Mr. CALDER. Mr. President, as the Senator knows, I am chairman of the Committee to Audit and Control the Contingent Expenses of the Senate, to which the resolution was referred. This afternoon at a meeting of the committee I proposed that we should put off further consideration of this resolution until Thursday; and I did so, as I explained to the members of the committee present, because I had called upon the Secretary of the Treasury and asked him for any information he had on the subject, in order that I might bring it before the committee to-day in its consideration of the subject. It occurred to me that perhaps information might be obtainable which would convince the committee that the investigation was unnecessary. The Secretary of the Treasury informed me that he expected to have in my hands by to-morrow evening a statement covering all the facts in the case. I shall be pleased to bring it to the attention of the committee at the meeting Thursday, and then they can take action as to whether they care to report the resolution or not.

Mr. CARAWAY. Mr. President——

Mr. CALDER. I yield.

Mr. CARAWAY. Would the Senator be willing at some time during the session to-morrow—any time in the afternoon he would say—to have the committee meet and pass upon the matter again after hearing from the Secretary of the Treasury?

Mr. CALDER. I will say that just as soon as I receive the communication from the Secretary of the Treasury I shall call the committee together.

Just let me say one thing in reply to what the Senator from Arkansas has said. He said that a member of the Committee to Audit and Control the Contingent Expenses of the Senate, as I understood it, had profited in the way of patronage as the result of this tremendous dismissal. I do not know whether he referred to the chairman of the committee or not. If he did, as chairman of the committee, I want to say that I would be glad for him to make public the names and the circumstances——

Mr. CARAWAY. Will the Senator vote out the resolution——

The PRESIDING OFFICER. Does the Senator from New York yield?

Mr. CARAWAY. Will the Senator yield to me?

Mr. CALDER. I yield.

Mr. CARAWAY. Will the Senator report out my resolution, so that we may bring that fact out?

Mr. CALDER. I will say to the Senator that I shall be glad to have the committee pass upon the resolution——

Mr. CARAWAY. Will the Senator vote to bring it out, so that we may develop this fact?

Mr. CALDER. The committee will determine itself, after the information is obtained from the Secretary of the Treasury, whether or not it will report the resolution out.

Mr. CARAWAY. May I ask the Senator if he will vote to bring it out?

Mr. CALDER. The Senator will make no promise to vote for it until the letter of the Secretary of the Treasury arrives, but to-night, this afternoon, or any other time, I will be very glad to have the Senator from Arkansas or any other Senator, or anybody else, give the Senate any information which he has relative to any man I obtained employment for there, either as a result of this dismissal or at any other time.

Mr. CARAWAY. There is one sure way, Mr. President, if the Senator really wants the facts known; let him report the resolution out and I will supply him with the witnesses. There is no use smothering a resolution in the committee and then coming here and saying that we are at liberty to tell what we know. If the committee will report out the resolution, we will furnish a good many valuable and interesting items of information, and I shall be very glad, indeed, if the Senator from New York, who is chairman of the committee, will have it brought out. He can if he wants to, I am sure, and he can smother it if he wants to, I am sure.

Mr. HEFLIN. Mr. President, it is well for the average man and woman who work for the Government that there are Senators and Members of the House who will lend a listening ear and go to the trouble of bringing their cases to the floor of Congress. It is a wholesome thing to see a fight made such as the generous-hearted and distinguished Senator from Arkansas [Mr. CARAWAY] is making for ill treated and outraged public servants, who have simply been driven out of the positions which they filled well and honorably to make places for somebody's political henchmen back home. Nothing better could be done by either branch of the Congress than to establish the impression that the cause of the humblest citizen is the cause of the Congress and the cause of the country. There is nothing that will drive bolshevism out of the country so quickly, nothing that will destroy anarchy so speedily, as for strong men who represent the sovereign States of this Union to stand up and demand simple justice to the humblest man and woman in the Republic.

Mr. President, I want to commend the course of the Senator from Arkansas, who has taken upon himself the burden of these outraged Government employees who were driven out of their positions without rhyme or reason in order to make places for some Senators' political friends back home, or somebody else's political friends.

Mr. President, it is easy to trump up charges against some poor man or woman in the common walks of life, without influence, maybe, and kick them out of a position—shut the door in their faces and tell them the case is closed—but it is hard to get Republican officials to lay their hands upon a big man of big means. We all know that.

I recall when some time ago I charged that Parker Willis was on the Federal reserve pay roll and was at the same time writing editorials for a New York paper attacking me, a Senator, for fighting the maladministration of the Federal reserve banking system by the Federal Reserve Board. That was amongst the big fry, and nobody ever investigated that. It was stated upon this floor that John Skelton Williams made the charge that William Boyce Thompson, chairman of the finance committee of the Republican campaign in 1920, had borrowed $3,000,000 on a dummy note, but you did nothing about that. William Boyce Thompson has never been interrogated by the constituted authority of the Republican Party. Parker Willis has not been investigated. They are both in the big circle.

Those things go by; but the poor little man and the poor little woman in Washington, giving his or her life to the service of the country, hold places that somebody wants for somebody back home, and they are kicked out; and yet we hear talk about preserving the rules of the civil service. The administration is putting its foot upon them. They are stamping them into the dust. They are ignoring every principle of them.

Mr. President, it is fortunate for the people that there is such a thing as the Democratic Party. The Democratic Party is the friend of the common man. It is the friend of the plain people, men and women. There is no man or woman whose cause is so small that it can not have the friendly and sympathetic attention of the Democratic Party.

Mr. CALDER. Mr. President——

Mr. HEFLIN. Constitutional government——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from New York?

Mr. HEFLIN. In a moment. The welfare of the citizen is the end and aim of constitutional government, and the humblest citizen holding a Government position who has been mistreated by those in authority has the right to have his cause brought to the floor of this august body, the facts disclosed to the Senate and to the country, and let them know that there are men here who will dare to stand up and oppose even Senators who want to kick out an humble man or an humble woman in order to get their places for spoils purposes. I now yield to the Senator from New York.

Mr. CALDER. I know the Senator from Alabama would not make a misstatement intentionally; I am sure he would not. He said that Mr. William Boyce Thompson was chairman of the finance committee of the Republican National Committee and at the same time director in the Federal reserve bank in New York.

Mr. HEFLIN. No; I did not say just now that he was a director of the Federal reserve bank.

Mr. CALDER. May I just say that Mr. William Boyce Thompson was a director of the Federal reserve bank in New York, but when he became chairman of the finance committee

of the Republican National Committee he resigned his directorship. I wanted that to be clear. I thought the Senator said that he was a director in that bank.

Mr. HEFLIN. I did not make the charge in what I said that he was a director, but the charge I am making now is that John Skelton Williams wrote a letter to the Baltimore Sun that he was ready to make proof that he borrowed $3,000,000 on a dummy note from a member bank in New York when he was chairman of the finance committee of the Republican Party. Nobody ever denied or investigated that. I stated on this floor that John Skelton Williams was ready to produce the proof; but oh, no, a small thing like that was not investigated. Three million dollars borrowed when the Republican campaign was on by the chairman of the finance committee, borrowed from the banking system in New York City, when nobody could get money on Liberty bonds in the South and West to prevent agriculture from going to ruin! That is the point I am making.

You favored those who were speculating. You favored those who wanted money for corrupt purposes in a campaign. They could borrow it on any sort of a note; but honest men and women in the South and West could not get it, and nobody has ever investigated William Boyce Thompson, nobody has investigated Parker Willis, drawing $6,000 on a Federal reserve pay roll, writing editorials for the New York Journal of Commerce against me, and those who dared to denounce the crooked conduct of certain persons who were administering the Federal reserve banking system on the Federal Reserve Board. But it is all right. You can bristle up and show your courage when you go in and yank one of these little fellows out of a job.

"What are you doing here?"

"I am working for my country. I have been in here for a number of years. I have a record that is clear and good, and I am proud of it. There is not a blot against me. My record is without a blemish."

"I know, but you must get out."

"Why should I get out?"

"Do not ask me any questions; get out."

"Little woman, what are you doing there?"

"I am serving my country as best I can. I have a good record. It is white as the snow. I am complimented upon my work. No fault has been found with it."

"But you must get out."

"For what?"

"Do not ask me any questions."

Is that what happens under Republican rule to those in the humble walks of life? That is civil service with a vengeance, is it not? They put them out, twenty-odd men and women; put them out under charges that they had been doing something wrong against the Government.

Mr. President, no Government has the right to permit those in authority to mistreat those who are rendering faithful service, who have good names, and prize their good names. You have no right to destroy the good name of any man. You have no right to destroy the good name of any woman, I do not care how humble she is. They may live far out in the suburbs of the city; they may live in an humble cabin on the hillside. I do not care how humble their surroundings are, if they have been mistreated their cause is the cause of Congress; it is my cause; it is the cause of my party and my country. The Government that wants to live on and on can make every heart love it and every hand ready to defend by seeing that absolute justice is done, and that nobody is snatched down and his character destroyed under a spoils system instituted by the party in power.

CREDIT TO DISBURSING OFFICERS.

Mr. PHIPPS. Mr. President, I ask unanimous consent for the present consideration of Senate bill 4308, to authorize the general accounting officers of the United States to allow credit to certain disbursing officers for payments of salary made on properly certified and approved vouchers. I do not think it will lead to any discussion. It is a bill to do an act of justice.

The PRESIDING OFFICER. The Senator from Colorado asks unanimous consent that the Senate proceed to the consideration of Senate bill 4308. Is there objection?

Mr. UNDERWOOD. Mr. President, I do not like to have bills coming up this late in the evening, where there is any contest about them, or may be a contest, because it is customary to call such bills up by unanimous consent in the morning hour, or what is equivalent to the morning hour when we take a recess. Then Senators who are watching bills can come in, and they do come in, to protect their rights. In the afternoon, after the unfinished business has been taken up, Senators leave with the idea that there is no danger of their rights being affected.

Of course, when some one asks that we take up and pass a bridge bill, to which nobobdy objects, and which is drawn in accordance with the law, I have no objection. I do not know what is in the Senator's bill, but if we give unanimous consent for the Senator to pass his bill at this time in the evening some other Senator may ask for the consideration of a bill that is contested. That makes it very embarrassing to me.

Mr. PHIPPS. Mr. President, I withdraw my request for this evening. I wish to say, however, that all of yesterday and to-day, so far as I was able to be on the floor, I was looking for an opportunity to ask for the consideration of the measure in order to do an act of justice to an employee and a veteran. However, I shall endeavor to call it up at the earliest opportunity to-morrow.

Mr. UNDERWOOD. In all probability when I heard the Senator's bill read I would be for it.

Mr. PHIPPS. I am sure the Senator would.

Mr. UNDERWOOD. But some of my colleagues might not be favorable to it and, merely occupying for a short time longer the floor leadership in the Senate on this side of the Chamber, unless it is a purely pro forma matter, I do not like to have bills come up at this late hour in the evening when a number of our Members have gone away and can not be here to protect their rights. If it is a merely pro forma matter, of course I would have no objection.

Mr. PHIPPS. The Senator's point is well taken, and I withdraw the request.

Mr. McKELLAR. I want to call the attention of the Senator from Colorado to the fact that the particular bill to which he refers was reported only yesterday and that there is no report in the files of Senators.

Mr. PHIPPS. The report has been printed to-day.

Mr. McKELLAR. I hope the Senator will see to it that Senators are supplied with copies, so we may know what the bill is.

WORLD WAR FOREIGN DEBT SETTLEMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14254) to amend the act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign governments held by the United States of America, and for other purposes," approved February 9, 1922.

Mr. SMOOT. Mr. President, the Senator from Washington [Mr. JONES] last week gave notice that it was the intention to hold a night session to-morrow. I want to state that it is still the intention to hold a night session to-morrow. We would like very much to continue the session right through and not recess, and in that way we could probably adjourn about 10 o'clock in the evening.

Mr. HEFLIN. Mr. President, may I ask the Senator a question?

Mr. SMOOT. Certainly.

Mr. HEFLIN. Does the Senator expect to get through with the debt-settlement question to-morrow?

Mr. SMOOT. I hope so.

Mr. HEFLIN. By to-morrow night?

Mr. SMOOT. Yes; by to-morrow night. I will say to the Senator from Alabama that the idea of holding a night session is to get through with the bill to-morrow if possible.

Mr. OWEN. I should like to ask the Senator what action was taken with regard to the provision in the pending bill as to the settlement being conclusive on all other nations?

Mr. SMOOT. No action has been taken; but I will state, so that the Senate may know, what is my personal opinion relative to that provision. So far as I am personally concerned, I am willing to strike out all the last part of the paragraph beginning with the words "and settlements." Then the bill would only apply, with the amendment which has already been reported by the committee, to the settlement of the British debt. The committee has not acted upon it, and that is only an expression of my own personal opinion.

Mr. OWEN. I would like to ask the Senator from Utah whether that condition was inserted in the bill at the request of the British representatives?

Mr. SMOOT. It was not. It was placed in the bill by the Ways and Means Committee of the House.

Mr. GERRY. Mr. President, simply for the information of the Senator from Oklahoma, I will state that the Senator from Arkansas [Mr. ROBINSON] offered an amendment to that provision to-day which I presume will come up at the proper time.

EXECUTIVE SESSION.

Mr. SMOOT. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent

in executive session the doors were reopened and (at 5 o'clock and 10 minutes p. m.) the Senate, under the order previously entered, took a recess until to-morrow, Wednesday, February 14, 1923, at 11 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 13, 1923.

UNITED STATES ATTORNEY.

Edward W. Miller to be attorney, eastern district of Wisconsin.

POSTMASTERS.

GEORGIA.

Rufus H. Johnson, Hogansville.

OREGON.

Oscar Daley, Vale.
Emil F. Messing, Vernonia.

WASHINGTON.

Winnie L. Angell, Finley.

WISCONSIN.

Peter F. Piasecki, Milwaukee.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 13, 1923.*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord, thou hast relped us and not we ourselves. Because Thy good hand is upon us we are continued unto this day. Let Thy forgiveness be greater than our guilt. Give us the wise answer to temptation and the right view of every trial. May we have the memory that forgets injuries and the recollection that clings to deeds of kindness. In the light of Thy providence, directed by divine wisdom, we take heart. We bless Thee for the privileges of life, of serving our country, of helpful and abiding associations, of fellowships that have heart of courage and pride that can endure and labor on. Through Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

FLORENCE A. DONNELLEY.

Mr. IRELAND. Mr. Speaker, I ask consideration of a privileged resolution, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Illinois asks consideration of the privileged resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 512 (Rept. No. 1589).

Resolved, That there shall be paid out of the contingent fund of the House from and after January 1, 1923, until otherwise provided by law, compensation at the rate of $2,500 per annum for the services of Florence A. Donnelley, whose employment shall be under the direction of the Clerk of the House.

Mr. IRELAND. This provides for the employment of a clerk to the late James R. Mann. The minority leader has been consulted, and I believe there is no objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ARTHUR LUCAS.

Mr. IRELAND. Mr. Speaker, I ask for the consideration of another privileged resolution.

The SPEAKER. The gentleman from Illinois asks consideration of another resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 505 (Rept. No. 1591).

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, $50 to Arthur Lucas for special janitor services rendered during the fourth session of the Sixty-seventh Congress.

Mr. IRELAND. It is the usual resolution providing for janitor service in the office of the gentleman from Illinois [Mr. CANNON].

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

RALPH B. PRATT AND HELEN S. BURROUGHS.

Mr. IRELAND. I have a further resolution, Mr. Speaker.

The SPEAKER. The gentleman from Illinois submits another resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 499 (Rept. No. 1590).

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to Ralph B. Pratt the sum of $228.33, and to Helen S. Burroughs the sum of $78.33, being the amount received by them per month as clerks to the late Hon. Sherman E. Burroughs.

Mr. IRELAND. That is the customary resolution for the payment of clerks of a deceased Member.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

NO QUORUM—CALL OF THE HOUSE.

Mr. BANKHEAD. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. SNELL. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from New York moves a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anderson	Fess	Kreider	Rucker
Ansorge	Focht	Lawrence	Ryan
Atkeson	Gallivan	Lehlbach	Schall
Bacharach	Garner	Luce	Scott, Mich.
Barkley	Gilbert	Luhring	Sears
Beedy	Goodykoontz	McArthur	Shaw
Begg	Gorman	McClintic	Sisson
Blakeney	Gould	McFadden	Slemp
Bland, Ind.	Graham, Ill.	McLaughlin, Pa.	Smith, Mich.
Bowers	Green, Iowa	Martin	Stephens
Brennan	Griffin	Mead	Stiness
Britten	Hawes	Michaelson	Stoll
Brooks, Ill.	Hawley	Mills	Strong, Pa.
Brooks, Pa.	Himes	Morin	Sweet
Buchanan	Hogan	Mott	Tague
Burke	Huck	Mudd	Taylor, Ark.
Cantrill	Hukriede	Murphy	Taylor, Colo.
Carew	Husted	Newton, Minn.	Taylor, N. J.
Carter	Hutchinson	Nolan	Thomas
Chandler, N. Y.	James	O'Brien	Thompson
Chandler, Okla.	Jefferis, Nebr.	O'Connor	Thorpe
Classon	Johnson, Wash.	Oliver	Tilson
Clouse	Jones, Pa.	Overstreet	Tinkham
Codd	Kahn	Park, Ga.	Volk
Cole, Ohio	Keller	Parker, N. Y.	Walters
Copley	Kelley, Mich.	Parks, Ark.	Ward, N. Y.
Crowther	Kendall	Perkins	Watson
Cullen	Kennedy	Pringey	Webster
Curry	Kiess	Rainey, Ala.	Wheeler
Dale	Kindred	Ransley	Winslow
Darrow	King	Reber	Wood, Ind.
Davis, Minn.	Kirkpatrick	Reed, N. Y.	Woodyard
Drane	Kitchin	Riddick	Yates
Dupré	Kleczka	Rodenberg	Zihlman
Dyer	Kline, N. Y.	Rogers	
Edmonds	Knight	Rose	
Fenn	Kraus	Rossdale	

The SPEAKER. Two hundred and seventy-nine Members have answered to their names. A quorum is present.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Wyoming moves to dispense with further proceedings under the call. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

The doors were opened.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4379. An act to amend section 1709 of the Revised Statutes of the United States as amended;

S. 1031. An act for the relief of Eugene K. Stoudemire;

S. 1280. An act for the relief of Eli N. Sonnenstrahl;

S. 4313. An act for the payment of claims for damages to and loss of private property incident to the training practice operation or maintenance of the Army;

S. 4366. An act for the relief of W. Ernest Jarvis;

S. 4248. An act to fix the compensation of employees in post offices for overtime services performed in excess of eight hours daily;

S. 1103. An act for the relief of Frank Vumbaca;

S. 3071. An act to extend the benefits of the employers' liability act of September 7, 1916, to Edward N. McCarty;

S. 4085. An act for the relief of Samuel H. Butler;

S. 4254. An act for the relief of Elizabeth McKeller;

S. 661. An act for the relief of Arthur Frost;

S. 4310. An act for the relief of the owners of the steamship *Mohican;*

S. 3805. An act to confer jurisdiction upon the Court of Claims to ascertain the cost to the Southern Pacific Co., a corporation, and the amounts expended by it from December 1, 1906, to November 30, 1907, in closing and controlling the break in the Colorado River; and

S. 4311. An act for the relief of the owners of the steam lighter *Comport.*

The message also announced that the Senate had passed with an amendment the bill (H. R. 10003) to further amend and modify the war risk insurance act, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 2531) to create a board of accountancy for the District of Columbia, and for other purposes.

PUBLIC SHOOTING GROUNDS.

Mr. SNELL. Mr. Speaker, I desire to present a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from New York presents a privileged report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

House Resolution 526 (Rept. No. 1592).

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 5823) entitled "A bill providing for establishing shooting grounds for the public, for establishing game refuges and breeding grounds, for protecting migratory birds and requiring a Federal license to hunt them." That after general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be divided between those for and against the bill, it shall be read for amendment under the five-minute rule. At the conclusion of such consideration the committee shall report the bill back to the House, and the previous question shall be considered ordered on the bill and amendments to final passage.

Mr. SNELL. Mr. Speaker, this rule provides for the consideration of what is known as the migratory bird bill. It proposes one hour of general debate and the usual consideration under the 5-minute rule.

In 1916 the Federal Government made a migratory bird treaty with the Dominion of Canada. In 1918 we passed an enabling act providing for the execution of this migratory bird treaty. Up to the time of this act the migratory birds were fast disappearing, but as a result of this legislation we are pleased to say that they are returning in increased numbers. And now we are up against the proposition of furnishing proper feeding grounds and game refuges to take care of these birds. The present bill is in a general way complementary to the enabling act that was passed in 1918. With the fast disappearing forests, and swamp lands, the increasing amount of these lands in the hands of private corporations and game clubs, we find for the average every-day hunter, the man who does not feel that he cares to spend the money to join some club, but cares to hunt only occasionally, will soon have no place left for him unless something along this line is done. Therefore one of the general provisions of this bill is to provide public shooting grounds and public game refuges that will be available at various times for all the people throughout the country. The money to provide for these public shooting grounds and game refuges is to come from the sale of Federal licenses to the people who desire to hunt migratory birds. Or, to be more specific, the two main objects of the bill are, first, for the maintenance of marsh and water areas especially suitable for migratory wild fowl, which shall be used as free public shooting grounds in the open season and safeguarded as breeding and resting places for these birds in the closed season; second, the administration of the migratory bird treaty in order to more adequately maintain and increase the supply of migratory birds, including not only ducks, geese, and other classes of game, but the great host of smaller species which are so vitally essential to the agricultural interests of the country.

This bill has been before the country for practically two years and has received the widest publicity. Practically the whole press of the country, every game club, Audubon society, and the conservationists of every part of the country are unanimously in favor of it. There are about 38 different States that have regularly organized conservation commissions and 31 or 32 of them are unanimously in favor of the provisions of this bill. It has the approval of the Agricultural Department and of your Agricultural Committee, and in general terms I might say that it is a safe, sane, practical measure, not only for providing these shooting grounds but for the execution of the migratory bird act; and if it is considered proper to pass it at this time, it will be of inestimable value to the people for all time and will ever increase and maintain an ample supply of wild animal life in this country.

Mr. LINTHICUM. Will the gentleman yield for a question?

Mr. SNELL. I yield to the gentleman from Maryland.

Mr. LINTHICUM. Why do we not take up S. 1452 as amended? Would not that insure the final enactment of the bill at this session?

Mr. SNELL. When this rule was originally granted the Senate bill had not passed. It is the intention of the gentleman from Kansas [Mr. ANTHONY], who is in charge of the bill, after the rule is adopted and before the House resolves itself into the Committee of the Whole, to ask unanimous consent to consider the Senate bill in lieu of the House bill.

Mr. BLANTON. Will the gentleman yield for a question?

Mr. SNELL. I yield for a question.

Mr. BLANTON. The gentleman spoke of providing feeding preserves for the birds. The gentleman knows that when wild ducks and wild geese migrate, they migrate according to their own program, just as an airplane goes its way. How are you going to control them in the places where they shall go?

Mr. SNELL. I appreciate the fact that you can not control them as to where they will go, but the people who are interested in these game birds know where it is their habit to go, and are going to provide these shooting grounds and refuges in those places.

Mr. LINTHICUM. Would this bill include the Government reservations?

Mr. SNELL. I believe it is intended to offer an amendment, to which there is no objection, to exclude Government reservations.

Mr. LINTHICUM. Will the gentleman accept an amendment of that kind?

Mr. SNELL. I am not in charge of the bill, but I understand that arrangement has been made.

Does the gentleman from Tennessee [Mr. GARRETT] desire time?

Mr. GARRETT of Tennessee. I would be very glad if the gentleman would yield to me 30 minutes.

Mr. SNELL. Will the gentleman try to get along with 25 minutes?

Mr. GARRETT of Tennessee. Will the gentleman yield to me 25 minutes to use as I desire?

Mr. SNELL. I yield to the gentleman 25 minutes to use as he desires.

Mr. GARRETT of Tennessee. Mr. Speaker [applause], I am opposed to the legislation for the consideration of which this rule proposes to make provision. Therefore I can see no reason for supporting the rule itself. I do not intend to attempt to enter into any elaborate analysis of the bill H. R. 5823. Its general terms are quite sufficient to cause me to oppose it. In a general way that bill provides that those who hunt migratory birds as defined in the treaty with Great Britain and in the act passed subsequent to that treaty shall be required to take out a Federal license, paying therefor $1; that a portion of the funds derived from these license fees, which are to be collected I believe by the postmasters, are to be invested in the purchase or lease by the Federal Government of lands suitable for game refuges.

Of course this bill has the support of the sportsmen of the country. They are back of it. I like to respect the wishes of the sportsmen of the country. The real sportsman is nearly always a big-hearted, generous, unselfish individual. [Applause.]

But the trouble is that these gentlemen do not realize where this legislation leads to. Earnest as they are, and earnest as are the other societies that are supporting this legislation in their desire to preserve the wild life of the country, they fail to realize the precedent that is fixed here. They fail to appreciate the fact that this is but enhancing Federal power, taking another step toward adding to the restlessness and discontent of the average citizen with the Federal Government. Of course everything that is proposed in this bill could be worked out through the States. There is where it should be worked out. The whole truth is that these earnest people who are interested in this legislation find it easier to turn their batteries upon Washington and bedevil Congress into doing something it ought not to do than to go to the State legislatures and get them to do the thing that the State legislatures ought to do.

And hence we have this new approach, this new step, in the enhancement of Federal power. There are other things in the

bill, but I do not wish to take up so much time. The control of fishing is contained in this bill.

Let me say a few words, if I may, to gentlemen from my section of the country in particular. Some months ago we made a determined and bitter fight in this House upon what was known as the antilynching act. We took high constitutional ground. We felt that we were fighting not alone the battles of our own people down there, but battles for the people of all the States in attempting to preserve in their integrity the rights and duties of those States. Let me ask you how long do you think we can continue to yield to the blandishments and propaganda and the temptations of expediency on measures such as this? [Applause.] Enhancing the Federal power instead of standing on our own ground. This rule ought not to be here. It is a thing that we think the Federal Government ought not to deal with; a thing that can be worked out through the States, and ought to be worked out through the States. I tell you now, particularly you gentlemen from my section, that if we continue to pass legislation along these lines we will wake up some morning to find that even the migratory birds have come home to roost. [Laughter and applause.]

Mr. BANKHEAD. Will the gentleman yield?

Mr. GARRETT of Tennessee. I yield.

Mr. BANKHEAD. Does not the gentleman think that some of the bills on the calendar of this House awaiting action are of much more importance than to take up this bill?

Mr. GARRETT of Tennessee. I do, indeed. Why is it that the great national policy can not be fixed, for instance, with regard to Muscle Shoals? [Applause.] Why is it you wish to come here and trifle with these matters that the States can attend to, and ought to attend to, to the neglect of these things which the Nation only can do and ought to do?

Mr. HARDY of Texas. Will the gentleman yield?

Mr. GARRETT of Tennessee. I will yield to the gentleman from Texas.

Mr. HARDY of Texas. Does the gentleman have any information in reference to the great fisheries bill to protect the rights of the natives and inhabitants of Alaska in Alaskan waters that has been reported and is on the calendar?

Mr. GARRETT of Tennessee. I have some knowledge of that matter—that is a thing that only the Nation can do, and it ought to be under consideration now, as a choice between that measure and this bill.

Mr. HARDY of Texas. And the Delegate from Alaska can not get an opportunity for a hearing in this House?

Mr. GARRETT of Tennessee. So I understand.

Mr. SNELL. Mr. Speaker, I yield five minutes to the gentleman from Kansas [Mr. TINCHER].

Mr. TINCHER. Mr. Speaker, the only trouble about the argument of the gentleman from Tennessee is that the migratory bird has no respect for any State lines. [Laughter.] If his argument was good that the State should enact this legislation with reference to migratory birds, you might as well apply it to the counties.

What is the subject? It is a subject concerning which our country and a foreign country have had a treaty. Who will place the laws on the statute books to carry out the intent of that treaty? The question answers itself. Will the States do it? One witness appeared before our committee in opposition to this bill. He was an honored Member of this body, a Member of Congress. He said that he was opposed to the bill and opposed to the treaty, because all the migratory birds, practically, in passing from the North to the South alighted on the waters in his district. He testified that he thought the people of that locality should have the right to slaughter and sell the migratory birds. We also had before our committee a gentleman from that section of the country in favor of the bill. He was a game warden, a State officer. He said not to follow the advice of that distinguished Member, although he was our colleague. He called our attention to the fact that, concerning the migratory birds about which these nations have enacted a treaty, in the gentleman's district it would cost me $77 to shoot a duck under their State law, while that gentleman might hunt to his heart's content on a license of $3.

It is not only the sportsmen of America but every game warden of the United States, except a few out in the western section, selected by the governors and the people of the States interested in the preservation for future generations of the migratory birds, who are behind the bill.

The gentleman wants to leave it to the States. If you do, take the example as testified to in the hearings by a game warden of Virginia, who told us that the distinguished gentleman who had testified in opposition to the bill in his district had a State law concerning migratory birds that the residents might hunt them. They did not know the lines when they crossed them. Under the beautiful system as outlined by the gentleman from Carolina, a man living in the District of Columbia or in Kansas shooting a duck in Carolina must pay a license of $77, while the other man can hunt for $3. Gentlemen, this is a national subject. The migratory bird has been deemed a national subject, or our Nation would not have dealt concerning it and made a treaty with a foreign nation.

Mr. GARRETT of Tennessee. Mr. Speaker, does the gentleman say that this law will change the licensing system so that it will affect the licenses now in vogue?

Mr. TINCHER. No; I do not.

Mr. GARRETT of Tennessee. Then, it will cost the man $78 in that State. [Laughter.]

Mr. TINCHER. That is all right; but this law will permit a refuge in that State where they charge $77 for a license—a Government refuge, where the birds can have protection from the slaughter of the man who wants to kill them and trade them for groceries, as was described by the Congressman who testified before our committee. This is a law looking toward the conservation of a resource which is national in its aspect, and this is the kind of a law that produces an element we have always had to fight when it has been placed on the statute books. It is not only the sportsman. To-day under the law a rich man who can own a preserve can have some assurance that he can hunt. The birds do not belong to the rich nor do they belong to the poor, but a Government refuge where a bird may have protection and where the species may be protected if necessary; and we all know that there will not be such a thing as a migratory bird in a few years—that is, a duck or a goose—if this present system is continued.

Mr. MONTAGUE. Mr. Speaker, will the gentleman yield?

Mr. TINCHER. Yes.

Mr. MONTAGUE. How could you protect the bird by having a public shooting ground for it?

Mr. TINCHER. The public shooting ground would not so much protect the bird, but this bill provides not only for a public shooting ground where the poor as well as the rich may hunt, but it provides for a refuge where no man can hunt, and the money collected from this tax is to go to the maintenance of that refuge where that species will be protected.

The SPEAKER. The time of the gentleman from Kansas has expired.

Mr. GARRETT of Tennessee. Mr. Speaker, I yield 10 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I approach this subject under conditions of very considerable embarrassment. With the obligations and responsibilities resting upon me I feel it my duty, have always deemed it my duty, to support, if it is possible to do so and square such support with my conception of my public duty, bills that are reported favorably and rules that are presented by a majority of the Committee on Rules. I would not appear to-day in opposition to this bill and in criticism of the rule, though I shall feel it my duty to vote for the rule because I believe that a measure having as much support as this measure has is entitled to consideration, if it were not for the fact that I believe the measure is so far-reaching in its evil consequences, would be so tremendously harmful in the long run to my country and to its people, that I can not bring myself to support it or any part of it. It is true that the Supreme Court, which held in the Connecticut cases and in the case of Ward against Race Horse that game was the property of the States, that full and exclusive dominion over game was a part of State sovereignty, did later hold by a divided court in connection with the treaty relative to migratory birds that what the Congress could not do through a bill passed by both Houses and signed by the President could be done through a treaty negotiated by the Executive and approved by the Senate. That is the law, and as a good citizen I accept it and shall abide by it until some future day that great court shall decide, as I am confident it will decide, that the Constitution of the United States can not be violated by treaty any more than it can be violated by act of Congress. [Applause.]

It will be a sad day for the Republic when it shall be finally settled, if it shall be, that the great basic principles of the Government may be overturned and set aside by the treaty-making power.

Mr. LONDON. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. I can not yield; my time is brief. It is possible that I have had one letter, but with that possible exception no one has appealed to me against this legislation; on the contrary, I have had, as all Members have had, many appeals in its behalf by associations of hunters or associations of people who are pleased to call themselves conservationists, and so labeling themselves, assume a superior virtue not possessed

by those of us who may not agree with their views. That flag, Mr. Speaker, more than any other flag that ever floated, except for the brief period of our great disagreement, has had the loyal support of the people of a great Nation, and it has had that support largely because under it we have been free from those petty, miserable, and vexatious interferences and annoyances that elsewhere and under centralized governments have made law breakers and even anarchists of men who wanted to be good citizens. [Applause.] We have, thank God, up to this good hour in the main escaped the tyranny of petty officials of a centralized government interfering with the rights, the liberties, and the everyday life of the people locally—an interference which by its very character can not well avoid being tyrannical, a control whose source of authority is so far removed from the people locally that against it they feel hopeless, helpless, and resentful. We have here before us a bill which extends Federal police power, authority, and control more than any measure that has appeared in this Chamber, save the Volstead Act, which the people authorized by amending the Constitution and tolerate because it seeks to cure an appalling national evil, and this bill is to be considered in general debate for only 60 minutes—a bill under which the Federal police power of the Nation is extended to the limits of the Republic and over every barefooted boy, and every youth of the land who may go out to shoot blackbirds off the spring crops; a bill under which the regulations of the Secretary of Agriculture, numberless and far extending in their scope, become the law regulating the activities of every citizen who may at any time be disposed to shoulder a shotgun and hunt a peewee or a pelican, for the term "migratory birds" includes about everything that flies save a bat or an English sparrow. [Laughter and applause.]

Mr. GARRETT of Tennessee. Mr. Speaker, I yield the remainder of my time to the gentleman from Virginia, Mr. TUCKER.

Mr. TUCKER. Mr. Speaker, I am opposed to this bill out and out. I have been greatly interested in it, however, because it comes from the great Committee on Agriculture, to whom we look for measures for the relief of the farmers; and the voice of our calm and dispassionate colleague from the State of Kansas [Mr. TINCHER], who gives us from time to time the story of the needs and sufferings of the farming communities, has been raised in favor of this bill, which he declares provides a refuge for migratory birds. I beg to call the gentleman's attention to the fact that it is not a refuge for migratory birds that this bill provides, but it is a refuge for the hunting clubs of the country. [Applause.] The migratory birds are a secondary affair. Why, gentlemen of the House, in this hour of our trouble, when the question of the relief of the agricultural communities of the country is at stake—when they are asking for relief—why is it that this great committee that has before it matters that would tend to relieve the oppression upon them brings in such a bill as this, which only adds additional taxes, additional offices, and additional revenue agents to harrass the people of the country? When the farmer asks for bread you give him this stone.

Why, a reading of the bill proposed shows that it provides for the establishment of shooting grounds for the public. What right have we to pass this bill? Ah, gentlemen say that it comes from the right which devolves upon us in connection with the treaty between this country and Great Britain. What does that treaty provide? For protecting the migratory birds, not for providing hunting clubs, and this bill attempts to provide protection for birds by establishing hunting clubs in their refuges to kill them. This bill provides for the levying of a tax for licenses, which sum is to be used in the purchase of land throughout this country, water and land, to build up great hunting clubs for the benefit of the suffering farmers in Kansas, I suppose. [Laughter.] Mr. Speaker, we are bound to respect that treaty and carry it out. I ask gentlemen who have reported this bill to answer me this: Have not we carried it out in the light of the act of July 3, 1918? We legislated then to carry out this treaty. We provided penalties for violating the treaty. What is this bill for? Stripped of all its paraphernalia, it is a bill for the relief of the hunters of this country and not to carry out this migratory bird law. Mr. Speaker, I agree with my friend from Wyoming [Mr. MONDELL] we are bound in this matter, because the Supreme Court has declared that the law passed to carry out this migratory bird treaty was a valid law, but that treaty may be repealed by a law of Congress.

Mr. HERRICK. Will the gentleman yield?

Mr. TUCKER. Well, for a question.

Mr. HERRICK. The gentleman wants information and has asked for it, and I want to give him some information. I would answer the gentleman by saying the bill before us is to take up the time of this House and is a pretense of doing something when we are not doing anything. [Laughter.] The truth is this Congress has legislated upon birds, beasts, bugs, foreigners, and special classes, but we can not legislate for the farmer, the laborer, or the masses—only for the classes. [Laughter.]

The SPEAKER. The time of the gentleman has expired.

Mr. TUCKER. Mr. Speaker, I am glad to have the indorsement of one of the leaders on that side of the House.

Mr. SNELL. Mr. Speaker, in my short legislative career I have discovered that when a Member on the floor of this House wants to oppose a proposition for some reason or other and does not know exactly how to go at it he always hides behind the Constitution, State rights, or Federal regulation. That is the position of gentlemen in opposition to the bill. The gentleman from Tennessee stood on the State-rights proposition, while the gentleman from Wyoming stood on the broader proposition of the Federal Constitution.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. SNELL. I will.

Mr. GARRETT of Tennessee. Does not the gentleman think the Constitution is really a good thing to stand behind?

Mr. SNELL. I will agree to that, but when you gentlemen do not want to argue proposed legislation you get behind one of those propositions and forget what is in the legislation proposed. There are two classes of people who are opposed to this legislation. I have been through all the hearings before the Agricultural Committee and the debate in the Senate, and I want the Members of this House to know just who are opposing this bill and let them draw their own conclusions. One Member appearing before the Agricultural Committee stated that he came in the interest of the game wardens of seven of the Western States. He said to the Agricultural Committee he did not want to discuss the merits of this bill, but wanted to refer to some resolution presented to him to be presented to the committee, and I want you to know what those resolutions were. They say that they appreciate the intent of the legislation and they are in full support of it; that they approve the purpose and aims of this bill, but they think it is of enough importance to have a Federal appropriation, and they wind up their resolution by saying, "We are in favor of a direct appropriation by the Congress for the purpose of enforcing the migratory bird treaty and the establishment of public shooting grounds and game refuges, etc."

They are in favor of every provision of this bill, but instead of having the man who gets the benefit pay for it, they want the Federal Government to pay for it. There is one other class who is opposed to the passage of this bill and that is represented by a statement made by another gentleman who appeared before the committee, and he simply gave to the committee the information that his people are against any kind of regulation. All they want to do is that they may kill all the wild animal life at any time and sell it in the open market. Now there are the two classes which opposed this legislation. On the other hand, we are presenting you a clean-cut, practical, conservation measure, one that has the unainmous support of 95 per cent of the people of the United States and the game wardens, who say that they who oppose this proposition do not represent one-fortieth of the entire population of the United States; all the other game conservation commissions in the United States are unanimously in favor of this legislation.

Mr. JOHNSON of Mississippi. Will the gentleman yield?

Mr. SNELL. It will provide protection for all time to come and a generous supply of wild-animal life, and it is a measure that is entitled to the careful, conservative consideration of the membership of this House. I yield to the gentleman.

Mr. JOHNSON of Mississippi. I was anxious to know how the gentleman reached the conclusion that nearly 95 per cent of the people of the United States were in favor of the bill. I would like for the gentleman to tell us how he arrives at that estimate.

Mr. SNELL. As a matter of fact, I figured up the population of the various States represented by the game wardens who were opposed to it. That is how I got that conclusion.

Mr. JOHNSON of Mississippi. You got that from the game wardens, but not the people.

Mr. SNELL. From the number of people given in the last census, which these game wardens say they represent, and they are not one-fortieth of the population of this country.

Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The gentleman from New York moves the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the Speaker announced that the "ayes" appeared to have it.

Mr. GARRETT of Tennessee. A division, Mr. Speaker.

The SPEAKER. The gentleman from Tennessee demands a division.

The House divided; and there were—ayes 71, noes 73.

Mr. SNELL. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from New York asks for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. As many as are in favor of the resolution will, when their names are called, answer "yea." Those opposed will answer "nay."

The question was taken; and there were—yeas 153, nays 117, not voting 156, as follows:

YEAS—153.

Ackerman	Fish	Lee, N. Y.	Ricketts
Andrews, Nebr.	Fitzgerald	Linthicum	Roach
Anthony	Foster	Little	Robertson
Appleby	Frear	Longworth	Rosenbloom
Atkeson	Freeman	McCormick	Sanders, Ind.
Beck	French	McLaughlin, Nebr.	Sanders, N. Y.
Bird	Frothingham	McPherson	Schall
Bixler	Fuller	MacLafferty	Shaw
Bland, Ind.	Funk	Madden	Shreve
Bond	Gahn	Magee	Siegel
Britten	Gifford	Maloney	Sinclair
Browne, Wis.	Glynn	Mapes	Snell
Burdick	Gorman	Merritt	Speaks
Burtness	Graham, Ill.	Miller	Sproul
Butler	Graham, Pa.	Mondell	Strong, Kans.
Cable	Green, Iowa	Moore, Ill.	Summers, Wash.
Campbell, Kans.	Griest	Moore, Ohio	Swing
Campbell, Pa.	Hadley	Moores, Ind.	Taylor, Tenn.
Chalmers	Hardy, Colo.	Morgan	Temple
Chindblom	Haugen	Mott	Thompson
Clague	Henry	Nelson, Me.	Timberlake
Clarke, N. Y.	Hickey	Nelson, J. M.	Tincher
Cole, Iowa	Hicks	Newton, Minn.	Tinkham
Colton	Hoch	Newton, Mo.	Underhill
Connolly, Pa.	Hukriede	Norton	Vaile
Cooper, Ohio	Humphrey, Nebr.	Ogden	Vestal
Cooper, Wis.	Ireland	Olpp	Voigt
Coughlin	James	Paige	Ward, N. Y.
Cramton	Kelly, Pa.	Parker, N. J.	Wason
Dallinger	Ketcham	Parker, N. Y.	Weaver
Dempsey	Kincheloe	Patterson, Mo.	White, Kans.
Denison	Kissel	Patterson, N. J.	White, Me.
Dowell	Kline, Pa.	Perlman	Williamson
Dunbar	Knutson	Petersen	Winslow
Dunn	Kraus	Porter	Woodruff
Evans	Lampert	Purnell	Young
Fairchild	Langley	Reece	
Fairfield	Larson, Minn.	Reed, W. Va.	
Faust	Lea, Calif.	Rhodes	

NAYS—117.

Abernethy	Dupré	Leatherwood	Sinnott
Almon	Ellis	Lee, Ga.	Sisson
Andrew, Mass.	Favrot	Logan	Smithwick
Arentz	Fields	London	Stafford
Aswell	Fisher	Lowrey	Steagall
Bankhead	Fulmer	Lyon	Stedman
Bell	Garrett, Tenn.	McDuffie	Steenerson
Black	Gensman	McKenzie	Stevenson
Bland, Va.	Goldsborough	McSwain	Sumners, Tex.
Blanton	Greene, Vt.	MacGregor	Swank
Bowling	Hammer	Mansfield	Tillman
Box	Hawley	Martin	Towner
Brand	Herrick	Michener	Tucker
Briggs	Hersey	Montague	Turner
Bulwinkle	Hill	Moore, Va.	Tyson
Byrnes, S. C.	Hooker	O'Connor	Upshaw
Byrns, Tenn.	Huddleston	Oldfield	Vinson
Cannon	Hudspeth	Pou	Volstead
Clouse	Hull	Quin	Ward, N. C.
Collier	Humphreys, Miss.	Radcliffe	Williams, Tex.
Connally, Tex.	Jeffers, Ala.	Rainey, Ill.	Wilson
Crago	Johnson, Ky.	Ramseyer	Wingo
Crisp	Johnson, Miss.	Rankin	Wise
Curry	Jones, Tex.	Rayburn	Woods, Va.
Davis, Tenn.	Kunz	Rouse	Wright
Deal	Lanham	Rucker	Wurzbach
Dickinson	Lankford	Sabath	Wyant
Dominick	Larsen, Ga.	Sanders, Tex.	
Doughton	Layton	Sandlin	
Drewry	Lazaro	Sears	

ANSWERED "PRESENT"—1.

Raker

NOT VOTING—156.

Anderson	Brown, Tenn.	Cole, Ohio	Fenn
Ansorge	Buchanan	Collins	Fess
Bacharach	Burke	Copley	Focht
Barbour	Burton	Crowther	Fordney
Barkley	Cantrill	Cullen	Free
Beedy	Carew	Dale	Gallivan
Begg	Carter	Darrow	Garner
Benham	Chandler, N. Y.	Davis, Minn.	Garrett, Tex.
Blakeney	Chandler, Okla.	Drane	Gernerd
Boies	Christopherson	Driver	Gilbert
Bowers	Clark, Fla.	Dyer	Goodykoontz
Brennan	Classon	Echols	Gould
Brooks, Ill.	Cockran	Edmonds	Greene, Mass.
Brooks, Pa.	Codd	Elliott	Griffin
Hardy, Tex.	Kleczka	Overstreet	Stephens
Hawes	Kline, N. Y.	Park, Ga.	Stiness
Hayden	Knight	Parks, Ark.	Stoll
Hays	Kopp	Paul	Strong, Pa.
Himes	Kreider	Perkins	Sullivan
Hogan	Lawrence	Pringey	Sweet
Huck	Lehlbach	Rainey, Ala.	Tague
Husted	Lineberger	Ransley	Taylor, Ark.
Hutchinson	Luce	Reber	Taylor, Colo.
Jacoway	Luhring	Reed, N. Y.	Taylor, N. J.
Jefferis, Nebr.	McArthur	Riddick	Ten Eyck
Johnson, S. Dak.	McClintic	Riordan	Thomas
Johnson, Wash.	McFadden	Robsion	Thorpe
Jones, Pa.	McLaughlin, Mich.	Rodenberg	Tilson
Kahn	McLaughlin, Pa.	Rogers	Treadway
Kearns	Mead	Rose	Volk
Keller	Michaelson	Rossdale	Walters
Kelley, Mich.	Mills	Ryan	Watson
Kendall	Morin	Scott, Mich.	Webster
Kennedy	Mudd	Scott, Tenn.	Wheeler
Kiess	Murphy	Shelton	Williams, Ill.
Kindred	Nelson, A. P.	Slemp	Wood, Ind.
King	Nolan	Smith, Idaho	Woodyard
Kirkpatrick	O'Brien	Smith, Mich.	Yates
Kitchin	Oliver	Snyder	Zihlman

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Cole of Ohio (for) with Mr. Treadway (against).

Mr. Stephens (for) with Mr. McClintic (against).

Mr. Morin (for) with Mr. Paul (against).

Mr. Greene of Massachusetts (for) with Mr. Park of Georgia (against).

Until further notice:

Mr. Darrow with Mr. Barkley.

Mr. Michaelson with Mr. Tague.

Mr. Kearns with Mr. Cockran.

Mr. Edmonds with Mr. Jacoway.

Mr. Bacharach with Mr. O'Brien.

Mr. Free with Mr. Thomas.

Mr. Strong of Pennsylvania with Mr. Cantrill.

Mr. Lehlbach with Mr. Hawes.

Mr. Brennan with Mr. Oliver.

Mr. Lineberger with Mr. Riordan.

Mr. Begg with Mr. Taylor of Colorado.

Mr. Gernerd with Mr. Collins.

Mr. Snyder with Mr. Kindred.

Mr. Kennedy with Mr. Taylor of Arkansas.

Mr. Kline of New York with Mr. Kitchin.

Mr. Barbour with Mr. Parks of Arkansas.

Mr. Keller with Mr. Cullen.

Mr. Hutchinson with Mr. Buchanan.

Mr. Elliott with Mr. Griffin.

Mr. Webster with Mr. Sullivan.

Mr. Fess with Mr. Drane.

Mr. Wood of Indiana with Mr. Clark of Florida.

Mr. Fenn with Mr. Gallivan.

Mr. Kiess with Mr. Hardy of Texas.

Mr. Burton with Mr. Garner.

Mr. Tilson with Mr. Hayden.

Mr. Williams of Illinois with Mr. Mead.

Mr. Davis of Minnesota with Mr. Raker.

Mr. McArthur with Mr. Gilbert.

Mr. McLaughlin of Michigan with Mr. Driver.

Mr. Beedy with Mr. Overstreet.

Mr. Kahn with Mr. Stoll.

Mr. Mudd with Mr. Garrett of Texas.

Mr. Johnson of South Dakota with Mr. Carew.

Mr. Perkins with Mr. Carter.

Mr. Reed of New York with Mr. Rainey of Alabama.

Mr. LINEBERGER. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present and listening, and did he fail to hear his name?

Mr. LINEBERGER. I heard my name called, but not in time to vote.

The SPEAKER. The point is whether the gentleman was listening and did not hear his name.

Mr. LINEBERGER. I heard my name called.

The SPEAKER. The gentleman does not qualify.

Mr. BARBOUR. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. BARBOUR. I did not know it was that kind of a call. I supposed it was a no quorum call.

The SPEAKER. The gentleman does not qualify.

The result of the vote was announced as above recorded.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent that S. 1452 be taken up for consideration.

The SPEAKER. The gentleman from Iowa asks unanimous consent that S. 1452, which the Clerk will report by title, be taken up for consideration.

The Clerk read the title of the bill (S. 1452) providing for establishing shooting grounds for the public, for establishing

game refuges and breeding grounds, for protecting migratory birds, and requiring a Federal license to hunt them.

The SPEAKER. The Chair presumes the gentleman means to ask that this bill take the place of the House bill.

Mr. HAUGEN. Yes.

The SPEAKER. Is there objection to the request?

Mr. JONES of Texas. Mr. Speaker, I object.

Mr. HAUGEN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of H. R. 5823.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 5823) providing for establishing shooting grounds for the public, for establishing game refuges and breeding grounds, for protecting migratory birds, and requiring a Federal license to hunt them, with Mr. CRAMTON in the chair.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. HAUGEN. I yield to the gentleman from Kansas [Mr. ANTHONY] such time as he may desire.

The CHAIRMAN. The gentleman from Kansas [Mr. ANTHONY] is recognized for such time as he desires, not to exceed 30 minutes.

Mr. ANTHONY. Mr. Chairman, I am heartily in favor of this bill. I think there never was a measure before this House which was so positively and emphatically in the best interests of the whole people of this country as this bill is. [Applause.] This is distinctly not in the interest of the gunning clubs or of the few men who own the rich hunting preserves of this country. It is a bill which will some time put the common people of this country on an equality with the men who in the State of the gentleman from Virginia [Mr. TUCKER] own every valuable shooting right in the State, so that the poor man of his State has no chance to kill a duck if he wants to. The gentleman's remarks were in the interest of the preservation of those rights to the rich and those who could afford them. This bill will give some opportunity to the poor man to get a chance to shoot a duck if he has that inclination, but above all and beyond that the object of the bill is for the conservation and preservation of the wild fowl of the country.

Mr. McKENZIE. Will the gentleman yield for a question for information?

Mr. ANTHONY. I yield to the gentleman from Illinois.

Mr. McKENZIE. In the State of Illinois we have a game license law. Every man who wishes to hunt must take out a license. We have many farmers in Illinois living a few miles from the Mississippi River. Occasionally in the fall of the year after their summer's work is ended they want to take a day or two off and go down to the river to shoot ducks. Does this bill provide that those men will be required to go to the post office and take out a Federal license before they can shoot a wild duck on the Mississippi River?

Mr. ANTHONY. Yes; they will be required to pay the tremendous sum of $1 for a Federal permit; and I have never yet seen a farmer's boy who loves to shoot ducks who would not gladly pay that dollar if he could be assured of the opportunity to do so.

Mr. BLANTON. Will the gentleman yield for a question?

Mr. ANTHONY. I yield to the gentleman from Texas.

Mr. BLANTON. Does the gentleman think he ought to ask the membership of the House to vote for a proposition concerning the merits of which he has not yet convinced his own floor leader?

Mr. ANTHONY. I will make a statement in regard to that.

Mr. CHALMERS. Will the gentleman yield for a question?

Mr. ANTHONY. I yield to the gentleman from Ohio.

Mr. CHALMERS. I am interested in commercial fishing in the Lake Erie district. I should like to ask the gentleman whether this bill will be amended so as to protect the interests of the commercial fishermen?

Mr. ANTHONY. I wish to say a few words about that. I want to say to the House right now that it is evident that some strong interest is fighting this bill. The interest that has gone to the greatest length to oppose this bill is the commercial fishing organizations of the country; and yielding to that great power, which has shown its force on the floor of this House today, I have agreed to strike out of the bill any reference to fish, so that the commercial fishing interests can rest assured that they will not be interfered with on any waters which are set aside as game refuges under the provisions of this bill.

Mr. CHALMERS. I have not been fighting the gentleman's bill.

Mr. ANTHONY. I know that, but others have.

Mr. MONTAGUE. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from Virginia.

Mr. MONTAGUE. I should like to ask the gentleman a question to see if he can satisfy me on this point: Does a public shooting ground in any way tend to preserve game?

Mr. ANTHONY. It does.

Mr. MONTAGUE. Why?

Mr. ANTHONY. A public shooting ground is not the primary purpose of the bill. The primary purpose of the bill is to set aside areas of ground, principally swamp and waste lands which are used as feeding and breeding grounds for the migratory birds, and incidentally to give the whole mass of the people—the poor man, the one-gallus hunter, as you call him—an opportunity to shoot on these public shooting grounds during the open season.

Mr. MONTAGUE. Where will these public shooting grounds be located?

Mr. ANTHONY. They will be scattered all over the country. The principal class of land that would be used for such purposes would be land in swamp areas.

Mr. MONTAGUE. Does the gentleman realize that very few people live in those areas?

Mr. ANTHONY. That is true.

Mr. MONTAGUE. And the people who may hunt upon public grounds will have to come from very long distances?

Mr. ANTHONY. That is true.

Mr. MONTAGUE. That requires a great deal of money and therefore the poor people will be unable to hunt on these grounds.

Mr. ANTHONY. Oh, no.

Mr. HILL. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from Maryland.

Mr. HILL. I should like to ask the gentleman if a bill providing game refuges but not permitting any game to be shot on these refuges would not better preserve the game?

Mr. ANTHONY. It is the intention that certain of these game areas will be set aside as sanctuaries upon which at no time in the year will a shot be fired.

Mr. HILL. None at all?

Mr. ANTHONY. The situation is this: When a duck starts from Canada on its southern migration it is bombarded from every pond and swamp from the Canadian border to the Gulf of Mexico. Unless there is some protection afforded, some areas for the birds where they are protected from the hunter, and a few areas where they will be protected for all seasons of the year, the birds must go out of existence. With the rapid drainage of marsh lands, the wild duck will soon have no natural place to live in this country.

Mr. HERRICK. Will the gentleman explain one section of the bill?

Mr. ANTHONY. I will yield a little later.

Mr. HERRICK. I would rather the gentleman would yield now. [Laughter.]

Mr. ANTHONY. I will yield to the gentleman.

Mr. HERRICK. Here on page 6, section 10, it says "the Secretary of Agriculture is hereby authorized to purchase or rent in the name of the United States such areas as have been approved for purchase or rental by the commission," and so forth. Out of what fund are these areas to be purchased or rented, and where is the appropriation for the purpose?

Mr. ANTHONY. Outside of the initial appropriation of $50,000, there is no money taken out of the Treasury. Under the licensing provision it is expected that there will be about a million dollars a year derived.

Mr. HERRICK. "Expected," but not certain.

Mr. ANTHONY. And 45 per cent can be used for the purchase or lease of these areas.

Mr. HERRICK. If that is the case, why appropriate the initial $50,000? Why not enact a law and depend upon the returns to put it into operation?

Mr. ANTHONY. It will require $50,000 to put the law into operation. Now, I would like the House to notice that there are some material considerations for this bill aside from the philanthropic one of conserving wild life. The House ought to realize the great commercial value of the migratory fowl in this country. I was amazed myself at the hearings before the Agricultural Committee when the game warden of Minnesota said that under the law of his State a hunter who takes out a shooting license each year has to report the number of game birds he has shot the previous year. He said the record would show that last year over 2,000,000 ducks and geese were legally killed during the open season in Minnesota. He placed a value

of $1 a head on these ducks and geese. I think that is a little high, but that means in the State of Minnesota alone there was legally killed over $2,000,000 worth of migratory wild fowl, making a total value in the entire country of birds killed legally of easily thirty or forty million dollars each year. So the House will realize that we are conserving a most valuable food supply when it enacts a provision to augment and care for our migratory birds.

When we enacted the law of 1918 supplementing the treaty with Canada we provided for no shooting of wild fowl in the spring. Since that went into effect the supply of ducks and geese have increased 100 per cent.

That is apparent to any man who goes out into the open and shoots. The trouble is that the average man if he wants to shoot wild fowl has no opportuntiy to do it. In my State and practically every State, if there is good duck-shooting ground, there is some gun club or some rich man, able to afford it, who has bought or leased it, and the average man is prevented from exercising that right.

Mr. MONTAGUE. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. MONTAGUE. How does this bill prevent that evil?

Mr. ANTHONY. Because under the game refuges that will be created the average man on the payment of a dollar license will be permitted to hunt there in the open season.

Mr. MONTAGUE. But they have that right now in every State of the Union.

Mr. ANTHONY. Eventually under present conditions the rich men will possess all the valuable shooting grounds.

Mr. MONTAGUE. And I understand they want this bill enacted.

Mr. ANTHONY. Many of them want it because, undoubtedly, they desire to conserve the migratory birds.

Mr. DEAL. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. DEAL. If it be a fact that the migratory birds have increased since the treaty has been agreed upon, why should not we go along under the law that we have now? Why do we want any additional law?

Mr. ANTHONY. Because if we do not enact the law it is practically certain, with our continued increase in population and drainage of swamp lands, that the supply of wild fowl will be exhausted.

Mr. DEAL. But the gentleman says that they have been increasing since the treaty.

Mr. ANTHONY. They are, but with the increase of population and people who are shooting them the probability is that they will be wiped out. Canada has already taken the step that we propose to take in fulfillment of the treaty. She has created game refuges in Canada. She charges a small license fee to hunt, and it has been working perfectly in Canada, and I think the increase in the migratory birds is largely due to that fact. I think the increase in the number of birds in this country is largely due to the steps taken by Canada in relation to breeding grounds for wild fowls. Let me say that the natural breeding ground for these birds would be in any place north of this parallel of latitude, but since the birds have been so much persecuted and shot at in the last 20 or 30 years very few of them breed in the United States any more. But, under a law like this, the birds will naturally return and propagate in this country.

Mr. DEAL. And is it not a fact that the increase in these migratory birds has been such that there has been some suggestion already that the law shall be suspended for one or two years in order that they might reduce the number?

Mr. ANTHONY. I have never heard that statement.

Mr. CLARKE of New York. There is such record in the hearings of our committee.

Mr. SUMMERS of Washington. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. SUMMERS of Washington. I would like to know the status of the individual hunter in the neighborhood of private game preserves. Here is an area of leased land, for instance, taken by half a dozen men.

Mr. ANTHONY. The individual hunter is absolutely prohibited. I know in my own locality as a boy I used to hunt on a small lake across the river in Missouri. That lake is now owned, half of it by hunters from Kansas City and the other half by others, and the ordinary man can not hunt ducks for miles in that vicinity, unless he goes on the Missouri River.

Mr. SUMMERS of Washington. Could he under this law?

Mr. ANTHONY. There might be areas provided where he could.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. BLANTON. The gentleman would not want to pass legislation, I take it, that would cause these game birds to cease to be wild. It is the fact that they are shot at from Canada to Mexico that causes them to be wild and teaches them how to take care of themselves.

Mr. ANTHONY. That is true. Mr. Chairman, I was rather surprised at the attitude of the gentleman from Wyoming [Mr. MONDELL] on this measure. I think he takes the most selfish position on this conservation measure of any man I have heard speak on the subject. The gentleman from Wyoming has within the confines of his own State the Yellowstone Park, the greatest natural game preserve in the world, and from the borders of that great domain all kinds of game overflow onto the lands of his State, where his people have opportunity for the best shooting and sport in the world.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. No other State that I know of has that great advantage, and I am surprised that he does not want to give anybody else the opportunity that he now enjoys. I yield to the gentleman.

Mr. MONDELL. The gentleman is not well informed. There is no hunting by anybody at any time within the confines of the Yellowstone.

Mr. ANTHONY. I did not make that assertion.

Mr. MONDELL. And it is true that my State, largely, I think I may say, by my influence, has established game preserves covering many hundred thousands of acres, and the other States can do the same.

Mr. ANTHONY. I want to say to the gentleman from Wyoming that instead of opposing further game-conservation measures, the great State of Wyoming ought to take steps to further conserve the game which the Government protects in Yellowstone Park, that overflow into the balance of the State, and where now thousands of elk are permitted to starve to death by the State of Wyoming every winter through lack of food, and these elk ought to be preserved.

Mr. MONDELL. I am in favor of game preservation and have done more to further it probably than any man in this House, but first of all I want to preserve this Republic and the liberties of the people. That is the most important conservation that I know of. [Applause.]

Mr. BANKHEAD. Is it proposed that the titles of these lands which are provided to be purchased under this bill shall be taken in by the Government of the United States?

Mr. ANTHONY. It is so proposed, but no land can be secured in any State unless it is approved by the legislature of the State in question.

Mr. BANKHEAD. If that were true, then all of the States would lose absolutely all control under their police regulations over those areas.

Mr. ANTHONY. They would not.

Mr. BANKHEAD. Is that provided against in the bill?

Mr. ANTHONY. They would lose only such control as is involved in the control over migratory birds.

Mr. HULL. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. HULL. Should this law be passed, what becomes of the license that the State issues now to the hunter?

Mr. ANTHONY. The State still grants licenses and does as it pleases with the money.

Mr. HULL. The hunter would have no protection under that license. Is not that true?

Mr. ANTHONY. I do not know what the gentleman means by protection.

Mr. HULL. Suppose a boy has a license from the State of Iowa and goes out and shoots a blackbird; then some Federal inspector or marshal arrests that boy and he is taken in before some judge.

Mr. ANTHONY. Absolutely. He would have to pay a dollar each year for the privilege of hunting any migratory birds.

Mr. HULL. Then he would have to have two licenses?

Mr. ANTHONY. Yes.

Mr. BLANTON. To kill blackbirds.

Mr. HULL. And has to follow all of the rules and regulations that the Secretary of Agriculture lays down?

Mr. ANTHONY. Yes.

Mr. LONDON. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. LONDON. The national law will undoubtedly suspend the State law which will be in conflict with it.

Mr. ANTHONY. No; the only law will be regulations in reference to these migratory birds.

Mr. LONDON. I know, but every State law or regulation which will be in conflict with that——

Mr. ANTHONY. Oh, they have already been contravened by the Federal regulation, and the migratory bird is now under the control of the Federal Government. That has all been decided. That is water that has gone over the dam.

Mr. LONDON. And this is another step in that direction?

Mr. ANTHONY. We have already taken that step, and this goes a little further.

Mr. TUCKER. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. TUCKER. The gentleman referred to the fact that a Kansas City club had bought a part of a certain lake near his home, and some other club of hunters had purchased the other half. The gentleman also referred to the fact that in my own State the lands which would naturally be refuges have already been bought. Is it contemplated under this law that the Government with the power to purchase the lands can go and condemn those pieces of land?

Mr. ANTHONY. No.

Mr. TUCKER. Then, how are you going to get rid of that trouble?

Mr. ANTHONY. The Government can secure them only by lease or purchase, subject to the approval of the State legislature, but they intend to secure these grounds as refuges and breeding grounds and not primarily for shooting purposes, although shooting would be permitted on certain areas in proper season.

Mr. TUCKER. Then you would not get rid of the trouble that now exists.

Mr. ANTHONY. I see no trouble.

Mr. TUCKER. And the Kansas City club would still keep the gentleman from hunting on that particular lake.

Mr. BLAND of Indiana. Will the gentleman yield?

Mr. ANTHONY. Mr. Chairman, I really feel that I have taken as much time as I should and I will have to reserve the balance of my time.

The CHAIRMAN. The gentleman from Kansas has 11 minutes remaining.

Mr. HAUGEN. Mr. Chairman, I reserve the balance of my time.

Mr. ASWELL. Mr. Chairman, there is one feature of this bill which is very highly important, in my judgment, and one in which I am heartily concerned, and that is the refuge, breeding, and resting grounds for the migratory birds. It is highly important, in my opinion, that these places of refuge be provided; but I am opposed to the Federal license. I can not support a proposition that will require every hunter in the land to take out a license. The annoying, vexing details of getting a license to hunt any sort of a bird would be very objectionable. If this bill can be amended eliminating the license feature, and if you will make a direct appropriation to provide these places of refuge, breeding, and resting grounds, then well enough, I am for it. But unless it is amended I shall have to take a position against the bill. Mr. Chairman, I yield 15 minutes to the gentleman from Texas [Mr. JONES].

Mr. JONES of Texas. Mr. Chairman, this bill is in the nature of an anticlimax. During the campaign of two years ago or three years ago we were fed upon promises as rosy as Nebuchadnezzar's hanging gardens. The American people were told that if they would just let the Republicans again take charge of the machinery of the Government everything and everybody would be prosperous. They would simply wave the magic legislative wand and prosperity, clad in the garments of happiness and with a smile on her seraphic face, would appear in all her ribboned loveliness. The dogs would bark prosperity, the breezes would blow prosperity, the birds would sing prosperity, and the bulls would bellow prosperity.

Mr. MADDEN. That is what happened.

Mr. JONES of Texas. In fact, the whole Nation was to be clad in the finest and choicest of apparel, unspeakable all and full of glory. The American people took them at their word. They were placed in charge of both branches of Congress. After waiting about three years the mountains in labor have brought forth a mouse. The great Committee on Agriculture, which, as my friend and colleague [Mr. TUCKER] says, is supposed to look after the interests of the farmer, has reported a bird-pasture bill. We have passed——

Mr. HERRICK. Will the gentleman yield?

Mr. JONES of Texas. I have only 15 minutes, and when I have finished I will yield. We have passed annoying laws here until the American people are crying out in despair, "For heaven's sake, Lucy, give us a rest." The more we pass such laws as this, the more disgusted the people will probably be. Just such laws are driving the American people to despair. Already there are hundreds of thousands of Federal employees and 30,000 detectives, spies, and special agents, who have been regulating and delving into the lives of American citizens. It would seem that would be enough of them, but this bill would add many more of those officers. Here are more officers, more regulations, more supervision, more Federal control, more legislative tomfoolery. What is the purpose of this bill? It is to reach down into the pockets of every man who shoots an occasional duck, gather in the shekels, and thus create an immense fund to provide ample shooting grounds for the professional huntsman. This is a professional huntsman's bill, to provide a means whereby he may follow the birds from place to place and shoot to his heart's content.

If it is desired to establish game preserves where no shooting whatever is allowed, well and good. Such a plan would furnish cities of refuge where the birds could find a haven of refuge from the professional huntsman's deadly aim; and I would be in sympathy with that kind of a provision, and I shall offer an amendment when it comes to that point that will make this a game refuge bill and not a game destroying bill. But that is not what they want.

If on the other hand it is desired to establish public shooting grounds—and I hope the House will listen carefully to what I am going to say in reference to this—if it is desired to provide public shooting grounds, every man and every boy who shoots an occasional duck should not be taxed to establish such grounds, but only those who shoot upon those grounds should be charged so much per day for every day they hunt upon those grounds. That would be fair, and I shall also offer an amendment to that effect. There is a public shooting gallery on Ninth Street where they use a .22 Winchester to shoot at targets.

Every man in the District who shoots a .22-caliber Winchester is not taxed so much per rifle to maintain that shooting gallery, but those who practice in that gallery are taxed so much per shot, enough to maintain the gallery. Likewise, if you are going to have public shooting grounds, why should the average citizen who works for a living in Maryland or Vermont or Texas be taxed $1 for the purpose of establishing a public shooting place in some far-away section that is only accessible to a few local people and to the army of professional huntsmen, who might appropriately be termed "the firing squad," and who are the deadly enemies of the birds? Listen. The enemy of the birds is not the farmer or the business man who shoots occasionally, but the habitué, the gentleman of leisure, who practices until his aim is uncanny, and who when he has thinned out the birds in one section sighs for other worlds to conquer, and consequently hies himself to other and greener fields, there builds his blinds and shoots and shoots away, thus following the seasons in their onward march to the South, and shoots away until the helpless birds are driven frantic with fear. He is the man who is fathering this bill and whose associations have indorsed it.

Mr. COLTON. Mr. Chairman, will the gentleman yield?

Mr. JONES of Texas. For a question; yes.

Mr. COLTON. Do I understand that the State loses its jurisdiction in limiting the amount of birds that may be killed on one of these public grounds?

Mr. JONES of Texas. It does in so far as it conflicts with this bill; every place does that conflicts with this bill. It loses its jurisdiction, and it certainly loses its jurisdiction on the grounds that are established, because they would be strictly under Federal control.

If this bill passes, the farmer, when an occasional flock of ducks lands upon a neighboring farm, will be compelled to saddle old Pete, ride five or six miles to the post office, pay his dollar, secure his license, and when he comes back the ducks will have flown. He will look at the empty pond and then at his puny, useless license, and "cuss" the Government.

That is exactly what will happen.

Do you know that under section 12 of this bill any employee of the Department of Agriculture designated by the Secretary is authorized to arrest a man and haul him before the authorities and cause him great inconvenience? There are 20,000 of these employees; 20,000 who could be licensed and authorized to arrest a man without a warrant, and to haul him before the authorities, no matter where he might be going, for the nonpayment of that little old license fee of $1.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. LINTHICUM. You will find that same provision in the migratory bird treaty act passed in 1905; the identical words.

Mr. JONES of Texas. Oh, the difference is this: That is simply a season regulation. But here is a regulation that applies to every citizen of the United States, every boy or girl

who shoots a rifle or an air-gun at a blackbird, or a humming bird, or any of the hundred varieties of birds that fly over this country. He may be arrested by some official of the Department of Agriculture and hauled before the authorities.

Mr. LINTHICUM. That is——

Mr. JONES of Texas. I decline to yield.

The CHAIRMAN. The gentleman from Texas declines to yield.

Mr. JONES of Texas. Those are the facts. If the gentleman will read the bill he will see it. I decline to yield. The gentleman can get time under the 5-minute rule in his own right and say all he wants to in regard to it.

Moreover, this measure will add to the burdens of the already groaning and overburdened taxpayer, who is crying out for relief and not for more burdens. It is just another of those altogether too frequent steps toward an overcentralized National Government. It is time that this Congress learn how to spell economy as well as they know how to spell appropriation. But no we must take just this step and just that step until the people are driven into regarding Uncle Sam much as the birds must consider the professional huntsman, who is continually looking for a chance to go gunning for them.

This bill carries an additional appropriation of $50,000, and if you enforce it at the hands of every man the Lord only knows how many additional employees it would be necessary to put into the field to collect this dollar to build this place where the boy who pays his dollar in some far-away section or the business man who pays his dollar would never see unless he happens to live in the immediate locality in which the shooting place is established.

Now, if the proponents are sincere in their position why do they not eliminate everything but the bird-refuge portion of this bill? Oh, they say they are for the one-gallus man. I have magazine after magazine here, published by the sportsmen, giving pictures of the one-gallus man. But no one-gallus man appeared before the committee, and I will wager that in all the propaganda that has gone out in regard to this bill no Congressman has received a letter from the one-gallus man. No. He is made the goat to establish these places for the professional huntsman.

Mr. FIELDS. Mr. Chairman, will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. FIELDS. If this bill is enacted, the one-gallus man that hunts one hour on his own premises will be required to pay the same tax as the other fellow who hunts on his neighbor's land?

Mr. JONES of Texas. If he steps off his premises, he will have to. If he goes to a neighboring farm once a year, he must procure this license. On the other hand, the rich sportsman who goes from shooting ground to shooting ground all during the season pays no more; he just pays that dollar.

Mr. FIELDS. That is not fair to the one-gallus man?

Mr. JONES of Texas. Oh, no. That is not fair to the one-gallus man, but the other fellow always gets his rights.

Mr. McDUFFIE. Mr. Chairman, will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. McDUFFIE. Under the terms of this bill the man would have to get a license to hunt even on his own land if he did not happen to live on that land?

Mr. JONES of Texas. Yes. He must live on it as a permanent residence. He can not have two tracts of land of 50 acres each and hunt on both of them. He will be compelled to get a license to hunt on his own lake if it happens to be on an adjoining tract.

This goes as far as any measure that has ever been prepared to take away the rights of citizens and will cause annoyances to a degree beyond expression. [Applause.]

Oh, where are the bounds of this never closing national tendency? Where ends this dream of national regulation? And is there no life and no intelligence that can call a halt? Is there to be no place where the citizen may go and feel free from national interference, or the States escape from its ever encroaching power? Should not there be a city of refuge for the citizen, as well as the bird, where that citizen may say here in this charmed spot my Government will treat me right. There is such a place. There is such a spot. It lies in our dual form of government, the foundation stones of which were quarried by revolutionary patriots from the hills of governmental truth.

Our happiness will be more secure, our future will be more glorious, and our prosperity less transitory if these institutions are maintained with their original luster.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. ASWELL. Mr. Chairman, I yield five minutes to the gentleman from North Carolina [Mr. WARD].

The CHAIRMAN. The gentleman from North Carolina is recognized for five minutes.

Mr. WARD of North Carolina. Mr. Chairman and gentlemen of the committee, the gentleman from Kansas [Mr. TINCHER] pointed to me and meant to refer to me, although he did so as "the gentleman from Tennessee," when he spoke of the one Member of Congress who went before the committee and when he stated that that Member of Congress had said in substance he was in favor of the wholesale slaughter and killing by the common people of migratory birds. My remarks before the committee were made rapidly and I left the city before their publication and I had no chance to read the proof and they were not well taken down, but neither before the committee nor on the printed page as it now appears did I say any such thing or anything that can reasonably be distorted into any such meaning.

On the contrary, I told him that the laws of my State prohibited hunting two days, if not three, in the week, I did not recall which, and that it prescribed the hours of the day, from the early morning until 4 or 5 o'clock in the afternoon, and that the laws regulating shooting migratory birds in North Carolina were rigid and positive and strong, and that I had stood for seven years beside the sportsmen in the courts of that State as a judicial officer trying to enforce the fair and reasonable protection of the magnificent game supply of its waters. I told him what I tell this committee now, that what the sportsman wants and the way that he proposes to operate this law if he can have it passed is this. I know whereof I speak as to the waters. Here and there in the shallow waters at whose bottom grow the wild celery that the duck and goose feed on there is an island, and that island is occupied by the professional sportsman from the city, who lives in his home on it in ease, sport, and luxury. I have been there and seen his life and know it. He wants the Agricultural Department to avail itself of this bill to lay out a reservation covering an immense area of water that lies out surrounding his island. The proprietary rights which he now enjoys under the law of the State on his island will not be interfered with by this bill. But he is not satisfied with that. He wants the Agricultural Department to protect the far distant waters from which the bird flies to and around his blind. By the shooting in these birds that would probably fly and light down over and around his blind and fall a victim to to-morrow morning's gun will either be killed or frightened away and his morning sport planned for to-morrow will be spoiled by this evening's shooting, though that shooting may be far away. Here is an illustration of how they feel and act in these matters. Down on Currituck Sound in North Carolina there started from the shores of the highlands two years ago late in the afternoon two boys, about 15 and 17 years of age, in a little boat, to go out and find themselves a duck or goose, not intending to invade the proprietary rights or the possession of any clubman, but to go out and shoot where the sound of the gun would drive and frighten away the ducks and the geese. The clubman's guardsman, of whom he keeps several, were surveying the waters with their far-reaching glasses from a tower built for the purpose and saw the boys as they were drifting far away to the distant waters where the clubman did not want any shooting.

They took a fast boat and high-powered rifles and went out in that direction and getting in safe range commenced to bombard the boys until they had killed one of them and left only his companion 15 years old to tell the story. Now, what this sportsman and his fellows want to do is to make his guardsmen Federal marshals. He wants them appointed by the Secretary of Agriculture to stay there as officers, and when a boy goes out meddling with the birds that he hopes to kill next morning they will take him without a warrant and carry him across three counties to a Federal commissioner; and with a crowded Federal court docket the sportsman will drag him to court four or five times and avail himself of the protection of the law by carrying that boy from court to court until his going is worse than his conviction would have been in the first court. I know, Mr. Chairman, that this bill is the last word of the sportsman and that if passed it completes his reign of triumph and of empire. In order to complete his protection and his reign of triumph and of empire he asks this Congress to pass for him a bill under which a boy can be carried by his guardsman across two or three counties to find a Federal commissioner to bind him over to court, and there be tried for the trifling, picayunish charge as provided in this bill of disturbing a fish in these waters. [Applause.] Yes; disturbing a fish, or getting wrongfully, as he may insist, into possession of a single bird egg. If that boy has one single bird egg found in his possession, this bill requires

the Federal judge to sit on the bench and issue a judicial decree determining the title to that particular egg. What an imposing, stupendous, and inspiring spectacle to contemplate! A Federal judge sitting with district attorneys around about him while the public look on in amazement and wonder determining the question of the title to a bird egg, between the boy who found it in the waters of a marsh and the Agricultural Department of the United States. God Almighty save the mask! Is not that a big and glorious and great Government service and function to contemplate? That is what you have in this bill in section 13. If a boy disturbs a fish, put him in jail for six months or fine him $500. Look at section 13, gentlemen, and see it for yourselves.

If he is found in possession of one bird egg, see if the judge does not have to take that egg and determine whether he must ship it to Washington or give it back to the boy under this bill. Yet there is no contention made here that game birds are being ruthlessly exterminated, rather is it admitted that they are increasing under the protection that North Carolina and the other States are giving their waters. We have in my district, compared to its size, although it is small, the best hunting waters for the canvas-back duck and the goose and swan that there is on the face of the globe. The birds are protected and the people respect that State protection, but they do not want Federal marshals vested with the fearful powers provided in this bill. [Applause.]

In the name of personal rights vouchsafed to the citizenship of the country by an inheritance which they have cherished as the blessing of God and of a good government; in the name of every principle of States' rights and the blessings of local government, I protest against the multiplication of Federal marshals, of Federal courts, of statutory crimes, and increasing penalties and new jails for their enforcement. We have already too much Federal criminal law. The people are already wearied to exhaustion with being circumscribed in the ordinary conduct of common life, nagged and pricked by Federal officers, and dragged to courts for the things their fathers did without restraint, let, or hindrance. Such laws and policies do not make patriots. How impossible it is, then, to annoy the people of the country and increase their love of the Government only one grain of common sense will answer. Among all those laws of this character I denounce this bill as the crowning infamy of them all. [Applause.]

Mr. HAUGEN. I yield four minutes to the gentleman from Illinois [Mr. GRAHAM].

Mr. GRAHAM of Illinois. Mr. Chairman and gentlemen of the committee, I have heard this same argument that has been used against this bill offered in the legislature of my State and at other places when game-protection bills were being considered. The argument that is used here against the freedom of hunting and all that sort of thing is the argument that has been used against every game law that has ever been passed, I suppose, in the United States. It is either a question of passing some such measure as this or in a little while having no hunting at all.

Mr. BLANTON. Will the gentleman yield?

Mr. GRAHAM of Illinois. No; I have not the time to yield in four minutes. If you want to preserve the migratory birds you must have some sort of game refuges. My country, out in Illinois along the Mississippi River, was once the best duck-hunting ground in the United States; it is the main highway of the flight of ducks from north to south. Now they go through like an express train. There is nothing there for them to stop to feed on. All the land has been drained out along that country until there runs just the Mississippi River, running straight through the country from the north to the Gulf, and a duck that starts from the north goes on through to the south and never stops any place along the route.

Unless there are bird refuges established at the north end and the south end where the ducks can propagate and rest and build up their race and resting places along the way, there is no future for migratory birds. In my judgment some such methods as this must be adopted. It has been argued here that the man who wants to go out and kill a duck on his neighbor's farm will have to pay a dollar in order to do it. Does he not have to do so now? There are few States in the United States that do not require such a license. I am taking my own State as an example of the fact that if I go outside of my own farm and onto some neighbor's farm to kill a duck I must buy a State license. I am interested in preserving the game of this country for the future. I am interested in hunting. If a man is interested in keeping up the supply of game, if he is interested in hunting, what particular hardship is it to him to pay an additional dollar to the United States if he knows that by that means he is helping to keep up the game and to preserve it?

There is one thing more to which I want to call attention, and that is the migratory insectivorous birds that have not been touched upon in this debate. There is nothing in the world more valuable to the farmer or to the interests of agriculture than the migratory insectivorous birds that go back and forth through the country, flying 2,000 and 2,500 miles from one side of the country to the other. The refuges for those birds are rapidly being cut down and destroyed. In my country where farming is becoming intensive, where there used to be hedge rows and patches of brush on every farmer's land, they are disappearing to-day until these birds in their annual migration across the country have no refuges in which to stop.

Mr. EVANS. Will the gentleman yield?

Mr. GRAHAM of Illinois. I am very sorry, but I have declined to yield to anybody because of my limited time.

The CHAIRMAN. The gentleman declines to yield.

Mr. GRAHAM of Illinois. It is very essential that we have something of this kind, and I can see no reason on earth for the opposition that has been made to this bill, or for the claim that it takes away from the States some rights which they now have.

The same arguments were made by me on the floor when the original migratory bird bill passed. I joined the gentleman from Wyoming [Mr. MONDELL] in opposing that bill, thinking at that time that the State had the ownership and entire control of any game within its borders. But I afterwards heard the opinion of the Supreme Court, delivered by Justice Holmes, in which he elucidated the doctrine that the United States had a right as a national policy to preserve the migratory birds that went through the country, on agricultural grounds, if upon no other. I am following that conclusion. If it is correct, and I have no doubt it is, it follows, as a matter of corollary, that we have a right to establish these refuges where they may rest or they will rapidly disappear. If you do not do something of this kind the man or boy who wants to hunt migratory birds will soon have no place to hunt. I would like to have you tell me where a man may hunt to-day without the permission or a license from some one.

Mr. ASWELL. Mr. Chairman, I yield four minutes to the gentleman from Virginia, Mr. Deal.

Mr. DEAL. Mr. Chairman, some of my colleagues realize the reluctance I have in appearing before the House to discuss any question. But the effect of this legislation, in my opinion, is so far-reaching that I feel it my duty to raise my voice in protest to its being enacted into law. In my district we have a feeding ground which is perhaps one of the best, if not the most valuable, in all the world. The marshes adjacent to these waters have been taken up by men of means, so that there is absolutely no hunting ground that can be had for the people of that district. This body of water is 8 miles wide and about 40 miles in length. The owners of the land, the marshes adjacent thereto, have been seeking for years at the hands of the General Assembly of Virginia to prohibit other persons, the native citizens of Virginia, from hunting even in the waters of that bay, contending that it is not navigable water, and therefore their rights in the marshes extend to the middle of the bay. Wild celery, rice, and spiral grass grow in abundance, and a high class of migratory birds repair to that body of water by the hundreds of thousands and, perhaps, millions to feed. At certain seasons under our State laws our citizens may go out on this body of water and hunt. Now it is the purpose of special interests to prevent the natives from hunting in those waters. I want to give you the names of some of the individuals and clubs who own these hunting grounds:

The American Tobacco Co. You can not buy a share of stock in that club for love or money. Former Senator Penrose and his brother, Doctor Penrose, are interested in a club. Mr. Van Ransellear and John C. O'Connor; William E. Gary is an owner of a private club, and also Mr. George D. Vanbright. The Ragged Island Club is owned by local people, controlled by persons principally in my own city. Sandy Cove was a club of which President Cleveland was a member as long as he lived. These clubs and these lands have been in the possession of these men for years and years. Mr. George Gould owns one of the clubs, and also Mr. Stillman, of New York, Tom Dickson, and others of that type of men.

These men are those who are seeking to override State laws because they have been unable in the State of Virginia to secure legislation that would prevent our citizens from hunting on this body of water. They have even sought to prevent the retrieving of crippled birds with motor boats. They are now seeking, under this bill, to place control of these and other waters under the regulation of the Department of Agriculture, feeling that they may then succeed in doing that which they have failed to do all these years through the State legislature.

Under the provisions of this bill I could not, on land owned or leased, hunt until I had secured a Federal license. I could not, in company with my neighbor, enter upon and hunt wherein I would go upon his lands or he upon my lands until we had secured a Federal license. This, it seems to me, is the grossest kind of an invasion of the rights of American citizens. I do not object to those who own lands for hunting purposes on the marshes of Back Bay enjoying the exclusive use of those lands, but I do object to a law that is evidently being enacted in the interest and at the instance of these people that will require me to secure a Federal license to hunt on my own lands.

But after all this is not my real objection to the bill. I contend that it is an invasion of the rights of the States and the people by the Federal Government. I know that some of my lawyer colleagues will say that if I were a lawyer and knew the law I would know that this measure has been made constitutional by a decision of the Supreme Court declaring this law within the rights of the Federal Government on the ground that migratory birds would come under the head of interstate commerce and therefore under the control of Congress. It may be contended further than the Constitution gives the President of the United States the right, by and with the advice and consent of the Senate, to make treaties with foreign countries. That having made a treaty the Federal Government would be in honor bound required to enact legislation for the enforcement of the treaty rights. If we will refer to the treaty, however, we will find that article 8 provides "the high contracting powers agree themselves to take, or propose to their respective appropriate lawmaking bodies, the necessary measures for insuring the execution of the present convention. What are the appropriate lawmaking bodies, if not the legislatures of the States of the Union, to whom these powers lawfully belong? I do not understand that there has been any amendment to the Constitution granting such powers to the Federal Government. Not being a lawyer, when I read the Constitution, which is written in extremely simple and plain language, I find nowhere in that solemn contract between the States, representing the people as parties of the first part and the Federal Government as party of the second part, has there been delegated to the Federal Government the right to control the question of hunting and the acquiring of food by citizens within the State. Then I find that the States are not denied the right to control these privileges, and, therefore, under the tenth amendment these rights are reserved to the people themselves.

If Congress insists upon overriding the plain mandates of the Constitution and assuming powers which have not been delegated to it, we will soon find that those liberties, of which we have boasted for all these years, will be a thing of the past, and the peaceful revolution must inevitably lead to a bloody revolution. For not in the history of the Anglo-Saxon race do we find that the masses of the people have ever submitted to the arbitrary control of rights which should be enjoyed by the people free of interference from a tyrannical and autocratic government. The police powers of a State, excepting where otherwise provided by modern amendments to the Constitution, are still under the law exclusively within the control of the States. But what does this bill propose? In the hearings before the Committee on Agriculture testimony was given to the effect that there are 1,000,000 persons in this country who would pay a license tax of $1 to hunt. This would mean a revenue of $1,000,000 per year, 45 per cent, or $450,000, of which is to be used for the purchase of game refuges. I do not know as to the value of lands in the Middle and Western States, but I do know that the lands and marshes that are frequented by the high-class migratory birds, which feed upon vegetable matter exclusively, can not be purchased in Virginia, North Carolina, South Carolina, and Georgia except at a very high price, even though they can be found at all. I would say that these lands are worth $200 per acre.

Therefore, within our belt, assuming that the $450,000 could be spent in any one section of the country, and that section should be in the States named, the $450,000 would purchase 2,250 acres of lands. Ten per cent of the remainder would probably be used for administrative purposes, leaving 45 per cent, or $450,000, for the employment of wardens to patrol these lands and prevent poachers thereon during the hunting season. Assuming that $500 would be required for each warden for patrolling such refuges, say for three months during the year, the $450,000 would employ 900 men as special police, agents, detectives, or spies to dog and bedevil the footsteps of American citizens, and this annual increase would soon result in an army of untold proportions. It has been said that 25 years ago there were less than 200 detectives and spies in the employ of the Federal Government. To-day there are perhaps 30,000, and if we continue to enact laws that trespass upon the rights of the people, laws to which the people are opposed and unwilling to obey, we will be swamped with an enormous army to destroy the peace, happiness, and the comfort of the American people.

We find also a provision in this bill that no person shall take, hunt, pursue, shoot, capture, trap, snare, kill, disturb, or attempt to take, hunt, pursue, shoot, capture, trap, snare, kill, or disturb any fish, wild animal, or wild bird, or collect, destroy, or disturb any nest or egg of any such bird on any land, water, or land and water of the United States which has been or may hereafter be set apart as a public shooting ground or bird or game refuge under this act.

Assuming for the sake of argument that the Federal Government has the right under the decision of the Supreme Court to control the hunting with respect to migratory birds, we fail to understand how any gentleman having subscribed to an oath that he will support, maintain, and uphold the Constitution of the United States can knowingly undertake control as to fish that swim in the waters, or animals and birds that live exclusively within the State, and this is what the bill in question proposes to do upon such refuges. Of what value can these things be unless they are to be enjoyed by the people as a whole? But it would be better far that every migratory bird and all the beasts that roam the forest should be destroyed absolutely and this source of food eliminated from public use than that the liberty of the American people should be subjected to the autocratic control of a bureaucratic Government.

[Mr. DEAL had leave to extend his remarks in the RECORD].

The CHAIRMAN. The time of the gentleman has expired.

Mr. GRAHAM of Illinois and Mr. JONES of Texas had leave to extend their remarks in the RECORD.

Mr. HAUGEN. Mr. Chairman, I yield three minutes to the gentleman from Missouri [Mr. HAWES].

Mr. HAWES. Mr. Chairman, I do not understand this bill to be what some of its opponents charge it means. I am a State-rights Democrat. I have stood for that principle in government and for the principle of local control wherever possible. The United States and Canada entered into a treaty agreement for the protection of migratory birds. This bill does not extend the jurisdiction of the United States over these birds where the law does not cover them now. In shooting migratory birds there is no extension of Federal authority under this bill. I can not understand the opposition, for in my opinion the bill simply does this. A man who shoots a migratory bird must derive some pleasure or some satisfaction out of the sport and he is to be charged $1 for that privilege, and that dollar is to be used in setting aside certain spaces of land, certain asylums, if you please, for the safety of these birds that pass from north to south.

Mr. ELLIS. Will the gentleman yield?

Mr. HAWES. I can not yield. Gentlemen have referred to the game preserves used by rich men as depriving the poor man of his old-time privilege of shooting.

Nobody suffers more from this than I do, but this law has no effect upon these preserves. One gentleman talked about these preserves and the protection of the game and of a man being brought before a Federal judge to be examined upon the question of shooting a bird. My understanding is that that refers only to the land set off and designated as an inclosure for the preservation of migratory birds.

I am getting to be an older man; I have had my fun in shooting. I think this——

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. ASWELL. Mr. Chairman, I yield three minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, I have tried to make it plain that my opposition to this legislation is because it is an extraordinary extension of Federal police power without any sound reason or excuse for such extension. It is the greatest extension of Federal police power proposed since the beginning of our Government, save that under the Volstead Act. That extension was made after the people had declared in favor of such legislation by the adoption of an amendment to the Constitution which clearly authorized it in the hope of bringing about a great moral reform. This proposed extension of police power is excused under a divided decision of the Supreme Court under the claim or in the hope of increasing the number of the peedees, the coots, the flickers, the cranes, and gulls throughout the land. That is, let us assume, a worthy purpose, but it is not necessary to reduce the States of the Union to the condition of provinces or compel citizens to go before Federal courts to answer accusations of a trifling nature in order to preserve the bird life in America, and if it were necessary, the right of the citizen in his community, the right of the States

under the Constitution, the liberties of the people, free from the surveillance and espionage of Federal agents, in connection with acts and practices no more harmful than the possible destruction of a bird nest or the killing of the most unimportant feathered creature, is infinitely more important than even the increase of the number of migratory birds. [Applause.]

Under this bill everyone who proposed or intended to use or discharge a shotgun must secure a Federal gun license, for who would dare venture afield hunting for any bird when reminded that, according to the treaty, the following are specifically named as migratory birds, to wit:

The high contracting powers declare that the migratory birds included in the terms of this convention shall be as follows:

1. Migratory game birds:

(a) Anatidae or waterfowl, including brant, wild ducks, geese, and swans.

(b) Gruidae or cranes, including little brown, sandhill, and whooping cranes.

(c) Rallidae or rails, including coots, gallinules, and sora and other rails.

(d) Limicolae or shorebirds, including avocets, curlew, dowitchers, godwits, knots, oyster catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock, and yellowlegs.

(e) Columbidae or pigeons, including doves and wild pigeons.

2. Migratory insectivorous birds: Bobolinks, catbirds, chickadees, cuckoos, flickers, flycatchers, grosbeaks, humming birds, kinglets, martins, meadow larks, nighthawks or bull bats, nuthatches, orioles, robins, shrikes, swallows, swifts, tanagers, titmice, thrushes, vireos, warblers, waxwings, whippoorwills, woodpeckers, and wrens, and all other perching birds which feed entirely or chiefly on insects.

3. Other migratory nongame birds: Auks, auklets, bitterns, fulmars, gannets, grebes, guillemots, gulls, herons, jaegers, loons, murres, petrels, puffins, shearwaters, and terns.

Under this bill not only must a Federal license be taken out but, with or without a license, any citizen becomes liable to prosecution by Federal courts for any hunting or taking of not only these birds but fish as well, contrary to any rule or regulations of the Secretary of Agriculture. Not content to centralize authority over fishing and hunting, the framers of this legislation carry to the limit the principle of "government by departmental regulations," and we are expected to accept all this after one hour of debate.

Mr. HAUGEN. Mr. Chairman, I yield the remainder of my time to the gentleman from Pennsylvania [Mr. KELLY].

Mr. KELLY of Pennsylvania. Mr. Chairman, one would gather from the remarks of the gentleman from Wyoming [Mr. MONDELL] that this is some new idea that has sprung full blown from the brain of some worshiper of centralized government. Instead of that it is the natural result of action already taken in the States. This is no new idea to cause such horror as is here expressed; it comes from the States that have best fulfilled their obligations as States. I hold it fundamental that the State has the right to deal with questions wholly State in character, and the Nation has the same authority with reference to national questions.

The State of Pennsylvania is the originator of this idea of game sanctuaries and public shooting grounds. In 1906 that State established the first one in this country, and it was due to exactly the situation pointed out by the gentleman from Virginia [Mr. DEAL]. Rich men were buying certain tracts of land and reserving them for their exclusive hunting. The result of it was that a man without entrée could not have the opportunity of hunting game. Then the State undertook to establish preserves. We have in Pennsylvania 32 of these sanctuaries, established at a cost of some millions of dollars. In 1921 we spent in Pennsylvania $665,351.91 for dealing with the game of the State as a plan for Pennsylvania welfare. We have there a system which has gone very far in beneficial results. In 1906 the deer were almost extinct, and at that time there were men who protested against any restrictions upon hunting the few which were left.

Mr. TUCKER. Mr. Chairman, will the gentleman yield?

Mr. KELLY of Pennsylvania. I can not yield.

That was the situation in 1906, but in 1922 there were 6,000 bucks shot by hunters in Pennsylvania, having a value for venison alone of $480,000—6 per cent on a capital of $8,000,000, which is the value of deer in Pennsylvania to-day. That has been brought about by the establishment of refuges and protection of game.

Mr. MONDELL. The State of Pennsylvania has done so very well in animal and bird preservation, why not leave the matter with the State?

Mr. KELLY of Pennsylvania. That is exactly what I am saying. Pennsylvania has done everything a State can do, and now she wants the Federal Government to do what can only be done by national authority. She wants assistance from the National Government in dealing with migratory birds, which regularly cross State lines, and which can not be handled as are deer and bears and other game in Pennsylvania.

Mr. JOHNSON of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. KELLY of Pennsylvania. I hope the gentleman will not interrupt.

The CHAIRMAN. The gentleman declines to yield.

Mr. KELLY of Pennsylvania. I want to finish my statement and say that Pennsylvania has shown what can be done by the use of game refuges and sanctuaries. In one place 50 miles from Pittsburgh, where there was little game known some 20 years ago, last year 5,000 hunters, including many workers from the mills and mines of the Pittsburgh district, used the public shooting grounds and killed some 60 buck deer besides a great many other game animals. More than 450,000 persons take out hunting licenses each year in the Keystone State. The State has done its part, and it comes to the Government and says, "Do your part." It is not a question of extending national authority; it is a question of the Nation dealing with the question that is beyond State power.

There is one other point in this bill to which I would direct attention. Of course, the postmaster is the proper official to handle these licenses, as he is the agent of the United States, but there is no provision in the bill for any compensation for the additional work involved.

There should be an amendment to provide that at least 10 per cent of the moneys collected by the postmaster shall go to the postmaster for compensation.

Mr. HILL. Mr. Chairman, will the gentleman yield?

Mr. KELLY of Pennsylvania. I refuse to yield. The fourth-class postmasters will be doing a great deal of this work. They are now getting such meager compensation as to almost make it impossible to hold the postmasters of that class. There should be a provision giving the postmaster 10 per cent at least of the amount paid in for licenses, and a further provision that that much be taken out of the money covered into the General Treasury. With that addition this bill will aid in the conservation of wild life, in the conservation of wealth, which, with proper care, means a continuous possession, and it will not be any undue interference with the rights of the States. [Applause.]

The CHAIRMAN. All time is exhausted, and the Clerk will read the bill for amendment under the five-minute rule.

Mr. CONNALLY of Texas. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. CONNALLY of Texas. I will change it to a parliamentary inquiry. Will the bill as originally drafted be read and all the substitution considered as one amendment?

The CHAIRMAN. The committee has before it the bill H. R. 5823, and will consider it by sections. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That this act shall be known by the short title of the "Federal public shooting ground and bird refuge act."

Mr. SISSON. Mr. Chairman, I move to strike out the last word.

Mr. WINGO. Mr. Chairman——

Mr. JONES of Texas. Mr. Chairman——

The CHAIRMAN. The gentleman from Texas, a member of the committee, is recognized.

Mr. JONES of Texas. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. JONES of Texas: Page 1, line 4, strike out the words "public shooting ground and."

Mr. JONES of Texas. Mr. Chairman, practically every man who has spoken in behalf of this bill has confined himself almost exclusively to the proposition of providing a bird sanctuary where birds will be protected. I have offered an amendment to make it purely a bird-sanctuary bill. I have offered to strike out "public shooting ground and" in this section, and have prepared amendments throughout the bill which will strike out the words "public shooting grounds" and leave it purely a bird-refuge bill. I am thoroughly in sympathy with the proposition to protect the birds, but if you establish public shooting grounds beside these bird sanctuaries, where the professional huntsmen may swarm and shoot them after they have been brought into the sanctuary, you will get nowhere. I would not object to the paying of a dollar—although I would not like to have it go in the form of a license by the Federal Government—I would not object to paying a dollar to form bird refuges, but I do object to paying a dollar and having every schoolboy in my district pay a dollar to secure a public shooting ground in some faraway section that is only accessible to few of the local people and a great horde of professional hunts-

men. I do not believe that policy should be adopted. If you people are sincere in wanting a bird refuge place, make it a bird refuge bill. You can make it so by striking out the words as provided in the amendment.

It would be a shame to make the ragged urchin, who in barefooted fashion trudges the hills, pay $1 for public shooting grounds he could never hope to see.

Mr. TINCHER. Mr. Chairman, I rise in opposition to the amendment. This amendment shows the true colors of the opposition to this bill. Abolish the public shooting-ground feature of the bill and you leave it so that only those who are financially able to own game preserves will have the privilege of hunting migratory birds because sooner or later, unless there is a sanctuary and public shooting ground, there will be no hunting for the ordinary fellow.

Mr. SISSON. There will be none with the shooting grounds.

Mr. TINCHER. Some one says there will be none with the shooting grounds. Do you believe the statement made by the gentleman from Pennsylvania [Mr. KELLY] who just spoke in reference to this? Have you had occasion to examine the hearings where men testified who were versed in this matter and who have studied it for years? Have public shooting grounds done any good in the State of Pennsylvania to afford the common, every-day fellow the privilege of hunting? I left the room a moment ago when a Member of Congress who testified before the committee rather denied a portion of my statement this morning. Gentleman, I have no way of knowing what any game warden stands for or any Member of Congress stands for on this subject except what they say and who appeared before our committee. Turn to page 49 of the hearings and he said that his constituents under the game laws might go out and shoot a duck and stand before the grocery store where they had plenty of things, sugar and groceries and supplies, but that he could not under these obnoxious laws trade his ducks for other products, and I take it from that that he wanted commercialism in this industry. Then the next day a game commissioner from the State of Virginia, a gentleman who had every appearance of being a high-class man, appeared before us—you will find this on page 56, a man by the name of M. D. Hart—said that he represented the "one-gallus" man, and that is where the term originated in our hearing, and he was asking for this legislation so that a man might have a way to hunt.

I do not know, Mr. Chairman, whether that game warden was better informed than the Congressman from North Carolina was. I do know he gave us figures in the hearings showing how much it cost a man to shoot a duck down there. I say to you if you adopt this amendment to cut out public shooting grounds, it would be the entering wedge of the opposition to this bill, which, by the way, is the most remarkable opposition that I have yet encountered in this House—the, I will not say unholy, alliance between the gentleman from Tennessee and my good friend from Wyoming—the leadership. I wonder what is behind it? What does it mean? I know they both love the Constitution. I do not question that; but I know, Mr. Chairman, that in nearly every high-class, high-priced hotel in this country to-day you can buy wild duck for food, and those selling ducks are guilty of violating the law.

Mr. BLANTON. And you can find lame ducks.

Mr. TINCHER. I know in Wyoming they have one of the greatest national game preserves in the world, and people who live there have many privileges; and I have heard of a great lake in this country, and I have been told surrounding the lake there are many cottages occupied by fishermen and hunters of wild duck.

I do not know who sells those ducks that you can buy at the hotels in Washington, but I do know the one-gallus fellow is not doing it. They are killed from the big preserves, and the Federal Government has the right—I am willing to meet that issue—the Federal Government has an absolute right and it is the duty of Congress to legislate on the subject of migratory birds regardless of any unholy alliance that may be entered into here. [Applause.]

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. MONDELL rose.

The CHAIRMAN. The gentleman from Wyoming is recognized.

Mr. MONDELL. Mr. Chairman, I rise in opposition to the amendment and to enlighten my good friend from Kansas [Mr. TINCHER] as to the source of my opposition.

I have not forgotten and I shall never forget the time when, as a small boy, I traded 24 muskrat skins for a single-barreled muzzle-loading shotgun and made out of an old horn a powder flask and out of an old piece of rawhide a shot pouch.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. No; I can not yield. And went forth to hunt migratory birds. I did not get many. They would have had to be very tame and gentle to have enabled me to get many of them with that sort of artillery, but I got some. Occasionally I brought home a duck, and, thank the Lord, I was not called upon to go to the post office 10 miles away and take out a Federal license and submit myself, as you now propose, not to the laws on the statute books, but to the regulations of the Secretary of Agriculture, changed from day to day and from week to week, under which, had I happened to kill one bird ever so small and ever so insignificant contrary to the regulations or happened to have stepped upon the nest of one bird unintentionally, I could have been called before a Federal judge hundreds of miles away to answer for my awful crime. I remember those days, and I think of the boys of to-day similarly situated.

I have had no protest reach me from any soul on earth against this bill, with the possible exception of one letter dimly recalled; I have had many appeals, by letter and by personal visits, to vote for it. Ah, that is the trouble these days. We are legislating, or we are urged to legislate, at the behest of active minorities who know what they want and know how to get it. [Applause.]

Out home yonder are the common folks, inarticulate in a case like this, because they believe in us and believe that we will remember them. Uninformed as to what is happening here, they look to us to have in mind their interests and their viewpoint. [Applause.] I do not say that the game wardens who have appealed to us in behalf of this measure have, all of them, been actuated by the hope of splendid Federal positions.

I know that some of them have been promised such positions or have been led to believe they would secure them. [Applause.] I do not say that no one except millionaire hunters with their expensive plants and their great preserves are for this legislation. I know that they are for it; all of them. I impugn no man's motives. I think gentlemen may well refrain from impugning the motives of those of us who, without any urging or pressure against this bill from home or elsewhere and in the face of urgent requests to support it oppose this legislation, because we still remember that this is a Republic of States, a National Government of limited powers, and that not yet, thank God, are the States provinces or their people subjects. [Applause.] The easy and seemingly popular thing is to support this bill, the organizations favorable to it have for the time being quieted opposition. Even the cat and buffalo fishermen have, I am told, been assured their business will be protected by a special amendment. And so, for the time being, it seems to be popular with all except those who remember that even so worthy a cause as that of the establishment of public hunting preserves does not justify the radical departure from fundamental American policies which this bill contemplates.

Mr. GRAHAM of Illinois rose.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. GRAHAM of Illinois. Mr. Chairman, as I listened to the gentleman from Wyoming [Mr. MONDELL], in his impassioned appeal, I thought back 30 or 40 years ago, of the time when I was a boy in Illinois. There, on a little farm that my father owned and where I was raised, in the meadows I could hear in the summer time the golden plovers whistling. There, in the morning, I could hear the drum of the prairie chicken. There, on the creek and streams, were ducks and wild fowl everywhere. And I took my old muzzle-loading gun, which would shoot harder backward that it would frontward, and went out hunting with the other boys. All over the countryside, here and there, we went, and came home with game, which was in profusion in those days. Nobody said, "You can not come here," or "You can not go there"; and we learned to shoot and to carry our guns and to aim straight; all over the country the boys were doing that and learning how to shoot straight, and learning things that did service to this country in time of war, when we were pitted against our enemies.

The years have passed on, and now your boy and my boy are growing up, and what do they find? The prairies have no game, as they had in those days. To-day the duck flies high and flies past and away beyond them. To-day, as the boy goes on the next farm, he sees a sign, "No hunting here." He goes down to the creek, and there is a man who stops his approach to that, and there is no place where the boy can shoot and follow the wild game, as was the case when I was a boy. And when he goes down the Mississippi or along the Potomac, he finds rich men's clubs, where he can not go, every

foot preempted, and unless he has money to spend he gets nowhere. What is the boy of to-day going to do?

I tell you, my friends, the long and short of it is I would like to do something that will bring about a situation where the boys of the future will have the same privileges and the same chance to hunt wild game which I as a boy had. [Applause.]

Mr. WINGO. Mr. Speaker, one of the most notable things about the discussions in this House is the number of ingenious arguments that can be advanced to justify any increase in the number of Federal establishments. I notice that the most ingenious argument indulged in is that of the gentleman from Illinois [Mr. GRAHAM].

I followed him as best I could in his poetical flight, but the gist of his argument on that point seemed to be that he wanted the boys of this generation enjoy some of the wild life that he enjoyed in his day. [Laughter.] Well, I thought this was a game preserve bill, a migratory bird law. Of course, unless you follow the strict rules of grammatical construction, the bill might be interpreted as a bill providing for the open shooting of the general public. Some gentleman suggests that the title ought to be changed, because it really now contemplates that the public will get shot and provides Federal licenses for shooting the public. [Laughter.]

Mr. Chairman, seriously I want to call attention to this. Instead of insinuating that there is something awful, as the gentleman from Kansas did, back of the fact that the two party leaders on this floor agreed in their opposition to this bill, it ought to cause the gentleman to express his gratification that the leaders of the two parties upon this floor, and especially the leader of the majority party, have the courage to resist what we know is the propaganda that is putting this bill over, and not the judgment of the House. Oh, let us try to stem the tide of propaganda and if possible try to stop the onward march of the absolute doing away with the States and the piling of everything onto the Federal Government. Why, gentlemen, there are some people in this country—charming, delightful people, who make nice social companions in the parlor—who, if they had their way about it, would compel you to take out a Federal license to kiss your own wife, and they would do it under the public-welfare clause. I can appreciate that there might be some situations where that would be in the interest of the public health. [Laughter.]

Gentlemen talk about the one-gallus fellow, like the gentleman from Kansas. I do not mean he is a one-gallus fellow; I mean he talks about the one-gallus fellow. Why, gentlemen, if you think that you can put this bill over by making a plea to have the Federal Government set up public shooting grounds for the poor boys of the country, you are certainly reduced to dire straits. Do you suppose that these game preserves and game sanctuaries are going to be of any practical benefit to the general public? And if they were, do you think that is the function of the Federal Government to engage in that kind of business? If it is, possibly it would be better for the preservation of the wild youth of the country if the Federal Government should require a Federal license for a public dance hall, so as to see that it is run properly. Once you start upon this road of loading everything upon the Federal Government, you can find plenty of arguments to justify you in doing anything that an insistent propaganda demands you do.

Is it the public welfare that brings this pressure here? Oh, if we follow the lines of least resistance, if we listen to the importunities of the fair ones and the gallant ones and the good sportsmen, of course we will pass the bill. I know one very dear friend of mine—I should hate to see this bill pass, because I think it would ruin him. He is a pretty good citizen now, making pretty good money, but I feel absolutely certain that he will get a Federal appointment under this law. Public office! Controlling your neighbors' affairs, controlling everything from Washington, Federal agents! Why, gentlemen, pretty soon you are going to have Federal agents regulating everything, and you had better catch the spirit that the gentleman from Wyoming [Mr. MONDELL] and the gentleman from Tennessee [Mr. GARRETT] have caught. The people of this country, that great inarticulate mass to which the gentleman from Wyoming refers, are getting exasperated with the horde of officeholders. The Federal agents that are running up and down this land interfering with every activity of the honest, everyday citizen are building up distrust, exasperation, and resentment against the Federal Government where there ought to exist a feeling of patriotic obedience and respect. [Applause.]

Mr. TREADWAY. Mr. Chairman, I move to strike out the enacting clause of this bill.

The CHAIRMAN. Does the gentleman ask recognition?

Mr. TREADWAY. I asked recognition and I was recognized.

Mr. HAUGEN. I make the point of order that that motion is not in order.

The CHAIRMAN. Does the gentleman make a point of order against the motion?

Mr. TREADWAY. It is clearly in order at any time.

Mr. HAUGEN. There is an amendment pending. I suggest that the other amendment be disposed of first.

Mr. TREADWAY. The rule provides that the motion to strike out the enacting clause takes precedence over any amendment.

Mr. QUIN. Mr. Chairman, I should like to speak.

The CHAIRMAN. Does the gentleman from Massachusetts ask to speak on his amendment?

Mr. TREADWAY. I do.

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. TREADWAY. Mr. Chairman, I will not take up the question of whether or not my motion is in order. It is absolutely and plainly in order under clause 7 of Rule XXIII, section 853, of the manual. There is no question about the motion being in order.

The debate has run on here for some two hours or more, evidently with very marked opposition to this bill, and righteously so. [Applause.] I think it is a very poor bill, and I wish my colleagues on the Republican side were as cordial in their indorsement of that statement as my Democratic friends are; but this is not a political matter, gentlemen. It is purely a question whether or not we are going to get down to brass tacks on the question of controlling everything in sight from a Federal Government center. I am opposed to that principle. [Applause.] I am going to vote against this bill whether my motion to strike out the enacting clause carries or not.

My friend from Kansas [Mr. TINCHER] and other gentlemen have referred to the one-gallus man that they want to protect. I have a section of my district where the boys do not wear any galluses and I do not know as they even wear belts, but they do like once in a while to get out and hunt.

Mr. MERRITT. Do they wear pants?

Mr. TREADWAY. Yes; or overalls; they have that much protection, surely, and perhaps blue shirts. But they do want once in a while to have a chance to go out and go through our woods and hillsides without a Federal agent pursuing them. It is bad enough to have a State agent on their necks, but we will stand for that. Why the boy in the hills of western Massachusetts should have the trembling fear that there is an agent from Washington with a big badge on coming up to arrest him and hale him down to Boston before the Federal court because, forsooth, he wants to spend an afternoon holiday in the woods I fail to see. Further than that, I see a clause in here that is mighty clever—that is, on the part of the advocates of this bill. This first section here that is about to be read, if my motion does not prevail, provides that the boy is not required to have that license if he hunts on his dad's own lot. That is mighty kind. Why did not you cover him in that?

Why do you let him have that chance? Why give him a show in his dad's back dooryard? This idea that gentlemen have brought up here of propaganda is most interesting and correct. We are overrun with organizations that want to help raise the morale and the standing of our States and our communities. They are all right, but they miss the human instinct that they ought to have for the boy back home. So I say the whole thing, to my mind, is absurd. I supposed when we recommended the postmasters to be appointed in our respective districts—and heaven knows that is a mean enough job, and I sympathize with the Democratic gentlemen who had that burden for eight years and which we are now going through—in place of those that you had appointed we supposed they were going to lick postage stamps and cancel them, but not to go after boys who had failed to get a license from the postmasters to hunt. I do not want to appoint a postmaster to license a country boy, and if the boy has not got the license to go out after him and arrest him. That is no part of the job of a postmaster or the Department of Agriculture. We are able to regulate those things at home within the boundaries of our State and counties. If we have no better work to do than to pass bills of this type between now and the 4th of March, let us recess until noon of March 4. [Applause.]

Mr. HERRICK. Mr. Chairman, I rise to oppose the motion of the gentleman from Massachusetts.

Mr. HILL. Mr. Chairman, I ask recognition.

The CHAIRMAN. Is the gentleman from Maryland opposed to the bill?

Mr. HILL. No; I am in favor of the bill.

Mr. SANDERS of Indiana. I am opposed to the motion of the gentleman from Massachusetts.

The CHAIRMAN. The Chair will recognize the gentleman from Indiana.

Mr. SANDERS of Indiana. Mr. Chairman, the question with which the committee is confronted now is not a question of whether we want this law as it is written, but the question before the committee is whether we are going to consider this proposition at all. Only one section has been read. The gentleman from Massachusetts proposes to strike out the enacting clause which kills the bill without giving an opportunity to amend or perfect it and pass such a law as a majority of the House would favor. I think we ought to vote down the motion to strike out the enacting clause of the bill. Then we should proceed in an orderly consideration of the measure. Regardless of whether gentlemen agree as to whether the measure should be passed, it is clear to everyone that there is a great sentiment in this country for this great conservation measure. Whether it is properly drawn, whether it should be amended, are questions which the Committee of the Whole may consider as various amendments are offered. It may be that a gentleman would not favor the bill in its present form, but if certain provisions were stricken out he might favor it. The gentleman from Massachusetts spoke of some provision which he said should not be in the bill. It may be that he is right about that, and if this motion can be voted down the gentleman from Massachusetts can be given an opportunity to amend the bill and make it read as he thinks it ought to read, if the majority is in favor of it. I think there is a great sentiment in the country in favor of it. The gentleman from Wyoming says he has received many letters in favor of it and none against it. I think many Members may say the same thing, but that does not necessarily establish the fact that there is an improper propaganda in favor of the measure. It points to the fact that the American people are trying to let the Representatives in Congress know their views, and the Constitution of the United States gives that right to the American people as one of their sacred rights which comes to the citizens of a popular government. And the fact that there are no unfavorable letters coming in shows there is no real opposition to it in the country. So I say that we should promptly vote down the motion of the gentleman from Massachusetts to strike out the enacting clause.

Mr. MONTAGUE. Mr. Chairman, if this were a bill for the protection of game, I should vote for it cheerfully. If it were to set aside sanctuaries or refuges for these birds, I would vote for it; but these are mere incidents of the bill. This bill carries a provision to establish what it calls "public shooting grounds." That is done upon the argument—no, upon the asseveration—that poor people may have the benefit of hunting upon such grounds. Wherever such public grounds are resorted to by migratory birds, such as ducks, geese, and swans, the locations are very isolated and immune. The populations around them are very sparse, otherwise the birds would not frequent such haunts. The number of people contiguous to such grounds, to repeat, are insignificant. Therefore, you can not escape the fact that the only people who will hunt on such grounds are people that come from a distance, and the only people who can come from a distance are the people who are able to pay the high transportation charges to these grounds. Therefore your bill eliminates the poor people of America from any contact with these grounds and only the few well-to-do or rich can enjoy them. I will vote for no such special privileges. Neither will I vote for a Federal license to hunt, nor for the provisions punishing the violations of this law in the Federal courts.

If it is desired to preserve game, to provide for them a sanctuary or a refuge, cut out the public shooting grounds and cut out the officeholders that it is proposed to multiply in this country. [Applause.] Strip the bill of these two objectionable features, and I do not know but that I will be able to vote for it, but I can not vote for a bill that undertakes to stretch so far the powers of the Government to the suppression and extinction of the police powers of the States far and beyond any authority given by the "migratory bird treaty" and the former statute enacted to give it effect.

Mr. PURNELL rose.

The CHAIRMAN. The gentleman from Indiana is recognized.

Mr. BANKHEAD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BANKHEAD. The motion to strike out the enacting clause is rather unusual, and I recognize it is subject to debate, but has not debate been exhausted upon that motion?

The CHAIRMAN. The motion to strike out the enacting clause has the same status as a motion to amend. Debate upon it is under the five-minute rule. Debate is limited to five minutes on a side, if the point is insisted upon.

Mr. BANKHEAD. I think we ought to have a vote.

Mr. ASWELL. I insist upon it.

Mr. HERRICK. Mr. Chairman, I would like to be heard in support of the motion for a few minutes.

Mr. SANDERS of Indiana. Mr. Chairman, a parliamentary inquiry. That rule does not militate against the motion of my colleague [Mr. PURNELL] to strike out the last word of the amendment. That is an amendment to the amendment, Mr. Chairman.

The CHAIRMAN. There are pending a motion to strike out the enacting clause and also a motion to amend. The gentleman from Indiana [Mr. PURNELL] would be in order to move to amend and would be entitled to recognition upon that motion to amend; otherwise debate has been exhausted upon the motion to strike out the enacting clause.

Mr. STAFFORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. A motion to strike out the enacting clause is a preferential motion, and when it is made must be acted upon. It comes prior to any action on a motion to amend, and any motion to amend is a pro forma motion entirely and is not in order. Discussion of the motion to strike out the enacting clause has been exhausted.

The CHAIRMAN. The gentleman from Wisconsin has correctly stated the situation. The motion to strike out the enacting clause is a preferential motion. Ten minutes of debate has been had, and debate upon the amendment is exhausted.

Mr. LONGWORTH. Mr. Chairman, is it not in order to move to strike out the last word of the motion?

The CHAIRMAN. No such motion is possible under the motion of the gentleman from Massachusetts.

Mr. SANDERS of Indiana. Mr. Chairman, a further parliamentary inquiry. Of course, the statement of the Chair is entirely accurate. [Cries of "Regular order!"]

The CHAIRMAN. The regular order is called for. The question is on the motion of the gentleman from Massachusetts to strike out the enacting clause.

Mr. SANDERS of Indiana. Mr. Chairman, the regular order does not interfere with a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. SANDERS of Indiana. The Chair has stated that the motion to strike out the enacting clause has preference. That is true. There are two proposed amendments pending. The vote on the amendment does not affect the question of debate at all. It is just like any other perfecting amendment.

Mr. STAFFORD. Mr. Chairman, the gentleman is entirely in error. If the House votes down the motion to strike out the enacting clause, then the motion to strike out the last two words is in order, but until that motion is voted down there is nothing before the committee except to vote on the preferential motion. I demand the regular order.

The CHAIRMAN. The Chair has so stated. The question is on the motion of the gentleman from Massachusetts to strike out the enacting clause.

The question was taken; and on a division (demanded by Mr. TREADWAY) there were—ayes 68, noes 56.

Mr. HAUGEN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. TREADWAY and Mr. HAUGEN to act as tellers.

The committee again divided; and the tellers reported—ayes 94, noes 60.

So the motion was agreed to.

Mr. TREADWAY. Mr. Chairman, I move that the committee d now rise and report the bill to the House with the recommendation that the enacting clause be stricken out.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRAMTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 5823 and had directed him to report the same back to the House with the recommendation that the enacting clause be stricken out.

The SPEAKER. The question is on concurring in the recommendation of the committee that the enacting clause be stricken out.

Mr. STAFFORD. Mr. Speaker, on that I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on concurring in the recommendation of the committee.

The question was taken; and on a division (demanded by Mr. ANTHONY) there were—ayes 97, noes 49.

Mr. ANTHONY. Mr. Speaker, I make the point of order that there is no quorum present, and object to the vote upon that ground.

The SPEAKER. The gentleman from Kansas makes the point of order that there is no quorum present. Evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent members, and the Clerk will call the roll.

The question was taken; and there were—yeas 154, nays 135, answered "present" 1, not voting 136, as follows:

YEAS—154.

Abernethy	Driver	Langley	Sears
Ackerman	Dupré	Lanham	Shaw
Andrew, Mass.	Ellis	Lankford	Sinnott
Aswell	Evans	Larsen, Ga.	Sisson
Bankhead	Favrot	Lazaro	Slemp
Bell	Fields	Lee, Ga.	Smith, Idaho
Benham	Fisher	Lehlbach	Smithwick
Bixler	Frothingham	Logan	Sproul
Black	Fuller	London	Stafford
Bland, Va.	Fulmer	Lowrey	Steagall
Blanton	Gahn	Lyon	Stedman
Boies	Garrett, Tenn.	McDuffie	Steenerson
Bowling	Garrett, Tex.	McKenzie	Stevenson
Box	Gensman	McSwain	Sumners, Tex.
Brand	Gifford	MacGregor	Swank
Briggs	Goldsborough	Mansfield	Tillman
Bulwinkle	Green, Iowa	Martin	Tinkham
Burton	Greene, Vt.	Michener	Towner
Byrnes, S. C.	Hammer	Mondell	Treadway
Byrns, Tenn.	Hardy, Tex.	Montague	Tucker
Cannon	Hawley	Moore, Va.	Turner
Cantrill	Herrick	O'Connor	Tyson
Christopherson	Hill	Oldfield	Upshaw
Clark, Fla.	Hoch	Olpp	Vinson
Clouse	Hooker	Paige	Volstead
Collier	Huddleston	Pou	Ward, N. C.
Collins	Hudspeth	Quin	White, Me.
Colton	Hull	Radcliffe	Williams, Tex.
Connally, Tex.	Humphreys, Nebr.	Rainey, Ill.	Williamson
Coughlin	Humphreys, Miss.	Rankin	Wilson
Crago	Jeffers, Ala.	Rayburn	Wingo
Crisp	Johnson, Ky.	Riordan	Winslow
Curry	Johnson, Miss.	Robsion	Wise
Davis, Tenn.	Jones, Tex.	Rouse	Woods, Va.
Deal	Kelley, Mich.	Rucker	Wright
Dickinson	Kincheloe	Sabath	Wurzbach
Dominick	Kline, Pa.	Sanders, Tex.	Yates
Doughton	Kopp	Sandlin	
Drewry	Kunz	Scott, Tenn.	

NAYS—135.

Andrews, Nebr.	Faust	Lea, Calif.	Purnell
Anthony	Fish	Lee, N. Y.	Reed, W. Va.
Appleby	Fitzgerald	Lineberger	Rhodes
Arentz	Fordney	Little	Ricketts
Atkeson	Foster	Longworth	Roach
Barbour	Frear	McCormick	Robertson
Beck	Free	McLaughlin, Mich	Rosenbloom
Bird	Freeman	McLaughlin, Nebr.	Sanders, Ind.
Bland, Ind.	French	McPherson	Sanders, N. Y.
Bond	Funk	MacLafferty	Shreve
Britten	Glynn	Madden	Siegel
Browne, Wis.	Graham, Ill.	Magee	Sinclair
Burtness	Greist	Maloney	Snell
Butler	Hadley	Mapes	Snyder
Cable	Hardy, Colo.	Merritt	Speaks
Campbell, Kans.	Haugen	Miller	Summers, Wash.
Campbell, Pa.	Hawes	Moore, Ill.	Swing
Chalmers	Hays	Moore, Ohio	Taylor, Colo.
Chindblom	Henry	Moores, Ind.	Taylor, Tenn.
Clague	Hickey	Morgan	Temple
Clarke, N. Y.	Hicks	Mott	Thompson
Cole, Iowa	Hukriede	Nelson, Me.	Tincher
Cooper, Ohio	Ireland	Nelson, J. M.	Vaile
Cooper, Wis.	James	Newton, Minn.	Vestal
Copley	Johnson, S. Dak.	Newton, Mo.	Voigt
Cramton	Johnson, Wash.	Norton	Ward, N. Y.
Dallinger	Kearns	Ogden	Wason
Dempsey	Kelly, Pa.	Parker, N. J.	Weaver
Denison	Ketcham	Parker, N. Y.	White, Kans.
Dowell	Kissel	Patterson, Mo.	Williams, Ill.
Dunbar	Kline, N. Y.	Patterson, N. J.	Woodruff
Dunn	Knutson	Perlman	Wyant
Elliott	Lampert	Petersen	Young
Fairchild	Larson, Minn.	Porter	

ANSWERED "PRESENT"—2.

Cockran Raker.

NOT VOTING—136.

Almon	Chandler, N. Y.	Focht	Jacoway
Anderson	Chandler, Okla.	Gallivan	Jefferis, Nebr.
Ansorge	Classon	Garner	Jones, Pa.
Bacharach	Codd	Gernerd	Kahn
Barkley	Cole, Ohio	Gilbert	Keller
Beedy	Connolly, Pa.	Goodykoontz	Kendall
Begg	Crowther	Gorman	Kennedy
Blakeney	Cullen	Gould	Kiess
Bowers	Dale	Graham, Pa.	Kindred
Brennan	Darrow	Greene, Mass.	King
Brooks, Ill.	Davis, Minn.	Griffin	Kirkpatrick
Brooks, Pa.	Drane	Hayden	Kitchin
Brown, Tenn.	Dyer	Hersey	Kleczka
Buchanan	Echols	Himes	Knight
Burdick	Edmonds	Hogan	Kraus
Burke	Fairfield	Huck	Kreider
Carew	Fenn	Husted	Lawrence
Carter	Fess	Hutchinson	Layton
Leatherwood	O'Brien	Rogers	Taylor, Ark.
Linthicum	Oliver	Rose	Taylor, N. J.
Luce	Overstreet	Rossdale	Ten Eyck
Luhring	Park, Ga.	Ryan	Thomas
McArthur	Parks, Ark.	Schall	Thorpe
McClintic	Paul	Scott, Mich.	Tilson
McFadden	Perkins	Shelton	Timberlake
McLaughlin, Pa.	Pringey	Smith, Mich.	Underhill
Mead	Rainey, Ala.	Stephens	Volk
Michaelson	Ramseyer	Stiness	Walters
Mills	Ransley	Stoll	Watson
Morin	Reber	Strong, Kans.	Webster
Mudd	Reece	Strong, Pa.	Wheeler
Murphy	Reed, N. Y.	Sullivan	Wood, Ind.
Nelson, A. P.	Riddick	Sweet	Woodyard
Nolan	Rodenberg	Tague	Zihlman

So the motion to strike out the enacting clause was adopted.

The Clerk announced the following pairs:

On the vote:

Mr. Taylor of Arkansas (for) with Mr. Cole of Ohio (against).

Mr. Rainey of Alabama (for) with Mr. Cullen (against).

Mr. McClintic (for) with Mr. Stephens (against).

Mr. Park of Georgia (for) with Mr. Greene of Massachusetts (against).

Mr. Paul (for) with Mr. Morin (against).

Until further notice:

Mr. Graham with Mr. Almon.

Mr. Crowther with Mr. Mead.

Mr. Mudd with Mr. Kindred.

Mr. Begg with Mr. Carew.

Mr. Kendall with Mr. Garner.

Mr. Rogers with Mr. Linthicum.

Mr. Strong of Pennsylvania with Mr. Parks of Arkansas.

Mr. Kiess with Mr. Griffin.

Mr. Luce with Mr. Kitchin.

Mr. Connally of Pennsylvania with Mr. Thomas.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present; the Doorkeeper will open the doors.

On motion of Mr. STAFFORD, a motion to reconsider the vote by which the enacting clause was stricken out was laid on the table.

Mr. HILL. Mr. Speaker, I ask unanimous consent to extend my remarks on this bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. HILL. Mr. Speaker, many of my friends in Maryland, sincere sportsmen, have written to me in favor of this bill, the title to which is "An act to provide for establishing shooting grounds for the public, for establishing game refuges and breeding grounds, for protecting migratory birds, and requiring a Federal license to hunt them."

I should like to vote for this bill because of their interest in it, but with very great regret after listening to the argument on constitutional grounds of the gentleman from Wyoming [Mr. MONDELL] and following carefully the debate I have come to the conclusion that a canvas-back duck by the mere act of flying across the Maryland line can not by so doing engage in interstate commerce of a kind which, under the Constitution, gives the United States the right to further invade the police power of the State by the enactment of any such legislation as that contained in this bill.

I am entirely in favor of all those provisions of the bill relating to game refuges, public shooting grounds, and so forth, but I am absolutely against the provisions of the House bill which we are considering and which differs somewhat from the Senate bill, that no person shall at any time hunt or attempt to hunt any migratory bird without first obtaining a Federal license through the Post Office Department from one of the postmasters of the United States.

Consistently in this House I have fought for the proper balance of police powers to the States and the Nation. I have consistently fought against the creation of any more Federal crimes with the necessary attendant hordes of Federal agents and inspectors for enforcement.

Section 12 of the bill we are considering provides that any employee of the Department of Agriculture authorized by the Secretary of Agriculture to enforce the provisions of this act shall have power without warrant to arrest any person committing a violation of this act or any regulations made pursuant to this act in his presence or view, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction.

This confers the power of arrest without a warrant, and I am against such power except in the gravest cases of serious misdemeanors or felonies.

The act then further provides that any employee of the Department of Agriculture authorized by the Secretary of Agriculture shall have authority with a search warrant to search

any place. I can not vote for any law which will permit the residence of the humblest citizen to be searched because a small boy has shot a blackbird that came from a neighboring State. I shall not vote for any legislation which permits the application of penalties of as much as $500 fine or six months' imprisonment because, perhaps within the law of his own State, some citizen has shot a wild duck on the waters near his farm.

I am for proper protection of migratory birds; I am for fair sportsmanship. The gentleman from Kansas [Mr. ANTHONY] has said that last year in Minnesota alone $2,000,000 worth of wild fowl were killed. I am impressed by all the arguments, but I consider this a further invasion of the constitutional police powers of the State. For that reason I voted against the rule permitting consideration of this bill, and shall vote against the bill.

Mr. MONDELL, Mr. ELLIS, Mr. VOIGT, Mr. PARKER of New Jersey, and Mr. TREADWAY were granted leave to extend their remarks on this bill.

The extension of remarks referred to is here printed in full as follows:

Mr. PARKER of New Jersey. Mr. Speaker, I endeavored to obtain recognition to oppose the motion that the House concur in striking out the enacting clause of this bill. We are all agreed that the United States and the States should prevent the extermination of wild geese, wild swan, brant, wild ducks, and other migratory birds.

The wild pigeon has been exterminated and the rest will follow unless they be given refuges, breeding grounds, and protection in their migration, with strict regulations as to shooting.

We are all agreed in favoring the purpose of this bill, the objections made to that bill could easily be removed by amendment.

If it is asking too much to require a Federal license everywhere at the cost of $1 to anyone who shoots these migratory birds, this provision may be readily amended so that such a license shall not be required except for hunting within the United States shooting grounds, where everybody would agree that a license should be had. If it be feared that large sums may be spent in acquiring public shooting grounds for the delectation of those only who can afford to go there, let us limit or even cut out such purchases, and only buy game refuges. It will be sufficient if we declare the navigable waters of the United States to be avenues of migration and public shooting grounds and subject to United States regulation.

These waters belong to the several States, but are subject to the control of the United States for the purposes of commerce with foreign nations and among the States. (Constitution, Art. I, sec. 8, par. 3.) If the bird migrations which are as regular as the seasons, are, like the airplane or radio, commerce between the several States and with foreign countries, the United States has full power to regulate such commerce and its ways over these waters. There is much to be said in favor of the view that the migration of ducks, swan, and geese from Canada to the United States and from one State to another is within United States control as a valuable part of interstate and foreign commerce; and if so, the public navigable waters are the main avenues of such commerce and are already entirely within the regulatory power of the United States for that purpose.

If, on the other hand, any further title has to be acquired, these navigable waters do not have to be condemned as private property, but may be used under license to the United States by the legislatures of the various States which ought to be made without cost on proper terms. The States can and will cooperate in their own interest.

This control would be a nearly complete control of the migration so far as ducks, geese, swan, and other water fowl are concerned. On the eastern and western coasts they fly from bay to bay, along the Atlantic and Pacific inlets. In the middle United States they go down the Mississippi, the Alabama, and other great rivers with their branches. Just here the ducks stop to feed in the streams and inlets of the Chesapeake, where they are shot by gun clubs who place decoys in and shoot them over the water, and if the United States can protect them in their migrations, so far as these waters are concerned, there will be no further trouble.

Public shooting will be allowed on proper days, weeks, or months. Licenses and regulations would, of course, be necessary, but the shooting would be largely by the public under proper regulation instead of being the monopoly of shooting clubs on the shore.

There ought to be a large revenue from these licenses, and if part of that revenue is applied to the purchase of refuges in the South for nesting and breeding, where no shooting is ever to be allowed, the purpose of the bill would thus be accomplished, and we shall protect this commerce of the air against interference, and the birds of America against destruction.

The gentleman from Kansas, in charge of this bill, has told us that $2,000,000 worth of water fowl were shot in Minnesota alone in one year.

During the past two months great flocks of wild ducks have found a refuge on the Potomac near to Potomac Park, and I have seen them every day as I went around the park. Most of them have now gone South, but I saw 18 this morning in the inner river, next to the wharves, making their home there in spite of steamers, sailing vessels, and the travel on the shore and bridges. A wild duck is the shyest of birds, and yet these shy creatures have found out that they were not shot from this side of the river and come here for refuge.

It seems as if there were in this fact a mute appeal to Congress to make all the navigable waters of the United States as free and safe to these innocent creatures as are the waters next to this great city.

I close as I began. I am sorry that the enacting clause was struck out of this bill. It should have been amended.

A license should perhaps be required only on United States shooting grounds. The navigable waters of the United States to high-water mark can and should by one sentence be made part of such avenues of migration and grounds. Refuges should also be acquired, all to be under one United States control.

Our present migratory bird legislation of 1913 and 1918 has done much. It regulates or prevents the shipment and marketing of the slaughtered birds. It should go further by a law that will give them protected avenues of flight on our navigable waters as well as absolutely safe grounds for nesting and refuge.

ORDER OF BUSINESS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 a. m. to-morrow.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, as I understand it the Committee on Agriculture has the call to-morrow?

Mr. MONDELL. Yes.

Mr. GARRETT of Tennessee. What committee will the call pass to next?

Mr. MONDELL. The Committee on Foreign Affairs.

Mr. GARRETT of Tennessee. Do I understand that it is hoped that the Committee on Agriculture will conclude its business in time to take up some of the business from the Committee on Foreign Affairs?

Mr. MONDELL. We hope to be able to do that.

The SPEAKER. Is there objection?

Mr. SEARS. Mr. Speaker, reserving the right to object, I would like to know of the majority leader if he can give us some information as to when we may expect unanimous-consent day and when we may expect a Private Calendar day?

Mr. MONDELL. Unanimous consent will be on Monday next and private bills as soon as we can arrange for that.

Mr. SEARS. I would like to say that many of us have private bills for constituents involving only a few hundred dollars, but they are very important.

Mr. MONDELL. We are very anxious to have them considered.

The SPEAKER. Is there objection?

Mr. BLANTON. Reserving the right to object, we have one or two committee matters set for to-morrow and if we had not wasted this whole day we would not need to meet at 11 o'clock, and I object.

Mr. CHALMERS. I ask unanimous consent to extend my remarks on the bill.

The SPEAKER. Is there objection? The Chair hears none.

Mr. BLANTON. Mr. Speaker, I withdraw my objection.

The SPEAKER. The gentleman from Texas withdraws his objection to the request of the gentleman from Wyoming that the House meet at 11 a. m. to-morrow. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

ADDITIONAL BUILDINGS FOR NATIONAL LEPER HOME.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged report from the Committee on Rules.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House Resolution 527 (Rept. No. 1597).

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the considera-

tion of (S. 3721) an act providing for the erection of additional suitable and necessary buildings for the National Leper Home; that there shall be not to exceed one hour of general debate on said bill, one-half to be controlled by those in favor thereof and one-half to be controlled by those opposed thereto; that at the conclusion of the general debate the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment the committee shall rise and report the bill back to the House with the amendments, if any; the previous question shall be considered as ordered on the bill and all amendments thereto to final passage, without intervening motion except one motion to recommit.

Mr. CAMPBELL of Kansas. Mr. Speaker, the rule just read makes it in order for the House to consider in the Committee of the Whole House on the state of the Union a Senate bill providing additional facilities for those afflicted with leprosy in the United States. There are all told about 1,100 leprosy patients in our country. There are about 200 applications now for hospitalization as lepers who can not be provided for. Those in charge of the departments of the Government which have charge of these patients say that the situation is most serious. We already have the land and some buildings that are built to accommodate a few patients. The purpose of this legislation is to furnish facilities for taking care of those afflicted with that most dreadful disease. The bill has been reported unanimously from the committee, I believe, which had it in charge, and I am sure has the unanimous report of the Committee on Rules. If the gentleman from North Carolina desires some time, I will yield him five minutes.

Mr. POU. Mr. Speaker, the rule is a unanimous report from the Committee on Rules. The bill is a unanimous report from the committee having it in charge.

Mr. CAMPBELL of Kansas. Mr. Speaker, I ask for the adoption of the resolution.

The question was taken, and the resolution was agreed to.

Mr. ELLIOTT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (S. 3721) providing for the erection of additional suitable and necessary buildings for the National Leper Home.

Mr. LANHAM. Mr. Speaker, pending that, although the rule provides that the time shall be equally divided between those in favor and those opposed to the bill, I wonder if the gentleman would agree to a unanimous consent request that the time be divided equally between himself and myself, both members of the committee, to be yielded to those who desire to speak?

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Indiana [Mr. ELLIOTT], that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill S. 3721.

The motion was agreed to.

The SPEAKER. The gentleman from Indiana [Mr. SANDERS] will please take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill S. 3721, with Mr. SANDERS of Indiana in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill S. 3721, which the Clerk will report.

The Clerk read as follows:

A bill (S. 3721) providing for the erection of additional suitable and necessary buildings for the National Leper Home.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected additional suitable buildings for the National Leper Home, at Carville, La., at a limit of cost not to exceed the sum of $650,000, which sum is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated.

The CHAIRMAN. The gentleman from Indiana [Mr. ELLIOTT] is recognized.

Mr. ELLIOTT. Mr. Chairman and gentlemen of the committee, this is one of the really important measures that are now pending before this House. The question of what to do with and how to control the patients afflicted with leprosy is one that has bothered the people of the world for centuries. The only adequate remedy that has been found for this trouble is to segregate these poor unfortunate people in a place where they will not be a further menace to society. There are in the world to-day about 2,000,000 of these unfortunate lepers, most of them scattered through that portion of the world known as the Tropics. But we unfortunately have within the boundaries of continental United States at this time from 1,000 to 1,200 of these patients.

Several years ago the State of Louisiana had some lepers that it had to take care of, and it built in that State a State leprosarium. In 1916 a great agitation came up in the United States for a national leprosarium to take care of lepers scattered about through the several States, and in 1917 the Congress appropriated $250,000 to establish this national leprosarium. The Public Health Service took $75,000 of this money and bought the Louisiana Leper Home at Carville. They took the rest of this money and increased the size of this institution until it had a bed capacity of 200. It has been operated by the United States Public Health Service since that time; and now the institution is full to overflowing, and there are in the neighborhood of 100 to 120 applicants seeking admission to this place, and they have no quarters in which to take care of them.

The Secretary of the Treasury has written a letter to the chairman of the Committee on Appropriations of the Senate, dated June 13, 1922, which is appended to the report made by the Committee on Public Buildings and Grounds when it reported this bill, and this letter gives the facts concerning the situation which is confronting the people. I will read it.

TREASURY DEPARTMENT,
Washington, June 13, 1922.

The CHAIRMAN COMMITTEE ON APPROPRIATIONS,
United States Senate.

SIR: In compliance with your indorsement on a copy of bill (S. 3665) to provide additional funds to continue in effect the act providing for the care and treatment of persons afflicted with leprosy and to prevent the spread of leprosy in the United States, I have the honor to furnish you with information as follows relative to this measure, and to state that, in my opinion, the enlargement and continuance of the work is essential to the welfare of the country, and that the sum of $650,000 named in the bill is required to accomplish the purpose:

1. Reference is made to the act approved February 3, 1917, which, in effect, established a national policy of the segregation and continued care of all persons suffering from leprosy within the United States at the expense of the National Government, including their transportation from the place of origin to the national leprosarium. It provided funds for the purchase of a suitable site for a national leprosarium and for the erection of buildings thereon and appropriated a sum of $250,000 for this purpose.

2. Under this legislation the Public Health Service acquired a site and buildings formerly used by the State of Louisiana as a leprosarium and, with the money available, made improvements and extended facilities. The place was open for the reception of patients in March, 1921. Its total bed capacity is 200. At the present time it has no infirmary and is inadequate with regard to certain facilities, such as quarters, adequate dining-room space and recreation space, storage space, etc.

3. This institution is full to capacity and remains so all the time. There is not a sufficient number of beds to meet the demands. At the present time there are on file about 100 applications, and these are increasing.

4. Unless provision is supplied for the segregation, with proper care and treatment, of all lepers in the United States, the purpose of the original legislation will be defeated. This legislation was prepared for the purpose of eradicating leprosy from the United States, an entirely feasible procedure if all persons suffering from this disease are segregated. This requires, of course, a leprosarium of sufficient size to meet all demands and to receive all applicants.

5. At the present time the Public Health Service is placed in a rather embarrassing situation, since under the law it is operating a national leprosarium, but by reason of limited facilities is unable to receive into this institution the applicants from the various States of the Union.

If facilities existed and the various State health officers were satisfied that the National Government would care for all lepers found within the borders of their respective States, it is almost certain that they would make effort to find such cases and induce them to enter this institution. Such procedure would be in entire conformity with the intent of the legislation.

6. The number of lepers in the United States is unknown. Estimates have been made which vary from 500 to 1,200. From the experience of the Public Health Service since the opening of this leprosarium, there are reasons to believe that the larger number is probably more accurate than the smaller, and indications all point to the need for the construction at the present time of a total of 500 beds at the national leprosarium. This would mean an addition of 300 beds with all of the necessary attendant facilities.

7. It has been found from experience that the care of lepers does not require extensive hospital facilities, but effort is always made to house such patients in a comfortable manner with as congenial surroundings as possible. The practice is to erect buildings of a cottage type which will house small groups rather than large buildings for the large aggregation of persons.

Of course, it is also necessary to have at command first-class professional facilities for the treatment of the disease, and also for the care of those who may become acutely sick from intercurrent maladies. This, of course, requires an up-to-date infirmary. Care also has to be taken to supply recreational facilities and to furnish these persons with many things not contemplated in usual hospital care and treatment. They are required to spend their lives in the institutions and all of their various wants must be taken care of.

8. The $650,000 contemplated in this bill is to be used exclusively for the purposes of construction. It is proposed to add 300 beds to the institution, to erect an infirmary building of from 50 to 100 beds, to increase quarters, kitchen, dining-room facilities, recreation, and other facilities in accord with the expansion of the plant, to make a similar increase in its power plant and mechanical equipment, and to provide all things necessary to make this a modern plant for the care of persons suffering from leprosy.

The original act carried an appropriation of $250,000. This money was expended in the purchase of a site at a cost of $75,000 and the extension of the plant from 80 to 200 bed capacity. The money did not suffice to supply an infirmary, adequate quarters, and other necessary facilities. The $650,000 asked for to supply a total of 500 beds would therefore represent a comparatively modest cost per bed. The present situation is urgent and the additions to this plant are very much needed.

Respectfully, A. W. MELLON, *Secretary.*

This bill has been before the Committee on Public Buildings and Grounds twice. I introduced the first bill at the request of the Public Health Service. We had a hearing, and the bill was reported for passage by a unanimous vote of the committee. The same bill was introduced in the Senate, and passed the Senate and came back to the House before we could get action on the House bill. The Committee on Public Buildings and Grounds then acted, by a unanimous vote, in favor of the passage of the Senate bill and have brought it out on the floor for passage.

Mr. SUMNERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. ELLIOTT. Yes.

Mr. SUMNERS of Texas. The gentleman stated that most of these unfortunate people throughout the world were in tropical territory. Does climate have anything to do with the treatment of the disease? My question is directed to the point of whether or not this is the proper location down there, so far south.

Mr. ELLIOTT. I will say this: That the only treatment I know of that has been used to any great extent or has been of any benefit is an oil that comes from a tree, and is known as chaulmoogra oil. That has been of some benefit to the patients in the Hawaiian Islands, but it does not seem to beneficially affect the patients in this country. The doctors say that it is due to a difference in the climate; that the people living in a hot country have blood of a different consistency from those living in this country.

But there is this reason why this institution is a proper one to be located in a warm country: It gives a chance to all of these patients to be out of doors as much as possible. I think that the United States ought to give a vote of thanks to the State that has this institution within its borders rather than to charge it up as an institution that is of any particular benefit to that particular locality.

This is an institution that is put there for the benefit of the whole country. These people are scattered all over the country, some in solitary confinement in places provided by local authorities at a great expense to the people of that community.

Now, we had a case right here in Washington since I have been a Member of Congress. A man by the name of John Early was quartered across the river in the outskirts of the District, and they had one or two men looking after him, and attending to his wants, and guarding him to keep the general public from coming in contact with him, and to keep him from escaping; and it cost in the neighborhood of $3,000 a year to the District of Columbia and to the Government to take care of that one man. He knew about this institution in Louisiana, and one night he took French leave from this place, and they never heard of him until they found him in the Carville, La., institution, where he went on his own initiative, to be with people who were not afraid of him. He is there yet, and he went there because he could find companionship. The fact is that there is not anybody in this country who wants to associate for one minute with a leper, and if you let the information get out in a community that a leper is loose in that part of the community it would start more of a commotion than if you were to start a smallpox scare.

Mr. DENISON. Will the gentleman yield?

The CHAIRMAN. The gentleman has consumed his additional five minutes.

Mr. ELLIOTT. I will yield to myself one minute more in order to allow the gentleman from Illinois to ask me his question.

Mr. DENISON. I want to ask the gentleman from Indiana if there is any other institution in this country except the one in Louisiana?

Mr. ELLIOTT. There is one in Hawaii and there is one at Panama, but this is the only one in continental United States.

Mr. DENISON. I am asking particularly about continental United States. Did it come to the knowledge or information of the gentleman from Indiana as to where these other patients are? Are they kept in institutions or kept isolated in houses like the one the gentleman has described?

Mr. ELLIOTT. Some of them are running around over the country. A short time ago they found one running an elevator in New York City. I do not know what they did with him.

Mr. DENISON. Did the committee get any information as to how these scattered individual cases contracted the disease?

Mr. ELLIOTT. Some of them got it in this way: Our people are very prone to travel all over the world, and in traveling in countries where leprosy is prevalent some of them contracted the disease and brought it back with them. After a person once contracts it the only thing to do is to segregate him and put him where he will not communicate the disease to some other person.

Mr. DENISON. This disease is communicated by contact, is it not?

Mr. ELLIOTT. Yes; it is in a measure an infectious disease.

Mr. DENISON. So far as the gentleman knows, up to this time is there any hope of curing these people?

Mr. ELLIOTT. None that I know of. The whole idea seems to be that if you can get them all segregated into one spot and keep them there until they die the disease will die with them.

Mr. MADDEN. They have cured some.

Mr. ELLIOTT. They have cured some in Hawaii, or think they have, but none in this country.

Mr. HUDSPETH. They have cured some in Hawaii.

Mr. ELLIOTT. I stated that.

Mr. HUDSPETH. And relative to their running around loose, the newspapers stated that they found two cases in the District of Columbia, and put them in this leprosarium.

The CHAIRMAN. The gentleman from Indiana has consumed 15 minutes.

Mr. LANHAM. Mr. Chairman and gentlemen of the committee, it is not my purpose to consume very much time in the discussion of this measure. I assume that there will be no opposition to it. It is a philanthropic proposition, and one which the committee, of course, has not approached from a partisan standpoint.

Back in 1899 the Congress appointed a commission to make an investigation concerning leprosy in this country. It was discovered at that time that approximately 1,200 cases had developed in the United States. Based upon the report of that commission, the Congress at a later date—in February, 1917—authorized the establishment of a home for the treatment and, if possible, the cure of those afflicted with this dread disease. It was subsequently established in Louisiana, at the site of the leprosarium which had been built by that State, at Carville. From the standpoint of expense, it was an economical transaction for the Government. The property was purchased at a very reasonable valuation.

There are now in that institution 200 lepers. There are no accommodations for more than 200. It is estimated that there are possibly to-day 1,500 people in this country who are suffering from leprosy. The amount authorized to be appropriated by this measure will afford accommodations for 300 additional lepers. It will also provide for an infirmary, for suitable houses for lodging, for treatment of patients, and for their recreation.

Of course, this is a measure which appeals both to the head and to the heart. In our natural charitable disposition we sympathize with the people who are suffering from this dread malady. Not only does it appeal to us from that angle, but as a prophylactic measure it is highly important that we have sufficient and suitable accommodations to house all the known lepers in this land.

This is the same old leprosy of Bible days. The doctors tell us that it does not differ in kind and probably does not differ in degree from that disease which in olden times used to lead those afflicted with it to hold up their hands and cry "Unclean!" However, much progress has been made in the treatment of the disease, and it has been found that by methods similar to those employed in the treatment of tuberculosis, by proper diet, proper sanitation, proper environment that makes for a cheerful mood much may be accomplished for these people. And they have the disposition to go to this institution. There are now approximately 200 requests for admission there, with which under the present conditions those in charge are absolutely unable to comply. And some of these patients are cured. That is, they are cured in the same sense in which a person afflicted with tuberculosis is cured. The progress of the disease is so arrested that it is safe for the patients to be returned to their normal conditions of life and to mix and mingle with their friends and those who are dear to them.

So there can not be any disposition upon our part to have any antagonism to a measure of this kind. The only important inquiry is whether or not the $650,000 authorized by this measuse to be appropriated is sufficient for the purposes in hand. The authorities of the Public Health Service give us the assurance that, to the best of their information and in accordance with their best judgment, this sum is adequate for the present purposes.

This is not an institution that any of us would desire to have in our districts.

Mr. TAYLOR of Colorado. Will the gentleman yield for a question?

Mr. LANHAM. I will.

Mr. TAYLOR of Colorado. Do the officials of the surrounding parishes in that community all agree to this, so that there will be no objection to the expending of this money?

Mr. LANHAM. As stated by me before, this was the original site of the State institution in Louisiana. Of course, those people there are not anxious to have the leprosarium, but they are anxious that, inasmuch as it is there, it shall be adequate for the demands. There are, for instance, a number of lepers in the State of Louisiana, accredited to that State, who have gone there from other States in the hope that they could get into this institution. They have gone from various sections of the country.

This is an isolated settlement. It is about 4 miles from a hamlet and about 75 miles from New Orleans, and the people of Louisiana wish to have this institution enlarged in this manner. There has been no opposition to the bill. Of course, they would prefer to have no leprosy in the United States and that the necessity did not exist for this institution there, but they are thoroughly agreeable to its enlargement and the extension of its work as here contemplated. And perhaps it will work its most beneficial results for the State of Louisiana itself, because of the great influx of lepers into Louisiana from the various sections of the country in the hope of admission to this leprosarium.

Now I yield to the gentleman from Texas.

Mr. HUDSPETH. I want to state to my colleague that I think it is very commendable that these good people of Louisiana will admit the institution. My colleague will recall that the Texas Legislature made an appropriation of several million dollars for a site, and they could not find a place or a site where they would permit them to locate it.

Mr. LANHAM. That is true, and I agree with my colleague from Indiana [Mr. ELLIOTT], who says that the State of Louisiana is entitled to a vote of thanks that the institution is allowed to be located there.

Mr. BLANTON. Will the gentleman yield?

Mr. LANHAM. I will.

Mr. BLANTON. I was interested in the statement of the gentleman that there are now 1,500 afflicted people within the United States, and that we are providing for only about 350. Are the balance isolated?

Mr. LANHAM. The passage of this measure will provide for about 500. That is, the present accommodations are for 200 and this will add 300 more.

Mr. BLANTON. Then there are 1,000 additional that are not accommodated.

Mr. LANHAM. That is an estimate by the Public Health Service.

Mr. BLANTON. Are they isolated?

Mr. LANHAM. As I say, it is largely a matter of estimate. The period of incubation in this disease is from 3 to 30 years, and it is very difficult to tell sometimes in the early stages whether one who is suspected of having leprosy is afflicted with it or not.

Mr. BLANTON. If the only way to weed it out and to stop it is to isolate the cases and let it die out, I would be in favor of providing accommodations for every one of them.

Mr. LANHAM. I will say that I made inquiry of the Surgeon General when the very interesting hearings were had on this bill, and he thought the appropriation provided for in it would be sufficient for this purpose at present.

There is one interesting thing that developed at the hearings in regard to this disease, and that is that especially in the Philippines, where it is very prevalent, relatively, when it breaks out in a family, strange to say, the male members have it to the exclusion of the female members, and vice versa. There seems to be a kind of itch that develops on the body. The reason the spread of the disease is usually confined to a particular sex of the family seems to grow out of the fact that they frequently wear one another's clothes. The boys wear their brother's clothes handed down to them, and then contract the disease from wearing the apparel of those afflicted. The same results occur from girls wearing the garments of their afflicted sisters.

Unfortunately some of those stricken with it in the United States have been treated most mercilessly in some sections of the country. In one case, where a man was confined at the county poor farm, a purse was made up as a bribe to get him to leave that community.

Mr. DENISON. Will the gentleman yield?

Mr. LANHAM. I will.

Mr. DENISON. I had occasion to visit the leprosy home in the city of Habana, and I hope that no such conditions will ever exist here as I saw in 1912. The patients were all confined in a building and bars over every window—bars like an ordinary jail. The sight I saw in the city of Habana was frightful. My object in stating that is to ask the gentleman if he can give the House any information as to what this plant in Louisiana consists of and what this money is intended to do? This will amount to about $2,200 a bed.

Mr. LANHAM. I want to say that these conditions in Habana, of which the gentleman speaks, will not be duplicated in this country. This is a tract of 400 acres of good land. Instead of having large buildings, it has been found better in the treatment of leprosy to have small cottages for the patients. They are scattered around down there over these grounds. In some instances the patients are even able to get out and cultivate the land a little. They like to live there; they do not run away, but, as a matter of fact, they run to the place to be admitted. The relatives of some prominent people have been treated in that institution.

Now, the hearings show how they propose to use this money, and it is as follows:

Twenty-two 1-story cottages, each containing 11 rooms, toilets, etc., hollow tile and stucco finish	$220,000
Hospital with 50 beds, surgical provision, X-ray laboratory, general and research laboratory, dental laboratory, eye, ear, and nose clinic, electric hydrotherapeutic clinic and a pharmacy; 2-story fireproof building	125,000
Morgue, 1-story building, fireproof construction	2,000
Laundry, 1-story building, tile walls and stucco finish (exclusive of laundry equipment)	15,000
Auditorium and recreation hall, 1-story building, tile walls	30,000
Library, post office, and canteen combined, 1 story, tile construction	20,000
Kitchen and mess hall, 1 story, tile construction	75,000
Storehouse for nonperishable supplies, 1 story, tile walls, stucco finish	3,000
Storehouse for perishable supplies, 2 stories, tile construction, stucco walls, including refrigeration	20,000
Garage, 1 story, tile walls, stucco finish	10,000
Quarters for resident hospital physicians, 1 story, tile with stucco finish	10,000
Three houses for colored help, 1 story, tile walls, stucco finish	5,000
Dairy and barn, 2 stories, to accommodate 29 head of cattle and 4 horses, tile walls, stucco finish	18,000
Incinerator, additional mechanical equipment, boilers, etc	92,000
Total	645,000
Miscellaneous costs	5,000
Grand total	650,000

These are the purposes and amounts aggregating, as set out in the bill, the sum of $650,000.

I reserve the remainder of my time.

Mr. ELLIOTT. Mr. Chairman, I yield five minutes to the gentleman from Nebraska [Mr. ANDREWS].

Mr. ANDREWS of Nebraska. Mr. Chairman, the executive and medical authorities of the Government having these matters in charge have certified to us the necessity in the case. They have advised us that the amount carried in the bill will meet immediate exigencies. This authorization will prepare the way for the appropriation to follow, and I believe that the best service we can render is to pass this bill as speedily as possible. Therefore, I yield back the remainder of my time.

Mr. ELLIOTT. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. CHINDBLOM].

Mr. CHINDBLOM. Mr. Chairman, it is not necessary to discuss further the merits of this legislation. I think the urgent need of the passage of the bill is apparent to all the members of the committee who are here. It may be interesting, however, for the purposes of the RECORD, to indicate the manner in which patients may be admitted, and are admitted, into this National Leper Home at Carville, La. The law provides that there shall be received into this home, first, patients who may present themselves at the home and desire admission, who have this disease; second, persons who have been apprehended under the United States quarantine acts, and therefore are subject to disposition by the Federal authorities; third, patients who may be consigned to the home by the health authorities of any State, Territory, or the District of Columbia. In the last case the health authorities of any State or Territory or of the District of Columbia may make application to the Surgeon General, and he provides means for the transportation of the patient from the place where the patient may happen to be located to the home at Carville, La., if it is necessary to provide such transportation and if it is in the interest of the preservation of the public health to cause this transportation to be provided. The cost of the transportation is paid out of the Federal appropriation for the maintenance of the home.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. ELLIOTT. Yes.

Mr. DENISON. Did the gentleman get any information that he can give to the House as to the nationality of these patients? Are there any of them foreigners, or are they all Americans?

Mr. CHINDBLOM. I can only give a general impression. I do not think there is any preponderance of foreigners among them. Some of them are people who have traveled; in fact, I think most of them are people who have traveled in the Philippines and elsewhere in the world, where they have unfortunately contracted this disease, and in some cases the number has been increased by the contagion which those afflicted with the disease have communicated to others after their return to the United States.

I yield back the remainder of my time.

Mr. LANHAM. Mr. Chairman, I yield three minutes to the gentleman from Louisiana [Mr. LAZARO].

Mr. LAZARO. Mr. Chairman, there are two reasons why this appropriation should be made as soon as possible. The first is because if we have the facilities for these people who are afflicted with leprosy, so that they can apply and receive early treatment, they have some chance of recovery. The second reason is that if you have quarters for these people, they go there themselves of their own free will, and that of course means protection to the public. I hope that this House will pass this appropriation and give these people relief as soon as possible.

Mr. LANHAM. Mr. Chairman, I yield two minutes to the gentleman from North Carolina, [Mr. ABERNETHY].

Mr. ABERNETHY. Mr. Chairman and gentlemen of the House, never before in the history of our country have we been confronted with a more serious problem than that which relates to our cotton industry. It is not a sectional problem; it is a nation and world-wide problem, and one which needs the prompt and vigorous action of Congress. Every Member of this body, wherever he lives or from what section he comes, is as vitally interested, if he stops to think, as we who represent what is known as the Cotton Belt.

Cotton is the most valuable fiber in the world and its production is necessary if the greater part of the human race is to be clothed.

The South supplies 80 per cent of the cotton needed, and in normal times it constitutes 60 per cent of our export trade. Europe, Asia, and Africa are almost without cotton at this time, and but for the fact that our foreign trade is almost at a standstill there would be a cotton famine.

A conservative estimate is that $2,000,000,000 are invested in the cotton manufacturing business, and it is dependent upon the South's ability to produce three-fourths of the raw material used in this industry.

This country furnishes 80 per cent of the cotton; Egypt, about 13 per cent; East India, 5 per cent; and all other countries in which cotton can be produced, 2 per cent. "All other countries" includes Russia, China, Japan, Peru, Greece, Turkey, Persia, and Mexico. The entire world outside of the United States, exclusive of Egypt and India, does not produce in a year as much cotton as does the State of Texas alone.

India, with its immense population, will always consume more cotton than it can grow. The uncertainty as to rainfall in that country is the great drawback to increased cotton production. The staple is of a much lower grade than ours, and the average yield is only 70 pounds to our 190 pounds. Egypt is a rainless country. No crops can be grown except by irrigation from the only source of water supply, the Nile. Her increase of cotton production does not meet her increased demands. Since 1873 Egypt's increase in cotton yield has only been 430,000 bales, compared with an increase of 7,000,000 bales in our Cotton Belt during the same period.

There is at large in the cotton-producing States of the Union what has been appropriately styled "the billion dollar bandit" or "the billion dollar bug." His correct name is Anthonomus grandis, commonly called the boll weevil.

This bandit operates for about a period of three months per year and in a comparatively small area of the United States, but since 1909 he has cleaned up and destroyed more than $3,000,000,000 worth of cotton.

He started his devastating march in 1892 in this country, coming across the Mexican border into Texas, and to-day he ravages the entire cotton area of the United States.

So far as we can ascertain he was born near Vera Cruz in 1843, and soon became so active and destructive in that country that the raising of cotton was abandoned and has never to any extent been resumed.

He then made his way to Cuba, and in 1871 his ravages were so great that the Cuban farmer gave up planting cotton and turned to other things.

He seems to be content to reproduce, and this he does effectively. A male and female boll weevil are capable of reproducing four or more generations each summer, the length of existence being about 60 days, and the possible progeny of a single pair of weevils from the beginning to the end of a season may amount, according to the estimates of the Department of Agriculture, to no less than 12,755,100 descendants. And when a single weevil boring into a cotton boll can destroy it, the ravages of the pest can be understood.

This "bandit" is a species of beetle with a prominent snout half the length of its body. It has elbowed antennæ at its sides and a small mouth at its tip. It is about one-fourth of an inch long. It hibernates in the wintertime in near-by woods or by concealing itself in the cotton fields. In the spring and throughout the fruiting season of cotton the eggs are deposited by the female weevils in cavities formed by eating into the fruit of the plant. An egg hatches under normal conditions in about three days, and the grub immediately begins to feed. In from 7 to 12 days the larva or grub passes into its pupa stage, corresponding to the cocoon of butterflies and moths. This stage lasts from three to five days. Then the adult issues and in about five days begins the production of another generation. Climatic conditions cause considerable variation in the duration of the stages, but, on an average, it requires from two to three weeks for the weevil to develop from the egg to the adult. Males and females are produced in about equal numbers. The males feed upon the squares and bolls without moving until the food begins to deteriorate. The females refrain most of the season from depositing in squares visited by other females, but late in the fall, when all the fruit has become infested, several eggs may be placed in a single square or boll. As many as 15 larvæ have been found in a single boll. The squares are greatly preferred as food and as places for depositing eggs. As long as a large supply of squares is present, the bolls are not damaged to any serious extent. The bolls, therefore, have a fair chance to develop as long as squares are being formed.

The cotton-boll weevil, so far as known, breeds in no plants other than cotton and the wild cotton of Arizona. At the present time, at least, the insect is restricted to the cotton plant as a means of development.

It is proper to say in this connection that the United States Department of Agriculture has been doing a great work in boll-weevil control. That great expert, Dr. L. O. Howard, Chief of the Bureau of Entomology, and his valuable assistants in his department and the experts in the Bureau of Plant Industry and from the extension service have worked out a plan whereby cotton can be grown under boll-weevil conditions, and this is the plan:

SUMMARY OF SUGGESTIONS FOR THE PRODUCTION OF COTTON UNDER BOLL-WEEVIL CONDITIONS.

(This statement was prepared by a special committee and approved by the cotton council of the Department of Agriculture, and represents a summary of the department's attitude at present.)

Under boll-weevil conditions the prime necessity is to mature the largest possible crop of cotton in the shortest possible time. It is, in a sense, a race between the farmer and the boll weevil. To accomplish this end the department makes the following recommendations:

I. Select for cotton planting well-drained, fertile soils, if possible; only land capable of producing, with the use of a reasonable amount of fertilizer, at least one-half a bale per acre should be planted to cotton.

II. Prepare a good seed bed and fertilize liberally. Whatever fertilizer is used should usually be distributed in the soil before planting.

III. Plant good seed of an improved, early maturing variety recommended for the locality by the State experiment station and the United States Department of Agriculture. Plant as soon as danger from frost and cold is past and the ground is sufficiently warm to insure rapid germination and vigorous growth. The planting of seed of a single variety, as nearly simultaneously as possible, by entire communities and counties is strongly urged.

IV. The importance of securing and maintaining a full stand can not be overemphasized. The best width of rows and spacing of cotton in the row may vary with soil and climatic conditions. Rows should be only wide enough to allow proper cultivation and cotton in the drill should uniformly be spaced closer than under non-bollweevil conditions. Cotton in 3-foot rows, spaced two stalks to the hill, a hoe width apart, has given high yields in spacing tests in the Mississippi Delta. This close spacing may prove undesirable under some conditions, but spacing 8 to 12 inches in the drill, with two stalks to the hill, will probably give best results throughout the entire region of severe weevil infestation. To be sure of securing a full stand the liberal use of planting seed is advised.

V. Chop to the desired stand as soon as safe from cold or other adverse conditions. Give early and frequent cultivation and continue same until fairly late in the season; or at least two or three weeks beyond the usual "laying-by" time. Great care should be taken, particularly in the later part of the season, to cultivate shallow and not too close to the row. Careless or deep cultivation at this period may mean disaster. Careful, late, shallow cultivation is very strongly recommended.

VI. If weevils are numerous at the time cotton is just beginning to square destroy all possible adult weevils, either by hand picking or poisoning, as may be most practicable. It is probable that only at this stage the molasses and calcium arsenate mixture can be used effectively. When squaring begins, especially if not equipped to poison by dusting, pick and destroy all punctured squares from the ground and the stalk once every week or 10 days for a period of about 30 days. Then, if weevils are still numerous or as much as 10 to 15 per cent of squares are infested and other conditions warrant, apply the calcium arsenate dry dust poison. In making applications of the dust poison

always carefully follow directions of the United States Department of Agriculture and the college of agriculture of your own State.

VII. Pick cotton in the fall as rapidly as possible, and immediately kill all cotton stalks, preferably by cutting and plowing under. The object is to destroy the food supply and breeding places of the weevil before the hibernation period. To be effective, this must be done as long as possible before the first killing frost. A very light infestation, or even practical immunity from weevil damage until late in the following season, could be insured if all cotton growers in entire communities or counties would, when conditions permit, cooperate to destroy all cotton stalks at least two or three weeks before frost.

VIII. Since the weevil will hibernate successfully not only in woodland but in any trash or rubbish, it is very good practice to burn over or clean up any such situations around the cotton fields during the winter, especially the fence rows, terraces, ditch banks, and ravines.

And it is well in this connection to give the following suggestions of Mr. W. B. Mercer, of the Department of Agriculture:

PREPARATION OF SEED BED.

In most cases early, moderately deep breaking of the land is best for cotton. Where vegetable matter is to be turned under and where there is little danger of serious washing, early breaking is desirable. If the breaking is done more than three or four weeks before planting time, the land should be rebedded. This, however, need not be as deep as before. The second breaking should, as a rule, be done much more rapidly. Sometimes a thorough disking or stirring of the soil with a cultivator will be sufficient. It matters not when the breaking is done, the surface soil should be thoroughly pulverized with disk and smoothing harrows before seeding. The young cotton plant needs a well-prepared soil to start in, as the roots are delicate and near the surface. Unless the land was broken before rains, a roller or drag should be used to firm the seed bed. This holds moisture, which is necessary to good germination.

DATE OF PLANTING.

The dates for planting cotton range from March 25 to May 25, depending upon latitude, season, and soil conditions. The good condition of the soil and the temperature are more important than a fixed date for planting. Cotton should be planted just as soon as the soil is warm enough for quick germination and rapid growth of the young plants. Both extra early and extra late planting are to be avoided. If planted too early, the crop may be killed by late frosts or stunted in growth and the expense of cultivation is increased, while, on the other hand, if planting is delayed the crop will be in danger of drought, early frost, and various insect pests. The sowing of the seed is usually done with a planter. There are several very satisfactory planters on the market. Choose the one that conserves seed and drops it regularly at a uniform depth.

DEPTH OF PLANTING.

The depth for planting cottonseed is important. Ordinarily it should not be planted more than 1 inch deep, provided that depth reaches moisture. When the temperature and moisture are right, plants will come up very quickly. In dry soils or when planting late in the season it may be necessary to cover seed more than 1 inch. As a rule, more poor stands are caused from planting too deep than too shallow. When seed is planted in a continuous drill, 3 pecks of good seed per acre are sufficient. Half this amount will give a good stand when planted at the proper depth on a well-prepared seed bed. It is usually safest to use a rather generous amount of seed, so that early cultivation can be done with less danger of injuring the stand.

SPACING.

There are many opinions regarding the proper spacing of cotton. There is a pretty general uniformity in agreement on the width of the rows. The standard rows are from 3½ to 4½ feet. This depends somewhat on the nature of the soil, but under any conditions the width of the rows should be arranged to suit the cultivators that will be available. The diversity of opinion is on the spacing of plants in the rows. The practice of good farmers and results from the early experiments under normal conditions and before the boll weevil seem to favor rather wide spacing in the row. Recent experiments under boll-weevil conditions, and even under normal conditions, indicate that closer spacing gives a greater yield. Where the chief object is early maturity and the combating of serious insect pests, thicker spacing of the plants in the row will give more satisfactory results. There is perhaps need for some further experiments to arrive at the approximate distance, worked out on a scale suitable to the soil and climate in which the plants are to be grown.

FERTILIZER.

Commercial fertilizers were not used for cotton until about 1860. Where judiciously used they have always given good results. Millions of dollars' worth are now used annually in the cotton regions. The present deplorable financial condition in the cotton States is largely due to the extravagant use of commercial fertilizer, bought at very high prices on credit. Every good farmer or agricultural adviser knows the benefit to be derived from a reasonable application of fertilizer on practically all cotton lands. The great mistake has been that the cotton farmer has come to depend almost entirely on fertilizers for producing good yields rather than on crop rotation in which soil-building crops are used. The exercise of more intelligence in the buying and use of fertilizers and the adoption of a rotation system throughout the cotton territory would result in the saving of millions of dollars and at the same time secure better yields at less expense on fewer acres.

CULTIVATION.

Frequent and early cultivation is essential to promote rapid growth, to retain moisture, and to destroy weeds. When possible, the weeder or section harrow should be run over the fields before the plants come up. As soon as the plants are up to a good stand, run the section harrow again at an angle of 45 degrees diagonally across the rows. On very loose or sandy soils the weeder will be better than the harrow. Cultivation should be continued throughout the growing season each week or 10 days, until the plants have taken on a full crop of bolls and squares. After the first few weeks, cultivation should be shallow, as the cotton plant has a great mass of roots near the surface, and these should not be broken to any great extent. On most soils the cultivation should be kept up much later than is ordinarily done.

How can Congress help this matter? By granting liberal appropriations to the Department of Agriculture. This should be done without stint, for the situation is so critical that no other agency than the Government can hope to successfully cope with it.

There is now pending before the House, Union Calendar No. 557, Senate Joint Resolution 265:

Resolved, etc., That the President is authorized and directed to procure, or aid in procuring, such stocks of nitrate of soda and calcium arsenate as he may determine to be necessary and find available for increasing agricultural production during the calendar year 1923 and 1924, and to dispose of the same at the total cost to the Government, payable in advance. For carrying out the purposes of this joint resolution there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, available immediately and until expended, the sum of $10,000,000, or so much thereof as may be necessary, and the President is authorized to make such regulations and to use such means and agencies of the Government as in his discretion he may deem best. The proceeds arising from the disposition of the nitrate of soda and calcium arsenate shall go into the Treasury as miscellaneous receipts: *Provided*, That the sum herein appropriated and the proceeds arising from the disposition of the nitrate of soda and calcium arsenate may be used, at the discretion of the President, during the calendar year 1923 and 1924 as a revolving fund for the purposes herein named.

This resolution passed the Senate unanimously and has the unanimous recommendation of the Committee on Agriculture.

It is warmly indorsed by the Secretary of Agriculture and should pass the House without opposition.

The nitrate of soda is principally secured in Chile. Nitrates needed during the war were secured in the way provided for in this resolution. Nitrate of soda is absolutely essential to the cotton farmer to enable him to push the growth of the cotton to combat the boll weevil.

Nitrate of soda is not only essential to the cotton farmer but to farmers generally in various parts of the country.

In this resolution it is proposed for the President to buy the nitrate of soda and sell it to the farmer at cost. The Government did this during the war and has never lost a dollar. It is not in reality an appropriation, as the Government collects the money in advance from the farmer, most of whom are small tenant farmers, and by this method are enabled to get this most necessary fertilizer, otherwise they could not get it.

The calcium arsenate is the only poison which has been found to destroy the boll weevil.

Arsenic is a metallic element. It is found in many localities but in commercial form it is produced almost entirely as a by-product of the smelting industry—a by-product heretofore largely due to legislation. Wherever smelters have been erected laws have been passed compelling them to control the fumes of arsenic let loose from their smokestacks. The dust in the smokestack and in the flues of a smelter is refined by revolatilizing and grinding for the arsenic market. Obviously, the activity of the smelters is regulated by the price of copper and lead, and the supply of crude arsenic is greater or less according to the activity of the metals market.

The chief sources of supply are at Midvale, Utah, where the American Smelting & Refining Co. has a maximum production of 8 tons per day. The American Smelting & Refining Co. plants at Murray, Utah, East Helena, Mont., and Leadville, Colo., have a combined maximum output of 10 tons per day; and the Anaconda Copper Co., at Butte, Mont., has a maximum output of not exceeding 35 tons per day. The total maximum output under the best possible conditions would be 60 tons per day, or a total maximum American production of 18,000 tons per annum, figuring 300 working days per year.

It is perfectly possible to mine arsenic-bearing ores and treat them primarily for the recovery of arsenic as a metal itself. The production of arsenic is susceptible of being materially increased by the outlay of large amounts of additional capital, and such additional capital can not readily be attracted until the permanency of the demand and price of raw arsenic is more certain.

The foreign sources of supply of arsenic are confined practically to Japan and Germany. The greatest amount available from these two countries has been 4,200 tons in any single year, of which 2,200 tons have been procured from Japan and the balance from Germany, who had on hand a large stock. The German supplies originated in what is now Poland, and production there seems suspended. Other sources of supply in limited amounts are Australia, South Africa, Korea, Canada, and Mexico.

Calcium arsenate is 40 per cent arsenic and 60 per cent calcium of lime.

In a soluble form the arsenic would kill the cotton plant when absorbed by it, but after being mixed with calcium and rendered insoluble it is dusted by night over a cotton field. Small undissolved particles of calcium arsenate in a drop of dew are drunk by the boll weevil. It takes from 5 to 7 pounds to dust an acre at one application, and from three to four applications are necessary during the cotton-growing season.

From the foregoing information the House should be convinced of the urgent necessity of this legislation. With a fixed appropriation which the Government can spend for calcium arsenate, a market is fixed for the poison, and it is not dependent upon the price of copper and lead, as is now the case. With the Government coming to the aid of the farmer in this emergency it will enable him to control the boll-weevil pest and raise a sufficient amount of cotton to supply the needs of the world. Without governmental aid in this emergency I can see no hope for the continued production of sufficient cotton for our needs.

Mr. LANHAM. Mr. Chairman, I yield five minutes to the gentleman from Louisiana [Mr. O'CONNOR].

Mr. O'CONNOR. Mr. Chairman and gentlemen, I would not under ordinary circumstances take up any of your time, because I think you are prepared to vote in favor of this bill unanimously. It carries its own merit upon its face, and if it did not I believe the debate here this afternoon has clearly demonstrated that it is a very meritorious measure.

I have taken the floor for the purpose of gathering information from any Member of this House upon a matter that has worried me for some time. A man named Willard Centlivre in all probability did more to stimulate the thought of the people of this country upon the subject of leprosy than any other unfortunate individual who was ever afflicted with that dreadful disease during all the course of its history. Some years before his case a man named Early was incarcerated down here on the banks of the Potomac in this District. It was stated that it cost approximately $3,000 a year to take care of Early. Then came Centlivre. Centlivre was born and reared in the lower section of the city of New Orleans. I used to know him well. He used to attend political meetings and was somewhat of a character in the Latin quarter of that city. He came to Washington and created a sensation which rang its way clear across the continent. He said he came here as the vanguard of an army of lepers, who would assemble in Washington, march down the Avenue to the White House, and there petition for a redress of grievances. The story was put into every newspaper from ocean to ocean. I never suspected that Centlivre was gifted with any ability to obtain his ends dramatically, but he certainly did know how to play his part magnificently. On the day he arrived in Washington he walked into this old house over here, the Public Health Service, which is attended with some historical significance, for it was once occupied by Gen. Ben Butler, a man who won (?) his way into the affections of the people of New Orleans some years ago, as history records, and calmly said, "I am a leper." In the twinkling of an eye that building was entirely cleared of every occupant. Doors that opened by pulling them inward were opened outward by the rush to sunlight and the open air. Windows were not barriers; they were exits for those who rapidly got out. He was monarch of all he surveyed, and for the first time in his life he was an Alexander Selkirk. He looked over the landscape, and was apparently satisfied with his act and what he had accomplished. But after a few moments the office force regained its composure and came back, summoned the police, and Centlivre was escorted not into the jail but away down here on the banks of the Potomac, where Early had found, I hope, commodious quarters.

The Washington Times and the other newspapers at once in some manner interviewed him and his interview was a rather startling one. He declared he had joined the Army at the call of his country, had passed the physical examination, and met every test the service required. In other words, he became a soldier of the World War. Some time after an eruption began to appear upon his body. He was treated rather heroically. He was placed, according to his statement, under sand and kept there for hours. Other drastic treatment was administered but without good effect. Finally, when recovery did not seem to be apparent to his mind, he left the camp. But he was brought back, charged with desertion, court-martialed and then he made this statement that in all probability marks him out as a man, pure white, with a heart of gold, and a soul that fits him for Olympian heights. He said: "I did desert; I did leave. I told you I was afflicted with leprosy. You would not believe it. I did what decency required of me. If I never performed in my life any other act of decency, I have on this occasion, and I ought to be commended for it. I refused to communicate from my person this awful disease to others. You would not let me go, and I left, not for my own sake but for the others whom the service of our country forces to associate with me. Now carry out the sentence if you will, but I have told you the truth." He was convicted but sentence was suspended. I asked for an investigation of that case and the report of the Secretary of War shows that practically all of those statements were true and correct. His officers, who were flayed in that report, appealed, and that appeal, to the best of my information, is still pending. At any rate I never heard anything of the case afterwards. I was not so much concerned at the outcome of the case and of the court-martial in so far as it affected his military reputation, for that will be soon forgot, "for he is a pauper whom nobody owns," but I wanted to secure for his family some relief if I could. He had a mother down there in New Orleans who was bereft of his support, and he is incarcerated in Carville now, and will in all probability end his days there. I was informed by the Veterans' Bureau, in a letter which they transmitted to me, and which expressed regret at their inability to be helpful, that inasmuch as he had been convicted of desertion, though sentence was suspended, nothing could be done. The court-martial dared not, they could not, with this supreme act of self-sacrifice and decency, as he put and expressed it, sentence that man and put the sentence into execution. This man's leprosy was of service origin. That is what the record establishes. I do not know—I am not a doctor—I do not know anything other than what the record shows.

All I know about leprosy is that it is as old as the human race and that it marched forth with the race from Asia into every place that wandering men and women have gone. The committee appointed by the Secretary of War to investigate the case found that the leprosy was of service origin, but that the sentence, though suspended, the verdict, the judgment of the court-martial, precluded him from getting relief. I introduced a bill and it was sent first to one committee which declined jurisdiction, and in all probability it was absolutely correct, and then to another committee, and it declined jurisdiction. I am up against it or fate is against Centlivre. And as a consequence this poor devil, who is still in Carville, far from the madding crowd's ignoble strife, has the bitter reflection to-day that though it was found his unfortunate disease—his affliction—was due to service origin, in the service of his country, and though poverty stricken, his wretched mother can not get the relief to which she is justly entitled. If there is a man in the House who knows how I can get relief for this poor devil and his still more unfortunate mother, I would like to have that information?

The CHAIRMAN. The time of the gentleman has expired.

Mr. HILL. I ask that the gentleman have one more minute.

The CHAIRMAN. The time is in control of the gentfeman from Indiana and the gentleman from Texas.

Mr. HILL. May I ask whether the gentleman has considered introducing a bill to correct the military record of this man?

Mr. O'CONNOR. I understand from the letter I received from The Adjutant General that there is no power in this country, not even the President, that can remove the charge of desertion.

Mr. HILL. Congress removes the charge of desertion day after day by bills introduced.

Mr. O'CONNOR. As I understand it that will remove the stigma, but it does not make it retroactive and go back. It simply changes the record without altering the fact. That is what has been held repeatedly by the Pension Bureau.

Mr. HILL. If the gentleman will put in a bill to correct the military record and remove the charge of desertion——

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BLACK. It certainly would be within the power of the Congress to remove charges of desertion.

Mr. HILL. He was not discharged for desertion, he was only suspended, and the gentleman can put a bill in.

Mr. O'CONNOR. I will be glad to take it up with the gentleman.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LANHAM. Mr. Chairman, I yield two minutes to the gentleman from California [Mr. RAKER].

The CHAIRMAN. The gentleman from California is recognized for two minutes.

Mr. RAKER. Mr. Chairman, it is one of my pleasures to have the opportunity at this time to vote for this legislation. A number of years ago there were several lepers in Washington, with no place to put them and nobody to take care of them. We had a similar condition in California.

The location of this institution down in Louisiana seems to be ideal. My good friend from Louisiana [Mr. LAZARO], for whom I have the highest respect, approves this heartily, location and all, and in fact the entire surroundings are such that the bill undoubtedly will receive the unanimous vote of the Members of the House, and these unfortunate people will be taken care of. And above and beyond that, we relieve the awful condition that would confront the general public if they are not provided for.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. STAFFORD. The hearings on this bill disclose the fact that there are a number of cases of leprosy mostly among orientals out on the Pacific coast, particularly in California. Did the gentleman's legislature make any provision for taking care of them before this Louisiana institution was established?

Mr. RAKER. Yes; but it is hard to get a location on the mainland, and the people of California have been tremendously interested in the matter, and are willing to go the limit in providing for these people, to take care of them in the first instance; and, second, to remove them from having any contact with others.

The CHAIRMAN. The time of the gentleman from California has expired. All time has expired. The Clerk will read the bill for amendment.

The bill was again read.

Mr. ELLIOTT. Mr. Chairman, I move that the committee do now rise and report the bill back to the House without amendment, with the recommendation that the bill do pass.

The CHAIRMAN. The gentleman from Indiana moves that the committee do now rise and report the bill back to the House, with the recommendation that it do pass. The question is on agreeing to the motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SANDERS of Indiana, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (S. 3721) providing for the erection of additional suitable and necessary buildings for the National Leper Home, had directed him to report the same back to the House with the recommendation that the bill do pass.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. ELLIOTT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. Without objection, the similar House bill will be laid on the table.

There was no objection.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 661. An act for the relief of Arthur Frost; to the Committee on Claims.

S. 1031. An act for the relief of Eugene K. Stoudemire; to the Committee on Claims.

S. 1103. An act for the relief of Frank Vumbaca; to the Committee on Claims.

S. 1280. An act for the relief of Eli N. Sonnenstrahl; to the Committee on War Claims.

S. 3071. An act to extend the benefits of the employers' liability act of September 7, 1916, to Edward N. McCarty; to the Committee on Claims.

S. 4085. An act for the relief of Samuel H. Butler; to the Committee on Claims.

S. 4248. An act to fix the compensation of employees in post offices for overtime services performed in excess of eight hours daily; to the Committee on Post Offices and Post Roads.

S. 4379. An act to amend section 1709 of the Revised Statutes of the United States as amended; to the Committee on Foreign Affairs.

S. 4313. An act for the payment of claims for damages to and loss of private property incident to the training, practice, operation, or maintenance of the Army; to the Committee on War Claims.

S. 4366. An act for the relief of W. Ernest Jarvis; to the Committee on Claims.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 855. An act for the relief of Fred G. Leith, United States Navy;

H. R. 6204. An act to grant the military target range of Lincoln County, Okla., to the city of Chandler, Okla., and reserving the right to use for military and aviation purposes;

H. R. 12007. An act providing for the conveyance of certain land to the city of Boise, Idaho, and from the city of Boise, Idaho, to the United States;

H. R. 12887. An act granting a pension to Jacob F. Rosenberger;

H. R. 11389. An act for the relief of Robert Guy Robinson; and

H. R. 13696. An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1924, and for other purposes.

LEAVE TO A COMMITTEE TO SIT DURING THE SESSION.

Mr. FAIRCHILD. Mr. Speaker, I ask unanimous consent that on Wednesday, February 14, the Committee on Foreign Affairs be permitted to sit during the session of the House.

The SPEAKER. The gentleman from New York asks unanimous consent that on Wednesday, February 14, the Committee on Foreign Affairs be permitted to sit during the session of the House. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. OLIVER (at the request of Mr. JEFFERS), for to-day, on account of illness in his family;

To Mr. WEBSTER (at the request of Mr. HADLEY), for the day, on account of illness; and

To Mr. ALMON, for the balance of the day, on account of illness in his family.

EXERCISES IN MEMORY OF THE LATE REPRESENTATIVE OSBORNE.

Mr. CURRY. Mr. Speaker, I ask unanimous consent that on Sunday, the 25th of this month, time be set aside for memorial addresses on the life, character, and public services of the late Hon. HENRY Z. OSBORNE, a Member of Congress from the tenth district of California.

The SPEAKER. The gentleman from California asks unanimous consent that on Sunday, February 25, time be set aside for memorial addresses on the life, character, and public services of Hon. HENRY Z. OSBORNE, from the tenth district of California. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. TAYLOR of Colorado. Mr. Chairman, several months ago I obtained permission of the House to extend in the RECORD a eulogy upon former Senator Henry M. Teller, and it was never extended in the RECORD. I now renew that same request.

The CHAIRMAN. The gentleman from Colorado [Mr. TAYLOR] asks unanimous consent to extend his remarks in the RECORD in the manner indicated.

There was no objection.

Mr. TAYLOR of Colorado. Mr. Chairman, for 50 years former Senator Teller was an incentive and an inspiration to the youth of our State, and what little success in public life many of us have obtained has been largely due to humbly trying to emulate his exemplary life, rare capabilities, marvelous energy, supreme loyalty, and conscientious devotion to the public welfare. His was a life of untiring service to our country and to Colorado. There never was a more loyal son of the West. He was indeed universally revered as Colorado's "Grand Old Man."

He was the best Secretary of the Interior this Nation has ever had. He was an honor to that great office and to our country. He breathed the very spirit of the mountains and plains. His heart always beat for the early pioneers. He was one of them. He personally knew their hardships and struggles. He instinctively sympathized with the human side of subduing the wilderness and reclaiming the frontier.

No man ever could be better qualified or prepared to suitably occupy that high office, and in addition he was ideally temperamentally suited to the position. Nothing outside of the performance of his official duties ever attracted his attention for one moment, and no one ever questioned the honesty or justice of any of his official actions.

After a half century constantly and loyally devoted to his country and to upbuilding the West, when he passed to the great beyond he had the priceless heritage of all the ages—a good name. Surrounded by a million temptations—

He left a name without a stain,
And a reputation without a blemish.

It was my very great privilege to have helped in an humble way to elect him four times to the United States Senate. Twice as a modest worker in the party ranks and twice as a member of the Colorado State Senate, and for a third of a century I had almost a filial affection for him, and I hope to live to see his statue placed in the Hall of Fame in the Capitol Building of our country.

I regret exceedingly that ill health and press of official business has imperatively prevented me from personally preparing as best I could a suitable tribute to the admirable life, wonderful work, and superb character of Senator Teller. But some time ago I asked the Hon. Thomas F. Dawson, the historian and curator of the State Historical and Natural History Society of Colorado, and who was for 30 years the private secretary of Senator Teller, to prepare for me a record of all those years of his close association—a memorial that would be, like the Senator himself, plain, natural, honest, and unassuming.

Fortunately for Colorado and for our country, Mr. Dawson has cheerfully, patriotically, and most admirably complied with my request and has prepared a wonderfully comprehensive, fitting, and eloquent eulogy of the most distinguished citizen and efficient statesman that the Centennial State has ever produced, and in pursuance of the permission which is now given me again to revise and extend my remarks in the RECORD in memory of Senator Teller I am proud to insert Mr. Dawson's splendid tribute, as follows:

SENATOR TELLER.

[By Thomas Fulton Dawson.]

A quarter of a century ago the name of Henry M. Teller was familiar to every newspaper reader in the country and to students of economics and international affairs throughout the civilized world. He was then a Member of the United States Senate, in which body he served the State of Colorado continuously from 1877 to 1909 with the exception of three years, spent as a member of the Cabinet. From the time of his entrance upon his senatorial duties until he voluntarily relinquished the office he was much in the limelight of public discussion, but the subject which engaged more of his attention than any other was that of national and international finance. He studied all phases of this most important branch of economics, but he gave especial attention to bimetallism—the free coinage of silver.

So strong was his advocacy of this cause as a national policy that its abandonment of it led him to desert the party he had served for almost half a century and came near making him the presidential candidate of the silver supporters. And the evident sincerity and convincing character of his plea for universal acceptance of the double standard attracted the attention of the best thinkers the world over.

But it was not alone his connection with bimetallism which attracted attention to Mr. Teller. He endeared himself to the people of his own State of Colorado by his untiring devotion to and championship of their interests in the many problems which came up for adjustment between the new State and the National Government. Nation-wide attention was drawn to him by his participation in all phases of legislation. A deep student along many lines throughout his life, he always was prepared to take part in the consideration of almost any subject that came before the Senate, while his knowledge of western affairs made him an ideal Secretary of the Interior, in which capacity he served during the administration of President Chester A. Arthur.

While he made no claims to oratory as generally understood, Mr. Teller was a forceful speaker, and his logic, sincerity, and knowledge of facts gave his arguments appealing and convincing weight. He never uttered a word in debate or elsewhere that he did not believe to be the truth, and he never espoused any cause which he did not consider to be in the interest of the general welfare. It was these qualities which inspired general admiration for the man and led people to look upon him as a leader. There are many who believe that if Mr. Bryan had not been named as the Democratic candidate for President in 1896 Mr. Teller would have been. Moreover, I was once told by a man high in the counsels of the Republican Party that Roscoe Conkling had said to him previous to the Republican convention in 1880 that if General Grant could not be nominated for the Presidency by that convention he believed Teller to be the most available man and the man best fitted for the nomination. We know, however, that by the time Grant was beaten in that convention the body had gotten entirely away from Conkling and his cohorts and that all he could do was to name a man for Vice President, which he did in the person of General Arthur. It is significant that when, through a fateful series of circumstances, Arthur became President, Teller was one of the first advisers he called in, and that he invited the Colorado man into his Cabinet as one of his first official acts.

However, we speak not of Mr. Teller as a possible presidential candidate. Even to this day he is known by all who were acquainted with him as "Senator Teller," and I believe that if he could speak and if he could have his own choice in the matter he would prefer thus to be known. He was an ideal Senator; he looked and acted the part, and he believed in the Senate.

His record in the Senate, in the Interior Department, and in private life is such as to entitle him to a place in the country's hall of fame. It is especially fitting that a few of the pages of the CONGRESSIONAL RECORD should be devoted to the preservation of the story of his life, and I feel greatly honored in being designated to prepare it. The great pity is that it can not be longer than space here will permit. It is not any easy story to write, however, especially in condensed form. To properly cover the subject one should consult the files of the RECORD and the Senate Journal for the almost third of a century which Mr. Teller served the Nation. In the space here allotted only the outlines can be traced. Here is the framework of the man's life:

Henry Moore Teller was born in Allegany County, N. Y., May 23, 1830. He received an academic education, worked on the farm during the summer, and taught school in the winter. His academic course completed, he took up the study of the law and was admitted to the bar in January, 1858, at Binghamton, N. Y.

Shortly after his admission he removed to Morrison, Whiteside County, Ill., where he practiced his profession until 1861. Then he went to Colorado, and, locating in Central City, the center of the gold-mining section, he soon became a leading influence at the bar and among the people.

Mr. Teller was one of the projectors of the Colorado Central Railroad, now a part of the Colorado & Southern system. He drafted its charter, and in 1865, in connection with W. A. H. Loveland, of Golden City, presented it to the Territorial legislature then sitting at that place, and secured its adoption. For five years he was president of that road.

During the Indian disturbances of 1863–64 he was appointed major general of the Territorial militia by Gov. John Evans, and served two years in that capacity.

At the beginning of his political career Mr. Teller was a Democrat, which was the faith of his father, but when in 1854 the Republican Party came into existence he united with it and became an ardent supporter of its principles. He held no elective office until 1876, although one of the most active political campaigners in the field. Upon the admission of Colorado as a State he was elected to the United States Senate by the first general assembly that convened in Denver November 1, 1876.

During all the preceding years Henry M., in association with his brother Willard, who joined him in Colorado in 1864, was constantly engaged in the practice of law, rising to the leadership in his profession. The brothers occupied a small white painted frame building of two rooms on Eureka Street, Central City, and in that building some legal transactions of great magnitude were arranged, as were also many political conferences.

In 1882 President Arthur appointed Mr. Teller Secretary of the Interior to succeed Samuel J. Kirkwood, but his term ended with the passing of President Arthur, March 3, 1885. The following day Mr. Teller again took his seat as a Senator from Colorado, having been elected to succeed N. P. Hill. He was reelected in 1891 without opposition in his party for the term expiring in March, 1897.

He served as chairman on the Committees on Pensions, Patents, Mines and Mining, and Privileges and Elections, and as a member of the Committee on Claims, Railroads, the Judiciary, Appropriations, Public Lands, and many other committees.

From 1896 forward Senator Teller opposed the Republican Party because of its repudiation of silver, and for the most part acted with the Democratic Party.

In 1886 Alfred University conferred upon him the degree of LL. D.

Senator Teller was a prominent member of the Masonic Order, attaining the thirty-third degree, Scottish Rite, and he was honored by the grand lodge of Colorado in an unusual degree.

January 24, 1903, Senator Teller was reelected to the United States Senate by the State legislature for the full term of six years, expiring March 3, 1909. This, by his own voluntary desire, completed his long term of years in the Senate, for he determined to retire finally from public service, in which the better part of his life had been passed.

To insure the benefit of his talents beyond the expiration of his senatorship, Senator Teller was appointed a member of the United States Monetary Commission, created to investigate the financial conditions of the country and to devise a plan for instituting a system whereby the frequently recurring monetary disturbances in our present system might be avoided. In the discharge of the duties involved Senator Teller visited all parts of the country, conferring with bankers and other influential men on the subject in hand. He also spent much time in study-

ing the foreign monetary systems. The labors of this commission resulted in the formulation of a banking system which is generaly recognized as the foundation of the reserve bank system which was adopted later.

At Cuba, N. Y., June 7, 1862, Mr. Teller married Harriet M., daughter of Packard Bruce, a farmer, of Allegany County. Three children were born to them—Emma A., John Harrison, and Henry Bruce—all in Central City. Mr. Teller died at the home of his daughter, Mrs. Emma Teller Tyler, in Denver, February 23, 1914. Mrs. Teller and the daughter and sons survive.

This is a mere skeleton of a record which is full of interesting details, and it would not be fair to leave it there. I shall undertake to supply some of the important omissions, and I am permitted by the State Historical and Natural History Society of Colorado to copy from its files the following statement by Hon. James H. Teller, a brother, regarding the Senator's early life:

EARLY DAYS.

"Henry M. Teller was born on a farm in the town of Granger, Allegany County, N. Y. This farm was part of a considerable tract purchased by his grandfather in 1814. The Tellers were of Holland Dutch ancestry, descending from William Teller, who came to New York—New Netherlands—in 1639. His mother was a Moore and was descended from Deacon Samuel Chapin, one of the first settlers of Springfield, Mass. He united in his blood the original Knickerbocker and the pure New England strain.

"After getting such an education as was possible in the country schools he attended Rushford Academy, at Rushford, N. Y., and later was graduated from Alfred University. Before entering upon his law studies he made a trip to Cincinnati to visit an uncle on his mother's side, going down the Allegheny River to Pittsburgh on a lumber raft. He earned a part of his expenses in school at times by hauling lumber from local mills to points where it could be shipped on the Erie Canal. After finishing college he became principal of the schools at Angelica, N. Y., the county seat of Allegany County, and while there teaching he studied law in the office of Martin Grover, an eminent lawyer who was afterwards one of the judges of the New York Court of Appeals.

"At Angelica he made the acquaintance of a man named Penney, who on a trip to Illinois learned that one H. A. Johnson, then practicing law at Morrison, county seat of Whiteside County, Ill., desired a partner. Penney advised Henry M. of the fact, and he thereupon went to Binghamton, N. Y., where the supreme court was meeting, and where examinations for admission to the bar were held for the district in which Angelica was situated. Having been admitted to the bar, he proceeded at once to Morrison, formed a partnership with Mr. Johnson, and entered upon the practice of law. That was in 1858.

"In 1860 he took an active part in the selection of delegates to the Illinois Republican State Convention; was in the county convention and supported delegates pledged to Richard Yates, a candidate for nomination for Governor on the Republican ticket. There was a bitter contest over the delegates, and Henry M. got the floor at one time, and held it during the greater part of the night, thereby gaining the delegates for Yates. That delegation assured Yates's nomination, and he was one of the most prominent war governors, the man who gave Grant his first commission.

"Henry M. was a spectator at the Chicago convention which nominated Mr. Lincoln in 1860.

"In that year his partner joined the throng moving to what was then known as the Pikes Peak region, and settled at Central City, then known, I believe, as Mountain City.

"In April, 1861, Henry M. came to Colorado to visit his partner, arriving in Denver on the day which Fort Sumpter was fired upon. Having proceeded to Central City, he was induced to remain there, his brother Willard coming on from New York and taking over the Morrison business.

"It is related that while teaching a country school in New York before he had finished his college course an obstreperous young man defied him and undertook to break up the school. The final result was that the young man ran out of the schoolhouse with the teacher after him, the race continuing for something like half a mile, when the young man was overtaken in a swamp where he found the mud too deep for rapid transit. He was thoroughly subdued by the incident and discipline was restored in the school.

"While Henry M. and Willard were students at Rushford Academy they boarded themselves to a considerable extent, going home from time to time for fresh supplies.

"Reverting again to his stay in Morrison, where I lived as a boy, though after he left, I should say that he early achieved a prominent place at the bar and there, as elsewhere, showed remarkable ability to secure the confidence of the people. The older farmers of Whiteside County during his subsequent political career regarded his course with great interest, as one whom they had well known in his early years.

"My knowledge of his boyhood is only known from hearsay, but from all that I learned from my parents he was in his youth always studious, generous, and ambitious. He had the advantage of parents who highly appreciated education, and they encouraged and helped him in all possible ways. He was in his early years, as he was later on, a model son."

The files of the Historical Society also contain an interview with Mrs. Teller, widow of the Senator, in which she gives additional particulars concerning him, both before and after their marriage. After telling of meeting him at Angelic while he was teaching and she attending a young ladies' seminary there, of her return to her home in Cuba, N. Y., and his subsequent location there, where they became engaged, she proceeds:

"He had not long been in Cuba when he was called away by a summons to go to Illinois to practice law. This came about through a friend who was acquainted with Mr. Hiram A. Johnson, who had gone from New York to Morrison, Ill., and established a flourishing law practice.

"Mr. Johnson wrote to this friend asking him to recommend some young man as a law partner. As I have said, Mr. Teller had a fine reputation as a student of law and of general affairs even from the beginning, and when the letter came from Johnson the friend lost no time in recommending Mr. Teller. As soon as the mails could go out and return the invitation came and it was accepted on the condition that Mr. Teller should have time before going West to become a member of the New York bar. He felt that admission in the older and stricter State of New York would be a higher recommendation than such admission in Illinois. I recall the time very well, for by then we had become engaged to be married. Thorough student that he was, he encountered no difficulty in taking the examination and he soon was on his journey to the West.

"Soon after Mr. Teller's arrival in Morrison Mr. Johnson became interested in the reports of gold discoveries in the Rocky Mountains which then flooded the country, and notwithstanding the law firm of Johnson & Teller was engaged in a prosperous practice, the senior member of it resolved upon a personal inspection. He went direct to Central City and was so impressed that he began writing to Mr. Teller and urging him to join him there. So insistent was he that 'H. M.' decided to make a visit here to determine the question for himself. He came in April, 1861, and remained.

"Mr. Johnson's judgment concerning the outlook in Colorado proved to be good. The firm soon became popular and it was not long until they were getting the cream of the law business in the new town. Mr. Teller made a specialty of mining law, and soon was such a master of its intricacies that he had few rivals in that line at the Colorado bar. His reputation spread and before a great while his practice extended throughout the territory. The firm was prosperous and the two men became not only partners but close friends. After a while Willard Teller came out and was invited to become a member of the firm, which he did."

Mr. and Mrs. Teller were married in 1862 and she relates that she made nine trips over the 2,000 miles between Central City and Cuba during the eight years intervening before the first railroad reached Colorado.

"When first married," continued Mrs. Teller, "we went to Central to live, occupying a part of the same house in which the Johnsons lived, but it was divided into two apartments. It was a frame building and I recall that it was necessary to stake it down to prevent its blowing away. The wind would come up suddenly at almost any unexpected time and would swirl down the gulch with such ferocity that there was always danger of buildings being swept away until the owners learned how to make them secure. Before we were married the upper story of the house in which Mr. Teller lived was lifted up and carried off and all his effects scattered in all directions, some of them landing in the Clear Creek. We still have a watch of his which was picked up in the street and returned to him after the storm subsided."

Mr. Teller has left a brief statement of his own concerning his coming to Colorado. In an interview printed in the Denver Post of May 26, 1911, he said:

"Mr. Johnson had invested in mines in Colorado. He wanted me to come West with him. I refused, thinking Colorado was too barbaric and rough to live in. Rich gold mines had been discovered in the fifties, and many people were going West. In 1860 South Carolina seceded and the war seemed inevitable. In the winter of 1861 Mr. Johnson asked me if I wouldn't come to Colorado. I said I would come for a month,

but was sorry after I had committed myself. I dreaded the hardship. By train I got to St. Joe, the western terminal. For seven days and nights we sat in a stage coach, and reached Central City on April 27, 1861. Denver was the stopping place for the main stage line, and when I rode into this town it had about a thousand population. I would hate to describe it. You know the State didn't prohibit gambling, and liquor didn't seem to be a thing to fear. Very few families were here."

Lest there should be a misunderstanding because of the obscure wording of the above reference to the Civil War, it should be stated that while on his way out Mr. Teller dispatched a message to Washington tendering his services in raising troops in the Rocky Mountain region to aid in the suppression of the rebellion, but the proffer was declined on account of the cost of transportation.

In his contribution concerning his brother's early life Judge Teller, for many years and now a justice of the Supreme Court of Colorado, has mentioned a visit to Cincinnati. That visit did not end in the Ohio town, however, but extended to Kentucky. It should be stated here that the instinct for life in the West was developed at an early age in Henry M., and he made his first venture in that direction at the time of which Judge Teller speaks. He went to Kentucky to teach school, and located near Lexington at that time; but this was in prewar days, and slavery was an established institution there. This condition and the attitude of the people on the subject did not appeal to him, and he soon returned.

I have heard him tell of this experience, and I especially remember his story of his trip. He had no money to pay his fare on such an extended journey, but finding a man on the banks of the Allegheny River, which flowed near his home, who was collecting a big raft of lumber to be floated down, he made an arrangement with him to assist in the work in exchange for meals and transportation to Cincinnati. This was characteristic of the man. He did not shirk work, and he always found a way of doing what he wished to do. It also is true that he never compromised himself by remaining amidst undesirable surroundings, as was illustrated in his refusing to reside in a slaveholding community. He returned to his uncle's home and thence made his way back to the paternal roof in New York.

The next move, as we have seen, was to Illinois, and thence to Colorado, where he arrived not long after he was 30 years old.

POLITICAL CAREER.

With the exception of his inconspicuous service as general of the Colorado Militia during the Civil War, Mr. Teller held no public office until the admission of the State into the Union in 1876, when he was chosen one of the State's first two United States Senators.

The interim between his advent in Colorado and his election to the Senate was devoted in the main to the practice of law; but, always public spirited, he was conspicuous in every movement in the interest of the general welfare of the people of the Territory. He was a participant in most public meetings, and his counsel soon came to be accepted as the word of wisdom. From the beginning he was a leader in the Republican Party and never was there a campaign in those days in which his services were not in general demand on the stump and in the counsel chamber.

When Denver obtained railroad connection with the outside world, he bent his energies to procure the same advantages for the mountain towns, all of them prosperous through their mines, and thus became greatly interested in the Colorado Central road running from Denver up Clear Creek and extending by means of different branches to Georgetown and Central City.

He opposed the admission of the Territory into the Union as a State for a time on the ground that the population was not sufficient to justify the experiment; but when conditions improved in 1876 he was among the supporters of the movement.

In a word, when Colorado came into the Union, Teller was regarded as the leading lawyer of the State, if not its leading citizen. Everybody regarded him as best fitted for the office of Senator. He was not, however, the foremost candidate. Believing that the office should seek the man, then, as afterwards, he refused to press his own claims.

This election was the most important event in Mr. Teller's life and necessarily deserves especial attention in any review of his career.

Admitted into the Union in the centennial year, Colorado has been represented in the Senate of the United States by 13 different men. Of these, two only have been elected for more than one full term, the two thus favored being Henry M. Teller and Edward O. Wolcott. Teller was elected for five full terms and one fractional term, and he served four full terms and two fractional terms, occupying his senatorial seat for 27 years all told. Wolcott was elected for and served two full terms of six years each. Thus it would appear that, so far, almost half of our senatorial representation has been by these two men.

It is no small distinction for Colorado to have come in as the Centennial State, and, as if in appreciation of the honor, the State soon assumed a position such as had not been known in Territorial days. Previous to admission our general officials were supplied from the outside, along with States' eggs and cove oysters. They were called "carpetbaggers," and were so unpopular that "carpetbagism" was the principal issue in politics. With statehood came improved industrial conditions and also officials bearing the home brand.

In Territorial days Jerome B. Chaffee long held leadership in the Republican Party. He fought the "carpetbaggers," was a Delegate in Congress, and labored in season and out for statehood. He was known as "Boss" Chaffee, but he was an easy and therefore a popular boss. So preeminent was his position in his party that when the first State election resulted in favor of the Republicans one of the two senatorships was conceded to him by unanimous consent.

There was no such unanimity regarding the second senatorship, at least on the surface. Mr. Teller's superior fitness for the office was generally recognized, but apparently there was one serious obstacle in his way. By common consent it had come to be the established view that the senatorships should be apportioned geographically, one going to a northern and the other to a southern man. Moreover, Teller was not an aggressive candidate. The result was that with the election of Chaffee, a northern Colorado man, determined in advance, a swarm of candidates for the second senatorship came up from the southern counties. Teller was not nominated until the second day of the Republican caucus. He was chosen then because none of the southern candidates could command a majority of the caucus—in other words, because he was preferred even by southern members.

The joint election occurred on the 14th day of November, 1876, and both Teller and Chaffee proceeded to Washington so as to be there at the opening of the session on the following first Monday in December. Their first duty was to participate in the usual lottery for the allotment of terms of office. In this drawing Teller drew a term of three months and Chaffee a term of two years. The shorter term was preferable because it insured reelection by the same legislature which had previously elected. Accordingly, Teller received his second election a very short time after his first. The second choice was for a full term of six years.

James B. Belford, known nationally as the "red-headed rooster of the Rockies," was elected by popular vote as the occupant of the only seat allotted the State in the National House of Representatives. Chaffee held a prominent place in National Republican politics, and Belford was one of the most popular speakers of his time. The delegation commanded general respect from the beginning.

When Mr. Teller first took his seat in the Senate General Grant was still President and the Civil War was only a little more than 10 years behind us. Problems connected with reconstruction and financial rehabilitation engaged the attention of legislators to the exclusion of almost all other subjects. Many of these questions were of a legal nature, rendering the Colorado Senator's experience as a lawyer useful from the beginning. The Hayes-Tilden presidential contest, growing out of the presidential election of 1876, came on almost simultaneously with Teller's entrance upon his duties in the Senate, and to the solution of the intricacies of that complicated and still poorly understood electoral tangle he contributed not a little. The silver question was beginning to attract attention, and he entered upon the study of finance, which throughout his career continued to be the subject of uppermost consideration by him. As a matter of fact, there was no preparatory course in public affairs for Teller, and from the first he took a position alongside such leaders as Conkling, Hoar, Edmunds, and Thurman, justifying even then the remark of a colored admirer that he was "one of the longded-headedest men in the Senate."

It was in the midst of Teller's first full term, 1882, when Gen. Chester A. Arthur became President through the assassination of President Garfield, that the Colorado Senator was called to a seat in the Cabinet as Secretary of the Interior. This office he filled for three years, and because of his legal attainments and his knowledge of western affairs he rendered such service as to cause one still to hear the remark among old-timers in Washington that he was the best Secretary the country ever had. It was while serving as Secretary, in January, 1885, that he was elected to the Senate for the third time.

In this instance Mr. Teller was chosen to succeed Mr. N. P. Hill, who six years before had displaced Mr. Chaffee. The original Hill election had not been free from contention and had resulted in the most serious schism which ever occurred in the ranks of the Republican Party in this State. This dissension took such shape that after Hill reached the Senate he and Teller were directly arrayed against each other, with Wolcott the principal backer of Hill, while Chaffee stood squarely behind Teller. That story is too long to rehearse here, but it is not out of place to say that it was in the contests of 1882 and 1884 that the factional fight reached its climax and that the fur was made to fly in good earnest. As a candidate for reelection Hill stood against the field, but his opponents could agree only on the one point of their opposition to him. No one of them could be brought to support any of the others, while all were more or less friendly to Teller. He had expressed a desire to retire from public life, but when it became evident that Hill could be beaten only by his entering the race, he went in, and was successful.

It is obviously out of the question to follow Senator Teller throughout his long term of years in Congress. He was ever one of the most constant attendants upon the sittings of that body, as he was one of the most active participants in its deliberations. He was punctilious in the performance of his committee duties, and Senator William B. Allison, so long chairman of the Committee on Appropriations, once told me, even after Teller had become a Democrat, that the Colorado Senator was one of his most valuable assistants in the work of that important agency of the Senate.

He was a constant participant in the Senate debates on all subjects, and he delivered many formal addresses as well. Never has the country produced a more careful student of public affairs than was Henry M. Teller, and woe betide the man who questioned his array of facts and precedents in debate. He liked nothing better than to pore half the night over a report of the Secretary of the Treasury, and a new statistical abstract was a choice morsel for him. He prepared for his speeches as a lawyer might prepare for the trial of a great case in court. His colleagues understood his methods and always listened to his views as to those of a man who knew every foot of his ground. He resorted to no special ornamentation of speech. If he ever told a story or quoted a verse in the course of a public address, I do not recall the occasion. He always was too much occupied with the facts of his discourse to give much attention to mere ornateness. His effort was to convince rather than to fascinate. But, plain as was his manner, Mr. Teller still was a pleasing, logical, and forceful speaker, and when aroused he could be touchingly eloquent.

Beginning with his participation in the work of reconstruction, he followed such subjects as the currency, the tariff, foreign relations, and railroad and banking regulation with unremitting assiduity. The affairs of the Treasury Department appeared to be as familiar to him as his own household, and never a treaty with another country came up for consideration that he did not appear to know quite as much about it as its own authors. On all subjects pertaining to Colorado and the West generally, such as the disposition of the public lands, irrigation, and our relations with the Indians, he was perfectly at home and always to the front.

As the time went on the silver question became more and more acute as it became more and more evident that certain interests were determined to destroy the money use of the white metal. Our Senator was a rock-bound bimetallist and thundered against what he believed to be the rankest heresy of the time.

CUBAN RESOLUTION.

When the Spanish War with the succeeding Philippine revolution came on no public man gave more attention to it than did the Colorado Senator, and he did not cease to be interested when the fireworks were discontinued in the far-off Pacific islands. That was another day of reconstruction, and he realized that in the pride of conquest we as a Nation were liable to make the mistake of replacing the Spanish yoke with one of our own. He sought to avert this result.

Teller's labor in behalf of the Filipinos was not successful, for we still control the Philippines, although in a benignant way. He, however, accomplished more for Cuba, preventing the assumption of possible American suzerainty over that island, and for this act received more praise in the Senate in after years than I ever heard bestowed on any living Senator in almost 33 years of close attendance on that body.

His intervention in the Cuban matter came on the eve of our war with Spain, and took the shape of a declaration of our intention to refrain from all attempts at control of the insular country after peace should be established. This declaration was one of a series of congressional resolutions recognizing the independence of Cuba and demanding that Spain relinquish its authority in the island, virtually a declaration of war.

As reported by the Committee on Foreign Relations, after making these demands, the resolutions empowered the President to employ the military forces of the United States for their enforcement. They made no reference, however, to the policy to be pursued after we should have driven the Spaniards out. Without some such declaration of intention we would have been free, as the dominating force, to pursue our own sweet will, and, judging from our course in Porto Rico and the Philippines, we would have set up and maintained permanently a United States Government there. That was not Mr. Teller's idea. He did not believe in a war of conquest. Consequently, he moved to amend the committee report by the addition of the following resolution:

"That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island, except for the pacification thereof, and asserts its determination when that is accomplished to leave the government and control of the island to its people."

The amendment was accepted by the Senate and thus became a part of our declaration of principles when we threw down the gage of battle to Spain.

It was a radical departure in diplomacy. It set up a new standard for nations, putting them, like men, on the Golden Rule footing. It served to keep other countries off our back while we were pommeling Spain, and if I mistake not, has had an impelling influence in fixing our policy in the more complicated war out of which we have recently emerged with signal honor to ourselves. It was a declaration of the right of a people to govern their own affairs—a distinct forerunner of the principle of race lines. Generally adopted as a basis of diplomacy, the policy here outlined would end all wars of aggression by removing the principal incentive and render leagues of nations and associations of nations matters of supererogation.

The importance of the adoption of the resolution was realized to an extent at the time, but to a far greater extent soon afterwards, when, after the close of the war, it came to dealing with affairs in the Philippines. It was on an occasion in 1902 when the Philippine question was up in the Senate that some Senator incidentally expressed the opinion that it might have been better for all concerned if the United States had adopted toward the Pacific islands the same policy which had been pursued toward Cuba. Then it was that an unprecedented stream of compliments was poured in upon the author of the resolution. By this time he had become a Democrat, and the occurrence was all the more significant, because the principal speakers were Republicans.

Senator Hoar, by common consent nestor of the Senate, led off by saying that he doubted "whether any man has sat in this Chamber since Charles Sumner died, or whether all who sit here now put together, have done a more important single service to the country than he [Teller] did in securing the passage of the resolution which pledged us to deal with Cuba according to the principles of the Declaration of Independence."

Senator Spooner, known in his day as the Senate's lawyer, expressed the opinion that "the adoption of the resolution had more to do than all other things in preventing a combination against us among the nations which held colonies."

Senator Hale, the most conservative man in the body, that "had it not been for the declaration standing before us as an outright and express pledge and agreement, Cuba would not be to-day a free and independent republic"; Senator Fairbanks, afterwards Vice President, that "the resolution was eminently wise and timely." Senator Cullom, then a Member and afterwards chairman of the Committee on Foreign Relations, expressed his opinion thus:

"I have always thought and believed that the amendment, while it seemed at the time to be somewhat questionable, would do, as it has done, more to keep this country from insisting upon the annexation of the island of Cuba, and also to keep other nations from insisting that we had some selfish purpose in our course in reference to it, than anything else that could have been done except the war itself."

STAND FOR SILVER.

But, however important may have been his service in other connections, it must be said that Teller's name was more conspicuously associated with the cause of bimetallism than with any other subject which came before Congress in his time. He believed in the parity of gold and silver on the old ratio of 16 to 1, with free coinage of silver as well as for gold. He

thought such an arrangement in the interest of world welfare, but contended for its maintenance by the United States if impossible to bring the other great nations to this basis. For this principle he fought day after day, session after session, and he labored unceasingly to bring every possible influence to bear upon Congress and upon successive administrations to uphold it. He sought especially to have the great political parties declare for it. The Democratic Party was more favorably inclined than the Republican, but the Republicans gave qualified indorsement until the St. Louis convention in 1896, when that party made a positive declaration in favor of the gold standard. This was the hair which broke the camel's back. It was more than Teller could bear, and it caused him to desert the Republican Party and break politically with his colleague, Senator E. O. Wolcott.

I shall not attempt to speak of these occurrences except in the most general terms.

For years the Republican Party had been drifting toward the single gold standard. Both of our Senators saw the tendency and both did all in their power to hold the party in line for bimetallism. The Democratic Party was far more favorable. With Teller the free coinage of silver was a religion, and he let it be known that his political support would be given to those who most helped the cause that was so near his heart. Wolcott was greatly in earnest in support of the double standard, but with him the subject was not paramount.

Unquestionably the Republican leaders felt the seriousness of the situation, for they knew that a split meant not the loss of Colorado alone to their party but of all the silver-producing States, as well as of many Republican votes elsewhere. The pressure from financial centers was so strong, however, that the leaders were overcome by it, and as the time for the June conventions approached it became more and more evident that for the first time the Republicans in their national meeting would definitely desert the cause of silver, at least without the cooperation of other powers.

Colorado was up in arms over this prospect. Not only was this the principal silver-producing State of the Union, but a large majority of the people of the State had become bimetallists from conviction as a result of studying the question as an economic issue.

In this State the line of cleavage was the attitude of our two Senators. It soon became evident that the large majority were with Teller in his more pronounced stand. The State convention to select delegates to the Republican National Convention to be held in St. Louis confirmed this view with a unanimity that was startling. Teller was named as chairman of the Colorado delegation and was given associates whose instructions were to follow the senior Senator in whatever course he might elect to pursue at St. Louis. Wolcott's plea for a more conservative course received no consideration whatever.

Then came the convention at St. Louis, Teller's pleading with the committee on resolutions, his last effort in the convention itself, and when both prayers proved unavailing, the grand finale, the walkout. I was there and saw the entire performance, and I want to say that it was the most impressive spectacle I ever witnessed. It was equally dramatic and pathetic. About two dozen delegates trailed out behind the Colorado Senator, grown 10 years older overnight, as he walked slowly from the platform, through the long center aisle of the hall, to the front door of the convention, which shut on him forever after more than 40 years of service in the party. There were many moist eyes. To Mr. Teller the ordeal was especially trying. He had helped to organize the party, had supported it in all its campaigns, had sustained it as the champion of human rights throughout Civil War days, had contracted within its ranks the tenderest friendships.

There were few tears among the bolters, but their faces were stern and drawn. Their departure was orderly and dignified.

After this spectacle came the nomination of McKinley by the Republicans on a gold plank with a promise of effort to obtain international cooperation in favor of bimetallism; the formation of the Silver Republican Party, which put Teller up for President; the nomination of Bryan by the Democrats on a silver platform; the withdrawal of Teller from the presidential race in favor of Bryan; the Bryan campaign, and Bryan's defeat.

Such, in brief, is the story of the failure of silver to regain its footing as a money metal. Such also is the story of the political effect of the failure and of Mr. Teller's severance of all ties with the Republican Party in which he had been prominent many, many years. That this parting caused him much pain there can be no doubt, but it can not be said that he ever regretted it. He found himself in accord with the Democrats on many lines of policy, and he was ever ready to resent anything like taunt on account of his course and to defend his attitude whenever attacked. One instance will suffice in this connection. Senators, generally, respected his position, but there was one occasion, just before the St. Louis convention, when one of his oldest Republican colleagues challenged his good faith. I have not access to the records, but I have a newspaper quotation from his remarks in reply from which I make the following excerpt:

"I have been a Republican as long as the Senator," he said, pointing his finger at the offender, "and I love the Republican Party as devotedly as he. When he became a Republican he abandoned a bankrupt party—already dead—while I left a party triumphant from ocean to ocean and in power in every branch of the Government. It was easy then for a man to cease to be a Whig and become a Republican. That is what the Senator did. It was difficult for a man to leave the victorious Democracy. That is what I did. I am again confronted with that condition, and what I did in 1854 I can do again in 1896. It was painful then; it is and will be painful now, but the path of duty is ever the thorny one."

There is much of interesting personal and political detail to the parting of the ways for the Colorado Senators growing out of the silver situation. Wolcott could not see his way clear to desert his party. He accepted at its face value the Republican promise of effort to promote international action and elected to stand with the old party, even in the face of its unpopularity in Colorado. The one-sided campaign of 1896 followed.

Wolcott was hooted and jeered wherever he appeared at a meeting in his own State. Teller received such a welcome on his return to Denver after St. Louis as seldom has been given to any man. Enthusiastic admirers insisted upon drawing his carriage from the station to his hotel, in the vicinity of which it was estimated there were fully 100,000 people congregated. He surely was the idol of his people.

Mr. Teller was almost unanimously reelected to the Senate in 1897 and was again reelected in 1903. In the latter contest, however, he had Wolcott for an opponent. The younger man had regained much of his popularity and his party was again largely in favor. The result was the closest fight that Teller ever had. It also was his final political struggle. He retired with the close of his term in 1909, having given his State and his country as faithful service for a third of a century as ever was rendered by mortal man to any State or any country.

In thus closing the record of such a remarkable political career, it is pleasant to be able to note that, notwithstanding his change of front, Mr. Teller did not lose an iota of his influence in the Senate, continuing to be personally as highly regarded even among Republicans as he had been when affiliating with them. Excellent corroboration of this statement is found in the fact that for some years after he left the Senate he remained as a member of the Monetary Commission upon the especial request of its chairman, Hon. Nelson W. Aldrich, who was the Republican leader in the Senate.

In his quiet but masterful manner Teller dominated politics in Colorado for a third of a century. During that period he made and unmade several parties and few men were elected to important positions without the stamp of his approval. No man in politics ever had more loyal or devoted followers, a fact which is all the more remarkable in view of the circumstance that all served him without hope of reward. Whenever election time approached in his various campaigns there were volunteers in advance in far greater numbers than were necessary to insure his success. He did not have to solicit votes; the voters came voluntarily to his support. Regardless of the name of the party whose banner he followed there never was a time when the "Teller men" did not outnumber the opposition forces.

This situation was due to the man's personal popularity. He had no machine. For that matter he had no need of one. A vast supporting system would have been most distasteful to him. It would have taken more time than he would have wanted to give to it. The simple truth is that he served the State so efficiently and whole-heartedly that the voters demanded his election whenever he came before them. He knew the people of Colorado as no other man ever has known them and they never failed to respond to any call made upon them in his behalf. He depended upon them and never was disappointed. He never went into a fight that he did not win. Not regarded as a "practical" politician in the usual sense, he still was one of the shrewdest of all political leaders.

AS SECRETARY OF THE INTERIOR.

Concerning Mr. Teller's administration of the affairs of the Interior Department comparatively little will be said. He served through the three-year term of President Arthur, beginning in 1882 and ending in 1885, and it is universally ad-

mitted that his service was preeminently satisfactory, as was to be expected in view of his knowledge of western affairs, his legal attainments, and his general level-headedness. He was a steadfast admirer of General Arthur and he enjoyed his experience in the Cabinet, although he did not seek the office. Mr. Teller has left in a newspaper interview a brief account of his call to that service, as follows:

"On May 6, 1882, I entered President Arthur's Cabinet as Secretary of the Interior. President Garfield was shot in 1881. That was a very pathetic tragedy and one that affected me deeply. He was a most lovable man. I did not want to become Secretary. President Arthur asked me to suggest a man. I suggested my colleague, Senator Chaffee. The President, who always stayed up nearly all night, called me to the White House one night about 10 o'clock. He completely surprised me by asking me to accept the position. I explained that it was a politically unwise move and a most ungrateful task, and that I didn't care to assume the responsibility and burden. In fact, I flatly refused, but after receiving hundreds of telegrams from Colorado urging me to accept I did so."

As Secretary he gave much attention to the education of the Indians and for his service in this connection acquired the friendship of many leaders among the red men throughout the country. From a long and complimentary article in the Washington Tomahawk, an organ of the race, I extract the following:

"Some very important issues, involving questions of interest to the poor as well as to the rich man, have been decided wisely and fairly. People can fully and sincerely appreciate this state of affairs and thank God for western business tact in the Interior Department under the management of the Hon. Henry M. Teller. Decision is what we want in this active age of American progress. A few more business men like him in the Government who give you an honest yes or no, and you go away, feeling certain that the answer you received is a truthful one, are needed. No red tape or buncombe surrounds the office of the present Secretary of the Interior. Its head understands and has regard for other peoples' rights and decides accordingly."

In expressions quoted elsewhere a number of contemporary western Senators praise Mr. Teller's administration of the affairs of the department, while Judge Wilbur F. Stone says that "This administration was marked by uniform ability and the accomplishment of many needed reforms of especial benefit to the far West."

A newspaper clipping of the day preserves a characteristic incident of Mr. Teller's incumbency of the office of Secretary, as follows:

"One of the big southern railroads was clamoring for patent rights to several thousand acres of land which the company claimed it had earned. Attorney General Brewster had O. K'd their claim and it was up to the Secretary of the Interior to give the final word in favor of the railroad. An agent from the company visited the Secretary, and after a long rambling talk he finally suggested that the Secretary needed a rest and if he would take such a rest and leave matters in charge of a subordinate it would be worth, say, $250,000 to Teller. The visiting agent made an unexpected exit out of the door and several weeks later Secretary Teller handed down a decision, based on a most careful and elaborate investigation of the improvements claimed to have been made by the railroad, against the company."

In the main he preferred the Senate to the Cabinet and his preference was gratified by his return to the Capitol on the day that he left the Interior Department.

BUSINESS RELATIONS.

I wish that space permitted me to dwell in detail upon Mr. Teller's professional career, but that is out of the question. It must suffice to say that he was devoted to his calling, that he was successful in it above all of his rivals, and that he held aloft the highest standard of professional ethics. He held first rank as a lawyer from the beginning to the end of his life in Colorado.

Nor is there a possibility of going into his business affairs to any extent. During his life he had two outstanding opportunities to become very wealthy.

In the very early days of Denver the gentleman who laid out Clement's Addition, containing 160 acres on what is now known as Capitol Hill, finding himself in financial distress importuned Teller to purchase the entire property, offering it to him for $800. "I thought well of the proposition," said Mr. Teller in relating the incident, "but I was just getting into my buggy to go from Denver to my home in Central City and asked him to wait until I came down again. When I returned Clements raised his price to $1,200. I was disgusted and refused to further consider the matter." The land is now worth millions.

When Leadville was beginning to attract attention, Irving Howbert and Benjamin Crowell, both of Colorado Springs and both devoted friends of Senator Teller, obtained an option to purchase the Robert E. Lee mine for $200,000. They invited Teller to join them as an equal partner, and when he declined on the ground of a lack of funds they offered to put up his share of the money and wait upon him until the mine itself should reimburse them. Again, however, he refused, this time because he did not desire to assume so great a responsibility. There were times afterwards when the net output of the mine for a single week more than equaled the purchase price. It was one of the great bonanzas of the Carbonate Camp, and for a time was regarded as the richest of the lot.

Teller was not, however, a poor man. He made a great deal of money in the practice of his profession and became the owner of much property. He left a considerable estate when he died, and it would have been much larger if he had not been a liberal indorser of other people's notes of hand.

CHURCH AND MASONRY.

Mr. Teller was both a Mason and a Methodist.

As a Mason he attained to the thirty-third degree and was a member of the Scottish Rite, southern jurisdiction. In that work, as in all others, he was a leader, and he held high office in the order. For seven years he occupied the position of grand master of the Masonic Order in Colorado, and he also was the first grand commander of the Knights Templar of this State.

When he retired from the Senate in 1909 he was given a farewell reception which was attended by practically all of the prominent Masons of Washington. In addition to printing a long list of names of those in attendance, the Washington Star of March 13 of that year gave a full account of the function, in part, as follows:

"Masonic brothers of Sovereign Grand Inspector Henry M. Teller, who completed nearly 30 years of service as Senator from Colorado March 4, tendered him an exceptional token of respect and esteem last night at the house of the temple, Third and E Streets NW. The supreme council, Ancient and Accepted Scottish Rite Masons, threw open the doors. More than 500 Masons and ladies took the opportunity to express their regret that Senator Teller would no longer be in Washington.

"The veteran Senator, who has represented his State in the upper branch of Congress ever since it was admitted to the Union, with the exception of three years when he served as Secretary of the Interior under President Arthur, was all smiles. It was easy to see that the kind words of his friends and the honor they were paying him touched him deeply and warmed his heart. The Colorado consistory had sent a huge floral offering which was presented to Senator Teller. During the evening thirty-second and thirty-third degree Masons, representing all sections of the country, dropped in to shake hands with him."

On the reception committee were fully a dozen brother Masons from the Senate as well as many other distinguished members of the thirty-third degree.

While Senator Teller did not attach himself to any church permanently until late in life, when he joined the Methodist Church, he had affiliated with that body practically from boyhood and was regarded as a religious man. Fortunately we have from the lips of Dr. B. T. Vincent, who had been the Senator's pastor and intimate friend, an authentic outline of the Senator's church relation. It was given as a part of the doctor's funeral sermon as delivered in Denver on the 26th of February, 1914. In the course of his address Doctor Vincent said:

"Of Senator Teller's religious life I am able to speak intelligently and freely. My first acquaintance with him and his family was in connection with my appointment as pastor of the Methodist Episcopal Church in Central City in 1863. The friendship begun then with Mr. and Mrs. Teller has been a growing charm to my life ever since. I found his heart; and I found it warm without gush, and trustworthy without boast. He was deeply concerned in all the interests of the church, grounded in his profound interest in Christianity. Mrs. Teller's faithful, active, and useful devotion to the church made in his tender domestic affections a strong tie to the work. And as his children came, the lives of all of whom I have lovingly known from their birth, his eagerness to have them intelligently identified with the church of his own childhood was marked.

"As with his legal, commercial, and political life so in his religious life, Mr. Teller performed rather than professed. As an official member of the church he was interested and liberal. The general church, the University of Denver, and all other good institutions felt the force of his effective cooperation.

That he was a religious man, without a public profession of it, is conceded by those who knew him most intimately. He had no surface sentimentality; but when issues came before him demanding decision between the right and the wrong he never hesitated. As he habitually turned his glass upside down at tables where drinking was indulged, so he stood by that great reform and all like issues when the good of men and society was concerned. This is not to be wondered at because he was brought up in a religious home, lived after his marriage with a godly wife, all unto conviction of the truth of the Holy Scriptures and the verities of the Christian religion. By these verities he stood firmly, always defending them when necessary and practically living by them.

"As to the emotional aspects of religion, his temperament restrained him. The death of his son-in-law, Doctor Tyler—a man of rare Christian worth, dearly loved by the Senator as a son—awakened his soul unto a depth of feeling apparently unknown to himself before. That event aroused and brought to the surface all the early religious sentiments that had been latent since his childhood, moving him to a noble public confession of his faith in Christ, and in his sense of responsibility to make a public confession of Christ and unite with the visible church unto glad conformity to its requirements.

"His ardent interest in Free Masonry was not in the mistaken notion that Masonry was a substitute for religion, but in recognition of all that was religious in its traditions and ceremonies as contributive to true religious faith, experience, and practice. When in 1868 he, as grand master, asked me to deliver the annual oration before the grand lodge of Colorado, and in my address I emphasized the obligation of a Mason, whether Moslem, Jew, or Christian, to try to teach the highest standard of character provided for by his religion toward an advancement even beyond it, Mr. Teller pronounced his emphatic approval of the position."

TRIBUTES.

Such, in brief, is the record of the man; but I am not content to leave the subject without some effort to present the reasons for his success in life and his hold upon his friends and followers—in other words, to outline some of his traits of character. For almost a quarter of a century I came into practically daily contact with Mr. Teller, and I feel that my testimony should be given in the interest of history.

In entering upon this agreeable task I am moved to speak first of his modesty as one of his chief virtues. He never put self to the front in anything that he did and he always seemed absolutely indifferent to adulation—more so, indeed, than any man I have ever known in public life, and I have known a great many. He did not seek newspaper notoriety and he made no parade of achievements which really should have been known. I have known him to be made the subject of most flattering eulogy while present in the Senate, where the praise was being bestowed, without appearing in the least moved. Once when an advertising man sought to obtain his patronage of a work, simply because he was to be written about, he declined, saying to me after the gentleman had departed, "It is not the things they say you do, but the things you do that count."

But prominent as was this characteristic of modesty, I do not consider it the most noteworthy of his many admirable personal qualities. It, however, set off and supplemented the others most becomingly. If pressed to name the most conspicuous of these characteristics, I think I should say that aside from his mental alertness, it was his love of justice, with all that it involved, including his general desire to benefit mankind, to assist the oppressed and distressed, to encourage those who were struggling against odds—to promote fair play generally. To this end he was tolerant of faults, charitable to the weak and poor, and generous to everyone. He always wanted to help the under dog, and he believed that in doing so he was assisting all. To my mind this trait was the key to his character and could be made to explain every action of his life, public as well as private. Probably it would be proper to say that his sympathy went out to the distressed and indigent if they were worthy, but I have seen him act in many cases in which he had to stretch the doubt mightily.

As a specimen of his love of fair play, it is related that one of his first acts after reaching Denver was the hauling down with his own hands of a Confederate flag which had been hoisted here by some southern sympathizers. On the other hand, when a mob set out to lynch a miner in Central City because he had expressed exultation over the assassination of Abraham Lincoln, Mr. Teller saved the fellow's neck at the risk of his own life. He was the first citizen of the Territory to offer to raise troops for the suppression of the rebellion.

His charity to the penniless was unceasing. Senators do not now receive munificent salaries, but in his time the compensation was considerably less than at present. He had no large private income and he generally was in debt; but, notwithstanding these obstacles to open-handedness, he always was giving money away. In addition to numerous casual "customers," he had a regular string of retainers who drew heavily and constantly upon him—persons who, in most cases, had no claim except that of common humanity. More times than I can tell you of I have had him come to me for the loan of five or ten dollars which I knew he wanted to give to this person or that who had followed him into the Capitol. If I had the money, I always gave it to him as a matter of course, but often with a word of caution against too reckless liberality where there was no chance for return. I do not recall that he ever made any response to such exhortations, indicating that while he appreciated the great wisdom of my advice, he still saw no way but to help the needy. He didn't even say that he wanted the money for the waiting man or woman, and when it was handed to him would turn away and pass it on more or less surreptitiously to avoid embarrassment to the recipient. These dependents were on his heels in Denver as well as in Washington. Many a down-and-out miner or old-timer has been saved from immediate distress by the generosity of "H. M.," as they called him.

But Mr. Teller's charity was not expressed in dollars and cents alone. Before Congress there are always many people with grievances, with claims for money long overdue, with wrongs to be righted on account of the acts of government officials, with injustices on account of demotions or dismissals from service, to be righted. Such as these never failed to seek out the Colorado Senator. To all such his sympathetic nature and kindness of heart were known in the beginning or soon discovered. They never failed of considerate response, nor of help if investigation satisfied him of the merits of the case. Sometimes it was possible to procure speedy relief; much oftener help came slowly, for Uncle Sam is proverbially a slow paymaster. But delays made no difference so far as Mr. Teller's assistance was concerned. Once convinced of the justice of a claim, he would go on helping year after year if necessary to bring relief.

Doubtless there are living some who have heard of the McGarrahan case, for it was famous for several decades. William McGarrahan, a traveled and educated man, had come into possession of a quicksilver mine in California in the early days of that State's history, but a corporation had discovered a flaw in his title and had taken unceremonious possession of his property. The mine was believed to be worth millions, but without it McGarrahan was poor indeed. Like so many others, he found Teller's soft side early in the latter's senatorial career and lost no time in enlisting his assistance. Without any promise or expectations of personal reward, he gave the claim the same careful consideration as he would have given it if employed as legal counsel, and went on doing so for years, perhaps 20, using every resource at his command to get the relief bill passed. But there were powerful influences to be overcome, and only once did the measure succeed in getting through both Houses of Congress, and only then to be vetoed by the President. Soon after this decisive blow, McGarrahan died, a broken-hearted old man, and when he died Mr. Teller was one of the few mourners at his bier.

This is only a specimen of many similar instances. And it was not with time and money alone that he was generous. His consideration of others found many other forms of expression. Any sort of distress or embarrassment appealed to him. I can illustrate by relating some personal experiences, if you will permit me to do so. No more fitting instance is afforded than one connected with my first meeting with him.

I came to Colorado during the summer of 1876 to take a position on the Denver Tribune, then a prominent morning paper. I was young, inexperienced, and timid. Soon after my arrival Gen. William T. Sherman came in unannounced. He was accompanied by a formidable party of notables from Europe to whom he was host and guide. It became my duty to ascertain who they were and what was the purpose of their visit. They were staying at the American House, then one of Denver's two leading hotels, and thither I repaired on my mission. I found the general busy in his room exhibiting a large map to his companions and therefore too much occupied to give me any particulars. Indeed, he was rather curt, and I retreated to a place near the door quite disconcerted and greatly discouraged. I did not know where to turn if I could not get information from the head of the party. As it developed, there were several local men of prominence present, but these were as unknown to me as the visitors. It was from this portion of the group that relief came. A gentleman of quiet manners, who wore neither shoulder straps nor decorations, discovered my plight and divined my

difficulties. He crossed the room to where I stood, introduced himself as Mr. Teller, told me the party were on their way to northwestern Colorado on a hunt for big game, and that General Sherman was explaining the topography of the region to them. He gave me names and such general information as was necessary to prepare a comprehensive account of the distinguished party—just what I wanted and felt I must have.

That is the story. A little thing, you say. By no means! Such an action must be measured by the relief it brings. It must be gauged from the recipient's point of view to be properly appreciated. To me it was most important. It saved me from being "scooped" and humiliated. Nor was it a small thing from any point of view. The significance of it for present purposes is found in the intuition and willingness to aid and comfort on the part of our subject. Moreover, the incident had far-reaching consequences. It made of me a "Teller man," and when, later, the State split into political factions I threw what little influence I possessed to him, so impressing him that 10 years after the meeting at the American House I went to Washington as his private secretary.

If I had formed a high opinion in the beginning, my estimation increased as the years went by, as I am going to show, at the risk of being accused of indelicacy, by quoting from a letter I wrote in 1887 from Washington detailing to a friend in Denver my duties and experiences there. In this letter, which has been preserved all these years, I said:

"I want to tell you about a debate in the Senate yesterday in which I was much interested. The discussion related to a bill to prohibit United States Senators from acting as attorneys for railroads likely to have lawsuits with the Government. There was a great deal of personal feeling manifested and some sharp language used—by long odds the most spirited, if not the most interesting, debate I have heard. Senator Beck had introduced the bill and made a fight for it, and in doing so criticized the Senate so sharply that many Senators resented what he said. Teller made the most fiery speech I ever heard from him, and a good speech, too.

"I tell you I am beginning to feel proud of my Senator. He is certainly one of the most level-headed men and one of the best debaters in the entire body, and is so recognized here in the Senate and out. There has hardly been a time during the last 10 days that he has not taken a leading part in the proceedings, talking on all conceivable subjects and always in a way to command attention. Not only has he good judgment but his information concerning the affairs of the country is wonderfully varied and markedly accurate. All the Senators consult him, and he is very popular with them—the biggest of them.

"More than this, he is the same with Senators that he is with everybody else. He cut Senator Evarts short in a conversation to talk with me about some letters. He is never "stuck up"—always the same. He does not treat me as other Senators do their secretaries. Most of them keep their men waiting upon them and running after them and dictate all their letters to them, even to 'My dear sir' and 'Yours respectfully.' Teller says, 'Here, Tom, take these letters and answer them.' Often he signs the letters without reading, correcting them rarely, and then only because of some error in the statement of facts. He never seems to care whether I work or play. One morning I slept late and did not get to the Capitol until 10. I apologized. He said, 'That's all right; sleep all you can.' I tell you my admiration for the man has increased rather than diminished."

But this estimate was written only after I had known Mr. Teller for 10 years and had been associated with him for only 6 weeks. It has now been more than 46 years since I became acquainted with him; and I want to say that after those 46 years, and after my intimate association in office with him for 23 years, my admiration fails to abate.

In his office, as elsewhere, he was always thoughtful, reasonable, patient, forbearing, good-natured, agreeable, and often even mirthful. All this without flurry or pretense or ostentation, without an effort to make the recipient of the kindness feel that he had been kind. Indeed, he never seemed to take any thought of the consideration shown to others in his office or out. He often seemed most indifferent to the thanks of beneficiaries, so indifferent, indeed, as to create the impression that he was cold. But if he was indulgent to his helpers, he was not on that account indifferent to the kind of work performed. They could do their duties almost in their own time and in their own way, but they must do them. For them to have been careless would have been to neglect another class very near to his heart, and that was his constituents, the people of Colorado. They wrote freely and often, asking many favors of him. To all such letters as required personal attention he gave it, and if he turned a letter over to a subordinate for attention he expected the subordinate to give the same consideration that he would have given. Every letter must have a response, regardless of the rank or standing of its author, and every effort must be made to serve the writer. The people of the State were very close to his heart. He never faltered in his efforts to serve them, either in the mass or as individuals. That they appreciated his efforts and reciprocated his regard is shown by the fact that they kept him in high position in public life for 33 years, only allowing him to retire when he insisted upon doing so.

In what I have said concerning Mr. Teller's interest in the unfortunate and distressed I have not meant to intimate that he was prejudiced against the well-to-do. By no means. No man ever had a more profound respect for the rights of property and none more sincere friends among people of wealth. He believed every man to be entitled to, and protected in, the enjoyment of what he had honestly earned. But he wanted all to have an equal chance, and he did not consider that the possession of wealth should be allowed to confer especial privileges or insure particular preferment. He appreciated the handicaps of the indigent and the unfortunate, and favored the policy of giving them another chance for an even start.

As going to show his attitude, I should like to relate that on one occasion when the appointment of a surveyor general for Colorado rested with him he refused to give the office to a wealthy friend who desired the place merely for the honor of holding it. He deprecated especially the election of men to the Senate merely because of their possession of wealth. On one occasion when there was a hot senatorial campaign on in Colorado in which Teller was not a candidate, his assistance was sought by an aspirant of large means but of limited education and meager information about national affairs. "Teller, you can elect me to the Senate if you will, and I think I ought to have your help because of what I have done for the State," said the man, bursting in abruptly upon the Senator.

Frankness was another of Teller's virtues. He did not keep his visitor in suspense. "You are mistaken in supposing that I could elect you. I could not do so if I wished, and I would not if I could," he replied. "Not because I do not like you and do not appreciate the use you have made of your money in the interest of the State, but because I know that you are not fitted by education, temperament, or general personal equipment for that office." When, however, the man became the victim of financial reverses, Teller was among the first to extend a helping hand.

As I have said, it is my opinion that Mr. Teller's sympathy with struggling humanity supplies the key to an understanding of his public life. He cared for men in the mass as well as singly. Take him in politics. As we have seen, in his young manhood a Democrat, he became a Republican upon the organization of the Republican Party because the Republicans promised freedom to the slaves, with which object he was in hearty accord. After remaining in the Republican ranks for 40 years he went back into the Democratic Party because it was more friendly to the coinage of silver than the Republican Party and because he believed the use of silver as money to be in the interest of the masses. However, he remained a protectionist in theory after he became a Democrat; he believed protection to be beneficial to the American laborer. Similar reasons could be found for all of his broader public acts. His constant desire was to give the poor fellow a chance. With Abou Ben Adhem he loved his fellow men. Speaking of Mr. Teller, Senator Wolcott once said to me: "H. M. carries the grief of the world on his shoulders." In a way he did, but he was not downcast in doing so. He was ever cheerful, as well as good-natured.

It would be too much to say that I agreed with Mr. Teller invariably, or that I approved everything he did throughout the long period of his public career, but I will say that when I differed from him I generally found in the end that his judgment had been better than mine. I want also to add that in the 33 years of my relationship with him I never saw him do a petty act or heard him express an unworthy thought. He did not use profanity; he did not tell risque stories. He never took a drink of intoxicating liquor, and he eschewed tobacco in all its forms. And all this without cant or moralizing.

In his time the eighteenth amendment was nonexistent and VOLSTEAD was unknown. He had many staunch friends who were steady drinkers. He tolerated them all and thought highly of some of them. To many of them he gave money to buy the bread which might have been theirs if their habits had been different.

He was a Mason of long standing, and not only did he "profess" Masonry but he lived up to the highest traditions of the order.

He was patriotic to the core, loving his State and his country passionately and serving them faithfully and effectively throughout a well-extended life. He loved nature, appreciated literature and art, knew several languages, and had high respect for all things which men hold sacred. He was passionately fond of trees and flowers, and it was an education in practical botany to be with him in the woods. He knew the child nature and regarded all children as in a way the wards of all grown-ups. The calling of the teacher he regarded as sacred, and he liked especially to reminisce about his own pedagogic days. I could go on enumerating, but it is sufficient to say that his life was exceptionally rounded. He was true in all relations, whether as public servant, husband, father, benefactor, employer, friend.

I appreciate that what I have said may appear to some—to the unknowing—more like eulogy than biography, but I have expressed my honest appreciation of a good man. And I am not alone in what I have said. Mr. Clarence G. Northup, of Denver, who was associated with me for many years in the clerical work for Mr. Teller and his committees, joins me in my estimate of the Senator, and adds that "too much can not be said."

Moreover, there is abundant outside testimony to support what Mr. Northup and I freely admit might be construed as prejudiced personal opinion, as coming from us. From the time he first entered upon his public career the Colorado Senator was the subject of much attention from both public and press, some of it, of course, not entirely complimentary. There was, however, much that was laudatory. Every time he was returned to the Senate he was complimented generally, and when he retired from that body in 1909 and after he passed away in 1914 the papers from one end of the country to the other spoke only in terms of praise, and we shall see a little further along how highly he was regarded by Lord Salisbury, one of the ablest of Great Britain's Prime Ministers.

Many years ago a well-known writer paid the following tribute to Mr. Teller: "He has this mark of genuine greatness above any man whom I know in Colorado or perhaps any that I have personally known anywhere in public life. He is simple, natural, without affectation. He is simple because it is natural for him to be simple, and simplicity indicates the calm mind and clear vision as to the relations of things—their real value. It seems to me that the holy spirit of patriotism has descended upon Teller and enveloped him and entered into his soul and sanctified his purposes. He stands before the country as the tongue of Colorado; but he speaks not for Colorado alone, not alone for the United States, but for the humbler three-fourths of all humanity. Soberly, bravely, and ably he is fighting humanity's holy cause for us and for all."

RETIREMENT FROM THE SENATE.

To quote many of the expressions of 1909 when Mr. Teller was succeeded by Charles J. Hughes, jr., through the action and by the choice of Teller, would be to indulge in a great deal of repetition. Two examples must suffice, and I choose from editorials from the New York Sun and the Chicago Post, the former dated January 22, 1909, and the latter January 21 of the same year. The Sun said:

"We wish well to Mr. Hughes, but his coming upon the Washington stage means the departure from the Senate of a familiar and a strong figure. With the exception of his nearly three years of service as Secretary of the Interior in Mr. Arthur's Cabinet, the Hon. Henry Moore Teller has been a Senator since 1876. Apart from his silver heresy, which he shared with the people of his State and which he defended with a knowledge and skill remote from the vague and sentimental yammering of so many silver advocates, he has been and remains substantially a Republican; and his long experience, his familiarity with precedents, his clearness of intellect and practical grasp of the principles and details of legislation, especially as it affects the West, have made him one of the wisest and most valuable of Senators. He sat a generation ago with men like Blaine, Morton, Edmunds, Morrill, Conkling, John Sherman, Allison, Ingalls, Simon Cameron, Bayard. His term runs from toward the end of Grant's administration to the beginning of Taft's. He has seen many mutations of policy and fame, sudden heroes, and obscurities almost as sudden. He is of the class in which the Senate has never been wanting; the men of long heads, of courage, of thoughtfulness, of training in affairs."

The Post article was of greater length, and I extract the following passages:

"During one-third of a century Mr. Teller, to a greater or lesser extent, has been continuously before the eyes of the Nation. For a large part of that time he held high rank in the councils of his party. Few abler men have come out of the West and none longer held the affections of his people. Yet, when the final summary was made up, the only mention he received was that his name was among those entered.

"Mr. Teller's entry into the Senate was coincident with the entry of his State into the Union. His record is unique in that he served in that body 18 years as a Republican, and then, without missing a day, he served 12 years more as an Independent and a Democrat. A few other men have been elected to the Senate at different times by political parties of opposite beliefs, but a period intervened in which they waited for the people to experience a change. Mr. Teller repudiated his old affiliations and took up with the new without interruptions in his service.

"Since Colorado has been a State, one half of its representation in the United States Senate, except for three years, has been Henry M. Teller. The other half varied, as one term followed another, and the ability and character of that representation likewise varied.

"The home of many men suddenly made rich, Colorado found its honors placed on a cash basis and a Senate seat the chief price on the mart. One millionaire followed another for a short sojourn in the glamour of Washington life, but if any of them ever made an attempt to displace Mr. Teller the contest was not of sufficient importance to be recorded in political annals.

"While the newly rich and ofttimes unfitted were struggling among themselves for the second senatorship, Mr. Teller, a man of moderate means and of great abilities, continued to return honor to the State which had given honor to him. His colleague frequently was far from being considered a credit to his State, and at times figured in scandal, but through it all Mr. Teller kept his own record clean and his character unsullied.

"Thus, when almost 80 years old, respected throughout the land, revered by those who knew him well, Mr. Teller gives back the trust which Colorado placed in his keeping, and he doubtless feels he truly can say, 'I have made the fight; I have kept the faith.'"

A short time previous to Mr. Teller's retirement from the Senate a church newspaper sought expressions from the Senator's colleagues and from certain officers of the Senate with the end in view, it was stated, of emphasizing Mr. Teller's example to young men. The result was that more replies were received than can be printed here.

Vice President Charles W. Fairbanks, Republican, responded as follows:

"The Hon. Henry M. Teller, who retires from the United States Senate on the 4th of March, has played a conspicuous part in the political history of his day and generation. It has been my pleasure to be intimately associated with him for 12 years. I have observed the unflagging zeal and high order of ability with which he has devoted himself to the public service. No one has been more constant in his attendance upon the sessions of the Senate, or more intelligently watchful of the progress of important legislation through the Senate. He has been diligent, earnest, and effective in his service upon the committees where the really important work of legislation is fashioned. Senator Teller's name deserves to stand high among the statesmen of the last third of a century. He has brought to his high duties not only ability but a spirit of complete consecration to duty worthy of future emulation. Men may differ with some of his political views, but there can be no difference of opinion as to his exalted purpose or his great usefulness during the long period through which he has been conspicuous in public life."

Dr. Edward Everett Hale, author of The Man Without a Country and other literary productions, and at that time Chaplain of the Senate, said in what probably was the last article written by him:

"I wish I could in any way represent to you and to the young men of Colorado, whom you are addressing, an adequate sense of the respect with which everyone here regards Senator Teller. Every Member of the Senate whom I have heard speak of him expresses regret that he is to leave us. And when I say every Member I mean a great many Senators from all parts of the country. And this is not simply respect for a well-informed man, or a man of large experience. Everyone speaks of him as a man whom he is glad to know, a man with whom everyone is glad to be intimate. 'He is such a thoroughly good man.' 'He is always so true and right, you know.' He never gave up to party what was meant for mankind. It is a great blessing to the country to have such men in the highest stations, as we have had him."

Other Senators expressed themselves as follows:

Eugene Hale, Republican, of Maine: "It would be difficult for me to express my very high estimation of the character and

public service of Senator Teller and my deep regret that he is about to retire from the Senate. He will be greatly missed by all his associates, and I think that there is but one feeling here, and that is of affectionate regard for him. It will be a long time before any other Senator can be found who can take his place as a legislator and statesman. I think I may say that he goes out of the Senate carrying with him the respect and affection of all of us."

HENRY CABOT LODGE, Republican, of Massachusetts: "I have served with Senator Teller for 16 years, and I not only feel for him a strong friendship but I have a sincere admiration for his high qualities as a public man. His retirement from the Senate is not only a public loss but a personal one to me. His long and distinguished service has been an honor to his State and to the country."

Benjamin R. Tillman, Democrat, of South Carolina: "Senator Teller will be missed from the Senate as much, perhaps, as any other man among us. He fills a peculiar niche and is recognized as the embodiment of honesty, high moral purpose, and sincerity. In my 14 years' association with him I have frequently had occasion to admire his manliness and intense Americanism or patriotism. We are not likely to look upon his like soon again, for he belongs to a type that is fast passing away. More's the pity."

LEE S. OVERMAN, Democrat, of North Carolina: "He is not only one of the best-informed men of the country upon all public matters but to-day he is one of the most industrious and hard-working Senators of this great body of men. His life has been clean, and it is to his great credit that while attending to all his public duties he does not neglect his spiritual duties, and it is rarely ever you miss him on Sunday morning in his seat in the Methodist Church, of which he is a devoted member."

Joseph B. Foraker, Republican, of Ohio: "I have been personally acquainted with Senator Teller for many years. I have known him intimately. I have seen him and been associated with him under circumstances that brought out his ability and his qualities as a man, a citizen, and a public official. The net result of all his acquaintance, friendship, and colabor is the highest admiration coupled with a regard as nearly affectionate as one man can have for another. His life and public career should be an inspiration to all his countrymen, especially to young men ambitious to serve the Nation. His retirement involves a great loss to the Senate."

Chauncey M. Depew, Republican, of New York: "His rare natural gifts have been supplemented by the closest study of questions relating to the welfare and development of the country since he entered the Senate in 1876. In these 32 years we have passed through many crises, industrial and financial, creating problems which required the best talent and greatest experience to solve. Senator Teller's contributions to wise legislation and the preventing of unwise during this long period have been of invaluable benefit to the people. He is, in the Senate, an encyclopedia of that information so useful in legislation which is not to be found in the books but is absorbed with long contact with subjects which after intervals come again to the front. While a partisan, his fairness and judicial consideration of all matters has given him great weight in the Senate. He has held the State of Colorado in the front rank for years in this great deliberative body."

Shelby M. Cullom, Republican, Illinois: "I have known Senator Teller for many years, and since the death of Senator Allison have been more intimately acquainted with him than any man in the Senate. I have always regarded him as a strong, sincere man, and one of the best Senators we have."

Julius Cæsar Burrows, Republican, Michigan: "From the time the State of Colorado was admitted into the Union, in 1876, the Hon. Henry M. Teller has held a conspicuous place in the State and the country and rendered exceptional service to both. No taint has ever touched his good name, and he retires from the Senate on the 4th of March next with the esteem of every Member of the body."

William P. Frye, Republican, Maine: "He is entitled to the gratitude of his countrymen for a lifetime spent unselfishly in the public service."

Joseph W. Bailey, Democrat, Texas: "It has been my good fortune to occupy a seat next to Senator Teller for the past six years, and in this way I have learned to know him in small matters as well as in large ones. I therefore feel that I know him well, both as a man and as a Senator, and I say without reserve or hesitation that I have never known a better man or a more useful Senator. His life has been a blessing to his country, and will be an inspiration to the young men who are to come after."

KNUTE NELSON, Republican, Minnesota: "When I first came to Washington, in 1883, I found Senator Teller Secretary of the Interior, and had a great deal of business with him and his department, and I found him one of the ablest, best, and most efficient Secretaries of the Interior we have ever had since I became acquainted with the administration of our Government. Here in the Senate, where I have been associated with him for the last 14 years, I have learned to love and respect him even more than I did when he was Secretary. He has been and is one of the most vigilant, faithful, energetic, and efficient Members of the United States Senate. I know of no one who can compare with him in efficiency and usefulness except the late Senator Allison. Senator Teller will leave on the 4th of March next a vacuum in the Senate that will be hard to fill."

Isador Rayner, Democrat, Maryland: "His whole public career has been marked by unflinching integrity and ability of the highest order. His loss to the body of which he has so long been a Member is great, but he enters upon his retirement with the esteem and respect of the country."

George C. Perkins, Republican, California: "I desire to be numbered among those who appreciate the services of Hon. Henry M. Teller as a public man and who regret his retirement from the Senate of the United States. No man who has occupied a seat in that body has stood higher in the estimation of his colleagues as to character, honesty, sincerity, and ability. He came to the Senate when Colorado entered the great sisterhood of States, and since then his life has been devoted to the promotion of the best interests of the Nation. The force of his example in private as well as in public life in his State, which is acknowledged by all the people of Colorado to have been great and to have worked for the good of society, has been felt in the United States Senate, which is proud to acknowledge its indebtedness to him. There will follow him to his home the warmest feeling of friendship from all of his colleagues here, who will be slow, I hope, to forget the lessons taught by his most distinguished, most honorable, and most useful career."

Thomas H. Carter, Republican, Montana: "In a very broad sense Mr. Teller has represented the whole country, but in a special manner his voice has spoken not alone for Colorado but for all the great West. Since Colorado was admitted into the Union as a State in 1876, the country which was then known as the "American Desert" and the "Indian country" has been embraced within the boundaries of many virile and progressive States. Henry M. Teller has helped to rock the cradle of these infant States and has ever been a watchful guardian of their interests. His great ability has always been made thoroughly effective by his tireless industry. I venture to say that no Senator in the history of the country has been more punctual and constant in attending the sessions of the Senate or more vigilant in scrutinizing legislative proceedings."

Isaac Stephenson, Republican, Wisconsin: "The retirement of Senator Teller recalls the fact that he is the last of the great generation of public men who took over the problems of life from the Civil War, the others having either passed away to their final reward or taken their places in private life. No man of his time has exercised a larger or a better influence in public affairs. Few American statesmen have ever had a more complete knowledge of the machinery of our Government and its administration. But above his public service, there will always remain in the Senate the memory and tradition of the purity of his life and motives, and the simple, unostentatious Christian character he has exemplified in the midst of the official life in which he has had so large a share for more than 30 years.

"His official life, now closing in the Senate, and his whole career, should be an inspiration to young men—and well might they emulate it. His State loses an honorable and fearless advocate, and may well proclaim: 'Well done, good and faithful servant.'"

John W. Daniel, Democrat, Virginia: "All parties justly respect him, because he combines in his character all the elements of worth. He will be a fortunate man indeed who may fill his high place with equal credit."

J. H. Gallinger, Republican, New Hampshire: "It gives me pleasure to say that after having served for 18 years in the Senate with Hon. Henry M. Teller, I regard him as one of the foremost statesmen that the country has produced. On all questions of a moral and religous nature he is always absolutely and unquestionably right, while on matters of broad national concern he is free from sectional prejudice of every kind. In truth, he is what may properly be called a Christian statesman. We greatly need men like Senator Teller in public life to-day."

WILLIAM E. BORAH, Republican, Idaho: "He is a splendid type of the public servant and his unselfish devotion to his State

and Nation is a beautiful exemplification of the highest order of patriotism."

Chester I. Long, Republican, Kansas: "One of the most pleasant recollections of my service in the United States Senate will be my acquaintance with Senator Teller. Those who know Senator Teller best admire him most; and I am sure that he will take with him to private life the good wishes of all those who have served with him in the Senate."

H. D. Money, Democrat, Mississippi: "I have had the honor of Senator Teller's acquaintance since he came into the Senate in 1876, and for many years have enjoyed his friendship. When he was Secretary of the Interior he displayed great ability and never-tiring industry, which accomplished an extraordinary amount of work. His great learning and knowledge of the workings of the Government are unsurpassed; his unflagging energy, his cheerful and amiable disposition, and his never-failing courtesy made him a valuable and esteemed Member of the Senate. Wherever he may go he will carry my good wishes and affectionate regards."

F. E. WARREN, Republican, Wyoming: "I have known Senator Teller for a quarter of a century, first by name and reputation and acquaintanceship as one of the leading public men of the West, and later as being personally associated intimately with him for over 15 years as one of his colleagues in the Senate. In these years of association Senator Teller has always been to my mind a type of public servant invaluable to the country. I know I speak for all of Senator Teller's colleagues when I say that in leaving the Senate he carries with him the respect, friendship, and well wishes of every Member."

CHARLES CURTIS, Republican, Kansas: "His career should be an inspiration to all young men."

P. J. MCCUMBER, Republican, North Dakota: "His acknowledged legal ability, coupled with studious habits, very soon placed him among the leaders of the Senate. A broad-minded scholar, especially well versed in social and political economy, his addresses were always interesting and convincing. No Senator was more highly esteemed by his associates. In his departure the Senate will lose one of its wisest and safest counselors."

William J. Stone, Democrat, Missouri: "Few men have been as useful or exercised such wide and beneficent influence in the country during the last 30 years as Senator Henry M. Teller."

WILLIAM P. DILLINGHAM, Republican, Vermont: "In character, ability, and that peculiar knowledge of public affairs which comes from long service, with that integrity and earnest purpose which governs large souls, Senator Teller has performed a service for his State and Government and achieved a name for himself equaled only by a limited number of those who have served in this branch of the Congress."

William Warner, Republican, Missouri: "It gives me genuine pleasure to say that Mr. Teller's services to the Government in the Senate, and in President Arthur's Cabinet, covering a period of a generation, has been characterized throughout by a devotion to country and by a thoughtful and practical consideration of governmental policies. He has been regarded as one of the strong, thoughtful, and reliable men in the Senate, and as a man whose character at all times has been above reproach. His course reflects credit not only upon the State from which he came, but upon the general country, which he has served well."

C. W. Fulton, Republican, Oregon: "His long service as a Senator and wide experience otherwise in public life, his moral courage and mental integrity, united with exceptional natural ability and capacity for legislative work, have contributed to make him one of the most valuable Members of our National Legislature."

Norris Brown, Republican, Nebraska: "His great learning, pure character, and charming personality make him a commanding figure among American statesmen."

Frank P. Flint, Republican, California: "The retirement of Senator Teller from the Senate after nearly 30 years of service will be not only a great loss to the State of Colorado but to the entire Nation. Senator Teller's career has been, and no doubt will continue to be, an inspiration to the young men of our country. He has demonstrated that it is possible for a man to succeed in a political career and still have the courage of his convictions."

Augustus O. Bacon, Democrat, Georgia: "There is no more valuable Member of the United States Senate. With a long experience in public affairs, he is eminently distinguished by his untiring industry and unfailing attention and devotion to his senatorial work. Strong in his convictions and unswervingly loyal to what he believes to be right, his courage has never faltered in following the path of duty as he has seen it. He is one of the most worthy and conspicuous figures of his day and generation."

Simon Guggenheim, Republican, Colorado: "Few men have retired from active public life possessing in higher degree public regard and respect than Henry M. Teller. His tenure of the Interior Department is a tradition for efficiency and in the Senate his work has been of the highest order of constructive statesmanship. But he has besides the confidence of his fellow citizens, due to their implicit reliance in the personal and public integrity that has marked his career and to their well-founded belief in the honesty and sincerity of the motives that have actuated him."

E. J. Burkett, Republican, Nebraska: "For more than 30 years he has been in public life, and since the death of Senator Allison perhaps has a wider acquaintance with public affairs and the details of their administration than any other man. He has been an inspiration to every young man who has had the good fortune to come in contact with him, and in fact to many more who did not have a personal acquaintance but who know his real merits."

N. B. Scott, Republican, West Virginia: "He and Senator Allison of Iowa were the two prominent figures in the history of our country for the past 45 years. I am sure that, regardless of party, every Member of the United States Senate will regret the retirement of this 'noblest of them all,' United States Senator Teller."

W. B. Heyburn, Republican, Idaho: "No man in public life in the United States has done more to uphold the high standard and dignity of the United States Senate than Hon. Henry M. Teller."

Moses E. Clapp, Republican, Minnesota: "Few men have retired from the Senate whose departure has been regretted, genuinely regretted, more than will the departure of Senator Teller, and this speaks volumes for the character of the man. Men who reach the Senate have usually passed the age of sentiment to a great degree and enter the arena where political affiliation plays its part, and for a man to win the affections of such a body is a grander tribute to his character than any words which can be coined. A new man coming to the Senate finds a body of men, in the main, kind and generously disposed, but each one engrossed with his own particular work, and with little time to spare to assist and aid a new Member. Almost instinctively I recognized the kindly disposition of Senator Teller, and this recognition was confirmed by my experience when I came to appeal to him for assistance. No matter how engrossed he was, he always patiently listened and assisted with sound advice or kindly effort, as the case might require. He combines to a rare degree a kindly sympathetic nature with unyielding firmness and absolute courage, and his public life has reflected these qualities."

LAST WORDS.

After Mr. Teller's death the Colorado papers and the Colorado people were full of praise, and pulpit and bar vied with the press in expressions of mingled sorrow and compliment. Governor Ammons led these testimonials, saying:

"The life of Mr. Teller perhaps more closely than that of any man the West has ever produced exemplifies and typifies the attributes and characer of the man who as a whole made the West possible in its present form. Honesty, strength of conviction, singleness of purpose, courage. imagination, enterprise all were his. And linking them all was honor, which recognized no alternative but to follow the dictates of conscience unflinchingly and with regard always to the rights of the many."

Said the Denver Post in one of many laudatory articles:

"It was away from Colorado that the full measure of Senator Teller could be taken. The newer Senators reverenced his years and his vast learning; they reveled in his anecdotes of days that were gone; they learned from him how big or how little men were, and realized that his judgments were not based on prejudice but upon years of close intimate contact with the men whose work and character he diagnosed.

"'While Senator Teller remains a United States Senator that Government may always be sure of its standing in the eyes of other governments.' This is the tribute paid to Colorado's Senator by Lord Salisbury, then premier of Great Britain. What Lord Salisbury thought and said other rulers agreed with.

"Among Senators and other statesmen Henry M. Teller towered a giant. His intellect was strong and always vigorous; his word was his bond; caring neither for social prominence nor for great wealth, his talents were dedicated to serving his country, to making his family happy, and to cultivating his mind as he cultivated his garden."

Of all the testimonials to his character none were more appreciative or intelligent nor more discriminating than that given by the Hon. Wilbur F. Stone, himself a man of great learning and excellent achievement. Judge Stone said in the Rocky Mountain News of February 24, 1909:

"Henry M. Teller came to Colorado in 1861, the year following my own arrival, and settled at Central City, which was then the most important town in the Pikes Peak country. He began practicing law in the miners' courts of that district.

"It was the last year of the law courts and local self-governments made by the settlers of each independent community, and so Mr. Teller was in at the birth of the Territorial organization, authorized by the act of Congress, and he took a leading part in its establishment, pending the period of transition.

"He soon became recognized as one of the ablest and most active members of the bar in the new Territory, and rendered distinguished service in all matters of legislation, the administration of law, and laying the foundations of government for the future State.

"He never sought or accepted a political office previous to the admission of Colorado as a State, when he was chosen by the general assembly as one of the first Members of the United States Senate from this, the Centennial State, and which exalted national position he held for a longer period than was ever held by any other Member of that body west of the Missouri River, not excepting the famous Thomas H. Benton, who wrote his political autobiography, entitled 'Thirty Years in the United States Senate.'

"I became acquainted with Henry M. Teller soon after his arrival at Central City, and the acquaintance ripened into a close personal friendship, which continued unbroken for a half century to the day of his death.

"We were in many lawsuits, civil and criminal, in the Territorial days, sometimes together and other times on opposite sides, and in all his career at the bar I never knew a lawyer with more fairness, open frankness, courtesy to bench and bar, witness and jury, nor of greater fidelity to his client.

"His air and manner in court, the same as everywhere else, was wholly devoid of affectation, imitation, or mannerism. Always dressed neatly in sober black, he was dignified, yet genial, democratic, and always accessible.

"In legal argument he spoke in a clear, even tone of voice and never indulged in vociferation, gesticulation, or theatrical display. His argument to both court and jury was pointed, concise, deeply earnest, and, hence, forcible and convincing.

"He used good English, but of the plain, simple sort like that of Abraham Lincoln, and never attempted to display studied flights of oratory or rhetoric as an appeal to the audience.

"Another notable characteristic I recall is that in a speech or address, whether in the legal forum or the political rostrum or at the banquet table, I never knew him, for the purpose of illustrating a point, idea, or meaning to use a trite proverb or 'common saying,' nor quote from poet, historian, essayist, novelist, or philosopher.

"His mind was well stored by study and reading and in a legal argument, of course, like any other lawyer, he cited authorities and court decisions, but he expressed his thoughts in his own way and in his own logical and unambiguous language.

"As a statesman, former Senator Teller had few superiors in his day. In the Congress of the United States, with a personal character above reproach or suspicion, and keeping himself aloof from all matters of personal pecuniary advantage or aggrandizement, he devoted the years of his senatorial term to the history of American legislation, our relations with other nations and governments, the changes in political, social, and industrial conditions of our own country, and the legislation needful and beneficial to the whole people of the United States as well as to his own State.

"His discharge of the duties of the office of Secretary of the Interior, while he held that position in the Cabinet of President Arthur, was marked by uniform ability, and many needed reforms of especial benefit to the far West were realized through his efforts.

"I think no Member of the American Congress in its history during the last half century had so complete and intimate a knowledge of the West, from the Mississippi River to the Pacific coast; the geography, resources, physical characteristics, people, their needs and calculable future possibilities of each and every State and Territory in all this vast region, including Alaska, as had former Senator Teller.

"His patriotism was of the highest, broadest, and deepest measurement, and his love of Colorado was as the love of the forest pine for the snow-clad mountains rooted in their everlasting rocks.

"As a man and as a personal friend, Henry M. Teller was one of the most amicable, approachable, and kindhearted of all our pioneers and representative citizens.

"Ever faithful to his friends and to his promises, he was perhaps the most popular man during his long public life of any who ever won the confidence of the people.

"Indeed it may be said he was without an enemy. He had political opponents, but even they were not enemies. He represented in his character and his deeds all that stands for the best in morals, politics, social life, law, human liberty, equality, fraternity, and citizenship.

"Aside from the county of Teller, which has produced more gold than any other one mining camp in the world, the name and fame of Henry M. Teller will be perpetuated by the greatest and most enduring monument that can be erected to the memory of any man—the record of his own public life and deeds in the activities of the State and Nation."

It is fitting that these expressions should close with a brief quotation from Mrs. Teller, the Senator's venerable widow, who still survives. She said in an interview: "Even at home Mr. Teller was studious and seldom was found without a book in hand when about the house. Next to books he liked nature, and nothing pleased him more than to get out in the woods with the children Sunday afternoons and tell them about the trees and the flowers. He seemed to know every tree that grew. He was more sociably inclined than he got credit for being, and when we had company gave much attention to guests, relating experiences and telling anecdotes and talking very freely. As I have stated, he was brought up a Methodist, but he allowed his early church membership to lapse. He did not, however, lose his interest in the organization on that account, for he was for many years a trustee of the church in Central City without being a member of the church itself. He always contributed freely to the Methodist cause and in 1902 again placed his name on the membership roll. I think he would have done so earlier but for the fear that people would attribute the act to political motives."

Senator Teller's body lay in state at the Colorado State Capitol in Denver for several hours previous to interment at Fairmount Cemetery in that city, and his face was viewed by thousands. His memory is still cherished by many thousands in the State which he loved and served so well.

ADJOURNMENT.

Mr. ELLIOTT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned, pursuant to the order previously made, until to-morrow, Wednesday, February 14, 1923, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

979. A communication from the President of the United States, transmitting a draft of proposed legislation providing that the appropriation of $4,000 for the fiscal year 1923 for the salary of the chief clerk of the Department of the Interior shall be paid to the person holding that office (H. Doc. No. 565); to the Committee on Appropriations and ordered to be printed.

980. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Agriculture for the fiscal year ending June 30, 1923, for the collection of loans made under the seed-grain loan provisions of the acts of March 3, 1921, and March 20, 1922, $25,000 (H. Doc. No. 566); to the Committee on Appropriations and ordered to be printed.

981. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Commerce for the fiscal year ending June 30, 1923, for settlement of claim for damage occasioned by collision for which a vessel of the Lighthouse Service is responsible, payment of which is authorized under section 4 of the act of June 17, 1910 (36 Stat. 537), in the sum of $500 (H. Doc. No. 567); to the Committee on Appropriations and ordered to be printed.

982. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the legislative establishment of the United States for the fiscal year ending June 30, 1923, for the Capitol power plant, $40,093; and for the Capitol Building and repairs, $17,250 (H. Doc. No. 568); to the Committee on Appropriations and ordered to be printed.

983. A communication from the President of the United States, transmitting supplemental and deficiency estimates of appropriations for the Department of Justice for the fiscal year ending June 30, 1923, and for prior fiscal years, amounting to $2,056.03 (H. Doc. No. 569); to the Committee on Appropriations and ordered to be printed.

984. A letter from the First Assistant Secretary of the Interior, transmitting a report as to the accumulation of documents and files of papers not needed or useful in the transaction of the current business of the department and which have no permanent or historical interest, as well as additional lists consisting of papers in the field offices of the General Land Office; to the Committee on Disposition of Useless Executive Papers.

985. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of the Interior for the fiscal year ending June 30, 1923, for promoting civilization and self-support among the Indians of the Mescalero Reservation in New Mexico, as authorized by the act approved February 6, 1923 (Public, No. 404), $250,000 (H. Doc. No. 570); to the Committee on Appropriations and ordered to be printed.

986. A letter from the Secretary of Commerce, transmitting a description of papers on file in the various bureaus of the Department of Commerce which are not needed or useful in the transaction of current business and have no permanent value or historical interest; to the Committee on Disposition of Useless Executive Papers.

967. A communication from the President of the United States, transmitting supplemental and deficiency estimates for the District of Columbia for the fiscal year ending June 30, 1923, and for prior years, amounting to $568,468.39, together with certain proposed legislation (H. Doc. No. 571); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HAUGEN: Committee on Agriculture. H. R. 14302. A bill to establish and promote the use of the official cotton standards of the United States in interstate and foreign commerce, to prevent deception therein and provide for the proper application of such standards, and for other purposes; without amendment (Rept. No. 1593). Referred to the Committee of the Whole House on the state of the Union.

Mr. DALLINGER: Committee on Elections No. 1. H. R. 14224. A bill to determine proceedings in contested elections of Members of the House of Representatives; without amendment (Rept. No. 1595). Referred to the Committee of the Whole House on the state of the Union.

Mr. SNYDER: Committee on Indian Affairs. S. 4061. An act authorizing the Secretary of the Interior to enter into an agreement with Toole County irrigation district, of Shelby, Mont., and the Cut Bank irrigation district, of Cut Bank, Mont., for the settlement of the extent of the priority to the waters of Two Medicine, Cut Bank, and Badger Creeks, of the Indians of the Blackfeet Indian Reservation; without amendment (Rept. No. 1596). Referred to the Committee of the Whole House on the state of the Union.

Mr. SANDERS of Indiana: Committee on Interstate and Foreign Commerce. H. R. 14309. A bill to amend section 206 of the transportation act, 1920; without amendment (Rept. No. 1598). Referred to the Committee of the Whole House on the state of the Union.

Mr. FISHER: Committee on Military Affairs. H. J. Res. 437. A joint resolution authorizing the Secretary of War to loan 3,000 wooden folding chairs to the general committee of the Confederate reunion for use at the annual reunion of the United Confederate Veterans to be held at New Orleans, La., in April, 1923; without amendment (Rept. No. 1599). Referred to the House Calendar.

Mr. WHITE of Kansas: Committee on the Public Lands. H. R. 14296. A bill to authorize the county of Huron, State of Michigan, to convey a certain described tract of land to the State of Michigan for public park purposes; without amendment (Rept. No. 1600). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. COLE of Iowa: Committee on Foreign Affairs. H. R. 7267. A bill granting permission to Mrs. R. S. Abernethy, of Lincolnton, N. C., to accept the decoration of the Bust of Bolivar; without amendment (Rept. No. 1594). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HICKEY: A bill (H. R. 14323) providing for the erection of a public building at Warsaw, Ind., and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. TURNER: A bill (H. R. 14324) to amend section 107 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as heretofore amended; to the Committee on the Judiciary.

By Mr. LANGLEY (by request): A bill (H. R. 14325) authorizing the extension of the park system in the District of Columbia; to the Committee on Public Buildings and Grounds.

By Mr. ASWELL: A bill (H. R. 14326) establishing standard grades of naval stores, preventing deception in transactions in naval stores, regulating traffic therein, and for other purposes; to the Committee on Agriculture.

By Mr. BUTLER: A bill (H. R. 14327) to authorize the Secretary of the Navy to make reimbursement to the Naval Academy dairy for losses sustained by fire; to the Committee on Naval Affairs.

By Mr. HICKS: A bill (H. R. 14328) to reimburse certain persons for loss of private funds in the form of Liberty bonds of the fourth issue and Victory notes while they were general court-martial prisoners confined in the naval prison, Portsmouth, N. H.; to the Committee on Naval Affairs.

By Mr. COCKRAN: A bill (H. R. 14329) to prevent the abatement of actions and suits against any Director General of Railroads or agent appointed under section 206 of the transportation act, 1920, and to effect the revivor of any such suits as may have abated; to the Committee on Interstate and Foreign Commerce.

By Mr. FISH: A joint resolution (H. J. Res. 443) authorizing the appointment of a committee to investigate the leases and contracts executed by the United States Veterans' Bureau, and for other purposes; to the Committee on Rules.

By Mr. McPHERSON: A resolution (H. Res. 528) appointing Richard Streeks and William Bray pages in the House of Representatives at the rate of $900 per annum; to the Committee on Accounts.

By Mr. JOHNSON of Washington: A resolution (H. Res. 529) for the immediate consideration of S. 4092; to the Committee on Rules.

By the SPEAKER (by request): Memorial of the Legislature of the State of North Dakota urging Congress to take such action as will prohibit the further issuance of tax-exempt securities; to the Committee on Ways and Means.

By Mr. YOUNG: Memorial of the Legislature of the State of North Dakota declaring in favor of the passage of the Green joint resolution to amend the Constitution in respect to the issuance of tax-exempt securities; to the Committee on Ways and Means.

By Mr. CHRISTOPHERSON: Memorial of the Legislature of the State of South Dakota, urging Congress to develop the Great Lakes-St. Lawrence deep waterway project; to the Committee on Interstate and Foreign Commerce.

By Mr. HAWLEY: Memorial of the Legislature of the State of Oregon, urging Congress to enact such legislation as will permit the authorities in Oregon to examine all income-tax returns made by those who carry on business within the State of Oregon; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CANTRILL: A bill (H. R. 14330) granting an increase of pension to Emily M. Battson; to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 14331) granting a pension to Naomi Garwood; to the Committee on Invalid Pensions.

By Mr. HICKEY: A bill (H. R. 14332) granting an increase of pension to Maidora C. Parker; to the Committee on Pensions.

By Mr. SNELL: A bill (H. R. 14333) granting a pension to Elizabeth Farr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14334) granting a pension to Perry Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14335) granting a pension to Deborah Knight; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7288. By the SPEAKER (by request): Petition of members of Negaunee Lodge, No. 231, Loyal Order of Moose, indorsing

a movement for a conference of nations to be called by the President of the United States to seek restriction of the production of raw material from which narcotics are made; to the Committee on Ways and Means.

7289. By Mr. ANDREW of Massachusetts: Resolution adopted by the board of directors of the Associated Charities of Salem, Mass., indorsing the proposed amendment to the Constitution of the United States offered by Senator McCORMICK giving Congress the right to control or prohibit the labor of all persons under 18 years of age; to the Committee on Interstate and Foreign Commerce.

7290. By Mr. KISSEL: Petition of Juneau Camp of the Alaska Native Brotherhood, favoring the abolishment of fish traps, as provided in the White bill; to the Committee on the Merchant Marine and Fisheries.

7291. By Mr. LINTHICUM: Petition of L. Greif & Bro., Baltimore, favoring passage of Swing-Johnson bill for construction of Boulder Canyon Dam on Colorado River; to the Committee on Rivers and Harbors.

7292. Also, petition of J. Henry Miller (Inc.), Baltimore, favoring Senate bill 4137, providing for the transfer of certain vessels from the Navy to the Coast Guard after necessary authority has been obtained; to the Committee on Naval Affairs.

7293. Also, petition of Mrs. Samuel A. Tubman, of Baltimore, favoring passage of bill to make Yorktown, Va., a national military park; to the Committee on Public Buildings and Grounds.

7294. By Mr. MacGREGOR: Petition of Charles Koch and other citizens of Buffalo, N. Y., favoring legislation extending aid to the people of the German and Austrian Republics; to the Committee on Foreign Affairs.

7295. By Mr. REED of West Virginia: Petition signed by C. M. Carter, C. B. W. Chapman, and 40 other residents of Clarksburg, W. Va., to abolish discriminatory tax on small-arms ammunition and firearms; to the Committee on Ways and Means.

7296. By Mr. WINSLOW: Petition of residents of Worcester, Mass., and surrounding towns against the passage of House bill 4388; to the Committee on the District of Columbia.

SENATE.

WEDNESDAY, *February 14, 1923.*

(Legislative day of Tuesday, February 13, 1923.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

The VICE PRESIDENT resumed the chair.

DISPOSITION OF USELESS PAPERS.

The VICE PRESIDENT laid before the Senate a communication from the Postmaster General, transmitting, pursuant to law, a schedule of papers and documents on the files of the Post Office Department which are not needed in the conduct of business and having no permanent value or historic interest, and asking for action looking to their disposition, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Vice President appointed Mr. STERLING and Mr. DIAL members of the committee on the part of the Senate, and ordered that the Secretary notify the House of Representatives thereof.

He also laid before the Senate a communication from the Secretary of Commerce, transmitting, pursuant to law, a list of papers and documents on the files of the Department of Commerce which are not needed in the conduct of business and having no permanent value or historic interest, and asking for action looking to their disposition, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Vice President appointed Mr. FERNALD and Mr. SHEPPARD members of the committee on the part of the Senate, and ordered that the Secretary notify the House of Representatives thereof.

He also laid before the Senate a communication from the First Assistant Secretary of the Interior, transmitting, pursuant to law, a list of papers and documents on the files of field offices of the General Land Office which are not needed in the conduct of business and having no permanent value or historic interest, and asking for action looking to their disposition, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Vice President appointed Mr. NORRIS and Mr. KENDRICK members of the committee on the part of the Senate, and ordered that the Secretary notify the House of Representatives thereof.

PETITIONS AND MEMORIALS.

Mr. LODGE presented a petition of Musicians' Protective Union, Local No. 214, American Federation of Musicians, of New Bedford, Mass., praying for modification of the so-called Volstead Act so as to permit the use of light wines and beers, which was referred to the Committee on the Judiciary.

Mr. WILLIS presented a resolution of the Woman's Republican Club of Jefferson County, Ohio, favoring the prompt passage of House bill 14254, relative to World War foreign debt settlement, which was ordered to lie on the table.

Mr. ROBINSON presented a resolution of Culinary Alliance No. 142, of Eldorado, Ark., protesting against the passage of the so-called ship subsidy bill, which was ordered to lie on the table.

He also presented the petition of H. Rouw and sundry other citizens of Van Buren, Ark., favoring the passage of the bill (S. 4399) to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes, which was ordered to lie on the table.

He also presented a resolution of the executive committee, National Council of Farmers' Cooperative Marketing Associations, at Louisville, Ky., favoring acceptance by Congress of the terms recommended by the American commission on refunding of the British debt, which was ordered to lie on the table.

Mr. WARREN presented a resolution adopted by the Salvation Army Conference of Social Workers, in the city of Washington, D. C., favoring the enactment of legislation for investigation of the needs of the Nation for public works to be carried on by Federal, State, and municipal agencies in periods of business depression and unemployment, so as to provide against the recurrence of poverty and distress in such unemployment crises, etc., which was referred to the Committee on Education and Labor.

Mr. McLEAN presented a resolution of the North End Club, of New Haven, Conn., praying an amendment to the Constitution regulating child labor, which was referred to the Committee on the Judiciary.

He also presented resolutions of the advisory board, Hartford section, of the Council of Jewish Women, at Hartford, Conn., favoring the passage of Senate bill 3136, the so-called teachers' salary bill for the District of Columbia, and Senate bill 2040, the so-called compulsory education and school census bill, which were ordered to lie on the table.

Mr. McCUMBER submitted the following concurrent resolution of the Legislature of North Dakota, which was referred to the Committee on Agriculture and Forestry:

[Eighteenth Legislative Assembly of North Dakota, begun and held at the capitol, in the city of Bismarck, on Tuesday, January 2, 1923.]

Concurrent resolution.

Be it resolved by the House of Representatives of the Eighteenth Legislative Assembly of the State of North Dakota (the Senate concurring therein)—

Whereas, since the cessation of the war with Germany and the removal of the minimum wheat-price guaranty of the Federal Government, in effect during a part of the period of the war, the price of wheat to the wheat producer of the Northwest has depreciated to a point far below the cost of production; and

Whereas the general level price on articles which the wheat producer is obliged to buy and consume gives no promise of a proportionate reduction, but, on the contrary, appears to be increasing at this time; and

Whereas these circumstances have caused an unprecedented condition of distress to the wheat producer of the Northwest and to all legitimate enterprises more or less directly dependent upon his prosperity and solvency, which condition of distress is so acute as to threaten a great loss of population in the farming communities of the Northwest, accompanied by consequent insolvency, bankruptcy, and other results so dire and serious as to directly and indirectly affect a large proportion of the population of the Nation; and

Whereas the Federal guaranty of a minimum price of wheat during a part of the war period was, in fact, a serious injustice for the wheat producer of the Northwest, resulting as it did in greatly reducing his price far below the level of the price which supply and demand conditions would have otherwise created, and which, therefore, operated as an actual and artificial reduction and limitation of his price and not as a subsidy; and

Whereas the Government of the United States receives $50,000,000 as profits from the operation of the United States Grain Corporation during the war, which really belongs to the producer; and

Whereas the Northwest wheat producer alone, among all the producers in the United States, suffered such arbitrary reduction in the price of his product during the war period, from which the entire consuming public directly benefited, he being obliged during the said period to pay the highest market prices for all articles which he used and consumed, there being no governmental limitation on the price of any such article during said period; and

Whereas this present condition resulting from the foregoing is such as to threaten a calamity: Now, therefore, be it

Resolved by the House of Representatives of the Eighteenth Legislative Assembly of the State of North Dakota (the Senate concurring therein), That we do hereby respectfully urge the Congress of the United States to take cognizance of the present situation in which the Northwest wheat farmer is placed and the circumstances which have resulted in his present condition of distress, and guarantee a

minimum price of $1.50 per bushel while this emergency lasts; be it further

Resolved, That inasmuch as the policy of Government aid has been recognized under similar circumstances as being proper and constitutional and was so recognized in the six-months' guaranty provision to the railroads, and is now being urged in connection with the so-called ship subsidy bill, the Congress of the United States is hereby respectfully urged and earnestly petitioned to labor to the end that it may find a proper and constitutional means of bringing immediate relief to the Northwest wheat producer by guaranteed price; be it further

Resolved, That the Secretary of State be directed to transmit a copy of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the National House of Representatives, and to all Members of both Houses of the National Congress from North Dakota immediately upon its passage and approval.

ROY JOHNSON,
Speaker of the House.
W. F. CUSHING,
Chief Clerk of the House.
FRANK H. HYLAND,
President of the Senate.
[SEAL.]
W. E. PARSONS,
Secretary of the Senate.

This certifies that the foregoing resolution was adopted by the House of Representatives of the Eighteenth Legislative Assembly of the State of North Dakota, the Senate concurring therein.

W. F. CUSHING,
Chief Clerk of the House.

Mr. McCUMBER presented the following concurrent resolution of the Legislature of North Dakota, which was referred to the Committee on Finance:

[Eighteenth Legislative Assembly, State of North Dakota, begun and held at the capitol, in the city of Bismarck, on Tuesday, the 2d day of January, 1923.]

Concurrent resolution memorializing the United States Congress to prohibit the further issuance of tax-exempt securities.

Whereas the Sixty-first Congress of the United States of America at its first session adopted the sixteenth amendment to the Constitution of the United States of America, providing that Congress have the power to collect taxes on incomes from whatever source derived without apportionment among the several States and without regard to any census or enumeration, which amendment was ratified by joint resolution of the Legislative Assembly of the State of North Dakota in 1911;

Whereas the Congress of the United States of America subsequently enacted a graduated income tax law levying taxes upon incomes on a graduated basis in proportion to the amounts of the respective incomes;

Whereas the United States Government, the several States of the Union, and all the political divisions of said States now have the right to issue their bonds and obligations in form exempt from taxation under said graduated income tax law;

Whereas the several States and their political subdivisions are actually issuing such bonds and obligations in form exempt from taxation under said graduated income tax law to the amount estimated to be more than $1,250,000,000 per annum;

Whereas the investment of wealth in such tax-exempt securities defeats the universal and equitable application of the United States graduated income tax law and also similarly defeats the universal and equitable application of the graduated income tax laws of North Dakota and the several States of the Union and violates the ability principle of taxation and unfairly discriminates between taxpayers, creating social unrest because of the large investments in such tax-exempt securities by the wealthy classes of the Nation;

Whereas every dollar's worth of income and every person should carry a fair portion of the public expense, and a large and rapidly increasing portion of the incomes of the property owners of the Nation is escaping taxation through investment in tax-exempt securities, thereby granting to concentrated wealth an avenue of escape from its equitable share of the cost of Government, and in so doing is in effect granting a private subsidy to certain interests;

Whereas we recognize the Federal graduated income tax as a most equitable and effective plan of taxation, but realize that both its equity and effectiveness will be destroyed in such proportion as those most able to pay are allowed to obtain exemption therefrom by the conversion of their property into tax-exempt securities, and that this Nation ought not to continue with part of its people taxed and part of its people tax free;

Whereas such tax exemption of securities encourages extravagant expenditures on the part of the various States and political subdivisions thereof in the way of unnecessary public improvements and otherwise, withdrawing funds therefor from the necessary business enterprises of the Nation;

Whereas such withdrawal of funds from the necessary enterprises of the Nation is sapping the business vitality of the Nation, increasing the rate of interest required on borrowed capital for all enterprises not carried on by the Government, thereby adding to the cost of living, discouraging investment of funds in new enterprises that are essential to the proper prosperity and development of the Nation and producing a substantial shortage of funds available for farm-mortgage loans and other necessary financing in our State and the several States of the Nation;

Whereas the President of the United States and the Secretary of the Treasury of the United States have both condemned this evil of tax-exempt securities and recommended an amendment to the United States Constitution prohibiting same, the President's statement, as reported to the public press, being in part as follows, to wit: "I think our tax problems, the tendency of wealth to seek nontaxable investment, and the menacing increase of public debt—Federal, State, and municipal—all justify a proposal to change the Constitution so as to end the issue of nontaxable bonds"; and

Whereas there is now pending in the Congress of the United States an amendment to the United States Constitution that will prohibit the further issuance of tax-exempt securities: Now, therefore, be it

Resolved by the Senate of the State of North Dakota (the House of Representatives concurring), That the Congress of the United States of America be, and the same is hereby, memorialized and urged by the Legislative Assembly of the State of North Dakota to take such action as may be necessary to prohibit as soon as possible the further issuance of securities that are in any way exempt from taxation under the income tax law of the United States Government and under the income tax laws of the several States of the Union; and that it be further

Resolved, That certified copies of this concurrent resolution be forwarded by the governor of this State to the Secretary of State at Washington, D. C., and to the President of the Senate and the Speaker of the House of Representatives of the National Congress, and to each of North Dakota's Senators and Congressmen in the National Congress.

FRANK H. HYLAND,
President of the Senate.
W. E. PARSONS,
Secretary of the Senate.
ROY JOHNSON,
Speaker of the House.
W. F. CUSHING,
Chief Clerk of the House.

This certifies that the foregoing resolution was adopted by the Senate of the Eighteenth Legislative Assembly of the State of North Dakota, the House concurring therein.

W. E. PARSONS,
Secretary of the Senate.

REPORTS OF COMMITTEES.

Mr. ODDIE, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 3084) to authorize and provide for the payment of the amounts expended in the construction of hangars and the maintenance of flying fields for the use of the air mail service of the Post Office Department, reported it without amendment and submitted a report (No. 1143) thereon.

Mr. PHIPPS, from the Committee on Education and Labor, to which was referred the bill (S. 4472) to make an investigation of the needs of the Nation for public works to be carried on by Federal, State, and municipal agencies in periods of business depression and unemployment, reported it without amendment.

Mr. NEW, from the Committee on Foreign Relations, to which was recommitted the bill (S. 3701) for the relief of Blattmann & Co., reported it with an amendment.

Mr. CALDER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the resolution (S. Res. 431) to investigate the methods of administration of certain Alaskan fisheries by the Bureau of Fisheries, reported it without amendment and moved that it be referred to the Committee on Commerce, which was agreed to.

Mr. ASHURST, from the Committee on Indian Affairs, to which was referred the bill (H. R. 13128) authorizing an appropriation for the construction of a road within the Fort Apache Indian Reservation, Ariz., reported it without amendment and submitted a report (No. 1144) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McNARY:

A bill (S. 4546) granting a pension to Marguerite Daugherty; to the Committee on Pensions.

By Mr. BROOKHART:

A bill (S. 4547) amending section 230 of the revenue act of 1921; to the Committee on Finance.

By Mr. HARRISON:

A bill (S. 4548) declaring Bear Creek in Humphreys, Leflore, and Sunflower Counties, Miss., to be a nonnavigable stream; to the Committee on Commerce.

By Mr. NORRIS:

A bill (S. 4549) granting an increase of pension to Rosalthe L. Warner; to the Committee on Pensions.

By Mr. SHORTRIDGE:

A bill (S. 4550) to provide for the retirement of certain officers of the Naval Reserve Force on account of physical disability received in the line of duty after many years of service, and for other purposes; to the Committee on Naval Affairs.

A bill (S. 4551) amending the Army appropriation act approved July 9, 1918, providing for appointment and retirement of officers of the Medical Reserve Corps, or contract surgeons; to the Committee on Military Affairs.

By Mr. OVERMAN:

A bill (S. 4552) to incorporate the Belleau Wood Memorial Association; to the Committee on the Judiciary.

By Mr. McCUMBER:

A bill (S. 4553) granting an increase of pension to Mary McCook; to the Committee on Pensions.

By Mr. BURSUM:

A bill (S. 4554) granting a pension to Vicente Fresquez; to the Committee on Pensions.

By Mr. KELLOGG:

A bill (S. 4555) to authorize the Valley Transfer Railway Co., a corporation, to construct and operate a line of railway in and upon the Fort Snelling Military Reservation in the State of Minnesota; to the Committee on Military Affairs.

A bill (S. 4556) granting the consent of Congress to the Valley Transfer Railway Co., a corporation, to construct three bridges and approaches thereto across the junction of the Minnesota and Mississippi Rivers, at points suitable to the interests of navigation; to the Committee on Commerce.

AMENDMENT TO THIRD DEFICIENCY APPROPRIATION BILL.

Mr. LODGE submitted an amendment intended to be proposed to the third deficiency appropriation bill proposing that the Secretary of the Interior be authorized and directed to deduct from the amount of the judgment heretofore rendered by the Court of Claims in favor of the Santee Sioux in the case of Mdewakanton and Wahpakoota bands of Sioux Indians, otherwise known as Santee Sioux Indians *v.* The United States, No. 33728, in the sum of $15,000, and to pay the same to Charles A. Eastman in compensation for his services to the claimants in the case and in full satisfaction of all claims on his part under the terms of the so-called Hill-Eastman contract, etc., which was referred to the Committee on Appropriations and ordered to be printed.

CLAIMS OF CERTAIN ARMY OFFICERS.

Mr. ROBINSON submitted an amendment intended to be proposed by him to the bill (H. R. 11397) to authorize appropriations for the relief of certain officers of the Army of the United States, and for other purposes, which was referred to the Committee on Claims and ordered to be printed.

MDEWAKANTON AND WAHPAKOOTA (SANTEE) SIOUX.

Mr. NORRIS submitted an amendment intended to be proposed by him to the bill (H. R. 13835) authorizing the Secretary of the Interior to appraise tribal property of Indians, and for other purposes, which was referred to the Committee on Indian Affairs and ordered to be printed.

WORLD WAR FOREIGN DEBT SETTLEMENT.

Mr. HITCHCOCK submitted an amendment proposing to strike out lines 10, 11, and 12, on page 3 of the bill (H. R. 14254) to amend the act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign governments held by the United States of America, and for other purposes," approved February 9, 1922, which was ordered to lie on the table and to be printed.

INTERNATIONAL LAW OF PEACE.

Mr. BORAH. I submit a resolution and ask that it be printed and lie on the table.

The resolution (S. Res. 441) was ordered to lie on the table and to be printed, as follows:

Whereas war is the greatest existing menace to society and has become so expensive and destructive that it not only causes the stupendous burdens of taxation now afflicting our people but threatens to engulf and destroy civilization; and

Whereas civilizaion has been marked in its upward trend out of barbarism into its present condition by the development of law and courts to supplant methods of violence and force; and

Whereas the genuis of civilization has discovered but two methods of compelling the settlement of human disputes, namely, law and war, and therefore in any plan for the compulsory settlement of international controversies we must choose between war on the one hand and the process of law on the other; and

Whereas war between nations has always been and still is a lawful institution; so that any nation may, with or without cause, declare war against any other nation and be strictly within its legal rights; and

Whereas revolutionary wars, or wars of liberation, are illegal and criminal, to-wit, high treason, whereas under existing international law wars of aggression between nations are perfectly lawful; and

Whereas the overwhelming moral sentiment of civilized people everywhere is against the cruel and destructive institution of war; and

Whereas all alliances, leagues, or plans which rely upon force as the ultimate power for the enforcement of peace carry the seeds either of their own destruction or of military dominancy to the utter subversion of liberty and justice; and

Whereas we must recognize the fact that resolutions, or treaties, outlawing certain methods of killing will not be effective so long as war itself remains lawful, and that in international relations we must have not rules and regulations of war but organic laws against war; and

Whereas in our Constitutional Convention of 1787 it was successfully contended by Madison and Hamilton that the use of force when applied to people collectively—that is, to States or Nations, was unsound in principle and would be tantamount to a declaration of war; and

Whereas we have in our Federal Supreme Court a practical and effective model for a real international court, as it has specific jurisdiction to hear and decide controversies between our sovereign States; and

Whereas our Supreme Court has exercised this jurisdiction without resort to force for 135 years, during which time scores of controversies have been judicially and peaceably settled that might otherwise have led to war between the States, and thus furnishes a practical exemplar for the compulsory and pacific settlement of international controversies; and

Whereas an international arrangement of such judicial character would not shackle the independence or impair the sovereignty of any nation: Now, therefore, be it

Resolved, That it is the view of the Senate of the United States that war between nations should be outlawed as an institution or means for the settlement of international controversies by making it a public crime under the law of nations, and that every nation should be encouraged by solemn agreement or treaty to bind itself to indict and punish its own international war breeders or instigators and war profiteers under powers similar to those conferred upon our Congress under Article I, section 8, of our Federal Constitution, which clothes the Congress with the power "to define and punish offenses against the law of nations"; and be it further

Resolved, That a code of international law of peace based upon equality and justice between nations, amplified and expanded and adapted and brought down to date, should be created and adopted;

Second. That a judicial substitute for war should be created (or if existing in part, adapted and adjusted) in the form or nature of an international court, modeled on our Federal Supreme Court in its jurisdiction over controversies between our sovereign States, such court to possess affirmative jurisdiction to hear and decide all purely international controversies as defined by the code or arising under treaties, and to have the same power for the enforcement of its decrees as our Federal Supreme Court, namely, the respect of all enlightened nations for judgments resting upon open and fair investigations and impartial decisions and the compelling power of enlightened public opinion.

REGULATION OF CHILD LABOR.

Mr. McCORMICK. I submit a resolution and ask that it may lie on the table.

The resolution (S. Res. 442) was ordered to lie on the table, as follows:

Resolved, That the Committee on the Judiciary be discharged from the further consideration of the joint resolution (S. J. Res. 232) proposing an amendment to the Constitution of the United States relative to child labor.

RESERVE OFFICERS' TRAINING CORPS WORK IN COLLEGES.

Mr. OVERMAN. I ask unanimous consent to have printed in the RECORD and referred to the Committee on Military Affairs, for the consideration of the committee of conference on the Army appropriation bill, a letter from one of the most distinguished men of the country, the president of Davidson College, North Carolina, advocating the increase in the appropriation for the Reserve Officers' Training Corps work in colleges made by the Senate.

There being no objection, the letter was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

DAVIDSON COLLEGE,
OFFICE OF THE PRESIDENT,
Davidson, N. C., February 9, 1923.

Hon. LEE S. OVERMAN,
United States Senate, Washington, D. C.

MY DEAR SENATOR: My attention has been drawn to the fact that the bill of the War Department is before the Senate and will later be in conference between the Senate and the House. My special attention has been drawn to the attitude of these bodies toward the appropriation for the Reserve Officers' Training Corps work in the colleges. I learn that in round numbers the Budget Commission recommended an appropriation for the ensuing year for the Reserve Officers' Training Corps work of $4,401,000, and that the War Department scaled this as far as they thought it ought to be scaled and suggested $4,121,000. The House of Representatives reduced this to $3,250,000 and the Senate advocates an appropriation of $4,000,000.

I am a man of peace and do not believe in assuming that we are always on the verge of war; yet I know how unsettled the conditions are in the world and that possibly we are not entirely free from the further possibility of trouble. I am not anticipating this, however, for history seems to teach us that after such a clash as we recently had there will be a more or less extended period in which we will not be engaged in conflict. I am therefore rather sympathetic with the reduction of the standing Army to as low a point as is consistent with the condition of the times and the proper policing of our possessions. However, I do believe that we ought to bear in mind the future possibilities and make such preparation as is sane without creating a militaristic spirit in the land.

I think we were taught in the last war that it was fairly easy to quickly train our young men into efficient common soldiers, but that it was practically impossible to as quickly train even our best young manhood into efficient officers in so short a space of time. My idea of an officer may be wrong, but it is this: That he must be by long association and training so conversant with his duties and so accustomed thereto that in moments of intensest excitement he performs them almost automatically and with the utmost coolness. It seems to me that it is very much like learning to drive an automobile and putting the driver under conditions he would find in the crowded streets of a city. If he is a novice he will have learned to drive with smoothness on a country road, where he meets few vehicles and has plenty of room to pass, and where there is no commotion or excitement. Under these conditions he gets along all right. But put him with only so much instruction or experience into the crowded city, such as would be found on the streets of New York, with automobiles dashing in every direction, pedestrians constantly crossing the streets, surface cars going up and down, with the elevated rumbling above his head, which would all be to the novice confusion, turmoil, and excitement, it is a decidedly different matter, and until his driving has become to him a second nature, so that automatically he touches the right lever, he is apt to be jammed into by some one or run into another. This is somewhat the condition of many of the young officers in our last war who were taken out of civil life and given a few months of training and then put upon the battle field to handle men under fire.

The Reserve Officers' Training Corps seems to me to remedy this serious condition of affairs without in the slightest degree creating a militaristic spirit, and at the least possible cost to the Nation. The Nation is furnished under this system the very finest of its youth to train for the possible eventualities of the future. It offers them at a time when they are willing to undergo this training. It offers them to the Government through four years of such training, thus slowly and gradually acquainting them with the fundamental duties of the officer through such a period that they soon become practically automatic in the performance of those duties. Later, if the occasion arises, these men can be taken to camps and given intensive training

and be turned out practically as finished products as come from West Point itself.

I do not find that students graduating from our college, where they have taken the full Reserve Officers' Training Corps course, have had in the slightest degree any militaristic spirit engendered in them.

Then, if you will take into consideration that this safeguard to the Nation is provided at such an insignificant cost as even the amount suggested by the Budget system, namely, $4,401,000, it seems to me that it is "saving at the spigot and losing at the bung" to cut this amount down a few hundred thousand dollars and injure the efficiency of the whole system.

I wish you would bear in mind that the student taking this Reserve Officers' Training Corps course does it voluntarily, and is not required to do so—certainly this is true in the two advanced years of the course. Now, a student does not come to a college of this character in order to become a soldier, and while he is patriotic, it does not at his time of life appeal to him to prepare against a possible eventuality when he is directly interested in other lines of endeavor and preparing himself for those lines. It is human nature, therefore, to have to appeal to him in such a way as will encourage him to take this course. The Government started out to do this by providing good instruction, a certain amount of clothing, and a certain provision toward payment of board. Almost from the first I have noticed that there has been a tendency to so decrease and curtail these emoluments that it is losing its attraction for the students. It will not do to say they are failing in patriotism. If the occasion should ever arise they will, as before, take hold and sacrifice their lives; but they are not yet men of foresight and judgment—if they were they would not be in college. You can not catch fish by baiting your hook with a statement that it is the fish's duty to patriotically sacrifice itself to the appetite of man. It takes the appeal of a wriggling worm; and somewhat the same thing is true in human nature, especially with young human nature. I think I see a disposition on the part of Congress to remove the worm from the hook and put on the dry appeal of sacrifice to the individual to put away that which would prepare him more particularly for the lines of life he is going into and take up the Reserve Officers' Training Corps course to prepare himself for a possible, though improbable, danger to the country.

I have written far too long a letter and I am not sure but that I have done the cause an injury to ask you to read it, but I do hope you will use your influence to see that this appropriation is not cut down to such an extent that the work of the Reserve Officers' Training Corps becomes inefficient.

I am, very sincerely yours,

WM. J. MARTIN, *President.*

DISTRICT OF COLUMBIA APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives on certain amendments of the Senate to House bill 13660, the District of Columbia appropriation bill, which was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, UNITED STATES,
February 10, 1923.

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 24, 55, 64, 65, 75, 117, and 123 to the bill (H. R. 13660) entitled "An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1924, and for other purposes," and concur therein.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and concur therein with an amendment as follows: In lieu of the matter proposed by said amendment insert:

"The Architect of the Capitol, in collaboration with the Commissioners of the District of Columbia, shall prepare plans for the erection of a fireproof addition to the courthouse of the District of Columbia for the use of the office of the recorder of deeds and such other activities of the government of the District of Columbia as the commissioners may designate, including fireproof vaults and heating and ventilating apparatus, and such plans, together with an estimate of the cost of construction in accordance therewith, shall be transmitted to Congress on the first day of the next regular session."

That the House recede from its disagreement to the amendment of the Senate numbered 56, and concur therein with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows: "$136,032, of which $111,032 shall be paid wholly out of the revenues of the District of Columbia and $25,000, or so much thereof as may be expended for the purchase of sites for playgrounds and for the improvement of such playgrounds, shall be paid 40 per cent out of the Treasury of the United States and 60 per cent out of the revenues of the District of Columbia."

That the House recede from its disagreement to the amendment of the Senate numbered 76, and concur therein with an amendment as follows: In line 5 of the matter inserted by said amendment strike out the words "in the vicinity of," and in lieu thereof insert "between"; and in line 15 of the matter inserted by said amendment, after the word "contracts" insert ", as in this act provided."

That the House recede from its disagreement to the amendment of the Senate numbered 83, and concur therein with an amendment as follows: In lieu of the sum proposed by said amendment insert "$1,300,000."

That the House recede from its disagreement to the amendment of the Senate No. 105, and concur therein with an amendment as follows: In lieu of the matter proposed by said amendment insert:

"The president of the board of trustees of the National Training School for Girls of the District of Columbia is hereby authorized and directed to purchase a tract of land of not more than 160 acres, situated in the District of Columbia or in the State of Maryland or in the State of Virginia, as a site for the use of said school, and the said board of trustees is hereby authorized to construct on said tract buildings of sufficient capacity to accommodate not more than 150 persons, the plans and specifications for which shall be prepared by the municipal architect of the District of Columbia. The purchase price for the said tract of land, the erection of the said buildings, and all expenses incidental thereto shall not exceed the sum of $62,000, which amount is hereby appropriated for that purpose. The title to the said property shall be taken directly to and in the name of the United States; and in case a satisfactory price can not be agreed upon for the purchase of said land, or in case the title can not be made satisfactory to the Attorney General of the United States, then the latter is directed to acquire said tract of land by condemnation and the expense of procuring evidence of title, or of condemnation, or both, shall be paid out of the appropriation herein made for the purchase of said tract. The board of trustees of said school may, in their discretion, remove and transport to the aforesaid tract for such legal periods as they may see fit any of the girls who may have been committed to the National Training School for Girls in the District of Columbia, and the board of trustees of said school shall have the same power and authority over such girls during the period of their commitment to said tract, or while they are being conducted to or from said tract, as they now possess over such girls within the limits of the District of Columbia. When the buildings herein authorized to be constructed shall be in readiness to receive girls committed to the National Training School for Girls, it shall not be lawful to keep white and colored girls on the same reservations under the control of the board of trustees of said school."

That the House recede from its disagreement to the amendment of the Senate No. 112, and concur therein with an amendment as follows: In lieu of the matter proposed by said amendment insert:

"The Commissioners of the District of Columbia are authorized and directed to acquire a site for a home and school for feeble-minded persons, said site to be located in the District of Columbia or in the State of Maryland or in the State of Virginia, and to erect thereon suitable buildings at a total cost not exceeding $300,000, of which not more than $38,000 shall be expended for a site, and toward said purpose there is reappropriated the sum of $100,000 contained in the District of Columbia appropriation act for the fiscal year 1923 toward the erection of suitable buildings for a home and school for feeble-minded persons, to be available immediately. If the land proposed to be acquired is within the District of Columbia and the same can not be acquired by purchase at a price satisfactory to the commissioners, they are authorized to condemn the same under the provisions of chapter 15 of the Code of Law for the District of Columbia. If the land proposed to be acquired is without the District of Columbia and can not be purchased at a satisfactory price, the Attorney General of the United States, at the request of the Commissioners of the District of Columbia, shall institute condemnation proceedings to acquire such land as may be selected for said site either in the State of Maryland or in the State of Virginia in accordance with the laws of said States, the title of said land to be taken directly to and in the name of the United States, but the land so acquired shall be under the jurisdiction of the Commissioners of the District of Columbia as agents of the United States, and expenses of procuring evidence of title or of condemnation, or both, shall be paid out of the appropriation herein made for the purchase of said site. The persons to be admissible to said home and school and the proceedings with reference to securing such admission to be in accordance with law. The authorization to use a site for a home and school for feeble-minded persons on lands owned by the District of Columbia, contained in the District of Columbia appropriation act for the fiscal year 1923, is hereby repealed."

That the House recede from its disagreement to the amendment of the Senate No. 116, and concur therein with an amendment as folllows: In lieu of the sum proposed by said amendment insert "$2,500."

That the House recede from its disagreement to the amendment of the Senate No. 118, and concur therein with an amendment as follows: In lieu of the matter proposed by said amendment insert:

"The Board of Engineers constituted by Public Act No. 441, approved March 2, 1911, is hereby directed to submit through the Chief of Engineers, United States Army, on the first day of the next regular session of Congress a report on the desirability or undesirability of continuing the said project above Benning Bridge, and if it is to be so continued what modifications in existing project above Benning Bridge appear desirable and in the interest of economy. Such report shall include such recommendations with a statement of the facts and shall include detailed estimates of cost under the modifications proposed compared with the estimates under present plans and the decrease in cost as a result of such modification."

That the House recede from its disagreement to the amendment of the Senate No. 124, and concur therein with an amendment as follows: In line 7 of the matter inserted by said amendment, before the word "Key," insert "Francis Scott."

That the House recede from its disagreement to the amendment of the Senate No. 126, and concur therein with an amendment as follows: In line 28 of the matter inserted by said amendment, strike out "extended" and insert "expended."

That the House recede from its disagreement to the amendment of the Senate No. 129, and concur therein with an amendment as follows: In line 43 of the matter inserted by said amendment, after "within," insert "or without."

That the House insist upon its disagreement to the amendment of the Senate No. 127.

Mr. PHIPPS. Mr. President, there were certain amendments to the bill which the conferees on the part of the House under the rules of the House had to take back to that body. The conference report was presented last week and agreed to. The House has taken its action on those amendments, and there remains now action on the part of the Senate upon the amendments of the House to the amendments of the Senate, which were practically agreed upon in conference.

Mr. SMOOT. And that will be a complete agreement?

Mr. PHIPPS. It will be a complete agreement except as to one item, which, on account of a technicality, I wish to have taken back to conference.

Mr. SMOOT. I shall object to further discussion of the matter. I could not object to the Chair laying it before the Senate because that is privileged. If it is going to lead to any discussion at all I must object.

Mr. PHIPPS. I do not think there will be any discussion upon it.

Mr. SMOOT. With the understanding that if it does, the matter will not be pressed, I have no objection.

Mr. PHIPPS. I move that the Senate recede from its amendment numbered 127, agree to the amendments of the House to the amendments of the Senate numbered 33, 56, 76, 83, 105, 112, 116, 118, 126, and 129, and that the Senate disagree to the amendment of the House to the amendment of the Senate numbered 124 and request a further conference on the same,

and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. PHIPPS, Mr. JONES of Washington, Mr. BALL, Mr. GLASS, and Mr. SHEPPARD conferees on the part of the Senate at the further conference.

WORLD WAR FOREIGN DEBT SETTLEMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14254) to amend the act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign governments held by the United States of America, and for other purposes," approved February 9, 1922.

Mr. LODGE obtained the floor.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. SMOOT. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Lodge	Sheppard
Ball	Frelinghuysen	McCumber	Shields
Bayard	George	McKellar	Smith
Borah	Gerry	McLean	Smoot
Brookhart	Glass	McNary	Spencer
Broussard	Gooding	Moses	Sterling
Bursum	Hale	Nelson	Sutherland
Calder	Harreld	New	Swanson
Cameron	Harrison	Nicholson	Townsend
Capper	Heflin	Norbeck	Trammell
Caraway	Hitchcock	Oddie	Underwood
Colt	Johnson	Overman	Wadsworth
Couzens	Jones, Wash.	Owen	Walsh, Mass.
Culberson	Kellogg	Page	Walsh, Mont.
Cummins	Keyes	Phipps	Warren
Curtis	King	Pomerene	Watson
Dial	Ladd	Ransdell	Weller
Dillingham	La Follette	Reed, Pa.	Williams
Fernald	Lenroot	Robinson	Willis

Mr. CAPPER. I desire to announce that the senior Senator from Nebraska [Mr. NORRIS] is absent on official business.

The VICE PRESIDENT. Seventy-six Senators having answered to their names, a quorum is present.

Mr. LODGE. Mr. President, I dislike very much to take any time in discussing the bill, because I am so anxious to get a vote upon it at the earliest moment, but I can not allow it to pass without expressing my views upon it as briefly as possible.

The indebtedness which we are now, I hope, about to adjust and settle with Great Britain was incurred by the action of both parties. The bond act which authorized the making of the loans to other countries was reported from the Finance Committee, of which I then happened to be a member, and reported by a vote of members of both parties, for at that time during the war party lines were effaced and both parties were equally responsible for the authority given in the bond act to make the advances to countries with which we were associated in the war. The bill passed the Senate by the action of both parties. There was no party line there.

The authority given by that act granted to the Secretary of the Treasury the power to make the loans, limited to $10,000,000,000 in amount. The loans were made by the Secretary of the Treasury, Mr. McAdoo, alone. If he consulted Members of the House or Senate in regard to them, it was not done officially. He took the heavy responsibility imposed upon him by Congress, the great authority given, and carried it out as seemed to him best. I do not remember that on either side any criticism was made because of his acting on his own responsibility in that way, or that there was any snarling because he had not consulted Members of the House or Senate. He was acting, of course, for the United States, and no sign of party was shown in regard to the fact that he did it alone under the authority conferred upon him without general consultation with Members of Congress.

It now has fallen upon this Congress and this administration to endeavor to adjust the debts. The first one we are called upon to deal with is the one now pending before us, the settlement of the debt with Great Britain, which is, of course, much the largest debt owed by any one country.

The commission appointed to deal with the debts was limited by the law enacted by Congress in regard to the settlement of interest and the maturity of the bonds. It was found that it would be impossible for Great Britain to meet the loan and pay her debt within the limitations imposed by the law. The commission very properly, as I think, then proceeded to determine so far as they could what Great Britain would be able to pay.

Having received their statements in regard to vital points, they have come to Congress for authority to carry out the settlement which has been arranged. It seems to me, however, that as the debt was incurred by both political parties and is a debt of the United States it should be settled now by the action of both parties for the best interest of the entire country. Personally I should have been very glad if the commission had been increased to seven and there had been included in its membership a Democratic Member from the Senate and a Democratic Member from the House of Representatives, but that does not appear to me to alter in any way the relation of Congress to the settlement now pending before it. In the House of Representatives, where the bill was passed by an overwhelming majority, no party lines were drawn and a large majority of the minority party, headed by the Democratic leader of the House, supported the adjustment and voted for it.

I do not think, Mr. President, that it is necessary for me to dwell upon the importance of this settlement. It is a great substantial fact. It is of value to both the countries participating in the settlement and it is also of value to the world. The United States started with the proposition, of course, that there was to be no cancellation of the foreign debts, in which proposition I have from the beginning thoroughly believed. The United States at the close of the war, despite its very great services in bringing the war to an end, made no claim for any territory. It sought for none; it asked for none; it made no claim for reparations; but the country has believed—and it is a belief which I share—that under those circumstances it is only proper that loans which were made by the United States on a business basis should be in some degree at least repaid.

I am certain also that it is the feeling of the people of the United States, and it has frequently been expressed here on the floor, that the United States has no desire to exact usurious interest or to make hard terms with our debtors. We are well aware, and the whole world knows, that we should not go to war with any country for the purpose of collecting a debt; but we propose to hold these debts and try to settle them with our debtors on the most reasonable and generous basis possible.

I am not going into the details of this settlement. They have been most thoroughly and ably presented to the Senate by the Senator from Utah [Mr. SMOOT] and the Senator from North Dakota [Mr. MCCUMBER], and it would be simply taking the time of the Senate uselessly for me again to go over the details.

I desire only to speak in a most general way of the settlement. To us, at least, there is a very large selfish interest in the settlement. Assuming, as we all must, that we have no intention of collecting the debt by force from Great Britain or from any other country, I think that we gain by this settlement a very large amount of money. The time of the maturity of the debt, I know, is long, but we are placing on posterity a large share of the debt we incurred in the World War. I think it is perfectly proper to do so. The issues involved in that war affected not only contemporary nations or peoples, but the manner in which they were settled will, I hope and believe, be of benefit to the world in the future. So it certainly could not be otherwise than agreeable to posterity when we are handing them down, as we shall, the great debt which they must meet, that we should also hand down to them a steady payment on one of the settlements amounting to over $4,500,000,000 which they will from year to year receive.

Mr. President, it being of financial value to us, I ask the attention of the Senate for a few moments to the conditions which surround Great Britain, our debtor, with whom we are making the settlement. Great Britain is carrying an enormous burden of taxation. I have no intention of drawing a dark picture for the purposes of the argument; in fact, it would not be becoming for me to do so, as it concerns another country; I am only desirous of calling attention to facts which I think no one can dispute, and, first, is the heavy burden of taxation which Great Britain is now bearing. In the war she lost in killed, I think, 908,371 men, who were taken necessarily from the youth of the land, who were taken from the men who under normal conditions would have been the bone and sinew of the country for the next generation, to whom the country must have looked to be the fathers of families, but who have been swept away, leaving a very great excess of unmarried women of marriageable age. There was a large increase of marriages in Great Britain immediately after the close of the war, but not a corresponding increase in birth rate, and since then the birth rate, if I am correctly informed by such statistics as I have been able to examine, has been declining; and that, at this moment particularly, is a very serious matter for the country.

The effect of the taxation has been very severe. We all know, as a matter of general information, how many not only of the great landed estates in England but the smaller country estates have been sold under the compulsion of taxation, and how much that class, which suffered so severely in the war, has been

obliged to bear of loss and depreciation of homes and lands under the new conditions.

Perhaps the severest blow has been dealt by the enormous taxation and the results of the war to what is called there the middle class—the people of fixed salaries and very moderate incomes. It includes professional men; it includes the clergy; it includes professors in the universities; it includes teachers; and that great body of people living chiefly in the immediate neighborhood or in the suburbs of London, who supply the clerks, cashiers, accountants, and salesmen of the great shops, the banking houses, and all the huge and intricate machinery of modern business. Their earnings, their wages, have not been advanced, or, if advanced, the increase has been very little in proportion to the advances in other directions. Moreover, there has been a decline in the value of the pound. Many of those people who formerly lived comfortably and maintained respectable homes with 350 or 400 pounds a year find themselves reduced to 150 or 100 pounds a year in purchasing power. They are a very important class in Great Britain; they are a very important portion of any modern society, and their suffering has been very severe.

As to labor, immediately after the war there was, as we all know, a brief period of great prosperity, when wages rose; but since that rise and general employment wages have been forced down by economic conditions, and unemployment has again increased until the Government has been forced, or believe they have been forced, to aid those out of work by what they call doles—a very dangerous mode of relief, undoubtedly.

It is true that in the British Empire there are vast regions very sparsely populated and offering large opportunity for labor and for settlement, but the birth rate is declining and emigration, therefore, from Great Britain falls off.

Mr. President, this is a mere outline; I could bring before the Senate from accounts that I have read specific details of what I have stated. I have no desire to be pessimistic, and I am not pessimistic about the fortunes of the British Empire, any more than I am pessimistic about the future of my own country; but the gravity of the situation at the present moment and the conditions which surround the people of Great Britain and her Empire is very great, indeed. Great Britain has not taken the ground that has been taken by other countries owing money to the United States. Despite all these burdens and all the misfortunes which Great Britain has pressing upon her, she is determined to pay, just so far as she is able to pay, and on a fair arrangement, this vast debt.

I think we must all agree that a people, under such conditions as the war has left to them, who are ready to meet this great debt, to meet it on reasonable conditions, show an indomitable courage, a great national courage, an "unconquerable will," a keen sense of financial honor, and high honesty in meeting their obligations.

It is true that Great Britain has a profound interest in the settlement which may be called selfish, but which, I think, goes far beyond her own immediate interest. She is determined above all things to sustain her credit. Of course, the credit of Great Britain has been for more than one century—for two or three centuries—the highest in the world. In the last century and in the eighteenth century the rates at which she could borrow money were far lower than those of any other country, often ranging for considerable periods below 3 per cent. Great Britain's credit is essential not merely to her prosperity but to her very existence, because she is the great commercial nation of the world, and on her foreign commerce she largely depends. If she is to live at all she must maintain her credit, even at heavy sacrifices; and undoubtedly that plays an important part in her effort to pay this debt. But the maintenance of Great Britain's credit is not for her own benefit alone; it is a benefit to the world, it is a benefit to us. England, as I shall show in a moment, is our largest customer; and the few figures which I will give, I think, deserve the attention of the Senate.

We have developed in the course of past years a very great export trade, not merely in cereals and raw materials, which we have had for a very long time, but in manufactured articles as well; and without markets we shall suffer severely.

I wish now to call attention very briefly to the figures which show the importance of the British market to the United States. We exported last year to Great Britain—to England, Scotland, and Ireland, the United Kingdom—$855,875,921. We exported to the British dominions scattered over the world $805,230,833. The total exports of 1922 to the British Empire by this country were $1,661,106,754. Our total exports for the same year were $3,765,192,135. We imported from the British Empire hardly half that amount, and our exports to England are not far short of half of our total exports.

Let me take one or two specific cases.

The value of unmanufactured raw cotton exported to the United Kingdom and Canada was $225,138,105. Of course, the shortage in the crop caused by the boll weevil and other circumstances here has reduced our total crop; but that is an enormous sum to come to us from the export of one crop. Taking corn and wheat, for the last year we exported, in round figures, $67,000,000 of value of corn and wheat; that is, in round numbers, 53,000,000 bushels.

I mention this simply to show the importance of the British market, which is $1,600,000,000 out of a total of $3,765,000,000. Therefore, that England shall be able to buy from us and offer us this great market, her credit must be sustained. The purchasing power of the world has been enormously reduced; and, although we have fared better than any other nation, and have to-day the largest volume of exports and imports, we have suffered and must suffer from the reduction of the purchasing power caused by the war; and that reduction of purchasing power unhappily can not be replaced by any artificial means. Only time will heal the wounds and the losses which were caused by the war; and yet our total exports in 1913 were $2,484,018,292, and to-day they are $3,765,192,135.

It is very remarkable that we have been able to hold the volume of our exports as far as we have, and especially so because the total imports from the United Kingdom and the British dominions for nine months were $256,000,000, and the estimated total for 12 months is $597,000,000, not half what we are exporting to Great Britain and the British dominions.

I think, Mr. President, that, putting this question solely on the pecuniary and, if you choose so to call it, selfish ground, it is greatly to our interest to make a reasonable arrangement with Great Britain for the settlement of the debt, she being the only country which has come forward with any offer at all, and that we shall find our own return not only in the great sum of money which will be paid us in the course of a half century but in the upbuilding and sustaining of British business credit throughout the world.

I am not going into this question any further, Mr. President. What I wish to call attention to far more than to the selfish interest we may have in it is that this settlement between the two greatest commercial and industrial nations of the world—the only two solvent nations in the world to-day—will have the most far-reaching possible effect for good upon the stability of business throughout the world. If we can do something in this direction to stabilize business—and this will certainly do it—to tranquilize the anxiety of people everywhere who are struggling against these adverse conditions in order to get back to a normal condition, we shall have rendered the most substantial service to the cause of peace and prosperity and a return to a normal state that has been rendered since the war.

It seems to me, Mr. President, that this settlement of the debt authorized by both nations, and now to be settled by the action of both political parties, as was demonstrated in the House, is the greatest possible practical service to the cause of peace and tranquillity that any nation has had the opportunity to render. It is before us here to-day to utter the decisive word. The House has acted. The Executive has acted so far as he had power. The final word, as so often happens, rests here in the United States Senate. So much is at stake, the settlement is of such value not only to us and to Great Britain but to mankind, that it ought not to fail. In my judgment, it can not fail; and as we are unhampered, free in all our actions, we shall make in this way a contribution to the peace of the world and the future security of peace which has not been made by any nation up to this point since the armistice was signed on the 11th of November, 1918.

A FEW OBSERVATIONS ON THE FUNDING OF THE BRITISH DEBT.

Mr. LADD. Mr. President, while I am personally strongly in favor of coming to an early agreement with Great Britain regarding the debt owed the United States and on as favorable terms to each nation as can be arranged for without doing serious injustice to either nation, on the other hand, I feel the general public, who, after all, must, as in the past, foot the lion's share of the bills, have a right to be taken into our confidence, even though we have not been so honored by the representatives of the contracting parties.

I have endeavored, therefore, to acquaint myself with some of the essential provisions of the proposed act for the funding of the British debt, and shall endeavor to set forth a few of my observations and understandings that the record may be available to the public.

According to the report of the Secretary of the Treasury on the state of the finances for the fiscal year 1922, the obligations of various foreign governments held by the Treasury on

November 15, 1922, aggregated $10,045,282,026.60, principal amount, of which $9,386,311,178.10 represented loans under the Liberty bond acts and $574,876,884.95 for the sale of surplus war material under the act of July 9, 1918. Of the first amount, the loans to Great Britain alone amounted to $4,277,000,000 on that Government's notes, payable on demand, and bearing interest at the rate of 5 per cent per annum, at that time considerably below the rate prevailing in the American money markets, and less than that carried by the short-term Treasury certificates which our Government was forced to issue during and after the latter part of the above period. With unpaid interest, the total amounted to $4,628,657,185.50 on November 15, 1922.

For the funding of these foreign debts Congress created by the act of February 9, 1922, the World War Foreign Debt Commission of five members, with the Secretary of the Treasury as chairman. As originally proposed, the debt funding bill granted plenary powers to the commission, but Congress insisted on the incorporation of four provisions on the ground that it would be unwise to intrust to any five men such absolute and stupendous power as that involved in a funding operation of hitherto unheard of magnitude. These limitations were as follows:

1. Limiting the power of the commission to extend the time of maturity of any of the bonds or other obligations due to the United States, as a result of the funding operation, beyond June 15, 1947.

2. Restraining the commission from fixing the rate of interest at less than 4¼ per cent per annum.

3. Interdiction of the exchange of bonds or other obligations of any foreign government for those of any other foreign government.

4. Denial of authority to cancel any part of the indebtedness except through payment thereof.

The commission was organized April 18, 1922, and forthwith, through the Secretary of State, informed the various governments whose obligations arising out of the World War are held by the United States of its readiness to receive proposals or representations for the settlement or refunding of these obligations. Thus far the following countries have designated representatives to negotiate with the commission: Belgium, Czechoslovakia, Finland, France, Great Britain, Hungary, Poland, Rumania, and Serbia.

In July, 1922, Great Britain announced that it would send a special delegation to negotiate for the funding of the British debt, but the departure of the delegation was postponed until after the elections in that country. However, it was reported in our press that Mr. Montagu Collet Norman, governor of the Bank of England, visited Washington incognito last summer and informally presented the British viewpoint. Subsequently the British Government designated as its representatives the Right Hon. Stanley Baldwin, Chancellor of the Exchequer, and the same Mr. Montagu Norman, who conferred with the commission and presented facts relating to the position of the British Government, as a result of which the proposed settlement of the British debt has been negotiated by the commission.

On February 7, 1923, President Harding, in his personally delivered message to Congress, urgently recommended the ratification of the basis of settlement reached and fully indorsed the reasons underlying this settlement as set forth in the report of the World War Foreign Debt Commission. These may be briefly summarized as follows:

1. That it would not be possible to reach an agreement for funding within the limits of the act of February 9, 1922, creating the commission.

2. That the proposed settlement basis is fair and just to both Governments.

3. That its prompt adoption would be an important contribution to international stability and that the extension of the repayment period will make for the stabilization of exchange and the promotion of commerce.

4. That the payment of the principal on the basis of positive annual installments of increasing volume will firmly establish the principal of the repayment of the entire capital sum.

5. That the repayment of interest has been established at the approximately normal rates payable by strong governments over long terms of years.

6. That it would not be just to demand the high interest rates prevailing during the war and reconstruction over a long period of years, tending, besides, to defeat efforts at settlement.

7. That suitable consideration had to be given to present difficulties in the United Kingdom, as manifested in unemployment and high taxation, through such flexibility of payments during the next few years as would encourage economic recuperation not only in the countries directly concerned but also in the rest of the world.

8. That the settlement has the utmost significance in being a business settlement fully preserving the integrity of obligation and in being the first step in the readjustment of Government obligations arising out of the war.

President Harding in his message emphasized that "the call of the world to-day is for the integrity of agreements, the sanctity of covenants, and the validity of contracts," and that the settlement was "the sincere commitment of one great nation to validate its financial pledges and discharge its obligations in the highest sense of financial honor."

On the one hand he exonerated the commission from having driven a hard bargain with Great Britain, and on the other he lauded it for not proclaiming a rare generosity in the settlement. He praised Great Britain for having come to terms amidst a widespread clamor for the cancellation of all war debt, which he described as a fancied but fallacious contribution to world peace, and at the same time admitted Great Britain's inability to undertake any program of payments conforming to the terms laid down in the act creating the commission. Because of Great Britain's willingness to negotiate a fair and just settlement was reached.

President Harding noted with approval the almost unanimous indorsement given the proposed settlement by the press and the public, and again extolled the settlement as "a recommitment of the English-speaking world to the validity of contract." Asserting that failure to reach a settlement would have spread political and economic discouragement throughout the world, with general repudiation likely in its wake, he described the settlement as "a covenant of peace, no less effective than it would be if joint British and American opposition to war were expressly agreed upon."

Concluding his remarks on the debt settlement, he broadly hinted his opposition to pledging the anticipated payments already pledged in the law creating authority for the loans.

TERMS OF SETTLEMENT.

Mr. President, the terms agreed upon between the American commission and the British representatives, after approval by the British cabinet, were transmitted to President Harding on February 3, and as given in his message are as follows:

THE PRESIDENT:

The World War Foreign Debt Commission created under the act of Congress approved February 9, 1922, having received the mission appointed by the British Government to consider the funding of the demand obligations of that Government held by the United States, reports as follows:

The British Government designated as its representatives the Right Honorable Stanley Baldwin, Chancellor of the Exchequer, and Mr. Montagu Norman, the governor of the Bank of England, who have conferred with the commission in Washington and presented facts relating to the position of the British Government. The commission has also met frequently in separate sessions and has given the fullest consideration to the problems involved in the funding of the British debt to the United States. It became manifest at the outset that it would not be possible to effect an agreement for funding within the limits of the act approved February 9, 1922, and the commission has, therefore, considered the practicability of a settlement on some other basis, and though it has not been able, in the absence of authority under the law, to conclude negotiations, it unanimously recommends for submission to Congress a settlement with the British Government, as follows:

Principal of notes to be refunded		$4,074,818,358.44
Interest accrued and unpaid up to Dec. 15, 1922, at the rate of 4¼ per cent		629,836,106.99
		4,704,654,465.43
Deduct payments made Oct. 16, 1922, and Nov. 15, 1922, with interest at 4¼ per cent thereon to Dec. 15, 1922		100,526,379.69
		4,604,128,085.74
To be paid in cash		4,128,085.74
Total principal of indebtedness as of Dec. 15, 1922, for which British Government bonds are to be issued to the United States Government at par		4,600,000,000.00

The principal of the bonds shall be paid in annual installments on a fixed schedule, subject to the right of the British Government to make these payments in three-year periods. The amount of the first year's installment will be $23,000,000, and these annual installments will increase with due regularity during the life of the bonds until, in the sixty-second year, the amount of the installment will be $175,000,000, the aggregate installments being equal to the total principal of the debt.

The British Government shall have the right to pay off additional amounts of the principal of the bonds on any interest date upon 90 days' previous notice.

Interest is to be payable upon the unpaid balances at the following rates, on December 15 and June 15 of each year: Three per cent semiannually, June 15, 1923, to December 15, 1932, inclusive; 3½ per cent semiannually, June 15, 1933, until final payment.

For the first five years one-half the interest may be deferred and added to the principal, bonds to be issued therefor similar to those of the original issue.

Any payment of interest or of principal may be made in any United States Government bonds issued since April 6, 1917, such bonds to be taken at par and accrued interest.

The commission believes that a settlement of the British debt to the United States on this basis is fair and just to both Governments,

and that its prompt adoption will make a most important contribution to international stability. The extension of payment, both of the principal and interest, over a long period will make for stability in exchange and promotion of commerce between the two countries. The payment of principal has been established on a basis of positive installments of increasing volume, firmly establishing the principle of repayment of the entire capital sum. The payment of interest has been established at the approximately normal rates payable by strong governments over long terms of years.

It has not been the thought of the commission that it would be just to demand over a long period the high rate of interest naturally maintained during the war and reconstruction, and that such an attempt would defeat our efforts at settlement. Beyond this the commission has felt that the present difficulties of unemployment and high taxation in the United Kingdom should be met with suitable consideration during the early years, and therefore the commission considers it equitable and desirable that payments during the next few years should be made on such basis and with such flexibility as will encourage economic recuperation not only in the countries immediately concerned but throughout the world.

This settlement between the British Government and the United States has the utmost significance. It is a business settlement fully preserving the integrity of the obligations, and it represents the first great step in the readjustment of the intergovernmental obligations growing out of the war.

Respectfully submitted.

A. W. MELLON, *Chairman.*
CHARLES E. HUGHES.
HERBERT HOOVER.
REED SMOOT,
THEODORE E. BURTON.

In the first place, it is perfectly obvious that the settlement submitted by the World War Foreign Debt Commission is very much less favorable than the 4¼ per cent rate specified by the act creating the commission. To extinguish a debt at this rate would require, besides an annual interest payment of 4¼ per cent, an added installment of somewhat over 2.32 per cent of the total in order to completely extinguish the debt in 25 years. The combined interest and payment of the principal would therefore call for annual payments of somewhat over $300,000,000 per annum for 25 years. This might be contrasted with the $235,000,000 per annum now payable on the 5 per cent British demand notes as interest alone so long as no payments are made on the principal. An additional annual payment of approximately $70,000,000 would therefore have sufficed, under the liberal terms of the debt funding act, to have wiped out the entire obligation in 25 years.

Representations were obviously made by the British representatives, or at least by others on their behalf, that this exceeded Britain's ability to pay. Chairman Baldwin was, in fact, quoted as saying, "These terms are simply impossible," and as a result of the deliberations our commission submitted to British representatives, contrary to one of the expressed stipulations of the debt funding act, certain minimum terms representing a basis of a settlement which the commission deemed it possible for Congress to accept.

Mr. President, Chancellor Baldwin in replying to queries by press representatives on his arrival at Liverpool not only declared the terms of the funding act to be perfectly impossible, "as they would mean paying something like 6 per cent," neglecting to point out that only 4¼ per cent of this rate represented interest, with an added annual installment, however, for extinguishing the debt in 25 years, but he also stated that—

unless Congress agrees to the modified proposal we shall have to continue paying what we are paying now. It is a matter of opinion whether it will be possible to find all this money for many years to come. We are pledged up to the hilt to pay it and also to pay back all the capital.

At present the charge is £50,000,000 ($235,000,000) per annum. This has been accummulating for two years and we have only paid £20,000,000 ($100,000,000) on account. The strain of paying £50,000,000 is greater than this country could bear. We could only go on paying something on account and adding arrears to the principal, which is a ghastly thought.

Chancellor Baldwin naturally had to talk with a poor mouth, however distasteful it might be to proud Britain, in order to receive any consideration for the terms which the British representatives apparently brought with them, or at least privately expressed, to fund the debt by a series of bond issues maturing at different dates up to 66 years, and bearing 2 to 2½ per cent interest, the issues maturing earliest being comparatively small, thus carrying the greater portion of the debt far beyond the 25-year limit now prescribed.

Chancellor Baldwin's reflections on Congress and the American public were, to say the least, in very bad taste. To charge that the debt settlement was in the hands of politicians acting in accordance with the views of their constituents seems rather odd. To contrast this attitude with that of the "executive officials," who were represented as being disposed to be reasonable (easy marks?), may become a source of embarrassment to the administration and to the debt-funding commission later on.

Americans were described as "a country, not an urban, people." The Senate was criticized because a majority of its Members came from the agricultural and pastoral communities and as not realizing the existing position with regard to the meaning of the international debt. The British and the American people were contrasted as living, on the one hand, on international trade, while the people of the West were described as engaged in selling wheat and hogs and other produce, though the people of the East were considered by Chancellor Baldwin as more sympathetic to the British point of view.

Regarding the lack of understanding of our rural Senators, Members of Congress, and our pastoral population, possibly Chancellor Baldwin was not aware of our Federal farm loan system, with which many of them have had "funding" transactions. Even the farmer in the West understands that interest runs along at a predetermined rate which is not subject to reduction on a hard-luck plea. As long as the whole or a part of his loan remains unpaid it bears an easily calculated interest. He also knows that, in general, it becomes easier to repay his loan if he is permitted to repay it in installments extending over a period of years. He knows that as the installments are paid the interest burden is correspondingly lightened, thus making it easier to pay his final installments.

Even the farmer knows how difficult it is under ordinary circumstances to liquidate a debt unless a definite and a possible program is agreed upon at the time the loan is made, and in recent years he has learned that the ideal method is to provide for equal annual payments throughout the whole period covered, covering both the interest and the installment required for the extinguishment of the debt at a specified rate, as provided for under the Federal farm loan act.

GENERAL CHARACTERISTICS OF DEBT FUNDING.

The simple principles underlying the settlement of a debt or the funding of a debt may possibly be more easily understood by starting with the very simplest case and adding, step by step, such variations as are necessary to correspond to the proposed settlement of the British debt now under consideration. Consider, first, a debt covered by a secured note or mortgage, payable in a given number of years, with simple interest at a specified rate, with a provision for the repayment of the same in installments, the interest being reckoned only on the unpaid balance in case a payment of principal is made within the time limit set. In this case the annual interest payments will run along at a uniform rate until an installment on the principal is paid, after which the further interest payments are correspondingly reduced, and likewise for any other installment on the principal which may be paid. The borrower may also be permitted to continue the payment of the full interest charges as at the beginning even after he has paid part of the debt, the excess interest payments over and above the interest due on the unpaid portion of the debt being added to his payments on the principal. In case a single installment on principal is paid during the life of the debt, and the full interest charges on the whole debt are also paid, the yearly excess of the interest payments will further obviously reduce the interest due at the succeeding interest periods. It therefore follows that year by year the amount of interest due decreases and the excess of the interest payments increases, and it can be shown that the accumulated credits on this basis of repayment are, at any interest period, equivalent to a total credit of all the installments paid, together with compound interest on each at the rate carried by the debt. Since compound interest increases rapidly as the years roll on, the unpaid portion of the debt correspondingly decreases, which makes it easier to be repaid.

The same law applies whether there be a single installment or any number of installments. Each will increase, with the method of settlement described, at compound interest and thus correspondingly increase the total amount credited on the repayment of the debt. As stated above, the best results both from the standpoint of the debtor and of the creditor are obtained when the installments on the debt are paid at regular intervals and in equal amounts and in addition to the corresponding interest charge on the whole amount of the debt.

The simple funding plan consists, therefore, in the payment of interest at a specified rate, usually annually or semiannually, on the whole amount of the debt to be extinguished throughout the whole period required for such extinguishment, together with the payment of a fixed annual or semiannual installment on the principal, usually also expressed as a percentage of the whole debt, the period for the extinguishment of the debt being determined by the rate of interest carried, the periodicity of the interest payments, and the percentage of the whole debt paid as installments thereon at the interest periods.

Such regularity and uniformity of the combined payments of interest and debt installments leads to a relatively simple algebraic formula for computing the aggregate credits on the principal at any time, this being the sum of each of the several annual payments, each with its accumulated compound interest for the elapsed period since the particular installment was

paid. Particularly if the payments are extended over a long period of years, the sum of the installments paid on principal falls far short of the total credits on principal, thus making a long period for settlement more advantageous to the debtor than a short period.

On this basis of settlement the annual installment required, at a given rate of interest borne by the debt is less the greater the period for repayment. Hence it follows that on this basis of settlement the annual amount to be paid, including both interest and debt installment, is smaller the greater the settlement period. The payment of a fixed interest rate on the whole and a fixed annual debt installment is therefore really equivalent to interest payments on the unpaid balances, decreasing at an accelerating rate and repayment credits on the principal accelerating at the corresponding rate.

The settlement basis of the British debt proposed by the World War Foreign Debt Commission does not appear to have been fully described in the report of the commission to the President under date of February 3. It is clear that it is somewhat more complex than the basis just described, in that different rates of interest are applicable during the repayment period, namely, 3 per cent semiannually for the first 10 years and 3½ per cent semiannually until final payment, while the installments on principal are apparently 1½ per cent, payable annually. However, a half per cent annual debt installment, together with semiannual interest payments at the two specified rates, will amortize the whole debt in approximately 61 years, while the report of the commission indicates a 62-year settlement period. It therefore follows that either average annual installments must be less than one-half per cent or that they are not equal throughout or that they have been adjusted in some other way.

THE PROPOSED SETTLEMENT COMPARED WITH THE SETTLEMENT OF FARM LOANS.

It has already been made quite clear, it is hoped, that the refunding of the British debt is very similar in character to the method of repaying farm loans, and any farmer who has had dealings with any of the banks of the Federal farm-loan system will readily understand that this is the case.

The ruralite may even be intelligent enough to recognize points of difference in his treatment as compared with the generous concessions made to Great Britain. These may be summarized as follows:

1. While loans under the Federal farm loan act are now limited to $10,000, the war loans to foreign governments had only the sky as their limit and aggregated nearly $10,000,000,000, of which Great Britain secured $4,277,000,000.

2. The interest rate charged the farmer varies between 5 and 6 per cent, while Congress was generous enough to specify 4¼ per cent as a minimum, and the settlement under consideration even fixes the interest at 3 per cent for 10 years and 3½ per cent thereafter.

3. The farmer must pay annually 1 per cent of the debt toward its extinguishment, which on the basis of settlement proposed by our commission the British Government is required to pay one-half per cent per annum or possibly a slightly smaller amount on the average.

4. The funding period for the extinguishment of the debt in case of the farmer varies from 30 to 36 years or thereabouts, according to the rate of interest carried by his loan, and though Congress specified a time limit of 25 years our generous debt funding commission is recommending an extension of the period to 62 years.

5. The farmer is required to furnish safe and ample security for his loan in the form of land and improvements, farm equipment, live stock, and so forth, while the loan to the British Government was originally made on an I O U.

6. In the event of defaults in interest payments the farmer is usually foreclosed, though sometimes he may be granted a breathing spell through deferring interest payments, but at the same old rate compounded; but in the case of Great Britain interest on the debt, largely unpaid, is to be reduced by an amount of approximately $90,000,000 by reducing the interest rate originally agreed upon from 5 per cent to 4¼ per cent.

PRESENT VALUES, ACTUAL AND RELATIVE, OF THE BRITISH DEBT ON DIFFERENT BASES OF SETTLEMENT PROPOSED.

The American public has been led to believe, largely as a result of inspired press matter, that after all there is no very great difference between the settlement plan now under consideration, the minimum interest terms specified in the act creating the World War Foreign Debt Commission, the 5 per cent demand notes now held by this Government, and even the proposal brought with them from England by the British representatives of a settlement on a 2 or 2½ per cent basis.

Aside from the differences in the interest rates which have been under consideration, funding periods ranging all the way from that called for by the "demand notes," which are to be refunded, but which call for payment on demand, to the 25 years specified by Congress as the maximum period, the 62-year settlement basis now under consideration, and the 66-year funding period which the British representatives hoped to secure, according to press reports.

The variations in interest rate, complicated in the proposed settlement plan under consideration by involving different rates, one covering the first 10 years and the other the balance of the funding period; the variations in the funding periods themselves, together with the corresponding variations in the annual payments required for the liquidation of the debt, in turn dependent on both the interest rate or rates and the period applicable, all these make comparisons of real value seem exceedingly difficult. This is, however, actually not the case.

It is obviously impossible to make more than a "qualitative" analysis, as the chemist would say, by merely contrasting the interest rates underlying two bases of settlement. However, it is evident that the higher the interest rate carried, the more favorable is the settlement to the creditor and the less favorable to the debtor, so that offhand one can say that the 4¼ per cent stipulated by Congress as the minimum acceptable rate, the demand notes carrying 5 per cent interest, was already a material concession; but what does this concession amount to in dollars? To determine the answer requires a "quantitative" analysis. In chemistry standardized methods have been developed making for simplification as well as accuracy, and similarly standardized methods have long since been developed for making quantitative comparisons of investments. In fact, while in chemical work the accuracy attainable is very high, it is nevertheless limited by practical difficulties, but the accuracy with which mathematical computations can be made is practically absolute. In addition, the labor involved in such calculations has been enormously reduced by the preparation of computing tables which give, for example, answers for the more common rates of interest and for periods as great as 200 years to such a query as—

What uniform annual amount per dollar of a debt bearing a specified rate of interest must be paid in order to extinguish it in a given number of years?

In order to find the annual amount required to extinguish a debt of $4,600,000,000, or any other sum, it is only necessary to obtain from the appropriate table the amount required for each dollar of the debt and then to multiply this factor by the amount of the debt. Similar tables furnish factors by the aid of which "the present value," or the "cash-in-hand" equivalent of any funding plan, can readily be determined.

Various attempts have been made to justify the proposed basis of settlement by directing attention to the huge aggregate interest payments to be paid the United States during the whole period covered in contrast with the amount of the debt itself. The hugeness of the amount cited is, however, fully explainable by the hugeness of the principal to be repaid and the large number of years allowed for its repayment rather than being an indication of the advantageousness of the settlement. For the aggregate interest payments, no matter what rate of interest may be involved, increase with the amount of the principal and with the period for its retirement. A low rate of interest with small annual repayments on principal and a correspondingly long funding period may therefore be made to appear to the unthinking as even more advantageous than a higher interest rate, higher annual repayments, and a correspondingly shorter funding period, if the aggregate interest is greater in the first case. Such absurdities demand to be challenged as misrepresenting the actual facts.

The only correct basis of comparison of different settlements of the same debt is obtained by reducing each basis to its present worth or value—that is, to its cash-in-hand equivalent. The present value of a settlement is really nothing more than a sum in hand which at a particular interest rate applicable will produce exactly the same annual or semiannual returns as called for by the settlement plan in question.

The present value of different bases of settlement must obviously take into account all the variable factors which are pertinent to the comparison—the amount of the debt, the interest rate or rates carried, the periodicity of the interest payments, the periodic repayments on principal, and the funding period.

The following tables give the factors applicable to the comparison of present values for six different rates of interest ranging from 2 per cent, which the British representatives hoped to get, to the 5 per cent carried by the British demand notes to be refunded, calculated for three refunding periods, 25, 50, and 62 years, all of which, according to press reports, have entered into the discussions.

Table I gives the present values of $1 per annum for 25, 50, and 62 years corresponding to the different interest rates shown at the left. In fact, this is merely a condensed annuity table and may be interpreted as follows: In order to provide an annuity of $1 per annum for the specified number of years, it will be necessary to invest the tabular amount indicated by the interest rate applicable. The amount which must therefore be invested to yield an annuity of a certain number of dollars per annum is obtained by multiplying the amount required to yield $1 by the number of dollars of the annuity.

Table II gives the annual installments on principal required to extinguish a debt of $1 in 25, 50, and 62 years at the indicated rates of interest. In order to find the annual installment required to amortize a debt of $4,600,000,000 in 25, 50, or 62 years at any of the tabulated interest rates it is only necessary to multiply the sum to be amortized by the amount required to amortize a debt of $1 at the corresponding interest rate and for the same funding period. Table 3 gives the sum of the annual interest and the annual installment required to extinguish a debt of $1 in 25, 50, or 62 years at the same six interest rates.

Tables I, II, and III, Mr. President, are rather complicated, and I ask that they may be printed in the RECORD without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The tables referred to are as follows:

TABLE I.—*Present values of $1 per annum.*

Interest rate.	25 years.	50 years.	62 years.
0.02	$19.52345647	$31.42360589	$35.35264002
0.025	18.42437642	28.36231168	31.34672836
0.03	17.41314769	25.72976401	28.00034279
0.035	16.48151459	23.45561787	25.18587049
0.0425	15.21733627	20.59306131	21.747463
0.05	14.09394457	18.25592546	19.02883404

TABLE II.—*Annual installment for amortizing principal of $1*

Annual rate.	25 years.	50 years.	62 years.
0.02	$0.03122044	$0.01182321	$0.00828643
0.025	.02927592	.01025806	.00690126
0.03	.02742787	.00885550	.00571385
0.035	.02567404	.00763371	.00470480
0.0425	.02321452	.00606005	.003482375
0.05	.02095246	.00477674	.00255183

TABLE III.—*Annual interest plus installment on principal of $1.*

Annual rate.	25 years.	50 years.	62 years.
0.02	$0.05122044	$0.03182321	$0.02828643
0.025	.05427592	.03525806	.03190126
0.03	.05742787	.03886550	.03571385
0.035	.06067404	.04263371	.03970480
0.0425	.06571452	.04856005	.045982375
0.05	.07095246	.05477674	.05255183

Mr. LADD. Mr. President, from the basic data given in Tables I, II, and III, we obtain very simply the present value or present worth corresponding to the funding period and interest rates assumed. Table IV is arranged to show not only the relative present worth but also the actual worth on each settlement plan at the interest rates taken as normal as applied to a loan of $4,600,000,000. Further, the tabulation is so arranged that any one of the plans may be taken as a basis of comparison in accordance with the six subheadings of Table IV. This table I ask leave to include in the RECORD at this point without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The table referred to is as follows:

TABLE IV.—*Relative present values and present values of debt on various bases of settlement.*

SECTION 1.—COMPARISON ON 2 PER CENT BASIS.

Per cent interest.	25 years.		50 years.		62 years.	
	Relative present values.	Present value on given settlement basis.	Relative present values.	Present value on given settlement basis	Relative present values.	Present value on given settlement basis.
2	$1,000,000	$4,600,000,000	$1,000,000	$4,600,000,000	$1,000,000	$4,600,000,000
2½	1,059,654	4,874,408,000	1,107,935	5,096,501,000	1,127,794	5,187,852,000
3	1,121,190	5,157,474,000	1,221,294	5,617,952,000	1,262,579	5,807,863,000
3½	1,184,567	5,449,008,000	1,339,705	6,162,643,000	1,403,670	6,456,882,000
4¼	1,282,975	5,901,685,000	1,525,932	7,019,287,000	1,625,598	7,477,751,000
5	1,385,237	6,372,090,000	1,721,283	7,917,902,000	1,857,846	8,546,992,000

TABLE IV.—*Relative present values and present values of debt on various bases of settlement*—Continued.

SECTION 2.—COMPARISON ON 2½ PER CENT BASIS.

Per cent interest.	25 years.		50 years.		62 years.	
	Relative present values.	Present value on given settlement basis.	Relative present values.	Present value on given settlement basis.	Relative present values.	Present value on given settlement basis.
2	$943,705	$4,341,043,000	$902,580	$4,151,869,000	$886,687	$4,078,760,000
2½	1,000,000	4,600,000,000	1,000,000	4,600,000,000	1,000,000	4,600,000,000
3	1,058,073	4,867,136,000	1,102,315	5,070,649,000	1,119,512	5,149,755,000
3½	1,117,881	5,142,253,000	1,209,191	5,562,279,000	1,244,616	5,725,234,000
4¼	1,210,749	5,569,445,000	1,377,275	6,335,465,000	1,441,397	6,630,426,000
5	1,307,255	6,013,373,000	1,553,595	7,146,537,000	1,647,328	7,577,709,000

SECTION 3.—COMPARISON ON 3 PER CENT BASIS.

2	$891,909	$4,102,781,000	$818,804	$3,766,498,000	$792,030	$3,643,338,000
2½	945,115	4,347,529,000	907,182	4,173,037,000	893,246	4,108,932,000
3	1,000,000	4,600,000,000	1,000,000	4,600,000,000	1,000,000	4,600,000,000
3½	1,056,526	4,860,002,000	1,096,955	5,045,993,000	1,111,748	5,114,041,000
4¼	1,144,297	5,263,766,000	1,249,439	5,747,419,000	1,287,522	5,922,601,000
5	1,235,506	5,683,328,000	1,409,393	6,483,208,000	1,471,469	6,768,757,000

SECTION 4.—COMPARISON ON 3½ PER CENT BASIS.

2	$844,190	$3,883,274,000	$746,433	$3,433,592,000	$712,418	$3,277,123,000
2½	894,549	4,114,925,000	827,000	3,804,200,000	803,461	3,695,921,000
3	946,498	4,353,891,000	911,614	4,193,424,000	899,484	4,137,626,000
3½	1,000,000	4,600,000,000	1,000,000	4,600,000,000	1,000,000	4,600,000,000
4¼	1,083,075	4,932,145,000	1,139,006	5,239,428,000	1,158,106	5,327,288,000
5	1,169,404	5,379,258,000	1,284,822	5,910,181,000	1,323,564	6,088,394,000

SECTION 5.—COMPARISON ON 4¼ PER CENT BASIS.

2	$779,439	$3,585,419,000	$655,337	$3,014,550,000	$615,158	$2,829,727,000
2½	825,935	3,799,301,000	726,071	3,339,927,000	693,771	3,191,347,000
3	873,899	4,019,935,000	800,360	3,681,656,000	776,686	3,572,756,000
3½	922,297	4,247,166,000	877,959	4,038,611,000	863,479	3,972,003,000
4¼	1,000,000	4,600,000,000	1,000,000	4,600,000,000	1,000,000	4,600,000,000
5	1,079,707	4,966,652,000	1,128,021	5,188,897,000	1,142,000	5,257,197,000

SECTION 6.—COMPARISON ON 5 PER CENT BASIS.

2	$721,898	$3,320,731,000	$580,962	$2,672,425,000	$538,258	$2,475,987,000
2½	764,962	3,518,525,000	643,669	2,960,877,000	607,044	2,792,402,000
3	809,385	3,723,171,000	709,526	3,263,820,000	679,593	3,126,128,000
3½	855,137	3,933,630,000	778,318	3,580,263,000	755,536	3,475,466,000
4¼	926,177	4,260,414,000	886,509	4,077,941,000	874,991	4,024,959,000
5	1,000,000	4,600,000,000	1,000,000	4,600,000,000	1,000,000	4,600,000,000

Mr. LADD. An inspection of section 5 of Table IV shows, for example, that the 5 per cent rate carried by the demand notes represents on a 25-year plan a settlement nearly 8 per cent more favorable to the United States than the 4¼ per cent fixed in the debt funding act, while the 3½ per cent basis is over 7.6 per cent less favorable. In the same manner a comparison of the relative values on the 50-year settlement plan represents differences of, respectively, 12.8 per cent and 12.2 per cent, while the 62-year settlement plan shows corresponding differences of 14.2 per cent and 13.6 per cent for the same interest rates. The data given in Table IV show, therefore, that the differences in the settlement plans become larger as the funding period is extended. The table also shows the present value for each plan in dollars, so that differences in the value of two plans under comparison are obtainable by simple subtraction.

In order to bring out these differences, and especially their magnitudes, more clearly Table V has been prepared. It shows directly the actual differences between the various settlement plans of Table IV for the various interest rates and for each of the three settlement periods, all based on the assumption that the plan prescribed by Congress in the debt funding act is a suitable basis for comparison.

I ask that Table V may be included in the RECORD without full reading, although I wish to comment on it.

The VICE PRESIDENT. Without objection, it is so ordered.

The table referred to is as follows:

TABLE V.—*Differences in present value of British debt on various settlement plans in comparison with plan prescribed by Congress, 4¼ per cent interest and 25-year settlement.*

Settlement plan.	25-year settlement.	50-year settlement.	62-year settlement.
2 per cent	−$1,014,581,000	−$1,585,450,000	−$1,770,271,000
2½ per cent	−800,699,000	−1,260,073,000	−1,408,653,000
3 per cent	−580,065,000	−948,344,000	−1,027,244,000
3½ per cent	−352,834,000	−561,389,000	−627,997,000
5 per cent	+366,652,000	+588,897,000	+657,197,000

Mr. LADD. The table demonstrates that all settlement plans are less favorable to the United States than the plan presented in the debt funding act except the 5 per cent basis.

Comparing only the figures for the 62-year settlement, it appears that the interest rate carried by the British demand notes if applied throughout the funding period would represent a present value of over $657,000,000 more than the quite generous plan fixed by Congress, while the 3½ per cent interest basis represents a present value smaller by nearly $628,000,000. The lowest interest rate mentioned in connection with the recent funding deliberations, 2 per cent, would have represented a concession of over $1,770,000,000 as compared with the 4¼ per cent rate, and over $2,427,000,000 compared with the 5 per cent rate. These differences are all of them staggering. The concessions are so large that even if the rate fixed in the debt funding act had been insisted upon Great Britain could surely not have charged us with having the attributes of the pawnbroker or with driving a hard bargain.

President Harding, in emphasizing in his message that the settlement proposed is "the sincere commitment of one great nation to validate its financial pledges and discharge its obligations in the highest sense of financial honor," seems to have been misled, and the commission with him, since any reduction in present value represented by more favorable terms than those underlying the 5 per cent demand notes, if obtained as a result of representation regarding inability to pay more than a fixed smaller amount, amounts in effect to a plea for partial cancellation, and is, therefore, equivalent to part repudiation.

And yet Chancellor Baldwin was quoted as saying that we were lacking in understanding and ungenerous. Possibly he was right in accusing us of lack of understanding in the light of the startling figures which have just been presented. His interview, previously referred to, had the result in his own country that was obviously intended. The British press responded whole-heartedly to his inspiration, but he failed to recognize that the American press, with a few notable exceptions, was no longer so responsive to the hypnotic suspension of all reasoning power from autosuggestion from overseas as it was a very few years ago. The British press raved about blood money and usury, and one paper, the Pall Mall Gazette, even carried a caricature of Uncle Sam standing in the door of a pawnshop under the caption "Uncle by name and uncle by nature," with the anticipated results likely to follow such press matter, the American flag even being hissed in the British movies. On the other hand, our American press resented the slurs cast upon our people and our Congress so forcibly that the British Government—and the British bankers—could not help but realize that the travesty had been carried too far.

While the first cables from England indicated that it would be the British policy to drop matters at present for more favorable terms in the future, and in the meantime to let the debt ride along at the 5 per cent interest—only a small part of which has thus far been paid—the British cabinet promptly reversed its first stand and accepted the Washington proposal. It is even intimated that pressure was brought to bear on the British cabinet by the British bankers, who began to fear that even less favorable terms would be granted by the newly elected Congress.

POSSIBLE FACTORS UNDERLYING THE CONCESSIONS TO GREAT BRITAIN.

Although it appears from statements made by members of the World War Foreign Debt Commission who have appeared at the executive sessions of the House and Senate committee to which the bill now under consideration was referred that the settlement plan to which assent is demanded was submitted to the British representatives by our own commission, it seems rather curious that the 3 per cent and 3½ per cent interest rates agreed upon just happened to be very approximately the averages of the 2 per cent and 2½ per cent plans which the British are supposed to have suggested, or which were suggested on their behalf, and the 4¼ per cent fixed by Congress. There must, however, have been some very forcible arguments made for easier terms, because it is hardly to be supposed that our own commission would have voluntarily and knowingly made concessions of the magnitude as shown in Table V.

On general principles it would appear that our commission, in some way or other, if not as a direct result of representations by the British representatives, was convinced that Great Britain could not make annual payments greater than those which the settlement plan under discussion calls for. And yet, in the House debate it was even suggested that in view of the lenient terms Great Britain would probably be in a position to pay off the whole debt in 10 years. This is surely inconsistent with the theory of semibankruptcy and with the exchange value of the pound, which is near parity at this time. It would seem more likely that the predicted financial recuperation of Great Britain was based on its world control of the rubber market, through which, for example, America alone will be called upon to pay over $100,000,000 as the result of an increase in price of from 14 cents to 42 cents per pound.

It might be well to keep in mind also as our oil supply becomes exhausted Britain makes a bid for the world's supply, and is willing to spend billions on war to secure it, and again in the end America will pay the bills.

It was certainly urged by the British that both the 5 per cent and the 4¼ per cent interest rates were too high; and this deserves proper consideration both with respect to rates prevailing at present and with respect to those likely to prevail in the future. It is obvious that since the original amounts were borrowed from the United States American interest rates should be solely determining. However, American interest rates at present are approximately 4¼ per cent, and what they are likely to be in the future will be largely determined by the policy of the Federal Reserve Board or its possible successor. This is based on the theory that interest rates on Government securities which will keep them at a parity must be greater if the financial policy of the country tends to a steady increase in price levels, i. e., to inflation.

JUST INTEREST RATES AND THE NATIONAL THRIFT CAMPAIGN.

Secretary Mellon, in his New Year's message to the American people, urged greater saving and consideration for the Treasury's needs by the purchase of short-term savings certificates, bearing interest at the rate of approximately 4 per cent per annum. In so doing he asserted that—

> It would be little short of a national calamity if the lessons of thrift and sound investment learned during the war should be lost in these days of reconstruction, when the need of avoiding waste and extravagance is as great as ever. Treasury savings certificates will help the Government to finance the debt left by the war. But they will do more than that; they will afford an opportunity to the people of the country to save from their income and, by investing regularly in Government securities, to build a foundation for future financial independence and success.

Secretary Mellon is probably acting on the wise judgment expressed years ago by Barnum, the showman, that "there is one born every minute," and on the short memory of the average individual, who, even though badly stung, always comes back for more.

A very few years ago thrift was a magic word wherewith to conjure, especially when coupled with the stirring appeal to buy Liberty bonds; and the public bought "'til it hurt," in accordance with one of the most effective slogans employed by the four-minute men, who patriotically polparrotted the words put into their mouths by those behind the scenes who were reborrowing the proceeds from the banks at nominal interest and investing in "war babies" and in other lines of business yielding unconscionable profits. In addition, the Liberty bonds bought by the public on monthly payments and deposited with the banks served as the basis for huge additional loans to the war profiteers. Of course it would have been declared unpatriotic for the public to have expected more than the 3 to 4¼ per cent yielded by the Liberty bonds.

How the Liberty bond buyer was fooled! Instead of the bonds being what they were represented to be, the best and the safest in the world, it did not take long after the armistice before they began to decline, striking bottom at 84 cents on the dollar or thereabouts almost simultaneously with the beginning of the era of unemployment, when the great majority of the buyers were forced to sell or starve. This accomplished, and the bonds safely in the possession of those who coveted them, the market price again rose to par or thereabouts.

That was not, however, the most grievous wrong inflicted upon the victims; for the more bonds they bought, the higher the prices the Government could pay to its "paytriotic" war contractors and the higher the prices of necessities rose, as well as the profits thereon, and inversely the more the purchasing power of the dollar shrunk, falling to less than half its pre-war value, thanks to the effective cooperation of the so-called Federal—though privately controlled—reserve system. On pre-war savings, consisting of hard-earned dollars of 1914 or earlier invested in these bonds, the Government paid an average of somewhat over 4 per cent interest; but instead of receiving even 84 "1914" cents on the dollar when the holder was forced to sacrifice, his principal was repaid him in money itself worth 50 cents or less on the dollar as compared with its 1914 value.

For a $100 bond held from 1917 to 1920 the interest yield averaged about $12 of decreased purchasing power, equivalent to, say, 8 "1914" dollars; and if the bond was sold, for example, at 84, these $84 were equivalent to but 42 "1914" dollars, thus making the net return, both interest and principal, about 50 "1914" dollars. The investor thus lost not only all his interest but half his principal as well.

Another era of "prosperity" is now proclaimed from the official housetops. This the financial columns of the daily press—which few people read—translate into higher prices and higher profits for business. The public is therefore again exhorted to loan the Government money by investing in the savings certificates, bearing low rates of interest, so that the Treasury demands will not interfere with the credit inflation necessary to enable business to enjoy the "prosperity" until another crisis, followed by business depression and unemployment, is reached.

Indeed, a national movement fostered by the Young Men's Christian Association, in cooperation with 44 national, civic, commercial, educational, and religious organizations, was even launched for promoting Secretary Mellon's plans. The week of January 17 to 23 was set aside as "thrift week," and everywhere committees were organized to assist in putting it across. On these committees the local banking interests were especially well represented. Prominent citizens were invited to address meetings to be held in schools, clubs, business houses, shops, and so forth.

However, the average price level and the cost of living are already climbing at the rate of 1 to 2 per cent a month, and the dollar is correspondingly shrinking in real value, in terms of the commodities it will buy. Mr. Mellon's New Year appeal to the American, as characterized by P. T. Barnum, may therefore be translated as follows:

Save and be thrifty, invest your savings at 4 per cent per annum in United States savings certificates, and the great and ever-just United States Government will see that your investment will be repaid in dollars which a year hence will be worth 12 to 25 per cent less than those you loaned me.

What a hollow mockery is being made of thrift since the power to regulate the value of money, imposed on Congress by the Constitution, was in effect transferred to the tender mercies of the Federal Reserve Board and the Federal reserve system!

In this connection it is important to examine the current rates quoted on British securities in the London markets. According to the New York Times of Saturday, February 11, the following rates apply:

	Asked.
British Victory, 4 per cent	85¼
British Fund, 4 per cent	83⅜
British National W. B., 5 per cent	95½
British Exchequer, 5½ per cent	98¾

It would therefore appear that at the present time it takes more than even 4½ per cent interest to keep British bonds at parity.

The secrecy with which the funding conferences were clothed and the secrecy imposed upon the congressional committees would almost lead to the assumption that the concessions made by our commission must have been based on some as yet undisclosed understandings, and it may be surmised that the British banking interests and the American banking interests must have played a very important part even along these lines.

Mr. President, another basis for the concessions to Great Britain proposed by our commission, which may have played a very important part, is the recognition of Great Britain's contributions to the war before the entry of the United States, the treasure spent, the lives lost, and the sacrifices made by Great Britain in the common victory.

Of course, proper weight should be given to these considerations; but it must also be noted that while America entered the war for the sake of saving humanity and civilization, for making the world safe for democracy, and for bringing to end all war, Great Britain, as a result of the victory, added enormously to its already enormous empire.

In discussing the question of proper interest rates, a comparison might be advantageously made of the interest basis proposed, 3 per cent and 3½ per cent, and the rate of return on capital allowed the railroads under the Esch-Cummings Act, 5½ per cent, and with that earned by other public utilities as fixed by the State public service commissions at an average of 8 per cent or more. Of course, the American public is burdened with the repayment of such capital charges in the form of rates and charges for service furnished. It is also of interest to contrast the favorable rates it is proposed to grant to Great Britain with the rates of interest legalized by the various States and the District of Columbia.

Comparisons with the still greater return exacted by big business might at first sight be considered unfair, on account of the customary allowance for what is termed "business risk"; but this should really be taken into consideration in funding the loan to a government when a rising political party in the particular country, not unlikely to obtain political control within a decade, has announced itself in favor of the repudiation of all such loans; and the longer the settlement period, the greater is the obvious risk.

Mr. President, a rather interesting deduction may be drawn if it be granted that Great Britain is really so badly off as to justify making the concessions recommended by the debt commission and not even able to pay interest at the market rate to the United States to an amount of $200,000,000 per annum, and surely the acceptance by Congress of the debt terms under discussion will largely be justified on this basis.

If Great Britain, with the pound sterling quite near par, is only able to pay interest on its debt to the United States at the rate of 3 per cent for the next 10 years and 3½ per cent for the following 52 years, together with an additional one-half per cent per annum for amortization of the debt in a period of 62 years, the question can be properly raised as to the terms which will be regarded as fair and equitable for the settlement of the debts of France, Belgium, Italy, Czechoslovakia, Greece, Liberia, Serbia, Rumania, and Russia, with their progressively decreasing exchange rates as quoted in the New York Times of February 11.

Although the quoted exchange rates are largely fixed by the international financiers, they are nevertheless measures, however rough they may be, of the relative ability of the respective governments to redeem their obligations, domestic as well as foreign. In addition, and sad to relate, practically all of these countries are faced with unbalanced budgets, largely the result of heavy military expenditures, so that the exchange rates are still on the toboggan; and unless there is a change of policy the money values will rapidly go from bad to worse, approaching the absolute zero as their limit.

It would therefore appear that the implied suggestion in the President's message and in the bill under consideration that the debts of the other governments would be settled on "equally favorable terms," or even on "similar terms," as originally proposed in the Smoot-Burton bill, is doomed to disappointment. The further concessions it is proposed to make to Great Britain, as recommended by our commission, may be considered as a subsidy to the British taxpayers at the expense of the American taxpayers, so that it is not surprising to find the debt plan linked with the ship-subsidy plan in President Harding's message.

From what I have said it does not necessarily follow that I may be unwilling to support the proposed plan for a settlement, providing these are the best terms that can safely be adopted at this time. There is, however, another feature of the bill that does not wholly appeal to me, and that is the possible depression in prices for our own bonds to be used in payment. Having started on another apparent period of mild and gradual inflation, when will deflation follow, and what manipulation may be inaugurated to the disadvantage of our own bonds and to the detriment of our producers of wealth? These are matters that may, in my judgment, be well considered, for we shall have to deal with this question later.

Mr. UNDERWOOD. Mr. President, before the pending bill comes to a vote I want to say a few words explaining my position, and to state why I intend to vote for the proposed settlement with Great Britain, so far as the Government debt is concerned, provided the bill is not amended in a way that will be unsatisfactory. I understand that the Senator from Utah [Mr. SMOOT] proposes to have the bill so amended as to relate only to the British debt settlement, and if it is amended in that way, and in that way alone, I intend to support the bill, and I want to give a few reasons why I intend to do so.

As I understand the proposition, at the time this loan was made it was agreed that the loan should bear 5 per cent interest, but subsequent to that time Congress passed a law by which it was provided that the foreign debts might be settled on a basis of 4¼ per cent interest, so that so far as the proposed settlement is concerned, we can take it as the original basis that the loan is now due, and that the contract is that it should bear 4¼ per cent interest.

The British Government have made a proposal to us for a settlement on a different basis. They say that they can not pay the principal now; and that is apparent to everybody. Nobody expects them to do so. If they could pay the principal now, it would be a very unfortunate thing for them to do, so far as our own people are concerned, because it would absolutely unsettle international finance.

The British Government say they did agree to pay 4¼ per cent interest, but the original 5 per cent and the 4¼ per cent were based on the value of money during war and not in time of peace. Those were the rates at which Government money could be purchased in time of war and not in time of peace. Now they come to us and make a proposal to us to settle on a peace basis. It goes without dispute, I take it, that everybody recognizes that a government's credit is of a different value when it is extended in time of absolute peace

from the value when the government is engaged in a great war. The value of a loan is measured by the interest rate. When money is purchased, it is purchased with an agreement to pay the principal back at a future date, and to pay a certain rate of interest, and of course, as everyone who loans expects the principal to be paid back, the real basis of the purchase is the interest rate proposed to be paid pending the period of the loan.

It is common sense to expect that the interest rate for a loan during war times is naturally higher than that during peace times, and the British Government come before us now and say: "We are willing to settle up to date. We can not pay you the cash now." We are not demanding the cash now, so far as I know. I have heard of no one who is demanding cash. They say: "We are willing to pay you up to this date on the basis of your war contract; that is, we have calculated the interest at 4½ per cent under the war contract up to December." Am I correct about that?

Mr. SMOOT. December 15.

Mr. UNDERWOOD. And they say: "We put that in as a new principal"; and that is not objected to. They are authorized by an act of Congress to do that. So we come down to December 15, the day on which the new settlement shall go into effect, practically speaking, as an international loan of to-day, and they pay, by giving their obligations, the amount of the debt and the war-time interest of 4½ per cent up to that time.

Mr. SMOOT. Mr. President, I want to call attention to the fact, further, that Great Britain has already paid $250,000,000 as interest, and a great part of that interest was at 5 per cent.

Mr. UNDERWOOD. Undoubtedly.

Mr. WATSON. May I ask, right there, how much of that was at 5 per cent and how much was at 4½ per cent?

Mr. SMOOT. In about two hours I will have the date of every obligation made by England and the amount of interest that was paid at 5 per cent up to the time the rate of 4½ per cent went into effect. Then I shall state to the Senate the average rate of interest under the proposition presented here, from the beginning of the loan down to the present time. I shall have that information in a couple of hours.

Mr. UNDERWOOD. Mr. President, that is interesting, and I am glad the Senator is going to put it into the RECORD hereafter, because we ought to have the exact facts; but for the purpose of this argument I am not interested in the details. I am interested only in the substance, and what I say I think I can say without contradiction, that the British Government propose to live up to their war-time contract to the hour of settlement in December, when the commissions met to make the settlement, and to pay the principal in full and the war-time interest of 4½ per cent. Then they ask us to strike a new balance and make a new contract on a peace basis. That is the issue before Congress. The British propose that we shall make them a new loan, and of necessity we must make them a new loan, because they can not pay the principal now, and we would be very unwise to accept it now if they could pay it, because it would so disturb international finance as to destroy our markets abroad. That is so apparent that I do not think it can be contradicted.

Then the question comes as to what would be a fair basis on which to make a new loan in the future on a peace basis. Of course, speaking broadly, we would all be glad to collect the full amount of the debt, with the war-time interest; at least that is the way a man who loans money usually looks at it. But viewing it from an equitable position, that is not the way a fair creditor should look at it when he is dealing with one who has been his friend in the past.

Now, the question is as to what this money is worth. I believe the debt is to run 62 years, unless the British Government exercise their option to pay it sooner. That looks like a long-time loan, but in the condition of international finance I am not sure but that a long-time loan steadies the financial condition of the world better than a short-time loan.

Our farmers and business men will get the benefit of this steadying of the financial conditions, which they would not get if the loan were for a short time, payments to be made at an early date. So the real problem with which we are confronted is the question of what this money is worth for a Government loan on a peace basis.

We can not measure the value of this money as a Government loan on the basis of an individual loan. It is a different proposition. We know perfectly well that the rate at which the Government of the United States of America can borrow money, or at which the State of Alabama can borrow money, is very different from the rate at which some great railroad company or industrial company in the United States can borrow money. All of them agree to pay back the principal, but the difference is measured by the rate of interest; and, of course, we have to look at this question from the position of what money loaned to a government is worth.

Let us look at our own situation. I looked at the morning paper a moment ago and found that on the opening of the stock market in New York on Liberty bonds yesterday, Liberty 3½'s which run to 1947 unless the Government exercises its option to recall them in 1932, the market price was $101.78; in other words, a hundred dollar bond was selling for $101.78. Liberty 2's, bearing a rate of 4¼ per cent, running to 1942 unless called by the Government in 1927, were selling, at the opening of the market, at $98.70; in other words, a hundred dollar bond sold for $98.70.

The 4¼ per cent bonds sold in the market for more than $3 a hundred less than did the 3½ per cent bonds, because the 4¼ per cent bond is subject to taxation by the United States Government under the income tax law, and the 3½ per cent bond is not subject to taxation under the income tax law. Of course, they are all subject to taxation under the inheritance tax. This shows that there is a material difference in rates, the 4¼ per cent bonds selling for less than the 3½ per cent bonds.

Suppose we assume that they are both selling at par. There is a difference of $3 a hundred in favor of the untaxed bond. But assume that they happen to be selling on an equal basis, both at par; what demonstration would we have? It is a clear demonstration that 4¼ per cent taxed interest is equal to 3½ per cent untaxed interest, according to the viewpoint of the purchasers in the bond market.

The best opinion we can get is what the buyer of bonds will pay for them. Very well; what have we in this settlement? During the war we had a 4¼ per cent bond. We reduced it to 3½ per cent. I have not a doubt in the world that the Government of the United States would say to the purchasers of those bonds, because the Government has the right to sell them on the market, "If you buy these British bonds, we will not tax them."

Mr. SMOOT. They can not be taxed unless a law of Congress were enacted to do so.

Mr. UNDERWOOD. Surely; but if the Government chooses to say that and offers to sell them on the market as untaxed bonds, as it has a right to do, they will sell at par at 3½ per cent, because our own bonds sell for the same reason.

Mr. SMOOT. With the 62-year period they would sell above par.

Mr. UNDERWOOD. I think the statement I made is reasonable. So, then, the question is in making the settlement in times of peace, Are we to put our allies' bonds on the basis that they must pay interest on the basis of a taxed bond or an untaxed bond? If we want the money back and are willing to sell the bonds in the market on an untaxed basis according to the market quotations of to-day, there is the distinction. So I say that on the basis of a settlement dollar for dollar it is a reasonable proposition when we consider that we have no right to subject our late allies' bonds to taxation for this Government, because if we subject them to taxation, of course, the money goes into the pockets of the Government, and governments can not deal with each other on that basis. We do not even deal on that basis as between the Government of the United States and the States of the Union. We keep our taxing hands off of the States of the Union and they keep their taxing hands off of the securities of the Government of the United States. That is a principle that has always been recognized, and we have no right to put this business transaction with the Government of Great Britain on the basis that we would if it were a matter of taxing its securities.

Mr. HITCHCOCK. Mr. President, will the Senator yield?

Mr. UNDERWOOD. Certainly.

Mr. HITCHCOCK. Do I understand the Senator to say that if the bonds which the Treasury of the United States is to accept from Great Britain should pass into private hands, income from them would not be subject to taxation by the Government of the United States?

Mr. SMOOT. Is the Senator asking me that question?

Mr. HITCHCOCK. Yes; or any Senator who can answer it.

Mr. SMOOT. Yes; I say the interest upon the bonds would not be subject to taxation under our existing law, and if we undertake to impose taxation upon the interest on foreign bonds, immediately England would impose a tax upon the interest from our bonds owned by her subjects.

Mr. HITCHCOCK. So we are proposing to absorb $4,000,000,000 of British bonds which may be sold to private interests in this country and be free from taxation by the Government of the United States or by any State.

Mr. SMOOT. If they are free from taxation, but I do not know whether they will be sold to individuals in the United States.

Mr. LODGE. They would pay the same tax that our Government bonds do.

Mr. SMOOT. Under our existing law they could be required to do it if the Congress wanted to tax them.

Mr. LODGE. They would bear the same rate of taxation that our bonds bear. The 3½ per cent bonds bear only the inheritance tax.

Mr. HITCHCOCK. The income from our Liberty bonds is taxed as a general proposition, with some exceptions. Do I understand the income from the British bonds, if held by American interests, would not be subject to taxation?

Mr. SMOOT. It would not be subject to the taxation I referred to.

Mr. HITCHCOCK. I think that raises a very serious question.

Mr. UNDERWOOD. If the Senator will allow me, I do not think it is so serious a question, and I would like to proceed.

Mr. HITCHCOCK. Will not the Senator from Alabama permit me to clarify the matter? The Senator made a statement and I was amazed at it, I must confess. We tax the income from the Anglo-French bonds in this country at this time. They are not exempt from taxation.

Mr. SMOOT. I think the Senator is mistaken.

Mr. HITCHCOCK. I think not. It would be perfectly ridiculous to think that Americans could buy the bonds of foreign countries and not be taxed on the income from those bonds.

Mr. UNDERWOOD. Mr. President, I would like to yield to the Senator from Nebraska, but he is carrying the discussion into a realm in which I am not engaged or interested at this time. I think the statement came from the Senator from Utah and not myself. I attested his statement merely upon the basis that to tax anything we have to fix the basis of taxation by law, and I take it that what the Senator from Utah meant was that the present taxing law would not reach these bonds, that they will lie in the Treasury of the United States, and therefore will not be subject to taxation.

Mr. HITCHCOCK. I realize that; but I am propounding the question whether, if the Government sells these British bonds to private interests in this country, those private interests would escape taxation.

Mr. UNDERWOOD. What I understood the Senator from Utah to say was that they would. I do not express an opinion on the subject because I have not investigated it, but I assume that he meant the present law would not reach the bonds, but whenever they get into the hands of a citizen of the United States the Congress can enact such laws as it wants to in reference to them. The Congress can tax them or untax them.

Mr. HITCHCOCK. The place to do it is on the pending bill before they enter into the hands of interests in the United States. We can not afford to permit $4,000,000,000 more of tax-free bonds to get into private holdings in this country.

Mr. UNDERWOOD. Why, Mr. President, I am amazed that my friend from Nebraska should make such a statement. It is absolutely beyond any qustion involved here. Here we have a debt settlement with another Government, and the Senator has said it is necessary for us to inject into that settlement a local issue between our Government and our own citizens.

Mr. HITCHCOCK. The Senator from Alabama takes a view about tax-free securities entirely different from mine. He opposes the theory of doing away with tax-free securities. I take the view that tax-free securities are an evil in this country and that it enables great quantities of capital to be invested and escape taxation. I am opposed to having $4,000,000,000 of additional tax-free securities injected into the markets of our country.

Mr. UNDERWOOD. What I am saying to the Senator from Nebraska is that that is not an issue involved in this matter at all.

The Senator and I do differ as to the general proposition, but that is a constitutional question and has nothing to do with the pending bill. As to whether the securities shall remain tax free or be taxed is a question undoubtedly that the Congress of the United States by legislation can establish at any time it wants to. But it has nothing to do with our settlement with Great Britain.

The question I was arguing when the Senator from Utah injected his statement into my speech was simply that in settling with Great Britain we have no right to settle with her on a tax basis. We should settle, if we settle justly, on the basis of what is a reasonable rate of interest on these bonds for the Government of the United States. If we want to sell them in the market and say to the owner of the securities purchased in the market, the citizen of the United States, that he shall pay taxes on them, then we burden the bonds to that extent, but we have a right to do it. We can do it, but if we are going to put that burden on them we have no right to put the burden on an international ally which is a government. That is what I am contending. We have no right to say to another Government, "We will make you not only pay your interest but a tax as well." Of course, that depends on the interest rate. The Senator from Utah may be right that as they stand to-day the bonds could not be taxed, but they can be made taxable at any time the Congress desires to do so.

Mr. HITCHCOCK. I would like to have the Senator from Utah clear it up while we are on the point.

Mr. UNDERWOOD. My friend from Nebraska will pardon me, but that is a question between the Senator from Nebraska and the Senator from Utah and is of no interest to me whatever. I do not care which way it is decided. I am trying to make a statement as to my viewpoint in this connection, and if the Senator from Utah and the Senator from Nebraska will kindly take the floor in their own time I shall be glad to have them settle it, but not in my time.

Mr. SMOOT. I did not want to enter into the discussion at all. I was going to say to the Senator that it depends on whether the bonds are tax-exempt bonds or taxable bonds.

Mr. UNDERWOOD. My position is not at all material to the argument of the Senator. I have no doubt if the bonds are nontaxable now that when we sell them to citizens of the United States we can make them taxable, or if they are taxable now and we want to sell them to citizens of the United States and get more money from them, we can make them nontaxable. But that is a question for the Congress to determine hereafter.

The point that I am making is that on the basis of peace and looking at it from the standpoint that we have no right to tax a debt of a foreign government, this is a reasonable settlement so far as the interest rate is concerned. If we want to assume, for argument, that they are going to pay 3 per cent interest for 10 years and 3½ per cent interest for the balance of the time, and assume the fact that 4½ per cent is the real rate of interest, of course we can show that we are going to lose a lot of money. That is a mere matter of figuring.

I may have placed a land mortgage on a farm when I had to pay 8 per cent interest, and by reason of the legislation of Congress providing for farm-loan bonds the rates of interest in my neighborhood may have been reduced to 5 per cent. When I come to renew the mortgage I tell the man I must have it at 5 per cent or I will take it to a farm-loan bank. He then says, "I will lend you the money at 5 per cent." I suppose on that basis it would be calculated that he lost 3 per cent a year. We might, on the basis of this argument, contend that the difference between 4½ per cent and 3 per cent is 1½ per cent. But that is not the issue. The issue is whether this is a fair rate of interest, everything considered.

But, Mr. President, I merely state that as a premise. I think the settlement is a reasonable settlement and ought to be made. The reason why I say it ought to be made is because the most important question that is confronting the civilized world to-day is a settlement of international finances. The difficulty in the world to-day is that its financial conditions are so unsettled that the world can not do business.

I want to impress on those to whom I have the pleasure of speaking that from my viewpoint we can not have a real satisfactory business or anything approaching prosperity in the United States until Europe is on the mend. We are part and parcel of the world's great economic system. Distress anywhere rests on us, and the present great disarrangement in Europe can not help being a tremendous drag on our own advancement.

That is the proposition. As long as Europe is financially in distress we will be in distress. As long as Europe fails to have a normal buying capacity the products of our labor and the products of our fields and factories will not reach a normal price in the markets of the world, and our people lose that much in the marketing of their crops and the other products of their labor.

I wish to call the attention of Senators to the fact that the list of commodity exports and imports between Europe and the United States for the fiscal year ending June 30, 1922, published by the Government, shows that our exports to Europe for the year ending the 30th of last June amounted to $2,067,027,605 and our imports from Europe amounted to $820,473,712, leaving a balance of trade between Europe and the continental United States of $1,236,553,893 in our favor. That balance of trade must be paid. It will be of no value if it is not paid. How is

it going to be paid? There is no gold in Europe with which to pay it, and there is not going to be any. Before the Great War Europe owned and held four billion or five billion dollars' worth of American securities, and if the balance of trade went against her she could sell our securities. Europe practically holds none of those securities now. Instead of being a debtor nation, as we then were, we have become the great creditor nation of the world.

From a statement issued by the Department of Commerce some months ago it appears that the Governments of Europe to-day owe our Government $11,500,000,000 of war debt and the interest thereon; that, in addition, they owe to our people $4,000,000,000 balance on open account, and there are $2,000,000,000 of European securities which are owned by private account in America. In other words, Europe owes us to-day $17,500,000,000, according to the statement, and I think in all probability the indebtedness really equals $18,000,000,000.

Mr. President, if we count the interest on that account, assuming that all these debtors are solvent, and then charge an amortization account of 1 per cent or one-half of 1 per cent, it would require of the European nations which owe us, in order to balance their accounts, in addition to the balance of trade of $1,200,000,000, the payment of another billion of dollars, making over $2,000,000,000 which would have to come to our shores in order to pay for our crops, to pay for the products of our labor, and to pay the interest and amortization charges on debts due us.

How can it come? Where it is going to come from? There is no way in which I know that this money may be paid except through international trade. Of course, there was some money which flowed out of this country, carried or sent back to the old country by the immigrants; but that practically ceased with the closing of the door to immigration. There is some little money going back into Europe from this source, but it is comparatively little. At one time Great Britain, Norway, and Germany and other great countries of Europe had the trade of America on the high seas and we paid them for carrying our trade, but to-day we ourselves are in the shipping business. There is comparatively little when the trade is balanced as a carrying account that goes to the European ledger, so we can not be paid in that way. We all recognize that there are no American securities abroad to come back here with which to pay this debt, and there is not gold abroad with which to pay it. So in the last analysis it comes down to the question of trade.

I did not rise, Mr. President, in order to discuss the tariff or to inject that issue into my argument. I merely wish to say in passing that instead of lowering the tariff wall we have raised it and, of course, that has a tendency to keep foreign trade out of this country. I should like, however, to inquire of gentlemen who say this settlement is unreasonable, How are we going to collect the money, not merely to pay the debts which are due us—we might abandon our debts—but how are we going to collect the money to pay for our cotton, our corn, and our wheat and our cattle, and products of that kind which we ship to foreign markets? That is the issue; that is the question on the answer to which depends whether or not the American people shall be prosperous in the future. The debt is a minor question compared with the prosperity of the toiling masses of the American people. I want to know where we are going to get the money.

I said a while ago I thought it was very fortunate that Great Britain did not assume to pay this entire sum of money now because if she strained the finances of Europe to pay us $4,000,000,000 at this good hour there would be no market to-morrow for cotton or corn or wheat or cattle, because Europe would have nothing with which to pay us. The markets of Europe have not died out; some millions of men were killed on the field of battle, but the great population is still there, and that great population are prepared to eat as much as they did before the war if they could pay for it. The reason the demand for American products in European markets has fallen off is not that the vacuum is not there for them to flow into, not that the people do not desire them, but they have no means of paying us for our products.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. WALSH of Massachusetts in the chair). Does the Senator from Alabama yield to the Senator from Idaho?

Mr. UNDERWOOD. I yield.

Mr. BORAH. I ask the question I am about to ask not in a controversial mood, because I entirely agree with the Senator, but what outlook is there for our foreign market getting better?

Mr. UNDERWOOD. If the Senator will allow me, I do not want to inject an issue that is not involved here, but the Senator has asked me a question, which I will answer if I can. I think the only opportunity there is for better trade conditions between this country and Europe is to encourage international trade and tear down our barriers at the customhouse, or to lower them, at least. I do not say it is necessary for us to come to free trade, but where tariff rates are prohibitive we should lower them and allow some products of foreign countries to flow in here to pay for the products of the toilers of America. A creditor nation can not build up international trade by erecting barriers at its customhouse. I have indicated the only way that I can see that trade conditions are going to get better, but I do not want them to get worse. I am not contending that the passage of this bill will make conditions better in that respect, although it will in some other respects; but I say that if we do not pass this bill and make this settlement they will get worse, because the finances of the world would be unsettled by demanding the payment of the debt at this hour. I think if we put this debt settlement off for 62 years and fix a reasonable rate of interest, unless there shall occur another great world war in Europe, we will probably collect the debt; but if the settlement is made and conditions become stable, the money markets of the world will absorb it; it will be adjusted and placed. We will adjust ourselves to that condition, and then we will return to a normal market condition for the absorption of our surplus crops in America.

Mr. President, I did not intend to take up the time of the Senate in a debate this morning, and I am not going to do so now. I might talk indefinitely on this question, but it is that of course I think a Senator of the United States should RECORD to let those whom I in part represent know my reasons for voting for this settlement. I wish to say further, however, that of course I think a Senator of the United States should have a vision that is broad enough to represent the entire people of this country; but at the same time, Mr. President, we can not get away from the proposition that we do represent a particular constituency, and my constituency are largely producers of cotton. They produce many other commodities, but when we have a good market for our cotton we have prosperity in our State and when we have a bad market or no market at all for our cotton we have hard times in my State. One-half of the cotton produced in America is sold abroad. Most of it goes to European markets, and a major portion of it goes to English mills; so that, in the last analysis, the owner of the British spinning mills is the buyer of the cotton of the South.

Governmental finance is absolutely tied with personal finance. When a government is under a strain for money loans rates of interest will always go up and the nationals of that government will have to pay higher rates of interest for private loans; that is a demonstrable fact. When governmental loans are easy and government rates of interest for borrowing are low, it has its effect immediately on personal loans, and personal rates of interest come down, and the difficulty of obtaining loans with which to conduct business becomes less—necessarily so, because all the loaners of money prefer to lend to a government rather than to an individual, because it is regarded as better security so far as stable and solvent governments are concerned. So that when the British Government's credit becomes stabilized it stabilizes local banking conditions in Great Britain, it has a tendency to make easier money, and it has a tendency to promote business.

Our people must not overlook the conditions that stare us in the face. The British spinner is a large consumer of American cotton, but he does not sell his cotton products overnight and get the cash for them. He may do so locally to some extent, but the British spinner is a world-wide merchant. He sells in most of the marts of the world, and his basis of making the sales is not 90-day paper, but he sells on a year's time. He takes a year in which to complete his transaction; and the spinners of England have not enough capital to carry the entire products of their factories through a year's time. They are dependent on making loans, or, in other words, on selling the bills payable that they get from the wholesale merchants of South America, Africa, and the Orient in the open bills market of London. If they can not sell those bills payable there, they can not continue to manufacture cotton and sell it in the marts of the world; and whenever the credit of their Government is destroyed or injured or threatened it unstabilizes the market for the British spinner's bills payable in London, and to that extent injures and closes the market to American cotton.

I am talking in regard to cotton merely because that is interesting to my own State; but in the main we can continue

this argument and put in place of cotton the wheat of the northwest, the cattle of the great western plains, the corn, or any other product that we produce in America and ship abroad for sale. They are all involved in this proposition.

Within the year, in fact within six months, I have received numerous petitions from farmers' organizations in this country petitioning that our Government do something to establish international credit abroad—for what purpose? For the purpose of establishing a foreign market to absorb their surplus crops. This is only a step. I do not say that it consummates the whole proposition; but making a final settlement of this British debt, putting it in a safe and finally solvent condition, will do more to stabilize the finances of Europe and stabilize the markets of Europe than any other one thing that can be done. I would vote for this settlement from that standpoint even if I thought it was a bad settlement, even if I thought it was an unfair settlement.

I do not think so. I think it is a reasonably good settlement, but if I thought it was a bad settlement I would do it to stabilize to that extent European finances, because I think it is more important to us to do everything we can to establish markets for the growing crops and the product of the toil of American hands of this hour than it is to go back into the past to collect the last dime of interest on a foreign loan. So that even if you had brought in a much less inviting proposition to the Senate, and it was final and a settlement of it, and I thought it was done on fair terms, I would have accepted it, because I think it is the only thing we can do, but I want to be fair and say that I think you have made a reasonable settlement of the matter.

Mr. President, I did not intend to take up this much of the time of the Senate, and I do not wish to go into the matter further. I merely want to let the RECORD show why I think the immediate acceptance of this proposition is in the interest of the great mass of the American people and the particular constituency that I represent.

Mr. BORAH. Mr. President, I have no desire to see this Government drive a harsh bargain with reference to these debts, either the debt with which we are now dealing or any of the debts with which we may hereafter come to deal. I have always looked upon the debts which these governments owe us as a piece of property, as it were, belonging to the people of the United States to be utilized to the best advantage to the people, whether that utilization consisted of generous settlements or even of cancellation in consideration of the return of things which we ought to have.

If the debt question before us be considered purely as a question of collecting or arranging for the collection of so much money, I have no doubt, as stated by the able Senator from Alabama [Mr. UNDERWOOD], that a very reasonable settlement has been made; but I have always looked upon these debts as one item, and only one, in the whole subject matter of economic readjustment in Europe.

That phase of the matter, however, I am not going to discuss just at this time; but there is one feature of it to which I am going to call attention. It may not have any bearing upon the question of voting, but it has some bearing upon the historic truth of the transaction which we are now consummating.

Mr. President, I have said I do not want to see this Government drive a harsh bargain. I am equally interested in seeing that we are not unjustly accused of driving a harsh bargain.

I have observed in almost every English publication which has come out since the settlement of this debt what may be regarded as criticism because of the so-called harshness of the settlement. Some of the editorials and some of the press expressions go so far as to say that it is severe and unjust, and call attention again to the attitude of this Government as being that largely of a mere money-making concern when it comes to dealing with other powers. I notice that the ex-Premier of England, Mr. Lloyd-George, stated a few days ago that the American debt-settlement terms were hard, and that he was frankly disappointed in regard to them. That is a mild statement compared to some of the statements that have been made. A great deal has also been said here upon the floor as to the situation in England, as to the unfavorable economic outlook which confronts her, indicating that the settlement might be considered harsh even from our standpoint in view of her unfortunate condition.

I know, as one may know from reading, something about the distressed situation of the English people and of all the people who were engaged upon the allied side, and, so far as that is concerned, of all the people of Europe. Anything that the United States may be able to do in the way of a generous settlement or adjustment of these matters may well take into consideration all such features of the situation. I would deal with Europe with her sad condition in mind.

But I am bound to say that, notwithstanding all these facts, when the whole history is told, this is an extraordinarily generous settlement upon the part of this Government. Never again ought a voice be raised in England or elsewhere to the effect that we are a harsh bargain-driving people. We have acted in this matter, as we did in reference to other matters touching the war, with the utmost unselfishness and generosity. This was a debt incurred for the purpose of carrying on the war, incurred on terms satisfactory to the parties who received the money, and we might well have said that according to the contract it ought to be paid, and still not be subject to the charge which has been made against us; but we have gone much further than that. Holding a debt drawing an interest rate of 5 per cent, we have voluntarily cut it down to 3½ or 3.48 per cent. But that is not, Mr. President, by any means all I have in mind when I rise to discuss the other side of this question as to harshness of settlement.

When we came home from the war we came home without claiming a single foot of territory, without any material or property advantage whatever. Although there was in large measure a continent to be distributed, some of the richest mineral deposits in the world—oil, coal, and other mineral deposits—to be exploited and divided by our allies, as was well known at the time, after the revealment of the secret treaties, the United States did not lay claim to any part or parcel of it. The President of the United States, then Mr. Wilson, stated in the beginning of the war, and stated again and again, and carried into practice at Versailles, the policy of disclaiming upon the part of this Government all possible material advantage; and while the credit is due to him for having said it, it must be said also that the American people supported that contention from the beginning, without, so far as I know, a dissenting voice. There never was in the press or any public speech or any private conversation, so far as I have been able to ascertain, an intimation upon the part of the people of the United States that they desired to secure any material advantage, any property interest, by reason of our victory. We eschewed all gain. We were prepared to do and we did a great unselfish task, and from the beginning to end our action bears no taint of material gain.

To my mind, when the whole transaction is viewed and the environments under which we operated are considered, it was the most unselfish act that ever characterized a nation engaged in a war. Nowhere in the history of the world is there anything to be compared with the doctrine laid down by the President of the United States, supported by the people, and finally ratified by the Government with reference to the unselfish conduct of the United States in that war.

How much better it would have been for the world had that policy been adopted by all the nations interested in the war. In my opinion, the question of economic chaos, of the distress now prevailing throughout the world, and of the dark outlook from the financial standpoint would have been entirely different had that policy been pursued and any semblance of regard given to the rights of nations, not alone those against whom we were fighting but even the rights of those who were associated in the war but less powerful than we.

I am going to call attention to some facts and figures. If it does nothing else, it may help some of us to understand that we are not driving a harsh bargain after all. I trust our friends across the water hereafter may look at it differently also.

Great Britain and France acquired, either absolutely or subject to exploitation, as a result of the war a combined territory of 2,486,000 square miles—within 540,789 square miles as large as continental United States. Of this, England, leaving out Persia for the time being, acquired 1,607,053 square miles, with 35,000,000 people inhabitants thereof. To get some conception of that territory in extent, if we take the States of Washington, Oregon, California, Idaho, Nevada, Arizona, Utah, Montana, Wyoming, Colorado, New Mexico, Texas, Oklahoma, and Kansas, we will have just about the amount of territory included in this area which Great Britain acquired, leaving out Persia. It may be said that some of that territory is a burden. It was not so considered when it was acquired. But within that territory, as I shall show, I think, in a few minutes, are some of the richest areas of the world, and a large portion of them.

Including Persia, over which she now has control so far as exploiting her natural resources is concerned, a country which has an area of 607,200 square miles, Great Britain has acquired, as a result of the war, 2,000,000 square miles of territory. France has acquired 5,605 square miles, with a population of 1,709,746 people, including a piece of territory the richest in

industrial possibilities in all Europe, the Saar Valley, for a term of years, which under the present program will not be for a term of years but eternally. She acquired colonial possessions of 480,495 square miles, with a population of 35,773,000 people, making in all a total territory of 2,486,000 square miles acquired by Great Britain and France.

No one can estimate the wealth of this territory. It could not be estimated even at the time of its taking over, and subsequent developments have disclosed that in oil and other mineral deposits it is rich beyond measure compared with its hitherto supposed value. But, as I said, that territory was left to be divided among the Allies. The United States returned home without claiming any part or parcel of it; nevertheless, propaganda, abroad and in this country, has been engaged since that hour in undertaking to demonstrate that the Shylock of the combination was the United States. The reason for such propaganda is apparent. As the able Senator from Massachusetts said upon yesterday, the question is not the condition of our debtor at this present hour but what are her assets?

Let us go a little further and consider the question of the coal and steel possibilities. The exports of iron and steel in 1913 were as follows in tons:

Germany	5,664,000
Great Britain	5,000,000
United States	2,725,000
Belgium	1,543,000
France	573,000

The ore reserves of European nations in 1922, according to the statisticians, are as follows in tons:

France	4,369,000,000
Great Britain	2,254,000,000
Sweden	1,548,000,000
Germany	1,374,000,000
Russia	1,032,000,000
Spain	610,000,000

In other words, the redistribution of the iron and coal deposits since the war has brought about a change of status of these nations with reference to their ore reserves, the value of which, as I have said, can hardly be estimated. I will give an intimation of it. France exported of steel a monthly average in 1912 of 41,500 tons; in 1913, 48,200 tons; in 1921, 100,000 tons.

France obtained from Germany, as a result of the war, 40 per cent of her blast furnaces, 30 per cent of her steel works, and 28 per cent of her rolling mills. Those are matters of consideration in dealing with the equities which arise out of the adjustment of debts, and the settlement of affairs between the allied and associated powers, especially when the driving of hard bargains is the charge.

Let us take the subject of rubber. I read an article written by Mr. Karger, a Washington correspondent well known to all people in the Capital, discussing this subject. He said:

> If the United States is unable to find a way out, the American consumer of rubber will pay approximately $110,000,000 more for the year's rubber supply, with an increase to $135,000,000 in prospect. Rubber in international trade affairs plays a part second in importance only to that of oil; and the United States, as the world's largest consumer of rubber, with its source of supply limited almost entirely to Great Britain's dependencies, is threatened with tremendous penalties as a result of British decision to restrict the output in order to increase the price.
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> In September the price of crude rubber was 15 cents a pound. Since then it has gone to 37 cents. Unless an agreement shall come out of the pending negotiations it is expected to remain stationary at about 86 cents.

That illustrates what I have had in mind when I have said that the settlement of the debt problem between this country and the other countries to my mind is but one element in the adjustment of the equities growing out of the conditions resulting from the war. It will not cause Great Britain much difficulty to pay the debt, as it is now distributed, if by reason of her control of the rubber market——

Mr. McCORMICK. And shipping.

Mr. BORAH. And shipping in the view of the Senator.

Mr. HARRELD. And oil.

Mr. BORAH. And oil, and coal, she can raise the price, as she has in the case of rubber, from 15 cents to 37 cents, and put upon us about $135,000,000 a year extra. That is business, and we have no right to complain. We are only enjoined to look into these things when we come to adjust matters with our friends. Much of this is a part of the wealth which was gathered as a result of the war.

Mr. McCORMICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Illinois?

Mr. BORAH. I yield.

Mr. McCORMICK. I have been as active as anyone, I think, in seeking to take measures to free the American rubber consumer from the grip of that monopoly. Surely the Senator does not mean that a monopoly was acquired as a result of the war?

Mr. BORAH. No; what I mean is that a large part of the territory from which different commodities comes.

Mr. McCORMICK. Which part? British Malaysia, which produces the bulk of the rubbber, was under British suzerainty long before the war.

Mr. BORAH. I read further from Mr. Karger's article:

> Which means that rubber tires will cost twice what they did a few months ago. The policy of the British Government was to submit recommendations with respect to the rubber industry to its colonial and territorial legislatures. The recommendations have been carried into effect. They have resulted in an empire-wide combination, which amounts to absolute control of the world's rubber prices.
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> Just how seriously the United States will feel the pinch is deducible from the fact that for the year ended July 1, 1922, this country consumed about two-thirds of the world's total rubber supply. Of the total exports of 383,400 tons of crude rubber, the United States took 261,216 tons.

More directly, Mr. President, as the result of the war came the question of the increased possessions of Great Britain with reference to oil. I shall not take the time of the Senate to read, but I ask permission to insert in the RECORD in connection with my remarks some paragraphs from the Literary Digest of January 20, 1923, under the heading, "The world race for oil."

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

> Ever since the armistice Great Britain has been steadily increasing her sphere of influence and at the same time quietly adding to her great oil resources in this vast territory. The first step was to develop her own oil lands in Egypt, where she has been quite successful. Through the activities of the Anglo-Egyptian Co. she holds the most valuable oil lands of Egypt and has concessions all around the Red Sea. Later, through the d'Arcy concession, she gained the most valuable portion of Persian oil lands for the Anglo-Persian Oil Co. As a result of the Versailles treaty she was granted a mandate of Mesopotamia and with it controlling interest in the Turkish Petroleum Co., holders of an exclusive concession on the whole of that wildcat country. During the present year the Anglo-Persian Oil Co. has been granted a concession on all the oil lands of Macedonia and Thrace by the ex-King of Greece. As a result of this intensive campaign of commercial expansion, the only lands of large proportions left are Turkey, including Armenia, Turkestan, and Arabia, all impossible countries for the production of oil at present.
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> Since the war the French have made it a policy to befriend Turkey. They have furnished her officers to help in training her armies, sold her airplanes, and sent engineers to assist in building munition factories, and she will expect concessions which the Turks have to offer.
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> Long debates ensued between the British and the French Governments, and finally Lord Curzon agreed in return for "the renunciation by the French Government of the ancient rights it possessed in the Mosul district," and in consideration of French permission for the building of a pipe line in Syrian territory, that the British Government would hand over to France the 25 per cent German share in the Turkish Petroleum Co. concession. This was a great gain for France, because, according to the soundest estimates, the production possibilities of Turkish petroleum are put at 5,000,000 tons.

Mr. BORAH. Now let us go to another feature of the situation. I have referred to the question of territorial acquisition and the mineral deposits which were acquired along with the territorial acquisitions. I want to refer now to another matter, and that is to some of the payments which have been made to our allies since the war. The amount paid by Germany in cash and kind has been $1,900,000,000; settlements of private debts, $150,000,000; paper marks requisitioned, $140,000,000; paper marks for expenses of armies of occupation, $225,000,000; expenses of the allied commission, $11,000,000.

Mr. FLETCHER. May I inquire of the Senator if he is referring to dollars or marks?

Mr. BORAH. I am referring to dollars.

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. BORAH. Certainly.

Mr. NELSON. The New York Times stated the other day that a little over $2,000,000,000 had been paid in reparations by Germany in money and in property, and that the French had expended over $7,000,000,000 in reparations in restoring the country that had been devastated by the Germans. In other words, for what has cost the French people $7,000,000,000 they have only gotten property and money to the amount of $2,000,000,000, leaving $5,000,000,000 unpaid.

Mr. BORAH. That does not controvert anything that I have said and has very little relevancy to the argument which I am making.

Mr. NELSON. It does not contradict what the Senator has said, but the Senator should not overlook it when he refers to the matter.

Mr. BORAH. I can not have in mind everything that is in the alert mind of the Senator from Minnesota. I was calling attention to the fact that the amount paid by Germany was $1,900,000,000; settlement of private debts, $150,000,000; paper

marks requisitioned, $140,000,000; paper marks for expenses of armies of occupation, $225,000,000; expenses of the allied commission, $11,000,000; making in all $2,426,000,000. I think that is a fair figure. I have gathered it from the Manchester Guardian, from Current History, published by the New York Times, and from figures which were given by the New York World. Some of them slightly increased the figure which I have given; but as nearly as estimates can be made, I believe that is a fair figure.

Now, it is true that France has expended money for the restoration of the part of France over which destruction flowed during the war. That is not the subject with which I am dealing now. I am simply dealing with the proposition of what our allies have received, while the United States at the same time is being charged with driving a harsh bargain in calling for settlement of a debt at 3½ per cent. It is not all upon one side. We have all lost and all suffered, but when history comes to be written there will be no occasion for charging the United States with driving a harsh bargain with its allies. That kind of propaganda ought to cease in this country, not only among our own people but those who are imported into this country for the purpose of spreading it.

The Senator from Minnesota has said that France has expended $7,000,000,000. France has not done anything of the kind.

Mr. NELSON. I quoted that from as good authority as those from which the Senator has made his quotations—the New York Times.

Mr. BORAH. Well, the Senator did not tell it all. It may be true that France made arrangements to spend $7,000,000,000, but one of the best-informed Frenchmen now living states that about three dollars in five reached the destroyed area, and the rest of it was wasted and grafted by those who were in a position to handle it. It can be demonstrated that nowhere near $7,000,000,000 has been expended. If anyone wants to see the result, let him look at what they have accomplished with the $7,000,000,000. As some one has shown, $7,000,000,000 is more money by twice than was spent in 160 chief cities in the United States in the years 1919, 1920, and 1921. But that is aside from the question. We will take up that question later.

The value of the Saar Valley mines, which they also acquired, has been estimated all the way from $100,000,000 to $250,000,000. The Upper Silesian coal fields which went to Poland were estimated at from $200,000,000 to $300,000,000. The Reparation Commission placed the value of all deliveries in cash and kind of itself at $1,900,000,000. This does not include a number of items since, such as $140,000,000 in paper marks requisitioned and $245,000,000 in marks as expenses of the armies of occupation. A conservative estimate, including payments in cash and kind and territory and coal, has been made at $5,000,000,000 going to England and France since the war.

Mr. McCORMICK. If the Senator will permit me to interrupt, did not the Reparation Commission in December last estimate that the sums which had passed through its hands alone, including the support of the armies of occupation, amounted to $3,000,000,000?

Mr. BORAH. I can not recall the figure. Perhaps the Senator is correct.

Mr. McCORMICK. That did not include State properties and mandated territory and other matters.

Mr. REED of Missouri. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. BORAH. I yield.

Mr. REED of Missouri. Do I understand that the sum of $5,000,000,000 is what has been already received exclusive of landed territory?

Mr. BORAH. No; I did not say that. I said including it.

Mr. REED of Missouri. Including all the territory they took?

Mr. BORAH. Yes. That is the estimate which has been made. But, in my opinion, when we come to estimate the territory, the coal, and the mineral deposits, this estimate which has been made by the friends of the Allies of $5,000,000,000 does not represent one-fifth of it. Indeed, it is impossible to estimate the value of the property acquired by Great Britain and France. Well might Curzon say, as he did say, at the close of the war:

> Great Britain has gained in this war all and indeed more than she set out to win. Our navy remains at the end of the war intact and unassailed. The principle of the freedom of the seas, which is the basis of our national existence, stands unimpaired and unimpugned. The British protectorate over Egypt is provided for in one of the clauses of the treaty, and our new possessions are made safe under our command.

Colonel Hilder, in the House of Commons, also said:

> The outstanding feature of the peace treaty is that it puts the British Empire at the highest point that it has ever reached in regard to territorial and world influence. Largely by force of circumstances and the leading part which our navy and army took in either the breaking down or destroying of the enemy we have been left with far greater territory and power than at any other period in the history of our race.

In my opinion, if the wealth which has been gathered up as a result of the war upon the part of our allies could be reasonably estimated, it would be a reasonable figure at $25,000,000,000, if it could be estimated at all. It is like estimating an undeveloped continent. When I say that I include territory and the rich mineral deposits in the territory, the payments which have been made by the Reparation Commission, the value of the coal in the Saar Valley, and of the other coal deposits which have been granted. And now, if my friend from Minnesota will not take offense, France is in the Ruhr at this time because Germany failed to deliver some 84,625 tons of coal and some timber.

Mr. President, I rose for just one reason. I can be brief therefore in regard to it. When the history of this transaction shall have been written from the beginning to the end, the unselfish, the generous course of the United States with reference to the war, its conduct toward its allies, its refusal to claim territory, its refusal to participate in what we might call the spoils of victory, and its settlement of this debt must be set down as among the most generous deeds on the part of a nation in the whole history of the world. No longer should it be said that we are at any time or have at any time been undertaking to drive a harsh bargain.

Mr. HITCHCOCK. Mr. President, I offer the amendment which I send to the desk and which I ask may be printed and lie on the table.

The PRESIDING OFFICER. The amendment will be received, printed, and lie on the table.

Mr. HITCHCOCK. I will say by way of explanation that the amendment proposes to strike out the provision in lines 10, 11, and 12, on page 3 of the bill, which gives Great Britain the privilege for the first five years of paying only one-half of the interest. That privilege, if exercised, would result in increasing the principal of the debt some $395,000,000, a thing which I think was not contemplated in originally authorizing the commission to fund existing debts. The interest which had already accrued could be put into the principal, but Congress certainly never intended to extend and increase the amount of the debt.

The President of the United States in his address to us stated that the principal of the debt after the cash payment would be $4,600,000,000, but if the clause to which my amendment relates remains in the pending bill and Great Britain exercises her privilege, the principal of the indebtedness, instead of being $4,600,000,000, would be $4,995,100,000. To that proposition I am opposed.

Mr. SMOOT. Mr. President, I think the Senator is mistaken in that statement.

For the information of the Senate and at the request of a number of Senators, I want to make a statement with reference to a statement made by me a few moments ago. If the bonds run the full 62 years as provided, and we take into consideration the amount of interest which was paid by Great Britain beginning with the first year on advances made to her, the first one would carry 3 per cent and the latter 3½ per cent. When our first Victory nontaxable bonds were issued they bore 3½ per cent, and following that they were issued at 5 per cent. So that, in order to ascertain the average rate of interest during the whole period, it would be necessary to take the first year average of 3.75 per cent, the second year at 5 per cent, the three and one-half years up to and including December 15, 1922, at 4¼ per cent, then 10 years at 3 per cent, and 52 years at 3½ per cent, making the average rate of interest, if this obligation is carried out to the end, 3.48 per cent plus.

Mr. President, while the Senator from Alabama [Mr. UNDERWOOD] was speaking the Senator from Nebraska [Mr. HITCHCOCK] asked me this question:

> Do I understand the Senator to say that if the bonds which the Treasury of the United States is to accept from Great Britain should pass into private hands, the income from them would not be subject to taxation by the Government of the United States?

I replied as follows:

> Yes; I say the interest upon the bonds would not be subject to taxation under our existing law, and if we undertake to impose taxation upon the interest on foreign bonds, immediately England would impose a tax upon the interest from our bonds owned by her subjects.

I had reference then to existing law which applies to the nonresident alien, and, of course, England would retaliate in such a case; but I wish to say to the Senator from Nebraska that the interest upon English bonds which an individual American citizen owns is taxable to the American citizen in

our country. I thought it was nothing more than right to call the attention of the Senate to that fact, because my answer was rather ambiguous and not altogether to the point.

Mr. REED of Missouri. Mr. President, while the Senator from Utah is on his feet, I wish to ask him two or three questions with reference to the terms of the pending bill. First, has an agreement been arrived at and put in writing between the American representatives and the British representatives with reference to this loan?

Mr. SMOOT. Mr. President, the British representatives, and, I think, the British Government believe that there is no contract nor can there be any contract under existing law until the Congress of the United States finally agrees upon it; but the terms of the proposition that were made to England and accepted by her are included in the bill, with the exception of these words—

and settlements, similar, but not more favorable in terms, with other governments indebted to the United States, as set forth in this section, are hereby authorized to be made, subject to the approval of the President.

That provision, Mr. President, was never discussed and never submitted to England and is not a part of the proposition, I will say to the Senator. As I said last evening—I do not know whether or not the Senator from Missouri was then present—so far as I am personally concerned, I should be glad to have those words eliminated from the bill. The Senator from Arkansas [Mr. ROBINSON] has offered an amendment to the bill proposing to strike out those words and to insert another provision with which I am perfectly satisfied, and, so far as I am concerned, I am entirely willing to agree to the amendment proposed by him.

Mr. REED of Missouri. Then, if I understand the Senator—I think his statement is perfectly plain and, perhaps, it does not need repetition—the only agreement, arrangement, or understanding of any kind between our representatives and the representatives of Great Britain is found in the language of the bill, which I now desire to read, so that it may appear in the RECORD. After reciting the amount of the principal of the debt, which I do not read, the bill provides:

The principal of the bonds shall be paid in annual installments on a fixed schedule, subject to the right of the British Government to make these payments in three-year periods. The amount of the first year's installment will be $23,000,000, and these annual installments will increase with due regularity during the life of the bonds until in the sixty-second year the amount of the installment will be $175,000,000, the aggregate installments being equal to the total principal of the debt.

The British Government shall have the right to pay off additional amounts of the principal of the bonds on any interest date upon 90 days' previous notice.

Interest is to be payable upon the unpaid balances at the following rates on December 15 and June 15 of each year: At the rate of 3 per cent per annum payable semiannually from December 15, 1922, to December 15, 1932, thereafter at the rate of 3½ per cent per annum payable semiannually until final payment.

For the first five years one-half the interest may be deferred and added to the principal, bonds to be issued therefor similar to those of the original issue.

Any payment of interest or of principal may be made in any United States Government bonds issued since April 6, 1917, such bonds to be taken at par and accrued interest, is hereby approved and authorized——

Mr. SMOOT. That is the end of the agreement.

Mr. REED of Missouri. Again, Mr. President, there is not a word said with reference to whether these bonds shall be fully negotiable in their terms, is there?

Mr. SMOOT. No; there is not a word said in relation to negotiability.

Mr. REED of Missouri. Not a word is said as to who shall be the payee of the bonds, whether they shall be made payable to bearer or payable to the United States of America?

Mr. SMOOT. I will say to the Senator that the form of the bonds has not been agreed upon, but the bonds, of course, will include all of the agreements that are provided for in the bill and prepared by the officials of the Treasury Department, and the bonds will be paid in dollars of the United States in gold.

Mr. REED of Missouri. But that is not stated in the bill, is it?

Mr. SMOOT. No; but I will say to the Senator that there is no question but what the bonds will be of that character.

Mr. REED of Missouri. I am talking now of the agreement which the Senate is asked to ratify. First, there is no statement in the bill as to whether the bonds shall be fully negotiable, so that they may pass from hand to hand by delivery; second, there is no provision that they shall be paid, if I recollect right. I made a mistake once in this body by omitting a clause of a bill, which the newspapers have never got through talking about; so I proceed with some temerity. There is no clause in the bill that the bonds shall be paid in dollars of the present weight and fineness, as we generally find in a bond that a banker takes, is there?

Mr. SMOOT. That will be in the bond, I will say to the Senator.

Mr. REED of Missouri. But there is nothing in the bill about it. There is nothing in the bill as to the payee, whether the bonds shall run to the United States or run to bearer. There is no understanding about that. But if the bonds conform to the bill, in so far as the bill is specific, the bonds would necessarily have written on their face the condition that the British Government might make payments, which would otherwise be annual, in three-year periods instead of in annual periods, and the bonds, if they carry out the terms of the bill so far as the bill is specific, would contain a provision that Great Britain could pay the holder of those bonds not in money of the present weight and fineness, but with any bond that the United States has issued or may issue subsequent to 1917 during the whole period of the 62 years. That would be true, would it not, I will ask the Senator from Utah?

Mr. SMOOT. It would.

Mr. REED of Missouri. So that if the United States were to undertake to sell these bonds to private parties, every private party would take them with notice that he might get his interest once a year or he might get it once in three years.

Mr. SMOOT. That provision only applies to the first five years of the life of the bonds.

Mr. REED of Missouri. Well, let us see about that. I quote:

The principal of the bonds shall be paid in annual installments on a fixed schedule, subject to the right of the British Government to make these payments in three-year periods.

That applies to the principal.

The amount of the first year's installment will be $23,000,000, and these annual installments will increase with due regularity during the life of the bonds until, in the sixty-second year, the amount of the installment will be $175,000,000.

Does that relate to the principal alone or to principal and interest?

Mr. SMOOT. That relates to principal alone.

Mr. REED of Missouri. It is not so stated in the language of the agreement, is it?

Mr. SMOOT. Yes; it is provided further along—

For the first five years one-half the interest may be deferred and added to the principal, bonds to be issued therefor similar to those of the original issue.

Mr. REED of Missouri. That is an additional right.

Mr. SMOOT. Certainly; but the provision to which the Senator from Missouri has referred relates to the principal only.

Mr. REED of Missouri. That is the Senator's inference.

Mr. SMOOT. It says so; it does not say anything else. It says:

The principal of the bonds shall be paid in annual installments on a fixed schedule.

Then as to interest it is provided:

Interest is to be payable upon the unpaid balances at the following rates, on December 15 and June 15 of each year: At the rate of 3 per cent per annum payable semiannually from December 15, 1922, to December 15, 1932, thereafter at the rate of 3½ per cent per annum, payable semiannually until final payment.

Mr. REED of Missouri. I am perfectly aware of that clause. That clause appears later in the bill. Referring, however, to the language which appears on page 2 of the bill, which reads:

The principal of the bonds shall be paid in annual installments on a fixed schedule, subject to the right of the British Government to make these payments in three-year periods. The amount of the first year's installment will be $23,000,000, and these annual installments will increase with due regularity during the life of the bonds until, in the sixty-second year, the amount of the installment will be $175,000,000.

I am unable to deduce from that with any certainty that it applies alone to the principal, although it clearly could be so construed.

Mr. SMOOT. Mr. President, as a part of the agreement submitted to England, the annual payments are fixed.

Mr. REED of Missouri. That is what I am trying to get at. Did the commission submit to England something that fixed the annual payments?

Mr. SMOOT. Why, certainly, and they were included.

Mr. REED of Missouri. Where is that paper?

Mr. SMOOT. It is in the RECORD. I put it in the RECORD yesterday, and I will hand a copy of it to the Senator at this moment, if I have it.

Mr. REED of Missouri. That is the very question I was asking a moment ago.

Mr. SMOOT. I thought I had one here. If the Senator will wait a minute, I will get a copy of the RECORD and show it to him.

Mr. REED of Missouri. Is this the place in the RECORD [exhibiting]?

Mr. SMOOT. That is it.

Mr. REED of Missouri. That schedule was made up by Mr. Mellon since the British commission left, was it not?

Mr. SMOOT. It was not.

Mr. REED of Missouri. It was so stated to me, but undoubtedly my informant was in error.

Mr. SMOOT. Oh, yes; I will say to the Senator——

Mr. McKELLAR. I beg the Senator's pardon; the Senator from Utah told me a day or two ago that it was.

The PRESIDING OFFICER (Mr. RANSDELL in the chair). The Senator from Tennessee will address the Chair.

Mr. McKELLAR. Mr. President, I beg the Chair's pardon.

The PRESIDING OFFICER. The Chair accepts the apology.

Mr. McKELLAR. I meant no disrespect to the Chair.

The PRESIDING OFFICER. Very well.

Mr. SMOOT. Mr. President, I want to say that it is true that this one was made up after the British commission left for England; but it was based upon a cablegram from England to the British ambassador, and he in turn accepted this, and it was a part of the agreement.

Mr. McKELLAR. Mr. President, I made the statement to the Senator from Missouri which the Senator from Missouri has repeated, and I made it upon the basis of a statement that the Senator from Utah had made to me.

Mr. REED of Missouri. The whole trouble arises from the fact that when I asked the Senator from Utah if anything had been put in writing he said—of course not intending to mislead me at all—that the whole proposition was contained in the bill. If a schedule of payments has been made up and it has been cabled to Great Britain, and Great Britain has cabled back accepting it, that would constitute a written record; and that is exactly what I wanted to find out.

Mr. SMOOT. Mr. President, that is the record in detail of what is found in the bill, beginning on line 13, page 2:

> The amount of the first year's installment will be $23,000,000, and these annual installments will increase with due regularity during the life of the bonds until, in the sixty-second year, the amount of the installment will be $175,000,000, the aggregate installments being equal to the total principal of the debt.

There is one provision modifying that, as was explained yesterday, which says that—

> For the first five years one-half the interest may be deferred and added to the principal, bonds to be issued therefor similar to those of the original issue.

Mr. REED of Missouri. Very well.

Mr. HITCHCOCK. May I interrupt the Senator a moment? Then the Senator of course concedes that that table——

The PRESIDING OFFICER. The Chair did not understand the Senator from Nebraska to ask recognition.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. The Chair recognized the Senator from Missouri.

Mr. HITCHCOCK. I thank the Chair. The statement, then, at the bottom of this table, that the principal of bonded indebtedness shall be $4,600,000,000, is erroneous?

Mr. SMOOT. What statement?

Mr. HITCHCOCK. The tabulated statement put into the RECORD by the chairman of the committee, and presented by the President also, to the effect that the principal should be $4,600,000,000.

Mr. SMOOT. No; it is not. The Senator has not read it all. It says:

> Total principal of indebtedness as of December 15, 1922, for which British Government bonds are to be issued to the United States Government at par, $4,600,000,000—

And that is true.

Mr. HITCHCOCK. But the bill gives to Great Britain the privilege of adding $395,000,000 to that principal.

Mr. SMOOT. No; the bill gives to Great Britain, if she desires it, the privilege of paying one-half of the interest for the first five years in additional bonds of a similar nature as the original bonds; and it is true that whatever one-half of the interest amounts to during the first five years would be an additional loan to England not from money advanced by our Government but taken out of the interest that she would have paid to our Government.

Mr. HITCHCOCK. Yes; so the Senator admits that the principal debt would be increased $395,000,000 if Great Britain should exercise that option.

Mr. SMOOT. I have not figured out the exact amount. It will be whatever half of the interest for the first five years may be.

Mr. HITCHCOCK. I can say to the Senator that it is $395,100,000, as I demonstrated here yesterday. Therefore that $395,100,000 must be added to the $4,600,000,000 if we are to compute correctly the principal of the debt.

Mr. SMOOT. If England takes advantage of the privilege that is given her under this provision, the debt will be increased by whatever one-half of that interest may be. There is no question about it. I think the reason for that was explained in detail, and I think it was a very wise provision under the conditions existing in the world to-day.

Mr. HITCHCOCK. When the Senator from Missouri has finished, I should like to find out a little more definitely how that was brought about. As the Senator stated yesterday, it certainly was not in the original contract with Great Britain, but was an afterthought, brought in by the British ambassador, and conceded by the commission.

Mr. SMOOT. I stated to the Senator yesterday all that there was to it, and I am perfectly willing to state it to the Senator again whenever he wishes me to.

Mr. REED of Missouri. The Senator has referred to the schedule prepared by the Secretary of the Treasury, and accepted by cable from Great Britain, which specifies the amount of money which is to be paid each year. Those different payments are based upon the principal debt as it existed in December, 1922. Suppose, however, that Great Britain takes advantage of the deferment of one-half of the interest, and adds that to the principal, giving new bonds therefor, will not that necessarily increase proportionately each of these annual payments?

Mr. SMOOT. It will, just as stated here; but the principal of the deferred interest will fall due within the 62-year period.

Mr. REED of Missouri. That is not the point I am making.

Mr. SMOOT. It will increase the amount of the indebtedness to America after December 15, 1922.

Mr. REED of Missouri. And it throws this entire schedule of annual payments out of gear—that is to say, it will increase each of our annual payments of principal.

Mr. SMOOT. No, Mr. President; it means that the payment will be made one-half in cash and one-half in bonds. In other words, the annual payments will be made just the same; the amounts will be paid just the same; but for the first five years, if England wants to take advantage of the privilege granted her, she can give us one half in cash and the other half in bonds similar to the bonds that she has already given us, and that is the payment.

Mr. REED of Missouri. I quite understand that; but the Senator has not caught my question. It is provided here in this schedule, for instance, that, we will say, the seventh year there shall be paid in principal $27,000,000. That $27,000,000 is a certain proportion of the debt as it existed in 1922; but in the meantime one-half of the interest has accumulated and has been converted into bonds. Therefore, that payment of $27,000,000 will have to be increased, will it not?

Mr. SMOOT. Certainly, Mr. President, and in the same proportion as the debt is increased; but this says upon the basis of the debt of $4,600,000,000 as of December 15, 1922.

Mr. REED of Missouri. I understand that. The only thing I want to know is if it is not true that, should England take advantage of this proposition and defer the payment of her interest for five years as to one-half of the interest, and thereby increase the principal, this will necessarily increase all of the payments which are to be made from year to year during the 62-year period?

Mr. SMOOT. Not on the bonds as they were issued, but upon the extra bonds that will be issued, and the total of the two bonds will be more than is stated here, necessarily so, because they must all be paid within the 62-year period.

Mr. REED of Missouri. The Senator says "not upon the bonds that are to be issued," but there is nothing said as to those bonds. They will become a part of the principal debt. I mean, there is no such condition as the Senator puts into his statement contained in this document.

Mr. SMOOT. Yes; it says here—

> For the first five years one-half the interest may be deferred and added to the principal, bonds to be issued therefor similar to those of the original issue.

Mr. REED of Missouri. Exactly. Then they become a part of the principal; and the amount of money which Great Britain must pay us each year will not be the amount stated in this schedule, but will be a larger amount, dependent upon the amount of bonds she issues for the deferred interest. So that the United States can not follow this schedule, and nobody buying these bonds to-morrow can follow it——

Mr. SMOOT. They will be a different series of bonds, and the payments on these bonds will be made just exactly as stated here. The bonds which may be issued for the interest will be another series of bonds, and if the Government ever did dispose

of them—which, I will say, I do not think the Government ever should do—the purchaser would know what the bond provided. The bond would be in payment of the interest.

Mr. REED of Missouri. I have the Senator's view on that. We are going to take a bond from Great Britain. We are going to write into the face of that bond, first, that for the first five years only half of the interest need be paid and that Great Britain can give us bonds in lieu of the other half. Of course, the Senator will agree with me that that bond is absolutely non-negotiable, in the practical sense.

Mr. SMOOT. I think so.

Mr. REED of Missouri. Then we are going to write into this bond the further condition that it can be paid in the bonds of the United States of any issue which may be put forth subsequent to 1917, and we are going to put that on the face of the bond. Then we are going to put into the bonds the provision that Great Britain can take up any of this indebtedness in any of the ways we have indicated at any time during the period of 62 years, so that she can mature these bonds overnight if she sees fit.

Does the Senator imagine the United States Government could negotiate those bonds and get the money out of them unless they were enormously discounted, because of these unusual and unprecedented conditions which are to be written in their face?

Mr. SMOOT. I will say to the Senator that in my opinion the bonds would not be sold unless the Government of the United States guaranteed the bonds, naturally so, if the Government of the United States sold them.

Mr. REED of Missouri. Why should we guarantee them?

Mr. SMOOT. They are our bonds, and if we are going to sell them, I think more than likely there would be at least a moral obligation of redemption if anything should ever happen to impair their value; but nothing will ever happen, in my opinion, that will prevent England from paying the bonds under the terms proposed.

Mr. REED of Missouri. Does anybody know of any banks which have written their guaranty across the back of any ordinary, negotiable Government bonds of Great Britain, or Germany, or France? Does anybody know of any banker who has ever taken a bond of the kind proposed here, or any international financier who has done so, or anybody else who has ever taken a bond of this kind in the history of the world? I know of no such instance.

Mr. President, I am not prepared at this moment to discuss this matter as I would like to, but I want to challenge the attention of the Senate, so far as it is present here, to the fact that this ties the United States to the fortunes of the British Empire for nearly two-thirds of a century of time.

Mr. SMOOT. No more than it would be tied if we simply had the "I O U" of the British Government.

Mr. REED of Missouri. Oh, yes.

Mr. SMOOT. Not nearly as much. They owe us that obligation now, and we are tied to them now, if we ever would be tied.

Mr. REED of Missouri. I can not agree with the Senator. Great Britain owes us to-day a certain sum of money, every cent of it is due, and we have Great Britain's solemn obligation to pay that money. We are told that it amounted to $4,604,128,085.75 on the 31st day of December, 1922.

Mr. SMOOT. The Senator has not taken the credits off. It is $4,600,000,000.

Mr. REED of Missouri. No; it says "to be paid in cash," but it has not been paid yet. I am talking about what she owes us.

Mr. BORAH. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator yield to the Senator from Idaho?

Mr. REED of Missouri. I yield.

Mr. BORAH. The Senator has stated that this ties us to the British Government for two-thirds of a century. I think in a sense that is true, but unless we assume that Great Britain is prepared to pay the debt at this time, any form of a settlement would necessarily involve that, would it not?

Mr. REED of Missouri. Not for 62 years; and, as I shall try to show, this settlement could be made and ought to be made so that the United States could entirely relieve herself from that.

There has been much loose talk in newspapers, and some of it by British negotiators, if the newspapers themselves are to be credited, to the effect that the United States is driving a very hard bargain; that we are a sort of an international Shylock; and that Great Britain is paying us her debt. There is an old, stale joke which has been laughed at, I suppose, through the centuries—it may have been perpetrated in the Garden of Eden—of the fellow who owed another man money and executed his promissory note, and then sat back with an air of great satisfaction on his face and exclaimed, "Thank God, that is paid." What we are doing to-day is permitting Great Britain to exchange one kind of a promissory note for another kind that we now hold and to greatly reduce the interest rate; to extend a demand obligation into a debt that will not be fully satisfied until two-thirds of a century shall have rolled away.

If the distinguished British statesman and financier who came here could have looked forward to the way this proposition is being received, I would not have wondered if he had referred to the fact that the Senate of the United States was largely composed of men from the suburban districts, who did not know very much—at least about finance.

When I read his statement I could not help remembering another scene, when, shortly after the United States had concluded to enter the war, a body of distinguished British statesmen stood on the floor of this Chamber, headed by, or at least embracing, a great British general, a man of magnificent physique and of splendid and heroic record, who impressed me at the time as the finest type of the soldier I had ever seen, flanked on either side by distinguished British diplomats and statesmen, asking us, if we were coming, to come quickly, and asking us to send our boys over there to help stop the retreat toward Paris. I did not expect from an official of that Government which then appealed to the farmer, granger, or suburban element of this Senate for aid a sneer at us when we asked her for a settlement.

I want to exonerate the British people from any responsibility for that kind of a sentiment, for I hope it does not exist. Generally speaking, Great Britain has selected at least gentlemen to represent her in international negotiations.

Mr. SMOOT. Will the Senator yield?

Mr. REED of Missouri. I do.

Mr. SMOOT. It is only fair, is it not, to state in that connection that the Chancellor of the Exchequer, Mr. Baldwin, made a public statement, which was printed at the request of the ambassador from Great Britain, in which his position was really stated, and he denied at least a part of the statement that was published in the English press. I think it is fair to him to call attention to that statement, issued in answer to charges which were made even here upon this floor.

Mr. REED of Missouri. I know what the press carried originally, and I know I waited five days for a denial and did not see it.

Mr. SMOOT. Longer than that.

Mr. REED of Missouri. I have heard a rumor since that that he said the statement was not exactly correct.

Mr. McKELLAR. He said it was informally given out.

Mr. REED of Missouri. Or that it was informally given out. I do not say this to arouse any animosities. I want to get back to bedrock on this question, and when we get back to bedrock we find that we made a contract with the American people, and under that contract, with reference to which the British Government was fully advised, we obtained the money and made the loan, and it is as morally binding upon Great Britain as it is on us. We, the Government of the United States, did not have this money. We were ourselves confronted with the enormous expenditures of a war upon which we were about to enter, or had in fact entered, and it was necessary to get money, not from the Federal Government but from the people of the United States. So we passed a law authorizing the sale of bonds to the American people, and authorizing the use of $10,000,000,000 of those bonds as loans to foreign countries, and that was all done at one time, before a bond had been sold. In that act we provided:

> That for the purpose of more effectually providing for the national security and defense and prosecuting the war by establishing credits in the United States for foreign governments, the Secretary of the Treasury, with the approval of the President, is hereby authorized, on behalf of the United States, to purchase at par, from such foreign governments then engaged in war with the enemies of the United States, their obligations hereafter issued, bearing the same rate of interest and containing in their essentials the same terms and conditions as those of the United States issued under authority of this act, to enter into such arrangements as may be necessary or desirable for establishing such credits and for purchasing such obligations of foreign governments and for the subsequent payment thereof before maturity, but such arrangements shall provide that if any of the bonds of the United States issued and used for the purchase of such foreign obligations shall thereafter be converted into other bonds of the United States bearing a higher rate of interest than 3½ per cent per annum under the provisions of section 5 of this act, then and in that event the obligations of such foreign governments held by the United States shall be by such foreign governments converted in like manner and extent into obligations bearing the same rate of interest as the bonds of the United States issued under the provisions of section 5 of this act.

And upon that we went to the American people for the money. We employed everybody from McAdoo to Mary Pickford, or from Mary Pickford to McAdoo—and I speak of them both with the utmost respect and kindliness—everybody from statesman to moving-picture actress. Hundreds of thousands of volunteers all over the country, on every husting, on every platform, from the steps of the Capitol, from the stages of the theaters, in country press and elsewhere, told the American people that the money we were going to get from them to loan to foreign countries would be loaned upon bonds that would mature when our bonds matured and would bear the rate of interest our bonds bore, so that whatever money we thus loaned would come back to us and not be a burden upon the taxpayers of the United States.

Moreover, we told them that if we ever had to pay a greater rate of interest than the amount that was being then paid the foreign governments by their bonds would be obligated to pay a like rate of interest. Thus one hand was to wash the other. Thus the taxpayer of the United States, whether the poor woman bending over the suds in her tub, whether the banker behind his counter, was given to understand that so far as the foreign loan was concerned we never would have to tax the people of the United States to pay it. That was the contract with the people of the United States, and any attempt to repudiate it would be as disgraceful a proceeding as ever was engaged in by any government of earth.

Now, let us see what happened. We went to the people and said, "Subscribe for bonds, buy, buy, buy, until you are bled pale, to get the money to carry on the war, and $10,000,000,000 of it is to be loaned to foreign countries to aid them."

The foreign countries stood here by their representatives declaring that they could go no further—that they must have the money, and with it they must procure supplies. Now, in what a spirit of thankfulness they accepted it at that time! They gave us a general obligation in writing which recited the terms and conditions of the act which I have just read to the Senate, and which they solemnly agreed upon their national faith and honor they would observe. Then, as they drew money from time to time they issued their obligations, their promise to pay, for the several amounts of money they received. Their solemn obligations are deposited in our Treasury, and they are as binding to-day as on the day they were executed. What is proposed to be done is not to pay those obligations, but to exchange those obligations for a different obligation.

Repudiation? If a country were willing to repudiate, it could just as well repudiate a promise to pay that was engraved on a piece of paper printed in green or red ink as it could a promise to pay that was written out upon a piece of legal cap and solemnly signed and filed in the Treasury of the United States. If there is to be repudiation, let us have it now. But if we are to approach the question as we ought to approach it, on the principle that here is a great creditor desiring to be fair with a debtor and a debtor who is impelled by a sense of honor and duty and by honest desire on his part to meet his obligations—if we are to approach it in that way, which is the proper way—let us weigh the question upon its merits.

First let me brush aside, if I may, some of the arguments we have heard here. It has been advanced that Great Britain does not really owe this money, because instead of getting cash to carry over to Great Britain she simply received credits here and bought goods with them. Let us examine that argument. That was one of the conditions under which she got the loan and, therefore, it is binding upon her and as an honorable nation she would not, if I may use a slang expression, do any "welching" on that proposition. But let us see if she was harmed in any way. The distinguished Senator who reported the bill, and for whom I have the highest regard and as much affection as one man has a right to have for another man, answered his own argument when he said that at the same time that Great Britain was expending, in the purchase of supplies here, the $4,000,000,000 of money which she had from our Treasury, she was expending in the purchase of supplies here $3,000,000,000 of other money. What do the two statements mean, then, except that this was the place she had to come to get her supplies anyway, and that she suffered not one whit when she was requested to expend with us the money she had from us, because she already was driven to this market and had to expend with us $3,000,000,000 of money which she secured elsewhere? She came here because she wanted our goods. This was the cheapest market. She would not have bought a pound or shilling's worth here if it had not been the cheapest market.

So, the sentimentality sought to be injected here is scarcely worthy the consideration of anybody. But if it were to be considered, how would we adjust it equitably? Here was a citizen working at his trade who denied himself to buy a bond. Here were millions of people all over the United States, the girl behind the counter working for a meager salary, the farmer in his field, the mechanic at his forge or bench or in the mill, the soldier in the trenches, all purchasers of the bonds. They loaned the money. Without their sacrifices and their contributions the loan to England would have been impossible. What profit to them that some war contractor made profits out of their money which Great Britain borrowed from their Government? What right have we to say to our people who took the money out of their earnings in the first instance, "Our Government should accept less than real payment because Contractor A and Contractor B and Trust Magnate C got a very large price for what they furnished"?

There is only one way to consider the question, and that is as a practical financial problem wherein we have a responsible debtor, an honorable debtor, to deal with, but a debtor who will do just what Great Britain has done at every stage of her history—make as good a bargain as possible. And for that I do not criticize Great Britain or the British people.

Approaching the question in that light, remembering that we have demand obligations now and that we have been extremely lenient in the matter of insistence upon payment, that our executive officers, without authority of law, have seen fit to commit our Nation, as far as an unauthorized agent can commit anybody, to the policy of deferring payment of interest, substantially all of it up to the present time, let us consider the kind of contract we ought to make.

In the first place, I insist, Senators, that the highest duty we have to our country is to remove a condition which unites the interests of the United States and the interests of Great Britain in such a way that injury to the credit of Great Britain would injure the credit of the United States, and to do that just as quickly as possible. If the Government of the United States holds in its Treasury ten or twelve billion dollars of British bonds, then every difficulty in which the British Nation may be involved, whether it be economic, springing alone out of business conditions, or whether it should arise from some great world conflict, would affect the credit of the United States tremendously.

If the British Empire should begin the process that some people predict, and which I mention only by way of illustration, of disintegration 40 or 50 years from now, if there should be a tremendous conflict in that empire and her resources should be taxed, the cry would be made in America that our interest was affected to the amount of the loan then existing; and if it were $5,000,000,000 or any other sum the insistence would be that our Government should throw the weight of its influence with the British Government in order to maintain the stability of that Government and thereby insure the payment of its debt. Pass this bill in its present form and we tie Great Britain and the United States together, in this one important respect, at least, for two-thirds of a century of time; our Government, as a Government, becomes interested in the maintenance of the British Government and in the maintenance of the credit of the British Government.

Senators ask me how that is to be avoided. My good friend the Senator from Idaho [Mr. BORAH] asked me if, in effect, we were not already there. We are already there. One thing I wish to see come out of this settlement more than anything else is to free ourselves from that condition. It can not be done under this agreement because of the stipulations which are to be written in the face of these bonds, as I elicited in the colloquy with the Senator from Utah [Mr. SMOOT]. A bond can not be put upon the general market and sold at anything like its face value unless that bond has a fixed time to run, unless the period of maturity is within a reasonable time limit, and unless the payment of the interest is stipulated to be at fixed periods and at a fixed rate. Neither can such a bond be properly negotiated if it is made payable to a Government, as the Senator from Utah says the British bonds will be, and therefore they could only be negotiated by act of law and possibly by the assumption of responsibility on the part of the United States.

What we ought to have here, regardless of the rate of interest now, is the bond of Great Britain maturing within a reasonable period of time and payable to bearer, so that it may be negotiated. Then what our Government, as a prudent Government, ought to do would be to hold those bonds until the money market would afford an opportunity of sale at face and interest, then dispose of those bonds as rapidly as possible,

and use the proceeds to redeem the bonds which we issued in order to obtain the money to loan to foreign countries. Suppose that were done. It is easy to conceive that within 10 or 15 years' time we might dispose of all those bonds; our obligations to the American people could be reduced by some $5,000,000,000; the collection of interest would cease as to that amount; and we would no longer be tied to Great Britain by such a condition as is here created. If Great Britain ever felt disposed to demand further time, we should be relieved of that importunity being laid at our door, and she would fund her bonds in the usual way, by going into the markets of the world and selling them. All this is aside from the question of interest.

I insist that it is a menacing thing—and I insist that it is a menacing thing with all kindliness of feeling toward the British Goverment—for the United States Government to continue for a long period of years to be the direct creditor of the British Government or of any other government. We have no right to be in the business of loaning money to other governments or to private parties. It is not a proper function of government. It was admissible because of the hard exigencies of the World War, but with the war over, we should set our house in order and get back to that complete independence of our Government of another which existed prior to the war.

More than that, I most solemnly appeal to Senators to have some regard for the possible conditions of the future. I do not stand here as an alarmist or as one desiring to stir up any feeling against another great country, but we know that in the exigencies of national life the unexpected is the thing that frequently happens. Who, except a very few wise men, would have said five years before 1914 that there would have come this great world conflict? What man would have dared to say that America would be drawn into it? Who, then, would have prophesied that we would be struggling with a national debt of the present huge proportions? And who, now surveying the troubled surface of the world, can give bond as to what may happen in the future?

Mr. President, we talk about preparedness for the evil day. Let me tell you something that is better than cannon, better than navies, more powerful than marching armies; it is credit. A great, wealthy nation free of debt, owing nothing, situated as we are, can fight a great war better because of that condition than she can with a great navy or a great army and an enormous debt. I want to see the United States free of the last dollar of debt; and I want, therefore, to see these foreign debts put in such shape that they can be negotiated and absorbed by the financial markets of the world, the money put into our Treasury, and our obligations taken up and canceled.

Mr. President, I asked a moment ago, Who can look into the future? The suggestion of war between the United States and Great Britain may shock our thoughts to-day. So war between the United States and Germany would equally have shocked our judgment if it had been prognosticated in 1910 or 1911 or 1912. We desire the good will of Great Britain. We desired the good will of Germany. We desire the good will of all the nations of the earth; but, sir, the man is not fit to call himself a legislator who does not try to protect against all contingencies. Suppose that we should have a great difficulty with Great Britain at some time; suppose we were at war with Great Britain, and we started in with the British Government owing the American Government ten or twelve billion dollars, or any other huge sum. Immediately that part of our resources would be cut off; immediately we would be as though we had lost that sum of money; it could not be employed, and our credit would be impaired, because the bonds that we gave to receive that money would still be outstanding. On the other hand, if we cut this financial cord that binds us, we can get these bonds in such condition that they can be gradually sold on the markets of the world. Then in the case I have supposed—a case which I hope will never arise, but which may arise—we will find ourselves with our own debt canceled, to the amount at least of these bonds, and a conflict with Great Britain would not affect our credit, except as all conflicts affect the credit of a nation.

What moral right have we to vary the terms of the original contract? The British Government ought to give us its bonds maturing as our bonds mature and bearing the same rate of interest. That is what they agreed to do. That is what they solemnly signed on paper they would do. Now it is proposed to relieve them of that obligation.

Mr. President, those who propose this measure say: "Why, this is all right. We can fund our debt at 3 per cent." How do they know we can fund our debt at 3 per cent? Can you fund it at 3 per cent to-day? You know you can not. The Washington Post of this morning gives the prices received for United States bonds, as follows:

3½ per cent Liberty bonds	$101.78
Victory 4¾ bonds	100.20
United States Government 4¼ per cent bonds	100.00

Every other bond of the United States is below par. When, however, you come to Canadian bonds, they run 100⅝, 101⅛, 100½; and only one bond, the Canadian 5's, that mature in 1952, the longest running of their bonds, is 99⅜.

Mr. TOWNSEND. What is the interest rate?

Mr. REED of Missouri. Five and five and a half per cent. That is a point I am going to dwell on in a minute.

When you come to the British bonds, their 5½ per cent bonds maturing in 1929 are 115¼, and their 5½ per cent bonds maturing in 1937 are 103⅜. The longer the bonds have to run, the smaller the premium, as shown here in these lists.

Mr. DIAL. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from South Carolina?

Mr. REED of Missouri. I do.

Mr. DIAL. I am asking the Senator for information: Would the objection that he raises to disposing of the bonds be obviated after five years?

Mr. REED of Missouri. No; because the bonds will have written into them the proposition that they can be paid in United States bonds.

Mr. DIAL. So that they are not strictly negotiable bonds?

Mr. REED of Missouri. Yes. They will have written into them the proposition that Great Britain can mature them whenever she sees fit.

Mr. McKELLAR. Mr. President, in that connection let me ask the Senator a question: This would result, would it not? Suppose we could, as claimed here by some, hereafter—say in 10 years or 20 years—refund our present 4¼ per cent bonds at 3 per cent. Great Britain would get the advantage of it under this agreement by simply buying our bonds and paying in them.

Mr. REED of Missouri. Certainly.

Mr. SMOOT. But we would get our money.

Mr. McKELLAR. Let us see whether we would get our money or not. I think it is a very doubtful proposition.

Mr. SMOOT. All right.

Mr. REED of Missouri. "We would get our money," says the Senator. The implication is that there is some doubt about our getting our money.

Mr. SMOOT. At as early a date as that.

Mr. REED of Missouri. If the doubt exists, it will exist just as much after Great Britain signs a bond to substitute for her present written obligation as it does now. Either she is honest and going to pay, or she is bankrupt and a defaulter. I do not think she is either bankrupt or a defaulter. I say, for the credit of the British nation and the British people, that they have the reputation of paying their debts.

Great Britain is not bankrupt; but if she is there is no use in taking her notes, for we already have them, and no statute of limitations is going to run against them. They owe this money. They come in here and propose a 3 per cent loan for the next 10 years, with a right to defer the payment on a part of that. This is the time when they are paying 5 per cent and when we are paying 4¼ per cent; and during that period, when interest rates are bound to be high, these shrewd Englishmen have fixed the lowest rate on their bonds. That is when they are to get 3 per cent money, when nobody else can get it at 3 per cent. Then, after that period, when money may possibly go as low as 3½ per cent, they begin paying 3½ per cent; but during that period of 10 years, almost as certainly as fate itself, we shall be obliged to pay 4¼ per cent for our money. So that England makes by that one transaction the interest on over $4,000,000,000 for a period of 10 years at the rate of 1¼ per cent, and then afterwards if money goes below 3½ per cent she can buy up our bonds and pay this debt with them, or she can refund her own debt. Such a bargain I can understand a banker might make on one side of the table—and I do not speak disrespectfully of bankers—or a pawnbroker, with a farmer on the other side; but I object to being on the farmer's side of the counter.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. REED of Missouri. I yield.

Mr. McKELLAR. I want to suggest to the Senator this mistake that I think he has fallen into: He said that the British commission had made this proposal to us. As I understand, it was the American commission's proposal to the British, and the British accepted it, so they claim now.

Mr. REED of Missouri. I can understand that, and if I had time I would go into it. I think the Secretary of the Treasury

has been fixing this job—I will call it by the name of "job"—for months.

Mr. SMOOT. Mr. President, I want to say to the Senator that I do not want him to lay this on the Secretary of the Treasury. I am just as much responsible for this as the Secretary of the Treasury is, and I have been in no job, I will say to the Senator.

Mr. REED of Missouri. Oh, the Senator has not been responsible for the job. If he is in a job he is the jobbee.

Mr. SMOOT. I will say to the Senator that the statement he has made is an unwarranted one as against the Secretary of the Treasury.

Mr. REED of Missouri. I shall have something to say about the Secretary of the Treasury a little later on. I can not do it to-day, because I see I shall have to quit; I have an engagement to keep.

Mr. SMOOT. The Secretary of the Treasury is only one out of five.

Mr. REED of Missouri. The Secretary of the Treasury came before Congress and demanded the right to settle all these loans as he saw fit; and when we got him before the Finance Committee, as I shall show from the record, and tried to get him to tell us what he proposed to do, we could get nothing out of him; and all the way through his attitude was that not of a man who expected to insist upon full and absolute payment of these debts, but of a man who proposed to compromise them.

Mr. SMOOT. I want the Senator to allow whatever he has to say on this debt by way of criticism to apply to me just the same as it does to anyone else. I say to the Senator now that I think this settlement is fair and just to the United States and to Great Britain.

I think it is the best settlement that could possibly be had. I do not speak now for Great Britain. I speak for the Government of the United States. I speak for the economic conditions of the world. I say that if this settlement is finally consummated it will mean more to the world than any conference that could ever be held, and it will say to all the peoples of the world that the two great English-speaking nations want to be fair to one another and want to assist in upholding the commerce of the world and in bringing about normal conditions in the economic world.

Mr. REED of Missouri. I know the Senator from Utah thinks he is doing the right thing. I think the Secretary of the Treasury has been able to convince the President and a lot of other people on these financial problems. The trouble is when they deal with him they are dealing with a man who has thought in dollars and cents all his life, and he can go around any one of them like a cooper around a barrel and talk figures to them until I think he gets them befuddled and bemazed.

Mr. SMOOT. As far as I am concerned, of course, I deny that. I think I know just as much about figures and the conditions in the world as the Secretary of the Treasury does.

Mr. REED of Missouri. Of course the Senator thinks that, and on any other question than money I will pit the Senator against the Secretary of the Treasury. Certainly the Senator would not be befuddled if he were not in exactly his present frame of mind—absolutely certain that he is not befuddled. I am going to say something about that phase of the matter to-morrow if this debate lasts that long. I have taken all the time that I can take now, because I am bound by an engagement to aid a delegation of Missouri citizens in a hearing before the Secretary of War.

This may be the best settlement we can ever get. That may be true; but if it is the best settlement Great Britain will make, then Great Britain has repudiated her solemn written obligation.

If Great Britain is presently distressed for money, I am willing that reasonable extension shall take place, but I am not willing that we shall, by virtue of such a contract as this, relieve her of her written obligation and pay the difference out of the money of the taxpayers of the United States. I am not willing that we shall accept and put in our Treasury bonds that are substantially nonnegotiable, so that the United States Government shall be the creditor of the British Government, and for 62 years we shall be tied to the fortunes of the British Empire.

The skids may be well greased to speed this scheme through the Senate. Every international banker who owns a British bond will be for it. Every paper that is influenced by them will support it. But you will not find those bankers who took the bonds of Great Britain refunding them on any such terms as this. You will not find any of the great financiers who are concerned so greatly in the credits of the world reducing their obligations to any such dirty piece of paper as this will be. I say "dirty piece of paper" in the sense that it is not a fully negotiable bond, because there have been written into its face so many conditions that it is an unmarketable bond. But they will all be anxious to have the United States postpone the day of payment for 62 years, or 62 centuries, for that matter.

We paid our shot in the war. When we owed anything we had to pay in cash one hundred cents on the dollar. We paid France $234,000,000, and much of it paid as rent for the soil on which the feet of American soldiers stood when they held back the great tide of Germans as they rolled on toward Paris. We have paid England $394,000,000, and of this sum $00,000,000 was the charge for hauling troops across the ocean to fill gaps in their lines and to enable Haig to rescue himself after he had cried out in the agony of his soul, "Our backs are to the wall. Britons, stand and die!" We paid because it was one of the obligations we had incurred, and they will pay as an honorable nation.

It will be said that this is the only contract submitted to us. It is submitted to us without reference to the law of Congress, in defiance of the instructions of the Congress. We appointed agents, and we wrote the bounds and measures of their authority in the law. They proceeded outside that authority, and the British Government knew they were proceeding outside of it. There is, therefore, no obligation, express or implied, moral or otherwise, resting upon this body to approve this proposal.

Mr. SMOOT. Mr. President, the commission, in my opinion, was not violating the law. They have made no contract other than subject to the action of Congress. If Congress does not approve this bill, nothing will come from it.

Mr. REED of Missouri. That is what I said. I did not say the commission violated the law. I said they proceeded outside of their authority, and therefore they could not bind anybody. I did not say they had done anything wrong.

Mr. SMOOT. I misunderstood the Senator, then.

Mr. REED of Missouri. The Senator did misunderstand me, and I want him to understand me correctly.

Mr. SMOOT. I beg the Senator's pardon; I misunderstood him.

Mr. WALSH of Massachusetts. Mr. President, will the Senator permit an interjection?

Mr. REED of Missouri. I have finished.

Mr. WALSH of Massachusetts. I wanted to call the Senator's attention to the fact that not only did the contract to which the Senator referred state the terms of our debt and the rate of interest to be paid, but the fact that this country itself, during the war, in incurring the indebtedness with Great Britain, was taxed by Great Britain at the rate of 5 per cent upon that debt, so that Great Britain herself charged this country 5 per cent interest on our indebtedness.

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LADD in the chair). The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ball	Harreld	McNary	Shortridge
Bayard	Harris	Moses	Smoot
Brookhart	Harrison	Nelson	Sterling
Broussard	Heflin	New	Sutherland
Calder	Hitchcock	Nicholson	Swanson
Cameron	Johnson	Norris	Townsend
Capper	Jones, N. Mex.	Oddie	Trammell
Caraway	Jones, Wash.	Overman	Underwood
Couzens	Kellogg	Owen	Wadsworth
Curtis	Ladd	Phipps	Walsh, Mass.
Dial	Lenroot	Ransdell	Walsh, Mont.
Fletcher	Lodge	Reed, Mo.	Watson
Frelinghuysen	McCormick	Reed, Pa.	Weller
George	McCumber	Robinson	Willis
Gooding	McKellar	Sheppard	
Hale	McKinley	Shields	

The PRESIDING OFFICER. Sixty-two Senators having answered to their names, a quorum is present.

PROPOSED CHANGE OF PRESIDENTIAL AND CONGRESSIONAL TERMS.

Mr. DIAL. Mr. President, yesterday, when we were considering the joint resolution brought forward by the Senator from Nebraska [Mr. NORRIS], I thought there would be a vote on Senator HARRIS's amendment to make the terms of President and Vice President six years and make them ineligible for reelection. This was not done. We left out the best provisions. We should have changed the terms of Representatives to four years. I think we should have also extended the terms of the President and Vice President to six years, and provided that they should be ineligible for reelection. I trust the House may give the matter careful consideration and endeavor to amend the resolution in those respects.

It occurs to me that if the President of the United States were elected for a term of six years it would tend very much

to stabilize the business of the Government and we would get better government. I feel that our country is drifting a good deal toward Bolshevism and unrest. I believe that an amendment to the Constitution along the line suggested would do more than anything else to make the Executive independent and to give us better government.

Mr. HEFLIN. Mr. President, I have listened with a good deal of pleasure to the suggestion of the Senator from South Carolina [Mr. DIAL]. I agree that it would be well to have the presidential term six years, making him ineligible for reelection.

Mr. CARAWAY. Mr. President, will the Senator yield to me?

Mr. HEFLIN. Certainly.

Mr. CARAWAY. There is no use to apply such a provision to the present President, because he will be ineligible anyway.

Mr. HEFLIN. I agree that the people will take care of that next year.

Mr. President, I am opposed to electing Members of the House for four years. Jefferson had the correct idea about that. The House of Representatives ought to be kept very close to the people. A Member of the House ought to have to go every two years to renew his commission at the hands of the people whom he is supposed to serve. I served in the House for a number of years and we used to discuss that question among ourselves. Although it would have been more convenient for me to have a four-year term instead of a two-year term, I believe that the adoption of the suggestion would be a dangerous change in our Government, because I think the Member of the House, who must go back every two years to consult his people, is as a result kept in very close touch with them.

I have seen Members in this body in my day get very far removed from the people in four years' time. It is all right to have a Senator elected for six years, but let us keep the Members of the House going back every two years for reelection of the membership of the House. If we should make the terms of Members of the House four years and of Senators six years, we would be getting the Government a little too far removed from the people.

WORLD WAR FOREIGN DEBT SETTLEMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14254) to amend the act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign governments held by the United States of America, and for other purposes," approved February 9, 1922.

Mr. RANSDELL. Mr. President and Senators, I wish to state in a very few words why I intend to vote for the pending bill. It seems to me, sirs, that it is the best settlement we can get of a very troublesome question, one which, I think, will help materially to steady the affairs of a sorely harassed and troubled world. I shall not attempt to discuss the details of the measure. That has been done already by others much more familiar with it than myself, and I believe these details are fully understood by the Senate.

In my judgment, Mr. President, we should consider a number of things in voting on the measure. One of the most important is the circumstances, or conditions, under which the loan was made. We were then engaged in a terrific struggle with the forces of Germany and her allies. The greatest war the world has ever known was in progress, and America was intensely interested in the outcome. Our allies needed financial aid—needed it badly—and we extended that aid, with the proviso in this instance, if I remember correctly, that the money loaned to Great Britain should be expended in the United States in purchasing war supplies. The money was so expended. The prices charged in many instances for these supplies were very high, and, of course, we got a big return from the excess-profits taxes paid by the people who furnished them.

While Great Britain was decidedly more interested in the outcome of the war than was the United States, I take it that we were vitally interested also. Suppose the loan had not been made. Suppose we had not gone into the struggle as an ally of Great Britain, France, Italy, and Belgium. Suppose our united forces had not succeeded in repelling the German assaults. Does anyone doubt the ultimate outcome of the war? Does anyone doubt that Germany would have won it but for our intervention? Does anyone doubt that we, alone and unaided, would have been obliged to contend with Germany after she had destroyed her foes?

Our contribution to the war was the financial and military aid extended to our allies in defeating Germany and maintaining free institutions. While maintaining freedom abroad, however, in conjunction with our allies, we were maintaining free institutions at home. It was a cooperative effort of the most important character, and, sirs, we should not overlook that fact when we come now to the collection from our allies of the money loaned them under such circumstances. They were fighting our battles as well as their own. It makes me feel a great deal more kindly than I would if this were a clean-cut, cold-blooded business proposition of money loaned. It is not such a proposition at all. It was a patriotic thing for us to lend the money. It was in the interest of America, as well as in the interest of our allies, to lend that money.

Now, sirs, it seems to me that a pretty good arrangement has been made. I had the honor on the 11th of last November, Armistice Day, to deliver an address under the auspices of the American Legion at the city of Homer, in my State. At that time I suggested a settlement which would not have been as favorable as the one here proposed. I said it would be entirely satisfactory to me, as one Member of the United States Senate, if Great Britain should pay us a sum equivalent to 4 per cent per annum on the full amount for a period of 50 years. This would have meant payments of about $184,000,000 a year for 50 years, or a total of $9,200,000,000. If Senators will look into the pending settlement, they will find that it is nearly equivalent to 4 per cent per annum for a period of 62 years.

Mr. HITCHCOCK. I think not.

Mr. RANSDELL. Yes; it is. It is about 4 per cent per annum for 62 years, if I know how to compute interest, I will say to the Senator, and I think I do. That statement has been made repeatedly, and I have not heard anyone question it. The Senator can make his own calculation, however, and correct me if I am wrong.

There is no objection particularly to the proposed arrangement, so far as I have heard stated, except to the rate of interest. It is urged that we are giving the British a much better rate of interest than our own people are receiving. Senators, we ought not to insist upon a pound of flesh in this matter. We ought to consider the very distressed condition in which the whole world is to-day, including Great Britain. If we get back every dollar of the principal, and interest from the present time at the rate of 3 per cent per annum for 10 years and 3½ per cent per annum thereafter, it should be entirely satisfactory to us.

Some Senators say, "Our own people are paying 4½ per cent, and it is wrong to give these foreigners a lower rate of interest than our own people." Senators, let me remind you that we have no means of enforcing this obligation against Great Britain if she should see fit to repudiate it. No one would contemplate going to war to enforce the collection of this debt. Great Britain honestly owes us the money. It would be national dishonor of the highest character for her to refuse to pay it, and she never will refuse. But we have no practical means of enforcing it. It is entirely different from an ordinary obligation in our own country, where we have the means of enforcing its collection. That fact deserves the closest thought.

Another consideration was eloquently brought out by the senior Senator from North Dakota [Mr. MCCUMBER], and I believe it has great force. He reminded us that in 1927 we can retire, if we wish, something over $3,268,000,000 of the second Liberty loan bonds; that in 1928 we can retire, if we wish, something over $3,439,000,000 of the third Liberty loan bonds. He predicted that within 10 years we will refund a large part of our present bonded indebtedness on a basis of 3 per cent per annum instead of 4½ per cent. I see no reason why the prediction should not come true.

In my judgment, there never was a greater period of prosperity in America than the near future holds for us. We are on the verge of the greatest prosperity we have ever enjoyed, and I am convinced that we can refund our bonded indebtedness on the basis of 3 per cent interest, and then, instead of the British paying a smaller rate of interest than our own people pay, they will be paying a greater rate of interest, for after the lapse of 10 years the British rate of interest due would be 3½ per cent. I predict unhesitatingly that this Government can get money in the near future at 3 per cent. So it seems to me, Mr. President, there is nothing in that argument.

Now, what would happen if we do not approve of the settlement? It has been made deliberately, after the greatest study and the most painstaking consideration, by representatives of Great Britain and the United States, the two great English-speaking nations, the most powerful nations in the world, between whom a debt was incurred in their joint enterprise when they were allies of the closest kind. Suppose we refuse to ratify this settlement which our former allies have told us is the very best they can do, what effect would it have on mankind? What would the people of Belgium, of France, of Italy, and of all Europe say? Would it not be most discouraging to them? It

seems to me, sirs, that it would discourage them terribly; that, in the slang of the day, it would give a "very black eye" to international affairs.

The world is groping, and has been groping for nearly four and a half years since the Great War closed. It is time, Mr. President and Senators, for the United States and Great Britain to come to some kind of adjustment, to get back to normal, to put the war behind us. This agreement with England, under which we shall receive so much per annum in definite payments for 62 years, the payments so adjusted that she can meet them without destroying herself, seems to me will set the pace for the balance of the world. When we make this settlement with England, in my judgment, France will feel that she must go and do likewise, or relatively so, and Belgium and Italy will probably reach the same conclusion. It will be a starter; it will be a beginning; and I am convinced that the effect upon the world will be magnificent.

Mr. President and Senators, I represent in part an agricultural State which is devoted largely to the production of cotton. I do not claim to be a prophet, but, in my humble opinion, when this bill shall have been passed and the matter involved shall have been definitely settled, it is going to have such a stabilizing effect upon business between the United States and Great Britain that within 48 hours from the passage of the bill the price of cotton will go up materially. The English consume an immense quantity of the cotton of the United States. On the other hand, if this session of Congress should adjourn without passing the bill—if we adjourn on the 4th of March and the idea spreads abroad throughout the world that the United States has refused to make this fair and just settlement; that we are quibbling over the question of interest; that Congress will not meet again until next December, nine months from now—I fear the effect will be bad; I fear the troubled waters will become more troubled and not be quieted. We need something to quiet the world, and not to excite it.

Mr. HITCHCOCK. Mr. President——

Mr. RANSDELL. I yield to the Senator from Nebraska.

Mr. HITCHCOCK. The Senator has stated that we are merely quibbling over interest. I think he has forgotten some of the other objections which have been raised here to the bill.

In the first place, Great Britain is to pay in bonds that are not negotiable and which can not possibly be disposed of or assigned by the terms which she injects into the bonds.

In the second place, Great Britain asks us to give her the right to increase the principal of the debt by $395,000,000. That is an important thing. Certainly Congress never intended that the principal, which the President mentioned as being $4,600,000,000, should be increased to $4,995,000,000, and yet that is contemplated in this proposed legislation. It was not originally contemplated, and was not originally in the contract which was made between the representatives of Great Britain and of the United States, but it has been injected into the bill. Those are additional questions to be considered.

Mr. RANSDELL. So far as the nonnegotiability of the bonds is concerned, that does not trouble me at all, because if England can not pay her debts I do not know what nation can. We have got to depend upon the reliability of England. She has never defaulted, so far as I know, for many centuries in paying her obligations. I can not, therefore, see that there is anything in the world in that objection. It is not a valid one.

Mr. HITCHCOCK. Mr. President——

Mr. RANSDELL. Now, let me answer the question.

Mr. HITCHCOCK. Before the Senator does that, will he yield?

Mr. RANSDELL. Very well.

Mr. HITCHCOCK. Does not the Senator recall the fact that we now hold the obligation of Great Britain to give us negotiable bonds?

Mr. RANSDELL. Can the Senator tell me how we can enforce that obligation unless we shall go to war in order to do so?

Mr. HITCHCOCK. I am not talking about that.

Mr. RANSDELL. I am talking about something practical. The Senator from Nebraska wants the ideal, while I want the practical. I desire to get the best thing I can. I am willing to accept the practical and the Senator from Nebraska wishes the ideal, and that is the difference between us.

Mr. HITCHCOCK. No. The Senator asks me how we can enforce the present obligation?

Mr. RANSDELL. Yes; I do.

Mr. HITCHCOCK. I ask him how can we enforce the obligation which he proposes to secure from Great Britain?

Mr. RANSDELL. We shall at least put it in a very much easier form for Great Britain to meet. If one tries to make a man pay a great deal more than he possible can pay, he will say, "Why, you are trying to destroy me, and I am going to fight you"; but if he is given a good long time and the payments are divided up into quite a number, so that he can meet the obligations from year to year, courage will be put into him, he will then try to meet them, and he will in most instances meet them. Great Britain can not pay all this money now, and personally I would not wish her to do so. In my opinion, it would be a misfortune for this country to receive all of this money right now. It would unsettle our national finances. However, we can not make Great Britain do anything, unless we go to war with her, which is unthinkable.

The Senator from Nebraska asks what assurance we would have about the payment of the installments. I can only say that the installments would be so modest, so small, compared with the great financial responsibility of the British Empire, that I can not believe she would default in them. They are on easy terms, and I think can be met without any serious trouble. As it is now, unless we do make them on easy terms, Great Britain will not try; she will simply say, in the language of the day, "Gentlemen, crack your whip; get the money if you can." And we can not do it.

We have no other creditor of whom I know who has made any serious effort to pay us. Great Britain is the only nation that has done so, if my information is correct. We ought to be thankful to her for trying to pay us. I feel grateful to Great Britain for showing a willingness to pay us. It has been my experience that when I have had a debtor who has tried to pay and was short of money I helped him; but if he does not try I will not help him. Great Britain is the only country that is making any effort to pay, and she should be encouraged.

In regard to the other part of the Senator's question, I admit the situation is a little bit awkward; but the amount of interest which may be funded seems small to me compared with the very large amounts which are involved. The total sum is $4,600,000,000, and if Great Britain is permitted to hold back the payment of the interest for a period of five years, and if that holding back amounts to $395,000,000, as stated by the Senator from Nebraska [Mr. HITCHCOCK], it will not be such a tremendously big thing as the Senator indicates. It will merely mean that Great Britain will have a right to hold that money back but will have to pay us interest on it at the rate of 3 per cent.

Mr. HITCHCOCK. For how long?

Mr. RANSDELL. Until it is paid, I suppose. She has got to settle within that period of 10 years.

Mr. HITCHCOCK. The Senator is entirely wrong. That shows that Senators do not stay here and listen to the discussion. When they assert that this is merely a quibbling over a small rate of interest they are talking entirely outside of the facts. This is a serious matter; it is an attempt to incorporate in the agreement with Great Britain something that was not in the agreement as originally made.

Mr. SMOOT. It was not in it as originally made.

Mr. RANSDELL. As to the $395,000,000, the only effect would be that for a period of five years we would get only 3 per cent interest.

Mr. HITCHCOCK. Again the Senator shows he does not understand the case.

Mr. RANSDELL. I will be glad to have the wise Senator from Nebraska correct me. I will listen to him.

Mr. HITCHCOCK. I will tell the Senator what is correct. It is provided in the bill that deferred interest amounting to $395,000,000 shall be put in bonds exactly like the other bonds, running perhaps for 62 years; so that interest to that amount becomes incorporated with the principal, and it runs just as long as any part of the principal runs.

Mr. RANSDELL. I did not understand it in that way.

Mr. HITCHCOCK. I thought so.

Mr. RANSDELL. Possibly the Senator is right. I do not say that the Senator is right merely because he makes the assertion, for I have heard Senators make assertions on this floor when they were mistaken sometimes. Perhaps the Senator is right.

Mr. HITCHCOCK. The Senator who is in charge of the bill finally admitted that I was right, and that the $395,000,000 becomes a part of the principal, making the total principal $4,995,000,000 instead of $4,600,000,000.

Mr. RANSDELL. If that is the situation, possibly we ought to correct it; but the Senator and I are not going to fall out by reason of what I consider a relatively immaterial consideration. It certainly can not amount to very much, and if we are going to get the money ultimately all it could amount to would be that Great Britain would not pay that money when it falls due but would be permitted to pay interest of 3 per cent per annum thereon and ultimately pay the whole of the

principal. That is all it could amount to, and that ought not to be enough to cause very much trouble between us and the British.

Mr. SMOOT. Mr. President——

Mr. RANSDELL. I yield to the Senator from Utah.

Mr. SMOOT. As I said yesterday, they will pay 3½ per cent after 10 years on the amount of deferred interest, for which we take new bonds. It simply means that instead of paying the full amount of interest falling due the first five years they may pay one-half of it in cash and one-half of it in bonds.

Mr. HITCHCOCK. Mr. President, I think the Senator from Utah will also admit that this was a subsequent matter arranged by the British ambassador after the British Government had already cabled to this country an acceptance of the proposition as originally made?

Mr. SMOOT. I do not want to take the time to explain that matter again at this time. I explained it yesterday. The acceptance was in principal. There has been no change in the rate at all, but the request was made that we allow one-half the interest for the first five years to be paid in bonds instead of cash.

Mr. HITCHCOCK. Mr. President, if the Senator from Louisiana will allow me further——

Mr. RANSDELL. I yield.

Mr. HITCHCOCK. The Senator from Utah, in his testimony before the committee, went so far as to make the statement which I am about to quote. The statement was in answer to a question of the Senator from Wisconsin [Mr. LA FOLLETTE], who asked:

> Senator LA FOLLETTE. This was the second proposition which the American commission submitted?
>
> Senator SMOOT. Yes; that for the first 10 years the rate of interest would be 3 per cent, and for the 52 years thereafter the rate of interest would be 3½ per cent per annum, payable semiannually. That was a flat proposition, with no other provision. And that proposition was carried to England by the English commission. It was presented to the English premier and council. They accepted that in principle, as the cable stated.

That proposition is what the American people think is before the Senate now, namely, to take a principal of $4,600,000,000 and each year to pay the interest on it and each year to pay a part of the principal on it, so that the total capital debt carried will be $4,600,000,000; but this other suggestion has been injected into the bill since that time merely on the request of the British ambassador. I say that it amounts to an additional loan of $395,000,000 to the British Empire, and that the commission was not authorized to make additional loans to the British Empire or to any other Government.

Mr. SMOOT. The Senator is wrong when he says that it was at the request of the British ambassador. The British ambassador did present the request at the request of the Premier of Great Britain.

Mr. HITCHCOCK. And it was after the cablegram had been received accepting the American proposition.

Mr. SMOOT. But they had accepted it only in principle. I have said that a dozen times on the floor of the Senate; and that meant that they could request that half of the interest for five years be paid in bonds if England desired it.

Mr. RANSDELL. Mr. President, I do not wish to take the time of the Senate further, except to say that it seems to me the Senator from Nebraska [Mr. HITCHCOCK] is really making a mountain out of a molehill. I can not see anything very important in this matter except the difference of one-half of 1 per cent interest for a limited length of time.

Just a few words more, and I will close.

I merely wish to add, Mr. President and Senators, that when this loan was made to Great Britain there was absolutely no partisan politics connected with it. We were all struggling together here as Americans, trying to win the great World War. We worked together as one man, and among other things that we did we extended this great loan to Great Britain. I am happy to say, Mr. President and Senators, that so far I have seen no partisanship in the adjustment and settlement of this matter. We seem to be treating it as American Senators, looking to the greatest good not only of our own country but of humanity; and I believe that when the vote comes this bill will pass overwhelmingly.

Mr. SMOOT. Mr. President, I ask unanimous consent that from and after the hour of 2 o'clock p. m. on the calendar day of Thursday, February 15, 1923, no Senator shall speak more than once or longer than five minutes upon the pending bill, or more than once or longer than five minutes upon any amendment offered thereto.

Mr. ROBINSON. Mr. President, I am sure that it is not possible to enter into an agreement to vote at any time to-morrow. There are a number of Senators who have expressed an intention to discuss this bill. There is not the slightest disposition upon the part of any Senator with whom I am in communication to delay a vote on the measure beyond the time necessary for a fair and full discussion of the questions involved in it. According to the information which has reached me, I think it entirely probable that debate may be exhausted and a vote reached some time during Friday, certainly not later than Saturday, of the present week. I think an agreement touching the subject may be reached, but that it would be well to let the matter go over until 11 o'clock in the morning, at which time it may be taken up and, in my opinion, a time can be fixed to vote.

I make this suggestion for the reason that some Senators are not present who are interested in the time that shall be fixed, if any, and it will be difficult to procure their attendance just at this time. I myself would suggest, if it meets with the approval of other Senators, that the time set forth in the unanimous-consent agreement proposed by the Senator from Utah be advanced one day, so that the limitation on debate which he provides may go into effect at 2 o'clock on Friday and that a final vote may be taken some time during Friday.

I think that would afford a reasonable time to conclude the debate, and I think all Senators will agree that not the slightest disposition has been shown upon the part of any Senator to delay the consideration or disposition of this measure. At the same time it is recognized to be a matter of the very greatest importance, and for that reason I do not think an effort ought to be made now to preclude full and fair discussion of the subject. My proposal would contemplate an adjournment or recess at the usual hour.

Mr. McKELLAR. Mr. President, if I may add a word to what the Senator from Arkansas has already said, I think, perhaps, something along that line can be done, but I hope the Senator from Utah will not make the request this afternoon. The Senator from Missouri [Mr. REED] was called to the War Department, I believe, and said that he would like to be heard on the matter. I think there is no disposition to delay the bill beyond a reasonable time for debate. There are several Senators who want to speak on it.

Mr. SMOOT. Does not the Senator think there would be ample time, even though we did not hold a night session, if we met to-morrow morning at 11 o'clock and met again on Friday at 11 o'clock?

Mr. McKELLAR. I am perfectly willing to meet to-morrow morning at 11 o'clock; but I ask the Senator, in view of the absence of the Senator from Missouri, to let his request go over until to-morrow at 11, and I think we can agree then. I do not see any reason why we can not.

Mr. ROBINSON. Mr. President, may I supplement what I have said with the further statement that I think it fair that Senators who are not here, who are to speak upon this subject, may have an opportunity of being present when the agreement is reached? I have not the slightest doubt from the information now in my possession that an agreement can be reached when the matter is taken up again in the morning at 11 o'clock; but I feel that an opportunity to consider the subject should be afforded Senators who desire to debate the measure.

Mr. SMOOT. I am perfectly willing to accede to the request of the Senator that the time be fixed at 2 o'clock on Friday, so as to extend the time one day. I have no disposition at all to crowd the consideration of the bill. I had hoped, however, that we could go along without a night session.

Mr. ROBINSON. May I say to the Senator from Utah that in my judgment there is not the slightest justification for a night session under the conditions which exist, and that an attempt to hold night sessions would in all probability work such a disarrangement of plans among Senators that it would protract rather than shorten the time when the bill may be finally disposed of. This measure came into the Senate for consideration yesterday. The entire day was consumed by Senators who are on the committee, and who are familiar with the facts in connection with the negotiation of the settlement. Considering its importance, and the progress which has been made, I feel sure that there can be no ground for the slightest complaint on the part of any Senator as to the prospect of an early disposition of it; and my reason for asking that the final disposition of the unanimous-consent agreement go over until to-morrow at 11 o'clock is that Senators who are interested in the subject, and who are not here, may feel that no advantage has been taken of their absence.

Mr. SMOOT. Of course, I had no idea of doing that.

Mr. ROBINSON. I am perfectly sure of that.

Mr. SMOOT. I want to say again that I think the Senator's proposition is a fair one. I wanted, if possible, to reach an

agreement so that we would not be compelled to hold a night session.

Mr. McNARY. Mr. President, it is impossible for us to hear the debate over here.

Mr. ROBINSON. Of course, my suggestion that the matter go over until to-morrow carries with it the implied suggestion and understanding that no night session will be had to-night. Of course, if no agreement should be reached to-morrow, the Senator would then be at liberty to pursue the course which in his judgment he thinks advisable.

Mr. FRELINGHUYSEN. Mr. President, Senators would like to hear this colloquy. Will not Senators please speak loud enough so that we can hear them?

Mr. SMOOT. The Senator knows that notice was given that we would hold a night session to-night, but there will be no necessity of that if we can agree upon a time to vote.

Mr. ROBINSON. Yes; I understand perfectly well that the notice of an intention to hold night sessions was given for the purpose of inducing an agreement, and I realize that if the Senator doubts the good faith of those who assure him that a speedy disposition of this matter may be had he may proceed in that way, if he thinks it is the best way to secure action.

I am perfectly sure, however, and I think the Senator will agree with me, that an attempt to hold night sessions now because an agreement is not entered into the second day that this measure is under consideration when a delay touching the agreement is asked in order that Senators who have expressed a desire to be present when it is considered may do so will not be calculated to facilitate the business of the Senate. It never has done it, and in all probability it would not do it in this instance. I am perfectly sure that an agreement may be reached in the morning at 11 o'clock, and I should prefer that the matter go over until that time.

Mr. SMOOT. Then, Mr. President, I will withdraw the unanimous-consent request. Then we can perhaps get in touch with some of the Senators who are absent from the Chamber at the present time.

Mr. McKELLAR. Will the Senator bring it up to-morrow morning at 11 o'clock, so that all Senators can be here?

Mr. SMOOT. I should like very much to get in touch this afternoon with some of the Senators referred to by the Senator from Arkansas, and then perhaps we can reach an agreement later in the afternoon.

Mr. ROBINSON. The Senator can, of course, pursue any course that he desires. I think the suggestion that the matter be considered pending, and that it go over until the morning, is a reasonable one, and I prefer to take that course.

Mr. JONES of Washington. Mr. President, as I understand, the Senator from Arkansas feels that there is a reasonable certainty that we will be able to agree to-morrow to vote some time on Friday.

Mr. ROBINSON. Yes. I should be willing, so far as I am concerned, to enter into the agreement now, but I would not like to preclude other Senators from the opportunity to express themselves touching the agreement, the subject not having been presented to them.

Mr. JONES of Washington. I make no question whatever of the good faith of the Senator from Arkansas.

Mr. WALSH of Massachusetts. Mr. President, at this hour I would not want to agree to a vote before Saturday. I may feel differently to-morrow.

Mr. JONES of Washington. Mr. President, the other day while the shipping bill was pending—I have not charge of the unfinished business now, but of course the Senate knows that I am interested in the shipping bill—I gave notice that I should ask for a night session to-night. Of course, later the debt bill was taken up. It was taken up on my motion. That displaced the shipping bill. Of course, the debt bill is the unfinished business now. The Senator from Utah [Mr. SMOOT] on yesterday gave notice that a night session would be had to-night. I want to do whatever is best to facilitate the business of the Senate. I am no more concerned in any of these measures than any other Senator. I am not any more responsible for their success or their failure than any other Senator.

I have my interest, which I conceive to be simply the interest of the public in the disposition of these measures. I know that the time is getting short. I am not unacquainted with the fact that the days are passing by, and that the 4th of March will soon be here. I also recognize that every day that elapses before the shipping bill comes up makes it that much easier to defeat the shipping bill, if Senators are disposed to use the time for that purpose.

I think I appreciate the situation here in the Senate, however, with reference to holding night sessions. As I said the other day, I do not want the Senate to hold night sessions; I would not like to have the Senate do it. I did not give notice of night sessions as a threat, as was suggested a moment ago, to force an agreement upon any measure. I gave it simply because I felt that the time of the present session is so short that it is absolutely necessary, for the proper consideration of the measures which are pending, to hold night sessions. Of course, conditions might develop so that we may feel we shall have to hold night sessions for some other purpose, for it does seem to me that with the measures we have pending, it is absolutely necessary, in order to give them proper consideration, that we should hold night sessions, and that we ought to do it; and that we could well afford to meet earlier in the morning, and give our time to the consideration of these measures, so that they may have full and proper consideration. I know that we could not have a quorum here to-night if Senators are determined not to hold a night session to-night.

Mr. WALSH of Massachusetts. Will the Senator permit an interruption?

Mr. JONES of Washington. Certainly.

Mr. WALSH of Massachusetts. I think, from information which comes to me from some of the Senators among the minority members of the Finance Committee who are interested in this measure, that if the Senator from Utah would propose a unanimous-consent agreement to vote at 2 o'clock on Saturday, it could be disposed of without any opposition. If he feels that he must try for a vote on Friday, then I think we ought to accept the suggestion of the Senator from Arkansas, and let the matter go over until to-morrow at 11 o'clock.

Mr. JONES of Washington. I say now, and not in a spirit of trying to force Senators to do this or that, that I am not willing to allow this bill to go over by unanimous consent until Saturday. If Senators force it over until Saturday, that is something over which I have no control.

Mr. SMOOT. Will the Senator consent to the request made by the Senator from Arkansas to let it go over until to-morrow morning at 11 o'clock?

Mr. JONES of Washington. I am coming to that in a moment. Every Senator, of course, will do what he feels to be his duty in passing on the question as to whether it shall go over until Saturday or not. So far as I am concerned, I shall not consent to have it go over until Saturday for a vote. If it is delayed until Saturday, I can not help it.

I am willing, under the circumstances, to let the matter go over until to-morrow, without insisting upon a night session to-night, that we may see if it is possible to arrange so that we can vote either to-morrow or on Friday, and of course if we reach an agreement then we will probably avoid a night session to-morrow night; but I can not give my consent to anything further. I am merely acceding to this situation without in any way consenting to it.

Mr. SMOOT. Then I shall ask that it may go over until 11 o'clock tomorrow morning.

Mr. ROBINSON. Very well. That suggestion is my own, and the arrangement suits me.

Mr. SMOOT. Then, Mr. President, I ask that it may lie on the table and go over until to-morrow morning at 11 o'clock.

The proposed unanimous-consent agreement was reduced to writing as follows:

It is agreed by unanimous consent that from and after the hour of 2 o'clock p. m. to-day (Thursday), February 15, 1923, no Senator shall speak more than once nor longer than five minutes upon the bill (H. R. 14254) to amend the act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign governments held by the United States of America, and for other purposes," approved February 9, 1922, nor more than once nor longer than five minutes upon any amendment offered thereto.

ORDER FOR RECESS.

Mr. SMOOT. I ask unanimous consent that when the Senate concludes its business to-day it recess until to-morrow morning at 11 o'clock.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

STATEMENT RELATIVE TO MR. STANLEY BALDWIN'S INTERVIEW.

Mr. SMOOT. Mr. President, I ask that there be printed in the RECORD the request for publicity made by the British Embassy for a statement with regard to the interview reported in the press as having been granted by Mr. Stanley Baldwin, the Chancellor of the Exchequer, with regard to statements he was alleged to have made in relation to the Congress of the United States.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The British Embassy requests publicity for the following statement with regard to the interview reported in the press as having been granted by Mr. Stanley Baldwin, the Chancellor of the Exchequer, at Southampton on his arrival there last week:

Telegraphic inquiries made by this embassy in London show "that Mr. Baldwin did not grant any interview to any representative of the press.

"On arrival he was surrounded, however, by ten or a dozen reporters, who asked innumerable questions, to some of which Mr. Baldwin replied informally. The impression which his answers created in the mind of the editor of an important London daily newspaper is indicated by the following editorial comment:

"'The Chancellor of the Exchequer has made a statement to the press about his debt-funding mission to the United States. We do not disagree with his argument, although it makes him look more like an American emissary than a British chancellor. If he would do as much to explain the British position to America as he is doing to explain the American position to Britain he might then be a useful public servant.'

"The remarks attributed to Mr. Baldwin in certain organs of the American press—that the debt had got on the nerves of the American people and that Congress would not be willing to eat its own legislation—are without discoverable foundation.

"Mr. Baldwin neither criticized nor aspersed any section of the American people. On the contrary, he sought to express his great appreciation of the kindness and courtesy which were extended to him throughout his recent visit to this country."

ORDER OF BUSINESS.

Mr. SMOOT. I would like to know if there is any other Senator who desires to speak this evening? If not, as an executive session has been requested——

Mr. JONES of Washington. It is now a quarter of 5. There are some Senators who have some measures they would like to call up, and it seems to me it would be very well to allow them to use the time now to get those measures up. The Senator from Delaware [Mr. BALL] has a measure to present that is very pressing. It seems to me there are more Senators here now than are usually in attendance at this hour.

Mr. UNDERWOOD. I want to say to the Senator that I have always objected to taking up bills on the calendar at this time of the evening, because we are supposed to call them up in the morning hour. Of course, to pro forma bills I do not object, but it is too late an hour for us to take up real legislation. I have no objection to it coming up in the morning hour, or in the hour which corresponds to the morning hour when we take a recess.

Mr. JONES of Washington. The Senator is a very reasonable man. I think he is one of the most reasonable men in this body. He can look around now and see that we have a larger attendance than we have at almost any time during the morning hour unless a quorum call is made. We are nearing the end of the session.

There is business on the calendar which must be pressed to the exclusion of other matters. I do not know whether there would be any objection to the measure which the Senator from Delaware wants to bring up. I anticipate that when it is explained there probably will not be any objection to it. It does seem to me that it is not unreasonable to request that those matters should be considered, especially when we see so many here, and that is the only reason why I speak about it.

Mr. UNDERWOOD. It is not anything new for me to make the objection I have just spoken of. A man who is watching legislation has a right to believe that when the morning hour closes important legislation will not displace the unfinished business, and I do not think it is right to take up real legislative matters at this time in the evening. Everyone who is watching a bill is put on notice that he will have to be here at 11 or 12 o'clock, when the Senate meets, whether it is in executive session or not, and I have no objection to bills coming up at that time. I object less to the consideration of bills than any other Senator, I venture to say.

Mr. JONES of Washington. I know that; the Senator is very reasonable.

Mr. UNDERWOOD. I do not object to bills being called up in the morning hour, but I do object to calling them up at this time of the evening, unless they are bridge bills or some formal matters. I do not object to that kind of a bill being called up.

Mr. JONES of Washington. The measure the Senator from Delaware wants to have considered is not general legislation, and I hope that he will have an opportunity to present it, at any rate.

Mr. UNDERWOOD. I happen to know what the measure is. It is merely a formal matter. It is of the same character as a bridge bill, and I have no objection to its consideration; but I want to say that I shall object at this time if any bills of a legislative nature are brought up.

CONVENTION OF MYSTIC SHRINE.

Mr. BALL. Mr. President, I report back favorably without amendment from the Committee on the District of Columbia House Joint Resolution 418, authorizing the use of public parks, reservations, and other public spaces in the District of Columbia, and the use of tents, cots, hospital appliances, flags, and other decorations, property of the United States, by the Almas Temple, Washington, D. C., 1923 Shrine Committee (Inc.), and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

Resolved, etc., That the Secretary of War is hereby authorized to grant permits to Almas Temple, Washington, D. C., 1923 Shrine Committee (Inc.), for the use of any parks, reservations, or other public spaces in the District of Columbia under his control on the occasion of the forty-ninth annual session of the Imperial Council, Ancient Arabic Order Nobles of the Mystic Shrine, in the month of June, 1923: *Provided*, That in his opinion such use will inflict no serious or permanent injuries upon such parks, reservations, public spaces, or statuary therein; and the Commissioners of the District of Columbia may designate, for such and other purposes on the occasion before named, such streets, avenues, and sidewalks in the said District of Columbia under their control as they may deem proper and necessary: *Provided, however*, That all stands, arches, or platforms that may be erected on the public spaces aforesaid, including such as may be erected in connection with any display of fireworks, shall be under the supervision of the said Almas Temple Shrine Committee and in accordance with plans and designs to be approved by the Architect of the Capitol, the Engineer Commissioner of the District of Columbia, and the officer in charge of public buildings and grounds: *And provided further*, That the reservations or public spaces occupied by the stands or other structures shall be promptly restored to their condition before such occupancy, and the said committee shall indemnify the War Department and the District of Columbia for damage of any kind whatsoever upon such reservation or space by reason of such use.

SEC. 2. That the Secretary of War and the Secretary of the Navy are hereby authorized to loan to the said committee such tents, camp appliances, and other necessities, hospital furniture and utensils of all descriptions, ambulances, horses, drivers, stretchers, and Red Cross flags and poles belonging to the United States as in their judgment may be spared at the time of the session: *Provided*, That the said Shrine committee shall indemnify the United States for any loss or damage to such tents, appliances, etc., as aforesaid not necessarily incident to such use: *And provided further*, That the said committee shall give approved bond to do the same.

SEC. 3. That the Secretary of War and the Secretary of the Navy are authorized to loan to the said committee such ensigns, flags, decorations, etc., belonging to the United States (battle flags excepted) as are not then in use, and may be suitable and proper for decorations and other purposes, which may be spared without detriment to the public service, such ensigns, flags, decorations, etc., to be used by the committee under such regulations and restrictions as may be prescribed by the said Secretaries, or either of them: *Provided*, That the said committee shall, within five days after the close of said session, return to the said Secretaries all such ensigns, flags, decorations, etc., thus loaned; and said committee shall indemnify the United States for any loss or damage not necessarily incident to such use.

SEC. 4. That the officer in charge of public buildings and grounds, subject to the approval of the Secretary of War, is hereby authorized to permit the use of any or all public parks, reservations, or other public spaces in the District of Columbia for use by said committee for parking automobiles, the temporary erection of tents for entertainments, hospitals, and other purposes; and said committee is hereby authorized to charge reasonable fees for entertainment and accommodations on said parks, reservations, or other public spaces to aid in meeting the necessary expenses incident to the session.

SEC. 5. That the Commissioners of the District of Columbia are hereby authorized to permit said committee to stretch suitable overhead conductors, with sufficient supports, wherever necessary and in the nearest practicable connection with the present supply of light, for the purpose of effecting special illumination: *Provided*, That the said conductors shall not be used for the conveying of electrical currents after June 10, 1923, and shall, with their supports, be fully and entirely removed from the public spaces, streets, and avenues of the said city of Washington on or before June 15, 1923: *Provided further*, That the stretching and removing of the said wires shall be under the supervision of the Commissioners of the District of Columbia, who shall see that the provisions of this resolution are enforced; that all needful precautions are taken for the protection of the public; and that the pavement of any street, avenue, or alley disturbed is replaced in as good condition as before entering upon the work herein authorized: *And provided further*, That no expense or damage on account of or due to the stretching, operation, or removing of the said temporary overhead conductors shall be incurred by the United States or the District of Columbia, and that if it shall be necessary to erect wires for illuminating or other purposes over any park or reservation in the District of Columbia the work of erection and removal of said wires shall be under the supervision of the officer in charge of said park or reservation.

SEC. 6. That the Commissioners of the District of Columbia are hereby authorized to grant, under such conditions as they may impose, special licenses to peddlers and vendors to sell goods, wares, and merchandise on the streets, avenues, and sidewalks in the District of Columbia during said session, and to charge for such privileges such fees as they may deem proper.

SEC. 7. That the Commissioners of the District of Columbia are hereby authorized to permit the telegraph and telephone companies to extend overhead wires to such points as shall be deemed necessary by the said committee, the said wires to be taken down within 10 days after the conclusion of the session.

SEC. 8. That the Public Buildings Commission is hereby authorized to assign to said committee for use and occupancy during said session such unoccupied public buildings in the District of Columbia as, in its discretion, may appear advisable: *Provided*, That any and all buildings so assigned shall be surrendered within 10 days after the close of the said session: *Provided further*, That the said committee shall furnish a bond or other satisfactory assurance of indemnity against damage to said property while in its possession, incidental wear and tear excepted.

Mr. MCKELLAR. Mr. President, I have an amendment which I offer, to be added as a new section.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. Add as a new section the following:

SEC. —. The Public Utilities Commission of the District of Columbia shall not hereafter have or exercise power to fix rates of fare for the street railway companies in the District of Columbia at rates in excess of the rates of fare fixed in existing charters or contracts heretofore entered into between said companies and the Congress; and from and

after the passage and approval of this act the said street railway companies shall receive 5 cents per passenger as a cash fare, but they shall issue and sell six tickets for 25 cents, as provided in existing charters.

Mr. UNDERWOOD. I hope my friend from Tennessee will not offer that amendment now, and I will state the reason why it should not be offered.

Mr. McKELLAR. It has already been offered.

Mr. UNDERWOOD. I allowed the joint resolution to come up as a measure merely providing for the use of parks, and so forth, during a convention here. There is no legislation in it. Of course, the amendment the Senator offers is the most important kind of legislation, and more than that——

Mr. McKELLAR. I want a vote on it. We all understand how we are going to vote. It has been debated. This will probably give me the only opportunity of having the matter voted on at this session, and I am inclined to insist on it. So I have offered the amendment. Let us vote on it one way or the other. If the Senate votes it down, let it be voted down; and if it is voted up, it will be a part of the joint resolution.

Mr. UNDERWOOD. I do not care how meritorious the Senator's amendment is, is he willing to stand in the way of the request of the Shriners?

Mr. McKELLAR. Oh, no; I have no objection whatever to that. I am very much in favor of the Shriners having this privilege.

Mr. DIAL. I hope the Senator from Tennessee will withdraw his amendment and let us pass the joint resolution.

Mr. McKELLAR. I am very much in favor of the joint resolution, and have no objection to it whatever and shall vote for it. All I ask for is a vote on my amendment.

Mr. BALL. Mr. President, this is a House joint resolution. There are a number of Senate bills on our calendar. If the Senator from Tennessee desires to have his amendment voted on, he can offer it as an amendment to some Senate bill.

Mr. McKELLAR. I understand that, but this measure is going to be passed at this session, and the bills to which the Senator refers may not be passed at the present session, and I may not be able to get my amendment through on any of those bills. I ask for the yeas and nays on my amendment.

Mr. SMOOT. Mr. President, before the Senate votes upon the amendment I want to call attention to the rates charged on the street railways in the largest cities in Alabama and Tennessee. I shall not take the time of the Senate to read them, but I want them to go into the RECORD. I ask that the letter I hold in my hand may be printed in the RECORD.

Mr. McKELLAR. I have no objection to it's going into the RECORD. It has been in the RECORD before.

Mr. SMOOT. This one has not been. It is more extensive.

Mr. McKELLAR. I may say that there is a bill now pending before the Legislature of Tennessee to abolish the public utilities commission in that State.

The VICE PRESIDENT. Is there objection to printing in the RECORD the letter presented by the Senator from Utah?

There being no objection, the letter was ordered to be printed in the RECORD as follows:

PUBLIC UTILITIES COMMISSION
OF THE DISTRICT OF COLUMBIA,
Washington, January 31, 1923.

Hon. REED SMOOT,
United States Senate, Washington, D. C.

MY DEAR SENATOR: During the course of the debate in the Senate on the District appropriation bill for 1924 (CONGRESSIONAL RECORD, January 25, p. 2376) the Senator from Alabama, who was speaking in favor of a 5-cent fare on the street railway lines in the District, was asked whether the street-car fare in his State is 5 cents or higher.

The following rates in the largest cities in Alabama are quoted from the latest information before the commission:

Birmingham: 8 cents cash, 15 tickets for $1; 2-cent transfers.
Mobile: 7 cents cash; 5 tickets for 30 cents.
Montgomery: 8 cents cash; 16 tickets for $1.
Alabama City: 7 cents cash; 16 tickets for $1.
Albany: 8 cents cash.
Decatur: 7 cents cash.
Gadsden: 7 cents cash; 16 tickets for 90 cents.
Selma: 7 cents cash.
Anniston: 6 cents cash.
Tuscaloosa: 6 cents cash.
Florence: 10 cents cash, 6.4 cents for tickets.
Huntsville: 10 cents cash.
Sheffield: 10 cents cash, 6.4 cents for tickets.

The rates in the State of Tennessee in cities of 25,000 or more population are as follows:

Memphis: 7 cents cash.
Nashville: 7 cents cash, 5 tickets for 85 cents.
Knoxville: 6 cents cash.
Chattanooga: 7 cents cash.

In view of the prominence given to the discussion of local street railway fares, I thought you might be interested in having this information.

Very truly yours, C. KELLER,
Chairman Public Utilities Commission.

The VICE PRESIDENT. The Senator from Tennessee asks for the yeas and nays on agreeing to his amendment.

The yeas and nays were ordered and taken.

Mr. OWEN. I transfer my pair with the junior Senator from New Jersey [Mr. EDGE] to the senior Senator from Texas [Mr. CULBERSON] and vote "yea."

Mr. COLT. Has the junior Senator from Florida [Mr. TRAMMELL] voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. COLT. I have a general pair with that Senator, which I transfer to the junior Senator from New Hampshire [Mr. KEYES], and vote "nay."

Mr. HALE. I transfer my pair with the senior Senator from Tennessee [Mr. SHIELDS] to the senior Senator from Connecticut [Mr. BRANDEGEE] and vote "nay."

Mr. OVERMAN. I desire to announce that my colleague [Mr. SIMMONS] is absent on account of sickness. He is paired with the junior Senator from West Virginia [Mr. ELKINS].

Mr. SUTHERLAND (after having voted in the negative). I voted under a misapprehension. My pair, the senior Senator from Arkansas [Mr. ROBINSON], is absent from the Chamber. I transfer that pair to the junior Senator from Oregon [Mr. STANFIELD] and allow my vote to stand.

Mr. JONES of Washington. I transfer my pair with the senior Senator from Virginia [Mr. SWANSON] to the senior Senator from Pennsylvania [Mr. PEPPER] and vote "nay."

Mr. DILLINGHAM (after having voted in the negative). I understand the Senator from Virginia [Mr. GLASS], with whom I have a general pair, has not voted.

The VICE PRESIDENT. He has not voted.

Mr. DILLINGHAM. I transfer my pair with that Senator to the junior Senator from California [Mr. SHORTRIDGE] and allow my vote to stand.

The result was announced—yeas 25, nays 39, as follows:

YEAS—25.

Ashurst	Fletcher	McKellar	Smith
Borah	Gerry	Norris	Walsh, Mass.
Brookhart	Harris	Overman	Walsh, Mont.
Broussard	Harrison	Owen	Willis
Capper	Heflin	Ransdell	
Couzens	Hitchcock	Reed, Mo.	
Dial	Ladd	Sheppard	

NAYS—39.

Ball	Hale	Moses	Sterling
Bayard	Harreld	Nelson	Sutherland
Calder	Jones, N. Mex.	New	Townsend
Cameron	Jones, Wash.	Oddie	Underwood
Colt	Kellogg	Phipps	Wadsworth
Cummins	Lenroot	Pittman	Warren
Curtis	Lodge	Poindexter	Watson
Dillingham	McKinley	Reed, Pa.	Weller
Fernald	McLean	Smoot	Williams
Frelinghuysen	McNary	Spencer	

NOT VOTING—32.

Brandegee	George	McCormick	Robinson
Bursum	Glass	McCumber	Shields
Caraway	Gooding	Myers	Shortridge
Culberson	Johnson	Nicholson	Simmons
Edge	Kendrick	Norbeck	Stanfield
Elkins	Keyes	Page	Stanley
Ernst	King	Pepper	Swanson
France	La Follette	Pomerene	Trammell

So Mr. McKELLAR'S amendment was rejected.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. BALL. I move the indefinite postponement of the joint resolution (S. J. Res. 266) authorizing the use of public parks, reservations, and other public spaces in the District of Columbia; and the use of tents, cots, hospital appliances, flags, and other decorations, property of the United States, by the Almas Temple, Washington, D. C., 1923 Shrine Committee (Inc.), and for other purposes.

The motion was agreed to.

UNITED CONFEDERATE VETERANS' REUNION.

Mr. WADSWORTH. Mr. President, from the Committee on Military Affairs I report back favorably without amendment Senate Joint Resolution 279. I ask that the title be read, and I then expect to ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The joint resolution will be read by title.

The READING CLERK. A joint resolution (S. J. Res. 279) authorizing the Secretary of War to loan 3,000 wooden folding chairs for the use of the United Confederate Veterans at their reunion to be held in New Orleans, La., April 11, 12, and 13, 1923.

Mr. WADSWORTH. I ask unanimous consent for the immediate consideration of the joint resolution.

Mr. SMOOT. Let the joint resolution be read.

The joint resolution was read as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to loan, under such regulations as he may prescribe, 3,000 wooden folding chairs to William M. Garic, of New Orleans, La., for the use of the United Confederate Veterans at their reunion to be held in New Orleans, La., on April 11, 12, and 13, 1923.

Mr. WARREN. Mr. President, may I ask the Senator in charge of the joint resolution if it should not contain the usual clause relating to some bond to be given or responsibility to be assumed for the safe return of the articles loaned?

Mr. WADSWORTH. The joint resolution contains the usual phrase "under such regulations as the Secretary of War may prescribe." That permits him to impose a bond.

Mr. WARREN. The Senator would assume that he has that authority?

Mr. WADSWORTH. Yes.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STANDARDS FOR FRUIT AND VEGETABLE HAMPERS AND BASKETS.

Mr. McNARY. Mr. President, I ask unanimous consent for the present consideration of the bill (S. 4399) to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes.

Mr. UNDERWOOD. May I inquire of the Senator if the measure involves a legislative matter?

Mr. McNARY. I will state to the Senator that a similar bill has passed the House. I want, for the benefit of the consumers of the country, to get the bill through the Senate before final adjournment. I know of no legislation on the calendar which contains more merit than this measure.

Mr. UNDERWOOD. To what does it have reference?

Mr. McNARY. To the fixing of the size of hampers for the carriage of vegetables and of baskets that take care of fruit, so that no fraud may be perpetrated upon the public.

Mr. UNDERWOOD. I will say that I have no objection to the merits of the bill, when taken up at the proper time, but I know very well that there will be a contest this evening if it is brought up. I therefore ask for the regular order.

Mr. McNARY. Do I understand that the Senator from Alabama objects to the present consideration of the bill?

Mr. UNDERWOOD. For the time being. I would not do so to-morrow morning, but I do object now.

Mr. FRELINGHUYSEN. Mr. President, I had intended to move to take up for immediate consideration a bill now on the calendar. I wish to ask the Senator from Alabama [Mr. UNDERWOOD] if he would object? It is a small claim bill, to pay $800 to a man who lost his foot in the Government service.

Mr. UNDERWOOD. I have no doubt that to-morrow morning I shall most cheerfully vote with the Senator for the payment of the claim; but if we would take up one such measure now, we would have to take up others. Therefore I demand the regular order.

EXECUTIVE SESSION.

Mr. SMOOT. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate, under the order previously made, took a recess until to-morrow, Thursday, February 15, 1923, at 11 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 14 (legislative day of February 13), 1923.

REGISTER OF THE LAND OFFICE.

Peter G. Johnston to be register of the land office at Blackfoot, Idaho.

RECEIVER OF PUBLIC MONEYS.

Ezra T. Monson to be receiver of public moneys at Blackfoot, Idaho.

POSTMASTERS.

ALABAMA.

Dozier N. Cartledge, Midway.

ARKANSAS.

Charles E. Wilson, Greenland.
John A. Borgman, Jonesboro.
William D. Swift, Lincoln.

CALIFORNIA.

Walter P. Cockley, Calexico.
John L. Steward, Monterey.
Flournoy Carter, Oxnard.
Alfred E. Smith, Winton.

GEORGIA.

David M. McKee, Moultrie.
Kelly W. Liles, jr., White Oak.

INDIANA.

Samuel Haslam, Edinburg.
Roy M. Nading, Flat Rocks.
James M. Robinson, Franklin.
Lee H. Pillers, Monroeville.
John C. Hodge, Zionsville.

IOWA.

Lewis H. Mayne, Emmetsburg.
William D. Lorenzen, McCallsburg.
Samuel C. Laverty, Promise City.

KANSAS.

John A. Stark, Bonner Springs.
Ellen Simmons, Cottonwood Falls.
David H. White, Merriam.
Oliver R. Durham, Udall.

KENTUCKY.

Charles A. Glascock, Flemingsburg.
Claude A. Foote, Sulphur.

MASSACHUSETTS.

John G. Faxon, Fitchburg.
James F. Healy, Worcester.

MINNESOTA.

Nels A. Thorson, Crookston.

MISSISSIPPI.

Willies Ramsey, Drew.
Nathan B. Williams, Fernwood.
Allene M. Mitchell, Sunflower.
James L. Donald, Tutwiler.
Mary E. Cain, Vaiden.
John L. Kirby, Water Valley.
Thomas C. Kite, Weir.
William W. Cain, West.

NEBRASKA.

William C. Hagelin, Friend.

NEW HAMPSHIRE.

Alice R. Thompson, Antrim.
Edson M. Barker, Plymouth.
Wells D. Foote, South Lyndeboro.

NEW YORK.

Lillian D. Hill, Bayville.
Chauncey H. Brown, South Dayton.
James I. Fanning, Southold.
Lester B. Dobbin, Wolcott.

OKLAHOMA.

Forrest L. Strong, Clinton.

PENNSYLVANIA.

Earl H. Hilgert, Cresco.

TENNESSEE.

Byrd P. Allison, Gallatin.

TEXAS.

Murt J. Sullivan, Comanche.
Pierce Mayer, Corsicana.
James J. Ormsbee, El Paso.
Ferman Carpenter, Franklin.
Annie S. Watson, Sugar Land.

UTAH.

Emerson B. Nason, Soldier Summit.

VERMONT.

James E. Kidder, Derby.
Lester E. Boyce, Ludlow.
Herbert L. Bailey, Putney.
Ray H. Dearborn, South Fairlee.

VIRGINIA.

Charles W. Kilgore, Coeburn.
Edwin M. C. Quimby, Suffolk.

WASHINGTON.

Lillian R. Menkee, Hunters.

WISCONSIN.

Arno C. Eckardt, Kiel.
Alfred E. Von Wald, Sauk City.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 14, 1923.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God, Thou alone art holy, perfect in power and in charity. As Thou art our loving heavenly Father, we pause, as Thou dost make daily provision for us. Impress us with the three great notes of our relationship, which are love, obedience, and service. Always help us to be true, for there are those who trust us; enable us to be strong, for there are those who need us; ever keep us pure, for there are those who care. The Lord bless the Members and officers of the House of Representatives and be gracious and merciful unto all their families. Bless our country and may Thy reign soon extend unto the ends of the earth. In the name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALENDAR WEDNESDAY.

The SPEAKER. To-day is Calendar Wednesday. The Clerk will call the committees.

The Committee on Agriculture was called.

BUTTER.

Mr. HAUGEN. Mr. Speaker, I call up the bill (H. R. 12053) to define butter and to provide a standard therefor.

The SPEAKER. The gentleman from Iowa calls up a bill which the Clerk will report by title.

The Clerk read the title of the bill.

The SPEAKER. When the House adjourned on Wednesday last an amendment was pending, offered by the gentleman from Wisconsin [Mr. VOIGT].

Mr. HAUGEN. Mr. Speaker, that amendment was read for information, was it not?

Mr. LONDON. Mr. Speaker, I recall the situation. The point of order was made that there was no quorum present, while the gentleman from Iowa [Mr. HAUGEN] was on the floor delivering an address in support of the bill.

Mr. GARRETT of Tennessee. I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Tennessee makes the point of order that there is no quorum present. The Chair is inclined to think there is no quorum present.

Mr. HAUGEN. I move a call of the House.

The SPEAKER. The gentleman from Iowa moves a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

Abernethy	Connolly, Pa.	Griffin	Lawrence
Anderson	Cooper, Wis.	Hammer	Linthicum
Ansorge	Copley	Hawes	Longworth
Anthony	Coughlin	Hawley	Luhring
Aswell	Crowther	Hays	McArthur
Bacharach	Cullen	Hill	McClintic
Bankhead	Curry	Himes	McCormick
Barkley	Dale	Hoch	McFadden
Beedy	Davis, Minn.	Huck	Mansfield
Bell	Dempsey	Humphreys, Miss.	Mead
Bird	Drane	Husted	Merritt
Black	Dunbar	Hutchinson	Michaelson
Blakeney	Dyer	Johnson, S. Dak.	Mills
Bland, Ind.	Echols	Jones, Pa.	Montague
Bond	Edmonds	Kahn	Moore, Ill.
Bowers	Fenn	Keller	Moore, Va.
Brennan	Fess	Kelley, Mich.	Moores, Ind.
Britten	Fish	Kelly, Pa.	Morin
Brooks, Ill.	Fitzgerald	Kendall	Mudd
Brooks, Pa.	Focht	Kennedy	Murphy
Burdick	Free	Kiess	Newton, Minn.
Byrnes, S. C.	French	Kindred	Nolan
Cantrill	Gallivan	King	O'Brien
Carew	Garner	Kirkpatrick	O'Connor
Chandler, N. Y.	Gilbert	Kitchin	Overstreet
Chandler, Okla.	Glynn	Kleczka	Park, Ga.
Classon	Gorman	Kline, N. Y.	Paul
Cockran	Gould	Knight	Perkins
Codd	Graham, Pa.	Kraus	Porter
Cole, Iowa	Green, Iowa	Kunz	Pou
Connally, Tex.	Greene, Mass.	Lampert	Rainey, Ala.
Rainey, Ill.	Schall	Stoll	Vestal
Ransley	Scott, Mich.	Strong, Pa.	Volk
Rayburn	Scott, Tenn.	Sullivan	Volstead
Reber	Shreve	Tague	Walters
Reed, N. Y.	Sinnott	Taylor, Ark.	Ward, N. Y.
Riddick	Sisson	Taylor, N. J.	Weaver
Riordan	Slemp	Taylor, Tenn.	Webster
Robsion	Smith, Mich.	Temple	Wheeler
Rodenberg	Snell	Thomas	Williams, Tex.
Rogers	Snyder	Thorpe	Williamson
Rose	Sproul	Tilson	Winslow
Rossdale	Stafford	Timberlake	Wood, Ind.
Rucker	Stedman	Tincher	Young
Ryan	Steenerson	Tinkham	Zihlman
Sabath	Stiness	Underhill	

The SPEAKER. On this roll call 240 Members have answered to their names. A quorum is present.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Wyoming moves to dispense with further proceedings under the call. Without objection, it will be so ordered.

There was no objection.

The SPEAKER. Last Wednesday the gentleman from Wisconsin [Mr. VOIGT] offered an amendment, which is pending and which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. VOIGT: Page 1, line 9, after the word "fat," insert a comma and add "all tolerances having been allowed for."

Mr. HAUGEN. I yield five minutes to the gentleman from Wisconsin [Mr. VOIGT].

Mr. VOIGT. Mr. Speaker and gentlemen of the House, when this bill was up last week I offered an amendment which has just been read. The purpose of this amendment is to provide that 80 per cent butter fat in butter shall be the absolute minimum in the administration of the law. A great many States in the Union have a standard of 80 per cent; a few States have a higher percentage. The States of Wisconsin and Minnesota have a fat standard for butter of 82.5 per cent but they allow a tolerance of 2½ per cent. That means that in these and other States no manufacturer of butter can go below 80 per cent without violating the law.

When our committee reported this bill I was for it, but some months have elapsed and I have received considerable new light. The bill, as it has been reported by the committee, provides, among other things, that butter shall contain not less than 80 per cent by weight of milk fat. It has been customary all over the country in the administration of food laws fixing a minimum standard to allow a tolerance below that minimum. Let me briefly illustrate that. Suppose in a State having the 80 per cent minimum a man makes butter having 79 per cent fat and he is prosecuted. The judge and the jury will say that the man has come close enough to the standard prescribed by law or by the regulations and they will find that man not guilty.

Mr. CHINDBLOM. I can apprehend that a jury might do that, but is it customary for judges to do that?

Mr. VOIGT. A judge might not do so, but a department official having to do with the enforcement of a minimum standard would probably not prosecute a man who came within 1 or 2 per cent of the standard fixed. What we fear is that if you prescribe a minimum that in the administration of the law tolerances will be allowed. If that is true, and tolerances should be allowed, a great many States of the Union are going to be put to a disadvantage because their laws are such that you can not go below 80 per cent. All that my amendment does is to make sure that no tolerances shall be allowed under the 80 per cent. No honest manufacturer of butter can object to that amendment.

Mr. ARENTZ. You are placing no burden on the butter manufacturer but only assuring the consumer that he shall not pay 50 cents per pound for water?

Mr. VOIGT. Yes; I want the manufacturer to be honest in putting 80 per cent butter fat into his butter. I do not want any loophole in it so that a man can sell water for butter.

Mr. COOPER of Ohio. Will the gentleman yield?

Mr. VOIGT. Certainly.

Mr. COOPER of Ohio. Does any State have a law making 80 per cent butter fat the minimum with 2 per cent tolerance?

Mr. VOIGT. The State of Wisconsin and the State of Minnesota have taken care of the proposition in this way, and I believe it is the best way. Their statutes fix the standard at 82.5 per cent, but in order to get 80 per cent they allow a tolerance of 2½ per cent.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. HAUGEN. I will yield to the gentleman two minutes more.

Mr. LEA of California. Will the gentleman yield?

Mr. VOIGT. I yield.

Mr. LEA of California. To what extent is butter sold on the market containing less than 80 per cent butter fat?

Mr. VOIGT. I can not answer that question.

Mr. LEA of California. Is it commonly sold?

Mr. VOIGT. The common practice is to sell butter containing 80 per cent butter fat, but every once in a while a manufacturer is jerked up by the Internal Revenue Bureau or by the Agricultural Department for having less than 80 per cent butter fat or having more than 16 per cent water.

Mr. LEA of California. Is that based on weight according to the State law?

Mr. VOIGT. It is, and it must be because butter fat weighs less than water, and if you had it by volume instead of weight, you would have less butter fat and more water.

Mr. COOPER of Ohio. The State of Ohio has no law with reference to it.

Mr. VOIGT. I believe that is right.

Mr. COOPER of Ohio. If this law is passed it would affect Ohio if the butter went into interstate commerce.

Mr. VOIGT. Yes.

Mr. PURNELL. Will the gentleman yield?

Mr. VOIGT. I yield.

Mr. PURNELL. Does the gentleman think it is possible for the butter manufacturer to keep the content at 80 per cent?

Mr. VOIGT. Does the gentleman mean is it practicable?

Mr. PURNELL. Is it possible? In other words, does the gentleman think that if we do not write this amendment into the bill that men will purposely fix the butter content below 80 per cent?

Mr. VOIGT. There are manufacturers of butter in this country who make butter in large quantities who can regulate the butter fat in butter within one-tenth of 1 per cent, and if these men are given a leeway to bring it down to 78 per cent or 77½ per cent they are going to do it and give our people water for butter. If you should give them a tolerance of 2 per cent every day in the year, it is enough to pay 100 per cent dividend a year.

Mr. LONDON. Will the gentleman yield?

Mr. VOIGT. Yes.

Mr. LONDON. Have there been any hearings upon this bill?

Mr. VOIGT. Yes.

Mr. LONDON. I understand that the National Consumers' League is opposed to the bill. Is that true?

Mr. VOIGT. There is some opposition to the bill. I want to say that this amendment can do no harm. Why not put it in and make sure that we shall have butter with at least 80 per cent fat?

The SPEAKER. The time of the gentleman from Wisconsin has again expired.

Mr. HAUGEN. Mr. Speaker, I yield three minutes to the gentleman from Minnesota [Mr. CLAGUE].

Mr. CLAGUE. Mr. Speaker, I am in favor of a standard that will give the people the very best butter than can be made. Minnesota has a standard as high on butter as any State in the United States, fully as high as Wisconsin. The cooperative creameries and the dairy food commissioner and the best butter men we have in the State of Minnesota are opposed to this bill in its present form. We believe that if this bill is passed it will be a lowering of the standard of butter. What we want is the double standard, that it shall not provide for less than 80 per cent butter fat and shall not contain more than 16 per cent of water. I am in favor of the amendment of the gentleman from Wisconsin [Mr. VOIGT] if this bill is going to pass. For years tolerances have been allowed, and if you fix it at 80 per cent they will allow more or less tolerance and make butter with more than 16 per cent water. We want to keep the high standard; we want it fixed in the bill so that there shall not be more than 16 per cent of water.

I think if the bill passes as it comes from the committee, it will result in a lowering of the standard of butter instead of a raising of it.

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman from Iowa yield for a question?

Mr. HAUGEN. Certainly.

Mr. CHINDBLOM. Has the committee amendment striking out the words "and not more than 16 per cent of water" been adopted?

Mr. HAUGEN. No; I understand that has not been adopted. I was of opinion that it had been agreed to, but there is some question about it, and the committee amendment will have to be offered. I yield three minutes to the gentleman from Michigan [Mr. MCLAUGHLIN].

Mr. MCLAUGHLIN of Michigan. Mr. Speaker, I approve of the bill as written, making 80 per cent the minimum, because I believe it can be construed in no other way than that it is a minimum and that all tolerances have been allowed for; but if there is any doubt about it, if any other construction than the one I suggest can be put on these words, then the amendment offered by the gentleman from Wisconsin [Mr. VOIGT] ought to be adopted, because the making of butter with less than 80 per cent fat ought not to be permitted. The scientific men, the chemists, who have had to do with this matter tell us as to the amount of moisture that ought and can properly be in butter; that there really ought not to be more than 12 or 13 or 14 per cent of moisture, and that when it reaches—certainly when it exceeds—16 per cent it is indisputable that moisture has been added or that the presence of excessive moisture is absolutely inexcusable carelessness, so that if we take 80 per cent for the butter fat, 16 per cent as the absolute maximum of moisture, we have 96 per cent, leaving 4 per cent for other ingredients—salt and casein, I believe. If we drop below 80 per cent there is opportunity, even an invitation, for leaving in or putting in too much moisture. I think the bill allowing 80 per cent is proper and safe, because in the States where 82½ per cent is fixed, either by law or regulation, a tolerance of 2½ per cent is allowed, which would bring it down to 80 per cent. I am in favor of the bill as it stands, although personally before the committee I was opposed to striking out the words with regard to the 16 per cent of moisture. I thought they ought to remain in the bill, but I shall not oppose the committee amendment, the committee having as a whole agreed to it, differing from me.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. MCLAUGHLIN of Michigan. Yes.

Mr. CHINDBLOM. If 4 per cent remains for salt and casein, what would be the situation in case of unsalted butter? There is much of that on the market.

Mr. MCLAUGHLIN of Michigan. Yes.

Mr. CHINDBLOM. Where does that come in? Without the 4 per cent for salt, you would have more water.

Mr. MCLAUGHLIN of Michigan. No; the department by its regulation does not permit more than 16 per cent of moisture under any circumstances. If more than that is found, it is declared adulterated, and a very heavy fine is imposed. I would say also that this bill does not relate in any way to butter made on the farm. This relates to the manufacturers of butter, and the construction of that word does not include farmers or makers of butter in small quantities.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. HAUGEN. Mr. Speaker, just a word as to the amendment submitted—to the effect that all tolerances have been allowed for. To say the least, it is an unusual thing to do. It would seem that the same phraseology might apply to fixing the standard for butter that is now applied to fixing the standard of the gold dollar or of the silver dollar, or the weight of grains. I have submitted this proposition to several of the best lawyers in the House, and they have all agreed that it is not necessary, that it adds nothing; and I do not know that it detracts anything from the bill.

What have the creamery people to say about it? This matter is something that has been under consideration for the last 30 or 40 years, and practically all of the creamery people are agreed on this bill, although some over in Wisconsin think we ought to add this particular language. As stated, that State has an 82½ per cent standard, but they found it necessary to make it 80 per cent and allow a tolerance of 2½ per cent. The State of Wisconsin has now an 80 per cent standard, as have several other States, and as they have in several other countries. I want to read a few telegrams that I have received. I will select only a few of them. The first telegram is from Omaha, Nebr.:

OMAHA, NEBR., *February 9, 1923.*

Hon. G. N. HAUGEN,
House of Representatives, Washington, D. C.

The organized dairy industry has given years of study to this question of fat standard, and your bill, as it stands, has the unqualified indorsement of practically all authorities on the subject. We certainly hope that no amendments will be considered that will delay its passage just as the bill came to you from the Senate.

CHAS. HARDING,
President Harding Cream Co.

Mr. ARENTZ. Mr. Speaker, will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. ARENTZ. Does that mean that 16 per cent of water is included?

Mr. HAUGEN. We deal with only one at a time. As the gentleman knows, the administration of the food and drug act is under the Department of Agriculture, but adulterated butter requirements are under the Secretary of the Treasury. It was thought best, in view of this, to deal with this one single standard first, and after we have disposed of that then take up the moisture content.

Mr. VOIGT. Mr. Speaker, will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. VOIGT. The gentleman just stated that everybody who was an authority on the question has agreed to this bill. The three leading butter States in the Union are Iowa, Wisconsin, and Minnesota. The officials of the State of Minnesota and of the State of Wisconsin are in favor of killing this bill.

Mr. HAUGEN. The gentleman is mistaken. There are a few of them who have different opinions.

Mr. VOIGT. But I have the telegrams in my possession.

Mr. HAUGEN. Here is a telegram from Michigan:

THE MICHIGAN ASSOCIATION OF CREAMERIES.

Regarding butter standards, we favor the original 80 per cent for shipment, rather than the Voigt amendment.

That telegram is signed by a Mr. Frary, secretary. Here is one from Ohio to the effect that the dairymen in Ohio favor 80 per cent fat standard. That is signed by Mr. Erf, of the Ohio University, and also of the creamery association.

Mr. BROWNE of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. HAUGEN. I have yielded practically all of my time.

Mr. BROWNE of Wisconsin. If these States really mean 80 per cent, why do they object to the Voigt amendment, which means 80 per cent without any interpretation?

Mr. HAUGEN. The gentleman is a lawyer and I submit to the gentleman from Wisconsin and every lawyer of this House and ask them the question: Is it necessary, does it add anything to the bill, and can the gentleman point out why it should be injected into this proposition any more than fixing the standard of other things?

Mr. BROWNE of Wisconsin. Because the Agricultural Department that enforces and is interpreting that law gives 2½ per cent tolerance and in their interpretation they will not permit anything that comes within 2½ per cent.

Mr. HAUGEN. Here is another telegram from the Beatrice Creamery, Lincoln, Nebr.:

May I respectfully urge that Mr. VOIGT's amendment regarding tolerances be not adopted?

Here is another telegram from Mr. W. S. Wilcox, of Mason City, Iowa, member of the executive board of American Association of Creamery Butter Manufacturers:

I am opposed to the phrase in the Voigt amendment in your bill, "all tolerances provided for," and suggest instead, 80 per cent flat or more for shipment.

Also one from Dr. G. L. McKay:

Our association is opposed to term, "all tolerances provided for." No one asks for this except some people in Wisconsin. Some years ago Wisconsin passed an 82½ per cent law. It was found impractical to enforce it, and added amendment to same of 2½ per cent tolerance. This is where they get the use of term "all tolerances provided for." Would not object to shipment of butter; must average 80 per cent fat. Fat content of butter hard to control to fraction of per cent.

And one from Judge E. J. Hainer, of Nebraska:

If amendment of your bill is necessary I strongly urge one providing for 80 per cent fat—is more specific, comprehensive, and preferable to that proposed by VOIGT, of Wisconsin. Am writing.

Also one from M. Mortensen, professor of dairying, Iowa State College, and president of National Creamery Butter Makers' Association:

The creamery men of Iowa and members of the National Creamery Butter Makers' Association are in favor of the Haugen bill, recommending 80 per cent butter fat for butter.

If there is any question in the mind of anybody as to the position taken by the producers of butter, I refer him to an article by Professor McKay, secretary of the American Association of Creamery Butter Manufacturers, which appeared in the Chicago Dairy Produce of February 6, 1923.

I would like to have the Clerk read in my time an extract from Professor McKay's article.

The Clerk read as follows:

At all the dairy association meetings, which have been held for a number of years, where the question of standards has come up, resolutions have been passed favoring 80 per cent fat and 16 per cent moisture. Possibly the reason a standard of this kind has been so universally accepted is due to the fact that it is in line with the standards adopted in other countries.

We have a few people who claim they would prefer to work under a ruling. As no one has the right to fix a definite standard, except the Congress of the United States, a ruling would have no standing in court. Therefore, we might infer that those who want to work under a ruling do not desire a butter standard of any kind. I have authentic reports from some of our leading dairy States that butter has been placed in their markets containing as low as 72 per cent fat. The placing of this kind of butter on the market is not only deceiving or cheating the consuming public but it renders unfair competition to other manufacturers who are endeavoring to make honest butter, or butter containing 80 per cent fat or above.

Mr. HAUGEN. Professor McKay is secretary of the American Association of Creamery Butter Manufacturers. As the gentleman knows, in the eighth judicial circuit the court has held it is not enough for the department just to show that butter contains more than 16 per cent of moisture to subject it to the adulterated butter penalties. And under that construction of the law it is, as stated by Professor McKay, possible now to manufacture and sell butter containing 72 per cent. That is in the State of Minnesota, in the eighth circuit. Possibly that may account for the objection to this bill. Now, what we propose to do by this bill is to definitely fix a standard for butter by law; to write into the statute the definition of butter requiring a minimum of 80 per cent butter fat—just what is required now by regulation, nothing more, nothing less; just what has been enforced and which has been the custom for 16 years, not only in this country but in several other countries—a standard that will have the force and effect of law. As is well known, the standards fixed by regulation do not have the force and effect of law but merely serve as a guide. In the enforcement of the pure food and drug act it requires a collection of that proof which is necessary, as, for instance:

Proof to show the custom of the trade.

General practice of the industry and the like.

The Federal standards adopted about 16 years ago by the joint committee required 82½ per cent butter fat. This standard was found to be impracticable, unenforcible, and out of line with the existing customs in the trade, which is almost universal on the basis of 80 per cent. As a result the department announced that it would not attempt to enforce the standard of 82½ per cent, but would require 80 per cent.

A number of States have adopted by statute the impracticable standard of 82½ per cent, but practically none attempt to enforce it.

On December 18, 1922, the 80 per cent milk-fat standard adopted by the joint committee was adopted by the Department of Agriculture as a guide for the officials of the department in enforcing the pure food and drugs act, the standard proposed in this bill.

If the bill is enacted into law it will relieve the department from endless difficulties in enforcing the butter standard.

It protects the honest manufacturer of butter against the manufacturer who takes advantage of the department's difficulty in enforcing its regulations.

It protects the consumer against being imposed upon by manufacturers of butter taking advantage of the department's disadvantages in enforcing its regulations.

The bill was drafted and introduced at the suggestion of representatives of the creamery people. It has the approval of the department and, judging from the numerous letters and telegrams received, it has the indorsement of practically all the creamery and dairy interests.

After the question of butter standards had been generally discussed by the creamery people the question was referred to the American Association's executive committee on the subject of legislation for butter, and after due consideration the committee decided unanimously to ask for the passage of the Haugen bill, now pending before Congress, establishing a minimum fat standard of 80 per cent, which is, as before stated, the standard adopted by the joint committee, the Department of Agriculture, and the standard enforced for the last 16 years, notwithstanding the 82½ per cent standard adopted 16 years ago by the joint committee.

Mr. SEARS. Will the gentleman yield?

Mr. HAUGEN. Certainly.

Mr. SEARS. Reading over the report, I note that there are 22 States now that require 82½ per cent and only 11 States that require 80 per cent. I was wondering why those States required 82½ per cent.

Mr. HAUGEN. The gentleman will notice that a number of the States have adopted the 82½ per cent standard—some by law, some by regulation. Some States provide that the standards of the United States Department of Agriculture shall automatically become the standards of that State; others provide that the standards of the United States Department of Agriculture may by regulation be used as the standards of that State. Hence this law making 80 per cent butter fat the standard will automatically change the 82½ per cent standard in those States which provide for the adoption of the standards of the United States Department of Agriculture, and many of the 22 States referred to by the gentleman will have their standards changed to 80 per cent automatically by the enactment of this bill. That, the 80 per cent, is the standard that is being enforced.

The department announced that the 82½ per cent standard was impractical, unworkable, and for that reason it was not attempted to enforce it.

Mr. SEARS. In my State they enforce the State law, which is 82½ per cent.

Mr. HAUGEN. It is my understanding that no State enforces the 82½ per cent standard.

Mr. SEARS. If the gentleman will yield for another question, under this bill I see nothing about a person putting 20 per cent of water in the butter.

Mr. HAUGEN. Of course, it is necessary to mix a little salt in the butter; usually from 3 to 3½ per cent of salt is mixed with the butter.

Mr. SEARS. My colleague [Mr. McLAUGHLIN of Michigan] said they should not have more than 16 per cent water.

Mr. HAUGEN. There is a regulation as to that in the Treasury Department, under which the enforcement of adulterated butter laws comes.

Mr. SEARS. Should we not legislate and not permit the department to make regulations? That is, if we know what we want and what should be the law. If this was done then the people would know what was required.

Mr. HAUGEN. I agree with the gentleman that the moisture content should be determined, but let us deal with one thing at a time. Practically all are agreed upon the 80 per cent butter fat, which is the present standard. Then, when the moisture content has been given consideration, and when everybody gets together on the proposition, we can then take up the moisture-content proposition.

Mr. CLARKE of New York. Will the gentleman yield?

Mr. HAUGEN. I will.

Mr. CLARKE of New York. Is it not true that in this bill, originating in the department, all agreed that the object of the bill was to agree upon a butter-fat content, and that was all in the proposition?

Mr. HAUGEN. The question of standard is fixed by the department by regulation, and we want to give it the force and effect of law. It would relieve the department of endless difficulties in enforcing its standard.

Mr. CLARKE of New York. And have the United States uniform in its butter products?

Mr. HAUGEN. Absolutely.

Mr. KNUTSON. Will the gentleman yield?

Mr. HAUGEN. I will.

Mr. KNUTSON. I notice in the copy of the bill that a portion of it has been stricken out, lines 9 to 10, where it says that not more than 16 per cent of water. What was the object of the committee in removing that restriction?

Mr. HAUGEN. Now, the bill as introduced provided for a double standard of not more than 16 per cent of moisture and required 80 per cent of butter fat. The representatives of the creamery people who appeared before the committee could not get together on the double standard, but were all agreed on the single standard. So the committee decided to take care of the single standard.

Mr. DAVIS of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. KNUTSON. Does not the gentleman think that 16 per cent of moisture in butter is sufficient?

Mr. HAUGEN. That is the regulation now in the Treasury Department.

Mr. ARENTZ. For that reason we ought to take up the bill and make it conform.

Mr. HAUGEN. Your constituents—the consumers—are entitled to that protection. The manufacturer of butter in your district and every other district is entitled to protection against dishonest manufacturers. It is not fair to permit people in one State to manufacture and sell butter containing only 72 per cent of butter fat and compel the people across the line to make butter containing 80 per cent.

Mr. BUTLER. How can they do it under the regulation now?

Mr. HAUGEN. It is contended that they have not the power to regulate. We propose to write it in the law, so that the courts may know exactly what the standard is.

Mr. BUTLER. The gentleman is well informed on this subject and I want information. Is it not possible now to prosecute a man who makes butter with only 70 per cent of butter fat?

Mr. HAUGEN. The courts have held that butter containing more than 16 per cent is not under all conditions "adulterated butter." That is the holding in the eighth circuit.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. KNUTSON. The law of Minnesota provides that butter shall not contain more than 16 per cent of moisture. The gentleman will concede that Minnesota butter is standard the world over.

Mr. HAUGEN. The gentleman from Minnesota is mistaken. [Laughter.] The gentleman is aware of the fact that in Minnesota and in the eighth circuit it is possible to include more than 16 per cent, and possibly for that reason is the opposition. We object to requiring 80 per cent in one State and allowing another State to manufacture and sell butter containing only 72 per cent.

Mr. KNUTSON. I do not know who Mr. McKay is, but I dispute his statement.

Mr. HAUGEN. Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman yields back three minutes.

Mr. HAUGEN. I yield two minutes to the gentleman from Indiana [Mr. PURNELL].

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. HAUGEN. Yes; I will yield to the gentleman.

Mr. CHINDBLOM. I understand the gentleman from Iowa takes more time for the purpose of permitting me to answer the question.

Mr. PURNELL. He has only three minutes.

The SPEAKER. The Chair recognizes the gentleman from Indiana [Mr. PURNELL].

Mr. PURNELL. Mr. Speaker, stripped of all this confusion, the purpose of this bill is to define butter and provide a standard therefor. This bill fixes the standard at not less than 80 per cent by weight of milk fat. I agree with these gentlemen, these lawyers in the House who take issue with this amendment for the reason that it is very unusual for us to fix a provision in a bill and by amendment explain what we mean. But there is this justification for it: We have had tolerances recognized by the department and the courts up to 2½ per cent. This practice has become more or less common.

I want to explain to you just how that operates in Indiana. Our State board of health now fixes the butter-fat content at 82½ per cent. If we adopt this standard of 80 per cent and tolerances are then permitted, Indiana 82½ per cent butter would have to compete with 77½ per cent butter under this bill, and for that reason I see no objection to our making it perfectly clear that we want 80 per cent butter fat. I recognize the fact that it is unusual, but the very activity on the part of the people who make butter and who have been accepting these tolerances against this amendment would indicate, to my mind, that they have hope after the adoption of this bill to continue asking for tolerances. That is the very thing we want to prevent. For that reason I am going to support the amendment offered by my colleague on the committee from Wisconsin [Mr. VOIGT], although it is, as I recognize, very unusual.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. HAUGEN. I think the time is all up.

Mr. Speaker, I move the previous question on the bill and all amendments.

The SPEAKER. The gentleman from Iowa moves the previous question on the bill and all amendments.

The previous question was ordered.

The SPEAKER. There are committee amendments pending, and also the amendment of the gentleman from Wisconsin [Mr. VOIGT]. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 1, line 3, after the word "That," insert the words "for the purposes of the food and drug act of June 30, 1906 (34 Stat. L. p. 768)."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 1, line 9, after the word "centum," insert "by weight."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 1, line 9, after the word "fat," strike out "and not more than 16 per cent of water."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the "ayes" seemed to have it.

Mr. VOIGT. Mr. Speaker, a division.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 61, noes 29.

Mr. VOIGT. Mr. Speaker, I demand tellers.

The SPEAKER. As many as favor taking this vote by tellers will rise and stand until they are counted. [After counting.] Nine gentlemen have risen; not a sufficient number.

So the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Strike out all of section 2.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 2, line 4, strike out all of section 3.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will report the Voigt amendment.

The Clerk read as follows:

Amendment offered by Mr. VOIGT: Page 1, line 9, after the word "fat," insert a comma and add "all tolerances having been allowed for."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the "ayes" appeared to have it.

Mr. HAUGEN. Mr. Speaker, I ask for a division.

The SPEAKER. The gentleman from Iowa asks for a division.

The House divided; and there were—ayes 73, noes 21.

So the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HAUGEN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. Has the Committee on Agriculture any further business?

WAREHOUSES.

Mr. HAUGEN. Mr. Speaker, I call up the bill (S. 3220) to amend sections 2, 5, 11, 12, 15, 19, 29, and 30 of the United States warehouse act, approved August 11, 1916.

The SPEAKER. The gentleman from Iowa calls up a bill which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union, and the gentleman from Illinois [Mr. MADDEN] will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union, with Mr. MADDEN in the chair.

The CHAIRMAN. Without objection, the first reading of the bill will be dispensed with.

There was no objection.

Mr. HAUGEN. Mr. Chairman, this bill proposes to amend the United States warehouse act, approved August 11, 1916.

The amendment to section 2 strikes out the words:

The term "agricultural product" wherever used in this act shall be deemed to mean cotton, wool, grain, tobacco, and flaxseed, or any of them.

That is to amend the act so as to include all agricultural products suitable for storage.

The amendment to section 5 removes the one-year limitation now placed upon licenses, so as not to require the warehouseman to take out a new license every year. The license may be terminated by the Secretary at any time whenever the warehouseman fails to comply.

The amendment to section 11 of the act provides for licensing persons to inspect and sample products.

The amendment to section 12 adds in two places the words "inspect, sample, or," so as to make the section conform with the proposed amendment to section 11.

The amendment to section 15 strikes out the words "grain, flaxseed, or," and the word "other." As the section now reads there has been doubt as to whether grain or flaxseed, regardless of the manner in which they may be stored, are under all conditions fungible agricultural products. This makes the definition clear.

The amendment to section 19 strikes out the words "in this act defined." That is because the amendment to section 2 eliminates the definition of agricultural products, therefore the words "in this act defined" are useless.

The amendment to section 29 inserts the words "inspectors and samplers" in two places to harmonize with amendments 11 and 12, and increases the severity of the penalty which may be imposed, and imposes penalties on persons who draw, with intent to deceive, a false sample of a product or who willfully mutilate or falsely represent samples drawn under the act or who fraudulently grade or weigh agricultural products stored. It is not believed that the offense is now punishable or sufficiently broad in scope.

The bill is recommended by the Department of Agriculture, and in the enforcement of the act it seems necessary that these amendments be made.

Mr. HUDSPETH. What change does the bill make with reference to wool warehouses and the storage of wool?

Mr. HAUGEN. They are being licensed now.

Mr. HUDSPETH. Does it make any change in the present law?

Mr. HAUGEN. It makes the same change as to warehouses storing wool as it does to warehouse storing other products. I have here a statement of the number of warehouses that are licensed. On December 21, 1922, there were 368 cotton warehouses, 17 wool warehouses, 217 grain warehouses, and 60 tobacco warehouses. On February 1 the total number was 360 cotton, 20 wool, 227 grain, and 62 tobacco warehouses.

Mr. ELLIS. How many new inspectors are provided for?

Mr. HAUGEN. As many as the department may provide. I reserve the remainder of my time.

Mr. JONES of Texas. Will the gentleman from Iowa yield to the gentleman from Oklahoma [Mr. SWANK]?

The CHAIRMAN. The gentleman is entitled to time in his own right in opposition to the bill.

Mr. JONES of Texas. I am not opposing the bill.

Mr. HAUGEN. I yield to the gentleman. How much time does he desire?

Mr. SWANK. Five minutes.

Mr. HAUGEN. I yield to the gentleman from Oklahoma [Mr. SWANK] five minutes.

Mr. SWANK. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD on H. R. 2343, a warehouse bill.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. SWANK. Mr. Chairman and gentlemen of the committee, on different occasions before this I have argued for agricultural legislation and have spoken in support of my farmers' warehouse bill, H. R. 2343. I have spoken in behalf of this bill on the floor and before the Committee on Agriculture. I have been anxious at all times to call the attention of Congress to the necessity of this legislation. Agriculture is the key to our national prosperity. It makes no difference where a person lives or in what business he may be engaged, he can enjoy no permanent prosperity without it first reaches the farmer.

When there is a wave of prosperity among the farmers everybody enjoys good times, and without their being reasonably prosperous it is useless to talk about other legislation intended to correct the economic ills of the country. You must begin at the source. If the physician wishes to cure a certain disease he must first find the seat of the trouble and begin there. Too much legislation begins at the greatest distance from the farmer. Increased tariff rates causing him to pay more for the necessities of life can not help but only retards his economic recovery. The millions proposed in the ship subsidy bill will only add to his troubles in the way of a bonus to special privilege and increased taxation. Increased activities of the Government asking for increased appropriations where not needed do not remedy this situation. There remains something else to be done. A high tariff only lessens his export trade and foreign shipments and thereby decreases the price of his products. Instead of a situation like that, he must be furnished a fair and easily accessible market for the products of his toil. He always has produced the goods and will so continue if given a chance and an "even break" with other lines of business.

It is too often assumed that if certain lines of business for a time make a large profit that this will afford relief to the farmer. It is the farmer who feeds the world, and he should be given a fair chance with our other citizens. Let the farmer fail to plant a crop for one season and there will not be a bank with its doors open, not a store doing business, and no trains running on the many railroads. Agriculture is our basic industry, and the one upon which all others depend. When we do something for this great industry we are assisting all other

lines of business. In order to find a cure for the farmers' troubles we must first study his problems.

Like some other Members of Congress, I was reared on the farm and lived there until manhood and have always studied the problems of the farmer, trying to find some method of meeting a solution of his difficulties. In order to legislate effectively for agriculture we must understand the business just as the banker must know the banking business in order to make a success in that line of endeavor. Mr. Chairman, there is something wrong with conditions when a hard-working, law-abiding man, and his good wife with their children, work and drudge from morning to night trying to make something from their toil to clothe and feed the family, and in the evening of life find themselves with no property, little clothing, coarse and insufficient food. The wealth of the country has been too unfairly distributed and the situation can never be remedied until something can be done to relieve these conditions. Of all business men in this country, the farmers have always received the "little end" of the bargain. It is within the power of Congress to do something for him, and it should be done now. It should have been done long ago, and especially in 1919, and no excuse can be given for not doing something the past three years. Much has been done for the big business interests of the country, even this session, but what has been done for the farmer? Surtaxes were reduced and excess-profits taxes repealed. A man who did not make the profit did not have the high rate of taxes to pay, and if he made the profit he could afford to pay the taxes. The most prohibitive tariff bill ever drawn was written into law for the benefit of those who need no special legislation, and I am glad that I voted against that bill. All that was class legislation pure and simple, but when you propose something for the farmer some will refer to it as class legislation, and some who supported the tariff bill might indulge in that pastime. Of course, everything can not be done by Congress, and indolence can not be transformed into industry by legislation, but the farmer is not asking for that to be done, as he is in the class of the industrious and law-abiding. The reason I speak for the farmer is that he has not had a fair opportunity and the whole business of the Nation depends upon that of the farmer. All that he asks is to be given a fair chance with the rest of the people and especially with those favored industries heretofore cared for. If the necessities of life are to be continued to be produced something must be done. A merchant or other business man can not continue in business when his expenses are greater than his income.

When confronted by that situation he must close out. Yet that is just what has happened to the farmer and that is the situation with which he is grappling to-day. Since 1919 he has been producing his crops and live stock at a great loss, and yet has done less grumbling than any other class. He is the center of the whole system of trade and industry.

I have been asked what remedy I propose and will gladly tell you. Many bills for his relief have been proposed and introduced in Congress, and I believe with a desire to help the producers of the necessities of life. The farmer furnishes the world something to eat and wear. He has worked just as hard as heretofore, and when the war profiteers were getting theirs at his expense he never grumbled, for he was receiving a better price than usual, and even in the time of high prices he was producing at a loss. When the farmer was getting 40 cents per pound for cotton, $2 per bushel for wheat, and $1 per bushel for corn, you could hear it said that he was getting rich. That talk was indulged in by people who did not know him nor anything about his business and the conditions under which he worked.

Suppose an average farmer produced 10 bales of cotton, which is an extraordinary production, at 40 cents per pound. That would bring him $2,000. If he is a renter, and most farmers are, he must pay the landlord one-fourth, or $500, which leaves $1,500 for himself and family. Counting the work of himself and one team at $75 per month, and this was a low figure for 1919 and 1920, would add another cost of $900. Then figure his wife the same salary that it would cost to hire some other woman to do the housework, and this would amount to at least $50 per month, or $600 per year, which added to the $900 would make $1,500. This would leave the children nothing for their work, allow nothing for food and clothing for the family, upkeep of his farming implements, interest, taxes, and the depreciation of his working capital. He is entitled to a fair margin of profit on his labor and capital as other lines of business, and his faithful wife should be considered, for she works just as hard as her husband. It matters not in what work people are engaged, just so long as it is honest they are entitled to a comfortable living, and a great deal more so than those whose hands have never been stained with honest toil and who live in their grandeur and splendor.

The farmer does not have servants to answer his every nod and beck, he does not have expensive automobiles and liveried chauffeurs at his command, but is a far better man than he who sits in the seat of the mighty and seeks to keep him muffled still.

The farmers will not submit much longer, for they know the use and the power of the ballot. They will go about any change in a peaceful and law-abiding manner and never resort to the cruel methods of the outlaw and the extortionist and those who have always enjoyed special privilege. All the power that is at the command of the farmers of the country is the power of the ballot, and they realize who are their friends. What they want is action and less talk. Many remedies have been offered. Bills to authorize the Secretary of Agriculture to purchase wheat and bills to provide credit facilities for the agricultural and live-stock industries of the United States have been offered and many other bills along similar lines. What is the import of all these bills? Their object is to help the farmer, but there can be no effective rural-credit legislation without adequate storage facilities. If the products of the farm can be properly stored in sufficient quantities, then relief can be afforded by loans on warehouse receipts. Remember that storage facilities must first be provided.

On the 11th day of April, 1921, the first day of the special session of the Sixty-seventh Congress, I introduced this farmers' warehouse bill, H. R. 2343. The bill is written in plain language, unambiguous, and easily understood. It is short and can be administered easily. The bill provides that stored products shall be insured at actual cost. Of course, some of the old-line insurance companies may not like that provision of the bill, but, Mr. Chairman, I am trying to do something for the present economic distress of the country by beginning at the source of all business. Some may cry "socialism," but that is often the cry of a person when he knows no other argument and wants a certain measure defeated. The bill under consideration provides that when any State makes an appropriation to build warehouses, or when any farmers' cooperative association having a selling agent makes an appropriation for such purpose, the Federal Government shall duplicate such appropriation. It is similar legislation to our present good-roads law, but more important. We can live, prosper, and enjoy life without hard-surfaced roads and even without railroads, though it would inconvenience us to some extent, but we can not live without something to eat and wear, and that is produced on the farm. These products are furnished by the farmer, and he should enjoy the fruits of his labor as he adds to the enjoyment of others.

We need better roads and better railroad facilities, but the question now before us is, What will be done for America's greatest industry? There is a precedent for Government owned and operated warehouses in the ownership at this time of 348 warehouses for the storage of liquor. It seems to me that it is more important to have places for the storage of wheat, corn, cotton, and other farm products than to have warehouses for the storage of liquor. I believe that Congress wants to do something for agriculture, but the question in the minds of the Members is what is best to do at this time. I will try to show you what I think is the best to do for the agricultural industries of the country.

The Secretary of Agriculture, the head of the farming activities of the United States, is interested in the promotion of agriculture. The bill under consideration provides that the Secretary of Agriculture, the president of the board of agriculture in a State where such warehouse is located, and a representative chosen by the farmers' cooperative associations in any such State shall constitute the board of control. This provision of the bill will encourage the organization of farmers' associations, and this is necessary to the farmers' interests. They must organize like other lines of business organize. This is one of the objects of the bill. The warehouses will be under the management of the board of control, which is authorized to acquire property and property rights for the erection of the warehouses. Provision is made for the employment of a superintendent for the warehouses, the salaries to be paid by the States where the warehouses are located. Several States have a warehouse law, and we also have a Federal warehouse law, but they are all permissive laws—that is, individuals and organizations are given permission to build warehouses and charge a certain fee for the storage of products. I think that the Government should build the warehouses outright, without any other aid, but I have drawn this bill cooperatively between the States and with farmers' cooperative associations. It is pro-

vided in this bill that the official standards of the United States for farm products shall be the official standards of the warehouses created by this bill. It is, of course, necessary that uniform grades be established and not have thousands of unofficial graders, each of whom can set his own standards.

Mr. JONES of Texas. Will the gentleman yield?

Mr. SWANK. I yield.

Mr. JONES of Texas. Is it the gentleman's idea that these warehouse receipts shall be negotiable?

Mr. SWANK. Yes.

It is to the best interests of the farmers and the country that the Government supervise the grading. The issuance of warehouse receipts is provided for in the bill, and they shall be negotiable and in the form prescribed by the Secretary of Agriculture. Adequate punishment is provided for the violation of the provisions of the act. The location of the warehouses is subject to the approval of the Secretary of Agriculture of the United States. The warehouse receipts would be convenient, little expense attached in recording them, and no doubt the local banks would be glad to loan on them as security. In order to prevent any organization from opposing the system by refusing to loan money on the warehouse receipts, the bill provides that the Federal reserve banks shall loan money on the warehouse receipts.

The bill provides that the board of control shall prescribe the fees to be charged for the storage of farm products, and said fees shall not be in excess of the actual cost of maintaining the warehouses. I have been told that if the farmers want warehouses they should build them at their own expense. I answer that the perpetuity of the Government is so closely linked with agriculture that it is a Government problem. Farming is organized and operated on an entirely different basis to other lines of business. One of the greatest fights the farmers have to make is to get money with which to finance their business. They are beginning to organize effectively, as some candidates for office have found out, and more will feel the effect of this organization later unless something is done to promote this the greatest of all industries. The enactment of this bill into law will encourage the farmers of the country to greater effort and the entire Government will prosper thereby.

Congress has appropriated, and not so long ago at that, many millions of dollars for the assistance of the railroads of the country and guaranteed them a certain per cent of profit. If it is said that the railroads were taken over by the Government during the war, to be turned back to the owners in as good condition as when taken, then, Mr. Chairman, I answer that the farmer's business was also taken over and he was called upon to plant certain crops and on some of these crops the price was fixed by act of Congress. If that was necessary then, it is necessary now that something be done for him in order that he may continue to feed and clothe the world.

In the readjustment after the war the farmers lost millions, and it will be many years before they recover. Why should not Congress do as much for him as for the railroads? I am asking for only $100,000,000 in this bill. Were it not for the farmers there would be but little for the railroads to transport. The Secretary of Agriculture, before the Traffic Club of Philadelphia, January 9, 1922, said:

> Agriculture provides the railroads with more than 20 per cent of their total tonnage, and indirectly with as much more. But for the agricultural tonnage many of our great transportation systems would fail.

But the relief given the railroads by Congress was not all that was done for them. They were given permission to increase their freight rates, and now, more than four years after the war, the rates are almost as high as ever. A few small decreases have been made, but no material change. It costs more now to haul freight than the producer can get in many instances for his articles when landed at their destination. If the Interstate Commerce Commission does not act and cause a material reduction in freight rates, then I insist that Congress should act. Congress created the Interstate Commerce Commission and can also set the act aside. Congress can make the rates the same as it can delegate the authority to some other body. The time has come for action. Some say that the railroads can not make a profit, but they have made a profit and will continue to do so, and they are no more entitled to a profit than the farmer. During the past few years the farmer planted his crops when the cost of production was high—the highest in the history of the country. He paid more for his farming implements, feed, and maintenance. The necessaries of life cost him more than in any other period of time. Many of our best farmers were driven into bankruptcy and can not even pay their taxes. The farmer is certainly entitled to as much consideration as any business man. Millions have been appropriated to pay contractors who lost money on certain contracts during the war, but nothing appropriated for the farmer. He was patriotic during the war, as at all other times, and it was his occupation more than any other that caused the quick termination of the war, for he fed and clothed the allied armies. He planted what the Government asked and never complained. He has always done his part by the Government, which he respects and loves, and in this bill is only asking for a small appropriation, compared to the industry. It will assist him to recover from the disaster of the past few years.

To refute the claim that the railroads are making no profit, I wish to insert a statement from the Interstate Commerce Commission:

Operating revenues and operating expenses of Class I steam roads in the United States.

(For 200 steam roads, including 16 switching and terminal companies.)

Item.	December, 1921.	12 months ending with December, 1921.
Average number of miles operated	235,170.42	234,912.85
Revenues:		
Freight	$288,762,008	$3,918,699,970
Passenger	[1] 88,669,910	[2] 1,153,752,002
Mail	10,014,096	95,810,375
Express	12,158,008	104,633,598
All other transportation	14,297,406	164,757,085
Incidental	9,688,082	118,799,853
Joint facility (credit)	1,824,853	8,767,197
Joint facility (debit)	390,070	1,987,835
Railway operating revenues	425,022,293	5,563,232,215
Expenses:		
Maintenance of way and structures	49,600,255	763,479,568
Maintenance of equipment	92,564,513	1,254,221,299
Traffic	7,100,051	84,186,263
Transportation	183,558,753	2,286,043,830
Miscellaneous operations	3,686,802	48,938,207
General	13,881,015	167,583,103
Transportation for investment (credit)	1,511,800	6,973,029
Railway operating expenses	348,879,589	4,597,479,241
Net revenue from railway operations	76,142,704	965,752,974
Railway tax accruals	19,679,440	280,441,488
Uncollectible railway revenues	738,109	1,978,578
Railway operating income	55,725,155	683,332,908
Equipment rents (debit balance)	3,391,354	52,330,115
Joint facility rent (debit balance)	745,485	16,192,262
Net railway operating income	[3] 51,588,316	[4] 614,810,531
Ratio of expenses to revenues (per cent)	82.09	82.64

[1] Includes $2,571,874 sleeping and parlor car surcharge.
[2] Includes $32,601,960 sleeping and parlor car surcharge.
[3] Includes net credit of approximately $9,226,000 representing adjustments on account of closing out guaranty period reserves. Reports of adjustments not received from 20 roads, including Pennsylvania system.
[4] Includes net credit of approximately $6,857,000 representing adjustments on account of closing out guaranty period reserves.

NOTE.—Excludes Detroit, Toledo & Ironton, report not having been filed at date of compilation.

Mr. LOWREY. Will the gentleman yield?

Mr. SWANK. I yield.

Mr. LOWREY. Does the gentleman know what per cent that is on the investment in the railroads?

Mr. SWANK. More than 5 per cent on a valuation of $18,000,000,000, and the farmer can not make any profit on his labor and investment.

This statement shows that these roads, for the year 1921, had a net revenue from railroad operations of $965,752,974. Now, this looks like some profit to me. But the farmer could not borrow money on his crops and could not sell them for enough to pay the harvesting in many instances. His good wife and children who assisted him in raising his crops were often without sufficient clothes and his children in many cases were compelled to remain away from school. They are not asking any special favors. Some say these warehouses should be erected by the States, but I hear no one advocating that method for hard-surfaced roads. The reason for Government assistance for hard-surfaced roads is on account of their importance to the Government. In measures like the good roads law and this warehouse bill there should be cooperation between the Government and the States.

I have been asked if the bill would be constitutional and I answer that it would. I investigated its constitutionality thoroughly before introducing the bill. The Encyclopedia of Law and Procedure, commonly called "Cyc," which is a recognized authority among all lawyers and in all courts on the general law, in volume 2, page 73, lays down the following:

> Agricultural societies are agencies of the State, created for the purpose of assisting in promoting a most important industry, and acts authorizing appropriations of public money in their behalf are not unconstitutional, although such appropriations to private corporations are forbidden.

From this legal statement it is seen that on account of the importance of the farming industry our courts have held that appropriations for farming associations are not unconstitutional.

The Republican platform of 1920 says:

The farmer is the backbone of the Nation. The crux of the present agricultural condition lies in prices, labor, and credit. The Republican Party believes that this condition can be improved by * * * the right to form cooperative associations for marketing their products and protection against discrimination.

The Democratic platform of 1920 says:

We favor such legislation as will confirm to the primary producers of the Nation the right to collective bargaining and the right of cooperative handling and marketing of the products of the workshop and the farm and such legislation as will facilitate the exportation of our farm products.

This shows the importance which the two great political parties attach to agriculture. The farmers are the only class, business, or profession who produce more of the necessities of life than they consume. There are 6,500,000 farms in the United States and some 13,000,000 men engaged upon these farms, but unless something is done for agriculture the farms of the country will be depopulated. In many cases farmers have been compelled to forfeit large sums of money as part payment on farms and finally have the mortgage take it all. Many of our best farmers have been obliged to leave the farm and go to the city. Men can not be expected to work hard all their lives on the farm and not even make the necessaries of life for their families. According to statistics, business failures increase in a surprising ratio to poor prices and reduced revenue on the farm, and there is a great reduction in business failures when the farmer obtains a reasonable price for the products of his toil. When agriculture is depressed the number of business failures are more than doubled in comparison to the number of failures when the farmer is in reasonably good circumstances. When the farmer receives poor prices for his goods business is bad, failures many, and the laboring people suffer thereby in unemployment and low wages. Therefore, everyone enjoys the prosperity of the farmer and suffers when poor prices are prevalent.

The Yearbook of the Department of Agriculture for 1921 says:

The experiences of recent years have shown more clearly than ever before that an efficient agriculture is of vital importance to all the people. During the darkest days of the war success or failure turned on an adequate food supply. The promotion of agriculture is therefore in the interest of all the people. Conditions which are harmful to the producers and which tend to jeopardize future production must be noted with concern to all of our people, and the national energy should be turned toward improving such conditions. The farmer, therefore, must produce on faith. He must himself carry all the risks of weather, of heat and cold, of flood and drought, of destructive storms, of insect pests, and plant and animal diseases. If the farmers of America should cease work for a single crop season, millions upon millions of people would suffer for food. They have never ceased to work, no matter what the trials and hardships.

The Department of Agriculture published this book as head of the farming industry, and it contains the research and opinions of men who have studied carefully these subjects and realize that something must be done.

Everyone knows that the farmer is not receiving a fair price for his products and his work. We all know that farm prices are unreasonably depressed, and we should exert our best efforts to find a remedy for present conditions. I think the bill under consideration will bring relief and is worthy the most careful consideration of Congress. If something is not done to stop the drift from the country to the city, disaster will surely follow. What we need now is legislation that will assist in rehabilitating our greatest industry—agriculture. Of course, we can not legislate good crops, rain, sunshine, and industry, but we can enact laws that will stop price fixing on farm products by those whose only interest is to get those products as cheaply as possible and further depress prices. We can pass laws that will be a great benefit to the marketing system of the farmers by providing a method for the storage of his products and the issuance of warehouse receipts against these products. The Secretary of Agriculture says that we must see to it that the road between the farmer and the consumer is open and direct and that the farmer have a free and competitive market in which to dispose of his products. These recommendations of the Secretary will follow the enactment of this bill into law.

The report of the Joint Commission of Agricultural Inquiry of the first session of the Sixty-seventh Congress says:

In the last 10 years the total number of mortgages on farm lands and buildings owned by their operators has more than doubled and has increased proportionately more than the value of the lands and buildings. Railroad service, like any other service or commodity, must be sold at a price within the reach of the people who pay for it. Freight rates, therefore, must bear some relation to the prices which it is possible to obtain from the commodities transported. Numerous instances were brought to the attention of the commission in which it was shown that the total receipts from shipments, especially of fruits and vegetables, were absorbed by railroad charges in transporting them to market, leaving to the producer nothing for his time, labor, and investment in producing them. No industry can survive or prosper under such conditions.

The commission further says:

The warehouse system of the United States is a decentralized and disintegrated system, subject to the widest variations of regulation of the warehouseman's liability in the different States. This situation does not lend itself to systematic marketing or orderly financing of farmers' crops. The farmer can not hope to adequately control the marketing of his products or to have influence in proportion to his number and importance in the absence of a warehouse system which will enable him to hold or sell his crops as his own judgment, or the judgment of the cooperative association of which he may be a member, dictates.

The bill which I have proposed will enable him to hold and to sell his crops as his own judgment dictates by furnishing him a place for storage of his products and loans on his warehouse receipts. Under the present system when the farmer gathers his crops he must either be permitted to borrow money on his receipts if he so desires, or sell at once to pay his taxes, interest, and buy something to eat and wear. This bill will enable him to hold his products until he can sell on a fair market. Under this system he can not be compelled to sell when the market is low and below the cost of production.

The report of the Secretary of Agriculture for 1921 says:

Marketing is as truly a part of production as is the growing of the crops, for the crops have no value unless they can be put into the hands of those who need them. The assembling, storing, and distributing of farm products are productive enterprises, and those engaged in this work require much the same economic and technical information as that required by farmers.

In the Agricultural Yearbook for 1921 we find the following:

When we remember that approximately 40 per cent of all our people live in the open country and are dependent upon what grows out of the soil, the baneful effect upon the Nation of reducing the purchasing power of that 40 per cent so far below normal is obvious. The farmer is compelled to practice the most rigid economy, to wear his old clothes, to repair his old machinery, to refrain from purchasing everything he can possibly do without, and to deny himself and his family not alone luxuries but many of the ordinary comforts of life.

Every person who is at all familiar with farm conditions today knows the facts above stated, but what is Congress going to do for the producer? What has Congress done to remedy the situation, and what does it propose?

The same volume continues:

The cost of getting farm products from the farm to the consumer's table has increased tremendously during the past three years. The freight charge has very nearly doubled, and in some cases more than doubled. When wheat was selling at $2.50 per bushel, corn at $1.75, cattle and hogs at $16 to $22 per hundred, cotton at 30 cents per pound, the increased freight rate was not a serious matter. But with wheat at $1, corn at 48 cents, cattle and hogs at $7 to $10 per hundred, cotton at 17 to 20 cents—all these being primary market prices, not farm prices—the addition of even 10 cents per bushel or per hundred pounds imposes a burden grievious to be borne. The transportation matter is one of vital importance to agriculture.

Yes, Mr. Chairman, railroad rates are of vital importance to the farmers, but what are we going to do to relieve the situation? On the question of freight rates I say that if the Interstate Commerce Commission permits such exorbitant charges when the roads are making such enormous profits, then Congress should take the matter in hand and reduce the rates in fairness and justice to these producers about whom we hear so much. I am proposing a remedy both to reduce the railroad rates and to provide a place for the storage of farm products at Government and State expense.

I here insert a statement from the Department of Agriculture on the farm mortgage debt of the United States:

Farm mortgage debt.

	1920	1910
Number of farms reporting amount of debt	1,193,047	1,006,511
Value of lands and buildings on farms reporting	$13,775,500,013	$6,330,236,951
Amount of mortgage debt on farms reporting	$4,003,767,192	$1,726,172,851
Ratio of debt to value (per cent)	29.1	27.3

	1920 (Jan. 1).	1910 (Apr. 15).
Value of lands in farms	$54,829,563,059	$28,475,674,169
Buildings	11,486,439,543	6,325,451,528
Implements and machinery	3,594,772,928	1,265,149,783
Live stock	8,013,324,808	4,925,173,610
Total value of all farm property	77,924,100,338	40,991,449,090

The Yearbook for 1921 further says:

The warehousing of cotton after ginning is very important economically. Leaving the baled cotton exposed to the weather results in large losses annually from the rotting of the fiber. The cotton warehouse is a place of shelter and protection from fire and theft, a place for classing and assorting to meet mill requirements, and, finally, it is a place where cotton may be deposited under conditions which enable the owner

to obtain money advance upon it until such time as he may desire to sell. Receipts of responsible warehouses are considered among the best kind of security.

What is here said about warehousing cotton may be said about most all farm products; and my bill provides these warehouses for the storage of grain, cotton, broom corn, wool, and other nonperishable farm products suitable for storage and shipment.

The 1921 Yearbook says that the realization of the enormous benefits to be derived from cooperative warehousing of cotton has led to the rapid organization in all of the principal cotton-growing States of farmers' associations to finance the building of centralized fireproof warehouses for the proper storage and handling of their crop. The farmer should not be compelled to build these warehouses, and no great number are built, and, therefore, his cotton and other crops are often left out in the weather, unless sold when harvested. This bill enacted into law would increase the farmers' associations, protect his crops from damage by the weather, and insure crop marketing in an orderly manner, and would cause him to receive a fair price.

The Annual Report of the Secretary of Agriculture for 1922 says:

During 1921 we exported large quantities of agricultural products, especially those products which were selling at ruinously low prices. This export movement has been decreasing.

Mr. Chairman, statistics show that we can not have exports without imports, and the law that places prohibitive tariff rates on imports will be reflected in decreased exports, to the injury of the farmer. It will thus be seen that the tariff law recently enacted instead of assisting agriculture has done it a great injustice. But who was this tariff law supposed to benefit? It certainly has injured the farmer by decreasing his exports.

From a statement of the Bureau of Agricultural Economics of the Department of Agriculture under date of December 31, 1921, and December 23, 1922, the estimate and value based upon prices December 1 are as follows:

	Production.	Value.
Cotton:	*Bales.*	
1919	11,420,763	$2,034,658,000
1920	13,440,000	933,658,000
1921	7,954,000	643,933,000
1922	9,964,000	1,192,461,000
Wheat:	*Bushels.*	
1919	968,279,000	2,080,686,000
1920	833,027,000	1,197,263,000
1921	814,905,000	754,834,000
1922	856,211,000	864,139,000
Corn:		
1919	2,816,318,000	3,786,516,000
1920	3,208,584,000	2,150,332,000
1921	3,068,569,000	1,297,213,000
1922	2,890,712,000	1,900,287,000

According to Crops and Markets, published by the United States Department of Agriculture December 23, 1922, the total value of all crops in the United States is as follows: The 1916–1920 average, $12,522,239,000; 1921 the value is $6,410,229,000, and 1922 it is $9,114,347,000.

These great crops have been produced by the farmer not only without any profit but at a great loss. There is something wrong when conditions are such that the farmers must produce at a loss and can not make any profit and not even current wages for himself and family.

The Department of Agriculture estimates that the cost of producing cotton in 1920 in some of the States was 33 cents per pound. In some sections the cost is much more. About the same ratio of loss in production will be true with other crops. A statement from the Department of Agriculture for 1920 shows that from 167 farms in three counties in the State of Iowa the average yield of wheat per acre is 18.5 bushels, at a cost of $1.88 per bushel; 40 acres at that price and yield would cost $1,391.20 to produce, and even at $2 per bushel the farmer would have $88.80 left, not estimating anything for his wife's labor, depreciation of his capital, interest, and taxes. A summary of 481 records prepared by the Department of Agriculture for 1919 from the States of Kansas, Missouri, Nebraska, Minnesota, and North and South Dakota shows that the net cost of producing wheat for that year was $2.15 per bushel. The department also says that of 451 records in 1920 in Missouri, Nebraska, Kansas, and Oklahoma the net cost per bushel of producing wheat is: In Missouri, $2.21; Nebraska, $1.91; Kansas, $1.77; Oklahoma, $1.98. Men can not continue to raise wheat that costs $2 per bushel and sell the same for $1 per bushel. Investigations by the Agricultural College of North Dakota show that the average cost of raising a bushel of wheat in that State was $1.43 in 1922.

The following statement from the Department of Agriculture shows the cost of producing cotton, corn, and wheat in 1921 and 1922:

Cost of producing farm crops.
(Preliminary estimates for 1922.)

Crops.	States.	1921		1922	
		Yield per acre.	Cost per unit.	Yield per acre.	Cost per unit.
Wheat (winter)	Kansas, Nebraska, Missouri	13 bushels	$2.01	14 bushels	$1.25
Wheat (spring)	North Dakota, South Dakota, Minnesota	9 bushels	2.20	14 bushels	1.00
Corn	Kansas, Nebraska, Iowa, Illinois, Indiana	34 bushels	.64	34 bushels	.61
Cotton	Georgia, S. Carolina, Alabama, Texas	110 pounds	.32	125 pounds	.25

Mr. Chairman and gentlemen of the committee, I am not speaking for the great State of Oklahoma alone, for this bill will benefit the producers of all sections of this great Republic. Oklahoma has a great diversity of products. Her production for each of the past three years of cotton, wheat, and corn is as follows:

Cotton:	Bales.
1920	1,336,000
1921	481,000
1922	635,000
Wheat:	Bushels.
1920	54,080,000
1921	47,325,000
1922	31,350,000
Corn:	
1920	78,960,000
1921	76,925,000
1922	57,600,000

Oklahoma ranks first among the several States in the production of oil and in 1920 she produced about 106,000,000 barrels, valued at $371,000,000. She raises more broom corn than all the other States combined, and Lindsay, Garvin County, Okla., is the largest broom corn wagon market in the world. Oklahoma has more than 170 separate and distinct oil and gas pools and more than 30,000 producing oil and gas wells in 38 counties. She produces millions of dollars of lead and zinc, and the United States Geological Survey has estimated the total coal supply of Oklahoma at 79,000,000,000 tons, The Oklahoma geological survey estimates the present available supply under present mining conditions at 8,000,000,000 tons. She also has millions of tons of asphalt, salt, limestone, and granite. In addition to all this she produces each year millions of dollars' worth of milk and cream, poultry and eggs, and other farm products. The people in the district which I have the honor to represent in the American Congress are not all engaged in agriculture, but they know that their success depends largely on the success of the farmer. In this district is the great city of Oklahoma City, which is the capital of the State and her largest city, the State university, the agricultural and mechanical college, the Central State Teachers' College, and the great oil fields.

This bill is not directed to one class of products nor to any one section, but will benefit the wheat and corn grower of the North as well as the cotton farmer of the South.

Mr. Chairman, it is estimated that in normal times there is a loss of over $70,000,000 to baled cotton as a result of permitting it to remain exposed to weather for months at a time without attention or covering of any kind. I am asking for an appropriation of $100,000,000 to begin with in constructing these warehouses, and it would result in a saving to the country in one year to cotton alone of more than $70,000,000. Other farm crops suffer great loss by a lack of proper warehousing, and in addition to this care of the crops the bill will stimulate the producers to greater activity in their cooperative associations and the establishment of selling agencies, and they will be enabled thereby to more directly market their products to the manufacturer and the consumer.

Gentlemen of the committee, if this bill were enacted into law and properly administered the marketing of farm products would be settled. This bill provides the storage, and the selling would be done as the demand required. All businesses and professions organize for mutual protection and the promotion of their interests, and such encouragement should be given the farmers. The watchword of the farmers should be organization

and cooperation. This bill would benefit not only the farmers but all business. It would be an easy matter to reduce other appropriations to the extent of $100,000,000, the amount asked in this bill. The farmers are the backbone of the Government. Fostering our agricultural interests and the payment of good living wages that workers may enjoy some of the comforts of life as well as the necessities is the best bulwark against Bolshevism which thrives on unrest and low prices. [Applause.]

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INDORSEMENTS OF THE BILL.

FARMERS' EDUCATIONAL AND
COOPERATIVE UNION OF AMERICA,
OFFICE OF PRESIDENT, UNION CITY, GA.,
Washington, D. C., March 4, 1922.

Hon. F. B. SWANK,
House of Representatives, City.

MY DEAR SIR: I have read with interest H. R. 2343, a bill to provide that the United States of America shall build warehouses in conjunction with the several States and in cooperation with duly and legally organized farmers' cooperative associations in said States for the storage of farm products not perishable, for the insurance of said products while in storage, for Government loans on warehouse receipts, providing penalties for the violation of this act, making an appropriation therefor, and for other purposes.

This bill meets my hearty approval and, in my judgment, is a most constructive measure. The farmers of this country need not only a comprehensive and far-reaching system of marketing, but they are also sorely in need of sufficient money for long periods of time and at a low rate of interest. In my judgment, your bill will assist most materially in bringing about the consummation of the end sought to be reached by the farmers, who are the producing class of all countries.

I have also read with pleasure the argument made by you in defense of your bill before the Committee on Agriculture of the House on February 8, 1922. The observations in which you indulged on that occasion and the data presented strike me as unanswerable.

At your convenience I would like to have a conference with you in regard to your bill, and if you find where I can be of assistance in promoting your bill please let me know.

With assurances of high regard, I am,

Very truly yours,
C. S. BARRETT,
President Farmers' Educational and Cooperative Union of America.

—

AMERICAN COTTON ASSOCIATION,
Montgomery, Ala., May 25, 1921.

Hon. F. B. SWANK, M. C.,
Washington, D. C.

DEAR SIR: We thank you for copies of your warehouse bill and the remarks you made on the measure. We have read them with a great deal of interest and will be glad to further the movement if in our power.

Yours very truly,
AMERICAN COTTON ASSOCIATION,
W. R. GREENE, *Secretary.*

—

LITTLE ROCK, ARK., *August 13, 1921.*

Hon. F. B. SWANK, M. C.,
Washington, D. C.

SIR: I have examined with considerable interest your warehouse bill. I heartily indorse it and would be glad to see it become a law. I don't see any reason why the Government should not make appropriations to help agriculture as much so as the railroads. If they will appropriate an equal amount for the agriculture of the country, I am sure there will be less complaint among the farmers. I see no reason why the Government should not guarantee a profit to the farmers as well as to the railroads. Push your bill, and I am sure all farm organizations in the cotton-producing States will support your measure.

Very truly,
GEO. L. SANDS,
President State Farmers' Union.

—

ENID, OKLA., *January 16, 1922.*

Hon. F. B. SWANK,
House of Representatives, Washington, D. C.

DEAR SIR: Have carefully studied your bill, H. R. 2343, and also your speech, and I will say that it is absolutely fine and the very thing we want. If you are successful in getting this through, am sure that the farmers of Oklahoma will reward you for your services.

Yours very truly,
OKLAHOMA WHEAT GROWERS' ASSOCIATION,
By JOHN MANLEY, *Secretary-Treasurer.*

—

The annual meeting of the Farmers' Union of Oklahoma, August 16, 17, 18, 1921, in Oklahoma City, where there were 313 delegates present from 40 counties in resolutions addressed to the Oklahoma delegation, among other recommendations, stated that "they vote for the Swank warehouse bill or any similar bills."

The bill under consideration also has the following indorsements: Cotton Growers' Association of Wayne, Okla.; Cotton Growers' Association of Civit, Okla.; farmers' meeting at Foster, Okla.; general meeting at Drake, Okla.; cotton growers' meeting at Washington, Okla.; Farmers Union, local resolution from Noble, Okla.

The Muskogee County Farmers' Union in convention May 19, 1921, petitioned the Oklahoma delegation in Congress, among other recommendations, as follows: "That they give their solid support to the Swank warehouse bill." Like resolutions were adopted by the following Farmers' Union locals in Oklahoma:

No. 256 McClain County; No. 531, McIntosh County; No. 13, Coal County; No. 11, Le Flore County; No. —, Seminole County; No. 315, Mayes County; No. 165, McClain County; No. 340, Garvin County; No. 167, Grady County; No. 523, Hughes County; No. 119, Le Flore County; No. 387, Pawnee County; No. 129, McClain County; No. 33, Coal County; No. 80, Seminole County; No. 527, Muskogee County; No. 375, Payne County; No. 433, Dewey County; No. 31, Choctaw County; No. 17, Coal County; No. —, Seminole County; No. 319, Pontotoc County; No. 16, Le Flore County; No. 533, Jefferson County; No. 81, Pontotoc County; No. 331, Seminole County; No. 233 Lincoln County; No. 209, Seminole County; No. 202, Kiowa County; No. 85, Hughes County; No. 289, Stephens County; No. 160, Lincoln County; No. 491, Pottawatomie County; No. 262, Hughes County; No. —, Caddo County; No. 101, Hughes County; No. 72, McClain County; No. 339, Caddo County; No. 96, Le Flore County; No. — Coal County; No. 451, Stephens County; No. 32, Seminole County; No. 191, Latimer County; No. 316, Choctaw County; No. 187, Seminole County; No. 309, Le Flore County; No. 294, Choctaw County; No. 210, McClain County; No. 164, Seminole County; No. 528, Pushmataha County; No. 216, McClain County; No. 171, Pushmataha County; No. 466, Okfuskee County; No. 389, Mayes County; No. 117, Pottawatomie County; No. 168, Lincoln County; No. 416, Le Flore County; No. 254, McCurtain County; No. 53, Coal County; No. 252, Latimer County; No. 526, McIntosh County; No. 67, Stephens County; No. 38, Pontotoc County; No. 98, Noble County; No. 552, Le Flore County; No. 155, Lincoln County; No. 516, Custer County; No. 354, McCurtain County; No. 346, Caddo County; No. 469, Haskell County; No. 348, Dewey County; No. 325, Seminole County; No. 108, Seminole County; No. 243, Hughes County; No. 43, Seminole County; No. 169, Noble County; No. 8, Cleveland County; No. 207, Pittsburg County; No. 79, Payne County; No. 551, Le Flore County; No. 566, Jackson County; No. 180, Seminole County; No. —, Beckham County; No. 411, Le Flore County; No. 271, Pottawatomie County; No. 3, Okfuskee County; No. 212, McCurtain County; No. 203, Washita County; No. 307, Lincoln County; No. 483, Caddo County; No. 102, Beckham County; No. 62, Beckham County; No. 186, Lincoln County; No. 296, Seminole County; No. 510, Pushmataha County; No. 222, McCurtain County; No. 184, Coal County; No. 429, Pontotoc County; No. 545, Pawnee County; No. 183, Payne County; No. 450, Le Flore County; No. 514, Coal County; No. 431, Cleveland County; No. 112, Seminole County; No. 549, Le Flore County; No. 326, Pawnee County; No. 504, Seminole County; No. 82, Hughes County; No. 14, Coal County; No. 550, Le Flore County; No. 6, Lincoln County; No. 172, Le Flore County; No. 322, McCurtain County; No. 111, Stephens County; No. 247, Cleveland County; No. 465, Coal County; No. 520, Choctaw County; No. 178, Pushmataha County; No. 541, Le Flore County; No. 137, Le Flore County; No. 519, Latimer County; No. 323, Seminole County; No. 241, Pawnee County.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SANDERS of Indiana having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 253. Joint resolution proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress and fixing the time of the assembling of Congress.

The message also announced that the Senate had receded from its amendment numbered 127 to the bill (H. R. 13660) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1924, and for other purposes.

That the Senate had agreed to the amendments of the House of Representatives to the amendments of the Senate numbered 33, 56, 76, 83, 105, 112, 116, 118, 126, and 129 of said bill.

That the Senate had disagreed to the amendment of the House of Representatives to the amendment of the Senate numbered 124 to said bill, had further insisted upon its said amendment, had requested a further conference with the House of Representatives upon the disagreeing votes of the two Houses thereon, and had appointed Mr. PHIPPS, Mr. BALL, Mr. JONES of Washington, Mr. GLASS, and Mr. SHEPPARD as the conferees on the part of the Senate.

WAREHOUSES.

The committee resumed its session.

Mr. CHINDBLOM. I would like to ask the gentleman from Iowa a question.

Mr. HAUGEN. I yield.

Mr. CHINDBLOM. Does the bill apply to warehouses in cities where they apply for a license?

Mr. HAUGEN. Yes; they have warehouses licensed by the department.

Mr. CHINDBLOM. You are attempting to change the law materially, and you are offering amendments from the floor in lieu of committee amendments, and for that reason I think we ought to have a thorough explanation of the changes in existing law.

Mr. HAUGEN. The changes are set out in the report.

Mr. CHINDBLOM. But we do not know what you propose to offer.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That section 2 of the United States warehouse act, approved August 11, 1916, is amended to read as follows:

"SEC. 2. That the term 'warehouse' as used in this act shall be deemed to mean every building, structure, or other protected inclosure in which any agricultural product is or may be stored for interstate or foreign commerce, or, if located within any place under the exclusive jurisdiction of the United States, in which any agricultural product is or may be stored. As used in this act, 'person' includes a corporation or partnership or two or more persons having a joint or common interest; 'warehouseman' means a person lawfully engaged in the business of storing agricultural products; and 'receipt' means a warehouse receipt."

Mr. CHINDBLOM. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from Iowa whether, as stated in the report, the first committee amendment proposes to amend the United States warehouse act only by adding at the end of the second sentence of section 6 the words "including the requirements of fire insurance."

Mr. HAUGEN. The amendment offered by the committee will leave it discretionary whether the fire insurance shall be required.

Mr. CHINDBLOM. We have read the bill to the end of line 4, page 2, and it amends section 2 of the warehouse act. Now, what change is there in that section from existing law?

Mr. HAUGEN. Has the Clerk read the amendment?

The CHAIRMAN. We have not reached the amendments in the bill.

Mr. HAUGEN. What is the gentleman's question?

Mr. CHINDBLOM. What changes are there in section 2 of the United States warehouse act?

Mr. HAUGEN. It strikes out the following sentence: "The term 'agricultural product' wherever used in this act shall be deemed to mean cotton, wool, grain, tobacco, and flaxseed, or any of them." It strikes out those words, which has the effect of including agricultural products. Under the present law only cotton, wool, grain, and tobacco, and flaxseed may be stored in licensed warehouses. With this amendment there will be no limit as to the number of agricultural products that may be stored in a licensed warehouse.

Mr. CHINDBLOM. I will call the attention of the chairman of the committee to the report which reads as follows:

> The first committee amendment proposes to amend the said United States warehouse act by adding at the end of the second sentence of section 6 the words "including the requirements of fire insurance."

There is nothing in the report which tells us what changes there are in the Senate bill from existing law. Does not the gentleman from Iowa think we should have that explanation?

Mr. HAUGEN. If the gentleman will read the report he will find the explanation.

Mr. CHINDBLOM. Not the report of the House committee.

Mr. HAUGEN. Absolutely.

Mr. CHINDBLOM. Where?

Mr. HAUGEN. Well, at the bottom of page 2 and top of page 3.

Mr. CHINDBLOM. The report of the House committee reads:

> The first committee amendment proposes to amend the said United States warehouse act by adding at the end of the second sentence of section 6 the words "including the requirements of fire insurance."

That relates to the amendment proposed by the House committee. Nowhere is there a statement in the report of what the effect of the Senate bill is as to existing law.

Mr. HAUGEN. It is on page 3. I will read it:

> The first amendment suggested amends section 2 by striking out the following sentence: "The term 'agricultural product' wherever used in this act shall be deemed to mean cotton, wool, grain, tobacco, and flaxseed, or any of them."
>
> In explanation of that amendment it should be said that the department has had a number of requests in the past several years to license warehouses which are used for the storage of agricultural products other than those now enumerated in the act—

And so forth. The report goes on in detail as to all the changes.

Mr. CHINDBLOM. Yes; but we have not reached section 6. We are on section 2, and section 2 is recommended by the House Committee on Agriculture in exactly the same form in which it passed the Senate. Now, in what respect did the Senate bill amend existing law?

Mr. HAUGEN. Just as stated in the report.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CHINDBLOM. I ask for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HAUGEN. Let me read it to the gentleman. You will find it on top of page 3 of the report:

> The first amendment proposes to amend section 2 by striking out the following sentence: "The term 'agricultural product' wherever used in this act shall be deemed to mean cotton, wool, grain, tobacco, and flaxseed, or any of them."

Mr. CHINDBLOM. Let me call my colleague's attention to the fact that he is reading from a memorandum from the United States Department of Agriculture submitted to somebody, presumably to the Senate committee. This does not tell what the Senate actually did. This is a memorandum explaining the amendments desired by the department in submitting the bill to the Senate, but we do not know whether the Senate accepted them.

Mr. HAUGEN. Certainly they accepted them.

Mr. CHINDBLOM. The gentleman says so now.

Mr. HAUGEN. The bill as passed by the Senate carried the amendments suggested by the department in the memorandum included in the committee report.

Mr. CHINDBLOM. Mr. Chairman, I think the chairman of the committee reporting this bill should tell us in what respect the existing law is changed.

Mr. HAUGEN. I can do that now, or I can explain it section by section.

Mr. SANDERS of Indiana. Mr. Chairman, the bill is all in one section and when read for amendment all of the bill should be read.

The CHAIRMAN. That is correct. The Clerk will conclude the reading of the bill.

The Clerk read as follows:

That section 5 of the United States warehouse act, approved August 11, 1916, is amended to read as follows:

"SEC. 5. That each license issued under sections 4 and 9 of this act shall terminate as therein provided, or in accordance with the terms of this act and the regulations thereunder, and may from time to time be modified or extended by a written instrument."

That section 11 of the United States warehouse act, approved August 11, 1916, is amended to read as follows:

"SEC. 11. That the Secretary of Agriculture may, upon presentation of satisfactory proof of competency, issue to any person a license to inspect, sample, or classify any agricultural product or products, stored or to be stored in a warehouse licensed under this act, according to condition, grade, or otherwise, and to certificate the condition, grade, or other class thereof, or to weigh the same and certificate the weight thereof, or both to inspect, sample, or classify and weigh the same and to certificate the condition, grade, or other class and the weight thereof, upon condition that such person agree to comply with and abide by the terms of this act and of the rules and regulations prescribed hereunder so far as the same relate to him."

That section 12 of the United States warehouse act, approved August 11, 1916, is amended to read as follows:

"SEC. 12. That any license issued to any person to inspect, sample, or classify, or to weigh any agricultural product or products under this act may be suspended or revoked by the Secretary of Agriculture whenever he is satisfied, after opportunity afforded to the licensee concerned for a hearing, that such licensee has failed to inspect, sample, or classify, or to weigh any agricultural product or products correctly, or has violated any of the provisions of this act or of the rules and regulations prescribed hereunder, so far as the same may relate to him, or that he has used his license or allowed it to be used for any improper purpose whatever. Pending investigation, the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without hearing."

That section 15 of the United States warehouse act, approved August 11, 1916, is amended to read as follows:

"SEC. 15. That any fungible agricultural product stored for interstate or foreign commerce, or in any place under the exclusive jurisdiction of the United States, in a warehouse licensed under this act, shall be inspected and graded by a person duly licensed to grade the same under this act."

That section 19 of the United States warehouse act, approved August 11, 1916, is amended to read as follows:

"SEC. 19. That the Secretary of Agriculture is authorized, from time to time, to establish and promulgate standards for agricultural products by which their quality or value may be judged or determined: *Provided*, That the standards for any agricultural products which have been, or which in future may be, established by or under authority or any other act of Congress shall be, and are hereby, adopted for the purposes of this act as the official standards of the United States for the agricultural products to which they relate."

That section 29 of the United States warehouse act, approved August 11, 1916, is amended to read as follows:

"SEC. 29. That nothing in this act shall be construed to conflict with, or to authorize any conflict with, or in any way to impair or limit the effect or operation of the laws of any State relating to warehouses, warehousemen, weighers, graders, inspectors, samplers, or classifiers; but the Secretary of Agriculture is authorized to cooperate with such officials as are charged with the enforcement of such State laws in such States and through such cooperation to secure the enforcement of the provisions of this act; nor shall this act be construed so as to limit the operation of any statute of the United States relating to warehouses or warehousemen, weighers, graders, inspectors, samplers, or classifiers now in force in the District of Columbia or in any Territory or other place under the exclusive jurisdiction of the United States."

That section 30 of the United States warehouse act, approved August 11, 1916, is amended to read as follows:

"SEC. 30. That every person who shall forge, alter, counterfeit, simulate, or falsely represent, or shall without proper authority use any license issued by the Secretary of Agriculture under this act, or who shall violate or fail to comply with any provision of section 8 of this act, or who shall issue or utter a false or fraudulent receipt or certificate, or any person who, without lawful authority shall convert to his own use, or use for purposes of securing a loan, or remove from a licensed warehouse contrary to this act or the regulations promulgated thereunder, any agricultural products stored or to be stored in such warehouse and for which licensed receipts have been or are to be issued, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $10,000, or double the value of the products involved if such double value exceeds $10,000, or imprisoned not more than one year, or both, in the discretion of the court, and the owner of the agricultural products so converted, used, or removed may, in the discretion of the Secretary of Agriculture, be reimbursed for the value thereof out of any fine collected hereunder, by check drawn on the Treasury at the direction of the Secretary of Agriculture, for the value of such products to the extent that such owner has not otherwise been reimbursed. That any person who shall draw with intent to deceive a false sample of, or who shall willfully mutilate or

falsely represent a sample drawn under this act, or who shall classify, grade, or weigh fraudulently any agricultural products stored or to be stored under the provisions of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof fined not more than $500 or imprisoned for not more than six months, or both, in the discretion of the court."

With the following committee amendments:

Page 2, after line 11, insert:

That section 6 of the United States warehouse act, approved August 11, 1916, is amended to read as follows:

"SEC. 6. That each warehouseman applying for a license to conduct a warehouse in accordance with this act shall, as a condition to the granting thereof, execute and file with the Secretary of Agriculture a good and sufficient bond to the United States to secure the faithful performance of his obligations as a warehouseman under the laws of the State, District, or Territory in which he is conducting such warehouse, as well as under the terms of this act and the rules and regulations prescribed hereunder, and of such additional obligations as a warehouseman as may be assumed by him under contracts with the respective depositors of agricultural products in such warehouse. Said bond shall be in such form and amount, shall have such surety or sureties, subject to service of process in suits on the bond within the State, District, or Territory in which the warehouse is located, and shall contain such terms and conditions as the Secretary of Agriculture may prescribe to carry out the purposes of this act, including the requirements of fire insurance. Whenever the Secretary of Agriculture shall determine that a bond approved by him is, or for any cause has become, insufficient, he may require an additional bond, conforming with the requirements of this section, and unless the same be given within the time fixed by a written demand therefor the license of such warehouseman may be suspended or revoked."

Page 5, after line 2, insert:

That section 18 of the United States warehouse act, approved August 11, 1916, is amended to read as follows:

"SEC. 18. That every receipt issued for agricultural products stored in a warehouse licensed under this act shall embody within its written or printed terms (a) the location of the warehouse in which the agricultural products are stored; (b) the date of issue of the receipt; (c) the consecutive number of the receipt; (d) a statement whether the agricultural products received will be delivered to the bearer, to a specified person, or to a specified person or his order; (e) the rate of storage charges; (f) a description of the agricultural products received, showing the quantity thereof, or, in case of agricultural products customarily put up in bales or packages, a description of such bales or packages by marks, numbers, or other means of identification and the weight of such bales or packages; (g) the grade or other class of the agricultural products received and the standard or description in accordance with which such classification has been made: *Provided*, That such grade or other class shall be stated according to the official standard of the United States applicable to such agricultural products as the same may be fixed and promulgated under authority of law: *Provided further*, That until such official standards of the United States for any agricultural product or products have been fixed and promulgated, the grade or other class thereof may be stated in accordance with any recognized standard or in accordance with such rules and regulations not inconsistent herewith as may be prescribed by the Secretary of Agriculture; (h) a statement that the receipt is issued subject to the United States warehouse act and the rules and regulations prescribed thereunder; (i) if the receipt be issued for agricultural products of which the warehouseman is owner, either solely or jointly or in common with others, the fact of such ownership; (j) a statement of the amount of advances made and of liabilities incurred for which the warehouseman claims a lien: *Provided*, That if the precise amount of such advances made or of such liabilities incurred be at the time of the issue of the receipt unknown to the warehouseman or his agent who issues it, a statement of the fact that advances have been made or liabilities incurred and the purpose thereof shall be sufficient; (k) such other terms and conditions within the limitations of this act as may be required by the Secretary of Agriculture; and (l) the signature of the warehouseman, which may be made by his authorized agent: *Provided*, That unless otherwise required by the law of the State in which the warehouse is located, when requested by the depositor of other than fungible agricultural products, a receipt omitting compliance with subdivision (g) of this section may be issued if it have plainly and conspicuously embodied in its written or printed terms a provision that such receipt is not negotiable."

Mr. HAUGEN. Mr. Chairman, I offer the following amendments to the committee amendments, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. HAUGEN: In lieu of the first committee amendment, page 2, after line 11, insert:

"That section 6 of the United States warehouse act, approved August 11, 1916, is amended to read as follows:

"'SEC. 6. That each warehouseman applying for a license to conduct a warehouse in accordance with this act shall, as a condition to the granting thereof, execute and file with the Secretary of Agriculture a good and sufficient bond to the United States to secure the faithful performance of his obligations as a warehouseman under the laws of the State, District, or Territory in which he is conducting such warehouse, as well as under the terms of this act and the rules and regulations prescribed hereunder, and of such additional obligations as a warehouseman as may be assumed by him under contracts with the respective depositors of agricultural products in such warehouse. Said bond shall be in such form and amount, shall have such surety or sureties, subject to service of process in suits on the bond within the State, District, or Territory in which the warehouse is located, and shall contain such terms and conditions as the Secretary of Agriculture may prescribe to carry out the purposes of this act, and may, in the discretion of the Secretary of Agriculture, include the requirement of fire insurance. Whenever the Secretary of Agriculture shall determine that a bond approved by him is, or for any cause has become, insufficient, he may require an additional bond or bonds to be given by the warehouseman concerned, conforming with the requirements of this section, and unless the same be given within the time fixed by a written demand therefor the license of such warehouseman may be suspended or revoked.'"

In lieu of the second committee amendment, page 5, after line 2, insert:

That section 18 of the United States warehouse act, approved August 11, 1916, is amended to read as follows:

"SEC. 18. That every receipt issued for agricultural products stored in a warehouse licensed under this act shall embody within its written or printed terms (a) the location of the warehouse in which the agricultural products are stored; (b) the date of issue of the receipt; (c) the consecutive number of the receipt; (d) a statement whether the agricultural products received will be delivered to the bearer, to a specified person, or to a specified person or his order; (e) the rate of storage charges; (f) a description of the agricultural products received, showing the quantity thereof, or, in case of agricultural products customarily put up in bales or packages, a description of such bales or packages by marks, numbers, or other means of identification and the weight of such bales or packages; (g) the grade or other class of the agricultural products received and the standard or description in accordance with which such classification has been made: *Provided*, That such grade or other class shall be stated according to the official standard of the United States applicable to such agricultural products as the same may be fixed and promulgated under authority of law: *Provided further*, That until such official standards of the United States for any agricultural product or products have been fixed and promulgated, the grade or other class thereof may be stated in accordance with any recognized standard or in accordance with such rules and regulations not inconsistent herewith as may be prescribed by the Secretary of Agriculture; (h) a statement that the receipt is issued subject to the United States warehouse act and the rules and regulations prescribed thereunder; (i) if the receipt be issued for agricultural products of which the warehouseman is owner, either solely or jointly or in common with others, the fact of such ownership; (j) a statement of the amount of advances made and of liabilities incurred for which the warehouseman claims a lien: *Provided*, That if the precise amount of such advances made or of such liabilities incurred be at the time of the issue of the receipt unknown to the warehouseman or his agent who issues it, a statement of the fact that advances have been made or liabilities incurred and the purpose thereof shall be sufficient; (k) such other terms and conditions within the limitations of this act as may be required by the Secretary of Agriculture; and (l) the signature of the warehouseman, which may be made by his authorized agent: *Provided*, That unless otherwise required by the law of the State in which the warehouse is located when requested by the depositor of other than fungible agricultural products, a receipt omitting compliance with subdivision (g) of this section may be issued: *Provided, however*, That the Secretary of Agriculture may, in his discretion, require that such receipt have plainly and conspicuously embodied in its written or printed terms a provision that such receipt is not negotiable."

Mr. HAUGEN. Now, if I may first take up the committee amendment, I desire to read the committee amendment and the present law:

Said bond shall be in such form and amount, shall have such surety or sureties, subject to service of process in suits on the bonds within the States, District, or Territory in which the warehouse is located, and shall contain such terms and conditions as the Secretary of Agriculture may subscribe to carry out the purposes of this act, including the requirement of fire insurance.

That is the committee amendment. The amendment which I offered to that amendment strikes out the word "including" and inserts in lieu of it the words "and may, in the discretion of the Secretary of Agriculture, include," so that in the discretion of the Secretary insurance may be required, not making it mandatory upon the warehouseman, but leaving it to the discretion of the Secretary.

Mr. CHINDBLOM. Does the gentleman think it could be held that the other terms and conditions that the Secretary may prescribe would not be within the discretion of the Secretary of Agriculture?

Mr. HAUGEN. It is possible that it might. But the purpose is to make it clear. A good many think that the warehouseman should be required to provide for insurance. This would leave it to the discretion of the Secretary. If in his opinion the warehouseman is responsible, he may not require insurance.

Mr. CHINDBLOM. That is the only difference between the amendment proposed by the gentleman from Iowa and the committee amendment to section 6?

Mr. HAUGEN. Yes.

Mr. CHINDBLOM. What is the change in existing law in the committee amendment to section 6?

Mr. HAUGEN. If the provision in the act referred to by the gentleman included insurance there would not be any change, but to make it clear that the Secretary has the power to require insurance in case it is needed, the Secretary is given authority to require insurance.

Mr. CHINDBLOM. So that the provision with reference to fire insurance is the only change in section 6 proposed by the committee or by the gentleman's substitute for the committee amendment?

Mr. HAUGEN. Exactly. As reported by the committee it made it mandatory, and as provided in the amendment which I offer it leaves it to the discretion of the Secretary as to insurance.

Mr. HILL. Mr. Chairman, I would like to ask the chairman of the committee, if he does not object to answering the question at this time, a question in respect to section 30.

Mr. HAUGEN. I would prefer to have the first amendment cleared up.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. NEWTON of Minnesota. My attention was first directed to this bill when it was called up on the floor. I have read the report, and I am trying to find out just what change is made in existing law, not with a good deal of success. At the hearings were the various elevator companies represented? Were they present in any way?

Mr. HAUGEN. I am quite sure that the elevator men have not much interest in the bill one way or the other. The ordinary course was pursued. The hearings were open to everyone who cared to appear. The bill has been in the Senate for a long time. It has been before the House committee, and everybody who cared to had an opportunity to be heard.

Mr. NEWTON of Minnesota. The gentleman has not heard of any opposition whatever coming from elevator men?

Mr. HAUGEN. None whatever.

Mr. NEWTON of Minnesota. Or warehousemen?

Mr. HAUGEN. Nothing at all. Minnesota has not a single licensed warehouse.

Mr. NEWTON of Minnesota. This is the first time I ever knew that there was a Federal licensed warehouse.

Mr. HILL. Apparently Maryland has none.

Mr. HAUGEN. Iowa has three and Kansas had a number a few years ago, but they were withdrawn.

Mr. NEWTON of Minnesota. That law does not make it compulsory.

Mr. HAUGEN. Not at all.

Mr. ASWELL. In the original act, section 6, the requirement for insurance was in the act. In the appropriation of 1920 it was stricken out. The committee first restored it, and there was some question which came up to us from the depositors in the warehouse from all over the country, and after extended hearings, hearing those opposed and those in favor, this final decision of leaving it to the discretion of the Secretary of Agriculture was agreed on as the most harmonious compromise.

Mr. HAUGEN. That seems to meet the approval of everybody.

Mr. NEWTON of Minnesota. Just what was the purpose of the enactment of the United States warehouse act?

Mr. HAUGEN. It was enacted in 1916. The Committee on Agriculture gave the matter considerable thought and consideration. It was to permit warehousemen to take out a license under the Federal Government.

Mr. ASWELL. To borrow money.

Mr. HAUGEN. So as to deposit products in a license warehouse and receive a receipt and if desired to borrow money on the receipt to make the receipt more secure to the money lender as well as to the one who deposits the agricultural product.

Mr. NEWTON of Minnesota. To provide for increasing and regulating the terminal warehouses.

Mr. HAUGEN. I do not think it was aimed at the terminal warehouses. It is intended more for the South, for the storage of cotton.

Mr. ASWELL. Fungible products.

Mr. HILL. The act says——

The CHAIRMAN. The time of the gentleman has expired.

Mr. HILL. I ask that the gentleman's time be extended five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HILL. The act which was approved in 1916 says:

The term agricultural products wherever used in this act shall be deemed to mean cotton, wool, grain, tobacco, and flaxseed, or any of them.

Now, does this amendment extend this to other agricultural products?

Mr. HAUGEN. Exactly; that is what it does.

Mr. HILL. Another question along the general line of the bill. There is an amendment to section 30. Now, section 30 in the original act is the penal section?

Mr. HAUGEN. Yes.

Mr. HILL. And it provides that any violation of the act shall be a misdemeanor, and there will be a maximum fine of $500 or imprisonment not more than six months, or both, in the discretion of the court. The proposed amendment to section 30, as contained on pages 8 and 9 of the pending bill, apparently raises the maximum fine to $10,000, or double the value of the products involved if such double value exceeds $10,000, or imprisoned not more than one year, and then it apparently adds a new type of offense on page 9—

That any person who shall draw with intent to deceive a false sample of, or who shall willingly mutilate or falsely represent a sample drawn under this act, or who shall classify, grade, or weigh fraudulently any agricultural product stored or to be stored under the provisions of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof fined not more than $500 or imprisoned for not more than six months, or both, in the discretion of the court.

I would like to ask the chairman of the committee if this changes the language of the act of 1916 as to penalties or not. It seems to me to be a very radical change.

Mr. HAUGEN. They are more severe.

Mr. HILL. I would like to say to the chairman I have had no communication from any of my constituents about this, although Baltimore is a big tobacco and grain-storage city. I am asking purely for information. It seems to me there is a very drastic increase of Federal penalties here.

Mr. ASWELL. Are there any Federal warehouses in Baltimore?

Mr. HILL. Apparently not. I read the report of the committee, and I understand there are no Federal warehouses in Maryland under this type.

Mr. HAUGEN. The act is for the more special benefit of the cotton districts in the South.

Mr. HILL. How would it affect tobacco?

Mr. HAUGEN. So they not only can deposit tobacco in a licensed warehouse, safeguarded by a bond and by insurance and all the safeguards necessary to secure the money of the lender and depositor.

Mr. HILL. One further question. On page 9 there is a provision that the Secretary of Agriculture shall reimburse anyone by check for any theft from the warehouse. That only means that he can reimburse in case the person convicted pays the fine. Is that right?

Mr. HAUGEN. Yes.

Mr. HILL. That is really a form of Government-controlled warehouse, is it not?

Mr. HAUGEN. Yes.

Mr. CHINDBLOM. A moment ago I called the attention of the gentleman to the amendment of section 2. As I understand it, the only change there is the designation that defines what is an agricultural product?

Mr. HAUGEN. Let me read the section.

Mr. JONES of Texas. That is the only change.

Mr. HAUGEN (reading)—

The term "agricultural product" wherever used in this act shall be deemed to mean cotton, wool, grain, tobacco, flaxseed, or any of them.

We strike out those words, the limitation, and provide "in which any agricultural product is or may be stored."

Mr. CHINDBLOM. The gentleman from Louisiana [Mr. ASWELL], for whose opinion on this matter I have very high regard, said that meant only fungible agricultural products. Now, where in the law does it state otherwise?

Mr. ASWELL. It says on fungible products.

Mr. CHINDBLOM. That leads me to this question: Would all kinds of agricultural products be subject to storage in one of these warehouses if you take this definition out?

Mr. HAUGEN. They may be stored if they are offered for storage.

Mr. CHINDBLOM. For instance, dairy products, milk and cream, butter, eggs, fruits, meats, and things like that?

Mr. HAUGEN. If they prefer to take out a Federal license, that is their privilege.

Mr. CHINDBLOM. That is an enlargement of Federal jurisdiction over warehousing.

Mr. HAUGEN. There is no question about that, provided they come in under the law.

Mr. ASWELL. May I say this is voluntary? You do not have to come in unless you want to. It is optional as to the coming in.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Iowa to the committee amendment.

The amendment to the committee amendment was agreed to.

The CHAIRMAN. The question is on agreeing to the committee amendment as amended.

The committee amendment as amended was agreed to.

The CHAIRMAN. The question is on the second amendment of the gentleman from Iowa to the committee amendment.

The amendment to the committee amendment was agreed to.

The CHAIRMAN. The question is on agreeing to the committee amendment as amended.

The committee amendment as amended was agreed to.

Mr. CHINDBLOM. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. CHINDBLOM. Mr. Chairman, I asked a question awhile ago which brought out some information which I think it is important to consider for a moment. It appears that this

warehouse act, providing for storage warehouses, originally provided only for the storing of what might be called grain and like products. To be exact, the law that now exists provides that the products within the purview of the act shall mean "cotton, wool, grain, tobacco, flaxseed, or any of them." These are articles which ordinarily or usually come into interstate commerce. By striking out that definition of the word "agricultural products" it is going to be possible for these Federal warehouses to go into the general warehouse business and store all kinds of products of the farm; and I call the particular attention of the members of the committee to the fact that it would permit the warehousing and storing of dairy products, eggs, butter, milk, cream, fresh fruits, and fresh meats, and everything that is now stored in local warehouses in the States. I think that is too large a change in the existing law without any further consideration.

Mr. ASWELL. It is clear, however, that no warehouse or warehouse system need come into this system except by voluntary action.

Mr. CHINDBLOM. I know that. That is the way all these things begin. They are always voluntary; it is always a matter of choice in the beginning. But it is an entering wedge toward the storage and warehousing of all these perishable products under the Department of Agriculture of the United States.

Mr. WOODRUFF. Mr. Chairman, will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. WOODRUFF. I would like to ask the gentleman what could be the possible objection to the storing of these different farm products in Federal warehouses?

Mr. CHINDBLOM. I have the same objection to it that I have to the Federal Government encroaching everywhere on the activities of the States. Wherever these activities are necessary for the promotion of interstate commerce I will favor such legislation, but it does not appear that this is merely for interstate commerce. You are going now into the general storage and warehouse business of all kinds of farm products. The law as originally passed was restricted to that class of agricultural products that pass freely and usually in interstate commerce.

Mr. WOODRUFF. Can the gentleman name any agricultural products that do not enter into interstate commerce?

Mr. CHINDBLOM. There is in my district a large territory producing dairy products, milk and butter and cheese, and they do not send their products out of the State. Those products go to Chicago.

Mr. WOODRUFF. The gentleman will realize, however, that those products do not stop at Chicago. They are shipped from Chicago to other States. The gentleman has spoken of milk and cream in these warehouses?

Mr. CHINDBLOM. Yes.

Mr. WOODRUFF. What can be the objection to it?

Mr. CHINDBLOM. None except this, that we have plenty of warehouses and storage houses now established in the cities.

Mr. ASWELL. Are they not under Federal control now by the cold-storage regulations?

Mr. CHINDBLOM. Is this to be something in addition to that control?

Mr. ASWELL. It does not have anything to do with that at all. It does not deal with the same products.

Mr. CHINDBLOM. But you are enlarging this legislation so that there will now be an additional law passed by the Congress of the United States with reference to that same thing.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HILL. I ask unanimous consent that the gentleman have five additional minutes.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that the time of the gentleman from Illinois be extended five minutes. Is there objection?

There was no objection.

Mr. CHINDBLOM. The Committee on Agriculture, which submitted this bill, submitted with it a report. In this report there is no statement by the committee itself as to the effect of the Senate bill. All that the committee did was to include in this report a memorandum sent to the Senate by the Department of Agriculture.

Mr. HAUGEN. And a very comprehensive one.

Mr. CHINDBLOM. It may be, but the gentleman has not yet stated whether this memorandum covers all the changes that were actually made by the Senate. Now, we find that by the elimination of the term "agricultural product," you are putting the Department of Agriculture in a position where it is going to control all kinds of warehousing and storing of agricultural products of every sort, including the perishable products to which I have referred. Now, I say in all deference that a subject of so large importance and so wide effect should have received more attention in the report of the committee, so that the Members of the House might have known just what this legislation was intended to do.

Mr. HAUGEN. Mr. Chairman, the gentleman asked for information with reference to section 2, and he seemed to be satisfied with the explanation given.

Mr. CHINDBLOM. What about the other sections?

Mr. HAUGEN. The gentleman did not ask any more questions. I was prepared to go on and explain every amendment.

Mr. CHINDBLOM. What changes are made in section 5?

Mr. HAUGEN. Let me ask the gentleman a question. The gentleman from Illinois [Mr. CHINDBLOM] says he has large dairy interests represented in his district. Does he not think the dairy interests are as much entitled to protection as the wheat growers? Why should we exclude the dairy products? One who has dairy products to store is entitled to the same consideration and the same protection as is extended to the wheat growers or the cotton growers or the tobacco growers. If the gentleman wishes to discriminate, that is for the gentleman to say.

Mr. CHINDBLOM. There is no question of discrimination.

Mr. HAUGEN. That is the only question involved in section 2 of the bill.

Mr. JONES of Texas. Mr. Chairman, in view of the criticism which has been leveled at the committee and at the chairman's report, I want to say a word. From the discussion of the gentleman from Illinois [Mr. CHINDBLOM] one would think these were Federal warehouses. They are simply privately owned warehouses that may be engaged in any line of business they desire, but have the privilege of coming under the Federal system.

Mr. HILL. Will the gentleman yield for a question?

Mr. JONES of Texas. In just a moment. I want to cover one more phase.

On line 8 of page 1, in reference to the scope covered by this bill, you will find that it only covers agricultural products that are stored for interstate or foreign commerce. It does not cover products that are not to be used for that purpose. If a man is running a warehouse he can come in if he wishes to and have the privilege of this warehousing system.

Now, it seems to me that the only controversy, as all the members of the committee know, is with reference to sections 6 and 18. Those were the only amendments offered by the House committee, and those were thoroughly explained by the chairman in the report. The only other changes were, for the most part, unimportant ones, except broadening the definition of agricultural products so as to make the bill more liberal, and that appears by the terms of the bill and of the previous bill, so I do not see any use in taking up a lot of time and trouble in explaining that in a long report.

Practically the only changes in the other sections are the insertion of the word "sample," so that instead of reading "inspect or classify" it reads "inspect, sample, or classify," because some goods are sold by sample.

The other change with reference to penalties has already been brought out by the gentleman from Maryland [Mr. HILL]. I do not see why the committee should spend a great deal of time in writing a great, long report, when they cover the very things about which there was any controversy. The other changes were of no consequence.

Mr. CHINDBLOM. I will ask the gentleman a question. The gentleman says there is no controversy. Are there any printed hearings on this bill?

Mr. JONES of Texas. There were hearings.

Mr. CHINDBLOM. I am told by the clerk of the committee that there are no printed hearings.

Mr. ASWELL. There were hearings held.

Mr. JONES of Texas. I understand that they have not been printed.

Mr. HILL. I asked for the hearings, because I wanted to inform myself on this bill, and I could not get the hearings.

Mr. JONES of Texas. There were considerable hearings held on the bill.

Mr. HAUGEN. We had no reporter present and they were not taken down.

Mr. HILL. Then there are no available hearings. I should like to ask the gentleman from Texas a question, because he is conversant with the bill. It seems to me this bill really puts the mantle of Federal protection and Federal guaranty behind certain warehouses, thus giving them an advantage over State or private warehouses. I will ask the gentleman to look at page 9 and invite his attention to these words, beginning in line 2—

and the owner of the agricultural products so converted, used, or removed may, in the discretion of the Secretary of Agriculture, be reimbursed for the value thereof out of any fine collected hereunder, by

check drawn on the Treasury at the direction of the Secretary of Agriculture for the value of such products to the extent that such owner has not otherwise been reimbursed.

Now I would like to ask the gentleman if that does not create a class of Federal warehouses with direct guaranty from the United States Government behind it, such warehouses coming into competition with the State or private warehouses? It is a change of existing law.

Mr. JONES of Texas. It is a change of law, but it is safeguarding the operation of the warehouse that is licensed by the Federal Government. The gentleman would not want the Government to license warehouses and not safeguard them in relation to goods wrongfully taken.

Mr. HILL. The gentleman says that this is throwing safeguards around the warehouses by the Federal Government, and that would mean almost the Federal Government going into the warehouse business. Is not that the case?

Mr. JONES of Texas. Of course, the Federal Congress has the right to regulate interstate commerce, and this applies only to warehouses engaged in interstate commerce. If the Federal Government is going to supervise and license warehouses it must assuredly, as a matter perfectly proper for the Government to do, throw safeguards around any warehouse licensed by the Federal authority.

Mr. HILL. I thank the gentleman.

Gentlemen of the committee, I think this is a very important question. This House yesterday, with the leadership on both sides of the House concurring, struck out the enacting clause in the so-called migratory bird bill because that bill was further Federal encroaching on the police powers of the States. With great reluctance I voted to strike out the enacting clause of that bill.

Now here we have a bill more far reaching, in my judgment. The gentleman from Texas has given a clear statement of this matter. It is quite true, as he says, that the Federal guaranty is put behind these warehouses. Here is a provision by which the Secretary of Agriculture shall reimburse anybody whose property is stolen, because they patronize this particular form of warehouse instead of going to the State or private warehouse.

There are no hearings available. I think we ought not to pass a measure of this sort, with such drastic changes in the law, without further consideration. On page 3, the report of the committee says:

> The amendments suggested to section 30 first enlarge the scope of offenses which a warehouseman might commit and for which he might be punished under this act; second, they increase the severity of the penalty which may be imposed; and third, provision is made for imposing penalties on persons who draw, with intent to deceive, a false sample of a product or who willfully mutilate or falsely represent a sample drawn under the act or who fraudulently grade or weigh agricultural products stored or to be stored under the provisions of the act.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. HAUGEN. Mr. Chairman, I move that the committee do now rise, report the bill back to the House with amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The question was taken; and on a division (demanded by Mr. HILL) there were 21 ayes and 2 noes.

Mr. HILL. Mr. Chairman, I make the point that no quorum is present.

The CHAIRMAN. The gentleman from Maryland makes the point that no quorum is present. Evidently there is no quorum present, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Abernethy	Chandler, N. Y.	Garner	Kleczka
Almon	Chandler, Okla.	Gilbert	Knight
Ansorge	Christopherson	Glynn	Kraus
Anthony	Clark, Fla.	Goodykoontz	Kunz
Atkeson	Classon	Gould	Langley
Barkley	Codd	Graham, Pa.	Lawrence
Benham	Connolly, Pa.	Griffin	Layton
Blakeney	Crowther	Hawes	Linthicum
Bland, Ind.	Cullen	Hayden	London
Bland, Va.	Dale	Hays	Luhring
Bond	Davis, Minn.	Himes	McArthur
Bowers	Dominick	Hogan	McClintic
Braud	Drane	Huck	McCormick
Brennan	Dunn	Hutchinson	McDuffie
Britten	Dyer	Jefferis, Nebr.	McLaughlin, Nebr.
Brooks, Ill.	Echols	Kahn	McLaughlin, Pa.
Brooks, Pa.	Elliott	Keller	McSwain
Brown, Tenn.	Fenn	Kelley, Mich.	MacLafferty
Browne, Wis.	Fish	Kendall	Mead
Burdick	Focht	Kennedy	Michaelson
Burke	Frear	Ketcham	Mills
Burtness	Free	Kiess	Montague
Burton	Freeman	Kindred	Moore, Ill.
Cantrill	French	King	Morgan
Carew	Frothingham	Kirkpatrick	Morin
Carter	Gallivan	Kitchin	Mott
Mudd	Ransley	Slemp	Tillman
Murphy	Reber	Smith, Mich.	Tilson
Nelson, Me.	Reed, N. Y.	Snell	Tucker
Nolan	Riddick	Snyder	Turner
O'Brien	Rodenburg	Sproul	Vestal
O'Connor	Rogers	Stiness	Vinson
Overstreet	Rose	Stoll	Volk
Park, Ga.	Rosenbloom	Strong, Pa.	Walters
Patterson, Mo.	Rossdale	Sullivan	Wheeler
Paul	Rucker	Tague	Williams, Tex.
Perkins	Ryan	Taylor, Ark.	Wilson
Petersen	Schall	Taylor, Colo.	Winslow
Rainey, Ala.	Scott, Mich.	Taylor, N. J.	Wise
Rainey, Ill.	Scott, Tenn.	Thomas	Yates
Ramseyer	Shaw	Thompson	Zihlman
Rankin	Shelton	Thorpe	

The committee rose; and the Speaker having resumed the chair, Mr. MADDEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 3220, and finding itself without a quorum, he had directed the roll to be called, when 260 Members answered to their names, a quorum, and he handed in a list of absentees for printing in the Journal.

The committee resumed its session.

The CHAIRMAN. The question is on the motion of the gentleman from Iowa that the committee do now rise and report the bill with amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MADDEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 3220 and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

Mr. HAUGEN. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

Mr. HILL. Mr. Speaker, I move to recommit the bill. I would like one moment to make a statement of my reason for this.

The SPEAKER. The previous question has been ordered. The question is on the motion to recommit.

The motion was rejected.

The SPEAKER The question is on the passage of the bill.

The bill was passed.

On motion of Mr. HAUGEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. J. Res. 253. Joint resolution proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress and fixing the time of the assembling of Congress; to the Committee on Election of President, Vice President, and Representatives in Congress.

UNITED STATES COTTON STANDARDS.

Mr. HAUGEN. Mr. Speaker, I call up the bill H. R. 14302, to establish and promote the use of the official cotton standards of the United States in interstate and foreign commerce, to prevent deception therein and provide for the proper application of such standards, and for other purposes.

The SPEAKER. This bill is on the Union Calendar. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill, and the gentleman from Iowa [Mr. TOWNER] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 14302, with Mr. TOWNER in the chair.

The Clerk read the title of the bill.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HAUGEN. Mr. Chairman, I yield 10 minutes to the gentleman from South Carolina [Mr. FULMER].

Mr. FULMER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD and to print in connection therewith certain letters.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to extend his remarks in the RECORD and to print in connection therewith certain letters. Is there objection?

There was no objection.

Mr. FULMER. Mr. Chairman and gentlemen of the committee, in connection with the bill that I now present to the House, if gentlemen will read the title of the bill they will see exactly what we propose to do, and that is to establish and promote the official standards of cotton now in use by the Department of Agriculture.

A brief summary of the sections of the bill is as follows:

Section 2 prohibits the use of any other standards than the official cotton standards of the United States in (a) any interstate or foreign shipment or transaction, (b) any publication or price quotation based on such a shipment, or (c) in the classification of cotton involved in such a shipment or transaction. Permission is given, however, for the employment of actual samples or private types or marks used in good faith when no standard is specified.

Section 3 authorizes the Secretary of Agriculture to examine classifiers of cotton for their competency and to issue licenses to grade or classify cotton and to certify its grade or classification in accordance with the official standard. Authority is also given to suspend or revoke such licenses in the event of their misuse.

Section 4 provides that cotton or samples may be submitted to the Secretary of Agriculture for a determination of the true classification thereof, and that his findings shall be accepted by the courts as prima facie evidence of the true classification of the cotton or of its comparison with types or other samples.

Section 5 authorizes the Secretary to fix and collect charges for the services performed under sections 3 and 4.

Section 6 authorizes the establishment by the Secretary of Agriculture of official standards for cotton and prescribes that the standards now established under the United States cotton futures act, effective August 1, 1923, shall be the official standards for the purposes of this act. Provision is made for revising these standards as need may arise and for the distribution of copies to the public.

Section 7 permits the inspection and sampling of cotton by the Secretary of Agriculture which may be necessary in the administration of the act. The purpose of this section is to give authority to the Secretary for the proper enforcement of section 2, as well as to enable him to secure samples when necessary, to be used as the basis of his determinations under section 4.

Section 8 is intended to safeguard the standards by making it unlawful to counterfeit or alter any copy of the official standards, or to use any official copy which may have been condemned.

Section 9 prescribes suitable penalties for the violation of sections 2 and 8, and safeguards the integrity of classification of certificates issued under the act.

Section 10 authorizes the Secretary to conduct any necessary demonstrations, tests, or investigations, and to put forth necessary publications for the purpose of the enforcement of the act and for the improvement of methods of sampling and classifying. It authorizes also cooperation with any other department or agency of the National or State Governments.

Section 11 defines the words "person," "commerce," and "cotton," and makes principals responsible for the acts of their agents or employees.

Section 12 authorizes the appropriation of necessary moneys for the enforcement of the act and enables the Secretary of Agriculture to make necessary expenditures from such appropriations.

Section 13 contains the usual provision with reference to the constitutionality of the act.

Section 14 makes August 1, 1923, the date on which the measure becomes effective.

If we pass this bill it will extend the same privileges in all spot transactions that we now have in delivering spot cotton on future contracts. Several years ago Congress authorized the appropriation of the sum of $50,000 to be used by the Agricultural Department to buy and have manufactured several grades of cotton into yarns, so as to ascertain the length, strength, and the waste in connection with the various grades of cotton. They now have an official standard in cotton, but it is only used in delivering spot cotton on future contracts. Someone will say that the various exchanges of the country have adopted the official standard, and they have, but as I said a moment ago, it applies only in delivering spot cotton on future contracts. The buyer, for instance, buys from the producer in a small town, altogether on Liverpool grades or private grades, and because of the confusion thereof the buyer takes advantage of the producer in a great many cases, and not only fails to give him the Liverpool grade but gives him one or two grades under the actual grade. I speak to you now as a farmer producing cotton, one who has bought and sold thousands of bales of cotton. I have bought direct from the producer and sold to the man higher up, and that man then sells to the mill or exports to Liverpool. I had to buy this cotton from the producer, so as to deliver it to the man to whom I sold it. I knew at the time that the producer was being robbed of his product, but I had to buy so as to deliver to the man to whom I sold. Then, as a rule, this cotton, after it passes into the hands of the larger buyer, would be graded, not only as to color but as to length, for delivery to the mill or for export to Liverpool. Here I have a sample of cotton, and, by the way, this very bale of cotton was brought to the city of Columbia, S. C., by a farmer and sold as what the buyer calls "dog tails," while this very bale graded as strict good ordinary by the State grader. The difference or loss to the farmer would be about $5 per bale.

As a matter of fact, if the grader who is standing by between the seller and the buyer could have had the protection that my bill will give, in delivering this cotton on official standards, that farmer would have received a grade of "strict good ordinary" for the cotton. The difference between "strict good ordinary" and "ordinary" is $2.50 a bale, and below that it is $5 a bale, and sometimes a larger difference. In the meantime, not a single bale sold by the producer to the buyer is sold on the length of the cotton, but only on the color. When it passes in and through the hands of several buyers, when the last man sells to the mill, then the cotton is graded as to color and as to length and as to strength as stated a few minutes ago.

Mr. GARRETT of Texas. Mr. Chairman, will the gentleman yield?

Mr. FULMER. Yes.

Mr. GARRETT of Texas. In the State of Texas there are perhaps 20,000 different places where cotton is bought from the producer. Just how would this bill protect the farmer in those 20,000 different places in the sale of his cotton to the buyer at the particular local market?

Mr. FULMER. I can answer that very easily. In the State of Texas, and in South Carolina, and in many other cotton States there are now cotton-marketing associations. The farmers are rapidly joining these associations.

In my judgment the cooperative associations will mean the salvation of the farmer in the Southern States. They handle thousands of bales of cotton. They have their classifiers, but they are absolutely unable to sell and deliver to the buyer only on Liverpool grade and private grade. You are now thinking of the one-horse farmer who comes to town with his one and two bales. You want to know about his cotton. We have in South Carolina, under the Smith-Hughes Act, classifiers of cotton sent out by the State from the agricultural colleges. They are working at the county seats and State warehouses and the cooperative market association warehouses. Farmers can go with their samples, from 1 bale to 50 bales or 100 bales, to the county seat or warehouse near by and have their cotton properly graded by the State classifier. Then he comes back to his home town, and when the buyer will say to the farmer that this is strictly low middling cotton, he can say to the buyer I have had this classified by the State classifier and he has certified it to be middling cotton. This will serve as a notice and will tend to check the dishonest buyer. The honest buyer will be glad to accept, because under my bill he will have a comeback, whereas now he has to take the decision of the buyer at the other end or the decision of the exchange, and the buyers higher up compose the exchange.

Mr. KINCHELOE. Will the gentleman yield?

Mr. FULMER. I will.

Mr. KINCHELOE. The testimony shows there are about 829 counties of the South producing cotton, I will say, in connection with what the gentleman from Texas says. The only objection I have to this bill is section 7, which gives to the Secretary of Agriculture, if he wants to use it, the right to put a horde of Federal inspectors at these different places down there.

Mr. FULMER. I will say in answer to the gentleman that to-day the Federal Government has expert graders at New Orleans and New York, and under this bill we only propose to locate others, for instance, at Atlanta, Ga., Dallas, Tex., and at

the large cotton centers or exporting points, and then they will work in connection with the States. The buyer as well as the seller of cotton will have the right to appeal for expert service, and the decision of the Secretary will be final.

Mr. KINCHELOE. The fact remains, I think the gentleman will agree, that under section 7 the Secretary of Agriculture might do that if he wants to do so.

Mr. FULMER. I think the gentleman knows that the Secretary, especially Mr. Wallace——

Mr. KINCHELOE. I have as high regard for him as anybody, but under this section of this law this gives him the power to do that.

Mr. FULMER. It is not the idea that the Secretary will do that. His experts will work in connection with the States from the larger center. A great many of the States have adopted by State legislation the official standards and now have their graders.

Mr. KINCHELOE. We have the declaration of, I think, Mr. Meadows, of the Department of Agriculture, that they could administer this law by striking out section 7, and I do not see why we do not do so.

Mr. FULMER. If you strike it out, you take away the connecting feature with sections 2 and 4, which is very important. If you are going to have an official standard, so as to do away with various other standards, and if you are really interested in the cotton farmer you will not strike out section 7. I do not see how any Member from the South can object to this legislation or any part of it, and I do hope that you will not.

I appeal to my friends who represent the West or grain States who some years ago passed this identical legislation for the grain growers or farmers of the West. At that time your people were being robbed out of millions of dollars by undergrading of wheat. Now the people of the South are being robbed out of millions of dollars. Gentlemen, here is a crate of cotton, the stalks with the cotton unpicked just like you will find it in the cotton fields of the South before the cotton had been picked. Any of you who have not seen these fields of cotton, if you will come down South during the months of October and November you will see the beautiful bloom and cotton like this. I want to say to you that the sad story connected with my speech that should appeal to you in favor of my bill is the fact that cotton has to be picked, every lock of it, by human hands, and poor white women and children have to go with sacks strapped upon their backs and pick it. The farmer who makes that crop has to work 12 months in the year. First he prepares his land, has to haul fertilizer, which is very hard work, and the fertilizer is very expensive. In 1920 the records will show that we bought $52,000,000 worth of fertilizer in South Carolina. He then puts out his fertilizer, plants, and by the first of August he will have finished the cultivation of his cotton. The picking, ginning, and marketing of his cotton crop will take up the balance of the year, and as a rule he winds up at Christmas time still in debt and without cash to buy the things that the family really needs. I can see the farmer now as he comes to his little country town with his sample in his hand begging, as it were, for a reasonable price for his cotton, only to be robbed in a great many cases. I do not mean to say that all cotton buyers who buy from the producers are dishonest, but they have to buy so as to deliver to the other fellow who can then deliver to the mills on official standards. There is no comeback. There is no one to stand between him and the man to whom he desires to sell. I know in many instances the buyers will get together and form a combination and thereby rob the uninformed and unprotected producer, not only on grades but as to price. One buyer will make a bid and the others will not beat it, and the next day the other buyer will operate. I know this will tend to help them out on their grades, and they are getting well informed daily as to the price on the various grades. Therefore if we are as interested now since we have been elected as we seemed to be during the campaign when we promised, if elected, we would fight, bleed, and die on the floor of the House, let us pass this splendid piece of constructive legislation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BANKHEAD. Mr. Chairman, I hope that the chairman will yield more time to the gentleman.

Mr. HAUGEN. I yield the gentleman five additional minutes.

Mr. BANKHEAD. This is a rather important subject to the people in our country and I hope the gentleman will be given opportunity to explain the bill.

Mr. HAUGEN. I yield five minutes.

Mr. BANKHEAD. As I understand it, under existing law a number of grades of cotton have been reduced considerably from what they were formerly?

Mr. FULMER. Yes.

Mr. BANKHEAD. There were quite a number of different grades?

Mr. FULMER. Yes.

Mr. BANKHEAD. Under the law as it now exists, is there any penalty laid upon the buyer of cotton from the producer if he misrepresents the quality of the cotton or the grade which he purchased?

Mr. FULMER. None whatever.

Mr. BANKHEAD. Does this bill undertake to include any penalty for a violation of the department rules under the classification we are seeking to establish?

Mr. FULMER. Absolutely.

Mr. BANKHEAD. Explain that, if you please, so that we may understand it.

Mr. FULMER (reading from the bill):

SEC. 2. That it shall be unlawful (a) in or in connection with any transaction or shipment in commerce made after this act shall become effective, or (b) in any publication of a price or quotation determined in or in connection with any transaction or shipment in commerce after this act shall become effective, or (c) in any classification for the purposes of or in connection with a transaction or shipment in commerce after this act shall become effective, for any person to indicate for any cotton a grade or other class which is of or within the official cotton standards of the United States then in effect under this act by a name, description, or designation, or any system of names, description, or designation not used in said standards: *Provided*, That nothing herein shall prevent a transaction otherwise lawful by actual sample or on the basis of a private type which is used in good faith and not in evasion of or substitution for said standards.

If he does he is subject to the penalties of so many dollars fine or so many months in jail.

Mr. STEENERSON. Mr. Chairman, will the gentleman yield?

Mr. FULMER. I yield to the gentleman from Texas.

Mr. SUMNERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. FULMER. Yes.

Mr. SUMNERS of Texas. Do you have any further provision which would penalize a fraudulent determination of the standard of quality?

Mr. FULMER. Yes.

Mr. SUMNERS of Texas. Where is that; in a case where a grader of this cotton fraudulently grades it?

Mr. FULMER. Yes; absolutely. If the gentleman will read section 2 I believe he will be satisfied on that point.

Mr. SUMNERS of Texas. That is in the bill?

Mr. FULMER. Yes; that is in the bill. If he would accept money as a bribe or in any manner try to defraud, as a licensed grader, he could be handled by the Federal Government under sections 2 and 8.

Mr. STEENERSON. Now will the gentleman yield?

Mr. FULMER. Yes.

Mr. STEENERSON. How many grades are there under the statute?

Mr. FULMER. I believe there are 10 grades.

Mr. STEENERSON. These standards prescribed by the Secretary of Agriculture are satisfactory?

Mr. FULMER. Yes; and are acceptable in delivery of cotton to the mills. But in buying from the farmer, as I stated a few moments ago, they will buy on any old grade except the official grade and then get the benefit of the official grades at the mill.

Mr. STEENERSON. The grievance is that the standard prescribed by the Secretary is unfair?

Mr. FULMER. No; the buyers from the producer will not recognize the official standards and as stated a while ago, as much as they would like to do so in a great many cases they can deliver on the official grades.

Mr. STEENERSON. And you are trying to prevent the sale in grades that are not official?

Mr. FULMER. Yes.

Mr. CRISP. Mr. Chairman, will the gentleman yield?

Mr. FULMER. Yes.

Mr. CRISP. I am in sympathy with the purpose of the gentleman, and I know that at times farmers have to sell their cotton at a lower grade than it really is. The practical result sought to be brought about by this bill is to let the farmer know the actual grade of his cotton before he sells it?

Mr. FULMER. Yes.

Mr. CRISP. He can not make anyone buy it at that grade, but this measure simply lets the farmer know what that cotton really grades, and if he is not willing to take the price for it, he is not forced or induced to sell it under a lower grade than it really is?

Mr. FULMER. Yes. We should not worry about the sale of the cotton, because there is a demand for it. There is always to be found plenty of honest cotton buyers anxious to help the

farmer, absolutely willing to give as to grade just what he can deliver.

Mr. HAUGEN. It is possible now for a farmer to have grain graded at a local market where it is subject to grading, and he will receive the price for the actual grade in the market.

Mr. GARRETT of Texas. Oh, on the question of wheat or corn you have a way of weighing it by a little scale there that will give you No. 1 or No. 2 or No. 3 wheat. The wheat farmer does not need a special protection there. But in the case of the cotton farmer one county may have 20 different grades of cotton, and the farmers have no way of knowing what that grade is. Now, suppose the classification of the local markets should be different from the classification made by the Federal agent. Which classification would control?

Mr. HAUGEN. The Secretary would finally determine it.

Mr. GARRETT of Texas. But the farmer who brings his load of cotton to town on Saturday afternoon has no time to be appealing to anybody. He must sell his cotton by sample. The wheat grower, however, knows what the grade is.

Mr. HAUGEN. He makes a contract; and if there is any dispute about it, on appeal the grade is settled.

Mr. JONES of Texas. Wheat is not graded altogether on weight. There are a number of grades of wheat.

Mr. HAUGEN. It may be true that there is more difficulty about the classification of cotton than of wheat, but the Department of Agriculture has already standardized cotton. It has now given about 20 or 30 years' consideration to the subject, and I think the department has gotten as near perfection as possible. If it can be improved, the department will improve upon it from time to time.

Mr. GARRETT of Texas. The proviso says:

Provided, That nothing herein shall prevent a transaction otherwise lawful by actual sample or on the basis of a private type which is used in good faith and not in evasion of or substitution for said standards.

Does not that take out everybody under this law that tries to sell by private sample?

Mr. HAUGEN. You can sell by sample, but if you sell by grade specified it must be the Government sample.

Mr. JONES of Texas. Is it not usually graded by type, which involves a number of things?

Mr. FULMER. Yes.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. SANDLIN. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes.

Mr. HAUGEN. I yield three minutes to the gentleman.

Mr. LAZARO. Mr. Chairman, will the gentleman yield?

Mr. FULMER. Yes.

Mr. LAZARO. Would it be necessary for the farmer to join the Farmers' Cooperative Association in order to get the benefit of this legislation?

Mr. FULMER. In South Carolina in many counties graders are taking care of the farmers who go to them. But they are now joining the association, and they will get the direct benefit.

Mr. LAZARO. I understand they are joining the associations all over the country, and if they do they will sell by large lots instead of by small lots?

Mr. FULMER. Yes.

Mr. LAZARO. Is the Cotton Operative Association back of this bill?

Mr. FULMER. Yes.

Mr. LAZARO. And is the committee unanimous in its report?

Mr. FULMER. Yes. And I want to say, gentlemen, that this bill will tend to wipe out the dishonest buyer who has robbed the producer in the confusion between the Liverpool grades and the private grades. Somebody between the producer and the mills—according to the figures I am going to quote—is mopping up millions of dollars. I want to call your attention to Circular No. 56 of the Department of Agriculture of 1919, which will give you this information—the price received by the producer and the price paid by the mills during that year.

The difference amounted to $220,600,000, and I believe, gentlemen, by the passage of this bill you will wipe out a good big slice of that difference between those prices paid to the producers and as paid by the mill. According to these figures, the farmers of my State—South Carolina—sold their 1919 crop of 1,462,277 bales of cotton for $39,245,540 less than the mills paid for it.

Now, I have back of this proposition letters from the American Cotton Association, the Cooperative Association, and from the Secretary of Agriculture, Mr. Wallace.

I also have letters from presidents of nearly every agricultural college in the cotton States and the agricultural commissioners of the cotton States. Gentlemen, they are interested in this proposition. They know that the producers are being robbed, and they want this legislation. I hope the House will pass the bill.

The CHAIRMAN. The time of the gentleman from South Carolina has again expired.

Mr. HAUGEN. Mr. Speaker, I reserve the remainder of my time.

Mr. KINCHELOE. Mr. Chairman, I will ask to be recognized for the purpose of yielding time. Does the gentleman from South Carolina [Mr. FULMER] desire any more time?

Mr. FULMER. There is one other point that I would like to cover.

Mr. KINCHELOE. I yield to the gentleman from South Carolina five minutes.

Mr. FULMER. Mr. Chairman, as I explained a few minutes ago, the purchaser from the producer will sell to the buyer higher up; for instance, I will sell to a cotton factor in Augusta, Ga., or Savannah. He mails returns for my cotton. I see that I am being robbed on the grade. I immediately ask him to hold up the delivery and will go over to see the grading of it myself, as I did just a few weeks ago on a lot of cotton that I delivered myself in Columbia, S. C. If after looking it over I am dissatisfied, I am referred to the cotton exchange for an arbitration. The buyers compose the exchange, and I am just where I started. If it is a good thing to have the Secretary of Agriculture to superintend the delivery of spot cotton on future contracts, why not pass this bill and give the producer and the buyer from the producer the same rights and privileges? Now, under this bill I would have a right to appeal to the experts located in Augusta or Atlanta or some other large city, and they would pass on it.

As to the cotton exporters, this bill will mean millions to them, and that will mean millions handed back down to the producer. They export cotton to-day. Later they get returns with a big claim. They have to pay that claim or they can not do any more business with the party in Liverpool. If they ask for an arbitration they are referred to the Liverpool board or exchange, and they are in the same fix that I would be, as stated just now. Under my bill the Department of Agriculture passes upon it and they have to come into the courts of the United States here, and they would have a proper settlement in connection with the various claims. As a matter of fact, they have to buy from the producer and the cotton seller, squeezing him, and knowing it at the time, but they want to be on the safe side, believing and knowing that they will be squeezed in Liverpool or somewhere else. There is in the hearings a letter from Marshall Field & Co., who own 25 cotton mills in North Carolina and Virginia. They say they buy every pound of their cotton on Government classification or standards. If this bill is passed, do not worry about the Federal Government loading up the States with classifiers or inspectors. The States, in connection with the Federal Government, will take care of that proposition, and will have men there to look after the interests of the producer, and then they can appeal to the experts that the Federal Government will have in the various other centers.

Mr. BANKHEAD. The gentleman has still a little time left. I would like to ask him a question with reference to section 3, the licensing feature of the bill.

Mr. FULMER. Yes.

Mr. BANKHEAD. I understand that under the Federal law there is no Federal license required from the local buyer of cotton?

Mr. FULMER. No.

Mr. BANKHEAD. Section 3 provides that a license may be issued on application to the Secretary of Agriculture. What value is there in this section by way of protection to the producer of that cotton? In other words, suppose a man does get a license under this section from the Secretary of Agriculture; what additional integrity does that fact give to his action when he comes to buy cotton from the actual producer on the street?

Mr. FULMER. I am sure that the Secretary would not issue a license to a buyer of cotton; but if he did, he would be under the supervision of the Federal authorities, and he would be subject to the fines as listed in this bill according to or in violation of sections 2 and 8. A cotton firm or a cotton buyer can have their own grader, but he will be working in a private capacity, looking after the interests of his employer. In the meantime the grader working under Federal and State supervision or license will be impartial, looking after no special interest, but grading as to true grade by the official types.

Mr. BANKHEAD. Does the gentleman think a man will voluntarily take out a license that will subject him to a penalty unless it is made mandatory that he shall take out the license?

Mr. FULMER. I would not think so.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. KINCHELOE. I yield to the gentleman five minutes more.

Mr. CONNALLY of Texas. I should like to ask the gentleman if he thinks this bill would be seriously crippled by striking out the licensing feature?

Mr. FULMER. The Secretary, in his letter, stated that while he would like to see section 3 remain in the bill—and I think it is a good section—still he did not seriously object to that section going out. The only difference will be that it will put the licensing of graders into the hands of the States and out of the hands of the Secretary of Agriculture of the Federal Government. I will say to the gentleman that I had a letter from a gentleman in North Carolina asking me to amend my bill so as to eliminate section 3 and leave the licensing of graders with the States.

Mr. CONNALLY of Texas. I would like to ask the gentleman if he does not really think that as this is confined to a few States, the people in the localities might be better acquainted with the situation than a Secretary of Agriculture who might come from Iowa or Minnesota or some other noncotton-growing State, and that it would be better to strike out section 3 and leave that matter of a license to the local authorities of the States? I hope the gentleman will permit me to say that I have talked to a number of Members who are favorable to the bill but who object to section 3.

Mr. FULMER. I stated to the committee in the hearing, in answer to a question, that I would not seriously object to striking out section 3, but it would not leave the bill in as good shape as it is now.

Mr. RANKIN. Will the gentleman yield?

Mr. FULMER. Yes.

Mr. RANKIN. I am anxious to know what benefit this bill will be to the farmer who grows the cotton. I have not had an opportunity to investigate the provisions of the bill carefully, but I want to know if it will take care of a situation like this: A farmer goes in to sell cotton to a cotton buyer. The buyer gives him a receipt. Does the bill provide that he is to enter on the receipt or on the statement the grade or class of cotton that he is purchasing so that he may have recourse himself against the farmer who grows the cotton or the farmer have recourse against the buyer as the case may be?

Mr. FULMER. You will find the Federal authorities as well as the State law will regulate the various ways of selling the cotton. It gives the Secretary of Agriculture the right to formulate regulations in the way of administering the act.

Mr. RANKIN. It turns that particular duty over to the Secretary of Agriculture?

Mr. FULMER. Yes.

Mr. RANKIN. And does not provide the relief in the law itself.

Mr. FULMER. I do not think the gentleman should worry about that. You take the agricultural interests in the States, and they are anxious to function, and in a great many States they have adopted the official standard of grades.

Mr. RANKIN. If it was left to the Secretary of Agriculture in the various States that would be the case, but as the gentleman from Texas [Mr. CONNALLY] suggests, the Secretary of Agriculture may come from a State where they do not grow cotton, where they are unacquainted with cotton. Cotton is a thing you have to grow up with to understand it. I do not view with much enthusiasm this proposition of leaving it to the Secretary of Agriculture, who may come from a State that does not grow cotton.

Mr. FULMER. Mr. Chairman, I want to say to the gentlemen on the Democratic side that this bill has been carefully considered. I have talked with the cotton people and the agricultural interests, as a whole, and they are very anxious for the bill to pass. I am satisfied that my friends on the Republican side will give us their hearty support. I am sorry to see the Members on the Democratic side wrangle and squabble over such an important matter. I have had several Republican Members say to me that if my bill did not pass, it would be on account of Members on my side of the aisle. When we offer to pass legislation in the interest of the cotton farmer, I can not see why it is so hard to get our Members from the South to agree and get together and pass legislation that will stop this highway robbery of the producer. You talk about the Strong bill and other bills that would create new financial institutions that are supposed to be in the interest of agriculture—while I will stand behind any good bill along these lines, I want to say that the Federal reserve bank can not be improved upon, if you will pass some amendments to the present law.

I would restrict the rediscount rate not to exceed 5 per cent, as provided for in my resolution introduced some time ago in this House. I would take away the power now in the hands of seven men, composing the Federal Reserve Board, which allows them to make or break any section of this great country overnight. I would have them accept any class of agricultural paper or warehouse receipt for a period of not less than 12 months for rediscount just in the same manner and in a just proportion to any other industry. In other words, the Congress should govern the Federal reserve banks by proper legislation in the interest of all the people and not Wall Street.

As I started to say a few moments ago, the great task before this Congress is to pass constructive legislation that will eliminate thousands of parasites that are operating between the producer and the consumer—to create a market for the farmer's products; to see to it that he is not robbed out of his weights, grades, and a living price for his produce. Sweet potatoes are selling in South Carolina to-day at about 50 cents per bushel, and in Washington for about $3 a bushel.

After you create these various financial institutions as outlined by various bills introduced by Members, the farmer still has to go to his home bank. His credit and his collateral are still in statu quo. He needs reduced freight rates, legitimate prices for his farm products; he needs to get nearer the price paid by the consumer and the consumer needs to get nearer the price received by the producer.

This bill will tend to wipe out a great many middlemen and put the seller on an equal footing with the buyer.

Mr. William M. Steuart, Director of the Census, approves of this kind of legislation when he says:

There is considerable demand for statistical information as to the quantities of the several grades of cotton held in stock in the United States. Obviously, under present conditions, it is impossible to secure reliable information of this character since much of the cotton is not accurately graded until it reaches the more important concentration points. Since practically all the cotton produced in the United States enters either into interstate or foreign commerce, it is within the power of Congress to enact legislation requiring such cotton to be graded and stapled under Government regulations at central-grading stations. With uniform grading thus provided for throughout the cotton-growing region, it would be possible to obtain from the grading stations the number of bales of the several classes graded, and from consumer and exporters the number of bales of the several classes consumed and exported.

The Bureau of Markets has succeeded in arousing such interest in some of the States, for instance in South Carolina and Texas, that the farmers as well as the cooperative associations have begun in a limited way the study of grading their cotton. Mr. ASWELL of Louisiana in a speech some time ago in commenting on this subject says:

The Department of Agriculture estimates that the farmers of Texas have already profited $1,000,000 by reason of taking up this study. It is clear that each farmer, if he is to follow business usage and hold his own as a business man, should know the various standard classes and the value and quality of his cotton before he offers it for sale. Having this information, he will strive to produce such grades as will be most remunerative. He will grow interested in improving his cottonseed. Why should he select his seed unless he knows the different classes of cotton? He will more carefully handle his cotton and see to it that it is properly ginned and baled to avoid the usual output of low-grade grades. In this way he will rapidly raise the standard and value of his product.

I agree with the gentleman from Louisiana and contend that the passage of this bill will do just the things that he advocates. As mentioned before, the farmers are now looking into the grades and values of their cotton. The States have graders to assist them; but what is the use when, after they have gotten this assistance and information, they can not deliver the goods?

In conclusion, I want to thank my friends for the interest they have displayed in assisting me with this bill, especially the chairman and members of the Agricultural Committee for their very careful consideration and for their unanimous report given my bill. [Applause.]

Mr. W. R. Meadows, cotton technologist of the Department of Agriculture, in a speech before the world conference at Liverpool, England, on July 14, 1921, said:

The importance of having only a single set of standards for American cotton that shall be universally recognized and applied in the cotton trade has long been acknowledged, and efforts to secure the consummation of that end have almost succeeded on at least two occasions, but still the common desire in this direction remains to be realized. That the adoption of uniform standards would greatly simplify the merchandising of cotton is admitted by all. Cotton known as middling in one place, for instance, should be known as middling throughout the world, and cotton of 1-inch staple should not mean one thing in one place and something different in another market of equal importance. These are specific instances which point to the great desirability of a common language in the cotton trade of the world.

Universal standards would not only simplify methods of handling cotton but would tend to higher standards of ethics in the cotton business. Knowing definitely what is expected of him, a shipper would be more likely to make serious effort to meet his obligations on shipments by supplying the grade and staple stipulated in the contract.

A most important advantage of universal standards would be the reduced number of arbitrations that are necessarily held in the cotton

business each season. Having the same well-established standards in the hands of both European buyer and American seller would facilitate shipments in compliance with contracts, and therefore it would not be necessary for the purchaser of cotton to arbitrate shipments continually in order to collect claims for failure to ship according to specifications.

By establishing and using universal standards for American cotton certain advantages will accrue to the producers of superior varieties of cotton. The world needs cotton of good staple, and spinners are anxious to encourage the production of superior varieties. With a single set of standards for classification established it is natural that the higher prices which spinners pay for cotton of superior character and staple should be reflected back to the producer more readily than under the present methods, when both grade and staple standards are questions of uncertainty and controversy.

By the adoption of uniform standards throughout the world trading on the future exchanges in both Europe and America will be more nearly on the same basis, future quotations would be more readily comparable, and better hedging facilities would result than when material discrepancies exist in the terms of the future contracts.

Practically all of the American cotton exchanges have passed resolutions indorsing the idea of uniform standards. Many of the leading American cotton firms have expressed similar views. Associations representing producers have likewise favored the establishment of a single set of standards. It may be stated, therefore, that the American cotton trade almost solidly favors the establishment of uniform standards.

The importance of uniform standards for American cotton can perhaps be no better demonstrated than by the citation of a few statistical facts. A reference to the Statistical Abstract of the United States, an official publication, discloses that during the calendar year ending December 31, 1920, exports of American cotton were valued at $1,136,408,916 and for the calendar year ending December 31, 1919, $1,137,371,252. Such figures establish cotton as the leading export commodity of the United States, and certainly the entire American people are concerned with the handling and marketing of a product which means so much to the economic welfare of their country.

Indeed, an examination of the statistics for the 50-year period from 1865 to the close of 1914—that is, for the 50-year period of peace, when marketing was normal—discloses that the total exports of cotton from the United States in round figures were $13,610,000,000. During the same period the actual net balance of American exports over imports was, in round figures, $10,343,000,000. In other words, the one article, cotton, exported from the United States exceeded by $3,267,000,000 the total net favorable balance of trade for the 50 years preceding the outbreak of the war in Europe. It should be borne in mind that nearly all of this $13,500,000,000 worth of cotton was exported on contracts which called for arbitrations before a board of arbitrators, on which Americans did not have and still do not have a representative, and even the standard of classification itself is not well known by many American exporters. Certainly, as a matter of justice for those Americans engaged in the export cotton trade, an agreement on cotton standards should be reached in order to facilitate the handling on fair and equitable terms of the leading export crop of the United States.

I take it, therefore, that the importance and desirability of universal standards having been recognized in past conferences and by similar meetings of the cotton trade, it will not be disputed in the present conference, and that this representative body will lend its active support to the movement to secure universal standards and will take the initiative in finding a way for the accomplishment of that end.

The letter of the Secretary of Agriculture is, in full, as follows:

DEPARTMENT OF AGRICULTURE,
Washington, January 17, 1923.

Hon. G. N. HAUGEN,
Chairman Committee on Agriculture,
House of Representatives.

DEAR MR. HAUGEN: In reply to your request for a report on the bill (H. R. 6753) introduced by Mr. FULMER and known as the cotton standards act I will say that with one or two minor changes in its phraseology the bill has the general approval of this department. It has been suggested that the word "final" be inserted in line 10 of page 3 before the word "certificate"; and that in line 11 of the same page, after the word "determination," there should be inserted the words "shall be binding on all officers of the United States and."

The department is particularly interested in the sections which establish the official cotton standards of the United States as the legal basis of spot-cotton transactions in interstate and foreign commerce and which provide also for the classification of any cotton of which samples may be submitted to officers of the department for the purpose. These two sections, if enacted into law, should effectively increase the use of the official cotton standards established under the cotton futures act. It is believed that the cotton producers will benefit very largely both directly and indirectly by the enactment of these provisions into law.

The department receives requests repeatedly from cotton merchants and others for the classification of spot cotton according to the official standards of the United States. There is no authority at present, however, for such activities, except for the limited purpose of legalizing delivery on future contracts at New York and New Orleans. This inability on the part of the department to determine the classification of spot cotton other than that intended for delivery on future contracts operates to deter cotton merchants and shippers from making full use of the existing standards.

It is believed that the cotton trade is thoroughly in sympathy with the bill, with the possible exception of section 3, which provides for the examination and licensing of classifiers. If, however, on further inquiry by your committee there should develop any serious objection to this section, the department would agree to its omission. In such case a few modifications of the wording of subsequent paragraphs which refer to section 3 might be necessary.

With proper direction, it is thought that the administration of the act should be financially self-sustaining. An initial appropriation, however, will be needed to start the work. Section 12 of the bill as drawn authorizes the appropriation of such sums as may be necessary for administering the act, but if $50,000 were provided at the outset it is thought that no further appropriation would be necessary. The experience of the department in establishing standards and classifying cotton for delivery on future contracts under authority of the United States cotton futures act should be of much practical use in the administration of this bill in the event of its enactment into law.

Sincerely yours,

HENRY C. WALLACE, *Secretary.*

JANUARY 27, 1923.

Submitted to the Bureau of the Budget and returned to the Department of Agriculture with the advice that the foregoing is not in conflict with the financial program of the President.

DEPARTMENT OF AGRICULTURE,
Austin, Tex., June 4, 1921.

Mr. J. S. WANNAMAKER,
St. Matthews, S. C.

DEAR SIR: In receiving the reports of the jubilee convention of the American Cotton Association held May 31, in New York, I note that Mr. W. R. Meadows, technologist of the United States Department of Agriculture, advocated the idea of the adoption of uniform standards for cotton for American and foreign trade.

I presume you are familiar with the fact that through the efforts of the United States Department of Agriculture a few years ago standards for our cotton were made practically the same as those obtaining for Liverpool; that is to say, the standards made for the United States were adopted by the Liverpool Cotton Association, popularly known as the Liverpool Cotton Exchange, at a conference of Cotton Exchange representatives held in Liverpool in June, 1913.

The standards there and then agreed upon were for white cotton only, but since that date the United States standards have been revised, eliminating the grades strict good ordinary and good ordinary white cotton, substituting therefor three colored cottons, namely, strict middling, yellow tinged, and good middling yellow stained, making in all 10 grades of the Government's tenderable list, said grades being the official types governing delivery of spot cotton on future contracts on both New York and New Orleans Cotton Exchanges.

The cotton exchanges at New York, New Orleans, Montgomery, Selma, Little Rock, Mobile, Augusta, Savannah, St. Louis, Vicksburg, Charleston, Memphis, Norfolk, Galveston, Waco, Houston, Paris (Tex.), Dallas, San Antonio, Fort Worth, and Oklahoma City, also the Cotton Buyers' Associations of Fall River, New England, and Texas, and the Cotton Manufacturers' Associations of North and South Carolina have adopted the United States Government standards. One would draw the conclusion that after the cotton exchanges all over the country had adopted these standards that differences arising over cotton classification between buyers and sellers would be practically at an end, but regrettable to say the opposite obtains now in the entire Cotton Belt, more especially in Texas and Oklahoma, as these two States have grown in late years a character of cotton popularly recognized as "bollies," because of its color, weather exposure, foreign substances, etc.; the trade in these States ignoring gradation of low grades where any color is shown, taking them as "bollies," paying anywhere from 3½ to 5 cents a pound for them when buying.

To illustrate, let us say a grower offers a bale of cotton for sale, classing strict low middling tinge, taking a discount of 400 points off middling, that middling is quoted at 11½ cents, then the cotton offered would be worth, on correct classification, 7½ cents a pound. The trade here takes it as a "bolly," offering 4 cents for it, unless the cotton is good style strict low middling, when possibly it might go for 5 cents a pound.

I believe it is no exaggeration to say that 75 to 90 per cent of our cotton containing yellow, red, or blue color goes into the channels of trade as "bolly" cotton. It goes on the market at whatever price the buyer and grower may agree upon, classification ignored.

I see but little use in a Federal or State standard for cotton, established for trade guides, if the trade can not be made to conform to accept it.

The more I see of the trade practices resorted to in Texas, the more I am convinced of the necessity for a national law making it mandatory for the cotton trade to use the United States standards in all spot-cotton transactions. The Government has made their usage mandatory for delivery of spot cotton on future contracts on both the New York and New Orleans Cotton Exchanges, why not for the trade everywhere?

I am writing this letter for your consideration and asking at the same time that you use your influence and that of the American Cotton Association toward the southern Members of Congress urging passage of a law making the universal usage of the cotton standard types obligatory in all spot-cotton transactions, if you are in agreement with me on this question.

Should such a law be enacted, it must be conceded no one can be hurt in any cotton transaction financially, as both buyer and seller will have the same official guides.

If Liverpool does not establish standards coinciding with ours it will be an easy matter for the American cotton trade to translate our types to those of that market as the trade has done for more than 50 years.

Believing I am right in the premises, I ask your consideration, your influence, and your help in getting a law passed as suggested above.

Awaiting a reply at your convenience, I am,

Yours very truly,

T. S. MILLER.

STATE WAREHOUSE COMMISSIONER,
Columbia, S. C., February 9, 1922.

Hon. H. P. FULMER,
Member House of Representatives.

DEAR SIR: Your letter of the 6th noted. I am heartily in favor of this bill and will send the samples just as soon as my cotton grader returns to the office, which will be in the next day or two. Will try to get these off promptly to you at that time. Sincerely hope this will go through, and it will be a godsend to the farmer of the cotton-producing States.

Yours truly,

J. CLIFTON RIVERS,
State Warehouse Commissioner.

LOUISIANA STATE UNIVERSITY,
Baton Rouge, La., July 11, 1921.

Hon. H. P. FULMER, M. C.,
Washington, D. C.

MY DEAR SIR: Those of us here who have read your bill (H. R. 6753), and who are more directly interested in what it calls for, are agreed that its passage would be of immense benefit to all departments of the cotton industry. It is to be sincerely hoped, therefore, that you may succeed in your endeavor to have this bill become law.

Very respectfully yours,

W. H. DALRYMPLE,
Dean and Director.

COOPERATIVE EXTENSION WORK IN AGRICULTURE AND HOME ECONOMICS,
University Station, Baton Rouge, La., June 23, 1921.

Hon. H. P. FULMER,
House of Representatives.

DEAR SIR: A copy of your bill (H. R. 6753) is received, and I wish to express to you my interest in such legislation and to say that the farmers all over the South are needing it now, and have needed it for many years. It has been a well-recognized fact for a long time that cotton buyers made a great deal of their profit by undergrading the staple, and I believe that this law as written should pass. Its enforcement will undoubtedly be of great service in the grading and marketing of the cotton crop.

I trust that you will not meet with any difficulties in getting it through.

Very truly yours.

W. R. PERKINS,
Director of Extension.

—

STATE BOARD OF AGRICULTURE,
Oklahoma City, January 29, 1923.

Hon. H. P. FULMER,
Member of Congress, Washington, D. C.

MY DEAR SIR: I have read your cotton grading bill with a great deal of interest and take this opportunity of indorsing its provisions. Probably no greater injustice has been done the ordinary producer than that of grading his cotton.

I am wondering if you had placed a cooperative clause, cooperating with State graders, who carry Federal license, if it would not have helped promote the bill better?

Assuring you of my confidence in the plan and believing it a great forward step in cotton grading and marketing, I am,

Very truly yours,

J. A. WHITEHURST, *President.*

—

[Telegram.]

ST. MATTHEWS, S. C., *January 30, 1923.*

H. P. FULMER,
House Office Building, Washington, D. C.

Heavy work here prevents my going to Washington. Deeply regret inability to comply with your request as your bill is of greatest importance to cotton industry and trust same will pass without objection.

HARVIE JORDAN,
Secretary American Cotton Association.

—

OKLAHOMA AGRICULTURAL AND MECHANICAL COLLEGE,
Stillwater, January 31, 1923.

Representative H. P. FULMER,
Congress of the United States, Washington, D. C.

MY DEAR SIR: I am writing to record my indorsement of H. R. 6753, on official cotton standards, a copy of which you recently sent me.

Very truly yours,

J. K. ESKRIDGE, *President.*

—

THE STATE OF FLORIDA,
DEPARTMENT OF AGRICULTURE,
Tallahassee, June 22, 1921.

Hon. H. P. FULMER,
Washington, D. C.

DEAR SIR: I write to add my indorsement of the effort to establish uniform cotton grades throughout the United States. Equitable transactions in cotton are impossible by the old arbitrary methods of grading, and standardization that is not compulsory is of little service.

We can not undo the evil that has been done in the past in this respect, but we are responsible for delay in thoroughly establishing these relative grades and forcing definite compliance therewith.

I can see absolutely no reason for honest opposition to universally established accurate and uniform grading.

Yours very truly,

W. A. MCRAE,
Commissioner of Agriculture.

—

C. M. BARNES,
Marston, Mo., June 25, 1921.

Hon. H. P. FULMER, M. C.,
Washington, D. C.

MY DEAR MR. FULMER: Our Missouri commissioner of agriculture has referred to me a copy of H. R. 6753, a bill to establish United States cotton standards act.

I have been pleased to reread this proposed act several times that I might not fail to understand its purpose thoroughly and will say at the outset that I heartily indorse the proposed law in its entirety.

Only those persons whose business activities bring them into constant touch with the handling of lint cotton do fully appreciate the value of establishing uniform standards for grading this greatest of American commercial crops. There surely can not be any serious opposition to the establishment of such uniform standards for all commercial transactions in America, whether spot or future, except from interests which either do now or expect to take advantage by substitution of grade of cotton lint to fill future contracts. I appreciate the fact the Department of Agriculture has long ago established standards for grading, and I believe does authorize licensed graders, but an act requiring the use of such standards in all transactions involving cotton grades is now very desirable and, in fact, necessary to bring the system into universal use in America. I am sure foreign markets will cheerfully conform.

I am sir, yours very respectfully,

C. M. BARNES,
Former Member Missouri Board of Agriculture.

—

STATE COLLEGE OF AGRICULTURE AND MECHANIC ARTS,
UNIVERSITY OF GEORGIA,
Athens, Ga., January 31, 1923.

Hon. H. P. FULMER,
House of Representatives.

DEAR SIR: Your favor of the 24th instant inclosing copy of H. R. 6753 has been received. I have read the same with interest, and believe it should be passed in the interest of the cotton producers of the country.

With best wishes, I am, very respectfully,

ANDREW M. SOULE, *President.*

THE CAROLINA COTTON & WOOLEN MILLS CO.,
Spray, N. C., January 5, 1922.

Congressman H. P. FULMER,
House of Representatives.

DEAR SIR: Your letter of December 19, addressed to Marshall Field & Co., Chicago, regarding cotton purchases on Government standard classifications, has been referred to me for reply.

You are correct in your understanding that our cotton purchases are based on Government standard classifications.

Yours very truly,

W. G. MCCOLLUM,
Manager Cotton Purchasing Department.

—

ALABAMA POLYTECHNIC INSTITUTE,
Auburn, Ala., July 9, 1921.

Hon. H. P. FULMER,
House of Representatives.

DEAR SIR: In pressing the passage of H. R. 6753—your bill to establish the use of official cotton standards of the United States in interstate and foreign commerce—you are working along lines in which we in Alabama are very much interested. So strong is the sentiment among Alabama farmers for the passage of such legislation that a corresponding bill was passed by the last session of the Alabama Legislature providing the exclusive use within Alabama of the official cotton standards of the United States. Other Southern States have the same matter under consideration and in some cases have passed the necessary legislation which will serve to make effective in interstate transactions in cotton the same procedure that your bill provides in regard to cotton entering interstate and foreign commerce.

In my opinion, there is sufficient argument for the passage of your bill in the fact that it will remove the present confusion brought about through the use by many firms of cotton buyers of arbitrary numbers or other private designations for cotton that the farmer offers for sale under the terms provided by the United States standards. It is well known that whenever there is confusion in market transactions through the use of different standards, the seller, especially when he is a farmer, is the loser.

It should certainly tend to simplify foreign commerce for all American cotton to be sold on the basis of the American standards. I have no doubt that the European trade will readily adapt itself to the procedure provided in your bill, and will find this a means of facilitating foreign commerce and of reducing the clerical work in connection with foreign transactions. The reasons for the passage of your bill seems to me so obvious, and the objections to it so trivial, that I think further arguments are not called for in this letter.

Southern farmers and southern business men (with possibly few exceptions among those engaged in the cotton trade) are with you in the desire to see the adoption of the United States official cotton standards as the sole measure of the grades of cotton, whether the transactions be interstate or foreign.

Yours very truly,

SPRIGHT DOWELL, *President.*

—

AMERICAN COTTON ASSOCIATION,
St. Matthews, S. C., February 7, 1923.

Hon. H. P. FULMER,
House Office Building, Washington, D. C.

DEAR MR. FULMER: I am inclosing you herewith a letter just received from Mr. William Ray, of New York, a man of many years' experience in the cotton trade and a strong defender of the cotton-growing interests. He fully indorses your bill for standardizing the grades of cotton, and I very sincerely trust the bill will be speedily passed and become a law. In whatever way we can assist, let me know.

With highest personal regards, sincerely,

J. S. WANNAMAKER,
President American Cotton Association.

—

THE FIRST CAROLINAS JOINT-STOCK LAND BANK,
Columbia, S. C., February 6, 1923.

Hon. H. P. FULMER,
House of Representatives, Washington, D. C.

DEAR HAMP: I have just reached your letter of January 29, inclosing me a copy of the bill introduced by you, and while I have not had an opportunity to examine it carefully, and will hardly have an opportunity to do so for some time, yet a hurried glance through it discloses what you are undertaking to do, and I feel sure that the passage of the bill would be of great service to the cotton trade in general.

You may recall when I introduced the cotton futures act many years ago I at the same time introduced a bill very similar to yours and which had the same general purpose in view. My recollection is that I did not go quite as far perhaps as you have gone in your bill, but I was dealing with a new thing at the time and the standards had not been so well established as they are now. I think you are fully justified, and if I were in Congress I would support the movement to compel the use of the standard for cotton shipped through interstate commerce.

I am sorry I could not get this letter to you in time for use before the committee, but I have just this moment reached it in my large accumulation of mail. Let me warn you that you are going to have a man's job to put this through, but keep on moving.

With personal regards and best wishes, I am your friend,

A. F. LEVER.

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. MCLAUGHLIN].

Mr. McLAUGHLIN of Michigan. Mr. Chairman, the question asked by the gentleman from Mississippi [Mr. RANKIN] was asked in the committee—how does the bill give protection to the individual farmer who brings his cotton to market and sells it?

Mr. FULMER. Will the gentleman yield?

Mr. McLAUGHLIN. Yes.

Mr. FULMER. Did not they ask the same thing when the grading bill was before the committee—how it was going to benefit the farmer?

Mr. McLAUGHLIN of Michigan. I do not know.

Mr. FULMER. They asked the very same question.

Mr. McLAUGHLIN of Michigan. I do not see what that has to do with this. I want to say to the gentleman from Mississippi that there is no way by which the individual cotton grower who comes to the market and sells his cotton can be protected if he does not take some steps to protect himself. Congress can pass no law to forbid a farmer making a contract with the buyer or such contract as those individuals wish to make. The Congress can not pass a law providing for an agent to stand at the elbow of every farmer who has a bale of cotton to sell and see that he does the necessary and ordinary thing to protect himself. If the grower comes to market with his cotton and it is bought without any representation as to what it is, without any contract as to grade, and the producer puts his money in his pocket and goes home, that transaction is closed. I am told, however, there is a contract which the buyer and the seller can enter into at the time of the original sale, which provides that the sale is made on a basis of grade and a statement as to that grade can be put into the memorandum setting forth the terms of the purchase and sale. Then, if it is sold later and found to be of a higher grade, the original seller can follow the matter up and be reimbursed by the buyer who underpaid or deceived him. I do not know how such a transaction is carried out, but am told it can be done and is sometimes done.

Mr. RANKIN. That is the proposition I am driving at. I want to know if there is anything in the bill that provides for that contingency.

Mr. McLAUGHLIN of Michigan. No; that is a matter the buyer and the seller will have to take care of themselves. The Government of the United States can not forbid the making of a contract which the individuals wish to make, nor can it provide a Federal agent to stand there and protect every man who sells a bale of cotton if he does not know enough to do what he is easily able to do to protect himself. I have been in favor of the general proposition involved in this bill, as I have told the author of it. I, however, pointed out some matters in it that I think are objectionable, and I understood they were to be eliminated. I was not present at the meeting when the bill was reported out. Because of my understanding that these features were to be eliminated, I am greatly surprised to find that they are still in the bill. This bill and every feature of it ought to be so drafted that it will relate only to cotton in interstate commerce. It is concerning interstate transactions only that Congress has a right to legislate.

In section 11 of the bill there is a definition of commerce, and it is a definition of interstate commerce.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. HAUGEN. Mr. Chairman, I yield five minutes more to the gentleman from Michigan.

Mr. McLAUGHLIN of Michigan. It is a definition of interstate commerce, a definition which the Supreme Court of the United States upheld. This same definition of interstate commerce in another bill reported by the Committee on Agriculture and having been passed by Congress has been upheld. We find in section 4 that the Secretary of Agriculture is authorized to take part in transactions relating to any cotton anywhere, regardless of the fact that the transaction may have been intrastate—that is, entirely local in its nature and not at all in interstate commerce. If this bill is to be passed, there should be inserted in line 4, page 3, after the word "cotton," the words "in commerce," as those words appear in other sections. Without those words the bill is so broadened as to be seriously objectionable in my mind.

Section 7, in my judgment, is not only unnecessary but improper. There is a former section in the bill, section 4, which if properly amended as I have suggested would cover the matter, authorizing the Secretary of Agriculture to receive samples of cotton, to grade them, and to issue a certificate respecting them. That section is entirely proper and necessary and as broad as the law ought to be. Section 7 as it now reads would authorize the Secretary of Agriculture to send his agents to the smallest or most distant place in the cotton-growing area, to any place, to every place, to look over cotton involved in any transaction, no matter how small it might be. In my judgment that is improper and unnecessary. That is a length to which we ought not to direct or permit the Secretary of Agriculture to go.

It was said in justification of this that in case of a controversy between the buyer and the seller of cotton in interstate commerce, in a distant part of the country, they might not be able to agree on a sample to be sent to the Secretary of Agriculture to be graded, and, therefore, that it is necessary for the Secretary of Agriculture or somebody in his employ to go from Washington away to the limits of the country to mix in a matter where those interested can not agree in order to get a sample and bring it back to Washington, investigate it, and grade it. It seems to me that if a buyer and a seller have an honest difference of opinion in regard to cotton—to the grading of it, if it be cotton in interstate commerce—and if the transaction is of importance enough to ask the intervention of the Federal Government there ought to be some way for them to agree upon a sample and send it to the Secretary or to some place where he is maintaining an office and has employees to take care of that kind of business. If they can not go that far to reach the Federal Government when it is reaching out to assist them, employing men and spending money to help their business, in my judgment they are not entitled to the intervention of the department at all.

Yesterday we had under consideration a bill which was opposed and defeated because it would provide for the employment of a great many agents of the Federal Government to go into localities all over the country, interfering with the homely pastime of shooting game by men and boys, requiring a license of every boy who wanted to take a shotgun and go out and hunt birds. There was strong opposition to that bill. We all sympathize with that kind of opposition. That is a Government activity which ought to be limited and restricted. We ought to be very careful how we permit and direct the Government to go into little, trifling, local, personal matters. Section 7, if it remains in the bill, will permit and direct the Secretary of Agriculture to have agents in every community over the entire cotton-growing area of the country.

Mr. KINCHELOE. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. Box].

Mr. BOX. Mr. Chairman, if this bill will help the men who produce cotton to get a fair price for it in a constitutional and proper way, I think there will be no opposition to it in this House. In such event there will certainly be none on this side of the House. If I understand the bill, on a hurried reading, it applies to all transactions in cotton within and between the States. It authorizes licensing those who classify. I do not know how exclusive that is. The obtaining of a Federal license by men who classify cotton should not be required of all who want to classify and buy much or little. It authorizes the employment of a certain number of men to enforce it—to make those provisions effective. In order to justify that line of Federal activity, if it can be justified at all, it ought to produce a very substantial result in the way of benefit to the growers of cotton and the public. I make this statement more by way of inquiry than otherwise. What does this bill do more than advise the farmer about how his cotton ought to be graded or place him in the position where he can get proper advice to that effect? What else is there that is substantial in the bill, and if that is all there is in it, does that justify us in passing it, with the Federal activity and interference it carries? I ask these questions not in hostility to the bill, because I want to support it if it is sound and will help, but I do not want to do a foolish and a vain thing and, for the sake of doing so, violate a principle for which all should stand, that of having the Federal Government keep its hands out of local affairs as much as possible.

Mr. KINCHELOE. Mr. Chairman, I yield five minutes to the gentleman from Louisiana [Mr. ASWELL].

Mr. ASWELL. Mr. Chairman, there are two or three points in the bill that appear to me to need explanation. The bill as written has two potential advantages to the cotton grower. Undoubtedly it will aid the exporter to adjust his settlements with foreign markets. There is no question about that. It will help in that regard by establishing American grades throughout this country. It will certainly have a powerful moral effect in adjusting settlements in foreign countries. Second, it will enable the producer—the small grower of cotton—to know what grade he is selling. As to whether it will increase his price by having this knowledge is, of course, problematical, but the seller will be able through this bill to ascertain the grades he is actually selling.

Mr. GARRETT of Texas. If that be true, how will 100,000 sellers of cotton in Texas on one day know of the provisions of this bill, and who will be there at the market to tell them the grade of the cotton that they are selling?

Mr. ASWELL. Section 3 is practically the same provision as is contained in the grain standards act.

If these 100,000 sellers, the cotton farmers, want to have information as to the grade they are to sell on a certain day there will be Federal agents available for that 100,000 men to have their cotton graded for the day they are to sell. Now, as to the objection made a moment ago as to the possibility of having so many agents, let me say this, that that is only a possibility and will never be done, in my judgment. If it were necessary, these agents are to be paid from the license

fees, at no cost to the Government except the initial appropriation of $50,000 to start the operation of the bill. In the grain standard act $500,000 was appropriated and every dollar of that has been returned to the Treasury, and the evidence at the hearing revealed fairly conclusively that this $50,000 would be speedily returned and this act would be self-sustaining. If it did not require for a while an agent of the Department of Agriculture to go to every county seat in the South to grade the farmers' cotton, I wonder if it would not be worth while to establish a custom and a habit by the cotton farmer of selling cotton on the grade that he actually has? On these two points I think the bill will be a great relief to the cotton grower and seller. I will yield to the gentleman.

Mr. GARRETT of Texas. I will say to the gentleman I am not at all hostile to the bill, but, like my colleague from Texas, I am simply now having in mind the producer. I realize fully the force of the gentleman's argument with reference to sales between factors and exporters and large dealers in cotton, but I am thinking only now for the moment of the 250,000 tenant farmers alone, you may say, in the State of Texas who grow cotton. Now for this bill to be effective to him it would at least require an agent to go there—and some of these counties grow 100,000 bales and some grow more—and so on, now, it would require, at least, for the State of Texas to be of any benefit to the producer directly to have an agent at least in each county seat, otherwise they will be selling cotton as they sold it before.

Mr. ASWELL. It is not at all impractical to have an agent in each county seat. Your farm demonstrator in a short time can become an expert grader in the county.

Mr. FULMER. I will say to my friend that a great many States have their classifiers at the county seat, and the gentleman should not worry about that because they can work together nicely.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KINCHELOE. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. JONES].

Mr. JONES of Texas. Mr. Chairman, there are two primary purposes in this bill that I think will be good. I do not think the bill can possibly have any harm, and I believe it will be of some assistance in the operation of the cotton business. There is no question that there are two phases in the handling of cotton where there is considerable loss to the people of this country, and I may add in this connection that any time there is a loss along the line the producer stands the loss. There is no question about that. If there is a waste somewhere between production and consumption, the producer stands the loss; and any time you can eliminate that waste you have aided the producer or the consumer, or both, and both of those objects are desirable. This bill simply makes the present United States cotton standard universal throughout this country. At present they are not so. Now, when cotton goes to the mill, the man who finally manufactures it into cloth, the real grade of the cotton is used, so before it gets to the factory the consumer is paying actually for the cotton on the basis of the actual grade of the cotton, whereas the purchaser or perhaps the local buyer may have undergraded it. There is no machinery in the control of this Government under the present method of handling cotton to which there is an appeal when one gets into a dispute as to the grade and where the dispute may be officially settled. Thus the buyer or combination of buyers may do just what they please in reference to grading it down, and there is no appeal. Now, it might not be practical to have an agent in every town, but we may do as was done with wheat——

Mr. BOX. Will the gentleman yield?

Mr. JONES of Texas. I will.

Mr. BOX. Suppose that the purchaser does not agree upon a grade by which the producer or seller contends? Can you by any machinery that you set up here force the purchaser to buy if he does not want to buy or if he does not want to accept the fellow's grade?

Mr. JONES of Texas. Of course you can not make the purchaser buy if he does not want to buy, but you can say if he does buy he must buy on the identical official grade and standard, and they will do it, too. If the law forbids buying on a false grade or a fake standard—when you set up machinery like we have in the wheat business, which has worked admirably—the buyer is not going out of business; he will buy.

Mr. GARRETT of Texas. Does not the proviso in section 2 of this bill, where they are allowed to sell by sample, interfere with that?

Mr. JONES of Texas. I will say that is put in for the protection of long-staple cotton, which is not usually sold by grades but by types.

Mr. GARRETT of Texas. I know; but it does not say "long-staple cotton." Suppose the purchaser at, say, Hempstead, Tex., or Richmond, should go down Saturday afternoon and say "I am buying cotton only from sample."

Mr. JONES of Texas. If you want to sell on sample you can sell wheat on sample to-day, and it does not interfere with wheat grading. If you do it with cotton by sample, of course you know what the cotton is. There is no absolute necessity for grading where you sell by actual sample. In that case you can look at the actual sample and see it. Wheat is sometimes sold that way, but not ordinarily, because you can not carry on big transactions on that basis. In other words, the big commercial transactions are carried on on the basis of grades and standards.

This bill, under section 4, provides that any person who has custody of, or a financial interest in, any cotton may submit the same or samples thereof, drawn in accordance with the regulations of the Secretary of Agriculture, to the district man that has charge of these matters. That is the way the wheat business is handled, and it has proved eminently satisfactory.

And right in that connection I want to say a word about the language suggested, "in commerce." I am a little afraid about eliminating that. There may be owners or farm organizations who want cotton graded long before it goes into interstate commerce. It may be concentrated in warehouses or near the production point, and the farmers' organizations may want it graded before it has gotten into commerce. I am afraid if you insert the words "in commerce" you might keep the farm organizations or even individual owners from having their cotton graded in local warehouses.

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. BLACK. I agree with the gentleman. There does not seem to me to be any reason for the amendment that the gentleman from Michigan has suggested. In reading the grain grading act I see that before grain can be shipped in interstate commerce it must be graded in accordance with the act; but under the wording of this bill there is nothing compelling the cotton to be graded before it is put into interstate commerce. We are providing merely for standard grades.

Mr. JONES of Texas. Yes; and are making those universal in this country.

Mr. BLACK. And it shall be unlawful for any buyer to have any other standard. But, as I understand, there is no provision that there shall be a certificate to the effect that it has been so graded.

Mr. JONES of Texas. This measure will make these grades and standards universal in this country without changing them at all.

But I think the main advantage to be gained by this bill is with reference to shipment of cotton to foreign countries. At the present time England has different names for her cotton standards from those prevailing in this country. Those standards also vary just a little from the American standards. A shipment of cotton goes from this country to Liverpool, and it goes in what you might term C. O. D. fashion; that is, before the cotton is delivered in London they must pay the money. However, when it gets into that country they grade it themselves by their standards. If they dispute—and they frequently do, or sometimes do, to say the least—with the shippers in this country, the matter is submitted to arbitration in England, in Liverpool, in their own country. Of course, to get their money back they must come over to America, unless the American settles the claim voluntarily. They come over to America and get into our courts. They have the official standards of their own country, and the contestant in Liverpool is bulwarked and ballasted with the official grades of his country. Our man has not that advantage at the present time. Our standards have not the official stamp of approval. And so those people by raising a dispute may get an advantage over our American shipper even in our own courts; and, of course, again the producer pays that loss. I understand some London parties have profited in disputes with American shippers over the standards of cotton. At any rate, if you make these standards universal in this country, both sides to the controversy will have an even chance.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. KINCHELOE. Mr. Chairman, I yield to the gentleman three minutes more.

The CHAIRMAN. The gentleman from Texas is recognized for three minutes more.

Mr. JONES of Texas. When the Liverpool man comes over here to sue—and he must come in order to sue in our court, because the custom is for all cotton to be paid for before delivery—a man in this country against whom a claim is pending can

introduce these official grades and standards which are made prima facie evidence, and he will get his rights in that way and will have an equal chance in the dispute with the London or Liverpool man. The Department of Agriculture seems to think, and a great many of those who are interested seem to think, that if that is done, the matter will work out much more fairly. I will say that the representatives of this country went to Europe to endeavor to agree to a universal standard. Many of the other countries were willing to adopt a universal standard, but the project failed.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. BANKHEAD. Under the licensing provision in section 3 of this bill when a man secures a license from the grader his determination of grades will be absolutely final, even in a court of justice?

Mr. JONES of Texas. No.

Mr. BANKHEAD. What is the value of his certificate if the matter reaches the point of a dispute?

Mr. JONES of Texas. As a matter of fact, there is considerable disagreement as to the actual value of section 3.

Mr. BANKHEAD. What is the purpose of putting it in the bill? I am asking merely for information. I am in sympathy with the purpose of the bill.

Mr. JONES of Texas. Section 3 went into and out of the bill a time or two before final determination. The entire matter is left in the discretion of the Secretary of Agriculture, and I take it that the purpose of it is to enable the Secretary, if he sees fit, to use a licensing system.

As I understand, the official grading will not be final and binding. At any rate, there will still be an appeal from that licensed grader to the Secretary of Agriculture.

Mr. BANKHEAD. Does the gentleman think it would hurt the bill if that section went out of it?

Mr. JONES of Texas. Personally, I would rather not express an opinion in regard to that.

Mr. STEVENSON. Section 4 provides that this classification and grading shall be accepted in the courts of the United States as prima facie evidence. Therefore it is subject to rebuttal. It is merely prima facie evidence.

Mr. JONES of Texas. It is merely prima facie. Besides that it is subject to appeal to the Secretary of Agriculture as provided in another section of the bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KINCHELOE. I yield two minutes to the gentleman from Louisiana [Mr. ASWELL].

Mr. ASWELL. I want to say a word with reference to section 3. In my opinion if you strike out section 3 you destroy your bill as far as benefits to the grower are concerned. For example, good middling cotton is graded on color, but it may be seven-eighths staple or it may be nine-tenths staple or it may be 1 1/16 staple. This bill authorizes the Department of Agriculture to send an agent to give a description of the cotton, not only the color but the staple; and in foreign countries the price is fixed by the staple and not so much by the color. France buys the longest staple cotton we have, because of its connection with silk. Germany buys the lowest grade of cotton, the shortest staple. The New England mills buy the best cotton they can get. This section 3 makes it practicable and possible for the Department of Agriculture to have an agent in the county seat to help the farmer fix not only the color of his cotton but the staple. In my opinion if you strike out section 3 you had better strike out the enacting clause of the bill.

Mr. KINCHELOE. I yield five minutes to the gentleman from Texas [Mr. BLACK].

Mr. BLACK. Mr. Chairman, I am going to support this bill because I think it is a very desirable matter always to have uniform standards in the sale of any product. Now, if I understand this bill correctly, the benefits that will come from it to the producer will be on account of better market conditions which should naturally result from a more uniform standardization of grades. In the section of country where I live the producer in the past has not sold very much on grade specification by contract. The custom has been: The buyer bids so much a pound for the cotton, and a trade is finally made independent of any contract as to the grade. But the buyer who purchases the cotton knows that he must sell nearly all of it either in interstate or in foreign commerce. He either sells it to a cotton broker or to a cotton factor or to a cotton factory, and he knows that it is going to be graded at the place to which it is shipped. It sometimes happens that there is a dispute about grades, and the seller feels that he has been unjustly dealt with. For example, in the town where I live I have a friend who is a cotton buyer, and he shipped a large list of cotton to a point in Massachusetts at a price that he thought would yield him a good profit. An account sales was sent back giving a very different grading from his own, and therefore a very different result of the sale from what he expected. An unfavorable grading of that kind naturally has a tendency to depress the price. Now, what will happen in a case of that kind under this bill? Where is the remedy? As I understand the bill, the remedy is this: The seller of cotton in a case of that kind will have the right to forward his sample to the Department of Agriculture, and the department, after a careful examination, will fix the grades, and those grades so fixed will be prima facie evidence of the correctness of the grades in any proceeding in the United States courts. Therefore in a dispute that arises upon the correctness of an account sales the grading of the department will be the grading determined by the court.

Mr. STEVENSON. Will the gentleman yield for a suggestion?

Mr. BLACK. Yes.

Mr. STEVENSON. And very soon the States will all make those grades prima facie evidence in their courts by State legislation?

Mr. BLACK. Yes; I was coming to that next. Congress would not have any right to say to a State court that it shall accept this evidence as prima facie, but I dare say our Texas Legislature will pass a law of that kind if this bill becomes a law, and then I think by that method we are getting down to the real benefits of the bill, because if the cotton buyer in my town, for example, speaking personally, because I happen to know marketing conditions in my own section—if he knows he is going to get a fair grading of his product, will buy from the producer with more assurance that his grading will hold up at the other end of the line. Also cooperative marketing among farmers in the cotton-growing industry is, I am glad to say, coming more and more into use, and a definite, understandable standard of grades is bound to be very helpful to the success of this cooperative marketing. We as lawmakers should encourage it in every feasible and proper way that we can.

Mr. FULMER. I would like to say that about 10 cotton States have already passed laws adopting the official standard, and they want the passage of this bill to make it effective.

Mr. BLACK. Yes. I do not think section 3, the permissive licensing section, is necessary to the success of the bill, and it is my impression that the bill would be improved by striking that section out. However, the matter is in the hands of the committee, and I shall vote for the bill even if section 3 remains.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. KINCHELOE. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. SUMNERS].

Mr. SUMNERS of Texas. Mr. Chairman and gentlemen, I hesitate to have anything to say on a bill which has been so thoroughly discussed as has this. There are a few points, however, that occur to me ought to be emphasized. In the first place, it is very difficult to ascertain what is the proper grade in which a given bale of cotton belongs. Under practical marketing operations price depends upon the grade of course. The grade is generally determined by the buyer. Since the price depends largely upon what the grade is determined to be, and the buyer, who professes to be an expert, determines the grade, he has an unfair advantage over the seller. This bill, as I understand it, is intended to help remove that advantage. In the third place, it is highly essential for the orderly marketing of agricultural commodities that they be properly standardized and the grade be determined as early in the commercial transaction with reference to them as possible, in order that they may be bought and sold thereafter on paper; that thereafter that which represents the commodity may be traded in and the commodity moved under the prior sale from the point of concentration to the point of use. That would save a great deal on freight rates and create the possibility of a less total intervening profit.

There are some provisions in this bill that I do not agree with, but in the main I believe it will work good to those engaged in the cotton industry. I am one of those who believe that we ought not to legislate primarily for the producer or primarily for anybody. I think that legislation of this character ought to be in favor of honest commerce and of giving everybody a square deal with regard to the commodity being dealt in. An honest, impartial ascertainment by a disinterested judge when necessary of the actual grade of a commodity being sold on grade can do no injustice to anybody. The method of grading cotton has been changed a good deal, as has been explained. Under the old system, the grading of cotton, or rather the certificating of cotton, did not amount to much,

because too little consideration was given to staple. I am in favor of the provision in the bill under which the Secretary of Agriculture, or somebody, will be able to designate additional grades, to cover the staple of the cotton, and so forth—in fact, to cover every important feature which is determinative of the use to which best adapted. This bill tends in that direction.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAUGEN. We have no further requests for time on this side.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That this act shall be known by the short title of "United States cotton standards act."

Mr. WINGO. Mr. Chairman, I move to strike out the last word. I have been waiting until we got through with the Texas delegation so that I could display more ignorance than some of them have, but there was not sufficient time to go around and I had to take my time under the five-minute rule. This is a technical subject and the provisions of the bill are technical. Even among the experts who testify here at length this afternoon they seem to differ as to the relative merits and the relative objections as to whether one thing is necessary or unnecessary, so that an ordinary nonexpert like myself has to rely upon the committee that has studied the bill. My experience with reference to cotton bills in the few years I have been in the House makes me a little bit cautious. So I want to get the record straight that I am taking the judgment of the committee on this bill. I think I have got enough ordinary intelligence, after having listened to the Texas statesmen, to discover that if the farmer ever gets any benefit from this bill it is going to be an indirect benefit. I think he will still have to bring his cotton to the market, and he will find the cotton buyer sitting on the curb saying, "Jim, I guess as this is your bale." Jim will get up, cut a hole in the side of the bale, pull out a couple of pounds of the cotton, and say, "Well, the market is a little off to-day—some little trash in this, a little bit stained, and the staple is a little short; I can't give you but 15 cents." And yet the morning papers may be quoting the ideal grade of cotton upon which market quotations are made 25, or at least 18. The poor farmer looks discouraged, but another cotton buyer steps up from the curb, looks at the cotton, and he will grab out 2 or 3 pounds, shake his head, and say, "Well, I will raise it an eighth. That's the best I can do for you, John." By the time he gets through the poor farmer has had no say about it; is glad to get through with the transaction with his wagon and team safe. [Laughter.] Do you think the bill is going to help him? The gentleman from Michigan says you can not have a Federal agent standing at the elbow of every farmer.

That is true; but if you really want to you could have some sort of provision by which the producer of cotton would have just as much protection and as much machinery for grading and classification and marketing and get the benefits of it as the cotton factors who now gobble up his distressed cotton. Read all of these farmer bills that you are introducing here. It is a sin in the eyes of the men who are the authors of these bills and who are putting them through for the wheat grower or the cotton farmer to hold his crop on the farm and feed it into the market in a steady way. The thing that the ultimate consumer is really interested in—the most economic way of marketing—is to allow it to be gradually fed into the market from the point of production and not dam up along the line in an expensive marketing system. All these bills for relief have to do with taking it away from the farmer and shoving it onto the market, whether the farmer wants it to go out at the price or not. That is the principal complaint that I have.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. WINGO. If the gentleman thinks that I can get a little more time.

Mr. McLAUGHLIN of Michigan. The gentleman made a very interesting statement. He gave a particular instance, with all of the particulars of the transaction between the farmer and the buyer, and there he stopped. He says that the matter can be taken care of, and then he generalizes and flies off in the air. Get down to brass tacks and tell us how the gentleman would meet the very transaction that he is talking about.

Mr. WINGO. Oh, Mr. Chairman, I have read with some profit that passage in the Scriptures which says, "Give not that which is holy unto the dogs, neither cast ye your pearls before swine, lest they trample them under their feet and turn again and rend you."

Mr. McLAUGHLIN of Michigan. Oh, get down to brass tacks.

Mr. WINGO. The gentleman would not know them if I got down to them.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. WINGO. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WINGO. If you undertake to even discuss in a practical way the problem of the cotton farmer you have one of two classes jump on you in this House, those who would not know a stalk of cotton from a jimson weed, or else some one in the cotton-growing States who really thinks more of the cotton miller and the cotton spinner and the cotton factor in his State, or the cotton exchange, than he does of the cotton farmer.

The real object I had in taking the floor this afternoon was to get the record straight on another question. Farmers' organizations meet and they resolve and then ask us why we do not abolish this gambling in cotton. I am going to tell you what I tell them when I speak to them. I tell them that the reason why you do not do it is that a majority of the Members of the House do not know a thing on earth about the cotton question, and a majority of those from the cotton States sincerely and honestly believe that it would be a detriment if we did abolish gambling in cotton. I remember the last meeting of the cotton Members which we had. My good friend from Arkansas [Mr. PARKS] came here and felt as I did when I came here. He was going to do it; he was going to get down to brass tacks; he was going to give you a concrete proposition. So he introduced a bill to stop it. Then they had a meeting of those from the cotton-growing States held over in the majority room in the House Office Building. The object of the meeting was how to abolish and not how to regulate, but the men who believed in regulating captured the meeting, and over a point of order of mine they appointed a committee to consider what legislation might be enacted to regulate gambling in cotton futures, not abolish, and that committee has been as silent as the tomb of the Cæsars from that time to this, and has never reported to the full conference. So I say to my cotton growers and to the cotton growers of other States, when I talk to them, "You have nobody to blame but those of your representatives who do not believe it is to your interest to abolish that evil." They believe in regulating it. I know the experts say that I am a crank and that I am crazy, that it would mean the absolute ruination of the cotton grower if we stopped gambling; that it would never do.

They assume that supercilious air which generally goes with ignorance or arrogance. I am still unconvinced; I think it is just as much an evil to gamble in cotton as it is to gamble in anything else. If I had my way about it, I would stop it. I can not have my way about it. We had one chance here one night, and I put up the best fight I could, and that is one reason why I am a little impatient with some gentlemen who undertake to discuss this question, because I remember how they voted that night. We had a chance, and I put up the best fight I could, and it was the nearest chance we have ever had to doing something for the cotton farmer on that question, and if any cotton producer wants to know who believed in abolishing instead of regulating gambling in cotton let him go and get the roll call of that night and he will find where the sheep were separated from the goats. He will know who was trying to help the cotton farmer by destroying this cotton gambling, because it was admitted by the opponents of that proposal which was pending that night, in which I moved to concur—a Senate amendment—that it would do the business, but they were scared. There were so many cotton gamblers swarming around the hotels of this city that night that they could have opened a cotton exchange if they had the paraphernalia here. That is the nearest that we have ever gotten to abolishing that evil.

Mr. RANKIN. What bill is it that the gentleman is talking about?

Mr. WINGO. I am talking about the Clarke amendment.

Mr. RANKIN. When was that bill brought to the House?

Mr. WINGO. I do not remember the date. It was before the gentleman was a Member of the House; but I shall dig it up and give it to the gentleman if he would like to see it.

Mr. RANKIN. What was the principal provision that was voted down?

Mr. WINGO. The principal provision was something that would stop gambling in cotton futures, and it would actually do it, and that was the reason that my motion to accept it was voted down.

Mr. SUMNERS of Texas. Mr. Chairman, I rise in opposition to the amendment. I do not feel it absolutely incumbent upon

me to defend the Texas delegation or to apologize for members of that delegation speaking briefly to this measure. We come from a State that produces about one-third of the cotton. We come from a State that adjoins the State of my colleague [Mr. WINGO], who has just addressed you, and who rose with the declared ambition of trying to display as much ignorance as all of the delegation from Texas had displayed. I shall not pass judgment on the success of that effort.

Now, he told you about Old Reuben, when he comes up to sell a bale of cotton, his difficulties, and we agree thoroughly with him in reference to those difficulties. The gentleman from South Carolina looks to me like a fairly honest sort of man. You could hardly think he is guilty of any deep, dark design against the people of his own State. I do not believe he has a perfect bill, but I believe that he has honestly tried to do something here to benefit his cotton producers and cotton merchants and cotton associations of the State from which he comes. [Applause.] And when I look into the faces of my colleagues on the Committee on Agriculture who come from the section of the country where I live, and those who come from the other sections, I can not believe that when they bring a bill before this House they have made other than an honest effort to benefit the people of this country. It is true I did not consult with the distinguished gentleman from Arkansas as to whether I should support this bill before I declared my attitude toward it. [Laughter.] He lives next door to me and is a good friend of mine; and the next time when I feel myself in great uncertainty, not having time to visit the oracles of Mount Olympus—I believe that is where they operate—I will call on my friend next door and consult with him.

Mr. WINGO. Will the gentleman yield?

Mr. SUMNERS of Texas. I will.

Mr. WINGO. Having read the gentleman's report as a member of the Joint Agricultural Commission, in which the gentleman seems to have consulted the gods of Olympus and said the only complaint was that they deflated the farmer a year too late, I am inclined to think the gentleman might have consulted even an humble Member like myself on a bill instead of accepting apparently the theory of Governor Strong, of the Federal Reserve Bank of New York.

Mr. SUMNERS of Texas. The gentleman believes I should come to his office at any time on any subject on earth, but I sometimes prefer to exercise my own independent will and judgment as the representative of a lot of sovereign people. But I go for information where I think the information will be worth something after I get it. [Laughter.] Sometimes I go next door to my friend from Arkansas and sometimes I do not. I hope he will not compel me to come every time, because he is sometimes out, and he would not want me to roam around, not knowing what to do, until he could get back. [Laughter.] Sometimes you have to act and you have to act hurriedly up here, and a fellow has to do the best he can. You have to go to the best sources of information available. I sometimes have to go, for instance, to MARVIN JONES, who happens to come from my State and who is on this committee. I might ask him as to what I should do in reference to matters coming from his committee. I might sometimes ask him what he thinks about a bill which comes from his committee. That is what I did in this matter. Now, seriously—I am not very serious—I do not know why my friend wants to take a fall out of the Texas delegation and preface his remarks in discussing the bill here by saying he was ambitious to try to display as much ignorance as his friends who have the good fortune to come from Texas, and whom I believe are honestly trying to help this country. We are feeble and limited in our ability, but you can not expect our districts to measure up from the standpoint of representation to some districts represented in this House. [Laughter.]

The CHAIRMAN. The time of the gentleman has expired.

Miss ROBERTSON. Mr. Chairman, some of you may have noticed that I went around looking at these samples of cotton. I do not think that these stalks are a fair sample of the cotton usually grown any more than if you should go into a huckleberry patch and pick out the very best cluster-filled bushes; there are not so many bolls on the usual type. As I look at all this it makes me ask, "Do you know the martyrdom of those who grow cotton?" You hear much about the little children in the slums. But do you know about the little children who pick cotton? Those fragments of leaves in the low-grade samples here are what brings down the price of cotton. They come often from the cotton picked by little children too young to be careful always, and from cotton that has been injured in storms. Then I think of those little bare feet in the cold as the children go out in the chill mornings of late autumn. The district of the gentleman from Arkansas is next to mine. The cotton fields run down to the Arkansas River, on the Oklahoma side in my district, and down to the Arkansas River on the Arkansas side in his district. He gave you a wonderfully graphic picture of the men who buy cotton, as they beat down the cotton farmers' prices; but he did not put in that picture as he drew it the buyers with their note books getting together in the morning before the wagons come, with the question, "What is the lowest we can give them to-day? What excuse can we make for not giving any more?"

Oklahoma is the fourth State in the Union in the production of cotton. I said just now, "Do you know the martyrdom of those who grow cotton, the endless toil of it—not machine toil, like planting and harvesting of grain? Cotton must be hoed by hand; it must be picked by hand. Peeping from the glossy leaves, the creamy cotton blossoms seek the sunshine, blushing to rosy crimson ere they fade and are followed by the boll. The cotton blossoms and blossoms till frost kills the plant, and the bolls ripen and burst unevenly, so that there must be more than one picking. Women and little children too often pick it, and the country school too often is deserted. In our county and community work we are trying to introduce more intelligent growing of cotton with an improved variety—a longer staple—that grows quicker and ripens more rapidly. Do you know about the boll weevil, that little imp of destruction, and what desolation and ruin it brings to the poor cotton farmer? A tenant farmer in whose family I am much interested came to see me to say, "Miss ALICE, can not you do anything for me"? The whole family—father, mother, children—had worked in the fields. After three years of crop failure they had been compelled, in order to buy seed and feed, to mortgage everything they had—teams, implements, even their milk cows. Thirty-five acres of "the prettiest cotton you ever saw," he said, "and prices good." Then just as it was almost ready for the bolls to begin opening the weevil took it all. Three years of unceasing toil, and everything must be swept away by unredeemable mortgages.

Now, I am not a lawyer. I do not know the technicalities of this bill. I only know this, that you say it will help our cotton people. If this be true, then pass this bill for the sake of the little children who have a right to live happier lives. You do not know what they go through under present conditions of cotton production and marketing. I can not put it in words. I will only say that I am next neighbor to Arkansas; and there were enough people who came over from Arkansas and enough people who came up from Texas to prevent my being reelected, because they vote the other way. [Laughter.] But it makes no difference whether they voted for me or not. They are American citizens, who ought to be helped, and helped by this bill if it will help. [Applause.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. That it shall be unlawful (a) in or in connection with any transaction or shipment in commerce made after this act shall become effective, or (b) in any publication of a price or quotation determined in or in connection with any transaction or shipment in commerce after this act shall become effective, or (c) in any classification for the purposes of or in connection with a transaction or shipment in commerce after this act shall become effective, for any person to indicate for any cotton a grade or other class which is of or within the official cotton standards of the United States then in effect under this act by a name, description, or designation, or any system of names, description, or designation not used in said standards: *Provided*, That nothing herein shall prevent a transaction otherwise lawful by actual sample or on the basis of a private type which is used in good faith and not in evasion of or substitution for said standards.

Mr. WINGO. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Arkansas moves to strike out the last word.

Mr. WINGO. Mr. Chairman, at the risk of displaying more ignorance, I will ask my friend from Texas [Mr. SUMNERS], who possesses so much wisdom——

Mr. ASWELL. Mr. Chairman, I make a point of order. I have just notified all gentlemen that hereafter under the five-minute rule I shall insist upon Members discussing the bill only.

Mr. WINGO. I did not yield for a stump speech from the gentleman. I am discussing the bill. The gentleman can make his point of order at any time he wants to. I am not interested in the Louisiana cotton viewpoint at all. I have always fought the New Orleans Cotton Exchange, and I always intend to, and have no apologies to make.

I will ask the gentleman how does that proviso, that exception, affect the farmer? No answer. We might as well adjourn, because all wisdom has fled. [Laughter.]

Mr. FULMER. I will say to the gentleman that the cotton farmer would have the right to submit to the Department of Agriculture samples such as they usually use, and perhaps they can submit those provided by——

Mr. WINGO. Oh, what would happen to the farmer's team while he was waiting for the report from the Department of Agriculture?

Mr. FULMER. Liverpool——

Mr. WINGO. I am not talking about Liverpool. I am asking the gentleman what effect that would have on the sale of the farmer's cotton when he walked up to the local market and the cotton buyers agreed, as Miss ALICE has suggested, about what price they would pay for the farmer's cotton? That fact or that condition that Miss ALICE and I referred to is excepted from the provisions of the bill?

Mr. McLAUGHLIN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Not at present, because I have had notice served on me that——

Mr. McLAUGHLIN of Michigan. The gentleman asked a question for information. God knows he needs it. [Laughter.]

Mr. WINGO. Let the gentleman answer, if he can. Let the gentleman give me the information.

Mr. McLAUGHLIN of Michigan. This is a section to prevent the improper use of grades, and so on, not to prescribe courses of procedure where grades are referred to. But when people want to go entirely outside of this law and not sell on grades they can sell by type and samples if they please, and they will not violate the law.

Mr. WINGO. Will the gentleman give me information in answer to my question?

Mr. McLAUGHLIN of Michigan. That is the meaning of the proviso.

Mr. WINGO. My question was specific: How would that affect the farmer when he came to the local market place with 8 bales of cotton on his wagon and was dealing with the cotton buyers that Miss ALICE and I were talking about? If the gentleman can not give me information on that, very well.

Mr. McLAUGHLIN of Michigan. He can submit the grades and appeal to them if he wishes to do so. They may be found in some of the States. They may not be in the State represented by the gentleman from Arkansas.

Mr. WINGO. Oh, the people in Arkansas have just as much intelligence as the people of Michigan. There are a good many people from Michigan down in Arkansas. They will not accept the view that the gentleman has expressed. Gentlemen, you can not get around the explanation for it. I prefaced my remarks a little while ago, when I made some facetious remarks, with the statement that I could not get time on a question that was technical; that I would have to rely upon the statements of the proponents of the bill.

Mr. KINCHELOE. I will say to the gentleman that I offered the gentleman 10 minutes and he would not take it.

Mr. WINGO. You did not give it to me.

Mr. KINCHELOE. Yes; I offered the gentleman 10 minutes.

Mr. WINGO. Oh, it is too little a matter to quibble about. I know what happened under the cotton futures act. My farmers lost a lot of money on account of a provision in it, and I am going to scrutinize carefully every cotton act that comes up before this House.

Why? For the reason I told you awhile ago. You may sneer if you want to and feel offended because I differ with your honest judgment. I said the reason why you did not stop the cotton-gambling evil of which the farmers complain was because the majority of you honestly felt it would be an injury to the farmer if you did. The only thing I am complaining about is that you ought to quit telling him by inference that you are going to do it when your judgment is against it. Some of you Members who have not been here very long do not know why certain gentlemen get red and white and are very indignant whenever I get to discussing the question of cotton gambling. I do not ask the gentleman from Texas to agree with me. He takes the Dallas viewpoint and I take the Buckhorn township viewpoint. He honestly believes what is set forth in a report which he signed, which, it is common knowledge, was inspired, so far as its views on credit are concerned, not so much by the friends of the American farmer but by a man whose point of view was that the most that could be said was that they deflated the American farmer just a year too late, that they ought to have trimmed him about a year before. That is something to which I can never agree. The gentleman is honest about it. I respect him, but he must not complain if I differ with him in my views on the subject of the cotton farmer and his credits.

Mr. SUMNERS of Texas. Will the gentleman yield?

Mr. WINGO. I always yield to the gentleman from Texas.

Mr. SUMNERS of Texas. The gentleman has given his own conclusion as to the sources from which I got my information and from which I drew my conclusions.

Mr. WINGO. I did not say the source. I said it was very evident where the inspiration came from for the whole idea, and the gentleman I suspect was fooled the same as I have been fooled sometimes from the same source.

Mr. SUMNERS of Texas. I do not want to be offensive to the gentleman, and I do not think the gentleman wants to be offensive to me; but I respectfully challenge the statement just made as not being the fact in so far as it would impute to me going to Governor Strong or any other human being on earth.

Mr. WINGO. I did not impute anything to the gentleman. I was careful to say that he was sincerely honest. He has the conservative viewpoint. He has the Dallas viewpoint, and his view is honest and sincere in agreeing with the views of Governor Strong, of the Federal Reserve Bank of New York. Of course, I do not mean to impute any bad faith to the gentleman. I do not like his views, and certainly that ought not to be offensive to the gentleman. I do not agree that it would have been all right if you had simply put your deflation policy into effect the year before, as your reports say. I say it was damnable to put it into effect at any time, and that it plundered the wheat grower and corn grower and cotton grower out of millions.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 4. That any person who has custody of or a financial interest in any cotton may submit the same or samples thereof, drawn in accordance with the regulations of the Secretary of Agriculture, to such officer or officers of the Department of Agriculture as may be designated for the purpose pursuant to the regulations of the Secretary of Agriculture for a determination of the true classification of such cotton or samples, including the comparison thereof, if requested, with types or other samples submitted for the purpose. The final certificate of the Department of Agriculture showing such determination shall be binding on officers of the United States and shall be accepted in the courts of the United States as prima facie evidence of the true classification or comparison of such cotton or samples when involved in any transaction or shipment in commerce.

Mr. STEAGALL and Mr. McLAUGHLIN of Michigan rose.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama.

Mr. STEAGALL. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report. Does the gentleman from Michigan [Mr. McLAUGHLIN] desire to offer an amendment?

Mr. McLAUGHLIN of Michigan. I have an amendment to offer.

The CHAIRMAN. The Chair did not know that the gentleman from Michigan desired to offer an amendment. The Chair has recognized the gentleman from Alabama. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STEAGALL: Page 3, at the end of section 4, add the following: "The Secretary of Agriculture shall fix the rules and regulations for submitting samples of cotton for classification, providing that all samples shall be numbered so that no one interested in the transaction involved shall be known by any classifier engaged in the classification of such cotton or samples."

Mr. ASWELL. Mr. Chairman, I want to suggest to the gentleman that that is all covered in the cotton futures act, and this is made a part of that act.

Mr. STEAGALL. Mr. Chairman, upon the assurance of gentlemen of the committee that the amendment which I have offered is existing law, incorporated in the cotton futures act, I do not care to press the amendment if we can be sure of the fact.

Mr. ASWELL. This is in the regulations of the department under the cotton futures act.

Mr. STEAGALL. I do not think that removes the necessity for the amendment. It is certain that the adoption of this amendment can do no harm. I have not had an opportunity to compare the bill before us with the cotton futures act, and I am not prepared to say whether there is such a provision as this in the cotton futures act; or, if regulations under the cotton futures act have been adopted embodying provisions of the amendment which I have just offered, that they would relate to the bill before us. But if such be true, there can be no harm in the adoption of this amendment, and if not true, I think it wise to adopt the amendment. It simply seeks to preserve the secrecy of the transaction from any classifier who attempts to classify any cotton the grade or grades of which are in dispute between parties in interest. It would be very easy for the Secretary of Agriculture to fix rules and regulations by which the samples could be submitted to the department by

number, so that no man acting as a classifier would know anybody connected with any transaction with which he was dealing.

As the cotton business is carried on the farmer goes to town and sells his bale or five bales of cotton, or whatever number of bales he has to offer, to the local buyers. The local buyer ships to the export town in 100-bale lots or 500-bale lots or larger lots, which shipments are subject to reclassification and reweight at the export center. All controversies or disputes over grades or classifications are left to be arbitrated at points of export. I think anything that will protect the cotton shipper who deals directly with the farmer will be reflected to some extent, at least, in a higher price and better market facilities for the farmer who deals with the cotton shipper. For that reason I am for the bill and expect to vote for it, but I think the amendment offered is a wise safeguard, and I hope it will be adopted. It will protect all parties to any controversy and protect them in the right to a fair decision, and protect the classifier from any suspicion or charge of unfairness.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The question was taken, and the amendment was agreed to.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 3, line 4, after the word "cotton," insert the words "in commerce."

Mr. McLAUGHLIN of Michigan. Mr. Chairman, that is a matter I spoke about during general debate. I think it is proper and necessary to have those words inserted. It is only cotton in interstate commerce that the Government has any jurisdiction over.

If you refer to the title of the bill you will find that it is "to establish and promote the use of official cotton standards of the United States in interstate and foreign commerce." Section 2, line 6, has these words, "any transaction or shipment in commerce." It seems to me that these words "in commerce" were inadvertently omitted when the draft was made. They ought to appear in section 4. The rest of the act, or the act with which this will be connected, establishes a definition of commerce, and it is very broad. It includes cotton that is intended to be shipped out of the State and to a foreign country, or if it be naturally in the course of trade that will carry it outside. I do not remember the words, but it is very broad. It has been deemed entirely satisfactory as a definition not only in bills relating to cotton, but the packers' bill and other bills the titles of which I have not now in mind. Each law has a definition of interstate commerce, and the definition relating to cotton is the same—shipment in commerce. It seems to me that we ought not to try to go beyond our real authority in these matters and have the act apply to local transactions or to cotton that can not be brought within the definition of interstate commerce.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The question was taken; and on a division (demanded by Mr. McLAUGHLIN of Michigan) there were 18 ayes and 25 noes.

So the amendment was rejected.

The Clerk read as follows:

SEC. 7. That in order to carry out the provisions of this act the Secretary of Agriculture is authorized to cause the inspection, including the sampling, of any cotton involved in any transaction or shipment in commerce, wherever such cotton may be found, or of any cotton with respect to which a determination of the true classification is requested under section 4 of this act.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 5, line 3, strike out all of section 7.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, this is a matter that I referred to in general debate. It seems to me that this carries authority to the Secretary of Agriculture to make inspection at any place and every place in the country where cotton is found or where cotton is sold. It would lead to the employment of a large number of men and the expenditure of large sums of money in order that the cotton might be inspected and graded for men who refuse even to try to do anything for themselves. It seems to me we are going too far in doing business in that manner or on that scale. If we do not wish it to be so done, we ought not to authorize it. If we do not wish to permit it, we ought not to leave words in the law that will authorize the Secretary of Agriculture to do it.

One answer to my objection is that the Secretary of Agriculture does not intend to carry on business in that way. That, in my judgment, is not a good answer. I have always insisted that it is a very slothful and a highly improper method of legislating to write into a statute in broad, general terms authorization or permission to do many things, a part of which the Congress does not wish to have done, simply because somebody rises and tells us that the law is not to be carried out in the way it is written or to its limit; that the one who is given authority to execute it intends to do only so and so. If Congress knows what it wants done, it ought to write it into the law. If it knows what it does not want done, it ought to use the proper words to express its determination. It is unjustifiable to frame a statute in this way by which an official is authorized or even permitted to do what Congress knows it does not wish to have done.

I referred in my remarks a few moments ago to a debate yesterday over the migratory bird bill. The bill was defeated because of the unusual activities that would be permitted and required by a department of the Government and its agents. There was very good foundation for objection to that bill. It would send out a swarm of Federal employees, require licenses, make every boy who wished to use a gun take out a Federal license, and make it possible, perhaps, to flood the country with Federal agents to enforce the law. The bill before us now is open to the same objection.

There is another section of the bill which, it seems to me, covers this matter properly and as far as it ought to be covered. In case there is a controversy between a buyer and a seller a sample of the cotton about which there is a question can be sent to the Secretary of Agriculture or to one of his agents or employees at some point, and the inspection and grading can be done there. It seems to me that that is as far as the Government of the United States ought to go in meddling in a controversy—offering its aid to the people, spending its money in an effort to improve business and conditions. When the Government has gone as far as this bill properly provides it shall go, if those who are involved in a controversy, those whose property interests are involved, can not agree on a sample of cotton and send it to a suitable place to be investigated by the Secretary of Agriculture, it seems to me they are not entitled to any aid whatever by the Government.

Mr. ASWELL. Mr. Chairman, it will be noted that section 7 gives to the Secretary of Agriculture authority to examine and inspect. It will also be noted that section 2 has to do with unlawful transactions, and the Secretary is charged with the responsibility of preventing them. Section 4 has to do with the standard grades, and so forth. It must be clear that if the Secretary is to prevent unlawful transactions to establish grades, he ought to have authority to inspect the samples. He would be helpless without section 7. The sections are inseparable; they are tied together. Sections 2 and 4 would be valueless without section 7. I hope the amendment will be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The amendment was rejected.

The Clerk concluded the reading of the bill.

Mr. STEAGALL. Mr. Chairman, I suggest to the gentleman from Iowa that he return to line 22 on page 2 for the purpose of offering an amendment to change the word "of" to "or."

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent to return to section 2 for the purpose of offering the amendment suggested.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to return to section 3 for the purpose of offering an amendment. Is there objection?

There was no objection.

Mr. HAUGEN. Mr. Chairman, on page 2, line 22, I move to strike out the word "of" and insert the word "or."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 22, after the word "act," strike out the word "of" and insert in lieu thereof the word "or."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HAUGEN. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TOWNER, chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 14302, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. HAUGEN. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendments? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HAUGEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

STIMULATING CROP PRODUCTION IN THE UNITED STATES.

Mr. HAUGEN. Mr. Speaker, I call up Senate Joint Resolution 265, to stimulate crop production in the United States.

The Clerk reported the title of the joint resolution.

Mr. NEWTON of Minnesota. Mr. Speaker, I make the point of order against the joint resolution and against the whole of it. It carries with it not an authorization for an appropriation, but it carries with it an appropriation of $10,000,000. The particular phrase will be found in lines 9 and 10, on page 1, and under the rules of the House no such appropriation can be carried except after it has been considered and reported out by the Committee on Appropriations.

Mr. HAUGEN. Mr. Chairman, the resolution is reported as it was passed by the Senate. It is true that under the rules of the House it is subject to the point of order.

Mr. SANDERS of Indiana. Mr. Speaker, I have no interest in seeing the point of order overruled. In fact, I am opposed to the legislation and shall vote against it if the bill is considered. I do not recall that this point has been decided by the Chair. If this specific point has been decided as to lodging a point of order against an entire bill, I do not care to argue it. If it has not, I should like to present this thought to the Chair.

The SPEAKER. The Chair will hear the gentleman.

Mr. SANDERS of Indiana. The Chair will recall that the first ruling made by the Speaker on this question was made by the present Speaker, on a point of order raised by the gentleman from Illinois [Mr. MANN], in which he directed the point of order to the entire bill, not quite in this manner, but he objected to its being on the calendar. He stated that he made the point of order in order that it might be ruled upon by the Speaker rather than a chairman, and he stated that he thought it ought to be overruled; that the rule was ambiguous in that the first part of the rule says:

No bill or joint resolution carrying appropriations shall be reported by any committee not having jurisdiction to report appropriations, nor shall an amendment proposing an appropriation be in order during the consideration of a bill or joint resolution reported by a committee not having that jurisdiction.

Indicating that the bill should not be reported by the committee if it had an appropriation and by reporting the bill was subject to the point of order. However, the Chair held that reading the first part of the sentence of the rule with the second sentence of the rule the appropriation was subject to the point of order. The second part of the rule says:

A question of order on an appropriation in any such bill, joint resolution, or amendment thereto may be raised at any time.

Now note the language of the rule, Mr. Speaker:

A question of order on an appropriation in any such bill, joint resolution, or amendment thereto may be raised at any time.

Indicating that the question of order is directed to the appropriation. I have noticed this joint resolution, and wondered what would happen if the point of order was raised against the one paragraph, and I have concluded that if the point of order is sustained and the appropriation goes out, that the committee then has authority to go ahead and deal with the bill—making an amendment, for instance, for an authorization.

Now let me emphasize the necessity of that construction. Here we have a Senate bill. We did not draft it, our committee did not control it; it comes over here containing a great deal of legislative matter and also contains an appropriation. It goes to the committee having legislative jurisdiction. That committee has jurisdiction of a considerable part of that bill. If there had been an authorization, it would have had all the jurisdiction. If this point of order is sustained the House can not act upon the measure at all, because we can not report it with an amendment, because a bill reported with an amendment, under the first ruling of the Chair, is just as much subject to the point of order as the bill reported without any amendment.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. SANDERS of Indiana. I will.

Mr. GARRETT of Tennessee. I think there is a subsequent ruling of the Chair which holds that it is in order to report an authorization in lieu of an appropriation. I think the present Speaker has held that.

Mr. SANDERS of Indiana. That is, to amend the bill?

Mr. GARRETT of Tennessee. Yes.

Mr. SANDERS of Indiana. I did not know about that ruling. You are dealing with a bill which the committee proposes and which may or may not be adopted by the House, but if the gentleman from Tennessee says there is a ruling to that effect I take it for granted there is. I do not care for the Chair to overrule that precedent; it is not necessary in the consideration of this case for him to do it.

The SPEAKER. It is simply a question of memory as to the decision formerly made. It seems to the Chair unless he should depart from the former decision he should sustain the point made by the gentleman from Indiana; the point of order must be made not against the whole bill but against the appropriation.

Mr. STAFFORD. If the gentleman will permit, two weeks ago——

Mr. SANDERS of Indiana. Will the gentleman allow me to finish what I have in mind? I want to say it is an extremely important thing that the ruling be made that way, because otherwise we are in a hopeless confusion in reference to bills which will be referred to different committees, because sometimes there may be nine-tenths legislation and the other tenth appropriation, or nine-tenths appropriation and some part legislation. I think it is extremely important where a point of order is to be made, and yet a ruling might possibly be made against the bill or a part of it, that we ought to resolve any doubt in favor of addressing the point to a part of the bill in order to give freedom to the House to act upon the bill in a proper way.

Mr. HAUGEN. Mr. Speaker, I understand the gentleman from Minnesota simply makes the point of order against the appropriation and not against the bill, but against the provision making appropriation. The provision making appropriation is clearly subject to the point of order, but the bill is not subject to a point of order. As I recall the ruling of the Chair, it was a protection of a bill so as to make it in order by adding the words "authorized to be made."

Mr. NEWTON of Minnesota. The gentleman from Minnesota made the point of order against the legislation itself because of the appropriation that is made in the legislation. The point of order went beyond the mere phraseology and was directed against the entire legislation.

Mr. HAUGEN. If the point of order is directed against the bill I can not concede the point of order, but if it is against that particular provision it is clearly subject to the point of order.

Mr. STAFFORD. Mr. Speaker, two weeks ago when the House was considering legislation reported from the Committee on the Merchant Marine and Fisheries a bill was presented for consideration providing for the utilization of some funds under the control of the Shipping Board for the purchase of some land on the Virgin Islands. The Chair, after the discussion, sustained the point of order. We recommitted the bill back to the Committee on the Merchant Marine and Fisheries.

Mr. CHINDBLOM. Will the gentleman yield for a question?

Mr. STAFFORD. I will yield.

Mr. CHINDBLOM. The record will show, as was the fact, the committee did nothing further; that when the point of order had been sustained the chairman of the Committee on the Merchant Marine and Fisheries immediately called up another bill. There was no order recommitting the bill.

Mr. STAFFORD. There was no order entered recommitting the bill, but the bill was recommitted as of course.

Mr. CHINDBLOM. The bill is still on the calendar.

Mr. STAFFORD. It should not be on the calendar, because under the regular order of precedence when a bill is held by the Chair to be violative of the rule that the committee has not the authority to report a bill in such form, why it of course goes back to the committee.

The SPEAKER. Was there anything in that bill except an appropriation?

Mr. STAFFORD. It provided for the acquisition of a fuel station.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

The SPEAKER. There was nothing except that section?

Mr. STAFFORD. No.

The SPEAKER. If there was nothing else than that, then the point of order against the appropriation would in that

case lie against the whole bill. That is the Chair's recollection of it.

Mr. STAFFORD. I have sent for a copy of the bill. It is Senate bill 1771. I wish to direct the special attention of the Speaker to the fact that in this case the committee reporting the bill does not report this bill with an amendment.

The SPEAKER. In this particular case?

Mr. STAFFORD. Yes; in this case before the Speaker at the present time. The committee does not report an amendment authorizing this appropriation, but they report it just in its present form. I might be inclined to agree that if the committee having this bill in charge had reported this bill with an amendment—which was within their power—authorizing an appropriation, then perhaps the question of order would not lie, even if that question were raised. But here the committee go beyond their authority and report an appropriation without regard to an authorization and recommend it with the full power of providing funds. It is a Senate bill and it came over to this House, and under those circumstances it would be violative of the rule, because the committee are reporting a bill with an appropriation. They are not reporting a bill with a mere authorization.

The SPEAKER. The Chair does not quite catch the point of the gentleman from Wisconsin. Is the gentleman from Wisconsin arguing that if the point of order is good against the appropriation it lies against the whole bill?

Mr. STAFFORD. If the committee in its report had made an amendment that the appropriating power be superseded by an amendment of an authorization, the point of order would not lie. But the committee does not do that. The committee reports it entirely without any amendment, and under the circumstances it seems to me it is violative of the rule. If the committee reporting this bill had stricken out the appropriation and made an authorization, then it might not be violative of the rule.

Mr. SANDERS of Indiana. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Now, I have the Senate bill, as to which the Speaker said it was subject to a point of order. It is the bill S. 1771. It provides "That to provide a site for a fuel and fuel-oil station and fresh-water reservoir for Shipping Board and other merchant vessels, as well as United States naval vessels, and for other purposes, the United States, through the United States Shipping Board, is hereby empowered to acquire the land on Hazzell Island," and so forth, for so much, and in settlement of any accrued rentals therefor a sum of money, not exceeding $50,000, shall be paid out of its funds.

The SPEAKER. In that case the point was not raised whether it was against the whole bill or merely against the appropriation. The only discussion there, as the Chair finds in looking over the record, was that, coming from the Shipping Board, it was really an appropriation from the Treasury. That was the only question presented.

Mr. STAFFORD. The identical question was involved.

The SPEAKER. Yes; but the distinction was not raised there.

Mr. STAFFORD. The gentleman from Texas [Mr. BLANTON] raised the point of order that it was in violation of clause 5 of Rule XXI. It had only one paragraph, as the present bill has only one paragraph.

The SPEAKER. But the distinction was not raised there by anybody as to whether the point of order lay against the whole bill or only against the appropriation.

Mr. SANDERS of Indiana. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. SANDERS of Indiana. I would like to inquire of the gentleman from Wisconsin what would occur if the Chair should sustain a point of order against this bill, and how it would ever get on the floor of the House?

Mr. STAFFORD. I would say it would be recommitted immediately to the Committee on Agriculture and be reported back with an authorization. That would make it in order.

Mr. SANDERS of Indiana. I would like to call the attention of the Chair to the fact that in the first ruling on this subject the Chair ruled that the committee had stricken out the appropriation and recommended an authorization, and did not change the condition under the rule because the House might not agree with the committee.

The SPEAKER. The Chair is disposed in the light of the first ruling to hold that the point of order lies against the appropriation only. But the Chair would be glad to hear from the gentleman on that.

Mr. MADDEN. Mr. Speaker, I would like to be heard on that.

Mr. BEGG rose.

The SPEAKER. The Chair will hear the gentleman from Ohio.

Mr. BEGG. Mr. Speaker, the only remark I wish to make on this is that a careful reading of the bill clearly shows to me that there is a very small portion of the bill that is really legislative that can be separated from an appropriation by the peculiar wording of the whole business.

The SPEAKER. What the gentleman states is directly in line with what the Chair stated.

Mr. BEGG. I did not hear what the Chair said.

The SPEAKER. The Chair said he would be disposed to rule only against the appropriation, and that the point did not lie against the whole bill.

Mr. BEGG. I believe the Chair misunderstood, which does not speak very highly of the gentleman's presentation. [Laughter.]

The SPEAKER. The Chair will hear the gentleman.

Mr. BEGG. Only a minor point of the bill can be separated from the immediate legislation and make any sense. And it seems to me that a point of order against the principal part of the whole bill nullifies the whole bill. Every instance that has been cited to the Chair prior to this time has been an instance where to subtract the appropriation did not kill the rest of the bill. Now, if you take the appropriation out, there is nothing left in this bill; merely an authorization to the President to set up machinery to do a certain thing.

The SPEAKER. The Chair will hear the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, it seems to me that the point of order ought to go to the fact that when the Committee on Agriculture reported this bill they reported it in violation of the rule, and hence had no right whatever to report such a bill. So that the point of order ought to go to the whole bill. If it applies at all, it applies to everything in the bill. It applies to the right of the committee to report the bill at all. That is the contention I make.

The SPEAKER. The Chair covered that point pretty fully when he first ruled on the interpretation of this rule. Does anyone else wish to be heard on the other side of the question?

Mr. STEVENSON. I was only going to reply to what the gentleman from Illinois [Mr. MADDEN] said, but the Speaker has done so very effectively.

Mr. TOWNER. Mr. Speaker, it seems to me that if the position taken by the Chair is well taken, then there is not very much effectiveness in the requirement that appropriations shall be considered only by the Committee on Appropriations. The Speaker will note that if this bill is allowed to go to the Committee of the Whole for consideration, all that will be necessary will be for the chairman of the committee to offer to amend and insert the word "authorize" instead of "appropriate." So that the rule that requires the consideration of these bills by the Committee on Appropriations will be of no avail.

The SPEAKER. Why, no; the bill would still after that have to go to the Committee on Appropriations before any appropriation could be made.

Mr. TOWNER. That is very true, but a bill carrying an authorization is not considered by the Committee on Appropriations.

The SPEAKER. Why not? The Chair does not follow the gentleman.

Mr. TOWNER. Because of the fact that if the House passes a bill authorizing the appropriation it virtually instructs the Appropriations Committee to make the appropriation.

The SPEAKER. But is not the reverse true, that the Appropriations Committee can not act unless the House has previously authorized it?

Mr. TOWNER. It is true that the Appropriations Committee can make no appropriation except under authority of existing law; but when a bill goes to another committee carrying an appropriation, can it be considered that they are considering the question of an appropriation? Certainly they must do so; and if that is the case, that is a violation of the rules of the House. The Chair will understand this proposition: Of course, if the objection is made, as it is made in this case by the gentleman from Minnesota, to the consideration of this bill, then the question must lie in the mind of the Speaker whether this is a proper bill for the consideration of the House as it is, without the opportunity of amendment. If it passes through these initial stages and goes before the Committee of the Whole House on the state of the Union, and then the objection

is made because it carries an appropriation, then all that is necessary is for somebody to move that the word "authorized" shall be inserted as an amendment. Therefore all the requirements of the rule that bills carrying appropriations shall go to the Committee on Appropriations will be made of no avail. It certainly seems to me that this is going to lead us very far away from the proper construction of the rule that requires appropriations to be considered by the Committee on Appropriations.

Mr. STEVENSON. Will the gentleman yield for a question?

Mr. TOWNER. Yes.

Mr. STEVENSON. Could not the Committee on Agriculture have reported a bill authorizing this appropriation, and would not that be the only way that it could have provided for an appropriation, by reporting this bill with the word "authorized"?

Mr. TOWNER. Certainly.

Mr. STEVENSON. And if now it puts in the word "authorized," has it done any more than it would have done in the first instance under those circumstances?

Mr. TOWNER. That would be very true, Mr. Speaker, but it nevertheless constitutes a violation of the rules. I think it would be very valuable if we understood that no committee should make a report on a bill carrying an absolute appropriation except the Committee on Appropriations, and that if another committee desired to obtain the right of consideration of a bill it should be an authorization and not an appropriation.

Mr. CONNALLY of Texas. Will the gentleman yield for a question?

Mr. TOWNER. Certainly.

Mr. CONNALLY of Texas. Does the gentleman bear in mind the fact that this is a Senate bill and that when it comes to the House it must be received by the House and it must go to some committee? It can not go to both the Agriculture and Appropriation Committees. It is more largely legislation than it is appropriation, and so the Speaker refers it to the Committee on Agriculture. Now, that committee certainly has jurisdiction of a part of that bill. It must go somewhere. It can not go to the Committee on Appropriations, because it is legislation. Now, when it goes to the Committee on Agriculture and is reported back with an appropriation, does not the point of order lie only to the appropriation? Is not that the purpose of the rule? Does not that construction strike out all that is necessary to be stricken? Would not any other construction withdraw from the Committee on Agriculture the power to consider the bill and to authorize? When the point of order is sustained as against the appropriating clause, that withdraws from the Agricultural Committee the power to appropriate, and that is all that is intended to be withdrawn from that committee. If you send it back to the Committee on Agriculture, and the committee has no jurisdiction of the bill because of an appropriation clause in a Senate bill, how are you going to get it out of the committee and how can it be properly referred to any other committee?

Mr. TOWNER. In what I said I had not considered the fact that this bill is a Senate bill. If that is the case, I am not so sure about the position which I have suggested. I would not like to venture an opinion upon that proposition.

Mr. STAFFORD. The fact is that in considering the point of order you must consider the report of the committee. That is what is before the House. They have reported a bill that is violative of this rule, and the bill is so intimately connected with the appropriation that the proposition which they have reported is, it seems to me, subject to the point of order. Speaker Clark ruled that in determining whether a bill was subject to a point of order he would have to take into consideration the amendments as recommended by the committee. But here the committee does not make any recommendation of an amendment which if adopted would bring it within the power of that committee to act.

Mr. SANDERS of Indiana. May I interrupt the gentleman?

Mr. STAFFORD. Yes; I am always pleased to have the gentleman interrupt me.

Mr. SANDERS of Indiana. Suppose the committee had brought in the bill with an amendment. The gentleman undertakes to make a distinction between the committee bringing in an appropriation bill without amendment and bringing it in with an amendment. Suppose it should bring in a bill containing an appropriation, but recommending an amendment that the appropriation be stricken out and the authorization substituted instead, and that when that amendment was proposed the House should vote it down and leave the appropriation. Then the bill itself would be subject to the point of order.

Mr. GARRETT of Tennessee. Will the Chair allow me?

The SPEAKER. The Chair will hear the gentleman from Tennessee.

Mr. GARRETT of Tennessee. It seems to me the rule itself determines the matter. The last sentence in clause 5 of Rule XXI says:

A question of order on an appropriation in any such bill, joint resolution, or amendment thereto may be raised at any time.

It is the appropriation upon which the point of order may be made.

The SPEAKER. When this matter first came up the Chair in his ruling discussed the matter quite thoroughly, and he sees no reason to change the view that he then stated, which was that while there is some contradiction in the rule itself, yet the last phrase which the gentleman from Tennessee [Mr. GARRETT] has just quoted seemed then to the Chair and seems now to the Chair to be the controlling one, and that the point of order should be made on the appropriation itself. It seems to the Chair that the results of that ruling are really best for the control of the House over its business. The point made by the gentleman from Ohio, that if you take out the appropriation and it leaves nothing of any account, in that case the whole bill falls, is an argument which has weight in its practical effect, but, after all, that is a matter for the House to decide. If there is nothing left of any practical effect, the House would not care to act upon it. The Chair adheres to his original ruling, that the point of order must be made against the appropriation itself.

Mr. BEGG. Will the Chair permit me to make a statement?

The SPEAKER. The Chair will hear the gentleman, but will not change his ruling. [Laughter.]

Mr. BEGG. I want to say that the Chair, having made the statement he did make, that by withdrawing the appropriation it practically annihilates the bill, certainly ought to compel the Chair to go another step and say that the bill can not be considered, because the withdrawal of the appropriation in the average bill does not annihilate it.

The SPEAKER. The Chair does not think that it is for the Chair to decide in an individual case whether striking out the appropriation makes the bill useless; that is for the House and not for the Chair to determine. The Chair overrules the point of order against the bill as a whole.

Mr. NEWTON of Minnesota. Mr. Chairman, I make the point of order against the appropriation provision beginning on line 8, page 1.

The SPEAKER. The Chair sustains that point of order.

Mr. STAFFORD. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER. The gentleman from Wisconsin makes the point of order that no quorum is present. It is clear that there is no quorum present.

Mr. HAUGEN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

Abernethy	Dunn	Kearns	Overstreet
Andrew, Mass.	Dyer	Keller	Park, Ga.
Ansorge	Echols	Kelley, Mich.	Parker, N. J.
Anthony	Edmonds	Kelly, Pa.	Parker, N. Y.
Atkeson	Faust	Kendall	Patterson, Mo.
Bacharach	Fenn	Kennedy	Perkins
Barkley	Focht	Kiess	Pou
Bell	Frear	Kindred	Rainey, Ala.
Blakeney	Free	King	Rankin
Bland, Ind.	French	Kitchin	Ransley
Bond	Frothingham	Kleczka	Rayburn
Bowers	Funk	Kline, N. Y.	Reber
Brand	Gallivan	Knight	Reed, N. Y.
Brennan	Garner	Kraus	Rhodes
Britten	Gifford	Langley	Riddick
Brooks, Ill.	Gilbert	Larson, Minn.	Riordan
Brooks, Pa.	Glynn	Lawrence	Roach
Buchanan	Goodykoontz	Layton	Robertson
Burdick	Gorman	Linthicum	Rodenberg
Burke	Gould	Little	Rogers
Butler	Graham, Pa.	Lowrey	Rose
Carew	Griffin	Luhring	Rosenbloom
Carter	Hardy, Tex.	McArthur	Rossdale
Chandler, N. Y.	Hawes	McClintic	Rucker
Chandler, Okla.	Hawley	McKenzie	Ryan
Clague	Hayden	McLaughlin, Nebr.	Schall
Classon	Hays	McLaughlin, Pa.	Scott, Mich.
Clouse	Henry	McSwain	Shelton
Cockran	Herrick	Mansfield	Slemp
Codd	Hersey	Martin	Smith, Mich.
Connolly, Pa.	Himes	Mead	Snell
Copley	Hogan	Michaelson	Sproul
Cramton	Huck	Mills	Steenerson
Crowther	Hukriede	Morin	Stiness
Cullen	Humphrey, Nebr.	Mudd	Stoll
Dale	Hutchinson	Murphy	Strong, Kans.
Davis, Minn.	James	Newton, Mo.	Strong, Pa.
Deal	Jeffries, Nebr.	Nolan	Sullivan
Denison	Johnson, S. Dak.	O'Brien	Sweet
Drane	Jones, Pa.	Ogden	Tague
Dunbar	Kahn	Olpp	Taylor, Ark.

Taylor, Colo.	Timberlake	Vinson	Winslow
Taylor, N. J.	Tincher	Volk	Wood, Ind.
Ten Eyck	Treadway	Walters	Woodruff
Thomas	Tucker	Ward, N. Y.	Yates
Thompson	Underhill	Ward, N. C.	Zihlman
Thorpe	Upshaw	Wheeler	
Tilson	Vestal	Williams, Tex.	

The SPEAKER. Two hundred and thirty-eight Members have answered to their names. A quorum is present.

Mr. SANDERS of Indiana. Mr. Speaker, I move to dispense with further proceedings under the call.

Mr. MADDEN. I object to that, and on that I demand the yeas and nays.

Mr. HAUGEN. Mr. Speaker, it is now 5 o'clock.

Mr. MADDEN. I will withdraw that demand for the present.

Mr. CLARK of Florida. A point of order, Mr. Speaker. Is it right for the Republican majority to engage in a filibuster?

Mr. SANDERS of Indiana. I renew my motion to dispense with further proceedings under the call.

The motion was agreed to.

Mr. HAUGEN. Mr. Speaker, it is 5 o'clock, and it is plain that the bill can not be passed to-night. If it is agreeable to the author of the bill, I ask to withdraw the bill for the present with the purpose of getting a special rule later.

Mr. STEVENSON. I want to say that the author of the bill happens to be a Senator of the United States from South Carolina. As far as I am concerned this House has the power to dispose of that bill and I shall not consent——

Mr. SANDERS of Indiana. The withdrawal of the bill does not require unanimous consent.

Mr. MADDEN. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. BANKHEAD) there were 114 ayes and 59 noes.

Mr. STEVENSON. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 138, nays 100, not voting 189, as follows:

YEAS—138.

Ackerman	Evans	Leatherwood	Sanders, Ind.
Andrews, Nebr.	Fairchild	Lee, N. Y.	Sanders, N. Y.
Appleby	Fairfield	Lehlbach	Schall
Arentz	Fess	Longworth	Scott, Tenn.
Barbour	Fish	Luce	Shaw
Beedy	Fitzgerald	McFadden	Shreve
Begg	Fordney	MacGregor	Sinnott
Bird	Frear	Madden	Slemp
Bixler	Freeman	Maloney	Smith, Idaho
Boies	Fuller	Mapes	Snyder
Brown, Tenn.	Gensman	Merritt	Speaks
Burtness	Gernerd	Michener	Stafford
Cable	Graham, Ill.	Miller	Stephens
Campbell, Kans.	Green, Iowa	Mondell	Strong, Kans.
Campbell, Pa.	Greene, Mass.	Moore, Ill.	Summers, Wash.
Cannon	Greene, Vt.	Moore, Ohio	Sweet
Chalmers	Hadley	Moores, Ind.	Swing
Chindblom	Hardy, Colo.	Morgan	Taylor, Tenn.
Christopherson	Hickey	Mott	Temple
Clarke, N. Y.	Hicks	Nelson, Me.	Thompson
Cole, Iowa	Hill	Nelson, A. P.	Tinkham
Cole, Ohio	Hoch	Newton, Minn.	Towner
Colton	Hull	Norton	Treadway
Cooper, Ohio	Humphrey, Nebr.	Patterson, N. J.	Vaile
Coughlin	Husted	Paul	Wason
Crago	Johnson, Wash.	Petersen	Watson
Cramton	Kelley, Mich.	Porter	Webster
Curry	Ketcham	Pringey	White, Kans.
Dallinger	Kirkpatrick	Purnell	White, Me.
Darrow	Kissel	Radcliffe	Williamson
Dempsey	Kline, Pa.	Ramseyer	Wood, Ind.
Denison	Knutson	Reece	Wyant
Dickinson	Kopp	Reed, W. Va.	Young
Elliott	Kraus	Ricketts	
Ellis	Lea, Calif.	Robsion	

NAYS—100.

Almon	Davis, Tenn.	Jeffers, Ala.	Quin
Aswell	Dominick	Johnson, Miss.	Rainey, Ill.
Bankhead	Doughton	Jones, Tex.	Raker
Beck	Drewry	Kincheloe	Rankin
Bell	Driver	Lanham	Rayburn
Black	Dupré	Lankford	Roach
Bland, Va.	Favrot	Larsen, Ga.	Rouse
Blanton	Fields	Lazaro	Sabath
Bowling	Fisher	Lee, Ga.	Sanders, Tex.
Box	Foster	Logan	Sandlin
Brand	Fulmer	London	Sinclair
Briggs	Garrett, Tenn.	Lowrey	Sisson
Browne, Wis.	Goldsborough	Lyon	Smithwick
Bulwinkle	Hammer	McCormick	Steagall
Byrnes, S. C.	Hardy, Tex.	McDuffie	Stedman
Byrns, Tenn.	Haugen	McLaughlin, Mich.	Stevenson
Cantrill	Hawes	Montague	Sumners, Tex.
Clark, Fla.	Henry	Moore, Va.	Swank
Collier	Hooker	Nelson, J. M.	Ten Eyck
Collins	Huddleston	O'Connor	Tillman
Connally, Tex.	Hudspeth	Oldfield	Turner
Cooper, Wis.	Humphreys, Miss.	Parks, Ark.	Tyson
Crisp	Jacoway	Perlman	Voigt
Volstead	Wilson	Wise	Wright
Weaver	Wingo	Woods, Va.	Wurzbach

NOT VOTING—189.

Abernethy	Free	Lampert	Rodenberg
Anderson	French	Langley	Rogers
Andrew, Mass.	Frothingham	Larson, Minn.	Rose
Ansorge	Funk	Lawrence	Rosenbloom
Anthony	Gahn	Layton	Rossdale
Atkeson	Gallivan	Lineberger	Rucker
Bacharach	Garner	Linthicum	Ryan
Barkley	Garrett, Tex.	Little	Scott, Mich.
Benham	Gifford	Luhring	Sears
Blakeney	Gilbert	McArthur	Shelton
Bland, Ind.	Glynn	McClintic	Siegel
Bond	Goodykoontz	McKenzie	Smith, Mich.
Bowers	Gorman	McLaughlin, Nebr.	Snell
Brennan	Gould	McLaughlin, Pa.	Sproul
Britten	Graham, Pa.	McPherson	Steenerson
Brooks, Ill.	Griest	McSwain	Stiness
Brooks, Pa.	Griffin	MacLafferty	Stoll
Buchanan	Hawley	Magee	Strong, Pa.
Burdick	Hayden	Mansfield	Sullivan
Burke	Hays	Martin	Tague
Burton	Herrick	Mead	Taylor, Ark.
Butler	Hersey	Michaelson	Taylor, Colo.
Carew	Himes	Mills	Taylor, N. J.
Carter	Hogan	Morin	Thomas
Chandler, N. Y.	Huck	Mudd	Thorpe
Chandler, Okla.	Hukriede	Murphy	Tilson
Clague	Hutchinson	Newton, Mo.	Timberlake
Classon	Ireland	Nolan	Tincher
Clouse	James	O'Brien	Tucker
Cockran	Jefferis, Nebr.	Ogden	Underhill
Codd	Johnson, Ky.	Oliver	Upshaw
Connolly, Pa.	Johnson, S. Dak.	Olpp	Vestal
Copley	Jones, Pa.	Overstreet	Vinson
Crowther	Kahn	Paige	Volk
Cullen	Kearns	Park, Ga.	Walters
Dale	Keller	Parker, N. J.	Ward, N. Y.
Davis, Minn.	Kelly, Pa.	Parker, N. Y.	Ward, N. C.
Deal	Kendall	Patterson, Mo.	Wheeler
Dowell	Kennedy	Perkins	Williams, Ill.
Drane	Kiess	Pou	Williams, Tex.
Dunbar	Kindred	Rainey, Ala.	Winslow
Dunn	King	Ransley	Woodruff
Dyer	Kitchin	Reber	Woodyard
Echols	Kleczka	Reed, N. Y.	Yates
Edmonds	Kline, N. Y.	Rhodes	Zihlman
Faust	Knight	Riddick	
Fenn	Kreider	Riordan	
Focht	Kunz	Robertson	

So the motion was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. Dunn with Mr. Abernethy.

Mr. Newton of Missouri with Mr. Mansfield.

Mr. Burton with Mr. O'Brien.

Mr. Magee with Mr. Garner.

Mr. Lampert with Mr. Martin.

Mr. Hutchinson with Mr. Carter.

Mr. Anthony with Mr. Kunz.

Mr. Keller with Mr. Drane.

Mr. Free with Mr. Kitchin.

Mr. Johnson of South Dakota with Mr. McSwain.

Mr. Davis of Minnesota with Mr. Oliver.

Mr. Langley with Mr. Buchanan.

Mr. Graham of Pennsylvania with Mr. Garrett of Texas.

Mr. Kahn with Mr. Overstreet.

Mr. Bacharach with Mr. Cullen.

Mr. Morin with Mr. Pou.

Mr. Faust with Mr. Griffin.

Mr. Rhodes with Mr. Linthicum.

Mr. Connolly of Pennsylvania with Mr. Kindred.

Mr. Lineberger with Mr. Carew.

Mr. Frothingham with Mr. Park of Georgia.

Mr. Dowell with Mr. Rucker.

Mr. Kennedy with Mr. Rainey of Alabama.

Mr. Paige with Mr. Sears.

Mr. Brennan with Mr. Tague.

Mr. Reed of New York with Mr. Riordan.

Mr. Kiess with Mr. Sullivan.

Mr. Kline of New York with Mr. Barkley.

Mr. Griest with Mr. Gilbert.

Mr. Crowther with Mr. Deal.

Mr. Britten with Mr. Hayden.

Mr. Kearns with Mr. Johnson of Kentucky.

Mr. Edmonds with Mr. Cockran.

Mr. Codd with Mr. McClintic.

Mr. Hawley with Mr. Gallivan.

Mr. Butler with Mr. Mead.

Mr. Kendall with Mr. Stoll.

Mr. Fenn with Mr. Thomas.

Mr. Snell with Mr. Taylor of Colorado.

Mr. Strong of Pennsylvania with Mr. Taylor of Arkansas.

Mr. Williams of Illinois with Mr. Upshaw.

Mr. Rogers with Mr. Turner.

Mr. Tincher with Mr. Vinson.
Mr. Winslow with Mr. Tucker.
Mr. Olpp with Mr. Ward of North Carolina.
Mr. Tilson with Mr. Williams of Texas.
The result of the vote was announced as above recorded.

ADJOURNMENT.

Accordingly (at 5 o'clock and 19 minutes p. m.) the House adjourned until to-morrow, Thursday, February 15, 1923, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

988. A letter from the Postmaster General, transmitting a schedule of papers and documents which are not needed in the transaction of public business and which, in the opinion of this department, have no permanent value or historical interest; to the Committee on Disposition of Useless Executive Papers.

989. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, amounting to $90,000 (H. Doc. No. 572); to the Committee on Appropriations and ordered to be printed.

990. A communication from the President of the United States, transmitting a list of judgments rendered against the Government by the district courts of the United States which requires an appropriation for their payment (H. Doc. No. 573); to the Committee on Appropriations and ordered to be printed.

991. A communication from the President of the United States, transmitting schedules of claims amounting to $716,380.66 allowed by the various divisions of the General Accounting Office, as covered by certificates of settlement (H. Doc. No. 574); to the Committee on Appropriations and ordered to be printed.

992. A communication from the President of the United States, transmitting a list of judgments rendered by the Court of Claims, amounting to $72,811.41, which have been submitted by the Secretary of the Treasury and require an appropriation for their payment (H. Doc. No. 575); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HUDSPETH: Committee on Irrigation of Arid Lands. H. R. 13550. A bill authorizing the Secretary of the Interior to enter into a contract with the Elephant Butte irrigation district of New Mexico and the El Paso County improvement district No. 1, of Texas, for the carrying out of the provisions of the convention between the United States and Mexico, proclaimed January 16, 1907, and providing for compensation therefor; with amendments (Rept. No. 1601). Referred to the Committee of the Whole House on the state of the Union.

Mr. GORMAN: Committee on the Post Office and Post Roads. H. R. 8329. A bill to reduce night work in post offices; with amendments (Rept. No. 1602). Referred to the Committee of the Whole House on the state of the Union.

Mr. MOORES of Indiana: Committee on Foreign Affairs. S. 4522. An act authorizing the Secretary of State to convey certain land owned by the United States in Santiago, Chile, to the municipality of that city, and to acquire or receive in exchange therefor other land located in the said city; without amendment (Rept. No. 1604). Referred to the Committee of the Whole House on the state of the Union.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. S. 4387. An act to authorize the building of a bridge across the Tugaloo River between South Carolina and Georgia; without amendment (Rept. No. 1605). Referred to the House Calendar.

Mr. FIELDS: Committee on Military Affairs. S. 3461. An act to amend the act of February 28, 1920, so as to authorize the acquisition of additional land and the disposition of certain lands already acquired at Camp Knox, Ky.; without amendment (Rept. No. 1607). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. WRIGHT: Committee on Military Affairs. S. 4404. An act authorizing the Secretary of War to transfer to trustees to be named by the Chamber of Commerce of Columbia, S. C., certain lands at Camp Jackson, S. C.; without amendment (Rept. No. 1603). Referred to the Committee of the Whole House.

Mr. FISH: Committee on Foreign Affairs. H. R. 14317. A bill granting permission to Capt. Norman Randolph, United States Army, to accept the decoration of the Spanish Order of Military Merit of Alfonso XIII; with amendment (Rept. No. 1606). Referred to the Committee of the Whole House.

Mr. McCORMICK: Committee on the Public Lands. S. 2934. An act to provide for the issuance to John W. Stanton by the Secretary of the Interior of patent to certain land upon payment therefor at the rate of $1.25 per acre; without amendment (Rept. No. 1608). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. NEWTON of Missouri: A bill (H. R. 14336) fixing the rank of the officer of the United States Army in charge of the inland and coastwise waterways service; to the Committee on Military Affairs.

By Mr. FROTHINGHAM: A bill (H. R. 14337) to incorporate the Belleau Wood Memorial Association; to the Committee on the Judiciary.

By Mr. FITZGERALD: A bill (H. R. 14338) to authorize the sale of certain Government property and authorizing an appropriation for permanent buildings and improvements for use of the engineering division of the Air Service of the Army; to the Committee on Military Affairs.

By Mr. VOIGT: Joint resolution (H. J. Res. 444) protesting against the invasion of the Ruhr Valley by France, requesting the President to call an international economic conference, and requesting settlement of the French debt; to the Committee on Foreign Affairs.

By Mr. LARSEN of Georgia: Joint resolution (H. J. Res. 445) providing for the appointment of a joint committee of the House and Senate to investigate conditions in the United States Veterans' Bureau; to the Committee on Rules.

By Mr. VOIGT: Joint resolution (H. J. Res. 446) directing the Federal Trade Commission to investigate the proposed merger of Armour & Co. and Morris & Co.; to the Committee on Agriculture.

By Mr. McKENZIE: Resolution (H. Res. 530) for the consideration of bills from the Committee on Military Affairs; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FAIRCHILD: A bill (H. R. 14339) for the relief of Samuel T. Hubbard, jr.; to the Committee on Military Affairs.

By Mr. FOSTER: A bill (H. R. 14340) granting an increase of pension to Malinda Wilson; to the Committee on Invalid Pensions.

By Mr. GRIEST: A bill (H. R. 14341) granting an increase of pension to Sarah Ann Eby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14342) granting an increase of pension to Edward D. Henderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14343) granting a pension to Mary J. Light Lawrence; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14344) granting a pension to John Zellers; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 14345) granting a pension to Eva R. Hunt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14346) granting a pension to Sarah Parker; to the Committee on Invalid Pensions.

By Mr. SHELTON: A bill (H. R. 14347) granting a pension to Angeline M. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14348) granting a pension to Lucy N. Yarbrough; to the Committee on Pensions.

By Mr. TREADWAY: A bill (H. R. 14349) granting an increase of pension to Margaret M. Luce; to the Committee on Invalid Pensions.

By Mr. IRELAND: Resolution (H. Res. 531) for the employment of additional help in the enrolling room; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7297. By Mr. BRENNAN: Petition signed by 487 citizens of the thirteenth congressional district of Michigan, favoring the recognition of Ireland by the United States; to the Committee on Foreign Affairs.

7298. Also, petition of 2,450 citizens of the thirteenth congressional district of Michigan, urging the United States to recognize the Irish Republic; to the Committee on Foreign Affairs.

7299. By Mr. CURRY: Petition of the directors of the Chamber of Commerce of Sacramento, Calif., favoring a minimum Army strength of 150,000 enlisted men and 13,000 officers; to the Committee on Military Affairs.

7300. By Mr. KISSEL: Petition of Rodgers & Hagerty (Inc.), New York City, N. Y., urging modification of the present immigration law; to the Committee on Immigration and Naturalization.

7301. By Mr. PORTER: Petition of 869 signers, residents of Pittsburgh, Pa., indorsing House Joint Resolution 412, for the relief of Austria and Germany; to the Committee on Foreign Affairs.

7302. By Mr. RIORDAN: Petition of sundry citizens of the eleventh and nineteenth congressional districts of New York, urging that aid be extended to the people of the German and Austrian Republics; to the Committee on Foreign Affairs.

7303. By Mr. TREADWAY: Petition of the town of Hancock, Mass., making recommendations with reference to the existing coal situation; to the Committee on Interstate and Foreign Commerce.

SENATE.

THURSDAY, *February 15, 1923.*

(*Legislative day of Tuesday, February 13, 1923.*)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Gerry	McKinley	Smith
Ball	Glass	McNary	Smoot
Bayard	Gooding	Moses	Spencer
Borah	Hale	Nelson	Sterling
Bursum	Harreld	New	Sutherland
Calder	Harrison	Nicholson	Swanson
Cameron	Heflin	Norris	Townsend
Capper	Hitchcock	Oddie	Trammell
Caraway	Johnson	Overman	Underwood
Colt	Jones, N. Mex.	Owen	Wadsworth
Couzens	Jones, Wash.	Page	Walsh, Mass.
Culberson	Kellogg	Phipps	Walsh, Mont.
Curtis	Keyes	Pittman	Warren
Dial	Ladd	Pomerene	Watson
Dillingham	La Follette	Ransdell	Weller
Ernst	Lenroot	Reed, Mo.	Williams
Fernald	Lodge	Reed, Pa.	Willis
Fletcher	McCormick	Robinson	
Frelinghuysen	McCumber	Sheppard	
George	McKellar	Shields	

The VICE PRESIDENT. Seventy-seven Senators have answered to their names. A quorum is present.

DEPARTMENTAL USE OF AUTOMOBILES.

The VICE PRESIDENT laid before the Senate a communication from the president of the Board of Managers of the National Home for Disabled Volunteer Soldiers, transmitting, in response to Senate Resolution 399, agreed to January 6, 1923, information relative to the number and cost of maintenance of privately owned passenger-carrying automobiles in use by the National Home for Disabled Volunteer Soldiers and its branches, which, with the accompanying papers, was ordered to lie on the table.

SENATOR FROM OHIO.

Mr. WILLIS. I present the credentials of Hon. SIMEON D. FESS, Senator elect from the State of Ohio, which I ask may be read and placed on file.

The credentials were read, and ordered to be placed on file, as follows:

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF OHIO.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that at a regular election held in the State of Ohio on the 7th day of November, A. D. 1922, SIMEON D. FESS was duly elected a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1923.

Witness his excellency our governor, Harry L. Davis, and our seal hereto affixed at Columbus, Ohio, this 8th day of December, in the year of our Lord 1922.

[SEAL.]

HARRY L. DAVIS, *Governor.*

By the governor:

HARVEY C. SMITH,
Secretary of State.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed without amendment the bill (S. 3721) providing for the erection of additional suitable and necessary buildings for the National Leper Home.

The message also announced that the House had passed the bill (S. 3220) to amend sections 2, 5, 11, 12, 15, 19, 29, and 30 of the United States warehouse act, approved August 11, 1916, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed bills of the following titles, in which it requested the concurrence of the Senate:

H. R. 12053. An act to define butter and to provide a standard therefor; and

H. R. 14302. An act to establish and promote the use of the official cotton standards of the United States in interstate and foreign commerce, to prevent deception therein, and provide for the proper application of such standards, and for other purposes.

PETITIONS AND MEMORIALS.

Mr. WILLIS presented a resolution of the Akron (Ohio) Chamber of Commerce favoring the passage of the so-called ship subsidy bill, which was ordered to lie on the table.

Mr. LADD presented a memorial, numerously signed, of sundry citizens of Mandan, N. Dak., remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. KEYES presented communications in the nature of petitions of the congregations of the Atkinson Congregational Church of Atkinson, the Congregational and Baptist Churches of New Ipswich, the Congregational Church of Henniker, the Congregational Church of Gilsum, and the trustees of the New Hampshire Congregational conference, held at the South Congregational Church of Concord, all in the State of New Hampshire, praying an amendment to the Constitution regulating child labor, which were referred to the Committee on the Judiciary.

Mr. RANSDELL presented a memorial, numerously signed, by sundry citizens of New Orleans, La., remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia, and the body of the memorial was ordered to be printed in the RECORD as follows:

PETITION TO CONGRESS.

To the honorable the Senate and House of Representatives of the United States:

Believing (1) in the separation of church and the State;

(2) That Congress is prohibited by the first amendment to the Constitution from enacting any law enforcing the observance of any religious institution, or looking toward a union of church and State, or of religion and civil government;

(3) That any such legislation is opposed to the best interests of both church and State; and

(4) That the first step in this direction is a dangerous step and should be opposed by every lover of liberty;

We, the undersigned adult residents of New Orleans, State of Louisiana, earnestly petition your honorable body not to pass the compulsory Sunday observance bill (S. 1948) which aims to regulate Sunday observance by civil force under penalty for the District of Columbia.

Mr. REED of Pennsylvania. I ask unanimous consent to present and have embodied in the RECORD in 8-point type a concurrent resolution of the Legislature of Pennsylvania regarding the installation of the modern mail-tube system, and I also request that the memorial be referred to the Committee on Post Offices and Post Roads.

The memorial was referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD in 8-point type, as follows:

No. 2.

IN THE HOUSE OF REPRESENTATIVES,
January 29, 1923.

Whereas the sentiment of Philadelphia, like that of the other cities of the country where the modern mail-tube system has been tested, is emphatically in favor of it, as indicated by the press and by public expression, by the great business organizations, by city councils, and by the public generally: Therefore be it

Resolved (if the senate concur), That this legislature associates itself with the public's progressive demand for the use and extension of such service as a necessity of the post office

and a relief to the congestion of the already overcrowded thoroughfares of our larger cities; and be it further

Resolved, That the Secretary of the Commonwealth be requested to forward a copy of this resolution to the Vice President of the United States and the Speaker of the Federal House of Representatives for presentation to Congress.

THOMAS H. GARVIN,
Chief Clerk of the House of Representatives.

The foregoing resolution was concurred in by the senate February 6, 1923.

WM. P. GALLAGHER.
Chief Clerk of the Senate.

Approved the 7th day of February, A. D. 1923.

GIFFORD PINCHOT, *Governor.*

OFFICE OF THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA,
Harrisburg, February 14, 1923.

PENNSYLVANIA, *ss:*

I, Clyde L. King, Secretary of the Commonwealth of Pennsylvania, having the custody of the Great Seal of Pennsylvania, do hereby certify that the foregoing and annexed is a full, true, and correct copy of Concurrent Resolution No. 2 of the General Assembly of the Commonwealth of Pennsylvania, approved the 7th day of February, A. D. 1923, as the same appears of record and on file in this office.

In testimony whereof I have hereunto set my hand and caused the great seal of the State to be affixed the day and year above written.

[SEAL.]

CLYDE L. KING,
Secretary of the Commonwealth.

Mr. BORAH presented the following joint memorial of the Legislature of Idaho, which was referred to the Committee on Irrigation and Reclamation:

UNITED STATES OF AMERICA,
STATE OF IDAHO,
OFFICE OF THE SECRETARY OF STATE.

I, F. A. Jeter, secretary of state of the State of Idaho and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of House Joint Memorial No. 6 with the original thereof adopted by the senate and house of representatives of the Seventeenth Legislative Assembly of the State of Idaho and filed in the office of the secretary of state of the State of Idaho February 8, 1923, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Idaho. Done at the capitol at Boise, Idaho, this 10th day of February, A. D. 1923.

[SEAL.] F. A. JETER, *Secretary of State.*

IN THE HOUSE OF REPRESENTATIVES.

A joint memorial to the honorable Senate and House of Representatives of the United States of America in Congress assembled.

Your memorialists, the Legislature of the State of Idaho, respectfully represent that—

Whereas great distress obtains upon Government Federal reclamation projects in the State of Idaho; and

Whereas in the early history of the movement for the construction of Government reclamation project in the State of Idaho the Government of the United States on April 5, 1904, caused to be published Senate bill No. 247, and at page 20 thereof in said document discloses the representations made by the representatives of the Government of the United States as to the costs of reclamation per acre upon the Boise project, and Mr. Newell, who at the time was Director of the Reclamation Service, at a meeting of the citizens of Boise Valley among other things made the following representations:

"Replying to another question he said the cost could not possibly exceed $20 or $25 per acre."

The cost referred to by the director was the cost for a water right and completed project to be assessed against the lands of the Boise project; and

Whereas, when the first unit of the Boise project had been completed, and the only one that has been completed, the Secretary of the Interior announced an $80 charge per acre for each acre of land; and

Whereas Senate Document No. 247, published by the Government of the United States, was spread broadcast throughout the Middle West and State of Idaho and elsewhere as an inducement for settlers to take up Government land and to enter into contractual relations with the Government of the United States and assume to pay the burden of reclamation; and

Whereas hundreds of settlers went upon Government lands and located within the reclamation projects of the State of Idaho, with the understanding that they would be required to pay from $20 to $25 per acre for the reclamation of their lands, and many of whom waited from five to nine years after their location upon desert lands before any water was furnished to them whatsoever upon their lands from said reclamation project or any other source; and

Whereas hundreds of settlers upon Federal reclamation projects in the State of Idaho have exhausted all of their resources in an effort to meet their obligations to the Government of the United States and at this time are practically penniless; and

Whereas the Federal reclamation projects in the State of Idaho are confronted with one of two alternatives, first, an extension of time must be given and arrangements made for a reasonable distribution of the payments required to be made to the Government, or, second, hundreds of settlers who have spent from 10 to 15 years of the best part of their lives in an attempt to make homes upon Federal reclamation projects in the State of Idaho will be forced to abandon their said homes and seek a living elsewhere, and that, too, in the declining years of their lives; and

Whereas the conditions heretofore stated in this memorial have been greatly augmented, on account of excessive freight rates obtaining from the State of Idaho to eastern markets, being practically prohibitive, until the products grown upon Federal reclamation projects have rotted in the fields, for the reason that they would not bring sufficient sums to pay transportation charges; and

Whereas justice and a desire to show our appreciation to those who have struggled for years to subdue the desert and to improve our country and its citizenship impels us to ask that the Congress of the United States of America, by act of Congress, postpone all payments overdue upon reclamation projects and spread all of the remaining payments to fall due, together with said past due payments, over a period of 40 years, to the end that the Government may have returned to it by the citizens who have in most instances undertaken to reclaim desert lands on Federal reclamation projects: Now, therefore, be it

Resolved, That we earnestly urge the Congress of the United States of America to immediately enact legislation in harmony with this resolution; and be it

Resolved, That the secretary of state of the State of Idaho is hereby instructed to forward this memorial to the Senate and House of Representatives of the United States of America, and that copies of the same be sent to the Senators and Representatives in Congress from this State.

This memorial passed the house on the 3d day of February, 1923.

M. A. KIGER,
Speaker of the House of Representatives.

This memorial passed the senate on the 5th day of February, 1923.

H. C. BALDRIDGE,
President of the Senate.

I hereby certify that the within House Joint Memorial No. 6 originated in the house of representatives during the seventeenth session of the Legislature of the State of Idaho.

DAVE BURRELL,
Chief Clerk of the House of Representatives.

Mr. McNARY presented the following resolution of the Legislature of Oregon, which was referred to the Committee on Interstate Commerce:

THIRTY-SECOND LEGISLATIVE ASSEMBLY, REGULAR SESSION.

Senate Joint Resolution No. 7, introduced by committee on resolutions and read January 26, 1923.

Whereas by section 19a of the interstate commerce act providing for the valuation by the Interstate Commerce Commission of the properties of common carriers it is provided that "such investigation shall show the value of its property in each of the several States and Territories and the District of Columbia, classified and in detail as herein required"; and

Whereas the commission in its valuation reports thus far made has shown the values of properties covered by such reports in each case as a whole only and has failed to show the values thereof "in each of the several States and Territories and the District of Columbia"; and

Whereas the bureau of valuation of said commission has recommended to the commission that it request Congress to relieve it from showing the values of said properties by States; and

Whereas it is desirable for various uses and purposes that such valuation shall be shown separately by States as aforesaid: Now, therefore, be it

Resolved by the Senate of the State of Oregon (the House of Representatives jointly concurring), That the thirty-second legislative assembly of the State of Oregon now in session expresses its view that the Interstate Commerce Commission should show as to each interstate carrier the value of its property in each of the several States in which said property exists, and that no change in the law to sanction failure to make such showing ought to be sought or made; and be it further

Resolved, That a copy of this resolution be mailed to each United States Senator and each Member of Congress from Oregon.

REPORTS OF COMMITTEES.

Mr. CAMERON, from the Committee on the District of Columbia, to which was referred the bill (S. 1847) to amend an act approved February 12, 1901, entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore & Potomac Railroad Co., in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes," reported it without amendment and submitted a report (No. 1145) thereon.

Mr. BALL, from the Committee on the District of Columbia, to which was referred the bill (S. 4414) to amend the act of Congress approved September 6, 1922, relating to the discontinuance of the use as dwellings of buildings situated in alleys in the District of Columbia, reported it with an amendment and submitted a report (No. 1146) thereon.

Mr. BAYARD, from the Committee on the District of Columbia, to which was referred the bill (H. R. 6650) providing additional terminal facilities in square east of 710 and square 712 in the District of Columbia for freight traffic, reported it with amendments and submitted a report (No. 1147) thereon.

Mr. CAPPER, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 4192. An act to permit the correction of the general account of Charles B. Strecker, former Assistant Treasurer United States (Rept. No. 1148);

H. R. 7010. An act for the relief of Southern Transportation Co. (Rept. No. 1149);

S. 4179. An act for the relief of Charles W. Mugler (Rept. No. 1150); and

S. 4493. An act for the relief of the owners of the American schooner *Mount Hope* (Rept. No. 1151).

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the bill (S. 4544) to authorize the extension of the period of restriction against alienation on surplus lands allotted to minor members of the Kansas or Kaw Tribe of Indians in Oklahoma, reported it without amendment and submitted a report (No. 1152) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TOWNSEND:

A bill (S. 4557) providing for the disposal of certain lands on Crooked and Pickerel Lakes, Mich., and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. OVERMAN:

A bill (S. 4558) granting permission to Mrs. R. S. Abernethy, of Lincolnton, N. C., to accept the decoration of the Bust of Bolivar (with an accompanying paper); to the Committee on Foreign Relations.

By Mr. LODGE:

A bill (S. 4559) authorizing the President to declare an embargo on coal; to the Committee on Interstate Commerce.

By Mr. McCORMICK:

A bill (S. 4560) granting a pension to John A Robinson; to the Committee on Pensions.

By Mr. BURSUM:

A bill (S. 4561) granting a pension to Francisca Chavez de Pena; and

A bill (S. 4562) granting a pension to Josefa Uriaste de Lovato; to the Committee on Pensions.

By Mr. REED of Pennsylvania:

A bill (S. 4563) granting a pension to P. J. Langan; to the Committee on Pensions.

By Mr. NORBECK:

A bill (S. 4564) granting a pension to Ella M. Sims (with accompanying papers); to the Committee on Pensions.

By Mr. TOWNSEND:

A bill (S. 4565) granting a pension to Margaret Donahue; to the Committee on Pensions.

By Mr. MOSES:

A bill (S. 4566) for the relief of Ruth Dixon Philbrick (with accompanying papers); to the Committee on Claims.

By Mr. BALL:

A bill (S. 4567) to provide for the extension of Bancroft Place between Phelps Place and Twenty-third Street NW., and for other purposes; to the Committee on the District of Columbia.

By Mr. POINDEXTER:

A bill (S. 4568) granting a pension to Osborne G. Crosby; to the Committee on Pensions.

By Mr. McNARY:

A joint resolution (S. J. Res. 280) for the relief of the city of Astoria, Oreg.; to the Committee on Finance.

WORLD WAR FOREIGN DEBT SETTLEMENT.

Mr. WALSH of Montana submitted sundry amendments intended to be proposed by him to the bill (H. R. 14254) to amend the act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign governments held by the United States of America, and for other purposes," approved February 9, 1922, which were ordered to lie on the table and to be printed.

FLORAL WREATH FOR SILENT TRIBUTE TO WASHINGTON.

Mr. LODGE submitted the following concurrent resolution (S. Con. Res. 39), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved by the Senate (the House of Representatives concurring), That the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives are hereby authorized and directed to purchase a floral wreath to be placed at the base of the Washington Monument on Washington's Birthday, February 22, 1923, on the occasion of the ceremonies attending upon the silent tribute, the expense of such wreath to be paid in equal proportions from the contingent funds of the Senate and House of Representatives.

PROPOSED INTERNATIONAL CONFERENCE.

Mr. OWEN. Mr. President, I give notice that on Monday morning I shall ask the permission of the Senate to speak on the resolution for the assembling of a three months' world conference at Washington, D. C., to be called by the President of the United States.

STANDARDS FOR COTTON.

The bill (H. R. 14302) to establish and promote the use of the official cotton standards of the United States in interstate and foreign commerce; to prevent deception therein and provide for the proper application of such standards, and for other purposes, was read twice by its title and referred to the Committee on Agriculture and Forestry.

STANDARD FOR BUTTER.

The bill (H. R. 12053)) to define butter and to provide a standard therefor was read twice by its title.

The PRESIDING OFFICER (Mr. STERLING in the chair). This bill being the same as Senate bill 3858, which has been reported favorably from the Committee on Agriculture and Forestry, the Chair, if there be no objection, will order that the bill go to the calendar.

WORLD WAR FOREIGN DEBT SETTLEMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14254) to amend the act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign governments held by the United States of America, and for other purposes," approved February 9, 1922.

Mr. SMOOT. Mr. President, the pending question before the Senate is the unanimous-consent agreement.

The VICE PRESIDENT. The Secretary will read the proposed unanimous-consent agreement.

The reading clerk read as follows:

It is agreed by unanimous consent that from and after the hour of 2 o'clock p. m. to-day (Thursday), February 15, 1923, no Senator shall speak more than once nor longer than five minutes upon the bill (H. R. 14254) to amend the act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign governments held by the United States of America, and for other purposes," approved February 9, 1922, nor more than once nor longer than five minutes upon any amendment offered thereto.

Mr. SMOOT. Of course, that was the original request, and it was agreed yesterday to make it Friday instead of Thursday.

Mr. NORRIS. Let me interrupt the Senator from Utah. I do not want to be put in a false attitude. If the agreement is entered into, there will probably be a sort of gentleman's understanding that speeches shall be devoted to the bill. I gave notice several days ago that to-day, as soon as I could get recognition, I would address the Senate on a subject that is not particularly relevant to the pending bill. I do not want to have any misunderstanding about it. I want to carry out the notice that I have given.

Mr. SMOOT. There is no objection to the Senator proceeding. I understand he wants to occupy the floor only for about 25 minutes.

Mr. NORRIS. I think that will be as much time as I shall want to take.

Mr. SMOOT. But even if it were longer than that, there is nothing in the unanimous-consent agreement to prevent it.

Mr. NORRIS. I understand there is nothing technically to prohibit me from proceeding, but still if a time limit is placed on the discussion of the bill, I would not want to be one who would drift off and talk about something else, especially when I had premeditated it. I do not want any misunderstanding about it.

Mr. McKELLAR. Mr. President, in view of the fact that there are a number of Senators who want to speak on the question, I ask the Senator from Utah if he will not make it Saturday at 2 o'clock, and modify the agreement to that extent.

Mr. SMOOT. I will say to the Senator that if there are others who desire to speak at length after to-day the Senate can, if it wants, meet at 10 o'clock to-morrow morning.

Mr. McKELLAR. That is a very difficult hour to meet. Eleven o'clock is about as early as we can get here.

Mr. SMOOT. If other Senators want to speak, we can run right on through the evening. In other words, let the agreement stand as proposed, or we could make it 4 o'clock or 5 o'clock instead of 2 o'clock on Friday.

Mr. McKELLAR. Why not make it 1 o'clock on Saturday? That would be entirely satisfactory.

Mr. JONES of Washington. Mr. President, I think it is fair that I should say that I can not consent to such an arrangement. I can not control the handling of the bill. I hope, unless we can reach an agreement to dispose of the bill to-morrow, that we may go on to-day and to-night and meet as early in the morning as the majority of the Senate will agree on, and run as late to-morrow night as the majority of the Senate will have us run. I feel that I am just about as liberal as I can be in consenting to the bill going over until to-morrow without attempting to bring it to a vote sooner. So I shall not give my consent to an agreement extending the time until Saturday.

Mr. ROBINSON. Mr. President, the agreement was discussed at length yesterday. I believe that as it is now proposed it will afford ample time for all Senators who intend to discuss

the bill to do so. I believe it is a fair arrangement. I doubt whether the additional time suggested by the Senator from Tennessee is required. If, however, he thinks it is, of course he is at liberty to object to this agreement. In view of what transpired yesterday, however, I hope that it may be entered into.

Mr. SMOOT. I will say to the Senator from Tennessee if he desires to make the hour 4 o'clock or 5 o'clock, or even 6 o'clock, that will be perfectly satisfactory to me. I will remind the Senator that the request is merely that after that time speeches shall be limited to five minutes.

Mr. ROBINSON. I do not believe that that should be done. I would not object to making the hour 3 o'clock, but I think a reasonable time should be accorded for the discussion of amendments which will be presented.

Mr. SMOOT. I merely made the suggestion, I will say to the Senator——

Mr. BORAH. We ought to be allowed more than five minutes. I suggest to the Senator to give us 10 minutes.

Mr. ROBINSON. I think that modification of the request ought to be made.

Mr. NORRIS. I should like to say to the Senator from Utah that I have not talked with other Senators and do not know as to their desires, but I wish to speak a short time on the bill, and I do not wish to be debarred from doing so. I would not want to be confined, however, to five minutes.

Mr. SMOOT. I said on yesterday that I was perfectly willing to extend the time to 10 minutes.

Mr. NORRIS. It seems to me that 10 minutes should be allowed.

Mr. SMOOT. I am perfectly willing to make the request for 10 minutes.

Mr. ROBINSON. Mr. President, unless the Senator from Tennessee [Mr. MCKELLAR] deems it necessary to extend the time for general debate. I think the proposal as now made will afford ample opportunity for discussion.

Mr. MCKELLAR. The Senator from Nebraska has stated that he desires to make some remarks, and other Senators have stated that they also desired to discuss the bill. It is a matter of importance, as I think everybody will admit. The bill has been discussed fairly on both sides, and it ought to have reasonable discussion. I have sent to the Secretary of the Treasury for certain figures, which I have not yet received, and I should like to receive those figures. I do not know whether or not I shall receive them to-day or to-morrow. There has been some delay in sending them. I hope the Secretary will send them to-day, but I do not know whether or not he will do so.

Mr. SMOOT. I do not think there is any question that the Senator from Tennessee will receive the figures to-day.

Mr. MCKELLAR. Does the Senator from Utah know anything about the request which I have made for those figures?

Mr. SMOOT. No; but I know that the Treasury Department responds promptly to such requests.

Mr. MCKELLAR. I have asked the Secretary of the Treasury to have the actuary, Mr. McCoy, submit certain figures as I think are of importance, and I know Mr. McCoy is perfectly willing to do so if he gets the direction of the Secretary to that effect. It seems to me that a 10-minute limitation of debate on Saturday at any hour that may be fixed would be a very satisfactory arrangement.

Mr. SMOOT. I will say to the Senator from Tennessee that we can not secure such an agreement extending the time to Saturday.

Mr. MCKELLAR. I do not wish to put anything in the way of an early vote on the bill.

Mr. SMOOT. It seems to me that with the opportunity to debate the bill without restriction between this time and to-morrow afternoon at 2 or 3 o'clock a limitation of 10 minutes on speeches thereafter on amendments and the bill would give ample opportunity to every Senator who desires to speak to do so.

Mr. REED of Missouri. Mr. President, I think I can settle this controversy. For one, I shall object at this time to any unanimous-consent agreement to vote on the bill.

Mr. ROBINSON. Mr. President, this is not an agreement to vote on the bill, although it contemplates that a vote shall be taken some time after 2 o'clock on to-morrow.

Mr. SMOOT. The proposition is to limit the speeches on the bill and amendments to 10 minutes after that hour.

Mr. REED of Missouri. Mr. President, this is the most tremendous contract that our country has ever been called upon to make. It proposes to tie the United States to the chariot wheels of British diplomacy and British finance for 62 years. The effort to rush this bill through Congress resembles nothing so much as the effort of a gentleman who has a gold brick to sell and who has to dispose of it quickly if he gets rid of it at all. Whenever one finds such indecent haste it is always well to look into the transaction itself.

Mr. ROBINSON. Mr. President, will the Senator from Missouri yield?

Mr. REED of Missouri. I yield.

Mr. ROBINSON. Yesterday afternoon the debate was practically exhausted; no Senator was present who was ready to go on. A request to vote some time to-day was presented to the Senate. I myself stated that I thought that was entirely too early, and asked that the request go over in order that all Senators who were interested in the subject matter—having in mind particularly the Senator from Missouri—might be present when the proposed unanimous-consent agreement was considered. There was no Senator in the Chamber yesterday who was ready to proceed with the debate, and, from the information that had reached me, the debate would have become exhausted before 2 o'clock on Friday; certainly by that time. I therefore expressed the hope that the agreement might be entered into in order that night sessions might be avoided.

Mr. SMOOT. Mr. President——

Mr. REED of Missouri. Mr. President, my remarks have nothing to do with the suggestion made by my friend from Arkansas.

Mr. ROBINSON. That was the reason I made the statement.

Mr. REED of Missouri. I discussed this bill at some length on yesterday, and then was obliged to meet a delegation at the War Department. So I left here after I concluded my remarks. What I particularly referred to was a settled propaganda carried on throughout this country not in discussion of this measure but in eulogy of it. Followed by the action of the House of Representatives in passing this bill with less than a day of debate—and I apprehend that is as much as I can say regarding a transaction in the House of Representatives—the measure was brought forward here. The discussion yesterday demonstrated that this bill is an entirely different proposition from the one which the American people have been given to understand it to be. I want the bill discussed. It may be that the influences which the international banker and the international financier control and direct will be sufficient to put this measure through regardless of its merits. The situation reminds me of another important measure which was before the Senate a few years ago when we were given to understand that any man who opposed it was at least a foolish person, if not disloyal to his country.

There is no reason for any great haste. Since the day that Great Britain borrowed this money her notes of hand have lain in the Treasury of the United States. She is not in the condition of an absconding debtor who must be settled with upon the instant if at all. She is a great country that has solemnly entered into obligations to the United States, but now desires a more favorable contract than the one to which she has already attached her signature. She must either obey the terms of the solemn contract entered into, or she must negotiate with us for a better contract. Therefore we have the right to take all the necessary time to consider the interest of the United States. Have we done it? How many Members of the Senate have really considered this matter outside of the question of mere interest payments that are to be made? I undertake to say that our British friends have driven a bargain here or have been offered a bargain—whichever way the Senators may want to put it—which places the United States at disadvantages under which we can not afford to rest.

To illustrate: First, it is not provided in this instrument that the bonds shall be negotiable bonds; that they shall be payable to bearer, so that the United States may dispose of them when she desires. On the contrary, the distinguished Senator in charge of this bill indicates that the bonds will be payable to the United States and not to bearer.

Second, she has provided that she can pay these obligations in the bonds of the United States to such an extent as she may see fit to tender such bonds. That immediately destroys the ability of the United States to sell the British bonds and to get the money, because there are but few private investors who would buy bonds under those conditions, and, indeed, I can not quite ascertain how a transaction could be carried out with the ordinary buyer who might purchase from our Government these British bonds.

Third, Great Britain has the right to defer the payment of one-half of the interest during the first five years; and that destroys the market for these bonds entirely for the first five years, because no man will buy a bond in the market and pay

anything like its face value when he knows that one-half of the interest may be defaulted, or, rather, paid without default, by the giving of new obligations of the British Government.

Fourth, the bonds are rendered nonnegotiable by the clause which provides that the payments may be made not according to the schedule arranged, but that that schedule may be varied at the option of Great Britain, so that she may pay once in three years instead of once each year. That kind of bond, Senators, I am appealing to your business sense, is an absolutely nonmerchantable bond.

Fifth, Great Britain has the option to pay in bonds of the United States. Let us see how that can be easily worked out. For the first 10 years, which is the period of high interest if the world shall settle down as we hope it will, she pays but 3 per cent interest. We are paying approximately 4½ per cent interest; for there is not a single bond we have out, if we add the expense of its original negotiation, that is not costing us 4½ per cent, in my humble judgment. I have not the technical figures on it, but I think my assertion will scarcely be challenged. No man with any good sense can claim that we can now, at this time, refund our loans at 3 per cent or 3½ per cent and obtain par, because to-day only one of our issues, namely, the 3½ per cent Liberty bonds, is above par, and it is above par only 1.78 per cent. The fourth Liberty 4¼'s are at par and the Victory 4¼'s are at 100.20. All the rest of our bonds, bearing these high rates of interest, are to-day below par. So the man with common sense knows that we can not refund our loans to-day at 3 per cent.

What can Great Britain do? She has the option under this contract of postponing her payments for 62 years ultimately, and any time during the 62 years of paying in our bonds. Great Britain, therefore, can go into the bond market of the United States through private agents and can buy the bonds of the United States and collect 4½ per cent interest from us while she pays us 3 per cent. If you figure the difference in interest at 1½ per cent on the $4,600,000,000 of money that Great Britain owes us, you have an annual profit that can be made by that transaction of $69,000,000, or $690,000,000 in 10 years of time. Senators may refuse to consider these figures if they see fit.

If the difference is only 1 per cent instead of 1½ per cent, then by purchasing these bonds Great Britain can save in the first 10 years $460,000,000. If she takes advantage of a deferment of one-half of her interest during the first 5 years and adds that to the principal she can further increase her savings, because she is still getting 3 per cent on the money and paying us in our interest-bearing obligations on which we must pay her 4¼ per cent to 4½ per cent. Therefore, out of the transaction the financiers of Great Britain and the British Government, first and last, will save over a billion of money, in my judgment; and we sit here and talk about unanimous-consent agreements and cutting off debate in order that we may deliver the United States bound hand and foot to the British Government!

What are Senators thinking of? This thing has been sugar-coated.

Mr. ASHURST. Mr. President, perhaps Senators are thinking of the way in which they also delivered the Panama Canal to Great Britain.

Mr. REED of Missouri. Very well; that only makes it worse. We are the pitcher and England is the catcher, and she never muffs a ball.

I repeat, what are Senators thinking of when they will even consider a proposition of this kind? I have heard talk—and I had almost characterized it as maudlin talk—about our ability to fund our loan at 3 per cent. How does any man here know that we can fund our loan at 3 per cent? The contract we made with Great Britain was that she should give us bonds bearing the rate of interest we were paying, and that if we had to increase that rate of interest she would give us bonds bearing the higher rate that we were obliged to pay. Two or three gentlemen selected from one political party, tied to this administration, were put on a commission headed by one of the greatest bankers of the United States, one of the greatest in the world, a man against whom I would say nothing personally, but his interests are such that he has no business in the office of Secretary of the Treasury, and he is there in violation of the spirit if not the letter of a statute of the United States.

We are told that this will stabilize business. I deny it. It will stabilize the bond market for those gentlemen who hold the bonds of Great Britain in their vaults, or those gentlemen who have the 5½ per cent British bonds that are already at 115 in the market. It will stabilize the investment of every gentleman who has put his money in foreign securities. But will it in the long run stabilize the business interests of this country, aside from these bond speculators, these cormorants who would have put us into 40 leagues of nations, and made us underwrite their obligations in the blood of our boys? Every time the cock on the international weather vane turns his head toward war the credit of America will be jeopardized if Great Britain is our debtor to the extent of $10,000,000,000. For 62 long, weary years, every time world conditions are disturbed—and Great Britain will be in every disturbance of any importance, as she has been for a century—the credit of the United States will be impaired, because the credit of Great Britain, our debtor to the extent of $10,000,000,000, will be impaired.

Every time that credit is impaired the cry will go up that the United States must side with Great Britain because we must sustain the credit of our debtor. So this tie, this financial tie, may be used to drag us into future conflicts. I say now, I believe I would rather cancel this debt than unite our interests with the interests of the British Empire in this way for the next 62 years of time; and I am not in favor of any cancellation.

Sixty-two years! It amounts to a practical cancellation of the principal of this debt. If Great Britain were to give us her obligations to pay us 4½ per cent interest for 62 years, and we were then to cancel this debt, we would have more money than we will have if she pays us 3 per cent interest and pays the debt at the end of the transaction, more money in actual dollars.

Who is there, looking ahead as far as we can look with the eyes of our imagination—and that is all we have to guide us, except the light of history illuminating the future—who is there who can dare to say that, if we make this transaction, long before the period of 62 years has passed, we will not find ourselves in the most serious contest with the British Empire, and that we may even be at war, and if we are at war, we must know that the best weapon of defense and offense is credit. I would rather have the United States without an army and without a navy, or with a small army and navy, and with unimpaired credit and no debt, than to have her with a great army and a great navy, and her credit impaired and immense indebtedness owing by her. If we were to have this conflict which may come with Great Britain, as with any other country—and God knows we hope it will never come—if Great Britain owes us $5,000,000,000, the moment the war is declared that debt will be gone. We will still owe to our people the $10,000,000,000 we borrowed to loan to European countries. I have spoken often of $10,000,000,000. I am speaking of the whole European debt, but in this particular case, of course, the debt is now $4,600,000,000, in round numbers.

Who will say that such a controversy may not arise? We sit here now singing songs of brotherly love. I hope they may echo through the ages; but this much I know, that the international friend of to-day may be the international enemy of next year. We do not want the enmity of any nation. We will seek to avoid it, but I repeat what I said, who in 1913 would have dared prophesy a war between the United States and Germany? We had been habitually the friend of Germany, and she had been ours, and we had a treaty with Prussia—yes; and with the German Empire—which was the most advanced and most humane touching war conditions that had ever been written. Yet, at the single shot of a cannon, that treaty was dissolved in smoke and ceased to be.

Who would have dared prophesy, as the counsellors of the nations sat about the table at Versailles, that at this hour Great Britain and France would be contending for opposing policies, and that their relations would be strained almost to the breaking point?

Who, surveying the past of our own country, dare write a policy of insurance against any possible conflict with the British Empire? Do you find assurance in the fact that her ports were open during the rebellion to the fitting out of piratical craft to sweep the commerce of America from the seas?

Do you find it, again, when her minister declared, in the Venezuelan controversy, that the Monroe doctrine was not international law, and, in substance and effect, declared it to be a piece of American impudence?

Do you find it in the fact when we sought with our own money to build the Panama Canal that Great Britain exacted onerous conditions from us, burdensome conditions?

Do you find it in the fact that she made a secret treaty with France and with Japan relative to the disposition of the German possessions and concealed that from us at the time we entered the war and thereafter from the knowledge of the President of the United States until the war had been won? It was then disclosed, to his astonishment and, I imagine, to his disgust and dismay.

Do you find it in the fact that Great Britain and Japan cooperated so that Japan took from thirty to forty thousand islands in the North Pacific, under a pretended mandate, which means nothing but eternal occupancy so long as the Japanese Government shall exist and maintain its power? Do you find it in the fact, when the present officers of our Government sought to interpose some objections in regard to that Japanese mandate of eternal possession, that they were obliged to come here with the miserable plea that we could not help ourselves; the work had already been done; and even the little island of Yap, where we had established, or sought to establish, a telegraph station, must come under the banner of Japan?

Again, do you find it in the fact that to-day Great Britain is menacing the peace of the Orient simply because she insists that she will take and hold the most valuable part of Turkey, the oil lands, and that from those oil lands she has excluded American citizens?

Do you find it in the fact that she took under her flag, to hold as a mandate forever, where British law and British authority will be supreme, a territory greater than that over which the banners of the Cæsars floated in the flood tide of Rome's greatness?

Do you find it in the fact that she demanded Canada should establish a war fleet, to be maintained in Canadian waters, almost within gunshot of our coast? Do you find it in the fact that she made a similar demand upon Australia—or request, if you please?

Do you find it in the fact that she insistently demands to-day a dominance in the Dardanelles, the last lane and neck of the seven seas not controlled by British cannon, or in the further fact that already her fortresses command those waters?

Do you find it in the historic fact that never has there risen in the last 300 years a trade rival of Great Britain which has not been humbled at the mouths of British cannon?

I do not say these things out of animosity toward Great Britain. I do so as one of the custodians of American interests. However inefficient we may be to fill that high position, it is our solemn duty to bear in mind the lessons of history and the examples of international faith of the distant past and of the near present. Out of those lessons deduce the truth uttered by the great and favorite modern historian of England that the English are the great conquering race.

With that history before us I want no permanent tie with Great Britain except so far as the ties of good fellowship and friendship may go. I want this debt so liquidated that the bonds will not remain for a long time in the Treasury of the United States, that they shall be sold to private investors so that our Government and the British Government shall not be financially intertangled with each other.

Oh, I know that gentlemen just now are singing the praises of the British Empire, that it is fashionable just now to stand upon the housetops and the street corners and praise Great Britain and talk about ties of blood and ties of love. Mr. President, I have not a bit more love for Great Britain than I have for France. I have no more love for Great Britain than I have for Norway or Sweden, Holland, Denmark, or for any civilized country where white people live. I hope the time will soon come when we can feel toward the German people sentiments of kindliness, if they will do their duty. But I do not want any of these debts to be governmental debts 10 or 15 or 20 years from now. I want this Government to be discharged of the obligation of a creditor. I want this money as soon as possible gathered into our Treasury by the disposition of the securities and our own bonds to our own people canceled with the proceeds.

How can Great Britain give us that kind of a bond? Should she do it? She has agreed to do it. She has agreed in writing to do it. Her notes of hand are held in the Treasury at the present moment. They bear 5 per cent interest. I am willing to mitigate that interest to the point that will merely recompense us for the interest we must pay on the money which we borrowed to loan to them. Great Britain, as an honest nation, will meet those obligations in a fair way or she will stand before the world guilty of an act of national bankruptcy, and no government has ever stood that was guilty of an act of national bankruptcy. We are not getting favors from England by this deal. They are getting favors from us. We have the right to hold them to the letter of their written agreement, and in so far as we mitigate that letter it is an act of grace upon our part.

Some one has said Great Britain is the only country that has offered to pay, and therefore we should regard her with particular favor. If I have half a dozen debtors and one of them offers to pay he has conferred no favor; he has done simply what he ought to do. The honest man never pleads the dishonesty of another man as a reason why he should have special favor under such circumstances. It never happened in the history of the world and never will, for such a plea would be the essence of dishonesty itself.

But let us see about the other nations. France, we are told, has not offered to pay. France suffered the brunt of the war. Her finances are disorganized to a large extent. She is endeavoring to collect a huge indemnity. Under those circumstances she has not yet come in any formal way and said she is willing to carry out her agreement. But in what light will France stand before the tribunals of earth or heaven if she shall insist that Germany shall pay her a war indemnity and refuse to pay us the money we loaned her in the hour of her extremity? France can not afford to occupy such a position, and I venture to predict that she will not long occupy it.

Besides, the question arises, What has our own Government been doing to bring the French debt to an issue? I undertake to say that an American Government with a little of the spirit in it that animated our young men when they marched across the fields of France would get a settlement from the French Nation. When the time comes we may give extensions of time on the payments; we may give as low a rate of interest as we can afford to give. I abominate the argument that we should give England specially favorable terms because we have not yet settled with France. What I have said of France can be applied equally to Belgium.

As to the little countries which we helped to create, if they are worthy to stand as nations, if they are to stand as nations, they must meet their obligations in the fair and honest way. Are we to take the ground that we have set up governments of repudiationists? But even if we had, why should we therefore make an improvident bargain with a nation that holds one-quarter of the habitable globe in her grasp and relinquishes not one foot of that territory, a nation which holds that territory for trade purposes?

It is idle to deny the fact that this is the reason why England has extended her conquests so far. In every colony she establishes, in every land she conquers, British merchants enjoy an advantage over the American merchant or the merchant from any other country of earth. This policy has no parallel in history save that of ancient Rome if steadily pursued. We gaze upon it as something that is here, and it is not to be complained of. Then this nation, which boasts that her drumbeat follows the sun in its course around the world and whose armed forces are mustered from the North Pole to the Southern Cross, comes to make a bargain with us, and we deal with her as though she was a bankrupt brother unable to meet her just obligations.

Mr. President, it is perfectly evident to me from the temper of the Senate that this job is going to be put over. We named a commission and wrote the bounds of their authority. They should have submitted no other proposition to Great Britain than that which was contained in the law of Congress. They should have told the British delegates that these "gentlemen from the rural districts" had fixed the bounds and limits of their power. They should have given the British representatives the option of accepting or rejecting. Instead they bring this miserable contract here, and we are now led to believe that in some way we are committed, and all the power and influence of the administration is back of it, just as it was back of the four-power pact that gives to Japan an advantage in the north Pacific that may some day be fatal to our arms.

In the name of God—and I say it reverently—when are we to have an American policy? When are we to have statesmen who have regard for America, as Great Britain has statesmen who have regard for the British Empire, as France has statesmen who think only of la belle France, and as the other countries of the world have statesmen whose prayer at morning and at eventide is for their country? When are we to have statesmen of the George Washington type, who declare for peace and amity with all the world but for an America that prepares to defend her interests and strengthens her arm so that she shall be invincible in the contests of the world?

No nation that ever achieved world greatness has ever fallen save from one of two causes—corruption from within or a failure to keep alive the national spirit and preserve the national manhood. We have the sentiment of internationalism in our country, of "hands across the seas," of "brotherly love," and always when our hand is stretched across it must contain a benefaction. There are no hands reaching from the other side conferring favors and benefits on us.

I do not like to descend into mere slang, but I have heard of what are called "gimme girls," girls who always want something to be given them. They are not a very fine type, and are not representative of American womanhood, of course, but it

seems to me we are playing the international "gimme" game, and we are the ones who are to do the giving.

England wanted the Dardanelles. She has been maneuvering in that direction for 150 years. She rescued Turkey "many a time and oft," because she preferred to have the weak Turk hold the Dardanelles, but when the hour came when she could seize them she has done so. No matter what pretext may be invoked at the end she will dominate the Straits of the Bosporus.

Who doubts to-day that England sent the Greek Army marching into Turkish territory? And why? Because Greece is Britain's pawn, her proxy in the international game. Who doubts that France, as a counter move, furnished the implements of war to Turkey to hold back the Greeks? Who doubts that plot and counterplot, with all the mazes and circumlocutions and trickery of European and oriental diplomacy, are now in full activity as much so as at any period of the world's history? And, of course, the stronger powers would like to have us come over and settle the difficulty in their favor.

I should like to see an American policy, a policy that proclaims to the world that owes us money, "You are our debtors; come and settle fairly and decently; we will accord you the best terms we have; but if you do not come, you stand as bankrupts in the international court of conscience." I should like to see a National Government that will say something more: "We intend to have our money."

Mr. OWEN. How would the Senator get it?

Mr. REED of Missouri. The Senator from Oklahoma asks me how we would get it. One way we would get it would be by having nerve enough to demand it. I am not one of those who think the United States are an impotent aggregation of mere ciphers. No nation on this earth dare stand out and refuse to meet its obligations to us. If any nation did so, I would collect, sir, just as they have collected from weaker powers. I would not proceed with any haste; I would give time to the limits of reason and beyond. I have in mind some possessions not far from our coast which I think could be taken in about 24 hours. I am not talking of that, and ought not even to have mentioned it, because it is the farthest from my thoughts that such a thing would be necessary; but when the question is put to me, "How would you do it?" I answer, "I would do it the way it has been done by every great power through the flight of all the centuries"; I would insist upon and, if need be, enforce our rights. That will never have to be done, for just as we draw back from any such proposition as that they will draw back from the consequences. I prefer not to discuss that phase of the question, because I insist that our principal debtors are honorable debtors; that Italy will settle, that France will settle, that Belgium will settle, and that the proud British Nation, most puissant of them all, will meet its obligations. I blame no British statesman who can make a contract of this kind for making it. I shall blame, and in my humble judgment the people of this country will blame, this Government if we ever sign this arrangement.

We can do it. We did some things a few months back, and the people had something to say about it at the last election. Go to the people of the United States and say "We had a contract for 5 per cent. We had a contract that the interest on the bonds we take from Great Britain should never be less than the amount of interest we pay ourselves; but we voluntarily changed that contract. We made it one by which the United States may lose billions of money. We gave them a rate of 3 per cent interest and told them they could pay half of it in bonds for the first 10 years if they wanted to, and we are taxing you people to pay 4¼ per cent." Go and tell the American citizen that if you want to, Senators. What reason will you give the American citizen for making that kind of a contract? Go and tell him that our obligations mature in a few years and that we extended this one for a period of 62 years. Try to tell the American citizen that we got a bond of this kind from a solvent debtor. Having plead the solvency of that debtor, and the validity of this bond, answer him when he asks you "Why did you not get the same rate of interest we have to pay, when we had the solemn obligation of that country that it would pay that same rate of interest?"

To sum up in a few words what I have to say, you are obtaining a bond that must be held in the Federal Treasury and can not be negotiated, because it is not a merchantable thing. You are obtaining a bond that gives to the British Empire an advantage in the rate of interest of over 1¼ per cent, while we must pay that additional 1¼ per cent for the very money we handed over to them. You are tying the United States financially to the financial fortunes of the British Empire for a period nearly half as long as this Government has existed. You are giving the British Empire the opportunity, if the financial market ever swings toward very low rates of interest, to get out at once and to obtain her own money at that low rate and to pick up our higher interest-bearing securities, hold them in her treasury, and make money by that transaction.

Do you not remember that in the early days, before we got into the war, their agents came here, headed by Mr. Hoover, and rigged the markets of America—a fact that was afterwards admitted—in order that they might gain whatever commercial advantages they could? These Englishmen are entitled to admiration for their shrewdness, and they are making a deal now that I warrant you every leading financial mind in Great Britain has mulled over and figured out. If we shall be compelled to continue to pay 4¼ per cent interest, then this deal that they have made cancels their debt, because the difference between the rate of interest we pay and the rate they are to pay will in 62 years of time wipe out the principal of the debt.

Would it not be more consistent with British faith if they were to give us their bonds now, bearing interest at the rate we are paying, with an understanding that they could refund those bonds later if we got a lower rate of interest? That would insure us dollar for dollar, which we are entitled to. Would it not be more consistent with good sense if we should try first to see if we could sell our bonds at 3 per cent before we take their bonds at 3 per cent? If we fail to do that, it will be no answer to the Treasury, when the loss will appear, that distinguished Senators upon this floor said they rather guessed we would be able to sell 3 per cent bonds. We can not sell them now. As I have shown, the majority of our bonds are below par to-day, although they bear a rate of interest of 4¼ per cent.

This, sirs, is an improvident contract. It is a dangerous contract. I have therefore objected to unanimous-consent agreements that will cut off debate. Let the debate go on. If they want night sessions, we will have to sit up with them, and I think our bivouac will not be any more onerous or any more painful than was that of the sentinels who guarded the line over there. Why the haste? You have waited ever since this money was loaned, and a few hours now will break nobody's heart, unless it be the palpitating and sensitive organ in the breast of the British financier who hopes to make an exceedingly fortunate arrangement for his country. But the propaganda is on. The newspapers have all been one way. If there is anybody in the world that can get wrong with great regularity, it is a newspaper editor who is trying to write on every subject on earth and who is not really acquainted with any subject. Send that down to them, with my compliments. There never was a war fought yet but there was an editor back of every newspaper counter in the country who could tell the general of the army just when and how he ought to move his men. The most luminous book that has been written in half a century is How Private George W. Peck Put Down the Rebellion. It is not only humorous but it is luminous.

The truth is a sentiment was manufactured in this country that we were not going to get our money, and so, with that as a background, they have all rushed in and said, "Here is a chance to get something. For God's sake, let us grab it quick!"

The fact is that if there has ever been written an obligation that binds the faith and credit of a nation, that is based upon good conscience and value received, it is this obligation that was given to enable these countries that stood with the knife of the executioner at their hearts to escape the death stroke. If there was ever a debt that ought to be paid without whimpering and without equivocation, it is the debt that a man incurs for the means to defend his household and protect his home. If there ever was a debt that ought to be paid cheerfully, gladly, and thankfully, it is the international obligation that kept armies of defense in the field, that furnished them the cannon and the munitions of war, that sent them succor when their backs were at the wall, that reinspirited their falling hopes, and that gave to their hands the weapons that made it possible to resist and to strike back.

If it had not been for that money, French troops would not be in the Ruhr Valley to-day exacting indemnities. German troops, under the German Kaiser, would be camped in the capital of France, and French peasants would be working night and day to pay indemnities to Germany, instead of paying a debt to America. England's mighty fleet would not be plying the waters of the seven seas, but would be very likely found sailing under German flags and manned by German seamen. When men stand and prattle about this debt not being a real debt that should be redeemed, I answer that it is a debt of honor, and that upon every bond that may be issued there will be the bloodstains of American boys who put their lives into the balance.

Let them repudiate if they will, but let us ask what is our due. I have no hesitancy in saying they will not repudiate. Do men tell me they can not pay, when their own bonds, bearing a high rate of interest, are selling at $115 in the market this morning? A bond bearing a high rate of interest is not worth par, no matter what its rate of interest, if it be not a good bond. They have the money to still continue world exploitation. Let a single one of the enslaved peoples dare raise his hand for a government of his own; that hand will be stricken down by a British saber within the flash of an eye. They have the money to hold those people in subjection, countless seething hordes of men and women who have a right to their own government.

They have the money to push forward their conquests. They had the money to enlarge their navy, and were preparing to maintain their dominance upon the ocean at all costs. When they made a bargain with us in the four-power pact, they bargained for and obtained a 25 per cent advantage, a fact I demonstrated upon this floor, and that was denied, but denied from false premises. They have the money. If they are a little pressed to-day, give them time; that is all right. But who dare write a general bill of bankruptcy for the British Empire?

I have said some things here I would not on any account have misunderstood. I am not suggesting trouble with Great Britain. It will not come unless we make it by tying ourselves to Great Britain so closely that our interests and hers become united in a way so that her troubles will drag us into trouble. I am not seeking to disparage the British people, or even the British Govemnment, for the British people, only 38,000,000 of them in the British Isles, have proven their right to a place in the sun by occupying about one-third of the earth's surface. Such a race is not to be spoken of disrespectfully, but such a race can and will meet its obligations of honor and of justice.

So, Mr. President, I have objected and I do object to a unanimous-consent agreement which would cut off this debate. There is no use prolonging the debate interminably. Let whoever has anything to say say it, and when amendments are brought forward let them be open to debate. I expect to offer some, and to urge them with a reasonable degree of earnestness, but I see no reason why we can not come to a vote. But, please God, I wish we were not to do the voting. I wish this could be submitted to the American people and debated for 30 days. In my judgment, if it were, we would hear a storm of protest that would begin at the Pacific Ocean, roar over the Sierra Nevadas, and sweep down into the great central parts of the United States, where it would meet a similar wave of indignation sweeping in from the Atlantic seaboard.

THE POWER OF THE STATE LEGISLATURE OVER THE ELECTORAL COLLEGE.

Mr. NORRIS. Mr. President, some days ago I gave notice that I would address the Senate to-day, and I hope that during the time I am making my remarks I may proceed without interruption. I shall be glad at the close of my remarks to answer any questions I am able to answer, if they are propounded.

Mr. President, in this day of advanced civilization, no legitimate excuse can be given for the existence of the Electoral College. The election of a Chief Magistrate of our country through the instrumentality of presidential electors is a relic of monarchal government. It is absolutely contrary to the principle of democracy. A democratic form of government is based on the theory that the people are sufficiently intelligent to select their own rulers. To the extent that this right is denied or circumvented, it is a denial of democracy.

When our forefathers threw off the monarchal yoke and declared themselves free and independent, they took the most advanced step in government that the world had ever known, and yet, to quite an extent, the move was an experiment in government. The founders of our Government were careful lest in taking this step they should go too far afield from the then existing conditions. In their wisdom they declined to take any step that might endanger the stability of the governmental structure which they set up. It was a serious question with them as to just how much power could be delegated directly to the people, and in framing the Constitution which was the result of their deliberate action they were exceedingly careful lest the step which they were taking should be so great as to endanger the permanency of the Government. In the Constitution of the new Government the only place where the people had a direct voice and vote in the selection of those who should govern them was in their right to select by direct vote the Members of the House of Representatives.

The Senate was removed one step from the citizen by providing that the Members of that body should be elected by the State legislatures. The President, the most powerful official of all, the one who had more to do with the making of the laws that should govern the people, and their enforcement, together with the power of selecting the judges who should construe the laws, was to be elected by presidential electors, who, in turn, should be selected in the manner provided by the various State legislatures. Thus it was provided by fundamental law that the people themselves, constituting the new Government, should have no direct voice or vote in the selection of the one official who had more to do with their happiness and destiny than any other. Since our Government was founded the trend has, in accordance with the immutable law of civilization, been in the direction of greater democracy, which always means placing additional power in the hands of the people themselves. Thus we have provided, by an amendment to the Constitution, for the direct election of Senators, and by a system of political practice through the organization of political parties we have, to some extent at least, nullified the provisions of the Constitution providing for the election of President by a college of electors. Presidential electors are selected with an implied agreement of honor that, if elected, they will cast their vote for certain persons for President and Vice President, but the machinery of the Electoral College still remains. It is worse than useless; it stands as an impediment on the road of governmental progress; and it has no more excuse for its existence in a democratic form of government than has the appendix in the human body.

Of course, the only proper way to fully relieve ourselves of this relic of the ancient monarchal system is to amend the Constitution and provide that the people shall have a direct vote in the selection of their Chief Magistrate. This is a slow, tedious, and difficult procedure. I had hoped that an amendment to the Constitution, eliminating the Electoral College, would be submitted by Congress at the present session, but it is now evident that that is impossible, not because Congress would not vote for such a provision if it were brought face to face with the proposition but because with the crowded condition of the calendars of the House and the Senate with many important and necessary matters of legislation it is a physical impossibility within the time of the life of the Congress to bring the matter to a decision.

THE CONSTITUTIONAL POWER OF THE STATE LEGISLATURES IN THE PREMISES.

We have lived under this archaic system so long we do not realize that under the Constitution of the United States the State legislatures by a very simple statute could obviate the greater portion of the difficulty. Paragraph 2, section 1, Article II, of the Constitution of the United States provides:

> Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors—

And so forth.

It will be observed that this constitutional provision under which our presidential electors are selected gives to the State legislature almost unlimited power in the appointment of such officials. This power, given to the State legislature by the Federal Constitution, can not be in any way interfered with, either by law of Congress or by State constitutional provision. The legislature is supreme. It can not be required to submit the question to a vote of the people. It was not intended by the framers of the Federal Constitution that it should submit the matter to an election. The legislature can make the appointment itself. It can provide for any other manner of appointment. Because the State legislatures were desirous of increasing the power of the people, they have usually provided that these presidential electors shall be selected by a direct vote of the people themselves. This means that the names of the candidates for President and Vice President are not printed on the official ballot, but instead the voter is presented on the ballot with the names of candidates for presidential electors, and he votes for the electors, who, in turn, are pledged to vote for such candidates for President and Vice President as are favored by the voter. The real intent of these provisions made by the various State legislatures is to avoid the technical provisions of the Federal Constitution and to give to the people, as nearly as they can, a direct voice and vote in the selection of President and Vice President. However, under the provision of the Federal Constitution that I have quoted the legislature has the power to provide that the names of the various candidates for President and Vice President shall be printed on the ballot; that the names of the various candidates for presidential electors shall be omitted therefrom; and that presidential electors shall thereupon be appointed who will give

legal effect to the wishes of the voters expressed at the ballot box.

The legislature could provide, for instance, that after the general election it shall be the duty of the governor to appoint presidential electors who will pledge themselves to vote for the candidates for President and Vice President who have received the highest number of votes at the general election just held. They could provide for the appointment of such electors by a committee of the legislature. They could likewise provide that these electors shall be appointed from lists selected by the political party whose candidates for President and Vice President had just carried the State, or they could provide that the electors shall be selected by the candidate for President who had received the highest number of votes for that office at the general election.

It can be said, I know, that the electors thus selected are not legally bound to vote for any particular man for President and Vice President; that as a presidential elector he has a right to exercise the discretion that the Constitution of the United States places in him; and that he is in fact bound only by a pledge of honor which he has a technical, legal right to violate if he chooses.

This is true, but the same objection applies to the presidential electors selected under our present system. A person selected as presidential elector from a State can, if he chooses, vote for any person he pleases for President and Vice President of the United States. His right to do this is preserved by the Constitution of the United States and can not be changed by enactment of law. He is only bound under the present system by a pledge of honor; so that, if this objection be an evil, it is one that already exists and would not be made any greater by the change I have suggested.

A change such as I have outlined would more closely follow the United States constitutional provision in regard to presidential electors than the system which now exists. It will be observed that in the constitutional provision quoted the word "appoint" is used. It was evidently the intention of the framers of the Constitution that the legislatures should adopt some method of appointment of these electors; and while the method adopted by the legislatures is conceded to comply with the Constitution, the one I have outlined is a more literal compliance than the present system providing for the election by the people of the electors.

NEBRASKA HAS ADOPTED THE NEW METHOD.

The Legislature of the State of Nebraska has already provided by law for the printing of the names of candidates for President and Vice President on the official ballot and for the appointment of presidential electors by the governor after the election. It is made the duty of the governor to appoint as presidential electors those persons who have been selected by the party whose candidate for President received the highest number of votes at the general presidential election just preceding, and in the last presidential election in that State the voter voted directly for President and Vice President without being confronted on the official ballot with the names of presidential electors.

THE SHORT BALLOT.

The change I have suggested would cut down the length of the official ballot at presidential elections from 25 to 80 per cent. I have before me an official ballot used in the State of Pennsylvania in the last presidential election. It contains nearly one square yard of paper. This ballot is so large that it can not be unfolded and spread upon any table or shelf in any voting booth that I have ever been in. It is not only an extravagant and unnecessary use of paper but the expense of printing is enormously increased by its size and its inclusion of several hundred useless names. Its size alone makes it impossible for an ordinary country newspaper to print it. In addition to rendering it impossible for the voter to cast an intelligent ballot, it increases the expense to the taxpayer manyfold. This ballot contains the names of 266 candidates for presidential elector. It has also 38 blank places within which names of candidates for presidential elector can be written. If some system of election like I have outlined had been the law in Pennsylvania, instead of 266 names, together with 38 blank places for names, we would have had the names of seven candidates for President and seven candidates for Vice President, together with 14 blank places.

I have before me a copy of the official ballot used in the State of New York in the presidential election of 1916. At that election, in the State of New York there were six political parties entitled to a place on the official ballot. Two of these parties had nominated the same candidates for President and Vice President, so that one set of electors was printed twice upon the ballot. Altogether, there are 270 names of candidates for presidential elector and 45 blank places. If the New York Legislature had adopted some law similar to the one now on the statute books of Nebraska, instead of this array of candidates there would have been printed the names of five candidates for President and five candidates for Vice President, together with 10 blank places on the ballot. If New York had followed her sister State in the West and had eliminated this worse than useless method, her presidential ballot would have been shortened 94 per cent and in addition the voter would have had the right to vote directly for his choice for President and Vice President. It would be interesting likewise to make a computation and ascertain just how much money would have been saved to the taxpayers of that great State; and if we were to make a computation covering the entire United States, we would be dumfounded and amazed at the great extravagance that this foolish practice entails upon the voters of America.

When we consider that all this is useless and as unnecessary as the fifth wheel of a wagon, we are led to wonder why it is that our State legislatures have not long ago exercised the power given them by the Constitution of the United States to shorten and simplify the ballot, to economize the taxpayers' money, and to give the voter a more easy and direct way of expressing his choice for a Chief Magistrate of his country.

THE ONE OBJECTION.

I can conceive of only one possible objection to this suggested change, and that is so unimportant and so easily avoided that it fades into insignificance. The first clause of the twelfth amendment to the Constitution of the United States provides:

> The electors shall meet in their respective States and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves.

Under this provision, if a candidate for President and a candidate for Vice President should be inhabitants of the same State and they should both carry that State at the November election, the presidential electors of that State would not have the right to vote for both of them. This is true at the present time and under existing conditions. It is a contingency that will in all probability never happen, but since it is a possibility it might be well for the legislatures to make provision for its happening, which they could easily do by providing that in such case the electors should not be bound to vote for the Vice President who had just carried their State, and should either not vote at all for Vice President or should vote for the person having the second highest vote for Vice President. Even if it did happen, it would be extremely improbable that in such a case the result of the election in the entire country would be changed, because this provision prohibiting electors from voting for both President and Vice President who are inhabitants of the same State as themselves would never apply to more than one State in any election. It is not, however, a valid objection to the change I have suggested, because this condition exists under the present system just the same as it would exist under the change I have proposed.

THE CHANGE BY THE STATES WOULD BE FOLLOWED BY AN AMENDMENT TO THE FEDERAL CONSTITUTION ABOLISHING THE ELECTORAL COLLEGE.

As before stated, the most desirable thing of all would be an amendment to the Federal Constitution abolishing the electoral college. Experience has shown that this is extremely difficult to bring about, even though a very large majority of the people are in favor of the change. Experience has likewise shown that when the States have, within constitutional limits, circumvented the Federal Constitution by statutory provisions which to some extent nullify the Federal Constitution by indirect means, a change in the Federal Constitution will follow. The amendment providing for the election of United States Senators by a direct vote is a fair illustration. There is no question but that a very large majority of the people were in favor of the direct election of United States Senators, and for a great many years they tried in vain to induce the Congress to submit the necessary proposition to the State legislatures. The State of Oregon finally devised a plan by which the election of United States Senators by the legislature became a mere formality. It provided by law that a candidate for the State legislature should have the right to have printed on the official ballot a pledge which in effect meant that if elected to the State legislature he would vote for the candidate for United States Senator who had received the highest number of votes in the general election just preceding. It was after this law had been in force a short time in Oregon that other States began to enact practically the same provision, and it was not many years until a large number of the States in the Union had by similar provisions practically taken away from the State legislature the right to elect United States Senators. This pledge again

was nothing but a pledge of honor—a promise that had no legal effect, but yet, so far as I know, it was never violated.

Candidates for the State legislature almost invariably gave this pledge. As a rule, they were required to give it in order to be elected. It was a demonstration that the people almost unanimously were in favor of the election of United States Senators by a direct vote. Candidates who had carried their respective States were often elected to the United States Senate by a legislature that was largely composed of members of the opposite political faith. A way had been found to give to the people more direct power in the selection of their lawmakers. It was a step of progress toward greater democracy in government.

THE RIGHT OF THE PEOPLE TO VOTE DIRECTLY FOR THEIR OFFICIALS IS FUNDAMENTAL IN A DEMOCRACY.

The Electoral College is useless. It is unnecessary. It is expensive. It is a denial of the freedom of the citizen to have a direct voice in the selection of the Chief Magistrate of his country. It would seem, therefore, to be the part of wisdom for a State legislature to go as far as it can within constitutional limits to abolish the system. But while these reasons are sufficient to induce the legislature to take such action, it must also be remembered that the Electoral College results in the denial of the freedom of the citizen in a fundamental way. In a country that is wholly free no handicap, either direct or indirect, can be placed upon the right of the voter to vote as he pleases. This fundamental right is protected in every State in the Union by providing on the official ballot for as many blank places in which the voter can write the names of those he prefers as there are places to be filled. It will be observed that in every State where the voter is allowed to vote for presidential electors, there are as many blank places on the ballot as there are electors to be elected. This is done in order to preserve this fundamental right, but in this case it does not do it.

The office to be filled is the office of President, but the official to be elected is a presidential elector, and this right is not protected by providing for blank places in which the voter can write the names of presidential electors. Nobody cares who the presidential electors are. The offices to be filled are those of President and Vice President, and while the ballot complies technically with the theory that the voter shall be free to vote for whomsoever he pleases, for practical purposes it is no such thing. What State in the Union would submit to a provision by which the governor and the lieutenant governor would be elected by a system of electors? How long would the citizens of any State stand for such an indirect method? How soon would there be an uprising of the people in the State if such a law prevailed, demanding that their fundamental right to vote directly for the executive officer of the State should be protected? And yet, during the lifetime of all those who live, such an ancient method has been in existence for electing the President of the United States. The citizenship of America has been compelled to submit for more than a generation to a system of electing President and Vice President that could not stand for a day if applied to the various States.

If we vote directly for a governor and a lieutenant governor, why for the same reason should we not be allowed to vote directly for President and Vice President? There is no officer under our Government so important as President. He has both a legislative and an executive function. Even in his legislative capacity he is more powerful than either the Senate or the House. By virtue of the power given him to appoint all the appointive officials of the United States, he is able very often to have a commanding and dominating influence in legislative matters. He is supreme in appointments. He is supreme in his executive capacity. He possesses the power to appoint all the judges who construe all the laws applying to every citizen in the country.

The power of all other governmental functions combined is not as great as that possessed by the President, and yet the citizens of this great country do not have a direct voice in his selection. His influence over the destiny and the happiness of the citizen is much greater than that of the governor of any State, and, while we would not submit to any provision for the election of a governor by indirect means, we are compelled on account of the existence of the Electoral College to be deprived of this right in the most important office of all.

THE ELECTORAL COLLEGE DENIES STILL ANOTHER FUNDAMENTAL RIGHT.

Every State in the Union provides for some method by which independent candidates for office can have their names printed upon the official ballot. This is another right fundamental in every democracy. If political conventions pay no heed to the wishes of the rank and file of the voters in the nomination of a Senator, a Representative in Congress, a governor, or any other elective official and nominate on both dominant tickets candidates who are unsatisfactory to the citizenship, a method is provided by which the electorate can nullify such nominations and elect an independent candidate for the office to be filled.

No such thing can be done when it comes to filling the office of President and Vice President of the United States. The Electoral College stands in the way. In order to be an independent candidate for President, it would be necessary to organize a new political party and complete an organization in every congressional district in the United States, and even then, when the voter went into the booth, he would not see printed on the ballot the name of his candidate for President. He would be presented only with the names of a lot of unknown people running for the office of presidential electors. He would be lost in a maze of candidates and by a multitudinous list of the names of unknown people. If it were not for the Electoral College, he would have before him the names of all candidates, occupying but a few inches of space, and would have no difficulty whatever in voting for the candidate of his choice.

It is no answer to say that the man could vote blindly for a party. We are all more or less partisan. We have grown up amidst the glamour and the glow of partisanship, but however partisan we may be, if we are also fair and desire to protect inviolate the freedom of the citizen, we must preserve by law the right of the independent voter to have an opportunity to express his will and to have his wish considered and given full weight. We should not permit our partisanship to defeat our fairness, because if we do we will in the end, together with all our fellow citizens, suffer for such conduct. The will of the people can not be expressed in law unless the right of all the people, regardless of politics, is fully protected and preserved.

There is no practical way under existing conditions for anyone to be an independent candidate for President. To organize a new party after the national conventions have completed their work, and do it before election, is not only an extremely difficult thing but it is exceedingly expensive. It can not be done without the expenditure of enormous amounts of money. The result is that the voter, when he would vote for President and Vice President, is confined in his choice to the nominees of the two dominant political parties. It is often a choice between two evils. He is curtailed in his right of suffrage just as fully and as completely as though this curtailment were definitely written into the Constitution of the United States. There is no escape. When the national political conventions have adjourned, whatever may have been the result of their work, the election of a President is confined to two men. The political machinery of a great national party is so great that it is within the power of those who control this machinery to control the action of the national convention. Nothing short of a political revolution within the party could prevent it, and even then those who control the national committee by their arbitrary action can make up the temporary roll of a convention, and thus by arbitrary means defy the will and the wish of the rank and file of the party.

Within the memory of all of us we have seen national conventions of both of the great political parties, controlled and dominated by the bosses and the self-appointed alleged political party leaders, without any consideration being given to the millions of voters who constitute the party. This ought not be possible in a free country. This would not be possible if it were not for the existence of the Electoral College, which makes it a practical impossibility for anyone to become an independent candidate for President. It does not necessarily follow, if the Electoral College were abolished, that there would be independent candidates for President.

The very fact that an avenue existed by which the people could overthrow the national convention would cause these conventions to hesitate before they made nominations that they knew were obnoxious to the citizenship generally. It is because they know that when the conventions are over, the people are thus limited in the selection of their Chief Magistrate, that they abuse the power and authority in their hands and disregard the wishes of the people. If they knew that their work in the national convention was not the last word, and that they were not thus supreme in their action, they would exercise more care and pay more heed to the public. The power of the political machine and the political bosses would to a great extent be nullified and there would be a way by which the voice of the people could be heard and heeded, regardless of machines and bosses. The policeman on the corner, by his very presence, saves the store from robbery. As long as he is at his post no robbery takes place, but when he is removed the protection thus afforded is gone. While he is there the safety of the store is made secure. His very presence prevents crime. If this right of independent action existed, the very fact of its existence would purify our politics and give us a Chief Executive more in touch with the common people.

THERE IS NO EXCUSE FOR THE EXISTENCE OF THE ELECTORAL COLLEGE.

The Electoral College can not be defended. The only result of its existence is to increase the power of the comparatively few men who control national conventions. These men are not necessarily those who appear as delegates. The delegates are often only pawns, moved at will by the secret influence of selfish men and combinations of wealth whose identity does not appear on the surface. They make their investments in national conventions and receive their reward in national legislation. Their influence is apparent, but their identity is concealed. When they control both national conventions their work is complete. They must contribute to both sides in order that the party spirit may be kept alive and the millions of voters be kept active in a sham battle, while the real perpetrators of the fraud are laughing behind the scenes. The machinery is oiled by those who are to be the beneficiaries, while the party spirit is cultivated in the rank and file to such an extent that the voter really imagines that he is having something to say about the destiny of his country. In the end the bills are paid by the weary taxpayer who has been induced to furnish the enthusiasm and do the shouting for his own undoing.

Mr. President, I now yield to the Senator from New York.

Mr. CALDER. Mr. President, the Senator in his remarks subsequent to my interruption developed the matter about which I wished to inquire. I wanted to ask him if, under the Nebraska law, a voter can vote for a candidate of one party for President and a candidate of another party for Vice President—in other words, whether he can vote for the individual?

Mr. NORRIS. Yes, sir; he can do that.

Mr. CALDER. And then the elector who was appointed by the governor after the election would, of course, be expected to vote for the candidate who received the majority of the votes of that State?

Mr. NORRIS. Yes.

Mr. CALDER. And that elector might vote for a man of one party for President and a man of another party for Vice President?

Mr. NORRIS. The voter might; so might the elector.

Mr. CALDER. The Senator displayed the ballot of New York State.

Mr. NORRIS. Yes.

Mr. CALDER. As I recall, it had printed at the top of the electoral column the names of the candidates for President and Vice President; did it not?

Mr. NORRIS. Yes. I will say to the Senator from New York that while I am not familiar with the practice—and the Senator from New York will correct me if I am wrong about it—I fancy that in the State of New York at presidential elections there is a separate ballot box for the votes for presidential electors.

Mr. CALDER. Yes.

Mr. NORRIS. And they have found it necessary to do that, I suppose, on account of the size of the ballots?

Mr. CALDER. Yes.

Mr. NORRIS. So that a voter in that State in presidential elections has two ballots given him, one for State officers and Members of the House of Representatives and Senate——

Mr. CALDER. And local officers; county and city officers.

Mr. NORRIS. And another one, such as I hold in my hand here, that contains nothing on earth but the names of presidential electors and other party insignia that is printed on it.

Mr. CALDER. And, as the Senator probably meant to convey the idea, we are compelled to have these two ballots because of the great number of presidential electors.

Mr. NORRIS. That is the point exactly. The Senator has hit the nail right on the head.

Mr. CALDER. And I have observed, in analyzing election returns, that when our voters go to the polling places and are handed the two ballots about 10 to 15 per cent of them do not vote for anyone except presidential electors. They think when they have put that mark at the top in the circle that they have voted for the whole ticket.

Mr. NORRIS. Yes; and, as a matter of fact, they have not.

Mr. CALDER. They have not. As I say, there are 10 to 15 per cent of them.

Mr. NORRIS. I do not suppose that the Senator from New York can give us any information now, for instance, as to how much additional expense to the taxpayers of New York is involved on account of having two ballot boxes and two complete sets of machinery there?

Mr. CALDER. I can not say. I know that it runs into the tens of thousands of dollars, of course.

Mr. NORRIS. Yes; it would be a great amount.

Mr. WILLIS. Mr. President, will the Senator from Nebraska permit me to ask the Senator from New York a question?

Mr. NORRIS. Yes; I yield to the Senator.

Mr. WILLIS. I want to be sure that I understood the statement made by the Senator from New York. Did I correctly understand him to say that under the law of his State, if the voter makes a cross mark in the circle here, he does not vote the whole ticket?

Mr. CALDER. Oh, yes; he votes for all of the electors.

Mr. NORRIS. On that ticket?

Mr. CALDER. On that ticket.

Mr. WILLIS. But under the law in the Senator's State there is a separate ticket——

Mr. CALDER. A separate ticket for a presidential year.

Mr. NORRIS. They have a separate ticket for the governor and other officers and a separate ballot box.

Mr. WILLIS. There are two ballot boxes?

Mr. CALDER. Yes, sir; and the voter, by placing one mark in the circle, votes for all of the electors; but he can, as the ballot indicates, vote for the electors in the different columns.

Mr. NORRIS. Yes; and there are as many blank spaces on the ballot as there are electors?

Mr. CALDER. Yes.

Mr. NORRIS. In the case of the Senator's State it was 45?

Mr. CALDER. Yes.

Mr. NORRIS. Now, the object of that is purely technical.

Mr. CALDER. Yes.

Mr. NORRIS. But, fundamentally, the object of that is to reserve to the voter the right to vote as he pleases. Of course an intelligent voter voting for presidential electors would vote in the circle, because he does not care anything about the electors. It is the fellow that they are going to vote for that he is for; and yet we go through the foolish formality of giving him an opportunity—which we must do if he is free—to go down the list and vote for 45 men, or he can vote for 40 men and write 5 more names over here, or he can write 45 names over here; so we just go through the formality of preserving what is conceded to be a technical right.

As a matter of fact, so far as presidential electors are concerned, there is not anything to it. The real protection he ought to have is this: He ought to be permitted, if he wants to do so, to vote for a Republican candidate, let us say, for President and a Democratic candidate for Vice President. There is not a State in the Union that would pass a law that would say—and the people of no State would stand for it—that "we will not allow a voter to vote for a man of one political party for one office and a man of a different political belief for another office."

Mr. CALDER. As for governor and lieutenant governor?

Mr. NORRIS. As for governor and lieutenant governor; but when it comes to voting for President and Vice President that is true now, and there is not any way to get around it.

Mr. CALDER. That is right.

Mr. NORRIS. Because you vote for an elector—we will say that he is one of the Republican electors—and if he is elected he is going to vote for the Republican candidate for President and the Republican candidate for Vice President.

Mr. CALDER. He can not do otherwise.

Mr. NORRIS. Exactly. The voter is absolutely denied the right to vote for one man on one ticket and another man on another ticket.

Mr. WILLIS. Mr. President, may I ask the Senator another question?

Mr. NORRIS. I yield to the Senator from Ohio.

Mr. WILLIS. The Senator knows that I am in sympathy with the general proposition he advocates. The electoral system broke down the first time it was ever used, and has never functioned as it was intended to function. What I want to ask the Senator is this: Does he know from his examination how many of the States in the Union provide headings such as are provided here?

Mr. NORRIS. No; I do not.

Mr. WILLIS. I know that in my own State we have a similar arrangement; that is, the name of the candidate for the Presidency and the name of the candidate for the Vice Presidency appear at the head of the list, so that there is no confusion in those States. While I am in favor of the proposition that the Senator advocates, there is no confusion growing out of the number of electors, because they are identified here by the name of the candidate.

Mr. NORRIS. Oh, yes; the intelligent voter will make only one cross, of course, for the presidential electors. He will vote in the circle. That is true. That does not, however, do away with the fact that, for instance, at the last presidential election if a man wanted to vote for Vice President on one ticket and President on another he could not do it.

Mr. WILLIS. Oh, absolutely not. There is no way in which he could do it at all.

Mr. NORRIS. There is only one State in the Union that I know of where he could do that, and that is my own State.

Mr. WILLIS. I did not hear all of the Senator's remarks. Did he explain that in his remarks?

Mr. NORRIS. Yes.

Mr. WILLIS. I did not know that there was any State where that could be done.

Mr. NORRIS. Yes; the State of Nebraska provides for the printing of the names of the candidates themselves on the ballot and for the appointment of presidential electors after election. In Nebraska it is provided that the governor shall appoint as electors those people who were selected by the party whose candidate for President carried the election.

Mr. WILLIS. How does the law of the Senator's State meet the provision in the Constitution which provides that the electors shall cast their ballots for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves?

Mr. NORRIS. I explained that, too.

Mr. WILLIS. Very well; I will get that in the Senator's speech.

Mr. NORRIS. That is true now.

Mr. WILLIS. There is nothing new in that?

Mr. NORRIS. There is nothing new in that. In other words, we can not by a State enactment change the Constitution of the United States. The only reason why the legislature can select any method it pleases is because the language in the Constitution is as broad as it can be made. I want to read that again for the Senator:

Each State shall appoint—

Now, listen to that; it is "appoint," not "elect"—

Each State shall appoint, in such manner as the legislature thereof may direct—

So they can select any man they want to.

Mr. WILLIS. Of course, the Senator knows that for many years the legislatures did choose the electors.

Mr. NORRIS. Oh, yes. That was quite common years ago.

PERMANENT COURT OF INTERNATIONAL JUSTICE.

Mr. SHEPPARD. Mr. President, to-day—February 15, 1923—is the first anniversary of the founding of the Court of International Justice, perhaps the greatest achievement of the League of Nations. I had intended to signalize that anniversary, in so far as I might be able to do so, by continuing the account of the work of the League of Nations which I gave the Senate on October 5, 1921. I do not desire, however, to interfere with the disposition of the pending measure and shall defer my remarks until it shall have been disposed of.

Mr. SMOOT. I thank the Senator from Texas.

ADDITIONAL JUDGES FOR DISTRICT OF COLUMBIA.

Mr. DIAL. Mr. President, there has been brought to my attention the lax enforcement of the prohibition law in the District of Columbia. My information is that since the 1st of January there have been something like 200 arrests, and that the courts try only a very few cases a week; that the defendants give bond, and before the trial can ever be had the witnesses disperse, perhaps die, or go away and can not be had.

I am told that we need more judges in the District. I am thoroughly in favor of economy, but I fear that the present condition is one of false economy, and I trust that the Judiciary Committee or the Committee on the District of Columbia will look into this matter and if necessary give the people of Washington another judge. We can not have respect for law unless we enforce the law.

The dockets of the courts are crowded, and I understand a year or two behind in their calendars. I feel that people who break the law ought to be made to bear the expenses of enforcing the law. I do not want to be cruel to offenders, but they should be taught to obey the law, and if they willfully go and violate it, then they should be punished, and punished rapidly. They are entitled under the Constitution to a quick trial, and that should be had.

The business of this country is growing, the population here is increasing very rapidly, and these people do not have a vote. I would not vote to give them a vote, but it behooves us to look after their interests carefully, and to see that justice is done. The nonenforcement of the law here is deplorable. I do not know any city in the world that I have read about where there is as much lawlessness, according to the population, as there is in Washington. I believe one of the reasons is that offenders are not punished, and I think there should be another judge.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House insisted upon its amendment to the amendment of the Senate No. 124 to the bill (H. R. 13660) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1924, and for other purposes, disagreed to by the Senate; agreed to the further conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CRAMTON, Mr. EVANS, and Mr. JOHNSON of Kentucky were appointed managers on the part of the House at the further conference.

The message also announced that the House had adopted a concurrent resolution (H. Con. Res. 84) authorizing the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate No. 124 to House bill 13660, the District of Columbia appropriation bill, to strike certain language from said amendment, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills:

S. 2531. An act to create a board of accountancy for the District of Columbia, and for other purposes; and

S. 3169. An act to equalize pensions of retired policemen and firemen of the District of Columbia, and for other purposes.

AMENDMENT OF WAREHOUSE ACT.

The PRESIDING OFFICER (Mr. TOWNSEND in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 3220) to amend sections 2, 5, 11, 12, 15, 19, 29, and 30 of the United States warehouse act, approved August 11, 1916, which were on page 2, after line 10, to insert:

That section 6 of the United States warehouse act, approved August 11, 1916, is amended to read as follows:

"SEC. 6. That each warehouseman applying for a license to conduct a warehouse in accordance with this act shall, as a condition to the granting thereof, execute and file with the Secretary of Agriculture a good and sufficient bond to the United States to secure the faithful performance of his obligations as a warehouseman under the laws of the State, District, or Territory in which he is conducting such warehouse, as well as under the terms of this act and the rules and regulations prescribed hereunder, and of such additional obligations as a warehouseman as may be assumed by him under contracts with the respective depositors of agricultural products in such warehouse. Said bond shall be in such form and amount, shall have such surety or sureties, subject to service of process in suits on the bond within the State, District, or Territory in which the warehouse is located, and shall contain such terms and conditions as the Secretary of Agriculture may prescribe to carry out the purposes of this act, and may, in the discretion of the Secretary of Agriculture, include the requirements of fire insurance. Whenever the Secretary of Agriculture shall determine that a bond approved by him is, or for any cause has become, insufficient, he may require an additional bond or bonds to be given by the warehouseman concerned, conforming with the requirements of this section, and unless the same be given within the time fixed by a written demand therefor the license of such warehouseman may be suspended or revoked."

And on page 3, after line 24, to insert:

That section 18 of the United States warehouse act, approved August 11, 1916, is amended to read as follows:

"SEC. 18. That every receipt issued for agricultural products stored in a warehouse licensed under his act shall embody within its written or printed terms (a) the location of the warehouse in which the agricultural products are stored; (b) the date of issue of the receipt; (c) the consecutive number of the receipt; (d) a statement whether the agricultural products received will be delivered to the bearer, to a specified person, or to a specified person or his order; (e) the rate of storage charges; (f) a description of the agricultural products received, showing the quantity thereof, or, in case of agricultural products customarily put up in bales or packages, a description of such bales or packages by marks, numbers, or other means of identification and the weight of such bales or packages; (g) the grade or other class of the agricultural products received and the standard or description in accordance with which such classification has been made: *Provided*, That such grade or other class shall be stated according to the official standard of the United States applicable to such agricultural products as the same may be fixed and promulgated under authority of law: *Provided further*, That until such official standards of the United States for any agricultural product or products have been fixed and promulgated, the grade or other class thereof may be stated in accordance with any recognized standard or in accordance with such rules and regulations not inconsistent herewith as may be prescribed by the Secretary of Agriculture; (h) a statement that the receipt is issued subject to the United States warehouse act and the rules and regulations prescribed thereunder; (i) if the receipt be issued for agricultural products of which the warehouseman is owner, either solely or jointly or in common with others, the fact of such ownership; (j) a statement of the amount of advances made and of liabilities incurred for which the warehouseman claims a lien: *Provided*, That if the precise amount of such advances made or of such liabilities incurred be at the time of the issue of the receipt unknown to the warehouseman or his agent who issues it, a statement of the fact that advances have been made or liabilities incurred and the purpose thereof shall be sufficient; (k) such other terms and conditions within the limitations of this act as may be required by the Secretary of Agriculture; and (l) the signature of the warehouseman, which may be made by his authorized agent: *Provided*, That unless otherwise required by the law of the State in

which the warehouse is located, when requested by the depositor of other than fungible agricultural products, a receipt omitting compliance with subdivision (g) of this section may be issued: *Provided, however*, The Secretary of Agriculture may in his discretion require that such receipt have plainly and conspicuously embodied in its written or printed terms a provision that such receipt is not negotiable."

Mr. HARRIS. I move that the Senate concur in the House amendments.

The motion was agreed to.

DISTRICT OF COLUMBIA APPROPRIATIONS.

The PRESIDING OFFICER. The Chair lays before the Senate House Concurrent Resolution No. 84, which will be read.

The Assistant Secretary read as follows:

Resolved by the House of Representatives (the Senate concurring), That the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate No. 124 to the bill (H. R. 13660) entitled "An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1924, and for other purposes," be authorized to agree to striking out the following language from said amendment: "at the Virginia end of the Key Bridge."

Mr. PHIPPS. Mr. President, I ask unanimous consent for the immediate consideration of the concurrent resolution.

The concurrent resolution was considered by unanimous consent and agreed to.

PURCHASE OF GRAIN FOR SEED PURPOSES.

The PRESIDING OFFICER. The Chair lays before the Senate a message from the President of the United States, which will be read.

The Assistant Secretary read the message, as follows:

To the Senate:

In compliance with the resolution of the Senate (the House of Representatives concurring), I return herewith S. 2023, entitled "An act defining the crop failure in the production of wheat, rye, or oats by those who borrowed money from the Government of the United States for the purchase of wheat, rye, or oats for seed, and for other purposes."

WARREN G. HARDING.

THE WHITE HOUSE, *February 15, 1923.*

Mr. CURTIS. Mr. President, I submit the concurrent resolution which I send to the desk, and I shall ask unanimous consent for its immediate consideration and adoption.

I may state that all it proposes to do is to write into the bill which has just been returned by the President specific reference to the two years, which reference by mistake was left out in the bill as it passed Congress. The resolution provides for the insertion in the bill as it passed both Houses of the words "in the years 1918 and 1919." Those are the years for which the loans for the purchase of seed were made, and, as I have stated, reference to them was left out by mistake.

Mr. WALSH of Montana. That is the bill which the President has returned to Congress?

Mr. ROBINSON. What is the purpose of the bill?

Mr. CURTIS. The bill passed the House of Representatives and the Senate with an error omitting reference to the two years to which the legislation was intended to apply, but the mistake was not discovered until the bill had reached the hands of the President.

Mr. ROBINSON. What was the nature of the bill?

Mr. CURTIS. The bill relates to the loans which were made to farmers to purchase seed wheat in 1918 and 1919.

Mr. ROBINSON. It is now proposed by the concurrent resolution to incorporate a reference to those two years?

Mr. CURTIS. The purpose is to specifically mention those two years in the bill. The bill was unanimously reported from the committee; and as I have stated, it passed the House of Representatives and the Senate.

Mr. WALSH of Montana. Does the Senator from Kansas offer an amendment to the bill?

Mr. CURTIS. I have submitted a concurrent resolution authorizing the enrolling clerk to correct the error and to write in the two years.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution submitted by the Senator from Kansas?

The resolution (S. Con. Res. 40) was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the action of the Speaker of the House of Representatives and of the President of the Senate in signing the enrolled bill (S. 2023) defining the crop failure in the production of wheat, rye, or oats by those who borrowed money from the Government of the United States for the purchase of wheat, rye, or oats for seed, and for other purposes, be rescinded, and that the Secretary be authorized and directed to reenroll the bill with the following amendments:

On page 1, line 6, after the words "United States," insert "in the years 1918 and 1919."

Amend the title so as to read: "An act defining the crop failure in the production of wheat, rye, or oats by those who borrowed money from the Government of the United States in the years 1918 and 1919 for the purchase of wheat, rye, or oats for seed, and for other purposes."

WORLD WAR FOREIGN DEBT SETTLEMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14254) to amend the act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign governments held by the United States of America, and for other purposes," approved February 9, 1922.

Mr. OWEN. Mr. President, I wish to take only a few moments time to express my dissent at the criticism of Great Britain on this floor, and the statement of the Senator from Missouri intimating that the United States would be justified in using force and violence to collect the debt from Great Britain. I do not wish to discuss the suggestion at any length at all. I merely wish to express my earnest dissent from sentiments of that nature being made on the floor of the United States Senate, because I think it is mischievous and harmful in our international relationships that in this body, without dissent, such sentiments should be expressed on the floor.

Of course, I do not take it very seriously, and I do not suppose the world will take it very seriously; but I think it is far better, in speaking of our relations with foreign nations, to be exceedingly temperate and careful in our expressions. I have never been willing to speak unkindly of distant Japan as a country, for instance. I believe that all the nations of the world are governed according to their environment, according to their lights, and that their statesmen are doing approximately about the best they know how. Nevertheless, they are led into war by the imprudence of human leadership, due to the frailty of judgment of men in high places.

I think it proper to observe that even in dealing with private persons the collection of debts by brute force is no longer lawful or regarded as a civilized process. It no longer meets the moral sense of mankind to incarcerate an individual for debt, for instance. It is now unlawful in civilized countries to imprison for debt. It is no longer regarded as justified to take from a man his liberty because he is unable to pay a commercial obligation, much less the liberty of a nation because it can not meet a commercial obligation; and it was my objection to the principle of using brute force to collect a debt which led me, among many others, to express my dissent from the attitude of the French leadership in going into the Ruhr and using force and violence and using whips on the citizens in the streets as a means of collecting a national commercial debt.

In my judgment, they will not collect the debt in that way. What they will collect will be a harvest of hate, which will not only not liquidate the commercial debt but may impose other debts still more serious upon both the German and the French people. Such a policy seems deplorable. It affects our interest as world citizens, and I vigorously protest against it as a remedy worse than the disease.

Without intending to refer to Europe at all, I am in sympathy with the resolution offered by the Senator from Idaho [Mr. BORAH] declaring that the making of war shall be an international high crime. The individuals who are responsible for the making of war ought to be held to a personal accountability. I should not think it necessary to impose the death penalty upon them for their lack of understanding, of wisdom, of honesty, of good will in bringing on war, because men do those things without knowing very well where they are going, but I think a long-time incarceration of such persons would be entirely justified, in order that by that example—depriving them of personal liberty—other leaders of mankind would be warned against bringing upon the innocent people of the world the bloodshed and losses inflicted by war.

The Senator from Missouri [Mr. REED] seemed to think that it was highly advantageous that we should have a high rate of interest in settling with Great Britain. I think a low rate of interest is better for the world, not only in settling this debt, but I think that as a standard there ought to be a low rate. I remind the Senate that before the war our 2 per cent bonds were selling at par. They did have the currency privilege, but now all bonds, in effect, have the currency privilege in a way, because they are used as a means of getting currency. Our 3 per cent bonds, without the currency privilege, were above par before the war, and while we have now a current rate of 5 per cent on call loans in New York, that is because the rate on call loans in New York is arbitrarily fixed by half a dozen men who sit around a table and in the morning fix the rate for the day.

Mr. BORAH. Mr. President——

Mr. OWEN. Just a moment. That is an arbitrary matter, while in London, where they have not this system of arbitrarily fixing the rate of interest on call loans and do have competition for call-loan money, the rate to-day is 1¾ per cent, and has been running along between 1½ and 2 per cent. I read from this morning's New York World, for instance, this statement of the London money market:

Money was loaned at 1¾ per cent. Discount rates were short and three-month bills, 2⅛ per cent.

Mr. SMOOT. I think that is call money.

Mr. OWEN. The latter is the discount rate for 90 days.

Mr. SMOOT. But the 1¾ per cent is for call money.

Mr. OWEN. Yes; that is for call money. In London they have a settlement every two weeks of these loans on exchange collaterals, so that they have a system under which the debtor is not required to liquidate within 24 hours. The consequence is that they can afford to give a better rate than where the man may be called on at any time to settle and liquidate. We could have the same low rate in America if the United States Government and the State governments would exercise their proper functions in supervision of these great money markets, and without interfering with any of their legitimate business, without interfering with their great purpose to be a market where stocks and bonds are bought and sold according to the value. Now I yield to the Senator from Idaho.

Mr. BORAH. I wanted to ask the Senator a question, but perhaps I can do it later, if we have the time.

Mr. OWEN. I am quite willing to have the Senator ask me now.

Mr. BORAH. I want the view of the Senator as to the advantage either to the United States or to Great Britain of this clause, and why, therefore, it is inserted:

Any payment of interest or of principal may be made in any United States Government bonds issued since April 6, 1917, such bonds to be taken at par and accrued interest.

What was the financial reason, from a business standpoint, for inserting that clause?

Mr. OWEN. I do not know what the history of it is, but it is perfectly obvious that if our indebtedness is liquidated that is all we need to ask. There might perhaps be some advantage, if our securities should go under par, in having the British Government become the buyer of those securities, for if it should it would bring them back to par, and it would help our credit. I do not see any harm in this at all.

Mr. BORAH. Could it be of any possible advantage, unless one of two things should happen—either that the Government bonds had already been purchased by the agents of the creditor governments at from 92 to 94, or that hereafter the bonds should go down and they should have the opportunity to purchase them? What advantage could be derived from it, except something of that kind?

Mr. SMOOT. Mr. President, there could be no advantage if they had already bought the bonds, because they could sell them at par, so that there would be no advantage in the provision in that respect. Of course, if they went below par, if there could be such a thing—and I grant that there could be—the credit of England would be affected just the same as our credit would be. What we want, and what the contract we made with the people provided, I might say, was that when this money loaned England and other countries was paid it would go toward paying the obligations of the Government of the United States, and as long as they are drawing now 4¼ per cent, your commission thought our people would be very much gratified to receive such bonds at par and accrued interest and cancel that many of their bonds.

Mr. BORAH. Mr. President, there would be no advantage to the British Government in going into the market and purchasing bonds at par and paying with bonds instead of cash.

Mr. SMOOT. This is the advantage there would be, and I might just as well state it now——

Mr. BORAH. I wish the Senator would.

Mr. SMOOT. If the Senator from Oklahoma does not object, I will state it.

Mr. OWEN. I would be glad to have the Senator make a statement in regard to the matter.

Mr. SMOOT. Payments on account of the principal may be made in three-year periods. That is because of the fact that there may be a year or two years in which the balance of trade against England, we will say, would be so great that she could not pay us; but we refused to allow the settlement to go beyond the three-year period. We provide that in the payment at the end of any three-year period there shall be included the total of all of the payments due during the three years, with interest upon the deferred amounts. If during the first year England did not have an amount sufficient to pay any money, and the payment of it would involve the question of exchange between the two countries, if she had only part of the money, she could pay us in our bonds, together with what little interest may be collected on those bonds in that time, and that would assist her when she did have money enough to pay in the three-year period, if she took advantage of it, and offset the interest she would be compelled to pay us on those deferred payments. It is nothing more nor less than a fair business proposition between two honorable nations, and I can not see any reason why we should not do it. We want those bonds paid.

Mr. BORAH. Want what bonds paid?

Mr. SMOOT. We want our bonds paid.

Mr. BORAH. We will take care of our bonds.

Mr. SMOOT. We will take care of them by the payment of a number of the bonds with the money we receive from the English bonds that we will take from her.

Mr. BORAH. At whose suggestion was this clause put in the contract, that England might pay in our bonds?

Mr. SMOOT. England asked the privilege of doing that.

Mr. BORAH. Did she state the reason why she wanted that put in?

Mr. SMOOT. I stated the reason why.

Mr. BORAH. Was that the reason she gave?

Mr. SMOOT. That is the reason she gave.

Mr. HITCHCOCK. Will the Senator from Oklahoma permit me to ask a question of the Senator from Utah?

Mr. OWEN. I yield to the Senator.

Mr. HITCHCOCK. The Senator from Utah thinks there is no probability that Great Britain has already purchased a considerable quantity of our bonds, because she would have no interest in holding them to pay upon the principal of her debt, for the reason that many of them are at par now; but, conceding that she has already purchased a large quantity of these bonds on a depreciated market, it might be quite possible that she could not throw them on the market again without depreciating them below what they are at present, but she could turn them in to the Government of the United States at par.

Mr. SMOOT. If she threw them on the market, as the Senator suggests, if she had them in sufficiently large quantities, it might bear the market of the bonds for a little while, but it could not possibly bear the market to any extent. We buy those bonds for our sinking fund. As the Senator said, if England purchases the bonds it will increase the value of the bonds. There is no question at all about that.

Mr. OWEN. If England came in as a buyer of the bonds, it would make the bonds go back to par.

Mr. SMOOT. As to whether she has bought the bonds, I can not say.

Mr. OWEN. It is altogether improbable.

Mr. SMOOT. I doubt that she has. Why should she buy a bond bearing 4¼ per cent interest and still be paying upon her own obligations 5½ per cent? If I were representing England, and I think if the Senator were representing England and was responsible for the finances of that country, if we should buy our own obligation drawing interest at 5½ per cent and redeem that obligation, we never would put our money into 4¼ per cent bonds.

Mr. HITCHCOCK. That seems reasonable; but, on the other hand, suppose the bill is passed and a settlement is made with Great Britain upon the basis of the interest at the rate of 3 per cent during the next 10 years, would it not be to the advantage of Great Britain to have our bonds which draw 4¼ per cent? While she was paying us only 3 per cent, we would be paying her 4¼ per cent.

Mr. SMOOT. The only advantage that could possibly come would be with reference to the time between the payments of the annual payment of principal, as I have already stated, and on that she would have to take a chance. It all depends upon her finances. Not only that, but it would also affect us. If England and the balance of the world were compelled to pay gold into the Treasury of the United States and take it out of the other treasuries of the world in large quantities, I will say to the Senator that America would suffer from such a course. The exchange value of money would be such that we would lose by that process a great deal more than we would ever make upon the little difference in the rate of interest.

Mr. HITCHCOCK. Is it not a fact that Great Britain last October paid out $100,000,000 and that contemporaneously with that the British exchange was going up and is even higher now?

Mr. SMOOT. England had been for two years or more, I think, preparing for the payment of that interest. She paid $50,000,000 on the 15th of October, 1922, and paid $50,000,000 on November 15, 1922. As I remember, and I state it only as from

memory, she did promise to pay $125,000,000 during that time, but her last payment of $75,000,000 she was not able to make and she asked that she be permitted to pay $50,000,000 and did pay the $50,000,000.

Mr. HITCHCOCK. The Senator does not maintain that the payment of that amount had an injurious effect on the rate of British exchange?

Mr. SMOOT. No; I do not, because I said that they had been preparing for quite a while to pay that amount of money. I want to say to the Senator, however, that if England were called upon to pay another $100,000,000 to the Government of the United States there is no question that it would affect her exchange. If I had the English budget here I could show the Senator how it would affect it and why.

Mr. GLASS. Let me ask the Senator what possible disadvantage it could be to the United States if England were to do that? The United States has to pay her rate to somebody. It could not be of any possible disadvantage to this Government if England were to proceed in that way.

Mr. SMOOT. It would be no disadvantage whatever. If England in the meantime, during the first year of the three-year period, or at any intermediate time, should be able to take a part of what she was owing us and put it into our bonds it would strengthen our bonds, and she could get a little interest out of those bonds to assist her in paying the interest which she would have to pay to us.

Mr. HITCHCOCK. Carrying out the suggestion made by the Senator from Idaho [Mr. BORAH], is it not a fact that England can only get a benefit out of the provision in case she is able to buy our bonds at a discount?

Mr. SMOOT. With one exception. It is true that it is impossible for her to do it if our bonds are above par. The Senator from Idaho was right in that respect. But if they were exactly at par and the first payment on the principal fell due, we will say, on December 15, 1923, and she did not have the money with which to pay it without crippling her in making other payments which were absolutely required to be made, and in the payment of which the exchange value between the two countries would be adversely affected, then she could take advantage of the privilege that is given her and she would not likely make the first year's payment. Therefore if she had a part of the money for the first year's payment she at least could put that part into bonds and draw the interest until perhaps the next year, when she could pay the full two years, and she would have the advantage of at least the accumulated interest for that length of time.

Mr. HITCHCOCK. She would be drawing interest from us at the rate of 4½ per cent, and paying interest to us at the rate of 3 per cent.

Mr. SMOOT. Yes; for the time she would hold those bonds.

Mr. HITCHCOCK. I think there is something in the argument. She could put herself gradually in the position where she would be making a profit of 1½ per cent interest every year on the bonds of ours which she bought and held.

Mr. SMOOT. I think that if England or any other country had the money, she would live up to the contract of paying, but she does have that privilege of deferring payment. I think it is an advantage to her and also an advantage to America in case of a tight money market.

Mr. OWEN. The real point is that England has the opportunity of deferring payment. It is no favor to England to say she may buy our bonds and get a rate of interest on bonds, because any nation or any person could do that.

Mr. BORAH. But while she holds our bonds and collects 4½ per cent interest on them, she is only paying us 3 per cent.

Mr. SMOOT. I do not see that there is very much argument in that when we know there are some outstanding English obligations drawing 5½ per cent. England is not going to buy our bonds as an investment at 4½ per cent when she has obligations of her own now drawing 5½ per cent.

Mr. GLASS. To the extent that she should buy our bonds, she would simply stabilize the bond market for the 13,000,000 American people who own our bonds.

Mr. BORAH. Yes; but there is another item, of course, which I understood was in the proposition. The matter came to me by reason of suggestions made to me by one of the great bankers of the United States in discussing the proposition. I am asking these questions because of things which he said to me in discussing the matter.

Of course it would help stabilize the bond market, because the minute the bond market started to go down, England would come in and buy, and that would stabilize the bond market. That is a great advantage. If the bonds were still in the hands of those who originally bought them, I could see a great universal advantage throughout the United States; but unfortunately that is not true.

Mr. GLASS. It is true, I will say to the Senator, to a very great extent.

Mr. SMOOT. I will say to the Senator from Idaho that the Senator from Virginia [Mr. GLASS] stated there were 13,000,000 bondholders in the United States, and the bonds have not been so purchased to the great extent that people seem to think they have been. I know the Senator is correct as far as the bonds are out of the hands of many of the original bondholders.

Mr. BORAH. But if the Senator would go out through our section of country, the Senator's and mine, he would find none of the bonds in the hands of the laborer who bought them or in the hands of the farmer who bought them, or any of that class of people, out through our country. I do not know how it is in the East, but out through our part of the country they have passed out of the hands of such people entirely.

Mr. GLASS. I will say to the Senator that I requested the Undersecretary of the Treasury several days ago to furnish me with a statement, and that statement in detail shows that there were 13,000,000 holders of the bonds. It does not argue because John Smith has sold his bonds that they necessarily have gone into the hands of a millionaire. Tom Jones, who may be a little better able to hold the bonds than John Smith, very likely has bought them in the same community.

Mr. BORAH. That may be true in some parts of the country, but I happen to know that all through the West the bonds have passed out of the hands of that class of people almost universally, and especially the very small holders. They have gone into the hands of the bankers and that class of people who are able to handle them. I am not criticizing the proposition, but I am of the opinion that back of all the proposition is a desire to stabilize those bonds.

Mr. WALSH of Montana. Mr. President, I would like to inquire of the Senator from Virginia upon what information the Treasury Department ascertains the number of holders of its bonds? What source of information has it?

Mr. GLASS. I did not undertake to inquire the source of the information. I simply asked as to the facts, and the Undersecretary furnished me with a statement as to the number of borrowers.

Mr. WALSH of Montana. The Senator is so familiar with such transactions that I thought possibly he would know without specific information from the Treasury.

Mr. GLASS. As a matter of fact, I do not think that the Treasury knows, though to some extent it does. It may only give an approximate estimate, and it did give an approximate estimate showing that the bonds were held, in various denominations, by 13,000,000 holders.

Mr. WALSH of Montana. How could they know where the unregistered bonds were held?

Mr. GLASS. As to the registered bonds, they could know exactly.

Mr. WALSH of Montana. There is no doubt about that.

Mr. GLASS. As to the coupon bonds, they had to make an estimate.

Mr. SMOOT. There is one other source of information, I will say to the Senator, and they could get the information from that source. Every taxpayer with an income of over $1,000 a year has to make a tax return as to his income, and they can secure a great deal of information from that source. Not only that, but every taxpayer who pays an income tax reports upon the bonds that he holds and the interest upon and kind of bonds that he has in his possession, and the amount.

Mr. McKELLAR. Mr. President, if the Senator will permit me I want to say that I am astounded at the figures submitted by the Senator from Virginia [Mr. GLASS] that there are 30,000,000 bondholders in the country. That is one out of every two grown persons in the United States, because about 50 per cent of our population is less than 21 years of age. That would mean a most remarkable condition. I want to assure the Senator that there is no such condition as that in my State. I do not know where the bondholders are, but the Senator surely must have been misinformed.

Mr. GLASS. The Senator from Tennessee misunderstood me. I did not say 30,000,000, but 13,000,000.

Mr. McKELLAR. I thought there must be some mistake. Of course there could not be 30,000,000 holders of our bonds.

Mr. SMOOT. The Senator must not think that because a person is not 21 years of age he can not own bonds.

Mr. McKELLAR. There are a few very fortunate people——

Mr. SMOOT. Not only a few, but there are whole families and whole communities——

Mr. McKELLAR. Oh, yes; I know that.

Mr. SMOOT. I know where the bonds have been given as Christmas gifts and in every other way bonds have been presented to persons under 21 years of age.

Mr. McKELLAR. I misunderstood the figure stated by the Senator from Virginia, and the number, 13,000,000, presents a different situation.

Mr. SMOOT. The baby bonds which were issued by the post offices throughout the country in denominations of $5, $10, $25, and $50, which was the maximum of the denominations issued, were held even by school children. I know all over the United States funds were collected in schools sufficient to buy a bond. The children all contributed to such funds, and the bonds are held by them now.

Mr. GLASS subsequently said: Mr. President, in the course of a colloquy to-day I undertook to state the number of holders of Government bonds. I said, or should have said, at all events, that they were 13,000,000 in number; but I am told by the Senator from Tennessee [Mr. McKELLAR] that he understood me to say "30,000,000" instead of "13,000,000."

Mr. McKELLAR. Yes; I did.

Mr. GLASS. Therefore, in order to have the RECORD appear as it should appear, we have agreed to the alteration, if alteration be needed, so that I may be quoted as saying "13,000,000" instead of "30,000,000."

Mr. HEFLIN. Mr. President, if the Senator from Virginia knows, I should like to be informed how many holders of bonds there were in the spring of 1920.

Mr. GLASS. As I recall, the largest number of holders of Liberty bonds was 22,000,000.

Mr. SMOOT. Was it not 18,000,000?

Mr. McKELLAR. Mr. President, I just want to say that the remarks I made about this particular matter were made on the assumption that the Senator from Virginia had said "30,000,000"; and I do not know that I should have said anything at all if I had understood him to say "13,000,000," as he did. It seems to me that 13,000,000 is quite a large number of bondholders, and I hope there are that many; but my statements were predicated upon what I understood to be his statement that there were 30,000,000 bondholders in the United States.

Mr. OWEN. Mr. President, it has been suggested that it will be against the interest of the United States to have the payment of this indebtedness extended over a long period of time. I think, however, it will be perfectly obvious upon considering the matter that having the indebtedness extended over a long period of time will be highly advantageous to the United States as well as to the debtors of the United States. Suppose we were to say that the indebtedness ought to be paid immediately, and it should be paid, it could only be paid in commodities, because we know that it could not be paid in gold. Suppose that there were sent into this country immediately billions of dollars worth of commodities from Europe, it would have the effect of breaking down commodity prices here and would interfere with our own manufactures and commercial activities. It would make a commodity panic. Obviously that would be against the interest of the stability of values in America and would be injurious to all our people. It is far better, in my opinion, to extend the payment of this indebtedness over a long period of time, and 62 years, in my judgment, is not too long a period, because it must be remembered that Europe owes approximately $18,000,000,000 to the United States.

The indebtedness of $11,000,000,000 and upward is not the whole of the indebtedness due the United States by foreign countries, for there is also a large amount which is due to our nations in all sorts of form. That means an interest charge against that indebtedness of about $700,000,000 in addition to our normal commodity balance of exchange. That balance of exchange, in terms of commodities, is running about $1,200,000,000 a year. The interest on the foreign debt added to that will make it approach nearly $2,000,000,000 a year. That has got to be paid in terms of commodities. The world has got to have time to readjust itself; and this debt ought to be extended over a very long period of time in order that the world may accommodate itself to the conditions.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. STERLING in the chair). Does the Senator from Oklahoma yield to the Senator from Idaho?

Mr. OWEN. I yield.

Mr. BORAH. Can the Senator from Oklahoma advise us as to what rate of interest is paid on the indebtedness which is owing to private citizens or to individuals in this country by England?

Mr. OWEN. That rate of interest is probably 5 or 6 per cent.

Mr. BORAH. I understand also that the rate of interest which is paid upon some of the English domestic bonds is 5 per cent?

Mr. OWEN. Yes; but, Mr. President, I think the Senator from Idaho and the country ought to realize that while rates of interest are at a certain point to-day it does not at all mean that such rates are permanent. I wish to call the attention of the Senate to the fact that we have built up in America through the Federal reserve act a means by which credits may be extended against commodities in lieu of gold.

The same thing has been done under the farm loan act by extending credits against farm lands on long periods of time. Those acts are nothing more nor less than a factory for the manufacture of credits in lieu of gold; so instead of having credits depend alone upon the small amount of gold in the world, we now have built up a system by which credits are extended against commodities which are merchantable and nonperishable. That means a very large volume of values as a basis of new credits in the country. Therefore, when we speak of the rates of interest before the World War of 2 and 3 per cent on our bonds as being normal, we need not think that in 10 years from now the rate of interest on United States bonds will not be comparatively low, and for the further reason——

Mr. McKELLAR. Mr. President——

Mr. OWEN. The Senator will excuse me, if he pleases, for a moment—for the further reason that the gigantic output of commodity values under modern machinery such as we in the United States have built up and are still building up in geometrical ratio, and the tremendous volume of commodities which is being poured out, indicated before the depression began a productive power on the part of the American people of approximately $70,000,000,000 a year. There is a great annual increase of capital created out of the work and labor of men which is constantly growing in America—which is constantly growing throughout the world—which must find investment. Because of the great World War which poured out a huge flood in billions of Government securities that capital has been diverted into those Government securities and at rather high rates of interest. Some governments are paying 7 and 8 per cent now, and our own bonds, bearing an interest rate of 4¼ per cent, went down to 82 two years ago, but they have already come back and they are going above par.

The Treasury Department is able constantly to make a little better terms in regard to the credits which are required for the meeting of the Treasury obligations. Within 10 years we may expect the world rate of interest, so far as the credit of the United States is concerned, to be down to 2 and a fraction per cent—at any rate, under 3 per cent. I have not the slightest doubt of it. I think the arrangement made with Great Britain binding Great Britain to pay the rates of interest fixed in the agreement is fair, and I think that Great Brtain was justified in asking permission to pay in United States Government bonds, because if they can liquidate our indebtedness to our people that will satisfy our purpose, and ought to be regarded as sufficient to liquidate the obligation of Great Britain to us.

Mr. WALSH of Montana. Mr. President——

Mr. OWEN. I yield to the Senator from Montana.

Mr. WALSH of Montana. I should like to inquire of the Senator whether the stipulation of the agreement under which the bonds of the United States may be used for the redemption of the bonds of Great Britain instead of cash, to which the Senator from Idaho [Mr. BORAH] referred a short while ago, whether the incorporation of that provision does not show that the commissioners who negotiated the agreement expect that quite likely the conditions which the Senator has now predicted will not arise, but that the bonds now outstanding will go below par, indicating that the rate of interest will be higher?

Mr. OWEN. Regardless of the implied forecast, naturally they want to get whatever opportunity might be afforded by the future which they can not forecast.

Mr. WALSH of Montana. But my question was, Did not the incorporation of the provision referred to indicate that they expected a condition of things quite different from that which the Senator is now predicting?

Mr. OWEN. The opportunity of paying in these bonds at any time gives them an advantage, of course, in the contingency that they should fall to a low price—I agree to that—but that does not at all affect the argument which I am making.

Mr. WALSH of Montana. It is perfectly obvious that it gives them an advantage, but that is not the question which I addressed to the Senator. My question was, Does it not indicate that they have anticipated that our bonds will go below par and that our credit will not be improved, as the Senator predicts it will be?

Mr. OWEN. It indicates not that our credit may not be improved, but there may be periods during which it will not have such a strong standing as is expected. They want an option which is always advantageous when it costs nothing.

Mr. WALSH of Montana. I think it is nothing more than a desire to take advantage of the situation if our bonds go down. There would be no point to the option if they went up.

Mr. SMOOT. Mr. President, let me say again that if it had been absolutely known that our bonds never would be less than par, then there would be the advantage I have already stated in relation to the interest period between the first and the third year payments.

Mr. WALSH of Montana. It seems to me that the conclusion is irresistible that they figured that the time would come when our credit would not be as good as it is to-day, and that our bonds would be upon the market below par.

Mr. SMOOT. That may or may not be so; but I agree with the Senator from Oklahoma that in 10 years from now the United States and Great Britain will be able to borrow money at a much less rate than they are borrowing it to-day.

Mr. OWEN. Mr. President, the Senator from Tennessee started to ask me a question when I was in the middle of a sentence, and I did not get an opportunity for ascertaining what the question was.

Mr. McKELLAR. The Senator is very kind. He has answered the question I had in mind. I was going to ask if he believes that at any time within 10 years the United States could fund $4,600,000,000 of indebtedness at a less rate than 4 or even 4¼ per cent? He has stated that he does think so.

Mr. OWEN. I have not the slightest doubt of it.

Mr. McKELLAR. I differ entirely with the Senator. I do not believe, with the enormous amount of bonds outstanding throughout the world, not only bonds issued by this Government but by virtually every government in all the world, that there is the slightest possibility of our funding this indebtedness at any such rate.

The Senator will remember that the present 2 per cent bonds that are now outstanding were sold at a price so that they would yield about 5 per cent, as I recall, and they were issued long, long after the Civil War. I do not know of any bonds that have been issued by our Government at very much less than the rate our present bonds bear.

Mr. OWEN. I do not agree as a historical fact with the statement the Senator has made; it is not correct.

Mr. McKELLAR. I was so informed by the Treasury Department this morning; I do not know whether or not the statement is correct.

Mr. OWEN. The Treasury Department will have to readjust its figures, for they are not correct, as a matter of fact.

Mr. SMOOT. If the Treasury Department advised the Senator to that effect the Treasury Department made a statement that history does not bear out.

Mr. OWEN. And as to which I know better.

Mr. McKELLAR. Of course, the bonds to which I have referred had the circulation privilege.

Mr. OWEN. And they have it yet. I had occasion to have bought $200,000 of those bonds at par, and I know they were not issued at the low rate the Senator indicates.

Mr. McKELLAR. Were they bought by the Senator recently?

Mr. OWEN. They were bought about 10 years ago, as nearly as I can remember.

Now, Mr. President, in answer to what the Senator has said, I remind him again of what was quoted in the morning newspapers—and is quoted in every morning newspaper; it is a constant thing; it is nothing new—that money in London right now on call is at 1¾ per cent and on time 2½ per cent—merchants' credit.

Mr. McKELLAR. Mr. President, will the Senator yield right there?

Mr. OWEN. I yield.

Mr. McKELLAR. The Senator must see that his argument is faulty, for the reason that if Great Britain could get money in her own kingdom at 1¾ per cent, as the Senator says it is now bringing there, she would be exceedingly foolish to give us a 3½ per cent bond or even a 3 per cent bond.

Mr. OWEN. I only pointed out to the Senator that the merchants and the bankers of London were getting money on call at 1¾ per cent and on time at 2½ per cent. That does not mean that Great Britain can go in and borrow in the London market $4,000,000,000 at one time; but it means that, according to the current needs of commerce and industry of England as expressed in the London money market, call money is only commanding 1¾ per cent and time money 2½ per cent.

Mr. SMOOT. For 60 and 90 day paper.

Mr. OWEN. Yes; for 60-day paper. That is of itself evidence of what will be the normal rate when the world gets readjusted, as it will be readjusted in a few years.

Mr. McKELLAR. What does the British Government pay for the money which it borrows?

Mr. OWEN. It probably pays 5 per cent.

Mr. McKELLAR. If it pays 5 per cent, that would not even be a comparable situation; but it would be more comparable than the argument in favor of this rate; that is, that because call money was 1¾ per cent, as the Senator has said, or that time money on 30-day paper was 2½ per cent, that British bonds in this enormous sum could be sold at such a rate.

Mr. OWEN. The effect of the Senator's argument would be that because our bonds were down to 82 they never could go up.

Mr. McKELLAR. Not at all.

Mr. OWEN. Oh, yes; because in an emergency, when the Government is compelled to use its credit on a very great scale, of course the market to supply that credit is limited, and therefore the sale of that credit is at a higher figure. As that condition changes, however, the Government will increasingly be able to get credit on better and better terms; and I have given the reasons which justify the belief that all the nations of the world will be able to get money on better and better terms, because there will be increasing capital to be invested in such forms of bonds, and the extraordinary occurrences during the World War, making a demand for credits by these governments, will have ceased. Moreover, the productive power of improving man-made machines is growing by geometric ratio, and the volume of commodities and credits and capital as it increases will lower the interest rate of the bonds of nations which will in future be at peace and engaged in liquidating the wounds of war.

Mr. WALSH of Montana. Mr. President, I am opposed to the measure before us for the ratification of the agreement entered into on behalf of our Government by the Foreign Debt Funding Commission with the Government of Great Britain touching its obligations arising out of loans made to it by the United States during the war and immediately thereafter, and purpose to set forth briefly the reasons which impel me to the conclusion at which, after reflection, I have arrived.

The agreement involves the stupendous sum of upward of $4,600,000,000. The indebtedness is not disputed. No controversy subsists or has ever arisen concerning the obligation, either with respect to the liability or with respect to the amount. The total sum was loaned. It represents cash out of the Treasury. The advances were begun pursuant to a law of Congress, enacted speedily upon our entrance into the great conflict, under which the Secretary of the Treasury was authorized, from the proceeds of Liberty bonds, for the issuance of which the act made provision, "to purchase at par from such foreign governments then engaged in war with the enemies of the United States, their obligations, hereafter issued, bearing the same rate of interest and containing in their essentials the same terms and conditions as those of the United States issued under authority of this act." The clause quoted is from the original Liberty loan act of April 24, 1917. Similar language in subsequent acts authorized loans under like conditions, pursuant to which nearly $10,000,000,000 were loaned to our allies, including the vast sum heretofore mentioned to Great Britain.

The several Liberty loan issues were put out at the following rates of interest, to wit:

The first Liberty loan, 3½ per cent; second Liberty loan, 4 per cent; third Liberty loan, 4¼ per cent; fourth Liberty loan, 4¼ per cent; Victory Liberty loan, 4¾ per cent.

Their maturity is as follows: The first, June 15, 1947; the second, November 15, 1942; the third, September 15, 1928; the fourth, October 15, 1938; and the fifth, May 20, 1923.

Mr. SMOOT. Mr. President, there is, however, a privilege of redemption of those bonds before those dates.

Mr. WALSH of Montana. Oh, yes; certainly. We are obliged, however, to take them up at those dates. We may, if we see fit, take them up earlier.

Mr. SMOOT. Yes. That is what I wanted to call the Senator's attention to.

Mr. WALSH of Montana. Oh, certainly.

Owing to the expedition which the conditions imperatively demanded, a simple I O U was taken at the time from the

borrowing nations, reciting that it would be by the debtor, if requested by the Secretary of the Treasury, converted "at par, with an adjustment of accrued interest, into an equal amount of 5 per cent gold bonds conforming to the acts of Congress." None of the bonds so promised by the nations thus lavishly provided with funds by the taxpayers of the United States have ever been delivered, the efforts of the Treasury to induce compliance in that regard, prosecuted with such insistence as international courtesy would permit, having proved unavailing.

I am moved to advert to the absence of any controversy between the parties to the transaction touching either the obligation to pay or the amount to be paid, because in the discussion which has taken place the arrangement entered into is frequently referred to as a "settlement." A settlement implies ordinarily a dispute, usually involving mutual concessions respecting reciprocal demands. The term is often used to signify an arrangement entered into by a bankrupt or involved debtor with his creditor or creditors by which he is excused from paying all that he owes, though such a transaction is more appropriately referred to as a composition. Neither the one nor the other condition justifying the use of the term is present here. There is, as stated, no controversy, and there never has been any controversy, touching the debt due from Great Britain that might be the basis of a settlement. Neither is she a bankrupt nation, or so involved as to be threatened with bankruptcy. She would deeply resent any intimation of insolvency or near insolvency.

The Foreign Debt Commission, which came into existence by virtue of the act approved February 9, 1922, and authorized thereby to convert, refund, and extend the time of payment of the loans made as heretofore stated, was by its terms denied any authority to accept bonds bearing less than 4¼ per cent per annum—assumed to be about the average rate we pay on the money loaned—or maturing later than June 15, 1947, within which period, as stated, the bonds through the sale of which the funds loaned were realized will fall due. It agreed, however, in substance, tentatively, and subject to the approval of Congress, as the British representatives understood perfectly, that the United States would accept the bonds of Great Britain due in 62 years, bearing 3 per cent interest for the first 10 years and 3½ per cent thereafter. Congress is now asked to approve this arrangement.

It is a plain misnomer to denominate such a transaction as a settlement. It should be recognized for what it is, namely, a proposal to abate from the amount due us, concerning which there is and can be no dispute, substantially the equivalent of 1 per cent per annum on $4,600,000,000, or $46,000,000 annually. We must exact of the taxpayers of America an amount sufficient to pay the accruing interest on Liberty bonds at 4¼ per cent and over, and accept from Great Britain, on an equal amount of her bonds, interest at 3 and 3½ per cent—a plain gift to her of nearly $50,000,000 yearly.

In that aspect of the case—and no other view of the transaction can be taken—the highly eulogistic phrases of the message of the President commending the adjustment to Congress, in which he extols the virtue of the debtor nation entering into it in thus formally recognizing its obligation on account and arranging for the payment of sums borrowed by it, however vast, as an example to the world, seems strangely out of place.

It is a recommitment—

He says—

of the English-speaking world to the validity of contract.

It can not be unseemly to say it—

He adds—

and it is too important to be omitted, the failure of the British undertaking would have spread political and economic discouragement throughout the world, and general repudiation would have likely followed in its wake. But here is kept faith—willingly kept, let it be recorded—and a covenant of peace no less effective than it would be if joint British and American opposition to war were expressly agreed upon. It is a covenant of peace and recuperation, of respect and cooperation. It is a new element of financial and economic stabilization, when the world is sadly needing a reminder of the ways of peace. It is an example of encouragement and inspiration, when the world is staggering in discouragement and bowed with the sorrows of wars that were and fears of wars which humanity is praying may be avoided.

"It is a recommitment of the English-speaking world to the validity of contract."

One is tempted to believe that the President was speaking ironically. The contract called for bonds bearing the same rate of interest and maturing contemporaneously with those by the sale of which the money which passed was procured. Nearly five years had elapsed since that contract was entered into without compliance with its terms. Some arrangement less onerous was sought; and there is no pretense that the one thus tentatively entered into is not more favorable to the debtor and less so to our Government. But if the observance were strict, why should it evoke praise? Is it not expected of every nation, as of every individual, that it will make provision to pay its debts, and particularly those debts incurred by borrowing? Would it not be ignominious, as well as disastrous, not to do so, or at least to exhaust its every resource in order to make payment according to its promise?

Perhaps, though, this exordium was intended to spur other nations to adjust their indebtedness to us. If so, it is as likely to offend their sensibilities, intensified by their distress. France, at least, appears to require no admonition. A highly honorable editorial recently appeared in one of the Paris papers, from which I quote as follows:

What Frenchman did not experience a painful feeling during the last conference at Paris, and even for several years back, when the question of the interallied debts was being considered, at seeing France in the rather shabby position of a debtor who seeks to obtain a quittance from his creditors?

We may say that all the costs of the war ought to be pooled and that Great Britain entered the war on her own interest, in order to prevent Germany from establishing herself at Antwerp and Calais. But it remains true, nevertheless, that no agreement to pool war costs binds either Great Britain or America, or that we owe 11,000,000,000 of marks to the one and 14,000,000,000 to the other—25,000,000,000 in all—representing in round figures, 75,000,000,000 of our present paper francs.

However enormous this foreign debt may be, however difficult it may seem to us to begin to pay it, especially after having advanced 100,000,000,000 of our paper francs on Germany's account to our sufferers in the north and our war pensioners, we must face this duty, cost what it will, if we wish to restore our credit and see the franc rise again in value. This liberation from our burdens once accomplished, our financial horizon will clear, confidence in our credit will be greater than ever, our good name will no longer have anything to fear from the maneuvers of stock jobbers; the economic readjustment which will result from this situation will be of benefit to all.

Let us not deceive ourselves concerning the transaction with respect to which our approval is sought. It is a remission of a part of the debt due us from Great Britain, and nothing else. No honeyed words can make it anything else.

The armistice had hardly been signed when an agitation began on both sides of the Atlantic for the cancellation of the debt due to the United States from its allies. Certain it is that before the credits which had been established in this country by virtue of the loans had been exhausted by any nation the movement was in full swing. High-minded and farseeing citizens of our country advocated that course, some upon sentimental, others upon economic grounds; others, whose selfish interest could not be concealed, joined in the effort to release our foreign debts, and still others, who yielded to the persistent propaganda, inclined by predilection and habit to accept views that are popular in or propagated by Great Britain.

Despite repeated rebuffs the foreign offices of the debtor nations continued to regard the question as an open one. President Wilson and his Secretaries of the Treasury flatly told the representatives of the powers who cautiously introduced the subject that it was not even to be discussed. The arguments in favor of the remission of the debt fell flat. They made no impression upon either the Democratic or the Republican administration and but little upon the country. When the unyielding attitude of our Government became known a torrent of abuse was heaped upon our people by those whom they had befriended. Uncle Sam was very profusely portrayed as Shylock by a ribald press, mindless of the fact that Shylock exacted an unconscionable bargain when he made the loan, while our Government, in addition to the gigantic efforts it was making on its own account to win the war, generously offered to lend great sums to its allies at exactly the rate of interest it was itself obliged to pay without any charge whatever on account of the expense incident to finding the money. It might be added that even if there were any other source from which their needs could be supplied, no such favorable terms could be secured in any market. Only a short time before our Government thus came to their aid, the joint bonds of Great Britain and France, secured by collateral bearing 5 per cent interest, were negotiated at no more than par in New York. Indeed, well-authenticated reports are to the effect that they were underwritten at 95.

The irresponsible emanations of malicious private journals may be forgotten, but the implied criticism of the Balfour letter is of another character. That official communication advised the continental allies, to whom Great Britain had made advances, that she was generously disposed to forgive all debts owing to her, aggregating some $17,000,000,000; but, alas, she was unable to do so because the United States would not release her a paltry $4,500,000,000, and so she was obliged to insist upon their settling. Obviously the effect, if not the purpose, of this letter was to excite the ill will of continental Europe against the United States. An analysis of the proposi-

tion robs it of much of its seeming generosity. Of the $17,000,000,000 which Great Britain thus offered to forego, $9,750,000,000 is the amount of her share of the reparation due from Germany, the collection of which is remotely problematical, our claim for reparation from Germany having already been waived. That leaves $7,250,000,000 of actual loans which she offered to forgive. But she would be released by the United States to the extent of $4,500,000,000, making her net sacrifice but $2,750,000,000. Our Government could not remit the debt due from Great Britain without according like treatment to our other allies, signifying a sacrifice upon our part of $10,500,000,000 as against a net sacrifice on her part of about one-fourth that sum.

Our Government was unshaken alike by argument and vilification, but now it yields in the policy to which it has heretofore steadily adhered and forgives, not all, but a portion of the debt due from one of our late allies—not a large portion relatively, it is true, but a tremendous sum nevertheless, as heretofore pointed out.

Upon what consideration? Assurance is given that the representatives of Great Britain conveyed the intimation to the commission, or perhaps desired to have it understood, that she could not, by reason of the sacrifices made in the war and her internal problems more or less intimately associated therewith, pay more than 3 or, at most, 3½ per cent. Of course if Great Britain can not pay more, if that is the limit of her capacity, if upon inquiry it is found that she is unable to redeem her obligations, there is no course open to us but to accept the agreement evidencing what she believes she can pay.

For my part, I have no disposition to force her into any such humiliating admission. If we are to act, however, upon any such suggestion, emanating from any source, we should be supplied with the information from which that conclusion is to be drawn. It will require some very accurate calculation to demonstrate that having the ability to pay $161,000,000 a year (3½ per cent on $4,600,000,000) she can not pay $195,500,000 (4¼ per cent on $4,600,000,000). She is paying $500,000,000 a year as doles to her unemployed. Ours, who get no such gratuities, are in effect to be taxed to help make up those which go to her idle. For, though our laborers may not pay any great sum into the Federal Treasury as income taxes, no one can doubt that they contribute a very substantial part of that exacted of those who do and who pass the burden along to the ultimate consumer in the form of increased prices of the commodities which they must buy.

It does not satisfy me to be told that the people of England are paying burdensome taxes—so are we; nor to be told that they are paying higher taxes than the people of any other country. Ought we to join them in their effort to retrench at our expense? Recently they gave an effective range to the great guns of their battleships of 25 miles as against 20 miles, by elevating their muzzles, involving important changes in the construction of the vessels upon which such guns are mounted. Information is not at hand as to the cost of this resurgence of the desire to remain mistress of the seas, but our Government is called upon to expend $60,000,000 to remodel our ships to meet the competition she has thus renewed in violation of the spirit of the treaties entered into at the Washington conference. Her budget discloses that she is expending £10,000,000, approximately $50,000,000, annually to maintain her authority over the mandated territory which she acquired as a result of the war, including Mesopotamia, Palestine, the former German-African colonies, and the Pacific islands south of the Equator, her share of those—

Lily isles that o'erlace the sea—

awarded to her pursuant to the secret treaty with Japan of which she inadvertently omitted to advise us when we entered the war. An imperialistic policy comes high. A royal family is an expensive affair, but just why should the people of the United States be called upon to help support either? I decline to give this arrangement my sanction upon the ground that Great Britain can do no more.

The statement was made in one of our most reliable periodicals within the current month that the drink bill of that country would pay off the debt she owes us in 25 years. This reference is not to be considered as a suggestion that Great Britain embrace the policy of prohibition. It simply means that for aught I know the payment of the debt signfies only the abandonment of some luxuries on the part of her people, such as in their straitened circumstances they even now enjoy.

Considering what Great Britain is spending on her territorial acquisitions growing out of the war, I was prompted to advert to what she got out of it as contrasted with what we got. But that feature having been presented on yesterday in his usual masterly way by the Senator from Idaho, I forbear. I can not resist, however, the impulse to descant upon the tragic failure of most of the high hopes with which our country entered the war. It is true we "licked the Kaiser." The menace of his vaulting ambition was effectually laid. But to what extent has there been realized the stirring conviction animating our soldiers as they went forth, and comforting their mothers, that they were engaging in a war to end war? How far did they succeed in making the world safe for democracy, or in assuring the reign of justice among nations? If selfishness and ambition ran riot at the Peace Conference, as they did, if the old order under which the spoils were distributed among the victors remained dominant, as has been fully disclosed, was Great Britain guiltless? It was her Prime Minister who demanded of Germany, regardless of the stipulations of the armistice, such reparations terms as her own economists and statesmen now concede to be impossible, with the result that industrial and financial chaos abroad, reflected in widespread and protracted industrial depression in this country, has followed and another general European war is threatened.

Notwithstanding the elevated state of mind, the intense ardor of the American people, the generous sentiment prevailing toward their allies at the time the loans in question were contracted, the exalted expectations they cherished touching the great adventure upon which they had entered, no one even proposed that any gifts of money should be made those nations associated with us in it, or that the loans which they solicited should be made on terms more generous than those recited in the acts by authority of which they were made. In the light of what was achieved, it is strange that anyone should now propose to liberalize them.

It is said that Great Britain was fighting our battles for three years before we went into the war. I can not accept that view. The occasion referred to is not the first time England became immediately involved in war arising out of continental controversies. History discloses that she becomes almost inevitably embroiled in war between any two of the leading nations on the Continent. It is the exception rather than the rule that she is able to maintain a neutral position in such a contest. Conceding that the madman who precipitated the awful conflict aimed at world domination—a very just assumption—the peril of Great Britain was immediate, ours remote. A great ocean lay between us and his base. His guns, once the channel ports had been occupied, might make comparatively safe the passage over the Straits of Dover of an invading army. Anticipating such a possibility, or others no less obvious and alarming, Great Britain had entered into an alliance with France by which she was obligated to come to the aid of that country in the event of an attack by Germany. Upon like considerations she had guaranteed the independence of Belgium. Prudence no less than her solemn treaties impelled her to the course she took. Moreover, the triumph of Germany meant the success of the Mittel Europa project of the Kaiser and the Berlin-to-Bagdad scheme, by which an ambitious rival and potential enemy would be athwart her direct route to India. Great Britain was fighting her own battles, not ours.

Conceding, I say, that we would have been justified at the outset of the war in indulging the belief that the Kaiser dreamed of the time when, like Alexander, he would sigh for other worlds to conquer, such a supposition would afford a sorry basis for a declaration of war upon him. Had Germany entered France directly instead of by way of Belgium, the plight of Great Britain would not have been essentially different, but who would assert that in that event the Government of the United States would discharge its duty to its people and to the world by letting loose its dogs of war? It is safe to say that no American citizen ever contemplated the possibility of his Government taking any such step in such a contingency.

After the event—some time after the event—in captious political criticism, it was asserted that we should have gone in when Belgium was invaded; but no responsible individual, either in or out of public life, either advocated or suggested that course at the time, a course that would have been madly quixotic.

In extenuation of the generosity displayed in this so-called settlement at the expense of the taxpayers of the United States, it is said that the money was all spent in this country for commodities at high prices and—a common error—for war materials. In the first place, much of it went to pay for the products that normally go to Europe to meet the necessities and demands of the civil population and that were intended for civil and not military use, the allied governments themselves becoming the purchasers, instead of their individual citizens, in accordance with the policy which it was found necessary to institute for the conservation of the limited supply. In the second place, nearly everything purchased was secured at

prices regulated and controlled by our Government. And thereon hangs a tale, reference to which would be ungracious under other circumstances and but for the imputation to which our country and its people have been so repeatedly subjected of ungenerous conduct toward our allies and an avaricious desire to profit unduly by reason of their necessities. Notwithstanding we were giving them an opportunity to buy in this country at the same figure which our Government fixed as the price of what it would pay for the commodities it required, we were paying in Great Britain and France the highest prices for everything we bought there, often in an uncontrolled market. Some warm exchanges took place between our authorities and those of Great Britain over the condition. Jute will serve for illustration. Our demands for that commodity, supplied chiefly by India, both for military and civil use, were enormous. The price being exacted of us was, in the opinion of the War Industries Board, exorbitant. Appeals to the British Government brought only the indifferent reply that the Imperial Government could not constrain the Government of India. Our Government then, in effect, threatened to shut off the supply of silver for the use of India under the Pittman Act, thus discrediting the Indian currency, and buy jute with the cheapened silver rupees. In due course the Indian Government came through. The Imperial Government, it appeared, could persuade if it could not constrain the colonial administration. It is not proposed to offset the concessions asked of us with respect to the loans made to the Allies, that they should refund any part of the vast sums we paid them for service and supplies, often at outrageously exorbitant prices. In effect we are asked to excuse them from paying for supplies purchased in this country, while they hold and have no disposition to refund the cash we paid them.

It is advanced further that we shall be able to refund our bonds as they fall due on terms at least as favorable as those accorded by the proposed adjustment with Great Britain.

We heard the statement of the Senator from Oklahoma [Mr. OWEN] a few moments ago that we shall be able easily to refund our bonds at a rate of interest not higher than that we are now to exact of Great Britain. I have very great respect for the opinion of the Senator from Oklahoma with regard to any of these questions, but I say in passing that I conferred only a day or two ago with an authority in finance having no superior in this country who expressed quite a contrary view.

Perhaps we may, but why should we assume the risk? If it is asserted that there is none, let me remind those entertaining such optimistic views that had anyone in 1910 predicted that within 10 years the United States would be paying on its loans more than 4 per cent, he would have been set down as rattle-brained. Who shall say what vicissitudes may overtake our country affecting its credit or what world influences may depress the market for its securities or increase the rate of interest at which they must be put out? The very agreement we are asked to ratify contemplates such a contingency and provides that Great Britain may go into the market whenever our bonds are purchasable there at a discount, acquire them under such conditions, and apply them instead of cash to the redemption of her bonds issued pursuant to the adjustment made by the commission now before us.

I am not impressed with the stabilization argument so forcibly presented on yesterday by the able senior Senator from Alabama [Mr. UNDERWOOD]. Undoubtedly any adjustment of our foreign loans would tend to the stabilization of markets. For four years the agitation for the cancellation of these loans has been in progress. Whether payment of the stupendous sums represented by them will or will not be exacted is a question which can not fail to have a profound effect upon world finance and industry. In a greater or less degree any uncertainty as to the amount which must be paid, if any is to be paid, is a disturbing factor. I agree that the settlement proposed will be stabilizing in its effect. So would an agreement by which we are to accept half the amount due or one-fourth or to forgive the debt altogether. It is quite likely that such a course would stimulate industry throughout the world. A wealthy manufacturer would stimulate his business by forgiving all his customers their debts to him. They would then be in a position to make other and much more than the normal demands for his products. Possibly he might be obliged to enlarge his factory to meet the increased trade that would result. The much to be desired stabilization would ensue upon the adjustment of the debt strictly in accordance with the terms of the contract under which it was incurred as it will upon the terms proposed. Of course, if Great Britain will not perform as she agreed that is the end of the matter. We shall in that case have neither stabilization nor interest. But I can not believe that she will not perform, or at least would not have performed. She has too much at stake. Her credit gone—why expatiate? She descends from the high station she has held through the centuries. It is unthinkable to my mind that she would not perform.

It is scarcely necessary to notice the oft-repeated remark that we shall never get as much from any of our other debtors, or the same idea conveyed by the remark, "I shall be glad if we get as much from our other debtors." So shall I. We shall deal with each of them as the conditions may seem to justify. To one of them we owe something for our existence as a Nation. To another we may possibly have a thought that it is an infant Republic we aided in coming into being, and not a proud nation that has stood the storms of the centuries, upon whose dominions the sun never sets, whose capital is the financial center of the world.

I can find no valid reason for abating anything in the instant case from what is justly due us.

Mr. WALSH of Massachusetts. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ball	George	McKinley	Sheppard
Bayard	Gerry	McLean	Shortridge
Borah	Glass	McNary	Smoot
Brookhart	Hale	Moses	Spencer
Calder	Harreld	Nelson	Stanley
Cameron	Harris	New	Sterling
Capper	Harrison	Nicholson	Sutherland
Colt	Heflin	Norris	Swanson
Couzens	Hitchcock	Oddie	Townsend
Culberson	Johnson	Overman	Underwood
Curtis	Jones, N. Mex.	Page	Wadsworth
Dial	Jones, Wash.	Phipps	Walsh, Mass.
Dillingham	Kellogg	Pittman	Walsh, Mont.
Ernst	Ladd	Pomerene	Warren
Fernald	La Follette	Ransdell	Watson
Fletcher	Lodge	Reed, Mo.	Weller
France	McCormick	Reed, Pa.	Williams
Frelinghuysen	McKellar	Robinson	Willis

The VICE PRESIDENT. Seventy-two Senators have answered to their names. A quorum is present. The Secretary will read the bill.

The Assistant Secretary proceeded to read the bill.

The first amendment of the Committee on Finance was on page 2, line 5, after the name "United States" to strike out the words "recommended by the commission and approved by the President, as set forth by him in a message presented to Congress on February 7, 1923, as contained in House Document Numbered 554, Sixty-seventh Congress, fourth session"; so as to make the proviso read:

Provided, That the settlement of indebtedness of the United Kingdom of Great Britain and Ireland to the United States, as follows:

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

Mr. POMERENE. Mr. President, I shall speak only briefly upon this subject. I expect to vote for this bill and I shall vote for it whole-heartedly. I can not agree with my brethren who seem to take the position that the United States is making very great sacrifices by this adjustment of the debt owing by the British Empire to the United States of America. I recognize the fact that at the time we entered the World War and made the several loans to the British Empire as well as to others of our allies there was a general understanding that the governments to which the loans were made should pay to the United States Government the same rate of interest which we were compelled to pay when our bonds were issued; but I think the entire correspondence between the several governments demonstrates conclusively that the obligations, whatever they were and whatever their form, were to be readjusted later. There can not, in my judgment, be any difference of opinion upon that subject.

At the time our bonds were marketed they were so drawn as to mature in comparatively short terms, and with the privilege upon our part to call in as many of the bonds at any time as we were able to. Why was that done? Because, I dare say, it was in the mind of everyone connected with both the executive and legislative departments of the Government that after the World War was ended, and we had resumed normal conditions, those bonds could be, and would be, refunded at a lesser rate of interest.

I was a good deal surprised, if I may use that word, on yesterday when the distinguished Senator from Idaho [Mr. BORAH] called attention to the large amount of property and money which the Allies had exacted from the German Empire, and then suggested under such circumstances we ought to exact somewhat harder terms from Great Britain and our other allies. I submit this proposition: The yardstick by

which the liability of an enemy country is measured by the victorious country is not the yardstick we should apply when it comes to measuring the liabilities of one ally to another, both of whom have been engaged in a common enterprise.

Senators, what is the situation with regard to these debts? Before we got into the World War Great Britain established gold credits in this country, as I am informed, to the amount of $4,000,000,000. That money was expended amongst our merchants and manufacturers for war and other necessary supplies. Then the World War was the enterprise of our allies against Germany. Later on we declared war, and then it became the joint enterprise of ourselves and our allies. After we got into the war, were we prepared to go to the front? Were our Army and Navy equipped? No. Then, what could we do in that common enterprise? We could do just one thing in the early days of the war, and that was to assist our allies with funds. We did not stop at that time to determine when our allies should pay these loans or the rate of interest they should bear. Why? Because it was common knowledge that we could not do it at that time with satisfaction to either party to the transaction.

After we got into the war we loaned Great Britain approximately four billions of money. But that was not all we did. We said to Great Britain, as we said to the other allies: "We will loan you this money, but you must spend it in the United States." Did the American Government then anticipate the vast profits our people would make out of the expenditure of this money loaned by us to Great Britain and France and other nations in the war, which was ours as well as theirs?

Why, Senators, just think of it! We loaned to Great Britain four billions of money. It was expended here. Our merchants and manufacturers waxed rich. I shall not pause to speak of the very large percentage of profits they made. That is a matter of common knowledge; but more, because we could not otherwise control conditions, as we then thought, we concluded to levy large income and excess-profits taxes so that our Government could reach some of these exorbitant profits which were made out of our Government and our allies. If the World War had been their war alone, ours would have been a different problem. It was not their war; it was ours as well—ours in defense of our Government as well as in defense of the Governments of Great Britain, Belgium, France, and Italy, aye, in defense of the civilization of the world.

We are now the creditor nation of the world. After our people have made these vast profits and after we have taken a portion of them for revenue purposes are we to insist upon a rate of interest which every Senator must believe will be in excess of prevailing rates of interest a few years hence? That is the question. We are interested in the economic and financial condition of the world as well, and this is the first step toward the readjustment of international finances.

I do not think the American people want us to insist upon a rate of interest whereby we can make an undue profit out of the loans which we made to our allies.

Our national debt to-day is twenty-two billions plus. The national debt of Great Britain is about thirty-eight billions. Our national per capita indebtedness is $226.35. The per capita indebtedness of the people of Great Britain is $822.54. Great Britain owes to us about $4,600,000,000 out of these $38,000,000,000. It is said that the tax rate in Great Britain is higher than it is here in our country or among any of our allies. Great Britain is our debtor. I have no brief for the British Government, but I am trying to look upon this question as I think a representative of a creditor nation should look upon it. To me it is a business proposition, nothing more and nothing less.

When has it happened that a great creditor, even in private life, in the adjustment of a debt which is owing to the creditor, does not take into consideration the financial status of the debtor himself? If we are going to insist upon payments at exorbitant rates of interest, or upon the payment of the entire debt, let us say, within the 25 years, as the law creating the debt commission requires, how is Great Britain to take care of her other obligations?

Now, let us see if we can not get a little valuable information from the consideration of our own Civil War debt.

As I recall, the initial cost of the Civil War was about $4,500,000,000. In 1865, at the close of the war, our total national debt was $2,674,815,856.76, or a per capita national debt of $76.98. In 1914, when the World War broke out, the total debt of the United States was $950,593,142, or $9.60 per capita. In 1860 our population was 31,443,321; in 1870 it was 38,558,371.

The Government of the United States when dealing with respect to our own national debt did not feel that it was justified in levying excessive rates of taxation, and so 49 years after the war closed we had only reduced our national debt from $2,674,815,856.76 to $950,593,142.

Some seem to think, with this example before us, even now we should attempt to embarrass our former allies by insisting upon an earlier payment of this debt and at a greater rate of interest.

Mr. President, I have no doubt that when this proposal of settlement was made Great Britain had in mind the fact that she must meet her other obligations quite as well, and so it was believed necessary to distribute the payment of the principal over a period of 62 years. I think, under all the circumstances, that is a pretty fair proposition.

Mr. WALSH of Montana. Mr. President——

Mr. POMERENE. I yield to the Senator from Montana.

Mr. WALSH of Montana. I feel like saying to the Senator that I have not heard anybody complain about the period of time within which the money is to be paid. I imagine that everybody would be quite willing to give Great Britain any reasonable time within which to pay.

Mr. POMERENE. I think the proposal has been criticized a good deal because of the length of time over which the payment is to be distributed.

Now just a word with regard to the interest.

Some years ago we sold bonds at 2 per cent. It is true, I believe, they had connected with them the circulation privilege. Some of our municipalities, I believe, have sold their bonds in years gone by at less than 4 per cent, if we take into consideration the premiums paid. Here is a very, very large debt; I submit, as a matter of common financial knowledge, the larger the obligation and the longer the period of years over which it is distributed the less is the rate of interest.

We make the rate here 3 per cent for 10 years and 3½ per cent thereafter. I shall be very sorry if within that period we do not find the general rate of interest throughout the world to be less than 3½ per cent. We can not let this debt rest as it is. Common business prudence suggests that we fix it up in some way so that we will know what and when payments will be made on principal and what the rate of interest will be. We have given to Great Britain the privilege of paying off this debt faster than she is required to pay it. On yesterday some Senator—I have forgotten who it was—made the statement that this money might be dumped in upon us, and we would have it in the Treasury, and we could not dispose of it. I do not think any Congress in the life of the Nation has ever sat which could not dispose of a surplus. With our bonds to be paid, have no fear; we shall not be embarrassed by the amount of money in our Treasury.

Mr. President, I want to repeat, in conclusion, what I said at the beginning.

I think the Debt Commission ought to be congratulated upon the work it has done. I think the adjustment will commend itself to the peoples of both nations.

Mr. REED of Missouri. Mr. President, it seems to be my fate not to agree very often with my friend from Ohio.

Mr. POMERENE. I am very sorry.

Mr. REED of Missouri. When any man proposes to pay the debts of the United States out of the profits which some war manufacturers made and put in their pockets, the proposition strikes me as unique, to say the least. We borrowed this money from the American people. We did not force this money upon Great Britain; we loaned it to her at her instant request. She spent the money in this country, and undoubtedly some American manufacturers made some money out of the transactions. How does that justify us, then, in collecting any part of those profits from the general taxpayers of America, for if we pay 4½ per cent for money which we loaned to Great Britain, we must tax the American people for that percentage. It does not come from the manufacturers who made the profits; it comes from everybody who pays a tax.

It is not a source of great satisfaction to me, if I have to pay a larger income tax in order to pay the interest which we are to lose by this transaction, to know that some steel company down in the Senator's State made a lot of profits during the war. It is not a source of great satisfaction to a farmer who has to pay a tax. All of our people, whether they pay an income tax directly or not, nevertheless help pay these taxes, for in the end they are taxes resting upon consumption, at least to a large extent. Every tax increases cost, and every man helps to pay those taxes.

If this debt is to be liquidated out of war profits, let us go and find the war profiteers and assess the debt against them. More than that, it is said this money was loaned to help us win the war. We bore our part of the war after we got in. We bore a good deal more than our part of the war financially. We have

a debt of $220 per capita that was accumulated in about 18 months, and the British Isles have a debt, they say, of $800 per capita, and they have been accumulating it for 800 years, or thereabouts.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER (Mr. MOSES in the chair). Does the Senator yield to the Senator from Utah?

Mr. REED of Missouri. I do.

Mr. SMOOT. The debt accumulated by England during the war amounted to more than all the expenses of maintaining England for 226 years before the war, and the bulk of her debt was incurred during the war.

Mr. REED of Missouri. Yes; perhaps the bulk of her debt was incurred during the war, but I say that England has been accumulating her national debt for 700 or 800 years. She was heavily in debt before the war began, and Senators want to charge that all in as a part of her per capita indebtedness and balance it up against our per capita indebtedness.

As has already been shown, for a large part of this debt which she incurred in this war she holds the obligation of other countries, and they will be canceled out of the payment of those obligations, for you may trust it to Great Britain to collect her debts. More than that, is any account to be taken of the fact that she has gathered in a territory so vast that if she were to pay for it she would have to pay more than her entire war indebtedness?

Mr. FRANCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Maryland?

Mr. REED of Missouri. I do.

Mr. FRANCE. In connection with what the Senator has said, I saw a statement the other day to the effect that the former German-African colonies now held by Great Britain were probably worth approximately $17,000,000,000, embracing, as they do, a territory of about one-third of the area of the United States—a territory largely undeveloped and containing vast potential sources of wealth.

Mr. REED of Missouri. More than that. You figure the per capita indebtedness of the British Empire, in effect, against the inhabitants of the British Isles; you take the entire debt which has been accumulated by the central government and divide it among the 38,000,000 or 40,000,000 people of the British Isles. You utterly fail to take into account the hundreds of millions of people who inhabit the British Empire and who can be taxed by Great Britain if she will. If she does not tax them directly, she taxes them indirectly by exacting and taking over to herself trade advantages which the United States does not enjoy. If she has seen fit to accumulate a debt in order that she may be mistress of the seas and monarch of one-fourth of the land of the globe, I do not propose, as far as I am concerned, to grow sympathetic and impose burdens upon American taxpayers on that account.

Again, suppose there were some profits made by people in this country out of goods sold and paid for with this money; I repeat what I said on yesterday, at that very time Great Britain was buying with her own moneys some $3,000,000,000 worth of goods in this market, because it was the cheapest place she could buy, and if she bought $3,000,000,000 worth voluntarily, that is a complete demonstration that she paid no more than the market price in the world for those goods which she paid for with the money she obtained from our Federal Treasury.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Montana?

Mr. REED of Missouri. I yield.

Mr. WALSH of Montana. The Senator may not have been in the Chamber when I discussed that matter. I called attention to the fact that she paid less than she would have been obliged to pay in the markets of the world, because prices here were controlled by the Government, and she bought at Government prices.

Mr. REED of Missouri. I thank the Senator. I heard that part of his speech, but I have not enlarged upon it.

Mr. SMOOT. Mr. President, the Senator from Montana does not mean that the prices of the great bulk of her purchases in the United States were controlled by our Government?

Mr. WALSH of Montana. I do. Take wheat, for instance, or steel. She bought copper at controlled prices.

Mr. SMOOT. At about what—25 cents a pound?

Mr. WALSH of Montana. Twenty-three and a half cents a pound, when the market price was 35 cents.

Mr. SMOOT. I have the list of the goods England purchased from us, if the Senator will look at it. Was the price of cotton agreed upon?

Mr. WALSH of Montana. I do not believe there was any control of the price of cotton at any time.

Mr. SMOOT. A billion six hundred million dollars' worth of that was bought.

Mr. WALSH of Montana. I have instanced steel; I have instanced wheat; I have instanced copper. Those represent great purchases.

Mr. SMOOT. If the Senator from Montana does not object, I will call attention to the items, and I think the Senator from Montana himself will admit, after looking at the items, that his statement ought to be modified. I put this in the RECORD in my speech on Wednesday.

Mr. WALSH of Montana. I would be very glad to be corrected if I was wrong. I stated that the prices of most of the things she bought were Government controlled.

Mr. SMOOT. That means that the prices of over half of them were controlled, and I simply rose to correct that statement.

Mr. REED of Missouri. I will be glad to have the Senator put the items in.

Mr. HEFLIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Alabama?

Mr. REED of Missouri. I do.

Mr. HEFLIN. If the Senator from Missouri will permit me, I wish to say that during that time the cotton spinners of the United States paid the same price for their cotton the British spinners paid. After all, they got their cotton as cheaply as they could get it anywhere in the world

Mr. SMOOT. Nobody has denied that; but the price was not controlled by the United States Government.

Mr. REED of Missouri. Whether it was controlled or not, we get back to this, then, that they paid no more than the market price in the world for anything. They paid no more than our people paid for anything. The question of the excess profits exacted from them, then, disappears from this case, and the whole argument based upon it falls.

Mr. SMOOT. I admit what the Senator says in relation to them paying the market price. I will go even further than the Senator did, and say that the reason they bought the goods in the United States was, primarily, because they could buy them cheaper here, and the other great reason was that they could not get them anywhere else in the world.

Mr. REED of Missouri. Two very good reasons.

Mr. SMOOT. I will go further than the Senator went. But I rose to say that the prices of the bulk of the purchases which make up the $7,219,408,669.94 were not controlled. The prices were not controlled in a majority of the cases.

Mr. REED of Missouri. Has the Senator a statement of the things that were sold?

Mr. SMOOT. Yes.

Mr. REED of Missouri. Will the Senator allow me to glance over it?

Mr. SMOOT. Here is the statement of every purchase made by England.

Mr. REED of Missouri. Let us see about this robbery, even by the robber barons of our country, for which we are expected to attack the American people—if we had any robber barons.

According to this statement, after we began to make loans to England we sold of cereals $1,375,379,343. That figure, to my mind, is astonishingly low, but let me treat it as accurate.

Mr. SMOOT. That includes not only wheat but all cereals sold at the time.

Mr. REED of Missouri. I understand.

Mr. SMOOT. I will say to the Senator that the figures are the figures of the Government. Every exportation of goods during the war was reported to the Government, to whom sent, and the price at which sold. That was the requirement made by the Government upon every exporter. The statement is a compilation of the purchases made by England.

Mr. REED of Missouri. Now, what happened in regard to wheat? We did regulate the price of wheat. We sold and delivered to our allies wheat of the finest grade at $2 and, I think, later at $2.26 a bushel. That same character of wheat purchased in Europe at that time from European sources was bringing $4 and $4.50 a bushel. So they obtained the wheat in America for substantially one-half the price it probably or might have gone to, and had that much advantage over the world market. The Senator said this figure is not confined to wheat. Every man knows that the reduction in the price of wheat affected the price of every other cereal, and necessarily so. I think no one will deny that. So that upon the farm products usually descended the effect of these regulated prices.

Let us turn to the question of meats. Everybody knows that the Food Administration called in the great packers of the country and, after negotiation with them, the prices of meats were fixed. They even went to the extent of undertaking to fix the prices of pork based upon the number of bushels of corn

it took to make 100 pounds of pork. They did the same thing with reference to cattle. So that our Food Administration—and I do not pause to criticize it—in its efforts to keep down the prices to the American people, at the same time kept down the prices to the governmental consumers who were purchasing from us, to wit, our allies in the war. I do not find meat in the schedule to which the Senator called my attention.

Mr. SMOOT. The Senator will find foodstuffs.

Mr. REED of Missouri. "Other supplies" might include it and might not. Now, what about transportation and shipping? They paid to us for transportation and shipping $48,890,000, according to the statement. What did we pay to them? We paid to Great Britain alone, I will not say for transportation and shipping alone—indeed, I am certain it was not for that alone, but that was a large item entering into the total—$394,799,000. Did they lose any money on that transaction? The rates they charged us for transporting our soldiers and our munitions were war rates and were undoubtedly as high as were the prices of anything we sold to them.

Mr. SMOOT. I will say to the Senator that the only reason why I rose was so that the RECORD might be correct as to our exportations and the purchases made by England. I might add also that if it had not been for our loans to England, England could not have purchased those goods. It would have been an impossibility for her to do it at all. Therefore our people would not have had the market.

Mr. REED of Missouri. I do not know whether the Senator is correct in that or not.

Mr. SMOOT. The Senator knows England did not have that amount of gold. The Senator knows $7,000,000,000 is more than half of the gold in the world to-day. The Senator knows that Great Britain did not have $1,000,000,000 worth of gold when she entered the war.

Mr. REED of Missouri. Oh, I have heard that old argument before, and I am surprised at the Senator repeating it, about there not being enough gold. Somebody sits down and adds up all the gold there is in the world and then adds up the debts and finds that the debts are about a thousand times as much as the gold and then asks, "How are we ever going to be able to pay the debt?" He seems to forget that the same gold dollar may pay 100 debts in one day.

Mr. SMOOT. They could not have paid us if we had not advanced the money to them.

Mr. REED of Missouri. I imagine England would have been able to get something; but if she had not, then it is a certainty that she would have gone to the wall in the war, and our support was of such a nature as to be vital to her, and therefore all the more reason why she should willingly pay what she owes.

Mr. SMOOT. Certainly. I agree with the Senator that she would have gone to the wall. No matter whether we loaned her the money or not or whether it was twice that amount, unless we had sent our men across the water England and France would have gone to the wall. There is no doubt about that, in my opinion.

Mr. REED of Missouri. There is added in the $7,000,000,000 an item of $337,000,000 of interest and $353,000,000 of maturities. There is also added $16,000,000 of relief. There is added $261,000,000 of silver. An item of food for northern Russia, $7,000,000, is added. So when we eliminate the items of which I have just spoken the proportion of the cereals and of controlled products which we sold to Great Britain is a very considerable percentage of the total.

Mr. SMOOT. Quite a considerable percentage; but I want to say to the Senator that the Russian relief was not our relief. That was the amount of purchases England made from us for her share of the relief that went to Russia.

Mr. REED of Missouri. I suppose the Senator will not claim that we gouged her in the silver that was sent to India?

Mr. SMOOT. I have not said that we gouged her on anything. I will say to the Senator, so far as the silver was concerned, that in the past until the time of the war she virtually controlled the trade of India because of purchasing her silver in the market at 50 cents an ounce and charging it to India at $1.27 an ounce.

Mr. REED of Missouri. Exactly. That is the way Great Britain deals.

Mr. SMOOT. That is, with India.

Mr. REED of Missouri. Yes; with her subject peoples. She buys silver at 50 cents and turns it over to them at $1.27 and makes them take it, but when we deal with her we ought to cut down our account below what it really is!

Mr. SMOOT. No; the Senator is wrong when he makes the statement that she makes them take it The Senator knows that in India they do not want paper money. It is silver money that they want, and they have very little gold.

Mr. REED of Missouri. Why does she not turn over to her subject people 50-cent silver at 50 cents? The Senator said she does not make them take it. I say she makes them take it because she is the Government and because there is a British bayonet, either actually or figuratively, pressed against the back of every inhabitant of India.

Mr. SMOOT. Well, I am not going into that question.

Mr. REED of Missouri. Of course not. I am obliged to the Senator for an example of the way Great Britain settles, not with her debtors, but with her subject people. "We will buy in the markets of the United States silver at 50 cents and we will make you take it or we will turn it over to you and impose it upon you at 127 cents." Ergo: We ought to be very merciful to England and remit part of her debt owing to us.

That is not the only transaction that Great Britain conducts in that way. Think of the spectacle. She took a mandate over the oil lands in Turkey and, as I understand, all of the mandates provided that the property should be held in trust and all nations should have similar rights. But I am told that the representatives of the successors of our friend Rockefeller, whose name has been so often used, went over there to undertake to start drilling for oil and were warned off the premises. England has that oil and England will keep it until the crack of doom and she will sell it like she sells the silver for 140 per cent profit. So, Mr. President, I think we may dismiss this question of a large profit.

Mr. WALSH of Montana. I should like to inquire of the Senator from Utah if $200,000,000 of silver which we turned over to England is included?

Mr. SMOOT. Not a dollar of it is included in the settlement.

Mr. WALSH of Montana. I meant included in the Government-controlled commodities.

Mr. SMOOT. No.

Mr. WALSH of Montana. But that was Government-controlled, was it not?

Mr. SMOOT. The silver was Government-controlled.

Mr. WALSH of Montana. Yes; that is to say, with the market price of silver at that time running anywhere from $1.20 to $1.37½ we turned over to Great Britain 200,000,000 ounces of silver at $1 an ounce.

Mr. SMOOT. Yes; according to a law which was passed by Congress.

Mr. WALSH of Montana. Yes; that is what I mean. Great Britain had that advantage; instead of exacting from Great Britain the general world market price, we controlled the price of silver in her interest, fixing it at $1 an ounce, and let her have 200,000,000 ounces of silver at $1 an ounce.

Mr. SMOOT. Yes; and there were very good reasons for that.

Mr. GLASS. May I inquire would the Senator have had us make a profit out of our ally with whom we were then engaged in a common war?

Mr. WALSH of Montana. No; I make no complaint whatever of the transaction.

The PRESIDING OFFICER. Does the Senator from Missouri yield; and if so, to whom?

Mr. REED of Missouri. I am now yielding to the Senator from Montana.

Mr. WALSH of Montana. Mr. President, I make no complaint whatever about the transaction to which I have referred; it was perfectly proper; but I now object to an argument based upon the proposition that we profiteered out of England and therefore we ought to yield something of the rate of interest that she promised to pay us.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield further?

Mr. REED of Missouri. I yield.

Mr. SMOOT. I do not wish to take the time of the Senate nor of the Senator from Missouri to go into the silver question, but the Senator from Montana [Mr. WALSH] knows exactly why England was allowed to have that amount of silver; and the Senator also knows that if it had not been done the West would not have been receiving a dollar an ounce for its silver to-day.

Mr. WALSH of Montana. Mr. President, I hope the Senator from Utah understands that the arrangement was entirely satisfactory to me; it was honorable to both sides; I would not have had it otherwise; but I can not sit here in silence and hear our country traduced as having been profiteering at the expense of our allies and exacting from them exorbitant prices for the products which they bought, when, as a matter of fact, we controlled the prices of our commodities in their interest.

Mr. SMOOT. Well, Mr. President, we controlled some of them; nobody doubts that, and I never made a statement to the contrary. Simply for the RECORD I made a statement that the record will prove.

Mr. REED of Missouri. Mr. President, the other side of the matter is that we purchased from Great Britain during the World War enormous quantities of materials, and we bought them at World War prices. So they were buying from us products, the price of which was controlled by law or regulation or market conditions, below World War prices, while we were buying from them at full war prices.

I have only insisted—I insisted on yesterday, and the Senator from Montana [Mr. WALSH], with great force, has done so to-day, and I am now merely reiterating the argument—that there is no reason in morals or in business for us to remit any part of this obligation upon the ground that the money was expended in America. That is the sole point that is now at issue. No man is complaining because our Government did not take advantage of our allies. All that we are claiming is that no advantage was taken, and that the defense offered for the bill on the ground that our manufacturers made some money is a defense without merit.

Another argument has been made here to which I wish briefly to advert. It was made by the Senator from Ohio [Mr. POMERENE] and had to do with the ability of the United States hereafter to borrow money at a low rate of interest. Senators will notice that under the terms of this bill during the first 10 years Great Britain is allowed the small rate of interest of 3 per cent, and after that is to pay 3½ per cent. So at the time when a low rate of interest will probably prevail in the world she will be paying the higher rate, whereas now that the higher rate is certainly upon us she escapes with the low rate. Accordingly, for the first 10 years she will pay 3 per cent, against our 4½ per cent, with the probability that we can not during that period refund our indebtedness at less than 4 per cent or 4¼ per cent. But after the 10 years shall have run, when, we will assume, the world will have settled down and rates of interest may go to 3 per cent, then when her 3½ per cent interest begins to accrue she will have the right to pay at will—and that implies and carries with it the right, of course, to refund—her indebtedness. So when the low rate comes she can take advantage of it. On the other hand, while the high rate exists she takes advantage of that, and we are the only party to the contract who is almost certain to be worsted in the transaction.

The credit of this Nation was the best of any country in the world, and yet our first Liberty loan of 3½ per cent we converted into 4 per cent bonds, and then converted those bonds into 4¼ per cent bonds. The second Liberty loan issued at 4 per cent was converted into 4½ per cent. Our Victory loan notes were negotiated at 4¾ per cent. So we have been obliged since we loaned out this money to raise our rates of interest and those rates of interest in part—the distinguished Senator from Virginia perhaps will remember the dates—were raised subsequent to the war, and after peace had come. I undertake to say that those who were managing the Treasury were obtaining the money at the best terms they could.

England to-day is paying 5 per cent and 5½ per cent, and Canada is paying 5 and 5½ per cent, and we are paying 4 per cent at the best. Yet gentlemen have the temerity to tell us that we will not lose by this transaction when we loan money at 3 per cent and pay from 4¼ to 4½ per cent for the identical money we have thus loaned. I am not much of a financier, but I have paid enough interest to know the difference between 3 per cent and 4¼ per cent when I have to pay it.

Mr. ASHURST. The Senator probably does not get it at any such rate.

Mr. REED of Missouri. No; I can multiply both figures by two and then approximate the rates I pay.

So let us have done with this plea that no profit was made. It is not sound. A profit was made. Our people who had to pay the 4¼ per cent interest on the bonds, the taxpayers of this country, did not make a profit; but profit was made by a lot of gentlemen who put the bonds so far down in their pockets as, to paraphrase an utterance of George Vest, the American eagle thereon could not be heard to scream.

What about the sentiment? Great Britain had her war burdens to carry and we had ours. She could not carry all of hers; she came over here and borrowed some money. They charged us for every service they could think of; they charged us, in some instances at least, for the very soil on which our soldiers stood while they were turning back the German tide. That was dollars and cents. When we objected in the committee to having turned over to Great Britain a large sum of cash while they were in default to us for interest, the Secretary of the Treasury in substance stated, "We are settling each of these transactions in cash as we go along, and when we get to the debt England will respond in like manner." He did not mean, of course, in cash, but in an equally honorable settlement. I think this is enough about war profits.

Mr. McKELLAR. Mr. President, I wrote to Secretary Mellon yesterday asking him to give me a statement of the amount of interest payable to the United States on account of the proposed refunding bonds to be issued by Great Britain, calculated on a basis of 4¼ per cent per annum. Secretary Mellon has sent me the figures. These ought to be interesting to Members of the Senate, and I ask permission to have them incorporated in the RECORD.

In this connection, Mr. President, I ask the reporter to include in those figures of interest payments the column showing the principal payments as shown on page 3544 of the RECORD of February 13, so that the Senate can have at a glance the identical figures showing what we would receive annually if we were paid back exactly what we pay out on these bonds.

The PRESIDING OFFICER. Is there objection to the request preferred by the Senator from Tennessee? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

TREASURY DEPARTMENT,
Washington, February 15, 1923.

Hon. KENNETH MCKELLAR,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In compliance with your request of the 14th instant I am sending herewith a table showing the annual interest payments that would be necessary if the interest rate upon the British debt was 4¼ per cent per annum.

Sincerely yours,

A. W. MELLON,
Secretary of the Treasury.

	Statement of amount of interest payable to the United States on account of the proposed refunding bonds to be issued by Great Britain, money at 4¼ per cent per annum.[1]	Schedule of annual principal installments to be paid on account of principal.[2]	Total interest and principal.
1	$195,500,000	$23,000,000	$218,500,000
2	194,522,500	23,000,000	217,522,500
3	193,545,000	24,000,000	217,545,000
4	192,525,000	25,000,000	217,525,000
5	191,462,500	25,000,000	216,462,500
6	190,400,000	27,000,000	217,400,000
7	189,252,500	27,000,000	216,252,500
8	188,105,000	28,000,000	216,105,000
9	186,915,000	28,000,000	214,915,000
10	185,725,000	30,000,000	215,725,000
11	184,450,000	32,000,000	216,450,000
12	183,090,000	32,000,000	215,090,000
13	181,730,000	32,000,000	213,730,000
14	180,370,000	32,000,000	212,370,000
15	179,010,000	37,000,000	216,010,000
16	177,437,500	37,000,000	214,437,500
17	175,865,000	37,000,000	212,865,000
18	174,292,500	42,000,000	216,292,500
19	172,507,500	42,000,000	214,507,500
20	170,722,500	42,000,000	212,722,500
21	168,937,500	42,000,000	210,937,500
22	167,152,500	46,000,000	213,152,500
23	165,197,500	46,000,000	211,197,500
24	163,242,500	46,000,000	209,242,500
25	161,287,500	51,000,000	212,287,500
26	159,120,000	51,000,000	210,120,000
27	156,952,500	51,000,000	207,952,500
28	154,785,000	53,000,000	207,785,000
29	152,532,500	55,000,000	207,532,500
30	150,195,000	57,000,000	207,195,000
31	147,772,500	60,000,000	207,772,500
32	145,222,500	64,000,000	209,222,500
33	142,502,500	64,000,000	206,502,500
34	139,782,500	64,000,000	203,782,500
35	137,062,500	67,000,000	204,062,500
36	134,215,000	70,000,000	204,215,000
37	131,240,000	72,000,000	203,240,000
38	128,180,000	74,000,000	202,180,000
39	125,035,000	78,000,000	203,035,000
40	121,720,000	78,000,000	199,720,000
41	118,405,000	83,000,000	201,405,000
42	114,877,500	85,000,000	199,877,500
43	111,265,000	89,000,000	200,265,000
44	107,482,500	94,000,000	201,482,500
45	103,487,500	96,000,000	199,487,500
46	99,407,500	100,000,000	199,407,500
47	95,157,500	105,000,000	200,157,500
48	90,695,000	110,000,000	200,695,000
49	86,020,000	114,000,000	200,020,000

[1] As furnished by Secretary Mellon.
[2] From page 3544, CONGRESSIONAL RECORD.

	Statement of amount of interest payable to the United States on account of the proposed refunding bonds to be issued by Great Britain, money at 4½ per cent per annum.	Schedule of annual principal installments to be paid on account of principal.	Total interest and principal.
50	$81,175,000	$119,000,000	$200,175,000
51	76,117,500	123,000,000	199,117,500
52	70,890,000	127,000,000	197,890,000
53	65,492,500	132,000,000	197,492,500
54	59,882,500	136,000,000	195,882,500
55	54,102,500	141,000,000	195,102,500
56	48,110,000	146,000,000	194,110,000
57	41,905,000	151,000,000	192,905,000
58	35,487,500	156,000,000	191,487,500
59	28,857,500	162,000,000	190,857,500
60	21,972,500	167,000,000	188,972,500
61	14,875,000	175,000,000	189,875,000
62	7,437,500	175,000,000	182,437,500
Total	8,172,665,000	4,600,000,000	12,772,665,000

Mr. WALSH of Montana. Mr. President, will the Senator give a summary of the statement?

Mr. McKELLAR. I was just going to do that.

The principal payments are made for the 62 years precisely in the manner and in exactly the same amount as in the proposal of the commission. The interest payments begin the first year with $195,500,000, and gradually decrease in exactly the same way until the sixty-second year, when the amount is $7,437,500. The total amount of interest paid during the 62 years will be $8,172,665,000. The total of principal and interest to be paid will be $12,772,665,000 instead of $11,105,965,000, as proposed by the commission, making a difference of $1,666,700,000 that will have to be met by taxation upon the American people.

Mr. President, that is all that I have to say at this time.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the committee.

Mr. McKELLAR. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Frelinghuysen	La Follette	Reed, Pa.
Ball	George	Lodge	Robinson
Bayard	Gerry	McCormick	Sheppard
Brookhart	Glass	McKellar	Shields
Broussard	Gooding	McKinley	Smoot
Bursum	Hale	McLean	Spencer
Calder	Harris	McNary	Stanfield
Cameron	Harrison	Moses	Sterling
Capper	Heflin	Nelson	Sutherland
Colt	Hitchcock	New	Swanson
Curtis	Johnson	Nicholson	Townsend
Dial	Jones, N. Mex.	Norris	Trammell
Dillingham	Jones, Wash.	Oddie	Wadsworth
Ernst	Kellogg	Overman	Walsh, Mont
Fernald	Keyes	Phipps	Weller
Fletcher	King	Pomerene	Willis
France	Ladd	Ransdell	

The PRESIDING OFFICER. Sixty-seven Senators having answered to their names, a quorum is present. The question is upon agreeing to the amendment proposed by the committee.

Mr. WALSH of Montana. I inquire if the amendment is indicated by the crossed-out lines on page 2, lines 5 to 8, inclusive?

The PRESIDING OFFICER. It is.

Mr. HITCHCOCK. Mr. President, when this matter of the settlement of the British debt with the representatives of Great Britain was first raised I for one received it in a very sympathetic way. In the first place, I appreciated the importance of reaching a settlement, as I think everyone else has appreciated that importance. In the second place, I shared with most people the feeling that the present attitude of Great Britain toward world affairs is such as to merit substantially the approval and cooperation of the American people. I was glad to participate in the legislation which reduced the rate of interest which Great Britain was being charged from 5 per cent to 4½ per cent. I should be glad to meet any views presented by the representatives of Great Britain concerning the maturity of this loan. I think it would be a mistake for the United States to insist upon the terms of the existing obligation, which require payment within 25 years. So, when the representatives of Great Britain came to this country to discuss the matter with the American commission, I felt a natural disposition to sustain and support any settlement that could be made within reason, not only just to the people of Great Britain but even to the extent of being generous.

I appreciate the fact, frequently asserted here, that Great Britain is overtaxed. I appreciate the fact that the people of the British Isles at the present time are paying probably a higher rate of taxation than any people in the world, and I know that much of that taxation falls upon their citizens of a comparatively small income. I was, therefore, prepared to receive in a very sympathetic way any adjustment of the indebtedness which might be arrived at between our commission and their representatives which commended itself to reason and fairness.

Even after the President of the United States had presented this matter to the joint session of the Congress, I was disposed to think that I could give it my support. I did not quite view the matter as he did, as a monumental exhibition of British stability and of the high credit of Great Britain, because I knew that ever since the day of the armistice British representatives have been frequently appealing to representatives of our Government for an alleviation and a modification of the indebtedness. But I appreciated the fact that the British Government has serious problems on hand, and I was willing to solve all doubts in favor of meeting the arrangement which might be arrived at.

My first disappointment in this matter was upon ascertaining that while Great Britain had sent to this country two very able statesmen and financiers, who probably presented what was the fruit of British study in the matter, presenting it in a very able way, there was no evidence whatever that representatives of the Government of the United States had done anything to present to the British commission the equities on our side of the case. The only evidence that has gotten to the public at all is the evidence which was brought out by the Committee on Finance of the Senate, and that committee was able to secure testimony only from the Senator from Utah [Mr. SMOOT], and the Senator from Utah, evidently acting under some understanding with his colleagues, or with the administration, was very careful not to give to the Committee on Finance, and through them to the Senate, any real information concerning the attitude or action of the American representatives in arriving at a bargain with the British.

I find incorporated in the hearings before the Committee on Finance a very able and a very ingenious statement by the British representative, the right honorable the Chancellor of the Exchequer, at the opening meeting of the Anglo-American Debt Commission, and anyone who reads that statement must be impressed, as I have been, with the ingenuity and force with which the chancellor presented the British side of the case to the commission. After that had been incorporated in the RECORD in a prominent way, one of the members of the Committee on Finance, the Senator from Wisconsin [Mr. LA FOLLETTE] said, "Who replied to that statement by Mr. Baldwin, if a reply was made by anybody?"

That statement by the British chancellor called for a reply. It was the British side of the case. Our commissioners were there to present the American side of the case, but when the Senator from Wisconsin made that inquiry as to who had presented our side of the case in reply to that able argument by the British chancellor, the Senator from Utah [Mr. SMOOT] said, "No reply at length was made." That indicated to me that perhaps the American side of the case had not been adequately presented to the representatives of Great Britain and that we had merely accepted their statement of the case as the basis or the foundation of this proposed settlement.

There is another feature about this that I do not like, and I think it must have occured to other Americans as well. This proposition is brought before the world as an American proposition to the British Government. We first learned of it, virtually, through the papers after the British debt commission had returned to England, and it was held up before the world as our proposition to Great Britain. To me it is almost unthinkable that our representatives under the existing law should have made that proposition to the British Government, and I think there is very reasonable circumstantial evidence which indicates that in fact that was the British proposition to our representatives.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. HITCHCOCK. I do.

Mr. SMOOT. I want to say to the Senator that that is not the case.

Mr. HITCHCOCK. I would be glad to hear from the Senator exactly what occurred. We are all in the dark.

Mr. SMOOT. Not at all. If the Senator will read the hearings, they will tell him what occurred. The first proposition that was made by England was an annuity plan, virtually upon a basis of 2 per cent, as I stated before the committee. That was not considered by the commission a moment. No discussion took place on it other than for the American commissioners to simply say it was out of the question.

Next, the British commissioners made a proposition based upon their budget, and under the budget they said they could perhaps pay 2 per cent interest. That was not considered any length of time by your commission.

After discussion pro and con between the commissioners the chancellor did say that he thought he could get the Government of Great Britain to agree to pay 3 per cent—straight 3 per cent. That was not agreed to by your commission. After that the commission did say that they would submit, first to the President, and ask him to recommend to Congress, a proposition for the British to pay 3½ per cent interest per annum, the payments to be made upon the principal, beginning with $23,000,000 and ending with $175,000,000, for the length of time it would take to settle the debt. That figured out a little less than the number of years given in the statement incorporated in the RECORD the other day, of which the Senator has a copy.

That proposition was cabled to the British Government and it was not accepted by the British Government. Then further meetings were held between the representatives of Great Britain and the American commissioners, and a compromise was made whereby the interest for the first 10 years would be 3 per cent and for the balance of the time 3½ per cent. The Chancellor of the Exchequer, Mr. Baldwin, and Mr. Montague Norman, the governor of the Bank of England, went home to present that proposition. They thought that it was useless to present it; they were not in a position to say that it would be accepted. They had no authority to accept it, they claimed to our commission. They arrived in England and presented it to the Premier, Mr. Bonar Law, and the council. They then wired to the British ambassador here, saying that they would accept it in principle, and when the commission was called the ambassador appeared before the commission and stated that his Government had asked as a privilege that they be allowed to pay half of the interest for the first 10 years in bonds and half of it in cash, and he gave the reasons why the English Government requested that. Your commission decided that rather than have no settlement they would grant that request, and that proposition is now before this body.

Mr. HITCHCOCK. Mr. President, that does not greatly modify the statement I have made. The British commission went home and got the agreement of the British Government to the matter before the American Government had agreed to it, and it really comes to us as a proposition from Great Britain to the American Government, the Government of Great Britain having agreed to it.

Mr. SMOOT. Mr. President, there is no agreement. This proposition is made, and it will not ripen into an agreement unless Congress authorizes that it shall.

Mr. HITCHCOCK. Naturally; but why, then, call it an American offer to Great Britain? Great Britain has agreed to it, and she is offering it to us, as a matter of fact. No matter what twist you may give to the words, the British commission agreed to it, the home Government has agreed to it, they cabled over here that they had agreed to it, and I say it is really a British proposition to us. It is uncandid to submit it to the world as an American proposition, and put the Senate of the United States in the light of repudiating it, if it does so.

Mr. SMOOT. I do not know who has stated that it was an American proposition. It is a compromise between the two countries arising out of a proposition which, if agreed to by Congress, will be put into operation.

Mr. TOWNSEND and Mr. GLASS rose.

The PRESIDING OFFICER. Does the Senator from Nebraska yield; and if so, to whom?

Mr. HITCHCOCK. I yield to the Senator from Michigan.

Mr. TOWNSEND. I am a little curious to know what difference it makes whether this proposition originated with Great Britain or with the United States. The representatives of the two nations met together for the purpose of composing this loan, and putting it into such form that it could be refunded. So I am curious to know why the Senator emphasizes the question as to where the particular plan originated.

Mr. HITCHCOCK. I have no objection to stating. I have said, in passing, that that was one of the things which tended to check my disposition to approve this proposition. I received this, as I have stated, in a sympathetic way. I approved the idea of our coming to a just and even a generous settlement with Great Britain, but I do not like the seeming lack of candor that has been exhibited here in the attempt to foist this upon us as an American proposition which Great Britain has accepted, when I feel sure the circumstancial evidence is that it is a British proposition which is now being submitted to us.

That is not all. In his message, as has been referred to here already, the President sounded the praises of Great Britain for entering into such a generous contract as this is, which he said marked a great step in international keeping of faith. That does not appeal to me, because I find, on examining these figures, that instead of Great Britain living up to the contract she made with the United States, this settlement means a tremendous concession to Great Britain, and shows, to my mind, that she is not keeping the contract as originally drawn.

What was that contract? That contract provided that the Government of the United States was to advance a large amount of credit to certain European countries associated with us in the war, among them Great Britain, and it provided that the countries which received that credit or that cash were to reimburse the people of the United States for it, and to pay the same rate of interest the American Government had to pay in borrowing the money.

Now, an examination of the terms of the settlement shows that we are practically contributing, that we are so modifying that contract as to give up something like $1,000,000,000 of what we would be entitled to at the end of 62 years if the contract were lived up to.

Mr. McKELLAR. The Secretary of the Treasury has presented figures that show it was $1,666,700,000.

Mr. HITCHCOCK. It may be my figures are not sufficient. But here is the way I have arrived at my conclusion: As set forth in the message of the President, the principal in December last was $4,600,000,000, the interest payments will aggregate $6,505,965,000, a total of $11,105,965,000. That is what Great Britain will pay to the United States during the 62 years if this legislation is enacted and the settlement is made and Great Britain keeps the contract—$11,105,965,000.

But under the existing contract the interest at the rate of 4¼ per cent, as we have already conceded the rate would be, during that same period of time, under the same arrangements for payment, the total amount which Great Britain would pay us would be $12,121,000,000; but instead of getting that amount, as we would under the 4¼ per cent rate of interest, we will get only $11,000,000,000, which would be a sacrifice of $1,015,035,000.

Mr. GLASS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Virginia?

Mr. HITCHCOCK. I yield.

Mr. GLASS. Would it not be fairer if the Senator would state that it was denominated in the bond that if the rate of interest then being paid by this Government on its obligations should be increased, the rate accordingly would be increased to the British Government? And is not the converse of that implicitly embodied in the contract—that if the rate of interest to this Government should in any given period of time be materially reduced, the British Government should have the advantage of the reduction?

Mr. HITCHCOCK. I think what the Senator from Virginia has said is absolutely correct; and if the commission had made such an arrangement with the representatives of Great Britain, I should have said "amen" to it absolutely. I do not doubt but what I shall be compelled finally to vote for this arrangement, but I would have been glad if the commission had made an arrangement with the people of Great Britain that we would charge them no higher rate of interest than we ourselves were compelled to pay. I would have accepted it promptly.

Mr. McKELLAR. I think everybody else would have done so.

Mr. GLASS. I merely want to say that it is my considered judgment, as it is that of a great many people who are better qualified to speak than I, that we have a better arrangement than that.

Mr. ROBINSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Arkansas?

Mr. HITCHCOCK. I yield.

Mr. ROBINSON. I want to mention to the Senator from Nebraska this difficulty about the arrangement he suggests: The object of the settlement is to make a complete adjustment of the debt which Great Britain owes the United States. One of the principal reasons and necessities for the settlement grows

out of the fact that there is a degree of uncertainty about the rate of interest which the loan must bear under the present arrangement. If there is anything in the argument that one of the chief purposes and effects of the settlement would be to stabilize conditions, it must be apparent to any Senator that an arrangement by which the United States Government might refund its bonds at will and frequently readjust the rate of interest that Great Britain should pay would perpetuate the prevailing condition of uncertainty.

I think one of the chief benefits, if it can be said that the settlement will be beneficial, grows out of the fact that it contemplates a complete determination of that question. The question as to the amount of interest to be paid is entirely a different proposition, but my judgment is that it would be ill advised, to say the least, to bring into the settlement of this question any proposition which contemplates a readjustment of the interest rates to be paid by Great Britain at the end of 5-year periods or any other time. It is better to settle the question now, better for both of the Governments directly concerned, and certainly better calculated to bring about a stabilization of business conditions and of interest rates. No one can look into the future and determine with accuracy what interest rates on reliable government obligations will be at the end of the 10-year period. That question will be determined by events which may not be within the control of both Great Britain and the United States, and which certainly will not be within the control of either alone.

But I have the thought that if the hope of the world is to be realized, a day is coming reasonably soon when economic and political conditions will become more settled than at present, and one of the results will be a reduction of interest rates on obligations of the character involved in this discussion. The probability is, unless present conditions continue and the European governments advance more nearly to the brink of bankruptcy and ruin than where they now stand, that the interest rate at the end of a few years will be very much lower than now, and at the end of 10 years may be lower than 3½ per cent.

I also have the thought that if the debts of the governments of Europe are not adjusted and funded in some way bankruptcy menaces them all. No government that enjoys a proud history, no people who are hopeful of their future, will admit bankruptcy. But when we consider the fact that Great Brtiain now owes $38,000,000,000, that her economic condition is disturbed, that she is the one nation in Europe that is probably solvent, that her credit and her influence must stand between European civilization and financial and economic ruin, we may well regard an adjustment of the question which eliminates detailed computations as to interest, an adjustment which charges the peace-time rate of interest rather than the war-time rate of interest as one promotive of the best interests of civilization.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). Does the Senator from Nebraska yield to the Senator from Utah?

Mr. HITCHCOCK. I yield.

Mr. SMOOT. I simply want to add to the splendid statement made by the Senator from Arkansas that if the world should get into another war, we need not expect England to pay any part of the interest if she is involved, and I do not see how it would be possible to have a war now in Europe unless England were involved.

Mr. HITCHCOCK. Mr. President, I have great respect for the opinion of the Senator from Virginia, the Senator from Arkansas, and the Senator from Utah, but this is not a matter of opinion. I may have an opinion that interest rates are going to be very much higher, and personally I am frank to say that as to that I am a pessimist. I believe we are going to have a reasonably good year this year in the United States on account of the secondary inflation in the midst of which we are now. But I believe that hereafter, probably beginning next year, we will enter into a long period of serious depression and suffering as the result of the war, and suffering from similar causes from which Europe suffers.

But the matter before us is not a matter of opinion. I may have one opinion and somebody else another opinion. We are here as the representatives of the American people. We loaned $4,600,000,000 of their money. We agreed with Great Britain and Great Britain agreed with us that she would reimburse us not only for the principal but for the interest we had to pay in borrowing the money to loan to her. Now we are asked to enter into a settlement with Great Britain which gives her arbitrarily a rate of interest of 3 per cent for the next 10 years and 3½ per cent for the succeeding 52 years, through which time no one can foresee what the rate of interest would be.

What right have we to take from the American people a thousand million dollars during the next 50 or 60 years to help Great Britain in her distress? What right have we, as is proposed in the bill, to add $340,000,000 to the loan we have already made her? We made it in war times under our war powers, and here it is proposed to give it to her in times of peace. I am sympathetic with Great Britain. I think Great Britain now is the one nation in Europe that is playing a bold and an intelligent and great part in seeking to stabilize things. But we do not represent Great Britain. We represent the American taxpayers, and I doubt whether we have any right in peace times to put upon the American taxpayer this extra thousand million dollars of taxes that he must pay.

Now, that is not all. I have prepared and I think I shall offer an amendment as follows: Strike out the language contained in lines 4 to 12, both inclusive, on page 3, and insert the following:

Interest to be payable upon the unpaid balances on December 15 and June 15 of each year at a rate which shall be the average rate of interest paid by the United States for the same year upon bonds issued by the United States since April 15, 1917, and still outstanding.

Mr. President, such a provision as that would guarantee to Great Britain as low a rate of interest as the United States can procure. It would give to Great Britain the great credit which our Government enjoys in the markets of the world. It would be a guaranty to her that, so far as the $4,600,000,000 indebtedness is concerned, she would have to pay no more interest on her bonds than we ourselves would pay. It would not only be just to Great Britain but it would be generous, because where in the world can she borrow money at the same rate at which the United States can borrow it? Mr. President, it would be just to the American taxpayer. I do not think we have any right, as I consider the matter now, in peace times to borrow money and pay a greater rate of interest on our bonds than we exact from Great Britain.

It has been said that this enormous indebtedness of Great Britain, amounting to $38,000,000,000, is such a burden that her people are sorely distressed, and doubt is raised whether Great Britain could pay us the same rate of interest that we are paying to our own citizens in the United States. Mr. President, where has Great Britain borrowed this $38,000,000,000? She has borrowed it of her own people. If she is not able to meet her obligations, let her scale down her obligations to her own people. Every nation, if it desires to preserve its credit at all, will take care of its external debts more readily than its internal debts. Great Britain is the richest country in the Old World at least. Great Britain has been the source and center of financial power in the world for centuries, and to-day the capitalists of Great Britain still own, so it is said, two-thirds of the securities and investments in different parts of the world which they owned before the World War began. So it is not complimentary to Great Britain to picture her as being in the attitude of a pauper and a repudiator. I believe that if our commissioners had done their duty in representing the equities of the American side of the case they could have induced the British commissioners to pay upon the money which we have loaned to Great Britain the same rate of interest which we pay on the money which we are borrowing from our own people. I have no objection to the provision which allows the payments to be made over a period of 62 years; I would be perfectly willing to have the time lengthened, if necessary; but I object to any increase of the amount of the debt, and I should be very sorry to be compelled to vote for a bill providing a rate of interest which I believe will be less than we ourselves will be compelled to pay during the next few years.

Mr. President, I offer the amendment which I send to the desk, and ask that it may be printed and lie on the table.

The PRESIDING OFFICER. Does the Senator from Nebraska desire to have his amendment read?

Mr. REED of Missouri. Let the amendment be read, Mr. President.

Mr. HITCHCOCK. I shall be glad to have the amendment read. It is short.

The PRESIDING OFFICER. The amendment proposed by the Senator from Nebraska will be read.

The ASSISTANT SECRETARY. It is proposed to strike out the language contained in lines 4 to 12, both inclusive, on page 3, and to insert the following:

Interest to be payable upon the unpaid balances on December 15 and June 15 of each year at a rate which shall be the average rate of interest paid by the United States for the same year upon bonds issued by the United States since April 15, 1917, and still outstanding.

Mr. WALSH of Montana. I offer certain amendments to the pending bill, which I ask may be printed and lie on the table.

The PRESIDING OFFICER. Without objection, the amendments will be received, printed, and lie on the table.

Mr. ROBINSON. Mr. President, I ask unanimous consent that when the Senate concludes its business to-day it take a

recess until 11 o'clock to-morrow; that after the hour of 2 o'clock to-morrow no Senator shall speak more than once nor longer than 10 minutes on the bill, nor more than once nor longer than 10 minutes on any amendment that may be pending or that may be offered thereto, and that during the calendar day of to-morrow, Friday, February 16, the Senate shall reach a conclusion touching the bill and all amendments.

Mr. SMOOT. That means that not later than 12 o'clock to-morrow night the Senate must vote on the bill and amendments.

Mr. ROBINSON. I am satisfied that a vote will be reached earlier than that, with the limitation on debate in effect; but I wonder if the Senator would consent merely to giving effect to the limitation on debate at 2 o'clock to-morrow and let the debate on the amendments run on until concluded in orderly process? I believe a limitation of 10 minutes would make certain the conclusion of debate before the expiration of the calendar day of to-morrow.

Mr. SMOOT. I would want a statement included that the final vote upon the bill and all amendments should be on the calendar day of February 16. That would allow us to run until 12 o'clock to-morrow night.

Mr. McKELLAR. We will have to have a roll call if the agreement undertakes to fix the time for a final vote.

Mr. REED of Missouri. Mr. President, as the Senator stated the proposed agreement, I think there is an error in it. I should like to have it reported as the Secretary has it.

Mr. ROBINSON. I can repeat it; the Secretary has not a copy; it has not been written; I have merely stated it orally.

The PRESIDING OFFICER. The Chair is informed that the Secretary thinks he can state the agreement proposed.

Mr. ROBINSON. Very well; let it be stated.

The ASSISTANT SECRETARY. It is agreed by unanimous consent that from and after the hour of 2 o'clock p. m., on the calendar day of Friday, February 16, 1923, no Senator shall speak more than once nor longer than 10 minutes upon the bill (H. R. 14254) to amend the act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations with foreign governments held by the United States of America, and for other purposes," approved February 9, 1922; nor more than once nor longer than 10 minutes upon any amendment offered thereto; and, further, that before an adjournment or recess on said calendar day the Senate shall vote upon the bill through its various parliamentary stages to its final disposition.

Mr. ROBINSON. That was the substance of my request for unanimous consent.

Mr. REED of Missouri. Very well; I thought it was a little different.

The PRESIDING OFFICER. Is there objection?

Mr. JONES of New Mexico. Mr. President, I do not like to interpose an objection, but I am inclined to think I shall be compelled to do so. This is one of the most important measures of a financial nature which can possibly come before the Congress. I do not believe that the time ought to be fixed when we shall be compelled to vote upon amendments without an opportunity to explain them. Heretofore I have frequently made the same suggestion in connection with proposals for unanimous consent having in view the final disposition of bills. My judgment is that, as stated by the Senator from Arkansas, if we limit the debate to 10 minutes, there will be no difficulty in disposing of this bill before 12 o'clock to-morrow night. We may be mistaken about that, however; and there is not a Senator here but who recalls instances where, after an agreement for a fixed time for voting, most important amendments have been presented, we have been required to vote on them, and no one has been permitted to make even an explanation. I submit that that does not comport with an opportunity for deliberation upon such an important matter as this.

Mr. ROBINSON. Mr. President, I hope the Senator from Utah and the Senator from Washington and other Senators will consent to that modification of the unanimous-consent request. I stated a moment ago that I should prefer it in that form. It will lead to the disposition of the bill long before 12 o'clock to-morrow night.

The PRESIDING OFFICER. Is there objection?

Mr. JONES of New Mexico. Mr. President, with the last clause added to the proposal for unanimous consent, I shall have to object.

Mr. ROBINSON. Then, Mr. President, I modify the request so as to provide that after 2 o'clock to-morrow no Senator shall speak more than once nor longer than 10 minutes upon the bill or any amendment that may be pending or that may be offered.

The PRESIDING OFFICER. Is there objection to the request as modified?

Mr. SMOOT. Mr. President, I want it distinctly understood, if that is agreed to, that we will continue in session until the bill is disposed of.

The PRESIDING OFFICER. Is there objection?

Mr. JONES of New Mexico. I have no objection to that.

Mr. LA FOLLETTE. Mr. President, I have just this proviso to add to the unanimous-consent agreement:

Provided, That no list of Senators be made at the desk for recognition in violation of the rule of the Senate, and that Senators be recognized in the order of their rising and addressing the Chair.

That has become a practice here which everybody recognizes as vicious and in violation of our rule, and it ought to cease.

Mr. SMOOT. Will not the Senator be content with that understanding without having it put into the unanimous-consent agreement?

Mr. LA FOLLETTE. Why not put it into the unanimous-consent agreement? Then we will be sure to have it carried out.

Mr. SMOOT. It is in the rules, and all that the Senator has to do is to call attention to them.

Mr. LA FOLLETTE. I have called attention to this matter on nearly every occasion. On three or four occasions that come to my mind now I know that Senators on this floor have not been able to speak after they had prepared to speak upon a question simply because the rule has been violated in that way, and I think it is time that the violation should cease. I have been promised by the Presiding Officer again and again that no list would be made up at the desk; the Vice President has so promised; and yet the practice has been resumed, after being suspended for a time. I think this is a good way to cut it off and make an end of it.

Mr. SMOOT. I want the Senator to understand that I have no objection at all to his request.

Mr. LA FOLLETTE. I do understand so.

Mr. SMOOT. The only reason why I made the suggestion I did is because the rules themselves provide for it; and I think, now that the question has been called to the attention of the Senate, that no Presiding Officer is going to have a list made up upon the bill to-morrow.

Mr. LODGE. Let us have the agreement read, please.

The PRESIDING OFFICER. The Secretary will read the proposed unanimous-consent agreement as modified.

The Assistant Secretary read as follows:

It is agreed by unanimous consent that at the conclusion of the business of to-day the Senate will take a recess until 11 o'clock a. m. to-morrow, and that from and after the hour of 2 o'clock p. m. to-morrow—calendar day of Friday, February 16, 1923—no Senator shall speak more than once nor longer than 10 minutes upon the bill H. R. 14254, the debt refunding bill, so called, nor more than once nor longer than 10 minutes upon any amendment offered thereto: *Provided*, That no list shall be kept at the desk giving the names of Senators and the order in which they are to be recognized.

The PRESIDING OFFICER. Is there objection?

Mr. LODGE. Mr. President, the talk around me was such that I was prevented from hearing the agreement as to continuing in session.

The PRESIDING OFFICER. There is nothing in the agreement about continuing in session.

Mr. SMOOT. I made that statement, Mr. President, and I want it as a part of the agreement.

Mr. LODGE. Oh, yes; it is worthless without it.

The Assistant Secretary read as follows:

And further, that on to-morrow the Senate will continue in session until the bill is finally disposed of.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement as modified? The Chair hears none, and the agreement is entered into.

The unanimous-consent agreement entered into is as follows:

UNANIMOUS-CONSENT AGREEMENT.

It is agreed by unanimous consent that at the conclusion of the business of to-day the Senate will take a recess until 11 o'clock a. m. to-morrow, and that from and after the hour of 2 o'clock p. m. to-morrow—calendar day of Friday, February 16, 1923—no Senator shall speak more than once nor longer than 10 minutes upon the bill H. R. 14254, the debt funding bill, so called, nor more than once nor longer than 10 minutes upon any amendment offered thereto, and that the Senate will continue in session until the bill is finally disposed of.

It is also agreed that during the further consideration of the bill no list shall be kept at the desk of the Presiding Officer giving names of Senators and the order in which they are to be recognized.

RECESS.

Mr. SMOOT. I move that the Senate take a recess until 11 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 37 minutes p. m.) the Senate, under the order previously made, took a recess until to-morrow, Friday, February 16, 1923, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 15, 1923.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father, we thank Thee for listening to our prayer, which is the best mood of our souls. In this moment we would be humble and penitent, for we are conscious of our failures. We bless Thee that Thou art a God of deliverance, hence we are not outcasts from Thy mercy. In every way may we be worthy of the best traditions of our country and enable us to promote its honor and goodness. Let our faith in Thee transcend the passing hour. Give wisdom and courage that shall declare the righteousness and integrity of free government. Help us to maintain the sanctity of Thy law, to follow the steps of Thy revealed truth, and to love Him who first loved us. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

The SPEAKER. The Chair submits the following personal requests which should have been submitted yesterday:

By unanimous consent—

Mr. JOHNSON of Kentucky was granted leave of absence indefinitely on account of important business.

Mr. LINTHICUM for the day on account of death in family.

LEAVE TO SIT DURING SESSION OF THE HOUSE.

Mr. FAIRCHILD. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs have leave to sit during the session of the House to-day.

Mr. DOWELL. Mr. Speaker, I make a point of order that there is no quorum present.

The SPEAKER. The gentleman from New York asks unanimous consent that the Committee on Foreign Affairs be permitted to sit during the session of the House to-day. Is there objection? [After a pause.] The Chair hears none.

LEAVE TO ADDRESS THE HOUSE.

Mr. GARRETT of Texas. Mr. Speaker, I ask unanimous consent that the Resident Commissioner from the Philippine Islands be permitted to address the House for 10 minutes.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the Resident Commissioner from the Philippine Islands be permitted to address the House for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. DOWELL. Mr. Speaker, I make a point of order that there is no quorum present.

The SPEAKER. Does the gentleman mean to object to the request?

Mr. DOWELL. No; I withdraw the point for the present.

Mr. DE VEYRA. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. LINTHICUM. Mr. Speaker, it seems to me the gentleman is entitled to be heard by the House, and I therefore make the point of order that there is no quorum present.

The SPEAKER. It is clear that there is no quorum present.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anderson	Codd	Gilbert	Lampert
Ansorge	Collier	Goodykoontz	Langley
Atkeson	Connolly, Pa.	Gould	Lineberger
Barkley	Copley	Graham, Pa.	Luhring
Benham	Crowther	Griffin	McArthur
Bird	Cullen	Hardy, Colo.	McClintic
Blakeney	Dale	Hays	McSwain
Bland, Ind.	Davis, Minn.	Himes	Mansfield
Bond	Denison	Hudspeth	Mead
Bowers	Drane	Hutchinson	Michaelson
Brand	Dunbar	Johnson, Ky.	Mills
Brennan	Dupré	Johnson, S. Dak.	Montague
Briggs	Dyer	Jones, Pa.	Morin
Britten	Echols	Kahn	Mudd
Brooks, Ill.	Edmonds	Keller	Newton, Mo.
Brooks, Pa.	Fenn	Kendall	Nolan
Burdick	Fess	Kennedy	O'Brien
Cantrill	Fish	Kiess	Olpp
Carew	Focht	Kindred	Overstreet
Chandler, N. Y.	Frear	King	Park, Ga.
Chandler, Okla.	Free	Kitchin	Parker, N. Y.
Clark, Fla.	Freeman	Kleczka	Parks, Ark.
Classon	Garner	Knight	Paul
Perkins	Schall	Strong, Pa.	Volk
Rainey, Ala.	Scott, Mich.	Sullivan	Walters
Ransley	Sears	Sweet	Ward, N. C.
Reber	Slemp	Tague	Wheeler
Reed, N. Y.	Smith, Mich.	Taylor, Ark.	White, Me.
Riddick	Snell	Taylor, Colo.	Williams, Tex.
Rose	Sproul	Taylor, N. J.	Winslow
Rossdale	Stiness	Thorpe	Yates
Ryan	Stoll	Vestal	Zihlman

The SPEAKER. Three hundred Members have answered to their names, a quorum is present.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors. The Commissioner from the Philippine Islands is recognized for 10 minutes.

Mr. DE VEYRA. Mr. Speaker, I am sending to the reading clerk a copy of a resolution adopted by the Sixth Philippine Legislature, first session, which I ask to be read in my time.

The SPEAKER. The Resident Commissioner sends to the Clerk's desk a resolution which he asks the Clerk to read. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

[Sixth Philippine Legislature, first session, begun and held at the city of Manila, on Monday, the 16th day of October, 1922.]

Concurrent Resolution 5, asking the Congress of the United States for authority to call and hold a constitutional convention for the Philippine Islands.

Whereas it is a principle recognized in all democracies, and especially in the political organization of the United States, that a people must be governed by its own constitution, as the legitimate and efficient form of government of the people, by the people, and for the people;

Whereas the situation of the Philippine Islands is and always will be a substantially anomalous one so long as we are not governed by a constitution approved by our representatives, our present liberties, guaranties, and institutions being but concessions of the Congress of the United States;

Whereas the Filipino people have from the beginning on opposed this anomaly and have expressed their desire to enjoy the benefits of immediate and complete independence;

Whereas the people and the Government of the United States have solemnly promised to grant such independence as soon as a stable government can be established in the Philippine Islands;

Whereas such stable government does now exist and operate in said islands, with the necessary guaranties for permanent success and security;

Whereas it is essential in order that the bonds of friendship between the people of the United States and the people of the Philippine Islands may be strengthened and the best interests of both peoples promoted and assured that the demand of the Filipino people be complied with and the solemn pledge of the American people redeemed in a speedy and satisfactory manner; and

Whereas it is the sense of this legislature that the discussion and approval by the legitimate representatives of the people of a political constitution for the Philippine Islands is an orderly and expeditious procedure for the immediate realization of our independence: Now, therefore, be it

Resolved by the Senate (the House of Representatives of the Philippines concurring), That the Congress of the United States be, and the same hereby is, requested to authorize the Philippine Legislature to provide for a general election, to be held for the purpose of selecting delegates for a constitutional convention, which shall prepare, discuss, and approve a political constitution for the independent Philippine Republic, determine with the Government of the United States what kind of relations, if any, shall in future be maintained between said Government of the United States and the government of the Philippine Islands, and, finally, provide for the election by the people of the Philippine Islands of the officials who shall have authority and perform duties under the constitution so approved and to whom the present government of the Philippine Islands shall be transferred as soon as they shall legally assume office.

The presiding officers of both houses of the legislature are hereby authorized to communicate the text of this resolution to our Resident Commissioners for presentation to the Congress of the United States.

Adopted November 29, 1922.

[SEAL.] MANUEL L. QUEZON,
President of the Senate.
MANUEL ROXAS,
Speaker of the House of Representatives.

This resolution, which originated in the Philippine Senate, was finally adopted by the same on November 20, 1922.

[SEAL.] FERNANDO MA. GUERRERO,
Secretary of the Senate.

Finally adopted by the house of representatives on November 21, 1922.

[SEAL.] NARCISO PIMENTEL,
Acting Secretary of the House of Representatives.

WHY CONGRESS SHOULD AUTHORIZE A CONSTITUTIONAL CONVENTION.

Mr. DE VEYRA. Mr. Speaker, 11,000,000 people are looking forward with the greatest eagerness and hope to the action of this body on the resolution that has just been read.

The Philippine Legislature and the Filipino people consider that the holding of a constitutional convention is the next logical step to be taken in the direction of their promised complete and absolute independence.

Among Americans interested in the Philippine question their opinion is reflected with questions like these: What kind of government will the Filipinos establish when they get their independence? What kind of commercial relations do they desire to maintain with the people and Government of the

United States? Are they really resolved and prepared to establish a democratic government which will guarantee to the Filipino citizen as well as to the foreigner constitutional liberty and equality under the law and to provide the nascent State with such securities as will make it safe from anarchy, class conflicts, dissolution, or invasion?

It is but natural if the American people are somewhat doubtful about the success of the future Philippine State, when they consider differences in race, customs, and traditions which separate us from you. For this reason we should be permitted to call a constitutional convention where we may clearly and unequivocally state what the Philippine republic will be.

A constitutional convention was the process of leading up to a Philippine republic that was recommended to the first Philippine mission which visited the United States, by several members of a joint committee of the American Congress, at a hearing held in Washington June 2, 1919.

At that hearing Senator CHAMBERLAIN, of Oregon, one of the committee members, thought the Philippine Legislature could call a constitutional convention and frame a constitution to be submitted to the American Congress without the authority of the latter. President Harding, then Senator Harding, one of the committee, thought such action might possibly savor of defiance of the United States, indicating he thought it would be better, whether necessary or not, to get the approval of Congress before calling the convention to frame a constitution. This policy is the one which has been followed by the Philippine Legislature in adopting the resolution which the Clerk has just read.

THE VITAL FEATURES OF THE PHILIPPINE QUESTION.

In presenting this resolution I ask the most serious attention of this House to certain pivotal facts that can not much longer be ignored:

1. The Philippine Islands, in the language of the American Declaration of Independence, of right ought to be a free and independent State.

2. The people of these islands ardently and increasingly long for such nationality and independence.

3. The United States of America has repeatedly promised this independence. Every President from and including the lamented McKinley to the present administration has solemnly renewed this pledge in the name of the American people.

4. On August 29, 1916, the Government of the United States through and by its Congress and its President entered into a covenant with the people of the Philippine Islands in respect to the time upon which this independence was to be achieved. One only condition precedent was required of the Filipino people. Upon compliance with that condition independence was to be declared.

5. The people of the Philippine Islands, with perfect faith and absolute confidence, accepted this covenant. Diligently they set themselves to the task of complying with that one condition.

6. In every respect and fully they have accomplished that task. Long ago they knew that it was done. Long ago the highest representative of the American Government in the Philippines ungrudgingly certified to the world that it was done. For many months, therefore, the people of the Philippines have been turning an inquiring gaze upon the United States. They have done what was required of them. They have performed conscientiously and exactly their part of the contract. They now ask with growing emphasis, When does the United States intend to perform its part? When does it purpose to redeem its word of honor so unassailably pledged? When will it carry out its promise now so long overdue?

POLICY OF THE UNITED STATES HAS BEEN ALTRUISTIC FROM THE START.

It is in no spirit of ingratitude, in no forgetfulness of the obligations of the Filipino people to the United States, that they now urge this demand. We are well aware that the course of the United States toward the Philippines has been nobly conspicuous among all the records of all nations that have held subject peoples. We know well and we shall never forget that the American occupation has been distinguished by an unprecedented generosity, broad liberty, and an unselfish desire for the welfare and progress of the Philippine people. We know well and shall never forget that we owe you material advantages of almost incomparable nature. Neither overlooking nor obscuring these facts, nevertheless, with the utmost earnestness, with all sincerity, we call your attention to the great underlying truth of national life.

No benefits, however great, and no altruism, however splendid, can compensate any people for the lack of that national independence by means of which alone they can attain to their full normal life, normal development, and normal expression of their latent powers. Without freedom wealth is nothing, culture is meaningless; existence itself is only the procession of idle images on a purposeless screen.

All the conceivable advantages of good schools, sound finances, adequate means of communication, improved housing, enlarging commerce, growing manufactures, developing industries—count all in their most alluring and desirable forms—and they can compensate no people for the loss of freedom, freedom that the unvarying experience of mankind has found to be the first object of a normal people and immeasurably above all other objects in their eyes.

AMERICA HERSELF IS THE REAL INSPIRATION OF FILIPINOS.

In ample defense and proof of our position and feelings about this we cite your record. We call to your mind the magnificent spirit and achievements of your own great struggle for independence. We remind you that in 1779, when the cause of the revolting Colonies seemed far from bright; when with a standfastness the world will always admire, the Colonies had carried on for five years an unequal and apparently hopeless struggle, commissioners from Great Britain came to them with an offer of every conceivable material advantage, save only independence. They were to have complete amnesty, security, a place of honor at the head of all the British colonies, all restrictions upon trade removed, all burdens of taxation abolished, everything for which they had struggled granted to them except only independence. What was the reply of your forefathers? They stood forth and said to the Government of Great Britain, "We fight here for liberty and with nothing short of liberty will we be content." The example of your forefathers in that ever memorable contest has been and is our inspiration. We complain of no injustice or wrong on the part of the United States. We admit, and with feeling and truth we affirm to the world, that from the United States we have received only the kindest consideration and a much larger share of self-government than was ever granted before to any dominion or colony. Yet diminishing in no way our recognition of your good will we say to you, as your fathers said to the British: We stand here for liberty and independence and with nothing else will be content.

THE AMERICAN PEOPLE ARE SYMPATHETIC TO THE FILIPINO PLEA.

We feel also that this faith and this aspiration of ours are entirely in harmony with the feelings, convictions, and sympathies of the great American people. We are assured in our hearts that you wish us to be free no less than we desire freedom for ourselves. We are convinced that the people of the United States have never once wavered from their purpose as expressed in the beginning of their relations with these islands. We are certain that Americans in general desire to leave there a memorable heritage of freedom and nationality for coming generations. If the United States has seemed tardy in carrying out these lofty purposes, if it has seemed negligent of its overdue obligations in the covenants it has made, we are convinced that these defaults are due to the following conditions existing here:

1. Imperfect knowledge of the passionate yearning of the Filipino people for their independence.

2. Imperfect knowledge of the achievements of the Filipino people under the measure of self-government that has been allowed to them.

3. Imperfect knowledge of the democratic nature of society in the Philippine Islands and of the intelligence and moral fitness of their people for complete and immediate nationality.

FILIPINO PEOPLE CAN NOT JUSTLY BE EXPECTED TO WAIT LONGER.

But the Filipino people can not justly be expected to acquiesce in the longer postponement of the fulfillment of this covenant because of a lack of familiarity in the United States with the exact conditions that prevail in the islands. In that covenant no provision was made that complete knowledge of the Philippine Islands should first be universal in the United States. Never was it so much as hinted that all people of America must first be convinced of the fitness of the Filipino people for self-government. There was, indeed, no reference to any specific degree of fitness to be attained, there was no mention of any state, intellectual or material, upon which independence was to be contingent. Only one condition was mentioned, only one promise was made, only one thing was stipulated. In the plainest of plain terms the United States undertook to withdraw its sovereignty as soon as a stable government "can be established" in the islands. That condition has been fulfilled and nothing now remains but for the United States to perform its part of the agreement.

Lest there should be any chance of misunderstanding about this, let me cite to you the contract of August 29, 1916, upon which all these final appeals to you must be based. The exact

words of that contract are: "It is, as it has always been, the purpose of the people of the United States to withdraw their sovereignty over the Philippine Islands and to recognize their independence as soon as a stable government can be established therein." Simply this and nothing more—"as soon as a stable government can be established therein." What is a stable government? What do we mean by stability in government? About this there is no chance among honest men for a serious difference of opinion. The thing signified is perfectly plain. All governments having foreign relations have in use a standard definition of stability. That drawn up for the State Department of the United States by Mr. Elihu Root when Secretary of State and in use by that department ever since declares a stable government to be one existing with the consent of its people, fulfilling its normal functions at home and able to fulfill its obligations abroad.

THE PHILIPPINES TO-DAY HAVE A GOVERNMENT THAT IS STABLE IN EVERY WAY.

The government of the Philippine Islands that the people established under the terms of the covenant of August 29, 1916, began at once to fulfill all of the terms of this definition and has continued to fulfill them ever since. For almost seven years it has been a completely functioning governmental organism, as complete as any in the world, excepting only for its position as a dominion of the United States.

It has been in all its branches, except its first executive, a government carried on by the native people. It has had a legislature of two chambers elected by the votes of those people and on its own motion conceiving, drawing, and enacting every law that has gone into effect. It has every executive, administrative, and judicial department necessary for the maintenance of a system of justice for the execution of the laws, for public order, the security of life and property, the orderly process of public and private business, for adequate communication, for the development of education, for the expansion of agriculture, for the material, mental, and spiritual needs and welfare of the population. All these works have been directed by officers chosen from the mass of the people. To the record made in these almost seven years by a government of natives, by natives, and for natives, is one to which any Filipino may justly refer with pride. It is a record that before any international tribunal would secure recognition of the right of these people to a place in the circle of nations. It has demonstrated, in theory and in practice, that they know as well as older nations the requirements of an intelligently ordered society, that they have the ability permanently to fulfill all these requirements, and that upon this foundation they are able to build a great, enduring, and progressive nation.

OBJECTIONS TO INDEPENDENCE ARE NOT REASONS BUT EXCUSES.

Against their demands so just, reasonable, and well fortified for the independence so long promised to them, certain objections are urged in this country. These objections do not come from the masses of the American people nor from any impartial persons aware of actual conditions in the islands and solely desirous of the general welfare. They originate in small circles and private interests that derive profit from the present conditions. From such sources, by the route of ingenious and persistent propaganda, it has been urged upon you, for example, that self-government in the Philippine Islands has not been a success because the Philippine National Bank has been in difficulties. Since this bank is to a certain extent a Philippine Government enterprise, 51 per cent of the capital stock being in the insular treasury, the conclusion is drawn for you that the troubles of the bank indicate a native incapacity. It is true that the bank in the months of tremendous upheaval and contraction that followed the abnormal conditions of the Great War suffered losses. So did scores and hundreds of other banks in all parts of the world and from the same causes. It has never yet been suggested in any other case except that of the Philippines that these disturbances were a reason why any people should be deprived of their claims to national existence. The bank has made some unwise loans. Other banks have made unwise loans under less excusable conditions. I have even heard of banks and trust companies in the United States that were said to have done so, not to mention things far worse. I think I have heard of presidents and cashiers of banks that have been imprisoned for actions not merely unwise, but extremely criminal. Yet it has never been alleged that because the president of a great bank in Cincinnati, let us say, was sentenced to imprisonment for wrecking his institution, the American people were thereby proved to be unfit for self-government. As the business conditions in the Far East slowly returned to a normal basis with the subsiding of the war whirlwinds, conditions of the Philippine National Bank steadily improved. To-day it has outlived its troubles. Henceforth it has an assured road of solid prosperity before it.

NO NATION ON EARTH CAN BE SAID TO BE 100 PER CENT EFFICIENT.

In the next place, it has been urged against Philippine independence that the courts of justice in the islands are behind with their work and that causes are sometimes subject to long delays. Without venturing upon specific comparisons, which might be unpleasant, it seems to me that I have read that in most of the cities of the United States these conditions are much worse than anything that is alleged against the courts in the Philippines. Yet it has never been asserted that because the American courts are overcrowded and undermanned the American people have thereby lost their right to nationality. I think I have read of cases before the most august and honored of all American tribunals, the great Supreme Court of the United States, that have gone four or five years and even longer without adjudication. No one has held this to be a reproach against the American Nation. No one has suggested here that the right to nationality can justly be affected by it. No one should now attempt to use such an allegation as an exclusive indictment of the Filipino people. When I say to you that the courts of the Philippine Islands have dockets no more clogged with cases and no further behind in their work than average courts in the United States, you will understand that this charge against my people is only subterfuge.

PHILIPPINE FINANCES ARE TO-DAY MOST SATISFACTORY.

Third, it has been alleged that the finances of the islands under native self-government has been so mismanaged that it is necessary now for the insular government to negotiate a loan by which it can be relieved of the stringency in its treasury. This again is a great and very strange misrepresentation. The finances of the Philippine government have been managed with an ability comparable with that displayed in the financial department in any other government in this world. It is not true that there has been extravagance, recklessness, or unauthorized expenditures. The legislature has increased the appropriations for education, public works, and other necessary activities, but it has never yet begun to touch the real resources of the islands. The tax rate is one of the lowest in the world. Instead of being "bankrupt," as a most wicked and desperate propaganda has proclaimed, these islands are absolutely solvent, filled with untouched riches, and perfectly able to take care of themselves. The loan upon which these injurious allegations are based was not made because of any financial difficulties but for other purposes and other reasons not necessary to discuss here.

ILLITERACY IS VERY LOW.

Fourth, there is a common misapprehension that, while the United States has done much to spread education in the islands, illiteracy is still very common, and the majority of the people are still virtually in a state of barbarism where they are not actual savages. Against this vicious, grotesque, and monstrous invention I desire to enter the most emphatic protest of which I am capable. In the school year of 1920 and 1921 there were enrolled in the public schools of the Philippine Islands close upon 1,000,000 school children, with more than 100,000 more in the private schools. This was an increase of 152,000 over the previous year, or 19 per cent. In 1920 there were 5,944 public schools in the islands, an increase of 981, or 20 per cent, over the previous year. In 1920 the expenditures for public education amounted to 18,420,000 pesos, or more than $9,000,000, which was an increase of 23 per cent over the previous year. All these figures have since been still further increased, to the honor of the great and efficient Philippine department of public instruction.

The percentage of illiteracy in the Philippine Islands is to-day very low, indeed. It is less than that of Spain, Portugal, and some other European countries, whose right to independence has never been questioned. It is as small as in some sections of this great Union, whose right to self-government has never been impeached. Of the 11,000,000 inhabitants of the Philippine Islands about 10,000,000 are Christians and civilized, and of the remainder, only a small number can now be regarded as still unreached by civilization. The percentage of these is very much smaller than the percentage of the uncivilized people in the American Colonies when their independent nationality was established and acknowledged. The work of civilizing and educating the small number of Philippine inhabitants still without the pale is being urged with ceaseless activity, so that within a few years there will have been left no people in the entire archipelago that could be described as either savage or barbarous.

A civilized, independent, educated, intelligent population, with the background of centuries of their own history as a racial unit, knowing well the great lessons of the democratic struggle, uplifted and encouraged by the inspiring story of the United States itself, having demonstrated its capability to carry on a modern government, stands forth and asks that its aspirations be gratified. That demand, gentlemen, I lay here before you, and in the name of that population I beg for an answer.

I have mentioned among the reasons why the United States has not redeemed its pledge to the Philippines the general ignorance here of the intensity and unanimity of feeling on this subject among my people. Would that in some way I could have this moment the attention of every American man and woman. I would cry in the ears of this great, intelligent, well-meaning American Nation that in this oversight in ignorance of the truth lies the chance of a terrible disaster. I do declare to you, upon my faith as a man, as a Filipino of the Filipinos, knowing my people well, that as surely as truth is truth and right is right, they are virtually of one mind about this. Heed no one that would tell you otherwise.

"FILIPINOS OF THE SOUTH" HAVE BEEN MISREPRESENTED.

The Filipinos of the south, whom you call Moros, are as much Filipinos as those of the north. It is constantly represented to you that all Moros are opposed to the rest of the nation; that they would prefer to remain under the rule of the United States; and that, therefore, in justice to these so-called dissenters you must not grant independence. Suppose all these allegations to be true, how many Moros are there in the islands? Fewer than half a million. What is the total population? About 11,000,000. You are asked then to refuse the petition of twenty-one twenty-seconds of the population because the last twenty-seconds part does not joint in it. Is that just?

Again, supposing these allegations to be true, was there ever any radical decisive action in the story of human affairs about which there was no difference of opinion? It is recorded that in your own struggle for freedom there were many Tories. The Declaration of Independence was opposed in many regions. Even your Constitution was not unanimously adopted. In your Civil War neither North nor South was always of one opinion. If, then, it were true that, among 11,000,000 people, 500,000 did not join with the rest in a demand for nationality, the fact would be insignificant. If independence could be refused on such grounds, there could rightfully be no national progress nor emancipation anywhere. But I say to you that the Filipinos are not divided on this score. Representatives of the Moros have repeatedly voted with the rest of their countrymen in favor of complete and immediate nationality. Leading men among them have joined in every great demonstration and every petition for the same object. In every Moro community will be found plain evidence that in the words of Hadji Butu, the great Moro senator and leader, "the Moros are one with the rest of the Filipinos."

INDEPENDENCE IS THE ONE NATIONAL ASPIRATION OF THE WHOLE FILIPINO RACE.

As to the fervor and profound conviction, the sincerity and depth of the feelings of the people of these islands on this subject of independence, I think it is time a word was said to the American Nation, said in all kindness, in all good will, but with all earnestness. The hearts of these people are set upon national existence. To urge upon them any other plan or system of existence is utterly futile and a mere waste of time. To delay much longer the fulfillment of their natural and irrevocable desires will be fraught with great danger. At the present time the heart of every Filipino beats warmly for the United States; but it so beats because every Filipino has unbounded confidence in the righteous, good faith, honest, and exalted principles of the American Nation. To shatter that faith and to fill its place with distrust, dislike, and a cruel disillusion would be a lamentable and ominous disaster. Not only in the Philippine Islands, but throughout the whole of the Far East, the word would go that morally the great American Republic was no more.

In all those vast regions millions and millions of men are turning to you. Beyond all comparison the United States of America is the greatest power in the Orient, solely because men have faith in you, your word, your professions, and your ideals. To the people of these regions, struggling slowly up from despotism to liberty, a nation like the United States, believed in as the champion of human rights, the defender of democracy, the unarmed soldier of liberty, is all the light they know. If having entered into this sacred covenant with the people of the Philippine Islands the United States should now break its word and show that its professions of high ideals and of honesty were of no more validity than the specious and filthy tricks with which other nations have seized territory and amassed plunder in the Far East, the result would be a moral debacle hardly to be paralleled in the history of the world. There would be left no foundation for faith. Men would cease to believe in any promise, any treaty, any agreement, any liberty, any government. There would be struck down at once all the hopes of those brave and tireless advocates of democracy and freedom that are now trying to find the road to enduring conditions and national happiness. It would be impossible to exaggerate, it would be impossible even to describe the abyss of despair into which all this part of the world would be plunged if the terrible idea should ever be forced upon mankind there that the United States was no longer a Nation that kept faith and no longer had another purpose than sordid ends of gaining and keeping. The people of the Philippine Islands have far too much faith in and affection for the United States to entertain the slightest belief that such a moral catastrophe is possible.

INDEPENDENCE IS ALREADY OVERDUE.

Yet let me say to you, still with all kindness, with all good will, and with all due restraint, that people can not be expected always to put up with delay and delay and delay in the fulfillment of a contract the term of which has long expired. In accordance with a pledge of its own making, the United States ought to have retired from the Philippine Isands five years ago. Every day that has passed since then has increased the astonishment of the Filipino people at the present procrastination of which they have been the victims. It is not possible that this procrastination can go much longer without profoundly shaking the faith of the Filipino people in the good intentions of the United States. They know perfectly well how fallacious, how fabulous, and how malicious have been the pretenses by which this procrastination has been excused by those who make a profit from continued occupation. It is not in human nature that intelligent men will continue indefinitely to regard a nation with unchanged affection if it refuses to do them justice. It is high time that the American people should understand clearly what impends. You have promised us freedom. On one pretense or another that freedom has been denied to us. We most earnestly and solemnly beseech you not to add to this delay. We have carried out our part of the contract. We beg you to carry out yours. We appeal to the American tradition. We appeal to the wonderful American history.

The same principle with which you endowed the world when you became free still obligates you to be freedom's champion. Again and again, at great cost to yourselves, with the loss of blood and treasure and the lives of heroes, you have thrust the spotless shield of the United States between weak peoples and those that stood to oppress them. Do not, we beg of you, allow that shield to be stained now by an act of oppression on your part.

You that fought for your liberty, that insisted upon your independence, that have carried the light to so many dark places of the world, that have given to mankind in the Great War so magnificent and unequaled an example of unselfish devotion to the cause of democracy and the rights of the oppressed, we appeal to you finally that you shall keep the ancient faith intact, that you shall not quench nor at this late day lower the light you have carried so long and so far, that you shall not make the pledged faith of the United States a thing as soiled and ductile as dicers' oaths.

AN EXCELLENT REVIEW OF THE PHILIPPINE SITUATION.

In conclusion, I should like to offer as supplementing and enforcing these remarks an article that appeared in the December number, 1922, of the Contemporary Review, a leading review of Great Britain. It is entitled "The future of the Philippines," and is by Charles Edward Russell, the well-known American author and lecturer:

[From the Contemporary Review, December, 1922, London, England.]

THE FUTURE OF THE PHILIPPINES.

The problem of the Philippines was one of the many difficulties inherited by President Harding's administration when it came into office. The course taken in dealing with it can be construed only as a censure, and that of a kind unusual, on the preceding administration.

The question, briefly stated, is whether the sovereignty of the United States is to be withdrawn from the Philippine Islands in accordance with the wishes of a majority of the inhabitants thereof, or whether some form of government, radically new to them and possibly fraught with grave dangers, is to be ventured upon in place of the present tenuous connection. The surrender of the islands to their inhabitants has been contemplated from the beginning of the American occupation, but vaguely and as an ultimate and distant aim. The people were to be fitted for self-government, and were thereafter to be set free to manage their own affairs. This benevolent purpose each succeeding administration had avowed, but without hinting a period for the achievement, until August, 1916, when—the Democratic Party being in sole control of all branches of the American Government—a measure known as the Jones Act was passed by Congress and signed by President Wilson. It set forth in the preamble the terms upon which the United States was willing to withdraw, and even approximated a date for its departure.

"Whereas it was never the intention of the people of the United States in the incipiency of the war with Spain to make it a war of conquest or for territorial aggrandizement; and

"Whereas it is, as it has always been, the purpose of the people of the United States to withdraw their sovereignty over the Philippine Islands and to recognize their independence as soon as a stable government can be established therein; and

"Whereas for the speedy accomplishment of such purpose it is desirable to place in the hands of the people of the Philippines as large a control of their domestic affairs as can be given them without in the meantime impairing the exercise of the right of sovereignty of the people of the United States, in order that by the use and exercise of popular franchise and governmental powers they may be better prepared fully to assume the responsibilities and enjoy all the privileges of complete independence: Therefore"—

The act followed, comprising 31 sections of an organic law for the native government of the Islands under American supervision until the sole condition required by the preamble—the establishment of a stable government—should be fulfilled.

The question of stability was not left long without official clarification. By the Jones Act the government was centered in a two-chambered legislature, elected by the people under a restricted franchise, and in a Governor General appointed by the President of the United States. In 1919, after nearly six years spent in this post, Gov. Gen. Francis Burton Harrison made this statement before a committee of Congress:

"I wish to state upon my responsibility as governor general that in my opinion there exists to-day in the Philippine Islands a stable government, which I think should answer the requirements laid down by Presidents Grant and McKinley and, as I understand it, also by Mr. Root, namely, a government elected by the suffrages of the people which is capable of maintaining order and of fulfilling its international obligations."

On December 7, 1920, President Wilson in his message to Congress explicitly indorsed the same finding. He said:

"Allow me to call your attention to the fact that the people of the Philippine Islands have succeeded in maintaining a stable government since the last action of the Congress in their behalf, and that thus they have fulfilled the condition set by the Congress as precedent to a consideration of granting independence to the islands. I respectfully submit that this condition precedent having been fulfilled, it is now our liberty and duty to keep our promise to the people of those islands by granting them the independence which they so honorably covet."

If Governor General Harrison and President Wilson were right, no course consistent with honor was left to the United States except to effect at once the liberation of the islands and the end of American supremacy there.

This was the situation the Harding administration faced when it went into office on March 4, 1921. The Democratic Party, of which Mr. Wilson has been the leader, had always demanded Philippine independence. Mr. Harding's Republican Party, without formally committing itself, had always been believed to be strongly in favor of keeping the islands. The forces that brought about Mr. Harding's nomination may be said without disparagement to be generally sympathetic to great business and financial interests, and these interests, for adequate reasons to be explained hereafter, were keenly aroused against the surrender of American sovereignty in the Philippines. Nevertheless this surrender was unavoidable on the face value of the papers before Congress.

Accordingly one of President Harding's first acts was to appoint a special commission to visit the Philippines and investigate their status. Such an act could be regarded only as most significant. The commission was, in plain terms, to see if the Governor General and President Wilson had been justified in announcing that the time had come for the American withdrawal.

The commission consisted of Gen. Leonard Wood (an unsuccessful competitor for the Republican nomination for the Presidency in 1920) and Mr. W. Cameron Forbes, a former Governor General of the Philippines. General Wood also was no stranger to the islands, having been on active military duty there. The commission made a tour of the islands in the summer of 1921 and its report was made public in December. It found against Philippine independence on the main ground that the islanders were not yet so versed in the mysteries of self-government as successfully to manage their own affairs, although due credit and even warm praise were given to them for their rapid progress and demonstrated capacity. A concluding paragraph sums up thus:

"We feel that with all their many excellent qualities, the experience of the past eight years, during which they have had practical autonomy, has not been such as to justify the people of the United States relinquishing supervision of the government of the Philippine Islands, withdrawing their Army and Navy, and leaving the islands a prey to any powerful nation coveting their rich soil and potential commercial advantages."

The intense dissatisfaction with which the report was received in the islands was largely explained by the fact that it left undetermined the main, or, one might say, the only point at issue. As to whether there was or was not "a stable government" General Wood and Mr. Forbes offered no conclusion. Nothing was decided as to the accuracy of the former Governor General's certification on that point and nothing as to President Wilson's reasonableness in practically announcing Philippine independence. In the report the stability of the government was only twice referred to, and then only in a casual, not a determinative, way. The two references are:

"(1) We find there is a disquieting lack of confidence in the administration of justice, to an extent which constitutes a menace to the stability of the Government.

"(2) In conclusion, we are convinced that it would be a betrayal of the Philippine people, a misfortune to the American people, a distinct step backward in the path of progress, and a discreditable neglect of our national duty were we to withdraw from the islands and terminate our relationship and stable government."

On the majority of the island population the effect of this conclusion was far from reassuring. The Filipinos have a natural taste for pleasurable speech and at least a fair allotment of vanity. They did not fail to observe the many passages in the report, in which tribute was paid to their good qualities, their advance in education, their use of the arts and resources of civilization. But their disgust with the general verdict much outweighed their appreciation of its praise. When the report was made public the native leaders had much ado to prevent outbreaks of violence. Unfortunately news of these events did not reach the United States, which is still largely unaware of the native reactions.

The advocates of independence in the islands argued that the points raised by the commission were not involved in the dispute. In what they called the contract or covenant between the people of the Philippine Islands and the people of the United States nothing was said about the quality of justice to be administered in the courts, about efficient defense against foreign attack, about national duty, about the army and navy. Nothing was stipulated, except that the government to be established should be stable. The Filipinos underscored the fact that for five years their government had presented successfully all the ordinary attributes of stability, had maintained the national credit, had functioned adequately in all respects, carried on public improvements, passed laws and enforced them, effectively secured life and property. To meet any uncertainty as to the definition of "a stable government" they quoted that adopted by President McKinley as governing the course of the United States toward Cuba. He deemed a stable government to be "one capable of maintaining order and observing its international obligations, insuring peace and tranquillity, and the security of its citizens as well as our own." Mr. E. Root, as Secretary of State in President Roosevelt's administration, defined "a stable government" in almost the same words, but added the insistence that there should be a popular mandate. He held that a stable government was one "elected by the suffrages of the people and supported by them, capable of maintaining order, and of fulfilling its international obligations." This definition has been since viewed as fundamental in the practices of the American State Department. The Filipino leaders contended that, judged by these definitions, they had established a stable government and fulfilled to the letter their part of the contract.

Their disappointment was the keener because for five years they had been led to believe that their hopes of nationality were on the way to solidify into fact. Since its inauguration, after the passage of the Jones Act, the Philippine Legislature had not failed at any session unanimously to pass resolutions demanding immediate independence, and these seemed to rouse no apparent dissent in America. In 1919 the legislature dispatched to Washington a commission of eminent natives to offer this demand and ask immediate action upon it. When the official report of the Governor General that the Philippines were ready for independence was followed by the formal statement to the same effect by President Wilson, the Filipinos could hardly be blamed if they took such utterances as final and dependable.

The Wood-Forbes report came to shatter these pleasant hopes and to aver what the Filipinos regarded as insufficient and disingenuous reasons. Resentment became outspoken. The legislature, with but one dissenting vote, adopted a protest. The native newspapers, many of which have considerable circulations, uttered a severe if measured condemnation. An émeute in the streets was prevented by the quick action of the leaders. The Nationalist Party, comprising more than two-thirds of the voters, met and, after deliberation, adopted immediate independence without protection by the United States as its definite policy. The newly elected chancellor of the national university delivered a fiery address, warning the youth of the islands that they must work for complete and self-sustained nationality. The legislature sent to the United States a new commission of natives to make representations against the report and to ask that no action be taken upon its recommendations. This agitation is still proceeding.

To the American element in the islands the Wood-Forbes verdict was hardly less irritating than to the Filipinos. In the American colony the feeling is strong and general against insular autonomy, a feeling that may be due in part to racial antagonism, but there was disappointment at the failure of the report to indicate any future status for the islands. For substantial and practical reasons this was ill suited to the colony's ideas and needs. It left in a state truly precarious a large part of the great American investment of the last 10 years, not because the existing government, or any potential government, would be hostile to such capital and to its returns, but because it left in entire doubt the future tariff policy of the islands. In the view of most of the colonists the easy and effective settlement would be a recommendation of the territorial form of government. This would be tantamount to a declaration of permanent annexation, with a temporary organization like that formerly provided for frontier States before they were ready for statehood, thus carrying with it the sure prospect of ultimate admission of the islands as a full-fledged State into the American Union. If there could be no finding in favor of a territorial government, the American business men had hoped that, at least, no uncertainty would be left about independence. If independence was to come at all they preferred to have it as quickly as possible; if not, they wished that fact to be set forth so plainly that there would be no excuse for the agitation and uncertainty that are now undeniably hampering business.

In dealing with the popular attitude toward independence it is necessary to observe some distinctions. All of one race and stock as they are, the Filipinos show many types; the educated native of the northern town is not easily included in our thinkings with the almost naked mountaineer or the far-away Moro of the Sulus. To say that the great majority of the populace favors independence must be interpreted as referring to the civilized Filipinos. No one could pretend that the wild Manobo or Bagobo of the thickets cares or knows anything about the question. It is undeniable that, if independence were granted, the new State would be obliged to carry these untutored savages as a liability in some such way as for nearly a century the American Republic was obliged to carry the savage red Indian, or as the Australian Commonwealth carries the bushmen. The Filipino leader points to these comparisons and asserts that the item is not more significant in one instance than in another. Moreover, the numbers of the wild men seem surprisingly small when compared with the rest. The census of 1918 gave the total population of the Archipelago as 10,350,730, of whom 9,463,731 were Christians and 886,999 non-Christians. On the basis of these figures and the assumption that civilization has attended upon Christianity, nothing appalling or impossible would seem to pertain to the balance between civilization and savagery. It is not fair, however, to class all the non-Christians as savages. Many of the Mohammedan Moros of the south have attained to a high order of civilization, and the number of really wild men running at large in the bush is small. The remnant of Negritos—the strange aboriginal people still surviving in the mountains—does not largely swell the total.

The Moros constitute the traditional problem of island government. They sit in the Philippine Legislature, join without a sign of fracture in the insular affairs, and have voted with their confrères for independence. Possibly the differences in religious faith lose their primitive edge before the advance of the public school, in which the Moro is

showing an interest strange in a man of his creed. The Moros inhabit the department of Mindanao and Sulu, but even there are generally in no overwhelming preponderance. A census taken in 1920 showed its population to be 1,112,579, of which 589,633 were Christians and 522,946 were non-Christians.

Among the great Christian majority of the islands the desire for independence is unquestionable. The political parties have generally agreed in the demand for it and have only differed concerning the best means and time to win freedom. In the American colony of Manila the belief seems common that the agitation for independence is the sole creation of politicians, but this is not borne out by the fact that those representatives are the most popular who make themselves most conspicuous in the independence cause. "We find everywhere among the Christian Filipinos," said the Wood-Forbes report, "the desire for independence, generally under the protection of the United States." But, it added, "The non-Christians and Americans are for continuance of American control." The Americans in the islands number fewer than 7,000. Adding these to the total of non-Christians revealed by the census, it is apparent that the opposition to independence must be a *very small minority*.

The suffrage, however, is not universal. The so-called backward Provinces are temporarily excluded. Most of the inhabitants of the Moro regions do not vote. For this reason any statement of the attitude of the non-Christians must rest upon individual opinion alone. The whole subject of Moro sentiment seems too uncertain to justify confident assertion, though many leading Moros are committed to independence, and Rizal day—the national independence festival—is generally celebrated in the southern islands as in the northern. As to the Christian Filipinos, constituting, as has been seen, more than nine-tenths of the population, we are to remember that only a small proportion have the necessary franchise qualifications. Of these, in the 1919 election more aligned themselves with the Nationalist political party than with all the others together. The Nationalist is the party that has most persistently urged independence. But neither of the other two parties offered any opposition to it.

So far as a limited franchise and the representative form of government can furnish a popular mandate about anything, the mandate in this instance would seem to be competent. At each election the political party that most unwaveringly has stood for independence is returned to power. Year after year the legislature thus elected repeats its demand that the United States shall fulfill its promise. It appropriates money to be spent in furthering the cause of separation; the people yearly approve or acquiesce in this expenditure. Elsewhere under the like conditions the expression of the popular will would probably be deemed conclusive. With the competence of the legislature no fault is found. The Wood-Forbes Commission was favorably impressed. "We find the legislative chambers," says the report, "are conducted with dignity and decorum and are composed of representative men."

We should remark in passing that the independence movement in the Philippines has about it nothing that can be called seditious, and so far, at least, no flaw has appeared in the allegiance of the people to the United States. The most vehement agitator never injects into his harangue a charge of injustice or oppression. Affection for America is widespread and, so far as the alien visitor can determine, quite genuine, due in great measure to the really excellent school system the Americans introduced and maintained, and to the unexampled latitude of self-government provided in the Jones Act. Washington's Birthday and July 4 are celebrated throughout the islands with enthusiasm, and when the United States entered the Great War the Filipinos everywhere gave rather remarkable evidence of loyalty. Perhaps to this sense of gratitude may be ascribed part of the once common hope that independence might be granted in such terms as Cuba obtained, with American guaranties and protection—a hope slowly fading before the eyes of enlightened Filipinos. Independence with or without protection is now the slogan; a majority of the inhabitants are becoming well prepared to risk complete national separation.

The complement to this singular situation in the islands is the fact that, in the main, the people of the United States view the agitation without resentment and often with an expression of sympathy. Partly this expression is genuine; partly it is fidelity to history; partly it is weariness of the whole business. If by any possibility the Nation could go back to 1898 and rid itself of all its outlying possessions the average plain citizen would be well pleased. With regard to the Philippines, this indifference is rather astonishing in view of the fact that the question is of supreme importance to the future policy of this country and the status of the Pacific. But for a people of more than usual intelligence and mental alertness, the Americans are strangely uninformed about their subject dependencies. This explains in a way why so far the Filipinos have clamored for independence without winning American assent or arousing keen opposition.

For weighty reasons, however, one element in American society, small in numbers but of importance and power, is unable to imitate the general nonchalance. It is composed of the investors the substance of whose returns lie in or about the tariff relations between the United States and the islands. In the beginning of the American occupation the American import customs duties applied to Philippine goods as to others. In 1909 this condition was greatly modified on behalf of Philippine commodities, and in the tariff of 1913 practical free trade was established in these exchanges. All the standard products of the Philippines—tobacco, hemp, sugar, copra, and lumber—were placed in a position of great advantage compared with the like products from other regions of the Pacific. The assured profits stimulated the flow of capital and resulted in notable development of island industry, as the following statistics show:

In 1909 the total foreign trade of the Philippines was ₱18,069,000; in 1919 it had attained to ₱46,350,000. In 1907 exports of cigars were valued at only ₱212,676; in 1919, at ₱1,815,000. Most of this increase was absorbed by America, where the comparatively low prices under free trade made easy marketing for Philippine tobacco. In 1907 the exports of Manila cigars to America were only $2,175; in 1918 they had risen to 264,871,253. Exports of sugar rose from 141,568,420 tons in 1907 to 302,420,370 tons in 1918; of coconut oil (extracted from copra), from 819,625 kilos to 139,942,612 kilos; of hemp, from ₱3,937,000 worth to ₱16,926,000 worth in the same years. Exports of embroideries rose from a value of ₱17,600 in 1913 to a value of ₱691,000 in 1919. From 1912 to 1919 the quantity of lumber exported increased sixfold. The resources of the commercial banks increased from ₱6,000,000 in 1913 to ₱43,000,000 in 1920, and deposits in the savings banks from ₱282,000 to ₱492,000.

This rapid development took place under a condition of practical free trade. But if the Philippine Islands should secure their independence they would pass to the status of any other country foreign to the United States and the American tariff wall, now taken down for their behoof, would be restored against them. This could but spell huge disaster for much of the American capital invested in the islands since 1913. Philippine products would be subject to tariff duties averaging about 60 per cent, with the result that they would be largely excluded from the American market, whither two-thirds of the trade of the islands now goes. Obviously, the economic effects upon the islands would be, for a time at least, most unfortunate. A period of business depression might easily be predicted, lasting until trade could be adjusted to new bearings by the developing of new markets. The leaders of the independence movement to whom this prospect has been depicted are by no means unfamiliar with it. They declare that the islanders are prepared to accept the full measure of the temporary economic reverse, deeming it a price not too great for independence and relying upon the resources of their country and its relation to world needs to effect a swift recovery.

It is fairly safe to prophesy that, being committed to autonomy and actively enlisted for it, the Christian part of the population will not return upon that path. It is to this fact and its consequences that the people of the United States remain irresponsive. Always the demand for independence grows more vehement in the islands. If it resembles all other such movements heretofore in human experience, it will not always wear the pacific front it does now. If the Filipinos in the mass should become convinced that the promises of the Jones Act were made in bad faith, or that there was deliberate purpose to ignore them, the United States might find itself in a position where either it must retire before the threat of violence, or it must suppress by force of arms a people whose only offense in the eyes of the world would be that it had demanded the fulfillment of a covenant.

The consequences of an independent Philippines, with an all-native government, republican in form, might be momentous. One can hardly imagine that it could be established without working a profound impression upon far eastern conditions. It would be the first complete and functioning democracy in Asia; it would be the first attempt by any division of the Malay race at modern democratic self-government. If it should succeed, or even promise to succeed, there must needs be a sharp readjustment of the European view about the Asiatic and a sharp readjustment of policy toward him. He would be in court with an exhibit unassailable as evidence, and not likely to be of a sedative nature to many of the spectators. A Philippine republic would render difficult any prolonged delay of universal suffrage in Japan. It would probably hasten the unification and pacification of China. It would react upon the Koreans and might modify greatly the Japanese policy toward them. It would inevitably shape America's own foreign policy, for it would amount to a decision to retire finally from all attempts to construct an empire or to hold subject dependencies.

Yet to something of this kind all the present indications undeniably point. The Philippines can not much longer remain in the present state of merely provisional organization. If any thought is entertained anywhere that the people of the United States could be brought to consent to the sale of the islands or to the transfer of their sovereignty to any other power whatsoever, it can not be too quickly abandoned. The alternative to independence is to erect the islands into a territory of the United States, giving them the territorial form of government like that of Alaska and Hawaii, and announcing thus their permanent annexation. Supposing that the people of the islands could be brought to accept this dispensation, it is gravely to be doubted if the people of the United States could be argued into equal pliability. It would mean that eventually they must enlarge the boundaries of the United States across 8,000 miles of ocean to embrace a region in the alien Tropics—a region to the rest of the Union so antithetic in climate, products, people, conditions, and interests as to be forever hopelessly incongruous. Between these two courses, nevertheless, the United States must soon choose, and it is to be surmised that so far President Harding's administration has found no satisfactory answer to the most troublesome problem bequeathed by its predecessor.

SENATOR KING'S AMENDMENT INDORSED BY PHILIPPINE LEGISLATURE.

Mr. Speaker, I desire to state that on February 9 Senator WILLIAM H. KING, of Utah, one of the best friends of the Filipino people in the American Congress, made a speech on the floor of the Senate in which he discussed the Philippine question at considerable length.

In the course of his remarks he introduced an amendment to the Army bill reading as follows:

That in conformity with the act entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands and to provide a more autonomous government for those islands," approved August 29, 1916, the Philippine Legislature is hereby authorized to provide for a general election of delegates to a constitutional convention which shall prepare and formulate a constitution for an independent republican government for the Philippine Islands, and that upon the ratification and promulgation of said constitution and the election of the officers therein provided for and upon satisfactory proof that the government provided for under said constitution is organized and ready to function, the President of the United States shall recognize and proclaim the independence of the Philippine government under said constitution and shall notify the governments with which the United States is in diplomatic correspondence thereof, and shall invite said governments to recognize the independence of the Philippine Islands; and that the President is directed to withdraw the military forces of the United States from said islands within six months after said proclamation recognizing the independence of said Philippine government.

Unfortunately, Mr. Speaker, the amendment did not reach a vote, but the news of the action of the Senator was cabled to the Philippine Islands and caused much enthusiasm there.

Senator KING's amendment was discussed on the floors of both houses of the Philippine Legislature, with the result that the following resolutions were adopted:

Resolved by the House of Representatives (the Philippine Senate concurring), That they express, and they hereby so express, their gratification upon receiving the information that Senator WILLIAM H. KING, of Utah, has proposed in the Senate of the United States that a provision providing for the immediate independence be included in the War Department appropriation bill; and

Resolved further, That the President and Congress of the United States be, and they hereby are, requested to approve said provision, which is in accordance with the aspirations of the Filipino people as

expressed time and again by their constitutional representatives in the Philippine Legislature; and

Resolved finally, That the presiding officers of both houses of the Philippine Legislature be, and they are hereby, directed to transmit these resolutions to the Philippine Resident Commissioners at Washington with instructions to present the same to the President and Congress of the United States.

The SPEAKER. The time of the gentleman has expired.

Mr. TOWNER. Mr. Speaker——

Mr. CAMPBELL of Kansas. Mr. Speaker, I desire to present——

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. CRAMTON. Mr. Speaker, I call up the conference report on the bill H. R. 13660.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that the gentleman from the Philippine Islands be permitted to revise and extend his remarks.

The SPEAKER. He already has that permission. The gentleman from Michigan calls up a conference report. The Chair is mistaken. The Chair understood it was a conference report. The Chair understands it is a House bill with a Senate amendment in disagreement.

Mr. CRAMTON. Yes.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

An act (H. R. 13660) making appropriations for the government of the District of Columbia for the fiscal year ending June 30, 1924, and for other purposes.

Mr. GARRETT of Tennessee. Is it a conference report?

The SPEAKER. It is not a conference report; it is a bill which has been to conference.

Mr. CRAMTON. Mr. Speaker, I move that the House further insist upon its amendment to the Senate amendment and agree to the conference asked by the Senate, and the conferees be appointed.

The SPEAKER. The gentleman moves that the House further insist upon its disagreement to the Senate amendment and to agree to the conference asked for by the Senate. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the conferees.

The Clerk read as follows:

Mr. CRAMTON, Mr. EVANS, and Mr. JOHNSON of Kentucky.

Mr. CRAMTON. Mr. Speaker, I move the adoption of this concurrent resolution.

The SPEAKER. The gentleman from Michigan asks unanimous consent for the present consideration of a resolution.

Mr. CAMPBELL of Kansas. Mr. Speaker, I will have to object for the present. I have a resolution from the Committee on Rules.

Mr. CRAMTON. It is merely to complete this matter.

The SPEAKER. The gentleman from Michigan asks unanimous consent for the present consideration of the concurrent resolution, which the Clerk will report.

The Clerk read as follows:

House Concurrent Resolution 84.

Resolved by the House of Representatives (the Senate concurring), That the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate No. 24 to the bill (H. R. 13660) making appropriations for the government of the District of Columbia and other activities, etc., be authorized to agree to striking out the following language, "at the Virginia end of the Key Bridge."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

LIQUOR SHIPMENTS TO DIPLOMATIC REPRESENTATIVES.

Mr. CRAMTON. Mr. Speaker, I call up a privileged resolution or offer a privileged motion. I wish to move to discharge the Committee on the Judiciary from further consideration of House Resolution 503.

Mr. CAMPBELL of Kansas. That is not in order to-day, Mr. Speaker. That is not a privileged motion.

The SPEAKER. Let the gentleman state the ground of his privilege.

Mr. CRAMTON. It is a resolution that was introduced more than seven days ago, and it has not been reported to the House; a resolution of inquiry, calling upon the Treasury Department for certain facts.

The SPEAKER. The Chair thinks that unquestionably it is privileged, but the Chair also understands that the gentleman from Kansas [Mr. CAMPBELL] claims the floor with a report from the Committee on Rules.

Mr. CAMPBELL of Kansas. I have a resolution from the Committee on Rules which is of higher import.

Mr. CRAMTON. I will not argue the question of importance, but it is not of equal privilege.

Mr. CAMPBELL of Kansas. It is of greater privilege.

Mr. CRAMTON. Mr. Speaker, the rules guarantee to every Member of the House the right to the consideration of a resolution of inquiry, and it is provided that if such a resolution of inquiry having been referred to a committee is not reported to the House within seven days it is privileged and the introducer may call it up at any time.

Now, the gentleman from Kansas suggests that a report from the Committee on Rules, providing a special order for the consideration of legislation, is preferential and should take precedence over the motion I have offered. I want to call the attention of the Speaker to the situation, which is that no report from the Committee on Rules has yet been presented to the House. The only question that is before the House at this time is the consideration of the motion that I have already offered to discharge the committee from the consideration of House Resolution 503. The gentleman from Kansas urges that, with that business pending before the House, he should have a preferential right over that and set it aside, and have the House consider the resolution which he proposes to offer, but has not as yet.

Mr. CAMPBELL of Kansas. Will the gentleman permit me to correct him?

Mr. CRAMTON. Certainly.

Mr. CAMPBELL of Kansas. I had addressed the Speaker and the Speaker had recognized me when the gentleman from Michigan interjected this new motion.

The SPEAKER. The Chair does not think it necessary to spend time on that. The Chair very often recognizes a person without knowing what motion that person is going to make. But that, the Chair thinks, does not give them any right. The question always is, Which gentleman has the motion of higher privilege? And every recognition of the Chair is provisional and subject to some other Member having a matter of higher privilege. The question on which the Chair would like to hear from the gentleman is, Which has the higher privilege—a resolution from the Committee on Rules or a motion to discharge a committee?

Mr. CRAMTON. The facts are these, Mr. Speaker, and if I was incorrect I will accept correction: My impression is that my resolution was presented to the House and the resolution of the gentleman from Kansas was not yet offered; and in case they were of equal privilege, then mine, of course, would have priority, having been first offered.

But in any event I further urge that mine is of higher privilege for the reason that we are approaching the end of a session, and if the Committee on Rules, which will govern the business of the House very largely in the next two weeks—very little will get up for consideration except through a rule from that committee—if the gentleman from Kansas can now set my resolution aside by offering a resolution to make in order this Navy bill, that may provide for one day's debate or five days' debate—the question of privilege would be the same—then they can follow that with another rule that will make some other bill in order and follow that with another, and in that way they can absolutely deny, under that situation, the right that a Member of the House has for the consideration of a resolution of inquiry. I urge, therefore, that for the protection of the rights of the Members of the House the resolution that I have offered is of a higher privilege than the other.

Mr. LONDON. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Certainly.

Mr. LONDON. Is not this motion the only right that a Member has in the nature of an interpellation, in the nature of an inquiry, to a member of the Cabinet as to his activities?

Mr. CRAMTON. It is the only method that the Congress has to submit an inquiry to a Cabinet officer or an executive department, and of course it is initiated by a motion of an individual Member of the House; and if the point of order made by the gentleman from Kansas is sustained, then the way is open to gag the membership of the House and deny them any right to secure this information.

It may be said that the gentleman from New York [Mr. LONDON] is in a small minority. There is a larger minority here also. The Committee on Rules is governed by the majority of the House, and that majority customarily is of the same political faith as the executive department heads; and if the point of order of the gentleman from Kansas is sustained, then the way is open to deny always to the minority any opportunity to submit a resolution of inquiry to an executive department. That is a most dangerous rule, I submit.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. GARRETT of Tennessee. The Committee on Rules has no higher privilege and its reports are no more highly priv-

ileged than a report from the Committee on Appropriations; that is, a privileged report from the Committee on Appropriations, or from the Committee on Ways and Means, or from the Committee on Rivers and Harbors, under certain contingencies. So far as my observation has gone, it has always been the policy for the Chair, when these resolutions of inquiry are presented, after the reading of the Journal, as this was, and the conclusion of business on the Speaker's table, to give preference to a motion of this sort.

I do not know what is in the gentleman's resolution. I know nothing whatever about its merits; but if the gentleman's resolution could be set aside by a report from the Committee on Rules, it could also be set aside by a report from the Committee on Appropriations, or by a report from the Committee on Ways and Means, and the gentleman might never have a chance to exercise the privilege, which is guaranteed by the rules of the House, of calling up a resolution of inquiry.

Mr. ASWELL. It would nullify the rule.

Mr. CRAMTON. I will suggest to the gentleman that to sustain the point made by the gentleman from Kansas [Mr. CAMPBELL] would open the way to gag the minority in the House absolutely and prevent them presenting any inquiry calling upon any executive department for information.

Mr. GARRETT of Tennessee. That is precisely the idea that I was trying to express.

Mr. BLANTON. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BLANTON. A question of personal privilege or a question of the privileges of the House is the only question that is privileged above the gentleman's motion. Is not that the case?

Mr. CRAMTON. That would be my impression.

Mr. BLANTON. The gentleman's motion is privileged above every other matter of legislation.

Mr. CRAMTON. It is of higher privilege than a report from the Committee on Rules.

The SPEAKER. The Chair finds no precedent on the matter except one by Speaker Reed in which he said, "This is a privileged question, but not a question of privilege." Now, if it were a question of privilege the Chair would be disposed to think that the reason it was privileged was because it affected the privileges of the House, but this seems to negative that. If it is a privileged question, it is, as the gentleman from Tennessee suggests——

Mr. CAMPBELL of Kansas. A question of recognition.

The SPEAKER. It is on a level with a report from a privileged committee. Now, a report from the Committee on Rules always has precedence over that, because the rule expressly says that it shall always be in order to call up a report from the Committee on Rules. The Chair thinks the Committee on Rules has precedence, and the gentleman from Kansas [Mr. CAMPBELL] is recognized.

Mr. CRAMTON. Mr. Speaker, I respectfully appeal from the decision of the Chair.

The SPEAKER. The gentleman from Michigan appeals from the decision of the Chair.

Mr. CAMPBELL of Kansas. I move to lay that appeal on the table.

The SPEAKER. The gentleman from Kansas moves to lay the appeal on the table. The question is on the motion of the gentleman from Kansas.

The question was taken.

The SPEAKER. The Chair is in doubt. The Chair thinks the better way would be to have it decided by tellers. Without objection, the Chair will ask the gentleman from Kansas [Mr. CAMPBELL] and the gentleman from Michigan [Mr. CRAMTON] to act as tellers. The question is on the motion of the gentleman from Kansas to lay on the table the appeal of the gentleman from Michigan from the decision of the Chair.

The House divided; and there were—ayes 93, noes 54.

Mr. CRAMTON. Mr. Speaker, I object to the vote on the ground that there is no quorum present.

The SPEAKER. The gentleman from Michigan makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and ninety-seven Members present, not a quorum. The Doorkeeper will close the doors. As many as are in favor of laying the appeal on the table will, as their names are called, vote "yea," those opposed "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 166, nays 127, not voting 133, as follows:

YEAS—166.

Abernethy	Arentz	Box	Campbell, Kans.
Ackerman	Bacharach	Britten	Campbell, Pa.
Anderson	Beedy	Burke	Cannon
Andrew, Mass.	Bird	Burtness	Chindblom
Anthony	Bixler	Burton	Clarke, N. Y.
Appleby	Bland, Va.	Butler	Clouse
Cole, Iowa	Hawes	McLaughlin, Pa.	Rosenbloom
Cole, Ohio	Henry	McPherson	Rouse
Colton	Hersey	MacGregor	Sanders, Ind.
Crago	Hickey	MacLafferty	Sanders, N. Y.
Crisp	Hicks	Magee	Shreve
Curry	Hill	Merritt	Sinnott
Dallinger	Hogan	Miller	Snyder
Darrow	Hukriede	Montague	Stafford
Deal	Hull	Moore, Ill.	Stedman
Denison	Humphrey, Nebr.	Moore, Va.	Stephens
Doughton	Ireland	Moores, Ind.	Swing
Drewry	Jefferis, Nebr.	Mott	Temple
Dunbar	Kendall	Nelson, Me.	Thompson
Dunn	Kincheloe	Nolan	Tilson
Elliott	Kissel	Norton	Timberlake
Ellis	Kline, N. Y.	Ogden	Tinkham
Fairfield	Kline, Pa.	Paige	Towner
Faust	Knutson	Parker, N. J.	Treadway
Fess	Kopp	Parker, N. Y.	Underhill
Focht	Kraus	Patterson, Mo.	Vaile
Fordney	Kreider	Patterson, N. J.	Vinson
Freeman	Kunz	Perlman	Voigt
Frothingham	Lampert	Petersen	Ward, N. Y.
Fuller	Langley	Purnell	Ward, N. C.
Funk	Larson, Minn.	Radcliffe	Wason
Gahn	Lawrence	Rainey, Ill.	Watson
Gallivan	Layton	Ramseyer	Webster
Gernerd	Lea, Calif.	Ransley	White, Me.
Gifford	Leatherwood	Reece	Wilson
Gorman	Lee, Ga.	Rhodes	Winslow
Graham, Ill.	Lehlbach	Riordan	Woods, Va.
Greene, Mass.	Linthicum	Roach	Wurzbach
Greene, Vt.	Luce	Robertson	Wyant
Griest	McCormick	Robsion	Yates
Hadley	McFadden	Rodenberg	
Hardy, Colo.	McLaughlin, Nebr.	Rogers	

NAYS—127.

Almon	Davis, Tenn.	Kelly, Pa.	Rucker
Andrews, Nebr.	Dickinson	Ketcham	Sanders, Tex.
Aswell	Dominick	Lanham	Sandlin
Atkeson	Dowell	Lankford	Scott, Tenn.
Bankhead	Driver	Larsen, Ga.	Shelton
Barbour	Evans	Little	Sinclair
Barkley	Favrot	Logan	Sisson
Beck	Fields	London	Smith, Idaho
Begg	Fish	Lowrey	Smithwick
Bell	Fisher	Lyon	Speaks
Benham	Fitzgerald	McDuffie	Steagall
Black	Foster	McKenzie	Strong, Kans.
Blanton	Fulmer	McLaughlin, Mich.	Summers, Wash.
Bowling	Garrett, Tenn.	McSwain	Sumners, Tex.
Briggs	Garrett, Tex.	Mapes	Swank
Brown, Tenn.	Gensman	Martin	Taylor, Tenn.
Browne, Wis.	Hammer	Michener	Tillman
Buchanan	Hardy, Tex.	Moore, Ohio	Tincher
Bulwinkle	Hayden	Morgan	Tucker
Byrnes, S. C.	Herrick	Murphy	Turner
Byrns, Tenn.	Hoch	Nelson, A. P.	Tyson
Carter	Hooker	Nelson, J. M.	Upshaw
Chalmers	Huddleston	Newton, Minn.	Weaver
Christopherson	Hudspeth	O'Connor	Williams, Ill.
Clague	Humphreys, Miss.	Oldfield	Williams, Tex.
Collier	Jacoway	Oliver	Williamson
Collins	James	Parks, Ark.	Wingo
Connally, Tex.	Jeffers, Ala.	Quin	Wise
Cooper, Ohio	Johnson, Miss.	Rankin	Woodruff
Cooper, Wis.	Jones, Tex.	Rayburn	Wright
Coughlin	Kearns	Reed, W. Va.	Young
Cramton	Kelley, Mich.	Ricketts	

ANSWERED "PRESENT"—1.

Raker

NOT VOTING—133.

Ansorge	Frear	Lee, N. Y.	Scott, Mich.
Blakeney	Free	Lineberger	Sears
Bland, Ind.	French	Longworth	Shaw
Boies	Garner	Luhring	Siegel
Bond	Gilbert	McArthur	Slemp
Bowers	Glynn	McClintic	Smith, Mich.
Brand	Goldsborough	Madden	Snell
Brennan	Goodykoontz	Maloney	Sproul
Brooks, Ill.	Gould	Mansfield	Steenerson
Brooks, Pa.	Graham, Pa.	Mead	Stevenson
Burdick	Green, Iowa	Michaelson	Stiness
Cable	Griffin	Mills	Stoll
Cantrill	Haugen	Mondell	Strong, Pa.
Carew	Hawley	Morin	Sullivan
Chandler, N. Y.	Hays	Mudd	Sweet
Chandler, Okla.	Himes	Newton, Mo.	Tague
Clark, Fla.	Huck	O'Brien	Taylor, Ark.
Classon	Husted	Olpp	Taylor, Colo.
Cockran	Hutchinson	Overstreet	Taylor, N. J.
Codd	Johnson, Ky.	Park, Ga.	Ten Eyck
Connolly, Pa.	Johnson, S. Dak.	Paul	Thomas
Copley	Johnson, Wash.	Perkins	Thorpe
Crowther	Jones, Pa.	Porter	Vestal
Cullen	Kahn	Pou	Volk
Dale	Keller	Pringey	Volstead
Davis, Minn.	Kennedy	Rainey, Ala.	Walters
Dempsey	Kiess	Reber	Wheeler
Drane	Kindred	Reed, N. Y.	White, Kans.
Dupré	King	Riddick	Wood, Ind.
Dyer	Kirkpatrick	Rose	Woodyard
Echols	Kitchin	Rossdale	Zihlman
Edmonds	Kleczka	Ryan	
Fairchild	Knight	Sabath	
Fenn	Lazaro	Schall	

So the motion to lay the appeal on the table was agreed to.

The following pairs were announced:

Mr. Mondell with Mr. Garner.

Mr. Newton of Missouri with Mr. Brand.

Mr. Madden with Mr. Stevenson.
Mr. Graham of Pennsylvania with Mr. Dupré.
Mr. Snell with Mr. Cullen.
Mr. Longworth with Mr. Taylor of Colorado.
Mr. Dempsey with Mr. O'Brien.
Mr. Porter with Mr. Sears.
Mr. Kiess with Mr. Kindred.
Mr. Fenn with Mr. Goldsborough.
Mr. Crowther with Mr. Drane.
Mr. Davis of Minnesota with Mr. Thomas.
Mr. Morin with Mr. Clark of Florida.
Mr. Hawley with Mr. Johnson of Kentucky.
Mr. Mudd with Mr. Tague.
Mr. Kahn with Mr. Mead.
Mr. Johnson of South Dakota with Mr. Raker.
Mr. Connolly of Pennsylvania with Mr. Pou.
Mr. Johnson of Washington with Mr. Lazaro.
Mr. Boise with Mr. Carew.
Mr. Lineberger with Mr. McClintic.
Mr. King with Mr. Sabath.
Mr. Edmonds with Mr. Cantrill.
Mr. Olpp with Mr. Sullivan.
Mr. Brennan with Mr. Kitchin.
Mr. Hutchinson with Mr. Park of Georgia.
Mr. Reed of New York with Mr. Gilbert.
Mr. Free with Mr. Rainey of Alabama.
Mr. Cable with Mr. Mansfield.
Mr. Cole of Ohio with Mr. Taylor of Arkansas.
Mr. Kennedy with Mr. Stoll.
Mr. Perkins with Mr. Cockran.
Mr. Michaelson with Mr. Overstreet.
Mr. Strong of Pennsylvania with Mr. Griffin.

The result of the vote was announced as above recorded.

The doors were opened.

Mr. CRAMTON. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. CRAMTON. My parliamentary inquiry is this: Is the effect of the motion to lay the appeal on the table to carry with it the resolution itself?

The SPEAKER. The Chair thinks not. The Chair would like to somewhat modify the ruling that he made. The Chair at the time said that he was of the opinion that the Committee on Rules had the prior right. The Chair, on reflection, is more disposed to think that these are all questions of privilege, that they all stand on the same basis, and that it is entirely a matter of recognition by the Chair. Therefore the Chair thinks it was a matter of recognition.

Mr. GARRETT of Tennessee. Will the Chair and the House indulge me for a moment?

The SPEAKER. Certainly.

Mr. GARRETT of Tennessee. I voted against the motion to lay the appeal on the table, and I did it because I understood the Chair to base his ruling on the proposition that the resolution from the Committee on Rules was a matter of higher privilege. Of course, placing it on the ground of recognition, I can not differ from the Chair on that proposition.

Mr. FISH. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. FISH. Is it not a fact that the Speaker stated that he waived the question of recognition in deciding the matter in the first instance?

The SPEAKER. The Chair did not use that language, but he stated that he thought the Committee on Rules had the higher privilege.

Mr. FISH. But did not the Speaker state that he waived the question of recognition?

The SPEAKER. The Chair sees what the gentleman refers to, but the gentleman from New York must have misunderstood the Chair. That was upon a different point.

Mr. MICHENER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MICHENER. As I understand it, this resolution goes back to the Judiciary Committee.

The SPEAKER. No; it is before the Judiciary Committee now.

Mr. MICHENER. That is a resolution that has never been called up before the Judiciary Committee. The gentleman from Michigan never mentioned it to me, and I am a member of the committee.

The SPEAKER. That is not a parliamentary inquiry.

Mr. CRAMTON. Mr. Speaker, in view of what has been said, I want to say that the action I have taken to-day was no reflection on the Judiciary Committee, and I would have so stated when I had an opportunity in debate.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 418. Joint resolution authorizing the use of public parks, reservations, and other public spaces in the District of Columbia; and the use of tents, cots, hospital appliances, flags, and other decorations, property of the United States, by the Almas Temple, Washington, D. C., 1923 Shrine Committee (Inc.), and for other purposes.

The message also announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 279. Joint resolution authorizing the Secretary of War to loan 3,000 wooden folding chairs for the use of the United Confederate Veterans at their reunion to be held in New Orleans, La., on April 11, 12, and 13, 1923.

The message also announced that the Vice President had appointed Mr. FERNALD and Mr. SHEPPARD members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Department of Commerce.

The message also announced that the Vice President had appointed Mr. STERLING and Mr. DIAL members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Post Office Department.

The message also announced that the Vice President had appointed Mr. NORRIS and Mr. KENDRICK members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Department of the Interior.

NAVAL OMNIBUS BILL.

Mr. CAMPBELL of Kansas. Mr. Speaker, I present a privileged report from the Committee on Rules.

The Clerk read as follows:

House Resolution 510 (Rept. No. 1610).

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 4137. After general debate, which shall continue not to exceed one hour, to be equally divided and controlled between those for and those against the bill, said bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of a point of order House committee amendments recommended by the Committee on Naval Affairs now in the bill, and such amendments for the purpose of amendment shall be considered under the five-minute rule as an original bill. At the conclusion of such consideration the committee shall rise and report the bill to the House with the committee amendments and such amendments to the committee amendments as may have been adopted (upon which a separate vote may be demanded), and the previous question shall be considered as ordered on the bill and all amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. CAMPBELL of Kansas. Mr. Speaker, this resolution brings before the House for consideration what is known as an omnibus bill from the Committee on Naval Affairs.

Mr. BEGG. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. BEGG. As I got the reading of the rule, nobody can offer an amendment to the bill save the committee.

Mr. CAMPBELL of Kansas. Oh, that is not what the rule provides. Even the committee can not offer an independent amendment in addition to the committee amendments now on the bill.

Mr. BUTLER. Our hands are tied also.

Mr. CAMPBELL of Kansas. The omnibus bill is made up of a large number of bills considered by the Committee on Naval Affairs. I understand that the bill as now reported, containing the items that it does contain, has the unanimous report of that committee. It comes here with a unanimous report from the Committee on Rules.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. CRAMTON. Do I understand that the rule provides that no amendment can be offered to an existing section of the bill?

Mr. CAMPBELL of Kansas. No; it provides that existing sections in the bill may be considered as an original bill under

the five-minute rule, and any germane amendment to them is in order.

Mr. CRAMTON. But not the addition of the new items to the bill?

Mr. CAMPBELL of Kansas. Not the addition of new items, or what might be called new sections.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. I am delighted to yield to the gentleman from Texas.

Mr. BLANTON. The gentleman states as a reason for not permitting amendments that the bill has the unanimous report of the committee.

Mr. CAMPBELL of Kansas. I said nothing of the kind. When I yield to the gentleman, he must not misquote me.

Mr. BLANTON. I understood as his reason that it had the unanimous report of the Committee on Naval Affairs.

Mr. CAMPBELL of Kansas. That is a fact, but not in the way the gentleman seems to have understood it.

Mr. BLANTON. A bill came here the other day with the unanimous report from the Committee on the Judiciary, and made it murder, triable in a Federal court, for anyone to oppose a Federal officer where death ensued.

Mr. CAMPBELL of Kansas. Oh, that is not a question, and I can not yield further.

Mr. BLANTON. So we have to watch these matters even where they have a unanimous report from a committee.

Mr. CAMPBELL of Kansas. Mr. Speaker, the resolution provides for a limit of one hour for general debate, agreed upon by the Committee on Naval Affairs. The resolution is not opposed by anyone that I know of.

Mr. DENISON. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. DENISON. The rule, as read by the Clerk, seems to be somewhat different from the rule as printed. Will the gentleman from Kansas explain the effect of the change?

Mr. CAMPBELL of Kansas. The Committee on Naval Affairs amended their bill, in order to get a unanimous report from that committee, after this rule had been printed. The rule as read from the desk is the rule that was agreed to by the Committee on Rules. There was stricken from the resolution the words in line 9 "under clause 7 of Rule XVI." Later the words "now in the bill" were placed in the resolution.

Mr. DENISON. I have not the resolution before me, and I would like to have the gentleman state the effect of the change.

Mr. CAMPBELL of Kansas. The effect of the change will prevent during the consideration of the bill any member of the Committee on Naval Affairs, or any other Member of the House, from offering as an amendment to the bill subject matter that the committee took out of the bill in order to get a unanimous report from the committee—controverted matter not germane to items in the bill.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. CRAMTON. The bill indicates that it has been reported three times to the House—on January 25, 1923, on February 6, 1923, and again on February 7, 1923. It has been so recommitted, as I understand it, in order that some new claims might be put upon it or some claim taken out.

The rule reported by the gentleman now prevents the House from adding any new items. What does the gentleman think of the advisability to send it back to the committee again? They might find something more that ought to be added or taken out. In other words, is it not a little premature to pass the bill at this time?

Mr. CAMPBELL of Kansas. Oh, no; as the bill now stands it has the unanimous report of the Committee on Naval Affairs. I yield 15 minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Speaker, this is an unusual rule in that it limits the power of amendment that may be proposed even by the Committee on Naval Affairs reporting the bill. Ordinarily I do not favor rules of that kind, but the reason for it is this: The Committee on Naval Affairs took a number of subjects and put them into an omnibus bill. They were matters upon which the committee agreed unanimously. If that bill were thrown open to amendment, covering so wide a range of matters as it does cover, almost any proposition that might be offered might be held to be germane to the bill as a whole, and as a result controverted legislation might be proposed at this late stage of the session, which would eliminate the possibility of the Committee on Naval Affairs procuring legislation upon which it is unanimously agreed. For that reason, viewing it in the light of the time when the rule is proposed, within two weeks of the end of the session, I felt willing to agree to the rule which limited the power of amendment of the committee itself. Of course, any gentleman from the floor can offer an amendment to any section of the bill which is germane to that section.

I reserve the remainder of my time and yield five minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Speaker, the Committee on Rules of the House of Representatives, by virtue of its authority and jurisdiction, is naturally the most powerful committee in the House. There is one matter that a great many Members of the House, directly and indirectly, have been endeavoring to secure some action upon by this powerful Committee on Rules for a number of weeks. We are now approaching the end of the present session of Congress. The matter to which I refer has long since passed beyond the stage of being a matter of local or sectional importance, and is now universally recognized as a proposition of very grave national concern, involving a great national policy. I refer to the proposition involving the disposition of the Muscle Shoals power and nitrate plants.

I have remained absolutely silent on this question during this entire session of Congress, although two units of this plant as a whole are located in my district, for the reason that heretofore action upon it was not possible. Great interest has been manifested in the final disposition of this question at this session of Congress not only on this side but by some prominent and leading Members on the majority side of the House. The gentleman from Illinois [Mr. MADDEN], chairman of the great Committee on Appropriations, the gentleman from Ohio [Mr. LONGWORTH], and the gentleman from Illinois [Mr. GRAHAM] recently have voiced the expression upon this floor that they believed that this great question should be taken up and decided, as far as the House is concerned, at this session of Congress; and I now feel justified in calling upon the chairman of the Committee on Rules on this occasion, and I think that in view of the nature of this proposition and of its importance that he should answer an inquiry and let those of us who are interested in this question now know whether or not it is his purpose or intention to take action upon that problem within the immediate future in the Committee on Rules?

Mr. CAMPBELL of Kansas. Does the gentleman from Alabama know which one of the bills he is in favor of calling up in regard to Muscle Shoals?

Mr. BANKHEAD. I certainly do.

Mr. CAMPBELL of Kansas. Which one is it?

Mr. BANKHEAD. The gentleman has not answered my question.

Mr. CAMPBELL of Kansas. No; I want to know which one of the bills the gentleman from Alabama is in favor of.

Mr. BANKHEAD. I am in favor of the bill introduced by the gentleman from Georgia [Mr. WRIGHT], which provides for the unconditional acceptance of the Ford offer.

Mr. CAMPBELL of Kansas. That bill is not on the calendar.

Mr. BANKHEAD. I state to the gentleman what my private, individual views are upon this question. The chairman of the Committee on Rules ought to give to the House, especially in view of the fact that the acting chairman of the Military Affairs Committee, from which this bill originated, has requested it, a definite answer on this matter. I now ask if it is his individual purpose to give the Rules Committee an opportunity to decide whether or not it will give that matter consideration either upon the McKenzie bill or the Wright bill as a substitute therefor?

Mr. CAMPBELL of Kansas. Oh, the Rules Committee can always decide matters when it gets ready.

Mr. BANKHEAD. Ah, but the gentleman is evading the question, and he knows it.

Mr. CAMPBELL of Kansas. The Rules Committee has already voted on the question once.

Mr. BANKHEAD. With what result?

Mr. CAMPBELL of Kansas. Oh, well, there is no question about the result.

Mr. BANKHEAD. How long has it been since that vote was taken?

Mr. CAMPBELL of Kansas. Within the last two weeks, I should say.

Mr. BANKHEAD. Voted directly on the proposition of whether they would give consideration to this question?

Mr. CAMPBELL of Kansas. That was the question.

Mr. BANKHEAD. Do I understand the gentleman to mean to use that as a precedent for refusing to take up the matter again in the future?

Mr. CAMPBELL of Kansas. That is the decision up to the present moment.

Mr. GARRETT of Tennessee. Oh, Mr. Speaker, I do not wish to violate the proprieties at all——

Mr. CAMPBELL of Kansas. That was a public question. I do not think there was a question about it.

Mr. GARRETT of Tennessee. At the last meeting of the Committee on Rules——

The SPEAKER. The time of the gentleman has expired.

Mr. GARRETT of Tennessee. I will yield the gentleman one minute more. The rule to provide for the consideration of this matter would have been adopted but for the fact that the chairman of the committee declined to lay the rule before the committee for action.

Mr. BANKHEAD. Now, what does the gentleman from Kansas have to say?

Mr. CAMPBELL of Kansas. I will answer at the proper time.

Mr. BANKHEAD. I would like to have an answer now, while I am interrogating the gentleman on this immediate proposal.

Mr. CAMPBELL of Kansas. There is another matter before the House. I am representing the responsible majority of this House for legislation. I have reported a rule here for the consideration of a bill unanimously reported by a legislative committee of the House.

Mr. BANKHEAD. Well, I have the floor, and I want to ask the gentleman——

The SPEAKER. The time of the gentleman has expired.

Mr. BANKHEAD. Mr. GARRETT of Tennessee yielded me a minute.

The SPEAKER. That time has expired.

Mr. BANKHEAD. I ask leave to revise and extend my remarks on this subject.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. GARRETT of Tennessee. Mr. Speaker, how much time is there remaining? Does the gentleman want to use the rest of his time?

The SPEAKER. The gentleman has six minutes remaining.

Mr. GARRETT of Tennessee. I yield one minute to the gentleman from Alabama [Mr. ALMON].

Mr. CAMPBELL of Kansas. I think, however, it is bad practice to introduce extraneous matters in the consideration of a question of agreeing to a rule.

Mr. ALMON. Mr. Speaker, in reply to the inquiry of the gentleman from Kansas [Mr. CAMPBELL], I would say that it is H. R. 11903 which was reported to the House by the Military Committee on June 5, 1922, introduced by Mr. MCKENZIE, acting chairman of the Military Committee, that we desire to be brought before the House for consideration by a rule from the Committee on Rules. Of course, we would expect the rule to provide for amendments, and it would be in order to offer as a substitute for that bill the bill introduced by the gentleman from Georgia [Mr. WRIGHT], which provides for an acceptance of the offer of Henry Ford, as modified and signed on the 31st day of May, 1922.

It is well known to the House that I am in favor of the acceptance of the offer of Henry Ford, just as it was made and signed on the date I have just stated. Of course, the McKenzie bill is the only one on the calendar of the House and the only one which has been reported to the House by the Military Committee, and it is a rule on this bill that has been requested of the Rules Committee by the entire membership of the Military Committee, so there should not be any doubt or uncertainty about which bill is desired to be brought before the House for consideration by a rule from the Committee on Rules.

The committee spent five and a half months' time in holding hearings on this subject and reported a bill. There are more people interested in and demanding the consideration of this subject by Congress than any other question pending in Congress. The Ford offer has the indorsement of all the farmers, Mississippi Valley Association, American Legion, and various labor organizations, and they are unable to understand why it is that the people's Representatives in this House can not be allowed to consider and vote upon it. Only a few days ago Mr. MADDEN and Mr. GRAHAM, of Illinois, and Mr. LONGWORTH, of Ohio, and also Mr. MCKENZIE, of Illinois, all prominent and influential Republican leaders, declared on the floor of the House that the Muscle Shoals legislation should be considered and disposed of at this session. I most earnestly ask and recommend that the Committee on Rules report to the House without further delay a rule providing for the consideration of this question and give us an opportunity to vote upon it. I believe that every fair-minded man will agree that this should be done, whether he is in favor of or opposed to the Ford offer.

The SPEAKER. The time of the gentleman has expired.

Mr. GARRETT of Tennessee. I may as well use my time. Sometimes, driven to desperation, we have to introduce these extraneous matters because we can not get them in in any other way. I yield the remainder of my time to the gentleman from Kentucky [Mr. FIELDS].

Mr. FIELDS. Mr. Speaker, there is a bill upon the calendar which undertakes to dispose of the Muscle Shoals proposition, and that bill includes every proposition included in the Ford offer, except the interests of the Government at the Gorgas steam plant and the transmission line leading to Muscle Shoals.

That bill was introduced by the present acting Republican chairman of the Military Affairs Committee, Mr. MCKENZIE, of Illinois, and was reported out by that committee. The bill has had the support of the gentleman from Illinois on the floor of the House. Its immediate consideration or its early consideration has been advocated by the chairman of the Appropriations Committee, Mr. MADDEN, of Illinois, in the most powerful and clearest analysis of any financial proposition that has ever been discussed in this Chamber.

The development of Muscle Shoals has been indorsed on the floor of the House by the gentleman from Illinois [Mr. GRAHAM] and the gentleman from Ohio [Mr. LONGWORTH], who said, if my memory serves me right, that he would be guided in the main by the conclusions arrived at by the chairman of the Appropriations Committee, Mr. MADDEN. It has the support of a large majority of the Republican membership of the Military Affairs Committee, which reported it favorably. It has the support, I know, of a large per cent of the Republican membership of this House, and practically the unanimous support of the Democratic membership of the House.

Not only that, but the bill has the support of the agricultural interests of this country from the Atlantic to the Pacific and from the Canadian line to the Mexican border. It has more support behind it than any other proposition relating to agriculture that has come before this House in many years, or possibly more than any other proposition that ever came before this House.

There is, however, some very strong and powerful opposition to the bill. Let us examine briefly the source of this opposition.

We find the first opposition comes from the Alabama Power Co., an association of southern power companies, and also of the American Cyanamid Co., a Canadian institution. They oppose the measure, in the main, because they realize the efficacy of the contention of Edison and Swan and Doctor Whitney, the representative of the Department of Agriculture who appeared before the committee, that by the process which it is proposed to put into operation and use at Muscle Shoals the price of commercial fertilizer could be reduced to the American farmer by one-half. They are in the fertilizer business or the business of manufacturing ingredients that go into fertilizers.

There are also arrayed against the bill the American manufacturers of fertilizers. Their president, Mr. McDowell, appeared before the committee in opposition to the proposition. But he, by the way, because of his knowledge of the subject and because of his honesty, made a very valuable witness for the Ford proposition before he closed his testimony.

Who else do we find against the proposition? Why, we find the great steel interests of America opposed to it, because it is believed—and I grant there is ground for the belief—that a part of the power derived from Muscle Shoals may be turned into the manufacture of electric-furnace steel. Therefore we have the United States Steel Trust throwing its influence against the Ford proposition.

Another source of opposition comes from the American manufacturers of automobiles, because it is a well-known fact that Ford controls the automobile markets of America.

Still another source of opposition comes from the International Harvester Trust. True, its power is not so great as that of the Steel Trust and the combined efforts of the automobile manufacturers, but it is worth something, possibly a vote in another place in this Capitol. We find them against it because Ford controls the price of farm tractors. When he reduced the price of the Fordson tractor the International Harvester Co. was forced to follow suit.

There are other interests arrayed against the Ford proposal in the United States. One of these is the American Aluminum Co., the former president and leading spirit of which is the Secretary of the Treasury, Mr. Mellon. That company has a plant about 100 miles above Muscle Shoals on the Tennessee River. Mr. Ford will manufacture aluminum at Muscle Shoals for use in his cars and will therefore no longer be a customer of the American Aluminum Co.; hence the opposition of that concern.

In opposition to the Ford proposal also is found the American securities brokers. A representative of a New York brokerage business appeared before the committee in opposition to the Ford offer and in support of the proposition of the

Alabama Power Co. He frankly admitted before the committee that in event the Alabama Power Co. should secure a lease on Muscle Shoals that he would hope that his firm would be shown some preference in the handling of the securities. I asked him if he expected to handle any securities for Mr. Ford in the event his offer should be accepted, and he admitted that he did not.

Next in opposition come the American importers of Chilian nitrates who filched from the Government during the war $134,000,000 in excess profits. The very fact of their opposition should strengthen the proposition submitted by Mr. Ford.

And last, but not least, the Newberry element of the Republican Party, who know that it was Henry Ford, who started and caused to be conducted the Federal investigation of the Newberry election scandal in Michigan, which figured more extensively in the repudiation of the Republican Party at the polls in the last election than any other single issue in the campaign. It is fair to say, however, that not all of the Republicans of the country or even of the State of Michigan belong to the Newberry element, which is evidenced by the fact that Michigan elected a Democratic Senator to succeed Senator TOWNSEND, the leader of Newberry's defense in the Senate contest.

These are among the principal opponents of the Ford offer for operation of Muscle Shoals. I have shown who favors the bill for the development of Muscle Shoals, the truck farmers of the East, the grain growers of the Northwest, the fruit growers of the West and South, and the cotton growers of the South; in fact, the farmers of America of every class and section. In addition to them, the consumers of food products stand behind this legislation.

Now, I desire to ask the gentleman from Kansas [Mr. CAMPBELL], chairman of the Committee on Rules, whose committee has the power to bring the Muscle Shoals proposition before the House and which is devoting its time to the consideration and report of rules making in order bills of little or no importance to the country, what he expects to do with the Muscle Shoals proposition?

Further procrastination on the part of the chairman of the Rules Committee may place him in the position of having his name added to the list of the opponents of the Ford proposition. If he desires to support the cause of the American producers and consumers of food products, he will act without further delay and report this measure to the House. The sentiment among the farmers throughout the United States and among the consumers likewise is unanimously in favor of immediate adoption of this legislation.

Shall the special interests be favored, or shall the agricultural interests of the country be recognized by the gentleman from Kansas [Mr. CAMPBELL] and his Committee on Rules?

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. BLANTON. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. I make a point of order against the bill because it is in violation of clause 5 of Rule XXI in a number of particulars which I want to point out to the Speaker.

Mr. SANDERS of Indiana. Mr. Speaker, I make the point of order that the bill is not under discussion.

Mr. BLANTON. The rule provides that the point of order may be made at any time when the bill is up for consideration.

Mr. CAMPBELL of Kansas. It is not up for consideration yet.

Mr. BLANTON. Well, if the point of order is sustained it would save the time in passing on the rule.

The SPEAKER. The Chair does not think you can now make a point of order on the bill. You can not tell whether the rule is going to be adopted or not.

Mr. CAMPBELL of Kansas. Mr. Speaker, I have always been able to use what ability and time I have upon business matters in the House that are immediately before the House for consideration. I would like to have an academic discussion of Muscle Shoals at some time. That is the only thing that a special rule from the Committee on Rules could accomplish, so far as that subject is now concerned. The Committee on Military Affairs is made up of 21 members, and only 2 of them are in favor of the proposition that has been urged here this morning so eloquently by the gentleman from Alabama [Mr. BANKHEAD] and the gentleman from Kentucky [Mr. FIELDS], so that it would only be introducing an academic question here for a discussion that, it seems to me, we have not time to indulge in at present.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield for a question?

Mr. CAMPBELL of Kansas. Yes; always.

Mr. BANKHEAD. If the Committee on Rules will bring in a rule for the consideration of the bill introduced by the gentleman from Illinois [Mr. MCKENZIE] and give this House an opportunity to vote upon substitutes or amendments to that bill, does not the gentleman think we could then have concrete action on the whole question?

Mr. CAMPBELL of Kansas. The Committee on Rules has power enough, within the proper exercise of its powers. It should in no event become a legislative committee.

The gentleman from Alabama has already referred to the enormous power of that committee. I hope he does not urge us also to become a legislative committee.

Mr. BANKHEAD. The gentleman does not answer my question. He evades it.

Mr. CAMPBELL of Kansas. I evade nothing.

Mr. BANKHEAD. Will the gentleman answer the question?

Mr. CAMPBELL of Kansas. I think probably in my own good time I shall discuss, and probably in a more pointed way than the gentleman from Alabama would enjoy, the questions involved in the matter in which he expresses so much interest in his district. For the present, the matter under consideration having the unanimous report of the legislative committee interested in it and the unanimous report of the Committee on Rules, I move the previous question and ask for a vote on the resolution.

Mr. FIELDS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Kansas moves the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is first on the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution.

The resolution as amended was agreed to.

Mr. BLANTON. Mr. Speaker, I make the point of order that the bill is in violation of clause 5 of Rule XXI of this House in the following particulars——

The SPEAKER. In order to bring the bill up, will the gentleman allow the gentleman from Pennsylvania to move to go into Committee of the Whole?

Mr. BLANTON. Yes.

Mr. BUTLER. Mr. Speaker, I believe under the rule I have the authority to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering S. 4137.

The SPEAKER. The gentleman from Pennsylvania calls up a bill, which the Clerk will report.

The Clerk read the title of the bill (S. 4137) to authorize the transfer of certain vessels from the Navy to the Coast Guard.

The SPEAKER. The gentleman from Texas [Mr. BLANTON] makes a point of order against the bill.

Mr. BLANTON. Because of the following provisions, which are in violation of clause 5 of Rule XXI. On page 17, line 24, section 17 provides—

That the Paymaster General of the Navy is hereby authorized, in his discretion, to make reimbursement to any individual, firm, association, company, or corporation for money advanced on behalf of the Government during the late war to any officer or enlisted man of the naval service on account of pay, if upon presentation of evidence satisfactory to himself it is established that such individual, firm, association, company, or corporation has not heretofore received reimbursement in any way for the money so advanced: *Provided*, That the total amount for the purpose of reimbursement shall not exceed the sum of $35,000.

I submit that that, if passed, will be an authorization for the paymaster to pay out of present appropriations as much as $35,000 for a purpose which is in violation of clause 5 of Rule XXI.

The SPEAKER. That is one of the committee amendments, is it not?

Mr. BUTLER. Yes.

Mr. BLANTON. But the committee amendment is made a part of this bill by the rule.

The SPEAKER. Oh, no.

Mr. BLANTON. It becomes a part of the bill by the rule.

The SPEAKER. The Chair understands that the Senate bill is in order with committee amendments. One of the committee amendments is what the gentleman has read, and the rule provides that those committee amendments shall be considered without the intervention of a point of order.

Mr. BLANTON. As against clause 5 of Rule XXI?

Mr. BUTLER. As against any rule.

The SPEAKER. The rule says as against all points of order.

Mr. BLANTON. There are other parts of the bill that are also in violation of clause 5. If the rule covers them and makes them in order, I do not care to take up any time.

The SPEAKER. It covers all amendments.

Mr. HICKS. Mr. Chairman, that was the very purpose of having the rule worded in that way.

Mr. BLANTON. Are sections 7 and 8 committee amendments?

The SPEAKER. It is all one amendment.

Mr. BLANTON. A part of the same amendment?

The SPEAKER. It is all one amendment. The Chair overrules the point of order. The question is on the motion of the gentleman from Pennsylvania [Mr. BUTLER].

Mr. BUTLER. Before the Chair puts that motion, shall we have the hour's time divided equally, one half to be controlled by my colleague [Mr. VINSON] and the other half by myself? I am not sure we shall use it, but I ask unanimous consent that the hour may be so divided.

Mr. BLANTON. I for one am against this bill and I want some time to speak against it. Can we be sure of some fair division of the time?

Mr. BUTLER. My friend knows I never ask any man whether he is for or against a proposition.

Mr. BLANTON. But now is the time for us who are against the bill to get our rights.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the hour be equally divided between the gentleman from Georgia [Mr. VINSON] and himself. Is there objection?

Mr. BLANTON. If I can get some time——

Mr. BUTLER. I will give the gentleman five minutes.

Mr. VINSON. I will give the gentleman five minutes.

Mr. BLANTON. Then I have no objection.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania [Mr. BUTLER] that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 4137.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. TILSON in the chair.

Mr. BUTLER. Mr. Chairman, I will ask that the first reading of the bill be dispensed with for the following reason: There are 23 different subjects in this omnibus bill, and when we reach the sections under the five-minute rule we will be glad to try to answer any questions that may be asked of us.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BUTLER] is recognized for 30 minutes. [Applause.]

Mr. BUTLER. Mr. Chairman, I agree with my friend from Texas and I agree with the statement made by our friend from Tennessee and all the other gentlemen who have commented upon this rule. It is a little violent. In other words, it brings us to a focus, and we will not be allowed to wander very far in the consideration of the bill.

The Navy Department asked us to report in this bill 65 or 75 different measures. We went through them with the greatest care, taking from them only those provisions upon which we could all agree. The gentleman from Michigan [Mr. CRAMTON] is entirely right. This bill has been here before. It has been here many times, and men who are familiar with naval legislation, like my friend from Alabama [Mr. OLIVER], will discover that it is the same sheep in sheep's clothing—a good deal of it. I have argued certain provisions of this bill twice in the House already. They have passed unanimously. They are the first two or three sections of the bill. The first contains five paragraphs. They are intended for the enlisted men of the service which I will endeavor to explain when we get under the five-minute rule. On July 28, 1921, we had considered in this House an omnibus bill. Some of the sections went out on the objection of the gentleman from Alabama [Mr. OLIVER], who led the opposition. They were abandoned. Finally the balance of these sections were considered and adopted by the committee down to the last one. Feeling, as we did, that the House was not in favor of increasing the expenses of the ships at that time, the measure was permitted to stand over and did stand over for one year. Then one afternoon I moved that the committee consider the omnibus bill, and they did unanimously vote to pass it on to the Senate. It has remained in the Senate until this time. The Senate added a number of amendments and we have gone through them with great care, some of them we have agreed to, and others we have disagreed to, and they are not here. Some of the provisions of this bill—I should say every provision in this bill—I believe has been recommended by the department. It was our purpose in preparing it to assist the service, as in our judgment the service needed it at this time. There has been no legislation I think for the Navy for two or three years, and therefore we have come to a period when it is absolutely necessary that something should be done in the way of legislation to maintain the service.

Now the first three sections of the bill relate to where men receive $50 or $60 a month, and the pay is being checked against them where they were overpaid by construction of laws by the Comptroller of the United States Treasury. Therefore we feel it is necessary to pass this bill, hoping in the end it will become a law to relieve these men.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. BUTLER. Yes.

Mr. NEWTON of Minnesota. I notice on page 18 of the report it states that some of these claims were for the reasons that are embodied in the proposed legislation. It speaks of the Railroad Administration having raised wages and the shops of the Dubuque Boat & Boiler Works. Work had to be increased, with a consequent loss to them. Is it not practically true that every contractor had to go up against the same experience, and if the Government attempts to reimburse in all these cases where is the end going to be?

Mr. BUTLER. I am delighted to have a controversy with the gentleman, because it is always agreeable, but I confess I can not answer his question and I am going to yield to the gentleman from Illinois [Mr. BRITTEN].

Mr. NEWTON of Minnesota. I thought my friend and I would be entirely in accord.

Mr. BRITTEN. Mr. Chairman, I think I can answer the gentleman. We realize that the word "contractor" is like a red flag to a bull in both Houses of Congress. But the bill as now reported has the unanimous approval of the Committee on Naval Affairs, and instead of applying to contractors in the general sense it applies to shipbuilders. Ninety-nine per cent of the claims affected by this bill are of shipbuilders. In one instance the builders of the battleship *Idaho* have a million dollars awaiting them in the United States Treasury. The Secretary of the Navy desires to pay this amount to the New York Shipbuilding Co., but the comptroller says that this can not be done, and shipbuilders are powerless to collect; they have no redress under the law. They must come to Congress. Unless this legislation is passed before March 4 next the million dollars awaiting this company in the Treasury can not be paid out even over the Secretary's signature. This is not a contractor's relief bill; it is a shipbuilders' relief bill.

Mr. NEWTON of Minnesota. I do not know anything about the *Idaho* case, but it strikes me as unfortunate to give the Navy Department the right to say that because wages are raised in a certain locality the Government should reimburse the contractors.

Mr. BRITTEN. The gentleman is correct; but the bill does not confer any special power on the Secretary of the Navy, but authorizes him to make an investigation, and then directs the Secretary to report to Congress through the Director of the Bureau of the Budget and the Committee on Appropriations.

Mr. VINSON. If the gentleman will yield, I will state that the Secretary is to investigate these claims, and no claim for alleged losses on account of increase of wages can be allowed unless they furnish proof that they have complied with the orders issued by the Macy Board or other governmental boards.

Mr. BUTLER. Mr. Chairman, the gentleman who led the strong opposition to this section of the bill and who is thoroughly familiar with every part of it will agree with me that the teeth have been taken out of it. The gentleman from Alabama [Mr. OLIVER] asked that the subject, after being adjudicated in some particulars, should be referred to the proper congressional committee for further examination.

Mr. OLIVER. I think the bill as now reported is in line with what the gentleman from Pennsylvania and I agreed on as the proper way to proceed. I know that if it is not altered in conference there is no danger in it at all.

Mr. BUTLER. It is certainly very harmless, so harmless it is almost laughable. Nevertheless, we have to make a start. It is impossible, my friends, for us at this time to make any exact estimate. If gentlemen will give me attention, I will

yield the floor to the gentleman from Minnesota, who will make a good speech. We have endeavored in every line of this bill to keep in touch with the record that was obtained in Congress in the way of prescribing pay to the officers and the men in the service. And in order that we might accomplish that purpose and not infringe on the rule, we had the advice of seven or eight of the most distinguished men in the service who were able to inform us. We have reported here to the House—at least we have it as a part of our report—the exact case of every one of these provisions, so that we are not attempting to impose upon the House in any way. There is no effort made to do that. It is true that this is sort of a patchwork bill, but it is necessary to take this measure just as you find it in order to get any legislation at all. I would rather see everything fail and go to the winds, be thrown aside, than that one or two sections of the bill should fail. Men of 20 years' service, who volunteered upon the request of the department and left, upon its request, to accept more important duties, to command little ships at war, when they came back and returned to their places have been reported as men of first enlistment and have lost all benefit of their years of service. They are now being checked against; and these are the provisions that I am going to stand for, let come what will to the others.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. BUTLER. Yes.

Mr. McKENZIE. With respect to the matter brought up by the gentleman from Minnesota [Mr. NEWTON], the gentleman from Pennsylvania will remember that after the war we passed a law known as the Dent law.

Mr. BUTLER. Yes; the gentleman voted for it, and so did I.

Mr. McKENZIE. We passed it with a great deal of apprehension.

Mr. BUTLER. I did not.

Mr. McKENZIE. And the abuses that grew out of that law were, of course, something terrific.

Mr. BUTLER. I voted for it cheerfully, because I relied upon my friend, the gentleman from Illinois [Mr. McKENZIE], and if the bill is a bad one, he is to blame for it and not I.

Mr. McKENZIE. I voted for it although I thought it was a bad bill.

Mr. BUTLER. Oh, I simply followed the gentleman from Illinois.

Mr. McKENZIE. Is this bill merely to be a revival of the Dent bill so far as the Navy is concerned?

Mr. BUTLER. No; it is not like it at all. It is not any more like the Dent bill than a goat is like an elephant. I am not enamored of that provision because, as I said, it is so harmless, so childlike, that I think it is practically useless.

Mr. McKENZIE. The gentleman is sure that it will not out-Dent the Dent law?

Mr. BUTLER. They can do nothing more than report the matter to the Budget, and then go to the Committee on Appropriations and that committee may not appropriate anything at all.

Mr. McKENZIE. And still the gentleman is a little suspicious about it.

Mr. BUTLER. It does not accomplish a whole lot, but it is better than nothing.

Mr. BRITTEN. I think it ought to be said to the House that of the 24 provisions in the bill, all have been at one time or another reported to the House by the Committee on Naval Affairs, and every section of the bill has the unanimous approval of that committee.

Mr. BUTLER. Yes; and I will supplement what my friend says by saying this: There is no attempt whatever to put anything over on this House. These bills have all been reported at some time and the reports are of record. These are simply the measures that have been hanging on for almost two years and we have put them together in a string, and we are going to ask you to vote for this string as you find it, because you have voted for nearly three-fourths of these cases on other measures before.

Mr. VINSON. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. CONNALLY].

Mr. CONNALLY of Texas. Mr. Chairman, this Congress will adjourn within a few days, and its committees and activities, of course, will cease with the life of the Congress. We are appropriating at the present time something like a half billion of dollars annually, which is being disbursed by the Veterans' Bureau. There are now pending before the various committees of the House a large number of resolutions proposing investigations by the House of the activities of the Veterans' Bureau. The gentleman from North Carolina [Mr. BULWINKLE], as long ago as September, 1922, introduced such a resolution, and other gentlemen have introduced them, but this House has taken no action and has shown no disposition to go into the affairs of the bureau.

We all know there has been widespread complaint in respect to the activities of the bureau. There has been charges that the purchases of hospitals in some instances and of sites have been very irregular. There have been charges that in the matter of the purchase of supplies there have been irregularities, and there have been wholesale charges of inefficiency and of waste and extravagance in the bureau. My contention is that Congress does not perform all of its duties when it merely appropriates a half billion dollars for this work. Its duty goes further and requires that so far as possible Congress shall see to it that such activities are properly administered.

A short time ago Colonel Forbes, the director of the bureau, went to Europe. It was given out that his visit to Europe had nothing to do with a prospective resignation. Prior to his going there had been a great deal of rumor about a prospective shake-up in the Veterans' Bureau. After he reached Europe the White House gave out a statement that it was probable that Colonel Forbes, upon his return, would find his health in such condition that he would feel it necessary to resign from the directorship of the bureau.

When he went to Europe it was stated that he had no intention of resigning, but after having visited Europe for his health it then became apparent to the White House that he would probably resign upon his return, and to-day's press dispatches carry a report that Director Forbes has resigned by cable.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. RANKIN. How long did he have his health treated in Europe before he decided to resign or to telegraph his resignation?

Mr. CONNALLY of Texas. I am sorry that I can not give the gentleman that exact information, but the rumor prior to his going that there was to be a shake-up in the bureau, then his going to Europe and the subsequent report from the White House that he intended to resign on account of his health when he returned, and now his actual resignation, if true, all bear an apparent relationship to each other. There must be some reason for his resignation.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY of Texas. Not for a moment. There must be something the matter with the colonel's health or something the matter with the health of the bureau. I yield to the gentleman.

Mr. DICKINSON. I would like to know if the gentleman has any charges that he wants to make against the management of this bureau under Colonel Forbes, and if he has, why does he not state them?

Mr. CONNALLY of Texas. I am not appearing as a prosecutor. I do not know——

Mr. DICKINSON. The gentleman is appearing as the mouthpiece of the discontent against that bureau.

Mr. CONNALLY of Texas. I shall yield to the gentleman when I want to yield, and if the gentleman insists on my yielding when I do not want to yield, I will have to invoke the rules of the House. No; I do not know because if I knew absolutely I would go and lay them before the grand jury of the District of Columbia or in whatever district the proper jurisdiction might lie, but I am not unwilling that Congress shall hear the facts, and I have introduced a resolution providing for a joint inquiry by the Senate and the House during the recess, and Congress through that committee will have plenty of time to investigate the bureau. The joint resolution will have the force of a statute, but a resolution of this House will die when this House goes out of session on the 4th day of March.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CONNALLY of Texas. Will the gentleman yield me one more minute?

Mr. VINSON. I yield the gentleman one minute.

Mr. CONNALLY of Texas. Now, gentlemen, let me ask the gentleman from Iowa, who seems unduly disturbed about the desire to investigate, Why is the gentleman from Iowa so much disturbed? If there is nothing wrong in the bureau or out of the bureau, the gentleman from Iowa ought not to wince at an investigation of the bureau. We are the ones who are responsible; we are responsible to the people of the United States, and I do not want this House to sit here and let the Senate conduct an ex parte investigation by a committee of two Senators, which will go out of existence on the 4th day of March, and then let it go out to the world that the bureau has been investigated. But the investigation ought to be conducted by both Houses, because we are the Representatives here of the people, and this House ought not to shirk its responsibility

always and let the Senate do things alone that ought to be done by the Congress. I believe this matter ought to be gone into when the committee of Congress has the time, because it will then have the time to properly do this work, and if there is something wrong we shall know it, and if there is nothing wrong we shall have the satisfaction of knowing that there is nothing wrong. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BUTLER. I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. VINSON. I also yield five minutes to the gentleman from Texas.

The CHAIRMAN. The gentleman from Texas is recognized for 10 minutes.

Mr. BLANTON. Mr. Chairman, under the rule which we have adopted and the rules of the House, not a single Member of Congress, besides the committee, will be able to change one word of this bill proposed——

Mr. HICKS. Oh, will the gentleman yield?

Mr. BLANTON. Not a single amendment will be permitted to be offered from the floor by a Member of Congress who is not on this committee.

Mr. HICKS. Will the gentleman yield?

Mr. BLANTON. In just a minute, I have not the time now.

Mr. HICKS. The gentleman wants to make a fair statement.

Mr. BLANTON. Can the gentleman offer an amendment under the rule?

Mr. HICKS. Why, certainly.

Mr. BLANTON. Can the gentleman——

Mr. HICKS. Why, certainly, I have two or three to offer.

Mr. BLANTON. The committee can.

Mr. HICKS. Anybody can.

Mr. BLANTON. Well, in my judgment, the rule restricts otherwise.

Mr. HICKS. If the gentleman will read the rule he will find that it does not speak otherwise.

Mr. BUTLER. I will say to my friend I have these amendments to offer.

Mr. BLANTON. Mr. Chairman, I am not going to vote for such rules as long as I am a Member of Congress, and I think I will be here for a while——

Mr. KNUTSON. I hope so.

Mr. BLANTON. I am not going to vote for any rule such as the one which just passed this House, and I am not going to vote for any piece of legislation that is made in order by any such restrictive rule as long as I am a Member of the House. I am not going to vote to make of myself and my colleagues mere rubber stamps——

Mr. STEPHENS. Will the gentleman yield?

Mr. BLANTON. Or open-mouthed mocking birds which have to swallow everything that the committee sticks down our throats. I regret I can not yield. I have not the time. I am not going to gag and hog tie myself in any such way.

Mr. STEPHENS. Will the gentleman yield?

The CHAIRMAN. The gentleman declines to yield.

Mr. BLANTON. You may vote for such rules if you want to, but I am going to reserve to myself the right to pass upon legislation for which I am held responsible to the people of my district and to the country.

Mr. STEPHENS. Will the gentleman yield?

Mr. BLANTON. I will not yield to the gentleman because I have not the time.

Mr. STEPHENS. The gentleman has time to interpret the rule correctly, and the gentleman has not the right to interpret it incorrectly.

The CHAIRMAN. The gentleman from Ohio must not interrupt without the permission of the Member speaking. The gentleman from Ohio is out of order.

Mr. STEPHENS. Let the gentleman tell what the rule is.

Mr. FIELDS. I call the gentleman to order.

Mr. STEPHENS. There is nobody around here who interprets the rule that way, and I want the gentleman to interpret the rule the way the rule is framed.

The CHAIRMAN. The gentleman from Ohio is out of order and will take his seat.

Mr. BLANTON. The Chairman will not take all these interruptions out of my time, if you please.

The gentleman from Kansas [Mr. CAMPBELL], the Chairman of the Committee on Rules, when presenting this rule for passage, stated from the floor several times, "Why, this is a unanimous report from the Committee on Naval Affairs." That should be sufficient! His intimation was that it being a unanimous report from a committee, it should be accepted as all sufficient and perfect by the membership of the House without investigation and consideration.

I have learned something about "unanimous reports" from committees since I have been in Congress. I have learned that we can not always accept them. That is why I investigate them all for myself. Why, just the other day here in the House, there was brought before us for passage on unanimous consent day, from the Unanimous-Consent Calendar, when bills are sometimes passed in three minutes time, a bill from the great Committee on the Judiciary, a committee of lawyers and judges, who are presumed to know the law, and are presumed not to bring any proposed law before us for passage that is ridiculous. The gentleman from Kansas, with equal propriety, could have then arisen and said: "This bill has a unanimous report from the committee," for in fact it did have a unanimous report from the great Committee on the Judiciary. Yet the bill was ridiculous, for it provided that should any citizen engage in an altercation with a Federal agent or officer, and such Federal agent or officer should die, such citizen was guilty of murder, and should be tried and punished for murder in a Federal court, regardless of the facts or circumstances. It did not require any of the ingredients of murder to be connected with the altercation, such as is required by the laws of every State in the Union. It did not require malice aforethought, express or implied. It did not require premeditation. It did not require a design to kill. But if some Federal agent went to the home of some citizen, wholly unknown to such citizen, and told such citizen that he was an officer, and then by insults or unwarranted conduct exasperated such citizen to engage in an altercation with him, and death ensued to such officer, such citizen would have been guilty of murder, by the provisions of such bill recommended for passage by a unanimous report from the Committee on the Judiciary. And if it had not been for my objection, which I made, or the objection from some other Member, that bill might have passed under unanimous consent, without any argument, just by merely reading it and passing it, Members not knowing anything about it. That is the way lots of bills pass that become the law of the land.

It pays to watch these bills. That is why I take time to watch them. That is why I spend hours in my office at night looking into bills that may come up, affecting the interests of the people.

This bill contains 21 pages. Do you know what it proposes? It proposes to increase the cost of the battleship *Colorado* $600,000 of the people's money. It proposes to increase the cost of the scout cruisers *Nos. 9* and *10*, $150,000 of the people's money. It proposes to increase the cost of the destroyer tender *No. 3*, $1,500,000 of the people's money. It proposes to increase the expense that we are to go on our 13 capital ships, naming them, to the extent of $6,500,000. To be exact, so that I may not be unfair in any way, let me quote these provisions from the bill, to wit:

TO INCREASE THE AUTHORIZED COST OF CERTAIN VESSELS NOW BUILDING FOR THE NAVY.

SEC. 7. That the limits of cost of the vessels heretofore authorized and herein below enumerated are increased as follows: Battleship *Colorado*, from $17,000,000 to $17,600,000; scout cruisers numbered *9* and *10*, from $8,250,000 to $8,400,000 each; and destroyer tender numbered *3*, from $3,400,000 to $4,500,000.

REPAIRS AND CHANGES TO CAPITAL SHIPS.

SEC. 8. That the restrictions contained in the acts of March 2, 1907, and August 29, 1916, as to the amount that may be expended for repairs and changes to capital ships shall not apply to such sums as the Congress may from time to time appropriate for modernization, by increasing the elevation and range of turret guns, of the following-named battleships: *Florida, Utah, Arkansas, Wyoming, Pennsylvania, Arizona, Oklahoma, Nevada, New York, Texas, Mississippi, Idaho,* and *New Mexico: Provided*, That the cost of such increase in the elevation and range of such turret guns shall not exceed the sum of $6,500,000, to be immediately available and to remain available until expended.

Is that carrying out your idea of the reduction of armaments which is understood to be the policy of our Government? Are you in favor of thus wasting additional money on battleships which may soon be scrapped and become worthless?

I would like to help out our friends who belong to these shipbuilding corporations. I see our amiable and likable friend, the manager of the New York Shipbuilding Corporation, in the gallery now. I think as much of him as you gentlemen do. I would like to help out his corporation to the extent of some of these millions if it were not taking it out of the pockets of the tax-burdened people of this land.

Mr. BRITTEN. Will my friend yield for one short question?

Mr. BLANTON. I have not time to yield, I regret to say. I want to tell you something about your bill, your 21-page omnibus bill.

Mr. BRITTEN. Unfortunately the gentleman does not understand the bill.

Mr. BLANTON. I do not yield to the gentleman.

The CHAIRMAN. The gentleman declines to yield.

Mr. BLANTON. I like the gentleman from Illinois. I am with him on many propositions. And while we now disagree I am still smiling at him. [Laughter.] I think that I understand the English language. Let me show you another provision here in this bill. Here is the kind of a bill that is brought in under a rule where we shall not be permitted to change the dotting of an "i" or the crossing of a "t." Here under the head of "United States Navy Band," now stationed at the navy yard, Washington, is this provision:

That hereafter the band now stationed at the navy yard, Washington, D. C., and known as the Navy Yard Band shall be designated as the United States Navy Band, and the leader of this band shall receive the pay and allowances of a lieutenant in the Navy.

And then it provides for a lot of other salaries.

Mr. STEPHENS. Mr. Chairman, will the gentleman yield on that question, on the band question?

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Ohio?

Mr. BLANTON. I regret that I can not yield, Mr. Chairman.

The CHAIRMAN. The gentleman from Ohio can not interrupt the gentleman who has the floor.

Mr. BLANTON. To be exact, I want to quote this section from the bill, to wit:

UNITED STATES NAVY BAND.

SEC. 22. That hereafter the band now stationed at the navy yard, Washington, D. C., and known as the Navy Yard Band, shall be designated as the United States Navy Band, and the leader of this band shall receive the pay and allowances of a lieutenant in the Navy: *Provided*, That all service as an enlisted man in the naval service shall be counted in computing longevity increases for pay of this leader: *Provided further*, That no back pay or allowances shall be allowed to this leader by reason of the passage of this act: *And provided further*, That hereafter during concert tours approved by the President members of the United States Navy Band shall suffer no loss of allowances.

In what way are the people of the United States, who are now heavily tax burdened, interested in paying the salaries and expenses of a United States Navy Band to make concert tours over the United States under the direction of the President? The people now are more concerned about getting coal during this prolonged blizzard.

But now let me quote from the bill the provision about the Marine Band. This provision in the bill is as follows:

MARINE BAND.

SEC. 14. That the band of the United States Marine Corps shall consist of 1 leader whose pay and allowances shall be those of a captain in the Marine Corps; 1 second leader whose pay shall be $200 per month and who shall have the allowances of a sergeant major; 10 principal musicians whose pay shall be $150 per month; 25 first-class musicians whose pay shall be $125 per month; 20 second-class musicians whose pay shall be $100 per month; and 10 third-class musicians whose pay shall be $85 per month; such musicians of the band to have the allowances of a sergeant: *Provided*, That the second leader and musicians of the band shall receive the same increases for length of service and the same enlistment allowance or gratuity for reenlisting as is now or may hereafter be provided for other enlisted men of the Marine Corps: *Provided further*, That the pay authorized herein for the second leader and the musicians of the band shall be effective from July 1, 1922, and shall apply in computing the pay of former members of the band now on the retired list: *Provided further*, That in the event of promotion of the second leader, or a musician of the band to leader of the band, all service as such second leader, or as such musician of the band, or both, shall be counted in computing longevity increase in pay: *And provided further*, That hereafter during concert tours approved by the President, members of the Marine Band shall suffer no loss of allowances.

This is the society band.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. It is the band to which distinguished reference was made in noted correspondence out to the Northwest a short time ago; the band that furnishes music at the big receptions in Washington for the high society leaders in this country; and your people in Oklahoma, MANUEL, are paying the bills. [Laughter.] I am not in favor of any such legislation coming before this House under special rule.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Oh, I love my distinguished friend from Pennsylvania.

Mr. STEPHENS. Are you not in favor of music?

Mr. BLANTON. Oh, if I were the music of the gentleman would make me sick. [Laughter.] I have all the confidence in the world in my good friend from Pennsylvania, and——

Mr. BUTLER. I would not do anything to break it——

Mr. BLANTON. I would do anything in the world personally to please him. But he is so kind-hearted that when these fellows come before his committee to raise the pay of this high-society band he can not turn them down. [Laughter.]

Mr. BUTLER. Oh, turning all this noise aside, if you pass this bill the members of the band will receive less money than they ever did. This is the old figure that the comptroller ruled out.

Mr. BLANTON. My friend will not deny that this is the society band in Washington?

Mr. BUTLER. I do not know whether it is or not. I am not a member of society, except the great, big, human society.

Mr. BLANTON. But this is the band that plays for the receptions at the White House?

Mr. BUTLER. Yes; it does; and good music, too.

Mr. BLANTON. And for the receptions of the Cabinet officers and the receptions of Members of the House and Senate when they have their receptions here in Washington.

Mr. MACLAFFERTY. Will the gentleman yield?

Mr. BLANTON. I am glad to yield to my friend from California.

Mr. MACLAFFERTY. I want to ask the gentleman what kind of music does he think the White House ought to have? Should they just tie a tin can to Laddie Boy's tail and run him around the lawn? [Laughter.]

Mr. BLANTON. I am in favor of having music there when the President wants it, and letting the President pay for it out of the $75,000 and other big allowances that the people pay him every year.

Mr. STEPHENS. Have they not had that music ever since the Constitution was adopted and the Government was founded, or is this anything new?

Mr. BLANTON. I love insistence. I love a man to be persistent, and therefore I will yield to the gentleman from Ohio.

Mr. STEPHENS. Is the establishing of this band a new matter, or has it been in existence ever since the Government was founded?

Mr. BLANTON. This is so important that you have to let our friend PHIL in the closing days of the session, as an important service, bring in a bill of this kind under rule. This is the crowning effort of PHIL's life. If he can just pass such legislation as this, he will go home to Kansas feeling like his service here has been worth while.

Mr. BRITTEN. Now, will my friend yield?

The CHAIRMAN. The time of the gentleman has expired.

Mr. BRITTEN. Will the gentleman from Pennsylvania yield to me one-half minute?

Mr. BUTLER. If I have it I will. I do not see how I can divide time which I have not got. I will ask the Chair how much time have I?

The CHAIRMAN. Eleven minutes.

Mr. BUTLER. I will give the gentleman one-half minute out of that, because I have promised to yield 10 minutes to my friend, the gentleman from Minnesota [Mr. KNUTSON].

Mr. BRITTEN. I thank the gentleman. For the benefit of the House, because many Members come and go during a debate of this kind, I should like to suggest to my friend from Texas [Mr. BLANTON] that I am sure he always tries to be fair. When he refers to the New York Shipbuilding Co. and the building of the battleship *Idaho*, I should like to say to him that I hold in my hand a copy of a telegram from the Secretary of the Navy to the New York Shipbuilding Co. sent during the war, telling that company to "Expedite the completion of the battleship *Idaho* and we will pay you for any increases in cost of construction. The shipbuilding company is directed to submit increases to the department for approval." The increase amounted to about $1,000,000. Congress appropriated that money. It is lying in the Treasury. Is not the gentleman from Texas desirous of having that money go to the contractors, where it belongs, under conditions of that kind?

Mr. BUTLER. I yield the remainder of my time to the gentleman from Minnesota [Mr. KNUTSON].

Mr. VINSON. I also yield to him five minutes.

The CHAIRMAN. The gentleman from Minnesota [Mr. KNUTSON] is recognized for 15 minutes.

Mr. KNUTSON. Mr. Chairman, several days ago the press carried a statement that there is a food shortage of over 2,500,000 tons in Europe and owing to the unrest and disturbed conditions prevailing on that continent the countries where the shortage is most acute can not go into the markets of the world and replenish their larders. The military operations now being conducted by France is primarily responsible for our failure to dispose of the large surplus stocks of foodstuffs which we have on hand. Millions of bushels of potatoes were allowed to rot in the ground last fall because there was no market for them. Our farmers were compelled to sell their crops last year for considerably below the cost of production. All this because our European markets have been largely destroyed, and there can be no ground to hope for an improvement until certain countries in Europe go to work instead of sitting around waiting for impossible reparations.

I make these preliminary observations to show that we are vitally interested in the welfare and stability of Europe and that we should no longer remain indifferent to what is going

on over there if we are to retain a semblance of prosperity in this country.

The subjects of reparations and the invasion of the Ruhr are two burning topics at present. In the January issue of the Forum appeared a very sane and thoughtful article by Dr. Henry W. Temple entitled, "The reparations crisis," from which I quote:

Three things have brought Europe to the verge of economic ruin: The loss of man power and of capital during the four years of war, certain crushing and unworkable provisions of the peace treaty, and the continuing fears and jealousies of governments and peoples which have perpetuated old hatreds and created new ones. It is true that the present crisis arises out of the differences of opinion between the British Government and the French Government concerning Germany's willingness or ability to meet the reparations payments and the measures that ought to be taken to collect from the unwilling or bankrupt debtor.

Now let us see what Doctor Temple says about what Germany had paid to the Allies up to December 31, 1920:

On January 23, 1921, the Reparation Commission issued a statement showing that prior to December 31, 1920, Germany had delivered, in payment of the preliminary 20,000,000,000 gold marks, the following ships and commodities:

Coal, estimated at 17,818,840 tons; sulphate of ammonia, 19,000 tons; steamers, sailing vessels, and trawlers, 2,054,729 tons gross; river craft and material, 38,730 tons; live stock, 360,176 beasts; seeds, 6,882,588 kilos; dyes and dyestuffs, 10,787,827 kilos; pharmaceutical products, 57,823 kilos; rolling stock (locomotives), 4,571; rolling stock (freight cars), 129,555; motor lorries, 5,000; railway material, 140,000 tons; agricultural machinery, machines, and implements, 131,505. In addition, the commission's statement showed that Germany had delivered the submarine cables under German control, of which only those privately owned were to be credited to reparations. The statement of the Reparation Commission further said that the list did not include certain other deliveries for which figures were not yet completely determined. In addition to these deliveries there were others not to be credited to the payment of the 20,000,000,000 gold marks, but which were in the nature of restitutions to France and Belgium for agricultural material, industrial material, locomotives, and freight cars to compensate for those seized by Germany in territory belonging to France and Belgium.

Conflicting estimates were placed upon the value of the payments in kind, but there is no doubt that they fell far short of the 20,000,000,000 gold marks required.

Let me say, by way of digression, that in traveling from Berlin to Cologne I did not see a single cow, and the children of Germany are undernourished for the want of milk. The Allies have taken their cows from them.

In fact about everything that has been produced in Germany since the time of the armistice has been taken away from them. When I was over there they could not operate all of their factories because they did not have coal enough. The Allies were taking two-thirds of the coal that was produced.

Doctor Temple estimates that the total value of reparations paid by Germany is less than 20,000,000,000 gold marks. I have here before me a statement prepared by the German Embassy which shows that Germany has paid to date in round figures about 40,000,000,000 gold marks. And then they talk about her being an unwilling debtor.

Mr. NORTON. That would be about $10,000,000,000.

Mr. KNUTSON. Yes; that would be about $10,000,000,000. I will insert the figures furnished by the embassy.

DETAILED STATEMENT PREPARED BY THE GERMAN EMBASSY OF REPARATION PAYMENTS AND DELIVERIES MADE BY GERMANY UP TO MAY 1, 1922.

I. Delivery of property, etc., existing at time of conclusion of peace:		
1. Property of Reich and States in Germany and abroad	Gold marks. 4,710,000,000	
2. Saar mines	1,100,000,000	
3. Cables	85,500,000	
4. Goods left behind in territories formerly occupied by German armies	3,000,000,000	
5. Railroad material delivered under the armistice	1,626,000,000	
6. Merchant marine	7,310,300,000	
7. River boats	78,000,000	
8. Shares of Morokkau States Bank	650,000	
9. German property liquidated in allied countries	11,700,000,000	
10. Transfer of German claims against former allies of Germany	7,000,000,000	
		36,610,450,000
II. Deliveries of goods produced after conclusion of peace:	Gold marks.	
1. Coal, coke, and by-products	475,000,000	
2. Dyestuffs and chemical-pharmaceutic products	44,000,000	
3. Animals	104,000,000	
4. Deliveries for reconstruction of devastated regions	30,000,000	
		630,000,000
III. Cash payments:		
1. For redemption of scrap material (arms, munitions, engines, etc., destroyed under treaty)	26,000,000	
2. Diversa	10,000,000	
		36,000,000
Total		37,299,450,000

REPARATION PAYMENTS MADE BY GERMANY AFTER MAY 1, 1922, UNTIL JULY 31, 1922.

	Gold marks.
1. Cash payments	1,498,950,000

(One billion four hundred and forty-six million payments in foreign valuta; payments in consequence of recovery act, 52,000,000; diversa, 950,000.)

	Gold marks.
2. Delivery in kind	1,194,000,000

(Railroad material in ceded territories, 501,500,000; river boats, 32,000,000; animals, 86,500,000; coal, coke, and by-products, 409,000,000; dyestuffs and chemical-pharmaceutic products, 23,000,000; reconstruction deliveries for devastated regions, 100,000,000; deliveries under recovery act, 42,000,000.)

PAYMENTS OTHER THAN REPARATION PAYMENTS MADE BY GERMANY UNDER THE VERSAILLES TREATY SINCE THE ARMISTICE UNTIL JULY 31, 1922.

	Paper marks.
1. Clearing payments	22,411,000,000
2. Occupation army	14,000,000,000
3. Interallied commissions	2,900,000,000
4. Restitutions and substitutions (animals, engines, and other material, delivery of war material)	6,340,000,000
5. Guaranty payments to guaranty committee	8,375,000,000
	49,026,000,000

On May 10, 1921, Germany, under pressure, accepted the estimate made by the Reparations Commission of the additional reparations which the commission fixed at the sum of 132,000,000,000 gold marks (about $33,000,000,000).

That all of the Allies do not approve of the Ruhr invasion is proven by the following from the same article:

Of the proposal to occupy the Ruhr Valley the British Prime Minister said to the House of Commons: "We can not look with equanimity upon any action which seems to us likely or which we believe will have the effect not of producing reparations but making them more difficult to get, perhaps making them impossible altogether." The Prime Minister continued: "I believe, and think that almost everyone believes, that the terrible trouble in Europe is that there is no hope of any solution unless France and we get together. I am perfectly sure of this, and I and the Government which I represent will be acting according to the wishes of the whole nation if we make clear that the difference is more serious than a difference between Governments. The difference likely to arise is the difference between the public opinion of two countries, and we are looking from the point of view of maintaining good relations. That makes it more dangerous than if the only question were the difference of opinion between individuals and Governments, and that is the reason, I am sure, we at home and the French Government will utilize the time that still remains to try to find some common method to deal with this problem."

Continuing, Doctor Temple says:

The British Premier recognizes that the German Government has allowed a tremendous inflation of its currency to take place, which has the effect in itself of making it impossible for Germany to meet any claims for reparations. He says also that the French go further and say that this was deliberately done by Germany, but he adds: "Honestly, I can not, myself, take that view; and this is the reason: It is perfectly true that by that method of passive resistance they can avoid forever paying any indemnity, but it only means what is very like suicide for Germany. I can hardly believe that any sane government would deliberately adopt that course."

And mark further these words by Doctor Temple:

Even in this statement of the differences between his own opinion and that of the French Government we may observe some progress toward agreement. It is only a few weeks ago that many persons in France and even observant travelers in Germany were divided in opinion as to whether Germany was unable to pay or was really prosperous.

How true is this observation by Doctor Temple:

Payment of immense sums by one nation to another, whether in reparation for war damages or for credit upon war loans, can not be made at once. They must be waited for with long patience. This sum owed by Germany is larger than the total owed to the United States by the 20 European nations. If the victors, who among them have already received from Germany more than 1,000,000,000 gold marks and the several billion marks in value represented by the payments in kind mentioned above, are unable to pay even the interest on eleven and one-half billions, it would appear reasonable that Germany may be unable to pay any large part of the reparations, amounting to a still greater sum. It will be generally recognized in America that there would be no injustice in collecting from Germany the whole of the 132,000,000,000 of gold marks ($33,000,000,000), named by the Reparation Commission as necessary to cover the damage for which Germany is responsible, if collection were possible. But if attempts at immediate collection by force would precipitate ruin that would affect not only Germany but western Europe and America as well, then it is to be devoutly wished that the conference adjourned at London because of disagreement between France and Great Britain may be resumed later with better hope of reasonable adjustment.

Prior to the war Germany was one of our best customers. In 1913 we exported to her goods and raw materials in excess of $350,000,000. She would again assume that rôle were she given a fair opportunity to engage in manufacture and commerce. That she should rebuild the devastated regions and pay a reasonable reparation for the damage which she wrought no sane man would deny, but when the terms imposed upon her by the victors in the treaty of Versailles are far beyond her ability to pay, she is justified in proclaiming her inability to meet the imposed obligations. Mr. Boyden, the American observer in Europe, has stated his belief that the terms are impossible for Germany to meet; likewise has the British member of the Reparation Commission so declared. These men are both

financial and economic experts; indeed, Mr. Boyden, who was first appointed by the late Wilson administration, has shown such a wonderful grasp of the situation in Europe that he is being continued on by President Harding.

All who have studied the situation in Europe must be agreed that the time has come for us to break our long and inexplicable silence. We have every right to speak our opinion at this time. We played a very important part in the winning of the war. Without us it is doubtful if the Allies could have won. It was our man power and almost inexhaustible wealth and resources in necessary materials that made victory for the Allies possible.

In a message delivered to a joint session of Congress President Wilson stated that we were not fighting the German people but the German military machine and the reigning family. That statement found a responsive echo in the breasts of the American people. The Hohenzollerns have been driven from the country and the mighty German military machine has been utterly destroyed, yet there is not peace. France feigns fear that somewhere in Germany there are vast stores of armament and munitions ready for instant use for another war, yet we have been assured by the several allied commissions which had charge of the transfer of war materials after the war that everything has been delivered up. Many eminent military men are agreed that the next war will be fought and settled in the air, yet Germany has not a single airplane suitable for that purpose, while France has to-day by far the largest number of military airplanes of any nation on earth. The cold fact is that France is seeking to dismember the German Republic and render it not only harmless from a military standpoint but also economically. The world knows this, and France is not deceiving anyone but herself. It is the birth rate in Germany that is worrying France. Fifty years ago both countries had about 38,000,000 souls each. To-day Germany has 68,000,000, while France has about the same number as in 1870. There is the crux of the whole thing. France would prefer to have Germany remain in default of her reparation payments so that she may continue to have a semblance of an excuse for occupying the Ruhr, without which Germany will sink into helplessness and her people into economic slavery. Do we, the American people, want to see this happen? I think not, and if I am not mistaken the foreign policy of this country will be a very important issue in the campaign of next year.

Did we go to war to break down a vast and menacing military machine only to have another set up in its place? I think not; yet France had on September 1 a standing army of 750,000 men, all armed to the hilt. Her 1923 budget calls for an army of 690,000. A disarmed and defenseless nation has been invaded with all the severity and rigor of unadulterated militarism. Of the allied powers that cooperated to render Germany helpless, Great Britain alone has protested. How much longer will we stand aside and permit our sacred pledges and promises made prior to the armistice to be ruthlessly violated?

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. KNUTSON. No; I can not yield. I have only a little time left. The American people are good sportsmen, and do not sympathize with the rapacious and underhanded diplomacy now being carried on in Europe, and some day the Europeans will be made to realize it.

From the signing of the armistice France has been doing everything in her power to goad and crush the pride of the German people. She sent thousands of Senegalese, Arab, and other African troops into occupied Germany, and the crimes and outrages that these brutes committed would cause a feeling of revolt among the American people did they but know. Last fall the gentleman from Connecticut [Mr. TILSON] upon his return from a trip to Europe intimated that these troops had been removed. At that time I challenged his statement. The Adjutant General's office informs me that there are about 20,000 African troops now on the Rhine. A press dispatch contained in the Washington Star for January 28 reads in part—I read:

> The same dispatches report considerable recklessness on the part of the French Algerian cavalry since a state of siege was proclaimed—at Treves—the cavalrymen riding through the streets at breakneck speed and menacing civilians.

Far be it from me to attempt to justify the acts committed by the Germans during the war, but I will say that every fiendish act performed by them probably has its parallel in other wars for which the Germans were in no way responsible. If my memory serves me correctly, France instigated and encouraged the Thirty Years' War, which laid Germany in waste from one end to the other and reduced her population from 18,000,000 souls to less than one-half. Was it not the French who under Napoleon marched from one end of Europe to the other, killing, looting, burning, and outraging? Was it not the British who during the Napoleonic war sailed into the harbor of Copenhagen and destroyed the Danish fleet at a time when that small and weak country was neutral? Did not the English also establish a blockade about Norway in 1812 when she feared that Napoleon would return from his Russian campaign by way of the Scandinavian peninsula, and did not several hundred thousand Norwegians die of starvation as a result of that blockade—and was not Norway strictly a neutral country at the time? Was it not the British who took captives of war during the Indian mutiny and tied them in front of the muzzles of cannon and blew them to pieces? Did not General Sheridan make his boast that when he got through with the Shenandoah Valley a crow would have to carry its rations in flying across that fair territory? Did not General Sherman lay waste a strip of country some 30 miles wide in his march to the sea? Did not the South have its Andersonville and Libby prisons? Was it not France who invited the leading powers of Europe to intervene in behalf of the Confederacy when we were striving with might and main to preserve the Union, and did not she take advantage of our stress to set up a monarchy in Mexico in violation of the Monroe doctrine? Worst of all, did not the Belgians commit the most inhuman atrocities upon the people of the Kongo, who were utterly helpless, and was it not necessary for the great powers to protest their actions and demand that they cease?

I am not criticizing any of these acts. All of them may have been necessary for military reasons. I merely refer to them to show that other peoples in other wars also have used methods which do not conform to our ideas of civilization. War is what General Sherman said it was.

When I was a boy back in the early nineties all national political campaigns were predicated upon the Civil War, and politicians went about the country waving the bloody shirt and inflaming the public mind at a time when all sober and thinking people were trying to bind up the wounds of that tragic conflict. For 30 years these men kept themselves in power by appealing to the baser in men's nature. I dare say the same methods were employed in Southern States.

We must continue to live together in this old world of ours for an indefinite period, and how much better it would be for all of us if those who seek to keep open the wounds of war were relegated to the rear. It is water that has gone over the wheel and there is nothing to be gained by continual appeal to the hates and prejudices of mankind.

Mr. Chairman, the United States of America comes nearer to enjoying the confidence of the European countries than any other nation. In that position a sacred duty rests upon us. We should immediately call the great powers of the earth together in Washington for an economic conference and a commission should be appointed by that conference to determine just what Germany can pay and yet keep going. We must not permit her to be destroyed. Her people are of the great Nordic race, and when the inevitable hour comes when the white and yellow races come to a death grapple for supremacy a strong and virile Germany will be of inestimable assistance—yea, she will be indispensable.

Mr. BUTLER. Mr. Chairman, in order that I may separate myself entirely from the views expressed by the gentleman who has just made this speech [Mr. KNUTSON], I wish to say that I yielded to him 10 minutes, and he was entitled to that time. I did not know on what subject he was about to speak, because I never ask a gentleman that, but I want to say here and now that I do not in any way agree with him. [Applause.] My sympathies are all with France, and I want to see France collect the money that Germany owes her, as France in 1873 willingly paid her indemnity to Germany. [Applause.]

Mr. VINSON. Mr. Chairman, I occupy the same position as that occupied by the distinguished gentleman from Pennsylvania [Mr. BUTLER]. I, too, yielded to the gentleman from Minnesota [Mr. KNUTSON] five minutes, but my sympathy is entirely with France. On the battlefields of France the blood of my brother was spilled, and under no condition is my sympathy with Germany. [Applause.]

Mr. STEVENSON. Will the gentleman yield?

Mr. MAPES. Will the gentleman yield?

Mr. VINSON. I am sorry that I have not the time.

Mr. Chairman, as stated by the distinguished chairman of the Naval Affairs Committee, the Senate bill now under consideration, with the various committee amendments, has been given most careful consideration and after hearings of many weeks the committee unanimously indorses and supports this bill.

As the bill has been on the calendar only for a few days, and probably in the rush of time many Members who desire to do so may not have had an opportunity to carefully investigate

the various amendments and to read the hearings, therefore in the time allotted to me I shall in a brief manner discuss a few of these sections so when they are reached under the five-minute rule the Members will be fully cognizant of what they are.

Section 1 of the bill merely authorizes the transfer of certain vessels from the Navy to the Coast Guard.

Sections 2, 3, 4, 5, and 6 have heretofore passed the House but failed to receive consideration in the Senate, therefore I will not at this time discuss these various sections.

Section 7 provides for the increased cost of construction of the battleship *Colorado* from $17,000,000 to $17,600,000, and for the increased cost of two scout cruisers *Nos. 9* and *10*, known as the *Concord* and *Richmond*, from $8,250,000 to $8,400,000 each; and the increased cost of destroyer tender, known as the *Dobbin*, from $3,400,000 to $4,500,000. This section merely makes in order an appropriation for the increased cost of these vessels.

The battleship *Colorado* is a part of the 1916 building program and one of the ships under construction that the conference and treaty permitted to be completed. The contract was made in January, 1917, at an authorized cost of $13,380,000. To speed up the construction during the war, in July, 1917, the original form of the contract as awarded was changed to that of a cost-plus 10 per cent contract. By various acts of Congress the authorized cost has been increased from $13,380,000 to $17,000,000. Up to February 1 there had been expended under the contract $16,400,000, and at the present rate of progress the Navy Department advised the committee that the expenditure of $17,000,000, the present limit of cost, will be reached in either April or May of this year. On January 1 the *Colorado* was 95 per cent completed, and it is the expectation of the department if granted this additional cost of construction to have the ship completed by September.

Now, the thought will naturally occur as to the reason for this increased cost of $600,000. To quote the language of Assistant Secretary Roosevelt:

> The reason why it is necessary to increase the limit of cost comes, roughly, under two heads: The principal head is the fact that it is being built under a cost-plus contract, and not under a fixed-sum contract. * * * Last year the fullest appropriations were not available to push all the vessels at top speed, and, furthermore, the shipyards themselves had very little work. We had to reduce the direct moneys spent for labor because we did not have them, and the indirect cost does not reduce proportionately; in other words, when you slow down a little on construction work your overhead does not come down proportionately with the slowing down of the work, the result being that the total expense on account of the vessel builds up or augments. The best illustration I can give of what I mean is this: We appeared before the Committee on Appropriations to discuss our desire for an increased appropriation to be used in constructing the scout cruisers, and we explained to them that if we only had the sum designated we would have to continue the work on those scout cruisers at one-third of the normal rate of progress, and on account of the reasons I have given you, if we should continue the work at one-third the normal rate of progress those scout cruisers will cost approximately $1,000,000 more when completed.
>
> Now, the reason why the cost of the *Colorado* has gone up this additional $600,000 is in main due to the fact that we have had to slow down to a certain extent, and to the fact that there was no other work in the yard, added to the fact that it was a cost-plus contract. Those things have run the cost of the *Colorado* up, and the same thing generally applies to scout cruisers *9* and *10*. * * *

The construction is continuing under the terms of the cost-plus contract. However, there has been a change in between there from a cost-plus 10 per cent contract to a cost-plus fixed-fee contract. The cost-plus 10 per cent contract was changed in 1920 to cost plus a fixed fee, which was $1,350,000. By the change from the cost-plus 10 per cent contract to the cost plus a fixed-fee contract there has been a saving of $410,000.

The $17,000,000, the now authorized cost, will be expended by April or May of this year, and the ship is 95 per cent completed. It would be folly on the part of Congress to withhold the additional appropriation of $600,000 needed to complete the ship. We have now invested in the ship $17,000,000, and if this authorization does not go through, work on the *Colorado* will cease and it will have to stand in status quo until Congress does supply the additional money to complete it.

Therefore, from a business standpoint there is but one thing to do, and that is to authorize the appropriation of the money to complete the ship. What is said with reference to the *Colorado* is equally true in regard to the scout cruisers and the destroyer tender.

Under the law as provided for in the acts of 1907 and 1916, the department is restricted in making changes or repairs to an expenditure of not over $300,000.

Section 8 is for the purpose of removing that restriction in one particular only, and that is in the increasing of the elevation and range of the turret guns on 13 of the capital ships.

It is estimated that it will cost approximately $500,000 to increase the range of the turret guns on each of the 13 ships, and this section is an authorization for an appropriation of $6,500,000 for that work. The elevation of the turret guns is now 15° and it is proposed to raise the elevation to 30°.

The *Colorado* and *West Virginia* are still to be completed, and the *California*, *Tennessee*, and *Maryland* are now in service. Being new ships, there is no modernization required on them, but it is essential on the 13 other ships that this modernization be authorized. However, there are a great many things in addition to the elevation of the turret guns necessary to be done to modernize the ships to put them on an equality with the vessels of other nations that participated in the Washington conference.

It will be necessary later on to require additional deck protection against airplane bombs; they also require additional submarine protection in the form of blisters—that is, additional steel plates laid along the side below the water line with a certain air space between them and the hull of the vessels. They require that as a protection against torpedoes. Most of these things which I have enumerated have already been done on the British ships and are being done on the Japanese ships. They are entirely within the purview of the provisions of the treaty.

The changes with reference to the blisters for torpedo protection and the sheathing of the deck against aero bombs is not contemplated at this time, but later on these additions must be added to the ships to place them on an equal parity with the ships of Japan and Great Britain.

The department has not estimated the amount it will ultimately cost for this work. At this time it is of the utmost importance that our capital ships should be placed on an equality with other navies in the strength of individual ships with reference to elevation of the guns, which elevation does not contravene the terms of the treaty.

The increased elevation is not a change in the general type of mounting but merely a modification of existing mounts which will permit the elevation and range of 13 of our ships to be made similar to that which the 5 new ships now have, thereby increasing the fleet range from 22,000 yards to 32,000 yards.

It is incumbent upon us to devote our energy toward maintaining all of our vessels in the highest state of efficiency, and to do so it is imperative that the range of the entire fleet be increased.

If funds become available at this session of Congress, it is estimated that material for the first three vessels can be assembled by November of this year, that material for three other vessels will be assembled three months later, and that material for three other vessels will be assembled and ready for installation by November 1, 1924.

It is estimated that the work to be done on each vessel can be completed during the time allowed for its regular overhaul.

It is true, Mr. Chairman, that had we carried out the 1916 building program as laid down, we would have had 15 of the finest ships that ever could sail the sea; they would have been absolutely perfect in every detail; they would have been ships of the latest design and the latest improved methods and equaled by no ships in the world. But these ships by the Washington conference were ordered to be scrapped, and it is essential that we modernize the capital ships that we agreed to keep, though they had been in commission for a great many years, and endeavor to place them, ship for ship, as far as possible, on an equality with those of either Great Britain or Japan.

Four of our capital ships—the *Florida*, *Utah*, *Wyoming*, and *Arizona*—have 12-inch guns; 11 of our capital ships have 14-inch guns; 3 of the capital ships have 16-inch guns.

Five of the British ships have 13½-inch guns; 13 of the British ships have 15-inch guns. Four of the battle cruisers of Japan have 14-inch guns, 2 battleships have 16-inch guns, and 5 battleships have 14-inch guns.

For one, I feel that if Congress should fail to authorize this modernization of the ships which we have agreed to keep we would be derelict in our duty, for at all times the American Navy must be kept up to the highest point of efficiency, and it is of vital importance that they be kept on an equal footing with those of the nations that agreed to the limitation of armament.

Section 10 provides a new method of promotion, elimination, and retirement of officers of the Marine Corps. Both the Army and Navy have already by legislation adopted some system of eliminating the inefficient. In the Army it has been accomplished by classifying all officers in various grades and relegating them to the retired list on a graded rate of pay.

In the Navy promotion by selection has been in effect since August 29, 1916, this system being combined with an age and grade retirement. The Staff Corps of the Navy has had a system of promotion by selection since July 4, 1918. The Marine Corps still adheres to the system of examination adopted on July 28, 1892.

There are four qualifications for promotion—mental, moral, physical, and professional.

The examining board, in accordance with the law as it now stands, has two alternatives—one is to promote and the other is to dismiss.

The basis of the proposed section is to permit the examining board instead of two alternatives the third alternative of retiring officers in the grade they occupy when they come up for promotion and gives the board the right to simply pass the less efficient over.

The Marine Corps in presenting this section has taken three things under careful consideration. The first object of the bill is to promote the efficiency of the Marine Corps; the second thing is that the corps does not want to adopt an expensive system; they always keep in mind economy. The third, they did not want to adopt a system that would do injustice to an individual.

The less efficient officer, who fails of promotion, provided he has served over 10 years, will be kept in his grade until he reaches a certain age, at which time he will be retired.

An officer may successfully pass the examination, mentally, physically, and morally, but before he is entitled to promotion the board that examines him must certify that there is sufficient evidence that the officer is fully qualified professionally. In determining his professional qualifications his service record is taken into consideration; that is, the daily reports, the method by which he handles his troops, and his qualification for leadership, and so forth.

They have in the Marine Corps a large number of officers who have served as enlisted men. This proposed measure will equitably protect them. In other words, if they are unable to pass the examination they will not be kicked out; they will stay in their present grade and be placed on a retired list when they reach a certain age. These officers rendered valuable service to the country during the World War. When the war came on the commandant of the Marine Corps went over the list of noncommissioned officers who had served long and faithfully and gave them commissions. Many of them may not have had the advantage of education and might not be able to pass the examination, and if the law of 1892 is still adhered to there would be but two alternatives—either promote or dismiss—but under this proposed law if they could not pass the examination for advancement they will remain in their grade if they have served over 10 years.

Under the law to-day when an officer is found unfit professionally he has the right to appear before the examining board. Under this proposed section that right is denied him, for the reason that it is the intention of the Marine Corps to have a central board to conduct the examinations, and the central board will have before it the service record of the officer, which on its face will disclose his professional qualifications, but if the officer is found morally unfit he still has the right under the act of 1892 as well as this proposed law to appear before the board in person.

The retiring age is 50 years for lieutenant colonels, 45 years for majors, captains, and first and second lieutenants.

If an officer who has had less than 10 years' service fails to be promoted after he has had two examinations, he is honorably discharged from the service with one year's pay, but if the officer has had over 10 years' service and has been examined twice and each time failed to pass, he is not dismissed from the service but holds his present grade and is retired upon reaching a certain age, with 2½ per cent for each year of total active service, not to exceed 75 per cent.

There is another phase of this to which I desire to call your attention—that is, with regard to the heads of staff departments. The present law, with regard to the heads of the staff departments, requires that all appointments shall be made for a term of four years from the colonels of the department concerned. The number of permanent officers in these staff corps is rapidly decreasing. At the present time there are two colonels in the adjutant and inspector's department, two colonels in the examining department, and one colonel in the paymaster department. If a vacancy should occur in any of these departments, the President's opportunity for choice would be very limited. In the paymaster department he would have no alternative. He would have to appoint one man whether that man is qualified or not. Even though that officer be not qualified, the President under the existing law would have to appoint him.

In the case of two colonels, it might be that neither was qualified, but the President would have to appoint one of them.

This proposed section authorizes a board of officers, consisting of the major general commandant of the Marine Corps, the heads of the three staff departments, and one other general officer, to establish an eligible list for the staff department. This board would make up a list of all officers holding permanent commissions in the different staff departments. If it happened that none of them was eligible, then it would make a list from the line officers or other staff officers of the Marine Corps, and from this eligible list the President would make his appointment.

Section 11 provides for the relief of contractors, subcontractors, and material men who have sustained losses by reason of some Government orders. At the outset I am cognizant of the fact that whenever legislation of this character has heretofore been brought before the House for consideration it has met with strenuous opposition.

There can be no doubt that a certain amount of prejudice has grown up in the House against legislation for the relief of any kind of contractors who sustained losses on account of Government orders or for any other reason during the war. In my opinion, a certain amount of that prejudice has been engendered due to the fact that heretofore we have delegated to various departments full settlement of the claims, but nowhere in this section has the Secretary of the Navy or anyone acting for him authority to settle any claims that might be filed in accordance with this section. Congress retains absolutely for itself full and complete jurisdiction over the claims.

Now let us briefly see what is provided for by this legislation for the relief of contractors. During the war, from April 6, 1917, to November 11, 1918, certain acts done and certain orders issued by various Government agencies caused losses to contractors, subcontractors, and material men in the performance of fixed-price contracts with the Navy Department that were entered into during said period or prior to the declaration of war for fulfillment after the date we entered the war. I want to emphasize and impress this fact upon you, that this section does not seek to legalize informal contracts. It only applies to contracts, legal in form, entered into by the Navy Department with the various contractors. Nor does the section authorize any appropriation whatsoever for the liquidation of any contract; it merely authorizes an investigation of the claim. Any contractor, subcontractor, or material man who in the performance of a fixed-price contract with the Navy Department sustained a loss, occasioned by certain orders and under certain conditions to which I will hereafter call your attention, is permitted by this section, provided the claimant meets with certain requirements, to have his claim investigated by the Secretary.

All that the Secretary can do is to make investigations in accordance with the various provisions of this section and make a report, through the Director of the Budget, of his proceedings and findings to Congress for appropriation on or before January 2, 1924.

The claim must be filed in writing and verified under oath within six months after the passage of this bill.

In determining the loss on any contract entered into prior to April 6, 1917, the Secretary can only investigate such part of the uncompleted contract as was affected by the interference of the Government or some Government agent.

If the claim is for alleged losses based on account of increase in wages, before the Secretary can consider it it must be established by proof to his satisfaction that the contractor complied with the orders issued by the Macy Board or other Government boards and actually paid his employees the award ordered by said board.

The Secretary is precluded from considering any claim on account of losses that will, taken together with the claimant's net profit on his entire volume of business on account of contracts with the Government during the period mentioned, make claimant's net profit exceed 6 per cent of such volume of business.

The Secretary can not consider any claim under which the prime contractor shall have given a full, final, qualified or unqualified release to the Government. He shall have the right to summon witnesses and examine them on oath and to examine the income-tax return of the claimant.

Therefore you can readily see that all necessary safeguard has been provided for the protection of the Government in considering these claims. The Secretary is given a right to waive the claim of the Government for liquidated damages whereby

the delays were occasioned by some governmental order or governmental agency.

This section is so drafted that the Secretary of the Navy is empowered to do nothing more than ascertain and report to Congress the facts bearing on the merits of the claim, and Congress is left free, without any obligation having been imposed on the Government, to decide for itself upon the merits of each and every case presented and determine whether any reimbursement should be made to the claimants; and if so, how much in every case.

In view of the limitations placed in this bill, there are but few claims that can be considered, for no contractor who has given a qualified receipt to the Government can have his claim considered.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. All time has expired, and the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized to transfer to the Treasury Department, for the use of the Coast Guard, such vessel or vessels of the Navy, with their outfits and armaments, as can be spared by the Navy and as are adapted to the use of the Coast Guard.

With the following committee amendment:

Page 1, line 2, after the word "Navy," insert the words "not exceeding three in number."

Mr. ANDREW of Massachusetts. Mr. Chairman, I want to say a word as to the committee amendment. This first section of the bill has not only the indorsement of but is asked for by the Treasury and Navy Departments. It happens that the Navy has 50 or 60 mine layers and mine sweepers the majority of which are not in actual commission. On the other hand, the Coast Guard has need each year, on an average, of about one additional vessel to replace those which are wearing out. They have at the present time some 26 vessels that can go to sea. The request was made for authority to allow the Navy to transfer to the Coast Guard from time to time such vessels as might be available for which they might have need. The Coast Guard has appropriation, however, only sufficient to utilize not more than one additional vessel, and rather than provide, on the one hand, an indefinite authority which might continue it years in the future without returning to Congress for authority, and in order, on the other hand, to avoid the necessity of obliging them to come immediately to Congress in case a particular vessel was destroyed, or an additional vessel was needed in an emergency, the arrangement was made to restrict the number of vessels which can be transferred from the Navy to the Coast Guard to a number not exceeding three, which under all conditions would provide all the Coast Guard may need for the next three years.

Mr. NEWTON of Minnesota. Mr. Chairman, I rise in opposition to the committee amendment, for the purpose of inquiring of the chairman of the committee whether the Coast Guard made any specific request of the Navy for any certain number of vessels.

Mr. BUTLER. The Coast Guard is very desirous of having transferred to its service a boat called the *Red Wing*. We do not know anything about her except that she is 1 of 60 boats now tied up, many of them rusting and rotting. It will cost the Coast Guard from $500,000 to $700,000 to build the kind of boat they want, and the Coast Guard wants this particular *Red Wing* and perhaps one or two more of the same kind. The Coast Guard needs a boat or two which will cost from $500,000 to $700,000 to build, and this will cost them nothing except a trifle under $20,000 to put in repair. It was thought that we were making good use of Government property in authorizing the transfer. We had some discussion in respect to the number. The bill came to us from the Senate without limitation as to number, and some of us thought that we better limit it to three boats, and therefore we limited it to three boats.

Mr. NEWTON of Minnesota. I do not understand that the Coast Guard asked unlimited authority.

Mr. BUTLER. Oh, no; the Coast Guard was satisfied with one boat.

Mr. NEWTON of Minnesota. It is my understanding from consultation with members of either the Coast Guard or the Navy some two years ago that the Coast Guard could make very efficient use of some of the mine-sweeping vessels that are not being used by the Navy.

Mr. BUTLER. That is it exactly, and this is one of them.

Mr. NEWTON of Minnesota. If that is the case and the vessels are not in use by the Navy, why should they not be turned over to the Coast Guard?

Mr. ANDREW of Massachusetts. We have given them two more than they have asked for. They want only one at the present time; they have appropriation for only one, and could make use of one, and we have given them three, which in the ordinary course of time will make for two additional replacements in the coming years.

Mr. HICKS. The reason we limited it to three vessels is so the Committee on Naval Affairs and the Congress will have a check upon the vessels being transferred out of the Navy Department.

Mr. NEWTON of Minnesota. But the Coast Guard could take care of these vessels every bit as well as the Navy.

Mr. ANDREW of Massachusetts. We desire to be liberal with the Coast Guard and gave them three instead of the one they asked for.

Mr. NEWTON of Minnesota. That is what I wanted to inquire about. I stand with my friend from Pennsylvania [Mr. BUTLER] in his regard for the Coast Guard.

Mr. BUTLER. Oh, our affection for it is very strong.

Mr. NEWTON of Minnesota. And if they had requested more than three I should want to see them get them.

Mr. ANDREW of Massachusetts. They asked for only one, and we gave them three.

Mr. HICKS. I agree with what the gentleman says in regard to our admiration for the Coast Guard. One reason why the Coast Guard can not use more than the number we have given is because their appropriations will not permit of it.

Mr. BRIGGS. They were thoroughly satisfied with the allotment made in the bill.

Mr. HICKS. Oh, certainly.

Mr. BUTLER. The Coast Guard is thoroughly satisfied. The Coast Guard comes to us knowing that the latchstring is always out, because we think very much of the Coast Guard.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. BUTLER. Mr. Chairman, I move to strike out the last word. Some of us did not know the uses to which these boats were to be put, and, therefore, as the gentleman can well imagine some questions were asked and that information was elicited.

Mr. CHINDBLOM. Will the Navy turn over these ships or a single ship in a navigable condition?

Mr. BUTLER. Oh, yes. It will require perhaps some $15,000 to $20,000 to put the ship in perfect condition for the Coast Guard's use. These are mine sweepers and they will have to be refitted to a certain extent. Otherwise the boats are in fine condition.

Mr. CHINDBLOM. And that will be done by the Navy?

Mr. BUTLER. That will be done. They have the appropriation and do not want any money.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read the second committee amendment by section.

The Clerk read as follows:

NAVAL RESERVE.

SEC. 2. That all men transferred from the regular Navy to the Fleet Naval Reserve, who have heretofore reenlisted or may hereafter reenlist in the Navy, shall, from the date of reenlistment, be credited with pay at the same rate, exclusive of retainer pay, that they were receiving when on active duty in the Navy as members of the Fleet Naval Reserve prior to date of reenlistment in the Navy, and shall be required to serve under their reenlistment only such time as added to the time served in the enlistment in which serving when transferred to the Fleet Naval Reserve and the time of active service in the Navy while members of the Fleet Naval Reserve shall equal four years, when they shall be entitled to be discharged by reason of expiration of enlistment.

That any enlisted man of the Navy or Marine Corps who has been discharged to enable him to be enrolled in the Naval Reserve Force or Marine Corps Reserve as a commissioned or warrant officer, and who has heretofore reenlisted in the Navy or who may hereafter reenlist in the Navy within four months from the date of termination of his service as an officer in the Naval Reserve Force or Marine Corps Reserve, shall be restored to the grade, rank, or rating held by him at time of discharge from the Navy to permit enrollment in the Naval Reserve Force or Marine Corps Reserve, and he shall be entitled from the date he has heretofore so reenlisted, or may hereafter reenlist, to the same rate of pay, including subsequent increases therein, as he was receiving at time of discharge from the Navy to permit enrollment in the Naval Reserve Force, and shall be required to serve under such reenlistment only for such time as, added to the unexpired portion of the enlistment from which discharged and his active service in

the Naval Reserve Force, shall equal four years, when he shall be entitled to be discharged by reason of expiration of enlistment.

That any member of the Fleet Naval Reserve, transferred thereto after 16 or 20 years' service in the Navy, who has heretofore been discharged therefrom to accept temporary appointment as an officer in the Regular Navy shall, upon the revocation of temporary appointment as an officer, be deemed to have reverted to his former status in the Fleet Naval Reserve, and shall be entitled to retainer pay at the same rate he was receiving prior to discharge from the Fleet Naval Reserve from the date he is herein deemed to have reverted to his former status therein: *Provided*, That reenlistment in the Navy following revocation of temporary appointment as an officer shall not deprive him of the benefits of this section and he shall be entitled to receive the pay, including retainer pay, authorized for members of the Fleet Naval Reserve when on active duty during the period served under enlistment.

That enlisted men of the Navy who were discharged at expiration of enlistment and had completed 16 or 20 years' service at time of discharge, and were thereafter enrolled in the Naval Reserve Force and assigned provisional rank as warrant or commissioned officers, shall be deemed to have been transferred to the Fleet Naval Reserve on date of discharge from the Navy, and then to have been transferred to the class of the Naval Reserve Force in which they were given provisional assignment as warrant or commissioned officers: *Provided*, That they shall be entitled to receive the same pay, allowances, and other benefits from and after the date said transfer to the Fleet Naval Reserve is herein deemed to have been made as is provided by law for men transferred to the Fleet Naval Reserve.

That any enlisted man who was discharged from the Navy to enable him to be enrolled in the Naval Reserve Force in a commissioned rank, who was thereafter at his own request reduced to the same rating in the Naval Reserve Force as held by him at the time of his discharge from the Navy, and transferred to the regular Navy to serve the unexpired portion of his enrollment, in accordance with the act approved July 11, 1919, shall be entitled, from the date he was so transferred and so long as he shall continue in the naval service, to the same rate of pay and other benefits that would have been received by him if he had not been discharged from the Navy to permit enrollment in the Naval Reserve Force.

Mr. BUTLER. Mr. Chairman, I desire to offer one or two amendments to these paragraphs. I move to amend, on page 2, line 9, by striking out the words "or may hereafter reenlist."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BUTLER: Page 2, line 9, after the word "enlisted," strike out the words "or may hereafter reenlist."

Mr. BUTLER. Mr. Chairman, I presume the reading of these sections conveys very little, if anything, to the membership as to what they really are. We have wrestled with the matter day after day and hour after hour. We have gone over the matter and all we can do is to depend upon the men in whom we have great confidence, tell them what we want done, and have them write the provision. These five paragraphs read to you, forming section 2, have one object and one only, and that is to restore the enlisted force of the Navy to the place that the enlisted force had when it was transferred at different periods during the war. Some of these enlisted men who have been for 16 or 20 years in the service were taken and given temporary rank elsewhere, and Congress provided within a few months after the expiration of the war that they should lose their temporary rank and go back to the grades they once held.

Mr. McKENZIE. Will the gentleman yield?

Mr. BUTLER. The result has been—in one minute I will yield—that many of these men have lost all the advantage they have had under the law in what is known as longevity pay. That is practically all there is in these five paragraphs—it puts them back where they were. They have been checked against, some of these poor fellows, for two years, or since the decision of 1919 and 1921, and it is almost impossible for some of them to get a living out of it. The bill was introduced three years ago. We wrote the legislation two years ago and it remained unpassed up to this hour. This House did its duty, in my judgment, and passed with considerable promptness the legislation almost one year ago, and we ask that the committee put these sections in this bill so that in the event the bill becomes a law these enlisted men may have proper care taken of them.

Mr. HICKS. If the chairman will yield one moment to me——

Mr. BUTLER. Yes.

Mr. HICKS. I think probably it will help the committee if he will make the statement that these provisions he is now referring to passed this Committee of the Whole House on the state of the Union almost a year ago, and we are now rehashing the same thing.

Mr. BUTLER. Yes; it is the third time I have endeavored to explain them. Three times have I spoken in ignorance. We had the assistance of eight men in whom we had the greatest confidence—experts—and among them the gentleman who sits here by me. There is no better in the United States than John Pugh in reference to these matters of legislation. It must be written just so it will get by, to use the ordinary expression, the Comptroller General, and therefore they have to be written in sentences which to me have no verbs in them and no subject, but they do mean something, and they mean exactly what they are intended to mean. Now, in reference to anybody asking a question, I propose to go very slowly, because I do not know whether I shall speak truthfully if I do; but you passed this twice before unanimously and agreed it was right, and we all agreed that we should take care of these men. This Navy ran up from a few hundred thousand to five or six hundred thousand. We did not have the officers. We went down to these warrant officers, in whom I have taken great interest all my life. It was hoped that they may reach the warrant grades, but they were advanced to take places on small boats and sent out, and when they returned to their places they found the chairs were there to sit in but the table was empty.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER. I would like to have two or three minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. McKENZIE. Will the gentleman yield?

Mr. BUTLER. I will.

Mr. McKENZIE. I just wish to suggest to my good friend from Pennsylvania that if he will explain to the members of this committee the distinction or difference between the Naval Reserve Force and what we call the Naval Reserve officer, we might have a chance to understand some of the provisions of this bill.

Mr. BUTLER. My good friend, I do not know anything about the laws of the Medes and Persians, but I will endeavor to tell you. There are six of these classes. We know under certain conditions where men are transferred in the regular service. They were in those classes when the war broke out. We took them from the particular classes and put them in the regular service, and then we promoted them to be officers, first and second lieutenants, as the gentleman understands it, in the Army; and then when the war was over we asked them to step back to the places provided for them, and they went back and they found they had lost their longevity, and we endeavored to cover them by these paragraphs. This first paragraph covers 150 men; the second paragraph covers 200 men; and the third, fourth, and fifth—well, the fourth two cases and the fifth one case, and it is necessary to have all this writing in order to provide for these enlisted men.

Mr. McKENZIE. Will the gentleman yield for another question?

Mr. BUTLER. Yes; if I can be as successful as I was in answering the other.

Mr. McKENZIE. I wish to ask the gentleman from Pennsylvania if it is not a fact that a man who has served in the Navy for three or four or five or six years and goes out of the Navy he may join the Naval Reserve Force?

Mr. BUTLER. Yes.

Mr. McKENZIE. Either as an enlisted man or as an officer in the naval force; he could go into the Naval Reserve, but he must have either 16 years or 20 years——

Mr. BUTLER. Yes.

Mr. McKENZIE. If he has had 16 years he will be retired on one-third pay, and if he had 20 years he is retired under this reserve on half pay.

Mr. BUTLER. That is right.

Mr. STEPHENS. The real distinction is that in the Naval Reserve they are not retired and in the Fleet Naval Reserve they are all retired.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. BUTLER. Mr. Chairman, I ask unanimous consent for one minute more.

Mr. CHINDBLOM. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania may have five minutes more. I want to ask the gentleman a question.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BUTLER. If these men have served 16 years they are entitled, as my friend says, to go into the Naval Reserve. They are men on the seacoast, and under the law of 1916 they are permitted to go into the Fleet Reserve. If they have served 16 years they are entitled to a certain portion of that pay. They have gone back into civil life; yes, but with a rope on. In one hour you can bring those men back and put them on the ships. They are old men, but they are of long experience, so valuable that it can not be computed. If they served 20 years they will get one-half of the pay they were receiving, and under immediate call they must come back in the same class.

In the Naval Reserve it is different. Some of these men get but $1 a month. Perhaps that has been repealed. But the only class of those reserves that draw substantial sums of money

are those old fellows who have served 16 years. These are the men to whom you go while they are in civil life and ask them to come back into the Navy. They come back into the regular service as enlisted men, as before, and then they find themselves without any place. In many instances they have been held to have been men of first enlistment only. That is not fair.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. BUTLER. Yes.

Mr. CHINDBLOM. I presume the gentleman is familiar with the decision by the Comptroller General of the United States, given under date of August 7, 1922, in reference to the retainer pay of members of the Navy transferred to the Fleet Naval Reserve prior to July 1, 1922?

Mr. BUTLER. I will be pleased if my friend will tell me what it means.

Mr. CHINDBLOM. The gentleman from Illinois [Mr. McKENZIE] is more familiar than any of us with the pay bill, the act of June 10, 1922. In that act it was sought to provide that the members of the Navy who had been transferred to the Fleet Naval Reserve should be entitled to the pay now being received, as was the language of the act. Does this bill do anything to cure the effect of the decision of the Comptroller General of August 7, 1922, when he held that that did not mean what it said, but meant something different?

Mr. BUTLER. He said it meant something different, and we propose to make it right; we propose that the compensation they should receive is the compensation they were entitled to when they went into the other service.

Mr. CHINDBLOM. The pay being received is the pay Congress intended them to receive at the time the act went into effect?

Mr. McKENZIE. I will say this: That the joint committee on the service pay bill felt that we did not have jurisdiction to change the law affecting the Fleet Naval Reserve. Therefore we simply enacted the pay bill without undertaking in any way to revise the law on the Fleet Naval Reserve. But it does not follow that I do not feel that the law ought to be revised, but we can not do it in this bill.

Mr. CHINDBLOM. Did not that act of June 10, 1922, provide that these transferred members of the Navy to the Fleet Naval Reserve should receive the pay now being received by them?

Mr. McKENZIE. It was not intended to disturb them in any way.

Mr. CHINDBLOM. Then can the gentleman from Pennsylvania [Mr. BUTLER] tell me whether that situation is reached by this amendment?

Mr. BUTLER. It was the decision of the comptroller to which the gentleman refers that added a great deal of confusion here. The very question the gentleman asked me we have asked of the people who wrote this measure and the men who have criticized it, and the men who have offered it have made some amendments in it that will cover the case to which the gentleman refers.

Furthermore, we are assured by the officers of the Navy, who are so anxious to have this done for the men—and they are always kind and good to the men—that if these five paragraphs are passed as they are, it will restore everything to these men that they had when they were transferred to different branches of the service. That is all they ask. And furthermore, it was provided in this bill, in the preparation of which our friend from Illinois [Mr. McKENZIE] had an important part, that the pay of these people should not be reduced, and therefore it was held by the comptroller in the decision that a conflict had occurred between the pay bill and the act of Congress, and therefore they were not entitled to the pay. I repeat, if you pass these five paragraphs I believe it will remedy the situation.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. BUTLER. I have another amendment to offer.

Mr. FIELDS. Mr. Chairman, I move to strike out the amendment.

Mr. BUTLER. I want to offer another amendment.

The CHAIRMAN. The gentleman from Kentucky [Mr. FIELDS] is recognized in opposition to the amendment.

Mr. FIELDS. Mr. Chairman, I gather from a hurried reading of the section and from the committee report that these men to whom the section refers, because of the ruling of the Comptroller of the Treasury, have lost the benefits accruing to them by reason of their long service, on account of having accepted positions during the war in which they rendered more valuable service to the Government for the period of the war than they would have rendered in the places that they occupied prior to the war and at the beginning of the war.

Mr. BUTLER. You are right.

Mr. FIELDS. If I am not right in my construction, I would be glad to be corrected.

The Navy was built up very rapidly to meet the military needs of the country. Necessarily the department was forced to turn in every direction, to exhaust every available resource to find men of experience and training to fill the places of greater responsibility. Here were men who had rendered many years of service in their respective grades or ranks, and because of the experience gained during these years of service they were able to render more valuable service in more advanced positions than in the positions they were then filling. I imagine they would have been regarded as unpatriotic had they failed to respond to the calls of the Government to assume greater responsibilities for which their long service had fitted them. But by doing that and by a subsequent ruling of the Comptroller of the Treasury they are now deprived of the benefits earned by them by reason of their long service. That is a most unfortunate situation in which to place them. It would be most unfair for the Congress to refuse or fail to correct that condition.

I have observed, Mr. Chairman, that it is not difficult for the man away up on the high rungs of the ladder to have disabilities removed or inequities corrected that are detrimental to him, but it sometimes happens, and too often, I fear, in the rush of legislative matters, that the man down at the bottom or, to use the phrase common in the English language, "the under dog" is forgotten. This is a provision which undertakes to restore the rights of the under man, and I congratulate the chairman of the Naval Committee and his committee on bringing this matter before the House in an effort to correct this injustice to these patriotic men who rendered valuable service before the war and more valuable service during the war by accepting these advanced positions which separated them from their former positions, from which they are to-day separated. The bill ought to be enacted.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BUTLER. Mr. Chairman, I desire to offer another amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment offered by Mr. BUTLER: Page 2, line 10, after the word "pay," insert the following: "including subsequent increases therein."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BUTLER. Mr. Chairman, I have another amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment offered by Mr. BUTLER: Page 2, line 13, after the word "Navy," change the comma to a period and strike out the language beginning with the word "and" down to and including line 19.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BUTLER. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment offered by Mr. BUTLER: Page 2, lines 24 and 25, strike out the words "or who may hereafter reenlist in the Navy."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BUTLER. Mr. Chairman, I have another amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment offered by Mr. BUTLER: Page 3, line 9, after the word "force," change the comma to a period and strike out the language beginning with the word "and" down to and including line 14.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BUTLER. Mr. Chairman, I have another amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment offered by Mr. BUTLER: Page 4, line 9, after the word "force," insert the following: "Within four months from date of discharge from the Navy."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HULL. I should like to ask the chairman of the committee in regard to the provision at the bottom of page 3:

Provided, That reenlistment in the Navy following revocation of temporary appointment as an officer shall not deprive him of the benefits of this section, and he shall be entitled to receive the pay, including retainer pay, authorized for members of the Fleet Naval Reserve when on active duty during the period served under enlistment.

Does not that mean that he will receive double pay?

Mr. BUTLER. No; it does not. The gentleman ought to know that I would not be in favor of anything like that. Will the gentleman please give me the page and line?

Mr. HULL. At the bottom of page 3, the provision beginning in line 25.

Mr. BUTLER. It says:

Provided, That reenlistment in the Navy following revocation of temporary appointment as an officer shall not deprive him—

That is, where he goes back and reenlists—

shall not deprive him of the benefits of this section, and he shall be entitled to receive the pay, including retainer pay, authorized for members of the Fleet Naval Reserve when on active duty during the period served under enlistment.

I do not believe the language is absolutely necessary, because I think he would get it anyhow, but it was written in there so as to make sure he would be entitled to the provisions of the act.

Mr. HULL. Would the gentleman object to striking out that language? I think it means double pay.

Mr. BUTLER. I hope the gentleman will not ask to have it stricken out. It does not in any way increase the pay of the men. I would have to go and consult the authorities and sit down and reflect for some time before I would consent to have the language stricken out of the bill, language which I have been assured is absolutely necessary so that they may pass the comptroller the next time.

Mr. HULL. I am perfectly honest about this; I think it means that you will pay them twice.

Mr. BUTLER. Now, then, this bill some time or other will go to conference. It may be this year and it may be next year, and it may not be before the gentleman and I are dead, but if it goes to conference while I am alive and one of the conferees I will not forget the question which the gentleman has put to me; and if it does do what the gentleman says, I will ask the conferees to take it out.

Mr. KELLEY of Michigan. Will the gentleman yield?

Mr. BUTLER. Yes.

Mr. KELLEY of Michigan. I take it that this proviso is needed to take care of men in the Fleet Naval Reserve who are appointed temporary officers, and when the revocation of the appointments come they go back into the Naval Reserve. If they serve as officers, they ought not to be deprived of the benefit of this section.

Mr. HULL. I am sure it goes a good deal further than that.

Mr. KELLEY of Michigan. I think not; it simply puts the temporary officer before he goes back to the fleet naval service in the same position as the others.

Mr. HICKS. I believe there are about 20 men affected by this provision.

Mr. HULL. I understand that there are only two or three; but, anyhow, they ought not to receive double pay.

Mr. HICKS. They are not going to get double pay.

Mr. CHINDBLOM. Will the gentleman allow me to make a statement? I want to call attention to the words in line 4, page 4, "when on active duty during the period served under enlistment." As I understand that, it means members of the Fleet Naval Reserve.

Mr. BRITTEN. During the time of their reenlistment.

Mr. CHINDBLOM. After their reenlistment.

Mr. HULL. Mr. Chairman, I ask to proceed for two minutes.

The CHAIRMAN. The gentleman from Iowa asks to proceed for two minutes. Is there objection?

There was no objection.

Mr. HULL. I am not going to move to strike it out, but I do want to call attention of the chairman of the committee to the fact that, in my opinion, that language will mean double pay. I know the committee does not want to provide for double pay, but on the assurance of the gentleman from Pennsylvania that in the future some time he will analyze the language and see that it is corrected if it does provide for double pay I will let the matter go as it is. But I am pretty sure I am right.

The CHAIRMAN. The pro forma amendment is withdrawn.

Mr. BLANTON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. BLANTON: On page 5, line 4, before the words "the same," insert the word "meaning," and after the word "same," insert the words "thing, though different," so that the amendment will read "meaning the same thing, though different."

Mr. BLANTON. Mr. Chairman, sometimes things apparently different mean the same thing. The distinguished gentleman from Ohio, my colleague, Mr. STEPHENS, and myself apparently were at a divergence of opinion and yet both of our positions meant the same thing.

This amendment we are now considering follows the first eight lines of the bill. All that is left of the Senate bill are those eight lines. This one is the first section of the House amendment and runs from the top of page 2 to the middle of page 5, and yet it is a part of one amendment. I took the position that no man in this House would be able to change this bill by amendment—that is, no Member not on this committee. My good friend from Ohio [Mr. STEPHENS] took issue and said that the rule permitted amendments. So it does, but the other rules of the House will preclude us fellows from amending it. He was right as to the specific language of the rule. Under the rules of the House the chairman has charge of the debate under the five-minute rule. The only amendment that can be offered to each part of the committee amendment must be germane to that part of the amendment. It must not change the purpose of the committee. It must not change the purpose of that committee amendment. It must be germane to the bill and to that part of the amendment.

My good friend from Pennsylvania, while he will permit me to offer a pro forma amendment to explain my position, if I offer a substantial amendment or attempt to do it, as a good chairman of the committee, if he knew I was going to do that, he would get up and after he had spoken five minutes—and he is entitled to recognition first and offers an amendment and speaks to it—another member of the committee then speaks to it. There has been 10 minutes debate on it and he gets up and exercises the right under the rules of the House to move to close debate.

Who can stop it? Nobody. He would summon to his help the membership of the 170 Republican majority and could pass everything over.

Mr. HICKS. Will the gentleman yield? I know he wants to be fair.

Mr. BLANTON. While the gentleman from Ohio and I were at apparent divergence, yet we both meant practically the same thing.

Mr. HICKS. As a matter of fact, the rule of germaneness pertains to all amendments offered to any bill.

Mr. BLANTON. Yes; but I want to tell the gentleman something. A lot of propositions are put into this bill that are absolutely unrelated to each other. There is no continuity between them. It is just a bunch of bills put into an omnibus bill, and they are read by sections, though all are parts of one committee amendment. We take them up seriatim. The chairman is in charge of the whole matter, and we have no chance on earth to change it. There are three different sections to this bill in direct disaccord with the rules of the House, and I could have stopped consideration of the bill under ordinary circumstances by reason of that fact, but because of the rule that we adopted they are made in order and we have to accept them and consider them. The gentleman from Pennsylvania [Mr. BUTLER], always honest and frank, said: "Yes; but this was the only way to pass this bill." He admitted that it is a very stringent rule, that it cuts us down pretty tight, but said that they were going to force it down just this one time because they want to get the bill passed. That is about the substance of what he said. I do not blame him a bit if he wants it passed in that way, but I do not believe in passing legislation in that way. I want to see every man in the House stand on an equal footing, with a right to be heard, with a right to place the stamp of his personal approval or disapproval upon any measure, and the right to stand up when he does not think it right and to tell you why. You can not do that under the rule, because I am sure that if we attempted to do anything of that kind my good friend would move to close debate.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BEGG. Mr. Chairman, I move to strike out the last word. The gentleman from Texas [Mr. BLANTON] frequently makes extravagant statements, but I think I have never known him to be so absolutely wrong as he is about this rule. In the first place, the first part of the rule simply makes in order the consideration of this bill under the regular rules of the House. The necessity for the second paragraph, that it shall be in

order to consider without the intervention of a point of order under clause 7 of Rule XVI, and so forth, as in the original bill, is to protect the House from the individual Member, like my good friend from Texas, who always takes advantage whenever he can and objects to a matter on a point of order, because it is not in order, because it is not germane to the whole bill. If gentlemen will read section 7 of Rule XVI they will find that that is exactly what it does:

A motion to strike out and insert is indivisible, but a motion to strike out being lost shall neither preclude amendment nor motion to strike out and insert; and no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

All this rule does is to preclude the individual from making a point of order to committee amendments because they are not germane to the main title of the bill.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. BEGG. Yes.

Mr. DENISON. Of course, that part of the rule has been stricken out.

Mr. BEGG. I understand, but that is the only purpose of this part of the rule.

Mr. ABERNETHY. Mr. Chairman, I make the point of order that this entire discussion is out of order.

The CHAIRMAN. The point of order is sustained; and the gentlemen will proceed in order.

Mr. BEGG. I have said all that I want to say upon the subject.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. BLANTON. Mr. Chairman, the amendment that I offered is but a pro forma amendment, and I ask unanimous consent to withdraw it.

The CHAIRMAN. Without objection, it will be so ordered, and the Clerk will read.

The Clerk read as follows:

CHARGE OF DESERTION.

SEC. 3. That in all cases where it shall be made to appear to the satisfaction of the President that a commissioned or warrant officer or an enlisted man with the charge of desertion now standing against him on the rolls and records of the Navy or Marine Corps has since such charge was entered served honorably in the war with the German Government, either in the military or naval forces of the Allies or in the Army, Navy, or Marine Corps, or in other branches of the military service of the United States prior to November 11, 1918, the President is hereby authorized, in his discretion, to cause an entry to be made on said rolls and records of the Navy or Marine Corps, relieving said officer or enlisted man of all the disabilities which he had heretofore or would hereafter suffer by virtue of said charge of desertion thus appearing against him; and upon such action being taken by the President such officer or enlisted man shall be regarded as having been honorably discharged on the date the charge of desertion was entered against him: *Provided*, That nothing contained in this section shall operate to entitle any officer or enlisted man to back pay or allowances of any kind.

Mr. McPHERSON rose.

Mr. FIELDS. Mr. Chairman, I offer the amendment which I send to the desk.

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

Mr. HICKS. Mr. Chairman, I make the point of order that Mr. McPHERSON is a member of the Committee on Naval Affairs and is entitled to recognition.

The CHAIRMAN. The Chair overrules the point of order. It is a matter of recognition in the hands of the presiding officer.

Mr. BUTLER. Mr. Chairman, I want to be entirely civil to the Chair, but will the Chair permit me to make an inquiry?

The CHAIRMAN. Does the gentleman from Kentucky yield for that purpose?

Mr. BUTLER. Oh, I did not know that the gentleman from Kentucky has been recognized.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kentucky.

The Clerk read as follows:

Amendment offered by Mr. FIELDS: Page 5, line 13, after the word "Corps" insert "or any officer or enlisted man of the Army of the United States with the charge of desertion standing against him on the rolls and records of the Army."

Mr. CRAGO. Mr. Chairman, I desire to move to strike out the paragraph at the proper time.

The CHAIRMAN. The amendment of the gentleman from Kentucky is a perfecting amendment and takes precedence of that motion.

Mr. VINSON. Why could not the gentleman just insert the word "Army"?

Mr. FIELDS. Mr. Chairman, this refers only to those with the charge of desertion standing against them on the records and rolls of the Navy or the Marine Corps and, therefore, I must get my amendment in the form in which it is in order to complete it. Mr. Chairman, without referring to the merits of the section as drawn, I believe every Member of the House will agree with me that if we are to remove the disabilities of the men who are charged with desertion upon the records and rolls of the Navy and the Marine Corps, who later rendered service in the World War, the same section should likewise apply to men against whom the charge of desertion stands on the records and rolls of the Army and who afterwards served in the World War. If my amendment should be rejected the House would be making fish of one and fowl of the other. If my amendment should be rejected, the House would be taking the position that the men who deserted from the Navy are better than those who deserted from the Army, or that the men who deserted from the Army should not be entitled to the same privileges given to the men who deserted from the Navy.

I realize that the Committee on Military Affairs, of which I am a member, is surrendering some of its jurisdiction by one of its members offering this amendment from the floor, but there is no jealousy with me in respect to the jurisdiction of my committee when justice to human beings is involved. I would rather surrender the jurisdiction of my committee to report this bill to the House than have a provision carried in the bill discriminating against the men who were charged with desertion from the Army in favor of men who are charged with desertion from the Navy.

They should all be treated alike. If we are to extend relief to the man who is charged with desertion from the Navy and who afterwards served in the World War, there is no reason why the same relief should not be extended to the man who was charged with desertion in the Army and who likewise served in the World War. In other words they should all be put on the same footing, and we should not make fish of one and fowl of the other, and I therefore hope my amendment will prevail.

Mr. DREWRY. Will the gentleman yield?

Mr. FIELDS. I will.

Mr. DREWRY. Will not the gentleman accomplish his purpose if he puts the word "Army" in front of the words "Navy or Marine Corps"? Would not putting that in two places accomplish the same thing?

Mr. FIELDS. No; because further down we have a provision here which says, "against whose record the charge of desertion stands on the rolls of the Navy or Marine Corps."

Mr. DREWRY. The gentleman could make two amendments by using the word "Army."

Mr. FIELDS. The way I have offered it will clarify it so there will be no question about it.

Mr. McPHERSON. Mr. Chairman, as far as I know no member of the Naval Committee has any objection to including the Army in this provision of the bill, and I do not believe that any serious objection can be lodged against the bill either with or without the amendment. Both in the Army and Navy mere absence for a given length of time is denoted desertion. It may or may not be, and we are all familiar with the fact that under the present law there is no way by which the charge of desertion against a soldier can be removed and he be relieved of disabilities that he incurs thereby save by act of Congress. Now, we have had in the Navy, and I have no doubt many in the Army, prior to our entering the war with Germany men who deserted from the Navy and enlisted in the Army of the Allies—in the Canadian Army, in the English Army, and perhaps in the French Army. These men have rendered good service and they were honorably discharged, and instead of keeping the cumbrous method of relieving men of charges of desertion we in this bill determine that it is wise and better to leave it to the President of the United States, who, having each individual case before him, can determine the question. Men in the Spanish-American War deserted from the Navy, and in 1914 or 1915 and 1916 they enlisted in our own Army thereafter or in the English Army or in the French Army or the army of the Allies and rendered honorable service, and instead of having the cumbrous method of having to come to Congress and secure the passage of a special act, we leave it to the President of the United States, through the officers he would employ, to determine on each particular case whether or not it was a fact that that man had rendered honorable service which should entitle him to have this charge of desertion removed. How many cases do you believe Congress has passed special acts to rectify such cases since the Civil War, since the Spanish-American War? I remember one case which merely illustrates the cumbrous method now of employing the Congress to pass a special bill to remove this charge of desertion. I remember a boy during the Civil War who ran away from home over in Ohio and enlisted on one of the ships of war operating on the Mississippi River. He was 13 years old. His mother heard about him, got a letter from the Governor of Ohio, she went down and hunted up the ship around about Memphis somewhere, and took the small fellow by the hand and led him away back home.

He is now a man of about 70 years of age. He was charged with desertion, as he had to be, and the only method of removing that charge was by act of Congress. Under this law which we are endeavoring to pass now we will authorize the President upon hearing the facts in that case to remove the charge of such a case as that old man and give him the benefit of his service and the place he had won for himself. Now, a man makes a mistake. He deserts from the Navy or deserts from the Army in 1914, answering the appeal to get into the army of the Allies and fight the cause in which America afterwards engaged with her heart and soul, and he has a charge of desertion back of him.

We thought and we believe that the President of the United States *ought to be* able to rectify that matter, that that man ought not to be compelled to come to the Congress and submit to the cumbrous method that now exists for that purpose. He can try each individual case. It is not a law of amity. It is not a law that wipes out all such cases and restores to an honorable status all men charged with desertion, but it leaves it to the President to consider each one by itself and award relief in the case that appeals to his conscience and judgment as being meritorious.

Mr. MILLER. If the gentleman will permit, I understand the Navy Department records show that one night there were some 35 deserted from the Brooklyn Navy Yard and went over to Canada and enlisted.

Mr. McPHERSON. Hundreds of men left our Navy, and we have many hundreds more, perhaps, who deserted to the United States Army.

Mr. JOHNSON of Mississippi. Will the gentleman yield?

Mr. McPHERSON. Not feloniously, but they deserted because of the causes that were at stake and involved in this war, and which appealed to them to take part in the conflict.

Mr. JOHNSON of Mississippi. Is it proposed to establish a board whose duty it is to pass upon these cases?

Mr. McPHERSON. We leave it to the President to use such means as he might see fit to employ.

Mr. JOHNSON of Mississippi. Is not the gentleman fearful that if you leave it to the President, who has more duties now, with these duties that have been put upon him by the Congress, than he can attend to—is not the gentleman fearful that he would refer it to the military authorities, and we would be longer about getting the stain removed from these soldiers than we would by an act of Congress?

Mr. McPHERSON. The committee has not anticipated that the President would do this personally, and we felt perfectly safe in trusting to his judgment and wisdom in selecting the proper forum or board or body that would determine the merits of these cases.

Mr. MILLER. That is, in the face of the view of the Congress, of the congressional sentiment?

Mr. McPHERSON. Yes.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. McPHERSON. Yes.

Mr. McKENZIE. If we pass this law, what distinction is there between the soldier boy or the boy who serves in the Navy faithfully and well, remembering his country and serving his time out—what distinction is there between that kind of a boy and a boy who deserted the colors, perhaps, in the face of the enemy?

Mr. McPHERSON. We think there is this difference between those men: The President of the United States would not remove the charge of desertion against the young man in the case you propose.

Mr. McKENZIE. But if the Congress of the United States enacts this section of this law, the Congress of the United States, so far as Congress is concerned, is taking the position that a deserter is entitled to as much consideration at the hands of this Congress as the boy who fought through to the finish.

Mr. McPHERSON. Not at all.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. FIELDS. Mr. Chairman, I ask unanimous consent to modify my amendment.

Mr. CRAGO rose.

The CHAIRMAN. The gentleman from Pennsylvania will be recognized. The Clerk will report the modified amendment offered by the gentleman from Kentucky.

The Clerk read as follows:

Amendment, modified, offered by Mr. FIELDS: Page 5, line 13, before the word "Navy," insert the word "Army"; and on page 5, line 20, before the word "Navy," insert the word "Army."

The CHAIRMAN. Is there objection to the modification of the amendment offered by the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CRAGO] is recognized.

Mr. CRAGO. Mr. Chairman, I move to strike out the section, and I do this because of the familiarity I have had with cases of this kind arising in the Committee on Military Affairs.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the section.

Mr. CRAGO. I think I have spent perhaps as much time as any other member of the committee in trying to do justice to these cases, many of which appeal to one's deepest sympathy. We have gone into them time and again, month after month, and we have done justice, as we think, in many cases.

But I want to direct the attention of the committee to the fact that in passing legislation of this kind Congress is simply abrogating its prerogative to a committee or a board appointed by the Executive to consider these cases in the Army and in the Navy. It is possible under the provisions of this section, if there have been cases where commissioned officers of the Army or the Navy during the war with Spain deserted the colors and went to Europe and were caught in the draft of England or France and served in one of those armies and received honorable discharges, in such cases, automatically, if the cases happened to come to this proposed committee or this board, that committee or board would have it in its power to give them all the benefits of an honorable discharge from our Army or our Navy.

I think that is going too far. I sympathize very much with many of these young men who have yielded to temptation in a moment of weakness, and the strongest words I ever attempted to address to our boys when in the service were some such words as these: "Boys, do not give up. When you think you can not hang on just hang on a little while longer." [Applause.]

Many of these cases arose in the late war, as has been described by gentlemen who have preceded me; but many cases were vicious, and I do not believe that Congress should abrogate its powers for all time and declare that for all time application for the removal of the charge of desertion from the Army and the Navy shall be passed upon by a board of officers consisting of officers of the Army or Navy rather than having each case stand on its own bottom, on its own merits, and come before this House—come before Congress.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. CRAGO. Yes.

Mr. BRITTEN. Would the gentleman be in favor of the section if the words "voluntary service" were added to it? The gentleman has mentioned a case where a man was picked up in a draft by the French or the English.

Mr. CRAGO. I do not think a man should be excused for desertion from the Army or Navy of the United States by going into the Army of France or of England. I do not think we should abrogate our powers, even though the Committee on Military Affairs or the Committee on Naval Affairs wanted to do it. If you had all these cases before this House after hearings and investigations, so that you would know the facts in each case, I probably would vote for such a bill. But I do not want any general opening of the door along this line or any general abrogation of the powers of Congress to control this matter of desertion from the Army and Navy. It is one of those things which, once started, you can not stop. It destroys the morale, it destroys the strength, of these arms of our service whenever we make desertions easy and so freely pardon them.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield further?

Mr. CRAGO. Yes.

Mr. BRITTEN. Our attention has been called to cases of this character, for instance: A boy had enlisted in the Navy, and he expected to get into action on the other side. Of course, the Navy got into action over there much more slowly than did the Marine Corps and certain branches of the Army. These youngsters in many cases quit the Navy and deserted and volunteered in the Army, and fought creditably in the Army. Their records now show that they are deserters. It is cases of that kind that we desire to correct.

Mr. CRAGO. That boy, such as the gentleman describes, had the right to request a transfer from the Navy to the Marine Corps or to the Army. Failing to do that or being refused this, it was his duty as an American sailor to stay in the place where he was assigned to duty. We are not going to allow the men in the ranks to dictate the policy of our Government in time of war, are we?

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. CRAGO. Yes.

Mr. BUTLER. Does the gentleman think that the young lads who wanted to jump the fence and do service intended to desert? No. All they wanted was to get to the front.

Mr. CRAGO. In all those cases I think you will find me doing everything I know how to correct those records, just as I have been trying to do it all these years.

Mr. BUTLER. I never yet reported anything that somebody did not take exception to.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. CRAGO. Mr. Chairman, may I have three minutes more?

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. CRAGO. Yes.

Mr. STEVENSON. Is not this an invitation to the personnel of the Army and Navy to undertake to override the statutes and to select what part of the service or what part of the Army or Navy they will serve in?

Mr. CRAGO. The remarks of my colleague from Pennsylvania might lead to that conclusion.

Mr. STEVENSON. If a young man had deserted from the American Army or Navy and gone into the army of the Allies, and we should condone his shortcomings here, would not that be an invitation to him and to others like him to say, "We will serve where we want to and when we get ready"?

Mr. CRAGO. Yes.

Mr. McPHERSON. The gentleman is a member of the Committee on Military Affairs, is he not?

Mr. CRAGO. Yes.

Mr. McPHERSON. As a member of the Committee on Military Affairs, have you had a case to look up where you have had to go through the reports of various committees in various Congresses, reports made to this House with reference to removing the charges of desertion from the records of soldiers in various wars, to see how many years such bills were pending before the committees of Congress?

Mr. CRAGO. I will say to the gentleman that the path has not been easy, and I have trodden that path as much as anyone. I have tried to get action on many of these bills. But the House can change that at any time they want to. They can make it easier to get action, and that is what I would rather do than take down the bars and surrender our prerogatives in that respect, and turn this matter over to a commission of the Executive. [Applause].

Mr. SWING. Will the gentleman yield?

Mr. CRAGO. I yield to the gentleman from California.

Mr. SWING. I should like to ask the gentleman whether he thinks it will affect the morale of the Army or Navy any more to have the Commander in Chief of the Army and Navy exercise discretion in desertion cases than it would to have Congress extend leniency?

Mr. CRAGO. It would not be the action of the Commander in Chief. It would be the machinery that he puts in motion, and that machinery has grown so complicated that I am afraid of it, and you are afraid of it, and you do not know where it will stop.

Mr. SWING. Does the gentleman think a board of Regular Army officers would be unduly lenient in a case of desertion?

Mr. CRAGO. There is nothing in the act that says anything about a board of Regular Army officers.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER. Mr. Chairman, I doubt whether I could report anything here that my friend from Pennsylvania [Mr. CRAGO] would not take exception to, and therefore he need not ask me to report anything. I will ask him to tell me how he would amend this.

Mr. CRAGO. My motion is to strike it out entirely.

Mr. BUTLER. The gentleman has given years of study to this question and he has reported nothing on this subject.

Mr. CRAGO. If the House sees proper to adopt my amendment, that is a very easy way of getting action.

Mr. BUTLER. There is no use in lecturing us. The gentleman has studied this a long time, and he and I have talked about it. I have reported this. The gentleman has reported nothing, and he has proposed no remedy.

Mr. CRAGO. My motion is to strike out the entire paragraph.

Mr. BUTLER. That is dead easy. Any man who can read and write can do that. [Laughter.]

Mr. CRAGO. I can not make them do it if they do not want to.

Mr. HILL. I agree entirely with the gentleman from Pennsylvania [Mr. CRAGO] and am in favor of striking out this paragraph.

Mr. CRAGO. I am glad the gentleman says that. I have so high a regard for the chairman of this committee and all its members that I have a natural hesitancy in opposing any part of the bill, which contains many good features, but I thought it my duty to give the House my ideas on the subject, and then it is for the House to act.

Mr. VINSON. Mr. Chairman, I trust the motion of the gentleman from Pennsylvania [Mr. CRAGO] will not prevail. This is a very meritorious section. It is one that is entitled to the most serious consideration on the part of the committee. It should be enacted, and relief should be afforded to these men who have served their country, whether in the Army, the Navy, or the Marine Corps, who left one branch of the service and fought gallantly for the country in another branch of the service. The records of the Navy Department show that a great many boys deserted the Navy and joined the Army of the United States or else joined the armies of the Allies. In a great many instances those boys were killed upon the battle field. In the records of the Navy Department their names are carried as deserters. All of those boys gave their lives and made the supreme sacrifice for their country. Where is the man who will say that boys of that character should be carried on the rolls of their country as deserters?

Mr. DENISON. Suppose they were killed on the battle field before we got into the war?

Mr. VINSON. Then they gave their lives in a cause in which hundreds of thousands of our other boys made sacrifices.

Mr. DENISON. They offered their lives for the other country and not for this country. Does the gentleman think we ought to pension them?

Mr. VINSON. We propose to leave it entirely in the discretion of the President. It is entirely in the jurisdiction of the President, and anyone who knows anything about the views of the Naval and Military Establishments with reference to recommendations in cases of desertion knows well enough that it is very seldom that the department recommends the removal of a charge of desertion in any case unless it is exceptional and most meritorious, and that is the kind which this seeks to remove.

Mr. BUTLER. The President has to approve these bills.

Mr. VINSON. When we pass a bill for the removal of the charge of desertion and to give a boy an honorable discharge, before that bill becomes a law the President must approve the act of Congress removing that charge of desertion. Instead of doing it piecemeal, it should be given to the department to let the department use its discretion to remove the charge of desertion in a meritorious case.

Mr. LONDON. Will the gentleman yield?

Mr. VINSON. I yield to the gentleman from New York.

Mr. LONDON. Has the word "allies" a legal and specific meaning?

Mr. VINSON. It may not have a legal meaning in the gentleman's mind, but to the average layman it means those who fought with America in the Great War.

Mr. LONDON. I know, but you are drafting a law, and, legally, the other powers that fought with the United States were known as the associated powers. They were not known as allies but as associated powers.

Mr. VINSON. I have in mind particularly a case where a Navy boy was serving on the battleship *Georgia*. He deserted and joined the United States Army. He charged four machine guns. He captured three of them, and in a heroic effort to capture the last he was killed. That boy is carried on the records of his country as a deserter. So, I hope the gentleman's motion to strike out the section will not prevail.

Mr. BULWINKLE. Mr. Chairman, I ask unanimous consent to speak out of order for five minutes.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to speak out of order for five minutes? Is there objection?

There was no objection.

Mr. BULWINKLE. Mr. Chairman and gentlemen of the House, I dislike very much to ever say anything about the war and what I saw; but I realize that to-morrow or the next day, when that American citizen, a fugitive from justice, Grover Cleveland Bergdoll, reads the words of the gentleman from Minnesota [Mr. KNUTSON] that he, Bergdoll, and all the white-livered, yellow-streaked race like him, will applaud and say, "The American Congress is in favor of us now." [Applause.]

I realize also that that same crowd, when they see the resolution of the gentleman from Wisconsin [Mr. VOIGT], which was carried in the press this morning, will applaud vociferously; and I, for one, am not willing to stand in this House and applaud the nation whose army murdered and ravished women in order that their imperialistic ideas might control the earth. [Applause.] I am not willing that sympathy should go to

Germany and at the same time forget the sufferings of France. The gentleman from Minnesota stated that he saw no cattle on his travel from Berlin to some other place in Germany. I, too, have seen suffering. I have seen a man of the Eighty-ninth Division, a young officer, the first morning I was at the front, a man who went out with his patrol and captured a German patrol, and the German officer hollered "Kamerad, kamerad!" The American was disarmed by these words, and the German drove a machete in his face and the young man from the West was brutally murdered.

The gentleman from Minnesota said that all war is hellish. Yes; but this war was more hellish than the rest. We were the first American troops to get into a town in northern France after the armistice. A woman was in this occupied area, where the American Red Cross sent food to the French people, and yet for three months she and her two children had nothing but potatoes to eat, without even salt to put on them. The coffee, the sugar, the flour sent from this country were not turned over by the Imperial German Government to the occupied territory in northern France, but were used for their own army.

I am telling you these things not to stir your blood but in order that you may not forget our ally, France, and that you may remember her sufferings. In the words of the great recessional, "Lord, God of hosts, be with us yet, lest we forget."

Mr. BLANTON. Will the gentleman yield?

Mr. BULWINKLE. I will.

Mr. BLANTON. I want to ask the gentlemen what position, if any, the gentleman from Minnesota occupies with his brothers across the aisle?

Mr. BULWINKLE. I will say that while the gentleman from Minnesota is the whip of the Republican Party, yet I know that these men on the Republican side are Americans, and are as patriotic as you and I, and they do not approve of his speech any more than I do. [Applause.]

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. BUTLER] wish to be recognized?

Mr. BUTLER. Does the gentleman from Kentucky wish some time?

Mr. FIELDS. Mr. Chairman, I rise in opposition to the motion of the gentleman from Pennsylvania [Mr. CRAGO].

Mr. BRITTEN. The gentleman from Pennsylvania has made a motion to strike out the paragraph.

The CHAIRMAN. The motion of the gentleman from Pennsylvania [Mr. CRAGO] has not been reported. The pending question is the amendment of the gentleman from Kentucky.

Mr. FIELDS. I understood the gentleman from Pennsylvania [Mr. CRAGO] had made a motion, and I want to oppose that motion.

Mr. BRITTEN. I understood the gentleman from Pennsylvania [Mr. CRAGO] had made his motion.

Mr. CRAGO. The motion has not been reported.

Mr. FIELDS. I trust that I may be permitted to discuss the motion. If not, I move to strike out the last word.

The CHAIRMAN. The gentleman's own amendment is pending.

Mr. FIELDS. I shall discuss the motion made by the gentleman from Pennsylvania. I have no sympathy for the man who runs away from the military or the naval service to get away from a fight. But I want to impress on you gentlemen of the House that there is a vast difference between the man who deserts the colors to get away from a fight and the man who deserts one branch of the service because it is not engaged in actual hostilities and goes to another branch of the service where he can actually get into a fight.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. FIELDS. Yes.

Mr. McKENZIE. The statement was made that many brave boys left the Navy and joined the Marine Corps because the Navy was not active in this fight. I want to ask the gentleman from Kentucky if he favors granting a man who deserted from the Army and the Marine Corps to go into the Navy the benefits of this legislation?

Mr. FIELDS. We know how rigid the heads of the departments are in matters of this kind, and I judge that they will not abuse any powers delegated to them by Congress in removing the charge of desertion. The gentleman from Pennsylvania [Mr. CRAGO], I infer from his remarks, contends that Congress would establish a new precedent by delegating to the executive branch of the Government authority to deal with these cases. After the Civil War Congress enacted a statute—I do not recall the date at this time—giving to the War Department broad latitude in dealing with cases of desertion. Yet that statute did not cover all of the meritorious cases, and during my service on the Military Affairs Committee and for one or two sessions while my side was in control of the House I was chairman of the subcommittee on desertions and the gentleman from Pennsylvania [Mr. CRAGO], the gentleman from Illinois [Mr. McKENZIE], the gentleman from Mississippi [Mr. QUIN], and one other gentleman from my side constituted the personnel of that subcommittee. We set ourselves to the task of going into these cases and making a favorable report upon all meritorious ones. We almost worked our eyes out for months and months. We reported many bills to the House and we rejected many of them, and not one that we reported to the House favorably has ever been enacted into law. They either failed of consideration in the House or at the other end of the Capitol. There were cases of merit. In the Civil War many men were separated from the service by reason of circumstances not under their control. They or their representatives have been knocking at the doors of Congress for years and years, but because of the congested condition of the calendar little progress has been made in correcting their records, and because of the remote possibility of the enactment of legislation of this kind no progress will be made in the future in handling these matters as private bills. I have in mind a case where a man was captured by the enemy and later escaped from prison. He was unable to reach his own command, but he enlisted in another organization and served to the end of the war. Yet to-day that man stands with desertion charged against him on the records of the War Department.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. FIELDS. Yes.

Mr. FESS. I want to know why the gentleman's amendment was not broad enough to be general rather than to limit it to this?

Mr. FIELDS. I wish it was. I have a thought that I desire to give now for the consideration of the membership. We know how impossible it is to get consideration of these bills, and I believe there should be a commission or a tribunal of some kind created to clean up the records and once and for all settle this controverted question.

Men who are charged with desertion by reason of circumstances beyond their control should have that charge removed. Those who deserted should not have it removed and their cases should be passed on definitely and a favorable or an adverse report made upon each case according to its merits. I want to say in closing that there is a vast difference between a man who runs from a fight and the man who runs to a fight. I therefore trust that the motion of the gentleman from Pennsylvania to strike out the paragraph will be voted down.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. BUTLER. Mr. Chairman, I ask unanimous consent that debate upon this amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BEGG. Mr. Chairman, I move to strike out the last word. The only observation I care to make on this paragraph is this: Escape from punishment that follows desertion ought to be at all times difficult to obtain. There are more cases, I am sure, where the punishment ought to follow than there are cases where to have the punishment follow would bring about an injustice. I call the attention of the committee to the fact that in this war, in order to fill all of the places, we resorted to the draft, and when the Navy assigned a boy, even though this assignment took him to an old ship down in Cuba, the responsibility resting on the shoulders of that boy was just as great as that resting upon the shoulders of the boy on the battle field. Disregarding the desire of the boy entirely in time of warfare, the records need only go to his duty to his Government, and the boy who treats that duty lightly can not be excused because he is but 18 or 19 years of age, because almost every hero who came out of the war was of that age, and the boy who had the courage to face the guns on the battle field probably did not have any more courage and did not do any more courageous thing than the boy who had the courage to stay at his post of duty, even though it were drudgery. I believe that the general disavowal of the crime by an act of Congress in future times would only bring trouble for the American Army officers in maintaining discipline. The most needed requirement of a man in the Army is that he be so disciplined that he forgets self and obeys orders.

The man who deserts is the man who has not yet learned those requirements of discipline to the point where he can submerge his own ideas, but wants to take things into his own hands, and I for one want to make it a difficult proposition to have a man excused from the charge of desertion.

Mr. BUTLER. It is not proposed to relieve anybody from desertion unless he is entitled to it, and that goes to the President of the United States. I ask my good friend not to be too hard on some of these lads who jumped from one battleship to another in order to get into the fight.

Mr. BEGG. And I want to turn that around and ask my good friend this question: Let us suppose that some branch of the service was so distasteful that you could not get men to serve on it voluntarily, and boys were drafted and assigned to that service.

Does he have the choice of going where he may be shot down or go to the mess tent, and the mess tent might be as necessary as to carry a gun?

Mr. BUTLER. Just as important.

Mr. BEGG. Suppose he should desert, would it excuse him?

Mr. BUTLER. It is harder to get volunteers for the mess tents than——

Mr. BEGG. I do not question it; that is the point I am making, but you are willing to excuse the man who deserts——

Mr. BUTLER. This is entirely in the discretion of the President of the United States on the facts given to him whether or not he considers he should be relieved. I do not want my friend to be too hard on these.

Mr. FIELDS. This was recommended by the Secretary of the Navy.

Mr. BEGG. Oh, yes; but I think the crime of desertion is serious enough to warrant making it a most difficult proposition to excuse it.

Mr. BUTLER. Does the gentleman assume, when he says that it would not be difficult to have the charge of desertion removed, that it would be easier if it was left in the discretion of the President of the United States?

Mr. BEGG. I assume this: I can go before any board and by pressure get across something and make it appear just easier than I can get it through this House. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BANKHEAD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BANKHEAD. I do not make this for the purpose of cutting off this debate, but has not debate been exhausted?

The CHAIRMAN. The limit of time has been fixed and the gentleman from Ohio and the gentleman from Iowa were to have half of the time.

Mr. HULL. Mr. Chairman and gentlemen of the committee, I regret I can not agree with my distinguished colleague from Pennsylvania on the Military Affairs Committee, for whose opinion I have great respect, as to this matter. I find myself in complete accord with the committee. The only trouble is that the committee, in my opinion, did not go far enough in authorizing the charge of desertion to be corrected. So far as I know, this is the only country that refuses its Army and Navy the authority to correct the records when they find that they themselves have made the error, and it is the only war for which we have not passed that kind of a measure. Now, the trouble is that even though they find their records are in error, and they admit it, they will not correct them, and a man who is charged with desertion has to come to Congress—and thousands of cases die before Congress acts on them.

Mr. MILLER. Will the gentleman yield?

Mr. HULL. I will.

Mr. MILLER. The gentleman will recall the law of 1887, which was enacted for the purpose of correcting military records, made it necessary for a man to apply within a certain length of time, and there was no man now applying for a pension as a veteran of the Civil War but who could have taken advantage of that law.

Mr. HULL. That is all right, but there are cases to-day, and the gentleman from Washington advocates those cases in the Military Affairs Committee, of trying to correct records by legislative enactment, and they fail because you can not get them through, and they are just cases, and the gentleman from Washington knows it.

Mr. MILLER. And they have to be pretty good cases to get past me, too.

Mr. HULL. Certainly.

Mr. STEVENSON. Will the gentleman yield?

Mr. HULL. I will.

Mr. STEVENSON. That is where there has been some mistake about the man deserting; but when we put men in the Navy or in the Army and they decide that they are not going to serve, but they are going to serve in the French or English Army or Navy, that is real desertion. Is not that desertion?

Mr. HULL. It might and it might not be.

Mr. STEVENSON. Is not that the law?

Mr. HULL. I know this, that case after case tried to enlist. I found one case where in the Battle of Gettysburg a man was charged with desertion, and the facts were—and they proved it to the War Department—that the man never deserted; he was taken prisoner, escaped during the battle from where he was taken prisoner and joined under a provost marshal and fought through the battle, and his own regiment had disappeared and he joined another regiment and fought through the war and received an honorable discharge; and yet they will not correct the original discharge.

Mr. STEVENSON. The law did not permit; that is not the thing that this bill provides for. It specially says where he deserted from one force and went to another.

Mr. HULL. I say this bill does not go far enough.

Mr. McKENZIE. Will the gentleman yield?

Mr. HULL. I will.

Mr. McKENZIE. Is it not a fact that this legislation proposes to give a distinguished service cross to a deserter, and if that is true what is the difference——

Mr. HULL. No; that is not true. This simply permits the President of the United States—and I may say to the gentleman that those gentlemen are never very soft-hearted; the most of them are hard-boiled, and he knows it; they do not pass a case that is justly charged with desertion, and they never will.

Mr. BUTLER. I propose that the committee amend this paragraph, if agreeable, by providing that this desertion accrued during the World War, so we will not have to deal with any of the other cases but confine it entirely to the World War.

The CHAIRMAN. The time of the gentleman has expired; all time has expired.

The question was taken, and the amendment was agreed to.

Mr. CRAGO. Now, Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Pennsylvania.

The Clerk read as follows:

Amendment offered by Mr. CRAGO: Page 5, beginning with line 8, strike out all of the section.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. STAFFORD. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 17, noes 39.

Mr. STAFFORD. Mr. Chairman, I demand tellers, and I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Wisconsin demands tellers.

Mr. STAFFORD. Will the gentleman from Pennsylvania [Mr. BUTLER] tell us how long he proposes to sit?

Mr. BUTLER. We will rise pretty soon.

Mr. STAFFORD. Mr. Chairman, I withdraw my demand for tellers.

The CHAIRMAN. The gentleman from Wisconsin withdraws his demand for tellers.

Mr. STAFFORD. And I withdraw the point of no quorum.

The CHAIRMAN. On this vote the ayes were 17 and the noes were 39.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TO CREDIT CERTAIN OFFICERS WITH ACTIVE DUTY PERFORMED SINCE RETIREMENT.

SEC. 4. That all retired commissioned and warrant officers of the United States Navy and Marine Corps who served on active duty in the Navy and Marine Corps of the United States during the war with Germany shall be credited with all active duty performed since retirement during the period from April 6, 1917, to March 3, 1921, in the computation of their longevity pay.

Mr. HICKS. Mr. Chairman, I am going to ask permission to extend my remarks in the RECORD on some matters pertaining to this bill. I have been working on some tables which I think will be of interest to the Members, and I have been able to educe some things that I do not think have been published before. I therefore want to have my remarks printed to-night so as to be published in the RECORD in the morning, and I ask unanimous consent that they be printed in 8-point type.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD as indicated, in the usual 8-point type. Is there objection?

There was no objection.

Mr. HICKS. Mr. Chairman, this bill, among other things, authorizes the modernization of 13 of our older battleships, namely, the *Idaho, Mississippi, New Mexico, Arizona, Pennsylvania, Nevada, Oklahoma, Texas, New York, Wyoming, Arkansas, Florida*, and *Utah*. The five latest vessels of the Navy—the *Colorado* and *West Virginia*, still to be completed, and the *California, Tennessee*, and *Maryland*—will require very little, if any, modernization. These alterations are made necessary in order to keep our Navy on a parity with other powers which have or which are modernizing their ships. It is felt that these changes do not violate the provisions of the conference treaty, which states that—

"No retained capital ships or aircraft carriers shall be reconstructed except for the purpose of providing means of defense against air and submarine attack, and subject to the following rules: The contracting parties may for that purpose equip existing tonnage with bulge or blister or antiair-attack deck protection, providing the increase of displacement thus effected does not exceed 3,000 tons displacement for each ship. No alteration in side armor, in calibre, number, or general type of mounting of main armament shall be permitted." (Ch. 2, pt. 3, sec. I, par. D, naval treaty.)

At the present time it is proposed to increase the range of our guns by giving them an additional elevation without changing the general type of mounting. The cost of these changes for increased gun elevations is about $6,500,000 for the 13 ships. Later on it is contemplated to stiffen the decks and to add blisters for protection against submarine attack. These alterations will cost probably in the neighborhood of $25,000,000 in addition to the gun elevations. Similar changes are going on in the British fleet and also in the Japanese fleet, and it is considered that these alterations come within the purview of the provisions of the treaty. Let me quote in this connection Secretary Denby when he says: "We think that our Navy should be put on a parity with the navy of Japan and Great Britain in the strength of the individual ships, and the only way to do that is to elevate the guns by such necessary structural changes as do not contravene the terms of the treaty; by adding additional sheathing on the decks to protect the vessels against airplane attack; by putting on blisters to protect the vessel against submarine attack and later on by increasing the calibre of the guns for antiaircraft use."

Personally, I feel it is our duty to proceed at once with this program of modernization of our ships in order that our vessels may equal the ships of other powers. Whatever size Navy we have should be an efficient Navy, a Navy, ship for ship, the equal of any navy on the seas. Whether or not the 1916 year program had been completed, or whether or not the Washington conference had been held, the fact remains that the ships we have should be equipped with all modern improvements and given the maximum of strength and protection. They should represent the last word in naval construction and efficiency.

The battle range of these 13 ships at present is about 22,000 yards. By giving the guns an elevation of 30 degrees our battle range will then be 32,000 yards, and with the roll of the ship after the first salvo is fired the range might be raised to 35,000 yards.

The necessity for modernizing our capital ships is apparent if we wish to preserve that ratio of strength which was allotted to us under the terms of the limitation of naval armaments treaty. The longer we delay putting this modernization into effect the greater will be the disparity in the ratios and the more extensive will be the work when it is once undertaken. When the delegates agreed to a limitation in capital ships the plan adopted for limitation was the American proposal. In order that it may be clearly understood what the American proposal meant, it is necessary to understand also the plan under which our Navy was being developed. So long as construction in capital ships was not limited it was more efficient for us to build new ships than it was to attempt an unlimited modernization of the older dreadnoughts. It must be realized further that our country had never reached the position attained by some other countries, where we could say that we had practically reached the limit of capital-ship construction. Therefore our naval policy always looked forward to an increase in number of our capital ships rather than the adoption of any other plan. It is important to remember that this policy is sound so long as a country is inferior in actual numbers of major fighting ships. In following this plan to its logical conclusion it is evident that the moneys appropriated should go to new construction, as it was more important that we should attain a position where we had superiority in numbers or at least equality in numbers, rather than to spend these appropriations in making over older tonnage. However, Great Britain, who has already attained superiority in numbers of capital fighting ships, was not confronted with the problem which faced us. Great Britain had only to maintain the superiority in numbers which she already had attained, and after that to devote her attention to seeing that what she already had was kept in the pink of condition. Therefore, during the last war she had already started on a campaign of modernizing the older capital ships. This work has been gradually progressing, and was in progress at the time the conference was called. For new construction Great Britain had made only a modest estimate, and at the time our conference met the keels of her new Hoods had not been laid. Japan, on the other hand, was faced with a problem similar to ours, and while her ships under construction were few, compared to ours, her projected building program was extensive. So, therefore, when under the terms of our proposal all of the capital ships under construction of the navies of the United States, Great Britain, and Japan were to be scrapped, it was the American naval construction policy in capital ships which was also scrapped. It is not to be understood that this was wrong. It was eminently the correct policy to pursue. One of the main, if not the main, objects of the conference was to restore amicable relations with Japan, secure stability in the western Pacific, and remove causes for friction, of which unlimited competition in capital-ship construction was one of the most potent. These results the conference accomplished. However, in so doing we are faced with other practical problems. Before accepting in toto our plan, in the discussion which resulted, it was found necessary to make provisions for modernizing the existing capital-ship tonnage to meet the improved methods of modern warfare, principally in the direction of providing adequate defense against torpedo and air attack. When this clause was introduced it coincided more closely with the British policy for modernization of older ships than it did with our policy of laying down new capital ships. Great Britain has been systematically proceeding along the lines which she started during the war. In doing this she has violated none of the terms of the treaty agreed to. But it is to be remembered that any modernization is a step in advance and makes the ship modernized a better fighting ship and one of greater value in its ability to maintain its position in the line.

The number of ships which have had bulges, torpedo protection, and improvements in the method of gun elevations is probably about 10 in the British service, and as much as £500,000 have been spent on a single ship. No matter how equal the ratios may be one year, if one country adopts a policy of modernizing her ships, and another country does not spend any money in keeping her ships up to date, no ratio will remain equal for any length of time. And if the United States is to attempt to maintain the ratio assigned to her, it will be necessary for us to spend a certain amount of money in keeping up to date the capital ships which are allowed to us under the terms of the treaty. Nothing more is asked than that we shall be allowed to modernize our existing capital-ship tonnage as other countries have done before us.

The steps indicated for us to take now are:

"(1) To increase the range of all turret guns of our retained capital ship fleet to 30°, which will give us a battle range corresponding to foreign practice.

"(2) To increase the antiaircraft deck protection of the six oldest of our retained capital ships to correspond with present foreign practice regarding ships constructed at about the same time.

"(3) To add blisters and other protective means to the underwater bodies of 13 of our retained capital ships and the necessary protection to the very great existing torpedo menace. This addition of blisters will, in the case of the coal burners, require also for their protection conversion to oil burners."

These steps are necessary if we are to maintain anything approaching the standard of a capital ship navy second to none.

Let me quote the following statement made by Admiral McVay, of the Bureau of Ordnance:

"That part of the policy of the Navy Department relating to the modernization of the capital ships, and which comes under the cognizance of the Bureau of Ordnance, consists of increasing the elevation of turret guns and improving ballistics of some of the major-calibre guns.

"The increased elevation is not a change in the general type of mounting, being merely a modification of existing mounts which will permit the elevation and range of 13 of our capital ships to be made similar to that which the 5 later ships now have, thereby increasing the "fleet range." These changes are similar to those already made or contemplated by other naval powers, and they will enable us, so far as ordnance is concerned, to bring our fleet up to required standards.

"Unless these changes are made our guns will be outranged by those of other powers, so that it is incumbent upon us not only to make the changes outlined but to do the work at as early a date as is possible. The ordnance aboard these ships

is satisfactory, even though the vessels themselves were completed several years ago; but increased ranges at which modern battles are fought, due to improvements in fire-control methods, including spotting by airplanes, have demonstrated the necessity for modifying our installations to meet present long-range requirements such as were not considered essential prior to the late war.

"Representatives of the Navy who have preceded me have been questioned regarding the plans to modify existing ships, and I might add to their statements that it has always been our policy to maintain material up to standard, to which end we are constantly testing projects and then placing them in service, provided this is warranted.

"The six and a half millions to modernize the ships, so far as the Bureau of Ordnance is concerned, is a relatively small amount as compared with that which would have been required to complete those vessels designated for scrapping under the treaty for the limitation of armaments, being only a little over 6 per cent of the saving effected. Except for the treaty, $102,000,000 would have been required to complete ordnance material designated for scrapping; and now it is going to cost us but $6,500,000 to modernize existing ships as far as the Bureau of Ordnance is concerned.

"It must also be borne in mind that these ships are to last for many years, during which time they can not be replaced by new construction, except in case of loss or accidental destruction. It therefore is incumbent upon us to devote our energies toward maintaining all of our vessels in the highest state of efficiency."

In this connection let me quote from President Roosevelt, who in writing to one of his sons on May 12, 1907, said: "I want still more to see our Navy maintained at the highest point of efficiency, for it is the real keeper of the peace."

Mr. Speaker, much has been written in reference to the Washington conference. With few exceptions the comments have been favorable and complimentary. The importance of these treaties from the financial standpoint can not be challenged; yet above any economic consideration is the accomplished fact of international agreements conceived in the spirit of amity, pledging the great powers of the earth to compacts of friendship and conciliation. Distrust and prejudice have been superseded by respect and confidence; programs of competitive battleship construction, inaugurated by jealousy and suspicion, have given way to covenants of cooperation, inspired by candor and justice. These treaties can not be assessed in dollars or measured by budget standards alone. The benefits they will render mankind rest upon good will and the avowed determination that misunderstandings shall be considered in frankness and in fairness with the consciousness that peace, not war nor the suggestion of war, is the guide for an advancing civilization.

President Harding, whose vision of world needs and sympathy for struggling humanity inspired him to call the conference, eloquently set forth its accomplishment on the day of its final adjournment when, in bidding farewell to the delegates, he said:

"This conference has wrought a truly great achievement. It is hazardous sometimes to speak in superlatives, and I will be restrained. But I will say, with every confidence, that the faith plighted here to-day, kept in national honor, will mark the beginning of a new and better epoch in human progress.

"Stripped to the simplest fact, what is the spectacle which has inspired a new hope for the world? Gathered about this table nine great nations of the world—not all, to be sure, but those most directly concerned with the problems at hand—have met and have conferred on questions of great import and common concern, on problems menacing their peaceful relationship, on burdens threatening a common peril. In the revealing light of the public opinion of the world, without surrender of sovereignty, without impaired nationality or affronted national pride, a solution has been found in unanimity and to-day's adjournment is marked by rejoicing in the things accomplished. If the world has hungered for new assurance, it may feast at the banquet which the conference has spread.

"It has been the fortune of this conference to sit in a day far enough removed from war's bitterness, yet near enough to war's horrors, to gain the benefit of both the hatred of war and the yearning for peace. Too often heretofore the decades following such gatherings have been marked by the difficult undoing of their decisions. But your achievement is supreme because no seed of conflict has been sown, no reaction in regret or resentment ever can justify resort to arms.

"It little matters what we appraise as the outstanding accomplishments. Any one of them alone would have justified the conference. But the whole achievement has so cleared the atmosphere that it will seem like breathing the refreshing air of a new morn of promise.

"You have written the first deliberate and effective expression of great powers in the consciousness of peace, of war's utter futility, and challenged the sanity of competitive preparation for each other's destruction. You have halted folly and lifted burdens, and revealed to the world that the one sure way to recover from the sorrow and ruin and staggering obligations of a world war is to end the strife in preparation for more of it and turn human energies to the constructiveness of peace.

"No intrigue, no offensive or defensive alliances, no involvements have wrought your agreements, but reasoning with each other to common understanding has made new relationships among Governments and peoples, new securities for peace, and new opportunities for achievement and attending happiness.

"Here have been established the contacts of reason, here have come the inevitable understandings of face-to-face exchanges when passion does not inflame. The very atmosphere shamed national selfishness into retreat. Viewpoints were exchanged, differences composed, and you came to understand how common, after all, are human aspirations; how alike, indeed, and how easily reconcilable are our national aspirations; how sane and simple and satisfying to seek the relationships of peace and security.

"When you first met, I told you of our America's thought to seek less of armament and none of war; that we sought nothing which is another's, and we were unafraid, but that we wished to join you in doing that finer and nobler thing which no nation can do alone. We rejoice in that accomplishment."

As there has been a good deal of discussion and much inaccurate information adduced in relation to the tonnage to be scrapped under the Washington conference treaties, permit me to give these figures which I am confident are correct. Much of the confusion is probably due to the fact that the standards of measurement of ship tonnage differ in each country.

Under the original American proposal, figured by the United States standard of measurement, the tonnage to be destroyed was:

	Tons.
United States	845,740
Great Britain	583,375
Japan	448,928

Under the treaty agreement the tonnage to be scrapped is as follows:

	Tons.
United States	733,540
Great Britain	500,000
Japan	325,440

This computation is based on the scrapping of the *North Dakota* and *Delaware* upon the completion of the *Colorado* and *West Virginia* for the United States Navy, and upon the scrapping of four *King George V* class of ships upon the completion of the two new *Hoods* for the British Navy.

The original American proposal contemplated a "stop now" program in capital-ship construction for the United States, Great Britain, and Japan on the 5-5-3 basis. On this basis the United States was to terminate construction on all capital ships laid down. Great Britain was to stop work on the four new *Hoods* contemplated, on which sums of money had been spent but no keels laid. Japan was to end work on ships already under construction and was to discard her paper program. The 1916 program for the American Navy contemplated the construction of 10 battleships and 6 battle cruisers of heavy type and large size, and in addition the building of a large number of smaller war vessels. The estimated total cost of these 16 capital ships to completion was $525,000,000, which amount would have been exceeded had they been built under war and post-war conditions. Of this program, the *Maryland* was in commission at the time of the conference and will not be scrapped. The American proposal contemplated the destruction of the remaining 15 capital ships being built under the program. We had expended or obligated ourselves to spend approximately $332,000,000 on these unfinished capital ships. As the treaty permits the retention of the *West Virginia* and *Colorado* and of two battle cruisers for conversion into airplane carriers, all four of which were included in the 1916 program, the amounts expended upon these ships should be deducted from the $332,000,000 in order to determine the cost involved in scrapping these unfinished vessels. As this expenditure is about $90,000,000, the net total of money expended on ships under construction which are to be broken up is approximately $242,000,000.

It is provided in the treaty, which shall remain in force until December 31, 1936, that capital ships, other than aircraft carriers in existence or building on November 12, 1921, shall not be replaced by new construction until 20 years after their completion. The keels of such new construction may be laid down not earlier than 17 years from the date of the completion of the ships to be replaced, but this replacement tonnage shall not

be commenced before November 12, 1931. Article 4 of the treaty is the naval ratio agreement and it gives in standard displacement tonnages the aggregates for capital-ship replacements as follows:

	Tons.	Ratio.
United States	525,000	5
Great Britain	525,000	5
France	175,000	1.75
Italy	175,000	1.75
Japan	315,000	3

In making any comparison between navies, other elements besides tonnage should be considered. In this discussion of the relative strength of the several navies, there is no thought of hostility or prejudice—nothing but kindly feeling toward all the fleets, for it is my hope that armed conflict shall never mar the cordial relationships now so happily established. In the matter of speed it is evident that Great Britain in some of her ships, and Japen in all of hers, have some advantage over vessels of the American Navy, especially in battle cruisers, a type of ship about which there has been much controversy. In battle cruisers their greater speed means a reduction in their fighting and defensive power. As many experts feel that in the final decision in battle the test will be strength against strength, this sacrifice of staying qualities for increased speed may not be justified. In considering the relative values of battleships and battle cruisers let us assume a hypothetical case in which a fleet composed of both battle cruisers and battleships comes into conflict with a fleet consisting of battleships only. Would these cruisers be sent out to destroy commerce or would they be kept with the fleet? If they became commerce raiders, the main fighting fleet on the day of battle would have that less number of capital ships. If they remained with the main fleet, owing to the fact that they do not possess the same fighting value as the battleship, they might not be strong enough to lie in the line to receive the blows of an all-battleship fleet, and would therefore be of small value. It should be borne in mind that the original American proposal set limits on the 5–5–3 ratio not only to capital ships but to all types of ships, including cruisers. In this particular department—namely cruisers—the United States is very weak relatively both to Japan and Great Britain. While the battle cruisers would probably not be built by us or by any other country that contemplated fleet action, yet the battle cruiser as a type must be reckoned with in any sea operations which contemplate maneuvers similar to those conducted by a cavalry or quick-moving land force before the two main armies come in contact with each other. In other words, the battle cruiser, particularly if it be augmented by numbers of fast light cruisers, will always be a menace to the lines of communications of even a very superior fighting force. Practically the only counter to such operations is to be yourself at least equally strong. Therefore for the United States this means the building up of our light cruiser strength until it is on a parity in the established ratio with the capital ships which we retain under the treaty provisions. Particularly in these modern days, when vast numbers and forces are used, the strength of the military body is substantially that of its supply line, and in a very great measure the same holds true of naval forces.

In the capital-ship class Great Britain has four battle cruisers of large tonnage and high speed, Japan has 4, while the United States has none. Under our 1916 program we were constructing 6 of this type of vessel, but they will all be scrapped under the treaty, with the exception that 2 of them will be converted into airplane carriers. Of light cruisers, from 3,000 to 8,000 tons, the construction of which is not limited by the conference, we are building 10, with a displacement of 75,000 tons, armed with 6-inch guns and capable of speeding at 33 knots. Great Britain has 40, with a total tonnage of 161,690, and Japan has 10, with a total displacement of 51,100 tons, with speeds of 27 knots and better. Great Britain is also building 2, totaling 15,100 tons and Japan has under construction 11, totaling 66,520 tons.

Of the heavier class of cruiser, not exceeding 10,000 tons, and permitted by the treaty without numerical or total tonnage limitation, Great Britain has 4 with a total displacement of 56,700 tons, capable of cruising at 27 knots. Two of this number, the *Courageous* and *Glorious*, are 32-knot vessels of 18,600 tons, armed with four 15-inch guns. These ships are in excess of the tonnage permitted for new auxiliary vessels. Owing to the fact that their armor is only 3 inches in thickness, they were not included in the capital-ship class, although both in tonnage and in they c..ne within the specifications. We have nothing to offset offset these heavier-class cruisers, nor have we any under construction. It is noted that in this class Great Britain is building 2, with a total tonnage of 19,500, and Japan 4, totaling 40,000 tons. These will all have a speed of 27 knots or more and be armed with 8-inch guns.

In cruisers, therefore, of 3,000 tons and better, of modern type the United States has built or is building 10, with a total tonnage of 75,000; Japan has 25, with a total tonnage of 157,730; and Great Britain 48, with a total tonnage of 252,990 tons.

Naval experts insist that we can not have a well-rounded fleet as long as we are deficient in this class of vessels. They describe the functions of the light cruisers as—

First. The service of information, scouting; in other words, searching for the enemy fleet and finding out what it is doing.

Second. Screening; that is, guarding our fleet against surprise and keeping off the enemy scouts.

Third. In battle, supporting our destroyers in their torpedo attacks against enemy battleships and beating off the enemy destroyers attempting to torpedo our battleships.

Fourth. Operating against enemy shipping and protecting our own shipping against enemy raiders.

In view of the very unsatisfactory situation of our Navy in regard to cruisers, the question naturally presents itself, Why have we neglected to build vessels of this type while we constructed large numbers of destroyers? These destroyers, it must be remembered, were constructed during the war, when all efforts were directed to the one object of checking the submarine and thereby making possible the transportation of men and supplies to Europe. We all remember when the belief was common that the outcome of the World War was dependent upon American troops reaching the front and being maintained and in transporting supplies to Great Britain to enable her people to hold out until our Army could be thrown into the conflict. The destroyer was unquestionably the most effective weapon for use against the submarine, and all our energies were directed to building these ships to protect transports and cargo vessels. During the war Great Britain concentrated more upon the building of cruisers than upon destroyers, and since the Washington Conference the naval thought of Great Britain and Japan has favored the construction of these light cruisers. It is clearly evident that the United States, if we are to have a well-balanced fleet, must lay down a large number of fast cruisers.

The General Board of the United States Navy, composed entirely of experienced experts, recently rendered an opinion that, in view of the limit of 18 capital ships for the United States Navy, the best policy would be to retain battleships in preference to battle cruisers. With a specific limit placed on capital ships, it is more than probable that the fleets of the future of all nations will be composed of ships possessing the maximum of strength, and, therefore, if this is to become the policy, the death knell of the present battle cruisers has been sounded.

In any reference to speed, it is only fair to mention the fact that it is the speed of the slowest ship in a fleet which determines the speed of that fleet. Eight of the British ships are rated at 21 knots, and while the *Queen Elizabeth* type ships have a speed of 25 knots, yet to maintain their position in the line the speed of 21 knots, which is the speed of the American fleet, can not be exceeded, so the question of speed is not of primary importance in any comparison between the British and American fleets. In comparison with the Japanese fleet the advantage of speed lies with their ships, but to gain this speed they have sacrificed armor and thereby made their ships more vulnerable and less able to withstand bombardment. In this connection it is well to note that the average thickness of the armor on Japanese ships is less than 11 inches, on British ships it is 12½ inches, while on American ships the average thickness is 14½ inches.

It is but fair to mention that under the treaty the total number of guns carried on the United States battleships is 192 against 166 for Great Britain and 96 for Japan, and that therefor the salvos of fire are very much greater in the American Navy. Another item of interest is the fact that we have 7 ships armed with 14-inch guns of 50 calibre, as compared with the 15-inch and 13½-inch guns of 42 and 45 calibre carried by the British. This brings the range of our smaller guns up to the range of the larger British guns. It may be fairly stated that in ordnance and armor the United States battleships are equal, if not superior, to the ordnance and armor of the British ships, and greatly superior to that of the Japanese ships.

As I have frequently been asked the weight of projectiles and the ranges of guns, it may be of value to give a quick method for ascertaining these measurements, which are applicable to our own guns. For the weight of the shell of any

gun, take the diameter of the bore of the gun in inches and cube it. Divide this by 2 and the result will be the weight in pounds of the shell. For a 5-inch shell, 12½ pounds should be subtracted from the result of the division. For the range, take the diameter of the bore of the gun in inches and multiply by 1½. The result will be the number of miles the shell will carry. Of course the results are only an approximation, but in the weight of the shell the calculation will be nearly accurate.

The following tables give the ships which may be retained by the several nations under the Washington Conference treaties:

Ships which may be retained by the United States.
(American standard of measurement.)

Name.	Commissioned.	Tonnage.	Main battery.	Speed.	Date of replacement.
			No. Ins.	*Knots.*	
Maryland	1921	32,600	8 16	21	1941
California	1921	32,300	12 14	21	1941
Tennessee	1920	32,300	12 14	21	1940
Idaho	1919	32,000	12 14	21	1939
New Mexico	1918	32,000	12 14	21	1939
Mississippi	1917	32,000	12 14	21	1938
Arizona	1916	31,400	12 14	21	1937
Pennsylvania	1916	31,400	12 14	21	1937
Oklahoma	1916	27,500	10 14	20½	1936
Nevada	1916	27,500	10 14	20½	1936
New York	1914	27,000	10 14	21½	1935
Texas	1914	27,000	10 14	21	1935
Arkansas	1912	26,000	12 12	21	1935
Wyoming	1912	26,000	12 12	21	1934
Florida	1911	21,825	10 12	22	1934
Utah	1911	21,825	10 12	21	1934
North Dakota	1910	20,000	10 12	21	To be scrapped.
Delaware	1910	20,000	10 12	21½	To be scrapped.
Total		500,650			

On the completion of the *West Virginia* and *Colorado*, to be replaced in 1942, each with a displacement of 32,600 tons and carrying eight 16-inch guns, the *North Dakota* and *Delaware* are to be scrapped. This will then give to the United States Navy a tonnage of 525,850, and we will then possess 3 ships equipped with 16-inch guns, 11 ships with 14-inch guns, and 4 ships with 12-inch guns. Our 18 ships will then carry twenty-four 16-inch guns, one hundred and twenty-four 14-inch guns, and forty-four 12-inch guns, or a grand total of 192 guns capable of delivering a broadside of metal weighing 262,280 pounds. At present our 18 ships can deliver a broadside weighing 246,680 pounds.

Ships which may be retained by Great Britain.
(British standard of measurement.)

Name.	Commissioned.	Tonnage.	Main battery.	Speed.
			No. Ins.	*Knots.*
Royal Sovereign	1916	25,750	8 15	23
Royal Oak	1916	25,750	8 15	23
Revenge	1916	25,750	8 15	23
Resolution	1916	25,750	8 15	23
Ramilles	1917	25,750	8 15	23
Malaya	1916	27,500	8 15	25
Valiant	1916	27,500	8 15	25
Barham	1916	27,500	8 15	25
Queen Elizabeth	1916	27,500	8 15	25
Warspite	1916	27,500	8 15	25
Benbow	1914	25,000	10 13.5	21
Emperor of India	1914	25,000	10 13.5	21
Iron Duke	1914	25,000	10 13.5	21
Marlborough	1914	25,000	10 13.5	21
Hood	1920	[1] 41,200	8 15	31
Renown	1916	[1] 26,500	6 15	31
Repulse	1916	[1] 26,500	6 15	31
Tiger	1914	[1] 28,500	8 13.5	30
Thunderer	1912	22,500	10 13.5	21
King George V	1912	23,000	10 13.5	21
Ajax	1913	23,000	10 13.5	21
Centurion	1913	23,000	10 13.5	21
Total		580,450		

[1] Battle cruisers.

On the completion of the two new *Hoods*, each with a displacement of 35,000 tons and equipped with, probably, nine 16-inch guns, the *Thunderer*, *King George V*, *Ajax*, and *Centurion* will be scrapped. This will then give to the British Navy a tonnage of 558,950, and they will have 2 ships carrying 16-inch guns, 13 carrying 15-inch guns, and 5 carrying 13.5-inch guns. The 20 British ships will then carry eighteen 16-inch guns (assuming this size gun is placed on the new *Hoods*), one hundred 15-inch guns, and forty-eight 13.5-inch guns, a total of 166 guns, capable of delivering a broadside of metal weighing 299,520 pounds. At present the 22 British ships can deliver a broadside weighing 315,200 pounds. Assuming that the battle cruisers might not be a part of the fleet on the day of battle, the total weight of metal thrown would be reduced 49,600 pounds.

Ships which may be retained by Japan.
(Japanese standard of measurement.)

Name.	Commissioned.	Tonnage.	Main battery.	Speed.
			No. Ins.	*Knots.*
Mutsu	1921	33,800	8 16	23
Nagato	1920	33,800	8 16	23.5
Hyuga	1918	31,260	12 14	23
Ise	1917	31,260	12 14	23
Yamashiro	1917	30,600	12 14	23
Fu-So	1915	30,600	12 14	23
Kirishima	1913	[1] 27,500	8 14	27
Haruna	1913	[1] 27,500	8 14	27
Hiyei	1913	[1] 27,500	8 14	27
Kongo	1913	[1] 27,500	8 14	27
Total		301,320		

[1] Battle cruisers.

Japan will have 2 ships carrying 16-inch guns and 8 carrying 14-inch guns. The 10 Japanese ships will carry sixteen 16-inch guns and eighty 14-inch guns, a total of 96 guns, capable of delivering a broadside of metal weighing 160,649 pounds. If Japan should not engage her cruisers in fleet battle, the weight of metal thrown by these ships, 43,900 pounds, would be deductible.

It has frequently been stated that the two *Hoods* allowed the British Navy are to be super *Hoods*, but this is an error. It is true Great Britain had planned the construction of a vessel having a displacement of approximately 50,000 tons, to be armed with a large number of 16-inch guns. This type of vessel has been abandoned and the two *Hoods* to be built will be vessels not exceeding 35,000 tons displacement and armed with not over 10 16-inch guns. As Great Britain has at this time no guns of this calibre, it may develop that 15-inch guns will be utilized on the two *Hoods*.

As there has been discussion in regard to the different methods of computing tonnage, it may clarify the subject to state that while such differences exist they were all considered before the convening of the conference, and in order to arrive at a just estimate of the relative strength of the several fleets each ship of the British, Japanese, French, and Italian navies was reduced to the American standard of measurement and the comparison was made on that basis.

The standard-displacement tonnage adopted by the conference is ascertained by taking "the displacement of the ship complete, fully manned, engined, and equipped ready for sea, including all armament and ammunition, equipment, outfit, provisions, and fresh water for crew, miscellaneous stores, and implements of every description that are intended to be carried in war, but without fuel or reserve feed water on board." The ton used in the treaty is the ton of 2,240 pounds. It is provided that "vessels now completed shall retain their present ratings of displacement tonnage in accordance with their national system of measurement," but that a vessel completed after the treaty goes into effect shall be rated in conformity to the standard adopted.

By the American method of measurement, in addition to the items included in the standard measurement, two-thirds of the ship's fuel supply, extra oil and water, are measured as part of the tonnage. This measurement was based on the theory that a ship should be measured in the condition she would be in when ready to proceed to sea and, therefore, fuel was included as part of the tonnage. American ships, when measured by standard displacement, will be lighter in tonnage by the amount of fuel which was included in their measurement. The British and Japanese standards of measurements are practically the same as the standard adopted by the conference.

Owing to the difference between the two methods of measurement there will be a slight advantage gained by ships to be constructed under this new standard over American vessels already completed. For instance, in the case of the new *Hoods* of 35,000 tons standard displacement, as compared with the *Colorado*, of 32,600 tons American displacement, the *Hoods* are probably some 4,500 tons heavier, although the difference shown by the figures is only 2,400 tons. Of course, this discrepancy will disappear when replacements are effected, for then ships of all nations will be measured by a uniform standard.

On the American basis of tonnage measurement the present capital-ship tonnage allowed by the treaties is:

	Tons.
For the United States	500,650
Great Britain	604,450
Japan	313,300

On the completion of the two American and two British ships and the scrapping of the two old American ships and the four old British ships as provided for in the treaties, the capital-ship tonnage by American measurement will be:

	Tons.
United States	525,850
Great Britain	578,600
Japan	313,300

Computed on the basis of standard displacement measurement this capital-ship tonnage will be—

	Tons.
United States (approximately)	507,600
Great Britain	558,650
Japan	301,320

which will remain operative until replacements are inaugurated, when the United States and Japan will build up to the limit permitted by the treaty, namely, 525,000 tons for the United States and 315,000 tons for Japan, while Great Britain will have to reduce her tonnage from 558,650 to 525,000 tons.

In comparisons of auxiliary tonnage it must be borne in mind that with the exception of aircraft carriers the treaty does not limit the number, the total tonnage, or the tonnage of particular classes of armed ships, provided they do not exceed 10,000 tons or carry a gun larger than 8 inches. While we are unquestionably inferior to Great Britain in light cruisers and flotilla leaders, yet in modern destroyers, built or building, and in submarines we are superior. The question of increasing the number of our auxiliary vessels, not being limited by the treaty, is one of policy and has no direct bearing on any discussion of the conference. From the results obtained from recent aviation tests it is evident that one of the great needs of the United States Navy is an increased number of large, high-speed aircraft carriers, which Congress should at once authorize.

In discussing auxiliary craft it is interesting to recall that the original United States proposal which was not accepted, provided that the total tonnage of light cruisers, flotilla leaders, and destroyers should be limited to—

	Tons.
United States	450,000
Great Britain	450,000
Japan	270,000
France	150,000
Italy	150,000

and that for submarines it should be—

United States	90,000
Great Britain	90,000
Japan	54,000
France	30,000
Italy	30,000

The following tables give the relative strength of the most important ships of the auxiliary fleets. Aircraft carriers are also included.

	Built.	Building.	Total.
Aircraft carriers:			
First line—			
United States	0	2	2
Great Britain	1	0	1
Japan	0	0	0
Second line—			
United States	1	0	1
Great Britain	3	2	5
Japan	1	[1]2	3
Cruisers (8,000 tons plus high speed):			
United States	0	0	0
Great Britain	4	2	6
Japan	0	4	4
Light cruisers (3,000 tons plus; 27 knots plus):			
United States	0	10	10
Great Britain	40	2	42
Japan	10	11	21
Destroyers (800–1,500 tons):			
United States	281	0	281
Great Britain	185	5	190
Japan	53	39	92
Submarines (500–1,000 tons):			
United States	59	35	94
Great Britain	36	6	42
Japan	28	21	49
Flotilla leaders (1,500 tons plus):			
United States	0	0	0
Great Britain	16	2	18
Japan	0	0	0
Fleet submarines (1,000 tons plus; 20 knots plus):			
United States	3	3	6
Great Britain	6	2	8
Japan	0	25	25
Colliers and oil tankers:			
United States	29	0	29
Great Britain	67	0	67
Japan	10	4	14
Destroyer tenders:			
United States	7	2	9
Great Britain	7	0	7
Japan	0	0	0

[1] Construction held up, may not be built. Carriers are experimental and can be replaced. Japan's policy regarding first-line carriers which the treaty permits her to build is not known.

	Built.	Building.	Total.
Hospital ships:			
United States	4	0	4
Great Britain	2	0	2
Japan	0	0	0
Mine sweepers:			
United States	47	0	47
Great Britain	91	0	91
Japan	45	0	45
Submarine tenders:			
United States	7	1	8
Great Britain	9	0	9
Japan	3	2	5

In reference to the relative cost of the United States Navy under the treaty stipulations and the cost in the event the treaty had not been adopted, let me give the following:

(a) Cost of the Navy to-day—fiscal year 1923:

The withdrawals from the Treasury of the Navy Department during the fiscal year 1923 are estimated at $347,486,925.30. There was appropriated for the support of the Navy during the fiscal year 1923 a slightly larger sum as follows:

By naval appropriation bill	$289,336,577
Scrapping naval vessels	5,000,000
Permanent and indefinite	3,433,672
Increase of compensation	537,120
	298,307,369
Increase Navy—old balances reappropriated, estimated	44,915,000
Shipping Board notes, face value	8,000,000
Total	351,222,369

(b) Cost of the Navy next year—fiscal year 1924:

The cash withdrawals from the Treasury for the Navy Department during the fiscal year 1924 are estimated roughly at $331,000,000. (The cash withdrawals mentioned in this and the preceding subparagraph do not include certain amounts which will be expended by the Navy on account of the Veterans' Bureau, for which the Navy Department will be reimbursed.) The amounts carried in the appropriation bill for the fiscal year 1924 are as follows:

By naval bill	$284,456,528
Permanent and indefinite	2,130,050
Increase of compensation	512,087
	297,098,675
Authorized transfers from naval supply account, etc., to increase Navy	35,450,000
	332,548,675

Compensation increase not carried in naval bill estimate.

(c) Estimated cost of the Navy this year if building program had not been stopped in accordance with the treaty for the limitation of armaments:

The figures included in the Budget for the fiscal year ending June 30, 1923, includes for the Navy Department and the Naval Establishment the sum of $420,343,785.13. The Budget was made up from estimates submitted by the Navy Department prior to the Conference for Limitation of Armaments, and the figures quoted may, therefore, be considered as the approximate cost of the Navy during the fiscal year 1923 under the conditions noted.

(d) Estimated cost of completed Navy; that is, what it would have been in 1928:

In arriving at this estimated cost it is necessary to make certain assumptions. These are that the 1916 program would have been completed; that all ships would be in commission, with adequate personnel to man them; and that adequate shore establishments would also be maintained. Under these assumptions the total cost of the Navy in 1923 is estimated at $529,000,000.

The treaty contains the following provisions and definitions:

"ART. V. No capital ship exceeding 35,000 tons standard displacement shall be acquired by or constructed by, for, or within the jurisdiction of any of the contracting powers.

"ART. VI. No capital ship of any of the contracting powers shall carry a gun with a calibre in excess of 16 inches.

"ART. VII. The total tonnage for aircraft carriers of each of the contracting powers shall not exceed in standard displacement, for the United States 135,000 tons; for the British Empire, 135,000 tons; for France, 60,000 tons; for Italy, 60,000 tons; for Japan, 81,000 tons.

"ART. VIII. The aircraft carrier tonnage in existence or building on November 12, 1921, shall be considered experimental, and may be replaced within the total tonnage limit prescribed in Article VII without regard to its age.

"ART. IX. No aircraft carriers exceeding 27,000 tons standard displacement shall be acquired by or constructed by, for, or within the jurisdiction of any of the contracting powers.

"However, any of the contracting powers may, provided that its total tonnage allowance of aircraft carriers is not

thereby exceeded, build not more than two aircraft carriers, each of a tonnage of not more than 33,000 tons standard displacement, and in order to effect economy any of the contracting powers may use for this purpose any two of their ships, whether constructed or in course of construction, which would otherwise be scrapped.

"ART. X. No aircraft carriers of any of the contracting powers shall carry a gun with a caliber in excess of 8 inches.

"ART. XI. No vessel of war exceeding 10,000 tons standard displacement, other than a capital ship or aircraft carrier, shall be acquired by or constructed by, for, or within the jurisdiction of any of the contracting powers. Vessels not specifically built as fighting ships nor taken in time of peace under government control for fighting purposes which are employed on fleet duties or as troop transports or in some other way for the purpose of assisting in the prosecution of hostilities otherwise than as fighting ships shall not be within the limitations of this article.

"No vessel of war of any of the contracting powers hereafter laid down, other than a capital ship, shall carry a gun with a caliber in excess of 8 inches.

"Capital ship: A capital ship, in the case of ships hereafter built, is defined as a vessel of war, not an aircraft carrier, whose displacement exceeds 10,000 tons standard displacement or which carries a gun with a calibre exceeding 8 inches."

"Aircraft carrier: An aircraft carrier is defined as a vessel of war with a displacement in excess of 10,000 tons standard displacement designed for the specific and exclusive purpose of carrying aircraft. It must be so constructed that aircraft can be launched therefrom and landed thereon, and not designed and constructed for carrying a more powerful armament than that allowed to it under Article IX or Article X as the case may be."

Aviation is such a recognized part of the naval service that arguments are no longer needed in its behalf. It is destined to increase in value and importance and with the improvements that are certain to take place it will become one of the strong arms of military operations, both for defense and attack. Without going further into the subject let me quote from two eminent sources.

From annual report of Secretary of the Navy Denby, 1922:

"The development of aviation as an integral part of the fleet, with types of aircraft suited to every need of the naval forces, has been the outstanding feature of the past year in naval aeronautics. The rapid strides that have been made in organization and development work have fully justified the establishment of the Bureau of Aeronautics, and the work of this bureau is also reflected in the general contribution that has been made to the advancement of industrial and commercial aviation in this country."

From annual report of Gen. John J. Pershing, Chief of Staff, 1922:

"No man can estimate with present certainty the value which can be ascribed in a few years to the possession of an adequate resourcefulness in the air. It is certain, however, that the influence of air power will become increasingly great and that the Nation can not afford to neglect this arm. The Air Service which we develop should be capable of offensive application. This does not mean that we must immediately build an Air Service that could take the offensive against any great power or group of powers. It does mean, however, that we should have a force that can take the immediate defensive, and that can, during a reasonable period of operations, expand to the strength required for an offensive. This is the basis of our present defense policies with all our arms and should be considered a minimum. A very important part in such a defensive would be the operations of an effective Air Service. We must not only be training flyers for reserve but we must actually make provision for a strength in serviceable planes which can meet this requirement. This reserve of planes we now lack, as we lack even the facilities for training the necessary reserve of personnel. The industries and the airways of our country are not prepared for an emergency. I earnestly hope, therefore, that early steps be taken to bring about the effective cooperation of States with the agencies of the National Government to the end that this vital need can be effectually filled."

On December 29, 1922, Secretary of State Hughes delivered at New Haven an address dealing with some aspects of our foreign policy. In this address he referred to the Washington conference. To Mr. Hughes is due the greatest measure of gratitude for the brilliant statesmanship he displayed in relation to the conference. To his frankness in avowing the aims to be achieved, his knowledge of conditions, and his sincerity in proclaiming the unselfish attitude of America are due, more than to any other factors, the successful termination of the convention. It is a pleasure to quote those paragraphs of his address dealing with the treaties, in the making of which he took such a conspicuous and honorable a part:

"When diarists and letter writers have their day in court, and every bit of paper is scrutinized, there will be nothing, I am sure, which will derogate from the present general appreciation of the spirit which animated that earnest endeavor to remove distrust and to furnish unassailable proofs of international good will.

"It was the fertile mind of Alexander Hamilton which first suggested the desirability of an agreement for the limitation of armament on the Great Lakes. In his memorandum to Washington—April 23, 1794—on points to be considered in the instruction to John Jay with respect to his mission to Great Britain, Hamilton said:

"'It may be desired, and would it not be to our interest to agree, that neither party shall in time of peace keep up any armed force upon the Lakes, nor any fortified places nearer than ——— miles to the Lakes, except small posts for small guards—the number to be defined—stationed for the security of trading houses?'

"But this idea, which bore fruit in the Rush-Bagot agreement of 1817, suggestive as it was, was extremely limited and had reference to a particular situation and a local exigency.

"It was about 80 years later that the Emperor of Russia issued his rescript asserting that the armed peace of the time had become a crushing burden and that the putting 'an end to these incessant armaments' was 'the supreme duty' of all States. The resolution of the first Hague conference of 1899 amounted to nothing more than the expression of an aspiration, and the second peace conference at The Hague, in 1907, could get no further. These failures indicated the malevolent influences which, mocking at the endeavors of peacemakers and multiplying peace associations, finally brought upon mankind the greatest of all catastrophes.

"At the end of the Great War the completeness of the victory over the Central Powers and the realization by the Allies of the terrible cost of that victory apparently had at once simplified the problem through the removal of earlier menaces and given hope for a solution because of the deep longings of suffering and impoverished peoples for a lasting peace. It has been the keen desire of the people of the United States to give their help to this end. They have been opposed to alliances, but they have had no desire to withhold their cooperation wherever they believed there was a sound basis for it.

"The spirit in which the Washington conference was called can not be better stated than in the words of President Harding in opening it:

"'We wish to sit with you at the table of international understanding and good will. In good conscience we are eager to meet you frankly and invite and offer cooperation. * * * I can speak officially only for our United States. Our hundred millions frankly want less of armament and none of war.'

"The conference method of dealing with international problems—a method which the President strongly favored—made cogent appeal to the practical judgment of our people, and the specific application of this method to the endeavor to secure an agreement for the limitation of armament received the most earnest consideration. The time was ripe for the public announcement which was made on July 11, 1921, that 'the President, in view of the far-reaching importance of the question of limitation of armament, has approached with informal but definite inquiries the group of powers heretofore known as the principal allied and associated powers—that is, Great Britain, France, Italy, and Japan—to ascertain whether it would be agreeable to them to take part in a conference on this subject to be held in Washington at a time to be mutually agreed upon.'

"The most significant fact, however, in connection with this announcement was the suggestion that Pacific and far eastern questions should be considered in connection with this conference. This went beyond the mere matter of naval expenditures. The announcement said:

"'It is manifest that the question of limitation of armament has a close relation to Pacific and far eastern problems, and the President has suggested that the powers especially interested in these problems should undertake, in connection with this conference, the consideration of all matters bearing upon their solution with a view to reaching a common understanding with respect to principles and policies in the Far East.'

"There was the further statement that China had been invited to take part in the discussions relating to far eastern problems. Thus not only was a wider scope given to the pro-

posed conference than one simply for the limitation of armament, but, for reasons which reflection will suggest, this fact alone made possible the success of the conference.

"At the time of this announcement a most important conference was being held in London—the conference of prime ministers and representatives of the United Kingdom, the Dominions, and India, which convened on June 20, 1921. In his opening address to the imperial conference Mr. Lloyd-George referred 'to one of the most urgent and important of foreign questions—the relations of the Empire with the United States and Japan.' A subject of first importance was the question of continuing the Anglo-Japanese alliance. There had been doubt whether the notification to the League of Nations in July, 1920, constituted a denunciation of that agreement. Upon the opinion of the Lord Chancellor, it was concluded that notice of denunciation had not yet been given, and that the Anglo-Japanese alliance would lapse only at the expiration of 12 months from the time when such notice was given. In their opening speeches on June 21, 1921, Mr. Hughes, the Prime Minister of Australia, and Mr. Massey, the Prime Minister of New Zealand, speaking broadly, favored the renewal of the alliance. All expressed the desire that there should be friendly cooperation with the United States.

"In this country the prospect of the continuance of the alliance had caused no little uneasiness. The agreement had originally been prompted and it had been continued because of the attitude of Russia and Germany, but there was no longer fear of danger from those quarters. The American policy in the Far East was one of equal opportunity, and if there were to be cooperation in the recognition and application of this principle, there seemed to be no exigency requiring the continuance of the agreement. The question was pressed, and there was no satisfactory answer: 'Why, under existing conditions, should there be such an alliance?'

"Meanwhile, as Mr. Balfour has expressed it, 'a state of international tension' had arisen in the Pacific area. It was quite impossible to point to any definite issue which warranted the forebodings in which prophets of evil indulged. Those mischief-makers who seek to aggravate international difficulties and to make still heavier the burden of distrust, whose rumor factories are more provocative than armament, were busy inciting suspicion and ill feeling both here and in the East. It became manifest that it was an opportune time, indeed that it was necessary to have a frank discussion and to endeavor to clear away the clouds. There was instant appreciation of the fact that the hour had struck, not only to discuss limitation of arms but to do even a better thing in seeking to remove causes of misunderstanding. The combination of the two objects was the outstanding feature of the American proposal.

"The inclusion of Pacific and far eastern questions in the program of the conference naturally made it desirable that certain other powers which were especially interested in these questions should be invited to take part in their discussion, and accordingly, in addition to China, invitations for this purpose were extended to Belgium, the Netherlands, and Portugal.

"While, with respect to armament, the hope of accomplishment centered in the naval situation, it was deemed best not to exclude the discussion of land armament. We have looked with deep concern upon the maintenance of large military establishments by peoples already impoverished by the Great War, and have earnestly desired that this intolerable burden could be lightened. For ourselves, we had no problem of this sort. Our Army had been reduced. From approximately 4,000,000 men in the field and in training in the American Army at the time of the armistice, we had brought down our Regular Establishment to less than 160,000 men at the time of the conference. But while this subject was presented to the conference, it at once became apparent that Europe was not ready to limit land armament. I need not dwell on the causes for the feeling of insecurity that has oppressed the victors and filled the new European States with apprehension. Although the reduction of armament was one of the declared objects of the new international organization and lay close to the hopes of peoples, still, after prolonged consideration, the League of Nations has apparently come to the conclusion that nothing can be accomplished in this direction until the governments primarily concerned agree, and that they are not yet ready to agree.

"Let me recapitulate briefly the formal results of the conference. Four treaties were approved relating (1) to the limitation of naval armament, (2) to the use of submarines and poison gases, (3) to principles and policies in matters concerning China, and (4) to Chinese customs tariffs. Important resolutions were adopted (1) for a commission of jurists to consider amendments to the laws of war made necessary by new agencies of warfare; (2) for a board of reference for far eastern questions; and (3) with respect to various matters affecting China, such as extraterritoriality, foreign postal agencies, foreign armed forces, radio stations, unification of railways, reduction of Chinese military forces, publicity for existing commitments, and the Chinese Eastern Railway.

"Most important treaties, not technically a part of the work of the conference as such, but which were negotiated while the conference was in session and were facilitated by that fact, were (1) the four-power treaty between the United States, the British Empire, France, and Japan relating to their insular possessions and insular dominions in the Pacific Ocean. This provided for the termination of the Anglo-Japanese alliance. (2) The Shantung treaty between China and Japan, providing for the restoration to China of rights and interests in the Province of Shantung.

"In addition, while the conference was in session the negotiations which had previously been going on between the United States and Japan as to the island of Yap and the mandated islands in the Pacific Ocean north of the Equator resulted in a satisfactory agreement.

"During the difficult period of preparation for the conference we were equally harassed by the extravagant demands of dreamers and the pessimistic predictions of cynics. We were intent on certain definite and practical aims. We refused to surrender these aims either to those who were insistent upon the millennium or to those who told us that the sure result of our unintelligent efforts would be to bring about another war.

"Results of the conference: The most important results are those which are unwritten and imponderable—those that relate to sentiment and purpose, to good will and a better understanding. When there is friendship and confidence, treaties to maintain peace are of least importance; and where suspicion and hatred dominate the thought of peoples, it may be wise to interpose the mechanism of conciliation, but the best assurance of peace is lacking. If you would measure the work of the conference, contrast the present opinion as to peace in the East with the view that was widely held and constantly expressed before the conference was called. The mists which many called war clouds have been dispelled. Confidence has been restored, fears allayed, and a new feeling of respect and friendship engendered. Quite apart from specific engagements, it was worth all the efforts of the conference to produce a new state of mind with respect to our relations with the Far East. It will be the part of wisdom for our peoples to maintain this attitude and to frown upon those who seek to change it. Auto-suggestion has an important place in national as well as individual life, and nations intent on peace will find the ways of peace.

"When we come to consider the more tangible results of the conference and of the proceedings in connection with it—that is, with respect to treaties and transactions—we find abundant reason for gratification.

"1. The Shantung treaty became effective and is being carried out.

"2. The treaty between the United States and Japan relating to the mandated islands north of the Equator, including Yap, has been ratified and is in effect.

"3. The four-power treaty has received the assent of our Senate, has been ratified by the British Empire and by Japan, and is awaiting only the ratification of France, which it is expected will shortly be given.

"4. The naval treaty and the treaty as to submarines and poison gases have received the assent of the Senate of the United States and have been ratified by the British Empire and Japan. Ratifications by France and Italy are still needed, but are expected. (Note: Since this was written Italy has ratified.)

"5. The two Chinese treaties have been approved by the United States, the British Empire, and China. One of the houses of the Belgian Parliament has approved. There should not be a long delay in securing the necessary ratifications.

"6. The Commission of Jurists, which is to consider the amendment of the rules of international law respecting new agencies of warfare, is now sitting at The Hague.

"I am happy to say that at this time there seems no good reason to fear that any of the work of the conference will be lost.

"Proceedings pending ratification: The spirit of cooperation to which I have referred has been evidenced by the attitude of the governments since the conference. The naval treaty, of course, will not be in force until all the signatory powers have ratified and the ratifications have been exchanged, but pending this putting into effect of the treaty it is agreeable to note that the powers have been making their plans in conformity to its terms.

"United States: Immediately after the signing of the treaty the Government of the United States suspended all work on ships under construction, which will be scrapped when the treaty becomes effective. With the exception of the *Connecticut*, which is about to be placed out of commission, all battleships that must be disposed of under the terms of the treaty are now out of commission and are ready to be scrapped.

"British Empire: By the treaty the British Empire abandoned the construction of the four *Hoods*, which have been projected. I am advised that of the 20 other capital ships which it was provided in the treaty should be scrapped, 14 have either been already sold and removed by ship-breaking firms for breaking up or have been rendered incapable of war service, and two more of these ships will be rendered incapable of war service before the end of this month.

"Japan: I am informed that Japan has suspended work on the battleships under construction for the scrapping of which the treaty provides; also that certain preliminary preparations have been made so that the other ships destined by the treaty for scrapping may be scrapped as soon as the treaty becomes effective.

"The treaty did not call for any scrapping of ships by France or Italy.

"In short, pending the exchange of ratifications of the naval treaty, the signatory powers are not only not ignoring its provisions but are making arrangements faithfully to carry out its terms.

"New construction: The retention by Japan of the completed post-Jutland ship *Mutsu* required certain compensatory changes in the original proposals. Thus the United States, under the treaty, is entitled to complete two ships of the *West Virginia* class. These are being completed, and it is believed that both of these vessels will be commissioned with the coming fiscal year. Upon their completion the United States is to scrap the *North Dakota* and the *Delaware*. Great Britain is also entitled under the treaty and is proposing to build two new ships, and on their completion four of the older ships, the *Thunderer*, *King George V*, the *Ajax*, and the *Centurion*, are to be scrapped.

"It is to be borne in mind that with these exceptions Great Britain and Japan, as well as the United States, abandoned their building programs for capital ships. This embraced the rest of Japan's 8–8 program, and also the four *Hoods* projected by Great Britain, which would have been the greatest of all ships with a tonnage believed to be about 49,000 each. The new ships which may be constructed under the treaty, or in replacement of the retained ships, may not exceed 35,000 tons (35,560 metric tons).

"Reconstruction or modernization: The naval treaty provides that no retained capital ships or aircraft carriers shall be reconstructed except for the purpose of providing means of defense against air and submarine attack. Reconstruction for this purpose is subject to the rules that the contracting powers may equip existing tonnage with bulge or blister or antiair attack deck protection providing the increase of displacement thus effected does not exceed 3,000 tons (3,048 metric tons) displacement for each ship. It is also provided that no alterations in side armor, in caliber, number, or general type of mounting of main armament is to be permitted. There are two exceptions to this—one in the case of France and Italy and another in the case of the British ship *Renown*, the alterations to the armor of that ship having been commenced before the conference and temporarily suspended.

"I am advised that the competent authorities of our Government have no information that any power, pending the exchange of ratifications of the treaty, is proceeding contrary to these provisions.

"When the conference was called Great Britain and the United States were pursuing different policies as to naval construction. Our Navy had adopted the policy of constructing new capital-ship tonnage without attempting to modernize the older tonnage. Great Britain had adopted a policy of modernizing her older capital ships and she began to put this policy into effect during the war. The result is that in a considerable number of British ships bulges have been fitted, elevation of turret guns increased, and turret loading arrangements modified to conform to increased elevation. By the reconstruction clauses of the treaty this system is only partially stopped. It is recognized that it is entirely legitimate to allow suitable provision to be made in the older ships for defense against submarine and air warfare. Since the signing of the treaty, and keeping strictly within its terms, Great Britain has continued her policy of modernizing her older ships to meet the dangers of air and torpedo attack. On the other hand, it must be remembered that with the completion of the two ships of the *West Virginia* class we shall have three post-Jutland ships with eight 16-inch guns each, and also the *Tennessee* and *California*, of 32,300 tons with twelve 14-inch guns, which were completed in 1921.

"So far as the United States is concerned the ground of complaint seems to be not of the treaty standard but of the fact that the appropriations which have thus far been allowed are not deemed by our experts to permit the personnel needed to maintain adequately the treaty standard and do not provide for the modernization work on older ships to protect against air and submarine attack; that is, work which may be done under the provisions of the treaty by the United States as well as by other powers.

"Personally, I am strongly in favor of maintaining an efficient Navy up to the treaty standard. This does not involve any injurious competition in battleships but simply makes possible the work and equipment which maintain the security and relative position contemplated by the treaty. There is another reason for this course. If we enter another conference, we should have an assured basis for a proper agreement by maintaining our existing relative strength. We have established a fair ratio based on existing strength as it stood at the time of the conference, and this ratio should not be altered to our prejudice.

"Policy of the naval treaty: The policy of limiting armaments by international agreement has widespread approval. There is no doubt that it has the support of a preponderant sentiment in this country. It seems to be the only way to avoid either a self-imposed sacrifice of security by independent limitation or a competition involving most wasteful expenditures and provocative of war. If you wish peace, you must pursue the paths of peace. Reasonable precaution in a prudent preparation for contingencies is one thing; a bellicose disposition and threatening gestures and preparation are quite different. Competition has its dangers for those who live under constitutional government where the purse strings may be closely held. Those who constantly insist that we should go our own way, scorning the agreements of peace, using our great resources to establish a superiority in armament which would brook no resistance, need a word of caution. It is very important not to wake up the wrong man. At the last it may turn out that you have stirred up fears and corresponding activities elsewhere, while your own people refuse to respond to your stimulus. While power and resources may be abundant, the power may not be exercised and you may lose the race which your bravado has encouraged. To a peace-loving democracy what could be more agreeable than reasonable security under an agreement which halts a wasteful competition in armament?

"The question really comes, not to the advisability of such an agreement in the abstract but to the fairness of a particular agreement. One indication that the present naval treaty is fair to all may perhaps be found in the fact that in each of the three countries—the United States, Great Britain, and Japan—there were loud complaints that the treaty was to the advantage of the others. As all could not be right it may be proper to assume that what the naval authorities of these countries in attendance at the conference approved was relatively fair. The definitions with respect to standards of measurement and displacement are the same for all powers. No unfair advantage is given to anyone.

"There was general agreement that capital ship tonnage should be used as the measurement of strength of the respective navies. Of course, there would be differences of view as to any matter of this sort, but this was the opinion of our experts and of others. With this as a basis for the agreement, we took the existing strength of the different navies as they were. What could be fairer than that? If one power could better its position, so could another, and the race would inevitably continue. We insisted, and this was entirely reasonable, that vessels under construction should be counted simply to the extent of the work done at the date of the conference.

"The conference put a stop to competition in capital ships—the great fighting ships of the rival navies. It put an end to the existing competitive programs in capital ships. It established the ratio based on existing strength and took the measure of that strength as shown by the proportion of capital ships built and in course of construction.

"Was it not better that at a time of considerable tension instead of threatening Japan by a proposal to fortify Guam we should agree that for 15 years we should rest content with the situation with which we had been satisfied for the past 23 years? And it should be remembered that in the same treaty Japan undertakes to maintain the status quo in the Kurile Islands, the Bonin Islands, Amami-Oshima, the Loochoo Islands, Formosa, and the Pescadores, and any other insular possessions she may hereafter acquire.

"My conclusion is that the naval treaty will stand the test of analysis and fair statement, taking all the pertinent facts into consideration, and that it will be a desirable safeguard and not a menace to our security and at the same time an important assurance of peace. These happy results will be obtained, however, on the condition that we act toward other nations in the same spirit of reasonableness and friendship that we expect them to exhibit toward us.

"Auxiliary vessels—light cruisers, etc.: The original American proposal contemplated a limitation of auxiliary combatant craft in a ratio similar to that recognized by the treaty as to capital ships. It was proposed that the tonnage of auxiliary surface combatant craft, including light cruisers, flotilla leaders, and destroyers, should be as follows: For the United States, 450,000 tons; for the British Empire, 450,000 tons; for Japan, 270,000 tons. Unfortunately, this limitation was not secured. I shall not review the reasons for this, but I may say that the failure is not attributable to us. The American position is just the same as it was at the conference, and we should welcome the opportunity to make the agreement upon this subject that we then proposed. So far as I am able to see, the difficulties that then stood in the way of such an agreement between the powers signatory to the treaty still stand.

"As to light cruisers, the United States is not as well supplied as it should be, but the treaty does not interfere with adequate provision by the United States to supply this want, and it should be supplied. This may be done on a basis which, I have no doubt, all powers would recognize as reasonable and without starting an injurious competition. Moreover, at the worst, it should be remembered that competition in combatant craft of not more than 10,000 tons with 8-inch guns is a very different thing than unlimited competition in the monster battleships of over 30,000 tons and which in the case of the projected *Hoods* were running to nearly 50,000 tons.

"Fortifications: Failing to find unfairness in these provisions of the treaty, there has been some criticism of the agreement to maintain the status quo with respect to fortifications and naval bases in the Pacific Ocean. The United States, British Empire, and Japan agree to maintain this status quo in their respective territories and possessions specified as follows:

"(1) The insular possessions which the United States now holds or may hereafter acquire in the Pacific Ocean, except (a) those adjacent to the coast of the United States, Alaska, and the Panama Canal Zone, not including the Aleutian Islands, and (b) the Hawaiian Islands;

"(2) Hongkong and the insular possessions which the British Empire now holds or may hereafter acquire in the Pacific Ocean, east of the meridian of 110° east longitude, except (a) those adjacent to the coast of Canada, (b) the Commonwealth of Australia and its Territories, and (c) New Zealand;

"(3) The following insular territories and possessions of Japan in the Pacific Ocean, to wit, the Kurile Islands, the Bonin Islands, Amami-Oshima, the Loochoo Islands, Formosa and the Pescadores, and any insular territories or possessions in the Pacific Ocean which Japan may hereafter acquire.

"With respect to the United States this means that we can not increase our fortifications and naval bases in the Philippines, Guam, and the Aleutian Islands. We are free to add to our fortifications and naval bases in the Hawaiian Islands and in the islands adjacent to the coast of the United States, Alaska, and the Panama Canal Zone, except the Aleutian Islands.

"It is hardly necessary to say that every naval strategist has looked at Guam as an island of great strategic value. In fact, its position presents such opportunities that commensurate fortifications and naval facilities, however peaceful might be our actual intent, could hardly fail to be regarded as a menacing gesture of no slight consequence.

"But while naval facts are important, political facts are just as important. The strategist will accomplish nothing without his Congress. The political consequences of the action he desires can not be ignored. We have heard so much from naval experts about Guam that I must refer to what Senator LODGE said about this island during the debate in the Senate on the naval treaty. He said that he had been 'a good deal amused at the agony of apprehension which some persons have expressed in regard to Guam.' We had taken that island in the Spanish-American War; it was taken by the cruiser *Charleston*. But we had so little interest in the island that we had never passed any legislation to provide for its government. It had been left in the hands of the Navy which captured it. The captain of the ship represented the captors and ruled the island. The Senator added that we had never fortified it and nobody would vote spending money in fortifying it.

"While the three great naval powers are not under an agreement as to limitation upon the total tonnage of auxiliary combatant craft, it ought to be possible to arrange a modus vivendi which would preclude a wasteful and unnecessary competition. While plans are now being made by other powers for new construction of auxiliary combatant craft, there is nothing that can be called in any degree alarming. The point of difficulty, so far as the United States is concerned, is that there is not a proper balance in its Navy because of the lack of light cruisers, but as I have said this could properly be remedied.

"Pacific and far eastern questions: The indirect result of the conference in the Shantung settlement was, as I have said, of controlling importance. The four-power treaty in the simplest manner solved a great problem while pledging nothing contrary to our traditions. It created the atmosphere of peace and confidence in friendly relations, and at the same time provided for the immediate termination of the Anglo-Japanese alliance, thus disposing of one of the most difficult questions relating to the Far East.

"The Chinese treaties give China a Magna Charta. We could not provide stability for China, but we did provide assurances of respect for her sovereignty, independence, and territorial and administrative integrity, and the full and most unembarrassed opportunity to develop and maintain for herself an efficient and stable government. We have done all that we can do for China short of the interference which she resents and we condemn.

"For the first time the principle of the open door, or equality of commercial opportunity, in its application to China, has the sanction of a precise definition in appropriate treaty provisions. We were not content with a general statement of principles; we proceeded to particulars.

"The Washington conference, if its work continues to enjoy the same support in public sentiment as was so emphatically expressed at the time, will not only afford a better assurance of peace and the continuance of friendly relations, but will serve to illustrate the method of effective international cooperation which fully accords with the genius of American institutions."

Mr. Speaker, my term of service in this body is drawing to a close. For eight years I have had the honor of representing the Long Island district, a period full of interesting and stirring events when patriotism rose above partisanship. it has been a personal pleasure to have associated with you as colleagues and a privilege to have known you as friends. I feel deeply indebted to you all for your courtesy, your kindly consideration, and the generosity extended to me while I have been among you, and I tender my thanks to you with sincere gratitude. The days of our comradeship, consecrated by service to the Nation and cemented by fellowship and mutual confidence, will remain memories which the fleeting years will not efface.

I have felt it a signal honor to have served on the Committee on Naval Affairs during the stormy times of the last few years. The memory of Chairman Padgett, courteous and kindly, whose career was marked by ability and fidelity, is a most happy one.

For my dear friend Chairman BUTLER my feeling lies deeper than the mere association of one colleague with another. It is inspired by sincere affection. His generosity, his sympathy, and his unselfish consideration for others has endeared him to all who have had the pleasure of an intimate acquaintanceship, and in severing our official ties I extend to him my felicitations and congratulations upon the great service he has rendered the Navy.

To my colleagues on the Naval Committee, gentlemen who have striven earnestly and conscientiously in the fulfillment of their duty, I thank you for your cooperation. My colleagues, let us never forget that the American Navy is the very bulwark of our liberties, the protection of our national policies. Throughout the years of its untarnished history it has ever been ready to defend the flag it carried. Keep it strong, keep it virile, keep it efficient. The United States Navy means more than crews and ships, more than power of shell and might of steel; it connotes the will and the purpose of the Republic itself; it epitomizes the spirit of America and binds us to a closer and more resolute union. It is the symbol not only of daring but of sacrifice, not only of courage but of constructive endeavor, constant in purpose and steadfast to the end. To the fertility of resource, the unswerving devotion to duty, and the heroic bravery of officers and men of the service no higher tribute can be paid than by the simple words, All is well with the American Navy.

Mr. LINEBERGER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from California moves to strike out the last word.

Mr. LINEBERGER. Mr. Chairman and gentlemen of the committee, I was not present on the floor of the House to-day when the gentleman from Minnesota [Mr. KNUTSON]——

Mr. BRITTEN. Mr. Chairman, I make the point of order that the gentleman's remarks are not being confined to the bill.

The CHAIRMAN. The Chair sustains the point of order.

Mr. ABERNETHY. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes out of order.

The CHAIRMAN. Is there objection to the request of the gentleman?

Mr. BRITTEN. Reserving the right to object, Mr. Chairman, if we get into a war debate we shall be talking here for a month. My only desire is that from now on we shall confine our remarks to the bill.

Mr. LINEBERGER. The gentleman did not object when the gentleman from Minnesota consumed 15 minutes of the time of the House to-day.

Mr. BRITTEN. I withdraw the reservation, Mr. Chairman.

The CHAIRMAN. The reservation of objection is withdrawn.

Mr. STAFFORD. May I inquire if we are going to have general debate in the consideration of this bill at this late hour? We might as well rise in a few minutes.

Mr. BUTLER. I will move to rise in a few minutes.

Mr. STAFFORD. I understood the gentleman from Minnesota [Mr. KNUTSON] was privileged to discuss something outside of the bill.

Mr. NEWTON of Minnesota. If the gentleman refers to me, I will say that the remarks he referred to were made by my colleague, Mr. KNUTSON.

Mr. STAFFORD. I think my enunciation is clear enough to distinguish "KNUTSON" from "NEWTON."

Mr. LINEBERGER. Mr. Chairman, I was not present in the House when the gentleman from Minnesota [Mr. KNUTSON] to-day unfurled the German imperial standard, as it were, here on the floor of this House. He made a speech such as I hope has never been made in this House before and such as I hope will never be sounded within these precincts again. [Applause.]

The gentleman from Minnesota perhaps lies within the class to which I referred several days ago in certain remarks which I made on the floor, after having inserted in the RECORD excerpts from a certain letter on the Ruhr situation, concerning which the gentleman spoke to-day, and I am going to read those remarks so that the House may judge for itself. I read from the RECORD of February 3, 1923:

Mr. LINEBERGER. Mr. Chairman and gentlemen of the House, I have simply had this excerpt of a letter from a French soldier, which you have just heard, read into the RECORD as something of a supplement to the views which I sought to present on the floor of this House day before yesterday. I recognize the fact that there are gentlemen in this country, and perhaps on the floor of this House, which the CONGRESSIONAL RECORD of April 5, 1917, will show not to have been in accord with the great idea which moved this great Nation of ours to enter into the war to save civilization, and which did save civilization. These were against our entering the war, and, quite consistently, voted against the declaration of war against the Imperial German Government. I recognize the fact that those of us who had the high privilege of serving in that war do not owe that privilege to the votes of these gentlemen. It was only natural to expect that they would not avail themselves of the privilege to fight which they denied others, and, with one or two notable exceptions, this was true. It is perfectly consistent for these gentlemen to now oppose the position I have taken in pleading the cause of France, and I have no doubt that such opposition as my views may receive here will largely come from that element on the floor of this House. These gentlemen are at least consistent, although I am sorry to say they are as ill-advised now as then and, incidentally, as much in the minority. [Applause.]

It is indeed more than a coincidence that the three gentlemen, Mr. LONDON, Mr. VOIGT, and Mr. KNUTSON, who have seen fit—and they are within their privileges, I will admit—to take a very marked and pronounced pro-German attitude in this body all fall well within the category which I have described. Only this morning from the Washington Post I cut out this clipping. It is very apropos to the subject:

VOIGT, of Wisconsin, offers a resolution in the House protesting against the French Ruhr occupation as an act of war and dunning France for the debt. Statesman of marked consistency in abhorrence of acts of war, he having voted against the well-known one of April 6, 1917. Born in Germany? Go to the head of the class.

And as to the gentleman from Minnesota [Mr. KNUTSON], perhaps it would be quite proper to declare that he be promoted at once to be second to the head of the class. The remarks of the gentleman from New York [Mr. LONDON], the gentleman from Wisconsin [Mr. VOIGT], and the gentleman from Minnesota [Mr. KNUTSON] might fall upon sympathetic ears in Russia, Germany, or Norway perhaps; but they find little sympathy in the United States of America, lest it be in the "Little Germany" of certain congressional districts, which I will not mention; it is not necessary.

Now I quite agree with the views of my colleague and friend, the gentleman from North Carolina [Mr. BULWINKLE]. I indorse every word he says. He served gallantly at the front, participating in many battles, and he knows what he is talking about. I know that gentlemen like Mr. KNUTSON, of Minnesota, will say the war is over. I will say to the gentlemen of the House that the war never began for gentlemen like the gentleman from Minnesota. Those of us who had the high privilege of serving in some capacity in that great war to save civilization—and I do not refer alone to those who happened to wear the uniform—owe nothing to such gentlemen. Therefore, so far as I am concerned, I say to the House and to the country that Mr. KNUTSON represents only his own pro-German views and perhaps those of that small minority to which I have referred, and it would have been in better taste had he delivered his speech in his district in Minnesota, for which it was no doubt intended. [Applause.]

I yield back the remainder of my time.

The CHAIRMAN. The gentleman from California yields back the remainder of his time. The Clerk will read.

The Clerk read as follows:

TO CREDIT CERTAIN OFFICERS WITH ACTIVE DUTY PERFORMED SINCE RETIREMENT.

SEC. 4. That all retired commissioned and warrant officers of the United States Navy and Marine Corps who served on active duty in the Navy and Marine Corps of the United States during the war with Germany shall be credited with all active duty performed since retirement during the period from April 6, 1917, to March 8, 1921, in the computation of their longevity pay.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word, and I claim the floor.

Mr. BUTLER. Mr. Chairman, I move the committee do now rise.

The CHAIRMAN. The gentleman from Pennsylvania moves that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (S. 4137) to authorize the transfer of certain vessels from the Navy to the Coast Guard, had come to no resolution thereon.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3169. An act to equalize pensions of retired policemen and firemen of the District of Columbia, and for other purposes.

S. 2531. An act to create a board of accountancy for the District of Columbia, and for other purposes.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 5224. An act to authorize the Secretary of the Navy to certify to the Secretary of the Interior, for restoration to the public domain, lands in the State of Louisiana not needed for naval purposes.

H. R. 13046. An act authorizing the Secretary of the Treasury to convey to the city of Wilmington, N. C., marine hospital reservation.

H. R. 13760. An act to amend an act entitled "An act to authorize the construction of drawless bridges across a certain portion of the Charles River in the State of Massachusetts," approved November 14, 1921.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to Mr. BURTON, for February 16 and 17, on account of important business.

FEDERAL FORESTRY BILL.

Mr. GERNERD. Mr. Speaker, I ask permission to have reprinted 500 copies of House Document No. 558.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to have reprinted 500 copies of House Document No. 558. Is there objection?

Mr. WINGO. What is the document?

Mr. GERNERD. A letter from the President relating to reforestation.

The SPEAKER. Is there objection?

There was no objection.

TRANSFER OF H. R. 14183 TO THE UNION CALENDAR.

Mr. DENISON. Mr. Speaker, I ask unanimous consent that H. R. 14183, reported by the Committee on Public Buildings and Grounds, be transferred from the Private to the Union Calendar. It is a bill which authorizes the Secretary of the Treasury to sell a small strip of land belonging to the Federal Government. I think it really belongs on the Union Calendar.

The SPEAKER. The gentleman from Illinois asks unanimous consent that H. R. 14183 be transferred from the Private Calendar to the Union Calendar. Is there objection?

Mr. STAFFORD. Let it go over for to-night.

Mr. DENISON. I hope the gentleman will not object.

Mr. STAFFORD. For the time being, Mr. Speaker, I will object.

INTERSTATE AND FOREIGN COMMERCE COMMITTEE.

Mr. WINSLOW. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce be allowed to sit during the sessions of the House during the remainder of this session.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the Committee on Interstate and Foreign Commerce be granted leave to sit during the sessions of the House. Is there objection?

Mr. GARRETT of Tennessee. For how long?

Mr. WINSLOW. I said during the remainder of the session. Ten days will be plenty.

The SPEAKER. Is there objection?

There was no objection.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 369. An act for the relief of the owner of Old Dominion Pier A.

H. R. 10529. An act for the relief of Harry E. Fiske.

H. R. 7583. An act for the relief of Henry Peters.

H. J. Res. 440. Joint resolution to satisfy the award rendered against the United States by the Arbitral Tribunal established under the special agreement concluded June 30, 1921, between the United States of America and the Kingdom of Norway.

HOUR OF MEETING TO-MORROW.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, may I ask what business will be taken up to-morrow?

Mr. MONDELL. We hope to finish this bill now before the House, and the omnibus Post Office bill—or, at least, to make headway with the omnibus Post Office bill.

Mr. GARRETT of Tennessee. There will be nothing more unless there should be conference reports?

Mr. MONDELL. No.

The SPEAKER. The Chair will recognize the gentleman from Michigan [Mr. CRAMTON] at the opening of the session.

Mr. GARRETT of Tennessee. Of course.

Mr. BLANTON. Reserving the right to object, may I ask whether or not what is known as the teachers' salary bill will be given an opportunity to be taken up at this session?

The SPEAKER. That is not a parliamentary inquiry.

Mr. BLANTON. I am asking for information. As one Member of the House I am hoping that it will.

The SPEAKER. The Chair can not give the gentleman that information.

Mr. BLANTON. If I can not get any information on that subject, I will object.

The SPEAKER. The gentleman from Texas objects.

ADJOURNMENT.

Mr. MONDELL. I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 12 minutes p. m.) the House adjourned until Friday, February 16, 1923, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

993. A letter from the Secretary of War, transmitting a draft of proposed legislation to settle pressing claims in admiralty, presented in part through the State Department by foreign governments on behalf of owners of vessels damaged by craft in the service of the War Department during the war (H. Doc. No. 576); to the Committees on Appropriations and Military Affairs and ordered to be printed.

994. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Department of State for the fiscal year ending June 30, 1924, amounting to $244,300, and deficiency appropriations for the fiscal years 1918 and 1919 amounting to $169.47; in all, $244,469.47 (H. Doc. No. 577); to the Committee on Appropriations and ordered to be printed.

995. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Department of Commerce for the fiscal year ending June 30, 1923, amounting in all to $650,000, together with certain proposed legislation (H. Doc. No. 578); to the Committee on Appropriations and ordered to be printed.

996. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Department of the Interior for the fiscal year ending June 30, 1923, amounting to $183,000 (H. Doc. No. 579); to the Committee on Appropriations and ordered to be printed.

997. A communication from the President of the United States, transmitting a communication from the Secretary of the Navy submitting an estimate of appropriation in the sum of $16,940.61 to pay claims which he has adjusted, and which require an appropriation for their payment (H. Doc. No. 580); to the Committee on Appropriations and ordered to be printed.

998. A communication from the President of the United States, transmitting supplemental estimates of appropriation for the Post Office Department for the fiscal year ending June 30, 1923, amounting to $2,325,000 (H. Doc. No 581); to the Committee on Appropriations and ordered to be printed.

999. A communication from the President of the United States, transmitting a communication from the Secretary of War submitting an estimate of appropriation in the sum of $848,067.29 to settle in full all claims of the American Red Cross against the War Department and which require an appropriation for its payment (H. Doc. No. 582); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. WURZBACH: Committee on Military Affairs. H. R. 13239. A bill authorizing the Secretary of War to transfer to the town of Kittery, Me., for park purposes, all right and title now vested in the United States to the entire Government reservation known as Fort McClary, in said Kittery; with an amendment (Rept. No. 1609). Referred to the Committee of the Whole House on the state of the Union.

Mr. HICKEY: Committee on the Judiciary, H. R. 14324. A bill to amend section 107 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as heretofore amended; without amendment (Rept. No. 1611). Referred to the House Calendar.

Mr. HICKEY: Committee on the Judiciary. H. R. 6376. A bill to amend the act establishing the eastern judicial district of ern countries; with an amendment (Rept. No. 1621). Referred the House Calendar.

Mr. KLINE of Pennsylvania: Committee on Election of President, Vice President, and Representatives in Congress. H. J. Res. 220. A joint resolution proposing an amendment to the Constitution of the United States; without amendment (Rept. No. 1613). Referred to the House Calendar.

Mr. ANDREWS of Nebraska: Committee on Election of President, Vice President, and Representatives in Congress. H. R. 14186. A bill fixing the date for the beginning of regular sessions of Congress; without amendment (Rept. No. 1614). Referred to the House Calendar.

Mr. ANDREWS of Nebraska: Committee on Election of President, Vice President, and Representatives in Congress. H. J. Res. 252. A joint resolution proposing an amendment to the Constitution of the United States; without amendment (Rept. No. 1615). Referred to the House Calendar.

Mr. LANGLEY: Committee on Public Buildings and Grounds. S. J. Res. 218. A joint resolution to create a commission to consider the proposal of a central building for art and industry in the District of Columbia; without amendment (Rept. No. 1616). Referred to the House Calendar.

Mr. LANGLEY: Committee on Public Buildings and Grounds. H. J. Res. 347. A joint resolution authorizing the transfer to the jurisdiction of the Commissioners of the District of Columbia of a certain portion of the Anacostia Park for tree nursery purposes; without amendment (Rept. No. 1619). Referred to the Committee of the Whole House on the state of the Union.

Mr. LANGLEY: Committee on Public Buildings and Grounds. H. R. 13961. A bill authorizing the Secretary of the Treasury to sell the United States marine hospital reservation and improvements thereon at Detroit, Mich., and to acquire a suitable site in the same locality and to erect thereon a modern hospital for the treatment of beneficiaries of the United States Public Health Service, and for other purposes; without amendment

(Rept. No. 1620). Referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Washington: Committee on Immigration and Naturalization. S. 4092. An act providing for the admission into the United States of certain refugees from near eastern countries; with an amendment (Rept. No. 1621). Referred to the Committee of the Whole House on the state of the Union.

Mr. LANGLEY: Committee on Public Buildings and Grounds. H. R. 13596. A bill providing for the erection of a post office and public building at Belding, Mich.; without amendment (Rept. No. 1622). Referred to the Committee of the Whole House on the state of the Union.

Mr. LANGLEY: Committee on Public Buildings and Grounds. H. R. 14039. A bill authorizing the acquisition of a site and the erection of a public building at Keytesville, Mo.; without amendment (Rept. No. 1623). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. LANGLEY: Committee on Public Buildings and Grounds. H. R. 14183. A bill to authorize the Secretary of the Treasury to sell a portion of the Federal building site in the city of Duquoin, Ill.; without amendment (Rept. No. 1617). Referred to the Committee of the Whole House.

Mr. LANGLEY: Committee on Public Buildings and Grounds. H. R. 12751. A bill to convey to the Big Rock Stone & Construction Co. a portion of the hospital reservation of United States Veterans' Hospital No. 78 (Fort Logan H. Roots) in the State of Arkansas; without amendment (Rept. No. 1618). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RHODES: A bill (H. R. 14350) for the control of the flood waters of the Mississippi River and its tributaries; to the Committee on Flood Control.

By Mr. ROSENBLOOM: A bill (H. R. 14351) to authorize bridging the Ohio River at Moundsville, W. Va.; to the Committee on Interstate and Foreign Commerce.

By Mr. FOCHT: A bill (H. R. 14352) to amend the act of Congress approved September 6, 1922, relating to the discontinuance of the use as dwellings of buildings situated in alleys in the District of Columbia; to the Committee on the District of Columbia.

By Mr. RAKER: A bill (H. R. 14353) requiring railway and railroad companies engaged in interstate commerce to reimburse employees for property losses sustained by moving terminals or division points; to the Committee on Interstate and Foreign Commerce.

By Mr. TINKHAM: A bill (H. R. 14354) to amend an act entitled "An act to create a juvenile court in and for the District of Columbia," and for other purposes; to the Committee on the District of Columbia.

By Mr. BURTON: A bill (H. R. 14355) for the purchase of a site and the erection of a Federal building at Cleveland, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. FESS: A joint resolution (H. J. Res. 447) to provide for the participation of the United States in the observance of the one hundredth anniversary of the enunciation of the Monroe doctrine and of the ninety-second anniversary of the death of James Monroe; to the Committee on Industrial Arts and Expositions.

By Mr. CONNALLY of Texas: A joint resolution (H. J. Res. 448) providing for the appointment of a joint committee of the Senate and House of Representatives to investigate the organization, activities, and administration of the Veterans' Bureau and of the manner in which the laws of Congress relating to invalid and disabled veterans have been and are being administered; to the Committee on Rules.

By Mr. HAWLEY: A joint resolution (H. J. Res. 449) for the relief of the city of Astoria, Oreg.; to the Committee on Ways and Means.

By Mr. FISH: A resolution (H. Res. 532) providing for the appointment of a committee of six Members elect of the Sixty-eighth Congress to amend the rules of the House of Representatives; to the Committee on Rules.

By Mr. RODENBERG: A resolution (H. Res. 533) increasing the salaries of James Coates, Benjamin F. Jones, Arthur Lucas, and Albert Scott; to the Committee on Accounts.

By the SPEAKER (by request): Memorial of the Legislature of the State of Iowa, favoring the measure to increase the maximum amount which can be loaned to any one person, as provided in the Federal farm loan act, from $10,000 to $25,000; to the Committee on Banking and Currency.

Also, memorial of the Legislature of the State of South Dakota, favoring the immediate development of the Great Lakes-St. Lawrence deep waterway; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Legislature of the State of Pennsylvania, favoring the use of the modern mail-tube system; to the Committee on the Post Office and Post Roads.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GRAHAM of Pennsylvania: A bill (H. R. 14356) authorizing the United States Employees' Compensation Commission to take jurisdiction of the application of Pearl Mason; to the Committee on Claims.

By Mr. HOGAN: A bill (H. R. 14357) to advance Stephen A. Farrell on the retired list of the United States Navy; to the Committee on Naval Affairs.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 14358) for the relief of John R. Kissinger; to the Committee on Pensions.

By Mr. SANDERS of Texas: A bill (H. R. 14359) granting a pension to Mattie Davidson; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 14360) granting a pension to Louisa Woods; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7304. By Mr. ANSORGE: Petition of Automobile Merchants Association (Inc.), New York City, favoring passage of Senate bill 4202 providing for a national police bureau; to the Committee on the Judiciary.

7305. Also, petition of the Bobbins-Ripley Co., New York City, urging passage of section 11 of Senate bill 4137 to relieve war losses due to Government agencies on contract with Navy Department; to the Committee on Naval Affairs.

7306. Also, petition of M. M. Giles, New York City, urging passage of House bill 13298 providing for the extension of the benefits of the war risk insurance act and vocational rehabilitation act to veterans of all wars alike and their dependents; to the Committee on Interstate and Foreign Commerce.

7307. By Mr. BARBOUR: Resolution adopted by Daylight Post, No. 229, American Legion, San Francisco, Calif., urging the suppression of the Ku-Klux Klan; to the Committee on the Judiciary.

7308. By Mr. BULWINKLE: Petition of Dr. W. J. Martin, president of Davidson College, North Carolina, relating to an appropriation for the Reserve Officers' Training Corps; to the Committee on Appropriations.

7309. By Mr. CRAMTON: Petition of Ferdinand Wolf and other residents of Palms, Mich., urging passage of the resolution to give aid to the people of Germany and Austria; to the Committee on Foreign Affairs.

7310. By Mr. CULLEN: Petition of International Typographical Union, Indianapolis, Ind., opposing the passage of the ship subsidy bill; to the Committee on the Merchant Marine and Fisheries.

7311. By Mr. DARROW: Petition of Concord School Council, Fraternal Patriotic Americans, of Germantown, Philadelphia, Pa., favoring restricted immigration; to the Committee on Immigration and Naturalization.

7312. Also, petition of F. D. Pastorius Council, No. 1, Order of Independent Americans, of Germantown, Philadelphia, Pa., and Reserve Council, No. 253, Order of Independent Americans, of Philadelphia, Pa., for restricted immigration; to the Committee on Immigration and Naturalization.

7313. By Mr. GRAHAM of Pennsylvania: Petition of the Philadelphia Board of Trade, opposing Senate bill 4243, providing credit to Germany with which to buy raw materials; to the Committee on Banking and Currency.

7314. By Mr. JOHNSON of Washington: Petition of various citizens of Tacoma, Wash., favoring repeal of tax on small-arms ammunition and firearms; to the Committee on Ways and Means.

7315. By Mr. KIESS: Petition of the Lumber City Council, No. 831, Order of Independent Americans, of Williamsport, Pa., relative to immigration legislation; to the Committee on Immigration and Naturalization.

7316. By Mr. KISSEL: Petition of Central Trades and Labor Council, Greater New York and vicinity, favoring the passage of Senate bill 3136, known as the teachers' salary bill; to the Committee on the District of Columbia.

7317. By Mr. NEWTON of Minnesota: Petition signed by Theo. J. E. Fonnessen and other residents of Minneapolis, Minn., indorsing joint resolution purporting to extend immediate aid to people of German and Austrian Republics; to the Committee on Foreign Affairs.

7318. By Mr. ROGERS: Petition adopted at the town meeting, Carlisle, Mass., urging Congress to set up some agency which shall have the power to fix a maximum price on coal; to the Committee on Interstate and Foreign Commerce.

7319. By Mr. SMITH of Idaho: Petition by settlers on Twin Falls north side project, Idaho, favoring a reduction of freight rates; to the Committee on Interstate and Foreign Commerce.

7320. Also, petition by settlers on Twin Falls north side project, Idaho, favoring a reduction of freight rates; to the Committee on Interstate and Foreign Commerce.

7321. By Mr. TAGUE: Petition of Court Italy, No. 142, Foresters of America, and Loggia Unione E Progresso, Sons of Italy, all of Boston, Mass., against the passage of House bill 14273 further restricting immigration; to the Committee on Immigration and Naturalization.

SENATE.

FRIDAY, *February 16, 1923.*

(Legislative day of Tuesday, February 13, 1923.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

REORGANIZATION OF EXECUTIVE DEPARTMENTS (S. DOC. NO. 302).

Mr. SMOOT. Mr. President, I have here a complete statement of the organization of our Government departments as they exist to-day, together with a complete statement of the reorganization of the departments of the Government as recommended by the President and Cabinet at the request of the Joint Committee on Reorganization. I ask that the statement be printed in the RECORD, together with the heading that I submit with the plan, and also that a copy of the President's letter addressed to Mr. Walter F. Brown, chairman of the Joint Committee on Reorganization of the Government Departments, be printed in the RECORD, to be followed by the outline of the reorganization plan recommended by the President and the Cabinet. I ask also that the reorganization plan with the heading be printed as a public document.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The letter and statement are as follows:

[Senate Document No. 302, Sixty-seventh Congress, fourth session.]

REORGANIZATION OF THE EXECUTIVE DEPARTMENTS.

Letter from the President of the United States to Mr. Walter F. Brown, chairman of the Joint Committee on the Reorganization of Government Departments, transmitting a chart exhibiting in detail the present organization of the Government departments and the changes suggested by the President and the Cabinet. Presented by Mr. SMOOT February 13 (calendar day, February 16), 1923. Ordered to be printed.

THE WHITE HOUSE,
Washington, February 13, 1923.

Mr. WALTER F. BROWN,
Chairman Joint Committee on the Reorganization of Government Departments, Washington, D. C.

MY DEAR MR. BROWN: I hand you herewith a chart which exhibits in detail the present organization of the Government departments and the changes suggested after numerous conferences and consultations with the various heads of the executive branch of the Government. The changes, with few exceptions, notably that of coordinating all agencies of national defense, have the sanction of the Cabinet. In a few instances, which I believe are of minor importance, the principle of major purpose has not been followed to the letter, in order to avoid controversies which might jeopardize reorganization as a whole.

Permit me to repeat what I have said to the members of the Joint Committee on Reorganization—that I regret deeply the delay in placing our suggestions in your hands. It has been caused solely by the difficulty which has been encountered in reconciling the views of the various persons charged with the responsibility of administering the executive branch of the Government.

With the earnest hope that the suggestions submitted may be of material assistance to the committee in performing its most important task, I am,

Very truly yours, WARREN G. HARDING.

OUTLINE OF THE REORGANIZATION PLAN RECOMMENDED BY THE PRESIDENT AND THE CABINET.

SUMMARY OF RECOMMENDATIONS.

The outstanding recommendations are as follows:

I. The coordination of the Military and Naval Establishments under a single Cabinet officer as the Department of National Defense.

II. The transfer of all nonmilitary functions from the War and Navy Departments to civilian departments, chiefly Interior and Commerce.

III. The elimination of all nonfiscal functions from the Treasury Department.

IV. The establishment of one new department, the Department of Education and Welfare.

V. The change of the name of the Post Office Department to Department of Communications.

VI. The attachment to the several departments of all independent establishments except those which perform quasi-judicial functions or act as service agencies for all departments.

THE MORE IMPORTANT CHANGES, BY DEPARTMENTS.

STATE DEPARTMENT.

(a) The Bureau of Insular Affairs is transferred from the War Department to the Department of State.

TREASURY DEPARTMENT.

(a) The General Accounting Office, now an independent establishment, is transferred to the Treasury Department.

(b) The following bureaus, now in the Treasury Department, are transferred to other departments as noted:

BUREAU OR OFFICE—	TRANSFERRED TO—
Bureau of the Budget	Independent establishment.
General Supply Committee	Independent establishment.[1]
Public Health Service	Education and Welfare.
Coast Guard	Commerce, defense.[2]
Supervising Architect's Office	Interior.

WAR AND NAVY DEPARTMENTS.

(a) These departments are placed under a single Cabinet officer, as the Department of Defense. Three undersecretaries are provided; for the Army, for the Navy, and for national resources.

(b) The nonmilitary engineering activities of the War Department, including the Board of Engineers for Rivers and Harbors, the District and Division Engineer Offices, the Mississippi River and California Débris Commissions, the Board of Road Commissioners for Alaska, and the Office of Public Buildings and Grounds (District of Columbia), are transferred to the Department of the Interior.

(c) The marine activities of the War Department, including the Lake Survey Office, the Inland and Coastwise Waterways Service, and the supervisor of New York Harbor, are transferred to the Department of Commerce.

(d) The Bureau of Insular Affairs is transferred from the War Department to the Department of State.

(e) The Hydrographic Office and the Naval Observatory are transferred from the Navy Department to the Department of Commerce.

(f) The Revenue Cutter Service, now a part of the Coast Guard in the Treasury Department, is transferred from that department to the Naval Establishment.

DEPARTMENT OF THE INTERIOR.

(a) The Interior Department is given two major functions: The administration of the public domain and the construction and maintenance of public works. The subdivisions of the department are grouped accordingly under two assistant secretaries.

(b) The educational and health activities of the department, including the Bureau of Education, Indian schools, Howard University, the Columbia Institution for the Deaf, St. Elizabeths Hospital, and Freedmen's Hospital, together with the Bureau of Pensions, are transferred to the new Department of Education and Welfare.

(c) The Bureau of Mines[3] and the Patent Office are transferred to the Department of Commerce.

(d) The nonmilitary engineering activities of the War Department[4] are transferred to the Department of the Interior, as is also control over the national military parks.

(e) The Supervising Architect's Office is transferred from the Treasury Department to the Department of the Interior.

(f) The Bureau of Public Roads is transferred from the Department of Agriculture to the Department of the Interior.

(g) The functions of the Federal Power Commission, an independent establishment, are transferred to the Department of the Interior.

DEPARTMENT OF JUSTICE.

(a) The solicitors of the several departments, now nominally under the control of the Department of Justice, are transferred to the departments to which they are respectively attached.

(b) The office of the Alien Property Custodian, now an independent establishment, is transferred to the Department of Justice.

(c) The administration of United States prisons is transferred from the Department of Justice to the Department of Education and Welfare.

DEPARTMENT OF COMMUNICATIONS.

(a) The Post Office Department is renamed as the Department of Communications. The only important change contemplated is the addition of a bureau to develop and extend telephone and telegraphic communications, including wireless, for the general public benefit.

DEPARTMENT OF AGRICULTURE.

(a) The Bureau of Public Roads is transferred to the Department of the Interior.

(b) The Botanic Garden is transferred from congressional supervision to the control of the Department of Agriculture.

DEPARTMENT OF COMMERCE.

(a) The Department of Commerce is given three major functions: The promotion of industry, the promotion of trade, and the development, regulation, and protection of the merchant marine. The subdivisions of the department are organized, accordingly, under three Assistant Secretaries.

(b) The Bureau of Mines and the Patent Office are transferred to the Department of Commerce from the Department of the Interior, as well as the compilation of statistics of mineral production.[5]

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[1] A bureau of purchase and supply is proposed, to be an independent establishment. It would assume the functions now performed by the General Supply Committee.

[2] The Coast Guard is now composed of the former Revenue Cutter and Life Saving Services (consolidated by the act approved January 28, 1915). It is proposed that the Revenue Cutter Service shall be transferred to the Naval Establishment (Department of Defense) and the Life Saving Service to the Department of Commerce.

[3] Except the Government fuel yards, which is to become a part of the proposed Bureau of Purchase and Supply (independent).

[4] See (b) under War and Navy Departments.

[5] Statistics of mineral production are compiled by the Geological Survey of the Interior Department.

(c) The Lake Survey, the inland and coastwise waterways service, the supervisor of New York Harbor, and the compilation of statistics of internal commerce are transferred from the War Department to the Department of Commerce.

(d) The Hydrographic Office and the Naval Observatory are transferred from the Navy Department to the Department of Commerce.

(e) The Life Saving Service is transferred from the Treasury Department (Coast Guard) to the Department of Commerce, which is given control likewise over the United States section of the Inter-American High Commission, now in the Treasury Department.

DEPARTMENT OF LABOR.

(a) The functions of the women's and children's bureaus, except such as relate to women and children in industry, are transferred to the Department of Education and Welfare.

DEPARTMENT OF EDUCATION AND WELFARE.

(a) This is a new department, to have four major subdivisions, each in charge of an assistant secretary, as follows:

Education.
Health.
Social service.
Veteran Relief.

(b) Existing bureaus and offices to be transferred to the Department of Education and Welfare are as follows:

From the Department of the Interior:
Bureau of Education.
Indian schools.
Howard University.
St. Elizabeths Hospital.
Freedmen's Hospital.
Bureau of Pensions.
From the Department of Labor:
Women's Bureau (part).
Children's Bureau (part).
From the Treasury Department:
Public Health Service.
From the War Department:
Soldiers' Home.
From the Department of Justice:
Office of the Superintendent of Prisons.
Independent establishments:
Smithsonian Institution.[6]
Federal Board for Vocational Education.
National Home for Disabled Volunteer Soldiers.
Columbia Institution for the Deaf.
Veterans' Bureau.

INDEPENDENT ESTABLISHMENTS.

(a) To the greatest possible extent the existing independent establishments have been placed under the administrative supervision of some department. Only those remain which are quasi judicial in character, necessitating a board or commission form of organization, or which perform a service function for all branches of the Government. These are as follows:

Commissions, boards, etc.:
Civil Service Commission.
Shipping Board Emergency Fleet Corporation.
Tariff Commission.
Interstate Commerce Commission.
Federal Trade Commission.
Federal Reserve Board.
War Finance Corporation.
Coal Commission.
Railroad Administration.
Railroad Labor Board.
World War Foreign Debt Commission.
Service bureaus and offices:
Bureau of the Budget.
Government Printing Office.
Bureau of Efficiency.
Bureau of Purchase and Supply, Government Fuel Yards.

CONGRESS OF THE UNITED STATES, JOINT COMMITTEE ON REORGANIZATION.

WALTER F. BROWN, representing the President, chairman.
REED SMOOT, Senator from Utah, vice chairman.
JAMES W. WADSWORTH, JR., Senator from New York.
PAT HARRISON, Senator from Mississippi.
J. STANLEY WEBSTER, Representative from Washington.
HENRY W. TEMPLE, Representative from Pennsylvania.
R. WALTON MOORE, Representative from Virginia.

Scheme of reorganization of the executive departments suggested by the President and Cabinet at the request of the joint committee.

CHART A.—*The existing organization of the executive departments.*

THE PRESIDENT.

INDEPENDENT EXECUTIVE ESTABLISHMENTS.

Smithsonian Institution (Education and Welfare):
National Museum.
National Gallery of Art.
International Exchange Service.
Bureau of American Ethnology.
Astrophysical Observatory.
National Zoological Park.
International Catalogue of Scientific Literature.
Columbia Institution for the Deaf (Education and Welfare).
National Home for Disabled Volunteer Soldiers (Education and Welfare).
Superintendent of the State, War, and Navy Buildings (Interior).
Civil Service Commission.
Interstate Commerce Commission.
Geographic Board (omitted).
Commission of Fine Arts (Interior).
Rock Creek and Potomac Parkway Commission (Interior).
Bureau of Efficiency.
Federal Reserve Board.
Federal Trade Commission.
National Advisory Committee for Aeronautics (Defense).
Employees' Compensation Commission (Pensions).
Shipping Board:
Emergency Fleet Corporation.
Tariff Commission.
Federal Board for Vocational Education (Education and Welfare).
Alien Property Custodian (Justice).
Railroad Administration.
War Finance Corporation.
Railroad Labor Board.
Federal Power Commission (Interior).
Veterans' Bureau (Education and Welfare).
Coal Commission.
General Accounting Office (Treasury).
World War Foreign Debt Commission.

(I) DEPARTMENT OF STATE.

Secretary of State.

Diplomatic Service.
Consular Service.
United States Sections, International Commissions.
Undersecretary of State:
Office of Economic Adviser.
Division of Latin American Affairs.
Division of Mexican Affairs.
Division of Current Information.
Division of Publications.
Office of Special Agent.
Assistant Secretary:
Division of Western European Affairs.
Division of Near Eastern Affairs.
Division of Eastern European Affairs.
Bureau of Appointments.
Second Assistant Secretary:
Division of Passport Control.
Visé Office.
Diplomatic Bureau.
Bureau of Indexes and Archives.
Third Assistant Secretary:
Office of Ceremonials.
Division of Far Eastern Affairs.
Bureau of Accounts.
War Trade Board Section.
Director of the Consular Service:
Consular Bureau.
Office of Consular Personnel.
Commercial Office.
Division of Political and Economic Information.
Office of Chief Clerk.
Solicitor.

(II) DEPARTMENT OF THE TREASURY.

Secretary of the Treasury.

Undersecretary, in charge of fiscal bureaus:
Commissioner of the Public Debt—
Division of Loans and Currency.
Register of the Treasury.
Division of Public Debt Accounts and Audit.
Savings Division.
Commissioner of Accounts and Deposits—
Division of Bookkeeping and Warrants.
Division of Deposits.
Treasurer of the United States.
Comptroller of the Currency.
Bureau of the Budget (independent).
Bureau of the Mint.
Federal Farm Loan Bureau.
Secret Service Division.
Assistant Secretary, in charge of foreign loans and miscellaneous:
United States Section, Inter-American High Commission (Commerce).
Bureau of Engraving and Printing.
General Supply Committee (independent).
Departmental executive offices.
Assistant Secretary, in charge of public health, public buildings, and Coast Guard (omitted):
Public Health Service (Education and Welfare).
Supervising Architect's Office (Interior).
Coast Guard (Revenue Cutter Service to Defense; Life Saving Service to Commerce).
Assistant Secretary, in charge of the collection of the revenues:
Bureau of Internal Revenue—
Prohibition Commissioner.
Division of Customs.
Customs Service.

(III) DEPARTMENT OF WAR (DEFENSE).

Secretary of War.
Assistant Secretary.
Executive Offices.

General Staff.
War boards and commissions.
Office of the Adjutant General.
Office of the Inspector General.
Office of the Judge Advocate General.
Office of the Quartermaster General.
Office of the Chief of Finance.
Office of the Surgeon General.
Office of the Chief of Ordnance.
Office of the Chief of Chemical Warfare Service.
Militia Bureau.
Bureau of Insular Affairs (State).
Office of the Chief of Chaplains.
Office of the Chief Signal Officer.
Office of the Chief of Air Service.
Office of the Chief of Infantry.
Office of the Chief of Cavalry.
Office of the Chief of Field Artillery.
Office of the Chief of Coast Artillery.

[6] There is some doubt, considering the legal character of the Smithsonian Institution, whether it can be incorporated in a Government department. Its functions, however, are in harmony with those of the proposed Department of Education and Welfare, and the propriety of its inclusion therein is unquestioned if it can legally be accomplished.

Office of the Chief of Engineers.
Board of Engineers for Rivers and Harbors (Interior).
Board of Engineers, New York City (Interior).
Supervisor of New York Harbor (Commerce).
United States Engineer Offices (Interior).
Lake Survey (Commerce).
Mississippi River Commission (Interior).
California Débris Commission (Interior).
Board of Road Commissioners for Alaska (Interior).
Office of Public Buildings and Grounds and Washington Monument (Interior).
Military Academy.
Inland and Coastwise Waterways Service (Commerce).
Panama Canal.
National Military Park Commissions (Interior).
Soldiers' Home (Education and Welfare).

(IV) DEPARTMENT OF THE NAVY (DEFENSE).

Secretary of the Navy.
Assistant Secretary.
Executive offices.

Office of Naval Operations.
Navy boards.
Bureau of Navigation:
Hydrographic Office (Commerce).
Naval Observatory (Commerce).
Naval Academy.
Bureau of Yards and Docks.
Bureau of Ordnance.
Bureau of Construction and Repair.
Bureau of Engineering.
Bureau of Aeronautics.
Bureau of Supplies and Accounts.
Bureau of Medicine and Surgery.
Headquarters, Marine Corps.
Judge Advocate General.
Solicitor.

(V) DEPARTMENT OF THE INTERIOR.

Secretary of the Interior.
Executive offices.

First Assistant Secretary:
General Land Office.
Reclamation Service.
National Park Service.
Assistant Secretary:
Bureau of Indian Affairs (schools to Education and Welfare).
Bureau of Pensions (Education and Welfare).
Patent Office (Commerce).
Bureau of Education (Education and Welfare).
St. Elizabeths Hospital (Education and Welfare).
Howard University (Education and Welfare).
Freedmen's Hospital (Education and Welfare).
Administration of Alaska and Hawaii.
Geological Survey.
Bureau of Mines (Commerce):
Government fuel yards (Bureau of Purchase and Supply, independent).
Alaskan Engineering Commission.
War Minerals Relief Commission.

(VI) DEPARTMENT OF JUSTICE.

Attorney General.
Solicitor General.

War Contracts Section.
Assistant to the Attorney General:
Antitrust Division.
Assistant Attorney General:
Division for the Defense of Suits.
Assistant Attorney General:
Public Lands Division—
Office of Titles.
Office of Land Litigation in the District of Columbia.
Assistant Attorney General:
Criminal Division.
Assistant Attorney General:
Division of Admiralty, Finance, Foreign Relations, Territorial and Insular Affairs.
Assistant Attorney General:
Division of Taxation, Insurance, Prohibition, and Minor Regulations of Commerce.
Assistant Attorney General:
Customs Division.
Assistant Attorney General:
Executive Offices.
Solicitor of the Treasury (Treasury).
Solicitor of Internal Revenue (Treasury).
Solicitor for the Interior Department (Interior).
Solicitor for the Department of Commerce (Commerce).
Solicitor for the Department of Labor (Labor).
Bureau of Investigation.
Office of Superintendent of Prisons (Education and Welfare).
Office of Pardons.

(VII) POST OFFICE DEPARTMENT (COMMUNICATIONS).

Postmaster General.
Executive offices.

First Assistant Postmaster General:
Postmasters' appointments division.
Post office service division.
Dead letter division.
Second Assistant Postmaster General:
Railway Mail Service division.
Railway adjustments division.
Foreign mails division.
Air mail service division.
Third Assistant Postmaster General:
Money orders division.
Postal savings division.
Registered mails division.
Stamp division.
Finance division.
Classification division.
Fourth Assistant Postmaster General:
Rural mails division.
Motor vehicle service division.
Equipment and supplies division.
Chief inspector.
Purchasing agent (omitted).
Office of the comptroller.
Solicitor.

(VIII) DEPARTMENT OF AGRICULTURE.

Secretary of Agriculture.
Assistant Secretary.
Executive offices.

Administration of Packers and Stockyards and Trading in Grain Futures.
Weather Bureau.
Bureau of Animal Industry.
Bureau of Plant Industry.
Forest Service.
Bureau of Chemistry.
Bureau of Soils.
Bureau of Entomology.
Bureau of Biological Survey.
Division of Publications.
States Relations Service.
Bureau of Public Roads (Interior).
Bureau of Agricultural Economics.
Insecticide and Fungicide Board.
Federal Horticultural Board.
Solicitor.

(IX) DEPARTMENT OF COMMERCE.

Secretary of Commerce.
Assistant Secretary.
Executive Offices.

Bureau of the Census.
Bureau of Foreign and Domestic Commerce.
Bureau of Standards.
Bureau of Fisheries.
Bureau of Lighthouses.
Coast and Geodetic Survey.
Bureau of Navigation.
Steamboat Inspection Service.

(X) DEPARTMENT OF LABOR.

Secretary of Labor.
Assistant Secretary.
Second Assistant Secretary.
Executive Offices.

Bureau of Immigration.
Bureau of Naturalization.
Bureau of Labor Statistics.
Children's Bureau (part Education and Welfare).
Women's Bureau (part Education and Welfare).
Division of Conciliation.
Employment Service.
Housing Corporation.

ESTABLISHMENTS UNDER CONGRESSIONAL DIRECTION.

Library of Congress.
Architect of the Capitol (Interior).
Government Printing Office (independent).
Botanic Garden (Agriculture).
Miscellaneous memorial commissions.
National Forest Reservation Commission.
Public Buildings Commission (independent).

FEBRUARY 9, 1923.

CHART B.—*The organization of the executive departments recommended by the President and the Cabinet.*

THE PRESIDENT.

Secretary and staff.

INDEPENDENT EXECUTIVE ESTABLISHMENTS.

Budget Bureau (Treasury).
Civil Service Commission.
Bureau of Efficiency.
Bureau of Purchase and Supply (new).
Government Fuel Yard (Interior).
Government Printing Office (Congress).
Shipping Board:
Emergency Fleet Corporation.
Tariff Commission.
Railroad Administration.
Interstate Commerce Commission.
Federal Trade Commission.
Federal Reserve Board.
War Finance Corporation.
Coal Commission.
Railroad Labor Board.
World War Foreign Debt Commission.
Public Buildings Commission (Congress).

(I) DEPARTMENT OF STATE.

Secretary of State.

Diplomatic Service.
Consular Service.
United States sections, international commissions.
Undersecretary of State:
Office of the Economic Adviser.
Division of Latin American Affairs.
Division of Mexican Affairs.
Division of Current Information.
Division of Publications.
Office of Special Agent.
Assistant Secretary:
Division of Western European Affairs.
Division of Near Eastern Affairs.
Division of Eastern European Affairs.
Bureau of Appointments.
Assistant Secretary:
Division of Passport Control.
Visé Office.
Diplomatic Bureau.
Bureau of Indexes and Archives.

Assistant Secretary:
Office of Ceremonials.
Division of Far Eastern Affairs.
Bureau of Accounts.
War Trade Board Section.
Assistant Secretary:
Bureau of Insular Affairs (War).
Consular Bureau.
Office of Consul Personnel.
Commercial Office.
Division of Political and Economic Information.
Office of Chief Clerk.
Solicitor:

(II) DEPARTMENT OF THE TREASURY.

Secretary of the Treasury.

Undersecretary in Charge of Fiscal Bureaus:
Commissioner of the Public Debt—
Division of Loans and Currency.
Register of the Treasury.
Division of Public Debt Accounts and Audit.
Savings Division.
Commissioner of Accounts and Deposits—
Division of Bookkeeping and Warrants.
Division of Deposits.
Treasurer of the United States.
Comptroller of the Currency.
Bureau of the Mint.
Federal Farm Loan Bureau.
Secret Service Division.
Assistant Secretary in Charge of Foreign Loans and Miscellaneous:
Bureau of Engraving and Printing.
General Accounting Office (Independent).
Departmental Executive Offices.
Solicitor of the Treasury (Justice).
Assistant Secretary in Charge of the Collection of the Revenues:
Bureau of Internal Revenue—
Solicitor of Internal Revenue (Justice).
Prohibition Commissioner.
Division of Customs.
Customs Service.

(III) DEPARTMENT OF DEFENSE (WAR, NAVY).

Secretary for defense.

Undersecretary for the Army.
Assistant Secretary.
Executive offices:
General Staff.
War boards and commissions.
Office of The Adjutant General.
Office of the Inspector General.
Office of the Judge Advocate General.
Office of the Quartermaster General.
Office of the Chief of Finance.
Office of the Surgeon General.
Office of the Chief of Ordnance.
Office of the Chief of Chemical Warfare Service.
Militia Bureau.
Office of the Chief of Chaplains.
Office of the Chief Signal Officer.
Office of the Chief of Air Service.
Office of the Chief of Infantry.
Office of the Chief of Cavalry.
Office of the Chief of Field Artillery.
Office of the Chief of Coast Artillery.
Office of the Chief of Engineers.
Military Academy.
Panama Canal.
Undersecretary for the Navy.
Assistant Secretary.
Executive offices:
Office of Naval Operations.
Navy boards.
Bureau of Navigation—
Naval Academy.
Bureau of Yards and Docks.
Bureau of Ordnance.
Bureau of Construction and Repair.
Bureau of Engineering.
Bureau of Aeronautics.
Bureau of Supplies and Accounts.
Bureau of Medicine and Surgery.
Revenue Cutter Service (Coast Guard, Treasury).
Headquarters, Marine Corps.
Judge Advocate General—
Solicitor.
Undersecretary for National Resources (new).
Assistant Secretary.
Executive offices:
Men.
Munitions.
Food and clothing.
Transportation.
Communications.
Fuel.
Miscellaneous.
Joint boards (War and Navy).
National Advisory Committee for Aeronautics (independent).

(IV) DEPARTMENT OF THE INTERIOR.

Secretary of the Interior,
Executive Offices.

Assistant Secretary for Public Domain:
Administration of Alaska and Hawaii.
Indian Lands and Reservations.
General Land Office.
Geological Survey.
War Minerals Relief Commission.
National Park Service.
National Military Park Commissions (War).
Federal Power Section (Federal Power Commission).
Assistant Secretary for Public Works:
Bureau of Public Roads (Agriculture).
Supervising Architect's Office (Treasury).
Alaskan Engineering Commission.
Reclamation Service.
Board of Engineers for Rivers and Harbors (War)—
Board of Engineers, New York City (War).
United States Engineer Offices (War).
Mississippi River Commission (War).
California Débris Commission (War).
Board of Road Commissioners for Alaska (War).
Bureau of District of Columbia Buildings and Grounds—
Office of Public Buildings and Grounds (War).
Commission of Fine Arts (Independent).
Superintendent, State, War, and Navy Department Buildings (Independent).
Architect of the Capitol (Congress).
Rock Creek and Potomac Parkway Commission (Independent).
Solicitor (Justice).

(V) DEPARTMENT OF JUSTICE.

Attorney General.
Solicitor General.

War Contracts Section.
Bureau of Investigation.
Office of Pardons.
Assistant to the Attorney General:
Antitrust Division.
Assistant Attorney General:
Division for the Defense of Suits.
Assistant Attorney General:
Public Lands Division—
Office of Titles.
Office of Land Litigation in the District of Columbia.
Assistant Attorney General:
Criminal Division.
Assistant Attorney General:
Division of Admiralty, Finance, Foreign Relations, Territorial and Insular Affairs.
Alien Property Custodian (independent).
Assistant Attorney General:
Division of Taxation, Insurance, Prohibition, and Minor Regulations of Commerce.
Assistant Attorney General:
Customs Division.
Assistant Attorney General:
Executive offices.

(VI) DEPARTMENT OF COMMUNICATIONS (POST OFFICE).

Secretary of Communications.
Undersecretary of Communications.
Executive offices.

Assistant Secretary for Postal Service:
Postmasters' Appointments Division.
Post Office Service Division.
Dead Letter Division.
Assistant Secretary for Postal Transportation:
Railway Mail Service Division.
Railway Adjustments Division.
Foreign Mails Division.
Air Mail Service Division.
Assistant Secretary for Postal Finance:
Office of the Comptroller.
Money Orders Division.
Postal Savings Division.
Registered Mails Division.
Stamp Division.
Finance Division.
Classification Division.
Assistant Secretary for Postal Purchases and Supplies:
Rural Mails Division.
Motor Vehicle Service Division.
Equipment and Supplies Division.
Assistant Secretary for Telephone and Telegraph (including Radio) (new):
Telephone Division.
Telegraph Division.
Chief Inspector.
Solicitor.

(VII) DEPARTMENT OF AGRICULTURE.

Secretary of Agriculture.
Assistant Secretary.
Executive offices.

Administration of packers and stockyards and trading in grain futures.
Weather Bureau.
Bureau of Animal Industry.
Bureau of Plant Industry.
Botanic Garden (Congress).
Forest Service.
Bureau of Chemistry.
Bureau of Soils.
Bureau of Entomology.
Bureau of Biological Survey.
Division of Publications.
States Relations Service.
Bureau of Agricultural Economics.
Insecticide and Fungicide Board.
Federal Horticultural Board.
Solicitor.

(VIII) DEPARTMENT OF COMMERCE.

Secretary of Commerce.
Executive offices.

Assistant Secretary for Industry:
Bureau of Standards.
Bureau of Mines (Interior).
Bureau of Fisheries.
Bureau of Federal Statistics (new)—
(Bureau of the Census).
Bureau of Customs Statistics (Treasury).
Mineral Production Statistics (Geological Survey).
Internal Commerce Statistics (War).
Bureau of Patents (Interior).

Assistant Secretary for Trade:
Bureau of Foreign and Domestic Commerce.
United States section Inter-American High Commission (Treasury).
Bureau of Transportation (new)—
Airways.
Waterways (Federal canals, except Panama).
Highways.
Assistant Secretary for Merchant Marine:
Coast and Geodetic Survey—
Lake Survey (War).
Hydrographic Office (Navy).
National Observatory (Navy).
Bureau of Lighthouses.
Life Saving Service (Coast Guard, Treasury).
Bureau of Navigation.
Steamboat Inspection Service.
Inland and Coastwise Waterways Service (War).
Supervisor of New York Harbor (War).
Solicitor (Justice).

(IX) DEPARTMENT OF LABOR.

Secretary of Labor.
Assistant Secretary.
Second Assistant Secretary.
Executive offices.

Bureau of Immigration.
Bureau of Naturalization.
Bureau of Labor Statistics.
Children's Bureau (less nonindustrial service).
Women's Bureau (less nonindustrial service).
Division of Conciliation.
Employment Service.
Housing Corporation.
Solicitor (Justice).

(X) DEPARTMENT OF EDUCATION AND WELFARE.

Secretary of Education and Welfare.
Executive offices.

Assistant Secretary for Education:
General education—
Bureau of Education (Interior).
Indian schools (Interior).
Howard University (Interior).
Columbia Institution for the Deaf (independent).
Smithsonian Institution (independent)—
National Museum.
National Gallery of Art.
International Exchange Service.
Bureau of American Ethnology.
Astrophysical Observatory.
National Zoological Park.
International Catalogue of Scientific Literature.
Physical education (new).
Vocational education (Federal Board for Vocational Education)—
Section of vocational rehabilitation.
Assistant Secretary for Public Health:
Public Health Service (Treasury)—
Quarantine and sanitation.
Hospitalization—
National Home for Disabled Volunteer Soldiers (independent).
Soldiers' Home (War).
St. Elizabeths Hospital (Interior).
Freedmen's Hospital (Interior).
Research.
Assistant Secretary for Social Service:
Women's Bureau (Labor—part).
Children's Bureau (Labor—part).
Superintendent of Prisons (Justice).
Assistant Secretary for Veteran Relief:
Veterans' Bureau (independent).
Bureau of Pensions (Interior).
Solicitor.

ESTABLISHMENTS UNDER CONGRESSIONAL DIRECTION.

Library of Congress.
National Forest Reservation Commission.
Miscellaneous Memorial Commissions.

FEBRUARY 9, 1923.

PETITIONS AND MEMORIALS.

Mr. WILLIS presented a telegram in the nature of a petition from the Merchant Tailors' Exchange, of Cincinnati, Ohio, praying for the passage of the so-called ship subsidy bill, which was ordered to lie on the table.

Mr. WARREN presented communications in the nature of memorials of the Cheyenne Trades and Labor Assembly, of Cheyenne, and the Central Labor Union, of Rock Springs, both in the State of Wyoming, remonstrating against the passage of the so-called ship subsidy bill, which were ordered to lie on the table.

Mr. CAPPER presented a resolution adopted by the First Church of Christ Scientist, of Winfield, Kans., praying an amendment to the Constitution governing the passage of legislation regulating child labor, which was referred to the Committee on the Judiciary.

Mr. LADD presented a resolution of the Hazen National Farm Loan Association, of Hazen, N. Dak., protesting against the passage of House bill 13125, amending certain sections of the Federal farm loan act, which was referred to the Committee on Banking and Currency.

Mr. McLEAN presented a communication in the nature of a petition of the Derby and Shelton Board of Trade, of Derby, Conn., praying for the passage of legislation creating a national police bureau in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a resolution adopted at a meeting of citizens in the Old State House at Hartford, Conn., favoring the passage of legislation permitting admission into the United States of Armenians and Greeks who have been expelled from the Turkish Empire, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. PAGE, from the Committee on Naval Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 6358. An act authorizing the accounting officers of the Treasury to pay to A. E. Ackerman the pay and allowances of his rank for services performed prior to the approval of his bond by the Secretary of the Navy (Rept. No. 1155); and

H. R. 8046. An act for the relief of Themis Christ (Rept. No. 1156).

Mr. FERNALD, from the Committee on Public Buildings and Grounds, to which were referred the following bills, reported them each without amendment:

S. 4476. An act to convey to the Big Rock Stone & Construction Co. a portion of the hospital reservation of United States Veterans' Hospital No. 78 (Fort Logan H. Roots), in the State of Arkansas; and

H. R. 11579. An act to amend section 1 of an act approved January 11, 1922, entitled "An act to permit the city of Chicago to acquire real estate of the United States of America."

SILVER SERVICE OF BATTLESHIP SOUTH CAROLINA.

Mr. PAGE. Mr. President, from the Committee on Naval Affairs I report back favorably, without amendment, the bill (H. R. 13351) authorizing the Secretary of the Navy, in his discretion, to deliver to the Daughters of the American Revolution of the State of South Carolina the silver service which was used upon the battleship *South Carolina*, and I submit a report (No. 1153) thereon. I call the attention of the Senator from South Carolina [Mr. SMITH] to the bill.

Mr. SMITH. Mr. President, this involves a silver service given to the battleship *South Carolina*. The Secretary of the Navy is in hearty accord with the plan to return it to the Daughters of the American Revolution of South Carolina. I ask for the immediate consideration of the bill. It will not give rise to any debate.

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That the Secretary of the Navy is authorized, in his discretion, to deliver to the custody of the Daughters of the American Revolution of the State of South Carolina, for preservation and exhibition, the silver service which was presented by the State of South Carolina and used upon the battleship *South Carolina* while the said battleship was in commission: *Provided*, That no expense shall be incurred by the United States for the delivery of such silver service.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIEUT. L. D. WEBB.

Mr. PAGE. From the Committee on Naval Affairs I report back favorably, with an amendment, the bill (S. 3955) to compensate Lieut. L. D. Webb, United States Navy, for damages to household effects while being transported by Government conveyance, and I submit a report (No. 1154) thereon. I call the attention of the junior Senator from Alabama [Mr. HEFLIN] to the bill.

Mr. HEFLIN. Mr. President, I ask that the bill may be considered immediately.

Mr. LA FOLLETTE. Mr. President, I desire recognition upon the debt funding bill that is before the Senate. I wish to address myself to that bill.

The PRESIDENT pro tempore. That is the regular order.

Mr. HEFLIN. Will the Senator from Wisconsin yield that the bill just reported may be put on its passage?

Mr. LA FOLLETTE. I yield if it will not provoke discussion.

Mr. HEFLIN. It will not cause any debate.

Mr. SMOOT. It is a claims bill?

Mr. HEFLIN. It is a claims bill.

Mr. SMOOT. Why not let it go to the calendar?

Mr. HEFLIN. I want to get it through at once, if possible, so that it can be acted on by the House. It is to pay a soldier for some injury done to his property when it was being transported by the Government.

Mr. SMOOT. There are a good many claim bills on the calendar.

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield that the bill may be considered?

Mr. LA FOLLETTE. I yield if it is not to take any time. If upon the reading of the bill it can be passed without discussion, I will yield.

Mr. HEFLIN. I have asked unanimous consent for the immediate consideration of the bill and the Senator from Wisconsin has yielded if it does not cause any debate.

Mr. SMOOT. If there is a favorable report from the department, I have no objection.

Mr. HEFLIN. There is. It will not cause any debate so far as I am concerned.

The bill was read, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was, on page 1, line 7, after the word "exceeding," to strike out "$1,090," and insert "$800," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to pay, out of the appropriation for "Pay of the Navy" for the fiscal year ending June 30, 1922, to Lieut. L. D. Webb, United States Navy, such sum, not exceeding $800, as may be determined by him to pay the amount of damage sustained in full settlement of all claims against the Government for damage to an automobile, silver service, and a piano shipped from San Francisco, Calif., to Washington, D. C., by Government conveyance under authority of section 12 of the act approved May 18, 1920.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WILLIS:

A bill (S. 4569) to authorize the sale of certain Government property and authorizing an appropriation for permanent buildings and improvements for use of the engineering division of the Air Service of the Army; to the Committee on Military Affairs.

By Mr. JOHNSON:

A bill (S. 4570) granting a pension to Joseph H. Ransom; to the Committee on Pensions.

By Mr. KING:

A bill (S. 4571) to amend the trading with the enemy act; to the Committee on the Judiciary.

By Mr. TOWNSEND:

A bill (S. 4572) for the relief of John R. Kissinger; to the Committee on Pensions.

By Mr. WILLIS:

A bill (S. 4573) granting an increase of pension to Ralph Waite; to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 4574) granting an increase of pension to Howard E. Banes (with the accompanying papers); to the Committee on Pensions.

By Mr. NICHOLSON:

A bill (S. 4575) granting an increase of pension to Priscilla George; and

A bill (S. 4576) granting an increase of pension to Clara A. Haver; to the Committee on Pensions.

By Mr. JONES of New Mexico:

A bill (S. 4577) for the relief of J. H. Toulouse; to the Committee on Claims.

A bill (S. 4578) to amend section 2 of the act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916 (39 Stat. L. 862); to the Committee on Public Lands and Surveys.

CREDITS TO CERTAIN DISBURSING OFFICERS.

Mr. PHIPPS. Mr. President, will the Senator from Wisconsin yield to me for a moment that I may call up a bill?

Mr. LA FOLLETTE. With the understanding that it will not lead to debate, I yield.

Mr. PHIPPS. I ask unanimous consent for the present consideration of Calendar No. 1111, the bill (S. 4308) to authorize the general accounting officers of the United States to allow credit to certain disbursing officers for payments of salary made on properly certified and approved vouchers. It is the bill to which I referred several days ago. I think it will lead to no debate. It is important to have it passed at once so that the House may have an opportunity to act, that justice may be done to a veteran during the present session of Congress.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the general accounting officers of the United States be, and they are hereby, authorized and directed to allow credit in the settlement of the accounts of Henry F. Dolan, former disbursing officer of the Federal Board for Vocational Education; R. Stone Jackson, former disbursing officer of the Federal Board for Vocational Education; William H. Holmes, disbursing clerk of the United States Veterans' Bureau; and Clarence W. Nichols, special disbursing agent for the United States Veterans' Bureau regional office in Denver, Colo., for payments of salary made to George M. Apple, as an employee of the Federal Board for Vocational Education and the United States Veterans' Bureau on properly certified and approved vouchers, without fraud or negligence on their part, notwithstanding the provisions of section 2 of the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," approved July 31, 1894.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AIR MAIL SERVICE.

Mr. ODDIE. Mr. President, will the Senator from Wisconsin yield to me that I may call up a bill?

Mr. LA FOLLETTE. If it will not take any time and is not a debatable matter, I will yield.

Mr. ODDIE. I ask for the present consideration of the bill (S. 3084) to authorize and provide for the payment of the amounts expended in the construction of hangars and the maintenance of flying fields for the use of the Air Mail Service of the Post Office Department. It is a bill which the Committee on Post Offices and Post Roads has reported favorably, and I ask for its present consideration.

Mr. LA FOLLETTE. Is it a unanimous report from the committee?

Mr. ODDIE. It is a unanimous report.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Postmaster General is hereby authorized and directed to adjust, reimburse, and pay to municipalities and citizens entitled thereto the proper and just amounts heretofore expended in the construction of hangars and the maintenance of flying fields, including the lease and clearing of fields therefor, insurance, and other necessary expenses incurred in connection therewith at Reno, Nev.; Salt Lake City, Utah; Cheyenne, Wyo.; North Platte, Nebr.; Omaha, Nebr., or elsewhere for the use of the air mail service of the Post Office Department where such hangars were constructed and such flying fields maintained under an understanding with an officer or agent of the Post Office Department that reimbursement therefor would be made.

SEC. 2. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $175,000 or so much thereof as may be necessary to carry out the provisions of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WORLD WAR FOREIGN DEBT SETTLEMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14254) to amend the act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign governments held by the United States of America, and for other purposes," approved February 9, 1922.

The PRESIDENT pro tempore. The Senator from Wisconsin [Mr. LA FOLLETTE] is entitled to the floor.

Mr. MCNARY and Mr. MCKELLAR addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield; and if so, to whom?

Mr. LA FOLLETTE. Mr. President, I feel bound to yield no further to the introduction of business. There are still two or three weeks of the session remaining. Later Senators will have an opportunity to present matters they have in charge, and as the time is limited for general discussion I can not yield for the presentation of further business at this time.

Mr. MCKELLAR. Mr. President, will the Senator yield to me? I want to make the point of order that there is no quorum present, if the Senator does not object.

Mr. LA FOLLETTE. I understand I am not permitted to object to that. I think a quorum will be found to be present upon the roll call.

The PRESIDENT pro tempore. The Senator from Tennessee suggests the absence of a quorum. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	George	McCumber	Robinson
Bayard	Gerry	McKellar	Sheppard
Borah	Glass	McKinley	Smith
Brookhart	Gooding	McLean	Smoot
Bursum	Hale	McNary	Spencer
Calder	Harreld	Moses	Stanley
Cameron	Harris	Nelson	Sterling
Capper	Harrison	New	Sutherland
Caraway	Heflin	Nicholson	Townsend
Colt	Hitchcock	Norbeck	Trammell
Couzens	Johnson	Norris	Underwood
Culberson	Jones, Wash.	Oddie	Walsh, Mass.
Cummins	Kellogg	Overman	Walsh, Mont.
Curtis	Keyes	Owen	Watson
Dial	Ladd	Page	Weller
Dillingham	La Follette	Phipps	Willis
Ernst	Lenroot	Pomerene	
Fernald	Lodge	Reed, Mo.	
Frelinghuysen	McCormick	Reed, Pa.	

The PRESIDENT pro tempore. Seventy-three Senators have answered to their names. There is a quorum present.

Mr. LA FOLLETTE. Mr. President, the settlement of these loans made during the war by the United States to various European nations presents a grievous set of problems to every American who is sincerely concerned for the welfare of his country. If these debts of European Governments to the United States are to be funded on a long-time basis, it means that for two generations the United States is to be tied fast to European affairs by financial bonds, which all experience has shown are stronger even than the ties of blood. In order to save the principal of these billions of debts throughout this long period, we shall be told that it is our duty to use our power to maintain the integrity of each of these debtor nations. For the sake of the British debt we must preserve the vastly overextended and shaky structure of the British Empire and give her aid and comfort in all her imperialistic enterprises. For the sake of the French debt we must sit idly by or give active help while the French imperialists threaten the destruction of civilization in their mad attempts to destroy the German people and dominate the Continent of Europe. We will be bound to the wheels of the imperialistic chariot with these golden chains, and all those who question our participation in such enterprises will be told that they are unpatriotic and inimical to the fundamental interests of the United States.

I can so plainly foresee the evil influence of the existence of these debts upon our whole foreign policy in the years to come that I might be inclined to favor their cancellation if I could be assured that by so doing imperialism would be restrained or even that we would be prevented entirely from being entangled in its intrigues. But I know that cancellation of these debts will not restrain imperialism. It will foster and stimulate imperialism. It will augment its brutal power which to-day is the curse of Europe, Asia, and Africa. The cancellation of these debts would merely enhance the credit of the imperialistic governments which now control these nations and enable them to secure fresh loans with which to pursue and extend their monstrous schemes of conquest. There would be fresh credit for them to squander in larger armies and navies with which to enslave the world.

Furthermore, cancellation of these debts would not cut us loose from the imperialistic imbroglio in which we have become so deeply entangled. These debts are but a minor part of the entangling obligations with which we are bound.

The four-power treaty, the Chinese consortium, the understandings of our State Department with various foreign governments, and, above all and before all, the network of intrigue and community of interest which runs between our international financiers and those of Europe have so completely enmeshed us that only the strong hand of a fearless, independent Executive will ever be able to cut us loose and restore us to that status of independence and self-respect which this Nation maintained so proudly for nearly a century and a half.

Finally, cancellation, unless we could be assured beyond question of compensating advantages, would be an act of injustice and treachery to those Liberty-bond holders who gave during the war "until it hurt." It would be an outrage upon American taxpayers, who sanctioned these loans only upon the most solemn assurance that the nations associated with the United States in the war would pay interest and principal upon the same terms which our Liberty and Victory bonds carried.

Since cancellation is therefore well-nigh unthinkable, it behooves us to consider most seriously our obligations and responsibilities as representatives of the American people in the settlement of these debts. What is our duty to them? That is the question that concerns me, for we may depend upon the representatives of the debtor nations adequately to protect the interests of their people. We are not dealing with children, but with shrewd, cold-blooded diplomats and financiers, compared with which our diplomats and the financiers on our commission are as children. These British diplomats and financiers represent nations which were skilled in all the tricks of diplomacy before our American Debt Commission had cut their wisdom teeth or were out of their swaddling clothes.

It seems to me that our duty is very simple. It is laid down in the law and embodied in the implied contracts under which these loans were made. It is simply to see that these debtor nations pay to the American Government as nearly as possible upon the terms specified in the Liberty loan and Victory loan acts under which these huge sums were raised by the American people. Those were the conditions under which every one of these nations understood that they were borrowing these funds. I say that the terms should be as nearly as possible those laid down in the law, because I realize as well as any man that in the huge debacle of civilization which this war has produced some nations, but by no means all, have been reduced to a condition where for the present at least they can pay little or nothing. Nevertheless, the burden of proof in each case is upon the debtor nations and not upon us.

That does not seem to be the attitude that has been assumed by our American Debt Commission. They have confessed through their spokesman upon the Finance Committee of the Senate that they paid no attention to the terms carried by the Liberty bond acts, that they never proposed to the British commission the minimum terms of 4¼ per cent and 25 years laid down in the act creating the commission, but as their first proposition suggested a settlement of the British debt on a basis of 3½ per cent flat for 62 years. If any confirmation of that is required, I can furnish it from the testimony taken before the Finance Committee. This is most remarkable. Has an act of Congress ceased to have any weight or effect? Are we to create commissions which openly flaunt the limitations imposed upon them? Have these five men become greater than the Senate and House of Representatives? Sir, they are but the agents of the Congress, who were plainly directed in the act which created the commission. It was their plain duty to carry out not only the letter but the spirit of that act.

As I have listened to the defense of this proposed settlement of the British debt from the member of the American Debt Commission, who was chosen from the Senate, I have sometimes thought the Chancellor of the British Exchequer was speaking, so eloquently and with so much feeling did he present the case for the British Empire. I have heard him recite time after time the sad plight in which the great British Empire now finds itself. He has painted a sad picture of the heavy taxes which the British people now pay, but he has not told us what part of those taxes go to the maintenance of the greatest navy in the world; what part represent the cost of keeping in subjection the peoples of India and Egypt; what part was spent in crushing the struggle of the Irish people for genuine independence; what part went to Greece to pay the costs of pulling the British chestnuts in the Near East out of the fire; what part is now being spent in the great struggle of British capitalists and the British Government to monopolize the oil of the world. He told us how heavy the British taxes were, but I have listened in vain for one word from him to indicate that he knew that any American citizen was also paying taxes to pay the cost of a war, fought to save the British Empire from destruction when her back was against the wall and her credit had been exhausted. If this is representative of the attitude of other members of the commission, then I say that we would do well to repeal the act creating the commission and withhold further settlements until we can find somewhere in the United States five gentlemen who understand that America also has problems of the most pressing concern and that her people also are burdened with taxes.

I have also listened in vain for any clear statement of the conditions under which these loans were made. The facts were kept from the American people at the time they were induced or coerced into buying Liberty bonds, out of the proceeds of which these loans were made, but they have now come to light and should be made a part of the record.

The first Liberty loan act was signed April 24, 1917. Keep that date in your minds—April 24, 1917. Just one day later, on April 25, the British ambassador received a check for $200,000,000. A week later half that amount was turned over to the French ambassador. A little later Italy received her share, then Belgium, and Russia, Serbia, Greece, Rumania—all were given credits in the United States Treasury and the golden stream never ceased to flow until long after the armistice was signed.

Why was this extraordinary haste to open the Treasury before the ink was dry upon the resolution that plunged us into the war? Was it extraordinary zeal on our part, or was it extraordinary pressure from some potent sources which were at that time kept well in the background? Let Oscar T. Crosby, then the very able Assistant Secretary of the Treasury, in charge of fiscal bureaus, tell the story. He was in touch with every detail of these transactions. I quote from his article in the Atlantic Monthly for December, 1922 (p. 825):

> Governmental action is traditionally slow. The remarkable promptitude with which Secretary McAdoo proceeded (only 24 hours between receiving and exercising the responsibilities placed upon him by Congress) answered to a remarkable pressure brought to bear by the powers "engaged in war against Germany." I shall not soon forget the blunt declaration, made to me 10 days before Sir Cecil Spring-Rice took the first fruits of our efforts, by a member of the firm of J. P. Morgan & Co.: "We have scraped the bottom of the box. They owe us and our associate banks $400,000,000—practically on overdraft, since we can not sell the collateral remaining in our hands without making a panic on the New York stock market. You people in the Treasury must now bear the whole burden. We can do no more."

Six weeks later we learned that in addition to this cash commitment the Allies had contracted for about $800,000,000 worth of goods, deliverable within six months.

So we see that it was to save the desperate credit situation of the allied governments, with American bankers in large part already so desperately overstrained that a panic was imminent, that the doors of the American Treasury were unlocked and they were invited to help themselves.

It was to save the great international banking firm of J. P. Morgan & Co., the fiscal agent of the British Government, who held $400,000,000 in overdrafts and saw a panic impending if they were not underwritten.

I repeat, sir, that it was to save the great international banking firm of J. P. Morgan & Co., the fiscal agent of the British Government, who held $400,000,000 in overdrafts and saw a panic impending if they were not underwritten; and, it was for the benefit of our munition makers, who held contracts for $800,000,000, which could not be paid unless the American people furnished the money.

Mr. President, I turn aside for a moment at this point to trace the course of the legislation which has finally culminated in the bill pending before the Senate.

On the 23d of June, 1921, more than 18 months ago, the late senior Senator from Pennsylvania, [Mr. PENROSE], introduced a bill for the settlement of the pending debt, together with the other foreign debts.

Have Senators forgotten his declaration on the floor that the bill would be immediately taken up by the Finance Committee? The Finance Committee was called together almost immediately for the consideration of that bill. The members of the committee were admonished that it must be considered at once, and that no time could be allowed to the members of the committee to inquire into this complicated transaction. I see about me Senators who demanded time to study the bill and insisted upon taking the testimony of witnesses who could give full information bearing upon this important question. That was one of the most extraordinary bills ever introduced in either branch of Congress. It proposed to invest Andrew Mellon, Secretary of the Treasury, with power to secretly settle all these foreign debts.

Mr. President, the Constitution of the United States does not permit the executive department of the Government to take a dollar out of the Treasury. The President can not levy a dollar in taxes. The President can not pay a bill which the Government owes. The President can not withdraw from the Treasury one cent of money to expend, however great and serious the needs of this Government may be. What is the significance of that restriction? The framers of the Constitution regarded the expenditure of money as vital to the existence of this Government. They lodged that power in the hands of the Congress because it was more nearly responsive to the will of the people.

The Constitution provides that not one dollar should ever be taken out of the Treasury except it was done upon the votes of Members of the House of Representatives and of the Senate, where the roll could be called and the men put on record. So careful were they about all revenue measures that they would not permit a revenue measure to originate excepting in the House of Representatives, where Members every two years go back to the people to account for their stewardship.

In the face of that carefully guarded provision inserted by the makers of the Constitution, a proposition was presented early in the administration of President Harding that the settlement of foreign debts amounting in principal to nearly $10,000,000,000 and in principal and interest at the time to more than $11,000,000,000 be turned over to the Secretary of the Treasury without any restrictions whatsoever.

Mr. President, the history of that legislation shows that in spite of the pressure used by the administration the determination of a group of Senators that the measure should be carefully investigated resulted in the drastic modification of the scheme to refund the foreign debts and finally in the creation of a commission with definite restrictions upon its power.

I want to call attention briefly to an event which seems to me to be closely related to this whole matter.

Mr. President, on May 25, 1921, President Harding gave a banquet at the White House. His honored guests were: J. Pierpont Morgan, 2d, head of the house of Morgan & Co., bankers, New York; Charles H. Sabin, of the Guaranty Trust Co., New York; C. E. Mitchell, of the National City Bank of New York; William Kent, of the Bankers' Trust Co. of New York; Paul Warburg, of Kuhn, Loeb & Co.; H. C. McEldowney, of the United Trust Co. of Pittsburgh; Benjamin Strong, of the New York Federal Reserve Bank; Secretary Andrew Mellon, one time a banker and then Secretary of the Treasury; and Secretary Hoover, who, rightly or wrongly, was accused of being throughout the war period pretty active in the British interest. Commenting on this celebrated banquet, the Journal of Commerce, 32 Broadway, New York, had this to say:

A meeting of the best financial minds has been inaugurated by President Harding and his advisers as a means of considering the Nation's industrial outlook, with particular reference to the question of extending further loans of American capital to foreign governments.

In the papers reporting this remarkable "meeting of the best financial minds" around the banquet table, it was announced that the Government would exercise a sort of supervisory control of the private investments of our international bankers in foreign countries. This, it was stated, would be done ostensibly to promote foreign trade. This was manifestly the introduction of "more business in Government," which was one of the President's pet phrases applauded to the echo when he delivered his inaugural address.

President Harding's White House dinner to Morgan and his associates was a great event, sir, in the history of the money power. It is believed that it was the first of its kind at the White House. Do you marvel that it was heralded with great rejoicing in Wall Street? The New York Journal of Commerce said of it:

A new era in the relationship of the United States Government and the Nation's financial and business leaders is believed to have been inaugurated in the conference to which President Harding summoned several New York bankers on Wednesday night. These bankers returning yesterday from the meeting, which was participated in by representatives of the Cabinet, observed the customary reticence in discussing what had taken place. They did not, however, hesitate to show their gratification at the development.

One thing is clearly manifest in the report which these bankers made to their associates in New York upon their return, and that is that they found the President willing to learn the Wall Street way. The Journal of Commerce said:

One thing which Wall Street took extreme satisfaction in yesterday was the evident willingness of President Harding to learn. He admittedly is not an expert in financial affairs, but he is ready to accept advice and willing to be set right where he is wrong.

Behold, sir, the beautiful spectacle, the President of the United States sitting at the feet of J. Pierpont Morgan, great teacher——

Mr. REED of Missouri. Getting set right.

Mr. LA FOLLETTE. Willing pupil, and whenever he should chance to be wrong, Morgan will set him right. Surely that was a great day for Wall Street. In the old days, when J. Pierpont Morgan, the first, used to visit the White House, his private car always made the run from New York to Washington and back between two days, but now J. Pierpont Morgan, second, comes and goes with the blare of trumpets. He is greeted and feasted in the white light of publicity by President Harding and walks boldly in where others would not have dared to tread a couple of decades ago.

I come now to Mr. Morgan's second visit. June 10, 15 days after the first visit, the Secretary of the Treasury, Mr. Mellon, received J. Pierpont Morgan in his office at the Treasury Department. The conference was reported in the newspapers as an extended one. Just 11 days thereafter the late Mr. Penrose, then chairman of the Committee on Finance, introduced the bill to which I have called attention. He introduced it as an administration measure. It sought to confer upon the Secretary of the Treasury absolute authority to refund in secret all the loans of this Government to the Allies.

Sir, when we took up for consideration the bill which was heralded as the President's bill before the Committee on Finance at the first meeting, the President in a letter urged the Finance Committee to act promptly upon the matter.

Under the provisions of the President's bill, then introduced by Mr. Penrose, Mr. Mellon was empowered to make any settlement with foreign governments he chose to make; to accept any bonds he elected to accept, defer the payment of principal or interest to any remote period, and bind or by substitution release debtor nations at his own will and pleasure. All this Mr. Mellon was empowered to do by that bill under the cloak of absolute secrecy. The Senator from Missouri [Mr. REED] and the Senator from Massachusetts [Mr. WALSH] and myself, with other members of the committee, insisted upon hearings, and after some time it was found impossible to pass the bill in its existing form. Finally the Debt Commission bill was passed, and this proposed settlement is the result.

Mr. President, I have digressed to call attention to the history of this legislation because I felt it would be well to remind Senators of the influences which have been behind this proposition. But besides all this, the pending bill will guarantee the prompt payment of the five billion of private European loans

made through the house of Morgan between 1915 and 1920. With the postponement of the payment of the debt due our Government for 62 years the payment of these private obligations can be met more promptly.

I now return to my line of argument.

So we see that it was to save the desperate credit situation of the allied governments, with American bankers in large part, already so desperately overstrained that a panic was imminent, that the doors of the American Treasury were unlocked and they were invited to help themselves.

It was to save the great international banking firm of J. Pierpont Morgan & Co., the fiscal agent of the British Government, who held $400,000,000 in overdrafts and saw a panic impending if they were not underwritten.

These were the all-powerful sources of the extraordinary pressure upon Congress which denounced as a traitor any man who sought to question any part of these extraordinary and unprecedented transactions.

Is it not possible that the extraordinary pressure to which we are now being subjected to validate this settlement, without questioning any phase of it, without being permitted to question the secretary of the American commission, without being allowed to read the minutes of the conferences—the secretary of the American Debt Commission did keep minutes throughout the conferences held between the American Debt Commission and the British Debt Commission; he had a record of those minutes; the Finance Committee by a majority vote denied members of the committee access to those minutes—without any information, in fact, except what the Senate member of that commission chooses to give us—is it not possible, is it not probable, I say, that this extraordinary pressure is proceeding from the *same international* bankers who hold bonds of the British Government bearing a rate *2 per cent higher* than we are now being asked to validate, *the value of which will be enormously enhanced as soon as we approve the terms which have been hatched out in this secret conference?*

We need not rely upon Assistant Secretary Crosby's account of these transactions alone. The whole story has been told in "The Life and Letters of Walter H. Page," then ambassador at the Court of St. James, published since his death. Listen to this account, which checks in every detail with that of Mr. Crosby.

I quote from the recent work of Mr. Page, published since his death, containing in two volumes his correspondence while he was ambassador:

> The matter that was chiefly pressing at the time of the Balfour visit to the United States (in April, 1917) was the fact that the British balances in the New York banks were in a serious condition. * * *
>
> Thus, by April 6, 1917, Great Britain had overdrawn her account with J. P. Morgan to the extent of $400,000,000 and had no cash available with which to meet this overdraft. * * *
>
> The money was now coming due; if the obligations were not met, the credit of Great Britain in this country would reach the vanishing point.
>
> Though at first there was a slight misunderstanding about this matter, the American Government finally paid the overdraft out of the proceeds of the Liberty loans. This act saved the credit of the allied countries.

Here, then, we have a part, at least, of the story. British credit was exhausted. Her bonds, which had been deposited with J. P. Morgan & Co. as security for $400,000,000 overdrafts, could not be sold without producing a panic. These bonds bore an interest rate of 5½ per cent, but they were unsalable. To get credit in the open market she would have had to pay 6, 6½, or 7 per cent. The other allied nations were in even more desperate plight. They would have had to pay even higher rates of interest to get credit. Contracts for $800,000,000 of munitions and other supplies were due in six months or less. Funds must be had. If the American Treasury had not been opened and the golden flood of the Liberty loans turned loose these nations would have had to pay the Shylock rates of interest demanded by the international bankers, who are now urging this settlement, and who have been the chief propagandists for complete cancellation in order that the value of their own holdings might be enhanced. And if those loans had been floated with the bankers there would never have been any adjustment of the interest.

The rate nominated in the bond would have been insisted upon, no matter how oppressively it might fall upon overburdened European taxpayers. Oh, how generous these bankers are with the American taxpayers' money!

When these loans were accepted by Great Britain and the other allied governments they knew exactly the terms for which they were bonding themselves. Each of the Liberty loan acts carried specific provisions that the foreign governments which borrowed *were to pay upon exactly the terms* which the American Government had to guarantee in order to induce its people to buy the bonds. That was fair; that was equitable. Any higher rate would have been profiteering; any lower rate would have been unjust to the American people. The whole matter should have been settled, and settled finally, at that time by requiring these governments to deposit with the United States Treasury their bonds, bearing exactly the same terms as the Liberty loan bonds. But for some reason, which has never been satisfactorily explained, those who were in control of the Government at that time chose to have no definite settlement and accepted demand notes. There are many indications that the settlement of these loans was to be a part of the stakes which were played for at Versailles, but that is a chapter which we need not now explore. The point I make is that the only just and equitable basis upon which these debts can be settled are terms which are substantially the same as those contained in the Liberty loan acts. That, I am sure, is the only basis which will satisfy American taxpayers and the holders of Liberty bonds.

The only question that now confronts us is how far this proposed settlement represents the capacity of the British Government to meet the terms which it tacitly agreed to when it accepted loans out of proceeds of the Liberty and Victory bonds.

The first step toward a satisfactory answer to this question is to take a brief survey of the assets of the British Empire, and particularly the newly won assets which she secured as a result of her participation in the war.

When asked what the Debt Commission had done with regard to inquiring into the assets of the British Nation, the members of the Finance Committee were informed by the Senate member of the commission [Mr. SMOOT] that they had access to all public statements. Did anyone ever hear of a debtor for any considerable sum of money, who was asking for a long-deferred payment, for a long extension of time within which to make payments, not making a statement of his assets and liabilities? Did anybody ever hear of any banker or association or any creditor, where the amount was considerable, who did not require a statement to be made of the assets and of the liabilities of the appealing debtor? There is nothing of that kind here. No statement of assets was demanded by our commissioners; no investigation was made by any expert employed by them; no statement was furnished by the British commission.

Let us inquire, then, how extensive and valuable were the British spoils of war, remembering that without our credit there would have been no such spoils. We have a right to inquire with some insistence into the extent and probable value of these additions to her territory and wealth.

Great Britain added to her empire as a result of the war, either by annexation or by protectorates and mandates, a territory of 3,972,000 square miles—larger than continental Europe—with a population of more than 51,725,000 people. Through these acquisitions she enormously increased her control over raw materials—over oil and rubber, over lead and copper, and the other materials which are essential to modern industry and modern life. Furthermore, Great Britain vastly strengthened her dominance over the trade routes of the world and thus vastly enhanced her power and prestige as a commercial nation.

No one can venture to estimate with any degree of accuracy the value of these enormous additions to the wealth of the British Empire. They are beyond computation. But no one will deny that their potential value amounts to billions upon billions of dollars—many times the amount of the indebtedness covered by this proposed settlement—and it may be said, of greater potential value than her total indebtedness resulting from her participation in the war.

There is one other variety of assets possessed by the British of which we may well take note, namely, their securities representing investments in every quarter of the globe. Upon this point I rely upon no less an authority than Sir Reginald McKenna, former Chancellor of the British Exchequer and now chairman of the London Joint City & Midland Bank. I quote from his address before the last annual meeting of the American Bankers' Association, held in New York City in October, 1922:

> Have the debtors—
>
> Referring to our foreign debtors—
>
> an exportable surplus, and what are their foreign assets? With regard to the latter question, the only debtor possessing any large accumulation of such assets is England. Notwithstanding her immense sale of securities to the United States in the second and third years of the war—a sale which largely furnished the means of paying for the goods of all kinds bought by the Allies—England still owns sufficient foreign securities to cover her debt to the United States two or three times over.

Let Senators take that home to their constituents and account for their votes in reducing the payments from Great Britain from one billion to one billion six hundred million dollars. They will meet it in the coming year face to face.

We have also a right to inquire somewhat into the character of the expenditures which the British Government is now making, while she pleads her inability to pay us more than 1½ per cent interest during the next five years. I have been unable to secure satisfactory figures giving the cost of her various imperialistic adventures in all quarters of the globe, but we all know that they run into hundreds of millions of dollars, and doubtless into the billions. You can not make war even on semicivilized peoples without heavy costs for munitions and men, even when you resort, as has Great Britain, to the wholesale system of wiping out entire villages with bombs dropped from airplanes. Some indication of the extravagant basis upon which the British naval and military forces have been and are being maintained is contained in the report made in 1922 by the committee on national expenditures, headed by Sir Eric Geddes. I quote from volume 1 of that committee's report its conclusions regarding the British Navy (p. 31):

As a result of our consideration, we are of the opinion:

"(1) That the estimates for 1922–23 provide for man power on a lavish scale, and that without in any way interfering either with the manning of the fighting ships of the navy, from capital ships to submarines, as laid down by the Admiralty, there is an excess of over 33,000 officers and men in the navy which, having regard to our recommendations in paragraph 8 respecting officers' servants class, would justify a reduction of 35,000 officers and men.

"(2) That the Admiralty, with a smaller navy, are maintaining far larger shore establishments, both naval and civilian, than they did before the war, and we think that there are many ways in which economies could be effected by employing the naval ratings and marines held for mobilization on the work now done for the Admiralty by civilians and Metropolitan police."

On page 75 of the same report I also find the following conclusions regarding the British Army:

As a result of our consideration, we are of the opinion:

"(1) That man power has been estimated on a lavish scale for 1922–23, and that a reduction of 50,000 officers and men could be made without in any way reducing the forces employed by the War Office on foreign service.

"(2) That the introduction of new arms and corps, and of the air force, which have been created with the object of increasing the fighting efficiency of the defense forces of the empire, is not reflected in corresponding reductions in other directions, and that savings could be made on that account.

"(3) That there has been an increase in all the ancillary and auxiliary services of the army which the country can not afford and in which drastic economies should be made.

"(4) That the abnormal reserve of mobilization equipment and arms now held is costly to store, guard, and maintain, and that the effect of holding it results in heavy additional indirect cost.

"(5) That the army estimates for 1922–23 should be reduced from £75,197,800 to £55,000,000 for that year, and that in the subsequent year still lower estimates should suffice."

In this recommendation no account is taken of possible further reductions resulting from a review by the Government of our military requirements at home and abroad, normal and abnormal.

No account has been taken of any reduction in pay and allowances which the Government may decide to make, and no account is taken of any abnormal increase in the noneffective vote caused by a reduction of personnel transferred to the retired list, with both of which items we deal separately in a later report.

You will note the adjective "lavish" which the committee uses to characterize the expenditures of both the army and navy. Could any corporate debtor successfully plead poverty when a committee of its own stockholders had characterized its most important items of expenditure as "lavish"?

I wish also to call to your attention the large investments which the British Government has made in private enterprises in various parts of the world, as reported in the Christian Science Monitor for December 27, 1921, a paper which is one of the chief spokesmen for British interests:

A White Paper issued recently sets forth the amount of public money invested in registered companies by the British Government. It shows that from the beginning of the war something like £12,000,000 have so far been invested in a variety of companies.

The largest investment is in the Anglo-Persian Oil Co., namely, £5,200,000. Money was put into this company by the treasury on 10 separate occasions, beginning July 22, 1914. The last and biggest investment in the Anglo-Persian Oil Co. was £1,900,000 in March, 1920. The disposal and liquidation commission has one investment, namely, £1,450,000 in British Cellulose & Chemical Manufacturing Co.; and the foreign office also has one, namely, nearly £2,000,000 in the Commercial Bank of Siberia.

The British Government, therefore, has had funds available with which it can engage in the great imperialistic adventure of attempting to secure a monopoly of the oil of the world, but none with which she could meet the current interest upon her debts to the United States. Furthermore, the American people have reason to view these investments of the British Government with some degree of concern, if we may believe statements which have recently been made by one of her eminent financiers, Sir E. Mackay Edgar, Bart., a famous British industrialist, who on his return to England from his annual visit to the United States gave out an interview which was published in the London Daily Telegraph in which he warns that we will suffer "a sharp halt in American progress" and that we shall suffer "something like a collapse."

I quote a portion of this remarkable interview from the London Daily Telegraph, as reported in the Literary Digest for January 27, 1923, and commend the entire article to Senators who do me the honor of listening to me. This English captain of industrialism says:

Just think of this: In 1914 America produced about 65 per cent of the world's output of cotton, oil, copper, lead, and zinc. Her consumption was at that time roughly 35 per cent of the total supplies. To-day, while she is producing relatively the same, her consumption of these commodities amounts to over half of the world's total output. Ten years hence she will be producing relatively less and consuming relatively more. She will be producing about half of the world's output; she will be consuming something like 70 per cent of it. In other words, she will have to import. * * *

He very frankly declares the selfish policy Great Britain will pursue when the opportunity presents itself:

Our business as Britons is to sit tight on what we have and to exploit all the oil, cotton, and metal possibilities of the non-American world. In that way we shall do more than safeguard our own position. We shall be able to supply America with the commodities she must have to keep going. She will have to come to us for some of the essential means of livelihood. It will be a costly experience for her but, so far as I can see, she can not escape it.

In spite of all this showing of wealth and material resources, which we must assume that the American Debt Commission examined in detail, unless they were recreant to the trust that had been imposed in them, but which I firmly believe, from the answers made before the Finance Committee, that they never examined at all; nevertheless we are told by its spokesmen that the terms of settlement now before us are the best that could possibly be secured from the British Government. I should like to ask how this was ascertained so clearly in advance of the beginning of the negotiations that according to the testimony of the Senator from Utah the terms laid down by Congress were completely abandoned and the first proposition submitted by the American commission was on a basis of 3½ per cent flat for 62 years? Such a policy of ignoring the terms authorized by Congress was apparently not in the mind of at least one member of the commission as late as October 16, 1922. On that date, just four months ago, Secretary Hoover, in an address at Toledo, Ohio, said:

The terms of repayment were to be determined by Congress, and Congress has laid down the conditions under which payment can be extended over a term of 25 years. It is the duty of the funding commission to see that these terms are carried out.

This was the understanding also in England at the same time. Let me quote from the London Statist for September 23, 1922, page 440, which, as everyone knows, speaks the opinion of financial England authoritatively:

The act referred to has intrusted the handling of the negotiations on the American side to a committee appointed by Congress, under the chairmanship of Mr. Mellon, Secretary of the Treasury. The discussions to take place are limited by the act to matters of detail rather than general principles. Thus, it is already fixed by legislation that the demand notes, at present held by the United States Government, are to be exchanged for long-term bonds. The bonds to be issued in exchange by us are to be bonds of our Government and others, no set-offs in respect of debts owed by other governments to us being allowed. The maximum currency of the bonds is fixed at 25 years, and the minimum rate of interest they may bear is 4½ per cent. Subject to these limits, the negotiating parties are to agree upon the rate of interest on the bonds and their term and the manner in which interest and amortization is to be paid.

We have also the record of the negotiations which were carried on in 1919 between Mr. Rathbone, representing the United States, and Mr. Blackett, representing the British Government. We have the memorandum handed Mr. Blackett by Mr. Rathbone on November 1, 1919, summarizing the results of their conferences, which provided for a settlement on a basis of 5 per cent interest, with maturities in 1938 and 1947. Furthermore, we have the letter of Mr. Blackett, dated November 8, 1919, in which he states that he has discussed the terms with the chancellor of the exchequer, who is in general accord with the terms proposed. Let me quote a part of this letter, which seems to have some historical importance:

DEAR MR. RATHBONE: I have now had an opportunity of discussing with the chancellor of exchequer the question of the conversion of the demand obligations of the British and allied governments held by the United States Treasury into the form of long-term bonds. The chancellor of exchequer desires me to say that, on the understanding that such conversion will not in any way prejudice the general question of interallied indebtedness, to the ultimate settlement of which along broad lines he attaches great importance, he is of opinion that a satisfactory solution of the particular question of conversion of demand obligations can quickly be reached along the general lines tentatively proposed in the memorandum which you gave me on Saturday, November 1. As I stated to you in Paris, the chancellor of exchequer is prepared to give analogous treatment to the obligations of allied governments held by the British treasury. In this connec-

tion he desires me to express his entire concurrence in your view, that their community of interests as the two chief creditors makes close cooperation between the British and American Treasuries of vital importance in these matters.

It is his strong hope that the two treasuries will work together with a view to finding the right solution for the important problems which have arisen and will arise in regard to questions of interallied indebtedness and German reparation.

The only point in your memorandum on which the chancellor of exchequer desires to make any reservations at the moment is the sinking-fund provision. He would prefer on the whole that specific provision should not be included for repayment of debt before the due dates. According to calculations which I have worked out, the sinking-fund provision would operate to redeem before maturity 17.783 per cent of the bonds maturing in 1938 and 55.718 per cent of the bonds maturing in 1947. In any case the latter figure seems too high.

The apparent intention of the British Chancellor was to use these terms as a basis for settlement of all interallied indebtedness, but Mr. Rathbone was very firm in his reply of November 18, 1919, in notifying Mr. Blackett that the United States Government regarded each loan as a distinct and separate obligation of the individual government. This may have been responsible for the termination of these negotiations, which, like the present, were shrouded with an impenetrable veil of secrecy, but in any event it is quite certain the British Government did not then regard even 5 per cent with a 25-year maturity as anything more than was to be expected.

Her bonds which had been sold to private American investors were bearing 5½ per cent, and it was quite apparent that she could not then or now float a loan in the general market at better than a 5 per cent rate. The Statist for September 23, 1922, from which I have already quoted, expresses the opinion that British bonds, even if indorsed by the United States Government, could not be sold at par at anything lower than a 4½ per cent rate. And yet we are solemnly told that this is a sound transaction on a firm commercial basis.

In this connection it may be interesting to see how England deals with her debtors, as an indication whether 3 or 3½ per cent is a fair rate. I read from the parliamentary debates in the British House of Commons, August 4, 1921:

AUSTRALIAN COMMONWEALTH GOVERNMENT, WAR ADVANCES.

54. Mr. Wise asked the chancellor of the exchequer if any arrangement has been made with the Australian Commonwealth Government for funding the latter war advances; and if so, what are the terms?

Sir R. HORNE. Arrangements have been made with the Australian Commonwealth Government under which the sums lent to the Commonwealth by the Imperial Government during the war, including sums advanced since the date of the armistice, to the amount of £92,480,156 15s. 10d., will be repaid by a series of half-yearly payments of £2,774,404 14s. 1d., which is equivalent to 6 per cent per annum on the amount of the debt. These half-yearly payments will cover interest at the rate of 3½ per cent per annum on £1,263,158, at the rate of 4½ per cent per annum on £11,500,000, and at the rate of 5 per cent per annum on the remainder of the debt. The balance will be used to repay the outstanding debt and is calculated to repay the whole amount in 36 years. In respect of certain interest on war debt of the Commonwealth which had accrued up to the 31st of March, 1921, and was unpaid at that date, amounting to £3,934,191 11s. 8d., I have accepted 5 per cent Australian treasury bills due 30th September, 1921, one-half of these bills being renewable at the option of the Commonwealth for a further period of six months.

Here, then, is one of her own children who poured out her blood and taxed herself heavily to aid the mother country, who is charged 5 per cent on eight-ninths of her debt, while we are told that 3½ per cent is the utmost that the British Government can pay on her own debt. I should like to ask the American Debt Commission whether the British commissioners were confronted with the terms of this Australian settlement. I have no doubt that a substantial part of these advances to Australia were made out of funds advanced by the United States out of the proceeds of Liberty loans. If so, the British Government is in the delightful position of making a profit of 1½ per cent on the transaction.

Let us examine also the terms on which Great Britain funded the loans which she made to Canada during the early part of the war. I quote from the Public Accounts of the Dominion of Canada for the fiscal year ended March 31, 1917 (p. 10):

Advances by way of temporary loans have been made from time to time by the Imperial Government amounting, on the 31st March, 1917, to £57,500,000, which carried a capitalized debt of £59,503,500 10s. 7d., or $289,583,702.52. During the year 1916–17 £22,324,295 11s. 0d. of the above amount was converted into Dominion Government dollar bonds as under:

Two million four hundred thousand pounds capitalized, on basis of £100 debt on each £95 advance, to £2,526,315 15s. 9d., or $12,404,678.36, 3½ per cent bonds maturing 1st March, 1925–1928.

Nineteen million six hundred thousand pounds capitalized, on basis of £100 debt on each £99 advance, to £19,797,979 15s. 3d., or $95,207,351.17, 4½ per cent bonds maturing 1st December, 1925–1945.

The balance of this indebtedness on account of advances which had been made by Great Britain were offset against expenditures which were later made in Canada by the British Government.

Let us briefly examine the terms of these bonds and compare them with those of the proposed settlement between Great Britain and the United States. We find, in the first place, that the British Government demanded from Canada what was virtually a commission. She received £100 in 3½ per cent bonds for every £95 that had been advanced and £100 in 4½ per cent bonds for each £99 of advances. We find further that only a little more than one-tenth of these bonds bore an interest rate of 3½ per cent, while the balance, or nearly nine-tenths, carried 4½ per cent interest. We find also no provision for extending these loans for 62 years, as provided in the proposed American settlement, but instead we find that the 3½ per cent bonds were to mature between 1925 and 1928, or a maximum of 11 years from date, while the 4½ per cent bonds were to mature between 1925 and 1945, or a maximum of 28 years and an average of about 18 years.

It will be seen that the settlements which Great Britain made both with Canada and Australia were upon terms much more onerous than those which were carried by the Liberty bond acts or by the act creating the American Debt Commission. Taking all the terms of the settlement into consideration, these terms which Great Britain enforced upon her colonies were almost twice as burdensome as those which are contained in the proposed settlement between Great Britain and the United States. I should like very much to know by what processes of logic or reason the spokesmen of Great Britain can justify their pleas for leniency from the United States when they have enforced such terms as these upon two of their own colonies.

The Senator from Utah has assured us that it is good business to fund this loan to Great Britain for 62 years on a 3½ per cent basis, and that these terms are furthermore justified by the straitened conditions of British finance and industry. If this is good business, why would it not be better business to loan to American farmers at 3½ per cent for 62 years? In the latter case the security is under our hands, and the probability of payment of both principal and interest is infinitely greater. I am asking this question not because I expect a reply but because I have noticed that those who are now most insistent upon the acceptance of these terms have never shown any like enthusiasm for making credit available to American farmers and home builders on terms less onerous than the exorbitant commercial rates imposed by private bankers and loan sharks. It can not be a question of relative distress, because the bankruptcy which has swept across the Northwestern States of this Nation like a plague since the great deflation of 1920 is equaled only by the desolation in some of the worst-stricken parts of the European continent. Whole counties are being sold out for taxes while we are admonished to pass upon this settlement of $4,600,000,000 of indebtedness to the American Treasury without adequate opportunity to study either its terms or the circumstances which lie behind it. Those who vote to settle this debt upon these terms—nearly 1 per cent less than the rates carried by American Liberty loans and with two and a half times as long a maturity—will have a hard time explaining to their constituents just why they did it.

So far I have been considering the general method and terms of this proposed settlement, but there are certain details which seem to me of the utmost moment.

I refer to the provision in the last paragraph of section 2:

Any payment of interest or of principal may be made in any United States Government bonds issued since April 6, 1917, such bonds to be taken at par and accrued interest.

This provision merits the most careful scrutiny, inasmuch as it appears to offer to the British Government and to British financial interests a direct inducement to use their influence to depress the credit of the United States Government, in order that they may secure depreciated bonds to exchange *at par* for their indebtedness to the United States.

This amounts to making certain United States bonds legal tender for the payment of British debts and British debts *only*. They are not legal tender for the payment of the debts of American citizens. This is a special privilege granted the British Government which can not be justified. If it is sound public finance to make United States bonds legal tender for the British Government, why is it not equally sound finance to grant a similar privilege to American citizens? Every elementary student of public finance knows that such a policy, if adopted generally, would be unwise.

As long as this provision remains in the terms of settlement, there will be a grave temptation for British influence to attempt to bring about a depreciation of the bonds of the United States Government issued since April 6, 1917, in order that they may be purchased at low prices and used to retire the British debt. Such operations carried on over a long series of years might easily result in saving for the British Government several

hundred million dollars in the amount of her total payments. This is a stake well worth being played for.

It is not necessary to suggest that the British Government officially would at any time undertake such operations inimical to the credit of the United States Government. Private British financial interests in their capacity as taxpayers to the British treasury are so directly concerned in decreasing the amounts which the British Government must pay to the Government of the United States in the liquidation of this debt that they could naturally and without any prompting take the necessary steps to create a situation where United States bonds might be purchased below par.

No one who knows the immense ramifications of British financial connections in the United States will doubt for a moment their ability to affect the market for United States securities. In the same connection, one should also keep in mind the enormous machinery for British propaganda which was built up in the United States during the period of the war, a part of which, at least, still remains intact.

It should also be pointed out that the terms of this provision are ambiguous. It is not clear whether the phrase "bonds issued since April 6, 1917," applies only to bonds issued between that date and the time of signing the present agreement, or whether this may be stretched to cover all bonds issued *after* April 6, 1917.

This ambiguity came out quite clearly in the committee hearings. The Senator from Utah expressed the opinion at the morning session that this phrase related only to bonds issued between April 6, 1917, and the date of signing the agreement. A majority of the members of the committee were convinced and proposed to write this interpretation into the bill, but in the afternoon the Senator from Utah said that he had consulted the Treasury Department and found that the chairman of the debt commission, Secretary Mellon, held that it applied to all bonds that might be issued at any time after April 6, 1917. It is thus quite apparent that the members of the debt commmission did not know what they were signing and that we do not know to-day the meaning of what we are asked to sanction.

If Secretary Mellon's interpretation is correct, it means that at any time within the next 62 years the British Government is free to acquire such of our bonds as may depreciate below par and exchange them at their face value for the payment of principal and interest of this debt. If we are plunged into a great war and our bonds fall to 80, as they came very near doing a year or two ago, the British Government, and the British Government alone, will then have the right to trade these depreciated bonds in at the Treasury at the rate of 100 cents on the dollar.

Furthermore, if such a clause is to go into each of the other settlements, it will mean that all of these nations will then be given an immense incentive to use their influence to depreciate our credit so that they may profit in the settlement of their debts. This clause should be stricken out. I challenge the Senator from Utah to show me a similar clause in any international agreement that has ever been made between nations of equal rank. It is without precedent, and I am assured constitutes a menace of the most serious character not only to our national credit but also to the maintenance of friendly relations with Great Britain.

Finally, I should like to ask, Mr. President, Why this unseemly hurry to pass this bill? It is true that we have been told by the President of the United States that—and I quote the exact words because they are quite original with the President—"it is, in effect, a plight against war and war expenditures and a rigid adherence to that production and retrenchment which enhances stability precisely as it discharges obligation." I confess that these words are meaningless to me. I know what they mean separately, but what they mean when joined together in this incomprehensible jumble is beyond my understanding. We are told also that—and I quote the President again—"it is a covenant of peace and recuperation, of respect and cooperation." I think I know what this sentence was intended to mean, but I wish that the President might have presented some fact or argument in support of this sweeping assertion.

We all know as a matter of fact that the unfunded character of this debt has had no substantial effect either upon international relations or international finance. You need not take my word for it. Let me quote Mr. Eliot Wadsworth, the secretary of the American Debt Commission. In an address at the Hotel Astor, on November 24, 1922, he said:

> I do not seek to minimize the importance of these war debts as a problem which must be met and solved in due course. They constitute a legacy of trouble from the World War which only time, hard work, patience, and forbearance can eliminate. The questions involved are new in world finance. The effect will be felt for many years no matter what is done with them. My point is that so far these debts have had little actual effect, except as they hang like a distant cloud upon the horizon of business, a cloud to which we have become rather accustomed. There are more important questions—political, financial, and economic—which prevent the rehabilitation of Europe. Threats of war, wild inflation, constant crises over reparations, all have an unsettling influence. The interallied debts resting quietly in treasury boxes add little to the immediate difficulties. In time they must be dealt with in the wisest way, and whatever action is taken must have the full approval of American public opinion. A free discussion of this problem is helpful, but there are too many uncertain factors to-day for anyone to lay down a clear and definite solution.

Then what is the mysterious reason for rushing this measure through the House and Senate?

A few days or even a few months is going to make little or no difference as compared with the magnitude of the questions involved in this settlement which binds us for the next 62 years. We should explore the terms thoroughly, we should examine the surrounding circumstances with some of the care which a banker bestows upon a loan of a few thousand dollars, and above all we should give the American people an opportunity to learn the real facts regarding this proposed settlement and express their opinion. It is their money which it is proposed to give to Great Britain. We are its trustees. The people are entitled to determine at the ballot box whether it shall be given away.

In conclusion I want to present one very practical proposition for your consideration. The Senator from Utah has told us that it is the opinion of the American Debt Commission that within a few years the British Government will be able to borrow funds at 3 or 3½ per cent. Now, if that is the case, suppose the interest rate was fixed on the basis provided by law, 4¼ per cent, but provision was made for paying off the principal at any time, let us see what would happen. As soon as England could borrow money in the open market for one penny less than 4¼ per cent, she would float a loan and pay us off. Any business man knows that. That, I take it, is the great desire of us all—to see this debt paid off at the earliest possible moment, so that no nation will be obligated to us, and we shall not be bound by financial entanglements with any nation. If we accept the terms proposed, the principal will not be paid until British loans can be floated at less than 3½ per cent. But if the rate is made that which was fixed in the Liberty loan acts or in the act creating the American Debt Commission, there will be a compelling incentive to clean up the entire transaction as soon as British credit reaches a 4¼ per cent basis.

Mr. President, I earnestly hope the proposed settlement will be rejected and the whole matter referred back to the Debt Commission, with instructions to carry out the terms fixed by Congress in the original act.

Mr. McCORMICK obtained the floor.

Mr. UNDERWOOD. Will the Senator from Illinois yield to me for about three minutes?

Mr. McCORMICK. I yield to the Senator.

Mr. UNDERWOOD. I wish to ask consent to have a document printed in the RECORD, and it will take about three minutes to state what it is. If the Senator does not object, I will appreciate it.

Mr. McCORMICK. I yield to the Senator, retaining the floor.

Mr. UNDERWOOD. Mr. President, I have a copy of the statistical brochure prepared by Mr. Martin Gillen. The high spots of this particular document, from my hurried survey of it, seem to be about as follows:

1. The farm industry is at a low ebb on account of a restricted foreign market and from the indirect absorption of increases in wages in other industries reflected in farm expenditures, including transportation.

2. The great industries dependent on farm prosperity, such as the railroads, packers, farm machinery, and so forth, are in like bad case with the farmer, and almost all must look to the same ultimate economic remedy—the reestablishment of the markets of the world, rather than to subsidies and direct Federal aid.

3. Of the loans by the United States to the Allies, over three-fourths of the amount was expended directly for agricultural products. The American farmer was, accordingly, the chief beneficiary of these loans which thus assured him a full market and established the highest prices on record for his commodities. The farmer is most interested in a fair refunding or settlement of these foreign obligations, both from the standpoint of the past and of the future.

4. In addition to the unfunded external (governmental) loans, of which over $11,000,000,000 is due to the United States, there

is an unsettled trade balance for the period 1915–1923 due from Europe and Canada to the United States of over $12,000,000,000. During that period our bills against Europe and Canada were over $40,000,000,000, of which over $26,000,000,000 was for agricultural products.

The significance of Mr. Gillen's statement to the South is overwhelming. Everyone knows that the present price of cotton is due to a succession of two of the shortest crops of recent years—1921, between 8,000,000 and 9,000,000 bales; 1922, 9,600,000 bales. I believe this year will witness the largest cotton acreage ever planted and extensive fertilization. If a large crop is produced the result will be disaster, unless our market for cotton across the water is restored.

I want to have Mr. Gillen's statement printed in connection with what I said yesterday to the effect that the important question is the reestablishing of financial conditions, and I regard this settlement as a long step in that direction. I therefore ask unanimous consent that I may have printed in the RECORD, in connection with my remarks, the statement made by Mr. Gillen.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

To the Hon. Warren G. Harding, President of the United States, and to the honorable United States Senators and Congressmen representing the great wheat-growing and meat-producing States of the Mississippi Valley and the great cotton and tobacco growing States of the South and Southwest.

HONORABLE SIRS: Please note—

[000,000 omitted.]

Table I.—Items of receipts and disbursements comprised within "Operating sheet."	1921	1922	1923	Table II.—Labor increases absorbed by the farm industry through disbursements. 1921	1922	1923
				Per cent.	*Per cent.*	*Per cent.*
U. S. Government's announced value of annual farm production	$11,422	$13,375				
Consumption on farms by live stock and farm population	3,781	4,413		35.93	32.26	32.26
Receipts, cash received for all farm products	7,641	8,962				
Disbursements:						
State and township taxes	1,022	1,122	Planting as usual with February to July exportable surplus of 1922 crop undelivered to Europe.	367.2	361.9	Prospect is that farm industry will absorb the same labor cost as in 1922.
Interest on notes and mortgages	926	926				
Rents	1,082	1,082				
Farm labor	893	893		320.8	288.0	
Railroad expenditures	823	826				
Farm fertilizer	218	239		295.7	266.0	
Farm implements	274	328		78.3	70.3	
Saddlery and harness	86	86		98.4	88.3	
Mail-order houses	238	292		30.8	27.7	
New building construction and maintenance	516	516		85.5	76.7	
New motor cars and trucks	353	427		185.3	166.4	
Repair parts only for motor cars and trucks	115	154		126.8	112.8	
Tire and tire accessories	109	135		41.3	37.0	
Gasoline, oil, garage costs other than repair parts	170	190		39.1	35.1	
Depreciation	944	944		61.0	54.8	
	6,946	7,334				
Net receipts for 31,000,000 farm population	695	1,628		249.7	525.1	
Total cash value received by farmers for total product	7,641	8,962		1,979.9	2,110.1	2,110.1

First. The "operating sheet" of 6,448,343 farmers with a farm investment of $78,000,000,000 and a debt exceeding 50 per cent of total United States national debt.

Second. That for the year 1921 the farm population of 31,615,000 people received as a total net return on a capital investment of $78,000,000,000 only $695,000,000, with which to buy all their simple family needs such as: (a) Medical, religious, and educational services; (b) pay their Federal taxes; (c) pay insurance for life, fire, and tornado; and (d) make payments on a total farm debt of $12,426,691,415.

Third. That in 1921 out of gross cash receipts of $7,641,000,000 and for the year 1922 out of gross cash receipts of $8,962,000,000 the American farmer has been compelled to absorb excess labor costs in 1921 of $1,979,900,000, and in the year 1922 $2,110,100,000.

Fourth. That he will be compelled to absorb excess labor costs of $2,110,100,000 for the year 1923 with his regular exportable surplus for February, March, April, May, and June (1922 crop) to Europe, still undelivered, while he is now working on his new 1923 crop, which also contains the usual large exportable surplus.

Fifth. That during the last 10 years the farm industry has employed approximately the same acreage, the same number of employees, and has produced approximately the same annual gross poundage. Yet for the same annual poundage he received the following cash value: For the year 1919, $15,418,000,000; for the year 1920, $11,300,000,000; for the year 1921, $7,641,000,000; and for the year 1922, $8,962,000,000.

Sixth. That if this situation, which is now critical, is to be held even at its present low and destructive point, relief must come at once. He can not wait. Time is the great element. Further delay spells disaster.

Seventh. The data concerning this situation, together with a discussion and the remedy, are contained in the within document.

Respectfully submitted.

MARTIN J. GILLEN.

THE FARM INDUSTRY—CONSIDERED AS A LARGE SINGLE CORPORATION.

The capital investment; its debt; total cash value of annual production for calendar years 1919, 1920, 1921, and 1922.

Investment:		
(a) Land divided into 6,448,300 farms, valued at		$54,829,563,059
(b) Buildings, valued at		11,486,439,543
(c) Implements and machinery, valued at		3,594,772,928
(d) Live stock, valued at		8,013,324,808
Gross valuation		77,924,100,338
Debt liability:		
(a) Mortgages	$8,556,800,000	
(b) Personal and collateral loans at banks	3,869,891,415	
Total indebtedness		12,426,691,415
Net value investment		65,497,408,923
Human beings in farm industry:		Number.
(a) Farmers		6,448,343
(b) Hired help, including domestics		2,220,000
(c) Other members of the farm family		22,946,657
Total farm population		31,615,000
Depreciation, annual:		
(a) 4 per cent on $11,486,439,543 of buildings		$459,457,581
(b) 13⅓ per cent on $3,594,772,928 of implements and machinery		485,294,345
Total annual depreciation		944,751,926

LABOR INCREASES ABSORBED BY THE FARM INDUSTRY THROUGH DISBURSEMENTS.

The commodity and labor indices of the United States Department of Labor and the Department of Agriculture on 10 leading crops and 6 leading live-stock items against all commodities, excepting animal and food products, show, after taking into consideration the increased price the farmer received for his products in 1920, 1921, and 1922 over his pre-war 1913 price, that the purchasing power of the dollar he received for his products in 1920, 1921, and 1922 purchased: In 1920, only 86 per cent of the commodities it purchased in 1913; in 1921, only 67 per cent of the commodities it purchased in 1913; and in 1922, only 69 per cent of the commodities it purchased in 1913; in a word, in 1920 it took 114 farmer dollars to purchase the same number of commodities purchased for 100 farmer dollars in 1913; in 1921 it took 149 farmer dollars to purchase the same number of commodities purchased for 100 farmer dollars in 1913; in 1922 it took 144 farmer dollars to purchase the same number of commodities purchased for 100 farmer dollars in 1913.

From the standpoint of the farm industry: The total cost of all commodities and service furnished and used by the farm industry is as follows: Raw materials, 3.24 per cent; return on capital, 6 per cent; agriculture, 17.43 per cent; and labor, 73.33 per cent; a total of 100 per cent.

Applying 73.33 per cent to the 14 per cent increase for 1920 we have 10.26 per cent.

Applying 73.33 per cent to the 49 per cent increase for 1921 we have 35.93 per cent.

Applying 73.33 per cent to the 44 per cent increase for 1922 we have 32.26 per cent.

Applying 73.33 per cent to the 44 per cent increase for prospective 1923 we have 32.26 per cent.

Under present tariff and immigration laws and the bad financial conditions of the European market there is no relief for the farm industry from this condition in sight for the year 1923 and in the oncoming years.

[000,000 omitted.]

Items of receipts and disbursements comprised in "Operating sheet."	Table I.—"Operating sheet" of 6,448,343 farms of net value of $65,000,000,000.					Table II.—Labor increases absorbed by the farm industry through disbursements.						
	1919	1920	1921	1922	1923	1920	1921	1922	1923	1924	1925	1926
						Per cent.	*Per cent.*	*Per cent.*	*Per cent.*	*Per cent.*	*Per cent.*	*Per cent.*
United States Government's announced value of annual farm production.	$23,655	$17,289	$11,422	$13,375		10.26	35.93	32.26	32.26	32.26	32.26	32.26
Consumption on farms by live stock and farm population.	8,238	5,989	3,781	4,413								
Receipts, cash received for all farm products.	15,418	11,300	7,641	8,962								
Disbursements:												
State and township taxes	771	896	1,022	1,122	Danger	91.5	367.2	361.9	361.9	Danger sign.		
Interest on notes and mortgages	926	926	926	926								
Rents	1,082	1,082	1,082	1,082								
Farm labor	1,363	1,583	893	893		162.4	320.8	288.0	288.0			
Railroad expenditures	710	678	823	826								
Farm fertilizer	388	422	218	239	Planting as usual with February to July exportable surplus of 1922 crop undelivered to Europe.	69.5	295.7	266.0	266.0	Prospect is that farm industry in 1923 will absorb the same war labor costs as it did in 1922 and that its European markets will shrivel up to a greater extent in 1923 than it did in 1922.		
Farm implements	300	563	274	328		43.2	78.3	70.3	70.3			
Saddlery and harness	86	86	86	86		57.7	98.4	88.3	88.3			
Mail order houses	344	360	238	292		8.8	30.8	27.7	27.7			
New building construction and maintenance.	1,032	750	516	516		36.9	85.5	76.7	76.7			
Motor cars and trucks	555	617	353	427		76.9	185.3	166.4	166.4			
Motor car and truck repairs, parts only.	174	203	115	154		63.3	126.8	112.8	112.8			
Tire and tire accessories	193	185	109	135		20.8	41.3	37.0	37.0			
Gasoline, oil, garage costs other than repair parts.	150	170	170	190		19.0	39.1	38.1	35.1			
Depreciation	944	944	944	944	Danger	17.4	61.0	54.8	54.8	Danger sign.		
Gross disbursements	8,308	8,787	6,946	7,334								
Net cash left	7,110	2,513	695	1,628		257.8	249.7	525.7	525.1			
Gross cash receipts	15,418	11,300	7,641	8,962								
Gross excess labor costs						925.2	1,979.9	2,110.1	2,110.1			

NATIONAL INDUSTRIES, EMPLOYEES, CAPITAL INVESTED, AND VALUE OF ANNUAL PRODUCTS DIRECTLY DEPENDENT UPON THE ECONOMIC STABILITY AND WELL-BEING OF THE FARM INDUSTRY OF THE UNITED STATES.

(a) Seventy-six millions of people in the United States, for their regular and orderly supply of food for subsistence.

(b) Well-being, happiness, and contentment of 31,615,000 farm people—the most rugged element for law and order in this land.

(c) Well-being, happiness, and contentment of 8,969,241 village people who serve the personal need of the farmer.

(d) National industries handling animal and food products: Capital investment, $4,615,149,895, with employees numbering 684,672; value of product, $12,438,890,851.

(e) Entire industries handling textiles: Capital investment, $6,096,-161,183, with employees numbering 1,611,309; value of product, $9,216,-102,814.

(f) Entire industries handling leather goods: Capital investment, $1,522,502,458, with employees numbering 349,362; value of product, $2,610,230,723.

(g) Entire industries handling tobacco: Capital investment, $604,-859,572, with employees numbering 157,097; value of product, $1,012,-933,213.

(h) At least 20 per cent of all freight railroads: Capital investment, $19,061,239,186, with employees numbering 2,037,927; value of product, $6,178,438,459.

(i) At least 30 per cent of units produced automobiles and trucks: Capital investment, $1,310,451,400, with employees numbering 210,559; value of product, $2,387,907,289.

(j) At least 30 per cent of units produced tires: Capital investment: $782,637,722, with employees numbering 119,848; value of product, $987,088,045.

(k) At least 75 per cent of sales of mail-order houses: Capital investment, $580,000,000; value of product, $768,000,000.

(l) Entire (except export) of farm implements and farm fertilizer: Capital investment, $678,695,311, with employees numbering 106,058; value of product, $586,104,850.

Percentages of the national income contributed by the various industries, "average," 1909 to 1918: Total all industries, 100 per cent, of which agriculture is 17.43 per cent; mineral, 3.24 per cent; manufacturing, 29.97 per cent; transportation, 9.28 per cent; banking, 1.45 per cent; government, 5.61 per cent; and unclassified industries, 33.02 per cent.—National Bureau of Economic Research.

Outstanding facts and deductions from the above:

First. The Departments of Commerce and Agriculture and principal financial and agricultural papers of this country have always used and announced as the annual value of farm products "the Department of Agriculture's announced value of yearly farm products," such as twenty-three billion for 1919; seventeen billion for 1920, eleven billion for 1921, and thirteen billion for 1922, as the value of the annual farm products. They have for years failed to deduct the value of the farm products consumed on the farms. Thus for years has the farm industry and our Congress been given an erroneous figure for calculations as to the farmer's buying power, which was in 1919 fifteen billions, in 1920 eleven billions, in 1921 seven billions, and in 1922 eight billions.

Second. Friends of the farm industry endeavoring to show the importance of the industry from the standpoint of its purchasing power of American products have always asserted that the actual purchasing power of the farmer, as compared with the rest of the American population, was from 40 to 52 per cent of the total, while the fact is his actual purchasing power does not exceed 17.43 per cent—the actual expenditure of his total money being largely directed to only a few lines of industry. Thus it can readily be seen that while a nation-wide state of increased prosperity may actually occur to industry, commerce, and labor in the United States, yet underlying this prosperity great factors may silently be working for the economic destruction of the farm industry. For a 10 or 20 per cent diminution of the small 17.43 per cent actual purchasing power of the farmer in the total American markets would show little present effect on the general national welfare. A 10 per cent diminution of 17.43 per cent is 1.74 per cent, while 20 per cent would be 3.48 per cent of the total United States annual purchasing power. This is what has actually occurred in 1921–22 and will occur in 1923 under present conditions. It spells economic disaster to over 40,000,000 of our population as well as the destruction of industry and commerce in the Mississippi Valley and the South. Then, too, give this country another year of it and the cancer will break out progressively in every vital organ of this entire Nation.

Third. That for the year 1921, out of gross cash receipts of $7,641,-000,000, and for the year 1922, out of gross cash receipts of $8,962,-000,000, the American farmer has been compelled to absorb excess labor costs in 1921 of $1,979,900,000, and in the year 1922, $2,110,100,000.

Fourth. With present labor prices, he will be compelled to absorb excess labor costs of $2,110,100,000 for the year 1923, with most of his exportable surplus for 1922 to Europe still undelivered, while he is now working on his new 1923 crop, which also contains a large exportable surplus.

Fifth. That for the year 1921 the farm population of 31,615,000 people received as a total net return on a capital investment of $78,000,000,000 only eight-tenths per cent with which to buy all their simple family needs, such as (a) medical, religious, and educational services; (b) pay their Federal taxes; (c) pay insurance for life, fire, and tornado; and (d) make payments on a total farm debt of $12,426,691,415. In 1922 the farmer has left again only 2 per cent return on his total capital investment for small family purchases.

Sixth. That during the last 10 years we find from the "Operating sheet of the farm industry" that the industry is tightly bound by four great constant factors and one great variable factor over which he has no control. The variable factor spells the sale of his surplus in foreign markets. The farm industry during the last 10 years has employed (a) approximately the same total acreage, though it has shifted its crops on that acreage from time to time, constant factor 1; (b) the same number of employees, constant factor 2; and (c) has produced approximately the same annual poundage for each of those years, constant factor 3; (d) disbursement items, column 1, constant factor 4; and (e) yet for the same gross annual poundage the farm industry received the following terrific changes in total cash value for his product: For the year 1919, $15,418,000,000; 1920, $11,300,000,000; 1921, $7,641,000,000; and for the year 1922, $8,962,000,000, the great variable factor. A fair illustration of this situation would be the assumption that the Ford Motor Co., during the 10-year period from 1912 to 1922, had not increased (a) its factory buildings and equipment; (b) the number of its employees; (c) the number of cars produced per year; and yet had received for that same number of cars $11,000,000,000 in 1920, $7,000,000,000 in 1921, and $8,000,000,000 in 1922, with labor prices as high as in 1920. It must be kept in mind that the Ford Motor Co. is a single corporation, with one directing mind, and that it can be closed down when there is an overproduction, while the farm industry is like 6,000,000,000 small corporations, without any general supervision and without any general directing mind as to the size of its annual production.

DANGER SIGN.

That to hold this now critical economic situation of the United States farm industry at its present low and destructive point, preparatory measures for relief must come at once. Time is the great element, and if wasted in useless discussions is fatal to the American farmer. His economic condition does not recognize the Democratic

or the Republican Party, nor their efforts to gain, one against the other, any small party advantage at this hour. Political bickerings and personal ambitions must be put aside, as was done during the period of the Great War, and America must close its ranks and give the same loyal support to the President of the United States, when in action, as was given by all to the Hon. Woodrow Wilson, our war President. Further delay spells disaster.

A terrific economic conflagration is consuming our customers in continental Europe; Russia is burned to the ground; France, Germany, Belgium, and Italy are in the midst of flames; France is pouring gasoline on the fire in order that a lurid pillar of light may rise so high that across the Atlantic it may be seen in the night skies of America. No preparation is being made here to man, equip, and order America's super fire engines to the salvation of our customers, nor have we notified France, Italy, and Belgium that America has seen the danger light and to stop pouring gasoline on the fire.

CAN THE UNITED STATES FARM INDUSTRY EXIST UNDER A POLICY OF ECONOMIC ISOLATION AS TO THE COUNTRIES OF EUROPE?

First. May I point out—to those citizens who maintain that "complete isolation from Europe" is our duty under the Monroe doctrine, because participation would involve us in "foreign entangling alliances"—that there are two historic relations that we have ever had with Europe under the Monroe doctrine—one is a political relation which President Jefferson announced and the other an economic relation. Under the latter we have bound ourselves from the earliest beginnings of this Republic with bands of steel to the gross in and out trade that will equal two hundred to two hundred fifty billions of dollars—almost the size of our national wealth.

Second. Again may I point out to that same class of citizens who assert that we are "self-contained" and that "our consumptive capacity is so great that we are independent of Europe" that they are in economic error. Under that economic fallacy, 60 per cent of the cotton fields of the great South and 37 per cent of the wheat fields of the great Mississippi Valley will run to weeds and the economic destruction of 31,614,000 farm people—the most rugged element for law and order in this country—will have been accomplished through their error, while grass will block the streets of those thousands of small villages and communities which are spread throughout the great agricultural sections and house 8,969,241 people—good, law-abiding, industrious American citizens.

Third. The extensive Russian, Rumanian, and Bulgarian wheat fields, which in pre-war years produced annually a world exportable surplus of 200,000,000 bushels of wheat, are down through the economic destruction of those countries, and all Europe is on a rationed and low diet. With this fact in mind, may I point out where the world's exportable surpluses of wheat and cotton come from to-day and the great European customers that use these exportable surpluses, with the prominent position of the United States in that picture?

TABLE V.—*Wheat.*

EXPORTS.

[Where the bulk of the world's exportable surplus of wheat and wheat flour come from (stated in thousands of bushels).

Year.	1 United States.	2 Russia.	3 Rumania.	4 Bulgaria.	5 Netherlands.	6 Belgium.	7 Germany.	8 Australia.	9 Argentina.	10 Canada.
1906	127,309	137,502	66,838	11,035	33,626	18,030	10,350	37,924	89,128	44,957
1907	160,127	88,622	44,813	10,166	45,437	19,842	7,964	36,288	104,956	45,863
1908	151,338	56,739	27,023	9,110	30,568	26,561	17,257	20,390	139,355	60,365
1909	92,085	194,051	32,471	7,481	48,784	25,472	16,058	37,517	98,273	60,866
1910	61,923	230,569	69,708	11,304	39,503	26,129	19,956	47,761	69,209	46,425
1911	83,330	150,875	56,872	14,524	47,028	26,099	19,581	55,147	83,993	60,474
1912	109,451	102,195	54,203	11,456	52,152	19,870	20,510	40,428	103,260	104,320
1913	154,760	130,596	48,494	11,456	64,501	15,898	29,638	53,207	109,637	151,975
1914	231,318	94,342	23,535	None.	37,583	None.	None.	6,668	39,435	91,322
1915	270,400	11,885	None.	None.	1,830	None.	None.	35,369	98,155	176,959
1916	218,755	15,134	None.	None.	44	None.	None.	68,780	91,625	226,862
1917	168,864	[1] None.	None.	None.	776	None.	None.	40,139	40,078	186,342
1918	208,857	None.	None.	None.	21	None.	None.	66,760	119,029	93,247
1919	267,111	None.	1	None.	264	847	None.	[2] 106,247	137,356	113,586
1920	307,630	None.	105	None.	1,095	331	910	[3] 62,240	[3] 198,539	144,845
1921	[2] 280,101	None.	[3] 3,723	None.	[3] 3,489	None.	None.	[3] 115,420	[3] 82,830	[3] 178,259

[1] Indicates no figures reported by U. S. Department of Agriculture. [2] Broomhall. [3] International Institute of Agriculture at Rome.

IMPORTS.

[The great customers who use the bulk of the world's exportable surplus of wheat (stated in thousands of bushels).]

Year.	1 Great Britain.	2 Italy.	3 France.	4 Germany.	5 Belgium.	6 Netherlands.
1906	208,920	50,473	11,732	74,873	68,178	54,678
1907	214,487	34,281	14,018	91,195	67,688	62,294
1908	201,740	29,026	3,120	77,673	67,175	50,061
1909	210,489	48,955	5,469	90,035	71,026	69,109
1910	195,965	45,259	23,957	86,867	75,351	80,945
1911	182,352	43,300	79,695	92,204	82,405	68,657
1912	229,160	65,914	26,698	85,218	71,261	75,018
1913	226,978	66,635	57,669	94,451	69,790	89,334
1914	218,025	37,399	65,598	None.	None.	57,951
1915	191,064	83,159	76,776	None.	None.	28,766
1916	211,830	74,088	106,446	None.	None.	30,242
1917	206,255	77,249	87,517	None.	None.	12,575
1918	175,460	78,671	72,627	None.	None.	2,245
1919	178,543	95,503	86,630	None.	4,256	18,259
1920	234,475	79,875	87,770	24,572	33,868	20,194
1921	188,825	104,150	40,249	88,812	37,981	23,416

The first four of these countries are badly crippled.

TABLE VI.—*Cotton.*

EXPORTS.

[Where the bulk of the world's exportable surplus of cotton comes from (stated in thousands of bales of 500 pounds gross weight).]

Year (average).	1 British India.	2 China.	3 Egypt.	4 Peru.	5 United States.
1909-1913	1,960	240	1,442	87	9,008
1914	2,791	188	1,225	106	6,873
1915	2,103	202	1,430	97	9,126
1916	2,118	237	1,122	112	7,626
1917	1,663	232	844	80	5,180
1918	819	360	1,040	99	4,411
1919	1,528	299	1,390	185	7,045
1920	2,052	.....	829	.....	6,651

TABLE VI.—*Cotton*—Continued.

IMPORTS.

[The great customers who use the bulk of the world's exportable surplus of cotton (stated in thousands of bales of 500 pounds gross weight).]

Year (average).	1 Canada.	2 Belgium.	3 France.	4 Germany.	5 Italy.	6 Japan.	7 Netherlands.	8 Spain.	9 Sweden.	10 Switzerland.	11 Great Britain.	12 Russia.	13 Austria-Hungary
1909–1913	137	496	1,435	2,258	896	1,405	277	382	93	113	4,164	886	906
1914	152	None.	949	None.	579	1,705	245	389	107	101	3,447	801	None.
1915	197	None.	1,052	None.	1,344	2,015	365	660	558	147	4,820	641	None.
1916	205	None.	1,178	None.	1,170	2,209	177	471	130	123	4,045	57	None.
1917	178	None.	1,260	None.	828	1,947	46	447	52	94	3,163	None.	None.
1918	226	None.	656	None.	601	1,886	1	277	33	38	3,114	None.	None.
1919	179	289	1,007	None.	826	2,190	114	341	80	115	3,816	None.	None.
1920	241	506	1,033	691	825	2,178	124	375	113	97	3,457	375	None.

TABLE VII.—*International trade balance sheet between Europe-Canada and United States of America. Item I: United States bill to Europe and Canada; Item II: Part paid. Item III: Balance due and unpaid for eight years, January, 1915, to January, 1923, inclusive.*

	Europe-Canada eight-year bill.	Debit.	Credit.
Item I. United States bill to Europe and Canada for eight years.			
Invisible debits:			
1. Agricultural products sold and exported to Europe	$20,430,625,433		
Manufactured products, raw materials, and all other merchandise, sold and exported to Europe	7,945,233,225		
Merchandise and agricultural products (total exports) sold and exported to Canada	5,038,146,108		
Army and Navy supplies, sold by liquidation commissions in Europe after the war to Nov. 15, 1922	574,876,884		
Supplies and merchandise, mostly agricultural products, sold and exported by American Relief, $84,093,963, plus United States Grain Corporation, $56,858,802	140,952,706		
2. Interest accrued to United States Government on loans to European Governments of $10,126,140,829, to Nov. 15, 1922 [1]	2,115,471,345		
Interest accrued to American investors on European loans at average rate of 6 per cent and average $2,881,501,000, less refund of $648,246,316, to January, 1923	584,097,105		
Interest accrued to American exporters and bankers on an average (from Jan. 1, 1915, to Jan. 1, 1923) of $2,500,000,000 current open credits	819,000,000		
Interest accrued to American investors on Canadian loans, rate 6 per cent (on $156,819,683, Jan. 1, 1915, plus $1,455,778,114, loaned since), on a total of $1,612,597,797	372,571,523		
3. Discount at an average 4 per cent paid by Europeans in United States on sale of $2,881,501,000. European securities sold to American investors [1]	115,000,000		
Discount at an average 5 per cent on resale of American securities sold by European owners to American investors on $2,500,000,000	125,000,000		
4. War service of transportation and other items furnished allies in United States out of $10,000,000,000 loan in addition to items in sub 1, item 1	1,346,780,348		
5. War liquidation items, incurred in United States on cancellation of allied war contracts and expenses of allied commissions in United States	100,000,000		
6. Insurance, shipping, repairs, supplies in United States ports, tourists, $75,000,000 per year (war transportation shipping in sub 1, item 1) [1]	600,000,000		
7. European agreement to repay occupational services furnished by War Department to United States on Rhine	255,862,608		
8. European loans placed in United States taken up and paid off by Europe	650,500,000		
		$41,214,117,346	
Item II. Payments made.			
Invisible credits:			
1. All merchandise purchased and imported from Europe to Jan. 1, 1923	5,846,968,461		
All merchandise purchased and imported from Canada to Sept. 20, 1922	2,972,276,711		
2. Gold and silver net balance delivered to United States by Europe	771,715,000		
Gold and silver net balance delivered by Canada—largely French and Italian gold deposited with Great Britain sent via Canada	1,418,392,000		
Gold and credits delivered to United States Treasury by British Government from India	81,000,000		
3. American securities purchased from European holders by American investors	2,500,000,000		
European securities, public and private, purchased by American investors ($2,881,506,000, less $648,246,316 refunded through $10,000,000,000 loan by British)	2,232,259,684		
Francs, marks, lire, pounds sterling purchased and held by American investors	1,000,000,000		
Canadian securities, public and private, purchased by American investors	1,455,780,000		
4. War merchandise and service by United States Government purchased in Europe for war, Navy aircraft, and United States Government needs to end armistice period paid in cash	2,509,442,889		
War merchandise and service by United States Government for same purposes as sub. 4, Item II, paid by United States from francs, lire, and pounds sterling furnished by allied Governments	1,490,557,111		
War merchandise and service by United States Government for same purposes from armistice period to present for occupational expenses on the Rhine	255,862,608		
5. Interest accrued to European investor and holder of American securities on an average rate of 5½ per cent on $2,500,000,000 [1]	1,526,322,688		
6. Remittances by European immigrants in America to Europe, 1915, 1916, 1917, and 1918, at $175,000,000 per year; 1920, 1921, and 1922, at $300,000,000 per year—all Europe [1]	1,600,000,000		
7. Tourist and shipping, repairs for years 1919, $100,000,000; 1920, $150,000,000; 1921, $175,000,000; 1922, $200,000,000 [1]	625,000,000		
8. American investments in Canadian and European properties and agencies (motors, tires, farm implements, oil, packing, etc.) [1]	50,000,000		
9. Current revolving credit advances to European and Canadian merchants by American bankers and exporters for United States exports and imports [1]	2,000,000,000		
Unsettled trade balance of Europe and Canada in favor of United States			$28,835,537,153 12,878,560,194
Total United States bill to Europe and Canada for eight years		$41,214,117,346	41,214,117,346
Item III. Balance due and unpaid.			
1. European allied Government notes received by United States Government for allied loans under Liberty loan act—unpaid balance to Nov. 15, 1922	9,386,422,558		
2. European Government notes received by United States Government for War-Navy supplies sold since war, $574,876,884; sales American relief, $84,093,963; and sales U. S. G. Co., $56,858,802, plus $255,862,608, United States Rhine cost	871,692,257		
3. Interest accrued and unpaid on sub. 1-2, Item III, by European countries to United States Government balance to Nov. 15, 1922	1,554,783,389		
4. Total obligations of European Governments to United States Government	11,812,898,204		

Farm industry's interest in the above—international transactions covering eight years:

(a) The $10,000,000,000 Allied loan by the United States was directly expended for agricultural products, $7,889,001,697; for manufactured and raw materials, $2,699,106,125; railroad freight, $136,083,774.

(b) The $871,692,257 liquidation sales—notes, United States Grain Corporation and American Relief—at least 80 per cent thereof, or $697,353,705, was for agricultural products.

(c) Of the total exported merchandise to Europe and Canada (excluding supplies to Army and Navy in Europe), $26,184,701,270 was agricultural products.

American banking and investment houses' interest in the above—international transactions covering eight critical years:

(a) The financing and sale of all securities purchased and sold in American markets.

(b) All credit arrangements and settlements on total exports and imports.

(c) Total shipments of all gold and silver imported and exported.

(d) Collections and payments of all interest and discount, together with the handling of invisible credits and debits of immigrant remittances, tourists, shipping, and insurance.

(e) Investigating, reporting, and passing, as well as establishing European customers' credits for merchandise exported, for which they have established in European countries large American branches.

(f) The American seaboard banks and American investment houses from New York to San Francisco handled $56,000,000,000 for our foreign trade during those eight critical years while the great American interior banks financed in addition the money for the planting and sale of the farm products during the same period.

TABLE VIII.—*Looking backward from January 1, 1914, to January 1, 1900—Fourteen years pre-war peace period—International trade balance sheet between United States and all Europe, years 1900 to 1914, inclusive—Peace time pre-war trade sheet with Europe.*

Fiscal years.	United States bill of items to Europe.						Europe's payment on bill.						
	Fiscal year exports.	Fiscal year imports.	Fiscal year net excess of United States exports and imports.	Fiscal year net excess gold and silver to Europe.	To Europe United States securities sold as merchandise.	United States total bill to Europe.[1]	Total Europe payments.[1]	Interest 5½ per cent paid to Europe on United States securities purchased.	Interest 6 per cent paid to Europe on $1,500,000,000 on our world's trade.	Net excess of European ocean drayage for United States.	United States tourists' money in Europe.	Immigrant remittance to Europe.	Net excess gold and silver to United States.
1900	$1,040,167,763	$440,567,314	$599,600,449	$75,313,684	$70,000,000	$744,914,133	$737,600,000	$227,600,000	$90,000,000	$50,000,000	$170,000,000	$200,000,000	.....
1901	1,136,504,605	429,620,452	706,884,153	92,246,955	.....	.....	.....	.....	.....	.....	170,000,000	200,000,000	.....
1902	1,008,033,981	475,161,941	532,872,040	75,424,417	.....	.....	.....	.....	.....	.....	170,000,000	200,000,000	.....
1903	1,029,256,651	547,226,887	482,029,770	48,717,734	.....	.....	.....	.....	.....	.....	170,000,000	200,000,000	.....
1904	1,057,930,131	498,697,379	559,232,752	79,610,721	.....	.....	.....	.....	.....	.....	170,000,000	200,000,000	.....
1905	1,020,972,641	540,773,092	480,199,549	1,563,792	.....	.....	.....	.....	.....	.....	170,000,000	200,000,000	.....
1906	1,200,166,036	633,292,184	566,873,852	.....	.....	.....	.....	.....	.....	.....	170,000,000	200,000,000	$785,818
1907	1,298,452,380	747,291,253	551,161,127	.....	.....	.....	.....	.....	.....	.....	170,000,000	200,000,000	44,425,633
1908	1,283,600,153	608,014,147	675,586,008	2,134,700	.....	.....	.....	.....	.....	.....	170,000,000	200,000,000	.....
1909	1,146,755,321	654,322,918	492,432,403	82,331,925	.....	.....	.....	.....	.....	.....	170,000,000	200,000,000	.....
1910	1,194,062,988	790,134,594	403,928,399	71,877,002	.....	.....	.....	.....	.....	.....	170,000,000	200,000,000	.....
1911	1,293,072,862	770,293,236	522,779,626	34,525,802	.....	.....	.....	.....	.....	.....	170,000,000	200,000,000	.....
1912	1,467,451,834	900,003,944	567,447,890	64,138,330	150,000,000	781,586,220	776,750,000	26,675,000	90,000,000	50,000,000	170,000,000	200,000,000	.....
1913	1,499,573,363	864,666,103	634,907,260	.....	150,000,000	784,907,260	793,360,330	275,000,000	90,000,000	50,000,000	170,000,000	200,000,000	8,360,330

[1] 1922 exports and imports used as basis for 1923.

Looking backward: To the close of this normal 14-year period Europe's credit position, as a result of an almost uninterrupted half a century of peaceful commercial civilization, was as follows:

(a) Europe, with the rest of the world, was enjoying the benefits of international trade, which was at its highest point, with 45,000,000 tons of shipping facilities sufficient to adequately handle the world's commerce.

(b) In the world's commerce Europe was the great financial center, supplying the new money for United States, Russia, Japan, China, India, South America, Africa, Australia, Canada, and the Balkan States—in a word, to the world.

(c) The investors of Great Britain alone owned and controlled $250,000,000 of the $300,000,000 of the annual gold supply of the world.

(d) The investors of Great Britain alone had invested capital in the countries of the world of $18,000,000,000.

(e) Europe had purchased and held American securities to the extent of $5,000,000,000.

(f) Great Britain had invested in the financing of our foreign trade an additional $1,500,000,000.

(g) Europe was collecting annually from the United States an interest charge at 5½ per cent on $5,000,000,000 and 6 per cent on an additional $1,500,000,000 invested in our foreign trade—a total annual interest of $365,000,000.

(h) Europe was doing our annual ocean drayage in excess of $50,000,000 over that carried in American bottoms.

(i) Europe was loaning to the United States new capital at the rate of $100,000,000 a year.

(j) All of the European nations had a small national debt, the interest on which was easily met by small annual tax of $1,600,000,000 for interest on their national debts.

(k) The franc, lira, crown, ruble, and pound sterling were sound and approximately at par the world over, with all the European nations solvent.

(l) European merchants were well known and financially strong, with unquestioned credit the world over.

These were the financially strong and the good customers for the exportable surplus of the American farm, factory, and mine.

Let us now look at Europe—our same good customers—as of January 1, 1923, after the destructive calamity of a world-destroying war.

Looking forward—from January 1, 1923, to the years to come—10, 20, 30, 40 years:

(a) The United States has become the financial center and great creditor nation of the world, with $250,000,000,000 of national wealth and a comparatively small national debt—to-day the only world market for substantial amounts of new capital.

(b) The lines of the world's international commerce broken down and largely destroyed, except for taking care of only the almost actual necessities of life for many of the countries of the world—their buying reduced to the lowest possible minimum.

(c) The world's shipping facilities greatly overbuilt, with 54,000,000 dead-weight tons of steel cargo shipping, in desperate competition, to carry the "world's commerce," which does not require to-day more than 35,000,000 dead-weight tons of shipping.

(d) With a total of $28,000,000,000 paid on our $40,000,000,000 of trade balance, there is hanging over and menacing our foreign trade relations with Europe a $12,878,560,194 unsettled trade balance in favor of the United States.

1. This terrific unsettled trade balance exists, too, even after Europe has exhausted almost all of her available resources to settle it. Great Britain, realizing the effect of this unsettled trade balance and its menace to world conditions, endeavors in a statesmanlike manner to promptly accept our terms and thus reduce her portion of that trade balance by approximately $5,000,000,000.

2. Hanging over the European nations to-day are great unfunded external debts, owed principally to the United States and Great Britain, of $11,812,898,204 to the United States alone, with an annual interest charge of $354,000,000, menacing and destroying the reasoning powers of the afflicted nations of Europe, which must be met by taxes upon her people.

(e) To meet forty billions of trade balance in favor of the United States during the last eight critical years, of which trade $26,000,000,000 was for agricultural products, our great customers in Europe have since 1914—

1. Returned to the United States two and one-half billion dollars' worth of American securities, and the United States, through the Alien Property Custodian, has impounded $400,000,000 worth of German securities.

2. Sent to us a $2,271,107,000 net balance of gold and silver, mostly Russian, Austrian, German, Italian, and French, together with new world production, which the United States holds, and as a result these nations are off a good basis.

3. Borrowed new money in the American investment markets of $2,232,259,684.

4. Canada has borrowed in the American investment markets $1,455,780,000. Europe in pre-war days furnished Canada all her new capital; and

5. The United States has taken over from Europe the financing of her own world trade and has invested in it about $2,000,000,000 of American banking money.

(f) Europe is collecting interest to-day from us on $1,500,000,000 of American securities, as against $5,000,000,000 held by her investors in 1914.

(g) The countries of Europe staggering under national external and internal debts, with interest charges from those debts equaling $11,000,000,000 a year, as against $1,500,000,000 of interest charges for 1913.

(h) While the dollar and pound sterling are practically at par, the lira is a little over one-fifth of par and the franc a little less than one-third of par, with the ruble, Austrian crown, and the German mark depreciated to practically nil.

(i) The credits of a large percentage of the merchants of Europe are weak and gradually shriveling up. Yet midst all the financial chaos that exists in Europe to-day, Great Britain, with $15,000,000,000 of world securities still in the hands of her private investors, within the very heat of the firing line, stands cool and set at home like the sentinel "Rock of Gibraltar," while promptly honoring her obligations abroad. The world has confidence in her statesmanship because Great Britain always leans in her international affairs upon the tried and experienced men of her country, in her hours of success as well as in her hours of need. They know the present-day history of "world commerce" and they can read the future. What a lesson to this country—her debt-funding commission arrived home on Saturday, reported to the Government, and by the following Wednesday that nation had accepted and taken on its obligations of principal and interest to the United States Government, assuming for its people, already heavily taxed, a further tax burden of $170,000,000 a year for 66 years.

(j) Great Britain, along with the neutral countries of Norway, Sweden, Denmark, Holland, Switzerland, Spain, and Portugal, are alone left with foreign financial credit and stability.

TABLE IX.—*United States looking forward for years—10, 20, 50 years—credit ability of United States foreign customers to buy our exportable surplus—France, Italy, Germany, Europe—prospective balance sheets for 1923 on three bases—which?—Canada excluded.*

UNITED STATES BILL OF ITEMS TO EUROPE.

[Items 1 to 10, inclusive, stated in millions of dollars.]

Year and reference.	Total exports to Europe (merchandise).	Total imports from Europe (merchandise).	(1) Net balance of exports over imports.	(2) Net balance, gold and silver sent Europe.	(3) United States loans sold as merchandise to Europe.	(4) Payment of maturing European loans to United States.	(5) Net balance, shipping.	(6) Interest payments on $2,000,000,000 in foreign trade to United States, 7 per cent.	(7) Discount, 3 per cent, paid in pounds sterling for sale of European loans in United States.	(8) Interest at 6 per cent on $2,300,000,000 United States loans to Europe.	(9) Interest, 5 per cent, on loans to allies of $11,800,000,000.	(10) Payments of United Kingdom on debt to United States, $4,743,000,000.	Total bill of United States to Europe.
1912 "A"	1,467	900	567	64	150	None.	None.	None.	None.	None.	None.	None.	781
1922 "B"	2,050	1,054	955	None.	None.	None.	33	140	17.7	133	100.5	None.	1,419.2
1923 "X"	[1]2,050	[1]1,054	[1]995	None.	None.	Nil.	33	140	30	133	590	None.	1,923
1923 "Y"	[1]2,050	[1]1,054	[1]995	None.	None.	Nil.	None.	140	14	133	142	30	1,457
1923 "Z"			600	None.	None.	Nil.	None.	140	6	133	142	30	1,051

[1] 1922 exports and imports used as basis for 1923.

EUROPE'S PAYMENT THEREOF.

[Items 1 to 11, inclusive, stated in millions of dollars.]

Year and reference.	Total payments by Europe to United States.	(1) Interest, 5½ per cent, on $1,500,000,000 United States loans held in Europe.	(2) United States tourist money.	(3) United States immigrant remittances.	(4) Net balance, gold and silver sent to United States.	(5) New loans made by Europe in United States.	(6) United States securities held in Europe resold in United States.	(7) Interest, 6 per cent, paid Europe on $1,500,000,000 invested in United States foreign trade.	(8) Net balance due Europe on shipping.	(9) World securities held by Europe sold in United States.	(10) World loans formerly held by Europe refunded in United States, and balances left here to credit of European holders, Canada, Dutch East Indies, etc.	(11) Purchase by United States (marks, lire, francs).
1912 "A"	776	266	170	200	None.	.....	None.	90	50	Nil.	Nil.	Nil.
1922 "B"	1,379	82	200	300	176	220	50	None.	None.	30	321	.....
1923 "X"	1,923	82	200	300	200	1,061	50	None.	None.	30	None.	None.
1923 "Y"	1,456	82	200	300	200	544	50	None.	50	30	None.	None.
1923 "Z"	1,042	82	200	300	100	230	50	None.	50	30	None.	None.

"A"—First. Normal trade balance sheet of 1912: Normalcy in highest degree and almost a counterpart of each year from 1900 to 1914, which was a period of "commercial civilization" with the world at peace. (Table VIII.)

"B"—Second. Thus, as against 1912, Europe in her international balance sheet finds an abnormal total increase made up from the following items: (1) An excess balance of exports and imports over 1912 of $428 million; (2) excess of $33M from net balance of shipping; (3) interest payments on $2 billion invested in the foreign trade of the United States at 7%—$140M; (4) discount of 3% paid in the United States on sale of European loans—$17.7M; (5) interest at 6% on $2.3 billion loan of United States capital to Europe—$133M; (6) interest on British loan paid in 1922 of $100.5M. Less net balance of gold sent by the United States to Europe in 1912 of $64M and loans of European capital made to the United States in that year of $150M; or a net abnormal increase of $638.3 millions.

Her abnormal payment on this bill in 1922 as against 1912 consist of additional $30M United States tourist money, plus additional $100M immigration money; plus $176M gold and silver net balance sent the United States; plus $220 European loans made in the United States; plus $50M American securities sold by Europe; plus $30M world securities sold by Europe to the United States; plus $321M world loans formerly held by Europe refunded in the United States and the balance left here to the credit of Europe. Less $50M of shipping; less $90M interest at 6% paid by Europe on $1.5 billions invested in the United States. Foreign trade; less $182M interest on $5 billion United States loans formerly held in Europe and now reduced to $1.5B—a total of abnormal payments of $605 millions.

Of the $176M net balance of gold and silver that was paid by Europe to the United States in the first 10 months of 1922, Great Britain sent $94.5M; France, $19.6M; Netherlands, $9.8M; Norway, $8.4M; Sweden, $32.7M; and Denmark, $17.6M.

Of the new loans made by Europe in America in 1922 of $220M, as against loans to us of $150M in 1912, the neutral countries borrowed as follows: Denmark, $30M; Copenhagen, $5M; Netherlands, $30M; Holland, $12.06M; Holland-America, $8.04M; and Norway, $18M—a total of $103.1 millions. While the Yugoslovak Republic borrowed $25M; Czechoslovak Republic, $14M; city of Gr. Prague, $7.5M; city of Soissons (France), $6M; Department of Seine (France), $25M; Framer Industrial Development Corporation (France), $10M; Paris, Lyons Mediterranean Railway (France), $30M—a total amount of loans for these countries of $117.5 million, or a grand total for Europe of $220.6 millions. In addition there were a number of European issues refunded in the United States during the year which has no effect on the international balance sheet. Of the $321M of world securities held by European investors which became due in 1922, such as Great Britain's great investments in Canada and Holland's in the Dutch East Indies, South America, etc., these were refunded with new United States money.

Thus was the United States bill to Europe in 1922 $1,419.2 millions, as against $781M in 1912, and her payments totaled $1,379M in 1922, as against $776M in 1912.

The author abandoned the details of further exact information on the sale and refund of world securities in American markets, as well as some other points, because of the desire to get this out before the adjournment of Congress. However, it is plainly seen that while the payments of British debt and interest will throw heavy taxes on the people of Great Britain, she can take care of her principal and interest charge and payment will come for her adverse balances from gold and from the sale of her world securities when refunded by new American capital. No attempt is made to estimate the ultimate effect of these payments on our foreign trade; but as England built her great reservoir of foreign investments, it seems as though this country could do it without injury to her foreign trade. Likewise the neutral countries can take care of their adverse balances with the United States; but as to those countries that absorb 50 per cent of the world's exportable surpluses of wheat and cotton, to wit, France, Italy, Belgium, Germany, and the other countries of southeast Europe, they some months ago passed the dead center of credit and power to furnish the needed gold, world's securities, and substantial credits to absorb our exportable surpluses. Hence the dwindling of our markets with those countries. As Great Britain's financial strength to meet the future becomes more visible, her exchange crawls upward to par. As the United States furnishes new capital to non-European countries and takes over from Europe the refunding loans of non-European countries now held by Europe, the United States will cut down her existing adverse trade balances with the non-European countries through the interest payments made by the non-European countries to the United States investors. The balance of trade drafted between the United States and each of those countries could be accomplished in 60 days, so that we could see and understand the present and future credit situation of our customers.

"X"—Third. Prospective 1923 trade balance sheet: The payment of $200,000,000 net gold and silver by Europe to the United States (in column 4 of Europe's payment therefor) will come largely from Great Britain, if it does come, or she will allow the world securities which become due next year and which her private investors hold, to be refunded in the United States money markets, and thus will largely settle her obligations to the United States. Then, too, the neutral countries will settle their balances and borrow less money in the United States this coming year, for their borrowings were largely for national purposes of putting their governments in order after the war. The $1,061,255,000 of European securities which will have to be sold in the United States market to American investors in 1923 must come in the main from Italy, France, Belgium, and Germany as money borrowed to settle their trade balances for food supplies purchased in this country. No sane man who has analyzed the purchase of European securities in the American markets in the year 1922 and at the same time has observed the lowered value of those securities in the hands of American purchasers to-day will predict that the American market will absorb to any appreciable extent loans from France, Italy, Belgium, and Germany during the year 1923, with financial chaos increasing in those countries. The last two classes of merchandise which nations in failing financial circumstances part with for the feeding of their people are, first, works of art, heirlooms, and other personal valuables. It would throw light on the failing credit of Italy, France, Germany, Belgium, and Austria if our commerce records had these items segregated as to countries for the years 1919, 1920, 1921, and 1922. Well-

informed men estimate that large annual imports of these items are coming into this country. Only a survey will determine this item for our balance sheet with each of these countries. The second class is the small balance of their national stocks of gold. In all the countries of Europe except Great Britain and the neutral countries they are holding their remaining gold as sacred. According to the Annual Report of the Director of the United States Mint for the year 1922, on December 31, 1921, Austria had $16,000 of gold; Belgium, $51,000,000; Bulgaria, $7,000,000; Czechoslovakia, $12,000,000; France, $690,000,000; Germany, $237,000,000; Greece, $10,000,000; Italy, $220,000,000; Poland, $7,000,000; while, for comparative purposes, two neutrals had, Spain, $472,000,000, and Switzerland, $106,000,000. In this regard note the small amounts of gold that came from the above countries during 1922: France, $19,600,000; Italy, none; Belgium, none; and Austria, none. There is yet that last reserve on which to draw.

What the French, Italian, Belgian, and German financial borrowings will have to be for the years 1923 and 1924 for payments of their needs of the world's exportable surplus of wheat and cotton, will be shown when international balance sheets, formed on facts, are drawn. Then, too, when we have established the facts as to the credit conditions of those countries, we will be able, in a more definite way, to determine the amount of actual credits that can be made, and hence the extent of their buying power for 1923 and 1924. It is to be noted that since July 7, 1922, no European loans have been sold in the United States, except the small loans of neutral countries. It must be kept in mind also that Great Britain has no new money to finance loans or credits to Italy, France, Belgium, and Germany, nor will she do so in their present credit condition for the benefit of American merchandise going into those countries, except where the present personal credits of purchasers are intact. Has not a gradual lowering of our exports to Europe, month by month in the last two years, been due to the dwindling credit caused by these countries using up their credit surplus in nonproductive fields? It must again be kept in mind that American bankers financing our foreign trade can not increase their loans to Italy, France, Germany, Belgium, and Austria beyond their present point unless improved credit conditions arise in Europe. With a lowering of credit conditions in those countries, it is natural that there will be a gradual diminution of American bankers' advances.

One important credit element which must be taken into consideration in intercountry trade balance sheets is the trade balance of the customer country with world "triangular trading"—in a word, the annual trade balance sheets of Italy, France, Belgium, and Germany with the world. If any of these countries has an excess of exports over imports in their annual world trade, they could use that excess to-day to settle their advance balances with the United States. In examining the world commerce for the normal year 1913, we find no comfort, for we know to-day these countries have no loaning power; own only a small part of the world gold mines; have little or no tourist or immigrant money outward, and have no shipping balance. Furthermore, the Annals of the American Academy of Political and Social Science for July, 1922, report that for the prewar year 1913, the world merchandise balances of these countries were adverse, as follows:

1913.

	Imports.	Exports.	Adverse balances.
Belgium	$892,889,150	$696,765,510	$196,123,640
France	1,657,431,450	1,339,298,440	318,133,010
Italy	708,638,570	487,764,590	220,873,980
Germany	2,604,232,500	2,413,718,100	190,514,400

"Y"—Fourth. Prospective 1923 trade balance sheet presupposes: (a) Assume all foreign loans to the Allies excepting British canceled and the British debt on a 3 per cent interest basis; (b) that the American farm industry and the American manufacturers and producers of raw materials are more interested in selling the United States national exportable surplus of farm products, manufactured goods, and raw materials to Great Britain, France, Italy, Germany, Belgium, and Holland than they are in collecting additional United States charges for shipping. Realizing that every shipping dollar that is taken from European customers by "United States shipping charges" cuts off just that many dollars of sales to our European customers. Then, too, it presupposes that the American taxpayers are not interested in raising annually $30,000,000 more for a ship subsidy in order to partially destroy the ability of our European customers to absorb our exportable surplus from farm, factory, and mine.

Under the suppositions of balance sheet for 1923 "Y," (a) with all the European loans to the United States canceled (except Great Britain) and (b) European customers doing shipping, again will the two hundred million gold come from Great Britain, while Italy, France, Germany, and Belgium will largely have to borrow in the American markets five hundred and forty-four millions to pay the food bill, which again is an impossibility because of the financial condition of Europe.

"Z"—Fifth. Prospective 1923 trade balance sheet presupposes: (a) The high state of normalcy that obtained in our trade relations with Europe from 1900 to 1914; (b) cancellation of all our European loans except Great Britain's; (c) the carrying of the ocean freight by the European countries as was done in the normalcy 1900–1914 period; (d) that we make reciprocal commercial treaties with preferential tariff rates with our principal European customers who buy our exportable farm surplus so as to bring our balance of merchandise trade down to the average normal of 1900–1914 period, to wit, to six hundred millions a year. This would permit one hundred millions of British gold, gathered by her people from the annual world production for 1923, to be diverted to the use of Italy, France, Belgium, and Germany. It, too, would so stabilize European conditions that our American investment markets would again absorb two hundred and thirty millions of European securities and world refunding securities and at the same time would leave the balance of the American investing market to absorb the large unfunded railroad debt of this country, and at the same time stabilize the railroad situation and enable the United States railroads to secure new money for much-needed equipment to take care of the coming fall trade. The railroad balance sheets of this country for the years 1921–22 show almost as bad a financial condition and inability to borrow as does the farm industry balance sheet for those years. (e) It presupposes reciprocal immigration treaties with France, Italy, Belgium, and Germany, so that Italy, particularly, can balance her food purchases with the United States through immigration labor, which has always had a fair opportunity in the past years in the American labor field. These reciprocal immigration treaties, too, based on United States State percentages instead of total United States percentages, will bring down the commodity prices to a more reasonable level to the farmers and to the great middle classes of the United States, consisting of lawyers, doctors, teachers, clerks, and those whose incomes have not risen with and in proportion to the war advance in commodity prices. The American farm industry needs two things: First, lower commodity prices, and, second, a stabilization and financial strengthening of its consuming European market, like the 1900–1914 period, in which to sell the farm surplus. The farm industry can not continue for the next two to five years to absorb annually $2,110,100,000 of increased labor costs in its commodity purchases and have its European market dry up and thus have this increased surplus of the American farm drive down its prices to an even lower basis than it is to-day to the complete and inevitable economic destruction of the American farm industry.

The hour is fraught with great danger to the American farm industry. Only exact information will help to hold the situation in its present critical position.

Most thoughtful minds in America understand that the United States has arrived at a new economic stage in its life in reference to world affairs, but because of the lack of definite information we have been unable to analyze this new stage of economic affairs, and thus the American business man, the American farmer, the American press, and our American statesmen are without the definite facts upon which to move, and the Government is without the machinery to establish these facts quickly and readily. The hour has arrived when a domestic and foreign policy for the Nation should be outlined in harmony with the Monroe doctrine, so clear and simple that all of our American people can readily and easily understand it, and so that our Congress may pass the necessary legislation to meet this new order of things and our administrative officers direct it.

Who is to blame for this state of affairs in our national life?

First. If one is fair and just, he will say the Republican and Democratic Parties equally, for during the last four years their leaders have not seen this new order of things and insisted that the statistical divisions of the great Departments of Commerce, Agriculture, Labor, and finance be reorganized so as to gather those important facts on our domestic conditions and their relation to international trade, and thus make the essential facts available to the administrative and legislative officers of our Government.

Second. The Department of Commerce (a) in 1917 discontinued the method of analyzing and totaling our agricultural exports to Europe, so that it is not possible to-day to find out the total amount of exports of agricultural products which since 1917 have gone to Europe as a whole and to the different countries of Europe. (b) Nor has that department gathered the international data on our trade-balance relation with the several countries of Europe, nor the world-trade balance of those several countries. Neither has it laid the machinery to gather and record the actual public sales of foreign securities in the American markets for the last four years, nor for the gathering of the essential information of those several items that go to make international balance sheets. Thus there is no data in that department available to Congress and the administrative branches of our Government upon which to establish a definite and clear foreign and domestic policy for this new order of things. As a result of this, the great press of our country is unable to speak in common terms to the American public for the creation of public opinion.

Third. The Department of Agriculture has not created any machinery to take care of this new order of things as it affects the farm industry and the products of the factory and mine. In the Department of Agriculture Yearbook for 1921, the issuance of which was delayed until September, 1922, one fails to find complete data for 1920 as to the world's exportable surplus of wheat and cotton by countries, let alone nothing for the year 1921. Nowhere in either of the above departments are their records so kept that the President of the United States, the Congress, the American banker, farmer, business man, and our public press can get definite information as to European trade and credit relationship with the United States in order that sound Government policy can be formed.

Fourth. The Joint Commission of Agricultural Inquiry, composed of Senators and Congressmen from the Agricultural Committees of the Senate and House, in an investigation running for a period of two years failed to appreciate the importance of this new order of things as it related to agriculture, and thus did not point out the need for new statistical machinery to meet the new order of international trade.

Fifth. The Senate Commerce Committee and the House Merchant Marine and Fisheries Committee have occupied four years of time trying to devise ways and means to compel Europe to buy shipping service from the United States to the extent of $35,000,000 a year, with a loss to Europe of an additional $50,000,000 a year, thereby causing a diminution of annual purchases of our exportable surplus of farm, factory, and mine, to the extent of $83,000,000 a year. It will be noted that the occupation of the minds of these great committees with this shipping question took away from them an opportunity to visualize the new order of things, to wit, the larger necessities for the sale of our exportable surpluses from farm, factory, and mine, and their relation to our foreign customers in Europe.

Sixth. The Shipping Board, in a desire to patriotically place our flag on the high seas, failed to investigate the simple, essential economic facts underlying our international trade and the relation of shipping thereto, and thus all the essential facts have not been placed before the President and the country.

Is it any wonder that to-day the patriotic American business man, farmer, banker, press, the Congress, and the President are not of a common mind and that we have confusion in our national life and thought?

In harmony with America's historic, usual condition, we are not prepared to-day to meet this new order of things any better than we were prepared to enter the war on April 6, 1917. We are not making a move to gather the essential data necessary to determine the economic condition of the American farmer and the interest of the United States in the European situation, nor has any preparation been made to find out the exact condition of the European countries and what economic move must be made to save France, Italy, Belgium, and Austria—in a word, Europe.

SUGGESTED REMEDY TO CLEAR UP THE NATION-WIDE CONFUSION.

If the financial house of J. P. Morgan & Co. were heavily interested in five great American corporations, which had become very badly involved financially, the first thing that the house of Morgan would do would be to put their expert minds on the job and inform themselves of detailed facts concerning the financial condition and future trade outlook of each of the five financially involved corporations and their interrelation with each other, as well as with Morgan & Co. In a word, Morgan & Co. would find out their exact interest in that situation. When the analysis was completed and Morgan had before them all the facts, they would (a) arrive at a judgment on the situation; (b) make plans to protect their common interest with the five corporations; and (c) they would call in the five great corporations and outline the plan of salvation for them. No one could induce Morgan & Co. to go into a conference with those five financially involved corporations until they have exactly arrived at:

First. All of their own relations and interest in the matter;
Second. The condition of each one of the five corporations;
Third. Their own decision as to policy; and
Fourth. A definite plan for the salvation of the situation.

With the four steps above completed, Morgan & Co. would call in the five financially involved corporations and lay all the facts, together with their decision and plans, on the table for consideration. During the preparatory period the five corporations desiring salvation would know what Morgan & Co. were doing and would work in harmony, to the ultimate profit and interest of all.

Can not the United States, following a similar businesslike method, cause the creation of four great fact-finding commissions, with strong internationally trained chairmen, appointed by the President and confirmed by the Senate, the chairman of each within a week to submit a list of the members of his commission to the President of the United States for confirmation?

The first fact-finding commission: To prepare all the data and draw an economic pact for Europe, based on the lines of the four-power peace pact, with a chairman like the Hon. Elihu Root, who knows the Monroe doctrine, all of our historic political relations with the countries of the world, and, too, knows the men to put on a commission who can work in harmony with him and who are learned on the subject. Within three months his commission would be prepared to report.

The second fact-finding commission: A finance commission which would proceed to get all of the financial data of each of our great European customers, their methods of taxation, the financial condition of their budgets and exchanges, the condition of the gold supply of those particular nations and of the world, together with the things necessary to be done to straighten out the financial systems and balance the budgets of those countries. For the chairmanship of this commission a man like the Hon. Benjamin Strong, head of the Federal Reserve Bank of New York, a practical banker who has available through the Federal reserve system all of the financial data bearing on Europe, who understands international finance and to whom is available the best financial minds in America as well as the great forces of the Federal reserve bank. Mr. Strong could have his commission organized within a week. Within three months it would be able to report. To the financial commission should be attached such officers of the United States Army and Navy as are qualified to report on the size of the armies and navies necessary for a peace-time basis for those countries.

The third fact-finding commission: A reparations commission which would be organized and proceed at once to Germany to find out the present-day financial condition of that country and determine the amount of reparations and method of payment which Germany economically can stand, together with the things necessary to give life to the German nation so that it can again become a world customer for cotton and wheat. For the chairmanship of this commission a man of the type of the Hon. B. M. Baruch, formerly chairman of the War Industries Board and later economic adviser to the American peace commission at Paris during the armistice period; a man who has made an intimate study of the reparations question and to whom is available the membership of the great War Industries Board organization. Within two weeks this commission could be organized and on its way to Germany, and within three months this commission could report back.

The fourth fact-finding commission: An economic commission to make an examination of all the factors that enter into our national production and national surpluses, and especially those relating to the farm industry; gather definite data concerning our exportable surpluses and the international balance of trade with the European countries; make definite all the facts so that we can somewhat read the situation of our European customers in their present bad financial condition, and thus know what to expect of those markets for the next oncoming five years. For the chairmanship of that commission the Hon. Julius H. Barnes, formerly chairman of the United States Grain Corporation and assistant to the Hon. Herbert Hoover during the war, presently president of the Chamber of Commerce of the United States, and in private life a grain exporter who has made a life study of the American farm situation. Within two weeks this commission could be organized and within three months its investigation completed.

For the general chairmanship or director of these four commissions, a fifth man of the type of the Hon. Alex Legge, president of the International Harvester Co., whose life work has been with the farm industry and the future of whose great institution to-day is absolutely dependent upon the economic welfare of this industry. Then, too, the International Harvester Co. has one great operating plant in Russia, one in France, and one in Germany. It will be recalled that Mr. Legge was vice chairman of the War Industries Board during the war and was associated with the Hon. B. M. Baruch during the peace negotiations of the armistice period. His duty would be to house the commissions, make and arrange the interrelations among the four commissions and their connections with the European countries so that they could send promptly to our commissions all the information necessary, and generally organize and drive the situation, as he drives so successfully in an executive way, at home and abroad, the big things of his company.

The American Economic Commission on Home Affairs to be constituted of the chairmen of the four fact-finding commissions and its director, the Hon. Alex Legge. When the fact-finding commissions' work is done, the American Economic Commission on Home Affairs to report publicly its facts, findings, and suggestive plans for the economic aid of the American farm industry and our great European customer—to the President, to the Congress, and to the American people, whereupon a special session of Congress can be promptly called to take the necessary action.

As soon as these commissions are authorized, under legislative enactment, and financed with a proper appropriation, the European governments could be promptly notified of our action and be asked to cooperate by appointing representatives who will aid the different fact-finding commissions in quickly gathering the required data from those countries.

In the meantime the domestic and foreign economics of the situation suggest two important things: (a) The passage of the rural credit legislation contained in the Capper bill, followed by an immediate intensive drive by the Government on all the small country banks of the United States to induce those which are sound to enter the Federal reserve system in order to promptly fill the place of the War Finance Corporation and thus have available, in case of national stress, a banking system for the farm industry to meet the crisis—should it arise—in a calm and orderly way; (b) the legislative acceptance of the recommendations of the American Debt Funding Commission on the settlement of the British debt and interest as a settlement with a single customer.

Under this suggested plan the Secretaries of State, Commerce, Agriculture, the Immigration Commissioner of the Department of Labor, and the Federal Reserve Board could immediately begin to reorganize and speed up their statistical departments so as to take on this new work. Thus would the forces of those great departments of our Government become quickly available to our American economic commission of home affairs. Would it not be an error if Cabinet members were placed on this commission? The answer lies in a reference to the action of this Nation when we met our great crisis in 1917 upon our entry into the World War, when five Cabinet members were formed into a national council of defense. For almost a year those Cabinet members worked in a dual capacity with dismal failure for results. It was only when the great fact-finding commission—the War Industries Board—was created that this Nation secured relief and started rapidly on its work of industrial mobilization for the aid of not only our own Army and Navy but for those of the Allies as well, greatly shortening the length of the war. Great tasks and responsibilities will fall upon the Departments of State, Commerce, Agriculture, and Labor when these fact-finding commissions begin their work and these great departments should be kept in orderly control during this critical period by the Secretaries now in charge.

When the American people know that our Government is proceeding on the lines suggested herein they will calmly await the results. Then, too, they will give loyal support to the Congress and to the President. There should be no criticism for the neglect of yesterday, for the criticisms fall equally on all men in all walks of life—if the fault is nation-wide. It is the action of to-day and to-morrow for which we can be criticized.

Upon the adoption of the suggestions contained herein the President of the United States will be relieved of the great pressure that is now on him due to this chaos, while the Members of the Senate and the House upon adjournment can proceed to thoroughly inform themselves upon our domestic situation and get the viewpoint of the American people back home. Then, too, our industry will be relieved from the threat of experimental legislation until based on known facts and conditions.

Respectfully submitted.

MARTIN J. GILLEN.

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Mr. McCORMICK. Mr. President, the debate upon the debt funding bill now before us and the ominous course of events in Europe lead me, contrary to my intention, to tax the time of the Senate to say a word.

We must decide, and decide shortly, whether we are to reject or to accept the proposed debt settlement. We must decide if, all things considered, the acceptance of the settlement is wise and sound as a matter of business and of national policy. There are Senators who find that the terms are too lenient to the British debtor, but who in this very Chamber once ran blood and sweat in anguished anxiety to defend the principles of six British votes to one American vote in the League of Nations which they sought to force us to join. In my humble judgment the terms of the settlement have been as much overpraised in some quarters as they have been too much condemned in others. By what standard would you measure the interest rate on a long-term Government bond? The rate of interest on British consols for 60 years before the Great War averaged some 3 per cent. These new British bonds are to run for 62 years, and for 52 of those years are to bear 3½ per cent, the same rate as the tax-free Liberty bonds of 1947, and three-quarters of 1 per cent less than the taxable Treasury notes of 1952—of taxable Treasury notes of which the life is about 30 years.

Since I prepared these notes I have received from the Treasury some tables for which I asked some days ago, bearing upon the diminution of the rate of interest on that part of the short-term public debt which has been refunded, some $6,000,000,000 in all. The tables show that the rate of interest has been diminished something over half of 1 per cent, or approximately $40,000,000 a year. I ask leave to introduce the tables in the RECORD as illustrative of the tendency of interest rates to diminish as normal credit conditions return.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. REED of Missouri. The Senator stated the amount of diminution but did not state the rate.

Mr. McCORMICK. The table which I have here shows that on that part of the debt which has been refunded, and which is set forth in the table, the rate is now about 4½ per cent, as against a little less than 5¼ per cent before the refunding operation began.

Mr. REED of Missouri. I am not seeking to disturb the Senator in his address, but let me ask him when we paid 5¼ per cent?

Mr. McCORMICK. Perhaps the Senator will let me hand him this table. Reading from it, he will find that series TM 4, 1921, paid as much as 5¼ per cent.

Mr. SMOOT. The date of that issue was June 15, 1921, right at the time when there was almost a panic in the world.

Mr. McCORMICK. The one to which I have alluded is dated October 15, 1920.

Mr. SMOOT. The date of the issue of the 4¾ per cent bonds was June 15, 1921.

Mr. McCORMICK. There were issues which bore as much as 5¾ per cent.

Mr. REED of Missouri. Those were the short-time notes.

Mr. McCORMICK. So I stated at the outset of my comment upon this table.

Mr. REED of Missouri. They were not the bonded indebtedness. They were short-time notes.

Mr. McCORMICK. I have so stated two or three times.

Mr. REED of Missouri. I just wanted to be clear about it.

Mr. McCORMICK. I have introduced the table only to indicate the tendency of interest rates as evidenced by the refunding of the short-time debt.

Mr. HITCHCOCK. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Nebraska?

Mr. McCORMICK. I yield.

Mr. HITCHCOCK. The Senator realizes we are paying now more than 5 per cent on a considerable amount of our indebtedness.

Mr. McCORMICK. I do, and for that reason I instanced the rate which had been obtained on the taxable debt maturing in 1952, which, as the Senator will recall, is 4¼ per cent.

Mr. HITCHCOCK. We actually sold bonds last October at 4¼ per cent.

Mr. McCORMICK. Taxable?

Mr. HITCHCOCK. Yes; taxable bonds.

Mr. McCORMICK. As a matter of business, fault might be found with the settlement because before the maturity of the loan the British Government doubtless will be able to refund the unpaid balance at less than 3½ per cent, and pay its debt to the Government of the United States, but as a matter of international policy we should be happy to be rid of the debt.

If some Senators have complained that the interest rate on the average is too low, and that especially is it too low for the next 10 years, there are others who have objected still more vehemently that during those 10 years half of the interest due may remain unpaid and may be added to the capital sum of the debt. An amendment has been offered to strike out that provision, and this at a moment when some Senators have been seeking to establish additional European credits. It would be unwise and unworthy of us, sir, to deny to the debtor the privilege of postponing part payment of interest during the hard years when Britain alone among a score of our debtors is making ready to pay, when, as the Senator from Alabama [Mr. UNDERWOOD] pointed out, restoration of trade conditions is almost as important to the exporter in America as to the peoples of Europe.

Mr. President, I think we are agreed that in all probability the British Government will be harder pressed to meet the interest payments during the next 5 years, or the next 10 years, than at any other time during the life of the debt. The political and economic condition of Europe does not improve. Britain suffers therefrom more than we do. Consider for a moment the debts due us from nearly a score of European States besides Great Britain, ranging from nearly four billion due from France to two million due from Hungary.

Amounts owed the United States by foreign governments as of November 15, 1922.

	Loan.	Interest.	Total.
Great Britain	$4,135,818,358.44	$611,044,201.85	$4,746,862,560.29
France	3,340,746,215.16	503,386,035.61	3,844,132,250.77
Italy	1,648,034,050.90	284,681,434.61	1,932,715,485.51
Belgium	377,123,745.94	60,073,383.65	437,197,129.59
Russia	192,601,297.37	39,712,670.78	232,313,968.15
Czechoslovakia	91,887,668.65	14,404,536.67	106,292,205.32
Poland	135,662,867.80	17,618,809.01	153,281,676.81
Serbia	51,104,595.58	7,994,087.92	59,098,683.50
Rumania	36,128,494.94	5,864,104.34	41,992,599.28
Austria	24,055,708.92	2,886,685.08	26,942,394.00
Greece	15,000,000.00	750,000.00	15,750,000.00
Esthonia	13,999,145.60	2,089,625.66	16,088,771.26
Armenia	11,959,917.49	1,677,256.88	13,637,174.37
Finland	8,281,926.17	1,012,436.10	9,294,362.27
Latvia	5,132,287.14	643,576.87	5,775,864.01
Lithuania	4,981,628.03	747,244.20	5,728,872.23
Hungary	1,685,835.61	202,300.28	1,888,135.89

Not only do they owe us, they owe Britain, too, and the rivalry and hatred between them, their heavy military burdens,

their unrestrained expenditures, and their growing debts injure British prosperity and threaten the future of British trade more than they injure our prosperity or threaten our trade. I submit for the record and for the information of those Senators who may care to study it a table showing how nearly universal was the increase of governmental indebtedness in Europe during the last year. I ask leave that the table may be incorporated in the RECORD.

The PRESIDING OFFICER (Mr. JONES of New Mexico in the chair). Without objection, it is so ordered.

The table is as follows:

National debts of Europe, 1921 and 1922.

Country.	Unit of currency.	1921	1922
Austria-Hungary	Crown		
Austria	do	169,893,000,000	[1] 1,437,568,000,000
Hungary	do	[2] 54,453,000,000	
Belgium	Franc	33,927,000,000	36,493,000,000
Bulgaria	Lev	6,634,000,000	6,836,000,000
Czechoslovakia	Crown	[2] 28,500,000,000	44,712,000,000
Denmark	Krone	1,064,000,000	1,169,000,000
Finland	Fin mark	1,996,075,000	1,826,000,000
France	Franc	301,510,000,000	316,984,988,000
Germany	Mark	248,848,000,000	1,559,000,000,000
Greece	Drachma	4,150,000,000	4,750,000,000
Italy	Lire	[2] 72,974,000,000	113,203,000,000
Yugoslavia	Dinar	3,564,000,000	3,200,000,000
Netherlands	Florin	2,502,100,000	2,735,600,000
Norway	Krone	1,220,570,000	1,312,000,000
Poland	Mark	302,000,000,000	[3] 455,000,000,000
Portugal	Pound	35,831,000	
	Escudo	1,862,000,000	
Rumania	Leu	30,311,000,000	
Russia	Ruble		
Spain	Peseta	11,992,000,000	14,050,000,000
Sweden	Krone	1,270,400,000	1,526,000,000
Switzerland	Franc	1,738,000,000	[4] 2,083,000,000
Turkey	Turkish pound	No data.	[5] 400,000,000
United Kingdom	Pound	7,016,000,000	7,831,000,000

[1] Austrian exchequer bonds in Austrian bank, plus pre-war debt.
[2] 1920.
[3] Loans from Polish National Bank plus foreign debt.
[4] Dec. 31, 1921.
[5] Statement of Turkish delegation at Lausanne.

Mr. McCORMICK. It would almost seem that some of the governments of continental Europe have decided to commit economic suicide. They are destroying their own credit and that of their neighbors; they are reducing their own production and that of their neighbors, and thus they are madly diminishing their ability to sell and to buy from us. If I remember rightly, the British Empire buys over a third of all that we sell abroad. Together with the countries of Latin America, the British Empire will afford us during the years to come the best and safest market for our goods. This settlement ought to appeal to us partly because it is a lever, so to speak, upon which we can press to induce the payment of the six billions due us from the other creditors, but beyond that, Mr. President, because it is a just settlement and takes cognizance of the general industrial depression, the ruin of European continental markets, and the necessity for conserving the resources of the debtor in that common interest, of which so much has been said in America, and to which we believe France at the present moment has been so blind.

It was Wednesday last that the Senator from Idaho [Mr. BORAH] alluded to the British monopoly of rubber, to which allusion has been made again to-day by the Senator from Wisconsin [Mr. LA FOLLETTE]. I think I was the first to call public attention to that monopoly, and the burden which the monopoly sought to place upon the shoulders of the American consumer. Our Government was slow in awakening to the necessity of protecting our interests in the production of rubber, as it has been slow in arousing our exporters to the importance of the South American market. We must vigilantly protect our trade against the competition of the most experienced and resourceful traders and bankers in the world—the British. But we are nevertheless concerned for the prosperity of the British Empire as we are for the prosperity of Europe. I believe that the proposed settlement is conducive to the restoration of trade and prosperity, and to the ultimate payment of debts due us from other countries. Nay, more, this settlement once made, the two creditors of the governments of continental Europe, America and Britain, have a common right and common interest to address themselves to the debtor governments which not only have made no plans to pay, but of which the progressive insolvency threatens not only their own ruin but the injury of our trade.

The occupation of the Ruhr has been unproductive of any economic or financial benefit to the French; the mining of coal almost has ceased, factories are closing, the costs of the occupation are rising, the mark has fallen and the franc is falling, the French minister of finance has announced a new internal loan for 13,000,000,000 francs at a higher rate of interest than that which has hitherto obtained. French bonds like those of a majority of the other states of continental Europe, are quoted at a great discount below par. The ruin of credit and currency which first overspread Russia, and then spread over all south central and central Europe, threatens to cross the Izonzo and the Rhine into Italy and France and Belgium. The time very well may come when the agreement presented to us for ratification may constitute the precedent from which steps can be taken to reorder the finances of continental Europe. I shall vote for it.

APPENDIX.

Statement showing (1) specified items of the public debt as of February 28, 1921, required to be refunded before the close of the fiscal year ending June 30, 1923; (2) the issue date; (3) the rate per cent per annum; (4) the principal amount outstanding; (5) the interest for one year on the outstanding principal at the interest rate for each issue; and (6) the average rate of interest per annum.

	Date of issue.	Rate per annum.	Principal amount outstanding.		Interest for one year on principal outstanding Feb. 28, 1921.	
		Per cent.				
Notes: Victory Liberty loan—4¼ per cent notes of 1922-23	May 20, 1919	4¼		$3,463,842,650		$164,532,525.87
Treasury certificates:						
Tax—						
Series TM, 1921	Mar. 15, 1920	4½	$184,370,500		$8,757,598.75	
Series TJ, 1921	June 15, 1920	6	242,517,000		14,551,020.00	
Series TM2, 1921	July 15, 1920	5½	74,278,000		4,270,985.00	
Series TM3, 1921	Sept. 15, 1920	5¾	106,626,500		6,131,023.75	
Series TS, 1921	do	6	341,969,500		20,518,170.00	
Series TM4, 1921	Oct. 15, 1920	5¾	124,252,500		7,144,518.75	
Series TJ2, 1921	Dec. 15, 1920	5¾	188,123,000		10,817,101.25	
Series TD, 1921	do	6	389,557,500		23,373,450.00	
				1,651,694,500		95,563,867.50
Loan—						
Series C, 1921	Aug. 16, 1920	6	156,654,500		9,399,270.00	
Series D, 1921	Nov. 15, 1920	5¾	232,124,000		13,347,130.00	
Series E, 1921	Jan. 15, 1921	5½	118,660,000		6,526,300.00	
Series F, 1921	do	5½	192,026,500		11,041,523.75	
Series G, 1921	Feb. 15, 1921	5½	132,886,500		7,308,757.50	
				832,351,500		47,622,981.25
Total				5,947,888,650		307,719,374.62
Average interest rate (per cent)					5.173590037	

Statement showing (1) specified items of the public debt as of Jan. 31, 1923, consisting, for the most part, of issues to refund items of the public debt outstanding Feb. 28, 1921, maturing before the close of the fiscal year ending June 30, 1923; (2) the issue date; (3) the rate per cent per annum; (4) the principal amount outstanding; and (5) the amount of interest for one year on the principal amount outstanding Jan. 31, 1923, with comparative figures showing the average annual interest rates and the annual reduction in interest charges. (On the basis of daily Treasury statements.)

	Date of issue.	Rate per annum.	Principal amount outstanding.		Interest for 1 year on principal outstanding Jan. 31, 1923.	
		Per cent.				
Treasury bonds—4¼ per cent Treasury bonds of 1947–1952	Oct. 16, 1922	4¼		$763,915,800		$32,466,421.50
Notes:						
Victory Liberty loan—4¼ per cent notes of 1922-23	May 20, 1919	4¼		843,634,500		40,072,638.75
Treasury notes—						
Series A, 1924	June 15, 1921	5½	$311,191,600		$17,893,517.00	
Series B, 1924	Sept. 15, 1921	5½	390,706,100		21,488,835.50	
Series A, 1925	Feb. 1, 1922	4¾	598,384,200		28,423,249.50	
Series B, 1925	June 15, 1922	4¾	330,334,800		14,452,147.50	
Series C, 1925	Dec. 15, 1922	4¼	448,901,150		20,200,551.75	
Series A, 1926	Mar. 15, 1922	4¼	616,769,700		29,296,560.75	
Series B, 1926	Aug. 1, 1922	4¼	439,039,900		19,509,195.75	
Series A, 1927	Jan. 15, 1923	4½	366,741,435		16,503,364.57	
			3,522,068,885		167,767,422.32	
Treasury certificates:						
Series TM, 1923	Mar. 15, 1922	4½	265,170,000		11,269,725.00	
Series TM2, 1923	Dec. 15, 1922	3¾	111,994,500		3,919,807.50	
Series TJ, 1923	June 15, 1922	3¾	264,000,000		9,900,000.00	
Series TS, 1923	Sept. 15, 1922	3¾	227,000,000		8,512,500.00	
Series TD, 1923	Dec. 15, 1922	4	197,230,100		7,889,204.00	
				1,065,394,600		41,491,236.50
Total				6,195,013,785		281,797,719.07
Average interest rate.....per cent					4.54878276	
Annual interest and average interest rate Feb. 28, 1921, on same classes of the public debt for which the above are refunding issues.....per cent					5.173590037	320,504,615.97
Annual decrease in interest.....per cent					.624807277	38,706,896.90

Statement showing issues of Treasury bonds, Treasury notes, and Treasury certificates of indebtedness between March 1, 1921, and January 31, 1923.

Series.	Date of issue.	Date of maturity.	Rate.	Amount issued.
			Per ct.	
Treasury bonds: 4¼ per cent Treasury bonds of 1947–1952	Oct. 16, 1922	Oct. 15, 1952	4¼	$763,962,300
Treasury notes:				
A, 1924	June 15, 1921	June 15, 1924	5½	311,191,600
B, 1924	Sept. 15, 1921	Sept. 15, 1924	5½	390,706,100
A, 1925	Feb. 1, 1922	Mar. 15, 1925	4¾	601,599,500
A, 1926	Mar. 15, 1922	Mar. 15, 1926	4¾	617,769,700
B, 1925	June 15, 1922	Dec. 15, 1925	4¼	335,128,200
B, 1926	Aug. 1, 1922	Sept. 15, 1926	4¼	486,938,900
C, 1925	Dec. 15, 1922	June 15, 1925	4¼	469,188,100
A, 1927	Jan. 15, 1923	Dec. 15, 1927	4½	366,982,100
Treasury certificates:				
Tax—				
TS2, 1921	Mar. 15, 1921	Sept. 15, 1921	5½	193,302,000
TM, 1922	.....do.....	Mar. 15, 1922	5½	288,501,000
TJ, 1922	June 15, 1921	June 15, 1922	5½	314,184,000
TM2, 1922	Aug. 1, 1921	Mar. 15, 1922	5½	116,891,000
TM3, 1922	Sept. 15, 1921	.....do.....	5	124,572,000
TS, 1922	.....do.....	Sept. 15, 1922	5½	182,871,000
TS2, 1922	Nov. 1, 1921	.....do.....	4½	179,691,500
TJ2, 1922	Dec. 15, 1921	June 15, 1922	4½	64,903,000
TD, 1922	.....do.....	Dec. 15, 1922	4½	243,544,000
TM, 1923	Mar. 15, 1922	Mar. 15, 1923	4½	266,250,000
TD2, 1922	June 1, 1922	Dec. 15, 1922	3¾	200,000,000
TJ, 1923	June 15, 1922	June 15, 1923	3¾	273,000,000
TS, 1923	Sept. 15, 1922	Sept. 15, 1923	3¾	227,000,000
TM2, 1923	Dec. 15, 1922	Mar. 15, 1923	3¾	113,744,500
TD, 1923	.....do.....	Dec. 15, 1923	4	197,233,500
Loan—				
H, 1921	Apr. 15, 1921	Oct. 15, 1921	5½	190,511,500
A, 1922	May 16, 1921	Feb. 16, 1922	5½	256,170,000
B, 1922	Aug. 1, 1921	Aug. 1, 1922	5½	239,471,500
C, 1922	Nov. 1, 1921	Apr. 1, 1922	4½	51,796,000
D, 1922	Apr. 15, 1922	Oct. 16, 1922	3½	150,000,000

Mr. HEFLIN obtained the floor.

Mr. WALSH of Montana. Mr. President——

Mr. HEFLIN. I yield to the Senator from Montana.

Mr. WALSH of Montana. Mr. President, apropos of the contention that the British Government is agreeing to pay all it is able to pay in view of its distressed financial conditions, a morning paper carries an interesting item, which I send to the desk and ask the Secretary to read.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Assistant Secretary read as follows:

COMMONS IN AN UPROAR OVER YORK'S ALLOWANCE—LABORITE WOULD REDUCE £25,000 "WHILE LABOR CLASS IS STARVING."

LONDON, February 15 (by Associated Press).—The House of Commons was plunged into an uproar this afternoon by a suggestion from David Kirkwood, labor member, of the possibility of economizing in the allowance of £25,000 which the Duke of York will receive when he marries Lady Elizabeth Bowes-Lyon in April.

The duke is allowed £10,000 a year, but the chancellor of the exchequer informed Mr. Kirkwood this sum would be increased to £25,000 under an act already passed by the Commons. The laborite then asked whether it was not the case that the Government desired to economize and that the wages of the working classes had been reduced? Kirkwood shouted that this was a glorious opportunity to start economizing at the top, while the labor class was starving. He tried to make further remarks, but was howled down.

Mr. WALSH of Montana. In this connection I send to the desk the Statesman's Yearbook for the year 1922, which contains a paragraph showing the burden upon the English people of sustaining the royal house, which I also ask may be read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Assistant Secretary read as follows:

Provision is made for the support of the royal household by the settlement of the civil list soon after the commencement of each reign. (For historical details see Yearbook for 1908, p. 5.) By act of 10 Ed. VII and 1 Geo. V, c. 28 (August 3, 1910), the civil list of the King, after the usual surrender of hereditary revenues, is fixed at £470,000, of which £110,000 is appropriated to the privy purse of the King and Queen, £125,800 for salaries of the royal household and retired allowances, £193,000 for household expenses, £20,000 for works, £13,200 for alms and bounty, and £8,000 remains unappropriated. The same civil list act of 1910 also provides for an annuity of £70,000 to Queen Mary in the event of her surviving the King. Should the Prince of Wales marry, the Princess of Wales will receive an annuity of £10,000, and should she survive the Prince of Wales this annuity will be raised to one of £30,000. Further, there is to be paid to trustees for the benefit of the King's children, other than the Duke of Cornwall, an annual sum of £10,000 in respect of each son, other than the Duke of Cornwall, who attains the age of 21 years, and a further annual sum of £15,000 in respect of each such son who marries, and an annuity of £6,000 in respect of each daughter who attains the age of 21 or marries. The first commissioner of the treasury, the chancellor of the exchequer, and the keeper of the King's privy purse are appointed the royal trustees under this act. Queen Alexandra, the Queen mother, receives the annuity of £70,000 provided by the civil list act of 1901. Civil-list pensions may be granted, but are not chargeable on the sum paid for the civil list. All these payments are charged on the consolidated fund, into which the surrendered hereditary revenues are carried. The King has paid to him the revenues of the duchy of Lancaster, the payments made therefrom in 1920 being £43,000, for His Majesty's use.

On the consolidated fund are charged likewise the following sums allowed to members of the royal family: £25,000 a year to the Duke of Connaught; £6,000 to H. R. H. Helena Augusta Victoria (Princess Christian); £6,000 to Princess Louise (Duchess of Argyll); £6,000 to H. R. H. Beatrice Mary Victoria Feodore; £6,000 to the Duchess of Albany; and £6,000 to each of the late King's daughters.

The heir apparent has an income from the revenues of the duchy of Cornwall, the payment in 1920 on his account being £10,000. (Statesman's Yearbook for 1922, p. 4.)

Mr. BORAH. Will the Senator from Alabama yield to me for just a moment?

Mr. HEFLIN. I yield to the Senator.

Mr. BORAH. There was another item which appeared in last evening's newspapers which is equally interesting, and in some respects more significant so far as this particular measure is concerned. That item states:

BRITAIN IS TO SEEK EASIER TERMS ON WAR DEBT.

LONDON, February 15.—Great Britain will continue to seek more advantageous terms for paying the British war debt to the United States, Chancellor of the Exchequer Stanley Baldwin announced in the House of Commons this afternoon.

Everything now, he said, depends upon Britain's arrangements for redemption.

It would appear that the English Government does not regard this settlement as being final.

Mr. HEFLIN. Mr. President——

Mr. McKELLAR. Mr. President, will the Senator from Alabama yield to me for just a moment, that I may read another statement?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Tennessee?

Mr. HEFLIN. I yield to the Senator from Tennessee.

Mr. McKELLAR. I desire to read another statement in order to show how our European friends find money for other purposes than to pay the interest on their debts to us.

PARIS, February 15 (by Associated Press).—A loan of 400,000,000 francs to Poland was voted by the French Parliament to-day.

Mr. HEFLIN. Mr. President, I have no apology to make for being on the side of my own country in this debt settlement with Great Britain. I am now and always have been the friend of Great Britain. I have not said an unkind word against Great Britain. Indeed I have but the kindliest feeling for Great Britain. My first love is my own country and my first duty is to her. I did criticize Stanley Baldwin, a British official, for a statement that he made reflecting on the American Congress and some of the American people. My criticism was provoked by what he said. I was justified in making the criticism, and I have no apology to offer for it.

I come not to condemn Great Britain, but to praise her for the success that she has achieved through the marvelous skill and genius of the master minds that she sent here to perfect a debt settlement with certain innocent, raw, and inexperienced Republican diplomats. Oh, Mr. President, what a thrilling scene it must have been when the Senator from Utah [Mr. SMOOT] and those under his command met in diplomatic battle the hypnotic eyes, persuasive voices, and overmastering intellects of the trained diplomats of Great Britain. When I saw them emerge from the conflict, having agreed on an interest rate for Great Britain lower than that which our own country is paying for the money she loaned Great Britain, I said, "Alas! alas! we drove the British troops from Kings Mountain; under Washington we whipped our British cousins at Yorktown; but what they did to us in Washington, in battle with General SMOOT and his Republican comrades, is enough to make the angels weep." [Laughter.] It was, indeed, a battle of the giants.

Had I the poetic genius of a Milton or a Homer and desired to hand down to posterity a poem portraying the skill and genius of the world's greatest diplomatic warriors I would sing not of Charles James Fox, Talleyrand, or Jefferson, but I would pause long enough to pour out my soul in praise of General SMOOT, Admiral BURTON, and Commander Mellon. Does any one here doubt the propriety of such a poem? Sir Stanley Baldwin would smile over such a poem until his face fairly ached. Mr. President, if anyone here feels that such praise would be improper and out of place, let him rise up and say so now or forever hereafter hold his peace.

Mr. President, was there ever such a triumph in international diplomacy as that achieved here by those whose praises in the future some poet is sure to sing? When they commenced to give attention to the debt due us by Great Britain they found that Great Britain had already acknowledged the debt by beginning to pay interest upon it; she was paying interest according to the contract, at the rate of 5 per cent; but when they emerged from the debt settlement conference with the British envoys they held aloft, with an air of victory, a white scroll on which was written a proposed settlement of the debt by which we are to receive a less interest rate than Great Britain is now paying, and by which we are to lose $5,530,000,000 under the magnificent settlement program they have submitted.

Not only that, but the interest Great Britain will pay us the first year under this plan at 3 per cent will be approximately $138,000,000; while on the same amount in our American bonds for money that we loaned to Great Britain we will pay, at the rate of 4½ per cent, $195,000,000. That is $57,000,000 more than we will receive from Great Britain on the same amount of money for the same length of time. Oh, Republican diplomacy, was there ever anything in all the annals of Republican stupidity that excelled this piece of remarkable Republican diplomacy?

Mr. President, it takes statesmanship of a high order and diplomacy of a marked and magnificent type to effect a debt settlement with Great Britain by which we borrow money and pay 4½ per cent for it and loan that money to Great Britain at 3 and 3½ per cent. Did you ever think of that, Senators?

Mr. President, those who lived in the day of the statesmen and diplomats of the Old World in the old days never experienced the thrill of joy and pride that comes to us when we contemplate the splendid diplomatic victory that we have just wrung from the superb diplomats and master minds of England. They came here no doubt desiring and expecting to induce us to permit them to pay us the same rate of interest—no more and no less—that we are now paying on the very money that we loaned to them, but when our peculiarly well-trained Republican diplomats waved the magic wand of their mesmeric influence over their stubborn and determined heads they appeared dazed for a moment, and then, remembering that they must submit to superior fulminations, roused themselves as a man from a strange deep sleep and nodded their heads in humble acquiescence to the stern decree that they solemnly obligate themselves to pay to us, the United States of America, not a rate that stood on equality with the proud rate that we paid for the money that we loaned to them, but that they must take their places down the column in the scale of interest rates below that point on which our debt-ridden and overburdened taxpayers stand; and be it said, as it were, to the genius and the glory of our Republican diplomats, the British envoys, without so much as one sign of bitterness or resentment on their faces, accepted the humiliating exactions of our Republican diplomats and acquiesced without one hostile look or gesture in the stipulation that denied them the privilege of paying as much interest on the money they owe us as we are now paying on the money we loaned them. Remembering that we as a country are not yet 150 years old, does not this one triumph in diplomacy over the mother country entitle us to rejoice and be glad, and also to take pride in our new-found Republican diplomats?

Mr. President, this great achievement of Republican diplomacy, through which we are forced to pay a higher rate of interest for the money we loaned to Great Britain than she pays to us for the money she got from us, is something worth considering. It should make us at least enthusiastically exclaim:

We are living, we are dwelling,
In a grand and awful time;
In an age on ages telling,
To be living is sublime.

Now, Mr. President, I want to bring to the attention of the Senate some of the provisions of this bill.

It is not only proposed here to tax the American people the first year for the benefit of Great Britain $57,000,000, but it is proposed to give to Great Britain a lower rate of interest than the interest that our taxpayers must pay on our bonds. That is not the only provision to which I object. There is included in this bill language, cleverly drawn, that seeks to take away from Congress the right to pass its judgment upon any other settlement that these remarkable Republican diplomats may suggest. Here is the language, Mr. President:

and settlements, similar, but not more favorable in terms, with other governments indebted to the United States, as set forth in this section, are hereby authorized to be made, subject to the approval of the President.

Mr. President, I have seen in the last two years the power of the people die day by day under Republican rule. I saw this Republican Congress take out of the hands of Congress the right to levy taxes in the way of a tariff in America. I saw this Senate and a Republican House solemnly give to the President of the United States the taxing power over 100,000,000 people. I saw a Republican Congress lodge in the hands of the Chief Executive the power and the privilege of lifting the taxes or lowering the taxes when Congress was closed and its Members were all at home. Those who framed the Constitution never intended that he should exercise such a power. It is stipulated that the Congress shall have the right to levy these taxes, and that these bills shall originate in the House, in the body that is closest to the people, whose Members must go every two years to renew their commissions. This was done for the purpose of keeping this dangerous thing called the taxing power lodged right in the hands of Congress so that the people to be taxed could have a say in the matter. I saw this Republican Congress take away from itself the right to levy these taxes, as the Constitution provided and intended, and confer upon the Chief Executive the power to raise the taxes of the tariff taxes on American people. And now, Mr. President, I see a bill proposed to turn over the debt settlement of the American people, involving nearly $9,000,000,000, to five Republican partisan diplomats and one Republican Chief Executive. Is Congress impotent? Is it going to surrender its power through this provision of the act?

Let me read it again:

Settlements, similar but not more favorable in terms, with other governments indebted to the United States, as set forth in this section, are hereby authorized to be made, subject to the approval of the President.

Who levies the tariff taxes on the American people? Congress? No; not solely. Who else? The President of the United States. Who loaned this money to the foreign powers? Congress provided for the loan. Who is going to make the settlement? Five partisan Republicans and one Republican President. You take it away from the people who are to pay the taxes, you take it away from the people's Congress, supposed to protect their interests, and lodge it in the hands of a Chief Executive; and these six men are to do as they please next year, in a presidential year, with an indebtedness of nearly $9,000,000,000 owed to the American people. Oh, Mr. President, if the people could but know what is going on in this Congress under Republican rule!

But they tell us that Great Britain is in a terrible condition. Mr. President, I have been reading recently of the glory and the power and the wealth of Great Britain. I have read how the sun never sets on her possessions, and how her drum beats sound around the world. She is a rich, powerful, puissant nation, with her vast interests, her vast wealth, her vast shipping resources. She owns the greatest merchant marine in all the world, and I am proud that she is a wealthy, great, and powerful nation. All this talk about Great Britain being about to break reminds me of what I have experienced as a lawyer, in the years gone, when I practiced law. When some fellow had a pretty hard case, and was trying to get it postponed or continued, he would stand up in the court and submit affidavit after affidavit about the terrible condition at home of some fellow who was a main witness; he could not be there; they were looking for him to die; and as soon as they got the case continued, and the court adjourned, you would see that fellow in a day or two walking around the streets, robust and strong, with no sign of illness about him. But to those who tell us about Great Britain's condition, let me invite their attention to the condition of our own people here at home. What is it?

You are going to give to Great Britain an interest rate of 3 per cent and 3½ per cent. I saw this Republican Senate go upon record as denying to the country bankers—the bankers in the little villages and towns and cities of the country—the merchants, and the farmers a restricted rate of rediscount of 5 per cent at the 12 Federal reserve banks. Then I saw them vote down a similar proposal for 6 per cent. I offered both of the amendments; and I saw this Republican Congress deny to the business men of America restrictions of any kind upon the interest to be charged on the money they must have to carry on their business in order to live at all.

Do you call that friendship for the American people? Listen, you who voted against restricting the rediscount rate even to 6 per cent: You are now going to give to Great Britain, a foreign nation, an interest rate of 3 per cent and 3½ per cent. I favored limiting the rediscount rate at our big Federal reserve banks to 5 per cent. It ought to have been done. I could not get it at 5 per cent, so I said, "Surely they will let us limit it to 6 per cent." But the money lords of America were so powerful that you would not even put it at 6 per cent.

What influence is it that caused this 3 and 3½ per cent rate to be granted to Great Britain when you would not give to our own people a rediscount rate at Federal reserve banks of 5 or even 6 per cent? Is the suggestion of the brave Senator from Wisconsin [Mr. LA FOLLETTE] true, that men in New York and other places have bought British bonds that bear 5 per cent, and do they want to continue to clip their coupons at 5 per cent and deny this Government even a rate that takes care of the rate that she herself pays for the money loaned? Who is it? What is it? Where is this influence? That is the question that propounds itself to my mind.

Mr. President, there is another provision here that I want to read. Listen:

> Any payment of interest or of principal may be made—meaning by Great Britain—in any United States Government bonds issued since April 6, 1917, such bonds to be taken at par and accrued interest.

What does that mean? It means that we have to take a $100 bond at $100, with the interest that we agreed to pay of 4¼ per cent. We guarantee that. What did we do for the people of America who bought these bonds? They paid 100 cents on the dollar for them. They went into debt to buy them, to get this money to let Great Britain and other countries have. What did we do for them? Did we guarantee them a price at par? No. Did we guarantee them a price $5 below par? No. Did we see to it that they got a price of not more than $10 below par? No. Did we guarantee them a price of not more than $15 below par or $20 below par? No. You permitted those bonds to sell for $85 on the $100, $80 on the hundred. You drove them out of the hands of the people by deflation. That is how they went out, driven, forced out of the hands of the men and women of the country who were patriotic enough to stint themselves to the limit to buy these bonds to help their Government, to help Great Britain, to help save the liberty of the world; and now we come and do for Great Britain in making the bonds stand at par what we refused to do for the American citizen who bought the bond and helped to save the liberty of the world in the hour of its peril.

Senators, that may be good democracy, but it is not my kind of democracy. I am responsible to my own constituents for my own democracy and for my own conduct, but how am I treating the people of my own country when I vote for a rate of interest that gives to a power that owes us a smaller rate than the taxpayers of my own country have to pay for the money we loaned to that foreign power?

Suppose a guardian were to do that for an orphan child. Suppose the estate had borrowed money and was paying 4¼ per cent, and this guardian were to loan that money at 3 per cent and 3½ per cent. Where is the lawyer who will say that those children, when they became of age, could not recover from him on his bond the difference between 3 and 3½ and the 4¼ per cent? If that is a sound proposition, what right have we—the trustees of the American people, sworn to safeguard their interest, to protect it every day, every hour, all the time—to give Great Britain a lower rate of interest than we ourselves have to pay.

Mr. President, I saw under the reign of the Republican Party this deflation drive that slaughtered business in America. There never was a wholesale crime like it in all history. There never was a crime on such a colossal scale as that. There are men in Wall Street now who made not only millions but hundreds of millions out of that rotten and criminal conspiracy. I fought that; I exposed that, and continued to fight it until we drove from the head of the Federal Reserve Board the man under whose direction that national crime was committed.

I saw them raise the rediscount rate not only to 7 per cent but to 10, 15, 20, and on up to 87½ per cent to the people of America, the people who had borne the brunt of the war, the people who had furnished the sinews in the way of money, people whose sons had spilt their blood on the fields of France. I saw these cruel money lords pull this conspiracy off, using congressional machinery to knock down and rob sixty-odd millions of our people.

I know some people do not like to hear me discuss that, but that does not deter me in the least. I am here to fight as best I can for my own people and for justice to the American people. I do not have to court favor with any foreign power. I try to conduct myself so that I can take a position as I please, governed only by my sense of justice and fair play, and my obligation to my own country. That is my position.

I have had letters concerning some of the villainous little sheets which have assailed the Senator from Tennessee and me for daring to stand up here and speak for our country in discussing this debt settlement with Great Britain. I have had suggestions made to me that British capital owned some of the stock in certain newspapers over here, and I am satisfied it is true. I have a list somewhere in my office, giving the names of newspapers in the United States which are influenced by foreign powers. I want to find it. I think it will be interesting to read, and maybe to put into the CONGRESSIONAL RECORD. I think we have come to a pitiful pass, when the whole American press can not stand up and advocate what it believes is right for America, not for Great Britain and other foreign powers, but for our own country. I am not criticizing that part of the press that is American, whole-heartedly. I am not criticizing that part of the press that is honest. I am only criticizing that part of the press that is rotten, which you can buy as you can buy sheep in the market place.

A friend said to me the other day, "Aren't you afraid to attack the press as you do?" I said, "I do not attack the press. I attack only certain portions of the press." He said, "They can do you a heap of harm." I said, "Yes; and I can do them a heap of harm, too"; because 40,000 of these RECORDS go out every day, and I can talk the doctrine into this RECORD, and while I am here as a Senator, I will do my duty as I see it.

I want to comment on this now. Senators, the subsidized portion of the press that infests this Capitol to-day is a constant danger and a menace to the Republic. It never offends a brave and an honest man to condemn a coward and a dishonest man in his presence, and it ought not to offend the honest, brave press, to criticize the dishonest, corrupt portion of the press in their presence. I do not mean to offend a single newspaper man who is not in the corrupt class to which I have referred. I do not intend to lay the charge of wrong doing against a single man who is guiltless, not one; but I owe a duty to my country as I go along and I am trying to perform that duty.

I want to make this further suggestion. No country in all the history of the world ever fell until the press became corrupt and public officials became corrupt. They go together. As long as you have a courageous free press and courageous and incorruptible public officials your Government is planted on a rock and the gates of hell can not prevail against it. It will stand, and the storms of the corruptionists can not shake it, and God Almighty will preserve it; but when your press becomes corrupt and your public officials lose their backbone and begin to court favor with the sinister interests of their country, then the country begins to slide down and down the way other nations have gone as they perished from the earth.

Mr. President, I have not the time to discuss this matter as I wanted to discuss it, but I want to submit some figures to the Senate. We guarantee that these bonds shall be at par so far as Great Britain over the borderland is concerned, but the bond bought by the mother of a soldier, one who died in France, perhaps, may go down to $90 on the hundred, and there is no provision made to hold it up at par for her whose son gave his life for the flag. We make provision, however, to hold the bonds at par for Great Britain, a foreign power, one of the wealthiest nations in all the world.

I repeat, I have but the kindliest feeling for Great Britain. I have kindly feeling for men here in public life, personally, but I do not let my personal friendship keep me from discharging my duty to my country as I see it, and no other man should, because no matter how your failure to discharge your duty to the country comes about you are repsonsible for the evil that comes upon your country.

Let us see what happened in the United States. I am speaking for my own country now as God gives me light to see it. In 1920 there were 3,360,724 holders of registered bonds in the United States. In 1923 there were 2,533,754 of such registered bondholders in the United States, and thousands and hundreds of thousands and millions were never registered. The estimated number of holders of Government bonds, in general, for 1920, was between thirteen and fourteen million. The estimated number of subscribers to our bonds up to 1918 was 22,000,000.

Where are the ten million holders of Government bonds now? Stricken by the wayside, slaughtered under deflation by the bond sharks and big financiers of Wall Street. Where are these bonds? They are lodged in the vaults of Wall Street. What are they worth? They are worth par. What are they drawing on them? Four and a quarter per cent. Who is paying it? The American people. Where do they go to collect the 4¼ per cent? To the Treasury of the United States. They are getting every dollar of it. Here is the debt settlement arrangement proposed which lets Great Britain pay her debt at 3½ per cent.

Mr. President, there is another thought that I want to bring to the attention of the Senate. A provision is lodged in this bill which gives Great Britain the right to defer the payment of half this interest, if she chooses, for the first five years. As I said before, she pays $138,000,000 the first year, provided she wants to pay the full amount of interest, which is $138,000,000, but if she decides not to pay that amount, she will pay only $69,000,000, and then the additional $69,000,000 must be provided by the taxpayers of America, making not $57,000,000 that we lose but $126,500,000 the first year. Have Senators ever considered that phase of this matter?

Mr. Presidnt, the hour of 2 is about to arrive, and I have not time even to go into a full discussion of this matter. I want to do what is best for my own country, for the overburdened taxpayers of my country, and I want to be fair and just to Great Britain, and who can say that we would have been unfair if we had charged Great Britain the same rate of interest which we ourselves pay? Could anybody say we were unfair? No; and Great Britain would not have said it.

Here is a suggestion I want to bring to the attention of the Senate. We specifically instructed the Republican diplomats, five of them, not to agree to a longer period of time than 25 years, did we not? Yes; we did, by an act of Congress. Did we not say that they must not agree on an interest rate lower than that we paid? We did. What did they do? They fell under the hypnotic influence of these splendid, brainy, masterful diplomats of Great Britain and, instead of charging them the same rate that we pay, they emerged from the conflict having given them 3 and 3½ per cent.

Mr. President, here is a fact I want to put into the minds of Senators. Did these envoys or diplomats come back and tell us that they could not follow our instructions? No. Did they tell us that we had restricted them so that they could not carry through the negotiations? No. What did they do? They went through with some sort of a negotiation. Then what? Did they come and submit it, and ask us if we would accept it? No; they pigeonholed it, or held it back from us, until Great Britain's cabinet accepted it, and then they notified us, and the President came before Congress, after Great Britain had accepted a negotiation which violated an act of Congress. Then they came, not asking us merely to approve it, but asking us to surrender the right to have a voice in saying what the other settlements shall be in the future. How can you defend such conduct before the American people? Can you defend it?

Mr. President, what should they have done? They ought to have left that conference and said to British envoys, "Gentlemen, we have instructions. We are acting under a solemn act of Congress. We can not do it. Let us go back and call the Houses together and submit it to Congress, which represents the American people, who furnish this money, and let us see what they will do."

Did they do that? Not once. Could they have done it? Certainly. How far were they from this Capitol? Just a half a mile. Did they come? No. What was done? The whole thing was hugged tight to their hearts. Sh! Sh! Nothing said. The envoys of Great Britain went home, laughing, I suppose, all the way across the sea, and when they got over there and submitted their plan, they said "Well, now, the thing we have to do—pardon us for laughing—the thing we have to do is to make out we are not satisfied with this settlement. Pardon us again for laughing. We must make the American people think we are not satisfied with it, and we must let Stanley Baldwin say, 'The west knows nothing except how to grow grain and hogs; take a little dig at them. Make them think you are mad, and then they will think they have achieved a great diplomatic victory over us, and hug it to their bosoms, and say 'Hurrah for our Republican diplomats.'"

Oh, Mr. President, some talk about markets for American products. I will tell you what will make our food products yield the farmer a living price. Give them money with which to hold them off the market until the price will cover the cost of production plus a profit.

Senators talk about relieving Great Britain. The old settlement was better for her. We are not imposing any burdens upon her. Why, Mr. President, we were letting her go along and pay as best she could, and she was paying according to the contract about 5 per cent, the same amount that her bonds are paying to the bond sharks of Wall Street and the amount that she agreed to pay us.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the 10-minute rule goes into effect. The Chair will allow any Senator to speak 10 minutes on any amendment when it is pending and 10 minutes on the bill when there is no amendment pending.

Mr. HEFLIN. I will consume a little more time. They were paying us the same rate of interest—and we were not hurrying them—that they were paying on their own bonds held by the bond sharks of Wall Street. Was that fair? Were we hard on them? Were we hard in imposing over here an interest rate that they themselves had fixed upon their own bonds over there? Can anybody say that we were? Under the old plan, Great Britain could pay along as she pleased. She was doing it. We were not crowding her, and I, for one, if she could convince me that by staying that debt payment for a year or two years it would enable her to pay a better price for our cotton and our corn and our meat, and thus help to bring prosperity to my own country, I would favor such a course. So we who oppose this settlement are not the enemies of Great Britain by any means.

Mr. President, if in the future I should be convinced that Great Britain—this great English-speaking people beyond the sea, for whom I have the greatest love and admiration—needed to have America make such a contribution to aid her in helping to save the liberty of the world and in establishing permanent peace, I would favor that plan. But I want the American people to know who is going to get the benefit over here of such an easy settlement or stay of payments. I do not propose that the bond sharks shall get it. I do not propose that the subsidized newspapers who have sold out and belong, soul and body, to the corrupt and crooked interests shall get it. I have no doubt they will get something. If this settlement goes through, several of them, in my judgment, will get theirs. They will get a nice little hand off on the side.

Now, about the markets and what it will do, I make just this suggestion. It is said it will loosen up things, but how will it? Great Britain owes us this money. She has not paid much on it. She has paid less than $100,000,000, I believe, and the war has been over for five years. Does that look like we have

been hard on her? No. Do you know what it was intended to be done by Republican partisans? It was intended to pull off some sort of a deal by which all those were to be canceled. I have said so many times. Do we know what was done? Senator Penrose, as the senior Senator from Wisconsin [Mr. LA FOLLETTE] pointed out this morning, introduced a bill in the Senate to turn over to Mr. Mellon, your Secretary of the Treasury, the power to settle all these debts as he saw fit. That announced the program, and that is what was intended to be done.

So those of us who stand here and fight as we think for America and America's side of the controversy may be subject to the foul and villainous attack of those corruptionists who write scurrilous articles for the subsidized press. Two or three of them have written things about me, cowardly and villainous, some of them, and in each instance the fellow who wrote them was what I would call a newspaper pimp or press prostitute. So much for that, and that statement is in the CONGRESSIONAL RECORD for all time to come. That statement has no reference to the many honest newspaper men here and elsewhere. It does not mean the honest boys in the press gallery who are making an honest effort to do the right thing, and doing their duty as they see it. They are clean and honorable men. I know some of them that I would trust with anything. They are as honest as anybody and thoroughly trustworthy. God bless them, what an opportunity they have to serve their country. While they are here in the Capitol they owe it to their country to contribute to the strength and the perpetuity of the Republic, and that is what many of them are doing. But there are some who do not care anything about what happens to the Government; they are time servers that die in a day.

Talk about what the markets will do for cotton! I am for cotton. I have a record of 18 years of service in the two Houses of Congress that speaks for itself regarding my friendship for the cotton producer. No one can make the cotton producer think that I would take a stand that is against his highest and best interests. Great Britain has only paid $100,000,000 in all on the debt; or a little less. I do not remember the exact amount, but it is not much. But now we are tying them up in this debt arrangement where the amount must be stated, after she elects in the five years' time to pay half or not pay it, as she sees fit, and go on for a period of 62 years.

Cotton is bringing about 28 cents. It ought to be bringing 35 cents. Why? Does the law of supply and demand warrant it? Certainly. What are the facts? We have the smallest cotton crop, compared to the number of spindles in operation, that we have ever had. What are we doing in the United States? We consumed more cotton in January just passed than any other month except two times in the history of the Government. Has cotton gone where it ought to under the law of supply and demand? No. Why not? I read the reason the other morning in the headlines of the Washington Post, "Steady hands are operating on the exchange to prevent any wild boom." There you are.

So the steady hands can keep the producer from getting a fair deal. The steady hands can operate and manipulate the international indebtedness to satisfy themselves. Steady hands can help to take away from Congress the single power to levy tariff taxes. Steady hands can give $450,000,000 in profiteers' taxes back to the profiteers, as they did. Steady hands can take $90,000,000 annually off of the big income taxpayers, as you did. Steady hands can pay off $700,000,000 for questionable and crooked war contracts, as you did, and steady hands can wring out of the Treasury maybe $50,000,000 a year for a ship subsidy. But where is the steady hand that will pull to make foreign countries pay at least the interest rate that we pay, and deal with us on a business basis so as to help revive the drooping, aye, prostrate, business spirit of our own country?

In pleading for fair treatment and simple justice to my own country, Mr. President, I have no apology to offer to anybody for asking that my country have a fair deal in the debt settlement now pending before the Senate of the American people.

Mr. McKELLAR. Mr. President, the figures that I received from the Secretary of the Treasury yesterday and put in the RECORD showing what the settlement would have amounted to on a 4¼ per cent basis, as Great Britain has heretofore agreed, tells the whole story of this British debt settlement. These figures show conclusively, beyond the peradventure of a doubt, without any possibility of misunderstanding, that this bill will cancel the British debt to the extent of $1,666,700,000. That is a very large sum; it is more than one-third of the entire amount that Great Britain now owes us. My position is that we have no right to cancel so large a part of this indebtedness.

I take the position that Great Britain is not bankrupt; that Great Britain is perfectly solvent; that her bonds are above par; that her obligations are absolutely good, as good as those of any nation on earth; and that she announced she would pay her indebtedness, and that the only reason she is not paying it in full is because our commission has been led by her commission into making these more than generous terms which the commission has reported.

Mr. President, we are trustees of the American people so far as this indebtedness is concerned. It is not our individual money; it is theirs. We are trustees for them, and we ought to conduct ourselves as trustees. We have no right with a perfectly good and solvent debtor to cancel this debt to the extent of $1,666,700,000.

Mr. President, so that we may form some idea of the magnitude of that portion of the indebtedness of Great Britain which it is proposed to cancel, I call attention to the fact that it is more than the value of our entire cotton crop for 1922, which amounts to $1,192,461,000. It is more than the entire United States coal production for 1921, which was $1,652,288,600. It is more than the total South African diamond production up to 1921, that production being $1,040,626,272. It is almost as much as the value of the entire United States corn crop of 1922, which crop brought $1,801,900,000. It amounts to about two-thirds of all the gold and silver in the United States in 1922, the amount of gold and silver for that year being $4,287,122,887.

These figures show the enormous proportions of that portion of the indebtedness of Great Britain which we are canceling under the bill. It is an absolute cancellation of more than a billion and a half of dollars.

But, Mr. President, it is claimed that some time in the future the United States may be able to refund her bonds at less than the rate of 4¼ per cent, and in that way the amount of our cancellation will be reduced. Mr. President, with all due respect to all who maintain such a position, that is an irridescent dream. Not in the lifetime of the youngest Member of this body, if he lives to be 100 years old, will the rates for an issue of $4,600,000,000 bonds be less than 4¼ per cent; and in my judgment, based upon the opinion of those in whom I have great confidence, I do not believe it will ever during the life of this agreement be less than 4¼ per cent. If these shrewd, able British financiers believed it would ever be less than 3½ per cent at any time, we all know that they never would have agreed to settle at 3½ per cent.

Again, Mr. President, Senators who opposed a soldiers' bonus some time ago very carefully pointed out that the payments from these bonds ought not to be used to pay our soldiers, because in the acts under which these bonds were issued such payments were pledged to the satisfaction of these bonds. Now, many of the Senators who voted against the bonus are perfectly willing to disregard what they then claimed was the provision in the bond acts and are willing to give $1,666,700,000 to Great Britain, this being a part of the same sum that they formerly claimed was pledged to the taking up of American bonds. They can not justify that rate without yielding their former expressed rate.

Mr. President, in my campaign last year in Tennessee I told the people of my State in almost every speech I made that I was opposed to the cancellation of the debts that foreign nations owed us, either in whole or in part. According to my best recollection, I never made that statement that it was not greeted with applause. But however that may be, I told them then that I was opposed to the cancellation, in whole or in part. I was opposed to it then and I am opposed to it now, and under no circumstances will I vote for this bill, which, according to the figures of the Secretary of the Treasury, cancels more than one-third of the indebtedness of Great Briatin to the United States. It is unfair and unjust to the American people. It is especially unfair to the American taxpayer, already overburdened. It is in disregard of the laws we have already passed. It is in utter disregard of the pledge that the Congress made to the American people that these loans to foreign nations would be repaid on exactly the same terms that the American Government had to pay for the money.

Mr. President, that pledge was made during the war; it was made in good faith; we put it on our statute books; and it is a pledge that no man who voted for the law should now violate in the interest of the cancellation to Great Britain of a portion of her debt.

Mr. President, much has been said about Great Britain having to impose heavy taxation. This country also has to impose heavy taxation. When we consider State, county, and municipal governments, as well as our National Government, our taxes are probably quite as large as those of Great Britain. I have not the figures before me, but they show that our present taxes are exceedingly burdensome to our people; and I wish to say that I think before we agree to impose this burden of taxation upon our people we should at least ask Great Britain, a friendly nation, to live up to the obligations she then assumed—the obligations she gave to us for the money used for the defense and safety of her empire.

We have been more than generous to our former ally without this gift of $1,666,700,000.

Mr. President, I wish to say another thing at this point. The securities which we are to receive will be nonnegotiable. Our Government will have no right to negotiate them; we shall have to keep them in our Treasury. They will be no more negotiable than are the notes of Great Britain which we now hold. Talk about being a settlement of the debt! The only actual settlement under this agreement is that we shall reduce the rate of interest from 5 per cent, which England's obligations now bear, to a rate of interest of 3 per cent and 3½ per cent. The new obligations will lack just as much being marketable obligations as the obligations we now hold in the Treasury. These new obligations are to be worded so that they shall certainly not be negotiable. Great Britain has seen to that.

Mr. President, I am going to offer an amendment to the pending bill. On yesterday I received figures from the Secretary of the Treasury showing exactly what the payments would be during the 62 years that the loan is to run if the interest were calculated on a basis of 4¼ per cent. I am going to offer to substitute that rate in lieu of the rate proposed by the pending bill with the following proviso:

Provided, That should the United States at any time be able to refund any of her World War bonds for less than an average rate of 4¼ per cent the United States shall make good to the United Kingdom of Great Britain and Ireland the amount of any such reduction of interest.

Mr. President, what could be fairer than such a settlement, taking bonds bearing exactly the same rate as that for which we borrowed the money in order to loan it to Great Britain, with the proviso that if in the future we are able to refund our bonds at a smaller rate of interest, Great Britain shall have the benefit of such rate? Great Britain could not in justice object to such a settlement. It would be absolutely fair to her. It would be fair to our own people. It is all right to be generous, but not with other people's money. This is not our money. It belongs to the people of the United States. With a perfectly good and solvent debtor, we violate our trust when we cancel more than one-third of the indebtedness.

Mr. President, we entered into a contract with the people of America, a solemn contract by law, and it is a contract which we ought to observe to the letter.

The VICE PRESIDENT. The Senator's time has expired.

Mr. McKELLAR. I ask unanimous consent to print, as a part of my remarks, the amendment which I expect later on to offer to the bill.

The VICE PRESIDENT. Without objection, it is so ordered.

The proposed substitute is as follows:

Be it enacted, etc., That the first proviso of section 2 of the act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign governments held by the United States of America, and for other purposes," approved February 9, 1922, is amended to read as follows:

"*Provided*, That the settlement of indebtedness of the United Kingdom of Great Britain and Ireland to the United States, as follows:

Principal of notes to be refunded		$4,074,818,358.44
Interest accrued and unpaid up to Dec. 15, 1922, at the rate of 4¼ per cent		629,836,106.99
		4,704,654,465.43
Deduct payments made Oct. 16, 1922, and Nov. 15, 1922, with interest at 4¼ per cent thereon to Dec. 15, 1922		100,526,379.69
		4,604,128,085.74
To be paid in cash		4,128,085.74
Total principal of indebtedness as of Dec. 15, 1922, for which British Government bonds are to be issued to the United States Government at par		4,600,000,000.00

"'The principal of the bonds shall be paid in annual installments on a fixed schedule. The amount of the first year's installment will be $23,000,000 and these annual installments will increase with due regularity during the life of the bonds until, in the sixty-second year, the amount of the installment will be $175,000,000, the aggregate installments being equal to the total principal of the debt.

"'Interest is to be payable upon the unpaid balances at the following rate, on December 15 and June 15 of each year: At the rate of 4¼ per cent per annum payable semiannually until final payment, as shown by the following table of payments:

	Statement of amount of interest payable to the United States on account of the proposed refunding bonds to be issued by Great Britain, money at 4¼ per cent per annum.[1]	Schedule of annual principal installments to be paid on account of principal.[2]	Total interest and principal.
1	$195,500,000	$23,000,000	$218,500,000
2	194,522,500	23,000,000	217,522,500
3	193,545,000	24,000,000	217,545,000
4	192,525,000	25,000,000	217,525,000
5	191,462,500	25,000,000	216,462,500
6	190,400,000	27,000,000	217,400,000
7	189,252,500	27,000,000	216,252,500
8	188,105,000	28,000,000	216,105,000
9	186,915,000	28,000,000	214,915,000
10	185,725,000	30,000,000	215,725,000
11	184,450,000	32,000,000	216,450,000
12	183,090,000	32,000,000	215,090,000
13	181,730,000	32,000,000	213,730,000
14	180,370,000	32,000,000	212,370,000
15	179,010,000	37,000,000	216,010,000
16	177,437,500	37,000,000	214,437,500
17	175,865,000	37,000,000	212,865,000
18	174,292,500	42,000,000	216,292,500
19	172,507,500	42,000,000	214,507,500
20	170,722,500	42,000,000	212,722,500
21	168,937,500	42,000,000	210,937,500
22	167,152,500	46,000,000	213,152,500
23	165,197,500	46,000,000	211,197,500
24	163,242,500	46,000,000	209,242,500
25	161,287,500	51,000,000	212,287,500
26	159,120,000	51,000,000	210,120,000
27	156,952,500	51,000,000	207,952,500
28	154,785,000	53,000,000	207,785,000
29	152,532,500	55,000,000	207,532,500
30	150,195,000	57,000,000	207,195,000
31	147,772,500	60,000,000	207,772,500
32	145,222,500	64,000,000	209,222,500
33	142,502,500	64,000,000	206,502,500
34	139,782,500	64,000,000	203,782,500
35	137,062,500	67,000,000	204,062,500
36	134,215,000	70,000,000	204,215,000
37	131,240,000	72,000,000	203,240,000
38	128,180,000	74,000,000	202,180,000
39	125,035,000	78,000,000	203,035,000
40	121,720,000	78,000,000	199,720,000
41	118,405,000	83,000,000	201,405,000
42	114,877,500	85,000,000	199,877,500
43	111,265,000	89,000,000	200,265,000
44	107,482,500	94,000,000	201,482,500
45	103,487,500	96,000,000	199,487,500
46	99,407,500	100,000,000	199,407,500
47	95,157,500	105,000,000	200,157,500
48	90,695,000	110,000,000	200,695,000
49	86,020,000	114,000,000	200,020,000
50	81,175,000	119,000,000	200,175,000
51	76,117,500	123,000,000	199,117,500
52	70,890,000	127,000,000	197,890,000
53	65,492,500	132,000,000	197,492,500
54	59,882,500	136,000,000	195,882,500
55	54,102,500	141,000,000	195,102,500
56	48,110,000	146,000,000	194,110,000
57	41,905,000	151,000,000	192,905,000
58	35,487,500	156,000,000	191,487,500
59	28,857,500	162,000,000	190,857,500
60	21,972,500	167,000,000	188,972,500
61	14,875,000	175,000,000	189,875,000
62	7,437,500	175,000,000	182,437,500
Total	8,172,665,000	4,600,000,000	12,772,665,000

[1] As furnished by Secretary Mellon.
[2] From page 3544, CONGRESSIONAL RECORD.

"'*Provided*, That should the United States at any time be able to refund any of her World War bonds for less than an average rate of 4¼ per cent, the United States shall make good to the United Kingdom of Great Britain and Ireland the amount of any such reduction of interest.'"

Mr. STERLING. Mr. President, I can not regard this proposed settlement of the British debt to the United States as a cancellation of the debt, as has been urged by the Senator from Tennessee [Mr. McKELLAR]. There is no cancellation of any part of the principal of the debt, but Great Britain, after an agreement to pay 4¼ per cent interest on the debt up until December 15, 1922, has asked that there be a readjustment which will allow of a lower interest rate from that time on. I do not think that in any of the Liberty loan acts which we have passed we have foreclosed ourselves against readjustment of any of the debts due us by foreign governments, whether it be the British debt, the French debt, the Italian debt, or any other debt.

If the position of the Senator from Tennessee is correct in that regard, we may, in the first place, have entered into an

agreement against our own manifest advantage thereafter. I contend that it is to our own advantage, not alone to Great Britain's but to our advantage as well as hers, to refund the debt at the lower rate of interest.

Mr. President, it has been urged that we are sacrificing in making this debt settlement. We will sacrific, it is said, $830,000,000 during the first 10 years after the proposed law shall have been enacted. I doubt that. Let me state why. Of course, we shall be getting over $180,000,000 a year for each of the 62 years during which the loan is to run. There will be a tidy sum flowing into the Treasury of the United States of $185,000,000 or $186,000,000 every year, and in the aggregate and at the end of 62 years Great Britian will have paid nearly three times the present principal of the indebtedness, or over $11,000,000,000.

Eight hundred and thirty million dollars a year loss or sacrifice to the United States! Mr. President, suppose by adhering to the terms of the original understanding or by adhering to the terms of the present law we overburden the British people so that it will be impossible for them to avail themselves of what America wishes to find, namely, a market in Europe for American products. If we put upon the British people, always our best customers, a burden greater than they can bear, the injury will not fall alone on Great Britain, but, as I have said, it will be reflected in British trade and in greatly diminished markets for American wheat, for American cotton, for American foodstuffs, and for American raw materials, and our loss in this respect will, in my humble opinion, far exceed the loss, or sacrifice, as some Senators are free to call it, of $830,000,000 within the first 10 years the loan has to run. So, Mr. President, it is of a positive advantage to us, I think, that we reduce the interest rate to 3 per cent for the first 10 years the loan has to run and to 3½ per cent thereafter.

Think of the time—62 years. Think of the vast sums involved. Think, too, of the times as peace times, and ask yourselves the question as to whether or not 3½ per cent interest is not high enough rate to demand of Great Britain? Within the 10 years, if not now, we shall not have to pay a higher rate for any bonds that we ourselves might want to negotiate than 3 or 3½ per cent.

Mr. President, much has been said about what the people will think of this new agreement and the adjustment now proposed to be made by law, and there was the veiled intimation this morning in the address of the Senator from Wisconsin [Mr. LA FOLLETTE] as to what the people would do to those who supported the bill. We know something now about what the people think through the metropolitan press, first, but we can go beyond the metropolitan press, and I am confident that the country press throughout the United States favors the proposed readjustment. We need not stop with the press, Mr. President. I have here a little communication addressed to me and signed by 21 persons from my own State—and, for the most part, I think the men who signed the statement are farmers—from which it appears that at a little community meeting a short time ago they discussed this question of the adjustment of the British debt and were unanimous in favor of the contemplated adjustment. They are not quite accurate in everything they state in this paper, but it is of such importance and reflects such an excellent spirit that I am going to ask that it be read at the desk.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The reading clerk read as follows:

MECKLING, S. DAK., *February 2, 1923.*

DEAR SIR: Believing that our Representatives desire to know the wishes of the home folks, a vote was taken in a community meeting of Meckling Township, Clay County, S. Dak., citizens upon the plan for funding the English debt to us. After discussion it was a unanimous vote of the undersigned that the debt-funding law should be changed, and that 3 per cent for three years, and 3½ per cent after that till paid is just. Not all of us love English individuals, but all do admire the bull-dog grit and the unwavering determination to pay which that nation has shown. Give our friends over there the friendly American hand and the wise suggestion that they put the toe of their boot to booze. They helped us abolish slavery, let's help them shake off a worse enemy.

E. E. COLLINS
(And 20 others).

Mr. STERLING. Mr. President, just a word further in conclusion.

Mr. BORAH. I think the Senator was correct when he said they were in error as to some of the facts.

Mr. STERLING. The one fact concerning which they are in error is that in regard to the time the 3 per cent interest rate would run.

Mr. BORAH. That was not what I had in mind.

Mr. STERLING. Well, they are not so much in error in regard to the other fact to which the Senator, I know, has reference, as he perhaps at first blush imagines, and I hope he will look into that.

Mr. BORAH. Not at first blush, but after considerable blushing. [Laughter.]

Mr. STERLING. Well, the Senator may blush again when he examines the subject further and ascertains all the facts.

Mr. President, I think a settlement of this kind with Great Britain under these circumstances will have a splendid effect with reference to other foreign debts which are owed to the United States. It will inspire our other foreign debtors with the belief that this great Government of ours is disposed to be fair and just and generous, and, being so inspired, they will redouble their efforts to bring about the day when they can enter into a similar agreement and have a similar understanding as to the time within which they may pay their debts. I believe that France—brave, gallant, as she is—wishes to be true to her obligations, and will want to pay her great debt to the United States. We appreciate her position now and realize that under existing conditions she is not prepared to enter into negotiations for a readjustment of the debt she owes us.

The VICE PRESIDENT. The time of the Senator from South Dakota has expired.

ENROLLED BILLS SIGNED.

The VICE PRESIDENT announced his signature to the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 2531. An act to create a board of accountancy for the District of Columbia, and for other purposes; and

S. 3169. An act to equalize pensions of retired policemen and firemen of the District of Columbia, and for other purposes.

POSITIONS IN UNITED STATES VETERANS' BUREAU.

The VICE PRESIDENT laid before the Senate a communication from the Acting Director of the United States Veterans' Bureau, transmitting, pursuant to law, a statement as of February 1, 1923, indicating the total number of positions at a rate of $2,000 or more per annum, the rate of salary attached to each position, and the number of positions at each rate in the central office; also the corresponding information as of January 1, 1923, for the district and subdistrict offices, which was referred to the Committee on Appropriations.

WORLD WAR FOREIGN DEBT SETTLEMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14254) to amend the act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign governments held by the United States of America, and for other purposes," approved February 9, 1922.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

Mr. TRAMMELL. Mr. President, I have listened with a great deal of interest to the discussion upon this bill. I have read and reread the bill; and in the light of the facts surrounding the transaction I am impressed with the view that it is entirely a one-sided contract, all in favor of Great Britain, and that the interests of the American people have not been safeguarded in the proposal.

This money was borrowed by Great Britain with an express agreement that that nation was to pay the American Government 4½ per cent interest, and that when any new arrangements were made the British Government would pay the American Government the amount of interest that America was required to pay in order to readjust the bonded indebtedness of America. When Great Britain comes to America and asks for a change of the terms so as to reduce the rate of interest from 4½ per cent to 3 per cent for the first 10 years, and 3½ per cent for the remainder of the period, Great Britain asks for a change and a modification of its contract prior to the occurrence of the condition precedent for a reduction of interest, the condition precedent being that America shall float bonds at a lower rate of interest.

We are to-day paying 4½ per cent interest per annum on the $4,600,000,000 which Great Britain now seeks to have this Government allow her to continue to use, for an extended period of time, at 3 per cent for a period of 10 years, and 3½ per cent for the remainder of the period, up to 62 years.

Of course, if we say that we want to do some little friendly act to Great Britain and reduce that rate of interest, which will amount the first year to something over $57,000,000, then of course we can do it. My idea of the matter is that we should endeavor to obtain the present rate of interest until our bonds can be floated at a reduced rate of interest, and that the Congress should not say to the American people: "In order to adjust this matter with Great Britain we are going

to reduce her obligation to the United States $57,000,000 in interest alone for the first year, and transfer the burden to you for that amount." The American people have some interest at stake. They are the ones who are to bear the burden, and it means an increase of the taxes of the American people to the extent of $57,000,000 and odd the very first year.

I can not quite understand why we should make any such reduction. There has been no change of conditions. In my opinion, there is nothing to justify this Government in reducing the interest or the amount that Great Britain is to pay us on account of the obligations assumed during the war.

There is talk to the effect that interest rates may be less in the future. If that is true, under the provisions of the act now in force, had we fixed the rate as it is under the existing contract, then Great Britain could have enjoyed the advantage of that reduced rate of interest by floating her bonds at the reduced rate of interest; but instead of that, upon a contingency, upon guesswork, upon a probability that may not occur, we start out in the very beginning to make a reduction of interest from 4½ to 3 per cent, amounting to $57,000,000 a year. We fought here for a week on the question of whether or not we should make an appropriation of $56,000,000 to carry on our river and harbor improvements for a year. Many of the distinguished Senators opposing it said that such appropriation should not be made, that it was too much of an expenditure. When it came to a question of expressing substantially the Nation's gratitude to its soldiers who won the day, who defended the country's liberty and rescued not only America but the entire world from the threatened military dominance of Germany, Senators stood here upon this floor and said: "Why, you will wreck the finances of the Government if you pass a bill appropriating fifty or sixty million dollars a year to pay the soldiers' adjusted compensation." The Secretary of the Treasury, who was a member of the commission that is recommending this settlement in which, unless there is a change in the rate of interest, America will lose over a billion dollars, sent a letter to Congress saying, "You can not do it, because the finances of the country will not stand any such adjusted compensation." The President of the United States set himself up in opposition to it. Now they both favor a proposition which will mean an increase in taxation to the American people of more than $50,000,000 a year in order to make a settlement with Great Britain and to make a reduction in her obligation to this country.

I think the contract should be made upon the basis proposed by the Senator from Tennessee [Mr. McKellar]. Under that proposal, if we are able to float our bonds at a less rate of interest, then Great Britain will participate in that reduction, and that is proper. That is a perfectly fair proposition.

I never knew a party to an individual transaction, when he found that he was not able to pay according to the time specified, to try to get reductions and reductions. He might ask for an extension of time, and no one objects to giving an extension of time; but the proposal before us now involves a donation, under the financial conditions as they exist to-day in this country, of something over one and one-half billion dollars to the British Government; and that more than one and one-half billion dollars, whether it is to be paid out in 10 years, in two decades, or in 62 years, becomes a burden upon the American people, and will have to be provided by taxing the American people.

I think, Mr. President, that it is the duty of those in positions of responsibility in this country to guard the interests of the American people as zealously as those representing Great Britain have guarded her interests, and in this particular instance, in my opinion, have succeeded in bringing about the proposal of a contract which is largely one sided and in the interest of Great Britain, and, upon the other hand, to the detriment of the American people, because they untimately have to bear the burden. I have always felt that those in positions of responsibility and trust, representing the people, have no right to be generous at the expense of the taxpayers whom they represent. I feel that it is our duty to insist upon the contract being performed by Great Britain.

The VICE PRESIDENT. The Senator's time has expired.

Mr. TRAMMELL. Mr. President, have I occupied 10 minutes?

The VICE PRESIDENT. The Senator's time has expired.

Mr. TRAMMELL. Can I consume 10 minutes on the bill now?

The VICE PRESIDENT. The Chair announced that a Senator can speak 10 minutes on an amendment that is pending, and 10 minutes on the bill when no amendment is pending. The time of the Senator from Florida has expired.

Mr. DIAL. Mr. President, I always favor settlement, and when this matter was first proposed I felt that we and the world were making progress by bringing about a settlement of this debt between Great Britain and the United States. I felt that to do so would stabilize conditions, would help our trade, and that a magnificent example would be set to the other nations of the world to proceed to pay what they owed and put their houses in order; but, Mr. President, I must say that I am a little disappointed in the terms of this settlement. It occurs to me that it would have been much better to have insisted upon at least the same rate of interest that we are paying for money.

The statement that this money was expended in the United States has no force with me. To calculate the amount that Great Britain will pay during the 62 years seems to me to be childish. Money is worthy of its hire. The debt is due, and if the debtor does not want to pay interest he has the privilege of paying the principal and not paying interest; so it is simply silly to produce a great string of figures about the amount that we will have received at the end of 62 years. There is no business in that and no common sense in it, to my mind.

I am also disappointed, Mr. President, in these bonds not being strictly negotiable. There is a great deal of force in the argument of the senior Senator from Missouri [Mr. Reed] on this point. It is true, perhaps, that to-day there would not be a market for these bonds, but no one can tell what world conditions will be 10 or 20 years hence. If anyone had predicted along in 1910 that the United States to-day would have in its vaults about half the gold of the world, no one would have believed it. Instead of being a debtor nation, we have become a creditor nation. My experience in life has taught me that the best time to make a settlement is at the time the transaction is entered into. It is always a bad plan to lend money without security and then to be uneasy during the life of the loan. The proper time to settle it is at the time the money is transferred, or, in this case, now, before we make this extension, instead of wanting to kick ourselves for the next 62 years, feeling mean, feeling that we have been overreached a little, or something of that sort. After we shall have made the settlement it will be too late to complain, and it is not sportsmanlike to complain, anyway. Therefore, Mr. President, I very much wish our representatives had insisted upon a rate of interest equal to that which we are paying now.

In one sense this money does not belong to the United States Government. The Government has not a dollar except what it takes from its citizens by taxation or what it receives from selling its bonds. Money is borrowed from the people. We appealed to the citizens of the United States to lend us money to lend to other countries, and we assured them that the Government would receive a rate of interest equal to that which it paid for the money, and I say that I feel a humiliation that we are not to fulfill that promise.

Furthermore, Mr. President, it is not necessary to talk about our good feeling toward England or toward France or toward any other country. In fact, every gentleman ought to feel well toward everybody else. I have no particular ill will and no particular love, myself, toward those countries. No doubt they did their duty and we did our duty, and we did it liberally and promptly. We did more than our duty. Neither do I believe in buying trade or buying friendship. Any friendship you can buy is not worth the price. That does not appeal to me. England and the other countries are not going to trade with us unless it is to their interest to do so. This is not a question of friendship.

I wish these bonds were strictly negotiable, therefore, so that the United States could sell them to investors of the world and that we could get out of the transaction, so that we could take that money and reduce our obligations. It is a pretty miserable feeling to be in debt. I have felt miserable a good many times along that line individually, and I am a little sorry for my Government when it has to borrow money, and I know that the taxpayers feel badly. The burdens are more than a great many of them can bear. No wonder the people are trying to put their wealth into nontaxable securities, because we go ahead and tax the people most liberally.

I feel that these other nations ought to begin to curtail expenses. I am not going into detail about how it ought to be done, because that would be arrogating too much to myself; but when they are spending our money, I believe that their citizens should not be treated any better than our citizens, and I hope the day will come when they will curtail expenditures and levy taxes to make ends meet, pay what they owe us, and let us pay our debts. There is not much use in somebody else owing us and our owing someone else. We ought to collect, settle, and cancel. The cancellation of obligations helps bookkeeping.

Not only that, but I think it is time our commission was hinting to the other countries of the world that we would like

to have them get busy and bring in at least a part of what they owe us and arrange the balance. If they can not pay in full, let them pay something, and let us take care of the interests of the people of the United States.

I have not studied the amendments which have been offered, but I shall vote for some amendments along the lines I have mentioned. On the whole, I will vote for the bill because I believe that if we do not get a settlement now there may be a good deal of uncertainty about the kind of settlement we might get later; and for the sake of stabilizing conditions in the world and of improving our markets I trust the bill will pass in amended form.

Mr. LENROOT. Mr. President, nearly all the Senators opposing *this bill* insist that England should pay according to the letter of the contract. I wonder if all Senators who are taking that position with reference to England will take the same position with reference to all the other foreign nations indebted to us. I wonder if all those Senators will insist that to Germany shall be applied the same rule as they want applied to England. Germany owes us more than $200,000,000, and I wonder if they will insist that the same demand be made of Germany. Poland owes us over $120,000,000. I wonder if the same demand will be made with reference to the indebtedness of Poland.

I do not believe that foreign nations who are indebted to us are in any position to urge that we should be more liberal or generous in our terms to them because of any benefits which may have accrued to us by reason of those loans, but I do believe that is a proper consideration for us ourselves to reflect upon. If these loans had not been made, what would have been the position of the United States? We were already engaged in the war. If we had not made this loan to Great Britain of something over $4,000,000,000, Great Britain would not have been able to maintain her armies on the soil of France as she did. They would have been compelled to retire, to an extent at least; the war would have been prolonged; more American lives would have been sacrificed; and it would have cost us more money, not in the way of loans to our allies, but outright expenditures to carry on the war for a longer period than it became necessary to carry it on.

With reference to the expenditure, it has been sought to be shown that munition makers were the only beneficiaries of this expenditure. Mr. President, every farmer, every laboring man, in the United States got the benefit of these loans. Two dollar and twenty cent wheat has been spoken of. If it had not been for these loans of $11,000,000,000 to our allies, wheat would not have been $2.20, but it would have been down to $1 inside of six months.

But I do not base my support of this bill upon that consideration to any great extent. I support the bill because if there is to be stability and peace in Europe there must be readjustment of indebtedness between the different nations of Europe, and if the United States is to start with the proposition that every indebtedness shall be lived up to according to the letter of the contract, that there is to be no liberalizing of terms, then we may not look for peace in Europe next year or the year after, or perhaps for a decade to come.

Will the same gentlemen who are insisting upon the letter of the contract likewise insist that Germany shall pay to the last dollar provided in the Versailles treaty? Do they? What right have we to insist that the Versailles treaty shall not be carried out to the very letter if we are going to insist that the technical contract made upon our behalf shall be carried out to the last letter, without any liberalization of the terms?

Mr. President, under this settlement there is no forgiveness of a dollar of the debt, no cancellation of a penny of the debt. There is some liberalization in the matter of the rate of interest, and that is all; but it is a very good example for the United States to set to Europe. If we demand of England the last penny, will not England demand of France the last penny, and will not France demand of Germany the last penny? How is any economic reconstruction of Europe possible under such a theory?

This is a contract freely entered into on the part of England, if we shall assent to it, that contains liberal terms. The parties have agreed upon it, and if this be now ratified this afternoon, as I hope it will be, I think we may look forward to the other nations of Europe getting together in mutual accord upon their indebtedness as between each other, and we will have gone a long way, by the passage of this bill, toward bringing about stability and peace in Europe.

Mr. BORAH. Mr. President, the Senator from Wisconsin [Mr. LENROOT] referred to a matter which has been uppermost in my mind from the beginning with reference to this settlement, and that is the fact that there are those who are unwilling that Germany should be relieved from any part of her indebtedness, and the question is asked, if we insist upon the full amount of our debt, shall not the nations interested in the collection of the debt from Germany insist upon the full amount which Germany owes?

If Senators will turn that about, it presents the very proposition which has disturbed my mind concerning this settlement. If this settlement, or any other settlement which we could make, would lead to an amelioration of the terms which are being imposed upon Germany, and thereby give an opportunity, possibly, for Europe to recover, I should vote for this bill with a great deal of pleasure. If I thought that this precedent established here, what is called a liberal settlement, would have a particle of effect of leading to the adoption of a more liberal policy toward Germany upon the part of England, or upon the part of France particularly, I should see my way clear to vote for the bill, and I would feel that I was doing the American people a distinct favor, both from a humanitarian standpoint and from an economic standpoint, in doing so. But so long as the present policies in Europe obtain with reference to reparations and with reference to the collections from Germany, the forgiving of the amount of interest which we are forgiving in this instance will not have the slightest effect, in my humble opinion, in stabilizing anything in Europe or in opening any of the markets of Europe. In other words, the Allies are now undertaking in Germany to collect by sheer force the amount which Germany owes, and that policy will negative and absolutely destroy any effort we may make toward stabilizing Europe if the policy is to be continued.

The Senator from Illinois [Mr. MCCORMICK] said that England was one of our best purchasers; but it must be self-evident that if the conditions continue in Europe for the next year as they have been for the last six months, or for the last two months particularly, England will not by reason of this settlement be in a position to purchase anything of moment from the United States above that which she must actually have in order to live. Indeed, sir, if the present program is continued, Europe will go down, and this settlement will have no more effect in bringing relief to suffering humanity, no more effect in opening up markets than if these I O U's were lying up here in the Treasury. The causes of our troubles lie deeper than debts; they rest in the hideous inhuman policies which are now heaping misery upon a whole continent.

Why are $110,000,000 being expended in England to-day as a dole to the unemployed? It is because England's market upon the Continent has gone to pieces. It is because the economic conditions upon the Continent are such that there is no occasion for the employment of her men in her industries. She has no market. The mere acquittal of $40,000,000 a year in the way of interest, with the markets of Europe closed and with her unemployment continuing, will neither give us nor England any markets.

So I say, Mr. President, if this matter of the indebtedness could have been considered in connection with this very proposition which the Senator from Wisconsin has suggested, it would have presented altogether a different matter for our consideration. We know that the invasion of the Ruhr, considered, now, not from the standpoint of whether France had a right to go in or not, for that can be debated upon another day, but considered from the standpoint of world peace or the restoration of economic conditions in Europe, has been utterly disastrous of all which was promised or expected upon the part of the French people.

Instead of it benefiting the French people themselves, bread has gone higher and grown more scarce, taxes have necessarily been increased, expenditures have been increased, the franc has gone down, coal has not come out, and hunger is more nearly at the door of France to-day by reason of it than it has been at any time since the signing of the armistice.

Not only, therefore, have they punished Germany and disordered and demoralized the possible recovery of Germany, but they are bringing disaster and demoralization to France herself. If that policy is to continue, what are we to gain by the mere forgiving of a small amount of interest? It is by reason of the policy which is being pursued that, to my mind, makes this a more difficult problem to solve, so far as we are concerned. In other words, if conditions could be changed or would be changed so that the masses of England or the masses of Europe or the people who are hungering and dying in Europe would get the benefit, who would withhold his vote for a moment against our forgiving of the indebtedness as here provided? If it would tend to restore the markets of Europe so our own people would get the benefit of it, who would withhold his vote for a moment? But if the policies are to be continued,

we know that that is not to be the result, either from a humanitarian standpoint or from an economic standpoint.

Every dollar of the forgiveness will ultimately find its way, not into the mouths of the hungry of Europe, but into the military coffers of Europe. Only a few days ago France loaned 400,000,000 francs to Poland for the purpose of maintaining her army. By reason of her invasion of the Ruhr, every army in Europe is either actually or potentially being mobilized. The benefit which might flow from this money would eventually find its way in augmenting those conditions rather than in diminishing them. So long as that condition continues in Europe, England will and can do nothing else, in my humble opinion, than to increase her naval strength and to increase her army. What the American taxpayer is being asked to do is in fact to underwrite, or in a sense strengthen, the militaristic and the imperialistic policies which now obtain in Europe. This money will not find its way to those whom we here to-day would like to help.

The VICE PRESIDENT. The Senator's time has expired.

Mr. BORAH. I will wait until another amendment is offered to conclude.

Mr. HITCHCOCK. Mr. President, I would like to suggest to the Senator from Wisconsin [Mr. LENROOT] that the same administration which has presented to us the proposition that we should loan money to Great Britain at 3 per cent at a time when we are paying 4½ per cent to get the money, the same administration which has made the proposition to Congress that we borrow the money at one rate and loan it at a lower rate, was entirely silent when France last month made an invasion of Germany and practically began a new war.

There was a psychological moment when this country, represented by its administration, could have made a legitimate protest against that step which threatens to wreck not only Germany but France and demoralize all continental Europe. But the same administration which has now proposed to load upon the American people $57,000,000 a year by giving to Great Britain a rate of interest lower than that for which we can borrow money, lower than that for which we are borrowing money, was apparently silent and impotent when the great opportunity came for the United States, in the name of stabilizing the world and in the interest of peace, to protest against the folly which France has committed and which may cost her almost as much economically as it will cost Germany.

Mr. President, the Senator from Wisconsin said that we should not exact the pound of flesh from Great Britain. I agree with him. Congress agrees with him. It was nominated in the bond that Great Britain, when she borrowed this amount of money of us, should pay 5 per cent interest. That is the obligation as it stands. But last year the Congress of the United States voluntarily reduced that rate of interest to 4½ per cent, a rate lower than that for which Great Britain can borrow anywhere else in the world.

Now, what is the English view of the situation? I hold in my hand a recent copy of the London Times, weekly edition, and here is a frank, honest statement from that great newspaper:

> The facts of the case are by this time beyond dispute. Britain borrowed from the American Government during the war period a capital sum which now stands at £851,000,000. The debt is repayable on demand and carries 5 per cent interest. The bond of indebtedness lays upon this country the obligation to fund it, when requested to do so, at 5 per cent. In 1919 a general understanding, which, however, did not take the form of a written agreement, was reached among the Allies that no payment of interest should be demanded until 1922.

Then the editorial goes on to discuss the unpaid interest. Now, Mr. President, here we have a statement, a bold, honest, just statement, that Great Britain borrowed of us that great sum of money and agreed to pay 5 per cent interest on it. The Government of the United States, by an act of Congress one year ago, has voluntarily reduced that rate of interest to 4½ per cent. Why was it named at 4½ per cent? It was because it was estimated that approximately that was the rate of interest which the United States is paying for money now, and having gained a lower rate of interest, Congress, in its justice and in its generosity, thought we should accord it to Great Britain. I thought so then. I think so now.

I shall offer an amendment which proposes that the great sum of money which Great Britain owes us shall be represented by an obligation in the Treasury of the United States, and that the rate of interest upon it shall agree with the rate of interest that the United States is compelled to pay from year to year on borrowed money. It may be 4½ per cent this year. Ten years from now it may be 4 per cent or 3.75. But, whatever it is, Great Britain should pay it. The Senator from Wisconsin took the position that we owe in friendship something to Great Britain, something to the fact that we were in a great adventure together. But suppose I should approach the Senator from Wisconsin and say, "Senator, I want to borrow $5,000."

Mr. CARAWAY. Mr. President——

The PRESIDING OFFICER (Mr. REED of Pennsylvania in the chair). Does the Senator from Nebraska yield to the Senator from Arkansas?

Mr. HITCHCOCK. Not at the moment.

And the Senator from Wisconsin would say, "I have to borrow the money to loan to you." "Very well," I would say, "you borrow the money and I will pay you not only the principal, but what interest you have to pay on it." Would it then be a reasonable thing for me to demand of him, after he had borrowed the $5,000 at 5 per cent, and has to pay that rate of interest on it, that he let me have it for 3 per cent interest?

The just and generous thing for the United States to do is to put in the bond now that Great Britain shall pay us the same rate of interest that we are compelled to pay in borrowing money from now on. We can be generous enough to give to Great Britain the high credit which our country enjoys. We can say to Great Britain, "We will allow this loan to remain as long as you want it and only charge you exactly the amount of interest that we are compelled to pay from year to year for the credit." That would be generous to Great Britain and just to the American taxpayer, and nothing else would be just to the American taxpayer, although it might be overgenerous to Great Britain.

So I say to the Senator from Wisconsin that, having voluntarily cut off three-quarters of 1 per cent interest, amounting to hundreds of millions of dollars in the aggregate, it is preposterous now to ask us to sacrifice $1,666,000,000 more during the next 62 years in allowing a loan to remain at one rate of interest while we are paying a greater rate.

Mr. WALSH of Massachusetts. Mr. President, in the few minutes available I do not propose to discuss the details of the measure. I do wish to state very briefly my reason for opposing the passage of the bill. I shall not discuss the partisan character of the composition of the commission which negotiated with our debtor. I shall not discuss the haste with which this most important legislation is being rushed through Congress. I shall not discuss the absence of information. I shall not discuss the details in the measure which may increase the financial burdens of the American people more than what appear on the surface of this measure. It is to no purpose to discuss the particular terms of this bill or the various details concerning it. Much on these points has already been said, especially those features of it which indicate possible future disadvantage to the finances of our country.

We are imposing upon our people an additional war debt of $1,666,000,000 four years after the termination of the war. We are canceling part of the debt of one of our allies in the late war and adding that debt to our own staggering indebtedness. In a word, this bill is a measure to shift a debt of $1,666,000,000 from the taxpayers of Great Britain to the taxpayers of America. It is a bill to levy an additional tax upon our people of $1,666,000,000. Are not the war-tax burdens of our people sufficient? Are not the obligations which they assumed ample, without this additional legislation fastened at this time?

Who is asking for the refunding of this debt? Who is to benefit by the adjustment of this obligation at this time? The English Government did not ask to have this debt refunded. The initiative was taken by the American Government; in fact, the British Government never asked to have one dollar subtracted from its debt. Nowhere is there a petition or a request from the British Government that their former contract be altered or modified. The evidence before the Finance Committee is that the first proposition presented to the British Government was by the American debt commission for a rate of 3½ per cent, without even a request from our debtor that the reduction in the interest rate be made.

Whom is this legislation to benefit? Surely not the American people, who are to bear the burden of this additional debt of $1,666,000,000. This amount is but the minimum estimate. One actuary from the New York Life Insurance Co. estimates by a method of compounding interest that the real gift of the American people to the British Government on this settlement is the enormous sum of $27,000,000,000. I do not, however, vouch for this estimate. It is evidently a method of computing the value of this gift based on the use of this money by compounding the interest.

Mr. President, Great Britain has a right to urge and expect one, and only one, modification of this debt—the fixing of a rate of interest on her indebtedness equal to that paid by our Government on the money she borrowed from her citizens to

loan Great Britain. That rate to-day is far in excess of 3½ per cent, and that is why this is not the time to change or refund this debt.

Mr. President, there is one class of American citizens who will benefit by this partial cancellation of Great Britain's obligations to the United States. It is the class who have been behind the agitation for the refunding of this debt; the class of American citizens who have private debts to collect in Great Britain and other countries of Europe; the class of American citizens who will now find the financial atmosphere of Europe cleared by having, so far as Great Britain is concerned, the American debt fixed and postponed 62 years for final payment. It is the international bankers in America who benefit by this legislation.

It is contended that the settlement of this debt will stabilize—tend to stabilize is their expression—the finances of the world and bring about the economic equilibrium of the world. Will the rate of 3½ per cent stabilize the finances of the world better than would a rate of 2 or 2½ per cent—better than would the cancellation of the debt itself? Senators will have great difficulty when the American taxpayer looks at this question from the standpoint of his tax bill to explain to him the increase in his taxes by stating that the change of the interest rate on this loan by reducing it by 1 per cent will stabilize the finances of the whole world.

Oh, it is said, we must be generous. To give of another's money is not generosity. It is not right; it is not just; it is not honest. The money is not our money, but is the money of the American people. We are but trustees. This bill is a proposition to extract from the pockets of the American people an enormous sum of money and to give it to the British people. Yes; it is easy to be generous with other people's money. I refuse, without the people's voice being heard, to give away their money. I repeat, the only two arguments which are made in its favor are, first, that it will tend to stabilize the finances of the world, and, second, that we should be generous—generous with other people's money. Let us see how generous the beneficiary of this gift has been. Let us see what she has done to stabilize the finances of the world. I have before me a memorandum of an agreement made by Great Britain with Persia in which she exacted an interest of 7 per cent on a loan of $10,000,000. It comments upon a bipartite agreement between the British and Persian Governments that was entered into on August 15, 1919. Under this agreement "expert advisers" are to be furnished the Persian administrative departments at Persian expense. British munitions and equipment were to be utilized under British officers in building up a Persian military and police force. British money was to be loaned on security of the customs and telegraph receipts, and the amount of the first loan was $10,000,00, bearing interest at 7 per cent.

I have also before me a news clipping which shows what Great Britain exacted from France and from Italy when she loaned those allies sums of money during the war. Let me read this memorandum, which is an editorial from one of our American newspapers:

WHO ARE THE SHYLOCKS?

France and Italy deposited nearly 2,000,000,000 gold francs—worth as much now as ever—in London banks when they borrowed money from England during the war. England required that money as security for the loans. Now England tells France it [England] may take that money. That arouses French ire. The fact is that the money has probably been seized already. Bonar Law says it has been sent to America, inferring that we had pressed England to pay and that it had been forced to use the deposit. Of course that is not the case. This country has asked none of its debtors to pay, and the inference Europe has drawn from Bonar Law's statement is misleading.

Why are we Shylocks of the world, let Europe tell us, but we are *not as cold*, calculating, or as cautious, apparently, as England. When it made loans it called for gold security. Not so with us. We opened wide our Treasury to England, France, Italy, Belgium, and others and took in return their unsecured notes. In fact, we got hardly that. They simply gave us a memorandum that the money would be returned some day and that they would proceed after the war to say in what way and how it should be returned. Shylocks, it will be observed, do not act that way. They take security for their loans and exact their pound of flesh upon failure to pay.

Nothing has been more striking than the revelation that England required gold security for its war-time loans, while the United States did not. If there is any fairness in Europe, it can not fail to be impressed by this difference in methods. But Europe does not condemn England, even when it seizes the gold left with it for security and thereby depletes by one-third the reserve of the Bank of France. If we had done anything like that, imagine the outcry. We have not even asked our debtors to pay. We have simply suggested that they consider what they can do in the course of the next 25 years. But they do not consider that. They insist that we wipe out the debt. England has remarked that it will forgive its debtors if we forgive it. But England has been careful to see that it had its hands on nearly 2,000,000,000 gold francs; it has a partial payment anyway. Perhaps if we were more nearly Shylocks we should command greater respect abroad. (Aberdeen (Wash.) World.)

But why prolong this line of argument? What evidence has been presented here as to the present financial resources and assets and as to the possible future assets of our debtor? What right have we to discount or cancel in part the assets, the credits, of our people without knowledge not only of the existing conditions of Great Britain's finances but of all her possible future assets? The only evidence is that now, at this hour, it is hard and difficult for Great Britain to raise the necessary ready money in order to meet the terms of this debt contract. Who ever heard of bank directors settling debts based on present ability to pay rather than the debtor's resources and assets?

Mr. President, there is no need of refunding this debt now. It should not be refunded at this time. The American people have not asked that it be refunded. They are not Shylocks; they do not demand this money, or even the interest due. They were willing to let it go four years, and it should have gone for 10 years if necessary, letting these debtor countries pay as they can.

The after-the-war financial atmosphere ought to have been cleared. We ought to wait until our debtors get back to production. We ought to have settled this debt in the light of peace and prosperity and not when the dark clouds of war envelop us. The time for our Government to move was not when our debtor nations have reached the low-water mark of their finances. Its refunding now is being brought about by the sinister influence in this country of those who are looking after their own interests and not the interests of the American people. We should be serving the American people better if we should let this indebtedness stand as a valuable asset, to be collected on some future occasion when it would equally be advantageous to the American and British peoples.

Let those that have been preaching economy, renouncing tax exemption, reducing Government employees, fighting to reduce appropriation bills, and in various ways seeking to lower taxation pause and realize what their vote upon this measure means. In one fell swoop your efforts at economy are reduced to nil, for your vote on this measure is nothing more or less than to increase the war-tax burdens of our people. What right have you to deal with this matter, because it happens to be a war debt, any different than if it were a peace-time loan? Where is your mandate from the people to levy this burden upon them? In what election did you submit this question to the voters? No one here would advocate before election this bill and expect to be elected to give away this enormous sum of money that belongs to our people.

Mr. President, this asset, one of the most valuable which the American people have, is being converted by this proposed law into a possible liability, the magnitude of which no man can now conceive with definiteness. International complications arise more frequently out of financial dealings and agreements than any other cause.

The VICE PRESIDENT. The time of the Senator from Massachusetts has expired.

Mr. CARAWAY. Mr. President, I come from an agricultural State, the greater part of whose interests are bound up in the prosperity of the farmer. We have all said that for four years the farmer has suffered a tremendous loss because he has had no foreign market. The farmer is dependent upon a foreign market. The excess of the commodities which he produces must be sold. We can not increase the consumption ability of the people of this country or we have not been able to do so; and therefore the farmer has been suffering tremendously each year because he had no foreign market for his products. We can have no foreign market until conditions in Europe are stabilized, and they can never be stabilized until there shall be a beginning. The way is not long to peace when contending nations once decide to negotiate peace; the way is not long to economic reconstruction whenever the peoples of the world shall set their faces toward reconstruction. The great trouble is a beginning. The European war could have ended much sooner if nations could have made a beginning to attain peace. Economic reconstruction could have come much earlier if a beginning could have been made. At least the proposed settlement is a beginning.

I do not think that anybody contends that it is such a settlement as he approves in every particular; I do not. I do not think it is the best possible settlement that could have been made. I do know, however, Mr. President, it is the only settlement that is here before the Senate; it is the only one that will or can be before this Congress in a year. If it is rejected, I know that the American farmers for at least 12 months more must have the same chaotic conditions confront them which now confront them, if, in fact, they shall not grow worse.

I sympathize with those Senators who say that the interest rate is low, too low; and yet I am sure as I am of anything that if every dollar of our foreign indebtedness had been can-

celed in November, 1918, and every dollar of this foreign debt had been levied upon the agricultural interests of America, they could have paid it and been richer to-day than they now are, provided Europe had become a normal consumer of American products.

It may be said that better economic conditions are going to come about whether we accept this agreement or not. I say they have not come about, and therefore it is for you who oppose this plan to show that they will come. You can not do it. I therefore must act on conditions which now exist.

The Senator from Nebraska [Mr. HITCHCOCK], of whom I am very fond, said that this proposed settlement amounts to giving away $58,000,000 of American money, and he read from the London Times what he characterized as a frank and manly statement of the contract betwten the British Empire and the American people—that is, that Great Britain owes us £851,000,000, to be refunded upon demand at a rate of interest of 5 per cent. If that is the contract, American citizens have a right to demand 5 per cent; yet the Senator from Nebraska, as trustee for the American people, voted very recently to give away three-quarters of a per cent on every dollar they owed us in the way of an interest charge. If the Senator has a right to say, "If I vote to reduce your interest charge from 5 to 4¼ per cent without being asked to do so, I am a patriot," how does a Senator become a criminal who, when he sees that a better settlement can not be made, says, "Therefore we will accept a settlement providing for the payment of 3½ per cent interest?" I should like to know. Where does the difference lie that makes one act statesmanship and the other just a little bit less than criminal?

I sympathize, Mr. President, with what has been said about the taxation of the American people; but it is true that not a dollar of this money that is coming back is going to take a dollar of taxation off of the poor people of America, and every Senator knows it; because the poor people, the farmers in Alabama, the farmers in Arkansas and Nebraska, are not paying Federal taxes; they are being crushed by State and county and municipal taxes; they are being crushed because they have no markets for their farm products. It is the rich people in the country that pay the Federal tax, because under the law no man pays a Federal tax—I am speaking of income tax now, and the rich alone would profit by the defeat of this measure—if he be married, until he has above $2,000 a year net above all of the charges he has a right to make.

Mr. STANLEY. Mr. President——

Mr. CARAWAY. I yield to the Senator from Kentucky.

Mr. STANLEY. I feel sure that my colleague has made a statement in the heat of argument that is broader than he intends. The Senator surely does not mean that the farmers of this country are not being taxed by the Federal Government. The income tax, it is true, rests more heavily upon the people with large incomes than upon those with small ones, but in my country the farmers are being skinned and gouged by this iniquitous tariff bill.

Mr. CARAWAY. Oh, well; that is not the question that we have before us, and if the Senator from Kentucky wants to interrupt me, I hope that he will confine himself to the legislation that is before the Senate.

Mr. STANLEY. Mr. President, I did not mean to start a debate. I simply thought perhaps the Senator had expressed himself more broadly than he intended.

Mr. CARAWAY. No; I was talking about direct taxes; and if the farmers are ruined, as we have been saying, if they have not been getting the cost of production out of the things they grow, they can not have any income that will make them subject to paying income taxes—direct taxes. That is what we are talking about. If we were to get back to-morrow every dollar that all the European powers owe us, no movement would be made to reduce tariff rates, and therefore they are not affected one way or the other by the legislation now before the Senate.

Mr. President, here is the question before us: Are we willing that the world shall make a beginning toward readjustment, toward economic recovery, or are we willing to plunge it into another 12 months of nightmare and darkness in order that possibly a better settlement may be made with Great Britain next year than we get out of her this year?

I know, Mr. President, that there are some people who are racially so antagonistic to the English-speaking people that whenever the British Empire is mentioned—and I do not criticize them; people are swayed by their prejudices—they can not help opposing it. They have hated Great Britain for hundreds of years, and for hundreds of years their children after them will hate her. I hold no brief for the British Empire. All my people were put out of Ireland by the sword when Cromwell was "pacifying" that island. I drew in, with all my family traditions, a hatred of the British Empire; but, Mr. President, I hope to God the time shall never come when I am willing to be a party to destroying the world because for hundreds of years there has been a feud between the people from whom I sprang and England. I am not willing to do it. Some hate the British Empire because of religious differences. I do not. This question is not racial; it is not religious; and it is not, as I understand it, a question of charity. It is a question of good business; that is all.

The VICE PRESIDENT. The Senator's time has expired.

Mr. CARAWAY. I say had not we lent this money to England and the British armies had been compelled to slacken their efforts in resisting the German assaults of 1917–18, we would have expended every dollar of it and more in making soldiers of American boys, and instead of 50,000 of them dead by battle wounds in France there would have been a million of them, and instead of 50,000 mothers weeping for boys who went beyond the seas and never returned there would have been a million of them.

I was astonished the other day when one Senator, of whom I am exceedingly fond——

The VICE PRESIDENT. The Senator's time has expired.

Mr. CARAWAY. Is it the ruling of the Chair that I can not now discuss the amendment?

The VICE PRESIDENT. The Senator can discuss the pending amendment, which he has already done, for 10 minutes.

Mr. CARAWAY. Both the measure itself and the amendment?

The VICE PRESIDENT. Just the pending amendment.

Mr. KING. Mr. President, a parliamentary inquiry. If a Senator has not addressed himself to the bill, is he precluded from speaking 10 minutes on the bill now and also 10 minutes on any amendment?

The VICE PRESIDENT. That was the notice that the Chair gave.

Mr. CARAWAY. I hope some Senator will get recognition and yield to me.

Mr. ROBINSON. Mr. President——

The VICE PRESIDENT. The Senator from Arkansas.

Mr. ROBINSON. I have submitted an amendment which I will explain before the Senate in a few minutes.

Mr. CARAWAY. Will the Senator from Arkansas yield to me?

Mr. ROBINSON. I yield.

Mr. CARAWAY. Mr. President, the other day——

Mr. BORAH. Mr. President, I have not any objection at all to this program, but if that rule is to obtain let us have it settled now.

Mr. ROBINSON. Mr. President, I am perfectly willing to waive my time on the pending amendment, or I will take the floor and yield to my colleague if the Senator objects.

Mr. CARAWAY. Oh, well, if there is any objection, I will sit down.

Mr. BORAH. If that is parliamentary and can be done, of course it simplifies a situation here which has been embarrassing to some of us. I have not any objection to its being done if the Chair holds that that is proper.

Mr. ROBINSON. Mr. President, I ask unanimous consent that I may yield to my colleague my time on this amendment.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. CARAWAY. Mr. President, the Senator from Missouri [Mr. REED], of whom I am exceedingly fond, day before yesterday made the statement which I shall read. After having read the law under which the loans to the allied powers had been made he said:

> And upon that we went to the American people for the money. We employed everybody from McAdoo to Mary Pickford, or from Mary Pickford to McAdoo—and I speak of them both with the utmost respect and kindliness—everybody from statesman to moving-picture actress. Hundreds of thousands of volunteers all over the country, on every husting, on every platform, from the steps of the Capitol, from the stages of the theaters, in country press and everywhere, told the American people that the money we were going to get from them to loan to foreign countries would be loaned upon bonds that would mature when our bonds matured and would bear the rate of interest our bonds bore, so that whatever money we thus loaned would come back to us and not be a burden upon the taxpayers of the United States.

That, he says, was the contract we entered into.

Later he said:

> That was the contract with the people of the United States, and any attempt to repudiate it would be as disgraceful a proceeding as ever was engaged in by any government on earth.

First, Mr. President, I deny that we made such a contract. The question of what was to be done with the money was not discussed when the people bought the bonds. It was to be used in winning the war. I say, sir, that those who bought bonds would much rather have loaned it to equip and keep a British, a French, or a Russian soldier in the trenches than to have loaned it to have their own boys put in the trenches. They would have loaned it with more willingness to maintain the armies who were fighting this war with us than to have let those armies quit for lack of means with which to fight and replace them with American boys. But, Mr. President, that was not the contract we entered into with the American people when we commenced this war. I want to read from what was declared to be the purposes and obligation that inspired us in going to war.

I read from the greatest state paper ever written by any statesman of any country. I read from the message delivered by Woodrow Wilson to the Senate and the House in joint session asking that we declare a state of war to exist between the Imperial German Government and the American people. In that immortal document we entered into a covenant with the American people to do certain things, and here is what it was, Mr. President.

Speaking of his former message, the President said:

> Our object, now as then, is to vindicate the principles of peace and justice in the life of the world as against selfish and autocratic power and to set up amongst the really free and self-governed peoples of the world such a concert of purpose and of action as will henceforth insure the observance of those principles.

That was it, Mr. President; and again, in the same message, he said:

> It is a fearful thing to lead this great peaceful people into war, into the most terrible and disastrous of all wars, civilization itself seeming to be in the balance. But the right is more precious than peace, and we shall fight for the things which we have always carried nearest our hearts—for democracy, for the right of those who submit to authority to have a voice in their own governments, for the rights and liberties of small nations, for a universal dominion of right by such a concert of free peoples as shall bring peace and safety to all nations and make the world itself at last free.

Those were the pledges, Mr. President, we made to the American people. We made them to the mothers and fathers of this land; that "If they would loan us their sons, and let us equip them as soldiers, and send them 4,000 miles beyond the seas and across the mountains to destroy the military autocracy of Germany, when they should have done so, so help us Almighty God, we would arrange a peace that would bring about a concert of nations, so that never again in the history of the world would a mother be required to sacrifice her son in international disputes."

We assumed that obligation, Mr. President, and 4,500,000 boys gave up their hopes, their dreams, their aspirations, and became soldiers in the armies of this Republic. They went beyond the seas, 2,000,000 of them, and 100,000 of them laid down their lives from battle wounds or disease, and to-day more than 80,000 of them still sleep in that foreign land, and shall so sleep until time shall be no more.

We assumed that obligation; and yet, Mr. President, after these boys, believing what we had said, had gone beyond the seas, and some of them had died, and 250,000 of them were made invalids for life in attempting to bring about the condition under which we might keep our contract and arrange a community of nations that would end wars, we repudiated it here on the floor of the Senate. We made them die in vain, Mr. President. We made 100,000 mothers weep for sons that never will return. We made 250,000 invalids that never will be strong, and we made them sacrifice life and health in vain, Mr. President, because we broke the contract we made with them; and now, Mr. President, we are upbraided because some Senators say we want to compromise on the rate of interest England is to pay; that that "is the most shameful breach of contract, Mr. President, that a nation ever made."

Oh, my God, Mr. President! If every dollar that was expended in this war had been lost, if every international debt had been canceled and we had voted for it, it would not approach to so shocking a breach of contract as the one that broke the contract with the boys, living and dead, and the mothers of a hundred thousand boys that weep to-day for sons that never will return, the contract for a league of nations which would end wars and bring again to a troubled world the blessings of international peace. It is in a measure to redeem that pledge I shall vote to accept this settlement.

The VICE PRESIDENT. The time of the Senator from Arkansas has expired. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. ROBINSON. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 3, line 16, it is proposed to strike out all after the word "settlements" down to the end of line 20, and in lieu thereof to insert the following:

> With other governments indebted to the United States are hereby authorized to be made upon such terms as the commission may believe to be just, subject to the approval of the Congress by act or joint resolution.

So that, if amended, it will read as follows:

> Any payment of interest or of principal may be made in any United States Government bonds issued since April 6, 1917, such bonds to be taken at par and accrued interest, is hereby approved and authorized, and settlements with other governments indebted to the United States are hereby authorized to be made upon such terms as the commission may believe to be just, subject to the approval of the Congress by act or joint resolution.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Utah?

Mr. ROBINSON. I yield.

Mr. SMOOT. That part of this amendment which was put in by the House has nothing whatever to do with the indebtedness of Great Britain, and I stated, I think, in the first day's discussion, that I had no objection whatever to taking that part of the amendment out, and if I may, as far as I can, I accept the amendment offered by the Senator from Arkansas.

Mr. ROBINSON. Mr. President, with the statement just made by the Senator from Utah in the RECORD, I apprehend it will not be necessary to discuss the amendment at length now. It was discussed a day or two ago.

The purpose of the amendment is, first, to require all future settlements hereafter sought to be entered into to be ratified by the Congress of the United States, rather than by the President of the United States, as is provided by the bill presented by the committee.

Another purpose is to relax the provisions of existing law and the provisions, for that matter, carried in the pending bill, so that the commission may have the power to negotiate just settlements with other governments indebted to the United States, subject to the approval of Congress.

We all know, and it has been admitted throughout the progress of the debate, that the remaining governments indebted to the United States can not settle, in all probability—certainly we know all of them can not—on the terms provided in this settlement. For that reason I believe it essential, if settlements are to be made or promoted with other governments, that the commission be authorized to effectuate just settlements, provided always that the same shall be submitted to Congress for approval.

Mr. JONES of New Mexico. Mr. President, the vote upon this amendment will virtually decide what course we should take regarding the amendment which I offered the other day. The commission was authorized to make settlements of indebtedness according to definite terms fixed in the act at a rate of interest of not less than 4¼ per cent and for a term of years not exceeding 25. It was recognized by the commission that it was impracticable to make settlements upon that basis. In fact, when the legislation was originally enacted that was the view of practically all of us, and we realized that it would be necessary for the commission to enter into negotiations and subsequently report to Congress, as the commission has done in this case.

The legislation which is proposed by the commission, and reported favorably by the Finance Committee, is in the nature of an amendment to the proviso of the original act creating the commission, that they shall not make any settlement on more favorable terms than those specified in the original act. That is the proviso which is amended by this bill. It occurred to me that that was not a proper form of legislation; that instead of amending the proviso, which would raise again the question of terms, we should simply ratify, if we see fit to do so, the settlement made by the commission, and leave the original act as it was enacted.

The effect of the amendment which I propose would be precisely the same as that of the amendment proposed by the Senator from Arkansas. He proposes now to provide that the commission shall make such settlements as it deems advisable and report back to Congress for congressional approval. I think the law has been given that effect, practically, by the commission, and it is simply a question of whether we shall put that language in the bill in its present form or enact the amendment which I propose, which provides simply that we ratify the present settlement, and automatically that would put the commission in the same position with regard to future settlements as it is in in framing this settlement.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. JONES of New Mexico. I yield.

Mr. ROBINSON. The practical result of the two amendments probably would be the same. It has seemed advisable to me, however, since everyone admits that future settlements with governments can not be effectuated under the provisions of the existing law, that the fair and proper course to pursue is to relax the rule in the existing law, which we know can not be complied with by the commission. I think the preservation of that statute would operate as a discouragement, unless the commission should prove its readiness to disregard the law which Congress has passed, as they have been accused of doing in connection with the pending settlement, although, of course, their acts are now submitted for ratification.

Mr. BORAH. Mr. President, what would be the effect if we simply ratified this settlement, and left the law as it now stands untouched?

Mr. JONES of New Mexico. It would leave the commission in the same position it was in when it conducted the present negotiations.

Mr. ROBINSON. Mr. President, with the indulgence of the Senator from New Mexico, it would require an interest adjustment at approximately 4½ per cent, and the commission would be estopped from remitting any portion of the principal or interest under any conditions, or from extending the time for payment of any part of the indebtedness beyond 25 years, which, I think, are such impossible terms that they will be harmful rather than beneficial.

Mr. BORAH. I do not want to misunderstand. If the law were left as it is now, could not the commission go out and do as it did in this case, make whatever terms it saw fit to make, and ask Congress to approve them?

Mr. ROBINSON. Yes; somewhat in disregard of the statute under which the powers are vested in them.

Mr. REED of Missouri. Apparently that would be no obstacle at all, either with the commission or with the Senate.

Mr. ROBINSON. What can be the purpose of retaining in the statute instructions to and requirements of the commission which every Senator knows can not be complied with? If there is a bona fide purpose to invite and promote settlements with other nations, we must recognize in the beginning that concessions must be made. There was a reason for imposing these limitations in the present law, because everyone understood——

Mr. JONES of New Mexico. Mr. President, I have only 10 minutes.

Mr. ROBINSON. I realize I am consuming the Senator's time. I discontinue my remarks.

Mr. BORAH. I agree with the Senator that it would be better not to have the commission violate the law.

Mr. JONES of New Mexico. Certainly we do not want the commission to violate the law, but if we adopt this amendment we are assuming that the commission has already violated the law, and I do not believe it has.

Mr. SMOOT. I do not, either, I will say to the Senator.

Mr. JONES of New Mexico. I think it was generally understood at the time the original act was passed that the commission would change the terms. I do not believe anyone anticipated we would settle a single debt upon the conditions mentioned in the original act creating the commission, and I think the commission has acted quite within the understanding of the Congress when the law was enacted. If we now simply ratify this settlement, we will leave the commission to do in the future precisely as it has done in this regard. The amendment of the Senator from Arkansas would seem to infer that the commission had exceeded its authority in bringing about this settlement and that we want to obviate that for the future. I still believe that it will be better to pass the bill in the way in which I have proposed to amend it, simply ratifying this settlement, leaving the commission free to proceed under existing law with regard to other settlements, as it has with regard to this.

If, however, the Senate should see fit to adopt the proposal of the Senator from Arkansas, then, of course, I shall acquiesce, and it would be unnecessary to consider the amendment which I have proposed.

Mr. BORAH. Mr. President, I did not mean to charge the commission with violating the law. What I meant was that the commission made a settlement which was not authorized by statute.

Mr. ROBINSON. That is exactly my thought.

Mr. WALSH of Montana. Mr. President, I desire to call attention rather to the framing of the bill than to the subject matter of the amendment proposed by the Senator from Arkansas.

I ask the attention of the Senator from Utah to my suggestion, merely for the purpose of endeavoring to improve the form of the bill. The bill starts out: "That the first proviso of section 2 of the act entitled," and so forth, "is amended to read as follows." Then the bill proceeds. The first proviso of the act of February 9, 1922, reads as follows:

Provided, That nothing contained in this act shall be construed to authorize or empower the commission to extend the time of maturity of any such bonds or other obligations due the United States of America by any foreign government beyond June 15, 1947, or to fix the rate of interest at less than 4½ per cent per annum.

As the bill was originally framed, without the House amendment, this bill would take the place of the proviso which I have read; and as there was no restriction at all in the bill as originally drawn, the commission would be authorized to negotiate with the other debtor nations and absolutely close out with them upon any terms they saw fit and without submitting the matter to Congress at all.

Under the amendment proposed by the Senator from Arkansas, the arrangement made would be submitted for the approval of Congress. It takes care of that matter. But I submit to everyone that it is altogether inappropriate to make the bill a substitute for this proviso. It does not fit in with the statute in any wise whatever. It provides that the first proviso of the act "shall hereafter read as follows," which is a most inartistic way of framing a statute.

If the amendment of the Senator from Arkansas should be agreed to, there would be no occasion for anything in the bill, I submit to the Senator from Utah, down to the word "the" on line 3, page 2; that is, cut out all of the language making it a bill to amend that proviso, and just start in with the words "The settlement of the indebtedness of the United Kingdom of Great Britain and Ireland to the United States of America, as follows, is hereby approved."

Then, with the amendment proposed by the Senator from Arkansas agreed to, hereafter any settlements made will be subject to the approval of Congress.

Mr. SMOOT. The only difference between what the Senator suggests and what we have here is that we set it out in the bill. The Senator says he would like to have it read in this way: "The settlement of the indebtedness of the United Kingdom of Great Britain and Ireland to the United States of America, as follows," then on line 16, page 3, "is hereby approved and authorized."

Mr. WALSH of Montana. Exactly.

Mr. SMOOT. It reads "as follows" and then follow the terms of the agreement.

Mr. WALSH of Montana. But I suggest to the Senator that everything preceding that be stricken out, so that it will start with the word "the" in line 3, on page 2, and read:

The settlement of indebtedness of the United Kingdom of Great Britain and Ireland to the United States, as follows, is hereby ratified and approved.

And do not insert the proviso that the act of February 9, 1922, shall hereafter read this way. It would be too long. I shall submit the amendment later on.

Mr. SMOOT. I shall examine the amendment of the Senator from Montana.

Mr. WALSH of Montana. I want to make another suggestion to the Senator. I was not able to follow the exact reading of the amendment tendered by the Senator from Arkansas, but I believe that it would be improved if after line 15 there were inserted language as follows:

notwithstanding any restrictions in the act approved February 9, 1922.

Mr. ROBINSON. I would have no objection, but——

Mr. SMOOT. I do not think it is necessary.

Mr. ROBINSON. Nor do I think it is necessary. This being the latest enactment covering the subject of the indebtedness of other governments, it would control.

Mr. REED of Missouri. Mr. President, it is interesting to note the fact that we voted on such an amendment once before; that is to say, on an exactly similar proposition. When we were discussing the bill which, when finally passed, authorized the commission an amendment was offered which read as follows:

When, under and in accordance with section 2, the said commission shall with any country reach an agreement of adjustment, settlement, or refunding, such agreement, before it is consummated or becomes final, shall be reported to and shall be approved by Congress.

Voting for that amendment were 36 Senators. Among them was the distinguished Senator from Arkansas [Mr. ROBINSON]. I accord to him and every other man the right to change his mind. I do not offer this by way of criticism, but rather by way of introduction to the statement that we appear to be engaged in a general business of wholesale or partial repudiation of our own debts.

When the original act was under discussion we were not talking about 8 per cent interest. We were talking about receiving from every solvent country dollar for dollar of the money we had loaned, including dollar for dollar of the interest we were compelled to pay. That was the position then, as is evidenced by the remarks which I shall read as uttered by the Senator from Indiana [Mr. WATSON] who undertook to outline the position of the administration and of the proponents of the bill then pending. He said:

Where do we stand in regard to the whole question? In the first place, the Secretary of the Treasury says that he intends, so far as is humanly possible, to collect 5 per cent interest and that 5 per cent interest is the rate that should be collected; that is, because our bonds bear 4½ per cent interest; and secondly, because they are nontaxable, which, of course, indirectly makes the rate higher, and in the third place, because of what it costs us to sell the bonds and to incur the obligation. Therefore he thinks that 5 per cent is a legitimate rate of interest. That being true, the Secretary of the Treasury, who is to be at the head of the proposed commission, asserting with all confidence and sincerity that he intends to attempt to collect 5 per cent interest, why should we attempt to write it into the bond that it will be thus collected and collected semiannually?

Now, that was the position of the Senate a few months ago. However, disregarding the advice and in order to make certain that our commissioners would go forth with positive instructions from this body, we wrote into the act 4½ per cent interest. We sent the commission forth as our agents authorized to make that kind of contract and no other and to bring it back to us or to come back and report that they were unable to reach an agreement. The commission, when it went outside of the letter of that statute, proceeded with no more authority than if it had never been named as the commission, for an agent who goes outside of his authority ceases to be an agent and becomes a mere intermeddler or usurper.

If the commission had properly performed its duty, it would have laid those terms of the agreement upon the table and said to the British commission, "This is all we are authorized to offer, and you must take it or leave it." If that course had been followed, I have not the slighest hesitation in the world in saying that Great Britain would have accepted the proposition, possibly asking the right to refund the indebtedness at a lower rate of interest or to take up the bonds at will whenever she could get the money at a lower rate of interest.

But the commission acceded to the demands of Great Britain and came back here, of course, unable to conclude a contract and brought it to the Senate. The Senate, which had taken the position only a few months ago of asking 4½ per cent, yields to the importunities of the commission and proposes to ratify its unauthorized act.

But that is not all. We stand before the world to-day as a creditor, and the accredited representatives of the American people in this body proceed to tell every other nation on earth, "We do not expect you to pay your debt." I wonder how long a lawyer could remain in the employ of a client who started out to collect money and who in advance advised the debtor that he did not expect him to pay. What reason is there for a European statesman, a statesman of France, of Belgium, of Poland, of the Slovakian States, or of Italy to propose to his people to pay an indebtedness due to the American people when distinguished Senators stand upon the floor of the Senate and say, "We ought not to expect payment"?

We are standing here the temporary representatives of the American taxpayers, who must be the permanent payers of this obligation which we have incurred through our bonds, and we propose to say to the world, "You can pay or not pay, just as you please; but we do not expect you to pay." Is not that very unfortunate talk to be heard on the floor of this body? It is not my business to lecture anybody. I am not trying to lecture anybody, but I say that no nation can collect its money that is justly due it unless it at least presents its claim and asks that the claim be recognized and paid.

Neither do I agree with the proposition that these nations can not pay. They may need the indulgence of time, and reasonable indulgence would not be objected to by reasonable men. But that nations should undertake to insist that they have the right to exist as nations and to maintain armies and great navies, and at the same time insist that they can not pay their debts is an anomaly that is not to be tolerated.

The VICE PRESIDENT. The Senator's time has expired.

Mr. JOHNSON. Mr. President, does the Senator from Missouri desire further time? If so, I yield him my 10 minutes on the amendment.

Mr. REED of Missouri. I have said what I desired to say on the particular amendment. I thank the Senator from California, however, for his courtesy.

Mr. LENROOT. Mr. President, I wish to answer briefly the suggestion of the Senator from Nebraska [Mr. HITCHCOCK], made a few moments ago. He asked if I went to him and asked for a loan of $5,000, and he told me he had not the money himself, but could get it for me; what I thought would be the ethics of the situation if I should suggest afterwards to him that I should pay a less rate of interest to him than I had agreed.

To make the situation exactly parallel, if I went to the Senator from Nebraska and asked for a loan of $5,000, and he replied that he did not have it, but would get it from the members of his family, and did so, and I received credits and the members of his family received the proceeds of the loan, and by reason of those proceeds I was able to save the lives and fortunes of the Senator from Nebraska and the members of his family, and then I afterwards went to him and said to him, "I propose to pay every penny of the $5,000, I am perfectly willing to pay a rate of interest, but I suggest that you do not exact from me the full rate," if the Senator insisted that he wanted the pound of flesh, I would pay it if I had the money, but as long as I lived, Mr. President, down deep in my heart I would feel that the Senator from Nebraska was a shylock compared to whom the Shylock of Shakespeare would be the soul of generosity. The Senator from Nebraska would never exact any such terms in his individual capacity. Of course not. So the parallel that the Senator would make does not apply in any way to the present question before us.

Then the Senator criticized the present administration for not protesting the invasion of the Ruhr by France. This is not the time nor the place for a discussion of that question, but I will say I can not follow the reasoning of the Senator from Nebraska when he criticizes the present administration for not assisting Germany to secure a modification of her contract, and at the same time contends that we shall insist upon the full letter of ours. If we have a right, sir, to insist, and if it is our duty to insist, as representing the American people, on the full amount of interest, upon what ground would the Senator from Nebraska criticize the administration for not protesting to France when she is trying to enforce her contract?

Mr. President, I believe that though, of course, this is not the time to discuss the matter, that the reparation terms and certain other provisions of the Versailles treaty are too severe. I think they ought to be modified; but the United States will be in a poor position, indeed, ever to suggest its good offices for a modification of the contracts that exist in Europe if the policy proposed by the Senator from Nebraska be now followed.

Mr. HITCHCOCK. Mr. President, I think the Senator from Wisconsin has possibly forgotten what provoked my remark. He defended this bill as being a great effort on the part of the United States to stabilize conditions in Europe, and he sought to justify a sacrifice of $1,666,000,000 and the levying of a corresponding amount of taxes on the American people for that purpose. I called his attention to the fact that the present administration, which seeks to impose upon the American people that sacrifice for the alleged purpose of stabilizing conditions in the Old World, had neglected the opportunity which it had to prevent the exploitation of the Ruhr, the demoralization of Germany, and, probably, also the demoralization of France and the whole European continent consequent upon that reckless and foolish invasion.

I said that if the administration had desired to stabilize the conditions in Europe, that threatened invasion presented the opportunity, without one dollar's expense to the American people, to make a great contribution to the cause of stabilization by making a strong protest.

The Senator from Wisconsin has somewhat mixed my illustration. I put myself in the attitude of going to him to seek the loan of $5,000, but I will accept it the other way and assume that he comes to me and seeks a loan of $5,000. I make him the loan, as he has stated, I borrow it from my own family, and he spends the money, as he has stated, among members of my family, and my life and my family are saved. Has the Senator forgotten the one who borrowed the money? He did not borrow that money of me, figuratively speaking, to save my life, but he borrowed it to save his own life—and that is why Great Britain borrowed the money from the United States, and it did save her life. The Senator has forgotten that side of the transaction.

Senators, in their anxiety to consider the equities on the other side, forget all the great sacrifices that the United States made. The British Empire was saved by that loan.

Mr. LENROOT. Mr. President, will the Senator from Nebraska yield to me?

Mr. HITCHCOCK. Yes.

Mr. LENROOT. Of course I assume that the Senator and every other American understands that that money was borrowed primarily by England in order to save herself.

Mr. HITCHCOCK. Yes.

Mr. LENROOT. But it also at the same time assisted in saving the lives of Americans and a great amount of money for Americans.

Mr. HITCHCOCK. I notice the Senator in his speech failed to suggest anything of that sort. He spoke of borrowing $5,000 of me and spending it with my family for the sake of saving my life and my family's life; but the real motive in borrowing the money was to save his own life, and the motive Great Britain had in borrowing this money was to save the life of the British Empire.

Mr. LENROOT. Does the Senator admit that the expenditure of that money did have the effect of saving any American lives or saving any American dollars?

Mr. HITCHCOCK. Well, I am not going into that question.

Mr. WALSH of Montana. Mr. President, if the Senator will permit a suggestion, we saved the lives of, perhaps, a million English soldiers at the same time.

Mr. HITCHCOCK. Mr. President, I am not here in an anti-British attitude. I have said that I had expected when this proposition came up to vote for it. I quite approve the present attitude of Great Britain in world affairs. I realize that we were in a great cause together; and I realize that we ought to deal justly and even generously with Great Britain; but I say there is a limit. I contend that we should say to Great Britain, "Repay that money when you can, in 25 years or 40 years, or 50 years, or 60 years, and make the terms to suit yourself, but do not expect us to tax the American people in order to let you have the money at 3 per cent or 3½ per cent when we have got to pay 4 per cent or 4¼ per cent."

I am entirely willing that Great Britain should use the credit of the United States, the finest in the world. I am willing that Great Britain should be able to borrow through us as cheaply as we can borrow for our own purposes; but I say that is the limit; that is where the representatives of the American people ought to stop. We have not any right to lay this extra interest burden of $1,666,000,000 upon the people of the United States.

The Senator from Arkansas [Mr. CARAWAY] criticized me because, while I voted for reducing the rate of interest from 5 per cent to 4¼ per cent, I am not willing to go further. The cases are entirely different. Why did I vote to reduce the rate of interest to 4¼ per cent? It was because that was all we were paying, and we could afford to loan Great Britain money at the rate of 4¼ per cent. Being able to borrow it at that rate, we could lend it at the same rate without laying any additional burden upon the American taxpayer. That is what we ought to do. I am not in favor of making any money out of Great Britain. All I think Great Britain should do is to compensate the American Government for what it is compelled to expend in extending her this great credit.

Mr. HEFLIN. Mr. President, the Senator from Missouri [Mr. REED] is entirely right when he says that the members of the American Debt Funding Commission violated the act of Congress. There can be no question about that. We ought to get that clearly settled in our minds. The American members of the Debt Funding Commission have either complied with that act or they have not complied with it. Congress either meant to say that they could give a longer time for the payment of this debt than 25 years or they did not mean to say that; they either meant to say that less than 4¼ per cent interest could not be charged on the debt or they did not mean to say that. We intended to fix the limit at 25 years. We certainly intended to fix the rate at 4¼ per cent. The American debt commissioners, however, met the British envoys in secret conclave. The public knew nothing about their discussions; they were sitting behind closed doors with the Secretary of the Treasury, and every member of our commission was a partisan Republican. *No* Democrat was permitted to sit upon that commission. As a Democrat, I resent that. The Democratic people of America were entitled to have representation upon that commission. The fact that they were not allowed representation upon it has always clouded the whole thing with suspicion. It did so in my mind and it did so in the minds of millions of people in America. Why were not the Democrats given representation upon that commission? Well, they were not given representation.

When the Republican members of the Debt Funding Commission met the brilliant and overmastering intellects of Great Britain what happened? Did the representatives of Great Britain ask us to concede them an interest rate of 3 per cent or 3½ per cent? No. Who was it that made that proposition? It was the American commissioners. Who was it that went to the British envoys and said, in substance, "We will make you this proposition: To tax the American people $57,000,000 a year for the first 10 years on this indebtedness in order to give you that amount; and we are willing to make you a proposition of 3 per cent and 3½ per cent when we have to pay 4¼ per cent." Who was it that made that proposition? We are told that it was the American commissioners who made it and not the British envoys.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield.

Mr. SMOOT. Mr. President, the commission has not agreed that the rate should be anything. Your commission said that they would present the question to Congress, as they had no power under the law to say that there should be an agreement between this country and Great Britain for a rate of interest of 3 per cent for 10 years and 3½ per cent thereafter. I will say further to the Senator that is what we are here for now; we are presenting the proposal to Congress, and it is for Congress to say whether or not we shall make the final agreement.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. HEFLIN. As my time is very limited, I hope the Senators will not consume my time.

The PRESIDING OFFICER (Mr. POINDEXTER in the chair). The Chair understands the Senator from Alabama declines to yield.

Mr. HEFLIN. I will yield to the Senator from Massachusetts if he will be brief.

Mr. WALSH of Massachusetts. I merely wish to say to the Senator that the record of the Finance Committee shows that his statement is correct. The members of the American Debt Funding Commission first presented the proposition of 3½ per cent.

Mr. SMOOT. It was a compromise, as I have stated a number of times, and no one tried in any way, shape, or form to have any Senator or any Representative or any American believe that it was otherwise.

Mr. HEFLIN. Mr. President, I have not the time to yield to the Senator to make a speech. If he desires to make a speech he will have to make it in his own time.

Mr. REED of Missouri. Will the Senator from Alabama permit me to ask one question?

Mr. HEFLIN. Certainly.

Mr. REED of Missouri. I should like to ask the Senator from Utah if the American commissioners ever laid these terms down on the table and said to the British representatives: "This is the limit of our authority; we expect you to accede to it?" Did the American representatives ever do that or anything like that?

Mr. SMOOT. Great Britain knew that before she ever sent her representatives over here, and every other country likewise knew it.

Mr. REED of Missouri. I take it the American representatives did not do it, then.

Mr. SMOOT. I will say to the Senator that it was impossible to settle upon those terms, and everybody knows it.

Mr. HEFLIN. Mr. President, I can not yield for the Senator to make a speech.

Mr. SMOOT. I do not want the Senator to yield to me at all.

Mr. HEFLIN. Why did not the Senator or the commission of which he is a member come back here and ask Congress to change the law?

Mr. SMOOT. That is what we are doing now.

Mr. HEFLIN. Here is what the Senator said in a colloquy with me on the floor of the Senate when I was demanding that the Democrats be represented in the handling of this indebtedness owed to the American people and amounting to $12,000,000,000:

> I will say to the Senator right now that no human being can settle the debt under the law existing to-day, and a request will be made, I hope, for the modification of the law.

Did they ever make such a request? No, Mr. President, they did not. They did not come back and ask us while the British envoys were here to change the law and let the Congress or the American people say whether or not this thing could be done. They waited; the British envoys went home; the British cabinet acted, and it was submitted to us after our instructions had been violated and an interest rate granted below that which the overburdened taxpayers of America must pay.

Mr. President, I am in favor of the amendment offered by the Senator from Arkansas [Mr. ROBINSON]. If we are going to continue this commission in the task of handling this foreign indebtedness, for God's sake let Congress have some right to pass upon the settlements proposed, because in this instance they did not wait for the British envoys to suggest what they

could do but they themselves suggested a rate away below that which we paid. What would any business man do if his agent were to go out to collect a debt and begin by offering a lower rate of interest than his employer had to pay for the money he was sent to collect? He would be discharged. What ought to be done with this debt commission? Discharged, of course. Yet it is provided in the proposed law that the commission shall continue to handle debts aggregating about $9,000,000,000 owed to the American people, and it is proposed to give the President, another Republican, the right to approve it by signing his name to the settlement proposed. Oh, Senators, if you put that thing over it will be the culmination of a lot of big deals and smooth-artist work that this Republican Congress has put over to the detriment and injury of 100,000,000 people.

Mr. CAPPER. Mr. President, I send to the desk and ask to have read resolutions urging the approval of the British debt settlement, recently adopted at Louisville, Ky., by the executive committee of the National Council of Farmers' Cooperative Marketing Associations, representing about 1,000,000 producers in Southern and Western States.

The PRESIDING OFFICER. Without objection, the Secretary will read the resolution.

The reading clerk read as follows:

Resolutions adopted by the executive committee of the National Council of Farmers' Cooperative Marketing Associations in Louisville, Ky., February 3, 1923.

The executive committee of the National Council of Farmers' Cooperative Marketing Associations recognizes:

That the farmers of the United States have a more important and more direct interest in the establishment of normal economic conditions in Europe than all other commercial groups in this country; and

That approximately half of the cotton, one-third of the tobacco, one-fourth of the wheat, and vast quantities of corn, beef, pork products, and fruits produced in the United States are normally sold into European consumption; and

That the ability of the European nations to purchase and pay for the exported portions of these great crops is the determining factor in the prosperity of more than 5,000,000 American farm families; and

That the Government of the United States, in order to enable the majority of the American farmers to sell their crops and to maintain a decent standard of living in their homes, must exert itself in every way to aid in the economic readjustment of Europe; and

That the first step in this economic readjustment is the preservation, as far as possible, of the purchasing power of Great Britain; and

That in the first 11 months of the year 1922, out of less than $800,000,000 value of exports from this country to Great Britain, more than $500,000,000 was represented in cotton, tobacco, grains, and live stock products, and that the ability of Great Britain to buy such crops is today the most critical and vital factor in the markets for American farm products, and that the weakening or crippling of the purchasing power of Great Britain would be a calamity to the American farmer; and

That any attempt to force Great Britain to pay its existing indebtedness in such annual amounts as will decrease the normal purchasing power of Great Britain will harm the American farmer and, through him, the entire American people without a corresponding benefit to any group whatsoever; and

That every effort ought to be made by Congress to extend the payment of the British debt over the longest possible number of years and with the lowest interest rate compatible with the position of this country as the leading international creditor; and

That this executive committee, representing the National Council of Farmers' Cooperative Marketing Associations, herewith urges upon Congress immediate approval and acceptance of the terms recommended by the American commission on the refunding of the British debt, namely, an extension in time of payment to a period of 62 years, with the interest immediately at 3 per cent, and later at 3½ per cent, under the specific conditions recommended by Secretary Mellon and his associates on that commission and accepted by the British Government.

* * * * * * *

Mr. REED of Missouri. Mr. President, who signs this document?

The PRESIDING OFFICER. The paper contains this heading:

Resolutions adopted by the executive committee of the National Council of Farmers' Cooperative Marketing Associations, in Louisville, Ky., February 3, 1923.

Mr. REED of Missouri. What Senator presented the memorial?

The PRESIDING OFFICER. The Senator from Kansas [Mr. CAPPER].

Mr. GLASS. Mr. President, I may say to the Senator from Missouri, since I received a similar communication, that it was forwarded to me by Colonel Bingham, the owner and publisher of the Louisville Courier-Journal, who is, as I am told, an officer of this association.

Mr. WALSH of Massachusetts. Mr. President, I send to the desk a statement made by President Wilson in reference to the cancellation of these debts and ask to have it read by the Secretary.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The reading clerk read as follows:

PRESIDENT WILSON SAYS THERE IS NO INCENTIVE, DESIRE, OR REASON TO CALL UPON THE UNITED STATES FOR FURTHER CONTRIBUTIONS.

President Wilson, in refusing the cancellation plea of the chancellor of the exchequer, replied that he would not "transfer from the peoples of the debtor Governments to the shoulders of the people of the United States the taxes necessary to liquidate the outstanding obligations of the United States Government, representing the loans made by it to the allied Governments. The United States Government in little over two years raised for war purposes through taxes and loans approximately $37,000,000,000, out of which were made to the allied Governments the loans to assist them in winning the war. The United States Government has neither received nor sought substantial material benefits from the war or under the terms of the treaty of peace. On the other hand, the Allies, although having suffered greatly in loss of lives and property, have under the terms of the treaty and otherwise acquired accessions of territory, properties, raw materials, and other advantages, including their claims against Germany for vast indemnities. It would seem that if full account were taken of these there would be no incentive, desire, or reason to call upon the United States for further contributions."

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah rise to speak upon the amendment offered by the Senator from Arkansas?

Mr. SMOOT. Yes.

The PRESIDING OFFICER. The Chair is informed that the Senator has already spoken once.

Mr. SMOOT. Oh, Mr. President, I have not spoken on the amendment at all. I have not been recognized.

The PRESIDING OFFICER. The Secretary so advised the Chair. The present occupant of the chair was not present at the time, and will accept the statement of the Senator from Utah.

Mr. SMOOT. The Senator from Alabama [Mr. HEFLIN] yielded to me.

Mr. HEFLIN. I do not think the Senator from Utah has spoken on this amendment.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. SMOOT. Mr. President, I do not know why Senators are trying to lug in the question of the cancellation of the foreign debts. President Harding never has been in favor of canceling the debt. Not one member of the commission has been in favor of canceling the debt. I do not know of any American, outside of the propagandists in this country who are carrying on this agitation, who are in favor of canceling the debt. I know that argument was used from one end of the country to the other in the last campaign, but there was not a particle of truth in it. I know that the commission was charged upon the stump with being in favor of canceling the debt, but there was not a word of truth in the charge. Not a syllable can be found, in the public press or otherwise, where the President or a member of the Cabinet has ever intimated that the debt ought to be canceled.

Mr. REED of Missouri. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Missouri?

Mr. SMOOT. Yes; I yield.

Mr. REED of Missouri. If we should extend this loan 62 years and not charge any interest, would not that be equivalent to cancellation of the principal?

Mr. SMOOT. And not charge any interest?

Mr. REED of Missouri. Yes. Would not that be just as bad as canceling the principal?

Mr. SMOOT. There is no such proposition, and no one wants to cancel the interest.

Mr. REED of Missouri. Well, the Senator concedes the point——

Mr. SMOOT. No; that would not be canceling the debt. It would be canceling the interest.

Mr. REED of Missouri. Yes. Does the Senator pretend to say that if we make this loan at less than a fair rate of interest, it is not exactly the equivalent of reducing the principal?

Mr. SMOOT. It is reducing the interest, Mr. President.

Mr. REED of Missouri. Does it not have the same effect in dollars and cents as reducing the principal?

Mr. SMOOT. No; it does not, Mr. President.

Mr. REED of Missouri. Then the Senator's mathematics are defective.

Mr. SMOOT. Mr. President, I am not going to take the time to discuss that matter. The principal is $4,600,000,000, and they are to pay it. The only question is as to the rate of interest.

The Senator speaks of a fair rate of interest. The rates of interest provided are fair as between two solvent governments. I know that the Senator from Alabama [Mr. HEFLIN] says, of course, that this commission is composed of ignoramuses who know nothing about finance, and that the great, brilliant minds of England overawed the commission.

I expected the Senator from Alabama to be more severe than that. I have said twice on the floor of the Senate already that the only proposition that was made by the American commission was that the rate of interest should be 3½ per cent straight through the 62 years. We did not say that that could be ac-

complished. We said that we would submit it to the President of the United States and ask the President of the United States to request Congress to ratify it. There never has been a word said by any member of this commission to the British representatives to the effect that we had power to settle at any rate other than 4½ per cent and the 25-year limit of time.

Now, Mr. President——

Mr. HEFLIN. Mr. President, will the Senator yield just there?

Mr. SMOOT. Just wait until I finish the sentence, and then I will yield.

Mr. President, the 3½ per cent rate of interest was cabled to England, and the British Government, through its premier, cabled back that it was impossible for the British commission to accept it. Then there were further conferences held, as I have said before; and in those conferences, after the explanations that were made, knowing the conditions existing in Europe and in the world to-day, knowing that something had to be done to bring about stability in the economic condition of the world, we did say that we would present this modification looking to the payment of 3 per cent interest for 10 years and 3½ per cent for the balance of the 62 years.

Mr. HEFLIN. That was the question I was going to ask the Senator. Did not the American commission offer that suggestion to the British envoys themselves?

Mr. SMOOT. Mr. President, I have stated here on the floor of the Senate—and I have not time to repeat now the whole story—that it began with a proposition from Great Britain of an annuity plan. There is no need of my going over that.

Mr. HEFLIN. Did they ask for 3 or 3½ per cent, or did we offer that as a suggestion?

Mr. SMOOT. It was a compromise proposition, and the commission thought there could be no better arrangement; and I want to say to the Senate of the United States that if we fail now to make this settlement I do not know whether we are going to secure a settlement or not.

Mr. HEFLIN. Who suggested the compromise?

Mr. SMOOT. Why, of course, the Senator ought to know who suggested it from what I have already stated.

Mr. HEFLIN. I do not know anything about what you did behind closed doors.

Mr. SMOOT. There was nothing done behind closed doors that the whole world may not know. After the British Government said that it was impossible to pay 3½ per cent, then they did submit this proposal and ask us if we would not yield that amount—that is, one-half of 1 per cent per annum for 10 years.

I see that my 10 minutes are up, and I should like to have a vote as soon as possible.

Mr. TRAMMELL. Mr. President, those favoring the debt settlement set forth in the pending bill, or many of them, at least, seem to think that America still owes a debt to Great Britain for the way in which Great Britain saved us from sudden disaster when war was impending. Very seldom have I heard any of those advocating the adoption of this bill say one thing in regard to any debt of gratitude Great Britain owes to the United States. Their line of argument throughout seems to be that we owe a great debt to Great Britain, that we did not do our duty during the war, that we did not assist them sufficiently during the war, and that now we must forgive them a billion eight hundred million dollars of the indebtedness they incurred for loans obtained from us.

Well do I recall when the British mission came here appealing for assistance and appealing to the American Congress and to the Chief Executive of this Nation for financial aid and for aid in men to go to the front to save them from the disaster that was impending. I dare say that at the time Great Britain borrowed this money from this Government they felt they were getting a great accommodation from the American Congress; they felt that, in justice, they should pay the interest which had to be borne by the American people for the money which was being loaned to them.

Had it been heralded throughout the United States, when we were floating our Liberty bonds, that we were giving 4¼ per cent on those Liberty bonds for a loan to Great Britain, contemplating that three or four years after the war we would reduce the rate of interest to Great Britain to 3 per cent, although the American people had to continue to pay the 4¼ per cent, I dare say there would not have been such enthusiasm and such response to the calls of the American Government for our people to purchase Liberty bonds.

The people of this Nation naturally thought, when they were providing those funds, that America was carrying its part of the expenses of the war—and it was, and nobly so—that Great Britain would return to this Nation the money she was borrowing, and that she would at least pay the rate of interest which the American Government was required to pay for the loans.

This proposition, leaving off all of the frills, involves the proposition of the American people having the debt for interest shifted from Great Britain and placed upon them, to the extent of the difference between 3 and 4¼ per cent. America was generous with Great Britain throughout the war, rendered every assistance she could, and I think properly so, and she has been generous since the war. We proposed to allow them until 1922 to make an adjustment; we proposed to give them a long time in which to pay the bonds; and then to say that we will shift the burden from the British people to the American people of paying the interest upon the funds which we loaned them I think is asking a little too much generosity, more generosity than should be expected of the American people.

Many Senators here have talked about what would have happened to our boys if the British had not secured the loan and carried on the war as vigorously as they did. What would have happened? But what would have happened to Great Britain had America not loaned them the money? What would have happened to her had we not sent our forces to the front? Where would Great Britain have been? Whatever I say upon the subject I say with no unfriendly spirit to Great Britain. I feel very friendly to that nation. Some talk about unfriendly spirit and the pound of flesh. We do not want to exact the pound of flesh from Great Britain, nor do we want the pound of flesh extracted from the American people. I can not see why, in justice, this debt should not be paid by Great Britain, and in my opinion it is an injustice to shift the obligation for the payment of the interest upon the debt to the American people to the extent of $57,000,000 the first year, and throughout the life of this contract to the extent, as suggested here, of $1,800,000,000 in principal—and in effect, if we cancel a part of our interest it is the same as canceling a part of our debt. I dare say that Great Britain would just as soon have us say we cancel $1,000,000,000 of the indebtedness and maintain our interest rate. What difference does it make? But instead of that the rate has been reduced.

We should not charge the British Government any greater rate of interest than we have to pay upon these funds, but, on the other hand, in my opinion we should not require the American people to contribute the difference between 3 and 4¼ per cent, the latter being the rate we are required to pay on this indebtedness.

Of course, some Senators say that it is not a question of taxation, and that it does not make any difference about this money one way or the other. If that is true with regard to the interest, it must be true with regard to the principal, so why not cancel it all? You say the people will never get any benefit from this fund. Then why ask them to reimburse the Federal Treasury for money expended on that account? The argument is unsound.

As far as stabilizing conditions is concerned, all favor that, but it is a matter of settling a debt in a just way. We all want to see an adjustment, but it should be settled and adjusted without requiring the American people to suffer this great loss.

I feel that if there had been a little more vigor, a little more energy, a little more seeing the question from the American standpoint rather than seeing it from the British standpoint, we could have gotten a better contract for adjustment.

I never saw anybody who set out to do a thing who could accomplish it if he said that he could not do it—in finance or in endeavor of any character—and when our commission set out and said they could not expect to get over 3½ per cent; that we were paying 4¼, but that Great Britain would not be able to pay that, although they obligated themselves to do it, we should not have expected them to accomplish anything. But the fact that our commission may not have exerted the energy and the eagerness in behalf of America which should have been exerted does not commit me to a policy of voting for a contract or for a bill which, in my opinion, does not represent a zealous conservation of American interests.

Mr. GLASS. Mr. President, it is my purpose to vote for this adjustment of Great Britain's indebtedness to the United States, primarily because I am one of those who think that the indebtedness of the United States to Great Britain is quite as great as Great Britain's indebtedness to the United States.

Secondarily, I will vote for the adjustment because I believe it a sound economic business arrangement. I shall briefly discuss these two aspects of the case, taking the last proposition first.

Great Britain has not sought to reduce her indebtedness to the United States. No responsible statesman of Great Britain has ever suggested, for her own advantage, the making of any

specific settlement contrary to the intent of the original transaction. The British premier on one occasion did suggest that Great Britain would be willing to forgive the indebtedness of the nations which were indebted to her, provided the United States would consider a similar adjustment of Great Britain's indebtedness to this country. But an arrangement of that sort would never have been of advantage to Great Britain. She would have lost billions of dollars by the adjustment.

What have we immediately confronting us? The Congress of the United States proposed a settlement of our foreign indebtedness. It appointed a commission, its complexion of one party, it is true; but that does not affect the merits of the discussion. That commission invited representatives of Great Britain to come to America to discuss and adjust the debt.

The American commission, finding it could not impose on our former ally the rates and maturities prescribed by the act of Congress, suggested an arrangement to the representatives of Great Britain which the commission would be willing to submit to the President of the United States, and the President in turn submit to the Congress of the United States; and here we are now discussing that arrangement.

INTEREST RATE FAIR.

I say, Mr. President, it is eminently a fair arrangement, as far as the interests of the United States are concerned. The interest basis is fixed in the light of the experience of all great nations in the world with national debts over a long period of time; and the assumption that we will lose $1,666,000,000 by the transaction is a figment of imagination. It is contrary to the history of national indebtedness the world over. It is based upon the idea, which is preposterous, that the rate of interest which this great, rich and powerful Nation will be compelled to pay for 62 years on its indebtedness will be 4½ per cent. The consensus of opinion among men schooled in matters of this sort is that for that period, in the aggregate, the United States will receive more from Great Britain than this Nation will ultimately pay on interest account. That, I assume, without being in the confidence of the commission, is why these rates of interest were fixed at the figures indicated. So I say that, as a business proposition, it will inure to our advantage.

But it is said we must consider only the economics of the case. Let us extend our vision a little and see what the economics of the case are.

MONEY SPENT HERE.

Every dollar of the $10,000,000,000 was expended in our own country, among our own people, for the wares and supplies which they furnished to Great Britain, sold at profiteering prices three years before we entered the war, sold at profiteering prices after we entered the war. But it is said we may not properly take into consideration the great era of prosperity in America that the expenditure of the $10,000,000,000 brought about. It is said that because some American manufacturers made money and American business men made money out of the transaction it is of no moment to the Congress of the United States in the adjustment of a question like this. Has it not an intimate bearing upon the economics of the transaction?

ENORMOUS TAXES DERIVED.

I draw the attention of the Senate to one fact which has not been mentioned in the discussion, which is that the Government of the United States itself derived from taxable profits for the two years that we were in the war, largely by reason of the expenditure of the $10,000,000,000, at least $4,453,000,000 in taxes. In short, this Government in two years of the war derived in taxes on excess war profits $4,453,000,000, a sum in the aggregate almost as great as the total principal indebtedness of Great Britain to the United States. Is not that a question of economics?

DOLLARS TO SAVE LIVES.

Mr. President, it has been said—and perhaps too greatly accentuated and exaggerated—that this Government was in no state of preparedness when it went into the war, when it assumed a part of the burden of that cause for which Great Britain struggled three years before we took our place beside her. We were not, in point of fact, well prepared. But in the course of time, Mr. President, we transported across the seas 2,000,000 American boys, not one of whom suffered death on the water at the hands of the enemy. We did this when hospital ships, under protection of the Red Cross, could not safely cross the English Channel. Let us suppose that Great Britain's fleet had not held the German fleet behind Helgoland, cowering and afraid to venture out. Let us suppose that by our failure to loan the $10,000,000,000 the German fleet had come out and ranged the high seas, what would have been the story? Instead of transporting 2,000,000 troops without the loss of a man, hundreds of thousands of American soldiers would have found a grave at the bottom of the Atlantic Ocean, food for sharks and other monsters of the sea.

Oh, it is set up in reply that had we not made the loan, had we not gone to the rescue, what would have become of Great Britain? The same thing would have become of her as later would have become of us. She and we would have been the prey of an autocratic barbarian power. That is what would have become of her and that is what would have become of us.

The VICE PRESIDENT. The Senator's time has expired.

Mr. SWANSON. Mr. President, I ask unanimous consent that the 10 minutes to which I am entitled may be used by my colleague.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. I would like to consent, but really I do not think we ought to do that.

Mr. GLASS. Very well; I shall avail myself of an opportunity later to conclude.

Mr. ASHURST. Mr. President, I desire to ask the Senator from Virginia a question in my time.

The VICE PRESIDENT. The Senator from Arizona.

Mr. ASHURST. I would like to ask the Senator from Virginia to give us the number of men that were transported overseas, and to do it in such an elaborate way as that he will take 10 minutes.

Mr. HARRISON. Mr. President, I ask unanimous consent that the unanimous-consent order be so construed that a Senator may occupy 10 minutes on an amendment and continue for 10 minutes on the bill.

Mr. SMOOT. I do not think I can consent to that.

Mr. GLASS. I hope no modification of the order will be made in my favor. If I am not contributing to the debate in the sense that I would like to contribute to it, and thereby impressing the Senate with the importance of passing the measure, I do not care to speak further.

Mr. SMOOT. I was about to ask unanimous consent that the Senator from Virginia be allowed to proceed 10 minutes longer, but I want to give notice now that hereafter, no matter on which side of the question a Senator may speak, I shall object to any such arrangement. I ask unanimous consent for that purpose.

Mr. HEFLIN. Mr. President, I want to ask the Senator from Utah why it is that he would not permit the Senator from Virginia [Mr. SWANSON] to yield 10 minutes of his time to his colleague, just as the Senator from Arkansas [Mr. ROBINSON] yielded his 10 minutes to his colleague, the junior Senator from Arkansas [Mr. CARAWAY]?

The VICE PRESIDENT. The Senator from Mississippi [Mr. HARRISON] has the floor.

Mr. HARRISON. The order adopted allows 10 minutes discussion on amendments and 10 minutes additional on the bill. It has been construed that we have to utilize that period at different times. It would seem to me, and I have seen it so enforced here before, that we might be permitted to take 10 minutes on an amendment and continue for 10 minutes on the bill. It is merely utilizing the time on the bill in continuing the remarks which the Senator has been making on the amendment, a course which certain Senators may prefer. It is applying the rule not alone to the Senator from Virginia but to everyone else.

Mr. SMOOT. If we do not live up to the unanimous-consent agreement, I do not know when we shall get through with the bill. However, I now ask unanimous consent that the Senator from Virginia be allowed to proceed 10 minutes longer on the pending amendment.

Mr. NORRIS. The Senator from Utah has said that if we do not observe the unanimous-consent agreement we will never get through with the bill. I am perfectly willing that we should proceed as we have already done, which is in violation of the unanimous-consent agreement, but if we apply it to one Senator then why not let everybody else have the same opportunity?

Mr. SMOOT. That is true.

Mr. NORRIS. If we extend it to one Senator, let us make it open and let it apply to everybody. Either do that or else let it apply to nobody.

Mr. SWANSON. No time would be taken by the Senate that would not otherwise be occupied. I am entitled to speak 10 minutes on the amendment. Every Senator here is entitled to speak 10 minutes on it, whether it pleases the Senator from Utah or not. I asked unanimous consent that my 10 minutes be transferred to my colleague, the junior Senator from Virginia. The Senator from Utah objected. It would not increase the total time taken on the bill, because every Senator is entitled to 10 minutes.

Mr. NORRIS. If we are to start on such an arrangement, let us understand that if the Senator from Virginia can yield 10 minutes to his colleague, I can yield 10 minutes to some other Senator as well.

Mr. SWANSON. I have no objection to that.

Mr. NORRIS. I shall not object to that general arrangement, but I do not want it applied to one Senator and not to every other.

Mr. GLASS. Mr. President, I think the Senator from Nebraska is quite right. I am able to take care of myself. Later on I will get time to say what I have to say on the subject.

Mr. HARRISON. I ask that my unanimous-consent request be put.

The VICE PRESIDENT. The Senator from Mississippi has submitted a unanimous-consent request.

Mr. LODGE. Mr. President, I desire to be heard on that request. I think there is no one in the Senate who could have admired more the speech being made by the Senator from Virginia and the power with which it was being made or who could be more anxious to give him all the time he needs than I am; but if we do not enforce unanimous-consent agreements literally and absolutely, it will be impossible to do any business in the Senate. Unanimous-consent agreements have always been sacredly observed, and I do not think they ought to be violated now.

Mr. ASHURST. Mr. President, I call for the regular order.

The VICE PRESIDENT. The Chair understood the Senator from Utah to object. The question is on agreeing to the amendment proposed by the Senator from Arkansas [Mr. ROBINSON].

Mr. WALSH of Montana. Mr. President, I want to call the attention of the Senator from Arkansas to the fact that——

The VICE PRESIDENT. Has not the Senator from Montana spoken once on the amendment?

Mr. WALSH of Montana. I am merely suggesting a modification to the Senator from Arkansas. If the amendment which he has presented should be adopted the Senator would have to identify in some specific way the commission referred to in his amendment.

Mr. ROBINSON. I shall have no objection to that. I shall make no objection to the modification of my amendment if it becomes necessary.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Arkansas.

The amendment was agreed to.

The VICE PRESIDENT. The Senator from Virginia may now take 10 minutes on the bill if he desires.

Mr. GLASS. I believe I was trying to discuss the economic aspects of the question when my time expired.

BRITAIN'S "CONTEMPTIBLES."

Mr. President, I do not concede that there are no sentimental aspects of the question. I think there are. I think it is ungracious in a great American legislative body to forget some things that have happened in recent years. It seems, however, that we may forget England's "Little Contemptibles," 100,000 strong, which, in a very exigent moment, held back the horde that was threatening the civilization of the earth until ultimately every man of this army perished and went to his reward. To forget an incident like that, Mr. President, and turn to caviling over the fact that Great Britain took into prize courts American schooners laden with guncotton for the Kaiser's artillery seems to me unseemly in the Senate of the United States in adjusting a matter of this moment.

EDITH CAVELL.

As I conceive, Mr. President, it is an affront to the high spirit of American womanhood that we should shut out the sublime vision of Edith Cavell in order that we may turn to taunt Great Britain with having taken some oil from the "unspeakable Turk," whose hands are yet dripping with the blood of a million helpless women and children because followers of Jesus Christ. I am willing momentarily to risk my salvation in eternity, Mr. President, for the satisfaction of saying I keenly regret Great Britain did not do a service to civilization by driving every one of these savage creatures into the unmeasured depths of the Mediterranean Sea.

YPRES!

I could wish it had been the privilege of every American citizen, as it was mine, to stand on the battle field of Ypres and behold that shattered little village, not worth the life, perhaps, of one heroic Briton, except as a symbol of human liberty; and follow there the trail of butchery and blood as it led over that fateful plain to the heights of Passchendael and Kemel from which the German hordes could see the waters of the British channel and felicitate themselves upon an early triumph over the forces of righteousness. It was there that civilization was again saved by the valor and prowess of British arms; and it is sickening to turn from a scene like that, where lives were cheerfully given for a cause which was our cause, though belatedly espoused, to praise our own generosity in refraining from making a profit out of loaning our ally a few silver dollars to bring back India from the verge of financial collapse, perhaps of revolution. Had we hesitated an hour, we might have cut off the train of supplies for all the eastern armies of those nations with whom we were fighting the war.

"POOR GERMANY!"

Oh, Mr. President, it seems that we may submerge all recollection of the *Lusitania* in our tears for "poor Germany." We forget that her idealists, as well as her men of practical activities, deliberately sat at the council board and wrote down in plain words, textually and in figures, what Germany proposed to do when she should have won the war. What a shame it is that French and Belgian troops now tramp the sacred soil of Germany, the nation that profaned every shrine, desecrated every temple in Belgium, dynamited every mine, and robbed every industrial establishment in northern France. And it was proposed by these Germans, deliberately and in cold blood, to exterminate the kingdom of Belgium and to bring it, geographically and politically, under serfdom to the German Empire. It was proposed to confiscate every foot of the industrial territory of northern France and to exact in tribute of money an inconceivable sum. With a cunning and cruelty almost beyond the human imagination, these Prussians sat down, cut Paris into districts, first one, then another, to be destroyed, unless the French, fighting in our cause, would submit to the tyranny of these autocrats, these Huns, over whom we are now shedding tears and uttering phrases of pity—aye, not merely phrases of pity, but of violent condemnation of the men by whose side our boys fought. Perchance it may be that France has made a mistake economically, but it is a mistake that mighty few men of spirit in America similarly circumstanced would not have made.

FORGETTING OUR DEAD.

Oh, "we won the war." Yes; Great Britain was first to say so; France at another time said so; and ever since we have delighted to think so. Yet there are resting beneath the sod today one and a half million of British boys and quite as many of the French, not to speak of the Italians and the Belgians. Our boys would have won the war; there are none braver, no greater valor was ever exhibited anywhere; and yet we are forgetting Belleau Wood, we are forgetting Chateau-Thierry; we are forgetting St. Miheil; we are forgetting our dead, as well as the dead of Britain and the dead of France, in a maudlin sympathy for a whimpering bully who would have conquered the earth but for having been intercepted in his barbarous and inhuman warfare.

We won the war! Yes. We entered it opportunely. I conceive, as others conceive, that without our having gone in the war might have been lost. God pity America had it been lost, for already the tyrant was impudent enough to tell the American ambassador at Berlin that it would be our turn next; and it would have been our turn next, when, instead of fighting side by side with Britain's sons and the sons of France and Belgium and Italy, we would have had to fight alone. There would have been no economics in that.

Our contribution was money and theirs was lives. "Nominated in the bond," as the phrase of Shylock runs, and as repeated here to-day. Mr. President, under the Venetian contract there was to be no drop of blood shed in penalty of capital reprisal; but in this case, my God, British blood flowed in streams before the bond was executed and after the bond was made. We can not avoid seeing some things of this sort. Oh, Mr. President, I believe I have, in very indignation, exhausted myself if not the subject of the moment.

Mr. HEFLIN. Mr. President, I desire to consume the 10 minutes which I have on the bill.

I do not have to defend my record when the World War program was being carried out. I have a statement in my office that I prize very highly made about me by the Commander in Chief of the Army and Navy, Woodrow Wilson, when the World War was on. I recall very vividly the important part played by America in the great world conflict. I recall how I, as a Member of the House, advocated aid to the allied cause, and how our brave boys went to the rescue. I recall how they, in ships with no lights upon their decks at night, traversed seas infested with German submarines and how down in the body of those ships they moved slowly through the night to the battlefront to save the liberty of the world.

I recall how French fathers and mothers hailed them with delight when they stepped off the decks of our ships in the ports of France. I remember how the old men and women of France whose sons had died in battle hugged our boys' rifles and kissed our flag, and I recall the compliment paid to them by Marshal Foch when the World War was over. I recall what Sir Roger Borden, Premier of Canada, said, that the American soldiers snatched victory from defeat on the western front. I recall what happened at the Battle of Chateau-Thierry, when American troops proclaimed with united voices, "They shall not pass," and turned back the German tide, and many British officials said that was the decisive battle. I remember how in the Argonne forest and on other hard fought battlefields the American soldier beat back the German Army and saved the day. I remember how all the Allies praised America and the valor of the American soldier.

I am fond of our British cousins. God bless them! I recall very well when General Haig said to his brave British soldiers, "Our backs are to the wall; there is nothing to do but to die." What were the mothers of America doing then? I answer the Senator from Virginia that they were sending their sons, sending the priceless jewels of their household, the things they loved best, to fight and die on the battle front in France. What were the patriotic men and women of America doing? They were stinting themselves, buying Liberty bonds to send money to Great Britain to help her in the war against Germany. Has America been derelict in her friendship or duty to Great Britain? Has she been at all ungenerous with Great Britain? No.

Why, Mr. President, when Great Britain demanded that Italy store her gold in the vaults in London, when she demanded that France, bleeding white, should store her gold in the vaults in London, in order to get a loan from Great Britain, America did not demand one pound of gold from Great Britain. Were we not generous then? Were we not generous when we paid Great Britain the price she charged—many millions of dollars—for convoying our troops to the battle front to save her life? Were we not generous when we permitted Great Britain to fix her own charges against us for other war expenses, and we paid them without a murmur? I ask, in the name of our own dead who sleep in the soil of France, whose fathers and mothers are hard pressed in America to get money to pay their taxes much less their debts, are we ungenerous to Great Britain now when we ask that she pay simply and solely no more, no less, than the interest rate that we ourselves have to pay for the money that we loaned to her?

I submit to the Senate and to the country that we at least ought to be just to our own people before we are generous to any people beyond the confines of our own country. Who can say, now, that we are being hard on Great Britain?

Coming back to the cold facts of the question now before us, this Republican commission violated the instructions given it by Congress. What else? It submitted to us an interest rate lower than that which we ourselves have to pay on the very money loaned, and that puts an additional burden on the American taxpayer even for the first year of $57,000,000, a bonus given to Great Britain, more money than you will appropriate for all the rivers and harbors of the United States; and still some Senators talk about being ungenerous to Great Britain!

We have been generous to her—God bless her! I bid her *Godspeed in* all of her noble and peaceful endeavors; but while I love Great Britain, I love my own country more. While I love her soldiers, I love these boys who wore the khaki, who spilt their blood on the fields of France, whose fathers and mothers are contributing to the support and preservation of my own country more than I love the soldier boys of any other country in the world. I stand and plead for fair treatment of the American soldier at home. I have voted for such treatment while others have not. I have asked at your hands adjusted compensation when others have turned the American World War soldier away. I have pleaded that the local bank which serves his father and mother should be able to borrow money at the Federal reserve banks at 5 per cent, or 6 per cent at most, while others have voted to deny them such a rate. I have pleaded for the people at home.

Not only have I paid tribute to the valor of those who are dead, but I have dared to plead for justice to the living, and I will continue to do that.

I do not have to defend my democracy or my Americanism here or elsewhere. I am willing to have the fathers and mothers of this country, and the soldier himself who bore the flag to the battle front in France, spilt his blood in its defense and offered to die for his country, to read these debates and measure me by the 100 per cent American yardstick, and see whether or not I am entitled to be classed with those who love and serve their country.

It is well enough to pay tribute to the heroic sons and daughters of Great Britain. I am willing to do that and I share in it, but I do not want us to forget our own people; God bless and help them!—a sorely distressed debt-ridden and tax-burdened people. Nine-tenths of our farmers' homes and farms are mortgaged; their Liberty bonds bought at $80 on the hundred were taken from them. Wall Street got them, and Wall Street will make millions out of the settlement that you are putting over here to-day.

The VICE PRESIDENT. The time of the Senator from Alabama has expired.

Mr. HARRIS. Mr. President, I offer the amendment which I send to the desk, and I hope there will be no objection to it. I shall have nothing to say in regard to it unless some Senator objects to it. I do not want to take the time of the Senate.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. It is proposed to add as new sections the following:

SEC. 2. That the first section of the act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign governments held by the United States of America, and for other purposes," approved February 9, 1922, is amended to read as follows:

"That a World War Foreign Debt Commission is hereby created consisting of eight members, one of whom shall be the Secretary of the Treasury, who shall serve as chairman, and seven of whom shall be appointed by the President, by and with the advice and consent of the Senate. Not more than four members so appointed shall be from the same political party."

SEC. 3. That the provisions of section 2 of this act shall not affect the tenure of office of any person who is a member of the World War Foreign Debt Commission at the time this act takes effect.

Mr. SMOOT. Mr. President, I hope the Senator from Georgia will not insist upon that amendment at this time. It can be brought up later. I do not want any amendment put upon this bill that is going to bring a dispute between the Senate and the House, or even that may bring a dispute between the Senate and the House. That is one reason why I was really anxious, as I said before, to have the last part of this bill eliminated and just have it include the terms of this settlement.

I want the Senator from Georgia to know that I very much prefer, and I think it would be better, to have the Senator offer this proposal as a bill by itself and let it come up in its regular order. We have only a little while left in this session and I think the Congress of the United States wants this measure enacted into law. Let us not take any action that will lead to any long discussion or misunderstanding.

For that reason I am going to ask that the amendment be not adopted on this bill.

Mr. HARRIS. Mr. President, I am surprised that after the debate to-day, which was devoid of partisanship, any Senator should object to putting three Democrats on the commission. The Senator from Utah knows that he has delayed the bill I introduced several weeks ago in an effort to kill it. I understood from Republican members of the committee that I would get a vote on my bill weeks ago. The Senator from Utah tried to prevent it. I was assured that there would be no objection to this bill on the other side of the Chamber, so far as the members of the committee knew. The Member of the House who is on this commission, former Senator BURTON, one of the ablest public men in this country, is not afraid of having some Democrats on it. He is not afraid of their taking any of the glory from him. There is glory enough for all.

I do not believe there is a Member of the Senate who believes that the President ought to have appointed a partisan commission to settle this matter. Under the last administration Republicans criticized President Wilson for appointing independent instead of partisan Republicans on commissions, and they often referred to this in partisan debates in the Senate in the settlement of questions after the war which should have been kept out of politics, but President Harding appointed all Republicans on this commission. The money we loaned these countries was raised by subscriptions to our bonds; widows, soldiers fighting at the front, the rich and poor, every class and section subscribed, and all are interested in the settlement of these debts. It is not a partisan question.

I can not understand why any Republican should vote against this amendment; and certainly if there is any Democrat who wants to make this a partisan measure, the best way to do it is to defeat my amendment and keep Democrats off of the commission. These are the largest financial transactions in the history of our Government, and my amendment is offered with the hope that it may be helpful to the President in the settlement of these debts.

Mr. President, this settlement with Great Britain has been comparatively simple and easy, and it is going to pass with very few votes against it; but the next settlements are going to be most difficult. The majority party will have very small majorities in the Senate and the House in the next Congress, and if there is any partisan spirit it is likely to defeat or delay the settlement of any of these debts owed us by the other countries.

In my judgment, there is not anything that will help that settlement more than putting on three Democrats and prevent, as far as possible, any partisanship in its consideration. I know Senators on this side who are going to vote against this settlement who would, I believe, be supporting it if we had had representation on this side of the Chamber that could have given us the facts. We have not had the facts; and I hope, Mr. President, that no objection like that which the Senator from Utah urges will be allowed to have any weight now. This amendment is not going to be objected to by the House. When this settlement was before the House party lines were broken and most of the Democrats supported it. If the House does object to it and it comes back here, I will not insist upon the Senate standing by our vote and delay the passage of the bill.

I hope the Senator from Utah, after knowing that I have been assured by the Senator from North Dakota [Mr. McCUMBER] and other members of the Finance Committee that I would get a vote weeks ago on my bill, which embodies this amendment, will not now take advantage of his position here to get the Members on the other side to vote against it when in good faith they have told me that by waiting and not bringing up the matter when the British Debt Commission was here, I would get a vote on it soon.

This is not the first time the Senator from Utah has tried to kill a measure that I have introduced by delaying it and asking me to wait.

The Senator from Utah is one of the ablest and most useful men in the Senate. All the members of the commission are men of great ability and will do their full duty. I am not criticizing them; I am trying to help them by having a nonpartisan commission, so that their recommendations to Congress in the settlement of these debts may be considered in such way as to avoid partisan discussion. I am trying to help the taxpayers of our country, whose burdens are so heavy.

Mr. SMOOT. Mr. President, will the Senator yield for a question?

Mr. HARRIS. I yield with pleasure.

Mr. SMOOT. The Senator knows that the House did not put this amendment on the bill. The Senator knows that the House understood at the time that the Senator from Georgia had introduced a bill to this effect. Representative BURTON, to whom the Senator refers, knew it; but it was not put on this bill, and I hope it will not be put on the bill here.

Mr. HARRIS. Mr. President, former Senator BURTON and others knew that my bill had been introduced in the Senate, and they expected some action here. I have talked to a number of Republican Members of the House, and every one of them approved this measure, and I believe that there will be hardly any votes against it in the Senate if the Senator from Utah will not object.

Mr. POINDEXTER. Mr. President, I hope the amendment offered by the Senator from Georgia [Mr. HARRIS] will be adopted. I do not see how it could result in delaying the consideration of the great measure that the Senate is now considering. It has been thoroughly discussed here for weeks. It is very well understood. It is a very simple proposition.

I do not suppose that the President of the United States, when he originally appointed this commission, had any deliberate purpose of making it a partisan commission. I have no knowledge whatever of the circumstances under which he made the selections. So far as the commission went, the selections, in my opinion, could not have been improved upon. I have no doubt that the Prisident of the United States himself, in pursuance of any action of the Senate, would be very glad indeed to add to this commission the number of Democrats called for by the amendment of the Senator from Georgia, if for no other purpose than to remove the controversy which has existed in regard to that question.

There ought not to be any controversy on the subject. It is not a party question. It ought not to be discussed in a partisan spirit. In my opinion, the way to arrive at that conclusion is to appoint some Democrats on the commission under discussion, and there is no more appropriate time to do that than in connection with the passage of this bill.

Mr. SMOOT. Mr. President, on the statement made by the Senator from Georgia [Mr. HARRIS] that if the conferees of the House do not agree to this amendment he is not going to make a fight against the conference report when it comes back into the Senate, and delay this legislation, I have no objection to agreeing to the amendment.

Mr. HEFLIN. Mr. President, that is going a long way. I am very much interested in this proposition. I have been with the Senator from Georgia all along in his fight; but it would be a very easy matter for the Senator from Utah, if he wanted to have opposition turn up in the House, to suggest it to some partisan Republican and have him object to it; and then it would go out under the agreement made by the Senator from Georgia, I am afraid.

Mr. SMOOT. Mr. President, the Senator from Utah can do nothing of the kind. I think the conferees of the House have minds of their own. I do not think the Senator from Utah is going to influence them at all in their judgment in the matter; and I think the Senator from Georgia made a fair statement.

Mr. HEFLIN. Let us adopt the amendment without any agreement.

Mr. HARRIS. Mr. President, I hope the Senator from Alabama will not object to this agreement, with the understanding that the Senator from Utah, as a Member of the Senate, will act in good faith and try to get the House to agree to it.

Mr. SMOOT. I will leave that entirely with the Members of the House.

Mr. HEFLIN. Oh, no.

Mr. HARRIS. No; I want the Senate conferees to urge agreement to it.

Mr. SMOOT. The Senate conferees, of course, are bound to stand by it; but if the House insists that it be not put in the bill, then, of course, I do not want to hold up the bill.

Mr. HARRIS. With that understanding, Mr. President, I am satisfied.

Mr. HEFLIN. Mr. President, the Senator from Utah promises that he will help, if this amendment is adopted, to hold it in the bill and will do his best to have it become a part of the law. This statement being made to the Senate, I am satisfied he will do that. I hope he will display a little more zeal in it than he did in helping to make this debt settlement with the British envoys. I am afraid that if he displays the same amount of enthusiasm in talking to the conferees in the House as he did in trying to get 4¼ per cent, it is a gone coon skin already.

I am not going to object to the amendment, because I have advocated it all along and demanded at the beginning that we have Democratic representation on this commission. We ought to have had it all the time. We lost several billion dollars by not having some Democrats on the commission, and now, since we are about to have ourselves tied up hard and fast with some other debt arrangements, and restrictions are being put on us so that we will have to follow in the footsteps of this commission we already have, the only purpose, it may be, that Democrats can serve on the commission will be to give us information so that we can tell the American people just what sort of a wheel in a wheel there is in the settlement of these foreign debts, and we can find out what happens behind closed doors and tell the American people about it. This foreign debt of $12,000,000,000 is due not to Republican leaders but to the whole people of the United States—Democrats, Republicans, and others.

Mr. JONES of New Mexico. Mr. President, I have refrained from taking up the time of the Senate in the discussion of this bill, but, owing to the remarks made by the Senator from Utah a few minutes ago, I believe that I will say a few words. The Senator from Utah stated, in the very strongest manner, that this settlement did not mean the cancellation of any part of the debt of Great Britain. I submit that it does, if that language is used in its ordinary sense. It may be said that it is no cancellation; Senators may prefer to use the word "remission," or "forgiveness," or some other word, but the result of it is that we are receiving less than the obligation, regardless of the language which may be used in the settlement.

While I intend to vote for this settlement, I do not want the American people to be deceived as to just what it means. It does mean a cancellation of a part of the honest indebtedness of Great Britain to the people and the Government of the United States.

I have before me here a copy of one of the obligations which the United States holds at the present time from the Government of Great Britain. I shall not take the time to read all of them. I may state that in the beginning acknowledgments of indebtedness were given at one rate of interest, later on at another rate of interest, and later on at a still higher rate of interest. Some of those promises to pay bear as much as 5 per cent interest, and an agreement to pay an additional rate of interest provided the Government of the United States is

required to pay more than 4½ per cent upon the money which it obtained from the people of the United States.

I want to read just one of the typical obligations which we hold to-day from the Government of Great Britain. It reads:

The Government of the United Kingdom of Great Britain and Ireland, for value received, promises to pay to the United States of America, or assigns, the sum of —— dollars—

There are a number of them in the particular language of the one I am reading. Certificates of Great Britain were accepted in the amount $735,000,000. The obligation continues:

on demand, with interest from the date hereof, at the rate of 4½ per cent per annum. Such principal sum and the interest thereon will be paid without deduction for any British taxes, present or future, in gold coin of the United States of America of the present standard of weight and fineness at the subtreasury of the United States in New York or, at the option of the holder, at the Treasury of the United States in Washington.

The certificate will be converted by the Government of the United Kingdom of Great Britain and Ireland, if requested by the Secretary of the Treasury of the United States of America, at par, with an adjustment of accrued interest, into an equal par amount of 4½ per cent convertible gold bonds of the Government of the United Kingdom of Great Britain and Ireland conforming to the provisions of an act of Congress of the United States approved September 24, 1917. If bonds of the United States issued under authority of said act shall be converted into other bonds of the United States bearing a higher rate of interest than 4 per cent per annum a proportionate part of the obligations of the Government of the United Kingdom of Great Britain and Ireland acquired by the United States under authority of said act shall, at the request of said Secretary of the Treasury, be converted into obligations of said Government of the United Kingdom of Great Britain and Ireland bearing a proportionately higher rate of interest no less than the highest rate of interest borne by such bonds of the United States.

Subsequent to that the rate of interest was increased, and there can be no doubt but that the Government of Great Britain is obligated to pay at least as much as the highest rate of interest which this Government shall have to pay to her own people when she borrows the money. There is no question about that. It is a cancellation of a part of this debt.

What are the reasons for it, and why is it that we are entering into this settlement? We have before us a very meager history of the settlement—the transaction which actually occurred. We have, however, a statement of the Chancellor of the Exchequer of Great Britain, Mr. Baldwin, which he presented to the commission created by the United States, and in that he does not say that the Government of Great Britain does not owe every dollar mentioned in these certificates now lodged with the Treasury of the United States. He admits it. Then what does he suggest as the reason for bringing about any settlement at all? There are just two things mentioned in the communication of the Chancellor of the British Exchequer I wish to read briefly. He said:

Further taxation would decrease the purchasing power of the British workingman and reduce our consumption of American products. There would be a diminished export demand for American cereals, cotton, meats, and other products of the soil, the mine, and the factory.

In another place he said:

Having regard to all these circumstances the British Government has to consider very carefully the terms of the liquidation of the debt lest an annual obligation be assumed which it might be impossible to meet in years of bad trade and falling revenue.

* * * * * * *

We want, on such terms as will produce the least possible disturbance in the trade relations of the two countries, a fair business settlement, a square deal, a settlement that will secure for America the repayment to the last cent of those credits which the United States Government established in America for us, their associates in the war.

* * * * * * *

May I put it in this way: We intend to pay, but how best can international credits be made liquid when the creditor nation is unwilling to permit liquidation through the direct delivery of goods and is also unwilling to see the current sale of her products to the debtor nation interrupted, and when the debtor nation is unwilling to be put in the position of being unable to buy the products of the creditor nation.

The cordial and prompt agreement of the two greatest democracies of the world on a question of this intricacy and magnitude will be an example to the nations and a long step forward in effecting a solution of the economic troubles of Europe. Let us never forget that until these troubles are solved there can be no general revival of international trade.

There is not a single line in the communication to which I have just referred which denies that they owe to the Government of the United States every dollar of principal and every dollar of interest at the rate specified in those certificates; but he does claim that if they make payment according to the bond, according to those certificates, it will interfere with our international trade.

The VICE PRESIDENT. The Senator's time has expired.

Mr. BROOKHART. Mr. President, before the debate closes, I wish to call attention to the table introduced into the RECORD by the senior Senator from Alabama [Mr. UNDERWOOD], a table prepared by Martin J. Gillen. I myself received a copy of the table some time ago, and the figures seemed unusually strange to me. I understand the Senator from Alabama does not vouch for the correctness of the table or the figures. I desire to challenge them in many details, indeed in almost all the vital details.

I think this document is a propaganda, first, probably for the cancellation of the British debt, and, in the next place, a propaganda to charge the wages of labor in the United States up to the farmer.

I call attention to one statement on Table 7, near the bottom of the table, under the letter "C":

Of the total exported merchandise to Europe and to Canada, excluding supplies to Army and Navy in Europe, $26,184,701,270 was agricultural products. This was for the past eight years.

I asked Mr. Hoover, the Secretary of Commerce, about these figures, and many others which I will not comment upon at this time, and this is what he said of that document:

The amount of agricultural products sold abroad is grossly exaggerated. The author figures $26,184,000,000 as our exports of agricultural products to Canada and Europe. According to the Statistical Abstract our total exports of fruit and prepared foodstuffs for the 8-year period to the entire world were $12,880,000,000, or less than half as much to the entire world as the author claims were shipped to Europe and to Canada alone.

Similar exaggerations are found in these figures all the way through, and this table, I think, should not be taken as authoritative upon any product.

Perhaps as a little side light on why that has occurred, I learn that this man, Martin J. Gillen, is the same Gillen who was indicted and is now under a Federal indictment with Charles W. Morse for defrauding the Government of the United States.

Mr. UNDERWOOD. Mr. President, the document I introduced this morning came to me as it has come to other Senators. I think it is a document very pertinent to the discussion. The question is whether the figures I introduced this morning, as prepared by Mr. Gillen, threw light on the subject and the general subject involved.

I know there is a grave difference between Mr. Hoover's department and some of those who disagree on the fundamental question of the tariff. I have read, for instance, some articles given out by Mr. Hoover and his department going to show that imports are greater since we passed the high protective prohibitive tariff than they were before that time. That statement has been challenged in the magazines by some authors of great note. It is a matter in controversy—the Republican columns operating on the one side and those who believe in a lower tariff and increasing our export trade by allowing reasonable imports on the other side. So I am not surprised that the Senator from Iowa challenges the statement.

Of course, as I said this morning, I have only given the paper a reading. I have not investigated and made a comparison with statistics in reference to the figures contained in it, and I presented it for what it is worth. But I think the statement which I put in the RECORD this morning is one which should challenge not only the attention of the Congress but of the people of the United States on the question as to where our agricultural products must look for payment in the final analysis and how we are to receive payment for the surplus agricultural products of America.

Whether Mr. Gillen is right or whether the statement the Senator from Iowa attributes to Secretary Hoover is right, both contend that there is a large exportation of surplus farm products from America to the countries of Europe. The question is a matter of degree, not a question where the principle is involved. Whether it is the amount given by the Senator from Iowa coming from Mr. Hoover's office, or whether it is the amount given by Mr. Gillen, the sale of surplus agricultural products in Europe is the point. I contend there is but one way for them to be paid for, and that is by the importation of foreign goods. In other words, they must be paid for in trade.

The Senator from Iowa, I know, belongs to the Republican Party and, I understand, accepts their faith on the tariff, while I belong to the Democratic Party and am certainly a low-tariff man. Of course we have a fundamental difference of principle, and we would radically differ about it. I do not believe the farmer of America is helped by a Republican tariff. I have no doubt the Senator from Iowa thinks that he is. I believe it is more necessary for the American farmer to find the foreign markets for his surplus products than to solve any other problem which confronts us. If the Senator from Iowa believes, as I understand he does, in a protective tariff, he believes that under the shadow of protection the farmer will find his relief. Therefore we differ. There are a vast number of figures in the table, and I think perhaps that the particular figures in some points may be subject to challenge, but I have no doubt that in the end they will point to the fact which I desire to bring to the attention of the Senate.

The real problem in this settlement in the last analysis is the stabilizing of international credit, the establishment of a

credit system abroad, so that it may encourage the stabilizing of markets for our export trade. It is for that reason that I introduced in the RECORD the table I did, because I think it is a valuable document, looking at it from that standpoint, and one which ought to be called to the attention of the American people.

Mr. KING. Mr. President, I am prompted to take the floor for a moment because of the reference just made to Mr. Gillen by the junior Senator from Iowa [Mr. BROOKHART]. The Senator from Iowa, I know, desires to be fair and would not intentionally do an injustice to any person. It is true, as the Senator stated, an indictment was found against Mr. Gillen in connection with the Morse case, which is now in the courts, and undoubtedly there are many thoughtless people who will infer from that fact that there was ground for the indictment and that Mr. Gillen was guilty of some offense. People do not always know the modus operandi by which indictments are obtained and are prone to regard the fact that an indictment has been found as prima facie evidence, if not strong evidence, of the guilt of the person so charged; and, of course, a reference to an indictment made by a Senator upon the floor of the Senate challenges attention in a public way, and by some will be regarded as strengthening the impression that sufficient reasons exist for the finding of such indictment.

I know Mr. Gillen and believe him to be a man of character and integrity. He is not of my political faith, and I have no doubt but that in many ways our views upon economic and political questions are at variance; but I believe that the Government has wronged him and will be compelled to confess its course as unwarranted. There are matters connected with the finding of the indictment which I believe are not creditable to the Government. I shall not say that there were sinister influences back of the persecution, but in my opinion the persecution of Mr. Gillen was not prompted by a desire for the public good nor inspired by a purpose to execute the law or do justice as between an individual, the public, and the Government. So far as I am advised Mr. Gillen in his business activities and in his public life has demonstrated that he is a man of ability, of courage, and of fidelity and truth, and adheres to the principles of honesty and fair dealing among men.

I did not know that the Senator from Alabama [Mr. UNDERWOOD] had offered for the RECORD the document referred to by the Senator from Iowa until the latter addressed the Senate a moment ago. I have had the opportunity of rather hastily examining this rather monumental work prepared by Mr. Gillen. It is a comprehensive document dealing with the economic and financial conditions of the United States and Europe. There are many tables and figures of the highest importance, which, in my opinion, will furnish to the Senate and to the country information of great value.

This paper submits reasons for the economic distress that has come to our country, particularly to the agricultural classes. It presents facts, from which deductions are irresistible, that the prosperity of our country, and particularly the prosperity of the farmers, largely depends upon the prosperity of Europe. It emphasizes what must be apparent to all dispassionate observers of economic conditions and fiscal affairs: That if we would have prosperity in the United States there must be peace in Europe and such rehabilitation as will permit production and enlarge the purchasing power of the European peoples. In other words, the paper of Mr. Gillen shows that, with the resources of our country, there are enormous surplus products for which foreign markets must be obtained, and that foreign markets are largely closed to these products when chaos and disorder and confusion are found in European nations.

As I interpret Mr. Gillen's position, it is that if the flames of revolution or the destructive forces of economic and industrial warfare envelop Europe we may not escape; indeed, we will be powerfully and disastrously affected thereby. Some of his figures may be erroneous and some of the conclusions stated by him may not be justified. However, he presents a study for the consideration of the American people which they can read with profit.

The debate upon the pending measure reveals how interdependent are nations and how impossible it is for any nation to live unto itself. The Senator from Iowa has referred to Mr. Hoover, and, as I understood him, Mr. Hoover challenges some of the statements contained in Mr. Gillen's paper. I shall not participate in any controversy between Mr. Hoover and Mr. Gillen. They are both able men and doughty warriors and can ably defend whatever positions they take. I recall that Mr. Gillen in his paper does not quite agree with the triangular theory of trade balances announced by Mr. Hoover, and upon the complex questions connected with international trade, invisible credits, and the equilibrium of commerce there may be wide differences between them. If Mr. Gillen's paper will induce the American people to think more deeply and earnestly about international trade and the causes which make for prosperity and economic peace, then it will have accomplished a great good.

Mr. TRAMMELL. Mr. President, I rise to protest against the idea that the American people shall have further shifted upon them the burden of any excess-profit taxes that may have been imposed upon purchases made by Great Britain in this country during the war. One Senator upon the floor has advocated in substance that policy. All during the war the American people upon their purchases from a paper of pins to a steam engine were subject to excess profits by these greedy, merciless profiteers. Of the four billion and odd dollars that were contributed in excess profits—I have not the statistics, but I dare say that at least $3,900,000,000 were contributed by the American people.

Now we have it held up to us in argument, in behalf of an adjustment to make a contribution to Great Britain, that Great Britain had to pay some excess-profits taxes on the purchases made in this country. It is urged that that is one of the reasons why we should deal generously with Great Britain. I say if we shift that burden from Great Britain in a readjustment at the present time it would add to the excess profits already contributed by the American people to the amount of money deducted from the indebtedness. That is what it means. I am not an expert financier, but a plain common-sense proposition like that is plain to anyone.

I say that the American people have already contributed far more than they should in excess profits. We should not agree that because Great Britain paid excess-profits taxes on some of those goods we should now refund to them and transfer the burden to the American people, who paid the same kind of excess profits on all their purchases.

The question of the excess-profits tax some time ago was before the Congress and now the great financial interests of the country are trying to push this proposition through. Formerly the profiteers came to Congress and knocked at the door and said, "We want the excess-profits tax removed," and this Congress, that now wants to be so generous with Great Britain at the expense of the American taxpayers, was again generous with the great financial interests of the country and removed the excess-profits taxes to the extent of $450,000,000 per year, as well as modifying the tax laws along many other lines.

I dare say that the reason why some of the great financial interests of New York are so energetically and enthusiastically behind this settlement with Great Britain is that it will enable them to collect their loans at 4½ or 5 per cent from Great Britain, because Great Britain will use our 3 per cent money to pay off their indebtedness to the financial interests of the country that are obtaining 4½ and 5 per cent interest. While the American taxpayer is paying 4½ per cent and letting England pay us on 3 per cent, the American bankers who hold debts against Great Britain will be getting their 4½ to 5 per cent or more. I do not think the American people ought to be required to contribute in that way to the American financial interests that advanced to Great Britain. I do not think they ought to be required to contribute it to Great Britain even directly, much as we appreciate that nation.

America did her full duty during the war. We gave the lives of our boys. We sent 4,500,000 of them to the front and to the camps and expended $23,000,000,000 for the purpose of carrying on our part of the work. There is no reason on the face of the earth, as I see it, why America should now make a donation to the extent of $1,800,000,000, as far as we can ascertain readily from the figures now before us.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Georgia [Mr. HARRIS].

The amendment was agreed to.

Mr. HITCHCOCK. Mr. President, I offer the amendment which I send to the desk. I do not care to discuss it, but I would like a record vote on it. I ask that it may be read.

The VICE PRESIDENT. The amendment submitted by the Senator from Nebraska will be stated.

The READING CLERK. It is proposed to strike out the language contained in lines 4 to 12, both inclusive, on page 3, and insert the following:

Interest to be payable upon the unpaid balances on December 15 and June 15 of each year at a rate which shall be the average rate of interest paid by the United States for the same year upon bonds issued by the United States since April 15, 1917, and still outstanding.

Mr. REED of Missouri. Mr. President, I had intended to offer an amendment covering the same thought but in quite a

different form. I am going to ask that my amendment be read, and I think the Senator from Nebraska perhaps will accept it in lieu of his amendment and perhaps he will not.

The VICE PRESIDENT. The amendment intended to be proposed by the Senator from Missouri will be stated.

The READING CLERK. On page 3, beginning in line 6, it is proposed to strike out "At the rate of 3 per cent per annum payable semiannually from December 15, 1922, to December 15, 1932, thereafter at the rate of 3½ per cent per annum payable semiannually until final payment," and to insert in lieu thereof the following:

At the rate of 4¼ per cent per annum payable semiannually until final payment: *Provided, however,* That if at any time the United States shall refund at a rate less than 4¼ per cent the indebtedness by it incurred to secure the money which was afterwards loaned to the British Government, the interest above provided to be paid by Great Britain shall be correspondingly reduced.

Mr. McKELLAR. Mr. President, will the Senator from Nebraska yield to me for just a moment?

Mr. HITCHCOCK. I yield.

Mr. McKELLAR. The amendment which has just been offered by the Senator from Missouri [Mr. REED] is, in substance, the amendment which when I was on the floor this morning I stated that I intended to offer. I think perhaps the amendment which the Senator from Missouri has offered is more nearly in accord with the exact situation than the amendment which has been offered by the Senator from Nebraska [Mr. HITCHCOCK], and I hope the Senator from Nebraska will let us have a record vote on the amendment of the Senator from Missouri. Of course, personally I should prefer a vote on the amendment which I have offered, but it is in substance the same as the amendment which has been offered by the Senator from Missouri.

Mr. HITCHCOCK. Mr. President, the difficulty is in ascertaining exactly on what loans the money was secured which we loaned to Great Britain. The money was advanced at different periods, beginning immediately upon our entry into the war until some time after the armistice, and it is very difficult on that account to ascertain exactly which refunding operations would cover the matter. I therefore shall ask for a vote on my amendment. I do not care to discuss it any further.

Mr. McKELLAR. I desire merely to suggest to the Senator from Nebraska that his amendment does not fix the rate of interest; and the objection which is made to the amendment submitted by the Senator from Missouri, it seems to me, is cured by the proviso which states that the United States Government shall make good any reduction in interest.

Mr. HITCHCOCK. No; it is not sufficient, for the reason that I have stated. We began making those loans in April, 1917, and we kept on loaning money to Great Britain until after the armistice. In the meantime there were a number of issues of bonds, and nobody could tell exactly from what issue of bonds the loans to Great Britain were made. I ask for the yeas and nays on my amendment.

Mr. SMITH. I should like to ask at the beginning of my remarks the exact purport of the amendment which has been proposed by the Senator from Nebraska. Does it provide that on the proposed British bonds the average rate of interest shall be the same as that on the bonds which were issued by the United States with which to furnish the money to Great Britain?

Mr. HITCHCOCK. No; but that each year Great Britain shall pay interest into the United States Treasury at a rate which shall be the average rate paid by the United States for the same year. There is no difficulty in ascertaining that. The Senator from Utah [Mr. SMOOT] has produced here a computation furnished by the Secretary of the Treasury showing exactly what the average rate of interest is that will be paid during any particular period, and all the Treasury possibly would be required to do would be to figure out for any particular year the total amount of interest paid and the total principal upon which it was paid and thus ascertain the average rate. The amendment would give to Great Britain the free use of the great credit of the United States. Then if we should be able to borrow money at a lower rate of interest Great Britain would get the same advantage that we would get and the American taxpayer would not be burdened by paying the difference.

Mr. SMITH. Mr. President, I have not hitherto spoken upon the pending measure, for it has been difficult for me to decide a question which involves two elements which are so conflicting. It is apparent to every Member of this body that on the face of the contract made with those to whom the money was loaned the rate of interest which they were to pay for the money borrowed was to be the same as the rate which the Government of the United States had to pay our people for the money which it borrowed from them in order to make the loan to the foreign government. That meant that whenever the Government, in the form of taxes, collected the interest to be paid on our obligations to our own people or to those who hold our bonds we should collect a like amount of interest, and at the same rate, on our loans to the foreign government, so that the interest so collected might cancel the interest paid out.

I recognize also that under the pressing conditions in which we found ourselves when were were preparing to enter the war the rate of interest was unusually high, perhaps higher than the rate of interest ever paid upon a like amount of money on the obligations of any sovereign power. It was so high that it justified in a way the higher rates of interest charged to those who were dependent upon borrowed money to conduct the ordinary affairs of commerce. I hesitate between the impulse, on the one side, to favor the payment of a rate of interest equal to that which the Government of the United States is required to pay on its bonds and on the other to see the general rate on this vast volume of money lowered in order that the ordinary commercial rate might not be maintained at a figure detrimental to business. Although the maturity of our bonds is not coincident with the maturity of the bonds which we propose to accept from Great Britain, yet it is doubtless true that the bonded indebtedness of the United States will not be paid any sooner than the bonds proposed to be issued by Great Britain to us will be paid. I expect that the children and the grandchildren of those who are in this body will still be paying interest on the war debt of America 62 years from now. We will have to refund our indebtedness from time to time. I had hoped that when the Debt Funding Commission reported it would submit a proposal that would call upon Great Britain to pay the same interest that we were paying in order that the interest on the amount due us would cancel the interest on the like amount of bonds issued by us.

Inasmuch as such an amendment has been offered by the Senator from Nebraska, I shall vote for it, hoping that when our bonds have reached their maturity and are either paid or refunded the bonds proposed to be issued by Great Britain may possibly also be refunded at a lower rate of interest, so that Great Britain may enjoy the same benefit which we ourselves may enjoy from a lowering of the rate; in other words, that we take Great Britain into the same financial arrangement that we make with our own people—no more and no less. It does not boot us to say that whereas we fixed the rate of interest on the bonds issued by us at 4¼ per cent, when it comes to determine the rate of interest on the bonds to be issued to us by Great Britain we will agree to fix the rate on such bonds at 3 per cent.

Let us provide that the rate of interest on the bonds to be issued by Great Britain shall be equal to the rate of interest which we ourselves may be required to pay. Then, when we refund our bonds, if we can lower the rate to 3 per cent or perchance to 2½ per cent, we will have dealt with her as we deal with our own.

I recognize the fact that we must find some way to settle this question, and so I am going to vote, although reluctantly, for the bill. The paramount reason why I intend to vote for the bill is that I believe that we, the great creditor Nation, should set the example, even to the extent of making a sacrifice, in order to begin the process of stabilizing and settling the financial chaos which is now demoralizing commerce and affecting the prosperity of this country, particularly as to agricultural products and other forms of raw material. I believe the settlement of this question will have the moral effect of hastening the settlement of the other questions that are now vexing the world; and the amount of good that will accrue to our people in the form of increased markets and enhanced prices will more than offset any discount in interest rates such as are proposed even in the original bill. However, in order to satisfy the tax-burdened people of this country, I am going to vote with great pleasure for this amendment. It is just on its face. It is just to the American people; it is just and fair to England, because, when all is said and done, no man will deny but what the recuperative powers of England, her potential wealth, the accretion to that wealth which will come to her by virtue of the war, will enable her at the maturity of our bonds to meet the payment of her bonds along with ours and to pay the same rate of interest, even though she must defer the entire payment of interest during the period of the initial year. For that reason I am, I repeat, going to vote for the amendment offered by the Senator from Nebraska, and then, for the reason that it may aid the process of stabilizing a demoralized, war-weary world, I shall vote for the bill in order that we may be enabled to take the initiative in inaugurating that process.

Mr. JONES of New Mexico. Mr. President, I merely wish to say a word further, somewhat in connection with the remarks

I was making a while ago, and also in connection with the proposed amendment offered by the Senator from Nebraska.

There is no question that the purpose of the proposed amendment is to carry out the spirit of the original arrangement with Great Britain and the other countries to which we made loans; but we are met with this difficulty: We have a commission appointed to adjust our foreign indebtedness. That commission consists of the Secretary of the Treasury, the Secretary of State, the Secretary of Commerce, the able Senator from Utah [Mr. SMOOT], and a distinguished Member of the House of Representatives. There is not any question that the commission as it is constituted to-day represents the real sentiment of the present administration. It is unfortunate that the Senate has not the benefit of facts which it should have in order to arrive at its own judgment entirely upon facts which can be presented to the Senate. In the Finance Committee it was sought to have a statement made of the reason this arrangement was entered into. The only witness called before the Finance Committee was the able Senator from Utah, who is a member of that commission. That Senator was asked to state the reasons why this proposed agreement was made by the commission. The Senator from Utah declined to do so. He made this statement:

> I do not think it would be proper for me at this time to discuss the reasons why, because it was based upon conditions existing that might affect the financial ability of England to meet the terms.

So at no time have we had a disclosure of the real reasons for the agreement which has been presented to us for ratification.

The Senator, however, makes this further statement:

> I think every member of the committee understands that there are conditions existing that should be taken into consideration.

He further says:

> I think that the rates contained in the settlement are the best rates that could possibly be secured.

That statement comes to us as an administrative statement. It bears the approval of the three highest officials in this administration, together with the approval of a distinguished Member of this body, and also one from the other House of the Congress. What hope is there that there will ever be obtained any better agreement than has been proposed? I submit that there is absolutely no hope; and if we recognize that fact, and adopt the amendment of the Senator from Nebraska—which, I do believe, represents the spirit in which the loans were made to Great Britain and the other countries—if we adopt it, according to the evidence and the only evidence which we have, it means a disagreement and an unsettlement of the indebtedness and international affairs between this country and Great Britain.

We shall not have another session of Congress for nine months, in all probability; and with no assurance that we will ever secure any better terms, and with chaos existing in the economic world, if we are ever going to ratify any settlement, let us ratify the settlement which has been agreed to and presented here for our consideration.

I think various reasons could be urged both for and against the ratification of this agreement; but I do believe that if we are going to ratify any agreement less than the original undertaking of Great Britain we ought to take the agreement which has been entered into just as it is or not at all. I do not believe in the Congress of the United States sending back a counterproposition in a matter of this sort.

My judgment is that in all these matters involving international affairs the administration should assume responsibility for negotiation, and then submit its proposals to the Congress. This should be considered an administration settlement, and it comes here as such, and we are told that it is the best we can get. In the interest of American commerce, in the interest of the farmers of the country who have products for sale, and likewise in the interest of others who are dependent upon foreign markets, if we are going to settle this thing at all for less than the original agreement let us take this settlement and get at least a start upon stabilization of world affairs.

Mr. HITCHCOCK. Mr. President, just one moment. I only wish to read something from the London Times.

The VICE PRESIDENT. The Senator has spoken once.

Mr. HITCHCOCK. I think that is true.

Mr. REED of Missouri. Mr. President, the amendment offered by the Senator from Nebraska [Mr. HITCHCOCK] embraces the same thought that is contained in the amendment that I myself intended to propose. We may indulge in all the sentimental statements we desire, and may fight over again the battles of the war; but, like the flowers that bloom in the spring, they have nothing to do with the case.

That is not the first application of that quotation. I am not presenting it as an original thought. The fact is that a great war was raging in Europe, in which we properly maintained a position of neutrality. Afterwards we were drawn into that war by attacks upon our commerce and upon the lives of our citizens. We fought the war to an end, and no one need claim the whole credit for winning the war. It was a good deal like a stiff contest between men tugging at a rope in a tug-of-war, as we call it. When each side was largely exhausted, new muscle was added, and the side we were on won.

In that war Great Britain undertook to finance herself, France herself, Belgium and Italy each themselves. When Great Britain, having more money than France, loaned France money for French use, she took French securities and obligations, and she had the right to. When she advanced money to Italy, and I believe France also advanced money to Italy, the obligations of Italy were properly taken, and so with Belgium; and at the end each country has the right to ask the other country to pay the money that it promised to pay. The question of sentiment does not enter into that business transaction. If it does, then why not cancel all these debts, and let everybody be happy except the taxpayer at this end of the proposition, who will have to bear the burden of all the cancellation?

During the war Great Britain gave us her solemn obligations, one of which, as a sample, has been read by the Senator from New Mexico. It is as squarely an obligation, a note of hand, and an agreement to issue bonds thereafter, as can be written by the pen of man. It provides for the payment of interest at not less than 4½ per cent in any of these obligations, and from that to 5 per cent; and the question we are discussing is one of reducing the obligation of the British Government.

The real spirit of our agreement with Great Britain was that she should make us whole. I freely concede that if we are to take bonds from Great Britain we would not be justified in demanding, it would scarcely be fair to demand, that she should pay the rate of interest nominated in the original instruments which she signed; but she should, in accordance with the spirit of those instruments, make us whole, so that the money we have borrowed we can repay out of the money we receive from her, and the interest which we pay for the money we loaned her will come back to us from Great Britain. If Great Britain expects any more than that, she expects that which is not fair.

Under the terms of this settlement Great Britain is let off with 3 per cent interest for the next 10 years. We have no assurance on earth that we can refund our indebtedness during the next 10 years so that the average rate we pay for that 10 years will not be in excess of 3 per cent. We know that we can not refund it now, we can not hope to refund it in the immediate future, at 3 per cent. Hence, it follows that for a period of time, at least, we will be paying 4¼ and 4½ per cent, as against Great Britain's 3 per cent. If we fail to refund our obligations at 3 per cent for 5 years, then we will lose for that period the 1¼ or 1½ per cent difference between the rate we pay and the British rate; and we could not recoup unless we should negotiate our bonds for less than 3 per cent, which is a proposition that no sensible man expects we could carry out.

The proposition now made by the Senator from Nebraska, while not in the language I would suggest, covers the idea.

The PRESIDING OFFICER (Mr. POINDEXTER in the chair). The time of the Senator from Missouri has expired.

Mr. REED of Missouri. I will take my 10 minutes now on the bill. It carries with it this idea——

The PRESIDING OFFICER. The Senator from Missouri——

Mr. REED of Missouri. Is not that the rule?

Mr. SMOOT. No.

The PRESIDING OFFICER. The Vice President, so the Chair is informed, has established the rule that the time allowed a Senator to speak upon the bill can not be used while an amendment is pending. The Senator from Missouri has consumed his time.

Mr. REED of Missouri. Very well.

Mr. NORRIS. Mr. President, I have been listening for a long time to the debate on this bill, and giving it the best thought that I was able to give it in the limited time that I had at my disposal; and I have not been able to reach the conclusion that we are under any obligation of any kind to borrow money at 4¼ per cent and loan it to Great Britain at 3 per cent. I do not believe that is fair. I want to be fair, I want to be generous with our late ally; but, Mr. President, we had to borrow the money that we loaned to Great Britain. We had to pay 4¼ per cent interest, and Great Britain ought to be willing to pay us the same rate of interest, as long as we have to pay that rate. I had an amendment on my desk which provided, as the pending amendment does, in substance, that if we are able at any time later to refund our bonded indebtedness at a lower rate we ought to give to Great Britain

the same rate. I do not believe Great Britain or any other nation could ask for better or fairer treatment than that.

To my mind, the question as to who won the war and who made the greatest sacrifice is not involved here. There are two sides to that question, and I do not want to enter into a debate of it. England did everything she could. She did well, and I am not complaining about her. She was a worthy ally in that great contest. We did our duty, too, I think, and if Great Britain had said, "We need more money," if we had had the money in the Treasury, we would have loaned it to her. If we had it there now, belonging to the Government, I would be willing that it should be loaned to her at a lower rate; but we do not have it there. We did not have it there then. She said, "I must have more money." We said, "We will borrow some more money and loan it to you." We agreed then that she should pay us the same rate we had to pay. Was that fair? Was there anything wrong about that agreement? Is there any evidence of greed or the spirit of Shylock in that kind of an agreement? There was no coercion. The agreement was voluntarily entered into that she would pay us the same rate we had to pay to get the money.

The rate is a lower rate of interest than she pays to any other creditor on earth. She does not loan to her debtors at as low a rate as that. Some of the money we loaned to Great Britain she has loaned to Persia at 7 per cent. We heard to-day, or yesterday, on this floor that she had loaned to Australia at 5 per cent. She loaned to France. I am not informed as to what rate she is charging France, but she took security from France—gold, yellow gold—and has it in her vaults now. We did not demand anything of her in the way of security and I do not say that in the way of criticism. I think we did what one brother in a great contest ought to have done for another.

She looked at it that way then. If England is hard up, in financial distress, I would not want to crowd her. I am willing that we should wait; but she has not played the baby act. She is not here now saying, "We can not pay this." She is not a bankrupt nation. It is not a question of charity with her.

Then, Mr. President, I have been thinking what I would ask as an American citizen if things had been reversed. Suppose we had gone to Great Britain at a time of great distress, at a time when our backs were to the wall, and said to Great Britain, "Lend us some money. We must have it," and then England had said, "We haven't any money, but we will borrow it"; and suppose we made the kind of an agreement with her that she has made with us. Suppose it were just reversed and we owed England money, and her people with bended backs were paying taxes in order that she might pay 4½ per cent interest for that money. I want to say to you, Mr. President, that as an American citizen I would not ask her to charge us any less than 4½ per cent. I would insist that our Government pay her 4½ per cent. There is nothing unfair about it.

I resent the idea that we are trying to drive a hard bargain. We are not. I do not suppose there is anyone in this country who wants in any way to create any situation which would be a hardship on England. But we are not called upon to borrow money from our people and to have them labor from early until late to pay taxes in order to pay interest at the rate of 4½ per cent and lend it to anybody at 3 per cent.

This settlement amounts to a forgiving of a part of the debt, and if England were not able to pay, I would not object to forgiving part of it. Senators say we are not giving up any of the principal of this debt, and that is true; but in substance is not the interest just the same as the principal? What is the difference? We have to pay interest. We can not get away from paying our interest. The obligation the United States owes on its bonds is just as honorable, as far as the interest is concerned, as the obligation to pay the principal of the debt. Why is not that true of Great Britain?

It is said that the money that was borrowed was spent in the United States. Where else could it have been spent? We can turn the tables and say that if we had not had the things here for them to buy they would not have carried on the war half as long. I do not make that claim, but it would offset the claim that to a great extent she spent the money here in buying the goods used in carrying on the war. This is practically the only place in the world where she could get those supplies.

She got the supplies here as cheaply as she could have bought them anywhere in the world. She paid more than she should have paid, and so did we. It is no argument to say she paid high prices. We paid high prices. Men profiteered on the Government of the United States, but we do not offer that as a reason why we should not pay our bonds.

The PRESIDING OFFICER. The time of the Senator from Nebraska has expired.

Mr. COUZENS. Mr. President, I would like to ask the Senator from Utah if the bonds which the British Government is to give us will be negotiable, because I understand that some Senators believe those bonds will be negotiable, and they object to the amendment offered by the Senator from Nebraska because the bonds could not be sold with an average rate of interest but would have to have a specific rate. My understanding is that the bonds are not negotiable. If they are, then the amendment offered by the Senator from Nebraska is impracticable, because the bonds could not be negotiated under such a condition.

Mr. SMOOT. Of course, if the amendment offered by the Senator from Nebraska is agreed to, nobody would think of buying them, even though they were negotiable under the provisions of the bill. But I want to be frank with the Senator and say that my opinion is that the provision here allowing England to pay in United States bonds issued after April 6, 1917, together with the privilege of paying the interest one-half in bonds and one-half in cash, will make those bonds nonnegotiable. It is only the provisions of the law which would make them nonnegotiable. The bonds will be paid to the United States of America just as would the I O U's held to-day by our Government.

But I hope the Government of the United States will not sell them. I think that if they were sold, perhaps to people in foreign countries, or to our own citizens, and anything should happen in the way of war, there would always be that moral obligation on the part of our Government to take care of those bonds sold to individual citizens of this country. Talk about getting out of entangling alliances; if they were sold, there is no doubt but that that would take us into such entanglements.

Mr. COUZENS. Does the Senator contend that we are obligated to protect the investors in German marks?

Mr. SMOOT. Not at all.

Mr. COUZENS. To protect those who speculated in German marks when they were bringing a high price, and have since gone down?

Mr. SMOOT. I do not believe there is any such obligation on the Government.

Mr. COUZENS. Under the law is it not possible to sell the bonds after the 10 years have passed, and when the uncertainty as to payments and of interest has been settled? In other words, it seemed to me that there was nothing in the bill which would prevent the bonds from being negotiated after the 10-year period was over, in any event.

Mr. SMOOT. There is nothing to prevent them from being negotiated, but I think it would be very unwise for our Government to sell them.

Mr. COUZENS. Of course, if this amendment is agreed to, it makes it absolutely impossible.

Mr. SMOOT. The Government of the United States has never purchased one German mark.

Mr. JOHNSON. Mr. President, may I suggest, first, in response to the Senator from Michigan, that the bonds which will be taken will be nonnegotiable, in my opinion.

Mr. SMOOT. That is what I said.

Mr. JOHNSON. Secondly, in my opinion, the Senator from Utah is entirely right in preferring that sort of an obligation as an economic proposition, and I will state the reason. There is a vast difference between bonds that will be received by the United States and locked in her coffers and bonds that would be split into infinitesimal fractions and put in the hands of our people. Once you split ten billion or eleven billion of bonds of Great Britain and put them in the hands of the people of this country, just the situation which has been suggested by the Senator from Missouri [Mr. REED] will arise, and we will be inextricably involved in every adventure that Great Britain shall take in the future.

We have to-day an example. Every peasant in France has a Russian bond. Every mad adventure that France has undertaken with Russia has been because her people hold those Russian bonds. I never would vote for any measure which would result in placing $11,000,000,000 of securities of any nation on the face of the earth going into the hands of our people, because we would be involved so that we would never get out. So I hope, as I believe and as I think I may say from a reading of the law, that these bonds will be nonnegotiable, and that they will be held by the United States governmentally, and that the Government will never put $11,000,000,000 of foreign bonds into the hands of our people in small fractions.

Mr. WALSH of Montana. Mr. President, I fully agree with the opinion expressed by the Senator from California, that these bonds will be nonnegotiable. It is perfectly apparent that they are not negotiable by reason of at least two provisions, namely:

The principal of the bonds shall be paid in annual installments on a fixed schedule, subject to the right of the British Government to make these payments in three-year periods.

An instrument is not negotiable with respect to which there is any doubt as to when it becomes due. A further provision makes them nonnegotiable, namely:

For the first five years one-half the interest may be deferred and added to the principal.

That is to say, at the pleasure of Great Britain it may or may not do so. We do not know what the amount of the principal will be; and such knowledge is a very essential provision of any negotiable instrument. So that, although they may be assignable, they are not negotiable in the commercial sense.

Mr. SMOOT. While we are citing provisions, there is another provision, found on page 3, where it is provided:

The British Government shall have the right to pay off additional amounts of the principal of the bonds on any interest date upon 90 days' previous notice.

That, of course, would make them virtually nonnegotiable.

Mr. REED of Missouri. There is another provision—that they can pay in bonds, if they want.

Mr. SMOOT. Yes; that has been mentioned.

Mr. REED of Missouri. In Liberty bonds?

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nebraska [Mr. HITCHCOCK].

Mr. HITCHCOCK. I ask that the amendment be read.

The VICE PRESIDENT. The amendment submitted by the Senator from Nebraska will be read.

The ASSISTANT SECRETARY. It is proposed to strike out the language contained in lines 4 to 12, inclusive, on page 3, and insert:

Interest to be payable upon the unpaid balances on December 15 and June 15 of each year at a rate which shall be the average rate of interest paid by the United States for the same year upon bonds issued by the United States since April 15, 1917, and still outstanding.

The VICE PRESIDENT. The yeas and nays having been ordered on the amendment, the Secretary will call the roll.

The Assistant Secretary proceeded to call the roll.

Mr. HARRIS (when his name was called). I have a pair with the senior Senator from New York [Mr. WADSWORTH]. In his absence I withhold my vote. If permitted to vote, I would vote "yea."

Mr. OVERMAN (when Mr. SIMMONS's name was called). I wish to announce the absence of my colleague [Mr. SIMMONS] on account of illness. He has a pair with the junior Senator from West Virginia [Mr. ELKINS]. If my colleague were present, he would vote "nay."

The roll call was concluded.

Mr. McCORMICK (after having voted in the negative). I am informed that my pair, the Senator from Wyoming [Mr. KENDRICK], would vote as I have voted. I will therefore allow my vote to stand.

Mr. LODGE. I wish to announce that the senior Senator from Connecticut [Mr. BRANDEGEE] is absent on account of illness. If present, he would vote "nay."

Mr. CURTIS. I wish to announce that the Senator from New Jersey [Mr. EDGE], who is unavoidably detained, has a general pair with the Senator from Oklahoma [Mr. OWEN]. If the Senator from New Jersey were present, he would vote "nay."

I also wish to announce that the Senator from West Virginia [Mr. ELKINS] is unavoidably detained.

The result was announced—yeas 21, nays 61, as follows:

YEAS—21.

Ashurst	France	La Follette	Trammell
Borah	Gerry	McKellar	Walsh, Mass.
Brookhart	Harrison	Norris	Walsh, Mont.
Broussard	Heflin	Reed, Mo.	
Couzens	Hitchcock	Smith	
Dial	Johnson	Stanley	

NAYS—61.

Ball	Gooding	Myers	Smoot
Bayard	Hale	Nelson	Spencer
Bursum	Harreld	New	Stanfield
Calder	Jones, N. Mex.	Oddie	Sterling
Cameron	Jones, Wash.	Overman	Sutherland
Capper	Kellogg	Page	Swanson
Caraway	Keyes	Phipps	Townsend
Colt	King	Pittman	Underwood
Curtis	Lenroot	Poindexter	Warren
Dillingham	Lodge	Pomerene	Watson
Ernst	McCormick	Ransdell	Weller
Fernald	McCumber	Reed, Pa.	Williams
Fletcher	McKinley	Robinson	Willis
Frelinghuysen	McLean	Sheppard	
George	McNary	Shields	
Glass	Moses	Shortridge	

NOT VOTING—14.

Brandegee	Elkins	Nicholson	Simmons
Culberson	Harris	Norbeck	Wadsworth
Cummins	Kendrick	Owen	
Edge	Ladd	Pepper	

So Mr. HITCHCOCK's amendment was rejected.

Mr. REED of Missouri. Mr. President, I had intended to offer an amendment to strike out the clause which permits Great Britain to pay in the bonds of the United States, another amendment providing that the bonds shall be made payable to bearer and shall be in form fully negotiable, another amendment that the interest shall be not less than 3½ per cent per annum during the first 10 years, and still another amendment which would require the payment of the full amount of the interest from year to year without deferring it and adding it to the principal.

But when the Senate sees fit in its wisdom to vote down a proposition which would require Great Britain merely to return to us dollar for dollar that we have paid out or must hereafter pay out, I regard it as useless to offer the amendments. The last thing I want to do is unnecessarily to take the time of the Senate. I think the vote just taken will be regarded as conclusive of the fact that the Senate has made up its mind to ratify the agreement and to swallow the proposition just as it is. Of course, the Senate has the right to come to that conclusion and I am making the statement which I make now merely in explanation of failure to offer the other amendments. I think it would be useless to do so.

Therefore, so far as I am concerned, I have no other amendments to offer. I shall ask for the yeas and nays on the passage of the bill.

Mr. WALSH of Montana. Mr. President, I offer the following amendment: I move to strike out all after the enacting clause on page 1, and all of lines 1 and 2 on page 2, and in line 3 the words, "*Provided*, That," so the bill would start with the words, "The settlement of indebtedness," and so forth.

This is simply for the purpose of making the text reasonably sensible. The language which I seek to strike out has absolutely no meaning whatever. The language is not only useless and perhaps harmless but it makes the measure itself the most inartistic one. This is a great historic act of the Congress of the United States and to say that "the first proviso to the act approved February 9, 1922, is amended so as to read as follows," and then make that proviso include the settlement with Great Britain, is an absurd proposition.

I believe that if Senators would give their attention to the matter for a moment they would not offer any opposition at all to this amendment. It does not change the meaning at all, but the language is absurd as it now reads. The Senator from Utah [Mr. SMOOT] is afraid that if we adopt the amendment it might offend the sensibilities of the House, but I can not doubt that if the attention of the authors of the bill were called to the matter they would see the impropriety of introducing the bill in the manner in which they presented it and would be glad to have the language stricken out. I hope there will be no opposition to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Montana.

The amendment was rejected.

Mr. McKELLAR. Mr. President, I had intended to offer an amendment, on page 2, after the word "schedule" in line 11, to strike out the words "subject to the right of the British Government to make these payments in three-year periods," and also to strike out the first three lines on page 3, giving the British Government the right to pay off additional amounts of the principal of the bonds on any interest date upon 90 days' previous notice, and also an amendment fixing the rate of interest at 4¼ per cent. But inasmuch as the Senate has already voted substantially on the proposition and I can see what the result would be, I content myself by asking to have the bill printed in the RECORD at this point as it would read if my amendments were agreed to. I do not ask for a vote on it.

There being no objection, pages 1, 2, and 3 of the bill were ordered to be printed in the RECORD showing the amendments intended to be proposed by Mr. McKELLAR, as follows:

Be it enacted, etc., That the first proviso of section 2 of the act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign governments held by the United States of America, and for other purposes," approved February 9, 1922, is amended to read as follows:

"*Provided*, That the settlement of indebtedness of the United Kingdom of Great Britain and Ireland to the United States, as follows:

Principal of notes to be refunded	$4,074,818,358.44
Interest accrued and unpaid up to December 15, 1922, at the rate of 4¼ per cent	629,836,106.99
	4,704,654,465.43
Deduct payments made October 16, 1922, and November 15, 1922, with interest at 4¼ per cent thereon to December 15, 1922	100,526,379.69
	4,604,128,085.74
To be paid in cash	4,128,085.74
Total principal of indebtedness as of December 15, 1922, for which British Government bonds are to be issued to the United States Government at par	4,600,000,000.00

"The principal of the bonds shall be paid in annual installments on a fixed schedule. The amount of the first year's installment will

be $23,000,000, and these annual installments will increase with due regularity during the life of the bonds, until in the sixty-second year the amount of the installment will be $175,000,000, the aggregate installments being equal to the total principal of the debt.

"'Interest is to be payable upon the unpaid balances at the following rate, on December 15 and June 15 of each year: At the rate of 4½ per cent per annum payable semiannually until final payment, as shown by the following table of payments:

	Statement of amount of interest payable to the United States on account of the proposed refunding bonds to be issued by Great Britain, money at 4½ per cent per annum.[1]	Schedule of annual principal installments to be paid on account of principal.[2]	Total interest and principal.
1	$195,500,000	$23,000,000	$218,500,000
2	194,522,500	23,000,000	217,522,500
3	193,545,000	24,000,000	217,545,000
4	192,525,000	25,000,000	217,525,000
5	191,462,500	25,000,000	216,462,500
6	190,400,000	27,000,000	217,400,000
7	189,252,500	27,000,000	216,252,500
8	188,105,000	28,000,000	216,105,000
9	186,915,000	28,000,00	214,915,000
10	185,725,000	30,000,000	215,725,000
11	184,450,000	32,000,000	216,450,000
12	183,090,000	32,000,000	215,090,000
13	181,730,000	32,000,000	213,730,000
14	180,370,000	32,000,000	212,370,000
15	179,010,000	37,000,000	216,010,000
16	177,437,500	37,000,000	214,437,500
17	175,865,000	37,000,000	212,865,000
18	174,292,500	42,000,000	216,292,500
19	172,507,500	42,000,000	214,507,500
20	170,722,500	42,000,000	212,722,500
21	168,937,500	42,000,000	210,937,500
22	167,152,500	46,000,000	213,152,500
23	165,197,500	46,000,000	211,197,500
24	163,242,500	46,000,000	209,242,500
25	161,287,500	51,000,000	212,287,500
26	159,120,000	51,000,000	210,120,000
27	156,952,500	51,000,000	207,952,500
28	154,785,000	53,000,000	207,785,000
29	152,532,500	55,000,000	207,532,500
30	150,195,000	57,000,000	207,195,000
31	147,772,500	60,000,000	207,772,500
32	145,222,500	64,000,000	209,222,500
33	142,502,500	64,000,000	206,502,500
34	139,782,500	64,000,000	203,782,500
35	137,062,500	67,000,000	204,062,500
36	134,215,000	70,000,000	204,215,000
37	131,240,000	72,000,000	203,240,000
38	128,180,000	74,000,000	202,180,000
39	125,035,000	78,000,000	203,035,000
40	121,720,000	78,000,000	199,720,000
41	118,405,000	83,000,000	201,405,000
42	114,877,500	85,000,000	199,877,500
43	111,265,000	89,000,000	200,265,000
44	107,482,500	94,000,000	201,482,500
45	103,487,500	96,000,000	199,487,500
46	99,407,500	100,000,000	199,407,500
47	95,157,500	105,000,000	200,157,500
48	90,695,000	110,000,000	200,695,000
49	86,020,000	114,000,000	200,020,000
50	81,175,000	119,000,000	200,175,000
51	76,117,500	123,000,000	199,117,500
52	70,890,000	127,000,000	197,890,000
53	65,492,500	132,000,000	197,492,500
54	59,882,500	136,000,000	195,882,500
55	54,102,500	141,000,000	195,102,500
56	48,110,000	146,000,000	194,110,000
57	41,905,000	151,000,000	192,905,000
58	35,487,500	156,000,000	191,487,500
59	28,857,500	162,000,000	190,857,500
60	21,972,500	167,000,000	188,972,500
61	14,875,000	175,000,000	189,875,000
62	7,437,500	175,000,000	182,437,500
Total	8,172,665,000	4,600,000,000	12,772,665,000

[1] As furnished by Secretary Mellon.
[2] From page 3544, CONGRESSIONAL RECORD.

"*Provided*, That should the United States at any time be able to refund any of her World War bonds for less than an average of 4½ per cent, the United States shall make good to the United Kingdom of Great Britain and Ireland the amount of any such reduction of interest."

Mr. SMOOT. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 2, line 10, and on page 3, lines 1, 4, 10, 13, and 15, strike out the single quotation marks.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. McKELLAR. I ask for the yeas and nays.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. LODGE (when Mr. BRANDEGEE's name was called). I desire to make the announcement at this time that the senior Senator from Connecticut [Mr. BRANDEGEE] is unavoidably absent. If present, he would vote "yea."

Mr. HARRIS (when his name was called). I again announce my pair with the senior Senator from New York [Mr. WADSWORTH]. In his absence I withhold my vote. If permitted to vote, I would vote "nay."

Mr. McCORMICK (when his name was called). I have a standing pair with the junior Senator from Wyoming [Mr. KENDRICK], who has asked me to announce that if he were present he would vote "yea." I vote "yea."

Mr. OWEN (when his name was called). I understand that my pair, the Senator from New Jersey [Mr. EDGE], if present, would vote for the bill. I feel at liberty to vote, and vote "yea."

Mr. REED of Pennsylvania (when Mr. PEPPER's name was called). I am requested to announce that the senior Senator from Pennsylvania [Mr. PEPPER] is unable to be present, being detained by sickness. If present, he would vote "yea."

Mr. OVERMAN (when the name of Mr. SIMMONS was called). I again announce that my colleague [Mr. SIMMONS] is unable to be present, being at home sick. He is paired with the junior Senator from West Virginia [Mr. ELKINS]. My colleague has telegraphed me to say to the Senate that if he were present he would vote "yea."

The roll call was concluded.

Mr. SHEPPARD. My colleague, the senior Senator from Texas [Mr. CULBERSON], is unavoidably absent. If he were present, he would vote "yea."

Mr. SMOOT. I inquire whether the junior Senator from South Dakota [Mr. NORBECK] has voted?

The VICE PRESIDENT. He has not voted.

Mr. SMOOT. The junior Senator from South Dakota asked me if he were absent from the Chamber at the time the vote was taken on the passage of the bill to announce that if present he would vote for the bill.

Mr. CURTIS. I desire to announce that the Senator from West Virginia [Mr. ELKINS], the Senator from Colorado [Mr. NICHOLSON], and the Senator from New Jersey [Mr. EDGE], all of whom are necessarily absent, if present, would vote for the bill.

The result was announced—yeas 70, nays 13, as follows:

YEAS—70.

Ball	George	McNary	Shortridge
Bayard	Glass	Moses	Smith
Brookhart	Gooding	Myers	Smoot
Broussard	Hale	Nelson	Spencer
Bursum	Harreld	New	Stanfield
Calder	Harrison	Oddie	Stanley
Cameron	Johnson	Overman	Sterling
Capper	Jones, N. Mex.	Owen	Sutherland
Caraway	Jones, Wash.	Page	Swanson
Colt	Kellogg	Phipps	Townsend
Couzens	Keyes	Pittman	Underwood
Curtis	King	Poindexter	Warren
Dial	Lenroot	Pomerene	Watson
Dillingham	Lodge	Ransdell	Weller
Ernst	McCormick	Reed, Pa.	Williams
Fernald	McCumber	Robinson	Willis
Fletcher	McKinley	Sheppard	
Frelinghuysen	McLean	Shields	

NAYS—13.

Ashurst	Heflin	Norris	Walsh, Mont.
Borah	Hitchcock	Reed, Mo.	
France	La Follette	Trammell	
Gerry	McKellar	Walsh, Mass.	

NOT VOTING—13.

Brandegee	Elkins	Nicholson	Wadsworth
Culberson	Harris	Norbeck	
Cummins	Kendrick	Pepper	
Edge	Ladd	Simmons	

So the bill was passed, as follows:

Be it enacted, etc., That the first proviso of section 2 of the act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign governments paid by the United States of America, and for other purposes," approved February 9, 1922, is amended to read as follows:

"*Provided*, That the settlement of indebtedness of the United Kingdom of Great Britain and Ireland to the United States, as follows:

Principal of notes to be refunded		$4,074,818,358.44
Interest accrued and unpaid up to Dec. 15, 1922, at the rate of 4½ per cent		629,836,106.99
		4,704,654,465.43
Deduct payments made Oct. 16, 1922, and Nov. 15, 1922, with interest at 4½ per cent thereon to Dec. 15, 1922		100,526,379.69
		4,604,128,085.74
To be paid in cash		4,128,085.74
Total principal of indebtedness as of Dec. 15, 1922, for which British Government bonds are to be issued to the United States Government at par		4,600,000,000.00

"The principal of the bonds shall be paid in anual installments on a fixed schedule, subject to the right of the British Government to make these payments in three-year periods. The amount of the first year's installment will be $23,000,000 and these annual installments will increase with due regularity during the life of the bonds until, in the sixty-second year, the amount of the installment will be $175,000,000, the aggregate installments being equal to the total principal of the debt.

"The British Government shall have the right to pay off additional amounts of the principal of the bonds on any interest date upon 90 days' previous notice.

"Interest is to be payable upon the unpaid balances at the following rates, on December 15 and June 15 of each year: At the rate of 3 per cent per annum, payable semiannually from December 15, 1922, to December 15, 1932, thereafter at the rate of 3½ per cent per annum, payable semiannually until final payment.

"For the first five years one-half the interest may be deferred and added to the principal, bonds to be issued therefor similar to those of the original issue.

"Any payment of interest or principal may be made in any United States Government bonds issued since April 6, 1917, such bonds to be taken at par and accrued interest—is hereby approved and authorized, and settlements with other governments indebted to the United States are hereby authorized to be made upon such terms as the commission, created by the act approved February 9, 1922, may believe to be just, subject to the approval of the Congress by act or joint resolution.

"SEC. 2. That the first section of the act entitled 'An act to create a commission authorized under certain conditions to refund or convert obligations of foreign governments held by the United States of America, and for other purposes,' approved February 9, 1922, is amended to read as follows:

"'That a World War Foreign Debt Commission is hereby created consisting of eight members, one of whom shall be the Secretary of the Treasury, who shall serve as chairman, and seven of whom shall be appointed by the President, by and with the advice and consent of the Senate. Not more than four members so appointed shall be from the same political party.'

"SEC. 3. That the provisions of section 2 of this act shall not affect the tenure of office of any person who is a member of the World War Foreign Debt Commission at the time this act takes effect."

Mr. McCUMBER. I move that the Senate agree to any conference asked by the House on the disagreeing votes of the two Houses upon the pending bill, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. McCUMBER, Mr. SMOOT, and Mr. WILLIAMS conferees on the part of the Senate.

THE MERCHANT MARINE.

Mr. JONES of Washington. I move that the Senate proceed to the consideration of the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes.

Mr. ROBINSON. I thought there was an understanding that upon the passage of the debt funding bill the Senate would adjourn until 11 or 12 o'clock to-morrow.

Mr. JONES of Washington. I will say to the Senator that after the motion I have made shall have been acted upon an adjournment will be taken.

Mr. ROBINSON. But the Senator's motion can not be acted upon this evening.

Mr. JONES of Washington. I shall insist upon my motion being disposed of to-night. I have moved that the Senate proceed to the consideration of House bill 12817.

Mr. ROBINSON. I move that the Senate do now adjourn.

Mr. JONES of Washington. On that motion I demand the yeas and nays.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. FRELINGHUYSEN (when his name was called). I am paired with the junior Senator from Montana [Mr. WALSH], who, I observe, has left the Chamber. Therefore I am compelled to withhold my vote. If permitted to vote, I should vote "nay."

Mr. HARRIS (when his name was called). Repeating the previous announcement as to my pair, I withhold my vote.

Mr. LODGE (when his name was called). I transfer my pair with the Senator from Alabama [Mr. UNDERWOOD] to the Senator from Connecticut [Mr. BRANDEGEE] and vote "nay."

Mr. McCORMICK (when his name was called). I transfer my pair with the junior Senator from Wyoming [Mr. KENDRICK] to the senior Senator from Pennsylvania [Mr. PEPPER] and vote "nay."

Mr. WILLIS (when his name was called). I am paired with my colleague, the senior Senator from Ohio [Mr. POMERENE]. I transfer that pair to the senior Senator from Iowa [Mr. CUMMINS] and vote "nay."

The roll call was concluded.

Mr. CURTIS. I desire to announce the following pairs:

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN]; and

The Senator from West Virginia [Mr. ELKINS] with the Senator from North Carolina [Mr. SIMMONS].

The result was announced—yeas 30, nays 38, as follows:

YEAS—30.

Ashurst	Broussard	Dial	Gerry
Bayard	Capper	Fletcher	Glass
Brookhart	Caraway	George	Harrison
Heflin	McKellar	Robinson	Swanson
Hitchcock	McNary	Sheppard	Trammell
Jones, N. Mex.	Norris	Shields	Walsh, Mass.
King	Overman	Smith	
La Follette	Pittman	Stanley	

NAYS—38.

Ball	Johnson	Moses	Spencer
Bursum	Jones, Wash.	Nelson	Sterling
Calder	Kellogg	New	Sutherland
Cameron	Keyes	Oddie	Townsend
Colt	Lenroot	Page	Warren
Curtis	Lodge	Phipps	Watson
Dillingham	McCormick	Ransdell	Weller
Ernst	McCumber	Reed, Pa.	Willis
Fernald	McKinley	Shortridge	
Hale	McLean	Smoot	

NOT VOTING—28.

Borah	France	Myers	Reed, Mo.
Brandegee	Frelinghuysen	Nicholson	Simmons
Couzens	Gooding	Norbeck	Stanfield
Culberson	Harreld	Owen	Underwood
Cummins	Harris	Pepper	Wadsworth
Edge	Kendrick	Poindexter	Walsh, Mont.
Elkins	Ladd	Pomerene	Williams

So the Senate refused to adjourn.

The VICE PRESIDENT. The question is on the motion of the Senator from Washington [Mr. JONES] to proceed to the consideration of House bill 12817.

Mr. FLETCHER. May I ask the Senator if it is his purpose to go on with the bill to-night if the motion prevails?

Mr. JONES of Washington. It is not. I am perfectly willing to have an adjournment taken when the motion is agreed to.

Mr. FLETCHER. To what hour?

Mr. JONES of Washington. I am ready to adjourn until 11 o'clock to-morrow.

Mr. ROBINSON. Very well, Mr. President; with that understanding I make no further objection.

The VICE PRESIDENT. The question is on the motion of the Senator from Washington.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes.

Mr. JONES of Washington. I ask unanimous consent that a reprint of the bill may be made, showing the amendments as reported by the committee and certain amendments which I expect to propose to the bill.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. McNARY. I submit an amendment intended to be proposed by me to the pending bill, which I ask may lie on the table and be printed.

The VICE PRESIDENT. It will be so ordered.

ADJOURNMENT.

Mr. JONES of Washington. I move that the Senate adjourn until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 7 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Saturday, February 17, 1923, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 16, 1923.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

The Lord reigneth. There is but one God, and in the hollow of His hand all things rest. Come to our waiting hearts and surround us this day with the circle of Thy care. May we so labor that nothing of Thy Providence shall be wasted upon us. Give us a growing insight into all problems which are related to the happiness and prosperity of our country. Establish all our ways in the paths of Thy truth. Comfort the sick and the distressed with Thy grace. Bless and keep those whose dumb entreaties are written on their hearts and whose language can not be told. In the name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

SENATE BILL LAID ON THE TABLE.

Mr. SNYDER. Mr. Speaker, by direction of the Committee on Indian Affairs, I ask unanimous consent that the bill (S. 3790) authorizing the Secretary of the Interior to enter into an agreement with Toole County irrigation district, of Shelby, Mont., and the Cut Bank irrigation district, of Cut Bank, Mont., for the disposal of the surplus waters of Milk River, Two Medicine, Cut Bank, and Badger Creeks, not needed by the

Indians of the Blackfeet Indian Reservation for domestic or irrigation purposes, be laid on the table.

The SPEAKER. The gentleman from New York asks unanimous consent that the bill S. 3790 be laid on the table. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment the following concurrent resolution:

House Concurrent Resolution 84.

Resolved by the House of Representatives (the Senate concurring), That the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate No. 124 to the bill (H. R. 13660) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1924, and for other purposes, be authorized to agree to striking out the following language from said amendment: "at the Virginia end of the Key Bridge."

The message also announced that the Senate had passed without amendment the bill of the following title:

H. R. 13351. An act authorizing the Secretary of the Navy, in his descretion, to deliver to the Daughtess of the American Revolution of the State of South Carolina the silver service which was used upon the battleship *South Carolina*.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 3220) to amend sections 2, 5, 11, 12, 15, 19, 29, and 30 of the United States warehouse act, approved August 11, 1916.

The message also announced that the Senate had passed the following concurrent resolution, in which the concurrence of the House of Representatives was requested:

Resolved by the Senate (the House of Representatives concurring), That the action of the Speaker of the House of Representatives and of the President of the Senate in signing the enrolled bill (S. 2023) defining the crop failure in the production of wheat, rye, or oats by those who borrowed money from the Government of the United States for the purchase of wheat, rye, or oats for seed, and for other purposes, be rescinded and that the Secretary be authorized and directed to reenroll the bill with the following amendments:

On page 1, line 6, after the words "United States," insert "in the years 1918 and 1919."

Amend the title so as to read, "An act defining the crop failure in the production of wheat, rye, or oats by those who borrowed money from the Government of the United States in the years 1918 and 1919 for the purchase of wheat, rye, or oats for seed, and for other purposes."

LIQUOR SHIPMENTS TO DIPLOMATIC REPRESENTATIVES.

Mr. CRAMTON. Mr. Speaker, I move that the Committee on the Judiciary be discharged from further consideration of House Resolution 503.

The SPEAKER. The gentleman from Michigan moves to discharge the Judiciary Committee from further consideration of House Resolution 503.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

The SPEAKER. The gentleman from Michigan asks unanimous consent to proceed for three minutes. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, the gentleman will have control of the time.

Mr. CRAMTON. I am not insistent on it, but I thought the House would prefer a brief statement.

The SPEAKER. The gentleman from Tennessee means after the committee is discharged?

Mr. GARRETT of Tennessee. Yes.

Mr. CRAMTON. I thought the House would prefer a brief statement at this time.

The SPEAKER. There is no debate on the motion to discharge the committee except by unanimous consent. If the committee is discharged the gentleman will have an hour, and the Chair presumes that the gentleman from Tennessee referred to that time.

Mr. GARRETT of Tennessee. At some time before it is finally disposed of.

The SPEAKER. Is there objection to the request of the gentleman from Michigan for three minutes?

There was no objection.

Mr. CRAMTON. Mr. Speaker, I do not care to discuss the merits of the resolution further than to say that it is one of two resolutions introduced by me 10 days ago, which went to the Judiciary Committee, and were very promptly handled by that committee and referred to the department for information. That information has come back from both departments—from the State Department quite full and complete and the Treasury Department complying in part. I want to make it clear to the House that my action in asking to have the committee discharged is not to be taken in any way as a reflection on that committee or as indicating any reluctance on their part to have acted upon it. My action is in accord with the consent of the chairman. The committee is busily engaged in important matters, and this is a matter the House can handle whether reported or not. There is no question as to what would have been the action of the committee, but rather than to wait until the next session of the committee on Monday, and rather than to unnecessarily take up their time on what is merely a formal matter, I have taken this course. There is no question but that the committee would have acted favorably if I had asked action by them.

Mr. GARRETT of Tennessee. Let the resolution be reported.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 503.

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform the House of Representatives, if not incompatible with the public interest, as follows:

1. What shipments of intoxicating liquors for beverage purposes consigned to representatives of foreign governments having a diplomatic status in the United States have been imported into the United States since January 17, 1920, giving in connection with each such shipment the name and office of the consignee, the country to which he was accredited, the kind and quantity of liquor, the place from which shipped to the United States, to whom delivered by the Customs Service, and the date of such delivery to the consignee or his representative.

2. What rules or regulations, if any, have been adopted or put in force by the Treasury Department or any officer thereof since January 17, 1920, with reference to the importation of intoxicating liquors for beverage purposes for representatives of foreign governments having a diplomatic status in the United States.

3. If any such rules or regulations have been so adopted or put in force, or any such liquors have been so imported since January 17, 1920, under the authority of what law, if any, the Treasury Department acted in adopting or putting in effect such rules or regulations or in permitting such importations.

Mr. GARRETT of Tennessee. Mr. Speaker, I reserve a point of order on the resolution, if it is not too late. This is the first time it has been reported.

The SPEAKER. The Chair thinks it is not too late.

Mr. GARRETT of Tennessee. The latter clause calls for an opinion for the reason that it asks the Secretary of the Treasury to state under what law, if any, the Treasury Department acted in adopting or putting in effect rules or regulations permitting importations.

The SPEAKER. The Chair thinks that that point of order does not lie. It simply asks under what law the Treasury Department acted.

Mr. GARRETT of Tennessee. It would require a construction of the law, would it not?

The SPEAKER. The Chair thinks not.

Mr. GARRETT of Tennessee. I withdraw the point of order.

Mr. HILL. Mr. Speaker, I make the point of order that no quorum is present. This is a very interesting question.

The SPEAKER. There is no debate permitted on the motion. The gentleman from Maryland makes the point that no quorum is present.

Mr. DARROW. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

Ansorge	Fairfield	Lee, N. Y.	Schall
Anthony	Fess	Little	Scott, Mich.
Barkley	Fish	McClintic	Scott, Tenn.
Bird	Focht	McLaughlin, Nebr.	Sears
Bland, Ind.	Free	McLaughlin, Pa.	Siegel
Bond	Gallivan	Martin	Sinclair
Bowers	Garner	Mead	Slemp
Brand	Glynn	Michaelson	Smith, Mich.
Brennan	Gould	Mills	Smithwick
Brooks, Ill.	Graham, Pa.	Montague	Stiness
Brooks, Pa.	Griffin	Moore, Ill.	Stoll
Burdick	Hawes	Morin	Strong, Pa.
Burke	Himes	Mott	Sullivan
Burtness	Humphreys, Miss.	Mudd	Summers, Wash.
Burton	Hutchinson	Nelson, J. M.	Sweet
Cable	Johnson, Ky.	Newton, Mo.	Tague
Carew	Johnson, Miss.	Nolan	Taylor, Ark.
Chandler, N. Y.	Johnson, S. Dak.	O'Brien	Taylor, Colo.
Chandler, Okla.	Kahn	O'Connor	Taylor, N. J.
Classon	Keller	Overstreet	Thomas
Cockran	Kennedy	Park, Ga.	Thorpe
Codd	Kiess	Parks, Ark.	Tinkham
Connolly, Pa.	Kindred	Paul	Vestal
Cullen	King	Perlman	Volk
Curry	Kitchin	Rayburn	Ward, N. Y.
Davis, Minn.	Kleczka	Reber	Wheeler
Dominick	Kline, N. Y.	Riddick	Winslow
Drane	Knight	Rodenberg	Yates
Dupré	Kopp	Rose	Zihlman
Dyer	Kraus	Rossdale	
Edmonds	Kreider	Ryan	

The SPEAKER. On this roll 307 Members have answered to their names, a quorum.

Mr. DARROW. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

The SPEAKER. The question is on the motion of the gentleman from Michigan to discharge the Committee on the Judiciary from further consideration of House Resolution 503.

The motion was agreed to.

The SPEAKER. The Clerk will report the resolution.

The Clerk again reported the resolution.

Mr. CRAMTON. Mr. Speaker, on February 3 I introduced two resolutions of inquiry relating to the importation of liquors for the use of embassies of foreign governments, one resolution calling for information from the State Department and the other from the Treasury Department. At that time I made the following statement with reference to the purpose of the resolutions:

Of late the importation and use of liquors for foreign embassies and legations has been the subject of country-wide discussion. This has been particularly true in Washington, where the problem of enforcement of the eighteenth amendment is said to be acutely affected by the presence of these liquors. To what extent it really is affected is uncertain, so conflicting are the various published reports. The other day the President said the question of the amount of liquor to be received by the diplomatic corps here is a matter for Congress to consider rather than the Executive. It is time Congress and the country knew the facts about this, knew whether that which has been permitted as a courtesy is being used as a cover for abuses seriously contributing to scandalous disregard of the fundamental law of our land. When Congress has from the departments the authentic facts as to the extent of such importations and the law under which it is being done, we can decide better what, if anything, is necessary to safeguard the courtesy or to end the abuses.

My resolution asks of the Treasury Department a statement in detail of all importations of liquors for the diplomatic corps during the last three years under national prohibition, the regulations governing such importations, and under what law the department acts. Of the State Department the resolution asks: What regulations have been adopted, what certificates of identification have been issued, and under what law the department acts?

House Resolution 503 has been read by the Clerk; House Resolution 504 is as follows:

Resolved, That the Secretary of State be, and he is hereby, directed to inform the House of Representatives, if not incompatible with the public interest, as follows:

1. What rules or regulations, if any, have been adopted or promulgated by the Department of State or any officer thereof with reference to the importation into the United States and transportation therein of intoxicating liquors for beverage purposes for representatives of foreign governments having diplomatic status in the United States since January 17, 1920?

2. To what representatives of foreign governments having a diplomatic status in the United States have certificates of identification been issued by or on behalf of the Department of State since January 17, 1920, for the purpose of enabling such representatives to secure any such importations?

3. If any such rules or regulations have been so adopted or promulgated, or certificates of identification have been issued, under the authority of what law the Department of State acted?

Those resolutions went to the Committee on the Judiciary and, as is customary, the chairman of that committee asked the State and Treasury Departments for information with reference to them. The State Department furnished a response which appealed to me as complying fairly well with the resolutions. From the State Department there came copies of opinions rendered by the Attorney General covering the question of the law governing this matter. I ask unanimous consent at this point to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. CRAMTON. I shall insert these papers in full at this point in my remarks. They are as follows:

DEPARTMENT OF STATE,
Washington, February 10, 1923.

Hon. ANDREW J. VOLSTEAD,
Chairman Committee on the Judiciary,
House of Representatives.

SIR: I have the honor to acknowledge the receipt of your letter of February 6, 1923, inclosing a copy of House Resolution 504, which was introduced by Representative CRAMTON on February 3, 1923, and referred to your committee. You state that the committee will be glad to have any information or suggestions that this department would care to submit to it before acting upon this resolution.

I have the honor to state that I am entirely willing to furnish the committee all the information which I can properly transmit, and for this purpose the adoption of the resolution is unnecessary.

1. Regarding the inquiry concerning the rules and regulations, if any, adopted by the department or any officer thereof with reference to the importation into the United States and transportation therein of intoxicating liquors for beverage purposes for representatives of foreign governments having a diplomatic status, I may observe that the administration of the law regarding this subject is, as you know, not vested in this department, and neither the Department of State nor any officer thereof has adopted or promulgated any rules or regulations with reference to the importation or transportation of intoxicating liquors belonging to diplomatic representatives of foreign governments.

2. As to the inquiry, "To what representatives of foreign governments having a diplomatic status in the United States have certificates of identification been issued by or on behalf of the Department of State since January 17, 1920, for the purpose of enabling such representatives to secure any such importations," I beg to say:

As you are doubtless aware, diplomatic officers accredited by foreign governments to the United States and received as such, together with the members of their missions, including their families and servants, are immune from arrest, and their baggage and property can not be distrained, seized, or attached. In this connection I may call your attention to the provisions of sections 4062 to 4065 of the Revised Statutes of the United States in relation to the inviolability of the person and property of diplomatic officers and their domestics and domestic servants. Section 4065 of the Revised Statutes provides that the immunities granted by the preceding section are not to "apply to any case where the person against whom the process is issued is a domestic servant of a public minister unless the name of the servant has, before the issuing thereof, been registered in the Department of State and transmitted by the Secretary of State to the marshal of the District of Columbia, who shall upon receipt thereof post the same in some public place in his office." It has been customary for many years for this department to issue, at the request of foreign diplomatic officers, certificates of identification for themselves or for their domestic servants duly registered in order that such persons might not experience difficulties in obtaining the immunities to which they are entitled.

Copies of the form of certificates of identification issued are inclosed. The department does not require a statement of the purposes for which these certificates are to be used, nor do the certificates that are issued indicate that they are to be used for any specific purpose.

Copies of requests for certificates showing that they are desired in order to secure diplomatic privileges and immunities and the purposes of the requests are transmitted to the Treasury Department for its information.

3. Concerning the inquiry as to the authority of law under which the department acts in such matters, I may state that it acts under the recognized principles of international law, the sections of the Revised Statutes referred to above, and the pertinent court decisions.

As of possible interest to you, I inclose copies of opinions of Attorney General Palmer dated May 8 and December 5, 1919, and of Acting Attorney General King dated January 12, 1920, concerning the immunity of diplomatic officers.

I have the honor to be, sir, your obedient servant.

CHARLES E. HUGHES.

(Inclosures: Form of certificate of identification for diplomatic officer. Same for employee of embassy or legation. Opinions of Attorney General Palmer of May 8 and December 5, 1919. Opinion of Acting Attorney General King of January 12, 1920.)

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To whom it may concern:

This is to certify that ——— ——— is the minister of ———, and that he is, therefore, entitled by the laws of the United States to the diplomatic privileges and immunities corresponding to his office.

———, ———.

DEPARTMENT OF STATE,
Washington.

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To whom it may concern:

This is to certify that ——— ——— is an employee of the ——— Embassy; that he is duly registered in the Department of State in accordance with the provisions of article 4065 of the Revised Statutes of the United States; and that he is therefore entitled to the diplomatic privileges and immunities corresponding to his functions.

———, ———.

DEPARTMENT OF STATE,
Washington.

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DEPARTMENT OF JUSTICE,
Washington, May 8, 1919.

Hon. ROBERT LANSING,
Secretary of State, Washington, D. C.

DEAR MR. SECRETARY: I have the honor to acknowledge receipt of your letter of April 9, referring to the act of March 3, 1917, which was later made applicable to the District of Columbia, known as the Reed amendment, and to the provision of the act of November 21, 1918, to the effect that "no distilled, malt, vinous, or other intoxicating liquors shall be imported into the United States during the continuance of the present war and period of demobilization," and requesting an opinion on the following questions:

"1. Will a railroad or express company or other carrier be exempt from the penalty of the Reed amendment if it transports in interstate commerce a shipment of intoxicating liquors consigned to a diplomatic representative of a foreign country residing in the District of Columbia?

"2. Will a vendor or manufacturer of intoxicating liquors who accepts an order for intoxicating liquors from a diplomatic representative of a foreign country residing in the District of Columbia, and ships the same in interstate commerce into the District of Columbia, addressed to such diplomatic representative, be subject to penalty under the Reed amendment?

"3. Will a shipment of intoxicating liquors from abroad, addressed to a diplomatic representative in the District of Columbia, be permitted to come into this country and be transported to the District of Columbia, in spite of the provisions of the act of November 21, 1918?"

To answer the questions thus submitted, it is necessary to consider the so-called Reed amendment of March 3, 1917, afterwards made applicable to the District of Columbia, and the act of November 21, 1918, which prohibits the importation of intoxicating liquors of any kind during the period of war and demobilization.

The Reed amendment is directed only against the transportation of liquor in interstate commerce. It subjects to its penalties all persons, including carriers, who cause intoxicating liquors to be transported from any point in the United States into the District of Columbia for beverage purposes. It does not, however, apply to foreign commerce, and hence does not prohibit the transportation of such liquors from a foreign country to any point within the United States.

The act of November 21, 1918, on the other hand, does not relate to interstate commerce or transportation, but, in the broadest terms, prohibits the importation into this country of intoxicating liquors. The two acts together make it unlawful to cause liquor to be transported into the District of Columbia from any point within the United States or to import it from a foreign country. Carriers who knowingly transport such liquors from within the United States into the District of Columbia are subject to the penalties of the Reed amendment. In the case of the importation of liquor from foreign countries, however, the offense consists of bringing it into this country, and a carrier who, as a part of the transportation from a foreign country to a point within the United States, transports it from the port of entry to its destination, transports it not in interstate commerce but in foreign commerce, and hence is not guilty of a violation of either the Reed amendment or the act of November 21, 1918. In

such case, the latter act is violated by the importer when the liquor is brought into the United States.

While the law is as stated above, it is also true that diplomatic representatives of foreign countries, residing in the District of Columbia, are entitled to certain well-established immunities. Section 4063 of the Revised Statutes is as follows:

"Whenever any writ or process is sued out or prosecuted by any person in any court of the United States, or of a State, or by any judge or justice, whereby the person of any public minister of any foreign prince or State, authorized and received as such by the President, or any domestic or domestic servant of any such minister, is arrested or imprisoned, or his goods or chattels are distrained, seized, or attached, such writ or process shall be deemed void."

By section 4065, however, it is provided that the section just quoted shall apply only to those domestic servants whose names shall have been registered in the Department of State and transmitted by the Secretary of State to the marshal of the District of Columbia. This statute is declaratory of recognized rules of international law.

It follows that while the importing into this country or the bringing into the District of Columbia in interstate commerce of intoxicating liquors is an offense against the laws referred to, no diplomatic representative of any foreign country received by the President and residing in the District of Columbia, nor any domestic servant of such representative whose name has been duly registered, is subject to arrest for such an offense. Intoxicating liquors belonging to such a diplomatic representative are a part of his goods and chattels, and as such are not subject to seizure or detention. This immunity does not extend, however, to persons other than the representative himself and his registered domestic servant who may be found transporting liquors from any point within the United States into the District of Columbia, although such liquors may be the property of a foreign diplomatic representative and are being transported for delivery to him.

It is unlawful to sell intoxicating liquors in the District of Columbia. It would be scarcely claimed that an indictment under this law could be defeated by showing that the sale was made to a diplomatic representative of a foreign country. Likewise, it is unlawful to cause intoxicating liquors to be transported from Baltimore, for instance, to Washington. And I apprehend that one could not successfully defend against an indictment for such transportation by showing that the liquors transported were the goods and chattels of a foreign diplomatic representative.

To illustrate the principle, a foreign ambassador could not be indicted for a violation of the game laws of any of the States. But this would not give immunity to any American citizen who should invite him to a hunting party conducted in disregard of the game laws.

In accordance with the law as above stated, I answer your questions as follows:

1. A railroad or express company or other carrier is not exempt from the penalty of the Reed amendment if it transports in interstate commerce a shipment of intoxicating liquors consigned to a diplomatic representative residing in the Distrct of Columba.

2. A vendor or manufacturer of intoxicating liquors who accepts an order for intoxicating liquors from a diplomatic representative of a foreign country residing in the District of Columbia and ships the same in interstate commerce into the District of Columbia addressed to such diplomatic representative is subject to the penalty of the Reed amendment.

3. Laws prohibiting importation are enforced by criminal prosecutions and by seizure and forfeiture of goods. They can not be enforced against a diplomatic representative, who is immune from arrest and whose goods and chattels are not subject to seizure. It follows that a shipment of liquors from abroad, addressed to a diplomatic representative in the District of Columbia, can not be seized and molested, and hence its entry must be permitted. Having thus entered the country, its transportation from the seaport to its destination is an incident of foreign and not interstate commerce, and hence not prohibited.

Respectfully,

A. MITCHELL PALMER, *Attorney General.*

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DEPARTMENT OF JUSTICE,
Washington, December 5, 1919.

Hon. ROBERT LANSING,
Secretary of State, Washington, D. C.

MY DEAR MR. SECRETARY: I have the honor to acknowledge receipt of your letter of December 2 calling my attention to recent prohibition legislation in connection with the opinion given you on May 8, 1919.

At the time the opinion referred to was given the statutes involved were the so-called Reed amendment, which prohibited the shipment of intoxicating liquors into States whose laws prohibited the sale and manufacture of such liquors, the later act which made the provisions of that act applicable to the District of Columbia, and the act of November 21, 1918, which prohibited the importation of intoxicating liquors into the United States. I held at that time that while the importation of intoxicating liquors was prohibited the method of enforcing the prohibition was a seizure of the liquors; and since the goods and chattels of diplomatic representatives of foreign countries were immune from seizure, the importation of liquors by such diplomatic representatives could not be prevented. I further held that the only Federal law affecting the right to transport liquors was the Reed amendment, which was limited in its operations to the shipments in interstate commerce. And since goods consigned in a foreign country to a diplomatic representative in Washington were in foreign and not interstate commerce, the Reed amendment had no application; and that the railroad company which transported the liquors from the seaport to Washington being engaged in foreign commerce was not guilty of a violation of the Reed amendment.

Title I of the recent prohibition enforcement act relates alone to the enforcement of the act of November 21, 1918, and does not in any way affect the questions involved. Title II of the prohibition enforcement act, however, which goes into effect contemporaneously with the prohibition amendment, makes it unlawful to transport liquor within the United States without regard to whether the transportation be intrastate, interstate, or foreign commerce. I am, therefore, constrained to the view that when that act becomes effective it will be unlawful for any common carrier to transport from the seaport to Washington any intoxicating liquors intended for beverage purposes, although they be consigned to a diplomatic representative of a foreign country.

Of course, as you suggest, on account of the immunity of diplomatic representatives from arrest and the immunity of their goods and chattels from seizure such representatives can not be prevented from transporting to Washington personally and through their registered servants such intoxicating liquors as they may bring into the country.

Respectfully,

A. MITCHELL PALMER, *Attorney General.*

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OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., January 12, 1920.

Hon. ROBERT LANSING,
Secretary of State, Washington, D. C.

DEAR MR. SECRETARY: I have the honor to acknowledge receipt of your letter of December 29, referring to yours of November 2, 1919, and inclosing copy of a note, dated December 13, 1919, from the Norwegian Minister asking to be informed of the status of consular and diplomatic representatives in this country with respect to the prohibition laws of the United States. I presume the reference is to such status when Title II of the recent national prohibition act and the eighteenth amendment go into effect. If you will refer to my letter of December 5, in answer to yours of December 2, you will see that I then expressed my views on this question. The importation of intoxicating liquors will be unlawful, but since foreign ministers are immune from arrest and their goods and chattels immune from seizure or detention they can not be prevented from bringing liquors into any port of the United States, nor can they be prevented from personally, or through their registered servants, transporting such liquors from the seaport to Washington. This immunity, however, can not be extended to a common carrier who is subject to the laws of the United States. In other words, it can not be said that because a foreign minister may without interference from this Government transport liquors that this licenses a common carrier to transport them for him when such transportation is forbidden by the law. The act of Congress is as broad as it can be made, and there is no authority in the executive department of the Government to make an exception to the prohibition against transportation which Congress has not seen fit to make. This, in connection with my letter of December 5, I think fully answers your question.

Respectfully,

ALEX. C. KING, *Acting Attorney General.*

I wish to call attention particularly at this time to their purport and to their essential points. The Attorney General's opinion, as will be seen, points out that under section 4063 of the Revised Statutes the persons and property of ministers from foreign countries, and of any domestic or domestic servant of such ministers, are immune from arrest or seizure. Any foreign minister duly accredited, his domestic or domestic servants, can not be arrested for any offense against our laws and his property can not be seized. Further, the Attorney General holds that under the prohibition amendment and Title II of the Volstead Act the importation of liquor and the transportation of liquor for a foreign minister or his domestics or domestic servants is unlawful and in violation of the law, but that because of the statute of immunity such person can not be arrested and liquor in his possession can not be seized; but the opinion makes it clear, states directly, that the importation even by one enjoying such immunity is unlawful under the Volstead Act and the eighteenth amendment. Further, that a common carrier who transports such liquors would be subject to the penalties of the law, because the immunity would not be extended to the common carrier. He does not say—it was not in issue—but I assume that what he says of a common carrier would be true as well of a private carrier hired for a particular trip.

The Secretary of the Treasury has furnished much of the information requested, has pointed out their procedure, and submitted a circular which I shall insert in the RECORD, under which it appears that as soon as the Attorney General's opinion was available the Treasury Department changed their regulations as to handling shipments coming in for the diplomatic corps to the extent that such shipments should not be received through the customs without examination, but that it should be sufficient, so far as examination was concerned, to accept a statement of the diplomatic representative as to whether or not the shipment contained intoxicating liquors. So that the customs officials have information when the shipments are received as to whether or not they contain intoxicating liquors. That information is sent to the Treasury Department. The Treasury Department stated that they felt they ought not to give out that information. I have discussed the matter since with officials of the Treasury Department, and they say that what action they would take in response to their resolution if passed by the House is not definite. That is, the fact that they have heretofore in their letter to the Judiciary Committee declined to give the information does not necessarily settle the question of what they will do in response to a request coming direct from the House. The letter of the Secretary of the Treasury and accompanying papers are as follows:

THE SECRETARY OF THE TREASURY,
Washington, February 13, 1923.

DEAR MR. CHAIRMAN: I received your letter of February 6, 1923, transmitting a copy of House Resolution 503, directing the Secretary of the Treasury to furnish information as to the importation and transportation of intoxicating liquors by diplomatic representatives of foreign governments in the United States. I see no occasion for the passage of this resolution, for the Treasury is quite prepared to furnish to the committee, without a formal resolution, any information that it can properly give as to the shipments or the rules and regulations which govern them.

I am inclosing for the use of the committee copies of the several Treasury decisions and letters of instruction issued since January 17,

1920, governing importations by diplomatic representatives of foreign governments in the United States, from which it appears that the same rules apply to intoxicating liquors as to other articles imported by foreign diplomats, with the exception that intoxicating liquors will be delivered only to persons holding credentials issued by the Department of State as foreign diplomatic officers. It is well established that diplomatic representatives of foreign governments are entitled to the free entry of goods as a matter of international comity and usage, and in order to provide all necessary safeguards against unauthorized importations by persons not enjoying the diplomatic status the Treasury requires that diplomatic credentials be presented and receives reports of all importations of intoxicating liquors by diplomatic representatives of foreign governments. The Treasury does not, of course, endeavor to exercise control over the disposition of intoxicating liquors delivered to diplomatic representatives of foreign governments, and it is manifest that it could not do so without infringing their diplomatic privileges and immunities. Nor could it properly give out any reports or other information as to importations of intoxicating liquors by foreign diplomatic representatives, in view of their diplomatic status and the protection of person and property to which that entitles them.

I trust that this furnishes the information which the committee desires.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

Hon. ANDREW J. VOLSTEAD,
Chairman Committee on the Judiciary,
House of Representatives, Washington, D. C.

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ART. 376. Baggage: The privilege of free entry (and exemption from examination) is extended to the baggage and other effects of the following officials, their families, suites, and servants:

Foreign ambassadors, ministers, chargés d'affaires.

Secretaries and naval, military, and other attachés at embassies and legations, high commissioners and consular officers accredited to this Government or en route to and from other countries to which accredited and whose governments grant reciprocal privileges to American officials of like grade accredited thereto.

Similar representatives of this Government abroad, including consular officers returning from their missions.

Other high officials of this and foreign governments.

Applications should be made to the Department of State for the free entry of the baggage of and extension of courtesy to all foreign ambassadors and other foreign officers. Application should also be made through the Department of State in the case of diplomatic and consular officers of the United States returning from their missions. Other high officials of this Government may, however, make application direct to the Treasury Department for the extension of courtesies.

In the absence of special authorization from the department prior to the arrival of any of the persons above referred to, collectors of customs may accord the privileges of this article to them upon presentation of their credentials or by otherwise establishing their identity.

Collectors will keep a record of the privileges granted, whether the subject of instructions from the department or not, containing the name of the person to whom granted, his rank or designation, the name of the vessel and date of arrival.

If by accident or unavoidable delay in shipment, the baggage or other effects of a person of any of the classes mentioned in this article shall arrive after him, the same may be passed free of duty upon his declaration (without examination).

The above article was amended by T. D. 38510, October 4, 1920, by the omission of the clauses in parentheses providing for the exemption from examination.

ART. 377. Imported articles: Members and attachés of foreign embassies and legations may receive articles imported for their personal or family use free of duty without examination, upon the department's instructions in each instance, which will be issued only upon the request of the Department of State.

Packages bearing the official seal of a foreign government will be admitted to free entry without examination. Costumes, regalia, and other articles for the official use of diplomatic or consular officers of a foreign government will be admitted free of duty.

Collectors will take charge of all packages addressed to diplomatic officers of foreign nations which arrive in advance of the receipt of instructions for free entry. Notification of such arrivals should be sent to the Secretary of the Treasury.

CUSTOMS.

(T. D. 38510.)

Baggage and effects—Customs regulations amended.

ARTICLE 376, CUSTOMS REGULATIONS OF 1915, AMENDED TO REQUIRE EXAMINATION OF BAGGAGE AND EFFECTS PERMITTED FREE ENTRY THEREUNDER.

TREASURY DEPARTMENT, *October 4, 1920.*

To collectors of customs and others concerned:

In order to prevent the importation of intoxicating beverages in violation of the national prohibition act, as construed by the Attorney General, it has become necessary to require the examination of all baggage and effects for which free entry is granted pursuant to the provisions of article 376 of the Customs Regulations of 1915.

* * * * * * *

You will hereafter make an immediate report to the Secretary of the Treasury (Division of Customs) of all violations of the prohibition law which come to your attention as the result of such examinations.

As this practice will be a distinct departure from the custom that has prevailed of waiving examination when admitting effects to free entry, you should take immediate steps to impress upon your force the necessity for careful compliance with the amended regulations.

JOUETT SHOUSE, *Assistant Secretary.*

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TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, October 23, 1920.

(Secret and confidential. Division of Customs, Circular Letter No. —.)

Collectors of customs:

Please refer to Division of Customs Circular Letter No. 547, dated September 15, 1920, and to T. D. 38510, dated October 4, 1920, with regard to the examination of baggage and effects of foreign diplomatic officers in the United States, both accompanying them at the time of arrival in the United States and consigned to them for transportation in bond from the port of first arrival to Washington.

You are hereby advised and instructed that the language contained in the circular letter above referred to and in T. D. 38510, providing for the inspection of the effects of such persons enjoying diplomatic privileges and immunities, shall not be construed or interpreted to extend to the opening of the baggage or effects of such diplomatic officials for purposes of inspection, but shall consist only in their scrutiny and the statement of the diplomatic officer as to whether such baggage or effects contains intoxicating liquors, so that the reports required by T. D. 38510 may be furnished to the department. Members of the diplomatic corps shall not be detained or inconvenienced for the purpose of such inspection. On the contrary, their effects shall remain, as heretofore, inviolate, and every proper means shall be afforded them to facilitate their passage through ports of the United States.

With respect to property and effects of diplomatic officers consigned to them at their embassies or legations at Washington for transportation in bond from port of first arrival, instructions shall be sought in each instance from the department at Washington. No shipments of this character shall, in any instance, be permitted transportation in bond without specific direction from the office of the Secretary of the Treasury. In each case where prior instructions have not been received from the department, collectors shall withhold approval of the release of such effects for transportation in bond until they shall have applied for and received the instructions of the department.

D. F. HOUSTON, *Secretary.*

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(Confidential. Division of Customs. Circular letter No. —.)

TREASURY DEPARTMENT,
Washington, January 28, 1921.

Collectors of customs:

Please refer to T. D. 38510, dated October 4, 1920, amending article 376 of the Customs Regulations of 1915, to provide for examination of the baggage or effects of persons entitled to free entry thereunder.

You are hereby advised and instructed, with respect to persons other than those entitled to diplomatic privileges and immunities under section 4065 of the Revised Statutes of the United States, who receive free entry privileges under articles 376 and 377 of the Customs Regulations of 1915, to accept in lieu of examination, in the absence of circumstances which give reason to suspect a violation of the prohibition laws, the assurances of such persons that their baggage or effects do not contain liquor in violation of those laws. If, however, on any ground in an individual case you have reason to suspect that liquors are being imported by persons not entitled to diplomatic privileges and immunities under section 4065 of the Revised Statutes aforesaid, in violation of the law, the baggage or effects of such persons could be opened by you and examined, to establish definitely their contents. A detailed report of every such infraction of the law shall be promptly reported to the Secretary of the Treasury (Division of Customs) for instructions. No further action in any case shall be taken except upon receipt of and pursuant to specific orders from the department.

This instruction relates only to persons receiving free entry under articles 376 and 377 of the Customs Regulations who are subject to the laws of the United States. The procedure with regard to persons who are entitled to diplomatic privileges and immunities under section 4065 of the Revised Statutes aforesaid, which was outlined to you in secret and confidential instruction of October 23, 1920, will continue undisturbed.

D. F. HOUSTON, *Secretary.*

It appears, Mr. Speaker, from this information that the Treasury Department has the information and I urge that it ought to be furnished to the Congress. As I say, it ought to be furnished to the Congress, the body which has the responsibility of dealing with the question, as has been stated by the President. The Congress is entitled to have the authentic facts with respect to such importations. There is no desire on the part of anyone to begin an offensive campaign of overhauling the personal effects of diplomats, but truck-load shipments of liquor coming into Washington from Baltimore and coming in daylight through the streets of this city can only lead to confusion in the enforcement of the laws. Since I introduced the resolution I have had information, coming to me from official sources, of such incidents, and the statement that they caused great embarrassment to the police authorities of Washington in their endeavor to enforce this law. If one sees a truck load of liquor going through the streets of Washington with cases marked "whisky"—14 cases in one instance that I know of—one does not know whether it belongs to an embassy or not, and one may easily think that the laws are being put aside by everyone. The information ought to come to us as to the extent to which this is being carried on. The furnishing of the information called for by my resolution might cause some embarrassment to those legations which have shown most disregard of the law, but there must have been some embarrassment to those legations because of the publication, widespread, of such articles as the one I have in my hand taken from the New York Times, which article makes charges, mentions the embassies, and gives specific information. The whole question seems to me to be one which ought to be settled and cleaned up by a definite understanding of the situation.

Mr. YOUNG. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. YOUNG. Is it not an embarrassment to those representatives of countries who do observe the law to have a general understanding that all of the embassies in Washington are receiving large quantities? Is it not possible that full publicity would relieve of embarrassment those who have not abused the courtesies extended them by pinning the abuse on the real offenders?

Mr. CRAMTON. The gentleman from North Dakota states the situation very clearly. In the present situation, while we have the feeling that some of the embassies and legations have abused the courtesy, I think no one wants to be overcritical of any of the legations as to what they shall do at their own tables, but we do feel they ought not to make barrooms of their receptions. [Applause.] They ought not to go about among their friends—and I know of one authentic case given to me by a Member of this House—saying, "I will give you a quart of liquor." That is abuse of the courtesy that we want to end.

Mr. TILLMAN. Will the gentleman yield?

Mr. CRAMTON. I will yield.

Mr. TILLMAN. Did I understand the gentleman to say that he meant no discourtesy toward the Committee on the Judiciary by moving to discharge the committee from further consideration of this resolution?

Mr. CRAMTON. Absolutely no discourtesy is intended.

Mr. TILLMAN. This is a somewhat summary method of getting the resolution before the House. As a matter of fact, I see from the resolution itself that it bears the date of February 3—introduced only 13 days ago. I happen to know the views of Members of the Committee on the Judiciary on this subject. A majority is in sympathy with the resolution. Did the gentleman, may I ask, make any effort to get a hearing before that committee on this resolution?

Mr. CRAMTON. I am glad the gentleman asked that question.

Mr. TILLMAN. I want the country to know all the facts in connection with this matter and to keep the record straight.

Mr. CRAMTON. I had already spoken of this, but many have come in since, and I am glad the gentleman asked the question, because I want it absolutely understood that there is nothing in this question in any way of criticism of that committee. In fact, I might say this: It was because I knew very well what the Judiciary Committee would do if it were brought to their attention, and it seemed it was only a formality, inasmuch as the rules gave the right to call the matter up, and it seemed unnecessary to trouble them, especially as they have a number of very important matters up now.

Mr. TILLMAN. If the gentleman will yield further, the committee has been in session almost continuously since the introduction of the resolution, and has been engaged in discussing bills and measures that antedate the occasion when this measure was introduced, and so far as I know no special effort has been made to press the committee for a report, and certainly the committee has not been guilty of laches in not reporting this resolution.

Mr. CRAMTON. And very important measures are pending.

Mr. TILLMAN. I feel quite sure that the Judiciary Committee would have considered the resolution if the gentleman from Michigan had asked a hearing and requested us to report the same favorably from the House.

Mr. CRAMTON. There is not the slightest question in my mind as to that.

Mr. TILLMAN. I merely wanted to place that fact before the country in a clear and proper way. I am for the resolution, shall vote for its adoption, and I do not see why foreign embassies not guilty of permitting violations of our laws can object to the course we are about to take in this regard.

Mr. CRAMTON. And had I realized that any member of the committee would think that there was any reflection upon the committee, I would have proceeded in another way.

Mr. PARKER of New Jersey. Will the gentleman allow a question?

Mr. CRAMTON. I will.

Mr. PARKER of New Jersey. Is not the real situation not what went to a legation, but whether anything went out, and is it not a very great insult to those legations to ask what went into their cellars?

Mr. CRAMTON. Well, no more can go out than goes in, and a legation that had only a few cases in three years apparently has not abused the courtesy, but if a legation has had 500 or 1,000 cases coming into their cellars, we must assume that some went out somewhere.

Mr. PARKER of New Jersey. Does the gentleman think it is a fair assumption that it did not go into stock? It is not a fair thing to make an assumption against the legation and against foreign powers. It is a question of politeness to assume that everything in a legation they have the right to keep, and a resolution charging them with a crime is going into their private affairs in an outrageous way.

Mr. CRAMTON. The gentleman from North Dakota [Mr. YOUNG] suggested it clearly, the legations that have not abused the courtesy can be protected from the very general publicity that has resulted by giving this information definitely which will show to the Congress and the country who, if any, have abused the liberty.

Mr. PARKER of New Jersey. Has there been any proof that anything has been taken from the legations?

Mr. CRAMTON. Well, I have proof—I do not want to take too much time—which I have here, and I have the police report of some shipments that have come in——

Mr. PARKER of New Jersey. But it is a question of what goes from the legation.

Mr. CRAMTON. I do not know but what the gentleman might consider that this was going from a legation. The New York Times——

Mr. PARKER of New Jersey. I do not consider the New York Times——

Mr. CRAMTON. Probably the House may. In an article in the New York Times of February 4, 1923, and I will not read the name of any legation or embassy, but there it is stated that a certain embassy was the first to grasp the full strategic importance connected with prohibition as a social element in their influence, and during the arms conference it is said that this certain embassy laid in a whole cellar full of choicest liquors, and that the cellar gave out and had to be restocked, and that at one of the social functions given in honor of the Army and Navy a barroom was established in the embassy, with three bartenders in attendance serving Johnny Walkers and other drinks.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. I want to cut this short as much as I can.

Mr. BLANTON. Will the gentleman yield for a question?

Mr. CRAMTON. For just a brief question.

Mr. BLANTON. The police records of this District show, as I understand it, that there are leakages of liquor from one of these embassies, in violation of the laws of the country. Does not the gentleman believe that, if that is the case, if some embassy is forgetting its duty, the duty that it owes to this Government to obey the law, does not the gentleman think that the name of the embassy may be shown here, so that the people here may know who is doing it?

Mr. CRAMTON. I do not want to go into details too much to-day.

Mr. DAVIS of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. DAVIS of Tennessee. Is it not a fact that Great Britain keeps tab on intoxicating liquors coming in from foreign countries and fixes an amount that may be received without the payment of duty?

Mr. CRAMTON. Yes; I so understand. It is simply a matter of giving free entry to a certain amount, and they are charged duty on any further amount. I understand that Great Britain exercises control of such importations, and I am sure there is no impropriety in our doing so.

Mr. BRITTEN. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BRITTEN. It appears that the newspaper article that the gentleman referred to was the funny sheet of the New York Times. [Laughter.] Is not this whole thing a thoroughly ridiculous proposition? [Laughter.]

Mr. CRAMTON. Mr. Speaker, the article in question is from the magazine section of the paper——

Mr. BRITTEN. Accompanied by a lot of funny pictures.

Mr. CRAMTON. The gentleman thinks it is funny, but many of us think that to flaunt before a whole nation an excessive disregard of the Constitution of the United States under the guise of courtesy goes beyond the limits of courtesy. [Applause.]

Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. GARRETT].

The SPEAKER. The gentleman from Tennessee is recognized for five minutes.

Mr. GARRETT of Tennessee. Mr. Speaker, even where the word "liquor" is used it seems to me there is no necessity of losing our intelligence. [Applause.] The way in which this resolution has been handled is another evidence of the blundering incapacity of the majority side, which has been displayed ever since this Congress was assembled. The question of wet or dry is not involved in this resolution. That which is involved in it is the possibility of an insult to foreign countries. If the information asked for by the gentleman from Michigan [Mr. CRAMTON] in his resolution is given, what will we do with it?

Now, here is all there is to it: Under the comity existing between nations importations consigned to embassies are admitted without inquiry. It depends upon their good faith and honor whether they will violate the courtesies and comities.

I do not see what possible good the passage of this resolution can do in behalf of the dry cause. I do think I can see possibilities of friction and trouble and irritation on the part of foreign countries. We can not distinguish between foreign embassies. This resolution, in my opinion, ought to go to the table, but I am on the minority side. The majority party is responsible for the disposition that may be made of it. It seems to me that some responsible authority on the Republican side ought now to rise to the occasion and try to cure the blunder that they have already made. [Applause.]

Mr. CRAMTON. Mr. Speaker, I have only to say that the reading of the statement from the Treasury Department, which I put in the RECORD, will show that since the adoption of prohibition the Treasury Department has insisted upon examination to determine whether or not the goods coming in for these embassies contain intoxicating liquors.

Mr. POU. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. POU. If this resolution is adopted and the Secretary of the Treasury complies with the request, what is it proposed to do with the information?

Mr. CRAMTON. The Congress will have it for its consideration, and upon the nature of the information will depend the action that Congress will conclude ought to be taken. There are certain remedies to correct the situation. The Attorney General says we can not arrest and can not seize, but there is one remedy that I am now seeking to apply, and that is the remedy of publicity. [Applause.] And following that there are other remedies. I know that this situation can be cured if we get the facts before the country.

Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from Michigan moves the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the Speaker announced that the "ayes" seemed to have it.

Mr. BRITTEN. Mr. Speaker, I demand the yeas and nays.

Mr. WRIGHT. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The yeas and nays are demanded.

The yeas and nays were ordered.

The SPEAKER. As many as are in favor of agreeing to the resolution will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 189, nays 113, not voting 125, as follows:

Abernethy	Dowell	Lankford	Shelton
Almon	Driver	Larsen, Ga.	Shreve
Anderson	Elliott	Lawrence	Sinclair
Andrews, Nebr.	Ellis	Layton	Sinnott
Anthony	Evans	Lazaro	Smith, Idaho
Appleby	Fairchild	Leatherwood	Smithwick
Arentz	Fields	Lineberger	Speaks
Aswell	Fish	Little	Sproul
Atkeson	Fisher	Logan	Stedman
Bankhead	Fitzgerald	Lowrey	Steenerson
Barbour	Foster	Luce	Stevenson
Beedy	Frear	Lyon	Strong, Kans.
Begg	Fuller	McCormick	Sumners, Tex.
Bell	Fulmer	McKenzie	Swank
Benham	Funk	McLaughlin, Mich.	Sweet
Bixler	Gahn	MacLafferty	Swing
Black	Garrett, Tex.	Mapes	Taylor, Tenn.
Blakeney	Gensman	Michener	Temple
Bland, Va.	Gilbert	Miller	Thompson
Blanton	Goldsborough	Moore, Ohio	Tillman
Bowling	Graham, Ill.	Morgan	Timberlake
Box	Griest	Mott	Tincher
Briggs	Hammer	Murphy	Towner
Brown, Tenn.	Hardy, Colo.	Nelson, Me.	Turner
Browne, Wis.	Haugen	Nelson, J. M.	Tyson
Bulwinkle	Hawley	Newton, Minn.	Underhill
Byrns, Tenn.	Hayden	Norton	Upshaw
Cantrill	Henry	Oldfield	Vaile
Carter	Hersey	Oliver	Walters
Chalmers	Hoch	Perkins	Wason
Clague	Hooker	Purnell	Weaver
Clouse	Huck	Quin	White, Kans.
Cole, Ohio	Huddleston	Rainey, Ala.	White, Me.
Collier	James	Raker	Williams, Tex.
Collins	Jeffers, Ala.	Rankin	Williamson
Colton	Jones, Tex.	Reece	Wilson
Connally, Tex.	Kearns	Reed, N. Y.	Wingo
Cooper, Ohio	Kelley, Mich.	Reed, W. Va.	Wise
Cooper, Wis.	Kelly, Pa.	Rhodes	Wood, Ind.
Coughlin	Kendall	Ricketts	Woodruff
Cramton	Ketcham	Roach	Woods, Va.
Crisp	Kincheloe	Robsion	Wright
Crowther	Kissel	Sanders, Ind.	Wyant
Dallinger	Kline, Pa.	Sanders, Tex.	Yates
Davis, Tenn.	Knutson	Sandlin	Young
Denison	Kopp	Scott, Tenn.	
Dickinson	Kraus	Sears	
Doughton	Lanham	Shaw	

NAYS—113.

Ackerman	Frothingham	Lee, Ga.	Rainey, Ill.
Andrew, Mass.	Garrett, Tenn.	Lehlbach	Ramseyer
Bacharach	Gernerd	Linthicum	Ransley
Beck	Gifford	London	Riordan
Britten	Goodykoontz	McArthur	Robertson
Buchanan	Gorman	McDuffie	Rogers
Burke	Green, Iowa	McFadden	Rosenbloom
Butler	Greene, Mass.	McPherson	Rouse
Byrnes, S. C.	Hadley	MacGregor	Rucker
Campbell, Kans.	Hardy, Tex.	Magee	Sabath
Campbell, Pa.	Hickey	Maloney	Snell
Cannon	Hicks	Martin	Snyder
Chindblom	Hill	Merritt	Stafford
Clark, Fla.	Hogan	Mondell	Stephens
Clarke, N. Y.	Hull	Montague	Ten Eyck
Cole, Iowa	Humphrey, Nebr.	Moore, Va.	Tilson
Copley	Humphreys, Miss.	Moores, Ind.	Tinkham
Crago	Husted	Newton, Mo.	Treadway
Dale	Jefferis, Nebr.	O'Connor	Tucker
Darrow	Johnson, Wash.	Ogden	Vinson
Deal	Jones, Pa.	Olpp	Voigt
Dominick	Kirkpatrick	Paige	Ward, N. C.
Drewry	Kleczka	Parker, N. J.	Watson
Dunbar	Kline, N. Y.	Parker, N. Y.	Webster
Dunn	Kunz	Patterson, Mo.	Winslow
Faust	Lampert	Patterson, N. J.	Wurzbach
Favrot	Langley	Porter	
Fenn	Larson, Minn.	Pou	
Freeman	Lea, Calif.	Radcliffe	

NOT VOTING—125.

Ansorge	Fairfield	Knight	Rossdale
Barkley	Fess	Kreider	Ryan
Bird	Focht	Lee, N. Y.	Sanders, N. Y.
Bland, Ind.	Fordney	Longworth	Schall
Boies	Free	Luhring	Scott, Mich.
Bond	French	McClintic	Siegel
Bowers	Gallivan	McLaughlin, Nebr.	Sisson
Brand	Garner	McLaughlin, Pa.	Slemp
Brennan	Glynn	McSwain	Smith, Mich.
Brooks, Ill.	Gould	Madden	Steagall
Brooks, Pa.	Graham, Pa.	Mansfield	Stiness
Burdick	Greene, Vt.	Mead	Stoll
Burtness	Griffin	Michaelson	Strong, Pa.
Burton	Hawes	Mills	Sullivan
Cable	Hays	Moore, Ill.	Summers, Wash.
Carew	Herrick	Morin	Tague
Chandler, N. Y.	Himes	Mudd	Taylor, Ark.
Chandler, Okla.	Hudspeth	Nelson, A. P.	Taylor, Colo.
Christopherson	Hukriede	Nolan	Taylor, N. J.
Classon	Hutchinson	O'Brien	Thomas
Cockran	Ireland	Overstreet	Thorpe
Codd	Jacoway	Park, Ga.	Vestal
Connolly, Pa.	Johnson, Ky.	Parks, Ark.	Volk
Cullen	Johnson, Miss.	Paul	Volstead
Curry	Johnson, S. Dak.	Perlman	Ward, N. Y.
Davis, Minn.	Kahn	Petersen	Wheeler
Dempsey	Keller	Pringey	Williams, Ill.
Drane	Kennedy	Rayburn	Woodyard
Dupré	Kiess	Reber	Zihlman
Dyer	Kindred	Riddick	
Echols	King	Rodenberg	
Edmonds	Kitchin	Rose	

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Bird (for) with Mr. Graham of Pennsylvania (against).

Mr. Johnson of Mississippi (for) with Mr. Cullen (against).

Mr. Hutchinson (for) with Mr. O'Brien (against).

Mr. Fess (for) with Mr. Connally of Pennsylvania (against).

Mr. McClintic (for) with Mr. Gallivan (against).

Mr. Parks of Arkansas (for) with Mr. Taylor of New Jersey (against).

Mr. Burtness (for) with Mr. Kindred (against).

Mr. Summers of Washington (for) with Mr. Carew (against).

Mr. Brand of Georgia (for) with Mr. Tague (against).

Mr. Park of Georgia (for) with Mr. Sullivan (against).

Mr. Pringey (for) with Mr. Hawes (against).

Mr. Himes (for) with Mr. Griffin (against).

Mr. Taylor of Colorado (for) with Mr. Mead (against).

Until further notice:

Mr. Davis of Minnesota with Mr. Barkley.

Mr. Morin with Mr. Sisson.

Mr. Williams of Illinois with Mr. Cockran.

Mr. Free with Mr. Steagall.

Mr. Burton with Mr. Dupré.

Mr. Edmonds with Mr. Johnson of Kentucky.

Mr. Brennan with Mr. Overstreet.

Mr. Johnson of South Dakota with Mr. Rayburn.

Mr. Burdick with Mr. Drane.

Mr. Keller with Mr. Stoll.

Mr. Kahn with Mr. Kitchin.

Mr. Perlman with Mr. Mansfield.

Mr. Michaelson with Mr. Thomas.

Mr. Strong of Pennsylvania with Mr. Garner.

Mr. Mudd with Mr. Hudspeth.

Mr. Kiess with Mr. McSwain.

The result of the vote was announced as above recorded.

On motion of Mr. CRAMTON, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

WAR RISK INSURANCE.

Mr. WINSLOW. Mr. Speaker, I ask unanimous consent that the bill (H. R. 10003) to further amend and modify the war risk insurance act, with Senate amendments, be taken from the Speaker's table and that the House disagree to the Senate amendments and request a conference.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to take from the Speaker's table H. R. 10003, disagree to the Senate amendments, and ask for a conference. The Clerk will report the bill by title.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection, and the Speaker appointed as conferees on the part of the House Mr. SWEET, Mr. GRAHAM of Illinois, and Mr. RAYBURN.

COAL.

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. TREADWAY. Mr. Speaker, the fuel situation in western Massachusetts has reached a very acute stage. I have stated previously on the floor of the House that 60 per cent of anthracite production will not make our section of the country comfortable at this period of the year.

I have asked the fuel authorities for an increase of that quantity, but in fairness to all sections I think very likely such a request as that can not be granted.

A new development seems to have arisen within the last few days that I think is worthy of the attention of Congress. I am informed that the Lehigh Coal & Navigation Co., with headquarters in Lansford, Pa., has practically ceased operations owing to a local condition that has brought about a strike. I know nothing as to the merits of that strike, but when production ceases of 300 or 400 cars per day—13,000 or 14,000 tons—and the country is deprived of that much coal, particularly as a good deal of that product goes into New England, we ought to know what has brought about that strike condition and it ought not to be permitted. We ought not to allow either the employer or employee to prevent production of coal at this very critical period.

It seems to me that we must take up another factor—that is, we must urge the Interstate Commerce Commission to establish a priority order for fuel for the present emergency. A priority fuel order ought at once, in my opinion, to be advocated and issued by the Interstate Commerce Commission. They act slowly. All Government departments function slowly, but I think this is a time when red tape should be cut right clean in two and that they ought to tear open the bundle and give us fuel in New England. If there is no authority in the Interstate Commerce Commission and if they will so inform us, I myself think that authority will be obtained here so quickly that it will take their breath away. I strongly urge the issuance of an order giving coal the right of way over all freight except perishable foodstuffs. If coal reaches terminals it should be immediately distributed to our communities in preference to all other classes of freight, and if necessary precede passenger service.

Mr. WINSLOW. Will the gentleman yield for a question, Mr. Speaker?

Mr. TREADWAY. I will if I have the time.

Mr. WINSLOW. I should like to ask the gentleman if he has consulted the Interstate Commerce Commission as to what they are doing?

Mr. TREADWAY. I have not.

Mr. WINSLOW. Then on what does the gentleman base his judgment and argument?

Mr. SNYDER. I should like to ask the gentleman if New England has any patent on the difficulties he talked about?

Mr. TREADWAY. No; I think the same difficulty applies to other sections, including northern New York.

Mr. SNYDER. All those difficulties apply just as much to northern New York as to New England.

The SPEAKER. The time of the gentleman has expired.

Mr. SEARS. I ask that the gentleman from Massachusetts be allowed two minutes more.

The SPEAKER. The gentleman has yielded the floor.

Mr. SEARS. I ask unanimous consent to address the House for three minutes.

The SPEAKER. The gentleman from Florida asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. SEARS. Mr. Speaker, I was deeply interested in what the gentleman from Massachusetts [Mr. TREADWAY] stated just a few minutes ago. I endeavored to get the gentleman's time extended in order that I might ask him one or two questions. Fortunately my State is not interested in coal, but that does not prevent me from being interested in the good people of Massachusetts and those States that do need coal. Some days ago I noticed, I think in a Boston paper, a statement that something like 1,900 carloads of coal were in the yards just outside of Boston, but that the railroads would not move those cars of coal, and therefore an apparent shortage of coal existed, when there was in fact no shortage of coal. This article also stated that they were shipping coal over these same railroads into Canada and selling that coal at $11 a ton, whereas in Boston they were charging $16, $17, and $18 a ton.

I desire to congratulate my colleague from Massachusetts [Mr. TREADWAY] for calling the attention of the House to this question. I would like to know of the gentleman from Massachusetts if he has investigated those conditions, and if the photographs that I saw were correct?

Mr. TREADWAY. I can only say to the gentleman from Florida that I saw a statement issued by the fuel distributor of Massachusetts absolutely contradicting the accuracy of the sensational stories to which the gentleman refers. I saw those pictures. The account given by the fuel administrator of Massachusetts was that there were as many cars going out of the terminals daily as into them. So far as the shipments going into Canada are concerned, I understand that there was very marked exaggeration also as to that. I am stating only what information has come to me indirectly. I have no positive answer to the gentleman's question.

Mr. WINSLOW. Will the gentleman yield?

Mr. SEARS. I have only three minutes, but I yield to the gentleman.

Mr. WINSLOW. The trouble in New England is this—we may as well be frank about it. There is coal enough within reach of New England, if there was the motive power on the New England roads to draw it; and there is also the difficulty of overcoming the ice and snow which the Almighty has piled up there and laid an embargo against New England thereby.

Mr. SEARS. That is one blessing I have by living in Florida. I notice in traveling from here to Florida that all along the line, looking out of the window, you will see car after car of coal not being unloaded, not being moved. I believe that the coal should be moved and the people given relief. There can be no excuse for coal selling at $18 a ton, and somebody is to blame for these conditions. I want to say I do not think it just to place the blame on God. Somebody is to blame, as I have just stated, and I think it is time we should find out who it is.

Much talk has been engaged in, but this does not give relief to the thousands and thousands who are cold and, perhaps, in many cases freezing, and who are not able to pay these exorbitant prices, and I think the time has come when you should take such action as will afford them some relief.

CONSIDERATION OF THE PRIVATE CALENDAR.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that on Monday and Tuesday next it may be in order at any time after 5 o'clock in the afternoon to move that the House stand in recess until 8 o'clock for the consideration of bills on the Private Calendar unobjected to, the session to last not later than 10.30 p. m.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that on Monday and Tuesday next, at any time after 5 o'clock p. m., it may be in order to move that the House stand in recess until 8 o'clock for the consideration of bills unobjected to on the Private Calendar, the session to last not later than 10.30. Is there objection?

Mr. MONTAGUE. Reserving the right to object, may I make an inquiry of the gentleman. Is it the gentleman's purpose to begin on the Private Calendar where we left off? If not, if you begin at the beginning, it would give some bills a double opportunity.

Mr. MONDELL. I am glad the gentleman from Virginia mentioned it. I think we should begin on the Private Calendar at the point where we suspended business the last time.

Mr. SNELL. Has any arrangement been made, or has the gentleman any plan about taking up bills on the Private Calendar that are objected to?

Mr. MONDELL. I am very much in hopes that after we have gone through the calendar we may have an opportunity to do that, but I think first we should go through the calendar and take up the bills unobjected to.

Mr. SNELL. But it is the intention of the gentleman to give the other bills a chance?

Mr. MONDELL. We hope to do that.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

NAVAL OMNIBUS BILL.

Mr. BUTLER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill S. 4137.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. TILSON in the chair.

The Clerk, continuing the reading of the bill, read as follows:

TO INCREASE THE AUTHORIZED COST OF CERTAIN VESSELS NOW BUILDING FOR THE NAVY.

SEC. 7. That the limits of cost of the vessels heretofore authorized and herein below enumerated are increased as follows: Battleship *Colorado*, from $17,000,000 to $17,600,000; scout cruisers *Nos. 9* and *10*, from $8,250,000 to $8,400,000 each; and destroyer tender *No. 3*, from $3,400,000 to $4,500,000.

Mr. HULL. Mr. Chairman, I want to ask the chairman of the committee where these ships are being constructed. Are they under contract?

Mr. BUTLER. I will give the gentleman a history of it. The battleship *Colorado* is being built by the New York Shipbuilding Co. on a cost-plus contract. The scout cruisers *9* and *10* are being built at the Cramp shipyards in Philadelphia under contract. The destroyer tender, which is a large boat, is being built at the Government navy yard at Philadelphia.

Mr. HULL. If you are building the ships under contract, then you increase the cost; do not you raise the contract price?

Mr. BUTLER. That is the reason we are here.

Mr. HULL. You do increase the contract price?

Mr. BUTLER. During the war period they were changed because it was found impossible to finish the boats on the price made in the original act or in subsequent acts. I know nothing more of it than the facts given to us by the Secretary of the Navy and those who attended him at the hearings—that it was impossible to finish the ships—and they gave to us the reasons why it was necessary to ask for an increase of cost.

Mr. HULL. Is it usual to raise the contract price when the contractors find that they can not finish a boat under the original contract—do you raise the contract price so that they can?

Mr. VINSON. If the gentleman will permit me I will state that when the contracts were originally awarded, in 1917, it cost to construct the *Colorado* $13,800,000. In July, 1917, Secretary Daniels changed the form of the original contract to cost plus 10 per cent. If the ship had been finished under that contract it would have cost $1,700,000 to finish it. But the Navy Department in 1920 changed the form of the contract from cost plus 10 per cent to cost plus fixed fee, and the fixed fee was $1,350,000, being a saving of $410,000 on the construction of the *Colorado* by the change of the contract.

Mr. HULL. The ships I was referring to were the two ships which the chairman said were under contract.

Mr. VINSON. They are all under the same kind of a contract—all are being built under the cost plus.

Mr. BUTLER. We recognize that as a contract and I answered the gentleman correctly, there are different terms in different contracts. These contracts were changed in character. It was found impossible to complete them during the war period for the prices we had been putting upon them. Therefore they were changed by Secretary Daniels as to the cost-plus, and we find ourselves with the limitation on them and they can not complete them without additional money.

Mr. VINSON. By changing the contract from a cost-plus 10 per cent to a cost-plus fixed fee there has been a saving of $416,000 on the *Colorado* and the same percentage of saving in the scout cruisers and the destroyer tender.

Mr. BUTLER. This was made necessary by the abandonment of the 1916 program.

It was contemplated that these appropriations would be made, but the Appropriations Committee has no authority to make them, to complete these vessels, until Congress legislates.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. HULL. Mr. Chairman, I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. HULL. Yes.

Mr. BRITTEN. This provision is not an unusual provision. We have been doing this very thing for many years, particularly in connection with cost-plus and fixed-fee contracts.

The fixed-fee contract provides an outside marginal profit which can be made by the contractor irrespective of the actual construction cost of the ship. This does not give him any additional profits. It merely provides for the increased cost of the vessel, which increased cost has been brought about by conditions coming out of the war. Materials are higher, labor is higher, and while they enter into the cost of the construction of the ship, the contractor himself does not benefit thereby because his margin of profit is fixed by contract. He has a fixed-fee contract.

Mr. HICKS. And this increased cost exceeds the authorization of the Congress?

Mr. BRITTEN. Yes.

Mr. HICKS. Therefore we have to have the increased authorization to cover it.

Mr. McKENZIE. Mr. Chairman, will the gentleman from Iowa yield to me until I ask my colleague a question?

Mr. HULL. Certainly.

Mr. McKENZIE. I am glad to know, if the gentleman will permit the statement, that even in the Navy Department they are awakening to the fact that the cost-plus system which resulted in the robbery of the people of this country of hundreds of millions of dollars is an abomination, and that the Navy Department is trying in some way to curtail that by having a fixed fee for the construction. The gentleman is on the Committee on Naval Affairs. Is there any provision in the present contract for a bonus or saving, or is the old system of wide-open doors still maintained, and that regardless of how much it may cost the Government, the contractor gets his fee nevertheless?

Mr. BRITTEN. The gentleman is entirely correct about the damage and waste caused by the cost-plus contracts.

The Navy Department has no cost-plus contracts on its books to-day, if I am correctly informed. These fixed-fee contracts provide specifically for the fee, for the margin of profit that can be made by the contractor, and no more, so that this increased cost appropriation goes into the construction of the ships and does not go to the contractor.

Mr. HICKS. Will the gentleman permit me to answer a part of the question of the gentleman from Illinois?

Mr. BRITTEN. The Navy Department, as usual, takes the lead in constructive economical matters of this kind.

Mr. McKENZIE. I am glad to hear the statement, but the question I am asking my colleague is whether or not, regardless of the fixed fee which the contractor is to receive, there are any safeguards in the contract to protect the Government against extravagance on the part of the contractor, or will we be asked every time Congress convenes to make an additional appropriation to complete certain work.

Mr. BRITTEN. The contracts are an accumulation of safeguards, such as the Navy Department always has.

Mr. HICKS. Mr. Chairman, will the gentleman yield?

Mr. HULL. Yes.

Mr. HICKS. I want to answer my friend from Illinois, who is usually up to date, but being on the Military Affairs Committee a little bit behind the Naval Committee. In the original contract for these ships there was a provision that if the contractors came below a certain price there would be a bonus to the Government.

Mr. McKENZIE. Can the gentleman tell us whether they did come below that?

Mr. HICKS. No; the war came on, and everything went up. The gentleman is aware of the fact that we had a war?

Mr. McKENZIE. Yes; I heard about it.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. HULL. Yes.

Mr. BUTLER. The explanation for the additional cost is given here in the report, and so that we may know just exactly what it is I read from the report:

During the last year progress of construction on vessels building for the Navy has been much reduced by reason of small appropriations available for work; and while the direct labor charges have been reduced, the indirect expenses have not gone down in the same ratio. Consequently the total costs of the work will be materially increased over what they would have been had larger appropriations been made, thereby permitting more rapid progress possible.

That is the explanation that was made. These ships will be completed for the figure named; and we ask the committee to authorize it to be done, for that is the last of the 1916 program.

Mr. HULL. Mr. Chairman, it is interesting to know that the Navy has made cost-plus contracts on the basis of 10 per cent profits; and I am glad to find that they have reduced it to 6 per cent, and that they hope in the future not to make any more cost-plus contracts. I will inform the gentleman from New York [Mr. HICKS] that the Military Committee may be a little slow, but they took this matter up with the War

Department immediately after the war, and so far as I know the War Department has not made any cost-plus contracts since that time, and we hope they never will.

Mr. HICKS. Neither has the Navy.

Mr. HULL. Oh, yes; you are operating to-day on a cost-plus contract.

Mr. HICKS. Oh, no; this is a fixed-fee contract.

Mr. HULL. One of these contracts, it was said, is on a cost-plus basis.

Mr. HICKS. Oh, no. Cost plus, but with a fixed fee.

Mr. VINSON. The gentleman is in error. All of these contracts are cost-plus, fixed-fee contracts. The fee on the construction of the *Colorado* was fixed at $1,350,000, and the fee on the other ships is fixed at a certain sum.

Mr. HULL. I am glad to know that. I misunderstood the chairman. I thought he stated there was one of these contracts still remaining on the cost-plus basis. I hope we never have another contract of that kind in either the War Department or the Navy Department.

Mr. HICKS. I agree with the gentleman.

Mr. HULL. It should never have happened.

Mr. HICKS. I may say to my friend from Iowa that the only reason it did happen was because that was the only way that we could get these ships built.

Mr. HULL. I know it was the only way, but it was due to the fact that the Navy had made no plans, and the Army was just as guilty.

Mr. HICKS. The Navy had made plans, but you could not get the labor or material. We had to pay these big prices in order to get these ships built.

Mr. HULL. I hope it will never occur again.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I maintain that we could have obtained labor and material and could have done this work without cost-plus contracts if we had had a little backbone. If we can take men out of their homes, take them out of their banks, out of their offices, out of their places of business, and send them to France to fight, why can not we take their brothers during war and put them in the shipyards and tell them to build ships? Can the gentleman answer that question?

Mr. HICKS. If the gentleman will permit, the gentleman's party was in power at the time, and they did not bring forth a resolution to conscript labor.

Mr. BLANTON. I have been making a one-man fight here for six years on that proposition.

Mr. HICKS. Will the gentleman permit just further?

Mr. BLANTON. I have had the gentleman from Iowa [Mr. HULL] and his collaborators against me.

Mr. HICKS. I want to say to the gentleman that while I know that labor was patriotic, yet I feel that when we called one man for the battle front we should have called his brother for the factory making the munitions to win the war. When conflict comes we stand on the same plane, and all should bear the burdens equally, and so I say that I feel we made a mistake in the war not to have called labor for service in the same way we called soldiers for service.

Mr. BLANTON. And the wisest thing that the gentleman's President has said since he has been in the White House was along that very line. If we have the right to take men and make them fight, we have the right to take them during war to build battleships.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. SANDERS of Indiana. Notwithstanding the very high authority of the gentleman from Texas——

Mr. BLANTON. My authority is the President of the United States. Maybe the gentleman helped to put him in the White House.

Mr. SANDERS of Indiana. I would help to put him in again.

Mr. BLANTON. The gentleman would have a hard time doing it.

Mr. SANDERS of Indiana. No matter what the authority is on this proposition the gentleman from Texas and the gentleman from New York or anybody else might just as well know that when they talk about conscripting labor and wealth in time of war you do not consider the economic phase of it. If you undertake it, it will be a failure——

Mr. BLANTON. We should have been thinking only about winning the war and forgetting about these ridiculous union contentions that crept into the door of this Chamber. All the time we can not do what we want to do. I want to ask the gentleman this question: Does the gentleman differ with the Executive of his party?

Mr. SANDERS of Indiana. On this proposition.

Mr. BLANTON. On such propositions?

Mr. SANDERS of Indiana. Well, I am talking about this proposition.

Mr. BLANTON. I am sorry he is not in accord with the President of the United States on one of the biggest questions that now confronts the Nation.

Mr. SANDERS of Indiana. I can say to the distinguished gentleman from Texas——

Mr. BLANTON. I am in accord with the President.

Mr. SANDERS of Indiana. The proposition of socialism will not work in war time any more than at any other time, and these economical matters have to take their economic course in war time and in peace time.

Mr. BLANTON. May I ask the gentleman, then, what is the difference during war of taking a young man from Indiana and sending him to France and having him build roads over there for $33 a month and putting him in a shipyard and telling him to build ships in war time?

Mr. SANDERS of Indiana. There is not a particle of difference, so far as the abstract justice is concerned, but, as a matter of fact, the proposition will not work; that is the reason.

Mr. BLANTON. The gentleman would rather give contracts at 10 per cent plus than to do what we should do in time of war?

Mr. SANDERS of Indiana. No; the gentleman's party did that; not my party. I do not believe in contracts plus.

Mr. BLANTON. Unfortunately for the country, my party was then out of line on that question, just like the gentleman is now out of line with his party and the Chief Executive.

The CHAIRMAN. The time of the gentleman has expired. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

REPAIRS AND CHANGES TO CAPITAL SHIPS.

SEC. 8. That the restrictions contained in the acts of March 2, 1907, and August 29, 1916, as to the amount that may be expended for repairs and changes to capital ships shall not apply to such sums as the Congress may from time to time appropriate for modernization, by increasing the elevation and range of turret guns, of the following-named battleships: *Florida, Utah, Arkansas, Wyoming, Pennsylvania, Arizona, Oklahoma, Nevada, New York, Texas, Mississippi, Idaho,* and *New Mexico: Provided,* That the cost of such increase in the elevation and range of such turret guns shall not exceed the sum of $6,500,000, to be immediately available and to remain available until expended.

Mr. BUTLER. Mr. Chairman, I have an amendment which I desire to offer.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BUTLER from the committee: Page 7, lines 12 to 23, inclusive, strike out the paragraph and insert in lieu thereof the following:

"SEC. 8. Subject to the terms of the treaty providing for the limitation of naval armament concluded on February 6, 1922, and published in Senate Document No. 126, of the Sixty-seventh Congress, second session, the Secretary of the Navy is authorized to incur obligations to the extent of $6,500,000, to be paid as appropriations may from time to time be made for such materials and work as may be necessary for increasing the elevation and range for the turret guns of the following-named battleships: *Florida, Utah, Arkansas, Wyoming, Pennsylvania, Arizona, Oklahoma, Nevada, New York, Texas, Mississippi, Idaho,* and *New Mexico.*"

Mr. BUTLER. Mr. Chairman, after consultation with my colleagues and Members of the House I have offered this amendment, and I hope that the House will be willing to accept it. It seems there is some doubt in the minds of some Members whether or not we were in any way violating the terms of the treaty that we made authorizing the Navy Department to improve the ships which we are now allowed to maintain.

Therefore the amendment, as is indicated in the very first line, becomes subject to the terms of this treaty, and if this work would be in violation of the treaty then the money can not be used. We were assured by the Secretary of the Navy and by the Assistant Secretary of the Navy that this work that was to be put upon these ships would not be in violation of the terms of the treaty and not even in violation of its spirit. Permit me to say for the information of my colleagues—and I myself am included with them, of course—that we are all extremely anxious that this treaty shall be kept, not only in letter but also in spirit. Further, we inquired particularly and with as much diligence as we could whether or not this would in any way violate the terms of the treaty. Being assured that it would not and wanting to make it doubly sure, for that reason I offer this amendment which I ask the House to adopt.

By the terms of the treaty we are authorized to keep 18 large ships in commission. Five of the ships are not yet completed and three are completed, and those will not need remodeling. Thirteen will need to be remodeled. It is to cover

the work on these 13 that this legislation is proposed. The 13 ships are all named in the amendment, and the amount to be used on each ship is $500,000. This money can not be used unless authorized in this way, because of the statute which provides that not more than $300,000 shall be used in repairing a ship of war without express authority from Congress. Heretofore the department used large sums of money in the repair of ships, which Congress justly made complaint about, and that complaint was met by the enactment of the act of 1907 and another act in 1916, raising the limit to $300,000. Each of these ships will perhaps cost to repair the sum of $500,000.

You naturally ask, What are they going to do? They are going to change and elevate the guns, so that they may have the same distance and the same range for the projectile on these ships that our neighbors have on their ships. With the present elevation on these older boats we have a range of only 22,000 yards. Is not that right?

Mr. HICKS. That is right.

Mr. BUTLER. Now, they are to raise them 30 degrees. We will then have a range of 32,000 yards, and that is the range that our neighbors have upon their guns. We ask only, not being permitted to buy new machines, authority from this Congress to keep the ones we have fully and completely up to date. This will do it.

Now, perhaps some time later we may be called upon to give consideration to further requests that the department may have for the further modernization of these ships. We declined to go into further matters at this particular time, because the time was pressing. But as to these ships that we are seeking to remodel, you will find nothing in the hearings as to the method and manner by which they propose to do the work.

The gentleman will understand that in this kind of business there is more or less secrecy, and necessarily so; and while as to the elevation of these guns much was disclosed to us, yet much of it was not taken down, because Americans were talking to Americans. But they gave us the plans by which it was proposed that this work should be done, and we unanimously thought it the best thing to do. We could not stand for anything else. If any occasion might arise hereafter when these ships were to be used, we could not take the responsibility of placing in the hands of Americans ships having a range of only 22,000 yards when the other fleets would have a range of 32,000 yards.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. BUTLER. Yes.

Mr. BLANTON. Will our distinguished friend from Pennsylvania, who is in a better position to tell us than anybody else, explain what has become of this so-called four-power pact?

Mr. BRITTEN. That has nothing to do with it.

Mr. BLANTON. It involves these ships. Why does it not have anything to do with the question?

Mr. BUTLER. My friend from Texas and myself do not always agree, but we at least arrive at a proper and safe place to stand; and I will say to him that I am unable to give the information. It was the opinion of the officials of the Navy Department, who spoke candidly with us, that there was something before us other than death and bloodshed. By reason of their candor alone a most excellent and friendly relationship was, they told us, growing up between Japan and America, and we were assured of that, and it gave us hope; it gave us hope that there was something before us beyond death and bloodshed.

Mr. BLANTON. A lot of things were going on that led up to that compact, and a lot of splendid arches were erected here, with electric lights and other attractive features, and we were hopeful that something would come of it.

Mr. STAFFORD. Will my colleague yield to me?

Mr. BUTLER. I will yield in a minute.

We were assured by these men, who ought to know, that perhaps one of the features of this whole treaty that was agreed to by the three powers, one of the encouraging features of it, is what I have already given to you, namely, the confidence that has grown up between America and Japan, and we asked them whether or not Japan and England were keeping that treaty. My recollection is that they said they were.

Mr. BLANTON. The confidence that makes Japan build more battleships and elevate their turrets, and that which makes us elevate ours, so that we can extend the range of our guns by 10,000 yards——

Mr. BUTLER. Wait a minute; they had newer ships, my friend, and they had elevated their guns before we made this treaty. We are entitled to put up our guns on the ships we keep to the same elevation, and we hope that will not be a violation of our treaty. We threw away 12 ships, and if we had those ships, we would not ask that these guns be elevated. These are the oldest ships we have, and we want to try to modernize them in order that they may be put on an equality with the vessels of other nations that participated in the Washington conference.

Mr. VINSON. The gentleman stated that if we had had those 12 ships we would not have asked for the improvement of these. The gentleman and I are in agreement. We did not make this treaty. But if I had had my way about it, I would have kept the new ships and thrown away the old ones. But then we would not have accomplished the same purpose.

Mr. BUTLER. I agree with my friend as to that.

And the administration was wise, and these men who went into this treaty making were wise when they asked us to continue this program until they might meet with their neighbors to see what could be done. When they presented their proposition we were building 16 ships. We threw away all those fine ships we were building. It was an expensive proposition, but we know that there is good coming out of it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Will the gentleman yield?

Mr. BUTLER. I ask unanimous consent for one minute in order that I may answer the question of the gentleman from Wisconsin.

Mr. VINSON. I ask unanimous consent that the gentleman may have three minutes.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the time of the gentleman from Pennsylvania be extended three minutes. Is there objection?

There was no objection.

Mr. STAFFORD. Mr. Chairman, if the gentleman will permit, I merely wish to supplement what the gentleman from Pennsylvania has said as to the effect of the four-power pact, so far as its applicability to Japan and this country is concerned. Our Government is observing religiously the spirit of that pact, and I believe the Empire of Japan is doing the same thing. I wish to call the attention of the gentleman and of the House to the fact that by virtue of that pact our Government has withdrawn more than one-half of the army of occupation in the Philippines. Where before, prior to that pact, we had more than 7,000 men now we have only the small number of 3,000. The policy of both Governments is acceptable to both as the pact is being carried out.

Mr. BUTLER. That is true; and I will say to my friend that his view of it is in entire accord with those who are in higher authority than either of us.

Mr. VINSON. Mr. Chairman, I move to strike out the last word. I agree in toto with what has been said by the distinguished chairman of the Committee on Naval Affairs with reference to this section. We find ourselves in a position where it is absolutely imperative that we modernize our ships in the manner that the Navy Department desires. It is essential that the elevation of the turrets of the 13 ships be raised from 15 degrees to 30 degrees. It is essential that we keep at all times the ships of the American Navy on an equal parity with the ships of Great Britain, Japan, or any other nation. But at the same time, Mr. Chairman, that does not prohibit me from making some observations as to how we got into the position which causes us now to make this appropriation. This appropriation is of importance, and I trust that no Member of this House will find occasion to vote against it, because by all means these ships should be put at once upon an equality with those of Japan or Great Britain. Ordinarily it has been my policy whenever I made a bad trade not to have anything to say about it, and I would still adhere to that view had not my distinguished and lovable friend from New York [Mr. HICKS] put in the RECORD yesterday evening his views of what was accomplished by the Conference on the Limitation of Armament. The gentleman from New York [Mr. HICKS] stated that one of the great things that was accomplished by that conference was that competitive building between nations was eliminated, that in the future there would be no more competitive building of navies between Japan and the United States and Great Britain. That statement is true only to a partial degree. The only thing that the conference accomplished with reference to competitive building related exclusively to capital ships and not to other phases of the Navy. Right to-day we are building 10 cruisers lighter than battle cruisers, Japan is building 25, and England is building 48. To-day we are building submarines and the other nations are building submarines, and I do not want the idea to prevail in the House and in the country that the conference about which we have heard so much has prohibited competition throughout the navies of the world. Only to a certain extent has competition been prohibited, and that is in reference to capital ships.

At the opening of the war in 1914 there were in European waters practically only two first-class navies—those of Great Britain and Germany. Shortly thereafter, in 1916, under an act of Congress, the American fleet was accumulating many ships of all classes. The promise was that in 1925 the United States would possess about twice as large an effective tonnage as that of Great Britain.

With the elimination of the German fleet as a sea power the British fleet was left supreme, but the shadow of the rising Navy of the United States was already robbing it of something of the tinsel of former centuries. There were two alternatives before the British Government—either the British taxpayer would have to spend millions of dollars to keep pace with the shipbuilding programs of the United States and Japan in active competition, or else Great Britain would have to be contented with the status of the second sea power of the world.

In these circumstances the Washington conference assembled. When the conference was convened, there remained uncompleted of our 1916 building program seven battleships and six battle cruisers. In determining the size of the various navies the question of tonnage was the only factor taken into consideration. The range of guns nor the speed of the ships played any part in determining how many capital ships the nations attending the conference were permitted to retain. Let us therefore see what this Government consented and by its treaty has agreed to do with reference to bringing about the ratio of 5-5-3.

As already stated, we had on the way seven battleships and six battle cruisers, upon which there had already been expended approximately $350,000,000, and which ships were anywhere from 30 to 45 per cent completed. The tonnage of the 11 ships under construction was 520,000 tons. In addition to scrapping these 11 ships in process of being built, we agreed to scrap 17 other battleships, every one of which was in active commission except the *Maine* and the *Missouri*, of a tonnage of 267,740 tons.

The total tonnage agreed to be scrapped by this Government was 787,940 tons.

Now, it is interesting to see what Great Britain, who prior to the conference saw the dipping of its ensign to the American flag on account of our building program of 1916, agreed to do.

They agreed to scrap two paper ships—battle cruisers—the keel of neither of which had been laid when the conference assembled. In addition to that, what did they scrap? The gentleman from New York [Mr. HICKS] said they scrapped 500,000 tons of ships. Now, let us see what character of ships the British scrapped.

Great Britain agreed to scrap two paper ships which she contemplated building, but which, as a matter of fact, were not in process of construction. In addition to this, she consented to the scrapping of 24 old ships. All but 4 of these British ships had already, prior to the conference, been discarded by the British Admiralty as ineffective. Of the 24 ships that Great Britain agreed to scrap, only 4 were in active commission—*King George V*, the *Ajas*, the *Thunderer*, and the *Centurion*. The 20 other ships that were agreed to be scrapped had been out of commission for some time and had been placed upon the market for sale were obsolete and were not carried by the British Admiralty as effective ships.

While we agreed to scrap 15 ships that were in actual commission, able to fight, of a total tonnage of 267,740 tons, England agreed to scrap only 4 ships that were in actual commission, able to fight, with a total tonnage of 92,000 tons.

Mr. Chairman, it is necessary to keep the record straight, and that is the reason I desire to make observations about what actually was scrapped by England and what we scrapped.

Now, let us see what Japan agreed to do and what kind of ships she scrapped. Japan agreed not to construct 4 battleships and 4 battle cruisers, the keel of which had not been laid down by November 11, 1921. She agreed to scrap 2 of the new battleships and 2 of the new battle cruisers; to scrap 11 of her old battleships, making in all the scrapping of 17 capital ships with a total tonnage of 419,132 tons.

Based on the tonnage, which was the standard used by the conference in reaching the ratio of 5-5-3, the United States actually scrapped 762,940 tons in actual commission and in process of construction, while Japan scrapped in actual commission and in the process of construction 286,182 tons, and Great Britain had no ships in process of construction and only 92,000 tons in actual commission.

Of ships on the way, the United States agreed to scrap seven battleships and six battle cruisers, against two battleships and two battle cruisers for Japan. The keel of the two battleships agreed to be scrapped by Japan were actually laid after the conference had assembled.

Mr. Chairman, it has been said by no less a person than Archibald Hurd, an eminent British naval authority, that—

> the Washington conference will take its place in history as an assembly of unique performers.

Ah, Mr. Chairman, there is no doubt about it being unique. Unique in that this Government consented to the scrapping of 11 ships costing the taxpayers over $350,000,000, which were from 30 to 45 per cent completed, against 2 battleships and 2 battle cruisers of Japan and against 2 paper battleships of Great Britain. Unique in that Japan is credited with scrapping 11 battleships in actual use, whereas as a matter of fact 3 of them, the *Kurama*, the *Ibuki*, and the *Ikoma*, until the conference have always been classed merely as first-class cruisers. Unique in that we scrapped 267,740 tons in actual commission against 92,000 tons in actual commission for Great Britain and 163,932 in actual commission for Japan.

Unique in that we retained four old battleships with 12-inch guns, against no ships of Japan or Great Britain being so equipped. Unique in that the agreement was based exclusively on tonnage alone, the range of guns and speed of ships being clearly forgotten.

Four of our capital ships, the *Florida*, *Utah*, *Wyoming*, and *Arizona*, have 12-inch guns, 11 of our capital ships have 14-inch guns, and three of our capital ships have 16-inch guns.

Five of the British ships have 13½-inch guns; 13 of the British ships have 15-inch guns. Four of the battle cruisers of Japan have 14-inch guns, 2 battleships have 16-inch guns, and 5 battleships have 14-inch guns.

Mr. Chairman, vessels with 12-inch guns may be eliminated from consideration, for guns of that caliber are no longer considered equal to the requirements of the near future. Bywater, a British naval engineer, in his book, The Sea Power of the Pacific, said:

> Capital ships armed with these guns have ceased to be reckoned as first-class fighting units.

According to the same author, capital ships are now rated according to the following basis:

> First-class ships, equal guns of 15 inches or more; second-class ships, equal guns of 13½ to 14 inches; third-class ships, equal guns of 12 inches or less.

According to this we have 3 capital ships of the first line, 11 of the second, and 4 of the third. Great Britain has 15 of the first line, 5 of the second, and none of the third. Japan has 2 of the first line, 8 of the second, and none of the third.

The distinguished Secretary of the Navy said:

> Had we carried out the 1916 building program as laid down, we would have had 15 of the finest ships that ever sailed the sea. They would have been absolutely perfect in every detail; they would have been ships of the latest design and the latest improved methods and equaled by no ships in the world.

In 1922 the program was to scrap "the finest ships that ever sailed the sea." In 1923 the program is to patch up the old ships that we retained. One year we destroy "ships perfect in every detail." The next year we are called upon to endeavor to modernize the ships that we retained. Having abandoned the policy of completing ships "of the latest design and latest improved methods and equaled by no ships in the world" to take the place of old ones that have been in commission a great many years, we are now starting on this new policy to endeavor to improve the old ones and try to make them equal the ships that were destroyed.

We destroyed ships which a prudent nation would have retained; we kept some ships that should have been eliminated. Particularly is that true with reference to the four capital ships—the *Wyoming*, *Utah*, *Florida*, and *Arizona*, with 12-inch guns. The tonnage of these four ships was 95,650 tons, while the tonnage of the *Massachusetts* and *North Carolina*, two battleships in process of construction that were ordered scrapped, was 86,400. These two ships would have been modern in every detail. Mr. Chairman, the question of tonnage was the prime factor. We should have scrapped the four old ships above referred to, completed the *Massachusetts* and *North Carolina* or any two other of the battleships, and by doing so we would not now be called upon to modernize these old ships, endeavoring to change the elevation of 12-inch guns to give them a range as far as the 13½-inch or 14-inch guns.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TILLMAN. Mr. Chairman, the gentleman is making a very interesting speech. I ask unanimous consent that he be allowed to conclude his remarks.

Mr. VINSON. I will finish in one minute.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent that the gentleman from Georgia be allowed to conclude his remarks.

Mr. BLANTON. I do not object, but it ought to be for a definite time. I suggest 10 minutes.

Mr. VINSON. I do not want 10 minutes. One minute will be sufficient.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that his time be extended one minute. Is there objection?

There was no objection.

Mr. VINSON. It would have been far better to have completed the seven battleships, with a total tonnage of 258,200 tons, and to have scrapped that amount of tonnage of capital ships that we retained. If this had been done, we would not now be called upon to enter on a program which ultimately means the expenditure of many millions of dollars, and after doing this fail to obtain ships equal to the seven battleships ordered scrapped.

But, Mr. Chairman, we are confronted with conditions as they stand to-day. Therefore it is incumbent on us now to modernize these 13 ships and endeavor to give a ship with a 12-inch gun an equal range to those ships of Japan and Great Britain that have 13½-inch guns. [Applause.]

[Mr. VINSON had leave to extend his remarks.]

Mr. HICKS. Mr. Chairman, I move to strike out the last two words for the purpose of making a statement. We have all been impressed by the able remarks of the gentleman from Georgia [Mr. VINSON]. As far as I am personally concerned, I am not so much interested in what we scrap as in what we retain. It is the living ship, not the dead one, that concerns me. It seems to me we should look to this conference for the guidance it gives the nations of the world. When our battleships of the future will equal in strength the battleships of Great Britain and exceed those of Japan, I say the Washington conference has been a success. When we eliminate capital-ship competitive construction and fix a specific ratio for naval strength, I say the conference has been a success. But we can not measure the worth of that conference by dollars and cents; we can not measure it by standards of Budget economy. That conference was a success because of the good will it established between the nations of the world; because it discussed in candor and frankness, without hate and jealousy, vital international problems; because it demonstrated to ourselves and to others that misunderstandings may be settled by a peaceful coming together of the nations around a council table rather than in the trenches of an armed conflict. [Applause.]

Mr. Chairman, the reason that this amendment should be adopted is because of the change of policy that has come about because of the Washington conference. The policy of Great Britain with her supremacy in ships has always been to modernize her ships instead of laying down new ones. That policy is effective when you have a superiority of numbers, but with the American Navy, where the number of ships has been inferior, instead of taking the money and putting it into modernizing old ships we have devoted it to new construction, spending our money for new ships. When we scrapped the building program of 1916 we scrapped that policy, and as it is impossible to lay down new ships we should modernize the old ones and keep them up to date.

Mr. DICKINSON. Will the gentleman yield?

Mr. HICKS. Yes.

Mr. DICKINSON. Was there any suggestion in the peace conference with our Government that our Government should spend millions of dollars arranging the guns on boats in order to have a 5-5-3 policy?

Mr. HICKS. If the gentleman will read the naval treaty he will see that it is provided in the treaty that the powers can change their present ships by strengthening the decks and make other changes for defense against aircraft and the attack of submarines provided the total tonnage will not be increased more than 3,000 a ship.

Mr. DICKINSON. Was anything said that you could increase the guns or the length of the guns?

Mr. HICKS. We are not increasing the number or the length of the guns.

Mr. DICKINSON. It seems to me that the situation is this: That we went in there and accepted these ships as our pro rata share of the Navy allotment. Now you get outside the conference and you find that they have a bigger range than we have, and we are asked to back up and fill because we happened to make a bad bargain.

Mr. HICKS. Let me answer my friend from Iowa, because I know he is sincere. Before the conference was held Great Britain was modernizing her ships, based on lessons learned at Jutland, and so was Japan, and, therefore, it was inserted in the treaty that all parties should have the right to modernize ships for protection against attack from the air and submarines, and to do this, as other nations are doing, this amendment is passed.

Mr. HUSTED. Will the gentleman yield?

Mr. HICKS. Certainly.

Mr. HUSTED. Was not it put in the treaty because Japan and Great Britain were doing the very thing that you are proposing to do here?

Mr. HICKS. Yes; I have already so stated. That was the reason why it was put in the treaty. As I have mentioned, we had to abandon the policy of using money for new ships because of the terms of the treaty.

Mr. TILLMAN. Will the gentleman yield?

Mr. HICKS. I will.

Mr. TILLMAN. Does the gentleman from New York challenge the statement made by the gentleman from Georgia [Mr. VINSON], does he contradict the figures given by him with reference to the conference?

Mr. HICKS. I did not quite catch the gentleman's question.

Mr. TILLMAN. The gentleman was here and heard the speech of the gentleman from Georgia?

Mr. HICKS. I am sorry to say that I was out of the Chamber a part of the time.

Mr. TILLMAN. The gentleman from Georgia stated in substance that Japan and England drove a very hard bargain with the United States as to ships and that the United States got the worst of it.

Mr. HICKS. I do not agree with the gentleman at all. I think it was a great success for the United States and for all the world.

Mr. TILLMAN. The gentleman from Georgia does not think so.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HICKS. Mr. Chairman, I ask unanimous consent that I may proceed for five minutes more.

The CHAIRMAN. The gentleman from New York asks to proceed for five minutes more. Is there objection?

There was no objection.

Mr. HICKS. It seems to me that whatever ships we have, be they many or few, ship for ship they should be equal to any Navy on the sea. [Applause.] We have a ratio agreement in this treaty of 5-5-3. If that ratio is to be maintained it seems to me that we must make changes in our ships to match the changes made by the other powers who are parties to that ratio agreement. Otherwise it is not the real ratio.

Mr. STEAGALL. Mr. Chairman, will the gentleman yield?

Mr. HICKS. Yes.

Mr. STEAGALL. How does the gentleman reconcile that contention with the theory that competition has been forever ended?

Mr. HICKS. Competition is not ended in the auxiliary fleets at the present time, although I hope the day will come when we will have some agreement regarding these smaller vessels.

Mr. BUTLER. It is only on the big ships.

Mr. VINSON. Competition has been eliminated so far as capital ships are concerned, and this deals only with capital ships.

Mr. STEAGALL. I can not subscribe to the views that competition is ended when we have committed ourselves forever to the policy of keeping pace with the other nations with whom we have entered into a contract instead of adhering to the traditional policy of this Government of pursuing our own course as a leader among the nations of the world rather than having to stop and consult others about what our policy shall be on a matter so vital as this.

Mr. HICKS. Mr. Chairman, I want to conclude my remarks with reference to this paragraph——

Mr. McKENZIE. Mr. Chairman, will the gentleman yield to me for a question?

Mr. HICKS. Yes.

Mr. McKENZIE. The gentleman understands this thing, and we want to hear from him. Under this provision you are undertaking to make our Navy equal to that of Japan and England?

Mr. HICKS. Yes; as provided for in the treaty.

Mr. McKENZIE. And we are not undertaking to give our guns a greater range than the guns of England and Japan? In other words, if there were to be a duel, and a certain kind of arm was chosen, each one of the duelers would have the same arm; and that is all there is to this proposition?

Mr. HICKS. This provides that our guns shall have the same shooting qualities as the guns carried by the British and Japanese Navies. They have now a battle range of 32,000 yards. They have elevated their guns on most of their

ships, and they are doing work on some of the other ships. We propose to elevate the range of our guns in order to be equal to theirs, so that our battle range will be the same as theirs, and it seems to me that the American Congress can do nothing less for the American Navy than to give it the same efficiency and strength as that possessed by any navy in the world. [Applause.]

Mr. HUSTED. In other words, we are simply trying to maintain our place in the 5-5-3 ratio?

Mr. HICKS. That is all.

Mr. BUTLER. And, furthermore, we put it in the amendment; that was done in pursuance of the treaty.

Mr. McKENZIE. I agree with the gentleman from New York; but, as a matter of fact, I think it is idle, because they will never get within range.

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. HICKS. Yes.

Mr. FISH. Realizing that the gentleman from New York has a fund of information upon this particular subject, I want to ask him a question. Under the 5-5-3 ratio how many battleships does this country maintain at the present time?

Mr. HICKS. Eighteen.

Mr. FISH. And that is the same number that England has?

Mr. HICKS. No; England has 22 at the present time, under the treaty, and when she builds the two new *Hoods*——

Mr. FISH. Then she will have the same?

Mr. HICKS. No. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has three minutes.

Mr. HICKS. I would like to explain these things and I would like to have the time to do so.

Mr. BUTLER. Mr. Chairman, I am now going to perform a very disagreeable duty and attempt to close debate.

The CHAIRMAN. The gentleman can not do that without the permission of the gentleman from New York, who has the floor.

Mr. HICKS. I want to talk for a few minutes to answer my friend from New York [Mr. FISH]. Under the treaty the American Navy is allowed 18 battleships. That is the number also we will have when certain changes are made. The reason it will remain the same is because we destroy two—the *North Dakota* and the *Delaware*—and we add two—the *Colorado* and the *West Virginia*—making 18 now and 18 in the future under the provisions of the treaty. Great Britain at the present time, under the treaty, has 22 battleships of capital size, and under the treaty, when substitutions are made, she will scrap four and add the two new *Hoods*. Therefore, under the new arrangements she will have 20 instead of 22.

Mr. FISH. I am afraid the gentleman and I will not agree upon the answer to the question that I want to ask now, but inasmuch as we are limited now to 18 battleships what harm would it do if we should reduce that ratio of battleships by one-half; reduce our Navy down to 9 battleships and have the other countries maintain the same ratio? Would not that provide for safety on the seas against pirates and for free intercourse on the ocean?

Mr. HICKS. I imagine so. Mr. Chairman, I am going to finish my very much broken into discourse. I ask not to be interrupted, because I am going to read now from the words of a great statesman, Mr. Charles E. Hughes, to whose brilliant statesmanship, able leadership, and sincerity in presenting the aims and hopes of humanity, the success of the conference was largely due. This is what he recently said in regard to maintaining our Navy:

> Personally, I am strongly in favor of maintaining an efficient Navy *up to the treaty* standard. This does not involve any injurious competition in battleships but simply makes possible the work and equipment which maintain the security and relative position contemplated by the treaty.

That is what the Secretary of State says about maintaining the present treaty Navy, and that is all this amendment is proposing to do. [Applause.]

Mr. BUTLER. Mr. Chairman, I ask unanimous consent that all debate upon this section and all amendments thereto close in 20 minutes.

The CHAIRMAN. Is there objection?

Mr. MONDELL. Mr. Chairman, the debate must be upon the section.

The CHAIRMAN. The Chair hears no objection.

Mr. DALLINGER. Mr. Chairman, I have an amendment that I desire to offer.

Mr. GRAHAM of Illinois. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GRAHAM of Illinois. The gentleman from Massachusetts has an amendment on which he desires some time on this section. Under the 20-minute unanimous-consent arrangement is he precluded from speaking?

The CHAIRMAN. The Chair was about to ask the gentleman from Pennsylvania [Mr. BUTLER] who was to have the five minutes on the Republican side?

Mr. BUTLER. I think that we will accept the amendment of the gentleman from Massachusetts.

Mr. DALLINGER. Very well, that is satisfactory.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. GRAHAM of Illinois. A parliamentary inquiry. Reserving the right to object——

Mr. BUTLER. Mr. Chairman, I move that all debate upon this paragraph and all amendments thereto close in 20 minutes.

Mr. BLANTON. Mr. Chairman, I make the point of order that has already been agreed to by unanimous consent.

Mr. BUTLER. I withdraw it.

The CHAIRMAN. The Chair hears no objection.

Mr. BYRNES of South Carolina. Mr. Chairman and gentlemen of the committee, I intended to offer an amendment to this section. The amendment now presented by the chairman of the committee covers the objection I had to the section and therefore I am in favor of the amendment of the chairman, but I want it distinctly understood that I am in favor of it solely because I know that the statement of the gentleman from Georgia is true, and that under the terms of the treaty we have not eliminated competition but have merely changed the form of competition, and I want this Government to have a navy which in fighting strength is equal to the fighting strength of the navy of Great Britain and as five to three to the navy of Japan. When the naval bill was pending I presented to the committee information which caused me to reach the conclusion that it was absolutely necessary, if we were to preserve this ratio, that we modernize existing ships and increase the number of our cruisers and develop other fighting units not covered by the treaty.

I am for the amendment, but I do not want the people of this country or of any other country to believe that by the terms of the treaty of February 6, 1922, we have eliminated competition. Why, the statement of the gentleman from Pennsylvania himself proves that we have not. When our representatives in the armament conference agreed to the 5-5-3 it was only as to tonnage, but the average American believed, and believes to-day, that it meant 5-5-3 in fighting strength. And we want this ratio in fighting strength maintained by making such improvements as are permitted by the treaty. My only desire is that we should be scrupulously careful not to go outside the terms of the treaty, and therefore I approve of the amendment now pending while I disapproved of the language of the bill. I want the people of other countries to know that the intent of the Congress is that we very scrupulously abide by the provisions of this agreement solemnly entered into as to armament. The treaty provides:

> No alteration in side armor, in caliber, number, or general type of the mounting of main armament shall be permitted.

If we are going to raise the elevation so that a 12-inch gun will have the same range as a 14-inch gun, and can do it without altering the general type of the mounting of main armament, well and good. That can be determined only by the experts of the Navy Department. If in order to increase this range we have to violate any of the provisions of the treaty, then I would oppose it; but I am placing confidence in the Navy Department and in the executive officials of this Government to see to it that we do not violate it; and I want this amendment to specifically limit improvements to those permitted by the treaty, so that we will keep faith and so that the members of the House of Commons and members of the legislative body in Japan can not take this bill and use it as an argument before those legislative bodies to justify or excuse violations of the spirit of this treaty by those governments. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. Mr. Chairman, I maintain that it is the duty of this Congress to construe this treaty of February 6, 1921, when we pass laws that may be in conflict with it. I maintain that the only replacement we are permitted to make under the terms of that treaty is when a vessel is 20 years old—20 years from the time of its completion—we can replace that vessel, and under the terms of this treaty you can not change the mounting of our guns such as is contemplated here in this bill. I am in favor of keeping the obligation in spirit as well as in the letter. Let us see what our obligation is. Let me read you some excerpts from this treaty.

> The contracting powers shall abandon their respective capital shipbuilding program and no new capital ships shall be constructed or acquired by any of the contracting powers except as so provided.

Now, notice that clause again that my distinguished colleague from South Carolina read. That clause of itself puts us in bad faith if we attempt upon these capital ships, 13 of them, to change the mounting of our guns. They say that such change will give us a range of 31,000 yards and will cost $6,500,000. I know that you deem it of vast importance. We have here the shipbuilding corporations on one side of the gallery, and up in the other end of the gallery we have 20 representative walking delegates of the American Federation of Labor watching us, who are looking after the men who are building the ships. They are all hovering here like vultures, forcing this bill down the mouth of Congress, because they want this $6,500,000 spent. But I am going to keep the agreement that this country made with these foreign countries in spirit and in letter. Let me read you again what it says:

No alteration in side armor, in caliber, number of general type, or mounting shall be permitted.

Is not this an alteration in mounting? Are we not to raise these turrets from 15 to 30 degrees, and is not that a violation of our treaty? I am for keeping our bond. I am in favor, when we authorize our representatives to enter into a solemn agreement with the countries of the world, of keeping it, and I am not in favor of coming in here now, under whip and spur, and made to violate the very essence of the treaty. It would be bad faith, I submit to my colleagues. It would be doing these people wrong.

Like gentlemen who have preceded me, when we entered into a solemn obligation with various countries after the kind of conference that was held here, in these days of great discontent, in these days that are trying men's souls, I want the whole world to know that this Government is going to stand to the contract, to the letter and to the spirit of it. We should not violate it; we should set an example for the world upon this subject, and I hope that somebody will rise up here and take such steps as will stop the adoption of this amendment, that will strike out of this bill section 8. It has no business in this bill. We ought not to adopt it. We ought to defeat it and let these people who are pushing it down our throats go back home and follow some other occupation which has peace for its aim, peace for its glory, and not war. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. O'CONNOR rose.

The CHAIRMAN. The gentleman from Louisiana is recognized.

Mr. O'CONNOR. Mr. Chairman and gentlemen of the committee, if the Washington conference were, as some of the speakers have indicated, mainly an instrumentality that made a noble gesture, I believe that in itself would have justified the existence of that conference. If concord and understanding have resulted from that gesture and have taken the place of discord and antagonism, we may well say to those gentlemen in that conference, "Well done, thou good and faithful servants." I am for any conference or gathering that will make for an era of good feeling instead of the animosity that might prevail. Anything that will minimize the chances of war is desirable. A conference that will delay war is desirable. Notwithstanding my hopeful disposition, however, I was never convinced that the world would be brought to a position during our lifetime or probably during the next three or four hundred years, if ever, where war will be looked upon as a thing of the past. I never could escape the conviction that as long as human nature remains what it is, afflicted, cursed by rapacity, greed, cupidity, ambition, and the hatreds that are engendered as a result of national and industrial and commercial rivalries, war will remain with men in every generation as the final arbitrament, when nothing but blood and iron can settle the issue. That is why I want a first-class Navy for this country. The gentleman from New York [Mr. COCKRAN] some time since urged with considerable force and with his accustomed eloquence on the floor of this House that a second-class navy was like a second-best poker hand; that just as a second-best hand invited loss and disaster to the person possessing that hand in a poker game so a second-class or second-best navy is a liability instead of an asset and leaves a country in an immeasurably worse position than a nation possessing no navy at all, because the nation possessing no navy at all would run no risk even to the unthinkable of paying for protection, while the nation possessing a second-class navy, believing itself equal to its adversary, might boldly invite the conflict which would end in its fleet going to the bottom of the sea.

I believe in a large navy and a powerful navy. Why? Because I can not blind my eyes to the facts of history. Much as I hope and pray for the millennium, I can not believe that we are near the day when we can hope that nations will cease to attack each other; when the blood lust is aroused by racial or national antagonisms, for then the polished veneer of civilization disappears and primordial passions govern and control. I believe we should never give up the means of defending the civilization that we have suffered so much to achieve. I do not believe we will ever be so short visioned as to forget the means by which we grew rich and great and powerful and strong, and that it is force under the control of the "lesser breeds without the law" that has buried old civilization and given birth to new empires. I do not think we were forgetful at the Washington conference, at any rate I hope our commissioners were not unmindful of history's pages and that terrible force which has been the cradle and the grave. Without wishing to be considered overcritical, it looked to me as if the conference treaties meant nothing else than an agreement not to fight with brass knuckles, slings, bows and arrows, brickbats, catapults, and other obsolete methods of warfare.

It is true we agreed to junk to a certain extent our battleships, our capital ships, but we did not abandon our cruisers and our submarines and our auxiliaries and our aircraft, and I am glad we did not do so. Kingdoms gained by blood must be by blood maintained, and our people and our Nation would be a Nation of fools to put themselves at the mercy of another nation that might desire to secure an uncontestable position as the leader of the vanguard of civilization and relegate us to "the rear and the slaves." We must never forget the constantly changing attitudes, alliances, and rivalries of the peoples of the world. Our enemy of to-day may be our friend of to-morrow, and our friend of to-day may be our enemy of to-morrow. One of the monitions of fraternity itself is, "Beware of the seeming friend of to-day, for he may be the enemy of to-morrow." We have built up a glorious civilization by force and by the mailed fist. We have acquired a glory that was of Greece, a grandeur that was of Rome, and we ought not at this time platitudinously, for the purpose of indulging in high-sounding sentences about peace and her multitudinous blessings, abandon a policy that will keep us and maintain us as a great, splendid leader, the vanguard of the mightiest civilization this world has ever known. "Millions for defense, but not one cent for tribute" and the "Army and Navy forever" should be as good to-day as when first uttered.

Of course, if we were outwitted at the conference table we ought by congressional action to rectify any mistake that was therein made and any stake we lost, and we ought to modernize our vessels and put ourselves upon an equality with the strongest nation or empire across the seas. I am not a croaker, I am not antianything. I am an American, concerned with my country's welfare, and without wrapping myself in the flag and parading across the stage like a chorus girl. I desire to consult and advise with my countrymen on the best means to secure and maintain our welfare. It is but right that as the guardians and trustees of the national honor and integrity and glory and opulence, and all that makes for those things that are valuable to human existence, we should not only modernize our warcraft upon the water, but look to our submarines and aircraft, for the dangers of the next war will be from the clouds and from under the seas.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR. Not now.

Mr. Chairman, the thought that occurs to me at the moment is this: Were our commissioners outwitted at the table of diplomacy? Or is it possible that our commissioners went to that conference without the necessary information? I can not believe they were guilty of such an unthinkable, such an unspeakable blunder. They could have secured reliable information from the Naval Establishment. If they secured that information and acted upon it honestly and sincerely, and believed they were establishing a ratio of 5-5-3 in fact as well as in theory, then you have got to hold them blameless and come to the conclusion that the information tendered by our Naval Establishment was not what the situation demanded and was misleading. There is no other conclusion, no alternative, except to believe that the Navy Department knew we were being outwitted and outclassed, but were prevented from giving utterance to the admonition and declaration and warning to their countrymen. This bill to modernize the Navy should create a demand for more light than has recently been vouchsafed the people of our country. The addresses that have been made here to-day show that we were outwitted and that we have to rectify whatever mistakes were made at that conference. Cry for light— you are entitled to it—but pass the bill which will cure the error, blunder, or what you will of the conference. [Applause.]

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. DICKINSON rose.

The CHAIRMAN. The gentleman from Iowa is recognized.

Mr. DICKINSON. Mr. Chairman, it was my expectation to move to strike out section 8, but in view of the fact that a substitute has been offered I shall support the substitute. [Applause.]

In my judgment, however, in order to carry out the provisions of the substitute the Navy Department must give careful study to the provisions of this peace treaty; and, regardless of the fine eloquence displayed here by the gentleman from Louisiana [Mr. O'CONNOR] and others, it is my judgment that this Government of ours can not afford to take any risk in doing that which will violate the terms of the four-power pact. Why? Because we invited the nations of the world here as our guests; we told them to come here, and we told them that we were acting in good faith; and I believe we should carry out this treaty in good faith.

Let me tell you what we said to them when they came here. The President in his message to them said:

Gentlemen of the conference, the United States welcomes you with unselfish hands. We harbor no fears; we have no sordid ends to serve; we suspect no enemies; we contemplate or apprehend no conquests. Content with what we have, we seek nothing which is another's. We only wish to do with you that finer, nobler thing which no nation can do alone.

I wonder if we are going to forget those sentiments now? Secretary Hughes said in his address:

Preparations for offensive naval war will stop now.

Now the question comes as to whether we can turn over here to this provision that has been referred to by the gentleman from South Carolina [Mr. BYRNES] and quote it and say to ourselves that we have the same exemption under that provision that we gave to Italy, France, and also gave England. If they were then building naval vessels and equipping them with longer-range guns, that was the time when this country ought to have seen that our interests were protected and not to ask Congress for modification of the peace policy, and that we ought not to do a thing that is in violation of either the *spirit* or the *terms* of this peace treaty. What does it say? It says:

No alterations in side armor, in caliber, number, or general type of mounting of main armament shall be permitted except:

1. In the case of France and Italy, which countries within the limits allowed for bulge may increase their armor protection and caliber of the guns now carried on their existing capital ships so as not to exceed 16 inches (406 millimeters).

Second. That the British Empire shall be permitted to complete, in the case of the *Renown*, the alterations to armor that have already been commenced but temporarily suspended.

I want to say to this House now that there is not a word in the hearings that shows that either England, Japan, France, or anyone else has done a single, solitary act in violation of the terms of that treaty; yet we come in here now and say that we are going to prepare to increase the range of our guns, not by changing their caliber but by seeing if we can find some method whereby we can make those guns shoot a little farther than they have shot heretofore. I contend, gentlemen, that it is absolutely contrary to the spirit of the pact, and I do not believe that the Navy Department ought to authorize one single, solitary dollar of expenditure in that direction. [Applause.]

Mr. HUDSPETH. My friend states that there is nothing to show that England, France, or Japan has violated that treaty. Then these newspaper reports that we see, which state that France has increased its navy beyond what was agreed to in the disarmament conference, are not true, in the gentleman's opinion?

Mr. DICKINSON. Not unless they have gone beyond the exception made in the treaty. In other words, an exception was made, as I have read.

Mr. HUDSPETH. The gentleman has seen those statements in the newspapers, though?

Mr. DICKINSON. Yes; but I do not believe they are true.

Mr. BLANTON. Does the gentleman think that expediency ever justifies the violation of a solemn agreement?

Mr. DICKINSON. No.

Mr. MACLAFFERTY. If the range of our guns is 22,000 yards and the range of their guns is 32,000 yards, then there will be a range of 10,000 yards through which our boys from Texas and California and New York will be defenseless, and we can not run through 11,000 yards of gunfire and live.

Mr. DICKINSON. If we made a bad bargain, let us stand by it. If our Government experts did not know that fact when the disarmament conference was in session, they never ought to have permitted this treaty to be signed.

Mr. MACLAFFERTY. That is true.

Mr. DICKINSON. If they made a mistake, I say it is our business to stand by it, when we invited the other nations of the world here to make an agreement with us.

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. BUTLER].

The question being taken, on a division (demanded by Mr. BLANTON) there were—ayes 48, noes 3.

Accordingly the amendment was agreed to.

Mr. DALLINGER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. DALLINGER: At the end of section 8 add the following words: "*Provided, however,* That no part of the moneys authorized to be appropriated in each or any section of this act shall be used or expended for repairs or changes by private parties or for the purchase or acquirement of any article or articles that at the time of the proposed repairs, changes, or acquirement can be made, manufactured or produced in each or any of the Government navy yards of the United States, when time and facilities permit, for a sum less than they can be made, produced, or acquired otherwise."

Mr. BLANTON. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. What is the gentleman's point of order?

Mr. BLANTON. That it is not germane to this section 8 and that it is not germane to the bill; that it is an unrelated subject. There is no question of economy here involved. It seeks to control the discretion of our Executive, which is in violation of the rule.

Mr. BRITTEN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. BRITTEN. Is it possible under the rules of the House to add an amendment to an amendment under the circumstances?

Mr. BLANTON. Not while there is a point of order pending.

Mr. BRITTEN. I was referring to the amendment before the House. I was not intending to take the gentleman off his feet.

Mr. GRAHAM of Illinois. Mr. Chairman, I do not think the point of order made is good. This is a limitation. It has been passed on, I think, a good many times by chairmen of committees in the past, and I am rather inclined to think it has been passed on by the Speaker on one or two occasions. It is a limitation, and has been carried on other bills from time immemorial.

Mr. BUTLER. It has been held in order on other bills.

Mr. GRAHAM of Illinois. It is germane to this section and to the matters mentioned in this section.

Mr. VINSON. Mr. Chairman, the limitation has been placed heretofore on appropriation bills, not on a legislative bill. It would be in order on an appropriation bill, but is not in order on a legislative bill.

The CHAIRMAN. Has the gentleman from Illinois anything to say to the fact that it refers not only to this section but to all other sections of the bill?

Mr. GRAHAM of Illinois. I think it is a proper limitation on the other section of the bill so far as they call for expenditures. A proper limitation on expenditures is a limitation that they shall not be used except in a certain way, and therefore is applicable only to the expenditures authorized by the bill. This limitation comes within those requirements. For that reason I think it is pertinent and germane. I well remember, for instance, the argument made here by our late colleague, Mr. Mann, when he contended on the floor of the House, and I think properly, that if the House should provide a limitation that the expenditure should be made by a red-headed man it would be a good limitation. That was a favorite expression of his. I think this is germane.

Mr. SNYDER. Will the gentleman yield?

Mr. GRAHAM of Illinois. I yield to the gentleman from New York.

Mr. SNYDER. Not on the point of order, but on the merits. The reason I think it is not a proper limitation is that it can not be ascertained at the time that the purchase is made or the articles manufactured that it can be done cheaper elsewhere.

Mr. GRAHAM of Illinois. That is a matter of some doubt always and of some difficulty in this amendment, but nevertheless that is an executive matter or an administrative matter that will have to be worked out by administrative officers. If it is impossible to do it, that is another matter.

Mr. BEGG. Will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. BEGG. I would like to apply this test to this as a limitation. It seems to me the real test here as to whether it is a limitation would be this: It certainly is a limitation as to where the Navy Department can get its supplies. As to whether it is a limitation in cost can not be determined until

the actual supplies are furnished, and if it should be found that the supplies cost more by being produced by the Government than they would if purchased of a private industry, according to this amendment it would be a violation of the law.

Mr. GRAHAM of Illinois. It is not claimed that this is a retrenchment.

Mr. BEGG. The limitation, to make it in order, means the limitation in expenditure.

Mr. GRAHAM of Illinois. No; it does not. The limitation does not mean necessarily retrenchment or a lessening of expenditure; it means a limitation of use, it restricts the way in which it can be used.

Mr. BRITTEN. The amendment, boiled down, is: If the Navy Department can do the work cheaper than it can be done outside the Navy Department, the Navy Department shall do it. That is all there is to the amendment.

Mr. BEGG. Mr. Chairman, I would like to add that you would not know whether it was cheaper until you advertised for bids. That is the law now, and, as I stated on the floor a few weeks ago, when the gentleman from Massachusetts offered the same amendment to the Army bill, that they advertised in the Army for bids and they received 13 bids. The lowest was 10½ and the highest was 17¼, and all the other bids were under 17¼, and that was from the Army arsenal, and they awarded the contract to the Army arsenal simply because they had a large force of men and had to give them something to do. I maintain that it is poor business to confine it in such a way.

Mr. DALLINGER. They could not do it under this amendment.

Mr. HUSTED. Mr. Chairman, I would like to ask the chairman of the committee if any part of the funds to be expended under this bill other than for ship construction is affected by the proposed amendment.

Mr. BUTLER. It affects all the others.

Mr. HUSTED. Does it apply to any fund except for ship construction? If it does, it is not a proper limitation, because a limitation applies only to the fund to which it is related.

Mr. DALLINGER. Mr. Chairman, I ask unanimous consent to strike out that part of my amendment that refers to other sections of the bill.

Mr. BLANTON. I object, and I wish to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. BLANTON. Mr. Chairman, if the Chair will read section 8 he will see that it is only proposed to modernize the elevation and range of the turret guns. Any amendment offered to section 8 must be germane to that proposition. What is this amendment? This is not an appropriation. The amendment is:

Provided, however, That no part of the moneys authorized to be appropriated in each or any section of this act shall be used or expended for repairs or changes by private parties or for the purchase or acquirement of any article or articles.

It does not limit it to modernizing the turrets, it does not limit it to changes in the elevation or range of the guns on these 13 battleships; it applies to everything, it takes in the whole world. The amendment continues:

that at the time of the proposed repairs, changes, or acquirement can be made, manufactured, or produced in each or any of the Government navy yards of the United States, when time and facilities permit, for a sum less than they can be made, purchased, or acquired otherwise.

For that reason it is not germane. For another reason it is out of order because of the fact that it destroys the discretion of the executive who has this matter in charge. When are we going to stop seeking to do that to the detriment and interest of the people of the United States? It is for the interest of the people that there shall be a proper discretion placed in our executive offices. Whenever Congress seeks by limitation to gag and hogtie the executive offices the people of the United States suffer. I submit, Mr. Chairman, that under the rulings of distinguished Chairmen and this distinguished Chairman, one of the most distinguished parliamentarians in this House, this amendment is not in order.

The CHAIRMAN. The Chair is ready to rule. After the encomiums of the distinguished gentleman from Texas as to the parliamentary ability of the Chair it would be difficult to rule against him. [Laughter.] This is not a question of limitation on an appropriation bill. It is a legislative bill, and the only question here is the question of germaneness. As the amendment is drawn, referring to a number of sections in the bill, it seems to the Chair that under the rules of the House it is not germane to this particular section. The amendment affects all the sections and all the expenditures authorized in the bill. Therefore the Chair sustains the point of order.

Mr. DALLINGER. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. DALLINGER: Page 7, after section 8, insert the following: "*Provided,* That no part of the moneys authorized to be appropriated in this section shall be used or expended for repairs or changes by private parties or for the purchase or acquirement of any article or articles that at the time of the proposed repairs, changes, or acquirement can be made, manufactured, or produced in each or any of the Government navy yards of the United States for a sum less than they can be made, purchased, or acquired otherwise."

Mr. BLANTON. Mr. Chairman, I make the point of order that the amendment is out of order in that it is not germane to section 8, which it follows, and to which it must be applicable and held accountable. In addition to that, it is an improper restriction upon the discretion of the Executive.

The CHAIRMAN. This amendment is even broader than the other. The Chair sustains the point of order.

Mr. DALLINGER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. DALLINGER: Page 7, at the end of section 8, add the following: "*Provided,* That no part of the moneys authorized to be appropriated in this section shall be used or expended for repairs or changes by private parties or for the purchase or acquirement of any article or articles that at the time of the proposed repairs, changes, or acquirement can be made, manufactured, or produced in each or any of the Government navy yards of the United States, if time and facilities permit, for a sum less than they can be made, purchased, or acquired otherwise."

Mr. BLANTON. Mr. Chairman, I make the point of order that the amendment is out of order in that it is not germane to section 8, that it is an improper limitation upon the discretion of executive officers. This is not to authorize an appropriation, but it provides for the expenditure of money which has already been appropriated and is now in the Treasury. The amendment is not in accord with section 8 in that respect, because it treats section 8 as authority for an appropriation, when there has already been an appropriation.

Mr. BEGG. Mr. Chairman, I call the attention of the Chair to the fact that this paragraph deals only with the changing of the elevation and range of the turret guns. The first part of it provides as to the amount that may be expended for repairs and changes to capital ships, that it shall not apply to such sums as the Congress may from time to time appropriate for modernization by increasing the elevation of turret guns. This amendment undertakes to curtail all of the money.

Mr. DALLINGER. Mr. Chairman, in carrying out the provisions of this section, articles have to be purchased.

The CHAIRMAN. The gentleman is sure that this amendment is limited to moneys authorized under this section?

Mr. DALLINGER. It says so. In doing this work they will have to buy certain articles. If they already have them in the navy yards and they can be purchased more cheaply there than they can get them outside, why should they not be used?

Mr. BLANTON. How does the gentleman know that they are going to buy anything? They may not buy anything.

Mr. DALLINGER. Then it does not apply.

The CHAIRMAN. Congress has the right to determine in what way any moneys authorized shall be expended, and if the proposition is germane to the matter under consideration this is all the requirement that is necessary in a legislative bill. It would seem that as the amendment is now drawn it limits the moneys authorized to be appropriated under this section only, and therefore it appears to the Chair to be germane. The Chair overrules the point of order.

Mr. BUTLER Mr. Chairman, let us have a vote.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. DALLINGER) there were—ayes 32, noes 20.

So the amendment was agreed to.

The Clerk read as follows:

ACQUISITION OF CERTAIN SITES FOR AVIATION.

SEC. 9. That the Secretary of the Navy be, and he is hereby, authorized to expend from the appropriation "Aviation" contained in the act making appropriations for the naval service for the fiscal year ending June 30, 1924, and for other purposes, approved January 22, 1923, a sum not in excess of $13,000 for acquiring the site of the naval air station, Galveston, Tex.; a sum not in excess of $18,000 for acquiring the site of the naval air station, Lakehurst, N. J., and right of way for railroad spur track appurtenant thereto; a sum not in excess of $20,000 for acquiring the site of the Marine Corps flying field at Reid, Quantico, Va.; and a sum not in excess of $58,335 for acquiring the site of the naval air station at Chatham, Mass.: *Provided,* That the Secretary of the Navy be, and he is hereby, authorized, in his discretion, to sell the site of the naval air station, Galveston, Tex., with the improvements thereon, upon such terms as he may deem proper: *Provided further,* That $13,000 of the proceeds of such sale shall be deposited to the credit of the appropriation from which the purchase price of the land is defrayed.

That the sums herein authorized shall remain available until expended.

Mr. GRAHAM of Illinois. Mr. Chairman, I move to strike out the last word. I do not know that it will do any good to

talk about it and I do not want to set my judgment up against the judgment of the committee on this proposition, but I call attention to the fact that here we are authorizing considerable sums of money to be used for the acquisition of three flying fields.

Mr. HICKS. Oh, the gentleman does not want to make a misstatement. There is but one field for the Marine Corps, and that is the one at Quantico.

Mr. GRAHAM of Illinois. The others are for the Navy?

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. BRITTEN. Each of these parcels of property is now or has been in the possession of the United States since the war, and we are merely completing an old moral obligation to pay for what we have been holding.

Mr. GRAHAM of Illinois. Let me say what I want to say, and that is this: I have always thought that it is utter folly for us to maintain flying fields for the three branches of our military service. We have flying fields for the Marine Corps, flying fields for the Navy, flying fields for the Army, and now we have flying fields, I believe, for the Post Office Department. There is no reason on earth why we can not cut down considerable expense by combining some of these flying fields into large aviation centers, where the aviators of the country generally can be trained without maintaining these expensive establishments for three or four different branches of the Government. It is being argued that we started these during the war. Can not some constructive plan be worked out by this Congress or the next Congress so that we can consolidate these activities and cut down the overhead expense and make great aviation centers instead of these many little fields around the country, each of which costs almost as much as a big one?

Mr. BUTLER. We do not know what to do with them.

Mr. HICKS. Has the gentleman finished?

Mr. SWING. If we are going to have aviation, we have to have them along the coast. At strategic points we have to have aviation fields for flying from and flying back.

Mr. GRAHAM of Illinois. All right; along the coast. I do not want them in Illinois in our cornfields. It is not our fault particularly, but we are following up a practice that was established during the war, and we have got military reservations all over the length and breadth of the land. We have naval reservations, marine reservations, and post-office reservations until we are burdened and borne down by the grievous rate of taxation that is imposed on us because we did not tackle the proposition in the proper way. Nobody is due for any particular criticism, but why not adopt some comprehensive general plan?

Mr. BUTLER. This is to relieve it from taxation, to save money.

Mr. HICKS. Has the gentleman finished?

Mr. GRAHAM of Illinois. There are a few things I want to get out of my system about this proposition, and I believe I am right about it.

Mr. HICKS. Has the gentleman concluded?

Mr. GRAHAM of Illinois. If the gentleman will just curb his anxiety, I shall have finished in a moment, but I believe I am right about this thing. I think somebody ought to tackle it. I have been waiting for years and we seem to have made no progress under that line; we have not got anything tentative even in the construction of a plan.

Mr. BLANTON. Is this the gentleman's opening speech?

Mr. McKENZIE. Will the gentleman yield?

Mr. GRAHAM of Illinois. I will.

Mr. McKENZIE. I hope the gentleman has been following the activities of the Committee on Military Affairs and knows that we have on the calendar a bill providing for the sale of some 50 or 60 tracts and authorization for the sale of many more; and so far as the Military Establishment is concerned, we are doing our best to unload. [Applause.]

Mr. GRAHAM of Illinois. So far as Congress is concerned, it is standing still.

Mr. McKENZIE. We expect to move next week.

Mr. HICKS. Mr. Chairman, I move to strike out the last two words. Gentlemen, I am glad to explain this item, because it is a matter I think really entitled to have cleared up. The position of my friend appears to be well founded, but he is ignorant of some of the facts upon which he is talking. Now, I agree that we ought to cut down a lot of the aviation stations, but here is the case where we have expended vast sums of money and where we need stations and where we use them. Now, let me take them one at a time. This provides for the purchase of a field at Quantico, Va., the headquarters of the Marine Corps. We have there an expenditure of many hundreds of thousands of dollars, and we are using that field now to train the marines. We have built these hangars on land we did not own, and we are paying rent for that land at $1,500 a year. For $20,000 we can buy the land upon which we have these hangars. Why, it is Government efficiency and business economy to buy this land and stop paying rent, because we have to have that land upon which to train the Marine Corps. There is no question but what the Marine Corps should have aviation as a part of it. This provides for the training field at Quantico, where the marines are trained. I think that will cover the Quantico station.

Mr. McKENZIE. Will the gentleman yield?

Mr. HICKS. I will.

Mr. McKENZIE. I agree with the gentleman from New York as to the business proposition involved here.

Mr. HICKS. I will give another one.

Mr. McKENZIE. But I would like to ask the gentleman from New York, however, what action the Committee on Naval Affairs has taken to unload some useless and unnecessary pieces of real estate; that is the point.

Mr. HICKS. We have started. We have cut out many stations, and some action ought to be taken by which we can sell them. We have in Cape May, Chatham, five or six, at least, where there is only one man to protect the Government property and see that there is no damage. Now, these stations mentioned in this amendment are stations which the Government has obligated itself to buy. This Congress authorized the buying, and the only reason they did not do it was because the authorization while continuous the appropriation ran out before the authorizations could be made good and because of defect in title.

Mr. McKENZIE. I do not think the gentleman from New York and myself differ much on this proposition. I would like to ask the gentleman from New York whether or not the Navy Department has made any recommendations to the Committee on Naval Affairs asking that a bill be passed authorizing and directing them to sell?

Mr. HICKS. I will say to my friend from Illinois that within the last few months the Rodman board, composed of Admiral Rodman and other officers, have gone over the property owned by the American Navy to see where property could be eliminated, and that report is expected to be acted upon at some near future date. Now, here is the station at Lakehurst. We spent nearly $7,000,000 upon that property, and we do not own the property. Now, it seems to me it is only business judgment to go ahead and buy that land because we have got these enormous expenditures. These stations, Mr. Chairman, are stations which are used now with one exception, and that is the station at Galveston, Tex.

During the war we selected a site on the Gulf of Mexico. We made arrangement to buy the property, but before title could be passed, because of a defect in title, the money lapsed; but we went ahead and in the meantime have spent $248,000 in filling the lot. We do not want the land, and that is one of the cases where we are eliminating the site; and as soon as we get title we propose to sell it at the best price we can get, and it is provided in this bill that after getting the property then the Navy Department is authorized to dispose of it at the best price possible. Now, that same thing happens in a number of cases, but I think with that explanation, Mr. Speaker, the committee ought to be satisfied and accept this amendment.

Mr. FROTHINGHAM. In view of what the gentleman from California said, I remember General Patrick appeared before our committee the other day and said the airplanes went so fast that they did not need the stations on the coast. They could put them where they would be safe.

Mr. HICKS. It is pretty difficult to put in with a seaplane on the land when a seaplane operates on the water.

The CHAIRMAN. The time of the gentleman from New York has expired. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HICKS: Page 8, line 2, before the word "naval" insert "Navy Department and the."

Mr. HICKS. Mr. Chairman, that is merely to clarify the language and have the same wording and title that the appropriation bill carries.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MARINE CORPS PERSONNEL.

SEC. 10. That no officer of the Marine Corps below the grade or rank of colonel shall be promoted or advanced in grade or rank on the active list unless the examining board provided for in the act approved July

28, 1892, entitled "An act to provide for the examination of certain officers of the Marine Corps, and to regulate promotions therein" (27 Stat., p. 321), shall, in addition to making such certificate of qualification for promotion or advancement as may be prescribed by the Secretary of the Navy, certify that there is sufficient evidence before the board to satisfy the board that the officer is fully qualified professionally for the higher grade or rank.

That when the said examining board shall consist of seven or more officers of the Marine Corps, any officer whose case is before it may be found not professionally qualified without the right to be present or to challenge members of said board.

That any officer of the Marine Corps who fails to qualify professionally upon examination for promotion or advancement shall be reexamined as soon as may be expedient after the expiration of one year if he in the meantime again becomes due for promotion, and if he does not in the meantime again become due for promotion he shall be reexamined at such time anterior to again becoming due for promotion as may be for the best interests of the service: *Provided*, That if any such officer of less than 10 years' total active service, exclusive of service as midshipman or cadet at the United States Naval Academy or the United States Military Academy, fails to qualify professionally upon reexamination he shall be honorably discharged from the Marine Corps with one year's pay: *Provided further*, That if any such officer of more than 10 years' total active service, exclusive of service as midshipman or cadet at the United States Naval Academy or the United States Military Academy, fails to qualify professionally upon reexamination, he shall not be discharged from the Marine Corps on account of such failure, but shall thereafter be ineligible for promotion or advancement; and any such officer shall be retired with a percentage of the pay received by him at the date of retirement equal to 2½ per cent for each year of total active service, not to exceed 75 per cent, upon attaining, or if they have previously attained, the ages in the various grades and ranks, as follows: Lieutenant colonel, 50 years; major and company officers, 45 years.

That brigadier generals of the line shall, subject to physical examination, be appointed from colonels of the line whose names are borne on the eligible list prepared annually by a board of not less than five general officers of the Marine Corps, and approved by the President.

That hereafter, as vacancies occur, the heads of staff departments shall be appointed for terms of four years from officers holding permanent appointments in the departments in which the vacancies occur, whose names appear on eligible lists prepared annually by a board of not less than five officers of the Marine Corps above the grade or rank of colonel, including the major general commandant and the heads of the staff departments, and approved by the President, but no head of a staff department appointed for a term of four years shall sit as a member of the board during consideration of names for the eligible list for his department: *Provided*, That in case there be no officer holding a permanent appointment in a staff department whose name is borne on the eligible list for appointment as head of that department, the appointment shall be made from officers of field rank of the Marine Corps whose names are borne on the aforesaid eligible list for that department.

That any officer of the grade or rank of colonel whose name is not borne on one of the current eligible lists for appointment as brigadier general or head of a staff department shall, if more than 56 years of age, be retired with a percentage of the pay received by him at the date of retirement equal to 2½ per cent for each year of total active service not to exceed 75 per cent.

Mr. HILL. Mr. Chairman, I move to strike out the last word.

Mr. BUTLER. Mr. Chairman, I have an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania.

The Clerk read as follows:

Amendment offered by Mr. BUTLER: On page 10, line 13, strike out the words "total active," and, after the word "service," insert the following: "to be computed in accordance with the provisions of section 1 of the act entitled 'An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Marine Corps, Coast Guard, Coast Survey, and Public Health Service,' approved June 10, 1922"; and, on page 11, line 21, after the word "service," insert "to be considered in accordance with the provisions of section 1 of the act entitled 'An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Marine Corps, Coast, Coast Survey, and Public Health Service,' approved June 10, 1922."

The CHAIRMAN. The Clerk calls the attention of the Chair to the fact that the gentleman from Pennsylvania has omitted to insert the word "Guard" in his amendment.

Mr. BUTLER. I ask that the word be inserted.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. BUTLER. Mr. Chairman, these amendments are offered after consultation with my friend from Alabama [Mr. OLIVER], who, along with the gentleman from Illinois [Mr. MCKENZIE], and along with the gentleman from Indiana [Mr. KRAUS], a member of the committee that equalized and adjusted the pay of the men in these different services. These two amendments are proposed in order to prevent bringing any provision of this proposed law into conflict with that law. I will ask my friend from Alabama, with whom I have talked, whether in his judgment it does not remove the touching point?

Mr. OLIVER. Yes; with this amendment added, "That nothing herein shall be construed as authorizing other than commissioned service to be considered in determining the retirement pay of any officer commissioned after July 1, 1922." I understand it was the purpose of the gentleman to amend it so as to avoid violating that section of the pay bill that prevented commissioned and enlisted service being considered after July 1, 1922. This will make it absolutely clear. That is to go in at the end of the section.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. OLIVER: Page 11, line 21, after the word "centum," strike out the period and insert a colon and add the following: "*Provided*, That nothing herein shall be construed as authorizing other than commissioned service to be considered in determining the retirement pay of any officer commissioned after July 1, 1922."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Alabama.

Mr. HILL. Mr. Chairman, I ask recognition in opposition to the amendment. No; I will withdraw that.

The CHAIRMAN. The Clerk informs the Chair that the amendment offered by the gentleman from Alabama [Mr. OLIVER] is not an amendment to the amendment.

Mr. OLIVER. No. It is simply to clarify the section. I think the amendment of the gentleman from Pennsylvania should be passed first.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. BUTLER].

The amendment was agreed to.

Mr. OLIVER. I offer my amendment at the end of the section.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Alabama.

The Clerk read as follows:

Amendment offered by Mr. OLIVER: Page 11, at the end of the section, strike out the period and insert a colon and add the following: "*Provided*, That nothing herein shall be construed as authorizing other than commissioned service to be considered in determining the retirement pay of any officer commissioned after July 1, 1922."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BEGG. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BEGG: Page 11, line 21, amend by adding at the end of section 10 a new section to be No. 10½, as follows:

"That a special committee, to be composed of five Members of the Senate to be appointed by the Vice President, and five Members of the House of Representatives to be appointed by the Speaker of the House of Representatives, shall make an investigation and report recommendations by bill or otherwise to their respective Houses not later than April 1, 1924, relative to the revision and the readjustment of the laws providing for the retirement of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service, including the matter of retainer pay."

Mr. MONDELL. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Wyoming reserves a point of order.

Mr. BEGG. Mr. Chairman, I want the point of order made if it is to be made.

The CHAIRMAN. Does the gentleman from Wyoming make his point of order?

Mr. MONDELL. I am reserving the point of order.

The CHAIRMAN. The gentleman from Ohio [Mr. BEGG] is recognized.

Mr. BEGG. I insist on the regular order.

The CHAIRMAN. The regular order is, Does the gentleman from Wyoming make his point of order?

Mr. MONDELL. My point of order is that the amendment is not germane.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MONDELL. I did not make the point of order. I simply reserved it. I do not know that I shall want to press it.

The CHAIRMAN. The gentleman from Ohio demanded the regular order.

Mr. BEGG. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BEGG: On page 10, line 10, after the word "advancement," strike out the semicolon and insert a period and strike out the remainder of the paragraph.

Mr. BEGG. Mr. Chairman and gentlemen of the committee, I am not at all insistent on my amendment being carried, but I offer it for the purpose of making a few observations on retirement pay. I am sorry the gentleman from Wyoming insisted on the point of order, for the simple reason that the same kind of a committee was appointed with reference to active pay and made a report, which was enacted into law, that did justice both to the men and to the Government. There are gross injustices now in retired pay, unjust both to the men and to the Government. It would seem to me that the leader of the House ought to be willing to have a proposition considered be-

fore this House that has the sole motive of being for the best interests of the men in the service and at the same time to protect the Government from being mulcted out of a certain amount of money unnecessarily.

Mr. MONDELL. I did not insist on my point of order. I simply reserved the point of order, and I should not have insisted on it. But let me suggest to my friend that it is only two months since we adjusted this pay. How frequently must we readjust it?

Mr. BEGG. The gentleman certainly does not intend to make any such statement as that on the floor of the House.

Mr. McKENZIE. That had nothing to do with pay.

Mr. BEGG. There has not been anything like this considered in the House, and the gentleman has been here long enough so that he ought to know that.

I want to call the attention of the House to the fact that under the retirement law, after a man has given the best years of his life to his Government, under this provision on page 10 that I have moved to strike out, a man may serve his Government until he is 45, if he is below the grade of lieutenant commander, or until he is 50 if he has attained the title of lieutenant commander, and then it says he shall be retired; and there are many of these men who are perfectly capable of serving longer. On the other hand, if they are physically and mentally perfectly capable of serving longer, the Government of the United States is entitled to their services, and it is nothing but poor business and carelessness that such a hodgepodge of laws has been allowed to accumulate on the statute books with reference to retirement. If my amendment had been allowed to become a law, there would have been an investigation of all the laws of all the five services governing retirement, and the inequalities and injustices would have been eliminated and the men would have been protected, and as I said at the beginning, the Government would not lose the services of men physically and mentally able to continue in the service.

Mr. GRAHAM of Illinois. The gentleman said a while ago that he was not particularly interested in his amendment. Does he not think it ought to be adopted, in view of what the gentleman has stated?

Mr. BEGG. My reply to the gentleman is that if this last amendment, which I have offered to strike out, would eliminate all the injustices, I would say, "Yes; by all means," but this is just one little step, and I am not in favor of picking out one man or one small group of men in one service and allowing similar injustices to continue as to other men in other services. I want to say that I personally know a retired officer in the Navy who is taking the place of a civilian in an institution with which I am connected, and he is drawing a man's pay; he gets a man's pay from the Government, and he is not as old as I am.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BEGG. I ask that my time be extended two minutes.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that his time be extended two minutes. Is there objection?

There was no objection.

Mr. BLANTON. Will the gentleman yield?

Mr. BEGG. I yield to the gentleman from Texas.

Mr. BLANTON. The gentleman seems to be in earnest.

Mr. BEGG. I am in earnest.

Mr. BLANTON. And the gentleman believes his amendment is a good one Why are we not allowed to vote on it?

Mr. BEGG. Just simply because it picks out one or two men, and there is no use of picking out one or two and letting the rest go. My original amendment would have studied the whole question.

Mr. DENISON. What does the gentleman think about retiring General Crowder and then appointing him to a civilian position?

Mr. BEGG. That is none of my business. I would not do it if I had my way about it.

Mr. HILL. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland.

Mr. OLIVER. I ask unanimous consent that the gentleman from Ohio have two minutes more.

The CHAIRMAN. The Chair has recognized the gentleman from Maryland [Mr. HILL].

Mr. BEGG. I did not hear the Chairman say that my time had expired.

The CHAIRMAN. The gentleman had started to take his seat.

Mr. BEGG. I had started to yield to the gentleman from Alabama [Mr. OLIVER].

Mr. OLIVER. Will the gentleman from Maryland yield?

Mr. HILL. I will yield to the gentleman two minutes.

The CHAIRMAN. The gentleman can not do that.

Mr. OLIVER. I do not understand that the gentleman from Wyoming [Mr. MONDELL] stated that he would make the point of order.

Mr. BEGG. But he made it.

Mr. OLIVER. Members of the House who are familiar with the situation feel that there is large merit in the gentleman's amendment.

Mr. BEGG. I intend to try it again in another paragraph.

Mr. OLIVER. I understood the gentleman from Wyoming to say that he would not make the point of order. There are some inequalities that should be corrected and the gentleman is correct in stating that the committee on adjusting the pay did not go into that.

Mr. BEGG. Mr. Chairman, I withdraw my amendment.

Mr. HILL. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I am against this amendment because, if the amendment is proper, the whole paragraph should go out.

Mr. MONDELL. But the gentleman from Ohio has withdrawn his amendment.

Mr. HILL. Mr. Chairman, I ask not to be interrupted.

Mr. MONDELL. But the gentleman must proceed in order, and he is not in order in speaking of an amendment that has been withdrawn.

Mr. HILL. I said I was against the amendment, and if it was a proper one the whole paragraph should go out. This paragraph provides—and I ask the chairman of the committee, if I do not understand it correctly—the bill provides that if any officer fails to qualify professionally on reexamination—that means if he can not pass the routine examination for promotion—that if he happens to be 45 years of age, has served 10 years, and is a company officer he can be retired from the service. I would like to ask the chairman of the committee if that does not make a totally different system of retirement for the Marine Corps from that in the Army at the present time?

Mr. BUTLER. We asked and were told that it did not.

Mr. HILL. I think it is an entirely different system from that in the Army, and for that reason I question the wisdom of it.

Mr. BUTLER. I am mistaken; it is the Navy retirement. The Navy and the Marine Corps are closely associated and therefore in the retirement provision they have put in the naval provision.

Mr. HILL. It should be on the same basis as the Army, and I move to strike out the paragraph.

Mr. CHINDBLOM. What paragraph?

Mr. MONDELL. Mr. Chairman, I ask unanimous consent that all debate on this section and amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent that all debate on this section and amendments thereto close in 10 minutes. Is there objection?

Mr. BEGG. Reserving the right to object, does this close the whole section?

The CHAIRMAN. Yes. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. STEVENSON. Mr. Chairman, in this matter of soldiers' retirement and soldiers' pay I am going to ask that for just a few minutes we look at another set of soldiers. I want to read into the RECORD the greatest tribute that any President of the United States has ever paid to a set of soldiers who are fast passing away. I will say that I think it will have the unanimous indorsement of all the people here and that probably we will not feel as belligerent when we get through as we are just now.

The President of the United States, Mr. Harding, was invited to attend the Confederate reunion at New Orleans, and this is his answer, and I invite the attention of everybody to it. He says:

> The President wrote Captain Dinkins expressing regret because of his inability to accept an invitation from the committee to attend the reunion.
>
> "You say, in part," Mr. Harding said, "'the call of the time is equally to emphasize and impress the courage, loyalty, and constructive citizenship of American manhood in the peace that follows war. The Confederate veterans began anew with resources exhausted and opportunity reduced and by matchless energy, devotion, and cooperation rebuilt and rehabilitated their land into immense production and broad prosperity.'
>
> EXAMPLE FOR WORLD.
>
> "I am quoting these sentences because they have moved me to say that in my judgment the reconstruction of the South, by the people of the South, in the face of tremendous discouragements following the war, set the finest example that could be urged upon a war-wasted world to-day," the President continued. "The men of Lee's and Johnston's armies went home to their tasks of reconstruction with hearts of

courage and purpose of determination to overcome all obstacles; to deserve the good will and the help of others by proving their own good will and by helping themselves to the utmost of their capacity. They had earned the respect and regard of their opponents on the battle field; they earned it yet more completely and emphatically by their conduct afterwards, and in earning it they insured not only the Union's restoration but its advance to that splendid place which it holds in the family of nations.

FOUND WASTE AT HOME.

"In this connection, because this theme has long made a peculiar appeal to me, I should like to add another thought. The men of the Confederate armies went home after the war to a land that not only was devastated but had suffered literally a revolution of its economic system. However desirable were the ultimate results of that revolution, it imposed upon the people of the South a complication of difficulties which vastly aggravated their task of reframing an empire's social and industrial plan of life. Their achievement, in all the circumstances, constitutes one of the greatest accomplishments of any people in all history.

"Feeling thus, I hardly need tell you of the regret with which I have to say that it is impossible for me to accept an invitation which so greatly appeals to me.

"I will be glad to have you convey to the assembled veterans my most ardent wishes for their happiness, health, and prosperity, and my hope that they may gather for many more equally agreeable occasions of the sort."

That generous and just and splendid encomium made by the President of the United States should be embalmed in our record and go down in history as the utterances of that great man, in which he showed his greatness more than in any other act since he became a public servant. [Applause.]

Mr. McKENZIE. Mr. Chairman and gentlemen of the committee, when we had the service pay bill under consideration we investigated many things. The purpose of the pay bill was to equalize the pay of the men in the service. When we had that bill up for consideration in the House I made the statement that I was, and am now, opposed to the retirement of any officer from the Army or the Navy or Marine Corps on any other ground than that of physical disability. [Applause.] In the Army—and I speak advisedly because I know—we have numerous ways of getting officers retired. We understand how that great man, General Harbord, a man for whom I have the highest admiration, was retired. We understand how General Cronkhite was put out under another provision, and properly so under the law—we understand that after 40 years of service a man can be retired regardless of age—and furthermore I am one of those who believe that the American boys of the Army and the Navy and the Marine Corps are all our boys and ought all to be treated alike, but there is a difference in the retirement law affecting the Navy and the Marine Corps and the Army.

I for one would like to see a joint committee of the House and Senate take this matter up and give to it the consideration that the joint committee gave to the service pay bill and come back here in 1924 with a recommendation for a law that will equalize these things, and do justice to all and protect this Government against these many ways of retiring men for other than physical disabilities. [Applause.]

Mr. LINEBERGER. Mr. Chairman, will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. LINEBERGER. The gentleman says that he is for equality and justice. He does not follow that to the emergency officers of the Army?

Mr. McKENZIE. Absolutely. The emergency men who went in to fight our battles in the World War were of two classes—one was officers and the other privates—and I stand here today maintaining, and shall continue to maintain, that those boys who went in to fight our battles shall be treated with equality and that no preference shall be shown to the officers.

Mr. LINEBERGER. The gentleman does not apply that to the Regular Army, however?

Mr. McKENZIE. Absolutely to the Regular Army; that is my position, and the gentleman from California well knows it.

Mr. BYRNES of South Carolina. Mr. Chairman, will the gentleman yield.

Mr. McKENZIE. Yes.

Mr. BYRNES of South Carolina. Was it not the conclusion of every Member who served on the special committee on pay that the retirement provision should be investigated and made uniform?

Mr. McKENZIE. Absolutely. We saw the inequalities and the evils of the present existing law, and this resolution offered by the gentleman from Ohio [Mr. BEGG] does no more than provide for a study of this question and a recommendation to the House.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. MONDELL. The gentleman seems to be very earnest about this matter. He has been an able member of the Committee on Military Affairs for years. Why has he not had that committee attend to this matter? Why bring it in here on a naval bill, which contains important matters that the committee has considered carefully, and, without any further consideration than you can give it at this time, add it to this particular bill? There will be other opportunities. Let us get this legislation through; let us do this.

Mr. McKENZIE. If the gentleman will permit an answer, a resolution has been introduced by the gentleman from Ohio providing for this, and it is before the Committee on Rules. From my experience in trying since last June to get a resolution through that committee to provide for the consideration of the Muscle Shoals proposition, I have but little hope that this resolution will ever come out of that committee; and when we get a chance at this time to do something by amendment that is why I am in favor of doing it.

The CHAIRMAN. The time of the gentleman from Illinois has expired. All time has expired. The question is on the amendment offered by the gentleman from Maryland, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HILL: Page 8, beginning with line 22, strike out all of section 10.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

The Clerk read as follows:

RELIEF OF CONTRACTORS.

SEC. 11. That the Secretary of the Navy is hereby authorized and directed to make thorough investigation and determination of the merits of all claims which may be submitted to him in writing, and verified under oath, within six months from the date of approval of this act, for any loss alleged to have been caused to any contractor, subcontractor, or material man in the performance of any fixed price (including fixed unit price) contract entered into by any person, firm, corporation, or association within the United States, through the Secretary of the Navy or the Navy Department from April 6, 1917, to November 11, 1918, inclusive, or entered into prior to April 6, 1917, to be completed after that date, which loss or delay was caused to such contractor, subcontractor, or material man by the action of any Government agency by reason of priority orders for material or transportation, commandeering of property or material, or other order of Government authority not authorized by the contract, on or between the dates above mentioned: *Provided*, That in determining the loss on any contract entered into prior to April 6, 1917, only such part of the uncompleted contract as was affected by the interference of the Government or some Government agency shall be subject to adjudication: *Provided further*, That no claim for alleged losses on account of increases in wages shall be made under the provisions of this section by any contractor, subcontractor, or material man until he has established proof to the satisfaction of the Secretary of the Navy that he has complied with the order issued by the Macy Board or other Government boards and has actually paid his employees the award ordered by said board.

No claimant shall obtain such relief whose entire volume of business with the Government or as a subcontractor or material man upon contracts with the Government during the period aforesaid shall have yielded a net profit of not less than 6 per cent or more: *Provided*, That no claim shall be examined or reported which rests upon a contract under which the prime contractor shall have given a full, final, qualified, or unqualified release to the United States.

In the performance of the duties of this section the Secretary of the Navy is authorized to make such rules and regulations, not inconsistent therewith, as may be proper and necessary for the orderly conduct of his duties thereunder, and is hereby authorized to summon witnesses and examine them under oath, acting either in person or through such agencies as he may establish, and to require claimants to exhibit their books and papers, and to obtain from the Secretary of the Treasury income tax and other financial reports, and submit them to him, where the same may be pertinent to the questions under inquiry.

That the Secretary of the Navy shall decide each claim presented under this section in accordance with the principles of justice and equity; and if it shall be found that on account of such action of the Government hereinbefore stated a loss was caused to any such claimant, the Secretary of the Navy shall fix and determine the amount thereof and shall recommend for allowance to claimant such part, and only such part, of said loss as, taken together with the claimant's net profits on the entire volume of business claimant may have had on account of contracts with the Government during the periods mentioned in paragraph 1 of this section, shall not exceed 6 per cent of such volume of business; and if it shall be found that by reason of any act of the Government, as above stated, the Government shall have a claim for liquidated damages against any claimant or petitioner on account of any such contract mentioned in the first paragraph of this section for delay in its performance, the Secretary of the Navy may so find, and such Government claim for damages on account of such delay may be waived and become of no effect: *Provided*, That the Secretary of the Navy shall make a report, through the Director of the Bureau of the Budget, of his proceedings and findings under this section to Congress for appropriation on or before January 2, 1924.

Mr. BRITTEN. Mr. Chairman, I offer the following amendment which I send to the desk. It is a typographical error.

The Clerk read as follows:

Amendment offered by Mr. BRITTEN: Page 13, line 6, strike out the words "not less than."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GRAHAM of Illinois. Mr. Chairman, I move to strike out the section. This section is practically the same thing that was up here about a year ago when this House was on the eve of killing it, when, I think, the chairman of the committee [Mr. BUTLER] withdrew it.

Mr. BLANTON. It has been killed twice.

Mr. GRAHAM of Illinois. It is a proposition that has met with condemnation in this House every time it has been here. It comes now dressed in a little different clothes, but it is the same old proposition. It is the Dent Act over again, nothing more, nothing less. It is an act that authorizes the Secretary of the Navy to allow all kinds of claims which are illegal and which can not be maintained under any law that exists, and of the extent and the amount of which nobody has any comprehension. It is a proposition that ought to be stopped, and immediately.

Mr. BLANTON. How is the gentleman going to stop it?

Mr. GRAHAM of Illinois. There is but one way to stop it, and that is to strike it out of the bill.

Mr. BLANTON. If the gentleman will do that, we will make him leader.

Mr. GRAHAM of Illinois. Mr. Chairman, the Committee on Naval Affairs, if they desire and think there is any merit in the proposition, can prepare and introduce a bill which will permit these people who have just claims to go to the Court of Claims for adjudication of their matters, but time and time again they have returned with this proposition to the House which simply does away with any legal adjudication and leaves to one man, who happens to be the Secretary of the Navy, the right to adjudicate these claims.

What kind of claims are they? They are claims, as I have said, that are absolutely illegal. They are any claims that arise from alleged damages that occurred on contracts that were made and executed between April 6, 1917, and November 11, 1918, during the period of the war, on account of any delay that was caused by any order of the Government of any kind which was not expressed in the contract under which these gentlemen were operating. That means anything; that means everything. Can you conceive of any possible delay or any possible loss that might have accrued to any contractor under any contract during this time, outside of his own ill-advised bidding on a proposition, that would not have occurred on account of the war that was in existence, when thousands of executive orders were being issued every day by every department? Every one of these and every cent of loss that is occasioned by any of these things can be charged up now and within six months after the passage of this act brought in before the Secretary of the Navy for adjudication. Gentlemen say to me that it is safe to trust him to settle these things, and that I ought to be willing to take the word of the Secretary of the Navy, one of the executive officers of my own Government for these things. I do not believe from my experience, based on experience that extended over two years of investigations of this kind, that any executive bureau of the Government ought to ever again be trusted with this sort of power. [Applause.]

And I will never, so far as I am concerned, vote for such a proposition. Let these claims be produced in a legal way. If there is somebody who suffered loss on account of contracts that ought to be repaid, let the loss be so fixed that they can go into a court of justice and have them adjudicated. You will observe from this amendment that there is no record kept. The Secretary of the Navy is not required to have witnesses summoned, he is not required to keep a record, and when allowances are made there is no appeal to any court or the Congress or anybody else. And here a lot of claims amounting to possibly millions or hundreds of millions are brought in here upon which there is not a scrap of paper afterwards available as to what has been done.

Mr. LONGWORTH. Will the gentleman yield?

Mr. GRAHAM of Illinois. I will.

Mr. LONGWORTH. I ask for information. I have read this rather hurriedly, but is the Secretary of the Navy given any more power than to report to the Budget?

Mr. GRAHAM of Illinois. Yes.

Mr. LONGWORTH. I wanted that very clear.

Mr. HUSTED. He is given authority to fix the amount of the claim and then makes a report to the Budget Bureau——

The CHAIRMAN. The time of the gentleman has expired.

Mr. VINSON. I rise to oppose the amendment.

Mr. GRAHAM of Illinois. I ask that I may have five additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. LONGWORTH. Does it not provide, page 14, lines 16 to 19, that he is required annually to report to the Bureau of the Budget and the Bureau of the Budget reports to Congress, and upon that the Congress takes such action as it sees fit?

Mr. GRAHAM of Illinois. No. Here is what happens. He goes to work and passes on these claims, makes a finding and makes such an allowance as he sees fit. What does he do? On page 14 you will find—

That if it shall be found that by reason of any act of the Government, as above stated, the Government shall have a claim for liquidated damages—

As on account of a claim against the contractor—

against any claimant or petitioner on account of any such contracts mentioned in the first paragraph of this section for delay in its performance, the Secretary of the Navy may so find, and such Government claims for damages on account of such delay—

Observe how carefully the contractor is looked after—

may be waived and become of no effect.

Then what?

Provided, That the Secretary of the Navy shall make a report, through the Director of the Bureau of the Budget—

Of what?—

of his proceedings and findings under this section to Congress for appropriation on or before January 2, 1924.

Mr. HUSTED. The language of the bill on top of page 14 provides that the Secretary of the Navy shall fix and determine the amount thereof, so that the determination of the Secretary of the Navy is in effect a judgment?

Mr. GRAHAM of Illinois. Absolutely.

Mr. HUSTED. And he reports to the Budget Bureau, which passes it on to the Congress.

Mr. BLANTON. Will the gentleman yield?

Mr. GRAHAM of Illinois. I will.

Mr. BLANTON. It is in effect a determination of a court against the Government. Now, if the gentleman will yield, if it was confined to the war period it would be bad enough, but it permits the Secretary to go behind April 6, 1917, and find on contracts that existed before that date, before the war started.

Mr. GRAHAM of Illinois. It extends to contracts made before the war.

Mr. NEWTON of Minnesota. In our appropriation bills here we are asked to appropriate to pay judgments morally, and under this provision the recommendation by the Budget would be morally effective upon us to pay——

Mr. LONGWORTH. Precisely, that is what I wanted to get straight. The determination of any of these claims would be a determination made and submitted to Congress through the Budget and Congress would be morally bound.

Mr. GRAHAM of Illinois. Yes. Now, just a moment. The gentleman will observe it is the same thing as occurs when cases have been to the Court of Claims and that court has rendered judgment.

Mr. LONGWORTH. After the Secretary has determined the amount of the claim and that determination formed the basis of an action by the Court of Claims?

Mr. GRAHAM of Illinois. No; that ends it.

Mr. OLIVER. If the gentleman will permit, I have prepared an amendment which I intend to offer, in keeping with the idea the committee had, and it was in this language, that at the end of the section, "provided that any action taken by the Secretary of the Navy under authority of this section shall be effective only as a recommendation, to be submitted to Congress through the Director of the Bureau of the Budget." And I understand that is all the committee intends.

Mr. VINSON. That is the way it is now.

Mr. GRAHAM of Illinois. When this matter was up before the gentleman from the Naval Affairs Committee asked how they could do this thing if they did not do it in this way, and it was pointed out in this House that they could bring those claims in here and have them passed upon by Congress if they were found to be of sufficient importance.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Illinois. Certainly.

Mr. COOPER of Wisconsin. I notice on lines 16 to 19, inclusive, on page 14 this language:

That the Secretary of the Navy shall make a report through the Director of the Bureau of the Budget of his proceedings and findings under this section to Congress for appropriation on or before January 2, 1924.

Mr. GRAHAM of Illinois. Yes; that is all there is to it.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. GRAHAM of Illinois. Mr. Chairman, I most earnestly trust this amendment will prevail. I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request? There was no objection.

Mr. VINSON rose.

The CHAIRMAN. The gentleman from Georgia is recognized.

Mr. WINGO. Is the pending motion to strike out section 11, or to strike out the enacting clause?

The CHAIRMAN. It is to strike out section 11.

Mr. VINSON. Mr. Chairman, I rise in opposition to the motion of the gentleman from Illinois [Mr. GRAHAM]. His presentation of his motion clearly shows that he knows absolutely nothing about the intention of this section. Nowhere in this section has the Secretary of the Navy any authority, or anyone acting for him, to bind Congress, to determine how Congress will ultimately adjudicate these claims. This section is entirely different from the Dent Act.

Mr. BEGG. Mr. Chairman, will the gentleman yield for a brief question on that?

Mr. VINSON. Yes.

Mr. BEGG. If the Secretary of the Navy can not bind us at all, what good is all this work?

Mr. VINSON. The idea is to permit the Secretary, during the nine months that Congress is in vacation, to examine witnesses and examine contracts, and see if any of the contractors have a bona fide claim. If they have, then the Secretary is required to report to Congress, when each and every Member will be free to exercise for himself the right to determine whether the judgment of the Secretary in his opinion justifies an appropriation.

Now, the difference between this section and the Dent Act is that the Dent Act conferred power upon the department to settle claims. Nowhere does this section authorize the Secretary to settle the claims. Congress exercises its own right to settle these claims when the time comes to make an appropriation.

Mr. BEGG. Mr. Chairman, will the gentleman yield again for a question?

Mr. VINSON. Yes.

Mr. BEGG. What does the language mean on page 14, at the top, where it says that "The Secretary of the Navy shall fix and determine the amount thereof"?

Mr. VINSON. The Secretary makes his report to the effect that John Jones is entitled to $3,000. But that is no authorization for Congress to appropriate the money, nor a moral obligation requiring that the gentleman from Ohio shall follow the Secretary's views and appropriate $3,000. It is left for Congress to appropriate the $3,000.

Mr. BEGG. Then if it is not binding on the Congress, Congress must go ahead and hold duplicate hearings and obtain new evidence.

Mr. VINSON. When the Secretary makes his report to the Budget Bureau it is the duty of the Congress to inquire into it. It is the duty of Congress to settle these claims, instead of permitting the department to settle them.

Mr. DAVIS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. VINSON. Yes.

Mr. DAVIS of Tennessee. I want to call the attention of the gentleman from Georgia to the fact that appropriations are necessary to pay the judgments of the Court of Claims. Congress can refuse, and sometimes does refuse, to appropriate for those claims, but this adjudication by the Secretary of the Navy will be just as binding on the Congress as would be a judgment of the Court of Claims.

Mr. VINSON. No. This would go before the Appropriations Committee to determine whether or not the claimant is entitled to relief. There is no requirement on the part of the gentleman from Tennessee that he must agree with the view of the Appropriations Committee or with the views of the Secretary of the Navy. We determine that question when he makes his report.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. VINSON. Yes.

Mr. CARTER. Of course there is no positive obligation on Congress to appropriate, and a man can repudiate his debts if he wishes.

Mr. VINSON. It is no moral obligation.

Mr. CARTER. What is the purpose of this bill if it is not supposed that Congress shall make an appropriation? That is expressed in lines 16 to 19:

That the Secretary of the Navy shall make a report, through the Director of the Bureau of the Budget, of his proceedings and findings under this section to Congress for appropriation on or before January 2, 1924.

Mr. VINSON. That is to permit Congress to continue to retain jurisdiction of the claims. That is to permit the gentleman from Oklahoma to have his say as to whether or not he will vote to appropriate one dollar to these claimants. Instead of letting the Secretary determine it, we place the responsibility where it belongs, on the Congress, where the gentleman from Oklahoma can have a voice.

Mr. CARTER. Language similar to that is placed in bills that are sent to the Court of Claims—sent there for adjudication.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. VINSON. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. VINSON. This section is so drafted that there are but six claims that can be considered from the Bureau of Yards and Docks. If the gentleman from Illinois [Mr. GRAHAM] will carefully read it, he will see that no claimant can file a claim after he has given the Government a qualified receipt. What has happened? In a great many instances there have been disputes between the Navy Department and contractors in reference, we will say, to some governmental order. They were not able to settle the claims standing on the company's books, and therefore they said, "We request you to pay us 75 per cent of the claim, and later we will file a claim for the balance, for the remaining 25 per cent." Under this section no claimant who has a claim of that character is permitted to go to the Secretary of the Navy and file his claim. In other words, when we put in there the words "if a contractor gave a qualified receipt" it made this section as harmless as a dog with his teeth pulled out. There is nothing to the bill but to permit the Secretary to gather the evidence and report on a handful of little claims; and it is nothing but proper that he should have the right to gather this evidence like a master in chancery.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. VINSON. I yield to the gentleman from Minnesota.

Mr. NEWTON of Minnesota. I am under the impression, from reading the provision hurriedly, that the terms of it are somewhat larger and more liberal than those of the Dent Act.

Mr. VINSON. The gentleman is clearly mistaken.

Mr. NEWTON of Minnesota. Let me call the gentleman's attention to this language here. It applies to these losses:

which loss or delay was caused to such contractor, subcontractor, or material man by the action of any Government agency by reason of priority orders for material or transportation, commandeering of property or material, or other order of Government authority not authorized by the contract.

That is larger than the terms of the Dent Act, as I understand the provisions of the Dent Act.

Mr. VINSON. Suppose a contractor was to file a claim for loss by reason of increased wages. It is incumbent upon the contractor to prove to the satisfaction of the Secretary that he has complied with the orders of the Macey Board, that he has complied with every order of every governmental department with reference to wages, and that he has paid the actual wages that these boards have authorized.

Mr. NEWTON of Minnesota. But I understand that this goes even further than that.

Mr. VINSON. This bill should be used as a model for future bills of this character, because it is so restricted that every protection is accorded to the Government. A contractor must come in with clean hands before he can get any relief.

Mr. NEWTON of Minnesota. What I am afraid of is that it will be used as a precedent and a model and that it will trouble us in the future.

Mr. LINTHICUM. Why should a man who was compelled to take 75 per cent of the amount of his claim be penalized?

Mr. VINSON. I will state to the gentleman that there is some merit in his suggestion, because this probably does injustice to some contractor; but knowing the temper of the House, knowing that the House was prejudiced on account of our having previously surrendered our power to some department, we put that in there to restrict the character of claims that can be filed.

Mr. LINTHICUM. Then the man who had capital enough so that he was able to wait for his money will get 100 cents on the dollar and the other man will get only 75 per cent.

Mr. VINSON. I will say to the gentleman that there are only six claimants before the Bureau of Yards and Docks who can file their claims who can qualify if this is retained in the bill.

Mr. LINTHICUM. It is on account of the principle involved that I am objecting to it.

Mr. VINSON. Morally the man who gave a qualified receipt should have just as much right to file a claim as if he had given no receipt at all.

Mr. STAFFORD. Does the gentleman make any distinction between "receipt" and "release"? The wording of the bill is "qualified release." Under the act authorizing a claimant to receive 75 per cent of the amount in dispute if he gave only a

receipt for that amount we enabled him to go to the Court of Claims for the balance of 25 per cent. Here you are using language different from a receipt, for you say "qualified or unqualified release."

Mr. VINSON. In the Navy Department "release" means identically the same that "receipt" does.

Mr. STAFFORD. "Release" is not the same as "receipt."

The CHAIRMAN. The time of the gentleman has expired.

Mr. SEARS. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BRITTEN, Mr. CHINDBLOM, and Mr. HUSTED rose.

The CHAIRMAN. The gentleman from Illinois [Mr. BRITTEN], a member of the committee, is recognized.

Mr. BRITTEN. Mr. Chairman and gentlemen, if what my colleague from Illinois has said here was correct I would be in favor of striking out the entire section, but he is entirely ignorant of the facts, and I am surprised at the position he has taken. He has not the slightest idea of what this bill contemplates doing. Yet he comes to his colleagues from Illinois and wants to be the next leader of the House. I am astonished at the gentleman's position. This is no more like the Dent bill than the gentleman now looks like a house and lot. It is entirely different. It is no more like the kind of bill that the House had before it two years ago than the sun is like the moon. There is no comparison whatever, none.

Mr. J. M. NELSON. Tell us what the difference is.

Mr. BRITTEN. I will tell you what the difference is. The bill that was then before the House carried an appropriation, allowed claimants to file even though their contracts had been closed; established losses on an entirely different basis; covered hundreds of claims or prospective claims while this bill covers but a few. Senate bill 32, which this bill displaces, carried an appropriation, but in this bill which we have reported no appropriation is suggested. The amendment suggested by the gentleman from Alabama [Mr. OLIVER], that the Secretary's finding shall be purely a recommendation and nothing else, is what the committee desires. It has been frequently said on the floor of the House that a moral obligation of the Government is stronger than a contractual one. Here we have both.

Mr. DOWELL. Will the gentleman yield for a question?

Mr. BRITTEN. Let me complete my statement and then I will yield. Here we have a situation covering only six claimants in the Bureau of Yards and Docks of the Navy Department, and the total amount involved is $37,000, and of those six the bureau chief says that two may not be affected.

So there is probably only four. All the other contracts before that bureau have been settled. There is nothing here that would justify opening contracts already closed. This bill does not allow the opening of claims that have been settled. Nothing can be reopened. There are five or ten claims pending there now which Congress has practically acted upon which the Secretary desires to settle. The claimants can not go into the Court of Claims, the court has no jurisdiction; they have got to come here and we, in our best judgment, must determine their claims. We do not suggest that the Secretary settle with them; we wanted Congress to do that at a later date. That we will have to examine books and keep accounts and all that sort of stuff is entirely without foundation.

The claims here are based upon this telegram of the Secretary of the Navy, and I leave it to you gentlemen of the House whether you want to live up to an agreement like this by the Secretary of the Navy. You have already appropriated the money which now is lying in the Treasury for a specific piece of work—the building of the battleship *Idaho*—a million dollars. The Secretary wants to pay it. Congress appropriated the money, but the comptroller says that under the law it can not be paid, and that special legislation must be enacted authorizing the payment of that money. A paragraph in the bill is for that purpose. The Secretary has got to recommend through the Bureau of the Budget and the Committee on Appropriations and have reappropriated any amounts of money. Let me read the telegram sent in the time of war to the contractor who was building the *Idaho*. He was directed to expedite its construction. Mind you, his contract was entered into before we got into the war. That was when labor was not what it was when we got into the war and when the prices of materials was not what they were after we got into the war. The chairman of the Naval Committee, Mr. BUTLER, went to the Secretary of the Navy and pleaded with him to do this very thing. Does anybody doubt the honest purpose and intent of the chairman of the Naval Committee? The contractor replied: "If I go ahead on the *Idaho* and probably work three shifts under the disadvantages of the war and the war is on now, will you pay me the excess cost?" The Secretary telegraphed: "Yes; I will pay you the excess cost; submit your bill." He submitted his bill and Congress appropriated, but now these gentlemen say we ought not to pay it. Is it not absurd, and my distinguished ambitious leader is trying to make people believe that it is like the Dent bill which covered informal contracts, direct and indirect, where a corporal in the field ordered something that was called an indirect contract, and we had to pay under the Dent bill. There is nothing like that in our bill.

There is no way under heaven, gentlemen, that contractors can get money due them unless we authorize it.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SWING. Mr. Chairman, I ask that the gentleman have his time extended five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BRITTEN. We are authorizing the Committee on Appropriations to appropriate for these claims, and there is nothing doubtful in the claims, gentlemen. There are only half a dozen. Now, let me read you the telegram. Understand once more you all know our old Roman, Mr. BUTLER, would not go to the front for anything that was not absolutely right. He pleaded with the shipbuilders. They are in his district or just across the river. He went to them and pleaded with them to complete the ships so that we could get into the war. It would have been the biggest fighting machine in existence. They went ahead under the instructions of the Secretary of the Navy.

These men submitted their increased costs to the department for the department's approval, and the department after careful investigation approved it. Congress appropriated, and for all this time there has been a million dollars which should have been in public use lying in the vaults of the Treasury. I have a letter from the Chief of Bureau of Supplies and Accounts verifying that fact. There is a million dollars lying in the vaults of the Treasury for this particular thing, and it seems absurd to say that it should not be paid out to its rightful owner.

Now, my good friend over here is complaining about the proviso in the bill that permits the Secretary to waive liquidated damages. My Lord, that is awful; that is a terrible thing—waive damages for delays caused by the Government itself. Let me state a few cases to you. A man was building a tug over in New York—I think it was the Herreshoffs—but that case has been settled.

He then went into the mine-sweeper game for us, the building of small craft. When his tug was about ready for completion along came the War Department with a priority order and took his mechanical equipment away from him, stating that they needed the stuff in France and that it was more important that they have it over there than here. He complained and said, "But you are going to delay the completion of this ship." They replied they knew that, but that an extension would be granted. The Government did grant an extension of time for 30 or 40 or 60 days, whatever it was. There is nothing wrong about that; but the comptroller has held that the Secretary of the Navy could not waive liquidated damages in a case of that kind, and he had to assess $50 a day or $100 a day, as the case might be. This provision allows him to waive those liquidated damages. These are unimportant compared with the claim about the *Idaho*. They amount to only about $37,000. My friend from Illinois [Mr. GRAHAM] is a very good friend of mine, and I regard him very highly, and I am for him; he is a capable man——

Mr. BUTLER. I do not know whether he is capable or not, and we must vote for a House leader, and I want to know whether he is capable or not. [Laughter and applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BRITTEN. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HUSTED. Mr. Chairman, the gentleman states that there are only six claims which will be affected by this provision.

Mr. BRITTEN. Six in the Bureau of Yards and Docks and two in the Bureau of Construction and Repair; none in Ordnance; none in Engineering and none in Supplies and Accounts.

Mr. HUSTED. If that is the case, why was the provision so drawn as to give the Secretary of the Navy authority to decide any and all claims which may be filed within six months after the passage of this act.

Mr. BRITTEN. They apply to these particular claims.

Mr. HUSTED. It certainly would apply to any claims that may hereafter come in.

Mr. BRITTEN. Oh, no. The language specifically says that when a contractor has signed a release, qualified or unqualified, with the Navy Department he has no further claim, and his claim, if he filed one, would not be adjudicated under that.

Mr. HUSTED. Then what does the following language mean?

That the Secretary of the Navy is hereby authorized and directed to make thorough investigation and determination of the merits of all claims which may be submitted to him in writing, and verified under oath, within six months of the date of the approval of this act.

Mr. BRITTEN. I think I have answered the question, but I shall answer it again. As near as we can tell from the various chiefs of the bureaus, there are no claims that will come under the provisions of this bill from the Bureau of Ordnance of the Navy Department and none from the Bureau of Supplies and Accounts.

Mr. DOWELL. How does the gentleman know that?

Mr. BRITTEN. Because we have inserted in the hearings the letters or statements from the chiefs of the bureaus affected by the legislation.

Mr. DOWELL. Then, why direct the Secretary of the Navy to investigate every claim filed within six months after the passage of the act?

Mr. BRITTEN. He only investigates those claims that come under the provisions of the act.

Mr. DOWELL. Oh, no. He is directed to investigate every claim filed within six months of the passage of the act.

Mr. BRITTEN. That is not in violation of the act, and the act specifies the kind of claim that can be considered.

Mr. DOWELL. But you provide for any loss. It is for any loss under any contract within certain dates.

Mr. BRITTEN. Oh, no.

Mr. DOWELL. Let me read this paragraph.

Mr. BRITTEN. It is for certain losses under contracts in the Navy Department where a settlement has not already been made.

Mr. DOWELL. Listen to this language for a moment. This provides that he shall investigate the claim if filed within six months of the passage of the act "for any loss alleged to have been caused to any contractor, subcontractor, or material man, in the performance of any fixed-price contract entered into by any person, firm, corporation, or association with the United States through the Secretary of the Navy or the Navy Department from April 6, 1917, to November 11, 1918, inclusive." That is so clear that it can not be misunderstood. He must investigate every claim of loss that occurred to any contractor who made a contract with the department within those dates.

Mr. CARTER. And it even goes back before the beginning of the war.

Mr. DOWELL. Yes.

Mr. BRITTEN. The bill is very clear in that it states the kind of contractor who has right to file a claim. He must be one who has not already given his receipt to the department.

Mr. DOWELL. Oh, no.

Mr. BRITTEN. Oh, yes.

Mr. DOWELL. The language says, "any contractor who has sustained a loss" under a contract within those dates.

Mr. BRITTEN. I will answer the gentleman in three words—

provided that no claim shall be examined or reported which rests upon a contract under which the prime contractor shall have given a full, final, qualified, or unqualified release to the United States.

What does the gentleman say to that?

Mr. DOWELL. That is where a claim has been completely settled.

Mr. BRITTEN. Certainly; and there are no others, except those whose names have been given us by the chiefs of the bureaus.

Mr. DOWELL. But they have six months' time within which to file claims from the passage of this act.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. DOWELL. Mr. Chairman, I ask unanimous consent that his time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DOWELL. Then, on another point.

Mr. BURTNESS. Is the gentleman satisfied with the language there?

Mr. DOWELL. I am not. My claim, and I believe I am justified in it, is that the Secretary of the Navy must investigate every claim that is submitted by any contractor who has sustained a loss under a contract with the department between certain dates.

Mr. BRITTEN. Let me read it again, please.

A MEMBER. What page?

Mr. BRITTEN. Page 13, line 7, the proviso.

Mr. DOWELL. I want to interrogate the gentleman upon the other question where he says the Secretary of the Navy has no authority to settle claims. At the bottom of page 13 I read the following:

That the Secretary of the Navy shall decide each claim presented under this section in accordance with the principles of justice and equity, etc., and shall fix and determine the amount thereof and shall recommend, etc.

Mr. BRITTEN. Recommend.

Mr. DOWELL. No; it says fix and recommend; I will read it.

Mr. BRITTEN. He must fix the amount when he investigates it.

Mr. DOWELL (reading):

And if it shall be found that on account of such action of the Government hereinbefore stated a loss was caused to any such claimant, the Secretary of the Navy shall fix and determine the amount thereof.

What does that mean? It means that it is final.

Mr. BRITTEN. What does he do when he fixes the amount? He must report to the Bureau of the Budget.

Mr. DOWELL. I will tell you what he does. He then recommends to the Budget the amount of the findings so that the Budget under the law may submit to Congress an amount necessary and proper to pay the claim that has been allowed.

Mr. CARTER. Is not that just the same language used in reference to bills referring claims to the Court of Claims for judgment?

Mr. DOWELL. Absolutely, and there can be no question of the interpretation of the language.

Mr. BRITTEN. The intention and desire of the committee is not to have the Secretary settle, and it is not the desire to have Congress part with the control of the settlement of the findings, but the desire of the committee was that the final settlement and appropriation should be left to Congress.

Mr. HULL. I desire to ask the gentleman a question for my own information. This permits the contractors not only to figure the actual loss but permits them to figure the prospective profits up to 6 per cent?

Mr. BRITTEN. No.

Mr. HULL. That is what it does.

Mr. BRITTEN. Not at all.

Mr. HULL. What does this language mean where it says——

Mr. BRITTEN. It provides that where the contractor has been damaged by action of the Government, as indicated in my remarks a while ago, if the same contractor through all of his work for the Government has not made 6 per cent he may then file in just the amount of 6 per cent on all the work. It has no reference——

Mr. HULL. If he has not he can claim prospective profits?

Mr. BRITTEN. No.

Mr. HULL. I want to call the attention of the gentleman to this. The Dent Act eliminated all prospective profits or otherwise. This appears worse than the original Dent Act.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. BRITTEN. I will.

Mr. CONNALLY of Texas. If the gentleman intends to limit the provisions to these six claims, why does he not name them by saying the following claims, and possibly all objection will be obviated.

Mr. BRITTEN. There are eight. I have no objection——

Mr. CONNALLY of Texas. If the gentleman will do that I think he might eliminate the objection; otherwise the section will probably be killed.

Mr. BRITTEN. Besides, you have to grant the Secretary the right to waive liquidated damages.

Mr. WINGO. If the gentleman will permit a suggestion. It is now about time for the committee to rise and let me make this suggestion to the gentleman based upon the obvious temper of the committee. Had not you better rise and then by to-morrow morning, or whenever you take up the bill, have a provision that will amend this so as to restrict it to the six or eight claims with proper limitations that will authorize the Secretary of the Navy to ascertain what amount, if any, is due, and report his findings to the House? I think that may be better rather than——

Mr. BUTLER. Does the gentleman suggest that it be made to the House or to the Appropriations Committee?

Mr. WINGO. Made to the Congress and not the Bureau of the Budget, because the framing of the language you have got would raise the contention that it was in the customary language in which these claims come to us for an appropriation. Let him report to the Congress the findings of fact, specifying the six or eight claims, and I think the House would be inclined to give it to you.

Mr. DOWELL. Congress will determine whether it should be paid.

Mr. WINGO. Report it to the Congress for consideration, not an appropriation.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. BUTLER. We want to do the right thing. We are all manly men, and we need not be frightened because some man comes along and says the Government owes him money. All we desire to know is whether or not the Government does owe him money. Nobody is questioning anyone. They simply want to protect the Government from any claim that ought not to be made against the Government.

My two colleagues have worked out the best bill they could, so as to include all the claims that might be presented. In the case of the *Idaho*, I want to say to the Members who are here that you may believe me as a living witness, a man speaking the truth, when I say that never was such an injustice done before. I was one of the men who asked the Secretary to put this vessel to sea so that we might be successful in the war. The *Idaho* was under contract with the New York Shipbuilding Co. She lay there. It was not in my district. She lay over in New Jersey. I was one of those who persuaded the Secretary of the Navy to finish her, let the cost be what it would. I can not pay the bill, but I feel myself somewhat responsible to those shipbuilding people, because I urged that the vessel be finished. I perhaps overstepped the mark in my zeal and desire to see this ship prepared for service at sea. I had something to do with this 1916 building program to go to the war and fight the Hun. They covered the ship day and night with all hands possible and finished her, and she was sent to sea.

Mr. COOPER of Wisconsin. What year was that?

Mr. BUTLER. That was in the spring of 1918.

Mr. COOPER of Wisconsin. They have had that claim ever since?

Mr. BUTLER. Yes. That claim has never been paid.

Mr. COOPER of Wisconsin. It has not been paid, but it has not been presented to the Court of Claims?

Mr. BUTLER. No. The Court of Claims has no jurisdiction. Now, I want to say to my friend from Wisconsin that the Secretary approved of this claim. He had all the claims before him.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. BUTLER. Yes.

Mr. DOWELL. Did the Court of Claims have jurisdiction over that?

Mr. BUTLER. No.

Mr. DOWELL. Will the gentleman tell us why?

Mr. BUTLER. It is not based on a contract for damage.

Mr. STAFFORD. It is not based on any contract that is valid or recognized by the Government.

Mr. BUTLER. The money was set aside and the claim was intended to be paid with promptness. But the authorized cost of the ship had been exceeded. We were limited to so much money, and it cost $800,000 or $900,000 more to complete her in advance of the time and make her ready for battle.

I am going to suggest this, if it is agreeable to my two young friends, who worked very hard on this matter. Their services should not be overlooked. They are as careful as the rest of us. I suggest that we pass over this section unacted upon and think it over until the morning, when you will probably have presented to you a measure upon which you can all agree, where the claim will be fully set out, with authority given to the Secretary of the Navy to report the facts to Congress. I am told by the leader of the House that this is the last day for us. We have some provisions here in which I am interested, but I am not going to press them.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. OLIVER. Mr. Chairman, I ask unanimous consent that the gentleman may have three minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BUTLER. I hope we can put our heads together, and I want the view of the gentleman from Alabama to be considered along with those of the gentleman from Illinois [Mr. BRITTEN] and the gentleman from Georgia [Mr. VINSON] and the gentleman from Virginia [Mr. DREWRY], and I hope to-morrow we shall be able to bring here some suggestion by which justice can be done these claimants.

Mr. OLIVER. Mr. Chairman, will the gentleman yield?

Mr. BUTLER. Yes.

Mr. OLIVER. I want to state to the House, with the permission of the gentleman, that I was on the Committee on Naval Affairs when many of these claims were considered, and the gentleman from Pennsylvania [Mr. BUTLER] was largely in accord with me and held that we should be very careful in preparing the bill whereby these claims should be considered by the Secretary for investigation and report. He felt that from his personal knowledge of at least one claim it was a foundation for a meritorious measure and had been overlooked. I went to him this morning and, recognizing, as the gentleman from Illinois [Mr. GRAHAM] has pointed out, that, standing alone, some of these words might be misconstrued and might perhaps do what this Congress and this committee did not desire to be done, I drew this amendment and asked him if it would meet his approval at the end of the section, and he said it did, showing that nothing would be done by the Secretary that would in any way place an obligation on the Government or release any rights the Government had. And here is the way it reads:

That any action taken by the Secretary of the Navy under the authority of this section shall be taken only as a direction to the Congress through the Bureau of the Budget, and shall not be considered as imposing any obligation against the Government or releasing any claim or rights of the Government.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. OLIVER. I know that was the attitude of the gentleman.

Mr. BUTLER. I am in entire accord with my friend. This subject is a very old one between him and me. We have been endeavoring to hold off any claim that we thought perhaps might not have a real, substantial foundation to it, and our purpose has been to bring the House into a frame of mind where it would permit the Government to ascertain the facts and to make a report somewhere, to get the official judgment and recommendation of the Secretary of the Navy.

Mr. LONGWORTH. Do I understand the gentleman to suggest that these claims be specified by name?

Mr. BUTLER. I suggest that by to-morrow we will have perhaps a substitute for this section that I think the House will accept.

Mr. GRAHAM of Illinois. I do not think there is any man in this House in whose honesty the Members have more confidence than in the gentleman from Pennsylvania. [Applause.] This will satisfy me. What I have insisted all the time is that you name these claims and let the Secretary examine them and let us ultimately pass on them.

Mr. BUTLER. That is what I have been endeavoring to do, not to bind the Secretary, but to have him say somewhere that the *Idaho* was under the direction of the Navy Department, that all this work was done under the direction of the department, that the department can not pay the money because they increased the cost of the ship, that they acted under great pressure; and then there will be something to act upon.

Mr. GRAHAM of Illinois. Why not pass this over by unanimous consent until to-morrow?

Mr. BUTLER. I ask unanimous consent that this section be passed over until this bill is again under consideration.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that this section be passed without prejudice. Is there objection?

Mr. BLANTON. Mr. Chairman, reserving the right to object, there are several of us who would like to be heard on this section.

Mr. BUTLER. Oh, yes.

Mr. BLANTON. Are we going to be cut off to-morrow?

Mr. BUTLER. No; when we meet again for the purpose of considering this bill, we will have something to offer.

Mr. BLANTON. And we will be given an opportunity to be heard?

Mr. BUTLER. Yes.

Mr. BLANTON. How much longer are we going to run this afternoon?

Mr. BUTLER. I have not much to do with that.

Mr. BLANTON. There are some other matters here that will be controverted.

Mr. BUTLER. I renew my request.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that this section be passed over, to be called up at a later session of the committee. Is there objection?

There was no objection.

The Clerk read as follows:

REPEAL OF SO MUCH OF SECTION 3 OF THE ACT OF JUNE 4, 1920, AS AUTHORIZES TRANSFERS AND APPOINTMENTS IN THE REGULAR NAVY.

SEC. 12. That hereafter no officer of the United States Naval Reserve Force shall be transferred to or appointed in the regular Navy under the provisions of section 3 of the act of June 4, 1920, and so much of said section 3 of the act of June 4, 1920, as authorizes such transfers and appointments is hereby repealed.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last word. I ask unanimous consent to speak on the section which has just been passed over.

The CHAIRMAN. The gentleman asks unanimous consent to proceed out of order. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. Mr. Chairman, this is a proposition to turn over claims against the United States Government for consideration by the Secretary of the Navy either in person or (see line 16, on page 13) "through such agencies as he may establish." These agencies may conduct hearings and examine witnesses in private. The hearings may be held in any office where the agency established by the Secretary may decide to hold them. There will be no publicity. The procedure will not be like that in the Court of Claims, where the Government and the claimant are represented by counsel and there is examination and cross-examination of witnesses in public. But these claims against the Government are to be heard in private anywhere that the agents may choose to consider them.

And now I direct especial attention to the mandatory language in line 22, page 13. It is there provided that "the Secretary of the Navy shall decide each claim," and so forth. Now, to "decide" a claim means to render a final decision upon it. That is exactly what it means and nothing else. So that the Secretary of the Navy, after this possibly secret hearing by some agent that he has appointed, is to "decide" the claim, and then, in accordance with the proviso on page 14, lines 16 to 19, inclusive, he is to report it to Congress "for appropriation." Mark those words—"for appropriation." He "decides" the claim and reports it to Congress "for appropriation."

I repeat that the only possible reasonable construction to put upon that language is that the Secretary of the Navy having "decided"—that is, rendered final decisions—as to the amounts due, these claims are to be reported to Congress not for examination and decision but "for appropriation."

As for myself, Mr. Chairman, if the question comes upon the motion to strike out the section in its present form, I shall support the motion. This making the Treasury of the United States subject to the payment of claims adjudicated in secret is all wrong.

Mr. BRITTEN. Will the gentleman yield for a question?

Mr. COOPER of Wisconsin. Yes.

Mr. BRITTEN. Does my friend feel that a contract is adjudicated in secret when it is investigated by the Secretary of the Navy and the Navy Department, and then the Secretary makes his report to the Bureau of the Budget, and the Bureau of the Budget makes its report to an appropriating committee in Congress, and they all determine on its propriety? Does the gentleman call that a settlement in secret?

Mr. COOPER of Wisconsin. The gentleman from Illinois has supposed a lot of things that are not germane to the question now before the House, because they are not to be found in the pending bill. I have directed attention to the language of the bill and to its plain intent. I have seen this sort of thing done before, and this is one of the most indefensible propositions that in many years has been presented to Congress.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. BLANTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. SWING. There is nothing before the House.

Mr. BLANTON. The gentleman from Wisconsin moved to strike out the last word.

Mr. SWING. This section of the bill was passed over by unanimous consent.

The CHAIRMAN. Does the gentleman from California claim the floor?

Mr. SWING. I rise to a parliamentary inquiry, if the proper thing is not for the Clerk to read the next section.

The CHAIRMAN. The next section has been read and has been debated by the gentleman from Wisconsin.

Mr. BLANTON. And I rise in opposition.

Mr. SWING. The gentleman from Wisconsin has been debating the section which has been passed over.

The CHAIRMAN. The gentleman asked unanimous consent to do that, which was granted.

Mr. CHINDBLOM. I offer an amendment.

Mr. BLANTON. I move to strike out the last word.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. CHINDBLOM].

Mr. CHINDBLOM. Mr. Chairman, I offer an amendment. After line 3, insert a new section.

The CHAIRMAN. The gentleman from Illinois [Mr. CHINDBLOM] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. CHINDBLOM: Page 15, after line 3, insert a new section as follows: "That on and after July 1, 1922, the retainer pay of all men who were on that day transferred members of the Fleet Naval Reserve or the Fleet Marine Corps Reserve shall be computed on the rates of pay authorized for enlisted men of the naval service by the act approved June 10, 1922: *Provided*, That the retainer pay of said reservists shall be not less than that to which they were entitled on June 30, 1922, under decisions of the Comptroller of the Treasury in force on that date."

Mr. BUTLER. Mr. Chairman, I reserve a point of order on that.

Mr. BLANTON. I make the point of order that it is not germane.

Mr. STAFFORD. I make the further point of order that under the rule by which the bill is being considered only the committee amendments and amendments to those committee amendments are in order.

Mr. CHINDBLOM. Will the gentleman reserve his point of order for a moment?

Mr. STAFFORD. I understand from the statement by the chairman of the Committee on Rules when the rule was presented for adoption that nothing but amendments to the committee amendments are in order.

The CHAIRMAN. This is clearly subject to a point of order. The gentleman from Illinois does not wish to contest that.

Mr. CHINDBLOM. It is on the subject matter of the preceding section.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CHINDBLOM. Will not the gentleman reserve the point of order?

Mr. STAFFORD. I will reserve the point of order.

Mr. BLANTON. What is the use of sitting here all night considering propostions that are out of order. If the gentleman wants to speak, I have no objection, but we ought to rise now.

Mr. CHINDBLOM. If the gentleman will reserve his point of order——

Mr. BLANTON. I will reserve the point of order.

Mr. CHINDBLOM. Mr. Chairman, this is a matter to which I referred yesterday in a colloquy with the chairman of the committee. He then said that he believed that this matter was covered by the first committee amendment, designated as section 2.

When the pay bill was passed, that bill explicitly provided that members transferred from the Navy to the Fleet Naval Reserve should not, through its operations, be reduced from the pay now being received by them. The words "now being received" being an exact quotation from the language of the law. The Comptroller General subsequently rendered an opinion in which he overruled the decisions which had been rendered by the Comptroller of the Treasury for a long period of time, and as a result of which such transferred members of the Fleet Naval Reserve got large reductions in pay. I think that was a great injustice against the men who have been in the service of the country. I am not going to pass judgment on the opinion of the Comptroller General at this moment, but those who are familiar with the facts in this case—and I think the gentleman from Pennsylvania is in sympathy with the amendment——

Mr. BUTLER. I think it has merit, but I am not acquainted with all the facts.

Mr. CHINDBLOM. The gentleman stated yesterday that he was in favor of it.

Mr. BUTLER. Yes; but it refers to another subject.

Mr. CHINDBLOM. Mr. Chairman, I will not take more time if the point of order is insisted on.

Mr. BLANTON. I make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. CHINDBLOM. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CHINDBLOM. Mr. Chairman, under the leave to extend my remarks I want to make some further observations on my proposed amendment to section 12 of the committee amendment to Senate bill 4137. The act of June 10, 1922, was reported by a joint committee of both Houses, and is entitled "An

act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service." It was a comprehensive and well-considered legislative enactment. Section 10 of that act fixed the monthly base pay after July 1, 1922, of warrant officers and enlisted men of the Navy and Coast Guard, and authorized the Secretary of the Navy "to fix the pay grade for the various ratings of enlisted men of the Navy," and the Secretary of the Treasury "to fix the pay grade for the various ratings of the enlisted men of the Coast Guard." Thereupon, and immediately in that connection, there was placed in the law the following provision:

Nothing contained herein shall operate to reduce the pay now being received by any transferred member of the Fleet Naval Reserve.

It is clear that the purpose of this provision was to confirm these "transferred members" of the Fleet Naval Reserve in the pay which they were receiving on the date the law went into effect, which by its own terms was July 1, 1922. These transferred members continued to receive the pay which they were receiving both on June 10, 1922, and on July 1, 1922, until August 7, 1922, when the Comptroller General of the United States, in a decision, held that men transferred from the Regular Navy to the Fleet Naval Reserve between August 29, 1916, and July 11, 1919, were entitled to retainer pay on and after July 1, 1922, computed on the rates of pay authorized in the act of May 13, 1908. Although on June 30, 1922, they were receiving retainer pay computed on the rates of pay authorized in the act of May 18, 1920, under a series of decisions of the Comptroller of the Currency authorizing such computation. These decisions of the Comptroller of the Currency were four in number and had been accepted by the Comptroller General, who permitted the payments thereunder to be made up to June 30, 1922, and, in fact, up to August 7, 1922, when he reversed the Comptroller of the Currency, as well as his own acceptance of the latter's ruling on the subject.

While the joint congressional committee, appointed under the act of May 18, 1920, was considering the bill which became the law of June 10, 1922, I personally called upon members of the committee and their advisers and was assured that it was their purpose that the transferred members of the Fleet Naval Reserve should not be reduced in pay.

There is no question as to what was the intention of the Congress. I believe every Member of the House took the bill to mean what it said, viz, that the transferred members of the Fleet Naval Reserve should continue to draw the retainer pay which they were receiving—now—when the bill was passed. The Judge Advocate General of the Navy took the same position. Upon the request of the Secretary of the Navy the Comptroller General reconsidered the question, and on December 8 last reaffirmed his decision of August 7, 1922, except that in the later opinion he held that "payments prior to July 1, 1922, having been made otherwise under decisions in effect when made, they will not be disturbed." Doubtless the men affected are disposed to bow gratefully with an humble "For this relief, much thanks"; but the inquiry might be pertinent why an erroneous opinion—under the ruling of the Comptroller General—should authorize or condone payments prior to July 1, 1922, but not thereafter. Be that as it may, my view is that the Congress had the authority on June 10, 1922, when the pay bill was passed, to fix the basis for the retainer pay of these transferred members of the Fleet Naval Reserve, and the Congress did so fix that basis when it declared that nothing in that law should operate to reduce their pay below that which they were then receiving. It was not to be presumed that the executive officers of the Government, with the acquiescence and consent of the Comptroller General himself, were violating the law by paying larger compensation than the law permitted. The Congress took the status quo in this matter and based its action thereupon.

In his opinion of December 8 last to the Secretary of the Navy the Comptroller General stated, with reference to the provision in section 10 of the act of June 10, 1922, as follows:

The clause gives nothing affirmatively, but negatively prevents reduction of the pay authorized by law now being received.

The words "authorized by law" are interpolated by the Comptroller General; they are not in the act of June 10, 1922. The Congress could easily have used those words. It might have said that these service men should not be reduced below the pay "authorized by law," or the pay "to which any transferred member of the Fleet Naval Reserve is entitled." Those would have been customary and usual provisions. Instead of so expressing itself, the Congress took the state of facts then existing and generally known and made that situation the basis of its action, and that action was as much the law as any prior enactment. The Comptroller General begs the question when he says, as he does in his last opinion to the Secretary of the Navy, that the act of June 10, 1922, "does not authorize the continuance of pay of any character not provided by law." The act of June 10, 1922, is itself a law fixing pay which thereby and thereafter was "provided by law."

It is greatly to be regretted that the pending bill does not relieve the situation to which I have referred, but it is to be hoped that legislation to that end will be embodied in the measure before it is finally enacted. The proposition is highly meritorious and carries out the original intent of the Congress. Most of the men involved served through the war during the period of stress and danger and are entitled to transfer to the reserve fleet upon the basis of the pay they received when their services were no longer demanded.

Mr. BLANTON. Mr. Chairman, I make the point of order that we have no quorum present.

Mr. BUTLER. Let us read the next section. I am 20 years older than the gentleman from Texas, and I can stand it five minutes more.

Mr. BLANTON. Very well; I withdraw the point.

The Clerk read as follows:

DISCHARGES FOR THE GOOD OF THE SERVICE.

SEC. 13. That hereafter persons discharged from the naval service by dishonorable discharge, bad-conduct discharge, or any other discharge for the good of the service, may, upon discharge, be paid a sum not to exceed $25: *Provided*, That the said sum shall be fixed by, and in the discretion of, the Secretary of the Navy, and shall be paid only in cases where the person so discharged would otherwise be without funds to meet his immediate needs: *Provided further*, That hereafter the appropriation "Maintenance, Quartermaster's Department, Marine Corps," shall be available for the purchase of civilian outer clothing, not to exceed $15 per man, to be issued when necessary to marines discharged for bad conduct, undesirability, unfitness, or inaptitude.

Mr. BUTLER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 4137 and had come to no resolution thereon.

AGRICULTURAL APPROPRIATION BILL.

Mr. ANDERSON. Mr. Speaker, I present a conference report on the agricultural appropriation bill for printing under the rules.

The Clerk read the title of the bill (H. R. 13481) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1924, and for other purposes.

THE REPARATIONS CRISIS.

Mr. TEMPLE. Mr. Speaker, I wish to make a unanimous-consent request, and then I would like a minute to make a statement concerning it.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. TEMPLE. Mr. Speaker, in the course of his remarks yesterday the gentleman from Minnesota [Mr. KNUTSON] quoted certain passages from an article, of which I am the author, in the January number of the Forum. My views are not at all those expressed by the gentleman from Minnesota. [Applause.] My good wishes are with France in her attempt to collect what is due to repair the damage caused her by Germany and the other central powers. The article in the Forum, which was written two months ago and several weeks before the occupation of the Ruhr Valley by the French forces, attempted to set forth the facts in regard to the reparations crisis in the stage which it had then reached. The article states plainly that there would be no injustice in collecting from Germany the full amount fixed by the Reparations Commission. The passages quoted by the gentleman from Minnesota in his speech are so associated with other material that my own view might be misunderstood by a careless reader. Therefore I ask unanimous consent that the full text of my article be printed in the RECORD in 8-point type.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD in the manner indicated, in 8-point type. Is there objection?

There was no objection.

The article referred to is as follows:

THE REPARATIONS CRISIS.

[By HENRY W. TEMPLE.]

Three things have brought Europe to the verge of economic ruin—the loss of man power and of capital during the four years of war, certain crushing and unworkable provisions of the

peace treaty, and the continuing fears and jealousies of governments and peoples which have perpetuated old hatreds and created new ones. It is true that the present crisis arises out of the differences of opinion between the British Government and the French Government concerning Germany's willingness or ability to meet the reparations payments and the measures that ought to be taken to collect from the unwilling or bankrupt debtor.

In the Versailles peace treaty Germany specifically accepted the responsibility of Germany and her allies for causing all the loss and damage which the allied and associated governments and their peoples had suffered as a consequence of the war. The allied and associated governments also definitely recognized in the treaty that the resources of Germany were not adequate to make complete reparation for all such loss and damage. The treaty did not attempt to fix the amount of the damage for which compensation was to be made by Germany, but it did provide that Germany should pay 20,000,000,000 gold marks prior to May 1, 1921, and that payment should be made in gold, commodities, ships, securities, or otherwise, as the Reparations Commission might fix. The treaty further provided that the total amount of damages in addition to the above-mentioned 20,000,000,000 gold marks should be determined by the Reparations Commission and notified to the German Government on or before May 1, 1921.

On January 23, 1921, the Reparations Commission issued a statement showing that prior to December 31, 1920, Germany had delivered, in payment of the preliminary 20,000,000,000 gold marks, the following ships and commodities:

Coal estimated at 17,818,840 tons; sulphate of ammonia, 19,000 tons; steamers, sailing vessels, and trawlers, 2,054,729 tons gross; river craft and material, 38,730 tons; live stock, 360,176 beasts; seeds, 6,882,588 kilos; dyes and dyestuffs, 10,787,827 kilos; pharmaceutical products, 57,823 kilos; rolling stock (locomotives), 4,571; rolling stock (freight cars), 129,555; motor lorries, 5,000; railway material, 140,000 tons; agricultural machinery, machines, and implements, 131,505. In addition, the commission's statement showed that Germany had delivered the submarine cables under German control, of which only those privately owned were to be credited to reparations. The statement of the Reparations Commission further said that the list did not include certain other deliveries for which figures were not yet completely determined. In addition to these deliveries there were others not to be credited to the payment of the 20,000,000,000 gold marks, but which were in the nature of restitutions to France and Belgium, of agricultural material, industrial material, locomotives, and freight cars, to compensate for those seized by Germany in territory belonging to France and Belgium.

Conflicting estimates were placed upon the value of these payments in kind, but there is no doubt that they fell far short of the 20,000,000,000 gold marks required.

On May 10, 1921, Germany, under pressure, accepted the estimate made by the Reparations Commission of the additional reparations, which the commission fixed at the sum of 132,000,000,000 gold marks (about $33,000,000,000). This sum was covered by bonds which were to be issued in three series. Series A, amounting to 12,000,000,000, and series B, amounting to 38,000,000,000, bearing interest at 5 per cent, were delivered to the allied governments. The bonds of series C, amounting to 82,000,000,000 of gold marks, were also to be delivered by November 1, 1921.

They were to be without interest coupons and it was provided that they should be issued by the Reparations Commission "as and when it is satisfied that the payments which Germany is required to make in pursuance of this schedule are sufficient to provide for the payment of interest and sinking fund on such bonds." Annual payments were to be made as follows: A fixed sum of 2,000,000,000 gold marks, plus a variable payment amounting to 26 per cent of the value of German exports which, it was estimated, would amount to another billion. These annual payments were really sufficient only to cover the 5 per cent interest on bonds of series A and B and to provide an additional 1 per cent toward the amortization of these bonds. The payment was not sufficient to provide anything for the additional 82,000,000,000 gold marks of the bonds of series C. Payment of the first billion was made within the specified time, but almost immediately Germany began to assert her inability to make further payments as they became due, and there has been conference after conference, postponement after postponement until the present time. The French Government has shown more and more inclination to take stronger measures for the collection of these payments, and the possibility of independent action by that Government is a serious element in the European situation.

Of the proposal to occupy the Ruhr Valley the British prime minister said to the House of Commons: "We can not look with equanimity upon any action which seems to us likely, or which we believe will have the effect, not of producing reparations, but making them more difficult to get, perhaps making them impossible altogether." The prime minister continued: "I believe, and think that almost everyone believes, that the terrible trouble in Europe is that there is no hope of any solution unless France and we get together. I am perfectly sure of this, and I and the Government which I represent will be acting according to the wishes of the whole nation if we make clear that the difference is more serious than a difference between governments. The difference likely to arise is the difference between the public opinion of two countries, and we are looking from the point of view of maintaining good relations. That makes it more dangerous than if the only question were the difference of opinion between individuals and governments, and that is the reason, I am sure, we at home and the French Government will utilize the time that still remains to try to find some common method to deal with this problem."

The British premier recognizes that the German Government has allowed a tremendous inflation of its currency to take place, which has the effect in itself of making it impossible for Germany to meet any claims for reparations. He says also that the French go further and say that this was deliberately done by Germany, but he adds: "Honestly, I can not myself take that view; and this is the reason: It is perfectly true that by that method of passive resistance they can avoid forever paying any indemnity, but it only means what is very like suicide for Germany. I can hardly believe that any sane Government would deliberately adopt that course."

Even in this statement of the differences between his own opinion and that of the French Government we may observe some progress toward agreement. It is only a few weeks ago that many persons in France and even observant travelers in Germany were divided in opinion as to whether Germany was unable to pay or was really prosperous. It was pointed out that the German stores were full of customers making purchases, that there was almost no unemployment in Germany, and that in general business was active. This was true. Business was feverishly active, but the activity had peculiar causes. In the middle of August the mark was worth one thousand to the dollar. At the present time a dollar will buy more than 8,000 marks. The German people had realized that the fall in the value of the mark had only begun. In August and September they were spending their money as rapidly as possible lest it become worthless in their hands.

The depreciation of the mark is, of course, registered in an increase in the price of commodities, as that price is measured in marks. It was wise for the German people to buy to-day all that they needed to buy, or all the goods they could possibly make use of in the near future, because their money to-day would buy two or three times the quantity of goods that it would procure a month or two later. Merchants realized what was going on, and in many instances stores were closed against the rush of customers in order that the goods might be held for the higher prices of to-morrow. The merchant indeed would have been better off if he could have closed his store altogether and kept the goods in his possession rather than exchange them for money that was growing more and more worthless. He was unable to do this, however; he must sell his goods in order that he might have the means of buying food for his own family, even though he realized that he was eating up his capital and must ultimately go out of business. One of the keenest observers in the diplomatic corps in Berlin, an experienced business man and sound economist, said to me early in September that Germany was about six months behind Austria on the road to economic collapse. I had just returned from Vienna to Berlin, and his statement meant much to me.

My cab fare from the railway station to the hotel in Vienna amounted to 36,000 crowns. A very modest breakfast was 27,000 crowns. A room in the hotel was 220,000 crowns a day. These prices mean nothing when translated into American currency at the rate of 80,000 crowns to the dollar. When so translated they throw no light whatever on the economic situation in Austria. It is only when prices are translated into the terms of Austrian income and the changes of value are thought of with reference to contracts and securities that the situation becomes at all apparent. A note secured by mortgage in 1915 called for 250,000 crowns, which at par would be $50,000. The mortgage was paid off in August, 1922, and full payment of the 250,000 crowns was made. Translated into terms of American exchange, this means that a note for $50,000 was paid with $3.12½. A pension of 30,000 crowns was equivalent before the war to $6,000 in American money. The pension is still paid

and still amounts to 30,000 crowns a year, but the year's income will pay for only one breakfast at the hotel. Wages have gone up, it is true, but not at all in proportion to the increase in prices. A manufacturer in Vienna told me that he was paying to the skilled workmen among his employees about 400,000 crowns a week, but he added that while this would probably buy food for the workman's family, it would not pay for the replacing of wornout shoes and clothing. The middle class—people living upon fixed incomes—have, of course, had no such readjustment as the working people have had in their advance in wages, and the result is that there is no longer a middle class.

Since September Germany has made rapid progress toward the *condition* that Austria had already reached; but the importance of Germany in the industrial and commercial organization of the world is so much greater than that of Austria that the economic destruction there, involving 60,000,000 people, destroying both their power to produce goods for the world's use and their power to purchase surplus products of other countries, would have a far greater effect in western Europe and America than the collapse of Austria. The crisis is much more than a political one involving the future relations of France and Great Britain, with the possibility of again disturbing the peace of the world. It is also an economic crisis which, even if war is not to be thought of, threatens disaster to the material side of the world's civilization.

The question involved is bigger than that of reparation for damage done by the war.

It is more important to America than the question of cancellation or payment of the war loans; but that statement does not mean that the war loans should be canceled or that the reparation payments should not be collected. It is far too soon to say that recuperation is impossible. Quick recovery, of course, must not be expected. The people of all the world should realize as early as possible that no act of any Congress or Parliament can at once set the world back on its foundations, so that we may proceed as if there had been no war. The immediate political crisis requires the prompt exercise of all the qualities of statesmanship; the restoration of prosperity, however, must be a slower process. Not only must statesmen realize but also the masses of the people must be convinced that such restoration can only come when the hundreds of billions of wealth destroyed by the war have been replaced—have again been created and accumulated by long-continued industry any saving.

Payments of immense sums by one nation to another, whether in reparation for war damages or for credit upon war loans, can not be made at once. They must be waited for with long patience. The total amount of indebtedness of all European countries to the United States, including war loans, the sums due from sales of war supplies and from sales of flour by the United States Grain Corporation, and other items, and including interest as well as principal, has now reached the enormous sum of eleven billions five hundred and twenty-five millions. The French Government owes the United States three billions seven hundred and seventy millions of this, the British Government owes us four billions seven hundred and forty-seven millions, and Italy owes one billion eight hundred and ninety-one millions. The remainder of the immense sum is owed by 17 other European nations. Great Britain is the only power of the 20 that has begun to pay interest on the obligation.

If the reparation bonds of series C, amounting to 80,000,000,000 gold marks, are to be canceled entirely—and there are signs that European public opinion may be ready for such a step—the remaining obligations represented by the bonds of series A and B amount to 50,000,000,000 gold marks, or approximately twelve and one-half billions of dollars. This sum owed by Germany is larger than the total owed to the United States by the 20 European nations. If the victors, who among them have already received from Germany more than 1,000,000,000 gold marks and the several billion marks in value represented by the payments in kind mentioned above, are unable to pay even the interest on eleven and one-half billions, it would appear reasonable that Germany may be unable to pay any large part of the reparations amounting to a still greater sum. It will be generally recognized in America that there would be no injustice in collecting from Germany the whole of the 132,000,000,000 gold marks ($33,000,000,000) named by the Reparations Commission as necessary to cover the damage for which Germany was responsible, if collection were possible. But if attempts at immediate collection by force would precipitate ruin, that would affect not only Germany but western Europe and America as well, then it is to be devoutly wished that the conference adjourned at London because of disagreement between France and Great Britain may be resumed later, with a better hope of reasonable adjustment.

There is increasing demand that the United States take part, directly or indirectly, in a conference which shall deal with this subject. Doubtless some among those that make this demand believe that the United States should shoulder the greater share of the financial burden. An international loan to Germany is suggested. There is no likelihood that the Government of the United States will tax the American people or will issue bonds to raise the large sum necessary for this purpose. There is no likelihood that private interests will make such a loan to Germany unless there should be a guaranty of such an arrangement concerning reparations as would permit Germany to use the loan for productive purposes—that is, to restore sound conditions in Germany—and unless there should be a further guaranty that when Germany has done this no power will send a military force into Germany to seize and control the industries thus restored. We in America can not live as if we were not a part of the world. We must be willing to use our resources and our energies in cooperation with European nations to prevent the wreck that threatens civilization, but we must avoid such participation as would rouse in America jealousies and hatreds from which our geographical position and our international policy in the past have kept us free.

ENROLLED BILL SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 13926. An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1924, and for other purposes.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 3721. An act providing for the erection of additional suitable and necessary buildings for the National Leper Home.

ADJOURNMENT.

Mr. BUTLER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 27 minutes p. m.) the House adjourned until to-morrow, Saturday, February 17, 1923, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1000. A letter from the Acting Director of the United States Veterans' Bureau, transmitting a statement as of February 1, 1923, indicating the total number of positions at a rate of $2,000 or more per annum, the rate of salary attached to each position, and the number of positions at each rate in the central office, together with a statement indicating the corresponding information as of January 1, 1923, for the district and subdistrict offices; to the Committee on Appropriations.

1001. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the War Department for the fiscal year ending June 30, 1923, for expenses of the international shooting competition, $25,000 (H. Doc. No. 583); to the Committee on Appropriations and ordered to be printed.

1002. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the General Accounting Office for the fiscal year ending June 30, 1924, for additional personnel for auditing the financial transactions of the United States Shipping Board Emergency Fleet Corporation, $58,350 (H. Doc. No. 584); to the Committee on Appropriations and ordered to be printed.

1003. A communication from the President of the United States, transmitting a supplemental estimate of appropriations for the War Department for the fiscal year ending June 30, 1923, amounting to $602,500 (H. Doc. No. 585); to the Committee on Appropriations and ordered to be printed.

1004. A communication from the President of the United States, transmitting supplemental and deficiency estimates for the Navy Department for the fiscal year ending June 30, 1923, and for prior years, amounting to $21,163,725.37, together with certain proposed legislation (H. Doc. No. 586); to the Committee on Appropriations and ordered to be printed.

1005. A communication from the President of the United States, transmitting deficiency estimate of appropriations for the Department of State for the relief and protection of American seamen, amounting to $1,516.49 for the fiscal year ending June 30, 1921, and $10,536.88 for the fiscal year ending June 30, 1922; in all, $12,053.37 (H. Doc. No. 587); to the Committee on Appropriations and ordered to be printed.

1006. A communication from the President of the United States, transmitting supplemental estimate of appropriation for

the Department of the Interior for the fiscal year ending June 30, 1923, to reimburse the Territory of Alaska for moneys advanced to the Governor of Alaska for repairs to his residence at Juneau, Alaska, necessitated by fire in the building, amounting to $857 (H. Doc. No. 588); to the Committee on Appropriations and ordered to be printed.

1007. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Alien Property Custodian for the fiscal year ending June 30, 1923, $8,324.93 (H. Doc. No. 589); to the Committee on Appropriations and ordered to be printed.

1008. A communication from the President of the United States, transmitting an estimate of appropriation for the Supreme Court of the United States for the fiscal year ending June 30, 1923, for a marble bust, with pedestal, and for an oil portrait of the late Chief Justice Edward Douglass White (H. Doc. No. 590); to the Committee on Appropriations and ordered to be printed.

1009. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Treasury Department for the fiscal year ending June 30, 1923, amounting to $78,838,515.95 (H. Doc. No. 591); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. VOLSTEAD: Committee on the Judiciary. H. R. 14337. A bill to incorporate the Belleau Wood Memorial Association; with an amendment (Rept. No. 1624). Referred to the House Calendar.

Mr. DOMINICK: Committee on the Judiciary. H. R. 7851. A bill to amend an act entitled "An act to amend an act entitled 'An act to provide for the appointment of a district judge, district attorney, and marshal for the western district of South Carolina, and for other purposes,'" approved September 1, 1916, so as to provide for the terms of the district court to be held at Spartanburg, S. C.; with an amendment (Rept. No. 1625). Referred to the House Calendar.

Mr. BOIES: Committee on the Judiciary. S. 3892. An act authorizing the State of California to bring suit against the United States to determine title to certain lands in Siskiyou County, Calif.; without amendment (Rept. No. 1626). Referred to the Committee of the Whole House on the state of the Union.

Mr. HERSEY: Committee on the Judiciary. H. R. 14226. A bill to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916; with an amendment (Rept. No. 1627). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FOCHT: A bill (H. R. 14361) to authorize and direct the Commissioners of the District of Columbia to erect a building for the care of tubercular pupils; to the Committee on the District of Columbia.

By Mr. NEWTON of Minnesota: A bill (H. R. 14362) to amend subdivision (II) of section 20 of the interstate commerce act as amended; to the Committee on Interstate and Foreign Commerce.

By Mrs. HUCK: A joint resolution (H. J. Res. 450) announcing that the Congress of the United States shall make no concessions to any country that does not refer the question of war to its people; to the Committee on Foreign Affairs.

By Mr. PORTER: A joint resolution (H. J. Res. 451) requesting the President to urge upon the governments of certain nations the immediate necessity of limiting the production of habit-forming narcotic drugs and the raw materials from which they are made to the amount actually required for strictly medicinal and scientific purposes; to the Committee on Foreign Affairs.

By Mrs. HUCK: A concurrent resolution (H. Con. Res. 85) declaring the people of the Philippine Islands to be free and independent; to the Committee on Insular Affairs.

By Mr. FOCHT: A resolution (H. Res. 534) for the immediate consideration of Senate bill 3136, the teachers' pay bill; to the Committee on Rules.

By Mr. SUMMERS of Washington: A resolution (H. Res. 535) for the immediate consideration of Senate bill 3808; to the Committee on Rules.

By Mr. BRIGGS: Memorial of the Legislature of the State of Texas urging immediate recognition of the Obregon government in Mexico; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GILLETT: A bill (H. R. 14363) for the relief of Charles A. Eastman; to the Committee on Indian Affairs.

By Mr. HICKS: A bill (H. R. 14364) for the relief of Charles Beck; to the Committee on Claims.

By Mr. J. M. NELSON: A bill (H. R. 14365) granting an increase of pension to Aurora C. B. Kinney; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 14366) granting a pension to Julia Conger; to the Committee on Invalid Pensions.

By Mr. TINCHER: A bill (H. R. 14367) granting a pension to Visa A. Moser Elliott; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7322. By the SPEAKER (by request): Petition of Women's International League for Peace and Freedom, Massachusetts branch, Boston, Mass., urging repeal of the espionage act; to the Committee on the Judiciary.

7323. By Mr. BRIGGS: Letter of Mr. R. C. Spinks, Crockett, Tex., urging passage of truth in fabric bill and other legislative relief; to the Committee on Interstate and Foreign Commerce.

7324. By Mr. KISSEL: Petition of chairman New York League of Women Voters, urging passage of House bill 11490 transferring work of Interdepartmental Social Hygiene Bureau to the Department of Justice; to the Committee on the Judiciary.

7325. Also, petition of Kings County Republican Committee, favoring a child labor amendment to United States Constitution; to the Committee on the Judiciary.

7326. Also, petition of Maritime Association of the Port of New York, favoring passage of a bill providing for Government ownership and operation of Cape Cod Canal; to the Committee on Interstate and Foreign Commerce.

7327. By Mr. RAINEY of Illinois: Petition of Eaton Priddy Post, No. 111, of the American Legion, favoring an appropriation for the development and promotion of the Organized Reserves and the citizens' military training camps; to the Committee on Appropriations.

SENATE.

SATURDAY, *February 17, 1923.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father who art in heaven, hallowed be Thy name. Thy kingdom come. Grant that we each may have a part in bringing in that kingdom until the kingdoms of this world shall become the kingdom of our Lord, Jesus Christ. Enable us in all our duties to find an earnest of Thee in the understanding of the times and in our desire to fulfill Thy will. Through Jesus Christ. Amen.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Tuesday, February 13, 1923, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL.

Mr. McKELLAR. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Curtis	Harrison	McCormick
Ball	Dial	Heflin	McCumber
Bayard	Dillingham	Hitchcock	McKellar
Brookhart	Ernst	Johnson	McKinley
Bursum	Fernald	Jones, Wash.	McLean
Calder	Fletcher	Kellogg	McNary
Cameron	Frelinghuysen	Keyes	Moses
Capper	George	King	Nelson
Caraway	Gerry	Ladd	New
Colt	Glass	La Follette	Norris
Couzens	Hale	Lenroot	Oddie
Culberson	Harris	Lodge	Overman

Owen	Robinson	Sutherland	Warren
Page	Sheppard	Swanson	Watson
Phipps	Shields	Townsend	Weller
Pittman	Smith	Trammell	Willis
Pomerene	Smoot	Underwood	
Ransdell	Spencer	Walsh, Mass.	
Reed, Pa.	Sterling	Walsh, Mont.	

The VICE PRESIDENT. Seventy-three Senators have answered to their names. A quorum is present.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT laid before the Senate resolutions adopted by citizens of Stoughton, Mass., in town meeting assembled, favoring the passage of legislation creating an agency of the Federal Government authorized to fix maximum prices for coal, providing that in the sale and shipment of coal at the mines or elsewhere orders from consumers, and dealers selling directly to consumers, shall take precedence over all other orders, and to provide for the prompt transportation of such shipments, which were referred to the Committee on Education and Labor.

Mr. ROBINSON presented a letter in the nature of a memorial from W. T. Sherman, of Eldorado, Ark., chosen a committee of one by the Eldorado (Ark.) Central Labor Union, to transmit resolutions passed by that union protesting against the passage of the so-called ship subsidy bill, which was ordered to lie on the table.

Mr. WARREN presented a resolution unanimously adopted by the convention of the National Association of Woolen and Worsted Overseers at Boston, Mass., favoring the passage of legislation establishing greater uniformity in the hours of labor in the textile industries of the United States, which was referred to the Committee on Education and Labor.

Mr. STERLING presented petitions of sundry citizens of Parkston, Dimock, Armour, Garretson, Menno, Freeman, and Clayton, all in the State of South Dakota, praying for the passage of legislation granting immediate aid to the famine-stricken peoples of the German and Austrian Republics, which were referred to the Committee on Appropriations.

He also presented the following concurrent resolution of the Legislature of South Dakota, which was referred to the Committee on Commerce:

A concurrent resolution.

Whereas South Dakota is almost wholly dependent upon agriculture, and consequently the market for agricultural products is of prime importance in our affairs; and

Whereas water transportation will reduce the cost of the carriage of wheat to the seaboard no less than 7 cents per bushel and proportionately upon other cereals, a saving that would add many millions to the market value of the products of our farms, to say nothing of the reduced cost of merchandise by reason of bringing the seaboard to the interior; and

Whereas the proposed Great Lakes-St. Lawrence deep waterway will bring South Dakota 2,000 miles nearer to the Atlantic and European markets and will result in substantial advantage to our markets and the consequent improvement to agricultural conditions and the general prosperity of the people: Therefore be it

Resolved by the Senate of the State of South Dakota (the House of Representatives concurring), That the Congress of the United States be, and it hereby is, memorialized and petitioned to promptly take such action as will result in immediate development of the Great Lakes-St. Lawrence deep waterway: Be it further

Resolved, That engrossed copies of this resolution be forwarded by the secretary of state to our Senators and Representatives in Congress and to the Secretary of the Senate and Chief Clerk of the House of Representatives of the United States, and to His Excellency the President of the United States, Warren G. Harding.

CARL GUNDERSON,
President of the Senate.
A. B. BLAKE,
Secretary of the Senate.
E. O. FRESCOLN,
Speaker of the House.
WRIGHT TARBELL,
Chief Clerk of the House.

Mr. STERLING presented the following concurrent resolution of the Legislature of South Dakota, which was referred to the Committee on the Judiciary:

A concurrent resolution.

Be it resolved by the Senate of the State of South Dakota (the House of Representatives concurring), That—

Whereas a resolution introduced by Hon. W. R. GREEN, of Iowa, for the submission of an amendment to the Constitution of the United States eliminating the exemption from taxation of National, State, and municipal securities has passed the National House of Representatives; and

Whereas such exemption has provided an avenue of escape from taxation of billions of dollars invested in such securities, thus increasing to an unwarranted degree the burdens imposed upon other classes of property; and

Whereas if this plan of exemption from taxation is to be continued the burden of taxation will fall most heavily upon the productive capital and will relieve nonproductive capital from its fair share of taxation: Now, therefore, be it

Resolved, That it is the sense of the Legislature of the State of South Dakota that provision should be made against the further continuance of this form of tax exemption and that said resolution should be adopted and an amendment should be made to the Constitution of the United States as proposed in said resolution; be it further

Resolved, That engrossed copies of this resolution be forwarded to the President of the United States and to the Hon. THOMAS STERLING and to the Hon. PETER NORBECK, Senators of the State of South Dakota.

CARL GUNDERSON,
President of the Senate.
A. B. BLAKE,
Secretary of the Senate.
E. O. FRESCOLN,
Speaker of the House.
WRIGHT TARBELL,
Chief Clerk of the House.

Mr. McCUMBER presented a petition, numerously signed by sundry citizens of the State of North Dakota, praying for the prompt passage of legislation stabilizing the prices of farm products to a level more nearly equal to the prices farmers have to pay for articles purchased, which was referred to the Committee on Agriculture and Forestry.

He also presented the following concurrent resolution of the Legislature of North Dakota, which was referred to the Committee on Commerce:

Senate concurrent resolution.

GREAT LAKES-ST. LAWRENCE WATERWAY PROJECT.

Be it resolved by the Senate of the State of North Dakota (the House of Representatives concurring therein)—

Whereas the great and natural resources of the State of North Dakota are as yet undeveloped, and said State is dependent upon agriculture for its prosperity, and agriculture being the fundamental basis for prosperity in all Northwest States; and

Whereas in a large measure, if not entirely, the price of agricultural products is dependent upon foreign markets; and

Whereas the present rates for transportation of such products are too high to be in just proportion to the price received therefor at terminal markets, and thus has a tendency to curtail the production of the staple articles of agriculture needed by all people in all lands; and

Whereas the Great Lakes-St. Lawrence waterway project, if completed and perfected, will furnish to the people of the State of North Dakota a cheaper method of transportation of their products to foreign markets, thus assuring them a higher revenue for the same: Now, therefore, be it

Resolved by the Senate of the Eighteenth Legislative Assembly of the State of North Dakota (the House of Representatives concurring therein), That we do hereby memorialize the Congress of the United States and respectfully urge that Congress take immediate action toward the passage of such laws or law which will make possible the early completion and perfection of the Great Lakes-St. Lawrence waterway project; be it further

Resolved, That the secretary of the senate send a copy of this resolution to the President of the United States and the President of the Senate and Speaker of the House of Representatives of the United States, and of the Montana and Minnesota Legislatures, respectively, also to our Members in Congress.

Approved by the Senate of the State of North Dakota and the House of Representatives of the State of North Dakota.

REPORTS OF COMMITTEES.

Mr. BAYARD, from the Committee on Claims, to which was referred the bill (S. 2625) for the relief of sufferers in New Mexico from the flood due to the overflow of the Rio Grande and its tributaries, reported it without amendment and submitted a report (No. 1157) thereon.

Mr. BALL, from the Committee on the District of Columbia, to which was referred the bill (H. R. 5027) to amend an act approved February 28, 1899, entitled "An act relative to the payment of claims for material and labor furnished for District of Columbia buildings," reported it without amendment.

ENROLLED BILLS PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that on February 17, 1923, they presented to the President of the United States the following enrolled bills:

S. 2531. An act to create a board of accountancy for the District of Columbia, and for other purposes; and

S. 3169. An act to equalize pensions of retired policemen and firemen of the District of Columbia, and for other purposes.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. CARAWAY:

A bill (S. 4579) to authorize the Lee County Bridge District No. 2, in the State of Arkansas, to construct a bridge over the St. Francis River; to the Committee on Commerce.

By Mr. NORBECK:

A bill (S. 4580) granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Hughes County and Stanley County, S. Dak.;

A bill (S. 4581) granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Brule County and Lyman County, S. Dak.;

A bill (S. 4582) granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Walworth County and Corson County, S. Dak.; and

A bill (S. 4583) granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Charles Mix County and Gregory County, S. Dak.; to the Committee on Commerce.

By Mr. LADD:

A bill (S. 4584) to prohibit interstate commerce in the drug heroin (diacetyl-morphine); to the Committee on Interstate Commerce.

By Mr. PHIPPS:

A bill (S. 4585) granting a pension to Alexander R. Banks; to the Committee on Pensions.

By Mr. McNARY:

A joint resolution (S. J. Res. 281) for the relief of St. Helens, Oreg., by improving the channel between the harbor of St. Helens and the Columbia River; to the Committee on Commerce.

By Mr. SMOOT:

A joint resolution (S. J. Res. 282) to amend the resolution of December 29, 1920, entitled "Joint resolution to create a joint committee on the reorganization of the administrative branch of the Government"; to the Committee on Appropriations.

KANSAS CITY, MEXICO & ORIENT RAILROAD.

Mr. SHEPPARD submitted an amendment intended to be proposed by him to the bill (S. 4528) for the relief of the Kansas City, Mexico & Orient Railroad, of Texas, Oklahoma, and Kansas, which was referred to the Committee on Interstate Commerce and ordered to be printed.

FISCAL RELATIONS BETWEEN THE UNITED STATES AND THE DISTRICT OF COLUMBIA.

Mr. PHIPPS submitted an amendment providing that pursuant to the report of the joint select committee appointed under the provisions of the act of June 29, 1922, there shall be credited to the general account of the District of Columbia, required under the provisions of said act to be kept in the Treasury Department, the sum of $7,574,416.90, being the reported balance in the general fund of said District, as shown on the books of the Treasury on June 30, 1922, as certified by the Comptroller General of the United States, and as verified in the report of said joint select committee, and that certain sums enumerated shall be debited against said fund, leaving free surplus revenues in the Treasury on June 30, 1922, belonging to the District of Columbia of $4,438,154.92, as reported by said committee, which shall be available for the same purposes and to the same extent as amounts otherwise properly credited to the said general account in the Treasury Department, intended to be proposed by him to the third deficiency appropriation bill, which was referred to the Committee on the District of Columbia and ordered to be printed.

AMENDMENT OF THE RULES—RELEVANCY OF DEBATE.

Mr. CURTIS submitted the following resolution (S. Res. 443), which was referred to the Committee on Rules:

Resolved, That Rule XIX of the Standing Rules of the Senate be, and the same is hereby, amended by adding at the end thereof a new paragraph, to be numbered 7, as follows:

"7. Debate shall be confined to the question under consideration, unless otherwise provided by unanimous consent, and if any Senator speak beside the question, the Presiding Officer shall, or any Senator may, call him to order, and when a Senator is called to order he shall be admonished by the Presiding Officer to proceed in order, and if he be called to order a second time under this rule he shall sit down and not proceed without leave of the Senate, which leave, if granted, shall be upon motion that he be allowed to proceed in order, which motion and all proceedings under this rule shall be determined without debate."

ADDRESS BY SENATOR LENROOT.

Mr. CALDER. Mr. President, I ask unanimous consent to have printed in the RECORD, in the regular type, an address delivered by the junior Senator from Wisconsin [Mr. LENROOT] at the annual dinner of the Alumni Association of the Law School of the New York University, in New York City, February 10, 1923, on the subject of Congress and the Constitution.

There being no objection, the address was ordered to be printed in the RECORD in 8-point type.

On the occasion stated, Senator LENROOT spoke as follows:

CONGRESS AND THE CONSTITUTION.

Mr. Toastmaster, ladies, and gentlemen, when I chose the subject of this address I hoped to be able to make such preparation as would enable me to present a careful review of the historical side of the subject to form the basis for some observations upon congressional government generally and pending proposals enlarging the powers of Congress to construe and, in effect, amend the Constitution. I regret that my official duties have been such that I have been unable to deal with the subject in the manner I had planned, and I must, therefore, content myself with a more general survey.

With the Constitutional Convention, its debates, its conflicting elements, and the necessary resulting compromises in the framing of the Constitution you are all familiar. But inasmuch as we to-day so often hear it urged by those who charge that we are drifting away from democracy and toward aristocracy, that we turn back to the ideals and purposes of the founders of our Government, it may not be amiss to dwell for a few moments upon the character of the men composing the Constitutional Convention, and some of the purposes they had in mind in agreeing to certain provisions of the Constitution.

There were 55 members entitled to seats in the convention. Of these, only about 20 took a prominent part in its deliberations. But of these 20, it may be truly said, "There were giants in those days." Strange as it may seem, there were the same contending elements of differing political theory that we have to-day—one distrustful of democracy as well as monarchy, the other having confidence that there could be no such thing as an excess of democracy in government.

As we look back through the years and read the history of that convention, we are impressed that although we like to pride ourselves that we have progressed greatly since then—and we have—that greater trust is now reposed in the people than was then thought wise, yet I do not believe it possible to have a convention to-day where the delegates would be men of such learning, of such ability, and patriotic purpose as were those men of 1787.

Distrustful of too much democracy, yet they reversed all political theories of their day in that they established sovereignty in neither the executive nor legislative departments of government, but in the people themselves. They had studied other governments in which sovereignty was in the King, or becoming more democratic, in the parliament or legislative assembly. But, in establishing our government, sovereignty was placed with the people. The Constitution and the executive, the legislative, and the judicial departments were but creatures of their will. They then proceeded to clothe their creatures with certain grants of powers, but to insure that such grants would not be abused set up a system of checks and balances familiar to us all. Of Congress, the House of Representatives was to be the popular body, representing more directly the will of the people, with frequent elections, while the Senate was designed to be the more conservative body, guarding property rights from encroachment by the popular will and representing the State governments as distinguished from the people within the States. When I hear some of our radical friends plead for a return to the government and ideals of the fathers, I wonder if they have any knowledge of what some of those ideals were.

The composition of the Senate, elected by State legislatures, as originally established in the Constitution, was determined upon motion of Mr. Dickinson in the constitutional convention, and Mr. Madison in reporting the debate tells us "Mr. Dickinson had two reasons for his motion: First, because the sense of the States would be better collected through their governments than immediately from the people at large; secondly, because he wished the Senate to consist of the most distinguished characters, distinguished for their rank in life and their weight of property and bearing as strong a likeness to the British House of Lords as possible, and he thought such characters more likely to be selected by the State legislatures than by any other mode." The motion was adopted. General Pinckney, another member, proposed "that no salary be allowed Senators, giving as his reason that as that branch was meant to represent the wealth of the country it ought to be composed of persons of wealth, and if no allowance was made the wealthy alone would undertake the service." His proposal was not adopted, but I have quoted him to show the conception the framers of the Constitution had of the Senate, and how we have departed from it in placing greater trust in the people. Many members of the convention expressed distrust of the people, and the word "demagogue" was used almost as frequently in the debates then as it is in the press to-day. Elbridge Gerry, one of the prominent members, said: "The evils we experience flow from the excess of democracy. The people do not want virtue, but are the dupes of pretended patriots. In Massachusetts it had been fully confirmed by experience that they are daily misled into the most baneful measures and opinions by the false reports circulated by designing men." There is opinion of the same sort to-day in certain quarters, which confirms the saying "There is nothing new under the sun." But as there is an exception to every

rule, the framers of the Constitution did have a new conception.

A written Constitution, made by the people, restraining not only their servants created by it, but restraining the people themselves from violating its terms so long as it was in force. Too much praise can not be given the men who framed the Constitution. It was not a perfect instrument, compromises were made, and defects may be shown, but they launched upon the world a system of government that has stood the test of 136 years, of four wars with foreign nations, and one domestic rebellion. It has passed the experimental stage, and if we and our children shall be true to our obligations of citizenship, it will live as its founders hoped, but hardly dared believe, through the ages.

That it has so lived, however, is due not alone to the framers, but more especially to John Marshall. Had it not been for his master mind I am afraid that the United States of America would have held now only a place in history, a Government that was but is no more. There were two things essential to the perpetuity of the Constitution, an authoritative construction of its provisions, independent of the legislative and executive departments of the Government, and also a liberal construction of the powers granted. Without these the Constitution of 1787 could not long endure. With them, together with the power of amendment provided for in the instrument itself, there is no reason why it should not live and serve as long as human beings shall inhabit the earth. The first essential was the establishment of the power of judicial review over the acts of Congress. This was definitely settled by the great opinion of Marshall in Marbury against Madison.

Never was his reasoning more conclusive, never was his logic more penetrating. I shall only take time to quote one paragraph from the opinion. He says, "The powers of the legislature are defined and limited, and that those limits may not be mistaken or forgotten the Constitution is written. To what purpose are powers limited, and to what purpose is that limitation committed to writing, if these limits may at any time be passed by those intended to be restrained? The distinction between a government with limited and unlimited powers is abolished if those limits do not confine the persons on whom they are imposed. It is a proposition too plain to be contested that the Constitution controls any legislative act repugnant to it, or that the legislature may alter the Constitution by an ordinary act." His reasoning is conclusive. Unless the Constitution be held superior to an act of Congress, the Constitution becomes a mere scrap of paper, an instrument "more honored in the breach than the observance." Marshall, however, does not go into the actual intent of the framers of the Constitution with reference to the power of judicial review of acts of Congress. He is content to read the intent from the instrument itself. But it has been argued in the past, and is being argued to-day, in attacks upon the court, that it has usurped the power of the legislature, and that the framers of the Constitution never intended that the Supreme Court should exercise any such power. In support of this they quote from a speech of Mr. Mercer, a delegate in the convention. But it is difficult to believe in the intellectual honesty of these men. One would naturally assume that anyone attempting to publicly discuss this question would have read all of the debate found in the reports upon the subject, but if he had he could never make such claim. As a matter of fact, 20 members of the convention, and they were the most prominent members, at various times expressed themselves as being of the opinion that the judiciary would have the power of review over legislative acts, and there were only three members who expressed themselves as being opposed to such power being lodged in the courts. One of the three was Mr. Mercer, but none of the three expressed an opinion that the power was not granted by the Constitution, only that it ought not to be.

I now wish to discuss very briefly what would have happened had the court held that it did not have the power of judicial review. The result would have been the destruction of the Constitution. To illustrate, a protective tariff would have been constitutional when the party favoring it was in control of Congress, it would have been unconstitutional when the opposition had control. Likewise as to internal improvements undertaken by the Government; and I might give several other illustrations where one party insisted that a policy of the other was contrary to the Constitution. But this is not all. But for the restraining influence upon Congress, who can tell what rights would have been impaired or destroyed in obedience to party bosses and representatives of special privilege upon the one hand, and the passing emotions of the people, led by unscrupulous demagogues, upon the other?

But, it is said, are not Senators and Representatives as patriotic and as conscientious as judges? I wish I could answer in the affirmative. I wish I could say that legislators have a most scrupulous and tender regard for the Constitution and would not go beyond the limitations placed upon them by it. I regret that I can not so answer. If I did one would only need to refer to the CONGRESSIONAL RECORD to confound me.

But to return to my subject. The doctrine of Marbury against Madison has long since been accepted by all political parties and the people generally. It would be interesting to follow the subject from the Marbury to the Dred Scott case, but time will not permit. It need only be said that the followers of Jefferson, the strict constructionists, did not fully accept it until after the decision of Chief Justice Taney, in the Dred Scott case, when the platform of the Democratic Party in 1860 declared—

Resolved, That the Democratic Party will abide by the decision of the Supreme Court of the United States on questions of constitutional law.

Again illustrating the truth of the old maxim, "It depends on whose ox is gored." Here the followers of Jefferson and Jackson, who had strenuously opposed the doctrine of the Marbury case, accepted it when a vitally important decision was made which was to their interest, and likewise the Republicans supporting the doctrine of Marshall and Hamilton for the first time began to question it. Happily the doctrine is now accepted by everyone, and no one proposes to change it except by amendment of the Constitution itself.

So much for the power of judicial review. The second essential for the permanency of the Constitution and our form of government was the doctrine of implied powers or liberal construction. Without this construction Congress would have been placed in a strait-jacket, utterly unable to function in such a way as to serve the people. Nevertheless, the contest between the strict and the liberal or loose constructionists went on for years and is still at times in evidence. Jefferson and Madison were the great exponents of strict, and Marshall and Hamilton of liberal, construction. I can not take the time to review this subject at length, but Jefferson, when confronted with the results of the application of his own doctrine, failed to practice what he had preached. The Louisiana Purchase conducted by him was the first important application in a concrete case of liberal construction. Under no circumstances could a strict construction of the Constitution have permitted the Louisiana Purchase, and yet to-day it stands as one of the monuments to Jefferson's greatness. It is only fair to say that he asked Congress to propose an amendment to the Constitution ratifying the Louisiana Purchase, but it was not done, and Jefferson himself never afterwards claimed that his act was a violation of the Constitution.

For many years strict, as against liberal, construction was a party issue, the Democratic Party taking the side of strict construction and the Whig and Republican Parties the liberal side. To-day the issue is practically dead. At least, it is not a matter of party alignment. In a general way it may be said the party in power to-day is for liberal construction, but when out of power takes the other view.

To conclude this phase of the subject, I do not think it can be denied that the great instrument framed in 1787 at Philadelphia would not have endured to this day had it not been for the establishment of the doctrine of judicial review and of liberal construction of the Constitution.

I now wish to devote a few minutes to a discussion of the exercise of the power of judicial review.

There have been only a few instances where its exercise has had an important bearing upon the life of the Nation. Its greatest value has been the restraining influence upon Congress to keep within the limits of the Constitution and the liberal construction of the document itself.

There have been some cases, however, where the court held acts of Congress invalid which were so important, and the decisions of the court were so contrary to the interests of the Nation that they did not long prevail.

I can not take time to more than recall the cases to your minds and what happened with respect to them. The Legal Tender case is one of the most important. Has the Congress of the United States power to make bills of credit a legal tender? was the question. It came before the court in the case of Hepburn against Griswold, and the legal tender act of 1862 was held unconstitutional; but a vacancy occurred in the court through the resignation of Justice Grier, and by act of April 10, 1869, Congress increased the number of members of the court by one, so President Grant had two appointments to make. Both of his appointees were of the opinion the act

was constitutional, and the case again came before the court in Parker against Davis. The decision in Hepburn against Griswold was overruled and the act was held valid.

I think this is the only important case where an important constitutional question was settled by changing the complexion of the court. The decision in the Dredd Scott case was overruled at the point of the sword, and the fourteenth and fifteenth amendments resulted.

The action of the court in holding invalid the income tax law of 1894, together with its action holding invalid the child labor law of 1916, can not, it seems to me, be successfully defended. But the Constitution was amended and income taxes are now levied under the express sanction of the Constitution, and the Constitution will soon be amended to permit the prohibition by Congress of child labor.

That the court is subject to just criticism in some of its decisions in construing the police power of the States, I believe is true, but that is a subject which I have not the time to discuss to-night nor you the patience to listen to. I wish to restrict my observations to Congress and the Constitution and the attitude of the court with respect to the same.

I may suggest, however, that members of the Supreme Court continue to be human beings after their appointment. While theirs is the last word of authority upon the Constitution, they are not infallible as men, and the Constitution itself provides a way by which their mistakes may be corrected. The only practical question is whether the method provided to amend the Constitution is too difficult. I am frank to say that I think it is. I believe that as to certain matters affecting fundamental rights of men, rights that are based upon principles that can not change with time or circumstance, because they are the foundation stones of civilization itself, that there should be no relaxation of the difficulty of amendment. But as to matters of policy of government, I believe we might safely provide that amendments touching those matters when proposed by Congress and ratified by direct vote of the people in two-thirds of the States, instead of three-fourths, should become valid amendments to the Constitution.

There is, however, an insidious propaganda to destroy the power of the Supreme Court to pass upon the validity of acts of Congress, and to make of Congress the supreme judge of its own acts. It is proposed that if the Supreme Court shall hold an act of Congress unconstitutional it shall again be considered by Congress, and if passed by a two-thirds vote of each House it shall become a law, notwithstanding the action of the Supreme Court.

Should this ever come to pass, the end of the Constitution will not be far distant. It is astonishing that this proposition should come from the source it does. It emanates from those who declare that human rights are being destroyed by the courts. They also declare that Congress is worse than the courts; that Congress is utterly reactionary, and that the Members of both Houses, with a few exceptions, are controlled by Wall Street and the predatory interests of the country. Their proposition is: "We have no confidence in Congress; it does not represent the people, but only special interests, and we propose to amend the Constitution so as to provide that whatever such a reactionary Congress may do if supported by a vote of two-thirds of its membership shall be the law of the land, notwithstanding the provisions of the Constitution of the United States." They say they are willing that the rights of free speech, the right to peacefully assemble, the right of religious freedom, of trial by jury, and all of the other rights guaranteed by the Constitution shall be placed in the hands of a Wall Street Congress, with the power to destroy them by a two-thirds vote. To say the least, there has been a great deal of loose and hurried thinking by those favoring this proposition. As for myself, while I have a higher regard for Congress than the proponents of this amendment, I hope I shall never live to see the day when by a two-thirds vote of Congress any man may be denied the right to worship God according to the dictates of his conscience, when right of trial by jury may be denied, or any of the other rights handed down from Magna Charta and embodied in the Constitution of the United States.

While the power of judicial review is well established, it relates only to inquiring and determining whether an act of Congress or of the States is in conflict with the Constitution. The court has no power to inquire into the wisdom of acts of Congress falling within its constitutional powers. For the court to legislate is as much a violation of the Constitution as for Congress to exceed the limits of its constitutional powers. In one notable case the Supreme Court has read into a valid statute words not placed there by Congress and which Congress had repeatedly refused to place there. I refer to the Sherman Anti-trust Act as construed in the Standard Oil case. I believe that that opinion will always stand as a reflection upon that great court. It is no answer to say that in this case Congress has seen fit to accept the amendment of the statute made by the court. The fact is that the court acted not in a judicial but in a legislative capacity under every rule of legislative intent and the doctrine of stare decisis. However, the exercise of such power can never bring lasting injury, for Congress always has power to amend the law within its constitutional powers and declare its will in such unmistakable language that the court will be compelled to follow it.

I now pass to a very brief consideration of the eighteenth amendment and the present agitation concerning it. I shall refer only to its legal aspects wholly apart from the merits or demerits of prohibition. It is a part of the Constitution, and it is the duty of Congress and the Executive to enforce it and of every citizen to abide by its terms. It is the right of every citizen to advocate the modification or repeal of the eighteenth amendment, but no citizen has the right to ask Congress to violate its terms. There is a widespread propaganda to secure legislation from Congress permitting the manufacture and sale of beer and light wines. That Congress could constitutionally increase the alcoholic percentage of beer to between 2 or 3 per cent is admitted. Whether it should do so is a question of policy, but to go beyond that or permit the manufacture or sale of light wines would clearly violate the Constitution. To use the language of the Supreme Court, "the eighteenth amendment is operative throughout the entire territorial limits of the United States, binds all legislative bodies, courts, public officers, and individuals within those limits, and of its own force invalidates every legislative act whether by Congress, by a State legislature, or by a Territorial assembly which authorizes or sanctions what the section prohibits."

Any attempt, therefore, to secure legislation permitting the sale of intoxicating beverages is asking Senators and Representatives to deliberately violate their oaths of office, and all to no purpose, for the court would hold any such legislation invalid.

The remedy for such ills as can be remedied is by obedience to the Constitution, securing amendments where amendments are necessary, by the appointment of judges of our courts who are not only able lawyers but men of human sympathies and outlook, living neither in the last century or the next, but in the living, throbbing world of to-day, keenly alive to the thought and aspirations of the people, and who will apply the Constitution to twentieth-century problems with twentieth-century minds.

It should never be forgotten by members of all courts, and by lawyers as well, that, to use the language of the Supreme Court in the case of South Carolina against United States, "the Constitution is a written instrument. As such its meaning does not alter, and what it meant when adopted it means now. Being a grant of powers to a government, its language is general, and as changes come in social and political life it embraces in its grasp all new conditions which are within the scope of the powers in terms conferred. In other words, while the powers granted do not change, they apply from generation to generation to all things to which they are in their nature applicable." And we should never forget the words of Story: "The instrument was not intended to provide merely for the exigencies of a few years, but was to endure through a long lapse of ages, the wants of which were locked up in the inscrutable purposes of Providence."

The Constitution has not outlived its usefulness. Its protecting care was never more needed than to-day. It is the duty of every citizen to withstand every assault upon it, whether its enemies be predatory interests seeking special privileges to the public injury or whether they be those who are opposed to any government that would safeguard and protect the rights and liberties of every citizen under its flag.

That Congress shall at all times have respect for and be governed by the Constitution is the responsibility of the voters. It is their obligation to see to it that Members of Congress, Senators and Representatives, shall be men who will legislate not for bloc or class or section but for all the people of America, who recognize that duty to country comes before duty to party, men who shall do their part to conserve all that is good in our past and strive to make to-morrow better than to-day.

PROHIBITION ENFORCEMENT.

Mr. STERLING. Mr. President, I have here a clipping from the Christian Science Monitor, under the heading "Editorial notes," which relates to prohibition. It is short and I ask that it may be read at the desk.

The VICE PRESIDENT. It will be read as requested.

The reading clerk read as follows:

[From the Christian Science Monitor.]

EDITORIAL NOTES.

Whatever may appear to be the extent to which the prohibition law in the United States is being willfully disregarded by the rich, indications on every hand point to the fact that since the enactment of the Volstead Act drunkenness among the poor has diminished so considerably as to have practically disappeared in many sections of the country. In this connection, what Dr. Thomas J. Riley, general secretary of the Brooklyn (N. Y.) Bureau of Charities, recently stated may be taken as authoritative. He declared in part:

"Of the families that come to the Bureau of Charities for aid, the percentage in which drunkenness is a cause of their need has declined from 12 per cent in 1916 to 4 per cent in 1922. * * * This decrease is not peculiar to New York City. * * * In Cleveland the percentage dropped from 11.15 in 1919 to 2.61 in 1921; in Boston, from 10.63 to 2.28; in St. Louis, from 6.03 to 0.70; in Milwaukee, from 9.64 to 3.45; in New Haven, Conn., 13 to 0.3; and in Rochester, N. Y., 15.3 to 3.8.

"This decline is coincident with the spread of State and National prohibition, and one who works with families can not escape the conviction that it is chiefly, if not wholly, due to the enforcement of prohibition, however faulty it may have been."

Such figures do more for the cause of prohibition than almost any amount of propaganda by the wets can do against it. What is more, such families as those to whom Doctor Riley refers constitute a mighty section of the Nation, and it may be taken for granted that, having once tasted the benefits of prohibition, they will have something very definite to say before permitting its modification in the slightest degree.

MEMORIAL ADDRESS ON THE LATE REPRESENTATIVE HENRY D. FLOOD, OF VIRGINIA.

Mr. SWANSON. Mr. President, on the 10th of last December the remains of the late Hon. H. D. Flood, formerly a Representative from the State of Virginia, were removed from a vault in this city, where they had been temporarily placed with appropriate ceremonies, participated in by the Senate and House of Representatives, to their final resting place in a mausoleum at Appomattox, Va., his home. The occasion was made notable by the attendance of a vast concourse of people from all parts of Virginia, including the highest State officials, who thus met to pay just tribute to this distinguished Representative, so dearly loved and so highly esteemed by the people of his native State. Upon this occasion I was requested to deliver an address.

I ask unanimous consent that the address then delivered by me may be printed in the RECORD in 8-point type and be made a part of the "Memorial Addresses" to be published regarding the life, character, and public services of the late Representative Flood.

There being no objection, the address was ordered to be printed in the RECORD in 8-point type, as follows:

Senator SWANSON spoke as follows:

"Ladies and gentlemen, We have assembled to-day to put in his final resting place and pay just tribute to one who while living possessed in a most preeminent degree our abiding and abounding love. If permitted to pursue my own inclination instead of addressing you, I would be a silent participant in these exercises, communing with my own great sorrow in the loss of one who was closer and dearer than a friend—one for whom I entertained an affection and admiration equal to that of a brother. For more than 35 years I knew him intimately, our relations, personal and political, being closely intertwined. There were no shadows on our friendship, no secrets in our hearts.

"Our association began at the University of Virginia in 1885 when we were members of the law class, graduating the same year and commencing at the same time our professional and political careers. At the university he was my college chum—our relations fully measuring up to all this term implies. We studied together; we visited together; we recreated together, discussed our future hopes and ambitions, and were closely associated and cooperated in all class and college politics. We were inseparable, and each rejoiced in the others' honors and preferments almost like they were personal triumphs.

"How vividly do I recall these halcyon college days, so bright, so joyous, made doubly so by dear 'Hal,' as we all lovingly called him! The chivalric feelings of friendship and admiration then formed never cease, but continue through life and gather strength with each receding year. How sweet and inspiring are the days of early youth, sparkling with unselfish friendship, gleaming with lofty aspirations and high ideals, unburdened by cares and responsibilities, with young blood rapidly coursing through the veins, and we looking upon life as through a gilded veil and everything appearing so bright, so pleasing. The poet has well expressed it:

"We are stronger and better under manhood's sterner reign,
But still we feel that something sweet,
Followed youth with flying feet,
And will never come again.

Something beautiful has vanished and we sigh for it in vain,
We behold it everywhere,
On the earth and in the air,
But it never comes again.

"Ah, the ties of love and friendship then formed never break. Like hooks of steel they grab and hold through the stress and storm of life. Thus it was with Hal Flood and myself. The friendship then pledged and formed continued and increased to his death. In the many political conflicts in which we engaged we were to each other a supporting and sustaining friend. Where one was seen on the field of conflict the other was invariably found. When his untimely death came, upon none did the blow fall more heavily than upon me. None miss more than I his cheery smile, his cordial greeting, his generous and kind consideration, and the friendly pulsations of as loyal and manly heart as ever throbbed in human breast.

"Hal Flood possessed an unusually attractive and pleasing personality. His clear, open, frank, blue eyes looked you straight in the face, bespeaking honesty, integrity and truth. He loathed a lie and a falsehood never soiled his lips. He had a cheerful, hopeful disposition which radiated sunshine and happiness. His presence dispelled gloom and doubt. His manner was cordial and hearty, easily winning good will. His society was universally sought and enjoyed. He was the soul of chivalric honor and integrity. His word given was never withdrawn nor broken. No personal dangers, no allurements or promptings of personal advantage or preferment could induce him to violate a promise. Those who knew him trusted him implicitly.

"He had a heart as courageous as a lion, declining no conflicts and fearing no danger. The fiercer the conflict the more resolute he became. His moral courage was equal to his physical courage. He never evaded an issue, he never shirked a responsibility; at times carrying this splendid virtue to a point almost beyond the limits of prudence and discretion. No man of my acquaintance surpassed him in the manly virtue of courage, both moral and physical. In all fierce political contests his clear voice rang out with bold defiance and encouraging hope. This battle call of his was a great rallying force in hours of doubt and confusion.

"This quality marked him as an aggressive leader, cheered and loved by an enthusiastic following. He hewed his way to the front with the battleax of the warrior. He despised preferment obtained by the insinuating arts of the demagogue. His chosen place of action was on the field of battle and not in the cloister of intrigue and diplomacy. He was the Rupert of Virginia Democracy—bold, courageous, and daring. He cheerfully and proudly wore scars obtained by fidelity to friendship or for a cause espoused.

"He possessed a persistency and perseverance of purpose which would have attained distinction in any vocation of life selected. When he reached a conclusion in the course of life no obstacles could deter him in continuous effort to reach the attainment. He was the personification of tireless energy and determined effort. He hammered, hammered, and hammered until success came. His industry was as much an element in his success as were his moral and intellectual qualities. From early youth to death his life was one of ceaseless activity. This sapped the foundations of a constitution phenomenal in its robustness and strength and occasioned his early death.

"Only those who are actively engaged in public life know its heavy exactions, its ceaseless wear and tear, its continuous mental and physical strain, all of which must finally end in a shattered constitution unable to sustain the heavy burden. Hal Flood's death bears testimony to his unselfish and patriotic devotion to public duties regardless of personal consequences. For years before his death he knew of his ailment and of its dangerous character, but it did not deter him from discharging his full share of public duty and responsibility.

"He died with his armor on, as chivalric, as brave, and worthy a champion as ever contended for a cause. His life illustrated forcibly and completely those striking lines from one of America's greatest poets:

"The heights by great men reached and kept
Were not attained by sudden flight,
But they, while their companions slept,
Were toiling upwards in the night.

"Hal Flood's intellectual attainments were of rare excellence. He possessed a strong masculine mind, fully capable of logical reasoning and of reaching safe and sensible conclusions. He was thoughtful and gave public questions full and conscientious examination and consideration. He mastered the details of questions and arranged his conclusions and expressions logically and attractively. He had a splendid, regular, and orderly mind that worked harmoniously. What he lacked in brilliance and eloquence of expression he more than made up by strength and solidarity. He was a ready and aggressive debater and an attractive, instructive, and entertaining speaker. He was highly educated and splendidly read in history, literature, and law. His intellectual attainments were

such as to enable him most efficiently to discharge any position in our State or National Government.

"He possessed to a preeminent degree those moral qualities which constitute the foundation for success in any of life's undertakings. He had a deep religious conviction which was well known by those intimately acquainted with him. This was one of his marked characteristics. He had absolute faith in the Christian religion, its teachings, and its promises for the future. How often have I seen him when he had been through exciting storms and conflicts humbly kneel before retiring to engage in prayer. This he did in early life when I first knew him and continued to his death.

"This denoted a religious reverence and a deep strain of Christian faith, which ennobled him in my mind and bore testimony of his splendid worth as a Christian character. It was always done in such an unostentatious way and with such simplicity as to prove his deep conviction and sincerity.

"These splendid moral and manly qualities were further enriched by a gentle nature and an affectionate heart. Like all true Virginians, he cherished almost to a passion the ties of blood and family. Never in all of my experience have I seen a sweeter, deeper, and more enduring love than that which he possessed for his only sister. It was a flower he cherished in his youth, and its fragrance filled his heart until the hour of his death.

"The shadow of death never fell upon a purer, sweeter, happier home, where mother, father, children lived in mutual adoration. His love for his wife went to the deepest depths of his noble heart. A widow now weeps where almost yesterday a wife adored; two orphans now mourn where almost yesterday two children lovingly played on a father's knee. He was a most dutiful son, a generous, loving brother, a most devoted, attentive, and incomparable husband and father.

"This man, with qualities of mind and heart of the warrior type, gave new grace and brought new charms to social and domestic life. A man possessing such qualities of mind and heart could not fail to attain success in any undertaking to which he might aspire. Capacity, character, and courage are the three great elements forming the foundation upon which success is builded. Each of these splendid qualities strikingly existed in Hal Flood and contributed to the great success he attained. Statesmanship consists in the wisdom to discern the right pathway and then in the character and courage to follow the right pathway when found. Hal Flood had the wisdom to discern and then the valor to follow this pathway. This makes great and successful men. The measure of life's success is not the days you have lived but the distance you have traveled. His life was crowned with honors, triumphs, and the affection and admiration of the people of his district and the State of Virginia. He had traveled far on the road of honorable success.

"He had just passed the age of 21, which made him a citizen, when he was elected to the General Assembly of Virginia, being at that time the youngest member of that body. He at once attained prominence by his indefatigable industry, his ability as a debater, his thorough and varied information upon legislative matters. He was at this youthful age one of the most potential members of the general assembly, and his rapid advancement gave promise of his future career of high honor and great usefulness.

"He was shortly afterwards elected Commonwealth's attorney of Appomattox County, which position he held for years, filling it with marked ability and fairness and increasing his reputation as a lawyer and the esteem of the people of his county for his faithful and fearless discharge of his duties. He practiced at the bar of all the surrounding counties, and soon acquired one of the largest and most lucrative practices in his section. He was recognized as a leader of the bar of the courts in which he practiced. There is no greater school in the world for the development of men for usefulness and responsibility in after life than the practice of law in country circuits. Far from law libraries and legal authorities, lawyers are here compelled to settle difficult questions of law by force of their intellect and by persuasive argument addressed to court and jury. Legal contests are clashes of intellect, and not a race of industry in collecting authorities and decisions. It is a school for developing clear, logical reasoning, cogent and forceful expression, great resourcefulness, and efficient management of men and matters.

"From this school has emerged America's most eminent lawyers, statesmen, and orators. From it came Patrick Henry, the forest-born Demosthenes, whose eloquence called a continent to arms; from it came Chief Justice Marshall, the greatest of all modern jurists, whose mighty decisions infused life and vigor into the Federal Constitution, a dry legal parchment, forming under it the most efficient and capable of governments; from it came Thomas Jefferson, the founder and father of the democracies of the world; from this school emerged Douglas, Lincoln, Andrew Jackson, Clay, and many great and distinguished men whose achievements illuminate the pages of American history.

"Those who are capable of surviving the fierce mental contests daily encountered in these courts are equipped for success in any arena of life. Hal Flood, by sheer force of industry, intellect, persuasive power of speech, and masterful management of men, attained distinction at the bar of these several counties and prepared himself for the successful legislative career in State and Nation with which his after life was so splendidly adorned.

"His success in politics largely obscured his success, ability, and reputation as a lawyer, which was very extensive, large, and commanding. So successful was his career in the general assembly and in his administration of the office of Commonwealth's attorney that the people of the several counties in which he practiced law soon sent him to the Senate of Virginia, which position he filled for many years with marked ability. He was practically the leader of the Virginia Senate, a body composed of able and worthy men, and many of the great legislative acts which benefited the people of Virginia were the products of his brain and the handiwork of his masterful hand.

"He became the leader and adviser of all the surrounding counties, where the people knew him and recognized his worth as a man and his ability and patriotism as a public servant. That these surrounding counties were securely held for good government in Virginia and did not come under the domination of ignorant negroes was largely due to the skill of Hal Flood as a political leader, his great capacity, his tireless energy, and his indomitable pluck and courage. He stood firm and adamant as a rock, around which the good moral forces of this section rallied in their contests for good government and white supremacy.

"These elements in one so young gave him an enthusiastic following, which determined that he should be sent to Congress and given a broader field for his talents and usefulness. In 1896 he was nominated for Congress by the Democrats of the tenth congressional district, but was defeated in that election. He might have availed himself of legal technicalities and possibly have received the certificate of election. I recall how manfully he repudiated any suggestion to accept such a commission and forcibly stated that he never wished to represent a people unless he was satisfied he was entitled to do so by the people's free and fair choice. This splendid conduct endeared him to his friends and won the esteem and respect of his political enemies. He desired no honor not fairly won and honorably bestowed.

"I recall meeting him a short time after his defeat, which would have ended the political career of most men, but it did not in the least affect his stout heart nor lessen his firm and honorable ambition. In this—the only defeat that ever came to him in his long and successful political career—he displayed a manly worth, a hopeful courage, and a fearless determination which proved his greatness as much as any triumph that crowned him. It is in the hour of defeat and disaster that the innate greatness and power of men are displayed. Those who can triumph over the discouragement incident to defeat will long wear the crown of success. This truth was fully illustrated in the life of our dear friend.

"Four years after this the Democratic voters of this congressional district renominated him for Congress. He was overwhelmingly elected and continued to serve the people of his district until the hour of his death—for more than 20 years. In my long experience in public life I have never known a Representative to have closer relations with his district or possess to a greater degree their affection, esteem, and admiration than did Hal Flood. The people of his district followed him with a loyalty, with a constancy, and with a devotion that was unexcelled. So deep was their affection they almost considered his political friends were their friends and his political enemies their enemies. Never did a Representative serve a people more faithfully, more efficiently, and more willingly than did he the splendid citizenship of the tenth district. Their troubles were his troubles, their desires his desires, their misfortunes his misfortunes, and their successes his successes. We here witness a spectacle so pleasing and so consoling in politics of a Representative and his people welded together by an insoluble bond of affection and esteem. Such ties lighten the burdens of political life and makes an onerous work a duty of love and delight. It gives a gleam of sunshine to political life with its storms, tempests, and hardships. Frequently Hal Flood was deterred from listening to the promptings of ambition for higher honors and

broader fields of usefulness because he feared that the change might lessen this association which so strongly and so delightfully bound him to the splendid people of this district. Frequently have I heard him give expression to this sentiment. The heart throbs of the people of this district met a full and grateful response in the pulsations of his noble heart.

"His career in Congress was one of great usefulness and marked distinction. An able, accomplished, and thoroughly equipped debater, he was listened to with great attention and had much influence in the House of Representatives. He was chairman of the Committee on the Territories of the House and was for many years largely responsible for the legislation governing our Territories. This entailed great work and responsibility on him, which he efficiently and faithfully discharged. He was the author of the resolution which admitted Arizona and New Mexico to statehood, and thus to him belongs the honor of placing the last two stars in Old Glory, thus completing statehood of continental United States. Under his wise and constructive statesmanship the measure was enacted giving to Alaska, that land of wonderful wealth and enchanting beauty, its first legislative assembly, forming the greatest epoch so far in its history.

"The people of the various Territories for which he as chairman of the Committee on the Territories legislated acquired for him an affection and esteem equal to that possessed by the people of his district and State. Their sorrow at his untimely death was deep and profound. They had learned to appreciate his fairness, his statesmanship, his ability, and his deep interest in their welfare and progress. His achievements as chairman of this committee furnished proof of his ability as a constructive statesman.

"He was made chairman of the great Committee on Foreign Affairs in January, 1913, which responsible place he held as long as the House was Democratic, until the 4th of March, 1919. He was chairman of this great committee, with all of its vast responsibilities and burdens, during the great World War and for some time after the conclusion of peace. During the great World War he occupied a most important place in the House of Representatives as chairman of this great committee. He introduced in the House and secured the passage of the resolution declaring war against the Imperial German Government, and opened the debate on this resolution with a speech of rare ability, clearness, eloquence, and power. This address made a profound impression in the entire country and marked him as a man of unusual ability.

"In the House of Representatives, with all of its conflicting views and interests, the responsibility of guiding our foreign affairs during the Great War was intrusted to him. It was a most difficult task, requiring rare ability, masterful management of men, and great parliamentary skill. He fully measured up to the responsible duties imposed, and greatly added to his established reputation as a debater, parliamentarian, and statesman. During these dark days and by the handling of these grave responsibilities he grew from a State to a national character, becoming one of the potential and trusted men of the Nation. If he had lived and continued in the House of Representatives, the highest honors, the most important posts the House had to bestow were within his grasp. He had attained an acknowledged position where the highest honors inevitably would have crowned him.

"With this work and these burdens, which were sufficient for anyone to bear, he had assumed at the same time other grave and important responsibilities. He was made chairman of the Democratic National Congressional Committee, which directed the campaign for the election and return of Democratic Members in all the congressional districts of the United States. He was absorbed in this work, conscientiously and industriously meeting all the vast and varied duties appertaining to this important position. Only those who have been connected with national campaigns can fully appreciate the immense and important work thus entailed upon him. In this he displayed ability as a national leader in politics, was most successful, and his associates insisted upon his continuance in this arduous position.

"But this was not the limit of his work and responsibility when he died. The Democratic State committee of Virginia had unanimously elected him as chairman of the Democratic Party to conduct the last gubernatorial election. All the work, burdens, and responsibility of this campaign were imposed on him. He went into this election with all the energy, activity, zeal, and enthusiasm he possessed. He campaigned the State; he organized the Democratic Party; he put spirit, enthusiasm, and determination in the Democratic ranks, and by his indomitable energy, judgment, wise and courageous management of the campaign he achieved the greatest success ever obtained by the Democracy of his State.

"We have the consolation of knowing the last days of his life were cheered by this splendid Democratic victory and were crowned with the loving admiration of a grateful State Democracy. All of this vast work which he assumed he was able to successfully administer because he worked systematically, orderly, and energetically, and gave all of his mind, intellect, and time to the work he had assumed.

"In every line of human endeavor that he entered he made marked success. He was a successful business man, and if he had devoted his time and talents to the accumulation of money he would have been one of our richest men. Few possessed better business judgment.

"He was a member of the constitutional convention, and one of its most influential members. His work in this convention alone would have entitled him to the everlasting gratitude of the people of Virginia. He was a member of the State debt commission, which amicably settled the existing debt between Virginia and West Virginia. His judgment, his ability, his skill, his power of managing men were largely instrumental in effecting the happy results of this delicate and intricate matter.

"During his long political career no scandal ever soiled his fair name, no stain ever followed his footsteps. He possessed to a preeminent degree sterling honesty, that great virtue around which all other virtues cling, without which they, groveling, fall in dust and weeds. This clean and brilliant record had so impressed the people of Virginia that they would have willingly bestowed upon him any honor, any position, however exalted, within their power to bestow.

"It is well that his remains will rest in the dear old county of Appomattox. He loved every inch of her soil, her people were closer to him than all others. How often in speaking of the future and of his old age had he pictured with delightful anticipation living among her kindly people and engaging in the cultivation of the farm which he cherished to a passion. We lay to rest here one of Appomattox's most distinguished sons, one who brought distinction to this county, one who was a potential factor in the distribution of blessings to State, Nation, and humanity. He comes to remain among the people who loved him with a deep affection and who had for him a confidence and admiration never excelled.

"As we gather here to-day we can not fail to recall some of the close associates of Hal Flood, who have departed this life and whose society we believe he now enjoys. Foremost and first, Senator Daniel, possessed of a marvelous eloquence, able, patriotic, whose gleaming brilliance and genius made Virginia famous and illustrious the world over; then, that sturdy character, that splendid statesman and leader, Senator Martin, the personification of wisdom and achievement; Frank Lassiter, the soul of chivalry, courtesy, gallantry; dear Walter Watson, cultivated, judicious, gentle, and attractive as a woman, strong and firm as a man; Edward Saunders, the best parliamentarian that ever presided over the General Assembly of Virginia, an intelligent giant, cold exterior but a warm, kind heart; Robert James, the wise and capable Democratic chairman and leader of whom it may well be said: He never failed a friend, he never forgot a favor.

"My friends, standing at the grave of our departed loved one, our belief in a Supreme Being, just and merciful, and in the immortality of the soul, furnishes us consolation in our grief and illumines with hope the dark shadows of our sorrow. 'If a man die shall he live again?' has been the perplexing problem which has agitated alike the keen intellect of the philosopher and the untutored mind of the savage. Is death the end of our individual and conscious being? Are all of these pleasing sensations, these delightful thoughts and ardent affections, our glowing hopes and our lofty aspirations, our conscious capacities for happiness and knowledge which we feel expanding—are all of these to cease at death and be buried in the grave? If this be true, as Chauncey Giles has well said, 'then man is the greatest enigma in the universe. Compared with the possibilities of his nature, he is the fading flower, the withering grass, the morning cloud, the tale is told.'

"But if death is, as we believe, but the withdrawal of a man's spirit, the real man, from the material body to enter into an endless career of immortality, then is the mystery of man's existence here solved. Life and death form but parts of one grand drama. Death becomes the real step in life by which man ascends in order to attain the fruition of his hopes and aspirations. As has been well said, death is the means by which one acquires the fulfillment of which this life is but a prophecy. Death, my friends, is of the body, not the spirit. To the spirit death means the seed time, the budding time is over, and that the spirit, with all of its faculties alive and increased, will now blossom and bear immortal fruit. Death releases the spirit from the restraints of the material body, enabling it to soar to

lofty heights for which it has so long pined, and to gratify those pure yearnings so long unsatisfied.

"As a writer has well said: 'Death, like the sunset, speaks, but speaks only feebly of the glories of another day.' Toward death we feel like Tennyson, one of England's sweetest poets:

"Nor blame I death because he bare
The use of virtue out of earth,
I know transplanted human worth
Will bloom to profit otherwhere.

"To the wise and pure death opens the shining portals of an endless day, gorgeous with perpetual glories.

"My friends, in conclusion, let us all so conduct our lives that when the time comes for us to depart we can calmly and serenely face death without terror. Let our lives, like that of our beloved friend here, be so replete with good deeds for our fellow man, so full of achievements for humanity that our memory will ever be a blessing and an inspiration to those who shall follow us. Let us follow faithfully the advice given in those beautiful lines of Charles Kingsley:

"Do noble things, not dream them, all day long
And so make life, death, and that vast forever
One grand sweet song."

BELLS FOR HOUSE OF HOPE CHURCH, ST. PAUL, MINN.

Mr. McCUMBER. From the Committee on Finance I report back favorably without amendment the bill (S. 3973) to remit the duty on a carillon of bells to be imported for the House of Hope Church, St. Paul, Minn. I call the attention of the junior Senator from Minnesota [Mr. KELLOGG] to the report. I merely desire to say that we passed a bill in precisely similar terms and for the same purpose for the Church of Our Lady of Good Voyage at Gloucester, Mass., on the 28th day of last February.

Mr. KELLOGG. Mr. President, I ask unanimous consent for the immediate consideration of the bill.

Mr. ROBINSON. Let the bill be read.

The bill was read as folows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to admit free of duty a certain carillon of 28 bells to be imported for the House of Hope Church, St. Paul, Minn.

Mr. KELLOGG. I ask unanimous consent that the bill may be now considered.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. FLETCHER. Mr. President, will the Senator from Minnesota explain what the purpose of the bill is?

Mr. KELLOGG. The bill proposes to permit certain bells, which are for a church in St. Paul, Minn., to be imported without the payment of duty. The church is a modest one, without much means, and it is anxious to secure the bells. The bells are very fine, but the church can not afford to pay the duty on them.

Mr. McCUMBER. The bells have been presented to the church, let me suggest to the Senator from Minnesota.

Mr. KELLOGG. I might say that the bells are a present to the church; that it did not buy them, but they were given to it. Of course, however, the church will have to arrange for the importation of the bells.

Mr. FLETCHER. Can the Senator from Minnesota state what the amount of the duty on the bells would be?

Mr. KELLOGG. I do not know whether that information was submitted to the committee or not.

Mr. McCUMBER. I think the amount of the duty would be about $7,500, and the bells would be worth about $15,000. I repeat that we passed exactly the same kind of a bill for the benefit of another church in Gloucester, Mass., a very short time ago.

I desire to say, in addition, that the donor of these bells attempted to ascertain whether the same kind of bells could be manufactured at any place in the United States, and he was unable to find a foundry which could make them here. They are imported from Belgium and, as has been stated, they were given to the church.

Mr. ROBINSON. Mr. President, I do not desire to object to the consideration of the bill, but I should like to inquire of the Senator from North Dakota [Mr. MCCUMBER] why the general law can not be modified so as to permit the importation free of duty of articles coming within the class that is embraced within this bill, so as to avoid the necessity of frequently legislating in individual cases? It does seem to me as though some general provision of law ought to be enacted which would avoid the necessity for the passage of special bills.

Mr. McCUMBER. I desire to say to the Senator from Arkansas that that could be done; but we had that matter under consideration by the Committee on Finance, and it was impossible to fix a proper line of demarkation as to what articles should be imported free of duty. By special bills the importation of such articles has only been allowed where there were no profits and where the article desired to be imported was a gift to a church or for charitable purposes.

Mr. ROBINSON. I believe that in every instance——

Mr. CALDER. Mr. President, will the Senator from Arkansas yield to me?

Mr. ROBINSON. I will yield in just a moment. I believe that in every instance where a request is made in such a case the duty has been remitted; and it would seem, if it is the policy of the Government not to tax such articles as are designed for the uses embraced in this bill, that that policy ought to be established in the general law and carried out.

Mr. CALDER. In further response to the inquiry of the Senator from Arkansas, I would advise him that when the present tariff law was passed the subject referred to by the Senator was before the Senate Committee on Finance. On my motion we incorporated a provision in the bill to permit the importation free of duty of altars, communion services, and other articles designed for church use, and works of art generally for church purposes where they were donated. Apparently we did not include chimes or bells, but those were the only articles of which I know which we did not include, and had attention been called to them, perhaps they also might have been included.

Mr. KELLOGG. Those articles were probably omitted by inadvertence, and it is only where such articles have been donated, as they have been in this case, that we ask for legislation permitting them to be imported free of duty.

Mr. KING. Mr. President, it seems to me that this bill ought to go through. I regret that church bells are not on the free list, and I suggest that if the passage of this legislation will induce the distinguished Senator from Minnesota [Mr. KELLOGG] and others to attend church and listen to the beautiful chimes, we ought to be very glad to pass the bill.

Mr. KELLOGG. I think that is a worthy object.

Mr. HARRISON. Mr. President, I have no desire to embarrass the passage of this bill, but I desire to say that since the passage of the last tariff bill the price of sugar has been increased at a very rapid rate, as the Senator has read and realizes. I desire to ask if he would have any objection to having an amendment incorporated in the bill to take off a part of the tariff, which is very high, which in the last tariff bill we imposed upon sugar imported from Cuba?

Of course, if the Senator is opposed to it, I shall not offer the amendment at this time, but shall bide my time before the Committee of Finance.

Mr. KELLOGG. I will say to the Senator that I have reason to believe that if I consented to have considered on this bill the amendment he suggests, the bill for the admission of these bells free of duty would not pass. So I hope the Senator will not press his amendment.

Mr. HARRISON. I shall not press the amendment at this time.

Mr. SMOOT. I desire to say to the Senator from Mississippi that the duty on sugar—on Cuban sugar—was increased 15 cents a hundred pounds, and in Cuba at that time sugar was selling at $1.67, while now sugar is selling in Cuba for over $4 a hundred pounds.

Mr. HARRISON. I do not desire during the morning hour to get into a controversy over sugar; but I have an amendment on my desk which I shall offer in due time, and ask to have referred to the Committee on Finance, in the hope that the Senator from Utah will join me in reducing the tariff on sugar in order to meet present-day conditions.

Mr. KELLOGG. Mr. President, I hope that the pending bill may now be passed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SALE OF SCHOOL LANDS IN THE DISTRICT.

Mr. BALL. From the Committee on the District of Columbia I report back favorably without amendment the bill (H. R. 5020) to provide for the sale by the Commissioners of the District of Columbia of certain land in the District of Columbia acquired for a school site, and for other purposes. I ask unanimous consent for the immediate consideration of the bill.

Mr. KING. Let the bill be reported.

Mr. ROBINSON. Mr. President, will the Senator explain the bill?

Mr. BALL. Mr. President, a similar bill passed the Senate on May 16, 1921, and the House passed an identical House bill on May 22, 1922, but for some reason did not pass the Senate bill. The measure merely provides for the sale of a

small strip of land which was acquired for school-site purposes in 1869, but which was never used for such purposes. A large portion of the land was utilized for the construction of streets which passed through that section, but there is still a small strip which it is desired to sell, and there are some real estate people who wish to build upon the land.

Mr. ROBINSON. Is any use now being made of the land?

Mr. BALL. None whatever.

Mr. ROBINSON. What use is expected to be made of the land after it shall have been sold?

Mr. BALL. It is intended to sell the land to a real estate company which contemplates erecting buildings on it.

Mr. FLETCHER. Let me ask the Senator what will become of the proceeds?

Mr. BALL. The proceeds will go into the Treasury of the United States.

Mr. FERNALD. I should like to inquire of the Senator if the land in question adjoins property on which school buildings are now located?

Mr. BALL. No; there are no school buildings there now.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized to sell at public or private sale, at a price not less than the true value of the abutting property based on the assessment, all that part of the subdivision of Granby acquired by the commissioners of primary schools of Washington County by deed from George H. Baer and wife, dated the 25th day of June, in the year 1869, excepting that part of said land lying within the lines of Twentieth and Jackson Streets, as recorded in book 52, page 174, of the records of the office of the surveyor of the District of Columbia, the land herein authorized to be so conveyed being assessed among the records of the office of the assessor of the District of Columbia as parcel 156 sub 38 and parcel 156 sub 39, reserving, however, so much of said land as is in the judgment of said commissioners necessary for alley purposes, the portion of land so reserved not to be included in said sale: *Provided*, That the entire proceeds of such sale by the said Commissioners of the District of Columbia shall be covered into the Treasury of the United States to the credit of the revenues of the District of Columbia.

Mr. McKELLAR. Mr. President, I have an amendment which I desire to offer to the bill. I will have it prepared in just a moment, if the Senator will give me that opportunity.

Mr. HARRISON. Mr. President, I wish to offer an amendment to the bill, but I do not desire to do so unless the Senator will agree to it. I desire to have the proposed amendment read and I should like to have it incorporated in the bill, if there is no objection, and, if not on this bill, then on some other similar bill. If, however, it would embarrass the passage of the bill, I shall not offer it, but I do not think there will be any opposition to it, and I hope the Senator may accept it.

The VICE PRESIDENT. The amendment proposed by the Senator from Mississippi will be stated.

The READING CLERK. At the proper place in the bill it is proposed to insert the following:

That the Public Utilities Commission of the District of Columbia be, and it is hereby, directed to make full and complete investigation of the rates charged by the owners and operators of taxicabs and automobiles for hire in other cities and in the District of Columbia, and to recommend to the Commissioners of the District of Columbia, for action and enforcement, such rates as may be reasonable and which may compare with such rates as are permitted to be charged by the owners and operators of automobiles and taxicabs for hire in other cities of the United States. That the Commissioners of the District of Columbia shall make full report of the investigation and findings of the Public Utilities Commission on or before the convening of the next regular session of the Sixty-eighth Congress.

Mr. BALL. Mr. President, I have no objection to such a measure as that proposed by the Senator from Mississippi being adopted by the Senate, but I do not think it ought to be made a part of the bill which is now under consideration. It would require some discussion, I imagine.

Mr. HARRISON. Very well; I will withdraw the proposed amendment if the Senator has any objection to it going on this bill.

Mr. McKELLAR. I offer the amendment which I send to the Secretary's desk.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. Add at the proper place in the bill the following:

The Public Utilities Commission of the District of Columbia shall not hereafter have or exercise power to fix rates of fare for the street railway companies in the District of Columbia at rates in excess of the rates of fare fixed in existing charters or contracts heretofore entered into between said companies and the Congress, and from and after the passage and approval of this act the said street railway companies shall receive 5 cents per passenger as a cash fare but they shall issue and sell six tickets for 25 cents, as provided in existing charters.

Mr. McKELLAR. Upon that amendment I ask for the yeas and nays.

Mr. UNDERWOOD. Mr. President, the Senator offered a similar amendment here some days ago, but it was not discussed. I do not think a proposition of such importance should be voted on without some information being given.

Mr. McKELLAR. I will be glad to give the Senator any information I have.

Mr. UNDERWOOD. If the Senator will allow me, I should like briefly to state my viewpoint and then I should like to hear from the Senator, because I have an open mind on the question and if the Senator convinces me he is right I will be glad to vote with him; but if not, I will vote against his amendment. I think it is a matter of importance and if there is information available I should like to have it.

Of course, Mr. President, I realize that most of the street railways companies in the United States before the Great War made contracts for a 5-cent fare and carried passengers for a 5-cent fare. In most of the cities of the Union during the war or immediately thereafter the cost of such transportation was increased by the public-service commissions of the various States above the 5-cent rate. As a rule it was impossible for the street railway companies to increase the fares themselves, but they applied either to the local legislatures, the boards of aldermen, or to public-utilities commissions in which the power was vested and obtained the right to charge increased fares. Why? On the ground that the cost of carriage had so greatly increased that the street-railroad companies of America could no longer function unless the cost of service was increased.

Of course, we all know that wages have increased throughout the United States. We all know that the cost of supplies has increased in the United States. We all know that in every walk of life and in every industrial development there has been an increase of cost. We know it ourselves in our grocery bills, in our rent bills, in every cost of living. I know that when Mr. Cleveland was President of the United States and I came here as a young Congressman I was receiving $5,000 a year to live on. Now the Congressman or the Senator is paid $7,500; but the purchasing power of the $5,000 I received at that time was vastly in excess of what I am receiving as a Senator to-day, although there is an increase of $2,500 in the amount of my compensation; but the purchasing power of the dollar has very greatly decreased. It decreased before the war and it has vastly decreased since the war.

This is the question I am addressing to the Senator from Tennessee, and I am addressing it in good faith, because I really want the information. I really want a reply. With that in view, and knowing the fact that the costs of steam railroad companies, of which we have the statistics, have largely increased, and that all other transportation costs have increased—I mean the costs to the carrier—if I could cast my vote and bring back to 5 cents the cost of transportation to those who ride on the street cars in the District of Columbia without destroying these companies, if they could continue to serve the public for that sum and make a fair return, to which they are entitled, as they did before the war, I should be very glad to do so; but if the increased cost of carriage has put on these companies so great a cost for transportation that they can not do business if we reduce the fare to 5 cents—and that is the question that was decided when the increase was allowed—then I should not feel justified in doing it.

I am not a member of the Committee on the District of Coulmbia——

Mr. McKELLAR. Nor am I.

Mr. UNDERWOOD. And I have not studied the question. I have not had an opportunity to do so. I have no information in reference to the street-car system here; and I think that if the Senator desires his colleagues who are not informed to vote on his amendment now it will be most serviceable if he will give us the facts.

Mr. McKELLAR. I shall be very glad to give the Senator and the Senate whatever facts I have in my possession.

Mr. UNDERWOOD. I yield the floor to the Senator. I merely wanted to ask a question.

Mr. McKELLAR. If any question arises in the Senator's mind, I hope he will rise and ask it in my time.

The last reports of the street car companies show that there are two street car companies here—the Capital Traction Co. and the Washington Railway & Electric Co. The Senator will recall that when these fares were raised during the war the Capital Traction Co. did not ask for the increase. The Capital Traction Co. was satisfied to continue under its contract, so the papers stated, and so it was generally understood. Statements were made here in the Senate to that effect. By the way, I will say that the last report shows that the Capital Traction Co. made something like 13 per cent, in addition to improve-

ments that it made on its lines, which were admittedly very great. So I think the Senator will assume from that fact that the Capital Traction Co. is making more than a fair return under the present rate of fare.

Mr. McKINLEY. Mr. President, will the Senator yield for a question?

Mr. McKELLAR. Just a minute; let me finish, and then I will yield to any Senator who wants to ask a question.

The Washington Railway & Electric Co. is in a very different situation. It has a number of lines outside of the city. It claims that those lines outside of the city are not paying. It claims that it must have this rate of fare on its lines so as to make its system pay; that if it did not have to carry these lines outside of the District which are not paying, which are a burden upon it, it could get along on the 5-cent fare, as I understand, but that if it is to continue to operate the lines outside of the District it must have an additional fare.

In reference to that company, Senators know that it has been a stock-jobbing company. It is a company that has been exploited a number of times. It has been reorganized, and other lines bought, and stock issued, and my understanding is that the greater part, practically all of the $6,500,000 of common stock of that company, is watered stock; that the stockholders did not actually pay for it. In my judgment, manifestly the Congress ought not to undertake two things that the Public Utilities Commission now is undertaking to do. One of them is to raise the fares in the District so high that it will make the property of these companies in these outside lines pay. The other is that we ought not to undertake to make these lines return an income on watered stock.

Mr. McKINLEY. Mr. President, will the Senator yield now?

Mr. McKELLAR. I yield to the Senator from Illinois.

Mr. McKINLEY. Is it not true that 10 years ago the wages of the men employed on the local street railways were 18 cents an hour, and to-day they are 56 cents an hour?

Mr. McKELLAR. Yes; and it is also true that these companies carry about that proportion of increase in passengers over the number that they carried 10 years ago.

Mr. McKINLEY. Is it not also true that the cost of coal to-day is double what it was 10 years ago?

Mr. McKELLAR. Yes; and it is also true that the number of passengers carried has more than doubled. Washington has grown, as we all know, and the number of passengers has enormously increased, and it has increased more than the cost of materials and labor.

I want to yield now to the chairman of the District Committee.

Mr. BALL. Mr. President, I should like to ask the junior Senator from Tennessee where he got his data that the Capital Traction Co. earned 13 per cent during the last year. I have here the report of that company, and I do not find those figures.

Mr. McKELLAR. I got them from a statement published in the Washington Post, I think, some time in January. The company made a report that was published, and, as I recall the figures—I put them in the RECORD at the time—they were 13 per cent. They were either 13 per cent plus or 13 per cent minus. They were about 13 per cent.

Mr. BALL. My recollection is—I can not find the figures just at this moment——

Mr. McKELLAR. I had them before me, and put them in at the time. I talked about them at the time.

Mr. BALL. My recollection is that the Capital Traction Co. earned between 7 and 8 per cent, and that the Washington Railway & Electric Co. earned between 3 and 4 per cent; but on the basis of a 5-cent fare, Mr. President, the returns of last year would not pay the operating expenses of the Washington Railway & Electric Co.

Mr. PITTMAN. Mr. President——

Mr. BALL. I should like to finish this statement. It makes no difference as to whether it is watered stock or what it is; if the income at 5 cents would not pay the operating expenses, it is paying nothing on the investment anyhow.

Mr. McKELLAR. Mr. President, will the Senator just allow me to say this, and then I will yield, because I want this matter fully discussed?

Mr. PITTMAN. I simply wanted to ask a question.

Mr. McKELLAR. I just want to say to the Senator from Delaware that I do not conceive it to be the duty of Congress to raise fares high enough to give any concern, regardless of management, a reasonable income on the amount invested. Let us look at it a minute.

Here in New York the companies have operated all during the war and up to this time on a 5-cent fare, and I understand that they are in the hands of a receiver. I understand that the companies in Pittsburgh, where they raised the fares to 10 cents, are in the hands of a receiver. In the city of Memphis, where I come from, they raised the fare to 7 cents, and they are in the hands of a receiver. Why? Because they can not make money on watered stock; and that is the position of the Washington Railway & Electric Co. Is it right and fair for Congress to undertake to make a company earn money to which it is not entitled?

I now yield to the Senator from Delaware.

Mr. BALL. Mr. President, the valuation of the property of each of the street-railway companies in Washington has been fixed by an expert commission. It is not a question of the stock issued by those companies—watered stock, as the Senator terms it—but an expert commission have fixed the valuation of the property of each of the companies, and it is that valuation that the commission consider in fixing the rates.

Mr. McKELLAR. Oh, yes, Mr. President; we know exactly how that is. Everybody knows that valuation is a matter of opinion. For instance, the steam railroads of the country have stock issues—and we all know that many of them are watered—of something like $16,000,000,000, as I recall, and yet a valuation of something like nineteen or twenty billion dollars has been put upon their property.

Mr. BALL. Mr. President, I should like to ask the Senator from Tennessee one question.

Mr. McKELLAR. I shall be delighted to answer it if I know how.

Mr. BALL. While Congress has a legal right to fix a rate, does the Senator consider that Congress has a moral right, merely because it has the power, to confiscate the property of individual stockholders because they invest their money in a street-car line and operate it in the city of Washington?

Mr. McKELLAR. Oh, no, Mr. President; I do not contend any such thing. The fact is that the stockholders whom the Senator from Delaware talks about are principally the holders of watered stock, and I say that it is not the duty of Congress to legislate so as to give these gentlemen returns on money that they have never invested. That is my contention; and I want to say another thing right here and now: These companies have a contract with the Congress. They entered into it voluntarily. They are claiming every right that they have under that contract. They have not yielded one jot or one tittle they secured from the Government under that contract, and yet they are asking the Government to let them violate those provisions of the contract which are favorable to the Government and favorable to the people of this District.

Mr. CURTIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Kansas?

Mr. McKELLAR. I yield.

Mr. CURTIS. I rise to a question of order. Has unanimous consent been given for the consideration of this bill?

Mr. McKELLAR. Yes; unanimous consent has been given.

The VICE PRESIDENT. Unanimous consent was granted.

Mr. CURTIS. Under the rule, is not debate limited to five minutes?

The VICE PRESIDENT. The Chair does not understand that it is when unanimous consent is given.

Mr. DIAL. Mr. President——

Mr. McKELLAR. I yield to the Senator from South Carolina.

Mr. DIAL. I would like to ask the Senator whether the question of granting a zone fare by either company has been considered?

Mr. McKELLAR. I do not know.

Mr. DIAL. What would be the Senator's opinion about that?

Mr. McKELLAR. I think the first thing we should do would be to require the companies to live up to their contract, because the Public Utilities Commission has no legal or moral right to permit them to violate the contract. The contract was honorably made. The consideration has passed.

Congress has given to these companies the consideration they were asked to give for the 5-cent fares, 6 tickets for 25 cents. That having taken place, before they should ask anything further from us, they should live up to the contracts they voluntarily made. They made the contracts. They felt that they could carry passengers at 5 cents; and they can. One of the companies has never asked that the fares be increased. It is only for the other company, which has watered stock, and has these outside ventures, outside of the District.

Mr. DIAL. I presume, then, if Congress had known the company were not going to live up to the contract, it would not have granted the charter, and we would have had only one company which would have lived up to the contract.

Mr. McKELLAR. Certainly.

Mr. McCUMBER and Mr. SMOOT addressed the Chair.

The VICE PRESIDENT. Does the Senator from Tennessee yield; and if so, to whom?

Mr. McKELLAR. I believe the Senator from North Dakota rose first, and I will yield to him first.

Mr. McCUMBER. The Senator from Tennessee has made a very interesting statement, namely, that the fare in Pittsburgh is 10 cents——

Mr. McKELLAR. I was so informed. I stated it was on information that I made the statement.

Mr. McCUMBER. I am assuming that the information is correct, and that the fare in the Senator's own city is 7 cents——

Mr. McKELLAR. And both companies, I understand, are in the hands of receivers.

Mr. McCUMBER. The Senator says the reason why they are in the hands of receivers is on account of watered stock. I can not imagine how a company can go into the hands of a receiver, whether it pays a cent on any stock or not, so long as its income exceeds its expenses, and it is able to meet its debts as they become due. It does seem to me that if they are in the hands of receivers, it must be because 10 cents and 7 cents, respectively, do not pay their running expenses.

Mr. McKELLAR. I can not speak for the Pittsburgh company, but I can speak for the Memphis company.

Mr. REED of Pennsylvania. Mr. President——

Mr. McKELLAR. I will yield to the Senator in a minute. Every two or three years in Memphis there is a reorganization of the street-car company, and they issue additional bonds, as well as additional stock, with the result that they can not pay the interest on the bonds, and therefore they have had to go into the hands of a receiver.

Mr. SMOOT. No company would issue bonds to pay a dividend; in fact, it would not be allowed.

Mr. McKELLER. I do not know what they issue bonds for.

Mr. SMOOT. They issue them to pay their debts.

Mr. McKELLAR. I have my doubts about whether they are always issued for proper purposes.

Mr. SMOOT. Does the Senator deny the fact that the actual cost to the street railways in this District for carrying each passenger is 6.2 cents?

Mr. McKELLAR. Of course, I do. Of course, that is not the case. It could not be. Both these companies would be in the hands of receivers if it were true, because that is all they are getting.

Mr. SMOOT. No; it is not all they are getting.

Mr. McKELLAR. Practically all, because passengers use the tokens in almost every instance. There are very few cash fares paid. Just look at the street cars any time you wish. The Senator from Utah may not travel on the street cars, but I do.

Mr. SMOOT. So does the Senator from Utah.

Mr. McKELLAR. In 99 cases out of 100 tokens are used instead of cash fares, because that means a fare of 6⅔ cents required of each passenger for every ride.

Mr. SMOOT. I said 6.2 cents.

Mr. McKELLAR. I yield now to the Senator from Pennsylvania, who has been waiting for me to yield for some time.

Mr. BALL. Mr. President, we are taking so much time on the amendment that I ask that the bill go back to the calendar.

Mr. FERNALD. I hope the Senator will not withdraw the bill. It is a very interesting matter. I shall have something to say about it later.

Mr. McKELLAR. I make a point of order that the Senator has no power to withdraw a bill after it is before the Senate by unanimous consent. I have the floor, and I object to that course.

Mr. REED of Pennsylvania. Mr. President, will the Senator now yield to me?

Mr. McKELLAR. I yield to the Senator from Pennsylvania.

Mr. REED of Pennsylvania. Merely to correct misinformation which I think has been given to the Senator, permit me to state that the fare in Pittsburgh is not 10 cents, and never has been.

Mr. McKELLAR. Will the Senator state what it is? I have been misinformed, possibly.

Mr. REED of Pennsylvania. It was 5 cents. The company went into the hands of a receiver. It had never paid any dividends while the fare was 5 cents. The receivers secured permission to raise the fare to three tickets for a quarter. The receivers have now applied to be dismissed, because the company is again solvent. The receivers have accumulated a fund.

Mr. McKELLAR. The fare is 8⅓ cents?

Mr. REED of Pennsylvania. Eight and one-third cents.

Mr. McKELLAR. I am much obliged to the Senator. As I said in the beginning, I was informed that the fare in Pittsburgh was 10 cents. Permit me to ask the Senator a question on that subject, just in order to get the information straight. Three tickets are sold for a quarter; and if it is paid in cash, the fare is 10 cents.

Mr. REED of Pennsylvania. That is correct.

Mr. McKELLAR. Then my informant was correct. If there are other Senators who want to ask me any other questions on this subject, I will be glad to answer them.

Mr. FERNALD. Mr. President——

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Maine?

Mr. McKELLAR. I yield to the Senator.

Mr. FERNALD. I wanted to ask the Senator a question. In speaking of watered stock, if a company were not able to pay its running expenses would it make any difference whether its capitalization was $10,000,000 or $10,000,000,000?

Mr. McKELLAR. That raises a question which some one else raised a few moments ago. It depends on circumstances. As a rule when a company is reorganized, without additional money being put in, they do two things; they issue so many bonds and they issue so much stock to go along with the bonds, and they do not get the full value of the bonds; they have to sell them at a discount; but they have to pay interest on them at par, and it is very, very difficult for some of the companies which have been thus manipulated time after time to earn enough money to pay the interest on their outstanding bonds, and that is why they get into trouble. That is why they get into such trouble as the Washington Railway & Electric Co. is in and has been in for some time, and as the Memphis street railway has been in. They have been issuing bonds and stock together, and the purchasers of the bonds get stock. It is just another way of earning dividends, or attempting to earn dividends, on watered stock and fixing the salaries of officers, as has been suggested by a Senator.

Mr. COUZENS. The Senator referred to contracts the street railway companies have. When do the contracts expire?

Mr. McKELLAR. I thought I had them here, but I will have to get them and put in the RECORD a statement as to the time they expire. Contracts have been entered into with the various companies which compose the Washington Railway & Electric Co., and also the Capital Traction Co., under which large grants of important rights, of the right to occupy the streets of Washington, of the right to use other public property of Washington, have been granted, and the consideration for those rights was the agreement of the companies to charge a 5-cent fare and give six tickets for 25 cents. The city of Washington is living up to its agreement, and the company is holding the city of Washington to every right, and using every right that was conferred in that contract, and simply wants to avoid its duty by going before a utilities commission and have given to them the specific right to disregard the consideration.

Mr. SMITH. Does the Senator recall whether or not the city of Washington demanded any money consideration for the franchise for the use of its streets?

Mr. McKELLAR. It demanded none at all.

Mr. SMITH. It was a gift?

Mr. McKELLAR. It was a consideration for granting 5-cent fares. By the way, I want to say to the Senator that the public utilities commission act, which was passed, I believe, in 1911 or 1912, was not passed for the purpose of allowing these companies to raise their fares. The express purpose of that act, as stated here on this floor and in the other House, was to make the companies lower the fares and to grant universal transfers. It was held out that the utilities commission would bring about a system of universal transfers in the city, and that was one of the reasons urged for the passage of the act. It was never contended at all that this utilities commission would have the right to disregard the contract which had been made as to 5-cent fares.

Mr. SMITH. What I wanted to get clear was that the franchise granted this street car company provided that in view of certain concessions on the part of the city, they were to do certain things under that contract, and amongst them grant a 5-cent fare.

Mr. McKELLAR. That is right.

Mr. SMITH. They were given the almost priceless privilege of utilizing and monopolizing certain thoroughfares in this city for the carrying of passengers, which means cutting out competition in that territory.

Mr. McKELLAR. Will the Senator stop there long enough for me to say that I understand the Public Utilities Commission will not permit a bus line to operate on any streets so as to bring it in competition with these street car companies? It has gone that far.

Mr. SMITH. I was coming to that very point, and I would like to have the Senator enlarge on that, because those of us who are members of the Committee on Interstate Commerce have this problem presented to us, that under the rules laid down by the Interstate Commerce Commission the rates, fares, and charges should be uniform within a given territory. We have found that certain railroads running through territory where their cars, both passenger and freight, were carrying about the capacity of the road, were making under a given fare a splendid return, while other roads in the same territory were not carrying capacity, and under the fare were making hardly more than current expenses.

In this instance we find within a given territory no competing line. The population has increased by leaps and bounds. The cars are filled almost to capacity, without any cost to the company for the use of the right of way. Shutting out competition even by bus lines, with the increase of business due to the fact that their cars run through the populous sections of our city, has there been an increase of expense in the way of overhead charges to justify an increase in the charge for service of something like 50 per cent, from 5 cents to 7½ or to 8 cents?

Mr. McKELLAR. Mr. President, the increase in the number of passengers has been as great as the increase in wages and the cost of material, and, as I understand, the Capital Traction Co. is perfectly willing to go back to its contract fares—at all events, it has never complained about the franchise fare.

It has never asked to have the fares raised, and my understanding is that the Washington Railway & Electric Co. say they could get along on a 5-cent fare if it were not for the subsidiary lines outside of the District. Surely we should not legislate compensation into the pockets of the company simply because they own lines outside of the District.

Mr. SMITH. This is a matter which comes under our jurisdiction, and, of course, we ought to be thoroughly informed of the facts. We do not want to do any injury to a public utility such as a street railway company. Has there been a thorough investigation by a competent committee of experts, taking the books and the returns and the actual expenditures of the concern, and the income by days, by months, and by years, to arrive at a balance of debits and credits?

Mr. McKELLAR. Mr. President, there has not been such an examination, but surely, while such an investigation was pending, the Senator would not want to allow these companies to violate their contracts while they were exercising all the rights under the contracts?

Mr. SMITH. No; I do not think they ought to be allowed to do that, but I think we ought to have full information as to whether the present rate of fares is justifiable. If they are actually compelled to spend an amount of money that would absorb the present fares on the cars, the public then would have no right to object even to a modification of the contract, if they still desired street car service, because they could not expect a company to serve them at a loss.

Now, the question for us to decide is whether the increased volume of business on these roads has not discounted any increase that they might ask, and that they could carry the increased volume of passengers to-day at a lower rate, because it does not cost them any more to carry a full car than it does an empty car, or appreciably no more. They use the very same equipment and have the same manual service for a full car, which costs no more than an empty car going over a given mileage of track. These are matters of vital importance. It is my opinion that the increased volume of traffic within the city limits or within the limits of the District of Columbia has been sufficient to justify a 5-cent fare under the contract.

Mr. McNARY and Mr. FERNALD addressed the Chair.

The VICE PRESIDENT. Does the Senator from Tennessee yield; and if so, to whom?

Mr. McKELLAR. I think the Senator from Oregon tried to attract my attention before. So I yield first to him.

Mr. McNARY. It is quite obvious that we can not regulate street-car fares during the morning hour. There are a number of important measures on the calendar which ought to receive our attention——

Mr. McKELLAR. I thought the Senator was going to discuss the matter now before us. I do not yield to the Senator to make a motion. I decline to yield to permit him to make a motion.

Mr. FERNALD. I can not agree with my friend from Oregon.

Mr. McNARY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state the inquiry.

Mr. McNARY. I would like to know from the Chair if it is in order to make a motion to lay the amendment of the Senator from Tennessee on the table?

Mr. McKELLAR. Not while I have the floor, and I decline to yield to the Senator for that purpose.

The VICE PRESIDENT. The Senator from Tennessee has the floor and declines to yield for that purpose.

Mr. McKELLAR. I yielded for a question only. I now yield to the Senator from Maine [Mr. FERNALD] for a question.

Mr. FERNALD. I want to say that I am very greatly interested in what the Senator from Tennessee has had to say, and I can not agree with my friend from Oregon. I believe we may be able to settle this question.

Mr. McKELLAR. I hope so.

Mr. FERNALD. In reply to the statement I made a few moments ago, the Senator from Tennessee stated that it was on account of the large issue of bonds and stocks, as I understood.

Mr. McKELLAR. I can not say that that is true in every case, but it is very often the case.

Mr. FERNALD. Yes; in many cases.

Mr. McKELLAR. Yes; I have known corporations to issue so many bonds that they could not pay interest on them.

Mr. FERNALD. I wanted to state to the Senator, because I know he desires to be exceedingly fair in the matter——

Mr. McKELLAR. Of course I do.

Mr. FERNALD. I am sure he does. The interest on the bonds and the dividends on the stock and the taxes do not enter into the operating expenses of a railroad.

Mr. McKELLAR. They are so charged in ordinary bookkeeping.

Mr. FERNALD. No; not as a part of the operating expenses. I am not a lawyer and would not undertake to discuss the legal questions involved, but I recall very well a decision by the Interstate Commerce Commission that the operating expenses of a railroad should not include interest on bonds, and so forth.

Mr. McKELLAR. I do not think many corporations are put into the hands of receivers where they are paying interest on their bonded indebtedness and their taxes.

Mr. FERNALD. If the Senator will allow me to finish——

Mr. McKELLAR. Certainly.

Mr. FERNALD. My original statement was that in the operating expenses it would not make any difference whether the capitalization was $10,000,000 or $10,000,000,000, if they were not able to pay operating expenses. That has nothing to do with it whatever.

Mr. BROOKHART. Mr. President——

Mr. McKELLAR. I am much obliged to the Senator from Maine for his contribution. I yield to the Senator from Iowa.

Mr. BROOKHART. I understood the Senator from Maine to state that there may be watered bonds as well as watered stock. I know of a railroad company that has watered stock and watered bonds and watered operating expenses, all of them watered, and the president called me a Bolshevik because I found it out.

Mr. McKELLAR. I am discussing this particular question. I think frequently corporations pay their officers too great salaries and of course they are charged to operating expenses.

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. McKELLAR. Certainly.

Mr. HARRISON. I did not understand the Senator from Iowa. Did he say the President had called him a Bolshevik?

Mr. BROOKHART. The president of the railroad company to which I referred.

Mr. HARRISON. Oh, I got the railroad president confused with the President of the United States.

Mr. McKELLAR. Oh, no; I understood the Senator from Iowa to mean the president of the railroad company to which he referred.

Mr. CALDER. Mr. President——

Mr. McKELLAR. I yield to the Senator from New York.

Mr. CALDER. May I inquire of the Senator from Tennessee whether he has ever introduced a bill for the purpose of bringing about the purpose desired by his amendment?

Mr. McKELLAR. No; but I have introduced a number of amendments to effect that purpose.

Mr. CALDER. I thought the matter might have been investigated by a committee of the Senate.

Mr. McKELLAR. I understand the Committee on the District of Columbia, before which any bill would go, is practically unanimously opposed, or very largely opposed, to my proposition. So it would be a useless or vain thing to introduce a bill when I would know in advance I would either get an adverse report or none at all.

Mr. CALDER. As I understand it, the subject has never been before the District Committee or any other committee of the Senate.

Mr. McKELLAR. It ought to have been. I am surprised that a subject so important as the question of an 8-cent cash fare has not been before the District Committee. I asked the

chairman of the District Committee if his committee had ever discussed it, and he said no.

Mr. CALDER. What I had in mind, I will say to the Senator, was that we are apparently attempting to legislate on a question of great interest to the people of the District and to the people of the country——

Mr. McKELLAR. I think Senators know about it.

Mr. CALDER. And in which the railroads have some rights, and we do that without any first-hand intimate knowledge of the subject.

Mr. McKELLAR. Oh, the Senator can not make that statement. He surely desires to modify it, I know. The street car companies have contracts with the Government for 5-cent fares or six tickets for a quarter in the District of Columbia. They know it themselves. They have certified to the Congress that that was a reasonable and proper fare.

Mr. CALDER. And then the Public Service Commission of the District of Columbia, after hearings and after investigating the subject of rates, decided that they should have an 8-cent fare.

Mr. McKELLAR. Yes; we all understand that the Public Service Commission has done that.

Mr. CALDER. We have already voted on the Senator's proposition of a 5-cent fare, and, of course, we may have a second vote on it.

Mr. McKELLAR. The Senator does not object to voting on it, I am sure. I shall be very glad to have a vote on it.

Mr. CALDER. We could vote on it in the proper way in the Senate if a bill were introduced for that specific purpose.

Mr. FRELINGHUYSEN. Mr. President——

Mr. McKELLAR. I yield to the Senator for a question.

Mr. FRELINGHUYSEN. I do not want to ask a question. I want to appeal to the Senator, if he will not allow us to vote on this question——

Mr. McKELLAR. Yes; unless some other Senator wants to ask me a question.

Mr. FRELINGHUYSEN. But I have not finished. There are a number of bills on the calendar in which some of us are interested.

Mr. McKELLAR. The Senator is right about that. I am perfectly willing to take a vote as soon as we may properly do so.

Mr. FRELINGHUYSEN. We ought to vote. I am appealing to the Senator if he will not give us an opportunity to vote, so that we may take up some of the other bills on the calendar in which some of us are greatly interested.

Mr. McKELLAR. Oh, yes; I am willing to do that. I suggest to the Senator that if we lay aside the shipping bill we would have ample opportunity to vote on all these measures.

Mr. PITTMAN. Mr. President——

Mr. McKELLAR. I will say to the Senator from New Jersey that just as soon as I have yielded to the Senator from Nevada and any other Senator who may desire to ask me a question I am ready for a vote. I yield now to the Senator from Nevada.

Mr. PITTMAN. I merely want to get a little information in addition to what I already have. I would like to ask the chairman of the District Committee, for the information of the Senate, if there has been any consideration by that committee looking to a reduction of fares on the street car lines of the District?

Mr. BALL. There has been.

Mr. PITTMAN. Has the committee made any recommendations either to the street car companies or to Congress relative to the matter?

Mr. BALL. It has introduced, considered, reported to the Senate, and the Senate has passed certain bills which the committee believe will materially reduce the fares and still enable the companies to live.

Mr. PITTMAN. What is that general plan, briefly stated?

Mr. BALL. It would repeal the law at present forbidding the merging of the companies. The committee believe that if all the trolley lines and bus lines of the District were under one management, under one head, they would be enabled to give very much better accommodation at a less cost to the citizens of Washington. For the accomplishment of that purpose we have introduced and the Senate has passed a bill, which has now been reported in the House, authorizing such a merger, and there is another bill following that measure providing that if the companies fail to merge within a certain length of time they may, in a measure, be compelled to do so.

Mr. PITTMAN. If the committee has discovered a method by which the expenses of the transportation companies may be reduced, why would it not be a good idea to add it as an amendment to the pending bill in the words of the bill which has already passed the Senate and to which the Senator has just referred, and pass them both at once? The Senator has said the bill passed the Senate, but it has not yet passed the House. We do not know whether it will pass the House. If it does pass the House, I assume from statements there that they would be able to operate their roads on a 5-cent fare, but there is nothing to compel them to operate the lines on 5-cent fare, even though we pass a bill which would reduce their operating expenses.

Mr. McKELLAR. I think that suggestion is a very wise one, because unless there is such a provision in the merger legislation which has already passed the Senate it would not become a law at this session of Congress.

Mr. BALL. I would like to make one statement, and then I shall take no more time. The first necessary step for merging the street railway companies is the ascertainment of the real value of the two companies. That matter now is in the Supreme Court, which is to decide whether the expert valuation fixed by the commission is a fair and just valuation of each company. The decision is expected shortly. I do not know just when we shall get the report on the valuation. With a reasonable valuation of each company, I think that shortly we would have but one company in Washington.

The Washington Railway & Electric Co. also own the electric-light plant. While they own every share of that stock, they are prohibited by a law enacted by Congress from merging with that company and forming one company. The bill which we have reported and which the Senate has passed provides for the repeal of the acts which prohibit the formation of one company through the process of merging two or more of the companies. I do not know whether we can get a 5-cent fare bill enacted that would enable the companies to live, but I am sure we can get much less than an 8-cent fare. Of course, in order to provide for the proper extension of lines and proper service we shall have to allow the railway companies a reasonable charge.

Mr. PITTMAN. Mr. President, may I ask the Senator from Delaware if it is not a fact that the Washington Electric Light Co. is making a good profit on the electric-light plant which it owns?

Mr. BALL. That is true.

Mr. PITTMAN. The same stockholders are making a profit on that stock?

Mr. BALL. But I would like to state further that they are not getting the surplus charge. That is to say, they are only permitted by the Public Utilities Commission to receive 7.75 cents per kilowatt hour, while the people are actually paying 10 cents per kilowatt hour. But the difference between the two is in a fund of which the court at present has control, and when a decision is reached in the matter that fund will either be refunded to the people or retained by the company on the basis that 10 cents is a reasonable charge.

Mr. PITTMAN. I was on a special committee of the Senate a number of years ago that investigated the situation. The evidence then laid before the committee caused them to conclude that there was a considerable paralleling of the lines of railways in this city, which was an economic waste.

Mr. BALL. That is the very reason why we want but one company.

Mr. PITTMAN. I agree that is the situation, but whenever we provide by law to eliminate this waste and give a monopoly to one company, it should be done under the strictest control with regard to fares. That bill has been passed through the Senate. It has been reported to the House, I understand. It will probably pass the House, will it not?

Mr. BALL. I hope so.

Mr. PITTMAN. If it does pass the House and becomes a law, now is the time to say that having benefited their private stockholders by eliminating all of this waste, by allowing them to consolidate all of their money-making instrumentalities, we are of the opinion that, having been granted those rights, they should be able to operate upon the basis of a reasonable rate, or a 5-cent fare. Such a provision should be enacted either before or simultaneously with that measure. Otherwise no one except the stockholders will get any benefit from the passage of the act. I insist, under the statement of the chairman of this committee, that this amendment should be adopted.

Mr. BALL. Mr. President, if the members of the Public Utilities Commission are not honestly and properly performing their duties, the proper way to proceed is for Congress to create a new Public Utilities Commission. There is a bill, I think, before the committee now for that purpose. Competition always increases cost of operation; without competition the lowest cost of service is obtained. The Public Utilities Commission stands between the people and the companies, to

see that the companies are protected and that the people also are protected.

Mr. McKELLAR. The Public Utilities Commission certainly stands in a position to see that the companies are protected, but I very much doubt whether the present Public Utilities Commission of the District of Columbia has the slightest regard for the people of the District.

Mr. COUZENS and Mr. CURTIS addressed the Chair.

Mr. McKELLAR. I will yield first to the Senator from Michigan and I will yield to the Senator from Kansas in a moment.

Mr. CURTIS. I shall ask to be recognized after the Senator from Michigan shall have concluded.

Mr. COUZENS. I will ask the Senator from Tennessee, is it not true that we have heard a good deal on the floor of the Senate about the sacredness of contracts?

Mr. McKELLAR. We have heard a great deal recently about the sacredness of contracts, in which I very heartily concur, for I myself am a believer in the sacredness of contracts, I will say to the Senator from Michigan.

Mr. COUZENS. But does it not appear that the question of the sacredness of contracts is always raised on the side of the public utilities?

Mr. McKELLAR. Yes; in these matters I think that is so.

Mr. COUZENS. I see from last evening's Washington Star one of the District Commissioners wrote a paper which was read at the mid-year conference of the American Electric Railway Association. The article in the Star states:

> Human beings, otherwise reasonable, seem to take "a most unreasonable attitude in regard to public utility companies, especially street-car companies," Engineer Commissioner Keller, chairman of the Public Utilities Commission of the District of Columbia, declared in a paper read at the mid-year conference of the American Electric Railway Association to-day at the New Willard Hotel. Commissioner Keller wrote the conference that he was ill, but sent the paper to be read to the meeting.
>
> This mental attitude, hard as it is to explain, Commissioner Keller said, is exaggerated by the "demagogue whose stock in trade it is to attack public utility rates without reference to their fundamental fairness.

In other words, I desire to ask the Senator from Tennessee, is it not true that the "fairness" is not in the interest of the car riders of the District of Columbia, who years ago made a contract in which they, as citizens, gave to these companies, through Congress, an exclusive monopoly, in consideration of which they were to have a 5-cent fare? Now, over a great period of years the records show that these companies under that contract made millions and millions of dollars, for in 1919 the Public Utilities Commission of the District criticized one of the companies for issuing $5,000,000 worth of stock without any physical value back of the stock. Then they proceeded to earn under the contract which the District had given them a return on that stock.

It is true, as the Senator from Maine [Mr. FERNALD] has said, that it does not make any difference whether there is watered stock or any other kind of stock, so long as the rate is based upon the physical value of the property rather than upon the stock issues; but I desire to point out that Congress did not require the companies to break their contract at that time and reduce the rate because of those exorbitant earnings. If they had attempted such a thing there would have been a procedure resorted to prohibiting Congress from interfering with the rights of contract.

Mr. McKELLAR. In other words, there would have been filed a bill in equity to enjoin somebody from interfering with the obligation of contracts. Of course, the Senator from Michigan is correct.

Mr. COUZENS. Yes; and the court would probably have intervened and said the company had a right to enjoin any interference with the contract. Now, after having made millions of dollars of profits—and I do not object to their having done so, so long as they have a good contract——

Mr. McKELLAR. Surely not.

Mr. COUZENS. But now when the tables are reversed and the companies are asked to lose some money temporarily, because of unusual conditions——

Mr. McKELLAR. Oh, Mr. President, I think the Senator from Michigan is mistaken there. I do not think the companies will lose any money. I believe that the street-car companies in the District, if they are properly managed, will make more money under a 5-cent fare than they will under the fares which they are now charging.

Mr. COUZENS. It has been proven in Boston and other places that rates of fare may be so high that they decrease street-car traffic, and that the net result has been worse than before the fares were increased.

Mr. McKELLAR. Certainly.

Mr. COUZENS. So that it seems to me that the Public Utilities Commission and Congress should put the street railway companies on their mettle and make them live up to their contracts. They might well do that in view of the enormous earnings made in previous years. While, as one Senator has suggested, a thorough investigation might be made and probably a bill be passed in which not only the rates might be regulated but the expenses of operation also might be regulated. As I understand, there is no provision in the law whereby expenses of operation may be regulated, either as to salaries or purchases of supplies or anything else. So it seems to me it is the duty of Congress to adopt the amendment which has been proposed by the Senator from Tennessee in order that the street-car companies may be put on their mettle. Then, after the experience of conducting their business on the basis of their contracts, we might determine whether or not they were entitled to some relief. They might not even be entitled to very much relief if they would use some of the enormous profits which they have earned in previous years.

I only speak of this because I hope that the Senate will indorse the amendment which has been proposed by the Senator from Tennessee, so that we may get at the real facts in the case, for it is quite evident that the Commissioner of the District of Columbia who has charge of this matter is not in sympathy with any reduction in fares, but that he rather criticizes as a demagogue anyone who suggests that the Public Utilities Commission might be wrong and that the people of the District of Columbia might be entitled to a reduction in fares.

Mr. McKELLAR. Mr. President, I thank the Senator for his splendid contribution to this debate, and I think his argument is unanswerable.

Mr. CURTIS. Mr. President, I rise to a question of order.

The VICE PRESIDENT. The Senator will state his point of order.

Mr. CURTIS. A few moments ago I submitted a parliamentary inquiry to the Presiding Officer. I asked if debate was in order under the rules of the Senate during the morning hour. The Chair stated it was his opinion, inasmuch as unanimous consent had been given, that debate was in order. I wish to call attention to a ruling of Vice President Marshall found in the CONGRESSIONAL RECORD of May 1, 1913, at page 877, from which I read:

> Mr. SMOOT. I submit a resolution and ask for its consideration.
> The resolution (S. Res. 70) was read as follows:
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> * * * * * * *
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> The VICE PRESIDENT. The Senator from Utah asks for the immediate consideration of the resolution. Is there objection?
> The Chair hears none.
> Mr. OVERMAN. Mr. President, I suppose I can rise to discuss the resolution. I was about, before concluding my remarks, to read from the report of the Economy Commission. I will just go on with my remarks on that matter.
>
> * * * * * * *
>
> Mr. LODGE. Mr. President, I think under paragraph 3 of Rule VII debate is not in order. The rule provides that—
> "Until the morning business shall have been concluded, and so announced from the chair, or until the hour of 1 o'clock has arrived, no motion to proceed to the consideration of any bill, resolution, report of a committee, or other subject upon the calendar shall be entertained by the Presiding Officer, unless by unanimous consent; and if such consent is given"—
> Which has happened in this case—
> "the motion shall not be subject to amendment and shall be decided without debate upon the merits of the subject proposed to be taken up."
> I make the point of order that debate is not in order under that rule.
> Mr. OVERMAN. Has unanimous consent been given for the consideration of the resolution?
> The VICE PRESIDENT. It has.
> Mr. OVERMAN. It is then before the Senate and is debatable.
> Mr. LODGE. At this stage of the proceedings debate is not in order. It is open to the Senator to object, of course.
> Mr. OVERMAN. If it is before the Senate by unanimous consent, then I have a right to debate it.
> Mr. PENROSE. Not under the rule.
> Mr. LODGE. Not under the rule I have read.
> Mr. OVERMAN. It seems that Senators do not want to hear the truth. I will bring it out at another time. I give that notice.
> The VICE PRESIDENT. The point of order is well taken. The question is on agreeing to the resolution submitted by the Senator from Utah.

Mr. UNDERWOOD. Mr. President, may I ask the Senator a question?

Mr. CURTIS. I yield.

Mr. UNDERWOOD. Was that before or after the first hour of the day's session had expired?

Mr. CURTIS. I was going to refer to that. The Senate met this morning at 11 o'clock, and it is now after 12 o'clock; but I raised the question before 12 o'clock. The Chair said he was of the opinion that debate was in order. I wanted simply to keep the record straight. I am not raising the question now, as it is after 12 o'clock, and I think after one hour has elapsed from the beginning of the session the question is debatable. I merely wanted the RECORD to show that the decision had been rendered

that debate was not in order before 1 o'clock. I hope in the future the Senators will observe the rule. This morning we will hardly conclude the presentation of petitions and memorials and other ordinary routine morning business before the morning hour has elapsed, although an adjournment was taken last evening in order that some business might be transacted this morning.

Mr. POMERENE. Mr. President——

Mr. McKELLAR. I yield to the Senator from Ohio.

Mr. POMERENE. Mr. President, it seems that the pending measure is going to take some considerable time. I have a very important committee engagement which I must go to fulfill. I have a small private bill here which I think ought to be passed. It has been favorably reported by the committee; and if the bill is to be passed at all, it must be acted upon very soon. I should like to ask unanimous consent to have the bill considered now.

Mr. McKELLAR. I can not yield for that purpose.

Mr. POMERENE. I think there will be no debate on the bill.

Mr. McKELLAR. But the pending bill has been taken up by unanimous consent, and I do not believe we could make another unanimous-consent order without interfering with the one under which we are now proceeding, and I object to any such request for unanimous consent.

Mr. POMERENE. Very well, if the Senator objects I will bring the matter up at another time, as I am obliged to leave the Chamber now.

Mr. McKELLAR. I am very sorry to be compelled to object, for I should like to accommodate the Senator. If no other Senator has any questions to ask, I shall be very glad indeed now to have a vote on the amendment. I ask for the yeas and nays, Mr. President.

The yeas and nays were ordered.

Mr. DIAL. Mr. President, this is about as important a matter as could occupy the attention of the Senate. We have a couple of weeks yet before the end of the session, and I think we can pass all needed legislation in that time.

Mr. President, I must say that I am not thoroughly in sympathy with the fixing of fares by Congress. I do not know whether we have sufficient facts before us to enable us to do that properly or not. I question it; but I fully appreciate the motive of the Senator from Tennessee [Mr. McKELLAR] in pressing this matter. Personally, I feel very kindly toward all investments, and I desire to see every honest dollar get a legitimate return upon itself. However, there has grown up in the country a habit of too much competition; enterprises are duplicated uselessly, and we have this condition here.

When this second street-railway company applied to Congress for a charter and received it, it ought to have lived up to it. With a city here of some 450,000 population it is very probable that a second street railway was unnecessary. It involved double expense, double overhead charges, and all that kind of thing. I do not believe that Congress ought to do anything to deprive investors of a fair return upon honest investments, properly made.

It occurs to me that the right thing to do here would be to consolidate these companies, and, if they do not do it voluntarily, to force them to consolidate.

I am not an expert in regard to the cost of operating railways, but I question the statement that there has been so great an increase. It is true that the increase was considerable, but the construction in later days has been more permanent. Formerly, the ties were exposed to the weather. They rotted, and great expense was involved in replacing them. In these modern times, however, steel ties are used, and they are removed in a great measure from the ravages of the weather, and after the track is once constructed not so much repair is necessary.

If this second company can not carry its country lines without charging an unreasonable fare to the people who live in the District, perhaps a zone fare system could be established. Anyway, those who live nearer the center of the city should not be penalized for the unnecessary expenditure resulting from the building of branch lines which are not self-sustaining.

Mr. President, a still larger question presents itself to Congress. We are to blame for not having better facilities in the District. The Senator from Nebraska [Mr. NORRIS] a few years ago took great pains to have a bill passed by the Senate to develop the water power up the Potomac River here; and no better work could have been done for the District of Columbia and this section of the United States than to have developed that water power. Here we have this water running right by the District every day, thousands and thousands of dollars going to waste, and we have not the forethought or the judgment to develop that power. If we should consolidate these railways and develop that water power, the cost of transportation could be reduced to a minimum; we would save great quantities of coal for future generations; we would have a better system; we could have better and cheaper lights in the District; we could even heat many of the houses by electricity.

Not only that, Mr. President, but if that power were developed it would be an example to the rest of the United States. It would be a wonderful incentive to anyone who looked at it to go back home and have power developed in his own section. If I may be excused for a personal allusion, the first large dam I ever saw was something like 40 feet high, and it made a wonderful impression upon me. I thought if those people could utilize their stream, we ought to utilize ours near home. Hence, that was the beginning of many developments in my section of the country.

I do not believe in being penurious with investments, but we are all persuaded to believe that the fare charged here now is excessive. I am a stickler for contracts, and I believe this company should be required to live up to its contract with the people of the District of Columbia. I have a deep sympathy for the people here. They feel hurt because we do not allow them representation in Congress. While I would not vote to allow them representation, that is a greater reason why we should look after their interests more carefully. So, Mr. President, I hope this amendment will be agreed to.

As I say, I am not much in sympathy with this kind of legislation, but I believe that the groundwork has been laid here to show that it is just. If these people had not wanted to accept the charter, they need not have done it. They did it with their eyes open. The population has increased since that time. The people who organized the company have not come here and shown any reason why the contract should be modified. On the other hand, they are pleased with it. The public is not posted about the bookkeeping of these different companies. Figures can be manipulated so as to arrive at almost any conclusion that is desired; and while this company may not be making a great profit upon one of its branches, yet on another it may be piling up enormous profits.

I for one am not envious of people who make money. I am not envious of people who go out and develop the country. I believe they should have a return upon their investment and should have a good return, because they assume many obligations and take many chances; but in this matter I believe that for the present we ought to adopt this amendment and give this experiment a trial, and see if these people will not consolidate, and if they can not get along and make a reasonable profit by charging the fare fixed in the contract.

Mr. STANLEY. Mr. President, will the Senator yield?

Mr. DIAL. I yield to the Senator from Kentucky.

Mr. STANLEY. I should like to inquire of the Senator whether any investigation of this matter has been made by the committee of the Senate naturally intrusted with the duty of investigating it and the power to make some determination on the merits of the question?

Mr. DIAL. Not to my knowledge. I am not on the District of Columbia Committee. I saw something in the paper a year or two ago about some figures or some preliminary investigation about consolidation, or some talk of consolidation.

Mr. PITTMAN. Mr. President, may I answer that question?

Mr. DIAL. Yes; I wish the Senator would. I am not posted on it.

Mr. PITTMAN. Mr. President, the Senator from Kentucky has just asked a question. He was not here when the matter came up a few minutes ago. The chairman of the committee said they had had under consideration all of these questions, and that they found as a committee that the expenses of these railroad companies could be materially reduced if they were consolidated, and their power plants consolidated, and the paralleling lines cut out, but that there was no authority in the law to do that. He added, however, that they had actually passed a bill through the Senate providing for that, and that the bill has been favorably reported from the House committee, and that in his opinion it will pass the House.

If that is accomplished—and I agree with the legislation—it will, as the committee said it would do, greatly reduce the cost of operating these railroads. That will be a benefit to the stockholders. It will be no benefit to the passengers unless there is a reduction in the rate. There should be a reduction in the rate at least back to the normal fare of 5 cents. There is no assurance that it will go back to the normal fare of 5 cents unless the commission puts it there. We are not fixing rates in this amendment, but we have a right as a Congress to impose a maximum restriction. That maximum restriction is 5 cents.

There will be no harm in adopting this amendment. Why? Because if that bill does not pass the House, then the House will kill this bill, and if that bill does pass the House, giving this great benefit to the stockholders of that railroad, it is their duty at the same time to pass this bill, so as to see that the people who pay the fares get some benefit from it.

There can be no harm, therefore, in passing this bill. I would not vote for this amendment except for the power of consolidation of those railroads, but if those railroads are going to be consolidated they should be restricted to a 5-cent fare. We have some obligation to the people who ride on these cars, as well as to the stockholders, and while we are legislating for the profits of these railroads by cutting down their expenses it is our duty, in my opinion, to make some restriction as to the fare.

Suppose we adopt this amendment. The bill providing for the consolidation has already passed the House. If the House does not pass it, then let it kill this amendment. If the House does pass it, then it is its duty to adopt this amendment.

Mr. STANLEY. Mr. President, I am a member of the Committee on the District of Columbia, and attend the meetings whenever my duties in Congress will permit. Very often, as my colleagues know, committee meetings are held at the same time, and it is impossible to attend more than one. There have been more or less exhaustive hearings, as I recall, on the question of the economies incident to a compulsory consolidation of the two lines. I do not desire to take too much of the time of the Senator——

Mr. DIAL. I am glad to yield to the Senator from Kentucky. In fact, I yield the floor.

Mr. STANLEY. I do not want the floor. I will be through in just a moment. It appears that one of these lines is either more favorably situated or more efficiently operated than the other. I express no opinion on that subject, but one of these lines is making a much better return than the other, and for that reason Congress is about to pass an act which will compel the efficient line to take over the inefficient line, and the inefficient line is bigger than the efficient line.

The mileage of the inefficient line is twice as great as the mileage of the efficient line. The owners of the efficient line claim that they are not so well located as the line that is making the least money, but that their profits are due entirely to the efficiency of their operation. They do not care to be consolidated with the other company. They were organized under a law, in my opinion a very wise law, which prohibited the consolidation and gave us something of competition. Of course, that idea of competitive business and of restraining trusts and combinations, except by means of a governmental commission which shall run their own business and feed them with a spoon, has passed into a dream of things that were; but be that as it may——

Mr. PITTMAN. Will the Senator pardon me one moment? Did the Senator ever hear of competition existing between two lines, except competition to get passengers? Was there ever any competition in fares?

Mr. STANLEY. There is competition in service, necessarily.

Mr. PITTMAN. But there never is competition in the matter of fares.

Mr. STANLEY. As a rule, the fares that prevail on one line under similar conditions will prevail on another, just as there must be the same fare at the common termini of the same railroads, although there may be competition at intermediate points and in a dozen different ways. But be that as it may, the law as now written forbids consolidation, under the opinion of Congress that that was the best way to get good service.

Mr. DIAL. Does not the Senator think it would be advisable to change the law?

Mr. STANLEY. It may be; I am not saying it is not. As to whether you get better service by combining the telephone companies and street car companies under one control arbitrarily or not, I am not expert enough to express a well and matured opinion, and for that reason I do not care to express any. But right or wrong, one of these companies was organized under a law which forbade its consolidation with any other company. These lines parallel each other and run within a few blocks of each other all over the city, and the company most efficiently operated claim that they get the bulk of the traffic at the same fare because of the promptness and efficiency of the service. If that be true, you are compelling an efficient line to take over an inefficient line after it was incorporated and created under a law which assured them that they would not be compelled to consolidate, that it would be illegal to do it. In addition to that, my impression is that there has been no definite determination by any committee of the Senate as to the cost of this service to either one of these roads, or on the question as to whether or not a 5-cent fare will throw them both into the hands of a receiver. Pending that, it strikes me that if we should agree to an amendment of this kind we would be getting the cart before the horse.

If Congress has power to fix a 5-cent fare before the consolidation, it has ample power to fix it after the consolidation. If these companies can be operated at a profit charging a 5-cent fare, they ought to charge that, and if they can not, we ought not to force them into bankruptcy. We are passing without evidence upon a question that is technical, which requires the opinion of engineers and the careful, sober, well-considered judgment of business men. It is not a question for stump speeches or for appeals to the sympathy of the great public. I am in favor of protecting the public as much as anybody, but the public never demanded an injustice and never should do so.

Mr. PITTMAN. Mr. President——

Mr. DIAL. I yield.

Mr. PITTMAN. I have the highest opinion of the opinion of my friend from Kentucky, but I do not see how on earth he can conceive that the restriction to a 5-cent fare can put either one of these roads, or a consolidation of the two, into bankruptcy when he knows the history of the two roads. They have operated for years on a 5-cent fare without going into bankruptcy. A 5-cent fare is not an unusually small fare; it is an unusually large fare in these days and times. But you are not only going back to normal, but there is an act which has passed the Senate and is going to pass the House which will reduce the costs of both of those roads, undoubtedly.

The Senator says that one of the roads is inefficiently managed. One of the roads has not been making as much of a profit as the other road, but that so-called inefficient road has been making enormous profits out of its electric light plant, which the same stockholders own. The law, however, provided that they could not combine the two, but the same stockholders own both of them. If your act provided that they could combine their light company and their inefficient street car company when they combined those companies the consolidated company would be just as efficient as the other company.

Mr. STANLEY. Mr. President, I do not profess to know all that is in the hearings. As my valued friend the Senator well knows, these hearings occurred at a time when we were considering vital matters of the same character in the Committee on Interstate and Foreign Commerce, matters affecting the whole country, and when I had to choose between a matter affecting the citizens of the District of Columbia and one affecting the shippers of the United States I attended the same committee that I presume the Senator who is addressing me attended.

Is there any finding as to this matter on the part of those qualified to know? I endeavored to ascertain that fact on one or two occasions, when those witnesses present could not tell——

Mr. DIAL. Let us have order, Mr. President.

The VICE PRESIDENT. The Senate will be in order.

Mr. STANLEY. Is there any finding on the part of any disinterested engineer or expert in the management of these facilities that upon the combination or consolidation of the power plant and of the two systems they can be operated at a profit charging 5 cents, without any regional arrangement or any division of fares for long hauls, or anything of that kind? I know that if there is one man in the Senate who is removed as far as the heavens from the earth from any attempt to support a merely popular thing, without regard to its justice——

Mr. McNARY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. McNARY. The Senator from South Carolina obtained the floor about 15 minutes ago, and in that time has farmed it out to other Senators. I make the point of order that for that reason the Senator from South Carolina has lost the floor.

Mr. McKELLAR. Can we not have a vote?

Mr. STANLEY. Mr. President, I hope that if he has lost the floor, I have found it.

Mr. FRELINGHUYSEN. The Senator has not been recognized.

Mr. DIAL. I am glad to give up the floor. I have been trying to give it up for 10 minutes.

The VICE PRESIDENT. The Chair holds that the point of order is well taken.

Mr. McNARY. I think I have obtained the floor by that fact. Am I recognized?

The VICE PRESIDENT. The Chair will recognize the Senator from Oregon.

Mr. McNARY. It is evident to most of us that we can not regulate the street railway fares on the floor of the Senate.

There are many important bills on the calendar, and we have lost almost two hours this morning. I have a bill in mind now—the filled milk bill—which should receive the attention of this body, and in order to clear the way I move to lay the amendment offered by the Senator from Tennessee on the table.

Mr. McKELLAR. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. McKELLAR. A vote having been asked and the yeas and nays having been ordered——

Mr. LODGE. That makes no difference.

Mr. McKELLAR. I am asking the Chair what the parliamentary situation is. Under those circumstances, can a motion to lay on the table be entertained?

The VICE PRESIDENT. The Chair understands it can be entertained, notwithstanding that the yeas and nays were ordered.

Mr. LODGE. The motion to lay on the table is not debatable.

Mr. PITTMAN. What is the ruling of the Chair?

The VICE PRESIDENT. The question is on agreeing to the motion to lay the amendment on the table.

Mr. PITTMAN. Was not a point of order made against that?

Mr. LODGE. The Chair overruled the point of order.

Mr. STANLEY. Mr. President——

The VICE PRESIDENT. The question is on agreeing to the motion to lay on the table.

Mr. PITTMAN. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. PITTMAN. Has the Chair sustained the point of order made against the Senator from Kentucky speaking?

The VICE PRESIDENT. The Senator from South Carolina stated that he relinquished the floor. The Chair then recognized the Senator from Oregon.

Mr. PITTMAN. Of course, it may be too late to appeal from the ruling of the Chair, but I think the RECORD will show that when the Senator from Kentucky was speaking the Senator from South Carolina said, "I yield the floor," and the Senator *from Kentucky continued* to speak.

The VICE PRESIDENT. Of course, if the Senator from South Carolina said he yielded the floor, it was then the province of the Chair to recognize some one, and the Chair recognized the Senator from Oregon.

Mr. PITTMAN. While the Senator from Kentucky was speaking?

The VICE PRESIDENT. He was not speaking at that time.

Mr. STANLEY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. STANLEY. I have had only about twenty years' experience in this body and the other, and this is the first time in an orderly debate I have ever seen a Senator or a Member taken off his feet in the midst of a discussion by one who asked to be recognized while he was talking, unless he was out of order, and was so advised. If that is the rule, I want to know it.

Mr. FRELINGHUYSEN. I call for the regular order.

The VICE PRESIDENT. The question is on agreeing to the motion to lay on the table the amendment proposed by the Senator from Tennessee.

Mr. McKELLAR. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). I have a general pair with the senior Senator from New Mexico [Mr. JONES]. In his absence, I withhold my vote.

Mr. OWEN (when his name was called). Transferring my pair with the Senator from New Jersey [Mr. EDGE] to the senior Senator from Missouri [Mr. REED]. I vote "nay."

The roll call was concluded.

Mr. MOSES (after having voted in the affirmative). I transfer my pair with the junior Senator from Louisiana [Mr. BROUSSARD] to the senior Senator from New York [Mr. WADSWORTH] and will allow my vote to stand.

The result was announced—yeas 37, nays 36, as follows:

YEAS—37.

Ball	Hale	McNary	Spencer
Bayard	Harreld	Moses	Sterling
Calder	Jones, Wash.	New	Townsend
Cameron	Kellogg	Norbeck	Warren
Colt	Ladd	Oddie	Watson
Cummins	Lenroot	Phipps	Weller
Curtis	Lodge	Poindexter	Willis
Ernst	McCumber	Pomerene	
France	McKinley	Reed, Pa.	
Frelinghuysen	McLean	Smoot	

NAYS—36.

Ashurst	George	La Follette	Shields
Borah	Gerry	McKellar	Smith
Brookhart	Glass	Norris	Stanley
Capper	Harris	Overman	Sutherland
Caraway	Harrison	Owen	Swanson
Couzens	Heflin	Pittman	Trammell
Culberson	Hitchcock	Ransdell	Underwood
Dial	Johnson	Robinson	Walsh, Mont.
Fletcher	King	Sheppard	Williams

NOT VOTING—23.

Brandegee	Fernald	Myers	Shortridge
Broussard	Gooding	Nelson	Simmons
Bursum	Jones, N. Mex.	Nicholson	Stanfield
Dillingham	Kendrick	Page	Wadsworth
Edge	Keyes	Pepper	Walsh, Mass.
Elkins	McCormick	Reed, Mo.	

So Mr. McKELLAR's amendment was laid on the table.

The PRESIDING OFFICER (Mr. McCUMBER in the chair). The hour of 1 o'clock having arrived, the bill which has been under consideration will go to the calendar, and the Chair lays before the Senate the unfinished business, which will be stated.

The ASSISTANT SECRETARY. A bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes.

Mr. ASHURST. Mr. President——

Mr. JONES of Washington. Mr. President, will the Senator from Arizona yield to me a moment to submit a request?

Mr. ASHURST. I yield with the understanding that it will not lead to long debate.

Mr. JONES of Washington. I ask unanimous consent that when the Senate closes its business to-day it recess until 11 o'clock Monday morning.

Mr. ROBINSON. Mr. President, will the Senator indicate about what time he expects to close the session this afternoon?

Mr. JONES of Washington. I would like to run until at least 5 o'clock to-day.

Mr. SWANSON. I object to the request for a recess. Monday is calendar day, and there are a great many bills on the calendar which ought to be considered.

The PRESIDING OFFICER. Objection is made.

Mr. JONES of Washington. I did not desire to ask Senators to remain here this afternoon. I had hoped to avoid that, because I want to recess when we do quit the work to-day. I shall now have to ask Senators to remain, and we will take a recess by motion.

Mr. SWANSON. We ought to have a morning hour on Monday.

Mr. ASHURST. Mr. President, I must decline to yield further. I claim the floor in my own right.

Mr. JONES of Washington. Of course; we had a morning hour this morning, and it was wasted.

The PRESIDING OFFICER. The Senator from Arizona declines to yield further, and will proceed.

Mr. ASHURST. Mr. President, the words I used a few moments ago are deemed offensive by my friend the Senator from Tennessee [Mr. McKELLAR]. I am not the kind of man to use words of an offensive nature in public and then whisper an apology in the ear of the person offended. If I use words in public that seem offensive, my apology is made in public. I now ask leave to withdraw the language deemed to be offensive. We were given a morning hour and it is irritating to have the entire hour consumed by one bill. That was the reason why I spoke with vehemence, but I assure my good friend from Tennessee I meant no reflection, and I hope he will accept what I now say.

Mr. ROBINSON. Mr. President, will the Senator suspend just a moment and yield to me?

Mr. ASHURST. Cheerfully, provided I do not lose the floor.

CONSIDERATION OF CALENDAR ON MONDAY.

Mr. ROBINSON. I think the calendar ought to be considered. I was just about to propose that when the Senate conclude its business to-day, it adjourn with the understanding or agreement that during the morning hour Monday unobjected bills on the calendar shall be considered. There is good reason for that. It is about the last opportunity the Senate will have to pass over to the body at the other end of the Capitol its bills which have not yet been disposed of by this body and to consider House bills for action during the present session of Congress. An agreement to consider only unobjected bills under Rule VIII would enable Senators to avoid the consumption of the entire morning hour in the consideration of one or two bills. It would afford the Senate an opportunity to transact such business on the calendar as it desired to transact. I myself would not urge an adjournment to-day but for that consideration.

Mr. JONES of Washington. I will say to the Senator that if we may adjourn until 10 o'clock Monday morning I would be willing to do that.

Mr. ROBINSON. I hear about me declarations that there are a number of committee meetings called for Monday morning. I myself have one.

Mr. JONES of Washington. The Senator knows the situation.

Mr. ROBINSON. Yes; I understand.

Mr. JONES of Washington. I am willing to adjourn until 10 o'clock Monday morning.

Mr. ROBINSON. I think the Senator ought to be content with adjournment until 11 o'clock Monday in view of the fact that committee meetings have already been called.

Mr. JONES of Washington. We have now, I think, far more important business before us than committee meetings at this time.

Mr. ROBINSON. I ask unanimous consent, with the indulgence of the Senator from Arizona——

Mr. ASHURST. I yield with the understanding that I do not lose the floor.

Mr. ROBINSON. I ask unanimous consent that when the Senate concludes its business to-day it adjourn until 11 o'clock Monday morning, and that during the morning hour only unobjected bills on the calendar shall be considered under Rule VIII.

Mr. JONES of Washington. If that is amended to make it 10 o'clock I shall not object.

Mr. ROBINSON. As it is now the practice of the Senate to meet at 11 o'clock, I feel certain that if we should meet at 10 o'clock perhaps half of the hour between 10 o'clock and 11 o'clock would be consumed in getting the attendance of a quorum. I do not think anything would be accomplished by meeting at 10 o'clock. The time would be consumed in procuring the attendance of a quorum rather than in the disposition of business on the calendar. I think every Senator realizes that that is true. In view of that situation, I am unwilling to modify my request for unanimous consent.

Mr. JONES of Washington. Several Senators on this side of the aisle have urged that we adjourn until 11 o'clock. Of course I know that it makes a difference of only an hour, and I am willing to do that.

Mr. LODGE. The understanding is that only unobjected bills are to be considered?

Mr. ROBINSON. Yes; that is the proposed agreement.

Mr. LODGE. That is what I understood the agreement to be, because in any other way it would be a waste of time.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request presented by the Senator from Arkansas? The Chair hears none, and it is so ordered.

The agreement was reduced to writing, as follows:

UNANIMOUS-CONSENT AGREEMENT.

It is agreed by unanimous consent that when the Senate concludes its business for this day it will adjourn to meet at 11 o'clock a. m., Monday, February 19, 1923, and that during the morning hour on Monday the Senate will consider unobjected bills upon the calendar under Rule VIII.

Mr. JONES of Washington. Mr. President, will the Senator from Arizona yield to me to give a notice?

Mr. ASHURST. Certainly.

Mr. JONES of Washington. I desire to give notice to the Senate that I expect to hold the Senate in night session Monday night and every night thereafter until the bill is disposed of or we reach some agreement. I hope we may be able to avoid night sessions, but that notice I give and I expect to stand up to it as long as the majority of the Senate will stand behind me.

Mr. SWANSON. May I ask the Senator from Washington how late he expects to remain in session each night?

Mr. JONES of Washington. Oh, we may remain in session all night. How late we sit will depend upon the progress we make with the bill.

ROAD IN FORT APACHE INDIAN RESERVATION, ARIZ.

Mr. ASHURST. Now, Mr. President, I ask unanimous consent for the present consideration of a bill, and I will make as brief a statement of the object of the bill as may be.

Mr. JONES of Washington. I can not yield for that purpose. If the Senator——

Mr. ASHURST. I have the floor, and I hope the Senator from Washington will allow me to state my request.

Mr. LODGE. But the Senator from Arizona is making a request for unanimous consent, and objection may be interposed.

Mr. ASHURST. But I have not yet stated my request for unanimous consent.

Mr. JONES of Washington. If it appears from its reading that the bill for which the Senator desires consideration may be passed without any discussion, I shall not object. I merely wish to make that suggestion.

Mr. ASHURST. I should be grievously disappointed if the Senator from Washington after my short statement should object to the present consideration of the bill.

Mr. JONES of Washington. But I do not want even a short statement. If I yield to the Senator from Arizona, I shall then have to yield to other Senators.

Mr. ASHURST. But Senators should not be called on to vote on the bill until they know what it is.

Mr. JONES of Washington. I hope the Senator from Arizona in the interest of his bill will merely have it read.

Mr. ASHURST. Indeed, I can make my statement briefer than the reading of the bill.

During the time the bill making appropriations for the Interior Department was under consideration I offered an amendment to that bill proposing to appropriate $15,000 from the funds of certain Indians in Arizona for the construction of a road which is wholly and solely within an Indian reservation in northeastern Arizona. There are over 2,000 of those Indians. Their property is worth about $3,000,000 and their income is about $75,000 from the sale of matured timber. A county, the poorest in our State, has bonded itself for over $200,000 to build the road and has set apart $15,000 to build the road in the Indian reservation.

The Senator from Utah [Mr. SMOOT] objected to the amendment which I offered to the appropriation bill, but stated that if I would prepare a separate bill he should have no objection to that. Such a bill has passed the House of Representatives, has been reported favorably from the Committee on Indian Affairs of the Senate, and is now on the calendar.

It proposes to appropriate $15,000 of the funds of the Fort Apache Indians to construct the road, which, as I have stated, is wholly on their reservation. I ask that the report on the bill may be included in the RECORD.

There being no objection, the report (No. 1144) submitted by Mr. ASHURST on February 14, 1923, was ordered to be printed in the RECORD, as follows:

[Report to accompany H. R. 13128.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 13128) authorizing an appropriation for the construction of a road within the Fort Apache Indian Reservation, Ariz., having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts relating to the bill are fully set forth in House Report No. 1380, Sixty-seventh Congress, fourth session, which is appended hereto and made a part of this report.

[House Report No. 1380. Sixty-seventh Congress, second session.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 13128) authorizing an appropriation for the construction of a road within the Fort Apache Indian Reservation, Ariz., having considered the same, report the bill back to the House with a recommendation that it do pass.

The bill was referred to the Department of the Interior for report, and in the following letter the Secretary recommends its enactment:

DEPARTMENT OF THE INTERIOR,
Washington, January 9, 1923.

Hon. HOMER P. SNYDER,
Chairman Committee on Indian Affairs, House of Representatives.

MY DEAR MR. SNYDER: This will refer further to your letter of December 5, 1922, transmitting for report and recommendation a copy of H. R. 13128, proposing to authorize an appropriation of $15,000 from the tribal funds of the Fort Apache Indians to pay one half the cost of constructing a road between Cooley and the northeastern boundary of the reservation, contingent upon payment by the county of the other half. I recommend that the proposed bill receive the favorable consideration of your committee and of Congress.

This reservation comprises over 1,000,000 acres of land inhabited by 2,552 Indians. It is estimated that the timber on the reservation is worth approximately $3,000,000. A contract has been made to cut the timber on the reservation, which will very likely bring in over $100,000 annually for a number of years. The amount now to the credit of the tribe from this source is about $79,000 in excess of the sum required for support and civilization during the current fiscal year.

I fully realize the necessity of better roads on this reservation as one of the most important factors in the progress of the Indians and am, of course, willing to cooperate with the local people along this line to the greatest practicable extent so far as available funds will permit consistent with the welfare and interest of the Indians.

The road in question is to take the place of an old, unimproved road connecting Cooley with Springerville and other parts of Apache County off the reservation, and will be about 20 miles in length. While this particular road is not the one most needed by the Indians now, from the standpoint of the actual use they will make of it, in view of the fact that, as I understand, Apache County has already voted $15,000 to pay its half of the cost I am inclined to favor the proposed appropriation from tribal funds as being justified by the indirect benefit the road will be to the Indians by opening up that part of the reservation, and to show our willingness to meet the local people halfway in such matters.

Sincerely, ALBERT B. FALL, *Secretary.*

The following letter from the chairman of the board of supervisors of Apache County, Ariz., shows that $15,000 has been set aside by that county to match this appropriation if authorized to be made from the tribal funds of the Indians of the Fort Apache Reservation:

ST. JOHNS, ARIZ., *November 16, 1922.*

Hon. CARL HAYDEN,
House of Representatives, Washington, D. C.

DEAR SIR: Apache County, not having any highway to connect the town of Cooley, on the Apache Indian Reservation, with any part of the

county, has by bond issue raised $15,000 to apply on building a road from Cooley across the Apache Indian Reservation to connect with a highway to Eagar and Springerville.

The county is not financially situated to complete this highway, as it has reached the limit on issuing bonds.

As this road is of vital importance to this county and the Indians on the reservation as well, opening up their country a distance of 20 miles—and, besides, this road will connect with the road from Cooley to the White River Indian Agency, enabling that agency to procure what produce it needs which is raised here—we therefore respectfully request you to use your best efforts in securing for this road a sum amounting to at least as much as we are expending, to wit, $15,000, in order to build a graded road.

I remain, respectfully yours, JOS. UDALL,
Chairman Board of Supervisors of Apache County.

Mr. LENROOT. Mr. President, will the Senator from Arizona yield to me?

Mr. ASHURST. I yield.

Mr. LENROOT. Is the sum proposed to be appropriated reimbursable?

Mr. ASHURST. It is to come out of the funds of the Indians.

Mr. LENROOT. It is to come out of their own funds?

Mr. ASHURST. Yes. The bill reads as follows:

Be it enacted, etc., That there is hereby authorized an appropriation of $15,000 from any tribal funds on deposit in the Treasury to the credit of the Indians of the Fort Apache Indian Reservation, Ariz., to be immediately available, to pay one-half the cost of constructing a wagon road, within said reservation, between Cooley and the northeast boundary of said reservation: *Provided*, That no part of the appropriation herein authorized shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of the county of Apache, Ariz., satisfactory guarantees of the payment by said county of one-half of the cost of the construction of said road.

Mr. LENROOT. That is satisfactory to me.

Mr. JONES of Washington. I think the Senator from Arizona may have his bill passed if he does not proceed further.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. JONES of Washington. With the understanding that the bill will not lead to further debate, I shall not object to its consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13128) authorizing an appropriation for the construction of a road within the Fort Apache Indian Reservation, Ariz.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID C. VAN VOORHIS.

Mr. POMERENE. I ask unanimous consent for the present consideration of the bill (S. 4071) for the relief of David C. Van Voorhis. I do not think there will be any discussion of the bill at all.

Mr. JONES of Washington. If there is no discussion of the bill, I shall make no objection to its consideration.

Mr. POMERENE. If the Senate cares to hear a brief statement from me——

Mr. JONES of Washington. I suggest that the bill may be read.

Mr. POMERENE. Very well.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to David C. Van Voorhis, of Bowling Green, Ohio, out of any money in the Treasury not otherwise appropriated, the sum of $1,931.17, being the amount of war savings stamps lost by him while postmaster during the year 1918, without fault on his part, and which amount was thereafter by him paid to the Government out of his own funds.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. POMERENE. Mr. President, the report on the bill which has just passed was submitted by the senior Senator from Arkansas [Mr. ROBINSON]. In order that Senators and others who may be interested in the bill may know what the facts are in regard to the measure, I ask that the report on the bill be incorporated in the RECORD, without reading.

There being no objection, the report (No. 1126) submitted by Mr. ROBINSON on February 9, 1923, was ordered to be printed in the RECORD, as follows:

Report to accompany S. 4071.

The Committee on Claims, to whom was referred the bill (S. 4071) for the relief of David C. Van Voorhis, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The purpose of the bill is to reimburse David C. Van Voorhis, of Bowling Green, Ohio, the sum of $1,931.17, being the amount of war-savings stamps lost by him while postmaster during the year 1918, without fault on his part, and which amount was thereafter by him paid to the Government out of his own funds.

The facts are fully set forth in the following letter from the Post Office Department, which is appended hereto and made a part of this report:

POST OFFICE DEPARTMENT,
THIRD ASSISTANT POSTMASTER GENERAL,
Washington, December 18, 1920.

Hon. ATLEE POMERENE,
United States Senate, Washington, D. C.

MY DEAR SENATOR POMERENE: Referring to your personal call at the department in behalf of D. C. Van Voorhis, postmaster, Bowling Green, Ohio, the records show that the shortage in the 1918 war-stamp account at Bowling Green has been thoroughly investigated by the department under Case No. 54663–C.

The following is quoted from the report of the post-office inspector assigned to this investigation, which covers the salient points in connection with the shortage:

"In the personal investigation at Bowling Green the accounts and records of the office covering the 1918 transactions in war-savings and thrift stamps have been carefully examined and no information has been obtained therefrom which would account for any part of the alleged loss or shortage. The accounts have been properly kept and no attempt to alter or falsify them in any way has been made. It appears that this discrepancy in the account became apparent in September or October, 1918, and both the postmaster and assistant were aware of it, but were entirely unable to account for it or to find any errors in the account.

"Investigation at the office in question has also been made with a view to ascertaining whether or not the shortage was due to the dishonesty of any employee connected with the service or who had access to the war savings stamp supplies, but nothing has been disclosed by investigation to indicate that such is the case.

"The clerical force at this office is not large, and during 1918, when this shortage occurred, it consisted of John W. Brewer, assistant postmaster; Claren Crane, George A. Phillips, and Jessie Mitchell, clerks; with substitute clerk Harold Bates, who was appointed regular on August 16, 1918. The record and reputation of each of these employees have been examined, but there is apparently no reason to question the honesty of any one of them. The assistant postmaster and clerk Jessie Mitchell did most of the work in the money-order and registry room, where practically all of the financial work is handled and where the war savings and thrift stamp stocks were kept, but the other clerks, although assigned to the mailing section, had access to the financial section. So also did the janitors, but these are both men of good reputation and several years' service and have never been suspected of dishonesty.

"The post office at Bowling Green is of the second class, and from the installation of the central accounting system until March, 1920, it was the central accounting office for Wood County and the source of stamp supplies for 36 offices, of which 10 are presidential. The handling of the accounts, requisitions, etc., for the 36 offices entailed an enormous amount of work, practically all of which fell upon the assistant postmaster * * *.

"The handling of the war savings and thrift stamp transactions was, of course, in addition to the regular work, and during several months of the year 1918 was of such proportions that it could not be properly taken care of by the force at this office. During the months of August and September, 1918, a war savings stamp drive was put on by the State war savings committee, and the sales at the Bowling Green post office, including district requisitions, amounted to $242,199.65 for August and $102,786.15 for September, as against an average monthly sale of $35,567.49 for the other months of the year. While this amount of business might easily have been handled by the office had the individual sales been in large amounts and fewer in number, they were, in fact, small in amount and great in number and accordingly required a great deal of time and labor. The requisitions from district post offices, whose fixed credits were not large owing to their inability to give proper protection, were small and frequent and entailed a great deal of work. It is stated that, during the rush period, which extended over two months, the office was unable to make up daily cash balances and to check the transactions and stock in order to ascertain accurately how the account stood.

"The work during this period was so heavy and his duties so onerous that Assistant Postmaster John W. Brewer suffered a nervous breakdown and was absent from duty several weeks. He returned to work before he was really able to do so and the postmaster claims that he was entirely unable to perform his duties and for a time was obliged to leave the office daily after two or three hours' work. The postmaster endeavored to induce him to resign owing to his physical and mental condition, but he insisted that he was recovering and continued to fill the position until March 1, 1919, when he resigned.

"The postmaster does not suspect the dishonesty of any employee of the office and does not believe that the shortage is due to the theft of stamps or funds by anyone connected with the service. He is of the opinion that the discrepancy is the result of errors made over the counter in sales to the public or in the handling of requisitions for district offices, and that it is likely due to the nervous condition and disability of former Assistant Postmaster Brewer.

"The postmaster states that he reported to the department the condition of the assistant and requested that he be given authority to replace him, but that no action was taken in the matter. It appears, however, that some investigation of the matter was made by an inspector in October or November, 1918, and it is probable that the condition of the assistant postmaster at that time was not as serious as the postmaster thought it to be, and that it did not justify his displacement.

"It is more probable that this discrepancy in the war savings stamp account has occurred through errors or accidental loss of stamps during the period when the savings drive was at its peak and when the office, as a result thereof, was in a chaotic condition because of the unusual amount of work, which the force was unable to handle.

"An inspection of this office made on July 9, 1918, prior to the discrepancy in the account, disclosed that the office was in an unsatisfactory condition, due partly to the amount of work to be done and partly to lack of organization * * *.

"There never has been any question of Mr. Brewer's integrity * * *. His reputation and standing in the community in recent years appears to have been very good.

"Whether or not the loss was due to errors or incapacity on the part of the assistant postmaster can not at this time be determined, and Mr. Brewer, prior to his being adjudged insane, was entirely

unable to account for it, and he and the postmaster had known, searched for, and discussed the loss for some time before the close of 1918 accounts.

"Prior to his breakdown, Mr. Brewer had always been considered reasonably accurate in his work, although slow and without much ability to systematize. The postmaster * * * is without any particular training in the keeping of records and in financial transactions * * *. It is quite as probable, therefore, that the errors which caused this loss may have been made in part by the postmaster as well as the assistant or others. In any event, there is no evidence that the responsibility rests with the assistant to an extent which would justify a demand upon him or his sureties for the payment of the whole or any part of the shortage.

"In connection with this investigation the accounts and records of a number of the district offices of the county have been examined in connection with regular inspection of those offices in the hope that some questionable transaction between them and the central accounting office might be found which would furnish some clue to the alleged loss, but none has been found.

"If there was any way in which the postmaster could be given credit or be reimbursed for this loss it would seem to be an equitable thing to do, because, whatever the actual cause of this loss may have been, its greatest contributing factor was the unusual burden and responsibility placed upon him and his office force by the work of the central accounting system and the war savings and thrift stamp drives."

It appears from the letter of Mr. Van Voorhis to you, dated November 29, that he is of the opinion that in view of the fact that the former assistant postmaster, John W. Brewer, "had full charge of all accounts, including the war-saving stamp account in question," that he, as postmaster, should be relieved of responsibility for the financial affairs of his office. Obviously this view can not be accepted by the department unless the postmaster can actually fix responsibility for the shortage on the assistant postmaster to whom he had assigned the war savings account, and the postmaster admits that he is unable to fix the responsibility for this shortage on the former assistant postmaster, and the investigation made by the inspector assigned to the case confirms that fact.

The report shows that in so far as could be determined by the investigation made nothing has developed which indicates criminal negligence on the part of the postmaster or any of the employees connected with the Bowling Green office and the personal integrity and honesty of the postmaster and employees of the office are not involved. The only reflection is the lack of ability on the part of the postmaster to properly organize the work in his office in such a manner as to properly protect Government securities and to be able to fix responsibility for losses or shortages in case losses or shortages occurred.

The department is not unmindful of the great amount of extra work performed at the Bowling Green office in connection with the sale of war-savings and thrift stamps, and that the postmaster and other employees at the Bowling Green office cheerfully performed this extra work and assumed the heavy responsibility resulting from the sale of $700,660.72 in war-savings and thrift stamps during the calendar year 1918 without extra compensation, exhibiting a high degree of patriotic service to the country during the war. In view of this fact, in addition to the fact that a searching investigation fails to disclose any criminal responsibility on the part of any of the officers or employees connected with the Bowling Green office, it would be a pleasure to relieve the postmaster from accountability for the shortage, but unfortunately there is no provision of law whereby such relief can be granted by the Post Office Department.

A copy of this letter is inclosed for transmission to Postmaster Van Voorhis, if you wish to use it for that purpose, and the papers which you left at the department are returned as requested.

Yours very truly,

W. J. BARROWS,
Acting Third Assistant Postmaster General.

WILLIAM H. LEE.

Mr. OVERMAN. Mr. President, will the Senator from Washington yield to me for just a moment, in order that I may call up a bill, which I do not think will take any time?

Mr. JONES of Washington. Might not the Senator's bill be considered during the morning hour on next Monday, when we take up the calendar?

Mr. OVERMAN. The Senator from Washington has yielded to other Senators and why might he not also yield to me for this purpose?

Mr. JONES of Washington. Very well. Perhaps we shall consume less time by taking that course.

Mr. OVERMAN. I merely desire to make a brief statement.

Mr. JONES of Washington. I hope the Senator will merely ask that his bill may be read.

Mr. OVERMAN. Very well, I ask that the bill may be read. The bill has the indorsement of the Secretary of the Navy and of everyone else who has had anything to do with it.

The PRESIDING OFFICER (Mr. POINDEXTER in the chair). Is there objection to the present consideration of the bill?

Mr. KING. Let the bill be read, Mr. President.

The PRESIDING OFFICER. The Secretary will read the bill.

The bill (S. 3879) for the relief of William H. Lee, was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William H. Lee, lieutenant commander, United States Navy, out of any funds in the Treasury not otherwise appropriated, the sum of $828.29, said sum being the amount of restitution made by him out of his private funds for money stolen from his safe by a man serving under him, for which said officer was held responsible, while stationed as recruiting officer for the United States Navy in the city of San Francisco, Calif., on December 30, 1920.

Mr. JONES of Washington. If the bill leads to no discussion, I shall not object to its consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill which the Secretary has read?

Mr. KING. Mr. President, is there a unanimous report made on this bill, I will ask the Senator from North Carolina?

Mr. OVERMAN. Yes; the committee is unanimous in favor of the bill.

Mr. KING. I have very grave doubt about the wisdom of passing the bill, but, in deference to my very genial friend, I believe I shall not object.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate numbered 33 to the bill (H. R. 13481) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1924, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10003) to further amend and modify the war risk insurance act; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SWEET, Mr. GRAHAM of Illinois, and Mr. RAYBURN were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the concurrent resolution (S. Con. Res. 40) providing for the reenrollment of the bill (S. 2023) defining the crop failure in the production of wheat, rye, or oats by those who borrowed money from the Government of the United States for the purchase of wheat, rye, or oats for seed, and for other purposes, with amendments.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the Vice President:

S. 3721. An act providing for the erection of additional suitable and necessary buildings for the National Leper Home;

H. R. 369. An act for the relief of the owner of Old Dominion Pier A;

H. R. 7583. An act for the relief of Henry Peters;

H. R. 10529. An act for the relief of Harry E. Fiske;

H. R. 13351. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the Daughters of the American Revolution of the State of South Carolina the silver service which was used upon the battleship *South Carolina;*

H. R. 13926. An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1924, and for other purposes;

H. J. Res. 418. Joint resolution authorizing the use of public parks, reservations, and other public spaces in the District of Columbia; and the use of tents, cots, hospital appliances, flags, and other decorations, property of the United States, by the Almas Temple, Washington, D. C., 1923 Shrine Committee (Inc.), and for other purposes; and

H. J. Res. 440. Joint resolution to satisfy the award rendered against the United States by the arbitral tribunal established under the special agreement concluded June 30, 1921, between the United States of America and the Kingdom of Norway.

THE MERCHANT MARINE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes.

The PRESIDING OFFICER (Mr. FRELINGHUYSEN in the chair). The Secretary will state the next amendment of the Committee on Commerce.

The READING CLERK. On page 3, line 14, after the word "vessels," it is proposed to insert "operating on routes established by the board prior to the enactment of this act."

Mr. JONES of Washington. I move to amend the amendment by striking out the word "this" before the word "act" and inserting the word "such."

Mr. FLETCHER. Mr. President, let us see just exactly what is proposed to be done. The committee amendment is, in line 14, after the word "vessels," to insert the words "operating on routes established by the board prior to the enactment of this act." That is the amendment now under consideration. Now, what is it the Senator from Washington proposes?

Mr. JONES of Washington. Section 2 of the bill refers to section 7 of the act of 1920, under which the routes were established, but the word "such" should be employed in the proviso, because it refers to the pending bill.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The READING CLERK. In the committee amendment, on page 3, in line 14, before the word "act," it is proposed to strike out the word "this" and insert the word "such," so as to read:

operating on routes established by the board prior to the enactment of such act.

Mr. FLETCHER. I presume that relates to vessels operating at the present time, but I do not gather the entire purport of the amendment proposed by the Senator from Washington to the amendment.

Mr. JONES of Washington. The proviso refers to the act of 1923, while the whole section, as the Senator realizes, is an amendment to section 7 of the act of 1920 and becomes a part of the act of 1920. The word "such," proposed to be inserted, refers to the words "merchant marine act of 1922." Of course, the figures "1922" should be changed to "1923."

Mr. FLETCHER. Then, "1922" ought to be changed to "1923"?

Mr. JONES of Washington. Yes; I will offer that amendment.

Mr. FLETCHER. That is what I thought the Senator meant to cover. He intends to move to strike out "1922" and substitute "1923."

Mr. JONES of Washington. Yes; that will be done.

Mr. FLETCHER. And now the Senator proposes to strike out the word "this" and insert the word "such."

Mr. JONES of Washington. Yes.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Washington to the amendment reported by the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. JONES of Washington. Now, I move to strike out, on line 14, "1922" and in lieu thereof to insert "1923."

The amendment was agreed to.

The next amendment of the Committee on Commerce was, on page 3, section 2, line 16, after the word "who," to insert the words "in the judgment of the board," so as to make the proviso read:

Provided further, That the board shall not for the period of two years after the enactment of the merchant marine act, 1923, sell vessels operating on routes established by the board prior to the enactment of such act to persons other than those who in the judgment of the board have the support, financial and otherwise, of the domestic communities primarily interested in such lines.

The amendment was agreed to.

The next amendment was, on page 3, line 24, after the word "sales," to insert the words "and its assignment," so as to read:

(b) Such section is further amended by adding at the end thereof a new paragraph to read as follows:

"It is hereby declared to be the policy of Congress to discourage monopoly in the American merchant marine, and, in pursuance of this policy, the board is directed, in the development of its sales and its assignment policy, to continue as far as possible and practicable, subject to the provisions of this section, all existing steamship routes and regular services, and to endeavor in every way to bring about the permanent establishment of such routes and services, and their retention, as far as possible, in the hands of persons having the support, financial and otherwise, of the domestic communities primarily interested in such routes and services.

The amendment was agreed to.

The next amendment was, on page 7, line 8, after the word "appliances," to insert the following proviso:

Provided, That this section shall not apply to the construction or equipment of vessels by corporations of individuals primarily for the purpose of transporting their own products.

Mr. JONES of Washington. I desire to offer an amendment in lieu of that amendment. In lieu of the words proposed to be inserted, I move to insert the words found on page 8, beginning in line 14, of the bill as it was ordered reprinted last evening.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The READING CLERK. In lieu of the amendment appearing on page 7, lines 9 to 11 inclusive, it is proposed to insert a comma, and the words:

Except that no loan shall be made under this section to any person for use in the construction or equipment of a vessel to be operated primarily for the transportation of the property of the borrower or of any person affiliated with him within the meaning of subdivision (c) of section 409 of the merchant marine act, 1928.

Mr. FLETCHER. I think that is a very great improvement over the proposal now contained in the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Washington to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. OWEN. Mr. President, I observe on page 72 of the bill, in section 711, the following provision:

SEC. 711. If any provision of this act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the act and of the application thereof to other persons and circumstances shall not be affected thereby.

As I understand, it is intended to provide that the courts may set aside any part of this act which they think may be unconstitutional. Is that the idea?

Mr. JONES of Washington. I think that is the idea. I had not noticed that particular language. We usually have a provision like that referring to the unconstitutionality of any provision of a proposed act. I really had supposed that it related only to unconstitutionality, but I see that it is broader than that.

Mr. OWEN. It is broader than unconstitutionality; it covers validity.

Mr. JONES of Washington. I can hardly conceive, however, of a basis for holding a portion of the act invalid except upon the ground of unconstitutionality.

Mr. OWEN. It might be held invalid on the ground of public policy.

Mr. JONES of Washington. That would go ultimately to the unconstitutionality of the provision.

Mr. OWEN. It might be against public policy and not be unconstitutional.

Mr. JONES of Washington. I do not believe the court could hold a provision against public policy unless it based its opinion upon some provision of the Constitution.

Mr. OWEN. I think there have been cases where the court has determined questions of public policy.

Mr. JONES of Washington. I should have no objection, if the Senator would like to have the provision refer particularly to unconstitutionality, to having such language put in.

Mr. OWEN. I object to Congress itself inviting the courts in this way to declare that acts of Congress may be declared invalid in part or that they may be declared unconstitutional in part. I do not think the Congress ought to yield that right.

Mr. JONES of Washington. I suggest that the Senator offer any amendment that he may desire when we reach that provision.

Mr. OWEN. I will offer an amendment right now. In all events I want to make some remarks upon it, because I regard this as a very objectionable feature of this bill.

Mr. JONES of Washington. As far as offering an amendment is concerned, I should be glad if the Senator would wait until we reach that.

Mr. OWEN. I will offer the amendment at that time, but I wish now to call the attention of the Senate to it.

As the Senator from Washington very properly said, it has been not infrequently the case that Congress has put an amendment or a provision in a bill by which the bill was to be affected only in such part as the Supreme Court should hold unconstitutional. That has been done in a number of instances. In effect, it is an abdication by the Congress of the United States of its right to pass upon, and finally pass upon, the constitutionality of the acts passed by Congress. I do not think Congress has any constitutional right to abdicate its powers. In my judgment, it is a violation of the Constitution of the United States for the Congress of the United States to abdicate its right to determine the constitutionality of its own acts.

The Congress of the United States is composed of Representatives directly chosen from the people of the United States—in the House of Representatives every two years, and one-third of the Senate approximately every two years. They send these Representatives to represent them on the floor of Congress under the powers of the Constitution of the United States, and they have a right to expect of them that they will discharge their full duty under the Constitution.

The Constitution of the United States does not give to any court—district court, circuit court, or Supreme Court—the right to pass upon and declare unconstitutional the acts of the sovereign assembly of this Nation. I know perfectly well that all the law schools—the big law schools and little law schools—have taught the boys, all the boys, who go to law school that the Supreme Court has the right to nullify acts of Congress and set them aside; and it is not unnatural, it is to be expected, that the law schools should teach the boys who study law that this is the law. I deny that it is the law, however, and I deny the right of Congress to abdicate its powers and duties to

the people of the United States and permit its laws to be nullified by any court; and I want to present to this RECORD the reasons why I take that position. I say it is in effect an abdication by Congress of its own powers. This power of Congress in this matter has been passed upon on various occasions by the Supreme Court of the United States. I want to call the attention of the Senate to a few of these decisions.

In Wiscart against Dauchey, in 1796, a long time ago, and in Durousseau *v.* United States (6 Cranch, 307), in 1810, I wish to call the attention of the Senate to what the Supreme Court says in regard to the power of Congress. This latter was an opinion delivered by Chief Justice John Marshall.

In discussing the right of the court to pass upon the matter before the court in that case, the judge said:

> The force of this argument is perceived and admitted. Had the judicial act created the Supreme Court without defining or limiting its jurisdiction it must have been considered as possessing all the jurisdiction which the Constitution assigns to it. The legislature would have exercised the power it possessed of creating a Supreme Court as ordained by the Constitution; and, in omitting to exercise the right of excepting from its constitutional powers, would have necessarily left those powers undiminished. The appellate powers of this court are not given by the judicial act. They are given by the Constitution. But they are limited and regulated by the judicial act and by such other acts as have been passed on the subject.
>
> When the first legislature of the Union proceeded to carry the third article of the Constitution into effect, they must be understood as intending to execute the power they possessed of making exceptions to the appellate jurisdiction of the Supreme Court. They have not, indeed, made these exceptions in express terms. They have not declared that the appellate power of the court shall not extend to certain cases; but they have described affirmatively its jurisdiction, and this affirmative description has been understood to imply a negative on the exercise of such appellate power as is not comprehended within it.

In other words, John Marshall declared that the Congress of the United States even by giving affirmatively certain appellate powers to the Supreme Court must be construed as withholding those powers not expressly granted by the judiciary act, and Senators and Members of Congress apparently forget what the powers of the Congress of the United States really amount to.

It will be recalled by every Senator that the Constitution provides that Congress may make such exceptions and impose such regulations as to the jurisdiction of the Supreme Court as it sees fit. I wish to read the language of that section of the Constitution.

Article III, section 1, declaring the judicial power of the United States, says:

> The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.
>
> SEC. 2. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States; and between a State, or the citizens thereof, and foreign States, citizens, or subjects.

And then it says:

> In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress may make.

When Congress voluntarily puts in an act a provision such as section 711 of this bill, practically inviting the court to pass upon the validity of any part of this measure, it is failing to make the exception which the public policy of this Republic requires.

I am not willing to see the Senate of the United States abdicate its constitutional powers. Section 711 should provide——

Mr. JONES of Washington. Mr. President, if the Senator will yield, I am perfectly willing to have the whole section stricken out.

Mr. OWEN. I wish now to discuss this matter. It is in the bill. It has been in bills here repeatedly, and I am no longer willing to have this kind of legislation passed without protest so long as I am a Member of this body.

Congress has no right to abdicate its duty to pass finally upon the constitutionality of the acts passed by the Congress itself. There should be put into this statute a provision that no appeal shall be permitted in any case in which the constitutionality of this act or of any other act of Congress is challenged, the passage by Congress of any act being deemed conclusive presumption of the constitutionality of such act. Any Federal judge who declares any act passed by the Congress of the United States to be unconstitutional should be declared to be guilty of violating the constitutional requirement of "good behavior," upon which his tenure of office rests, and he should be held by such decision ipso facto to have yielded his office, and the President of the United States should be authorized to nominate a successor to fill the position vacated by such judicial officer.

I pointed out the case just called to the attention of the Senate, and there are a number of others of like purport and effect: The case of United States *v.* Gorden (7 Cranch 287); of Daniels *v.* The Chicago, Rock Island & Pacific Railroad (3 Wallace 250); in re McCardle (7 Wallace 510); National Exchange Bank *v.* Peters (144 U. S. 570); of Col. C. C. M. *v.* Turck (150 U. S. 138).

The abstract in the McCardle case is as follows:

> 1. The appellate jurisdiction of this court is conferred by the Constitution, and not derived from acts of Congress; but is conferred "with such exceptions, and under such regulations, as Congress may make"; and, therefore, acts of Congress affirming such jurisdiction have always been construed as excepting from it all cases not expressly described and provided for.
>
> 2. When, therefore, Congress enacts that this court shall have appellate jurisdiction over final decisions of the circuit courts in certain cases the act operates as a negation or exception of such jurisdiction in other cases, and the repeal of the act necessarily negatives jurisdiction under it of these cases also.
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> 3. The repeal of such an act, pending an appeal provided for by it, is not an exercise of judicial power by the legislature, no matter whether the repeal takes effect before or after argument of the appeal.
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> 4. The act of 27th of March, 1868, repealing that provision of the act of 5th of February, 1867, to amend the judicial act of 1789, which authorized appeals to this court from the decisions of circuit courts in cases of habeas corpus, does not except from the appellate jurisdiction of this court any cases but appeals under the act of 1867. It does not affect the appellate jurisdiction which was previously exercised in cases of habeas corpus.

Mr. President, there are so many lawyers, there are so many men who have been trained as lawyers, so many men who have gotten their degrees from law schools, who regard it as an act of lese majeste to question the right of the Supreme Court of the United States to declare unconstitutional and void any act of Congress they may see fit, that I think it is worth while to emphasize to the Senate the decision of the Supreme Court itself as to the powers of Congress over the jurisdiction of the Supreme Court, because it must always be remembered that the Supreme Court's jurisdiction in so far as ambassadors and public ministers are concerned is almost negligible in number and is entirely negligible in importance, because none of the great questions which have shaken this Republic to its foundation, passed upon by the Supreme Court, lie within the rule of that original jurisdiction of the Supreme Court under the Constitution.

The Chief Justice, delivering the opinion of the court in the case of Ex parte McCardle, said:

> The first question necessarily is that of jurisdiction, for if the act of March, 1868, takes away the jurisdiction defined by the act of February, 1867, it is useless, if not improper, to enter into any discussion of other questions. It is quite true, as was argued by the counsel for the petitioner, that the appellate jurisdiction of this country is not derived from acts of Congress. It is, strictly speaking, conferred by the Constitution, but it is conferred with such exceptions and under such regulations as Congress shall make.

That "but" and that phrase put into the Constitution of the United States, "with such exceptions and under such regulations as Congress shall make," makes it incumbent upon the Congress of the United States, makes it the duty of the Senate of the United States, not only not to pass such legislation as is found in this bill, page 73, section 711, but if anything is put in, to put in the contrary expression, that this act shall not be declared invalid, in whole or in part, by the judiciary. The judiciary is not the law making power of this Republic. Their function is to interpret the laws which have been passed by the Congress of the United States, and interpret the laws in accordance with the meaning of the Congress of the United States, and before I shall conclude I am going to call the attention of the Senate to some of the most disastrous decisions made by the Supreme Court in the past, and the effect upon this Republic.

The Chief Justice, continuing, said:

> It is necessary to consider whether, if Congress had made no exceptions and no regulations, this court might not have exercised general appellate jurisdiction under rules prescribed by itself. For among the earliest acts of the First Congress, at its first session, was the act of September 24, 1789, to establish the judicial courts of the United States. That act provided for the organization of this court and prescribed regulations for the exercise of its jurisdiction.
>
> The source of that jurisdiction and the limitations of it by the Constitution and by statute have been on several occasions subjects of consideration here. In the case of Durosseau against The United States, particularly, the whole matter was carefully examined, and the court held that while "the appellate powers of this court are not given by the judicial act but are given by the Constitution," they are nevertheless "limited and regulated by that act and by such other acts as have been passed on the subject." The court said, further, that the judicial act was an exercise of the power given by the Constitution to Congress "of

making exceptions to the appellate jurisdiction of the Supreme Court." "They have described affirmatively," said the court, "its jurisdiction, and this affirmative description has been understood to imply a negation of the exercise of such appellate power as is not comprehended within it."

The Supreme Court has been tender in the exercise of the jurisdiction granted by the Congress of the United States. I have the greatest respect for that court, and nothing I shall say or that I have said can ever be regarded as showing any want of the highest regard and respect for that honorable body. There is no court in the world, I think, with a finer record than that court. That does not alter a particle what I am saying with regard to the duty of Congress to assume and to exercise the constitutional powers of Congress and not to abdicate those powers. *Congress has* in a way abdicated them. Over and over again they have abdicated them, and over and over again they have passed bills with just this kind of vicious provisions in them. Of course with Congress maintaining that attitude the Supreme Court is going to continue to exercise this jurisdiction. They would not think of doing so if the Congress of the United States would by proper means indicate to them the dissent of Congress to their exercising any such appellate jurisdiction.

The Chief Justice, continuing in the case of McArdle, said:

The principle that the affirmative appellate jurisdiction implies a negation of all such jurisdiction being affirmed, having been thus established, it was an almost necessary consequence that acts of Congress providing for the exercise of jurisdiction should come to be spoken of as acts granting jurisdiction.

I emphasize that language, "spoken of as acts granting jurisdiction, and not as acts making exceptions to the constitutional grant of it."

The Chief Justice, continuing, said:

The principle that the affirmation of appellate jurisdiction implies the negation of all such jurisdiction not affirmed having been thus established, it was an almost necessary consequence that acts of Congress, providing for the exercise of jurisdiction, should come to be spoken of as acts granting jurisdiction, and not as acts making exceptions to the constitutional grant of it.

The exception to appellate jurisdiction in the case before us, however, is not an inference from the affirmation of other appellate jurisdiction. It is made in terms. The provision of the act of 1867, affirming the appellate jurisdiction of this court in cases of habeas corpus is expressly repealed. It is hardly possible to imagine a plainer instance of positive exception.

We are not at liberty to inquire into the motives of the legislature. We can only examine into its power under the Constitution; and the power to make exceptions to the appellate jurisdiction of this court is given by express words.

What, then, is the effect of the repealing act upon the case before us? We can not doubt as to this. Without jurisdiction the court can not proceed at all in any cause. Jurisdiction is power to declare the law, and when it ceases to exist, the only function remaining to the court is that of announcing the fact and dismissing the cause. And this is not less clear upon authority than upon principle.

Several cases were cited by the counsel for the petitioner in support of the position that jurisdiction of this case is not affected by the repealing act. But none of them, in our judgment, afford any support to it. They are all cases of the exercise of judicial power by the legislature, or of legislative interference with courts in the exercising of continuing jurisdiction.

On the other hand, the general rule, supported by the best elementary writers, is, that "when an act of the legislature is repealed, it must be considered, except as to transactions past and closed, as if it never existed." And the effect of repealing acts upon suits under acts repealed, has been determined by the adjudications of this court. The subject was fully considered in Norris *v.* Crocker, and more recently in Insurance Co. *v.* Ritchie. In both of these cases it was held that no judgment could be rendered in a suit after the repeal of the act under which it was brought and prosecuted.

It is quite clear, therefore, that this court can not proceed to pronounce judgment in this case, for it has no longer jurisdiction of the appeal; and judicial duty is not less fitly performed by declining ungranted jurisdiction than in exercising firmly that which the Constitution and the laws confer.

Counsel seem to have supposed, if effect be given to the repealing act in question, that the whole appellate power of the court, in cases of habeas corpus, is denied. But this is an error. The act of 1868 does not except from that jurisdiction any cases but appeals from circuit courts under the act of 1867. It does not affect the jurisdiction which was previously exercised.

Now, in this case the Congress of the United States by an act withdrew from the Supreme Court of the United States the right to pass upon this particular line of habeas corpus cases. The Supreme Court very properly held that Congress has the right to make exceptions and to make regulations with regard to cases pending in the Supreme Court.

As I said, the law schools have been teaching thousands of boys to be lawyers, and have been teaching them that the Constitution established three coordinate, coequal branches of the Government. This is a fundamental error because there were established three coordinate, but not coequal, branches of the Government.

It is extremely important to realize the huge powers and duties of the Congress.

The sovereign law-making power of the people, so far as they have delegated such power, is vested expressly in Congress, using these the words of the Constitution:

to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof.

Congress by statute established a Supreme Court and the executive departments, and fixed their powers in accordance with the Constitution and in accordance with the power vested in Congress as the law-making power. Congress fixed the number of judges of the Supreme Court. It can add to that number now, or it can diminish the number by an act of Congress. Why, Mr. President, the Congress of the United States, if it desired, could double the number of judges in that court. It could increase the number of judges on that court from the present number to 20 or to 25 or to 48 or to 148. It could add to the number just as it sees fit, and could diminish the number just as it sees fit. To say that the Supreme Court has coequal power with the Congress of the United States is obviously preposterous.

It will be remembered in the legal tender case, when the legal tender act was declared unconstitutional by the Supreme Court, that President Grant put on two additional members of the court who thought that the legal tender act was constitutional and reversed the Supreme Court by that process.

The Supreme Court is not a coequal body with Congress and should not be so regarded. It has the highest dignity, the highest honor, and highest respect as a court, but no power to be compared with the powers of the Congress of the United States. Congress, of course, fixes the compensation of the judges of the Supreme Court, could increase the compensation, could diminish it, could make it very large, could make it very small. It has power over the living of the judges who serve in that capacity. I am speaking of power and only of power. I am challenging the claim that the Supreme Court is coequal with Congress.

Congress, through the Senate, confirms the justice of the Supreme Court before he can take his seat. It in this way creates him a justice. Congress can impeach the Supreme Court and remove the court from office. That court could not very well remove Congress from office.

I am speaking of power, relative power, the power given under the Constitution to the Congress of the United States as compared with the power given to the Supreme Court by the Constitution. The only power they were given under the Constitution was to have appellate power with such exceptions as Congress saw fit to make under such regulations as Congress saw fit to make, and the negligible original jurisdiction in cases where a State was involved or where ambassadors or foreign ministers were involved. I think there have only been about 25 such cases since the foundation of the Government. Congress under the Constitution was expressly charged with fixing the appellate jurisdiction of the Supreme Court, and the statutory jurisdiction is all the jurisdiction the court has worth mentioning. Take all their dockets and we would find not one case of original jurisdiction while we would find 500 cases under the appellate jurisdiction given by Congress, given by the Senate of the United States and the House of Representatives.

Congress has the duty imposed upon it under the Constitution to fix that appellate jurisdiction and make such exceptions and such regulations as Congress sees fit to make, and one of the exceptions which I insist shall be made is that the Supreme Court shall not nullify any part of any act passed by the Congress of the United States, and shall not declare any act unconstitutional and shall not assume to declare national policies. It is said that the Congress may make mistakes and therefore the mistakes should be rectified by the court. Yes; that is a possible suggestion. It might make mistakes. It is less apt to make mistakes than a smaller number of conscientious God-fearing men discharging their duty to the Republic.

In the only important differences that have ever arisen between the Congress of the United States and the Supreme Court, so far as I can recall at this moment, the Supreme Court was positively wrong and adopted a policy highly mischievous to the Republic, as in the case of the Dred Scott decision, which led immediately to the bloody Civil War of 1861–65; as in the legal tender case; as in the income tax case. I am talking of the power of Congress under the Constitution as contained in the Constitution, without modifying its meaning, without putting a strained interpretation upon it. I am talking of power alone. I shall talk presently of the duty of exercising that power and give reasons why I think the time has come to exercise it.

The Constitution, Article I, section 1, declares the full powers vested in Congress. I wish Senators would listen to these powers of Congress:

All legislative powers herein granted shall be vested in the Congress of the United States, which shall consist of a Senate and House of Representatives.

It gave the House of Representatives and the Senate power to impeach any officer of the United States, including judges.

It gave the Senate power to sit as a high court of impeachment over judges and all other Federal officials.

It gave the Senate the right to advise with the President of the United States and confirm the appointment of all officers of the United States, including judges.

It gave each House authority to determine its own membership and its own proceedings.

It exempted the Members of the Senate and the House from arrest by judges, except for treason, felony, or breach of the peace.

It provided that they should not be questioned in any place about any speech or debate in either House, not even by judges.

The Constitution gave Congress the power to lay and collect taxes, duties, imposts, and excises, to pay debts and pay for the common defense and general welfare of the United States.

To borrow money, and Congress has borrowed billions under this authority and power given by the Constitution of the United States.

To regulate commerce, and it has regulated commerce to the extent of hundreds of millions of dollars and it is regulating commerce now on a gigantic scale.

To establish a uniform rule of naturalization and uniform laws on the subject of bankruptcies.

To coin money, to regulate the value thereof and of foreign coins, and to fix the standard of weights and measures.

To punish counterfeiters; to establish post offices and post roads, and under that one single line the United States is expending approximately $400,000,000 a year right now.

To grant patents and copyrights. Over a million of such patents have been issued.

To constitute tribunals inferior to the Supreme Court.

To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations.

To declare war, grant letters of marque and reprisal, and to make rules concerning captures on land and water.

To raise and support armies. And under that one line of the Constitution the Congress of the United States on June 5, 1917, called to the colors 10,000,000 men.

I am talking about power as between the so-called coequal branches of this Government. The Supreme Court has no power but what Congress gives it in the appellate jurisdiction, affirmatively gives it under its own decisions which I have just read to the Senate. I am reading now the powers of Congress, which are gigantic and unlimited.

To provide and maintain a Navy.

To make rules for the government and regulation of the land and naval forces.

To provide for calling forth the militia to execute the laws of the Union, suppress insurrection, and repel invasions.

To provide for organizing and disciplining the militia and for governing such part of them as may be employed in the service of the United States.

To exercise authority over all places purchased by Congress, carrying into execution the foregoing powers and all other powers vested by the Constitution in the Government of the United States or in any department or officer thereof, including the judicial department.

The Constitution expressly provides that Congress shall not do certain things. For instance:

It forbade interference with the slave trade up to 1808.

It forbade the suspension of the writ of habeas corpus except where the public safety required it.

It forbade a bill of attainder or ex post facto law.

It forbade a capitation or other direct tax on the States unless in proportion to the census.

It forbade an export duty.

It forbade a preference to be given to the port of one State over another.

It forbade expenditure of money except by lawful appropriations.

It forbade titles of nobility.

And the people refused to ratify that Constitution until the Bill of Rights in the 10 amendments was agreed to be added to that Constitution and made a part of it. In that Bill of Rights were reserved the various rights of the people which Congress was charged with the duty of defending.

The first of those rights was freedom of religion. The gentlemen who first wrote the Constitution forgot to put that in, and it was added as an after matter.

Free speech and a free press. The gentlemen who wrote the Constitution forgot to put those provisions in. Thomas Jefferson and other men of his opinions demanded that they go in.

Free right of assembly.

Free right of petition for redress of grievances. The gentlemen who wrote that Constitution forgot to put those things in.

The right of the States to have troops.

The right of the people to keep and bear arms.

The right of the people to be free from the quartering of soldiers upon them.

Freedom from unlawful searches and seizures.

Freedom from arrest for crime except on indictment.

The right of life, liberty, and property not to be interfered with except by due process of law.

The right against taking private property for public use without just compensation.

The right to speedy public trial by an impartial jury.

The gentlemen who wrote the Constitution forgot to put all those things in, but when they went home and heard from the people it became evident that it was necessary to put these provisions in the Constitution, and afterwards all of these provisions were written into the bills of rights of the several 48 States. All of the States which succeeded the blending together of the first 13 States put in their bills of rights these great fundamental provisions of human rights. Those already recited and—

The right to be informed of the nature of the accusation against a citizen.

The right to be confronted with witnesses against a citizen.

The right of compulsory process for obtaining witnesses.

The right to have counsel in the defense of the rights of a citizen.

The right to a trial by jury.

The right against excessive bail, excessive fines, or cruel or unusual punishment.

These were the rights which were omitted and which, as I have said, were subsequently written into the Constitution in the first 10 amendments, and afterwards written into the bills of rights of the 48 States.

Those who opposed the idea of having the Congress of the United States declare finally the constitutionality of an act always go back and quote Alexander Hamilton and Gerry and men of that class who were among those who were active in writing the original Constitution without the 10 amendments; they were reactionaries; but, Mr. President, progressive Democrats, progressive Republicans, and progressive men everywhere throughout the world believe that the people ought to have the right to rule in their own country and that they ought not to be governed without their consent. The people took very good pains in the Constitution to require the entire House of Representatives and one-third of the Senate every two years to come before them and give an account of their stewardship and receive the approval of the people before they continue the duty of making laws for the people. Not only that, but the people kept in their own hands the sovereignty which was declared vested in them by the Bill of Rights in every one of the 48 States of the Union.

On the 31st of July, 1911, I put in the CONGRESSIONAL RECORD an extract from the constitutions of each of the 48 States on this very point, because at that time when the Standard Oil decision was rendered I made a demand for the control of the Federal judiciary and put in the RECORD then the power which the people of this country still retained over the State judiciary. The people kept control of Congress, and when Congress passes a law in pursuance of the Constitution the Congress itself declares that law to be the supreme law of the land and does not say that the law may be declared void by the judges. Unhappily, Congress not having in express terms forbidden this unwise practice, Congress may be fairly held to have acquiesced in it, and when it put in a law such a provision as section 711, on page 72 of the pending measure, which is a bill to amend and supplement the merchant marine act of 1920, Congress is again doing the very thing which I have for so long regarded as a bad—an unendurable—practice, and one which ought no longer to be supported.

Mr. President, the Constitution of the United States requires every Senator and every Representative in Congress to take a solemn oath to support faithfully and truly the Constitution of the United States. When on their oaths Members of the House of Representatives and of the United States Senate, with the approval of the President of the United States, pass an act, a conclusive presumption arises that the act is constitutional, and this presumption can only be overthrown by the disapproval of the people of the United States, who will return a new Congress to correct any unconstitutional or impolitic act of an expiring Congress.

Mr. President, I wish to call the attention of the Senate to the supremacy of the legislative powers of the legislative assemblies of other nations. No civilized nation permits the judges

on the bench to declare unconstitutional or void the acts of their parliaments. Great Britain, on February 6, 1700, declared that judges should hold their offices "while they behaved themselves well," subject alone to removal by resolution of Parliament. This control of the judges sufficed. That is what I proposed in 1911 for the United States. I thought the time had then come for that rule in the United States.

France does not permit the laws of her Parliament to be set aside by the French judges. No French judge would dare to declare an act of the French Parliament void or invalid in part, as this bill proposes to permit.

Italy in her written constitutional law provides that the judges shall not set aside an act of Parliament.

Austria does not permit judges to set aside an act of the Austrian Parliament.

Germany does not allow the judges of Germany to set aside an act of the Reichstag.

Belgium does not permit her judges to set aside the law of Belgium.

Denmark does not permit her judges to set aside the laws of the legislature of Denmark.

Australia does not permit it; New Zealand does not permit it.

I speak of these things because the civilized world which has considered government by the people has all agreed upon this doctrine, and there must be sound reason for this unanimous opinion of mankind. It is not an accident; it is written out of the blood and tears of centuries.

Why, Mr. President, the English nation over 200 years ago decided that no longer should judges set aside the laws of Parliament.

It is true that in the Constitutional Convention in 1788 several lawyers of distinction and privilege contended that the contemplated Supreme Court of the United States should have the right to declare acts of Congress unconstitutional. Daniel Webster, Oliver Ellsworth, John Marshall, and Alexander Hamilton made the argument, and they made it on behalf of the great property holders of their States, with a view to getting their support for the Constitution, because the Constitution needed friends at that time; but John Marshall, who spoke equally well on either side of the case, defended the Constitution against the charge of Patrick Henry that it would establish a judicial despotism by the following: I should like you to listen to John Marshall, because he is the patron saint of all the gentlemen who differ with me on this question.

Here is what John Marshall said:

> Congress is empowered to make exceptions to the appellate jurisdiction as to law and fact of the Supreme Court. These exceptions certainly go as far as the legislature may think proper for the interest and liberty of the people. (Elliott's Debates, vol. 3, p. 560.)

This was said in the Constitutional Convention that framed the Constitution of the United States, and will be found in Elliott's Debates, volume 3, page 560.

The plain truth is, the people of the American Colonies who lived under the English practice recognized as a fixed principle of government that the judiciary is subject to the legislative power of the people. The English law that I referred to a moment ago was to that effect, and that law was the law of the Colonies, which they perfectly well understood. It is true that Rhode Island did about this time pass an act which its supreme court declared unconstitutional. It is also true that the legislature put the court out of office for that reason.

It is true that two or three other States had a similar experience, and the court was rebuked by the people for its conduct in this matter; but in more recent years the bad practice of the Congress of the United States has led to an extension of this practice, more or less, in some of the States. The Legislature of New Hampshire removed its supreme court four times on the ground of policy.

On July 31, 1911, in Congress, and before the Bar Association of Oklahoma on the 23d day of December, 1911, I explained the extraordinary pains the people of the United States have taken to prevent the usurpation of their power by the judges.

Mr. President, 48 States have two ways of removing judges by impeachment, and either by a short tenure of office or by resolution of the legislature. Thirty-two States have three ways of removing judges. Thirty-two States may remove judges by resolution of the State legislature. Seven States have four ways of removing judges, viz, impeachment, legislative recall, short tenure of office, and popular recall.

They started the popular recall in Oregon, first, because of the gross aggression of the railroad interests and other private interests of the State, which had corrupted practically their whole government in the interest of property against the people. The recall was applied to all officials; no exception was made as to judges. The judges of that State now would compare favorably with those of any other State. They did the same thing in California recently for the same reason, when the present senior Senator from California [Mr. JOHNSON] was making his campaign for governor and winning overwhelmingly, when the chief issue was the recall of judges and on the slogan that "the Southern Pacific has got to go out of the governing business in California."

Forty-five States recall judges by a short tenure of office, and all the States—the 48 States—have the right of impeachment. No one ever hears any complaint of our State judiciary for the very reason the judiciary is in sympathy with the people and serves them acceptably.

The people are overwhelmingly opposed to the usurpation of legislative power by the Federal judiciary appointed for life.

Nobody knew better than John Marshall himself that the Supreme Court had no right to declare an act of Congress void under the Constitution, for in the case of Ware against Hilton John Marshall stated—and I ask you to listen to the patron saint of the opposition, Mr. Marshall. He said:

> The legislative authority of any country can only be restrained by its own municipal constitution; this is a principle that springs from the very nature of society, and the judicial authority can have no right to question the validity of a law unless such jurisdiction is expressly given by the constitution.

The word "municipal," of course, is used in this text in the broadest sense.

This is John Marshall. And nobody pretends that there is any express provision in the Constitution of the United States conferring any such authority.

The highest authority on English and American law has been Sir William Blackstone. He is the one that all law clerks, law schools, and law students swear by. Listen to Sir William. He says:

> When the main object of a statute is unreasonable the judges are not at liberty to reject it, for that were to set the judicial power above that of the legislature, which would be subversive of all government. (Blackstone's Commentaries, p. 85, sec. 3.)

Thomas Jefferson had a view full of apprehension after John Marshall came on the bench.

The Congress did not rebuke Marshall for the Marbury against Madison case, and Thomas Jefferson did not see the way clearly how to protect the country against that aggression, but this is what he said:

> It has been my opinion that the germ of dissolution of our Federal Government is in the constitution of the Federal judiciary, an irrepressible body working like gravity by day and by night, gaining a little to-day and a little to-morrow and advancing with a noiseless step like a thief over the field of jurisdiction, until all shall be usurped. (Federal Law Journal, vol. 66, p. 293.)

Evidently Jefferson did not observe the power of Congress to limit the appellate jurisdiction of the court. If he had, he would not have been afraid at all of the court. The country is in no danger from the Supreme Court or from any other court. The Constitution of the United States is all right. It was written all right. It only needs to be interpreted properly; it only needs to be exemplified and made to accomplish the ends for which it was intended.

Mr. President, Andrew Jackson is another authority to whom I want to call your attention. He said of John Marshall and one of his famous decisions:

> John Marshall has rendered his decision. Now let us see him enforce it.

That is what Jackson said, but I want to quote you the language of Jackson in the case of the Bank of United States. Jackson said this:

> It is maintained by the advocates of the bank that its unconstitutionality, in all its features, ought to be considered as settled by precedent and by the decision of the Supreme Court. To this conclusion I can not assent. * * * If the opinion of the Supreme Court covered the whole ground of this act, it ought not to control the coordinate authorities of this Government. The Congress, the Executive, and the court must each for itself be guided by its own opinions of the Constitution. Each public officer who takes an oath to support the Constitution swears that he will support it as he understands it and not as it is understood by others. It is as much the duty of the House of Representatives, of the Senate, and of the President to decide upon the constitutionality of any bills or resolutions which may be presented to them for passage or approval as it is of the Supreme Court, when it may be brought before them for judicial decision. The opinion of the judges has no more authority over Congress than the opinion of Congress has over the judges; and on that point the President is independent of both. The authority of the Supreme Court must not, therefore, be permitted to control the Congress or the Executive when acting in their legislative capacities, but to have only such influence as the force of their reasoning deserve. (Senate Journal, July, 1832, p. 451.)

President Jackson overlooked the fact that Congress has the power to impeach the President and the Supreme Court, and that Congress therefore exercised the sovereign lawmaking power of the people, but he states correctly that "the Supreme Court must not be permitted to control the Congress."

President Jackson overlooked the power of Congress to control the appellate jurisdiction of the Supreme Court, which would make it impossible for the Supreme Court to put itself in mischievous conflict with the sovereign lawmaking power of the Nation.

Abraham Lincoln resisted the Dred Scott decision and said that he would not oppose the decision as far as it related to the slave individually, and then he said these memorable words:

> But we, nevertheless, do oppose that decision as a political rule which shall be binding on the voter to vote for nobody who thinks it wrong; which shall be binding on the Members of Congress or the President to favor no measure that does not actually concur with the principles of that decision. * * * We propose so resisting it as to have it reversed, if we can, and a new judicial rule established upon this subject. (Works of Jefferson, vol. 12, p. 163.)

Well, he had some trouble in reversing it. It took the bloodiest war in our history to reverse it, and four years of fratricidal strife, and billions of treasure; with grief, sorrow, heartburning, and bitter hatred that lasted for generations.

It is hard to reverse the decisions of the Supreme Court by that kind of a method, but it was reversed by war. They declared in the Dred Scott decision that slavery was a constitutional right; that Congress had no right to change that constitutional right; that Congress had no right to pass the Missouri compromise law; that Congress violated the Constitution of the United States when it passed the Missouri compromise law on slavery.

The decision inflamed the North and led to the withdrawal of the Southern States and to war.

Mr. President, I want to call attention to the Constitutional Convention of 1788 and what was said and done there in regard to the right of the Supreme Court of the United States to declare acts of Congress unconstitutional either before or after the passage of such acts.

In the Constitutional Convention which framed this United States Constitution, Edmund Randolph, on June 4, 1787, proposed the following resolution:

> *Resolved*, That the Executive and a convenient number of the national judiciary ought to compose a council of revision, with authority to examine every act of the National Legislature before it shall operate * * * and that the dissent of said council shall amount to a rejection unless the act of the National Legislature be again passed. (Elliott's Debates, vol. 1, pp. 159, 164, 214.)

They did not propose to finally veto an act of Congress and never let it go into effect. They only proposed that the judiciary, with the Executive, should have a temporary veto, and if Congress insisted upon passing a measure, to let it be the law, but even that moderate proposition was three times defeated and never received the vote of over 3 States out of the 13.

A like proposition was also rejected August 5, 1787. (Elliott's Debates, vol. 1, p. 243.)

Only 11 members of the Constitutional Convention out of 65 favored giving the judiciary any control. These were Blair, Gerry, Hamilton, King, Mason, Morris, Williamson, Wilson, Baldwin, Brearly, and Livingston.

Hamilton, Morris, Gerry, and several others of this group were known to be strongly opposed to democracy.

George Washington, Charles Pinkney, James Madison, and many others, 22 in number, are known to have expressly opposed any judicial veto. There were 65 members and only 11 on record as favoring any form of judicial interference with the legislative powers. (This is fully set up in Davis on Judicial Veto, p. 49.)

The Constitution, however, speaks for itself; it puts the sovereign power in Congress, the power to control the appellate jurisdiction, and thus to prevent the exercise of the judicial veto, if it is attempted.

The judicial veto has been attempted.

It has been exercised. It has been exercised with the acquiescence of Congress, an acquiescence which Congress has no right to make. The judicial veto has proven to be highly mischievous in our history, and it has become unendurable.

Mr. President, I want to call attention to the first case in which the Supreme Court undertook to set up the right to declare an act of Congress unconstitutional. It was the case of Marbury *v.* Madison, when John Marshall was Chief Justice of the United States.

John Marshall was a federalist, an aristocrat, a reactionary, a man of considerable ability, with a consuming desire for power, great tenacity of purpose, and a great hatred for Thomas Jefferson and his doctrines.

John Adams, the federalist, took advantage of the election of Jefferson, the democratic republican, to put John Marshall, the federalist, on the bench as Chief Justice for life, as one of his last acts before he turned over the Government to Thomas Jefferson. Keep that in mind, because it meant trouble, and here comes the first trouble. In Marbury *v.* Madison John Marshall violated the first principles of government of the English-speaking people in assuming the right to declare void the will of the National Legislature.

Congress, under Article III, section 1, in distributing the judicial powers of the United States, when it established the Supreme Court by the judiciary act of 1789, gave the Supreme Court, wisely and justly and lawfully, in addition to its "original" jurisdiction, the right to issue a writ of mandamus as a part of the judicial powers of the United States. A little citizen having a case against a great Cabinet officer could hardly expect to get his relief from a small subordinate officer of the judiciary department. When he makes a demand on the Secretary of State for his right, as Marbury did, he ought to have the backing of the very highest judicial authority, one that can speak to the Secretary of State on terms of some comparative equality.

John Marshall struck down that right on the claim that Congress had no right to add to the "original" jurisdiction of the Supreme Court. Congress did not add anything to the "original" jurisdiction of the Supreme Court. The Constitution placed the judicial powers of the United States in the Supreme Court and in such inferior courts as Congress should establish, and Congress, in pursuance of that authority, gave the right of issuing the writ of mandamus to the Supreme Court, as it had a plain constitutional right to do.

A citizen named Marbury, in the District of Columbia, had been appointed notary public by the retiring administration; his commission had been made out; it had been signed by the President, by the Secretary of State, had the seal on it, and was lying on the table of the Secretary of State for delivery. The incoming Secretary of State refused to deliver it, and Marbury went to John Marshall, Chief Justice of the Supreme Court of the United States, and asked to have a writ of mandamus issued on the Secretary of State to deliver that commission. John Marshall said "no"; that Congress had no right to authorize the Supreme Court to issue writs of mandamus; that that was unconstitutional on the part of Congress. And when he refused that jurisdiction of a writ of mandamus he seized the power to declare an act of Congress void, and, therefore, attempted to make himself the judicial ruler of the United States by exercising a judicial veto over Congress.

The Congress of the United States ought then and there to have impeached John Marshall. He was guilty of a violation of the true meaning of the Constitution; he himself in that act, as a judicial officer, violated the spirit and purpose and meaning of the Constitution, and he assumed the sovereign power over the legislative agents of the people of the United States. He held office for life, and there was no way for the people to get at him except by impeachment. A great many men who would think he was wrong in his opinions, who would think that he had done very wrong, would hesitate long before they would use that drastic power, which exercised over a Supreme Court judge blasts his name for all history. The remedy would appear too drastic for the offense, because, after all, the Congress can prevent the recurrence of that kind of thing simply by using the power given to it by the Constitution of the United States.

Jefferson did not hesitate to denounce Marshall as a thief of jurisdiction, and Marshall never repeated that offense.

It was 53 years before it was repeated, in 1856, and then, in the Dred Scott case, it caused the enormous catastrophe of the great Civil War between the Northern and the Southern States.

The next mischievous step taken by John Marshall of national importance was in Fletcher *v.* Peck, where an act of the Georgia Legislature correcting a previous fraud was declared "unconstitutional." In this case the Legislature of Georgia had been deliberately corrupted with money by four land companies and induced to pass an act conveying, without adequate compensation, an enormous grant of land, some 40,000,000 acres, belonging to the people of Georgia. The people of Georgia were enraged over it. They came together, turned out the legislature; they elected a new legislature; the new legislature immediately repealed the act. It came up before John Marshall's court, and after solemnly considering it he decided that a State did not have the right to pass an act "impairing the obligation of a contract." The most mischievous consequences followed. It was only necessary thereafter to corrupt a legislature and get the grant made—that settled it forever.

Since that time many courts have announced a wiser principle: That fraud vitiates a contract; that it is no contract when it is obtained corruptly.

A far more dangerous opinion followed this Fletcher *v.* Peck case. It was the Dartmouth case—a case that did not seem to be of any importance at all. The Legislature of New Hampshire

passed an act increasing the number of trustees of Dartmouth College. The old trustees were Federalists, the new trustees anti-Federalists. Marshall and Washington were Federalists; they opposed the act of the legislature. Duval and Todd supported the legislature. Marshall succeeded in preventing a decision at that term, and by a political campaign the other three judges—Johnson, Livingstone, and Storey—were persuaded to agree with Marshall. (Life of Webster, by LODGE, p. 1–88.)

Listen to these words. Mr. LODGE says:

> The whole business was managed like a quiet, decorous, political campaign.

Chancellor Kent says the decision in that case did more than any other single act proceeding from the authority of the United States to throw an impregnable barrier around all rights and franchises derived from the grant of government. (Kent's Commentaries, p. 419.)

Fifty years later Mr. Chief Justice Cole, of the Iowa Supreme Court, said:

> The practical effect of the Dartmouth College decision is to exalt the rights of the few above those of the many. And it is doubtless true that under the authority of that decision more monopolies have been created and perpetuated and more wrongs and outrages upon the people effected than by any other single instrumentality of the Government. (Dubuque *v.* Ry. Co., 39 Iowa, 95.)

Judge Cooley, the great constitutional lawyer, said of this case:

> It is under the protection of the decision of the Dartmouth College case that the most enormous and threatening powers in our country have been created. Some of the great and wealthy corporations actually having greater influence in the country at large, and upon the legislation of the country, than the States to which they owe their corporate existence. Every privilege granted, or right conferred—no matter by what means or on what pretense—being made inviolable by the Constitution, the Government is frequently found stripped of its authority in very important particulars by unwise, careless, and corrupt legislation; and a clause of the Federal Constitution whose purpose was to preclude the repudiation of debts and just contracts, protects and perpetuates the evil. To guard against such calamities in the future, it is customary now for the people in forming their constitutions, to forbid the granting of corporate powers except subject to amendment and repeal, but the improvident grants of an early day are beyond their reach. (Cooley on Con. Lim. 279.)

When the Supreme Court declared the Missouri compromise, passed by Congress, unconstitutional and slavery a constitutional right it took a frightful war to settle the error of this judicial usurpation.

When the Supreme Court declared the legal tender act void they took from the Government, or they would have taken from the Government if the case had been permitted to stand, one of the strongest instrumentalities for the protection of the great Republic in the time of war.

This gross error was corrected by reversing it. General Grant did that by appointing two new judges in favor of the legal tender act, whose votes corrected the error of the Supreme Court by reversing the previous decision. It was an undignified remedy but better than none. Congress has this right now, but the American people do not and will not approve any such practice. The judges on the Federal bench ought to represent the matured judgment and will of the American people.

INCOME TAX CASE.

When the Supreme Court declared the income tax void and transferred the taxes from the wealth of the country, which is protected by the expenditure of such taxes, it disregarded the will of the people of the United States and of Congress, vetoed the action of the House of Representatives, of the United States Senate, and of the President, reversed the decisions of the Supreme Court of the United States for a hundred years, and it took the people 16 years to correct it by a constitutional amendment, at a cost to the consuming masses of over $1,600,000,000.

Mr. President, it was not necessary to have the constitutional amendment at all. All in the world that was required was another act withdrawing from the Supreme Court the right to pass upon the constitutionality of that act, and notify judges of the inferior courts that it should not be questioned in their hearing.

When the Supreme Court declared the Sherman antitrust law only intended to prohibit unreasonable restraint of trade, they rendered the act nugatory and void. The effect of this decision was to enthrone monopoly and to raise the cost of living.

The remedy which I have proposed is very simple. The Constitution gives Congress all the power necessary. All that Congress has to do is to pass a suitable resolution. The Constitution gives Congress entire control of the appellate jurisdiction of the Supreme Court in these words:

> In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all other cases before mentioned the Supreme Court shall have appellate jurisdiction both as to law and fact, with such exception and under such regulation as the Congress shall make.

The power of Congress in this matter was passed on in the case of William H. McCardle, an editor in southern Mississippi, arrested by Major General Ord who was putting into effect the reconstruction act in 1868. McCardle sued out a writ of habeas corpus from the circuit court to the Supreme Court of the United States. The Supreme Court refused to exercise appellate jurisdiction and dismissed the case on the ground that Congress had withdrawn appellate jurisdiction in such habeas corpus cases, and that Congress had the constitutional power to do so. It was a unanimous opinion.

I have quoted eight cases of like purport in the RECORD to-day.

The court said in the McCardle case:

> We are not at liberty to inquire into the motives of the legislature. We can only examine into its power under the Constitution, and the power to make exceptions to the appellate jurisdiction of this court is given by express words.
>
> What, then, is the effect of the repealing act upon the case before us? We can not doubt as to this. Without jurisdiction the court can not proceed at all in any cause. Jurisdiction is power to declare the law, and when it ceases to exist the only function remaining to the court is that of announcing the fact and dismissing the cause. And this is not less clear upon authority than upon principle.

It is obvious, therefore, that we have no occasion to discuss the past history of the Supreme Court on the point of whether they have usurped jurisdiction in declaring congressional statutes void. We need not go into the past. We might say that since Congress has permitted the right without protest to pass upon acts of Congress, that it was not unreasonable that the justices should think themselves justified in exercising the power of saying an act of Congress was unconstitutional. I am willing to acquiesce in that for the purpose of the argument but not historically. My proposition deals with the future, not the past.

I have demonstrated without the possibility of a doubt that this power is in Congress, and conceded to be in Congress by a unanimous opinion of the Supreme Court of the United States.

I call attention to that very interesting fact, which appears to be entirely forgotten by lawyers in this body.

Mr. President, I respect and honor that great court; I respect the learned and able gentlemen who comprise that court, individually and personally; I believe in their integrity of mind; I believe in their learning; I believe in their high personal honor; but I tell you also that I believe when you have a jury of Irishmen you will get a home-rule decision.

All men are fallible. Even judges are fallible. On the Supreme Court every season cases are decided by the hundreds, as the term goes by, in which constantly there is a minority of judges on one side and a majority of the judges on the other, and every time the majority decides a case against the minority there is a judicial ascertainment by the Supreme Court of the United States as to the fallibility of each one of the members on the minority, and there is not a week that some of those judges are not in the minority, so that we have every week through the term the judicial ascertainment by the majority of the Supreme Court of the United States of the judicial fallibility of every one of its own members. There is nothing surprising in that.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Ohio?

Mr. OWEN. I yield.

Mr. POMERENE. Is not that also true in the work of the Congress, where there is a majority and a minority?

Mr. OWEN. It is magnificently demonstrated all the time by the Congress. I am merely calling attention to the fact that they are human beings in either case, whether in the Senate or in the House or on the bench, and when they go from the Senate to the bench or from the House to the bench, as they do all the time, they do not cease to exemplify that principle. I am only talking about a supposed infallibility of the court. I am only demonstrating that they are not infallible and ought not to be held up as infallible.

Just look at the income-tax case, and look at the dogma of the Supreme Court on the question of deciding an act unconstitutional only when the unconstitutionality is overwhelmingly established, and only when there is no doubt about the unconstitutionality of the act.

That is the dogma. The Senator from Ohio as a lawyer knows that is a dogma of the Supreme Court, and yet the professional dogma of the court is to give all benefits of the doubt in favor of the constitutionality. The trouble about the dogma is they never pay any vital attention to it. It is only a theoretical dogma; it is not real. Here is the Income Tax case.

For a hundred years the Supreme Court had sustained the right of Congress to pass an income-tax law. Here was the income-tax law, passed by the House of Representatives, who said it was constitutional; passed by the Senate, and the Senate said it was constitutional; approved by the Attorney General of the United States and by the President of the United States, and they said it was constitutional; and then Judge Blank reversed himself overnight and joined the other four, which made them five, and then they decided in spite of this dogma that there was no doubt whatever about its unconstitutionality.

That was rather a remarkable instance where Judge Blank, whose name I do not care to put in the RECORD, when he first voted that it was constitutional, judicially ascertained the fallibility of the other four minority members of the court and then, when he changed his mind and joined the four minority members and made them five, he judicially ascertained the fallibility of the four he had just left, and, since he was on both sides, he must have been fallible, and so there was a demonstration and judicial ascertainment of the fallibility of every judge on the court by the acts of Judge Blank.

So that men must not say the Supreme Court is infallible. Notwithstanding that, it is the most honorable court in the world. Notwithstanding that, the court is composed of a membership of men of the greatest learning, the highest character, for whom I have reverence. But I respect the Constitution itself, and I respect the rights of the people of the United States, and the time is coming when the representatives of the people of the United States should not submit to having the power vested in them by the Constitution taken out of their hands, and I will not yield to it so far as I am concerned.

Senators will all remember the famous case of Tilden-Hayes. Here were five of the justices of the Supreme Court; five of the most conspicuous and able Senators of the United States; here were five of the ablest Members of the House of Representatives—seven Democrats, eight Republicans. There were four great contested-election questions with many controverted questions, and every one of the 15 decided every case according to his own previous political predilection, and the country was astonished to find that 8 was a majority of 15. But they did discover it.

That shows what men will do when they are influenced by their environment and by their predilections. The point I want to make is that human beings of the first magnitude are influenced by their training, by their environment, by their social atmosphere, and sometimes by the men with whom they dine.

Now, if you put the sovereign power of declaring void the acts of your legislative representatives in the United States Supreme Court not responsible to you, you may thank yourselves for the result.

The people of the United States have a right to demand of their representatives a protection of the rights of the people against the nullification of the acts of Congress. The people of the United States have a right to know what a law means after it has been passed. After Congress has enacted a statute of many pages the people have difficulty in understanding it as passed. There come out of Congress great volumes of legislation submitted to the people of the country who must understand it, and the people are told that not a single page of any one of these statutes has any element of finality in it. In the case of the Sherman antitrust law the courts waited 25 years before they discovered that Congress meant a "reasonable" restraint of trade.

STANDARD OIL AND AMERICAN TOBACCO CASES.

Look at that great case known as the Standard Oil case. Here was a case where the people of this country after years of struggling finally had their representatives in Congress, in the Senate and in the House, both agree upon the Sherman antitrust law—that was in 1890, 33 years ago—making it a criminal offense to commit an act in restraint of trade, vital if the principle of competition is to survive; vital if the monopolies are not to be permitted to kill off every competitor and have a masterful control over the market and over the price which shall be paid for that which the people produce and for that which the people are compelled to buy; vital if the cost of living is ever to be lowered to a reasonable point. It took the people years to get that law on the statute books. They struggled for that statute for 20 years before they got it. Finally they got it in 1890—33 years ago. Now it is void, practically worthless, because nobody knows what a "reasonable" restraint of trade is.

After taking years to get that law on the statute book, it finally, by the slow, dragging, wearisome process of the court, came before the Supreme Court in the trans-Missouri and joint-traffic cases, and there in three different decisions that court declared that Congress meant what it said and that it was the law, and any act in restraint of trade was criminal.

Then the trusts came to Congress and tried to get a remedy. I want Senators to listen to the report of the Committee on the Judiciary on this very remarkable case. The proposed relief bill was introduced by Senator Warner, of Missouri, January 26, 1908. Here is the report of the Senate committee refusing to write the word "reasonable" into this act. Congress had said it is not reasonable to deny liberty to another man, no matter how small; it is not reasonable for men to meet and act in restraint of trade, restraining some other man from his rights. Listen to what the Senate committee said:

> The antitrust act makes it a criminal offense to violate the law and provides a punishment applied by fine and imprisonment. To inject into the act the question of whether an agreement or combination is reasonable or unreasonable would render the act, as a criminal or penal statute, indefinite and uncertain, and hence to that extent utterly nugatory and void, and would practically amount to a repeal of that part of the act. * * * And while the same technical objections do not apply to civil prosecutions, the injection of the rule of reasonableness or unreasonableness would lead to the greatest variableness and uncertainty in the enforcement of the law. The defense of reasonable restraint would be made in every case, and there would be as many different rules of reasonableness as cases, courts, and juries. * * * To amend the antitrust act as suggested by this bill would be to entirely emasculate it, and for all practical purposes render it nugatory as a remedial statute.

President Taft in a special message to Congress January 7, 1910, condemned the proposal of so amending the law, and said that such an amendment would—

> put into the hands of the court a power impossible to exercise on any consistent principle which will insure the uniformity of decision essential to good government. It is to thrust upon the court a burden that they have no precedents to enable them to carry and to give them a power approaching the arbitrary, the abuse of which might involve our whole judicial system in disaster.

The Supreme Court, in the Standard Oil cases and American Tobacco case (1911), thereupon proceeded to emasculate it and render it nugatory by writing an opinion which in effect held that a reasonable restraint of trade was not unlawful after Congress had deliberately and expressly refused to so amend it.

I am going to read just one opinion from Judge Harlan on this case. Justice Harlan was an honored member of that court for 25 years or more—one of its leading lights. Listen to what he says:

> * * * By every conceivable form of expression the majority of the trans-Missouri and Joint Traffic cases adjudged that the act of Congress did not allow restraint of interstate trade to any extent or in any form, and three times it expressly rejected the theory, which had been persistently advanced, that the act should be construed as if it had in it the word "unreasonable" or "undue," but now the court, in accordance with what it denominates "the rule of reason," in effect inserts in the act the word "undue," which means the same as "unreasonable," and thereby makes Congress say what it did not say—what, as I think, it plainly did not intend to say, and what, since the passage of the act, it has explicitly refused to say. It has steadily refused to amend the act so as to tolerate a restraint of interstate commerce, even where such restraint could be said to be "reasonable" or "due." In short, the court, by judicial legislation, in effect, amends an act of Congress relating to a subject over which that department of the Government has exclusive cognizance.
>
> I beg to say that, in my judgment, the majority in the former cases were guided by the "rule of reason," for, it may be assumed, they knew quite as well as others what the rule of reason required when the court seeks to ascertain the will of Congress as expressed in a statute. It is obvious, from the opinions in the former cases, that the majority did not grope about in darkness, but in discharging the solemn duty put on them they stood out in the full glare of the "light of reason" and felt and said time and again that the court could not, consistently with the Constitution, and would not, usurp the functions of Congress by indulging in judicial legislation. They said in express words in the former cases, in response to the earnest contentions of counsel, that to insert by construction the word "unreasonable" or "undue" in the act of Congress would be judicial legislation. Let me say also that as we all agree that the combination in question was illegal under any construction of the antitrust act, there was not the slightest necessity to enter upon an extended argument to show that the act of Congress was to be read as if it contained the word "unreasonable" or "undue." All that is said in the court's opinion in support of that view is, I say with respect, obiter dicta, pure and simple.

In respect to the decision on the income tax, Mr. Justice White, afterwards Chief Justice, in dissenting, said:

> I consider that the result of the opinion of the court just announced is to overthrow a long and consistent line of decisions and to deny to the legislative department of the Government the possession of a power conceded to it by the universal consensus for 100 years, and which has been recognized by repeated adjudications of this court. (157 U. S. 429.)

Mr. Justice Jackson, of the Supreme Court, in his dissenting opinion on the income tax decision, said:

> Considered in all its bearings, this decision is, in my judgment, the most disastrous blow ever struck at the constitutional power of Congress. (158 U. S. 705.)

Mr. Justice Brown, in his dissenting opinion, said:

> I can not escape the conviction that the decision of the court in this great case is fraught with immeasureable danger to the future of the country and that it approaches the proportions of a national calamity. * * * I hope it may not prove the first step toward the despotism of wealth. (158 U. S. 695.)

Mr. President, I do not concur in the attitude of Justice Brown in regarding it as a national calamity, or of Justice Jackson, who said it was the most disastrous blow ever struck at the constitutional power of Congress, because Congress has all the power it needs. It requires no change of the Constitution. It needs but to instruct the judges as to the extent of their power, and the remedy is abundant. Congress need but say that it shall not lie within the power of any judge on the bench to question the constitutionality of an act of Congress, and that it shall not lie within the power of any judge upon the bench to change the policy of an act by reading into the act anything which Congress has not written into it.

The judges on the bench have no desire to deal with arrogance or with usurpation with the powers of Congress. This practice has grown up through many, many years, but the time has come to correct it. I am calling the attention of the Senate and of the country to it, and I am determined that while I remain in this body no such provision as that found on the seventy-second page of this bill, in section 711, shall ever be passed again without my protest.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Washington?

Mr. OWEN. I do.

Mr. POINDEXTER. I understand that the section of the bill which the Senator from Oklahoma is opposing is a section that provides that in case any portion of the bill, if it shall become an act, shall be held unconstitutional by the courts, that shall not affect the constitutionality of the remainder of it. It is put in there as a precautionary provision by the framers of the bill and by Congress, if Congress shall approve it, to protect an act of Congress from being held to be invalid by the Supreme Court or any other court of the United States, in so far as Congress has that power. I understand that the Senator from Oklahoma is taking a position, which is quite unusual nowadays, that Congress has power by appropriate legislation to deprive the courts of jurisdiction to hold an act, or any part of an act, unconstitutional.

Mr. OWEN. The Senator is quite right.

Mr. POINDEXTER. I fail to see the consistency of the Senator's opposition to this section, which is intended to accomplish the very purpose which the Senator from Oklahoma is advocating, in so far as it can do so.

Mr. OWEN. No; Mr. President, it is very far from accomplishing the purpose which the Senator from Oklahoma has in view. It is, in effect, a concession on the part of Congress that the court has the right to declare unconstitutional an act of Congress, and that I do not assent to. On the contrary, there should be put into this bill a provision that the court shall not have any right to appellate powers over the question of the constitutionality of this or any other act.

Mr. POINDEXTER. I understand, then, from the Senator's position, that he, by his opposition to this section, is of the opinion that if any part of this act should be held to be unconstitutional, the whole act should fall as unconstitutional.

Mr. OWEN. No, sir.

Mr. POINDEXTER. The provision which the Senator is moving to strike out is intended to prevent that very result.

Mr. OWEN. No, sir; the Senator fails to perceive that I object to the Congress consenting to have any part of the act being declared unconstitutional. I am not willing to have the court declare any part of the act unconstitutional.

Mr. POINDEXTER. But the Senator does not accomplish that purpose by striking out this provision of the act.

Mr. OWEN. I will accomplish that purpose, if the Senator pleases, by an amendment that I will offer in lieu of it.

Mr. POINDEXTER. That would be quite a different proposition; but the Senator has not offered anything in lieu of it, and, as I understand, he is opposing this provision.

Mr. OWEN. Yes; the Senator is quite right. I am opposing that provision, and at the proper time I will offer the amendment, which I have justified by the matter that I have submitted to the Senate to-day. Unfortunately, few Members of the Senate hear what is being said. Few Members pay any attention whatever to the quotations which are put in here from the Supreme Court itself. Both sides have vacated the Senate Chamber. They do not hear it. The argument may be vital to the Nation, but nobody pays any attention to it. Our rules of unlimited debate have killed debate and driven Senators from the floor.

Mr. POINDEXTER. That shows a weakness on the part of Congress—on the part of one branch of Congress, at least.

Mr. OWEN. No; I think it is really due to a weakness in our own rules. We have adopted the rule of unlimited debate here, and it has killed real debate.

Mr. POINDEXTER. The Senate makes its own rules, and in so far as the rules are defective the Senate is responsible for them. The Senator from Oklahoma now castigates the Senate——

Mr. OWEN. No; I am not castigating the Senate.

Mr. POINDEXTER. Well, he criticizes it——

Mr. OWEN. No; I am not even criticizing it. I am merely commenting upon an obvious fact.

Mr. POINDEXTER. He comments upon an obvious fact unfavorably to the Senate.

Mr. OWEN. That depends on the point of view. I wish the majority of the Senate thought so.

Mr. POINDEXTER. And yet the entire burden and purport of the argument of the Senator is to give to these branches of Congress that he says pay no attention to the vital needs of the Nation absolute and autocratic power over the people of the country, without any constitutional limitations whatever.

Mr. OWEN. The Senator from Washington would like to have the Supreme Court exercise this power over Congress; and if the Senator will take the trouble to read in the RECORD what I have said, he will find that there is an abundant justification for what I have said. The Senator, however, comes in at the last moment and hears only a few words of what I say and makes an observation which occurs to him, and which is perfectly natural and reasonable, and with which I find no fault. I am not criticizing the Senate particularly. I am merely calling attention to what is an obvious fact. I have tried time and time again, in the most earnest and serious way, to get direct cloture in this body. I would vote for it to-day, notwithstanding my objection to this bill.

Mr. POINDEXTER. Mr. President, if the Senate is subject to the comments that the Senator from Oklahoma makes we may presume that the other branch of the Congress is subject to the same characterization, that it makes rules under which it is more or less incapacitated from doing business efficiently. How does the Senator base upon that proposition the doctrine which he now announces, that it should have supreme power, unaffected by any constitutional limitations?

Mr. OWEN. I do not want to repeat the speech I have just made. I have been speaking for an hour or more, and laying the ground to justify what I have said, and I must ask the Senator to be good enough to read it, because I do not want to repeat it. The House of Representatives has cloture, the Senate has not, and my observations are quite justified.

Mr. BROOKHART. Mr. President, I should like to ask the Senator from Washington if there is any other court in the world that has power to set aside legislative statutes except the Supreme Court of the United States?

Mr. POINDEXTER. All the courts of Great Britain have such power and constantly exercise it.

Mr. OWEN. Oh, no. They do not.

Mr. POINDEXTER. The Senator is entirely mistaken about that. It may be an unusual exercise of power, but there is a constitution in Great Britain, although it has not the advantage that I believe results from having a constitution in writing. They have, however, an unwritten constitution.

Mr. OWEN. Yes; and the courts do not set aside acts of Parliament, either.

Mr. POINDEXTER. If the Senator is familiar with the judicial history of Great Britain, he will find many occasions upon which acts of Parliament of Great Britain have been held to be unconstitutional and in violation of the rights of the people and of the British constitution.

Mr. BROOKHART. Recently the procedure was amended so that the power of the House of Lords, even, was taken away and subordinated to that of the lower House of Parliament.

Mr. KELLOGG. Mr. President, will the Senator yield?

Mr. OWEN. Yes; I yield.

Mr. KELLOGG. I should like to say to the Senator from Iowa that I have heard the House of Lords within the last 10 years pronounce opinions declaring laws of the Provinces of Canada in violation of the British North American act, which is the written constitution of Canada.

Mr. BROOKHART. Mr. President, that does not reach the point I raised.

Mr. OWEN. That does not reach the point at all.

Mr. BROOKHART. The legislation of the Dominion, of course, is subject to the House of Lords and to the English courts. I was speaking of the acts of Parliament itself.

Mr. POINDEXTER. They have done it as to the laws of Parliament, too.

Mr. OWEN. I challenge the Senator to put the cases in the RECORD.

Mr. POINDEXTER. I shall be very glad to accommodate the Senator from Oklahoma.

Mr. OWEN. I will ask the Senator to put them in the RECORD. He will find difficulty in finding them.

Mr. President, Mr. Justice Harlan said, in regard to this income-tax decision:

It so interprets constitutional provisions * * * as to give privileges and immunities never contemplated by the founders of the Government. * * * The serious aspect of the present decision is that by a new interpretation of the Constitution it so ties the hands of the legislative branch of the Government that without an amendment of that instrument or unless this court at some future time should return to the old theory of the Constitution, Congress can not subject to taxation, however great the needs or pressing the necessities of the Government, either the invested personal property of the country, bonds, stocks, and investments of all kinds, etc. * * * I can not assent to an interpretation of the Constitution that impairs and cripples the just powers of the National Government in the essential matter of taxation and at the same time discriminates against the greater part of the people of our country. (158 U. S. 695.)

Mr. Justice Harlan said on another occasion:

When the American people come to the conclusion that the judiciary of this land is usurping to itself the functions of the legislative department of the Government, and by judicial construction is declaring what is the public policy of the United States, we will find trouble. Ninety millions of people—all sorts of people with all sorts of beliefs—are not going to submit to the usurpation by the judiciary of the functions of other departments of the Government and the power on its part to declare what is the public policy of the United States. (221 U. S. 1, 106.)

That is the language of a justice of the Supreme Court I am quoting. Senators should listen to it and remember the rights of the people.

Mr. Theodore Roosevelt, before the Colorado Legislature, pointed out the grave danger in recent court decisions in defeating humane laws, and stated:

If such decisions as these two indicated the court's permanent attitude there would be really grave cause for alarm, for such decisions, if consistently followed up, would upset the whole system of popular government.

And he referred to such decisions as "flagrant and direct contradictions to the spirit and needs of the times."

Senator ROBERT M. LA FOLLETTE, in his introduction to Gilbert E. Roe's work, "Our Judicial Oligarchy," said:

Precedent and procedure have combined to make one law for the rich and another for the poor. The regard of the courts for fossilized precedent, their absorption in technicalities, their detachment from the vital, living facts of the present day, their constant thinking on the side of the rich and powerful and privileged classes have brought our courts into conflict with the democratic spirit and purposes of this generation. Moreover, by usurping the power to declare laws unconstitutional, and by presuming to read their own views into statutes without regard to the plain intention of the legislature, they have become in reality the supreme lawmaking and lawgiving institution of our Government. They have taken to themselves a power it was never intended they should exercise; a power greater than that intrusted to the courts of any other enlightened nation. And because this tremendous power has been so generally exercised on the side of the wealthy and powerful few, the courts have become, at last, the strongest bulwark of special privilege. They have come to constitute what may indeed be termed a "judicial oligarchy."

Thomas Jefferson, in his letter to Mr. Jarvis, in 1820, rebuked him for assuming that judges should have power over the legislature, the judges being themselves beyond control except by the impossible remedy of impeachment, and said:

You seem to consider * * * the judges as the ultimate arbiters of all constitutional questions; a very dangerous doctrine, indeed, and one that would place us under the despotism of an oligarchy.

A number of books have recently been written upon this matter, as Our Judicial Oligarchy, by Gilbert E. Roe; The Judicial Veto, by Davis; The Majority Rule and the Judiciary, by William N. Ransom, with an introduction by Theodore Roosevelt; The Spirit of the American Constitution, by Prof. J. Allen Smith; all of which emphasize the need to correct the practice I have referred to.

When the Standard Oil Co. was dissolved their stock was worth about $600,000,000. Six years afterwards it was worth twenty-four hundred million. At the present time I do not know what it is worth, but very, very much more than that.

Our yielding to this sort of thing will account for the growth of monopolies in this country, for the manner in which prices for the necessaries of life have gone to a point which is distressing the people of this Nation from one end to the other, which is ruining the farmers and stock raisers, the little producers, and the small consumers.

Mr. LENROOT. Mr. President, before the Senator leaves that subject, will he yield?

Mr. OWEN. I yield.

Mr. LENROOT. I would like to get the Senator's viewpoint. Suppose Congress should pass a law respecting an establishment of religion. Does the Senator think that should be the law of the land?

Mr. OWEN. I will suppose nothing of the kind.

Mr. LENROOT. But I say, if Congress did.

Mr. OWEN. I refuse to agree that it might. No such presumption is possible.

Mr. LENROOT. Of course, I see the predicament the Senator would be in——

Mr. OWEN. I see the Senator's predicament when he makes an impossible suggestion.

Mr. KELLOGG. Will the Senator yield to me?

Mr. OWEN. I yield to the Senator.

Mr. KELLOGG. Suppose the Congress should pass a law providing for the seizure of papers, an unreasonable search and seizure, in violation of the Constitution, on which papers a man could be convicted of a crime, would the Senator say then——

Mr. OWEN. The supposition of the Senator is well-nigh impossible, and if made can be corrected by Congress.

Mr. KELLOGG. I will say to the Senator that Congress did pass such a law, and in the Baird case the Supreme Court held it to be unconstitutional.

Mr. OWEN. If Congress does make a mistake, when it is brought to the attention of Congress properly it will always be corrected.

Mr. KELLOGG. I can show the Senator dozens of acts in which Congress has sought to take away the rights of citizens guaranteed to them under the Bill of Rights, which took centuries to establish, which the courts have declared unconstitutional.

Mr. OWEN. The Senator can find, if he will take the trouble, unnumbered cases—they are of daily occurrence in this body—where the Congress of the United States is giving relief to one citizen after another whenever he comes here and shows he has a case.

Mr. SHIELDS. Mr. President——

Mr. OWEN. I yield to the Senator.

Mr. SHIELDS. In line with the suggestions made by the Senators who have just taken their seats, when Congress passed a law invading the reserved powers of the States, and providing for an equality of the races, in fact, putting the negroes, who were formerly slaves, over their former masters throughout 11 States in the Union, did not the Supreme Court do right in holding it unconstitutional and void, and did it not have the power to do it?

Mr. OWEN. Yes; I think it did right, and I think Congress did wrong at the end of the war in passing such an act, I will answer the Senator. He need not think he has made a conclusive argument by his question.

Mr. SHIELDS. I expected the Senator to give an answer.

Mr. OWEN. I will answer the question. It is true that at the end of the Civil War, when men's passions had risen to a point where reason became blind, such legislation was passed. It was an error on the part of Congress.

Mr. SHIELDS. Then, if it had not been for the power of the Supreme Court, what would have happened?

Mr. OWEN. Wait until I finish. It was a mistake by Congress; but I will say to the Senator, and also to the Senator from Minnesota, and to others who have raised this point, that while Congress may make a mistake, if Congress makes a mistake, the people of this country can correct it at the ballot box; but they can not correct a mistake made by the Supreme Court appointed for life, upon which there is no review. I will say more to the Senator, that while Congress may make a mistake, the probability of 500 men, on their oaths of office, making a mistake is less likely than a smaller number making a mistake, and as between the two I prefer to have the power exercised by the representatives chosen by the people of this country at the ballot box, responsible to the people, and not put that power in the hands of those who are not responsible to the people.

Mr. SHIELDS. Then, Mr. President, while Congress is thinking over its mistake, and repealing it, in the meantime the man would be hung.

Mr. OWEN. That remark is more witty than wise.

Mr. President, I have finished what I had to say, and it goes into the RECORD. If those Senators who are not here are interested in it, they will find the quotations from the Supreme Court of the United States itself justifying what I have said. It is for them to determine upon the wisdom of the policy which I have suggested.

REPORTS OF DISTRICT PUBLIC UTILITY COMPANIES (S. DOC. NO. 303).

Mr. BALL. I ask unanimous consent to have printed as a public document the reports for the year ending December 31, 1922, of all public utility companies in the District of Columbia.

The PRESIDING OFFICER (Mr. POINDEXTER in the chair). Is there any objection? The Chair hears none, and it is so ordered.

REORGANIZATION OF EXECUTIVE DEPARTMENTS.

Mr. SMOOT. Mr. President, I ask unanimous consent to report back favorably without amendment from the Committee on Appropriations the joint resolution (S. J. Res. 282) to amend the resolution of December 29, 1920, entitled "Joint resolution

to create a joint committee on reorganization of the administrative branch of the Government." I will simply say to the Senate that it provides for the extension of time until July 1, 1924. The Senator from Mississippi [Mr. HARRISON] is a member of the commission, and I think he will join me in asking unanimous consent for its immediate consideration.

Mr. HARRISON. I think the joint resolution should be passed. The time has expired, and only yesterday, I believe it was, was the preliminary report which had been prepared by Mr. Brown, at the instance of the executive department, submitted to the joint commission. The joint commission has not had time to consider any of the problems involved. It is quite an ambitious scheme, and it would seem to me that the time should be extended and that there should be no opposition at all to the extension.

Mr. JONES of Washington. With the understanding that it will involve no discussion, I have no objection.

Mr. OWEN. I would like to ask whether or not the report has been printed as a document? I noticed it in the CONGRESSIONAL RECORD, but in such fine print it was difficult to read.

Mr. SMOOT. We are going to have a larger print of it.

Mr. OWEN. Will it be printed in larger type?

Mr. SMOOT. It will be.

Mr. OWEN. I think it ought to be printed so as to be easily legible.

Mr. SMOOT. I will say to the Senator that we have that in mind, and it will be done. It will be printed on sheets about the size of those I presented to the Senate on yesterday, so that any person even without glasses will be able to read it.

Mr. OWEN. Will there be some memorandum explaining the reasons for the adjustments which have been suggested?

Mr. SMOOT. Not until the joint commission meets to discuss the matter. Then we shall make a report upon it.

Mr. OWEN. I read it with great interest in the RECORD, but, as I said, it was in such small type it was difficult to read.

There being no objection, the joint resolution was considered as in Committee of the Whole, and it was read, as follows:

Resolved, etc., That section 3 of the resolution of December 29, 1920, entitled "Joint resolution to create a joint committee on the reorganization of the administrative branch of the Government," is amended by striking out the the words "the second Monday in December, 1922," and inserting in lieu thereof "July 1, 1924."

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AGRICULTURAL DEPARTMENT APPROPRIATIONS—CONFERENCE REPORT.

Mr. MCNARY. Mr. President, I submit a conference report on the Agricultural appropriation bill and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The report will be read.

The Assistant Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 33 to the bill (H. R. 13481) "making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1924, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 33: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 33, and agree to the same.

CHAS. L. MCNARY,
W. L. JONES,
LEE S. OVERMAN,
E. D. SMITH,
Managers on the part of the Senate.

SYDNEY ANDERSON,
WALTER W. MAGEE,
EDWARD H. WASON,
J. P. BUCHANAN,
GORDON LEE,
Managers on the part of the House.

Mr. HARRISON. I merely wish to inquire, in reference to the conference report, what items it covers?

Mr. MCNARY. Mr. President, the amendment covered by the report relates to the construction of roads in national forests. The Senate refused to concur in the amendment of the House to the amendment of the Senate and sent it back to the committee of conference with instructions that the Senate conferees should insist upon the Senate amendment. The bill, as it passed the House of Representatives, carried an item of $6,500,000 for that purpose, $3,000,000 only being made immediately available. Upon the motion of the Senator from Arizona [Mr. CAMERON] the whole amount, namely, $6,500,000, was made immediately available. The conferees met, but the House conferees refused to yield to the demand of the Senate conferees, and so the Senate conferees finally yielded to the House, there being simply some modification and some improvement of the language of the item. I now ask that the Senate adopt the House provision as to the one particular item.

Mr. HARRISON. Mr. President, I understand, then, there is just one matter that is in disagreement. I see that the junior Senator from Arizona [Mr. CAMERON] is in the Chamber. The senior Senator from Arizona [Mr. ASHURST] is not now present. He has temporarily gone into the cloakroom; but it would seem to me that perhaps he ought to be here before this report is adopted.

Mr. MCNARY. If the senior Senator from Arizona desires to be present, upon the request of the Senator from Mississippi I shall withhold the request that action be taken on the report at this time. I will state to the Senator from Mississippi that I shall call up the report again, if I may have an opportunity of securing the floor, when the Senator returns to the Chamber.

The PRESIDING OFFICER. The report will lie over for the present.

Mr. MCNARY subsequently said: Mr. President, I call up the conference report on the Agricultural appropriation bill for the fiscal year 1924.

The VICE PRESIDENT. The conference report has been submitted and read. The question is on agreeing to the conference report.

Mr. CAMERON. Mr. President, reserving the right to object, I wish to say that I feel that the agreement between the conferees on the part of the Senate and the House has so modified amendment numbered 33 that while it does not quite meet with my approval and does not give us the $6,500,000 to which we are justly entitled, yet on account of the lateness in the session I do not feel that I should object to the adoption of the report at this time. I believe that a proviso has been put in by the House which will safeguard our interests and give the Forest Service the necessary leeway whereby they can expend the full amount—$6,500,000. Therefore I shall not object to the adoption of the report, but I wish to read the proviso so that it will appear in the RECORD at this point:

Provided further, That the Secretary of Agriculture may incur obligations, approve projects, or enter into contracts under his apportionment and prorating of this authorization, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof: *Provided further,* That the appropriations heretofore, herein, and hereafter made for the purpose of carrying out the provisions of section 8 of the act of July 11, 1916, and of section 23 of the Federal highway act of November 9, 1921, and acts amendatory thereof and supplemental thereto, shall be considered available for the purpose of discharging the obligations created hereunder in any State or Territory: *Provided further,* That the total expenditures on account of any State or Territory shall at no time exceed its authorized apportionment.

I think that will cover the question and give the Forest Service the necessary authority in order to utilize the appropriation of $6,500,000.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

PROHIBITION ENFORCEMENT AND THE CIVIL SERVICE.

Mr. SHIELDS. Mr. President, there is a bill upon the calendar of the Senate—No. 927, S. 3247—entitled "A bill to transfer to the classified service agents and inspectors in the field service, including prohibition agents and field inspectors appointed and employed pursuant to the national prohibition act, and for other purposes," which I believe concerns legislation of great importance and ought to be enacted into law as soon as possible. The present session will soon be at an end, and this matter should be attended to next Monday when the calendar for bills unobjected to will be called. Under the five-minute rule I will not then have time to present the merits of the bill, and I am availing myself of this opportunity to do so that I may challenge the attention of the Senate to the importance of the immediate consideration and favorable action upon the measure. The public interest and the proper and efficient enforcement of the Federal prohibition laws require that the agents and employees engaged in this service should be placed under the civil service law and subject to its provisions and regulations. These employees were by section 38 of the Volstead law expressly excepted from the civil service law because that was claimed to be a war or emergency act, but with the understanding and expectation, as I am informed, that after the eighteenth amendment to the Constitution, known as the prohibition amendment, should become effective, they would be covered into the classified service as other employees of the Federal Government, but in the supplemental Volstead law

thereafter passed it was not done and they yet remain open to political influences under the demoralizing spoils system.

The propriety, if not necessity, of placing these employees under the civil service law is recognized by the public, and especially by the good men and women throughout the country who favored prohibition as a great moral and economic reform and wish to see the laws for its enforcement executed justly and efficiently and in a manner to obtain and maintain the respect of the people. These men and women favored and worked for prohibition because they believed that it would advance the material interest and promote the prosperity of the people and remove a great cause of distress, suffering, depravity, and crime, without pay or compensation for their time and services. The necessity of placing these employees under the civil service law has been called to my attention by a number of these faithful workers, and I have been asked to urge upon Congress proper legislation for that purpose. Some time since I received a letter upon the subject from the president of the Tennessee Woman's Christian Temperance Union, Mrs. Minnie Alison Welch, of Sparta, Tenn., one of the ablest and most devoted women of my State, which so well states the merits and the public interest for this legislation that I can not do better than read it:

Hon. JOHN K. SHIELDS,
Washington, D. C.

MY DEAR SIR: We notice that Senator STERLING'S civil service bill (S. 3247) has been reported favorably to the Senate. We believe that this is the best remedy we can procure for the enforcement of the eighteenth amendment and Volstead law. While it may not eliminate all the bad elements that have gotten in, time will eliminate them, and this bill will afford us a better opportunity for getting more efficient prohibition agents.

We are hoping that you will see fit to use your influence and vote for this bill. The public welfare demands it and white-ribboned women of our State and many other good women are hoping that you will stand for the measure.

Thanking you for your interest in the same for prohibition, I beg to remain,

Cordially yours, MINNIE ALISON WELCH,
State President.

I wrote Mrs. Welch that I would examine the Sterling bill and if I believed that its provisions would secure better officers and more efficient enforcement of the laws enacted by Congress for the enforcement of the eighteenth amendment, prohibiting the manufacture, importation, and sale of intoxicating beverages, I would support it, as I favored the enforcement of those laws in good faith and efficiently, like all other laws, as I had always been for order and law enforcement.

I conferred with Senator STERLING in regard to his bill and urged him to bring it forward as soon as practicable. I found him deeply interested in the matter and ready to procure action at as early a date as possible. Senator STERLING introduced a bill on April 25, 1921, to place these employees under the civil service law. It was referred to the Committee on Civil Service and Reform. Afterwards, on March 7, 1922, he introduced another bill, which was also referred to the same committee and favorably reported to the Senate December 13, 1922, and is the one now upon the calendar. I will refer to the provisions of these bills later. I understand a bill having the same object was introduced more than a year ago in the House of Representatives, but that so far the committee to which it was referred has made no report upon it. I have no personal knowledge of why this great delay in consideration of these bills has occurred.

I understand that there are 1,800 Federal agents and employees engaged in the prohibition service, a greater number than in any other branch of the service not covered under the civil service law. A few days ago I read in a Washington paper a statement which speaks for itself, and as I know nothing in regard to the matter I will read it:

RAPS DRY APPOINTEES—ANTI-SALOON LEAGUE BLOCKS CIVIL SERVICE FOR AGENTS, CHARGE.

The Anti-Saloon League bought the Volstead Act with congressional patronage, and therefore is opposing application of the civil-service rules to prohibition-enforcement service, W. D. Foulke, National Civic Advice League vice president, charges in a letter he is sending to S. E. Nicholson, Anti-Saloon League secretary.

The Federal prohibition service now is corrupted by officials appointed under the spoils system, he said.

I have seen no denial of this serious charge. I have also been informed that charges of a similar character as those contained in this news item have been made to Members of Congress by Mr. Foulke, but of these I have no personal knowledge.

The large number of these employees and the great delay in placing them under the civil-service regulations compels everyone interested in the subject to believe that there is some improper reason for the delay of this legislation. The Republican Party, now in power, and the Democratic Party are both pledged to the maintenance and enforcement of civil service and the application of the civil service laws to all employees of the Government, and this delay is in direct violation of those pledges.

Mr. President, there is no class of Federal employees which the public interest demands should be under the classified service than those whose duty it is to enforce the prohibition laws. They come closer to the people, their persons, their effects, and their homes than any other class of employees. They perform duties which bear directly upon a great change in the habits, usages, and customs of the people in their private life resulting from the enactment of the Volstead law and which closely and intimately affect the great and sacred rights of personal liberty, private property, and the sanctity of home. None but the best, most intelligent, and law-abiding men should be intrusted with such duties. Every precaution for the protection of the people from oppression and maltreatment should be taken and go hand in hand with proper measures for the efficient and just enforcement of these laws. We know by common report that when the Volstead law was passed that there was appointed some prohibition officers in perhaps every State who misconstrued their power and duties and enforced the law in an oppressive, rude, and offensive way, without search warrants or evidence that would justify the issuance of a search warrant, searching the persons of men and even of women and of the effects and houses of the people, and assaulting them on the highways in a most outrageous manner. Some of them have been charged with accepting bribes from bootleggers, brutal assault and murder, and some of them indicted for these offenses, but I know nothing of the facts and will not attempt to state them. Generally speaking, these practices have been abandoned and forbidden, but occasionally we still hear of cases of this kind. There is no question but what the conduct of these officers aroused opposition to the enforcement of the law and generated disrespect for it which otherwise would not have existed. Proper examination by the Civil Service Commission of applicants for this service and an ascertainment of their character, their intelligence and prudence, as well as of their efficiency and courage, will be of inestimable benefit and protection to the people in their dearest rights as well as contribute to the thorough and efficient enforcement of the law.

Mr. President, the bill introduced by Senator STERLING April 28, 1921, which is entitled "A bill providing for the placing of Government employees engaged in the enforcement of national prohibition under the civil service," I think better than the one subsequently introduced by him and now on the calendar. This bill (S. 1376) provides that the agents and employees for the enforcement of Federal prohibition shall be appointed under the civil service law and that within three months from the passage of the act the then incumbents of all those positions shall be subject to the competitive requirements of the law and required to successfully pass open competitive examinations in order to retain their positions. The bill reported to the Senate places the positions of these agents and employees under the civil service law and bodily covers all the present incumbents into the civil service without examinations of any kind; and under it the present employees and agents, whether good or bad, or efficient, will remain in office for years, certainly until there is another administration in power. The provisions of this bill, I must say, gives color to the charge that the delay in placing the prohibition employees in the classified service is due to political machinations; and bodily transferring of those now in office is clearly intended to protect political appointees, without regard to good and efficient service and the rights of the public. When we reach this bill upon the calendar I shall offer the one first introduced by Senator STERLING as a substitute and urge its passage, because it will provide for better service both in the interest of the people and the Government.

Mr. President, I ask, without reading, that the two bills referred to be printed in the RECORD as an appendix to my remarks.

The PRESIDING OFFICER (Mr. LENROOT in the chair). Without objection, it is so ordered.

Mr. SHIELDS. Mr. President, that the Federal Government is meeting with considerable difficulty in enforcing the laws enacted by Congress for the execution of the prohibition amendment can not be denied. The President of the United States recently called together the governors of the States and asked their aid and cooperation in suppressing the manufacture and sale of intoxicating liquors for beverage purposes. When the Chief Executive hangs out a signal of distress of this kind we must know the situation is real and serious. The Congress has made a special appropriation of the enormous sum of $9,000,000 to defray the expenses of this special law, in addition to the general appropriation for the Department of Justice having

charge of enforcing the criminal laws of the Federal Government. I know of no other law which has called for such special treatment and the expenditure of so great a sum of money in its enforcement. The press of the country teems with accounts of bootleggers and the activities of the officers of the law in pursuing and arresting them, and in some States the dockets of the United States district courts are congested with prosecutions against them. These facts can not be denied and they must be dealt with practically and honestly. The cause or causes creating these conditions must be ascertained and examined and removed, which I think can be done. While it may take some time, yet I have confidence in the supremacy of the Government, the ability and integrity of the courts, and the efficiency of law officers. If we find that a law made to enforce the Constitution of our country is not effective, it should be amended, but we should never run up the white flag or surrender to lawlessness. Every provision of our Constitution must and shall be enforced reasonably and justly and consistent with every other provision of that great instrument.

I wish to discuss briefly some of the causes which, I think, have brought about and encouraged this lawlessness and the disrespect which it must be conceded exists for the Federal laws for the enforcement of the eighteenth amendment and many of the officers and employees engaged in that service.

Mr. President, the eighteenth amendment to our Constitution, ratified by the States January 28, 1919, ordained that after one year from the ratification of that article the manufacture, importation, transportation, or sale of intoxicating liquors within the United States and all territories subject to the jurisdiction thereof, for beverage purposes, be prohibited.

The amendment confers the only power Congress has to legislate upon this subject and was and is confined to the time and purposes in the amendment specially stated and set forth. It is not, like many other constitutional provisions, self-executing, and it was the duty of the Congress to pass laws for the proper enforcement of it.

When the amendment was proposed it seemed to meet with the approbation of a majority of the people of the United States, and it was promptly ratified by the States. Public sentiment favored it. It was the result of long and patient labor and education of the churches of all denominations and such philanthropic and beneficent organizations as the Anti-Saloon League, the Young Men's Christian Association, the Women's Christian Temperance Union and others, and of the Federal and State Governments, the great railway and other corporations employing thousands of men and women and the manufacturers and other business men, demanding for the protection of the public and their own interest that their employees be sober and free from the vice of drunkenness. All these influences, religious, moral, and business, combined in demanding sobriety, temperance, industry, and efficiency, and their united efforts were irresistible and resulted in the eighteenth amendment.

I do not controvert the fact that there was a respectable minority of the people opposed to the amendment and that there are some who are still opposed to it and would have it abrogated, but abrogation is a vain hope and their efforts will not succeed. The amendment is in the Constitution, a part of our supreme law, supported by the expressed will of a majority of the people of the United States, and it is there to remain permanently. I voted for the amendment, and I can conceive of no conditions under which I would vote for its abrogation.

The trouble the Federal Government has in enforcing prohibition, in my opinion, is not opposition of the people to the amendment, but to the laws enacted by Congress for its enforcement, known as the Volstead law—original and supplemental—and the influences and circumstances under which they were enacted and which attend their execution.

Although the amendment, which for the first time conferred upon Congress the power of controlling the manufacture and sale of intoxicating liquors for beverage purposes, provided on its face that it should not be effective for one year from its ratification by the States, within that year overzealous persons, not willing to abide by the provisions of the constitutional amendment they had aided to make a part of the fundamental law of the land, before the expiration of that year pressed through Congress the original Volstead law, precipitating prohibition suddenly and prematurely upon the country. The time when the amendment should take effect was deferred to allow the people to prepare themselves to conform to the great change made in their habits, and to permit those who had been theretofore engaged in the manufacture and sale of intoxicating liquors for beverage purposes legitimately and under the protection of Federal laws to arrange their business so that as little loss as possible might fall upon them and those to whom they were indebted, a practice that had been pursued in the prohibition laws in practically all the States and which was deemed reasonable and just.

This provision was disregarded, a law was passed before the expiration of the year allowed, and before the amendment became effective, under the pretense that it was a war measure and came within the extraordinary war powers of Congress, although the armistice had been signed nearly a year before and our Army, with the exception of a few thousand men, had been demobilized and peace reigned throughout the land. What troops we did have were in cantonments, protected from the use of intoxicating liquors by the State laws and an act of Congress prohibiting the sale of such liquors within 10 miles of any cantonment, shipyard, or other Government agency. The people realized that the law was passed upon a fraudulent pretense, discrediting the great moral cause it proposed to aid, and resented the action of Congress. These were my views, and I voted against that law for these reasons and as well as on account of some of its drastic and confusing provisions, in part not authorized by the prohibition amendment. President Wilson vetoed it, and I again voted to sustain his veto, but the Congress passed it over the President's objections.

After the constitutional amendment became effective what is known as the Volstead supplemental law was enacted. I voted against this also, because what was known as the Stanley amendment, to protect the persons, their effects, papers, and houses, as provided by the fourth amendment of the Constitution, against unreasonable searches, was not allowed as offered and the modified form in which it was passed is insufficient to give such protection. I regret the notes of my speech in the Senate in favor of that amendment were mislaid and the speech failed to reach the RECORD.

The original Volstead Act covers some 20 pages of closely printed matter and the regulations made for its enforcement by the Federal prohibition commissioner, and having the effect of law, some 55 pages; the supplemental law, I think, covers about 4 pages; thus what is known as the Volstead law is a voluminous document containing some 80 printed pages of innumerable provisions and exceptions, so involved and confusing that the courts and the lawyers have difficulty in interpreting its meaning and making it impossible of understanding by the people upon whom it is intended to operate.

Mr. President, it was human nature for the people of this country, many of whom had always favored prohibition laws, and even teetotalers, to revolt against such sudden and drastic legislation, interfering with things that they had previously exercised the right to determine for themselves, and their habits, appetites, usages, and customs. The enforcement of the amendment was not handled diplomatically and judiciously and in such manner as to commend it to the people, afford it the cordial reception that a reform measure should have, and to win and retain public respect.

Mr. President, it is impossible arbitrarily to legislate morality or religion into men and women, especially those of a free and independent people like Americans. You can not change the habits, the passions, of men overnight by man-made law. It has been tried in all ages, and while in some instances outward conformance has been achieved, yet inwardly there was no change in those sought to be controlled. God alone can effect such changes in man. It must be done by patient labor, education, example, and appeals to the higher and nobler impulses of men and women, their love of humanity and justice, their patriotism, and, finally, by their love and fear of their God. Bishop Woodstock, in a splendid address delivered some weeks ago, spoke upon this subject as follows:

> The consciousness of the need of God carries with it the craving for moral and spiritual freedom; for the world is becoming weary of reform and irritated by regulation, while it longs for choice, self-expression, and self-determination. We can not regulate a world spiritually nor reform it morally by law and compulsion. What the world now most sorely needs is not reformers but spiritual leaders, not regulation but moral and spiritual redemption. This redemption never has been promoted on a political basis only. It must be supported on a higher basis to give it motive and inspiration. Men may restrict the liberty of others by regulation and reform, but it always falls short. Unrestricted regulation and reform may go so far as to say that the State makes the conscience, and therefore the State can do no wrong. It took a harrowing war to explode this political heresy. We hold that God gave and guides the conscience, and that the conscience makes the nation. The one would make the sword the defense of civilization; the other would make the cross its redemption and the conscience its guide. The first is the "last struggle of a belated feudalism," the second is the conscious need of God in the glorious liberty of the sons of God.

I also have an editorial from the Journal and Tribune, a daily paper published in my State, written by its able and venerable editor, who has for 50 years fought the cause of prohibition in Tennessee and aided much to crown that struggle with splendid success both in the law enacted by the general assembly of the State and its enforcement by the constituted authorities entrusted with its administration, suggested by a

statement in the inaugural address of Gov. Austin Peay, the present distinguished executive of my State, which I will read:

THE PURPOSE OF MAN-MADE LAWS.

In his inaugural address delivered Tuesday, Governor Peay, addressing the membership of the State general assembly, gave utterance to these sentences:

"I beg its membership to studiously refrain from the consideration of moral, social, temperance, or other legislation of distracting character until the ways and means have been found and effected to restore sound and orderly government in this State. The statute books are now filled with laws on those subjects which are not being enforced, and merely to impose penalties in acts which juries will not impose in practice is to waste time and lower the lawmaking authority in public estimation."

Whether or not the lack of law enforcement is due to the lack of will or efficiency of the courts and those who serve on juries, it is not our purpose here and now in this connection to stop and inquire; that is left to the intelligent reader to settle for himself or for herself.

But there is one thing that has been said in these columns time and again, and is here repeated. It is an impossibility to make a bad man good by statute; the man-made law may make one appear good on the outside, while in fact he is a fair imitation of the "whited sepulcher."

It never was intended that in the matter of individual morality the State should take the place of the church. If the church stands in need of any protection in the performance of its duties, that it must have, it is provided for in a statute that makes it a misdemeanor for anyone to disturb public worship. We fail in recalling a single case in which that statute has been violated the offender escaping the penalties fixed.

Looking at the situation from that viewpoint, Governor Peay is not open to adverse criticism in asking the legislature to refrain from the making of new laws, making people righteous by statute, and turning its attention to the making of fewer offices, taxing the people for the payment of salaries that are of benefit only to those who are the occupants of offices created for their special benefit and as rewards for political services rendered, to be continued in the next political campaign.

The principles, so well stated in these utterances, fully support the views I have advanced about man-made laws, concerning moral conduct and religious beliefs of men, and, to my mind, are incontrovertible. They illustrate and account for the troubles the Federal Government is now having in enforcing the Volstead law. The discontent and resentment from these causes will disappear with the lapse of time and are already much abated.

Mr. President, it was unfortunate, in view of the manner in which the Volstead law was precipitated upon the country with such unseemly haste, that the agents and employees appointed to execute it were excepted from the civil service, and their offices became the prey of political patronage. It was unfortunate that too many of these appointees could not grasp the delicate duties intrusted to them and proceeded to enforce the law in many cases rudely, oppressively, and unlawfully, thus increasing the discontent and resentment of the people. How much better it would have been had these employees been subjected to a civil-service examination and none but proper men appointed. There would have been less antagonism to the law and a more efficient execution of it. This can all now be remedied by placing these agents and employees under the civil service law.

Mr. President, another cause of the difficulty in the successful enforcement of the Volstead law is the resentment of the people growing out of the arrogant and insolent assumption of certain parties, and especially some here in Washington, implied from utterances and actions, that they placed in the Constitution the eighteenth amendment and enacted the laws for its execution and that they are now enforcing it. They assume a personal proprietorship of all these measures and their execution to the exclusion of the Government and the people. These men got into the limelight as the officers, agents, and lobbyists of the Anti-Saloon League; and, although the prohibition amendment has become an accomplished fact and the laws to enforce it have been enacted, they are unwilling to forego the pleasures of prominence on the front pages of papers, the exercise of the power of that organization, and, above all things, to relinquish the salaries upon which they have fattened for so long a time. They assume that they are prohibition, and attempt to usurp the functions of the constituted authorities, duly elected and responsible to the people, in enacting laws and appointing officers to execute them; and they are in this way doing the organization, composed of good men and women, which they are misrepresenting, a great injury.

Mr. Wayne B. Wheeler, who, I understand, has been on a salary paid by the Anti-Saloon League since his early manhood, now poses as its general counsel and legislative agent, his duties and activities being chiefly that of a lobbyist here in Washington, is perhaps the most arrogant of these men. His pretentions to the control of the Congress of the United States are unprecedented, so far as I am informed, in the history of the Government. Mr. Wheeler and others with him have not hesitated to interfere in the election of Senators and Representatives in Congress and denounce them and attempt to defeat their election when they fail to be governed by their dictation.

They denounce judges, district attorneys, and other officers whose duty it is to administer and enforce the laws of the country, and they interfere constantly in the appointment of all Federal officers, attempting to establish and enforce as the first qualification of such officers that they support such legislation and measures as to them, in their limited and narrow vision, may seem proper. Give them their way and prohibition framed and administered according to their dictation would become the sole provision of our Constitution and the sole object of the Federal Government and its administration, a condition inconceivable, disastrous to the people, and intolerable.

Some time ago my attention was called to a circular, broadcasted by the field superintendent of the league in Tennessee, a man who had recently been imported from a distant State, soliciting contributions for the support—that is, payment of salaries of local and national agents, containing brazen statements of the activities of Mr. Wheeler in these words:

A number of Congressmen who hold the balance of power and pile up majorities in Congress come from the Southern and Western States, where money for organization and educational purposes is scarce. They have always had to have help from the national league. * * *

In addition to the above, the amount from Tennessee for the national league helps to provide for the maintenance of the entire national organization. It also helps to provide for the maintenance of our national office at Washington, D. C., under the very successful management of Hon. Wayne B. Wheeler, one of the greatest diplomats and attorneys in America.

And again:

From this office—that of Mr. Wheeler—needed legislation is initiated, a constant watch is kept on the actions of Congress, and when opposition appears danger signals are flashed to every State in the Union.

The success or failure of national enforcement depends upon the power of our national organization and its Washington headquarters, backed by the States, to defeat the nomination and appointment of enforcement officials, such as United States district attorneys, Federal enforcement officers, and agents, United States district judges, and many other applicants for office who are out of sympathy with the enforcement of prohibition. Every State logically must carry its proportionate burden of this expense.

There was a meeting recently connected with prohibition enforcement in the city of New Orleans, at which were present Mr. Roy Haynes, Federal prohibition commissioner, Mr. Wayne B. Wheeler, and Dr. Purley A. Baker, who also holds a position with the Anti-Saloon League, in which the two latter made assaults upon the courts of the country and the Congress. Whether this meeting was called by Mr. Haynes and attended by the other gentlemen, or whether it was the meeting of Mr. Wheeler and Doctor Baker and Mr. Haynes attended it, I do not know, but certain it is that Mr. Haynes was present, and listened to these assaults upon the judicial and the legislative branches of the Government, he being a part of the executive branch, without objection and without dissent. What I shall read appeared in the New Orleans papers and has heretofore been placed in the CONGRESSIONAL RECORD, December 12, 1922, by Senator BROUSSARD, of Louisiana. I read from the RECORD:

I want to reiterate what I said Sunday, said Dr. Purley A. Baker, general superintendent of the Anti-Saloon League of America, at the opening of the second day of the law-enforcement conference at the Grunewald Hotel, Monday. Twenty per cent of the Nation's Federal judges ought to be in the penitentiary at hard labor or impeached. * * *

"These scoundrels who sit on the bench, and I use the term advisedly," said Doctor Baker, referring to the 20 per cent of the Federal judges who he said were obstructing enforcement of the prohibition law, "are drunkards themselves. I hold them responsible for the shooting down of 300 splendid law-enforcement officers during the last year."

Mr. Wayne B. Wheeler is reported as making at the same meeting these misleading and outrageous statements:

The average prohibition agent is patriotic and loyal, and the percentage of prohibition agents slain on duty is higher than the percentage of soldiers of the American Army slain during the World War. It is a shame that when these honored and hard-working men are shot down Federal judges often condone with the bootleggers instead of going after them.

* * * * * * *

We have no fear of Congress nullifying the dry legislation. The Anti-Saloon League controls Congress.

A folder, purporting to have been prepared by a man who styles himself "general secretary board of temperance, prohibition, and public morals, Methodist Episcopal Church," and a citizen of the State of Oregon, contains the statements I now read:

PUT ONLY DRYS ON GUARD.

There is another forward step which should be taken. One of the greatest hindrances under which prohibition now operates is that our enforcement officers in given States receive their appointments through the recommendation of United States Senators, and some of them without conscience or care have succeeded in filling the enforcement staff with men who are wet in their views, proliquor in their sympathies, and actually antagonistic to the eighteenth amendment. There must be a sentiment created that will stamp out this treason and will make a United States Senator who deliberately secures the appointment of a United States judge, United States district attorney, or a Federal en-

forcement officer who is against the law he is sworn to enforce feel the wrath of the whole people for his betrayal of a sacred trust in thus thwarting the will of the Nation and making easy the violation of its law.

There is another leaf to turn in this volume of enforcement experience. The records will show that 135 Government representatives—officers of the enforcement service—have lost their lives as our representatives trying to have our laws respected. They have been shot down in cold blood, have been run over with high-powered cars, have been burned to death by high-voltage wires set as traps for them, have been poisoned, and every method of devilish ingenuity has been devised to destroy the representatives of this Government who enforce prohibition.

When we have sent our men up against this combination we have handicapped them with advices that they shall not shoot or do bodily injury except as a very last resort, and when as a last resort they have in a few instances fired on men resisting arrest and seeking to do them injury, these Federal officers have actually been put on trial for murder in the first degree, and the prosecuting attorneys—perjured scoundrels—who were sworn to give aid to the Government's agents but were champions of the bootleggers, have tried their best to railroad Federal officers to the gallows or to the State prisons for merely enforcing the prohibition law exactly as other officers are enforcing other laws.

Out in my State, Oregon, the prosecuting attorney who made himself infamous by thus prosecuting a Federal prohibition officer was rewarded by the pusillanimous governor with a position on the circuit bench of his State. I should, for the honor of my State, say that the people of the State attended to the governor's case on the 7th of November last.

Think of the character of the man who would impugn the motives and malign the officers of his State without justification of any kind, as I am credibly informed, and thus misrepresent the great church he claims to speak for.

The Anti-Saloon League in New York is a corporation, and its officers are subject to the laws regulating corporations in that State. A man by the name of W. H. Anderson was imported from another State and made superintendent of the league, with a salary of $7,500. His conduct has been marked by violent and vicious assaults upon the governor and members of the general assembly, the United States Senators, judges, and other officers of that State, charging them with all sorts of offenses, calculated, if not intended, to shock confidence in them and destroy their efficiency as the duly elected representatives of the people. This self-constituted guardian of morals and of law and order in that great State has recently been investigated by the district attorney of New York, and, among other things, facts have been developed which tend to show that he obtained from the corporation $24,700 for his own use, claimed by him to have been expended for the benefit of the league, but for which he produced no vouchers and made no statement of how the money was expended or to whom it was paid, or even where he obtained the money for such purposes. When called upon by the district attorney for a statement, he first offered to make full disclosure, and afterwards employed counsel, under whose advice he refused to give any information and claimed immunity under the statute of limitations.

Mr. President, these arrogant and intolerant men do not hesitate to assault and criticize the highest and the lowest Government officials of the executive, legislative, and judicial departments of the Government when in the discharge of their duties they do not conform to their individual views of constitutional or statutory law. They attack judges for exercising their judicial powers and discretion without knowing the facts upon which their judgments are pronounced. They hold over these officers implied threats of political defeat if they do not yield to their dictation or criticize them for unwarranted interference in governmental matters. When the Senate was considering what is known as the judges' bill, providing for the creation of some 24 Federal judges last year, if I can be allowed to refer to a personal matter, I had occasion to criticize Mr. Wheeler for officious and pestiferous interference in that legislation, and the field secretary to whom I have referred as a recent importation into Tennessee I am informed in a published statement unscrupulously and untruthfully charged that I was opposed to all law enforcement, notwithstanding that as a lawyer and as a judge I had always advocated and aided law and order and the enforcement of all the laws of the land in a just and reasonable manner, a record known to all the people of the State and of which he must have been informed—evidently because of my proper criticism of Mr. Wheeler.

When the time comes when I must abdicate the functions of the high office of United States Senator to any man, associations of men, or corporate interests and be governed by their dictation, I will no longer deserve to hold that high office. I have always conformed my views to the caucus determinations and platform pronouncements of my party, not involving constitutional questions, and have kept faith with my campaign pledges, but in all other things I have been, and will continue so long as I am here to be, governed by my best and conscientious judgment of my duty as God has given me the light to see the right, without considering what effect such action will have upon my political fortunes. I certainly will not submit to the dictation of those who claim to control the Congress, and their misrepresentations and forecasted opposition have no terrors for me.

Mr. President, it is currently reported that all applicants for the office of prohibition director and other agents of that service must be approved by these men, and that the indorsement of the Senators and Representatives of the States where they are to be appointed and in accord with the administration are worthless without such approval. The limit was reached, I think, when recently the President had under consideration the promotion of a United States district judge of my State, a man above reproach in his private and official conduct, to be a justice of the Supreme Court of the United States, Mr. Wheeler, who was supporting another applicant for the place, insinuated things against him in a conversation with the President which he afterwards withdrew as unfounded, doubtless because he knew the President did not believe what he said, as well as because there was no truth in what he had said, and proceeded to compliment the distinguished jurist.

And yet these gentlemen talk about law enforcement when they are assaulting and making statements, without evidence and without facts to support them, against the courts of the country and the officers of the law, which will shock the confidence of the people in the judiciary of the country, the very citadels of good government and law enforcement and bring them into disrepute. I have never believed that a good citizen would be guilty of such conduct and have always considered it lawlessness of the worst character. The courts of the country are the sanctuaries of the law and the bulwark of the personal, civil, and property rights of the people, and no good and patriotic citizen will be guilty of conduct which tends to weaken and destroy them.

When judges and other officers are corrupt and fail to discharge their duties they can and should be proceeded against and removed from office by methods provided by law, and all good citizens who have just grounds of complaint will proceed in that manner.

Mr. President, the prohibition amendment and the Volstead law are laws of the Government of the United States and of the people of the United States. They are not the laws of any faction or of any organization. They must be recognized as the laws of the land, duly enacted, and must be enforced by the duly elected and constituted representatives of the people. When the people fully understand this they will submit to those laws and the violation of them will cease, but the people will not submit to be governed by self-constituted lawmakers, and will always resent efforts to control them coming in such questionable and un-American shape from such men or any private source. When these men cease their officious activities a great step will be taken toward acquiescence in the prohibition laws, for the American people are a law-abiding people and are willing to submit to the laws made by the majority.

Mr. President, the prohibition amendment is a part of the Constitution, and the statutes to enforce it have been passed and are in full force now. Where is the necessity of the activities of the gentlemen I have referred to? Can not the President, the Congress, and the courts of the United States, duly elected, appointed, and sworn, be trusted to execute the laws? Are they less trustworthy and competent than those gentlemen, self-constituted lawmakers and enforcement officers, unsworn and without the color of authority from the people?

Mr. TRAMMELL. Mr. President——

Mr. SHIELDS. I yield to the Senator from Florida.

Mr. TRAMMELL. Does not the Senator think also that when he proposes to get rid of those to whom he refers and when he is working in the interest of bringing about better enforcement, that he would also do something toward the accomplishment of that end if he got rid of the organizations and individuals who have helped to defeat law enforcement and tried to bring law enforcement into disrepute? Should not they also be gotten rid of in the interest of law enforcement?

Mr. SHIELDS. Unquestionably. If the Senator had listened to my argument, he would know that I am in favor of law enforcement. I am opposed to the bootlegger and his vicious business. The bootlegger is not against prohibition. There was no aristocracy of bootleggers until the Volstead law was passed. Under State laws they were mere pikers. While liquor was sold legitimately the bootlegger had no occupation nor did he dare to openly follow his nefarious trade under the State laws, for they were supported by the people and enforced as a rule vigorously and effectively, but now bootlegging has come to be a business, creating millionaires everywhere. I

know of no organization of the kind the Senator has referred to. I have no acquaintenances who are law violators.

Mr. President, placing the enforcement of the prohibition laws in the Treasury Department and under the direction of the prohibition commissioner was a great mistake. It is always a mistake to single out a penal law for special treatment. Law enforcement has nothing in common with the Treasury of the United States. The enforcement of all other laws is intrusted to the Department of Justice, presided over by the Attorney General of the United States and a staff of able assistant attorneys, men learned in the law and in the administration of the penal laws of our country. The law should be changed and the jurisdiction of this law along with all others be given to the Attorney General, where it can be enforced intelligently and efficiently, and without the interference of outsiders. The enormous appropriations now made for the enforcement of prohibition would not be necessary as the expenses would be much less and the people would recognize this law as that of their Government and obey it.

Mr. President, I have no sympathy or patience with some men in this country who are advising the violation of the Volstead law because, as they assert, it is not supported by public sentiment. These men are not good citizens, and their conduct is little short of criminal sedition. My attention has been called to an address delivered by President Butler, of Columbia University, upon the subject of the prohibition laws, but I have not had time to read it. I do find in looking over it here on my desk that he said in that address:

It is lawlessness openly to affront the law. It is not lawlessness to agitate for its modification or repeal.

If this is President Butler's position, he is entirely right. While no man has a right to violate law, and should not be an accomplice to its violation by advising it, the people have a right to peacefully agitate changes in the fundamental and other laws of the country and to petition Congress for that purpose, and no man can be condemned for exercising that right.

Mr. President, I recently read an address by a great man whose birthday the whole country has recently celebrated, and I was so impressed with a statement therein concerning obedience to the laws of our country that I desire to read it here. It will do every citizen good to read it and ponder and follow it:

LINCOLN'S APPEAL FOR LOYALTY TO LAW.

Let every American, every lover of liberty, every well wisher to his posterity swear by the blood of the Revolution never to violate in the least particular the laws of the country and never to tolerate their violation by others. As the patriots of '76 did to the support of the Declaration of Independence, so to the support of the Constitution and laws let every American pledge his life, his property, and his sacred honor. Let every man remember that to violate the law is to trample on the blood of his father and to tear the charter of his own and his children's liberty. Let reverence for the laws be breathed by every American mother to the lisping babe that prattles on her lap; let it be taught in schools, in seminaries, and in colleges; let it be written in primers, spelling books, and almanacs; let it be preached from the pulpit, proclaimed in the legislative halls, and enforced in courts of justice.

Mr. President, the prohibition amendment is a part of the fundamental law of our country, and the Volstead law was enacted by the Congress for its enforcement. This statute is the law of the land, and it must be obeyed so long as it remains unamended and unrepealed. The constitutional amendment, as I have said, will, in my opinion, never be abrogated. Those who are opposed to it might as well accept it and be resigned to the will of the majority of the people. The Volstead law may be amended to relieve it of some of its drastic provisions, but I know of no movement in the Congress for that purpose. The amendment chiefly agitated is to legalize the manufacture and sale of "light wines and beer." What these terms mean I do not know, as they have never been defined by those favoring them. If light wines and beer mean intoxicating liquors to be sold for beverage purposes, legislation for that purpose would be in violation of the Constitution and should not be passed. If this agitation has anything to do with the return of the saloon, the hotbed of moral and political corruption, it will fail. I would never support an amendment that would provide for these things, nor do I believe that any Congress will favor such an amendment to the present laws. I believe the Federal prohibition laws when relieved of the present hurtful influences surrounding their administration will be accepted by the people, and they can and must be enforced. We can not tolerate lawlessness of any character. The General Assembly of Tennessee some years ago passed laws for the prohibition of the manufacture and sale of intoxicating beverages, and, although there was some opposition in the beginning, in a few years they were accepted by the people and were reasonably enforced as all other penal laws of the State, and the people of Tennessee are a law-loving and law-abiding people. I regret to say that this condition has been somewhat changed since the Federal prohibition laws were passed and under the circumstances attending their administration, but I hope that soon again we will have a reign of the law.

Mr. President, while the Federal Government is having some difficulty in enforcing the Volstead law, prohibition is not a failure, as claimed by some. Abolishing the saloon and otherwise removing the facility for obtaining intoxicating liquors, and the accompanying temptation to the young men of the country and those addicted to the drinking habit, has greatly reduced the consumption of such beverages and removed widespread dissipation, poverty, distress, and criminal conduct immeasurably; and any law which has accomplished this for humanity can not be said to be a failure.

Mr. President, I have given my reasons for the difficulties the Federal Government has encountered in the enforcement of the Federal prohibition laws, not with a view of criticizing anyone but with the hope by calling attention to these causes to aid somewhat in the removal of them and bring about such condition of affairs that the people will recognize those laws as the laws of their Government and as good citizens and cooperate in the enforcement of them. I believe that covering of the prohibition officers and employees under the civil service and making every effort to procure the very best men to fill those places and execute these laws will contribute much to remove the prejudice against them and to their just, reasonable and efficient enforcement; and if I have said anything that will contribute to that result, I think I will have done a service to my country.

APPENDIX A.

A bill (S. 1376) providing for the placing of Government employees engaged in the enforcement of national prohibition under the civil service.

Be it enacted etc., That the executive officers authorized to be appointed by the Commissioner of Internal Revenue and the Attorney General of the United States to have immediate direction of the enforcement of the provisions of the national prohibition act of October 28, 1919, and persons authorized to issue permits, and agents and inspectors in the field service of the prohibition enforcement force of the Internal Revenue Bureau, and other special employees of the Attorney General, appointed pursuant to said national prohibition act, shall be appointed in accordance with the provisions of the act of January 16, 1883, known as "An act to regulate and improve the civil service of the United States." Within three months from the passage of this act the incumbents of positions hereby made subject to the competitive requirements of said civil service act shall be subjected to and must successfully pass open competitive examinations in order to retain their respective positions, unless already appointed in the manner prescribed in the civil service act.

SEC. 2. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

APPENDIX B.

A bill (S. 3247) to transfer to the classified service agents and inspectors in the field service, including general prohibition agents and field supervisors appointed and employed pursuant to the national prohibition act, and for other purposes.

Be it enacted, etc., That the positions now held by agents and inspectors in the field service, including general prohibition agents and field supervisors acting under the direction of the Federal Prohibition Commissioner and prohibition agents acting under the direction of prohibition directors, which positions have been created and the incumbents thereof appointed under the provisions of section 38, Title II, of the national prohibition act, are hereby transferred to the classified service.

SEC. 2. That the incumbents of the aforesaid positions who have been heretofore appointed by the Commissioner of Internal Revenue under the provisions of the said section of the national prohibition act, and who are now employed in such positions, are hereby transferred to the classified service as of their present grades or rates of compensation, respectively, and shall be continued in such positions without any or further examination, subject, however, to transfer, promotion, or removal the same as other employees in the classified service.

SEC. 3. That nothing herein contained shall be deemed or held to restrict in any way the provisions of section 38 of Title II of the national prohibition act authorizing the Commissioner of Internal Revenue to appoint without regard to the provisions of the civil service act of January 16, 1883, and the supplements to and the amendments thereof and the rules and regulations issued pursuant thereto, executive officers to have immediate direction of the enforcement of the provisions of the said national prohibition act and the persons authorized to issue permits thereunder, including the executive officers employed under the direction of the Federal Prohibition Commissioner and of the Federal prohibition directors: *Provided, however*, That the number of persons so appointed and employed in the bureau at Washington shall not exceed 12, and the number of persons so appointed and employed in the several directors' offices in the field shall not exceed an average of five in each director's office.

Mr. KELLOGG obtained the floor.

Mr. WILLIS. Mr. President, will the Senator yield to me a moment?

Mr. KELLOGG. For what purpose?

Mr. WILLIS. I simply want to ask unanimous consent to insert certain documents in the RECORD. It will take but a moment.

Mr. KELLOGG. If that is what the Senator desires, I yield.

Mr. WILLIS. In connection with the remarks of the Senator from Tennessee [Mr. SHIELDS] relative to law enforcement and the statement made by Dr. Nicholas Murray Butler on that subject, it seemed to me it would be useful to have in the RECORD just at this point certain newspaper comments relative to the statement made by Doctor Butler. I therefore ask unanimous consent to place in the RECORD at this point, in 8-point type, a brief editorial from the New York Evening Mail, another from the Washington Star, another from the Philadelphia North American, and a statement from Evangeline Booth, who is perhaps as well qualified to judge of the enforcement of the law as anyone in the country.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

[Editorial from the Evening Mail, New York City, Monday, January 29, 1923.]

PRESIDENT BUTLER'S BAD EXAMPLE.

Speaking of the fifteenth and eighteenth amendments to the Constitution, President Nicholas Murray Butler said before the Ohio Bar Association last Friday:

"In form and in fact, and judged by all the usual tests and standards, these two amendments to the Constitution of the United States are part of the organic law, with all the rights and authority which attach thereto. Nevertheless, they are not obeyed by large numbers of highly intelligent and morally sensitive people, and there is no likelihood that they can ever be enforced, no matter at what expenditure of money or effort, or at what cost of infringement or neglect of other equally valid provisions of the same Constitution."

When the president of a great university says that a certain law is unenforceable, buttressing his argument with implied praise of the "intelligence" and "moral sensitiveness" of persons who disobey it, is it any wonder that undergraduates of his university should have no scruple about breaking the law?

There is not, and there never has been, a law in existence which was "enforced" in the sense that it was 100 per cent efficient in abolishing crime. If the law forbidding the consumption and sale of liquor is unenforceable at Columbia University, so is the law against stealing unenforceable in a thieves' den.

As a matter of fact, the prohibition laws are not only enforceable but they are enforced over the greater part of this country. It is only in the larger cities that their enforcement is still baffling the authorities. But even in those larger cities, officials like United States Attorney Hayward and Commissioner Yellowley have shown what can be done, and it is only a matter of time until they achieve still more considerable success.

Doctor Butler's Ohio address was a long wail bemoaning the increase of lawlessness, which he put down to the passage of unpopular laws. He said the frequency with which persons in high places broke the prohibition law was leading others to have a contempt for all laws. He is quite right. But he will not mend matters by making apologies for these people, their "intelligence" and their "moral sensitiveness."

We have seen few spectacles less edifying than that of a college president upholding the "intelligence" and "moral sensitiveness" of people who, because they will not deny themselves liquor, are responsible for encouraging all the other crime that goes with bootlegging.

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[Editorial on President Butler, of Columbia University, in the Evening Star, Washington, D. C., January 28, 1923.]

Dr. Nicholas Murray Butler now joins the ranks of the "defeatists" with respect to enforcement of the eighteenth amendment. In an address before the Ohio Bar Association he declared belief that the amendment never can be enforced, "no matter at what expenditure of money or of effort," and as he does not expect the amendment to be repealed within measurable time he sees no hope but that America will continue to be a Nation of lawbreakers, with full approval of "men and women of intelligence and moral sensitiveness."

The eminent educator's belief that the eighteenth amendment and laws enacted under it for suppression of the liquor traffic are unenforceable perhaps would carry greater weight if he were a little less reckless in laying the groundwork of his argument. But when he tells us that "the methods of czarist Russia and the Spanish inquisition" have been resorted to in futile efforts to enforce the law he tells us what we know is not true, and therefore we feel justified in harboring a reasonable doubt as to the infallibility of his judgment of the ultimate outcome. When so learned a man as Doctor Butler indulges in such extravagance of statement, it is to be feared his protest is more inspired by passion than by zeal for the well-being of the Nation.

Doctor Butler succeeds only in making himself look foolish when he declares at this stage of the contest that the liquor traffic can not be suppressed. As a matter of fact, American sentiment day by day grows more determined that it must and shall be suppressed. There was a time when ordinarily good citizens thought it was "smart" and something of a joke to buy bootleg whisky, but their number is rapidly diminishing. Doctor Butler asserts that revolt against prohibition enforcement among "men and women of intelligence and moral sensitiveness" is nation-wide. That statement carries its own refutation. No intelligent man or woman could view with equanimity the moral debauchery resulting from the business of the bootleggers, and to give countenance to their carnival of crime is complete proof that "moral sensitiveness" is lacking. It may be that some day the eighteenth amendment will be repealed, or that the laws for its enforcement will be modified, but repeal or amendment will not be the result of such attacks as that launched by Doctor Butler at Columbus.

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[From the North American, Philadelphia, Wednesday, February 14, 1923.]

MORALLY SENSITIVE BOOTLEGGERS.

Many Americans who believe in and practice law observance were surpised a few days ago when President Nicholas Murray Butler, of Columbia University, in a public speech assailed the eighteenth constitutional amendment and the Volstead act and offered a casuistical defense of violators of those enactments. Doctor Butler has been known as a political supporter of the liquor traffic; when he was a candidate for the Republican presidential nomination one of his principal assets was his strength with the wet forces in the party. But it was not generally expected that he, the head of a great university the majority of whose students are of foreign extraction, would make a calculated effort to justify and incite defiance of the laws of the United States.

Doubtless it was in part because the doctor has become habituated to the use of textbooks prepared by others that he merely transmitted in his address arguments that have been worn threadbare by the bootleggers and their lawless patrons. In fact, his utterance embodied so little that was new or weighty that if it had been delivered by a citizen of less prominence it would have attracted no attention. Incidentally, one must marvel at his hardihood in selecting a session of the Ohio Bar Association as the scene of his oratorical exploit. It was the judicial section of the American Bar Association that declared that "those who scoff at this law are aiding the cause of anarchy and promoting mob violence." And it was Ohio which last fall voted by a great majority for strict enforcement.

Naturally, Doctor Butler affirmed with unction that he and other advocates of nullification are "opposed to the saloon" and thoroughly approve its banishment. Here he makes two interesting admissions—first, that there is a dry sentiment throughout the Nation so strong that it has outlawed the saloon, and, second, that he is now against that agency of "personal liberty." But in adopting the canned arguments of the liquor advocates he loaned his name and influence to the most dishonest proposition in the whole wretched propaganda of booze. While professing to abhor the saloon, he knows, as one familiar with law and legislation, that if the demanded modifications of the Volstead act were to be made, so as to legalize the sale of "light" intoxicants, restoration of the saloon would be a matter of course and necessity. The places where the intoxicants were sold would have to be licensed, regulated, and taxed.

But if his condemnation of the saloon lacks candor, his implication that the sale of "light" intoxicants would eliminate lawlessness lacks logic. He might as well argue that the way to stop wholesale thefts would be to legalize petty larceny. The "light" intoxicants are obtainable now, in unlimited quantities, by anyone who has the price and is willing to participate in a criminal traffic; yet that does not diminish the demand for hard liquor but rather stimulates it.

Like every glib-tongued apologist for the bootlegger and his patrons, Doctor Butler seeks justification for defiance of the eighteenth amendment in the fact that several of the Southern States disregard the fifteenth amendment. These, he says, are "two important influences which are now making for lawlessness in American life." Coming from an obscure or uneducated person this absurd argument might be ignored. But it is worth examination, we think, when offered by a scholar who holds the degrees of A. B., A. M., and Ph. D. from Columbia, is a doctor of letters by grant from Oxford, and has been dubbed doctor of laws by Syracuse, Tulane, Johns Hopkins,

Princeton, Pennsylvania, Yale, Chicago, St. Andrews, Manchester, Cambridge, Wesleyan, Williams, Harvard, Dartmouth, Breslau, Brown, Toronto, Strasburg, Prague, Nancy, Paris, and Louvain Universities.

Doubtless it will appear a kind of heresy to question the authority of a legal expert so formidably endowed with the trappings of scholarship, yet we venture to do so. The fourteenth amendment, guaranteeing equal civil rights to negro freedmen, and the fifteenth amendment, extending the suffrage to negroes, were promulgated in 1868 and 1870, respectively. They were framed during a period of intense partisanship following the Civil War, and their ratification was procured by congressional coercion, military force, and exploitation of the negro vote. Back of these measures were radicals who had fought Lincoln to the day of his death, and the amendments embodied policies which he firmly opposed. Most of the Southern States ratified them while under "carpetbag" government supported by troops of occupation.

This aspect of reconstruction, indeed, furnished one of the darkest chapters in American history, for whatever justification there was for the amendments in theory, the main purpose behind them was partisan, to use the negro vote to take political control away from the whites of the South. The methods employed were so atrocious that multitudes of people in the North denounced them. The result was simply to solidify the South against an attempt to override its views, and to this day the sentiment is so nearly unanimous that Congress has never dared to attempt enforcement of the obnoxious measures.

Now, consider the history of the eighteenth amendment, which Doctor Butler pretends is in the same category. Its adoption followed an educational campaign extending over 75 years. No issue, except that of slavery, was ever so long and so thoroughly discussed; from platform and pulpit and in the press every aspect of it was analyzed before three generations. It was finally submitted to the States by a two-thirds vote of both Houses of Congress. At that time more than half the States in the Union had adopted prohibition within their own borders, but in every remaining State a desperate fight was made by the liquor interests, the most powerful bipartisan combination of business and politics the country had ever seen. Yet, within 13 months, so overwhelming was the sentiment, the prohibition amendment had been ratified by the required 36 States, and eventually 45 gave their approval. Out of 96 State legislative chambers, there were just three that failed to vote for ratification.

We do not cite these facts in any attempt to justify the nonenforcement of the fifteenth amendment but merely to show how uncandid and how defiant of history is Doctor Butler's pretense that the two can be linked as twin causes of lawlessness. The one was an instrument of partisanship and imposed by force, the other an expression of overwhelming public sentiment, regardless of party, made effective through orderly democratic processes.

It would be unjust to the abilities of an expert with 22 LL. D. degrees to ignore the fact that Doctor Butler enriched his excuses for law defiance with some striking epigrammatic phrases. Thus he held it an "illusion" that "enactments duly made by the legislature and upheld by a competent court are part of the law." They are such, he explained, "only if general public opinion supports and upholds them," if they are ratified by "a silent referendum in the hearts and minds of men." We hope the law schools and the courts will take due note of what should be known in American jurisprudence as the Butler referendum, as distinguished from the species provided by our imperfect Constitution.

But even more characteristic is his definition of those for whom he particularly pleads. We have read affecting arguments for the right of the worker, of the alien-born citizen, and of the "poor man" to "personal liberty" as embodied in booze, but Doctor Butler is concerned for a very different class. The law, he says, is "not obeyed by large numbers of highly intelligent and morally sensitive people"; he perceives "nation-wide revolt" among "men and women of intelligence and moral sensitiveness"; he grows emotional over "lawlessness which arises from the resistance of intelligent and high-minded people."

In this plea the surpassingly literate doctor is true to his traditions. He has frequently shown that he deplores legislative interference with the business interests and personal desires of the "highly intelligent and morally sensitive" among the population; he would remove from them hampering statutory prohibitions and trust to the common law. This is a familiar doctrine; it has been invoked by the Butlers every time an exploited public has undertaken to curb rapacity, stamp out crimes of cunning against society, and promote social and industrial justice. When laws were passed against secret railroad rebates, food adulteration, the exploitation of women and children in industry, the plundering of natural resources, the wasting of life through refusal to safeguard workers, always the cry was raised that these enactments were needless restrictions upon business and that the common law provided all needed remedies.

As we have frequently shown in these columns, the reactionary of the Butler type is the complement of the reddest of radicals. Their essential doctrines are alike. Both are antidemocratic; both are for the rule of a minority—the Bolshevist for government by manual workers, the Butlers for government by the "highly intelligent and morally sensitive."

Nor must any one assume that the eminent educator's solicitude for the class he champions is a mere ebullition of platform sentiment; a harrowing scene in a New York court room last Friday showed how precious is his reasoning to "highly intelligent and morally sensitive" violators of the law. Four brothers, prominent members of New York clubs and society, pleaded guilty to bootlegging, an official stating that their operations amounted to $2,000,000 a year. All four had been indicted for selling liquor without prescribed permits, three for illegally possessing liquor withdrawn on forged permits. Lawyers as distinguished as Doctor Butler himself pleaded for them, and actually quoted in their behalf his ingenious argument that defiance of an unpopular law is an act justifiable and even virtuous. In spite, however, of their high intelligence, moral sensitiveness, and Butlerian immunization they were sentenced to jail. The court must have preferred to the Butler philosophy that of Edmund Burke:

"Men are qualified for civil liberty in exact proportion to their disposition to put moral chains upon their appetites; in proportion as their love of justice is above their rapacity; in proportion as the soundness and sobriety of their undertaking is above their vanity and presumption; in proportion as they are more disposed to listen to the counsels of the wise and the good in preference to the flattery of knaves."

It might even have called as a witness an exponent of many of Doctor Butler's reactionary views, but one who draws the line at countenancing criminality by the cultured. Thus says Justice Taft, of the United States Supreme Court:

"This is a democratic Government, and the voice of the people, expressed through the machinery provided by the Constitution, is supreme. Every loyal citizen must obey. This is the fundamental principle of free government. * * * It is dangerous doctrine for any citizen to attempt to excuse lawlessness. It is doubly dangerous when done by men in prominent positions."

While we would not deprive Doctor Butler of a single one of the degrees that give luster to his name, we must pronounce the opinion that for a highly intelligent and morally sensitive LL. D. he makes deplorable use of his honorary distinctions.

[From the War Cry, January 20, 1923.]

SHALL AMERICA GO BACK?

(By Commander Evangeline Booth.)

* * * * * * *

OVERWHELMING DRY MAJORITY.

"Who adopted prohibition? The people themselves through their Representatives in Congress and State legislatures. In Congress 347 votes were cast for submitting the eighteenth amendment to the State legislatures for ratification and 148 against. In the 46 States out of the 48 which ratified the amendment 5,084 votes were cast in the State legislatures for ratification and 1,263 against it. The total vote was 79 per cent for ratification and 21 per cent against.

"You can impress the whole situation on your mind by remembering that prohibition was 'put over' by only 46 of the 48 States in the Union, with only 98 per cent of the population and only 99¾ per cent of the area of the United States. To sum up, only two small States—Connecticut and Rhode Island—refused to ratify. Prohibition could have been no surprise to the country, for 33 States were dry by State enactment and 87.8 per cent of the area and 60.7 per cent of the population were under license law before the eighteenth amendment went into effect. How ridiculous to say that this was secured by surreptitious means!

DRINK ALWAYS LAWBREAKER.

"The second count in this indictment is:

"'Prohibition does not prohibit.'

"It is rather strange that our enemies blow both hot and cold. We hear much about the drastic nature of the Volstead Act. It seems to prohibit overmuch, and our friends say: 'We would be satisfied if they would allow light wines and beers.' Then with almost the same breath they say: 'Prohibition

does not prohibit.' If it doesn't, then the 'wets' are well served. But they know it does and that every time they slake their thirst with the forbidden beverage they are breaking the law. This, in the drinker's realm, may not be looked upon as particularly bad; but then drink is always true to form, and in the days when it was legalized its devotees were the most flagrant breakers of the law in the land. Drink will not be regulated. Its lawbreaking proclivities are not new but are as old as history; be they laws of nature or laws of nations, laws of health or laws of home, laws of mind or laws of morals, the drink stands condemned—the red-handed criminal, the greatest lawbreaker in the land. So it is no new rôle for it to assume when its apologists cry, 'Prohibition does not prohibit!'

"That there are violations of the law all admit, but to cite that fact as an argument against the prohibition law is as futile as it would be to demand the cancellation of the whole decalogue because of repeated infraction of that law which is fundamental to all jurisprudence. We of the Salvation Army aspire to order our lives by the standard of these Ten Commandments, and to persuade others to do the same, and it would be about as sensible to engage in an effort to expunge that code from the Book of God because of its nonfulfillment in lives of men as it is to advance the theory that the prohibition law is a failure because it does not prohibit.

AMENDMENT MUST STAND.

"Because the laws against arson, theft, and murder are being violated, shall we abandon these laws and their penalties? Certainly not; and by the same token the eighteenth amendment and its supporting law must stand.

"The third count in this indictment is:

"'You can not by law make men moral.'

"This statement can not survive the acid test. Its reasoning is fallacious and its implications untrue.

"I must remind our friends that the question is not simply and only one of morals. That phase of the matter, I admit, to Salvationists looms up with singular distinctness. We hold that it is positively wicked to take God's good grain, capable of sustaining the lives of multitudes, who are now on the verge of starvation, and waste it, and not only so, but, in the process of waste, turn it into an unmitigated curse. No proprietary rights will absolve any from the moral obloquy of such conduct. To trade in that deceptive and destructive thing, apart from anything that statutory law may say, has long been regarded as of doubtful ethics. The beverage use of alcohol has proved with mathematical precision that it is a demoralizing and dehumanizing agent. Oh, yes! It is a moral question, but not only so. It is also an economic question, a sociological question, a political question, a scientific question, and startlingly these days have demonstrated it to be an international question. So it comes to pass that the economist, the scientist, the statesman, the sociologist, and the manufacturer have all joined with the moralist in the enunciation of this law that was graven by the hand of God in the constitution of human life.

LAW NECESSARY TO SOCIETY.

"The statement that morality is divorced from law is not true. Moral conduct is the aim and end of law. That is the meaning of law. Its enactment and administration has good conduct for its objective, and while conduct may at times be governed by a fear of penalty, law is still universally recognized as necessary to the existence of well-ordered society. When people say: 'You can't legislate people into good morals,' I reply: Into the whole fabric of our Nation's law is woven the ethical element, and any law that violates a correct moral standard is foredoomed to dishonor and its repeal is certain. By this test the old liquor-license laws were tried and condemned and ultimately superseded, and I feel quite happy in the realization that the same searching trial will reveal to the whole world the soundness of our present legislative position. Meanwhile depopulated prisons and rebuilt homes witness to the fallacy of this argument advanced against prohibition.

"The fourth indictment is:

"'Prohibition invades personal liberty.'

"Into this supposed tower of refuge probably more of our opponents run than any other, and from its flimsy ramparts they fling the cry: 'Prohibition invades our personal liberty by prescribing what we shall eat and what we shall drink; and we deny any man's right to proscribe our plum pudding or our exhilarating cup.'

"The principle, basic to the restraints of all law, is precisely that which enters into the prohibition law. No man objects to the denial of his liberty to steal; anyway, he doesn't object to the curtailment of his neighbor's liberty in this direction; therefore he should intelligently accept the application of this same principle to that house-breaking, home-destroying, child-abusing, business-wrecking thief—alcohol.

NO OTHER CONSISTENT COURSE.

"Liberty, true liberty, is a priceless heritage, but no man's liberty comprehends a right to strike another down, not even if that other is his own child. In the exercise of society's right to protect itself, the Nation came to an appraisal of the monstrous wrong that was perpetrated upon it by the permission of the drink traffic. The process toward that evaluation was slow and tedious, but the final appraisal was correct—correct politically, correct economically, correct scientifically, correct socially, and correct morally. With the soul of the people awake to this solemn fact, there was no consistent course possible but for the Nation to wash its hands forever from the cruel partnership that had dishonored it and refuse longer to traffic in homes, in happiness, in health, in the very lives of its children. To speak this holy purpose our Nation flung her starry pen across the Federal books and by strictly constitutional means wrote into the organic law of the land that which every officer and every citizen is pledged to support. There is no liberty apart from law. There is but one alternative—anarchy.

TEST OF RESPECT OF LAW.

"What about the enforcement of law?

"That splendid American, the Hon. Charles E. Hughes, Secretary of State, says: 'Everybody is ready to sustain the law he likes. That is not in the proper sense respect for law and order. The test of respect for law is where the law is upheld even though it hurts.'

"Law must be, and must be obeyed. Yet there are those who argue that the breach of the prohibition law is excusable. Some say it is laudable, while others are defiant and make it their business in life to forward their sinister work of doing those things that the law prohibits. There are others that go still further, and in their wild thirst for gain the lives of their victims count not, and murder is added to fraud when they trade upon the weakness of their fellows and for fabulous prices sell deadly poison.

"When I begin to analyze the crowd opposed to prohibition I must confess I am impressed neither with their quality nor their reasoning. Clean and loyal citizens opposed to prohibition place their reputation in jeopardy by such association. How sorrowful that opposition to prohibition has united, as in a great dragnet, the good and the bad, so that the respected citizen and the professional brewer are cogitating and cooperating together for the repeal of the eighteenth amendment! But—'they shall not pass'

"The prohibition law sprang from the soil and the soul. It germinated in remote and sacred places where mothers pray and fathers think. The country church, the country W. C. T. U., the country home and school took the lead—the West far in advance of the East. Long and wearisome has been the struggle. Shall those who fought and gained it never go back? 'Kansas,' William Allen White says, 'and States of her tradition and her kind would no more lose their 40 years' fight for prohibition than they would lose their 4 years' fight against slavery.'

COMPROMISERS ARE BANE.

"There are those that pronounce themselves in favor of light wines and beers. They are the 'happy medium' folk. To them the prohibition amendment is good, but its enforcement is bad. Their cry is 'modify.' Their name is legion. According to a recent independent poll, the number of these 'would-be' modifiers nearly equals the number of those who support unqualifiedly the amendment and its supporting legislation. Herein lies our danger. We have nothing to fear at the hands of the out-and-out 'wets.' They constitute a dismal and discredited minority. The compromisers are the bane that threatens the Nation's prohibition policy.

"A very large number, I might say nearly all, of these friends repudiate the saloon, and if it were a choice between the return of the saloon and prohibition then they would choose prohibition. But the menace of their position lies in the thought that light wines and beers are effectively divorced from the saloon and that the one can exist without the other. They say, 'No saloon—it is gone forever—but gives us light wines and beers.'

"Now, if it were possible to meet their demand, I am still for prohibition as prescribed by the present statutes. But it is not possible. It is not possible constitutionally. Intoxicating liquor is barred and little or no argument is needed to prove that so-called light wines and beers are of the proscribed class."

Mr. BROUSSARD. Mr. President, will the Senator from Minnesota yield to me to ask unanimous consent to have something inserted in the RECORD?

Mr. KELLOGG. If the Senator wishes to make any explanation, I wish he would wait until I get through. It will only take me about ten minutes.

Mr. BROUSSARD. I want to have something printed in the RECORD just at this point. It is the address delivered by Doctor Butler, and, inasmuch as the editorials have been offered, I would like to have the address follow the editorials.

Mr. KELLOGG. I have no objection to that.

Mr. WILLIS. I offered the editorials because the address of Doctor Butler had been referred to.

Mr. BROUSSARD. I understand. I ask unanimous consent that the address of Dr. Nicholas Murray Butler may be inserted in the RECORD, in regular RECORD type, immediately following the editorials offered by the Senator from Ohio.

The VICE PRESIDENT. Without objection, it is so ordered.

The address is as follows:

LAW AND LAWLESSNESS.

AN ADDRESS DELIVERED BEFORE THE OHIO STATE BAR ASSOCIATION, AT COLUMBUS, OHIO, ON JANUARY 26, 1923, BY NICHOLAS MURRAY BUTLER.

In this presence of a distinguished and representative company of American lawyers and men of affairs, it would be quite easy to speak once again with appropriate rhetorical flourishes those sonorous platitudes concerning the law and its supremacy with which we are all familiar. One who does not venture beyond the limits of common consent may gain universal applause, but he does not contribute to progress. My preference is to raise, with such definiteness as the time at my disposal will permit, some fundamental and doubtless disputed issues which I conceive relate directly to the subject under discussion.

That disregard of law, disobedience to law, and contempt for law have greatly increased and are still increasing in this country is not to be doubted. Similar happenings are taking place in other parts of the world, but one may wonder whether the unenviable supremacy of the people of the United States in this field is not fixed for the time being. In all parts of the country judges and lawyers are discussing the prevalent spirit of lawlessness, and usually end by asserting emphatically that the law must be and shall be enforced exactly as it is written without fear or favor. This has a fine sound and is universally applauded, but it contributes absolutely nothing to an understanding or solution of the grave problem which widespread lawlessness has raised. An examination of the proceedings of the recent annual meetings of bar associations throughout the country establishes the fact that almost all of them have been hearing discussions of this topic. Its importance, therefore, and its nation-wide character may be taken for granted.

It is rather a sorry outcome of our century and a half of existence as an independent Nation, proclaiming to the world the discovery of the best possible method of providing for liberty under law, that we should now be pointed to as the law-breaking nation par excellence. At the meeting of the American Bar Association, held in San Francisco in August last, I listened to the report of a special committee on law enforcement. That committee called attention first to the fact that we in this country are without adequate and accurate statistical information as to crime, and will remain so until the Department of Justice is in position to establish a bureau of records and statistics, where all relevant information may be assembled and preserved and to which recourse may be had by courts and public officers throughout the Nation. That committee offered a most disheartening and indeed shameful comparison between the law-abiding character of the people of the Dominion of Canada and that of the people of the United States. They seemed to feel that the situation was somewhat relieved by the fact that when Canadians cross the border they become proportionately less law abiding than when at home. Some of us might think that, contrary to the adage of the poet Horace, these immigrants had changed both the sky above them and the spirit within them and that the inference was not complimentary to the United States. However that may be, the Dominion of Canada, with a population of some nine millions, stands in most enviable contrast to Cook County, Ill., with a population of some three millions, when burglaries, larcenies, and homicides are taken as standards of comparison.

It was of particular interest to hear in that report the statement that, particularly since 1890, there had been and continues to be a constantly widening and deepening tide of lawlessness in the United States. I hold that date, 1890, to have marked the turning point for the worse in more than one field of thought and action, and to be a truly significant date for anyone who would understand the prevalent lawlessness among our people. It seems clear that the remedies usually suggested for this lawlessness are very superficial and can have none but superficial and temporary results. It is all well enough to increase the number of judges, to make criminal trials more speedy and sentences after conviction more severe, and in various other conventional ways to strengthen the administration of justice. We may, however, do all these excellent things, and lawlessness will still continue to exist and to grow unless its underlying causes be reached and dealt with. Human experience has long since exploded the doctrine that a severe punishment will deter from the commission of crime. The fear of detection will so deter, but the fear of punishment will not.

In order to get at the fundamental facts in respect to lawlessness we must dig down somewhat deeper than ordinary. There is, first, the body of new information just being brought to general public attention, which appears to indicate that during the past hundred years and more the material progress of man and his power to control and apply the forces of nature have far outrun both his intellectual and his moral capacity and competence. One of the most distinguished of American scientists recently said in my hearing that he had about come to the conclusion that all his discoveries and advances were harmful rather than helpful to mankind because of the base and destructive uses to which they were likely to be put. He insisted that, in the present state of public intelligence, if there was a lofty use and a lower use of his discoveries and inventions, evidence multiplied that the lower use would be the first chosen. He pointed, among other things, to the fact that the Great War, with all its destructiveness and appalling loss of life and treasure, could never have been fought except by the use of two of the most beneficent and striking of modern inventions, namely, the telephone and typhoid phophylaxis. What, he added, is the use of inventing and improving the telephone or of discovering and applying typhoid prophylaxis if the killing of millions of men is the best use that can be made of them?

Frankly, we must face the possibility that we are living in a material world to which but a portion of the people are intellectually and morally adjusted. These, and these alone, be they few or many, are in a state of mental health. The others are pathologic cases from the intellectual and the moral point of view. They are not mentally defective as that term has been understood, nor are they in any technical sense insane; but they are sufficiently maladjusted to their environment to be lacking in complete mental and moral health. If conditions like these be superadded to the general temperament and known characteristics of the people of the United States, it is not difficult to see how a widespread spirit of restlessness, of dissatisfaction with law, and eventually of disregard for law, might be brought about. The more advanced of our students and investigators of mental life and mental health are quite alive to these conditions, but as yet they are voices crying in a wilderness.

The report of the American Bar Association's committee on law enforcement mentioned the year 1890 as significant in the history of the development of lawlessness in this country. That happens to be about the time when the standards and methods of general education which had existed in the United States for more than a half century began to give way before those that have since become increasingly influential not only in our schools and colleges but in our homes. For various reasons, which need not be gone into here, there then began to be an increasingly sympathetic response to the doctrine which had for some time been preached: That no youth should be asked to follow any course of study that he did not like and that was not of his own choosing. His tastes and early capacities or, perhaps, his whims were to take the place of human experience and the general interest in determining how he should spend his time while in the process of formal education. A quick effect, and, indeed, an almost unconscious effect, of the practice of such a doctrine is to displace discipline and to arouse in the mind of youth contempt and disregard for those things which he has not chosen to know, regardless of what may be the opinion of others concerning their value and importance. In this way the individual learns to separate his own tastes, his own interests, his own occupations, from those of the community of which he is a part and only to prefer and to follow his own. That subtle and many-sided influences would in this way be set in motion to make for lawlessness seems obvious.

Until about 1890 the ruling notion in American education was that there existed such a thing as general discipline, general knowledge, and general capacity, all of which should be developed and made the most of by cooperation between the home

and the school. As a result of a few hopelessly superficial and irrelevant experiments, it was one day announced from various psychological laboratories that there was no such thing as general discipline and general capacity, but that all disciplines were particular and that all capacities were specific. The arrant nonsense of this and the flat contradiction given to it by human observation and human experience went for nothing, and this new notion rapidly spread abroad among the homes and schools of the United States, both to the undoing of the effectiveness of our American education and to the spread of a spirit which makes for lawlessness.

It would surprise a great many excellent persons to be told that the schools upon whose maintenance they are pouring out almost unlimited sums raised by public tax, were, quite unconsciously, doing all that they reasonably could to implant a spirit of lawlessness in those who come under their influence. And yet that is the sober truth. If a youth be taught at home or in school that there are no fundamental underlying principles, but that the world is his oyster, to be consumed at such time and in such fashion as he may see fit, or that it is to be made over to his heart's desire, one need not wonder when a spirit of lawlessness and restlessness under order and constraint finds expression in his life. The platitude makers tell us sometimes that education is preparation for life, and sometimes that education is life; take either horn of the dilemma, and the sort of education to which we are now subjecting our youth is too often a training in the spirit of lawlessness. No person can be called educated who will not do effectively something that he does not wish to do at the time when it ought to be done.

If these considerations be correctly stated, a secure foundation for lawlessness has been laid in our national life, and an invitation to lawlessness has been extended by the recent material progress of man and by the changes that have come over our national system of education. The sum total of the effects of these causes is to predispose to lawlessness. In such case there is no effective barrier raised against human passion, human greed, human revenge, or human cupidity. First comes individual interest and individual satisfaction; then group or class privilege or advantage; and last of all, the interest of the general public, which in a healthy and law-abiding society will always be supreme.

Upon the foundation so laid there has been rising for some time past a structure making for lawlessness, which has had the cooperation of many builders, most of whom have been quite unconscious of the part they were playing. Our legislatures, both State and national, and our various administrative boards and bureaus are largely made up of those whom Thomas Jefferson wittily described as demilawyers. Their ruling passion is a statute or an administrative order. Their constant appeal is to force, to what has come to be known as the police power of the State, and they exercise it with a ruthlessness and a ferocity from which kings and emperors have been accustomed to draw back. Shortly before retiring from public life former Senator Thomas, of Colorado, himself a learned lawyer of high type, made a speech in the Senate in which he pointed out that within a relatively short period of time we Americans had some seventy thousand statutes, State and national, passed for our guidance and government. To state this fact is to name a powerful force making for the spread of lawlessness. When the temporary is confused with the permanent, and when the unimportant and trivial is mistaken for that which has broad reference and wide implication, intelligent citizens must not be expected to look seriously upon statutes and statute making or to treat all statutes with equal respect. The strain is quite too much for common sense and for a sense of humor to bear. I well know that it is the opinion of lawyers that whatever enactments are duly made by a legislature and upheld by a competent court are part of the law. But that is an illusion. They are only part of the law if general public opinion supports and upholds them. There is a silent referendum in the hearts and minds of men on every important enactment by a legislature and on every important decision by a court which involves a fundamnetal principle of civil liberty. Without a favorable issue in that referendum, the statute and the decision alike are written in water. It must not be forgotten that law is but one form or type of social control.

It is not so many years ago that Americans used to laugh at the Prussian bureaucracy and to point with scorn at the signs "Verboten" that were to be seen on every hand in Prussia. Our bureaucracy is quite as bad as that of Prussia ever was, without being so efficient, and now we have a dozen Verboten signs in the United States to every one that Prussia can show. Not a few of the printed forms addressed to citizens by various bureaus of the National and State Governments are rude and peremptory to the point of insolence, and are justly resented by self-respecting citizens. The multiplication of petty crimes has gone on until the list includes scores of perfectly innocent departures from the conventional and scores of perfectly harmless infractions of good manners and good conduct.

No longer do the demilawyers stop with defining these acts as misdemeanors. Not infrequently they are elevated to the rank of felonies. Is it any wonder that an intelligent and self-respecting public revolts at that sort of official treatment? It may just as well be frankly stated that a very distinct contribution to the spread of lawlessness is made by the ease and inconsequence with which we make and modify the law. Did time serve, it would be possible to give illustration after illustration drawn from the statute books and administrative codes of States in all parts of the Union. Thomas Jefferson would rise in his grave if he could know what is now going on in the United States, not infrequently at the behest and under the influence of the political party which still professes allegiance to his name and principles.

In this respect things have come to such a pass that the really public-spirited legislator who should vote no on every roll call in respect to the final passage of a bill would be rendering public service nine times out of ten. The common law will take care of our developing needs in far better fashion than will statutes in all but a very small class of cases. The influence of a sound education and a true religion, if really believed in instead of being merely talked about, would in time build up a spirit of obedience to law, which no possible system of law enforcement can ever bring about. Through centuries a habit of obedience to the Ten Commandments may be built up among men, but the Ten Commandments can not be enforced by all the governments and armies in Christendom.

This is but one more phase of the never-ending struggle between reason and force in human life. Civilized States, and particularly those which rest upon a basis of popular government, are always steadily aiming to widen the area in which reason rules and to narrow that in which force controls, both as to their internal policies and as to their international relationships. We in this country, however, have of late been pursuing the reactionary policy of widening the area where force controls, and this is justly resented by a very large number of Americans. Their resentment leads naturally, in the case of not a few, to lawlessness in one of its many forms. It is no answer to say that these statutes and these administrative orders are made in pursuance of law, and that at bottom they rest, through the medium of our representative institutions, on the will of the majority. The will of the majority is under precisely the same limitations as was the will of the monarch. In the process of gaining freedom, it has never been the intention of modern men to substitute a tyrant with many heads for a tyrant with one head. They have endeavored and have struggled to mark out and to define an area of civil and political liberty into which no tyrant may enter, whether he have one head or many. The invasion of that area by the many-headed tyrant under the ostensible forms of law is just as repugnant to the lover of liberty as is its invasion by the monarch claiming to enter by divine right. When the law commits a trespass, it can hardly expect that sort of hospitable welcome which is cheerfully offered to an invited guest.

These were once fundamental principles of American public polity. They were universally accepted by the fathers and were laid down as the chart by which our ship of state was to be guided as it set out on its memorable voyage across the seas of political experience. It needs no argument to prove that we are tending to lose sight of these fundamental principles and to try all over again, although in new forms, the world-old experiment of tyranny and despotism and interference with personal life and private conduct. It has been settled and generally accepted law in the United States for nearly two generations that when an undertaking privately organized becomes charged with a public interest, then public supervision and control may rightly be established over it. Similarly, it is only when the private life and personal conduct of an individual become so charged with a public interest that public authority has any proper concern with them at all. It would not be unbecoming for us all to reread at intervals the Declaration of Independence and to reflect seriously upon its words. If the American of to-day were to read Thoreau's essay on Civil Disobedience, he might be startled but he certainly would be enlightened.

It would be lacking in frankness and sincerity not to point out two important and law-made influences which are now making, and seem likely long to make, for lawlessness in American life. The American people as a whole can not escape full share of the responsibility for these two influences, although

they are in part due, no doubt, to what Walt Whitman described as "the never-ending audacity of elected persons."

The first is the fifteenth amendment, proclaimed in 1870, and the second is the eighteenth amendment, proclaimed in 1919. In form and in fact, and judged by all the usual tests and standards, these two amendments to the Constitution of the United States are part of the organic law, with all the rights and authority which attach thereto. Nevertheless they are not obeyed by large numbers of highly intelligent and morally sensitive people, and there is no likelihood that they can ever be enforced, no matter at what expenditure of money or of effort, or at what cost of infringement or neglect of other equally valid provisions of the same Constitution. The purpose of those who advocated and secured the adoption of these two amendments was excellent, but they did not stop to deal with the realities of politics and of public morals.

When the thirteenth amendment abolished slavery, and when the fourteenth amendment provided for the reduction of the representation in Congress from any State which abridged the right of any citizen to vote, except for participation in rebellion or other crime, the matter might well have rested there. All that was needed was the courage and the public opinion to enforce the fourteenth amendment, and speedily the several States would have made provision for their own protection by which the intelligent colored man would have been permitted to vote. Gen. Robert E. Lee himself testified in this spirit before the reconstruction committee of the Congress. The Civil War had but just ended, however, and passion ran high. Therefore, the fifteenth amendment was proposed and ratified, and the right of suffrage was given a national basis and protected by a national guaranty. What has been the result? After a half century the colored man votes in those States where he voted when the fifteenth amendment was passed, but he rarely votes, and certainly does not freely participate in public life, in those States where he did not vote then. Every attempt to enforce the fourteenth or fifteenth amendments has been denounced as a force bill. Oddly enough, it has been so denounced by those very Senators and Representatives who will go to any length to enforce the provisions of the eighteenth amendment. The practical question is not whether or not the colored man should vote in the Southern States, but whether the American people will frankly face the problem presented by the nullification throughout a large part of the land of a most important provision of the Constitution of the United States. Everyone knows what political results follow from the failure to enforce the provisions of the fourteenth amendment and from the skillful measures which have been enacted to escape its provisions without actually violating it. All this is a matter of history. No one in his senses wishes to overturn white government in the Southern States; but everyone with the American spirit in his heart wishes fair play and a fair chance for the colored man and the removal of any continuing cause of lawlessness which has its foundation in the organic law itself. It is elementary that an individual or a community may not defy law in one respect without developing a habit of disregard for all law. If the American people stand idly by and see the fifteenth amendment unenforced, and unenforceable because it runs counter to the intelligence and moral sense of large elements of the population, must they not either remove the offending cause from the law or leave off bewailing the lawlessness to which its presence naturally leads? This generation has become so accustomed to the cavalier treatment of the fourteenth and fifteenth amendments that it rarely weighs, and little understands, the influences flowing from them for lawlessness. It is a fair question whether, if the fifteenth amendment were repealed and the fourteenth amendment were enforced, the political and social condition of the colored man in the Southern States would not be vastly improved. Certainly a powerful and continuing cause of lawlessness would have been eliminated, and the political condition of the colored man would be no less advantageous than now.

The situation with regard to the eighteenth amendment is even worse, because the revolt against it is not confined to men and women of intelligence and moral sensitiveness in one section alone, but is Nation-wide. It will not do to attempt to silence these persons by abuse or by catch phrases and formulas of the hustings. These men and women dissent entirely from the grounds upon which the case for the eighteenth amendment was rested, and they regard its provisions and those of the statutes based upon it as a forcible, an immoral, and a tyrannical invasion of their private life and personal conduct. They have no possible interest in the liquor traffic, and they are without exception opposed to the saloon. But they are equally opposed to making the Constitution of the United States the vehicle of a police regulation affecting the entire country and dealing not alone with matters of public interest and public reference but with the most intimate details of personal and private life, including food, drink, and medical treatment. The moral sense, as well as the common sense, of very many people is affronted by a policy which will expend millions of dollars and use the methods of Czarist Russia and of the Spanish Inquisition to enforce one provision of law while others of far greater significance and public importance are accorded conventional treatment or less.

It will startle many excellent people to hear the following sentences from the recent book of Outspoken Essays, second series, written by the dean of St. Paul's Cathedral, London. The author, Doctor Inge, is one of the most learned and most eminent of English churchmen. "Suppose," says Dean Inge, "that the State has exceeded its rights by prohibiting some harmless act, such as the consumption of alcohol. Is smuggling in such a case morally justifiable? I should say yes; the interference of the State in such matters is a mere impertinence." (Inge, William Ralph—Outspoken Essays, second series (New York, 1922), p. 134.)

Or if one crosses the Atlantic he may find with increasing frequency expressions like these unanimously adopted by a recent grand jury in Kings County, N. Y., whose limits are identical with those of the community which has long been known as the City of Churches. Referring to the existing laws for the enforcement of the eighteenth amendment, this grand jury expressed itself as follows:

"Whatever may be our individual ideas upon the subject of temperance and prohibition, we believe that there can be no doubt but that this law tends to debauch and corrupt the police force. It interferes with the liberty and private life of moral, law-abiding citizens. It even goes so far as to brand good men felons because in their own conscience they desire to indulge in personal habits in which they find no harm. It has not checked the misuse of intoxicating liquors, but it has seriously hampered their proper use. We feel that it can never be enforced, because it lays down rules of private conduct which are contrary to the intelligence and general morality of the community. It is an attempt by a body of our citizenship, thinking one way, to interfere with the private conduct of another body thinking another way." (New York Globe, Dec. 29, 1922, p. 2.)

These are not expressions of a spirit of lawlessness. They are a simple declaration of the fact that lawlessness is certain to follow for some types of law. The answer which is made is instant and resounding. We are told that the eighteenth amendment was adopted in accordance with the provisions of the Constitution itself, and that its validity as an amendment has been affirmed by the United States Supreme Court. We are told then that all that those who disagree with its principles and purposes have to do is to accept defeat, to recognize themselves as in the minority, and to obey the law. Perhaps this ought to be the case, but it is not, and I greatly doubt if it ever will be, at least within the lifetime of any man now living. The majority is not always right, nor is its verdict final. The Old Testament records a leading case in which 450 prophets of Baal were worsted single-handed by the prophet Elijah, who had God and right on his side. Four hundred and fifty to one is a very unusual majority, but it was not enough.

As Abraham Lincoln pointed out in his argument against the finality of the decision of the United States Supreme Court in the Dred Scott case, he was not violating the law or urging its violation. He did not propose to set Dred Scott free by force in opposition to the court's decision. What he did propose, however, was to agitate and to lead an agitation for such political action as would make impossible the conditions which had led the Supreme Court to make its decision in that particular case. It is lawless openly to affront the law. It is not lawless to agitate for its modification or repeal.

No one who is familiar with the practical workings of our political system would expect either the fifteenth or the eighteenth amendment to be repealed within measurable time. So far as one can see, therefore, we are shut up to the alternative of their attempted enforcement by soldiers and police and special agents and detectives and spies or to their abrogation over a great part of the land by local initiative and common consent. Either alternative is humiliating and degrading. If our people have taken untenable and harmful positions in respect of securing suffrage for the colored man and in respect of promoting the cause of temperance and total abstinence and in removing the abuse and the nuisance of the public bar, they should be willing to retrace those steps and start toward their

wise and splendid goals by other and more practicable paths. I know of no one who dares to hope for any such fortunate outcome of the unhappy conditions that now confront us.

Speaking for myself, I may say that my first political activity in my native State of New Jersey was in cooperation with colored men and on their behalf and in support of movements to restrict and to abolish the saloon or public bar. In my own congressional district there were large numbers of colored voters who were eager, intelligent, and public-spirited. To see colored men of that type participate freely in the public life of other districts and other States would be a great satisfaction. But it is now plain to me that the road which was taken to that end was a wrong road. It has delayed, not hastened, the political participation of the colored man in the public life of the United States. Similarly, it was my fortune as a member of the committee on resolutions of the New Jersey State Republican convention of 1886 to give the casting vote in favor of the platform declaration which declared war on the saloon. That platform declaration is supposed to have cost the Republican Party that election, but it was a sound and true declaration none the less. Later in the State of New York it was my lot to work vigorously with those who attempted to drive out the saloon by use of the power of taxation. Therefore I am personally committed through many years of practical political action to the cause of universal suffrage and to the abolition of the saloon. Perhaps for that very reason I feel so strongly as I do the disastrous mistakes that have been made and the evil consequences that have followed and are certain long to follow in the life of the people of the United States. Certainly there can be no more distressing and no more disintegrating form of lawlessness than that which arises from the resistance of intelligent and high-minded people on grounds of morals and fundamental principle to some particular provision of law.

The American people must learn to think of these things and to give up that unwillingness, which seems so characteristic, to discuss or to deal with the disputed and the disagreeable. We have almost gotten to a point where public men, and those who should be leaders of opinion, hesitate to speak until they know what others are likely to say and how what they say will probably be received by the press and the public. There are not so many as there should be who are willing to take the risk of being unpopular for the sake of being right.

SALARIES OF UNITED STATES ATTORNEYS AND MARSHALS.

Mr. NELSON. Mr. President, will my colleague yield to me?

Mr. KELLOGG. I yield if it is a matter that will take no time.

Mr. NELSON. I think it will take only a moment. I ask unanimous consent for the present consideration of the bill (S. 425) fixing the salaries of certain United States attorneys and United States marshals. I hope the Senator will allow me to make a brief statement.

The object of the bill is to confer upon the Attorney General the power to fix the rates of compensation of United States marshals and United States attorneys within certain limits. The salaries of United States attorneys are to be between a minimum of $3,000 and a maximum of $7,500, and the salaries of the marshals between $3,000 and $6,500. The salaries are to be based upon the amount of business done within the last four years.

Mr. ROBINSON. Mr. President, will the Senator from Minnesota allow me to ask him a question?

Mr. NELSON. Certainly.

Mr. ROBINSON. The Senate has entered into a unanimous-consent agreement to consider unobjected bills on the calendar under Rule VIII during the morning hour on next Monday.

Mr. NELSON. If the Senator will allow me, there has been a great demand for the passage of the bill, and I am very anxious to get it over to the House as soon as possible. The Committee on the Judiciary are unanimously in favor of the bill, and I think there will be no objection to its consideration if the Senator from Arkansas will allow me to make a brief explanation in reference to its subject matter.

At present, owing to the fact that the salaries of marshals and district attorneys have been fixed at different times, there is a great disparity and diversity in their compensation. An attempt was made to secure the passage of a bill prescribing their salaries in detail, but that measure was objected to. In 1919 Congress passed a law permitting the Attorney General to fix the salaries of clerks of United States courts within certain limits. That law has worked satisfactorily. It is now proposed in the pending measure to allow the Department of Justice, upon the basis of the work of these officials for the last four years ending this fiscal year, to fix the annual salaries of United States attorneys between a minimum of $3,000 and a maximum of $7,500, and to fix the annual salaries of United States marshals between a minimum of $3,000 and a maximum of $6,500. It is proposed only to make an exception in three cases, and those exceptions are as to the salaries of the United States district attorneys for the district of New York, for the district of Chicago, and for the District of Columbia, which may be fixed within a limit of $10,000 per annum. That is all there is in the bill, and I trust there will be no objection to its consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That the salaries of the United States attorneys and United States marshals for the several judicial districts of the United States shall be fixed by the Attorney General, beginning July 1, 1923, at rates not less than $3,000 nor more than $7,500 per annum for attorneys and at rates not less than $3,000 nor more than $6,500 per annum for marshals, the amount to be based in each instance upon the business transacted during the four years ending June 30, 1923: *Provided*, That the salaries of the United States attorney for the southern district of New York, the northern district of Illinois, and the District of Columbia may be fixed at rates not exceeding $10,000 per annum for each of said districts.

The Attorney General may increase or decrease any of the salaries fixed, as aforesaid, within the limits prescribed in the foregoing section if, upon investigation, he finds that there has been a material increase or decrease in the volume of business transacted: *Provided*, That no salary fixed under the provisions of this act shall be changed more than once in any four years.

All laws or parts of laws, in so far as they are in conflict with the provisions of this act, are hereby repealed.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the Attorney General of the United States to fix the salaries of United States attorneys and United States marshals of the several judicial districts of the United States within certain limits."

THE MERCHANT MARINE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes.

Mr. KELLOGG. Mr. President, I listened this afternoon, with some degree of surprise and with deep regret, to an assault made in this Chamber upon the judiciary of the United States, which has been the protection and the bulwark of American liberty for more than 140 years. Manifestly it will be impossible for me at this late hour to attempt to answer a carefully prepared address which required an hour and a half to deliver; but I can not allow this opportunity to pass without entering my protest against doctrines which, if enforced, would be subversive of the liberty of the American people and destructive of all our institutions.

Should we take from the Supreme Court the power to declare a law which was passed in violation of the fundamental law of the land to be unconstitutional, we should place all the liberties of the American people in the hands of one body, and there would be no Constitution of the United States left. We can not have a written Constitution, Mr. President, which defines the powers of the Federal Government and of the State governments, which provides in the Bill of Rights for the protection of American citizens in their liberties for which our forefathers struggled, unless we have a Supreme Court to enforce the provisions of that Constitution.

Mr. President, three times in the history of this country, in periods of great political excitement, similar assaults have been made upon the power of the Supreme Court as that which was made in this Chamber this afternoon, and three times those assaults have failed because the American people are loyal to the principles which were established by our ancestors more than 140 years ago.

Mr. President, when the Constitution of the United States was adopted the people of the Colonies had just passed through the sufferings of a long, weary, and terrible war for liberty. They were determined to write their Constitution defining the rights and liberties of the American people, defining the powers of the legislature, prohibiting it from overstepping the bounds of constitutional limitations, and preserving forever the liberties written in that immortal document.

Mr. President, the principles of the Bill of Rights and many of the principles on which this Government is founded and which are written in the Constitution were not discovered by

the men who wrote the Constitution. Many of them were principles for which the Anglo-Saxon race had struggled for 600 years since the memorable day at Runnymede; they were principles which had long been struggled for in the upward progress of the human race.

Not only that but the men who wrote the Constitution and the great men who interpreted it in the campaign for its adoption by the States perfectly understood that there was vested in the Supreme Court the power to declare an act of Congress unconstitutional if it violated the fundamental law of the United States—the Constitution. It was so announced by at least 20 of the delegates to the convention which framed the Constitution, and only 3 dissented from that view. It was so announced by Alexander Hamilton and Madison and by others in that the greatest of campaigns before the American people, the campaign for the adoption of the Constitution. That doctrine has been sealed by repeated decisions of the Supreme Court of the United States from the earliest day of our judicial history, even before the case of Marbury against Madison, down to the present time, in a long line of decisions, and there has been no decision to the contrary by any branch of the judiciary of the country. And why? Marshall pointed out the reason, namely, that it was necessary for the preservation of the American form of government that the legislative department should not have a right to overstep the bounds fixed by the written Constitution.

Oh, says the Senator from Oklahoma——

Mr. BROOKHART. Mr. President——

The PRESIDING OFFICER (Mr. FRELINGHUYSEN in the chair). Does the Senator from Minnesota yield to the Senator from Iowa?

Mr. KELLOGG. No; I can not yield, because I only have a moment.

The PRESIDING OFFICER. The Senator from Minnesota declines to yield.

Mr. KELLOGG. "Oh," says the Senator from Oklahoma, when asked the question what would happen under his proposal if the Congress should pass a law providing for unreasonable searches and seizures and providing further that the papers so unlawfully taken could be used to convict a man of a crime, "I decline to assume such a condition." Yet such an attempt was made in this country, and the Supreme Court of the United States declared it unconstitutional.

The Constitution would not have been adopted but for a general understanding that there was to be annexed to it certain amendments known as the Bill of Rights. Let me refer to them for a moment. The first amendment provides:

> Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Those are immortal principles for which not only our ancestors struggled in the Revolution but for which generations before them struggled. If Congress shall pass a law in violation of those principles, has the Supreme Court no right to declare it unconstitutional?

Again, Mr. President, the Bill of Rights provides that—

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated.

That is the principle for which, as we know, the English-speaking race struggled for hundreds of years, and the men who wrote our Constitution proposed to put it where no legislature could take it away in the hour of passion. Again—

> No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation.

These are not merely expedients of Government; they are the everlasting principles on which our liberties depend and which were fought for on fields of battle and sanctified by the blood of martyrs. Are we to take them away by saying that any legislative body shall have the sole power to construe a law to determine whether it is in violation of that immortal document?

Mr. President, the genius of this Government, its true conception has been stated by a long line of jurists and statesmen from Marshall to the present time.

I know that at times, when legislative bodies or political parties have been restive under the restraints of the Constitution, there has been an agitation for an amendment to take from the Supreme Court the power to declare unconstitutional a law in violation of American rights under the Constitution; but the good sense of the American people always has prevented it. Under our form of government, under that Constitution, the greatest protection to human liberty ever written, we have grown from a little fringe of civilization along the eastern coast to a mighty Nation. We have increased in wealth and in prosperity and in happiness under a Constitution that has protected the American people. To say that that protection shall be taken away in the hour of prejudice or passion is to endanger the foundations of the Government and to endanger the principles of human liberty.

In three Congresses, at least, has this been attempted, and in three Congresses it has failed. I hope I shall never live to see the day when any Congress will propose to the American people the destruction of the Constitution by taking from the court the power to say that a law violates its principles, because upon that construction of our Constitution and upon the courts rests the perpetuity of American Government and American institutions. May that Constitution not only be, as it has been, a shield and a protection to us in times of stress and storm but may it be a protection to us through the generations and the centuries to come.

Mr. COLT. Mr. President, I desire to say only a word.

A constitutional provision may be treated in three different ways. It may be treated as the supreme law of the land, it may be treated as on a parity with a statute, or it may be treated as a declaration of public policy.

Under our Constitution, the provisions of the Constitution are directly made the supreme law of the land, and hence they are not upon a parity with a statute, because the Constitution says "the laws of the United States which shall be made in pursuance thereof."

Under the constitutions of Great Britain, of the Scandinavian countries, of Italy, and of New Zealand, the so-called constitutional provisions are treated as on a parity with the statutes, and therefore the parliament or congress may change or amend them.

Mr. NELSON. Mr. President, will the Senator allow me one interruption?

Mr. COLT. I yield to the Senator from Minnesota.

Mr. NELSON. The only other country in the world whose system of government conforms to ours, where the supreme court can declare a law unconstitutional, is the little country of Norway. It is the freest country in Europe. It has a government as free as that of this country; and in that country the supreme court can declare an act of the Parliament unconstitutional.

Mr. COLT. I was taking Lord Bryce's statement of the countries where the so-called constitutional laws are on a parity with statutes.

France has a written constitution, and Belgium has a written constitution. The provisions of those constitutions are not laws, and never have been treated as laws. They are treated as mere declarations of public policy, to be enforced by the public opinion of the country.

That is the French and the Belgian system. Under the Constitution of the United States, however, in express language, the provisions of the Constitution are made the supreme law of the land, and the Supreme Court has jurisdiction over all cases at law and equity arising under that Constitution. Hence, our Constitution in form is differently framed from the French constitution.

Our Constitution expressly says that its provisions are the supreme law of the land. If Congress can pass any act that it pleases in violation of these provisions, then these provisions, including the Bill of Rights, are no longer laws. They are mere declarations of public policy. Laws are rules of conduct enforceable by the courts. That is the only definition of municipal law known to the Anglo-Saxon race; and if the Constitution of the United States is the supreme law of the land, it is a law which must be enforced by the only tribunal that we have for judging and enforcing, namely, the Federal courts.

What is the Supreme Court going to do in a given case? Suppose a statute were passed saying that the salaries of the justices of the Supreme Court should be only $1,000 a year, in violation of an express provision of the Constitution. That case comes before the Supreme Court. The plaintiff relies upon the provision of the Constitution prohibiting any decrease in such salaries. The defendant relies upon the statute. The court must decide in favor of either the plaintiff or the defendant. The judges are bound by their oaths to support the Constitution of the United States. What judgment is the court going to enter? If it enters judgment for the defendant, then it must hold that the constitutional provision is on a parity with a statute, and is not the supreme law of the land; but if the

constitutional provision is the supreme law of the land, the court must decide in favor of the plaintiff.

You are striking right at the very essence and foundation of the Constitution when you say that Congress can pass any law it pleases, regardless of the supreme provisions of the Constitution. Those provisions then become no longer laws enforceable by the courts. They are either on a parity with statutes, or else they are mere declarations of public policy.

That is all I desire to say.

Mr. BROOKHART. Mr. President, I desire to reply to some of the remarkable positions taken here to-day with reference to the relative positions of the Congress and the Supreme Court under the Constitution of the United States, but because of the lateness of the hour I will not proceed at this time, but I give notice that I shall proceed, if I can be recognized, on Monday.

JAPAN—A SEQUEL TO THE WASHINGTON CONFERENCE.

Mr. ROBINSON. Mr. President, I ask unanimous consent to have printed in the RECORD an article by Mr. Hector C. Bywater on the subject "Japan—A Sequel to the Washington Conference."

Mr. Bywater is a British naval critic and the author of the volume "Sea Power in the Pacific." The article reflects a viewpoint which I am satisfied will prove astonishing to some Senators and interesting and important to all. I had expected to bring to the attention of the Senate some of the paragraphs in this article; but, in view of the lateness of the hour and the pressure of other business, I ask leave that the article be printed in the RECORD in 8-point type, and I call it to the attention of Senators.

The VICE PRESIDENT. Without objection, it is so ordered.

The article is as follows:

JAPAN—A SEQUEL TO THE WASHINGTON CONFERENCE.

(By Hector C. Bywater, a British naval critic and author of Sea Power in the Pacific.)

[Reprinted from the Atlantic Monthly, February, 1923.]

I.

Sufficient time has now elapsed since the Washington conference to enable us to gauge the effect of its leading decisions on the naval position of Japan; and a study of this subject is rendered the more opportune in consequence of recent developments in the Far East which seem likely to react upon the naval policies of other powers.

The initial fact that emerges from a survey of the situation to-day is the patent failure of the conference to achieve its main purpose, namely, to check the further expansion of sea armaments in any and every shape or form. It has undoubtedly been successful in arresting the multiplication of capital ships, which are at once the most costly and—to the lay mind, at all events—the most aggressive instruments of sea power; but, through causes too notorious to need repetition, it imposed no veto on the building of other combatant types, save airplane carriers, and at least one signatory party has deemed it expedient to take full advantage of this omission. The result is that to-day, barely 12 months after the acceptance of the limitation treaty, a revival of shipbuilding competition seems inevitable if the balance of power as regulated by that treaty is to be maintained.

To state the case in a sentence: Japan, by diverting to the construction of cruisers and submarines no small part of the energy she formerly expended on capital ships, will soon be in possession of a fleet of auxiliary combatant vessels superior in some respects to that of any other power. The ratios of international strength formulated by the authors of the treaty have thus been upset, unless we assume the capital ship alone to possess any fighting value—an assumption manifestly absurd. Indeed, the relative importance of auxiliary craft has increased very considerably as the result of limiting the number of heavy ships. Therefore, when we find that Japan during the last five years has built or ordered no less than 23 light cruisers, as against a collective total of 16 for Great Britain and the United States, it would be futile to pretend that the Washington agreement has either stabilized naval strength on anything like a comprehensive basis, or relieved the naval authorities of Britain and America of all anxiety as to the future.

So far is this from being the case that at the moment of writing the United States Navy Department is understood to have in preparation a large program of auxiliary construction; and it seems only a question of time before the British Government will be compelled to take similar measures.

Japan, to do her justice, has been perfectly frank with regard to her postconference naval policy. Her intentions have been advertised to the world, even if their full significance has not been unduly stressed. She justifies her formidable program of auxiliary tonnage on two grounds: First, that it is necessary in order to save the national shipbuilding and kindred industries from the ruin that would have overtaken them had all naval construction come to a standstill; secondly, that the additional cruisers and submarines are really needed to compensate for the reduced strength of the battle fleet.

As regards the first argument, it is no doubt true that the sudden stoppage of all shipbuilding for the Navy would have been a most serious blow, not merely to the trades directly concerned but to the whole economic system of the country.

A few facts and figures bearing on this point will not be out of place. Under the impetus of conditions set up by the World War the industries of Japan flourished amazingly for a few years, and shipbuilding in particular was developed to a remarkable extent. In 1914 the number of yards producing seagoing ships did not exceed 6; by 1918 there were 57 such establishments in operation. The slump of 1920 drove more than half these newer yards out of business, and in August of last year only 26 remained.

At the close of the war, when orders for mercantile tonnage began to fall off and at length almost entirely ceased to come in, the shipyards were forced to depend for their existence largely on admiralty contracts. From their point of view the big naval program of 1920 was a veritable godsend. Irrespective of smaller vessels, it provided for the construction within eight years of a fleet of 16 capital ships, with an average displacement of approximately 42,000 tons, and of this number at least one-half were to have been built in private yards. Under the Washington agreement no less than 14 of these vessels were canceled, including six that were already building. When this decision became known in Japan there was an outcry from the shipbuilders, who saw themselves faced with ruin, and even louder protests came from the shipyard workers, who form one of the best-organized branches of Japanese labor.

According to official statistics there were in Japan nine large private yards that were generally engaged in warship construction, employing between them 96,000 hands, and four naval dockyards, employing some 61,000 hands. Consequently the number of workers who were interested in the building of warships was 157,000, of whom, it was estimated, 50 per cent would be thrown out of employment through the canceling of battleship orders alone. Had auxiliary ships been included in the limitation scheme, the percentage of men rendered workless would have been as high as 75.

Even as it was, organized labor became dangerously restive. Mass meetings of shipyard employees were held and violent speeches made against the Government for having "betrayed" the workers. Agitators, who had previously complained most bitterly of the burden of armaments, were now foremost in opposing a reduction of that burden.

It has been hinted in some quarters that this popular clamor against the suspension of warship construction was by no means distasteful to the Government, who saw in it an excellent excuse for continuing the development of the navy on as large a scale as was possible without transgressing the letter of the treaty. Be that as it may, generous concessions were granted with a promptitude that was rather surprising in view of the tendency of officialdom in Japan to resist any form of dictation by the masses.

Less than a month after the Washington conference dispersed it was announced at Tokyo that an agreement had been come to between the Government and the shipbuilders whereby the latter would be provided with other work in lieu of the countermanded battleships, and the wholesale discharge of shipyard workers would thus be avoided. The scheme was to retain practically intact that part of the 1920 program which related to auxiliary ships and to advance the dates of laying down these vessels. For example, contracts for cruisers which it had originally been intended to begin in 1923, 1924, and 1925, respectively, were to be antedated 12 months, so that the normal building programs of 1922, 1923, and 1924 would in each case be increased to that extent. In other words, twice as many auxiliary ships were to be laid down each year as the original program had legislated for. This plan embraced destroyers, submarines, and supply ships in addition to cruisers.

In alloting the new contracts special regard was had to the claims of the shipyards which would have benefited most under the preconference battleship program, orders for new light cruisers going to those State and private yards which had been promised or were already at work upon battleships and battle cruisers. The largest cruisers will therefore be constructed at the imperial dockyards of Kure and Yokosuka and the private establishments of Kawasaki and Mitsubishi and smaller units of this type by the Sasebo Arsenal and the Uraga Dock Co. At the same time contracts for destroyers, sub-

marines, and fleet-supply ships are being distributed among the yards named and also among other establishments which suffered through the recision of the preconference program. Furthermore, extra work has been provided for the State dockyards by assigning to them the dismantling of condemned ships.

By these measures the crisis in the shipbuilding industry has been largely overcome, all the principal yards throughout the country have a fair amount of work in hand, and it has been necessary to discharge only a comparatively small number of workers.

On the other hand, the cost of all this auxiliary tonnage will be heavy enough to wipe out a great part of the sum saved by scrapping the capital-ship program, and the net saving effected in new naval construction will consequently be much less than the taxpayers had anticipated. There are not wanting those in Japan who censure the Government for adopting this policy of "robbing Peter to pay Paul." It would, they contend, have been better to encourage the shipyards to develop other branches of activity than naval construction, such as the manufacture of locomotives and other railroad and street-car material, iron and steel work parts for bridges and structures, industrial power plants, automobiles, and the like, as has been done by European armament firms since the war.

As it is, the critics declare, the wealth of the nation is being dissipated on fighting ships, which apparently have been ordered simply to keep the shipyards in operation and not because they are absolutely essential for defense purposes.

Another and still graver objection urged against the Government's policy is that this sudden expansion of the auxiliary combatant fleet may evoke suspicion abroad as to Japan's bona fides in respect to disarmament and lead other powers to strengthen their fleets in the same way, thus ushering in a new era of naval rivalry and mutual distrust. That these apprehensions are well founded has already been made clear by the reported action of the American naval authorities in drawing up a new program to counterbalance Japan's growing strength in cruising ships and submarines.

Figures showing the actual reduction that has been effected in Japan's naval expenditure by the limitation scheme are not yet available, but the gross amount appears to be in the neighborhood of 100,000,000 yen.

In 1920 the navy budget amounted to 320,000,000 yen, or nearly twice as much as it had been three years previously; and subsequent additions, due to the passing of the "eight-eight" program, brought the gross amount to nearly 500,000,000 yen. In the following year another big increase was made, and, but for the limitation scheme, naval expenditure during the current year would have been not far short of 750,000,000 yen.

According to Tokyo press reports the naval estimates submitted in July last provided for an ordinary expenditure of 120,000,000 yen and for an extraordinary outlay of 198,000,000 yen, showing decreases of 15,000,000 and 60,000,000 yen, respectively. On October 30 it was announced that the finance department had further reduced the navy estimates in the forthcoming budget by 30,000,000 yen, making a total reduction of over 100,000,000 yen, or approximately one-seventh of the amount that would have been spent on fleet armaments this year had the "eight-eight" program remained in force.

This saving is accounted for almost entirely by the deletion of the capital ships and the abandonment of new docks and harbor works; only a very small percentage is due to reductions in personnel; and, as we have seen, the bill for auxiliary construction, so far from showing any cut, has been greatly increased. Some money will also be saved by giving up Port Arthur as a naval station and reducing the status of the Maizuru base.

As no precise figures of the cost of man-of-war construction are published in Japan the expenditure that will be incurred by virtually doubling the auxiliary building program over a term of several years can be only roughly estimated. It is known, however, that the light cruisers of the *Kuma* class, 5,500 tons, have cost nearly $5,000,000 each; that the 7,500-ton ships of the *Yubari* class are priced at about seven and a half million dollars; and the new 10,000-ton ships, four in number, at not less than $10,000,000 each. First-class destroyers, of which many are building and 24 projected, probably cost one and a half million dollars per boat; the medium submarine—900 tons—about the same, and the new large type—1,500 tons—$3,000,000.

These prices are, if anything, underestimated, the cost of naval construction being abnormally high in Japan despite the relative cheapness of labor. In any case, it is sufficiently obvious that a program which embraces not less than 15 cruisers, ranging from 5,500 to 10,000 tons, 40 destroyers, and 50 submarines, besides a great many supply and depot ships, will eventually cost an enormous sum of money.

II.

It is patent to everyone that Japan is at present building more combatant tonnage than any other power, but what is not so generally appreciated is the fact that she is actually building more tonnage of this description than all the other powers combined. Once more it must be emphasized that the so-called "disarmament treaty," while certainly bringing dreadnought construction almost to a halt, has not only done nothing to limit the building of other man-of-war types, but has actually increased the number of these vessels in the case of Japan, and in all likelihood will eventually produce a corresponding expansion of the auxiliary ships of other navies.

It would occupy too much space to narrate in detail the various strategical reasons which the Japanese naval authorities have put forward, through the medium of the press, to justify the building of so many "auxiliary combatant ships"; but their argument may be summarized as follows: The battle fleet has been so reduced under the limitation agreement that it will no longer be capable of fulfilling its proper function, namely, going out to seek and engage an enemy fleet on the high seas; but must henceforth be kept in reserve as a last card, only to be played if and when the enemy's preponderance has been reduced or destroyed by tactics of attrition. Therefore to compensate for the loss of direct offensive power formerly vested in the battle fleet, Japan requires for her safety an unusually strong force of minor weapons of attack. She particularly needs an ample supply of swift ocean-going cruisers to guard her own communications and harass those of an enemy, and also to prey upon his commerce, with the ulterior purpose of diverting part of his strength from the immediate war zone.

For the same reasons it is essential to have a large fleet of ocean-going submarines which could be used alternatively for coast defense, for near and distant mine-laying expeditions, and for raiding commerce. The twofold problem confronting the Japanese Navy in war would be to maintain, as far as possible, the freedom of the ocean trade routes, and, above all, to guard communications with the Asiatic continent, which would represent a vital and indispensable source of supply for foodstuffs and raw materials. In the absence of a really effective battle fleet—effective, that is, in the sense of being able to engage the battle fleet of any potential enemy with reasonable prospects of success—these strategic tasks can best be performed by cruisers and submarines.

As regards the loss of power resulting from the limitation of the battle fleet to 10 ships this, it is argued, is far more serious than might be inferred from superficial observation. Four of the ships are battle cruisers of a design which post-war progress has made obsolete, and which could not be placed in the line of battle without exposing them to grave risk of summary destruction. This brings the battle fleet proper down to six ships, none of which could possibly be replaced if lost or disabled.

Japan is, therefore, at a grave disadvantage as compared with Britain and the United States, since their infinitely greater resources would enable either of those powers to build new capital ships very rapidly in place of any that were lost in action.

Another important factor in the revised scheme of defense is the chain of outlying naval bases with which Japan has girdled herself during the past few years; and, apropos of this subject, there can be no harm now in disclosing certain facts of which the American public has, perhaps, hitherto remained in ignorance.

In the fall of 1920 the Japanese naval authorities in cooperation with the general staff worked out a scheme for fortifying the principal islands that guard the approach to the coasts of Japan proper. This measure was intended to counteract the then impending development of Cavite and Guam as first-class bases for the American Pacific Fleet.

In September, 1920, a committee of experts, headed by Captain Mori, of the navy department, visited all the islands in question, reporting that the points where strong fortifications and naval facilities were needed most urgently were the Bonin Islands, Amami-Oshima, and Yajima in the Loochoo group. This report having been approved by the Government, steps were immediately taken to carry the proposals into effect, and the work of fortification was put in hand early in 1921.

For reasons of finance it was intended to spread the appropriations over two, if not three, years, as in view of the slow progress being made with the American works at Cavite and Guam it was thought that the completion of the Japanese insular bases might safely be prolonged till the end of 1922. But in the spring of last year (1921) it became known at Tokyo that the United States Government was meditating an appeal to the powers to join in a conference for the reduction of naval armaments, and this news decided the Japanese authorities to

speed up the completion of their island forts, with the object of putting themselves in a favorable position strategically before the conference was summoned.

Consequently from May, 1921, the work at the Bonins went on with feverish energy. A large fleet of steamers was chartered to convey thither the thousands of laborers and the vast quantities of material needed to complete the task. So great was the demand for cement that a temporary shortage of this material ensued. Throughout the summer and autumn building operations went on night and day, and during this period the Bonin Islands were under a military administration which maintained a strict surveillance over visiting foreign ships. The Japanese press was also forbidden to publish any mention of what was in progress at the islands.

By December the last of the batteries had been constructed and armed with heavy long-range guns, the barracks, munitions depots, aerodrome, and radio station had been constructed, and every navigable approach had been rendered impregnable.

Meanwhile the Washington conference had assembled, and Admiral Baron Kato, of the Japanese delegation, had taken the first opportunity to inform his American colleagues that Japan regarded the abandonment of the Philippine and Guam fortifications as the condition precedent to negotiations for the reduction of her shipbuilding program. If the United States would agree to this, Japan, on her part, was prepared to suspend her own plans for fortifying her Pacific islands and would at the same time cooperate most willingly in any practicable scheme for limiting her floating armaments.

Baron Kato did not add, however, that Japan, having been secretly engaged in fortifying her island bases for many months previously, had just completed the work, whereas scarcely any progress had been made in the development of the American stations at Cavite and Guam.

III.

Whether the American naval experts were cognizant of the facts is a moot point, but it seems scarcely credible that they would have acquiesced in the status quo proposal for Pacific bases had they known that Japan was already in possession of a thoroughly equipped naval station at the Bonins. If they did know this, one is forced to conclude that their protests against the renunciation of the right to put the western islands in an adequate state of defense were overruled by the Washington Cabinet on political grounds.

In any case Japan scored a signal triumph in securing the adoption of the status quo agreement with regard to Pacific fortifications. From her point of view it was a strategical gain of the first magnitude, which more than compensated for the reduction of her battle fleet.

That the full significance of the clause has come to be appreciated by American naval students is clear from certain outspoken criticisms which have appeared recently. The Japanese Foreign Office, betraying a sense of humor for which few would have given it credit, issued the following communiqué on February 22 last:

"The treaty on the limitation of naval armaments signed at Washington on February 6, 1922, comes into force upon its ratification by all contracting powers. With regard, however, to certain fortifications and naval bases of the British Empire, the United States, and Japan in the region of the Pacific Ocean, it is provided in Article XIX of the treaty that the status quo at the time of its signature shall be maintained. In conformity with the spirit of this provision, the Japanese Government have decided forthwith to discontinue the work on the fortifications in the Bonin Islands and Amami-Oshima, and further to maintain the existing condition of fortifications and naval bases in Formosa and the Pescadores. The necessary measures for giving effect to this decision have already been taken."

Napoleon's dictum that "war is an affair of positions" applies to the sea no less than to the land, and to a far greater degree than was the case a century ago. A fleet in those days was largely self-supporting, and could remain at sea for months at a time independent of bases, because it had no fuel problem to contend with. But the conditions to-day are vastly different. The "reach" of a modern battle fleet can be measured with almost mathematical precision, governed as it is by the number and situation of the points d'appui available. In time of war no fleet dare venture to cruise for long in waters where ample facilities for refueling do not exist. If the ships of which it is composed have an average fuel endurance of, say, 10,000 miles, that does not mean that they would be able to advance to a point 5,000 miles from home and still be sure of getting back in safety, for the maximum cruising radius of a ship is always reckoned in terms of economical speed and bears no relation to the distance that could be steamed if the engines were running at full power. Thus a battleship able to cover 10,000 miles at a constant speed of 12 knots might be unable to travel more than 3,000 miles at her full speed of 21 knots—and in war-zone operations high-speed steaming is the rule rather than the exception. To cruise under a small head of steam in waters where enemy submarines might be encountered would be to risk destruction.

Now, the only insular base in the Pacific where the American battle fleet could be sure of finding adequate supplies of fuel is Hawaii, and we are therefore justified in assuming that 2,000 miles represents the utmost distance to which the fleet could venture to the west or south of Hawaii in time of war; and even this would leave a dangerously narrow margin of fuel for emergencies. But if America fights in the Pacific at all, she will fight for definite objects, among which will be the protection or—what is far more likely—the recovery of the Philippines, and to gain these objects she must be prepared to undertake active naval operations in the immediate zone of war, namely, the far western Pacific.

How this is to be done without local base facilities is a problem which apparently defies solution. It is certain that in their present defenseless condition, now to be stereotyped by the treaty, both the Philippines and Guam would become Japanese in the first weeks of war.

This is fully realized and freely admitted by American strategists, but it is interesting, nevertheless, to have Japanese testimony on the point. In the Dai Nihon of August, 1921, a thoughtful monthly review published at Tokyo, the editor, Mr. Seijiro Kawashima, discussed the probable course of hostilities between his country and the United States, and affirmed that should the outbreak of war find the main American naval forces at Panama, San Francisco, or even at Hawaii, "it will be open for Japan to take the Philippines, indeed Guam. * * * Should the worst happen, therefore, Japan would risk everything to destroy these two bases, and the ferocity with which she will fight may well be imagined." Clearly, therefore, the islands in question must be ruled out of any objective examination of the task that would confront the United States Navy in a war with Japan.

IV.

It remains, then, to consider how far offensive operations in the western Pacific would be feasible without bases. From Hawaii to the nearest Japanese coast is some 3,400 miles, making 6,800 miles for the round voyage, which would be well within the cruising capacity of modern battleships at economical speed.

But, as was emphasized above, ships steaming at low speed in an area frequented by hostile submarines would be in continual danger of attack. To be reasonably safe from submarines they must not only steam at a high rate of speed, but make frequent alterations of course, a method of progression which involves an abnormally heavy consumption of fuel in traversing a given distance.

It is therefore extremely doubtful whether the fuel endurance of the ships would suffice even for the outward journey of 3,400 miles; and if the fleet found itself close to the enemy's coast with empty bunkers and no friendly base at hand it would be exposed to certain annihilation.

Consequently, on the surface of things, it looks as if the American Navy would be physically incapable of undertaking major war operations in the western area of the Pacific; there is no visible means whereby the fatal handicap of nonexistent bases might be overcome. It is as if the United States, in pledging itself not to proceed with the fortification of its distant islands, had voluntarily surrendered not merely the power to defend these possessions, but the power to defend its interests in the Far East generally, no matter how vital they are or may become in the future.

Japan, on the other hand, has gained a strategical predominance in her adjacent waters far exceeding that which she could ever have hoped to achieve had the competition in naval armaments pursued its normal course. For good or ill, the doors of the Far East have been slammed, barred, and bolted, and the keys placed in Japanese keeping.

The British Empire, it is true, might be in a position to dispute this supremacy, thanks to its actual and potential base resources in the Pacific; but here again the factor of distance would come into play on the side of Japan by making sustained offensive operations against her coast next to impossible, even for a greatly superior British fleet pivoted on Singapore, New Guinea, or Australian harbors.

If these premises are sound they seem to warrant the conclusion that a naval war between the United States and Japan would speedily result in a stalemate, affording no opportunity for a decision by direct action from either side, since the oppos-

ing battle fleets would be unlikely to come within several thousand miles of each other. It is here, however, that the significance of the large program of minor naval construction, upon which Japan is now engaged, may be manifest.

Since history contains no record of a war having been decided wholly, or even mainly, by the destruction of maritime trade, the greatest authorities have always excluded the guerre de course from the domain of grand strategy, relegating it to a subsidiary place in the general scheme of belligerent operations at sea. Nevertheless there was one period of the World War when it seemed as if science had placed in Germany's hands the means of undermining what had come to be regarded as a fundamental principle of naval strategy. The submarine campaign came very near to breaking the resistance of the Allies, and did, in fact, produce that anomalous situation in which the power supreme at sea, whose warships held undisputed command of the ocean surface in nearly every part of the world, nevertheless found its marine communications menaced to a highly dangerous degree, and was able only by superhuman exertions to maintain the minimum amount of sea-borne traffic essential to the further conduct of the war.

At an earlier stage of the struggle grave loss was caused to shipping by the few German cruisers which were at large when the war began. It took a good many months to dispose of these surface corsairs, and the task was accomplished only by diverting a numerous force of swift cruisers from other war service and sending them to scour every ocean area where the raiders were likely to be met with.

Comparatively large as was the fleet of cruising ships at the disposal of the Allies, it barely sufficed to meet this demand. Had fewer ships been available the German commerce destroyers would have enjoyed a much longer lease of life, and the embarrassment they caused must have been infinitely more serious.

Among naval men a firm conviction obtains that the next great war will inevitably witness the revival of submarine attack on merchant shipping, since they believe that parchment safeguards against this practice will soon collapse under the stress of war. Assuming then that the naval methods in vogue during the World War are likely to reappear in the event of a Pacific campaign, the advantages which Japan would derive from her powerful fleet of cruisers and submarines are obvious. They would enable her, while maintaining her battle fleet intact behind its impregnable barrier of insular and coastal defenses, to wage ruthless war against her enemy's trade and communications.

When the current building program has been completed she will possess at least 25 modern cruisers of great speed and wide radius of action, together with more than 70 submarines specially designed for prolonged voyaging, the majority of them being well able to cross and recross the Pacific Ocean without needing to replenish their fuel.

V.

What resources has the United States Navy to deal with this immense fleet of potential commerce destroyers? On the basis of recent war experience it has been estimated that from four to six fast cruisers are required to circumvent the activities of one enemy surface raider; while some idea of the tremendous array of force necessary to cope with submarine attack on merchant shipping is conveyed by the fact that upward of 3,000 patrol craft of every type were kept in service by Great Britain alone, though the Germans never had more than 30 U-boats at sea simultaneously.

At the present time there are only 10 modern cruisers built or building in the United States. Even if all these ships were released from duty with the fleet in order to protect trade routes, what could they hope to achieve against 25 enemy raiders with speeds not inferior to their own?

The task would, of course, be hopeless from the start. Unless, therefore, the convoy system were adopted—and this would be at once a difficult and a precarious business under the peculiar conditions governing warfare in the area we are considering—American merchant shipping would, in all probability, be swept from the Pacific very soon after the outbreak of hostilities with Japan.

While there is not the least reason to suppose that this blow would force the United States into submission, the combined loss of trade and prestige resulting therefrom would be a serious matter. Nor would it be possible to retaliate with any marked effect; for the same dearth of cruisers that rendered the United States powerless to protect its overseas trade would debar it from molesting the communications of the enemy.

Moreover, provided that her connections with the Asiatic mainland were secure, Japan could afford to dispense for a time with other external sources of supply, and practically the whole of her cruisers and submarines, having but little patrol duty, would be free to engage in offensive operations.

Thus the widely held idea that a war in the Pacific must speedily end in a deadlock, in which neither opponent could inflict any appreciable damage on the other, is seen to be fallacious. It would have been sound enough had the naval limitation agreement embraced all types of fighting craft; but the failure of the conference to extend the ratio system to cruiser and submarine tonnage has completely altered the situation.

In view of the foregoing considerations, it would cause no surprise to learn that American naval authorities entertain profound misgivings with regard to future developments in the Far East. That their responsibilities have been immeasurably increased by the limitation treaty is self-evident. Indeed, it might be affirmed without fear of contradiction that the treaty, by depriving the United States of all power to intervene by force of arms, has placed her interests in the Far East completely at the mercy of a foreign State, upon whose good will they must henceforth depend. The task of defending them against aggression would have been difficult enough had the naval limitation scheme never been conceived. As things are, their defense—by warlike action, at any rate—has to all appearances become impossible.

LANDS IN WYOMING.

Mr. WARREN. Mr. President, I ask unanimous consent for the present consideration of Senate bill 4146. It refers to a little local matter in my State; and as I may not be in the Chamber on Monday morning, I should like to have it considered and passed at this time.

The VICE PRESIDENT. Is there objection to the present consideration of the bill referred to by the Senator from Wyoming?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4146) granting certain lands to Natrona County, Wyo., for a public park.

The bill had been reported from the Committee on Public Lands and Surveys with an amendment to strike out all after the enacting clause and to insert:

That upon delivery to the Secretary of the Interior by the State of Wyoming of its properly executed and duly recorded deed or deeds reconveying to the United States of America in fee simple the lands in section 36, township 36 north, range 86 west of the sixth principal meridian, containing approximately 640 acres, the said State shall be authorized and permitted to select an equal number of acres from the unreserved, nonmineral, nontimbered, unappropriated public lands of the United States in said State, for the same purposes, and subject to the same conditions and limitations under which the lands so reconveyed were held.

SEC. 2. That when the title to section 36, township 36 north, range 86 west of the sixth principal meridian, shall have revested in the United States pursuant to the foregoing provisions, the Secretary of the Interior shall cause a patent to issue conveying the said section 36, township 36 north, range 86 west, together with the north half of section 1, township 35 north, range 86 west of the sixth principal meridian, to Natrona County, Wyo., in trust for the purpose of a public park, but in said patent there shall be reserved to the United States all oil, coal, and other mineral deposits within said lands and the right to prospect for, mine, and remove the same.

SEC. 3. That the grant herein is made upon the express condition that within 30 days of the receipt of any request therefor from the Secretary of the Interior the county clerk of Natrona County, Wyo., shall submit to the Secretary of the Interior a report as to the use made of the land herein granted the county during the preceding period named in such request, showing compliance with the terms and conditions stated in this act; and that in the event of his failure to so report, or in the event of a showing in such report to the Secretary of the Interior that the terms of the grant have not been complied with, the grant shall be held to be forfeited, and the Attorney General of the United States shall institute suit in the proper court for the recovery of said lands.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill permitting the State of Wyoming to reconvey certain lands to the United States and select other lands in lieu thereof, and providing for the patenting of certain lands to Natrona County, Wyo., for public park purposes."

EUGENE FAZZI.

Mr. FRELINGHUYSEN. Mr. President, I ask unanimous consent for the immediate consideration of House bill 3461, for the relief of Eugene Fazzi, a bill now on the calendar. I do not think there will be any objection to it.

The VICE PRESIDENT. Is there objection to the consideration of the bill?

Mr. ROBINSON. Mr. President, I give notice now that in view of the unanimous-consent order entered to-day for the consideration of all unobjected bills on the calendar on Monday,

I shall hereafter object to the consideration to-day of any bill on the calendar. I shall not object to the present consideration of this bill.

Mr. McNARY. May I ask the Senator from Arkansas if he will not make an exception in the case of a bill I have here—a very important bill?

Mr. ROBINSON. I shall adhere to the announcement. An opportunity to consider all these bills will be afforded on Monday, and it is a bad practice out of the morning hour to call up for consideration bills on the calendar. There is really no necessity for taking them up by unanimous consent now, because the Senate has entered an order to proceed to the consideration of all unobjected bills during the morning hour Monday, and everyone knows an objection will take over any bill brought to the attention of the Senate. I have not objected to the request of the Senator from New Jersey because no notice had been given, but it is now very late, there are comparatively few Senators present, and I shall ask other Senators not to bring forward measures this afternoon.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

Mr. HARRISON. What does the bill provide?

Mr. FRELINGHUYSEN. I will explain it. The beneficiary was a deck hand on a Quartermaster Corps boat, the *Johnston*. His leg was cut off by a tow line, and the bill was introduced to compensate him.

Mr. HARRISON. I recall the facts.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Eugene Fazzi, the sum of $768, as compensation for the loss of a foot, on March 8, 1916, while in the discharge of his duty as a deck hand on the steamship *General Joseph E. Johnston*, in the service of the Quartermaster's Department, United States Army.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRICE OF COAL.

Mr. REED of Pennsylvania. I ask unanimous consent that there be inserted in the RECORD, in 8-point type, the following letter from John H. Jones, of Pittsburgh, addressed to the Hon. DAVID I. WALSH, junior Senator from Massachusetts.

There being no objection, the letter was ordered to be printed in the RECORD in 8-point type, as follows:

FEBRUARY 14, 1923.

Hon. DAVID WALSH,
United States Senate, Washington, D. C.

DEAR SIR: After having carefully read your interview in the New York Times, we wired you as follows:

"Have carefully read your statement Sunday, February 11, New York Times. We are prepared to ship entire requirements of New England States, high grade, high volatile, bituminous steam or domestic lump steam, mine run, $3.25 per net ton f. o. b. mines; domestic lump, passing over three-quarter to 2-inch screen, $3.75 to $4 net ton f. o. b. cars at mine. Quality and preparation guaranteed; subject to inspection at mines; subject further to your furnishing railroad cars and transportation. Can arrange to load solid train daily to extent of requirements of your district. Coal to be shipped from mines in Pennsylvania and West Virginia. This coal similar to that now being furnished by us to the Taunton Gas Light Co., Taunton, Mass., and others in New England States. Also have mines in Ohio and Kentucky and can ship to any customer east of the Mississippi. We will be glad to have you refer any consumer east of Mississippi in need of coal to us immediately.

"BERTHA COAL CO.
"CONSUMERS FUEL CO.
"JOHN H. JONES, *President*."

(Paid—Charge us.)

We stand prepared to furnish bond of $100,000 to guarantee shipments as stated in our wire.

I am sure you will admit you have done the coal miners and operators of this country a great injustice in making such statements, as there is no shortage of bituminous coal to-day where transportation facilities are available.

Would it not be better when giving an interview to tell the public that the whole problem is one of transportation, and that the breakdown in transportation on the railroads has been brought about by a constant interference on the part of State and national agencies during the past 10 years? If these agencies will lend a helping hand to the railroads instead of continually interfering with them, there will be no shortage of railroad transportation for coal or any other commodity. What this country wants to-day is "more business in politics and less politics in business."

I note from your statement in the Times that the city of Lynn, Mass., is short of coal. On January 23, and even as recently as yesterday, we tendered coal to our customers in that city at less than $8 per net ton delivered at their plants, and we guaranteed delivery via rail and tidewater, but our customers advised us there was no shortage of coal at this point. Surely some one has exaggerated, or you have been badly misinformed on the conditions existing in that territory.

Our New York representative, Mr. G. N. Reed, telephoned Mr. H. K. Morrison, general manager of the Lynn Gas & Electric Co., Lynn, Mass., one of our customers, and offered to sell him coal at less than $8 per net ton delivered at his plant, and he advised our Mr. Reed that there was no shortage of coal at Lynn, Mass. The Taunton Gas Light Co., Taunton, Mass., one of our customers, advised us to the same effect over the long-distance telephone to-day. In both instances we have cited above we were able to secure transportation via all rail, or rail and tidewater, which would enable us to deliver coal at our customers' plants.

In conclusion, I wish to say that I feel it is not your desire to make such misleading statements to the public, and for this reason I have taken the liberty to address you on this subject. If you will make an investigation you will find there is enough coal loaded in boats now lying in Boston Harbor to take care of the requirements of that territory for some time to come, and additional stock can be rushed to this point on reasonably short notice.

Very respectfully yours,

JOHN H. JONES.

STANDARDS FOR FRUIT AND VEGETABLE HAMPERS AND BASKETS.

Mr. McNARY. Mr. President, I am sure the Senator from Arkansas does not want to make a harsh exception in my case, so I ask unanimous consent that the Senate proceed to the consideration of Senate bill 4399, to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes.

Mr. ROBINSON. I shall be compelled to object to the consideration of any other bills this evening.

The VICE PRESIDENT. There is objection.

TAXICAB RATES IN THE DISTRICT OF COLUMBIA.

Mr. HARRISON. Mr. President, I had expected to ask unanimous consent for the consideration of a joint resolution to-night, but because of the lateness of the hour and the temper of the Senate I shall not do it. I introduce the joint resolution and ask to have it referred to the Committee on the District of Columbia.

It is a joint resolution calling on the Public Utilities Commission to investigate the rates being charged in other cities by the owners and operators of taxicabs and public automobiles, to report to Congress their findings, and at the same time report to the District Commissioners, and the commissioners are directed to promulgate certain orders which will insure fair and reasonable rates on the part of taxicabs in the District of Columbia, and for the enforcement of the same.

The joint resolution (S. J. Res. 283) directing the Public Utilities Commission of the District of Columbia to investigate rates charged by taxicabs and automobiles for hire was read twice by its title and referred to the Committee on the District of Columbia.

THE MERCHANT MARINE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes.

Mr. JONES of Washington. Mr. President, there are two amendments, merely changing dates, which I would like to have acted on. The first amendment is on line 17, page 6, to change "1922" to "1923."

Mr. ROBINSON. What is the effect of the amendment?

Mr. JONES of Washington. It refers to the date of this act, if it should be passed. It is referred to as the act of 1922, but 1922 is past.

Mr. ROBINSON. It may have to be changed to "1924."

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JONES of Washington. The next amendment is on page 8, line 3, to change "1922" to "1923."

The amendment was agreed to.

Mr. JONES of Washington. I have here an address delivered by Mayor Curley, of Boston, Mass., on the shipping bill. There are two or three phrases in it which I thought Senators might

not like, so I have cut those out. Outside of that, I would like to have the address printed in the RECORD in 8-point type.

Mr. HARRISON. Does not the Senator want to have it read?

Mr. JONES of Washington. I would be glad to have it read.

Mr. HARRISON. Would not the Senator like to have it read on Monday instead of this afternoon?

Mr. JONES of Washington. No.

There being no objection, the address was ordered to be printed in the RECORD in 8-point type, as follows:

SPEECH MADE BY MAYOR JAMES M. CURLEY BEFORE THE NEW ENGLAND TRAFFIC CLUB AT THE COPLEY PLAZA, BOSTON, FEBRUARY 13, 1923.

Gentlemen, it is of course a trite saying, and yet one that can not be too often repeated, that the transportation problems of the world are the same everywhere; and stripped of all their fine phrases are merely a question of distributing commodities and connecting communities, with speed, safety, and efficiency, to the end that commerce may flow with freedom and security, industry function profitably and uninterruptedly, work and wages be constant, agriculture prosperous, and the peoples of the earth contented and peaceful. Transportation is the link that binds the uttermost ends of the earth together, the most potent factor in the maintenance and growth of civilization, and which, by bringing men together to exchange the products of their industry and the children of their brain, fosters confidence and promotes fraternity.

In proportion as transportation is hampered on land or sea by the folly, stupidity, craft, or indifference of men, as visualized in the enactment of unwise laws and the failure to enact wise ones, the benefits it should yield are stifled and deferred. Every needless burden laid on transportation is written eventually in terms of sterility and futility in the life of this country and the daily experiences of its people.

With all its alleged defects the land transportation system of America—our continental railroad system—is admittedly the best in the world, but where the rails end on the shores of the continent and transportation on the seas begin the American people are at their weakest and worst.

It is of our ocean transportation, our merchant marine, as the essential and imperative supplement of our railroad system I wish to speak to-night, the vital importance of which to our real national life and prosperity is not fully understood even here on the margin of that ocean, out of which came the wealth that made Massachusetts great in industry and commerce, and amid whose toils and dangers were fashioned the character and courage that made the men who stamped their names on American history and carried the fame of the Commonwealth to the ends of the earth.

The American merchant marine—American ships, under the American flag, carrying American goods to alien markets and bringing home to us the commodities we need in American industry—is a national necessity and not a commercial luxury; it constitutes not only a second line of defense behind our Navy for the safeguarding of our national security and integrity, but it is the first line of protection for the maintenance of our foreign commerce which takes care of our industrial surplus and insures the constancy and prosperity of our home market.

The merchant marine—the ships—that carry a nation's commerce, dominates the markets it serves; the nation whose commerce is carried to alien markets in alien ships is at the mercy of the carrier, and by the sheer logic of that fact must sink commercially to a subordinate place.

* * * * * * *

The American merchant marine is the natural and national extension of the American railroad system; it should and must be fostered and protected by the American Government for the benefit of the Nation, since it serves intimately and vitally all the people of America. The people of the agricultural West have been misled by the clever and persistent propaganda maintained and disseminated by the alien shipping interests whose headquarters are in Washington, and have been insidiously taught that the merchant marine is merely a selfish concern of American shipowners. This alien shipping organization—rich, powerful, and sleepless—maintains a lobby in the National Capital, whose agents and spokesmen oppose every effort to foster the American merchant marine, who appear boldly and insolently in committee rooms and have been able to delude Senators and Congressmen into enlisting under foreign flags to destroy the commerce and ships of America.

It is time to rouse ourselves before America is reduced to a condition of commercial slavery by the combination of unscrupulous foreign shipping concerns. The agricultural interests of the West are seeking to remove the multitude of middlemen and parasites that stand between the farmer who raises the food of America and the workers who buy it and consume it; and yet he has been educated by foreign propagandists to oppose his own merchant marine and pay hundreds of millions of dollars every year to alien mercantile middlemen, who carry out of the country this money that should be kept at home to keep the wheels of industry turning and the American farmer's home market prosperous.

Treachery to American integrity, American prosperity, and American national interests did not become a lost art when Benedict Arnold took service in England's forces. It is still with us under other names and in new disguises.

In order to compete with the underpaid, cheaply conditioned, and heavily subsidized merchant marines of England, Japan, and other foreign countries and enable us to keep the American flag afloat on the seven seas, America must help the American merchant marine to meet their competitors by special laws and subsidies from the Treasury. Is there anything new or strange in an appropriation called a ship subsidy? There is not. We subsidize agriculture and education; we spend vast sums for irrigation in the arid West; we subsidize reclamation works all over the country; we impose protective tariff bills to protect industry and labor; and only yesterday we appropriated $49,000,000 to make our rivers and harbors safe for commerce and its fleets; and yet we have American Senators and Congressmen who oppose or hesitate to vote to keep alive and strong an American merchant marine to carry American commerce, market our surplus products, and keep busy and prosperous American industry and labor and maintain a profitable domestic market for American agriculturists, stock raisers, foresters, fishers, and miners.

Is there anyone who has the hardihood to say that the $49,000,000 of the river and harbor bill are to be spent for the safety and convenience only of the foreign ships that come to our waters and seek to destroy our merchant marine? Let him answer.

The maintenance and prosperity of the American merchant marine is not a party question; it is not a Democratic or Republican policy solely; it is a national, an American question, that concerns every vital interest of this great Republic that is of prime importance not only to Massachusetts and the States on the seaboard, but is of equal interest to all the Commonwealths that make up this United States.

It is for us to let our representatives in Washington understand that there must be no wavering, no dodging, no fence climbing on this great question and that they must make up their minds now whether they will stand resolutely and without equivocation for American interests and the American merchant marine or give their services to destroy those American utilities and go over to the flags of England, Japan, and other rivals.

They stand on the banks of the politican Rubicon. Across its waters lie American honor and interest; to hesitate to cross is to enlist themselves under alien flags and retire to dishonor and obscurity. They can not stand still; they must act.

ADJOURNMENT.

Mr. JONES of Washington. Pursuant to the order already made, I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned, the adjournment being, under the order previously entered, until Monday, February 19, 1923, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 17, 1923.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, our needs cry unto Thee; let Thy mercy and wisdom respond. Thy kingdom of love extends unto all men, and may we fear Thee less and serve Thee better. The Lord is sovereign and all things work together for good to them who love Thee. We are impressed with a solemn, yet wonderful, responsibility. In bearing it give understanding and poise to every phase of conduct and character. May our powers and privileges be held as sacred trusts for Thy glory, for the good of our country, and for the high interests of humanity. Bless all with a quiet heart in relation to the things that are and to the things that shall be hereafter. Amen.

The Journal of the proceedings of yesterday was read and approved.

S. 2023, DEFINING THE CROP FAILURE, ETC.

Mr. TINCHER. Mr. Speaker, I call up the Senate Concurrent Resolution No. 40.

The SPEAKER. Will the gentleman from Minnesota give way? The Chair understands he has a conference report.

Mr. ANDERSON. I will yield for a moment.

The SPEAKER. Of course, the conference report has the right of way.

The gentleman from Kansas calls up the concurrent resolution, which the Clerk will report.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That the action of the Speaker of the House of Representatives and of the President of the Senate in signing the enrolled bill (S. 2023) defining the crop failure in the production of wheat, rye, or oats by those who borrowed money from the Government of the United States for the purchase of wheat, rye, or oats for seed, and for other purposes, be rescinded and that the Secretary be authorized and directed to reenroll the bill with the following amendments:

On page 1, line 6, after the words "United States," insert "in the years 1918 and 1919."

Amend the title so as to read: "An act defining the crop failure in the production of wheat, rye, or oats by those who borrowed money from the Government of the United States in the years 1918 and 1919 for the purchase of wheat, rye, or oats for seed, and for other purposes."

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. ANDERSON. Mr. Speaker, reserving the right to object, I understand that this is for the purpose of making it clear that this does not apply to the loans of 1921 and 1922?

Mr. TINCHER. That is exactly right. They were made by different departments of the Government, handled in different departments of the Government.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the concurrent resolution was agreed to.

Mr. BEGG. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count. Evidently there is *no quorum*——

Mr. BEGG. I will withdraw the point for the time being—all right, go ahead.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

Ansorge	Focht	Leatherwood	Rossdale
Anthony	Free	Lee, N. Y.	Rucker
Arentz	Gallivan	Little	Ryan
Atkeson	Garner	Luhring	Schall
Bacharach	Goodykoontz	McClintic	Scott, Mich.
Blakeney	Gould	McLaughlin, Pa.	Scott, Tenn.
Bland, Ind.	Graham, Pa.	McSwain	Shelton
Bond	Griffin	Mead	Siegel
Bowers	Hawes	Michaelson	Sisson
Box	Hays	Mills	Slemp
Brand	Henry	Montague	Smith, Mich.
Brennan	Herrick	Morin	Smithwick
Brooks, Ill.	Himes	Mott	Stiness
Brooks, Pa.	Hogan	Mudd	Stoll
Burdick	Hutchinson	Newton, Minn.	Strong, Pa.
Burton	Ireland	Nolan	Sullivan
Butler	Johnson, Ky.	O'Brien	Sweet
Cable	Johnson, Miss.	O'Connor	Tague
Carew	Johnson, S. Dak.	Olpp	Tayor, N. J.
Chandler, N. Y.	Jones, Pa.	Overstreet	Taylor, Tenn.
Chandler, Okla.	Kahn	Park, Ga.	Thomas
Clark, Fla.	Keller	Parks, Ark.	Thorpe
Classon	Kelley, Mich.	Patterson, Mo.	Tinkham
Clouse	Kelly, Pa.	Perlman	Upshaw
Connolly, Pa.	Kendall	Petersen	Vestal
Copley	Kennedy	Porter	Voigt
Crowther	Kiess	Rainey, Ala.	Volk
Cullen	Kindred	Rayburn	Ward, N. Y.
Davis, Minn.	King	Reber	Webster
Dominick	Kirkpatrick	Reed, W. Va.	Williams, Tex.
Drane	Kitchin	Riddick	Winslow
Dyer	Kleczka	Riordan	Wood, Ind.
Echols	Kline, N. Y.	Robison	Woodyard
Edmonds	Knight	Rodenberg	Yates
Faust	Kreider	Rose	Zihlman
Fess	Langley	Rosenbloom	

The SPEAKER. Two hundred and eighty-four Members have answered to their names; a quorum is present.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

REFERENCE OF A BILL.

Mr. McKENZIE. Mr. Speaker, the bill (H. R. 14306) introduced by the gentleman from Texas [Mr. WURZBACH] deals with legislation over which the Committee on Military Affairs has no jurisdiction under the rule. I ask, therefore, that the bill be referred to the proper committee.

The SPEAKER. The Chair will state the Chair thinks the question is debatable, but the Chair is not unwilling to have it referred. Is there objection? [After a pause.] The Chair hears none.

CONFERENCE REPORT—AGRICULTURAL APPROPRIATION BILL.

Mr. ANDERSON. Mr. Speaker, I call up the conference report on the bill making appropriations for the Department of Agriculture.

The SPEAKER. The Clerk will report the conference report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 33 to the bill (H. R. 13481) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1924, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 33: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 33 and agree to the same.

SYDNEY ANDERSON,
WALTER W. MAGEE,
EDWARD H. WASON,
J. P. BUCHANAN,
GORDON LEE,
Managers on the part of the House.
CHAS. L. MCNARY,
W. L. JONES,
LEE S. OVERMAN,
E. D. SMITH,
Managers on the part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on amendment No. 33 of the Senate to the bill (H. R. 13481) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1924, and for other purposes, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

The Senate recedes from its disagreement to the amendment of House to Senate amendment No. 33, relating to the appropriation for forest roads and trails, and agrees to the provision adopted by the House on January 26, 1923, which provides an appropriation of $3,000,000, to be available until expended, and enables the Secretary of Agriculture to enter into contracts and incur obligations up to $6,500,000, as authorized by the Post Office appropriation act approved June 19, 1922, and further provides that appropriations heretofore and hereafter made shall be considered available for the purpose of discharging obligations created in any State or Territory.

SYDNEY ANDERSON,
WALTER W. MAGEE,
EDWARD H. WASON,
J. P. BUCHANAN,
GORDON LEE,
Managers on the part of the House.

Mr. ANDERSON. Mr. Speaker, this is the final conference report on the agricultural appropriation bill. It covers only one item which remained in disagreement after the consideration was recently had in the House and Senate. That is amendment No. 3, which related to appropriation for forest roads and trails. The Senate adopted an amendment appropriating $6,500,000 instead of $3,000,000 appropriated by the House. The House agreed to an amendment reducing the amount to $3,000,000 and providing that the Secretary of Agriculture should be authorized to make contracts for the total sum of $6,500,000 for the next fiscal year, and provided further that all sums heretofore appropriated should be available for payment upon any contract when payment upon that contract became due. The Senate conferees have agreed to agree to the House amendment. I move the previous question on the conference report.

The previous question was ordered.

The question was taken, and the conference report was agreed to.

REFERENCE OF A BILL.

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent that the bill H. R. 13492, which was referred to the Committee on Interstate and Foreign Commerce, be rereferred to the Committee on Banking and Currency. I have here a letter from

the chairman of the Committee on Interstate and Foreign Commerce [Mr. WINSLOW], saying he has no objection to the bill being referred to the Committee on Banking and Currency, and his committee feels the bill properly belongs to that committee.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

FEDERAL FARM LOAN ACT.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Kansas submits a privileged report from the Committee on Rules, which the Clerk will report:

The Clerk read as follows:

House Resolution 536 (Rept. 1629).

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 14041, a bill to amend sections 3, 4, 9, 12, 15, 21, 22, and 25 of the act of Congress approved July 17, 1916, known as the Federal farm loan act; that there shall be three hours' general debate on said bill, one-half to be controlled by those in favor thereof and one-half by those opposed thereto; that at the conclusion of the general debate the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendments the committee shall rise and report the bill back to the House with amendments, if any; the previous question shall be considered as ordered on the bill and all amendments thereto to final passage, without intervening motion except one motion to recommit.

Mr. CAMPBELL of Kansas. Mr. Speaker, my attention has been called to the fact that the number of the bill has been wrongly stated; that the number of the bill is H. R. 14270.

The SPEAKER. Without objection, that correction will be made.

Mr. BLANTON. Mr. Speaker, we did not hear what it was.

Mr. JONES of Texas. Mr. Speaker, I desire to object.

The SPEAKER. A mistake in the number.

Mr. CAMPBELL of Kansas. I move to amend the rule by inserting "14270" instead of the number as given in the resolution.

Mr. JONES of Texas. Mr. Speaker, I make a point of order on the motion.

Mr. CAMPBELL of Kansas. That was the bill reported by the committee.

Mr. GARRETT of Tennessee. Yes; that was the bill reported by the committee, but I suggest that the gentleman had better ask unanimous consent.

The SPEAKER. The Chair will hear the gentleman from Texas as to its being germane.

Mr. JONES of Texas. I understood the rule was being presented now. This is not the time to offer an amendment to the rule.

The SPEAKER. Why not?

Mr. JONES of Texas. The rule was just being presented.

Mr. CAMPBELL of Kansas. The rule had been read.

Mr. BLANTON. I make the point of order that it is not proper, over an objection, to correct a rule that is brought in here by the Committee on Rules. They are presumed to bring in a correct rule when they bring one in.

The SPEAKER. Does the gentleman make a point of order on the proposed amendment?

Mr. BLANTON. Yes. My point of order is that it must be done by unanimous consent rather than by a motion.

The SPEAKER. The Chair overrules the point of order.

Mr. STAFFORD. This point of order?

The SPEAKER. The Chair thinks there is a point of order that has not been suggested yet.

Mr. STAFFORD. I will not suggest that point of order, but I do not like the practice.

Mr. SANDERS of Indiana. Mr. Speaker, it has frequently been held that the other point of order must be made.

Mr. SNELL. The Speaker has ruled on it.

Mr. BLANTON. I make a point of order against the point of order that the Speaker has in his mind on this proposition. [Laughter.]

Mr. JONES of Texas. Mr. Speaker, I make the point of order that the Committee on Rules did not authorize the offering of this amendment at this time, and that the matter is only privileged by virtue of the action of the Committee on Rules.

The SPEAKER. The Chair thinks that it is not in order to amend a resolution naming one bill by naming another bill. The Chair thinks the same result would be accomplished by striking out the number entirely. Then it would be designated by title.

Mr. CAMPBELL of Kansas. Then, Mr. Speaker, I move to strike out the number of the bill and designate it by the title given in the rule.

The SPEAKER. The gentleman from Kansas moves to strike out the number of the bill and designate it by the title in the rule. The question is on agreeing to that motion.

The question was taken, and the Speaker announced that the "ayes" seemed to have it.

Mr. BEGG. I ask for a division, Mr. Speaker.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 190, noes 17.

So the motion was agreed to.

The SPEAKER. The gentleman from Kansas [Mr. CAMPBELL] is recognized.

Mr. CAMPBELL of Kansas. Mr. Speaker, so much time having been wasted already on the rule, I will only briefly state that it brings before the House for consideration amendments to the Federal farm loan act that have been considered by the Committee on Banking and Currency and thought to be important for the more effective and beneficial operation of that act.

I yield five minutes to the gentleman from Kentucky [Mr. CANTRILL].

Mr. McARTHUR. Mr. Speaker, will the gentleman yield to me?

Mr. CAMPBELL of Kansas. No; I yield to the gentleman from Kentucky.

Mr. CANTRILL. Mr. Speaker, I have been asked by many Members of the House to print in the RECORD a statement recently issued by Mr. James C. Stone, of Kentucky, the president of one of the largest and most successful farmers' cooperative associations in the United States. This statement gives a complete history, although it is very brief, of the Burley Tobacco Growers' Association, which has a membership of 77,000 members and this year will do a very successful business of almost $100,000,000. It has been very successful, and our president has recently summarized the activities of that organization. I have been asked by many Members of the House to print in the RECORD his recent statement. I ask, Mr. Speaker, the privilege of printing in the RECORD that statement, and I will also ask the privilege to extend my remarks on the bill now pending before the House.

Mr. Speaker, I am glad that this legislation is before the House, and I am always glad to raise my voice in behalf of any legislation which will be of service to the farmers of the United States.

The fact is now recognized by all that there can be no general prosperity in this Nation unless our farmers are prosperous. Any law passed by Congress which lays additional burdens on the farmers of our land retards the prosperity of our country, and any law which is of help to the farmers quickens all channels of trade and makes toward improvement in all lines of business.

I am glad to have had an opportunity to support the rule in committee making this legislation in order, and trust that the Congress will speedily enact the bill into law.

By proper legislation Congress can in great measure assist the farmers of our Nation and at the same time render a great service to all the people.

Agriculture in the United States is our basic industry, and nearly one-half of our population are directly interested in some branch of farming and live-stock raising. Under present distressing conditions surrounding the American farmer it is highly proper that the American Congress should enact some laws for the especial benefit of agriculture. I do not mean to say that this measure by any means provides all the relief necessary, but it is a little step in the right direction, and by all means let us accept it and ratify it with our votes.

There are other bills pending here which I sincerely hope will become laws during the life of this Congress, and I hope the committees of this House which have those measures in their keeping will soon report them, so we can vote upon them.

Since the World War closed the American farmer has been hit harder by declining prices of his products than any other business man.

The farmers of the South and Middle West have been subjected to cruel and heart-breaking declines in their products. Many of our farm crops during recent years have been sold for less than the cost of production, while at the same time taxes and living expenses have been increasing the burdens of the farmer. This process has almost doubled the mortgage indebtedness of the farmer during the past five years, and Congress must meet this great problem with its best thought and statesmanship or we will suffer a national calamity.

Were it not for the highest order of patriotism and splendid bravery in the face of heavy odds among the farmers of our land, we would to-day be in a deplorable condition. The American farmer never surrenders, but is battling on, hoping always

that his Government will give him a square deal and give him a chance to stand up as a free citizen and not be laid prostrate as a bankrupt despite his hard labor and heavy investment. I am glad that the Congress of the United States is finally learning the lesson, which many of us have preached for many years, that the farmers' welfare means the welfare of the Government itself.

The farmer can not live when he receives only 37 per cent of the sale price of his products; and this is the condition in this Nation to-day.

Our banking system has recently been arranged to meet the needs of manufacture and business, and the farmer has a right to demand that his banking system be arranged to meet his needs. The farmer of necessity must have longer terms of credit than the business man or manufacturer and he is entitled to the same rate of interest. Any Government aid which is given to the manufacturer should also be extended the farmer. The farmer asks no special privilege, but he has a perfect right to demand that he be equalized with other lines of business.

Any legislation which brings about this result should be adopted by the Congress. I would not be understood as saying that the farmer must rely entirely on his Government. On the contrary, the farmer must realize that in the main he controls his own destiny. Unless the American farmer makes the effort to help himself his case is hopeless.

However, the Nation is fortunate in that a way has been found whereby the farmer can help himself, and that is by following the sound business plans which have been developed by the Farmers' Cooperative Association which in recent years have been coming into existence in different parts of the country.

For nearly 20 years I have been active in urging the farmers of the State of Kentucky to organize along cooperative lines in selling their chief cash crop—the tobacco crop. Many years ago I had the honor of being State president of an organization which taught the cooperative plan of selling farm produce. I have seen the idea grow until to-day it is considered safe and sound by the leading bankers and statesmen of our land. I am proud of the fact that I started at the beginning and have kept the faith until the plan has proven successful beyond our fondest hopes.

When the farmers of our Nation learn to organize and stand together in a cooperative selling plan and use the modern business methods in the conduct of their business, then their success is assured and hard times will cease to knock at the door of every farmhouse in the land.

It has been said a million times that the farmer could not be organized, but in Kentucky and elsewhere this statement has been disproved. In Kentucky we have had for several years one of the most successful cooperative farmers' organizations in the history of the world, and I am glad that I had the opportunity to help put it in existence. In fact, I believe the record will show that I made the first call to the farmers of my State to organize, and I am very happy to say that our plans have worked out satisfactorily to our large and prosperous membership. One of the organizations of which I am a member, and only farmers can be members, has a membership of 77,000 members, and this year will do a business of about $70,000,000. It is the largest business concern in our State. The organization is thoroughly representative and is in absolute control of the farmers themselves. We have splendid and successful men at the head of our business, and peace and prosperity is returning to the old Kentucky home. I will always look back with pleasure to the time and work I gave in assisting to building up this great farmers' organization.

The farmers of Kentucky were fortunate in having the press of the State almost solidly behind them in their effort to organize. Too much praise can not be given to the newspapers of our State and to hundreds of men and women who gave their time and means to building up our cooperative organization. Judge R. W. Bingham, owner of the Courier-Journal and the Louisville Times, gave his full personal support and financial credit and the powerful aid of his newspapers to perfecting the two great cooperative tobacco organizations in Kentucky.

Almost without exception the editors of our papers gave their loyal and splendid support, and the bankers of our Commonwealth stood with us until our organization was completely successful.

I have been asked by several Members of the House to give a history of this organization, so that it may go into the RECORD as a guide for others who wish to build up similar plans in their States. The president of our organization, Mr. James C. Stone, Lexington, Ky., recently reviewed the business affairs of our cooperative association for the last two years, and I will print in the RECORD his statement. Mr. Stone has the full confidence of the people of our State, and his statements can be accepted at their full value. I print his statement with the hope that farmers in other States will follow the example of the Kentucky farmer and join with us in our prosperity:

FIRST OFFICIAL STATEMENT MADE BY PRESIDENT STONE SHOWS MILLIONS BROUGHT INTO BURLEY DISTRICT THROUGH ORGANIZATION OF COOPERATIVE ASSOCIATION.

LEXINGTON, KY., January 27.—President and General Manager James C. Stone, of the Burley Tobacco Growers' Cooperative Association, in a statement given to the press to-day reviews conditions in the tobacco business for the past two years, says the 1921 crop has brought an average of $21.98 a hundred, and that warehousing expenses on this has been 89 cents a hundred, and that the organization of the Burley Tobacco Growers' Cooperative Association has been the means of bringing into the burley district from $45,000,000 to $50,000,000 more than would have been paid the growers but for the organization of the association.

Mr. Stone urges the growers to recall the conditions existing in the tobacco district two years ago, when the growers were on the verge of violence because of the low price at which their product sold and when they had to accept less than half what it cost them to raise the crop of 1920.

Analyzing the review of the two years Mr. Stone says that the growers received $11,400,000 more for the crop of 1921 than for that of 1920, in spite of the fact that it was 40,000,000 pounds below the 1920 production. He estimates the 1922 crop at 240,000,000 pounds and the price average as 31 cents a pound and says this will bring into the Burley district $36,600,000 more than was paid for the 1921 crop.

Besides the 89 cents a hundred which it actually cost to handle the 1921 crop, Mr. Stone says that an additional expenditure of 64 cents a hundred was made for interest, insurance on tobacco, and for the purchase of real estate, the latter, of course, being an investment and not an expense.

In closing his statement Mr. Stone urges all the members of the association to remember that the association belongs to them, and that if they will continue to give it their loyal support, the results which will be obtained in the next five years, not only for the grower member himself but for the "whole business fabric of the entire territory, will be so outstanding and beneficial to everyone that they will be proud to say that they have been a part of an association which has produced such results."

Mr. Stone's statement, which is the first official information in regard to the exact figures on the 1921 crop, as well as the probable average of the 1922 crop, follows:

"For the benefit of our members, as well as the other business interests throughout the Burley territory, I want to call their attention as strongly as I can to the conditions that prevailed just two years ago this month.

"It is not difficult for anyone to recall the unrest and dissatisfaction that prevailed at that time, which in practically all the territory bordered on violence. What was the cause of this? Has anyone forgotton the cause of this condition? It was because the grower of tobacco was not satisfied with the price that his 1920 crop was selling for on the auction markets.

"The farmer owed the merchant, the bank, the doctor, and the lawyer, and his crop of tobacco sold for not one-half of what it cost him to produce it.

"From this distressing condition the leaders in the Burley territory got together in order to work out a plan of relief. Not only to relieve the condition at the time but to prevent its recurrence, if possible.

"From this effort developed the Burley Tobacco Growers' Cooperative Association, which is nothing more than over 80 per cent of the tobacco growers in the Burley district having agreed among themselves to organize and operate their business on an intelligent business basis, and through their own representatives to grade their tobacco and sell it for a price that will give them a fair return on their invested capital and labor.

"The association has now been in operation about one year, and the result of the operation is as follows:

"On December 15, 1922, in order to provide the members of the association a convenient place to deliver their tobacco, we entered into a contract with 124 loose-leaf warehouses throughout the territory to lease these properties for six months at a rental of 8 per cent, based on a fair value of the property, each owner of the property having the right to accept one of three plans of sale to subsidiary corporations of the association, the sales to be consummated and the price of the property to be agreed upon before the 15th of June, 1922. This gave the association immediate possession of the receiving plants.

"In the month of January, 1922, the legislature passed what is known as the Bingham cooperative marketing act. We immediately reincorporated the association under this act in Kentucky. We adopted a uniform system of grading for Burley tobacco, employed 94 graders and instructed these graders as to each grade, and employed managers, clerks, weighmen, and the necessary help for the 94 receiving plants, and actually began to receive tobacco on January 26, 1922.

"We borrowed a sufficient amount of money from the local banks and the larger banks in Louisville, Cincinnati, and Lexington to make an initial advance to the grower upon the delivery of his tobacco of an average of about 8 cents per pound.

"The total number of pounds received by the association in 1922 was approximately 120,000,000 pounds, and of this amount a little over 60,000,000 pounds was sold in winter order, and the balance was redried and sold in October and December, 1922.

"From the proceeds of the sales in winter order we paid back all the money we had borrowed from the banks, and had $3,500,000 left in cash. By April, 1922, it was deemed absolutely necessary that the association make another distribution to the members, as transplanting time was almost at hand, and the grower needed additional money with which to transplant and grow his 1922 crop. In order to make this distribution in time to be of help to the grower, it had to be paid to him as early in May as possible, and it was decided to give each man in this second distribution the same amount that was paid to him in his initial advance.

"To create a fund with which to meet this payment the cash on hand from the proceeds of the sales was used and the balance borrowed on warehouse receipts on redried tobacco from the War Finance Corporation and the Louisville and Lexington banks.

"In October, 1922, we sold 54,000,000 pounds of redried tobacco; 25,000,000 pounds of this tobacco had to be sampled, and the sampling and delivery of it was done in about 40 days.

"On December 4 the balance of the holdings of the association, amounting to approximately 3,100,000 pounds, were sold. These tobaccos were stored in 30 different locations, and aside from the 25,000 hogsheads which had to be sampled it all had to be weighed, shipped, and billed, and the money collected before calculations could be commenced to determine just what each grower was entitled to out of the proceeds.

"When this sale of redried tobacco was made the office force of the association began to work night and day to try to get the final distribution of the 1921 crop in the hands of the members before Christmas, if possible. Owing to the immense amount of work in calculating each grade delivered by each member of the association, it soon developed that it would be impossible to get these checks out by that time. We are now working 18 hours a day with a large force to get these checks out by February 1, and if the work continues to progress as it is now this will be done.

"The following is a résumé of what has been accomplished in the first year's operations:

"More than 80 per cent of the tobacco growers of Kentucky, Indiana, Ohio, West Virginia, and Tennessee have organized an association for the purpose of eliminating the old dumping system of selling their tobacco and to handle their own business in a more intelligent and businesslike way. Receiving plants have been created, an organization built, and 120,000,000 pounds of tobacco received, and all sold within the first year's operation. The average price received for the 120,000,000 pounds received and sold is $21.98 per 100 pounds, which is an average of $9.98 more than the growers received on an average for their 1920 crop—the 1920 crop being recognized by tobacco men as a better crop in quality than the 1921 crop was.

"It may be well to analyze this in order to show what it means to the growers over the territory in dollars and cents.

"The 1920 crop amounted to approximately 220,000,000 pounds, and sold for an average of 12 cents, bringing a total amount of $26,400,000. The 1921 crop, of which the association handled its percentage, amounted to approximately 180,000,000 pounds, and sold for an average, both in the association and out, of around 21 cents, and brought a total of $37,800,000. The 1922 crop, estimated at approximately 240,000,000 pounds, at 31 cents per pound, will bring a total of $74,000,000. The increase in dollars of the 1921 crop, a commoner crop than the 1920 crop and much smaller in pounds, over what the 1920 crop brought is approximately $11,400,000. The increase in dollars of the 1922 crop over the 1921 is $36,600,000, showing in the first two years' operation of the association that there will be between $45,000,000 and $50,000,000 more money distributed among the growers in the Burley section than would have been distributed if the association had not been organized. These are facts that no man can successfully contradict.

"The actual expense incurred by the association in the physical handling of the 1921 crop was 89 cents per 100 pounds, and the deductions for interest, insurance on tobacco, and for the purchase of real property was 64 cents per 100 pounds, the part used for the purchase of property being an investment and not an expense.

"On the 11th of December we began to receive the 1922 crop. Since that time we have sold 120,000,000 to 125,000,000 pounds of the 1922 crop, which is about two-thirds of the amount of tobacco which we expect to receive.

"The delivery of this tobacco is now being made as fast as received, and the prospects are good at this time for the sale of the balance of the association's tobaccos in winter order.

"The association has developed, as everyone predicted, into the largest organization in this part of the country. We realize that this organization is not yet perfect, but the officers and directors are working day and night to develop it into a smooth-running machine, the guiding light being honesty, efficiency, and justice.

"If the members will only realize that the association belongs to them, is their business, and a business that is of such vital importance to them financially and in every other way, and will continue to give it their loyal support and encouragement, the results which will be obtained in the next five years, not only for the grower member himself but for the whole business fabric of the entire territory, will be so outstanding and beneficial to everyone that they will be proud to say they have been a part of an association which has produced these results."

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD for the purpose indicated. Is there objection?

There was no objection.

Mr. CANTRILL. Mr. Speaker, I yield back the balance of my time.

Mr. CAMPBELL of Kansas. Mr. Speaker, I ask for a vote on the resolution.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. McFADDEN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of a bill to amend sections 3, 4, 9, 12, 15, 21, 22, and 25 of the act of Congress approved July 17, 1916, known as the Federal farm loan act.

The SPEAKER. The gentleman from Pennsylvania moves that the House resolve itself into Committee of the Whole House on the state of the Union to consider a bill to amend sections 3, 4, 9, 12, 15, 21, 22, and 25 of the Federal farm loan act. The question is on agreeing to that motion.

Mr. WINGO. Before that is done, Mr. Speaker, can we not agree upon the question as to who will control that time? The gentleman understands my position. As the bill is reported, I am opposed to it. I hope an amendment will be adopted that will enable me to support it. But without that amendment I am against the bill.

Mr. McFADDEN. Mr. Speaker, I ask unanimous consent that three hours' time be divided equally between the gentleman from Arkansas [Mr. WINGO] and myself.

Mr. YOUNG. There are some Members on this side opposed to this bill. I would like to know how they can get time.

Mr. McFADDEN. It will be perfectly agreeable to me. If the gentleman from Arkansas [Mr. WINGO] can handle on his side those who are opposed to the bill, I shall be glad to yield on this side to those who are opposed to the bill.

Mr. WINGO. Personally I do not care much about controlling the time; but if this arrangement is made, my intention is to try to take care of both sides on this side of the aisle and let the gentleman from Pennsylvania [Mr. McFADDEN] take care of both sides on his side of the aisle. I think that will expedite consideration of the bill.

Mr. McFADDEN. That is agreeable to me, Mr. Speaker. Therefore I ask unanimous consent that the time be divided equally between the gentleman from Arkansas [Mr. WINGO] and myself.

The SPEAKER. The gentleman asks unanimous consent that the time be equally divided, the gentleman from Pennsylvania to control one-half the time and the gentleman from Arkansas [Mr. WINGO] to control one-half the time. Is there objection?

Mr. LANHAM. Is that with the understanding that half the time on each side will be allotted to those who are opposed to the bill?

The SPEAKER. The Chair thinks that ought to be so.

Mr. WINGO. Mr. Speaker, here is the difficulty: Some gentleman do not know just exactly what particular point they will be opposed to. I think I agree with 90 per cent of the gentlemen who if we had a roll call now would vote against the bill; but I think it is possible to cure the bill so as to vote for it. If any other genteman wants to take the responsibility of controlling the time on this side, he is perfectly welcome to it and I shall be glad to be relieved of the responsibility.

Mr. JONES of Texas. Mr. Speaker, further reserving the right to object, I do not think anyone wants particularly to control the time, but we would like to have an understanding that if these gentlemen control the time, one-half of the time on each side shall be yielded to those who are opposed to the bill. There are a number on this side who are opposed to it, and I understand there are a number on the other side who are opposed to the bill.

Mr. COCKRAN. Mr. Speaker, may I suggest that the time be controlled by the Chair, and that the Chair recognize gentlemen on one side or the other according to his best judgment.

Mr. WINGO. Here is the difficulty. I will be frank with the gentleman. I have made some promises of time, but of course I intend to try to be fair to gentlemen on my side of the House and to give them a fair division of time. I intend to do it the very best I can, but I do not propose to be held up in advance by a promise to give any man time. If he can not trust me to treat him fairly, let him object.

Mr. LANHAM. Will the gentleman yield?

Mr. WINGO. I yield to the gentleman from Texas.

Mr. LANHAM. The rule itself that we have adopted divides the time equally between those in favor of the bill and those opposed to it. It would not be a matter of the gentleman's courtesy. It would be a matter of the action of the House.

Mr. WINGO. The gentleman does not understand me. I intend to be entirely fair, and to conform to the provisions of the rule.

Mr. CAMPBELL of Kansas. Mr. Speaker, I demand the regular order.

Mr. COCKRAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Kansas demands the regular order. The Chair under those circumstances can not hear any more suggestions.

Mr. COCKRAN. Can the Chair answer a parliamentary inquiry?

The SPEAKER. Certainly.

Mr. COCKRAN. Will an objection throw the control of the time into the hands of the Chair?

The SPEAKER. It will.

Mr. COCKRAN. Then I object.

The SPEAKER. The gentleman from New York objects. The question is on the motion to go into the Committee of the Whole House on the state of the Union for the consideration of the bill.

The question being taken, the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 14270) to amend sections 3, 4, 9, 12, 15, 21, 22, and 25 of the act of Congress approved July 17, 1916,

known as the Federal farm loan act, with Mr. MCARTHUR in the chair.

Mr. McFADDEN. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for one hour.

Mr. McFADDEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McFADDEN. I understood that the rule provided for three hours' debate. I understood the Chair to say that I was recognized for one hour.

The CHAIRMAN. The gentleman has one hour.

Mr. WINGO. I thought the rule provided for three hours.

The CHAIRMAN. The rule provides for three hours, to be equally divided; but in the absence of any agreement as to who is to control the time, the Chair recognized the gentleman from Pennsylvania [Mr. MCFADDEN] for one hour.

Mr. McFADDEN. Mr. Chairman, this bill provides for important amendments to the Federal farm loan act. It amends in certain particulars some of the vital sections of that act. It amends sections 3, 4, 9, 12, 15, 21, 22, and 25.

In the first place, I am sure you will recall that during the war emergency the United States Treasury was authorized to purchase farm-loan bonds to help out the farm-loan system so that they could come somewhere near meeting the demands for loans from the agricultural sections. When that amendment was enacted a provision was also placed in the law that so long as the Treasury retained any of the bonds so purchased the temporary organization of the Federal farm-loan system should continue, so that under this amendment the Treasury Department would continue the directors who were to handle the affairs of the 12 banks. This bill corrects that situation and provides for an immediate permanent organization which will keep the system, we hope, out of politics or the control of selfish or rival interests, and confer cooperative management between the Government and the stockholders. This bill provides for a definite, permanent organization method by which the directors shall be elected. It gives due consideration to the farm-loan association or borrowers by permitting them to elect a certain number of directors. It also provides that the Federal Farm Loan Board shall appoint certain members. It also provides that the borrowers' association shall submit a list from which the odd member of the board shall be chosen and that he shall be chairman. It provides that at least one member shall be a dirt farmer, so the control of the organization is placed where it properly should be placed.

Now, in addition to that it provides—I do not want to take up too much time of the House because a number of men want to speak upon different phases of the bill—it provides also for agents for the purpose of closing loans in those sections of the country which have not had proper service through the farm loan associations. It has been made known to the Farm Loan Board that certain sections have not been properly served, and so it is given the right to appoint agents to act in closing the loans. That matter is safeguarded by providing for a deposit of the 5 per cent stock for security for the payment of the loan that is now provided under the association plan. It is not my understanding nor the understanding of the committee that that destroys the association. My understanding is that the control, notwithstanding the fact that many people fear and claim that the association will be destroyed under this plan, will be continued, and the new agency plan can be made workable for the relief of the farmers where they have not been properly served.

Mr. BARKLEY. Will the gentleman yield?

Mr. McFADDEN. I will.

Mr. BARKLEY. We are all interested in the farm-loan legislation. In view of the short time between now and the adjournment of Congress, I am wondering why the Committee on Banking and Currency has not taken action on a measure passed by the Senate, so that it might be considered here, and with the hope of obtaining legislation, instead of bringing in an independent bill that will have to pass the Senate.

Mr. McFADDEN. I will say that the bill under consideration was in the committee and was being considered by the committee before the Senate had taken any action. The Senate has only recently passed two rural credit bills, and the committee has been diligently considering the subject of rural-credit legislation. The committee has been having hearings right along and working as rapidly as possible on the so-called Capper bill, and we hope to reach a definite conclusion in the early part of next week. I think the gentleman from Kentucky will be satisfied with the activities of the committee.

Mr. BARKLEY. I trust that Congress will not adjourn until some legislation is enacted. I think it would have been better to have passed the bill that has already passed the Senate than to pass a measure that has to go to the Senate.

Mr. BANKHEAD. Will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. BANKHEAD. What is the attitude of the well-recognized farm organizations throughout the country as to this bill?

Mr. McFADDEN. Many of the organizations have been before us, and there is a divided opinion. There is some opposition to this measure from farm organizations, but I think the greater portion of the farm organizations, the Federal Farm Loan Board, and, I understand, the Treasury Department are in favor of the bill. I know that there has been a great deal of propaganda about it. There is a great deal of misunderstanding about the bill in that regard, and I might call attention to the fact that the most of the opposition was to the bill as originally introduced. It has been amended in some very important particulars, and I believe the greater portion of the farm organizations, if they could study the bill as it is to-day, would not have the same criticism to make as has been meted out in the past.

Mr. BANKHEAD. We all received this morning a letter from Mr. Lyman, the secretary of the national board of farmers' organizations, and his objection to the bill seems to be as to the new method of electing directors of the Federal land banks. Will the gentleman explain the necessity for this change of the law?

Mr. McFADDEN. I will say in that connection that that subject was given very careful consideration by the committee and the Federal Farm Loan Board. We believe that we have worked out an equal representation on the boards in this bill, and that it will prove so in its operation.

Mr. WATSON. Will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. WATSON. I notice that you increase the loans from $10,000 to $16,000.

Mr. McFADDEN. There is such a provision.

Mr. WATSON. What were the conditions that gave the committee the thought to increase the loans to that amount?

Mr. McFADDEN. I will say to the gentleman that that is the result of the demand of the agricultural sections of the country for an increased size of the loan. It has been pointed out to the committee that in many of the central western States the farms are larger and the price of real estate is higher, and that it is necessary in order to take care of the needs of that large class of farmers residing in that section and farming larger areas than are usually farmed, say, in Pennsylvania, that the size of the loan should be increased.

Mr. WATSON. Is the increase founded upon the assessed value for taxation, or upon the census report?

Mr. McFADDEN. There is no change in the method of valuing the farms under this bill.

Mr. WATSON. I know, but the gentleman states that values have increased. Do you obtain the increased value from assessment for taxation or from the census report?

Mr. McFADDEN. In some of these central western States the value of land has increased to such an extent that the Federal Farm Loan Board has to put a maximum limit upon the amount that they will loan on acreage, regardless of the value of those farm lands. In the State of Iowa the rule is not to loan in excess of $100 per acre, while the value of the land might be $400 or $500 per acre.

The board felt that the system should be safeguarded in that particular. Reverting again to this increase of the loan from $10,000 to $16,000, and under certain conditions the bill provides that it shall be increased to $25,000, but, of course, those must be unusual conditions and must have the approval of the Federal Farm Loan Board. There was some difference of opinion in the committee in regard to this increase of the loan limit on the theory that the money market for this class of securities might by the sale of a vast amount of these bonds be somewhat limited, but as I understand, and I think many Members of the House so understand, in the farm loan act the original idea was for the relief of the poor farmer, to do away with tenant farming, and that it was the duty of Congress to help the little fellow more than to help the wealthy farmer. Because of that idea still predominating, many members of the committee have felt that it might work a hardship on the little farmer by absorbing all of the available money if the big loans were granted.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. McKENZIE. Right on that point, having in mind the State of Illinois and particularly the district in which I live, I favor the increase in the amount of the loan, and in reply to the point raised by the gentleman from Pennsylvania [Mr. McFADDEN] that it was intended to help out the little farmer, in my judgment, if we can take care of the man who needs $16,000, or even $25,000, on a valuable farm, and can relieve financial interests of the country to that extent and leave that amount of capital liquid in the local banks to be loaned to the little farmer to put a load of cattle on his farm during the summer time, we will have accomplished a great deal.

Mr. FIELDS. Mr. Chairman, if the gentleman will yield, I would like him to go on with his explanation in regard to the local cooperative borrowing associations. When the first bill was reported or introduced there was a great deal of complaint that that bill would destroy the local cooperative borrowing associations. I understood the gentleman to say that this bill would correct that and I would like to have him explain why.

Mr. McFADDEN. Mr. Chairman, as I said previously, there is no thought in the mind of the chairman, and I think that applies to many members of the committee, to do anything to injure the associations. I do not believe this bill will. If the gentleman refers to the destruction of associations, having in mind the provisions for the election of directors, I will say to him that I do not believe it will destroy the associations. As a matter of fact the very great local interest in associations is greatly relieved the moment that a farmer gets a loan. When he gets his loan closed his interest in the local association is practically nil from that time on, because he has financed himself over a long period of time, and in the manner we have provided for the selection of these directors we believe we have provided for sufficient representation from the borrowers or the associations, and that they will be protected in the representation on the boards as well as they are at the present time being protected. Other gentlemen who are to speak are going to cover that point a little more in particular and I think the gentleman will be entirely satisfied with the explanations given later on.

Mr. BURTNESS. Mr. Chairman, will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. BURTNESS. What incentive will there be for the formation of new farm-loan associations if we adopt the provision in the bill for the appointment of individuals who can deal with the new borrower in the future just as well as the association can?

Mr. McFADDEN. My understanding in regard to that question, and we have been assured by the Federal Farm Loan Board to that effect, is that agencies would only be established in those localities that were not being served by associations and I believe the same inducements of associations in the way of borrowers getting together will exist as exists at this time. It may be to the advantage of the farmer to apply to an agency that has been appointed if there is one, if there is no local association to which he can apply.

Mr. BURTNESS. The main inducement for the farmer getting into an association now is the fact that he needs the money, he wants to make a loan, and that is about the only way in which he can get the loan. If there is an agency appointed, and he can deal direct with that agency, he may not want to assume the responsibility of becoming in part at least liable for the loans of the other members of the association. Would he not then naturally simply go to the agent and attempt to get a loan from him rather than to join the association?

Mr. McFADDEN. I think the gentleman is putting up a man of straw. He is anticipating what a farmer may do. My experience with the farmer is that when he wants his money he wants it, and if he can not get it through the organization or association, and there is an agency available, he will go to it. What we are trying to do is to make this system available with the least possible trouble to the farmers of the country, so that their interests can be taken care of.

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. BEGG. It is supposed that there is a double liability back of every one of these bonds issued on mortgage, and the mortgage is supposed to represent 45 or 50 per cent of the value of the land. Is not that right?

Mr. McFADDEN. I would not say a double liability in the sense that the gentleman has pointed out. Every borrower is required——

Mr. BEGG. I do not mean from the borrower, I mean the thing back of the bond that the buying public gets hold of. There is supposed to be a double security back of that bond, is there not?

Mr. McFADDEN. Well, if the gentleman will let me explain.

Mr. BEGG. I beg the gentleman's pardon, I thought he did not get the question.

Mr. McFADDEN. The plan of the system is that the farmer borrows from the system on a mortgage. In order to get loans he must subscribe to 5 per cent of the amount of the loan from the farm loan system, of its stock, and the Federal land bank holds that stock. My understanding is that there is a double liability of that stock in case the loan is not paid.

Mr. BEGG. Where is the double liability? That is the thing I wanted pointed out.

Mr. McFADDEN. On the stock which the man deposits with the Federal farm loan system under the present plan. Now the Federal land banks—there are 12 of them—get together and issue bonds. This bill strengthens in that particular the liability of the 12 banks, the guaranty upon all of the bonds issued.

Mr. BEGG. Well, I do not want to consume unnecessarily the gentleman's time myself——

Mr. McFADDEN. I think the gentleman before the debate is concluded will have a clear answer, better, perhaps, than I have been able to give at this time. There are plain provisions for the retention of the stock subscription when the loan is acquired through an agency, just the same as the association plan. Mr. Chairman, how much time have I used?

The CHAIRMAN. Eighteen minutes.

Mr. McFADDEN. At the request of W. W. Flannagan, former secretary of the Farm Loan Board, I insert in the RECORD his letter to me under date of February 16, with a statement of a part of the minutes of the Farm Loan Board and a letter from the farm loan commissioner under date of June 30, 1920.

I reserve the remainder of my time.

The letter is as follows:

FLORENCE COURTS, *February 16, 1923.*

Hon. LOUIS T. McFADDEN,
Chairman House Banking and Currency Committee.

DEAR MR. McFADDEN: I have seen to-day for the first time the official copy of the hearings by your committee on the Strong bill (H. R. 13125).

On page 270 of said hearings there is a statement made by the farm loan commissioner (Judge Charles E. Lobdell), which, to say the least, is uncalled for and which creates a false impression.

I am asking you in fairness to correct this statement in whatever manner your own sense of justice may dictate, with the knowledge you had of the facts of the case at the time and which this communication now gives you.

The objectionable statement in question is to the effect that the "activities" of Mr. Charles A. Lyman, the secretary of the National Board of Farm Organizations, and myself in opposition to the passage of the Strong bill is due to the severance of my official connection with the Farm Loan Board, which Judge Lobdell terms a "dismissal," and his refusal to "reinstate" me under threats from Mr. Lyman that the influence of his organization would be turned against the Farm Loan Board, as if Mr. Lyman and I are not acting in good faith in our opposition to said bill, but by reason of "hostility" created by my so-called "dismissal."

These are the facts:

1. At the time Mr. Lyman had the interview to which Judge Lobdell refers I had no knowledge thereof, not even an acquaintance with Mr. Lyman; nor did I know of the existence of any such organization as "the National Board of Farm Organizations."

2. With reference to my "dismissal," the Farm Loan Board furnished me at the time of my resignation as secretary thereof an official copy under seal of an extract from the minutes, which is appended hereto.

Yours sincerely, W. W. FLANNAGAN.

The following is an extract from the minutes of the Federal Farm Loan Board of a meeting held July 9, 1920:

FEDERAL FARM LOAN BUREAU,
TREASURY DEPARTMENT,
July 9, 1920.

Resolved, That the resignation of W. W. Flannagan as secretary of the Farm Loan Board, this day filed, be accepted effective August 7, 1920, and that the order of the board made June 2, vacating certain positions, including that of secretary, be modified to conform to this resolution:

That said letter of resignation and the commissioner's reply thereto be spread upon the minutes and made a part of the records; that a certified copy thereof be furnished to Mr. Flannagan, and that copies be mailed to the several land banks.

JUNE 30, 1920.

FEDERAL FARM LOAN BOARD,
Washington, D. C.

GENTLEMEN: Referring to your resolution of June 2, no one can regret more than I do that the suspension of business of the Farm Loan Bureau caused by the delay of the Supreme Court in rendering a decision as to the constitutionality of the farm loan act has in your opinion produced the necessity for economy in the administration to the extent that the salary paid to the secretary of your board must be discontinued.

I have been connected with the rural-credit system from its embryonic state and with great pride have seen it develop into the farm loan act and its benefits already reaped to an immeasureable extent by the agricultural interests of the country under your admin-

istration, with a foundation laid for even yet more permanent and increasing benefits.

To sever my connection is breaking my hearstrings, but I appreciate you have a great public duty to perform and that my personal feelings must not stand in the way of its performance nor embarrass you in the discharge thereof. I therefore tender my resignation as secretary of the Farm Loan Board, to take effect at any day named by you.

I beg to thank each of you personally for the kindly consideration you have always extended to me, and to assure you that it will always be my endeavor and pleasure to further the work in which I have been privileged to join with you.

Yours sincerely,

W. W. FLANNAGAN.

JUNE 30, 1920.

Mr. W. W. FLANNAGAN,
Washington, D. C.

DEAR MR. FLANNAGAN: I beg to assure you that each member of the Farm Loan Board fully appreciates, and, so far as they are personal, fully reciprocates the fine sentiment expressed in your letter of this date.

Upon the organization of the Farm Loan Board your familiarity with the farm loan act, and the active interest you had taken in formulating it, suggested the practical wisdom of availing ourselves of your services in the organization of the system. The board accordingly created the position of secretary and tendered the same to you. You accepted with fine spirit, although it was not the recognition you had been led to expect, and might properly have received, and entered upon the duties of that office with zeal. You became at once not only secretary but a valued counselor to the board on the details of the law, and I am sure each of the then members of the board would concur in the acknowledgement, which I am glad to make, of special obligation for that service. In addition, your high sense of honor, genuineness of character, and devotion to duty have won for you the unqualified personal esteem of each of us.

The work of organization, you then so willingly undertook, is in the judgment of the board substantially finished and the services of a secretary are not at this time necessary to the conduct of the business of the board. Your task in this connection seems finished, but the services you have rendered the system, and through it the agricultural interests of the country, and thereby the whole country, will permanently endure to your credit. We are sure your busy mind will find still further constructive work to do which will be done, as has your work with the farm-loan system, not for compensation but for the sake of doing.

We are glad to be assured of your continued cooperation and friendly interest, and shall always be glad of counsel and suggestions from you, and please be assured that you have always our high personal esteem and genuine personal friendship.

Very sincerely yours,

CHARLES E. LOBDELL,
Farm Loan Commissioner.

I, Charles E. Lobdell, farm loan commissioner, do hereby certify that the foregoing is a correct transcript from the minutes of the Federal Farm Loan Board, and in testimony thereof I have affixed my signature as farm loan commissioner and caused the official seal of said board to be attached hereto, the same being attested by the signature of the assistant secretary of said board this 9th day of July, 1920.

CHAS. E. LOBDELL,
Farm Loan Commissioner.

Attest:

JAMES B. MORMAN,
Assistant Secretary.

Mr. WINGO. Mr. Chairman, I will yield 10 minutes to the gentleman from Maryland [Mr. GOLDSBOROUGH].

Mr. JONES of Texas. Mr. Chairman, in reference to the control of the time, of course the rule requires half to be yielded to those opposed to the bill. I understood Mr. WINGO, in reference to being opposed to the bill, wanted it understood he was opposed to the bill.

Mr. WINGO. I made my statement to the House as to my position. I tried to reach an agreement by which I could control an hour and a half for the Democratic side. But that was objected to, so that as a result the Republicans will have two hours and I will control only one. I have yielded 10 minutes to the gentleman from Maryland.

Mr. JONES of Texas. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. JONES of Texas. I think I have a right to state it has been told me——

Mr. WINGO. Mr. Chairman, I make the point of order that a parliamentary inquiry can not interrupt the gentleman who has the floor.

Mr. JONES of Texas. I raise the point of order and propound a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. JONES of Texas. Mr. Chairman, the gentleman from Arkansas made a statement that he was opposed, unless an amendment was adopted. I understand the committee agreed to adopt that amendment, and there is no opposition to the amendment, and I do not believe the gentleman has the right to control the time by simply going under the guise of being opposed to the bill.

Mr. WINGO. I am not going under any guise, and the gentleman can not make any such statement.

Mr. BANKHEAD. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The regular order is demanded. The Chair recognizes the gentleman from Maryland for 10 minutes.

Mr. GOLDSBOROUGH. Gentlemen of the committee, I regret because of the limited time I shall have to hurry, and it will be necessary for me——

Mr. JONES of Texas. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. JONES of Texas. May I make a suggestion?

The CHAIRMAN. Does the gentleman from Maryland yield?

Mr. GOLDSBOROUGH. I will yield.

Mr. JONES of Texas. Mr. Chairman, I do not know in just what form my language may have been couched awhile ago, but I wish to make a statement——

Mr. STEAGALL. Mr. Chairman, I have no objection to the gentleman making a statement, but I suggest in all fairness it should not be taken out of the time of the gentleman who has the floor. This is a matter that should stand by itself.

The CHAIRMAN. The gentleman has yielded to the gentleman to make a statement.

Mr. JONES of Texas. Mr. Chairman, as I started to say, I do not know in just what form my language may have been couched and I had not intended a reflection upon the motives of anyone, and if I used such language I desire to have that language withdrawn, if I may get consent to do so. I want to make this statement in connection, that when the question of the division of time arose there was some controversy before the House went into the committee as to how the time should be divided. I was perfectly willing that the time should be divided one-half to those in favor and one-half to those opposed. The suggestion came to me from somewhere that there was an amendment which the committee had practically agreed to adopt, and that was the gentleman's objection to the bill; and in that I was probably mistaken, and I am perfectly willing to withdraw any statement that may bear the inference that he is not in good faith opposed to the bill. I thought I ought to make that statement, because my language may have been subject to being misconstrued.

Mr. STEVENSON. Mr. Chairman, if the gentleman will yield, I am a member of the committee, and we are agreed over here that those opposed to the bill shall have their fair share of the time that is accorded to this side of the House, and Mr. WINGO had arranged that somebody should be next recognized, and I regret the occurrence that has occurred, and I think the gentleman's withdrawal is proper.

Mr. JONES of Texas. I desire to withdraw any remarks that might be considered as a reflection on anyone. [Applause.]

The CHAIRMAN. Is there objection to the request of the gentleman from Texas [Mr. JONES] that he be permitted to withdraw his remarks from the RECORD? [After a pause.] The Chair hears none.

Mr. GOLDSBOROUGH. Mr. Chairman, how much time have I?

The CHAIRMAN. The gentleman has 10 minutes.

Mr. GOLDSBOROUGH. Mr. Chairman and gentlemen of the committee, due to the limited time for debate on this bill and the fact that there is a certain statement that I want to make, I shall ask not to be interrupted.

Mr. Chairman, the bill before the committee is the result of extended hearings and careful analysis on the part of the Committee on Banking and Currency, and while the bill as presented to the House with committee amendments is the result of much mutual concession within the committee we believe it is a bill covering the subject which will receive substantially the widest approval of the American people, both in numbers and scope of territory. While the bill changes administrative features of the law, we believe that these are matters which can be adjusted from time to time as public policy dictates. The modifications of the loan limit is a matter which in my opinion demands from the House the most serious consideration. Feeling as I do that the committee did as well as it could under all the circumstances I am in favor of the bill as reported with committee amendments and will now ask the attention of the Committee of the Whole House to a somewhat collateral consideration, which seems to me most important and can well demand the closest consideration by every Member of the National Congress.

On February 1, addressing the Committee of the Whole on the bill from the Banking and Currency Committee limiting expenditures in the construction of Federal reserve bank buildings, the distinguished gentleman from Illinois [Mr. MADDEN] in referring to the Federal reserve banks, spoke as follows:

Every time the banks show an excess amount of earnings they should be compelled to reduce the rediscount rate so as to keep their earnings in reason and thereby give to the borrowing public of the country an opportunity to get money at cheaper rates than they have been able to get it.

As a matter of fact, Federal reserve banks are only allowed to retain 6 per cent of their earnings for themselves, the remainder going back to the people through the Federal Treasury, but the point I wish to make is that the immoderate use of the rediscount facilities of the Federal reserve system is the thing which has caused the speculation, the inflation, the deflation, the economic unrest, the drop in the price of farm products, and the general suffering of the last few years.

Due to the increase in the gold supply from the gold discovered in Alaska, in the Klondike, and South Africa our bulk of money and available credit expanded from 1896 until 1914, and the primary purpose of the Federal reserve act was not to make available more credit but to prevent the contraction of credit and the artificial causing of depression and panics by large financial interests. The Federal reserve act legislation was passed, of course, at exactly the right time because without its machinery we could never have financed the war, and the public and private burden of debt is, of course, too great to justify our going back to the old system even if it were desirable for any reason, but there is grave danger of the primary function of the Federal reserve system being lost sight of and of its being made the means of a most unwholesome credit situation.

There are inserted in this speech as a part of it certain figures which can easily be verified and which I believe can be profitably studied by every Member of Congress and which are as follows:

Summary table.

[In thousands of dollars on June 30. Annual index numbers, 1913=100.]

Years.	Money in circulation.	Individual deposits in all commercial banks.	Physical production.	Wholesale prices.
1917	3,873,997	21,867,219	120.7	177
1918	4,367,045	23,386,377	118.0	194
1920	5,380,853	32,496,718	118.7	226
1922	4,375,556	31,414,812	112.3	149

Total stock of money and gold in the United States, total money and gold in circulation.

[In thousands of dollars.]

	Total stock of money.	Gold stock.	Total money in circulation.	Gold in circulation.[1]
June 30—				
1914	3,738,599	1,890,657	[2]	[2]
1917	5,408,549	3,019,147	3,873,997	1,615,413
1918	6,741,532	3,075,789	4,367,045	990,718
1920	7,887,182	2,687,513	5,380,853	675,545
1922	8,178,602	3,785,321	4,375,556	590,468

[1] Amounts held outside the United States Treasury and the Federal reserve banks.
[2] Comparable data not available.

Loans and discounts, investments, and individual deposits of all reporting banks in the United States, except mutual savings banks.

[In thousands of dollars.]

	Number of banks.	Loans and discounts.	Bonds, stocks, and other securities.	Individual deposits.
June, 1914	26,131	13,164,435	3,729,448	14,602,107
1917	27,301	18,225,827	5,872,132	21,867,219
1918	28,255	20,199,859	7,567,831	23,386,377
1920	29,519	28,664,668	8,671,243	32,496,718
1922[1]	29,770	24,859,018	9,540,274	31,414,812

[1] Preliminary figures.

Total cash reserves and excess reserves ("free gold") of the Federal reserve banks and ratio of cash reserves of Federal reserve banks to individual deposits of all commercial banks in the United States.

[In thousands of dollars.]

	Cash reserves of Federal reserve banks.	Free gold of Federal reserve banks.[1]	Reserve percentage.	Per cent of cash reserves of Federal reserve banks to individual deposits of all commercial banks.
June, 1917	1,334,352	689,221	75.4	6.1
1918	2,006,199	781,876	61.7	8.6
1920	2,103,284	250,965	43.4	6.47
1922	3,144,542	1,624,192	77.9	10.0

[1] Amount held by Federal reserve banks in excess of required reserves.

Prices and production.

	Annual average prices.	Physical volume of production.		
		Industrial.	Agricultural.	Combined.
1913	100	100	100	100
1917	177	121.2	120.0	120.7
1918	194	117.8	118.3	118.0
1920	226	114.0	124.4	118.7
1922 (year)	149	106.5	119.4	112.3
Fourth quarter	155	121.8	[1] 119.4	120.7

[1] Figure for year 1922.

I am only going to refer to a very few of them at this time. In 1914 the reporting banks of this country had loans and discounts aggregating $13,164,435,000. They owned bonds, stocks, and other securities amounting to $3,729,448,000. In 1922 the figures were: Loans and discounts, $24,859,018,000; stocks, bonds, and other securities, $9,540,274,000, whereas the physical volume of production was only 12.3 per cent greater in 1922 than in 1914. We find the wholesale price index for 1922 49 per cent higher than in 1914, and it has since gone up about 13 per cent. We find Federal reserve notes in circulation as of February 14 amounting to $2,243,603,000 and the reserve at 75 per cent.

There are various bills in the process of enactment through the Congress, the merit of any one of which I am not here and now discussing either favorably or unfavorably, which, if enacted into legislation, frankly contemplate immense additional credit structures, all to be ultimately supported by the Federal reserve system. If the present resources of the reserve system are allowed to be fully extended with our present immense supply of gold, the general price level of 1920, 126 per cent higher than the price level of 1914, will be exceeded, and this is exactly what will happen within the next four years unless there is some Federal legislation to stabilize the purchasing power of money. The Federal Reserve Board can not control the situation. The power of the Federal Reserve Board is defined by subsection D of section 14 of the Federal reserve act, which subsection gives to the Federal Reserve Board the final authority over rediscount rates to be charged by the Federal reserve banks—

which shall be fixed with a view of accommodating commerce and business and which, subject to the approval, review, and determination of the Federal Reserve Board, may be graduated or progressed on the basis of the amount of the advances and discount accommodations extended by the Federal reserve bank to the borrowing bank.

Under this section no board would have the hardihood nor, in my judgment, the legal right to interpret this section so as to regulate rediscount rates with a view to perpetuating substantial stability in the general price level, and the very least, it seems to me, that the Congress should do would be to amend subsection D by placing the word "agriculture" before the word "commerce," and, after the word "business," add the words "with a view of moderating fluctuations in the general price level." If some affirmative authority of this kind is not given the board it must ultimately give way to clamor for credit, first from one source and then another, and culminate in a situation worse than the collapse of 1921 and 1922.

My friends, few of us realize the awful possibilities for good or evil of a colossal credit structure like the Federal reserve system. Credit beyond the legitimate needs of business expansion breeds inflation in general price levels; inflation in general price levels appears to justify another margin for credit; when further credit is extended the inflation in general price levels which follows furnishes a new basis for credit, until the whole structure falls in on itself.

This system must be supported by some sort of legislation to stabilize the purchasing power of money. The House Committee on Banking and Currency have just completed some very interesting hearings on a bill introduced for the purpose of securing this very stability. It is not my purpose here and now to discuss the merits of that bill, but I believe that every Member of Congress upon a reading of the hearings will be convinced of the necessity of prompt legislation which will place our immense credit structure under such measure of control as to prevent inflation and its consequent following period of speculation, deflation, and collapse, so that we will have a democracy indeed in finance, where every man, be he farmer, business man, banker, or laboring man, can have the credit he needs in order to carry on and to extend the scope of his usefulness in a conservative and wise manner as well for himself as for the public at large; but where, also, the machinery of credit will be so adjusted as to sound its own warning when a period of healthy expansion is

being passed and a period of overproduction and speculation being reached.

What the farmer buys is costing him now around 76 per cent more than it did in 1914, whereas the price of what he had to sell during his selling period in 1922 was less than in 1914, although now the price level of farm products has risen to about 25 per cent more than it was in 1914. Stabilization of the general price level will very rapidly bring the price of farm products up to a point of yielding a wholesome and satisfactory profit, but another period of inflation and collapse will only increase the burden of debt under which the farmer is struggling. As for the man or woman with the average income, and the wage earner, a period of inflation, during which the dollars they receive will constantly buy less and less, is a period of acute suffering and a grave type of economic and social evil. Let us act now before the lessons of the last three years are entirely forgotten.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. McFADDEN. Mr. Chairman, I yield 20 minutes to the gentleman from Kansas [Mr. STRONG].

The CHAIRMAN. The gentleman from Kansas is recognized for 20 minutes.

Mr. STRONG of Kansas. Mr. Chairman and gentlemen of the committee, I think I ought to speak first of the propaganda that has been sent broadcast over the country and that is being sent to the Members of Congress against this bill. I think the Members of Congress and the farmers of the country are entitled to know the motives behind this propaganda.

I am a representative of an agricultural district. I am also the owner of a farm, and a member of a farm-loan association. I have never lived in a town of over 2,000 population in my life and have always been interested in the problems of agriculture. I have had some experience regarding the opportunity of the farmer to get loans under this farm-loan system, and I thought when I came to Congress that I would try to improve it.

Three years ago I introduced a bill to appoint agents where the farm-loan associations were not functioning, or where there were no farm-loan associations, so that all farmers could be reached and served. I immediately met with opposition from Mr. Flannigan and Mr. Lyman, who have been associated together in putting out the propaganda against this bill. I thought they were working for agricultural interests, but I have come to learn that they are working the farmers in their own selfish interests; but it has become apparent that some legislation should be passed amending the farm-loan system.

This Federal farm-loan system was built around the report of a commission that was sent to Europe to investigate rural-credit systems, and we followed largely the systems that were in force in Europe; but now, after five years' experience of our own, we have found that our system needs some amendments.

The original act provided that the 12 farm-loan banks should each issue their own bonds. That was very successful in Europe where the bond buyers are distributed throughout the entire country and surround the banks. But in this country the bond buyers are situated mostly east of Lake Erie, and when the 12 farm-loan banks came to such market they found themselves in competition with each other, and so without any authority of law, under the act at least, they joined together and asked the Farm Loan Board to sell their bonds. And they have so sold them, very successfully. We want now to provide by law for a central bond-selling agency to sell these bonds.

There is another provision that we might as well be frank about. One of the Eastern States has passed a law giving the bonds of their banks preference in their trust companies, thus putting their bonds at a premium. If that thing is allowed to continue, the banks located in the great money centers will have laws passed favoring their banks, and the farm-loan banks in the local territory where they most need farm loans will have their bonds go at a discount and make them hard to sell.

Mr. BEGG. Mr. Chairman, will the gentleman yield right there for a question?

Mr. STRONG of Kansas. I will be very glad to.

Mr. BEGG. If this particular bonding feature becomes a law, can a bank in South Carolina and a bank in Ohio and one in Kansas pool their interests and put out a million-dollar bond issue that is apparently backed by the Federal Farm Loan Board, so that when I buy a bond I will not know whether my bond is secured by land in South Carolina or in Ohio or in Kansas? Is that correct?

Mr. STRONG of Kansas. No; and if you had read the entire act you would know that could not be done.

Mr. BEGG. I have read it several times, and that can be done.

Mr. STRONG of Kansas. You are mistaken; it can not be done.

Mr. BEGG. It certainly can, and anyone who has read the bill knows that it can be done.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. STRONG of Kansas. Yes.

Mr. STEVENSON. Every farm-loan bank in the United States and every borrower is back of every farm-loan bond issued now, but they are made on the face the joint and several bonds of all the banks, instead of the individual bank.

Mr. BEGG. That is exactly my position as I maintain it.

Mr. STEVENSON. But it only writes on the face of the bond what is now in the law.

Mr. STRONG of Kansas. Yes. We have not changed the law in that respect.

Mr. BEGG. If you have not changed it, what do you want to have it in here for?

Mr. STRONG of Kansas. We want to establish a central bond selling agency, so that all the banks will join and issue one consolidated bond, so there will be no discrimination and they may all be served with funds at the same costs and the bond buyers have a single standard bond, guaranteed by all the banks, that will be so attractive that it will sell at a lower rate and reduce the interest rate to the farmer borrowers.

Now, there is another proposition we wish to solve. Under the European systems where the landowners have small tracts of land in densely settled districts and the land or leasehold descends from father to son, they have farmers' cooperative credit systems. They get a good many cooperative benefits from forming such associations. So when this law was framed it was provided that loans should be made through farm-loan associations composed of at least 10 farmers; but we find in this country, where the farms are large and require larger loans, or in communities not very densely settled, it is hard to get 10 farmers ready to take 10 farm loans, and in many counties we do not have any farm-loan associations to serve the farmers under this system.

Again, when the farmers try to get 10 farmers who need loans to form an association together, some outside loan agency steps up to 2 or 3 of them and says, "We will make your loan a little easier," and when the farmers meet to form their association they have not enough men ready to take loans to form an association. That has happened in one county in my district until we have been unable to get a farm-loan association formed, and the farmers are not served.

Then there are places where churches have organized farm-loan associations and have refused to take in anyone outside of their own membership, and where families have formed a farm-loan association and have refused to take in any other farmers. Also, in some instances, associations have been formed and after getting a few farmers into the association have refused to take in others.

Sometimes a mortgage banker gets control of the office of secretary-treasurer, and while he takes the application for the farm loan from the farmers, he neglects to get the board of directors together to pass the loan; and finally, after a week or two, he says to the borrower, "If you are in a hurry for that loan I can make it for you through another mortgage-loan agency if you will pay a little higher rate."

So we find that in many communities the farmers do not have an opportunity to secure loans under this system, and we want to fix it so that the farmers everywhere can have the benefit of these amortized loans at low rates. So in this bill we have provided an amendment authorizing the Federal land banks to make loans through agents under proper bond in communities where farm-loan associations have not been formed, or where they fail, neglect, or refuse to properly serve the farmers of their territory. Loans made on applications taken through agents will, of course, have the same inspection and appraisement as loans made through associations or by agents of the joint-stock banks. This will in no way interfere with active farm-loan associations, but will enable the farm-loan banks to serve the farmers where there are no associations or where those in existence are not functioning properly.

Mr. WILLIAMSON. Will the gentleman yield in that connection?

Mr. STRONG of Kansas. I am very glad to yield to the gentleman.

Mr. WILLIAMSON. I notice you have eliminated most of the old features of the law in connection with these agencies. The law as it now exists provides that only a duly incorporated bank, trust company, mortgage company, or savings institu-

tion, chartered by the State in which it has its principal office, shall be employed as an agent, and these agents in taking loans and turning them over to the Federal farm-loan banks are required to indorse the paper and assume the same liability as the original mortgagor. Under this law you propose to appoint anyone an agent, no matter what his responsibility may be, and to have him give a surety bond.

Mr. STRONG of Kansas. That is Mr. Manson's statement, who, I think, is in the employ of the joint-stock land bank, and I can answer without the gentleman going through the rest of it. I know it by heart. But I do not want to take up too much time.

Mr. WILLIAMSON. The point is——

Mr. STRONG of Kansas. All right, I will answer the gentleman's question.

Mr. WILLIAMSON. I have not asked it yet.

Mr. STRONG of Kansas. I know what it is. When we started out to amend the act so as to appoint these agents to serve the farmer where he is not now being served, we found objections coming from the same source. They said we would make poorer loans and lessen the security of the bonds, but the mortgage banker, the joint-stock land banks, and all other agencies make loans through agents. It is said we are breaking down the cooperative feature of the farm-loan association.

I belong to a farm-loan association, but I do not believe that the farmers receive any cooperative benefits from them after their loans are secured. The Farmers' Union, the National Grange, and the American Farm Bureau and other farm organizations supply the farmers of this country the advantages to be derived from cooperation which I very much believe in and which I intend to foster and support in every way. I think it is because they have these associations that they do not use the farm-loan associations for any other purpose than to secure their loans, but because of the propaganda that has been sent out charging that the appointment of agents would destroy the cooperative features which it is claimed these associations have, we provided in this bill that where an agent was appointed in the territory of an association that had become inactive and the association decided to resume its service to the farmers and should pass a resolution to do so that no more loans through agents should be made in that territory. We also have provided that any 10 borrowers whose loans should be made through agents could form a farm-loan association.

Mr. BURTNESS. What incentive would there be to the 10 men to form an association after they have gotten their money without becoming responsible in any way, shape, manner, or form to the other fellow?

Mr. STRONG of Kansas. No more incentive than induces them in the first place, as far as the cooperative features are concerned. There is no cooperative beneficial feature in the farm-loan association after the farmers have secured their loans; they obtain such benefits through their farm organizations, and all this talk about the cooperative benefits to the farmer in farm-loan associations is pure, unadulterated bunk, intended to fool the farmer.

Mr. STEVENSON. The gentleman from North Dakota [Mr. BURTNESS] says, "without becoming responsible in any way, shape, manner, or form." The gentleman has not read the bill. The man who gets a loan through an agent has to have the profits that are accruing to his stock put aside to create a reserve to take care of the defaults of the fellows who borrow through the agency, and he has got the responsibility after the fellow acts through the association.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. STRONG of Kansas. I had rather not. I am trying to explain these propositions without taking too much time. You are all my friends and I would like to yield to you, but I have not the time.

The matter of the permanent organization of the banks we feel makes necessary another amendment. The original act provided for a temporary organization under the supervision of the Federal Farm Loan Board and that when the stock subscriptions in any farm-loan bank should reach the sum of a hundred thousand dollars a permanent organization should be effected consisting of nine directors, three appointed by the Government and six elected by the farm-loan associations. In January, 1918, Congress passed a law authorizing the purchase by the Treasury of two hundred millions of the farm-loan bonds, with a provision that so long as any of the bonds so purchased remained in the Treasury the temporary organization should continue in force. So up to this time we have had Government supervision and management by the Federal Farm Loan Board. It has been most successful. The bond buyers have furnished a ready market for the bonds, interest rates have been reduced, and loans made to farmers during the past year at the rate of a million dollars a day.

Whether or not the confidence of the bond buyers will continue if Government supervision is removed and the system turned over to the borrowers is a grave question, and after a good deal of earnest consideration we have provided in this bill a permanent organization with a cooperative management between the Government and the stockholder borrowers, the Government through the Farm Loan Board to name three directors and the stockholder borrowers to elect three, the seventh director to be chosen from candidates nominated by the stockholder borrowers.

Our committee had hearings upon this bill for over two weeks and then appointed a committee, of which I was chairman, to revise and rewrite it. Then the whole committee spent more than a week in perfecting it, and we are confident that if the bill is passed it will insure the system's good service to the farmers, all of whom can be served at still further reduced rates of interest. Chairman Charles E. Lobdell and Gov. Robert A. Cooper, present members of the Federal Farm Loan Board, and Hon. Herbert Quick and Hon. F. A. Lever, past members of the board; Merton L. Corey, representing the Farm Loan Bank of Omaha and the Secretary-Treasurers Association of the eighth Federal land district; George S. Mornin, secretary-treasurer of the Federal Farm Loan Association of Cedar Rapids, Iowa; Gray Silver, representing the American Farm Bureau Federation, and several Members of Congress from agricultural districts all appeared before our committee in support of the bill.

The only opposition came from Benjamin Marsh, whose principal objection was to increasing the loan limit above $10,000, and Mr. Flanagan and Mr. Lyman and Attorney Lester C. Manson, who represented their Federation of National Farm Loan Associations. These gentlemen are responsible for the immense amount of propaganda that has been sent out to the farm-loan organizations, misrepresenting the intents and purposes of the bill, which has caused them to write to Members of the House opposing the bill. I want to read from the record of the hearings before our committee a statement made by Chairman Lobdell in explanation of the antagonism of Mr. Flanagan and Mr. Lyman toward the Farm Loan Board:

Mr. LOBDELL. Mr. Strong has called my attention to a matter that I am somewhat reluctant to discuss, because it is in a sense personal. I made reference to it and said all that I ought, perhaps. But the activities of Mr. Lyman and Mr. Flanagan date back to Mr. Flanagan's dismissal from the Farm Loan Board, on which occasion he served notice of his hostility. In that connection Mr. Lyman called on the board and demanded Mr. Flanagan's reinstatement. After a discussion of the situation and his insistence, with a threat that he would turn the organizations he represented loose on the Farm Loan Board, the subject was dismissed rather summarily and perhaps with scant courtesy. And a couple of days later he and Mr. Marsh attended a formal sitting of the board that we had, and the reinstatement of Mr. Flanagan was demanded, with the threat on the part of Mr. Lyman of the hostility which has been manifested. That is the animus behind that organization.

Mr. Flanagan had secured, while secretary of the board, a list of the farm-loan associations, and, assisted by Mr. Lyman, proceeded to organize them into a national association, requiring that they should each send to their headquarters here in Washington yearly dues of $10 each, which at that time would have netted them $40,000.

Mr. STAFFORD. Something on the order of the Non-Partisan League.

Mr. STRONG of Kansas. The board objected to this use of the funds of the associations, and they checked it up to Attorney General Palmer, who decided that they could not use the funds of the associations. Then the warfare commenced between Lyman and Flannagan and the farm board, and they have succeeded in inducing 300 out of the 4,600 farm-loan associations to joint their organization and have told them it is necessary to maintain their services here in Washington to protect the farm-loan system against Congress and the Federal Farm Loan Board.

Up until this bill was introduced they have hoped through their association to build up an organization of farm-loan associations, and that they will enable them to secure control of the farm-loan banks instead of having continued Government supervision. They tell the farmers that we want to turn it back to political control and that they want to give it to the farmers.

The fact is they are the politicians that are trying to gain control and to destroy the supervision of the Government so necessary to the system if they want to sell the bonds to the bond-buying public.

Mr. GARRETT of Texas. Will the gentleman yield?

Mr. STRONG of Kansas. Yes.

Mr. GARRETT of Texas. How many agents may be appointed under the bill to take the place of the cooperative association?

Mr. STRONG of Kansas. No agent will take the place of a farm-loan association that is active and functioning. An agent is to be appointed only where there is no farm-loan association or where it is not functioning properly. The bill further provides that, if at any time a farm-loan association in the territory wants to resume operations and serve the farmers by passing a resolution and sending it to the board in Washington that they intend to do so, the board will instruct the bank to take no more applications through the agent.

Mr. GARRETT of Texas. Who determines that an agent is necessary in this section?

Mr. STRONG of Kansas. The farm-loan banks that make the loans in that territory.

Mr. GARRETT of Texas. Can not they make the loan directly to the borrower as well as through the agent?

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. HARDY of Texas. Mr. Chairman, I ask unanimous consent that the gentleman from Kansas be allowed 20 minutes, not to be taken out of the time fixed by he rule.

The CHAIRMAN. The time has been fixed and can not be extended in the committee.

Mr. HARDY of Texas. If the House wants a full explanation, I think it can be done by unanimous consent.

The CHAIRMAN. It can not be done by unanimous consent in the committee.

Mr. McFADDEN. I yield to the gentleman five minutes more.

Mr. GARRETT of Texas. Now, to continue my inquiry regarding the loan made to the farmer by the agent. Why can not the loan be made as easily direct from the farm-land bank without the intervening of an agent?

Mr. STRONG of Kansas. Some one has got to be in that territory to take the application and fix up the papers.

Mr. GARRETT of Texas. There would have to be as many agents as there are farmers that want to make loans.

Mr. STRONG of Kansas. No, no; one agent in a community can serve just as well and better than a farm-loan association that has ceased to function.

Mr. GARRETT of Texas. The point I make is, as a practical proposition, why could not the farmer, if you are going to do away with the cooperative system to that extent, take his abstract of title to his land from his county and make the trip himself to the Federal land bank and lay it down on the counter and ask for the loan that he wanted?

Mr. STRONG of Kansas. He could; but he might be 200 miles away from the bank.

Mr. GARRETT of Texas. That would be cheaper even than to pay an agent.

Mr. STRONG of Kansas. Oh, no; it would not. Suppose he wanted a loan of $3,000. If he had to pay 1 per cent, he would pay $30.

Mr. GARRETT of Texas. He could mail it in and get all the action he wanted. Who will do the appraising under this bill?

Mr. STRONG of Kansas. The same men who do it now.

Mr. GARRETT of Texas. What would be the gain?

Mr. STRONG of Kansas. Simply a service to the farmer. Many farmers from my district are writing me that they are not being served.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. STRONG of Kansas. Yes.

Mr. BANKHEAD. Some of us would like to hear the gentleman in his time make some reference to the necessity for increasing the amount of the loan which is permissible under the amendment.

Mr. STRONG of Kansas. I would like to proceed. There are some men who are very much interested in that feature who will speak later.

Mr. BLANTON. Would the gentleman mind telling us what a community is? There might be 50 communities in a county not being served.

Mr. STRONG of Kansas. It all depends upon the density of the population. In some of my counties we have only one association and in some we have two, and in some places a county and a half takes one association.

Mr. HAUGEN. Does the Federal Farm Loan Board limit the number of cooperative associations?

Mr. STRONG of Kansas. Not at all.

Mr. HAUGEN. Then any 10 farmers can get together and form an association?

Mr. STRONG of Kansas. Yes. I am sorry, but I must refuse to yield any more. I want you gentlemen to know where this propaganda you are receiving comes from. This morning there was sent to the office of each one of you a letter headed "National Board of Farm Organizations," signed by Charles A. Lyman, secretary. In that letter he says:

By authority given me by Mr. Charles S. Barrett, chairman of the National Board of Farm Organizations and the president of the National Farmers' Union, I appeared before the Committee on Banking and Currency of the House on January 4.

And so forth. By that statement he was trying to give you gentlemen the idea that in the opposition to this bill he is representing the National Board of Farm Associations under the direction of Mr. Barrett. I called up Mr. Barrett and asked him who gave Mr. Lyman authority to go down before the committee. He said he gave him authority to go down before the committee, but he did not tell him to oppose the bill, and he gave him no authority to send out this statement. They are trying to fool you on this proposition.

Mr. DAVIS of Tennessee. Does Mr. Barrett himself indorse the bill?

Mr. STRONG of Kansas. Mr. Barrett has known that this bill has been before us for some time, but he has not been before the committee, either for or against it. I think he has been out of the city most of the time.

Mr. SUMMERS of Washington. Will the gentleman state in regard to his own association, which is referred to in the letter?

Mr. STRONG of Kansas. They propagandized my association just as they did every other, telling them that we were trying to destroy the farm-loan system, to give it over to the bankers, and all that kind of trash. They got my fellows to send me a protest just as they have succeeded in misleading a good many others.

Mr. BEGG. I saw a copy of a letter that purported to be a reply to the gentleman's letter from the association.

Mr. STRONG of Kansas. The gentleman saw a copy of a letter of one man asking me for more information. They have misled a good many. Mr. Manson, the attorney who came before our committee, said that he was working for love; that he was writing these briefs and sending them over the country without any fee or expectation of a fee. We have become very nearly convinced that he is in the employ of the joint-stock land banks. The joint-stock land banks, it seems, are against this bill. Those, however, who have succeeded in making it serve the farmers so successfully are earnestly supporting it, such as the present and past members of the Federal Farm Loan Board and the presidents of the farm-land banks and a great majority of the farm-loan associations.

I have here a wire from the president of the association of secretaries and treasurers of the eighth Federal land district that I will read.

CHICAGO, ILL., *February 16, 1923.*

Congressman JAMES G. STRONG,
Washington, D. C.:

Association of secretary-treasurers of eighth Federal land bank district has carefully considered Strong bill amending farm loan act. We indorse every provision for the following reasons: First, the banks are able and willing to pay expenses of administering the system; second, the plan for permanent organization gives the associations a voice in the management of the banks now denied and preserves such Government supervision as will insure confidence of bond-investing public; third, provision is properly made for stock to be issued by Federal land bank when association liquidates; fourth, enlarges purpose of loan, enabling banks to care for severe losses among farmers during deflation period on which they now are paying high interest rates; fifth, the increase of loan limit to $25,000 is absolutely necessary to enable the banks to serve the Corn Belt and ranching territory, and it is important to all farmers that the Federal farm-loan system shall be permitted to function in the best agricultural States both because it is just to the farmers so burdened with debts, and the inclusion of these loans will make larger profits for all borrowers as well as satisfy the bond investors with the strength of the securities; sixth, loans through agents are necessary in many places to enable the banks to serve farmers who do not have access to associations; seventh, the provisions for issuance and sale of consolidated bonds will facilitate the work and render the bonds more attractive.

Farmers of this district are practically unanimous for this bill, as they have not been misled by the propaganda of some opponents of the measure, who, while pretending to serve the association and the Federal land banks, are seeking to shackle the system so it can not compete on fair terms with the selfish interests they represent. Distressed conditions in agricultural districts demand early passage of your bill.

JOHN CARMODY, *President.*

Also the following telegrams sent by the Federal land banks in response to this wire:

FEBRUARY 14, 1923.

Please wire fully attitude your organization toward Strong bill amending farm loan act. Congressman STRONG desires this information and may possibly wish to read same into CONGRESSIONAL RECORD.

—

COLUMBIA, S. C., *February 15, 1923.*

CHARLES E. LOBDELL,
Farm Loan Commissioner, Washington, D. C.:

Your wire 14th. This organization favors Strong bill.

FEDERAL LAND BANK.

BERKELEY, CALIF., *February 16, 1923.*

The proposed amendments to the farm loan act contained in H. R. 14041, known as the Strong bill, we believe have been well considered, and if passed will serve the best interests of our borrowers, both present and future. There can be no serious objection to section 1; it is fair and just. Section 2 provides a plan of permanent organization for the banks that should prove beneficial. It gives the associations representation on the directorate, to which they are entitled, and which should prove beneficial without subjecting the banks to the criticism that the farmer's interest only and not the public interest in the system is being considered. This plan is fair and we believe will meet with the approval of the associations in this district. Section 3 is a necessary amendment. Several associations in this district have expressed a desire to liquidate. This section provides a fair and safe plan. Section 4 does not go as far as it might, but will undoubtedly enable the banks to care for many farmers who otherwise would be unable to obtain our services. Section 5 will enable us in this district to take care of many farmers who at the present time are being denied our service, because they are not in association territory or are unable to get service from existing associations. We do not consider that it in any way destroys the cooperative principle of the system. Section 6, in order to save expense, confusion, and possible discrimination in bond sales and purchases, we believe the adoption of this section necessary. Sections 7 and 8 seem necessary in view of previous proposals and amendments. We hope the Strong bill may be passed this session.

THE FEDERAL LAND BANK OF BERKELEY,
By WILLARD D. ELLIS, *President.*

—

NEW ORLEANS, LA., *February 16, 1923.*

COMMISSIONER FEDERAL FARM LOAN BOARD,
Washington, D. C.:

In answer to your telegram of February 14 in re Strong bill amending farm loan act, the board of directors of the Federal Land Bank of New Orleans, in special session this February 16, beg to reply unanimously, as follows: We heartily indorse said bill, with the exception of that portion thereof relating to permanent organization of the Federal land banks, concerning which portion we have grave misgivings. We have always regarded governmental control of the banks through the Farm Loan Board as the keystone of the endurance and success of the system. The method of permanent organization of the banks prescribed in said bill seems to point to a passing of governmental control, and this would, in our opinion, work irreparable injury to the system both in the management of the banks and in the credit of the system in sale of bonds to the investing public, who in every loan have an interest of 95 per cent.

BOARD OF DIRECTORS,
T. F. DAVIS, *President.*

—

ST. LOUIS, MO., *February 15, 1923.*

Judge CHARLES E. LOBDELL,
Farm Loan Commissioner, Washington, D. C.:

We believe Strong bill amending farm loan act would insure more economic and efficient administration of Federal land banks and more adequate and extended service to farmers. Increased loan limit is simple justice to deserving farm units now excluded from cooperative system. Permission to use agents in extreme cases would provide more universal service. Participation in management by borrowers, as here provided, should not be longer delayed. Government should be relieved of administration costs. Other provisions of Strong bill would further tend to perfect functioning of farm loan act. We are convinced that a large majority of our 416 associations favor this bill.

THE FEDERAL LAND BANK OF ST. LOUIS.

—

LOUISVILLE, KY., *February 14, 1923.*

Hon. CHARLES E. LOBDELL,
Farm Loan Commissioner, Federal Farm Loan Board,
Washington, D. C.:

We strongly indorse the Strong bill (H. R. 14041) as favorably reported by the Banking and Currency Committee of the House. We believe it is of prime importance in the development of the system. We sincerely trust that it will pass this present session of Congress, as we consider it of importance that it be made effective as soon as possible.

JAMES B. DAVIS,
President Federal Land Bank of Louisville.

—

OMAHA, NEBR., *February 14, 1923.*

FEDERAL FARM LOAN BOARD,
Washington, D. C.:

We have given careful consideration to the Strong bill, now pending in Congress. We consider it is very wisely drawn, and provides very necessary and desirable changes in the farm-loan act, which, if enacted, will strengthen the Federal land banks and enlarge their opportunities to serve borrowers. This bank is ready and willing to pay its share of the expenses of the Farm Loan Board and relieve the Government of that expense. The plan for electing directors of the Federal land banks safeguards both the interests of the borrowers and the interests of investors who furnish funds for loans. Section 3 provides a method by which associations may voluntarily liquidate, which is lacking in the original act. The provision increasing the maximum loan limit to $25,000 is very greatly needed in order to accommodate borrowers operating ordinary farm units, many of whom were tenants, who are struggling hard to pay for homes for themselves and families.

Farmers can not keep their sons on the farm unless they have farm units of sufficient size to keep them profitably employed and of sufficient size to divide and start their sons as farm owners instead of tenants when they marry and start out for themselves. The restriction providing that all applications for loan, between $16,000 and $25,000, shall be submitted to the Farm Loan Board at Washington should, however, be eliminated, as it will cause unnecessary delay in closing loans and consequent dissatisfaction with the system. Over the larger part of our district loyal and faithful secretary-treasurers give prompt and efficient farm-loan service to the farmers in their communities. Other localities, however, are not served by associations and should have the opportunity of procuring their loans through agents as provided in the Strong bill. Experience has proven that it is of utmost importance for the Federal land banks to join together in marketing their bonds. Section 6 provides a practical organization for the sale of our bonds, aiding not only in securing a better market but also promoting economy, simplicity, and prompt and efficient service and is altogether desirable.

D. P. HOGAN,
President Federal Land Bank of Omaha.

—

ST. PAUL, MINN., *February 15, 1923.*

CHAS. E. LOBDELL,
Farm Loan Commissioner, Washington, D. C.:

We and our organizations favor all the amendments in the Strong bill except the last amendment. Our associations believe the last amendment could well be left out at this time. We strongly urge the passage of all the other amendments in order to increase the efficiency and service of the Federal land bank system.

E. G. QUAMME.

—

HOUSTON, TEX., *February 14, 1923.*

FEDERAL FARM LOAN BOARD,
Washington, D. C.:

Our executive committee feels that the proposed amendments to the farm loan act outlined in the Strong bill will increase efficiency of service to eligible borrowers. There is special need of increase in loan limit in this district. We furthermore feel that the matter of permanent organization ought to be settled; and, speaking generally, we favor the Strong bill.

THE FEDERAL LAND BANK OF HOUSTON,
By M. H. GOSSETT, *President.*

—

BALTIMORE, MD., *February 15, 1923.*

Judge C. E. LOBDELL,
Federal Farm Loan Board, Washington, D. C.:

The board of directors of the Federal Land Bank of Baltimore, in regular session, unanimously approved H. R. 14041, known as Strong bill now before Congress and instructed me as secretary to wire this approval to the Farm Loan Board.

C. R. TITLOW,
Secretary the Federal Land Bank of Baltimore.

—

SPOKANE, WASH., *February 15, 1923.*

Hon. CHAS. E. LOBDELL,
Farm Loan Commissioner, Washington, D. C.:

Our executive committee favors the Strong bill as reported by House Committee on Banking and Currency; other than that we doubt advisability of designating seventh director as ex officio chairman of board.

THOMSON, *Secretary.*

The CHAIRMAN. The time of the gentleman from Kansas has again expired.

Mr. STEVENSON. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. JONES].

Mr. JONES of Texas. Mr. Chairman and gentlemen of the House, I am always somewhat opposed to tinkering with a machine that is running in fine fashion. I understand that farm-loan bonds are selling above par, that more applications are on file than they are able to take care of, that the bonds are very much in demand, so I think if we make any radical changes in the system, in so far as the management of the system is concerned, it should be done very carefully and cautiously. There are two sections in the bill that seem to me to be calculated to interfere with the present workings of the system in the best way. Section 2 changes the methods of control and the election of directors of the banks, placing three in the hands of the farm-loan associations, three in the hands of the bank, and the odd one to be selected, as I understand, from three who have been approved by the farm-loan system.

Mr. STEVENSON. Will the gentleman tell us who appoints the directors who are now in control and have been up to the present time?

Mr. JONES of Texas. I understand they are appointed from those who are approved by the national associations.

Mr. STEVENSON. Oh, no; they are not. They are appointed by the President, and they have never had an opportunity to name one up to this time.

Mr. JONES of Texas. I just want to say that at the present time the voice of the associations has been pretty strong in it, and I understand that when the Government's money is returned and the permanent organization is formed six, perhaps, out of nine are to be selected by the farm-loan associations. At least that is the way I construe section 4 of the original act. However that may be, I think the principal objection to this bill, and that is what I want to discuss principally in view of the limited time which I have, is section 15, I wish gentlemen would look at it. There is just one great principle running through the farm-loan system, and that is this.

The present loans are made through loan associations consisting of 10 or more members. Let us take the gentlemen who are sitting on these two front seats. Suppose they get together and form a farm-loan association for the purpose of securing a loan. Each of those men must buy 5 per cent of stock in the Federal land bank, and each must be responsible

to the amount of 5 per cent of his loan for any loss that occurs among his neighbors.

Mr. HUDSPETH. My colleague has referred to section 15. I do not see it.

Mr. JONES of Texas. It is section 5 of this bill, amending section 15. It is true that under the proposed system of direct loans by agents the man is also responsible, but each neighbor is not responsible in the community organization for his neighbor. If Mr. CLARKE, for instance, and Mr. DENISON and Mr. RAINEY are going to be in this association and somebody tries to get in whose credit is not very good, or whose security is not very good, they look after that, and see to it that this man either makes his security good, or that he does not get in.

Now, if this measure is passed, the agent will come around—he will have a commission under it—he can make the loan direct. The motive of that agent will be to make the loan, because he gets a commission. The motive of Mr. CLARKE and Mr. DENISON is not only to secure the loan in passing on their neighbor's loan or the others in the association, but their motive is to make those loans safe, is not that it? Under the new plan as evolved, the agent gets a commission of 1 per cent. He goes into a community, and instead of getting 12 or 10 or some other number of men together, all of whom are interested primarily in making these loans safe, that agent's commission depends upon his making the loan, does it not? Of course, the borrower is going to be responsible over the whole banking district for any loss that occurred, but if he is only going to be responsible in that way, even though it is for the same amount, he is not particularly interested in the man in his locality having a safe loan. He will not pass on it, because it will be done through the agent. Now, the reason that these farm-loan bonds are selling above par is because the investor thinks they are absolutely safe.

Mr. YOUNG. Will the gentleman yield?

Mr. JONES of Texas. In a moment. The best way in the world to have somebody who knows the parties in a small local loan is to have the local association where each neighbor of 12 neighbors is interested in having the loan absolutely safe, because his loss, if there is any, depends on the delinquency of somebody in that community who forms part of that association. I favor increasing the loan limit. However, I think the bad features of the bill outweigh the good features.

The CHAIRMAN. The time of the gentleman has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SNELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3955. An act to compensate Lieut. L. D. Webb, United States Navy, for damages to household effects while being transported by Government conveyance;

S. 4308. An act to authorize the general accounting officers of the United States to allow credit to certain disbursing officers for payments of salary made on properly certified and approved vouchers; and

S. 3084. An act to authorize and provide for the payment of the amounts expended in the construction of hangars and the maintenance of flying fields for the use of the Air Mail Service of the Post Office Department.

The message also announced that the Senate had passed with amendments the bill (H. R. 14254) to amend the act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign governments held by the United States of America, and for other purposes," had insisted upon its amendments, had requested a conference with the House on the disagreeing votes of the two Houses upon the pending bill, and had appointed Mr. MCCUMBER, Mr. SMOOT, and Mr. WILLIAMS as the conferees on the part of the Senate.

FEDERAL FARM LOAN ACT.

The committee resumed its session.

Mr. STEVENSON. Mr. Chairman, I yield myself 10 minutes.

The CHAIRMAN. The time is in control of the gentleman from Arkansas.

Mr. WINGO. Mr. Chairman, I ask unanimous consent that the gentleman from South Carolina control the rest of the time.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. STEVENSON. Mr. Chairman, the gentleman met himself the first round. He said that the management that had control of things up to now and made this thing go like this did ought not to be interfered with. Then he complains we did not turn it over to somebody else absolutely without any string. The temporary organization of directors appointed by the President of the United States are to-day in the control of this institution and have been, and until the $100,000,000 of bonds of the farm loan association are taken out of the Treasury of the United States they will be in absolute control, and no association has had anything to say about the appointment or direction of directors and will not have until those bonds are taken out, and they are left for 14 years yet to act. In this amendment the first thing we propose to do is to turn over to the stockholders, regardless of that situation, the right to control and elect the majority of the directors of these institutions, because we are satisfied that now they will go on. Now, what is the proposition about that? They say now the original bill as introduced retained control of the majority in the Farm Loan Board. The committee did not stand for that. The committee said that this is a good concern, that everybody has confidence in it, and we did not intend to keep a hierarchy here that might override all the stockholders of this concern, and therefore they should have the right to take over a majority of the directors. We provided they elect three directors, that the board appoint three, and that the stockholders nominate from the district—say the District of Columbia banking district—nominate as many as they want, and the Federal Farm Loan Board can appoint one of the three highest. We give the stockholders the right to say from what list the other director shall be taken, and he is to be president of the board. But if these stockholders in a district nominate only one, the board has to take him. That is the provision. Do you want any other security than that for the stockholders?

Mr. HARDY of Texas. Will the gentleman yield?

Mr. STEVENSON. I will.

Mr. HARDY of Texas. For information, what is meant by the stockholders in a district?

Mr. STEVENSON. The stockholders in a district are the stockholders of the farm-loan association and the people who borrow through the agency.

Mr. HARDY of Texas. If the association disappeared, they still have——

Mr. STEVENSON. I am glad the gentleman asked that question, because there is no chance that the association would disappear.

Mr. HARDY of Texas. That is what I wanted to know.

Mr. STEVENSON. The gentleman referred to section 5 and to section 15 but did not read it. Now, I want you to look at that language as it stands to-day. Look at section 15 as it stands to-day. I will read it:

SEC. 15. That whenever, after this act shall have been in effect one year, it shall appear to the Federal Farm Loan Board that national farm-loan associations have not been formed and are not likely to be formed in any locality because of peculiar local conditions, said board may, in its discretion, authorize Federal land banks to make loans on farm lands through agents approved by said board.

Mr. JONES of Texas. They can only make loans through the banks and trust companies, which must indorse the loans.

Mr. STEVENSON. I will come to that. The gentleman who sent this propaganda about this morning said that they can not do so under this bill; that they have to have the banks and trust companies and nobody else can act as agents, and therefore you can not make the loans regardless of that restriction. We have fixed it so that farm-loan banks can have any agent they want.

Mr. BEGG. If the Government makes money available at the lowest possible rate of interest, do you think it is then obligated to hire men to go around and solicit people to take that money?

Mr. STEVENSON. No, sir; the Government is not. The Government is not obligated to establish a farm-loan bank, but it is doing it, and the problem is to get for every farmer in this country a chance to avail himself of that opportunity.

Why do we put this agency proposition in here? Why have we liberalized it here? Because there was a community where 15 or 20 men in a county would organize an association and get their loans and then shut up business.

Let me read the language we have put in there, under which they are better off than in the original act:

When a local farm-loan association fails, neglects, or refuse to serve properly the needs of any territory in its locality—

And I hope the gentleman from Texas [Mr. HARDY] will get that, because I want him to understand that—

When a local farm-loan association fails, neglects, or refuses to serve properly the needs of any territory in its locality, then the board, after 30 days' notice to said association—

And so forth. We give them the opportunity of repentance, and if they do not take it, it is their own fault. Then, after 30 days' notice it may authorize the Federal land bank to make such loans as are approved by the board. Is there anything unfair about that?

Then, over on page 11 we have a provision that—

Whenever any local farm-loan association, located in territory served by an agent, appointed under the provisions of this section, shall by resolution declare its willingness to serve the prospective borrowers in such territory and transmit a copy of such resolution to the Federal Farm Loan Board, the Federal Farm Loan Board shall at once instruct the Federal land bank of that district to discontinue taking applications through agents in such territory—

And so forth. Then the Farm Loan Board can not loan through the agent at all. It has got to go back to the association.

Mr. TINCHER. Mr. Chairman, will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. TINCHER. Is not the bill under consideration valuable from the fact that on page 9, for instance, it gives reasons? It provides—

To liquidate indebtedness of the owner of the land mortgaged incurred for agricultural purposes, or incurred prior to January 1, 1922.

I know of a number of farmers who are being deprived of the privileges under this law by reason of the narrowness of the act.

Mr. STEVENSON. Yes. That is another amendment that we have made. We have made it prior to January 1, 1922. We have heard about deflation, and we have heard how the farmers have been injured by it. We provide that up to January 1, 1922, the farmer who has got in debt, whether for agricultural purposes or not, has the right to liquidate the indebtedness. When gentlemen talk about getting cheap money, we propose that the man who borrowed before January 1, 1922, shall be allowed to redeem his home under the provisions of this act.

The gentleman says the agency does not have to indorse. No bank has the right to indorse, and no bank has indorsed, and no loan has been made through the agency under that provision. But remember that when people borrow through an agency the bank shall set aside a certain part of the stock going to the reserve fund. We create a great reserve fund there to take care of any defaults that are made by any of these direct borrowers for whom the other borrowers did not stand, so that the great mass of direct borrowers will be standing for themselves only, and they will have a reserve fund there out of the reserve fund created by those direct borrowers which will enable the bank to get its money.

Mr. BURTNESS. Mr. Chairman, will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. BURTNESS. Will that have to be paid back to the individual stockholder?

Mr. STEVENSON. That will come when you come to liquidate the bank. That will be taken into account when you settle with the stockholders under the 40-year term.

Mr. BURTNESS. That does not provide that the shareholders shall be liable, but the next paragraph determines the liability of the shareholder, and that shareholder is not included.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. STEVENSON. I desire, Mr. Chairman, to take five minutes more, and then I will be through.

Of course, when the stockholder gets through and pays his loan and gets his settlement, the value of his interest in that reserve will be included and accounted for to him honestly, as all the insurance companies do.

Mr. BURTNESS. I would like to hear the gentleman also on the necessity or the reason for section 3 of the act providing for liquidation.

Mr. STEVENSON. Oh, yes; that is another of the complaints that the gentlemen all had this morning from Mr. Lyman. If the gentleman will turn to section 24 of the farm loan act he will see the following:

No national farm-loan association, Federal land bank, or joint-stock land bank shall go into voluntary liquidation without the written consent of the Federal Farm Loan Board.

That recognizes the right for a Federal farm-loan association to go into liquidation. All corporations can go into liquidation by the unanimous consent of the stockholders, and we have left it that way. They can not do it without unanimous consent. But there was no provision in there for what became of a man's stock in the farm-loan association when the association went into liquidation. He could not get it out. It was in a fix, where it was hung up between heaven and earth.

What did we put this in for? We put in this provision about what should become of the stock in order that there might be a settlement, and in order that the man would not lose his stock when the association went into liquidation.

Mr. BURTNESS. What relevancy has that to the original act to which it is appended?

Mr. STEVENSON. Section 9. That section provides merely for what becomes of a man's stock after the association liquidates, as provided for under the farm loan act as originally enacted. That is all it does. I do not think anybody will say that it is unjust or improper. It is not only just but exceedingly proper.

Now, as to the size of the loan, we had a great deal of trouble in that, and here is how we reached the figure $16,000. Everybody from all over the United States testified on this matter. If any one of you wants to look at it, you can read it in the hearings. The committee had its own idea, that the ideal farm unit in the Middle West was 160 acres, and the Farm Loan Board representatives testified that they had made it a rule that they would never loan more than $100 an acre for farm-loan purposes even in Iowa.

That made for the ideal farm unit the maximum loan of $16,000, and we put it at $16,000, and we provided that the man wanting $10,000 or less should be cared for first. Then occasionally an exceptional circumstance arises where it is necessary for some man to get a larger loan than that to pay for or save his farming outfit and his farm unit, and we provided that under exceptional circumstances they may submit an application to the board, and if the board see fit they may make a loan up to the limit of $25,000; but that is only under exceptional circumstances, and the small man must first be cared for before that is done. That is the situation as to that.

Now, gentlemen, a good deal of misinformation has gone out. There is just one other thing I want to advert to. This young man has sent you this statement about the loan associations all being opposed to this bill. I want to call your attention to the hearings at page 122. In the first place I call attention to the fact that this young man claims to represent only 800. His own testimony shows that there are over 4,000 of these associations, so as to numbers he represents only a minority of 20 per cent.

This bill has been submitted to the farm-loan associations of this country as originally introduced. Since then it has been cut all to pieces and rewritten three times, and I consider it a very good piece of legislation. As originally introduced it was submitted to the farm-loan associations of this country, and 1,017 people replied. Six hundred and seventy-four of them were for the first part of the bill; that is, where they take over the expenses. Nine hundred and sixty-five out of the 1,017 were for the second section, 905 were for the third, 919 for the consolidated bond section, 938 for the liquidation section, and 873 for increasing the loan limit. For the loan agencies there were 860 out of 1,017.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEVENSON. I yield five minutes to the gentleman from Mississippi [Mr. QUIN].

The CHAIRMAN. The gentleman from Mississippi [Mr. QUIN] is recognized for five minutes. [Applause.]

Mr. QUIN. Mr. Chairman, according to my conception, this measure changes the fundamental farm loan act, and I believe the changes in it deserve more than passing notice. For that reason in the closing days of the Congress I do not believe we ought to pass this bill. Every man on this floor knows that my heart and sympathies are with the farmers of the United States. In the caucus in 1913 in this very room for weeks a few of us fought to get this farm loan act made a part of the great Federal reserve system. We were unsuccessful, and did not finally get this bill through until the presidential-election year of 1916.

The enemies of that measure have gone the extreme limit, have run the entire gamut to tear down the Federal farm loan act. They even went so far as to get out an injunction and stop the Federal farm-loan associations of the United States from functioning for a long period of time. Now, one of the main things in the original act was to hold down to as small a sum as possible the amount that could be borrowed by any one farmer. That was finally agreed at the maximum of $10,000. I believed then it was wise to make it that low, and since this law has been in force I have still believed in the wisdom of the original act. So that every man in the United States who is a real friend of the farming classes knows in his heart and judgment that it should not be increased above that limit.

Mr. DICKINSON. Will the gentleman yield?

Mr. QUIN. I can not yield. My time is too short. In this bill they have increased the limit to $16,000. That is nearly double the amount that the original act carried. Why is it that the Federal farm-loan bonds are now marketed everywhere at above par? It is because they are secure from taxation and because the amount loaned to any one farmer is not sufficient to jeopardize these securities. A $10,000 loan has bonds back of it that of course will be better than if the limit were $16,000. Further, the amount of money that can go to these farmers in the United States is limited, and we must hold the sum down

instead of letting it go up. This bill even says they may go higher than $16,000. They may loan $100,000 to any farmer.

Mr. STEVENSON. Oh, no; not to exceed $25,000 under any circumstances.

Mr. QUIN. If this bill becomes a law, in my judgment it will jeopardize the effective operation of the Federal farm-loan system. All of us want to do all we can for the farmers of this country. I would love to see every man get half the value of his farm, even if he had a $100,000 farm; but we can not do it in a Government institution, because of the very fact that we know the resources of the United States become limited at times. The money available to buy these bonds becomes limited at times, and therefore we must hold the amount down to as small a sum as possible.

In all probability we can all the time find buyers for the bonds if we do not lend more than $10,000 to any one farmer. If the limit is raised to $16,000 and $25,000 the small farmers will not be able to secure loans. Another thing: The bonds may be forced below par, which would compel the farmers to pay a higher rate of interest.

The CHAIRMAN. The time of the gentleman has expired.

Mr. QUIN. May I have a little more time?

Mr. STEVENSON. I yield to the gentleman three minutes more.

Mr. QUIN. My good friend from South Carolina [Mr. STEVENSON], a member of the committee, says it may not be over $25,000. Suppose they inaugurate the system of making half the loans at $25,000. Do you not know that the small farmer who wants $500 or $1,000 or $1,500 would be in a measure deprived of his loan, and would not that in a measure cause the bonds to be a drug on the market? We might get too many of them for the amount of money seeking such investments.

Mr. STEVENSON. Will the gentleman yield?

Mr. QUIN. I yield to the gentleman from South Carolina.

Mr. STEVENSON. The gentleman has overlooked the proviso that preference shall be given to applicants for loans for $10,000 and less.

Mr. QUIN. Yes; you put the preference there, but when you come to the actual reality what are you going to do? You know that the great farm-mortgage companies of the United States in competition with this farm loan act have done all in their power to discredit it and to destroy it. You know that if you put such language as that in the bill the same forces will continue to make inroads against the operation of this law as it was originally intended; and if the United States Congress will listen to all the sirens that come asking to have amendments made to this act they will finally get it so that the small farmers can not borrow the money they need; and that is what I am afraid of, and we must be careful to prevent that. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEVENSON. I yield 10 minutes to the gentleman from Texas [Mr. BLACK].

Mr. BLACK. Mr. Chairman, since I have been a Member of Congress I have supported every bill that I thought would advance the cause of agriculture. I have done this because I thought it was for the interest of the Nation as a whole.

No other factor has contributed so much to make general prosperity possible in the United States as has the farming industry. Nothing is quite so essential to our future welfare as a nation, as a virile, home-owning, industrious contented rural population.

The measures which we have enacted from time to time to help agriculture have not always come up to our expectations in beneficial results, but I think it may be truly said there is one act which has not disappointed us.

That act is the farm loan act. Passed by a Democratic Congress in 1916 and signed by President Wilson on July 17 of the same year, it has now been in operation about six years.

During that time the 12 Federal land banks have loaned about $700,000,000 to 232,000 borrowing farmers. During the same period of time the joint-stock land banks have loaned about $230,000,000 to approximately 25,000 borrowers. Loans are now being made at the rate of more than $200,000,000 a year. It would be difficult to appraise the vast amount of good which has been wrapped up in this volume of business, in the lowering of interest rates, in providing an amortization plan of payments extending over a long term of years, and especially in making available funds for loans in sparsely settled and less-developed sections where the private loan companies had hitherto declined to go. These real benefits have been made possible, first, by reason of the fact that the law is based on sound and businesslike principles, and, second, because it has been administered in an able, conservative, and forward-looking manner. Naturally, in the administration of a law of this kind, owing to changed conditions and the profits of experience, it has developed there is need for some amendments.

The Farm Loan Board, under whose administration this splendid work has been done, in its several annual reports has recommended that certain amendments be adopted to the law. The gentleman from Kansas [Mr. STRONG] embodied the most important of these recommendations in the bill which he introduced several months ago. Our Committee on Banking and Currency has given full hearings on the bill, and after a painstaking consideration of every provision of the original Strong bill we have made certain important changes and modifications in it and it is now before us in a form which represents the collective judgment of the committee.

I want to notice in the brief time I have some of the major provisions of the bill. First, the bill provides that the expenses of the Farm Loan Board and its employees shall be assessed and paid by the Federal farm-loan banks and the joint-stock land banks in proportion to their gross assets. This is similar to the collection of the expenses of the Federal Reserve Board and its employees from the 12 Federal reserve banks. Inasmuch as all 12 Federal land banks are now on a dividend basis, I see no reason why that should not be done. This reason would all the more apply to joint-stock land banks, which are strictly private institutions under Government supervision. So far as I know it is universally agreed that this is a wise provision. No objection to it has been presented to our committee.

The next provision is one that has occasioned some discussion, and is that provision which provides that in the permanent organization of the Federal land banks there shall be a board of directors consisting of seven members. Under the present act when the permanent organization goes into effect there would be nine directors, six of them known as local directors, to be selected by the farm-loan associations, and three nominated and appointed by the Federal Farm Loan Board. The permanent organization has not yet gone into effect on account of an amendment which Congress adopted when it authorized the Secretary of the Treasury to buy $200,000,000 farm-loan bonds.

The provision we have in this bill is that three directors, known as district directors, shall be appointed by the Farm Loan Board. We also provide that three of the directors shall be elected by the national farm-loan associations. We provide that at the same time the associations elect these three directors they shall nominate three other men, and from that nomination of three the Federal Farm Loan Board will select the seventh director, who shall be known as the director at large and shall be chairman of the board.

Mr. KETCHAM. Will the gentleman yield?

Mr. BLACK. I will yield to the gentleman briefly.

Mr. KETCHAM. In the judgment of the gentleman, where would the actual power to control be vested under that sort of arrangement, where the Federal Reserve Board would select from three the man who, if an issue was closely drawn, would cast the deciding vote?

Mr. STEVENSON. If the gentleman from Texas will permit me, I think it should be stated that they nominate three while the stockholders nominate one.

Mr. BLACK. Whatever director at large is selected must be nominated by the national farm-loan associations and borrowers through agencies. Let me give the reason why I think that is absolutely a fair proposition. We will all agree that the success of the whole system rests upon the ability to market the bonds. The investment public furnishes nineteen-twentieths of all the capital available for loans. The borrowers furnish only one-twentieth, because the law only requires them to take one-twentieth of the amount of their loans in stock. Now, is it not reasonable that the investment public, which furnishes nineteen-twentieths of the capital to operate the system, should have a fair representation through district directors selected by the Farm Loan Board?

Is there anything unfair, I will ask the gentleman from Michigan, in providing that three of these directors shall be appointed by the Farm Loan Board, three elected by the farm-loan association, and one director at large appointed from those nominated by the associations? Where is that unfair? It seems to me not only fair but eminently wise and proper.

Mr. KETCHAM. Fundamentally this is not desired as a measure of relief to the man who wants to invest but to the man who wants to borrow, and his interest is the predominant interest.

Mr. BLACK. How will they borrow unless the investment public buys the bonds? We must protect the system so that the public will have confidence and invest its funds. Once the confidence of the public is shaken in the ability of the management, then the system will go upon the rocks. Some gentlemen do not seem to recognize that fact.

Mr. KETCHAM. The answer to that is that the investing public are buying the bonds in increasing amounts and are happy to get them.

Mr. BLACK. And the answer to that is that up to this time all the directors have been appointed by the Farm Loan Board. [Applause.] Now, let me go further. Under another provision of the bill to which there has been a great deal of criticism directed, it is provided that in cases where the National Farm Loan Association have failed or refused or neglected to function, the Federal land banks may permit the making of loans to eligible borrowers through a direct agent. I will agree with my friend from Texas [Mr. JONES], who spoke awhile ago, that the system, looking at the entire results, has been an eminent success; but there have been counties where the borrowing farmer or those who wanted to borrow have not been adequately served. The system as a whole has functioned remarkably well. We have loaned $70,000,000 to something like 25,000 farmers in Texas. But I have a letter here now, signed by Mr. J. Y. Roberts, who lives in Judge HARDY'S town, secretary of a farm-loan association, who points out an instance where the people of a large agricultural county are not being served.

Here is what he said, and it illustrates the kind of cases that this bill is intended to reach:

> I think where eligible farmers are not being served that the Federal land bank ought to have the authority to remove the secretary-treasurer and put another in his place who would serve the farmers as they should be. There is a great agricultural county adjoining Navarro County with an association at the county seat, and it has been organized four years, and it has closed only eight loans to the sum of $13,000, and not a single loan has been closed in a year.

Mr. Roberts, in an adjoining county, is the secretary-treasurer of an association that has loaned possibly more than any other association in the United States, something more than a million and a half dollars. These instances show how some associations are functioning and some are not. Let me also read from a letter which I received from Mr. M. H. Gassett, president of the Federal farm-land bank at Houston, Tex. He says:

> While the Federal Land Bank of Houston broke all records in December, 1922, in the closing of 1,280 loans in the sum of $3,647,000 and with a promise of closing probably $3,000,000 during January, yet the body of this business came from about two-thirds of our 341 national farm-loan associations in this district. Many associations are inactive, some of them not having placed a loan in a year. Many secretary-treasurers are incapable or indifferent and are wholly failing to afford opportunity to eligible farmers in many parts of this State to avail themselves of Federal land-bank loans. If the Farm Loan Board had the right to appoint agents to operate in territories where there are no farm-loan associations, or where organized farm-loan associations are not functioning, many eligible farmers now being denied our services could receive same.

It is only in cases of that kind that the Farm Loan Board has the right under this bill to appoint agents.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. BLACK. Mr. Chairman, under leave to extend my remarks, I want to briefly refer to the two other major propositions in the bill:

1. The maximum loan limit is increased from $10,000 to $16,000, with a provision that in special cases loans may be made as high as $25,000 upon express approval of the Farm Loan Board. This section of the bill contains a provision requiring that loans under $10,000 shall be given the preference and insures that in times of scarcity of funds the small borrower shall be served first. I especially approve this last-named provision because it safeguards the system to the man it was primarily designed to help, to wit, the small borrower. Personally, I would like to hold the amount to not exceed $16,000, and will support Mr. STEAGALL'S amendment to that effect.

2. The bill provides for joint issues of bonds by the 12 Federal land banks. The original act provided that every time a farm-loan bank had closed loans to the amount of $250,000 it should make a separate offering of its bonds. This provision of law has proven inadequate and unsatisfactory, and this was early recognized by the administrators of the system, and all the banks by resolution called on the Farm Loan Board to handle the sale of bonds in group and in large volume instead of in separate and small issues. The last issue of bonds was $75,000,000, which were sold at par, bearing 4½ per cent interest.

It is the purpose of the pending bill to continue this system of selling the bonds, with some improvements.

It is my very earnest conviction that the adoption of this bill will increase the usefulness of the farm-loan system, and therefore I shall support it.

I am anxious to aid the success of the system in every way that I possibly can.

[By unanimous consent, Mr. BLACK was granted leave to extend his remarks in the RECORD.]

Mr. FOCHT. Mr. Chairman, I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. That can not be done in Committee of the Whole. The time has been fixed.

Mr. BEGG. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BEGG. How does it happen that nearly every speaker on the floor speaks for the measure? I thought under the rule passed by the House that there was an absolute guaranty that the opponents of the measure would have time allotted them.

The CHAIRMAN. Three hours of general debate was provided for in the rule, and the purpose of the Chair is, as far as possible, to protect the rights of both sides.

Mr. BEGG. Up to date that has not been the case.

Mr. YOUNG. Their rights have not been protected up to this time. We will expect some better attention from the Chair from this time on.

The CHAIRMAN. The Chair recognized the gentleman from Pennsylvania [Mr. MCFADDEN] for one hour. He is the chairman of the committee. He is in favor of the bill. After Mr. MCFADDEN yielded the floor and reserved the remainder of his time, the Chair then recognized the gentleman from Arkansas [Mr. WINGO], who is opposed to the bill.

Mr. YOUNG. But he is for the bill.

Mr. BEGG. I will say that kind of recognition absolutely deprives the opponents of this bill of any time, save one-half of one-half, or one-quarter, and I do not believe the parliamentary situation and the rules of the House permit any such division of time.

The CHAIRMAN. The House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of this bill by virtue of a special rule, by the terms of which debate was limited to three hours, one-half to be controlled by those against it and one-half by those in favor of it. There was no provision and no unanimous-consent agreement as to who should control the time, and under the general rules the Chair had to recognize some gentleman who was in favor of the bill. Pursuant to that policy he recognized the gentleman from Pennsylvania [Mr. MCFADDEN]. Subsequently, after Mr. MCFADDEN had used 17 minutes of his time and had taken his seat, reserving the remainder of his time, the Chair recognized the gentleman from Arkansas [Mr. WINGO], who rose and stated that he was opposed to the bill. The Chair recognized him for one hour, pursuant to the general rules of the House. It is not within the province of the Chair to order these gentlemen who have been recognized to reallot their time. That is a matter for determination by them according to equity and good conscience.

Mr. BEGG. I raise the question with the Chair in all seriousness, whether, if he recognized some gentleman as against the bill and that gentleman turns around and yields the time to men in favor of the bill, the Chair has not the absolute authority to refuse the floor to that man.

The CHAIRMAN. It has never been done within the history of the Congress, and the Chair would not presume to assume such high-handed authority.

Mr. STEAGALL. As far as this side is concerned, there is no complaint.

Mr. BEGG. I should like to ask one other question. Will the Chair give us a statement as to the time consumed on this measure up to date? We have been debating the measure for nearly one hour and a half, or more than that time.

Mr. DEAL. Mr. Chairman, the gentleman from Alabama [Mr. STEAGALL] says that so far as this side is concerned there is no complaint, but I want to join with the gentleman from Ohio [Mr. BEGG] in raising a complaint, that the opposition to this bill has not been given the time on this side.

The CHAIRMAN. The Chair will recognize the complaints one at a time. The gentleman from Pennsylvania had 60 minutes at his disposal. He consumed 18 minutes and yielded 22 minutes, plus 5 minutes, to the gentleman from Kansas [Mr. STRONG].

Mr. BEGG. That is for the bill. That is 45 minutes.

The CHAIRMAN. The gentleman from Arkansas [Mr. WINGO] had 60 minutes. He yielded 10 minutes to the gentleman from Maryland [Mr. GOLDSBOROUGH], 5 minutes to Mr. JONES of Texas, 15 minutes to Mr. STEVENSON, 5 minutes to Mr. QUIN, 2 additional minutes to Mr. QUIN, and 12 minutes to the gentleman from Texas [Mr. BLACK].

Mr. BEGG. That makes about 15 minutes of debate against the bill.

Mr. STEVENSON. I desire to say one word. The gentleman continues to wave his hand over here. I have been yielding the time, and I have offered it to every fellow over here who has asked for it, who is against the bill, and some of them are still waiting. I could only yield them time as they wanted it. I can not take them by the nape of the neck and make them speak, and I resent the intimation that we are dealing unfairly with anybody.

Mr. DICKINSON. Mr. Chairman, I call for the regular order.

Mr. STEAGALL. As to the time under our control I yielded——

The CHAIRMAN. The Chair does not think it is within the province of gentlemen to criticize the action of the Chair or gentlemen in charge of the bill. There is one hour of debate after these two gentlemen have consumed their time. It is the purpose of the Chair to deal fairly in this matter, as can be under the existing situation.

Mr. MONDELL. Mr. Chairman——

Mr. YOUNG. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. YOUNG. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. YOUNG. Is it true the gentleman promised 35 minutes to the gentleman from Wisconsin [Mr. NELSON] after their two hours are up?

The CHAIRMAN. That is not a parliamentary inquiry.

Mr. MONDELL. Mr. Chairman, if I may be permitted to make a suggestion. There are to be three hours of debate under the rule. Two gentlemen have been recognized. One gentleman is clearly in favor where the other gentleman favors some of its various features, and may I suggest it would be well to yield before the two hours of gentlemen who have been recognized are consumed to a gentleman on the committee who is against the bill—recognize him for an hour and the time then can be divided as the debate goes on.

Mr. McFADDEN. Men against the bill have already had part of the time.

Mr. MONDELL. There has not been any time yielded against the bill. Even with an hour used wholly against the bill the time will be unevenly divided.

The CHAIRMAN. The Chair is of opinion, in order to avoid further confusion, that the hour of the gentleman from Pennsylvania and the hour by the gentleman from South Carolina had better be consumed before taking up——

Mr. MONDELL. Mr. Chairman, that is not the ordinary method of procedure. It is not a fair way of conducting the discussion, and if I may be allowed I would suggest that a member of the committee [Mr. MACGREGOR], who is opposed to it, have recognition at this time and yield some time.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to reserve the balance of his time?

Mr. MONDELL. If the gentleman from New York is recognized at this time debate for and against the bill could go on together.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to reserve the balance of his time?

Mr. McFADDEN. I do.

The CHAIRMAN. Does the gentleman from South Carolina desire to reserve the balance of his time?

Mr. STEVENSON. If I have any time.

The CHAIRMAN. The gentleman has 10 minutes remaining.

Mr. STEVENSON. I will reserve that.

The CHAIRMAN. Is there any gentleman on the Banking and Currency Committee who is opposed to the bill?

Mr. MACGREGOR. I am opposed to the bill.

The CHAIRMAN. The Chair will recognize the gentleman.

Mr. MACGREGOR. Mr. Chairman, without desiring to offend the sensibilities of the gentleman from Idaho, this seems to be an attempt to take the intestinal stamina out of the Federal farm loan act. The farm loan system has been in operation for some six years. It has up to the present time loaned to the farmers of the country something like $700,000,000. The total mortgage debt of the farmers of the country is $8,000,000,000. At the present rate of progress, if the doors are opened wide, as is sought by this bill, practically all the farm debt of the country will be within a very few years lodged with the Federal Government. The original proposition, the intention, the idea of the Federal farm loan system was to furnish relief to poor farmers and to reduce tenantry on farms. It was also to inculcate into the minds of the farming community of the country the cooperation idea. Now, this measure seeks to strike out the cooperative idea and to have the Federal Farm Loan Board appoint agents who can make loans directly through the Federal land banks, and it is a very important question as to whether Congress desires to destroy that system, which has been of great benefit, and make it of such a nature that all farm loans of the country shall be practically lodged with the Federal Government and, furthermore, create a vast political machine which will be subject to manipulation by a very few men in the country.

Mr. DICKINSON. Will the gentleman yield?

Mr. MACGREGOR. Briefly.

Mr. DICKINSON. The loan associations of this country, amounting to 4,600, have answered the questionnaire in reference to this agency provision; 1,089 are for the provision and 389 against.

Mr. MACGREGOR. That does not answer the question.

Mr. DICKINSON. It shows they are favorable to it, does it not?

Mr. STRONG of Kansas. Will the gentleman yield?

Mr. MACGREGOR. The gentleman has had a lot of time, and I think gentlemen in favor of the proposition have had an abundance of time.

Mr. STRONG of Kansas. Does the gentleman decline to yield?

Mr. MACGREGOR. I decline to yield.

Mr. STRONG of Kansas. I thought the gentleman would if he got the time.

Mr. MACGREGOR. Now, under the present system the farmers of the communities are required to get together and present their applications for loans as an organization. They are responsible, each of them, for the loans granted through their organization. The only system of agents at the present time is that some financial institution in a community may be appointed an agent, and then if the agent turns that loan into the Federal farm loan system it must become liable for the loan. Now it is proposed that land banks shall appoint agents who do not have any responsibility so far as the loans they secure are concerned, but they go out through the country scouring the highways and byways as representatives of the Federal Reserve Board for the purpose of securing more loans for this system. There is no liability back of these loans secured through the agents coordinate or equal to the liability created through the association. It weakens the very foundation of the system.

Now, to go beyond that, in the creation of the boards of directors of Federal land banks it enlarges the power of the Federal Farm Loan Board. We have at the present time six directors, three elected by the local associations and three appointed by the Federal Farm Loan Board. Now it is proposed that we shall have three appointed by the Farm Loan Board, three elected from the local districts, and one, who shall be chairman ex officio of the land-bank board, appointed by the Federal land board, and so the Federal land board controls the board.

Mr. STRONG of Kansas. Mr. Chairman, will the gentleman yield?

Mr. MACGREGOR. No; I must decline to yield.

Mr. STRONG of Kansas. The gentleman is not stating the facts.

Mr. MACGREGOR. I must decline to yield.

The CHAIRMAN. The gentleman must not interrupt the gentleman occupying the floor without his permission.

Mr. MACGREGOR. Having the balance of power in the board, having the power to appoint these agents throughout the country, they thereby have an excessive power of control, a control over the very fate of it; and the very amendment contained in the act must necessarily, in my opinion, destroy the local association, because no man is going into an association of farmers and become liable for the mortgages which those associations make when he can go to an agent of the system and secure his mortgage and not assume any greater liability than that entailed in the mortgage itself.

Now, take another amendment, and I speak only briefly to these amendments: With reference to the increase in the limitation of the loan, it was the poor farmer who was sought to be aided by this statute, and $10,000 was placed as the limit of the loan. But now come the farmers of the Middle West, who have inflated the values of their land beyond all comprehension—and they acknowledge it, almost, that they have increased the asking price of these lands in the western country out of all proportion.

Take the situation out in Iowa, for instance, where land worth, two years ago, $95 an acre is to-day appraised at $227, and all through that country they have increased the asking price of their land, and therefore they come in here and ask for a greater allowance for the operation of the land. Up in my country any farmer who had a farm that was worth $50,000 would be regarded as a rich man, and it would not be necessary for him to go to a Government agency in order to secure sufficient funds to finance his operations. [Applause.]

That is how you are going to help the poor farmer! That is how you are going to reduce the number of tenants on farms in this country, by increasing the loan limit! The tendency of an increased loan limit would be to deny to the poor farmer any loan at all, because it will always be easier for these institutions to handle a large loan than a small one,

and when a fellow who wants $200 or $300 comes along they will say, "We can not deal with you; we have this fellow, who wants $25,000, to take care of."

That is an instance of the viciousness of this system. The incentive would be to increase the value of these lands by speculation, because they can secure large loans from the Federal Farm Loan Board on farms throughout the West, and in that way they would go on increasing the value, because they would be able to get the money to finance the operation.

These land boards have put out $700,000,000. They have had up to the present time very good success. Two years ago they were complaining that they could not get it out fast enough; that they could not float the bonds. But within the last year they have put out $224,000,000 of it. Seventy-four thousand farm owners during the past year have taken advantage of the system, and it seems to me that that is increasing fast enough for the good of the country.

It is not more credit that the farmers need. It is an outlet for their products. And here they are trying to create more and more debt, and at the same time complain that they are laboring under the burden of present debt.

Furthermore, this creates, as I say, a political machine.

Mr. A. P. NELSON. Mr. Chairman, will the gentleman yield there?

Mr. MACGREGOR. No; I can not yield.

It is detrimental to the poor farmer, and it can not be of any benefit whatever to the great farming communities of the whole country. The poor farmer, the man whom we sought to benefit by the original passage of this act, will not be benefited. [Applause.]

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from New York reserves the balance of his time. Seven minutes remain to the gentleman from Pennsylvania [Mr. MCFADDEN].

Mr. MCFADDEN. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. A. P. NELSON].

The CHAIRMAN. The gentleman from Wisconsin is recognized for five minutes.

Mr. A. P. NELSON. Mr. Chairman, in five minutes it would be impossible to make anything like a comprehensive survey of this bill. I want to speak on one or two features that have been proposed. The first thing I want to address myself to is the increase of the loan limit from $10,000 to $16,000, and under certain provisions and authority of the Farm Loan Board that limit may be increased to $25,000.

It is said this will operate against the poor farmer, and the last speaker, the gentleman from New York [Mr. MACGREGOR], said we are trying here by this extension to take care of the rich man instead of taking care of the poor man. We have provided against that possibility by making the provision that the Federal Farm Loan Board shall give preference to loans of $10,000 and under. Therefore that argument falls of its own weight. And I wish to say further that in this bill we have tried to make the farm loan act operative in the large agricultural centers of the Middle West, where we find that at the present time there is essential need for it in order that the distressing condition of the farmers in that section may be ameliorated.

In the hearings that have been held on this bill and in the statements of the members of the Federal Farm Loan Board and the statements of experienced men who have been out in the field we find all agree and believe that the present limit should be increased and that we should increase the limit from $10,000 to $16,000, and under certain conditions the limit should be increased to $25,000, at the discretion of the Federal Farm Loan Board.

Mr. HUSTED. Will the gentleman yield?

Mr. A. P. NELSON. For a brief question.

Mr. HUSTED. Can not the little farmers get all the help they want now under the law as it stands to-day?

Mr. A. P. NELSON. Yes; up to the limit of $10,000.

Mr. HUSTED. The man who does not want a big loan can get all the help he wants under the law as it stands to-day?

Mr. A. P. NELSON. Yes. He can get a limit of $10,000.

Mr. HUSTED. May I ask one more question?

Mr. A. P. NELSON. I have only five minutes.

Mr. HUSTED. This is very brief.

Mr. A. P. NELSON. Very well.

Mr. HUSTED. I want to ask you whether the big farmer who wants a loan of $25,000 and is strong enough to have it can not get all the relief he needs from other sources without any amendment to this act?

Mr. A. P. NELSON. That may be so, but after you have taken care of the small farmer there is no reason why the man who needs a larger loan should not have the privilege of getting it in the Federal land-bank system.

Mr. HUSTED. I do not know about that.

Mr. A. P. NELSON. The other thing to which I wish to address myself briefly is this——

Mr. SINCLAIR. Does the gentleman know there are about twice as many applications for loans pending now as the farm-loan banks can accommodate?

Mr. A. P. NELSON. No.

Mr. BEGG. Are they good loans?

Mr. SINCLAIR. Yes.

Mr. BEGG. I should like to know where they are. There is more money available than there are loans.

Mr. A. P. NELSON. The bond market, I think, is sufficient to take care of all loans, both small and large, where the applications can properly pass the scrutiny of the appraisers and Federal land-bank requirements. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MACGREGOR. I yield five minutes to the gentleman from New York [Mr. MAGEE].

Mr. MAGEE. Mr. Chairman, I desire to make some remarks on the modified proposal of Mr. Ford for the acquisition and lease of Government property at Muscle Shoals. From whatever I may say I trust that no one will draw an inference of any intention on my part to criticize anyone. Mr. Ford, like any other citizen, has the right to submit a proposal to the Government without being criticized therefor, and to drive as hard a bargain as he can. But any citizen has the right to express his views in the premises, a right that I propose to exercise, confining my remarks to the subject matter of the proposal.

Mr. Ford submitted this proposal under date of January 25, 1922. It should be permitted to repose in the legislative wastebasket. An offer is made to form a corporation which will purchase Government property that cost approximately $85,000,000 for $5,000,000, payable $1,000,000 upon the acceptance of the offer and $1,000,000 annually thereafter until the purchase price shall be fully paid, with interest at the rate of 5 per cent per annum on deferred payments. In a communication from the Secretary of War to the Speaker of the House, under date of February 1, 1922, it is indicated that this property has a scrap value of $8,812,000 and a sale value of $16,272,000.

The company agrees to pay $35,000 annually for repairs, maintenance, and operation of Dam No. 2, and $20,000 annually for repairs, maintenance, and operation of Dam No. 3, during the lease period. If a dam should be destroyed by violence, by extraordinary flood, or by any other means during such period the Government would have to replace the same. It is estimated that it would cost $45,000,000 to replace Dam No. 2. This prospective liability of the Government is worthy of serious consideration. The company would pay no taxes on the valuable property leased.

For the purpose of enabling the Government to provide and create a sinking fund to retire the cost of Dam No. 3 at the end of 100 years, the company would pay at the beginning of the fourth year and annually thereafter during the lease period $3,505, and to retire the cost of Dam No. 2 would pay at the beginning of the seventh year and annually thereafter during such period $19,868.

Perhaps the most important provision is contained in section 3, providing for the lease of Dam No. 2 and appurtenances for 100 years for the annual rental of 4 per cent of the actual cost of acquiring lands and flowage rights and of completing the locks, dams, and power-house facilities, but not including expenditures and obligations incurred prior to approval of this proposal by Congress, payable annually at the end of each lease year, the construction work to be performed by the company. It will be apparent that this practically amounts to the Government loaning money to the company for 100 years at the nominal rate of 4 per cent. However, the proposal contains several provisions of material financial advantage to the company, which, when given due consideration, means an actual rate of interest materially less than 4 per cent.

The proposal has not now any binding force, because the Government since its submission has entered upon the completion of Dam No. 2. For work during this fiscal year the Congress made an appropriation of $7,500,000. The Army appropriation bill for the fiscal year 1924 carries an additional appropriation therefor of $6,998,800, and also an authorization to the Secretary of War to enter into contracts for such machinery, gates, or other metal parts and for such materials to be used in the construction of the locks, dam, and power house as may be necessary to prosecute the said project, and not to exceed in the aggregate $10,501,200.

Having in view this declared policy of the Congress and appropriations for the completion of Dam No. 2 and the above provision in section 3 that the annual rental of 4 per cent of the actual cost therein referred to shall not include expenditures and obligations incurred prior to approval of this proposal by Congress, it will be apparent that the proposal is as dead as Julius Cæsar, as it should be, not being at all in the public interest.

The political force in the proposal is found in section 15, which holds out to the farmers of the country a hope that they may be supplied with commercial fertilizer at fair prices. Under section 14 the company agrees to operate nitrate plant No. 2 at the approximate present annual capacity of its machinery and equipment in the production of nitrogen and other fertilizer compounds, said capacity being equal to approximately 110,000 tons of ammonium nitrate per annum, throughout the lease period. Under section 15 the company agrees that the maximum net profit which it shall make in the manufacture and sale of fertilizer products at nitrate plant No. 2 shall not exceed 8 per cent of the actual annual cost of production thereof.

It will be apparent from examination of these provisions in said sections that while the company agrees to operate said nitrate plant at capacity, it does not agree to sell a pound of fertilizer except upon the basis of a net profit of 8 per cent thereon. This nitrate plant No. 2 is a cyanamid-process plant, a process that is now conceded to be obsolete. Under the modern process of extracting nitrogen from the air, power is not a basic consideration. A plant can be constructed anywhere for the fixation of nitrogen at an approximate cost of $4,000,000 or $5,000,000.

It is conceded that the primary power at Muscle Shoals is too valuable to be used for fertilizer purposes. The use of secondary power, being intermittent power, therefore, would have to be supplemented by steam power. A plant thus operated, in the opinion of great hydraulic engineers, could not successfully compete with modern plants using a modern process for the production of nitrogen. (See supplement to House hearings on sundry civil appropriation bill, 1922, 66th Cong., 3d sess.)

No commercial fertilizer has ever been manufactured at Muscle Shoals and, in my judgment, none ever will be. Muscle Shoals is a power proposition. It has never been anything else and never will be. If the Congress should determine to furnish commercial fertilizer to the farmers at reasonable prices, which is most commendable, then the Congress should provide for the construction of modern plants in localities where distribution of products can be readily made. It is futile to attempt to supply the farmers of Kansas, Illinois, North Dakota, Montana, and Oregon with fertilizer manufactured at Muscle Shoals under an obsolete process. However, if Congress is insistent upon entering into a contract with the Ford company and providing for the manufacture of commercial fertilizer at Muscle Shoals, then the contract should require not only the production of nitrogen and other fertilizer compounds at the present annual capacity of nitrate plant No. 2, but also the sale of commercial fertilizer by the company to the farmers of this country, regardless of any profit thereon, and not in excess of the market price thereof.

In my judgment, the hysteria over Muscle Shoals is not worthy of serious consideration. After years of investigation and discussion Congress finally determined upon its policy in reference to water-power development, as set forth in the act approved June 10, 1920. Section 6 thereof provides that licenses under the act shall not be issued for a period exceeding 50 years. No reason can be given why the Congress should now reverse this policy. We should not go along the lines of least resistance. The Government should be administered for the public advantage, not for partisan and individual advantage. It is our duty to tackle the great problems that come before us and solve them solely in the public interest. If we do less than that we fail and insert in the lexicon of the Republican Party a word that Abraham Lincoln struck therefrom more than 60 years ago.

I appreciate that such a solution of the problem would not at all satisfy the clamor of the people individually and selfishly interested in the development of Muscle Shoals. There has existed for some time and still exists an extensive propaganda to induce the Congress to authorize the acceptance of the offer of Mr. Ford. I am informed that within a radius of several miles of Muscle Shoals speculators have prepared maps showing thousands upon thousands of village lots which they have been selling and are still selling throughout the United States at extravagant prices. Nothing would satisfy this individual and selfish demand except tremendous development of Muscle Shoals, including the construction of Dam No. 3 and of Dam No. 1, involving navigation on the Tennessee River.

It is useless to talk about getting satisfactory security for the performance of a contract covering a period of a century. The only adequate security would be a cash deposit, which probably would not be feasible nor desirable. I appreciate that millions and millions of dollars during the war were squandered at Muscle Shoals. However, I am satisfied that at Muscle Shoals exists one of the greatest water-power projects in the world, and that this project, viewed solely from the standpoint of water power, is not a white elephant on the hands of the Government but a great material asset, having a potential value of hundreds of millions of dollars. Several years hence when the Government has completed the project and has an existing property to dispose of the Congress can authorize the Secretary of War to accept the offer that may be of the greatest advantage to the Government, with equal opportunity to all bidders and favors to none.

I predict that there will be no lack of demand for all available water power at Muscle Shoals at reasonable prices. A constantly increasing demand for power will arise within at least a radius of 250 miles. The history of Niagara water power confirms this view. The Niagara Falls Power Co. was the pioneer in developing water power at Niagara Falls, beginning its operations about 1890, when the art was in its infancy. To-day the power at Niagara Falls is insufficient to meet the demands. Much power is obtained from Canada, and large sums have been spent to increase the efficiency of the American plants.

As an illustration of the possibilities at Muscle Shoals, I would remind you that the Government leased for one year from December 1, 1921, to the Alabama Power Co. the steam plant at nitrate plant No. 2. It was found that a complete overhauling and rehabilitation of this plant was necessary, which required four months' time and an expenditure of approximately $40,000. The power company operated and maintained the plant entirely at its own expense, and under the terms of this lease the company paid into the Treasury of the United States to December 31, 1922, $218,273.42.

We must not give away this birthright of the Republic. I make no professions of statesmanship, but if I read history aright no real statesman ever kept his ear to the ground listening for public clamor. Rather, men of vision blaze the trail and clear the way for progress. The foundation of every bulwark ever created affecting human rights that has stood the test of time has been equity and justice. In the disposition of Muscle Shoals I ask for equity and justice for the American people and that the action of the Congress shall be based upon the sole consideration of the best interests of our country.

Mr. WINGO. I yield five minutes to the gentleman from Texas [Mr. Box].

Mr. BOX. Mr. Chairman and gentlemen of the committee, it is with considerable hesitation that I disagree with a committee for whose judgment and purity of purpose I have as much respect as I have for this committee. However, such consideration as I have been able to give to this measure makes me unwilling to support it. There are two fundamental objections to it which I will not be able to state in five minutes.

First, it centralizes the power of the whole system in the Federal land bank and the board, and correspondingly diminishes the power of the local associations. My own judgment is that it will result in the destruction of the associations, for it provides an easier method of securing loans through agents in a manner which will weaken the system and the securities it issues. It increases the compensation of agents and removes the liability of agents. It relieves the agent of the obligation to indorse the paper. Here is a thing to which I call attention, which I regard as typical of the spirit of the bill. The same disposition to eliminate the influence and power of the farmer threads through the whole bill. On page 5 of the original farm loan act you have this provision, for instance:

> The directors of Federal loan banks shall have been for at least two years residents of the district for which they are appointed or elected, and at least one district director shall be experienced in practical farming and actually engaged at the time of his appointment in farming operations within the district.

That is in the present law and is carefully eliminated from the proposed amendment, not carelessly at all. That is in keeping with many provisions in the bill. The purpose is to destroy or reduce the powers of the farmer in what should remain a farmers' system. My own judgment is that the effect of it will be to diminish the help it will give to the smaller farmers, the farmers who most need it, and to increase the power and the direct financial benefits of those who are stronger. I think the original act was sound in its purpose. My judgment is that this act greatly emasculates it and that it is very fitting that the bill should go somewhat into detail in providing for the dissolution of the farm-loan associations. In my judgment they

will have little office to perform in the future and will pass out of existence.

If provision for them was wisely inserted in the bill as it was written at first, it should remain there at least until it has had a better trial. Certainly it has not demonstrated that it is a failure. The fact that it is there has not destroyed the credit prospects of the concern. It has not destroyed its usefulness, and I greatly fear that the good purpose behind the enactment of the farm land-bank law, which purpose it is serving now, will be in large measure defeated by this amendment to that act. Therefore I shall have to vote against it.

I ask the privilege of extending my remarks in the RECORD.

The CHAIRMAN. The gentleman asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. WINGO. I yield to the gentleman from Virginia [Mr. HOOKER].

Mr. HOOKER. I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

The extension of remarks referred to is here printed in full as follows:

Mr. HOOKER. Mr. Speaker, quite a number of bills have been introduced in both Houses of Congress relative to credit legislation for the agricultural interests of the country. The Senate has passed two of these measures introduced in that body, one commonly known as the Capper bill and the other as the Lenroot-Anderson bill. Several measures have been introduced in the House and referred to the Committee on Banking and Currency, and the bill now under discussion, H. R. 14270, commonly known as the Strong bill, is the only one of the measures thus far reported. This measure has been so rewritten and amended by the very diligent committee which presents it here to-day that it has been shorn of some of its objectionable features and provisions. It is the object of the Strong bill, as well as of all the bills that have been introduced, to amend the Federal farm loan act. As this measure presents itself here, it undertakes to amend the original act in some very important features. One of these, and one that I think is objectionable and should not be adopted and to which I wish to refer, undertakes to amend section 15 of the original act by adding to it, as follows:

SEC. 15. That whenever it shall appear to the Federal Farm Loan Board that national farm-loan associations have not been formed, or the local national farm-loan association fails, neglects, or refuses to serve properly the needs of its territory in any locality, said board may, after 30 days' notice to said associations, in its discretion, authorize Federal land banks to make loans in such territory on farm lands through agents approved by said board.

Such loans shall be subject to the same conditions and restrictions if the same were made through national farm-loan associations, and each borrower shall contribute 5 per cent of the amount of his loan to the capital of the Federal land bank and shall become the owner of as much capital stock of the land bank as such contribution shall warrant.

The Federal Farm Loan Board shall by proper regulations require each Federal land bank to maintain, out of earnings apportionable to stock acquired on loans made through agents, sufficient reserves to cover and pay delinquent payments on such class of loans.

Shareholders in a Federal land bank under this provision shall be held individually responsible, equally and ratably and not one for another, for all contracts, debts, and engagements of such bank to the extent of the amount of stock owned by them at the par value thereof, in addition to the amount paid in and represented by their shares.

Such local agents shall serve at the pleasure of the bank and shall give surety bond for the faithful performance of their duties in such sums as the Federal Farm Loan Board shall prescribe and may collect from each borrower at the time the loan is closed such compensation as the Federal Farm Loan Board may approve, not exceeding 1 per cent of the amount of the loan made, with a minimum of $5 per loan: *Provided*, That no such agent or secretary of a national farm loan association shall engage in making land-mortgage loans through or for any other land-mortgage company or association.

This amendment if adopted would, I fear, strongly tend to undermine and eventually absolutely eliminate the local national farm-loan association feature of the law. In my judgment the local cooperative associations compose one of the chief features of strength of the Federal farm loan system. Under the present method the loans to farmers are secured by an application going to and through the local association composed of the neighbors of the applicant, all of whom are familiar with the property upon which the loan is sought and know the applicant as well. There is very small likelihood of the loan passing the local association unless it is absolutely all right, when each member of that association is, partially, at least, responsible for the repayment of the loan.

The local associations at present are the owners of by far the greater part of the stock in the Federal farm-loan banks. They are vitally interested in its success. It is their institution; they have the right, or should have the right, to manage it as to them seems proper—certainly when it comes to a question of loans. Likewise they should have the right to select a majority of the directors in the bank of which they are members.

This proposed amendment provides that the local agent which is provided for in this amendment shall serve at the pleasure of the Farm Loan Board. He will be absolutely a creature and an employee of the Farm Loan Board, and the local people will have no power whatever over him. He could approve or disapprove loans at will. He would, under this amendment, have all the powers vested by the law as it now stands in the local associations. He would take the place of the local association—its appraisers, secretary-treasurer, and, in short, have full power over all the applications and loans in his territory. The cooperative feature of the present farm-loan system would disappear under this proposed arrangement. It is contended by the proponents of this amendment that it will not have this effect; that these agents will only be appointed when the local associations are not functioning. In this they are doubtless sincere, but it is almost inconceivable, from a careful study of the system, that this would be the result. As at present operated through local associations, each member thereof is partially responsible for the loans of all the members of that association. Under the proposed amendment the loans would be made direct, or could be made direct through a local agent, and the borrower would have nothing to do with the loans of his neighbors. It would make a strong inducement for borrowers to go around the local associations and go through local agents instead. This feature is being strongly opposed here by many farmers and farm organizations. They see in it the dangers that are here pointed out, and it does seem that their fears are reasonably well founded. This amendment should, I think, be stricken out.

The present farm-loan system has been in operation since 1916 and has proven to be of great value to the farming interests of the country, and from a financial viewpoint at least it has proven successful. An examination of the recent report of the Federal Farm Loan Board reveals a splendid and gratifying record of achievement. It shows that during the past year there were made through this system 74,055 loans, aggregating a total of $224,301,400, representing, the board states, a complete response to the borrowing demands. The report shows that during the year 1922 there was sold to the public farm-loan bonds totaling the sum of $278,650,000. The board during the year voluntarily purchased and retired bonds held by the Treasury in the sum of $70,150,000. The bank was enabled during the year to reduce its loaning rate from 6 per cent to 5½ per cent, and the bond rate was decreased to 4½ per cent. The banks during the year retired Government stock in the total of $2,333,890. The report further shows that during the year 1922 there was sold, because of defaults in payment, 4,174 farms, the total loans on which were $15,000,000; and these farms sold in the aggregate for $39,701,625, showing that the loans on the lands were only 37 per cent of what the lands brought at a forced sale. These figures dispel all doubt that may have ever existed as to the safety of the appraisals of the property on which loans are made and the stability of the system under its present management, applied through the local farm-loan associations. The report shows that all the bonds offered to the public were immediately sold; that, as above stated, the rate to the borrower has been decreased one-half of 1 per cent; that all loans found to be satisfactory were made; that the bank added to its undivided-profits account all the lands purchased at foreclosures and all installments and interest payments more than 90 days overdue; that they paid liberal dividends to the stockholders, added $1,300,000 to their reserve account, and added $1,117,597.76 to their undivided profits account.

A splendid and gratifying record, indeed, that the Federal farm-loan banks have to their credit. The usefulness and stability of this system can no longer be questioned. The system has made good, probably beyond the fondest hopes of its original founders. In its brief career it has met with much stubborn opposition. The right of Congress to establish this system has been vigorously assailed and fought out in the courts, but in the face of all opposition it is shown by its actual operations to be sound and stable and of great value to the agriculturists of the country. Under the present system of appraisals and loans through local associations its bonds are among the best sellers on the market. The board reports that the bonds offered have been immediately bought by investors. The confidence of the investing public in the stability of the bonds is, of course, absolutely vital to the life of the system. It can not be successfully contended that the faith of the

investors in the soundness of the bonds would be enhanced by eliminating the local associations and making the loans through local agents.

"Let well enough alone" is an old and true saying, and I think is applicable to the local-association feature of the farm-loan system. The record of achievements by this system in the brief time of its existence, I think, is convincing that if amendments are needed to the original act that the abolition of the local farm-loan association is not one of them. I trust that this feature may be retained in the law and that the farmers in the various localities of the country may retain control, as they now have it through their local associations. There are, of course, defects in this system that should be remedied by Congress, and I trust will be, but I do not regard the local-association feature as one of them.

In examining this measure, the Strong bill, which is now before us, I find one change it proposes to the original act that meets with the approval of the agricultural interests of the country, and that is the proposal to raise the maximum limit of the loan that may be made to one borrower from the present limit of $10,000 to a higher figure. There seems to be some reason and a considerable demand from agricultural sources for this proposed change. It is properly safeguarded in this bill. It is provided that loans shall not be made in excess of $10,000 when loans of $10,000 and under have not been granted. In view of the statement of the board in its recent report that they have no difficulty in securing money to meet all loans, I can see no reasonable objection to increasing the maximum limit, especially when it is proposed to prefer the small loans as against those over $10,000. The original intention of Congress in enacting this legislation was to help and to encourage those farmers of small means who might not be able to secure desired credit from their local banks and to enable those who do not own farms to secure money on long time to purchase the same. I do not think that this proposal to raise the maximum from $10,000 to $25,000 is objectionable, and I should be very glad to see it become part of the law.

In examining the statistics of the Farm Loan Board it seems to me that the system may not be reaching, as yet, as many farmers as it should. For instance, I find from the statistics that in the district that I have the honor to represent here a comparatively small number of farmers are taking advantage of its provisions. I find that in my district only 748 loans have been made by the Federal farm-loan bank since its establishment in 1916 up to October 31, 1922, though the district has a population of over 241,000 and is largely engaged in agriculture. This may be due to the strictness of the Federal appraisements and to the regulations of the farm board, and partly to the fact that the system is comparatively new. I do not believe, however, that the elimination of the local association will increase the number of loans or tend to cause the farmers in greater numbers to take advantage of the provisions of the system.

Let me say further, in passing, that I think the local associations, which are the owners of by far the greater part of the stock of the bank, should have the right to elect a majority of the directors. They own a majority of the stock and I can see no good reason for taking from them the power to elect a majority of the directors. I trust that whatever legislation is adopted by Congress relative to the farm-loan system will leave the local associations intact and will give them the power to select a majority of the directors of the bank. This bill has no provision for short-time credits to farmers, while some other measures that have been introduced and are yet pending before committees have provisions along this line.

There is a strong demand upon Congress to enact legislation whereby farmers may get credit from the farm-loan system on shorter time than the present long-term loan provisions of the law permit and on longer terms than are extended by the National and State banks. Our present banking system consists of the Federal reserve system, including 8,200 national banks; State banks, which number some 20,000, of which about 1,630 have joined the Federal reserve system; the Federal farm-loan banks, with their various local national farm-loan associations; and the joint-stock land banks, of which there are 63. The National and State banks now are the only agencies to which farmers can go for short-time credit. The Federal loan system and the joint-stock land banks furnish the source of long-time credit to farmers. The short-time credits are necessarily limited, particularly in banks of the Federal reserve system, for the reason that paper running longer than six months is not eligible for rediscount with the Federal reserve banks. There is a strong demand for intermediate loans to farmers, loans for longer time than can be reasonably secured from the State and National banks, and for a shorter time than can now be secured at the Federal farm-loan banks or the Federal joint-stock land banks. There is a gap between these two systems which should be bridged. Some of the measures that are pending before the committees here have provisions that undertake to remedy this defect. The bill before us does not in any wise touch upon that feature.

However, Mr. Speaker, I fear that at this session of Congress no legislation helpful to the agricultural interests of the country will be adopted. The Senate has passed the Capper bill and also the Lenroot-Anderson bill, and they are now before the House Committee on Banking and Currency. If we should pass this bill, it will go to the Senate committee and probably in the short time left before the ending of this session receive no action therefrom. The committee of this House has not reported on any of the others presented to it other than the Strong bill. It seems to me that if we expected to enact legislation at this session, considering the brief time that exists before the final adjournment, it would have been wise for our committee to have brought before us a bill that had already received the favorable action of the Senate. The farmers of the country need the aid of proper financial legislation, and have need of it now. Should this Congress adjourn without the enactment of proper legislation for their relief, it will be practically another year before anything can be done, unless an extra session should be called, which is not likely to be done.

But while I am talking, Mr. Speaker, permit me to digress for a moment to say that all the ills of agriculture can not be cured by extending credit facilities only. Giving farmers a more liberal system of securing money to enable them to produce, harvest, and market in an orderly manner their crops will help immensely. But some better method should be devised for the more economical distribution of farm products. There is far too heavy a toll taken of the products of the farm and field between the producer of them and the ultimate consumer. The farmer is suffering from the inadequacy of prices he receives for what he grows, and the village, town, and city dweller who buys and consumes these products is complaining—and justly complaining—of the high prices he has to pay for them. Both complaints are justified by the real facts.

There is necessarily something wrong somewhere when apples that grow in the orchards of Virginia within from 100 to 300 miles of Washington are sold at the orchards at from $3 to $5 per barrel and the consumers of this city have to pay at the rate of from $15 to $30 per barrel. There is something wrong, unequal, and unjust somewhere when the cattle growers of Virginia are getting from 5 to 10 cents per pound for their cattle and the consumers in Washington and other near-by cities are paying from 25 to 40 cents per pound for beef. And what is true of apples and beef is true of all the other products of the farm. This is not the problem and grievance of the farmers only; it is the problem and grievance of all classes of people of the country. For, after all, this tremendous enhancement in the price of the products from the farm to the ultimate consumer touches the pocketbook of every householder in the Nation. One of the contributing causes of this great increase in cost is the very heavy transportation charges. There can be no question but the freight and express rates are heavy and excessive, and the reduction of these whereby farm products could be transported at less cost would greatly aid in alleviating the situation. It is easy to at least partially account for the increased cost of the apples between Virginia and Washington when I tell you that a grower of apples in Patrick County, Va., has to pay $2.28 express charges per barrel to get them to Washington. If a grower produces at any sort of profit, the cost of transportation has to be charged up to the consumer. If he does not, he is producing at a loss. This is an instance that serves to illustrate how high transportation rates militate against both producer and consumer.

Permit me to say one other thing that this Congress could do and should do before it adjourns. The offer made by Henry Ford to take over Muscle Shoals should be accepted. The operation of this plant under Ford's offer would cheapen the cost of the farmer's fertilizers, reduce his expenses, and permit him to furnish his products to the consuming public for less money. It is in this case as in all others, where the farmer is helped the consumer is likewise benefited. So far as surface appearances, at least, go in this House, there remains but little open opposition to the acceptance of the Ford proposition. To those of us who are deeply interested in the Ford proposal great encouragement was felt when the distinguished chairman of the Committee on Appropriations [Mr. MADDEN] recently made a strong statement on this floor favorable to its acceptance. Likewise other leaders on the majority side have expressed favorable views toward the project; but as the

days go by and the time for adjournment draws nearer and nearer we are becoming fearful that another session of Congress will adjourn without passing the necessary resolution accepting Ford's proposal. There can be but little question but the sentiment in favor of it is overwhelming in this body, and none doubt if it were permitted to reach a vote on this floor that it would pass; yet, for some reason it is not permitted to be considered here.

No more serious problem confronts the country to-day than the placing of the farming interests on a permanently profitable basis. All classes of people and all lines of industry are vitally interested in the welfare of the agricultural interest of the country. There can be no general prosperity in other lines of activity when the farmers of the country are producing the necessaries of life at a loss. The business of the country can not get back to "normalcy" until the farmers get up with it. It is absolutely impossible to have general, stable prosperity and normalcy in other lines of business when the farmers are producing the necessities of life under losing conditions. If it is the desire of those who control this administration to stabilize business and bring about normal conditions, the effort should begin with the basic industry—agriculture.

Mr. Speaker, let me urge upon the Members of this body the importance of enacting into law before this session ends the much-needed financial legislation being demanded by the agricultural interests of the country and to pass the resolution accepting the Ford offer. These are to-day the most vital and important matters before us, and it will be unfortunate, indeed, for Congress to adjourn without the final passage of these important measures.

Mr. WINGO. I yield the remainder of my time to the gentleman from Texas [Mr. HARDY], in opposition to the bill.

The CHAIRMAN. The gentleman from Texas [Mr. HARDY] is recognized for five minutes.

Mr. HARDY of Texas. Mr. Chairman and gentlemen, I have five minutes in which to speak upon this bill, but the gentleman from Texas [Mr. BOX] has practically said just what I would have said. We have a law on the statute books that has been functioning for some time, and according to my understanding it is admitted that it has functioned well. There has been a vast volume of farm loans placed under the law as it now stands, and the law as it stands now has created more than 4,000 farm-loan associations, through which associations every loan has been placed. There is some complaint that some of these associations are made up of Lutherans, who will not accommodate a Presbyterian. [Laughter.] My county is more liberal than that; we have plenty of Presbyterians, and if they can not get into a Lutheran or a Baptist association they will form one of their own. [Laughter.]

I want to make a prophecy that if this bill goes into effect, in four years from now—yes, in two years from to-day—there will not be a local farm-loan association functioning in the United States. [Applause.]

Mr. DAVIS of Tennessee. Will the gentleman yield?

Mr. HARDY of Texas. Yes.

Mr. DAVIS of Tennessee. I believe the gentleman is correct, but if they eliminate the best of the farm-loan systems, will not they go forward and establish a cooperative system?

Mr. HARDY of Texas. That may be, but I want to abstain from criticizing the purpose of anyone. If the present associations are given a way by which they can dissolve and get stock in a farm-loan bank, they will do that. Another thing, when they appoint an agent who is paid by a fee and whose fee depends upon making the loan, it is easier to make the loan than through an association where everyone is held in a way responsible for the loan.

Mr. SMITH of Idaho. But the agent does not appraise the land.

Mr. HARDY of Texas. The land may be appraised, but you know, if you have had any experience in land loans and things of that kind, that it is very hard for an appraiser that does not know fully how valuable a tract of land is; if the agent is anxious to negotiate the loan and wants to make it, he will give the preference to the larger loan instead of the smaller loan because he would thereby get a bigger fee. Now I want to say that I question the sincerity of no man who advocates this bill, and as far as raising the limit to $25,000 in those sections of the country where land is high to-day, I have no objection. My sole objection is that the working of this bill will be the dissolution of the local farm-loan associations, and my prophecy is that you will see that to be the case.

Mr. KINCHELOE. Will the gentleman yield?

Mr. HARDY of Texas. Yes.

Mr. KINCHELOE. This agent does not function until after the local association has refused the loan.

Mr. HARDY of Texas. You will not have any local association. Every local association can dissolve and liquidate and get stock of the farm-loan bank. You yourself, as one of 10 responsible for the joint performance of all 10 to the extent of 10 per cent of your stock, would be glad to surrender your stock in the local association and receive in exchange for it stock in the loan bank.

Mr. KINCHELOE. The gentleman is arguing what will be the effect of it and not stating the provisions of the bill.

Mr. HARDY of Texas. That is the effect and I am telling you what I think these provisions will do; what I think perhaps most of the proponents of the bill will admit that it will do.

Mr. McFADDEN. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. BEGG].

Mr. BEGG. Mr. Chairman and gentlemen of the committee, in order not to leave any misunderstanding in the minds of my colleagues I want to say to you that I know something about the operation of the banks, because I have paid for my experience. I am president of a joint-stock land bank. I believe I am better qualified to judge of the effect of these provisions than many who are advocating these measures. I would prefer to have the farm-loan bank continue to prosper and grow than to have happen just exactly what the gentleman from Texas, Judge HARDY, stated would happen in his speech a minute ago, namely, the elimination of the land associations of 10 or more for the purpose of borrowing money. They now are clean competition.

Let us see exactly what is the underlying principle of this farm-loan bank. Availability of money to be borrowed on long-time credit with a security so that the securities can be marketed at a distance in order to get more capital to go back and reloan 1,000 or 2,000 miles away. If you destroy the security of the bonds, if you weaken in any way the security of those bonds you will just as sure, as Judge HARDY said, see the bonds depreciated, and we can not market the farm-loan bonds unless below par.

That is my only selfish interest in this bill. I am frank to admit that I want to defend the market of the joint-stock land bank bonds, as well as I do of the Federal farm-loan bonds, because they are on a par. One does not sell above the other. If you destroy the market for bonds, you have destroyed the source of supply for the borrowing public, and you have ruined the thing that you have created to make available capital for the farmer who needs money on long time and can not get it out of his commercial bank. I think I know a little bit about the banking business, though not much. I know a good deal from the borrower's side, and I am interested in a way in the commercial banking business. I would not want any better bonanza to kill your institution than to be made the agent in my county for the Federal farm-loan bank under this bill that you are undertaking to pass. And why?

You start a farm bank in any community and you can get more applications for business than you can get capital to loan, but when you take your inspector out to find out what those applications represented, you will find that 75 per cent of them are not worth the paper they are written on.

Mr. STRONG of Kansas. Mr. Chairman, will the gentleman yield?

Mr. BEGG. I can not yield at this time. Suppose this becomes a law, they can appoint an agent in every county of the United States. Let us look at the thing in a practical way. Who is going to be the agent? You go into my county and you appoint a gentleman who represents a life insurance company or a banker, and if you appoint anybody else you may as well put in a wooden man. If you want an agent in a community, you want somebody who is going to get business; and who is the man who can do that? He is the man who is in touch with the borrowing public, and only those two kinds of men are available. I represent, we will say, a life insurance company—or, better, let us say that I am a banker and that I am loaning money on commercial paper. A good application comes in for a $10,000 loan at a good rate of interest, 6 per cent or 5½ per cent, and do you think I am going to take that over to the Federal farm-loan bank? Not on your life. However, if John Smith, out here in the country, who has a reputation for never paying any of his debts and whose borrowing reputation is bad, whose land is poor and who is starving to death, comes in and says to me that he wants to borrow $10,000 on his hundred acres of land, then I naturally reply to him that I am sorry, that we are loaned up to the limit in my bank, but that I can get it for him, and I refer him to the Federal farm-loan bank,

and get my 1 per cent commission. My good friend from Idaho [Mr. SMITH] asked a question a few moments ago. He said, "Yes; but the agent does not appraise."

Do you know that no man on a salary ever did a job of loaning money as carefully as when he is loaning his own money? There is not a man living who can come into my county whom I can not stick on the value of land, because there will be a farm in some part of the county worth $175 an acre, while over the fence the land is not worth $75 an acre. That happens also in Michigan, because we make some loans in Michigan, and I know something about the land there, and I suspect that same thing happens in every State of the Union. After all is said and done, this law was not passed to send the Government out to solicit business, but it was enacted to make funds available to the man who wanted it and could not get it as cheaply or on as long a time as he wanted from any private source. I believe the Government has discharged its responsibility when you make available funds so that the borrowing public can get the money as cheaply as they can get it anywhere in the money market, and on as long a term. I believe the Government has discharged its obligations to the great borrowing public when it has done that, and I do not believe the Government obligation goes to the extent of sending out solicitors to solicit a man to borrow money.

Mr. STEAGALL. Mr. Chairman, will the gentleman yield?

Mr. BEGG. Yes.

Mr. STEAGALL. If the gentleman will turn to page 11 of the bill, line 10——

Mr. BEGG. I will ask the gentleman to hurry up with his question.

Mr. STEAGALL. I just want to set the gentleman right.

Mr. BEGG. Oh, I have that page all marked up.

Mr. STEAGALL. I read from line 10, page 11—

Provided, That no agent or secretary-treasurer of a national farm-loan association shall engage in making land-mortgage loans through or for any other land-mortgage company or association.

Mr. BEGG. But a land or mortgage company is not a bank.

Mr. STRONG of Kansas. Mr. Chairman, will the gentleman yield?

Mr. BEGG. I yield briefly.

Mr. STRONG of Kansas. Does not the gentleman know that loans made through agents under this bill are inspected in the same way that loans are that are made by agents of joint-stock land banks?

Mr. BEGG. That is not necessary to answer. My colleague from New York answered that a little while ago. I want to get back to my subject. The only thing that makes the Federal farm-loan bank system as successful as it has been is the confidence of the buying public in the bonds of the farm-loan system, and in the stability of the security. What have they done in this amendment they are seeking to put through? It is an amendment to provide for the soliciting of business from the borrowing public.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LONGWORTH having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment the bill (H. R. 13128) authorizing an appropriation for the construction of a road within the Fort Apache Indian Reservation, Ariz.

The message also announced that the Senate had agreed to the report of the committee of conference to the bill (H. R. 13481) making appropriation for the Department of Agriculture.

The message also announced that the Senate had passed the bill (S. 3973) to remit the duty on a carillon of bells to be imported for the House of Hope Church, St. Paul, Minn., in which the concurrence of the House of Representatives was requested.

FEDERAL FARM LOAN ACT.

The committee resumed its session.

Mr. MACGREGOR. Mr. Chairman, I yield 10 minutes to the gentleman from North Dakota [Mr. YOUNG].

Mr. YOUNG. Mr. Chairman, I want to add one word to what the gentleman from Ohio [Mr. BEGG] has said, in reply to the gentleman from Kansas [Mr. STRONG], who said that the joint-stock land banks act through private agents, and that because, as he claimed, the joint-stock land banks act through private agents the Federal land banks can safely do it. There is an essential, a fundamental difference. The joint-stock land banks are owned by private individuals. The men who manage them are themselves the owners of all the stock. These privately owned concerns, when they send out agents to do business for them, act the same as a big privately owned loan company does, like an insurance company does. It is idle to say that the Federal land banks, which are managed by men who have not a dollar invested in the banks, can do business through agents, appointed sometimes for political reasons, with the same safety as the joint-stock land banks who function through privately appointed agents.

The gentleman from Kansas [Mr. STRONG] says this system was patterned after the German system. There was a good deal of talk at the time this law was first passed that it was fashioned after the French and German systems, but the most important thing that made the systems of those two countries successful was never adopted here at all, and that was for these banks to permit deposits from farmers. The time came in Germany and France when they got more money on deposit for loaning to farmers than they got out of the bonds they sold. That made these concerns real farm banks, where the farmers themselves could have something to say about making rates. It was their bank. They were in large part loaning their own money. Whereas the original bill introduced here years ago provided for deposits, it was cut out later by the committee and not reported to the House. Just so long as the farmers have a system such as we have here at this time that does not permit deposits, all they can do is to sell their credit. The rates of interest are going to be made by somebody else The rates are going to be made by men who have money to loan.

The farmer is going to be in the position he is in when he tries to sell anything, and that is the other fellow fixes the price. According to the present law the farmers are not permitted to make deposits and they are not permitted to own stock excepting while they are borrowers.

Mr. Chairman, to my mind the best safeguard of the present system is going to be stricken down if we pass this bill, which provides for the creation of private agents who can take the business away from the loan associations because they can relieve the borrowers from much of their liability.

Mr. STEVENSON. Will the gentleman yield?

Mr. YOUNG. I have not the time. I can not very well. And if you take over the business of these local associations, you take away the best safeguard we now have against losses. Why do men invest their money in these bonds at this time? Because they know that every man who makes application for a loan is being watched by his neighbors. He knows the neighbors have to guarantee that loss to a certain extent. That is the safeguard, that is the thing that has made these bonds sell. There is no question about it. The men of money in the United States, who have money to invest, are not going to invest in a proposition unless it is sound. The reason they have bought these bonds is that they know that they have something better than the agent who goes out, who may be fooled or who may be dishonest; better than the safeguard of that agent who inspects the farm land is the safeguard furnished from the fact that his neighbors must go on his paper and guarantee the loss. The privately appointed agent is bound to get the business. That is very clear, because he can tell the borrower that he is only going to be liable on his 5 per cent of stock in case the Federal land banks in the United States fail. I will ask some gentlemen who defend this bill to get away from that fact if they can.

Mr. STRONG of Kansas. What is that? I am ready.

Mr. YOUNG. The privately owned agent can tell the borrower that he has 5 per cent of liability, not only as against the default of his neighbors but also in case of the failure of the land banks. Whereas if they do business through the agent, what might be called his liability for the default of his neighbors? He will get the business.

Mr. Chairman, under the present law the borrower becomes liable if any default occurs in his own neighborhood. That is what inspires confidence and sells the bonds. That is why men like HOMER SNYDER, a hard-headed business man, buy the bonds. They buy them because they know men living in the locality have an interest in scrutinizing every loan, because if there is a default in the interest of a neighbor he becomes liable on his stock.

Mr. SNYDER. Since the gentleman has mentioned my name, regardless of how many of these bonds I have bought, I want to say that he is making a splendid statement and I agree with every word of it.

Mr. YOUNG. There is obsolutely no question but that the agent can get all the business, because he can show every farmer he has a very remote liability on the 5 per cent of stock so far as the chance of the Federal land bank becoming insolvent is concerned. It is only in case the Federal farm-loan bank failed that loss will be incurred. No loan association can do business against that kind of argument. It will offer a competition that will be deadly. It will destroy the association. The local association will undoubtedly be wiped out,

and when that is wiped out the bonds will fail to sell in the United States, and when the bonds fail to sell the farmers can not borrow. So you are striking a deadly blow not only against the loan associations but against the farmers themselves. And you people of the East who have bought these bonds, you should hesitate to take action which may depreciate the value of the land-bank bonds now in the hands of your constituents.

The key to the success of the present system is the local association.

It is a question of whether the man who borrows will be liable to that association and liable to a certain extent for the debts of his neighbor farmers, or whether he is going to be relieved of that liability and have only that remote liability by reason of the possibility that the big Federal farm-loan bank will fail, and which the ordinary farmer believes, at least, will never break.

Now, I want to suggest again: A farmer can not put a price on anything he sells. He can not put a price on anything he buys. The price is put on the things the farmer buys by those who make those things. On the contrary, on what they sell to the other fellow they can not fix a price. When it comes to the question of the farmer's personal credit, there also the rate of interest is fixed by somebody else. And so long as we can not get a better arrangement than this, to my mind it is very essential for the farmers that the security they have to offer, that the credit they have to sell is put in a form that will be the very best, that will offer the very best security, and therefore command the very lowest possible rate of interest.

Now I will yield to the gentleman from Kansas [Mr. STRONG] if he wishes to ask me a question.

Mr. STRONG of Kansas. No; I do not care to, except to say to the gentleman that the members of the Farm Loan Board who came before our committee, in the presence of the 12 farm-loan banks all insisted that this does not do away with the farm-loan association.

Mr. YOUNG. The gentleman may have been fooled, just as he claims the rest of us have been fooled by the letters we have received from our districts.

Mr. STRONG of Kansas. By propaganda.

Mr. YOUNG. I think it is just as inexcusable to be fooled by members of the Federal Farm Loan Board or those in the management of the Federal land banks as it is for some of us to be fooled by farmers who write to us. The gentleman from Kansas [Mr. STRONG] has not convinced me that the members of his committee possess a greater degree of intelligence than the rest of us.

Mr. STRONG of Kansas. Will the gentleman yield there?

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. McFADDEN. Mr. Chairman, I yield to the gentleman from Nebraska [Mr. McLAUGHLIN].

The CHAIRMAN. The gentleman from Nebraska is recognized.

Mr. McLAUGHLIN of Nebraska. Mr. Chairman, introductory to my remarks on the pending bill I wish to read a resolution recently adopted by the Nebraska Legislature on the 15th day of January, 1923. The resolution is as follows:

THE LOAN LIMIT OF THE FEDERAL LAND BANK SHOULD BE INCREASED TO $25,000.

Resolution.

Whereas the agricultural and live-stock industries, being the chief productive industries of Nebraska, are seriously threatened and endangered by reason of the general depression in values; and

Whereas there exists an urgent need among owners of land devoted to agriculture and ranching activities throughout Nebraska for loans in excess of the present limit of $10,000 to any one person, which amount is entirely inadequate for purposes of restocking the ranges, and now in force by the Federal land bank system in the district in which Nebraska is situated.

Resolved, That the House of Representatives of the State of Nebraska calls upon the Representatives in Congress for the State of Nebraska and urge the Representatives in Congress and other neighboring States similarly situated as in Nebraska in regard to this problem to direct their best efforts toward securing authority, through national legislation, empowering the Federal land banks to raise this limit to the sum of $25,000 to any one landowner or borrower; and be it

Ordered, That attested copies of this resolution be sent by the clerk of the house to the Senators and Representatives from this State in Congress and to the Federal land banks at Omaha and Lincoln.

LINCOLN, NEBR., *February 13, 1923.*

I hereby certify that the foregoing resolution passed the Legislature of Nebraska at the forty-second session held in the city of Lincoln on the 15th day of January, 1923.

_____,
Chief Clerk of the House.

It has been my conviction for the past four years, as many Members of the House know, that the Federal farm loan act should be amended so as to permit maximum loans of $25,000. The sentiment in this direction has grown within that time until the demand for the increase on the part of the Federal farm land banks and the farmers is unanimous.

The success of the Federal farm-loan banks has been so pronounced that any doubt concerning the workability and practicability of the system no longer remains. The contention of those who have argued in the past that the banks should be made to serve only the small borrowers is, in my judgment, without foundation at this time. The resources and possibilities of the Federal farm-loan system are such now that with the restrictions removed the entire agricultural borrowing needs can be served. Nothing human is perfect, and it is no discredit to those who drafted and passed the Federal farm loan act that restrictions were placed in the measure which proved a handicap rather than a help, and I hope, since the imperfections have been discovered, that this Congress will have the wisdom to remedy them.

In the State of Iowa the farm units which pay the largest returns average 240 acres to the farm, and the average value of land, including buildings, in the State of Iowa is $227.09 an acre, making the value of a 240-acre farm $54,000. Many hundreds of farms in the State of Iowa have a greater value than $54,000. The average-sized farm in the State of Iowa is 156.8 acres. Inasmuch as the Farm Loan Board has restricted loans on any farms to a maximum of $100 an acre, it follows that a loan of at least $15,000 is necessary to take care of the average Iowa borrower, while thousands of farmers having the larger and more profitable unit of 240 acres can not be accommodated unless they can borrow at least $25,000. The average value of the farms in Iowa is $38,941, so that the present $10,000 limit is wholly inadequate to serve the needs of the Iowa farmers. The average value of a South Dakota farm is $37,837; Nebraska, $33,771; and Nevada, $31,546. This large value of the average Nevada farm is due to the fact that the average farm acreage or unit in Nevada is 745 acres, but the man on the larger number of acres stands in just as great need of a long-time loan at a low rate of interest as the man on the small farm.

Under the present farm-loan system 141,000 farms in Illinois, 24,000 farms in Iowa, 59,000 farms in Minnesota, 23,000 farms in Texas, and 25,000 farms in Missouri can not receive any benefits of the Federal farm loan act. Figures with reference to a score of other States would be in the same proportion. The experience of the Federal farm loan banks since the law has been in operation shows that it is necessary to make loans in the more highly developed agricultural sections of the country in order to properly take care of the smaller farm units in the less productive sections of the country. Loans only to those sections of the country where land values are low and production limited result in a loss rather than a profit.

Bond offerings necessary to take care of the small loans must be floated in the more highly developed agricultural sections and the profits made on loans in the more highly developed sections are sufficient to make up the losses sustained on the lesser loans, so that it is positively necessary to the future growth and success of the Federal farm loan banks that the maximum loan be raised to at least $25,000 in order to serve the needs of even the smaller farm units in an economic manner.

The experience of the Federal Land Bank of Omaha, in the eighth district, is no doubt similar to that of the other district banks. The benefits of the Federal Land Bank at Omaha can best be illustrated by comparing it with the joint-stock land banks operating in the same territory and which receive their funds from the same source—from the sale of tax-free bonds. The following table is based upon the amount of loans now on the books of the Federal land bank. The rate of interest on joint-stock land bank loans is figured at 6 per cent, as that is the rate of all loans in joint-stock land banks up to about three months ago:

Average rate of interest, Federal land bank loans ($6,000,000 at 5 per cent, $20,000,000 at 6 per cent, and $49,000,000 at 5½ per cent)—per cent	5.59
13 per cent dividend reduces net interest to borrowers—per cent	.31
Net rate for year 1922, Federal land bank loan—per cent	5.28
Joint-stock land bank rate—per cent	6.00
Making a difference in rate in favor of Federal land bank borrowers of—per cent	.72
72 per cent of $75,000,000 (amount of Federal land bank loans)—annually	$540,000
After paying 13 per cent dividends in 1922 there remained net profits on hand for the year of	208,000
Total saved Federal land bank borrowers, year 1922	748,000
Total saved Federal land bank borrowers in five years	3,744,000

It will be observed from this statement that borrowers in the Federal land bank at Omaha save seventy-two one-hundredths of 1 per cent per annum, which amounts to an annual

saving of $540,000 on the $75,000,000 in loans. When there is added to this the additional profits of the bank for the year 1922 amounting to $208,800 after paying a 13 per cent dividend, we find an actual annual saving to the borrowers of $748,800 per annum. In five years this will amount to $3,744,000. What excuse can be offered for the Government giving joint-stock land banks the privilege of tax-free bonds and then protect them from competition by the Federal land banks on loans above $10,000, thus making it necessary for borrowers who need more than $10,000 to pay seventy-two one-hundredths of 1 per cent per annum more for a loan than they would pay through the Federal land bank? I desire to place in the RECORD here the concrete case of William G. Hall, which is only one among many that could be cited in various parts of the country.

William G. Hall is a farmer living 6 miles south of Massena, Cass County, Iowa. He is 53 years of age and a widower, his wife having died nine years ago. His family consists of eight children, four boys and four girls, as follows: Irene, age 30; Bernard, 24; Stella, 22; Gladys, 20; Lloyd, 17; Frank, 15; Clifford, 13; and Evelyn, 11. Evelyn was only 2 years of age when her mother died, but Mr. Hall, with the help of his older daughters, kept his family together and has made an effort to keep them all at home. Irene is married and lives in Minnesota; the rest of the family are at home.

Mr. Hall started farming for himself shortly after his marriage, when he was 21 years of age. He tells me that he had not a thing but a span of horses and some farm machinery. He rented land for awhile and afterwards had a chance to buy 80 acres on time at $31.50 an acre. Later he traded that 80 acres for 160 acres close by.

Mr. Hall is a hard-working, thrifty man and a first-class farmer, and with the help of his family and by close application and economy he managed to finish paying for his 160 acres about five years ago. His older children had then grown up and he could not keep them all employed on the 160-acre farm. He rented some adjoining land for awhile, but about that time found it impossible to rent anything close by, so he was up against the proposition of letting his boys leave the farm and hire out, and his daughters also, or buy more land. Like all good farmers should, he wished to keep his boys on the farm. He knew that if he did not have work for them they would soon drift to the cities where wages are higher. He knew that the boys would not stay on the farm unless there was some good prospect of their becoming farm owners themselves.

Land had become high, and he knew that the only way they could become farm owners was for them to buy more land while they were all working together as one family, go in debt for it, and work together until it was paid for. So he found an opportunity to trade his 160-acre farm at $225 an acre for a 400-acre farm, on which he now lives, at $200 an acre. His present farm is a good one, has always been well kept, and suits him very well. He farms it all with his own help; he does not hire a dollar's worth of labor. He and his family get up at 5 in the morning, milk the cows, do the chores, get out in the fields early, give good attention to his live stock; and, while they work hard, they are happy and contented with the thought that in the course of time, with good fortune, they can get out of debt, and when the boys and girls get married and start out in life they may become farm owners and people of standing and influence in the community in which they live. There is not a family in Cass County, Iowa, that takes better care of their farm and live stock, or are better neighbors, or stand higher in the community in which they live, than this Hall family.

In making the trade for this 400-acre farm Mr. Hall assumed mortgages amounting to $42,000, bearing 5 per cent per annum, maturing March 1, 1922. Those loans became due March 1, and Mr. Hall has been looking about during the past six months to find as good terms as possible for renewing the loans. A life insurance company offered to renew one $32,000 loan at 6 per cent, with a commission of $1,120. His banker told him, however, that he thought money rates would be better, and that later on he might be able to get a loan of $40,000, which was the amount he now needed, all in one loan at a better rate than 6 per cent; at least, that the commissions would be smaller. Temporary arrangements were made March 1 through his local bank at Massena, Iowa, to allow the present mortgages to stand for a few months.

In endeavoring to secure the best rate of interest and the best terms of renewal on his farm loan, Mr. Hall recently called upon Wray Wilson, secretary-treasurer of the Massena National Farm Loan Association, to see if he could secure a loan through the Federal Land Bank of Omaha, and the following conversation took place between him and Mr. Wilson:

Mr. HALL. Mr. Wilson, loans amounting to $40,000 are due on my farm, and I wish to get a new loan. What rate of interest is charged by the Federal Land Bank of Omaha, which you represent?

Mr. WILSON. The Federal land-bank rate is now 5½ per cent. The Federal land bank is owned by borrowers and is operated on the cooperative plan. All profits belong to borrowers, and the net profits are amply sufficient at the present time to reduce the interest rate to a net rate of 5 per cent to borrowers.

Mr. HALL. How do you figure that out?

Mr. WILSON. The Federal land-bank bonds are now selling at 4½ per cent. The experience of the Federal Land Bank of Omaha for the last five years shows it can operate on a margin of ½ per cent; that is, ½ per cent of the amount of loans in force will pay the operating expenses of the bank and a dividend to the borrowing stockholders equal to the interest charged by the bank. Another ¼ per cent is amply sufficient to cover annual reserves that should be laid aside as a surplus or safety fund. The cost of operation, ½ per cent, added to ¼ per cent for reserves plus the bond rate of 4½ per cent makes a 5 per cent loan rate to borrowers.

Mr. HALL. I understand that a borrower must purchase stock in the Federal land bank amounting to 5 per cent of his loan. Are the affairs of the Federal Land Bank of Omaha in good condition?

Mr. WILSON. Yes; a recent statement of the Federal Land Bank of Omaha shows that with $64,000,000 in loans in force May 1 there was only $1,630 interest past due more than 90 days. It has never had a foreclosure. All of the activities of the bank are under control and supervision of the Federal Farm Loan Board, a bureau of the United States Treasury.

Mr. HALL. I understand you to say that the net interest costs to a borrower of the Federal land bank is now 5 per cent per annum.

Mr. WILSON. Yes; Federal land-bank bonds sell at 4½ per cent, and ½ per cent is amply sufficient to pay expenses, accumulate reserves, and return to borrowers the interest charged on their stock.

Mr. HALL. Well, that is by far the best loan that I can get. I have tried everywhere during the last six months. You may take my application for a loan of $40,000.

Mr. WILSON. I am sorry, Mr. Hall, but the Federal Land Bank of Omaha is not allowed to loan more than $10,000 to one borrower.

Mr. HALL. Is that so? I am greatly disappointed. Your description of this loan looks so good that I hoped I would not have to look further.

Mr. WILSON. Yes; the terms of our loan are good also. It is on the amortization plan. By paying 3½ per cent of the principal semiannually for 34½ years, your loan will be paid in full, principal and interest. You would have the right also to make additional payments on the principal any time after five years. By paying a small bonus, the privilege is usually given of making payments before five years.

Mr. HALL. Well, this is surely disappointing. I thought I could get a loan under the Federal farm loan act.

Mr. WILSON. Well, you can get a loan under the Federal farm loan act through a joint-stock land bank.

Mr. HALL. What is a joint-stock land bank?

Mr. WILSON. Joint-stock land banks are corporations organized with private capital for profit, by authority of the Federal farm loan act, to make loans. Although the cooperative Federal land banks are not allowed to loan to one borrower more than $10,000, joint-stock land banks may loan any amount up to $50,000 to one borrower.

Mr. HALL. Are there any joint-stock land banks making loans in this territory?

Mr. WILSON. Yes; there are several of those banks that make loans in Iowa.

Mr. HALL. What rate of interest do they charge?

Mr. WILSON. Their interest rates to borrowers are the same in all joint-stock land banks, 6 per cent per annum.

Mr. HALL. Does the borrower share in the profits of the joint-stock land banks?

Mr. WILSON. No; all the profits of joint-stock land banks belong to the stockholders of those banks.

Mr. HALL. I would have to pay 6 per cent interest per annum then to a joint-stock land bank without any reduction in any way?

Mr. WILSON. Yes; 6 per cent per annum semiannually during the term of the loan.

Mr. HALL. I would save $400 per year then if I could make my loan with the cooperative Federal land bank?

Mr. WILSON. Yes; and in addition the accumulated profits in the Federal land bank would also be loaned out and help to reduce the net interest cost still more. In the course of time the income on the accumulated profits of the Federal Land Bank of Omaha will be sufficient to pay all the expenses of the bank, and loans can then be made to borrowers at the same rate that is paid by the Federal land bank on its bonds.

Mr. HALL. From what source do the Federal land banks and the joint-stock land banks obtain funds to make farm loans?

Mr. WILSON. They both obtain funds from the same source; namely, from the sale of their bonds to investors.

Mr. HALL. Are the bonds of the Federal land banks and joint-stock land banks exempt from taxation?

Mr. WILSON. Yes; the bonds of both kinds of banks are alike exempt from taxes of all kinds—Federal, State, municipal, and local. Bonds of both Federal land banks and the joint-stock land banks have equal privileges under the law. Both are declared by act of Congress to be instrumentalities of the Government. The bonds of both bear the certificate of authority of the Federal Farm Loan Board.

Mr. HALL. Now, according to what you say, I lose $400 a year, or $4,000 in 10 years, by not being allowed to get my loan from the Federal Land Bank of Omaha. Who gets this $400 a year or $4,000 in 10 years? What benefit does the Government obtain from me having to pay this $400 a year?

Mr. WILSON. This $400 a year, or $4,000 in 10 years, extra cost to you goes to the stockholders of the joint-stock land bank of whom you obtain your loan. The money is obtained from the sale of tax-free bonds in both cases, so there is no advantage to the Government in either case.

Mr. HALL. Why, then, should I pay this tribute of $400 a year, or $4,000 in 10 years, to the joint-stock land bank?

Mr. WILSON. I have asked that same question hundreds of times and have never gotten a satisfactory answer.

Mr. HALL. If Congress would amend the Federal farm loan act to allow Federal land banks to make loans up to $50,000, the same as the joint-stock land banks, I would not then have to pay this tribute of $400, or $4,000 in 10 years, to the joint-stock land bank, would I?

Mr. WILSON. Of course not. Farmers would all get their loans where they could get them the cheapest. There then would be open

competition between both classes of banks. Now the farmers' cooperative Federal land banks are not allowed by law to compete with the joint-stock land banks, which are organized by private capital for profit, in loans above $10,000.

Mr. HALL. You say that both Federal land banks and joint-stock land banks obtain funds for loans from sale of tax-free bonds. The Federal land bank makes loans for 5 per cent per annum, while the joint-stock land banks charge 6 per cent per annum. The joint-stock land banks must make large profits.

Mr. WILSON. Yes; I understand they do make large profits. The First Joint-Stock Land Bank recently advertised the sale of $700,000 additional stock, which they sold at $135 per share, with a par value of $100. In their prospectus advertising sale of this stock they stated that the bank has always paid dividends at the rate of 8 per cent per annum. Stock issued at par, $100, three years ago is now worth $135, a profit of $35 per share in three years, or about 12 per cent per year, which, added to the anual dividends of 8 per cent, makes an annual profit on this stock of 20 per cent. I understand that the president. Guy Huston, and Vice President Schee are each paid salaries of $25,000, making $50,000 annual salaries for both of those officers. Other salaries are in like proportion. The entire operating expenses of the Federal Land Bank of Omaha for the year 1921 were only $112,295. This includes all salaries and expenses, including appraisal costs, and expenses of attorneys in examining titles. The annual salaries of two officers of the joint-stock land bank was almost half as much as the total annual expenses of the Federal Land Bank of Omaha.

Mr. HALL. Does the law restrict in any way the profits of the joint-stock land banks?

Mr. WILSON. The only restriction is that the joint-stock land banks shall not charge borrowers more than 1 per cent above the interest rate on their last bond issue.

Mr. HALL. You told me awhile ago that the Federal land bank bonds sell at 4½ per cent. How, then, do joint-stock land banks charge 6 per cent on farm loans?

Mr. WILSON. The First Joint Stock Land Bank of Chicago recently sold a large issue of 5 per cent bonds at 103¼, which would be the same as a bond bearing 4.6 per cent for the 10-year period until the bonds are callable. This, of course, would be a spread of 1.4 per cent per annum between the bond rate and the farm-loan rate. Loans are now being made by that bank at 6 per cent per annum on the 33-year amortization plan. Any time after 10 years the 5 per cent bonds can be called in and new bonds issued in their place, probably at a much lower rate.

Mr. HALL. Is not such a transaction an evasion of the law prohibiting more than 1 per cent per annum between the bond rate and the mortgage rate?

Mr. WILSON. Mr. Huston, president of the First Joint-Stock Land Bank of Chicago, has the reputation of being a prominent financier. Perhaps he would call the transaction referred to a bit of successful financiering.

Mr. HALL. Now, I find that I lose $400 per year, or $4,000 in 10 years, by being forced to make my loan through the joint-stock land bank and not being allowed to make my loan through the Federal Land Bank of Omaha. How can the law be changed to save me this $4,000?

Mr. WILSON. By an act of Congress amending the Federal farm loan act.

Mr. HALL. Congress made this law as it is, did it not?

Mr. WILSON. Yes.

Mr. HALL. Do you think Senators and Members of Congress would be willing to change the law if they learned of the great injustice being done to the farmers like myself?

Mr. WILSON. Repeated attempts have been made by hearings before the Banking and Currency Committees of the House and Senate to have the law amended, with no results.

Mr. HALL. For what purpose was the Federal farm loan act made a law?

Mr. WILSON. The act states that it was intended to furnish better credit facilities to farmers.

Mr. HALL. It seems to me it should be entitled "An act for the benefit of stockholders of joint-stock land banks."

Mr. WILSON. It does seem to work that way.

Mr. HALL. Are there not many men situated like I am, who would be saved large sums of money if they were allowed to make loans through the Federal land banks instead of being obliged to make loans through the joint-stock land banks?

Mr. WILSON. There are thousands of men like you who are prevented from obtaining loans in the Federal Land Bank of Omaha by reason of this $10,000 maximum loan limit.

Mr. HALL. Would not Congressmen and Senators listen to an appeal of those men to remedy this unjust provision of the law?

Mr. WILSON. Congressmen and Senators would listen if those borrowers were organized and had some one to earnestly present their case in Congress.

Mr. HALL. Do the joint-stock land banks have anyone to look after their interests?

Mr. WILSON. Yes; the 35 joint-stock land banks in the United States have a national association and maintain a highly paid and expensive lobby at Washington to look after their interests. Mr. Guy Huston, president of the First Joint Stock Land Bank of Chicago, is president of this national association.

Mr. HALL. You mean that they use the excessive profits that men like me are compelled to pay to influence legislation at Washington against my interest?

Mr. WILSON. Yes.

Mr. HALL. What would you advise me to do?

Mr. WILSON. If I were you, I would write to every Congressman and Senator from Iowa, telling him your case plainly, and ask him if he will do anything to help you; if not, why? I would write to the farm papers asking them to invite their readers who are situated as yourself to write Congressmen and Senators also. I would take the matter up with the Farm Bureau Federation, farmers' union, and other farmers' organizations. I think if public opinion, especially among the farmers, was thoroughly aroused, Congressmen and Senators would give some attention to amending this law and allow farmers like yourself to obtain their loans through their own cooperative land banks and thus save themselves millions of dollars annually that are now going into the pockets of stockholders and officers of joint-stock land banks.

Mr. HALL. In what manner would an increase of the maximum loan limit of the Federal land banks affect small borrowers?

Mr. WILSON. The Federal land banks handle applications and make loans to large and small borrowers alike. They now operate on a very small margin of expense. There is just as much expense in making a $500 loan as making a $50,000 loan; by increasing the size of the average loan the margin of expense would be reduced, thereby greatly benefiting the small borrower.

Mr. HALL. I lose $400 per year by not being allowed to enter the cooperative Federal land bank. Now, my oldest son, Bernard, is of age, and I have agreed to pay him wages while he works with me on the farm. The prevailing rate of farm wages here is $35 per month and board for nine months. He does work out part of the time and turns his wages back to me to help meet our payments. Now, my son Bernard would have to work a whole year at that rate to pay for this extra $400. When the war broke out Bernard was one of the first to enlist. The other boys were small then, and I did not like to spare them, but I did not think it right to prevent his going when the Government needed his services. Now, as I understand it, the Government is, by act of Congress, obliging one of my boys to work a whole year for the benefit of the stockholders of a joint-stock land bank.

Mr. WILSON. Yes; that is true.

Mr. HALL. How can this be remedied?

Mr. WILSON. Congress can remedy it by amending the act.

Mr. HALL. Do you mean to say that our Iowa Congressmen, whom we farmers have elected to represent us, are allowing this thing to continue? How can they allow one of my boys to work every year for 10 years to pay this $400 per year to the stockholders of a joint-stock land bank when I could have saved that amount by getting my loan through the farmers' cooperative Federal land bank? What can we do about it?

Mr. WILSON. Secretary-treasurers of all the national farm-loan associations in the Omaha land-bank district recently held a meeting at Omaha. They discussed the things that you and I have talked about. They decided that there was only one way to secure relief, and that was to form an organization of secretary-treasurers and with their united strength and with the help of the farmers that are members of their national farm-loan associations bring the matter forcefully to the attention of Congress. We formed an association of secretary-treasurers and each agreed to pay out of his own pocket, as they are not allowed to use association money, one-fifth of 1 per cent of the capital stock of the association of which they are secretary-treasurers. This fund will be used to enlighten farmers regarding the true situation. A number of farm papers have agreed to help us. There are thousands of men in this district who are situated just as you are. Their cases will be reported, and every farmer in Iowa, Nebraska, South Dakota, and Wyoming will know the true situation. We think by this way some results will be obtained. We have given up all hope of getting results in any other way. It was decided upon at this meeting of secretary-treasurers that efforts should be centered upon a program for the accomplishment of three things:

First. An increase in the loan limit, giving farmers the right to choose whether they obtain their loan through a cooperative Federal land bank or through a joint-stock land bank. They should not be kept out of the Federal land bank and forced to obtain a loan through a join-stock land bank.

Second. The experience of the Federal Land Bank of Omaha shows that the interest rate to borrowers can be safely reduced to 5 per cent per annum. By reducing the rate to 5 per cent per annum, other loan institutions will be obliged to make the same rate, hence it is much better to reduce the rate directly to 5 per cent than to make a 5½ per cent rate and return the extra earnings in dividends, making a net 5 per cent rate. We will ask that the farm loan rate be reduced to 5 per cent.

Third. The term of one member of the Farm Loan Board expires in September, and an effort will be made to prevent the appointment of any man on the board who is not friendly to the farmers' cooperative Federal land banks.

Mr. HALL. You say that the term of one of the present members will expire September 1, and that his successor will be appointed very shortly.

Mr. WILSON. Yes.

Mr. HALL. Is it important that members of the Farm Loan Board be friendly to the Federal land banks?

Mr. WILSON. Yes; the Federal Farm Loan Board at present appoints the officers and directors of the Federal land banks. They establish the rate of interest to charge borrowers. They have complete control of all the activities of the Federal land banks. It is very important that members of the Federal Farm Loan Board be in earnest and be sincere friends of the cooperative Federal land banks.

Mr. HALL. Who are the candidates for appointment on the Federal Farm Loan Board to fill this vacancy?

Mr. WILSON. Captain Smith, the present member, is from Iowa and a candidate for reappointment.

Mr. HALL. Has Captain Smith been friendly to the Federal land bank system?

Mr. WILSON. I understand that he has been, and is a very good friend of the farmers' cooperative Federal land banks.

Mr. HALL. Are there any other candidates for this appointment?

Mr. WILSON. Yes; the Iowa delegation in Congress has recommended Willis Stern, of Logan, Iowa, for this position.

Mr. HALL. Who is Willis Stern?

Mr. WILSON. He is abstractor at Logan, Iowa, and has been for the past 10 years or more a member of the Republican State central committee for the ninth congressional district.

Mr. HALL. Is Mr. Stern friendly to the Federal land banks?

Mr. WILSON. He has been closely associated with his brother, Almor Stern, for over 30 years. Almor Stern has the most extensive farm loan business in Harrison County, which business he has been engaged in for over 30 years. Almor Stern is a member of the American Farm Mortgage Bankers' Association, which has fought the Federal land bank system ever since it has been established. When the Logan National Farm Loan Association was organized about five years ago, Almor Stern made every possible effort to discredit its organization. He even placed an advertisement in the Logan Observer, which stated in effect that the 5 per cent stock taken by a borrower making a loan in the Federal land bank was so much commission paid on the loan. He has been the most bitter enemy to the Federal land bank system in Harrison County. While we can not prove any personal act of hostility by Willis Stern against the Federal land bank, he has never turned his hand to help introduce or establish the system.

Mr. HALL. Are there not men in Iowa whose record is conclusive evidence that they will be friendly to the Federal land bank system if they are appointed to the position?

Mr. WILSON. Yes; there are hundreds of able, energetic men, who are faithful and true friends of the interests of the farmers of Iowa, who would make excellent members of the Farm Loan Board.

Mr. HALL. Why is not a man of that kind recommended by the Iowa delegation and appointed by the President?

Mr. WILSON. The recommendation and appointment seems to be based more as a reward for political services than from the standpoint of the good of the farmers of Iowa.

Mr. HALL. Don't you think that the farmers of Iowa should be informed of the way their interests are being endangered by members being appointed on the Federal Farm Loan Board that are not friendly to their interests?

Mr. WILSON. That is one of the things that this organization of secretary-treasurers of national farm-loan associations has in mind.

The Federal Land Bank of Omaha has paid dividends from the start of at least 6 per cent per annum, a part of the time 8 per cent, and during the past year 10 per cent, with an entra 3 per cent cumulative dividend, making a total of 13 per cent for the year 1922. In addition to this the bank has $500,000 in reserves, as required by law, and $208,800 in undivided profits, all of the reserves and undivided profits belonging to the borrowers and being loaned out for their benefit. The percentage of cost of operation is annually becoming lower. The latest bonds, which bore 4½ per cent, furnish the cheapest money ever available for farm purposes in the Middle West. The cost of operation is about one-fourth of 1 per cent per annum, which makes it possible to loan to the borrowers at 5 per cent net.

I am at a loss to understand why some of my colleagues argue that the farmer on a farm valued at $50,000 or $60,000 should be compelled to go to a joint-stock land bank or insurance company or some private loan company and pay 6 per cent or more for his loan, while at the same time the man living on a $10,000 or $15,000 farm should be permitted to use the Federal farm land banks and secure an amortized loan at 5 per cent. Proportionately, the man on the more valuable farm is in just as great need and in just as hard circumstances as the man on the smaller farm, and experience out in the Central States convinces me that often the owner of the larger land unit is in even greater need of a loan than the one who has the smaller unit, and since it has been proven that all can be taken care of if the restrictions are removed, in my judgment there is no excuse for further delay on the part of Congress.

While the question of the constitutionality of the act was under consideration there was justification for delay, but since the act has been declared constitutional and since recent experience shows that the Federal land-bank bonds are in great demand, there can be no further excuse for delay in increasing the maximum loan from $10,000 to $25,000.

An offering of $75,000,000 of 4½ per cent Federal land bank bonds was sold at par on the first day they were placed on the market in the spring of 1922. Again, on September 24, 1922, $75,000,000 more of 4½ per cent bonds were sold at a price of 101½, the entire issue being subscribed during the forenoon of the day the sale was conducted. In the face of this record can anyone consistently doubt that sufficient funds can be raised at any time to supply the entire borrowing needs of agriculture?

This movement for the increase of the maximum loan from $10,000 to $25,000 has been approved by the great majority of the farm organizations of the country. As early as 1917 the Federal Farm Loan Board made the following statement in their annual report:

> Moreover, in some sections where land values are high and farms are expensively equipped, many farmers, if they need to borrow at all, need to borrow more than $10,000. Such loans are often exceptionally well secured and desirable, and there seems to be no sound reason why the Federal land banks be prohibited from handling these loans. We, therefore, recommend that the Federal farm loan act be amended by striking out "$10,000" and inserting in lieu thereof "$25,000."

Again, in the second annual report, dated November 30, 1918, we find the following words:

> Experience indicates the very decided advisability of a modification of the minimum and maximum amounts of loans which were fixed in the act at $100 and $10,000; we are strongly of the opinion that these limits should be made $500 and $25,000.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. McFADDEN. Mr. Chairman, I yield to the gentleman from North Dakota [Mr. SINCLAIR].

The CHAIRMAN. The gentleman from North Dakota is recognized.

Mr. SINCLAIR. Mr. Chairman and gentlemen, I simply want to ask unanimous consent to extend and revise my remarks in the RECORD.

The CHAIRMAN. The gentleman from North Dakota asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

The extension of remarks referred to is here printed in full as follows:

Mr. SINCLAIR. Mr. Speaker and gentlemen of the House, it seems to me to be ill-advised at this time for the Congress to attempt to amend a law that has functioned so well for the brief period since it was enacted. We should remember that this law was created during the most abnormal time in the world's history. Ever since its passage the World War and its effects have upset all economic conditions. Yet we find from the report that the system placed nearly a quarter of a billion dollars' worth of loans to farmers during the past year. This is the largest year's business done in its history and nearly one-third of the total business done by the Federal land banks since their organization.

In the face of this record, however, the proponents of this bill (H. R. 14270) known as the Strong bill give as the principal reason for its adoption that the Federal farm loan act is not functioning properly and that the amendments proposed in the bill are urged in order to make the law more workable. In my judgment, the law has never been given a fair chance to operate and has only now come through the organization stage and is prepared to handle the business in such volume as its supporters claimed for it when the system was adopted.

There has been loaned to 232,543 farmers the aggregate sum of $684,407,289, an average loan of slightly less than $3,000 each. There have been so far no losses and very few foreclosures, notwithstanding the calamitous period through which the farmers of the United States have passed the last two years. Loan mortgage companies that have been in business for 25 years have not such a splendid record as this. Great credit is due the men who have been in charge of the work in the several land banks. They have acted conservatively in the placing of loans. Many of us in the Northwest think they have been too conservative, but the extent of the safety in the operation of this business has not been due all to management but also to the excellent protective provisions of the act itself. The capital stock of the several land banks is provided for by 5 per cent subscription from the amount of the loan extended to each borrower. This gives every one of the borrowers an interest in the bank. At the present time these borrowers or stockholders have paid into the capital and surplus about $36,000,000. There remains but $3,000,000 of the capital advanced by the Government originally to the banks to be repaid by the stockholders. In other words, the farmers own 90 per cent and the Government 10 per cent of the present capital of the 12 Federal land banks. This system is really a big cooperative—the largest in the United States. Consequently, the theory underlying the present law, and I believe the purpose of the incorporators of it, was to have the Government teach the farmers who needed loans to pool their credit cooperatively, and thus obtain farm loans at the lowest possible rate of interest.

Instead of the Government's becoming more and more paternalistic and exercising greater power over the system, the idea was that the Government should gradually withdraw from the system, until finally it might have only advisory and supervisory powers. H. R. 14270 contemplates just the reverse of this, and in my opinion is repugnant to the whole theory on which the Federal farm-loan system is founded.

There are two outstanding reasons why this bill, seeking to amend the farm loan act, should be defeated. First, it will take the control of the system entirely out of the hands of the farmer stockholders, and place it in the hands of the Farm Bureau here in Washington. Through the system of agents, provided for in one section of the bill, this bureau could and would become the most far-reaching political machine ever yet devised. No advocate of this bill has as yet satisfactorily answered the question of the gentleman from Michigan [Mr. KETCHAM] as to where the actual control of the several land banks would be vested under the proposed plan of nominating directors. It is not doubted in the minds of any that if this bill becomes a law the power to control the policy of the banks will be centralized in the Farm Loan Board. The farmers who paid in the $36,000,000 capital will find that they have furnished all of the money, and will have the least to say as to what will be done with it.

Second, the appointment of agents to solicit business and make loans direct to farmers will destroy the local farm-loan associations because of the lessened liability of the borrower. At this time every loan must be made through a local association, and each member of the association is liable for the default of any other member. This provision not only insures a more conservative valuation of the property offered as security for the loan but in addition it requires a higher standard of integrity among the applicants. These features are not overlooked by the bond buyers, and they are one of the strong fac-

tors in lowering the rate of interest on the loans. Of course, a borrower would prefer to get his money direct, without further liability for his neighbor; so all the new business would be done through agents, even though the associations were allowed to continue. Eventually the loans so made would be less and less desirable to bond buyers and a higher rate of interest would be exacted. This would be true because it would be the natural desire of the agent to make bigger loans and more of them in order to earn a larger commission for himself. But the worst feature of this arrangement, from the standpoint of the borrower, would be the destruction of all cooperative progress made in the past five years. If the problems of the farmer are to be solved and his condition improved in order to keep pace with modern business advancement, not only must he hold fast to the measure of cooperation already obtained but it is imperative that he organize into cooperative units for the purpose of marketing his entire product and controlling his credit.

The Government can pass emergency legislation to give temporary relief, but the fundamental basis upon which future prosperity for agriculture must depend will come through self-help methods. It is the business of Congress to provide the necessary legislation to enable the farmers' cooperative organizations to control their own business. The proposed measure, if enacted, would be a backward step.

The statement has been made that opposition to the Strong bill arises from mere propaganda. I have in my district 90 Federal farm loan associations. From these I have received over 60 letters, representing as many associations, condemning on behalf of the members this bill in the strongest terms. I would like to inquire of those making the above statement whether such an expression, coming directly from the farmers themselves, who are the ones most vitally concerned in the matter, is "mere propaganda." I for one give them credit for being alive to the dangers confronting them in the passage of such a measure. I am informed also that many other Members of Congress have received protests from their associations. I most earnestly hope that the Congress will protect the interests of the farmers by defeating this bill.

Mr. McFADDEN. Mr. Chairman, how much time have I?

The CHAIRMAN. The gentleman has 11 minutes remaining.

Mr. McFADDEN. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. LUCE].

The CHAIRMAN. The gentleman from Massachusetts is recognized for 10 minutes.

Mr. LUCE. As a member of the subcommittee which redrafted this bill it probably behooves me to say a word in its behalf. As in the case of all important legislation involving much detail, this bill is a compromise. It contains things which, if taken singly, would in many instances not have been acceptable to those who undertook the work of bringing their minds together. I have failed to hear this afternoon a single criticism or objection which did not receive earnest and lengthy consideration by those who undertook to work out a solution. Many hours were passed in considering these very objections, and when we at last reached an agreement it was with the knowledge on the part of every one of us that, could he have written the bill himself, it would in some detail have been different.

There is, of course, in such a juncture as this a grave danger that gentlemen will allow their objections on the score of individual particulars to overweigh other features that they may grant are advantageous. I dwell on this simply in order to assure you that those who have spent days and weeks in trying to reach agreement have, in my judgment, been assiduous, earnest, conciliatory, and working for the public welfare. In this matter we have been constantly in touch with the Farm Loan Board. This very admirable system was blessed by fortune in that it was put into the hands of a remarkably public-spirited group of men, who have been zealous to the extreme in attempting to perform their duties in a way that would carry out the will of Congress and benefit the people.

They include in their number some exceptionally able administrators, and under their guidance and with their advice we have reached this conclusion that we lay before you. Time does not permit me to answer arguments in detail. In the few minutes at my command I would address myself to one general phase of the situation. I find myself in almost complete accord with what was said by our fellow member of the committee [Mr. MACGREGOR] and others who have regretted to see here what they think is an end to the association idea. I heartily agree with the gentleman from North Dakota [Mr. YOUNG]. They fail to recognize the facts of the case. They are unable to see that this association idea will not be killed by this bill. The trouble is that the association idea is already dead, or at any rate moribund. The figures show that not one of these associations in ten can secure the attendance of a quorum at an annual meeting. They show that as soon as men receive their loans they lose all interest in the association. There are a few that are trying to carry out the original purpose of the law. I would that the critics of this bill had devoted their time and energy to devising a remedy. They should have recognized that the original purpose of the system has been thwarted, that we are all disappointed because the cooperative idea has not herein succeeded. I have my own views as to the remedy. I wish time might permit me to tell you how in my own State we have saved the cooperative idea. I would extol the desirability of injecting into this system the principle of thrift. It seems to me the attempt at cooperation was foredoomed, because the system as put into effect confined the local investment of the money to those who borrow, because it did not have recourse to such supplies of capital as exist in every town, village, and hamlet in the country, because it did not enlist the cooperation of philanthropic citizens, the townsfolk, the merchants, the professional men who joined with us in our cooperative banks in Massachusetts in cultivating cooperative thrift.

I think that is the great weakness of the system. But as it is, with the system not accomplishing what it was meant to accomplish, our duty as practical men is to meet the facts of the case, and the facts of the case, in my judgment, can warrant no other conclusion than that which we have embodied in these changes that we lay before you.

Mr. HUSTED. Is the system functioning well at the present time?

Mr. LUCE. In my judgment the system is not functioning as its founders contemplated, as I say it might function, and as I would be glad to have it function.

Mr. HUSTED. Is it functioning prosperously at the present time? That is, are they making loans and meeting all demands?

Mr. LUCE. The system is functioning prosperously, using the word as a financier uses it. It is not functioning prosperously from the philanthropic point of view. It is not reducing tenantry, it is not helping large numbers of young men to acquire farm holdings.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MACGREGOR. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MCFADDEN] has one minute remaining and the gentleman from New York [Mr. MACGREGOR] has 25 minutes remaining.

Mr. MACGREGOR. I yield 25 minutes to all who are opposed to the bill excepting myself. As I understood it the time allotted to me was for the use of those who are opposed to the bill.

The CHAIRMAN. The gentleman was recognized in opposition to the bill for one hour.

Mr. MACGREGOR. Gentlemen on the other side of the aisle desire to use some time, and I want to yield to the gentleman from Alabama [Mr. STEAGALL], who is against some features of the bill, but I do not want him to yield to those who are in favor of the bill.

Mr. WINGO. I understand the gentleman is going to use all the time himself. Possibly that simplifies the situation.

Mr. STEAGALL. I am going to yield five minutes to the gentleman from North Dakota [Mr. BURTNESS].

Mr. MACGREGOR. Is the gentleman going to yield the balance of the time to those on his side who are opposed to the bill?

Mr. STEAGALL. I am going to use the other 20 minutes myself.

Mr. MACGREGOR. I yield to the gentleman from Alabama [Mr. STEAGALL] the balance of my time.

The CHAIRMAN. The gentleman from New York yields 25 minutes to the gentleman from Alabama [Mr. STEAGALL].

Mr. STEAGALL. I yield five minutes to the gentleman from North Dakota [Mr. BURTNESS].

Mr. BURTNESS. Mr. Chairman and gentlemen, it is impossible for me to give you my views with reference to all the provisions of this bill in five minutes. There are a number of provisions in the bill which I think are very meritorious and which I trust I may have an opportunity to vote for, but there are some provisions, and at least one, in the bill which to my mind are so vicious and which so change the present system that I can not possibly vote for the bill unless it is substantially amended when the bill is read under the five-minute rule.

First, I want to touch briefly on the provisions relative to the appointment of agents. I commend the gentleman from Massachusetts [Mr. LUCE] for the fact that he is at least, as I view his remarks, frank with the House, for he has conceded,

as I gather the import of his remarks, that in his opinion the associations are failing to perform their duties, and for that reason it is desired eventually to do away with the associations altogether and to allow all the work in the future to be done by agents who may be appointed, and that this is the beginning of a movement to that end. Other speakers on behalf of this bill have denied that proposition upon the floor and have contended assiduously that this bill would not tend to destroy the associations either in the immediate future or eventually. I want to say to you that there is no question in my mind that if we are to appoint agents to any appreciable extent such system will operate to destroy the associations eventually, and I can not help believing that such was the intent of the bill in the first instance. I refer, of course, only to section 5 of the bill. I think that contention is amply sustained by the provisions which are found in the first two bills that were introduced upon this proposition, including the bill which was first favorably reported by the Committee on Banking and Currency, H. R. 14041, which was reported to the House, for in that bill you find absolutely no safeguards whatsoever relative to the appointment of agents.

Under the provisions of that bill, by the same author and favorably reported by the committee, an agent could be appointed without any showing whatsoever to the effect that the associations were not functioning in their respective communities.

Mr. STRONG of Kansas. Will the gentleman yield?

Mr. BURTNESS. I have not the time to yield.

Mr. STRONG of Kansas. The gentleman is mistaken, that is all. I rose to correct the gentleman.

Mr. BURTNESS. An agent under that bill could be appointed any time, as desired by the board. Several safeguards have, however, been inserted in this bill. Suggestions have been made to the effect that loans can not now be made in certain quarters. That is true, but I submit to you that in most of the cases it is not due to the way in which the business of the associations is managed, but rather due to the fact that the demand for loans has been much greater than could possibly be met by the system. Let me read to you a portion of a letter from a very able and active secretary-treasurer of one of these associations in my State. He says this:

> As suggested before, there have been and are still in force rules which hamper the associations from functioning properly and which prevent them from taking care of the demands for loans originating in their territories. The first of such rules is the arbitrary allotment of a limited number of applications per year to each association. Last year each association was allotted 20 loans when we should have had at least 300. The year before we were allowed 8 applications to handle at least 200 requests. This arbitrary rule, of course, prevented the association from meeting the demands made upon it for loans, but no rational person can blame the association for that.

I think if you investigate each case where complaint is made that an individual farmer has been unable to get some attention you will find that as a rule the cause is not the failure of the secretary-treasurer or of the association but, rather, due to the fact that they have so many demands for loans that they could not put them all through. I appreciate the fact that once in a while you will find some secretary-treasurer who will not give a square deal to his community. He sometimes plays favorites, he may be lazy or incompetent, he may not be interested in the clientele of an opposition bank, he may allow petty and personal prejudices to warp his judgment. I have no objection to attempt to remedy the defects found so long as we do not create worse ones. I think it should be made plain to every officer of an association that he must not play favorites; that he must deal fairly with every applicant, no matter who he may be. But is it proper and advisable to-day to do away with the fundamental principle that underlies this legislation—this entire farm-loan system as I understand it to be—and proceed in such a way that in the future the cooperative associations will be at an end and displaced by agents anxious to make loans for the commissions provided? For instance, if there is any community where an association is not giving applicants a square deal or is not doing business, the Federal land bank could send out some tactful representative to investigate and see what the trouble is; and if the people of one church have formed an association and refuse to allow the people of another denomination to get into that association, it ought not to be difficult to proceed and get another association organized to take care of the demands.

It may be that eventually we will find that associations can not function permanently and that all the business should be done through agents. Surely the record of the system defies any such suggestion at this time. If that time comes, we can meet it. I do not believe that we can have agents and associations working side by side without making formations of new associations impossible. Oh, they reply that when new borrowers are taken care of through agents 10 of them can later form an association. Remember that the borrower's incentive to do so is gone the minute he gets his money. Ninety per cent of the borrowers are not interested in their investment in the stock of the bank—they connect themselves up with the system because they want a loan. Unless he becomes a member of an association when he gets his loan not one out of a hundred will become so later.

Let me quote from a letter written me by Mr. Samuel Torgerson, a prominent resident of my district and a member of the executive council of the St. Paul Land Bank. He writes:

> We had a meeting of the executive council of the Federal Land Bank of St. Paul somewhat over a week ago for the purpose of discussing certain amendments and new legislation with reference to the land bank. Of the six amendments proposed, we favored all except the last one. This we unanimously voted to oppose. The reason is this: The amendment provides that loans can be made through agencies as well as through local associations. The result of that would be that all loans would practically be made through agencies hereafter and the local associations with their cooperative feature would be destroyed. We all felt that this was a radical change in the methods adopted, and that the cooperative feature is a very favorable feature to safeguard loans and make the success of the Federal land bank assured.

Lack of time prevents my quoting from other practical business men, bankers, and farmers who have contact with the system as it works in the field.

If a member of the committee does not do so, I shall move to strike out all of section 5 at the proper time. Let us retain the opportunity for these associations to increase and develop in the future if for no other reason than as lessons in cooperation for our farmers. If they learn to cooperate in their associations where they have made at least a fair start it will be easier for them in a larger field. [Applause.]

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. STEAGALL. Mr. Chairman, I yield two minutes to the gentleman from Arkansas [Mr. WINGO].

Mr. WINGO. Mr. Chairman, I was not in the room when the gentleman from Texas [Mr. JONES] made his statement or I should have made this statement that I am now about to make at that time. I regret very much the misunderstanding and display of temper upon my part. I wish to express to the committee my regret and for my violation of the proprieties and the rules of the House. I thought I had made a frank and manly statement of my position with reference to the control of time, and I thought the gentleman from Texas was questioning my good faith, so naturally resented it. I understand that he says that that was not the case. I join with him in expressing regret to the committee for the occurrence. [Applause.]

Mr. STEAGALL. Mr. Chairman and gentlemen of the committee, I appreciate fully the great benefits of the farm-loan system and I have high regard for those in charge of the system. It is a source of regret that I do not agree with them in all their views. I am opposed to one of the provisions in this bill. I favor the bill in other respects in its entirety. The basis of my objection and my only objection to the measure is the amendment governing the maximum amount of loans which Federal land banks are permitted to make.

The original law fixed the maximum amount of loans at $10,000. The present measure under consideration sets $16,000, generally speaking, as the maximum amount of loans which the banks are permitted to make, and adds a proviso that loans may be authorized by the Federal Farm Loan Board to the maximum amount of $25,000 where, in their judgment, the application discloses that the loan is for proper purposes and that its allowance will be beneficial to the cause of agriculture. Stated briefly, the bill authorizes the raising of the maximum amount of loans from $10,000 to $25,000. I do not think this change is wise or that it will redound to the promotion of the purposes for which the farm-loan system was established.

The farm-loan banks were granted the privilege of issuing tax-free securities. They were granted other governmental favors in the matter of salaries and expenses of some of the officials of the system, aid was extended by the Government in providing capital stock for the initial capital stock of the various land banks, and other Government aid to set up the system and keep it going. We justified the participation of the Government in this system and the favors shown it upon what I believe to be grounds of sound public policy and national welfare, the underlying thought being to take care of the small farmer and to make it possible for the ever-increasing horde of tenant farmers in the country to purchase farms and become home owners and home builders. I think the favors shown by the Government in the establishment of the Federal land-bank system were entirely and fully justified, but I ques-

tion seriously whether we ought to increase the maximum amount of loans to be made 150 per cent at this time, when the system may be said to have barely been started and set going. I fear we may get away from the purpose to care for the needs of the small farmer or tenant who is trying to become an independent home owner. Until his needs are supplied we can not risk the success of our efforts in his behalf to aid the owner of a farm worth $50,000. That is what a man would have in to order to obtain a loan of $25,000.

Mr. TILSON. Will the gentleman yield?

Mr. STEAGALL. Yes.

Mr. TILSON. Is it a fact that the total amount to be loaned is strictly limited so that an unlimited number of larger loans can not be made?

Mr. STEAGALL. I do not quite catch the gentleman's question.

Mr. TILSON. In other words, will the raising of the limit to larger loans take all the money that is available?

Mr. STEAGALL. I am coming to that. We provide that preference shall be given to applications for loans of $10,000 and under, which upon its face might seem to take care of the small borrower or the small farmer. But gentlemen who have kept informed of the progress and development of the farm-loan system and difficulties in the way in recent years and during the time following the decision of the Supreme Court in which the validity of the statute was involved, will remember that the demands of the system as it now exists far exceeded the ability of the banks to take care of their applications for loans. The validity of the act was sustained, I think, in February, 1921, and in May the first bond issue was sold to the extent of $40,000,000. At that time the banks had applications for loans aggregating a much larger amount. Later on they sold $75,000,000 of bonds, but at that time they had something like $150,000,000 of applications for loans. The representatives of the Farm Loan Board came before our committee, and stated to us when we were making efforts to put the system to going and to provide methods by which the banks might take care of the applications for loans—representatives of the Farm Loan Board insisted that they could not successfully arrange for the sale of bonds in amounts exceeding $75,000,000 quarterly.

That was one of the reasons the system was allowed to drag as it did for a year and a half after the decision of the Supreme Court—unable to take care of the applications for loans filed under the provisions of the existing law. Therefore I do not think the time has come—if, indeed, it ever will come—when it is wise to venture to increase to $25,000 the maximum amount of loans. It was frequently stated by those in position to advise that the bond market would not absorb a greater amount of bonds than was being issued. I know that since that time conditions have improved. I am not sure that these statements were entirely accurate at the time. I am sure that a much greater issue of bonds can be absorbed by the market now than has been. But it has only been a little while since the land banks had large accumulations of applications for loans that could not be supplied. It is a very recent thing that the banks have been able to meet demands on them. I am not prepared to say that if you open up this system to all the mortgage loans in the United States, which amount to some seven or eight billion dollars as I recollect, that we might not easily exhaust the demand for bonds and find ourselves unable to supply funds to take care of anybody's loan, whether large or small, and if we get into that condition, which I think entirely possible, the provision of the present bill that preference shall be given the small borrower will be of no value.

You can not take care of the big fellow nor the little fellow unless you have the funds. Let us not forget, too, that bankers all recognize that it is much more risky to loan a certain sum in a large amount to one borrower than to divide the same sum into a number of small loans to small borrowers. I can not see my way clear to undertake the burden involved and which I think will certainly follow change in the law raising the maximum loan to $25,000. For that reason, as a member of the Committee on Banking and Currency, I have reserved the right to oppose that part of this measure.

I think there is some misunderstanding regarding the other provisions of the bill. I know, or at least I am impressed with what I hear, that the provision which I oppose is probably the most popular provision of the bill, but in my judgment it embodies a dangerous and unwise change in the law. The next most important amendment, perhaps, is the one which authorizes loans to be made directly to borrowers through agents, and, to be frank, I hesitated at the beginning of the consideration of the bill to agree to that provision. I think, however, it has been safeguarded so as to take care of or remove many of the objections that have been urged against that change in the law. It seems to have been overlooked or misunderstood, and I want to call attention to what was done with that particular amendment. Gentlemen urge that borrowers, through associations, become liable in double the value of their stock in the farm-loan associations. That is true, and I recognize the advantage of it as it affects securities to be issued. An association represents only a small number of men, say 10 borrowers, and one man is therefore liable under the association system only to the extent of any loss that might be involved through the default of any one of the other 10 men. But in the plan for direct loans we have incorporated the following provision:

> Shareholders in a Federal land bank under this provision shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of such bank to the extent of the amount of stock owned by them at the par value thereof, in addition to the amount paid in and represented by their shares.

So that, instead of having an association of 10 men, or having a system by which one borrower is liable in double the amount of his stock for any default upon the part of 10 men, we make each man under the direct system liable for twice the value of his stock for the default of any of the borrowers in the whole land-bank district, so it will be seen that, instead of having destroyed all effort at association, the bill automatically forms an association among all of the direct borrowers and make each one liable to the extent of twice the value of his stock for the loan of every other direct borrower in every State, county, and section of his land-bank district.

Mr. JONES of Texas. Mr. Chairman, will the gentleman yield?

Mr. STEAGALL. Yes.

Mr. JONES of Texas. While the liability in each instance is the same, will not you by making that change lose the interest which each man of the local association takes in seeing that the other man's loan is properly safeguarded and well secured? In spreading it out over so great a territory, he will not be so much interested in his neighbor's loan.

Mr. STEAGALL. That is made up for by the fact that, instead of having a handful of men in one community responsible one for the other, you have the direct borrowers of the whole system each liable for the loans of every other in double the amount of his stock, and so far as protecting the bonds is concerned—and I admit that that is not the only consideration that enters into the matter—it is a bigger and stronger and better associaion than any farm-loan association ever organized.

Mr. STEVENSON. And you have in addition to that a reserve created out of the profits.

Mr. STEAGALL. Yes; you have that in addition to the double liability of each direct borrower on his stock.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. STEAGALL. Yes.

Mr. BANKHEAD. I would like to have my colleague's opinion of the criticism here that the effect of this amendment would be to destroy a number, if not all, of the local associations organized under existing law.

Mr. STEAGALL. I know that is the argument made against this provision of the bill, and I grant the gentleman that I think the tendency will be in many localities for men to secure their loans through agents by the direct method, and yet this amendment provides that the provision for loans through agents shall not go into effect where farm-loan associations have been formed and are functioning, and before an agent is authorized to make loans notice is given to the community that they may form associations if they see fit to do so. As a matter of fact, so far as I have observed or been able to ascertain, the association feature of the system has not worked so well as a great many people expected it would, and in many localities farmers are suffering for the accommodations provided by the land-bank system and they are not getting them under the present farm-loan association system.

Mr. HARDY of Texas. Is not the gentleman mistaken in saying that they must give notice to the community? That notice is to the land-bank association, where there is one, and if there is no association there they do not get any notice.

Mr. STEAGALL. The gentleman is entirely correct, but it amounts to notice to the community.

Mr. STEVENSON. And if there is no land association, then, under the law as it stands to-day, they can immediately appoint an agent.

Mr. HARDY of Texas. And the next thing will be that under this bill there will be no land association.

Mr. STEAGALL. If there is no association you would not be able to destroy it. That is surely the fact. You can not destroy associations where none exist.

Mr. HARDY of Texas. But if it liquidates you do destroy it, do you not?

Mr. STEAGALL. Yes. I do not say we destroy it, but it will be liquidated.

An important provision of the bill which I very much favor is the one which fixes a plan for selling the bonds of the land banks. This creates a bond committee and provides that all bonds of the various banks shall be sold as one, to be designated as land-bank bonds, instead of having each bank market its own bonds as provided in the original law. The new plan perfects the purpose to have each bank responsible for the bonds of every other bank. It puts farmers in association. It gives farmers in sections where money is scarce and interest high the same advantage in marketing their securities that are enjoyed by farmers in more fortunate sections. This is highly important and desirable.

The gentleman from Ohio [Mr. BEGG] was greatly in error about one of the provisions of this bill in reference to its enlarging the purpose for which loans may be made. I want to call attention to it. It is not of such great importance, but the only change this bill makes in the purpose for which loans may be made is to provide that loans may be authorized to take care of debts that accrued prior to January 1, 1922. We have attempted to liberalize the law at that point in order to take care of the men who suffered during the period when there was an unprecedented deflation in prices of farm products that brought so much trouble and destruction among the farmers of the country and in the financial and industrial life of the Nation, and that is the only change made at that point. The section referred to by Mr. BEGG is in the existing law, and there is no change except that to which I have just referred.

Mr. BOWLING. Will the gentleman kindly discuss the effect on the local associations of the provisions of the bill which provide for direct loans to the individual rather than through the association?

Mr. STEAGALL. Well, I have been talking about that, and my time is about out, and I have one other important thing which I desire to discuss. If I have time later, I will undertake to make further answer to the question of my colleague. I want to call attention to this, and it is an important part of the bill. Under the original law the system was to go into the hands of directors selected by the local farm-loan associations after the temporary organization, by which directors were to be selected by the Federal Farm Loan Board.

The Treasury subscribed for some bonds during the war, for reasons not necessary to outline now, and the law was amended so as to provide that during the time the Treasury holds any of those securities the control of the different banks shall continue in the hands of directors selected under the temporary plan by the Federal Farm Loan Board. This is the law to-day, and one purpose of this bill is to get away from that and put control back in the hands of the local associations, where it can stimulate the interest of those who are borrowing in the system and strengthen and promote the association feature of the plan, which all recognize as helpful and desirable. So we have provided in this bill that three of the directors shall be named by the Federal Farm Loan Board, three district local directors shall be selected by the farm-loan associations and direct borrowers, and they shall select three names to be submitted to the Federal board, one of whom must be selected by the Federal Farm Loan Board to constitute the seventh member, which puts four directors in the hands of the associations. The Farm Loan Board is compelled to accept one of the three men whose names are submitted by the farm-loan associations.

This goes far enough in granting control to the borrowers, who are to owe 20 times the amount of their stock in the land banks and whose chief interest is that of borrowers, and which in every way is only temporary. Their sole purpose in coming into the system is to borrow. But whether we look upon them as stockholders or borrowers, I can not accept the view that connection with the Government is destructive or undesirable. The one great purpose upon which success depends is that the system be in safe hands and be enabled to enjoy the confidence of the investing public. Upon this depends the sale of bonds from which must come the necessary funds to supply the demands for loans. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. McFADDEN. Mr. Chairman, I yield the balance of my time to the gentleman from Ohio [Mr. MORGAN].

Mr. MORGAN. Mr. Chairman and members of the committee, the American Farm Bureau Federation is in favor of this bill. Mr. Herbert Quick, associated with the American Farm Loan Board, was assigned to the duty of forming cooperative organizations. Mr. Herbert Quick is still associated with the Farm Loan Board, and has made some observations concerning this bill, and is in a position to speak with authority. I ask unanimous consent to extend my remarks in the RECORD by publishing the statement of Mr. Quick and a statement made by the American Farm Bureau Federation.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

The statements referred to are as follows:

AMERICAN FARM BUREAU FEDERATION,
Washington, D. C., January 15, 1923.

QUICK URGES FARM-LOAN AMENDMENTS.

"The man on the high-priced farm land is the man who is really under distress to-day. It is not because he is wealthy that he needs a larger loan limit in the Federal farm-loan associations; it is because of the price of his prime necessity, the land. The present loan limit of $10,000 on 250 acres of land, not counting the improvements, will finance a mortgage of 50 per cent on only 40 acres. That is not enough; and you must bear in mind the fact that if you raise it to $20,000 you can loan on no more land than you could in 1914 when you began agitating this system. In other words, you have increased your loan limit to correspond with the increasing price of land. That increasing price of land is not a healthful condition; I do not like it. And if you are going to serve the farmer you have got to give him greater loans than you are giving him now."

This is Herbert Quick's statement, ex-member of the Federal Farm Loan Board, in charge of the cooperative farm-loan associations, publicist and writer, when testifying before the House Banking and Currency Committee on the Norbeck-Strong bill, which amends the Federal farm loan act in several particulars. The most important feature of this bill, from the American Farm Bureau Federation's standpoint, at least, is the removal of the maximum loan limitation and making it possible for the cooperative farm-loan associations to lend upon the same basis as the joint-stock land banks, the amount of the loans to be regulated by the quality and size of the collateral offered.

NOT OPERATED FOR PROFIT BUT FOR SERVICE.

"The joint-stock land bank, the other banking system created under the same act as the cooperative farm-land banks, does not have to operate where it does not wish to," continued Mr. Quick. "It is operated for profit purely, and it enters a county or it stays out. Yet a great many men want loans over $10,000 who are not within the territory where the joint-stock land banks are operating but where cooperative land banks are.

"You say the joint-stock land banks are operating in every State. They are. So were the farm-mortgage bankers before the farm loan act was passed operating in every State, and yet there were great areas where there was no farm-mortgage credit available to the farmers.

BUILDING FOR SOLIDARITY.

"I perhaps had better give the committee the experience of a man who has been on the board as to why the interest rate has been kept up to where it is. In the first place, these banks started out owing the Government several million dollars. The Government put the money in it. So it was desirable to accumulate money and pay the Government off. Then our business started with the opinion of the investing world against it. It was regarded as a socialistic experiment in the minds of the most conservative and it was likewise regarded in the minds of the liberals as experimental.

"The result was that we felt that it was necessary for these banks to maintain a margin of at least 1 per cent between their bonds and their interest rate, in order that they might strengthen themselves. The banks are all getting very strong; they are among the strongest financial institutions in the country and their bonds are in excellent demand; the legality of the act has been supported by the Supreme Court of the United States and their interest rates are going down, unless interest rates generally go up. The interest rates are higher than they need to be at this time, and I notice that the members of the Farm Loan Board—and I apprehend that Secretary Mellon, who is ex officio a member, knows that—and the Federal land banks are going to do business on a closer margin between the interest rate and the bond rate in the future and the advantage will accrue entirely to the borrowing farmers, and I think the borrowing farmers, especially those who prefer to be in the Federal land banks, should be given the benefit of the higher loan limit.

STRENGTH THROUGH NUMBERS.

"The fact of the matter is that the leaders outside the farm-loan system in Iowa, while they grant a larger proportion of the value of the farm than the Federal land banks do, owing to the fact that the Federal Farm Loan Board refused, refused very wisely, to follow up the expansion of land values in Iowa. We made a rule that we would not loan over $100 an acre on any Iowa or Illinois farm. No matter if they might call it worth $400 an acre it was not worth more than $100 to us. That was the Federal land bank. I do not know what the rule is as to the joint-stock land bank.

"But that is not important where a man has 160 acres of land. The joint-stock land bank can loan $100 an acre on the whole 160 acres, while the Federal land bank would be confined to $10,000, no matter how large the farm is. The loans are not any better in the joint land bank, but they are large and they can more nearly meet the needs of the farmer.

"The advantage that the joint-stock land bank has practically over the Federal land bank is that when you get above a $10,000 loan limit the competition between the Federal land bank and the joint-stock land bank ceases, and the joint-stock land bank has the field to itself, except competition from the farm-mortgage bankers. The competition ceases and he has the field to himself. I do not think that is a good thing.

"I recently saw a statement in an agricultural bulletin which said that the Federal farm loan act had operated in the case of 5 per cent of the cases in putting farm tenants in as owners, and I think that is as much as you can expect. In the case of 1 in 20 it has had the effect of putting the farm tenant in the position of owner. I think that is creditable when you consider the small amount of rental value as compared with the interest cost to buy it."

In commenting upon the question which was raised as to whether the appointment of agents of the Federal farm land banks would take away the cooperative feature of the Federal farm loan act, Mr. Quick told the committee he did not believe 10 per cent of the associations

have ever had a meeting at a time when there was a quorum of stockholders present.

Mr. Quick said that the borrower's interest lapsed almost immediately upon getting a loan and there is very little to stimulate the interest of borrowers themselves. They are done when they have borrowed their money, and the loan is amortized in 33 years. Their interest rate is fixed and the borrower's investment in the association is limited to 5 per cent of the face of his loan. He is not interested in the amount of money he has invested in the cooperative organization, for it is put up as the last payment of his loan. He is not much interested in dividends.

If he has $3,000 loan he has $150 invested in stock. He is interested in the dividends on that stock but he is not interested very much, and the way he is interested is purely speculative.

"I am not moving in any aura of reports of European commissions and things that we thought about when the system was adopted. My testimony is based upon experience. The rule in the farm-loan associations is that they organize, they hold their meetings, and that they get the money, and when they do that they are done. They never have another meeting at which there is a quorum.

SYSTEM DIFFERS FROM EUROPE'S.

"Our system differs materially from that of Europe. In some of the systems in Europe the loans are made up to 60, 70, and 80 per cent of the value of the farm. And in some of them they have a personal liability which is unlimited. In other words, everybody's property is bound to pay everybody's debts.

"Under that kind of system you are sure to have such anxiety on the part of everybody in the association for the success of it that you can get real cooperation out of those people, because their whole fortunes are at stake. But in this country, where we loan only up to 50 per cent of the value of the land, plus 20 per cent of the permanent and insured improvements, the farmers are not particular about any personal liability. They take it that this measure was made for a very remote contingency. I have found there is not any such thing as cooperative interest in the organization of the system.

"My feeling after struggling with this cooperation in land mortgages for two years was that the whole cooperative feature fails, that what we have here is only a false appearance of cooperation growing purely out of personal interest of the secretary-treasurer, who is, after all, nothing more nor less than a loan agent and who has become the shell of an organization from which the cooperative meat escaped just as soon as they got their loans.

"The fact is, there are not any benefits in the farm-loan system that do not end when the farmer gets his loan. His interest is fixed, his investment is fixed, and the only uncertainty he has is the gobbling of his dividends, which do not amount to anything.

MUTUALITY BUT NOT COOPERATION.

"I think that the land mortgage credit, when it is made as conservatively as ours, so there is not the element of continuing personal risk to the farmer, is utterly hopeless as a cooperative arrangement. There can be a great element of mutuality in it, but it is a mutuality that dies with each particular loan, and the transactions are not numerous enough, they are not continuous enough, and the interest is not great enough to stimulate a man to leave his home after he has worked hard all day and attend a meeting when there is nothing to do and there is nothing particularly worth while to discuss.

"The great benefit of the farm-loan association was this: It put the Federal farm-loan system into every part of the United States. Prior to that time a great many localities in the United States were almost utterly without farm-loan credits. Nobody went into a district where the loans were not big enough to make the business pay. Of course, they would not go.

"We talk here about the solvency and about the value of the Federal farm-loan bond being increased by taking these big loans. That is entirely illusive. The loans that we made in the districts where they were the smallest are just as good as the loans made in districts where they were the largest.

"Strangely enough the investor has a tendency to pay more for a New England bond, which is fundamentally the poorest bond we have if it were not for the interdependence of the banks, than he does for an Iowa bond or for a Mississippi bond which is the best. Take the New Orleans Land Bank, for instance. The New Orleans Land Bank made a great volume of loans, some of them as low as $100; and after they had been running a year or two the loan average was not over $700 to $800. They were, too, poor farmers, and some of the localities were just poverty-stricken places. And yet that district is almost entirely without delinquents, almost always has been, and there were abstracts of title that I would not have examined for $100 that we made loans of $100 on.

"That business is hard to do with a profit, but it has had a tremendous public benefit. It extended the farm-loan business all over the country, even to New Mexico, where we made loans on a basis of 50 cents an acre. I think that the Omaha Land Bank is making loans in Wyoming district at an absolute loss, because the public interest and the spirit of the law demands that they go out there.

"The farm loan association did that. The farm loan association showed the world that these loans that the old mortgage companies would not make, because they were unsafe or unprofitable, are actually safe when they are made in great numbers, with due attention to insurance of titles.

AGENT STRENGTHENS SYSTEM.

"I can not get the thought that the agent sent out by the 12 land banks would result in any lessening of the security of the Federal farm loan bond. Under the agency system as provided for in the bill there would still be 5 per cent put up. The new borrowers under the agent in each Federal farm loan district would become a new class, practically on the same basis as if they all belonged to a great big farm-loan association. The idea that the Federal land bank has got to fail in order to make that available is to my mind a legal absurdity.

"The Federal land bank can resort to the stock when by reason of conditions it is needed to save itself from failure. But, after all, under a system that is organized as ours is, with only 50 per cent of the selling value of the farm and 20 per cent of its permanent insured improvements, such a resort to the stock is unlikely. On that basis we have gone through a war; we have gone through an era of drought and crop failures; we have gone through the wildest era of farm-land speculation which I have ever seen, and never yet has that demand on the ultimate borrower to sacrifice his 5 per cent been invoked so far as I know.

"Furthermore, through the agency system you would avoid the very thing that takes place in many places where a whole lot of dividends are soaked up in the local expenses of the association. In many associations we avoid that. On the whole, I think the agency system would operate more economically."

Mr. Quick also approved of the organization of a central bond-selling agency in the Federal farm-loan system.

AMERICAN FARM BUREAU FEDERATION,
Washington, D. C., February 1, 1923.

DEAR MR. CONGRESSMAN: The Norbeck-Strong bill, H. R. 14041, just reported out of the Banking and Currency Committee of the House, is in many ways an admirable bill and will be very helpful in a freer functioning of the Federal farm-loan system. However, the limitation of loans to $16,000, with certain provisions by which loans may be made above that to $25,000, is a mistake in both theory and practice.

The Federal farm loan act was passed to remedy the evils existing through the control of farm loans by farm-mortgage companies, which in most sections were imposing high rates and excessive commissions. On loans up to $10,000 the Federal farm loan act has cured these evils. On loans exceeding $10,000 the Federal farm loan act has not remedied the situation.

While it may be contended that the joint-stock land banks take care of this situation, this is not true; for the joint-stock land banks do not and will not operate in many ranching sections of the country, and in the best agricultural sections where they do operate the net cost to the farmer approximates 1 per cent more than if the loan were taken through the Federal farm-loan associations. The farmer is entitled to save this $250 per year on a $25,000 loan, ordinarily equivalent to the annual taxes on the land pledged.

From another standpoint this increase is justified inasmuch as the farmer is entitled to a universal system of agricultural finance through the Federal farm-loan system just as much as is commerce and business through the Federal reserve system. Every farmer operating his own farm is entitled to the benefits of the farm loan act. The system is adapted to long-term agricultural finance for all farmers. There is no reason why any farmer should be denied admission to the cooperative system.

The thought and argument that the little borrower is being protected by writing in a maximum loan is wrong, for the increase of the loan above $10,000 will be beneficial to the small as well as to the large farmer. The overhead cost of writing a loan of $25,000 is not more than the placing of a loan of $500. The profits of these larger loans will be reflected in higher dividends and the consequent lowering of rates for all farmers. While it has been contended by some that increasing the limit to $25,000 will make an increased demand for credit which will react against the small farmer, it is not true, because it must be borne in mind that these larger loans are being made and will continue to be made. They draw on the same pool of financial credit seeking safe long-term investments that the small loans draw on through the Federal farm loan system; and if these large loans are not within the system they are competitive buyers of this credit, and by this competitive bidding force the paying of high prices both within and without the system when both should be secured in a cooperative way.

It is unjust to discriminate against the farmers' cooperative system, the Federal land banks, in favor of the privately owned system, the joint stock land banks, or to force the farmer seeking a large loan to be exposed to the tender mercies of the old farm mortgage system.

If the little farmer and the big farmer are to be well served, this farm loan system must be recognized as the Government instrumentality for securing long-time investment capital for agriculture, and all borrowers, large or small, desiring this kind of money should be encouraged to borrow through the Federal farm loan system.

There is no scarcity of money for these purposes. Secretary Mellon, Governor Harding, Governor Strong, and other outstanding men in the financial world have all testified that it is only a question of proper credit instrumentalities and not a lack of money that makes for the farmers' difficulties. Every national farm organization has by resolution and by witnesses requested that the straight loan be not less than $25,000.

The increase of the loan limit will not add to the volume of tax-exempt securities, for the business otherwise will be written by joint-stock land banks enjoying tax-exempt bonds or by other institutions, such as mutual insurance companies, charitable and eleemosynary institutions, and others, whose securities are not subject to taxation and which should be buyers of the regularly issued bonds of the farm-loan system. The increase of the loan limit of the Federal land banks to the maximum enjoyed by the joint-stock land banks will benefit all farmers, large and small.

I wish to call to your attention, as well as to the attention of every other Member of Congress, that if the farmer is to be adequately financed and on the most economical basis, the $16,000 maximum loan now in the bill must be removed. With that remaining in the bill it will fail to serve as it should serve, and will not only continue to expose those desiring larger loans to the unconscionable commission and brokerage charges of the old-time farm-loan mortgage banker but will also result in weakening the farm-loan system itself and not allow it to develop and function with as low a rate of interest to the farmer as it might otherwise secure.

Yours very truly,

AMERICAN FARM BUREAU FEDERATION.
GRAY SILVER,
Washington Representative.

RAISE LOAN LIMIT TO $25,000.

In a strong appeal to raise the limit for Federal farm loans from $10,000 to $25,000 and not $16,000, Gray Silver, Washington representative of the American Farm Bureau Federation, addresses the following letter to every Senator and Congressman:

"The Norbeck-Strong Bill, H. R. 14041, just reported out of the Banking and Currency Committee of the House, is in many ways an admirable bill and will be very helpful in a freer functioning of the Federal farm-loan system. However, the limitation of loans to $16,000 with certain provisions by which loans may be made above that to $25,000 is a mistake in both theory and practice.

"The Federal farm loan act was passed to remedy the evils existing through the control of farm loans by farm-mortgage companies, which in most sections were imposing high rates and excessive commissions. On loans up to $10,000 the Federal farm loan act has cured these evils. On loans exceeding $10,000 the Federal farm loan act has not remedied the situation.

JOINT-STOCK BANKS LIMITED.

"While it may be contended that the joint-stock land banks take care of this situation, this is not true, for the joint-stock land banks do not and will not operate in many ranching sections of the country, and in the best agricultural sections where they do operate the net cost to the farmer approximates 1 per cent more than if the loan were taken through the Federal farm loan associations. The farmer is entitled to have this $250 per year on a $25,000 loan, ordinarily equivalent to the annual taxes on the land pledged.

"From another standpoint this increase is justified inasmuch as the farmer is entitled to a universal system of agricultural finance through the Federal farm-loan system just as much as is commerce and business through the Federal reserve system. Every farmer operating his own farm is entitled to the benefits of the farm loan act. The system is adapted to long-term agricultural finance for all farmers. There is no reason why any farmer should be denied admission to the cooperative system.

FAIR TO ALL.

"The thought and argument that the little borrower is being protected by writing in a maximum loan is wrong, for the increase of the loan above $10,000 will be beneficial to the small as well as to the large farmer. The overhead cost of writing a loan of $25,000 is not more than the placing of a loan of $500. The profits of these larger loans will be reflected in higher dividends and the consequent lowering of rates for all farmers. While it has been contended by some that increasing the limit to $25,000 will make an increased demand for credit which will react against the small farmer, it is not true, because it must be borne in mind that these larger loans are being made and will continue to be made. They draw on the same pool of financial credit seeking safe long-term investments that the small loans draw on through the Federal farm-loan system; and if these large loans are not within the system they are competitive buyers of this credit and by this competitive bidding force the paying of high prices both within and without the system, when both should be secured in a cooperative way.

"It is unjust to discriminate against the farmers' cooperative system, the Federal land banks, in favor of the privately owned system, the joint-stock land banks, or to force the farmer seeking a large loan to be exposed to the tender mercies of the old farm-mortgage system.

"If the little farmer and the big farmer are to be well served, this farm-loan system must be recognized as the Government instrumentality for securing long-time investment capital for agriculture, and all borrowers, large or small, desiring this kind of money should be encouraged to borrow through the Federal farm-loan system.

"There is no scarcity of money for these purposes. Secretary Mellon, Governor Harding, Governor Strong, and other outstanding men in the financial world have all testified that it is only a question of proper credit instrumentalities and not a lack of money that makes for the farmers' difficulties. Every national farm organization has by resolution and by witnesses requested that the straight loan be not less than $25,000.

"The increase of the loan limit will not add to the volume of tax-exempt securities, for the business otherwise will be written by joint-stock land banks enjoying tax-exempt bonds or by other institutions, such as mutual insurance companies, charitable and eleemosynary institutions, and others, whose securities are not subject to taxation, and which should be buyers of the regularly issued bonds of the farm-loan system. The increase of the loan limit of the Federal land banks to the maximum enjoyed by the joint-stock land banks will benefit all farmers, large and small.

"I wish to call to your attention as well as to the attention of every other Member of Congress that if the farmer is to be adequately financed, and on the most economical basis, the $16,000 maximum loan now in the bill must be removed. With that remaining in the bill it will fail to serve as it should serve and will not only continue to expose those desiring larger loans to the unconscionable commission and brokerage charges of the old-time farm-loan mortgage banker, but will also result in weakening the farm-loan system itself and not allow it to develop and function with as low a rate of interest to the farmer as it might otherwise secure."

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FARM BUREAU ARGUES TO REMOVE $10,000 LIMIT.

Gray Silver, Washington representative of the American Farm Bureau Federation urged the House Banking and Currency Committee to report out the Norbeck-Strong bill, which provides for an increase in the amount of money which may be loaned to individuals by the cooperative farm-loan associations. Mr. Silver stated that the time for renewing mortgage obligations is not far off and that a failure to report the bill will necessitate the renewal of mortgages at high rates and probably the payments of commissions. Answering the claim made by some members of the committee that the Federal farm-loan system was created to help the "small" farmer or to assist the landless man to secure a small farm, Mr. Silver declared there were two schools of thought on this subject, and that the present limitation of $10,000 was a compromise when the bill was originally passed.

One school of thought claims that the farmer is a yokel and has an unhappy lot; that he must live in his misery because he has chosen farming as his business. The other school of thought maintains that the farmer is a business man; that agriculture is a calling and that farmers wish to raise their family on the farm and continue in the farming business. That is what the American Farm Bureau Federation has in mind when it requests that the loan limit of $10,000 be removed and that the limit of the loan should be determined by the size and quality of collateral offered.

Mr. Silver maintained that the economic farm unit used to be 160 acres, but with the changing conditions this unit now varies widely in different parts of the country. "There are hundreds of thousands of farms in the United States which are valued at more than $20,000. Among the States which have large numbers of such farms are California, with 23,000; Idaho, 10,000; Indiana, 27,000; Illinois, 141,000; Iowa, 152,000; Kansas, 53,000; Kentucky, 10,000; Minnesota, 58,000; Missouri, 25,000; Nebraska, 41,000; New York, 10,000; North Carolina, 22,000; North Dakota, 24,000; South Dakota, 44,000; Texas, 23,000; Washington, 12,000; Wisconsin, 30,000. Every State in the Nation has a large number of farmers operating units valued at more than $20,000.

"The removal of the loan limit would put the cooperative farm land banks on the same working basis as the joint-stock land banks, thus giving them the chance to function on an equality. This should be done so that the farmers who wish to obtain their money cheaply through the cooperatives may do so.

"It will require no more money to finance agriculture through this system than through any other, and therefore it is only a question of whether Congress will see fit to make it possible for the Federal farm-loan system to function the way in which the farmers believe it should. It is not financing agricultural production when you limit loans to $10,000.

"Unless agriculture is financed through this system it will continue to have to refloat its mortgage indebtedness every three to five years, pay high interest rates and commission. It does not help anybody to limit the size of loan made by the cooperative farm-loan associations."

NEW PROVISIONS UP.

Mr. Silver also approved of the other provisions of the bill which make it possible for the 12 farm-loan banks to appoint agents who can make loans under the same provisions as the local cooperatives. When 10 of these loans have been made in a locality the individuals may join in forming a cooperative farm-loan association. It also provides for the lending of money to farmers to pay off debts which do not represent money owed on farm land. It also authorizes the appointment of boards of directors of the 12 farm land banks which will consist of three members elected by the local cooperative associations, three by the National Farm Loan Board, and the seventh by the other six members.

The CHAIRMAN. The time of the gentleman from Ohio has expired; all time has expired; and the Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the eighth paragraph of section 3 of the act of Congress approved July 17, 1916, known as the Federal farm loan act, be amended to read as follows:

"The salaries and expenses of the Federal Farm Loan Board and farm-loan registrars and examiners authorized under this section shall, after June 30, 1923, be paid by the Federal and joint-stock land banks in proportion to their gross assets, as follows:

"The Farm Loan Board shall, prior to June 30, 1923, and each six months thereafter, estimate the expenses and salaries of the Federal Farm Loan Board, its officers and employees, farm-loan registrars, deputy registrars, the examiners and reviewing appraisers, and apportion the same amongst the Federal and joint-stock land banks in proportion to their gross assets at the time of such apportionment and make an assessment upon each of such banks pursuant to such apportionment, payable on the 1st of July or January next ensuing. The funds collected pursuant to such assessments shall be deposited with the Treasurer of the United States to be disbursed in payment of such salaries and expenses on appropriations duly made by Congress for such purpose.

"If any deficiency shall occur in such fund during the half-year period for which it was estimated, the Farm Loan Board shall have authority to make immediate assessment covering such deficiency against the Federal and joint-stock land banks upon the same basis as the original assessment. If at the end of the six months' period there shall remain a surplus in such fund, it shall be deducted from the estimated expenses of the next ensuing six months' period when assessment is made for such period. Land bank appraisers shall receive such compensation as the Federal Farm Loan Board shall fix and shall be paid by the Federal land banks and the joint-stock land banks which they serve in such proportion and in such manner as the Federal Farm Loan Board shall order."

Mr. TOWNER. Mr. Chairman, I move to strike out the last word. I ask unanimous consent to proceed for 10 minutes and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to proceed for 10 minutes and extend his remarks in the RECORD. Is there objection?

Mr. McFADDEN. Mr. Chairman, I do not want to object to this, but the time is quite late and we are anxious to finish this bill this afternoon, and I hope gentlemen will bear in mind that I will be forced to take some action to close debate on different sections in order to get through to-night.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. STEAGALL. Just a moment. I hope the gentleman will not insist on finishing to-night. It is now 25 minutes after 4 o'clock.

Mr. McFADDEN. I will say to the gentleman this is legislation, I believe, men are interested in, and it is now getting toward the close of the session——

Mr. BEGG. Mr. Chairman, I make the point of order there is no quorum present. This is a big proposition, and I think we ought to have the fellows here. It is Saturday night and——

The CHAIRMAN. The gentleman from Ohio makes the point of order there is no quorum present. The Chair will count. [After counting.] One hundred and fourteen gentlemen are present, a quorum.

Mr. TOWNER. Mr. Chairman, about a year ago I introduced a bill to increase the limit of farm loans from $10,000 to $25,000. I would have been glad indeed if that could have been considered alone on its merits. However, there has grown up, as was inevitable, conditions in the administration of the Federal farm loan act that in the judgment of the board should be remedied. This bill is the result of the consideration of these separate propositions. I want to ask the gentlemen of the committee to remember that the recommendations of the Federal Farm Loan Board are entitled to respectful consideration.

The Farm Loan Board has administered the act with most admirable discretion and care. It has been successful; it has acomplished great work. I think we should hesitate about condemning unreservedly, as some gentlemen do, the recommendations of the board. I wish further to say I think that gentlemen who have not given this subject particular attention and

study and perhaps are not particularly interested in the matter ought not to object to the action of the Committee on Banking and Currency, which has given this legislation a most careful consideration. They have heard people both for and against the legislation who were entirely qualified to enlighten the committee. They have considered very carefully the objections that have been made against this bill. I presume there is no objection that has been urged here but was considered by the committee. It seems to me that gentlemen who are now condemning so unqualifiedly the provisions of this bill should remember that those who have given this legislation careful consideration have given it their unqualified approval.

I want briefly to call attention to some of these provisions that have been so seriously contested. Of course, no gentleman here has been heard to complain of the first provision of the bill. If these land banks can carry the entire expense without calling upon the Government for a single dollar, certainly no one should object to that. But gentlemen declare they are against certain other provisions of the bill. In a sense and to a considerable degree these various provisions are separable and stand upon their own merits. Gentlemen, I think, should hestitate to condemn the whole bill because they do not approve some particuar section of it.

I want to call attention to section 2, which provides for the selection of the directors of the farm-loan banks, which has been very seriously criticized. No good reason for such criticism has been stated. The change recommended by the Farm Loan Board has been caused by no effort on their part to obtain greater power for the land banks than they now have, but it has been because of the fact that under the composition and arrangement as it now exists there has been a sad lack of efficiency and interest taken by the various associations of borrowers, which they hope may be cured by this new recommendation. It seems to me the recommendation is justifiable. The change suggested appears materially better, and, as long as the proposed arrangement leaves with the association members the right of control of the board of directors, there ought not to be any serious objection with regard to that provision.

I want now to call attention to the storm center of objection to this legislation, and that is the provision that has been made by which agents can be appointed and individual borrowers can present their applications for consideration to the Federal land banks. It occurs to me, gentlemen, that there must have been, in the minds of most of those who have spoken, serious misapprehension regarding the terms of this provision. Let me call your attention to them on page 10, at the beginning of Section 15.

When are these agents to be appointed? Not under all circumstances; not under any circumstances, except those that are provided here:

SEC. 15. That whenever it shall appear to the Federal Farm Loan Board that national farm-loan associations have not been formed.

Now ought we, I ask it in all seriousness, to prevent a man who desires to take advantage of the terms, the rate of interest, and the provisions for amortization that are carried in these Federal farm loans to be prevented from securing them unless he can associate with himself 10 men for that purpose? When thus presented he ought to have a chance to submit his individual application and have it acted upon. It seems to me that is a reasonable proposition. And besides this the provision reads, "or the local farm-loan association fails, neglects, or refuses to serve properly the needs of its territory in any locality."

Perhaps there will not be many cases of that character. But we know that there are such cases, and in such cases where the local association forms itself into a close corporation and refuses to accept applications from anyone outside, certainly there ought to be some method provided by which these applications can be made and considered by the Federal land banks.

Mr. BOWLING. Mr. Chairman, will the gentleman yield for a short question?

Mr. TOWNER. I beg the gentleman's pardon. I can not yield to him because then I shall have to yield to somebody else.

The CHAIRMAN. The gentleman declines to yield.

Mr. TOWNER. There can be no objection, it seems to me, that when these associations do not serve the borrowing public, those subject to these conditions and circumstances should have the advantage of the Federal farm loan proposition. I see no reason why that should not be granted. I have heard all, I think, of the very strenuous objections that have been urged to this proposed change, and I really can not see that there is any real ground for those objections.

It does not mean the destruction of these associations already formed. It does not prevent the organization of new associations that may be formed. Gentlemen seem to think that this means the destruction of those already in existence, and seem to think that there will be no more associations formed. I see no reason to believe that; I see no reason to believe that the fulfillment of their prediction will necessarily follow. We ought to consider this as a practical proposition. It is so. The Farm Loan Board does not desire to destroy this system. They have no interest to do so. They want it to hold its place in the affections of the people of the country. They want it to continue to serve the admirable purpose that called it into existence, and which has so fully justified its being called into existence. They do not believe that any of these destructive consequences will follow, and I believe we are abundantly justified in joining with them in the belief that they will not follow.

Now, I want to pay attention in the remainder of my time to the consideration of the extension of the limit of these farm loans. Gentlemen say that this was a proposition originally created for the benefit of the small farmer, for the poor farmer. It is still so. This does not change the situation. In fact, the language of the act itself says that preference shall be given to the smaller loans, to the poorer farmers. But is that any reason why those having farms of larger size and value should be deprived of the lower rate of interest, of the better terms, and especially of the amortization feature which is vital to these loans?

In Iowa the average farm is 160 acres. The average value of farm lands in Iowa is over $200 per acre. This makes the average value of farms $32,000. A loan of $10,000, the present limit, is less than one-third the value of our average farm. The census gives the average value of farms in Iowa as $38,941. A loan of $10,000 is little more than one-fourth this valuation. The census valuation of farms in South Dakota is $37,000, in Nebraska it is $33,000. A loan of $10,000 on these farms and, indeed, on any average farm in the Middle West is inadequate.

Gentlemen seem to think that the proposition is to make initial loans on these farms, and large loans should not be encouraged. That is not the case. The loans in most cases are there already. They are in many cases 40 or 50 per cent of the value. They are in many cases carrying 7 per cent interest, and in many cases a commission of 1 per cent is charged for each renewal. To give these farmers the present system will mean a reduction of the interest rate to 5 per cent. A still greater benefit is the amortization feature, by which, with a small addition to the interest charges, the loan and mortgage will be extinguished at the expiration of the loan period. This system also relieves the borrower from making frequent renewals, with additional charges each time. The privilege is also given to pay larger payments, or to pay off the loan entirely at any interest pay day.

Gentlemen also seem to think that if the average farm value is $32,000, an increase to $16,000, or 50 per cent of that amount, will be sufficient increase. It should be remembered that if $32,000 is the average, that there is as much above $32,000 as there is below that amount, and that it certainly is from a productive standpoint as important to help the large producer as it is the small producer.

The full development of the Federal farm-loan system requires an extension of the limit to $25,000. That will help large and small alike. The chief benefit of the system will be found ultimately in the method used and the help and hope held out to all the farmers that they can under its provisions work out of burden of mortgage indebtedness and be able to carry a surplus to more comfort, more independence, and a full share of the full joy in life, which should be America's boon to her children.

Mr. WINGO. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. WINGO. Mr. Chairman, the Federal farm-loan system has been of incalculable benefit to the American farmer, in spite of the handicaps under which it was established and through which it has struggled since its establishment. It had not only the unstable conditions produced by the war to contend with, but it had the long fight through the courts on the constitutionality of the act, which held up for over 12 months its functioning as a system.

At the time that we enacted the Federal farm loan act there were a great many communities in the United States, especially in the South and West, where farmers who wished loans of

less than $10,000, notwithstanding the fact that their credit which they wished to market was a sound and safe credit, had absolutely no market for that credit upon terms that were reasonable and under which they could exist and thrive as farmers. The interest charge ranged all the way from 8 to 17 per cent upon those small loans in the territory to which I have referred. But since we established this system and it has commenced to work, in spite of the handicaps to which I have referred, it has gone forward and has served a large number of the American farmers. But the benefits that have flowed from that act have not been confined alone to those who got loans under the system. I talked to-day to one Member of Congress who before the Federal farm loan act commenced operating in his State *got a loan* on his farm, and by reason of the choice character of his farm and of his financial standing he was able to get it at what was regarded as a low rate of interest, namely, 8 per cent. He got it from a well-known insurance company that was making farm loans in the Southwest.

His neighbors were paying 10 per cent on small loans, and in addition to that were paying unconscionable commissions to agents. A few days ago that man was able to get a loan from the same company on the same farm at 5 per cent, paying the local agent a flat 1 per cent commission in the beginning for getting the loan. So that gentleman, notwithstanding the fact that he had not gotten into the system and is not eligible for a loan under it, yet has gotten the benefit of the farm loan law.

Gentlemen, I could cite case after case and farmer after farmer who have been benefited in that regard.

But, gentlemen, in spite of what may have been the ideas that we had when we established the system, we find that in some localities, by reason of certain defects in the administrative machinery, there are some men who are not getting the benefit of the farm loan law, and they are the ones for whom the act was originally enacted. I think members of the committee will bear me out in the statement that during the long consideration of this bill and of other bills of a similar character there has been one controlling thing that has stood outstanding in every fight and contention I made, and that was that the Federal land bank, as distinguished from the joint-stock land bank, was a cooperative loan system which we *sought to give to* the American farmer, and that every effort should be made and every opportunity be given to the American farmer to make a success of that cooperative movement. Now, we find that in some communities they were unable to organize a local loan association. Of course, under the system the banks can use a direct agent and make direct loans now. We found in other communities in some instances after the requisite number of farmers had gotten together and procured their loans and organized the local association, they deliberately refused to let any of their neighbors come in and join the association, for different reasons. Some were that the little original group had gotten together, they had gotten their loans, they were satisfied, they had no further interest, and they did not care to bring in their neighbors because of the double stock liability which they have to the local association by reason of the law.

We found in other cases that members of a church got together and organized a local association, and they would not permit anybody who belonged to any other church or had any other religion to come in. Of course, that condition called for relief.

What was the next thing that was directed to my attention that called for relief? During the long struggle that we had had to preserve the system, because of the exigencies of the war and the suits pending in the Supreme Court, Congress was compelled to make provision for the Treasury of the United States to purchase a certain amount of these bonds, and in order to get the Treasury officials and Members of Congress themselves in sufficient numbers to agree to that proposal, which was denounced by many upon this floor, those of us who were fighting for that relief had to agree to a provision that so long as the Treasury held any of these bonds the temporary organization should continue. I am one of those who have been extremely anxious to bring around the day when the stockholders of the system should, under a permanent organization, have charge of their own banks. So when we came to the consideration of the bill that was originally proposed we were faced with a reorganization scheme that met with the approval of but very few members of the committee. Candidly I stated then, as I have repeated since, that the original bill was so obnoxious to me in practically every material feature that I could not support it at all. But I did not care to be in the attitude of being a mere obstructionist, sitting down and objecting to what the other man proposed, but as a friend of the system, as one who was anxious to bring about a permanent organization, as one who was anxious to see that every farmer whose loan was eligible should receive the benefit of the act, I felt that it was my duty to take a constructive course and to say to the gentleman from Kansas [Mr. STRONG] and those who favored the original bill: "While I can not approve of your bill, I am willing to join with you in rewriting it to meet the objectionable features, if we can get together on it." What was the proposition?

If we had killed that bill, if we kill this bill to-day, gentlemen, there can be no permanent organization, and the stockholders will not be permitted even to elect three directors, much less four, as provided by this bill; but the present Secretary of the Treasury says, and he is right about it under the law, that unless Congress changes the law and tells him to the contrary he will hold some of those bonds so that the Federal Farm Loan Board can control these banks under the temporary organization. So if you get any relief to enable the local associations to set up a permanent organization and elect directors and handle their own banks you have got to pass some kind of a law. So I have stated that with the innumerable changes that might be made, with the great many objections that I have, if there is another change on which I have assurance of enough gentlemen to absolutely do what I had in mind, I then shall feel impelled to vote for the bill, in spite of the objectionable features, on the theory that the good will outweigh the bad.

Now, let us see. The original bill was sent out to the local associations of the United States. Naturally a great many voiced the same indignation and the same objections that other members of the committee offered to the original bill. I think some gentlemen on both sides of the aisle who have received these protests will recall this, that there is a strong probability that the associations and farmers who have sent the protests here are opposing it on the original bill, which is not now before the House, but which the committee discarded and rewrote in the subcommittee and then rewrote it in the full committee.

Now, take up the question of permanent organization. The original Strong bill provided for the control by the Farm Loan Board of the majority of the directors.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. WINGO. I would like five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. WINGO. The board would control two-thirds of the directors. I did not think that was fair; it was contrary to the original spirit; it failed to protect the law under which men had subscribed to the stock and got their loans. So we worked out a compromise proposition.

I confess, gentlemen, that I would write a different one, but that is the best we could get and get anything. What is that compromise proposition? It is that the local associations shall elect three directors, the Farm Loan Board shall elect three, and then the seventh director shall be selected by whom? It is true he shall be selected by the board, but the board is compelled to take a man that has been nominated by the local farm-loan associations. How? By compelling them to take one of the three who have received the highest vote on nomination by the associations. Can you conceive any other method by which you could break that deadlock? We proposed different schemes, we talked about different ones, and I myself would have preferred a different proposition, but this is the best proposition that we could get.

It means if this bill should become a law that the local associations throughout the United States can get out from under the present temporary organization where the directors are elected entirely by the Farm Loan Board and will have the right to elect three directors and nominate a man selected for the fourth and thereby give them the balance of power. I think we had better take that provision in the bill as the best we can get.

Here is the next proposition. I objected to the original bill because I felt that the inevitable operations would result in compulsory liquidation of the associations and have the loans made directly by direct agents without responsibility. So the committee set about trying to adopt an amendment that would protect the independence of the local associations. So we adopted a provision, now in the bill, which provides for direct loans when under the existing law they can make direct loans. Where there is a local association we provide that they shall not make direct loans, or where the farmers could get together and organize a cooperative association, unless the board found that the local association had failed, neglected, or refused to function and take care of their neighbors. Gentle-

men, does not that protect the local association? I know of farmers who have been refused admission to local associations because their neighbors shut them out. Do you think the farmers ought to be denied the benefits of this act? I do not think they should, and where an association refuses to function do you not think that we ought to take care of the fellow that is shut out?

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.

Mr. WINGO. I ask for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McFADDEN. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close at the close of the remarks of the gentleman from Arkansas.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that at the close of the three minutes granted to the gentleman from Arkansas all debate shall close on this section and amendments thereto. Is there objection?

Mr. RAKER. Reserving the right to object, there are only a few who have made remarks during the 30 minutes, and they have been members of the committee. I would like five minutes myself.

Mr. MONDELL. The gentleman can talk on the next section.

Mr. RAKER. But when we come to the next one the Chairman will recognize some member of the committee.

Mr. WINGO. Oh, the gentleman is not fair. We recognize men outside of the committee.

Mr. McFADDEN. We are trying to get through with this bill to-night.

Mr. BEGG. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Ohio objects. Is there objection to the request of the gentleman from Arkansas that he be permitted to proceed for three minutes?

There was no objection.

Mr. WINGO. In addition to that, Mr. Chairman, what do we do? Those of us who are trying to protect the independence of the local associations not only forced that amendment, but over on page 11, if gentlemen will turn to it, they will find another provision in the last paragraph on that page which simply says that as the Farm Loan Board has put a direct agent in the territory of a local association because it has failed, neglected, or refused to serve, if, afterwards that association, after it has gotten notice of that fact, will get together and adopt a resolution expressing their willingness to function and take care of their neighbors, then the Federal farm-loan bank shall be prohibited from making any more loans in that territory through the direct agent. Do not those two provisions protect as nearly as you can the independence of the local association? Not only that, but we forced another provision at the bottom of page 10, wherein we put a further burden upon the man who borrows through a direct loan. We withhold his dividends to set up a reserve to meet delinquent payments, and we provide a double stock liability upon the man who borrows independently through a direct agent that is comparable and equal to the double liability of a man who borrows through the local association. If you are not satisfied with that, when we reach those provisions, as one who is anxious to protect the local association, as one who is fighting for the cooperative association, then if you have another suggestion in the form of an amendment that will make it better, I am willing to join and help to improve the bill, but as one trying to preserve these local associations when they are tied up as they are now under the present statute, I am not willing to sit down and object to everything that is offered and not try to do something that will relieve the situation.

Mr. McFADDEN. Mr. Chairman, I move that all debate upon this section and all amendments thereto do now close.

Mr. ANDERSON. Mr. Chairman, I move as an amendment to that that all debate upon the section and all amendments thereto close in 10 minutes.

The CHAIRMAN. The question is on the amendment of the gentleman from Minnesota to the motion of the gentleman from Pennsylvania.

The amendment was agreed to.

The CHAIRMAN. The question now is on the motion of the gentleman from Pennsylvania, as amended.

The motion was agreed to.

Mr. ANDERSON. Mr. Chairman, on the 15th of October, 1921, the Joint Commission of Agricultural Inquiry made a report upon the general subject of credits, with special reference to agricultural credits. As a part of that report it recommended the passage of a bill dealing with intermediate farm credits for production and marketing purposes. Subsequently the Senator from Wisconsin [Mr. LENROOT] and myself, in January, 1921, introduced a bill carrying out the commission's recommendations. Immediately thereafter the agricultural conference, called by the President and the Secretary of Agriculture, recommended the passage of a bill for intermediate farm credits substantially in the form proposed by Senator LENROOT and myself.

Last summer the chairman of the Committee on Banking and Currency, to which committee the bill was referred, granted me a hearing on the bill, which lasted for two days. Nothing, however, resulted from that hearing. Later on, at the beginning of the extra session, the President of the United States recommended to Congress the adoption of legislation providing for intermediate farm credits.

Hearings were had by the Senate committee. The bill was approved by the Secretary of Agriculture and the Secretary of Commerce. It passed the Senate by a unanimous vote. It came to the House Committee on Banking and Currency about the 1st of February. No action has been had upon it. I rise at this time simply to challenge the attention of this House, and especially the Members on the Republican side of the House, to the fact that intermediate credit legislation, which has the administration behind it, which has been unanimously passed by the Senate, is likely to fail because apparently the Committee on Banking and Currency is unwilling to consider it. It seems to have disappeared in a fog, out of which it is impossible to extricate it. We are now within two weeks of the end of this session. The administration and those who speak for it have promised the farmers of this country that before the end of this session there would be legislation on intermediate farm credits.

Mr. LONDON. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Not yet. I think that the country ought to know and that this House ought to know where the responsibility for failure to pass farm legislation lies, if farm legislation is not passed. I do not criticize the members of the Committee on Banking and Currency on the Democratic side of the House; they do not have responsibility. I am informed that they are quite willing to cooperate. I challenge the members of that committee on the Republican side of the House, who are responsible for carrying out the program of the administration which is in power, to the fact that unless immediate action is taken, unless this bill can be brought out on the floor and considered, there will be no fulfillment of the promise which we have made to the farmers of America and to the American people with reference to intermediate farm credits at this session of Congress. That is all I have to say.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. CRAMTON. I simply want to say to the gentleman that there are many Members of the House who join with the gentleman from Minnesota in this feeling that he has expressed, and that the matter of farm credits is of sufficient importance to justify its consideration by this House. I think it will be a distinct disappointment to many on this side if the Committee on Banking and Currency fails to send out those important measures and give opportunity for the House to consider them.

Mr. ANDERSON. Of course, it might be said that the committee was waiting for the Senate to act, but it was not necessary for it to do that. This bill has been before the committee for more than a year and there has been ample opportunity during that period for the committee to give any consideration to the bill which it thought necessary, but it did not seem to be disposed to take action on it for some reason or other. I do not know what the reason is, but it seems to me that we who have the responsibility for the carrying out of the Republican program in this Congress should find some way by which some legislation fulfilling the promise which the President of the United States has made to the American people and the American farmer can be carried out.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. ANDERSON. I will yield to the gentleman.

Mr. MOORE of Virginia. I am in full sympathy with the gentleman, and I desire to ask him when was the Senate bill referred to this committee and what action it has taken since?

Mr. ANDERSON. It was referred on the 1st of February, perhaps on the 3d, and no action has been taken as far as I am aware.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, the gentleman from Minnesota [Mr. ANDERSON] expressed great interest in the farm credit bills before the Banking and Currency Committee. I am as much interested in those measures as he can possibly be, and I am as anxious that the House shall have an opportunity to

pass on the question of farm credits at this session as he can be. It is a most unfortunate thing that in another body that undertook the task of working out the question of farm credits gentlemen were not able to agree among themselves and present to us in one measure a bill that would care and provide for those important interests. I am not disposed to be captious in criticism, and I suppose under the rules it is not proper for me to criticize at all, but I do believe that had this House assumed the initial responsibility for that work the question of farm credits would have been disposed of in one measure. [Applause.] And that would have been sent to the Senate——

Mr. CRAMTON. Will the gentleman yield?

Mr. MONDELL. I have only five minutes. If I had a little more time I would be glad to yield to the gentleman.

Mr. CRAMTON. For a brief question?

Mr. MONDELL. We would not, in my opinion, have passed two bills covering largely the same ground treating to a very considerable extent the same subject through different methods. But let me suggest to gentlemen the Committee on Banking and Currency is at work and is working diligently on those measures, and I have every confidence that in due time they will report. I think that committee is entitled to time to give fair consideration to those measures, and I am sure they will work diligently on the bills and that report will be made to the House. In the meantime our duty is to pass on the bill now before us. That is a measure which the Committee on Banking and Currency has had before it for a long time, long before either of the Senate bills came to the committee. The committee has presented it as their perfected work, touching the land banks and the land-bank system. When we established the land-bank system we did an unusual thing. We gave those organizing what are known as joint-stock banks the privilege of issuing securities the income from which is free from income taxes.

The CHAIRMAN. The time of the gentleman has expired; all time has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent that I may proceed for two minutes.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to proceed for two minutes. Is there objection?

Mr. ANDERSON. Mr. Chairman, in view of the gentleman's opposition a few moments ago I think I shall have to object.

The CHAIRMAN. The gentleman from Minnesota objects; all time has expired, and the Clerk will read.

The Clerk read as follows:

SEC. 2. That the seventh subdivision of section 4 of said act be amended to read as follows:

"Seventh. To exercise, by its board of directors or duly authorized officers or agents, subject to law, all such incidental powers as shall be necessary to carry on the business herein described.

"After the subscriptions to stock in any Federal land bank by national farm-loan associations, hereinafter authorized, shall have reached the sum of $100,000 the officers and directors of said land bank shall be chosen as herein provided and shall, upon becoming duly qualified, take over the management of said land bank from the temporary officers selected under this section.

"The board of directors of every Federal land bank shall be selected as hereinafter specified and shall consist of seven members. Three of said directors shall be known as local directors and shall be chosen by and be representative of national farm-loan associations and borrowers through agencies; three shall be known as district directors and shall be appointed by the Federal Farm Loan Board and represent the public interest. The term of office of local and district directors shall be three years.

"Within 30 days from the approval of this act and thereafter, at least two months before each election, the Federal Farm Loan Board shall divide each land-bank district into three divisions, as nearly equal as possible according to number of borrowers and the voting strength of national farm-loan associations and borrowers through agencies, and the farm-loan commissioner shall thereupon notify each association and agency in writing that an election is to be held for one local director from each of said divisions and requesting each association and agency to nominate one candidate for each division. Within 10 days of receipt of such notice each national farm-loan association and borrower through agencies shall forward nominations of residents of their respective divisions for one director for such division to said farm-loan commissioner. The farm-loan commissioner shall then prepare a list of candidates for local directors, consisting of the 10 persons receiving the highest number of votes from national farm-loan associations and borrowers through agencies for each division.

"At least one month before said election the farm-loan commissioner shall mail to each national farm-loan association and to each borrower through agencies the list of candidates for their respective divisions. The directors of each national farm-loan association shall cast the vote of said association for one of the candidates on said list and shall forward said vote to the said farm-loan commissioner within 10 days after said list of candidates is received. In voting under this section each association shall be entitled to cast a number of votes equal to the total voting strength of the stockholders in association meetings, and each borrower through agencies shall be entitled to cast one vote for each share of stock held by him in the Federal land bank not exceeding 20 shares, and shall forward said vote to the said farm-loan commission within 10 days after said list of candidates is received. The candidate receiving the highest number of votes in his division shall be declared elected as local director of the Federal land bank district from his division. In case of a tie, the farm-loan commissioner shall determine the choice. The nominations from which the list of candidates is prepared, and the votes of the respective associations and borrowers through agencies for such candidates, as counted, shall be tabulated and preserved, subject to examination by any candidate, for at least one year after the result of the election is announced.

"The Federal Farm Loan Board shall designate one of the district directors to serve until December 31, 1924, one to serve till December 31, 1925, and one to serve till December 31, 1926. After their first appointment each district director shall be appointed for a term of three years. At the first regular meeting of the board of directors of each Federal land bank the local directors shall designate one of their members to serve till December 31, 1924, one to serve till December 31, 1925, and one to serve till December 31, 1926. Thereafter each local director shall be chosen as hereinbefore provided and shall hold office for a term of three years. Any vacancies that may occur in the board of directors shall be filled for the unexpired term in the manner provided herein for the original selection of such directors. At the same time that the associations and borrowers through agencies nominate the candidates for the local directors, each association and each borrower through agencies shall also nominate one candidate for director at large for the entire district, and from the three persons having the greatest number of votes for nominee for director at large, the Farm Loan Board shall select a director at large, whose term of office shall terminate on the 31st day of December, 1925, and every three years thereafter, and such director at large shall be ex officio chairman of the board during his term of office. Such seventh director may be removed by the Farm Loan Board for neglect of duty, incapacity for the work, or malfeasance in office, after charges duly preferred and a hearing had thereon, and in such cases the associations of the district shall in like manner nominate candidates for another director at large, to fill the vacancy, for whom the Farm Loan Board shall in same manner select a successor, but any person who is removed can not be nominated to succeed himself. The board of directors thus selected shall, upon qualification, immediately take over the management of each bank.

"Directors of Federal land banks shall have been for at least two years residents of the district for which they are appointed or elected, and a local director shall be a resident of his division when elected. No district director of a Federal land bank shall, during his continuance in office, act as an officer, director, or employee of any other institution, association, or partnership engaged in banking or in the business of making or selling land-mortgage loans.

"Directors of the Federal land bank shall receive, in addition to any compensation otherwise provided, a reasonable allowance for necessary expenses in attending meetings of their boards, to be paid by the respective Federal land banks. Any compensation that may be provided by boards of directors of the Federal land banks for directors, officers, or employees shall be subject to the approval of the Federal Farm Loan Board."

Mr. STRONG of Kansas. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. STRONG of Kansas: Page 7, line 7, after the word "elected" insert: "And at least one district director shall be experienced in practical farming and actually engaged at the time of his appointment in farming operations within the district."

Mr. RAKER rose.

Mr. BLANTON. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Kansas [Mr. STRONG].

Mr. RAKER. The Chair has recognized me already. I beg the gentleman not to take me off the floor.

Mr. BLANTON. I will do that later.

Mr. McFADDEN. Mr. Chairman, at the conclusion of the remarks of the gentleman from California, I ask unanimous consent that the debate on this section and all amendments thereto be closed.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that at the conclusion of the remarks of the gentleman from California [Mr. RAKER] the debate on this section and all amendments thereto be closed. Is there objection?

Mr. BLANTON. I object. The gentleman gave me five minutes.

The CHAIRMAN. The gentleman from Texas objects.

Mr. McFADDEN. Then, Mr. Chairman, I ask unanimous consent that the debate on this section and all amendments thereto close in 10 minutes.

Mr. SNYDER. I object.

The CHAIRMAN. The gentleman from New York objects.

Mr. McFADDEN. Then I ask that at the conclusion of the remarks of the gentleman from California all debate on this section and all amendments thereto be closed.

Mr. BEGG. I reserve the right to object.

Mr. BLANTON. I make the point of order that the gentleman can not take the gentleman from California off his feet, no matter what the expediency is.

The CHAIRMAN. The gentleman from California will proceed.

Mr. RAKER. Mr. Chairman and gentlemen of the committee, when the bill creating the Federal farm-loan system was originally passed I had the pleasure of voting for it, and I have found out its beneficial effects, so far as it went, to the farmers of the West; in fact, generally over the United States. But they want it amended so as to give them further relief. The Federal farm-loan banks have been of great benefit. The joint-stock land banks have also been of great benefit. I shall personally vote for this bill as amended.

I want to call the attention of the committee to one thing, and I think I ought to do it. Mr. John Guill, jr., a present member of the board, says that these amendments will assist the present administration of this law. I have had the privilege of knowing him for over 30 years. He is a man who knows southern Oregon, Nevada, and California from one end to the other. He is what you call a real, genuine, business, successful farmer. He is interested in the farmers of California and in that country. It is the same way with the Federal farm-loan bank at Berkeley. They are earnestly in favor of it, because they believe it to be of benefit to the farmers of that country.

But what I primarily rose for, and what I want to call to your attention in addition, is that, like my friend from Texas [Mr. HUDSPETH], I am a real dirt farmer. [Laughter.] I want to read to you what has been the history of our farm business in northern California and southern Oregon. Here is a statement by the stockmen of southern Oregon with whom I am acquainted that each steer that they have sold for the last five years has cost them $8.85 more to produce than they have been able to sell it for.

What those people want is some relief. They want to see fulfilled some of the promises that have been made. The man that did not have a reserve has gone to the wall. Only those who had a surplus and have been able to use that surplus in maintaining their property have been able to exist. Think of it. It costs them $8.85 more to raise a steer than they get for it!

Mr. Chairman, I now ask unanimous consent that I may insert these illuminating tables in the RECORD.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The article and statement above referred to are as follows:

[From the Lake County Examiner, Lakeview, Lake County, Oreg., January 25, 1923.]

CATTLE BUSINESS IS A LOSING GAME, SAY STOCK ASSOCIATIONS—REPORT SHOWS STOCKMEN OF SOUTHERN LAKE COUNTY LOSE $8.85 ON EVERY 2-YEAR-OLD STEER MARKETED AT PRESENT PRICES—DATA SUBMITTED RESULT OF COST RECORDS FROM A NUMBER OF STOCK RANCHES AND REPRESENTS COSTS UNDER AVERAGE CONDITIONS IN THIS SECTION—COST OF STEER PLACED AT $66.85 AND SELLING PRICE IS $57.

The cattle business is a losing game under present conditions and is able to continue only because stockmen have foregone any interest on their large investments and no return has been received by them for their labor or managerial activity, according to a report submitted to the National Forest by the officers of the Warner Stock Growers' Association and the Dog Lake Cattle and Horse Raisers' Association. The cost data submitted with the report show that the stockman loses $8.85 for every 2-year-old steer he sends to market, or in other words receives $8.85 less than the cost of production.

The report was submitted in the form of proof to show why grazing fees on the national forest should not be raised and will be submitted to the district forester's office by Supervisor Gilbert D. Brown. The cost data was worked out by the officers of both live-stock associations in cooperation with County Agent Teutsch and represents average costs taken from a number of stock ranches in southern Lake County. For the Warner Stock Growers' Association the report was signed by J. P. Duke, president, and E. A. Friday, secretary, and for the Dog Lake Cattle and Horse Raisers' Association by A. M. Smith, president, and J. D. Heryford, secretary.

It is to be hoped that stockmen throughout the country compare the costs listed with their own costs and if they disagree with the figures send their remarks to the Examiner. The report follows:

"The cost data attached hereto is the result of cost records from a number of stock ranches in southern Lake County and represents average costs under range conditions in this section at prevailing prices. The owners of these ranches from which the cost data was taken are members of the undersigned live-stock associations and represented by the undersigned officers of these associations.

"Any questions as to the method of arriving at these figures or the items contained in them will be answered by the officers of either of these associations. The figures represent costs on all classes of live stock in the average herd of stock cattle in this section.

"In looking over this cost data the question may arise as to why the cost of four months' grazing on the national forest is only 72 cents per head, while the cost of grazing on fenced pasture is $3 per head for only three months.

"In the first place if it were not for the adjoining fenced meadows it would not be possible to utilize the national forest lands, as fenced meadows are necessary to supplement the national forest grazing in early spring and fall. These meadow lands are valued at $40 per acre. Secondly, good feed is not available on the national forest for more than two to three months each season, and most stockmen begin gathering their cattle after they have been on the reserve from two to three months. It is an established fact also that the best grazing lands have been patented and only the poorer grass lands remain in the national forest. A map showing the Fremont Forest will readily establish this fact, as it will show how the deeded lands interlock with the national forest lands.

"The question also arises why the privately owned grazing lands lease for a much greater price than do the national forest lands. Reasons for this are as follows:

"1. It is not necessary for leasers of privately owned grazing lands to own hay ranches, while the forest permittees must own land upon which they pay taxes and many other operating costs. Thus the operating cost of those using privately owned grazing lands, who are usually transient sheep men, is much less than the forest permittees, and they can afford to pay higher grazing rates. They do not, however, tend to stabilize the live-stock industry nor do they build up the community, as they have no property holdings which makes their permanent residence in the community necessary.

"2. Stockmen are often forced to lease this privately owned grazing land at prices set by transient sheep men in order to protect their interests on deeded grazing lands which they own and which lies adjacent.

"3. Private grazing lands can be reserved for any season of the year, while forest-reserve lands can only be utilized for grazing during the grazing period; thus private lands can be utilized later and for a longer period, and also the lessor of such lands is entitled to all the rights and privileges which he would have on his own deeded land. This fact reduces, therefore, the wintering cost of live stock, as such a system requires less high-priced hay and less fenced grazing land.

"4. Mutual permits are granted on the national forest for the grazing of both cattle and sheep on the same range, which results in less grass, shorter grazing periods, and continued feuds between the cattlemen and sheepmen occupying the area. Such permits also cause cattle to scatter and increases the cost of gathering.

"5. In certain instances it is possible for stockmen to lease deeded grazing lands adjoining their ranches, which cuts down the cost of riding and gathering and produces beef of greater weight than is possible on the national forest.

"In conclusion, the live-stock cost data herewith submitted, which is an average for this district, establishes the fact that the live-stock industry is being operated at a loss. This loss is shown in the figures which we submit in spite of the fact that many of the items are extremely conservative. For instance most of the cattle upon which this cost data was taken have been produced on hay costing from $15 to $20, while the cost of hay figures used is but $6 per ton. Many stockmen are buying hay at the present time for from $10 to $12 per ton. It is apparent, therefore, that the only reason that the industry has been able to exist is because no interest has been made on the large investment in the live-stock business and no return has been received by the operator for his labor or managerial activity.

"Therefore, according to the facts submitted herewith, the undersigned associations know that the live-stock industry can not continue to exist if production costs are increased, especially the grazing costs on the national forest, as we believe that we are paying at the present time all that such grazing is worth and all that the industry can possibly afford."

Following is the estimated cost of production data on cattle compiled by the Warner Stock Growers' Association and the Dog Lake Cattle and Horse Raisers' Association in southern Lake County, and representing average costs for this district.

Cost of running a cow one year—from October to October.

Replacement cost on old cows, depreciation	$1.50
Interest on $30 at 8 per cent	2.40
Death loss, 3 per cent on $30	.90
Taxes, 25 mills on $30	.75
Riding and salt	2.00
Grazing four months on national forest	.72
Grazing three months under fence	3.00
Hay for winter, 1½ tons at $6	9.00
Cost of feeding hay at $1 per ton	1.50
Bull charges	1.50
Total	23.27
Estimated value of calf, 350 pounds, at 5 cents	17.50
Cost per calf with a 65 per cent calf crop	35.80

Cost of running a calf from weaning until it is 18 months old.

Interest on calf at 8 per cent on $17.50, actual value	1.40
Death losses, 3 per cent on $17.50	.52
Taxes, 25 mills on $20	.50
Riding and salt	1.50
Hay for winter, ¾ ton at $6	4.50
Feeding cost at $1 per ton	.75
Grazing 4 months on national forest	.72
Grazing 3 months on fenced pasture	3.00
Total	12.89
Estimated value at end of year, 600 pounds at 5 cents	30.00
Increase in value for year	12.50

Cost of running a steer from 18 to 30 months of age.

Taxes, 25 mills on $25	.64
Interest on steer, 8 per cent on $30	2.40
Death losses, 3 per cent on $30	.90
Riding and salt	1.50
Hay for winter, 1 ton at $6	6.00
Cost of feeding at $1 per ton	1.00
Grazing two months on national forest	.72
Grazing four months on fenced pasture at $1	4.00
Total	17.16
Estimated value of a 950-pound steer at 6 cents	57.00
Increase in value for year	27.00

Cost of producing a 2-year-old steer.

Calf cost	35.80
Yearling cost	12.89
Two-year-old cost	17.16
Total	65.85
Average price received for steers in district, 950 pounds at 6 cents	57.00
Loss	8.85

Mr. BLANTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. McFADDEN. Mr. Chairman, I move that all debate on this section and all amendments thereto be now closed.

Mr. BEGG. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Pennsylvania moves that all debate on this section and all amendments thereto be now closed.

Mr. JONES of Texas. Mr. Chairman, I offer an amendment that debate close in 20 minutes.

The CHAIRMAN. The gentleman from Texas moves to amend by making debate close in 20 minutes.

Mr. BLANTON. I offer a substitute, that debate close in 10 minutes.

The CHAIRMAN. The gentleman from Texas [Mr. BLANTON] offers a substitute that debate close in 10 minutes. The question is on the substitute offered by the gentleman from Texas [Mr. BLANTON].

The question being taken, the substitute was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. JONES].

The question being taken, on a division (demanded by Mr. JONES of Texas and Mr. BLANTON) there were—ayes 60, noes 77.

Mr. BLANTON. Mr. Chairman, I ask for tellers on that vote.

SEVERAL MEMBERS. Oh, no.

Mr. BLANTON. We are not going to be gagged or hog tied.

The CHAIRMAN. The gentleman from Texas asks for tellers.

Tellers were ordered, and the Chairman appointed Mr. MCFADDEN and Mr. JONES of Texas.

The committee again divided, and the tellers reported—ayes 41, noes 85.

Accordingly the amendment of Mr. JONES of Texas was rejected.

Mr. FIELDS. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Kentucky moves that the committee do now rise.

The question being taken, on a division (demanded by Mr. FIELDS) there were—ayes 51, noes 74.

Mr. FIELDS. Tellers, Mr. Chairman.

The CHAIRMAN. The gentleman from Kentucky demands tellers.

Tellers were ordered, and the Chairman appointed Mr. MCFADDEN and Mr. FIELDS.

The committee again divided, and the tellers reported—ayes 55, noes 80.

Accordingly the motion that the committee rise was rejected.

The CHAIRMAN. The question recurs on the motion of the gentleman from Pennsylvania [Mr. MCFADDEN] that debate on this section be now closed.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 99, noes 28.

Mr. BLANTON. Mr. Chairman, may we have tellers on that vote?

The CHAIRMAN. The gentleman from Texas demands tellers. Those in favor of ordering tellers will rise and stand until they are counted. [After counting.] Seven Members rising, not a sufficient number, and tellers are refused. The question now recurs on the amendment offered by the gentleman from Kansas [Mr. STRONG].

Mr. BLANTON. Mr. Chairman, a point of order. Where seven Members vote for tellers and no one rises against tellers, I make the point of order that the negative vote should be taken.

Mr. MONDELL. I demand the regular order, Mr. Chairman.

The CHAIRMAN. There is no merit in the point raised by the gentleman from Texas. The regular order is to vote on the amendment offered by the gentleman from Kansas [Mr. STRONG].

The question being taken, the amendment of Mr. STRONG of Kansas was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3. That section 9 of said act be amended by adding thereto the following:

"Upon liquidation of any national farm-loan association the stock in the Federal land bank held by such association shall be canceled and the Federal land bank shall thereupon issue to the borrowers through such association an amount of stock in the Federal land bank equal to the amount of stock held by such borrowers in the liquidated association, such stock to be held by the bank as collateral to the loans of such borrowers and to be paid off and retired at par in the same manner as stock held by borrowers in farm-loan associations, and the Federal land bank shall pay to the borrowers holding such stock the same dividends as are paid to national farm-loan associations by such bank. The personal liability of the stockholders in such liquidated association to the association shall survive such liquidation and shall be vested in the bank in that district, which may enforce the same as fully as the association could if in existence."

Mr. MCFADDEN. Mr. Chairman, I move that all debate on this section do now close.

Mr. BLANTON. I make the point of order that that motion is not in order, because there has been no debate.

Mr. MCFADDEN. I withdraw that motion. I do not want to be too strict about this, but I want to say to the Members here that this is an important bill, and we are very anxious to get it passed to-night. If we are to do this, to grant this relief to the farmers of the country through these amendments, it is necessary that we give attention to this bill and stop our fooling.

Mr. BLANTON. Will the gentleman yield for a question?

Mr. MCFADDEN. I yield to the gentleman from Texas.

Mr. BLANTON. Is it so important to get it through to-night that the gentleman is only willing for his leader on the other side to speak on it and that nobody else shall have any time?

Mr. MCFADDEN. I believe that is hardly a fair statement. I call attention to the fact that there have been three hours of general debate and that several speeches have been made under the five-minute rule.

Mr. WINGO. Will the gentleman yield?

Mr. BLANTON. I yield to the gentleman from Arkansas.

Mr. WINGO. I wish the gentleman would permit me to say to this side of the House that the gentleman from Pennsylvania has assured us that we will have liberal debate on bona fide contested questions when reached, and the gentleman's desire in closing down now is to save time for debate on disputed questions.

Mr. MCFADDEN. The gentleman is perfectly correct on that.

Mr. WINGO. And if the gentleman will stay and help us, we will have liberal debate on disputed points.

Mr. BLANTON. Mr. Chairman, I ask for the regular order.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MCFADDEN] has the floor.

Mr. MCFADDEN. I yield to the gentleman from North Dakota [Mr. BURTNESS] to offer an amendment.

The CHAIRMAN. The gentleman from North Dakota [Mr. BURTNESS] is recognized for the purpose of offering an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BURTNESS: Page 7, line 22, strike out the figure "9" and insert in lieu thereof the figure "29."

Mr. BURTNESS. Mr. Chairman, the purpose of the amendment is plain. Section 9 does not relate in any way to the liquidation of these associations. It simply contains some provisions with reference to obtaining loans, and so forth. Section 29 of the original act covers specifically the question of dissolution and the appointment of receivers and I do not think there is any doubt that it was section 29 that was intended.

I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from North Dakota asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MCFADDEN. Mr. Chairman, I accept that amendment.

Mr. JONES of Texas. Mr. Chairman, I ask for recognition.

Mr. BLANTON. I rise in opposition to the amendment.

Mr. MCFADDEN. Mr. Chairman——

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota [Mr. BURTNESS].

Mr. BLANTON. I rise in opposition to the amendment.

Mr. MONDELL. The chairman of the committee is asking for recognition and is entitled to it.

The CHAIRMAN. The gentleman from Pennsylvania.

Mr. MCFADDEN. The amendment which the gentleman from North Dakota has offered is entirely agreeable to the committee.

I move that all debate on this section and amendments thereto do now close.

Mr. CONNALLY of Texas. Mr. Chairman, a point of order. Are there not five minutes allowed for the amendment and five minutes against it?

The CHAIRMAN. After five minutes' debate it is in order to move to close debate.

Mr. LONDON. I desire to offer an amendment.

The CHAIRMAN. The Chair will state the question. The question is on the motion of the gentleman from Pennsylvania. The gentleman from Pennsylvania moves that debate on this section and all amendments thereto do now close.

Mr. LONDON. Mr. Chairman, I offer an amendment that the debate close in 20 minutes.

The CHAIRMAN. The gentleman from New York moves to amend that the debate close in 20 minutes. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question recurs on the motion of the gentleman from Pennsylvania, [Mr. MCFADDEN] that the debate be now closed.

The question was taken; and on a division (demanded by Mr. BLANTON) there were 92 ayes and 20 noes.

So the motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota [Mr. BURTNESS].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 3. That section 9 of said act be amended by adding thereto the following:

"Upon liquidation of any national farm-loan association, the stock in the Federal land bank held by such association shall be canceled and the Federal land bank shall thereupon issue to the borrowers through such association an amount of stock in the Federal land bank equal to the amount of stock held by such borrowers in the liquidated association, such stock to be held by the bank as collateral to the loans of such borrowers and to be paid off and retired at par in the same manner as stock held by borrowers in farm-loan associations, and the Federal land bank shall pay to the borrowers holding such stock the same dividends as are paid to national farm-loan associations by such bank. The personal liability of the stockholders in such liquidated association to the association shall survive such liquidation and shall be vested in the bank in that district, which may enforce the same as fully as the association could if in existence."

Mr. DAVILA. Mr. Chairman, I offer an amendment.

Mr. STEAGALL. Mr. Chairman, I am a member of the committee, and I desire to be recognized to offer an amendment.

The CHAIRMAN. The gentleman from Alabama, a member of the committee, is recognized to offer an amendment.

Mr. STEAGALL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. STEAGALL: Page 9, line 13, after the colon, strike out all down to the colon in line 20.

Mr. STEAGALL. Mr. Chairman, I do not desire to argue this proposition at length. I merely wish to state the effect of the amendment I have offered. It is to raise the maximum loan limit to $16,000 with the proviso that all applications for loans not exceeding $10,000 shall be given preference. In my judgment it is unwise to raise the maximum amount of loans which the land banks may make to the amount of $25,000. I am willing to raise the limit to cover any increase in land values since the passage of the farm loan act. But I do not want to take off all limitations. I am willing to go part of the way, and for that reason I have offered the amendment making $16,000 the maximum amount to be allowed. That will take care of the average farm even in States where lands are high. The average farm unit is 160 acres. Under the rules put in effect by the Farm Loan Board no loan shall be made anywhere in excess of $100 an acre. There are many things that might be said bearing on this question that have not been said in the debate so far, but on account of the temper of the committee and the impatience which seems to prevail, I do not care to use extended time in debate.

Mr. DICKINSON. Will the gentleman yield?

Mr. STEAGALL. Yes.

Mr. DICKINSON. In the gentleman's former remarks he stated that to increase the loan limit would absorb the bond market. As a matter of fact, is not the same large-sized loan the land bank loan, absorbed in exactly the same market as the bonds are absorbed?

Mr. STEAGALL. Yes; but the joint-stock land banks are operated in a different way. The interest on the bonds is different. They are privately owned corporations. The two systems are entirely different and separate, and should be kept so.

Mr. DICKINSON. Are not their bonds marketed in the same market as the farm-loan bonds?

Mr. STEAGALL. I grant you that. If we adopt the policy of pulling down the bars, we may assist in the effort being made to take away the tax-exempt bonds of the farm-loan system.

There is persistent clamor in many quarters for legislation to prevent the issuance of tax-free securities. Even many of those who are going to vote to increase 150 per cent the amount of loans which the Federal land banks may make, all of which are based on tax-exempt securities, were only recently loud advocates in this House of the resolution providing for the submission of a constitutional amendment to prevent further issuance of tax-exempt bonds. If we are going to extend the benefits of the system to take care of the farmer with a $50,000 farm, and who does not need the benefits of Government aid, we shall put into the hands of the enemies of the farm-loan system the most dangerous and effective weapon that can be used against it. [Applause.]

Mr. A. P. NELSON. Mr. Chairman and gentlemen of the House, it seems to me this matter has been thoroughly discussed in general debate. We ought to take into consideration the fact that this matter has been thoroughly gone over by the Federal Farm Loan Board, which is interested in the welfare and extension of the Federal farm-loan system. We had it thoroughly discussed by the subcommittee and by the full committee, and the committee, with the exception of the gentleman from Alabama [Mr. STEAGALL] and possibly Mr. BLACK, of Texas, are in favor of the amendment as it is in the bill. I believe we are making it possible for the Federal land-bank system to function in the highest degree for the interest and benefit of those sections of the country where the raising of the present limit from $10,000 to $16,000 is absolutely essential in order to take care of the farmers' needs.

Mr. BLACK. Will the gentleman yield?

Mr. A. P. NELSON. Yes.

Mr. BLACK. The gentleman will recall that in committee I reserved the same right as did the gentleman from Alabama [Mr. STEAGALL] to fix $16,000 as the loan limit.

Mr. MONDELL. Will the gentleman yield?

Mr. A. P. NELSON. Yes.

Mr. MONDELL. Is it not true that practically all over the country, even those who have heretofore contended for $10,000 limitation, there is now a very general demand for this increase?

Mr. A. P. NELSON. There is, and, furthermore, I want to make this clear to the committee that we make provision that preference is to be given to all applications for loans under $10,000, so that the interest of the small farmer is fully protected and safeguarded.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. A. P. NELSON. Yes.

Mr. CHINDBLOM. Have we not had sufficient debate upon this question?

Mr. A. P. NELSON. I think so, Mr. Chairman; I move that debate upon this amendment do now close.

The CHAIRMAN. The gentleman from Wisconsin [Mr. A. P. NELSON] moves that all debate upon this amendment do now close.

Mr. BLANTON. Mr. Chairman, I move to amend that by providing that it close in 10 minutes.

Mr. MONDELL. Mr. Chairman, this is an important question, and if gentlemen really want to debate it for 10 minutes longer I think they ought to have that privilege.

Mr. A. P. NELSON. Mr. Chairman, I modify my motion to make it 10 minutes.

Mr. MONDELL. Mr. Chairman, I think we might get an agreement to close debate upon the section in 20 minutes.

Mr. McFADDEN. Mr. Chairman, I ask unanimous consent that all debate upon this section and all amendments thereto close in 25 minutes.

The CHAIRMAN. Is there objection?

Mr. FREE. Mr. Chairman, I object.

Mr. McFADDEN. Then, Mr. Chairman, I move that all debate upon this section and all amendments thereto close in 25 minutes.

The motion was agreed to.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word. When this bill was first introduced it provided for a maximum loan of $25,000. The committee has rewritten the bill. It has not merely rewritten this one paragraph, but if gentlemen will turn to the bill and see what it was when the committee got through with it they will see that its own grandmother would not know it now. Yet the bill that the committee has brought in had patent defects in it. The gentleman from North Dakota [Mr. BURTNESS] a few moments ago called attention to the fact that in section 3 the bill sought to amend section 9 of the law, but that it was not meant to amend section 9; it was another section entirely that was meant. He had that corrected. That shows that there are defects in it, and I submit to my colleague now whether there is any chance to pass wise legislation with the Committee of the Whole House in such frame of mind as it is in now.

Mr. MONDELL. Mr. Chairman, this debate was extended because gentlemen said they wanted to discuss this paragraph and this amendment. I make the point of order that the gentleman from Texas is not discussing the matter before the committee.

The CHAIRMAN. The gentleman will proceed in order.

Mr. BLANTON. It would seem, Mr. Chairman, that nobody can express himself except the gentleman from Wyoming.

The CHAIRMAN. All gentlemen will confine themselves to the matter before the committee.

Mr. BLANTON. Mr. Chairman, I have a right in the latitude of debate to call attention to the fact that we are now considering an amendment when the committee is not in such a mood or frame of mind that will permit of wise legislation. Therefore I look with care, not only upon the action of the committee in offering this paragraph but I look with care on any amendment offered and on the remarks made upon any amendment. I submit to the Committee of the Whole that when it gets into this frame of mind we ought to take a recess, we ought to go

and get some dinner, we ought to get into a clearer frame of mind in order to pass important legislation.

Mr. CLARKE of New York. Mr. Chairman, I make the point of order that the gentleman is not discussing the matter before the committee.

Mr. BLANTON. Mr. Chairman, it may not be patent to the gentleman from New York that I am discussing the subject, but it is very patent to other gentlemen. The gentleman from Wyoming has ceased to make objection. I have convinced him that I am in order, and surely when the gentleman from Wyoming sits down, the gentleman from New York ought to remain silent.

Mr. BURTNESS. Mr. Chairman, I rise in opposition to the pro forma amendment, and in doing so I want to advise the committee of an amendment which I have sent to the desk, which will come up in due course, relating to lines 5 and 6 on page 9. My amendment is to strike out everything after the word "mortgage," in line 5, namely, the words "incurred for agricultural purposes, or incurred prior to January 1, 1922." I feel that any man who is a bona fide farmer, residing on the land or farming his own land, ought to be entitled to obtain a loan when he needs it, regardless of what he may have incurred such indebtedness for and without some investigator trying to find out what the indebtedness was for. He should be entitled to make the loan even though he incurred debts in some business enterprise outside of his farm; he may have lost his money in some cooperative industry which he was trying to conduct for the benefit of his community or in some other business, or even in buying some mining stock in the State of my friend, the State of Arkansas, or elsewhere.

Mr. WINGO. There are a lot of them like that, and the gentleman realizes that his amendment would destroy all that goes before it.

Mr. BURTNESS. Oh, not at all, because the other provisions are still there and would remain. The applicant would still have to be a farmer or be farming his land, and if he is in debt and about to lose his farm, or for any legitimate reason needs the loan, if he has security that is ample, coming within the provisions of the law, he ought to be entitled to the help of the law. In other words, by adopting my amendment this Federal agency would deal with the applicant in a business way, would determine whether he is worthy, whether he is a farmer under the terms of the act, and whether the security offered is ample—just as any private loan agency would do—and would accept or reject the loan upon its merits alone.

Mr. JONES of Texas. Mr. Chairman and gentlemen of the committee, like my colleague from Texas [Mr. HUDSPETH], I am in favor of increasing this limit. It is one of the few things in the bill that I am in favor of, because I think you will reduce the overhead expense by increasing the loan limit. It costs no more to make a large loan than to make a small one. I believe the market will absorb the bonds. This is an important matter in this connection. If this paragraph were standing alone it would be all right, but when you link it up with the succeeding paragraph, which authorizes loans to be made through agents who get a commission, then the agent is going to try to make a big loan in order to get a big commission in preference to trying to make a little loan. Consequently, section 5 should go out of the bill.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. JONES of Texas. No.

Mr. STEVENSON. I call attention to the fact that the secretary-treasurer gets exactly the same commission.

Mr. JONES of Texas. No; if you will turn over to the next paragraph, it says not exceeding 1 per cent of the amount of the loan made may be paid to the agent.

I do not want to get into a controversy with the gentleman. I want to ask you gentlemen, as reasonable men, if you execute a big loan; if you, as an agent, get a commission for execution in accordance with the size of the loan, are you not going to prefer a big loan? That is the reason why the next section should be stricken out.

Mr. EVANS. Will the gentleman yield?

Mr. JONES of Texas. I can not. The next section should be stricken out, because it authorizes loans to be made through agents. Now, listen: Several members of the committee have called attention to the fact that the present law permits loans through agents; but if you will turn to section 15 of the present law you will find it permits loans through agents, but it says that no agent except a bank or trust company may act, and that bank or trust company must indorse the loan. There is a great deal of difference in having a loan made through individual agents who need not indorse and where a bank or trust company must act as collector and also indorse the same.

Mr. A. P. NELSON. Will the gentleman yield?

Mr. JONES of Texas. I am sorry that I can not. That is the point I am making. You know as man to man that if a man can get a loan without forming an association he is going to get it that way. If you had the privilege of getting a loan through agents, you would not form your association. And I want to say this, gentlemen, and I want you to listen; the heart of the farm-loan association is the local association, where every neighbor knows every other neighbor, and he is not going to agree to a loan unless that loan is good, and you are destroying the heart of this system if you adopt this measure with section 5 included. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. DAVILA. Mr. Chairman, I offer my amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 9, line 22, after the word "under," add a new paragraph as follows:

"*Provided further*, That section 4 as amended by the act of February 27, 1921, authorizing the establishment of a branch bank in Porto Rico and providing that 'loans made by such branch bank when so established shall not exceed the sum of $5,000 to any one borrower,' is hereby amended by striking out '$5,000' and substituting therefor '$10,000.'"

Mr. STEVENSON. Mr. Chairman, I reserve the point of order; I do not care to make it at the moment.

Mr. DAVILA. Mr. Chairman, if there is no objection, I desire the Clerk to read the following letter from the farm-loan commissioner.

The CHAIRMAN. Without objection, the Clerk will read the letter in the time of the gentleman.

There was no objection.

The Clerk read as follows:

TREASURY DEPARTMENT,
FEDERAL FARM LOAN BUREAU,
Washington, February 14, 1923.

HON. FELIX CORDOVA DAVILA,
Commissioner for Porto Rico, House of Representatives.

DEAR MR. COMMISSIONER: In response to your inquiry as to the attitude of the Farm Loan Board toward increasing the maximum loan limit under the farm loan act, as applied to the island of Porto Rico, from $5,000 to $10,000, permit me to state that preliminary investigation of the situation of agriculture on the island led us strongly to feel that the limitation of $5,000 would not enable the Porto Rico branch of the Baltimore bank to extend the farmers on the island all the service to which they were reasonably entitled.

This branch bank is now in operation, having proceeded very carefully and conservatively, and the views suggested above are fully confirmed by the study of the situation by the resident manager, Mr. Ernest B. Thomas, in whose judgment and integrity of purpose we have absolute confidence. The board would, therefore, unanimously approve an amendment to the enabling act changing the maximum from $5,000 to $10,000, believing that to make such loans would be of real service to the island and would lighten the burden on the Federal Land Bank of Baltimore which its establishment temporarily imposes.

Yours very truly,

CHAS. E. LOBDELL,
Farm Loan Commissioner.

Mr. DAVILA. Mr. Chairman, the purpose of my amendment is to extend to Porto Rico some of the privileges that will accrue to the farmers of the United States under the terms of this bill. We are not asking for the full measure of the opportunities and benefits carried in this bill, but we do ask you in all fairness that its spirit be extended to our island, especially as there exist as many reasons to allow our island farmers the same means of credit as are made available to men engaged in the same occupation here in the United States.

Under the terms of section 4 of the Strong bill the Federal Farm Loan Board, if satisfied with the security tendered, can authorize loans in the interest of agricultural development up to $25,000.

We are only asking for two-fifths of that sum, if the board, after subjecting our applications to the same scrutiny, find that loans not to exceed $10,000 are in the interest of agricultural development on the island of Porto Rico.

The Committee on Banking and Currency stated in its report favoring the increase of loans to $25,000 for continental American farmers that this proposition "has been generally indorsed by the farmers' organizations of the country," adding that the hearings before the committee had clearly shown that the present limitation was inadequate in many States. These statements apply with equal force to Porto Rico. On that island the needs of a certain percentage of the farmers can be adequately taken care of under the provisions of the present law. On the other hand, there are plantations on the island whose fiscal operations are on such a scale that they would not be even remotely provided for under the maximum benefits extended by this act to the agricultural interests of continental America.

But the purpose of my amendment is not to reach either of these extreme conditions.

There is a large and growing class of farmers in Porto Rico who stand on middle ground between the humble man who cultivates from 1 to 20 acres and the corporations who repre-

sent the absentee owners who have investments in our best sugar and tobacco lands.

These independent farmers, who correspond with the better class of continental American farmers, have been growing in numbers and importance in proportion as Porto Rico has been undergoing industrial development since American occupation. It is for this class of Porto Rican farmers that I appeal to you in behalf of this amendment. The branch of agriculture in which these men are engaged is one that especially calls for an available supply of funds, for they are either engaged in the cultivation of sugar cane, which must be sold to the corporations operating the large centrals, or else they are producers of coffee, which must look abroad for a market. The American taste has become accustomed to Brazilian coffee, and until this is changed our coffee farmers must sell to foreigners. For this reason they are in more pressing need of easy terms of credit than any other class of American farmers.

So much for coffee; now as to sugar. Unlike the grain crops of continental America, the sugar is not "machine-made." From the time it is planted until it is harvested it requires an immense amount of hand labor, and in this respect it more nearly approximates conditions in the Cotton States. Those of you who are familiar with agriculture know that this makes necessary a certain amount of ready cash for hired help if the farmer is to work his growing crop, fertilize it, and give it the proper attention. Too often the Porto Rican colono is compelled to sacrifice his years of labor to the sugar corporations at a ruinous figure because he does not have banking facilities. On the other hand, if instead of dealing with the larger sugar companies he attempts to secure an adequate loan from merchants or bankers, he is subjected to usurious and ruinous rates of interest.

I have information from the Farm Loan Board to the effect that the system is working satisfactorily in the island. There are 562 pending loans, amounting to $1,162,800. There are 251 approved loans and in process of closing, amounting to $517,600. The Porto Rico office has been behind in its work of appraisement and has asked that two additional appraisers be appointed. This is the reason why the volume of work has not been greater.

There are 2,222,404 acres of land in the island, and the average acreage per farm is 49.2.

The population of Porto Rico is 1,299,809. There is disseminated through vale and mountain a rural population of more than 800,000, the remaining being congregated in urban precincts.

The rate of interest in the absence of an agreement is 6 per cent, but it can be extended by contract to 12 per cent. Within this limit it is lawful to discount bills and notes and other similar obligations.

The distribution of credits among the farmers is generally effected by the merchants, the sugar centrals, and the Tobacco Trust. The banks in Porto Rico lend at 10 per cent interest, for a term varying from three to four months, sums of money not in excess of $1,000, and 9 per cent on sums over that amount.

It is very difficult for a small farmer to borrow money from the commercial banks. In the first place, money circulation in the island is less than $5 per capita and the banks, with this small amount of money in circulation, are unable to allow long-time loans. In the second place, they usually lend money to the big interests and ask of the small farmer guaranties that he can not afford to give. So the farmer is bound to borrow the money he needs from the merchant, who is practically his banker, at a rate of interest of 12 per cent and sometimes much more than that.

The increase of the loans from $5,000 to $10,000 will not cost a cent to the United States and will be very valuable to the farmers in Porto Rico. Now if the reasons to extend the credit in the States are good they are also sound and good in Porto Rico, but realizing the difficulties of obtaining the same increase for Porto Rico we limit our petition to $10,000, with the hope that there will be no opposition to our reasonable request.

Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Porto Rico asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. QUIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report:

The Clerk read as follows:

Amendment offered by Mr. QUIN: Page 9, line 7, strike out the words beginning with line 7 down to the end of line 22.

Mr. QUIN. Mr. Chairman, that includes the two last paragraphs of section 4.

Mr. McFADDEN. The debate on that paragraph is exhausted.

Mr. KNUTSON. I hope that will not be taken out of the gentleman's time.

Mr. QUIN. This is the part of the bill that raises the maximum loan limit. It raises it to $16,000, and when you come down to line 20 you make it $25,000. By striking these two paragraphs out of the bill, if you pass my amendment, you have a maximum of only $10,000, after you have cut away the farm-loan association in every county in the United States.

Now, the proposition before this House is whether or not you propose to come, taking the vitals out of the farm loan act, and kill its usefulness to the small farmers, and put the Government in the business of operating large loans for great, large plantations that do not need this aid from the Government; or will you let the law stand as it is, serving the small farmers? Gentlemen, this act was originally passed from dire necessity, so that the small farmers of the United States could make these loans, so as to save their farms and prevent themselves from going into bankruptcy. The apparent purpose of this Strong amendment that is offered to the farm loan act would take away that right from the little farmers of the United States, because there is an effort made now on every hand to make these securities taxable both by the Federal and State Governments.

If we are going to go into the business of putting up $25,000 loans and cutting out these little local farm-loan associations that practically guarantee every dollar that the United States Government underwrites in this way, and allow an agent to go in and get a fee and a bonus and make loans helter-skelter, with no neighborhood security, no neighborhood supervision to see that an honest deal is given, you can look for only trouble and confusion.

Practically all of the farmers' organizations are begging us to kill the Strong bill or amendment. To-day these securities are selling at a premium. Farm-loan bonds now are selling at such a premium that the farmer has to pay only 4½ per cent. Who would interfere with that? Do you not know that if you put the limit at $16,000 and $25,000 the little sand-hill farmer, the little man down in the valley, the little man with a beehive near his house, is going to suffer? The original farm loan act was passed for the benefit of the poor man, the poor farmer; and here you are endeavoring to create a great big system of farm banking in which the Government will be engaged, to destroy the farm loan act so far as the small farmer is concerned, to help whom? You surely can not represent the small farmers in your districts. You surely can not represent the man that needs paternal help from the Federal Government. Whom do you contemplate helping? It occurs to me that the big farm-loan mortgage companies in the United States and the great insurance companies and the savings banks are able to take care of these $16,000 and $25,000 loans, and the Government farm loan law ought to continue to take care of the small farmer. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. McFADDEN. Mr. Chairman, how much time remains?

The CHAIRMAN. Three minutes.

Mr. KETCHAM. Mr. Chairman, I have an amendment which I wish to offer.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KETCHAM: Page 9, line 5, after the word "purposes," strike out the comma and the words "or incurred prior to January 1, 1922."

Mr. KETCHAM. Mr. Chairman and gentlemen of the committee, the purpose of my amendment will be to restrict the provisions of this section of the bill, which, it occurs to me, are altogether too broad.

I call you attention to the fact that this is a measure designed to be of benefit to the farmer, and I believe that this section should be restricted so that any mortgage indebtedness which has been incurred previous to January 1, 1922, or thereafter, should be limited to agricultural purposes.

I sincerely trust that the amendment will be approved by the whole committee, and thus perfect the bill. [Applause.]

The CHAIRMAN. The time of the gentleman from Michigan has expired. All time has expired.

Mr. STRONG of Kansas. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. All time has expired. There are now several amendments to this section on the Clerk's desk. The committee will vote on the amendments in the order in which

they were sent to the Clerk's desk. Without objection, the Clerk will report the first one.

The Clerk read as follows:

Amendment offered by Mr. STEAGALL: Page 9, line 13, after the colon, strike out all down to the colon in line 20.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Alabama.

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. STEAGALL. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 46, noes 59.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment by Mr. DAVILA: On page 9, line 22, after the word "under" add a new paragraph as follows: "*Provided further*, That section 4 as amended by the act of February 27, 1921, authorizing the establishment of a branch bank in Porto Rico and providing that loans made by such branch bank when so established shall not exceed the sum of $5,000 to any one borrower, is hereby amended by striking out "$5,000" and substituting therefor "$10,000."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Porto Rico.

The question being taken, on a division (demanded by Mr. STEVENSON) there were—ayes 93, noes 8.

Accordingly the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. QUIN: Page 9, line 7, strike out the words beginning with line 7 to the end of line 22.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Mississippi [Mr. QUIN].

The question being taken, the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. KETCHAM: Page 9, line 5, after the word "purposes" strike out the comma and the words "or incurred prior to January 1, 1922."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. KETCHAM].

The question being taken, on a division the Chairman announced that the noes appeared to have it.

Mr. BLANTON. I ask for a division, Mr. Chairman. That is a good amendment.

The committee divided; and there were—ayes 23, noes 79.

Accordingly the amendment was rejected.

Mr. REGG. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Ohio moves that the committee do now rise.

The question being taken, on a division (demanded by Mr. BEGG) there were—ayes 46, noes 67.

Accordingly the motion was rejected.

Mr. BEGG. Mr. Chairman, I offer a preferential motion.

The CHAIRMAN. The gentleman from North Dakota has an amendment on the Clerk's desk.

Mr. BEGG. I have a preferential motion. I move to strike out the enacting clause.

The CHAIRMAN. The gentleman from Ohio moves to strike out the enacting clause.

Mr. McFADDEN. Mr. Chairman, I hope that motion will not prevail.

Mr. BEGG. Mr. Chairman, I demand the floor.

The CHAIRMAN. The gentleman has the floor.

Mr. BEGG. Mr. Chairman and gentlemen of the committee——

Mr. MONDELL. Mr. Chairman, all debate is closed.

The CHAIRMAN. Debate is closed on this section, but the Chair is of the opinion that as this motion does not relate to the section, the gentleman has a right to discuss it for five minutes.

Mr. DOWELL. Mr. Chairman, the gentleman has the right to make the motion, but I submit that he has no right to discuss it.

Mr. McFADDEN. Debate is closed on this section.

The CHAIRMAN. It is true that debate is closed on this section, but not on the motion to strike out the enacting clause.

Mr. BEGG. Mr. Chairman, everybody knows that this motion is debatable.

The CHAIRMAN. The motion to strike out the enacting clause is debatable. The Chair has recognized the gentleman from Ohio to discuss it for five minutes.

Mr. BEGG. Mr. Chairman and gentlemen of the committee, I shall not consume five minutes. [Applause.] I have offered this motion because this proposition is a vital one to a good many hundreds of millions of dollars that have been bona fidely invested under the laws of the United States; and if the time has come when it is a crime to be interested in private industry that is serving the public on the same cost basis as the Government is serving it, then I want to disavow my obligation along that line.

There is enough in this bill to merit a reasonable and fair discussion—more than we are getting this afternoon by moving to close debate.

Mr. BLANTON. You are right.

Mr. BEGG. I am perfectly willing to have a show-down, and if I am outvoted by the men who represent business as well as the farmers—and farming is a business—I want to protest against the passage of a stampede motion because the leader says we want to do it to-night. If you want to ruin millions and hundreds of millions of dollars honestly invested and come out and stand for the Government going into private business, then go ahead.

Mr. MONDELL. Mr. Chairman, I do not know just what the gentleman from Ohio has in mind in suggesting that this bill will destroy private enterprise or interfere unfairly with private business or jeopardize large sums now invested. All of the money that is invested in competition with the farm loan banks through joint-stock banks is enjoying a governmental privilege that no other private interest or enterprise enjoys.

Mr. BEGG. Will the gentleman permit just one question?

Mr. MONDELL. Just let me finish my statement, please.

Mr. BEGG. Certainly.

Mr. MONDELL. We provided for the joint-stock land banks and we gave them a certain privilege of very great value to them. We will all of us regret having done that if every time it is proposed to broaden or extend the business of the Federal land banks we are to be met with the opposition of gentlemen who are enjoying this special privilege of having their obligations free from Federal taxes.

Mr. BEGG. Will the gentleman yield?

Mr. MONDELL. I yield to the gentleman from Ohio.

Mr. BEGG. In the first place, the gentleman misstates when he says our obligations are free from Federal taxes. It is only the buyer of the bonds who escapes that. But that is not the question I want to ask the gentleman.

Does the gentleman believe it is fair competition to have the Government appoint an agent in every county in the United States to get business? If they can not get business on fair competition they ought to go out of business.

Mr. DOWELL. The gentleman from Ohio is seeking to protect the mortgage companies as against the interests of the farmers.

Mr. MONDELL. The gentleman is getting on very questionable ground when he says that the Government shall not have the same opportunity to secure business that a private individual has who is enjoying a special privilege.

Mr. STEVENSON. Will the gentleman yield?

Mr. MONDELL. I yield to the gentleman from South Carolina.

Mr. STEVENSON. I call the gentleman's attention to the fact that the Government has been paying all the overhead expenses of these institutions, which amount to 50 per cent of the expenses of the Farm Loan Board, and we propose by this bill to make them pay their half.

Mr. MONDELL. I suppose that is one reason why there is all this opposition to the legislation.

Mr. YOUNG. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. YOUNG. Does the gentleman believe that it is fair to the owners of the present bonds issued by the banks to take hasty action to-night which may substantially reduce the value of those bonds?

Mr. MONDELL. No one believes that the action we are proposing to take to-night will have any injurious effect on the bonds.

Mr. YOUNG. I do.

Mr. MONDELL. The owners of those bonds think it least of all, but that is an appeal which they make to people who do not understand the situation. The trouble with these gentlemen is that having been given a special privilege they yield to the temptation that seems to surround all who have special privileges that they shall have full enjoyment of those privileges and that the Government shall not proceed with its business.

Mr. McFADDEN. Mr. Chairman, I move that all debate on the motion of the gentleman from Ohio do now close.

The motion was agreed to.

The CHAIRMAN. The question is on the motion of the gentleman from Ohio [Mr. BEGG], to strike out the enacting clause.

The question was taken; and on a division (demanded by Mr. BEGG) there were 46 ayes and 73 noes.

So the motion to strike out the enacting clause was rejected.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from North Dakota [Mr. BURTNESS].

The Clerk read as follows:

Page 9, line 5, after the word "mortgaged," strike out the balance of lines 5 and 6.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

SEC. 5. That section 15 of said act be amended to read as follows:

"SEC. 15. That whenever it shall appear to the Federal Farm Loan Board that national farm-loan associations have not been formed, or the local national farm-loan association fails, neglects, or refuses to serve properly the needs of its territory in any locality, said board may, after 30 days' notice to said associations, in its discretion, authorize Federal land banks to make loans in such territory on farm lands through agents approved by said board.

"Such loans shall be subject to the same conditions and restrictions as if the same were made through national farm-loan associations, and each borrower shall contribute 5 per cent of the amount of his loan to the capital of the Federal land bank, and shall become the owner of as much capital stock of the land bank as such contribution shall warant.

"The Federal Farm Loan Board shall, by proper regulations, require each Federal land bank to maintain, out of earnings apportionable to stock required on loans made through agents, sufficient reserves to cover and pay delinquent payments on such class of loans.

"Shareholders in a Federal land bank under this provision shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of such bank to the extent of the amount of stock owned by them at the par value thereof, in addition to the amount paid in and represented by their shares.

"Such local agents shall serve at the pleasure of the bank and shall give surety bond for the faithful performance of their duties in such sums as the Federal Farm Loan Board shall prescribe and may collect from each borrower at the time the loan is closed such compensation as the Federal Farm Loan Board may approve, not exceeding 1 per cent of the amount of the loan made, with a minimum of $5 per loan: *Provided*, That no such agent shall engage in making land-mortgage loans through or for any other land-mortgage company or association.

"Whenever any national farm-loan association, located in territory served by an agent appointed under the provisions of this section, shall by resolution declare its willingness to serve the prospective borrowers in such territory and transmits a copy of such resolution to the Federal Farm Loan Board, the Federal Farm Loan Board shall at once instruct the Federal land bank of that district to discontinue taking applications through agents in such territory and after completing the loans applied for through such agents up to that time, shall thereafter only make loans through the National Farm Loan Association in said territory so long as it continues to serve its territory properly.

"This amendment shall not operate to prejudice the rights nor impair the liabilities of any agent heretofore designated under the provision of the original section 15.

"Any borrower who acquires stock in the Federal land bank under the provisions of this section shall have one vote in all meetings of shareholders of the bank for each share of stock owned by such borrower not exceeding 20 votes and a like number of votes in the election of directors of such bank, such votes to be cast and canvassed in such manner as the Federal Farm Loan Board shall provide.

"Any 10 borrowers under this section whose loans aggregate not less than $20,000 may at any time organize themselves into a national farm loan association by filing with the proper Federal land bank their articles of association as originally provided in section 7, and thereupon the stock held by such borrower in the Federal land bank shall be transferred to the association thus organized, and each borrower shall receive a corresponding amount of stock in such association. The stock of the bank and the stock of the association shall each be held subject to the same terms and conditions and the members thereof shall be entitled to the same rights and benefits as if the association had been originally organized under section 7 of this act."

With the following committee amendment:

Page 11, after the word "agent," in line 10, insert "or secretary-treasurer of a national farm-loan association."

The CHAIRMAN. The question is on the committee amendment.

Mr. A. P. NELSON. Mr. Chairman, I offer a substitute for the committee amendment.

The CHAIRMAN. Is it a substitute for the committee amendment in the bill?

Mr. A. P. NELSON. Yes.

The CHAIRMAN. The Clerk will report the substitute amendment.

The Clerk read as follows:

Page 11, line 12, after the word "loan," insert a comma and the words "eligible at a Federal land bank," so that the proviso will read that "no agent or secretary-treasurer of a national farm loan eligible at a Federal land bank shall engage in making land-mortgage loans through or for any other land mortgage company or association."

Mr. WINGO. That should be offered as an amendment to the committee amendment.

Mr. A. P. NELSON. Mr. Chairman, I think, on reflection, it is obvious why this amendment should be made. The language is too restrictive and we want to have the very best secretary-treasurers, as well as the very best agents. There are several secretary-treasurers now acting for the associations who are also acting for other farm-mortgage associations. There are loans not eligible in the Federal land bank. In order that we shall be able to have the very best secretary-treasurer, as well as the very best agent, we provide that he may make loans for other associations or mortgage corporations, provided he does not make loans that are eligible for the Federal land bank without first offering such eligible loans to the Federal land bank.

Mr. BURTNESS. Will the gentleman yield?

Mr. A. P. NELSON. Yes.

Mr. BURTNESS. Would this committee amendment disqualify the cashiers of ordinary State banks to act as secretary-treasurers where such banks make ordinary real-estate loans?

Mr. A. P. NELSON. Not if he will first offer loans eligible for the land bank to the Federal land bank for which he acts as agent.

Mr. BURTNESS. If he is offered and makes for his bank any first-class mortgage loans for agricultural purposes and eligible for Federal farm bank loans then such cashier of the bank would be disqualified from acting as secretary-treasurer of the association?

Mr. A. P. NELSON. Yes; if he makes such eligible loans without first offering them to the Federal land bank.

Mr. BURTNESS. Did the committee recognize that some of the very best secretary-treasurers—and, I admit, some of the worst—are in fact executive officers of the banks in the small towns scattered all over the country and that by the committee amendment they could not continue to act as such? I concede the amendment of the gentleman from Wisconsin [Mr. NELSON] would help out the situation created by the committee amendment immensely, but I still doubt the wisdom of the qualification at all.

Mr. WINGO. The objection the gentleman offers was one that was offered to the committee amendment pending in the bill, but the further amendment which the gentleman from Wisconsin [Mr. A. P. NELSON] has offered will take care of the objection.

Mr. BEEDY. He says no.

Mr. WINGO. Oh, it will. We had gentlemen before the committee, one of them the president of a Federal land bank and one a local secretary-treasurer who would have been cut out by my original amendment, and they admitted that it would take care of the situation, because the proposal which was read at the Clerk's desk, in addition to that which is printed in italics in the bill, would make it provide that no agent making direct loans nor any local secretary-treasurer of a national farm-loan association could make loans that are eligible at the Federal land bank through a private mortgage company. But if such agent or secretary will give to the Federal land bank the applications for loans that are eligible under the Federal land-bank system, then I have no objection to his taking care of the other needs of the farmers by taking loans that are not eligible at a land bank to a private land loan company.

Mr. A. P. NELSON. This last amendment covers that question.

Mr. WINGO. Yes.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. A. P. NELSON. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

The CHAIRMAN. Is there objection?

There were no objection.

Mr. BURTNESS. Mr. Chairman, will the gentleman yield?

Mr. A. P. NELSON. Yes.

Mr. BURTNESS. In this connection let me state that the suggestion made by the gentleman from Arkansas [Mr. WINGO] would be correct if he were absolutely certain that the Federal land-bank system could take care of all of the demands from that community, but if it is unable to take care of all of them, and that has been the history during the past two or three years, then there may be very serious question as to the advisability of disqualifying these men.

Mr. A. P. NELSON. Would it not naturally follow that if the loans are presented and are eligible and can not be taken care of, they would be taken care of in the other way?

Mr. BURTNESS. If the provision was that such loans would be first offered the Federal land banks and if not accepted within a reasonable time then they might be placed elsewhere, I would see no objection to it.

Mr. McFADDEN. That is exactly what is proposed.

Mr. WINGO. Yes; and it will protect the association from being controlled by private land companies.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Wisconsin, which, without objection, the Clerk will again report.

There was no objection and the Clerk again reported the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

The amendment was agreed to.

Mr. HUSTED. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ANDERSON. Mr. Chairman, I move to strike out the section.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the section.

Mr. McFADDEN. Mr. Chairman, pending that, I ask unanimous consent that debate upon this section and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that all debate upon the section and all amendments thereto close in 10 minutes. Is there objection?

Mr. JONES of Texas. Mr. Chairman, reserving the right to object, I would like to have five minutes, and that is the last that I shall ask.

Mr. McFADDEN. Mr. Chairman, I do not want to be discourteous to the gentleman, but I shall have to insist upon my request. I move that all debate upon the section and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from Pennsylvania moves that all debate upon the section and all amendments thereto close in 10 minutes.

Mr. JONES of Texas. Mr. Chairman, I move to amend that by making it 15 minutes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas to the motion of the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. JONES of Texas) there were—ayes 46, noes 57.

So the amendment was rejected.

The CHAIRMAN. The question is now on the motion of the gentleman from Pennsylvania.

The motion was agreed to.

Mr. ANDERSON. Mr. Chairman and gentlemen of the House, this is the section about which there seems to have been most of the controversy this afternoon. I have not the time to go into it at length, but the question here apparently is whether we shall abandon the policy which we have heretofore established in connection with the farm-loan system and adopt an entirely new policy. We now have two kinds of land banks, and we propose here to establish two kinds of liability—one kind of liability on the part of those members of the farm-loan system, or the stockholders who are members of the farm-loan associations, and a different class of liability upon the part of those who obtain loans which are solicited by agents provided for in the section. A credit is not a thing that ought to be sold by agents. It is not a thing that ought to be easy. It is something that ought, for the most part, to be made difficult.

No man ought to have credit who is not prepared to demonstrate the necessity for it and the security of the risk, but when you start sending agents all over this country to solicit business for the farm-loan system, you are entering upon a policy which seems to me to be of very doubtful character. [Applause.] I believe that if the farmers of the country are ever to get any permanent relief from the situation that now confronts them, if they are to improve their relative welfare in comparison with the industrial worker of the country, if there is to be any restoration of the normal relationship between agriculture and the industrial purchasing power in this country, that restoration must in the last analysis come through farm organizations, through organization of production by cooperative effort. This bill in its original conception was based upon the idea of promoting among the agricultural people of the country the idea of cooperation.

I am willing to admit that the farm-loan system in the West has not been wholly successful, but I think that we take a backward step when we abandon the system of cooperative enterprise in the agricultural sections of the country and undertake to develop in its place a system of direct national solicitation and direct national action. I am so much in earnest about this question, I am so thoroughly satisfied that the development of the United States agriculturally must depend upon the development of farm organization, of organization of production, of organization of farm marketing, upon cooperative organization, if you please, that I am unwilling to see this backward step taken in the administration of the farm-loan system. [Applause.] If I were at liberty to do so, I would like to yield to my friend from Texas, but I suppose I have not that right under the rule.

The CHAIRMAN. The gentleman can not yield time.

Mr. ANDERSON. I ask unanimous consent—how much time have I remaining?

The CHAIRMAN. The gentleman has one and a half minutes remaining.

Mr. STEVENSON. Will the gentleman yield for a question?

Mr. ANDERSON. Yes.

Mr. STEVENSON. This is the kind of a situation that occurs, and I want to know if the gentleman is opposed to our relieving that. Here is a farm-loan association in a county, 22 members; they have got their loans, everything is settled down. Here is a fellow who just lives in the same county, with a piece of land on which he has got a mortgage, and it has come due, and he wants to get the farm-loan association to take it up. He comes to that association—it is the only way he can get it—and they say: "Let him go on the block; Tom wants that land." Are we, because of some fancied idea of cooperative associations, to deny the loan to this man because——

Mr. ANDERSON. I think the gentleman has the reverse of the situation. Are we, because some man somewhere in the United States will not be able to get the benefit of this system, to try to take a step backward from the direction in which the clear development of agriculture of the Nation ought to proceed? [Applause.]

Mr. WINGO. Mr. Chairman, I rise in opposition to the amendment.

Mr. WOOD of Indiana. Mr. Chairman——

The CHAIRMAN. The time was fixed by a motion, and 10 minutes was provided for, 5 minutes of which has been used in favor of the motion. The gentleman from Arkansas is opposed to the motion, a member of the committee, and he is entitled to recognition.

Mr. WOOD of Indiana. Mr. Chairman, I understood in the division of time I was to have five minutes, and what I desire to say has particular application to this section.

The CHAIRMAN. The Chair understands that the gentleman from Indiana indicated his desire for recognition, but since the time was not fixed by unanimous consent but fixed by motion the ordinary rule must control, which is that a member of the committee desiring recognition in opposition to the motion is entitled to recogn tion.

Mr. WINGO. Mr. Chairman, in behalf of the committee I want to call attention to some things which the gentleman from Minnesota [Mr. ANDERSON] evidently overlooked. I think that it is not necessary that I should state my loyalty to the cooperative movement. Without intending to reflect upon the loyalty of the gentleman from Minnesota I suspect I have demonstrated my efforts in behalf of the cooperative movement among the farmers in a more practical way than he has since I have been a Member of this House.

Here is a situation that threatens your cooperative movement. Since the amendments that I have insisted upon have gone into this section, I will tell you what I believe it will do, and I will tell you why the joint-stock land banks fight us on that proposition. We found, to our amazement—not just in isolated instances; we found in a great many instances, and especially of late—that the private mortgage companies and the agents, in some instances, of joint-stock land banks were worming themselves into local cooperative associations as secretary-treasurers.

For what purpose were they doing it? For the purpose of throttling the local association, for the purpose of controlling its business, to delay action on the applications, and to make the farmers in the local cooperative associations get disheartened and tired of waiting, and then have them turn the loans over to the private mortgage company which they represent. This section, as we have now amended it, will enable the system to kick out of the offices of secretary-treasurer these disloyal secretary-treasurers who have done more than anything else to prevent the cooperative associations from functioning.

That is the reason why I am against the motion of the gentleman from Minnesota [Mr. ANDERSON] to strike it out, because I want to protect the cooperative spirit against the insidious control of the private agents of the private mortgage companies who have wormed themselves into these positions. Under this section they will be cut out, and no agent can be ap-

pointed to make a direct loan unless that association fails, neglects, or refuses to let its neighbors in to get the benefits of the act.

Is there a man on this floor who will stand up and say that he is willing to shut the door in the face of an honest farmer simply because his neighbors say, "We have got all our loans, and we will not even meet to pass upon your application"? I would give that man relief, and I think you can do it without destroying the cooperative spirit. This amendment will give some incentive to the local association to function, and it will take off the local cooperative association the dead hand of the private mortgage companies' agents who have prostituted those associations for their own private and selfish purposes. [Applause.]

Mr. MONDELL. Mr. Chairman, I ask unanimous consent that the gentleman from Indiana [Mr. WOOD] may be allowed to proceed for five minutes, notwithstanding the limitation that has been imposed.

The CHAIRMAN. Is there objection to the request of the gentleman from Wyoming?

Mr. BLANTON. Mr. Chairman, reserving the right to object, I would not object at all if it were not for the rules of the House which have been put into force and effect here to-day, which prevent the gentleman from Wyoming from doing this. The gentleman knows he can not do that under the regular rules of the House.

A MEMBER. Regular order!

The CHAIRMAN. The regular order is, Is there objection?

Mr. BLANTON. I object.

Mr. FIELDS. Reserving the right to object, Mr. Chairman, these gentlemen have all spoken several times already in the RECORD.

Mr. McFADDEN. Mr. Chairman, how many minutes remain?

The CHAIRMAN. Two minutes.

Mr. McFADDEN. I yield that to the gentleman from Indiana.

The CHAIRMAN. The gentleman from Indiana has two minutes.

Mr. WOOD of Indiana. Mr. Chairman, there is one thing I want to call attention to. It is not peculiar to this bill alone, but it is characteristic of the vast majority of legislation that passes this House. Every Member of Congress at some time or other has inveighed against the tendency toward a bureaucratic form of Government. Now there is in this bill between lines 16 and 20 on page 10 a delegation to a board the power that this Congress ought to reserve to itself with reference to fixing a reserve. It is the duty of Congress to legislate. It is not the duty of Congress to delegate its power to legislate to a bureau.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. No; I can not yield. I have only two minutes.

I want to say to you that in every important piece of legislation that we pass here requiring administration in any of the departments we are delegating the power to legislate—the most important part of the law—to that division or department. It is bad on its face. It is destructive of our kind of Government. It is causing more criticism than has ever been had from any other source. We are constantly hearing on every side the statement that we are tending to a bureaucratic form of Government, and when we look at a statute to ascertain what are the rights under the law we find that we have given permission to administrative officers to fix legislation that is vital to that law. In all this legislation and all of other legislation of similar character it is the duty of Congress to legislate and refrain from abdicating its power in favor of the heads of these bureaus. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota [Mr. ANDERSON].

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. ANDERSON. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 59, noes 46.

Mr. STRONG of Kansas. Mr. Chairman, I ask for tellers.

The CHAIRMAN. The gentleman from Kansas asks for tellers.

Tellers were ordered, and the Chairman appointed Mr. McFADDEN and Mr. ANDERSON to act as tellers.

The committee again divided; and the tellers reported—ayes 75, noes 48.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk resumed and concluded the reading of the bill.

Mr. McFADDEN. Mr. Chairman, I move that the committee do now rise and report the bill and the amendments to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly, the committee rose; and the Speaker having resumed the chair, Mr. MCARTHUR, chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H. R. 14270) to amend sections 3, 4, 9, 12, 15, 21, 22, and 25 of the act of Congress approved July 17, 1916, known as the Federal farm loan act, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. McFADDEN. Mr. Speaker, I move the previous question on the bill and all amendments thereto to the final passage or rejection.

The SPEAKER. The gentleman from Pennsylvania moves the previous question on the bill and amendments to the final passage or rejection.

The previous question was ordered.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4308. An act to authorize the general accounting officers of the United States to allow credit to certain disbursing officers for payments of salary made on properly certified and approved vouchers; to the Committee on Claims.

S. 3084. An act to authorize and provide for the payment of the amounts expended in the construction of hangars and the maintenance of flying fields for the use of the Air Mail Service of the Post Office Department; to the Committee on Claims.

S. 3955. An act to compensate Lieut. L. D. Webb, United States Navy, for damages to household effects while being transported by Government conveyance; to the Committee on Claims.

S. 3973. An act to remit the duty on a carillon of bells to be imported for the House of Hope Church, St. Paul, Minn.; to the Committee on Ways and Means.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill and joint resolution of the following titles; when the Speaker signed the same:

H. J. Res. 418. Joint resolution authorizing the use of public parks, reservations, and other public spaces in the District of Columbia; and the use of tents, cots, hospital appliances, flags, and other decorations, property of the United States, by the Almas Temple, Washington, D. C., 1923 Shrine Committee (Inc.), and for other purposes.

H. R. 13351. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the Daughters of the American Revolution of the State of South Carolina the silver service which was used upon the battleship *South Carolina*.

The SPEAKER announced his signature to enrolled bills of following titles:

S. 3220. An act to amend sections 2, 5, 11, 12, 15, 19, 29, and 30 of the United States warehouse act, approved August 11, 1916; and

S. 2023. An act defining the crop failure in the production of wheat, rye, or oats by those who borrowed money from the Government of the United States in the years 1918 and 1919 for the purchase of wheat, rye, or oats for seed, and for other purposes.

DISTRICT OF COLUMBIA APPROPRIATIONS.

Mr. CRAMTON. Mr. Speaker, I desire to offer a conference report on the District of Columbia appropriation bill.

The SPEAKER. The gentleman from Michigan offers a conference report on a bill, which the Clerk will report.

Mr. CRAMTON. Mr. Speaker, if I may, I ask unanimous consent for its immediate consideration.

Mr. BLANTON. Oh, no; not to-night.

Mr. CRAMTON. Very well, for printing under the rule.

FEDERAL FARM LOAN ACT.

The SPEAKER. Is a separate vote demanded on any amendment reported from the Committee of the Whole?

Mr. STRONG of Kansas. Mr. Speaker, I demand a separate vote on the amendment to strike out section 5.

Mr. BEGG. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. Will the gentleman withhold his point for a moment?

Mr. BEGG. Yes.

LEAVE TO WITHDRAW PAPERS—JOHN B. BUNTIN.

By unanimous consent, Mr. MCARTHUR was given leave to withdraw from the files of the House, without leaving copies, the papers in the case of John B. Buntin (H. R. 1229), first session Sixty-third Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. CABLE, indefinitely, on account of sickness in his family.

SPEAKER PRO TEMPORE TO-MORROW.

The SPEAKER. The Chair designates the gentleman from Pennsylvania [Mr. BUTLER] to preside at the memorial exercises to-morrow.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 7 o'clock and 22 minutes p. m) the House, under the previous order, adjourned until Sunday, February 18, 1923, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1010. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the United States Veterans' Bureau for the fiscal year ending June 30, 1923, for military and naval insurance, $13,235,000 (H. Doc. No. 592); to the Committee on Appropriations and ordered to be printed.

1011. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Treasury Department for the fiscal year ending June 30, 1923, amounting to $186,250 (H. Doc. No. 593); to the Committee on Appropriations and ordered to be printed.

1012. A communication from the President of the United States, transmitting supplemental and deficiency estimates of appropriations for the Post Office Department, for special-delivery fees, fiscal year ending June 30, 1921, $1.04; for compensation to postmasters, fiscal year ending June 30, 1922, $50,682.24; and for car fare and bicycle allowance, fiscal year ending June 30, 1923, $39,900; in all, $90,583.28 (H. Doc. No. 594); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. S. 4235. An act granting consent of Congress to the Charlie Bridge Co. for construction of a bridge across Red River between Clay County, Tex., and Cotton County, Okla.; without amendment (Rept. No. 1631). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 14268. A bill to authorize the county of Lee, in the State of Arkansas, to construct a bridge over the St. Francis River; with amendments (Rept. No. 1632). Referred to the House Calendar.

Mr. COLTON: Committee on the Public Lands. H. R. 10861. A bill to add certain lands to the Uinta National Forest, and for other purposes; without amendment (Rept. No. 1633). Referred to the Committee of the Whole House on the state of the Union.

Mr. KEARNS: Committee on Military Affairs. H. R. 14338. A bill to authorize the sale of certain Government property and authorizing an appropriation for permanent buildings and improvements for use of the engineering division of the Air Service of the Army; with amendments (Rept. No. 1640). Referred to the Committee of the Whole House on the state of the Union.

Mr. BROWN of Tennessee: Committee on the District of Columbia. H. R. 13237. A bill authorizing the closing of certain portions of Grant Road in the District of Columbia, and for other purposes; without amendment (Rept. No. 1641). Referred to the House Calendar.

Mr. JAMES: Committee on Military Affairs. H. J. Res. 442. A joint resolution to authorize the transportation to Porto Rico of a committee representing the Fourth Ohio Infantry, war with Spain; without amendment (Rept. No. 1643). Referred to the Committee of the Whole House on the state of the Union.

Mr. FAIRFIELD: Committee on the Census. S. 3757. An act authorizing the Department of Commerce to collect and publish additional cotton statistics and information; with amendments (Rept. No. 1644). Referred to the Committee of the Whole House on the state of the Union.

Mr. RHODES: Committee on Mines and Mining. H. J. Res. 441. A joint resolution creating a joint commission, to be known as the joint commission of gold and silver inquiry, which shall consist of five Senators to be appointed by the President of the Senate, and five Representatives to be appointed by the Speaker; with amendments (Rept. No. 1645). Referred to the Committee of the Whole House on the state of the Union.

Mr. PARKER of New Jersey: Committee on Military Affairs. S. 1018. An act to amend an act entitled "An act to give indemnity for damages caused by American forces abroad," approved April 18, 1918; with an amendment (Rept. No. 1646). Referred to the Committee of the Whole House on the state of the Union.

Mr. MOORES of Indiana: Joint Select Committee on Disposition of Useless Executive Papers. H. Rept. No. 1630. A report on the sale of useless papers during the second session of the Sixty-seventh Congress. Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. REED of New York: Committee on War Claims. H. R. 7810. A bill for the relief of First Lieut. Frank J. Simmons, Quartermaster Corps, United States Army; without amendment (Rept. No. 1634). Referred to the Committee of the Whole House.

Mr. REED of New York: Committee on War Claims. S. 726. An act for the relief of George Emerson; without amendment (Rept. No. 1635). Referred to the Committee of the Whole House.

Mr. SNELL: Committee on War Claims. S. 1280. An act for the relief of Eli N. Sonnenstrahl; without amendment (Rept. No. 1636). Referred to the Committee of the Whole House.

Mr. REED of New York: Committee on War Claims. S. 1516. An act for the relief of Lewis W. Flaunlacher; with amendments (Rept. No. 1637). Referred to the Committee of the Whole House.

Mr. SNELL: Committee on War Claims. S. 3553. An act for the relief of the family of Lieut. Henry N. Fallon (retired); without amendment (Rept. No. 1638). Referred to the Committee of the Whole House.

Mr. SNELL: Committee on War Claims. S. 4313. An act for the payment of claims for damages to and loss of private property incident to the training, practice, operation, or maintenance of the Army; without amendment (Rept. No. 1639). Referred to the Committee of the Whole House.

Mr. FISHER: Committee on Military Affairs. H. R. 1859. A bill for the relief of Thomas J. Rose; without amendment (Rept. No. 1642). Referred to the Committee of the Whole House.

Mr. HULL: Committee on Military Affairs. H. R. 14082. A bill to authorize the Valley Transfer Railway Co., a corporation, to construct and operate a line of railway in and upon the Fort Snelling Military Reservation, in the State of Minnesota; with an amendment (Rept. No. 1647). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. NEWTON of Minnesota: A bill (H. R. 14368) to authorize the county of Hennepin, in the State of Minnesota, to construct a bridge and approaches thereto across the Minnesota River at points suitable to the interests of navigation; to the Committee on Interstate and Foreign Commerce.

By Mr. FISH: A bill (H. R. 14369) authorizing the President to declare an embargo on coal; to the Committee on Interstate and Foreign Commerce.

By Mr. MACGREGOR: A bill (H. R. 14370) for the relief of distress in Germany; to the Committee on Banking and Currency.

By Mr. KNUTSON: A bill (H. R. 14371) to extend the benefits of certain pension laws to the officers, sailors, and marines on board the U. S. S. *Maine* when that vessel was wrecked in the harbor of Habana February 15, 1898, and to their widows and dependent relatives; to the Committee on Pensions.

By Mr. HARDY of Colorado: A bill (H. R. 14372) providing for charges against the general funds standing to the credit of the District of Columbia in the Federal Treasury; to the Committee on the District of Columbia.

By Mr. HERRICK: Joint resolution (H. J. Res. 452) authorizing and directing the President to immediately take vigor-

ous and drastic steps to enforce the collection of $3,500,000,000 owed by the Government of France to the Government of the United States, with interest thereon from the time the United States advanced said sum to the Government of France until said sum is paid; to the Committee on Foreign Affairs.

By Mr. PORTER: Joint resolution (H. J. Res. 453) requesting the President to urge upon the governments of certain nations the immediate necessity of limiting the production of habit-forming narcotic drugs and the raw materials from which they are made to the amount actually required for strictly medicinal and scientific purposes; to the Committee on Foreign Affairs.

By Mr. VOLSTEAD: Resolution (H. Res. 537) for the consideration of bills reported from the Committee on the Judiciary; to the Committee on Rules.

Also, resolution (H. Res. 538) for the consideration of House bills 13927 and 12123; to the Committee on Rules.

By Mr. CURRY: A resolution (H. Res. 539) authorizing payment of one month's salary to the clerks to the late Hon. John I. Nolan; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CHINDBLOM: A bill (H. R. 14373) granting a pension to Elizabeth Van Alstine; to the Committee on Invalid Pensions.

By Mr. CURRY: A bill (H. R. 14374) authorizing the President to reappoint Maj. Harry Walter Stephenson, United States Army (retired), to the position and rank of major, Coast Artillery Corps, in the United States Army; to the Committee on Military Affairs.

By Mr. FOCHT: A bill (H. R. 14375) authorizing the Secretary of War to donate to the town of Lewisburg, Pa., one German mortar, cannon, or fieldpiece; to the Committee on Military Affairs.

By Mr. HICKEY: A bill (H. R. 14376) granting a pension to Mahaley Franklin; to the Committee on Pensions.

Also, a bill (H. R. 14377) for the relief of Richard Hogan; to the Committee on Claims.

By Mr. HOCH: A bill (H. R. 14378) granting an increase of pension to Arminta Shinn; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7328. By the SPEAKER (by request): Petition of city of Chicago, favoring a bill to declare a part of the West Fork of the South Branch of the Chicago River nonnavigable; to the Committee on Interstate and Foreign Commerce.

7329. Also (by request), petition of William (Bob) Kennedy Post, No. 416, Veterans of Foreign Wars, New York City, N. Y., opposing any amendment to the present immigration law; to the Committee on Immigration and Naturalization.

7330. Also (by request), petition of William (Bob) Kennedy Post, No. 416, Veterans of Foreign Wars, New York City, N. Y., requesting the President to set aside a week to be known as national antidope week; to the Committee on Ways and Means.

7331. Also (by request), petition of William (Bob) Kennedy Post, No. 416, Veterans of Foreign Wars, New York City, N. Y., favoring House bill 1176, providing for the restoration to good standing of a veteran who is now in poor physical health through disabilities incurred in the service of the Government; to the Committee on Military Affairs.

7332. By Mr. ANSORGE: Petition of Dr. Joseph Broadman, New York City, urging Congress to take steps to prevent another European war; to the Committee on Foreign Affairs.

7333. Also, petition of the Harlem Board of Commerce, New York City, urging the establishment of a national police bureau; to the Committee on the Judiciary.

7334. Also, petition of Men's Temple Club of the Free Synagogue, Washington Heights, New York City, favoring the passage of the McCormick bill; to the Committee on the Judiciary.

7335. By Mr. CULLEN: Petition of the General Lafayette Police Post, American Legion, No. 460, State of New York, favoring the enactment of Senate bill 1565; to the Committee on Military Affairs.

7336. By Mr. DALLINGER: Petition of the Men's Club of the First Methodist Episcopal Church, of Medford, Mass., favoring legislation to prevent a recurrence of the present coal shortage; to the Committee on Interstate and Foreign Commerce.

7337. Also, petition of the Traffic Club of New England, favoring the passage of the ship subsidy bill; to the Committee on the Merchant Marine and Fisheries.

7338. By Mr. DARROW: Petition of the executive committee of the board of trustees of the Drexel Institute, of Philadelphia, Pa., protesting against section 6 of the copyright bill (H. R. 11476); to the Committee on Patents.

7339. By Mr. FROTHINGHAM: Petition of Traffic Club of New England, urging support of the so-called ship subsidy bill; to the Committee on the Merchant Marine and Fisheries.

7340. By Mr. GALLIVAN: Petition of 23 members of North Shore Garden Club, Massachusetts, favoring Senate bill 4062, for the comprehensive development of the park and playground system of Washington; to the Committee on the District of Columbia.

7341. Also, petition of various organizations of Federal employees, favoring House bill 14226, providing compensation for United States employees injured in the performance of their duties; to the Committee on the Judiciary.

7342. By Mr. KIESS: Petition of Excelsior Council, No. 4, Sons and Daughters of Liberty, of Williamsport, Pa., relative to immigration legislation; to the Committee on Immigration and Naturalization.

7343. By Mr. KISSEL: Petition of Paul J. Christian, representing New Orleans Cotton Exchange, Washington, D. C., approving the trading in cotton futures; to the Committee on Agriculture.

7344. Also, petition of Illinois Manufacturers' Association, Chicago, Ill., opposing cancellation of foreign war debts; to the Committee on Foreign Affairs.

7345. Also, petition of Syracuse Branch, Railway Mail Association, Syracuse, N. Y., favoring House bill 13136 providing for voluntary retirement after 30 years of service; to the Committee on the Post Office and Post Roads.

7346. By Mr. KRAUS: Petition of J. C. Werner and other citizens of Pulaski County, Ind., in relation to House Joint Resolution 412; to the Committee on Foreign Affairs.

7347. By Mr. LEA of California: Petition of 22 residents of Colusa County, Calif., favoring abolition of tax on small-arms ammunition and firearms; to the Committee on Ways and Means.

7348. By Mr. RAINEY of Illinois: Petition of Medinah Temple, urging the President to set aside a week to be known as national antinarcotic week; to the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES.

SUNDAY, *February 18, 1923.*

The House met at 12 o'clock noon.

Rev. William B. Waller, of Washington, D. C., offered the following prayer:

Almighty God, our Heavenly Father, we thank Thee that we may approach Thee confidently this morning; that we need not appease or propitiate Thee, but may trust Thee; that we need not comprehend Thee, but may accept Thee; that Thou art waiting to be gracious. Command Thy blessing upon us as Thou seest we may need at this time. Comfort those that mourn, give unto them that beseech Thee the realization that the everlasting arms of the Heavenly Father are round about them. We pray for all who are in distress everywhere. Let them realize the sympathy of the Lord Jesus Christ, who wept by the side of the grave of Lazarus and is willing to mingle his tears with ours and to speak words of resurrection, hope, and comfort. Guard and bless all of us, we pray Thee. Fit us for all the privileges and responsibilities for which Thou dost summon us. Let the blessing of the Sabbath rest upon our President, upon the Congress, upon all in authority in our land, that we may be a people whose God is the Lord. Bless us as we meet to pay tribute to the memory of our distinguished dead who have served well in their day and generation. And at last, when we are done serving Thee here below, receive us into glory with all the loved ones who have gone before, and with all the redeemed of God, and we will praise Thee, Father, Son, and Spirit, in a world without end. Amen.

THE JOURNAL.

Mr. CRAGO. Mr. Speaker, I ask unanimous consent that the reading of the Journal may be postponed until to-morrow.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the reading of the Journal be postponed until to-morow. Is there objection?

There was no objection.

SPEAKER PRO TEMPORE.

The SPEAKER. The Chair will ask the gentleman from Pennsylvania [Mr. FOCHT] to preside.

Mr. FOCHT took the chair as Speaker pro tempore.

MEMORIAL EXERCISES.

The SPEAKER pro tempore. The Clerk will report the special order.

The Clerk read as follows:

On motion of Mr. BUTLER, by unanimous consent—

Ordered, That Sunday, February 18, 1923, at 12 o'clock noon, be set apart for addresses on the life, character, and public services of Hon. BOIES PENROSE, Hon. PHILANDER C. KNOX, Hon. WILLIAM E. CROW, late Senators from the State of Pennsylvania; and Hon. CHARLES R. CONNELL, late a Representative from the State of Pennsylvania.

Mr. CRAGO. Mr. Speaker, I offer the following resolution.

The SPEAKER pro tempore. The gentleman from Pennsylvania offers a resolution which the Clerk will report.

The Clerk read as follows:

House Resolution 540.

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. BOIES PENROSE, Hon. PHILANDER C. KNOX, Hon. WILLIAM E. CROW, late Senators from the State of Pennsylvania, and Hon. CHARLES R. CONNELL, late a Member of this House from the State of Pennsylvania.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of their distinguished public careers, the House at the conclusion of these exercises shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send copies of these resolutions to the families of the deceased.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, I first met BOIES PENROSE in 1893. He was tall, erect, athletic, intellectual—a perfect specimen of physical and mental manhood. I knew Philadelphia and Philadelphians very well in those days. I happened to be in Philadelphia that year, when the leader of the Republican Party in Pennsylvania, Senator Matthew Stanley Quay, had proposed BOIES PENROSE as a candidate for mayor of the city. Those favoring the mayoralty candidacy of Mr. PENROSE wore in the lapels of their coats a pen with an artificial rose attached. That was the insignia of their friendship and support of his candidacy. One of Mr. PENROSE's friends attached one of these insignia to the lapel of my coat. I was in the city for a few days, and I called on one of those opposition leaders who was a friend of mine. He said: "You are associating with the losing crowd. PENROSE is not to be the mayor of Philadelphia. I would advise you to get into the band wagon." The gentleman to whom I refer was Dave Lane, a power in those days and every other day while he lived. It turned out that the prophecy of Mr. Lane was true. Mr. PENROSE did not become the mayor of Philadelphia, but shortly after that he became the Senator from Pennsylvania in the Senate of the United States.

The leadership of Mr. Quay was recognized all over the Union. It was thought that when he passed away it would be hard to fill his place, but Mr. PENROSE filled it to the full, better than it had ever been filled before in Pennsylvania, which always had great leaders. Mr. PENROSE graduated at the head of his college class. No two men who ever served in the Senate of the United States had a better classical education than PENROSE and Quay. Neither one of them was an orator. That does not mean that they could not speak, but they were wonderful workers. They were great Senators. They attracted nation-wide attention. They had more power within the boundaries of their State and throughout the Nation than any other two men that I have known in the Senate during the history of my experience.

Senator PENROSE was a student, mainly a student of the finances of the Nation. He afterwards became chairman of the Finance Committee of the Senate. He was recognized as an authority on all tariff matters and matters of finance. He was a potential factor in shaping the financial policy of the country. He rarely spoke, but when he did everybody recognized that what he said was authoritative. I remember his first campaign for reelection after the amendment to the Constitution which required Senators to be elected by popular vote. It was thought on every hand that PENROSE would not become a candidate before the people; that his best qualification was to manipulate the members of the legislature, who had theretofore elected the Senators; but he disappointed a great many of those who would have liked to see him retire from the Senatorship by announcing his candidacy for Senator and deciding to make a campaign throughout the State before the people. He made the most wonderful campaign that has ever been made by any man for this great office. I talked with him one day and asked him how he liked campaigning from town to town among the people. He said he really enjoyed it; that there was only one danger connected with the work. He was required to speak a great many times every day, and the danger that he saw was that he might come to like the music of his own voice and get into the habit of speaking oftener than he thought occasion might require. But after the campaign was over he had the good sense not to continue campaign speeches on the floor of the Senate. He spoke when occasion required, when the business of the Nation called for speech.

He was one of the greatest organizers the Nation has ever known. He had the confidence of those who were associated with him to a more marked degree than any other man I ever knew. The organization of the Republican Party in Pennsylvania under his leadership was impregnable. It spoke the voice of the people. It advocated clean government. It advocated things that were of interest to the people of the State. The best manifestation of the fact that it did so was the continued confidence in which that organization was held. PENROSE was a lovable character, not always easy of approach, but to those who knew him best he was a man of kindly spirit who had charitable views. He was modest, unassuming, retiring in his disposition, contrary to the general conception of what great leadership means. He devoted his life almost exclusively to the upbuilding of the Republican Party within his State and throughout the Nation. He could afford to do this, because he was a man of wealth. He had no ulterior purpose. There was no reason why he should have. He devoted his time, his genius, his knowledge, his experience, his wealth to the well-being of the Nation. He was a towering figure in every national Republican convention. It was not necessary for Mr. PENROSE to be present to wield the influence, for his organization was so true to what he wanted that his word was law. Whether that word was passed from a distance or on the ground, it made no difference.

He was a marvelous legislator. He was constantly on guard, constant in his attendance on the sessions of the Senate, except during his late illness. You always found him at work; his devotion was unselfish to a great cause. He was a friend upon whom one might always rely. His passing away from the activities of this life was a great shock to his friends and to the Nation. It was a great loss to the Republican Party and a great loss to the people of Pennsylvania. He had a mind as clear as the daylight sun. He was clear in his expressions; he was vitriolic sometimes in what he had to say, but never radical on any subject. He always had a ready reply for anything that might be said by an opponent. He stood as a bulwark of national honor. He believed in the Nation in its present and its future, and he always advocated legislation calculated to make for a greater America. He believed that it was a wonderful thing to be an American, and he always acted on that belief. He thought that the most wonderful privilege that could come to a man was to be a citizen of the United States. He thought that was the great privilege. He always realized that it carried with it the greatest responsibility, and in the exercise of the responsibility placed upon him under his privileges of citizenship he was true to every national ideal. He thought it was more worth while to be a citizen in the humblest walks of American life than to be the greatest ruler of any other nation. He believed that it was a wonderful thing for everybody here, and he acted upon that belief, to live in a land where every citizen is a sovereign and where every man, woman, and child is free to worship God according to the dictates of his own conscience—a land whose inventions lead the world, where the printing press and the church follow close upon the march of empires, where labor is exalted to comfortable homes, where caste is ignored, where the humblest child of poverty may aspire unrebuked to the highest place in the gift of the Nation.

He realized, as I have heard him say, more than any other man could that the men from the worn-out monarchies as the result of the great World War came to realize that the noblest trend of human progress lies in the direction of a republic. He realized that in this supreme land the best of the human race might find expression, while it was bound to win the acknowledgment that America, under a free government, outstripped the world.

He also realized, as I have heard him express it, that with a proper degree of devotion and unselfishness and patriotism in the minds and hearts of those who from time to time occupy high official places in the Nation's council and supported by a

united, patriotic, unselfish, devoted people that America was bound to live forever to emphasize the life and strength of this the greatest of all republics.

Mr. PENROSE was a great American; he believed in the things that I have just described to an extent greater than that of any other man that I ever knew. He believed that the safety of the Nation lies in the patriotic devotion of the people, in their continued unselfish practice of true Americanism, and in their willingness to fight while they are here to protect and preserve and perpetuate American institutions so that they may be handed down to be preserved and applauded by the generations who are to people this continent in the ages to come.

Mr. MONDELL. Mr. Speaker, those who knew BOIES PENROSE best and recall his many virtues will, I think, agree with me that among those virtues perhaps the most conspicuous were the qualities of fair and square dealing, steadfastness of purpose, and unwavering courage.

I became acquainted with our departed friend during my service in the Fifty-sixth Congress, but I did not come to know him well until somewhat later, and in connection with questions of tariff and tariff revision. He was a stanch and stalwart and unwavering believer in the doctrine of a protective tariff, not in a protective tariff for Pennsylvania or for the East alone, but for the country—North, South, East, and West—and he was not less insistent upon having a schedule which applied to the South or West square in its provisions with the protected policy than he was in the case of a schedule relating to products produced or utilized in the section in which he lived.

I witnessed a striking illustration of this steadfast adherence to principle and policy during hearings in connection with the consideration of the Payne-Aldrich tariff bill. An item of very great importance to the West and the Southwest was under consideration before the Senate committee. Some members of the committee were inclined to the view that the treatment of that particular schedule in the manner urged by the West would be criticized and might, indirectly at least, be harmful to certain interests in the East, some of them in Pennsylvania. It was Senator PENROSE who, in a few words, quietly but quite decisively spoken, settled the question. To him it was merely a question as to whether what was proposed squared with the principle and the policy to which he adhered. If it did, then that principle and that policy could only be sustained, could only be justified by doing the thing that squared with its fair and national application.

It was the first opportunity I had had to witness the Senator from Pennsylvania in action at a crucial time in defense of a principle or policy that might be temporarily or locally unpopular, but it revealed the man as I knew him from that time on—a follower of the principles he espoused without trimming or hesitation, a champion of the fair deal, a man of sound judgment and of unfailing courage.

Senator PENROSE, like all men who rise to positions of prominence and who have great responsibilities laid upon them, was the subject of severe and, I regret to say, unfair and unreasonable criticism. Such is the price of prominence. He who drifts with the tide, shifts with the wind, and has an ear accutely attuned to temporary or local clamor may, for a time, enjoy much superficial public approval, but his accomplishments in the public interests will be small and his memory fleeting. Those who stand firm and steadfast in defense of principle, in adherence to policies to which they have given their faith, in conscientious discharge of public duty and responsibility, are certain to be unfairly and unjustly criticized and are likely to be vilified and abused. This is the unfailing rule, the one that has no exceptions, and all who are placed in positions of responsibility must accept it as an inevitable accompaniment of power and of responsible station.

BOIES PENROSE was a splendid product of his people, his State, and his country. He was among the comparatively few who in any time or generation are worthy to be classed and to be remembered as statesmen. He looked the part, he acted the part, he towered above the average man in will and strength of purpose as he towered above them in his magnificent physical frame. He was a giant among men in every way—in stature, in intellect, in will power, in strength of purpose, and in courage. He performed a great service to his State and to the Nation. He had strong opposition; he was the victim of severe criticism; but, above it all, he stood a splendid and stalwart figure who will be long remembered as one of the master minds of his day.

Mr. RANKIN. Mr. Speaker, some one has referred to those friendships which spring up between members of different political affiliations in this House as the flowers that overhang the walls of party politics. Some of those flowers wither and die of neglect, some of them are blighted by the frosts of time, some are seared and even consumed in the fires of heated partisan debate, while others live to shed their fragrance even beyond the tomb.

The latter has been the case with those flowers of friendship which sprang up between the Hon. CHARLES R. CONNELL and myself during the short period of our services together in the House as coworkers on the Committee on Pensions.

We sat side by side, and I have never known a man who impressed me more for the short time we were together than did this distinguished son of Pennsylvania. He was ever mindful in his duty to the American taxpayers; he was ever mindful of the condition of the Public Treasury, while at the same time he never turned a deaf ear to those whose services to their country in times of war rendered them deserving of the Nation's gratitude and the Nation's care in times of peace.

Entertaining widely divergent views on economic and political questions as we did, he being a northern Republican and I a southern Democrat, yet during the discussion of those matters about which we differed I have often observed that his careful consideration for the feelings of those who did not agree with him, his painstaking regard for those amenities which govern the intercourse between gentlemen, rendered his association and his companionship indeed pleasant, even when we were discussing those matters upon which we never agreed.

He was a man with the courage of his convictions, and I can safely say that during my acquaintance with him he always manifested a high sense of responsibility as a representative of the American people. He was courteous to a degree that rendered him extremely attractive, not only in the committee room but in the lobby, on the street, on the floor of the House, and everywhere else it was my pleasure to come in contact with him. Possibly I was thrown with him more than almost any other Member on the Democratic side, because we often discussed a great many questions foreign to legislative matters, and I found him to possess a wonderful store of general information.

I know nothing of his religious affiliations, I know nothing of his fraternal connections, but my experience with him in a practical way led me to believe that he was more or less a disciple of that philosophy enunciated by Ella Wheeler Wilcox, when she said:

So many gods, so many creeds,
So many paths that wind and wind;
When just the art of being kind
Is all this sad world needs.

I can not speak of his home life, I know nothing of his services to the people of Pennsylvania before he came to Congress; I know nothing of his great achievements in a business way. Other men who are familiar with his former career will pay their tributes to him in more appropriate terms than I could, even were I familiar with the facts; but I, who enjoyed his friendship only during the short time of our services here in the House, merely wish to come in all humility to pluck one of the flowers which his generous nature caused to grow over the walls of party politics and to reverently place it upon his grave, religiously trusting in all sincerity that we may share the effects of its beneficent influence when we "greet the coming of another age of youth and usefulness in another radiant Easter, beyond the gates of night."

Mr. BIXLER. Mr. Speaker, we have met to-day to pay tribute and manifest our respect and esteem to one who held a high place in this Nation and in his native State—Pennsylvania. One who performed the duties of these high offices of State and Nation fearlessly, judiciously, and to the everlasting credit to himself and Nation. It was my great pleasure to have known Senator PENROSE for the past 20 years, and in these years I sought his advice on many occasions ever to find him ready, willing, and eager to assist with all the good, sound judgment and experience that he possessed. He was a firm believer in party government, and while many may have thought he was exceedingly partisan yet he was so only on partisan matters and principles of his party. I often recall a statement he made at a Republican National Convention when that great party he so nobly championed all his life was in the throes of disruption and division. When an attempt was being made to discredit it, when asked and advised to compromise, his answer, characteristic of the man, was, "The great party will stand on the principle of its founders, to compromise at this time is eternally and everlastingly wrong. The people of this country are tired of this great Republican Party. They are tired of bossism in Indiana. They are tired of organization in

Ohio. They are tired of PENROSE in Pennsylvania. Let us drive this grand old party to the brink. Let us drive it to the very edge, let us push it over the precipice, and then go to the other side and gather up the fragments and out of them build a new Republican Party with new principles to meet advanced conditions," and you will well remember that his words came true.

It was a pleasure to consult Senator PENROSE; there was no evasion of the subject, no idle promises, but at all times an answer that carried weight and could be relied upon. While in many of his campaigns he was grossly assailed and misjudged, yet I recall once when an opportunity presented itself that would have permitted him to retaliate against an opponent, and when he was being implored to do so, his answer was, "Boys, don't do it. I can stand all the criticism and falsehoods and malicious comments forced upon me, but I will not permit it to be done to another if in my power to prevent," a most noble spirit.

He was a natural born leader, energetic, courageous, and defiant; his whole life was devoted to his State and the Nation. As chairman of the Finance Committee of the Senate, under physical circumstances that I doubt if any other could have stood the strain, he performed his duties to the last and to the credit of his country. He was a true servant of the people in that his whole life was devoted to their cause. He believed that the life blood of this country was its industries and its natural resources, and he was ever ready to lend every effort in their advancement and protection, knowing full well that in the Nation's industrial activities the prosperity of the country's agricultural interests and that of every laborer would necessarily follow and their interests best served. Senator PENROSE was sometimes misunderstood, but to one who knew him knew full well that every move or action was done with careful deliberation and consideration for the interests of the whole people. He died in the service; his last days devoted to working out a financial program to relieve the burdens of a Nation that was distressed with a heavy debt, the result of a great war for humanity. He was a most considerate man; no public duty was too small for him to perform, and no service that he could render an individual but that he would gladly perform. His word was as good as gold, and he denied no one an interview on public questions, and after the interview you came away always with the information you desired, whether it was pleasing to you or not. While we are here today to honor his memory and recount his worth and express our sorrow at his ultimely departure at a time when men of his ability are so much needed we say farewell, our remembrance of him always will be cherished for his great work done for his native State—Pennsylvania—and the Nation.

SENATOR KNOX.

Mr. CRAGO. Mr. Speaker, never before, so far as I can ascertain, in the history of the United States Senate has it happened that a State has lost by death three United States Senators in less than one year. For a period of more than 25 years four men—Quay, PENROSE, KNOX, and Oliver—had represented Pennsylvania in the United States Senate, yet in the period of a few months we have added to that illustrious list the names of Senators CROW, PEPPER, and REED, and now to Senators PEPPER and REED have fallen the duties and responsibilities so suddenly and tragically laid down by their predecessors in office.

I wish to speak briefly of the life and services of the late Senator PHILANDER CHASE KNOX. Others will take up different phases of his public career; but I want to record here a brief summary of the principal events in his life, even though I do not feel capable of adding anything to what has been so well said of Senator KNOX by the persons who delivered the addresses in the Senate and on the floor of the House.

PHILANDER CHASE KNOX, Republican, of Pittsburgh, was born in Brownsville, Pa., May 6, 1853; was graduated from Mount Union College, Ohio, in 1872, receiving the degree of A. M., and later the degree of LL. D., and also from Yale, Pennsylvania, and Pittsburgh Universities, and from Washington and Jefferson and Villa Nova Colleges and the University of Guatemala; practiced law in Pittsburgh from 1875 to 1901; appointed Attorney General in President McKinley's Cabinet, April 5, 1901; in President Roosevelt's Cabinet as Attorney General from the death of President McKinley until July 1, 1904; appointed to fill vacancy caused by death of Hon. M. S. Quay in Senate, July 1, 1904; subsequently elected to fill Senator Quay's unexpired term, then to the full term of six years; resigned from the Senate to accept the position of Secretary of State in President Taft's Cabinet March 4, 1909; was Secretary of State to March 5, 1913; elected to the Senate November 6, 1916, to succeed Hon. George T. Oliver. His term of service in the Senate would have expired March 3, 1923. Senator KNOX died in the city of Washington October 12, 1921.

The name of Senator KNOX had been associated with many great legal conflicts, and he had gained a well-deserved national reputation in law and in statesmanship before entering the Senate the second time; but to my mind his greatest achievement—and I believe history will confirm me in this—was his masterly work in showing the American people the weakness and the fallacy of the so-called League of Nations. His words of explanation of this question were so far-reaching, so convincing, and his position so unanswerable from the American point of view that gradually our people came to see what he had visioned in the very beginning, namely, that the whole scheme was founded on a false basis and was fraught with dangers to us as a nation and as a people far greater than any dangers that could come to us from war. All his long training in the legal profession, his real knowledge of conditions, his work as a legislator and as a statesman prepared him for this conflict—a conflict where the man of experience who knew proved so superior to the one who, while he had more power perhaps than any other man just at that time, yet lacked experience and practical knowledge of the question. The final result of such a conflict was inevitable.

When Senator KNOX first began this fight in the Senate the American people had not yet awakened fron. a dream which they wished to dream and hoped might come true—a dream of a time when war could be no more. The people failed at first to realize that so long as life has action and human minds control there will come times when the arbitrament of the sword is the only final award of justice; and that a nation to be really strong must be not only morally right but physically prepared and ready to maintain its ideals; and that higher ideals tied up with lower ones must inevitably invite rather than prevent armed conflict.

Time and again, when Senator KNOX first gave utterance to his position on this question, I would be asked by some of our friends, "What in the world is Senator KNOX driving at, and what does he mean by taking the position he does?" I invariably answered, "He is taking now the position you will take when you have had time to realize the situation and get your bearings."

Any of us can usually, after a public question has been fully discussed, arrive at a conclusion and take a position which we are prepared to maintain, but to look into the future and analyze a great question of public policy which involves taking a position in opposition to the powers that are in control is the true province of a statesman; and too frequently legislators choose the easier way, which means drifting with the tide. Not so with Senator KNOX; he had courage, and courage coupled with knowledge and experience means ultimate power and leadership.

During the late summer of 1921, after returning from a visit to Europe, Senator KNOX, while not in his usual health, remained in Washington most of the time attending to his senatorial duties, and when news of his sudden death was given out it came as a great shock to his colleagues and to the Nation.

It was no surprise to those of us who had been with him at his country home at Valley Forge that he was to find his last resting place there. He loved that home, and every time he could arrange to do so spent his spare moments amid its quiet and peaceful surroundings. The day of his burial was a bright, beautiful October day, and the wonderful coloring of forest and foliage lent an added solemnity to the scene. On one side of the grave stood relatives and close personal friends, on the other men of prominence in every walk of life and his colleagues of the Senate and House. Standing among these was the tall figure of the late Senator PENROSE, who was to answer the last summons before the year was ended. Beside Senator PENROSE stood the chief executive of Pennsylvania, Governor Sproul.

Tenderly the body of Senator KNOX was laid away in this sacred spot. He had fought his country's battles in the days of peace and in days of war, and in death he sleeps in the soil hallowed and consecrated by the suffering and the blood of men who made this Nation possible.

SENATOR CROW.

Mr. Speaker, a few miles west of the Allegheny Mountains, in Pennsylvania, on the banks of the Monongahela River, at a point in this region where the sturdy Scotch-Irish settlers of a century and a half ago ended their perilous journey from the east and began turning the wilderness into the fertile and pro-

ductive hills and valleys of that region, now known as Fayette, Washington, and Greene Counties, one can describe a circle with a radius of less than 10 miles, and encompass within that small area the places where were born four sons of Pennsylsania, descendents of these Scotch-Irish ancestors who have left their indelible impress on the legislative history of our country. In this area, which has given to the world many men famous in professional and business life, these four names stand out above all the others in our political history. Here from all the sturdy strength the unconquerable will, the joyous vigor, the civic virtues, the patriotic passion, and the sanctities of parents who loved home and country were born in humble stations in life these men who have contributed so largely to the public weal. Just across the Monongahela River from Brownsville, on the hills of Washington County, was born James G. Blaine; in the town of Brownsville proper, in Fayette County, was born PHILANDER CHASE KNOX; only a few miles away, near McClellandtown, Fayette County, was born WILLIAM EVANS CROW; and a few miles west of there in Greene County, near Carmichaels, was born ALBERT BAIRD CUMMINS. These men passing through the public schools and small colleges, entered public life and brought to the service of their country a determination to achieve success; and we may truly say that these sons of the sturdy Scotch-Irish have given a wealth of service to our country.

From this same region have gone forth many men who in the professions, in finance and in trade, in war and in peace have contributed largely to our Nation; yet these four men have so impressed themselves on our Nation's history that I have coupled their names together as we come to this solemn service to-day in honor of Senators KNOX, PENROSE, and CROW, and our own beloved colleague, Congressman CHARLES R. CONNELL.

WILLIAM E. CROW, Republican, of Uniontown, Fayette County, was born in German Township, Fayette County, Pa., March 10, 1870; was reared on a farm and educated in the public schools, the Southwestern State Normal School, from which he was graduated in 1890, and Waynesburg College; was engaged in newspaper work for three years; studied law and was admitted to the bar of Fayette County in 1895; appointed assistant district attorney in 1896, and in November, 1898, was elected district attorney for a term of three years; was chairman of the Republican county committee in 1899, 1900, and 1901; served as a delegate to various Republican State conventions and to the Republican National Convention in 1916; was elected chairman of the Republican State committee in 1913, and reelected in 1914, 1916, and 1918; elected to the State senate in 1906; reelected in 1910, 1914, and in November, 1918; elected president pro tempore of the State senate at the close of the session in 1909, and was reelected in 1911; was appointed to the United States Senate by Governor Sproul, of Pennsylvania, to fill the unexpired term of the late Senator KNOX, and took the oath of office on October 24, 1921.

March 24, 1897, Senator CROW was married to Miss Adelaide Curry, of Fayette County, and to this union were born three sons, Evans Curry Crow, William Evans Crow, jr., and Warren Crow. Senator CROW passed away Wednesday morning August 2, 1922, leaving to survive him the widow and these three sons. Thus in this short recital of dates and events is encompassed a life so filled with work and action, and which when ended left a vacancy in the life of a home and in the affairs of the Nation.

My close personal acquaintance with Senator CROW began more than 30 years ago, when he first entered Waynesburg College. We were in some of the same classes and belonged to the same literary society. CROW soon gained recognition in college as a public speaker, and was elected by the Philo Literary Society to represent that society as orator in the annual contest. Before the date of this contest, however, he felt that he was compelled to leave school, as he had an opportunity to take up newspaper work in Pittsburgh.

He continued in this newspaper work for some time and then returned to Uniontown, Fayette County, where he registered as a law student and did newspaper work while reading law. Soon after his admission to the bar he began to take an active interest in local politics. At this time the men who for years had controlled politics in Fayette County were growing old in the service and new alignments were being made. The county had but recently turned from a Democratic to a Republican county, and there soon developed two factions in the Republican Party. As a result of this many bitter struggles within the party gave the young men who had entered the arena a chance to show their mettle and their worth. Gradually, by hard work, the ability to make friends, and with a rare genius for the game, CROW became the acknowledged leader of one faction, and soon this faction controlled the county. Just at this point in his career he showed that real leadership which afterwards characterized his work, for he soon made friends of his former political enemies, and would go out of his way any time to help them in any worthy cause. Many of the men with whom he had contended became his most trusted friends and admirers, and for many of these he time and again expressed in a most practical way his very high regard and esteem.

For many years Senator CROW and myself served together as members of the board of trustees of the Southwestern Pennsylvania State Normal School, of California, Pa., and of Waynesburg College, Waynesburg, Pa. When I first became a candidate for Congress in 1910 from the twenty-third district, comprising Greene, Fayette, and Somerset Counties, Senator CROW was a candidate for reelection to the State senate from Fayette County. This was a gubernatorial campaign and only those who are familiar with the details will ever know what a bitter fight was made on the Republican organization that year—a fight which forecasted the contest of 1912. Senator CROW and his friends had charge of the campaign in his county, and our friends in the district exerted themselves to the utmost to hold things in line. So successful was their work that this congressional district was the one district in the entire State which really stood up in its vote for the State ticket. By this time Senator CROW had become a leader in the State senate and was elected the presiding officer of that body.

As chairman of the Republican State committee and as a leader in the State senate his work was very arduous, and his efforts to keep harmony in the ranks of the party, to head off vicious legislation and put through constructive programs, demanded by the different executives of the State, as they came and went, was a task of no mean proportions. To this work he gave every ounce of energy at his command. It was never too late or too early for any friend to see "BILL" CROW, as he was affectionately called by his host of political and personal admirers, and his willingness to sacrifice himself for his party and his State endeared him to men in every walk of life and made men proud to call him a friend.

Senator CROW did not step into this place of high command in Fayette County, and in the State of Pennsylvania, without a struggle and without many a hard-fought battle. I was at his side in many of these battles, especially during the time when I represented this congressional district in Congress. I have known times during the stress of campaigns when he would not get a chance to see his family even for a few minutes each day, and you could hardly realize how a man so filled with responsibilities could find any time to be at home with the family he loved; and I sometimes wonder whether, in estimating a man and his great achievements in public life, we give credit enough to the woman, the wife, the mother at home, taking the responsibility of rearing children and keeping the home life going while the man unfettered by these domestic duties gives his entire thought and time to public affairs. Senator CROW was peculiarly fortunate in this respect, and anyone who knows of their splendid home life and their family will appreciate that during all these busy years Mrs. Crow, the wife and mother, did her full part, and helped make possible for her husband a public career so filled with usefulness. The husband and companion is gone, the father is gone, yet through all the years of their lives Mrs. Crow and these sons will have in their hearts a solemn pride in the fact that the one they loved had gained the heights.

Personally, I think I rejoiced almost as much as did Senator CROW when he achieved his life ambition and became a Member of the United States Senate. This is true not only because of my long association with him but because of the keen interest which he had always shown in my political success. In 1920, when we had a misunderstanding in our State-wide primary and I failed of renomination, I think Senator CROW felt the result more keenly than I did, and when a few months later a vacancy occurred in our delegation by reason of the death of Congressman Garland, Senator CROW, even though a sick man at that time, never let up until he was assured that my nomination would be accomplished.

Senator CROW was a man who would compromise whenever it appeared best for the party and the public good, but he would not go back on his real friends, even when seeming political expediency would dictate a change in his attitude on a public question when that change would have indicated a desertion of his friends, even though they fought a losing battle.

Words can not adequately portray our feelings on an occasion of this kind. To lose such a friend makes one feel that a part of his very life is gone, but to have had such friends as we pass through life should be to each of us an inspiration

and should create in us a willingness to lend ourselves to one another and to the public good.

Through the long months in the hospital, hoping against hope that medical science might in some way ward off the inevitable end, Senator CROW cheerfully submitted to whatever treatment was prescribed, but when at last hope was almost gone his mind naturally turned to that home in the mountains. Tenderly and reverently they carried him to that loved place, and here just a few weeks before his death President Harding paused in his passage over the old national pike to greet him and drop a word of hope and encouragement. On the day of his funeral Uniontown was hushed and silent, by proclamation of the mayor all places of business were closed, and both sides of the street and all along the national pike for many miles the people stood in reverent awe as the funeral procession passed to the cemetery. Never before in Uniontown has there been such a funeral as that of Senator CROW, and the great outpouring of the people and their reverent attitude expressed to all the visitors the fact that these people knew and loved him. Senator CROW's body was interred in the Uniontown Cemetery with the fullest masonic funeral ritual, he being a thirty-third degree mason. Men from all walks of life from every section of the State were present on this occasion and attested the high esteem in which he was held by those with whom he had come in contact.

This day with us is a day of sorrow, but to-morrow comes—to-morrow with all its cares, its pleasures, and its possibilities. May we enter that to-morrow with a new realization of its possibilities, with a new sense of the fact that we are all agents of a great power in a mighty purpose. The manner of accomplishing that purpose we may not know, but if our work is good, if our lives are filled with good deeds, if we have added to human happiness, we will have fulfilled the highest purpose of the infinite.

Mr. GILLETT. Mr. Speaker, I have been in Congress with both Senator KNOX and Senator PENROSE ever since they began their national service. It happened that during the Roosevelt administration circumstances threw me into quite close association with the members of his Cabinet, and so I came to know very well Attorney General KNOX, as he then was. Quiet and unassuming in manner, assured and self-reliant, as you came to know him better he was exceedingly genial and full of good fellowship, an entertaining and delightful social companion. He had a mind of extraordinary keeness, one of those intellects which penetrates clearly and luminously and instantly where most of us grope hesitatingly, able at once to look to the very marrow of an intricate subject. That seemed to me his most distinguished characteristic. His strong, vigorous intellect grasped any problem which came before him, mastered it and straightened out complexities so that he could make it plain to minds of less original power, who had to study carefully what to him was clear at first sight. He sometimes seemed to show a little consciousness of intellectual superiority, which certainly was justified, but was of a hospitable and companionable disposition which securely held his friends.

The two Senators offered an extraordinary contrast physically, for while Senator KNOX was much below the average size, Senator PENROSE loomed above nearly all his fellows with a gigantic stature. When he succeeded Senator Quay I think few believed that he had the capacity to successfully assume the minute and absolute leadership of his party at home to which the State had become accustomed.

Everyone recognized that he had a strong, cultivated intellect, but I think few anticipated that indefatigable application to the interests of his party and State, that tireless tact, and that sound, dominating judgment which soon won for him the support and even the obedience of his party followers and made him the undisputed leader in Pennsylvania. He had inflexible resolution and scorned sham, humbug, and hypocrisy, even at the expense of popularity.

When I first came here political power in certain sections was largely concentrated in the Senate. I remember well how on one important bill pending in the House a small clique of Senators, by issuing their mandates to their delegations in the House, changed over night a minority into a majority and defeat into success. That great concentration of power in a few men has largely died away, and Senator PENROSE seemed to be its last representative in the East.

I did not know him intimately. I imagine he was not a man who cared much for social intimacy, though he was always loyal to his friends. He seemed to me rather aloof and self-centered, finding his pleasure, as well as his work, in the absorbing pursuit of power and in organizing and establishing his leadership. He was always definite and intelligent in his purposes, had great courage, determination, and resources; and in those two Senators Pennsylvania gave to the Nation men of striking ability, who left a marked impress on national legislation.

Mr. WATSON. Mr. Speaker, social and political association during a period of 40 years with the one to whose memory we are paying tribute to-day welded our friendship with mutual consideration of affection and esteem. One afternoon late in February, 1884, BOIES PENROSE, on his way home, stopped at my law office, located on Walnut Street, Philadelphia, and in the course of conversation expressed a desire to enter politics, and related with much pleasure his appointment to meet for the first time Mathew S. Quay. PENROSE three years previous was graduated from Harvard College, second in the class, his brother, now an eminent physician, held the first honor. In 1883 PENROSE was admitted to the Philadelphia bar. Tall and slender, a well-balanced mind, ambition to rule, bold and fearless, depending upon his own judgment rather than that of others, were characteristics that made him a leader of men. He loved outdoor and manly sports, was fond of big-game hunting, rowing, riding, and yachting. These athletics very early developed his physical strength, and he was accepted to be one of the handsome young men of Philadelphia. The ancestors of Senator PENROSE for generations held positions of honor and trust and were prominent in the current affairs of England and America. Charles B. Penrose, his grandfather, was the ablest political counselor of his time. He was a member of the Pennsylvania State Senate from Cumberland County and elected speaker. He resigned his seat in the senate to accept the position of Solicitor of the Treasury, to which office he was appointed by President William Henry Harrison. He retired from the department after a few months of service, moved to Philadelphia, and was again elected to the State senate in 1856. BOIES PENROSE inherited honestly from his distinguished ancestors the career that was to be his.

The strong personality of BOIES PENROSE appealed to Senator Quay, who early recognized his ability and worth. Quay indorsed him for the Legislature of Pennsylvania, to which office he was elected in November, 1884. Two years later he became a candidate for the State senate, and after a bitter contest with Robert Adams, jr., he was nominated and elected in 1886, was president pro tempore of the State senate in 1889, and reelected in 1890 and 1894.

PENROSE was ambitious to be mayor of Philadelphia and had the indorsement of Senator Quay in the mayoralty contest of 1894. Saturday previous to the primaries many of the supporters of PENROSE assented to the nomination of his opponent, Charles F. Warwick, for mayor. This defeated PENROSE. Senator Quay naturally resented the action of his friends; he said to them, "You have defeated PENROSE for mayor, but I will make him United States Senator." Senator Quay at that time controlled the State senate and the house of representatives. The two legislative bodies met in joint assembly, and through the influence of Senator Quay BOIES PENROSE was elected United States Senator to succeed J. Donald Cameron for the term beginning March 4, 1897, and was the choice of the people up to and including his last election, November, 1920.

PENROSE was opposed to the election of United States Senators by popular vote, and adverse to prohibition and woman suffrage. With this record he made a triangular fight for United States Senator and won by a majority exceeding the combined votes of his opponents. This was evidence that the people of Pennsylvania had confidence in his ability and trusted his judgment in the legislative affairs of his State. When PENROSE made a political promise it was fulfilled; his power to carry it through was seldom questioned.

It was during his office as State senator that he laid the foundation upon which he builded his political power and became the adviser of the Republican Party, not only in the State but in the Union. PENROSE was not recognized as an orator, but had the ability to forcibly express himself on the forum with well-constructed sentences of rhythm, either in pathos, tribute, satire, or rebuke. He was a student, an ardent reader of the Bible, history, biography, and the classics. No man was superior to PENROSE in the knowledge of the political and historical events of Pennsylvania. I frequently motored with him from Washington to Philadelphia, he was familiar with every foot of the way, the names of the early settlers, the scenes of the Indian hostilities, and those of the war of the Revolution. PENROSE was truly an American, who devoted his whole life in the interest of his country, especially his native State, Pennsylvania, and seldom left its boundaries, except when performing official duties. It was his pleasure to motor through the various counties of the State, become

familiar with the political temper of the people, meet his lieutenants, and study the welfare of the Commonwealth. PENROSE claimed he had not the time to travel in foreign lands, thus it can be easily understood why he had more detailed knowledge of the political conditions of the country than any other one man in public life. He believed as long as he could control his lieutenants he could win, as the masses would follow them on election day.

All men in the political world must encounter the hostility of organized enemies formed to destroy recognized power for their own aggrandizement. PENROSE did not escape the calumny of his political opponents, but his personal character was never stigmatized by a dishonest act.

PENROSE always worked for the best legislation as he understood it, but was not an extremist. He was untiring during his last illness, and though suffering he continued to give his energy to the people. He had confidence in himself; without this characteristic no man can succeed. He frequently said:

If I had followed a business career with the same application I have given to politics, I would now be a very rich man.

PENROSE followed a life of simplicity; though born an aristocrat, he lived within himself as such. His voice was notably mellow and gentle; he had a kind and tender heart; always charitable; carried no resentment on account of political differences; his enemies during one campaign were his friends in another. The affection PENROSE held for his brothers, and the loyalty among them were evidences of love seldom found in families. He had the power to focus his will to a definite point, the concentration of which enabled him to bring about the final conclusion. He received the applause of the masses and all who intimately knew him. No administrator guiding the policies and affairs of a party in the political history of our Republic continuously retained the power for the same length of time as Senator PENROSE. The national convention held in Chicago June, 1920, was a marked illustration of the influence of PENROSE. Ill at his home in Philadelphia, suffering great bodily pain, 1,000 miles from the scene of the actions of the delegates concerted for their rival candidates, PENROSE held the convention in abeyance until his choice for President was well within his grasp. He then telephoned to his lieutenants in Chicago to nominate Warren G. Harding. There is not a parallel instance in American politics where one man dictated the proceedings of a national convention under such disadvantages as PENROSE suffered and endured.

December 31, 1921, at the midnight hour, PENROSE died. His body resurrected, if Christian dogma be true, resurrected as the bells were ringing out the old year and in the new. A few days later, wrapped in death's shroud, in the early dawn of the morning, ere the shadows pictured the earth, BOIES PENROSE was buried unattended except by his immediate family. He was carried, as it was his wish, to his sepulcher at an hour "when no one knoweth."

Mr. DARROW. Mr. Speaker, we are assembled to-day to do honor and pay tender tribute to the memory of four distinguished sons of Pennsylvania.

Within the past few months our genial and lovable colleague, Hon. CHARLES R. CONNELL, was suddenly stricken from our roll, and within the brief period of less than one year three United States Senators, KNOX, PENROSE, and CROW, passed to the great beyond. No State ever suffered such a loss in so brief a period of time. Each of them had qualified for their positions of influence and usefulness after long years of training in the school of experience. Pennsylvania deeply mourns the loss of these notable figures in the activities of its public affairs. Mr. Speaker, it is my privilege to speak of the distinguishing characteristics of my friend and fellow townsman, Senator PENROSE.

Pennsylvania has furnished men renowned in the affairs of the Nation, but few of more prominence than BOIES PENROSE. He was an outstanding national figure, but he was best known in Philadelphia and Pennsylvania, where his was a common name in every household.

I had known Senator PENROSE for many years, but it was not until after my election to Congress that I came to know him very well. I have marveled at his capacity for work, at his strong will power, and at the many personal sacrifices he was making in the conscientious performance of his public duties and of the earnestness that he displayed in everything that was for the interest and welfare of our State, as well as for the country as a whole. In my association and contact with him I learned to honor and highly esteem him and to have deep regard for his judgment and opinions. He was never hasty in making a decision on any problem when presented to him, but when he reached a conclusion you could feel satisfied that it was only after mature thought and consideration and that full reliance could be placed in its soundness.

Senator PENROSE's qualities of earnestness and honesty were recognized early in his career, and they remained his prominent characteristics to the end, gaining for him in his public service that high respect and confidence which are given so willingly to all honest, earnest, and courageous men.

By reason of his quarter of a century of service in the United States Senate, the Senator occupied a position of leadership in that body, and his marked ability and statesmanship was generally recognized. His service as chairman of the powerful Committee on Finance was especially notable, for he was an expert on tariff and revenue legislation without a peer. The Senator made no pretense of being an orator and never spoke on the floor of the Senate unless he had something worth saying and knew his subject. He was a forceful speaker, being brief and quick to reach his point. He had an excellent command of the English language and the facility of choosing the right word or phrase to meet any occasion. He spoke with a frankness that could not be misunderstood and was the master in any verbal battle.

Aside from his service in the Senate, PENROSE was best known as a political leader. He won his spurs under the tutelage of Quay, and by sheer merit and ability won his long-continued position of leadership. From first to last he was always for party organization and party responsibility. He was frank and truthful, and free from that cowardice which breeds deception. He was sincere in his beliefs, he was faithful to his word, and he was loyal to every cause he espoused. He believed from his heart that his country's welfare depended upon the continued supremacy of the Republican Party, and he saw no path to progress but by the way of its success; and with zeal unflagging and spirit undaunted he labored for that success. His convictions were strongly maintained; he never sulked or evaded, but with resolution and courage fought out every issue openly to victory or defeat.

Mr. Speaker, a great character has passed into history; Pennsylvania's foremost public servant has gone into the great beyond. The name of BOIES PENROSE will forever be engraved upon our memory and that of generations yet to come. In his death the city of Philadelphia, the State of Pennsylvania, as well as our great country, suffered an irreparable loss, and those of us who were more closely associated with him mourn the loss of a wise counselor and friend.

Mr. McLAUGHLIN of Pennsylvania. Mr. Speaker, I really find more difficulty here than probably most of the other Members. I think it safe for me to say that I was more closely identified with Senator PENROSE than any other man who has come to Congress in many years. I had the pleasure of knowing PENROSE most intimately for over 28 years. He was a born leader of men; so much so, indeed, that party politics did not stop him on his path of leadership. At one time it was thought he would file for the nomination on both tickets. It is still a question in my mind if PENROSE could not have been nominated in Pennsylvania on the Democratic ticket as well as on the Republican ticket. He was admired, respected, and honored by all citizens, men and women. I have traveled through Pennsylvania on many occasions with PENROSE. I have traveled, too, from Philadelphia to Washington and return with him many times. It would take me hours to explain what I thought of one of the greatest intellectual giants of all time in this Nation. That is my impression of PENROSE. I could go on for a long time; but I have something prepared, and it might take me too long on this occasion to deliver it, and I ask that I be accorded the privilege of having printed in the RECORD a short sketch on Senator PENROSE.

The SPEAKER pro tempore. There will be no objection.

Mr. McLAUGHLIN of Pennsylvania. In passing, I might say I was also very friendly with Senator KNOX for over 20 years. I have heard a reference to the sturdy Scotch-Irish descent of Senator CROW. Why, it is not surprising to me. We call them Scotch-Irish even after they have been living in Ireland for 700 years. The Crows have been at least that long in that section of Ireland where I was born, and on a clear day you could look out from the top of the hills and there behold where the forebears of seven Presidents of this great Nation were born. KNOX was certainly Irish, and the family belonged there for several generations. Senator Oliver belonged in the same section, 6 or 8 miles apart. So I could go on and eulogize KNOX, but he requires no eulogy at my hands or the hands of any other good American citizen. CROW was a close loyal personal friend of mine. I know of few men who were so strong in an avowed purpose as Senator CROW. It was really

unfortunate—while we must bow to the will of God—that CROW was not spared a few years to his native State and to this Nation, because he would have become a marvelous man. And so far as our own colleague, CHARLES CONNELL—I always called him Connell, because we in Pennsylvania knew his esteemed father as Connell—he was a true, honest, God-fearing, upright, loyal citizen, good to those under him, and respected and loved by all the people in his home city as well as in the surrounding counties of his native State.

Every employee respected CHARLES CONNELL, and I as a friend revere his memory.

SENATOR PENROSE.

A visitor to the galleries of the Senate Chamber, in studying the men under his eye, was attracted to a Senator who occupied a seat in the front row, to the left of the Vice President. He seemed unusually tall—in fact he was 6 feet 4 inches in height when standing erect—broad shouldered, with neatly trimmed dark hair, features that were regular, and with a manner that showed close attention to the proceedings. When not engaged in debate, he was in frequent consultation with other Senators. Yet somehow he seemed a naturally reticent man, at times becoming abstracted. He was a ready and convincing debator and when put to the test showed the qualities of leadership. This man was BOIES PENROSE, senior Senator from Pennsylvania.

BOIES PENROSE was one of the forceful men of his time. When death claimed him a powerful and prevailing party manager departed from the political stage and a trained and valuable legislator from the national councils at Washington. His record in the service of Pennsylvania and the Nation is a record of sanity and patriotism, of broadminded and effective statesmanship.

Senator PENROSE occupied a position distinct from that of any other man in the annals of Pennsylvania's public affairs. He was in official life continuously for 37 years—a record of uninterrupted service unequaled by that of any man now living. He was five times elected a Senator and was in the Senate longer than any other man that Pennsylvania has sent to the body. He was the only Pennsylvania Senator to be chosen as chairman of the great Committee on Finance, and the first Senator from Pennsylvania to be elected by the votes of the people. Pennsylvania believed in him, trusted him, and honored him.

Upon graduation, in 1881, from Harvard, BOIES PENROSE went earnestly to work at the practice of law. Admitted to the bar in 1883 he naturally turned toward the public career offered him by politics. The next year he went to the State legislature, and two years later to the State senate, where, in 1889, he was elected president pro tempore, being reelected to that position in 1891.

At Harrisburg he showed quickly that he was no common man. He took the leadership of his party in the legislative halls of his State as if by natural right. His was not showy oratory when he frequently addressed the assembly, but there was rugged force behind all he said, a rugged force swayed and controlled by the keenest skill and most subtle wit; there was, too, a power of invective which is uncommon and which made him feared as well as respected, and there was all the magnetism, impressiveness, and dignity of a coming man.

There was no good legislation of that period which PENROSE did not support and none unmeritorious which he did not combat. Particularly he was chiefly instrumental in the passage of a bill to abolish the notorious public-building commission, and also in securing the enactment of the city charter, called the Bullitt bill. He was the sincere friend of honest labor, of the farmers, and of all who needed a champion.

Withal he was ever as loyal as he was an earnest Republican, battling for the principles of that party and working without cessation for its triumph and the defeat of its enemies. Even in the bitterness of his defeat by treachery for the Republican nomination for mayor of Philadelphia in 1895 the utmost efforts of the Democrats could not tempt him from his party allegiance, so that the man who got the nomination in his place was elected, when otherwise he might have been defeated.

Pennsylvania formerly made frequent changes in the office of United States Senator. Prior to the Civil War only one of the Pennsylvania Senators was in Washington for two full terms. The Senators of the ante-bellum period who held office the longest were Daniel Sturgeon, who served two terms, and James Buchanan, 11 years. Buchanan resigned to become Secretary of State in the Cabinet of President Polk. Robert Morris and William Bingham were one-term Senators. George M. Dallas, who was elected to a vacancy, served 15 months, and David Wilmot was a Senator for only two years.

Although Simon Cameron was given four elections to the Senate and was a member of the body for about 18 years, he served only one complete term, as he was named for a vacancy and did not remain until the end of two of the terms for which he was chosen. Entering the Senate in 1845 he filled the vacancy occasioned by the resignation of James Buchanan, and at the expiration of the term—four years—was not continued in office. Elected for a full term 12 years later over John W. Forney, he again was a Senator for four years, resigning to become Secretary of War under President Lincoln. Leaving the Cabinet after two years, he entered the diplomatic corps as minister to Russia, but soon returned home to again stand for a senatorial election. His longest tenure of office was about 10 years, from 1867, when he defeated Andrew G. Curtin, until his resignation in 1877 to make way for his son, J. Donald Cameron. The elder Cameron was one of the few men who have relinquished a seat in the Senate to accept an appointment to the Cabinet. The experience of J. Donald Cameron was in the opposite direction, as he retired from a Cabinet office, that of Secretary of War under President Grant, and then became a Senator.

Completing the remaining two years of his father's term, the younger Cameron had an unbroken membership in the Senate for 20 years, until 1897, when he retired and was succeeded by PENROSE. Matthew Stanley Quay was elected three times and was a Senator for about 15 years, but was in successive possession of his seat for only two full terms. Chosen first in 1897 and again in 1893, he was denied a reelection in 1899, was for two years a private citizen, and then was returned to Washington, the election that signalized his retirement from politics, and died before his term expired.

BOIES PENROSE entered the Senate on the day that William McKinley became President and Garrett A. Hobart Vice President, March 4, 1897. Only three men who were in the Senate then now remain there—HENRY CABOT LODGE, of Massachusetts; FRANCIS E. WARREN, of Wyoming; and KNUTE NELSON, of Minnesota. Only one man then serving in the House, Mr. CANNON, remains.

If one should attempt to tell in detail the legislative work of Senator PENROSE it would be to call the title and describe the purpose of every important measure enacted by Congress since 1897. He had a hand in shaping all of this legislation and took part in the consideration of measures in the Senate. As to many of the important laws, he exerted influence in the last stages—and indeed the most important stage—in the conference committee. He exerted more than influence in the Senate; he was a power there.

The interests of Pennsylvania are such that the policy of protection has found its strongest advocacy there. To maintain the system it has sent to Washington only thoroughgoing protectionists. By reason of his steadfastness and influence in this field of legislative effort alone Senator PENROSE would have occupied a place of eminence in the public life of Pennsylvania. He was prominent in the preparation of every Republican tariff measure during his service in the Senate and his unfaltering advocacy of high rates of duty constituted him the most conspicuous exponent of the protective principle since the time of William McKinley. His speeches and writings on the tariff were voluminous and exhaustive.

His first legislative experience at Washington was in the enactment of tariff legislation. A few weeks after Mr. PENROSE became Senator President McKinley convened Congress in extra session to pass a measure that would provide the Government sufficient revenue and restore the Republican system of protection for the American wage earner. The result of its deliberations was the Dingley tariff act. It was known by those who were conversant with the activities of that session that Senator Quay left to his junior colleague the most laborious portion of the work for Pennsylvania.

With the knowledge that a tariff bill is a compendium of the energies of Pennsylvania as it affects every industry there, Senator PENROSE had prepared himself for the work of tariff legislation. He was familiar with conditions in the mine, factory, and on the farm. On a tour of the State that embraced nearly every county, he had grasped the vastness of Pennsylvania's industrial organization. He had inspected iron and steel mills of western Pennsylvania; he had stood beside wage earners in textile and other manufacturing establishments; and he had gone down into mines. He knew of conditions in rural sections, for he had consulted representatives of granges and addressed gatherings of farmers. At Harrisburg he had conferred with delegations from labor organizations and with employers of labor on measures for the improvement of conditions under which the working people toiled. He had witnessed everywhere the idleness and distress of the Cleve-

land administration and had emptied his pockets for the starving.

The Dingley bill was before Congress for nearly five months, and in the debates on it were delivered some of the most notable addresses that have ever been made on the revenue system of the country. As passed, from the point of view of protectionists, it was a perfect piece of legislation. It transformed the United States from a commercial slough of despondency into the busiest and most prosperous nation on the globe. To Senator PENROSE's patient investigations and indefatigable energy were due largely the favorable conditions which doubled the industries of Pennsylvania in a single decade, increasing wages and wage earners in like proportion, and greatly augmenting the State's population. In the enactment of this bill Senator PENROSE laid the foundation of constructive service in tariff legislation that in time would place him in the chairmanship of the Finance Committee and make him a Republican leader in the Senate.

From that time on Senator PENROSE fought for maintenance of a protective tariff. It was during the extra session of the Sixty-first Congress that he attained a position in the Senate where he could be of largest usefulness to the people of Pennsylvania. As passed by the House, the Payne bill contained tariff reductions which Pennsylvania manufacturers insisted would prove ruinous to the interests of labor and capital of the State. These reductions ranged from 10 to 50 per cent from rates of the Dingley law and included nearly every manufactured article of which Pennsylvania was a large producer. Senator PENROSE knew what sort of tariff revision the Keystone State was willing to accept, and as a member of the Finance Committee, to which body he had been recently promoted, he opposed the sweeping reductions adopted by the House. When the bill passed the Senate it provided duties pronounced by Pennsylvania manufacturers adequate protection of the State's industries. As a member of the conference committee he successfully defended the increased rates. For the service he rendered Pennsylvania in connection with the Payne-Aldrich bill, Senator PENROSE was warmly commended by the people and press.

A holiday called "Penrose Day" was declared by the manufacturing districts of Philadelphia. Senator PENROSE spent the day in going around from mill to mill observing wheels of industry in motion. Attended by a party of manufacturers, he visited workrooms, shook hands with employees, and was greeted on all sides with enthusiasm born of returned prosperity both to manufacturer and wage earner.

It was Penrose Day even beyond the expectations of those who planned it. The mill district bedecked itself in the most brilliant array for the event. Flags and ensigns flew from every staff. Thousands of busy workers, both men and women, left their looms to greet and listen to the Senator as he went from place to place.

As a fitting culmination of the day, Senator PENROSE was a guest of honor at a brilliant banquet at the Bellevue-Stratford, when manufacturers of Philadelphia, representing millions of invested capital, gathered together to praise the man who, more than any other, they said, was responsible for the protection given Pennsylvania in the Payne-Aldrich Act.

A more striking testimonial has never been accorded a publice official in Pennsylvania. His part in making the tariff bill that had brought a return of prosperity was the controlling thought in the minds of all those at the dinner as they cheered him and praised him in speeches. From the moment he made his appearance at the banquet hall until he concluded his address there was almost continuous cheering for him. More than a thousand men representative of the industrial and business element of Pennsylvania were there to testify by their presence that they owed a debt of gratitude to the guest of the evening.

At the speaker's table were Edwin S. Stuart, Governor of Pennsylvania; and John E. Reyburn, mayor of Philadelphia; Nathan B. Folwell, president of the Manufacturers' Club—who presided—and all Philadelphia Members of the House at Washington.

Two years later Senator PENROSE led the protection forces in the Senate against proposed low-tariff legislation. The Payne-Aldrich Act had been bitterly attacked by certain western Senators and Representatives and other public speakers who used it as an issue in the congressional campaign of that year. Senator Aldrich had just retired from the Senate and Mr. PENROSE had been made chairman of the Committee on Finance. Bills reducing the duties on iron and steel, cotton, woolen, chemical, and, in fact, every schedule of the Payne Act affecting the industries of Pennsylvania were referred to that committee. To prevent passage of these bills, the Republicans in the Senate were compelled to meet the opposition of the solid Democratic strength in that body, and those low-tariff Republican Senators who were vigorously attacking President Taft because of his action in signing the Payne bill.

Senator PENROSE at once assumed an aggressive and determined attitude toward the proposed legislation. To prevent hasty action by the Senate and to afford representatives of the manufacturers an opportunity to submit arguments in opposition to it he arranged for a series of hearings before the Finance Committee. Those hearings afforded ample opportunity to emphasize the injury to American industries that would result from the enactment of low tariff bills. They continued through a period of several months.

Manufacturers sent to Washington delegations who submitted facts bearing upon every phase of the industrial situation in this country. The hearings were more exhaustive and illuminating than any other series of hearings ever held by the Finance Committee. Through skillful questioning by Senator PENROSE it was shown that proposed legislation would result in widespread business depression. Representatives of each industry affected declared that if the proposed reductions in duties became effective, they would be compelled to curtail production and as a result hundreds of thousands of workmen would be thrown out of employment.

Senator PENROSE was strongly supported by other Republicans of the Committee on Finance in his determination to prevent the low-tariff measures from being enacted into law. At his instance nearly all of them were rejected by the Republican majority of that body. Senator PENROSE reported them adversely to the Senate and in many effective and forceful speeches defended the protective-tariff principle. The opposition, however, was too strong and the combination of low-tariff Republicans and Democrats forced some of the bills through.

When they reached the White House President Taft held many conferences with leaders of the Republican majority in Congress. At these conferences Senator PENROSE was consulted by the President regarding every measure before him. Mr. PENROSE earnestly urged the President to veto them and return them to Congress with messages which would present a vigorous defense of the protective principle. This the President did.

When the Democrats entered upon control of the Senate the committees were reorganized; Senator PENROSE was succeeded as chairman of the Finance Committee by a Democratic Senator who was in harmony with the tariff policy of the Democratic party. The enactment of the Underwood tariff bill, which Senator PENROSE vigorously opposed, followed.

In the debate on a war revenue bill, in a notable speech in the Senate Mr. PENROSE predicted that with the return of peace, the protective system would be restored.

I do not at this time—because the occasion would not be proper—go into an argument in favor of the protective tariff—

He said—

In my opinion, the time will come sooner or later, with the close of the war, when a protective tariff will be more than ever necessary to the people of the United States. With the close of the military war the industrial contest will be resumed.

We are at war. Revenue must be provided; the American Government has never hesitated to raise revenue by direct taxes and loans when required during a war, and the people will pay them cheerfully so long as they are uniform, equitable, and logical. When the war is over, the whole tax system of the country will, of course, be revised.

The several emergency laws will have to be repealed and the good that is in them retained, with such additions as experience has demonstrated are required. When the time comes my hope is that a fiscal system will be enacted providing for the requirements of the Government by duties on imports based on adequate protective lines, the usual revenue from excise taxes, and such moderate direct taxes as the Government may require to carry on the heavy burdens which will be ours for a considerable period after peace is declared.

The selection of Senator PENROSE as head of the Finance Committee was a notable mark of distinction. No man has held the chairmanship of that committee who has not been accounted by his colleagues fully qualified for leadership. The Senate does not allow anything to take the place of experience and ability, and it does not recognize anybody as a leader until he has been tested for years in the Senate itself. Since the Civil War only nine men have directed this committee's deliberations—William P. Fessenden, of Maine; John Sherman, of Ohio; Justin S. Morrill, of Vermont; Thomas F. Bayard, of Delaware; Daniel F. Voorhees, of Indiana; Nelson W. Aldrich, of Rhode Island; Senator Simmons, of North Carolina; and Senator McCumber. Senator Morrill held the chairmanship longer than any other—17 years—and was succeeded by Senator Aldrich, who retained it until he retired from public life.

Records of the Senate show that for at least 70 years, despite Pennsylvania's vast industrial interests and the fact that the

State to a greater degree than any other is affected by tariff legislation, Senator PENROSE is not only the one Pennsylvanian who has held the chairmanship but he is the only Republican Senator from the State who has been a member of the committee.

The Americanism of Senator PENROSE was a source of pride to Pennsylvania. As a private citizen and official of the Government he placed America first in our relations with foreign governments, and when the national honor even remotely appeared as an issue he demanded its vindication without equivocation or concession. He resolutely denounced indecision in dealing with foreign questions when such a policy compromised the national respect and threatened the national security. As a Senator his attitude toward disloyalty was distinct and emphatic. He assailed it as an evil that must be boldly met and destroyed and proposed measures to this end. His service as a Senator throughout was marked by a broad and unhesitating loyalty to American ideals and American traditions.

Senator PENROSE'S Americanism was of a substantial and practical character, directed at the fundamentals of patriotism. He resorted to none of the arts of the soap-box orator; in his public utterances were no bombastic deliverances; he made no blatant appeal to the mob; he was no jingo.

The determined and aggressive attitude of Senator PENROSE in demanding protection for the rights of American citizens in Mexico forms a striking chapter in our dealing with that bandit-ruled country. That the Wilson administration finally abandoned its policy of indecision, known as "watchful waiting," and sent soldiers to the Mexican border was due largely to the vigorous criticisms of PENROSE and other Republican Senators, speeches which attracted the attention of the people to a situation involving the dignity and honor of the Nation. But one question had been presented by the Mexican revolutions, so far as this country was concerned, PENROSE asserted, and it was:

Shall the lives and property of the American citizens in Mexico be protected?

This position he ably defended on the floor of the Senate and in addresses he delivered elsewhere.

Senator PENROSE made his influence felt in seven national conventions of the Republican Party for the nomination of candidates for President and Vice President. He was five times chosen a delegate to represent Pennsylvania, three times from the second congressional district, and twice a delegate at large under the direct primary system. At four of these conventions he was chairman of the Pennsylvania delegation, and always his judgment carried weight in the selection of the candidates and in the construction of the platforms. The representative on the national committee of the foremost Republican Commonwealth, he occupied an official position of prominence in the management of four campaigns for the Presidency.

His supremacy as a party leader he maintained to the end. In 1920 his leadership commanded a notable mark of approval, a vote of confidence that is without a parallel in the politics of Pennsylvania. At the primaries he was the successful candidate for the Republican nomination for United States Senator, for delegate at large to the national convention, and for reelection to the national committee, the last-named place to be filled by the Republican State committee chosen on the same ballot.

My personal relations with Senator PENROSE were most cordial and extended through a long period of years. I first was associated with him in politics in 1897, and from that time on I was an active member of the organization of which he was the directing head. Never having held public office, the suggestion that I become a candidate for Congress came from Senator PENROSE, with the result that in 1916 I was elected to this body.

In various campaigns I accompanied the Senator on speaking trips throughout Pennsylvania which gave me an opportunity to enjoy his keen sense of humor as well as to admire his sterling party loyalty and his wonderful genius for organization. The place he occupied in public affairs in Pennsylvania never will be filled.

Mr. SHREVE. Mr. Speaker, it was my very great privilege and pleasure to have been intimately associated in a political way with the three distinguished United States Senators whose memory we are here to honor to-day. I may say I was in the Pennsylvania Legislature when Senator PENROSE was its recognized leader and during a time when he was particularly interested in the affairs of the great State of Pennsylvania. Naturally we were closely associated, and during all my experience and association with him I found him always seeking the best interests of the State, working out those great problems that have made Pennsylvania one of the foremost States in the Union. He was a lover not only of the United States of America but a particular lover of his own great State; so it was a pleasure during those years, after working with him in the State legislature, to work with him after I came to Congress.

I had the honor and pleasure of voting for the Senator before the uniform primary law was passed. I also had the honor and the pleasure of voting for PHILANDER C. KNOX, Senator from Pennsylvania. I wish particularly this afternoon to say just a few words about Senator KNOX, because he came from western Pennsylvania, my own part of the State.

But before doing so, I want to say a word about Senator CROW, whom I knew so well and intimately for many years. He was in the Senate of Pennsylvania during all the time I was a member of the legislature, and frequently we worked on commissions, he on one side and I on the other, and I learned to know the sterling worth and that intensity and honesty of purpose that made him the great leader that he was. It was a pleasure to be associated with the Senator, and I shall never forget the very many pleasant days we spent together. His passing was a source of great regret to all of us.

The Hon. PHILANDER C. KNOX was truly a product of western Pennsylvania. Born in Brownsville, a graduate of Pennsylvania universities and colleges, admitted to the bar and practiced law in Pittsburgh, we of western Pennsylvania have a right to be proud of the distinguished career of one of our number.

PHILANDER C. KNOX ranked high among the men who have contributed to the greatness and unparalleled prosperity of the Keystone State.

The late Senator also wrote his name high on the scroll of fame not only in his own country but in the countries with whose affairs he had such an extended acquaintance while Attorney General and Secretary of State under two administrations.

His great ability as a lawyer attracted the attention of the country and he was called to be Attorney General in Roosevelt's Cabinet. After serving conspicuously in this capacity he was elected to the Senate, but later on was again called back to the Cabinet as Secretary of State under Taft.

It was as Secretary of State that the Hon. PHILANDER C. KNOX attained his greatest achievements. His keen knowledge of world affairs and the training he had received during his years of public service eminently fitted him for this high position.

Through his efforts a plan for departmental organization was put into effect, and newly created divisions and offices were by law made specific and permanent as part of the general organization.

The Department of State took upon itself new forms of modern business methods. Under his administration there was created the Division of Latin American Affairs, Far Eastern Affairs, Near Eastern Affairs, and Western European Affairs, all of them continuing up to the present time, and the Department of Commerce has established within its service the same divisions, so that at all times there is close cooperation and coordination between the two services.

The creation of these divisions has given the departmental establishment an opportunity for careful attention to increased and increasing friendly relations between the friendly countries, and the correlation between these energies has evolved a complete organization for the development of commercial interests, the results of which have been far beyond our most sanguine expectations.

Secretary KNOX felt that the Department of State and the whole working of our foreign-service establishment should be utterly outside the sphere of partisan politics if our foreign affairs are to progress for the highest benefit of the whole Nation.

The successful operation of these departments affects the people of all occupations and all political faith in every part of the country.

After serving out his term as Secretary of State, the Secretary returned to the Senate, where he again became one of the foremost leaders. He was always genial, affable, and approachable, and expressed the keenest interest in the wishes of his many constituents.

His services will long be remembered and have placed him on the highest pinnacle among statesmen of the State and Nation.

The Nation could ill afford to lose him, but an all-wise Providence ruled that he should be taken at the height of his great activities and achievements, and the Nation mourns his loss to-day.

In closing I desire to say a few words about the Hon. CHARLES R. CONNELL, truly a distinguished son of a distinguished father, who for several terms represented the Scranton district in the Halls of Congress.

The father was prominently identified with the great industries of Pennsylvania, and while in Congress rendered valuable service to his country.

It was the son's ambition to take the place of his father, and although in his first term when taken away, he was giving careful attention to all the great problems of the country, and in particular those affecting his own district. He was regular in his duties, both in committee and on the floor of the House, and was a valuable Member of the Pennsylvania delegation in Congress. We all shall mourn his loss.

Mr. KENDALL. Mr. Speaker, Pennsylvania, the great Keystone State, has, within the brief span of one year, suffered a loss unparalleled in the history of the Nation, the loss by death of her three distinguished Senators, men endowed with unusual qualifications and renowned not only in their native State but in the Nation, PHILANDER CHASE KNOX, the intellectual giant, scholarly statesman, and lawyer of international fame; BOIES PENROSE, the superb leader and authority on finance, whose wonderful mind embraced the life of the great Commonwealth and made him the leader of leaders; and WILLIAM EVANS CROW, loving and beloved, brilliant, magnetic, and sympathetic, with an almost superhuman understanding of men and ability to influence their actions.

Both Senators KNOX and CROW were born in Fayette County, in the district which I have the honor to represent in Congress. Senator KNOX was born May 6, 1853, in Brownsville, and lived there until early manhood; Senator CROW was born in German Township March 10, 1870, and lived in Fayette County until his death at Chalk Hill on August 2, 1922.

The records and achievements of Senators PENROSE and KNOX will be related by others, and I shall confine my remarks to the "favorite son" of "old Fayette," WILLIAM EVANS CROW.

Senator CROW was born on a farm and as a farmer boy had the personal touch and experience of farm life. He attended the country school, and later became a teacher, in which capacity he inspired his pupils with the same devotion with which he later enthused all who came within his range. He became a successful journalist, a lawyer, and at the age of 28 was elected district attorney of Fayette County. At the age of 25 he was political leader in his county and moved onward and upward, becoming chairman of the Fayette County Republican committee, Republican State chairman, State senator, successive reelection keeping him in the State senate as its matchless leader until, upon the death of Senator KNOX, he was appointed by Gov. William C. Sproul to fill the vacancy from Pennsylvania in the United States Senate.

He was a masterful politician, and for the field which he had chosen he had temperament, ability, and poise unexcelled. Few men in public life were endowed with such lovable and commanding personality, and had he lived he would have reached the pinnacle in the Nation which he had attained in his beloved State.

Senator CROW's health began to fail about a year before his death, but with indomitable will he remained at his desk in the State senate at Harrisburg until the adjournment of the legislature in 1921, when he went into seclusion in his mountain home. He battled with illness, and for a time it seemed as though he would conquer; and while he was scarcely able to come to Washington to be inducted into his high office, he made the trip and with undaunted courage appeared on the floor of the United States Senate, where on October 24, 1921, he took the oath of office as junior United States Senator from Pennsylvania. On that occasion the Bar Association of Fayette County, members of the senate and legislature of the State, and hundreds of other admiring friends accompanied their "Fayette County boy" to the Nation's Capital to see him realize the ambition of his life. They hoped he could win the battle with the dread malady with which he was stricken; alas, this was not to be. Death had singled him for its own. And when he found that he was beyond human skill and realized that he was fighting a losing battle, he asked that he be taken to his beloved mountain home at Chalk Hill, where, surrounded by the beauties of nature, he had spent his happiest days in the companionship of his noble wife and three manly boys. Love for one's family is the most sublime attribute of life, and Senator CROW's devotion to his wife and children portrayed the sweetest characteristic of his great intellect.

While Senator CROW was at his mountain home it was the Mecca for hosts of admiring friends—rich and poor, black and white, men, women, and children. They all loved him, not for his great achievements but because he was "BILL" CROW, their friend.

When President and Mrs. Harding drove over the old National Pike on their way to their old home at Marion they found time to call to extend to the stricken Senator their heartfelt prayers for his recovery and their sincere hope that he might take his place in the Senate and aid in the great constructive legislation to be enacted. With the President and Mrs. Harding were the Governor of Pennsylvania, Hon. William C. Sproul, General Pershing, and General Sawyer, all eager to show their friendship and love for the stricken friend.

On August 2, 1922, the Angel of Death paid a visit to that mountain home and the great soul of WILLIAM EVANS CROW passed into the light of the eternal morn.

Senator CROW was buried on a beautiful day in August and never in the history of Fayette County was there such an outpouring of sorrowing friends. The streets were lined with people from all sections of the county—by proclamation of the mayor of Uniontown all business places were closed, and all branches of the city government paused to pay tribute to the first citizen of that town. Amid the tolling of the bells and the sobs of the multitudes all that was mortal of WILLIAM EVANS CROW was laid to rest in the little cemetery at the end of the town.

As I stood at the open grave and looked into the saddened faces of the countless friends I realized there could be no higher eulogy of man than that the humblest pay him tribute in tears, and my mind could but revert to the immortal ode of the great Tennyson on the death of the Duke of Wellington:

On God and godlike men we built our trust.
Hush, the dead march wails in the people's ears;
The dark crowd moves, and there are sobs and tears;
The black earth yawns; the mortal disappears;
Ashes to ashes, dust to dust;
He is gone who seemed so great—
Gone; but nothing can bereave him
Of the force he made his own
Being here, and we believe him
Something far advanced in state,
And that he wears a truer crown
Than any wreath that man can weave him.
Speak no more of his renown,
Lay your earthly fancies down,
And in the vast cathedral leave him.
God accept him, Christ receive him.

Miss ROBERTSON. Mr. Speaker, there is not one of us but who, looking back, may remember one of those days, marked with a white stone, that stands out vividly from other days of that time. Such a day was my introduction to Fayette County. At the Summit Hotel I was waked by the matin songs of the birds. From my window I looked out over clouds of mist, which, like the gossamer veil of a lovely bride, enhanced rather than concealed the beauty of mountain, forest, and valley.

I felt myself honored, indeed, to have been chosen to make a Memorial Day address at Uniontown. In Fayette County, where the struggle for the foundation of our great America began with the colonial wars, its history is written above the resting places of those who fought its battles. Some of these inscriptions are well-nigh obliterated by the storms of more than a century. Hundreds of newly carved names are those of Fayette County's sons who fought no less valiantly to maintain the Government that their gallant forbears had founded.

I seem to see before me again the long procession of marching men in uniform—men of three wars. Men of the sixties, unable to conceal a certain jealous pride of preferment because it was for their comrades the day was first set aside, and if gray and bent, as they were—cars were provided for them in procession—it was an acknowledgment on their part of a right of precedence rather than a consideration of physical weakness. The World War men, who at the city square earlier in the day had conducted their own exercises and had afterwards served the other veterans with army fare at their beautiful Legion Home, followed, marching many hundred strong, with hosts of little children, flower laden and each carrying an American flag—blood-bought emblem of our "Land of Liberty," of which their chorus swelled in words of patriotic song.

Could there be greater inspiration for a patriotic life than to have been reared amid such surroundings and among a people of such loyalty to American ideals?

It was here at his Uniontown home that I met WILLIAM EVANS CROW, upon whose bier I have come to-day to lay one little flower of remembrance. I had, of course, known of him vaguely as one of the giant leaders of the political organization which functioned irresistibly in the Keystone State, and wished I might meet one of such power among his fellow men. Hav-

ing heard that strict rest was enjoined by physicians, who made him a prisoner in his room, I was indeed gratified to be met by Mrs. Crow, who insisted that it was the desire of her husband as well as herself that I become their guest.

What an ideal home it was to which I was thus welcomed—comfortable, livable, and unpretentious. A home where you found a well-worn Bible in sight and where the most prized ornaments were portraits of their sons in uniform.

I was allowed to see Mr. CROW, who was interested in me as representing a new element in political life—that of the conservative woman who had not striven for a place in politics—and knowing there were in Pennsylvania thousands of my type there was a great temptation to both of us for a discussion which his weakness did not allow.

So his devoted wife took me away from the cheery upper room where the May sunshine streamed in and the scent of lilacs came through the open windows.

There was an inspiration I shall never forget in the encouraging, interested words of this giant battling for life. He knew that he had been sorely wounded in his stern fight for the ideals he had made his goal, but he was not disheartened.

The domestic life of that home as I saw it was one of that sacred mutual devotion which it is not for me, even with the deepest reverence, to try to tell you. To me it seemed the perfection of human love and companionship.

I saw him only once again. A day when I availed myself of a privilege I felt a natural timidity in exercising, and went upon the floor of the Senate to see him take his oath of office—the first woman to have thus congratulated a Senator.

Surrounded as he was by eager colleagues and friends, when he saw me waiting there was an immediate smile of recognition and a warm handclasp. I felt the new element in politics would have a good friend in him.

While it seems tragic beyond all expression that just at the moment of ambition's realization the sun should suddenly drop from its zenith, we can but admit that there is a sublimity in such a cloudless departure.

Love is the greatest gift ever bestowed upon frail humanity. This he had in fullest measure, and in its joy he went happily home to that Father's house where many mansions are.

Mr. BEGG. Mr. Speaker, we are assembled to-day to pay our respect to the memory of our deceased colleague, Hon. CHARLES R. CONNELL, of Scranton, Pa.

We shall leave it to his colleagues and friends from his own State of Pennsylvania to tell of his life history, for it was not the privilege of many of us to know him in his boyhood and early manhood.

His service with us in the House was all too brief, but in that time he established a place for himself in the hearts of his colleagues. Those of us who knew him best loved him most. It was my privilege to know him intimately, having visited his home on several occasions.

He was a man of big business and naturally and by training looked on all things in a big way. He was broad visioned, practical, and successful in serving his constituents of the tenth Pennsylvania district, as well as in business.

Thousands of men were in his employ for years and never once did he fail in that understanding of men which makes one's employees love him. In politics they were his supporters, and he their representative; in business he was their associate and coworker. Of no man in his employ did he ask that which he was unwilling to give himself. Socially he was democratic and measured his friends by their true worth.

His life was an inspiration for all who knew him. I realize how futile it is to try to add to his glory and honor at this time, but by a recital of his virtues we who are left may be inspired to better things. His passing was a tremendous shock, yet by it we have been moved to appreciate more and more his lovable characteristics, and, indeed, we have been made to understand that his very life was a force for good.

He was of a nervous temperament and often chafed at the seeming delays of definite accomplishment in legislation. In business, habit had taught him to count that day lost whose low, descending sun saw nothing accomplished, nothing done. That is why legislation seemed to irk him, yet with it all he took an active part in the daily procedure of this House and no Congressman gave stricter attention to the demands and needs of his people than he. He frequently spoke with reverence of his father's prior service, and said that was the only enchantment for him in representing his district in Congress.

Our beloved colleague leaves a wife, two children, and a host of friends to mourn his loss. Time may dull the pain of his leaving, but each succeeding year can only serve to brighten the memory of his lovable character.

Mr. GERNERD. Mr. Speaker, we are gathered here to-day in solemn contemplation for the purpose of paying a human tribute to those distinguished sons of Pennsylvania who have answered the last call. Of one of these I shall humbly speak.

To Pennsylvanians the name of BOIES PENROSE will always arouse a feeling of genuine regard. His intimate knowledge of her people and their traditions, together with his thorough understanding of their economic problems, made him a dominating character. For more than 30 years he was identified in molding and advancing the legislation which attended the marvelous growth and development of our State. Endowed with a rare intellect, which absorbed all of the exceptional advantages that a cultured home could give, he attended Harvard College as a youth, where his natural qualities soon ripened into commanding scholarship. Few young men were ever better equipped to battle the trials of life than he—possessor of a wonderful physique and an engaging personality and backed up by the prestige of a wealthy and distinguished family. He knew none of the hard and perplexing struggles that confronted most of our successful men in their youth. He craved a different ambition than those who were reared and educated as he was, for even in his college days he was found pursuing the study of politics. To him Martin Van Buren was a most absorbing and fascinating personality. It was but natural that soon after he completed his education he should turn to politics as a career.

Within four years after his graduation from Harvard College he was elected a member of the General Assembly of Pennsylvania. He entered that body full of vigor and self-confidence, and immediately attracted the attention of his colleagues by his forcefulness in debates and the calm and adroit manner in which he met attack. Strange as it may appear, he began his political career with reform ideas. So thoroughly was he imbued with these conceptions that he, in conjunction with his law partner, Edward P. Allinson, wrote a volume on municipal government advocating the principles of reform. It is a remarkable work, giving an exhaustive historical treatise of city governments in this country. It reveals a thorough knowledge of the grave and difficult problems that then confronted our municipalities. He strongly urged reforms, but within party lines. Through the publication of his work he acquired great publicity, which immediately placed him in the forefront as a student and an authority on municipal governments, which naturally greatly enhanced his political prestige. After a single term in the lower branch of the general assembly he was elected a State senator, to which position he was successfully reelected three times. This gave him a wonderful opportunity to develop his natural talents, and his keen knowledge of the essentials of government intimately brought him in contact with the great political problems in the concrete. He gave them exhaustive study and zealously fought for those legislative measures which he believed were for the welfare of the State. His career in the Senate of Pennsylvania is a most brilliant one, for his activities during those 10 years were not dominated as the politician but as the student of legislation. His advocacy of a measure was not actuated by political motives, but, on the contrary, based solely on their social and economic effect on the State. His legislative inquiries and the measures he championed revealed a remarkable knowledge of the institutions of his State.

Continually pursuing the quest for a greater intimacy, he embraced in his personal sphere of influence every one of the 67 counties of Pennsylvania. He knew their characteristics, their problems, resources, and leading citizens. Just as he got to know the people of his State, so they came to know and trust him. He possessed an unusual capacity for work, and it appeared that the greater the burden the happier and more responsive he became. It was but natural, then, that he should become the leader in the senate, for his capacity and successful qualities of leadership crystallized public confidence in him and the people everywhere sought his counsel and aid in furthering their legislative enactments.

During the entire period that he served in the State legislature he was looked upon as the enlightened student and expounder of public questions. His frank and incisive views upon legislation either gave it life and assurance of being enacted into law or else he disclosed their fallacies, which invariably caused them to die through the weight of their own weaknesses.

Throughout the Commonwealth of Pennsylvania there were many growing and prosperous towns which constantly required legislation to insure their continued progress and prosperity. His great knowledge of municipal government made these municipalities the happy beneficiaries of his wisdom and forethought, for he enthusiastically fostered the legislation which

enabled them to enjoy the many advantages that local self-government brought them. It is a rare tribute to his integrity and high sense of public duty that no one ever questioned the wisdom or sincerity of his motives in any cause which he championed before the legislature of our State. His achievements were many and the citizens of Pennsylvania took a keen pride in his brilliant career. With each succeeding year he grew in stature and public esteem, so that it was but natural that thousands of the influential citizens of his native city should insist upon his running for mayor of Philadelphia.

At that time the political destinies of the City of Brotherly Love were dominated by David Martin and Charles A. Porter, two resourceful and astute politicians who baffled the ambitious plans of PENROSE and his many friends, for they brought forward Charles F. Warwick as an opposing candidate, who after a spirited and intensely partisan contest defeated him for the nomination. While his defeat proved a very serious disappointment to many Philadelphians who had hoped to rescue their city from the sinister and baneful machinations of the municipal political bosses into whose grip their city government had fallen, nevertheless for his own political future it proved a most fortunate incident. The contest for mayor attracted nation-wide attention, and the result was anticipated with unusual interest. Instead of losing prestige by defeat, his political assets were greatly enhanced by the experience, for the many talents of the young State senator had been so successfully exploited that he became the romantic political hero of the State. His fascinating career appealed intensely to the young men of Pennsylvania, for he captured their imaginations and inspired their loyalty and admiration. Enjoying so eminent a position in the hearts of Pennsylvanians at the youthful age of 35, his political ascendancy was assured.

For many years the political organizations of Pennsylvania were controlled by the two United States Senators, J. Donald Cameron and Matthew Stanley Quay. Their supremacy was frequently and bitterly contested, and the politics of the State were in constant turmoil. Many scars had been inflicted, and there were able and clever politicians who nursed continuous warfare and kept the political wounds from healing. Matthew Stanley Quay was then the recognized leader, and as the senatorial term of J. Donald Cameron drew to a close he cast about his discerning eyes and found in BOIES PENROSE a colleague of his choice. He recognized only too well that to insure his own leadership he must choose wisely. Naturally he gave the great popularity of the young senator due recognition, for he realized that the seat of Senator Cameron would be bitterly contested.

How carefully he had reckoned—for the opposition selected John Wanamaker, Postmaster General in the Harrison administration, as its choice. Here was a formidable foe, a man whose name was a household word in every family in Pennsylvania, and whose splendid administration as a Cabinet official challenged the support of the business men of the State. It proved a remarkable political battle. Here were two rare and exceptional men arrayed against each other. The one a young, brilliant, and successful leader, whose worth as a legislator was recognized by everyone in the State, and the other the greatest merchant in America, whose life story gripped every youth and who had won the plaudits of the mercantile world. Nevertheless the verile and spectacular leadership of BOIES PENROSE so completely captivated the young men of Pennsylvania that they triumphantly brought about his election as United States Senator. What a remarkable achievement, to attain the toga of a United States Senator of one of the greatest States of the Union at the unusual age of 37. That goal, however, was only reached through the exercise of high political ideals and abnormal passion for public service. With him there was no compromise with time when public duty beckoned. His scholarly attainments and practical insight into domestic problems, as they effected the general welfare of the State, made his judgment unerring. The great experience he acquired as a legislator of his Commonwealth gave him a superb equipment for the larger problems which awaited him.

I shall not speak of his subsequent career, for I shall defer that to other colleagues who have had the pleasure of serving with him in the United States Congress for a much longer period than has been my privilege. I wish to emphasize the fact, however, that he never lost grip upon the legislation of his State. Every problem challenged his attention, and he liberally gave of his wisdom and support. The people of Pennsylvania truly understood and appreciated his remarkable services, for they showed their gratitude by their generous confidence in electing him to the United States Senate for five successive terms. No man can enjoy a greater tribute than this honor, as bestowed upon him by the citizens of his native State.

Mr. GERNERD. Mr. Speaker, I wish to say a few words in memory of our dear friend and former colleague, CHARLES CONNELL. Coming here as strangers we met for the first time, although the name of CONNELL had been a household word to most Pennsylvanians for nearly a generation. I frequently in my youth heard of his father, and it was with keen eagerness that I greeted CHARLES CONNELL as a colleague of mine in this Congress. We got to know each other intimately, we lunched together, and discussed problems together, both business, economic, and social.

CHARLES CONNELL was a positive, direct character. There was no hypocrisy or vainglory about his make-up. He had a high appreciation of business ethics, and frequently when matters on the floor of the House seemed to be in a turmoil he would say to me, "That is not the way to do business. You and I could settle this in a very short time." We believed that to be true because we did not then know enough about the procedure of legislation, although we did know something about the problems of business.

I wish to say of him that although brought up as the son of a very wealthy and distinguished man he did not do that which most wealthy young men do—follow the paths of least resistance. He buckled down to business, and never permitted the contributions which came to him from his father to interfere with his honest ambition to be a successful business man. He employed hundreds of men and women, and treated them on the basis of social equality, for I know CHARLES CONNELL repudiated the idea that to be rich is to be one of a class. He never had that in his system. With him business was a noble profession. To possess wealth, and distributing it in investments, and making that wealth work, realizing more wealth in the creation of employment, he regarded as a duty to society. I know that he took a keen interest in his church, for he spoke to me of having helped to create a memorial fund for charitable purposes to which he himself had contributed very liberally. I wish we had more men imbued with the same unselfish ideas that possessed CHARLES CONNELL. He has passed to the great beyond and I mourn his going. I shall always remember his pleasantries and his buoyant countenance with rare pleasure.

Mr. CRAGO assumed the chair as Speaker pro tempore.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania [Mr. FOCHT].

Mr. FOCHT. Mr. Speaker, in attempting to express an estimate of the unselfish purposes and lofty ideals of the men we mourn to-day, we can not help but feel our weakness in the presence of the memory of these great outstanding figures who so long labored for Pennsylvania in the wide field of local endeavor and of American statesmanship—Senators PENROSE, KNOX, and CROW, and Congressman CONNELL.

Senator PENROSE was trained in legislative practice in that school where the rudiments are acquired to great advantage—the State legislature, house and senate. There was early evidence of his grasp of details and the understanding of men and as the shaper of vast national progressive projects, culminating in the attainment of a high place among his fellows and as counselor great and wise in guiding the destiny of the Nation.

There is pardonable pride in reverting to the vast energies of his State and its prodigious commercial expansion and production, and in linking this great man of mind and heart to the steps of immeasurable progress of Pennsylvania stretching over a period of more than 30 years. During that time, which marked a greater sweep of advancement than during any other period in the State's history, he was early a potent factor and latterly the masterful, dominating mind.

For one of the greatest single divisions of government in the world—Pennsylvania—he helped shape an unmatched fiscal system which provides vast revenues without direct taxation.

During his leadership of the great dominant party there was written on the statute books more progressive laws than during the Commonwealth's entire previous history. From the mighty fund collected from the corporations the public-school system was given new impetus, with free school books for all children and compulsory education a requirement. The agricultural department was established, State police organized to guard every section, compensation in abundance for every injured workman, first aid and revised laws providing safeguards for

those engaged in the vast mining industry, with millions for colleges and institutions for the weak and helpless, and a wider scope of rights and protection for women than prevailed in any State having woman suffrage 20 years before the vote was given in Pennsylvania.

It was great honor, indeed, to represent the State of Franklin and Muhlenburg, the State that was the Nation's birthplace and its cradle. Stephen Girard and Robert Morris, Rittenhouse, Fulton, Mad Anthony Wayne, Priestly, and Trumbull are outstanding figures who furnished inspiration for this youth; then Meade, Hancock, Reynolds, and Gregg, John Bannister Gibson, Andrew G. Curtin, John Wanamaker, and Russell Conwell. From the Declaration of Independence to Valley Forge, the Brandywine, and the slopes of Gettysburg we have everything in patriotic sacrifice and scientific, scholastic, and philanthropic accomplishment.

And it was this illustrious patriotic example, this vast energy and scientific attainment and philanthropy applied for the welfare of man that inspired Senator PENROSE when a boy and pointed him the way of duty and where promise was resplendent and the reward of achievement made certain.

Senator PENROSE was a statesman and philosopher, yet a pure democrat in his contact with men. While vast and overshadowing were often his engagements, he could become deeply interested in the details of the smallest concerns for others, and it was in countless instances that he extended the hand of helpfulness to the afflicted and brought rejoicing to many who otherwise would have despaired of relief. There was an intensity and sacredness about his devotion to the performance of every detail relating to the discharge of his duties, and that nothing might be overlooked he employed many skilled assistants and the ablest secretaries obtainable, three masters of detail long in this trusted, confidential association being Col. Wesley R. Andrews, Mr. W. Harry Baker, and Mr. Leighton Taylor.

And after all, it is faithfulness in the performance of duty that entitles a man to the fair-and-square estimate of his merits and the gratitude of those whom he served.

Thus the keystone of the arch of the Republic, Senator PENROSE represented in the world's greatest forum, and there among peerless men, many of them the Nation's most brilliant, he spent a quarter of a century the peer of any, and died while their leader in shaping the great tariff bill which bears his name and that of his beloved friend, JOSEPH FORDNEY.

It was in this very Hall, on February 27, 1882, that James G. Blaine, in paying tribute to the martyred President, James A. Garfield, said in part:

> Great in life, he was surpassingly great in death. He begged to be taken to the sea, and gently and silently the love of the great people bore the pale sufferer to the healing of the boundless waters of the deep. He looked out wistfully on the ocean's changing wonders, on its far sails, whitening in the morning light; on its restless waves, rolling ashore to break and die beneath the noonday sun; on the red clouds of evening, arching low to the horizon; on the serene and shining pathway of the stars. Let us believe that in the silence of the receding world he heard the great waves breaking on the farther shore and felt already on his wasted brow the breath of eternal morning.

Nothing in the life of Senator PENROSE was so profoundly heroic as his resignation to the inevitable, which he faced with unwavering courage. That end he knew had been decreed and that the hours for earth were fast passing; then, like the martyred Garfield, this giant among men repaired to a place of rest in the Capital City which overlooked the center of the Nation's Government, yet secluded. Just before him stood a fringe of green-belted forest, and beyond the masterpieces of architecture set against the Lincoln Memorial, the Washington Monument, and the Capitol, and in the distance the hills of Maryland; to the south, and in full view, the majestic and historic Potomac. To Senator PENROSE this all offered charm and enchantment, even though he contemplated the early drawing of the curtain that was to reveal the shores of eternal day.

From this sunlit resting place he could see every part of the city, and a flood of happy memories must often have swept through his mind as he contemplated the scene spread before him. His was a great, profound mind, and clear must have been his conception of what he was approaching with such rare fortitude. No complaint was ever heard from him. His was the suffering of the Spartan. Only a few days before the soul took its flight my colleague, Congressman HENRY W. WATSON, and I, both of us close friends of Senator PENROSE from early life, were his guests at his apartments, and a more gracious host never welcomed friends than did Senator PENROSE on that evening. Detesting ostentation, he held in contempt vain conceit, and freely, in a spirit of mirth, characterized the snob and buffoon. To him life was serious, and yet no man more greatly enjoyed the human viewpoint or could more quickly or sharply rebuke the unreal and the counterfeit.

Thus, brave and great and useful in life, he did not shrink when the pale messenger approached his bedside but answered the summons as those who knew him best expected. He passed into the shadows without ceremony or circumstance, and thus, in the last act, as during his entire life, there was expressed his aversion for anything suggesting the spectacular.

The Nation loses a statesman and trained servant and a faithful official, while his party is bereft of an unbeaten leader whose wise counsel will long be missed.

His friends to-day mourn a companion and counselor, whose acts of kindness and love and unselfish helpfulness will be cherished and remain ineffaceable through every cycle of time.

Before retiring from the floor, I feel that on account of my long personal acquaintance with and my high admiration for the public services of Senator KNOX and Senator CROW, and also of the opportunity I had of association with Mr. CONNELL, as well as with his father, I should like to say a few words about each of these distinguished gentlemen.

While I have not read every speech delivered by Senator KNOX, or every opinion given by him, or every one of his decisions when he was Secretary of State, it is my opinion that his address at Gettysburg in 1911 is the briefest, yet the most profound, exposition of the causes of the Civil War and of the hope for future liberty and the perpetuation of this Union that I have read anywhere. Further, his address in the Senate on the question of the League of Nations, the shortest address delivered on the subject, covered the case entirely in no more than three pages of the ordinary size in which we send out our speeches. I believe what he said there, in its brevity and clarity and tremendous power and understandability, his explanation that it meant an association and affiliation for war purposes with Europe, had as much to do with the rejection of that intolerable League of Nations as any other deliverance or all the other deliverances combined on the subject. In the light of all that I have known and read of the speeches and decisions of men of power and genius and statesmanship in this Republic, these two utterances meet two situations more clearly than all the other things I have read on these two questions.

As has been said in admiration and pride, Senator CROW was a product of the evolution of the politics of Pennsylvania. I have briefly enumerated a few of the accomplishments of the great leader of the dominant party in Pennsylvania and the progressive measures which he assisted in enacting into law. He was one of the most abused and maligned men in America until he died, and now come the encomiums even of those who attacked him most bitterly.

So Senator CROW was a man of most benevolent impulses. As his dear friend, Mr. KENDALL, and another friend, Colonel CRAGO, have said, he was of a temperament which reflected the one great method of accomplishing results in American politics, namely, that no man can have his way entirely and in full, on the assumption that any man can be infallible, nor has he the right to presume that he is always and entirely right. Hence Senator CROW, with broad vision, with real statesmanship, met his political enemies half way, and as a result we have had splendid concord in the western part of the State of Pennsylvania. We had the opportunity to assist in advancing him and are proud to-day to refer to his memory as one of the brightest and most honorable careers in the history of our party in Pennsylvania in recent years.

Of our friend Mr. CONNELL I wish to say that when I first came to this House I met his father. Much like Senator CROW, he was of a benevolent, charitable, forgiving spirit, the kind of man who cares to accomplish results rather than to wreak vengeance. He was not a man of reprisals, but rather of compromise and helpfulness to both sides, and there is of record a most notable instance in Pennsylvania where by the exercise of that spirit he saved the Republican Party a backset probably for many years. I knew him here. He was held in high esteem. His son had every reason to reverence his memory. A man who started at the bottom round in the vicinity of Scranton, he accumulated a fortune. He was benevolent in the wide distribution of his wealth, in the building of churches, in the helpfulness of the poor, his hand always extended to the weak and the unfortunate. The best I could say of my young friend, his son, and the best he would want me to say, is that in that respect he emulated his father. As we knew him no one could have been more companionable, and as you knew him a little better it was revealed that he had a wide range of knowledge, gained by extensive travel. Having been in Europe, and in every city of Europe, many times, and in the far recesses of South America, he was fond of detailing in most interesting

and instructive narrative his contact and association with those strange people.

I can not help feeling how great has been the loss to Pennsylvania in the death of these men. When we think how long, yea, how many centuries it took to develop and refine minds such as these men possessed, we appreciate our loss, in fact we are appalled. All we can do is simply to go ahead and strive for the best, and as nearly as possible follow their example, which has been good and great and inspiring. Under their leadership vast progress has been made and great munificences and benefactions have been bestowed. We can simply emulate them and hold them in fond recollection, affection, and love.

Mr. FOCHT again took the chair as Speaker pro tempore.

Mr. CRAGO. Mr. Speaker, I ask unanimous consent that all Members who have spoken may have permission to extend their remarks in the RECORD, and that those who have not spoken may have five days in which to insert in the RECORD remarks concerning the Members whom we have remembered to-day.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent that all Members who have spoken may have the privilege of extending their remarks in the RECORD, and that other Members may have five days in which to print remarks in memory of the deceased Members. Is there objection?

There was no objection.

Mr. WALTERS. Mr. Speaker, within two years we have witnessed the passing of five men named by the people of Pennsylvania to represent them in the American Congress. In order they were: MAHLON H. GARLAND, PHILANDER C. KNOX, BOIES PENROSE, WILLIAM E. CROW, and CHARLES R. CONNELL. Others have and will bear testimony to the eminent personal worth of these sons of the Keystone State. Others have and will recall the distinguished public services of these representative Pennsylvanians. I desire to add a personal testimonial to the memory of CHARLES R. CONNELL.

Mr. CONNELL came to the Congress rich in experience. He was a type of Pennsylvania's progressive business men. Proud of his heritage, proud of his State, proud of his community, he gave richly of his personal abilities and fortune that the life-giving industries of Scranton might prosper and the community prosper with them. A type of Pennsylvania's business men, CHARLES R. CONNELL possessed a high regard for the general welfare, and leaves a record which might well be emulated.

In performing his duties as a Member of Congress Mr. CONNELL carried the same regard for strict integrity that he did in private business. He viewed every governmental problem broadly. No personal interest, no local interest, no partisan plea could compel him to deviate from what he regarded as a plain duty. He sought with all the energy of his fine nature to serve those who had expressed trust in him. It was characteristic of his service in Washington that no personal interest, political or otherwise, could influence his decision.

The charm of Mr. CONNELL's personality attracted men, and he held as close friends perhaps more than the usual number of his associates in the House. Coming back among us with the knowledge that his days were numbered, he went about with his usual genial word and smile, with his accustomed good nature and willingness to aid. His courage in the face of the inevitable was remarkable. His memory will long linger with those who knew him best.

Mr. APPLEBY. Mr. Speaker, under the permission given Members to extend their remarks in the RECORD upon the death of our beloved colleague, I should not want this occasion to pass without joining with the other Members present in testifying to his splendid personality, nobility of character, and value to his country of his short public career.

Mr. CONNELL, in common with myself, was elected to Congress in November, 1920. He was one of the first Members of the House with whom I became acquainted. That acquaintance ripened into a warm friendship, and in listening to the eulogies presented this afternoon by his colleagues, many from his own State, I am satisfied that the early judgment I formed of the man was a correct one. Always considerate of others, even tempered, self-controlled, kind, and gentle, he made warm friends, whom he held in growing attachment. One of my earliest recollections of the man was the pride which he so frequently expressed in being one of the few Members who had the distinction of representing in Congress the same district once represented by their fathers. The elder Connell, now deceased, represented this same Pennsylvania district some 20 years prior to our colleague's election.

Mr. CONNELL brought to the House of Representatives a ripe business experience gained through the management of several large manufacturing plants, as well as service on the boards of directors of several banking institutions. His practical, common sense, sound judgment, sterling honesty, and high ideals at once marked him as a valuable Member of this legislative body. He was exactly the type of man needed—a business man in Congress. May we have more men of his courage, faith, ability, and firmness!

To have acted with him in the work of important legislation was a privilege, and to meet him socially and learn of his fine traits of character, and to have counted him my friend, was an inspiration.

During the recess of Congress last summer he was stricken with a fatal illness, and in August, in the homestead of his father, in which he had so long resided, in the beautiful residential section of the city of Scranton, surrounded by his devoted family, our beloved colleague passed on to his just reward. Sadly missed by the many friends he had made in this legislative body, mourned by his thousands of employees, and amid the tears of the hosts of his admiring friends he was buried in his native city. He was an honor to the State and the Nation. He died at his post of duty a faithful public servant, loved for his frank and manly dealings with his fellows, his loyalty to his trusts of high responsibility, and his modest and unassuming mode of life. Personally, I felt, and still feel, the keenest sense of loss, and I am glad to pay this feeble tribute to his memory. May it linger with us for many years. But in a full life, nobly lived, such as that of CHARLES R. CONNELL, there should be no sadness of farewell. He has but gone to his reward. In the words of the immortal Tennyson:

Sunset and evening star,
And one clear call for me!
And may there be no moaning of the bar
When I put out to sea,

But such a tide as moving seems asleep,
Too full for sound and foam,
When that which drew from out the boundless deep
Turns again home.

Twilight and evening bell,
And after that the dark!
And may there be no sadness of farewell,
When I embark;

For tho' from out our bourne of Time and Place
The flood may bear me far,
I hope to see my Pilot face to face
When I have crost the bar.

ADJOURNMENT.

Mr. CRAGO. Mr. Speaker, in accordance with the resolution previously adopted, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 35 minutes p. m.) the House adjourned until Monday, February 19, 1923, at 12 o'clock noon.

SENATE.

MONDAY, *February 19, 1923.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, help us to realize that life is a constant benediction, and as we spend it for higher interests enable us to recognize the privileges given unto us, so that daily and hourly we may have in mind Thy glory and the best interests of our loved land. Hear and help us through this day's service. For Christ Jesus' sake. Amen.

THE JOURNAL.

The reading clerk proceeded to read the Journal of the proceedings of Saturday, when, on the request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Gooding	McLean	Smith
Bayard	Hale	McNary	Smoot
Brookhart	Harreld	Moses	Spencer
Calder	Harris	Myers	Sterling
Cameron	Harrison	New	Sutherland
Capper	Heflin	Nicholson	Swanson
Caraway	Johnson	Norbeck	Townsend
Couzens	Jones, Wash.	Oddie	Trammell
Curtis	Kellogg	Page	Wadsworth
Dial	Keyes	Pepper	Walsh, Mass.
Edge	King	Phipps	Warren
Fernald	Ladd	Pittman	Watson
Fletcher	La Follette	Pomerene	Weller
France	Lodge	Ransdell	Williams
Frelinghuysen	McCumber	Reed, Pa.	Willis
George	McKellar	Robinson	
Gerry	McKinley	Sheppard	

The VICE PRESIDENT. Sixty-six Senators have answered to their names. A quorum is present.

ACCOUNT OF THE STATE OF NEW YORK (S. DOC. NO. 304).

The VICE PRESIDENT laid before the Senate a communication from the Comptroller General of the United States, in response to Senate Resolution 378, agreed to December 6, 1922, relative to the reexamination and restatement of the account of the State of New York, for which appropriation was made by the act of Congress approved February 27, 1906, which was referred to the Committee on Claims and ordered to be printed.

DEPARTMENTAL USE OF AUTOMOBILES.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to Senate Resolution 399, agreed to January 6, 1923, a statement showing automobiles in use by the Treasury Department, both in Washington and in the field, together with certain cost data pertaining to said automobiles, garages in which they are housed, etc., for the six months' period July 1 to December 31, 1922, and stating that it was deemed best to report the information for the first six months of the present fiscal year rather than for the fiscal year 1922, owing to changes in the assignment of work between the Public Health Service and the United States Veterans' Bureau affecting the administrative supervision of automobiles belonging to the former service, which was ordered to lie on the table.

WORLD'S DAIRY CONGRESS ASSOCIATION.

The VICE PRESIDENT laid before the Senate a communication from the president of the World's Dairy Congress Association, which was read and referred to the Committee on Agriculture and Forestry, as follows:

MILK IS VITAL TO NATIONAL HEALTH.

WORLD'S DAIRY CONGRESS ASSOCIATION (INC.),
Washington, D. C., February 19, 1923.

Hon. CALVIN COOLIDGE,
Vice President of the United States,
Washington, D. C.

SIR: As authorized by act of Congress of March 3, 1921, the President of the United States has invited the nations of the world to send delegates and representatives to a World's Dairy Congress. This congress will be held in Washington October 2 to 5 of this year, and the delegates, after the close of the congress, will attend the National Dairy Show to be held at Syracuse, N. Y., October 6 to 13, 1923.

The World's Dairy Congress Association has been organized at the suggestion of the United States Department of Agriculture to act as a committee of management to make the necessay and proper arrangements for the housing and entertainment of this congress and to extend the proper courtesy to the delegates and other visitors who will attend.

On behalf of this association, I wish to thank the Members of Congress for the authorization of the World's Dairy Congress and for the support which has been voted to translate and publish its proceedings to make it of the greatest possible value to the public.

On behalf of the association, I wish to extend an invitation to the Congress of the United States to be represented at the World's Dairy Congress, and to request that a committee representing the Senate and House of Representatives be appointed for this purpose. I feel sure that the presence of this committee at the World's Dairy Congress and its participation in the deliberations of that body will add greatly to the Congress and to the cordial feeling that the representatives of other nations may have as to the feeling of sympathy and cooperation of the United States in their problems and aspirations.

The invitations from the President of the United States have been transmitted by the Department of State to all the nations of the world, and many acceptances have already been received, and many more are expected, indicating a high degree of international interest in this coming gathering.

Respectfully, H. E. VAN NORMAN, *President.*

Mr. LADD. I introduce a joint resolution authorizing the appointment of a joint committee of the Senate and the House to represent the Congress of the United States at the World's Dairy Congress to be held in Washington, and I ask that it be referred to the Committee on Agriculture and Forestry.

The joint resolution (S. J. Res. 284) authorizing the appointment of a joint committee of the Senate and the House to represent the Congress of the United States at the World's Dairy Congress was read twice by its title and referred to the Committee on Agriculture and Forestry.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT laid before the Senate a telegram from E. F. Stokes, secretary of the National Association of Builders' Exchanges, relative to tax-exempt securities, which was referred to the Committee on Finance and ordered to be printed in the RECORD as follows:

[Western Union telegram.]

WEBSTER CITY, IOWA, *February 17, 1923.*

SECRETARY OF THE UNITED STATES SENATE,
Washington, D. C.:

The National Association of Builders' Exchanges of the United States, representing the building interests in every territory of the country, while in convention assembled at Des Moines, Iowa, did unanimously adopt on February 15, 1923, a resolution which follows, and requests you through your official office to direct the same to the proper channels for information of Senate now in session:

"*Resolved by the National Association of Builders' Exchanges*—

"First. That this association believes that the present freedom from income tax of incomes from bonds and other securities issued by States, counties, and municipalities has operated to relieve large incomes from bearing their proper share of Federal taxation; it feels that this is contrary to the interest of the public and should be stopped as soon as possible.

"Second. That the preference given by large investors under the above circumstances to State and municipal bonds has operated to the disadvantage of investments in private building and has thus operated as a restriction upon the amount of building for residences, stores, hotels, and factories requisite to meet the situation caused by the cessation of building during the war. It has thus been an important contributing cause to the continuance of high rents.

"Third. That this association strongly urges the passage by the Senate at this session of Congress of the proposed constitutional amendment (H. J. Res. 314) designed to put an end to this condition."

E. F. STOKES,
Secretary National Association of Builders' Exchanges.

Mr. TOWNSEND presented a resolution of Port Huron Lodge, No. 158, Loyal Order of Moose, of Port Huron, Mich., favoring the calling of an international conference to consider the restriction of the traffic in narcotic drugs, which was referred to the Committee on Foreign Relations.

Mr. LODGE presented resolutions of the Women's International League for Peace and Freedom, Massachusetts Branch, at Boston, Mass., protesting against the French occupation of the Ruhr as an ineffective and dangerous method of securing reparations and favoring the calling of an international conference to secure justice and protection to France and to solve world economic problems, the resumption of trade relations with Russia, recognition of the Government of Mexico, and the repeal of the espionage act; which were referred to the Committee on Foreign Relations.

Mr. STANLEY presented a memorial, numerously signed, of sundry citizens of Covington, Ky., remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. KEYES presented resolutions adopted by the congregation of the Congregational Church of Hill and a meeting of the District Sunday School Institute at Rochester, both in the State of New Hampshire, favoring an amendment to the Constitution governing the passage of legislation regulating child labor, which were referred to the Committee on the Judiciary.

Mr. KEYES. I present a copy of a joint resolution entitled "Joint resolution relating to the valuation of railroads" which was adopted by the New Hampshire Legislature on February 16th instant. I ask that it be printed in the RECORD and referred to the Committee on Interstate Commerce.

The resolution was referred to the Committee on Interstate Commerce, as follows:

STATE OF NEW HAMPSHIRE,
Office of Secretary of State.

I, Enos K. Sawyer, secretary of state of the State of New Hampshire, do hereby certify that the following and hereto attached is a true copy of a joint resolution entitled "Joint resolution relating to the valuation of railroads" (approved February 16, 1923), as engrossed in this office and in my custody as secretary of state.

In testimony whereof I hereto set my hand and cause to be affixed the seal of the State, at Concord, this 16th day of February, A. D. 1923.

ENOS K. SAWYER,
Secretary of State.

STATE OF NEW HAMPSHIRE, 1923.

Joint resolution relating to the valuation of railroads.

Resolved by the senate and house of representatives in general court convened, That whereas by section 19 (a) of the interstate commerce act providing for the valuation by the Interstate Commerce Commission of the properties of common carriers it is provided that "such investigation shall show the value of its property in each of the several States and Territories and the District of Columbia, classified and in detail as herein required"; and

Whereas the bureau of valuation of said commission has recommended to the commission that it request Congress to relieve it from showing values of said properties by States; and

Whereas it is desirable for various uses and purposes that such valuation shall be shown separately by States, as aforesaid:

Resolved, That it is the view of the Senate and House of Representatives of the State of New Hampshire that the Interstate Com-

merce Commission should show as to each interstate carrier the value of its property in each of the several States in which said property exists, and that no change in the law to sanction failure to make such showing ought to be sought or made; and be it further

Resolved, That a copy of this resolution be mailed to each United States Senator and each Member of Congress from New Hampshire.

WILLIAM J. AHERN,
Speaker of the House of Representatives.
WESLEY ADAMS,
President of the Senate.

Approved February 16, 1923.

FRED H. BROWN, *Governor.*

Mr. SHEPPARD. I present for publication in the RECORD and reference to the Committee on Foreign Relations a resolution adopted by the Legislature of Texas favoring the recognition of the present Government of Mexico.

The resolution was referred to the Committee on Foreign Relations, as follows:

House concurrent resolution.

Whereas President Obregon has the confidence, respect, and support of the people of Mexico to a degree almost unprecedented in the history of that country, with the result that to-day Mexico is enjoying peace and stability; and

Whereas through the efforts of President Obregon a new era of cordiality and friendly relations has been initiated between the peoples on either side of the Rio Grande, who for so long misunderstood and distrusted each other; and

Whereas the friendly attitude toward American citizens and American interests so uniformly manifested by President Obregon since becoming the President of the Republic of Mexico is of that sincere nature and of that evident good faith which makes the best feeling between nations, strengthened by the promise of President Obregon in frequent utterances that Mexico will meet every just obligation for which Mexico as a nation is responsible: Now, therefore, be it

Resolved by the house of representatives, the senate concurring, That the Legislature of the State of Texas declares itself pleased with the administration of President Obregon and congratulates the people of Mexico upon the new era of peace, prosperity, and amicable relationship which have been established; and be it further

Resolved, That it is the sense of the Legislature of Texas that the best interests of our Nation and our State will be served and the restoration of order in world affairs will be hastened by the immediate official recognition of Mexico as administered by President Obregon; and be it further

Resolved, That the clerk of the house be and is hereby directed to forward copies of this resolution to the President of the United States, to the President of the Senate of the United States, to the Speaker of the House of Representatives, and to each of the Texas Senators and Representatives in Congress; and be it further

Resolved, That the clerk of the house be and is hereby directed to send a copy of this resolution to His Excellency, the Hon. Alvero Obregon, President of the Republic of Mexico.

R. E. SEAGLES,
Speaker of the House.
T. W. DAVIDSON,
President of the Senate.

I hereby certify that H. C. R. No. 13 was passed by the house February 6, 1923.

C. L. PHINNEY,
Chief Clerk of the House.

I hereby certify that H. C. R. No. 13 was passed by the Senate February 8, 1923.

W. V. HOWERITON,
Secretary of the Senate.

Mr. PHIPPS presented the following memorial of the Legislature of Colorado, which was referred to the Committee on Irrigation and Reclamation:

Senate Joint Memorial No. 1, memorializing Congress to liberalize repayment requirements under the Federal reclamation act.

Whereas it appears conclusively that a considerable majority of unit holders on the Uncompahgre and Grand Valley United States reclamation projects in Colorado are now and will continue to be unable to meet present statutory requirements for repayment of project costs; and

Whereas, due largely to adverse agricultural and economic conditions, a majority of unit holders on these Colorado projects are unavoidably delinquent in relation to payment of current operation and maintenance charges; and

Whereas the Federal reclamation act and acts amendatory thereof impose penalties ranging from 6 to 12 per cent per annum on such delinquent construction and operation and maintenance cost payments; and

Whereas by reason of conditions herein set forth large numbers of unit holders have been obliged to dispose of their equities at great loss to themselves; and, unless substantial and immediate relief is afforded, an increasing number of unit holders on these Colorado projects must inevitably be forced in the future to sacrifice the fruit of substantial investments and many years of hard labor; and

Whereas the entire scheme or policy of Federal reclamation will be greatly advanced by proper treatment of unit holders already on Federal reclamation project lands: Now, therefore, be it

Resolved by the Senate of the State of Colorado (the House of Representatives concurring), That the Congress of the United States be memorialized to enact legislation the purpose of which shall be:

(a) To provide additional time for the repayment of construction and operation and maintenance charges to the United States.

(b) For the withdrawing of public land notices announcing the dates and time for the commencement of payment of construction and operation and maintenance charges on reclamation projects; crediting construction charges already paid to delinquent operation and maintenance charges; reducing the penalty for delinquent repayments from 12 to 6 per cent per annum, providing that no public notices be reissued until the Secretary of the Interior by a commission determines through investigations held on the projects the financial and economic conditions of the farmers on said projects, together with the physical condition of the farm units, and recommends the date on which public notice shall be issued.

(c) That the time of repayment of construction charges as provided for in the reclamation extension act be extended to not less than 40 years, that lands be classified as to producing value and that the period of repayment be graduated and based upon said classification: Be it further

Resolved, That a copy of this memorial be sent to Senator Lawrence C. Phipps, Senator Samuel Nicholson, Hon. Edward T. Taylor, Hon. Guy U. Hardy, Hon. Charles B. Timberlake, and Hon. William N. Vaile, Representatives in Congress for the State of Colorado.

ROBERT F. ROCKWELL,
President of the Senate.

Attest:

CHAS. C. SACKMANN,
Speaker of the House of Representatives.

Mr. MYERS presented the following memorial of the Legislature of Montana, which was referred to the Committee on Public Lands and Surveys:

House Joint Memorial 4—Memorial to the Congress of the United States, praying for an appropriation to provide for the construction of public roads leading into and through national forests, Indian reservations, and other public land areas.

To the Honorable Senate and House of Representatives in the Congress of the United States of America:

Your memorialists, the members of the Eighteenth Legislative Assembly of the State of Montana, the senate and house concurring, respectfully represent:

Whereas there are in the 13 public-land States of the Northwest 382,032,487 acres of unappropriated and unreserved public lands, Indian reservations, and national-forest areas that are nontaxable and that do not contribute to the building of public roads, except the 25 per cent of the gross proceeds of the forests, which is only a negligible amount. The nontaxable areas of these States are as follows:

	Acres.
Arizona	48,692,722
California	38,173,917
Colorado	24,562,927
Idaho	27,366,215
Minnesota	1,855,548
Montana	30,829,638
Nevada	58,453,899
New Mexico	30,418,359
Oregon	27,384,757
South Dakota	4,386,100
Utah	39,207,579
Washington	15,357,519
Wyoming	34,343,307
Total	382,032,487

Whereas Indian reservations, forest reserves, and other public lands stretch across county, State, and interstate highways, becoming insurmountable barriers to highway improvement, community, and State development; and

Whereas in many counties of the public-land States from 50 to 75 per cent of their area is nonassessable public-land area, affording no taxes for schools and roads; and

Whereas the public-land States, owing to large area, small population, and small valuation, have not been able to participate in the 50-50 provision of the Federal highway act; and

Whereas under the provisions of Senate bill 1072 there was enacted a law, November, 1921, providing for an appropriation of $75,000,000, $15,000,000 of which was to be applied on roads in national forests and leading into national forests; and

Whereas highway projects in the public-land States initiated under this appropriation must halt unless another appropriation is made to effect their completion: Therefore be it

Resolved, That the Congress of the United States be memorialized to make an appropriation of $20,000,000 for roads in and leading into national forests, in and through Indian reservations; and be it further

Resolved, That copies of this memorial be transmitted by the secretary of state to the President, the Secretary of the Interior, the Forest Service, Department of Agriculture, the Bureau of Public Roads, the United States Senators and Members of Congress, the governors of the 13 public-land States.

CALVIN CRUMBAKER,
Speaker of the House.
NELSON STORY, Jr.,
President of the Senate.

Approved February 13, 1923.

JOS. M. DIXON, *Governor.*

Filed February 13, 1923, at 11.10 o'clock a. m.

C. T. STEWART, *Secretary of State.*

UNITED STATES OF AMERICA, *State of Montana, ss:*

I, C. T. Stewart, secretary of state of the State of Montana, do hereby certify that the above is a true and correct copy of house joint memorial No. 4, "A memorial to the Congress of the United States, praying for an appropriation to provide for the construction of public roads leading into and through national forests, Indian reservations, and other public-land areas," enacted by the eighteenth session of the Legislative Assembly of the State of Montana, in regular session assembled, and approved by Jos. M. Dixon, governor of said State, on the 13th day of February, A. D. 1923.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State of Montana, at Helena, the capital, this 13th day of February, A. D. 1923.

[SEAL.]

C. T. STEWART, *Secretary of State.*
By CLIFFORD L. WALKER, *Deputy.*

Mr. McNARY presented the following memorial of the Legislature of Oregon, which was referred to the Committee on Immigration:

House Joint Memorial No. 4.

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Legislature of the State of Oregon, respectfully represent that—

Whereas the present number of unemployed aliens in the United States is largely in excess of the number the welfare of the country

warrants, there being 13,300,000 people of foreign birth, with many others of foreign descent living in the foreign groups and of whom hundreds of thousands have not been assimilated and know little of our ideals, traditions, and purposes, and that it will take many months and years to fully acquaint all of these people with our aims as a Nation and to amalgamate them in the body politic; and

Whereas the State of Oregon is vitally interested in this problem, because in this State there are more than 17,000 who are unable to speak the English language or write their own name; and

Whereas the cost to the Government of our alien population by reason of the violation of the eighteenth amendment and the Harrison Narcotic Act, as well as of the Volstead Act, by thousands of these aliens is burdensome in the extreme; and

Whereas there are a sufficient number of American laborers to perform all work available, but they are crowded from industries and made to suffer by this enormous influx of aliens, as witnessed by the following percentage of alien laborers employed in our industries:

	Per cent.
Steel industry	58
Packing industry	61
Woolen mills	62
Cotton mills	69
Oil refineries	67
Clothing manufacturers	72
Mining industry	75

Now, therefore, be it

Resolved by the House of Representatives of the State of Oregon (the Senate jointly concurring), That the Legislature of the State of Oregon is unalterably opposed to further immigration into the United States in excess of the present quota, and further recommends that our immigration laws be so amended as to restrict the entrance into the United States of all Asiatics and southern European internationals; but that under no condition will the immigration laws of the United States be so amended as to destroy the efficiency of the present immigration law or in any way permit a larger number of aliens to come into our borders than permitted by that law until a permanent immigration policy is adopted in which the interests of America, her ideals and institutions, traditions, and aims are fully protected and cared for by a rigid exclusion of all further immigration until such time as we may fully assimilate those within our own borders and give to American labor and American laws the rights and respect which are fully their due; be it further

Resolved, That the secretary of state is hereby instructed to transmit by mail a copy of this resolution to each member of the Oregon delegation in the United States Senate and House of Representatives at Washington.

Adopted by the house January 29, 1923.

K. K. KUBLI,
Speaker of the House.

Adopted by the senate February 10, 1923.

JAY UPTON,
President of the Senate.

(Indorsed: House Joint Memorial No. 4. Introduced by committee on resolutions. W. F. Drager, chief clerk. Filed February 12, 1923. Sam A. Kozer, secretary of state.)

UNITED STATES OF AMERICA,
STATE OF OREGON,
Office of the Secretary of State.

I, Sam A. Kozer, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of House Joint Memorial No. 4 with the original thereof adopted by the Thirty-second Legislative Assembly of the State of Oregon and filed in the office of the secretary of state of the State of Oregon February 12, 1923, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 13th day of February, A. D. 1923.

[SEAL.] SAM A. KOZER,
Secretary of State.

Mr. McNARY presented the following memorial of the Legislature of Oregon, which was referred to the Committee on Public Lands and Surveys:

House Joint Memorial No. 5.

To the honorable Senate and House of Representatives of the Congress of the United States:

Your memorialists, the Legislature of the State of Oregon, respectfully represent that—

Whereas the Government of the United States by legislative enactment has withdrawn from public entry and settlement 156,666,045 acres of land in the States of California, Oregon, Washington, Idaho, Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, and Nevada for the purpose of creating national forests; and

Whereas there is now standing on this land nearly 500,000,000,000 feet, board measure, of merchantable timber; and

Whereas 13,133,081 acres of our national forests are within the confines of the State of Oregon, upon which acreage it is estimated by Hon. William B. Greeley, United States forester, that there is now standing over 130,000,000,000 board feet of timber; and

Whereas over 5,000,000,000 board feet of merchantable timber within our national forests has been destroyed by forest fires during the past five years; and

Whereas over 18,000,000 acres of national forest lands were burned over by forest fires during the summers of 1918 and 1919; and

Whereas in many instances these national forest fires have spread over large tracts of privately owned timber, destroying large tracts of virgin forests and thereby causing tremendous losses to the owners of the land; and

Whereas the Government of the United States has withdrawn this land from entry and pays no taxes on same, leaving the whole burden of taxation, including all pioneer work, upon the people of the several counties of this State, some of which counties are as high as 68 per cent national forests; and

Whereas the timber in our national forests is worth, at $3 per thousand stumpage, approximately $1,500,000,000, which pays no tax whatever, while many of our counties are bonded to the constitutional limit for highway purposes, much of the money having been used for the construction of highways adjacent to or through national forests; and

Whereas there is no way known to man whereby these forests may be saved from destruction by fire except in the construction of permanent commercial highways through and adjacent to our national forests so that the ripe timber may be moved to market and so that fire fighters may be taken quickly to the blaze after it has been discovered: Now, therefore, be it

Resolved by the joint assembly of the Senate and House of Representatives of the State of Oregon, That the Congress of the United States be, and the same is hereby, memorialized to provide, by appropriation from our National Treasury or by sale of bonds on our national-forest timber, the necessary funds with which to construct a system of highways through and adjacent to our national forests commensurate with their needs of protection against destruction by fire; and be it further

Resolved, That the secretary of state of the State of Oregon is hereby authorized and directed to transmit a copy of this memorial to the President of the United States Senate, the Speaker of the House of Representatives of the United States of America, and to each United States Senator and Representative in Congress from Oregon.

Adopted by the house January 29, 1923.

K. K. KUBLI,
Speaker of the House.

Adopted by the senate February 9, 1923.

JAY UPTON,
President of the Senate.

(Indorsed: House joint memorial No. 5. Introduced by Representatives Cramer and Peirce. W. F. Drager, chief clerk. Filed February 12, 1923. Sam A. Kozer, secretary of state.)

UNITED STATES OF AMERICA,
STATE OF OREGON,
Office of the Secretary of State.

I, Sam A. Kozer, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of House joint memorial No. 5 with the original thereof adopted by the Thirty-second Legislative Assembly of the State of Oregon and filed in the office of the secretary of state of the State of Oregon February 12, 1923, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 12th day of February, A. D. 1923.

[SEAL.] SAM A. KOZER,
Secretary of State.

THE COAL SITUATION.

Mr. WALSH of Massachusetts. Mr. President, I have several telegrams from public authorities in Massachusetts giving additional evidence that there is a continuing and extensive shortage of coal and much suffering in those communities; also resolutions adopted by various organizations indicating the dire consequences to health and comfort that the shortage of coal is causing and the widespread dissatisfaction and unrest this situation has aroused. I request that the telegrams and communications be printed in the RECORD, treated as petitions, and referred to the Committee on Education and Labor, and that copies thereof be transmitted by the Secretary of the Senate to the Interstate Commerce Commission and the Federal Fuel Commission. These petitions indicate the pressing need of immediate relief.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

MILFORD, MASS., *February 17, 1923.*

Hon. DAVID I. WALSH,
Washington, D. C.:

As selectmen of Milford we want you to know that there is much suffering here on account of having no coal. The situation is serious and requires prompt relief. Please help Milford.

JOHN H. EGAN.
FRANCIS G. KERR.
JOHN H. CUNNIFF.

MILFORD, MASS., *February 16, 1923.*

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.:

Milford, Mass., without any hard coal and only scanty supply of soft coal. No relief in sight and conditions serious. Urge you institute measures for immediate relief from present suffering. Suggest running relief coal trains on passenger schedule, abandoning passenger service temporarily if necessary.

HOPEDALE MANUFACTURING CO.

MEDWAY, MASS., *February 19, 1923.*

Senator DAVID I. WALSH,
Washington, D. C.:

Local fuel situation serious this town. Intense suffering account severe cold and coal shortage. Is there not something you can do to give New England priority in coal movement? Suggest railroads curtail passenger trains and use motive power to rush coal cars to destinations.

THOMAS F. MALLOY,
Local Fuel Administrator.

MEDWAY, MASS., *February 19, 1923.*

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.:

No coal in this community. Actual suffering exists. Will you assist us?

HINMAN COAL & GRAIN CO.

MALDEN, MASS., *February 19, 1923.*

Senator DAVID I. WALSH,
Washington, D. C.:

Conditions relating to supply of coal very critical here in Malden. Can not some steps be taken to hasten deliveries? Case very urgent and would appreciate your assistance.

JOHN V. KIMBALL, *Mayor.*

MEDWAY, MASS., *February 19, 1923.*

Senator DAVID I. WALSH,
Washington, D. C.:

Distressing conditions here for fuel. Can you help us immediately?

REV. MARTIN J. LEE.

STATE MUTUAL LIFE ASSURANCE CO. OF WORCESTER, MASS.,
Boston, Mass., February 15, 1923.

Hon. DAVID I. WALSH,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: The people of my acquaintance in my town with whom I have talked within the last few days are very much interested in learning if it is possible to secure the delivery of one or two cars of egg or stove size anthracite at a siding either at Wellesley Farms or Wellesley proper. Having noted the very earnest efforts that you are making for the alleviation of inconvenience and suffering incidental to the coal situation in this State, I thought you might be in a position to advise me as to the possibilities of the above.

* * * * * * *

With kind personal regards, I am, yours very truly,

RALPH H. HOHMAN.

CLEVELAND, OHIO, *February 16, 1923.*

Hon DAVID I. WALSH,
United States Senate, Washington, D. C.:

Referring to your letter to Interstate Commerce Commission regarding coal needs of New England, we have been trying for a week past without success to get the New York Central Railroad to accept shipments of specially prepared domestic bituminous coal from our Meadow Lands mine on Pittsburgh & West Virginia Railroad at Avella, Pa., destined to New England points on New York, New Haven & Hartford Railroad for domestic use. The New York Central Railroad has a general coal embargo against the New Haven road, although the latter road has modified its existing embargoes to permit acceptance of domestic coal. If by any action you can take you can make the railroads of this country realize their shortcomings and take action to overcome them, and that the present coal shortage is due entirely to their failure to furnish such reasonably adequate transportation as the transportation act justified the shipping public to expect, the country at large will be forever in your debt. The rank and absolute failure of the coal-carrying railroads of this country to provide even reasonable service and facilities in the handling of coal in this emergency is almost criminal. There is plenty of coal available and men and mine equipment to produce it, only transportation being lacking to provide for the country's needs, and the continued failure of the railroads to furnish such transportation leads one to the conclusion that they are discriminately hauling other higher-revenue freight to the exclusion of coal, notwithstanding the emergency.

WILLIAM TAYLOR,
Vice President the Cleveland & Western Coal Co.

MEDFORD, MASS., *February 6, 1923.*

The Hon. DAVID I. WALSH,
United States Senator, Washington, D. C.

DEAR SIR: At the regular meeting of the Men's Club, First M. E. Church, Medford, Mass., the following resolution was unanimously adopted:

"*Resolved*, That we, the members of the Men's Club, First M. E. Church, Medford, Mass., realizing the suffering and deplorable condition caused by the shortage of coal, believing that the time is ripe for legislation at our National Capital that will for all time put an end to the cause or causes that brought about this alarming state of affairs, we believe there is a universal demand that steps be taken, drastic or otherwise, that will for all time put an end to the possibility of a recurrence of these conditions; be it further

"*Resolved*, That a copy of this resolution be mailed to our representatives in Congress.

* * * * * * *

W. P. ANSLOW,
Chairman Legislative Committee.
GEO. J. EARLE,
Secretary, 44A Grant Avenue, Medford, Mass.

SPRINGFIELD TENANTS' PROTECTIVE ASSOCIATION,
Springfield, Mass., February 13, 1923.

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

DEAR SIR: We feel grateful for your inspiring letter of the 1st instant.

We are completing the organization of the Coal Consumers' League. Already 8,000 signers are listed, representing a yearly consumption of 50,000 tons of hard coal. We propose to purchase coal for our members direct from the mines.

We heartily indorse your work in Congress. It truly represents the desire of the majority of the people of Massachusetts. The sentiment of our members repeatedly expressed is, if immediate relief from present fuel conditions and prevention of its reoccurrence is not obtainable, that this organization goes on record as in favor of Government control of the coal mines.

* * * * * * *

Situated as we are, and in close touch with the people, we can not emphasize too strongly the fact that the citizens are losing faith in our Government.

Sincerely yours, WILLIAM F. GRADY,
President Tenants' Protective Association,
Chairman Organization Committee Coal Consumers.

OBITUARY—COAL SHORTAGE CLAIMS PNEUMONIA VICTIM IN ASAHEL EZRA LYON, 80.

Asahel Ezra Lyon, 80, and for half a century one of the best-known house builders in Springfield, is the victim of the latest tragedy occasioned by the coal shortage. He died in a private sanitarium in Westport, Conn., Sunday, after having made several fruitless efforts to find some place where he could stay and enjoy the warmth that he craved.

Mr. Lyon had lived alone on his farm on Tinkham Road following the death of his wife. About two years ago he sold the farm and went to live with his only surviving daughter, Mrs. Bertha L. Arnold, of 101 Oak Street. When Mrs. Arnold's coal supply became exhausted a few weeks ago Mr. Lyon was removed to a local sanitarium, but even there he could not find the warmth that he needed. Then, still hoping to find a place of warmth and comfort, he left the sanitarium and went to visit his only surviving sister, Mrs. Etta Bunnell, in Wallingford, Conn., but found that the coal situation there was as bad as he had experienced in Springfield. A few days after his arrival in Wallingford he was stricken with pneumonia and was taken to the sanitarium at Westport, where he remained until his death.

* * * * * * *

NO CHANGE IN COAL SITUATION—MANY WAIT AT CHICOPEE YARDS FOR COAL THAT FAILS TO APPEAR—WOOD BRINGING $17 AND $18 A CORD.

While a group of children persistently waited outside the gates of the Pomeroy Coal & Wood Co.'s siding at the Chicopee freight yard yesterday for coal which they were assured had not come, another patient group of kiddies did the same in front of the D. P. Hopkins coal yard.

Mayor J. M. Grise and Fuel Administrator J. E. Granfield were working hard to learn what the Boston & Maine Railroad officials were doing in the fuel transportation.

Besides Administrator Granfield and Mayor Grise, the coal dealers were on their jobs and went down into the railroad yards to see only empty bins. Investigation of nearly all the cars in the yards showed that while there was no anthracite yet that in a New York Central coal car was some steel and wood consigned to the Moore Drop Forging Co. Along the tracks trudged a Polish woman and her little boy, each bearing a heavy railroad tie. Railroad officials smiled and said they were sure it would be all right. Several empty coal cars were on sidings.

Meanwhile yesterday afternoon those who were unable to buy anthracite snapped up what wood was in sight. One hundred cords were reported sold at $17 to $19 a cord at the Chicopee wood yard. Half of the wood being sold is bought by Springfield people, according to Trumanz Gurvitch, who has charge of the yard. One woman called up Mr. Gurvitch yesterday and said she was out of fuel and asked for four cords. He pointed out that a cord or half a cord would do just as well.

FAMILY OF EIGHT WITHOUT COAL MAY DIE OF PNEUMONIA—INDIAN ORCHARD RESIDENTS, IN TWO LOCAL HOSPITALS, HAD LIVED IN ONE ROOM WHOLE WEEK WITHOUT HEAT.

Louis Meyette, his wife, and six small children were found dangerously ill with pneumonia at their home 111 Healy Avenue, Indian Orchard, by the visiting nurse of the health center yesterday. All were living in one room of their four-room tenement. They have been without heat for the past week, when the father, mother, and six children were taken ill and were unable to notify neighbors.

The visiting nurse called Dr. A. H. Reardon, and the family was immediately sent to the hospital. The father and oldest daughter, Edith, were on the dangerous list at the Wesson Memorial Hospital with lobar pneumonia last night, and the hospital authorities had little hope for their recovery. The mother and five children are at the City Hospital, and were reported last night as in danger, with little hope for the recovery of Mrs. Meyette and 7-year-old Viola. The other children are Sylvia, Willard, David, and Lattabell. They are being attended by City Physician W. A. R. Chapin.

The family has only been living here a short time, coming from Canada about two months ago. They have no relatives here and have made but few acquaintances. Mr. Meyette was employed as a woodchopper until the time of his illness last week.

FIVE NEW COAL SUBSTATIONS—FUEL RELIEF FOR HYDE PARK, DORCHESTER, AND WOLLASTON.

In order to relieve conditions in Hyde Park, Dorchester, and Wollaston, five new substations have been opened under the direction of the city fuel committee, supplied by a local coal company.

The coal will be sold in 100-pound lots, at 80 cents a bag. The stations are: Everett Square, Hyde Park; Adams Street, near Granite, East Milton; corner of Dunbar Avenue and Washington Street, Dorchester; Blue Hill Parkway at Eliot Street, Milton; Wollaston Fire Station, at Wollaston Bridge.

TOWN OF ASHBURNHAM, MASS.,
OFFICE OF TOWN CLERK,
February 10, 1923.

Hon. DAVID I. WALSH,
Washington.

DEAR SENATOR WALSH:

* * * * * * *

Your article in the press of to-day reflects an absolute truthful view of the effect that their present suffering has on their attitude toward our Government. There is a prevailing feeling that the Government is not functioning for the help and benefit of the people, and I am conscious of the fact that even in our small community there is a spirit of unrest and dissatisfaction that bodes evil for the future.

I am surprised that Congress as a whole fails to grasp the extent of the suffering caused by its neglect. I believe that this whole situation might have been averted by thoughtful and patriotic action.

With assurance of my gratitude and esteem, I am,

Very truly yours,

WALTON B. WHITNEY.

DEPARTMENT OF PARKS AND PUBLIC PROPERTY,
City Hall, Newark, N. J., February 8, 1923.

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I believe the American people generally regard you as an absolutely independent Senator. They believe you are free of any entanglements with special interests and that your first consideration in public life is the welfare of the American people. The present coal famine brings to the surface a vital question, which must be settled. Every year we are threatened with a coal shortage and a battle or a sham battle occurs annually between the miners and the mine owners. The American people are held in suspense for months each year wondering if they will be able to get sufficient coal to heat

their homes during the coming winter. Some of the mines are owned by independents, some by railroad combinations. The independents are more practical, if anything, than the large organized coal-mining companies. While mayor of Newark during the famine of 1918 I sent men to investigate the coal situation in Pennsylvania. I learned then that there were vast coal fields that could be purchased at reasonable prices. They were offered to me.

Daily I pass coal yards in this city and I see a line of men, women, and children, young and old, waiting with pails and bags, sometimes for hours, to purchase a bushel of coal, paying at the rate of almost $20 per ton. They look like the bread lines that used to wait outside of the East Side soup houses during the panic period. In these coal lines, however, you find rich and poor alike. Why do they stand for hours waiting for a bushel of coal? Because they must have heat in their homes to protect their young, their old, and their sick, and they are willing to submit to any humility or inconvenience to get even the scant supply for a fire or two. How long will the American people submit to such a condition, a condition which could be remedied in one month by the Government of the United States? These coal lines are a blot on the intelligence, the decency, and the independence of the American people. No one can now estimate, outside of a thoughtful physician, the terrific damage caused to the health and life of the American people by the shortage of fuel which occurs now annually. Disease and death multiply in cold homes.

This is the remedy. Let you Senators, who are really American, who are not owned by the corporations or the interests, get together, introduce a bill to have the Government of the United States go into the coal mining business. Do not seize the present mines. Let the Government buy new fields at once, install the machinery and start mining coal, have a large supply on hand and the moment a strike is threatened, a shortage is imminent, or the price becomes excessive, arrange to deliver the coal mined by the Government throughout the country to the retail dealers to be sold to the people. The Government is then in a position to meet any emergency or shortage. It does not necessarily mean that the Government is putting any private competitor out of business, but the Government should have on hand enough coal to supply the people when the miners and the owners refuse or are unable to do so. No Member of Congress who understands the seriousness of these coal famines will vote against such a measure.

I have served this city as an official for more than a decade and I know the wants of the people as well as any other official. I speak from experience. I have given long thought to this particular subject and I feel that this would be a logical and feasible solution. I hope you will do me the honor of expressing your opinion of this plan.

With best wishes, I am, very truly yours,

CHARLES P. GILLEN, *Director.*

—

F. C. HENDERSON CO.,
Boston, February 15, 1923.

Hon. DAVID I. WALSH,
Washington, D. C.

DEAR SIR: Your idea of coal for New England now is absolutely necessary. In fact this not only ought to have been thought about six weeks ago, but acted on at that time. We have the coal, miners, railroads, and boats. Isn't the Government big enough to reciprocate what we did for them five or six years ago?

Your idea, if necessary, of embargoing everything but coal is right. You must know how exceedingly difficult it is to deliver coal or anything else after it gets to the local point of distribution. The roads are and have been for weeks almost impassable.

For heaven's sake, let's do something besides talk.

Yours truly,

RICHARD E. COLTON,
48 Hollis Street, East Milton.

—

No. 10 HUNTOON STREET,
Dorchester, Mass., February 13, 1923.

DEAR SENATOR: I am sending you a few lines to inform you of the terrible conditions which exist in my particular district.

I have a brother who has been waiting with the utmost patience for the last month for his wife to come home and live with him again after a siege of sickness in a Boston hospital.

Owing to the lack of fuel he is unable to have her come home and live in arctic atmosphere.

I am positive that these conditions are absolutely unnecessary.

I am not a union advocate because I am not connected in any way whatsoever with union organizations; although I think that the railroad situation could be satisfactorily settled.

With proper Government control and ownership the entire railroad systems throughout the country for the general betterment of the people as a whole.

Yours truly,

FRANK C. WALSH.

REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on the Library, to which was referred the joint resolution (S. J. Res. 168) in relation to a monument to commemorate the services and sacrifices of the women of the United States of America, its insular possessions, and the District of Columbia in the World War, reported it with amendments and submitted a report (No. 1158) thereon.

Mr. BALL, from the Committee on the District of Columbia, to which was referred the amendment submitted by Mr. PHIPPS relative to the fiscal relations between the United States and the District of Columbia and intended to be proposed to the third deficiency appropriation bill, reported favorably thereon and moved that it be referred to the Committee on Appropriations, which was agreed to.

Mr. PAGE, from the Committee on Naval Affairs, to which were referred the following bills and joint resolution, reported them severally without amendment, and submitted reports thereon:

S. 3615. An act for the relief of Joseph F. Becker (Rept. No. 1159);

S. 3826. An act for the relief of Gordon G. MacDonald (Rept. No. 1160);

S. 3895. An act for the relief of Benjamin H. Richardson (Rept. No. 1161);

S. 4152. An act for the relief of Frank A. Jahn (Rept. No. 1162);

S. 4276. An act for the relief of Maj. Russell B. Putnam (Rept. No. 1163);

H. R. 8921. An act for the relief of Ellen McNamara (Rept. No. 1164); and

H. J. Res. 47. A joint resolution authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy, at Annapolis, Mr. Jose A. de la Torriente, a citizen of Cuba (Rept. No. 1165).

ENROLLED BILL PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that on February 17, 1923, they presented to the President of the United States the bill (S. 3721) providing for the erection of additional suitable and necessary buildings for the National Leper Home.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MYERS:

A bill (S. 4586) to confer citizenship on George W. Taylor; to the Committee on the Judiciary.

By Mr. McCUMBER:

A bill (S. 4587) for the relief of James Michels, alias James Johnson (with the accompanying papers); to the Committee on Military Affairs.

By Mr. ROBINSON:

A bill (S. 4588) for the relief of the city of Fordyce, Ark.; to the Committee on Claims.

By Mr. NELSON:

A bill (S. 4589) to authorize the county of Hennepin, in the State of Minnesota, to construct a bridge and approaches thereto across the Minnesota River at a point suitable to the interests of navigation; to the Committee on Commerce.

By Mr. NORBECK:

A bill (S. 4590) granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Potter County and Dewey County, S. Dak.; to the Committee on Commerce.

By Mr. NORRIS:

A bill (S. 4591) granting a pension to Indiana Fleisher; to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 4592) granting consent of Congress to the Eagle Pass and Piedras Negras Bridge Co. for construction of a bridge across the Rio Grande between Eagle Pass, Tex., and Piedras Negras, Mexico; to the Committee on Commerce.

By Mr. NORRIS:

A bill (S. 4593) authorizing the President to reappoint Maj. Harry Walter Stephenson, United States Army (retired), to the position and rank of major, Coast Artillery Corps, in the United States Army; to the Committee on Military Affairs.

By Mr. LODGE: A bill (S. 4594) to authorize the Secretary of State to acquire in Paris a site, with an erected building thereon, at a cost not to exceed $300,000, for the use of the diplomatic and consular establishments of the United States; to the Committee on Foreign Relations.

AMENDMENT TO THIRD DEFICIENCY APPROPRIATION BILL.

Mr. MOSES submitted an amendment intended to be proposed by him to the third deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, and to be printed in the RECORD, as follows:

That part of the act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1924, and for other purposes, under the heading "Senate," subheading "Committee employees," is hereby amended to read as follows:

"Clerks and messengers to the following committees: Agriculture and Forestry—clerk $4,000, assistant clerk $2,500, assistant clerk $2,100; Appropriations * (Note)—clerk $6,000, assistant clerk $3,000, two assistant clerks at $2,500 each, three assistant clerks at $1,800 each, messenger $1,200; to Audit and Control the Contingent Expenses of the Senate—clerk $4,000, assistant clerk $2,500, assistant clerk $2,100; Banking and Currency—clerk $4,000, assistant clerk $2,500, two assistant clerks at $2,100 each; Civil Service—clerk $4,000, assistant clerk $2,500, assistant clerk $2,100, additional clerk $1,800; Claims—clerk $4,000, assistant clerk $2,500, two assistant clerks at $2,100 each; Commerce—clerk $4,000, assistant clerk $2,500, assistant clerk $2,100, assistant clerk $1,800; Conference Minority of the Senate—clerk $4,000, assistant clerk $2,500, two assistant clerks at $2,100 each; District of Columbia—clerk $4,000, assistant clerk $2,500, assistant clerk $2,100; Education and Labor—clerk $4,000, assistant clerk $2,500, assistant clerk $2,100; Enrolled Bills—clerk $4,000, assistant clerk $2,500, assistant clerk $2,100, additional clerk $1,800; Expenditures in the Executive Departments—clerk $4,000, assistant clerk, $2,500, assistant clerk $2,100, additional clerk $1,800;

Finance* (Note)—clerk $4,000, special assistant to the committee $4,000, assistant clerk $——, assistant clerk $——, assistant clerk $——, two assistant clerks at $—— each, two experts (one for the majority and one for the minority) at $—— each; Foreign Relations—clerk $4,000, assistant clerk $2,500, assistant clerk $2,100; Immigration—clerk $4,000, assistant clerk $2,500, assistant clerk $2,100; Indian Affairs—clerk $4,000, assistant clerk $2,500, assistant clerk $2,100; Interoceanic Canals—clerk $4,000, assistant clerk $2,500, assistant clerk $2,100; Interstate Commerce—clerk $4,000, two assistant clerks at $2,500 each, assistant clerk $2,100; Irrigation and Reclamation—clerk $4,000, assistant clerk $2,500, assistant clerk $2,100, additional clerk $1,800; Judiciary—clerk $4,000, assistant clerk $2,500, two assistant clerks at $2,100 each, assistant clerk $1,800; Library—clerk $4,000, assistant clerk $2,500, assistant clerk $2,100, additional clerk $1,800; Manufactures—clerk $4,000, assistant clerk $2,500, assistant clerk $2,100; Military Affairs—clerk $4,000, assistant clerk $2,500, three assistant clerks at $2,100 each; Mines and Mining—clerk $4,000, assistant clerk $2,500, assistant clerk $2,100, additional clerk $1,800; Naval Affairs—clerk $4,000, assistant clerk $2,500, two assistant clerks at $2,100 each; Patents—clerk $4,000, assistant clerk $2,500, assistant clerk $2,100, additional clerk $1,800; Pensions—clerk $4,000, assistant clerk $2,500, four assistant clerks at $2,100 each; Post Offices and Post Roads—clerk $4,000, assistant clerk $2,500, three assistant clerks at $2,100 each; Printing—clerk $4,000, assistant clerk $2,500, assistant clerk $2,100; Privileges and Elections—clerk $4,000, assistant clerk $2,500, assistant clerk $2,100; Public Buildings and Grounds—clerk $4,000, assistant clerk $2,500, assistant clerk $2,100; Public Lands and Surveys—clerk $4,000, assistant clerk $2,500, two assistant clerks at $2,100 each; Revision of the Laws—clerk $4,000, assistant clerk $2,500, assistant clerk $2,100, additional clerk $1,800; Rules—clerk $4,000 (to include full compensation for the preparation biennially of the Senate Manual, under the direction of the Committee on Rules), assistant clerk $2,500, assistant clerk $2,100; Territories and Insular Possessions—clerk $4,000, assistant clerk $2,500, assistant clerk $2,100, additional clerk $1,800; in all, $———.

CLERICAL ASSISTANCE TO SENATORS.

"For clerical assistance to Senators who are not chairmen of the committees specifically provided for herein: 70 clerks at $4,000 each, 70 assistant clerks at $2,500 each, 70 assistant clerks at $2,100 each, $602,000: *Provided*, That such clerks and assistant clerks shall be ex officio clerks and assistant clerks of any committee of which their Senator is chairman.

"Eighty-four additional clerks at $1,200 each, 1 for each Senator having no more than 1 clerk and 2 assistant clerks for himself or for the committee of which he is chairman, $100,800; in all, $702,800.

"For compiling the Navy Yearbook for the calendar year 1922, under the direction of the chairman of the Committee on Naval Affairs, $500."

[*NOTE.—In view of varied salaries, no suggestions are made concerning Finance Committee. No changes have been made in Appropriations Committee, leaving that to your committee to adjust.]

MEMBERSHIP OF STATE BANKS, ETC., IN FEDERAL RESERVE SYSTEM.

Mr. McLEAN submitted the following resolution (S. Res. 444), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Banking and Currency of the Senate, or any subcommittee thereof, be, and hereby is, authorized, during sessions and recesses of the Sixty-seventh or Sixty-eighth Congress, to inquire into the effect of the present limited membership of State banks and trust companies in the Federal reserve system upon financial conditions in the agricultural sections of the United States; the reasons which actuate such banks and trust companies in failing to become members of the Federal reserve system; what administrative measures have been taken and are being taken to increase such membership; and whether or not any change should be made in existing law, or in the rules and regulations of the Federal Reserve Board, or in its methods of administration, to bring about in the agricultural sections a larger membership of such banks or trust companies in the Federal reserve system.

In pursuance of this inquiry said committee, or subcommittee thereof, is further authorized to send for persons, books, and papers, to administer oaths, and to employ experts deemed necessary by such committee, a clerk, and a stenographer to report such hearings as may be had in connection with any subject pending before said committee, at a cost not to exceed 25 cents per folio, all expenses incurred in furtherance of the purposes of this resolution to be paid out of the contingent fund of the Senate, not to exceed the sum of $500.

The committee shall from time to time report to the Senate the results of its inquiries, together with its recommendations, and may prepare and submit bills or resolutions embodying such recommendations, and its final report shall be submitted not later than January 31, 1924.

PROPOSED INTERNATIONAL CONFERENCE.

Mr. OWEN. I submit a resolution which I ask may lie on the table.

The resolution (S. Res. 445) was ordered to lie on the table, as follows:

Resolved, That the President of the United States is requested to invite all the nations of the earth, whether they have adhered to the covenant of the league or not, to attend, in the city of Washington, United States of America, a three months' international economic conference for the promotion of international trade and understanding and a conference for the establishment throughout the world of the territorial integrity and political independence of every nation, great and small, and the abolition of war.

LIQUOR SALES BY SHIPPING BOARD.

Mr. McKELLAR. Mr. President, I offer the resolution which I send to the desk, which I ask that the Secretary may read, and then I shall ask unanimous consent for its immediate consideration.

Mr. CURTIS. Let the resolution be read.

Mr. McKELLAR. I have asked that it be read by the Secretary.

The VICE PRESIDENT. The Secretary will read the resolution.

The reading clerk read the resolution (S. Res. 446) as follows:

Resolved, That the Shipping Board report to the Senate at the earliest practicable hour the following:

1. What quantity of whisky, wine, beer, and other alcoholic beverages was sold on Shipping Board vessels during the time that such sales were carried on with the approval of the Shipping Board?
2. What was the quantity dispensed per vessel?
3. What quantity of these liquors was purchased by the Shipping Board or by its agents, and what was the total value thereof and the total receipts thereof per vessel?
4. How many pints, quarts, and cases of liquor were sold to passengers independent of what they purchased over the bars of the vessels?
5. How much liquor was purchased by the crews of such vessels and what was the value thereof?
6. Was liquor served as a part of the crews' mess and could the crews of such vessels purchase liquor freely?
7. How many pints, quarts, gallons, and barrels of whisky, wine, beer, and cognac and other intoxicating beverages were in the possession of the Shipping Board when the order was given to stop selling same aboard vessels?
7½. Has any of these liquors been sold in the United States?
8. Where is this liquor at the present time? If disposed of, to whom, at what prices, where shipped, and what was total amount of sales?
9. Was any of it sold to officers or members of the crews of such vessels or to any employees of the Shipping Board, and at what prices, when the order for stoppage of sales was given?
10. Did any of the officials of the Shipping Board or officers of Shipping Board vessels engage in the sale of liquors to passengers aboard vessels for private gain?
11. To what extent, if any, is liquor being sold aboard vessels at the present time? Are any prohibition enforcement officers allowed aboard such vessels?
12. What was total amount of profits made by the Shipping Board out of sales of intoxicating beverages?

Mr. McKELLAR. I ask unanimous consent for the immediate consideration of the resolution.

Mr. CALDER. I object to the consideration of the resolution.

Mr. McKELLAR. Then I ask that the resolution be printed and lie on the table.

The VICE PRESIDENT. The resolution will be printed and go over under the rule.

REVISION OF THE LAWS.

Mr. HARRISON. Mr. President, I desire to submit a motion which I ask may lie on the table. It is a motion to discharge a committee from the consideration of a bill.

The VICE PRESIDENT. The Secretary will read the motion intended to be submitted by the Senator from Mississippi.

The reading clerk read as follows:

I move to discharge the Committee on Revision of the Laws from the further consideration of the bill (H. R. 12) to consolidate, codify, revise, and reenact the general and permanent laws of the United States in force March 4, 1919.

The VICE PRESIDENT. The motion will be entered.

AMENDMENT OF WAR RISK INSURANCE ACT.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 10003) to further amend and modify the war risk insurance act, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist on its amendments, accede to the request of the House for a conference, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. McCUMBER, Mr. SMOOT, and Mr. WILLIAMS conferees on the part of the Senate.

CONSIDERATION OF THE CALENDAR.

The VICE PRESIDENT. Is there further morning business?

Mr. SUTHERLAND. Mr. President, I desire to ask whether it is intended when we take up the calendar that its consideration shall begin where it was left off a week ago or whether we shall go back to the beginning?

The VICE PRESIDENT. No such order has been made, and, unless it is made, the consideration of the calendar will commence at the beginning.

Mr. SUTHERLAND. Mr. President, I move that to-day we begin the consideration of the calendar where its consideration was left off a week ago, and after that that we shall go back to the beginning of the calendar.

Mr. SMOOT. I understood that there was a unanimous-consent agreement to begin the consideration of the calendar under Rule VIII with the first bill appearing on the calendar.

Mr. McCUMBER. I do not so understand, and if that is the record, I should like to see it.

Mr. SMOOT. I think that is the record. I think objection was made by the Senator from Nebraska to beginning with the calendar at the point where its consideration was left off the last time it was before the Senate.

Mr. NEW. Mr. President, I have been unable to hear the Senator from Utah. Do I understand from what he has said that unanimous consent was asked and given that we begin this morning with the consideration of the calendar with the first bill?

Mr. SMOOT. As I understand, the first request for unanimous consent was that we begin with the calendar where we left off when it was last under consideration, but that the Senator from Nebraska objected and requested that the calendar should be taken up without that understanding. I will look up the record in regard to the matter; but what I have stated is my impression.

Mr. ROBINSON. Mr. President, I can clear up the situation. The unanimous-consent agreement entered into provides for a consideration of unobjected bills on the calendar under Rule VIII, but does not specify with what number on the calendar the Senate shall begin its consideration. So I assume that the agreement contemplated that the consideration of the calendar this morning was to commence at the beginning of the calendar. It is certainly proper that the Senate should have an opportunity to pass upon all the bills on the calendar, and if possible clean up the calendar. Mr. President, I call for the regular order.

Mr. LODGE. Mr. President——

The VICE PRESIDENT. The Chair has already made the statement which has just been made by the Senator from Arkansas.

Mr. LODGE. Mr. President, I was merely going to say what has already been stated. The agreement covers the consideration of unobjected bills on the calendar, commencing at the beginning.

Mr. NEW. Mr. President, I submit that it is not entirely fair that we should begin the consideration of the calendar with the first bill thereon. We had reached Order of Business No. 1042 when the calendar was last under consideration, and had that bill under consideration when the morning hour closed. That was the situation when the calendar was last under consideration. It would be just as easy to begin with Order of Business 1042 to-day, and after the end of the calendar shall have been reached to return to the numbers preceding it, as it would be to begin with the first bill on the calendar. Should the latter method be adopted there will be bills on the calendar which will have no chance for consideration at all, while the bills which are first on the calendar will have had two chances at least.

Mr. McCUMBER. They will have had three or four chances.

Mr. NEW. As the Senator from North Dakota suggests, they will have had three or four chances. I submit that in ordinary fairness we should begin with the calendar where we left off its consideration the other day.

Mr. ROBINSON. Mr. President, will the Senator from Indiana yield to me?

Mr. NEW. Certainly.

Mr. ROBINSON. For more than a month the Senate has been beginning with the calendar where it left off the last time the calendar was under consideration. It has made no substantial progress. The matter was discussed informally at least the other day when the request for unanimous consent was made, and objection was indicated. Though, perhaps, it does not appear in the RECORD, it was known that objection would be made against beginning where the calendar was left off on the last call of the calendar, the object being to give an opportunity to consider all bills on the calendar.

If we do not consume the time in which those bills may be considered in contesting where we shall begin, we can, under Rule VIII, consider every bill on the calendar. Any Senator can at any time object to the consideration of a bill which is called on the calendar.

Mr. NEW. Certainly he can under the rule.

Mr. ROBINSON. We may thus complete the calendar.

Mr. FLETCHER. A parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator from Florida will state his parliamentary inquiry.

Mr. FLETCHER. Have we disposed of morning business and reached the calendar?

The VICE PRESIDENT. The Chair inquired if there was any further morning business and several Senators rose.

Mr. MYERS. I desire to present some additional morning business for a second, if I may. Will the Senator from Indiana yield to me for a second?

Mr. NEW. I yield to the Senator for the purpose of the introduction of a bill or any such purpose as that.

[Mr. MYERS presented a memorial of the Legislature of the State of Montana, which appears under the proper heading.]

Mr. NEW. Mr. President, in the interest of fairness I move that the Senate proceed with the consideration of bills on the calendar, beginning at the point where we left off when the calendar was last under consideration.

Mr. ROBINSON. I make the point of order that that motion is not in order.

The VICE PRESIDENT. The point of order is well taken.

Mr. ROBINSON. I demand the regular order.

The VICE PRESIDENT. The regular order is the completion of morning business. Is there further morning business? If there is no further morning business, morning business is closed. The calendar under Rule VIII, under the unanimous-consent agreement, is in order. The Secretary will state the first bill on the calendar.

BILLS AND JOINT RESOLUTIONS PASSED OVER.

The bill (S. 491) to provide, without expenditure of Federal funds, the opportunities of the people to acquire rural homes, and for other purposes, was announced as first in order.

Mr. ROBINSON. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 7) to amend the act entitled "An act to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real estate brokers in the District of Columbia," approved February 4, 1913, was announced as next in order.

Mr. ROBINSON. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2228) to amend certain sections of the Judicial Code relating to the Court of Claims was announced as next in order.

Mr. SMOOT. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 8331) to amend the transportation act, 1920, and for other purposes, was announced as next in order.

Mr. ROBINSON. Mr. President, that is a very important measure, and I believe it will require some time to discuss it. So I suggest that it go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 41) authorizing transportation for dependents of Army field clerks and field clerks, Quartermaster Corps, was announced as next in order.

Mr. SMOOT. I ask that the joint resolution go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 2718) to provide for leasing of the floating dry dock at the naval station, New Orleans, La., was announced as next in order.

Mr. PAGE. Mr. President, I have been requested by several Senators to ask that Order of Business No. 376, being Senate bill 2718, be recommitted to the Committee on Naval Affairs for further consideration, and I ask unanimous consent that that be done.

The VICE PRESIDENT. Without objection, the bill is recommitted to the Committee on Naval Affairs.

The bill (S. 2589) to amend section 11 of the act entitled "An act for the retirement of public-school teachers in the District of Columbia," approved January 15, 1920, was announced as next in order.

Mr. McCUMBER. I notice that the author of this bill is not present, and I think it due to him that it be passed over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 67) for the relief of the heirs of Adam and Noah Brown was announced as next in order.

Mr. SMOOT and Mr. KING asked that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1539) for the relief of Watson B. Dickerman, administrator of the estate of Charles Backman, deceased, was announced as next in order.

Mr. KING and Mr. SMOOT asked that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1861) authorizing the Court of Claims to adjudicate the claim of Capt. David McD. Shearer for compensation for the adoption and use and acquisition by the United States Government of his patented inventions was announced as next in order.

Mr. SMOOT. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 133) proposing an amendment to the Constitution of the United States was announced as next in order.

Mr. ROBINSON. I ask that that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 14) providing for the election of a Delegate to the House of Representatives from the District of Columbia, and for other purposes, was announced as next in order.

Mr. WILLIS. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2992) authorizing the Secretary of War to furnish certain information for historical purposes to the adjutants general of the several States and the District of Columbia, and making an appropriation therefor, was announced as next in order.

Mr. LODGE. That bill does not appear on the calendar. According to the calendar before me the next number is 537.

Mr. ROBINSON. Mr. President, I rise to a parliamentary inquiry. I do not know whether or not the inquiry comes strictly within the rule, but the Secretary is calling a bill which is not printed on the calendar which has been laid on the desks of Senators.

The VICE PRESIDENT. The Chair is advised that the bill the title of which has just been stated by the Secretary has passed the Senate, but a motion to reconsider it is pending.

Mr. ROBINSON. Very well; let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3254) to encourage the development of the agricultural resources of the United States through Federal and State cooperation, giving preference in the matter of employment and the establishment of rural homes to those who have served with the military and naval forces of the United States, was announced as next in order.

Mr. McNARY. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1343) granting relief to persons who served in the Military Telegraph Corps of the Army during the Civil War was announced as next in order.

Mr. SMOOT. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1345) to amend an act entitled "interstate commerce act," approved February 28, 1920, was announced as next in order.

Mr. NEW. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1346) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, including the safety appliance acts and the act providing for the valuation of the several classes of property of carriers subject to the Interstate Commerce Commission, approved March 1, 1913, was announced as next in order.

Mr. NEW. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2921) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto, was announced as next in order.

Mr. KING. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 188) creating a committee to investigate existing conditions of industry and commerce in the United States for the purpose of recommending to Congress legislation defining the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade was announced as next in order.

Mr. KING and Mr. WILLIS asked that the joint resolution go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 171) to extend the provisions of the act of May 11, 1912, was announced as next in order.

Mr. KING. Reserving the right to object, I should like to have the bill read.

The reading clerk proceeded to read the bill.

Mr. KING. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 227) rejecting bids for the acquisition of Muscle Shoals, was announced as next in order.

Mr. ROBINSON. Let that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (H. R. 13) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching, was announced as next in order.

Mr. ROBINSON. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3146) to amend section 5 of the United States cotton futures act was announced as next in order.

Mr. WILLIS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2388) for the relief of Augusta Reiter was announced as next in order.

Mr. NEW. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3858) to define butter and to provide a standard therefor was announced as next in order.

Mr. STERLING. Mr. President, a few days ago I asked unanimous consent for the present consideration of this bill. Some objection was made to the consideration of the bill at that time, the Senator making the objection desiring further time to look into it. Since that time——

Mr. WILLIAMS. Mr. President, if this is Senate bill 3858, I ask that it go over.

Mr. STERLING. Will the Senator permit me to complete the statement? Since the objection made the other day to the further consideration of the bill, the bill has passed the House in identically the same language as here, except for the addition of six words at the end of the bill; and I hope to move——

Mr. WILLIAMS. I ask that it go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 211) to extend the provisions of the pension act of May 11, 1912, and May 1, 1920, to the officers and enlisted men of all State militia and other State organizations that rendered service to the Union cause during the Civil War for a period of 90 days or more, and providing pensions for their widows, minor children, and dependent parents, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3995) to authorize the Secretary of Agriculture to exterminate bean beetles in the State of New Mexico, and authorizing expenditures therefor, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

JOHN L. LIVINGSTON.

The bill (S. 2792) for the relief of John L. Livingston was announced as next in order.

Mr. KING. Let that go over.

Mr. NICHOLSON. Mr. President, I should like to ask the Senator from Utah to permit the consideration of this bill, because this case is a very meritorious one. It is the case of a young man who was connected with the Naval Air Service. Eleven days after the armistice was signed, in the line of duty, he had his back broken. He was in front of the propeller, and the pilot of the airplane started the propeller in motion and broke his back. He was in the hospital here for about nine months, and he is declared by the physicians to be incurable. His retirement has been recommended by the Secretary of the Navy, and I may say that all of the members of the Naval Affairs Committee excepting one reported favorably on this bill.

Mr. KING. Mr. President, as I understand the bill, the beneficiary was not a regular officer of the Navy.

Mr. NICHOLSON. He attained the rank of captain during the war.

Mr. KING. Yes; but he merely came in during the war, with the expectation of retiring to private life after the war was over.

Mr. NICHOLSON. I do not know that it was with that expectation. I am not sure about that.

Mr. KING. If he were a naval officer, it seems to me he would be entitled to the benefits of retirement without any special legislation.

Mr. NICHOLSON. I know that at the time of the accident he was a commissioned officer and in good health and physical condition, and from the reports before us we can be certain he is not in that condition now.

Mr. KING. There is no doubt but that the Government ought to care for this man and care for him most liberally and generously, and I can not understand why the compensation acts do not apply to him. The objection that I have to the bill is this: There is a determined effort, as the Senator knows, to give to reserve officers, both in the Army and in the Navy, the benefits of the retirement privileges which are given to the Regular Army officers. We passed a bill—I think it was injudiciously passed—which extended these benefits to reserve officers of the Navy. When we saw the injurious consequences resulting therefrom we speedily repealed it. This is a return to that principle; and if we give this man the benefit of retirement privileges, then it seems to me we must give to every reserve officer, both in the Army and in the Navy, the same benefit.

Opposition to this measure is not grounded upon the proposition that this man should not be compensated for his injuries. He was in the service, and he is entitled to compensation; and, as the Senator knows, liberal compensation is provided for those who receive injuries. If the compensation act now does not give him all that he is entitled to by reason of his serious injury, I shall be very happy to join with the Senator in passing a bill giving to him most liberal and most generous compensation.

Mr. NICHOLSON. I want to say to the Senator from Utah that I am quite sure the compensation act does not give him what he is entitled to; and, if my memory serves me right, I believe the Secretary of the Navy said that if this bill was passed and he was placed upon the retirement list his compensation would not exceed $125 a month.

Mr. KING. The only objection I have to it is the precedent that it will establish. The Senator knows that a very great effort is being made now to drive through the Congress a bill to give to reserve officers all of the benefits of retirement. I am opposed to that measure. I am willing to give to this man, if the Senator will offer an independent bill, most generous compensation for life if his injuries are permanent.

Mr. NICHOLSON. I think the Senator will agree that this bill does not place him on a retired officer's pay. I think, if the Senator will look up the matter, he will find that the bill does not provide for a retired officer's pay in this case.

Mr. KING. If the Senator will permit me, I think this language means that. It says that he shall be eligible for retirement as if his physical disability was incurred in time of war.

Mr. NICHOLSON. Yes; but he did not have the rank of captain at the time he was disabled, so that the Senator's objection does not apply to his case.

Mr. KING. It would carry him to the retired list with the grade that he had. I say to the Senator that it is quite likely, from the character of the injuries to which the Senator refers, that this man may be entitled to more than he would receive as a retired officer of the rank which he had, and I should be willing to vote for it; but I am not willing to support this bill, because, as I understand its terms, it announces the proposition that we will give to reserve officers who will go back into private life the same retirement benefits and privileges that are enjoyed by the officers of the Regular Army and Navy.

Mr. NICHOLSON. Is the Senator quite sure that the case which we have under consideration comes under the classification to which he refers?

Mr. KING. I think so. That is my opinion.

Mr. NICHOLSON. But there is a doubt about it. We are about to adjourn. This man is without means to support himself, because he is totally disabled and therefore unable to earn a living. We do not meet until next December. I think it is a great imposition upon this man, who served his country faithfully and with distinction, to be denied relief at this time. That is the way I feel about it.

Mr. KING. Mr. President, he will not be denied relief, because he is entitled to compensation now.

Mr. NICHOLSON. But he is not receiving compensation now.

Mr. KING. It is because he has not applied for it, then.

Mr. FRELINGHUYSEN. Mr. President——

The VICE PRESIDENT. The Senator from New Jersey. The time of the Senator from Colorado has expired.

Mr. FRELINGHUYSEN. Does not this throw some light on the case? In hearings, in the letter from the Secretary of the Navy——

Mr. SMOOT. Mr. President, I will object to the consideration of the bill, if no one else will.

The VICE PRESIDENT. Upon objection, of course, the bill goes over.

Mr. WALSH of Massachusetts. Mr. President——

Mr. HEFLIN. I did not understand that there was objection. Some disposition ought to be made of this case.

The VICE PRESIDENT. The Senator from Utah [Mr. SMOOT] objects.

Mr. HEFLIN. If this soldier's back is broken, and he has to live on charity, something ought to be done, and something must be done to relieve him now, because Congress will adjourn March 4.

Mr. WALSH of Massachusetts. Mr. President, who has the floor?

Mr. HEFLIN. I give notice that we will not consider any other measures unless something is done for this poor unfortunate soldier.

The VICE PRESIDENT. The Senator from New Jersey has the floor. Does the Senator yield?

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	George	McKinley	Sheppard
Ball	Gerry	McLean	Smith
Bayard	Glass	McNary	Smoot
Brookhart	Hale	Moses	Spencer
Broussard	Harreld	New	Stanfield
Calder	Harris	Nicholson	Sterling
Capper	Harrison	Norbeck	Sutherland
Caraway	Heflin	Norris	Swanson
Colt	Hitchcock	Oddie	Townsend
Couzens	Johnson	Overman	Underwood
Culberson	Jones, Wash.	Page	Wadsworth
Curtis	Kellogg	Pepper	Walsh, Mass.
Dial	Keyes	Phipps	Walsh, Mont.
Dillingham	King	Pittman	Warren
Edge	Ladd	Poindexter	Watson
Ernst	La Follette	Pomerene	Weller
Fernald	Lenroot	Ransdell	Williams
Fletcher	Lodge	Reed, Mo.	Willis
France	McCumber	Reed, Pa.	
Frelinghuysen	McKellar	Robinson	

The VICE PRESIDENT. Seventy-eight Senators having answered to their names, a quorum is present.

Mr. ROBINSON. Mr. President, I ask the Senator from Alabama not to persist in the announcement he made a moment ago, and that he permit us to consider the calendar in regular order. I suggest that the next number on the calendar be called.

The VICE PRESIDENT. The Secretary will report the next bill on the calendar.

Mr. WILLIAMS. Mr. President, a moment ago I objected to the consideration of Order of Business No. 847, Senate bill 3858, a bill introduced by the Senator from South Dakota [Mr. STERLING]. I made the objection under a misapprehension about the bill. I wish to withdraw the objection.

Mr. DIAL. Mr. President, I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

BILLS PASSED OVER.

The bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes, was announced as next in order.

The VICE PRESIDENT. Being the unfinished business, the bill will be passed over.

The bill (S. 3247) to transfer to the classified service agents and inspectors in the field service, including general prohibition agents and field supervisors appointed and employed pursuant to the national prohibition act, and for other purposes, was announced as next in order.

Mr. WILLIAMS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4050) to provide for the purchase and sale of farm products was announced as next in order.

Mr. WILLIAMS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4012) to control the possession, sale, and use of pistols and revolvers in the District of Columbia, to provide penalties, and for other purposes, was announced as next in order.

Mr. PITTMAN. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3252) to amend paragraph 8 of the act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901, as amended, was announced as next in order.

Mr. SMOOT. The employees of the District of Columbia will be taken care of under the reclassification bill, and there is no reason for our passing this bill. I ask that it go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 799) to prevent deceit and unfair prices that result from the unrevealed presence of substitutes for virgin wool in woven fabrics purporting to contain wool and in garments or articles of apparel made therefrom, manufactured in any Territory of the United States or the District of Columbia or transported or intended to be transported in interstate or foreign commerce, and providing penalties for the violation of the provisions of this act, and for other purposes, was announced as next in order.

Mr. LODGE. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 2049) for the relief of the Delaware River Lightering Co. was announced as next in order.

Mr. WILLIAMS. I ask that that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 4619) for the relief of the Link-Belt Co., of Philadelphia, Pa., was announced as next in order.

Mr. WILLIAMS. Let that go over.

Mr. SWANSON. I hope the Senator from Mississippi will not object to the four bills, beginning with Order of Business 950, because if he is going to object to this kind of bill, he might as well object to everything. These four bills passed the House and were reported unanimously. They are bills covering cases of collision with Government boats, and they simply provide that the cases shall go to the Court of Claims for adjudication.

Mr. WILLIAMS. Did the Senator say they have been adjudicated?

Mr. SWANSON. They have not been adjudicated. These are bills to refer the claims to the Court of Claims for adjudication. I suppose that 35 or 40 similar bills have been passed before. They are simply to allow the claims to be taken to the Court of Claims for adjudication.

Mr. WILLIAMS. I withdraw the objection.

The VICE PRESIDENT. The Secretary will report Order of Business 950.

DELAWARE RIVER LIGHTERING CO.

The bill (H. R. 2049) for the relief of the Delaware River Lightering Co. was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of the Treasury of the United States, from funds not otherwise appropriated, $1,960, under such conditions as the Secretary of the Navy may direct, to the Delaware River Lightering Co., of the city of Philadelphia, State of Pennsylvania, in full payment for damages done when the Navy tug *Carl R. Gray* collided with and damaged the barge *Ruth*, owned and operated by the said Delaware River Lightering Co.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LINK-BELT CO., OF PHILADELPHIA, PA.

The bill (H. R. 4619) for the relief of the Link-Belt Co., of Philadelphia, Pa., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the claim of the Link-Belt Co., of Philadelphia, Pa., a corporation organized under the laws of the State of Pennsylvania, for damages alleged to have been sustained by a certain coal chute under construction by said Link-Belt Co. for the Norfolk & Western Railroad on its coal pier No. 3 at Lamberts Point, in the city of Norfolk, Va., by reason of collision therewith by the U. S. S. *Buitenzorg* on the 1st day of March, 1919, may be submitted to the United States District Court for the Eastern District of Virginia at Norfolk, under and in compliance with the rules of said court, sitting as a court of admiralty; and that the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the legal damages sustained by reason of said collision, if any shall be found to be due, either for or against the United States, upon the same principle and measure of liability, with costs, as in like cases in admiralty between private parties, with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TH. BROVIG.

The bill (H. R. 4620) for the relief of Th. Brovig was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the claim of Th. Brovig, owner of the Norwegian bark *Bennestvet*, against the United States for damages alleged to have been caused by collision between the said vessel and the U. S. barge *F. W. Babcock* in Hampton Roads on the 29th day of June, 1919, may be sued for by the said Th. Brovig in the District Court of the United States for the Eastern District of Virginia, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of Th. Brovig or against Th. Brovig in favor of the United States upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OWNERS OF ITALIAN STEAMER "TITANIA."

The bill (H. R. 4622) for the relief of the Lloyd Mediterraneo Societa Italiana di Navigazione, owners of the Italian steamer *Titania*, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the claim of the Lloyd Mediterraneo Societa Italiana di Navigazione, owners of the Italian steamer *Titania*, arising out of a collision between said steamer and the United States *S. C. 421*, which occurred at the south side of pier No. 2 of the Norfolk & Western Railway Co., Lamberts Point, Va., on July 18, 1919, for and on account of the losses alleged to have been suffered by the owners of said steamer by reasons of damages to said steamer, may be submitted to the United States Court for the Eastern District of Virginia, under and in compliance with the rules of said court sitting as a court of admiralty; and that the said court shall have jurisdiction to hear and determine the whole controversy and to enter judgment or decree for the amount of the legal damages sustained by reason of said collision, if any shall be found to be due, either for or against the United States, upon the same principle and measure of liability, with costs, as in like cases of admiralty between private parties, with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EPHRAIM LEDERER.

The bill (H. R. 5249) for the relief of Ephraim Lederer, collector of internal revenue for the first district of Pennsylvania, was announced as next in order.

Mr. KING. Reserving the right to object, I ask that the bill be read.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit the account of Ephraim Lederer, collector of internal revenue for the first district of Pennsylvania, by reason of shortage of 100 sheets of class C cigar stamps, each set consisting of 20 stamps, each of said stamps being worth 45 cents, a total of $900. Also for the loss of a book of wholesale liquor dealers' special-tax stamps, consisting of 10 stamps, each of the value of $100, and totaling $1,000.

Mr. KING. I would like to have some explanation of the bill. If not, I will ask for the reading of the report. Let the report be read.

The report, No. 979, submitted by Mr. CAPPER January 4, 1923, was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 5249) for the relief of Ephraim Lederer, collector of internal revenue for the first district of Pennsylvania, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts in the case are fully set forth in House Report No. 246, Sixty-seventh Congress, first session, which is appended hereto and made a part of this report.

House Report No. 246, Sixty-seventh Congress, first session.

The Committee on Claims, to whom was referred the bill (H. R. 5249) for the relief of Ephraim Lederer, collector of internal revenue for the first district of Pennsylvania, having considered the same, report thereon with a recommendation that it do pass.

This is a bill to credit to the account of the collector of internal revenue, Philadelphia, Pa., for losses of stamps occurring in his office.

The facts in the case are fully stated in the letter of the Secretary of the Treasury, under date of June 21, 1921, and which is made a part of this report.

As it had been customary for Congress to grant relief for losses occurring in the various offices of the Treasury Department, and as this bill has the approval of the Secretary of the Treasury, favorable consideration of the measure is recommended.

—

TREASURY DEPARTMENT,
Washington, June 21, 1921.

Hon. GEO. W. EDMONDS,
Chairman Committee on Claims, House of Representatives.

MY DEAR MR. EDMONDS: Referring further to your letter of the 16th ultimo, inclosing a copy of bill (H. R. 5249) for the relief of Ephraim Lederer for 100 sheets of class C cigar stamps and one book of wholesale liquor dealers' special-tax stamps, with a money value totaling $1,900, found to be short in his revenue account as collector of internal revenue for the first district of Pennsylvania, I wish to state that an investigation conducted by the Bureau of Internal Revenue established the following facts:

That, on or about November 7, 1919, a package containing class C cigar stamps was received in the office of the collector for the first district of Pennsylvania, receipted for, and charged in his accounts according to the quantity of stamps designated in the invoice, without verifying the contents of the package; that the stamps were shipped from the Internal Revenue Bureau in a sealed package as received from the Bureau of Engraving and Printing; that it is customary in the Bureau of Engraving and Printing for expert counters to verify by actual count the number of stamps to be placed in sealed packages for delivery to the Commissioner of Internal Revenue; that the stamp account and stock of stamps in the office of Collector Lederer were in balance at the close of business November 6, 1919; that on or about November 7, 1919, there was found to be short one layer of 100 sheets of class C stamps, and each cigar manufacturer who had purchased this class of stamps was visited and his stamps on hand verified, but no excess was discovered; that an assistant supervisor of collectors' offices visited each of the stamp deputies outside of the Philadelphia office, checked up the office and verified the stamps on hand, but no discrepancies in the stamp deputies' accounts were found; that the sales of cigar stamps were checked against Forms 72 (cigar manufacturers' returns) for the month of November, 1919, and were found to be in agreement; that the investigation made by the Bureau of Internal Revenue failed to determine how the shortage occurred or to fix the responsibility therefor, and in the absence of conclusive evidence, Collector Lederer is in no way to blame for the shortage in his accounts of 2,000 stamps with a money value of $900.

An investigation also conducted by the Bureau of Internal Revenue shows that one package of wholesale liquor dealers' special-tax stamps, consisting of 10 stamps, each valued at $100, a total of $1,000, was lost in the process of moving from the Federal Building to the Vandam Building, Philadelphia, Pa., on July 30, 1920; that the stamps cou-

tained in this book did not bear the stamp of the first district of Pennsylvania, nor did they bear the facsimile signature of the collector; that without the signature of the collector these special-tax stamps would be of no value to anyone, and that the loss was unavoidable.

Mr. KING. I shall not object to the consideration of this bill, but I shall vote against it and ask for a vote. It seems to me there was negligence upon the part either of the collector or some other person. The committee does not attempt to localize the negligence, nor does the Secretary of the Treasury, and if we are to make appropriations of this kind, without fastening the responsibility, of course it will make for negligence and will result in an increase in the number of claims for which the Government will be called upon to appropriate. I ask for a vote.

Mr. HEFLIN. Mr. President, I have no desire to stop the consideration of bills on the calendar. I am simply trying to have justice done to a poor unfortunate American soldier who had his back broken by a Government airplane, who has no means of support, and who is entitled to Government aid. I am not going to object to the consideration of other measures, because there has been an agreement made by which the Senator from Colorado [Mr. NICHOLSON] can get his bill through. He is now preparing an amendment, and I understand there will be no objection to it.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IKE T. BOYLES.

The bill (H. R. 5648) for the relief of Ike T. Boyles was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Postmaster General be, and is hereby, authorized and directed to credit the accounts of Ike T. Boyles, postmaster at Stiles, Tex., in the sum of $343.57, due to the United States on account of postal funds, money-order funds, and postage stamps on account of losses resulting from fire January 24, 1916.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT TO BANKRUPTCY LAW.

Mr. WALSH of Montana. Mr. President, I have been detained in the Committee on the Judiciary. I inquire what disposition was made of Order of Business 589, Senate bill 2921, to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto.

The VICE PRESIDENT. It went over under objection.

Mr. WALSH of Montana. I am very desirous that that bill shall have consideration. I think it is a good bill.

There being no objection, the Senate as in Committee of the Whole proceeded to consider the bill.

The bill had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and to insert:

That section 3 (a), section 14 (b), section 24 (b), section 25 (a), section 29 (a), (b), and (d), section 57 (n), section 60 (a), section 62, section 64 (a), and section 72 of an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto be, and the same are hereby, amended so as to read as follows:

"SEC. 3. (a) Acts of bankruptcy by a person shall consist of his having (1) conveyed, transferred, concealed, or removed, or permitted to be concealed or removed, any part of his property with intent to hinder, delay, or defraud his creditors, or any of them; or (2) transferred, while insolvent, any portion of his property to one or more of his creditors with intent to prefer such creditors over his other creditors; or (3) suffered or permitted, while insolvent, any creditor to obtain a preference through legal proceedings, and not having at least five days before a sale or final disposition of any property affected by such preference vacated or discharged such preference; or (4) suffered or permitted, while insolvent, any creditor to obtain through legal proceedings any levy, attachment, judgment, or other lien, and not having vacated or discharged the same at least five days before the expiration of four months from the date of obtaining such levy, attachment, judgment, or other lien; or (5) made a general assignment for the benefit of his creditors; or, being insolvent, applied for a receiver or trustee for his property, or because of insolvency a receiver or trustee has been put in charge of his property under the laws of a State, of a Territory, or of the United States; or (6) admitted in writing his inability to pay his debts and his willingness to be adjudged a bankrupt on that ground.

"SEC. 14. (b) The judge shall hear the application for a discharge, and such proofs and pleas as may be made in opposition thereto by the trustee or other parties in interest, at such time as will give the trustee or parties in interest a reasonable opportunity to be fully heard, and investigate the merits of the application and discharge the applicant unless he has (1) committed an offense punishable by imprisonment as herein provided; or (2) with intent to conceal his financial condition, destroyed, concealed, or failed to keep books of account or records from which such condition might be ascertained; or (3) obtained money or property on credit upon a materially false statement in writing made by him to any person, or his representative, for the purpose of obtaining credit from such person; or (4) at any time subsequent to the first day of the 12 months immediately preceding the filing of the petition transferred, removed, destroyed, or concealed, or permitted to be removed, destroyed, or concealed, any of his property, with intent to hinder, delay, or defraud his creditors; or (5) in voluntary proceedings been granted a discharge in bankruptcy within six years; or (6) in the course of the proceedings in bankruptcy refused to obey any lawful order of, or to answer any material question approved by the court: *Provided*, That a trustee shall not interpose objections to a bankrupt's discharge until he shall be authorized so to do at a meeting of creditors called for that purpose.

"SEC. 24. (b) The several circuit courts of appeal shall have jurisdiction in equity, either interlocutory or final, to superintend and revise in matter of law the proceedings of the several inferior courts of bankruptcy within their jurisdiction. Such power shall be exercised on due notice and petition by any party aggrieved, and such petition shall be filed within 30 days after the judgment or order or other matter complained of has been rendered or entered.

"SEC. 25. (a) Appeals, as in equity cases, may be taken in bankruptcy proceedings from the courts of bankruptcy to the circuit courts of appeal of the United States, and to the supreme courts of the Territories in the following cases, to wit: (1) From a judgment adjudging or refusing to adjudge the defendant a bankrupt; (2) from a judgment granting or denying a discharge; and (3) from a judgment allowing or rejecting a debt or claim of $500 or over. Such appeal shall be taken within 30 days after the judgment appealed from has been rendered, and may be heard and determined by the appellate court in term or vacation, as the case may be.

"SEC. 29. (a) A person shall be punished by imprisonment for a period not to exceed five years upon conviction of the offense of having knowingly and fraudulently appropriated to his own use, embezzled, spent, or unlawfully transferred any property or secreted or destroyed any document belonging to a bankrupt estate which came into his charge as trustee, receiver, custodian, or other officer of the court.

"(b) A person shall be punished by imprisonment for a period not to exceed two years upon conviction of the offense of having knowingly and fraudulently (1) concealed any property belonging to the estate of a bankrupt; or (2) made a false oath or account in, or in relation to, any proceeding in bankruptcy; (3) presented under oath any false claim for proof against the estate of a bankrupt, or used any such claim in composition personally or by agent, proxy, or attorney, or as agent, proxy, or attorney; or (4) received any material amount of property from a bankrupt after the filing of the petition, with intent to defeat this act; or (5) extorted or attempted to extort any money or property from any person as a consideration for acting or forbearing to act in bankruptcy proceedings.

"(d) A person shall not be prosecuted for any offense arising under this act, unless the indictment is found or the information is filed in court within three years after the commission of the offense, except where he has been absent from the United States or any place subject to their jurisdiction, in which case the time during which such person has been so absent from the jurisdiction shall not be a part of the period of limitation prescribed herein.

"(b) The Attorney General shall have the power, through inspectors or agents, to inspect and audit all records in bankruptcy.

"SEC. 57. (n) Claims shall not be proved against a bankrupt estate subsequent to six months after the adjudication; or if they are liquidated by litigation and the final judgment therein is rendered within 30 days before or after the expiration of such time, then within 60 days after the rendition of such judgment: *Provided*, That the right of infants and insane persons without guardians, without notice of the proceedings, may continue six months longer.

"SEC. 60. (a) A person shall be deemed to have given a preference if, being insolvent, he has, within four months before the filing of the petition, or after the filing of the petition and before the adjudication, procured or suffered a judgment to be entered against himself in favor of any person, or made a transfer of any of his property, and the effect of the enforcement of such judgment or transfer will be to enable any of his creditors to obtain a greater percentage of his debt than any other of such creditors of the same class. Where the preference consists in a transfer, such period of four months shall not expire until four months after the date of the recording or registering of the transfer, if by law such recording or registering is required or permitted.

"SEC. 62. (a) The actual and necessary expenses incurred by officers in the administration of estates shall, except where other provisions are made for their payment, be reported in detail, under oath, and examined and approved or disapproved by the court. If approved, they shall be paid or allowed out of the estates in which they were incurred. Such expenses shall be only the expenses actually incurred, and shall not be commuted at fixed rates.

"(b) All clerk hire, office rent, and other overhead expenses of the referee's office shall be paid only from the referee's compensation prescribed in section 40 of the bankruptcy law as amended, and shall not in any other way become a charge upon the respective estates.

"SEC. 64. (a) The court shall order the trustee to pay all taxes legally due and owing by the bankrupt to the United States, State, county, district, or municipality in advance of the payment of dividends to creditors, and upon filing the receipts of the proper public officers for such payment he shall be credited with the amount thereof, and in case any question arises as to the amount or legality of any such tax the same shall be heard and determined by the court: *Provided*, That such payment shall not be made out of the assets of the estate on account of any taxes assessed or levied upon property which does not become an asset of the bankrupt estate for distribution among general creditors, which taxes shall be and constitute a lien upon such property.

"SEC. 72. Neither the referee, receiver, marshal, nor trustee shall in any form or guise receive, nor shall the court allow him, any other or further compensation for his services than that expressly authorized and prescribed in this act. Any person who shall willfully violate the provisions of this section shall, upon conviction thereof, be fined not more than $2,000 or be imprisoned for not more than three years, or both, in the discretion of the court."

SEC. 2. That section 48, as amended, of said act be, and the same is hereby, further amended by adding a new paragraph to read as follows:

"(f) In the event of the appointment of joint or successive receivers, the court shall apportion the fees and commissions between or among them according to the services actually rendered, so that there shall not be paid to receivers from any estate a greater amount than one receiver would be entitled to; and when the same person shall be appointed successively receiver and trustee for an estate he shall not be allowed greater compensation than he would be entitled to if he held but one of such offices."

SEC. 3. That nothing herein shall have the effect to release or extinguish any penalty, forfeiture, or liability incurred under any act or acts of which this act is amendatory.

SEC. 4. That all parts of acts inconsistent herewith be, and the same are hereby, repealed.

SEC. 5. That this act shall take effect and be in force on and after the expiration of three months from the date of its passage and approval.

Mr. WALSH of Montana. I will state that the bill proposes various amendments of the bankruptcy law, most of which were proposed by the National Credit Men's Association, and in my judgment they should be made. They are simple in character. There was considerable contention concerning one amendment, in relation to the fees of referees. It was suggested to the committee by the Department of Justice, but different views have prevailed with respect to it, and I have been induced to ask the Senate to nonconcur in that part of the amendment. I know of no opposition whatever to the amendment proposed other than the one to which I have referred.

Mr. LODGE. I would like to ask the Senator, if he will allow me, if that is the part of the amendment about which I have spoken to him?

Mr. WALSH of Montana. It is.

Mr. LODGE. What is the final arrangement made in regard to it?

Mr. WALSH of Montana. The arrangement is that I shall ask the Senate to reject the part of the amendment concerning which the Senator and myself had some correspondence, it having been objected to by some of the Senator's constituents.

Mr. LODGE. Where is the provision in the bill?

Mr. WALSH of Montana. The part of the amendment to which the Senator refers is subdivision (b) of section 62, referred to at page 5 of the report.

Mr. CURTIS. It is in reference to the fees of referees?

Mr. WALSH of Montana. It is.

Mr. CURTIS. The Senator from Washington [Mr. JONES], who had objected before, said if the Senator's amendment striking out that provision were agreed to he would have no objection to the consideration of the bill.

Mr. WALSH of Montana. I propose to ask that that be rejected.

Mr. LODGE. All I want to understand is just how it leaves the law.

Mr. WALSH of Montana. It leaves the law exactly as it is now; that is, if the Senate does not concur in this part of the amendment, no change will be made in the law.

Mr. LODGE. Then that will have to be stricken out?

Mr. WALSH of Montana. Yes. The amendment is found on page 12 of the printed bill, at the bottom of the page. I ask that the report of the committee be amended by striking out subdivision (b) of section 62, found on page 12 of the bill.

Mr. LODGE. The amendment is to strike out subdivision (b) of section 62?

Mr. WALSH of Montana. Subdivision (b) of section 62.

Mr. LODGE. And that leaves the law as it is?

Mr. WALSH of Montana. It does.

If the Senator from Massachusetts will give me his attention for a moment, the answer I gave was a little too comprehensive. If the Senator will refer to page 5 of the report he will find that there is a slight addition to be made, but no exception was taken to that. This language is proposed to be added to the present law:

Such expenses shall be only the expenses actually incurred, and shall not be commuted to fixed rates.

To that extent the present law would be amended.

Mr. LODGE. That leaves it, I understand, as it was to be left.

Mr. REED of Pennsylvania. Mr. President, I thought the understanding of the Senator was that paragraph (a) of section 62 would also be stricken out.

Mr. WALSH of Montana. No; there never was any controversy about that, I think.

Mr. REED of Pennsylvania. I had understood that the last two lines of paragraph (a) were objected to because a very considerable amount of those expenses can not be apportioned to particular cases, such as stenographer's services and matters of that nature.

Mr. WALSH of Montana. I understand, but that is all covered by subdivision (b).

Mr. REED of Pennsylvania. No; I think it is covered by lines 19 and 20 of paragraph (a).

Mr. WALSH of Montana. If the Senator from Pennsylvania has any objection whatever to urge to that portion of it, I shall ask that the entire section be stricken out, but I am perfectly certain he is in error about it.

Mr. REED of Pennsylvania. I have had it under consideration particularly with reference to those two lines and find a great deal of objection.

Mr. WALSH of Montana. If the Senator objects, I shall ask that the entire section be stricken out.

Mr. REED of Pennsylvania. I would like to have section 62 go out.

Mr. WALSH of Montana. I move that amendment to the amendment.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The READING CLERK. On page 12, strike out lines 13 to 25, inclusive, being all of section 62, subdivisions (a) and (b).

The amendment to the amendment was agreed to.

Mr. LODGE. That leaves the law exactly as it is.

Mr. WALSH of Montana. With reference to that subject.

Mr. LODGE. Certainly.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FISHING SMACK "MARY S. DOLBOW."

The bill (H. R. 6177) for the relief of the owner of the fishing smack *Mary S. Dolbow* was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the claim of the owner of the fishing smack *Mary S. Dolbow* for damages alleged to have been caused by collision between said fishing smack and the U. S. ship *N–1*, on October 3, 1920, at 12 o'clock and 30 minutes a. m., in the Delaware River channel, off Tinicum Island, whereby she became a total loss, may be sued for by the owner of the said fishing smack *Mary S. Dolbow* in the district court of the United States for the district of New Jersey, sitting as a court of admiralty, and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the owner of the said fishing smack *Mary S. Dolbow*, or against the owner of said fishing smack *Mary S. Dolbow* in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OWNERS OF AMERICAN STEAMSHIP "VINDAL."

The bill (H. R. 8214) to compensate the owners of the American steamship *Vindal* for damages and expenses in repairing the said steamship, and to make an appropriation therefor, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Vindal Co. (Inc.), a New York corporation, owner of the American steamship *Vindal*, the sum of $3,295 in full compensation for damages and expenses due to a collision between the United States barges *Washington* and *General Knox* and the said steamship *Vindal* while the said steamship was lying at anchor in the harbor of New York, on Gowanus Flats, off Fifty-second Street, Brooklyn, on the 30th day of October, 1917, at about the hour of 6 o'clock antemeridian.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PENNSYLVANIA RAILROAD CO.

The bill (H. R. 9887) for the relief of the Pennsylvania Railroad Co. was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Pennsylvania Railroad Co., the sum of $285.86, to compensate the said company for damages caused by collision of the Coast Guard cutter *Guthrie* with the Pennsylvania Railroad car float *No. 7*, at Philadelphia, Pa., November 26, 1920.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (H. R. 10287) for the relief of John Calvin Starr was announced as next in order.

Mr. DIAL. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 8086) to prohibit the shipment of filled milk in interstate or foreign commerce was announced as next in order.

Mr. DIAL. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

AMENDMENT OF CIVIL SERVICE ACT.

The bill (S. 4167) to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, in order to extend the benefits of said act to certain employees in the Panama Canal Zone, was announced as next in order.

Mr. SMOOT. Let the bill go over.

Mr. STERLING. Will not the Senator withhold his objection for a moment?

Mr. SMOOT. Very well.

Mr. STERLING. When the bill was reached on a former call of the calendar, objection was made to the last proviso in the bill, it being claimed that the proviso was ambiguous and was not understood. I have here a communication from the Secretary of War in which he incloses a memorandum from the chief of the Washington office of the Panama Canal, which quite fully explains the reasons for the proviso on account of which objection was made to the consideration of the bill. I would like to read a portion of the memorandum, as follows:

The object of the above-quoted proviso is to make sure that these unclassified or excepted American employees do not become classified through the passage of the bill, which might require all future appointments to vacancies to be made through civil service examinations. The bulk of these unclassified employees are skilled workmen and artisans of a wide variety of trades, particularly shipbuilding and repairing trades, railroad operatives, etc. For a period of a little over a year, during the early days of the construction of the Panama Canal, they were all in the classified service and efforts were made to appoint them through civil service examinations. This proved impracticable and would be impracticable in the future for numerous reasons, among which are the following:

"It is necessary to recruit these men in the United States for duty in a tropical region about 2,000 miles away from their homeland. They must be the best skilled workmen in their trades obtainable, and this type can not be readily attracted through civil-service examination, as they are independent and accustomed to securing employment through more direct methods; the sudden and varying requirements of the canal service make it impracticable to wait on the routine of the civil-service examination; they must be selected with a view to their special fitness, physically and by training and experience, for the particular work to which they are to be assigned; it is not usually practicable to foresee the needs of the service sufficiently in advance to hold a civil-service examination," etc.

Other reasons are set forth why the proviso is in the bill. I hope that what I think is an act of justice will be done in extending the provisions of the retirement law to the employees who are American citizens in the Panama Canal Zone.

Mr. SMOOT. The proviso found on page 3 is one the purpose of which I do not fully understand. I understand what the Senator has just read; but I think if we are going to place such employees on the retirement list as other employees of the Government are placed, they ought at least to take the civil-service examination. They should not be placed in any better position than employees of the Government in the United States.

Mr. STERLING. I will say to the Senator that a great number of people working in the Panama Canal Zone are still subject to the civil service. There are specially trained or experienced men whom they want for the particular service, and they want them often in a hurry, according to conditions in the Panama Canal Zone.

Mr. SMOOT. But that is not what the proviso covers.

Mr. STERLING. That is what it is meant to cover.

Mr. SMOOT. The proviso applies to all employees on the Canal Zone. I have no objection to allowing the first part of the bill to pass, but the second proviso I think is an unwise provision. If the Senator will amend by striking out that provision I shall have no objection to the bill at all.

Mr. STERLING. Very well.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. SMOOT. I move to amend by striking out on page 2, beginning in line 9, the proviso down to and including the word "service" in line 14.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 2, after the numerals "1920," in line 9, strike out the remainder of the bill, so as to make the bill read:

Be it enacted, etc., That all employees of the Panama Canal and Panama Railroad Co. on the Isthmus of Panama who are citizens of the United States and whose tenure of employment is not intermittent or of uncertain duration shall be included within the provisions of the civil service retirement act approved May 22, 1920: *Provided*, That the deduction authorized by section 8 of such act from the pay of such employees shall commence on the first of the month succeeding the approval of this act and that the service of such employees between August 1, 1920, and the first of the month succeeding the approval of this act shall be counted for retirement purposes only if the employee shall deposit with the Secretary of the Treasury 2½ per cent of the salary received by him from the Panama Canal or Panama Railroad Co. during that period, plus interest computed as provided in section 11 of said act of May 22, 1920.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STANDARD AMERICAN DREDGING CO.

The bill (H. R. 5475) for the relief of the Standard American Dredging Co. was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, in line 7, to strike out "$3,020.72" and insert in lieu thereof "$4,500," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to the Standard American Dredging Co., owner of the dredge *Long Beach* and pipe line thereto attached, out of any money in the Treasury not otherwise appropriated, the sum of $4,500, or so much thereof as may be necessary to fully reimburse said owner of said dredge and pipe line for damages suffered by its pipe line as a result of a collision with the United States dredge *Chinook* at Astoria, Oreg., May 1, 1916.

Mr. SMOOT. When the bill was up for consideration on a previous occasion I objected to it. The War Department, in submitting a report to the committee, on page 8 of the report, suggested the following provision:

That the Secretary of the Treasury is hereby directed to pay, out of any money in the Treasury not otherwise appropriated, to the Standard American Dredging Co., Seattle, Wash., the sum of $3,020.72 to reimburse that company for damage done to its property May 1, 1916, by the United States dredge *Chinook* (submitted), $3,020.72.

That was the recommendation made by the War Department. The Committee on Claims raised that amount to $4,500, and I would like to have some one explain the reason for the increase.

Mr. SHEPPARD. Mr. President, I desire to say to the Senator that I am familiar with the situation. The Treasury Department allowed an amount covering the actual cost of repairs which the company was compelled to make as a result of the collision. The company submitted a claim for $3,000 additional for rental value, or loss of earnings, while the dredge was being repaired. The Senate committee, after considering the matter, decided to allow the company $1,500 to cover the item of loss of earnings.

Mr. SMOOT. The policy has been to pay the damages in such cases, and there has been no objection to bills of that kind, but if we are going to pay for loss of time in the operation of boats, all that have been paid in the past have not been paid sufficiently, and there is no telling what charges may be made in the future for the loss of time of a boat laid up during the time of its repair. I think it is fair and just to adhere to the practice we have always followed in paying the amount of damages to the boat.

Mr. SHEPPARD. Does the Senator object to the item allowing payment for the damages?

Mr. SMOOT. I shall not object to the payment of $3,020.72. I have no objection to the bill if it carries that amount, but I do object to the payment of $4,500.

Mr. SHEPPARD. The Senator objects to the payment for loss of earnings while the boat was being repaired?

Mr. SMOOT. I do.

Mr. SHEPPARD. Then we can just disagree to the Senate committee amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 3226) for the relief of William J. Ewing was announced as next in order.

Mr. DIAL. Let that bill go over.

The VICE PRESIDENT. The bill will go over.

ROBERT J. KIRK.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3849) for the relief of Robert J. Kirk. It proposes to pay to Robert J. Kirk, of Florence, S. C., $332.50 for service as United States commissioner for the eastern district of South Carolina for the period of July 1 to November 5, 1919.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES D. SHAY.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2002) for the relief of Charles D. Shay, which had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and to insert:

That the Employees' Compensation Commission shall be, and it is hereby, authorized to extend to Charles D. Shay, who received injuries April 7, 1910, without fault or negligence on his part, while in the performance of his duties as locomotive engineer on the Panama Railroad, the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, compensation hereunder to commence from and after the passage of this act.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 1678) for the relief of Edith B. Macon was announced as next in order.

Mr. KING. I ask that the bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 1528) for the relief of Sophie K. Stephens was announced as next in order.

Mr. KING. I ask that the bill go over.

The VICE PRESIDENT. The bill will go over.

Mr. CALDER. Mr. President, will the Senator from Utah permit an explanation of the bill?

Mr. KING. I have read the report on the bill. In my opinion there is no obligation whatever upon the part of the Government to pay the claim involved, and I think an explanation of the bill will simply consume time without changing the result.

The bill (S. 129) to provide for election contests in the Senate of the United States was announced as next in order.

Mr. SPENCER. Let that bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (H. R. 7761) to amend the Revised Statutes of the United States relative to proceedings in contested-election cases was announced as next in order.

Mr. WILLIAMS. I ask that that bill go over.

Mr. SPENCER. I should like to say that that bill applies only to the House of Representatives. It provides for four changes in the existing law, all of which are merely for facilitating House election contests. There is a unanimous report of the committee in favor of it, and I think there can be no objection to it. It is a House bill and does not apply to the Senate, but applies entirely to the House of Representatives.

Mr. WILLIAMS. I have objected to the bill.

The VICE PRESIDENT. There is objection and the bill will go over.

The bill (S. 4283) to authorize the Commissioners of the District of Columbia to require operators of motor vehicles in the District of Columbia to secure a permit, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, that bill is very important and contains some very admirable provisions, but a number of amendments are to be tendered to it. It will take considerable time to consider the bill and I think we shall not be able to dispose of it this morning. I therefore ask that it be passed over.

The VICE PRESIDENT. The bill will be passed over.

NIGHT WORK IN THE POSTAL SERVICE.

The bill (S. 3773) to reduce night work in the Postal Service was announced as next in order.

Mr. DIAL. I ask that the bill go over.

Mr. TOWNSEND. Mr. President, if the Senator from South Carolina will withhold his objection for a moment, I desire to say that I regretfully admit that this bill may be subject to discussion, which would make it impracticable to consider it during the morning hour. I am sorry that that is so, for I believe it is a bill in the interest not only of the employees of the Postal Department who have to work at night but in the interest of economy. I believe that in the end the passage of the bill would reduce night work very materially. I do not imagine how anyone can believe that night work should be compensated for exactly on the same basis as is day work. It is necessary in some instances, I admit, that night work should be performed, but there should be a reasonable compensation either in the form of additional pay or a reduction of the hours of service.

The joint commission on postal affairs has recommended what this bill attempts to do, namely, to reduce the hours of service for a night's work, or for work between 6 o'clock at night and 6 o'clock in the morning.

I admit, as I said in the beginning, that this bill embraces a subject about which there may be some controversy, and, therefore, it can not be considered at this time. I endeavored to bring it up earlier in the session in order that it might be given time for consideration, and had hoped, but vainly, apparently, that we might consider it by unanimous consent.

Mr. LODGE. Mr. President, if the Senator will yield to me for a moment, I desire to say that I think this is a bill that most certainly ought to be passed. I hope something will be done in regard to its subject matter. There ought to be a reduction in night work in the Postal Service. I have looked into this matter more or less, and I am satisfied the passage of this bill would have just the effect the Senator from Michigan has described; that is, that it would reduce the expenses in the end, and would reduce the total amount of night work now required of postal employees. I should think the bill might be passed by unanimous consent. It is not a complicated measure.

The VICE PRESIDENT. Does the Senator from South Carolina insist upon his objection?

Mr. DIAL. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

JOHN H. M'ATEE.

The bill (S. 3942) for the relief of John H. McAtee, was announced as next in order.

Mr. KING. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

Mr. HARRELD subsequently said: Mr. President, I ask unanimous consent to revert to Order of Business 1000, being the bill (S. 3942) for the relief of John H. McAtee.

This is one of those cases where a soldier is seeking to get relief from a charge of desertion. The War Department records show that this man was a prisoner of war at the end of the war, and that was the reason why he was not properly mustered out. The War Department recommends that he be given a discharge, saying that his services were absolutely satisfactory. The record is perfectly clear that he was a prisoner of war, but, inadvertently, not having been mustered out with his command, he was marked as a deserter. I ask the Senator from South Carolina to withdraw his objection to that bill.

Mr. DIAL. Did I understand the Senator to say that the soldier in this case was a prisoner of war?

Mr. HARRELD. Yes.

Mr. DIAL. And that was the reason why he was not mustered out with his command and has been borne on the records as a deserter?

Mr. HARRELD. The War Department reports that he was a prisoner of war and that was the cause of his failure properly to be mustered out.

Mr. DIAL. Under that statement I withdraw the objection. I have not had time to consider the report carefully.

The VICE PRESIDENT. Is there objection to reverting to Order of Business 1000?

There being no objection the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3942) for the relief of John H. McAtee, which was read, as follows:

Be it enacted, etc., That in the administration of the pension laws and laws conferring rights and privileges upon honorably discharged soldiers, their widows and dependent relatives, John H. McAtee, late of Company K, Sixth Regiment Missouri State Militia Volunteer Cavalry, shall be held and considered to have been honorably discharged from the military service of the United States as a member of said organization on the 25th day of April, A. D. 1864: *Provided*, That no back pay, pension, bounty, or other emolument shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 4315) to amend section 2 of the legislative, executive, and judicial appropriation act, approved July 31, 1894, was announced as next in order.

Mr. SMOOT. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3078) to provide for the free transmission through the mails of certain publications for the blind was announced as next in order.

Mr. FRELINGHUYSEN. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3544) to enlarge the powers and duties of the Department of Justice in relation to the repression of prostitution for the protection of the armed forces was announced as next in order.

Mr. KING. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

FRANKLIN GUM.

The bill (S. 2598) for the relief of Franklin Gum was announced as next in order.

The VICE PRESIDENT. The bill has heretofore been read.

Mr. DIAL. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

Mr. ROBINSON. Mr. President, I have examined that bill, and find that it is a case of one who served a full term of enlistment in the Navy and practically served out a term of enlistment in the Army following his service in the Navy. Just at the close of the Civil War he went home very seriously sick, and his mind was impaired. He failed to return to the Army because the war ended, as was the case in a large number of instances. I believe that under those circumstances the bill ought to be passed, and I ask the Senator from South Carolina if he is not willing to let the bill be considered?

Mr. DIAL. Is the bill in the usual form?

Mr. ROBINSON. It is in the usual form.

Mr. DIAL. I understand from the report that he was a deserter.

Mr. ROBINSON. He did not, however, in fact desert. I am convinced from the evidence that he did what a great many other soldiers in both the Confederate and Union Armies did. Military discipline at that time was not so rigid as it now is, and it was not comprehended and appreciated by the soldiers as it now is. As I have said, the man served out a full term of enlistment in the Navy and then served in the Army practically to the end of the war, when he went home and was in a very serious condition. For that reason he was unable to return before the war ended. The charge of desertion was entered against him, but, as a matter of fact, he was not a deserter within the spirit of the law. The War Department could not correct his record for the reason that the record is substantially right.

Mr. DIAL. How long has the bill been pending?

Mr. ROBINSON. I do not know how long the bill has been pending.

Mr. DIAL. Mr. President, I do not look upon these bills to grant pensions to men who served in the Civil War at this late date with any favor. I think that those people have had ample opportunity to establish their status, and the time has now come, in my opinion, when we should undertake to prevent a piling up of names on the pension list. However, I do not wish to be considered unreasonable, and reluctantly I will withdraw the objection to the consideration of the bill. From my hasty reading of the report I understood that the man was a deserter, and it appeared to me that the record, therefore, should be scrutinized very carefully.

The VICE PRESIDENT. The Chair understands the Senator from South Carolina has withdrawn his objection.

Mr. DIAL. I withdraw the objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, Franklin Gum, who was a private in Company A, Forty-eighth Regiment Wisconsin Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged therefrom: *Provided*, That other than as above set forth no bounty, pay, pension, or other emolument shall accrue prior to or by reason of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HOWARD R. GURNEY.

The bill (S. 4333) for the relief of Howard R. Gurney was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on line 5, after the words "sum of," to strike out "$5,000" and insert "$4,391.44," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $4,391.44 to Howard R. Gurney, of Springfield, Mass., as full compensation against the Government for injuries sustained by him when struck by a United States Navy truck in the city of Springfield, Mass., on October 26, 1920.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

E. J. REYNOLDS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4345) for the relief of E. J. Reynolds.

The bill had been reported from the Committee on Claims with an amendment on line 4, after the word "pay," to insert "out of any money in the Treasury not otherwise appropriated," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to E. J. Reynolds the sum of $471.60 for reimbursement for money collected as duty on a carload of print paper received at the port of Ashtabula, Ohio, May 26, 1920.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NOLAN P. BENNER.

The bill (H. R. 3836) for the relief of Nolan P. Benner was announced as next in order.

Mr. KING. Mr. President, reserving the right to object, I should be glad to hear an explanation of the bill.

Mr. REED of Pennsylvania. Mr. President, this bill is intended to reimburse an officer of the Pennsylvania National Guard who was called into the Federal service for the time actually spent by him in the military service of the Government. He was discharged on the records of the War Department at Washington because he was under weight, but the notice of discharge was never communicated to him or to his commanding officer, and he remained in the Army rendering faithful service until he finaly received notice of his discharge six months later. This bill is to pay him for the time he actually spent in the service. There is no question that he did the work.

Mr. KING. Does the bill provide for his reimbursement at the same rate of pay he would have received if actually in the service?

Mr. REED of Pennsylvania. At exactly the same rate.

Mr. KING. I have no objection to the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Second Lieut. Nolan P. Benner, Quartermaster Corps, National Guard of Pennsylvania, the sum of $656.40 for services from August 1, 1917, to December 19, 1917, performed under instructions of commanding general Seventh Division, who under date of July 20, 1917, ordered said Second Lieut. Nolan P. Benner to report to quartermaster State Arsenal, Harrisburg, Pa., where he continued in service until notice of discharge, December 19, 1917. Amount of pay for aforementioned services was disallowed by the Auditor for the War Department because the records failed to show that he was held in service subsequent to July 31, 1917.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 1517) for the relief of Antti Merihelmi was next in order.

Mr. DIAL. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 6134) for the relief of estate of Anne C. Shymer was announced as next in order.

Mr. KING. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 7864) providing for sundry matters affecting the Naval Establishment was announced as next in order.

Mr. KELLOGG. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4245) to provide for the necessary organization of the customs service for an adequate administration and enforcement of the tariff act of 1922, and all other customs revenue laws, was announced as next in order.

Mr. WILLIAMS. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4399) to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes, was announced as next in order.

Mr. WILLIAMS. I ask that that bill go over.

Mr. McNARY. Mr. President, I inquire if objection was made to the consideration of that bill?

The VICE PRESIDENT. Objection was made by the Senator from Mississippi [Mr. WILLIAMS].

The bill (S. 4132) to amend an act entitled "An act to provide further for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to

provide credits for industries and enterprises in the United States necessary or contributory to the prosecution of the war, and to supervise the issuance of securities, and for other purposes," approved April 5, 1918, and for other purposes, was announced as next in order.

Mr. SMOOT. That can not be considered under the five-minute rule, Mr. President.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4425) to authorize appropriations for the relief of certain officers of the Army of the United States was announced as next in order.

Mr. COUZENS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4119) authorizing the erection in the city of Washington of a monument in memory of the faithful colored mammies of the South was announced as next in order.

Mr. COUZENS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4305) granting an increase of pension to certain soldiers of the Mexican War and Civil War and their widows and minor children, widows of the War of 1812, Army nurses, and for other purposes, was announced as next in order.

Mr. KING and Mr. DIAL. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

ATLAS LUMBER CO. AND OTHERS.

The bill (H. R. 3499) for the relief of the Atlas Lumber Co., Babcock & Willcox, Johnson, Jackson & Corning Co., and the C. H. Klein Brick Co. was announced as next in order.

Mr. COUZENS. Let that go over.

Mr. KELLOGG. Mr. President, I wish the Senator who objected to the consideration of that bill would let me make a statement. Bills for the relief of these people have twice passed the Senate but were not reached in the House. This bill passed the House in January. It is to appropriate money which is in the Treasury which was taken from the contractor's price, and the Government has had the use of that money for 10 years, or nearly that time. This bill is simply to appropriate it to pay the claims for material for constructing the building, a Government building. The Government does not lose a cent. There is a unanimous report from the Committee on Claims, and the bill has passed the Senate at two different sessions.

Mr. SMOOT. I will say to the Senator that this is the same bill that was objected to because of the fact that it carried interest, but I see that is excluded now.

Mr. KELLOGG. The interest has been stricken out. It is simply the principal of $5,030; and if the Senate desires I will make a detailed statement of what occurred.

The Federal Government, in the construction of an Indian school in South Dakota, failed to take a bond as the law requires for the protection of the material men who furnished the material. The material men had no right even to inspect the bond and could not bring any suit upon the bond until six months after the Government should bring a suit. The Government deducted over $5,000 from the contractor's price, and has that money; and by reason of the failure of the Government to take a bond in proper form these material men lost the material they had furnished. As the Government loses nothing, and as the passage of this bill has been recommended several times by the Interior Department, I think it ought to pass for the principal sum without any interest.

The VICE PRESIDENT. Is there objection?

Mr. COUZENS. I withdraw my objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RELIEF OF CERTAIN ARMY OFFICERS.

Mr. DIAL. Mr. President, I ask that we revert to Order of Business 1042, Senate bill 4425. The Senator from Michigan [Mr. COUZENS] objected to its consideration.

I desire to state that that is a bill for the relief of two Army officers in a case where their junior, over whom they had no control, stole some money. That junior has been prosecuted and put in the penitentiary. This matter was referred to the War Department, and the Secretary of War reported that the officers ought to have relief. It was referred to the Committee on Claims, and that committee reported unanimously that the bill ought to pass. The Senator from Indiana [Mr. NEW] had it up the other day in the morning hour, and the morning hour expired while it was under discussion.

I want to state, Mr. President, that many bills of this kind pass; in fact, I believe they all pass. I am not asking for a favor. I have objected to the consideration of some bills here, but I did not object to them promiscuously. I read all the reports as well as I could in the time at my disposal, and I have reasons for objecting to every bill to which I have objected. I do not favor now, and I have not favored, and I propose to grow more antagonistic to bills brought up here to appropriate money to pay unliquidated damages; and I hope the Congress of the United States will adopt some business method whereby claims of that character can be adjudicated. If they have rights, I am perfectly willing for them to go to court. That is one character of cases that I objected to, and if anyone will read the reports he will see that there is merit in the objection.

Mr. ROBINSON. Mr. President, I observe from the report of the Committee on Claims in this case that the bill is unqualifiedly approved by the Secretary of War in the following language:

> From a careful review of all the circumstances it is evident that the finance officers in question can not be blamed for negligence in connection with the loss of these funds, and that a great injustice will be done to them unless they are relieved from liability.
>
> It is accordingly recommended that legislation substantially as follows be enacted:

And then follows a draft of a bill which conforms to that now under consideration.

In view of that recommendation of the Secretary of War, it seems that the bill should pass.

Mr. DIAL. That is undoubtedly correct.

Mr. NEW. Mr. President, if the Senator will yield for a moment——

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from Indiana?

Mr. DIAL. I yield to the Senator from Indiana.

Mr. NEW. Just a word with reference to this particular bill. It is for the relief of two Army officers who were charged with the disposal of surplus property down on the border. The Government itself sent them a civilian clerk, for whose selection they had no responsibility and no choice but to take him. That clerk, under regular procedure, received the money that was paid in for those sales, and he absconded with about $12,000 of it and went to Mexico. One of these officers pursued the man into Mexico and actually forced him back over the border and turned him over to the Federal authorities. He was convicted and sent to the State prison for it. The officers had no responsibility, except a theoretical one, for the loss of that property, but unless they are relieved from it the money will have to be taken out of their retired pay, as they have no other income; and I think it would work a great injustice on these men if they are compelled to pay six or seven thousand dollars to the Government.

Mr. KING. Mr. President, will the Senator yield for a question?

Mr. NEW. Certainly.

Mr. KING. We have had a good many cases similar to this and with respect to defalcations in other branches of the Government. Does not the Senator think it would be wise for his committee, or some other appropriate committee, to recommend legislation that would protect the Government from these recurring claims for losses resulting from the defalcations of employees in the Government service?

Mr. NEW. Mr. President, of course, I think that might be wisely done, but it has not been done; and we must act one way or the other upon this case now, in the absence of a general statute. This follows the custom, and the Senator from South Carolina is entirely right in saying that the War Department not only approved it but it suggested the form of this bill.

Mr. DIAL. Now I ask unanimous consent that we consider the bill, if the Senator from Michigan [Mr. COUZENS] will be kind enough to withdraw his objection. I do not want to ask any favors at all—not for a moment. I do not ask any favors for this officer. I simply ask that he be treated like other similar officers.

Mr. McNARY. Mr. President——

Mr. DIAL. I yield to the Senator from Oregon.

Mr. McNARY. I think I can relieve the situation at this time. I shall object to the consideration of this bill until I have ample time to look into the record.

The VICE PRESIDENT. There is objection. The Secretary will state the next bill on the calendar.

ELEPHANT BUTTE IRRIGATION DISTRICT, NEW MEXICO.

The bill (S. 4232) authorizing the Secretary of the Interior to enter into a contract with the Elephant Butte irrigation district of New Mexico and the El Paso County improvement district No. 1, of Texas, for the carrying out of the provisions of the convention between the United States and Mexico, proclaimed January 16, 1907, and providing compensation therefor, was announced as next in order.

Mr. LODGE. Mr. President, I should like to ask the Senator in charge of the bill whether this matter of carrying out the provisions of the convention of January 16, 1907, has been submitted to the State Department?

Mr. McNARY. Mr. President, I should prefer to refer that inquiry to the Senator who introduced the bill.

Mr. BURSUM. What is the question?

Mr. LODGE. I asked whether the bill had been referred to the State Department, or whether the opinion of the State Department had been taken in regard to it. It apparently modifies the convention.

Mr. BURSUM. Mr. President, I will say to the Senator that this bill in no way affects the treaty. It is simply an adjudication of accounts between the Government and the water users under the Elephant Butte Dam.

In 1906 this Government entered into a treaty with Mexico, agreeing to deliver some 60,000 acre-feet of water annually for irrigating lands, in settlement of a claim by Mexico against this Government for some $35,000,000. The entire cost of building this dam was charged to the water users' association in New Mexico and in a portion of Texas. They were credited with the sum of $1,000,000 by reason of this contract with Mexico, upon the basis that the cost of the dam of this project would be $40 per acre. Now it appears that the cost, instead of $40, is $90 an acre, and the Secretary of the Interior has so certified a charge against the water users under that dam. This bill is simply for the purpose of giving credit to the water users in Texas and New Mexico under the dam in the sum of $1,000,000, which is the pro rata amount which is due to them by the Government on account of the contract with Mexico in regard to water furnished by virtue of the treaty.

Mr. LODGE. The only point I desired to make was that I understand this is in accordance with the terms of the convention.

Mr. BURSUM. Absolutely.

Mr. LODGE. It does not modify it at all?

Mr. BURSUM. It has no effect whatever on the convention. It is merely an economic settlement between the water users and the Government.

Mr. LODGE. I have no objection.

Mr. SMOOT. Mr. President, I want to ask the Senator where the $1,000,000 to be credited on that account will be obtained. Is it to be taken out of the fund that is supposed to be returned to the Government of the United States?

Mr. BURSUM. The $1,000,000 will be owing by the water users to the Government.

Mr. SMOOT. Not if it is a credit to the water users. In other words, does this bill provide that $1,000,000 of the amount that is owing to-day to the Government of the United States by the water users shall be forgiven?

Mr. BURSUM. It is not forgiven. It is a credit upon the account which the Government owes. It is an obligation of the Government. The basis of the credit which was given to the water users, in the first instance, was $1,000,000, upon the basis that the cost of the project would be $40 per acre. Now, it turns out that the cost of this project is $90 an acre.

Mr. SMOOT. Every reclamation project that I know anything about in the United States has cost just about that much more than the cost estimated at the beginning.

Mr. BURSUM. All right; but am I to understand that the Government can shrink from paying its proportion for the water which it agreed to deliver to Mexico, and saddle that expense on the water users, who are not benefited thereby, and compel the water users' association to deliver that water in the bed of the river and make it available to the farm owners in the Republic of Mexico? The Government would be saddling its proportion, by reason of its agreement, upon the water users of the Elephant Butte Association. There is no relief to the farmers under this project, none whatever. They are simply given credit for that which belongs to them. In other words, the Government owes the water users on account of the Republic of Mexico $2,000,000, and not $1,000,000.

Mr. SMOOT. Then the Government loses a million dollars.

Mr. BURSUM. It does not lose a dime. The Government pays its proportion of what it agreed to pay on account of the water deliverable to Mexico. The Government profited to the extent of $33,000,000 under this transaction. The Government settled a claim of $35,000,000. The Government apportioned what it believed to be the pro rata of the water users at the time the dam was being constructed and the amount apportioned as the proportion to be assumed by the Government now turns out to be less than one-half of its just proportion.

Mr. WILLIS. Mr. President, I do not like to object to the Senator's bill, but it is evident that this is a very important measure, and that if it is to be disposed of now, we can not consider any of the other bills on the calendar. It is going to lead to a further discussion.

Mr. BURSUM. I submit, Mr. President, there should not be any extended discussion.

Mr. WILLIS. But there is discussion. We have had 10 minutes of it already, and there will be 10 minutes more, and to save time, and to give the Senate time to consider other bills on the calendar, I object.

The VICE PRESIDENT. The bill will be passed over.

ROBERT J. ASHE.

The bill (H. R. 9316) for the relief of Robert J. Ashe was announced as next in order.

Mr. KING. Let it go over.

Mr. NEW. I hope the Senator will withhold his objection.

Mr. KING. I withhold the objection until I hear the Senator's explanation of the bill.

Mr. NEW. I will explain it as briefly as I may. This bill, I think, by all means ought to be passed as an act of simple justice. It is not a pension bill or anything of that kind. This boy, Robert Ashe, was a private soldier, just a boy. In company with two other soldiers he got out one night and went to places where he should not have gone, and admittedly got drunk. Some money disappeared at the time these soldiers were engaged in this nocturnal expedition. Robert Ashe never did admit, but always denied, having taken any of the money. He admitted that he made a mistake in the other respects. He was dishonorably discharged because, in his inexperience, he did not know how to enter a defense. He said he was not guilty, but he did not present a defense.

Afterwards the War Department looked into the case, decided that the boy was not guilty of theft, and that he ought to be given permission to reenlist, but it did not remove the record of a dishonorable discharge. The boy did reenlist. He served until the breaking out of the World War, when the Government permitted him to take a discharge in order that they might commission him, and that they did. He was commissioned a second lieutenant, went into the World War, was promoted to first lieutenancy, then recommended for promotion to a captaincy, but that was not consummated simply because the war ended before it could be done. His commission was a temporary one, of course.

After the close of the war he reenlisted, and he is in the Army now as a master sergeant, with a very splendid military record. This is merely to remove a blemish on a record that is otherwise clear. That boy has certainly redeemed himself, and he is entitled, I think, to the benefit of this action of Congress.

Mr. KING. I agree with the Senator.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Robert J. Ashe, who was a private in Troop G, Fifth Regiment United States Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 21st day of August, 1914: *Provided*, That no pay or other emoluments shall accrue by virtue of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN H. FESENMEYER, ALIAS JOHN WILLS.

The bill (S. 3742) for the relief of John H. Fesenmeyer, alias John Wills, was announced as next in order.

Mr. DIAL. Let that go over.

Mr. McCUMBER. Mr. President, I want to make a little statement; and then if the Senator from South Carolina asks that it go over, very well.

This is a case where a minor, a young boy, enlisted at the very beginning of the war, in 1861, and served for two years. He was then with a company in Maryland, I think. His father lived in New York. He got a message from his family that his father was dying and wanted to see him before he passed away. The boy asked for a furlough, but it was denied. It is true that he then left and went to New York and saw his father for a few days. Action was brought against him for desertion, and the father then instituted an action to relieve him from imprisonment under a writ of habeas corpus, and he was released, he still being a minor. He had then served two years; and, of course, he had the charge of desertion against him, though it was his intention to immediately return.

Having that charge of desertion against him, he immediately enlisted under the name of John Wills and served until the end of the war and received an honorable discharge from his second enlistment. So he served during practically the entire war. This bill is to remove the charge of desertion for the few

days that he was absent at his father's bedside. At the close of the war he was nine months in Libby prison.

If the Senator desires to object, of course I can say nothing further, but I think the charge of desertion ought to be removed when the boy has a record of that kind.

Mr. DIAL. Mr. President, on reading the report I did not get all the facts which the Senator has stated. The Senator makes a very appealing speech. I do not look on these bills with favor, but under all the circumstances I am going to let this one pass. I want to say, however, that I can not see much distinction between trying to do justice to soldiers of the Civil War and trying to do justice to soldiers of the late war.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, on line 9, after the word "no," to insert the words "back pay," and on line 10, after the word "pension" and the comma, to insert the words "bounty, or other allowances," so as to make the bill read:

Be it enacted, etc., That in the administration of the pension laws, John H. Fesenmeyer, alias John Wills, who was a private of Company F, Sixty-fifth Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 15th day of February, 1862: *Provided*, That no back pay, pension, bounty, or other allowances shall accrue prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SALE OF UNITED STATES REAL PROPERTY.

The bill (S. 4216) authorizing the sale of real property no longer required for military purposes was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with amendments. The first amendment was, on page 3, after line 22, to insert:

Tennessee: Park Field, Millington, Tenn., about 16 miles north of Memphis.

Mr. McKELLAR. I will be compelled to object to the bill with that amendment in it, and ask that it may go over.

Mr. REED of Pennsylvania. Will not the Senator from Tennessee permit this item to which he objects to be stricken out and the bill to be passed without that amendment in it?

Mr. McKELLAR. That will be entirely satisfactory.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

The next amendments were, on page 5, beginning with line 21, to strike out that line and all of the bill down to and including line 18, on page 6, and to insert in lieu thereof sections 2 to 8, inclusive, so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to sell or to cause to be sold, either in whole or in two or more parts as he may deem best for the interests of the United States, the several tracts or parcels of real property hereinafter designated, or any interest therein or appurtenant thereto, which said tracts or parcels are no longer needed for military purposes, and to execute and deliver in the name of the United States and in its behalf any and all contracts, conveyances, or other instruments necessary to effectuate such sale.

FIRST CORPS AREA.

Maine: Fort Baldwin, Sabine Head, Popham Beach; Fort Edgecomb, Edgecomb; Fort Knox, opposite town of Bucksport, on the Penobscot River; Fort Machias, Machiasport, about 25 miles west of the Canadian border; Fort McClary, Portsmouth Harbor, opposite Fort Constitution, on Piscataqua River; Fort Popham, Phippsburg, Hunnewells Point, west bank of Kennebec River; St. Georges (Robinsons Point), St. George, eastern side of St. Georges River, Knox County; Sugar Loaf Islands, known as North and South Sugar Loaf Islands, at the entrance to the Kennebec River, near Bath.

New Hampshire: Portsmouth, reservation at, locally known as Sagamore Reservation; Portsmouth gun house.

Massachusetts: Gloucester gun house, Back Street; Salisbury Beach, near mouth of Merrimac River, Salisbury; Fort Standish (old), Saquish Neck, northern entrance to Plymouth Harbor, 4 miles by water from Plymouth.

Rhode Island: Fort Mansfield, Papatree Point, near Watch Hill, Washington County.

Connecticut: Lighthouse Point, East Haven, about 5 miles from New Haven.

SECOND CORPS AREA.

New York: Plumb Island Reservation (often called Plumb Beach), near the eastern border of Sheepshead Bay, being part of the east end of Plumb Island, in the town of Gravesend, Kings County; Fort Tyler, Gardiners Point (Gardiners Island), near Sag Harbor, Long Island Sound, Suffolk County.

THIRD CORPS AREA.

Maryland: Fort Armistead, Hawkins Point, Anne Arundel County; Fort Carroll, Sollers Point Flats, in the Patapsco River, about 4 miles from Baltimore; Fort Foote, Roziers Bluff, Prince Georges County, 8 miles below Washington on left bank of Potomac River.

Virginia: Ferry Point, on the Elizabeth River, Norfolk County; Fort Nelson, on the Elizabeth River near Mosquito Point, in Norfolk County; pumping station reserve, Fort Monroe (Phoebus), about 1 mile from the fort; Fort Powhatan (often called Fort at Hoods), Hoods, south bank of the James River between Wards Creek and Flower de Hundred Creek, in Prince George County; Willoughby Spit Reservation, Willoughby Bay, Norfolk County; Fort Humphreys (approximately 2,000 acres only), on right bank of Potomac River about 20 miles south of Washington.

FOURTH CORPS AREA.

North Carolina: Beacon Island, Ockrakoke Inlet, an entrance to Pamlico Sound, near the mouth of the Neuse River, Carteret County; Fort Macon, Old Topsail Inlet, 2 miles from Beaufort and Morehead City, Carteret County.

South Carolina: Fort Fremont, St. Helena Island, near Fort Royal, Beaufort County; Fort Winyaw, Blythes Point, at the mouth of Sampit Creek or Georgetown River, Georgetown Harbor, in Georgetown district.

Georgia: Americus air intermediate depot and Souther Field, 4 miles north of Americus; Fort Jackson, old (formerly Fort Oglethorpe), Savannah, on west bank of Savannah River, about 1 mile below city; Point Peter, near St. Marys, mouth of St. Marys River, Camden County.

Florida: Chapman Field, near Benson, 14 miles south of Miami; Fort Clinch, on the north end of Amelia Island in Nassau County, 3 miles from Fernandina and 50 miles north of St. Augustine, 500 acres only; balance, 194.5 acres, will be returned to the Department of the Interior; St. Johns Bluff, near Mayport, Duval County.

Louisiana: Fort Livingston, west end of Grand Terre Island, in the parish of Jefferson, at the entrance of Grand Pass to Barataria Bay, 90 miles south of New Orleans; Fort St. Philip, each bank of the Mississippi River, parish of Plaquemines, nearly opposite Fort Jackson, about 70 miles below New Orleans.

FIFTH CORPS AREA.

Kentucky: Camp Knox surplus areas, Stithton.

SEVENTH CORPS AREA.

Missouri and Kansas: Fort Leavenworth Bridge, connecting the Fort Leavenworth Reservation with the Fort Leavenworth timber reserve.

Minnesota: St. Paul Army building, Second and Robert Streets.

EIGHTH CORPS AREA.

Texas: Love Field septic tank site, Hawes, 5 miles north of Dallas.

NINTH CORPS AREA.

Washington: Lagoon Point, opposite Marrowstone Island, on the east side of Admiralty Inlet, in Island County; Nodule Point, on west side of Admiralty Inlet, Jefferson County; Port Madison (Agate Passage), on Agate Passage to Port Orchard, Kitsap County.

Utah: Ogden Observatory, Ogden.

SEC. 2. If any other executive department of the Government of the United States shall require any one or more of the above-mentioned properties, or any part thereof, for the immediate use of such department, the Secretary of War is hereby authorized to transfer to that executive department the property or part thereof which shall be required for said immediate use.

SEC. 3. In the disposal of the aforesaid properties which shall not thus be required by any other executive department the Secretary of War shall in each and every case cause the same to be appraised, either as a whole or in two or more parts, by an appraiser or appraisers to be chosen by him for each tract, and in the making of such appraisal due regard shall be given to the value of any improvements thereon and to the historic interest of any part of said land.

SEC. 4. After such appraisal shall have been made and approved by the Secretary of War, notification of the fact of such appraisal shall be given by the Secretary of War to the governor of the State in which each such tract of land is located, and such State or the county or municipality in which such land is located shall in the order named have the option at any time within six months after the approval of such appraisal to acquire the same, or any part thereof which shall have been separately appraised, upon payment within said period of six months of the appraisal value: *Provided, however*, That the conveyance of said tract of land to such State, county, or municipality shall be upon the condition and limitation that said property shall be limited to use for public-park purposes and upon cessation of such use shall revert to the United States without notice, demand, or action brought.

SEC. 5. Six months after the date of approval of said appraisal, if the option given in section 4 hereof shall not have been completely exercised, the Secretary of War shall sell or cause to be sold each of said properties at public sale, at not less than the appraised value, after advertisement in such manner as may be directed by the Secretary.

SEC. 6. A full report of transfers and sales made under the provisions of this act shall be submitted to Congress by the Secretary of War.

SEC. 7. The expense of appraisal, survey, advertising, and sale shall in each case be paid from the proceeds of the sale, whether made in accordance with section 4 or section 5 of this act, and the net proceeds thereof shall be deposited in the Treasury of the United States to the credit of "Miscellaneous receipts."

SEC. 8. The authority granted by this act shall not repeal any prior legislative authority granted to the Secretary of War to sell or otherwise dispose of lands or property of the United States.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WADSWORTH subsequently said:

Mr. President, this morning while the calendar was being called the Senate passed calendar No. 1054, the bill (S. 4216) authorizing the sale of real property no longer required for military purposes. I was not present in the Senate at the time on account of attendance at a conference on the War Department appropriation bill. Had I been present I would have asked the Senate to amend the bill in one particular before it was passed, by striking out, on page 5, lines 6, 7, and 8, which read as follows:

Missouri and Kansas: Fort Leavenworth Bridge, connecting the Fort Leavenworth Reservation with the Fort Leavenworth timber reserve.

This language should be stricken from the bill because it has reference to a particular piece of property which is being handled in a different way—a way entirely satisfactory to the Government and those interested—under a provision in the War Department appropriation bill which is now in conference.

I therefore move that the votes by which the bill was ordered to a third reading and passed be reconsidered in order that I may move to amend the bill and place it again upon its passage with the amendment.

Mr. McKELLAR. Before the request is put I wish to say to the Senator that the provision contained in a Senate committee amendment providing for the sale of Park Field, Millington, Tenn., was stricken from the bill. The Senator does not want to interfere with that?

Mr. WADSWORTH. Not at all.

Mr. McKELLAR. Then I have no objection to a reconsideration.

The motion to reconsider was agreed to.

Mr. WADSWORTH. I move to amend, on page 5, by striking out lines 6, 7, and 8.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 5 strike out lines 6, 7, and 8, as follows:

Missouri and Kansas: Fort Leavenworth Bridge, connecting the Fort Leavenworth Reservation with the Fort Leavenworth timber reserve.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JACOB MULL.

The bill (S. 2098) for the relief of Jacob Mull was announced as next in order.

Mr. DIAL. Let that go over.

Mr. GOODING. I wish the Senator would withhold his objection for a moment. Mr. Mull is a neighbor of mine in Gooding, Idaho, and is a splendid citizen. I am not ready to believe that he was intentionally a deserter.

He enlisted in Findlay, Ohio, in 1861, when he was but a boy of 16. He served faithfully up until some time in 1863, when he was on a transport on the river going up to Vicksburg with a number of other soldiers, and owing to a storm was put ashore, being instructed not to go beyond a levee about 60 yards from the river. He and a few others of the boys went beyond that levee and he was taken prisoner. He was held prisoner for about six months, and then was exchanged. He reported to his company; he was given transportation and a suit of clothes and sent home, and there the record seems to end as far as Mr. Mull is concerned.

Being a young man, I suppose he did not understand the importance of clearing his record when the war was over. This bill merely provides that his record shall be cleared. He is an old man, 76 years of age, and the last time I saw him he was crippled with rheumatism. I am quite sure this is a worthy case, and I submit that Mr. Mull should be given the benefit of the doubt in this matter. I hope the Senator will not object to the consideration of the bill. I know Mr. Mull very well. He has raised a large family, and he was one of three brothers who volunteered early in 1861. I am sure it is a case of merit.

Mr. DIAL. I can not waive the objection. I ask that the bill may go over.

The VICE PRESIDENT. The bill will be passed over.

THOMAS J. TEMPLE.

The bill (S. 930) for the relief of Thomas J. Temple was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Thomas J. Temple, late of Company K, Thirty-first Regiment Illinois Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 10th day of October, 1865: *Provided*, That no bounty, pay, or allowance shall accrue by virtue of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE MERCHANT MARINE.

The VICE PRESIDENT. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes.

Mr. ROBINSON. Mr. President, I desire to submit to the Senator from Washington [Mr. JONES] and to the Senator from Kansas [Mr. CURTIS] a suggestion. It is perfectly apparent that if the bills remaining on the calendar are to be considered during the present session, consideration must be very quickly given to them. If Senate bills are to reach the House and have any attention there, they should be acted upon immediately by this body. Under the agreement which was entered into on Saturday a large number of bills, some of which have been pending on the calendar for some time, have not been reached, and unless an arrangement to proceed with the consideration of the calendar be effected it seems to me there is quite a probability that those measures will not be reached during the present session.

I have no interest in the matter except to see that the work which has been done by the respective committees of the Senate in considering and reporting the bills may not be lost or prove to have been in vain and the committees during the next Congress be compelled to perform the same services with respect to those measures. I think that the bills which are near the bottom of the calendar ought to have at least one chance for consideration as unobjected bills under Rule VIII.

In view of the fact that the end of the session is approaching and the business of the Senate constantly becomes more and more congested, and that under the circumstances now confronting us there is quite a likelihood that no opportunity to act on bills on the calendar will hereafter be had, I suggest to Senators the advisability of proceeding for a time with unobjected bills on the calendar, so that if possible the whole calendar may be sounded. Under the arrangement I suggest it is within the power of any Senator to object at any time and thus compel speedy action by the Senate, the purpose being to consider only those bills against which no objection will be urged.

I therefore suggest to the Senator from Washington that an arrangement be made to proceed, for a limited time at least, with the consideration of unobjected bills on the calendar under Rule VIII.

Mr. JONES of Washington. Mr. President, I would like to see the bills on the calendar taken care of, and I am going to suggest an arrangement under which I think they can be taken care of, and which seems to be entirely reasonable. I am going to ask unanimous consent that when the Senate close its business to-day it adjourn until 10 o'clock in the morning, the morning hour to-morrow, so far as may be necessary, after routine business is disposed of, to be devoted to the consideration of unobjected bills on the calendar, beginning with the number where we left off to-day. It seems to me that that request is very reasonable. Senators ought to be willing to come here at that time in the morning in order to dispose of measures remaining on the calendar.

Mr. ROBINSON. Will the Senator indicate about what time it is expected the Senate may conclude its labors to-day?

Mr. JONES of Washington. I think I shall not ask the Senate to remain here longer than 10 or half past 10 to-night.

Mr. ROBINSON. Of course the Senator understands that if the Senate remains in session until 10 o'clock to-night it will probably be difficult to secure the attendance of a quorum by 10 o'clock in the morning, and that the very condition which I am seeking to avoid would probably arise.

Mr. JONES of Washington. I thought I was very liberal in making the suggestion.

Mr. ROBINSON. Many Senators have bills on the calendar that ought to be considered. I myself, however, am not going to object to the proposal of the Senator from Washington.

Mr. FLETCHER. Mr. President, does not the Senator believe that 11 o'clock is about as soon as we can get the Senate together?

Mr. ROBINSON. I think so.

Mr. FLETCHER. If we meet at 10 o'clock we would lose at least half an hour in getting a quorum.

Mr. ROBINSON. That has always been the experience of the Senate. I suggest to the Senator from Washington that he modify his request and make the hour of meeting 11.

Mr. JONES of Washington. I can not do it. I had no idea of humor when I made the proposition. It was made in all seriousness. When I suggested that we would probably quit at 10 o'clock to-night, it was suggested in all seriousness because I had in mind running longer than that. It seems to me that the proposition I have made is extremely liberal and reasonable under all the circumstances.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. JONES of Washington. I yield.

Mr. NORRIS. I want to suggest to the Senator from Washington what I believe to be an impractical thing in his proposition. I do not know how it may be with other committees, but I have been trying for two weeks to get together a quorum of the Committee on Agriculture and Forestry, but the meeting

of the Senate at 11 o'clock has to a great extent prevented that being done. There is a meeting to be held to-morrow at 10.30 o'clock by that committee, at which we are going to try to get a quorum to pass on one or two bills. One of them is a House bill to which I believe there is no objection. Almost the entire country is for it, and it is quite an important measure. The consumers of the country particularly are anxious to get it. We will probably be able to-morrow to report the bill to the Senate. If reported, I think it will be passed unanimously, but we will not be able to do that if the Senate meets at 10 o'clock. I do not like to object to the Senator's proposition, but it does not seem to me that in order to get the ship subsidy bill passed and put on the statute books we should surrender everything else on earth.

Mr. JONES of Washington. I do not think anyone has surrendered very much thus far. I have been in a committee meeting this morning since 10 o'clock. Every morning for a week I have been in a committee meeting at 10 o'clock. Some of the bills on the calendar are bills in which I am interested, and there are others in which I am not specially interested, but I feel satisfied that there will be Senators on the floor who will see that the merits of the bills are considered and that those which are not meritorious will not be passed. So Senators who want to meet with committees while bills are being considered on the floor it seems to me are suffering no hardship if the Senate meets at 10 o'clock. I submit the request.

Mr. McCUMBER. Mr. President, in addition to what has been said by the Senator from Arkansas and the Senator from Nebraska, I think that the Senator from Washington could well let an hour go by in the morning and meet at 11. There is a meeting of the Committee on Finance to-morrow at half past 10. We can get through by 11 o'clock. The meeting has already been called. I assume that if the Senate should meet at 10 o'clock it would take at least half an hour before we could get a quorum. I believe we would not be losing time and we would accommodate a great many Senators, especially those who have committee meetings, if the Senator would fix 11 o'clock to-morrow as the time for meeting. I hope he will do so. Of course, if not, we shall have to cancel our committee engagements.

Mr. JONES of Washington. I am willing to fix 11 o'clock for the time of meeting if it may be unanimously agreed that the morning hour shall close at 12 o'clock.

Mr. McCUMBER and others. Oh, no; let us meet at 11.

Mr. BURSUM. Let us make it 11 o'clock.

Mr. JONES of Washington. I submit my unanimous-consent request.

The VICE PRESIDENT. Is there objection to the unanimous-consent request submitted by the Senator from Washington?

Mr. DIAL. Mr. President, the Senator from Washington is so persuasive and so clever that I would agree to almost any request he made; but he asks us to meet at 10 o'clock in the morning. After laboring here from 10 o'clock in the morning until 10 o'clock at night, that is a little more of a task than I am prepared to perform, and, therefore, I object.

The VICE PRESIDENT. Objection is made.

FILLED MILK.

Mr. LADD. Mr. President, I move that the Senate proceed to the consideration of Order of Business 963, the bill (H. R. 8086) to prohibit the shipment of filled milk in interstate or foreign commerce. I regret to be obliged to make this motion, but the bill has been on the calendar for some time and it has been objected to whenever it has been reached during the morning hour. On two or three occasions Senators have stated that at another time there would be no objection to taking up the bill, but there has always been some objection. However, Senators know the condition in which the business of the Senate is now, and while I regret very much to do so under those conditions, yet I feel obliged to move to take up the bill at this time.

The bill is known as the filled milk bill. Eleven States have passed such a measure prohibiting the manufacture and sale of filled milk. Within the past few days the Legislature of the State of Washington, I am informed, has enacted a law prohibiting the manufacture and sale of filled milk within the State of Washington. Wisconsin, which is one of the largest filled-milk producing States, has also passed a law prohibiting its manufacture, and the courts have sustained the law. There is a similar measure before the Legislature of Indiana to prohibit the manufacture and sale of filled milk within the State.

The committee reports that H. R. 8086 be passed as it came from the House with two slight amendments. It developed in the hearings that the bill as it passed the House might possibly be considered as affecting the sale of certain other infant foods or preparations. In order that there might be no question on this point a slight amendment was made clearly exempting these particular foods. Another slight amendment was for the purpose of clarification of the meaning; otherwise the bill is the same as it passed the House—passed the House by a vote of 256 to 40.

The bill which I have moved to take up passed the House in May, 1922, and came to the Senate. In July and August, 1922, very extensive hearings were held and the matter came up at the beginning of the present session of Congress, and early in January the bill was placed on the calendar. It was reported out of the committee without objection on the part of any of the 12 members present, and I feel that it should at this time come up and be disposed of. It has the indorsement of a large number of the leading organizations of the country.

The American Farm Bureau Federation, at their annual convention held in Chicago in November, passed the following resolution:

We urge immediate action by the United States Senate on the Voigt bill, H. R. 8086, as already passed by the House of Representatives. We would also urge that the various State farm bureaus get back of filled-milk legislation in their several States to supplement the pending national law.

Again the Farmers' National Council of Cooperative Marketing Associations, at their annual meeting, under date of December 16, 1922, passed the following resolution:

In recent years there has appeared on the market compounds made of skimmed milk and coconut oil which look, taste, and smell like genuine evaporated whole milk and can not be readily detected from whole evaporated milk except by a chemical analysis. Some of the world's greatest authorities on nutrition have denounced those compounds as being harmful to children and generally injurious to the public health. We, therefore, urge the passage in this session of the Congress by the Senate of the House bill H. R. 8086, intended to prohibit the manufacture of such compounds within the possessions of the United States and their movements in interstate and foreign commerce.

The National Grange, in their legislative program item No. 20, have the following with regard to filled milk:

The National Grange urges the speedy passage of the Voigt bill to relieve the great dairy interests of the country from the depressing effect of the fraudulent product known as filled milk and protecting the health of the consumers, particularly the children, from this adulterated food.

I submit also copy of a letter written by Senator CUMMINS not only indorsing the bill but declaring, in his judgment, that the same is sound constitutionally:

DES MOINES, IOWA, *November 9, 1922.*

Mr. W. A. WENTWORTH, *Secretary,*
704 Iowa National Bank Building, Des Moines, Iowa.

DEAR MR. WENTWORTH: I have your letter of the 7th instant inclosing one from Professor Nelson respecting the filled milk bill now pending in Congress. Since my talk with Commissioner Clark, Mr. Barney, and yourself a few days ago I have given some attention to this subject. I am thoroughly convinced that the best interest of the people of the country will be served by prohibiting the manufacture and sale of filled milk. My only doubt with regard to the matter has been respecting the constitutionality of the bill, which forbids the transportation of this commodity from one State to another. After going carefully through the record with respect to the injurious effects of the use of filled milk, and after examining the authorities with much care, I have reached the conclusion that this bill is sound constitutionally, and therefore I shall give it my hearty support.

I return the papers that you left with me.

Yours cordially, ALBERT B. CUMMINS.

A letter from the president of the Farmers' Educational & Cooperative Union of America, Oklahoma City, Okla., under date of December 28, 1922, follows:

Senator E. LADD,
Washington, D. C.

DEAR FRIEND: The farmers of Oklahoma are very much interested in the passage of the Voigt antifilled milk bill. I hope to hear that this bill is making progress and that it gets a favorable report from the Senate committee.

Yours very truly, JOHN A. SIMPSON, *President.*

The following telegram from Washington State carries the indorsement of Grays Harbor Farm Bureau, Grays Harbor Dairymen's Association, Montesano Chamber of Commerce, and Aberdeen Chamber of Commerce:

Please do your utmost to get Voigt bill (antifilled milk bill) out of Senate committee at once. This is of the greatest importance to dairying and agriculture. We are asking our Senators to support this bill.

Also, from the secretary of the State Dairymen's Association of North Dakota:

Believing our interests will be protected by passage of Voigt bill this session, urge you request Senator MCKINLEY to sign favorable report.

The following telegram from the secretary of the Iowa Dairy Council:

Am advised delay on Voigt bill in subcommittee. You realize importance passage this bill to dairy industry and public welfare. Dairy people of Iowa whom I represent urge that you assume leadership in getting this bill out of committee and passed by Senate quickly.

The following telegram from E. L. Harrison, State president of 20,000 farmers' union members of Kentucky:

May we ask your cooperation in getting immediate report out of Senate committee of Voigt antifilled milk bill? The passage of this bill is of vital importance to and will be appreciated by 20,000 farmers' union members of Kentucky.

The New York Rensselaer County Pomona send the following telegram:

Meeting Rensselaer County Pomona to-day at Hoosick unanimously insist upon prompt passage of Voigt filled milk bill; eight granges, represented by 200 members. Dairymen of entire county thoroughly aroused over delay in Senate and request your support of bill.

Telegram from the president of the Iowa State Guernsey Breeders' Association:

Feeling that the best interests of the thoroughbred breeders of dairy cattle and the milk producers can best be represented in the passage of the bill known as the Voigt filled milk bill, we earnestly request that you use your influence in getting this bill before the Senate and passed.

Telegram from Iowa Dairy Association:

Iowa dairy cattle breeders desire to see the Voigt filled milk bill prohibiting interstate movement of the product filled milk passed by Senate. Passage of bill important. We urge you do all in your power to see that bill is reported from Agricultural Committee to Senate floor.

Telegram from the Cooperative Milk Producers' Association of Dayton, Ohio:

Three thousand milk producers, members of the Miami Valley Cooperative Milk Producers' Association, urge you to support favorable report by committee on Voigt bill, H. R. 8086.

Telegram from master New York State Grange:

Passage Voigt filled milk bill at this session of Congress vital to dairy industry; dairymen New York State unanimous in demand for its immediate passage, both from standpoint of unfair competition with pure dairy products and as pure food measure in protection of health, particularly children.

Telegram from Utica Milk Local:

Our Utica Milk Local earnestly request that Voigt bill be reported out of committee. This bill will stop a flagrant, fraudulent practice in the United States, and one which does a great deal of harm and no good. It injures the foundation of one of the most important industries of the American farmer.

Telegram from Ohio State Dairy Committee:

As secretary of our State dairy committee, I am asked to request favorable action on your part on Voigt bill (H. R. 8086) now in hands of your committee. Please notify us of your action on this bill.

The following telegram from the secretary of the Ohio Farm Bureau Federation:

Ohio Farm Bureau Federation urgently requests you to support favorable action by your committee on Voigt bill (H. R. 8086). Please let us know your stand on this bill.

Telegram from master State Grange of Seattle, Wash.:

Farmers are inquiring every day why we can not do something toward pushing enactment of Voigt milk bill. The manufacture and sale of this product is so potently based upon deception that it is hard for us to understand what reasons can be causing the delay.

Telegram from the State Dairymen's Association of Nebraska:

Nebraska Dairymen's Association urgently asks that Voigt bill be reported out at your earliest convenience.

New Jersey farmerz favor filled milk bill:

New Jersey farmers look to you for assistance in obtaining early favorable reports on the Voigt filled milk bill.

Farmers' Union of Nebraska indorse bill:

Farmers' Union of Nebraska desire that you use all honorable means to have the Voigt antifilled milk bill reported out of the Senate committee. Thank you.

Onondaga County Grange, State of New York, support bill:

As grange deputy of Onondaga County, State of New York, representing 4,500 men and women, I urge you in their behalf to support the Voigt filled milk bill. M. A. Terpening.

Milk producers organizations of Pennsylvania behind bill:

Milk producers organization of Lancaster County, Pa., request immediate favorable report committee on Voigt bill (H. R. 8086) and ask its prompt passage Senate.

Telegram from Everett, Wash.:

Dairymen vitally interested in Voigt bill now in your committee. House of Representatives passed bill by large majority, to satisfaction of dairymen; 1,500 dairymen in Snohomish County, Wash., request report on bill from your committee and expect favorable action for passage.

Maryland milk producers indorse Voigt bill:

Over 2,000 members Milk Producers' Association, Cecil County, Md., urge immediate favorable report Agricultural Committee on Voigt bill (H. R. 8086) and also its prompt passage.

Delaware Milk Producers' Association urge passage:

Our organization, representing producers of milk in the State of Delaware, urge immediate favorable report Committee on Agriculture on Voigt bill (H. R. 8086) and prompt favorable action by the Senate.

New Jersey Milk Producers' Association urge passage:

One thousand seven hundred members Milk Producers' Association, New Jersey, urge immediate favorable report Voigt bill (H. R. 8086) and also its passage Senate.

Dairymen's League Cooperative Association, Utica, N. Y., urge passage of bill:

Vital to dairy industry Voigt filled milk bill be passed at this session of Congress, in view of fact that filled milk is unfair competition with pure dairy products, also as pure-food measure for protection of health, particularly children; dairymen unanimous urging bill be reported out without further delay.

Connecticut Milk Producers' Association indorse bill:

The dairymen of Connecticut beg your assistance for an early and favorable report on the Voigt filled milk bill. Our industry and the consuming public both need it badly.

Allegany County farmers, New York, back bill:

The organized farmers of Allegany County ask you to use your influence to have the Ladd bill reported out at once so action can be secured this session.

New York Farm Bureau Federation indorses bill:

New York Farm Bureau Federation asks that Voigt bill be immediately reported out of committee; of great importance not alone to dairy industry but public health as well.

Six hundred Grangers want law:

Rosehill Grange, of Waterloo, N. Y., with a membership of 600, goes on record as favoring the enactment of the Voigt filled-milk bill. Your efforts in this matter will be greatly appreciated.

Five thousand Grangers, Wayne County, N. Y., want bill passed:

Five thousand Wayne County Grangers urge passage of Voigt filled-milk bill.

St. Paul, Minn., Milk Producers' Association indorses bill:

Respectfully request that you use every effort to get Voigt bill out of committee at once. Our farmers all greatly interested in this bill. Have started action for State legislation along same line and feel we must have your active support now.

Iowa creamery favors bill:

The farmers of our locality to a man are in favor of the Voigt bill. We believe for the interest of the farmers of the common West you should see that this bill passes the Senate.

Iowa State Butter Makers' Association approves bill:

The Iowa Butter Makers' Association, by their secretary, do hereby ask you to use your good influence to secure a favorable report from the subcommittee of the Committee on Agriculture now considering Voigt bill (H. R. 8086). The dairy interests of Iowa are at stake and we pray for immediate action.

The Nebraska Creamery Butter Manufacturers' Association, through its secretary, indorses the bill. The secretary of that association writes as follows:

DECEMBER 19, 1922.

Hon. E. F. LADD,
Senate Office Building, Washington, D. C.

DEAR SENATOR LADD: As secretary of the Nebraska Creamery Association I am writing you pertaining to the Voigt bill which, as you know, was most favorably acted upon by the House last spring. I am sure that 95 per cent of your constituents are favorable to this measure. It is a truly constructive bill and one which the farmers of this country, as well as those who believe in pure foods, are greatly interested in. Thanking you for what you can do, I remain,

Very truly yours,

A. L. HAECKER, *Secretary.*

Mr. President, I might add some 50 other telegrams from various parts of the country which I have since received, all indorsing the filled milk bill and urging its early passage as a means of protecting the dairy interests of this country as well as the health of the babies and children, which means a stronger manhood in the years to come.

Mr. FLETCHER. Mr. President, may I interrupt the Senator.

The PRESIDING OFFICER (Mr. MCNARY in the chair). Does the Senator from North Dakota yield to the Senator from Florida?

Mr. LADD. I yield.

Mr. FLETCHER. Not being a member of the committee, I am not advised as to what material is used to make what is called filled milk, and am not familiar with the ingredients which compose that product. I should like to inquire why they are deleterious or harmful and injurious to health? I think the bill declares filled milk is injurious to health and condemns it very strongly. I inquire what is meant by filled milk? I should like to have the Senator explain that.

Mr. LADD. Mr. President, filled milk is a product made from skimmed milk. The butter fat is taken out of the milk, then it is replaced with coconut oil, the product produced is evaporated to the same consistency as evaporated milk, and sold very frequently under the label of evaporated milk or as milk. Filled milk is largely used as milk; it is being exported abroad as condensed or evaporated milk. It is doing exactly for our evaporated and condensed milk business what the filled cheese and the skim-milk cheese did in the eighties and nineties in this country, namely, destroying our dairy industry.

The product is injurious because the coconut oil does not contain the same constituents that are contained in the butter fat of milk, which contain what are known as vitamines, the

lack of which in the filled-milk product retards growths and produces eye trouble. There are various other vitamines; some five, I think, have now been discovered; none of these are in the filled milk but one of the most important of these is found in milk. The only source from which the child may receive this vitamine is through milk. When butter fat has been removed from milk, the vitamines have been largely taken away and there has been substituted in their place a cheap oriental oil devoid of vitamines. Filled milk is, therefore, injurious to health because of the absence of the vitamines and because it has not the same nutritive constituents as has butter fat. Yet I think it is sold in most cases as milk. Here in this city, I am informed, 156 line grocery stores sold it at the same price for which they sold evaporated milk. The average person does not know that.

With regard to these vitamines, more especially the ones in whole milk, the evidence was given before both House and Senate by leading experts in this country. I am confident that there are few, if any, abler investigators in this particular field of industry than Doctor McCollum, of the Johns Hopkins University, who appeared before the committee. He said:

I say the evidence clearly indicates that there are certain vitamines in some food products, and if any of these are absent from the diet certain nutritional difficulties are bound to arise. (Senate hearings, pp. 22 to 25.)

One of these vitamines, known as vitamine A, is found associated with milk fat, and when this butter fat is removed from the milk, the skimmed milk is nearly devoid of vitamines, while vegetable oils contain none of these vitamines. Therefore this substitute—vegetable oil—for butter fat in milk means to deprive the individual of this particular vitamine, and unless it is furnished from some other source nutritional difficulties are bound to arise, as experiments have indicated and the child receiving only milk will be deprived of this vitamine, which seriously affects the normal development of the individual and is particularly characteristic of eye troubles.

Doctor McCollum showed experiments where two animals, rats, were fed identically the same, as far as diet was concerned, with the exception that one received 10 per cent of its diet of whole milk powder. This animal maintained a healthy condition, while the one deprived of the milk powder was abnormal and failed to develop.

Another experiment, identically the same, with the exception that one set received a portion of filled milk while the other received an equal portion of evaporated milk. The two receiving the filled milk containing coconut oil failed to develop, and one receiving the coconut oil died after a short time, while the others remained normal.

In 1920 there was produced in the United States 85,000,000 pounds of filled milk, sold mostly in 1-pound containers. From the milk that produces this filled milk there had been extracted from 7,000,000 to 8,000,000 pounds of butter fat, and substituted in place of the same from 7,000,000 to 8,000,000 pounds of a cheap oriental oil—coconut oil—costing from 8 to 10 cents per pound, and when manufactured not to exceed in the filled milk 12 cents per pound.

This product is sold in competition with condensed or evaporated milk, wherein butter fat is costing from 40 to 45 cents per pound. The production of this amount of butter fat would mean the replacing of approximately 40,000 cows from the American dairymen. (House hearings, p. 174.) The evidence showed that the price at which filled milk is retailed is usually the same as that charged for evaporated milk. Doctor Larson, of the Bureau of Chemistry, Department of Agriculture (House hearings, p. 113), stated that there were a series of chain stores in Washington, and that the manager of 156 of these stores stated that he sells filled milk at 10 cents per can for the large cans, the same as charged for evaporated milk.

(House hearings, p. 169.) It is stated that one of these filled milks in New Hampshire was retailing at 17 cents, and that those who purchased this product—Carolene—thought they were securing full evaporated milk, and were amazed when they found it was not evaporated milk.

It was claimed (House hearings, p. 127) that while the wholesale price in most cases of this filled milk was $3.50 a case, the price of standard brands of evaporated milk was $5 a case. This means, then, that the middlemen or retailers are receiving an undue profit, or as one of the witnesses stated: "If the retailers are selling it at the same price here in Washington they are profiteering."

In this country we produce approximately 1,500,000,000 pounds of evaporated milk, and in 1920 we were producing 85,000,000 pounds of this filled milk.

In the House hearings, page 88, it developed that the cost of production entering into the manufacture of 48 cans of filled milk was: For skimmed milk 36 cents, and 45 cents for coconut oil, or a total cost for the ingredients in the 48 cans of 81 cents. That is, the contents of these cans therefore cost a little less than 2 cents per can, while the can cost approximately 1 cent each, a gain by the substitution of coconut oil. In Chicago evaporated milk in carload lots sold at $5 per case—48 cans—while filled milk sold at $3.60.

Fanciful names are placed on the labels, and at times it is sold under a trade name so as not to come in conflict with the law, while in other places it is labeled and sold as condensed or evaporated milk.

Mr. FLETCHER. Is the coconut oil all imported?

Mr. LADD. The coconut oriental oil is all imported. It displaces an equal amount of our own products. It displaces the butter fat and is injuring the dairy interests very largely. Coconut oil is produced with cheap labor in oriental countries and brought in here at from 7 to 10 cents a pound to compete with butter fat costing around 40 cents a pound. There is no opportunity for competition; there is no opportunity for the dairyman to compete with it; and unless its manufacture is prohibited in this country, the dairy industry will be largely destroyed.

Mr. FLETCHER. May I ask the Senator if cottonseed oil or peanut oil are used in making so-called filled milk?

Mr. LADD. They are not. No oils of that character can be used, because their flavor and other properties make it impossible to use them satisfactorily. There must be used an oil that is entirely bland, so that it can not be detected in milk. Cottonseed oil would give a taste and flavor that would be objectionable.

Filled milk, therefore, is coming in competition with our dairy products. It is a cheap product that is sold just sufficiently below the price of the real milk article as to induce the public to buy it. It is not helping the people of this country, but is going to destroy the dairy interest.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Kentucky?

Mr. LADD. I do.

Mr. STANLEY. If I correctly understand the Senator, the use of coconut oil in substitution for butter fat in the production of this commodity gives a product that is less nutritious than condensed milk made from the whole milk?

Mr. LADD. Yes; because the coconut oil has not the same food value.

Mr. STANLEY. Exactly; coconut oil has not the same nutritive qualities as has milk?

Mr. LADD. It has not the same nutritive qualities as has milk. In the skimmed milk used as a basis there is introduced a cheap oil that has not the same nutritious and food value and which can not take the place of milk for the young growing child who depends wholly on milk for its source of food and for the vitamines so necessary for growth and health. Therefore the filled product is injurious to the public health.

FILLED MILK CONDEMNED.

In a bulletin of the Wisconsin experiment station, appearing in the Senate hearings, page 244, it is stated that—

The use of "filled" milk for infant feeding is intolerable and should be prohibited by law, since many mothers of limited means do not know the dangers of filled milk they are bound to use it when available. In the interest of public welfare, it is desirable to entirely prevent its sale and manufacture.

Doctor Alsberg, formerly head of the Bureau of Chemistry, now of the Leland Stanford University, California, in a letter dated June 3, 1921 (Senate hearings, p. 225), said:

A milk product in which the natural butter fat has been substituted wholly or in part by vegetable oil or fat such as coconut oil does not have the same nutritive value as one in which no such substitution has been made in which there are valuable vitamines, while coconut oil contains little or none of this vitamine.

Doctor Goldberger, medical officer, United States Health Service (Senate hearings, p. 266), speaking with regard to filled milk, says:

The reason, or probably the principal reason, why it would not serve exactly the same purpose as natural milk is that the first step of preparation of skimmed milk in removing the butter removes a certain food essential, named a vitamine, vitamine A, and the addition of the vegetable fat does not replace this element, although it replaces the fat and the caloric value; and, secondly, food so constituted is, by comparison with an equivalent amount of milk, poorer in this dietary essential of vitatime A, and it is a dietary essential that is quite important, particularly important in young children and infants whose diet is naturally a restricted one and is likely to be restricted entirely to milk, and in such instances it would be necessary to add some other source of this vitamine in order to make the diet of a child complete. Without this other addition, the nutrition of the child would be likely to suffer.

Mr. STANLEY. Mr. President, will the Senator pardon a further interruption?

Mr. LADD. Certainly.

Mr. STANLEY. I thoroughly understand that filled milk, being made from coconut oil or containing coconut oil and other ingredients, is not as nutritious as if it contained butter

fat; but what I was trying to get at was whether filled milk made by the use of coconut or other vegetable oils was possibly injurious as a food product.

Mr. LADD. Doctor McCollum, of Johns Hopkins University, formerly of Wisconsin University, whom I consider in his particular field one of the ablest nutrition investigators in America, states that it is positively injurious, especially to the child.

Mr. STANLEY. Is it positively injurious to people generally?

Mr. LADD. Not to grown people, for they can get the vitamines from some other source.

Mr. STANLEY. It is injurious, then, because it does not supply the food values that are essential to the child?

Mr. LADD. That is correct.

The evidence before the Senate—page 7—shows deception in labeling. On one of these filled milks it is stated:

Nutro is prepared in rich dairying sections of Indiana and Wisconsin; is made from fresh pure cow's milk with the butter fat extracted and refined coconut oil added.

Again, they say:

Nutro is a delicious and nutritious new milk product.

In one of their advertisements they state:

It is prepared in the rich dairying districts of Wisconsin and Indiana and made of pure rich cow's milk with the animal fats extracted.

They further add:

And essential food values replaced by a refined, rich, sweet, pure, vegetable coconut oil.

Thus giving the impression that there is something in milk—the animal fat—that has been removed that may be deleterious. They further claim:

Nutro is pure, delicious, wholesome. It is prepared in model dairies from pure cow's milk, evaporated to double strength.

In the Senate hearings, page 12, it is clearly set forth that dealers keep the product on the same shelves with condensed and evaporated milk, frequently sell it at the same price, although it costs considerably less, and, according to the testimony, claim that the product is equally as good. One dealer said:

It is good. We sell more Hebe than any other; better for puddings than fresh milk; just as good as the other.

Another said:

It was certified by the board of health.

Which it is not. Another said:

I sell very much, and people give it to children.

Another said:

Of course it is good for children.

Another:

It is as good as the other; it is good for children.

Another said:

It is as good as the other, and I recommend it for children.

In the House hearings, page 168, it was stated that—

Borden's condensed milk and Hebe they charge the same as for evaporated milk—10 cents. When asked the question, "Which is better for house use?" four stores stated, "One is just as good as the other."

I will name now some of the States that prohibit the manufacture or sale of this product within the State:

New Jersey prohibits the manufacture and sale of condensed or evaporated milk to which have been added, blended, or compounded any fats or oils other than milk fats.

New York prohibits the manufacture and sale of condensed evaporated milk, and so forth, to which have been added any fats or oils other than milk fats in semblance of milk or condensed milk.

Wisconsin, Florida, Maryland, Ohio, California, Oregon, and Utah prohibit it; and, as I have said, Washington has just passed a law prohibiting it; and Washington, I believe, is the second largest State for its manufacture.

STATE LAWS.

(Senate hearings, p. 253.)

New Jersey prohibits the manufacture and sale of condensed or evaporated milk to which has been added, blended, or compounded any fats or oils other than milk fats.

New York prohibits the manufacture and sale of condensed or evaporated milk, etc., to which has been added any fats or oils other than milk fats in semblance of milk or condensed milk.

Wisconsin prohibits the manufacture or sale of condensed or evaporated milk or any other derivatives of milk to which has been added any fat or oil other than milk fat.

Florida prohibits the manufacture or sale of condensed or evaporated milk which is not made of pure milk from which no part of the cream has been removed and which does not contain specified percentages of milk solids and butter fat.

Maryland laws prohibit the manufacture or sale of condensed, evaporated, or preserved milk which is not manufactured from pure milk from which no part of the cream has been removed and which does not have certain high specified percentages of milk solids and butter fat.

Ohio prohibits the manufacture or sale of condensed milk which is not made from whole milk and which does not have a solid content equivalent to 12 per cent in whole milk and a butter-fat content equivalent to 3 per cent.

California: Imitation milk is defined to be any mixture or compound made of milk, skimmed milk, or any semblance thereof to which has been added any edible oil or fat other than natural milk fat.

Oregon places substantially the same restrictions upon the manufacture and use of milk as California.

Utah essentially the same.

They recognize that while it is injurious, it is worse than that, in that it is destroying the dairy interests of the State of Washington, as it was destroying the dairy interests of the State of Wisconsin, and that in a few years they will be in the same condition as was this country with filled cheese when there was no foreign market for American cheese.

During the eighties and early nineties skimmed-milk cheese was largely made, and filled cheese came later to be a prominent feature, and these products exported abroad practically ruined the American cheese industry, so much so that American cheese of the best quality had to be shipped from Montreal as Canadian cheese in order to find a market abroad.

FILLED MILK EXPORTED.

The New York Globe of last fall stated that "there were persistent rumors of filled or adulterated milk being sold at down-town districts of that city. The food department prosecuted one of the largest wholesale-grocery houses in New York for selling that class of milk and they were fined $3,000. While innocent themselves, they had bought milk from the Rogers Milk Corporation, which also puts out a pure product, and food officials charged that the milk fat had been removed from the product and that in its place a vegetable oil had been substituted, so that the mixture consisted of a product fraudulently labeled compound or skimmed milk and foreign fat.

Another case was a shipment of 1,900 cases of condensed milk to Austria, under date of March 15, 1922, which was purchased from the Danish Pride Milk Products Co. by a company and it was labeled "This can contains pure cow's milk evaporated to a consistency of plain condensed milk and is guaranteed by the manufacturer." Examination in Austria showed it to be evaporated filled milk containing coconut oil in spite of the fact that it was labeled as "pure cow's milk evaporated." It bore the label of "Pantry Brand," but beneath these labels, in many cases, was to be found another label, "Enzo Brand."

This is not an innocent sale, for records would indicate that the product had been previously sold to another New York corporation and later rejected because it was misrepresented.

There are court records here of an instance where 1,000 cases of this milk were sold and shipped abroad to Germany, labeled as pure evaporated milk, and it was discovered after it reached Germany that it was this special product from which all the butter fat had been extracted and coconut oil had replaced it. It was then returned to this country, and those who shipped it from this country paid a heavy fine for the shipment.

In the same way, another firm in New York City was prosecuted for selling the product as pure evaporated milk when it was known to be skimmed milk to which vegetable fats had been added; and that firm paid a fine, I think, of $3,000. The commissioner of public health in New York, now elected as Senator from New York, Doctor COPELAND, has taken steps to prohibit the sale of filled milk within the cities of New York and Brooklyn, and is making war against it, and is determined that it shall not be sold.

I feel that it is our duty to enact this bill into law, so that the farmers and dairymen of this country shall be protected. If Senators will examine the report that accompanies this bill, I think they will find the facts pretty fully set forth; but at present I will not talk longer on the bill. The Senator from Ohio [Mr. WILLIS], I understand, desires to address the Senate in regard to it.

Mr. WILLIS. Mr. President, it is with very great regret that I have to say that I shall be compelled to vote against the motion made by the Senator from North Dakota.

As the Senator knows, I am very friendly to this bill. I have had a very humble part in bringing it to its present state. I believe it ought to be passed. I may say in passing that if the Senate had the rules that it ought to have to enable a majority of the Senate to transact business, there is ample

time for the consideration of this bill as well as of the shipping bill and other measures that ought to be acted upon before adjournment; but here is the situation which confronts us:

The shipping bill has been before the country and before the Congress for a long time. The Senator from Washington in charge of the bill has been very generous in yielding to everybody—not too generous, I think, but he has not sought to shut out other legislation. Now, however, we are approaching the close of the session. I think the country expects that the Senate will vote on the shipping bill. There are some things in it that I do not like, and there are more things that somebody else may not like, and other features that other Senators may like. At all events, it is a matter upon which the Senate ought to vote. To me it is perfectly apparent that if this bill is taken up at this time we shall probably get into such a legislative jam that neither bill will be voted upon.

For that reason, Mr. President, without going into a detailed discussion of the bill, I wish to state that I am in favor of the bill which the Senator from North Dakota seeks to bring up. I believe it is justified on the same basis on which we have passed the pure food laws, and that we will, if we get to a vote, pass the truth in fabrics bill, that the people are entitled to know what it is that they are buying; but I very much fear that if we bring up the bill we will not get to a final vote on it, and certainly we will not get to a final vote on the shipping bill. For that reason I shall feel compelled to vote against the motion made by my friend from North Dakota.

Mr. JONES of Washington. Mr. President, I am in favor of the bill that the Senator from North Dakota has moved to take up. I feel satisfied that we have an abundance of time to pass the bill after the shipping bill is disposed of. There is no reason in the world why the Senate at this session should not vote upon these various measures. If this motion prevails, those who are opposed to the filled milk bill—and I understand that there are quite a number of Senators who are opposed to it—will feel justified, of course, in taking up a great deal of time, not in a way to delay that bill, but, of course, to delay the shipping bill.

As the Senator from North Dakota says, I have tried to arrange matters so that this bill could be taken up. I had hoped that the morning hour last Saturday could have been given to this bill. I understood that that would be done, but it was not done.

Mr. CURTIS. Mr. President, is it not true that the Senator offered to give an hour and a half this morning to the consideration of this bill?

Mr. JONES of Washington. Yes; I offered to give an hour and a half to its consideration.

Now, Mr. President, I move to lay on the table the motion of the Senator from North Dakota; and pending that I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ball	Frelinghuysen	McKellar	Sheppard
Bayard	George	McKinley	Shields
Borah	Glass	McLean	Shortridge
Brookhart	Gooding	McNary	Smith
Broussard	Hale	Moses	Smoot
Bursum	Harreld	Nelson	Spencer
Calder	Harris	New	Stanfield
Cameron	Harrison	Nicholson	Stanley
Capper	Heflin	Norbeck	Sterling
Caraway	Hitchcock	Norris	Sutherland
Colt	Johnson	Oddie	Swanson
Couzens	Jones, N. Mex.	Overman	Townsend
Culberson	Jones, Wash.	Owen	Trammell
Cummins	Kellogg	Page	Underwood
Curtis	Keyes	Pepper	Wadsworth
Dial	King	Phipps	Walsh, Mass.
Dillingham	Ladd	Pittman	Walsh, Mont.
Edge	La Follette	Poindexter	Warren
Ernst	Lenroot	Ransdell	Watson
Fernald	Lodge	Reed, Mo.	Weller
Fletcher	McCormick	Reed, Pa.	Willis.
France	McCumber	Robinson	

The PRESIDING OFFICER. Eighty-seven Senators having answered to their names, there is a quorum present.

Mr. JONES of Washington. Mr. President, I ask for the yeas and nays on the motion.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is upon the motion of the Senator from Washington [Mr. JONES] to lay on the table the motion made by the Senator from North Dakota [Mr. LADD] to take up for consideration H. R. 8086, known as the filled milk bill. The yeas and nays have been ordered.

Mr. FRELINGHUYSEN. Mr. President, I want to state my position——

Mr. JONES of Washington. The question is not debatable.

The PRESIDING OFFICER. The Secretary will call the roll.

Mr. HARRISON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. HARRISON. Is it in order at this time to request the Senator from Washington not to object to Senators discussing the merits of these two bills?

Mr. JONES of Washington. I ask for the regular order.

The PRESIDING OFFICER. The regular order has been called for. The Secretary will call the roll.

The yeas and nays were taken.

Mr. CURTIS. I desire to announce that the Senator from West Virginia [Mr. ELKINS] is paired with the Senator from North Carolina [Mr. SIMMONS].

Mr. WATSON (after having voted in the affirmative). I transfer my pair with the senior Senator from Mississippi [Mr. WILLIAMS] to the senior Senator from Connecticut [Mr. BRANDEGEE] and permit my vote to stand.

Mr. WILLIS (after having voted in the affirmative). I am paired with my colleague [Mr. POMERENE], and not knowing how he would vote, in his absence I will be compelled to withdraw my vote.

The result was announced—yeas 42, nays 44, as follows:

YEAS—42.

Ball	Frelinghuysen	McLean	Shortridge
Broussard	Hale	Moses	Smoot
Calder	Harreld	Nelson	Spencer
Colt	Johnson	New	Townsend
Cummins	Jones, Wash.	Oddie	Underwood
Curtis	Kellogg	Page	Wadsworth
Dial	Keyes	Pepper	Warren
Dillingham	Lenroot	Phipps	Watson
Edge	Lodge	Poindexter	Weller
Ernst	McCumber	Ransdell	
Fernald	McKinley	Reed, Pa.	

NAYS—44.

Bayard	George	McCormick	Sheppard
Borah	Glass	McKellar	Shields
Brookhart	Gooding	McNary	Smith
Bursum	Harris	Nicholson	Stanfield
Cameron	Harrison	Norbeck	Stanley
Capper	Heflin	Norris	Sterling
Caraway	Hitchcock	Overman	Sutherland
Couzens	Jones, N. Mex.	Owen	Swanson
Culberson	King	Pittman	Trammell
Fletcher	Ladd	Reed, Mo.	Walsh, Mass.
France	La Follette	Robinson	Walsh, Mont.

NOT VOTING—10.

Ashurst	Gerry	Pomerene	Willis
Brandegee	Kendrick	Simmons	
Elkins	Myers	Williams	

So the Senate refused to lay Mr. LADD'S motion on the table.

Mr. OWEN obtained the floor.

Mr. UNDERWOOD. Mr. President, I ask the Senator from Oklahoma to yield to me for a moment or two to say something in regard to the motion just voted on.

Mr. OWEN. I yield.

Mr. UNDERWOOD. Mr. President, I want to make a statement in regard to the vote I have just cast. The question being on a motion to lay on the table, of course I had no opportunity to say a word before the vote was taken. I want to let the RECORD show what I know we already know, that the vote on the filled milk bill was merely an incident in connection with the action of the Senate. The real issue was the displacing of the shipping bill.

I am opposed to the shipping bill, and I am opposed to the filled milk bill. I think they are both bad bills, and both based on the same principle. The purpose of one is to give a subsidy out of the Treasury to develop industry, and I am opposed to that in principle. The object behind the other is to use the power of legislation to destroy one industry in order that another industry may have a larger field in which to operate its business.

So, of course, when I had two bad bills before me, it was somewhat difficult for me to determine what to do; but realizing, of course, that if the filled milk bill got the right of way it would pass, notwithstanding my objection, I voted in favor of the motion to lay on the table.

I think the line of legislation involved in this filled milk bill is bad. It is nothing new with me. From the beginning of my service in Congress—for 20 years—I have voted against oleomargarine bills, not that I did not want regulation, but because I believed such legislation was an effort to tax one food product out of existence in order that another food product might have a wider market. I believed that the tax and the impediments laid on oleomargarine were discriminations against the poor man's food in favor of those who

could pay higher prices, and, oleomargarine being a pure-food product, I have never seen why the poor man, who has not the opportunity and the money to buy Elgin butter, should not be allowed to buy the next best thing he could get, untaxed and colored to suit his palate. I regard this pending filled milk bill as exactly in that category.

If it was deleterious to life or health, the laws which are now on the statute books would prevent its sale. Of course I know it is not as good a food product as butter, but a great many people can not buy butter and they can buy skimmed milk mixed with vegetable oil, which to some extent satisfies their palate. Apparently it is not deleterious to health and the proof of that is that it is not excluded. If it was deleterious to health, the present laws would exclude it. If it is not, I am not going to vote for a class of bills that would lay an embargo on what the very poor of the country have got to eat. That is the reason why I am opposed to the bill.

On the other hand, I want to say this about the shipping bill: I have never voted for a subsidy of any kind. I have never voted for a protective tariff on any article. I have never voted for any other subsidy in that class of legislation and I do not believe in it. I am opposed to the present shipping bill for that reason, although I should be very much delighted if the great shipping of the country could be developed and made to function along legislative lines for which I could afford to vote.

But I am opposed to the defeat of the shipping bill by indirection. There are certain great principles that may be involved in votes in the Senate where human rights and human liberty and fundamental principles of our Government are at stake when I would not hesitate for a moment to use any legislative power I possess to prevent the passage of a bill. But when it comes down merely to a question of dollars, when it is purely an economic question, I think the majority have a right to register their position. Last summer I was very much opposed to the tariff bill. I thought it was a radically bad bill, but after we had properly presented our position to the country and allowed the country to know our position in the matter, we allowed the majority party to pass the bill.

It could have been held here without any question until this good hour if we had desired to filibuster it to death, but it was an economic measure, and, in my opinion, the majority had the right to determine what the country should do.

Let me say to the majority now, however, that if you pass the shipping bill it will come back to your door within a week after you have passed it. I do not believe it will function. I do not believe it will produce the result you expect. I believe it will be a disappointment to the country. I believe it is fundamentally wrong. But being a purely economic question, so far as I am concerned, I am willing to let you vote on it. Of course, I represent nobody in this statement except myself, as is shown by the vote which has just been cast, but I want the RECORD to show my position. When the shipping bill has had a reasonable discussion I am willing to take a vote on it. I think it will be a mistake to pass it, but the majority have the right to register the result of their conclusions, because they are a majority of the Congress. I think you have had a reaction against your own measure by your own people to-day, and that you will have the same reaction if you pass the shipping bill, but I think the way to find out is to give an opportunity for a vote after reasonable debate, and if you can then command a majority you are entitled to have the will of the majority placed on the statute books. Therefore I voted as I did a moment ago.

I thank the Senator from Oklahoma for his courtesy in allowing me to make the statement.

BELLEAU WOOD MEMORIAL ASSOCIATION.

Mr. OVERMAN. Mr. President, will the Senator from Oklahoma yield to me to submit a report?

Mr. OWEN. I yield if it will take no time.

Mr. OVERMAN. I think it will take only a moment. From the Committee on the Judiciary I report back favorably with an amendment the bill (S. 4552) to incorporate the Belleau Wood Memorial Association, and I submit a report (No. 1166) thereon.

The bill provides for a charter for the good women of the country who have organized themselves together and raised the money to purchase Belleau Wood and to make permanent that battle field, consecrated by the lives of 3,000 brave American boys. They have secured an option on the property. The option expires in March. The charter which they have secured from one of the States is not sufficient to enable them to obtain a charter in France, as they are advised by attorneys.

I ask unanimous consent for the immediate consideration of the bill granting them a charter in order that they may purchase the property. They have the money now on hand, and I hope the measure may be passed at once.

The VICE PRESIDENT. Is there objection to the request of the Senator from North Carolina?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the committee was to strike out lines 11 and 12, on page 1, and lines 1 to 11, inclusive, on page 2, and to insert:

SEC. 2. That the purposes of this corporation shall be: (a) To acquire and maintain the whole or any portion of Belleau Wood, Department of Aisne, France, for memorial purposes; (b) to erect such buildings and monuments and establish such institutions thereon as it may deem appropriate as a memorial to the men of the American Expeditionary Forces who participated in the Battle of Belleau Wood, France, and vicinity during the World War; (c) to solicit and obtain members; (d) to charge and collect membership dues and to solicit and receive contributions of money to be devoted to carrying out such purposes; and (e) to care for and maintain such memorial.

So as to make the bill read:

Be it enacted, etc., That Ira E. Bennett, Tasker H. Bliss, Nathalie Boynton, Marie Moore Forrest, Elizabeth Van Rensselaer Frazer, James E. Freeman, Margaret Overman Gregory, Harry V. Haynes, John A. LeJeune, A. L. McClellan, Wendell C. Neville, Frank B. Noyes, John Barton Payne, Augusta Reath, Alice Hay Wadsworth, John Walsh, and their associates and successors, are hereby created a body corporate by the name of "Belleau Wood Memorial Association."

SEC. 2. That the purposes of this corporation shall be: (a) To acquire and maintain the whole or any portion of Belleau Wood, Department of Aisne, France, for memorial purposes; (b) to erect such buildings and monuments and establish such institutions thereon as it may deem appropriate as a memorial to the men of the American Expeditionary Forces who participated in the Battle of Belleau Wood, France, and vicinity during the World War; (c) to solicit and obtain members; (d) to charge and collect membership dues, and to solicit and receive contributions of money to be devoted to carrying out such purposes; and (e) to care for and maintain such memorial.

SEC. 3. That the corporation (a) shall have perpetual succession; (b) may sue and be sued; (c) may adopt a corporate seal and alter it at pleasure; (d) may adopt and alter by-laws not inconsistent with the Constitution and laws of the United States or of any State; (e) may establish and maintain offices for the conduct of its business; (f) may appoint officers and agents; (g) may choose a board of trustees consisting of not more than 15 persons nor less than 5 persons to conduct the business and exercise the powers of the corporation; (h) may acquire, by purchase, devise, bequest, gift, or otherwise, and hold, encumber, convey, or otherwise dispose of such real and personal property as may be necessary or appropriate for its corporate purposes, and especially the whole or any portion of Belleau Wood, Department of Aisne, France, to the extent that it may be or become consistent with or permitted by the laws of the French Republic; and (i) generally may do any and all lawful acts necessary or appropriate to carry out the purposes for which the corporation is created.

SEC. 4. That the Belleau Wood Memorial Association, a corporation heretofore incorporated under the laws of the District of Columbia, is authorized to transfer to the corporation created by this act all of its property, rights, and assets, and such corporation is authorized to receive all of such property, rights, and assets. Upon such transfer, such association shall thereby be dissolved, and such corporation shall be liable for all the obligations of and claims against such association, and all of such obligations and claims may be enforced against the corporation.

SEC. 5. That the corporation shall, on or before the 1st day of December in each year, transmit to Congress a report of its proceedings and activities for the preceding calendar year, including the full and complete statement of its receipts and expenditures. Such reports shall not be printed as public documents.

SEC. 6. That the right to alter, amend, or repeal this act at any time is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PROPOSED INTERNATIONAL CONFERENCE.

Mr. OWEN. Mr. President, this morning I sent to the desk a Senate resolution, which I ask may be read.

The VICE PRESIDENT. The Secretary will read as requested.

The reading clerk read the resolution (S. Res. 445), as follows:

Resolved, That the President of the United States is requested to invite all the nations of earth, whether they have adhered to the covenant of the league or not, to attend, in the city of Washington, United States of America, a three months' international economic conference for the promotion of international trade and understanding, and a conference for the establishment throughout the world of the territorial integrity and political independence of every nation, great and small, and the abolition of war.

Mr. OWEN. Mr. President, the time has come when the United States Senate should perform the duty of voicing throughout the world the doctrine of international justice, of international righteousness, and understanding, the doctrine upon which the peace of the world and the happiness of mankind must be based. If eventually, why not now?

The world is looking for the moral leadership of the one great disinterested, self-governing Nation.

The World War demonstrated the enormous physical power of the United States. It demonstrated its power to produce at

high speed quantity and quality of munitions of war. It demonstrated the power of a peaceful democracy to organize for war. It demonstrated the power of our Republic financially, for without a quiver it raised forty thousand millions of dollars to finance the war and establish liberty and justice in the world. It demonstrated our unselfishness.

The statesmen of Europe are directly and indirectly appealing to America to point the path of peace and liberty. These appeals come from Great Britain, from Italy, from Belgium, from France, and from Germany.

From yesterday's press I clipped the following:

BRITISH LABORITES SEND APPEAL TO PRESIDENT—88 MEMBERS OF COMMONS ASK MR. HARDING TO SAVE EUROPE.

(By the Associated Press.)

LONDON, February 17.—Eighty-eight laborite members of the House of Commons have signed the following cablegram to President Harding:

"America, with Great Britain, unwittingly has made France's present destructive action possible. We appeal for American cooperation to-day as the one hope of saving Europe."

President Baltasar Brum, of Montevideo, Uruguay, on February 10, made public a plan for an association of American nations which the delegation of Uruguay is to lay before the Pan American Congress at Santiago, Chile, next month, an abstract of which I hereto attach as Exhibit A.

The substance of President Brum's proposal is that the American nations should have a Western Hemisphere association to encourage the idea that international relations are founded upon the principles of justice and solidarity, regardless of differences of race, customs, or religion, to intensify inter-American friendship and friendly relations with other countries of the world, and to solve by arbitration international conflicts and preserve the sovereignty and territorial integrity of every nation.

On Saturday, February 10, I submitted to the CONGRESSIONAL RECORD House Resolution No. 16 of the Legislature of Oklahoma, as follows:

Whereas it is made known by the American press that conditions in continental Europe grow daily worse; that nations, great and small, are tottering, unable to pay expenses; and

Whereas suffering among the people is increasing, famine threatens here and there, unemployment is growing, and a spirit of suicidal desperation has settled down over half the world; and

Whereas if step follows step and a new world war results this conflict by comparison will bleach the red horror of the last one, sweeping us along with the rest; and

Whereas the time to avert the European crisis is before it leads to a new conflict of nations: Now, therefore, be it

Resolved by the House of Representatives of the Ninth Legislature of the State of Oklahoma, That we memoralize the Congress of the United States to give its sympathetic consideration to the following basic plan for a return to world sanity:

First. That the United States must assume the leadership;

Second. That at the first possible opening President Harding should call a conference of the leading World War powers;

Third. That the program at this conference should be in two sections, economic problems and limitation of armaments;

Fourth. That instantly the conference is called to order America's spokesman should lay before the assembly some specific plan of world rehabilitation which might involve an international moratorium on war debts and an international loan to the worst stricken nations; and be it further

Resolved, That a copy of this resolution be sent to each Member of the Oklahoma delegation in Congress.

Adopted by the house of representatives this the 24th day of January, 1923.

CHAS. S. BRICE,
Speaker pro tempore of the House of Representatives.

This resolution from Oklahoma might be regarded as a motion in the assembly of nations and to all mankind calling for intelligent, concrete action, and a conference to promote commerce and end war. I ask the Senate of the United States to consider this proposal coming from the heart of America, from a legislature just elected by the people, a body of representatives who know and feel what the sentiment of the people is.

The proposal for action is timely. It is entitled to serious consideration and to a decision.

The Senator from Idaho [Mr. BORAH] on January 29 voiced from the State of Idaho in Senate Resolution 426 a conception similar to that which appeared in the Oklahoma Legislature. I am in accord with the Senator from Idaho, and would go still further concretely, directly, and simply. The time has come for action. The resolution of the Senator from Idaho represents the aspiration of the large majority of Americans.

On May 9, 1921, the Senator from Wisconsin [Mr. LA FOLLETTE] introduced Senate Resolution 74, protesting against the United States cooperating to carry into effect and enforce the terms of the treaty of Versailles, on the ground that the treaty of Versailles was influenced too largely by revenge; that it was a betrayal of the promises of the United States made to the world and formally accepted by the Allies as the basis of the peace terms; that the Senate of the United States had refused to ratify it; that the people of the United States had indorsed the action of the Senate in objecting to the Versailles treaty.

The Senator from Wisconsin was reelected and renominated after this declaration by an overwhelming vote in Wisconsin. He represents also a very considerable element of public opinion in the United States.

Mr. President, the peoples of the world should no longer permit themselves to be put in danger of world war by the ambition, vanity, or self-sufficiency, or by the mere patriotism and physical courage of national leaders who demand the invasion of the sovereignty and territorial integrity of other nations on any ground, real or fanciful.

The chief reason the invasion of Germany by French leaders is objectionable is because it is a denial of these fundamental international principles and because the remedy of French invasion is worse than the disease of German evasion. The Germans ought to be made to pay the reparations due, and the world ought to require it, but the French invasion of Germany by military force is building up hostilities so intense that it may again produce a world war without obtaining the justice to which the French people are undoubtedly entitled. Senators should not be deterred from expressing their honest opinions by the unthinking charge that they are taking sides with Germany against France. The principles of international justice must be declared without respecting persons or nations. It has been said that "God is no respecter of persons," and justice and liberty are the divine principles through which the peace and happiness of mankind must be secured, and these principles must not be twisted by either hate or love of any nation, whether French or German.

It is well to remember that there ought always to be made a broad distinction between the people and those who govern the people. The people can hardly be held morally responsible for things done against their will and without their consent by those who govern them without their consent, and this is why the subjects of the former Teutonic imperialists are entitled to some consideration because their consent was not asked. Their opinions were enslaved and the people were driven by a brute military force organized to the last degree, which meant a summary death to any individual who dared refuse obedience.

How could the President of the United States have made clearer the distinction between the people who were subject and the rulers who subjected them without their consent in the Central Empires than he did in his address to the joint session of the two Houses of Congress January 8, 1918?

The President's address of January 8, 1918, was in answer to the desire of the spokesman of the Central Empires "to discuss the objects of the war and the possible bases of a general peace," and he spoke for the Entente Allies and all of them. He spoke expressly for the United States and for all the governments and peoples associated together against the Imperialists.

The President said in regard to this:

We (the associated nations) can not be separated in interests or divided in purpose. We stand together until the end. For such arrangements and covenants (the 14 points) we are willing to fight and to continue to fight until they are achieved.

The President said:

We have no jealousy of German greatness, and there is nothing in this program that impairs it. We grudge her no achievement or distinction of learning or of pacific enterprise such as have made her record very bright and very enviable. We do not wish to injure her or to block in any way her legitimate influence or power. We do not wish to fight her either with arms or with hostile arrangements of trade if she is willing to associate herself with us and the other peace-loving nations of the world in covenants of justice and law and fair dealing. We wish her only to accept a place of equality among the peoples of the world—the new world in which we now live—instead of a place of mastery.

President Wilson said further in this address:

An evident principle runs through the whole program I have outlined. It is the principle of justice to all peoples and nationalities and their right to live on equal terms of liberty and safety with one another, whether they be strong or weak. Unless this principle be made its foundation no part of the structure of international justice can stand. The people of the United States could act upon no other principle; and to the vindication of this principle they are ready to devote their lives, their honor, and everything that they possess. The moral climax of this the culminating and final war for human liberty has come, and they are ready to put their own strength, their own highest purpose, their own integrity and devotion to the test.

Who did the President speak for? He spoke for France, for Great Britain, for Italy—for the Allies as well as for the people of America—and the Allies adopted these principles, and on this declared basis the German leaders and the German people surrendered. Have we forgotten these 14 points? They are express covenants with Germany and the world. Can they ever be forgotten in international affairs? The 14 points were 14 explicit, contracted obligations. What are they?

1. Open covenants of peace. No private international understandings.

2. Freedom of the sea.

3. Removal of economic barriers. Equality of trade conditions.

4. Adequate guaranties to reduce national armaments to the lowest point consistent with domestic safety.

5. Absolutely impartial adjustment of all colonial claims, recognizing of equal right the sovereignty of the populations concerned with the equitable claims of governments whose title is to be determined.

6. The treatment of the Russian people—political independence and welcome into the society of free nations under institutions of her own choosing.

7. The evacuation and complete freedom of Belgium.

8. The restoration of Alsace-Lorraine to France.

9. The readjustment of the frontiers of Italy along clearly recognizable lines of nationality.

10. The freest opportunity of autonomous development of Austria-Hungary.

11. The evacuation of Rumania, Serbia, and Montenegro. The political and economic independence and territorial integrity of the several Balkan States.

12. The sovereignty to the Turkish portions of the Ottoman Empire, security to nationalities under Turkish rule, their autonomous development, and the opening of the Dardanelles.

13. The political and economic independence and territorial integrity of Poland inhabited by indisputably Polish populations.

14. A general association of nations must be formed under specific covenants for the purpose of affording mutual guaranties of political independence and territorial integrity to great and small States alike.

These are the covenants that the President of the United States declared "we (the Allies) are willing to fight for." Human liberty, international justice—this was the moral climax of the war. These were the objects put in concrete form for which we fought.

The authorities of the British Empire, the leaders of France, of Italy, of Japan accepted the doctrine laid down by Woodrow Wilson. These are the things for which America sacrificed. These are the things for which our American soldiers died. *They did not lay down* their lives to establish the principles of injustice, of territorial aggrandizement, of military ambition, or to support the petty vanities of any human leadership.

These are the pledges on which as a solemn contract the Germans laid down their arms and the Prussian military dynasty forever.

Mr. President, it is said that all legislation is a matter of compromise, and the treaty of Versailles was a matter of compromise. It has been, however, demonstrated that Woodrow Wilson used every ounce of his energy—social, physical, and moral—to get these 14 contracted terms and points recognized. If he did not succeed absolutely and completely, it was not because he did not go to the utmost limit of his powers. Perhaps he might have succeeded if he had had the whole-hearted support and understanding of all the American leaders. Unhappily, party divisions, party ambitions, party prejudices, perhaps, seriously weakened his efforts and did the world great injury.

I am sure that he believed that time would correct the failure of the Versailles treaty to fully meet the obligations to the world under the 14 points, such as self-government to the people of Shantung, to the people of Ireland, to the people of Egypt, and the matter of reparations. The Shantung controversy has settled itself. The Irish people have been given self-government. Large concessions have already been made to the people of Egypt, and various concessions have been made in the reparations matter; so that his foresight and hope have not been entirely disappointed nor without reason.

The doctrine of the right to rule without the consent of the governed has been almost entirely abandoned throughout the world. The doctrine of democracy, the right of the people to govern themselves, the doctrine of liberty, of the sovereignty of the people, their right to political independence and territorial integrity, is now a generally accepted doctrine throughout the world. The military autocracies have been annihilated.

Woodrow Wilson made a gigantic effort to convince the American people of the importance of accepting the Versailles treaty and the covenant of the league. He pointed out in many speeches throughout the country how the entry of the United States into this treaty, into the league, would give stability to the nations of the world; would bring disarmament, international peace, and a rapid restoration of the productive powers of mankind under the happy influence of complete international peace terms; that the Senate of the United States had refused serious and prolonged illness, for he was not physically strong when he entered upon the duties of the Chief Executive, and only by the most careful daily effort had he been able to keep himself equal to his task. In the fall of 1919 he was no longer physically able to carry on this contest. He was as much a martyr to the public service as any soldier that ever fell in battle, and history will in due time accord him the high place which his very great services justify.

Mr. President, America owes a duty to the world and to its own future to take the invited initiative in organizing the world to recognize the principles of international justice, liberty, and good understanding, and of the right of every nation, great or small, to territorial integrity and political independence.

WHAT ARE THE OBJECTIONS?

Certainly, Mr. President, there can be no objection to the United States giving voice to these principles in which we all unanimously believe, and a formal declaration would go far to strengthen these political doctrines throughout the world.

Certainly our entry into the League of Nations, with such reservations as Congress might see fit, would wonderfully stimulate the great doctrines of liberty and international justice set forth in the covenant of the league.

THE ELECTION OF 1920.

Mr. President, there are those who imagine that the election of 1920, and there are those who have carried on a propaganda to the effect that the election of 1920, was a mandate from the American people not to enter the League of Nations. Nothing could be more absurd or so injurious to the world's interest as this pretension. If this grotesque notion that the American people voted against the League of Nations in the election of 1920 prevails it would mean the abandonment by America of the moral leadership of mankind.

The election of 1920 meant nothing of the kind. Both parties were committed to the covenant of the League of Nations. The Democrats voted for it without reservations and with reservations. The Republican Senators voted for it with reservations and some without reservations, and only a negligible number voted against it. The Democratic Party made it an issue in the campaign of 1920 and made the following declaration:

> The Democratic Party favors the League of Nations as the surest, if not the only, practicable means of maintaining the peace of the world and terminating the insufferable burden of great military and naval establishments.
>
> It was upon this basis that the President of the United States, in prearrangement with our allies, consented to a suspension of hostilities against the Imperial German Government; the armistice was granted and a treaty of peace negotiated upon the definite assurance to Germany, as well as to the powers pitted against Germany, that "a general association of nations must be formed, under specific covenants, for the purpose of affording mutual guaranties of political independence and territorial integrity to great and small States alike."

Upon this platform the Democratic candidate received 9,147,350 votes.

The Republican Party platform of 1920 made the following declaration with regard to the League of Nations:

> The Republican Party stands for agreement among the nations to preserve the peace of the world. We believe that such an international association must be based upon international justice and must provide methods which shall maintain the rule of public right by the development of law and the decision of impartial courts and which shall secure instant and general international conference whenever peace shall be threatened by political action, so that the nations pledged to do and insist upon what is just and fair may exercise their influence and power for the prevention of war.
>
> We believe that all this can be done without the compromise of national independence, without depriving the people of the United States in advance of the right to determine for themselves what is just and fair when the occasion arises, and without involving them as participants and not as peacemakers in a multitude of quarrels the merits of which they are unable to judge.

It criticizes the covenant of the league as drawn and the insistence of the President in favor of the covenant without amendment; and in regard to the Republican Senate which had voted to adopt the covenant of the league with reservations the Republican platform said:

> We approve their conduct and honor their courage and fidelity, and we pledge the coming Republican administration to such agreements with the other nations of the world as shall meet the full duty of America to civilization and humanity in accordance with American ideals and without surrendering the right of the American people to exercise its judgment and its power in favor of justice and peace.

As far as the public was concerned there was little or no difference between the attitude of this Republican platform and the Democratic platform, because the Democratic platform had no intention whatever to deprive the people of the United States "to determine for themselves what is just and fair" or to involve them in a multitude of quarrels, as stated in the Republican platform. The Democratic platform stated in terms, with regard to the League of Nations, that—

The President repeatedly has declared, and this convention reaffirms, that all our duties and obligations as a member of the league must be fulfilled in strict conformity with the Constitution of the United States, embodied in which is the fundamental requirement of declaratory action by the Congress before this Nation may become a participant in any war.

When on November 19, 1919 (CONGRESSIONAL RECORD, p. 8802), Mr. LODGE submitted the question of ratifying the covenant of the league with certain reservations, 41 Senators, including myself, voted for it, including nearly all the Republican Senators—

Ball	Frelinghuysen	McCumber	Spencer
Calder	Hale	McLean	Sterling
Capper	Harding	McNary	Sutherland
Colt	Jones, Wash.	New	Townsend
Cummins	Kellogg	Newberry	Wadsworth
Curtis	Kenyon	Page	Warren
Dillingham	Keyes	Penrose	Watson
Edge	Lenroot	Phipps	
Elkins	Lodge	Smoot	

and five Democrats. The following Republicans voted against the treaty with the reservations:

Borah	Gronna	McCumber	Sherman
Brandegee	Johnson	Moses	
Fernald	Knox	Norris	
France	La Follette	Poindexter	

Some of these Republicans voted against it because they were opposed to the treaty on any ground whatever, such as Senators BORAH and JOHNSON of California, while others, including nearly all the Democrats, favored the treaty without these reservations, including all of the Democrats except five, and these Democrats were in favor of the treaty notwithstanding the reservations, so that the vote in the Senate of the United States was overwhelmingly in favor of the covenant of the league, with or without reservations.

Senator Harding, who was at that time a candidate for the Presidency, voted twice for the covenant of the league with reservations.

Nearly all the great Republican leaders were strenuously for the covenant of the League of Nations with or without reservations, for example:

Hon. William Howard Taft, formerly President, who was the president of the League to Enforce Peace, and now, by President Harding's appointment, Chief Justice of the United States.

Mr. Taft, in signed articles in the Public Ledger and in interviews and addresses, strongly advised the friends of the League of Nations to vote for Senator Harding as the best, if not the only hope, for our entry into the league, and in an article in the Public Ledger immediately following the election Mr. Chief Justice Taft said:

The enemies of the league will maintain that the general verdict is one completely adverse to any league, but this will not be the reasonable judgment of those who have followed Mr. Harding's promises in his speech of acceptance, in his speech of August 28, in his Des Moines speech, and in his Indianapolis speech.

Hon. Elihu Root, former member of the Cabinet, Secretary of State, stood for the league with the Lodge reservations.

Charles Evans Hughes, twice Governor of the State of New York and Justice of the Supreme Court, nominee for President, and at the present time Secretary of State under President Harding—the same.

Gen. Leonard Wood, who was a leading candidate for the Republican nomination for the Presidency, declared his—

Approval of the League of Nations with the Senate reservations—reservations which thoroughly Americanize it and leave America absolutely free and untrammeled to follow the only mandate she will ever accept—the mandate of American public opinion, the will of the American people.

Frank O. Lowden, twice Governor of Illinois, another leading candidate for the Republican nomination, stated in his primary campaign—

Another question is that of the League of Nations. I believe in the passage of the League of Nations covenant with reservations. I defend the action of Senators who insisted upon reservations to the charter submitted to them. * * * When the Republican Party is in power we shall, I hope, proceed to establish this machinery for adjusting international differences.

Herbert Hoover, whose friends were urging him for the Presidency, in the Public Ledger and the Chicago Daily News, said—

I stand earnestly for a League of Nations to minimize war, and, moreover, I stand for the league with alterations in the direction pointed by the Republican reservations.

And Herbert Hoover went so far as to say that—

The gravest peril to the cause of peace seems to me to be this, that JOHNSON and BORAH believe and are making the party and the country believe that they have made the issues and are dominating the campaign. If that false impression is allowed to go unchallenged, when they return to the Senate they will be able to draw to their side such Senate support as will enable them to block completely Senator Harding when, as President, he invites approval either of the existing league with reservations or—

And so forth. Vice President Coolidge on October 28 at Carnegie Hall, New York, said:

If the security of Europe is so intertwined with the Versailles treaty and the existing League of Nations that we can make the best progress by taking the good in that treaty and in that covenant and by excising or amending those things which are not consonant with American traditions and habits, surely the Republican platform permits of such a course; surely the public declarations of Senator Harding permit such a course.

And so many other of the Republican leaders, such as W. Murray Crane, of Massachusetts; William Allen White, of Kansas; Judge Nathan L. Miller, ex-Governor of New York; Lyman J. Gage, ex-Secretary of the Treasury; George W. Wickersham, ex-Attorney General; Charles D. Hilles, president of the National Republican Club; Oscar Straus, and so forth. It is perfectly notorious that the Republicans went before the people in 1920 with the assurance that Senator Harding was the best means by which to get effective favorable action on the League of Nations.

The Republican Party platform was framed in such a way as to prevent Senator JOHNSON, of California, or his supporters bringing about a party split, but the friends of the league believed in Harding and voted for him; and to say that the 7,000,000 plurality which he received was because President Harding was opposed to the League of Nations, for which he twice voted, is false and utterly preposterous.

There are other reasons which fully explain the 7,000,000 plurality which Harding received without the pretense that hostility to the league was the reason.

In the first place, the number of votes had been increased 50 per cent by the women's vote; and, therefore, whatever the plurality, it would be largely increased by this new vote.

In 1916 the voters in America were exceedingly opposed to the entry of the United States into the war. The Democrats had made the campaign on the slogan "He kept us out of war," and on that slogan Woodrow Wilson received 9,129,606 votes against 6,286,214 in 1912, a gain of nearly 3,000,000 votes. This included the people who by descent or affiliation were sympathetic with the German, Austrian, Bulgarian, or Turkish people, the pacifists, and many of the socialists, and all those who wanted to keep out of war.

When Woodrow Wilson led us into war, as he was compelled to do by public opinion, these citizens turned from the support of the Democratic ticket like a shoal of herring, and the Republicans carried both the House and Senate in 1918.

The preelection letter of Woodrow Wilson in 1918 alienated many progressive Republicans, energized the Republican Party, and laid the foundation for the solidarity of all Republicans in 1920.

Many independents and Democrats, as well as progressive Republicans and people of no particular party activity, were incensed by the unavoidable annoyances of war activities, for example:

(a) The selective draft act called 10,000,000 men of all political complexions on June 5, 1917, and left hundreds of thousands of grievances.

(b) The Council of National Defense, necessary as it was, was organized down to the crossroads and offended hundreds of thousands.

(c) The antisedition act, with its spies, and so forth, a necessary act, nevertheless laid the foundation for a number of grievances against the party in power—the Democratic Party.

(d) The suppression of free speech, necessary in war to prevent the foolish from demoralizing our war activities, nevertheless offended thousands.

(e) The War Trade Board interfered with trade and commerce in innumerable ways and left hundreds of thousands offended.

(f) The War Industries Board interfered in all sorts of ways with the industrial life of America—very necessary in time of war and commendable in the highest degree. Unnumbered grievances nevertheless were incited by the action of the War Industries Board.

(g) The food control under Hoover and fuel control under Garfield offended millions of the people. It mattered not if Hoover and Garfield were Republicans. The offense was committed by the Democratic administration and the grievance was against the Democratic Party.

(h) Priority orders on the railroads and embargoes on goods and gold offended hundreds of thousands of people.

(i) The Government control of railroads, the Government control of the telegraph and cable, the Government control of the telephones, the preferential treatment of military and naval business in men, materials, and transports over civilian business offended thousands.

(j) The commandeering of men and material and outbidding civilians for labor and goods required for war broke up peacetime commercial standards and offended thousands.

(k) The high taxes of war, the excess taxes, the surplus taxes, and the methods of revenue collection and administration annoyed and incensed many.

(l) Necessarily the administration of war is autocratic even in a democracy and thousands were offended by this cause.

On top of all these things there was a resolute and tremendous propaganda carried on against Woodrow Wilson and his administration, due, of course, in part to these causes which are enumerated.

Then followed Wilson's physical illness and more or less Democratic demoralization and a serious discontent within the ranks of the Democratic leadership.

It was all of these things combined that led to Harding's very great plurality, not because of American hostility to the League of Nations.

The campaign of 1920 was carried on on the Republican slogan of so-called "anti-Wilsonism" and "we want a change." The American people wanted to get a change from the autocratic bureaucracy of war to the usual and more democratic processes of peace, and the election of 1920 reflected this sentiment.

But the American people, the overwhelming majority of the American people, believed in the principles of progressive democracy. Nearly all the Democrats are progressive and over half of the Republican citizens are progressive and have been for years, as was shown in the election of 1912 when Roosevelt received 4,126,020 votes and the lovable, genial Taft only 3,483,922. The American people are progressive, and they wish to have a progressive Government. This was most clearly indicated in the election of 1922 when so many stand-pat, conservative Republicans were defeated and progressive Republicans and Democrats sent to the House of Representatives and the Senate by that election.

In Oklahoma not less than 75,000 Republicans voted the Democratic ticket in 1922.

The people of America are not altogether blind party followers, but to a large extent the people regard political parties as a means by which to make effective their will. The time has come when Congress and the Senate should voice the aspirations of America and of mankind for international liberty, international justice, international righteousness. If it did nothing more than express its opinion in an intelligible form it would probably suffice.

But, Mr. President, America should discharge its full responsibility before God and before man and call the leaders of the world together in Washington for an economic and political conference to complete the work of overthrowing militarism already so largely accomplished. It was a splendid thing, in pursuance of this great advance, which President Harding and Secretary of State Charles Evans Hughes accomplished in bringing about the four treaties limiting naval armament. It had my heartfelt approval because it was a fine step forward.

It is time to take another step forward.

It is time for President Harding to fulfill his promises to America.

It is time for the Republican Party to meet its promises of 1920 to America with regard to international peace.

Let us not be content to be silent and allow the days to pass by while another world war is being bred in Europe. It is our duty to Europe, as well as to our own people, to speak and to give the world a forum in which to speak, and the nations of the earth, when assembled in Washington City, in a favorable atmosphere, comparatively free from intrigue, will be able to give voice to the aspirations of the human heart, to the aspirations implanted in the soul of man by the Master Maker of men. It would be another Pentecost.

America will then be able to fulfill the high destiny for which she has through the last century been slowly and surely prepared.

Mr. President, our responsibility in this matter demands action.

America already has the financial and commercial leadership of the world and by equipment is the only great Nation capable of assuming the moral leadership of mankind and leading peacefully the way to international liberty, international understanding, international justice, international prosperity, and happiness.

That is all I desire to say on the resolution at this time.

The PRESIDING OFFICER (Mr. PEPPER in the chair). The resolution will lie on the table and be printed.

POWER OF THE SUPREME COURT.

Mr. OWEN. Mr. President, on Saturday last I submitted some observations with regard to the duty of Congress, in connection with the merchant marine bill, to strike out or amend section 711. Section 711 declares that—

> If any provision of this act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the act and of the application thereof to other persons and circumstances, shall not be affected thereby.

I objected to that form, to that language, to that meaning, because I think that the Congress of the United States is charged with the duty, under the oath of office of Members, to ascertain the constitutionality of an act before passing it.

I will not vote for any bill on this floor which violates the Constitution of the United States in the slightest particular, if I know it, and I think I have sufficient intelligence, when matters are debated carefully and thoroughly in this body, to know when they are violative of the Constitution of the United States.

Gentlemen rose on the other side and thought they made a convincing argument because they said that at some time in the past Congress had passed some act which was held to be unconstitutional, and one case was cited of an act which I thought was obviously unconstitutional. But that argument is of no force whatever, because the people of the United States can hold Congress to account as a matter of policy. I demonstrated beyond the possibility of a doubt in the mind of a man whose brain is sound, who is willing to think, who is willing to examine the record, that Congress has the power, under the Constitution of the United States, to make such exceptions and such regulations on the appellate powers of the Supreme Court as to prevent the Supreme Court from nullifying acts of Congress, or assuming to declare questions of great national policy. The power exists.

The Senator from Minnesota [Mr. KELLOGG] said that he had not time to answer the address which I delivered, so he would content himself with making a protest. I confess he did not answer it. He made a protest, and in his protest he charged me with assaulting the Supreme Court. Because I stand here for the Constitution of the United States, I am to be branded as an enemy of the Supreme Court, a court to which I always pay the highest tribute of praise and respect.

He said that he listened with surprise and regret to an assault made upon the judiciary of the United States. There was no assault made. The Senator had no right to say that. He violated the amenities of debate in saying it. He violated the good order of the Senate in saying it. He has no right to impute to a Senator who has confined himself to legitimate debate that he is making any assault on the Supreme Court. Such a charge is to stigmatize the Senator against whom it is directed.

Let us analyze what the Senator from Minnesota said.

Mr. KING. Will the Senator yield?

Mr. OWEN. I yield to the Senator.

Mr. KING. I did not hear the debate to which the Senator refers, but may we not infer, from the language to which the Senator just called our attention, which came from the Senator from Minnesota, that he rather meant that the attitude of the Senator from Oklahoma was an assault upon the accepted view of lawyers particularly, and the American people generally, namely, that the Supreme Court has the exclusive power to determine the constitutionality of an act, and that the words "assault upon the Supreme Court" meant rather an assault upon the interpretation which has been placed heretofore by lawyers and by the people upon the tripartite division of powers? Does not the Senator think that is what the Senator from Minnesota had in mind, rather than any personal aspersion upon the Senator from Oklahoma?

Mr. OWEN. The Senator from Minnesota is a trained lawyer; he is a highly educated man, and I assume that when a gentleman with his learning and with his training uses language he knows what he is talking about in the use of language, if he does not know what he is talking about in the more important matter which I was discussing; and I think he did not know what he was talking about; in fact, I know that he does not know what he is talking about. The Senator from Minnesota said:

> Should we take from the Supreme Court the power to declare a law which was passed in violation of the fundamental law of the land to be unconstitutional, we should place all the liberties of the American people in the hands of one body, and there would be no Constitution of the United States left.

In other words, the people of the United States can not afford to trust the Senate of the United States, the House of Representatives of the United States, the President of the United

States; nor can they afford to trust themselves, forgetting that if Congress makes a mistake the people can correct it by sending new servants here to represent them on the floors of the two Houses.

Such an argument as that is obviously without any force whatever. It ought not to come from the lips of a sophomore in a law school, much less from those of a lawyer who is trained in his profession.

I challenge the Senator from Minnesota to answer the argument I made. He can not answer it and stand before a forum of the American people, or at the bar of men with sound minds and sound judgment, and defend himself in it.

I showed at great length what the powers of Congress were. I showed that those powers had been passed on a number of times by the Supreme Court itself, sustaining the position which I took with regard to the power of Congress. It is not a question of power; it is a question of policy; it is a question of expediency. I can respect the mind of a man who says he thinks it is expedient. I can not have any logical respect for the mind of a man who says the power does not exist, when it is written into the Constitution as plainly as words can write it, when it has been interpreted by the Supreme Court itself in the same way that I have interpreted the language. I challenge the Senator from Minnesota to make an intellectual reply to the argument which I have made as to the power. He can not do it.

I do not care a particle about the instruction to the boys going to the little law schools all over the country, who have been taught a falsehood with regard to the powers of our Constitution. I know where that teaching comes from. I know in whose interest it is framed, and it is not framed for the best interests of this Republic, and I will not stand for it. I challenge the Senator from Minnesota to answer my argument as to the power, and I tell him now before the country and before the Senate that he can not make an intellectual reply to it.

Having said so much, I call attention to another lawyer, a Member of this body, the senior Senator from Idaho [Mr. BORAH], who wrote an article with regard to this question in a way which is of great interest. The Senator from Idaho is willing to compromise on this matter; I am not. Nevertheless, his views are of interest, and he cites many cases, which I did not take the trouble to cite. Without reading, I ask that his article may be inserted in the RECORD in 8-point type.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

(By WILLIAM E. BORAH, United States Senator from Idaho.)

"The five-to-four decisions of our Supreme Court upon great constitutional questions are always a matter of deep regret—regret I suspect upon the part of the court and certainly upon the part of the public generally. These decisions seem to justify a want of respect for the decisions of that great tribunal and seem to breed an atmosphere of distrust in the solidity and worth of our Federal judicial system. They have given rise to more criticism of the court than any other one thing which I am able to recall. When a measure has passed the Congress and received the approval of the President it seems unreasonable that such a measure should be rejected by a decision in which no more than five out of nine judges concur in its unconstitutionality. In the last analysis it comes down to the proposition where one justice has the power to uphold or defeat the law; and in a celebrated case a change of view upon the part of the one judge resulted in holding the law constitutional upon one occasion and unconstitutional upon another. It gives to the whole proceeding an element of chance. Nothing outside of actual misconduct could be more calculated, in my opinion, to detract from the dignity and prestige of the court or more likely to undermine it in the opinion of the American people.

LAMENTABLE LACK OF HARMONY.

"A late Federal judge who had seen long service, speaking of these five-to-four decisions, said: 'It is unfortunate that recently there has been a lamentable lack of harmony in the decisions rendered in many important cases, the opinions of five members prevailing over the adverse opinions of four. Judgments so rendered can not command the universal respect which should be accorded to judgments of the highest court in the Nation; and it is worth while for the lawyers of the United States to consider whether a practicable remedy for such discord may not be discovered and recommended to Congress. Where the consequences are of such grave importance, the final determination of the court of last resort ought to be rendered with such an assurance that the right of the matter has been ascertained and declared, that all fair-minded people may accept the result with good will and without any impairment of confidence in the court.'

"During the last 30 years there have been some forty-odd exceedingly important cases determined in the Supreme Court by decisions of five to four. Not all of them, of course, were cases involving constitutional questions, but some of the most important turned upon the constitutionality of either State or national statutes.

"It may be of interest to recall some of the five-to-four decisions. The first to which I make reference is that of the 'slaughterhouse case (16 Wall.), involving a construction of the thirteenth, fourteenth, and fifteenth amendments. Chief Justice Chase and Justices Field, Bradley, and Swayne earnestly dissented from the decision of the court upholding the State law, claiming that the decision was radically wrong and would be fruitful of great evil.

UNDERMINING RESPECT FOR THE COURT.

"In 1895, after five days' argument by the most noted lawyers of the country, there was submitted for the decision of the court the income tax law. The court in the first instance declared the law constitutional. Upon reargument and a change of view upon the part of one justice the law was held unconstitutional by a vote of five to four (157 U. S. 429). The decision aroused discussion throughout the country and more pronounced criticisms of the court were heard than at any time since the Dred Scott decision. The ultimate result was the adoption of an amendment to the Constitution of the United States.

"Next we may recall the decision in the case of Lochner *v.* New York (177 U. S. 145). This was a State law (and if it is deemed wise to legislate upon this subject at all, the proposed measure should be broadened to include the constitutionality of State statutes) known as the '10-hour-day' law. The law was held void by a five-to-four decision. It again aroused a storm of protest, and the greater portion of the criticism went to this specific vice of pronouncing a State law unconstitutional by a bare majority.

"Next came the child-labor law, another five-to-four decision (247 U. S. 277).

"There can be no doubt that these decisions have in a measure undermined the great respect which our people should entertain for the Supreme Court. As said by the Federal judge quoted, judgments so rendered can not command the universal respect which should be accorded to the highest court in the Nation. I entertain no doubt, therefore, as to the wisdom of the policy disclosed in the bill which I have offered. When the law of a sovereign State is called in question or an act of Congress declared to be repugnant to the Constitution, neither the will of the people of the State nor the will of the people of the United States should be thwarted upon a decision rendered by a bare majority of the court, if there is any practicable and orderly way to avoid such result.

"This, of course, is not a new proposition. It is a subject which has had consideration from almost the beginning of our Government and at the hands of some of our most distinguished lawyers and statesmen. In 1823 a resolution was introduced in Congress proposing to require the concurrence of seven judges in any opinion concerning the validity of State or Federal legislation. In 1824 there were several similar proposals. A bill was reported by Martin Van Buren requiring the concurrence of seven judges out of ten and requiring each judge to record a separate opinion. In 1824 a Member from Kentucky introduced a resolution requiring that a certain number should concur before the court should hold a State statute unconstitutional. Henry Clay and Daniel Webster took part in the debate, but neither, so far as I have been able to ascertain, raised any question as to the constitutionality of the proposal. The debate seemed to indicate that both acknowledged the subject to be within the power of Congress and dealt with it solely as a question of policy.

AN ISSUE IN 1868.

"In January, 1868, a bill was reported to the House of Representatives and passed requiring two-thirds of the Supreme Court to invalidate a statute. There was an extended debate upon the subject. I do not myself regard this precedent as of very great moment. The bill was confessedly a bill to meet a political exigency, and was designated to protect specific questionable legislation. It was one of the unfortunate incidents of the reconstruction period. There were many things done in those days that, standing alone, I should not regard as of very much moment in the way of precedent. There is any amount of literature on the subject in law journals.

HAS CONGRESS THE POWER?

"The Constitution of the United States provides: 'In all cases affecting ambassadors, other public ministers and consuls, and those in which a State should be a party, the Supreme Court shall have original jurisdiction. In all other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.'

"Has the Congress under this provision of the Constitution the power to prescribe the number of judges which shall concur before a statute shall be declared unconstitutional? From the earliest days of the Republic Congress has determined not only the number of justices but also the number which shall constitute a quorum. The act of 1789 contains such a provision, and that provision is still in the law, providing that six justices shall constitute a quorum. Congress has also provided for the court's adjournment in case of no quorum. It has given to less than a quorum the power to make necessary orders touching a pending case.

"The 'judicial power' of the United States is vested in one Supreme Court and such inferior courts as the Congress may create. That 'judicial power,' it will be readily conceded, can not be invaded by the legislative branch of the Government. But the line which separates the appellate jurisdiction of the court under proper 'regulations' from an unwarranted invasion of the 'judicial power' is not at all times clear and distinct. Is the Congress invading the 'judicial power' when it declares the number of justices required to constitute a quorum? I think not. Is it derogating from the 'judicial power' when it provides by law that less than a quorum shall be authorized to do certain things? It would seem not. Is the power to grant certain writs, as provided by statute, by one justice an invasion of the 'judicial power'?

"In other words, may we not provide under the scope of 'regulations' touching the appellate jurisdiction that before an act of Congress shall be declared void at least seven judges shall concur? It seems to me that we have that power. If we have the power, it is perfectly clear that we should use it. Unless we do make provision of this nature we shall have to meet the situation after it becomes more serious. We have already amended the Constitution once because of a five-to-four decision. There is another amendment now under consideration being urged by reason of a five-to-four decision. It is certainly wiser, if we are authorized by the Constitution to do so, to deal with the subject by statute rather than to be meeting it by constitutional amendments.

"The regret is often expressed in these days that there seems to be growing up in this country a bitter and settled antagonism to our supreme judicial tribunal—not merely criticism of its decisions but antagonism to it as an institution. I do not believe there is any pronounced antagonism upon the part of the people generally—few, very few, comparatively speaking, hold any such feeling. I entertain the belief that American institutions are safe in the keeping and securely imbedded in the respect of the great mass of the American people. The disregard of the fundamental principles of constitutional government during the last few years has been the disregard of those in political place, whose peculiar and sworn duty it is to preserve the great charter rather than that of the people.

"One of the most gratifying things in these days of change and experiments is the really deep-seated and quite general confidence and pride which the great majority of the American people have in our Government. Ninety per cent of the people believe in and respect our form of government, and I venture the opinion that they will be the last to surrender or destroy it. I would rather trust all changes in our Government to a plebiscite of 110,000,000 people than to the unsteady nerves of those in official life who mistake so often organized propaganda for the voice of the people.

"But to these institutions of ours the people generally are wont to apply, and have been told that they should apply, the simple, practical rules of common sense—that it is a Government of the people, by the people, and for the people.

"They would have difficulty in preserving their respect for this Government if they should continue to feel that there is no remedy for a situation wherein statutes and laws may be declared unconstitutional after receiving the approval of the lawmaking body, the Executive department, and four members of the Supreme Court itself. A method more commensurate with reason and the solidity and the worth of our institutions should be devised. While I would not seek to invade the 'judicial power,' I would be pleased to know some way had been devised to throw about the judgments of this court the fullest respect and the highest confidence, both as to their wisdom and their permanency.

"One can not be justly charged with undue national pride when he declares that the Supreme Court of the United States is the most exalted judicial tribunal in the world, not a court beyond the possibility of error, not a court whose opinions are deemed above the reach of fair and honest criticism, but a court which, whether viewed as to the reach and scope and power of its jurisdiction or as to its influence and standing, its ability and learning, its dedication and consecration to the service of mankind, is the greatest tribunal for order and justice yet created among men. If, therefore, the machinery of the court can be geared to a higher plane and greater accuracy, thereby insuring its judgments greater support and approval, that should be our willing task.

FIVE-TO-FOUR RULINGS.

"Some of the typical five-to-four decisions of the United States Supreme Court have been as follows:

"Northern Securities Co. *v.* United States (193 U. S. 197), in which stockholders of the Great Northern and Northern Pacific Railway Cos. combined to organize a holding company under the laws of New Jersey, by which the holding corporation held nine-tenths of the stock of the Great Northern and more than three-fourths of the stock of the Northern Pacific. These were competing lines between the Mississippi and the Pacific coast. The court held that under this arrangement the lines ceased to be in active competition for trade and commerce and became a consolidated corporation, an illegal combination in restraint of interstate commerce.

"In a child-labor case (247 U. S. 251), Hammer *v.* Dagenhart, the act prohibited transportation of goods made in factories employing child labor. It was held unconstitutional as exceeding the commerce power of Congress, the necessary effect being a regulation of the hours of labor of children. The majority of the court held this to be a matter solely within the jurisdiction of the States.

"An income-tax decision involved Pollock *v.* The Farmers' Loan and Trust Co. (157 U. S. 429, 1895, and 158 U. S. 601, 1895). The act laid taxes upon rents or incomes derived from real estate or from the interest on municipal bonds. It was held that the tax on income from real estate was a direct tax within the meaning of section 9, Article I, of the Constitution, and that the tax on interest of municipal bonds was a tax on the power of the State, etc., to borrow money, and therefore repugnant to the Constitution.

"Another case was under the workmen's compensation act of October 5, 1917, between the Knickerbocker Ice Co. and Stewart (253 U. S. 149, 1920). The act amended the Judicial Code relating to admiralty jurisdiction by saying 'to claimants the rights and remedies under the workmen's compensation law of any State.' It was held unconstitutional, as an attempt to delegate the powers of Congress under section 8 of Article I and section 2 of Article III of the Constitution.

"The Lochner case (177 U. S. 145; Statutes of New York) took up the question of prohibiting bakers to work more than 10 hours a day. The court held that a man had a right to work longer hours if he wanted to do so."

Mr. OWEN. In dealing with the question of policy, the Senator from Minnesota said, "Suppose Congress should pass an unconstitutional act; then what? Are we to allow an unconstitutional act to be passed, and have no place of review?"

There are plenty of ways to review it. The Congress of the United States has not yet come to a point where it refuses a remedy when a man is injured through any act of Congress. If there is a liberal body in the world, it is the Congress of the United States. Our committees are full of claims of all sorts, where citizens have been hurt by the operations of Government. We are giving people remedies day by day, continually. It is an everlasting grinding of the mills giving relief to small men who are hurt by Government operations. The Government is generous and kind. It is not autocratic; it is not monarchical; it is not tyrannical. It deals justly and kindly with its people, and if Congress makes a mistake on some matter of great consequence, there is a forum in this country to give relief, and that is the forum of the people of this country. They will express themselves with regard to whether or not their servants on this floor have discharged their duty with fidelity and with intelligence, and at last, under our Constitution, the sovereign power is vested in the people. That is where the sovereignty is, and that is where it ought to be left. It ought not to be transferred to any commission, or to any court appointed for life, and not responsible to the people for their decisions.

Mr. President, the time has come when I must close. I am compelled to leave the floor.

Mr. WALSH of Montana. Mr. President, before the Senator departs from a consideration of this question, I should like to address his attention to that amendment of the Constitution which provides that no person shall be deprived of life, liberty, or property without due process of law, and I want him to assume an act of the Congress of the United States which does, indeed, deprive one of life without due process of law, or to assume the case of a statute which deprives one of his liberty without due process of law, or, for the matter of that, a statute which deprives one of his property without due process of law. A subsequent Congress, of course, could restore the property or the equivalent, but how can Congress restore to a man his liberty or his life?

Mr. OWEN. Mr. President, the Senator can very easily make suggestions of that kind. I will ask him what remedy I have if, when I am passing across Pennsylvania Avenue, an infuriated taxi driver runs over me and breaks my neck? None. There are cases in which we may suppose irreparable injuries, but that does not justify an interpretation of the Constitution of the United States under which Congress shall abdicate its power to declare its own acts constitutional.

I have spoken of the power, and I invite the Senator from Minnesota, who is here now, to make a reply to the argument which I submitted to-day, and to take the time to study what I have said. I asked him to do that because he can not otherwise make an intellectual reply. I want him to study what I have said, and then answer in the Senate, if he will, and show that Congress has not the power which I say it has.

Now, Mr. President, I am compelled to leave.

Mr. KELLOGG. Will the Senator yield?

Mr. OWEN. I am yielding the floor.

Mr. KELLOGG. I have not heard what the Senator has said, but I will read it, and reply, if it needs any reply, which I very much doubt.

Mr. BROOKHART. Mr. President, on Saturday last I gave notice that to-day I would speak upon the question of the power of the Supreme Court to set aside acts of Congress. Since then the Senate has refused to lay upon the table the motion to proceed to the consideration of the filled milk bill. I believe this is a very important matter to the country and one that should be immediately considered. I therefore wish to state that I shall not at this time discuss the matter in reference to the Congress and the Supreme Court, and I shall speak only briefly in favor of the motion to proceed to the consideration of the filled milk bill.

So far as the question of the ship subsidy bill is concerned I think I have made my position clear heretofore. My position is that it should not be voted upon by this Congress. It is fastening upon the country a policy by contract for 15 years when this Congress will now live less than two weeks. If it is such an important proposition to the people of the whole country, it should be considered by an extra session of the Congress elected largely upon that issue. I therefore feel that it is wrong for a Congress which is dying to fix a future policy of that kind upon the people of the United States.

In that judgment I am supported by the Senate in its vote taken but a few days ago upon the submission of a constitutional amendment providing for changing the date of the convening of Congress. Most of the Senators who are supporting the ship-subsidy measure voted at that time to submit a constitutional amendment to the legislatures of the States which will prevent the situation under which we are now laboring. I call upon those Senators to practice a little bit what they preach. Let us postpone the vote upon the ship subsidy and take up and consider and dispose of important matters which the people of the country are demanding. The question of filled milk is one of them. It is a question of pure food. It is a question of the lives of children. It is a question of advancing our civilization.

I realize that whenever we attempt that sort of thing we always find somebody opposed. There is always some vested interest that is opposed, but nevertheless that is no reason why the Senate or the Congress should halt in carrying out and doing those things. Therefore, I feel keenly that we should proceed to the consideration of the filled milk bill and dispose of it. While I feel just as keenly that it is my duty to do everything I can by preventing a vote or otherwise to block the passage of the ship subsidy bill, I am just as strongly in favor of disposing of these other matters of interest to the whole people of the United States. I am glad to say that the Senate has voted against tabling the motion, and I hope upon a full consideration of the matter they will vote to proceed to consider the filled milk bill and that it will be disposed of in regular order. It certainly will be done without any filibuster or delay upon my part, as I believe will be the case upon the part of any of those opposed to the ship subsidy measure. I believe any other legislation of immediate importance would receive the same consideration. Therefore, I desire to say that I shall support the motion of the Senator from North Dakota to proceed to the consideration of the filled milk bill.

Mr. KING. Mr. President, before the Senator resumes his seat I would like to ask him a question, if he will yield for that purpose.

Mr. BROOKHART. I yield.

Mr. KING. If he will permit me to make a very brief statement preliminary to it, I shall be very glad. I think his answer to the question which I am about to propound may influence some Senators in their votes upon the proposition to take up the filled-milk measure for consideration.

The Senator is a lawyer and a student of public questions. He knows our Constitution and the dual form of government which prevails. He knows the rights of the States, and under the Constitution he knows they have certain police powers and certain rights which a sovereign State has the right to exercise.

There is a grave feeling upon the part of some who are profoundly in sympathy with the purpose and object of the bill that it is an infringement upon the rights of the States and will be a direct assault upon their police powers, upon the authority of the States to regulate matters which are essentially domestic in character and, under the usually accepted theory of the rights of the States, matters which pertinently and properly belong to the States.

I want to ask the Senator if he interprets the bill in the way that it would, if enacted into law, be a serious or any restriction upon the rights of the States? Does he interpret it as a precedent that might be invoked when assaults may be made upon the States to restrict their power and in the interest of some particular business? To illustrate what I mean, there are some farmers, perhaps, and some people engaged in the dairy business who would like to see the use of cottonseed oil, as an illustration, interdicted as a food product. Let it be used for the making of soap or for any nonedible purpose. Doubtless there are some who would be willing to support a measure that would prevent the use of cottonseed oil or coconut oil in the manufacture of butter or products for use as food.

Does the Senator distinguish this bill from a measure which would have in view the object which I have just indicated? Does the Senator think that the Federal Government has the power to say that skimmed milk shall not be used for food purposes; and if he thinks that they have the power, where does he draw the line as to the authority of the States and the authority of the Federal Government to determine questions which heretofore have generally been conceded at least to be within the province of the States themselves?

Mr. BROOKHART. At this time, of course, I was not discussing the merits of the bill itself. There is no doubt that Congress can not invade the rights of the States even if they wanted to do so. Under the present method of deciding these matters their act would be held unconstitutional if they did so. I am not in favor, as a matter of policy, of invading any of the rights of the States, and if, upon consideration of the bill, it appeared to do that, of course, it should be amended in those particulars. I am interested in it as a matter of policy, of pure food, of protecting especially the lives of the children of the country. Incidentally everybody in every business has a right to know whether a thing is truthful and what it purports to be, and I, of course, stand strongly for that general principle which will make milk milk, and coconuts coconuts.

Mr. STANLEY. Mr. President, will the Senator yield?

Mr. BROOKHART. Certainly.

Mr. STANLEY. The able Senator was on the point of discussing the propriety of legislation limiting the rights and powers of the Supreme Court of the United States to declare unconstitutional or void an act of Congress. In that question I am vitally interested. Without expressing any opinion pro or con as to the merits of the proposed method of curtailing the power of the Supreme Court, there is no doubt in my mind that the framers of the Constitution never contemplated this veto power on the part of the court as now exercised.

Thomas Jefferson would turn over in his grave at the thought of the Supreme Court nullifying an act of Congress upon the grounds which have sometimes justified that court in so doing. This is the only legislative body on earth of which I have any knowledge, in a measure, controlling the destines of a free and enlightened people where the judiciary exercises that plenary and unprecedented power. It is not in the power of the English courts to set aside an act of Parliament or of the French courts

to set aside an act of the Chamber of Deputies or of the German courts to set aside an act of the Reichstag; or assuming that the Senator is correct and that we are going to say to the Supreme Court, "Hereafter we shall be the judge of the constitutionality of our own acts," if and when we take that position, one of two things must happen: Shall we look simply at the purposes of a pending bill, adopt, as the causists say, the position that "the end justifies the means," that if the purpose of a bill is laudable, and if the end sought is desirable, then we will not cavil about the means or consider the technical question of its consonance with the Constitution of the United States? Having curtailed the right of the Supreme Court to review its constitutionality, and having failed on our oaths first to ask, Is it within our power to do this thing before we determine whether it is right or wrong, what will become of what is left of the Constitution of the United States if both those things happen?

Mr. BROOKHART. I think both those things never can happen, but, as I have said, I expected to discuss that question to-day. I desire, however, to postpone the discussion of that question in case the filled-milk bill is taken up, so it may be considered upon its merits. Then, more at length, I shall discuss the proposition presented by the Senator from Kentucky.

Mr. STANLEY. Mr. President, I hesitate to take up so much of the Senator's time, but I will say to him, as illustrating this very proposition, elaborately discussed by Mr. Justice Marshall in the great case of Gibbons against Ogden, two things induced the convention called together for the purpose of curing certain defects in the Articles of Confederation in a way to write their own instructions and to depart upon a venture not contemplated by those who sent them as delegates to that convention, for I think it will be universally conceded that when the delegates went to the so-called Constitutional Convention there was no thought in the minds of those who selected them that they would write an instrument new and entirely different, infinitely beyond the old Articles of Confederation in the form and character and power and genius of the Government they created. The two things above all others that induced them to this radical departure were, first, the inability under the Articles of Confederation to levy an effective tax in order to maintain the Government, and the other the utter chaos that would necessarily have resulted by a failure to vest in the Federal Government the regulation of interstate commerce. So that two compelling and convincing reasons for the conduct of the whole convention were to settle the method of taxation and to limit and definitely to define the power of Congress over commerce between the States. An impost duty levied in one State against another meant that the industrial progress of the Nation as a whole was impossible. If there is one power above all others that that convention was inclined to vest in its entirety in Congress, it was the power over interstate commerce.

How far did they go? They gave to the Federal Government and denied to the States control over commerce among the States and with foreign nations, and subsequently in Territories under the control of the Federal Government. Had they attempted to give to the Federal Government control over traffic between two points in the same State, the Constitution would never have been adopted, in my opinion, and should not have been adopted with that sort of provision in it.

I am at this time utterly opposed to an insidious propaganda on the part of the great carriers of the country, with which I am sure the Senator from Iowa is familiar, because he has added much to the literature and to the light upon that subject. I am opposed to taking away from State railroad commissions the control over strictly intrastate commerce, and I think the Senator from Iowa agrees with me on that proposition.

Mr. BROOKHART. I am in the most perfect accord with that idea.

Mr. STANLEY. This bill, as I read it, does that. If it does that, the Senator must concur that it is unconstitutional. The definition of interstate commerce as contained in the bill is not the definition of the Constitution; it is not the definition of the Sherman Act. It is either a reckless and inadvertent or an utterly indefensible method insidiously to extend the power of the Federal Government to commerce in the commodity covered by the bill between two adjoining hamlets not a mile apart.

Mr. BROOKHART. If that be true, as the Senator says, I should say that the bill should be amended at this time. However, again I call the Senator's attention to the fact that it was not my purpose to discuss the merits of the bill, but merely to discuss the question whether we should proceed to its consideration.

Mr. STANLEY. Mr. President, for instance, the bill defines the term "person," and then on the first page of the bill, beginning in line 6, defines interstate commerce as follows:

(b) The term "interstate or foreign commerce" means commerce (1) between any State, Territory, or possession, or the District of Columbia, and any place outside thereof.

There is no particular objection to that. Then this provision follows:

(2) Between points with the same State, Territory, or possession, or within the District of Columbia, but through any place outside thereof.

Whenever we attempt to define the term "interstate commerce" to mean commerce between points within the same State, then we are clearly beyond the province of the Constitution.

Mr. BROOKHART. The provision as read seems to contemplate a movement into some other State and then back into the original State of shipment. That might make a difference. I think, however, the Senator and I would not have any serious quarrel or trouble in regard to that proposition. That is a minor matter, I think, in the bill, and, so far as I am personally concerned, I should not object to an amendment that would entirely clarify its meaning in that respect.

Mr. STANLEY. Mr. President, I will ask the Senator another question. Does the Senator believe—and when the oleomargarine bill was under consideration we had this question under discussion—in a matter of this vital importance, unless we are clearly convinced that the bill is within the purview of the Constitution and that it is properly and carefully drawn, and it is not only designed for a good purpose but is the proper method of attaining a desirable end, that it ought to be taken up for consideration in the closing days of the session?

Mr. BROOKHART. I think that the action of the committee is quite a good guaranty that all matters in connection with the bill have been considered, and therefore I am ready to act upon it. In matters of this kind we will always have to rely to a great extent upon the action of the Members of the Senate, including the committee which considered the measure. Each Senator can not investigate every question in all its details to the very bottom.

Mr. FLETCHER. Mr. President, may I suggest to the Senator that I have before me here what are called Filled Milk Hearings Before the Committee on Agriculture of the House, June 13, July 6, 7, 19, and 20, 1921. So the matter has been before Congress for some time and the hearings are quite extensive.

Mr. BROOKHART. The Senator, of course, is more familiar with that than I. I think we could well enough proceed to the consideration of the bill at this time.

THE MERCHANT MARINE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes.

The VICE PRESIDENT. The question is on the motion of the Senator from North Dakota [Mr. LADD] to proceed to the consideration of House bill 8086.

Mr. JONES of Washington and Mr. UNDERWOOD called for the yeas and nays, and they were ordered.

Mr. HARRISON. Mr. President, a parliamentary inquiry. Is the question on the motion to take up the bill?

The VICE PRESIDENT. The question is on the motion to take up the so-called milk bill.

Mr. LADD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Bayard	Gerry	McKellar	Robinson
Brookhart	Glass	McKinley	Sheppard
Broussard	Gooding	McNary	Smith
Bursum	Hale	Moses	Smoot
Calder	Harris	Nelson	Spencer
Cameron	Harrison	New	Stanfield
Capper	Heflin	Nicholson	Stanley
Caraway	Hitchcock	Norris	Sterling
Colt	Johnson	Oddie	Sutherland
Couzens	Jones, N. Mex.	Overman	Townsend
Curtis	Jones, Wash.	Page	Trammell
Dial	Kellogg	Pepper	Underwood
Dillingham	King	Phipps	Wadsworth
Edge	Ladd	Poindexter	Walsh, Mont.
Ernst	La Follette	Pomerene	Warren
Fletcher	Lenroot	Ransdell	Watson
George	Lodge	Reed, Pa.	Weller

The VICE PRESIDENT. Sixty-eight Senators have answered to their names. There is a quorum present.

Mr. HITCHCOCK. Mr. President, I was a good deal surprised, a little earlier in the day, to hear the Senator from Alabama [Mr. UNDERWOOD] state that he was opposed to the defeat of the shipping bill by indirection. I was all the more surprised at this deliberate statement of his because on a rather recent occasion he had led, openly and courageously, a filibuster against a piece of legislation to which he was opposed and to which many of us were opposed. On that occasion he was not content to make his fight upon the legislation in question, but he fought practically everything that came before the Senate, and sought to bring legislative proceedings to a standstill until those who were proposing the legislation to which he objected, and to which the minority objected, should abandon it. He succeeded. The legislation was dropped, although unquestionably a majority of the Senate were in favor of its passage.

I realize that the Senator sought to give an explanation, sought to show wherein he distinguished between the two forms of legislation, sought to show what it was that in his opinion justified a filibuster upon the antilynching bill, whereas, in his opinion, there was no justification for a filibuster against this proposed legislation, the shipping bill; and I shall do him the justice to quote what he said in that regard. He said:

> There are certain great principles that may be involved in votes in the Senate where human rights and human liberty and fundamental principles of our Government are at stake when I would not hesitate for a moment to use any legislative power I possess to prevent the passage of a bill.

Frankly speaking, the premises which he assumes were not conceded by a majority of the Senate. It was a mere matter of opinion—his opinion—that great principles of human liberty were at stake on that occasion and that fundamental principles of government were at stake; but conceding that he was correct, conceding that human liberty was at stake and fundamental principles of government were at stake, what shall we say about the question now before the Senate?

The Senate is here as a representative body. We do not rule the country. We only represent the people that rule the country; and the reason why this shipping bill is now brought before Congress and pressed to passage by all the power of the administration is because the administration knows that after the 4th of March, in the next Congress of the United States, its passage is impossible. In other words, it is a direct Executive attempt to convert into legislative action by a Congress which is to die within two weeks a piece of legislation that the next Congress would refuse to enact.

Mr. President, I think a great principle of government is at stake here. What right has the Executive to undertake to force upon the American people legislation which they at the polls last November repudiated? It was before the people.

Mr. LA FOLLETTE. And to perpetuate that legislation for 15 years.

Mr. HITCHCOCK. Yes; as the Senator from Wisconsin says, not only to enact it but by a contractual provision to perpetuate it so that the representatives of the people are not allowed to shake it off when they get into control.

Mr. STANLEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Kentucky?

Mr. HITCHCOCK. I yield to the Senator.

Mr. STANLEY. I may be mistaken, but I have heard a persistent rumor that the President of the United States has stated, and that the chairman of the Commerce Committee has stated, that if this bill is passed in such a way as to give Congress control over the appropriations carried under it similar to its control over those made for the maintenance of the Army and of the Navy and the maintenance of fortifications and the conduct of the Post Office and other departments, the usual appropriations, they will regard the bill as comparatively worthless, and there is talk that the President has threatened to veto it. In other words, unless a discredited measure can be enacted by men who are no longer competent to represent the people further, unless they can use not the power they now have but the power they once had, before the wisdom of the people or of God or of both lessened that power—unless they can use that power, and unless they can bind and gag the next Congress by a provision in this bill so far as undoing their nefarious work is concerned, they are not interested in the bill at all.

Whether that be true or not, I do not know; but if it is true, the insolence of the assertion, the audacity of it, ought to justify any means that God or nature has put in our hands to kill this bill.

Mr. HITCHCOCK. I have heard the same report, and I know not whether it is true or not, and I do not care very much. I say this is an occasion on which a great governmental principle is at stake. The Senate is not simply to vote "yes" or "no" upon a ship subsidy bill. The Senate is going to say by its vote whether it thinks it is right to fasten on the American people for a number of years in advance, so that a subsequent Congress can not remove it, a piece of legislation that the people at the ballot box repudiated only a few months ago by electing a Congress that is known to be adverse to it.

Mr. FLETCHER. Mr. President, will the Senator yield?

Mr. HITCHCOCK. I yield.

Mr. FLETCHER. In reference to the observation of the Senator from Kentucky [Mr. STANLEY], there is no need to guess at the position of the Executive or the administration with regard to that provision in the bill which provided for annual appropriations, and the proposal of the committee to strike that provision out of the bill as it came from the House, and to insert, in lieu of authorization, permanent appropriations. The President stated to the committee, in a communication to the chairman of the Commerce Committee, and I think it is in the record—nobody has ever questioned it, and there is no secret at all about it—that unless there were provision for the permanent appropriation of the fund, which the committee by amendment limits to $30,000,000 a year, he would not want the bill at all; so that that is a vital point in connection with the whole measure. Unless Congress is to be bound by a permanent appropriation for 10 years, and probably 15, the bill is not wanted at all. I may suggest this to the Senator, also, if he will allow me just a moment further, with regard to the charge of delay, and some talk about impotency of the Senate, and that sort of thing; the President, when a member of this body, in 1915, joined in filibustering to death the shipping bill at the close of that session.

Mr. HITCHCOCK. Mr. President, we regard filibustering very much in line with our point of view on the question under discussion. I have been reluctant at all times to join in a filibuster, and I think the Senate will bear me out in the statement that I have occupied very little time upon the floor in participating in a filibuster at any time, but if ever there was an occasion when a great fundamental principle of Government justified a minority in restraining a majority by a filibuster, it is at a time when it is notorious that within two weeks the complexion of this representative Government will so change that on the ship subsidy question the majority will be the minority and the minority will be the majority. It is not altogether a party question.

In the House of Representatives, where there is a Republican majority of 150, I think, although I do not know exactly what the majority is, the ship subsidy bill secured a majority of only 24 votes, showing very well that a great section of the Republican Party itself was opposed to the ship subsidy bill. Not only that, but there never has been an election in the United States when the people have put the stamp of their approval upon the ship-subsidy idea, which proposes to take a great sum of money annually from the people of the United States and pay it to a preferred interest.

I feel that I can speak on this matter with unusual freedom. I am a "lame duck." I am not to be in the next Senate; and one reason why I am not to be in the next Senate is that the Republican candidate who ran against me repudiated his administration upon this question, and in order to secure his election had to come out and declare himself opposed to the ship subsidy bill and opposed to the administration headed by the President of the United States, to whom he owed allegiance. So I feel that I am perfectly justified in standing here, as I do, without any interest in the matter, not to be a Member of the next Senate, and saying that in my opinion the question of the passage of this bill at this session involves a great fundamental principle of representative government, and if a filibuster was ever justified it is justified in defense of the principle that we are here in a representative capacity, and it is doing violence to our representative capacity to pass, by a small majority, a bill against which the people have already rendered a negative verdict.

Mr. FLETCHER subsequently said: Mr. President, I wish to make a correction.

I stated in my interruption of the Senator from Nebraska [Mr. HITCHCOCK] that President Harding as a Member of this body had joined in the filibuster against the original shipping bill. I was mistaken as to that. He came into the Senate in March of 1915. That is, he was elected to the Senate in November, 1914. He was, however, opposed to the shipping bill of 1916, as the RECORD will show, spoke against it, and voted against it; but I was in error when I said that he joined in the filibuster on the first shipping bill that was proposed. I wish to correct that in the RECORD, and shall be glad to strike it out of the RECORD.

Mr. WALSH of Montana. Mr. President, there is no question, is there, that the shipping bill of 1915 was defeated by a filibuster on the floor of the Senate?

Mr. FLETCHER. Absolutely none. There is no question about that. I suppose very likely the then-elected Senator was in hearty accord with it, but he did not actually participate in it.

Mr. UNDERWOOD. Mr. President, I do not like to differ with my good friend from Nebraska, for whom I have the highest respect, when I can help it, and we do not differ on many questions; but I think right here we have met a fundamental difference. I think that one of the great issues before the American people, one of the great problems confronting the country to-day, is the question of human rights and human liberties. I think if the freedom of government under which we live now means anything, it means that the guaranties of the Constitution of the United States, as provided by the fathers, should live, and they are being torn down every hour and every day for special interests. The great mass of the American people are having their Government taken away from them because somebody wants something; and I can see a very grave distinction between the mere appropriation and spending of money, bad as the object may be, and a trespass on the fundamental rights of the States of this Union.

I did filibuster the antilynching bill, but not because I stood for lynching. I have always in the open protested against lynching, and I am glad to say that the sentiment against lynching is trespassed against but very seldom in my own State. I think it is an outrage that any man should assume that he can take the authority vested in the law of the land and exercise it himself. But that was not the question involved in that bill. It was whether the Federal Government should enter the States of the Union and exercise a police jurisdiction that has been vested in the States of America from the beginning. If the Congress of the United States continues to trespass upon the liberties, personal rights, and freedom of the people of the several States of this Union, they will build up a sentiment in disregard of law which will shake the whole fabric of our Government.

I only filibustered against that bill because the rules of the Senate allowed me to do so. I did not filibuster behind a screen. I did not attempt to do something concealed from the view of the American people; and when I said that I was opposed to that bill and would filibuster it I announced the fact from my place here in the Senate, and every man in the Senate and every man in the country knew what I was doing. There was no attempt behind closed doors to do something that was not disclosed on the floor of the Senate.

I said in that debate, and I say it again, that I believe a time will be reached when the United States Senate will be discredited by the American people unless it learns how to do business. The country has a right to expect that its chosen representatives will perform the functions which they are elected to perform in a legislative way. I am not responsible for the rules of the Senate. The rule in contention was adopted over a hundred years ago, as well as were most of the others.

Mr. FLETCHER. May I interrupt the Senator at that point just to inquire whether it is not just as much a function of a legislative body to defeat improper and unjustified measures as it is to pass other measures?

Mr. UNDERWOOD. Undoubtedly; if they command a majority of the American people. This is a Government of majorities, not a Government of minorities.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER (Mr. REED of Pennsylvania in the chair). Does the Senator from Alabama yield to the Senator from Tennessee?

Mr. UNDERWOOD. I yield.

Mr. McKELLAR. Does not the Senator believe that a majority of the American people are opposed to the ship subsidy bill, as shown at the last election?

Mr. UNDERWOOD. I hope so. I am in thorough accord with the Senator's views against the ship subsidy bill; but it is not the majority in the country that can control legislation; it is the majority on this floor.

Of course, I know that my view of doing business does not meet with the approval of most of my colleagues and never has. I am proud to say, however, that since I have been a Member of the Senate I have had reported to the Senate a resolution which I offered, providing a real cloture rule for this body, and not a sham and a mockery. On a vote in the Senate it came within 7 votes of becoming a rule of the Senate, the closest vote the Senate has ever cast on an attempt to provide a rule under which it could do business.

I am not reflecting on my colleagues; they have a right to their own opinions about these matters, and I know they do not agree with me. In a legislative way I was raised in the other branch of the Congress, where they do business, where a majority can write on the statute books its proposals to the American people, and go to the country for their final verdict. When the Republican Party was in control I accepted the results, and when I had the power of control myself, and my party had announced its program, we proceeded to put our conclusions on the statute books. That is government. That is functioning as a vital Government.

I would not have the Senate adopt a cloture rule in the midst of a party contest, because it would be foolish to ask us to do it, but whenever the time comes in the Senate of the United States when it is devoid of partisan issues and partisan prejudice, as far as I am concerned, I would vote for a rule that would enable the United States Senate to attend to the business of the country.

I do not say this in criticism of the Senator from Nebraska, who thinks he is justified in filibustering this bill to death. I do not intend it at all as a personal criticism. It is merely a point of difference between us. But I see a very grave distinction between a filibuster where the fundamental rights of my State were involved and one where the issue is merely one of appropriating dollars out of the Treasury.

I do not think the shipping bill is any worse in fact or in principle than the tariff bill the Congress passed last summer. I think the tariff bill will cost the American people vastly more money than the shipping bill would cost them, and I think the theory that you may levy taxes for the benefit of special interests is far more derogatory to the great principles of equal rights to every citizen of the United States and special privileges granted to none than anything that is involved in the shipping bill.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. UNDERWOOD. I yield.

Mr. McKELLAR. I want to suggest to the Senator that the difference between the tariff bill and the ship subsidy bill is that next year Congress can repeal the former, whereas, if the ship subsidy bill shall be passed, the power of Congress to repeal the law will be taken out of Congress for a term of years—I believe from 10 to 15 years.

Mr. UNDERWOOD. Mr. President, the Senator from Tennessee is not coming at the question directly; but I want to say to the Senator from Tennessee that, so far as the subsidy bill itself is concerned, as it stands before the Senate to-day, an annual appropriation is required before it can be put into effect. It came from the House in that form. It is true that the Senate committee has proposed an amendment which would enable the contracts to be made for a period of years, but that amendment has not yet been adopted and is not in the bill.

Mr. McKELLAR. Does the Senator doubt that it will be adopted?

Mr. UNDERWOOD. Yes; I doubt it. I do not say that it will not be adopted, but it seems to me if I were running the proposition I would stop long enough to let them vote on that amendment and find out where we stand. No one would foreclose anything by allowing the other side to vote on that proposed amendment. If Senators on this side of the Chamber insist on a filibuster, they could still go on with the filibuster, but why not let the majority determine the issue as to whether the proposed amendment is in the bill or out of it? At present it is out of it.

Mr. HITCHCOCK. Of course that is hardly in harmony with the style the Senator followed when he led the filibuster.

Mr. UNDERWOOD. Oh, that is true.

Mr. HITCHCOCK. He would not let us vote on anything, hardly even on a motion to adjourn.

Mr. UNDERWOOD. That is true, because, as I said, that was an issue where the rights of the great constituency which we represented, the fundamental rights of government, were involved. I say there is nothing involved in the shipping bill but an expenditure of money.

Mr. McKELLAR. The trouble is that there are a lot of us who have a very different view about it. There are some of us who think this is just as important as the other bill, perhaps, on a question of principle.

Mr. UNDERWOOD. I hope my friend from Tennessee will not think I am criticizing him.

Mr. McKELLAR. Oh, I do not.

Mr. UNDERWOOD. I know that the Senator from Tennessee differs with me in what I am expressing, but has the Sen-

ator from Tennessee any objection to my expressing my own view in the RECORD?

Mr. McKELLAR. None whatever.

Mr. UNDERWOOD. That is all I am trying to do. It is not with any intention on my part to criticize the Senator's position.

Now, Mr. President, I will come back to where I left off when I was interrupted. I said that I believe that the fundamental principles in the tariff law were more detrimental to the American people than anything that is in the shipping bill. I believe it is more so now than it was a decade ago, because it was then only a question as to whether we would play favorites to special interests. Now, it is a question of closing our doors to foreign shippers, preventing from coming into the country the only means of payment for agricultural products which we ship to Europe.

I believe the principles that are involved in the tariff law go to the very prosperity and future industrial life of the American people. We can estimate with our pens how many dollars may be thrown away as a result of the passage of the shipping bill, but no man can estimate the disaster or danger, measured in dollars, that may come from the tariff law. And yet when Senators on this side of the Chamber consented last September that the majority party might come to a vote on the tariff bill, there were 1,500 amendments undisposed of that were passed en bloc. My colleagues on this side of the Chamber, if they had desired to do so, could have had the tariff bill on the floor of the Senate to-day. It would not have been a wise thing to do.

This is a government of majorities. The people of the country send their representatives to the House and to the Senate. The majority have a right to rule so long as they are not invading the Constitution of the United States and the fundamental principles of our Government that have come down to us from the fathers. No man on the floor of the Senate is more opposed to the methods involved in the shipping bill than I am, and yet there is no man on the floor of the Senate who is more in favor of upbuilding a merchant marine in this country than I am. More than a decade ago I made a legislative proposal and it became the law. I shall not go into the details of why it was defeated, but it was not defeated by the American people. I realize that one of the greatest disasters that happened to the people I represent occurred in 1914, when that great agricultural crop, cotton, fell from 14 cents to 5 cents a pound for no reason in the world except that there were no ships to carry the exportable portion of the crop to the ultimate market of consumption.

I do not think the pending shipping bill will accomplish the expected result. I think it is wrong in principle. I am entirely opposed to it, but I belive that the country must be governed by responsible majorities.

Mr. CARAWAY. Mr. President, may I interrupt the Senator?

Mr. UNDERWOOD. Certainly.

Mr. CARAWAY. I want to say just a word of explanation, that I perfectly agree with the Senator in that I am willing the majority should have a vote. But this is a party Government, as the Senator calls it. The Senator is the leader of the minority. He rises in his place and prefaces his statement by saying "The doctrine I am announcing is not agreed to here by my colleagues." I wonder if that same rule of majority then would not restrain the leader of the minority from announcing a principle against which a great majority of his colleagues were opposed?

Mr. UNDERWOOD. I will say to my friend that I think that is a very just criticism, a very fair one, and I shall answer it in the same spirit in which the Senator asked it. I did not regard the question of the filled milk bill this morning as a party question.

Mr. CARAWAY. I did not have that in mind. I thought the Senator was talking about the shipping bill, and that is the measure which I said I was perfectly willing the majority should vote on. I had thought and at one time expressed the hope that the majority would let those who are to continue in the majority express their view and not insist that those who are hoping for favors that do not come from the people direct should determine the policies of the country. They do not seem willing to accept that view, because they know that the majority of those who are to be in the Sixty-eighth Congress are against the bill. However, that has nothing to do with it. I was merely showing that they will not take the responsibility. I am willing they should take it.

Mr. UNDERWOOD. I thank the Senator and I agree with him. Of course, we have not come to a vote, but I have talked to my colleagues about the shipping bill. I think I have spoken to every Senator on this side of the Chamber about it. So far as I know, the votes on this side of the Chamber will be absolutely against the shipping bill, except two. We have 37 votes in the Senate, and 35 will be against the bill. I have also talked to my colleagues, and I am satisfied after talking with them that a majority of the Democratic Senators feel that after proper debate the majority have a right to cast their votes and express their views. The opposition to that course on this side of the Chamber, if I am to judge from what I have heard from my brother Senators, comes from a minority on the Democratic side.

Mr. CARAWAY. May I interrupt the Senator again to say that I certainly misunderstood the Senator a moment ago? I thought he said he realized the views he was expressing were in opposition to those of a majority of his colleagues.

Mr. UNDERWOOD. I was merely speaking of the vote I cast this morning on the filled milk bill proposition.

Mr. CARAWAY. Oh, everybody had forgotten that, because the filled milk bill was just one of these talking bills.

Mr. UNDERWOOD. I will say to my friends on this side of the Chamber that the only reason why I have said anything in this connection was that I found myself in a very embarrassing position, but many times we all vote without knowing much about the legislation. Some of it comes from some other committee than those with which we are directly connected, and somebody else knows about it, and I follow my side under circumstances of that kind. But ever since I have been in public life, when I have had a conviction of my own on a legislative subject, I have expressed it, whether I stood with the united column or stood alone, and I do not know how to do business otherwise.

The only reason why I became involved in this debate at all——

Mr. CARAWAY. May I interrupt the Senator again? The Senator realizes that if each individual would take that view party government would be at an end.

Mr. UNDERWOOD. Oh, undoubtedly.

Mr. CARAWAY. And yet I thought the Senator said this was a party government?

Mr. UNDERWOOD. Yes. Of course, I was speaking about the filled milk bill. If the Democratic Party in the United States would ever meet in caucus and not in conference and would let the united wisdom of the party determine the questions, I would do then as I have always done—accept the conclusions of the majority. I think that is the way to do business, and that is the way I was educated to do business in the House of Representatives. But that is not what we do in the Senate.

I think that the practical thing to do in the condition which now confronts us is not to filibuster the shipping bill to death but let this important amendment as to how long the bill shall be operative come to a vote in the Senate and come to that vote now. When that amendment is voted on the question may be settled. The difficulty in the situation is that we have on the calendar many important bills, some good and some bad. They are entitled to be disposed of. But everything must go down under the rules of the Senate because there is one particular bill that is objected to.

The only reason why I have become involved in the debate was that on the vote on the filled milk bill this morning I felt that it was necessary for me to explain my vote and let the RECORD show why I voted to lay that bill on the table. That was not a party question. That would have been the end of it so far as I was concerned, until my friend from Nebraska criticized my course, to which I am not objecting at all. It was perfectly legitimate for the Senator to do it, and it was equally perfectly legitimate for me to make a reply.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. UNDERWOOD. Yes.

Mr. CARAWAY. I wonder if there is not a little inconsistency in saying that the Senate ought to do business and then for the Senator to vote to table a bill without discussion?

Mr. UNDERWOOD. No.

Mr. CARAWAY. I do not see how we can consider legislation by tabling a measure without having it read.

Mr. UNDERWOOD. Of course, my friend from Arkansas, who is a splendid Senator, one of the best debaters in the Senate and an excellent parliamentarian, is simply overlooking the fact that these parliamentary motions have come down with the wisdom of ages. There is nothing new in them; there is nothing wrong about them. There are times which come in a parliamentary body, when it is moving toward a conclusion, and the delays caused by those who are fighting on the outskirts and harassing the column become so troublesome that there must be some parliamentary way out. Therefore parliamentary bodies, long before this Nation was born, adopted the course of laying on the table those things which were in the way of the direct issue; and that determined where the direct issue was. Of course, this morning the determination was adverse,

but there was no way of ascertaining that until the vote was cast. It was sidetracking something that was in the way of the direct issue. Of course, so far as my vote was concerned, I was merely opposed, as I always have been opposed in principle——

Mr. CARAWAY. Mr. President, let me ask the Senator just one more question. If a motion shall be made to lay upon the table the ship subsidy bill will the Senator vote for it?

Mr. UNDERWOOD. Undoubtedly.

Mr. CARAWAY. Evidently, then, that is no way to legislate. We do not get any real intelligent consideration of the shipping bill by tabling it, do we?

Mr. UNDERWOOD. Of course, I think the shipping bill has been debated fully and freely, and I am opposed to it, and laying the bill on the table would be a way of finally disposing of it and allowing the Senate to attend to the remainder of its business. If the Senator from Arkansas, when the opportune time comes, desires to make the motion to lay the shipping bill on the table, he will undoubtedly receive my vote most cheerfully.

Mr. CARAWAY. But, Mr. President, I am still curious to know how that would be an intelligent disposition of an important piece of legislation. The motion prevents debate; it prevents the offering of amendments; it prevents reading of the bill or any consideration. If agreed to, it would simply set it aside, but it would not dispose of it. I thought the Senator from Alabama was arguing for an intelligent disposition of the bill.

Mr. UNDERWOOD. Undoubtedly; and I think if we could command a majority to lay the shipping bill on the table after months of debate it would be a very intelligent disposition of it. That is my view point. I do not favor motions to lay on the table when Senators have not had an opportunity to express their views, but in this case, as a rule, they have had that opportunity. I, therefore, think it would be proper to move to lay a bill on the table when the vote is going to raise the question, as it did this morning, as to the right of way between two bills.

I have gone into this question further than I intended to, but I wanted the RECORD to disclose my viewpoint of the matter. I respect the opinion of the Senator from Nebraska; I am not falling out with it; he has got just as much right to his opinion as I have to mine, and I think his criticism was very proper if he thought that I had erred.

Mr. HITCHCOCK. Mr. President, I think the Senator from Alabama has misconstrued what I said. My remarks were not by way of criticizing his attitude on the motion to lay upon the table. My remarks were in defense of the present filibuster, if there be a filibuster, and I thought the Senator was really criticizing the attitude of those who are filibustering against the pending bill. I took his remarks to be a criticism of our attitude.

Mr. UNDERWOOD. I wish to assure the Senator from Nebraska they were not a criticism, because that would be personal, but there was a difference in the viewpoint.

What I say is when we come to purely economic questions—and, of course, all economic questions have behind them some principle, because the mere taking the money out of the Treasury involves a principle—when we come to questions that do not involve fundamental principles of government, I say in the last analysis the majority must govern.

Mr. HITCHCOCK. There the Senator is drawing a comparison between the merits of the shipping bill and the merits of the other proposed legislation. I am not talking about the merits of the shipping bill. I am talking about the right of the American people to have their wishes which they expressed at the ballot box carried out; that is the issue in this case. It is not the fact that we are opposed to the shipping bill which justifies the filibuster. The thing which justifies the filibuster is that the Executive is trying to force through this Congress legislation which the people repudiated last November, and that involves the integrity of representative government. If we can enact legislation which the people have already repudiated at the ballot box, then we are doing violence to one of the principles which involve the very foundation of representative government.

Mr. UNDERWOOD. I hope the Senator is right that the members of the next Congress do not believe in this class of legislation. So far as I am concerned, I have not polled that Congress and I do not know. It will still be Republican in both branches of Congress. I wish it were Democratic, and then I should know; but as to whether there will be enough Republicans in the next Congress who will join with the Democrats against this class of legislation I do not know. That is not the issue; that is not the thing in which I am interested; and it is not this bill. I think if the Senators on the other side of the Chamber make a fundamental proposal and it works out all right, it is for the good of the country; and if it works out all wrong, and they have made a mistake, the country will hold them responsible, and it will be a liability instead of an asset for them.

Mr. McKELLAR. Mr. President, if the Senator will yield there, if that principle of legislation should be adopted, why the necessity of any members of the minority party being here at all? Why not just turn over all the responsibility to the majority and let them pass such legislation as they desire?

Mr. UNDERWOOD. I am afraid my friend from Tennessee has not thought out that proposition. This morning the majority party had a proposal pending, but what was supposed to be a minority turned out to be the majority. If the question of majority were determined in advance, what the Senator says might be true, but the Senator from Tennessee overlooks a very useful function that is always performed by the minority.

Mr. McKELLAR. If the Senator will permit me again, he made the illustration; he pointed to the other side of the Chamber, which means the Republican side of the Chamber.

Mr. UNDERWOOD. Of course, the Republican side of the Chamber has the shipping bill before the Senate, but there were enough Republicans converted to a different policy, this morning at least, to carry a preliminary vote to lay their measure aside. The minority has a very useful function to perform in a legislative body, even if it does not carry its view. It has the right of criticism; it has the right of presenting to the country the errors that it believes the majority party has made; and it is a great salvation to the country and to the people that a critic does stand here.

Mr. McKELLAR. I agree entirely with the Senator about that.

Mr. UNDERWOOD. Certainly.

Mr. McKELLAR. But I was just telling him where, in my judgment, his argument would lead.

Mr. UNDERWOOD. I respect the position of my friend from Tennessee, and I know always he is earnest in his viewpoint. I am not saying this in opposition to him. I started out a moment ago merely to say what my viewpoint was, and I have gone further into the question than I intended to go. The only reason I said anything further about the matter was that my friend from Nebraska referred to my position this morning, and I felt I had better state what my position was in the RECORD.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Montana?

Mr. UNDERWOOD. I yield.

Mr. WALSH of Montana. I am quite in accord with the views expressed by the Senator from Alabama concerning the right of the people of the United States to expect that the Senate is going to do business, and I am in entire accord with the desire expressed by him that the rules of the Senate might be amended so that after a subject is legitimately debated a vote might be forced; in fact, I have argued in favor of that principle ever since I came here. But I am a little afraid that the remarks of the Senator now will be interpreted to mean that those of us who choose to vote for the pending motion are engaged in a filibuster.

Mr. UNDERWOOD. Oh, no.

Mr. WALSH of Montana. Does the Senator regard the motion of the Senator from Montana as a part of a filibuster against the shipping bill?

Mr. UNDERWOOD. No; I do not. I think the Senator from North Dakota [Mr. LADD] is perfectly honest in his proposal. He has made a motion with respect to a bill in which he believes.

Mr. WALSH of Montana. That is the point.

Mr. UNDERWOOD. The Senator from North Dakota is a man whom we all respect and we know that always he works by direct methods. He has proposed this bill because he believes it is right; I have no doubt of that whatever, but I differ with him. That, however, was not the issue. My friend from Nebraska criticized me for saying something about a filibuster, and he justified the filibuster; so that it was a question between the Senator from Nebraska and myself. I am not saying this in criticism of Members of this side of the Chamber. Many of them may believe that the filled milk bill is a very good bill and that it is a better bill than the shipping bill. If they do, they ought to vote to take it up. Of course, I believe both bills are bad.

Mr. WALSH of Montana. But I was afraid that the remarks of the Senator would give color to the suggestion that those of

us who choose to vote to take up the bill proposed by the Senator from North Dakota would be participating in a filibuster against the shipping bill.

Mr. UNDERWOOD. Not at all.

Mr. WALSH of Montana. Our vote in favor of taking up the bill of the Senator from North Dakota will be, first, because we believe we are in favor of the bill, and, in the second place, because we do not think it so evil as the shipping bill.

Mr. UNDERWOOD. Undoubtedly.

Mr. WALSH of Montana. Now, I assume that those, including the Senator from Alabama, if he votes that way, who will vote against taking up the bill proposed by the Senator from North Dakota will deem the passage of the shipping bill less of a public calamity than the passage of the filled milk bill.

Mr. UNDERWOOD. I can not say that I would go that far; but I will tell the Senator candidly what I think. I think that the amendment to the shipping bill which provides for a limitation of the expenditures under it to one year, thus leaving the question in the power of Congress, ought to be voted on before anything else is done. If that amendment should be adopted, as I think it properly may be, there is no great danger in this bill to the American people that can not be avoided in any Congress; and I should like to see the shipping bill go that far, because I know that if the filled milk bill, to which I am opposed, is taken up to-morrow it will be passed, and then there will be some other bill, and then we will continue this filibuster until the 4th of March—that is, we will continue this fight—I will not call it a filibuster.

Mr. WALSH of Montana. The Senator means that we would continue to take up bills that we think more important than the shipping bill?

Mr. UNDERWOOD. Certainly; but we will not do business. Now, Mr. President——

Mr. McKELLAR. Mr. President——

Mr. UNDERWOOD. I will ask the Senator to allow me to answer the Senator from Montana. In what I said awhile ago to the Senator I think I am correct. Thirty-five out of the thirty-seven Democrats on this floor are opposed to the shipping bill in their hearts. They believe it is a bad bill; but a majority of Members on this side, as I said awhile ago, do not believe that the bill ought to be filibustered—and I think the Senator from Montana agrees with me about that—but that, after a reasonable date, it is entitled to be voted on.

Mr. WALSH of Montana. The Senator states my position exactly, but at the same time I am in favor of taking up some other measures.

Mr. UNDERWOOD. Of course I realize that, and I am not critical of that position and have not been at all. I am taking more of the time of the Senate now than I intended to take; but I happened to be voting pretty nearly by myself awhile ago—there were one or two friends on this side with me—and I thought I was justified in putting into the RECORD a few remarks to explain why I voted as I did on a bill that neither I nor anybody else regard as a partisan measure.

Mr. DIAL. Mr. President, when the motion to table the filled milk bill was called up I was pretty busily engaged at my lunch, and came up, and was told that it was a preliminary fight between the filled milk bill and the shipping bill, so I voted without thinking or caring very much about it.

I was reminded of a remark that was made by a hard-shell Baptist preacher in my State many years ago. Some 35 years ago there was a good deal of antipathy in the country against lawyers running for office. In my county there were two lawyer candidates for the State senate. A hard-shell Baptist preacher went to the booth, picked up a ballot, looked at it, saw these two names on it, marked across both, and wrote at the bottom: "Neither one fits."

Mr. CARAWAY. Mr. President, does the Senator think he was right about it?

Mr. DIAL. Perhaps so, but I doubt it. So, Mr. President, I did not see any choice between these two bills, and I voted and returned to my lunch.

So far as filibustering is concerned, Mr. President, I think probably the best thing Congress could do would be to wind up some matters of importance and adjourn without passing the shipping bill, the filled milk bill, or any other of these abominations that we have on the calendar here. I think it would do the country a great service.

Mr. President, I do not know how the Senate is going to vote on taking up the filled milk bill; but, to my mind, there is about as little excuse for that kind of legislation as there can possibly be. It seems to me that the Congress has lost its sense of proportion, and that we are dabbling in all kinds of affairs to discourage business, to increase officials, to multiply expenses, and to put burdens upon the people of this country. I was informed that this bill was on the wrong lines, and I took a little time to look into it. It is unconstitutional. It is simply a fight between some big milk concerns and undertakes to outlaw some legal enterprises.

Anyone who reads the bill itself can see that there is no necessity whatever for it. Then if he will read the statement of the author of the bill, on page 5 of the hearings, he will see that there is no fraud practiced. The compounds are not labeled "milk" but they are called by different names, and the contents of those compounds are perfectly healthful and nutritious, and there is no occasion for passing this bill. The pure food law covers everything that is necessary along this line. This makes a cheaper compound than regular milk preparations for the use of poor people who want to use it, and there is no deception whatever about it. The packages are not marked "milk." They are marked "Hebe" and "Nutro" and different names.

Mr. President, under this bill it is intended to arrest citizens of this country, try them in court, and impose on them a fine of $1,000, I believe, for endeavoring to make a perfectly legitimate compound to be sold to the people of this country. If it were sold under some deceptive name or a misleading label, then there would be some excuse for it; but these people do not do that at all. They simply make a compound that can be sold cheaper than milk.

People come here and talk about passing laws for the protection of the health of babies and ignorant people. That argument has been worn threadbare. They say that some of these compounds are not good for infants. I do not suppose beefsteak is good for an infant. Many other things are not good for it until it gets to the proper age to digest them; and if Senators will go to the trouble to read the statement of the author of the bill in the House they will see that he says there is no deception, that the label on this product does not mislead, but, for fear that ignorant people will buy it when they ought to buy something else, he thinks this bill ought to pass. There is no virtue in an argument of that sort, and no logic in it.

I was very much impressed with the various telegrams received by the Senator from Illinois [Mr. McKINLEY], which will be found, beginning on page 62 of the hearings. I will read just a few of those telegrams. As I said before, this seems to be a fight between different manufacturers, and it is not the part of a legislature to take sides in such a matter. We should legislate on general principles.

The first telegram, on page 62, is as follows:

CHAUTAUQUA, N. Y., *July 1, 1922.*

Senator WM. McKINLEY,
Senate Chamber, Washington, D. C.:

The manufacture of milk compounds assures the conservation for human consumption of millions of pounds of skimmed milk used for feeding animals or thrown away. Adroit appeals to the mother love of women in an effort to secure their support of the Voigt bill should be discountenanced.

KATE WOOD RAY,
Chicago, Member Women's Allied Drug Club.

This lady says that this skimmed milk is either fed to animals or thrown away, and yet these people manufacture it and put it in shape to be sold more ecomomically than some other compounds of milk, and it is truly labeled. I am, of course, against fraud in any form, but this does not undertake to perpetrate a fraud. In fact, it refutes any idea of perpetrating a fraud upon the people.

The next telegram is as follows:

CHAUTAUQUA, N. Y., *June 30, 1922—5.20 p. m.*

Senator McKINLEY,
Senate Chamber, Washington, D. C.:

The trade war against skim-milk compounds has been carried into Congress. I object to such legislation as will permit our Representatives at Washington to be used in furthering such a war; therefore I ask that you use your influence to defeat the Voigt bill.

Mrs. JOHN MILLOY, *Elmhurst, Ill.*

The next telegram reads:

CHAUTAUQUA, N. Y., *June 30, 1922—8.23 p. m.*

Senator WM. McKINLEY,
Senate Chamber, Washington, D. C.:

The Voigt bill is an unwarranted interference with business, and if enacted into law would deprive hundreds of families of a nutritious, wholesome, and economical food product.

GRACE VIALL GRAY,
President University of Chicago Cooperative Nursery.

Another telegram:

CHAUTAUQUA, N. Y., *June 30, 1922.*

Senator McKINLEY,
Senate Chamber, Washington, D. C.:

As a home economic teacher I am opposed to the Voigt bill. A vote for the Voigt bill is a vote against the home. It would drive from the market a wholesome and nutritious food and deprive housewives of an excellent cooking medium.

RHODA VIALL, *Manteno, Ill.*

Mr. President, I presume the women of this country know about as well what is good to cook as these advocates who come here and try to outlaw this product—people who have a selfish purpose to serve.

On page 63 there is another telegram from Chautauqua, N. Y.:

CHAUTAUQUA, N. Y., *June 30, 1922.*

Senator MCKINLEY,
Senate Chamber, Washington, D. C.:

Bakers and candy makers can buy skimmed milk, so why deprive the housewife of the use of this economical and valuable food? Skimmed milk with vegetable fat has the approval of health authorities. The Voigt bill would legislate these preparations off the markets. Defeat the Voigt bill.

Mrs. OLTO HEPER, *Elmhurst, Ill.*

Another telegram from Chicago, Ill.:

CHICAGO, ILL., *July 3, 1922.*

Hon. WM. MCKINLEY,
Senate Chamber, Washington, D. C.:

After a meeting here to-day in which the Voigt bill was discussed I am convinced that this legislation is inspired by wholly selfish motives and should not be permitted to become a law. As my Senator I urge you to use your influence for its defeat.

Mrs. THERESA BURCHY, *Chicago.*

Mr. President, there are various other telegrams here which I ask to have inserted in the RECORD as a part of my remarks, without reading.

The PRESIDING OFFICER (Mr. ODDIE in the chair). Without objection, it is so ordered.

The telegrams are as follows:

CHAUTAUQUA, N. Y., *June 30, 1922.*

Senator MCKINLEY,
Senate Chamber, Washington, D. C.:

I am opposed to the Voigt bill, because I believe it to be a trick to eliminate competition. Scientific and medical men of highest repute have stated such foods to be wholesome and nutritious and an important addition to the food supply of the United States. Housewives are vitally interested in any wholesome food product that tends to lower the cost of living. As my representative I urge you to defeat the Voigt bill.

MARION H. BIEL,
Legislative Chairman Chicago Federation Woman's Club.

—

CHAUTAUQUA, N. Y., *July 1, 1922.*

Senator MCKINLEY,
Senate Chamber, Washington, D. C.:

With the trade war so plainly evident behind the Voigt bill public health has nothing to do, but when they use public health as a smoke screen it should be repudiated. An edible fat added to skimmed milk and properly labeled is an economical addition to our food supply and not deleterious to health.

EVA M. WILSON,
Chairman Public Health Illinois Federation of Women's Clubs.

—

CHICAGO, ILL., *July 3, 1922.*

Hon. WM. MCKINLEY,
Senate Chamber, Washington, D. C.:

Knowing you desire in legislative matters to get the angle of the people back home, I wish to enter my protest against the passage of the Voigt bill. Economy in the household demands a place on the market for the milk compounds.

Mrs. BLANCH R. TAYBS, *Chicago, Ill.*

—

CHAUTAUQUA, N. Y., *June 30, 1922.*

Senator MEDILL MCCORMICK,
Senate Chamber, Washington, D. C.:

The passage of the Voigt bill would establish a far-reaching and insidious precedent that would interfere with business and be to the disadvantage of the home maker. As one of your constituents, devoted to assisting the housewife in solving her problems in selection of foods and expenditure of income, I respectfully urge you to vote against the Voigt bill.

JEAN PRESCOTT ADAMS,
Delegate, National Convention General Federation of Women's Clubs.

—

CHICAGO, ILL., *July 5, 1922.*

Senator WILLIAM MCKINLEY,
Senate Chamber, Washington, D. C.:

Chicago housewives favor milk compound for cooking and baking. Would consider it a calamity to have this economical product debarred from trade by passage of Voigt filled milk bill. Urge you report it unfavorably and use your influence for its defeat.

DORA EARLE, *Chicago, Ill.*

—

CHICAGO, ILL., *July 3, 1922.*

Hon. WM. MCKINLEY,
Senate Chamber, Washington, D. C.:

In the interests of the poor we should not force legislation which would debar from the market economical foods like milk compounds which are not injurious to health. Therefore I ask you to use your influence to defeat the Voigt bill.

MINNIE STARR GOODWIN,
Past President Illinois Federation of Women's Clubs.

—

CHAUTAUQUA, N. Y., *June 30, 1922.*

Senator MEDILL MCCORMICK,
Senate Chamber, Washington, D. C.:

Present legislation against milk compounds is without justification from public health standpoint. I urge you to vote against the Voigt bill.

EVA M. WILSON,
Chairman Public Health, Illinois Federation of Women's Clubs.

CHAUTAUQUA, N. Y., *June 30, 1922.*

Senator MEDILL MCCORMICK,
Senate Chamber, Washington, D. C.:

The combination of skim milk and vegetable fat can be put upon the market at a much lower cost than can whole milk properly labeled. It is a useful and highly nutritious food. I am opposed to the present trade war which would legislate such combinations off the market. For these reasons I ask you as my representative at Washington to oppose the Voigt bill.

Mrs. JOHN MILLOY, *Elmhurst, Ill.*

—

CHAUTAUQUA, N. Y., *June 30, 1922.*

Senator MEDILL MCCORMICK,
Senate Chamber, Washington, D. C.:

I am opposed to the Voigt bill. If the interests back of the Voigt bill are truly concerned about the health of infants why not substitute a bill making it a penal offense for anyone to manufacture anything that would be deleterious to the health of infants and children and not try to eliminate competition by hiding behind the guise of public health?

MARION H. BIEL,
Legislative Chairman Chicago Federation Woman's Clubs.

—

CHAUTAUQUA, N. Y., *June 30, 1922.*

Senator MCCORMICK,
Senate Chamber, Washington, D. C.:

Milk compounds have never been proved and never can be proved deleterious to health, so I urge you to use all the influence possible to defeat the Voigt bill. It is an interference with business that should not be tolerated.

RHODA VIALL,
Home Economics Teachers, Manteno, Ill.

—

CHAUTAUQUA, N. Y., *June 30, 1922.*

Senator MEDILL MCCORMICK,
Senate Chamber, Washington, D. C.:

Urge defeat of Voigt bill. Am convinced its proponents are actuated by purely selfish motives. The elimination of competition pseudo and not real philanthropy is behind their contention that skimmed-milk compounds are fed to babies and constitutes a menace to health; no cases substantiate this claim.

KATE WOOD RAY,
Chicago Member Women's Allied Drug Club.

—

CHAUTAUQUA, N. Y., *July 1, 1922.*

Senator MEDILL MCCORMICK,
Washington, D. C.:

Skim milk with vegetable fat put upon the market in properly labeled containers has the approval of our home economics people and of the best medical authorities. The Voigt bill would legislate these products off the market; therefore I urge you to use your influence to defeat it.

Mrs. OTTO HEPER, *Elmhurst, Ill.*

—

CHAUTAUQUA, N. Y., *July 1, 1922.*

Senator MEDILL MCCORMICK,
Senate Chamber, Washington, D. C.:

The waste of wholesome, nutritious food material is economically unsound and keeps the cost of living higher than necessary. As Voigt bill is aimed at an industry which conserves over a million pounds of skimmed milk a year, I urge you as my Representative to work actively against it.

LEONA A. KRAG,
Member Illinois Women's Athletic Club.

Mr. DIAL. Mr. President, I notice that a great many of these telegrams, perhaps all of them, are from ladies, and they speak in about the same terms as the telegrams that I have already read. It was surprising to me to see the great unanimity of opinion of these ladies.

Then, Mr. President, on page 72 of the hearings, I find a statement from Doctor Goehle, of Cleveland:

Senator MCKINLEY—

Who was the chairman of the subcommittee—

Will you give your name to the reporter?

Doctor GOEHLE. O. L. Goehle. Mr. Chairman, I am attendant at the Cleveland City Hospital and the Lakewood Hospital and the St. Johns Hospital, and I am also attending director of the Lakewood Dispensary, and these positions give me ample opportunity to have many feeding cases under my charge. I have for the last seven and one-half years been using S. M. A., five years with Doctor Gerstenberger at the Babies' Dispensary and then two and one-half years since it has been put out for public use in Cleveland—in other words, two and one-half years in private practice and also at the dispensaries where I am officiating.

I have used it for children, infants, premature infants, even from the first day, and I have used it over long periods, a good many times longer than 10 months and quite often as long as a year. So I have been able to watch the growth and development of these children under this food, and there are, I think, all told about 700 children that I have fed it to, and within the last two and one-half years I think I have had about 500 private children and about 120 of those are on my list right now. These children stand out among other children on artificial foods as especially finely developed, sturdy, well-fed children, coming close to and in a good many instances, I believe, equaling breast-fed children.

Their average of weight progress is well above the normal; their skin is soft and smooth, the tissues are firm, muscles are well developed, and their bony framework is particularly fine. I do not know of any children that have any better teeth than they, and I have been able to follow those children two or three years later, and I do not find any evidence of early decay, so that all in all the effect has been very gratifying from the medical point of view. And judging from the demand as it is made by my mothers who have either seen other mothers' babies on S. M. A. or who have had one or two children in their family on other foodstuffs, and have had one youngster on S. M. A.

and who then have a new body come in, they are very much impressed with the results obtained with S. M. A.

They come in and make the demand for S. M. A. for two reasons, either because they want a baby as good as Mrs. So-and-so's, or because they wish this baby to be as good as the S. M. A. baby they have had. And then one of the biggest reasons is that they know they can not get it except on a doctor's prescription.

I have had no deleterious effects at all in the many cases I have seen, and absolutely no rickets, and this very dreaded condition which grows panic in the mother's heart, this tendency toward convulsions that so many children get on artificial feedings—I have not met this in these children I have fed S. M. A.

From the point of view of infant feeding I think it is really a God-send. It is foolproof against the attempts of mothers to meddle with the food. The universally general result has been excellent.

Mr. President, that is what a physician in charge of a hospital has to say on the subject. So it does seem to me that Congress is drifting around and going very far to hunt up subjects on which to legislate.

It will not be long before the citizens of this country will not know which way to turn. Congress will prescribe what they shall eat, what they shall wear, how they shall become heated, what they shall drink, and how they shall conduct their business, and before starting in life people will have to come to Washington and go through a universal training. Otherwise the people of this country will serve in the penitentiaries, I am afraid, for the Government will find them and confiscate all their wealth.

I very much wish Senators would look into this bill and call a halt on this kind of legislation. There are some kindred bills a little farther down on the calendar along the same line, and I think we have adopted enough bad legislation in the last couple of years, since the Republicans have been in power. The Republicans are getting terribly discouraged now, and if they keep on they will lose all hope and the next election will not have enough "pep" in it to make it amusing. We do not want to kill them off all at once, and I want to warn them that the people will not stand much of this kind of legislation.

I believe this bill possesses somewhat fewer iniquities than does the shipping bill, possibly, in that it does not deal in such large amounts; but I would hesitate a good while before I would vote to take up either one of these bills. I might vote to take up the filled milk bill, as I would have to choose between them, but I would be doing great violence to my conscience, and I wish somebody would talk from now to the end of the session so that we would not have to go through that ordeal.

With this warning to our friends on the other side, I believe I will let them go along now, as far as I am concerned, and take a vote if they want to, but I hope legislation along the line of this filled milk bill and a few of the kindred bills which follow it on the calendar will never be put upon our statute books.

CONFIRMATION OF MILES POINDEXTER AS AMBASSADOR TO PERU.

Mr. LODGE. Mr. President, I ask that the Senate in open executive session consider the nomination of ambassador to Peru, which has just been received from the President.

The PRESIDING OFFICER (Mr. ODDIE in the chair). Without objection, the Chair, in open executive session, lays before the Senate the nomination by the President, which will be read:

The Assistant Secretary read as follows:

THE WHITE HOUSE, *February 19, 1923.*

To the Senate of the United States:

I nominate MILES POINDEXTER, of Washington, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Peru, effective March 5, 1923.

WARREN G. HARDING.

Mr. LODGE. Mr. President, unanimous consent is always granted for consideration in such cases where a member of the body has been nominated to office by the President, and I ask unanimous consent for the consideration of the nomination.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. LODGE. I ask for the confirmation of the nomination in open executive session.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to this nomination? [Putting the question.] It is unanimously agreed to.

Mr. LODGE. I ask that the President may be notified.

The PRESIDING OFFICER. The President will be notified of the confirmation.

Mr. LODGE. I ask that the Senate return to legislative session.

The PRESIDING OFFICER. It is so ordered, and the Senate resumes legislative session.

THE MERCHANT MARINE—FILLED MILK.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes, the pending question being on the motion of Mr. LADD that the Senate proceed to the consideration of the bill (H. R. 8086) to prohibit the shipment of filled milk in interstate or foreign commerce.

Mr. HARRISON. Mr. President, I rise merely to try to clear up what may appear to some to be a wide difference of opinion on this side as to the wisdom of taking up the so-called Ladd bill or to allow the ship subsidy bill to be proceeded with.

I do not understand how anyone got it into his head that there was a filibuster on. It must have been a slip of the tongue when some one said there was a filibuster. I for one do not admit that there is any filibuster, and if there were a real filibuster on, Senators and the country would know it. How anyone can imagine that there is a filibuster on, under the circumstances, is beyond my comprehension.

In a short session of Congress, within two and one-half months, this side of the Chamber has cooperated with the other side in passing every appropriation bill for the support of the Government. I do not know whether we have passed 12 or not; it used to be 12 before we adopted our new-fangled rules, but, anyway, every appropriation bill for running the Government has been passed, and I think all except two are now laws, those two being the Army appropriation bill and one other bill.

Mr. LODGE. The District of Columbia appropriation bill.

Mr. HARRISON. Yes; the District appropriation bill; and there may be a deficiency bill yet. We know there will be more deficiencies. I shall be surprised if there are not two or three deficiency bills within the 10 days yet remaining, because the appropriations have been cut so much under the estimates that we may be assured that before we adjourn on the 4th of March we will have a deficiency appropriation bill in this body which will carry around $75,000,000 or maybe $100,000,000.

May I ask the Senator from North Carolina if he has any hint of another deficiency appropriation bill and how much it will be? I just wager—not being a betting man, I wager—that the Appropriations Committee has some hint of some large amount to be carried in a deficiency appropriation bill between now and the 4th of March.

Mr. OVERMAN. I think it will carry $56,000,000.

Mr. HARRISON. Fifty-six million dollars. The Senator from Massachusetts knew that, but I, not being on the inside, did not know what the amount of the deficiency appropriation would be.

Mr. LODGE. The Senator might have guessed it by thinking of the amount added to the Army appropriation bill for rivers and harbors.

Mr. HARRISON. Rivers and harbors! That is a matter about which the administration was very unwise. The engineers of the Government said that in order to promote commerce we needed about $57,000,000 to provide for channels and harbors and their maintenance, and the Budget Bureau, without rhyme or reason, not having any knowledge of engineering, knowing nothing about the condition of the rivers and harbors of the country, fooled the President, so that the President allowed the Budget Bureau to cut the estimate down to about $27,000,000.

You could not expect Senators of individual views to accept such a proposition as that, because from the time the engineers were made a part of the Government the Senate has accepted their views over those of civilians, so far as appropriations to take care of rivers and harbors were concerned, and I can not understand how the President could ever imagine that the Congress of the United States could accept an estimate of the Budget Bureau for river and harbor improvements to the extent of $27,000,000 when the engineers said $57,000,000 was needed, and, of course, the Congress approved the estimate of the engineers.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Nebraska?

Mr. HARRISON. I yield.

Mr. HITCHCOCK. I will state to the Senator that if the Government of the United States had required Great Britain, in the bill passed Friday, to pay the same amount of interest we will be compelled to pay on our bonds this deficiency would not be necessary. Fifty-seven million dollars is exactly the amount of money we will pay in interest more than we will receive from Great Britain upon the deferred debt.

Mr. HARRISON. The Senator is exactly right in that. Of course, under the Democratic administration—though I do not

want to talk politics—the Treasury Department said that the interest rate on those bonds would be 5 per cent, I believe, but the five distinguished Republicans now representing this Government on the Debt Funding Commission said that a lower rate of interest was sufficient, so that went through. That is the way they are running things. But I did not want to get off on that. I wanted to remove this impression about a filibuster.

We have passed all these appropriation bills. We have helped the Republicans. We helped them to pass, forced them to pass, the Capper and the Lenroot agricultural credits bills. Talk about a filibuster; the distinguished Senator from Arkansas [Mr. ROBINSON] was the one who proposed the unanimous-consent agreement to stop the debate upon the Lenroot agricultural credits bill. If he had not done that, perhaps the debate would have been going on until now. It was the distinguished Senator from Virginia [Mr. SWANSON] who proposed the unanimous-consent request to close the debate and vote upon the British debt proposition. So we Democrats have been helping the Republicans along, but they do not seem to appreciate it. When a Democrat on this side even hints that there is a filibuster on, Senators on the other side sit in their places and do not come to the rescue of those of us who are trying to help them push legislation through.

Now, what is the picture? Here is the Senator from North Dakota [Mr. LADD], not a Democrat, but a Democrat in his belief and in his votes, who continues over on the other side of the Chamber when he should be sitting over here. He has proposed consideration of the skimmed milk or filled milk bill. He has said that the great dairy interests of the country need it. He has said that it would preserve the health of the children; that it is wholesome and reasonable and needful legislation. He has sat in his seat here for days and, under your leadership of the majority, has seen things go from bad to worse. He has seen the moments flitting by and the 4th of March coming on, and he knows that unless he makes an effort the dairy interests of the country will, in his opinion, suffer by virtue of the failure of the passage of the skimmed or filled milk bill.

So he rose in his place and made a motion to take up that bill for consideration, and the Senator from Washington [Mr. JONES], I suppose frightened and afraid to discuss the motion on its merits, moved to table that motion, which meant that no discussion upon the merits of the motion of the Senator from North Dakota could ensue. Of course, the majority of the Senate are not going to strangle the dairy industry of the country. They believe that every reasonable bill should have some time for discussion upon the floor of the Senate, and so they voted down the motion to table. Now, the important question is before the Senate whether we shall take up the skimmed or filled milk bill or continue consideration of the ship subsidy bill, and drag and drag along, when we know and you know and everybody knows that, outside of Lasker and the President and my friend from Washington, the ship subsidy bill has no friends.

With the country needing legislation, with committees having placed bills upon the calendar, are we to sit here and allow the ship subsidy bill to drag its weary way along and not turn our hands in order to get up legislation that will really benefit, in our various opinions, certain interests of the country? If we stay here, this same old debate would go on and on. Nobody seems to want to help the ship subsidy bill on to passage.

I have watched my friend from Oregon [Mr. MCNARY], who has had a bill on the calendar, I will say, for a year at least, known as the McNary reclamation irrigation bill. The steering committee of your party met and named it as one of the first bills to be considered at this session of Congress. The President has been talked to about it. He has given it his O. K. The press has said that the McNary reclamation bill would be one of the bills this Congress would pass, and yet the ship subsidy bill is kept here when everybody knows it can not pass, and is permitted to drag itself along and block the McNary reclamation bill. If some Senator from the West on the other side of the Chamber, who has promised his people to stand for and advocate the passage of the McNary reclamation bill, does not make the motion to take it up, the motion will be made and it will not be made to carry out a plan of filibuster. It will be made in order to show to the country that the great West and the South, needing this legislation, wish to have it enacted.

That is not the only motion that will be made. Here is the truth in fabrics bill. How many Senators over on the other side of the Chamber have promised their constituents that they are going to pass the truth in fabrics bill? And yet whenever the motion shall be made some one will say it is a filibuster upon the part of those on this side of the Chamber, when we have done little more than discuss bills as they have come up and voted to help Senators on the other side of the Chamber carry their motions when made for the consideration of their bills.

I realize that there are two viewpoints with respect to the ship subsidy bill. The Senator from Alabama [Mr. UNDERWOOD] believes that the wise course for his party to pursue is to get a vote on the ship subsidy bill. For my part, I have no objection in the world to a vote on the ship subsidy bill. I know that its passage would benefit the Democratic Party, if there were sufficient votes to pass it and it could be brought to a vote. I do not believe there is a Senator who would vote for the bill who could go back to his people immediately and be returned to the Senate after having voted for it. I think it is monstrous, but with all the bills on the calendar that various Senators are trying to have considered, the ship subsidy bill has little chance to pass.

Why should we be strangled on such an important measure? Why insist upon meeting at 10 o'clock in the morning, taking no recess for dinner, and staying here until 10 or 11 o'clock at night to consider the ship subsidy bill, when Senators on the other side of the Chamber are constantly making motions to supplant it and getting enough votes to supplant it? We all know that we would accomplish more by proceeding in an orderly way, and that a majority of the Senate are opposed to the ship subsidy bill. I do not mean a majority of the Senate would vote against the ship subsidy bill when the vote comes, because I know there are certain Senators on the other side of the aisle who are like frightened birds upon a rotten twig. They are trembling and ready to fly at the first crack of the twig. I suppose some of those faint-hearted gentlemen will, in the end, when the roll is called vote for the bill, but in their hearts they do not believe in it. I will not say they are praying, but they are hoping that the vote will not come.

The Senator from Alabama realized that. He has analyzed the situation with his keen intellect, and he knows that it will put the majority in trouble. He believes the best way to do it is to come to a vote, but as for myself I am taking a broader view of the proposition than the Senator from Alabama does.

While I am perfectly willing to have a vote, I really want to help protect Senators from their own folly. I want to help fix a pallet, so to speak, on which some of them may rest easy, so they may get away from the influences of the Executive power that are demanding of them to vote for the ship subsidy legislation. I do not think any of them are going to get mad with us for delaying the ship subsidy bill a little bit.

I submit, Mr. President, that as yet there is not a real filibuster on, and it can not be laid at our door that there is a real filibuster going on. Things are going along in a very nice way. We are trying to consider some legislation. When that shall have been finished, then we want to consider the truth-in-fabrics bill, and then we ought to consider a piece of legislation which the President came down here and had sent back to the committee because, he said, there were no funds with which to meet it, and which now, after the passage of the British debt bill, might be met with those funds. Anyway, the condition has been met; and we might take up, if you want to, the soldiers' bonus legislation and pass that.

There is much to be done. Here is the Senator from South Dakota [Mr. NORBECK], who has a bill reported out of the committee having relation to the standardization of prices or guarantee of the price of wheat, I believe it is. He thinks that is an important piece of legislation. The wheat people out West think it is an important piece of legislation. I do not know that I shall vote for it, but I am in favor of giving it a day in court, letting us discuss the bill and present the merits of it, and then vote upon it. Every day that we prolong the discussion on the ship subsidy bill and let it drag its weary way along, as it has been allowed to drag along, means just that much more delay in the consideration of the Norbeck wheat proposition.

This morning we tried to procure some time to take up the calendar on to-morrow and because we could not agree upon 11 o'clock as the hour of meeting, objection was interposed by the distinguished Senator from Washington [Mr. JONES]. Here are 100 bills in which various Senators are interested and in which people from various sections are interested. If we do not consider them now and the Senate does not pass them now, they will not be considered by the House before adjournment. In other words, in just a few days the wheels will be clogged and we will not be able to pass any more legislation. Why not allow us to have four hours to-morrow to consider the calendar and take up unobjected bills, and then consider the motion made by the Senator from North Dakota [Mr. LADD] to consider the skimmed or filled milk bill, and go along without trying to force through at this time the ship subsidy bill?

Mr. President, I do not know whether anyone else wants to talk on the motion or not. I am going to vote for the motion to take up the bill. In doing so, I do not believe I am filibustering. I am merely presenting an opportunity for the considera-

tion of what certain Senators believe to be an important bill. I hope that a majority will vote to take up the measure. If that motion fails, there will be another motion made to-morrow to take up another bill. For instance, I filed this morning a motion to discharge a certain committee from further consideration of a bill. I will say that unless a reasonable explanation is made by the committee that has had and now has in charge the codification of the laws, I shall insist upon a vote to discharge the committee and take up that bill for consideration. That bill passed the House about 20 months ago, if I am not mistaken in my dates; at any rate a long time ago. The chairman of the House committee and those on the committee with him worked for nearly two years to codify the laws and the bill passed the House and yet in all the time it has been in the Senate it has slept in the committee room and no report has been made on it.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Kansas?

Mr. HARRISON. I yield.

Mr. CURTIS. The Senator's statement is hardly fair. The first bill that came over was referred to a subcommittee of three appointed to take charge of the measure. The distinguished former Senator from Delaware, Mr. Wolcott, who was then a Member of the Senate——

Mr. HARRISON. Let me ask the Senator a question right there. When was it that the first bill came over to the Senate?

Mr. CURTIS. During the last Congress.

Mr. HARRISON. It was in the last Congress?

Mr. CURTIS. Yes. That bill was carefully considered by every member of the subcommittee, and upon the suggestion of Senator Wolcott alone, because he had discovered several errors, one of which was very material in the part referred to him, your committee did not feel that they would be justified in reporting it out. We were told that that error alone would cost the Government $30,000,000 a year.

Mr. HARRISON. That was in the Sixty-sixth Congress, as the Senator from Kansas has stated. During the Sixty-seventh Congress, which has been in session for practically two years, the same bill was passed by the House as passed during the Sixty-sixth Congress, with some suggested changes.

Mr. CURTIS. I understood the Senator to say that since the bill passed the House it has been sleeping in committee in the Senate. I say that the committee which had charge of it in the last Congress did consider and examine the bill, and that over 57 errors were brought to the attention of the committee by one department.

Mr. HARRISON. I understand that; there is no difference between the Senator from Kansas and myself about that proposition. I think the House of Representatives in the Sixty-sixth Congress, as I recall, under the leadership of Mr. LITTLE, of Kansas, passed the bill. It came here and was referred to the committee, and the circumstances to which the Senator has called attention occurred. Then, in the present Congress, which has been in existence for practically two years, the same bill was passed by the House of Representatives some 20 months ago. It has been in the committee of the Senate since that time. I will ask the Senator from Kansas if that is not a fair statement of the fact?

Mr. CURTIS. I am not on the subcommittee at this time, and I do not know what has been done by the committee, except what the acting chairman of the committee told me. He is not now present, and I would rather he would explain what has been done in reference to the bill. I would like to see the bill carefully considered by the committee, and have it reported to the Senate with such amendments as the committee may find should be made.

Mr. HARRISON. So the bill has been in the Senate for a long time. I do not know what effort has been made to consider it in the committee. I do not know whether any mistakes have been detected or not. Naturally, there would be some mistakes in a great bill like that, but the Senate is entitled and the House is entitled to some explanation about the bill. To-day I filed a motion to discharge the committee from further consideration of the bill, and unless there is some explanation made upon the floor of the Senate and some progress is shown and some reason given why a vote should not be taken upon the motion to discharge, I shall press the motion.

There is much legislation that should be enacted before the present Congress shall finally adjourn. I am not unmindful of the few things that we have already done during this session. Outside of the passage of the appropriation bills and the withdrawal of the Liberian loan measure, which was done during the extraordinary session, as I recall, and the ultimate withdrawal of the Dyer antilynching bill, so called, the only thing that has been done has been the passage of the Capper and Lenroot agricultural credits bills and the measure providing for the settlement of the British debt.

The Capper and the Lenroot bills are now in the other House, and we read in the newspapers every morning that it is, indeed, doubtful whether those bills will pass the House before the 4th of March; indeed, a statement emanating from one high in Republican councils hinted that the agricultural credits bills would not pass the other House unless the Senate passed the ship subsidy bill. So it seems that we are playing both ends against the middle. We over here who made the fight for agricultural credits legislation are told, if not indirectly, by insinuation, that unless we allow a vote to be taken upon the ship subsidy bill the agricultural credits bills will die in the other House. I hope there are enough friends of the farmers in the House of Representatives to compel action before the 4th of March, so that those pieces of wholesome legislation in behalf of the great agricultural interests will be enacted into law.

I wish that the administration, realizing the iniquitous provisions of the ship subsidy bill and the strong opposition there is to it, and appreciating that if the Senate as it will be composed in the Sixty-eighth Congress should be given an opportunity to vote upon the measure it would be overwhelmingly defeated, would withdraw the bill and take the people into their confidence and tell them why the bill was withdrawn.

Mr. TRAMMELL. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	George	McKinley	Shortridge
Ball	Gerry	McLean	Smith
Bayard	Glass	McNary	Smoot
Borah	Gooding	Moses	Spencer
Brandegee	Hale	Nelson	Stanley
Brookhart	Harreld	New	Sterling
Broussard	Harris	Nicholson	Sutherland
Calder	Harrison	Norbeck	Swanson
Cameron	Heflin	Norris	Townsend
Capper	Hitchcock	Oddie	Trammell
Colt	Johnson	Overman	Underwood
Couzens	Jones, Wash.	Pepper	Wadsworth
Curtis	Kellogg	Phipps	Walsh, Mass.
Dial	Keyes	Pittman	Walsh, Mont.
Dillingham	King	Pomerene	Warren
Edge	Ladd	Ransdell	Weller
Ernst	La Follette	Reed, Mo.	Williams
Fernald	Lenroot	Reed, Pa.	
Fletcher	Lodge	Robinson	
Frelinghuysen	McKellar	Sheppard	

The VICE PRESIDENT. Seventy-seven Senators have answered to their names. A quorum of the Senate is present. The question is on the motion of the Senator from North Dakota that the Senate proceed to the consideration of House bill 8086. Upon that question the yeas and nays have been ordered.

Mr. STANLEY. Mr. President, during many years service in the House and Senate I have listened with rapt attention to the weighty words of my valued friend and honored colleague. I concur always with pleasure and differ seldom, and then with a sense of profound regret and with a suspicion that after all he may be right and that I may be wrong, for I have seen his judgment tried in the school of long experience. In expressing a difference on this occasion, it will not, I am sure, be construed in any sense as a condemnation or even as an implied criticism. I am impelled, however, to say what I say now out of deference for the great leader of the minority [Mr. UNDERWOOD] upon this floor. By virtue of his exalted and well-deserved position his words have a weight those of the average Senator have not; they have a significance that the expressions of no other Senator upon this side can have.

With much that he said I do most heartily concur. I was delighted to hear him remind the Senate and remind the country that we are going headlong into a course of Federal aggression; that bills presented here, almost without exception, nibble at least at what is left of the sovereignty of the States and of the institution of local self-government. Sane and conservative men in Congress and out of it, ministers of the gospel, learned educators, thoughtful patriots everywhere are beginning to ask themselves and to ask us the question, "Whither are we tending, and where will this thing end?"

I was delighted to hear the Senator make that observation. I can not agree, however, not with what he said, but with what might be inferred from his statement. He left me under the impression that Congress is busy and deserves the commendation of the country only when this legislative mill is grinding. As long as committees are reporting bills and this side of the Chamber, like the other, is passing them, then we are a good

Congress; but when we put on the brakes, when we say, "Stop, look, and listen!" then we are a bad Congress; and he referred to the conduct of the lower House as an illustration of the proper method of legislation.

Mr. President, the worst thing the Senate does, the worst thing Congress does, for the country and for humanity and for whichever party is responsible for its conduct is the passage of a multiplicity of half-baked, undigested measures—not measures that are demanded by a majority of the people, not measures that are responsive to the call of the intelligent mass of the people, but measures hatched often by sinister interests or interests backed by organized propaganda posing as the voice of the people. Members of Congress pass bills not because a majority approves or requires them, but because those who make the most noise and are the best organized demand them.

Mr. DIAL. Mr. President——

Mr. STANLEY. I yield to the Senator from South Carolina.

Mr. DIAL. I call the Senator's attention at this point to the fact that in the filled milk bill, subdivision (2), line 9, it says "between points within the same State." That certainly invades State rights. The Congress can not legislate about commerce between points within the same State. That is intrastate commerce, not interstate commerce.

Mr. STANLEY. I called the attention of the Senator from Iowa [Mr. BROOKHART] to that very point in the discussion of the measure.

Mr. DIAL. I beg the Senator's pardon. I did not hear it.

Mr. STANLEY. I am glad the Senator called attention to it again.

Mr. President, the Congress of the United States, when it is in good health and operating normally, when no stubborn minority member administers some kind of costive remedy, will pass more bills in one week than are passed in an entire legislative session by any other parliamentary body on earth. We pass more bills, we enact more laws, in one year than the British Parliament enacts in twenty. There is no deliberative body on earth as poorly attended as this one. The Senate of the United States is the most deserted legislative chamber on the face of the earth that deserves the name of a legislative chamber; and the reason why it is deserted is because we understand that more or less here it is stage play; that the work is done in committees; that we have ceased to weigh and consider, or, as Lord Bacon says, "to chew and digest" anything.

Last night I happened to be reading, in my opinion, one of the greatest speeches ever made by the greatest orator who ever adorned this floor. Taking him all in all, in his knowledge of the law, his marvelous command of sonorous and comprehensive English, his incisive power of deduction and debate, Webster stands unique in the history of forensic oratory; and, with the sole exception of his great answer to Hayne, in my opinion the greatest speech he ever made is his discussion of the tariff act of 1824. At that time, nearly 100 years ago, he rose in his place and complained that they had brought a great tariff bill into the Congress of the United States weighed and trammeled by rules and regulations to such an extent that its sane consideration was impossible, and that he, perforce, must vote for many things in it that he regarded pernicious if there happened to be in it more things that he regarded as salutary, or he must vote against many things that he thought necessary to the welfare of his country if those good things happened to be associated with others that he thought more deleterious; that it was unworthy, even in that day, of debate in a legislative body thus to tie its hands and gag its mouth and stultify its reason for the sake of political expediency.

Mr. President, were we to borrow the policy of the House of Representatives, which has at times ceased to be a deliberative body on important matters, and install—and I am sure the Senator from Alabama upon sober consideration does not approve of such a thing—adopt a rule providing that two hours after a bill comes in it must go out, without any amendment or modification or intervening motion whatsoever; in such a case it would not be long before the Congress of the United States would be the subject of jest and of deserved contempt, and would be and should be spewed out of the mouth of a brave and intelligent people. If we are not here to consider legislation, if we are not here to weigh it, if the only consideration that bills are to receive must be had by a few more or less interested Representatives behind closed doors in a committee, then this whole system of government is a mockery and a sham, and our assembling here an empty and hollow ceremony.

Mr. President, just the other day I went before a committee, the Judiciary Committee, to protest against the passage of a bill that had passed the House of Representatives by an overwhelming majority. One provision of that bill would send a boy in his teens to the penitentiary for five years and subject him to a $5,000 fine for giving his mother an account of a game of football if he happened to mention the odds. If he said, "The chances are 2 to 1, according to the judgment of the boys here, that he will win," it made him a felon; and there were 50 or 60 learned and reverend gentlemen there to advocate the passage of that bill. It would have excluded from the mails, it would have excluded from the news stands of the United States, the Manchester Guardian, the London Times, every great newspaper in the world; and yet we are told that we must stand here at the mouth of that cloaca of federalistic compounds as they are poured in here upon us, with our hands tied, deaf and dumb, because somebody will say we are not at work unless we are grinding out legislation.

The multiplicity of our laws to-day is the curse of our civilization. We are told of a tyrant who wrote the statutes of his country upon pillars so high that none could read. What is the difference between writing them where none can read and writing so many that none will ever be able to review or to understand them?

Fifty years ago, or thereabouts, Mark Twain on one occasion was walking down the streets of Boston. That was before the spirit of Cotton Mather moved South, more is the pity. A policeman stepped up and touched him on the shoulder and said, "Mr. Clemens, I see you are chewing tobacco. You must not chew and expectorate on the street. That is an offense." He said, "You must not spit on the street. There is a $5 fine." And he spat out his beloved quid, and walked a little farther and lit a cigar. When he got through he threw the stub in the street, and another policeman said, "Hold on. You must not litter up the pavements, Mr. Clemens. That is against the laws of Boston. There is a $5 fine, but if you will just pay me the $5 for your appearance I will not make an arrest"; and he handed over another $5. Then he crossed the street the wrong way, and he caught it for $5 more; and he went home, and deliberately wrote that "he who has been born in Boston and has kept all its laws and ordinances need never be born again."

He who is born in these United States, and keeps the greater part of all the laws and ordinances that are made for our guidance, need never be born again. Yes, more than that: We are told, Mr. President, in Holy Writ, that above the cherubim and the seraphim, above angels and archangels, in the cerulean blue and in the white light of an endless elysium, there will be spirits loftier still, the spirits of just men made perfect those who came up through great trials and tribulations; but above the martyrs and the early Christians, above cherubim and seraphim, will be that creature who, from a federally conducted birth to a federally controlled burial, kept all the laws and ordinances now enacted for our Government by the Congress of the United States.

Mr. POMERENE. Mr. President, I think that when the milk bill comes up on its merits I shall vote for it, unless some reason is urged against it which does not occur to me now. I am profoundly of the opinion that man, woman, and child have a right to pure milk when they buy milk. If any reason has been urged, or can be urged, why they should not have that right, and shall not have it, I shall be glad to hear it.

I do not believe the so-called filled milk bill should be taken up now, to displace the ship subsidy bill, and when I say that, I want it distinctly understood that I can not vote for the ship subsidy bill. I feel that it will prove a snare and a delusion, and if I needed any reason to convince me of it more than another, I find the reason in the speeches which are being made on the floor of the Senate in favor of a ship subsidy. At some later day in the session, if the opportunity presents itself, I shall try to discuss that question upon its merits, but I want very briefly to-night to give my reasons for my vote against displacing it.

I recall that in the early days of this country we had the greatest merchant marine on the face of the globe, except for the British merchant marine. There was a time in the early history of our country when 90 per cent of the imports and exports came and went in American bottoms, and notwithstanding our tremendous growth during the last century only about 10 per cent of our transoceanic commerce came and went in American bottoms.

Then the war came on and we were drawn into it, and out of the womb of necessity was born a merchant marine consisting of 1,442 steel ships. I pass by those made of wood and concrete. Now, with this great fleet of 1,442 ships, only 421 of them are in commission, and many of them are returning, not with cargoes, but with ballast. That fleet cost the American people $3,000,000,000, paid out of the American Treasury.

The Democratic administration was succeeded by the Republican administration, and we still have this merchant-marine fleet, without any well-defined policy with respect to it. The question is, What shall we do with it? On one side of this Chamber one view is entertained, and another view is entertained by other Senators.

Mr. DIAL. Mr. President, I want to suggest to the Senator that Congress inserted a provision in the tariff bill putting a tariff on the ballast, sand, and gravel shipped back in those ships.

Mr. POMERENE. Mr. President, as I said before, I shall expect to take up that subject, and I shall discuss it more at length at some other time, but I am now trying to address myself to a discussion of the duty of Senators.

Mr. KING. Mr. President, may I interrupt the Senator?

Mr. POMERENE. Certainly.

Mr. KING. The Senator has challenged attention to the fact that we have more than 1,400 ships. I am sure the Senator will not take offense if I observe that Mr. Lasker stated in his testimony that approximately one-half of the ships now owned by the Shipping Board or the Emergency Fleet Corporation are good, bad, or indifferent, mostly bad. I think the majority of the evidence establishes the fact that perhaps not more than from 400 to 600 of the ships are suitable either for cargo purposes or for the transportation of passengers. So that we have spent about $3,400,000,000, and we have in the neighborhood of 400 or 500 ships.

Mr. POMERENE. In the main, the Senator is right. The total tonnage of the steel ships is about 7,000,000. As I recall Mr. Lasker's testimony, it is to the effect that about one-half of that tonnage can be sold and can be developed. As to the balance of it there is considerable doubt. But let me proceed a little further.

In December, I believe, 71 per cent of our exports were carried in foreign bottoms, only 29 per cent in American bottoms, and of that amount, 19 per cent was carried in ships belonging to the United States Shipping Board, the balance in privately owned ships.

Now, the President tells us—and I have no doubt he is right—that under Government operation of these ships during the last year we have lost $50,000,000, and that does not take into account interest on investment, depreciation of the fleet, or insurance. So that probably we are confronted with an annual loss, if we are to take into consideration interest, depreciation, and insurance, amounting to about $150,000,000.

I am not calling attention to this fact because I favor a ship subsidy. On the contrary, I am against it. But I call the Senate's attention to this fact because it must come with appealing force that it is necessary for the Congress to determine what course we shall pursue.

I think the remedy lies along the lines laid down in the Jones Act, passed in 1920. It may be that certain Senators have not made up their minds as to what course they should pursue, but I am convinced that we should not displace this bill, but should discuss it, to the end that the country can come to an enlightened conclusion as to what ought to be done, and whether there shall ultimately be a vote or not, the discussion is going to bring forth fruit. For that reason, if for no other, I shall not vote to displace the ship subsidy bill now. I think we ought to discuss it. I think we ought to discuss it upon its merits, and then come to a conclusion.

I might go on and discuss at some length the plan which is proposed in the bill and the plan which I have in mind, but I shall not do that this evening.

Mr. KING. Mr. President, will the Senator yield before resuming his seat?

Mr. POMERENE. Certainly.

Mr. KING. If I may recur to the first part of the Senator's observation, in which he discussed very briefly, indeed, only by inference, the filled milk bill, which it is proposed to place before the Senate for consideration, he observed that he believed that people were entitled to pure milk. Of course no one can take issue with the learned Senator on that proposition. I was wondering if the Senator felt that it was the duty and was within the constitutional power of the Federal Government to take over that subject of legislation or whether he believed that the States were impotent to deal with the question of pure milk and whether he believed that the States should not be trusted with that responsibility. I express no opinion one way or the other, but I should be glad to get the Senator's views if he cares to submit them.

Mr. POMERENE. The Senator has made a very pertinent suggestion. I do not think the States are impotent, but I do think that the Congress may aid the States by regulating the commerce in milk between the States.

Mr. KING. If the Senator will pardon me, as I understand the filled milk bill, the manufacture of filled milk is made a Federal offense. It does not content itself with the regulation of interstate commerce, which we concede is within the power of the Federal Government.

The question would naturally address itself to a lawyer as to the power of the Federal Government to deal with the matter, which it would seem, at first blush at least, was within the cognizance of the State. If the Federal Government may take up the question of dealing with milk under the guise of regulating commerce, is there any commodity with which it may not deal? I express no opinion, as I said, and I am very much in sympathy with the purposes of the bill. If I can convince myself of its constitutionality and of the wisdom of it, I shall very gladly vote for it.

Mr. POMERENE. The Senator will recall that I made the statement that I was for the bill in principle unless something developed during the course of the discussion which would persuade me that I ought not to vote for it. The point which the Senator has suggested is one that I had in mind that gave me some little concern about it.

Mr. WALSH of Montana. Mr. President, I have not had an opportunity to read carefully the hearings and so am not thoroughly familiar with what they disclose. Is there not some testimony in the record to the effect that the product is an unwholesome article of diet?

Mr. KING. I have not read the testimony and know nothing about the reasons other than would appear upon the face of the bill in favor of its enactment or its presentation.

Mr. WALSH of Montana. I observe by the report of the committee that the committee stated that it is an unwholesome article of diet. Are we to understand that there is no evidence at all in the hearings to sustain that action? I wanted to inquire what reason there is in that case to doubt the constitutionality of the measure which seems to have been raised.

Mr. KING. It is quite likely, if the article be placed in the same category as, for instance, narcotics, which it is conceded are injurious, that Congress would have the power.

Mr. WALSH of Montana. Or all the articles covered by the pure food law, which has been adjudged to be constitutional.

Mr. KING. The Senator, I think, will distinguish between regulation and forbidding the manufacture absolutely.

Mr. WALSH of Montana. It is not a proposition of forbidding the manufacture at all. It is forbidding the transportation.

Mr. KING. I understand the bill forbids the manufacture. I am so advised, and that is the point to which I was addressing my inquiry.

Mr. WALSH of Montana. I was curious to know upon what ground anyone could question the constitutionality of it so far as it affected the transportation of the article from one State to another.

Mr. ROBINSON. Mr. President, may I suggest that I have heard it stated that scientists who have investigated the matter have reported that filled milk, while of less value as food than ordinary milk, is not deleterious, is not poisonous, and is not harmful, and some of them at least assert that it has a food value.

It has been stated that the question of the constitutionality of the bill arises out of the contemplated exercise by Congress of its power to regulate commerce in an effort to deny to an alleged harmless article movement in commerce.

The question is whether Congress can arbitrarily say that an article is deleterious when, as a matter of fact, scientific investigation does not disclose it to be deleterious. Could Congress, for instance, say that pure milk is deleterious and therefore shall be denied the privilege of interstate commerce? I think perhaps it would be agreed that it could not do so. So that the question arises as to whether the Congress has the power to characterize an article as deleterious which is in fact wholesome, and that question presents a good many difficulties. I think the question of fact may be important in determining the validity of legislation; that is, the question as to whether the article is in fact deleterious or is in fact wholesome.

Mr. WALSH of Montana. I find that, so far as the question of manufacture is concerned, the prohibition is in the Territorial possessions and the District of Columbia.

Mr. KING. Not within the States?

Mr. WALSH of Montana. So far as the States are concerned, it is simply where interstate shipments are concerned.

Mr. KING. Then it is more narrow than I supposed.

Mr. DIAL. Mr. President, the testimony that I have read shows that the compound is wholesome, that it has absolutely nothing wrong about it, that it is not falsely labeled, that it is

nutritious. The only objection to it is that it is claimed that ignorant people use it for purposes for which it ought not to be used.

Mr. WALSH of Montana. I was aware of the fact that it is contended upon one side that it is a perfectly wholesome and nutritious article of food.

Mr. DIAL. It is so contended on both sides, as the Senator will find if he will read the testimony of the author of the bill.

Mr. WALSH of Montana. If it is admitted upon both sides, that is a different matter. I admit the question of the constitutionality of the legislation might be raised in that event; but I am referring to the report of the committee on the matter, which would indicate that it is an unwholesome article of food.

Mr. DIAL. I do not think that is borne out by the testimony. If the Senator would read the testimony of the author of the bill and of the first witness who was called, he would see that it is shown to be perfectly wholesome and its nature not misrepresented.

Mr. HEFLIN (at 6 o'clock and 5 minutes p. m.). Mr. President, there are so few Republicans here, and those who are here look so tired and worn, that I think we ought to adjourn. I move that the Senate do now adjourn.

Mr. JONES of Washington. On that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. MOSES and Mr. WATSON suggested the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll to ascertain the presence of a quorum.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Gerry	McKellar	Smith
Bayard	Glass	McLean	Smoot
Borah	Gooding	McNary	Spencer
Brookhart	Hale	Moses	Stanfield
Broussard	Harreld	New	Stanley
Bursum	Harris	Nicholson	Sterling
Calder	Harrison	Norbeck	Sutherland
Cameron	Heflin	Norris	Swanson
Capper	Hitchcock	Oddie	Townsend
Colt	Johnson	Pepper	Trammell
Couzens	Jones, N. Mex.	Phipps	Underwood
Curtis	Jones, Wash.	Pittman	Wadsworth
Dial	Kellogg	Poindexter	Walsh, Mass.
Dillingham	Keyes	Pomerene	Walsh, Mont.
Edge	King	Ransdell	Warren
Ernst	Ladd	Reed, Mo.	Watson
Fernald	La Follette	Reed, Pa.	Weller
Fletcher	Lenroot	Robinson	Williams
France	Lodge	Sheppard	
Frelinghuysen	McCormick	Shields	
George	McCumber	Shortridge	

The VICE PRESIDENT. Eighty-one Senators have answered to their names. A quorum is present. The question is on the motion of the Senator from Alabama to adjourn, on which the yeas and nays have been ordered. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. POMERENE. I have a pair with my colleague, the junior Senator from Ohio [Mr. WILLIS], but I understand there has been some other arrangement made in reference to that pair. In view of that fact, I feel free to vote. I vote "yea."

Mr. EDGE (after having voted in the negative). I have a general pair with the senior Senator from Oklahoma [Mr. OWEN]. I transfer that pair to the senior Senator from Minnesota [Mr. NELSON] and allow my vote to stand.

Mr. COLT (after having voted in the negative). I transfer my general pair with the Senator from Florida [Mr. TRAMMELL] to the senior Senator from Connecticut [Mr. BRANDEGEE] and allow my vote to stand.

Mr. CURTIS. I am requested to announce the following pairs:

The Senator from West Virginia [Mr. ELKINS] with the Senator from North Carolina [Mr. SIMMONS];

The junior Senator from Ohio [Mr. WILLIS] with the Senator from Colorado [Mr. NICHOLSON]; and

The senior Senator from Iowa [Mr. CUMMINS] with the Senator from North Carolina [Mr. OVERMAN].

The result was announced—yeas 33, nays 45, as follows:

YEAS—33.

Bayard	Glass	McNary	Stanley
Borah	Harris	Norris	Swanson
Brookhart	Harrison	Pittman	Underwood
Capper	Heflin	Pomerene	Walsh, Mass.
Couzens	Hitchcock	Reed, Mo.	Walsh, Mont.
Dial	Jones, N. Mex.	Robinson	Williams
Fletcher	King	Sheppard	
France	La Follette	Shields	
George	McKellar	Smith	

NAYS—45.

Ball	Gooding	McLean	Spencer
Broussard	Hale	Moses	Stanfield
Bursum	Harreld	New	Sterling
Calder	Johnson	Norbeck	Sutherland
Cameron	Jones, Wash.	Oddie	Townsend
Colt	Kellogg	Pepper	Wadsworth
Curtis	Keyes	Phipps	Warren
Dillingham	Ladd	Poindexter	Watson
Edge	Lenroot	Ransdell	Weller
Ernst	Lodge	Reed, Pa.	
Fernald	McCormick	Shortridge	
Frelinghuysen	McCumber	Smoot	

NOT VOTING—18.

Ashurst	Elkins	Nelson	Simmons
Brandegee	Gerry	Nicholson	Trammell
Caraway	Kendrick	Overman	Willis
Culberson	McKinley	Owen	
Cummins	Myers	Page	

So the Senate refused to adjourn.

The VICE PRESIDENT. The question is on the motion of the Senator from North Dakota [Mr. LADD].

Mr. CURTIS. Question!

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk proceeded to call the roll, and called the name of Mr. ASHURST.

Mr. SHEPPARD. Mr. President——

The VICE PRESIDENT. The Senator from Texas.

Mr. SHEPPARD. Mr. President, Thursday, February 15, 1923, was the first anniversary——

Mr. LODGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from Massachusetts?

Mr. SHEPPARD. I shall yield when I finish the sentence.

Mr. LODGE. I rise to a question of order. I understood that the call of the roll had begun.

Mr. SHEPPARD. I was on the floor and addressing the Chair.

Mr. MCKELLAR. No answer had been made on the call of the roll. The name of the Senator from Arizona [Mr. ASHURST] had been called, but he was not here.

The VICE PRESIDENT. The first name on the roll had been called, but there was no response.

WORK OF THE LEAGUE OF NATIONS.

Mr. SHEPPARD addressed the Senate. After having spoken for some time,

Mr. WADSWORTH. Will the gentleman from Texas yield to me that I may submit a conference report?

Mr. SHEPPARD. I yield on condition that I do not lose the floor.

Mr. WADSWORTH. I think I can assure the Senator that that point will not be raised.

Mr. SHEPPARD. Very well.

WAR DEPARTMENT APPROPRIATIONS—CONFERENCE REPORT.

Mr. WADSWORTH. Mr. President, I submit the following conference report.

The VICE PRESIDENT. The report will be read.

The report was read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13793) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1924, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 8, 11, 12, 13, 14, 16, 20, 22, 25, 32, 33, 39, 40, 41, 44, 46, 57, 58, 59, 61, 66, 75, 80, 93, 94, 96, 97, 102, 103, 104, 107, 108, 110, 112, 113, 114, 117, 118, 124, and 126.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 9, 24, 26, 28, 29, 37, 43, 45, 50, 51, 52, 53, 54, 55, 56, 60, 62, 64, 65, 68, 70, 71, 72, 73, 74, 76, 77, 78, 79, 83, 84, 85, 86, 87, 88, 98, 99, 105, 109, 111, 116, 120, and 121, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$75,000"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$70,480"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and

agree to the same with an amendment as follows: In lieu of the sum proposed insert "$42,480"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$149,000"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$75,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$60,540"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$75,000"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$250,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,400,000"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,500,000"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "except those who have received training in either of the training camps held during the calendar years 1921 and 1922"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: ": *Provided*, That this appropriation shall not be available for increased pay on flying status to more than 600 enlisted men"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$660,000"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$14,350,000"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: ", enlisted men of the Enlisted Reserve Corps,"; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "$15,850,000"; and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In line 2 of the matter inserted by said amendment, after the word "con- of the sum proposed insert "$15,850,000"; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "for the Regular Army and for such other markings and fuel supply stations and temporary shelter as may be necessary"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "and if such flights are given by Army personnel upon other than Government fields, a bond of indemnity, in such sum as the Secretary of War may require for damages to person or property, shall be furnished the Government by the parties desiring the exhibition"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In line 16 of the matter inserted by said amendment strike out "$120,000" and insert in lieu thereof "$89,900"; and in line 17 of the matter inserted by said amendment strike out "$120,000" and insert in lieu thereof "$89,900"; and in line 21 of the matter inserted by said amendment strike out "$100,000" and insert in lieu thereof "$80,000"; and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,500"; and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,400,000"; and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,100,000"; and the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,200,000"; and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$325,000"; and the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,500,000"; and the Senate agree to the same.

Amendment numbered 100: That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$82,450"; and the Senate agree to the same.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$650,000"; and the Senate agree to the same.

Amendment numbered 123: That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$575,000"; and the Senate agree to the same.

Amendment numbered 125: That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,584,683"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 18, 21, 30, 34, 36, 38, 49, 101, 106, 119, and 122.

J. W. WADSWORTH, Jr.,
W. L. JONES,
SELDEN P. SPENCER,
WM. J. HARRIS,
Managers on the part of the Senate.

D. R. ANTHONY, Jr.,
WILLIAM H. STAFFORD,
T. U. SISSON,
Managers on the part of the House.

Mr. WADSWORTH. Mr. President, I will state what is the actual situation. The amendments which are reported as being in disagreement are all but one of them tentatively agreed to by the conferees, but under the rules of the House they must go back to the House for a separate vote. One amendment is still in disagreement and the House conferees insist that the House membership shall have the right to vote on it.

Mr. FLETCHER. May I inquire of the Senator if the matter in disagreement refers to the reserve officers' training corps headquarters and the items in the bill?

Mr. WADSWORTH. It refers to the headquarters, divisional and regimental, of the Organized Reserve. The Senate conferees believe it vital to maintain those headquarters.

Mr. FLETCHER. The Senate conferees are insisting upon the position of the Senate

Mr. WADSWORTH. They are. That is the only amendment in actual disagreement. I ask for the adoption of the conference report.

The report was agreed to.

Mr. FLETCHER. Mr. President, in this connection I desire to have inserted in the RECORD a letter from Maj. H. C. Culbreath, a reserve officer in Florida, bearing on the importance of the position taken by the Senate in connection with the reserve officers' training corps.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TAMPA INTEROCEAN STEAMSHIP CO.,
Tampa, Fla., U. S. A., February 13, 1923.

Hon. DUNCAN U. FLETCHER,
Washington, D. C.

MY DEAR SENATOR FLETCHER: I notice from the Associated Press dispatches and from the Army and Navy Journal that Congressman ANTHONY, of Kansas, is still on the warpath in his apparent attempt to eliminate the Army.

In my mind the most serious possible result will be the elimination of the appropriations providing for the continuation of the headquarters of the organized reserves under the present plans of the War Department. The elimination of these headquarters will turn the organized reserves into disorganized reserves by breaking up the framework of the units and leaving instead merely a number of Army reserve officers with no particular responsibility to anyone and no place in which they definitely belong.

All of us who are paying some attention to this matter are in accord with the allowance made by the Director of the Budget in providing for a fund for the maintenance of the C. M. T. C. and the R. O. T. C. You must consider that we have reserve officers who have held their commissions some two, three, and four years, but who have had no opportunity for field experience. If Congress finds it expedient in their wisdom to not make appropriations for these two branches of the service, I wish to most respectfully bring to your attention the vital necessity that the appropriation be made, amounting to less than $500,000, for the maintenance of divisional and regimental headquarters of the reserves.

It will be possible for the time being to continue our reserve work without the annual training camps of the R. O. T. C. and the C. M. T. C., but it will be next to impossible to hold our own and utterly impossible to make any progress if our regimental and divisional reserve headquarters are to be discontinued. For instance, I am in command of the Three hundred and twenty-eighth Regiment of Infantry and have an excess of officers in our organization scattered over the State of Florida. I devote considerable time to this work, but it would be simply out of the question for me to get results and keep this organization intact were it not for the fact that a Regular Army captain is detailed as an executive officer and attached to my headquarters here. This Regular Army officer, of course, is able to function because of the divisional headquarters of the Eighty-second Division at Columbia. These two headquarters are the only headquarters maintained in connection with Reserve Corps work, inasmuch as the next higher headquarters—corps headquarters at Atlanta—have to do with the Regular Army and supervise the reserves in connection with their regular duty.

Please pardon this intrusion on your valuable time, but, knowing that you have always taken an active and serious interest in this character of legislation, I feel that it is proper that I should bring this matter to your attention and give you my views in connection therewith.

With kindest personal regards, I am, yours sincerely,

H. C. CULBREATH.

WORK OF LEAGUE OF NATIONS.

Mr. SHEPPARD resumed his speech. After having spoken for some time,

Mr. CALDER. I have on my desk several bridge bills which Members of the Senate are very anxious to have passed. With the understanding that it will not take the Senator from Texas off the floor, I ask unanimous consent to report them and to ask for their present consideration.

The PRESIDING OFFICER (Mr. FRELINGHUYSEN in the chair). Is there objection?

Mr. SHEPPARD. With the understanding that I will not yield the floor, I yield for that purpose.

FLORAL WREATH FOR SILENT TRIBUTE TO WASHINGTON.

Mr. CALDER. First, from the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably without amendment the concurrent resolution (S. Con. Res. 39) and ask for its immediate consideration.

There being no objection, the concurrent resolution was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives are hereby authorized and directed to purchase a floral wreath to be placed at the base of the Washington Monument on Washington's Birthday, February 22, 1923, on the occasion of the ceremonies attending upon the silent tribute, the expense of such wreath to be paid in equal proportions from the contingent funds of the Senate and House of Representatives.

ALLEGHENY RIVER BRIDGE, PENNSYLVANIA.

Mr. CALDER. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 13808) granting the consent of Congress to the commissioners of Venango County, their successors and assigns, to construct a bridge across the Allegheny River, in the State of Pennsylvania, and I submit a report (No. 1167) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the commissioners of Venango County, Pa., and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Allegheny River, at a point suitable to the interests of navigation, at Oil City, Pa., connecting Petroleum Street, on the south side of the river, with North Petroleum Street, on the north side of the river, in the county of Venango, in the State of Pennsylvania, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

POTOMAC RIVER DAM.

Mr. CALDER. From the Committee on Commerce I report back favorably without amendment the bill (S. 4526) authorizing the construction, maintenance, and operation of a dam and appurtenant intake and outlet structures across or in the Potomac River at or near Williamsport, Washington County, Md. I ask unanimous consent for the present consideration of the bill.

Mr. JONES of Washington. The bill seems to be for the construction of a dam and not a mere bridge bill.

Mr. CALDER. That is true. It has the approval of the War Department.

Mr. JONES of Washington. I think it had better go over.

The PRESIDING OFFICER. Objection is made, and the bill will go to the calendar.

Mr. JONES of Washington subsequently said:

I desire to withdraw my objection to the present consideration of Senate bill 4526.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That the Williamsport Power Co., a corporation organized and existing under the laws of the State of Maryland, its successors and assigns, is hereby authorized to construct, maintain, and operate, at a point suitable to the interests of navigation, a dam and appurtenant intake and outlet structures across or in the Potomac River at or near Williamsport, Washington County, Md.: *Provided*, That the work shall not be commenced until the plans therefor have been submitted to and approved by the Chief of Engineers, United States Army, and by the Secretary of War: *Provided further*, That this act shall not be construed to authorize the use of such dam and/or other structures to develop water power or generate hydroelectric energy.

SEC. 2. That the authority granted by this act shall cease and be null and void unless the actual construction of the dam and other structures hereby authorized is commenced within one year and completed within three years from the date of the approval of this act: *Provided*, That from and after 30 days' notice from the Federal Power Commission, or other authorized agency of the United States, to said company or its successors, that desirable water-power development will be interfered with by the existence of such dam and/or other structures, as the case may be, the authority hereby granted to construct, maintain, and operate such dam and/or other structures designated in such notice shall terminate and be at an end; and any grantee or licensee of the United States proposing to develop a power project at or near such dam and/or other structures shall have authority to remove, submerge, or utilize such dam and/or other structures under such conditions as said commission or other agency may determine, but such conditions shall not include compensation for the removal, submergence, or utilization of such dam.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ST. FRANCIS RIVER BRIDGE, ARK.

Mr. CALDER. From the Committee on Commerce I report back favorably without amendment the bill (S. 4579) to authorize the Lee County bridge district No. 2, in the State of Arkan-

sas, to construct a bridge over the St. Francis River, and I ask unanimous consent for the immediate consideration thereof.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Lee County bridge district No. 2, State of Arkansas, to construct, maintain, and operate a bridge and approaches thereto across the St. Francis River, at a point suitable to the interests of navigation, at or near Cody, in the county of Lee, in the State of Arkansas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE, S. DAK.

Mr. CALDER. From the Committee on Commerce I report back favorably, without amendment, the bill (S. 4583) granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Charles Mix County and Gregory County, S. Dak., and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of South Dakota to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at a point suitable to the interests of navigation between Charles Mix County and Gregory County, S. Dak., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SOUTH FORK OF SOUTH BRANCH OF CHICAGO RIVER.

Mr. CALDER. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 9049) declaring the act of September 19, 1890 (26 Stats., ch. 907, sec. 7), and the act of March 3, 1899 (30 Stats., ch. 425, sec. 9), and all acts amendatory of either thereof, shall not hereafter apply to a portion of the west arm of the south fork of the South Branch of the Chicago River, and for other purposes. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the act of September 19, 1890, making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes (26 Stats., ch. 907, sec. 7, p. 454), and the act of March 3, 1899, making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes (30 Stats., ch. 425, sec. 9, p. 1151), and all acts amendatory of either thereof shall not, after the passage of this act, apply to that portion of the west arm of the south fork of the South Branch of the Chicago River, lying between the east line of Ashland Avenue and the north line of Thirty-ninth Street, in the city of Chicago, Ill., as the same now exists or may hereafter be extended.

All rights, authority, or control over that part of the Chicago River now possessed or assumed by the United States under said acts, or either of them, or any amendments thereof are hereby relinquished and abandoned, and all rights, authority, or control over the same that were possessed by the State of Illinois before said acts were passed are hereby fully restored to said State.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WORK OF LEAGUE OF NATIONS.

Mr. SHEPPARD resumed his speech. After having spoken for some time,

Mr. CALDER. Mr. President, will the Senator permit me to inquire if he expects to conclude his remarks this evening?

Mr. SHEPPARD. I do not know. If the interest continues to be so intense, I may continue indefinitely.

Mr. CALDER. If the Senator will permit me, I desire, without taking the Senator off his feet, to make reference to a newspaper article printed in this morning's New York Herald about a matter in which I am interested. It will take me perhaps five minutes, and I ask the Senator from Texas to yield to me with the understanding that it does not take the Senator off the floor.

Mr. SHEPPARD. With that understanding, I yield.

MAJ. GEN. ADELBERT CRONKHITE.

Mr. CALDER. Mr. President, there appeared in the New York Herald this morning an article entitled:

Cronkhite attacks CALDER once more. Major general reports Senator helped release murder suspect.

Then the article, which I shall later ask unanimous consent to have printed in the RECORD, goes on to state in minute detail how Senator CALDER appealed to the Department of Justice to grant a confidential hearing in the case of the Government against Captain Rosenbluth to the end that a speedy decision of the subject might be obtained. A careful reading of the statement made by Major General Cronkhite would not indicate that I have in any way interfered with the work of the Department of Justice, but the headlines of the article would tend to convince one that I had. I desire to make just a short statement on the subject, if the Senate will bear with me for a moment.

This case was called to my attention in March, 1921. It appears that Major Cronkhite, a son of Major General Cronkhite, had been killed at Camp Lewis, Wash., in October, 1918. Major General Cronkhite was at that time in command of a division of the American troops in France. No man in America has sympathized more with General Cronkhite than I have in the great bereavement which came to him and his wife. He was away, as I said, fighting on the other side, and his son, also a brave soldier, was at Camp Lewis, Wash.

Captain Rosenbluth and his friends, when they called upon me, insisted that the charge that he was in any way responsible for the death of Major Cronkhite was not true. They submitted to me affidavits seeking to demonstrate the correctness of their contention, and several officers who had served with Major Cronkhite and Captain Rosenbluth called upon me and told me they were sure Captain Rosenbluth was innocent. I was anxious, both for the sake of the memory of Major Cronkhite, son of the gallant general, and for the good name of Captain Rosenbluth, a citizen of my State, who had always borne an excellent reputation, that the matter should be cleared up. Captain Rosenbluth was at that time under arrest on the charge that he had aided in the murder. He was out on bail. The matter was before the Department of Justice. I wanted the Department of Justice to prosecute the case speedily and clear it up. For that reason I insisted that something should be done.

In the article published to-day General Cronkhite suggests that my activity in the matter resulted in a dismissal of the complaint. In that, of course, he is mistaken. It did result, however, in the charges against Captain Rosenbluth, in New York, being dismissed on the ground that there was no jurisdiction. It did not result, however, in a statement from the department that he was innocent of the charge, the thing that Captain Rosenbluth desired.

Subsequently the matter was referred to the county attorney of Pierce County, Wash., Mr. Selden, where Camp Lewis is located. He made an exhaustive study of the subject. I have here a newspaper published in Tacoma, December 18 last, and another one December 25, which shows the result of District Attorney Selden's investigation. He insisted, in the story published here, that there was no evidence submitted to him that warranted the indictment or prosecution of Rosenbluth.

My attention has been called to a number of affidavits appearing in this Tacoma publication, one by Robert S. Thomas, the colonel in command of the regiment in which both Major Cronkhite and Captain Rosenbluth served; of the regimental surgeon, Henry Tucker; of the chaplain, Rev. Thomas J. Harron; of Capt. Eugene M. Caffey; of Arthur L. Miller, an officer of the regiment, and other members of the command. All of these men had been intimately associated with Captain Rosenbluth and with Major Cronkhite. They told the story of their intimate knowledge of both of them before and at the time of the unfortunate affair.

I ask unanimous consent that these affidavits from these officers may be printed in the RECORD, together with the newspaper article to which I have referred.

The PRESIDING OFFICER (Mr. SPENCER in the chair). Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

[From the New York Herald, February 19, 1923.]

CRONKHITE ATTACKS CALDER ONCE MORE—MAJOR GENERAL REITERATES SENATOR HELPED RELEASE MURDER SUSPECTS—SEES GLASS AND REED—CALLS CONFERENCE ON KILLING OF SON AND OUSTING OF SELF ENCOURAGING.

WASHINGTON, February 18.—Conferences yesterday with Senator GLASS (Democrat, Virginia) and REED (Republican, Pennsylvania) were said by Maj. Gen. Adelbert Cronkhite to-day to have been "most encouraging" in the efforts being made to obtain a congressional inquiry into the recent enforced retirement of the officer and into the mysterious killing of his son, Maj. Alexander P. Cronkhite, in 1918, at Camp Lewis, Wash.

"Heretofore the difficulties I have had in persuading anyone to go into the facts have been very great," said General Cronkhite in a formal statement. "No one would go into them thoroughly. It is apparent, however, that Senator GLASS and Senator REED propose to take no ill-considered action and I certainly do not wish nor expect them to act until they are thoroughly prepared."

Both Senators were noncommittal to-day as to whether there will be a public inquiry, but Senator REED expects to announce a decision in a day or two. Such an inquiry would cover the retirement of the general, the circumstances surrounding the killing of Major Cronkhite, and the prosecution of Robert Rosenbluth and Roland Pothier in connection with the killing.

General Cronkhite replied to-day to the statement several days ago by Senator CALDER (Republican, New York), in which the Senator denied he had caused delay in the prosecution of the alleged murderers of Major Cronkhite. General Cronkhite had said the Senator wrote to Attorney General Daugherty, April 13, 1921, after the arrest of Rosenbluth and Pothier, saying he "had gone into the case very thoroughly with Rosenbluth and others, including two of Mr. Daugherty's associates, namely, Mr. Gibbs and Mr. Steward, and that he was convinced that there were such extraordinary features in this case as to warrant his making a recommendation that an entirely new, confidential, and thorough investigation be made."

This, according to General Cronkhite, was followed three days later by a letter from Mr. Gibbs to Senator CALDER saying no further action was to be taken in the case pending a personal investigation by the Attorney General. Then, in May, Senator CALDER, the statement continued, again wrote Mr. Daugherty, this time urging that Rosenbluth be given an early hearing, and about two weeks later the Attorney General assented to this request.

"Rosenbluth with his attorneys appeared before one of Mr. Daugherty's associates June 18," the statement further said, "and stated reasons why the pending proceedings against Rosenbluth should be quashed. At this 'entirely new, confidential, and thorough' investigation, which was in fact a mere ex parte hearing of Rosenbluth at which no one appeared against Rosenbluth, it was stated by counsel for Rosenbluth that the hearing had been granted at the request of Senator CALDER, and on July 16, without further investigation, Mr. Daugherty ordered that pending proceedings against Rosenbluth be dismissed.

"From the foregoing it is seen that while the interposition of Senator CALDER undoubtedly did have the effect of expediting the proceedings it secured the release of the accused and blocked the prosecution which was in process."

—

SPEAK FOR ROSENBLUTH.

EASTERN, MD., *August 16, 1921.*

I, Major Robert S. Thomas, Corps of Engineers, United States Army, now residing at Fort Leavenworth, Kans., do hereby solemnly swear:

That in the fall of 1918 I was colonel of Engineers in command of the Two hundred and thirteenth Regiment of Engineers stationed at Camp Lewis, American Lake, Wash. That Major Cronkhite, Capt. Robert Rosenbluth, and Serg. Roland Pothier were members of the Two hundred and thirteenth Regiment of Engineers.

That at the time of the death of Major Cronkhite nor since then did I have, nor have I had, any knowledge of suspicion or any feeling of ill-will, malice, or enmity of Capt. Robert Rosenbluth toward Major Cronkhite nor of any cause for the same.

That I did not have at the time of the death of Major Cronkhite nor since then have I had any knowledge or suspicion of any motive on the part of Captain Rosenbluth for the alleged killing of Major Cronkhite.

That I have not been interviewed nor questioned by any agent of the Department of Justice concerning the death of Major Cronkhite nor any action of Captain Rosenbluth's.

That Captain Rosenbluth served under my command and under my close personal observation for a period of nearly five months, and I found him to be a conscientious officer, earnest and honest in the performance of his duty.

Similarly, Sergt. Roland Pothier was under my command and personal observation for a period of five months. Sergeant Pothier's reputation for truth and honesty was not good. He was suspected of several petty thefts. I had investigated his previous service in the Navy and instructed the intelligence agent in the regiment to keep a close watch upon Pothier's actions, which resulted finally in my having to reduce Pothier from sergeant to private and order his court-martial for larceny.

That the death of Major Cronkhite was investigated in accordance with Army Regulations by a board of carefully selected officers of age, judgment, and responsibility; and that the findings of this board were to the effect that Major Cronkhite met his death by reason of accidental self-inflicted wound. The findings of this board I carefully reviewed in my capacity as commanding officer and approved.

ROBERT S. THOMAS,
Major Corps of Engineers, United States Army.

STATE OF MARYLAND, *Talbot County, to wit:*

I hereby certify that personally appeared before me, a notary public of the State of Maryland in and for Talbot County, the above-named Robert S. Thomas, being duly sworn, makes affidavit that the above is true to the best of his knowledge and belief.

[SEAL.] CHARLES E. NORRIS, *Notary Public.*

(My commission expires May 11, 1922.)

STATE OF NEW YORK, *County of New York, ss:*

I hereby certify that I have personally compared the above affidavit of Robert S. Thomas with the original copy thereof, and that this is a true and accurate and complete copy in every respect.

JOSEPH W. FERRIS, *Notary Public.*

(Summer address: Bellevue, Md.)

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REGIMENTAL SURGEON TESTIFIES.

I, Henry Tucker, late major, Medical Corps, United States Army, affirm that the following is, to the best of my knowledge and belief, true:

I have never been interviewed by anyone connected with the Department of Justice, although they have had my address and could have done so at any time.

I was regimental surgeon to the Two hundred and thirteenth Engineers at the time Maj. Alexander Cronkhite met his death in October, 1918, at Camp Lewis, Wash. I was present at the autopsy on the body of Major Cronkhite, at which time there was raised the question that he might have been killed by a stray machine-gun bullet fired from the near-by machine-gun range. This was disproved by the finding of a pistol bullet of the same caliber as the pistol of Major Cronkhite. There was no question in the minds of those present at the autopsy but that he died from an accidental self-inflicted wound.

I was also a member of the board of inquiry to investigate the circumstances connected with the death of Major Cronkhite. This board decided, on evidence of the witnesses examined, that Major Cronkhite died from an accidental self-inflicted wound.

I was more or less closely associated with Major Cronkhite and Captain Rosenbluth from the time of my joining the regiment to the death of the former and the discharge of the latter, and at no time did I ever hear any rumor or see anything personally that would lead me to believe that these two officers were not the best of friends.

I have given the above testimony for the fact that I am informed that the State can not subpœna witnesses from without the State, and reading in the papers that this case has been taken out of the hands of the Department of Justice and put into the hands of the Washington State authorities; also to help right a wrong.

HENRY TUCKER.

Subscribed and sworn to before me this 3d day of August, A. D. 1921.

W. LESTER BALL, *Notary Public.*

CHAPLAIN VOICES FAITH.

Copy of a letter from Rev. Thomas J. Harron, formerly chaplain of Two hundred and thirteenth Engineers, at Camp Forrest, Ga., and Camp Lewis, Wash.:

CHURCH OF THE ASCENSION,
Westmoreland and G Streets, Philadelphia, August 18, 1921.

Mr. ROBERT ROSENBLUTH.

DEAR FRIEND: In reference to my interview with a Department of Justice agent, Mr. Chastain, I would say that I told him that I firmly believed in your innocence. My testimony to him was substantially as follows:

At mess the night before Major Cronkhite's death Major Ziejack invited the former to go to the firing range the following morning, and Major Cronkhite said that he was too busy and that he hated to lose the time. Major Ziejack volunteered to supply him with a mount, and Major Cronkhite replied to Ziejack, "You go straight to hell." The eventful morning Major Cronkhite suddenly decided to go and left the mess hall about 7.50 and started out to the range later than the rest. This, to my mind, proved conclusively that there could not have been any premeditation on the part of Captain Rosenbluth, as no one could have known of the major's (Cronkhite) going to the range that fateful day.

Moreover, I told the agent that Captain Rosenbluth was generally regarded as one of the most efficient officers in the Two hundred and thirteenth Regiment. This was generally agreed upon even by those who personally disliked Captain Rosenbluth. One officer, Lieutenant Reeves, put it this way: "He's (Captain Rosenbluth) too damned efficient."

Again, I told him that I believed that the major and captain were very friendly, as a West Point man admired the efficient officer at all times. As for Sergeant Pothier, he was generally under suspicion and distrusted by officers and men alike.

I told the agent that if the authorities really wanted to get at the real truth they would get in touch with Lieutenant Miller, the intelligence officer of the regiment, as he knew the sergeant's record—past in the old Army, and present in the late war. I also mentioned how the sergeant (Pothier), to whom I had lent money on different occasions, had tried to cheat me out of $10, and when I, after waiting two months, threatened to take the matter up officially if the money were not returned within three or four hours, the $10 was returned within a half hour. That same day another sergeant lost $12.

From my experience with Sergeant Pothier, I think that he would be but too glad of an opportunity to gain notoriety. I hold no animosity toward the said sergeant, but I testified for the sake of justice, that a wrong might be undone.

At the time of the death of Major Cronkhite there was no suspicion that the death or shooting was not, as reported, accidental.

Everyone knew how impetuous the major was, and all felt the death keenly; in fact, many were somewhat superstitious on account of the "13" in Two hundred and thirteenth Regiment. Colonel Thomas, though this was never discussed by us together, will, I believe, confirm me in this opinion about impetuosity.

I also informed the agent that I thought that the charge against Captain Rosenbluth was probably helped by the natural antipathy which some had against Hebrews in general.

I know of no officer in the regiment who had the welfare of his men at heart like Captain Rosenbluth.

I was almost daily in the company of Captain Rosenbluth, and I always found him the open, earnest, and thorough gentleman.

I offered to go to see the Attorney General at any time, and at first I hesitated to give this information to Mr. Chastain, thinking it would be best to go direct to Washington, D. C.

I earnestly hope that you will soon be given justice and the unjust stigma be removed.

Yours most sincerely, Rev. THOMAS J. HARRON.

I hereby certify that I have carefully compared the above copies with the original letter signed by Rev. Thomas J. Harron and that it is a complete and accurate copy thereof.

JOSEPH W. FERRIS, *Notary Public.*

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BROTHER OFFICER TESTIFIES.

STATE OF CONNECTICUT,
County of New Haven, city of New Haven, ss:

Before me, the undersigned authority for administering oaths, personally appeared one Eugene M. Caffey, captain, Corps of Engineers, United States Army, who, being duly sworn according to law, deposes and saith:

That on October 25, 1918, he was a member of the Two hundred and thirteenth Regiment of Engineers, Thirteenth Division, stationed at Camp Lewis, Wash. That he was well and personally acquainted with Maj. Alexander P. Cronkhite, Two hundred and thirteenth Engineers, and Capt. Robert Rosenbluth, Two hundred and thirteenth Engineers, having served with both of them since the middle of August, 1918. That there was no ill feeling or animosity of any kind or description between these two officers, nor any cause for such.

That on the day in question the regiment went on a short march for instruction purposes. That Major Cronkhite did not leave with the regiment on the march and had no idea of going with it. A short time after the troops had left the major decided to follow and catch up with the column for the sake of the exercise involved, as he was just recovering from several days' illness. He spent some little time looking for the regimental surgeon, Major Tucker, to get his permission to

go and in securing a lunch to carry with him. He left the regimental area probably about three-quarters of an hour after the regiment. He took with him Sergt. Bugler Roland Pothier, whom he happened to see at regimental headquarters and who had no particular duty that morning.

During the course of the morning Major Cronkhite was killed. The deponent has no direct knowledge of the circumstances, as he was not present at the scene of the accident. He was told, however, within an hour or so of the accident by Captain Rosenbluth, Sergeant Pothier, Lieutenant Morrison, and Lieutenant Seaburg (one of the medical officers of the regiment who was with the column and who gave first aid to the major), all of whom were within a short distance of the accident, that the major had accidentally shot himself with his own pistol while engaged in firing at a can that he had placed on a post. A board of officers which investigated the death of Major Cronkhite reported to the same effect.

The deponent further states that there was at no time any suspicion of foul play in connection with this accident on the part of anyone in the regiment. That it was a shock to him to read in the papers that charges had been trumped up by some one involving Captain Rosenbluth in the death of Major Cronkhite. He did not, does not, and never will believe that such charges are anything except the most baseless fabrications.

The deponent was approached some weeks after the arrest of Captain Rosenbluth by an agent of the Department of Justice. This agent stated among other things that Captain Rosenbluth was a man of no standing, that he had "traveled with a pretty shady gang," and had "nothing good in his record." Deponent states such statements are lies. They were a very evident attempt to influence the deponent to make statements against Captain Rosenbluth. Deponent has seen two other officers of the regiment, Major Zajicek and Lieutenant Saunders, who told him that they did not credit the charges against Captain Rosenbluth. Major Zejicek was approached, after the arrest of Captain Rosenbluth, by agents of the Department of Justice who attempted to blacken the character of Captain Rosenbluth.

Deponent has been told that a former lieutenant named Rustenback is in a large measure to blame for the framing of the charges against Captain Rosenbluth. Deponent knew Rustenback well and knows him to be a person easily influenced and prone to wild fancies and to be a person whose statements should not be given credit without the most careful investigation.

Deponent also knew Pothier very well and knows that he is mentally unbalanced, underhanded, and treacherous. He had a bad reputation in the Navy and a bad reputation in the Two hundred and thirteenth Engineers. Deponent would not believe him on oath.

Further deponent saith not.

EUGENE M. CAFFEY, *Captain, C. E.*

Sworn to before me and subscribed in my presence this 8th day of November, 1921, at New Haven, Conn.

J. J. BACHMAN,
Captain, Field Artillery, U. S. A. Summary Court.

ASKS FOR JUSTICE.

CHICAGO, ILL., *August 10, 1921.*

To the Hon. J. W. SELDEN,
Prosecuting Attorney, Pierce County, Tacoma, Wash.

DEAR SIR: Inclosed please find affidavit re Captain Rosenbluth, which is prompted in the interest of justice, and for no other reason.

I sincerely hope that you will see your way clear to exonerate Captain Rosenbluth of the charge. I am quite sure that the American sentiment will unqualifiedly appreciate such a fair attitude in all such cases and particularly in this one.

Yours very truly,

ARTHUR L. MILLER.

STATE OF ILLINOIS, *County of Cook, ss:*

I wish to state that I was never interviewed by the Department of Justice relative to the case of Capt. Robert Rosenbluth, charged with the murder of Maj. Alexander P. Cronkhite on October 25, 1918, at Camp Lewis, Wash.

Second. I wish to state that I was intelligence officer of the Two hundred and thirteenth Engineers at that time and up to January 14, 1919, the date of my discharge from the Army. I joined the regiment at Camp Forrest, Ga., in August, 1918.

Third. I knew Major Cronkhite, Captain Rosenbluth, and Sergeant Pothier. The relations between Major Cronkhite and Captain Rosenbluth were of a most friendly nature at all times. I know of no relations that ever existed between Captain Rosenbluth and Sergeant Pothier.

Fourth. Captain Rosenbluth's character and reputation were of the highest standing, and therefore, in my judgment, he could not have been involved in any murder plot under any circumstances.

Fifth: The circumstances surrounding the accident on October 25, 1918, point clearly that there could not have been any plot on that day. Major Cronkhite's decision to accompany the march was made at the breakfast table at the last minute, unexpectedly to all of us. In fact, it was my sergeant who supplied him with a pack and gun while the column was already formed. All this clearly shows any premeditated plot on that day to be impossible. The first news of an alleged murder plot that reached me was early in 1921 through the newspapers. The general opinion of all at the time was that death occurred from a self-inflicted wound by accident.

ARTHUR L. MILLER.

Subscribed and sworn to before me this 10th day of August, A. D. 1921.

[SEAL.] ARTHUR KRIEG, *Notary Public.*

VIEW OF ENLISTED MAN.

WASHINGTON, D. C., *April 20, 1921.*

STATEMENT OF ELMER D. KIEFFER.

I, Elmer D. Kieffer, of Norwood, Pa., being duly sworn, on oath depose and say as follows:

I was attached to Company C, Two hundred and fourteenth Engineers, stationed at Camp Lewis, Wash., from the 9th of October, 1918, until January 30, 1919, and was a member of said Company C at the time of the occurrence of the events on October 25, 1918, hereinafter set forth.

On October 25, 1919, Company C, with several other companies of the regiment, was ordered on a hike across country. When about 2 miles out of camp the regiment was ordered at rest, and at this time I first saw Major Cronkhite, accompanied by Sergeant Pothier, who had come up to the spot where the regiment was resting. They did not come along the same road that we had traveled but appeared from a different direction through the woods. Neither Major Cronkhite nor Sergeant Pothier was with the regiment at the time we left camp. I was in the first platoon of Company C, and after the hike was resumed I saw Major Cronkhite and Sergeant Pothier from time to time, who were walking quite some distance ahead of the column. During the hike I heard several shots coming from the direction in which Major Cronkhite and Sergeant Pothier were walking. I remember this distinctly, because of the very unusual fact of any of the officers or men having ammunition with them while on a hike.

After Major Cronkhite had joined the company and before reaching the scene of the accident, referred to hereafter, the company fell out frequently for rest periods while proceeding through the woods. During one of these rest periods I distinctly remember seeing Major Cronkhite somewhere in front, but I do not recall the exact location nor do I remember noticing where Captain Rosenbluth was at this time.

During the rest period on the last halt of that day I had stepped out of the ranks and across the road, and as I did so I noticed Sergeant Pothier about 100 feet away, down the slight declivity of the road on the same side as I was standing, ahead of the column. I also saw Major Cronkhite, who was on the other side of the road about 15 or 20 feet from Sergeant Pothier. My attention was particularly directed to Major Cronkhite, because at that time he was engaged in shooting at some object located to the right of the direction in which the column was facing. I saw Major Cronkhite take a shot at this object, after which he walked in its direction. I could see both Major Cronkhite and Sergeant Pothier very distinctly at this time, and I am sure that Sergeant Pothier did not have any weapon in his hands. At this time I am certain that Captain Rosenbluth was not at the front of the formation, as I recall that Captain Rosenbluth passed the spot where I was standing, going toward the head of the formation very shortly after I saw Major Cronkhite take this shot.

I did not pay any more attention to this occurrence, but remember hearing one or two other shots, and the next thing I recall hearing was some one call for a doctor. I do not remember any further shots being fired after the doctor was called for.

Shortly after this Lieutenant Seaburg, a doctor attached to the regiment, asked for volunteers to carry the major to the artillery range. I, together with three other men, ran forward, and I saw the major lying on the ground. Lieutenant Seaburg was with him, but Captain Rosenbluth was not there at this time. The whole thing happened very quickly, and it is my recollection that not more than three minutes elapsed between the time of the last of these shots and the call for volunteers.

It was at first thought by those in charge that it would be necessary to carry Major Cronkhite over the hill to the artillery range, as it was doubtful whether an ambulance could reach that part of the woods where the accident occurred, but upon some one's suggestion that an ambulance could get through it was decided to let him remain there until the ambulance arrived. There was a can on top of a post a few feet away, which I later removed to use as a prop for the fireplace erected to cook our meal.

It was my opinion and the opinion of everyone there at the time, so far as I know, that Major Cronkhite had shot himself accidentally. I was demobilized at Camp Meade, Md., on February 13, 1919, and the incidents here related had practically passed out of my mind until I read in a paper about a month ago of the arrest of Captain Rosenbluth in connection with the death of Major Cronkhite. I thought it was an outrageous thing that Captain Rosenbluth should have been accused of this crime and immediately wrote him a letter, in which I stated my willingness to be of service to him in this matter, but I did not mail this letter, as I was not sure of Captain Rosenbluth's address. Several weeks thereafter I read in the papers in one of the articles telling of the arrest of Captain Rosenbluth that Major Tucker, who was also attached to the regiment at Camp Lewis at the time I was there, was living in Philadelphia at 1818 Pine Street. On the occasion of a visit which I made to Philadelphia on April 19, 1921, I went to see Major Tucker and told him what I knew about this affair, and he called Captain Rosenbluth's attorney, Mr. J. J. Goldstein, in New York, giving Mr. Goldstein my address and telephone number. Thereafter Captain Rosenbluth called me on the telephone and at his request I went to see him. This is the only time I have seen or heard from Captain Rosenbluth from the time of my transfer from Camp Lewis, Wash., to Camp Meade, Md., for discharge down to the present time.

No person has ever questioned or interviewed me as to my knowledge of the affair, and this statement is made entirely and wholly from my recollection of the events which transpired on October 25, 1918, without any stimulation or suggestion of any kind or character from Captain Rosenbluth or anyone else, and my sole and only object in making this statement is for the purpose of doing what I can to see that justice is rendered a man whom I know to be innocent.

ELMER D. KIEFFER.

Signed and sworn to before me this 20th day of April, 1921.

G. G. GALLTY, *Notary Public.*

SERGEANT OFFERS AID.

PENSACOLA Y. M. C. A.,
Pensacola, Fla., March 26, 1921.

DEAR MR. ROSENBLUTH: I understand from the newspapers that you have been charged with the killing of the late Major Cronkhite on October 25, 1918. I was very sorry to see that in the press reports, for I was present as a sergeant of Company A, Two hundred and thirteenth Engineers, at the time in question, and can not see how these charges can be proven true, knowing what I do of the circumstances. For that reason I stand ready to help you in any way possible to prove that these charges placed against you are false. While a long trip and court trial would be unpleasant in many ways, I stand ready, if necessary, to go upon the stand as a witness in your behalf. To what I can testify is this:

I was a sergeant in Company A, Two hundred and thirteenth Engineers. Major Cronkhite had recently left the hospital from an attack of influenza and appeared unwell. I was told he was advised by Colonel Thomas not to participate in the hike. The skeleton regiment, composed largely of noncoms, due to the influenza quarantine, started on a hike on the morning of October 25, 1918. Major Cronkhite was in command, and I understood that Colonel Thomas was to join the regiment at our noon halt. We moved in a general southeasterly direction from Camp Lewis, going through patrol formations and problems on the way. At a place on the road where there was an abandoned schoolhouse on the left and a machine-gun range in front we halted to regain our regimental formation.

At that time I saw Major Cronkhite for the first time since the start of the hike. We turned to the right into the woods, passing over about a mile of undulating ground, heavily wooded, the trail so narrow as to force the command "Right by file—March." Being acting first sergeant of Company A, I was at the head of the column. At a point where there was a clearing on the right and a barn diagonally to the right and front we formed column of fours and halted. I understood this to be the place where we were to make our noon halt and cook dinner. The regiment was standing on the road in column of fours when Major Cronkhite and Sergeant Bugler Roland Pothier passed me from the rear, went forward a few yards and turned to the right behind some bushes. A few seconds later I heard four shots from that direction. Immediately after the last shot you passed me from the rear and went forward to see where the major and sergeant bugler were. You immediately stepped back into the road and called for Lieutenant Sieburg, the doctor. He went forward and in a few seconds either you or Lieutenant Sieburg stepped back into the road and called for a man with knowledge of artificial respiration. I had that knowledge and so did Bugler Wuthenow of Company A. All officers of Company A being absent, I felt that I was in command of Company A in case of orders to move (First Sergeant Bradshow being in the hospital), so I sent Bugler Wuthenow forward. A few minutes later the regiment was moved into the clearing to the right, our packs let down and we stood at rest waiting further orders. While standing there in regimental front we learned that Major Cronkhite had been shot and killed. Before leaving the road a runner was sent back down the trail to try to intercept the machine-gun ambulance at the machine-gun range, and Lieutenant Morrison was sent back through the woods to the camp to notify regimental headquarters. In a few minutes Lieutenant Miller assumed command of the regiment and marched us in single file back to the road at the machine-gun range, then in column of fours back toward camp.

The general opinion among the men, an opinion in which I concurred, was that the major's revolver was discharged accidentally when his thumb probably slipped off the trigger as he snapped the revolver back to his shoulder to cock it for the fourth shot. Some few raised the question of suicide. Sergeant Bugler Pothier seemed to be insensible as to what had happened. Sergeant Root told me that the revolver the major was using was a six-shooter that he (Sergeant Root) had loaned to the major, as the major's was out of order. Bugler Wuthenow told me that he leaned over the major to administer artificial respiration and that Lieutenant Sieburg had evidently assumed the major's death to be due to the shock from the gun's concussion and his weakened condition. Bugler Wuthenow said that he opened the major's shirt and found a bullet hole, then turned to Lieutenant Sieburg and said, "Why, this man has been shot"; Lieutenant Sieburg looking and answering, "Why, so he has." Bugler Wuthenow told me that he himself was the one who folded the major's arms and closed his eyes to prevent the body stiffening in its then present condition. Bugler Wuthenow also told me that a tobacco can had been put up on a tree as a target, the first three shots being so close together as to be covered by a silver dollar. Bugler Wuthenow told me that the bullet entered the major's right breast beneath the collar bone and lodged in the small of his back, the major being dead when he arrived. You were not there when the shots were fired. I know of no arguments, disagreements, or rivalry between you and the major. Unless the major had been standing so as to face us men and fire directly in our direction (something which is inconceivable, due to his military experience), I do not see how it would have been possible for you to have fired the shot that killed him, as you were standing back of me in the column during the firing. I certainly heard no shots from any other direction than from the major's gun. The intervals between shots appeared equal.

My reason for writing this letter is justice, for I believe you to be innocent of the charges preferred against you. While a long trip and court trial would be, as I said before, unpleasant in many ways and something which I can not undertake at my own expense, the question of unpleasantness is of no weight whatever if I can be of material help to you in clearing you of these charges. I would not be a man were I to sit here and see such accusations prosecuted.

Believe me, Mr. Rosenbluth, I wish you every success and good fortune in this unpleasantness, and remain

Cordially yours, FRANK B. TURNER.

Subscribed and sworn to before me this 26th day of March, 1921.
ARTHUR L. KIESLE, *Notary Public.*

My commission expires February 24, 1925.

TELLS NEW DETAILS.

STATE OF ILLINOIS, *County of Peoria, ss:*

Elmer W. Seaburg, being first duly sworn, upon oath states that he is the same person who, on the 26th day of March, A. D. 1921, made a written statement with reference to the death of Major Cronkhite at Camp Lewis, Wash., on the 25th day of October, A. D. 1918; that since the making of said statement this affiant has refreshed his recollection and given the matter further consideration, and, as a supplement to and explanation of said statement, further states:

That when this affiant first came to the point where Major Cronkhite was being supported by Captain Rosenbluth he and the others present were of the impression that the major was suffering from a heart attack; that as soon as this affiant came running up to the point he remembers that Captain Rosenbluth, in substance, cried out, "I think his heart failed; give him aromatic spirits or a hypodermic"; that while this affiant was preparing to administer the hypodermic some one—this affiant believes it was Captain Rosenbluth—asked this affiant if it would do any good to try artificial respiration; and this affiant, still believing that the weakened condition of the major was caused by heart failure, told the captain that it would do no harm, and thereupon artificial respiration was administered by several of the men, and the hypodermic was administered afterwards by this affiant; that afterwards, upon removal of the major's clothing, this affiant discovered the bullet wound which was not noticed theretofore because of the lack of blood coming from the same; that afterwards, while waiting for the ambulance to arrive, there was some discussion as to how the accident might have happened, all of which appeared to be merely speculation, and Captain Rosenbluth then told me of Major Cronkhite shooting with a revolver at a tin can, and the captain then, as a matter of speculation, told me how it might have happened; that no one thought at the time when I first came up to the place of the accident that the major's condition was due to a bullet wound, but everyone thought that his condition was due to an attack of the heart, and it was not until after the autopsy had been made and it had been thereby proved that the bullet pierced the aorta that we felt that it was not heart failure that caused his death; that in fact it was because this affiant had no suspicion that the major's condition was due to a bullet wound that he resorted to artificial respiration and the hypodermic, which would not have been administered and resorted to had this affiant thought that he had been shot; that it was because of the foregoing that I refer to myself worrying about whether there were things which I might have done and was only convinced that all had been done that it was possible after the autopsy had been made; that never at any time until this affiant heard of the arrest of Captain Rosenbluth did he ever hear any rumor or intimation that Major Cronkhite died otherwise than by accident and in the manner indicated in the findings of the board of inquest.

Further affiant saith not.

ELMER W. SEABURG.

Subscribed and sworn to before me this 2d day of June, A. D. 1921.
ANNA C. RIESZ, *Notary Public.*

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Tennessee?

Mr. CALDER. Certainly.

Mr. McKELLAR. I want to ask the Senator whether there was not a court-martial about the matter?

Mr. CALDER. Yes. At the time of the unfortunate death of Major Cronkhite a board of inquiry was convened, and that board of inquiry found that Major Cronkhite had met his death through an accident, a wound inflicted by himself.

Mr. McKELLAR. That it was suicide?

Mr. CALDER. I would not say that.

Mr. McKELLAR. Substantially so?

Mr. CALDER. Oh, no.

Mr. McKELLAR. A wound inflicted by himself, and it was afterwards found when his body was exhumed that he was shot in the back, was it not? I am just asking the Senator for the information, if he has it.

Mr. CALDER. I do not know. That may be true.

Mr. McKELLAR. I was informed, though I do not know how correctly, that when his body was exhumed by the family it was found that it would have been absolutely impossible for him to have shot himself; that he was shot in the back with a kind of gun that could not have been used by his own hand to inflict the wound.

Mr. CALDER. That may be true. I do not stand in my place to-day to defend anybody, but I do stand here to insist that everything possible be done to clear this matter up. I have seen in the public prints that Senators contemplate offering a resolution of inquiry. If they do I shall join with them in securing an agreement on the resolution.

Mr. McKELLAR. What was ever done with the findings of the board of inquiry?

Mr. CALDER. The board of inquiry, I am informed, determined that he was killed through his own act.

Mr. McKELLAR. Was that finding ever set aside in any way?

Mr. CALDER. It was confirmed.

Mr. McKELLAR. By the department?

Mr. CALDER. Yes.

Mr. McKELLAR. Appealed to the department and confirmed?

Mr. CALDER. Yes.

Mr. McKELLAR. It has not been interfered with in any way?

Mr. CALDER. I so understand. But if Senators who are interested in the matter contemplate asking for the adoption of a resolution inquiring into the ending of General Cronkhite's military services, I am hopeful that they will accompany it with an effort to determine, if it can be done by any committee of this body, through all the evidence obtainable, just how Major Cronkhite was killed, to the end that justice may be done to the memory of Major Cronkhite—a splendid officer—and also that the name of Captain Rosenbluth may be cleared, if he is innocent.

Mr. GLASS. Mr. President, I have just entered the Chamber. May I ask what the Senator's request is?

Mr. CALDER. I made no request except to comment upon an article which appeared in this morning's paper and to say that I had never attempted to retard investigation of the matter, but have constantly insisted the matter should be brought to a speedy determination.

Mr. GLASS. I think the Senator is quite within his rights in doing that. He is doing what any other Senator would feel constrained to do.

Mr. CALDER. I also, Mr. President——

Mr. GLASS. I do not think the Cronkhite case in either of its aspects ought to be tried here in the Senate, certainly not at this time.

Mr. CALDER. I quite agree with that. I think what the Department of Justice should do is to clear this matter up just as early as it can be done, for everybody's sake.

I thank the Senator from Texas for yielding to me.

ORDER FOR RECESS.

Mr. JONES of Washington. Mr. President, will the Senator from Texas yield to me for a moment?

Mr. SHEPPARD. I yield.

Mr. JONES of Washington. I ask unanimous consent that when the Senate closes its business to-day it take a recess until 11 o'clock to-morrow morning. I will state further that I will ask the Senate to recess at 10 or half past 10 o'clock to-night.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Washington?

Mr. HITCHCOCK. Will the Senator state a definite hour when the recess will be taken to-night that we may be informed—at 10 o'clock, say?

Mr. JONES of Washington. Not later than a quarter after 10.

The PRESIDING OFFICER. The Chair hears no objection to the request of the Senator from Washington, and it is so ordered.

Mr. JONES of Washington. Mr. President, I think it but fair to give notice at this time that I shall ask the Senate to remain in session all night to-morrow night.

Monday, February 19, 1923.

WORK OF THE LEAGUE OF NATIONS FROM OCTOBER 3, 1921, TO JULY 24, 1922.

Mr. SHEPPARD. Mr. President, Thursday, February 15, 1923, was the first anniversary of the founding of the Permanent Court of International Justice, perhaps the principal accomplishment of the League of Nations. On that day I announced that it had been my intention to signalize that anniversary, in so far as I might be able to do so, by continuing the account of the work of the League of Nations which I had given to the Senate on October 5, 1921. I did not desire, however, to interfere with the prompt disposition of the international debt measure which was then pending. Inasmuch as that measure has now been disposed of and a number of days remain available for the consideration of the bill now before the Senate, I feel that I may properly proceed.

In that address of October 5, 1921, I described the proceedings of the League of Nations from its beginning on January 16, 1920, to October 3, 1921. On that day the assembly, still in its second annual session, which had begun September 5, 1921, after providing that no resolution submitting an amendment to the covenant or constitution of the league should be passed during that session without receiving a three-fourths majority, including all council members represented at the meeting, voted to submit to States members an amendment to paragraph 1, article 26, of the league covenant, requiring that thereafter a three-fourths majority of States represented in the assembly, including all the council members represented therein, should be essential to the submission of amendments to States members.

The assembly then voted to submit an amendment to article 26, adding after the first paragraph a new paragraph providing that if the required number of ratifications should not be obtained within 22 months after submission the proposed amendment should remain without effect.

The assembly next voted to submit to States members an amendment to article 26, replacing the second paragraph of the article as it then existed with two new paragraphs; one providing that the secretary general of the league should inform the States members of the taking effect of an amendment; the other providing that any member of the league which had not at that time ratified the amendment should be free to notify the secretary general within a year of its refusal to accept, but in such case should cease to be a member of the league.

In order that these amendments may be more clearly understood, let me say that article 26 consisted of two paragraphs, and read as follows:

"ART. 26. Amendments to this covenant will take effect when ratified by the members of the league whose representatives compose the council and by a majority of the members of the league whose representatives compose the assembly.

"No such amendment shall bind any member of the league which signifies its dissent therefrom, but in that case it shall cease to be a member of the league."

Mr. REED of Missouri. Mr. President, does the Senator object to interruptions?

Mr. SHEPPARD. Not a bit.

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from Missouri?

Mr. SHEPPARD. I do.

Mr. REED of Missouri. Do I understand that this body adopted a rule by which it would submit amendments to the constitution, and that if a State did not accept, the State then would be expelled from the league? Is that the meaning? Because of the confusion, I could not quite catch what the Senator said.

Mr. SHEPPARD. I shall read it again:

"The other providing that any member of the league which had not at that time ratified the amendment should be free to notify the secretary general within a year of its refusal to accept, but in such case should cease to be a member of the league."

If it felt it could not tolerate the amendment, after notice of its adoption by the league and after having voted against it in the first instance, it ceased to be a member by giving notice of refusal within a year after being advised of adoption.

Mr. REED of Missouri. So that you have to agree or you have to get out. That is the result, is it not?

Mr. SHEPPARD. Not at all.

Mr. REED of Missouri. I assume that that is intended to encourage a free expression of opinion. If you do not agree you have to get out of this heavenly organization and wander all the rest of your life alone. Did the Senator ever before hear of any proposition like that being adopted by any body calling itself legislative or constitutional—that you have to agree with what the majority says or get out?

Mr. SHEPPARD. Mr. President, this amendment if adopted would be an effective answer to the contention that once in the league a State always is in the league. One of the principal arguments made against the league was that if we once got into it we never would get out.

Mr. REED of Missouri. But we might want to stay in, in order to embrace its manifold virtues, even though some one thing was done that did not please us. Does not that bring us to the point that if a majority could be obtained for some one matter which might be highly obnoxious to a particular State it must agree to that and say it was satisfied or must get out altogether? Does the Senator know whether this was devised for the express purpose of dissolving the league gradually or simply for the purpose of preserving absolutely and for all time a majority which had been once acquired?

What I mean is this: It is entirely conceivable that a State might be dissatisfied with some particular thing that had been voted. It might remain in and try to have that action afterwards rescinded, and would have the right to do that in any ordinary body. This exalted tribunal seems to want to have it fixed so that unless you accept in toto what the majority at a particular time wants to do you must get out, leaving that old majority in complete control. Does the Senator think that is common sense?

Mr. SHEPPARD. I do not think the Senator has properly stated the amendment.

Mr. REED of Missouri. I wish the Senator would state it over again. I am interested in it.

Mr. SHEPPARD. The amendment is that a State which is so opposed to an amendment that it does not desire to stay in the league with the amendment in operation may notify the secretary general of its refusal to accept within a year after notice of its adoption and in that way may secure withdrawal from the league on its own volition. If it does not notify the secretary general of its refusal to accept, although it may have voted against the amendment when submitted, then it remains within the league.

Mr. REED of Missouri. Would it not be notice if the delegate went there the next day and said: "I move to reconsider. I protest that this is bad"? Would not that put him out the minute he opened his mouth?

Mr. SHEPPARD. I do not think so.

Mr. REED of Missouri. Does not the Senator think that it is a very wicked thing to propose a plan like this for the general disintegration of the league? Instead of keeping men in, it is putting them out into the outer darkness, where I suppose there will be weeping and wailing and gnashing of teeth, according to the old biblical statement.

Mr. SHEPPARD. If the States do not desire to adopt this amendment it will not go into effect.

Mr. REED of Missouri. But if two-thirds of them do, all the rest of them have to get out.

Mr. HITCHCOCK. No, Mr. President.

Mr. SHEPPARD. Not at all.

Mr. HITCHCOCK. They have the privilege then of withdrawing. One of the arguments which the Senator from Missouri made against this league when it was before the Senate was that a two-thirds majority might change the organization or the constitution of the league, and that would bind members of it; but what the Senator from Texas has read indicates that when an amendment is proposed, and is adopted by the necessary majority, then those who are opposed to it have the privilege of dropping out of the league.

Mr. REED of Missouri. No; that states it wrongly. They do not have the privilege of dropping out; they have to accept it or get out.

Mr. HITCHCOCK. Accepting it is the way they stay in. If they fail to accept it, then they are out. They have the privilege——

Mr. REED of Missouri. But you have to agree with a thing that you do not believe in, and accept it as a fixed principle of international law, or, the minute you protest, they kick you out.

Mr. HITCHCOCK. No.

Mr. REED of Missouri. That is a most uncharitable thing for a league of nations to do.

Mr. HITCHCOCK. My suggestion is that the Senator would object very much if we were in the league, and a two-thirds membership had the right to change the constitution of it, and we had no way of getting out if we pleased.

Mr. REED of Missouri. But does not the Senator see the difference? We might not like the thing that was done, and yet, if we were so enamoured of this institution as my friends are we might want to stay in notwithstanding the defects; but we can not stay in if we do not accept and swallow it.

Mr. SHEPPARD. Oh, yes; you can.

Mr. REED of Missouri. The minute we protest, we go out ipso facto. The protest puts us out.

Mr. SHEPPARD. Not at all.

Mr. REED of Missouri. That is the language.

Mr. SHEPPARD. I do not so construe it.

Mr. REED of Missouri. It is as hard to construe as article 10, I think.

Mr. SHEPPARD. Perhaps so, in the estimation of the Senator.

Mr. SHIELDS. Mr. President, I did not understand what the proposed amendment was; but the last clause of section 26 of the covenant of the league was that—

"No such amendment shall bind any member of the league which signifies its dissent therefrom, but in that case it shall cease to be a member of the league."

Does this amendment change that?

Mr. SHEPPARD. It does.

Mr. SHIELDS. In what respect?

Mr. SHEPPARD. It provides that any member of the league which has not at the time of adoption ratified the amendment shall be free to notify the secretary general within a year of its refusal to accept, but in such case it shall cease to be a member of the league. In other words, if it has voted against the amendment, and the amendment is adopted, and then it does not send a refusal to accept within a year from notice of adoption, it remains within the league.

Mr. FLETCHER. I should consider that that was in conformity with the suggestion of the Senator from Tennessee rather than against it.

Mr. JONES of Washington. Mr. President, may I interrupt the Senator to say that I do not want to make the point of order about Senators yielding except for questions, because I intended to give notice when I would do it, and I waited until this colloquy was finished before I suggested anything of the kind. I do not say now that I will make it, but it is getting about time when I probably shall make it before very long.

Mr. SHEPPARD. I thank the Senator, and I shall not yield except for a question.

The assembly adopted a resolution on October 3 requesting the council to prepare for the next annual session of the assembly a final and comprehensive plan for the financial administration of the league, and in the meantime to continue to regulate the finances of the league in the spirit of the principles contained in the assembly recommendation of December 17, 1920, with certain modifications.

PROCEEDINGS OF OCTOBER 4—FURTHER AMENDMENTS.

On October 4 the assembly voted to submit an amendment to article 16 of the league covenant, the article dealing with the economic weapon of the league, adding a new paragraph to follow the first paragraph of that article and to read as follows:

"It is for the council to give an opinion whether or not a breach of the covenant has taken place. In deliberations on this question in the council the votes of members of the league alleged to have resorted to war and of members against whom such action was directed shall not be counted."

The assembly then voted the submission of an amendment to article 16 to constitute the third paragraph of that article and to read as follows:

"The council will notify all members of the league of the date which it recommends for the application of the economic pressure under this article."

The assembly next voted to submit an amendment to be known as paragraph 4 of article 16, and to read as follows:

"Nevertheless the council may, in the case of particular members, postpone the coming into force of any of these measures for a specified period where it is satisfied that such a postponement will facilitate the attainment of the object of the measures referred to in the preceding paragraph, or that it is necessary in order to minimize the loss and inconvenience which will be caused to such members."

The assembly next agreed to the proposal of an amendment to article 16, making the first paragraph, which now reads:

"Should any member of the league resort to war in disregard of its covenants under articles 12, 13, or 15 it shall ipso facto be deemed to have committed an act of war against all other members of the league, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a member of the league or not"—

To read as follows:

"Should any member of the league resort to war in disregard of its covenants under articles 12, 13, or 15 it shall ipso facto be deemed to have committed an act of war against all other members of the league, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between persons residing in their territory and persons residing in the territory of the covenant-breaking State, and the prevention of all financial, commercial, or personal intercourse between persons residing in the territory of the covenant-breaking State and persons residing in the territory of any other State, whether a member of the league or not."

The assembly then resolved that the resolutions and the proposals for amendments to article 16 which had been adopted by the assembly should, so long as the amendments had not become effective in the form required by the covenant, constitute rules for guidance which the assembly recommended as a provisional measure to the council and to the members of the league in connection with the application of article 16.

The assembly next voted to postpone consideration of the amendment to article 1 of the covenant proposed by the Argentine delegation at the first assembly on December 4, 1920, and which provided that all sovereign States recognized by the community of nations be admitted to join the League of Nations in such manner that if they do not become members of the league this can only be the result of voluntary decision on their part. One of the reasons recited for the postponement was the absence of the Argentine delegation.

The amendment to article 3 of the covenant proposed at the first session of the assembly by the Governments of Denmark, Sweden, and Norway, and which provided that a certain number of members of the league might convene a session of the assembly at any other time than that fixed in the covenant, was withdrawn by the representatives of these Governments.

Amendments proposed by the Norwegian and Swedish Governments at the first session of the assembly to articles 12 and 13 of the covenant, and which related to procedure in matters of arbitration and conciliation, were not adopted, but the council was invited to appoint a committee to study the principles embodied in the proposed amendments and to report to the next assembly.

An amendment proposed at the first session of the assembly to article 13 by the Danish, Norwegian, and Swedish Governments, and which sought to establish in the covenant the principle of compulsory arbitration, was not concurred in.

The assembly then proceeded to discuss amendments relating to articles 12, 13, 14, and 15, made necessary by the establishment of the Permanent Court of International Justice.

Representative Zahle, of Denmark, said that the creation of this court made it desirable to mention explicitly the method of judicial settlement by the court in the articles of the covenant which enumerated the methods of settlement of disputes between the members of the league and amendments to that end were then proposed by the assembly to articles 12, 13, and 15.

In reference to article 21 of the covenant, the article confirming the validity of international engagements such as treaties of arbitration or regional understandings like the Monroe doctrine for securing the maintenance of peace, it was resolved to propose no amendment, and it was declared that agreements between members of the league tending to define or complete the engagements contained in the covenant for the

maintenance of peace or the promotion of international cooperation should be regarded as of a nature likely to contribute to the progress of the league in the path of practical realizations—that such agreements might be negotiated under the auspices of the league, for example, in special conferences and with its assistance.

The assembly decided to postpone until its next annual session the proposed amendment of the Canadian delegation repealing article 10.

As to protection of minorities, it was decided to make no change for the time being from the resolution of the council adopted at Brussels October 25, 1920, and providing that the president and two members appointed by him should consider any petition or communication addressed to the League of Nations with regard to an infraction or danger of infraction of the clauses of the treaties for the protection of minorities.

It was announced that Haiti had agreed to the compulsory jurisdiction of the Permanent Court of International Justice.

PROCEEDINGS OF OCTOBER 5—AMENDMENTS, ELECTION OF NONPERMANENT MEMBERS OF COUNCIL, ADJOURNMENT.

On October 5 the assembly discussed the advisability of amending article 18 of the covenant, the article requiring the registration of treaties with the league, and decided to postpone action for another year, the resolution of postponement indicating the belief of the assembly that this article should not be construed literally, that exceptions were permissible in order to give proper effect to the spirit of the article; that is, the prevention of secret engagements imperiling world peace or justice. It developed in the debate that nations could not be expected to register all treaties relating to financial and other domestic conditions.

The amendments of the Colombian and Netherlands Governments to article 5 of the covenant, the article relating to the principle of unanimity in council and assembly action, were withdrawn.

It was decided to propose an amendment to article 6 of the covenant by substituting for the last paragraph, which read as follows: "The expenses of the secretariat shall be borne by the members of the league in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union," the following paragraph: "The expenses of the league shall be borne by the members of the league in the proportion decided by the assembly." It became apparent during the discussion that the apportionment system of the Universal Postal Union had not worked satisfactorily for the league.

It was then decided to propose another amendment to article 6 by adding another paragraph providing that the allocation of league expenses already recommended by the committee appointed by the assembly for that purpose should be applied as from January 1, 1922, until a revised allocation had come into force after adoption by the assembly.

Rule 4 of the rules of procedure of the assembly was amended by the addition of a paragraph to the effect that no proposal for a modification of the allocation of expenses for the time being in force should be inserted in the agenda unless it had been communicated to the members of the league at least four months before the date fixed for the opening of the session.

Rule 14 of the rules of procedure was amended by a provision that resolutions involving expenditure should not be voted by the assembly before the financial committee had expressed its opinion on the advisability of the proposed expenditure with regard to general budgetary resources.

The assembly then adopted a resolution to the effect that the nonpermanent members of the council should in future be elected according to a system of rotation for a fixed period, present incumbents to be reappointed for 1922, and that in the absence of any decision regarding the number of the nonpermanent members of the council it would be inexpedient to lay down precise rulings in consideration of the fact that at the election to be held the next year account would be taken, both as to the determination of the entire period of office for each member and as to the conditions of reeligibility, of the period already spent in office.

It was next decided to propose an amendment to article 4 of the covenant, the article defining the council, by inserting between the second and third paragraphs a new paragraph providing that the assembly should fix by a two-thirds majority the rules dealing with the election of the nonpermanent members of the council and particularly such regulations as relate to their terms of office and conditions of reeligibility.

A resolution was agreed to expressing appreciation of the work of the committee on amendments which, under the chairmanship of Mr. Balfour, had done the preparatory work for the proceedings of committee No. 1, and agreeing that the council would refer to the consideration of that committee the draft amendments which had been adjourned and the proposed amendments which might be submitted to the next assembly.

Belgium, Brazil, China, and Spain were then elected nonpermanent members of the council for the ensuing year.

Prince Arfa-ed-Dowleh, representative of Persia, then addressed the assembly. I give his address in full because, brief as it is, it throws a vivid light on the world scope of the league. He said:

"Gentlemen, in my first speech here I had the honor to explain to you that the League of Nations is regarded in the East as a center of peace and equality.

"As you know well, there are more than 300,000,000 Mohammedans in the world. Hitherto in all international conferences there have been two representatives of the world of Islam—Turkey and Persia. At present, by reason of the unfortunate Greco-Turkish War, Persia is the only representative. With all my heart I hope to see the end of this terrible war in order that at the next session the Mohammedan world may have in this assembly its established representation. Moreover, as Afghanistan has just been reorganized as free and independent, I trust that circumstances will permit her also to send representatives to this assembly, and I hope, too, that we shall see representatives from Hedjaz, Mesopotamia, and from the Republic of Caucasian Azerbaidjan.

"I can assure you, gentlemen, that the entry of these countries into the League of Nations will be of the greatest benefit to the peace and tranquillity of the world.

"The League of Nations is an army fighting for peace. The more combatants there are in its ranks the surer will be its victory."

The president of the assembly then announced that the second assembly of the League of Nations had arrived at the end of its labors.

Reviewing these labors, he concluded with the following expressions:

"Here in a few brush strokes is the incomplete picture of the work we have accomplished. The world will judge it, but it must realize that what above all in my humble opinion has marked this session is the spirit which has been shown here—the spirit of closer cooperation, the conviction of work accomplished, and the feeling of confidence joined to the enthusiasm which marked our first labors last year. These are imponderable factors, but they are pregnant with promise justifying a growing faith in the future of the League of Nations and encouraging those who will have to continue our efforts. We ask the press, our faithful companion, to carry to the whole world a message that the League of Nations, the political and moral expression of the interests which unite all peoples, is not a mirage but a reality."

FOURTEENTH SESSION OF COUNCIL, HELD AT GENEVA BEGINNING AUGUST 30, 1921.

In my address to the Senate of October 5, 1921, I stated that the fourteenth session of the council began at Geneva on September 1, 1921, and I outlined most of its transactions to October 3, 1921, in connection with my account of the assembly, which began September 5. I find on further investigation that the council's fourteenth session began on August 30, 1921, and I shall now, for the sake of greater clearness, give a separate review of the proceedings of that session.

Attending the fourteenth session of the council were Mr. Wellington Koo, President, representing China; Mr. Paul Hymans, representing Belgium; Mr. Gastao da Cunha, representing Brazil; Mr. A. J. Balfour, representing the British Empire; Mr. Leon Bourgeois, representing France; Marquis Imperiali, representing Italy; Viscount Ishii, representing Japan; Mr. Quinones de Leon, representing Spain.

SAAR BASIN.

On the first day of the council's fourteenth session—August 30, 1921—Mr. Wellington Koo, representative of China, reported on the subject of the appointment of the Saar Basin member of the Saar Basin Governing Commission, stating that the term of Doctor Hector, who had been appointed as such member on September 20, 1920, on the acceptance of the resignation of Mr. von Boch, the original Saar member, would expire on September 20, 1921, that the other four members of the commission—Major Lambert (Belgian), Count de Moltke-Huitfeldt (Dane), Mr. Rault (French), chairman, Mr. R. D. Waugh (Canadian)—had been reappointed by the council on February 21, 1921, to serve until February 13, 1922; that in accordance with the Versailles treaty it was now the council's duty to appoint a native inhabitant of the Saar Basin to the commission for one year from September 20, 1921, and recommended that

Doctor Hector, of Saarlouis, be reappointed for such year, with thanks for his services. The report and recommendation were adopted.

ADHESION OF SAAR BASIN TO BERNE CONVENTION.

Mr. Koo then presented a report to the council on the adhesion of the Saar Basin to the Berne Convention. He called attention to the fact that in a note of July 4, 1921, to the secretary general of the league, the chairman of the Saar Basin Governing Commission had stated that the German Government was opposed to the adhesion of the Saar Basin to the International Railway Transport Convention of October 14, 1890 (Berne Convention); that as a result the Saar railway system was placed *in a position* of actual subjection to Germany, and had requested, after indicating the unsatisfactory nature of the situation, that the council of the league intervene in order that the Saar Basin might be allowed to adhere to that convention. After discussing the matter at length Mr. Koo moved that the advisory and technical committee on communications and transit of the League of Nations be requested to give the council an opinion on the communications and transit questions raised by the request of the Saar Basin Governing Commission for adhesion to the Berne Convention.

The report and motion were adopted.

PROTECTION OF MINORITIES IN RUMANIA AND HUNGARY.

Mr. Balfour moved that whereas under article 12 of the treaty between the principal allied and associated powers—that is, United States, British Empire, France, Italy, and Japan, on the one hand, and Rumania on the other, signed at Paris, December 9, 1919—Rumania had agreed that the stipulations of articles 1 to 11 of the treaty, so far as they affected persons belonging to racial, religious, or linguistic minorities, constituted obligations of international concern and should be placed under the guaranty of the League of Nations, it be resolved by the council that such stipulations were thereby placed under such guaranty.

The motion was adopted, as was a similar motion by Mr. Balfour as to Hungarian minorities.

NEUTRALIZATION OF AALAND ISLANDS.

The secretary general announced that on August 10 the following Governments, to wit, Denmark, Esthonia, Finland, France, Germany, Great Britain, Italy, Latvia, Poland, and Sweden, had been invited to send representatives to a conference in accordance with the council's resolution of June 24, relating to nonfortification and neutralization of the Aaland Archipelago. His action was approved.

WORK OF THE EPIDEMIC COMMISSION OF THE LEAGUE.

Dr. Norman White, Chief of the League's Epidemic Commission, then stated that a detailed report of the work of the commission since its inception in resisting epidemic conditions in Poland and in cooperating with the Epidemic Commissariat of the Polish Government, was being prepared for the council and the coming session of the assembly.

He said that subscriptions to the work had been paid as follows: Bulgaria, Aug. 20, 1920, £27; Persia, Sept. 1, 1920, £2,000; Siam, Sept. 6, 1920, £1,000; Japan, Jan. 6, 1921, £5,316 15s. 10d.; Sweden, Jan. 6, 1921, £3,000; Switzerland, Jan. 6, 1921, £2,150 10s. 9d.; Belgium, Jan. 14, 1921, £1,000; Great Britain, Jan. 17, 1921, £50,000; Greece, Jan. 21, 1921, £10,000; Austria, Feb. 9, 1921, £42 17s.; Finland, Feb. 15, 1921, £500; Peru, Mar. 14, 1921, £363 12s. 9d.; Albania, Mar. 25, 1921, £981 7s. 5d.; Canada, June 4, 1921, £41,905, 17s. 10d.; Denmark, June 11, 1921, £5,000; Norway, July 21, 1921, £1,919 7s. 9d.; China, Aug. 2, 1921, £2,000; making a total of £126,397 9s. 4d. The following countries, he said, had not yet paid their subscriptions: France, Germany, Honduras, Netherlands, Spain, Uruguay. Of the amount paid in, about £119,000 had been expended as follows: Hospital and sanitary equipment, £22,397; motor ambulance and other transport, £15,892; clothing, £13,166; drugs, £4,913; soap, £4,470; foodstuffs, £15,772; construction, completion, or repair of bathing and disinfecting establishments, and epidemic hospitals, £35,000, freight, insurance, port dues, etc., £3,051; salaries, traveling expenses, office expenses, etc., £4,406.

Assistance to the Polish health administration had taken the form of supplies of articles and stores most difficult to obtain, motor ambulance and other transport facilities in area most needed—that is, northern portion of most eastern area under Polish administration—foodstuffs and hospital equipment in that area, equipment for quarantine stations, through which prisoners of war, refugees, and emigrants returning from Russia were to pass, and so forth.

All arrangements had worked successfully and the percentage of loss was unexpectedly small. The epidemic situation was far more satisfactory than a year before.

UPPER SILESIAN QUESTION.

The council accepted the task of solving the question of Upper Silesia, which had been submitted to it by the supreme council of the allied powers, and appointed a committee to take up the matter, as before described.

DEPORTATION OF WOMEN AND CHILDREN IN TURKEY AND NEIGHBORING COUNTRIES.

Representative da Cunha, Brazil, stated that information received from members of the commission appointed by the council to inquire into the question of the deportation of women and children in Turkey and neighboring countries seemed to show that while a considerable number of Armenians, 90,819, had been reclaimed, an almost equal number of Christian women and children remained in Turkish houses; that immediate action was needed in a problem of such magnitude; that the commission had made various suggestions as to the continuance and extension of this work. He moved, therefore, that the report of the commission be placed before the assembly and that a member of the commission be invited to attend the meetings of the assembly at which this question should be discussed. The motion carried.

No meeting of the council seems to have been held on September 1, and for this date in my address of October 5, 1921, that of August 30 should be substituted.

FRONTIERS OF ALBANIA AND PROTECTION OF RACIAL MINORITIES.

The second meeting of the council at its fourteenth session was held on September 2, and it was decided on that date that all questions connected with Albania, frontiers, minorities, and so forth should be referred to the assembly.

PROVISIONAL HEALTH COMMISSION AND INTERNATIONAL INTELLECTUAL COOPERATION.

Decisions on this day of the council relating to a provisional health commission and international intellectual cooperation have been set out in my address of October 5, 1921.

RUSSIAN REFUGEES.

The council then heard a report by the secretary general as to the proceedings of a conference held by interested countries at the instance of the council on the subject of Russian refugees. It appeared, among other things, that Doctor Nansen had been appointed high commissioner to look after these refugees and that he would arrive at Geneva shortly. The council resolved that the league should be asked to consider financial assistance to the work of Doctor Nansen should it become necessary.

REPORTS OF BLOCKADE AND COMMUNICATIONS COMMITTEES.

The international blockade committee and the advisory committee for communications and transit announced that their reports were ready for transmission through the council to the assembly.

APPOINTMENT OF CHAIRMAN OF COMMITTEE ON WATERWAYS IN DANUBE BASIN.

The council decided to appoint Mr. Charguerаud chairman of the permanent technical commission for the régime of waterways in the Danube Basin, under authority of article 293 of the treaty of Trianon. The duty of the commission was the settlement of all questions relating to the régime of waterways in the Danube Basin. The ambassador's conference had on June 6 urged the council to act as soon as practicable, stating that urgent necessity existed for prompt action. The treaty of Trianon required that the chairman of this committee should be appointed by the council.

MANDATES.

Proceedings of the council in respect to mandates on September 3 are outlined in my address of October 5, 1921. On September 8 the president of the council addressed, on behalf of and by authority of the council, a letter to the principal allied powers urging that negotiations with the United States regarding mandates be speedily brought to a satisfactory conclusion.

TEMPORARY MIXED COMMISSION FOR REDUCTION OF ARMAMENTS.

On September 12 Mr. Leon Bourgeois, representative of France, announced to the council that there had just been received from the temporary mixed commission for reduction of armaments its report on the questions submitted to it; that the commission was to be congratulated on its activity; that it had met for the first time about the end of July and a second time at the beginning of September; that in the short time at its disposal it had accomplished much useful work and had established an admirable program of subsequent investigation.

He suggested that the council, before discussing the questions raised in the report, and while reserving decisions within its competence, accede to the wish expressed by the third assembly committee by immediately communicating the report to that committee in order that the council might have the benefit of

discussion by the committee and the assembly. The suggestion of Mr. Bourgeois was agreed to.

PERMANENT ADVISORY COMMISSION FOR MILITARY, NAVAL, AND AIR QUESTIONS.

On September 12 the council received a communication from the permanent advisory commission for military, naval, and air questions. It began by stating that on September 8, 1921, a member of the assembly, Lord Robert Cecil, had in a speech before the assembly criticized the work of the commission; that these criticisms of the commission were in reality criticisms of the council, for which the commission acted as a technical advisory body; and that the best answer was a full statement of the work of the commission.

That work was of two kinds, one consisting of giving opinions when required by the council which had covered examination of forces of States not original members of the league but applying for membership, gas as a weapon of warfare, exercise of right of investigation as laid down in the treaties of peace, military defense of the free city of Danzig, and so forth; the other relating to plans under article 8 of the covenant for reduction of armaments, private manufacture of war material, and exchange of information. The permanent advisory commission had begun the examination of these matters in 1920, without waiting to be asked to do so, and had pursued the work as far as possible, considering the conditions on which the assembly had made the final solution depend.

The council at its meeting in February, 1921, had stated that the permanent advisory commission for military, naval, and air questions had already begun to consider the reduction of armaments in accordance with article 9 of the covenant and had submitted the first opinion to the council in its report of December 11 at Geneva; that the problem was one calling for profound study carried out with a view to finding progressive solutions; that these solutions were themselves concerned with conditions, some of which, such as the execution of the military, naval, and air clauses of the treaties, were outside the scope of the league, while others, such as the enforcement of the execution of these clauses by means of the exercise of the right of investigation, would one day come within its sphere.

The council's statement had contained the further assertion that when the council on December 11, 1920, adopted the procedure proposed by the permanent advisory commission as to the exercise of the right of investigation it took a step toward the solution of the question of the reduction of armaments and removed in advance one of the objections put forward by the governments against the carrying out of article 8, that the standard questionnaire adopted by the council on the suggestion of the advisory commission would facilitate the application of article 8 as soon as it was possible to exchange the information referred to in said article; that these were the efficient measures taken by the council at the instance of the commission to continue its work; that the commission had not been hindered by any lack of expert knowledge but rather by the policy of the governments and the conditions laid down by them with regard to any undertaking relating to a definite reduction of armaments; that these conditions were familiar to the council and that the assembly itself had declared that the question of the limitation of armaments had depended upon them in the first place; that it would take time to improve these conditions, but the essential work would be carried out and would continue to engage the attention of the council during its progressive stages.

The council's statement had then referred to the fact that the assembly had called for the institution of a temporary commission possessing the necessary competence in political, social, and economic questions connected with armaments to enable it to undertake the study of this problem in collaboration with the existing permanent advisory commission; that in instituting the temporary commission the assembly's evident desire was that the question should be considered from the social point of view, as well as the technical and material; that the way to accomplish this was to set up a temporary mixed commission comprising a certain number of distinguished political personalities of undisputed authority, and some technical members from existing league organizations, such as the permanent advisory commission, the economic and financial sections of the provisional economic and financial commission, and the governing body of the labor office; that such a mixed commission would be able to coordinate its work with that of the technical organizations, and especially with that of the permanent advisory commission on military, naval, and air questions.

The communication from the permanent advisory commission then stated that it seemed that certain members of the temporary mixed commission on armaments had lost sight of these considerations when they opposed the right of members of the permanent advisory commission to be spokesmen for their commission, and requested the council once again to define the rôle of mandatories assigned to delegates of the permanent advisory commission sitting on the temporary commission on armaments, and to insist on the close relations which should exist between the two commissions.

The council in reply expressed high appreciation of the services of the permanent advisory commission and said that before giving an opinion as to the status of delegates from the permanent commission to the temporary commission it wished to confer with the president of the latter.

CONFERENCE ON TRAFFIC IN WOMEN AND CHILDREN.

On September 12 Mr. Fisher, representative of Great Britain who had taken Mr. Balfour's place, called the council's attention to the fact that at its meeting on February 22 the council, pursuant to a resolution by the assembly of December 15, had summoned an international conference on traffic in women and children; that the conference had met in Geneva from June 30 to July 5 and had recommended (1) that all States which had not ratified or adhered to the existing international instruments should be urged to do so both for themselves and their colonies; (2) that the secretariat of the league should prepare an annual report, and that a permanent advisory committee should be constituted to advise the council on these matters; (3) that certain additions to or modifications in the existing international agreement and convention on this traffic should be made.

The speaker said that the conference had made substantial progress and suggested that the council approve its recommendations and authorize the secretariat to take the action indicated; that the following States be invited to nominate representatives on the proposed advisory committee: France, Denmark, Chile, Great Britain, Japan, and possibly one of the mid-European States, Austria, Germany, or Czechoslovakia, and that three assessors be nominated by societies mentioned by the conference; that a draft convention which had already been prepared embodying recommendations by the conference for changes in existing international instruments and conventions be referred to the assembly. These suggestions were approved and adopted by the council.

REQUEST SUBMITTED BY AUSTRIA FOR LEAGUE INTERVENTION.

Viscount Ishii, representative of Japan, stated to the council on September 12 that the secretary-general of the league had received communications from the chief Austrian delegate to the second assembly and from the representative of the Austrian Government with the secretariat of the League of Nations, respectively, the first stating that regular Hungarian troops in conjunction with irregular bands had made incursions into Austrian territory; that several Austrian guards had been killed or wounded; that renewed attacks were feared, and that the writer had been instructed by his government to draw the council's attention to these facts and to request the intervention of the council under articles 10, 11, and 17 of the covenant to assure the integrity of Austrian territory against aggression; the second stating that the Austrian Government had also referred its claims against Hungary to the conference of ambassadors whose intervention seemed to be specially indicated in view of the putting into force of the treaty of peace of Trianon; that the conference of ambassadors had just addressed a note to the Hungarian Government; that the Austrian Government wished to inform the members of the League of Nations of the violation of its territory in order that they might be completely informed, and that the writer would supply the council with all additional information.

Viscount Ishii then proposed that a reply be addressed by the council to the chief Austrian delegate stating that both communications had been received and noted; that the council had observed that the Austrian Government had informed the ambassadors' conference of its difficulties with the Hungarian Government concerning the execution of the treaty of Trianon and that the ambassadors' conference, which was intrusted with the execution of the recent peace treaties, had already taken steps in the matter; that under these conditions the council was of the opinion that for the moment there was no need of intervention by the League of Nations; that the request of the Austrian Government was being held over; that the council would follow the matter with the greatest attention and would be glad to receive the promised additional information to enable it to decide on its further course. The proposal was adopted.

EXPENSES IN CONNECTION WITH THE PROBLEM OF UPPER SILESIA.

On September 12 the council decided that the expenditures of its committee on the Upper Silesian problem should not, without its special authorization, exceed the sum of 100,000 gold francs.

REPORT OF PERMANENT ADVISORY COMMISSION ON MILITARY, NAVAL, AND AIR QUESTIONS.

On September 16 Mr. Leon Bourgeois, representative of France, made a report to the council stating that on September 14 the permanent advisory commission on military, naval, and air questions had submitted a report on the three following subjects: (1) Amendment to article 9 of the covenant, French proposal; (2) military, naval, and air status of Esthonia, Latvia, and Lithuania; (3) financial question concerning right of investigation.

He proposed that the council make an immediate decision as to the second subject and transmit the commissions' proposals to the assembly's sixth committee, which was at that time considering requests for admission by the three countries mentioned.

As to the second, which involved a request for the sum of 250,000 gold francs to defray expense of investigation, he said he thought it preferable that the council draw any sum that might be found necessary from the item of "Unforeseen expense" rather than request the assembly, to which the budget had already been referred, to open a special credit for that purpose.

As to the first, he recommended that inasmuch as the council had already intrusted to the assembly's third committee the examination not only of this amendment to article 9 but of a similar amendment to article 8, it should postpone consideration of any opinions or proposals of the permanent advisory commission until the third committee and the assembly had formulated their proposals on the question as a whole; that only when the council had been informed of the assembly's decisions as to principles would it be possible for the council, in so far as the execution of these decisions was concerned, to take the advice both of the permanent advisory commission and of the temporary mixed commission should the assembly ask that the latter be maintained either in its present or in a modified form.

The report and proposals of Mr. Bourgeois were adopted.

FREE CITY OF DANZIG.

The council decided on September 15 to postpone the question of the draft law regarding acquisition and loss of citizenship in the free city of Danzig until its fifteenth session, the information having been received that the Polish-Danzig negotiations on this subject had resulted in an agreement not yet finally reduced to writing.

The council also decided before taking further action regarding the case of Puppel against Deutsche Bauern Bank, as to which differences existed between Poland and Danzig, to invite the delegate of the Republic of Poland and the president of the free city of Danzig to take up the matter with a view to settlement.

It decided further to refer the report of the high commissioner of the League of Nations in Danzig, dated August 30, 1921, concerning the defense of the free city, and which had been confidentially circulated among the members of the council to the permanent advisory commission for military, naval, and air questions for study and report. The same action was taken on the high commissioner's report on the establishment of a "port d'attaché" for Polish warships in Danzig.

The council requested the provisional economic and financial committee to make further study of the question of the financial position of Danzig, which the president of that city had reported as unsatisfactory, said further study not to be taken with the idea on the part of the council to provide for direct financial assistance to the city.

REPORT OF PROVISIONAL ECONOMIC AND FINANCIAL COMMITTEE.

On September 19 the provisional economic and financial committee presented to the council a review of its work since its creation. The Brussels conference a year before had dealt with the critical condition in which the economic world had been placed by the war. The nations in general were at that time unable to balance their budgets and continued to print paper money, providing continuous inflation and depreciation of exchanges, factors aggravated by shortage of merchandise and raw materials and many restrictions on free dealings in goods.

The primary aim of the Brussels conference had been to recommend a sound and reasonable financial policy and the restoration of the world to normal conditions of economic prosperity, as well as the mitigation of the shock of adaptation to the new commercial situation dependent on the adoption of the principles of "financial morality" proclaimed at Brussels. The council had charged the provisional economic and financial committee with the duty of endeavoring to secure the application of these principles and of studying the methods of their application. Most countries had undergone profound financial and economic changes since the Brussels conference and might be considered with reference to these changes in two groups.

First. Countries outside Europe and countries in western Europe, including most of the former neutrals, had in the main shown a considerable and often rapid advance toward deflation, or at least a cessation of inflation. Some had substantially reduced, if they had not completely closed, the gap between expenditure and receipts, and had shown better understanding of the idea that loans should not be incurred except for productive expenditure. Some had stopped the issue of paper money and reduced the quantity of such paper in circulation. This deflation movement had caused great changes commercially. The urgent demand for goods of a year before had disappeared and products were being sold with difficulty, because buyers were under the impression that falling prices would continue and become more marked on account of forced disposal of stocks accumulated during the war. This was now compelling owners of merchandise to seek new markets for their goods, and to do so under difficult world conditions. These changes had been accompanied by increase of unemployment and other unfortunate features, all of which had been foreseen as a part of the process of readjustment by the Brussels conference, which had been careful to urge that deflation operations, if and when undertaken, should be carried out gradually and cautiously to avoid disastrous disturbances to trade and credit. Whether the period of transition was ending for these countries it was hard to say; but many of them had shown distinct improvement in public finance, the balance of their foreign trade had been largely redressed, and a large number of restrictions on commerce, especially discriminations in prices, had been lifted. To help exporters seeking markets the committee had developed an international credits organization, whose services had proved of great value.

Second. Other countries had not been so successful in meeting readjustment problems. Many of these, especially countries in eastern Europe, with the notable exception of Czechoslovakia, had been unable to close or reduce the gap between income and expenditure, were still issuing paper money, and still had falling exchanges. While the constant process of inflation afforded an artificial stimulus to industry, its inevitable end was disaster. Though certain export trades might flourish temporarily, there was no escape from the difficulty of obtaining essential imports due to the disorganized exchange of these countries. Obtaining of credits was seriously hampered, and no markets could be provided by countries with depreciated currencies.

The present derangement of economic relationships was a great economic loss and damage "to all the partners in the trade of the world."

The committee had given much attention to the promotion of machinery to provide credits for bringing exporter and importer together. Its inquiry into systems of finishing credits had satisfied the committee that they would not be employed on any large scale. It had continued, therefore, to develop the organization of the international credits scheme, which had great advantages. The provision of credits, however, was not the sole remedy for existing ills. It was necessary that each State should apply to its own finances the principles laid down by the Brussels conference. In this belief the committee had accepted the invitation to examine the finances of Austria. With the cooperation of the Austrian Government it had applied these principles and utilized the international credits scheme to which the Brussels conference had given rise. The committee felt that if the league was able to promote the financial reconstruction of one of its members—for example, Austria—it would contribute to the welfare of mankind and to that cooperation of nations in peaceful progress which was one of the league's primary aims. In the well-being of Austria was involved that of southeastern Europe and a beneficial effect on the trade of the world. The committee was dealing not only with immediate but with permanent problems. It had begun the publication of certain financial information. It was making inquiry into questions of double taxation, of the treatment of foreign branch banks, and of international action looking to uniform laws relating to bills of exchange.

The financial section of the committee had on May 31 last presented to the council a plan for the reform of the finances of Austria, stating that assurance had been received that temporary advances, enabling the program to operate for some months, would be available in a few weeks; that these advances would be conditioned on the execution by the Austrian Government of its program of financial reform, and on the suspension

of liens on Austrian assets for reparations and other debts in accordance with the statement of the supreme council of March 17. These two conditions were as yet but partly realized. The Austrian Government, despite the lack of foreign credit, had tried to give immediate proof of its sincerity, had taken measures which should substantially lessen the budgetary deficit, and was maintaining industry and production in a satisfactory condition, had improved economic relations with neighboring States, while Vienna's importance in trade and finance was steadily growing. The measures taken by Austria had not produced, however, all the beneficial effects rightfully expected. Almost all the Governments had agreed to suspend their liens on the national resources of Austria, provided all similarly interested should do likewise. The United States had not yet announced its decision, and this had prevented complete execution of the financial program devised by the committee. While the committee recognized the good will shown by the United States administration, it regretted the delay, due to the failure of the United States so far to act. The delay had made it impossible for Austria to secure foreign credits, had caused deep pessimism in Vienna, and had contributed largely to the depression of the crown.

Mr. SHIELDS. Mr. President, I do not remember what it was that they desired the United States to do for relief in Austria.

Mr. SHEPPARD. They desired the United States to suspend the lien which it had on the public assets of Austria as security for payment for foodstuffs we sent there some time after the armistice. Nearly all the other nations had suspended their liens, and they were waiting on the United States to do so.

The financial section had carefully considered the progress of the work under the international credits scheme, work covered by a report from the organizer in an annex to this report to the council. With the views of the organizer the committee agreed, it being their belief that for the present the work should be conducted by the existing organization, and that the duties of the international commission under the scheme should continue to be performed by the financial section, as recommended in the committee's report of November 30, 1920, and as approved by the council on December 14, 1920. The committee believed that an application of the Ter Meulen scheme under existing conditions would have a steadying and improving effect on international economic relations, especially if applied to the support of credits designed to aid reconstruction enterprises, and to facilitate financial reforms by governments in the most serious difficulties.

The report of the organizer of international credits, contained in the annex to this report of the committee, stated that the duties of the organizer, as laid down in a prior report of the committee which had been adopted on December 14, 1920, were (a) to prepare a constitution for the international commission, (b) to work out details of the international credits scheme, including preparation of forms of bonds, pledges, and so forth, (c) to consider how far the scheme could be worked in conjunction with existing services in various countries—for example, export credits scheme in the United Kingdom, Edge Act in United States—(d) to inquire how far borrowing countries might use the scheme, (e) to advise as to the executive organization likely to be required, with estimate of cost. The organizer's report then stated that the plan for general organization and administration machinery had been completed as far as possible; that standard forms of necessary documents, forms, and so forth, had been prepared; that the organizer had kept in close touch with the department administering the British export credits scheme, a scheme dependent largely on the availability of such a security as would be provided by Ter Meulen bonds; that as to the Edge Act the organizer was hopeful for results in connection with his visit to the next meeting of the American Bankers' Association. The organizer had also kept in touch with countries that might be desirous of borrowing funds, and they were seriously considering the committee's international credits scheme. It was the judgment of the organizer, however, that the governments of these countries, before applying for the scheme, would have to be convinced, first, that credits would really be provided on the security of the bonds, and, second, that they would be supported by internal public opinion. The organizer had accordingly taken steps to give general publicity to the scheme and to secure favorable consideration by exporters and bankers in the principal leading countries. A pamphlet explaining the scheme had been issued in several languages and given to the press. Important firms and commercial organizations had been communicated with. Articles had been published, and public meetings addressed, by the organizer.

The organizer had attended two very important international conferences—the World's Cotton Conference at Manchester and Liverpool, in the first half of the preceding June, and the Congress of the International Chamber of Commerce in London, in the last part of that month. Both these congresses were attended by representative business men, including strong delegations from the United States. In each body the American delegates had come with a scheme of their own, which they intended to submit but had on investigation become convinced of the superior merits of the Ter Meulen scheme, a one-standard scheme which could be understood and accepted in all countries.

Mr. DIAL. Mr. President——

The PRESIDING OFFICER (Mr. FERNALD in the chair). Does the Senator from Texas yield to the Senator from South Carolina?

Mr. SHEPPARD. I yield.

Mr. DIAL. I would like to call attention to the action of Czechoslovakia in buying cotton. My recollection is that it purchased cotton at as high a price as it has brought since immediately after the Civil War, and notwithstanding the fact that the price went down over 50 per cent—approximately 75 per cent, in fact—yet Czechoslovakia paid every dollar of her debt before it was due, be it said to her credit.

Mr. SHEPPARD. I am very glad to have that suggestion. Did they do that under any particular credit system, or was it an ordinary transaction?

Mr. DIAL. I think it was an ordinary transaction. The point I make is that it shows they respected their debts very highly and carried out their contract, which they paid before maturity. Some people might have wanted to repudiate their obligation, but, to the credit of Czechoslovakia, they paid the debt before maturity.

Mr. SHEPPARD. I pointed out a few moments ago that Czechoslovakia had made an exceptionally excellent record in reconstructing its finances and in restoring its economics.

Mr. DIAL. I was not in the Chamber at the time the Senator referred to that.

Mr. SHEPPARD. The organizer's report then pointed out that the world's cotton conference—June, 1921—had adopted the following resolution:

"While the conference recognizes the existence of various credit schemes and the contemplated formation of other schemes, it is of opinion that at the present moment the scheme which offers the best instrument for promotion of imports into impoverished countries by exporters in other countries is that known as the Ter Meulen scheme, and urges all engaged in the cotton industry and in the financing of it to avail themselves of the Ter Meulen scheme whenever and wherever it shall be established.

"They accordingly unanimously recommend that exporters to impoverished European countries should urge importers in these countries to induce their respective governments to apply for approval of the issue by them of Ter Meulen bonds."

The Congress of the International Chamber of Commerce—June, 1921—had adopted the following:

"That the congress recognizes the necessity of the establishment under government auspices of credits for the reconstruction of the devastated and impoverished countries of Europe.

"To this end the congress is prepared to support the Ter Meulen scheme as modified and put into operation by the provisional economic and financial committee of the League of Nations.

"Further, this congress advises the establishment of permanent committees of business men and bankers in all the countries affected to furnish all information and to lend all assistance in the choice of credits and participations."

The organizer's report then went on to state that the organizer had, with the approval of the international credits subcommittee of the financial section of the provisional economic and financial committee, accepted an invitation to explain the Ter Meulen scheme at the annual convention of the American Bankers' Association, to be held in October, 1921; that this invitation had provided the organizer with the opportunity he required for the completion of his work; that he felt the scheme could not realize its full development as an instrument for helping the countries for whose aid it was intended unless American bankers would finance credits given against Ter Meulen bonds.

One of the chief features of the international credits scheme, the report stated, was the function of the league in connection with its application. Through the proposed international commission it could provide an impartial body with the necessary authority, but without political bias, which could aid a government in carrying out financial reforms and watch administration of pledged revenues or assets in such way as to inspire confidence among lenders and not to interfere with the sov-

ereignty of the borrowing country. This function of the league had been well illustrated in the Austrian negotiations. This function would also be valuable in supporting commercial credits. Much depended on the outcome of the experiment with Austria. The situation there was an exceptional one, and the plan proposed was not the Ter Meulen scheme in its entirety, because credit was to be given directly to the government, and the double security of bonds as collateral for private credits would not exist. However, the case was being generally watched, and if successful would encourage others to utilize the league's services in the matter of international credits.

The financial section of the committee had considered the council's request to study the financial situation of Danzig, had collected material, but had been unable as yet to make much progress. The finances of Danzig were apparently affected by the world-wide economic situation and could hardly be alleviated by local measures. However, an inquiry at the council's instance might well be undertaken, in view of the relations between the league and Danzig, and the committee had delegated two of its members to make more thorough study, with authority, subject to the council's approval, to consult representatives of Danzig and Poland.

As to claims by holders of bonds on which interest was in arrears, the committee had considered memoranda by Mr. Carneiro and Mr. Ter Meulen which had come before them while considering the results of the Brussels conference. Difficulties of fact and principle stood in the way of a report to the council without more specific direction.

The committee had decided not to consider direct applications from private associations or interests in relation to specific loans.

As to double taxation, the committee had considered the objections to existing systems of taxation in so far as taxes were required in more than one country on the same taxable objects. The committee thought that the question should be submitted to English, Italian, and Dutch experts, with the assistance of an American expert.

As to the gold standard, the financial section had given continued study to the resolutions of the Brussels conference on the question, which were as follows:

"Without entering into the question whether gold is or is not the ideal common standard of value, we consider it most important that the world should have some common standard, and that as gold is to-day the nominal standard of the civilized world it is highly desirable that the countries that have lapsed from an effective gold standard should return thereto.

"It is useless to attempt to fix the ratio of existing fiduciary currencies to their nominal gold value, as, unless the conditions of the country concerned were sufficiently favorable to make the fixing of such ratio unnecessary, it could not be maintained.

"The reversion to or establishment of an effective gold standard would in many cases demand enormous deflation, and it is certain that such deflation if and when undertaken must be carried out gradually and with great caution, otherwise the disturbance to trade and credit might prove disastrous."

I know that the Senator from Alabama [Mr. HEFLIN], who has just entered the Chamber, will be glad to hear the stand of the Brussels conference, a conference called at the instance of the League of Nations on the question of too rapid deflation, and I want to refer to it again for his benefit.

Mr. HEFLIN. I will be glad to hear the Senator.

Mr. SHEPPARD. It reads: "The reversion to or establishment of an effective gold standard would in many cases demand enormous deflation, and it is certain that such deflation if and when undertaken must be carried out gradually and with great caution, otherwise the disturbance to trade and credit might prove disastrous."

Mr. HEFLIN. If the Senator will permit me——

The PRESIDING OFFICER (Mr. FRELINGHUYSEN in the chair). Does the Senator from Texas yield to the Senator from Alabama?

Mr. SHEPPARD. I yield.

Mr. HEFLIN. As it proved very disastrous, not only to our country in 1920 and 1921, but to Great Britain and other countries as well.

Mr. SHEPPARD. The resolution proceeds:

"We can not recommend any attempt to stabilize the value of gold, and we gravely doubt whether such attempt could succeed, but this question might well be submitted to the committee to which we refer later, if such should be appointed."

The financial section, after studying the situation and considering suggestions that the possibility of stabilizing currencies should be reconsidered with a view to an international agreement, had concluded that the opportune moment for such action had not yet arrived. Financial, economic, and political conditions in many countries were still so unsettled, so many countries were still unable to meet budgets and engagements without new issues of paper money, that it was not practicable to offer any immediate method of stabilization of currency other than the principles announced at the Brussels conference.

The economic section of the provisional financial, and economic committee had considered the question of raw materials referred to it by the council on October 25, 1920, and submitting a unanimous report in separate form. It had also considered questions of unfair international competition, uniform legislation regarding bills of exchange, commercial methods in relation to instability of exchanges, and would make reports on all these at a later date.

The financial and economic sections of the committee had considered in joint session the proposal of the Belgian Government that the International Institute of Commerce, a body created by the Interparliamentary Union, be made the league's general statistical organ, and had concluded that this question should be held in abeyance until the scope of the league's statistical activities could be determined; that for the present it was believed the league should not venture on original statistical work, except as to definite objects and on requests of competent organs of the league. The committee had also concluded that it was doubtful whether member States would accept a bureau to which they had not all adhered. It was also advisable before final action could be taken on this proposal by the Belgian Government that the relation of the International Institute of Commerce to the international bureau of commercial statistics, established by international convention in 1913, be clearly defined.

The two sections of the committee had also considered in joint session suggestions for the improvement of the Monthly Bulletin of Financial and Economic Statistics, but did not believe that any should be immediately adopted except that from South Africa that statistics of gold production and exports should be included.

The two sections had also jointly considered the resolution of the council adopted at Brussels in October, 1920, requesting the provisional economic and financial committee to study the agenda for the next economic and financial conference and to submit concrete suggestions for the establishment of a permanent economic and financial organization of the League of Nations. The committee was of opinion that for reasons already stated it was not advisable to call in the near future a conference on economic and financial matters in general. Consultative conferences on special problems arising out of the committee's work might be held. This did not necessitate, however, the creation of a permanent economic and financial organ to prepare the ground for such special conferences. Further experience should be had before taking up the matter of a permanent financial and economic organization. The committee believed the existing provisional organization, embodied in itself, should be continued another year, at the expiration of which it would probably be possible to lay proper foundations for a permanent body. The committee did not wish, however, to prolong the provisional mandate intrusted to its members in November, 1920, and their resignations were accordingly placed before the council as from December 31, 1921.

The committee presented to the council the report of its advisory committee on finishing credits annexed to the committee's report of March 2, 1921. This advisory committee at its Geneva meeting had instituted an inquiry in industrial and financial circles in various countries to see to what extent the system of finishing credits might be applicable. The provisional financial and economic committee had examined the results of this inquiry and had come to the conclusion that there was no likelihood in practice of a demand for the application of such a system, that while it was worthy of investigation it did not reach actual economic needs and involved legal difficulties that could not be overcome.

The council after receiving this report passed resolutions thanking the committee for its services and approving the manner of their performance; expressing regret over the delay in the Austrian negotiations; transmitting the report to the assembly; referring to its action of September 15 requesting the committee to undertake further inquiry into the finances of Danzig; asking the committee to take no further steps in the matter of interest-defaulted bonds and approving the committee's decision not to entertain direct applications from private sources; suspending decision on the Belgian Government's proposal as to the International Institute of Commerce and referring the matter to the assembly which had under discussion the general sta-

tistical functions of the league; accepting the committee's proposal for its continuance through another year and asking present members to continue to serve until the next session of the assembly; approving the remaining sections of the committee's report and asking the committee to carry out their suggestions; requesting the committee to consider and report upon the meaning and scope of the provision dealing with equitable treatment of commerce in article 23, paragraph (e), of the covenant.

MANDATES.

On October 2 the council approved a note to the mandatory powers through its president on the subject of mandates.

The note contained the report of the subcommittee on mandates of the sixth committee of the assembly, a report adopted by both the sixth committee and the assembly, and approved by the council on October 2. That report was made by the subcommittee to the sixth committee of the assembly on September 19, 1921. It started out by reciting that the subcommittee had considered the draft resolution handed in at the assembly by Lord Robert Cecil in the following language:

"The assembly regrets the delay which has taken place in the definition of the mandates, recognizes that the council is not responsible for that delay, and is of opinion that it would be desirable that the mandates of the A and B classes should be forthwith defined."

The report stated that the subcommittee fully agreed with that part of Cecil's resolution relating to delay in defining the A and B mandates and also agreed that the fault could not be said to lie with the council; that notice from the United States of objection to definitions without consultation with that nation had caused the council to delay confirmation until the United States could express its views; that it was understood that negotiations were still proceeding between the principal allied powers and the United States; that a memorandum from the United States had been received by these powers only a few days before the assembly met and that its terms were under examination; that the council seemingly had no option but to await the conclusion of these negotiations before confirming the remaining mandates; that nevertheless the subcommittee realized that delay in issuing the remaining mandates might cause anxiety and apprehension—anxiety because the trust conferred by article 22 of the league covenant had not yet been fully defined, apprehension lest in the absence of completed mandates the sacred trust laid down by that article might not in all respects be fulfilled.

The report went on to say that the subcommittee had not felt that its duties required an examination of the draft mandates A and B, or of the reports which the mandatory governments had in some cases submitted to their legislatures or submitted to the council for information, on the administration of the mandated territories committed to them during the preliminary period; that these reports were all public property and the world could draw its own conclusions; that it was hoped the perusal of such reports would allay all anxiety and apprehension.

The report continued by stating that as to the A mandates the subcommittee felt it would be premature to press for immediate action by the council; that it took note of the fact that the treaty of Sevres had not yet been ratified by the powers; that as to these mandates the subcommittee expressed the hope that during the transitory period the administration of the territories involved would be carried out in the spirit of article 22 of the covenant.

The report held, however, that the B mandates were in a different condition, having been authorized by the ratified treaty of Versailles; that drafts of these had been before the council since the beginning of the year; that even if they were still subject to change in details, the principles they embodied were certainly worthy of approbation; that the French and British Governments were charged by the decision of the supreme allied council of May 7, 1919, with the duty of agreeing on the future of Togo and the Cameroons, and to recommend steps agreed upon to the league for adoption; that this agreement had been reached and that the council should at the first possible opportunity (a) formally approve the application of the mandate system to Togoland and the Cameroons, (b) adopt in principle the declarations signed by representatives of the French and British Governments on July 10, 1919, as to the respective spheres to be placed under the authority of each Government.

The report concluded by urging that the assembly invite the council to present this construction of the situation to the mandatory powers. The report was adopted by the sixth committee on September 20 and by the assembly on September 23. The review of the assembly's proceedings in my address of October 5, 1921, fails to mention this action of the assembly. It should have been recorded in the description of the assembly's transactions on September 23. The council, as before stated, also approved the report, and accordingly addressed a note, heretofore mentioned, to the mandatory powers advising them of the league's position.

The note advised these powers (a) that as to the territories to be administered under paragraph 5, article 22, league covenant—that is, the former German possessions of East Africa, Togoland, and the Cameroons—the council, while reserving examination of the details of the draft mandates laid before it for modifications which might be found desirable, considered generally the principles contained therein to express the high objects which the covenant had in view and to safeguard the rights of all league members in a spirit in harmony with that of the covenant; (b) that as to Togo and the Cameroons the council, in accordance with the joint recommendation of the French and British Governments of December 17, 1920, approved the application of the mandate system to these territories and adopted in principle the declarations signed by the representatives of the French and British Governments on July 10, 1919, as to the respective spheres to be assigned each government; (c) that the council felt that the mandatory powers would continue to administer the territories committed to their charge in accordance with paragraphs 4 and 5, article 22, of the covenant, in the spirit of the draft mandates until such time as the mandates could be regularly defined and conferred.

The note expressed to the mandatory powers the council's appreciation of their courtesy in communicating to the league for its information reports concerning certain of the territories confided to their care in accordance with article 22 of the covenant even before it had been possible to confirm their mandates, and concluded by saying that the council had noted the declarations before the sixth committee of the second assembly by representatives of Belgium, British Empire, and France as to supply of information to the permanent mandates commission.

PERMANENT MANDATES COMMISSION.

On October 10, 1921, the council heard the report of the permanent mandates commission through its chairman, Marquis Theodoli. He referred to the provision of article 22 of the league covenant that the permanent commission should be constituted to receive and examine the annual report which the mandatory powers were pledged to send to the council concerning the territories under their charge and should advise the council on all matters relating to the observance of mandates. He said that such investigations and such advice could only be of value if inspired by absolute independence and impartiality of judgment; that the council evidently intended that the commission should act in such spirit because it had insisted that the commission should consist of experts answerable only to the league as a body and that the majority of its members should be nationals of nonmandatory States. He said that the commission would aid the mandatory powers in carrying out their tasks in the spirit of the covenant and would endeavor to do justice to all concerned.

He then stated that the commission had worked along three lines of effort.

First. It had adopted rules of procedure in accordance with the resolution creating the commission, and asked the council's approval of such rules.

Second. The commission had realized when it first met at Geneva that no annual report could be placed before it, a year not yet having elapsed since the council confirmed the first mandates, but it also knew that under a recommendation of the first assembly, adopted by the council in June, 1921, the mandatory powers had consented to authorize the commission to study reports on their administration in accordance with the principle of the mandates.

Reports communicated to the commission in this way dealt with French Cameroons, French Togoland, British Tanganyika, Belgian East Africa, Southwest Africa, Mesopotamia, and Palestine, and had all been carefully studied except the last two. Interesting as the last two were, the commission considered that the state of uncertainty still existing concerning everything affecting mandates mentioned in paragraph 4, article 22, of the covenant, would make such study of little use for the time being. The commission in studying the other reports were conscious of restrictions imposed by their nature, and by the fact that they were not annual reports but documents drawn up for the parliaments of the mandatory powers and communicated voluntarily for the league's information. The commission would therefore say nothing of them at that juncture except to express appreciation of the courtesy of the powers in permitting the commission to study them and ad-

miration for "the magnificent and generous effort at colonial reorganization and reconstruction" which they showed.

Third. The commission had drawn up questionnaires to aid the mandatory powers in preparing annual reports to the council after the first year of regular administration. The questionnaires were of two kinds relating to mandates B and C, mentioned in paragraphs 5 and 6 of article 22 of the covenant, and were therewith submitted to the council with the hope that the council would approve the proceeding, transmit the questionnaires to the mandatory powers, requesting such powers to consider them as far as possible when drafting their first annual reports. The commission admitted that the questionnaires were open to criticism and reserved the right to complete and improve them as experience might suggest.

The speaker said that in arranging these questionnaires the commission had in mind the "C" mandates, whose terms had been definitely laid down by the council nearly a year before, and the draft "B" mandates, which still awaited the council's confirmation. The commission had refrained, however, from giving any opinion on these drafts because they considered that the commission was limited by the last paragraph of article 22 of the covenant to the examination of questions relating to the observance of mandates. To facilitate the work of the mandatory powers, however, and to throw light on doubtful points the commission had prepared for submission to the council certain questions and suggestions based on a study of the reports and draft mandates before the commission.

These questions and suggestions and the questionnaires were presented in annexes to this report.

The council authorized the chairman of the commission and two of his colleagues to form a subcommittee to seek further information on the question of the nationality of the inhabitants of "B" and "C" mandated areas. This question was raised in one of the annexes to the chairman's report.

PROTECTION OF MINORITIES IN ALBANIA AND FINLAND.

The council on October 2 adopted a resolution taking note of the declaration by the Albanian delegation for the protection of minorities and providing that the stipulations therein, so far as they concerned racial, religious, or linguistic minorities, should be placed under the guaranty of the League of Nations, as from the date of their ratification by the Albanian Government; also providing that the Albanian Government be invited to inform the secretary general as soon as possible of the ratification; also, providing that a copy of the resolution and the declaration therein mentioned be forwarded to the assembly of the League of Nations under reference to its recommendation of December 15, 1920, regarding protection of minorities in Albania. Satisfactory information was received by the council as to the protection of minorities in Finland and the assembly notified.

INTERNATIONAL HYDROGRAPHIC BUREAU.

The council on October 2 resolved, in view of information received on the final constitution of the International Hydrographic Bureau, its public character and international utility, that it should be placed under the direction of the league in conformity with article 24 of the covenant.

MANUFACTURE OF CIVILIAN AIRPLANES AT DANZIG.

The council on October 6, in response to an inquiry from the high commissioner of the league in Danzig as to what types of airplanes and airplane material should be defined as war material, forwarded to him the decision of the air subcommission of the permanent advisory commission on armaments, holding certain heavier-than-air craft and dirigibles to be military, with the understanding that these definitions should be revised every two years.

REDUCTION OF ARMAMENTS.

The council on October 12 decided to instruct the secretary general to inform Mr. Viviani, president of the temporary mixed commission on armament, that said commission was requested by the council to continue its work; to make proposals on general lines for reduction of national armaments in the form of a draft treaty or other equally definite form, to be presented to the council, if possible, before the next annual assembly; to carry out its statistical investigations, as suggested in the assembly report on the reduction of armaments; to continue the examination of the questions of the private manufacture of armaments and the trade in arms. The council also decided to send a new letter to the States that had not yet notified their attitude in respect of the convention of Saint-Germain, requesting them to do so. It decided to send a communication to the governments which would participate in the Washington conference on disarmament in the terms of the draft included in report of the third committee to the assembly. It decided also to ask the temporary mixed commission on armaments, in consultation with the permanent advisory commission on military, naval, and air questions, to consider the advisability of addressing an appeal to the world's scientific men to publish their discoveries in poison gas and similar subjects, so as to minimize the probability of their use in war.

TRAFFIC IN OPIUM.

The council on October 12 resolved in reference to the opium traffic:

1. That the provisional health committee be informed in reference to the inquiry to determine approximately the average requirements of the drugs mentioned in chapter 3 of the International Opium Convention for medical and other legitimate purposes in different countries that it was understood that the inquiries would be of scientific character, and, when applicable to any particular country, would be made through or with the consent of the government of such country.

2. That whereas notice of provisions of article 15, International Opium Convention, relating to prevention of contraband trade in opium and other dangerous drugs, had been called to the attention of the contracting powers having treaty relations with China, they should also be called to the attention of China.

3. That original paragraph 7 of council resolution of June 28 be modified so as to read that in view of world-wide interest in league's attitude toward the opium question and of the general desire to reduce and restrict cultivation and production of opium to legitimate purposes, the advisory committee on the traffic in opium be requested to consider and report at its next meeting on the possibility of making an inquiry to determine approximately the average requirements of raw opium specified in chapter 1 of the convention for legitimate purposes in different countries.

4. That the Governments be invited, if they have no objection, to furnish the secretariat in addition to the official annual report any information as to illicit production, manufacture, or trade in opium and other dangerous drugs which they might think helpful to the league in carrying on its work on this subject.

5. That the Governments of Germany and the Serb-Croat-Slovene State be invited to nominate members of the advisory committee on the traffic in opium.

6. That the secretary general advise Governments concerned of the resolution urging all States members of the league which had not signed and ratified the opium convention to do so as soon as possible.

7. That the secretary general advise all Governments concerned of the resolution urging all States members of the league which were parties to the convention to notify the secretariat as soon as possible of their acceptance of the fourth recommendation of the advisory committee as to importation certificates.

8. That the advisory committee on the traffic in opium be requested to investigate not only drugs mentioned in convention of 1912, but all dangerous drugs of whatever origin producing similar effects, and to advise as to desirability of a further international conference of States parties to the convention, as well as States members of the league, with a view to a convention for the suppression of the abuse of such drugs.

PRINCIPLE OF ROTATION IN CHAIRMANSHIPS OF COMMITTEES.

The council, on October 12, resolved that, being in agreement with views already adopted by the advisory and technical committee for communications and transit, in organizations under the League of Nations the principle of rotation should be obligatory with regard to the chairmanship; this principle should apply to the provisional economic and financial committee so far as consistent with its constitution; that said committee be requested to apply that principle at their next meeting; and that M. Ador be confirmed as chairman of that committee until the next assembly.

COMMISSION FOR CONTROL OF LEAGUE'S FINANCES.

The council on October 12 resolved that in accordance with the assembly recommendation of October 3 a commission for control of the league's finances be immediately appointed, and that the following persons be invited to serve: Messrs. Noblemaire, France; Waddington, Chile; Nederbagh, Holland; James Allen (Sir), New Zealand; and Dusek, Czechoslovakia.

THE COUNCIL'S RECOMMENDATIONS AS TO UPPER SILESIA.

On October 12 the council transmitted to the supreme council of the principal allied powers its recommendation as to Upper Silesia. Reference was first made in the recommendation to the letter from the supreme council stating that in pursuance of article 11, paragraph 2, of the covenant it had been decided to submit to the council of the League of Nations the difficulties attendant on fixing the frontier between Germany and Poland in Upper Silesia, and to request it to be so good as to inform the supreme council of the solution it recommended as to the

delimitation of the frontier which the principal allied and associated powers should adopt. Reference was then made to a subsequent letter from the supreme council stating that each of the Governments represented on the supreme council had formally undertaken to accept the solution recommended by the council of the league. It was then stated in the text of the recommendation that the council of the league after accepting this invitation had given the matter long deliberation and thorough investigation; that it had endeavored to interpret faithfully and equitably the provisions of the Versailles treaty regarding Upper Silesia; that the council, feeling that its duty above all was to endeavor to find a solution in conformity with the wishes of the inhabitants, while keeping in view the geographical and economic situation of the various districts, had concluded that it was necessary to divide the industrial region of Upper Silesia; that on account of the geographical distribution of the population and the mixture of racial elements any division must leave relatively large minorities on both sides of the line and separate important interests; that under such conditions the council deemed it would be desirable to take measures to guarantee, during a provisional period of readjustment, the continuous economic life of this region, which presented a complicated problem with its dense population, numerous industrial undertakings, and many interwoven systems of transportation and communication.

The council had carefully examined various methods of giving accurate expression to the results of the plebiscite. The council recognized that the mere proportion of votes would work injustice to one side or the other, and endeavored to find a system assigning to each State a number of electors not differing substantially from the total number of votes in its favor and at the same time equalizing and reducing the minorities as far as possible. Based on these considerations, the council had decided on the frontier line contained in the appendix to the recommendation. The council's recommendation then set out the special measures it considered essential to the continuity of the economic and social existence of Upper Silesia, and to the avoidance as far as possible of the inconveniences of readjustment.

The supreme council accepted the recommendation with thanks and asked the league council to name presidents for the commissions needed to carry out its suggestions.

At the close of business on October 12 the fourteenth session of the council closed.

FIFTEENTH SESSION OF THE COUNCIL, PARIS, NOVEMBER 16–19, 1921.

Members of the council at the fifteenth session, which was held at Paris from November 16 to 19, 1921, were as follows: Belgium, Mr. Paul Hymans, president (replaced by Baron de Gaiffier d'Hestroy for the first three meetings); Brazil, Mr. Gastao da Cunha; China, Mr. Tung Tsai-Fow; British Empire, Mr. H. A. L. Fisher; France, Mr. Leon Bourgeois; Italy, Marquis Impenali (replaced by Count Bonin-Longare for first meeting); Japan, Viscount Ishii; Spain, Mr. Quinones DeLeon.

CONTROVERSY BETWEEN ALBANIA AND SERB-CROAT-SLOVENE STATE.

At the first public meeting, November 17, Mr. Fisher, representative of Great Britain, was asked to make a statement. Mr. Fisher stated that the meeting had been called to consider a communication received by the secretary general from Mr. Lloyd-George, Prime Minister of Great Britain, asserting that inasmuch as the continued advance of Serb-Croat-Slovene forces into Albania were of such nature as to disturb international peace, His Majesty's Government desired to call the council's attention thereto, and to request the secretary general to take immediate steps to summon a meeting of the council to consider the situation, and to agree upon measures to be taken under article 16 of the covenant, in the event the Serb-Croat-Slovene Government refused or delayed to execute their obligations under the covenant; that the ambassadors' conference had decided on the frontiers of Albania which would at once be communicated to those interested. Mr. Fisher then said that the Government of Great Britain had for some time been disturbed over events in northern Albania; that Mr. Lloyd-George's invitation to the secretary general was based on article 11 of the covenant, which stated that it was the friendly duty of each member of the league to bring to the attention of the assembly or the council any circumstances whatever affecting international relations threatening to disturb international peace or the good understanding between nations, on which peace depended. He said that His Majesty's Government had reason to fear that the disturbed area was rapidly widening, and that immediate action was essential to check the spread of hostilities. He stated, further, that both Serbia and Albania were members of the league, and both had taken solemn pledges, such as were contained in article 12 of the covenant, by virtue of which members of the league agreed that if there should arise between them any dispute likely to lead to a rupture they would submit the matter either to arbitration or to inquiry by the council, and agreed in no case to resort to war until three months after the award by arbitration or the report by the council. He added that an appeal to the league had been made which could not be disregarded without stultifying the covenant; that it appeared to the British Government that the council should assemble without delay; that the council should receive from the two interested parties the required explanations and assurances; and that should these be unsatisfactory the council should consider measures to insure respect for the obligations of the covenant. The speaker then gave further details which had led the British Government to act.

Albania was represented at this meeting by Messrs. Konitza and Frasheri; Serb-Croat-Slovene State (Serbia) by Messrs. Jovanovitch and Popovich.

After hearing arguments and statements from representatives of Albania and Serbia on November 17 and 18, the council on November 19 adopted a resolution to the effect that the council, having heard the statement concerning information which led the British Government to request the immediate convocation of the council, having heard the explanations by representatives of Serbia and Albania, considering that the assembly recognized on October 3 that the principal allied and associated powers were responsible for fixing the frontiers of Albania, considering that the conference of ambassadors decided on November 9, 1921, that it was necessary to confirm with certain specified alterations the line of the frontiers of Albania established in 1913 by the conference of ambassadors in London, and considering that the frontiers were consequently now fixed and must be respected in accordance with the guaranties assured to the members of the League of Nations by the covenant, noted the declaration of the prime minister of the Serb-Croat-Slovene State to the effect that his State, in accordance with the above decision, was taking all steps to assure immediate evacuation of its troops from all territory belonging to Albania; noted also the assurance given by the representatives of two States that they intended to live as neighbors in good relations, which implied that neither would take, directly or indirectly, any action tending to disturb the other's internal peace; and decided to give the commission of inquiry, sent to Albania in accordance with a prior resolution, the following instructions: First, to keep the council informed of the retirement of both the Serbian and Albanian troops from the provisional zone of demarcation defined in the decision of the conference of ambassadors of November 18, 1921, to keep in touch with the delimitation commission, whenever necessary, and to place itself at the disposal of the local authorities to assist in carrying out the evacuation, so as to avoid incidents. Second, to satisfy itself that no outside assistance was being given in support of a local movement which might disturb internal peace in Albania, and to examine and submit to the council measures to end present disturbances and prevent their recurrence.

The resolution was accepted by the representative of Albania and by that of Serbia, subject to his declaration of protest against the procedure of the conference of ambassadors and against certain language in the council's resolution, to wit, language specifically defining what good relations meant, the Serbian delegate considering the definition unnecessary. He stated also in his protest that the commission of inquiry had been sent to Albania by the second assembly and that it should be clearly understood that the commission's field of activity should be limited to Albania. The Serbian representative requested that his declarations in the nature of protest be inserted in the minutes.

MESOPOTAMIA, OR IRAK.

On November 17 Mr. Fisher, representative of Great Britain, stated that his Government wished to acquaint the council with the policy it was pursuing as the mandatory of the league with reference to Irak or Mesopotamia, and had notified the president of the council that its representative would make a statement at the present session. He said that the council had been kept advised as to the manner in which his Government had hitherto discharged its obligations toward the league by printed documents already sent the league, namely, (1) the draft mandate, (2) review of civil administration in Mesopotamia or Irak since October, 1920, which was being sent to members of the council, this note describing events culminating in the selection of the Emir Feisal as King of Irak and his accession on August 3; that the attitude of the people of Irak during the last two and a half months had confirmed the results of the plebiscite which had developed an overwhelming vote for the Emir Feisal.

The speaker said all this showed that the British Government had not delayed to act on article 94 of the treaty of Sevres, by which the high contracting parties agreed that Irak should, under paragraph 4, article 22, of the covenant of the League of Nations, be provisionally recognized as an independent State, subject to administrative advice and assistance by the mandatory until it was able to stand alone; that the British Government had obligations not only to Irak but to the league; that besides the duty to submit the draft mandate to the league in accordance with article 96, treaty of Sevres, the League of Nations, article 22, prescribed that the degree of authority, control, or administration to be exercised by the mandatory should, if not previously agreed upon by the members of the league, be explicitly defined in each case by the council. Political developments in Irak had led the British Government to the conclusion that its obligations to the league could be most effectively discharged if embodied in a treaty to be made between it and the King of Irak. It had been unable to resist the desire of the people of Irak for a national government under an Arab ruler. Events had moved so rapidly as not to permit consultation by the British Government with the council before doing what it felt the council would approve, namely, recognizing the sovereign whose accession to the throne had followed the universal demand of the people. The position of the mandatory power had been modified somewhat by this recognition, and its relations in the new situation should be defined by the suggested treaty. The spirit in which the new sovereign, King Feisal, proposed to act was shown by his accession speech, part of which was as follows:

"My first task will be to proceed with the election and convocation of the constituent assembly. The nation should understand that it is this congress that will, in consultation with me, draw up the constitution of its independence on the basis of democratic government and define the fundamental principles of political and social life. Finally, it will confirm the treaty which I shall lay before it regarding relations which are to exist between our Government and the great British Government. Furthermore, the congress will establish freedom of religion and worship, so that all men may follow their own law and religion, provided they do not conflict with security and public morals. It will also enact certain judicial laws safeguarding the interest of foreigners and insure them against any interference with their religion, race, or language, and will guarantee equity of commercial dealing with foreign countries."

The other passages in King Feisal's inaugural address had shown his readiness and willingness to include in his treaty with the British Government provisions insuring the conduct of the Government of Irak in thorough harmony with the spirit of the covenant of the league. The proposed treaty would give a more satisfactory definition of the relations between the mandatory power and the mandated State than any other form of instrument, provided it secured: First, control by the British Government over the foreign relations of Irak; second, fulfillment of international obligations incurred by the British Government by treaty, mandate, or agreement; third, such degree of financial control as might be necessary; fourth, conformity in every respect with the spirit and letter of the covenant. The treaty was not intended as a substitute for the mandate which would remain the operation document defining the obligations undertaken by the British Government in behalf of the league. The treaty would serve simply to regulate the relations between the British Government as mandatory power and the Arab Government of Irak.

The fifteenth session of the council closed on November 19, 1921.

PERMANENT COURT OF INTERNATIONAL JUSTICE.

The official journal of the league shows that on October 8, 1921, Portugal ratified its signature of the statute of the permanent court of international justice, and that Esthonia on October 18, 1921, signed the statute.

LIMITATION OF ARMAMENTS.

The official journal shows that on July 23, 1921, India replied to the letter containing the assembly's recommendation of December 14, 1920, as to limitation of expenditure on military, naval, and air services during the following two financial years, stating that the policy of the Government of India was in harmony with the spirit of the recommendation; that expenditure had been reduced substantially and further economies in the next two years might be possible; but that all economies would be subject to the reservations mentioned in the recommendation and that India's policy would be liable to reconsideration if the assembly's recommendations were not adopted by other powers.

The official journal shows that on August 19, 1921, Sweden replied to the effect that the Swedish Government gladly welcomed all schemes which might contribute to bring about an effective and simultaneous limitation of armaments in all countries; that in accordance with this attitude the Swedish representative had adhered at the first assembly to the recommendation regarding limitation of military, naval, and air expenditure; that the Swedish Government believed that if this recommendation were universally adopted notable progress toward reduction of armaments would be obtained; that so far, however, as the national defense of Sweden was concerned, the question of its future organization was under thorough examination and the result could not at the time be foreseen; that this made it impracticable for the Swedish Government to make a definite statement for the time being as to the action it was likely to take in accordance with the assembly's recommendation.

CAMPAIGN AGAINST INFECTIOUS DISEASE.

On October 6, 1921, the presidents of assembly and council issued an appeal to members of the league for more funds to support the league's efforts against infectious disease in Poland and elsewhere.

Czechoslovakia replied on October 18 that it would contribute for this purpose during 1922 a sum not exceeding a million Czecho-Slovak crowns. Belgium replied on November 4 that it would repeat its gift of 1,000 pounds sterling which it had furnished at the end of 1920.

PERMANENT LABOR ORGANIZATION—WASHINGTON CONVENTION OF UNEMPLOYMENT—GENOA CONVENTIONS ON EMPLOYMENT AT SEA.

By October 27, 1921, the league's official journal shows the following countries had ratified the convention concerning unemployment adopted at the first international labor conference at Washington in November, 1919, namely, Greece, Rumania, Great Britain, India, Sweden, Denmark, and Finland. The journal also shows that on October 18 Sweden ratified the conventions fixing minimum age for admission of children to employment at sea, and establishing facilities for finding employment for seamen adopted by the International Labor Conference at Genoa June 15–July 10, 1920. Inasmuch as the British Government had also ratified the first of these two conventions it became effective as between Sweden and Great Britain on October 18.

PERMANENT COURT OF INTERNATIONAL JUSTICE.

According to the official journal, Brazil on November 2, 1921, Japan on November 17, 1921, and Venezuela on December 7, 1921, adopted ratifications of the statute of the permanent court of international justice, and on December 31, 1921, Panama accepted the compulsory jurisdiction of the court.

LIMITATION OF ARMAMENTS.

On October 29, 1921, Rumania replied to the league's recommendation as to armament limitation; stated that a reduction in the Rumanian military budget for the year 1921–22 had been made amounting to 197,404,600 lei less than the budget for the preceding year.

ARMS TRAFFIC CONVENTION.

On September 8, 1921, Bulgaria informed the secretary general that it was prepared to ratify the Arms Traffic Convention signed at St. Germain on September 10, 1919, such ratification to be conditioned on ratification by other signatory powers. Guatemala stated on September 10, 1921, that it had the matter under advisement. Liberia stated on October 21, 1921, that it could not at present see its way to adhere. New Zealand stated on October 4, 1921, that it was prepared to sign on condition that the other signatory powers did likewise, and subject to safeguards being provided against the convention being rendered nugatory by nonsignatory States. San Salvador, on September 6, 1921, reserved decision pending negotiations for a union of Central American States. Bolivia announced on September 24, 1921, willingness to ratify provided treaty should not come into force until all the other signatory parties had agreed. Venezuela stated on October 10, 1921, that it had adhered to the convention in February preceding. France announced on October 24, 1921, that it would ratify as soon as the other signatory powers were prepared to do likewise.

SAAR BASIN.

On November 1, 1921, the governing commission for the Saar Basin presented to the secretary general its ninth periodical report covering economic and social conditions, steps taken to comply with resolutions of the council, legislative and administrative measures, conduct of railways, post, public works, public education, justice and worship, and public relief. The commission stated that the work of administrative organization was nearly complete, that the creation of new services had practically been confined to the sphere of social insurance and public welfare, that the alarming depreciation of the mark constituted a serious problem for both the population and Gov-

ernment of the Saar, but that industrial activity was for the moment satisfactory, the number of unemployed not exceeding 3,000 in a population of more than 700,000, including 180,000 workmen.

PROTECTION OF MINORITIES.

The official journal shows that by December 21, 1921, the following States had adhered to the council's resolution of June 27, 1921, modifying procedure concerning protection of minorities laid down in Mr. Tittoni's report adopted by the council October 22, 1920: Austria, Hungary, Poland, Rumania, Serb-Croat-Slovene State, and Czechoslovakia.

ARMENIA.

On November 3, 1921, the Armenian delegation to the Peace Conference addressed from Paris a letter to the league stating that on October 13, 1921, an agreement had been signed at Kars between representatives of Angora on the one hand and Bolshevik representatives of Moscow, Erivan, Tiflis, and Baku on the other regulating the question of frontiers and other questions pending between the Caucasian Republics and Turkey; that the Bolshevik administration, which had been imposed on Armenia by force of arms and by whose representatives the above agreement was signed, did not represent the wishes of the Armenian nation; that the delegation of the Armenian Republic to the Peace Conference desired to state that it made formal reservations with regard to any partial or general infringement by the agreement in question of the terms of the treaty of Sevres and the rights which had been acquired by Armenia and recognized as hers by reason of international agreements.

ORGANIZATION OF A SERVICE OF EPIDEMIOLOGICAL INTELLIGENCE UNDER THE LEAGUE OF NATIONS.

On December 5, 1921, the medical director of the health committee of the league announced that this committee had decided to organize at once a service of epidemiological intelligence under the health section of the league; that this service was intended to insure rapid and effective interchange of information on epidemic diseases; that it was at present difficult to obtain trustworthy information on the prevalence of epidemics, because the various national health administrations received most of their information through diplomatic channels, a system often resulting in great delay.

TRAFFIC IN WOMEN AND CHILDREN.

On September 27, 1921, Australia and its various States, and on November 16, 1921, Newfoundland, replied to the league questionnaire relating to their laws against the white-slave traffic and for the protection of women and girls.

On November 19, 1921, the International Bureau for the Suppression of the White Slave Traffic and the International Traffic in Women addressed a communication to the league thanking it for inviting the bureau to take part in the official conference of Government delegates at Geneva on June 30 on the traffic in women and children, and expressing appreciation of the recommendations of the conference which the bureau believed would strengthen the international legislation already in existence and result in necessary progressive measures in the future.

On December 1, 1921, the secretary general announced that 23 countries had through their representatives adhered to the draft convention submitted by the Geneva conference on traffic in women and children, and that it would remain open for signature by other members of the league until March 31, 1922.

LETTER FROM WORLD PROHIBITION FEDERATION.

On October 13, 1921, the World Prohibition Federation, representing more than 40 countries, assembled at Lausanne, Switzerland, addressed a letter to the league urging all possible steps to protect small nations against all attempts to force the alcohol traffic upon them; expressed the hope that the league would support the principle that each nation, without risk of trade or other wars, should freely decide what steps to take to serve its physical and moral welfare; urged the governments of the various countries in making commercial treaties to respect the self-determination of other countries on all matters involving the physical and moral welfare of their people, and not try to force the alcohol traffic on any country that had adopted prohibition.

PERMANENT LABOR ORGANIZATION.

On November 1, 1921, the secretary general announced that the Union of South Africa had ratified the convention concerning the employment of women during the night adopted by the International Labor Conference at Washington on November 29, 1919; that other countries also ratifying were Greece, Rumania, Great Britain, India, Czechoslovakia.

SIXTEENTH SESSION OF THE COUNCIL, GENEVA, JANUARY 10–14, 1922.

At the sixteenth session of the council, which was held at Geneva from January 10 to January 14, 1922, the member States were represented as follows: Belgium, Mr. Paul Hymans, president; Brazil, Mr. Gastao de Cunha; China, Mr. Tang Tsai-Fou; British Empire, Mr. Cecil Harmsworth; France, Mr. Gabriel Hanotaux; Italy, Marquis Imperiali; Japan, Viscount Ishii; Spain, Mr. Quinones de Leon (replaced for the eleventh, twelfth, and thirteenth meetings by Mr. de Reynoso).

UPPER SILESIA.

On January 10, 1922, the first day of the sixteenth session, it was announced that negotiations between Germany and Poland pursuant to the Upper Silesian decision were proceeding satisfactorily.

PERMANENT COURT OF INTERNATIONAL JUSTICE.

The secretary general reported to the council on January 10 that up to January 6 preceding the following States had signed the statute of the Permanent Court of International Justice: Albania, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, China, Columbia, Costa Rica, Cuba, Czechoslovakia, Denmark, Esthonia, Finland, France, Greece, Haiti, India, Italy, Japan, Siberia, Lithuania, Luxemburg, Netherlands, New Zealand, Norway, Panama, Paraguay, Persia, Poland, Portugal, Rumania, Salvador, Serb-Croat-Slovene State, Siam, South Africa, Spain, Switzerland, United Kingdom, Uruguay, Venezuela.

That the following States had accepted the compulsory jurisdiction of the court: Brazil, Bulgaria, China, Costa Rica, Denmark, Finland, Haiti, Liberia, Lithuania, Luxemburg, Netherlands, Norway, Panama, Portugal, San Salvador, Sweden, Switzerland, Uruguay.

That the following States had deposited ratifications of their signatures to the statute: Albania, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Cuba, Czechoslovakia, Denmark, France, Greece, Haiti, India, Italy, Japan, Netherlands, New Zealand, Norway, Poland, Portugal, Rumania, Serb-Croat-Slovene State, South Africa, Spain, Sweden, Switzerland, United Kingdom, Uruguay, Venezuela.

That the following States ratified their signatures of the clause accepting compulsory jurisdiction: Bulgaria, Brazil, China, Denmark, Netherlands, Norway, Portugal, Switzerland, Uruguay.

The secretary general stated further that the Cuban ratification of statute signature had been received but not yet notified to the powers, because there was a slight question as to its legal validity; that the Chinese and Siamese ratifications had been completed, but had not yet reached the secretariat; and that Brazil had signed the clause for compulsory jurisdiction, with the understanding that it was to be deemed invalid unless the clause should be signed by at least two of the States who were permanent members of the council.

ECONOMIC WEAPON.

On January 10 the council addressed a letter to the members of the league calling attention to the fact that the second assembly had adopted 19 resolutions concerning the economic weapon of the league and certain proposals of amendment to article 16 of the covenant, all of which were set out in an annex to the letter, one of the resolutions providing that these resolutions and proposals should, as long as the amendments had not been put in force in the form required by the covenant, constitute rules for guidance which the assembly recommended as a provisional measure to the council and to league members in connection with the application of article 16.

The letter stated further that the council would be guided by the assembly's suggestion if necessity for action should arise before final rules had been formally established; that the rules already tentatively suggested constituted a complete system, however, and the council could not adequately determine all the details of its own action until it had learned the attitude of members as to such of the rules as related to their action; that the council would be glad to have for its own information and guidance the opinion of members of the proposed rules; that the particular attention of members was directed to the resolution requesting the council to urge on all States members to take necessary preparatory measures, especially legislative ones, to enable them to enforce at short notice necessary measures of economic pressure.

ALLOWANCES TO MEMBERS OF PERMANENT MANDATES COMMISSION.

The council on January 10 adopted a resolution amending paragraph K of the constitution of the permanent mandates commission approved by the council on December 1, 1920, so as to provide that members of the commission should receive an allowance of 70 gold francs per day during their meetings, that their traveling expenses should be paid, and that all expense of the commission should be borne by the League of Nations.

AUDIT OF ACCOUNTS FOR THIRD FISCAL PERIOD (1921).

The council on January 10 resolved that in accordance with article 8 of the second recommendation of the fourth committee adopted by the first assembly on December 17, 1920, the Netherlands Government be requested to make the audit of the accounts of the League of Nations for the third fiscal period (1921).

RULES OF PROCEDURE OF PERMANENT MANDATES COMMISSION.

The secretary of the Permanent Mandates Commission, Mr. Rappard, advised the council that the commission had unanimously adopted rules of procedure. These rules were submitted to the council and approved.

PROTECTION OF MINORITIES IN ESTHONIA, LATVIA, AND LITHUANIA.

The council on January 11 adopted resolutions inviting representatives of Esthonia, Latvia, and Lithuania to collaborate with the secretariat of the league in preparing a draft declaration concerning protection of minorities.

CONVENTION FOR NONFORTIFICATION AND NEUTRALIZATION OF AALAND ISLANDS.

Mr. Harmsworth, representative of Great Britain, presented on January 11 a report to the council on the convention signed at Geneva October 20, 1921, by the interested powers after a conference on the nonfortification and neutralization of Aaland Islands, congratulating the league on the settlement of this complicated question and stating that it was a victory for the league. Mr. Harmsworth then proposed a resolution thanking the president of the conference for his letter of October 21, 1921, asking the council on behalf of the conference to agree, subject to the ratification of the convention by the signatory powers, to carry out the duties provided for in article 7 of the convention and to give favorable consideration to the request formulated in article 9, stating that in view of the fact that the duties described in article 7 were in complete conformity with the spirit of the covenant and its object, the council accepted the request with the idea of maintaining peace and justice, and instructing the secretary general to bring this convention to the knowledge of league members as soon as it came into force in order that the legal status of the Aaland Islands might be universally respected in the interest of general peace. The resolution was agreed to.

CONTROL OF LIQUOR TRAFFIC IN AFRICA.

The council decided on January 11 to request the Belgian Government to continue in Brussels the work of the international bureau for the control of the liquor traffic in Africa, as stipulated in the convention of September 10, 1919; that the bureau, having been placed under the direction of the league, be required to conform to the general principles laid down by the council for international bureaus coming under its control.

SUGGESTIONS OF SWEDISH AND NORWEGIAN GOVERNMENTS FOR CONCILIATION PROCEDURE.

The council on January 11 appointed a committee, in conformity with a suggestion of the assembly, to investigate the procedure of conciliation proposed by the Swedish and Norwegian Governments.

FURTHER CORRESPONDENCE WITH HUNGARIAN GOVERNMENT.

The secretary general on January 11 submitted to the council a letter on the interpretation of articles 11 and 17 of the covenant, which he proposed to send the Hungarian Government in reply to a further note from that Government dated December 19, 1921. The council approved the letter, which held in substance that intervention by the league could be considered under article 11 only on the initiative of a league member, and that article 17, while it did not provide any special method of bringing a question before the council involving one or more States not members of the league, laid down the means by which action might be extended to nonmembers, assuming that the question had been properly brought before the council. In the matter of initiation, the letter stated, the secretary general had no more right by virtue of article 17 than article 11.

DISPUTE BETWEEN LITHUANIA AND POLAND.

On January 12 the council again took up the dispute between Lithuania and Poland, Mr. Narushevitch representing Lithuania, and Mr. Askenazy representing Poland. After hearing both sides, the council decided to ask the President to prepare a draft recommendation as to the questions involved.

DANZIG.

The council on the same day took up matters relating to Danzig, Mr. Askenazy representing Poland, Mr. Sahm representing Danzig, and General Haking, the league's high commissioner for Danzig, representing the league's interest. The council, after discussion, resolved to request the representatives of the Polish and Danzig Governments to talk over the question of the control and administration of the Vistula River, and to inform the secretary general before the end of the session whether the question could be settled by direct negotiation. The council also resolved that the principles of the draft law concerning the acquisition and loss of nationality in the free city of Danzig, forwarded the high commissioner by the president of the Danzig senate on November 26, 1921, were acceptable; that any modification of principle therein must be approved by the council before enactment into law. The council also decided not to veto under article 6 of the treaty of November 9, 1920, the provisional commercial and consular agreement between Poland and Danzig on the one part and Norway on the other. The council then decided to accept, in accordance with article 103, paragraph 1, treaty of Versailles, the constitution of the free city of Danzig when amended so as to embody the draft law concerning the term of office of senators annexed to the letter of November 14, 1921, from the president of the senate. The council also received the Polish-Danzig agreement of October 24, 1921, by which the treaty of November 9, 1920, was executed and completed. It was decided to postpone to a later session the question of a port d'attaché for Poland in Danzig, the preliminary agreement providing safety and necessary harbor facilities for Polish war vessels remaining in force.

DISPUTE BETWEEN POLAND AND LITHUANIA.

On January 13, 1922, the council passed a resolution to the effect that it noted with regret that the Lithuanian and Polish Governments—the former by a note dated December 26, 1921, the latter by oral announcement of its representative at the meeting of the council on September 20, 1921—had refused to accept the council's final recommendation of September 20 for the settlement of the dispute between the two Governments over the Vilna district;

That the council noted these refusals, which under article 15 of the covenant ended the procedure of conciliation begun by the council's resolution of March 3, 1921;

That the council would accordingly withdraw its military commission of control in one month, and extend to the commission highest appreciation of its services;

That the council noted with satisfaction the formal engagement undertaken for both Governments by their representatives to abstain from any hostile act, and thus maintain the peace which had been preserved during the past year by the intervention of the League of Nations;

That the council invited the two Governments, if they could not come to an understanding, to confide their respective interests to friendly powers whose representatives could be intrusted with the supervision of peace measures recommended by the present resolution;

That the council's military commission had established two neutral zones, one in the Suwalki region on both sides of the so-called Curzon line, fixed by the supreme council on December 8, 1919, the other in the Vilna district; that it would be advisable as a modus vivendi after the commission's withdrawal to substitute a provisional line of demarcation for these neutral zones, no territorial rights to be prejudiced; that should this solution be accepted by the two Governments, the council was prepared to suggest measures for marking out the line;

That the council had received from the Lithuanian Government a protest, dated December 15, against the elections organized in the Vilna district by the administration established there under the military authority which had been in occupation since October 9, 1920.

That the council could not recognize any solution of a dispute submitted to the league by one of its members which might be reached without regard to the recommendation of the council or without the consent of both parties to the controversy.

That as to the protection of minorities Poland was bound by the Versailles treaty of June 28, 1919, and Lithuania by her declaration of September 14, 1921.

That as to the Vilna district, inasmuch as it was the league's duty to see that minorities were protected in Poland and Lithuania, the council believed both parties would consent to its sending representatives, if it thought proper, to collect information for a report to the council.

Mr. Narushevitch, representing Lithuania in the dispute, expressed disappointment that the council had been compelled to cease its efforts at a time when the situation was inflamed by attempts of the Polish Government to confirm the status quo by elections held under military occupation. He said that the origin of the dispute was the lack of a definite frontier between Lithuania and Poland; that Lithuania wished the council to request the allied and associated powers to determine the eastern frontiers of Poland in accordance with article 87 of the treaty of Versailles; that the absence of any league control

might affect seriously the future relations of the two countries, and that frontier incidents would probably revive on the commission's departure; that the Lithuanian delegation requested the council to appoint a high commissioner from a neutral nation to serve as intermediary between the two Governments and to protect racial groups in the controverted area; that the delegation could not consent to a new line of demarcation between Lithuanian forces and those of Zaligowski, as that would be a recognition of the position he had created and would practically set aside the agreement of Suwalki.

Mr. Askenazy, representing Poland, declined to accept these proposals and said he would forward the council's resolution to his Government. He thanked the council for its efforts in behalf of peace between the two countries, stating that Poland would continue to act in a spirit of conciliation, and expressing the hope that in time the parties might agree through direct negotiations.

The President, in the name of the council, requested the representatives of Poland and Lithuania to ask their Governments to reply in regard to the resolution in 10 days.

OPIUM TRAFFIC.

On the same day, January 13, the council authorized the secretary general to convene the second session of the opium advisory committee for April 25, 1922, or on some other date if after conference with the chairman it should seem advisable.

SALARIES OF PERSONNEL OF PERMANENT COURT OF INTERNATIONAL JUSTICE.

A memorandum was presented on January 13 by the secretary general as to action to be taken by council in accordance with article 32 of the statute of the court of international justice. The council then by resolution authorized the secretary general to inform the council concerning measures to be taken to regulate the question of the salaries to be allocated to the personnel of the permanent court of international justice.

EXPENSES CONNECTED WITH THE POLAND-LITHUANIA DISPUTE.

The secretary general on January 13 presented a memorandum on the expenses of the Polish-Lithuanian dispute setting forth that at a meeting at Brussels on October 20, 1920, the council had decided that the interested parties might reasonably be asked to pay the costs; that accordingly all expenditure incurred during 1921 had been regarded as reimbursable advances from working capital; that inasmuch as the second assembly had decided that a statement showing the status of the working capital fund should be prepared for audit at the end of 1921 it now became necessary for the council either to determine what should be done to obtain a recognition of the obligation on the part of Lithuania and Poland or to reconsider and amend its decision of October 20, 1920, so as to permit this expenditure, which amounted approximately to 225,000 gold francs, to be charged to current account.

The president stated that the two countries had never declined to bear the costs connected with the attempts to arrange the dispute and that the council would not surrender its right to reimbursement.

Representative Hanotaux advocated apportionment of expense between the two countries according to the system of allocation for league contributions, calling this a fairer method than an equal distribution. His proposal was adopted and the secretary general directed to so advise Poland and Lithuania.

RUSSIAN REFUGEES.

In the case of the Russian refugees it developed that Doctor Nansen in his work for them had through his personal prestige collected considerable sums of money, but that the league had not placed any funds at his disposal; that Doctor Nansen proposed to open an office at Constantinople to expedite relief measures.

ADMINISTRATION OF VISTULA IN TERRITORY OF FREE CITY OF DANZIG.

The council on January 13 authorized further negotiations between the harbor board of Danzig and Poland regarding the control and administration of the Vistula River in the territory of the free city of Danzig.

GENERAL HAKING REAPPOINTED HIGH COMMISSIONER FOR LEAGUE AT DANZIG.

On the same day the council reappointed General Haking as the league's high commissioner at Danzig for one year, the president of the council thanking him for his labors.

EASTERN CARELIA.

The president then invited Mr. Enckell, representing Finland, Mr. Pusta, representing Esthonia, Mr. Walters, representing Latvia, and Mr. Askenazy, representing Poland, to come to the council table for the purpose of considering the situation in eastern Carelia.

Mr. Enckell presented a statement in the form of a letter from the Finnish Government describing conditions in eastern Carelia, giving a history of its people and of their endeavor to secure freedom from Russia, both before and after the Bolshevist revolution. He said that in the treaty of Dorpat, between Finland and Russia, in 1920, Russia had agreed to grant autonomy to eastern Carelia, which was composed mostly of Finnish people, but had not fulfilled its agreement. He described the oppression of these people by Soviet Russia and the outbreak of a new effort on their part for independence, which was still in progress. He said the situation involved international peace, and he called on the league to act under article 11, paragraph 2, and article 17 of the covenant.

Mr. Pusta, representing Esthonia, supported Finland's request, while Latvia presented a statement taking a neutral position. Mr. Askenazy said that Poland had offered to mediate between Finland and Russia, but the offer had not been accepted.

The council requested the Marquis Imperiali to prepare a resolution on this subject for consideration at its next meeting.

TURK AND GREEK ATROCITIES IN NEAR EAST.

On motion of Mr. Harmsworth, representative of Great Britain, the council resolved on January 13 that having heard various reports of excesses alleged to have been committed both by Turkish and non-Turkish inhabitants in Turkish and Greek territories instructions be given the commissioner of the league at Constantinople to investigate any report of atrocities committed in these territories in the future and to report to the council.

REDUCTION OF ARMAMENTS.

The council of January 13 approved a letter to be sent by the secretary general, as ordered by the second assembly, to league members urging that for the succeeding two years no increase be made in expenditures on military, naval, and air forces over that of the current year and inclosing replies received to date from members to the similar letter authorized by the first assembly.

AGRICULTURAL LABOR.

The council decided on January 13 to submit on request of the French Government, through the French representative, Mr. Hanotaux, to the permanent court of international justice the question of the competency of the international labor office of the league to deal with problems of agricultural labor.

MANDATES.

The council decided to postpone until its next session consideration of the report of a subcommittee of the permanent mandates commission on the national status of the inhabitants of the territory under mandates B and C.

EXPENSE OF UPPER SILESIAN QUESTION.

The council resolved on January 13, in reference to its resolution of September 12, 1921, that the expense incurred in carrying out decisions relating to Upper Silesia should be charged in 1922 under the budget heading of "Unforeseen expenditure," such as special commissions of inquiry, etc.

SPANISH REPRESENTATIVE.

On January 14 Mr. de Reynoso replaced Mr. Quinones de Leon as Spanish representative.

EASTERN CARELIA.

On January 14 the Lithuanian delegation presented a letter from its Government joining in the appeal to the league to bring about a peaceful settlement of the eastern Carelia question.

The Marquis Imperiali then submitted a resolution relating to Eastern Carelia, which declared that the council, having heard the statement of the Finnish delegation on Eastern Carelia, contained in a letter from the Finnish Government, dated November 26, 1921, and the statements submitted by the Esthonian, Latvian, Polish, and Lithuanian representatives, was willing to consider the question with a view to arriving at a satisfactory solution if the parties concerned were agreeable; that one of the interested States, members of the league, which had diplomatic relations with the Soviet Government at Moscow, might ascertain the views of that Government in such respect; that it was to be hoped that one of these States could lend its good offices as between the parties to bring about a settlement in accordance with the league's ideals; that the secretary general be instructed to obtain all necessary information for the council.

ARMENIANS IN CILICIA.

The president stated to the council on January 14 that the recent evacuation of Cilicia by the French, following the treaty of Angora, had profoundly stirred the Armenian world; that complaints from the Armenian people and from the Catholic

Armenian Hierarchy had reached the Belgian Government; that it was considered to be the duty of the league to watch over the fate of the Armenian people in the future. He said that fortunately no deplorable incident had occurred during the evacuation, this being due to measures taken by the French Government; that the outlook for the future was dark, however, and that the council ought to suggest to the principal allied powers measures which would protect these people; that the moment was auspicious because negotiations were about to take place for definite peaceful conditions in that section; that promises had been made to the Armenian people, and that the second assembly had enacted a resolution which the council had laid before the principal allied powers in the shape of a recommendation; that the council should again direct the attention of these powers to the matter.

Mr. Hanotaux, representative of France, then presented a statement of France's course following her Angora agreement with nationalist Turkey. He said that for many reasons, and especially to reduce the burden of military expenditure, France had long intended to withdraw her troops from the Turkish territory she was still occupying; that the San Remo agreement of 1920 had roughly defined the zones which would be relieved of Turkish sovereignty and in which, under article 22 of the covenant, practically independent nations were to be set up under the guidance of a mandatory state; that north of the Syrian territories, which were to come under mandate, France had kept troops, which had been subjected to attacks by bands of Turkish nationalists, and which became involved, despite France's desire to end the state of war, in the conflict between Turkish nationalists and the Greek armies under Constantine. France determined, however, in reaching a peaceful understanding with Angora chiefs, to take all possible steps under existing conditions to protect and safeguard the Christian populations established in or who had returned to Cilicia, the Turkish nationalist territory from which France was retiring. The negotiations for this retirement and for peaceful relations had taken place in London with representatives of the nationalist chiefs of Angora, the nationalist capital of these chiefs and their followers. France had not been able to obtain at these negotiations all the conditions which had been imposed on a beaten and supposedly disarmed Turkey by the treaty of Sevres, but had succeeded in securing guaranties similar to those which the Allies had considered sufficient for racial and religious immunities in eastern Europe. These guaranties were covered by article 6 of the treaty with the Turkish nationalists, known as the treaty of Angora, in which it was declared that the government of the great national assembly of Turkey would confirm the rights of minorities which were solemnly recognized in the national covenant in accordance with the principles established in the conventions on this subject concluded between the allied powers, their enemies, and certain of their allies. Mr. Hanotaux averred that by this declaration the Angora military chiefs agreed to grant to the minorities in Cilicia full and entire protection of life and property, free exercise of religion, entire legal equality, including the right to hold office, free use of their own language even in the courts, and the right to establish and direct charitable, religious, social, and educational institutions. He said further that by article 5 of the same treaty the Angora chiefs agreed to grant full and complete amnesty, and had kept the agreement, having issued a proclamation of amnesty when these representatives began to officiate at Adana.

The French Government was not satisfied with having secured these promises, however, but sent a special mission under the supervision of a consul general experienced in eastern affairs, the members of this mission having taken up residence at Adana, Mersina, Deurtyol, and Ain Tab. The mission got into communication with the Angora chiefs, secured the removal of Turkish officials whose attitude toward the minorities was under suspicion, obtained a suspension of the military recruiting law for six months as to the Christians in Cilicia, and organized a Franco-Turkish commission, with a special police force to protect property abandoned by owners. Every assistance, Mr. Hanotaux continued, has been given the French mission by the recently appointed Turkish authorities in reassuring native Christians, among whom an attempt had been made to scatter panic. This attempt had borne fruit even before the French mission arrived, large numbers of Armenians having fled from their homes to look for refuge abroad. They had found ships ready to take them on the coast, ships which then proceeded to Egypt, Palestine, and Cyprus, the refugees encountering strict regulations by the local authorities, who would not permit them to land. Panic-stricken and homeless, they turned to the relief offered them under the French flag and were landed in the French mandated territories of Syria and Lebanon. The speaker went on to say that the French high commissioner organized a distribution point for the emigrants at Mersina, dividing them according to religion, means of support, occupation, etc.; that transportation by means of chartered or requisitioned ships was placed at their disposal to enable them to reach Syria; that other distribution points were set up on the frontiers of Cilicia and Beirut; that those with adequate means of support, or who could be reliably vouched for, or who were sure of getting employment, were permitted to live wherever their interests required; that for the others accommodations had been secured in barracks or in the Lebanon convents, which were at present unoccupied; that all able-bodied men were employed on works of public utility provided by the high commissioner; that wages were paid, of which a small part was reserved for the maintenance of their families; that many of the refugees had received reassuring news from Cilicia and were already talking of returning to their homes.

Mr. Hanotaux said further that the French high commissioner in Syria, although convinced that the French mission, in cooperation with the new Ottoman authorities, would handle the situation successfully, and that Christians in Cilicia would not be molested, had nevertheless taken measures to receive any further refugees and to care for them temporarily. He pointed out that the French Parliament had increased the credit at the disposal of the high commissioner in Syria from 20,000,000 francs to 50,000,000, in order that he might be able to do everything humanly possible for the Armenian refugees. He added that since January 4 the flight of refugees seemed to have ceased; that the French Government felt that by its treatment of the Cilician minorities it had maintained its traditional policy of generous protection to Christian communities in the East; that it gave this frank explanation to the council of the league pending ratification by Turkey and the Allies of a final treaty defining the rights of ethnical and religious minorities and the manner of their guaranty by the league; that according to the council's procedure the league's intervention could not become effective until the council had accepted the mandate which would be offered it by a treaty actually in force.

Mr. Harmsworth, representative of the British Empire, and Marquis Imperiali, representative of Italy, thanked Mr. Hanotaux for his statement.

The council then adopted a resolution reminding the principal allied powers, in view of the fact that the sufferings of the Armenian Nation had been aggravated by the delay of the restoration of peace in the East, and in the hope that negotiations then in progress between the principal allied powers would enable outstanding questions to be satisfactorily settled, leading to return of peaceful conditions in regions so long ravaged by war and by acts of violence from which Armenian populations had especially suffered, of the resolution adopted by the assembly on September 21, 1921, in which representatives of these powers participated, relating to the safeguarding of the future of the Armenian people—noting with satisfaction the statements of the French representative showing the steps taken by France to protect the Armenian populations—drawing attention of the principal allied powers to the urgent need for restitution of all possible measures for the protection of minorities in the Ottoman Empire, and stating the willingness of the council to cooperate to this end.

REPORT OF HEALTH COMMITTEE.

A report on the work of the health committee of the league was then presented by Doctor Rajchmaun, medical director. It covered the efforts of the subcommittee on opium, the relations between the health section and the health committee of the league, sanitary work in Russia and Poland, the question of the pneumonic plague in Manchuria and Siberia, the standardization of antitoxic sera, and so forth. The report was approved.

Mr. CURTIS. Mr. President, will the Senator yield, that I may move an executive session?

Mr. SHEPPARD. I yield for that purpose.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session, the doors were reopened, and (at 10 o'clock and 15 minutes p. m.) the Senate, under the order previously entered, took a recess until to-morrow, Tuesday, February 20, 1923, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate February 19, 1923.

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

Miles Poindexter, of Washington, to be ambassador extraordinary and plenipotentiary of the United States of America to Peru, effective March 5, 1923.

COMPTROLLER BUREAU OF ACCOUNTS, POST OFFICE DEPARTMENT.

Francis P. Sullivan, of the District of Columbia, to be Comptroller, Bureau of Accounts, Post Office Department, vice Charles A. Kram.

COMPTROLLER OF CUSTOMS.

Harry W. Spaulding, of New Hampshire, to be Comptroller of Customs in customs collection district No. 4, with headquarters at Boston, Mass., in place of Stephen S. Jewett, resigned.

RECEIVER OF PUBLIC MONEYS.

Oscar P. Hovind, of Montana, to be receiver of public moneys at Glasgow, Mont., vice Frank Seymour Reed, deceased.

PROMOTIONS IN THE REGULAR ARMY.

To be colonels.

Lieut. Col. Fred Radford Brown, Infantry, from February 15, 1923.

Lieut. Col. James Hanson, Infantry, from February 10, 1923.

To be lieutenant colonels.

Maj. Benjamin Delahauf Foulois, Air Service, from February 10, 1923.

Maj. Ralph Hill Leavitt, Infantry, from February 15, 1923.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY.

QUARTERMASTER CORPS.

Col. Edward Julius Timberlake, Coast Artillery Corps, with rank from August 22, 1919.

CHEMICAL WARFARE SERVICE.

Maj. Oscar Andrew Eastwold, Coast Artillery Corps, with rank from July 1, 1920.

FIELD ARTILLERY.

Maj. Nathan Horowitz, Finance Department, with rank from July 1, 1920.

Maj. George Williamson DeArmond, Air Service, with rank from July 1, 1920.

Capt. George Sampson Beurket, Coast Artillery Corps, with rank from January 1, 1920.

First Lieut. Clarence Dixon Lavell, Infantry, with rank from July 1, 1920.

Second Lieut. Alexander Thomas McCone, Infantry.

Second Lieut. George Bryan Conrad, Infantry.

APPOINTMENT IN THE REGULAR ARMY.

Viking Torsten Ohrbom, second lieutenant of Infantry with rank from February 14, 1923. Mr. Ohrbom's nomination was previously submitted to the Senate January 25, 1923, but was subsequently withdrawn as he had not reached the age of 21 years. He was born February 14, 1902.

PROMOTIONS IN THE NAVY.

Commander Clarence L. Arnold to be a captain in the Navy from the 9th day of February, 1923.

The following-named lieutenants to be lieutenant commanders in the Navy from the 3d day of June, 1922:

Frederick Baltsly.

Fred K. Elder.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 31st day of December, 1921:

John A. Rogers.

Arthur H. Cummings.

Lieut. (Junior Grade) Alfred J. Byrholdt to be a lieutenant in the Navy from the 1st day of January, 1922.

Lieut. (Junior Grade) Harold K. Smoot to be a lieutenant in the Navy from the 13th day of January, 1922.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 3d day of June, 1922:

Joseph Buchalter.
William D. Sample.
William L. Marsh.
Arthur F. Anderson.

Lieut. (Junior Grade) Braxton Rhodes to be a lieutenant in the Navy from the 12th day of July, 1922.

Lieut. (Junior Grade) Elwood H. Barkelew to be a lieutenant in the Navy from the 16th day of July, 1922.

Lieut. (Junior Grade) Emil B. Perry to be a lieutenant in the Navy from the 1st day of August, 1922.

Lieut. (Junior Grade) Louis T. Young to be a lieutenant in the Navy from the 16th day of August, 1922.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 2d day of September, 1922:

Donald McA. Mackey.

James E. Dyer.

Ensign Kenneth D. Muir to be a lieutenant (junior grade) in the Navy from the 1st day of July, 1920.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 31st day of December, 1921:

Frank Kerr.
Gilbert R. Whitworth.
Marvin G. Fox.
Edward J. Spuhler.
John J. Gaskin.
Joseph W. McColl, jr.
Claude B. Arney.

Ensign James R. Harrison to be a lieutenant (junior grade) in the Navy from the 1st day of January, 1922.

Ensign Edgar C. Suratt to be a lieutenant (junior grade) in the Navy from the 15th day of February, 1922.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 22d day of April, 1922:

John P. Bowling.
Sidney L. Huff.
Clarence H. Pike.
James M. Fernald.
Clarence L. Waters.

Ensign Nelson H. Eisenhardt to be a lieutenant (junior grade) in the Navy from the 9th day of May, 1922.

Ensign Lewis R. McDowell to be a lieutenant (junior grade) in the Navy from the 1st day of June, 1922.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 7th day of June, 1922:

Joseph H. Severyns.
Marcy M. Dupre, jr.
Daniel F. Worth, jr.
Thomas A. Gaylord.
Edgar P. Kranzfelder.
Robert W. Bockius.
Robert Bolton, jr.
Fred B. Avery.
Harry Corman.
Edward P. Wilson.
Levi D. York.
John F. Crowe, jr.
Goold N. Bull.
William A. Swanston.
Edwin H. Tillman, jr.
Frederick J. Cunningham.
John T. Bottom, jr.
Martin J. Gillan, jr.
Paul S. Slawson.
Charles D. Porter.
Valentine M. Davis.
Charles R. Woodson.
George W. Mead, jr.
David A. Hughes.
Richard P. Glass.
William Butler, jr.
Henry S. Dunbar, jr.

Ensign Arthur S. Billings to be a lieutenant (junior grade) in the Navy from the 1st day of August, 1922.

Carpenter Hamilton P. K. Lyons to be a chief carpenter in the Navy, to rank with but after ensign from the 19th day of January, 1922.

Ensign Ralph P. Noisat to be a lieutenant (junior grade) in the Navy from the 15th day of July, 1922.

The following-named assistant paymasters to be passed assistant paymasters in the Navy, with the rank of lieutenant, from the 3d day of June, 1922:

Robert H. Mattox.

Golden F. Davis.

Asst. Paymaster Herman F. Gingrich to be a passed assistant paymaster in the Navy, with the rank of lieutenant, from the 16th day of August, 1922.

Asst. Paymaster Harry R. Hubbard to be a passed assistant paymaster in the Navy, with the rank of lieutenant, from the 2d day of September, 1922.

MARINE CORPS.

Lieut. Col. Harold C. Snyder to be a colonel in the Marine Corps from the 11th day of February, 1923.

Maj. Charles F. Williams to be a lieutenant colonel in the Marine Corps from the 11th day of February, 1923.

Capt. Harry Schmidt to be a major in the Marine Corps from the 2d day of January, 1923.

First Lieut. Julius T. Wright to be a captain in the Marine Corps from the 18th day of July, 1922.

First Lieut. Samuel J. Bartlett to be a captain in the Marine Corps from the 26th day of July, 1922.

First Lieut. Oliver A. Dow to be a captain in the Marine Corps from the 18th day of August, 1922.

First Lieut. Louie W. Putnam to be a captain in the Marine Corps from the 21st day of October, 1922.

POSTMASTERS.

ALABAMA.

John W. Johnson to be postmaster at Langdale, Ala. Office became presidential October 1, 1921.

ARKANSAS.

Arthur V. Cashion to be postmaster at Eudora, Ark., in place of W. W. Ward, resigned.

Samuel G. Helm to be postmaster at Marianna, Ark., in place of C. J. Cotter, resigned.

CALIFORNIA.

Leonard G. Hardy, jr., to be postmaster at South San Francisco, Calif. Office became presidential October 1, 1922.

Alonzo F. Hann to be postmaster at Compton, Calif., in place of C. A. Dickison, resigned.

Charles P. Hoffman to be postmaster at Cement, Calif. Office became presidential October 1, 1922.

Nana M. Halferty to be postmaster at Tujunga, Calif. Office became presidential April 1, 1922.

COLORADO.

William A. Russom to be postmaster at Bristol, Colo. Office became presidential January 1, 1923.

Nellie M. Connelly to be postmaster at Hartman, Colo. Office became presidential January 1, 1923.

Merrill D. Harshman to be postmaster at Wiggins, Colo., in place of M. D. Harshman. Incumbent's commission expired September 9, 1922.

GEORGIA.

Mark A. Greene, jr., to be postmaster at Tallapoosa, Ga., in place of V. L. Howe, resigned.

E. Stelle Barrett to be postmaster at Union City, Ga., in place of W. M. Rogers. Incumbent's commission expired December 6, 1922.

James M. Lewis to be postmaster at Sparta, Ga., in place of Julia Fleming, deceased.

IDAHO.

Herbert L. Spencer to be postmaster at Paris, Idaho, in place of S. M. Rich, resigned.

ILLINOIS.

Marion F. Watt to be postmaster at Atlanta, Ill., in place of A. O. Haines. Incumbent's commission expired October 24, 1922.

Sheldon J. Portersfield to be postmaster at Chatsworth, Ill., in place of J. A. O'Neil. Incumbent's commission expired October 24, 1922.

Arthur G. Arnin to be postmaster at Columbia, Ill., in place of F. H. Henckler. Incumbent's commission expired October 24, 1922.

Seymour Van Deusen to be postmaster at Greenville, Ill., in place of M. M. Sharp. Incumbent's commission expired October 24, 1922.

Ross O. Bell to be postmaster at Heyworth, Ill., in place of M. B. Boyd. Incumbent's commission expired October 24, 1922.

Ray W. Birch to be postmaster at Neoga, Ill., in place of T. V. Worland. Incumbent's commission expired December 6, 1922.

Charles T. Wilson to be postmaster at Eldorado, Ill., in place of C. T. Wilson. Incumbent's commission expired December 6, 1922.

John F. Odell to be postmaster at Fairbury, Ill., in place of G. H. Franzen. Incumbent's commission expired December 6, 1922.

Thomas E. Richardson to be postmaster at Flanagan, Ill., in place of I. M. Garrison. Incumbent's commission expired December 6, 1922.

George H. Bargh to be postmaster at Kinmundy, Ill., in place of F. O. Grissom. Incumbent's commission expired October 24, 1922.

Wallace G. Harsh to be postmaster at Peotone, Ill., in place of B. R. Croxen. Incumbent's commission expired December 6, 1922.

William A. Fay to be postmaster at Jacksonville, Ill., in place of R. I. Dunlap. Incumbent's commission expired October 24, 1922.

INDIANA.

Allen J. Wilson to be postmaster at Danville, Ind., in place of W. J. Thompson, resigned.

James C. Taylor to be potsmaster at Mooreland, Ind. Office became presidential January 1, 1923.

IOWA.

Susana F. O'Bryan to be postmaster at Lovilia, Iowa, in place of T. M. States. Incumbent's commission expired November 21, 1922.

Jennie M. Berg to be postmaster at Royal, Iowa, in place of Clifford Bowman, removed.

Albert L. Richards to be postmaster at West Liberty, Iowa, in place of S. W. Koster, resigned.

KANSAS.

Adna E. Palmer to be postmaster at Kingman, Kans., in place of W. R. Long. Incumbent's commission expired September 13, 1922.

Margaret M. Marks to be postmaster at Oberlin, Kans., in place of C. N. Page. Incumbent's commission expired September 13, 1922.

LOUISIANA.

Clyde L. Nelson to be postmaster at Lillie, La. Office became presidential July 1, 1922.

MARYLAND.

Helen K. Longridge to be postmaster at Barton, Md. Office became presidential January 1, 1923.

MASSACHUSETTS.

Edward A. Hunt to be postmaster at South Sudbury, Mass. Office became presidential January 1, 1923.

Berton Williams to be postmaster at Ayer, Mass., in place of J. L. Markham. Incumbent's commission expired October 1, 1922.

Harry T. Downes to be postmaster at Hanover, Mass., in place of W. S. Curtis. Appointee failed to qualify.

M. Warren Wright to be postmaster at Rockland, Mass., in place of A. I. Randall, resigned.

Harry S. Tripp to be postmaster at Spencer, Mass., in place of H. E. Lanagan. Incumbent's commission expired October 1, 1922.

MICHIGAN.

Myrtle Cross to be postmaster at Au Gres, Mich. Office became presidential January 1, 1923.

Albert H. Rhody to be postmaster at Capac, Mich., in place of W. E. Warren. Incumbent's commission expired November 21, 1922.

MINNESOTA.

Frank L. Lane to be postmaster at Bigelow, Minn. Office became presidential January 1, 1923.

Frank A. Lindbergh to be postmaster at Crosby, Minn., in place of F. A. Lindbergh. Incumbent's commission expired September 26, 1922.

Aida P. Conger to be postmaster at Becker, Minn. Office became presidential July 1, 1920.

Francis E. Iams to be postmaster at Cloverton, Minn. Office became presidential July 1, 1922.

William B. Stewart to be postmaster at Bemidji, Minn., in place of A. P. Ritchie. Incumbent's commission expired January 6, 1920.

Marie C. Bergeson to be postmaster at Lake Park, Minn., in place of E. T. Vigen, resigned.

Charles C. Jarvis to be postmaster at Mora, Minn., in place of W. J. Struble, removed.

Daniel Shaw to be postmaster at Thief River Falls, Minn., in place of John Morgan, resigned.

MISSISSIPPI.

Myra P. Varnado to be postmaster at Osyka, Miss., in place of J. J. Stokes, deceased.

John M. Curlee to be postmaster at Rienzi, Miss., in place of H. L. Robins. Incumbent's commission expired November 18, 1922.

Prentice O'Rear to be postmaster at Columbus, Miss., in place of T. H. Sharp, resigned.

J. D. Hale to be postmaster at Scott, Miss., in place of C. J. Carpenter, appointee, declined.

Walter L. Collins to be postmaster at Union, Miss., in place of W. L. Collins. Incumbent's commission expired September 26, 1922.

NEBRASKA.

Estella E. Murray to be postmaster at Belgrade, Nebr., in place of E. E. Murray. Incumbent's commission expired November 21, 1922.

Vernon D. Hill to be postmaster at Diller, Nebr., in place of J. O. Blauser. Incumbent's commission expired November 21, 1922.

Harry C. Haverly to be postmaster at Hastings, Nebr., in place of R. B. Wahlquist. Incumbent's commission expired November 21, 1922.

Frederick Nielsen to be postmaster at Lexington, Nebr., in place of O. K. Jones. Incumbent's commission expired December 6, 1922.

Frederick H. Davis to be postmaster at Madison, Nebr., in place of F. H. Davis. Incumbent's commission expired October 3, 1922.

Charles T. Gammon to be postmaster at Rushville, Nebr., in place of J. C. Dullaghan. Incumbent's commission expired October 3, 1922.

Charles M. Steil to be postmaster at Scribner, Nebr., in place of A. G. Schoeneck. Incumbent's commission expired October 3, 1922.

Harry S. Prouty to be postmaster at Spencer, Nebr., in place of W. D. Bradstreet. Incumbent's commission expired October 3, 1922.

Harvey A. Loerch to be postmaster at Tekamah, Nebr., in place of John Canfield. Incumbent's commission expired October 3, 1922.

NEW HAMPSHIRE.

Willard P. Wakefield to be postmaster at Profile House, N. H. Office became presidential January 1, 1923.

Joseph H. Geisel to be postmaster at Manchester, N. H., in place of J. R. Willis, removed.

NEW JERSEY.

Forrest Green to be postmaster at Long Branch, N. J., in place of T. L. Slocum. Incumbent's commission expired October 24, 1922.

Arthur Knowles to be postmaster at Phillipsburg, N. J., in place of C. D. Garis, removed.

Alfred J. Perkins to be postmaster at Atlantic City, N. J., in place of W. B. Loudenslager. Incumbent's commission expired October 24, 1922.

Rufus O. Walling to be postmaster at Keyport, N. J., in place of R. O. Walling. Incumbent's commission expired November 21, 1922.

B. Frank Barkley to be postmaster at Lambertville, N. J., in place of J. A. Cleary. Incumbent's commission expired October 24, 1922.

NEW MEXICO.

Charles B. Thacker to be postmaster at Raton, N. Mex., in place of W. C. Brannin. Incumbent's commission expired September 1, 1920.

Antonio Martinez to be postmaster at Taos, N. Mex., in place of E. A. Trujillo, resigned.

Chester G. Parsons to be postmaster at Wagon Mound, N. Mex., in place of C. G. Parsons. Incumbent's commission expired December 6, 1922.

NEW YORK.

Harrison D. Todd to be postmaster at Arkville, N. Y., in place of J. A. Harrington. Incumbent's commission expired July 21, 1921.

Walter L. Bibbey to be postmaster at Fort Edward, N. Y., in place of E. G. Boyd. Incumbent's commission expired November 21, 1922.

William A. Baldwin to be postmaster at Norwich, N. Y., in place of E. S. Moore. Incumbent's commission expired November 21, 1922.

Earl J. Conger to be postmaster at Waterville, N. Y., in place of A. C. Salisbury. Incumbent's commission expired October 24, 1922.

Irving Barrett to be postmaster at Bedford Hills, N. Y., in place of Irving Barrett. Incumbent's commission expired October 24, 1922.

William D. Shepard to be postmaster at Geneseo, N. Y., in place of J. M. Dwyer. Incumbent's commission expired September 19, 1922.

Arthur C. Davis to be postmaster at Gilboa, N. Y., in place of M. L. Lewis, resigned.

Ashmer R. Collins to be postmaster at Norwood, N. Y., in place of A. R. Collins. Incumbent's commission expired November 21, 1922.

Carroll F. Simpson to be postmaster at Phoenicia, N. Y., in place of C. F. Simpson. Incumbent's commission expired October 24, 1922.

NORTH CAROLINA.

Benjamin E. Atkins to be postmaster at Apex, N. C., in place of S. A. Branch. Incumbent's commission expired October 24, 1922.

Charles F. Smathers to be postmaster at Canton, N. C., in place of F. R. Mease, resigned.

NORTH DAKOTA.

John M. Carignan, sr., to be postmaster at Fort Yates, N. Dak. Office became presidential January 1, 1923.

James R. Meagher to be postmaster at Velva, N. Dak., in place of Frank Renning. Incumbent's commission expired September 5, 1922.

OHIO.

William C. Ledman to be postmaster at Zanesville, Ohio, in place of J. R. Alexander, resigned.

OKLAHOMA.

Edward C. Baxter to be postmaster at Gage, Okla., in place of G. E. Baker. Incumbent's commission expired May 24, 1922.

Edith B. Foster to be postmaster at Wagoner, Okla., in place of V. B. Ellington. Incumbent's commission expired January 27, 1923.

George H. Blackwood to be postmaster at Hominy, Okla., in place of G. H. Blackwood. Incumbent's commission expired October 24, 1922.

OREGON.

Chester G. Coad to be postmaster at Dallas, Oreg., in place of V. P. Fiske. Incumbent's commission expired September 5, 1922.

Thomas W. Angus to be postmaster at Gardiner, Oreg., in place of L. M. Perkins, resigned.

PENNSYLVANIA.

Fred L. Webster to be postmaster at Emporium, Pa., in place of P. H. Eagan, deceased.

H. H. McDowell to be postmaster at Denbo, Pa., in place of H. B. Hinsley, resigned.

TENNESSEE.

William M. Rogers to be postmaster at Pressmen's Home, Tenn., in place of L. D. Carmack. Incumbent's commission expired March 16, 1921.

TEXAS.

Thomas M. Welch to be postmaster at Palestine, Tex., in place of R. C. Matthews. Incumbent's commission expired September 5, 1922.

Harry Reast to be postmaster at Whitesboro, Tex., in place of R. J. Kennedy. Incumbent's commission expired September 5, 1922.

VIRGINIA.

Lawrence L. Jacobs to be postmaster at Hanover, Va. Office became presidential January 1, 1923.

Charles F. Flanary to be postmaster at Jonesville, Va., in place of C. H. Willoughby, resigned.

WASHINGTON.

Alfred B. Brewster to be postmaster at Benton City, Wash. Office became presidential April 1, 1922.

Edward A. Morris to be postmaster at Rockport, Wash. Office became presidential January 1, 1923.

Thomas A. Graham to be postmaster at Goldendale, Wash., in place of Talleyrand Bratton, resigned.

James F. Greer to be postmaster at Pe Ell, Wash., in place of Albert Meade. Incumbent's commission expired October 24, 1922.

Fred W. Hoover to be postmaster Eatonville, Wash., in place of C. O. Jackson. Incumbent's commission expired October 14, 1922.

Edward C. Campbell to be postmaster at Kettle Falls, Wash., in place of G. H. Bevan. Incumbent's commission expired October 14, 1922.

Sydney Relton to be postmaster at Richland, Wash., in place of W. M. Relton. Incumbent's commission expired October 14, 1922.

Arthur A. Bousquet to be postmaster at Wenatchee, Wash., in place of C. A. Battles. Incumbent's commission expired October 14, 1922.

WISCONSIN.

Nicholas Hubing to be postmaster at Belgium, Wis. Office became presidential January 1, 1923.

Ellen E. Hains to be postmaster at Fall River, Wis. Office became presidential October 1, 1922.

Carl V. Dahlstedt to be postmaster at Port Wing, Wis. Office became presidential January 1, 1923.

George B. Keith to be postmaster at Milton Junction, Wis., in place of G. B. Keith. Incumbent's commission expired January 24, 1922.

Bernard A. McBride to be postmaster at Adams, Wis., in place of C. R. Eaton. Incumbent's commission expired October 4, 1922.

Frank M. Le Count to be postmaster at Hartford, Wis., in place of A. J. Hemmy. Incumbent's commission expired September 8, 1921.

Stephen S. Summers to be postmaster at Milton, Wis., in place of D. A. Holmes. Incumbent's commission expired September 5, 1922.

WYOMING.

Edward Bottomley to be postmaster at Kleenburn, Wyo. Office became presidential January 1, 1923.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 19, 1923.

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

Miles Poindexter to be ambassador extraordinary and plenipotentiary to Peru, effective March 5, 1923.

POSTMASTERS.

CONNECTICUT.

George L. Gardner, Central Village.
William P. English, Collinsville.
Burton Hodge, Roxbury.

FLORIDA.

Albert H. Maxwell, Eastport.
Ethel H. Gannaway, Lemon City.

IDAHO.

Osmond Buchanan, Blackfoot.

ILLINOIS.

Blanche V. Anderson, Leland.
Harry C. Shales, North Crystal Lake.
William C. Kelley, Simpson.
John F. Mains, Stronghurst.
David G. Birkett, Washington.

KENTUCKY.

Elizabeth M. Godsey, Hardburly.
Eugene C. Stockwell, Trenton.

MAINE.

James Mahaney, Cherryfield.

MICHIGAN.

Grace Tillie, Honor.
Perry Anderson, Stanwood.
Gertrude S. Scott, Sterling.

NEBRASKA.

Harry A. Riley, Spalding.

NEVADA.

Annie J. Christensen, Fernley.

NEW JERSEY.

Reuben Coyte, Coytesville.
William G. Britton, Frenchtown.
Clayton E. Green, Glen Gardner.
Walter W. Whitman, Pleasantville.
Peter Tillman, Rahway.
Edward J. Tidabach, Short Hills.
William A. Polhemus, Whippany.

NEW YORK.

Christopher Martin, Altamont.
Hilbert W. Becker, Brightwaters.
Emil M. Pabst, Huntington Station.
Robert B. Hoag, Iona Island.
Albert M. Thayer, Livonia.
Charles G. Mackey, jr., Milton.
Henry A. Holley, Otisville.
Henry E. Johnston, Spencer.
Francis D. Lynch, Stony Point.

NORTH CAROLINA.

Jasper R. Guthrie, Graham.
Joseph M. Carstarphen, Tarboro.

NORTH DAKOTA.

Inez Grams, Bowbells.
Henry W. Willis, Lansford.
Will N. Thompson, Marmarth.
Clarence A. Vasey, Mott.

OHIO.

Leonard T. Cool, Canton.
Eugene G. Dick, Oberlin.

OKLAHOMA.

Eugene F. Harreld, Ardmore.
S. Edgar Thomas, Dewey.
Cora A. Sharp, Foraker.
Charles C. Sellers, Quapaw.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 19, 1923.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, in the strength which Thou hast most graciously given us, we bow in Thy presence. May the thought of Thy loving Father fatherhood arouse in us devout reverence and holy desire to do Thy will. Do Thou accept our humble offerings of gratitude and praise. So direct us that all endeavor shall be with high aims that touch the present and future welfare of our country. Bestow great wisdom and courage so that the integrity of all Christian institutions shall be made secure. Nobly will our work be done if molded by the standards of Him who is the perfect model for all men. Help us to go on each day from strength to strength in the cultivation of those virtues which are the abiding realities for all time; through Jesus Christ our Lord. Amen.

The Journal of the proceedings of Saturday, February 17, and of Sunday, February 18, were read and approved.

The SPEAKER. To-day is suspension day, and the Clerk will report the first bill on the Unanimous Consent Calendar.

LAC DU FLAMBEAU BAND—LAKE SUPERIOR CHIPPEWAS.

The first bill on the Calendar for Unanimous Consent was the bill H. R. 6428, for the enrollment and allotment of members of the Lac du Flambeau Band of Lake Superior Chippewas in the State of Wisconsin, and for other purposes.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, although I question whether it is for the best interests of these Indians to have their lands allotted, yet in view of the statements of the gentleman from Wisconsin and the Assistant Secretary of the Interior I will not press my objection in view of amendments that are going to be offered by my colleague.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That within 90 days after the approval of this act the Secretary of the Interior be, and he hereby is, authorized and directed to add to the existing rolls of the Lac du Flambeau Band of Chippewa Indians the names of all persons legally entitled to enrollment born prior to the approval of this act, including the issue of members of the band heretofore enrolled or who may be enrolled hereunder, such roll to constitute the final roll of the Lac du Flambeau Band. In the preparation of this roll the said Secretary shall be assisted by a committee of members of the said band duly appointed at a general council of the Lac du Flambeau Band called for that purpose. Immediately after the approval of the roll the Secretary of the Interior shall cause allotments of land within the Lac du Flambeau Indian Reservation to be made to the members of the band whose names appear on said additional roll (exclusive of the merchantable timber on such land) in conformity with the provisions of the treaty of September 30, 1854 (10 Stat. L., p. 1109), and acts of Congress applicable to allotting lands to members of an Indian tribe: *Provided,* That if there is not sufficient unappropriated land on the reservation to give each member the full acreage to which he or she is entitled, the Secretary of the Interior may prorate the lands as nearly as practicable among the members so enrolled. The patents for the allotments made hereunder shall issue to the allottees as early as practicable after the merchantable timber thereon has been removed, and the right is hereby reserved to the United States to cut and market the merchantable timber on the lands so allotted, the proceeds to be disposed of as herein provided. When the merchantable timber has been cut from the lands so allotted the title to such timber as remains on said lands shall thereupon pass to the respective allottees: *Provided further,* That the land allotted or reserved hereunder shall be subject to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country until otherwise provided by Congress.

Mr. A. P. NELSON. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Amendment offered by Mr. A. P. NELSON: On page 2, line 8, after the word "the" before treaty, strike out all following up to and including the word "tribe," on line 11, and insert in lieu thereof the following: "General allotment act of February 8, 1887 (24 Stat. 338), as amended, the trust patents to said allotments to contain the usual 25-year restriction clause as to alienation and taxation."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk, continuing the reading of the bill, read as follows:

SEC. 2. That the Secretary of the Interior be, and he hereby is, authorized to sell, at the current market value in the year which the timber is cut or logged the merchantable timber on the lands allotted under the provisions of this act under such rules and regulations as he may prescribe, the net proceeds derived therefrom, together with any undistributed proceeds derived from the sale of timber heretofore cut and sold from such lands, shall be distributed per capita and paid to the members of the band enrolled under the provisions of this act where such members are or may hereafter be adjudged by the Secretary of the Interior to be competent to manage their own affairs and care for their own business; and in cases where members have not been adjudged competent by the Secretary of the Interior their shares shall

be deposited to their individual credit as individual Indian moneys are now deposited and paid to them or used for their benefit under the supervision of the Secretary of the Interior: *Provided*, That of the amount now on deposit derived from the sale of tribal timber, at least $50,000 shall be distributed among the members enrolled under the provisions of this act as early as practicable after the approval of the roll as herein provided.

Mr. STAFFORD. Mr. Speaker, I move to strike out the last word. I understand the amendment adopted in section 1 places a limitation on the alienation for 25 years so that the Indians can not dispose of their allotments within 25 years?

Mr. A. P. NELSON. That is correct; and, furthermore, if at the end of 25 years some Indians are found not to be competent, then the bureau under the law has a right to make an extension of 10 years more.

Mr. STAFFORD. Mr. Speaker, I withdraw the pro forma amendment.

Mr. A. P. NELSON. Mr. Speaker, I offer the following amendment to section 2.

The Clerk read as follows:

Page 3, section 2, line 4, after the word "authorized," insert the following: "by the advice and consent of the Indian council representing the band."

Mr. STAFFORD. Will the gentleman please make some explanation of that?

Mr. A. P. NELSON. This has been offered to meet the objection of my colleague from Pennsylvania [Mr. KELLY], who insisted that it ought to be within the province of the Indians themselves to consent and agree to the sale of timber when made. Hence I offer the amendment suggested by Mr. KELLY, which was that it should be by the advice and consent of the Indian council representing the band.

Mr. STAFFORD. Will not the effect of that be to hold up the sale of the timber that has been cut until the band gathers in communal meeting and approves of the sale?

Mr. A. P. NELSON. Not necessarily.

Mr. STAFFORD. If this amendment is agreed to it will read:

That the Secretary of the Interior be, and he hereby is, authorized, by the advice and consent of the Indian council representing the band to sell at the current market value in the year in which the timber is cut or logged.

And so forth.

I question whether it is not going to result in holding up unnecessarily the timber that has been cut.

Mr. A. P. NELSON. Personally I am in favor of the bill as originally drawn, but this amendment is offered to meet the objection of the gentleman from Pennsylvania [Mr. KELLY], who would not consent to the bill being passed without that amendment. However, if there is objection to it I am willing to withdraw the amendment.

The SPEAKER. The gentleman withdraws his amendment.

Mr. A. P. NELSON. Mr. Speaker, I have another amendment, which I send to the desk.

The Clerk read as follows:

Page 3, section 2, line 20, after the word "deposit," insert the words "and hereafter."

The SPEAKER. The question is on agreeing to the amendment.

Mr. BLANTON. Mr. Speaker, what is that for?

Mr. A. P. NELSON. At the present time there is only about $24,000 on deposit, and the amendment is offered so that there at least will be $50,000.

Mr. BLANTON. Are all these amendments committee amendments?

Mr. A. P. NELSON. They are all agreed to by the committee.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 3. That there be set aside for the village of Lac du Flambeau, lots 3 and 4 of section 8, and lots 3 and 4 of section 5, township 40 north, range 5 east; for the Indian village, lots 1, 2, 3, 4, and 5 of section 1, and lots 1, 5, 6, and 7 of section 2, and lots 1, 2, and 3 of section 12, township 40 north, range 5 east; and for the school agency farm, approximately 200 acres of unappropriated land, and sections 6 and 7, township 40 north, range 5 east.

With the following committee amendment:

Page 4, line 1, beginning with the word "that," strike out the remainder of the section and insert in lieu thereof the following: "sold from such lands, shall be distributed per capita to the members of the band enrolled under the provisions of this act where such members are or may hereafter be adjudged by the Secretary of the Interior to be competent to manage their own affairs and care for their own business; and in cases where members have not been adjudged competent by the Secretary of the Interior, their shares shall be deposited to their individual credit as individual Indian moneys are now deposited and paid to them or used for their benefit under the supervision of the Secretary of the Interior: *Provided*, That of the amount now on deposit derived from the sale of tribal timber, at least $50,000 shall be distributed among the members enrolled under the provisions of this act as early as practicable after the approval of the roll as herein provided."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

JURISDICTION OF MISSISSIPPI RIVER COMMISSION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13459) extending the jurisdiction of the Mississippi River Commission and making available funds appropriated under authority of an act entitled "An act to provide for the control of the floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes," approved March 1, 1917, for the purpose of controlling the floods of the Mississippi River from the mouth of the Ohio River to Rock Island, Ill., and for the purpose of controlling the floods of the tributaries of the Mississippi River between the mouth of the Ohio River and Rock Island, Ill., including levee protection and bank protection, in so far as said tributaries are affected by the flood waters of the Mississippi River.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WILSON. Mr. Speaker, this is the bill from the Committee on Flood Control, and on behalf of the author, Mr. KOPP, who is absent to-day, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

SALARIES OF AUDITOR AND DEPUTY AUDITOR OF PHILIPPINE ISLANDS.

The next business on the Calendar for Unanimous Consent was the bill (S. 3617) to fix the salaries of the auditor and deputy auditor of the Philippine Islands.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, I object.

Mr. TOWNER. Mr. Speaker, I ask unanimous consent that the bill may continue its place on the calendar. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, may I ask the gentleman from Iowa what rights will accrue to the bill by having it die in the closing hours of Congress still on the calendar?

Mr. TOWNER. I hope to find some propitious moment when gentlemen will feel that they ought not to object.

Mr. STAFFORD. It will have the advantage that the calendars on the last day will show that the bill is on two separate calendars.

Mr. BLANTON. I notice that nothing that affects the Philippine Islands or any islands in that direction ever passes without the gentleman protecting its interests, so I shall not object.

The SPEAKER. Is there objection to the request of the gentleman from Iowa that the bill may retain its place on the calendar?

There was no objection.

PINEY BRANCH ROAD.

The next business on the Calendar for Unanimous Consent was the bill (S. 1066) to authorize the Commissioners of the District of Columbia to close Piney Branch Road between Seventeenth and Taylor Streets and Sixteenth and Allison Streets NW., rendered useless or unnecessary by reason of the opening and extension of streets called for in the permanent highway plan of the District of Columbia.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized to close Piney Branch Road from Seventeenth and Taylor Streets to Sixteenth and Allison Streets NW., upon the application in writing of the owner or owners of all of the property abutting on said road between the limits named, and upon the closing of said road the land embraced therein shall revert to the owners of the abutting property.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

EXTENSION OF REMARKS.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. HAWES] have permission to extend his remarks in the RECORD in 8-point type on the alien-property question.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the gentleman from Missouri [Mr. HAWES] may extend his remarks in the RECORD in 8-point type on the alien-property question. Is there objection?

There was no objection.

PRIVATE PROPERTY SHOULD NOT BE CONFISCATED FOR PUBLIC DEBT.

Mr. HAWES. Mr. Speaker, the United States should return all property now held by the Alien Property Custodian except those patents which are now in litigation, or if part is withheld, a definite statement should be contained in the partial release that the balance is not retained for security or ultimate confiscation.

The bill under consideration defends the medieval doctrine of the use of private property as security for public debt, and, in addition, contains the threat of confiscation.

We are not dealing with the property of the German Government. We are considering the disposition of the private property of individuals.

These individuals were invited to make investments in our country and had the right to feel entirely secure because of the established policy of the American Government.

The United States is not constrained to violate the uses of civilization, either to punish an enemy or palliate a friend. Our policy should be one of justice, humanity, and right, irrespective of the acts of others. There is no obligation of imitation that binds us to do those things which are wrong.

The private property of alien individuals must be secure in times of peace, war, and the settlement of war. There should never be a period when it is not secure. Its established security will be our best bid for the business of the world and the respect of the world.

Retaining the principle is the grave issue. What proportion of money shall be returned is of secondary consequence. Humane reasons dictate a return of all or a large portion of this private property, but the principle of the sacredness of private property in its relation to public debt should be preserved without impairment.

In violating our traditions we pass a legacy to posterity which will rise to strike them at a future time.

If we change our policy and now hold as security—with the threat of ultimate confiscation—the private property of individuals, Japan, England, or any other nation may in the future justify similar conduct.

We have the power to confiscate. That is not in dispute. It is whether we shall exercise the power that causes this discussion.

The limitation of $10,000 in the release is wrong in both equity and principle. If only a limited portion of the property is to be returned now it should be upon an agreed percentage, affecting all property held, whether small or large. We can not justify an arbitrary dead line regulated by the amount of property.

While the State Department is advocating a policy of holding private property of individuals for security for a public debt, the responsibility for the passage of this act rests exclusively upon Congress and upon each individual Member of Congress, and not upon the State Department, which can only carry out the expressed will of Congress.

American investments abroad are increasing, and it is manifestly to our advantage that they should increase, because with their increase we add to our ability to sell our surplus products.

No discussion is necessary to prove not only the advantage but the necessity for increased sales of our surplus products abroad.

The decision of Congress in this matter will fix the status of all of our foreign investments.

We have refused to recognize Mexico because of her laws relating to American investments; and yet this bill proposes, and the State Department advocates, the principle of holding the private property of individuals as security for a public debt.

An extension of this principle would mean the right to seize the private property of any national and use it as security for the public debt of the Government of that national.

Once this principle is recognized in our public life all international comity, stability, and certainty will cease.

We can not afford to sacrifice a great fundamental principle for a seeming transitory benefit.

THE ORIGINAL ACT.

Shortly after our entrance into the World War Congress created the office of Alien Property Custodian for the following avowed purposes:

First. To prevent the use of this property in a manner injurious to the interests of the United States; and

Second. To conserve and protect the property of alien nationals situated within the United States.

The bill was discussed by two great committees of the Senate and House. Representatives of all the executive departments of the Government who appeared as witnesses, without exception, declared with great positiveness that it was not the intention of Congress to confiscate this property, but that, upon the contrary, it was to be returned to the private owners upon the conclusion of hostilities.

In the discussions on the floor of both the House and Senate the declaration was made time and again by the sponsors of the bill that the United States was taking over the property temporarily in the capacity of a custodian, and that the property would be returned to the private individuals owning it upon the conclusion of the war.

There was an absolute, unqualified unanimity of opinion on this subject. This unanimity was not broken by recorded declaration from any executive officer of the Government by either a Senator or a Member of the House.

PROPERTY CONSERVED.

Acting as official custodian for the American people, Mr. Palmer took possession of German, Austrian, and Hungarian property belonging to the private citizens of those countries, amounting to approximately $600,000,000; and, in addition, the Government took over 128 German vessels then in American ports. None of these vessels was seized upon the high seas or captured during the war. They were interned in the ports of the United States and had at the time of their seizure an approximate valuation of $400,000,000.

The value of these interned ships has been greatly reduced and their selling price to-day can only be estimated. It has been asserted that a fair estimate would proximate $200,000,000.

The Alien Property Custodian, because of certain amendments releasing property held under the original act, and because of various rulings of his department, has released property held by him until he now holds approximately $350,000,000 in trust for the civilian citizens of Germany and Austria-Hungary.

This property is largely of an investment character made many years prior to our entrance into the war, at a time when peace and cordial relations existed between Germany, Austria, and the United States. Nearly every species of real and personal property is covered by it. Some of the investments are small; some of large proportions. Investments in partnerships; investments in private businesses; investments in corporations, in banks, railroads, and various forms of public utilities and public works.

Many of the investments were made for these foreign citizens by relatives and friends, citizens of our country; by children for their parents; by the brother for the sister. Usually there existed close ties of blood or friendship.

The invitation to make these investments was due to a well-established American policy understood by all law writers and recognized throughout the world.

The American doctrine that private property could not be used as security or confiscated for the payment of a public debt was so clearly established that it was not in dispute.

American representatives at The Hague time and again stood for this declaration of principle.

Cordial invitations to invest were made and accepted and there seemed to be little doubt of the American position in this matter until Secretary Hughes had approved the novel theory of holding private property as security for public debt.

It is proposed under this bill to return $44,362,002.08, leaving in the possession of the custodian $273,966,899.82, and in the custody of the Government the 128 German ships, of an estimated value of $200,000,000, so that, if this bill passes, we will still retain and hold property belonging to the civilian nationals of Germany and Austria-Hungary amounting to approximately $500,000,000.

PROPERTY HELD BY GERMANY.

Austria-Hungary never took over any American property during the war and never held the property of any American citizen.

Germany has released all real and personal property, excepting certain bank accounts which are now in dispute regarding the value of the mark. Of the money now held by her it may be safely estimated that over 90 per cent is in the nature

of bank balances which were in German banks at the time of our entry into the war and were largely counterbalanced by the equalizing of deposits of German citizens in American banks. So that, eliminating the question of adjustment between these bank deposits on each side, there remains no American property held by Austrians and but a very small amount held by Germany.

The Alien Property Custodian had this to say on this subject:

"Question by Mr. LEA: I have gathered from statements in the newspapers that an agreement was made between the United States and Germany by which American citizens were to be paid the full value of the mark as of the day the United States entered the war. Do you know whether or not there is any such agreement?

"Mr. MILLER. I was informed by an attorney of the Mixed Claims Commission that they had either arrived at such a decision, or were about to arrive at a decision, which would settle the value of the mark at the average cable value 30 days preceding our entry into the war. That was 18 cents, as I understand it, Mr. LEA.

"Mr. LEA. Do you know about the total value of the claims of American citizens of property in the hands of the German alien property custodian?

"Mr. MILLER. I do not. This is merely a guess, Mr. LEA, but I understand that at no time did the German custodian have over one hundred millions of property over there, and the Austria-Hungarian Government, so I am informed, never had any alien property custodian, and did not seize property belonging to American citizens."

This would seem to indicate that, as soon as the question of the value of marks was settled, all property of every character formerly held by Germany will have been released and satisfied.

Showing our view of the Government of seizing and holding private property of enemy nationals, we must remember that all German and Austrian subjects found within the United States during the period of the war were never dispossessed of their property. They are still in possession of it, and only when interned and placed under specific suspicion was their property taken over, so that we see at once that a distinction is made between those nationals who were in our country and those nationals who were abroad.

CHARACTER OF AMERICAN CLAIMS.

American claims, with the possible exception of the bank balances still in dispute, are not claims of American citizens against the private citizens of Germany, Austria, and Hungary, but are claims of American citizens against the German Government, and are for damages growing out of the war because of acts committed by the German Government and not by the civilian citizens of Germany.

It has been stated before our committee and not disputed that 90 per cent of these claims are those of marine-insurance companies, growing out of the sinking of cargoes during the war, for which the insurance companies were paid in the form of premiums, and the insurance companies have paid the owners of the cargoes damages for their losses.

Insurance risks are based upon the hazard incurred.

Insurance may be described as a scientific gamble on probabilities. Insurance companies write insurance upon the duration of a man's life, upon an accident, upon contagious diseases. They gamble on the act of God, a storm, hail, tornado, earthquake, flood. They gamble upon fire. They gamble against the breaking down of machinery at sea, on the storm at sea, upon all forms of accidents at sea. They gamble on the collision of automobiles. They gamble on a man's honesty or dishonesty. They gamble on the lawbreaker, insuring against theft and burglary. They compute by chances and fix their rates according to risk.

Modern civilization could hardly exist without these great companies, and their element of chance is worked out upon scientific bases insuring their own capacity to pay.

In insuring cargoes during the war they voluntarily assumed the risk created by the war, and charged according to the risk assumed. Instead of losing money during the war by the sinking of cargoes, they are reported to have made great sums of money, because the loss of life and loss of cargoes by American citizens was comparatively small compared with the extent of tonnage and passenger transportation which safely crossed the ocean during the period of the war.

If the statement that 90 per cent, or even 75 or 50 per cent of the total claims by American citizens are of this character is true, they are certainly open to contention if not objection.

There are about 130 claims for loss of life during the entire period of the war, including the *Lusitania* outrage. These claims for loss of life vary from $10,000 to $100,000, but if each were allowed $100,000, the total, including the Pittsburgh Plate Glass Co. claim for damages done in Belgium, would not exceed $15,000,000.

This estimate is the maximum, and it is not believed by either the custodian or the counsel for these claimants that over 50 per cent of this amount will be awarded.

On this subject the Alien Property Custodian made the following statement:

"Mr. MILLER. Now, to depart briefly and give merely what I understand personally, it is said there will be probably a billion dollars worth of claims filed with the Mixed Claims Commission against Germany and Austria-Hungary. That seems like a large sum of money. All precedents show that all war claims in past wars were settled on a basis of about 8 per cent. If that is carried out in an adjudication of these claims the settlement would amount to eighty million. Not that I adhere to this principle, but you will find, if you look over the record of past wars, that loss of life has been settled at a 2 per cent percentage. So that in the case of our hundred and ninety million dollars of claims against Germany for losses of life on the high seas, if we go by any precedents in the past, they are to be considerably boiled down."

MIXED CLAIMS COMMISSION.

These claims are all made against the German Government for the acts of the German Government and for the purpose of adjusting these claims the United States entered into an agreement with Germany for the creation of what is called the Mixed Claims Commission.

The object of this commission is set forth as follows:

1. Claims of American citizens arising since July 31, 1914, in respect of damages to or seizure of their property, rights, and interests, including any company or association in which they were interested within German territory as it existed on August 1, 1914.

2. Other claims for loss or damage to which the United States or its nationals have been subjected with respect to insurance to persons or to property, rights, and interests, including any company or association in which American nationals are interested since July 31, 1914, as a consequence of the war.

3. Debts owing to American citizens by the German Government or German nationals.

Each government was to select and appoint one commissioner. These two commissioners were by agreement to select an umpire to decide upon any case concerning which the respective commissioners disagreed. The American representative selected was Judge Edwin B. Parker, the German representative Dr. Wilhelm Kisselbach. These two agreed upon another American, Justice W. R. Day, of the Supreme Court, to act as umpire, the German representative waiving his right to suggest as umpire a citizen of a neutral nation and agreeing upon the selection of an American.

The total amount of the American claims has not been ascertained, but the following statement from Alien Property Custodian Miller may be given as an approximation:

"Question by Mr. HUDDLESTON: Would the cash credit to the alien property administration be sufficient, in your opinion, to discharge claims that might be properly made against the German Government?

"Mr. MILLER. Oh, yes; as I have said informally before to-day, that amount of money, $174,000,000, would eventually guarantee all American claims, but this is my personal opinion."

Any award made by this commission will be against the German Government and not against the private citizens of Germany. The property held by the Alien Property Custodian belongs to the private citizens of Germany and Austria-Hungary, so that even after the Mixed Claims Commission has made its report this Congress is confronted with the full and undivided responsibility of deciding whether the private property of enemy citizens shall be taken over for the purpose of either confiscation or security in the payment of a Government debt.

PATENTS.

Among other German and Austrian property taken over by the custodian there were 34,000 patents, trade-marks, copyrights, and so forth.

There were sold to an American corporation, called the Chemical Foundation, certain patents belonging to these German and Austrian citizens. Certain other patents were held and used by the War and Navy Departments, and our committee believes that where such transfers had created an uncertainty as to ownership they should be held subject to the termination of the litigation now in progress and to certain disposition to be made by the War and Navy Departments of patents used by them.

Complications attendant upon the taking over and use of some of these patents require adjudication, and our committee seemed unanimous in the opinion that they should be reserved in the interests of both the enemy nationals and our own Government officials until the litigation is terminated.

But whatever disposition is made of the 34,000 patents, their value must be added to the other property of German citizens, which approximates $500,000,000.

OBLIGATION OF CONGRESS.

Congress having assumed jurisdiction over this alien property by the passage of the act creating the custodian, is under an obligation to provide by subsequent enactment for the form of its release.

The war has been over four years. This property is still in the possession of the custodian, and it is agreed by everyone that it is the duty of Congress to act.

In reading the testimony before our committee it will be found that representatives of the State Department, the Attorney General's office, the Secretary of the Navy, the Secretary of War, and the Alien Property Custodian all are in unanimous agreement that the property can be released only by act of Congress, and that the Executive will be bound by the manner of release; and, furthermore, that the full responsibility for the form of the release rests solely and exclusively upon Congress. It is a responsibility which the House can not avoid. Therefore its decision should only be made after considering not only the exigencies of the hour but of the effect its action will have upon international law.

This bill proposes the release of all claims not exceeding $10,000 and the release of all patents excepting those enumerated and covered by litigation.

Personally, aside from motives of humanity, the matter of the amount of property to be returned is, in my opinion, of secondary importance to the manner of its return.

I am opposed to holding any of this property either for the purpose of confiscation or for the purpose of securing the debts of the German Government, because "security" in effect means ultimate confiscation if the Government of Germany fails to provide means for the payment of the awards made by the Mixed Claims Commission and destroys effectively the time-honored American doctrine, now well established in international law, that private property can not be seized to pay a Government debt.

It is the principle involved that concerns me.

If part of the property is now returned and the bill contains a statement that the balance is being held subject to litigation and adjustment, but that it will not be confiscated but ultimately returned to the private citizens of Germany and Austria, to whom it belongs, American precedent will be preserved; but this precedent can not be maintained unless all the property is returned or part of it is temporarily retained, with the distinct statement that all of it will ultimately be returned. To hold this property for the purpose of security or ultimate confiscation will involve an element of almost national dishonor.

All of the witnesses appearing before our committee seemed to be opposed to the thought of confiscation, but the representative of the State Department, speaking for Mr. Hughes, advocates that part of the property shall be held as security for the payment of the debts of the German Government.

My position is one of opposition to the use of private property for the payment of a Government debt.

THE OPPOSITION OF SECRETARY HUGHES.

Congress is confronted with a plain, simple, understandable proposition. Will it scrap all precedents of international law? Will it repudiate the uniform decisions of our courts? Will it repudiate all the Presidents from Washington to and including Wilson? Will it repudiate all of our Secretaries of State from Jefferson to and including Knox and Lansing? Will it make a scrap of paper of the statement made upon the battlefields of France by General Pershing? Will Congress support the American view or support Secretary Hughes in his demand that private property shall be held as security for the payment of a public debt?

The position of the Secretary of State is in conflict with all international precedent and with the American doctrine on this subject from the first Secretary of State, Jefferson, to and including Knox and Lansing.

Secretary Knox acted for the United States Government in the recent peace treaty which bears his name jointly with that of Mr. Porter under date of June 11, 1921, and defined his opinion in the following language:

"MY DEAR MR. BORCHARD: I am in entire sympathy with your views relative to the seizure of German private property during the war. I have expressed on the floor of the Senate the opinion that in order to follow our traditions and be decent this property should be returned; that our only proper function was to conserve it during the period of hostilities, and in the peace resolution I introduced there is a clear indication that our retention of such property shall continue only until the adjustment of the terms upon which we are to live with Germany in peace are satisfactorily determined.

"Yours sincerely,

"P. C. KNOX."

This statement of Senator Knox has been the established American doctrine until it has been recently challenged by Secretary Hughes.

It is the opinion maintained by our courts, our law writers, and our statesmen from Washington to and including McKinley, Roosevelt, Taft, and Wilson, and is, for the first time in American history, challenged in the following language used by Secretary Hughes, in a letter directed to Mr. WINSLOW, chairman of our committee, of July 22, 1922:

"It is understood that this bill has been introduced upon the assumption that it would require the return of a relatively small amount of property and that the security for the settlement of American claims would not be substantially impaired. Unless this were the fact, I could not approve this bill even though amended as above suggested."

This was again repeated by Mr. Hughes in a letter to Mr. WINSLOW on December 8, 1922, and again in a letter of December 21, 1922.

Mr. Carr, representing Mr. Hughes before our committee, refused to either enlarge or explain these communications of the Secretary (p. 337, hearings):

"Mr. CARR. These letters, Mr. Chairman, set forth the views of the Secretary of State on this subject. Congress laid down the principle that this property should be held as a pledge for the satisfaction of American claims against Germany. That provision of law has been carried into an agreement with Germany. The claims against Germany are now being determined by a commission, so that we shall soon know the amount due from Germany. We do not yet know the amount, and we do not know how much security will be necessary. The Secretary merely wants these facts laid before the committee, so that the committee itself will be in a position to determine what it wants to do or what Congress wants to do. This is practically all that I have to say."

It is true that under the treaty of Versailles the right is given to the American Congress to either confiscate German civilian property situated in this country or to hold it as security; but while Congress has the undisputed right to do this, nowhere, either in the hearings before committees, on the floor of the House or the Senate, or by resolution, or by act of Congress, has the legislative branch of our Government ever intimated that it intended to hold this property as security or for purposes of confiscation.

Mr. Carr, representing Mr. Hughes, stood steadfastly upon the Secretary's letters and refused to vary or explain them.

As there may later be some dispute as to the position of the Secretary in withholding his approval of the return of this property unless a large proportion is held as security for the payment of the national debts of the German Government, I add the following interrogations and answers:

"Question by Mr. SANDERS: Do you regard anything we have done up to date as being inconsistent with the present determination on the part of Congress to return this property? Suppose we should not determine, as a legislative proposition, that the property should be returned, notwithstanding we may have reserved the right as between us and the German Government or the Austrian Government, to appropriate any part of it, do you see anything inconsistent, even though we have reserved that right, in determining not to exercise that right and now returning the property?

"Mr. CARR. That, sir, is an expression of opinion which I prefer not to make. I regard that matter entirely as one in the complete discretion of Congress to do what it, in the face of the facts, sees fit to do.

* * * * * * *

"Mr. SANDERS. Whose nationals' property would be thus confiscated, rather than the Government's property?

"Mr. CARR. Yes; quite so.

"Mr. SANDERS. The point I have in mind is that if we shall establish a legislative policy, either directly or indirectly, that this property is kept as security or as a pledge, that means ultimately, in the event the thing which is secured or pledged is not carried out, that the property is confiscated to the extent that it is necessary to carry out the terms of the surety or

pledge. In other words, if we should by law expressly provide in this legislation by an amendment that we should keep $200,000,000 worth of this property and then return the rest, that the $200,000,000 should be kept for a period of 20 years, at the end of which time, if these claims had not been satisfied, that property should be applied to the payment of the claims; that would be a clear confiscation, would it not, to that extent?

"Mr. CARR. To that extent, yes; but with the consent, if you please, of the Government whose nationals' property is concerned.

* * * * * * *

"Question by Mr. HAWES. Well, I will repeat my question, Mr. Carr, and you can refuse to answer if you want to. I think it is perfectly clear. You are here representing an important branch of the Government, and what you say will have great weight in my determination of this subject. If we hold this property, to be paid either for an enemy's debts or damages, or hold it as security, do we not, for the first time in our history, change an established American policy of international law?

"Mr. CARR. Perhaps we may; but if we do, it has been done because Congress has directed that it should be done.

"Mr. HAWES. No; Congress has not decided that question, and under the peace resolution, while we have the power to retain it, there is nothing in the treaty that directs us to assume that policy; and I again ask you, if we do take the action intimated by you and hold the property of these nationals, do we not violate all American precedents on that subject?

"Mr. CARR. But Congress has directed that the property shall be held temporarily, and until Congress says to the contrary the property has to be held.

"Mr. HAWES. Will you decline to answer that question?

"Mr. CARR. I think I have in effect answered the question.

"Mr. HAWES. Well, I will state it again: Suppose Congress does act and does hold this property as security, or does hold it subject to litigation, then does not Congress for the first time in the history of the American Congress violate an established principle?

"Mr. CARR. I do not know whether for the first time exactly in the history of our country or not. Perhaps it is, but——

"Mr. HAWES (interposing). Are you not quite sure that it is?

"Mr. CARR. It is, so far as I now recall.

* * * * * * *

"Mr. RAYBURN. What is your interpretation, then, of the word 'guaranty'—holding this property as a guaranty?

"Mr. CARR. I did not use the word 'guaranty.' I merely used the word 'security.' The Secretary used the word 'security.'

"Mr. RAYBURN. What is your interpretation of the meaning of 'holding this property as security'?

"Mr. CARR. As a pledge.

"Mr. RAYBURN. What do you mean by the word 'pledge'?

"Mr. CARR. To be held until the other Governments have satisfied these claims, in accordance with the purpose of the Knox resolution.

"Mr. RAYBURN. Well, 'guaranty' and 'pledge' and 'security' in a debt are about the same thing, aren't they?

"Mr. CARR. They are related to each other very closely.

* * * * * * *

"Mr. LEA. So that in this letter that you read from the Secretary, as I understand it, he has withheld his recommendation of a bill that would substantially impair the American security as represented in this property?

"Mr. CARR. He has withheld his approval of it if the security was substantially impaired.

"Mr. LEA. Yes; if it was being substantially impaired; but he has not affirmatively asserted that he objected to Congress doing as it pleases?

"Mr. CARR. No."

It is quite apparent from the Secretary's letter and from the statement of his representative before our committee that the position of the State Department is that the private property of enemy nationals should be held as security for the payment of Government debts.

It is an entirely new policy for our State Department, and it is a new policy in international law, because the logical sequence of holding property for security means the confiscation of the property belonging to private individuals to satisfy a public debt if the public debt is not paid.

SECURITY.

There might be some other reason why this property should not be returned, but there being no opposition to its return upon the part of the Alien Property Custodian, the Attorney General's office, or the Departments of War or Navy, and as the sole objection, clearly defined, comes from the State Department to hold it as security, that must be the issue.

"Security" means a pledge, a taking over and holding until such time as some obligation is performed or payment made. It means in this case that if the German Government refuses to pay the awards of the Mixed Claims Commission, then the American Government may seize and confiscate the property of German citizens invested in this country prior to the war.

Two citations are sufficient to define the word "security."

Webster defines security to be "something to be given or deposited to make certain the fulfillment of an obligation; the observance of a provision for the payment of a debt." He also says "it may mean an evidence of a debt, a contract, which secures or clearly ascertains the amount of the money due on the performance of a certain work or the furnishing of a certain material; it is security in law." (In re Sloan's Estate (Pa.), 2d Del. Co. R. 309, 310.)

"Security is something which makes the enjoyment or enforcement of a right more secure or certain. A security on property is where a right over property exists by virtue of which the enforcement of a liability or promise is facilitated or made more certain." (78 Iowa, 575.)

It can not be disputed that if this property is held as security, it carries with it the direct implication that if certain conditions are not met it will be confiscated. If there is no confiscation or threat of confiscation in the holding of this property, then it is not security.

When property is taken as security for the payment of an obligation, it means that the property will be confiscated if the debt is not paid.

The difference between security and confiscation is merely one of duration of time. A security which is not liquidated is followed by confiscation. Therefore the distinction which the Secretary of State seems determined to draw between "security" and "confiscation" is unsound. The indefinite holding of property from its rightful owner is in itself confiscation.

If the friends of this bill propose to release only $44,000,000 and to hold over $300,000,000 as security, they can easily release themselves of any charge of a desire to ultimately confiscate by making a statement to that effect in a bill making a partial release of the property.

A declaration of this kind, preserving American policy, and in fact the enlightened policy of the world, would preserve our faith and honor no matter what portion is released.

SETTING A NEW PRECEDENT.

The advance of civilization has been marked by guideposts created by the mutual agreements of nations regarding the conduct of war.

These agreements are known as international law and, as Christianity has expanded, the rule of humanity has extended in ever-broadening fields as it applied to noncombatants in the actual field in which war was conducted.

The right of private property and the persons of civil and noncombatant nationals are more respected, and enlightened people sought if not to stop war at least to provide rules by which it would be limited in its operation to combatants and to such orderly assessments and penalties upon civilians as the actual and acute necessities of the combat made unavoidable.

Civilized nations not only provided these rules for the theater of war, but there was general and universal agreement regarding the treatment of enemy person and property during the war and the right and title to enemy property was conceded to be resumed at the conclusion of peace.

There have been contentions upon the rules of warfare upon the seas, but there has been general admission as to the rule upon the land.

But every great power, without dispute, had finally admitted by the fatal year of 1914 that the former rights and interests of nationals in respect of private property situated in the territory of each of the belligerent powers automatically revived, and such nationals were, as far as was possible, relegated to the position which they held before the outbreak of hostilities.

The United States, beginning with Franklin and Jefferson and supported by every Secretary of State to and including Knox and Lansing, have without exception maintained and advocated this human and enlightened doctrine of civilization.

Twice our great Supreme Justice Marshall has spoken upon the subject in the following language:

"It may not be unworthy of remark that it is very unusual, even in case of conquest, for the conqueror to do more than to displace the sovereign and assume dominion over the country.

"The modern usage of nations, which has become law, would be violated; that sense of justice and right which is acknowledged by the whole civilized world would be outraged if private property should be generally confiscated and private rights annulled. * * *"

And again:

"Between debts contracted under the faith of laws and property acquired in the course of trade on the faith of the same laws reason draws no distinction."

These opinions of our own Chief Justice have been sustained by the courts of this country and England.

Never before during the entire history of this country has there been held a contrary opinion until the year 1922, when for the first time either in the decisions of courts, the promulgation of treaties, or the opinion of our statesmen, Mr. Hughes wrote his letter of July 26, 1922, enunciating the entirely new and radical doctrine of holding the private property of enemy nationals as security for a public debt.

PRIVATE PROPERTY IN THE THEATER OF WAR.

Even in the theater of war itself, where actual combat takes place, there are certain rules of civilized warfare found in our treaties and conventions, and especially in The Hague agreements providing for the protection of private property.

If private property has this protection in the actual scene of the war, where necessity seems to be the first rule, how much more important, how much more compelling, should it be when it relates to private property of nationals thousands of miles away from the theater of war?

Immovable private property can not under any circumstances be appropriated by an invading belligerent. Should he confiscate and sell private property and buildings, the buyer would acquire no right whatever to the property.

All private railroad stock, ships, carts, horses, and so forth, seized for military purposes by an invading belligerent must be returned at the conclusion of peace and compensation must be paid for them.

This is expressly enacted by article 53 of The Hague regulations.

Articles of art and science may not be appropriated for use for military operations.

See article 56 of The Hague regulations prohibiting such seizure.

Articles 46 and 47 of The Hague regulations expressly stipulate that private property may not be confiscated, and pillage is formally prohibited.

Even cash, jewelry, and other articles of value found upon the dead, wounded, and prisoners must, according to article 14 of The Hague regulations and article 4 of the Geneva convention, be conserved for the benefit of captured prisoners or their heirs in case of death.

Private property is classified into real and personal. Real property can not be confiscated. It may be used temporarily and only such personal property as is susceptible of direct military use may be taken, and money can only be taken by computation of requisitions regularly imposed or by levy in the nature of a contribution.

Contributions must be on the written order and responsibility of the commander in chief, not merely by a local commander. They must not be imposed indiscriminately but must follow assessment rules and be general in character.

Money, unless by way of contribution, clothing and cloth, and not adapted for use as uniforms, and all other products, manufactures, and commodities are exempt from capture and entitled to protection by the laws of war.

It was on the battle field of France on July 1, 1918, during one of the most critical periods of the world conflict, that General Pershing issued the following order:

General Orders, No. 106.

GENERAL HEADQUARTERS,
AMERICAN EXPEDITIONARY FORCES,
France, July 1, 1918.

* * * * * * *

3. By the treaty of Berlin, 1799, still in force, the United States of America and the King of Prussia solemnly pledge themselves to the world and to each other "That the prisoners of war whom they may take from the other shall be placed in wholesome situations"; that they shall not be confined; that the officers shall have comfortable quarters and the men be disposed in cantonments or barracks as roomy and as good as provided for their own troops, and that they shall be allowed the same rations. "And it is declared that neither the pretense that war dissolves all treaties, nor any other whatever, shall be considered as annulling or suspending this and the preceding articles; but, on the contrary, that the state of war is precisely that for which they are provided, and during which they are to be sacredly observed as the most acknowledged articles in the law of nature and nations."

The obligations of this treaty will be scrupulously observed unless and until substantially violated by Germany, in which case further orders will be published from these headquarters.

* * * * * * *

VIII—REGULATIONS.

Regulations and instructions will be promulgated from these headquarters for the carrying of the provisions of this order into effect.

By command of General Pershing.

JAMES W. MCANDREW,
Chief of Staff.

Official:

ROBERT C. DAVIS,
Adjutant General.

The Prussian treaty to which General Pershing referred and which has always been accepted in this country reads as follows:

"ART. XXIII. If war should arise between the two contracting parties, the merchants of either country then residing in the other shall be allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carrying off all their effects without molestation or hindrance; and all women and children, scholars of every faculty, cultivators of the earth, artisans, manufacturers, and fishermen, unarmed and inhabiting unfortified towns, villages, or places, and in general all others whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments, and shall not be molested in their persons, nor shall their houses or goods be burnt or otherwise destroyed, nor their fields wasted by the armed force of the enemy, into whose power by the events of war they may happen to fall; but if anything is necessary to be taken from them for the use of such armed force, the same shall be paid for at a reasonable price."

And section 24, which follows, is particularly significant:

"ART. XXIV. * * * And it is declared that neither the pretense that war dissolves all treaties, nor any other whatever, shall be considered as annulling or suspending this and the next preceding article, but on the contrary that the state of war is precisely that for which they are provided, and during which they are to be as sacredly observed as the most acknowledged articles in the law of nature and nations."

We have seen where both real property and private property belonging to noncombatant civilians situated in the path of war itself are immune from confiscation.

President Wilson time and time again proclaimed that our war was one against the German Government and its military autocracy and not against the German people.

We sent tons of literature on this subject across the battle lines to the civilian population of Germany. We dropped it in their midst from airplanes and balloons.

To win the war two things were necessary: The first was to break the military morale of the German Army, and, failing in this, to break the civil morale of the noncombatant inhabitants of Germany. And it is claimed by many that the civil morale broke first.

The whole correspondence carried on at that time between the President of the United States and the German people indicated a desire for humane and proper treatment. This related to treatment in Germany itself.

Certainly it would seem that property which we had taken over in the capacity of a custodian—in a fiduciary capacity—with express promises made for its return, should be treated with the same consideration and leniency as that in the actual field of war.

OUR HISTORICAL POSITION.

One of the latest American law writers on this subject, Mr. Charles C. Hyde, describes the situation exactly as follows:

"Upon the outbreak of hostilities a belligerent may find large amounts of enemy property within its territory, and that remote from a field of military operations. It seems to be acknowledged that the bare existence of war does not serve in such case to affect any change of ownership. Confiscation, whether rightful or wrongful, requires affirmative legislative action. According to Chief Justice Marshall, the terms of the Constitution of the United States forbid the inference that a declaration of war operates by its own force to transfer title to property within the national domain."

Article 4 of the Geneva Convention makes it apparent that private enemy property found on the battle field, other than military papers, horses, arms, and the like, is no longer booty.

Congress must decide whether the property of private citizens of Germany situated in the United States, over 3,000

miles from the field of conflict, shall now be considered booty; for security in this case means booty.

In Wilson on International Law, we find the following statement:

"The opinion of the Supreme Court of the United States is 'that the laws of the United States ought not, if it be avoidable, so to be construed as to infract the common principles and usages of nations and the general doctrine of international law.'"

Again: "An act of Congress ought never to be construed to violate the law of nations, if any other possible construction remains, and consequently can never be construed to violate the neutral rights or to affect neutral commerce further than is warranted by the law of nations as understood in this country."

The treaty made with Prussia was written by Benjamin Franklin and presented to the Prussian Government by Benjamin Franklin, John Adams, and Thomas Jefferson.

Hamilton joins with Jefferson in an expression of the same opinion, in one of his letters (18) to Camillus, in the following language:

"No powers of language at my command can express the abhorrence I feel at the idea of violating the property of individuals, which, in an authorized intercourse in time of peace, has been confided to the faith of our Government and laws, on account of controversies between nation and nation. In my view, every moral and every political sense unite to consign it to execration. * * * It would have been an inestimable gem in our National Constitution had it contained a positive prohibition against such a practice, except perhaps by way of reprisal for the identical injury on the part of another nation."

Camillus's letter 19:

"The right of holding or having property in a country always implies the duty on the part of its government to protect that property and to secure to the owner the full enjoyment of it. Whenever, therefore, a government grants permission to foreigners to acquire property within its territories or to bring and deposit it there it tacitly promises protection and security. There is no parity between the case of the persons and goods of enemies found in our country and that of the persons and goods of enemies found elsewhere. In the former there is a reliance upon our hospitality and justice; there is an express or implied safe conduct; the individuals and their property are in the custody of our faith; they have no power to resist our will; they can lawfully make no defense against our violence; they are deemed to owe a temporary allegiance, and for endeavoring resistance would be punished as criminals, a character inconsistent with that of an enemy. To make them a prey, is, therefore, to infringe every rule of generosity and equity; it is to add cowardice to treachery.

* * * * * * *

"Will justice sanction, upon the breaking out of a war, the confiscation of a property which, during peace, serves to augment the resources and nourish the prosperity of a State?

"The property of a foreigner placed in another country, by permission of its laws, may justly be regarded as a deposit of which the society is the trustee. How can it be reconciled with the idea of a trust to take the property from its owner when he has personally given no cause for its deprivation?"

It is unnecessary to quote other writers of international law on the subject of confiscation, because there is unanimous agreement on the subject. Only one possible point of dispute could be raised, and that would be the distinction between seizing such property and using it for security and confiscating it outright.

President Taft stated in his annual message of 1909 that in considering whether American enterprise should be encouraged in a particular country "the Government should give full weight to the fact whether or not the government of the country in question is in its administration and in its diplomacy faithful to the principles of moderation, comity, equity, and justice, upon which alone depend international credit, in diplomacy as well as in finance."

In the hearings before our committee there will not be found a single witness, excepting the representative of the State Department, who is demanding the holding of this property as a matter of security. The position of the Alien Property Custodian is described in these questions and answers:

"Mr. HAWES. And I understand, Mr. Miller, that you do not believe the United States Government should take the position that property seized by the Alien Property Custodian from private individuals should be used by the American Government in the enforcement of its claims against Germany?

"Mr. MILLER. I have stated here to-day a number of times that personally I would be opposed to the confiscation of private property to pay claims against the enemy government."

Mr. Herman J. Galloway, representing the Attorney General's office, a witness of unusual ability and clearness, referring to his request that patents now under litigation in connection with the Chemical Foundation should be temporarily withheld and not released by Congress, answered the following questions:

"Mr. HAWES. Upon the successful prosecution of the suit, to whom will the property be returned?

"Mr. GALLOWAY. Our theory is that the property should be put back where Congress intended it should be, namely, in the custody of the Alien Property Custodian, to let Congress dispose of it as they see fit. That was the intention of the original law, and that is the way we look at it.

"Mr. HAWES. So that the object of the suit, then, is to take from this Chemical Foundation these patents and restore them to the possession of the Alien Property Custodian?

"Mr. GALLOWAY. That is right.

"Mr. HAWES. For him to decide, subject to enactment by Congress.

"Mr. GALLOWAY. Well, I don't think he has any decision as to what should be done with them. I think Congress is the sole judge of that. The law was intended, according to my theory of the original law, and that must determine what should be done.

"Mr. HAWES. And it is your opinion that all of these patents ultimately are to be restored to the original German nationals who own them, is it not?

"Mr. GALLOWAY. I should not like to express my official opinion on that, but my personal opinion is that it is contrary to the enlightened policy of international law to confiscate private property, of course."

AUSTRIA-HUNGARY.

The situation of Austria-Hungary to-day is pitiful. Formerly a great nation of 52,000,000 people, its territory has been divided into six different nations. Its capital city—Vienna—has a population of 2,000,000 people. The balance of its territory is largely mountainous and without sufficient tillable land to feed its population and with substantially no coal deposits.

After the division of its original territory into six different parts, the property held by the Alien Property Custodian of those nations which were carved out of the original territory was all returned to these nationals, so that to hold any property belonging to what is now but a fraction of the former Austria-Hungarian Empire is to make one-sixth of the country responsible for five-sixths of what was the former country.

This may be best illustrated by the following answers made by Mr. Whitman:

"Mr. HAWES. Mr. Whitman, in the examination of the custodian the other day, he emphatically recommended the return of all property held by him, coming under his jurisdiction, from Austria-Hungary. Now, if the committee should make such provision in this bill for the absolute return of all such property, will that include the matter you have specially in hand?

"Mr. WHITMAN. I take it it would; yes sir.

"Mr. HAWES. So I have been able to ascertain no one, unless the State Department interposes some objection, who desires to hold any of the property of Austria-Hungary, and if such a general amendment is placed in the bill by the committee that would cover your case as well as the special amendment?

"Mr. WHITMAN. It would; yes, sir. And now that I am on my feet, may I say a word in behalf of that particular suggestion? I need not say to this committee anything about the deplorable condition in which little Austria is left. I think perhaps they are familiar with it, and if not, I have taken the liberty of making a very short printed brief which I think will concisely call the attention of the committee to the situation; but there are now, as the Alien Property Custodian tells us, between eight and nine million dollars only of Austrian funds and some $2,000,000 of Hungarian funds held by him. That is only a fraction of what he originally held, because under an amendment to the trading with the enemy act moneys and properties which belonged to former citizens of the old Empire who are now citizens of some of these other fragments, such as Czechoslovakia, Yugoslavia, Rumania, etc., their money has been returned to them, so that the situation comes down to the question of whether the United States proposes to make this little Austria, distressed as it is, the goat. In other words, to load upon that little country the obligations and burdens which grew out of the war.

"Mr. GRAHAM. By what process was the money returned to these other fragments of countries which are friendly to us?

"Mr. WHITMAN. Under the amendment to the trading with the enemy act persons who had become citizens of these new States were entitled to apply to the Alien Property Custodian,

and on approval of their claims by presidential authority to have the property returned to them."

* * * * * * *

"Mr. HOCH. At the close of the war there were carved out of the old Austria-Hungarian Empire how many States—five or six?

"Mr. WHITMAN. It made seven in all.

"Mr. HOCH. Which you call the succession States?

"Mr. WHITMAN. That is what they are called in Europe; yes, sir.

"Mr. HOCH. The population of the whole Austria-Hungarian Empire was something like 50,000,000, as I remember.

"Mr. WHITMAN. Yes, sir.

"Mr. HOCH. And the present Austria has a population of something like six or seven million?

"Mr. WHITMAN. A trifle over 6,000,000.

"Mr. HOCH. Now, those nations that were carved out of the old Austria-Hungarian Empire were during the war as much enemies of this country as the present Austria?

"Mr. WHITMAN. Yes.

"Mr. HOCH. And the nationals of those sections which are now parts of these succession States were in every sense enemies of the United States as much as the present nationals of Austria?

"Mr. WHITMAN. Absolutely.

"Mr. HOCH. Do you know any reason in equity why there was a discrimination in favor of the nationals of the section with 44,000,000 as against the 6,000,000 people? Was it simply a matter of name, because the 6,000,000 retained the name of Austria?

"Mr. WHITMAN. It was largely a feeling of European prejudice. They retained the name and somebody had to be made responsible for reparations, and the result is that the treaties provided very heavy reparations on Austria, which nobody ever expects will ever be paid, and when the Reparation Commission arrived in Vienna the first thing they did was to demand the surrender of 6,000 cows, and on practically the same day they facilitated the importation of 25,000 cases of condensed milk, and even the Austrians saw the joke of that situation.

"Mr. HOCH. In other words, here were about 50,000,000 people who were enemies of this country; and merely because 44,000,000 of them had been set apart into new States, they have released all the claims of these people?

"Mr. WHITMAN. We have.

"Mr. HOCH. But with reference to the 6,000,000 who remain in what is technically Austria, we have not released them?

"Mr. WHITMAN. That is exactly the situation."

The personal position of Mr. Miller, Alien Property Custodian, is illustrated by the following questions and answers:

"Mr. HAWES. And Austria-Hungary is the only nation in Europe that did not seize American property during the war?

"Mr. MILLER. They are. Now, I do not want to get in conflict with the Department of State, which may come back and say, 'Here is something they did do.' I have it informally from the representatives of these governments here, and they are the ones that should know.

"Mr. HAWES. So the status of the Austria-Hungary portion of this bill is this: In the first place, they did not seize the property of Americans during the war, and, in the second place, what was Austria-Hungary is now six different republics or monarchies; and we are trying to hold the Austrian Government responsible, in an indirect way, for the conduct of five other governments over which they have no control.

"Mr. MILLER. Yes, sir. That is the situation, and I have recommended to the chairman, in response to his letters to me, as chairman, action on the Austrian-Hungarian property as I have outlined.

"Mr. HAWES. And you would recommend an amendment in this bill which would release all property of the former Empire of Austria-Hungary that is held?

"Mr. MILLER. I do; and a number of those cases are pathetic cases. We hold hundreds of death benefits which we have collected on account of their nationals who were killed out in the steel mills and in the mines of the West, and we would like to give that back to them.

"Mr. HAWES. So we are violating the traditions of international law, the opinion of Marshall, and the dictates of humanity, and all spirit of equity in holding these claims?

"Mr. MILLER. May I put in there so anyone reading this testimony will understand my position? I am willing to recommend this, but, on the other hand, if the State Department comes to the hearings and through their representatives say that there are claims against Austria, I do not want to be criticized for suggesting this, but I have done it personally."

* * * * * * *

"Mr. HAWES. As to the character of those claims against the Austrian Government, are not nearly all of these made by insurance companies?

"Mr. MILLER. I think they are, sir; but I am not certain."

Former Austria-Hungary comprised an area of 261,107 square miles and had a population of about 52,000,000 people.

The present Republic of Austria has an area of only 32,400 square miles and a population of about 6,500,000 people.

These questions and answers prove conclusively the following things:

1. That Austria-Hungary did not seize any American property during the war.

2. That Austria-Hungary has been reduced from a population of 52,000,000 to 6,500,000, and that all property formerly held by the Alien Property Custodian of those people, composing the 45,500,000 taken from the whole empire of Austria-Hungary, has been returned.

3. That if this property is held, it is holding 6,500,000 people responsible for the acts committed by 52,000,000 people.

4. That the original sum seized from the Empire of Austria-Hungary was approximately $30,000,000; that $20,000,000 of this has been returned to the citizens of the new States carved out of the old empire; and that $10,000,000 is still retained by the custodian.

5. That there are practically no American claims against Austria-Hungary excepting those of insurance companies, and these are in dispute.

If American precedent, if the opinion of our statesmen, if our national policy and all appeal against the brutal, savage, and medieval doctrine of confiscation apply to Germany, how much stronger are the equities and justice in the claim for the restoration of the Austria-Hungarian property?

FAITH WITH THE PEOPLE.

President Wilson always contended that our war was not against the people of Germany but against the German Government and the military autocracy controlling that Government.

On April 2, 1917, Mr. Wilson said: "We have no quarrel with the German people. We have no feeling toward them but one of sympathy and friendship. We are but one of the champions of the rights of mankind. We shall be satisfied when those rights have been made as secure as the faith and the freedom of the nation can make them."

Now, Mr. Hughes, four years after the war has been fought and won, advances the novel doctrine of holding the private property of German citizens as security for the debts of the German Government.

Again Mr. Wilson said, on the same date:

"We are, let me say again, the sincere friends of the German people and shall desire nothing so much as the early reestablishment of intimate relations of mutual advantage between us, however hard it may be for them for the time being to believe that this is spoken from our hearts.

* * * * * * *

"The American people have suffered intolerable wrongs at the hands of the Imperial German Government, but they desire no reprisal upon the German people, who have themselves suffered all things in this war which they did not choose."

Are we now to engage in bad faith? If the President of the United States could say these things upon entering a war and during the war, now that we are at peace with Germany and this last act is to settle our remaining disputes we should proceed quickly.

THE LARGER VIEW.

Can we afford at this time to announce a new American doctrine which would be notice to the world that we had abandoned the old?

Turning for a moment from the contemplation of our relations with European nations we must think of Mexico, the Central American and South American Republics.

It has been frequently stated in the press that the reason we have withheld recognition from Mexico was because of the treatment accorded the private property and personal investments of Americans situated in Mexico, and we have demanded that Mexico should change her laws in relation to American investments before she would be given recognition in this country.

We are increasing our business, we are tightening the bonds of friendship, and making a special endeavor to make more close and cordial our relations with the Latin American nations.

If Congress announces the new doctrine of holding private property for security for public debt, what is to prevent any

other nation from adopting the same policy, and even in time of peace will some one not arise and urge that we take over the private property of French citizens in this country for the purpose of liquidating French obligations, that we shall take over the private property of Italians in this country to liquidate the Italian obligations, take over the private property of the English in this country to liquidate the English obligations?

Once we start a new precedent we do not know where it will stop.

We must remember that this property was not seized on the battle field but was the private investment of the peaceful citizens in a country which had invited them to invest.

We must divorce entirely the idea of Government obligations from private obligations.

When the Mixed Claims Commission has made its award the claims arising out of the loss of life on the *Lusitania*, the *Sussex*, and *Essex* must be paid.

There can be little doubt when that claim has been adjudicated and determined that our State Department, if it lives up to its best traditions, will demand the payment of the award by the German Government. And there can be little doubt of the result of such demand. Self-interest alone will cause payment.

The United States stood aside while England, France, Italy, and all of our allies have demanded reparations and have acquired vast new territories from the former German Empire, and it seems it would be a State Department of little efficiency and small courage which could not secure from Germany a quick and satisfactory settlement of an award made by a commission in which she had equal representation with the United States.

It is inconceivable that there should be opposition, or even unnecessary delay, in the payment of the awards made by the Mixed Claims Commission.

Year after year great conventions have been held composed of earnest American men and women, delegates have been sent to The Hague, that humane American doctrines might be impressed into international law.

The principles contained in the Prussian treaty presented by Franklin, Adams, and Jefferson, indorsed by Hamilton, sustained by Chief Justice Marshall, recognized and approved by every international law writer in America, emphasized by every President of the United States who has discussed the subject, down to and including Taft and Wilson, should not be set aside four years after the conclusion of the war.

ORDER OF BUSINESS.

Mr. BANKHEAD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BANKHEAD. As I understand it, on Saturday at the hour of adjournment the House had ordered the previous question on the then pending bill from the Committee on Banking and Currency. As I understand the matter of the order of business, immediately after the reading of the Journal to-day it was in order to call up that bill for passage, with the possible exception of taking up first some conference reports.

The SPEAKER. The Chair thinks it would be in order to do that if the bill was called up, but the Unanimous Consent Calendar is also in order. The Chair understands that it is the intention of those in charge of the bill referred to to bring it up to-morrow instead of to-day.

Mr. BANKHEAD. But as a matter of order it must come up to-day. As I understand it, under the rule it is mandatory.

The SPEAKER. The Chair will be glad to have that pointed out to him.

Mr. BANKHEAD. I call the attention of the Chair to a decision found in section 864 of the Manual, page 389, which holds that when the House adjourns before voting on a proposition on which the previous question has been ordered, either directly or by the terms of a special order, the question comes up the next day immediately after the reading of the Journal, regardless of the requirement of the rule for the order of business.

The SPEAKER. That decision was rendered before the rule was adopted, which the Chair will now read:

> On days when it shall be in order to move to suspend the rules the Speaker shall, immediately after the approval of the Journal, direct the Clerk to call the bills which have been for three days upon the Calendar for Unanimous Consent.

The decision to which the gentleman refers was rendered before this rule was adopted, which directed the Chair to immediately call the Calendar for Unanimous Consent.

Mr. BANKHEAD. I just wanted to get a clear understanding of the question.

The SPEAKER. The Chair thinks that either of these things is in order, that both are privileged, that either could be taken up. On the suggestion of gentlemen in charge of the bill to which reference has been made, it has gone over until to-morrow. The Clerk will call the next bill on the Calendar for Unanimous Consent.

RELIEF OF CERTAIN HOMESTEAD ENTRYMEN.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 2347) for the relief of certain homestead entrymen.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, two weeks ago this bill was passed over that it might be given further consideration to-day. I wish to have some information from the chairman of the committee reporting the bill as to what the effect will be.

Mr. SINNOTT. Mr. Speaker, the gentleman who reported the bill and who was to obtain the information is not present, and if the gentleman is not satisfied I will ask to have it temporarily passed.

The SPEAKER. The gentleman asks unanimous consent that the bill be temporarily passed. Is there objection? [After a pause.] The Chair hears none.

INVESTIGATION COLUMBIA BASIN AND OTHER IRRIGATION PROJECTS.

The next business on the Calendar for Unanimous Consent was the bill (S. 3808) authorizing the Secretary of the Interior to investigate and report to Congress upon the Columbia Basin irrigation project.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. STAFFORD. Mr. Speaker, this bill is a rather important bill to be considered under the Unanimous Consent Calendar call. I reserve the right to object.

Mr. SUMMERS of Washington. Mr. Speaker, we have been endeavoring to get this bill up for a considerable length of time and enact it into legislation, but we were not able to do so earlier. It has had very full hearings and consideration by the committee and part of the bill has passed the Senate. The committee will move to strike out one item of $100,000 and will move to reduce another item $125,000, cutting out half of it. The main item of the bill is a matter that the State of Washington has been working on in the interest of the development of that great State for the past five years. The State legislature appropriated $100,000 and later $50,000 and later expended a considerable sum, so altogether the State and her citizens have expended from $300,000 to $500,000. This is an international and interstate navigable river that we are dealing with, and we have to have a Federal investigation before we can accomplish anything further. This is to authorize an appropriation, and I trust the gentleman will withdraw his objection and let us consider the bill on its merits.

Mr. McARTHUR. Will the gentleman yield?

Mr. SUMMERS of Washington. I will.

Mr. McARTHUR. How much has the State of Washington expended?

Mr. SUMMERS of Washington. The State itself about $200,000, and the citizens at least $200,000.

Mr. McARTHUR. The State made the appropriations through the legislature?

Mr. SUMMERS of Washington. Yes. Of $100,000 four years ago, and $50,000 two years ago, and has expended other moneys out of the reclamation fund in addition to these appropriations.

Mr. McARTHUR. If the gentleman will yield further. This proposition involves also a survey of the Umatilla Rapids?

Mr. SUMMERS of Washington. Yes; it does.

Mr. McARTHUR. It might be interesting to the gentleman to know that the State Legislature of Oregon has appropriated $10,000 to cooperate with the Government to carry forward this survey.

Mr. SINNOTT. If the gentleman will yield just a moment, this bill is merely an authorization. It merely gives them an opportunity to go before the Committee on Appropriations and make good their claims. Now, this is about the only and about the last opportunity in this Congress to do something for irrigation. Both parties in their platforms have advocated legislation favorable for irrigation, and the President himself, and I hope the gentleman will withdraw his objection.

Mr. MONDELL. Mr. Speaker, if the gentleman will allow me just a moment. There are two great irrigation basins in the West, the Columbia and the Colorado. We have already made provision for dealing with the State of Colorado. It is being carried on now. We made that provision the same way

that the provision for the study of the Columbia is now being proposed. It is one of those things which must be done sooner or later, and I think it is a good time, a very good time to begin the study and investigation of that great watershed, that great empire which is drained by the Columbia River.

Mr. STAFFORD. Mr. Speaker, as I intimated when this bill was last under consideration, the committee, instead of confining the subject matter to the project that was submitted to the House by the Senate, added two or three diverse provisions. I do not think it is good practice, especially in the closing days of a Congress when a bill comes from the Senate involving one project, to couple two or three other projects of a diverse character.

Mr. McARTHUR. Will the gentleman yield?

Mr. STAFFORD. Now, I wish to know from gentlemen who will be conferees on this bill what assurance we will have that if a recession is made to this provision providing for a general survey, an authorization for a survey, the $125,000 will be agreed to? I am not in favor in the closing days of Congress, when the bill has been lying dormant in the committee for months and months, to have general legislation coupled on for an authorization of $250,000. What assurance can we have, if the House accepts the committee amendment of $125,000, that the conferees on the part of the House will insist on that amount? I am opposed to that provision. Now, the committee has seen fit to add on to this bill, providing for individual projects, a general authorization for surveys for all time.

Mr. SINNOTT. As one of the conferees I am sure I would stand with the House provision.

Mr. SUMMERS of Washington. The chairman of the committee assures us that he would do the same.

Mr. RAKER. This committee gave the matter full consideration, and one of the reasons why all the rest of the committee unanimously joined in agreeing that the third provision should remain in the bill for the investigation of the feasibility of reclamation projects was that $250,000 was added as an authorization. A number of members of the committee were able to show that there were a number of projects in their States where the States and counties and individuals were progressing and that by cooperation with the Federal Government we would be able to get valuable results.

Mr. STAFFORD. Well, the gentleman does not appreciate the peculiar legislative condition which characterizes the situation of this bill. You add something that is extraneous—something that has never been considered by the Senate.

Mr. RAKER. The gentleman would have no objection to the $125,000?

Mr. STAFFORD. No; provided I can get the assurance of the conferees that they will stand on that amount. Under those circumstances, Mr. Speaker, I will withdraw the reservation of an objection.

Mr. BLANTON. Mr. Speaker, I reserve the right to object in order to ask a question. I understand that this provision for new surveys is going to be left in the bill, but reduced in amount.

Mr. SUMMERS of Washington. Yes; but an amendment will be offered to cut it.

Mr. BLANTON. How much?

Mr. SUMMERS of Washington. To cut it $125,000—half of it.

Mr. BLANTON. In that connection I want to call attention to what is known as the Red Bluff proposition in New Mexico, on the Pecos River. There is a proposition where, with the expenditure of the least amount of money that has ever been expended on any other project, there could be impounded sufficient water to properly irrigate thousands and thousands of acres all the way down the Pecos River, not only in New Mexico but in western Texas, where all they need to make a paradise of the location is water. Now, if the amount is cut down, it should be understood that it is not to be at the expense of such a worthy project as that. It is not in my district, but it affects quite a large portion of western Texas, a portion of my State, in the district of my colleague [Mr. HUDSPETH]. If it is cut down it will afford diminished chances for the completion of that survey.

Mr. SINNOTT. You will have another chance. There is $100,000 in the Interior Department appropriation bill. This doubles the amount, and doubles the assurance.

Mr. BLANTON. The gentlemen from the Northwest who have had the private conference over there will not exclude those investigations in the Southwest, but will permit some of the money to be used there?

Mr. SUMMERS of Washington. It will provide for investigations where they are needed.

The SPEAKER. The reservation of objection is withdrawn. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to investigate and report as early as possible, and not later than the 1st day of January, 1924, on the essential features of the proposed Columbia Basin irrigation project referred to in the act of the Legislature of the State of Washington entitled "An act providing for the survey of the Columbia Basin irrigation project, creating a commission therefor, defining its powers and duties, and making an appropriation, and declaring that this act shall take effect immediately," approved March 1, 1919, in the following particulars:

Its water supply and the permanency and sufficiency thereof; the approximate watershed from which said water supply is to be derived and what, if any, natural reservoirs, such as lakes, are available for the storing of surplus water for the irrigation of the land, the reclamation of which is contemplated by the said act, and any other lands capable of being irrigated by the waters to be conserved through such project in the said State of Washington or any other State; the character of the climate as it affects the agricultural development of the said land; the transportation facilities available therefor; the prospects and means of settlement; the engineering features of the proposed project, stating point of diversion of the water to be used in the said project and from what streams; the principal dam or dams which may be needed therefor and the general location, nature, length, and character of such aqueducts or canals as may be necessary for conveying the water to the lands to be irrigated thereby; the cost and feasibility from an engineering and physical standpoint of such work as may be required to accomplish the purposes of the said project, both in the aggregate and the ultimate cost per acre to the land to be benefited thereby; and the views of the Secretary of the Interior as to the general benefits to be derived from the completion of the said project in the way of markets for manufactured products, of increased agricultural productions, of opportunities for home building, and the effect of the same, both upon the communities immediately affected and upon the Nation at large, and such other matters as in the judgment of the said Secretary may be of importance and pertinent to the proposed development.

SEC. 2. That for the purpose of carrying out the provisions of this act there is hereby authorized an appropriation, from any money in the Treasury not otherwise appropriated, of the sum of $100,000, to be expended under the direction of the Secretary of the Interior in making such investigation, studies, and report.

With a committee amendment, as follows:

On page 1, strike out all of lines 3 to 10, inclusive. On page 2, strike out all of lines 1 to 25, inclusive. On page 3, strike out all of lines 1 to 13, inclusive, and insert in lieu thereof the following:

"That the following sums are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available for expenditure by the Secretary of the Interior, namely:

"For investigations of the feasibility of irrigation by gravity or pumping, water sources, water storage, and related problems on the Columbia River and its tributaries, including the Columbia Basin project, $100,000; the Umatilla Rapids project, $50,000; in all, $150,000.

"For continued investigation of the feasibility of irrigation, water storage, water sources, and related problems on the Colorado River, $100,000.

"For cooperative and miscellaneous investigations of the feasibility of reclamation projects, $250,000 annually."

Amend the title so as to read: "An act authorizing the Secretary of the Interior to investigate the feasibility of reclamation projects on the Columbia River, the Colorado River, and various other irrigation projects."

Mr. SUMMERS of Washington. Mr. Speaker, I move to amend the amendment by striking out lines 23, 24, and 25, on page 3.

The SPEAKER. The gentleman from Washington offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SUMMERS of Washington: Page 3, from lines 23 to 25, inclusive, strike out the paragraph.

Mr. RAKER. Mr. Speaker, I am not going to oppose this amendment, because provision has already been made for this authorization on the general appropriation bill. This matter had full and extended hearings before the Committee on Irrigation of Arid Lands, and before that committee appeared some of the most distinguished engineers in the world. We heard General Goethals before the committee, and also some distinguished men from the State of Washington relating particularly to the Washington Columbia River Basin. Some evidence at that particular time was also had in regard to the Colorado River, but that was provided for in the bill.

The third provision, on lines 1 and 2 of page 4, is an authorization for secondary projects in the future. I understood—and I am not going to break an understanding—that for the purpose of bringing the bill up, so that there would be no objection, so that we might get some legislation, my friends on the committee have agreed to an amendment cutting down the $250,000 authorization to $125,000. Of course, it is going to disappoint a number of members of the committee who presented this matter and who heard the evidence; the fact that there are a few large projects getting all the attention of Congress and getting all the money, whereas there are a number of A No. 1 projects in the West of minor importance, but important so far as irrigation development of the country is concerned, whereby men may go and make splendid homes and the desert land may be utilized. The small projects ought to be considered, and in the opinion of the committee here was an opportunity for us to

bring forward and give these people who have expended their money an opportunity to cooperate with the Federal Government and with the States, which, in many instances, have expended their own money on the development of these projects.

What we want now is the benefit of this great organization that has been built up in the Reclamation Service, for the purpose of assisting and developing this great work. Many of us feel that the small projects, the projects that are bound to make good, that are sure to be brought into utilization within a short time, should be developed as soon as possible, so that the land which is now barren may be utilized and the water that is now going to waste may be placed upon the land, to cause it to give a hundred-fold return. We are compelled to take $125,000 instead of $250,000. I am sorry that the gentleman from Wisconsin [Mr. STAFFORD] could not in the largeness of his heart make it $250,000.

Mr. STAFFORD. In the largeness of my heart I allowed this bill to be considered.

Mr. RAKER. And for that I thank the gentleman from the bottom of my heart. If the gentleman will go out and see the benefits that will be bestowed and the good that will be accomplished from this he will not even feel like objecting to this kind and character of legislation.

Mr. MONDELL. Mr. Speaker, I do not quite understand the gentleman's position. He is not objecting to the striking out of the Colorado River amendment?

Mr. RAKER. Oh, no. I am just simply calling the attention of the House to the fact that we would have liked to have $250,000; but under the circumstances we can not get it. We are taking the best we can get. We are going to make the best of it, and we are coming back to ask further consideration, because we know we will develop something worth while, of the value of which we can convince you.

Mr. BLANTON. Will the gentleman yield?

Mr. RAKER. I yield to the gentleman from Texas.

Mr. BLANTON. Is not the gentleman afraid that he might cause us to chop off another chunk of it?

Mr. RAKER. Oh, no.

Mr. BLANTON. The next time you come back they might refuse it all.

Mr. RAKER. I am in favor of economy, but I am against make-believe economy and idle talk that brings nothing. We want results. When you develop your country you have got to spend a little money for that purpose.

The SPEAKER. The time of the gentleman has expired. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. SUMMERS of Washington. Mr. Speaker, I offer another amendment, in line 2, page 4, strike out "$250,000" and insert "$125,000."

The SPEAKER. The gentleman from Washington offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SUMMERS of Washington to the committee amendment: Page 4, line 2, strike out "$250,000" and insert "$125,000."

The SPEAKER. The question is on agreeing to the amendment.

The amendment to the amendment was agreed to.

Mr. CRAMTON. Mr. Speaker, I move to amend the committee amendment, on page 3, line 15, by striking out the words "any money in the Treasury not otherwise appropriated," and inserting in lieu thereof the words "the reclamation fund."

The SPEAKER. The gentleman from Michigan offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. CRAMTON: Page 3, line 15, strike out the words "any money in the Treasury not otherwise appropriated," and insert in lieu therefor the words "the reclamation fund."

Mr. CRAMTON. Mr. Speaker, there is a fund devoted to the development of reclamation projects, which originated with appropriations of many millions of dollars from the Federal Treasury. That money is devoted to the development of reclamation projects. When a project is fully developed and the water is put on the land and the land is turned over to settlers, it is sold to them, and the water rights are sold to them, to be paid for in 20 annual payments without interest. So that in effect they pay 5 per cent of the cost of the project each year for 20 years, which is in effect a reasonable rate of interest for 20 years, and then the principal is wiped out without any charge. I call attention to this to emphasize the fact that Congress has been reasonably liberal in furnishing money for these projects. In the current appropriation act for the Interior Department we are appropriating for just such propositions as that which the gentleman now proposes.

These appropriations are to be taken from the reclamation fund for such purposes. Then, if the project is any good, eventually that money comes back into the reclamation fund through the development of irrigation on that project, and the reclamation fund does not lose from it. And, of course, if a project is not a good one, we ought not to make any appropriations for it.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. CRAMTON. In one moment I will. In the current appropriation for reclamation there is an item "for the continued investigation of the feasibility of irrigation, water storage, and related problems on the Colorado River, and for the investigation of the water sources of said river, $100,000." This is the second year of that, or $100,000 each year for investigation of that great Colorado River project, to be paid out of the reclamation fund, and there has been no protest against that from any Member of the House interested in that project. There is a further item "for cooperative and miscellaneous investigations, $100,000," out of the reclamation fund. That has been carried, I think, for several years, and perhaps always, paid for out the reclamation fund. It is proposed here to change that policy.

The SPEAKER pro tempore (Mr. MCARTHUR). The time of the gentleman has expired.

Mr. CRAMTON. I ask unanimous consent to proceed for five minutes.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. CRAMTON. It is proposed here to saddle the expense of developing these projects upon the Federal Treasury without making it reimbursable. I hope therefore that the amendment I have offered will be adopted as a reasonable protection to the Treasury of the United States.

Mr. SINNOTT. Mr. Speaker, I hope the amendment will not be adopted, because it would practically nullify the purpose of the bill. It is true that appropriations are made out of the reclamation fund, but the reclamation fund is a small and limited fund; and, as I said before, all of our platforms have promised additional legislation for reclamation purposes. The President himself has advocated this, and this is the only opportunity this Congress will have to show its friendliness to the reclamation of the West.

Now, there is a difference between the projects covered in this bill and the ordinary projects taken up under the Reclamation Service. The Columbia River in part is an international stream. It is an interstate stream. In addition to that it is a navigable stream. We shall have to use the services of the Secretary of War and the Federal Power Commission, and we need this money out of the Federal Treasury to make this investigation. We can not make it out of the reclamation fund. That fund is too limited.

Mr. BLANTON. Will the gentleman yield?

Mr. SINNOTT. I yield to the gentleman from Texas.

Mr. BLANTON. I think the gentleman is correct; but the gentleman speaks of it being a platform promise. May I ask the gentleman how long after election is a platform promise to be kept alive?

Mr. SINNOTT. The statute of limitations is running rapidly and this will partially stop it running against both platforms. [Laughter.]

Mr. CRAMTON. Will the gentleman yield?

Mr. SINNOTT. Yes.

Mr. CRAMTON. The Columbia River, as well as the Colorado River, each of them, if successful, will bring in many million dollars through the water rights, the water power, and so forth, and ought not that project to take care of its own expenses? If it is necessary to spend $200,000 or $300,000 on preliminary work, should not the irrigation project itself take care of that expense instead of burdening it on the taxpayers of the country?

Mr. SINNOTT. The projects will ultimately take care of 99 per cent of the expense that is for investigation purposes.

Mr. CRAMTON. Would the gentleman agree that this amount should be reimbursable to the Treasury of the United States?

Mr. SINNOTT. It will be.

Mr. CRAMTON. There is no such provision in the bill.

Mr. SINNOTT. I have no objection to making it reimbursable.

Mr. CRAMTON. It will be reimbursable if you adopt my amendment.

Mr. SINNOTT. I have no objection to making it ultimately reimbursable. You can put that in the appropriation bill. I

hope, Mr. Speaker, that the amendment of the gentleman from Michigan will be defeated.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Michigan.

The question was taken, and the amendment was rejected.

The SPEAKER pro tempore. The question now is on the committee amendment.

The question was taken, and the committee amendment was agreed to.

The SPEAKER pro tempore. The question now is on the third reading of the Senate bill.

The question was taken, and the bill was ordered read a third time, was read the third time, and passed.

The title was amended.

On motion of Mr. SUMMERS of Washington, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. VAILE. Mr. Speaker, I ask to return to a previous number on the calendar which was passed temporarily.

The SPEAKER. Bills passed temporarily go to the foot of the calendar. The Clerk will read the next bill.

RETIRED PAY OF CERTAIN ENLISTED MEN IN THE COAST GUARD.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 2187) to regulate the retired pay of certain enlisted men in the Coast Guard.

The Clerk read the title to the bill.

Mr. MERRITT. Mr. Speaker, the circumstances governing this bill have changed, and I ask that the bill may be stricken from the calendar.

The SPEAKER. The gentleman from Connecticut can object, and that will strike the bill from the calendar.

Mr. MERRITT. I object.

Mr. MCARTHUR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill just passed.

The SPEAKER. The gentleman from Oregon asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

TO AMEND THE GRADE PERCENTAGES OF ENLISTED MEN.

The next bill on the Calendar for Unanimous Consent was the bill (S. 4037) to amend the grade percentages of enlisted men as described in section 4(b) of the national defense act as amended.

The Clerk read the title to the bill.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. BLANTON. I object.

SALE OF MONTREAL RIVER LIGHTHOUSE RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13032) to authorize the sale of the Montreal River Lighthouse Reservation, Mich., to the Gogebic County board of the American Legion, Bessemer, Mich.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, I do not like the policy of the National Government granting away its property to individuals or associations, even though it is to be used for charitable or humanitarian purposes. I am afraid if we launch on that policy the Government will be asked to transfer too much of its land gratuitously to charitable institutions and other associations.

Mr. MAPES. Mr. Speaker, the information which came to the committee from the Department of Commerce and from others familiar with the situation is to the effect that this property is of no practical value. It has been set aside for lighthouse purposes, but the Bureau of Lighthouses informs the committee that it has never been used for that purpose, and that it is doubtful if it ever will be used for that purpose. It is rough land that has no particular value for any agricultural purposes or for any other purpose.

Mr. STAFFORD. Mr. Speaker, if it is of little or no value, as the gentleman from Michigan has stated, I shall not press the objection. I do not wish, however, that this bill shall be taken as a precedent of the policy of the Government to give away its domain to private individuals or associations; no matter how worthy the purpose may be, they should pay the value of the land. If the land is valueless and will revert to the Government if the purpose is not being carried out, as this bill provides, I withdraw the reservation.

The SPEAKER. The gentleman from Wisconsin withdraws his reservation of his objection. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Commerce, for and on behalf of the United States, is hereby authorized and directed, in his discretion, to sell and convey to the Gogebic County Board of the American Legion, Bessemer, Mich., for the sum of $1, that certain piece or parcel of land known as the Montreal River Lighthouse Reservation, Mich., with all the rights, easements, and appurtenances thereto belonging, which is all that parcel of land situate at the mouth of the Montreal River in the county of Gogebic, State of Michigan, comprising lot 2, section 10, township 48 north, range 49 west, and containing 40.85 acres more or less, no longer required for lighthouse purposes: *Provided*, That said Gogebic County Board of the American Legion shall use this site for park purposes and as a home for invalid members of the American Legion: *And provided further*, That in the event of the discontinuance by the said Gogebic County Board of the site for park purposes and as a home for invalid members of the American Legion, then the title to the premises hereunder transferred shall revert to the United States, and the $1 consideration paid by said Gogebic County Board shall be retained by the United States in consideration of the provisions hereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The following committee amendments were read:

Page 2, line 5, after the word "less," insert the words "the same being."

Page 2, line 8, after "Legion," strike out the balance of the paragraph and insert in lieu thereof the following:

"*Provided further*, That the deed of conveyance shall be upon the express condition that if at any time the Secretary of Commerce shall determine that the site hereby authorized to be conveyed is not being maintained by the said Gogebic County Board of the American Legion as a site for park purposes and as a home for invalid members of the American Legion, and shall file and cause to be recorded a certificate to that effect in the office of the official custodian of the records pertaining to real estate in the county in Michigan in which said lands are located, then the estate thereby conveyed shall immediately terminate and revert to the United States, which may thereupon reenter into and upon said premises as of its first and former estate.

Mr. PARKER of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. MAPES. Yes.

Mr. PARKER of New Jersey. What is the value of this land?

Mr. MAPES. It is of no practical value.

Mr. PARKER of New Jersey. How much would it be worth in the market?

Mr. MAPES. I do not think there would be any market value for it at all.

Mr. PARKER of New Jersey. I call attention to one other thing. The gentleman provides a sale and conveyance for $1, with the right to repeal the act. What good would the repealing of the act have after the sale was actually made?

Mr. MAPES. Probably not any.

Mr. PARKER of New Jersey. Ought there not to be a provision for reentry if it is needed for lighthouse purposes?

Mr. MAPES. The bill provides that the conveyance be made upon condition that the title revert to the United States in case the property is no longer used for the purposes stated in the act.

Mr. PARKER of New Jersey. It provides simply that it must be used for certain purposes. There is no proviso that if they want it again for lighthouse purposes they can have it back again.

Mr. MAPES. That is true, but the Bureau of Lighthouses informed the committee that it will probably never be needed for lighthouse purposes.

Mr. PARKER of New Jersey. Probably, but it might be.

The SPEAKER. The question is on agreeing to the amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

INCOME TAX OF NONRESIDENT ALIENS.

Mr. GREEN of Iowa. Mr. Speaker, by direction of the Committee on Ways and Means I present a privileged report upon the bill (H. R. 14050) to amend the revenue act of 1921 in respect to the income tax of nonresident aliens.

The SPEAKER. The gentleman from Iowa presents a privileged report from the Committee on Ways and Means on the bill H. R. 14050. It will be referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

TO AMEND THE GRADE PERCENTAGES OF ENLISTED MEN.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to withdraw the objection which I made to the consideration of the bill S. 4037, to amend the grade percentages of enlisted men, as prescribed in section 4(b) of the national defense act, as amended.

The SPEAKER. The bill being objected to, it can not be taken up until we finish the rest of the calendar.

Mr. BLANTON. Upon explanation, I find that it will not do what I thought it would.

The SPEAKER. The Chair regrets that the gentleman objected; but it can not be taken up until the end of the calendar.

Mr. BLANTON. Then I ask unanimous consent to withdraw the objection and that the bill retain its place on the calendar.

The SPEAKER. Is there objection?

There was no objection.

DISTRIBUTION OF CAPTURED WAR DEVICES, ETC.

The next business on the Calendar for Unanimous Consent was the bill (S. 674) to provide for the equitable distribution of captured war devices and trophies throughout the States and Territories of the United States and to the District of Columbia.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, this is too important to be considered on the Calendar for Unanimous Consent, and I object.

NATIONAL MILITARY PARK AT YORKTOWN, VA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13326) in reference to a national military park at Yorktown, Va.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, directed to investigate the feasibility of establishing a national military park in and about Yorktown, in the State of Virginia, for the purpose of commemorating the campaign and siege of Yorktown in the fall of 1781 and the preservation of said battle field for historical purposes, and to prepare plans of such park and an estimate of the cost of establishing and acquiring the same, and obtain such further information as may enable Congress to act upon the matter after being fully advised. To aid and assist him in this undertaking the Secretary of War is authorized to appoint a commission of not to exceed three persons, one of whom shall be a member of the Daughters of the American Revolution and one a member of the Society of the Sons of the American Revolution: *Provided, however*, That they shall serve without compensation or expense to the Government.

SEC. 2. That the expense of the investigation herein directed to be made shall be paid from the appropriation, "Contingencies of the Army."

With the following committee amendment:

Page 2, after the word "person," strike out "one of whom shall be a member of the Daughters of the American Revolution and one a member of the Society of the Sons of the American Revolution: *Provided, however*, That they," and insert in lieu thereof the word "who."

The SPEAKER pro tempore (Mr. TILSON). The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. NEWTON of Minnesota. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon this bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

AMERICAN BATTLE MONUMENTS COMMISSION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14087) for the creation of an American Battle Monuments Commission to erect memorials commemorating the services of the American soldier in Europe, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, I am in sympathy with the general purposes of the bill, but I think it is too important to be considered on the Calendar for Unanimous Consent.

Mr. PORTER. Mr. Speaker, will the gentleman withhold his objection for a moment?

Mr. STAFFORD. Yes.

Mr. PORTER. Mr. Speaker, there is an imperative necessity for the immediate passage of this bill. It has been recommended by the President, by the Secretary of War, the president of the Budget Commission, by the American Legion, the Veterans of Foreign Wars, and a number of other organizations. It is before this House as the result of the unanimous vote of the Committee on Foreign Affairs. If we are unable to secure consideration at this time, it is quite probable that it will fail of passage. The importance is this: We must have some control over the erection of memorials in France. We do not want a repetition of some of the things that have occurred in our own national cemeteries. The bill vests in the President the power to name a commission of seven to perform this work, subject to the approval of the Commission of Fine Arts.

A number of the States, a number of municipalities, a number of counties, and voluntary organizations are awaiting the passage of this bill so that they can construct memorials. The other day there was a dispute between the Thirty-seventh Division and the Seventy-ninth in regard to which division won a certain battle. This commission, vested with the powers that it has, will be able to determine from records in the War Department the exact justice in these matters. Moreover, the tentative plan—and it is only tentative, though I believe every member of the committee and every man who is at all familiar with it approves of it—provides for the erection of about 125 memorial markers, granite blocks about waist high, with a bronze relief map on top, placed in such a position on the battle field that a visitor may look at the map and secure an accurate idea of how the battle was fought.

Now, that is helpful, because it will protect the tourists from misinformation from guides. Moreover, it will aid all of these organizations in the construction of their memorials, because they will have the exact line of battle, and I say very frankly that if we do not get this bill through at this time it will fail of passage and very much retard the construction of memorials in France.

Mr. BLANTON. Will the gentleman yield?

Mr. PORTER. I will.

Mr. BLANTON. This is practically the same idea we carried out on the battle field of San Jacinto, Tex. There are markers all over that field. Tourists visiting there can find out exactly the various points of interest, and I think it is a good matter. I want to call the attention of the membership to this fact: As the gentleman says, if this bill does not pass now—the President assures us there will be no extra session of Congress—it will go over until next December, and I hope the gentleman from Wisconsin will not press his objection.

Mr. STAFFORD. Mr. Speaker, I will say to the gentleman if this bill is not given consideration to-day it is going to be given consideration before the end of the session under a rule.

Mr. PORTER. I do not think there is a possibility of it. There are enough rules before the Rules Committee now to keep the House busy for two months.

Mr. MOORE of Virginia. Will the gentleman yield for a question?

Mr. PORTER. I will yield.

Mr. MOORE of Virginia. Is not time rather the essence of the thing because the physical conditions are changing, and unless you can have these markers placed very speedily and have the photographs taken speedily, as contemplated by the bill, after a while there may be uncertainty as to the various situations and what occurred in those situations?

Mr. PORTER. The gentleman from Virginia is entirely right.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I wish to inquire about the matter referred to by the gentleman from Virginia, and that is the authorization providing for the taking of photographs of the terrain of the various battle fields. I had understood that the War Department, through the Signal Corps, had already complete photographs of the various battle fields of Europe.

Mr. PORTER. These photographs are about 90 per cent complete. It will require some additional work, and hence there is a provision in the bill authorizing the completion of the photographic record of the war.

Mr. STAFFORD. Then it is not in any way, so far as that provision is concerned, a duplication of the work already performed by the Signal Corps of the Army?

Mr. PORTER. Not at all. If the gentleman will read the bill closely, he will observe the limitation.

Mr. STAFFORD. I wish to see whether the bill is properly confined or not, with the idea of withdrawing the reservation.

Mr. FAIRCHILD. Will the gentleman yield for a further suggestion?

Mr. STAFFORD. I will.

Mr. FAIRCHILD. If the gentleman had been with me in December, going over the battle fields, he would have been impressed with the necessity of action not only to secure proper historical markings but also to prevent improper historical markings. At the present time unauthorized people, with no man in authority to prevent, are erecting monuments both for individuals and organizations that create a false historical statement as to the events and location of troops. In addition to that private individuals who happen to have a lot of money

are going over there and erecting monuments at different points entirely exaggerating the position of any one individual in the Army.

Mr. STAFFORD. I will say to the gentleman I do not dispute the need of having this legislation at this session. I have read the report very carefully, but I thought it was a matter of such importance it should not be considered under the Unanimous Consent Calendar in the unanimous consent way, where we do not have a very close scrutiny. Let me ask the chairman of the committee, What is the necessity of having this bill extend to battle fields in Asia?

Mr. PORTER. We had a number of troops in Siberia, and we thought it fitting and proper that some memorial should be erected at Vladivostok and at Harbin.

Mr. STAFFORD. Of course, the gentleman knows when you are going to grant a blanket authority to a commission they are going to exercise it. Of course, something must be done in a united way, but why extend it to Asia because we had some troops in Asia? Why not confine it to Europe? We had troops at Archangel, true. It was all right to commemorate the services of men in the frozen north, but why should we go and allow this commission to travel over Asia? Would it not be sufficient merely to confine it to Europe?

Mr. PORTER. Well, of course, if the gentleman insists upon an amendment of that sort I will be compelled to accept it, but my study of the Siberian situation has convinced me that the American soldiers in Siberia performed a great service for their country and suffered intensely in so doing.

Mr. McKENZIE. Mr. Speaker, will the gentleman yield?

Mr. PORTER. Yes.

Mr. McKENZIE. There were no conflicts. They did not fight any battles.

Mr. PORTER. There were no conflicts or battles in the sense the gentleman understands those words.

Mr. STAFFORD. Without the gentleman thinking that I am too insistent, I would like to have the Asia provision withdrawn.

Mr. PORTER. Very well.

Mr. STAFFORD. Then I will have no objection.

The SPEAKER pro tempore. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That a commission is hereby created and established, to be known as the American Battle Monuments Commission (hereinafter referred to as the commission), to consist of seven members who shall be appointed by the President, who shall also appoint one officer of the Regular Army to serve as its secretary. The members and secretary shall serve at the pleasure of the President, who shall fill any vacancies that from time to time occur.

The members of this commission shall serve without compensation except that their actual expenses in connection with the work of the commission may be paid from any funds appropriated for the purposes of this act, or acquired by other means hereinafter authorized.

Upon the request of the commission the President is authorized to designate such personnel of any department or of the Army, Navy, or Marine Corps as may be necessary to assist in carrying out the purposes of this act, and the commission is authorized to employ such further personnel as may be necessary to carry out the purposes of this act, within the limits of any appropriation or appropriations made for such purposes.

With a committee amendment, as follows:

Page 1, line 10, after the word "occur," insert the words: "The secretary shall also serve as disbursing officer of the commission, who shall make disbursements upon vouchers approved by its chairman."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 3, after the word "of," strike out the word "this" and insert the word "the."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. BLANTON. Mr. Speaker, I offer an amendment on page 1, line 3, preceding the word "commission," to insert the word "nonpartisan."

The SPEAKER pro tempore. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 1, line 3, before the word "commission," insert the word "nonpartisan."

Mr. PORTER. Mr. Speaker, I rise in opposition to the amendment.

Mr. BLANTON. I want to be heard in favor of the amendment.

The SPEAKER pro tempore. The gentleman from Texas will be recognized first in favor of the amendment.

Mr. BLANTON. Mr. Speaker, ordinarily the amendment which I have offered would be considered superfluous, because when a commission of seven—an important commission of this kind—which, from its very nature is nonpartisan, is appointed to serve the country we would presume—everybody would presume—that it would be nonpartisan; that the chairman or the President or anybody else who had any connection with its appointment would say that in a commission of seven Americans there should be at least four members of the dominant party and three members of the minority party. But so many instances have arisen here lately where, in the appointment of such commissions of Americans, where there is no issue of partisanship, the minority party has been allowed no representation whatever that I think attention should now be called to that subject.

Take the Debt Funding Commission, one of the most important that has ever been appointed in this Nation.

Mr. SNYDER. Did they do a good job——

Mr. BLANTON. And one of the most important that ever will be appointed.

Mr. SNYDER. Did they do a good job?

Mr. BLANTON. I will leave it to the gentleman from New York to answer to his people on his vote whether they have done a good job. My vote did not say so.

Mr. FAIRCHILD. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. FAIRCHILD. Does not the gentleman realize that the introduction of his amendment would of itself introduce a political aspect to a nonpolitical project?

Mr. BLANTON. No; but it will call the attention of the President to the fact that this commission should be American, made up of Republicans and Democrats alike. If Army officers or members of organizations are appointed, let there be a representation of the minority party upon that commission.

I know we are treading along in ruts, some of them new ruts and some of them old. This is one of the new ruts that I object to being formed, into which we may get and out of which we may not be able to remove ourselves. You gentlemen had better watch these propositions just as we are watching them. The time will come when you Republicans will be in a minority, in the near future, where you might be prevented from sitting in important conferences connected with the service of your country. Do you want us to point to the precedents that you have set and are setting in this regard, and which may harass you hereafter? I am in favor, so long as I am a Member of Congress, of giving members of the minority party, whether they be Republicans or Democrats, a voice in the affairs of this Nation.

We should look after these things with a little closer scrutiny. The safeguarding of the best interests of the American people, after all, lies in the fact that there are two parties watching each other, the minority watching the majority, and vice versa. That is the only way the rights of the American people are amply protected. We do not want to drift into these dangerous ruts where the minority party is forgotten. What harm will it do to put the word "nonpartisan" in front of this commission? This is an important commission. Numerous men in this Nation would like to serve on it. It is a commission that can accomplish great good for the future history of this country and for the civilization of the world.

Mr. VAILE. The gentleman would not want all the members of this commission to be members of the Nonpartisan League, would he?

Mr. BLANTON. Oh, it would be an insult to the commission to even mention the "Nonpartisan League" in connection with it.

Mr. VAILE. The word is a little irritating in connection with this subject.

Mr. BLANTON. The term "Nonpartisan League" means to me simply disloyalty to the Government.

Mr. SNYDER. You are right about it.

Mr. BLANTON. Republicans and Democrats alike should not stop until they wipe out of existence all evidence of the Nonpartisan League. But the word "nonpartisan," as I submit it in this matter, means just the opposite to that organization. A nonpartisan commission means something in which all Americans as Americans are interested.

I appeal to my colleague to let this word go in there, for the future protection of the gentleman's party as well as of my own party.

The SPEAKER pro tempore (Mr. TILSON). The time of the gentleman has expired.

Mr. PORTER. Mr. Speaker, I rise in opposition to the amendment. When this bill was first recommended by the President it provided for the appointment of the Secretary of

War, the General of the Army, the national commander of the Veterans' Legion, the national commander of the Veterans of Foreign Wars, one Member of the House, and one Member of the Senate, but after consideration the committee concluded to leave the matter entirely to the President for the reason that the tenure of office of all these men is very uncertain, and the proposed commission above all things must be a permanent one. This is not the ordinary commission. Its members will serve without compensation except their actual expenses, and I have not the slightest doubt that the President, when he appoints the commission, will follow the recommendations that he made to Congress.

Mr. BLANTON. Will the gentleman permit me to ask him——

Mr. PORTER. Pardon me just a moment, to show you where you will get with your amendment. Let us assume that the President says to the American Legion, "Name a member," and to the Veterans of Foreign Wars, "Name a member," and perhaps to the gold-star mothers, "Name a member," and it should turn out that the persons named are all Democrats or all Republicans, does not the gentleman see the embarrassment that this nonpartisan amendment would cause the President?

Mr. BLANTON. Will the gentleman permit me to ask that that word be changed to "bipartisan" instead of "nonpartisan"?

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to modify his amendment as stated by him. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment to the amendment offered by the gentleman from Texas [Mr. BLANTON].

The question being taken, on a division (demanded by Mr. BLANTON) there were—ayes 10, noes 36.

Accordingly the amendment was rejected.

The SPEAKER pro tempore. The Clerk will read.

The Clerk read as follows:

SEC. 2. That the commission shall prepare plans and estimates for the erection of suitable memorials to mark and commemorate the services of the American forces in Europe and Asia and erect memorials therein at such places as the commission shall determine.

The commission shall control as to materials and design, provide regulations for and supervise the erection of all memorial monuments and buildings in the American cemeteries in Europe and Asia.

The commission shall cause such photographs to be secured or taken of the terrain of the various battle fields of Europe and Asia, upon which units of the armed forces of the United States were actively engaged with the enemy, as will complete the historical photographic record of the operations of such units; and the commission shall transmit such record when completed to the Secretary of War for permanent file with the records of the War Department.

Mr. MOORE of Virginia. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Virginia: Page 2, line 20, after the word "determine" substitute a comma for the period and add the following: "including works of architecture and art in the American cemeteries in Europe."

Mr. MOORE of Virginia. Mr. Speaker, I understand that that amendment has the approval of the chairman of the committee.

Mr. PORTER. We have no objection to the amendment.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PORTER. Mr. Speaker, I move to amend, on page 2, line 19, by striking out the words "and Asia," and also to strike out the same words in line 24, and also to strike out the same words in line 3, on page 8.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Pennsylvania.

The Clerk read as follows:

Amendment offered by Mr. PORTER: Page 2, line 19, strike out the words "and Asia." Page 2, line 24, strike out the words "and Asia." Page 3, line 3, strike out the words "and Asia."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HUSTED. Mr. Chairman, I move to strike out the last word. I introduced the first bill on this subject about a year ago. That bill is practically identical with the one now under consideration. The matter was brought to my attention by Colonel Hayes, the son of ex-President Hayes, who has done this work for the Government on other battle fields. Now I realize the great need for immediate action. I am sorry the legislation has not gone into effect long before this. I do not care to take further time of the House at this time and I ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

The SPEAKER pro tempore. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

SEC. 3. That before any design or material for memorials constructed under the provisions of this act is accepted by the commission, the said design or material shall be approved by the National Commission of Fine Arts.

With the following committee amendment:

Page 3, line 10, strike out the words "constructed under the provisions of this act."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Also with the following committee amendment:

Page 3, line 11, strike out the words "said design or material" and insert the word "same."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The Clerk will read.

The Clerk read as follows:

SEC. 5. That the commission is authorized to receive funds from any State, municipal, or private source for the purposes of this act, and such funds shall be deposited by the commission with the Chief of Finance of the United States Army and shall be kept by him in separate accounts and shall be disbursed upon vouchers approved by the commission.

With the following committee amendment:

On page 3, line 22, after the word "the," insert the words "chairman of the."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 6. That authority is hereby given for the preparation of models and designs and the fabrication of memorials, and the materials for such memorials, at arsenals or navy yards or by other governmental agencies, if the commission shall so determine.

Authority is hereby given for the use of captured war materials, not otherwise disposed of by congressional action, in the fabrication of not to exceed 10,000 pounds of bronze to be used on the memorials constructed under the provisions of this act: *Provided*, That in the selection of materials the commission shall refrain from utilizing material which might otherwise be available for decorative or memorial purposes.

Mr. MOORE of Virginia. Mr. Chairman, during the discussion of this matter in the committee there was some question as to whether the limitation contained in line 6 on page 4 should be adopted. The limitation is that the bronze used shall not exceed 10,000 pounds. It has been suggested to me by relatives of some of the young men who are buried in the cemeteries of Europe that the limitation should be removed, inasmuch as 10,000 pounds of bronze would suffice only to construct the outside memorials and would not suffice for memorials to be made for location in the cemeteries. I ask the gentleman if he can not see his way clear to agree to omit the limitation of 10,000 pounds? I shall not propose an amendment, but I hope the gentleman will agree to that.

Mr. PORTER. Mr. Speaker, the War Department assured the committee that 10,000 pounds of bronze was ample to make these relief maps. The committee did not feel inclined to give the War Department the right to use unlimited quantities of these materials. We thought it should be limited, as there is legislation now pending for the disposition of the war relics. For that reason I do not care to agree to the amendment.

Mr. MOORE of Virginia. The gentleman thinks the matter can be taken care of hereafter, does he?

Mr. PORTER. Oh, certainly.

Mr. MOORE of Virginia. By the War Department itself?

Mr. PORTER. Certainly.

Mr. MOORE of Virginia. Under the general discretion that is or will be vested in the Secretary of War?

Mr. PORTER. I am inclined to agree with the gentleman.

The SPEAKER pro tempore. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

SEC. 8. That the commission is authorized and directed to cooperate with American citizens, States, municipalities, or associations desiring to erect war memorials in Europe and Asia in such manner as may be determined by the commission: *Provided*, That no assistance in erecting any such memorial shall be given by any administrative agency of the United States unless the plan has been approved in accordance with the provisions of this act.

Mr. PORTER. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 4, line 20, strike out the word "Asia."

The amendment was agreed to.

The Clerk read as follows:

SEC. 12. That the records and archives of the commission shall, upon the termination of its duties, be deposited with the Secretary of War.

Mr. BLANTON. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. BLANTON: Page 5, line 15, after the word "War," strike out the period, insert a colon, and add the following proviso, to wit: "*Provided*, That the life of this commission shall terminate on January 1, 1924, and the said commission shall make its final report before that date."

Mr. BLANTON. Mr. Speaker, I think whenever Congress creates any kind of a commission it ought to provide for its termination. It is the hardest thing in the world to get rid of a commission once authorized by Congress.

Mr. PORTER. That is where the members of the commission draw salaries.

Mr. BLANTON. Oh, there is something connected with this commission that is equal to a salary. The way the bill was drawn the commission could not only travel all over Europe and some other countries but they could travel all over Asia. Of course, under the insistence of our alert friend from Wisconsin he has forced the chairman to forego travel in Asia. They have stricken that out. I imagine that when the commission gets through with its real work—and there is real important work to be performed, and I am willing for them to travel in the performance of that work—but when they get through with the work and the Congress lasts on and on and the commission still remains alive, I imagine there could be some very elaborate and extensive junketing parties under this authority that we are granting. We ought to watch that and stop it in its incipiency.

Mr. TINCHER. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. TINCHER. Agreeing with the gentleman that the life of the commission should be terminated at some time, does not the gentleman think that the 1st of next January is too short a time?

Mr. BLANTON. Not if they will get to work and get busy—they have 10 months. Whatever there is that ought to be done, it ought to be done before the expiration of 10 months. I think the gentleman from New York [Mr. HUSTED] should have pushed his first bill which he introduced a little faster. I am glad his proposition has materialized, but he has waited too long already. We ought to stop the life of this commission when the work is done and not permit them to have authority for junketing all over the world after the work has been completed. I know there is great temptation for Members to take these trips. It is nice, pleasant, and instructive. They get to see the world, and it does not cost them anything—they think the knowledge is worth the public expense. But about the time they get the knowledge some fellow comes out in the district and defeats them, and they go home as lame ducks and the people do not get the benefit of the knowledge. I think the 1st day of January is long enough for the commission to last, and I hope the amendment will prevail.

Mr. PORTER. Mr. Speaker, I rise in opposition to the amendment. This is a permanent commission intended to supervise and control the material used in the construction of memorials. It is intended to supervise the construction of memorials by States, municipalities, and private individuals. Now, assuming that we accept the amendment of the gentleman from Texas, in four years from now the people of Texas may decide to erect a magnificent memorial to the soldiers of that State who died on the battle fields of France, the commission would be abolished and the State would not have its aid and advice. I would regret to see any limitation placed upon it. As to this matter of junketing, I doubt very much whether this commission will ever visit Europe. The work will be done in Washington, where the records are on file.

Mr. McKENZIE. Will the gentleman yield?

Mr. PORTER. Certainly.

Mr. McKENZIE. Is it not a fact that the national cemeteries for soldiers are under the supervision of the War Department, and what is the argument based upon that it is necessary to have a special commission to do this work, when the War Department has all the maps and all the things necessary to carry out the plan?

Mr. PORTER. Many civilians feel that there should be some restrictions on the War Department.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. PORTER. Yes.

Mr. MOORE of Virginia. May I make this suggestion: The War Department itself approves of this proposition. The War Department, as I understand, does not care to take the entire responsibility, but wants the work done by a commission.

Mr. HUSTED. Mr. Speaker, this is not a new proposition. The Congress did the same thing in respect to the battle fields in other foreign wars. We created a commission which was in existence for years, of which Colonel Hays was the chairman, doing the same work; and we did it with reference to the Boxer rebellion, the Philippine insurrection, and in Cuba.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

Mr. STAFFORD. Mr. Speaker, I offer an amendment to the amendment. Strike out "1924" and insert "1928."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. STAFFORD to the amendment offered by Mr. BLANTON: Strike out the figures "1924" and insert in lieu thereof the figures "1928."

The SPEAKER pro tempore. The question is on agreeing to the amendment to the amendment.

Mr. BANKHEAD. Mr. Chairman, I rise in opposition to the amendment to ask the gentleman from Wisconsin whether he has conferred with the chairman of the committee with reference to this proposed amendment?

Mr. STAFFORD. I have not.

Mr. BANKHEAD. Of course, that is not necessary, but I want to inquire the reason for such an unusual limitation of time? I fear if we place that limitation upon it the commission will take that as an implication that they are supposed to take that much time to finish the job. It seems to me that is a pretty long time to which to defer this matter.

Mr. STAFFORD. It is four years and more now since the armistice was signed. The War Department in the Cemeterial Division is just about completing or will in the next fiscal year complete the work of the arrangement of our six cemeteries in Europe where our soldier dead are buried. January 1, 1924, is altogether too short a time. The State of Pennsylvania has provided a large sum of money with which to erect a monument. Other States will do likewise; States like Kansas, for instance, that lost many men on the foreign fields. They will want to erect memorials. I want to have in existence some commission that will be able to suggest to the various States and others interested in the erection of memorials the proper design and place of location. It seems to me that 1928 would be a reasonable time to fix. I think no objection could be made otherwise, unless you wish to make it permanent.

Mr. BANKHEAD. I have no desire to go into that controversy at all except it seems to me that this is rather an unusual length of time. Of course, if it meets with the approval of the chairman of the committee, I shall not object to it.

Mr. PORTER. I will say that it is unusual, but this is an unusual undertaking. A commission was created for the construction of memorials in China, in Cuba, and in the Philippines. Those commissions are still in existence. It is not a year since the State of Pennsylvania erected a magnificent monument to her soldier dead in Virginia. These memorial monuments will be in process of construction for years to come.

Mr. BANKHEAD. Does this amendment meet with the approval of the chairman of the committee?

Mr. PORTER. Indeed it does not.

Mr. BLANTON. Under the bill as now written, this will be a permanent commission. The limitation of the gentleman from Wisconsin is to prevent it from being permanent. He limits its life to four and three-quarter years.

Mr. BANKHEAD. That is all I want to say on the matter.

Mr. HUSTED. Mr. Speaker, I move to strike out the last word. As the chairman of the committee has stated, this is a permanent commission which is provided for in the bill, and it should be. It will have two kinds of work. The first is of a temporary nature, and that is the business of marking the battle fields, and that work should be cleaned up in 10 or 15 months. In addition to that it has to pass upon the designs, supervise the construction, and fix the location of all memorials that may hereafter be erected on any of the battle fields in France, and it is important that there should be a commission with jurisdiction over this work, because if you do not have a commission there is not going to be any uniformity about it and good taste will not always be displayed, and we will have memorials put

up by irresponsible parties that will not be creditable or in harmony with any proper general plan.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. MOORE of Virginia. Taking the practical view of the matter, as the commission is to make a report at the beginning of each fiscal year, will not its expenditures and also its tenure of service be really within the control of the Committee on Appropriations?

Mr. HUSTED. Entirely so, because it can not expend a dollar unless it is appropriated by Congress. That is provided for in the bill. The great expense they are talking of is the $500,000 for marking the battle fields. That will be all over probably within two years, possibly within 18 months. After that the expense will be practically nothing. The commissioners serve without any compensation. After this initial expense necessary to mark the battle fields, all they will have to do will be to pass on the plans and specifications for future memorials and to designate their locations. The bill provides also that those plans must have the approval of the Fine Arts Commission. We are under no danger of providing for unlimited junkets or unlimited expense. You must have a permanent commission if we are really going to do the work which is of most importance.

The SPEAKER pro tempore. Without objection, the pro forma amendment will be withdrawn, and the question is on the amendment to the amendment offered by the gentleman from Wisconsin.

The amendment to the amendment was rejected.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Texas.

The amendment was rejected.

Mr. BLANTON. Mr. Speaker, I offer another amendment, on page 5, line 15, to strike out the period, insert a colon, and add the proviso that the commission shall incur no traveling expenses other than those first authorized by Congress through the Commitee on Appropriations.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. BLANTON: Page 5, line 15, after the word "work," strike out the period, insert a colon, and add: "*Provided*, That said commission shall incur no traveling expenses other than those first authorized by specific appropriations therefor."

Mr. SANDERS of Indiana. Mr. Speaker, I move the previous question on the amendment and bill to final passage.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 1, noes 51.

So the amendment was rejected.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

PROTECTION OF DECORATIONS AND SERVICE MEDALS ISSUED BY THE WAR DEPARTMENT.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 4036) to prohibit the unauthorized wearing, manufacture, or sale of medals and badges awarded by the War Department.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That hereafter the wearing, manufacture, or sale of the congressional medal of honor, distinguished service cross, distinguished service medal, or any of the service medals or badges awarded by the War Department, or the ribbon, button, or rosette thereof of the form as is or may hereafter be prescribed by the Secretary of War, or of any colorable imitation thereof, is prohibited, except when authorized under such regulations as the Secretary of War may prescribe.

Any person who offends against the provisions of this section shall, upon conviction, be punished by a fine not exceeding $250 or by imprisonment not exceeding six months, or by both such fine and imprisonment.

The bill was ordered to be read the third time, was read the third time, and passed.

BOISE BARRACKS MILITARY RESERVATION.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 3332) to provide for a grant to the city of Boise, in the State of Idaho, of the use of a certain part of the Boise Barracks Military Reservation under certain conditions.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I think the gentleman should explain the bill.

Mr. HULL. Mr. Speaker, the bill is simply to allow the city of Boise the use of 5.45 acres of land of the military reservation. The part they are going to use is disconnected from the reservation, and it is not used in any way—the weeds are growing up there—and the city wants to use it as a park and keep it in repair and in good shape for the use of the public for recreation purposes, and this bill simply permits that to be done. It does not transfer title at all, but allows the city to use it for public purposes as long as it is used in that manner. As long as the Government finds it is unnecessary to use it, the city can use it.

Mr. BLANTON. The Government bought this 5 acres for reservation purposes?

Mr. HULL. I do not know the history of that, but I rather doubt it.

Mr. BLANTON. The point I am trying to get at is: Should the Government ever again need these 5 acres, it will have a controversy with this city on the transformation of these 5 acres of public park back into a military reservation.

Mr. HULL. Not at all; that is properly protected in the bill.

Mr. BLANTON. If the Government ever needs it——

Mr. HULL. It comes back automatically.

Mr. BLANTON. How much is the Government going to ask every year in maintaining this park?

Mr. HULL. Not a cent.

Mr. SMITH of Idaho. I will state to the gentleman there will be no demand for maintaining it. The city will take care of it. It is in an inexcessible portion of the reservation and can not be used in any way by the officers of the reservation.

Mr. BLANTON. Whenever the Government owns title to property and it is made into a public park, my experience in looking into these bills is that in two or three or four or five years afterwards gentlemen come in here and say, "Did not the Government expect to take care of its own property?" We are getting tired of maintaining them and having them ask for an appropriation.

Mr. McKENZIE. If the gentleman will yield, I simply wish to say to the gentleman from Texas that my recollection of this matter is that this particular parcel of land is cut off by a very large drainage canal and it is not being used by the War Department.

Mr. BLANTON. There are lots of reservations that the Government needed during the war, and for which it paid fabulous sums, which, of course, we do not need now in peace times. I notice there is hardly a week passes but what there are bills coming up in this House to cede back to some city for private use——

Mr. HULL. I would like to inquire of the gentleman there, What bill does he refer to in which we have ceded land back?

Mr. BLANTON. Oh, there are lots of them; several in Virginia; from Vermont down to Washington.

Mr. HULL. Now, in this case we simply allow the use of it until we need it, if we should.

Mr. BLANTON. At any rate, no fee has been granted the city——.

Mr. SMITH of Idaho. The bill originally proposed to transfer in fee, but the Secretary of War suggested an amendment.

Mr. BLANTON. The only thing is: Are the rights of the Government reserved by this bill to retake the use of this land without costing the Government anything when the necessity arises?

Mr. SMITH of Idaho. They are.

Mr. BLANTON. If that is the case, there is no objection.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to grant permission to the city of Boise, in the county of Ada, State of Idaho, to occupy and use a certain parcel of land constituting a part of the Boise Barracks Military Reservation, the property of the United States, situated in the said county of Ada, in the State of Idaho, described as follows: Beginning at the most westerly corner of the United States Military Reservation, thence north 69 degrees 35 minutes east 1,319.64 feet to the center of the Capitol Water Co. ditch; thence up said ditch south 26 degrees 29 minutes west 57.32 feet; thence south 69 degrees 41 minutes west 530.56 feet; thence south 35 degrees 42 minutes west 862.2 feet; thence south 70 degrees 3 minutes west 35.81 feet; thence north 20 degrees west 518.89 feet to the place of beginning, excepting therefrom any

rights of said Capitol Water Co.; such occupative grant to be as and for a public park, and upon the agreement of said city of Boise to repair, maintain, and protect above-described part of the reservation and the public property thereon during the continuance of its occupancy at its own expense: *Provided*, That the said permission shall be subject to such conditions, restrictions, rules, and regulations as the Secretary of War may from time to time prescribe: *Provided further*, That the Secretary of War may terminate the said permission to use said grounds whenever and at such time as he may deem it expedient to do so.

SEC. 2. That any and all repairs, improvements, changes, and alterations in the grounds, buildings, and other appurtenances to above-described part of the reservation, made by the municipal authorities at Boise, shall be made only according to detailed plans submitted to and approved by the Secretary of War in each case prior to the commencement of any work under such plans, and all such repairs, improvements, changes, or alterations made by said city of Boise shall be made without expense to the United States, and in the event of the withdrawal of said permission such improvements as the Secretary of War may deem valuable to the military service shall become the property of the United States without cost to the Government; and such structures as may have been placed upon above-described part of the reservation by said city of Boise which are directed to be removed therefrom by the Secretary of War shall be removed forthwith and the grounds placed in a condition entirely satisfactory to him at the expense of the city, and no claim of any character whatever incident to the occupation by said city of such part of the reservation shall ever be made by it against the United States.

The bill was ordered to be read the third time, was read the third time, and passed.

EXTENSION OF CHARGES ON FEDERAL IRRIGATION PROJECTS.

The next business in order on the Unanimous Consent Calendar was the bill (S. 4187) to extend the time for payment of charges due on reclamation projects, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, we have on prior occasions, when there has been failure of crops, extended the time of payment of reclamation charges, but I notice in this bill for the first time a provision providing for charging back payments to the principal of the indebtedness owing. I do not recall ever before whereby the Congress has enacted legislation to add the deferred interest of the indebtedness to the principal. In the letter of the Secretary of the Interior (Mr. Fall) he cites what he claims to be a parallel case, that in case the mortgagee, in Iowa, I believe he said, would force foreclosure on default of payment of the mortgagor it would result in hardship, and he justifies the practice in cases between private individuals as warrant for this bill, but in my limited experience in foreclosure cases in private dealings with farmers out in North Dakota, in the old frontier days when they had chinooks in successive seasons and crop failure, I do not remember ever of any mortgagee adding the interest of the indebtedness to the principal and keep on adding the default ad infinitum.

This bill, so far as that feature is concerned, seems to put a premium on the action of the debtor in postponing the payment of his honest debts. Why?

Mr. SMITH of Idaho. Mr. Speaker, referring to the particular objection urged by the gentleman from Wisconsin [Mr. STAFFORD] I will say that this extension will in no way impair the security the Government holds as a guaranty of the payment. It is just as it would be when a man owes a bank and it is impossible for him to pay the interest, and the banker gives him a new credit, including the interest, in a new note.

Mr. BLANTON. Mr. Speaker, I demand the regular order.

Mr. STAFFORD. Mr. Speaker, if we are going to have that kind of performance, I shall object.

Mr. SMITH of Idaho. I hope the gentleman from Texas will permit me to explain the bill.

Mr. BLANTON. I will withhold it.

Mr. STAFFORD. I will withdraw my objection and enter a reservation. I do not withdraw the original reservation.

Mr. SMITH of Idaho. Mr. Speaker, a year ago, because of the adverse conditions which confronted some of the farmers on these reclamation projects, we enacted legislation, which was approved on the 31st of March, to authorize the Secretary of the Interior to extend the time of payment if it were shown that the settlers were so absolutely embarrassed financially that they could not meet the payments.

Mr. STAFFORD. I know that the gentleman is interested in the welfare of those people on reclamation projects, and I would not set my judgment up against that of the Secretary of the Interior in favor of postponing the payments another year. But why add the interest to the principal?

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes; I will yield, because I hope in the future that the gentleman and I both, being then in the same position, will have the pleasure of listening to each other on unanimous-consent days.

Mr. MONDELL. Their payments for constructive charges increase annually. The payments for what are known as operation and maintenance charges, which we are deferring, constantly continue about the same. They have reached this condition, that in some cases it will be hardly worth while, I think, to relieve the settlers for one or two years of the trying conditions which they are laboring under unless they can know that in connection with the deferring of that interest at the end of the period they will not be compelled to pay the cumulative charges, because in that case their condition at the end of the period would be practically hopeless. This legislation is proposed with the intention of holding out to those people the hope of saving their homes by not only relieving them of the necessity of paying at the end of the period, but of the additional obligation to meet the payment at the end of the year.

Mr. STAFFORD. Will not this be a dangerous precedent that will plague us in the future?

Mr. MONDELL. No. I think it will be the only businesslike thing to do. It seems to me that if we do not do it, it would be equivalent to saying to the settler, "You can only meet the payment of $7 or $8 per annum on construction and operation and maintenance charges. Now, we relieve you for two years of the operation and maintenance charges," and that piles up a charge at the end of the period. So that the settler, looking forward to it, will say, "Well, this relief does not hold out much hope. If I must add the cumulative charges at the end of the relief period, not only meeting those charges as they accumulate in their normal way but paying these deferred payments, I will be confronted with a situation that will be impossible to overcome."

Now, the Government loses nothing by making a very businesslike arrangement—and this is a departmental suggestion, I will say to the gentleman from Wisconsin, and I think it a very wise one——

Mr. STAFFORD. Oh, yes.

Mr. MONDELL. Of adding these deferred charges to the total, and thereby creating a condition under which a settler now relieved can have a reasonable hope and expectation of going on through with his payments.

Mr. SINNOTT. Mr. Speaker, will the gentleman yield for a suggestion?

Mr. MONDELL. Yes.

Mr. SINNOTT. We compel them to pay interest, but at the rate of 6 per cent.

Mr. STAFFORD. I know that. You have on line 12 language to make the interest payable on these fixed charges.

Mr. SINNOTT. Yes.

Mr. STAFFORD. Now, further, is it the purpose to grant extensions only to the assessments in 1922, 1923, and 1924?

Mr. SMITH of Idaho. Yes. Those for 1922 and 1923 and those payable in December, 1924.

Mr. STAFFORD. What is the necessity of this language in the last proviso, found on page 3:

Provided further, That the applicant for the extension shall first show to the satisfaction of the Secretary of the Interior detailed statement of his assets and liabilities and actual inability to make payment at the time of the application and an apparent ability to make the deferred charges in 1924 and subsequent years.

Why "subsequent years"?

Mr. SMITH of Idaho. In order to enable the Secretary of the Interior to determine whether or not, if this extension is granted, he will be able to pay.

Mr. HAYDEN. I think the gentleman from Wisconsin misread the language "and apparent ability."

Mr. STAFFORD. Yes. "And apparent ability to meet the deferred charges in 1924 and subsequent years."

Mr. HAYDEN. If the farmer has good judgment and the Secretary thinks under the conditions that he can pay it, he will do it. If he is not making a success of his business, then he will not.

Mr. STAFFORD. Mr. Speaker, in view of the statements made by those who have expressed opinions and who are acquainted with the conditions in their districts, I will withdraw the reservation.

The SPEAKER. The reservation is withdrawn. The Clerk will read.

The Clerk read as follows:

SEC. 3. (a) That every charge, the date of payment of which has been extended under section 1 of such act of March 31, 1922, shall, in lieu of the rate of interest provided in such act, draw interest at the rate of 4 per cent per annum from the date of the passage of this act.

With a committee amendment:

Page 2, line 5, strike out lines 5 to 9 inclusive.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

(b) That every charge, the date of payment of which is extended under the provisions of section 2 of this act, shall draw interest at the rate of 4 per cent per annum from the date from which it was so extended in lieu of any penalty that may now be provided by law, but in case such charge is not paid at the end of the period for which it is so extended any such penalty shall attach from the date the charge was originally due, as if no extension had been granted.

With the following committee amendment:

Page 2, line 10, at the beginning of the line insert "section 3" and strike out "(b)."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Also the following committee amendment:

Page 2, line 12, strike out the figure 4 and insert the figure 6.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 4. That section 2 of such act of March 31, 1922, is amended by striking out the words "season of 1922" where they appear in such section and by inserting in lieu thereof the words "seasons of 1922, 1923, and 1924."

With the following committee amendment:

Page 2, line 22, after the figures "1922" insert the word "and" and after "1923" strike out "and 1924."

The SPEAKER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The Clerk read as follows:

Page 2, after line 22, insert a new section, as follows:

"SEC. 5. That where an individual water user, or individual applicant for a water right under a Federal irrigation project constructed or being constructed under the act of June 17, 1902 (32 Stat. L., p. 388), or any act amendatory thereof or supplementary thereto, is unable to pay any construction or operation and maintenance charge due for the year 1922, or prior thereto, the Secretary of the Interior is hereby authorized, in his discretion, to add such accrued and unpaid charges to the construction charge of the land of such water user or applicant, and to distribute such accumulated charges equally over each of the subsequent years, beginning with the year 1924, at such rate per year as will complete the payment during the remaining years of the 20-year period of payment of the original construction charge: *Provided*, That upon such adjustment being made, any penalties or interest which may have accrued in connection with such unpaid construction and operation and maintenance charges shall be canceled, and in lieu thereof the amount so due, and the payment of which is hereby extended, shall draw interest at the rate of 6 per cent per annum, paid annually from the time said amount became due to date of payment: *Provided further*, That the applicant for the extension shall first show, to the satisfaction of the Secretary of the Interior, detailed statement of his assets and liabilities and actual inability to make payment at the time of the application and an apparent ability to meet the deferred charges in 1924 and subsequent years: *And provided further*, That in case the principal and interest herein provided for are not paid in the manner and at the time provided by this act, any penalty now provided by law shall attach from the date the charge was originally due."

Mr. SMITH of Idaho. Mr. Speaker, I wish to offer a committee amendment.

The SPEAKER. The gentleman from Idaho offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amendment to the amendment by Mr. SMITH of Idaho: Page 3, line 4, after the word "due" insert "excepting operation and maintenance charges for drainage on the Boise project."

Mr. STAFFORD. I reserve a point of order on that amendment.

Mr. SMITH of Idaho. This amendment is made necessary because of the fact that the settlers on this project are taking care of the operation and maintenance charges for drainage purposes incurred after the work was completed, and the representative of the settlers, Mr. L. J. Magee, is here and wishes these words inserted so as to require the payment of those charges regularly, instead of having the extension provided here.

Mr. STAFFORD. I have no objection to anything that will recoup the Treasury of the United States so far as reclamation fund projects are concerned. These projects are always in default and great amounts are always owing upon them. I withdraw the reservation of the point of order.

Mr. HAYDEN. I suggest that the gentleman should insert the word "Idaho" after the word "Boise."

Mr. SMITH of Idaho. I accept that amendment.

The SPEAKER. Is there objection to the modification of the amendment as suggested?

There was no objection.

The SPEAKER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. STAFFORD. Is there any other project which the gentleman wishes to add that will relieve the settlers on any project from the effect of this act?

Mr. SMITH of Idaho. The committee wishes to offer another amendment, which is at the Clerk's desk.

The SPEAKER. The gentleman from Idaho offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Idaho: Page 4, line 4, after the word "due," insert:

"*And provided further:* That similar relief in whole or in part may be extended by the Secretary of the Interior to a legally organized group of water users of a project, upon presentation of a sufficient number of individual showings made in accordance with the foregoing proviso to satisfy the Secretary of the Interior that such extension is necessary."

Mr. STAFFORD. Mr. Speaker, I reserve a point of order on that amendment.

Mr. BLANTON. I make the point of order that it is not germane.

Mr. SMITH of Idaho. This amendment is simply a provision which was in the law passed last March——

Mr. BLANTON. I make the point of order that it is not germane.

Mr. STAFFORD. I hope the gentleman from Texas will let the gentleman from Idaho have his inning, so that he may make a statement.

Mr. FAIRCHILD. Will the gentleman reserve his point of order?

Mr. BLANTON. I do not think we ought to admit this amendment, but I will reserve the point of order for the purpose of letting the gentleman make his statement.

Mr. SMITH of Idaho. That sentence, which is lifted out of the existing law, is made to apply to water users' associations. If it were not carried in this bill the relief would not be afforded to settlers where they are organized into an association. The committee in reporting the bill inadvertently omitted that provision of the existing law.

Mr. BLANTON. Was that matter considered by the committee?

Mr. SMITH of Idaho. Yes, indeed.

Mr. BLANTON. And did the whole committee agree to it?

Mr. SMITH of Idaho. Yes; and I have here the minutes of the proceedings.

Mr. BLANTON. All of the committee come from reclamation districts, and, of course, they would not disagree to anything of that kind?

Mr. SMITH of Idaho. We have some members of the committee who are not from reclamation districts.

Mr. BLANTON. I withdraw the point of order.

Mr. STAFFORD. I reserve the point of order.

Mr. RAKER. I reserve a point of order against the amendment. I wish to ask the gentleman from Idaho when was that acted on by the committee?

Mr. SMITH of Idaho. This amendment was considered by the committee on the 9th day of February in the forenoon, and I have the verbatim report of the minutes of the meeting here.

Mr. RAKER. The matter was clearly gone into, and one of the objections was that this relief should not be extended to organizations but that we should give it to private individuals and let each man make a separate showing.

Mr. SMITH of Idaho. Yes; but we had a subsequent meeting to take up this question, because it was shown by the Director of the Reclamation Service and also by the representatives of the water users here that without this provision the relief would not reach the settlers who were organized into districts.

Mr. STAFFORD. Still reserving the objection——

Mr. BLANTON. I ask for the regular order.

Mr. SMITH of Idaho. It is simply a provision in the existing law. It does not extend any relief that is not in the existing law.

The SPEAKER. Does the gentleman from California make the point of order?

Mr. RAKER. I make the point of order.

The SPEAKER. Does the gentleman from Idaho admit the point of order?

Mr. SMITH of Idaho. Oh, no. It seems to me it is germane to this bill. It is for the relief of settlers who are organized into districts rather than individual settlers.

The SPEAKER. The Chair is not familiar with the matter.

Mr. HAYDEN. Mr. Speaker, last year we passed a bill very similar to this, containing the very provision now offered as an amendment, and it was only omitted by the committee here inadvertently.

The SPEAKER. The Chair thinks this should be approached from the other direction. Will the gentleman from California state his point of order? The Chair does not know what it is.

Mr. RAKER. That it is not germane to this bill; that this bill provides for individual water users upon these projects.

The present amendment authorizes the projects and associations to seek relief. I do not want to be captious in this matter, but I thought it was distinctly understood and determined that the bill should provide only for relief of individuals.

The SPEAKER. The Chair overrules the point of order.

Mr. STAFFORD. Mr. Speaker, let us see about this. When a bill on the Unanimous Consent Calendar passes the objection stage it is always understood that there is not going to be any material amendment offered by the committee or anyone else. We are not considering this bill under the rules of the House. It is being considered because as reported it is not objectionable to any Member. There is nothing in the report accompanying this bill that relates in the slightest degree to this proposal. The gentleman says it is in the existing law. If it was the intention to offer this amendment, it should have been incorporated in the report. The gentleman is not proceeding according to the well-established practice of the House.

Mr. SMITH of Idaho. Mr. Speaker, is there anything unusual in amending a bill brought up under unanimous consent?

The SPEAKER. Of course, the bill can be amended, but the Chair does not think it is fair to give unanimous consent to the consideration of a bill and then make radical amendments.

Mr. SMITH of Idaho. This can not be considered a radical amendment.

The SPEAKER. Of course, the Chair knows nothing about the facts of this particular case; he was speaking in the abstract.

Mr. RAKER. Mr. Speaker, I will say that I would have objected to the bill if it had contained this provision, although I am heartily in favor of giving private individuals relief. We worked on this measure, and it was understood that associations should not come in. The Reclamation Service has been against it; all parties interested in favor of this project have been against extending the right to organizations but in favor of letting the individuals have it.

Mr. SMITH of Idaho. This amendment is in the existing law.

Mr. STAFFORD. It is not in the existing bill, and the gentleman, in fairness to the Members, ought to withdraw the amendment.

Mr. RAKER. I think so; I do not think it is right to put it in.

Mr. SMITH of Idaho. Mr. Speaker, I have been instructed by the Committee on Arid Lands to offer the amendment, and I have done so. The fact that the gentleman from California did not happen to be at the committee meeting is not the fault of the committee.

Mr. RAKER. Let me say that I am there practically at every meeting unless I am at another meeting. It was decided at one meeting that this should not go in, and it was never called to my attention that you were going to offer it.

Mr. SINNOTT. Mr. Speaker, I will state that the committee held a subsequent meeting after the report was made on the bill, and it was ascertained that certain of these individuals entitled to relief and who needed relief could not get the relief without this provision being added to the bill, and therefore it was authorized. It is not that we are endeavoring to relieve these organizations—the settlers will get the benefit of it. As it is now, they act through the instrumentality of the associations.

Mr. RAKER. Will the gentleman yield?

Mr. SINNOTT. Yes.

Mr. RAKER. Is it not a fact that any individual under any project can come in, whether he is in a district association or not, and get relief?

Mr. SINNOTT. No; I think not. Some act through irrigation districts. They pay their assessments through the county officers, and without this provision it is thought that the very men that we want to relieve could not get relief.

The SPEAKER. The question is on agreeing to the amendment to the amendment.

The question was taken; and on a division (demanded by Mr. STAFFORD) there were 26 ayes and 7 noes.

So the amendment to the committee amendment was agreed to.

The SPEAKER. The question now is on the amendment as amended.

The question was taken, and the amendment as amended was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4146. An act permitting the State of Wyoming to reconvey certain lands to the United States and select other lands in lieu thereof, and providing for the patenting of certain lands to Natrona County, Wyo., for public-park purposes;

S. 425. An act authorizing the Attorney General of the United States to fix the salaries of United States attorneys and United States marshals of the several judicial districts of the United States within certain limits;

S. 4333. An act for the relief of Howard R. Gurney;

S. J. Res. 282. Joint resolution to amend the resolution of December 29, 1920, entitled "Joint resolution to create a joint committee on reorganization of the administrative branch of the Government"; and

S. 4071. An act for the relief of David C. Van Voorhis.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 10003) to further amend and modify the war risk insurance act disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. McCUMBER, Mr. SMOOT, and Mr. WILLIAMS as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 2049. An act for the relief of the Delaware River Lightering Co.;

H. R. 3461. An act for the relief of Eugene Fazzi;

H. R. 3499. An act for the relief of the Atlas Lumber Co., Babcock & Willcox, Johnson, Jackson & Corning Co., and the C. H. Klein Brick Co.;

H. R. 3836. An act for the relief of Nolan P. Benner;

H. R. 4619. An act for the relief of the Link-Belt Co. of Philadelphia, Pa.;

H. R. 4620. An act for the relief of Th. Brovig;

H. R. 4622. An act for the relief of the Lloyd Mediterraneo Societa Italiana di Navigazione, owners of the Italian steamer *Titania*;

H. R. 5429. An act for the relief of Ephraim Lederer, collector of internal revenue for the first district of Pennsylvania;

H. R. 5475. An act for the relief of the Standard American Dredging Co.;

H. R. 5648. An act for the relief of Ike T. Boyles;

H. R. 6177. An act for the relief of the owner of the fishing smack *Mary S. Dolbow*;

H. R. 8214. An act to compensate the owners of the American steamship *Vindal* for damages and expenses in repairing the said steamship, and to make an appropriation therefor;

H. R. 9316. An act for the relief of Robert J. Ashe; and

H. R. 9887. An act for the relief of Pennsylvania Railroad Co.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 425. An act authorizing the Attorney General of the United States to fix the salaries of United States attorneys and United States marshals of the several judicial districts of the United States within certain limits; to the Committee on the Judiciary.

S. 3879. An act for the relief of William H. Lee; to the Committee on Claims.

S. 4071. An act for the relief of David C. Van Voorhis; to the Committee on Claims.

S. 4146. An act permitting the State of Wyoming to reconvey certain lands to the United States and select other lands in lieu thereof, and providing for the patenting of certain lands to Natrona County, Wyo., for public-park purposes; to the Committee on the Public Lands.

EXCHANGE OF CERTAIN SCHOOL LANDS IN WYOMING.

The next business on the Private Calendar was the bill (H. R. 11637) authorizing the Secretary of the Interior to approve indemnity selections in exchange for described granted school lands.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That upon the selection by the State of Wyoming under the provisions of sections 2275 and 2276, United States Revised Statutes, as amended by the act of February 28, 1891 (26 Stat. p. 796), and in accordance with the regulations of the Department of the Interior governing such selections of other lands approximately equal in area in exchange for tract No. 60, township 36 north, of range 69 west, of the sixth principal meridian in that State,

which is a segregation by resurvey of granted school section 36 in said township, the Secretary of the Interior is hereby authorized to convey title to the State for the land so selected if found regular.

Mr. BLANTON. Mr. Speaker, I move to strike out the last word. I would like to ask whether or not there is any opportunity for one owning land of little value under this bill to have it exchanged for mineral land or oil land or other valuable land?

Mr. VAILE. I will say that this takes care of only one section of land.

Mr. BLANTON. It is not a general provision?

Mr. VAILE. No.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

SUITS UNDER SOLDIERS AND SAILORS' CIVIL RELIEF ACT.

The next business on the Calendar for Unanimous Consent was the bill H. R. 14144, to limit and fix the time within which suits may be brought or rights asserted in court arising out of the provisions of subdivision 3 of section 302 of the solders and sailors' civil relief act, approved March 18, 1918, being chapter 20, volume 40, General Statutes of the United States.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BRIGGS. Mr. Speaker, reserving the right to object, will the gentleman state what this bill is attempting to accomplish?

Mr. CHRISTOPHERSON. Mr. Speaker, the bill seeks to remove a doubt now existing as to all mortgage foreclosures by advertisement had while the soldiers and sailors' relief act was in force. Section 302, paragraph 3, of that act provides—

No warrant under a power of sale or under a judgment entered upon warrant of attorney to confess judgment contained in any such obligation shall be valid if made during the period of military service or within three months thereafter unless upon an order of sale previously granted by the court and a return thereto made and approved by the court.

It was perfectly proper for Congress to pass such an act, but the Supreme Court of Massachusetts in the case of Hoffman against Charlestown, reported in One hundred and twenty-first Northeastern Reporter, 15, extended its provisions beyond the intent of Congress, I believe, when it held that this act does apply to the equitable owner of the property as well as the record owner. Thereby the situation becomes such that any foreclosure conducted by advertisement while this act was in force is subject to this cloud; that is, the record does not disclose the equitable owner. Consequently every foreclosure that has been conducted during the time that this act has been in force is subject to that question, because there may be an equitable owner of that title not disclosed by the record, and not even known to the mortgagee.

The court held in this case that it made no difference whether the mortgagee knew of this equitable ownership. Therefore, under this holding in the Massachusetts case every title depending upon a foreclosure by advertising while this law was in force is subject to that attack. The purpose is by this bill to fix a reasonable time in which to assert any claim under said section 302 against a foreclosure. The bill fixes 90 days as a reasonable time. The statute has already run some two years since the soldiers and sailors relief act was repealed, and it seemed that 90 days would be sufficient time in view of the time that has already elapsed.

Mr. BRIGGS. This is the moratorium feature of the act, the one in which the Government granted moratorium to the soldiers.

Mr. CHRISTOPHERSON. Yes; and this bill requires those who have any rights against such foreclosures to assert them within the time specified in the bill.

Mr. BRIGGS. Does the gentleman think 90 days will be sufficient?

Mr. CHRISTOPHERSON. I believe so, in view of the time that the statute has already run. I think it is some two years now since this act ceased to be effective and repealed by the treaty of peace.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That any person entitled to and claiming any right, title to, or interest in any real estate because of any failure to comply with the provisions of subdivision 3 of section 302 of the soldiers and sailors' civil relief act, approved March 18, 1918, being chapter 20, volume 40, General Statutes of the United States, in the foreclosure of a mortgage, or the sale upon a judgment, of such real estate shall be barred forever from asserting such claim unless the claim is successfully asserted in an action or proceeding, in a court of competent jurisdiction, commenced prior to the passage and approval of this act or within 90 days thereafter.

With the following committee amendment:

Page 1, line 3, strike out the words "and claiming" and insert the word "claim."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. STAFFORD. Mr. Chairman, I offer a formal amendment on page 2, line 4, to strike out the words "passage and."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 4, strike out the words "passage and."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

EASTERN BAND OF CHEROKEE INDIANS, NORTH CAROLINA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 5699), providing for the final disposition of the affairs of the Eastern Band of Cherokee Indians of North Carolina.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I am inclined to object to this, but will reserve my objection so that if the gentleman wishes to make some explanation of the bill he may do so. It is a bill of 18 pages. That is not the basis of my objection. I find upon reading the bill and the report that the United States Government at the present time has not and never has had any title whatsoever to these lands sought to be allotted to the Eastern Band of Cherokee Indians living in North Carolina. These lands were purchased from funds that this Eastern Band received out of moneys that were coming to them by reason of allotment to them as members originally of the Cherokee Band. They have lived in some sort of tribal relation. With the Government not having any title to the land and the bill providing that the Eastern Band shall convey the title to the National Government and then that the National Government shall allot the lands according to certain prescribed provisions, it seems we have a rather unusual arrangement. I have never known of the Government allotting any lands of Indians unless the title to those lands was in the National Government. I understand also that the State of North Carolina, exercising its sovereign rights over title to lands which was in individuals or tribes in that State, has legislated as to how these lands should be distributed. Why should the National Government now step in and determine the method of allotment over property over which it has no control whatsoever?

Mr. WEAVER. Mr. Chairman, to answer the gentleman would require a short statement of the history of the Cherokee people. When the Cherokee Indians were removed from western North Carolina and north Georgia under the treaty of 1835 a number of them refused to go. The United States Government by treaty with the Cherokee Indians in 1835 obligated itself to pay to those Indians about $5,000,000 for the land owned east of the Mississippi River. The Government finally had to resort to force in order to move some of those Indians west of the Mississippi. Some of them they were unable to get at all. They fled to the mountains and hid themselves in the hills and remained there for many years. Afterwards the Government of the United States collected these people together again and took the per capita money, their part of the $5,000,000 which the Government had obligated itself to pay for these lands, and through Col. W. H. Thomas, as agent for the Indians, it was invested in the present lands, about 60,000 acres, now owned and controlled by the Eastern Band of Cherokee Indians. It is true that in 1889 this band of Indians became incorporated under the laws of North Carolina, but this was for mere convenience, and they still maintain their tribal councils, elect their chiefs, and have held these lands as community property, and under the act of Congress of July 27, 1868, the Secretary of the Interior was authorized to take over and manage the affairs of the Eastern Band of Cherokee Indians, just as the affairs of all other Indians. The Government has so managed and exercised supervision over them by direct act of Congress. The council of these Indians met a year or two ago and asked the Government to partition this land among the Indians and allot to each member of the tribe his part in severalty. They are anxious to do this. They wish

this legislation passed in order that they may settle up their affairs and relieve the Interior Department from supervision over them. It is one case where a large number of Indians, wards of the Government, will be allowed to hold their property severally and manage their own affairs. This legislation looks to that end. I do hope the gentleman from Wisconsin will not interpose an objection.

Mr. STAFFORD. Mr. Speaker, there are many other objections involved in this bill. We should not in the closing days of Congress consider such bills. I have read it and also the report. It is too important for us to launch into this policy at this time.

Mr. DALLINGER. I call the gentleman's attention to the fact that this bill was drawn by the Indian Bureau, and it follows the general line of legislation passed in regard to the Five Civilized Tribes in Oklahoma.

Mr. STAFFORD. The report so states. It is too important to be considered, Mr. Speaker.

Miss ROBERTSON. Mr. Speaker, I hope the gentleman will withdraw his objection.

Mr. STAFFORD. I withhold the objection at the request of the lady from Oklahoma. I am always considerate of anything she may wish to suggest.

Miss ROBERTSON. Mr. Speaker, we have given this very careful consideration in committee. I know these Indian people. My grandparents went with those who went West when these stayed East.

Mr. STAFFORD. By reading the report it brings me to the conclusion these Indians are not very far advanced in intelligence; that is the trouble, that they have not reached the same stage of advancement as the Indians who have crossed into the Indian Territory. I want to do all possible in fairness to the gentleman who represents these Indians, but I could not see where it was proper for the bill to be considered by unanimous consent.

Miss ROBERTSON. I merely desire to say as a member of that committee we gave very careful attention to this bill and I agreed that it ought to come up. I believe it is right, but of course——

The SPEAKER. Objection is heard.

MUNICIPAL COURT, DISTRICT OF COLUMBIA.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 13998) making section 1535c of the Code of Law for the District of Columbia applicable to the municipal court of the District of Columbia, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. HILL. Mr. Speaker, reserving the right to object, I would like to ask the chairman of the committee. This court is confined exclusively to civil cases and does not take up criminal cases?

Mr. VOLSTEAD. That is right.

Mr. HILL. And at one time they had six judges and now they have five?

Mr. VOLSTEAD. Yes.

Mr. HILL. And those judges do not engage in private practice, but devote their whole time to the service of the court?

Mr. VOLSTEAD. Yes.

Mr. HILL. I withdraw the reservation of the right to object.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I hardly think in the closing days of the session we ought to attempt to fix the salary of these five municipal judges. I am in favor of increasing their salary, but we have not the time to determine what should be their proper salary. It may be that the judges of the other courts should have their salary raised also.

Mr. VOLSTEAD. Yes.

Mr. STAFFORD. If the gentleman will agree to eliminate section 2 and only have the substantive legislative feature of the bill considered, I would have no objection.

Mr. VOLSTEAD. I think it is very unfortunate, but I am willing for the amendment to be offered, and I shall make no opposition to section 2 going out.

Mr. STAFFORD. With that understanding, I have no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That hereafter section 1535c of the Code of Law for the District of Columbia, permitting equitable defenses to be interposed in actions at law, shall be applicable to proceedings now pending in the municipal court of the District of Columbia as well as to actions hereafter brought in said court.

SEC. 2. That hereafter each of the judges of the municipal court of the District of Columbia shall receive an annual salary of $5,000, payable monthly.

Mr. VOLSTEAD. Mr. Speaker, I move to strike out section 2.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, strike out all of section 2.

The amendment was agreed to.

Mr. McSWAIN. Mr. Speaker, I move to strike out the last word. I ask unanimous consent to extend my remarks in the RECORD on the bill (H. R. 14300) regulating interstate commerce with respect to the transportation of coal.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The extension of remarks referred to above is as follows:

Mr. McSWAIN. Mr. Speaker, I feel it my duty to call to the attention of the Congress and to the country one more time before the Sixty-seventh Congress passes into history the tremendous issues involved in the just and righteous and permanent settlement of the coal problem.

I have introduced two bills relating to this matter, but am advised that there will be no action upon them nor upon any bills relating to this question until after the report of the Fact Finding Commission shall have been filed with the next Congress. The result is, Mr. Speaker, that the profiteers will continue to pile up their unconscionable profits upon coal that must be bought in order to keep American industries going and in order to keep the American "home fires burning." In this connection, I call attention to the preliminary report of the said commission made on January 15, 1923. There are some high spots in that report that are worthy to emphasize and to disseminate.

The first important proposition is that there is no logical reason why there should be a shortage of coal anywhere in the United States at any time. It is a fact that coal is to be found in all of the States except 13, and mines are being operated profitably in 29 of the States, and there is enough coal here to meet the needs of our own people for at least 1,000 years and maybe much longer. Another important fact is that there are only about two and one-half billion dollars invested in the coal mining industries as against about $80,000,000,000 in farms and about the same amount in manufacturing industries.

Still another striking fact is that the railroads use nearly one-third of all the coal produced in the United States and that only 10 per cent is used for heating the homes of the people and the balance is used in factories, in the making of gas, and in public utilities, and a small part is exported and for shipping. Consequently the argument we often hear made that the coal industry is not stable and the price fluctuates because people will not buy coal and store it in their cellars during the early summer is shown to be no reason for the fluctuations. Ten per cent of the production is too slight to cause such serious dislocation in the whole industry. The statement also is made that the charges of the railroad and the wholesaler or broker and the retailer usually exceed the price of the coal at the mines. This is a very conservative statement. With coal selling through the country at about $12 per ton for bituminous coal and $16 to $18 per ton for anthracite coal, we believe that the facts will show that the price of the coal at the mouth of the mine is only about one-third of what the ultimate consumer pays. This spread in the price of a commodity which does not have to be manufactured and only to be transported is entirely unjustifiable.

PROFITEERING CONCEDED.

We are therefore not surprised to find that this commission of impartial and disinterested men with wide experience in affairs of business and of state concludes with the statement that "large profits" have been made by coal operators, brokers, and retailers, and that these profits are so disproportionate to the cost of the coal and of the service rendered in connection therewith as to justify the use of the word "profiteer." It is very significant that the commission finds that the labor employed in the mining of coal has found employment for only about 66⅔ per cent of the time on an average for a period covering about 30 years. This seems to justify the statement that we have often seen, that the miners are demanding an opportunity to work a larger number of hours each week and, failing in this, that they are compelled to receive a generous wage per diem in order to maintain themselves and their families.

Mr. Speaker, I have been in some of the coal-mining districts and have been down in some of the mines and have been in some of the homes of the miners; and while their per diem wage seems to be large, yet when we realize that they are able to work only two-thirds of the time, and when we see the dangers that surround them, and when we read in the newspapers

almost daily how the lives of miners are snuffed out by the score and by the hundred, and when we see the harsh and squalid conditions under which they and their families must live in order to be close enough to the mines to work, we must in all fairness concede that there is merit in their plea to be allowed to work more days during the year.

SPECULATION DESTROYS STABILITY.

Mr. Speaker, it is obvious from the report of these fair and impartial examiners that the trouble with the coal industry is that practically everybody connected with it is a speculator. We find the statement made that operators, as a general thing, will contract for the sale and delivery of only about 60 per cent of the output of their respective mines, and the balance of 40 per cent is left free to speculate on. As a matter of fact, Mr. Speaker, the whole 100 per cent of the output is practically free and not bound by contract, because what is called a "contract" is not properly so described. It does not bind the operator in a strict sense. He is given two loopholes through which he may jump at will. The first is that his deliveries upon contract are not to be made when his output is interrupted by strikes or other unavoidable occurrences, and he is left to be the judge of what is a strike and of what is unavoidable; and if it be found to his advantage to get rid of a contract by a strike, then he could deliberately and purposely bring on a strike. Then the contract also excuses the operator from performance if he can not get coal cars in which to make deliveries, and again he alone is in possession of facts and he alone is the judge, and when he wants to he can use coal cars to fill high-priced profiteering orders and let his contracts wait a more convenient season.

Another peculiar thing about these coal contracts is that they reserve to the operator the right to change the price of coal under contract if the wage scale should change. The result is that manufacturers and coal dealers in the South Atlantic States who had pieces of paper, which they supposed to be contracts, under which they innocently thought that they would obtain coal for the next 12 months at the price of $1.95 per ton, found coal coming to them—when it did come at all, when it suited the pleasure of the operators to send same, when the operators were unable to find buyers at the high and speculative prices that prevailed for a season—these same manufacturers and dealers found their coal being billed to them at $2.95 per ton and at $3.05 per ton, instead of $1.95 per ton.

MANUFACTURERS MAKE REAL CONTRACTS.

Now, these manufacturers in my section of the country can not exactly understand why it is that when they make a contract to manufacture and deliver cotton cloth at a given price per yard that they must keep their contracts and deliver the cloth, even though the price of labor should rise, and the price of cotton rise, and the price of coal rise. Mr. Speaker, what the coal industry needs is "stabilization." The American people are primarily interested in some standardization and fixity of price and quantity. While we should like to have our coal reasonably cheap, we are more vitally interested in a steady and sufficient quantity of coal and in some certainty as to price of coal than we are in mere cheapness of coal. Therefore, Mr. Speaker, we must proceed to eliminate the element of speculation. Speculation feeds upon uncertainty. Without variation in price and in quantity, the speculator would have to go out of business.

RAILROADS HOLD THE KEY.

Upon an intimate and analytic consideration of this coal problem we find that the railroad is the key to the problem. The 180 railroads that distribute the coal from the mouth of the mine to all parts of the country and ultimately to every home and fireside constitute the narrow neck of the bottle through which the contents of the bottle must pass. With so many men digging coal and so many coal mines open that they can supply all the needs of the country by working only two-thirds of the time, we see that scarcity of coal at any place is due to some defect in the distribution of coal.

A REMEDY SUGGESTED.

Therefore, Mr. Speaker, I introduced on September 19, 1922, a bill which I fully explained at the time as designed to stabilize the distribution of coal. Briefly, that bill contemplates conferring power upon the Interstate Commerce Commission to prescribe a uniform contract that must be employed by buyers and sellers of coal to pass through interstate commerce. It requires all such contracts when executed to be registered with the Interstate Commerce Commission and then requires the Interstate Commerce Commission to see that those contracts are carried out by requiring the railroads to furnish the cars and haul them. Then again, on February 12, 1923, I introduced a bill seeking to regulate another feature of the railroad problem that my investigations have uncovered. I have been induced to believe from facts and circumstances that the "bootlegging" of coal has been made possible by reason of some undue influence being exerted by coal speculators upon certain operating agents of railroads, such as superintendents, yardmasters, and so forth, having to do with the placing and movement of cars.

It may be that a school or a public utility has a prior order for coal, but unless the railroad furnishes a car in which to haul the coal the coal will not move. During the periods of scarce coal, when that scarcity is attributable to lack of coal cars, we find the "bootlegging" speculator going up and down the land offering those who are most in need of coal to insure deliveries to them if they will pay the necessary price. Now, Mr. Speaker, what I ask and what I have a right to ask in the name of the American people who love justice and fairness is this: How can this speculator, this bootlegger, get coal delivered when a man who has a contract six months old and has a prior order signed by Government authorities can not get coal? Consequently I introduced this bill on February 12, 1923, to punish any agent or employee of a railroad who shows illegal and improper preference to the movement of cars for any person, firm, or corporation, and requires every such agent or employee of an interstate railroad to see that cars are placed and moved in the order of priority fixed by law, and if there be no law then priority is fixed by the order of time in which demands for cars are filed.

BOOTLEGGING VERSUS FAIR BUSINESS.

Mr. Speaker, it is my firm belief that if the bootlegger of coal did not have some secret and improper influence over certain controlling and operating officials of railroads, then these bootleggers could not handle coal as they do, and therefore they should and would go out of business.

I am quite sure that the cotton-manufacturing business could not endure 12 months upon a speculative basis. It is stabilized and it is therefore sound and satisfactory. The cotton manufacturer places his contracts far in advance for the entire output of his mills. He can not continue manufacturing very long unless he has orders. He dares not pile up indefinitely in storage his manufactured product, because that would make him a speculator. But, when his contracts in advance are signed with responsible firms who can be compelled to keep their contracts, then the manufacturer goes into the market and buys from responsible sellers cotton enough to manufacture that cloth, and he knows with reasonable certainty what his labor will cost, and if he only knew what his coal would cost then practically every element in his process would be certain. I contend that he is entitled to know what the coal will cost him. Therefore, Mr. Speaker, why should not the coal operator be willing to contract by a binding contract for the delivery of 100 per cent of his coal? The American public expects to pay the coal operator a good profit on the coal in addition to the cost. If the coal operator would contract 100 per cent of his output, then he could keep the miners working 100 per cent of the time each year, rather than two-thirds of the time. If the bills I have introduced were enacted into law, then the coal operators would be of necessity required to contract for their entire output, and therefore their miners would be steadily and constantly employed and the business would be standardized and stabilized.

It is true that not every mine in the country would be kept working 100 per cent of the time. In fact the result would be that those mines that can be most economically operated, and therefore can underbid the others, would be kept at work 100 per cent of the time and the other mines would have to close, and they would stay closed until the supply in the most favorably situated mines should be exhausted, and then the digging would be resumed in the other mines. It is a simple and necessary law of progress; it is the survival of the fittest; it is the law of competition that prevails among manufacturers, among merchants, and among farmers. The farmer who does not hold down the cost of production soon finds that he is sold out by the foreclosure of a mortgage on his home. The merchant or manufacturer who does not hold down the cost of production soon finds himself in bankruptcy. Therefore, Mr. Speaker, the coal industry will not be stabilized and standardized until it is subject to the same inexorable and uniform law of competition.

PROFITEERING IN COAL, A NECESSITY, IS SINFUL.

Mr. Speaker, it is not just, it is not right, it is not reasonable that the coal operators and their allies, the speculators and the bootleggers, should be extorting from the American industries and from the American householders at least one thousand million dollars per year in unjustifiable and excessive profits in order that we may have a sufficient supply of coal

to keep industries moving and to keep our homes warm. I submit that things that are wrong can not long endure. This fair, unbiased fact-finding commission says that there has been "profiteering," and we know that the profiteering will average at least $2 per ton on five hundred million tons of coal a year. Therefore, we find the families of the coal profiteers, the speculators and the bootleggers, rolling upon the sands of Palm Beach with their profuse diamonds glittering in the sunlight while their victims are suffering and shuddering and shivering around an insufficiently fed heater in New England and in other sections of the country.

We hear that these coal speculators and profiteers and bootleggers heap up unconscionable profits amounting into the tens of thousands of dollars within a short space of 30 days, while legitimate manufacturers of cotton and of furniture and of shoes and of machinery are happy if they are able to pay their taxes and to declare dividends of 8 or 10 or 12 per cent. Also we find the American farmers, with their $80,000,000,000 invested and with the work of 30,000,000 of men, women, and children in the fields through sunshine and rain, through summer's heat and winter's cold producing everything that our 110,000,000 people must have in order to live, must have in order to eat and wear, and yet these farmers for the last several years have made no profits and have in fact lost substantially of their investments and have lost their labor and their time, and, sad, though it may be, some of them have almost lost courage and have well-nigh lost confidence.

DELAY MEANS MORE PROFITEERING.

Mr. Speaker, this Congress should have taken up the coal proposition when it was convened in April, 1921. We knew then, as we had known for several years, that the specter of winter would breed its offspring of coal speculators and bootleggers. We knew the facts then just as this unbiased and disinterested commission has found them, but we could have appointed such a commission in April, 1921, and we should have then enacted legislation that would have saved the American people by this time at least $2,000,000,000. But we closed our eyes.

The majority Members of Congress have stood bound hand and foot by a system of rules that puts all power into the hands of a few men, and then, when the situation became acute, in the fall of 1922, these few men generously gave us a Fact Finding Commission. They gave us this commission to find out something which everybody knew. They simply wanted to prove that 2 and 2 make 4, and the result is that the coal speculators and bootleggers get by the present winter, and the commission will not report until December, 1923, and then no legislation can get by this oligarchy until late in the next winter to save the American people from the predatory methods of the coal speculators and the bootleggers. So these same despoilers of the public will for the next winter at least take the last $1,000,000,000 of unearned profits.

So, Mr. Speaker, we are compelled to ask: How long will the American people tolerate this endless-chain game of "hide and seek"? How long will they be tickled with this political manipulation and quieted by this political pacifier, which might be entitled "Now you see it and now you don't"?

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

EXTENDING BENEFITS OF SECTION 14, PAY READJUSTMENT ACT.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 14077) to extend the benefits of section 14 of the pay readjustment act of June 10, 1922, to validate certain payments made to National Guard and reserve officers and warrant officers, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I wish to inquire whether the gentleman will agree to eliminate section 3. I will say to the gentleman that section 3 is included in a Senate amendment to the War Department appropriation bill, and before the bill comes out of conference there will be embodied the provision of section 3.

Mr. FROTHINGHAM. Mr. Speaker, so far as I am concerned, speaking for the committee, I have no objection——

Mr. STAFFORD. Of course, we do not want to have duplication. It is now included as a Senate amendment in the War Department appropriation bill, and while the conferees have not reached that item I do not think there will be any question it will be reached and agreed to.

Mr. McKENZIE. It is the only point involved, if the gentleman from Wisconsin can assure us that will be carried in the appropriation bill.

Mr. STAFFORD. Although we have not reached that item, I do not think there will be any question it will be carried. I also wish to inquire, under the reservation of objection, as to this first section applying to reserve officers, and particularly referring to reserve warrant officers. I do not see anything in the report which would extend the provision to reserve warrant offices or even reserve officers. What is the need of extending this provision of the national defense act to warrant officers?

Mr. FROTHINGHAM. Mr. Speaker, I brought this bill in originally and it applied merely to National Guard officers who have done their duty at camp, who were paid, and then under a subsequent decision of the Attorney General they were told they would have to give back the money that they received for quarters; that they were not on the same basis as the Regular Army officer; but when the bill came before the committee we felt that the reserve officers ought to be included and also warrant officers, who I did not know before existed anywhere except in the Navy, but apparently the only warrant officers are the bandmasters, and these reserve warrant officers and reserve officers, of course, when they go to camp they would be placed on the same basis as Regular Army officers and National Guard officers, so I was perfectly willing to have this section put in the bill.

Mr. STAFFORD. Well, the committee amendment will limit the applicability of the provisions of this section to reserve officers and reserve warrant officers. Without the committee amendment it would apply to warrant officers of any service mentioned in the table of the pay readjustment act.

Mr. FROTHINGHAM. I understand that that applies to the regular warrant officers, so that the only need in this legislation is to take care of the reserve National Guard.

Mr. McKENZIE. Mr. Speaker, will the gentleman yield?

Mr. FROTHINGHAM. Yes.

Mr. McKENZIE. I wish to say to the gentleman from Wisconsin—and I think he is perfectly familiar with the facts—that in the drafting of the service pay bill we put language into that bill to the effect that wherever the National Guard or the reserve rendered the same service and held similar grades to those in the Regular Army they should receive equal pay. Now, so far as warrant officers in the Army are concerned, the gentleman from Wisconsin will remember that the grade of field clerk was abolished in the Army reorganization bill and the grade of warrant officer created. However, in the National Guard and in the reserve the only warrant officers that they have are, as the gentleman from Massachusetts [Mr. FROTHINGHAM] has said, bandmasters. I presume they will have little to do; but in order that the legislation should be perfectly plain, and that no question should arise hereafter, this is an attempt to put them all on the same level, where they will receive the same compensation for the same service rendered. That is the only purpose.

Mr. STAFFORD. Mr. Speaker, I wish to inquire of either gentleman whether under existing law reserve officers are entitled to a commutation or allowance for quarters?

Mr. McKENZIE. Well, that was the understanding that we had when they were called out for camp duty. As a matter of fact, not many of them will claim pay for that particular purpose. But we felt that the law should apply to them all alike. The comptroller, however, has held that it does not, and therefore they asked for this legislation. It is in the interest of the National Guard.

Mr. STAFFORD. I am inquiring more as to the effect on the reserve officers. My understanding was that when the reserve officers went into camp for summer training they did not get any allowance for quarters.

Mr. McKENZIE. The comptroller held they would not.

Mr. BRIGGS. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. BRIGGS. Is it not a fact that these officers all understood that they would have these allowances, and that that was the construction the War Department put upon the act? On that assurance they went to the camps and underwent the expense, and now the comptroller holds that they were not entitled to the allowance.

Mr. HILL. Mr. Speaker, will the gentleman yield for a question?

Mr. STAFFORD. Yes.

Mr. HILL. I would like to ask the gentleman from Wisconsin not to object to any legislation that makes it clear that there is no difference between the National Guard and the reserve. The gentleman will remember that last year there was a difficulty about reserve officers receiving 15 days' pay, they only receiving pay for 14 days. On the appropriation bill there is a provision taking care of that for the National Guard, and the gentleman's subcommittee has taken care of it and put both

the National Guard and the reserve officers on the same basis. I ask the gentleman that he will allow it to remain the same way in this bill.

Mr. STAFFORD. I question if we should change it, as suggested, as to reserve warrant officers. I withdraw the reservation.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That officers and warrant officers of the National Guard, while participating in exercises or performing the duties provided for by sections 94, 97, and 99 of the national defense act, approved June 3, 1916, as amended, and reserve officers and reserve warrant officers of any of the services mentioned in the title of the pay readjustment act of June 10, 1922, while on active duty, including duty for training purposes, shall receive the allowances prescribed for officers and warrant officers of the Regular services under sections 5, 6, and 11 of the said pay act, and payments heretofore made for rental allowances to officers and warrant officers of the National Guard or reserves while attending camps of instruction or service schools are hereby validated.

SEC. 2. That service rendered by National Guard officers during temporary Federal recognition, prior to December 15, 1922, shall be deemed to have been rendered in compliance with the provisions of section 75, national defense act, approved June 3, 1916, and all payments heretofore or hereafter made therefor are hereby validated and authorized.

Mr. TILSON. Mr. Speaker, there seems to be a committee amendment to section 1 of the bill. Should not that be acted upon?

The SPEAKER. This is the first reading of the bill.

The Clerk read as follows:

Committee amendment: Page 1, line 7, after the word "and," insert the word "reserve."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

SEC. 3. That the laws providing for land-grant deductions shall not apply to travel at 4 cents per mile heretofore performed under the War Department appropriation act, approved June 30, 1922 (Public No. 259, 67th Cong.), by members of the Officers' Reserve Corps.

Mr. STAFFORD. Mr. Speaker, I move to strike out section 3.

The SPEAKER. The gentleman from Wisconsin moves to strike out section 3. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

SEC. 4. That hereafter the payments authorized by section 3, act of September 14, 1922 (Public, No. 299, Sixty-seventh Congress), may include the entire amount lawfully accruing to such officers as pay, allowances, and mileage on account of such service, and, including pay and mileage for their return home, may be paid to the officers during said period and prior to their departure from the camp or other place at which such service is performed.

Committee amendment: "SEC. 5. That payments heretofore made to captains and lieutenants belonging to organizations of the National Guard for drills provided for in section 109, national defense act, at which at least 50 per cent of the commissioned strength and 60 per cent or more of the enlisted strength, but not less than 60 per cent of the required recognition strength, attended and participated for the required time be, and the same are hereby, validated."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FROTHINGHAM. Mr. Speaker, I ask that we be permitted to change the numbering of the sections. Section 3 was dropped out.

The SPEAKER. Without objection, the request will be agreed to.

There was no objection.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read the third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

AMENDING THE HOMESTEAD LAW.

The next business on the Calendar for Unanimous Consent was the bill (S. 3103) to amend section 2294, United States Revised Statutes, relating to homesteads.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 2294, Revised Statutes of the United States, as amended by the act of March 11, 1902 (32 Stat. p. 63), and the act of March 4, 1904 (33 Stat. p. 59), be amended to read as follows:

"SEC. 2294. That hereafter all proofs, affidavits, and oaths of any kind whatsoever required to be made by applicants and entrymen under the homestead, preemption, timber-culture, desert-land, and timber and stone acts may, in addition to those now authorized to take such affidavits, proofs, and oaths, be made before any United States commissioner or commissioner of the court exercising Federal jurisdiction in the Territory or before the judge or clerk of any court of record in the county, parish, or land district in which the lands are situated: *Provided*, That in cases where because of geographic or topographic conditions there is a qualified officer nearer or more accessible to the land involved, but outside the county and land district, affidavits, proofs, and oaths may be taken before such officer: *Provided further*, That in case the affidavits, proofs, and oaths hereinbefore mentioned be taken outside of the county or land district in which the land is located the applicant must show by affidavit satisfactory to the Commissioner of the General Land Office that it was taken before the nearest or most accessible officer qualified to take such affidavits, proofs, and oaths; but such showing by affidavit need not be made in making final proof if the proof be taken in the town or city where the newspaper is published in which the final proof notice is printed. The proof, affidavit, and oath when so made and duly subscribed, or which may have heretofore been so made and duly subscribed, shall have the same force and effect as if made before the register and receiver when transmitted to them with the fees and commissions allowed and required by law. That if any witness making such proof or any applicant making such affidavit or oath shall knowingly, willfully, or corruptly swear falsely to any material matter contained in said proofs, affidavits, or oaths, he shall be deemed guilty of perjury, and shall be liable to the same pains and penalties as if he had sworn falsely before the register. That the fees for entries and for final proofs when made before any other officer than the register and receiver shall be as follows:

"For each affidavit, 25 cents.

"For each deposition of claimant or witness, when not prepared by the officer, 25 cents.

"For each deposition of claimant or witness prepared by the officer, $1.

"Any officer demanding or receiving a greater sum for such service shall be guilty of misdemeanor and upon conviction shall be punished for each offense by a fine not exceeding $100."

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read the third time, was read the third time, and passed.

MINING ON THE PUBLIC DOMAIN.

The SPEAKER. The Clerk will report the next bill.

The next business on the Calendar for Unanimous Consent was the bill (S. 3794) to amend section 35 of the act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. I object, Mr. Speaker.

The SPEAKER. Objection is made. The Clerk will report the next bill.

Mr. SMITH of Idaho. Mr. Speaker, I will ask the gentleman from Texas to withhold his objection a moment until I can explain this bill.

Under the existing law, the money coming from royalties on oil is held in the Federal Treasury until the end of the fiscal year. This bill simply provides that the money shall be paid out at the end of each quarter, so that the States, counties, the reclamation fund, and the Federal Treasury who are entitled to this division of the fund may have it quarterly instead of annually. It will be a very great convenience.

Mr. BLANTON. Are the States that hard up?

Mr. SMITH of Idaho. They can utilize this money advantageously, and it will be very acceptable for roads and schools. There is no occasion for it to remain in the Federal Treasury nine months beyond the time when it might be divided.

Mr. BLANTON. I know that individuals get hard up sometimes, but I did not know that the States of the great West ever did.

Mr. SMITH of Idaho. Some of the States need this money for road building and schools. It is legislation suggested by the Secretary of the Interior and is a departmental bill. I have no personal interest in it.

Mr. BLANTON. Is it recommended by the Secretary of the Interior?

Mr. SMITH of Idaho. Yes; as very wise legislation.

Mr. BLANTON. I withdraw my objection.

Mr. STAFFORD. Reserving the right to object, are these reclamation funds under the control of the Secretary of the Interior or of the Secretary of the Treasury?

Mr. SMITH of Idaho. The funds are under the control of the Secretary of the Treasury, but of course they can only be paid out on an appropriation by Congress.

Mr. STAFFORD. I have no objection to the fund being paid quarterly if it is not going to inconvenience the Treasury officials. The question I should like to ask is whether it is feasible from the administrative standpoint for the Treasury

to determine each quarter the amount of money that is coming to the respective States under the allotment of the reclamation fund.

Mr. SMITH of Idaho. The only additional trouble will be the issuance of a warrant, after adding up the receipts, each quarter instead of at the end of the year.

Mr. STAFFORD. There is nothing in the report to show whether it is practicable from an administrative standpoint. This amount is changing continuously, as I understand.

Mr. SMITH of Idaho. It accumulates.

Mr. STAFFORD. It accumulates continuously? It is an ever-receptive fund?

Mr. SMITH of Idaho. Yes.

Mr. STAFFORD. The Treasury Department at the end of the year will know how much should be paid to each State under the percentage plan?

Mr. SMITH of Idaho. Yes.

Mr. STAFFORD. But I have some doubt whether the Treasury Department will know how much should be paid to each State at the end of each quarter.

Mr. SMITH of Idaho. It is just a matter of adding up the accretions each quarter.

Mr. STAFFORD. But the accretions do not come in every quarter.

Mr. SMITH of Idaho. Oh, yes; they come in constantly.

Mr. STAFFORD. They are coming in all the time. Now let me ask the gentleman how soon after the fiscal year is ended does the Treasury Department issue its warrant to the respective States? How long does it take the Secretary of the Treasury to determine just how much each State is entitled to under the law?

Mr. SMITH of Idaho. I could not answer that definitely, but I do not think it is over a week or 10 days.

Mr. STAFFORD. In the Post Office Department it takes several weeks and months before the department is able to tell how much the salary of a postmaster will be.

Mr. SMITH of Idaho. That is a different proposition.

Mr. BLANTON. I ask for the regular order. We have found out what the bill is.

The SPEAKER. Is there objection?

Mr. STAFFORD. I object.

Mr. SMITH of Idaho. Mr. Speaker, I ask unanimous consent that this bill may retain its place on the calendar.

The SPEAKER. The gentleman asks unanimous consent that the bill retain its place on the calendar. Is there objection?

Mr. COOPER of Wisconsin. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER of Wisconsin. When again could this bill be brought up?

The SPEAKER. The Chiar is unable to answer.

Mr. BLANTON. Never.

Mr. COOPER of Wisconsin. That is what I thought.

Mr. BLANTON. But the gentleman would rather have it die on the calendar than to die somewhere else.

The SPEAKER. Is there objection?

Mr. COOPER of Wisconsin. Reserving the right to object, I should like to ask the gentleman from Idaho a question. I notice, in lines 5 to 10, inclusive, of page 2 of this bill, there is a provision that 37½ per cent of the amounts derived from royalties, bonuses, and rentals shall be paid by the Secretary of the Treasury to the States in which the leased lands are situated. Would that cover the Teapot Dome lease?

Mr. SMITH of Idaho. If the Teapot Dome lease comes within the provisions of the oil leasing law, it would.

Mr. STAFFORD. That is the existing law. The gentleman will notice that the last proviso of this bill says that all moneys which may accrue to the United States under the provisions of this act from lands within the naval petroleum reserves shall be deposited in the Treasury as "miscellaneous receipts." The Teapot Dome lease is a naval petroleum reserve, and the original enactment did not provide for the allotmnet of those funds to the various States. It excepted those funds in the original leasing law.

Mr. COOPER of Wisconsin. Inasmuch as this was proposed by the Secretary of the Interior, and inasmuch as the proposition is to give such percentage of the royalties of leased oil lands to the different States, I am unwilling so late in the session to permit anything to be done which will look like a ratification by the House of Representatives of that Teapot Dome lease. Therefore I object.

The SPEAKER. Objection is made. The Clerk will report the next bill.

SOLDIERS AND SAILORS' HOMESTEAD ENTRIES IN ALASKA.

The next business on the Calendar for Unanimous Consent was the bill H. R. 7762, to provide for soldiers and sailors' homestead entries in Alaska.

The Clerk read the title to the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the substitute be read in lieu of the original bill.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the substitute bill, as follows:

Be it enacted, etc., That from and after the passage of this act officers, soldiers, sailors, or marines who served in the Army or Navy of the United States in the war with Germany, or in the war with Spain, or during the suppression of the insurrection in the Philippines, and have been honorably separated or discharged therefrom, or placed in the Regular Army or Naval Reserve, in addition to the rights and privileges at present provided by the homestead laws, shall be entitled, in the event of making homestead entry in the Territory of Alaska, to a period of one year from date of entry within which to begin residence upon the land and thereafter show compliance with the homestead law: *Provided*, That in the event such an entry shall be relinquished at any time prior to actual residence upon the land by the entryman, for not less than one year, lands so relinquished shall not be subject to entry for a period of 60 days after the filing and notation of the relinquishment in the local land office, and shall, after the expiration of such 60-day period, be subject to entry by the first qualified applicant.

SEC. 2. That the Secretary of the Interior is hereby authorized to make any and all regulations necessary to carry this act into effect.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

GRANTING CERTAIN LANDS TO THE CITY OF SKAGWAY, ALASKA.

The next business on the Calendar for Unanimous Consent was the bill H. R. 12171, to grant certain lands to the city of Skagway, Alaska, for a public park.

The Clerk read the title to the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

A bill to grant certain lands to the city of Skagway, Alaska, for a public park.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to convey to the city of Skagway, Alaska, for use as a public park, that certain portion of unsurveyed public land adjacent to the city of Skagway, Alaska, which is bounded on the east by the Skagway River, on the south by Lynn Canal, on the west by Lynn Canal and Long Bay, an arm of Lynn Canal, and on the north by a line running from a point approximately 400 feet north of Alpine Bridge, on the west bank of the Skagway River, in an approximately westerly direction to Long Bay, on Lynn Canal, the land embraced in these boundaries containing approximately 250 acres: *Provided*, That the grant hereby made is, and the patent issued thereunder shall be, subject to all legal rights heretofore acquired by any person or persons in or to the above-described premises or any part thereof and now existing under and by virtue of the laws of the United States: *Provided further*, That there shall be reserved to the United States all coal, oil, or other mineral deposits that may be found in the lands so granted and all necessary use of the lands for extracting the same: *And provided further*, That the lands hereby authorized to be conveyed, as hereinbefore set forth, and all portions thereof, shall be held and used by or for the said grantee for the purpose herein specified, and if the lands shall cease to be so used for a period of three years at any one time, they shall revert to the United States, and this condition shall be expressed in the patent to be issued under the terms of this act:

With the following committee amendment:

Page 2, line 18, strike out the period at the end of the line, insert a colon, and add the following:

"*And provided further*, That the land to be conveyed to the city of Skagway, Alaska, shall be paid for at the rate of $1.25 per acre."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

AMENDING SECTION 2 OF THE LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION ACT, APPROVED JULY 31, 1894.

The next business on the Calendar for Unanimous Consent was the bill H. R. 13434, to amend section 2 of the legislative, executive, and judicial appropriation act, approved July 31, 1894.

The Clerk read the title to the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, this is included in a Senate amendment to the War Department bill, and as some action will be taken by the conferees, I object.

DAM ACROSS POTOMAC RIVER, NEAR WILLIAMSPORT, MD.

The next business on the Calendar for Unanimous Consent was the bill H. R. 13554, authorizing the construction, maintenance, and operation of a dam and other structures across or in the Potomac River, at or near Williamsport, Washington County, Md.

The Clerk read the title to the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I think there ought to be some explanation of this bill, and I reserve an objection.

Mr. DENISON. This bill is to authorize the Williamsport Power Co. to construct a dam across the river near Williamsport, Md. The dam is to be used to impound water for a power plant which is to be built on the banks of the Potomac and connected in some way with a coal company at some distance away. This is not to be used for the creation of a water power, but only in connection with the steam power.

Mr. STAFFORD. Where is Williamsport?

Mr. DENISON. It is 75 or 80 miles up the river from Washington, near Hagerstown.

Mr. STAFFORD. It is unusual to authorize such legislation, but on reading the bill it seems to safeguard the interests of all concerned.

Mr. DENISON. I will state to the gentleman that the Committee on Interstate Commerce gave the bill very careful consideration. The attorney general of the State of Maryland and Mr. ZIHLMAN, the author of the bill, came before the committee and made full statements with regard to the matter. All public rights are reserved and safeguarded. The company that is going to put this plant there owns the land between the canal and the river. It is located between the Potomac River and the Cumberland Canal, where the canal bends out somewhat from the river. The company owns the land and they are going to put a power plant there, and they want to put in this dam with an intake and an outtake connection with the river, so as to hold a fresh supply of water for steam purposes. We give them no right to construct a water-power plant, but if at any time the Government wants to utilize that part of the river for water purposes, they have a right to submerge the dam or destroy or remove it without payment of damages to anyone.

Mr. STAFFORD. I presume the reason they do not exercise their power under the general dam law is because that requires the dam to have provision made for navigation?

Mr. DENISON. I suppose so.

Mr. STAFFORD. This has no navigable feature connected with the project?

Mr. DENISON. None whatever.

Mr. BLANTON. And this bill will not cost the Government anything?

Mr. DENISON. No; not a cent.

Mr. BLANTON. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the Williamsport Power Co., a corporation organized and existing under the laws of the State of Maryland, its successors and assigns, is hereby authorized to construct, maintain, and operate, at a point suitable to the interests of navigation, a dam and other structures across or in the Potomac River at or near Williamsport, Washington County, Md.: *Provided*, That the work shall not be commenced until the plans therefor have been submitted to and approved by the Chief of Engineers, United States Army, and by the Secretary of War: *Provided further*, That this act shall not be construed to authorize the use of such dam and/or other structures to develop water power or generate hydroelectric energy.

SEC. 2. That the authority granted by this act shall cease and be null and void unless the actual construction of the dam and other structures hereby authorized is commenced within one year and completed within three years from the date hereof: *Provided*, That from and after thirty days' notice from the Federal Power Commission, or other authorized agency of the United States, to said company or its successors, that desirable water-power development will be interfered with by the existence of such dam and/or other structures, as the case may be, the authority hereby granted to construct, maintain, and operate such dam and/or other structures designated in such notice shall terminate and be at an end; and any grantee or licensee of the United States proposing to develop a power project at or near such dam and/or other structure shall have authority to remove, submerge, or utilize such dam and/or other structures under such conditions as said commission or other agency may determine, but such conditions shall not include compensation for the removal, submergence, or utilization of such dam if the water level to be maintained in said power project is higher than the level of the crest of said dam.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

In the second line of the title eliminate the word "other" and insert "appurtenant intake and outlet."

Page 1, line 3, change the letter "t" in the first word "the" to a "T."

Page 1, line 7, strike out the word "other" and insert "appurtenant intake and outlet."

Page 2, line 10, strike out the word "hereof" and insert the words "of approval of this act."

Page 3, line 1, after the word "dam" eliminate the words "if the water level to be maintained in said power project is higher than the level of the crest of said dam."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

GLACIER NATIONAL PARK.

The next business on the Calendar for Unanimous Consent was the bill S. 3593, to authorize an exchange of lands with owners of private land holdings within the Glacier National Park.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior, for the purpose of eliminating private holdings of land within the Glacier National Park, is hereby empowered, in his discretion, to obtain for the United States the complete title to any or all of the lands held in private ownership within the boundaries of said park by accepting from the owners of such privately owned lands complete relinquishment thereof and by granting and patenting to such owners, in exchange therefor, in each instance, like public land of equal value situate in the State of Montana, after due notice of the proposed exchange has been given by publication for not less than 30 days in the counties where the lands proposed to be exchanged or taken in exchange are located.

SEC. 2. That the value of all patented lands within said park, including the timber thereon, offered for exchange, and the value of other lands of the United States elsewhere situate, to be given in exchange therefor, shall be ascertained in such manner as the Secretary of the Interior may direct; and the owners of such privately owned lands within said park shall, before any exchange is effective, furnish the Secretary of the Interior evidence satisfactory to him of title to the patented lands offered in exchange; and lands conveyed to the Government under this act shall be and remain a part of the Glacier National Park.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

UNITED STATES COAL COMMISSION.

The next business on the Calendar for Unanimous Consent was the bill H. R. 13882, to amend the act entitled "An act to establish a commission to be known as the United States Coal Commission for the purpose of securing information in connection with questions relative to interstate commerce in coal, and for other purposes," approved September 22, 1922.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I object.

SCHOOL FUND OF CHEROKEE NATION IN OKLAHOMA.

The next business on the Calendar for Unanimous Consent was House Resolution 393, directing the Attorney General to make an immediate investigation of the school funds of the Cherokee Nation in Oklahoma.

The SPEAKER. Is there any objection to the present consideration of the bill?

Mr. MOORE of Virginia. Mr. Speaker, at the instance of the gentleman from Oklahoma [Mr. CARTER], I object to the consideration of the bill. He states that all of the information that would result from the proposed investigation can now be furnished by the Commissioner of Indian Affairs.

The SPEAKER. The gentleman from Virginia objects.

Mr. CHRISTOPHERSON. Mr. Speaker, I ask unanimous consent that the bill may retain its place on the calendar.

The SPEAKER. Is there objection?

There was no objection.

CEDING CERTAIN LANDS IN MICHIGAN TO THE STATE OF MICHIGAN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8625) to provide for the cession to the State of Michigan of certain public lands in the county of Isle Royal, State of Michigan.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. I object.

Mr. STAFFORD. Mr. Speaker, will the gentleman reserve his objection?

Mr. BLANTON. Is the gentleman in favor of this bill?

Mr. STAFFORD. We have done this same thing in the State of Wisconsin. Years ago the National Government ceded all of the islands in the northern lakes to the State of Wisconsin, so that the State could conserve them for State park purposes and thereby prevent private individuals from preempting on them. This relates only to a very few islands, in extent only

33 acres of land, in Lake Superior. It safeguards the State and the Government.

Mr. BLANTON. There was just one question involved, and that is this: Suppose there should be governmental uses for this in the future, we will have ceded them away.

Mr. STAFFORD. Any private person can now enter on these islands and get title to them. How much better is it not to allow the National Government to establish a park, but the State to establish a park? This is public land not utilizable for any other purpose, and the bill seeks to cede the lands to the State of Michigan so as to allow it to establish parks. There is no future burden upon the National Government. If we do not do that, it will permit some private individual to enter and preempt the land.

Mr. BLANTON. But it is left to the Government after all to determine whether or not it will pass title.

Mr. STAFFORD. Oh, no; these lands are open to entry now, and people will enter on them for pleasure resort purposes. We considered that question many years ago in Wisconsin in reference to the islands in the lakes there.

Mr. BLANTON. If the matter has passed the eagle eye of the gentleman from Wisconsin, I have no objection.

Mr. HUDSPETH. How much land is involved?

Mr. STAFFORD. Only 33 acres.

The SPEAKER pro tempore (Mr. TILSON). Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the following-described lands located in the county of Isle Royal, State of Michigan, be, and they are hereby, ceded to the State of Michigan for public park purposes: Isle No. 1, section 4, township 66 north, range 34 west; Isle No. 2, section 4, township 66 north, range 34 west; Isle No. 2, section 2, township 66 north, range 34 west; Isle No. 1, section 36, township 67 north, range 34 west; Dean Isle, sections 31 and 36, township 67 north, ranges 33 and 34 west; Green Isle, sections 25 and 36, township 67 north, range 34 west; Isle No. 1, section 32, township 67 north, range 33 west; Isle No. 2, section 32, township 67 north, range 33 west; Isle No. 3, sections 29 and 32, township 67 north, range 33 west; containing, in all, 33.71 acres: *Provided, however*, That in case the State of Michigan shall at any time use the said described lands, or any portion of them, for other than public park purposes, the title thereto shall revert to the Government of the United States.

The following committee amendments were severally reported and severally agreed to:

Page 1, line 4, strike out the words "Isle Royal" and insert the word "Keweenaw."

Page 2, line 11, strike out "thirty-three and seventy one-hundredths" and insert "thirty-three and seventy-five hundredths."

Page 2, line 12, strike out the word "however" and insert:

"That any grant hereby made shall not defeat any prior valid settlement claim initiated when the land was subject to settlement and legally maintained: *And provided further.*"

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read as follows:

A bill to provide for the cession to the State of Michigan of certain public lands in the county of Keweenaw, State of Michigan.

UNITED STATES COAL COMMISSION.

Mr. LEA of California. Mr. Speaker, I ask unanimous consent that Calendar No. 491 (H. R. 13882), relating to the United States Coal Commission, retain its place on the calendar without prejudice.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Reserving the right to object, may I ask the gentleman what purpose there can be in keeping it on the calendar?

Mr. LEA of California. I do not know that the purpose is very material.

Mr. BLANTON. We are now approaching the end of the Congress, and there will hardly be another unanimous-consent day.

Mr. LEA of California. If there is any advantage, I would like to retain it.

Mr. BLANTON. I would like very much to do the gentleman a personal courtesy, but if there is any chance for any advantage to be derived by this legislation I shall object, because I do not want to see it have any advantage at all.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. I object.

The SPEAKER pro tempore. The gentleman from Texas objects, and the bill is stricken from the calendar.

PAYMENT OF PER DIEM EMPLOYEES, ETC.

The next business in order on the Calendar for Unanimous Consent was H. J. Res. 256, proposing payment to certain employees of the United States.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I notice from the report this would involve the expenditure of $333,000, and more. What character of employees will this extend the payment of a day's wage to?

Mr. VOLSTEAD. All per diem employees. Of course, there are a good many of those.

Mr. STAFFORD. As to those who were employed on regular salaries it would be impossible to deduct their day's pay?

Mr. VOLSTEAD. Yes; those who are paid by the month or year get their pay just the same. Of course, nearly all of these holidays, I think, in every instance, they are paid for the day. This was passed without any mention made of the question of pay and subsequently the comptroller has held that they were not entitled to pay and they went upon the supposition that the ordinary rule would prevail. The departments went on and paid. Now, the question is, Shall we attempt to collect that back or allow it to go?

Mr. STAFFORD. I notice in reading the report the War Department has attempted in a good many instances——

Mr. VOLSTEAD. Some instances.

Mr. STAFFORD. To have the Treasury reimbursed. Perhaps it was the intention of Congress that all employees of the Government should have a holiday and not pay it back, whether they were per diem or salaried employees.

Mr. VOLSTEAD. Of course, that was the understanding of the department because they allowed it and paid them.

Mr. STAFFORD. That is the question, whether it was the intention of Congress or not.

Mr. BLANTON. Mr. Speaker, reserving the right to object, is this a unanimous report of the Committee on the Judiciary?

Mr. VOLSTEAD. I think so; I do not remember of any opposition to it. There is no minority report.

Mr. BLANTON. If it is a unanimous report, I think the gentleman from Wisconsin ought to go into it a little more thoroughly.

Mr. VOLSTEAD. I do not remember there is any minority report.

Mr. BLANTON. It had about the same consideration that the murder bill which the gentleman brought in here had?

Mr. VOLSTEAD. No; this was up and considered very carefully, and we had before us the comptroller to explain it to us quite fully. I can say that the bill which the gentleman refers to——

Mr. BLANTON. Slipped by the chairman——

Mr. VOLSTEAD. Well, it was sent to us twice, and it was assumed that it was all right because it came from hands which ought to have seen that it was in proper shape.

Mr. STAFFORD. Did the comptroller hold it was the intention of Congress to allow all these employees to have their salary on this holiday?

Mr. VOLSTEAD. No; I can not say the comptroller said that; but it was evident the department so understood it because they allowed these employees to be paid and did pay them.

Mr. STAFFORD. I withdraw the reservation of objection.

The Clerk read as follows:

Whereas under the terms of House Joint Resolution 212, approved November 4, 1921, and the proclamation of the President, dated November 7, 1921, Armistice Day, November 11, 1921, was declared a legal public holiday; and

Whereas it was understood such action by Congress automatically carried with it payment for such holiday to per diem as well as annual salaried employees; and

Whereas the Comptroller General has ruled that per diem employees can not be legally paid for the holiday, November 11, 1921: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all per diem employees of the several departments and independent establishments of the Government who were carried on the rolls as employees and excused from work on November 11, 1921, shall be allowed pay for that day.

Mr. STAFFORD. Mr. Speaker, I move to strike out the preamble.

The motion was agreed to.

The joint resolution was ordered to be engrossed and read the third time, was read the third time, and passed.

EXPENSES OF SUBSISTENCE, OFFICERS AND ATTORNEYS, DEPARTMENT OF JUSTICE.

The next business in order on the Unanimous Consent Calendar was the bill (H. R. 13430) to amend section 370 of the Revised Statutes of the United States.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Mr. Speaker, I object.

Mr. FOSTER. Will the gentleman withhold his objection?

Mr. BLANTON. I will withhold.

Mr. FOSTER. Mr. Speaker, the purpose of this bill is to secure for the officers of the Department of Justice, when on travel on Government business, an allowance more in keeping with the present prices. When the per diem of $4 was fixed in 1914 we had different conditions from those we have now. The Army, Navy, and Marine Corps when on duty are allowed $7 per day; Federal judges are allowed $10 per day; the general appraisers of the Government engaged under the tariff act of 1922, $10 per day; and even the stenographic force is allowed $8 per day. The Senate recently passed a similar bill allowing the Department of Justice $7 per day. The Judiciary Committee of the House, after hearings and full consideration, amended the Senate provisions to make it read $6 per day, in lieu of actual expenses. In view of the fact that even the stenographic force draw $8 per day and judges $10 per day, we consider the allowance of $4 per day, made before the war, an injustice to the Department of Justice and should raise this amount.

Mr. BLANTON. I will state when this practice first started of raising this allowance for subsistence in various departments my colleague [Mr. BLACK] and myself and several others called attention to where it would lead, that it would be an excuse for raising the allowance for subsistence all the way up the line and down the line. But gentlemen said, "No; it would be confined to that particular bill."

Mr. FOSTER. Does the gentleman from Texas think that representatives of the Department of Justice going out on official business, say, to Chicago or to Dallas, Tex., can subsist upon $4 a day? Instead of the $10 allowed to the judges, we propose to cut what the Senate put in and make it $6.

Mr. BLANTON. Well, under another bill we passed the other day some employees are allowed $8 a day. Now, you are coming in and granting a raise in this department, and some others will come in with bills granting raises to others, and I think we should stop these raises. There was a time when a man could live on less than $4 subsistence where he had his salary and traveling expenses allowed. There was a time in the country when he could do it, and we may get back to those normal conditions. But the gentleman will never be able to amend the future bills downward; it will always be upward.

Mr. FOSTER. That question came before our committee whether we should agree to the Senate bill, making it $7, and your Judiciary Committee unanimously agreed to make it $6, realizing that would hardly reimburse. Now, if this is passed all expense accounts must be itemized and must not exceed $6 per day.

Mr. BLANTON. I want the distinguished gentleman to look back into the RECORD of probably about three weeks ago, to the list of the special attorneys employed in this department, on the Government pay roll, drawing a large salary, and the history of some of them that was given at that time, and the class of services they were giving to this Government. Some who used to be messenger boys a short while ago are now special attorneys employed at large salaries.

Mr. FOSTER. I do not hold against them the fact they were once messenger boys. I myself for seven years sold newspapers.

Mr. BLANTON. But before a man is employed by the Government to represent the Government in the Department of Justice cases, where he will be pitted against highly paid private attorneys, he should have some legal education and training and at least some practical training in the courthouse as well as in the theory of pleading and practice.

Mr. FOSTER. I am conscious of the fact that the gentleman from Texas is a good enough lawyer and realizes that the exception does not prove the rule. But if the Department of Justice sends an Assistant Attorney General out, for example, to Columbus, Ohio, he ought not to be asked to subsist on $4 a day under present prices and conditions. The hotel bill alone is frequently that much. This law does not fix it at $7, or $10, or at $8, such as the stenographic force may get, but it fixes the reasonable maximum price of $6 a day to be itemized, which the gentleman admits is reasonable. I am not asking any special favor for this department.

Mr. BLANTON. There is one more trouble. The gentleman, if he will investigate these expense accounts as I have done, and will go down into them and look at the different items that are put into these various expense accounts, will find out that where you have made a big allowance for subsistence besides traveling expenses the trips have been prolonged over 40 or 50 or 60 days, which sometimes could have been ended in probably a week; and it is an incentive to make the trips last when they are drawing $6 or $8 a day for subsistence, for every day they can prolong the trip is so much money in their pockets.

Mr. FOSTER. I do not question but that the gentleman from Texas has rendered a great service to this House by making such investigations; but——

Mr. BLANTON. I have tried, but I have not been able to stop all waste.

Mr. FOSTER. This bill provides that it must not exceed $6.

Mr. BLANTON. The Post Office Department is more important to the people of the United States—our home people—than the Department of Justice just now. Why does not the gentleman raise the $4 allowance for traveling expenses for the inspectors and officials of the Post Office Department?

Mr. FOSTER. My belief is that a gentleman under the Post Office Department, going out on field duty, can no more live on $4 a day than can those from the Department of Justice.

Mr. BLANTON. The gentleman's party has one of the finest men in this Government down in the Post Office Department as Postmaster General, and you have not found Doctor Work, or his First Assistant, Governor Bartlett, who is slated for Doctor Work's place—you have not found them asking for $8 or $6 allowance. They are satisfied with $4.

Mr. FOSTER. I know that the gentleman from Texas realizes that if Doctor Work should go to-day to Denver on Government business he could not subsist on $4 a day.

Mr. BLANTON. Doctor Work knows present conditions. He is presumed to have and does have the interests of his post-office inspectors at heart. Why has he not asked for it?

Mr. FOSTER. I do not know as to that, but I do know, and the gentleman from Texas knows, that neither Doctor Work nor anyone else can subsist on $4 a day if placed subject to our city prices.

Mr. SWING. Mr. Speaker, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. SWING. I remember a conversation that I had with the late lamented Franklin K. Lane while still Secretary of the Interior. I had occasion to present him with some California fruits. He said, "This will help out." He stated that it had been a subject of conversation in the Cabinet a few days before how the Cabinet members could travel on official business and live on the $5 per day allowed them. He said it could not be done.

Mr. BLANTON. I think there ought to be a special committee—not another committee appointed, because, God knows, we have enough already—but there ought to be some concerted action by your steering committee that will make these subsistence allowances more consistent. Until such a committee has worked out a consistent plan each bill will come in on its own footing, as it does now, and I do not think we ought continually to raise the amount.

Mr. FOSTER. I have observed the gentleman from Texas during the past four years—he as a persistent speaker; I as an interested listener. I believe that generally the gentleman from Texas tries to do what he believes is right.

Mr. BLANTON. But you will not vote with me.

Mr. FOSTER. I have voted with the gentleman, as an examination of the RECORD will disclose, more times than he may realize. I do not think the gentleman believes that these men can subsist on $4 a day. I think he believes in his own heart that this provision in the bill is a just one. The gentleman should realize that the House Judiciary Committee brought the amount down to $6 a day maximum, on itemized statements. I do not think the gentleman should object to the bill.

Mr. BLANTON. I saw in the paper this morning that the German mark is being stabilized. If they can do that, we certainly are getting back to normal.

Mr. SUMNERS of Texas. Mr. Speaker, I object to the consideration of this bill.

The SPEAKER. Objection is made.

Mr. FOSTER. Where does the objection come from?

The SPEAKER. The gentleman from Texas objects.

Mr. HUSTED. Will the gentleman withhold that objection for a moment?

Mr. SUMNERS of Texas. I will reserve the objection——

Mr. BLANTON. I make it.

The SPEAKER. The gentleman from Texas [Mr. BLANTON] objects. The Clerk will report the next bill.

UNITED STATES MARSHAL, SOUTHERN DISTRICT OF NEW YORK.

The next business on the Calendar for Unanimous Consent was the bill (S. 3614) relating to the official bond of the United States marshal for the southern judicial district of the State of New York.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill for amendment.

The bill was read, as follows:

Be it enacted, etc., That whenever the business of the United States district court in the southern judicial district of the State of New York shall make it necessary, in the opinion of the Attorney General, for the United States marshal to furnish greater security than the official bond now required by law, a bond in an amount not to exceed $75,000 shall be given, when required by the Attorney General, who shall fix the amount thereof.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to a third reading, and was accordingly read the third time, and passed.

FOREIGN POSTAGE AND REVENUE STAMPS.

The next business on the Calendar for Unanimous Consent was the bill (S. 2703) to allow the printing and publishing of illustrations of foreign postage and revenue stamps from defaced plates.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill for amendment.

The bill was read, as follows:

Be it enacted, etc., That nothing in sections 161, 172, and 220 of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909 (35 Stat. L. p. 1118, 1121, 1132), shall be construed to forbid or prevent the printing or publishing of illustrations of postage or revenue stamps from plates so defaced as to indicate that the illustrations are not adapted or intended for use as stamps, or to prevent or forbid the making of necessary plates therefor for use in philatelic or historical articles, books, journals, or albums, or the circulars of legitimate publishers or dealers in such stamps, books, journals, or albums; but no such illustration shall be made in colors, and no such illustration or plate shall be of a stamp of the United States.

With the following committee amendment:

On page 1, line 8, after the word "illustrations," strike out the word "of" and insert the words "in black and white or foreign."

The SPEAKER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Also the following committee amendment:

Page 2, line 3, after the word "album," strike out the words "but no such illustration shall be made in colors, and no such illustration or plate shall be of a stamp of the United States" and insert in lieu thereof the following: "and nothing in said sections shall be construed to forbid or prevent similar illustrations, in black and white only, in philatelic or historical articles, books, journals, albums, or the circulars of legitimate publishers or dealers in such stamps, books, journals, albums, or circulars of such portion of the border of a stamp of the United States as may be necessary to show minor differences in the stamp so illustrated, but all such illustrations shall be at least four times as large as the portion of the original United States stamp so illustrated."

The SPEAKER. The question is on agreeing to the committee amendment.

Mr. VOLSTEAD. Mr. Speaker, I offer an amendment to the amendment.

The SPEAKER. The gentleman from Minnesota offers an amendment to the committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. VOLSTEAD: At the end of the committee amendment insert: "*Provided, however*, That no such postage or revenue stamp is printed or published without the printer or publisher thereof first having obtained the written consent of the Secretary of the Treasury for such purpose."

The SPEAKER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The SPEAKER. The question is on third reading of the Senate bill.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

CONSTRUCTING A DRAIN FOR SEWAGE ACROSS GOVERNMENT LAND AT MIAMI BEACH, FLA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13272) granting a license to the city of Miami Beach, Fla., to construct a drain for sewage across certain Government lands.

The Clerk read the title to the bill.

The SPEAKER pro tempore (Mr. TILSON). Is there objection?

Mr. FOSTER. I object.

Mr. SEARS. Will the gentleman withhold his objection? I did not object to the gentleman's bill. This is simply a question of passing over 20 feet of Government land in order that they may put in modern sewerage. The War Department and the Interior Department reported favorably on it. It provides for the repeal of the law at any time, and unless this is granted now the system can not be put in. I hope the gentleman will not object.

The SPEAKER pro tempore. Is there objection?

Mr. FOSTER. I object.

BRIDGE ACROSS THE MISSISSIPPI RIVER, MINN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13996) granting the consent of Congress to the cities of Minneapolis and St. Paul, or either of them, to construct a bridge across the Mississippi River in section 17, in township 28 north, range 23 west of the fourth principal meridian in the State of Minnesota.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. NEWTON of Minnesota. Mr. Speaker, I ask unanimous consent to substitute the Senate bill which is on the Speaker's table.

The SPEAKER pro tempore. The gentleman from Minnesota asks unanimous consent to substitute the Senate bill of a similar import on the Speaker's table. Is there objection?

Mr. SEARS. I object.

Mr. NEWTON of Minnesota. Go ahead, then, with the House bill.

Mr. SEARS. Mr. Speaker, the gentleman from Minnesota being my good friend, I withdraw the objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read as follows:

A bill (S. 4411) granting the consent of Congress to the cities of Minneapolis and St. Paul, Minn., or either of them, to construct a bridge across the Mississippi River in section 17, township 28 north, range 23 west of the fourth principal meridian, in the State of Minnesota.

Be it enacted, etc., That the consent of the Congress is hereby granted to the cities of Minneapolis and St. Paul, or either of them, to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River at a point suitable to the interests of navigation in the northwest quarter of section 17, township 28 north, range 23 west of the fourth principal meridian, between the cities of Minneapolis and St. Paul, in the State of Minnesota, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

Mr. NEWTON of Minnesota. Mr. Speaker, I move to amend, on page 1, line 7, after the word "in," insert the words "or near."

The Clerk read as follows:

Amendment by Mr. NEWTON of Minnesota: Page 1, line 7, after the word "in," insert the words "or near."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be read the third time, was read the third time, and passed.

The House bill was laid on the table.

CONSTRUCTION OF THREE BRIDGES ACROSS THE JUNCTION OF THE MINNESOTA AND MISSISSIPPI RIVERS.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 14081) granting the consent of Congress to the Valley Transfer Railway Co., a corporation, to construct three bridges and approaches thereto across the junction of the Minnesota and Mississippi Rivers at points suitable to the interests of navigation.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Reserving the right to object, I would like to inquire what is the character of the railroad that is to be constructed on these three bridges authorized by this bill?

Mr. NEWTON of Minnesota. As I understand it, it is to be in the nature of a sort of industrial road. There is an island lying at the junction of the Mississippi and Minnesota Rivers, probably about 50 acres in extent. That has not as yet been developed in any way. There is no building upon it. The desire is to develop and make use of that island for industrial purposes. The only approach to the island is the approach on the southwest over the Dakota county side, and then the one on the west which is over the Fort Snelling Reservation side.

Mr. STAFFORD. What is the necessity of having the bridge extend over the Fort Snelling Military Reservation?

Mr. NEWTON of Minnesota. It is on the west side of the Mississippi River and at the junction. Minneapolis lies north

of Fort Snelling, up the Mississippi River. The traffic is downstream. In order to get from Minneapolis to the island you must cross over the Fort Snelling Reservation.

Mr. STAFFORD. Why is it necessary to go onto the island from the Fort Snelling side?

Mr. NEWTON of Minnesota. You have got to go over the Fort Snelling Reservation in order to get upon the island from Minneapolis.

Mr. STAFFORD. I thought you could approach it from one side only.

Mr. NEWTON of Minnesota. Not from Minneapolis.

Mr. STAFFORD. It does not mean the spoliation of the land on the Government reservation?

Mr. NEWTON of Minnesota. Not at all. It is low flat land that has never been utilized and never will be for military purposes.

Mr. STAFFORD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. The Clerk will read the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Valley Transfer Railway Co., a corporation organized under the laws of the State of Minnesota, its successors and assigns, to construct, maintain, and operate three bridges and approaches thereto across the junction of the Minnesota and Mississippi Rivers at points suitable to the interests of navigation, at or near Pike Island in the State of Minnesota, said bridges to be constructed so as to connect the southwesterly shore of Pike Island with the west bank of the Mississippi River in Dakota County, Minn., the westerly shore of Pike Island with the Fort Snelling Military Reservation on the west bank of the said Mississippi River, and the southeasterly shore of Pike Island with the east bank of said river, in Ramsey County, Minn., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read the third time, was read the third time, and passed.

SEWAGE DRAIN ACROSS GOVERNMENT LANDS, MIAMI BEACH, FLA.

Mr. SEARS. Mr. Speaker, I ask unanimous consent to return to House bill 13272, granting a license to the city of Miami Beach, Fla., to construct a drain for sewage across certain Government lands.

The SPEAKER pro tempore. The gentleman from Florida asks unanimous consent to return to Calendar No. 498.

Mr. FOSTER. Mr. Speaker, I object.

Mr. SEARS. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Florida makes the point of order that there is no quorum present. The Chair will count.

Mr. STAFFORD. Will not the gentleman withdraw his point of order? I think that later on we will be able to pass the gentleman's bill.

Mr. SEARS. But what assurance have we——

Mr. STAFFORD. Of course, I am not in control; but I shall use my good offices toward having the bill passed. I think some means will be devised whereby the gentleman's bill will be considered later. It is a meritorious measure.

Mr. SEARS. Mr. Speaker, I withdraw my point of no quorum.

Mr. FOSTER. Mr. Speaker, I withdraw my objection to the bill.

The SPEAKER pro tempore. Is there objection to returning to the bill?

There was no objection.

Mr. BLANTON. Mr. Speaker, the gentleman from Minnesota [Mr. VOLSTEAD] has made a statement to me that causes me to withdraw my objection to the bill (H. R. 13430) to amend section 370 of the Revised Statutes, and I do withdraw my objection to it.

The SPEAKER pro tempore. Is there objection to the consideration of the bill H. R. 13272?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That the city of Miami Beach, Fla., a municipal corporation organized and existing under the laws of the State of Florida, be, and it is hereby, granted a license and permit to lay, construct, and maintain a drain for sewage from its sewage disposal plant across the lands of the United States Government known as the Government reservation and into the Government channel, which Government reservation lies in the extreme southern portion of said city and immediately adjacent to said Government channel, immediately south of said city, provided said drain is laid underground along the following described line: Begin with the intersection of the west line of Jefferson Avenue in said city, proceed south to the north line of said United States Government lands; thence run southeasterly parallel with the east shore of Biscayne Bay as said shore exists along the west boundary line of said United States Government land, to the low water mark in a cut between Biscayne Bay and the Atlantic Ocean; thence continuing under water at such a depth as will not interfere with navigation to the edge of the Government channel used for ships.

SEC. 2. That this act shall become and be effective immediately upon its passage and approval as provided by law.

The following committee amendments were severally reported and severally agreed to:

Page 1, line 9, strike out all of lines 9 and 10, and lines 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 on page 2 and insert in lieu thereof the following: "situated on the north side of the Government cut from Biscayne Bay to the Atlantic Ocean immediately south of the city of Miami Beach, at such location and in accordance with such plans as may be approved by the Chief of Engineers, United States Army, and by the Secretary of War."

Page 2, strike out all of section 2 and insert in lieu thereof the following:

"SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

EXPENSES OF SUBSISTENCE OFFICERS AND ATTORNEYS, DEPARTMENT OF JUSTICE.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent to return to the bill H. R. 13430, to amend section 370 of the Revised Statutes of the United States.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr Speaker, reserving the right to object, I wish to inquire of the gentleman who has reported the bill whether the committee considered limiting the time to which the per diem allowance should be granted to these respective employees. Many years back in consideration of the Postal Service we found this abuse, which we sought to correct. Inspectors who were entitled to the $4 per day per diem allowance would leave their domiciles and depart for long periods of time for the sole purpose of getting the allowance. We provided that they would not be entitled to a per diem allowance for a period exceeding 15 days. I assume that it is not the purpose of the Government to grant this per diem allowance to these Department of Justice employees when they are assigned to some place in the field for a long period of time. I do not know whether the gentleman has considered that phase of the matter in connection with this bill.

Mr. FOSTER. No limit was suggested, because there was nothing to suggest such a thing to the committee. What would be a reasonable limit? Take the nature of the work of the Department of Justice, with the work that has been piled upon it in consequence of the war.

Mr. STAFFORD. I am not directing my inquiry to the amount carried, but I am directing my inquiry to the possible abuse that may be indulged in where the Department of Justice assigned some person in the field to stay one, two, three, four, or five months. It certainly should not be the purpose of the Government to pay him at those rates if he virtually takes up his abode there, even though he is engaged on Government work assigned by the department.

Mr. FOSTER. There surely would be no departmental O. K. for such a bill as that, and as long as he is there temporarily he can not make any money at $6 a day.

Mr. STAFFORD. This is not limited to temporary assignments, and it is that feature of it that I had in mind when I considered the bill.

Mr. FOSTER. I see no objection to such an amendment as that, if the gentleman can conceive what would be a reasonable limit, in view of the work of the Department of Justice.

Mr. STAFFORD. What would the gentleman say to a period not exceeding two months?

Mr. BLANTON. Oh, no; two weeks.

Mr. STAFFORD. Oh, no; we do not want to restrict them too much.

Mr. FOSTER. Suppose the Department of Justice sends a man to Chicago in the case pending out there, would two weeks be a reasonable time?

Mr. STAFFORD. It would not.

Mr. FOSTER. I would rather trust the common sense and good judgment of the department than to have such an amendment at this time.

Mr. VOLSTEAD. Some of these cases run along for two or three months.

Mr. FOSTER. I shall turn the inquiry back to the gentleman from Wisconsin. What would he suggest as a reasonable limitation for a Department of Justice employee going out to Chicago?

Mr. STAFFORD. I said two months.

Mr. BLANTON. May I make this suggestion: If you fix it at two months in this bill, the gentleman will find that most of them will have a period of two months in their accounts.

Mr. STAFFORD. I think there is a great deal in that. They will consider this an authorization of Congress.

Mr. BLANTON. I would rather leave it as it is without putting in the two months.

Mr. STAFFORD. I will not press the amendment in view of the great insistence of the gentleman from Ohio on this bill, but I really believe it is going to be the subject of abuse in certain limited cases.

The SPEAKER pro tempore. Is there objection?

Mr. MACGREGOR. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. MACGREGOR. I want to ask the gentleman why there were these differences in allowances. A short time ago I went out to St. Paul as a member of the joint committee on agricultural credits, and I put in a bill and the Comptroller General came back and said I was only entitled to $4 a day for all my expenses; and that trip cost me money. Why should there be this difference in allowances?

Mr. STAFFORD. That is the weakness of this bill. We are singling out one department and allowing a per diem of $7 when the law limits it in other activities to $4 and in some cases to $5. That is the objection to this bill; it is special legislation, because one department of the Government has been active in trying to press some needed legislation. It will naturally result in extending it to the rest of the departments.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That section 370 of the Revised Statutes of the United States be, and the same is hereby, amended to read as follows:

"SEC. 370. Whenever the Solicitor General, an attorney, an assistant attorney, a special assistant to the Attorney General, or any other officer of the Department of Justice is sent by the Attorney General to any State, district, Territory, or country to attend to any interest of the United States the person so sent shall receive, in addition to his salary and the necessary expenses of travel, his actual expenses incurred for subsistence, not to exceed $7 per day, or a per diem of $6 in lieu of such actual expenses while absent from the seat of government, the account thereof to be verified by affidavit."

Mr. VOLSTEAD. Mr. Speaker, I move to amend, on page 2, line 3, by striking out the words "$7 per day or a per diem of" and the word "in" in that line, and in line 4 strike out "lieu of such actual expenses," so that the language will read "not to exceed $6 while absent from the seat of government."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 3, after the word "exceed," strike out "$7 per day or a per diem of," and after "$6" strike out the word "in," and on line 4 strike out the words "lieu of such actual expenses."

Mr. SEARS. Mr. Speaker, I want to congratulate the Judiciary Committee, and now I simply desire to call attention to the fact that deputy United States marshals have only been receiving $4 a day. That is the question I desire to ask the gentleman just now, and suggest to him that the Judiciary Committee take up this matter and see that they get an additional per diem, because I know that they can not get by on that amount. I do hope the committee will take it up next session, for while this is in part cared for now in the appropriation bill, each year we have to thresh it out, and I would like their per diem not only increased but become permanent law.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

The SPEAKER pro tempore. Without objection, the spelling of the word "exceed" will be corrected.

There was no objection.

Mr. LANKFORD. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. LANKFORD. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

Mr. BEGG. Reserving the right to object, on what subject?

Mr. LANKFORD. A few days ago I made some observations on the race question and I wish to extend my remarks along the same line.

Mr. STAFFORD. I take it they are the gentleman's own remarks?

Mr. LANKFORD. No; I have some quotations which I wish to include.

Mr. STAFFORD. Are they the major or the minor part of the gentleman's remarks?

Mr. LANKFORD. A minor part.

Mr. STAFFORD. I hope they are the extreme minor part.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. LANKFORD. Mr. Speaker, some days ago I discussed the solution of the race question and urged that the best interest of both races demanded less bitterness and hatred. Several negro newspapers have carried my speech in full or practically so. Most of them differ very much with me. This was to be expected. In a few minutes I will refer to just one of these articles to show that many of the northern negroes believe that the negro will establish his place in this civilization by force, by laws enacted by sectional prejudice and hatred, and contrary to public opinion of the white or dominant race.

I repeat, the great desire of the Negro race should be to prove itself worthy of rights and privileges—not to seek to take those rights against public opinion of the white man. I again repeat, the future place of the negro is what the white man permits him to occupy because of his real merit, not what the negro gets temporarily by hatred and then abuses in order to show that he is holding it.

The lamented late Senator Watson, of Georgia, once said:

I regard public opinion as omnipotent. It can not be seen, but its pressure is despotic. The bravest man quails before the silent aversion of hostile public opinion. The stoutest leader weakens before its frowning face. It changes policies, customs, manners. It enforces an unwritten law, and the criminal who violates it swings from a limb. It nullifies a written law and bears home in triumph the man who broke it.

You think you hold your life at the mercy of the law. You do nothing of the kind. You hold it at the mercy of public opinion.

No Dyer antilynching law can stop lynchings. The negro, by staying in his place and by building up favorable public sentiment—not for his crimes and wrongs, for this can not be done, but for his people's courtesy, politeness, and merit—can stop lynchings of negroes.

Mr. Speaker, I promised that I would make some mention of one of the articles in which my speech was quoted. I am doing this to show some of the ideas held by negroes. I shall probably discuss more fully some of these ideas at a time when there is not such a rush as now exists here in trying to get ready for adjournment.

The Washington Tribune, a negro paper published here, carried my speech, practically in full, under a headline clear across the front page, as follows:

Negroes of Washington worry Georgia Congressman.

Again, the paper in a headline says, "Georgian's speech really paid tribute to northern negro." In other words, the paper says it is a tribute to the northern negro to be charged with being offensive, insulting, and impudent to the white race. I am glad this paper printed my speech on front page, as it in this way carried fully my message to the negroes of Washington and the North. It is far from my purpose to enter into an argument with a negro or a set of negroes who take a pride in being offensive, impudent, and insulting to the white race, and I only mention this article in this paper for the purpose of submitting additional evidence to Congress along the line that many of the negroes of Washington and the North believe that the way to gain for themselves a place in this civilization is by vicious, impudent, insulting conduct and not by merit.

They believe that the way to gain respect is by being disrespectful, and that the way to gain the good will is by being offensive, impolite, discourteous, and vicious. The Washington Tribune says, though, that I do not know "the negro who goes to Harvard" to school. Well, maybe I do not. I hope, though, that he is not much more impudent, insulting, and vicious than the ones who go to school here in Washington to Howard University at the expense of the United States Government. I always had an idea that education develops that which is best, not that which is worst, in a man or woman. If education of the negro means to make him more insolent, vicious, and insulting, then that same education means his destruction. He should develop the best of his nature, not the worst side. Whether the negro believes it or not, he needs the good will of the white man. I say for the third time what I have heretofore said here along this line:

The white race will determine what position in this great civilization the Negro race shall occupy. This will eventually be determined not by sectional hatred—not by partisan prejudice and not by political selfish narrowness. The white race will write the verdict of the negroes' rights in this Nation, and the white people of the South will

help make, will agree to, and will approve the verdict. The verdict will be impartial. It will be fair. It will speak the truth. It will be made up, after a careful consideration of all the evidence submitted by the Negro race, in view of all the surrounding circumstances and under the laws of eternal fairness, justice, and right. The verdict will not be a directed verdict. It will not be a forced decision. The white race will decide what position the negro is worthy to occupy from the negro's own acts, from his merit or lack of merit, and not from demands made by negro propagandists of either the Negro race or white race, except that these propagandists by the creation of racial hatred are introducing a mass of evidence against the colored race.

The Washington Tribune, speaking of my speech, said:

LANKFORD's speech was aimed at the negroes in Washington in particular and the negroes in the North in general. However, his speech when thoroughly analyzed is more of a compliment to negroes in Washington and the North than it is a slur. Like most southerners, LANKFORD is obsessed with the idea that all negroes are like the Uncle Toms of slavery-time fame. A negro who can think, act, and fight is an impossible creature according to the Ku Klux and LANKFORD'S school of thought. So absorbed are the whites in this class in putting out propaganda about their great supremacy (?) until they have completely failed to see the great progress made by the Negro race; the only negroes they know are the ones who live in a little log cabin back of a big house and is perfectly contented to cook, wash, iron, and do everything else asked of them by the whites, and in return receive only a few paltry dollars a month and some cast-off clothing. This type of negro is known only in the South, and even now only in small towns and villages and in the rural sections. Not any of them can read or write, and freedom comes only to them when death closes their eyes.

This paper would leave the impression that only uneducated very poor negroes are courteous and polite and wish to build and preserve a good feeling between the races. The idea is again brought forward that education makes the colored man discourteous and insolent. There are thousands of negroes not poverty stricken and who have a reasonable education in the South, and some in the North, who are courteous and anxious for the best of feeling between the races and who strive for this good will. The Washington Tribune is very anxious for the negroes not only to ride on same cars, sit on same seats, use same waiting rooms, use same parks, but it wants negroes to use same bathing beaches, board at same dormitories, and do everything else that would enable them to sit with and live with white folks.

Why do some negroes object so much to being separated from the whites? If white people have separate space on trains, the negroes have the same privileges of separate space. If white people have separate waiting rooms, the negroes have the honor of a separate waiting room for them. Why do they object to a separate bathing place? Why do they not want to enjoy the society of their own folks unmolested by white people? The Washington Tribune has three complaints in the one issue. One was my remarks in Congress in favor of the "Jim Crow" rule and indorsing Professor Lowell's refusal to let a negro live with whites in the freshman dormitory of Harvard. This paper, in mentioning my speech, began as follows:

The recent refusal of the Harvard officials to permit the son of Roscoe C. Bruce to live in the freshman dormitory at that great institution of learning gave Representative LANKFORD of Georgia a great chance to deliver a regular cracker Congressman's speech in the House of Representatives last Saturday.

Not only is the paper concerned because a negro has been kept out of a white students' dormitory, but it is worried because negroes, who consider it a tribute to be charged with being offensive, disrespectful, and insolent to white people, are not permitted to use the same bathing beach with white folks. Again this paper is very much concerned about and objects very much to a bill by Senator CAPPER to make it unlawful for negroes and whites to marry. Here is what the same issue of the Tribune says about Senator CAPPER's bill:

Senator CAPPER of Kansas, who at times has been classed as a progressive and a friend of the negro, joined the ranks of those who desire to make racial segregation national by introducing a Federal marriage bill which is aimed at marriages between opposite races. Senator CAPPER introduced his bill in the Senate January 23, S. 4934, and it was referred to the Committee on the Judiciary.

The part of Senator CAPPER's bill that relates to marriages between races is found in section 4, page 3, and lines 3, 4, 5, and 6, which reads as follows: (No license to marry shall be issued to one) "where the applicants are members of different races; that is to say, marriage between members of the white and black or of the white and yellow races, shall not be valid."

Just why Senator CAPPER has decided to try to foster national segregation is not known. Such measures heretofore have been sponsored by rabid southerners and such organizations as the the Ku-Klux Klan.

I probably would not vote for a bill making a national divorce law. I believe each State should make its own divorce laws. Senator CAPPER's view that negroes and whites should not be allowed to marry is, though, absolutely right. I also quote the following from the editorial page of the same issue of the same paper:

SEPARATE BATHING BEACH—NEVER!

In the District bill which passed the Senate Thursday there is a provision for an appropriation of $25,000 "for the construction of a bathing beach and bathhouse for the colored population of the city, at the Virginia end of the Key Bridge."

That is the limit. C. O. Sherrill, of North Carolina, in charge of Federal buildings and grounds, the Jim Crow promoter of the District, has recommended to Secretary of War Weeks that he order this separate beach for colored people on the Virginia side of the Potomac River, despite the many protests made to him against a separate beach.

A number of civic and other organizations have signified their opposition to a separate beach and have informed Secretary Weeks of their opposition; and it is understood he has promised not to favor a separate bathing beach.

The colored people of Washington have decided that as citizens of the District they are entitled to bathe in the tidal basin and they will accept no other place as long as bathing is permitted there. That is their slogan now. There is plenty of room there and a regular filtering or purifying plant there, hence it is absolutely unnecessary to think of establishing a separate bathing beach for the colored citizens of Washington or any other group of the city's population.

The Tribune, along with the other colored papers in the District, will oppose a separate bathing beach for colored people. If the District authorities insist on establishing a beach at the Virginia end of the Key Bridge they will simply be wasting the public's money. This will be but the entering wedge for more Jim Crowism in the Capital of the Nation and with the stamp of the Federal Government upon it. If this is accepted then we may look for separate street cars, separate waiting rooms, separate libraries, and what not. We shall not sit idly by and see the Constitution of America aborted to race prejudice in the fair Capital of the Nation that claims itself a "democracy" and "the land of the free."

Every vestige of the principle of the Constitution of the United States will be destroyed when the Federal Government puts its stamp of approval upon a separate bathing beach for colored people of Washington. The Tribune and the public in general will oppose it to the last ditch and will boycott any Jim Crow bathing beach that may be established.

"We bathe at the Tidal Basin or no bathing at all" is our slogan.

That would be awful, would it not? They think surely they will be permitted to bathe with whites if they refuse to bathe at a separate beach. I see in the same paper where HAMILTON FISH, a Representative from New York State, made a speech to a negro gathering a Sunday or two ago and begged his negro hearers to honor him by believing that his grandfather long ago invited a negro to dine with him. He is quoted concerning the Harvard University matter as saying:

This is the opening wedge for every college or university in the North to turn down colored students. President Lowell is only catering to the possible white students from the South, and they see more of the colored man down there than they will at Harvard.

I hope Representative FISH is right about this. He is so seldom right, maybe he is right this time. I received a few days ago a circular letter from Marcus Garvey, of the Universal Negro Improvement Association, which contained several ideas along the right line as well as some at variance with my views. Listen to what he says some negroes advocate. Garvey says:

Some negroes, such as the faction of the mulatto, W. E. D. DuBois, believe that the problem will be solved by assimilation and miscegenation; at least they believe that the black race will become, through social contact and intercourse, so mixed up with the white race as to produce a new type, probably like DuBois himself, which will in time be the real American. It is for such a contingency that he and his associates are consciously or unconsciously working.

Here is what Garvey says about this impossible idea:

We of the Universal Negro Improvement Association believe in a pure black race, just as how all self-respecting whites believe in a pure white race as far as that can be.

Again Garvey says:

We believe that the negro has at least a social, cultural, and political destiny of his own, and any attempt to make a white man of him is bound to fail in the end.

Garvey speaks of the many political and industrial positions the negroes would like to hold, and then says:

All these are positions and jobs sought by the majority group of whites in America and elsewhere. As a negro becomes more insistent on these demands for constitutional rights and privileges and threatens the more to compete with the white man for the job that the latter seeks and believes worth while having, then the inevitable conflict will come, and the group that is not strong enough to hold its own will go down, irrespective of the law and of the Government, because the law and the Government are but executive expressions of the sober will of the people; but when the people, through prejudice or any mass opinion, become dissatisfied, the law and the Government are no longer able to control them in their action.

In this respect I would refer you to the industrial riots of East St. Louis and Chicago, the political riot of Washington, and the commercial riot of Tulsa, Okla. The things that the white majority want in their own countries they will not yield to the Negro or any other race, and that is natural.

The only sensible thing for the negro to do, therefore, is to "build" for himself. This can be done without friction or animosity between the races, and that is why the Universal Negro Improvement Association believes in the building up of Africa for the Negro race.

Those negroes who are too lazy to work and lay the foundation for such a government are among those who criticize us.

Pilgrim Fathers we had in America before we enjoyed the delights of New York, Chicago, or Boston. Pilgrim Fathers we must have if Africa is to rise from her slumber and darkness.

In another part of his letter Garvey says this:

How far the two races will travel together socially, industrially, and politically in America before a serious civil clash ensues is the specula-

tion of all earnest, thoughtful people. It is because I personally want to prevent such a clash that I am advocating the cause of the Universal Negro Improvement Association.

Mr. Speaker, the race question can only be solved by the negro either returning to Africa or by him seeking his position in this civilization by his own merit and not by sheer force. He must get the white man's recognition by being worthy of it and not by pushing in where he is not wanted. He must recognize merit as a greater saving force than hatred.

Most of the negro papers carried my speech without comment. Some carried only quotations which left out much of the real argument of the speech. The Afro-American, of Baltimore, Md., carried the following item:

REPRESENTATIVE LANKFORD (DEMOCRAT, GEORGIA) URGES JIM-CROW STREET CARS, TRAINS, AND STATIONS IN DISTRICT OF COLUMBIA.

WASHINGTON, February 14.—Representative WILLIAM C. LANKFORD (Democrat, Georgia) told Congress last week he not only approved of President Lowell's stand of excluding negroes from Harvard but also excluding them from all white schools in the North.

Representative LANKFORD also took the occasion to discuss the race problem, urging Jim Crow street cars, trains, libraries, and parks for the city. Among other things he said were:

"The so-called 'Jim Crow' law which makes whites and negroes ride in separate coaches on trains, use separate seats in street cars, and use separate waiting rooms at the stations is a most excellent law for both races.

"The best thing the Negro race could do for itself would be to say: 'Give us separate cars, separate waiting rooms, separate parks, separate schools, separate libraries, and separate sections of town to live in. We do not want to offend the white people in the least. They are our friends. We are theirs.'

"I believe the negroes teach their children here to be as offensive to the whites as possible. The old and the young of the Negro race here are doing well their part of building up a contempt of the white race for the negroes.

"The negroes of the North are destroying the chance they have by attempting to force themselves where they are not wanted and by being insolent and offensive. Many negroes in the South would not under any circumstances come in at the front door of a white home unless specifically requested to do so. They do not want to use a white waiting room or ride on a train in the white coach if it offends the white man or white woman or white child in the least. These kind of negroes are the saving power of the Negro race."

Representative LANKFORD complained that there was no space in Union Station where colored people were prohibited.

"Millions and millions of the people's money have been spent and are spent each year on dozens of most beautiful parks here in Washington, and most splendid music is furnished—for whom? For only the whites who want to associate with negroes.

"Oh, the disgrace of the negro situation here in Washington! We have here in Washington a so-called reformatory for girls. It is filled up with negro girls and a few white girls. In other words, if a white girl makes a mistake or does some wrong for which she should be corrected she is forced to live with a bunch of negroes in order that she, a white girl, may be made better. The gang in authority in Washington who causes this to be done ought to be forced to eat with negroes, sleep with negroes, live with negroes, smell negroes, and work at hard labor with negroes in a penitentiary for and during the full end and term of their natural lives.

The Negro race, by endeavoring to get more than it is entitled to, will eventually lose many of its rights. By infringing on the rights of the white race, they built a resentment which will later deprive them of the rights of the negro.

In many sections where each race does not have well-defined rights and each stay strictly within them, extreme hatred will arise and negroes will be driven from their homes and even deprived of the right to live by the sway of race riots. The occasional lynching of a guilty negro will not hurt the Negro race, but the all-consuming flame of race hatred which is being kindled slowly but surely in many sections of the North, where the negro is attempting to push the white man aside, will hurt the Negro race.

The negroes are entitled to their own schools, churches, libraries, public gatherings, parks, bathing beaches, waiting-room accommodations, and railway and other transportation conveniences unmolested by the white folks, and the white people are entitled to the same conveniences without the interference of negroes.

The negro can not be white, neither will any considerable portion of the white race, either North or South, long consent to act the negro. The limitations fixed by the Almighty are steadfast and everlasting, and negro will remain negro and white will remain white. There should be rendered unto the negro the things that are his and unto the white man the things that are his. The white race, in all justice, will do this and only this, and the sooner the better.

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent to extend my remarks on bill S. 2703, one of the bills which was passed this afternoon.

The SPEAKER pro tempore. The gentleman from New Jersey asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. STAFFORD. I assume they are the gentleman's own remarks?

Mr. ACKERMAN. Certainly.

The SPEAKER pro tempore. The Chair hears no objection.

AUTHORIZING THE COINAGE OF 50-CENT PIECES IN COMMEMORATION OF THE THREE HUNDREDTH ANNIVERSARY OF THE SETTLING OF NEW NETHERLAND, ETC.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13809) to authorize the coinage of 50-cent pieces in commemoration of the three hundredth anniversary of the settling of New Netherland, the Middle States, in 1624, by Walloons, French, and Belgian Huguenots, under the Dutch West India Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. GERNERD. Mr. Speaker, I would like to substitute for the House bill the bill S. 4468.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to substitute for the House bill the bill S. 4468, now on the Speaker's table. Is there objection?

Mr. BLANTON. Is the Senate bill identical?

Mr. GERNERD. Identical.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That in commemoration of the three hundredth anniversary of the settling of New Netherland, the Middle States, in 1624, by Walloons, French, and Belgian Huguenots, under the Dutch West India Co., there shall be coined at the mints of the United States silver 50-cent pieces to the number of 300,000, such 50-cent pieces to be of the standard troy weight, composition, diameter, device, and design as shall be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, which said 50-cent pieces shall be legal tender in any payment to the amount of their face value.

SEC. 2. That all laws now in force relating to the subsidiary silver coins of the United States and the coining or the striking of the same, regulating and guarding the process of coinage, providing for the purchase of material and for the transportation, distribution, and redemption of the coins, for the prevention of debasement or counterfeiting, for security of the coin, or for any other purposes, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein authorized: *Provided*, That the United States shall not be subject to the expense of making the necessary dies and other preparations for this coinage.

Mr. GERNERD. Mr. Speaker, I move to amend the bill by inserting after section 2 a new section 3 in accordance with the amendment which I send to the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the Senate bill insert a new section as follows:

SEC. 3. That the coins herein authorized shall be issued only upon the request of the Fifth National Bank of New York, and upon payment of the par value of such coins by such bank to the United States Treasury.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

Mr. BLANTON. Mr. Speaker, I reserve a point of order for the purpose of getting some information. Why should this particular bank handle the matter?

Mr. GERNERD. Because the Treasury of the United States wants some responsible depository to do business with.

Mr. BLANTON. Is this particular bank going to give this enterprise that the gentleman is fostering the benefit of the premium or bonus at which these coins will sell?

Mr. GERNERD. The bank gets no interest out of it at all, except that it must make itself responsible to the United States Treasury, and being a member of the clearing house of New York City——

Mr. BLANTON. It will reap no benefit whatever, but carry out the purposes of this act?

Mr. GERNERD. Yes; and I wish to say that the President of the United States is the chairman of this celebration.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill as amended.

The Senate bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. GERNERD, the similar House bill was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

BRIDGE ACROSS THE NIAGARA RIVER.

The next business on the Calendar for Unanimous Consent was the bill (S. 4358) to authorize the American Niagara Railroad Corporation to build a bridge across the Niagara River between the State of New York and the Dominion of Canada.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Reserving the right to object, I would like to inquire where Grand Island is?

Mr. DEMPSEY. In the Niagara River between Buffalo and Tonawanda and Niagara Falls.

Mr. BLANTON. Is this island near Black Rock?

Mr. DEMPSEY. It is near Black Rock. The head of the island is opposite Black Rock.

Mr. STAFFORD. This island is not approximate to the Falls?

Mr. DEMPSEY. It comes down within 3 or 4 or 5 miles of the Falls.

Mr. STAFFORD. But it is not near the Falls themselves?

Mr. DEMPSEY. No; they are not in sight.

Mr. STAFFORD. What railroad companies are interested in this?

Mr. DEMPSEY. The Canadian Pacific and the New York Central. The purpose is to enable all through freight eastbound and westbound which does not stop at Buffalo to go over this bridge instead of going through the city of Buffalo.

Mr. STAFFORD. The purpose of my inquiry was to ascertain the location of the island, because I do not believe any Member of Congress would wish to pass a bridge act permitting a bridge to be placed over the island near the Falls.

Mr. DEMPSEY. This bridge would be 15 miles from the Falls.

Mr. STAFFORD. Mr. Speaker, I withdraw the reservation.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the American Niagara Railroad Corporation, a corporation organized under the laws of the State of New York, its successors and assigns, be, and it hereby is, authorized to construct, maintain, and operate a bridge and approaches thereto for general railway purposes and with a way for the passage of pedestrians and of motor-driven and horse-drawn vehicles across the Niagara River at a point suitable to the interests of navigation, near the city of Tonawanda, N. Y., and across Grand Island, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided*, That before the construction of the said bridge shall be begun all proper and requisite authority therefor shall be obtained from the Government of the Dominion of Canada.

With a committee amendment, as follows:

Page 1, line 7, after the word "railway," insert the words "and highway."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will read the next committee amendment.

The Clerk read as follows:

Page 2, line 4, after "1906," insert: "*Provided*, That said bridge shall contain and furnish adequate and suitable ways for the passage in both directions of horse-drawn and motor-driven vehicles and a way for pedestrians: *And provided further.*"

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will read.

The Clerk read as follows:

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. MACGREGOR. Mr. Speaker, I move to strike out the last word.

The SPEAKER pro tempore. The gentleman from New York moves to strike out the last word.

Mr. MACGREGOR. I just wanted to explain, so that there would be no question as to the judicial or legislative intent in the passage of this bill.

Mr. BLANTON. Mr. Speaker, will the gentleman yield? I am going to make a point of order at 5 o'clock. I just want the steering committee to understand, so that they can send over and get enough men, so that we would not have a roll call.

Mr. MACGREGOR. I wanted it understood that this railroad bridge was to contain a highway passage for the benefit of the public, so that they could drive across from the mainland to Grand Island and from Grand Island to Canada; so that there would be no subterfuge or evasion on the part of these railroad companies which are to construct this bridge. It is for the benefit of the public.

That is all I want to say about it. It is a great contribution to the great industrial center of the world, as it is to be, and it will be pleasing to you when you come there. [Applause.]

The SPEAKER pro tempore. The pro forma amendment is withdrawn. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next bill.

CHIPPEWA INDIANS OF MINNESOTA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13953) authorizing, for the relief of the distress of the Chippewa Indians of Minnesota, the withdrawal of moneys from the tribal funds of said Indians.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. STAFFORD. Reserving the right to object, what is the reason why we should have this additional appropriation over that carried in the Indian appropriation bill for the relief of these Indians?

Mr. LEATHERWOOD. The matter was heard before the Committee on Indian Affairs, and a very convincing showing was made that many of these Indians are in practically a starving condition, principlly because of the failure to get work in the places where they had formerly been able to get employment and on account of a shortage of crops and the general economic conditions surrounding them.

Mr. STAFFORD. Will the gentleman permit?

Mr. LEATHERWOOD. In just a moment. No money will be taken out of the Treasury of the United States. This is money that belongs to this tribe. The committee saw fit to reduce the amount asked for, because there are certain sums which are available already for their relief. So we cut it down to what we thought was the minimum amount that would be necessary to take care of them during the winter.

Mr. STAFFORD. Were the provisions of this proposed bill carried substantially in the omnibus Indian relief bill that passed the House a week ago Saturday?

Mr. LEATHERWOOD. I am not advised as to that.

Mr. STAFFORD. I think this bill had better be passed over without prejudice.

Mr. LEATHERWOOD. I am under the impression that this act was not included in the omnibus bill.

Mr. STAFFORD. My impression is that it was so included. I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

MEDICAL SERVICES FOR THE COAST AND GEODETIC SURVEY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9490) to provide for medical and hospital services for the officers and seamen of the Coast and Geodetic Survey.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. I am inclined to object, Mr. Speaker, unless some explanation is made.

Mr. WINSLOW. Mr. Speaker, this is a very simple little proposal. It is that medical treatment be afforded to the officers and men on the Coast and Geodetic Survey ships when they are at sea and at a distance from any medical headquarters at which they could apply for attention. This is the only one of the branches of the sea service of the Government that does not have such medical attention at sea. It involves altogether perhaps five of six doctors or surgeons, as the case may be.

The ships of the Coast and Geodetic Survey frequently go into far-distant foreign waters, and according to the law as it stands to-day the only medical relief they can get is from some Public Health Service station which they may be able to reach. It is unfair for us to send out these ships without providing them with proper medical men. I think the present condition, which has existed for a good many years past, is the result of an oversight.

Mr. STAFFORD. What is the personnel on the Coast and Geodetic Survey ships?

Mr. WINSLOW. I think they run probably from 20 to 40. There are not many of them, and they will, under this bill, get from the Public Health Service a surgeon for a trip now and then, as the necessities of the case may require.

Mr. STAFFORD. It is not intended that they shall be permanently assigned to these ships?

Mr. WINSLOW. No; nor is that done in the Coast Guard. Both services have a lot of ships going out, which do neither

have nor need any surgeons on board; but if they go into the Philippines, or to Asiatic ports, or to Alaska, or some other distant point, a physician should be assigned for each trip, and this bill will make such provision.

Mr. STAFFORD. I withdraw the reservation.

The SPEAKER pro tempore. The reservation of objection is withdrawn. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill for amendment.

The bill was read, as follows:

Be it enacted, etc., That the Public Health Service is authorized and directed to provide medical, surgical, and hospital services and supplies for the officers and seamen of the Coast and Geodetic Survey, including, when practicable, the detail of a medical officer on each of the vessels of the Coast and Geodetic Survey, in the same manner as and to the same extent that the Medical Corps of the Navy provides similar services and supplies for the officers and men of the Navy.

With the following committee amendment:

Page 1, line 3, strike out the words "and directed" and insert "in the discretion of the Secretary of the Treasury."

The amendment was agreed to.

Also the following committee amendment:

Page 1, line 7, after the word "of" strike out "a" and after the word "medical" strike out the word "officer" and insert the word "officers."

The amendment was agreed to.

Also the following committee amendment:

Page 1, line 8, after the word "on" strike out the words "each of" and in line 9, after the word "survey" strike out the remainder of the paragraph.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was accordingly read the third time and passed.

BRIDGES ACROSS HUDSON RIVER AT ALBANY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13978) granting the consent of Congress to the Hudson River Bridge Co. at Albany to maintain two bridges already constructed across the Hudson River.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill for amendment.

The bill was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Hudson River Bridge Co. at Albany, and its successors and assigns, to maintain and operate, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, a bridge and approaches thereto already constructed across the Hudson River at Albany, in the county of Albany, in the State of New York, in pursuance of the provisions of an act of the Legislature of the State of New York, entitled "An act authorizing the construction of a bridge across the Hudson River at Albany," passed April 9, 1856, and also a bridge and approaches thereto already constructed across the Hudson River in the State of New York, in pursuance of the provisions of an act of said Legislature of the State of New York, entitled "An act to amend the charter of the Hudson River Bridge Co. at Albany," passed May 10, 1869, or any act or acts of the said legislature now in force amending the said acts, or either of them, which bridges shall be deemed to have been constructed in accordance with the provision of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

CERTAIN LAND IN HURON COUNTY, MICH.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14296) to authorize the county of Huron, State of Michigan, to convey a certain described tract of land to the State of Michigan for public-park purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. RAKER. Reserving the right to object, as I understand it the former act which we passed here turned this land over to the county of Huron, and the State now desires to take it over?

Mr. CRAMTON. The original act gave the county of Huron the authority to take up the land and pay the homestead price, and that was done. It is now proposed to give the same land to the State for use for park purposes.

Mr. RAKER. Under the same conditions?

Mr. CRAMTON. Under the same conditions, which are continued.

Mr. RAKER. I withdraw the reservation.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill for amendment.

The bill was read, as follows:

Be it enacted, etc., That the county of Huron, in the State of Michigan, is hereby authorized to convey to the State of Michigan all its title to and interest in the following tract of land, to wit: Lots 1 and 2, section 17, and the northeast quarter of the northeast quarter of section 20, township 18 north, range 11 east, in Michigan: *Provided*, That if the State of Michigan after such conveyance shall fail to use the land for public park purposes or shall devote the same to other uses, the title thereto shall revert to the United States.

SEC. 2. That the chairman of the board of supervisors and county clerk of the county of Huron, State of Michigan, when directed by the board of supervisors of said county, are authorized to execute such conveyance.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

ELEPHANT BUTTE IRRIGATION DISTRICT.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13550) authorizing the Secretary of the Interior to enter into a contract with the Elephant Butte irrigation district of New Mexico and the El Paso County improvement district No. 1, of Texas, for the carrying out of the provisions of the convention between the United States and Mexico, proclaimed January 16, 1907, and providing for compensation therefor.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, I am inclined to object. I think this bill is too large in its import to be considered by unanimous consent.

Mr. HUDSPETH. Will the gentleman withhold his objection?

Mr. STAFFORD. I reserve my objection.

Mr. HUDSPETH. Mr. Speaker, it is true that this is a very important bill. Owing to the near approach of the close of the session, it is necessary to place it upon the Calendar for Unanimous Consent in order to get it considered by this Congress. If the gentleman from Wisconsin will allow me to explain this bill, I do not believe he or any other gentleman will object to it.

When the Government built the reservoirs on the Rio Grande in Colorado and the northern part of New Mexico they dried up the river in parts and destroyed the crops of the Mexicans on the other side in the vicinity of El Paso. The Mexicans laid claim against the American Government for $35,000,000. At one time a bill was reported out of the Foreign Affairs Committee in the Senate providing for the building of a dam just north of El Paso, to cost, as I recall now, $2,900,000, in order to supply the loss of the Mexicans to this water. It was found that it would be necessary to move two railroad tracks and do other things to compensate private owners that would cost more than to build the dam. Finally it was decided to build the Elephant Butte Reservoir, 121 miles above El Paso. At that time, as you will see by reading the letter of the Secretary of the Interior embodied in this report, it was estimated that the reservoir would cost $7,218,000, or $40 an acre levied against the landowners of the Elephant Butte irrigation district of New Mexico and the El Paso irrigation district No. 1, of Texas. Mind you, this project cost double that amount, according to the notice now issued by the Secretary of the Interior, amounting to $14,500,000.

Now, I want to ask you, Why should the water users of the El Paso district and New Mexico pay for the delivery of this water to Mexico?

Under the treaty of 1906 between this country and Mexico this country obligated itself to furnish the Mexicans with 25,000 acre-feet of water, and the cost of that has been assessed against the El Paso water users and New Mexico at $1.50 an acre, Mr. Fall says. Now, I want to say to the gentleman from Wisconsin [Mr. STAFFORD] that when these hearings were had before the Irrigation Committee of the House, page 223 of the hearings, Mr. MONDELL, our present floor leader, chairman of the committee at that time, and Mr. Newell, chief engineer of the Reclamation Department, appeared before that committee and asked for an appropriation of $1,000,000 to pay for the cost of delivery of the water to Mexico. The chairman asked him what he estimated the cost of the storage of that amount of water to be, and he said it would supply 25,000 acre-feet and that the cost would be a million dollars. At that time Mr.

Newell asked for an appropriation of a million dollars out of the Federal Treasury and stated that he estimated the cost to be about $40 an acre. The American water users were to pay that. Mr. Fall says in his report on March 1 that the total cost has been $90 an acre, $50 more than when the contract was entered into to supply this water to the landowners of Mexico. Now, why should the water users be obligated to carry out this treaty between this country and Mexico? Is there any fair-minded man who will say that these water users should pay $1.50 an acre to deliver 25,000 acre-feet of water to Mexico? Should the American water users be forced to foot the bill to Mexico under the treaty entered into between the two countries? Does any gentleman on this floor rise and say they should? I pause for an answer, and no man rises.

Now, that is the case. It is recommended by the Secretary of the Interior. When we entered into the contract they said it would cost $40 an acre, and then on the 1st of March Secretary Fall says the cost was more than double—$90 an acre.

Mr. SUMNERS of Texas. Will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. SUMNERS of Texas. I understand the gentleman to say that on account of the damages sustained by the Mexican citizens this Government was obligated to pay damages to the citizens of Mexico?

Mr. HUDSPETH. Yes; they asked for $35,000,000, and there were many in favor of paying it.

Mr. SUMNERS of Texas. We had entered into obligations to pay them for damages which had been sustained by reason of the drying up of the river.

Mr. HUDSPETH. Yes.

Mr. SUMNERS of Texas. After they built the dam for the storage of the waters in Texas and New Mexico they were to pay damages to Mexico.

Mr. HUDSPETH. No; under the treaty of 1906 the United States agreed to supply Mexico with 25,000 acre-feet of water.

Mr. SUMNERS of Texas. And what the gentleman wants is that the Government make an allowance of $1,000,000 and have the two projects obligated to carry out the Government contract?

Mr. HUDSPETH. In perpetuity; yes. They agree in this bill to deliver this water to Mexico for all time to come if they are allowed $1,000,000 credit on the construction cost of the dam. You do not have to appropriate a dollar. They are paying for the drainage ditches also and they only ask that the Secretary credit the reclamation fund with $1,000,000. You understand, gentlemen, that the American water users are not only paying twice the estimated cost of the dam but in addition are paying over $3,000,000 for drainage ditches, and several thousand dollars each year for delivering this water from the main reservoir to the Acquia Madre, the Mexican ditch, at the head of the intake, where it flows onto the Mexican lands. Mr. Mack Thompson, representing the Reclamation Department before the Irrigation Committee, stated it would cost the American water users, to deliver this water to Mexico, several million dollars. It is not right and it is not fair. Read Secretary Fall's letter here and you will see he says so in plain words.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, under the reservation of objection I do not question but that some adjustment should be made by the Government in view of the obligations incurred in the treaty entered into between the United States and the Republic of Mexico, but this is too important a measure for us to determine here now what should be the amount.

Mr. HUDSPETH. I will state that the Secretary of the Interior has determined the amount.

Mr. STAFFORD. This is a million-dollar project and we can not go into the details. I believe that there should be some consideration given to the rights of these water users on the American side.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. I have read the report. The gentleman has not furnished any new information. I think he has only confirmed my position and the position of the House, that this is too important a measure to consider under unanimous consent. I yield to the gentleman from Texas.

Mr. BLANTON. The gentleman knows that it is a conceded fact almost that Doctor Work, the eminent gentleman from Colorado, is soon to be made Secretary of the Interior. Is not the gentleman from Wisconsin willing to risk his Secretary of the Interior in passing on a question concerning the rights of the people of the United States as against those of Mexico?

Mr. HUDSPETH. At the time this dam was constructed the Secretary of the Interior said that it would cost $40 an acre, and when they sent this notice out they say they must pay $90 an acre. Does the gentleman think that is fair?

Mr. STAFFORD. I say that there should be some adjustment.

Mr. HUDSPETH. But how are we going to get it unless the gentleman will let this bill come up on its merits?

Mr. STAFFORD. This bill comes from the Committee on Irrigation of Arid Lands. There have been more bills reported in the last few days from that committee than have been reported in months. I am not responsible. The Committee on Irrigation of Arid Lands is responsible.

Mr. SMITH of Idaho. The bill was introduced only on December 22.

Mr. STAFFORD. But a number of bills have been sleeping in the gentleman's committee for six months and just reported in the last few days.

Mr. HUDSPETH. This was given a thorough hearing.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. MONDELL. The gentleman knows that I am as friendly as any man can be to the irrigation projects.

Mr. HUDSPETH. Yes; I am sure of that.

Mr. MONDELL. I think, perhaps more than any other, I had to do with having the reclamation law applied to Texas. I am inclined to think this bill ought to pass, but I do say to my friend that I do not believe we ought to be asked to consider it by unanimous consent. I think there is too much involved in it.

Mr. HUDSPETH. I agree with the gentleman that there is a considerable amount involved, but I think we could thrash it out here. In fact, it is clearly shown that every Member here excepting the gentleman from Wisconsin agrees that there is equity and justice in this bill, and, in fact, the gentleman from Wisconsin has just admitted that this bill is meritorious. Now, let us consider it on its merits.

Mr. MONDELL. May I suggest to my friend that I have not anything on this calendar that I am interested in, but that a great many gentlemen have, and if we do not spend too much time on these very important matters we can get pretty well along with the calendar. I hope that an opportunity may be given to consider this bill, but I do not think the gentleman ought to ask us to consider it under unanimous consent.

Mr. HUDSPETH. Let me ask the gentleman from Wyoming if he can suggest how I could possibly get this bill before this House in any other way than to put it on the Calendar for Unanimous Consent at this time?

Mr. STAFFORD. The gentleman, I believe, is going to be in the next Congress—more fortunate than I am in that particular——

Mr. MONDELL. I make no promises, but I should be glad if any opportunity should be had to consider this bill during this Congress. I do not think it ought to be done on the Calendar for Unanimous Consent.

Mr. HUDSPETH. A measure was considered here to-day that involved $250,000, and I supported it.

Mr. MONDELL. This involves more than $1,000,000 and, in addition to that, a rather important decision in connection with reclamation projects. If it were my bill, I should not have any idea that the House would consider it on the Unanimous Consent Calendar.

Mr. HUDSPETH. I am undertaking to represent my people as best I can, and if there ever was a just measure introduced in this House it is this measure that asks the Federal Government to pay back to those who have gone down in their pockets and paid for the delivery of water to Mexico.

Mr. RAKER. Mr. Speaker, will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. RAKER. In the matter of the consideration of this bill, is it not a fact that it provides a final settlement between the United States and Mexico?

Mr. HUDSPETH. Yes.

Mr. MONDELL. I know, but I think objection would be made, and under those circumstances why would it not be better to go to the other bills that we can pass?

Mr. RAKER. I call the gentleman's attention to this. This matter has been presented to the committee, and it is the first time in a great many years where there has been a complete adjudication asked between the Government and any other parties whereby the two reclamation projects combine themselves in perpetuity—that is, all of their property—to continue the contract between the United States and Mexico. They will do it now, and it may cost this Government from $25,000 to $60,000 in perpetuity each year, whereby these reclamation districts agree now to complete and carry out forever these contracts and see to it that the water is delivered to Mexico.

Mr. MONDELL. All of which proves how important a bill it is, too important for consideration in connection with unanimous consent.

Mr. RAKER. I know, but when the Government has a good thing, why wait for somebody else to raise some other objection?

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, I object.

LOAN OF CHAIRS FOR THE USE OF UNITED CONFEDERATE VETERANS.

The next business in order on the Calendar for Unanimous Consent was (H. J. Res. 437) a joint resolution authorizing the Secretary of War to loan 3,000 wooden folding chairs for the use of the United Confederate Veterans at their reunion to be held at New Orleans, La., on April 11, 12, and 13, 1923.

The SPEAKER. Is there objection to the present consideration of the joint resolution? [After a pause.] The Chair hears none.

Mr. DUPRÉ. Mr. Speaker, I ask unanimous consent to substitute Senate Joint Resolution No. 279 for the House resolution.

The SPEAKER. Are they practically identical?

Mr. DUPRÉ. Practically identical.

The SPEAKER. Is there objection? [After a pause]. The Chair hears none. The Clerk will report the Senate joint resolution.

The Clerk read as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to loan, under such regulations as he may prescribe, 3,000 wooden folding chairs to William M. Garic, of New Orleans, La., for the use of the United Confederate Veterans at their reunion to be held in New Orleans, La., on April 11, 12, and 13, 1923.

The Senate joint resolution was ordered to be read the third time, was read the third time, and passed.

Mr. DUPRÉ. Mr. Speaker, I move to reconsider——

Mr. STAFFORD. I object to that.

The SPEAKER. Without objection the House joint resolution, similar to the Senate joint resolution, will be laid on the table.

There was no objection.

PRINTING ADDITIONAL COPIES SOIL SURVEY LAUDERDALE COUNTY, ALA.

The next business in order on the Calendar for Unanimous Consent was House Concurrent Resolution 83, providing for printing additional copies of soil survey of Lauderdale County, Ala.

The Clerk read the title of the concurrent resolution.

The SPEAKER. Is there objection to the present consideration of this concurrent resolution? [After a pause.] The Chair hears none.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed 2,000 additional copies of the soil survey of Lauderdale County, Ala., for the use of the House document room.

The question was taken, and the concurrent resolution was agreed to.

LANDS IN SANTIAGO, CHILE.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 4522) authorizing the Secretary of State to convey certain land owned by the United States in Santiago, Chile, to the municipality of that city and to acquire or receive in exchange therefor other land located in the said city.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of State, acting as the agent of the Government of the United States, is hereby authorized to convey to the municipality of Santiago, Chile, the title to and interest in a portion, containing not more than 30 square meters, of that parcel of land located in the city of Santiago on which the American Embassy is situated, together with the building thereon, known as 206 Merced Street, and other appurtenances thereto, and to acquire with the proceeds thereof, which are hereby appropriated for that purpose, or receive in exchange therefor title to a parcel of land not exceeding 30 square meters in extent at the western end of Bueras Street and the appurtenances pertaining thereto.

The bill was ordered to be read the third time, was read the third time, and passed.

WATER RIGHTS, INDIANS OF THE BLACKFEET RESERVATION.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 4061) authorizing the Secretary of the Interior to enter into an agreement with Toole County irrigation district, of Shelby, Mont., and the Cut Bank irrigation district, of Cut Bank, Mont., for the settlement of the extent of the priority to the waters of Two Medicine, Cut Bank, and Badger Creeks, of the Indians of the Blackfeet Indian Reservation.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to enter into an agreement, jointly or separately, with the Toole County irrigation district, of Shelby, Mont., and the Cut Bank irrigation district, of Cut Bank, Mont., and thereby to fix the extent of the prior right of the Indians residing and entitled to reside on the Blackfeet Indian Reservation, collectively, to the waters of Two Medicine, Cut Bank, and Badger Creeks: *Provided*, That said districts shall furnish in advance the entire cost to be incurred in determining the amount of the water of said streams to which such Indians are so entitled to priority.

The bill was ordered to be read the third time, was read the third time, and passed.

PROVIDING FOR HOLDING SESSIONS OF THE UNITED STATES DISTRICT COURT IN THE DISTRICT OF MAINE.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 14135) to amend an act approved September 8, 1916, providing for holding sessions of the United States District Court in the district of Maine, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the act of Congress approved September 8, 1916, entitled "An act to provide for holding sessions of the United States District Court in the district of Maine and for dividing said district into divisions, and providing for offices of the clerk and marshal of said district to be maintained in each of said divisions, and for the appointment of a field deputy marshal in the division in which the marshal does not reside," be amended in the first section thereof by striking out the word "February" where it appears first in said section, substituting therefor the word "November," so that the said section, when amended, shall read as follows:

"That hereafter, and until otherwise provided by law, two sessions of the United States District Court for the district of Maine shall be held in each and every year in the city of Bangor, in said district, beginning, respectively, on the first Tuesday of November and the first Tuesday of June, and three sessions of said court shall be held in each and every year in the city of Portland, in said district, beginning, respectively, on the first Tuesday of April, on the third Tuesday of September, and on the second Tuesday in December."

Mr. HERSEY. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 12, after the word "December," insert "*Provided, however*, That in the year 1923 the session of said court at Bangor, beginning on the first Tuesday of November, shall be held in addition to the sessions in February and June now provided for by law."

Mr. STAFFORD. Mr. Speaker, I rise in opposition to the amendment. What is the necessity of singling out Bangor for having an extra session this year? You make provision to have it changed as desired, and now you are making a special regulation.

Mr. HERSEY. The bill provides for the change from June to November, and to make it clear I offered an amendment that at the time of the change the new term will commence with the next term.

The amendment was agreed to.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

ELEPHANT BUTTE IRRIGATION DISTRICT.

Mr. HUDSPETH. Mr. Speaker, I ask unanimous consent that the bill H. R. 13550 retain its place on the calendar.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

PAYMENT OF COST OF TRANSPORTATION, ETC.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 9408) to authorize the payment of the cost of transportation from the appropriation from which the supplies are purchased.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, I object.

AMENDING AN ACT TO CODIFY, REVISE, AND AMEND THE LAWS RELATING TO THE JUDICIARY.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 14324) to amend section 107 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as heretofore amended.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. LONDON. I reserve the right to object, Mr. Speaker.

Mr. STAFFORD. I reserve the right to object.

The SPEAKER. The gentlemen from New York and Wisconsin reserve the right to object.

Mr. STAFFORD. I would like to inquire of the gentleman how near are the present places for holding court to these additional places provided by this bill, Winchester and Columbia?

Mr. TURNER. Under 100 miles from Nashville.

Mr. STAFFORD. Does this bill have the approval of the local bars and communities?

Mr. TURNER. Yes.

Mr. STAFFORD. Has it been agitated by the members of the bar in the communities?

Mr. TURNER. They all know about it. It has been published in the newspapers.

Mr. STAFFORD. Mr. Speaker, I withdraw the reservation.

Mr. LONDON. And I withdraw my reservation.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 107 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as heretofore amended, be, and it is, amended so as to read as follows:

"SEC. 107. The State of Tennessee is divided into three districts, to be known as the eastern, middle, and western districts of Tennessee. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Bledsoe, Bradley, Hamilton, James, Marion, McMinn, Meigs, Polk, Rhea, and Sequatchie, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Anderson, Blount, Campbell, Claiborne, Grainger, Jefferson, Knox, Loudon, Monroe, Morgan, Roane, Sevier, Scott, and Union, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Carter, Cocke, Greene, Hamblen, Hancock, Hawkins, Johnson, Sullivan, Unicoi, and Washington, which shall constitute the northeastern division of said district. Terms of the district court for the southern division of said district shall be held at Chattanooga on the fourth Monday in April and the second Monday in November; for the northern division at Knoxville on the fourth Monday in May and the first Monday in December; and for the northeastern district at Greeneville on the first Monday in March and the third Monday in September. The middle district shall include the territory embraced on the 1st day of July, 1910, in the counties of Bedford, Cannon, Cheatham, Davidson, Dickson, Hickman, Humphreys, Houston, Montgomery, Robertson, Rutherford, Stewart, Sumner, Trousdale, Williamson, and Wilson, which shall constitute the Nashville division of said district, also the territory embraced on the date last mentioned in the counties of Franklin, Warren, Grundy, Coffee, and Moore, which shall constitute the Winchester division of said district; also the territory on the date last mentioned in the counties of Giles, Lawrence, Lewis, Lincoln, Marshall, Wayne, and Maury, which shall constitute the Columbia division of said district; also the territory embraced on the date last mentioned in the counties of Clay, Cumberland, Dekalb, Fentress, Jackson, Macon, Overton, Pickett, Putnam, Smith, Van Buren, and White, which shall constitute the northeastern division of said district. Terms of the district court for the Nashville division of said district shall be held at Nashville on the second Monday in March and the fourth Monday in September; for the Winchester division at Winchester on the first Monday in April and the third Monday in November; for the Columbia division at Columbia on the third Monday in June and the fourth Monday in November; and for the northeastern division at Cookeville on the third Monday in April and the first Monday in November: *Provided*, That suitable accommodations for holding the courts at Winchester, Columbia, and Cookeville shall be provided by the local authorities without expense to the United States. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Dyer, Fayette, Haywood, Lauderdale, Shelby, and Tipton, which shall constitute the western division of said district; also the territory embraced on the date last mentioned in the counties of Benton, Carroll, Chester, Crockett, Decatur, Gibson, Hardeman, Hardin, Henderson, Henry, Lake, McNairy, Madison, Obion, Perry, and Weakley, including the waters of the Tennessee River to low-water mark on the eastern shore thereof wherever such river forms the boundary line between the western and middle districts of Tennessee, from the north line of the State of Alabama, north to the point, Henry County, Tenn., where the south boundary line of the State of Kentucky strikes the east bank of the river, which shall constitute the eastern division of said district. Terms of the district court for the western division of said district shall be held at Memphis on the fourth Mondays in May and November; and for the eastern division at Jackson on the fourth Mondays in April and October. The clerk of the court for the western district shall appoint a deputy who shall reside at Jackson. The marshal for the western district shall appoint a deputy who shall reside at Jackson. The marshal for the eastern district shall appoint a deputy who shall reside at Chattanooga. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Knoxville, at Chattanooga, and at Greeneville, which shall be kept open at all times for the transaction of the business of the court."

The SPEAKER. The question is on the third reading of the bill.

Mr. BLANTON. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from Texas moves to strike out the last word.

Mr. BLANTON. I do so to ask a question. As I understand it, the only change that this makes in the law is to provide for holding court at two new places. I would like to ask the gentleman why it is necessary, every time one of these bills is brought in, except in one instance, in the case of my colleague here [Mr. HUDSPETH], at numerous times, to rewrite the whole act. In my colleague's case a bill was finally brought in, making the change desired, without reenacting the entire law. Here is a bill covering several pages, when the only change in the law is to provide for holding court in two new places. Does the Judiciary Committee require that?

Mr. TURNER. They have done it in this case. I am informed that that is the legal way to get it up; that is the right way.

Mr. VOLSTEAD. We used to pursue the policy of just making the change desired, but when we came into the House we got "roasted" on several occasions for doing it. It is a great deal better to repeat the whole law, so that everybody could understand it.

Mr. BLANTON. When you repeat the whole law, no one can understand it. I think the gentleman's committee ought to instruct Members that it is not necessary to reenact the entire law.

Mr. VOLSTEAD. It would be more convenient to the committee to make only the change desired.

Mr. HUDSPETH. They did that in the case I was interested in, and they left out two courts.

Mr. BLANTON. Yes; but finally they drew the bill properly. I withdraw my pro forma amendment.

The SPEAKER. The pro forma amendment is withdrawn. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

AMENDMENT OF THE TRANSPORTATION ACT, 1920.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14309) to amend section 206 of the transportation act, 1920.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 206 of the transportation act, 1920, is amended by adding at the end thereof two new subdivisions to read as follows:

"(h) Actions, suits, proceedings, and reparation claims, of the character described in subdivision (a) or (c), properly commenced within the period of limitation prescribed, and pending at the time this subdivision takes effect, shall not abate by reason of the death, expiration of term of office, retirement, resignation, or removal from office of the agent designated under subdivision (a), but may (despite the provisions of the act entitled 'An act to prevent the abatement of certain actions,' approved February 8, 1899), be prosecuted to final judgment, decree, or award, substituting at any time before satisfaction of such final judgment, decree, or award the agent designated by the President then in office. Nor shall any action, suit, or other proceeding heretofore or hereafter brought by any public officer or official, in his official capacity, to enforce or compel the performance of an obligation due or accruing to the United States arising out of Federal control, abate by reason of the death, resignation, retirement, or removal from office of such officer or official, but such action, suit, or other proceeding may (despite the provisions of such act of February 8, 1899), be prosecuted to final judgment, decree, or award, substituting at any time before satisfaction of any such final judgment, decree, or award the successor in office.

"(i) Orders providing for a substitution in such cases made before this subdivision takes effect by courts having jurisdiction of the parties and subject matter are hereby validated, anything in such act of February 8, 1899, to the contrary notwithstanding. Actions, suits, reparation claims, or other proceedings of the character described in subdivision (h) which have been abated or dismissed solely because of the provisions of such act of February 8, 1899, shall be reinstated upon reasonable notice to the adverse party, and upon proper motion therefor filed within one year from the time this subdivision takes effect."

Mr. SANDERS of Indiana. Mr. Speaker, I send two separate amendments to the Clerk's desk.

The SPEAKER. The gentleman from Indiana offers two amendments. The Clerk will report the first one.

The Clerk read as follows:

Amendment offered by Mr. SANDERS of Indiana: Page 1, line 7, strike out "(a) or (c)" and insert in lieu thereof "(a), (c), or (d)."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will report the other amendment offered by the gentleman from Indiana.

The Clerk read as follows:

Amendment offered by Mr. SANDERS of Indiana: Page 1, line 11, after the word "the," insert the words "Director General of Railroads or."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. STEVENSON, for to-day, on account of illness.

To Mr. KINDRED (at the request of Mr. DOWLING), indefinitely, on account of illness.

RECESS.

Mr. MONDELL. Mr. Speaker, I move that the House stand in recess until 8 o'clock.

Mr. CONNALLY of Texas. Mr. Speaker, is the business to-night business on the Private Calendar?

The SPEAKER. It is. The gentleman from Wyoming moves that the House stand in recess until 8 o'clock this evening. The question is on agreeing to that motion.

The motion was agreed to; accordingly (at 5 o'clock and 28 minutes p. m.) the House stood in recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House (at 8 o'clock p. m.) resumed its session.

The SPEAKER. The Clerk will report the first bill on the Private Calendar, beginning where we left off the last time.

J. B. GLANVILLE AND OTHERS.

The first business on the Private Calendar was the bill (S. 854) to reimburse J. B. Glanville and others for losses and damages sustained by them through the negligent dipping of tick-infested cattle by the Bureau of Animal Industry, Department of Agriculture.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. STAFFORD. I object.

The SPEAKER. Objection is made. The Clerk will report the next bill.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13793) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1924, and for other purposes.

LOWE HAYDEN BIBBY.

The next business on the Private Calendar was the bill (S. 3690) for the relief of Lowe Hayden Bibby.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, will some gentleman explain the purpose of this bill?

Mr. KRAUS. Mr. Speaker, I will say to the gentleman from Wisconsin that about a year ago, and some three or four months before the last class graduated at the Naval Academy, there was much agitation in Congress as to whether or not the class would be permitted to graduate. As a result of this agitation a considerable number of the members of the class tendered their resignations to the department with a view of taking up some other vocation in life. None of these resignations were acted upon except this one, all the rest being withdrawn before they were acted upon. This young ensign, Bibby, made an effort to withdraw his resignation, but previous to his request for its withdrawal action was taken by the department accepting it. All the members of his class who received proper ratings—and, by the way, Mr. Bibby received proper ratings—were permitted to graduate, their resignations being withdrawn, but Mr. Bibby's resignation having been accepted, the department held that it was not empowered to allow him to withdraw it.

Mr. STAFFORD. Do I understand that this young officer was not on duty at all during this time?

Mr. KRAUS. Not since his graduation. He was permitted to graduate with his class, but has not been on duty since.

Mr. STAFFORD. Will the gentleman accept an amendment at the end of the bill providing that he shall not be entitled to pay or allowances for the time he has not been on active service?

Mr. KRAUS. Certainly; it was the intention of the committee to offer such an amendment.

Mr. BUTLER. It was understood that we would offer that amendment.

Mr. KRAUS. The gentleman from Mississippi [Mr. LOWREY] is interested in this bill and would like to make a statement.

Mr. LOWREY. I would like to discuss this briefly if the gentleman will withhold his amendment. The House passed a bill commissioning only 250 of this class out of over 500, and these young men, thinking they were not going to get commissions, resigned. After they had resigned the Senate failed to pass that bill, and they found they could get commissions. They then undertook to withdraw their resignations. All their resignations were withdrawn except that of this one young man.

Mr. STAFFORD. It is generally understood that we have too many naval officers, but this one young man should not be penalized just because he did not get under the tent in time. I withdraw the reservation of objection.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

Mr. LOWREY. I wanted to speak in opposition to the amendment if I could have a minute.

The bill was read as follows:

Be it enacted, etc., That the President of the United States is hereby authorized to appoint, by and with the advice and consent of the Senate, Lowe Hayden Bibby, who graduated from the United States Naval Academy on June 2, 1922, an ensign in the United States Navy, to rank next after Ensign Robert McCormick Peacher: *Provided*, That such appointment shall be regarded, to all intents and purposes, as having been made upon his graduation from the United States Naval Academy, and as though his resignation which became effective June 2, 1922, had not been accepted.

Mr. STAFFORD. Mr. Speaker, I offer the following amendment if the Committee on Naval Affairs have no amendment prepared.

The SPEAKER. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. STAFFORD: At the end of the bill insert after the word "accepted" the following: "But that he shall not be entitled to receive any pay or allowances for the time he has not been in active service."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the bill.

The bill as amended was ordered to a third reading, and was accordingly read the third time, and passed.

CERTAIN ESTATES.

The next business on the Private Calendar was the bill (S. 158) for the relief of certain estates.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, there is a minority report on this bill signed by four members of the committee. I do not think it should be considered by unanimous consent and therefore I object.

The SPEAKER. The gentleman from Wisconsin objects. The Clerk will report the next bill.

JOE T. WHITE.

The next business on the Private Calendar was the bill (H. R. 8533) for the relief of Joe T. White.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I wish to ask as to the facts in this case. As I recall it, this post office was first established as a fourth-class office.

Mr. GENSMAN. It may have been a fourth-class office to begin with, but it was in a town of 60,000 people.

Mr. STAFFORD. It was not in a town of 60,000 people when the office was first established.

Mr. GENSMAN. There were between 50,000 and 60,000 people on the ground. It was a tent town, of course, at first. There were no buildings there to begin with.

Mr. STAFFORD. I understand the chairman of the committee has some amendment to suggest.

Mr. EDMONDS. The amendment is to reduce the amount to $920.83.

Mr. GENSMAN. The post-office inspectors found the amount due to be $1,882.65.

Mr. EDMONDS. The department letter calls for $920.83.

Mr. GENSMAN. I think the first report showed something over $1,800. The committee cut it right square in two in the former Congress.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Joe T. White, late postmaster at Lawton, Okla., the sum of $1,882.65, as a reimbursement for extraordinary expenses incurred by the opening and conduct of said office.

I do not know why they did it, but the report of the department gave him $1,800.

Mr. EDMONDS. The department gives him $920; that is all that is due him, so they say.

Mr. STAFFORD. With the statement made by the gentleman from Oklahoma, Mr. Speaker, and the suggested amendment by the chairman, I have no objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Joe T. White, late postmaster at Lawton, Okla., the sum of $1,882.65, as a reimbursement for extraordinary expenses incurred by the opening and conduct of said office.

Mr. EDMONDS. I offer the following amendment.

The Clerk read as follows:

Line 6, strike out the figures "$1,882.65" and insert in lieu thereof "$920.83."

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

JACOB DIETCH.

The next business on the Private Calendar was the bill H. R. 10847, a bill for the relief of Jacob Dietch.

The Clerk read the title to the bill.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. STAFFORD. I will reserve an objection, so that the author of the bill may make an explanation.

Mr. BUTLER. Mr. Speaker, in June, 1921, the chemical department of the Army asked permission to make an exhibition, and this unfortunate lad was allowed to go to the grounds, as was everybody else. There was quite a collection of people. He was taken to a place where everybody supposed he would be entirely safe. A shell exploded. The War Department says the shell was overcharged and that it was overcharged against the direction of the department itself. It advised the officers not to overcharge the shells, not to fully load them for exhibition purposes. A piece of the shell struck an innocent child and he was badly hurt and finally died in the hospital. This is only for the purpose of paying the funeral expenses and the doctor's bill. The people are poor and have no other way for relief. The department says that the Government was not liable nor negligent.

Mr. STAFFORD. The difficulty I have in the case is that it was not the representative of the Chemical Warfare Service that requested this, but an officer of the Pennsylvania Military Academy, Major Bowman, who solicited an exhibition and agreed to be responsible for all damages that might occur by reason of this exhibition.

Mr. BUTLER. I do not so understand it.

Mr. STAFFORD. That is the trouble, and I will direct the attention of the chairman to the statement of Lieut. Joseph Batley in reference to these tactical maneuvers.

Mr. EDMONDS. Bowman was a Regular Army officer, selected from the Army as a military instructor.

Mr. STAFFORD. He was the representative of the military college.

Mr. EDMONDS. No; he was a representative of the Government.

Mr. STAFFORD. Let me read from the report:

On May 26, 1921, Maj. E. N. Bowman, military instructor of the Pennsylvania Military College, called at headquarters of Edgewood Arsenal to see the commanding officer. Major Atkisson being away at the time, Major Bowman asked me if I thought it possible to arrange a tactical maneuver using Chemical Warfare Service troops and matériel at the Pennsylvania Military College on June 13 in connection with other similar maneuvers by other branches of the Army. I told him that approval would have to come from Washington before we could assist him in any way, but that I would put his plans up to the commanding officer. Major Bowman then went into details regarding the range which we could use. I informed Major Bowman that I did not consider it safe to fire Stokes mortars or Liven projectors unless we had plenty of room, as we would use real ammunition and it would be dangerous used in a restricted area. Major Bowman then drew plans showing the two fields which we could use as a range. I told him that I thought they were inadequate as they were built up pretty close and in some instances buildings were right in line of fire. He appeared very anxious that we assist him. Then I told him if we sent men up there we would have to be relieved from all responsibility. Major Bowman stated to me in the presence of Miss Johnson, the commanding officer's secretary, that the college would make arrangements to assume all responsibility and pay all expenses and secure clearance on all property not belonging to the college that we would require for this maneuver.

That shows that the Government of the United States, the Chemical Warfare Service, was to be relieved of all responsibility. Here this military college wants an exhibition. An act happened as a result of their solicitation. Why should not the Pennsylvania Military College pay these damages?

Mr. BUTLER. I do not think the gentleman has read the facts stated in the Secretary's letter. Read the letter of the Secretary of War.

Mr. STAFFORD. I am reading the official report of the Chemical Warfare Service.

Mr. BUTLER. I will read from the letter of the Secretary of War.

Mr. STAFFORD. Let me read what was said——

Mr. BUTLER. I hope that the gentleman will not object to this; it is one of the most charitable things that I have ever known, and this father asks no more than the bare cost of the funeral expenses and the doctor's bill.

Mr. STAFFORD. I want to be as generous as possible. How many other claims are there?

Mr. BUTLER. Only one other, a very small one, the case of a woman who was badly hurt.

Mr. STAFFORD. How much does that amount to?

Mr. EDMONDS. It amounts to $1,400.

Mr. STAFFORD. With the finding of the board, which placed the responsibility upon the Pennsylvania Military College, I am wondering why some of these private institutions do not open up somewhat.

Mr. BUTLER. The coroner's jury held that there was no responsibility upon anybody.

Mr. BLANTON. Mr. Speaker, I demand the regular order.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, I do not intend to object.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Jacob Dietch, of Chester, Pa., the sum of $739.10 for medical attention and burial expenses of his minor son, Samuel Dietch, who was fatally injured when struck by fragments of an overcharged shell during a demonstration at the Pennsylvania Military College, Chester, Pa., by the Chemical Warfare Service, United States Army, operating in conjunction with the Pennsylvania Military College on the night of June 13, 1921.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

ESTELLA W. DOUGHERTY.

The next business on the Private Calendar was the bill (H. R. 10848) for the relief of Estella W. Dougherty.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, this is a bill that grows out of the same accident referred to in the last bill, but in reading the report I notice that somebody is trying to work the Government. The mother had a position at the Eddystone Print Works at the wage of $15.36 per week, and she files a claim for $1,400 for nursing her daughter from June 13 to October 24, 1921, at the rate of $150 per month. If she was receiving only $15.36 per week while she was engaged at the Eddystone Print Works, why should we pay her while nursing her daughter at the rate of $150 a month?

Mr. BUTLER. Mr. Speaker, if the gentleman thinks there is too much money called for, I suggest that we amend the bill and make it $500.

Mr. STAFFORD. Amend it by cutting it down one-half?

Mr. BUTLER. That will be satisfactory.

Mr. STAFFORD. And that will be even more than she was receiving while in the employ of the Eddystone Print Works.

Mr. BUTLER. Perhaps a little bit more, but that will pay the loss.

Mr. STAFFORD. Mr. Speaker, I withdraw the reservation of objection with that understanding.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Estella W. Dougherty, of Chester, Pa., the sum of $1,400, for medical attention and for expenses incurred by her incident to being struck and injured by fragments of an over-charged shell during a demonstration at the Pennsylvania Military College, Chester, Pa., by the Chemical Warfare Service, United States Army, operating in conjunction with the Pennsylvania Military College on the night of June 13, 1921.

Mr. BUTLER. Mr. Speaker, it is understood that we will amend this bill by reducing the sum from $1,400 to $700, and I offer the following amendment which I send to the desk.

The Clerk read as follows:

Page 1, line 6, strike out the figures "$1,400" and insert in lieu thereof the figures "$700."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

ALBERT H. WHITE, MARY E. FOWLER, ET AL.

The next business on the Private Calendar was the bill (H. R. 624) for the relief of Albert H. White, Mary E. Fowler, Lorena B. Winkler, E. E. White, and C. A. White.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, may we have the bill reported?

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the title to lot 271 and the west half of lot 286 in block 16 of the old city of Pensacola, Fla., according to map of said city of Pensacola, Escambia County, Fla., copyrighted by Thomas C. Watson in A. D. 1906, be, and it is hereby, confirmed and relinquished to Albert H. White, Mary E. Fowler, Lorena B. Winkler, E. E. White, and C. A. White: *Provided*, That this confirmation shall only operate as a relinquishment of the title of the United States in and to the said property to said parties.

With the following amendment:

Page 1, line 6, after the word "Florida" strike out the words "copyrighted by Thomas C. Watson, in anno Domini 1906" and insert in lieu thereof the words "platted by James W. Exum in 1827."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

ELEVATED SIDINGS FOR B. & O. RAILWAY, WASHINGTON, D. C.

The next business on the Private Calendar was the bill (S. 3083) authorizing the construction of elevated railroad sidings adjacent the steam-railroad tracks in the District of Columbia.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I object.

Mr. A. P. NELSON. Mr. Speaker, will the gentleman reserve his objection?

Mr. BLANTON. Yes.

Mr. A. P. NELSON. Mr. Speaker, this bill is merely to grant to the owners of square 710 the same privileges exactly as are now enjoyed by the owners of squares 711 and 712. The bill has passed the Senate. It has been carefully investigated by a subcommittee and favorably reported by that subcommittee. It has been personally inspected by members of the committee. Personally I have carefully investigated it. It seems to me that in all fairness to the owners of square 710 the privilege asked for in the bill should be granted to them inasmuch as the owners of 711 and 712 have that privilege now.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, my only reason for objecting is that I do not believe we ought to grant either the Baltimore & Ohio or the Pennsylvania Railroad Co. any more benefits in the District of Columbia until they realize that the people of this District and the Government have some rights themselves.

Let the gentleman go out here to-night and get in his car, and he may have some of the best friends in his district coming here to visit Washington, and let him go down to the station to meet them. He can not drive up to the station proper. He has to let the first passageway go by because certain friends of the Baltimore & Ohio and the Pennsylvania have the right to that passageway; then he has to let the second passageway go by for the same reason, because these friends pay a certain amount of money for having that privilege. They only have the right of way. But the gentleman, a Congressman, meeting his constitutents, the people of the United States who are coming into this District over one of these systems, has to go into the third passageway, somewhat removed, and then he must park his car about four blocks away from the station sometimes if he wants to leave it. I say that whenever you grant another benefit to these two systems we should make them first understand that the people of the District and the Government have some rights.

Mr. A. P. NELSON. Mr. Speaker, I agree entirely with what the gentleman has said, but may I say this to the gentleman, that his objections raised has really nothing to do with this particular bill, because this square number 710 in question is half a mile north of the Union Station, and it does not grant the Baltimore & Ohio any special privileges? It merely seeks to grant to the owners of square 710 the same privileges which are now granted to the owners of squares 711 and 712 and give justice and square dealing to all concerned.

Mr. BLANTON. I will do anything on earth personally to accommodate my friend, who is a friend to everybody in this House, but this is a benefit specially to the Baltimore & Ohio Railroad.

Mr. A. P. NELSON. No; the gentleman is mistaken; it is not.

Mr. HICKS rose.

Mr. BLANTON. I want to say right now to the gentleman from New York that this very railroad association, when Congress is about to adjourn on March 4, and there are several thousand Government employees down here in all these hotels, has now made an order trying to force Congress to buy its property down here for these Government hotels for its employees and pay a fabulous price, and it is not right and I am not in favor of granting——

Mr. HICKS. If the gentleman will permit, does he not think after his speech of to-night that the railroads are sufficiently warned as to what will happen to them in the future?

Mr. BLANTON. I am opposed—— [Cries of "Regular order!"]

The SPEAKER. Is there objection?

Mr. BLANTON. I will object if we are forced——

The SPEAKER. The Clerk will report the next bill.

Mr. STAFFORD. Just a minute. I would like to show the gentleman a map.

The SPEAKER. The regular order has been demanded.

Mr. STAFFORD. I have no interest in this but I want to call the gentleman's attention to block 711 immediately to the south——

Mr. BLANTON. Mr. Speaker, if the gentleman from Wisconsin is willing to pass it I will pass it. [Applause.]

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia are hereby authorized, in their discretion, to grant to any steam railroad company authorized to have tracks in the District of Columbia permits to construct overhead or underground sidings from the lines of said railroad into such squares or parts of squares in the District of Columbia as may be included within any industrial area now or hereafter established under authority of law: *Provided*, That no grade crossings shall thereby be created; but such overhead or underground crossings may cross a street, avenue, or road within such industrial area.

The committee amendment was read, as follows:

Strike out all after the enacting clause down to and including line 2, on page 2, and insert:

That the Baltimore & Ohio Railroad Co. is hereby authorized to construct and maintain elevated sidings in the city of Washington, D. C., across N Street north, between First and Second Streets east, and across Second Street east, between N Street and Florida Avenue north, said sidings to be connected with and to spring from any of its tracks in square No. 711, or from any of its tracks south of Florida Avenue, and to connect with elevated tracks in square No. 710: *Provided*, That such sidings shall not be at a lower grade above the present grade of N Street than the siding in N Street constructed and maintained under authority of the act of Congress approved June 27, 1906.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

The title was amended to conform to the text.

Mr. A. P. NELSON. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

STATEMENT REGARDING BILL S. 3083.

HISTORY OF PRESENT BILL.

Mr. A. P. NELSON. Mr. Speaker, bill S. 3083, as originally introduced by Senator BALL, chairman of the Senate District Committee, authorized the Baltimore & Ohio Railroad to construct and maintain elevated sidings across N and Second Streets NE. into square 710 in the District of Columbia. At the request of the District Commissioners the bill was amended by the Senate District Committee to give the commissioners general authority to grant, at their discretion, sidings across any streets within the industrial area. In this form the bill passed the Senate.

The House District Committee did not think it wise to transfer such authority to the commissioners, and, after inspecting the property, reamended the bill back to its original form and gave it a unanimously favorable report. In its present and orginal form it authorizes the construction of sidings only into square 710.

LOCATION OF SQUARE AND SURROUNDING PROPERTY.

Square 710 lies about one-half mile north of the Union Station and is just southwest of the intersection of Florida Avenue

and the railroad viaduct. The properties to the north, east, and south of square 710 are all occupied with railroad tracks. To the north lie the Baltimore & Ohio Railroad freight yards; to the east is square 710 east, occupied partly by the District for storage purposes and by the main lines of the Pennsylvania and the Baltimore & Ohio Railroads; to the south is square 711, which is completely occupied by the Baltimore & Ohio Railroad coal trestles; farther to the south are squares 712 and 713, both of which have railroad facilities. Even N Street itself is partly occupied by an elevated railroad trestle used by the District for crushed-stone deliveries. In fact, square 710 is the only property directly west of the railroad tracks, for more than a mile north of the Union Station, that does not have railroad facilities.

APPROVED BY DISTRICT COMMISSIONERS; BALTIMORE & OHIO RAILROAD AND OWNERS OF SQUARE.

The District Commissioners have formally reported in a letter to the Senate District Committee that if they had the authority they would grant siding privileges to this square. The Baltimore & Ohio Railroad also approves and supports this legislation, as do the owners of the square. These three groups constitute all interests owning property which is directly affected by the proposed legislation.

NO LEGITIMATE OPPOSITION TO THE BILL IN ITS PRESENT FORM.

The only possible opposition is that which might be stimulated by the owners of similar and competitive property, already equipped with railroad facilities, who wish to retain their monopoly of this class of land.

WILL NOT OBSTRUCT USE OF STREETS.

The crossing with elevated sidings of N Street or Second Street NE.—one or both—will not interfere with their continued use. These streets—the southern and eastern boundaries of square 710—are used only to a minor degree, chiefly serve this square, and are in no sense general thoroughfares. They terminate at their intersection at the southeast corner of the square. N Street is already partly occupied by an elevated siding.

WILL NOT PERMIT DEVELOPMENT INIMICAL TO PUBLIC INTEREST.

The proposed sidings will necessarily be elevated and of heavy steel and concrete construction. They will be perfectly safe and will not block the streets. Railroad facilities in the square will not permit its use for any offensive or detrimental purpose. District building regulations will see to that.

NO DETRIMENTAL EFFECT ON SIBLEY HOSPITAL.

Alarm that the industrial development of the square might be detrimental to the best interests of Sibley Hospital is groundless, because already and for many years property lying one block nearer the hospital has had railroad facilities and has been industrially developed.

ESTABLISHES NO NEW PRECEDENT.

The passage of the proposed bill will not establish any new precedent. There are many places in the District where the main-line railroad tracks are carried across streets on elevated structures. This is particularly the case along Maryland and Virginia Avenues, in the southwest part of the city. In Georgetown, even for a considerable distance along Water Street, the tracks of the Pennsylvania Railroad occupy the center of the street. In the vicinity of the Government fuel yard several railroad tracks cross I Street on grade and a branch track also runs on grade along and across several streets in the southeast section of the city all the way to the navy yard.

DISTRICT COMMISSIONERS' ATTITUDE FAVORABLE FOR LONG PERIOD.

That the District Commissioners have long recognized the suitability of this square for industrial and railroad development and have looked forward to its ultimate use for such purposes is clearly shown by the following:

1914. FROM STATEMENT FURNISHED OWNERS BY ENGINEER COMMISSIONER.

The approval of such proposition (siding into square 710) would be in line with the past policy of the commissioners and in accordance with the plans of occupation laid out in conjunction with the establishment of the Union Station.

The railroad tracks formerly ran on First Street east, which is now the west boundary of square 710, and when the tracks were removed from this street to their present location in conjunction with the construction of Union Station it was the intention to reserve for railroad occupation those squares in the vicinity of the relocated tracks east of First Street.

Applications were made for siding extension into squares south of 710 at the time of the elimination of grade crossings, and were approved as part of that project, and had the question of the occupation of 710 been advanced at that time, either by the railroad or by other interested parties, this office would have recommended such occupation.

This square is well adapted for siding purposes and is practically in the same situation with reference to the railroad as the squares south, being separated from the railroad right of way only by a District property yard, and by a portion of First Street which is closed south of N Street.

1917. A bill practically similar to the present one, introduced in the House in February, 1917, was reported on by the District Commissioners. Their report made the following statement:

The commissioners believe that at some future time conditions may require the permissible area of occupation for freight business to be enlarged.

This bill was not brought before the House, because the parties interested in it were all ordered away to active duty in the military service.

1922. From District Commissioners' report to Senate District Committee:

The commissioners would state that if the bill is amended as recommended herein, the square referred to in Senate bill 3083, namely, square 710, would be included in the squares or parts of squares, which would be granted sidings as being within the industrial area.

PROPERTY ZONED AS INDUSTRIAL.

The zoning commission has classed this property as "industrial," which permits use for railroad purposes, and thereby substantiates the conclusion of the commissioners.

Need for additional industrial property in this locality, particularly for coal dumps, has become so acute that the grand jurors for the District of Columbia in the January term, 1921, made a special report on the situation to the Supreme Court. Square 710 is particularly suited for coal dumps and warehouses.

SCARCITY OF CENTRALLY LOCATED INDUSTRIAL PROPERTY.

Square 710 is not only particularly advantageously situated for practical industrial development, but it lies within a short distance of the center of population of the District. For the general public good such property should be developed. It is unwise to force distributing companies to locate their plants in distant sections of the city, because the increased haulage charges place increased burdens on the ultimate consumer.

OWNERS OF SQUARE ENTITLED TO SAME OPPORTUNITIES AS OTHER SURROUNDING PROPERTY OWNERS.

The owners of square 710 are at present unfairly handicapped. They can not utilize their property for the only purposes for which it is well adapted and for which other similar and surrounding property is utilized. Because of its location and suitability for industrial purposes it is taxed on an industrial valuation. Under existing conditions it can neither be sold nor utilized for purposes commensurate with such valuation. The growing needs of the city require its development industrially, and it is unjust discrimination to longer withhold the necessary legislation, for which the owners have now waited for many years.

LOUIS LEAVITT.

The next business in order on the Private Calendar was the bill (H. R. 12223) for the relief of Louis Leavitt.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BLANTON. I object.

Mr. WOODRUFF. I object.

Mr. STAFFORD. It is hardly necessary for me to put in my objection.

ISAAC JACK.

The next business in order on the Private Calendar was the bill (H. R. 11825) authorizing the removal of the restriction from 40 acres of the allotment of Isaac Jack, a Seneca Indian, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, this bill was incorporated in the Indian omnibus bill which passed the House Saturday, and therefore I object.

The SPEAKER. Objection is made.

LOUIS LEAVITT.

The next business in order on the Private Calendar was the bill (S. 3754) for the relief of Louis Leavitt.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, I object.

Mr. WOODRUFF. I object.

Mr. STAFFORD. I object.

ABROGATING LEASE OF LAND AND WATER POWER, MUSKINGUM RIVER.

The next business in order on the Private Calendar was the bill (H. R. 11561) authorizing and directing the Secretary of War to abrogate a contract lease of land and water power on the Muskingum River.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BANKHEAD. Mr. Speaker, reserving the right to object, I would like to inquire what the facts are. It is rather unusual to direct the Secretary of War to cancel a contract.

Mr. MOORE of Ohio. Mr. Speaker, this is a contract entered into by the Phoenix Mill Co., of Marietta, Ohio, and the Secretary of War in 1904 for the use of certain water power on the Muskingum River. In 1912 the mill that was being operated by the Phoenix Mill Co. burned down and ever since that time they have been paying an annual rental. The War Department, in a letter that is in the report, states that they are without authority to cancel the lease, but admits that it should be canceled, and the Secretary of War recommends that the authority of Congress be given to him to cancel this lease. They have been paying rental ever since that time and have not been able to utilize the water power at all, and it seems quite inequitable to ask them to continue further. There is only one more year, but there is a little due by them. They paid it until the bill was introduced and there is a certain amount in arrears.

Mr. BANKHEAD. I withdraw the reservation.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Ohio. Mr. Speaker, I ask unanimous consent that Senate bill 3611 be substituted for the House bill.

The SPEAKER. Is it substantially the same bill?

Mr. MOORE of Ohio. Exactly the same, but it increases the amount a little. It amends the clause authorizing the cancellation and strikes out the word "land," as the lease does not provide for any land but simply for water power.

The SPEAKER. The gentleman from Ohio asks unanimous consent to substitute the Senate bill. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That upon the payment of $155 additional by the lessee to the United States Government, to be paid within three months after this act is approved, and with the understanding that no part of the moneys paid by the lessee to the United States Government shall ever be refunded, and in satisfaction of all claims of both parties, the Secretary of War be authorized and directed to abrogate a contract lease entered into on the 24th day of June, 1904, between Robert Shaw Oliver, Assistant Secretary of War, for the United States of America, and the Phoenix Mill Co., by D. P. Torpy, its president, of Marietta, Ohio, for the water power at Dam No. 1 at Marietta, Ohio, on the Muskingum River, in the State of Ohio.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER. Without objection, the similar House bill will be laid on the table.

There was no objection.

The SPEAKER. The Clerk will report the next bill.

JAMES J. MEEHAN.

The next business on the Private Calendar was the bill (H. R. 11792) for the relief of James J. Meehan.

The title of the bill was read.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That James J. Meehan, who, while serving as an ensign, United States Naval Reserve Force, was found by a naval retiring board to be permanently incapacitated for active service by reason of physical disability incurred in the line of duty as the result of an incident of the service, but not in time of war, shall be eligible for retirement as if his physical disability was incurred in time of war; and the Secretary of the Navy is hereby authorized to place him upon the retired list with three-fourths pay of the grade held by him at the time such physical disability was incurred.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

BRIDGE ACROSS LITTLE COLORADO RIVER.

The next business on the Private Calendar was the bill (S. 2563) to provide for the completion of the bridge across Little Colorado River near Leupp, Ariz.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $17,471.25 for payment to the Allied Contractors (Inc.), of Omaha, Nebr., as additional compensation for the construction of a bridge across the Little Colorado River near the Leupp Indian Agency, Ariz., under contract approved by the Secretary of the Interior on November 10, 1919, funds for said bridge having been appropriated by the acts of March 2, 1917 (39th Stat. L., p. 975), May 25, 1918 (40th Stat. L., p. 579), and June 30, 1919 (41st Stat. L., p. 11), and the cost thereof to the contractors having exceeded the contract price by said sum: *Provided*, That said amount shall be reimbursable to the United States from any funds now or hereafter placed in the Treasury to the credit of the Navajo Indians in Arizona, to remain a charge and lien upon the lands and funds of said tribe of Indians until paid.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

WALTER RUNKE.

The next business on the Private Calendar was the bill (H. R. 5639) for the relief of Walter Runke.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, I would like to inquire why we should reimburse a man for $800 attorney's fees when no trial was had?

Mr. HAYDEN. The man was tried and acquitted by the jury.

Mr. STAFFORD. Then I am wrong in my premises. But I understood that in the alleged trial for perjury, for which a claim for $800 attorney's fees was made, there was no trial.

Mr. HAYDEN. In any event this man is entitled to this relief. It represents the savings of a lifetime. He was shamefully treated, I am satisfied, and everything that he did was done in the line of duty.

Mr. STAFFORD. In such cases as these would he not have the right of representation by the Government attorney?

Mr. HAYDEN. He would if the Indian office here in Washington had directed it in the case; but instead of that they abandoned him, and left him in such shape that he had to spend his own funds. If the gentleman will read this report——

Mr. STAFFORD. I have read the report of the Secretary of the Interior, and I got the impression that $800 was for attorney's fees in the perjury case, where there had been no trial. Eight hundred dollars attorney's fee is a pretty large fee.

Mr. HAYDEN. That covers the fees in both cases.

Mr. STAFFORD. I beg the gentleman's pardon; he has here a fee for $2,500 for his defense in a murder trial.

Mr. HAYDEN. What the Department of the Interior would certify to would come up to the committee and be found good. I think it appropriates no money.

Mr. STAFFORD. I think in this case he really had some equitable claim for reimbursement. The only question is as to the amount.

Mr. HAYDEN. The amount is the minimum.

Mr. BANKHEAD. I see further down on the calendar there is a bill for the relief of this man.

Mr. HAYDEN. Yes. I was going to suggest the consideration of the Senate bill.

Mr. BANKHEAD. Is it the same case?

Mr. HAYDEN. Yes. This bill was reported prior to the Senate bill.

The SPEAKER. The Clerk will report the bill.

Mr. BLANTON. It has not passed the unanimous-consent stage, Mr. Speaker. Is the gentleman from Wisconsin [Mr. STAFFORD] through? [Laughter.] Reserving the right to object, Mr. Speaker, the distinguished gentleman from Arizona [Mr. HAYDEN] at one time was a very distinguished peace officer, and has been around the courthouses a lot. Does he think this kind of a bill is a wise precedent to establish?

Mr. HAYDEN. I believe the case is unprecedented. It could not happen again, and under the circumstances the man is entitled to relief.

Mr. BLANTON. Oh, the gentleman knows it could happen again. "There is nothing new under the sun."

Mr. HAYDEN. Here was an Indian, a wild Indian, among a wild tribe of Indians, and to show how bad an Indian he was, I will say that he absolutely refused to allow his children to go to school. It is not shown in the report, but the facts are that this Indian's daughter was sent to school, and this Indian so forcibly objected to it that I understand he threw her on the ground and gouged out one of her eyes with a piece of barbed wire.

That is the kind of a bad Indian that he was. They sent for him to tell him that he must put his children in school. He threatened to kill the officers. The agent then directed these two employees to go out and either bring him in or bring his

children in. He resisted, and had to be killed. Then this man, Mr. Runke, was absolutely abandoned by the Indian Office—prosecuted, as I believe, maliciously—and the savings of a lifetime were lost. All I am asking is that he may submit an account of his expenses to the Interior Department, and let their finding be submitted to Congress, and then we can act on it.

Mr. BLANTON. You are asking merely that the expenses of an authorized prosecution and trial be paid back to him?

Mr. HAYDEN. Yes.

Mr. BLANTON. Just his actual expenses?

Mr. HAYDEN. Yes.

Mr. BLANTON. You are allowing him nothing for any alleged damage that may have occurred to him?

Mr. HAYDEN. Not at all.

Mr. BLANTON. I withdraw the reservation of objection.

The SPEAKER. Is there objection?

There was no objection.

Mr. HAYDEN. I ask unanimous consent to substitute the Senate bill, S. 1829.

The SPEAKER. The gentleman asks unanimous consent to substitute the Senate bill. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate bill.

The bill was read as follows:

Be it enacted, etc., That not to exceed $4,000 is hereby authorized to be appropriated to enable the Secretary of the Interior to reimburse Walter Runke, of Flagstaff, Ariz., formerly superintendent of the Western Navajo Indian Agency, Ariz., for actual and necessary expenses incurred by him from personal funds in connection with his defenses upon his trials in the United States District Court for the District of Arizona during the months of September, 1916, and March, 1918, his alleged offenses having been committed in the performance of his official duties, the charge against him in the first trial having been dismissed after a severance and after acquittal of his late co-defendants, and he having been acquitted in the second trial.

With the following committee amendment:

On page 1, line 10, strike out the words "months of September, 1916, and March, 1918," and insert "time between his indictment in March, 1916, until his acquittal in March, 1918."

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the third reading of the bill.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

By unanimous consent the House bill (H. R. 5639) was ordered to lie on the table.

WAR DEPARTMENT APPROPRIATION BILL.

Mr. ANTHONY. Mr. Speaker, I present a conference report on the War Department appropriation bill for printing under the rule.

The SPEAKER. The gentleman from Kansas presents a conference report on the bill the title of which the Clerk will report.

The Clerk read the title of the bill (H. R. 13793) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1924, and for other purposes.

The SPEAKER. Ordered printed under the rule.

Mr. BLANTON. Mr. Speaker, when a conference report is subject to a point of order because of a violation of the rules of the House, may I ask whether it is in order to make the point of order when it is first presented?

The SPEAKER. It can be made when the report is read.

Mr. BLANTON. It should not be made now?

The SPEAKER. It should not.

Mr. BLANTON. I reserve a point of order.

The conference report and statement of the House conferees are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13793) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1924, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 8, 11, 12, 13, 14, 16, 20, 22, 25, 32, 33, 39, 40, 41, 44, 46, 57, 58, 59, 61, 66, 75, 80, 93, 94, 96, 97, 102, 103, 104, 107, 108, 110, 112, 113, 114, 117, 118, 124, and 126.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 9, 24, 26, 28, 29, 37, 43, 45, 50, 51, 52, 53, 54, 55, 56, 60, 62, 64, 65, 68, 70, 71, 72, 73, 74, 76, 77, 78, 79, 83, 84, 85, 86, 87, 88, 98, 99, 105, 109, 111, 116, 120, and 121, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$75,000"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$70,480"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$42,480"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$149,000"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$75,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$60,540"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$75,000"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$250,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,400,000"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,500,000"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "except those who have received training in either of the training camps held during the calendar years 1921 and 1922"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: *Provided*, That this appropriation shall not be available for increased pay on flying status to more than 600 enlisted men; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$660,000"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$14,350,000"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "enlisted men of the Enlisted Reserve Corps"; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the

sum proposed insert "$15,850,000"; and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In line 2 of the matter inserted by said amendment, after the word "construction," insert the words "and completion"; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "for the Regular Army and for such other markings and fuel-supply stations and temporary shelter as may be necessary"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "and if such flights are given by Army personnel upon other than Government fields, a bond of indemnity, in such sum as the Secretary of War may require for damages to person or property, shall be furnished the Government by the parties desiring the exhibition"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In line 16 of the matter inserted by said amendment, strike out "$120,000" and insert in lieu thereof "$89,900"; and in line 17 of the matter inserted by said amendment, strike out "$120,000" and insert in lieu thereof "$89,900"; and in line 21 of the matter inserted by said amendment, strike out "$100,000" and insert in lieu thereof "$80,000"; and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,500"; and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,400,000"; and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,100,000"; and the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,200,000"; and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$325,000"; and the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,500,000"; and the Senate agree to the same.

Amendment numbered 100: That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$82,450"; and the Senate agree to the same.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$650,000"; and the Senate agree to the same.

Amendment numbered 123: That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$575,000"; and the Senate agree to the same.

Amendment numbered 125: That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,584,683"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 18, 21, 30, 34, 36, 38, 49, 101, 106, 119, and 122.

D. R. ANTHONY, Jr.,
WILLIAM H. STAFFORD,
T. U. SISSON,
Managers on the part of the House.

J. W. WADSWORTH, Jr.,
W. L. JONES,
SELDEN P. SPENCER,
WM. J. HARRIS,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13793) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1924, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On No. 1, relating to the appropriation for printing and binding: Limits the amount for printing and binding under the direction of the Chief of Engineers to $75,000 instead of $45,000, as proposed by the House, and $102,980, as proposed by the Senate.

On Nos. 2 and 3, relating to the appropriation for contingencies of the Army: Appropriates $70,480 instead of $62,980, as proposed by the House, and $77,980, as proposed by the Senate, and limits the amount for salaries of civilian employees connected with the sale of war supplies and the adjustment of war contracts and claims to $42,480 instead of $34,980, as proposed by the House, and $49,980, as proposed by the Senate.

On Nos. 4, 5, and 6, relating to the appropriation for contingencies, Military Intelligence Division, General Staff: Restores language stricken out by the Senate making the appropriation applicable to the rental of garages for military attachés; appropriates $149,000 instead of $130,000, as proposed by the House, and $162,680, as proposed by the Senate; and limits the amount that may be used for drafting, clerical, and messenger services in the Military Intelligence Division, in Washington, D. C., to $75,000 instead of $70,000, as proposed by the House, and $88,680, as proposed by the Senate.

On Nos. 7, 8, 9, and 10, relating to the appropriation for Army War College: Provides for seven clerks at $1,600, as proposed by the Senate, instead of six, as proposed by the House; provides for four watchmen at $720, as proposed by the House, instead of five, as proposed by the Senate; and provides for four firemen at $720, as proposed by the Senate, instead of three, as proposed by the House; making the total of the paragraph $60,540 instead of $58,220, as proposed by the House, and $61,260, as proposed by the Senate.

On No. 11, relating to the appropriation for general service schools, Fort Leavenworth, Kans.: Appropriates $45,000, as proposed by the House, instead of $42,200, as proposed by the Senate.

On Nos. 12, 13, 14, and 15, relating to the appropriation for military post exchanges: Appropriates $75,000, as proposed by the House, instead of $85,000, as proposed by the Senate, and limits the amounts for libraries and hostess houses to $30,000 each, as proposed by the House, instead of $37,500 each, as proposed by the Senate; and adds language proposed by the Senate prohibiting the use of funds from this appropriation for payment of teachers or for equipment of schools for children at military posts.

On Nos. 16, 17, 19, 20, and 22, relating to the Organized Reserves: Appropriates $900,000 for pay and allowances of reserve officers on duty for 15 days' training, as proposed by the House, instead of $1,100,000, as proposed by the Senate; appropriates $250,000 for pay of reserve officers on active duty for more than 15 days, instead of $200,000, as proposed by the House, and $300,000, as proposed by the Senate; appropriates $5,000 for pay of the Enlisted Reserve Corps, as proposed by the House, instead of $7,500, as proposed by the Senate; and appropriates $350,000 for establishment and maintenance of camps, as proposed by the House, instead of $494,400 for divisional and regimental headquarters and establishment and maintenance of camps, as proposed by the Senate.

On Nos. 23 and 24, relating to the appropriation for Reserve Officers' Training Corps: Appropriates $3,500,000 instead of $3,250,000, as proposed by the House, and $4,000,000, as proposed by the Senate; and agrees to Senate amendment eliminating the words "in so far as said stocks are in excess of actual requirements of the Regular Army for the fiscal year 1924" from

language carried in the bill as it passed the House providing for the issue of material to the Reserve Officers' Training Corps from War Department surplus or reserve stocks in so far as such stocks are in excess of the requirements of the Regular Army for the fiscal year 1924.

On Nos. 25, 26, 27, and 28, relating to the appropriation for civilian military training camps: Appropriates $2,000,000, as proposed by the House, instead of $2,200,000, as proposed by the Senate; provides that the appropriation shall not be used for the training of any person over 24 years of age except those who received training in either of the training camps held during the calendar years 1921 or 1922 instead of prohibiting the training of any person over 27 years of age, as proposed by the House, or prohibiting the training of any person over the age of 24 except those who received training in a previous civilian military training camp and except veterans of the war with Germany under the age of 35, as proposed by the Senate; and agrees to Senate amendment eliminating the words "in so far as said stocks are in excess of actual requirements of the Regular Army for the fiscal year 1924" from language carried in the bill as it passed the House providing for the issue of material for use in civilian military training camps from War Department surplus or reserve stocks in so far as such stocks are in excess of the requirements of the Regular Army for the fiscal year 1924.

On No. 29: Substitutes language proposed by the Senate for language carried in the bill as it passed the House relating to the promotion of certain captains in the Army who were demoted under the provisions of the War Department appropriation act dated June 30, 1922, as amended by the act of September 14, 1922.

On No. 31, relating to the appropriation for aviation increase to enlisted men: Restricts the number of enlisted men who may be placed on flying status to 600 instead of to 500, as proposed by the House, and instead of providing no limitation, as proposed by the Senate.

On No. 32: Strikes out language proposed by the Senate providing that any officer whose name is now borne on the Army register and who served with credit as a general officer of the line during the World War, or who was recommended for appointment as a general officer of the line by the commander in chief American Expeditionary Forces, prior to November 11, 1918, shall be eligible for selection to the general officers' eligible list provided for in the national defense act, approved June 4, 1920, notwithstanding the fact that he shall now hold a grade below that of colonel of the line.

On No. 33: Appropriates $7,000,000 for pay of retired enlisted men, as proposed by the House, instead of $7,200,000, as proposed by the Senate.

On No. 35, relating to the appropriation for pay of nurses: Appropriates $660,000 instead of $650,000, as proposed by the House, and instead of $680,000, as proposed by the Senate.

On No. 37, relating to language carried in the House bill prohibiting payment of the six months' gratuity authorized by the act of December 17, 1919, to any child of a deceased officer or enlisted man who is not actually a dependent of such deceased officer or enlisted man: Adds the language "married child or unmarried child over 21 years of age," as proposed by the Senate.

On No. 39: Strikes out language proposed by the Senate authorizing the payment from river and harbor appropriations of mileage and other allowances incident to changes of stations of officers of the Corps of Engineers where such changes of stations are made primarily in the interest of river and harbor improvements.

On Nos. 40, 41, 42, and 43, relating to the appropriation for subsistence of the Army: Restores language stricken out by the Senate making the appropriation applicable to the enlisted men of the Enlisted Reserve Corps; appropriates $14,350,000 instead of $14,250,000, as proposed by the House, and $14,500,000, as proposed by the Senate; exempts sales commissaries in the Philippine Islands and China from the requirement that the prices charged in sales commissaries shall include overhead costs, as proposed by the Senate.

On Nos. 44 and 45, relating to the appropriation for regular supplies of the Army: Restores language stricken out by the Senate making the appropriation applicable to enlisted men of the Enlisted Reserve Corps; increases the limitation on the amount that may be expended for forage from $4,500,000, as proposed by the House, to $4,900,000, as proposed by the Senate.

On No. 46, relating to the appropriation for clothing and equipage: Restores language stricken out by the Senate making the appropriation applicable to enlisted men of the Enlisted Reserve Corps.

On Nos. 47 and 48, relating to the appropriation for transportation of the Army and its supplies: Strikes out language carried in the bill as it passed the House making the appropriation applicable to the Officers' Reserve Corps; restores language stricken out by the Senate making the appropriation applicable to enlisted men of the Enlisted Reserve Corps; and appropriates $15,850,000 instead of $15,500,000, as proposed by the House, and $16,000,000, as proposed by the Senate.

On No. 50, relating to the appropriation for water and sewers at military posts: Increases from $25,000, as proposed by the House, to $50,000, as proposed by the Senate, the amount which may be expended for new construction.

On No. 51, relating to the appropriation for horses for Cavalry, Artillery, Engineers, etc.: Increases the appropriation from $200,000, as proposed by the House, to $210,000, as proposed by the Senate.

On Nos. 52 and 53, relating to the appropriation for military posts: Increases the appropriation from $154,875, as proposed by the House, to $239,875, as proposed by the Senate, in order to provide $85,000 for barracks at Langley Field, Va.

On Nos. 54 and 55, relating to the appropriation for military posts, Hawaiian Islands: Increases the appropriation from $313,500, as proposed by the House, to $385,500, as proposed by the Senate, in order to provide $54,000 for the construction of six standard storehouses and $18,000 for the construction of a shop for care and preservation of ordnance material.

On Nos. 56, 57, 58, 59, and 60, relating to the appropriation for barracks and quarters: Strikes out the words "enlisted men of the Regular Army Reserve," carried in the bill as it passed the House; restores language stricken out by the Senate making the appropriation applicable to the enlisted Reserve Corps; strikes out language proposed by the Senate making the appropriation applicable to rental of garages and stables for military attachés abroad; strikes out language proposed by the Senate making the prohibition against the use of this appropriation for rentals for military attachés apply only to offices; adds language proposed by the Senate making the appropriation for barracks and quarters for the fiscal year 1923 applicable to rental of stables for military attachés.

On No. 61, relating to the appropriation for roads, walks, wharves, and drainage: Appropriates $650,000, as proposed by the House, instead of $600,000, as proposed by the Senate.

On Nos. 62 and 63, relating to the appropriation for construction and repair of hospitals: Increases the appropriation from $497,000, as proposed by the House, to $772,000, as proposed by the Senate, and authorizes the use of $275,000 for the construction of a hospital at Fort Benning, Ga.

On Nos. 64, 65, and 66, relating to the appropriation for salaries, office of the Quartermaster General: Provides for five messengers, at $840 each, as proposed by the Senate, instead of six, as proposed by the House; and restricts the amount which may be used for personal services in the cemeterial division, office of the Quartermaster General, to $25,000, as proposed by the House, instead of $35,000, as proposed by the Senate.

On Nos. 67, 68, and 69, relating to the appropriation for the Air Service: Restores language stricken out by the Senate making the amount appropriated for improvement of stations, hangars, and gas plants applicable only to those for the Regular Army, and adds language making it available for such other markings and fuel supply stations and temporary shelter as may be necessary; restores language stricken out by the Senate prohibiting public exhibition flights unless a bond of indemnity is given for damages to persons or property, amended to apply only to exhibition flights given by Army personnel upon other than Government fields.

On No. 70: Extends the availability of $400,000 of the appropriation for Air Service, fiscal year 1921, until June 30, 1924, in order to permit payment of obligations incurred under contracts executed during the fiscal year 1921.

On Nos. 71, 72, 73, and 74, relating to the appropriation for salaries, office of the Surgeon General: Increases the number of clerks of class 3 from 14, as proposed by the House, to 15, as proposed by the Senate; increases the number of clerks of class 2 from 34, as proposed by the House, to 35, as proposed by the Senate; and increases the number of clerks of class 1 from 56, as proposed by the House, to 57, as proposed by the Senate.

On No. 75, relating to the appropriation for Engineer operations in the field: Strikes out the word "purchase," inserted by the Senate to make the appropriation applicable to the purchase of passenger-carrying vehicles.

On No. 76: Inserts heading, "Seacoast defenses, insular possessions," as proposed by the Senate.

On No. 77: Adds an appropriation of $200,000, proposed by the Senate, for the installation and replacement of electric

light and power plants at the defenses of the Philippine Islands.

On No. 78, relating to the appropriation for alteration and maintenance of mobile artillery: Appropriates $448,500, as proposed by the Senate, instead of $425,000, as proposed by the House.

On No. 79, relating to the appropriation for Chemical Warfare Service: Appropriates $700,000, as proposed by the Senate, instead of $650,000, as proposed by the House.

On No. 80, relating to the allotment roll in the office of the Chief of the Chemical Warfare Service: Authorizes the expenditure of $15,000, as proposed by the House, instead of $21,600, as proposed by the Senate.

On No. 81, relating to the appropriation for quartermaster supplies and services for rifle ranges for civilian instruction: Adds language, proposed by the Senate, making not to exceed $80,000 of the appropriation applicable to the payment of transportation and the supplying of meals or commutation thereof to civilian rifle teams, and making the appropriation available until expended; and appropriates $89,900, instead of $20,000, as proposed by the House, and $120,000, as proposed by the Senate.

On No. 82, relating to the appropriation for national trophy and medals for rifle contests: Appropriates $7,500, instead of $6,500, as proposed by the House, and $10,000, as proposed by the Senate.

On No. 83, relating to the appropriation for Infantry School, Fort Benning, Ga.: Makes the appropriation applicable to the employment of temporary services of all classes, as proposed by the Senate, instead of restricting the authority for temporary employments to clerical services, as proposed by the House.

On Nos. 84 and 85, relating to the appropriation for Cavalry School, Fort Riley, Kans.: Makes the appropriation applicable to the employment of temporary services of all classes, as proposed by the Senate, instead of restricting the authority for temporary employments to clerical services, as proposed by the House.

On Nos. 86, 87, and 88, relating to the appropriation for Field Artillery schools: Makes the appropriation applicable to the employment of temporary services of all classes, as proposed by the Senate, instead of restricting the authority for temporary employments to clerical services, as proposed by the House.

On Nos. 89, 90, 91, 92, 93, and 94, relating to the appropriation for arming, equipping, and training the National Guard: Appropriates $1,400,000 for forage, bedding, etc., for animals, instead of $1,250,000, as proposed by the House, and $1,465,000, as proposed by the Senate; appropriates $2,100,000 for payment of help for care of matériel, animals, and equipment, instead of $1,850,000, as proposed by the House, and $2,500,000, as proposed by the Senate; appropriates $10,200,000 for camps of instruction, instead of $10,000,000, as proposed by the House, and $11,000,000, as proposed by the Senate; appropriates $325,000 for expenses of National Guard officers and men at Army service schools, instead of $300,000, as proposed by the House, and $350,000, as proposed by the Senate; appropriates $70,000 for pay of property and disbursing officers for the United States, as proposed by the House, instead of $75,000, as proposed by the Senate; and appropriates $375,000 for transportation of equipment and supplies, as proposed by the House, instead of $400,000, as proposed by the Senate.

On Nos. 95 and 96, relating to the appropriation for arms, uniforms, equipment, etc., for field service, National Guard: Appropriates $2,500,000, instead of $2,250,000, as proposed by the House, and $3,250,000, as proposed by the Senate; and restores language stricken out by the Senate prohibiting the use of this appropriation for the purchase of Field Artillery, Engineer, or Signal matériel.

On Nos. 97, 98, 99, and 100, relating to the appropriation for salaries in the office of the Chief of the Militia Bureau: Provides $2,250 for the salary of the chief clerk, as proposed by the House, instead of $2,000, as proposed by the Senate; adopts Senate amendment striking out authority for a finance clerk at $2,000 carried in the bill as it passed the House; and provides for five clerks of class 3, as proposed by the Senate, instead of four, as proposed by the House.

On Nos. 102, 103, and 104, relating to the appropriation for pay of the United States Military Academy: Restores an appropriation of $1,000, stricken out by the Senate, for extra pay to the constructing quartermaster, making the total appropriation for pay of the Military Academy $1,664,586, as proposed by the House, instead of $1,663,586, as proposed by the Senate.

On No. 105: Changes the applicability of an appropriation of $3,500 carried in the bill as it passed the House so that it may be used for supplying materials, repairing, painting, and cleaning furniture in cadet barracks instead of painting and cleaning the cadet barracks.

On No. 107: Restores language stricken out by the Senate prohibiting the use of the funds appropriated for the supply, maintenance, and upkeep of athletic grounds and stands at the United States Military Academy for such purposes, unless the authorities at the Military Academy charge an admission to the principal public athletic contests on such grounds in which the cadets take part, and providing that the funds received from such charge shall be used solely for the improvement of athletic facilities at the academy.

On No. 108, relating to appropriation for payment of annuity to John R. Kissinger: Restores language stricken out by the Senate providing for deduction of one-half of each monthly payment until an amount equal to the aggregate of the amount of the pension which has been paid to Mr. Kissinger contrary to law shall have been deducted.

On No. 109, relating to the appropriation for maintenance of national cemeteries: Appropriates $370,220, as proposed by the Senate, instead of $350,000, as proposed by the House.

On No. 110, relating to the appropriation for repairs to roadways to national cemeteries: Appropriates $24,000, as proposed by the House, instead of $12,000, as proposed by the Senate.

On No. 111, relating to the appropriation for disposition of remains of officers, soldiers, and civilian employees: Appropriates $160,000, as proposed by the Senate, instead of $150,000, as proposed by the House.

On Nos. 112 and 113, relating to the appropriation for operation of the Lincoln Memorial: Provides for three watchmen at $720 each, as proposed by the House, instead of four, as proposed by the Senate, making the total appropriation $11,320, as proposed by the House, instead of $12,040, as proposed by the Senate.

On No. 114: Strikes out language proposed by the Senate providing the rank, pay, and allowances of a brigadier general for the engineer officer in charge of public buildings and grounds.

On No. 115, relating to the appropriation for construction and maintenance of roads, bridges, and trails in Alaska: Appropriates $650,000 instead of $465,000, as proposed by the House, and $1,000,000, as proposed by the Senate.

On No. 116, relating to the appropriation for a survey and preparation of plans and estimates for a dock at Juneau, Alaska: Appropriates $600, as proposed by the Senate, instead of $1,000, as proposed by the House.

On Nos. 117 and 118, relating to the appropriation for examinations, surveys, and contingencies for rivers and harbors: Appropriates $456,850, as proposed by the House, instead of $406,850, as proposed by the Senate, and strikes out language proposed by the Senate prohibiting the use of this appropriation for investigations concerning types of boats.

On No. 120: Substitutes the surplus fund, as proposed by the Senate, for the general fund, as proposed by the House, as the fund into which shall be covered the funds allotted to the National Home for Disabled Volunteer Soldiers by the Veterans' Bureau.

On Nos. 121, 123, 124, 125, and 126, relating to the appropriations for the Panama Canal: Provides, as proposed by the Senate, that the limitations on the expenditure of appropriations carried in the act elsewhere than under the head of the Panama Canal shall not apply to the appropriations for the Panama Canal, instead of providing, as proposed by the House, that the limitations on the expenditure of appropriations for salaries and wages of civilian employees shall not apply to the appropriations for the Panama Canal; appropriates $575,000 for sanitation instead of $550,000, as proposed by the House, and $584,422.28, as proposed by the Senate, and appropriates $930,000 for civil government, as proposed by the House, instead of $1,006,200, as proposed by the Senate.

The committee of conference has not agreed upon the following amendments:

On No. 18, relating to mileage for reserve officers.

On No. 21, authorizing expenditures for divisional and regimental headquarters for the Organized Reserves.

On No. 30, relating to the age of recruits that may be enlisted in the Army.

On No. 34, relating to the employment in the Government service at salaries in excess of $2,500 per annum of retired enlisted men of the Army, Navy, Marine Corps, or Coast Guard.

On No. 36, prohibiting the issue of heat or light in kind to any person in the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service while such person is receiving an allowance for rental of quarters.

On No. 38, relating to the employment of retired Army officers.

On No. 49, authorizing the payment of transportation charges from certain appropriations.

On No. 101, authorizing the retirement of the master of the sword at the United States Military Academy.

On No. 106, relating to the use of stop watches or other time-measuring devices and the payment of bonuses to Government employees.

On No. 119, authorizing the Secretary of War to permit the erection of monuments or memorials in the Chickamauga and Chattanooga National Military Park to commemorate encampments of Spanish War organizations.

On No. 122, authorizing the purchase of artificial limbs or other appliances for indigent persons who were injured in the service of the Isthmian Canal Commission or the Panama Canal prior to September 7, 1916.

D. R. ANTHONY, Jr.,
WILLIAM N. STAFFORD,
T. U. SISSON,
Managers on the part of the House.

FRANK A. JAHN.

The SPEAKER. The Clerk will report the next bill.

The next business on the Private Calendar was the bill (H. R. 12138) for the relief of Frank A. Jahn.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, will the author of this bill state why this man should be placed on the retired list?

Mr. SWING. Mr. Speaker, there are three different and distinct reasons showing that the Navy Department made a mistake in this case. It is one of the plainest propositions that has ever been brought before this House. In fact, with all due respect to the Navy Department, the department ought never to have forced the bringing of this bill before Congress. In the first place, this man was in the hospital at the time the act of July 12, 1921, was passed. He was there all the time that that act was running until it expired on October 1, 1921. The Navy Department, through its medical bureau and through the Bureau of Navigation, knew where he was, knew what he was there for, and what he was suffering with, and they were charged with knowledge of his disability. In the second place, he was examined in May and found physically disqualified for service by the medical board on his application for promotion. The Navy Department in other similar cases has held that where a man has been examined as to his fitness by a medical board as this man was before the law of July 12, 1921, was passed, they were charged with knowledge of his condition, and it was not necessary for him to make an application for retirement under that law.

Mr. STAFFORD. What is the reason that the President directed that the proceedings and findings of the board be disapproved?

Mr. SWING. I assume that we know some one acts for the President in the Navy Department and also acts for the President in the War Department and in the various other departments. The Judge Advocate General or some one in his office wrote up an opinion stating that this man had not made an application within the purview of the law. As a matter of fact he had made an application and the department now admits that he did. That is the third point. He applied just as the law provided he should apply, in August, during the time the law was in effect, but no attention was paid to his application until December. Then when they acted upon it the Judge Advocate General held that they had acted too late to be effective; but upon reading the law you will see, and in other cases the Judge Advocate General himself has held, that the law does not require the Navy Department to have acted on the application before October 1. It merely requires the application to have been made before October 1. That was done in this case.

Mr. STAFFORD. The gentleman has stated enough to show that there are some exceptional facts in this case that may be a warrant for this bill, and I withdraw the reservation.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read as follows:

Be it enacted, etc., That the President is authorized to appoint Frank A. Jahn a lieutenant (junior grade) in the United States Navy and to retire him and place him upon the retired list of the Navy with the retired pay and allowances of that grade.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

MAX B. BALDENBURG.

The next business on the Private Calendar was the bill (S. 462) for the relief of Max B. Baldenburg.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, as I recall this bill the amount is too large. It is not a very large amount, only $789, and, of course, as these things go through the House that is a mere pittance; but I made a notation here that it should be only $347.

Mr. SCOTT of Tennessee. The gentleman will note by looking at page 3 of the report that the Secretary of War has O. K'd this claim in the full amount.

Mr. STAFFORD. The Secretary of War puts his fist to a good many things that he does not know anything about. This was submitted to some subordinate officer.

Mr. COLTON. I will state to the gentleman that this is the actual amount that he paid back. After the amount had been allowed him by the officers and he had actually paid it out, then they called on him and he had to pay $789 back out of his own salary.

Mr. STAFFORD. And the gentleman thinks the full amount is owing?

Mr. SCOTT of Tennessee. The gentleman from Utah [Mr. COLTON] is correct in his statement. Mr. Baldenburg received this per diem and afterwards had to refund $789.

Mr. STAFFORD. The gentleman is certain that the amount is proper?

Mr. SCOTT of Tennessee. Yes.

Mr. STAFFORD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to Max B. Baldenburg, formerly employed as civilian clerk, Engineer Department at Large, United States Army, on duty with the American Expeditionary Forces, the sum of $789, out of any money in the Treasury not otherwise appropriated, such sum being the difference between the amount due the said Max B. Baldenburg as per diem allowances while so employed, under the terms of his employment and as established and authorized by the Chief Engineer, base section No. 3, and the amount allowed for such purposes by the Comptroller of the Treasury.

The bill was ordered to be read a third time, was read the third time, and passed.

ALLIE MELINDA OUTTERSIDE.

The next business on the Private Calendar was the bill H. R. 4653, for the relief of Allie Melinda Outterside.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, I have had some difficulty in bringing myself around to favor this bill by reason of the fact that the injured person dodged into the airplane, trying to alight in the public street.

Mr. GARRETT of Texas. The facts are stated by the committee in its report, and are accurate and reflect the true situation as I understand it. The airplane was landed in a marsh near the city and the officers were not able to rise from that position, so they moved the airplane over into the main thoroughfare of Texas City, and attempted to make a rise from that point. The injured person, with others, were getting out of the way. He was on the pavement when the machine started. When the plane took off one wheel struck a pump, throwing the wing over, and struck against the guy wire of a post, which tilted it, and it started the machine toward the injured person. In this moment of bewilderment and excitement the injured person in his attempt to escape injury moved toward the machine, so they say. But, if that be true, I submit to the gentleman from Wisconsin as a lawyer that if this case was in court the uniform decisions are that where an injured person finds himself in a perilous position, brought about by the conduct of the party inflicting the injury, and in his bewilderment he seeks to make an escape and runs into the injury, the defendant is liable. That is the uniform decisions of the courts.

Mr. STAFFORD. Mr. Speaker, as I am going back to practice in the courts shortly, and as the gentleman from Texas has reminded me of some legal lore that I had forgotten I will withdraw my reservation of objection. [Laughter.]

The SPEAKER. The Clerk will read the bill.

The Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Allie Melinda Outterside, widow, of the county of Harris and the State of Texas, the sum of $10,000, in full compensation for the death of her husband, T. R. Outterside, who was killed on the 26th day of September, 1918, at Texas City, Tex., by an airplane, which was being operated by an officer of the United States Army.

The committee amendment was read as follows:

In line 7, after the word "of" strike out the figures "$10,000" and in place thereof insert the figures "$5,000."

The amendment was agreed to.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

COMMERCIAL PACIFIC CABLE CO.

The next business on the Private Calendar was the bill (H. R. 6852) to carry out the findings of the Court of Claims in the case of the Commercial Pacific Cable Co.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. I object.

TRUSTEES OF MILLIGAN COLLEGE, TENNESSEE.

The next bill on the Private Calendar was the bill (H. R. 10088) for the relief of L. D. Riddell and George W. Hardin, trustees of Milligan College, Tennessee.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, I have given considerable attention to this, because it is for the relief of an educational institution. I do not know whether we should adopt a policy of reimbursing educational institutions for damages resulting from the occupation of the premises during the period of the war when the students were virtually students of the college. If we are going to recognize the policy for all damages resulting from the Students Army Training Corps we may be burdened with a tremendous liability.

Mr. REECE. I hardly think you will find that to be the case, because there is no other building burned as a result of the Students Army Training Corps that the Government has any knowledge of.

Mr. STAFFORD. Well, Mr. Speaker, this is virtually a gratuity to this struggling, sectarian college, as I understand, way up in the backwoods of eastern Tennessee, and I will give the benefit of the doubt to education and this sectarian institution, and withdraw the objection.

The SPEAKER. Is there objection?

There was no objection.

Mr. REECE. Mr. Speaker, I ask unanimous consent to substitute a Senate bill of like import, S. 3048.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to substitute the Senate bill for the House bill. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to L. D. Riddell and George W. Hardin, trustees of Milligan College, Tennessee, out of any moneys not otherwise appropriated, the sum of $23,096.37, being the balance due to said trustees of said college because of the destruction by fire of sundry buildings at Milligan College, Tennessee, on November 16, 1918, while in the use and occupation of the War Department of the United States.

Mr. TILSON. Mr. Speaker, I move to strike out the last word. I am very glad to see the bill for this claim put on the road to passage. This "struggling college" of which the gentleman from Wisconsin [Mr. STAFFORD] speaks is situated at the entrance to Happy Valley on the beautiful Watauga River, in east Tennessee, near the birthplace and former home of the inimitable Bob Taylor, who in the long time ago served a term in this House, having the honor of being the only Democrat elected from the district in 60 years. Later he served three terms as Governor of the State of Tennessee, and died in Washington while a Member of the United States Senate from that State.

It was also the birthplace and former home of that stalwart Republican, Alf Taylor, who served three terms in this House and who has just retired from the office of Governor of Tennessee. He now lives in the village of Milligan and very near the college, in which he is very greatly interested. Besides being the birthplace of these two great men, I can say with all becoming modesty that my own birthplace was also nearby. [Applause and cries of "Vote!"]

Mr. Speaker, it will be observed that I did not mention this fact until after unanimous consent for consideration had been granted. Now, the objection stage having been safely passed, I can speak fearlessly. [Laughter.] Having reached the place where there is no further danger, I can now speak my mind, which is that I am very grateful to the House for permitting this bill to be passed to-night. Although I have not lived in Tennessee for many years, nevertheless the good people of that region where I was born are still my people. My kindred and friends live there; my father and mother lie buried there. Sometimes when there is a little rough spot in the road to get over like this, those people still come to me and ask me to help. You will all realize how exceedingly glad I am to do it.

Mr. CHINDBLOM. The gentleman reserved a very powerful argument against objection, if any had been made.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A similar bill (H. R. 10088) was laid on the table.

SETTLEMENT WITH LESSEES, CAMP FUNSTON, KANS.

The next business on the Private Calendar was the bill (S. 851) authorizing the Secretary of War to make settlement with the lessees who erected buildings on a five-year lease on the zone at Camp Funston, Kans., and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to make such settlement as he thinks just and proper, with the several lessees who erected buildings under a five-year lease, with renewal clauses, on the zone of Camp Funston activities and amusements at Camp Funston, Kans., the buildings having been erected under the authority of the War Department and at the invitation of the department of camp activities, under leases which were properly approved but which have been canceled before the expiration of any of said leases and over the protest of the holders.

With the following committee amendment:

Page 2, after line 6, insert: *Provided*, That in no case the amount paid in settlement shall exceed the actual losses sustained.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

ORDNANCE STOREKEEPER IN THE ARMY.

The next business on the Private Calendar was the bill (S. 834) to authorize the appointment of an ordnance storekeeper in the Army.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, I object.

MAJ. RUSSELL B. PUTNAM.

The next business on the Private Calendar was the bill (H. R. 11738) for the relief of Maj. Russell B. Putnam.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Maj. Russell B. Putnam, assistant paymaster, United States Marine Corps, the sum of $2,173 to cover the loss sustained by him through the embezzlement of such amount of Government funds by Robert H. Rudolph, pay clerk, United States Marine Corps, in 1915, while serving as pay clerk to the said Major Putnam, at Marine Barracks, Philadelphia, Pa., and on expeditionary duty in the West Indies, and which amount Major Putnam was required to and did deposit with the Treasurer of the United States.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

MILTON M. FENNER.

The next business on the Private Calendar was the bill (H. R. 1887) for the relief of Milton M. Fenner.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, I object.

Mr. KRAUS. Mr. Speaker, will the gentleman withdraw his objection?

Mr. STAFFORD. Yes.

Mr. KRAUS. Of course, if the gentleman is going to object, I shall not take up any time. I call his attention to the fact that although this is a case in effect seeking to retire a midshipman, the records disclose that he has had three such cases that Congress has acted upon severally. I believe the facts in this case are almost substantially like the facts in these other cases which Congress has heretofore acted upon.

Mr. STAFFORD. He is entitled to a pension to-day, is he not?

Mr. KRAUS. No; he is not.

Mr. BUTLER. He has no status of any kind. This is the ninth case. We examined it with very great care. This lad is a total wreck, and we felt that he ought to come within the other cases. I can recall when the first exception was made. These young men at the academy have no right of retirement. This young man in the performance of his duty was taken sick of typhoid fever and afterwards with varicose veins. We considered the case very carefully and were unanimously of opinion that because of his physical condition, which is frightful, he ought to have the relief which has been given to others.

Mr. MONDELL. Mr. Speaker, we can not begin the practice of giving retired pay to men who have not graduated from the academies. If we begin, we will get into all sorts of trouble.

Mr. KRAUS. He graduated from the academy.

Mr. BUTLER. I endeavored to prevent the establishment of the precedent, but it has become established. It is my recollection that this is the ninth case within my service here as a Member. The Secretary of the Navy has said that he can see no reason why this young man should not have the benefit that other young men have had in similar circumstances. While the gentleman from Wyoming and I were here I endeavored to prevent the establishment of a precedent, but Congress on several occasions has acted.

Mr. BLANTON. What is so repugnant about giving retired pay to a young man?

Mr. BUTLER. There is nothing whatever.

Mr. BLANTON. When the Congress has just provided that a general in the Army shall have retired pay, although he is employed by a big corporation.

Mr. MONDELL. Mr. Speaker, I object.

UNITED DREDGING CO.

The next business on the Private Calendar was the bill (S. 3570) for the relief of the United Dredging Co.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BLANTON. Mr. Speaker, I object.

Mr. EDMONDS. Will the gentleman reserve the objection?

Mr. BLANTON. I intend to object, but I will reserve it.

Mr. EDMONDS. I would like to ask the gentleman why he objects? There is not any reason——

Mr. BLANTON. If the gentleman will come over to my office to-morrow morning at half past 8 o'clock I will tell him.

Mr. EDMONDS. This amendment only puts the case in court.

Mr. BLANTON. I object.

The SPEAKER. The Clerk will report the next bill.

STEAMSHIP "MOHICAN."

The next business on the Private Calendar was the bill (H. R. 1758) for the relief of the owners of the Steamer *Mohican*.

The clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none.

Mr. BLAND of Virginia. Mr. Speaker, I ask unanimous consent that the bill S. 4310 be taken from the Speaker's table and considered in lieu of the House bill.

The SPEAKER. The gentleman from Virginia asks unanimous consent to take from the Speaker's table Senate bill 4310 and consider it in place of the House bill. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, during the consideration of the Unanimous Consent Calendar this afternoon, request was made to substitute a Senate bill for a House bill. I assumed the Senate bill was substantially or identically the same as the House bill, but I have since found it was not. It has been the general understanding that when a unanimous consent is asked to substitute a Senate bill for a House bill that it is virtually identical with the House bill. I find it is necessary now to make the inquiry so as to protect the rights of the Members of the House.

Mr. BLAND of Virginia. I have personally compared the bill with the bill as amended by the House committee and it is identical.

Mr. STAFFORD. I have no objection to having the Senate bill substituted therefor.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That the claim of the Clyde Steamship Co., a corporation organized under and by virtue of the laws of the State of Maine, with its principal place of business in the city and State of New York, owners of the steamship *Mohican*, for damages alleged to have been caused by collision between said vessel and the United States tug *Barlow* on the 31st day of July, 1919, while said steamship *Mohican* was moored at Pier No. 2, Empire Stores, Brooklyn, N. Y., may be sued for and submitted to the United States District Court in and for the Southern District of New York, sitting as a court of admiralty, and acting under the rules in admiralty governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the owners of the said steamship *Mohican*, or against the owners of the said steamship *Mohican* in favor of the United States, and upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was ordered to be read the third time, was read the third time, and passed.

Mr. BLAND of Virginia. I ask that the House bill be laid on the table.

The SPEAKER. Without objection a similar House bill is laid on the table.

There was no objection.

STEAM LIGHTER "COMPORT."

The next business in order on the Private Calendar was the bill (H. R. 1759) for the relief of the owners of the steam lighter *Comport*.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. EDMONDS. Mr. Speaker, I ask unanimous consent that Senate bill 4311, for the relief of the owners of the steam lighter *Comport*, now on the Speaker's table, be taken up in lieu of the House bill.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that a similar Senate bill be substituted for the House bill. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That the claim of the New York & Cuba Mail Steamship Co., a corporation organized under and by virtue of the laws of the State of Maine, with its principal place of business in the city and State of New York, owners of the steam lighter *Comport*, for damages alleged to have been caused by collision between said vessel and the United States steam lighter *President*, now called the *General Sawtelle*, on the 1st day of March, 1919, near piers Nos. 13 and 14, East River, N. Y., may be sued for and submitted to the United States District Court in and for the Southern District of New York, sitting as a court of admiralty and acting under the rules in admiralty governing such court; and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the owners of the said steam lighter *Comport*, or against the owners of the said steam lighter *Comport* in favor of the United States, and upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was ordered to be read the third time, was read the third time, and passed.

Mr. EDMONDS. Mr. Speaker I ask unanimous consent that the bill H. R. 1759 be laid on the table.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

SCHOONER "T. K. BENTLEY."

The next business in order on the Private Calendar was the bill (H. R. 12315) for the relief of the owners of the schooner *T. K. Bentley*.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, may we have the bill reported?

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of the Treasury of the United States, from funds not otherwise appropriated, $4,170.45, under such conditions as the Secretary of the Navy may direct, to J. Newton Pugsley, of Parrsboro, Nova Scotia, managing owner, in full settlement for damages sustained by the schooner *T. K. Bentley* as a result of collision with the U. S. S. *North Dakota* on January 3, 1922.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, is not this one of the class of claims which, if deemed proper for settlement, the Secretary of the Navy has authority already to settle?

Mr. EDMONDS. Mr. Speaker, I presume so, if it amounted to less than $3,000. The Secretary of the Navy is only allowed to settle claims up to $3,000.

Mr. BLANTON. I understand, but does not the gentleman believe that the amount of many of these claims is put in at an exorbitant figure, and if we let this pass a little while the gentleman will be very glad to have the Secretary of the Navy consider it under the authority of law which is given him?

Mr. EDMONDS. Well, the Secretary of the Navy, I assume, has offered $3,000, and it has been refused, in all probability, by the party.

Mr. BLANTON. I do not think so. The report does not show it.

Mr. STAFFORD. Will my colleague yield? The original claim in this case was $6,054.15——

Mr. BLANTON. Why, they cut off $2,000.

Mr. STAFFORD. And in that amount there was a claim of $3,240 for demurrage. The department has disallowed the demurrage claim in substance, and as this is not an American citizen and the owner lives in Nova Scotia the claim of $4,000, to me, at least, seems to be reasonable under the circumstances. Perhaps if we should hold it up in the air he might take $3,000, but if it is a meritorious claim we should not withhold payment.

Mr. BLANTON. Is a claim held by a foreigner more meritorious than a claim of an American citizen?

Mr. STAFFORD. Oh, no. But, owing to the spirit of comity existing between the two countries, where a foreigner makes a claim of $6,000 and the department cuts it down to $4,000 and there is proof that it is a reasonable amount——

Mr. BLANTON. We settled a $2,500,000 claim of Norway the other day for $11,000,000——

Mr. STAFFORD. I agree with the gentleman that the Europeans think we are a mint over here.

Mr. BLANTON. They think we are easy.

Mr. STAFFORD. And all that is to be done is to put their hands in the Treasury and drag it out.

Mr. BLANTON. I believe they are correct about that. I withdraw the objection.

Mr. HUDSPETH. Mr. Speaker, I object.

The SPEAKER. The Clerk will report the next bill.

D. H. MACADAM.

The next business on the Private Calendar was the bill (H. R. 12159) for the relief of D. H. MacAdam.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to D. H. MacAdam, of Honolulu, Hawaii, the sum of $8,749.39, being the extent of liability of D. H. MacAdam, as postmaster at Honolulu, Hawaii, to the Government of the United States, owing to the embezzlement of Federal funds by the assistant postmaster at Honolulu, Hawaii, prior to and during the term of office of D. H. MacAdam as postmaster at Honolulu, Hawaii.

Mr. EDMONDS. Mr. Speaker, I have an amendment that I would like to offer.

The SPEAKER. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. EDMONDS: In line 6, strike out the figures "$8,749.39" and insert in lieu thereof "$5,514.39."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

AMERICAN TRUST CO.

The next business on the Private Calendar was the bill (H. R. 13205) for the relief of the American Trust Co.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay to the American Trust Co., of Charlotte, N. C., a banking corporation, existing by law, or its assigns, out of any money in the Treasury not otherwise appropriated, the sum of $4,000, with interest at the rate of 4½ per cent per annum from February 2, 1920, to the date of payment, the amount of the principal and interest due it as owner of four United States Treasury certificates of indebtedness of series TM-4-1920, numbered 18462, 18463, 18464, and 18465, each dated February 2, 1920, and due March 15, 1920, of which the American Trust Co. has established loss from its possession; and shall require the American Trust Co. to furnish to the Secretary of the Treasury a bond in the penal sum of double the principal amount of the lost United States Treasury certificates and the interest accrued on such obligation, with such security or surety as the Secretary of the Treasury may require to indemnify the United States against any loss from any claim that may subsequently be made upon such lost United States Treasury certificates of indebtedness.

With a committee amendment, as follows:

Strike out all after the enacting clause down to and including line 11, on page 2, and insert in lieu thereof the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem United States Treasury certificates of indebtedness numbered 18462, 18463, 18464, and 18465, in the denomination of $1,000, series TM4-1920, dated February 2, 1920, and maturing March 15, 1920, with interest at the rate of 4½ per cent per annum from February 2, 1920, to March 15, 1920, in favor of the American Trust Co., of Charlotte, N. C., or its assigns, without presentation of the said certificates, the certificates of indebtedness having been lost, stolen, or destroyed: *Provided*, That the said certificates of indebtedness shall not have been previously presented for payment, and that no payment shall be made hereunder for any coupons which shall have been previously presented and paid: *And provided further*, That the said American Trust Co., of Charlotte, N. C., shall first file in the Treasury Department a bond in the penal sum of double the amount of the lost, stolen, or destroyed Treasury certificates of indebtedness and the interest payable thereon, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the lost, stolen, or destroyed certificates of indebtedness herein described."

Mr. BLANTON. Mr. Speaker, I offer an amendment. After the last number of the bond given and preceding the words "in the denomination" insert the word "each."

The SPEAKER. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: On page 2, line 15, after the figures "18465," insert the word "each."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

HELENE M. LAYTON.

The next business on the Private Calendar was the bill (H. R. 13250) for the relief of Helene M. Layton.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

Mr. EDMONDS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 4113. It is the same as the House bill.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table the bill S. 4113 and consider it in lieu of the House bill. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

A bill (S. 4113) for the relief of Helene M. Layton.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Helene M. Layton, administratrix, cum testamento annexo, of the estate of Lewis W. Mustard, deceased, the sum of $2,852.43 by reason of an overcharge in connection with the estate tax on the above estate arising out of the requirement of the United States Court in China, at Shanghai, China, that the tax be paid by Edward H. Dunning, the executor in China, before the account of said executor could be closed.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. EDMONDS. Mr. Speaker, I move that the similar House bill be laid on the table.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

CHARLES F. PEIRCE.

The next business on the Private Calendar was the bill (H. R. 13208) for the relief of Charles F. Peirce.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow credit in the account of Charles F. Peirce, as superintendent and special disbursing agent of the Indian school at Flandreau, S. Dak., for the quarter ended March 31, 1920, for payment of $1,110 to Frank L. Van Tassel, of Yankton, S. Dak.; said sum being the difference between the original contract price of flour purchased from the said Frank L. Van Tassel and the price specified in a modified contract approved by the Secretary of the Interior.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

HARRY CADEN.

The next business on the Private Calendar was the bill (H. R. 11353) to provide for reopening the accounts of Harry Caden and charging of certain expenses therein to a different appropriation from the one used in payment.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. STAFFORD. Which one is this, Mr. Speaker?

Mr. BLANTON. No. 370 on the calendar.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the accounting officers of the United States Treasury be, and they are hereby, authorized and directed to reopen the accounts of Harry Caden, special disbursing agent for the Flathead irrigation project for the quarters ended September 30 and December 31, 1917, and to charge expenditures shown therein for increase of compensation of employees, amounting to $13,838.96, to the appropriation "Increase of compensation, Indian Service, 1918," instead of to the appropriation "Irrigation systems, Flathead Reservation, Mont., reimbursable," as paid by said Harry Caden and allowed by the Auditor for the Interior Department.

The SPEAKER. The question in on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

POST PUBLISHING CO.

The next business on the Private Calendar was the bill (H. R. 1593) for the relief of the Post Publishing Co.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. I object.

The SPEAKER. The gentleman from Texas objects. The Clerk will report the next bill.

HOWARD R. GURNEY.

The next business on the Private Calendar was the bill (H. R. 12039) for the relief of Howard R. Gurney.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

Mr. EDMONDS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table S. 4333 and substitute it for this House bill.

The SPEAKER. The gentleman asks unanimous consent that the similar Senate bill be substituted. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $4,391.44 to Howard R. Gurney, of Springfield, Mass., as full compensation against the Government for injuries sustained by him when struck by a United States Navy truck in the city of Springfield, Mass., on October 26, 1920.

Mr. BLANTON. Mr. Speaker, I move to strike out the last word. There are two reasons why I do not object to this bill, although a similar bill concerning just exactly the same kind of transaction down in Texas was objected to a moment ago and put off the calendar.

Mr. STAFFORD. Will the gentleman yield? What bill does the gentleman refer to?

Mr. BLANTON. Just one minute. As I said, there are two reasons why I do not object to this bill. One is that this is one of the bills of our distinguished Speaker, and I am going to let it pass on that account. [Applause.] The other reason is that I have purposely let a number of bills go by here to-night that ordinarily I should object to, under unanimous consent. There was one bill for reimbursement down in Kansas, for instance, that I have objected to here for the last two years at least, but I purposely let it go by to-night, and I will tell you why. If we can just keep enough stuff going into the other end of the Capitol for the next 10 days in order to give them an excuse for keeping busy there, we can save the people of this country $50,000,000 a year on a certain measure that is now being forced down the throats of the American people. [Applause.] I want to give our distinguished colleagues over there at the other end of the Capitol—they are our colleagues for they are employed by the American people just like we are—I want to give the ones who are fighting for the interests of the American people a good excuse for killing that pernicious subsidy bill. Therefore we have been letting a few bills involving thousands of dollars go over there to-night in order to save millions.

Mr. MONDELL. Mr. Speaker, if we are going to pass any more bills on this calendar, we will have no stump speeches. If gentlemen want to make stump speeches, we will rise.

Mr. BLANTON. This is to offset some of the Wyoming stump speeches that we have here every day and every night. I let some Wyoming bills go by here to-day, because I do not like to send a colleague back home without any bacon. [Laughter.] I let them go by, but I think under ordinary circumstances I should have had some help from the gentleman from Wisconsin. I am not going to take up any more time.

Mr. STAFFORD. Mr. Speaker, I rise in opposition to the pro forma amendment, just for one purpose. The gentleman who has just taken his seat stated that just a minute ago there was a bill affecting some person in Texas, a bill of a similar import, that was objected to. I do not recall that bill. In going over these bills, so far as I am concerned, I do not consider at all the question as to who introduced them, and I should like to inquire of the gentleman what that bill was, because we play fair, regardless of the position that any gentleman occupies.

Mr. BLANTON. Was there not a truck bill objected to a few minutes ago?

Mr. STAFFORD. There was not.

Mr. BLANTON. I beg the gentleman's pardon. The gentleman made a reservation on it, but I think he withdrew it.

Mr. STAFFORD. Does the gentleman refer to the bill that his colleague [Mr. GARRETT of Texas] was interested in?

Mr. BLANTON. Yes. The reservation was made, and I stepped out of the room for a moment, and I did not know it had been withdrawn.

Mr. STAFFORD. We do not want the statement to go into the RECORD that we are playing favorites here. We do not. We treat everybody equally and fairly.

Mr. BLANTON. Then I withdraw that statement from the RECORD.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

By unanimous consent H. R. 12039, the corresponding House bill, was ordered to lie on the table.

ALICE M. GORMAN.

The next business on the Private Calendar was the bill (S. 3350) for the relief of Alice M. Gorman.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated by law, to Alice M. Gorman the sum of $2,500 for injuries received when the automobile in which she was riding collided with an Army truck near North East, Md., April 17, 1921.

With the following committee amendment:

Page 6, after the word "of," strike out the figures "$2,500" and insert in lieu thereof "$1,000, in full settlement against the Government."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

Mr. HUDSPETH. Mr. Speaker, I wish to withdraw my objection to H. R. 12356.

The SPEAKER. The gentleman from Texas withdraws his objection to the bill H. R. 12356. Is there objection to the present consideration of the bill?

Mr. MONDELL. Mr. Speaker, I think we had better continue the consideration of the calendar.

The SPEAKER. Objection is made, and the Clerk will report the next bill.

CAPT. EDWARD T. HARTMAN.

The next business on the Private Calendar was the bill (S. 1281) for the relief of Capt. Edward T. Hartmann, United States Army, and others.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BLANTON. Reserving the right to object, this claim is 24 years old. Has not there been a just Congress since 1899?

Mr. EDMONDS. This has been up a number of times. The reason the committee passed this bill at this time and brought it before the Congress was that all the other officers have been paid, but for some reason or other these have not got their money.

Mr. BLANTON. I sat on the committee with the gentleman from Pennsylvania, and when I was sitting with him the gentleman was opposed to claims of this kind.

Mr. EDMONDS. Well, what are we going to do? Here were a lot of officers who lost their personal property, and all of the others have got their pay.

Mr. BLANTON. When the bandits can drive up to a paymaster and take $46,000 of Government money and tie the men to a tree and get away with it, it ought to teach these Army officers to be more careful with Government money.

Mr. EDMONDS. This is not money; this is for personal property lost on a shipwreck of a transport. All of the other officers who lost property got paid. These officers, it strikes me, ought now to get theirs.

Mr. BLANTON. Why have they not got their pay?

Mr. EDMONDS. The bill has been introduced here at every Congress, and it has been up at every session.

Mr. BLANTON. We had a number of bills of this kind in the Sixty-sixth Congress, and the gentleman led the fight against them.

Mr. EDMONDS. I know I did; I did so in the case of the *Alaska*.

Mr. BLANTON. I have never been much in favor of limitations, but I think the limitations have run against this claim, and I object.

Mr. EDMONDS. The gentleman will have it up next session.

ROBERT EDGAR ZEIGLER.

The next business on the Private Calendar was the bill S. 107, an act for the relief of Robert Edgar Zeigler.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay and reimburse Capt. Robert Edgar Zeigler in the sum of $725, same being for the amount of personal property stolen from him while his household goods were in Government custody at United States Army General Hospital, No. 20, Whipple Barracks, Ariz.

With the following committee amendments:

In line 4, after the word "pay," add a comma and insert the following: "out of any money in the Treasury not otherwise appropriated."

In line 5 strike out the figures "$725" and insert in lieu thereof "$585."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. STAFFORD. Mr. Speaker, I make the point that there is no quorum present.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 46 minutes p. m.) the House adjourned until to-morrow, Tuesday, February 20, 1923, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1013. A letter from the Secretary of the Interior, transmitting for consideration a tentative bill authorizing the payment from the appropriation for contingent expenses for the Department of the Interior for 1923, to S. Livingston, of Washington, D. C., the sum of $110; to the Committees on Appropriations and Claims.

1014. A communication from the President of the United States, transmitting an estimate of appropriation for the legislative establishment of the United States for the fiscal year ending June 30, 1923, in the sum of $20,000; to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BLANTON: Committee on the District of Columbia. H. R. 12997. A bill granting relief to the Metropolitan police, and to the officers and members of the fire department of the District of Columbia; without amendment (Rept. No. 1650). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLE of Iowa: Committee on Foreign Affairs. S. J. Res. 263. A joint resolution to authorize the Secretary of Agriculture to accept membership for the United States in the Permanent Association of the International Road Congresses; without amendment (Rept. No. 1651). Referred to the Committee of the Whole House on the state of the Union.

Mr. SINNOTT: Committee on Public Lands. S. 4197. An act to authorize the Secretary of the Interior to issue to certain persons and certain corporations permits to explore, or leases of, certain lands that lie south of the medial line of the main channel of Red River, in Oklahoma, and for other purposes; with amendments (Rept. No. 1653). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. R. 14326. A bill establishing standard grades of naval stores, preventing deception in transactions in naval stores, regulating traffic therein, and for other purposes; with an amendment (Rept. No. 1655). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. J. Res. 457. A joint resolution authorizing the appointment of a joint committee of the Senate and House of Representatives to represent the Congress of the United States at the World's Dairy Congress; without amendment (Rept. No. 1656). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. McSWAIN: Committee on War Claims. S. 34. An act for the relief of the Pacific Commissary Co.; with an amendment (Rept. No. 1652). Referred to the Committee of the Whole House.

Mr. KLECZKA: Committee on War Claims. S. 2984. An act for the relief of Thurston W. True; without amendment (Rept. No. 1654). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HUDSPETH: A bill (H. R. 14379) authorizing an extension of and an additional loan to the Kansas City, Mexico & Orient Railroad by the United States Government; to the Committee on Interstate and Foreign Commerce.

By Mr. HERRICK: A bill (H. R. 14380) making it unlawful for any Member of Congress, either of the House or Senate, or any Cabinet officer, or any other salaried employee of the Government, to practice nepotism; to the Committee on the Judiciary.

By Mr. WILLIAMSON: A bill (H. R. 14381) granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Charles Mix County and Gregory County, S. Dak.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 14382) granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Hughes County and Stanley County, S. Dak.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 14383) granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Brule County and Lyman County, S. Dak.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 14384) granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Potter County and Dewey County, S. Dak.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 14385) granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Walworth County and Corson County, S. Dak.; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDERSON: A bill (H. R. 14386) to remit the duty on a carillon of bells to be imported for the House of Hope Church, St. Paul, Minn.; to the Committee on Ways and Means.

By Mr. FOSTER: A joint resolution (H. J. Res. 454) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. VOLSTEAD: A joint resolution (H. J. Res. 455) to amend the China trade act; to the Committee on the Judiciary.

By Mr. HAUGEN: A joint resolution (H. J. Res. 456) authorizing the chairman of the Committee on Agriculture to appoint a subcommittee to consist of not more than eight members of the Committee on Agriculture to join with a like committee of five heretofore appointed by the Senate to investigate problems relating to reforestation, and for other purposes; to the Committee on Agriculture.

Also, a joint resolution (H. J. Res. 457) authorizing the appointment of a joint committee of the Senate and the House of Representatives to represent the Congress of the United States at the World's Dairy Congress; to the Committee on Agriculture.

By Mr. FORDNEY: A resolution (H. Res. 541) providing for extra compensation for clerks to the Committee on Ways and Means for extra and overtime services performed; to the Committee on Accounts.

By Mr. SINNOTT: A resolution (H. Res. 542) for the immediate consideration of S. 4197; to the Committee on Rules.

By Mr. NEWTON of Missouri: A resolution (H. Res. 543) authorizing payment of six months' salary and funeral expenses to Henrietta Mueller on account of death of T. J. Mueller, late a clerk to the Hon. L. C. DYER; to the Committee on Accounts.

By Mr. ANDERSON: A resolution (H. Res. 544) to pay J. W. M. Austin for special janitor services; to the Committee on Accounts.

By Mr. TYSON: A resolution (H. Res. 545) authorizing the creation of a committee of the House of Representatives looking to the improvement of our national harbors, and for other purposes; to the Committee on Rules.

By the SPEAKER (by request): Memorial of the Legislature of the State of Idaho urging Congress to enact legislation providing for the relief of disabled veterans; to the Committee on Interstate and Foreign Commerce.

Also (by request), memorial of the Legislature of the State of Idaho requesting Congress to postpone all payments overdue upon reclamation projects and spread all of the remaining payments to fall due, together with said past-due payments, over a period of 40 years; to the Committee on Irrigation of Arid Lands.

Also (by request), memorial of the Legislature of the State of Oregon urging Congress to appropriate money for the construction of highways through and adjacent to our national forests; to the Committee on Agriculture.

By Mr. WILLIAMSON: Memorial of the Legislature of the State of South Dakota urging Congress to take such prompt action as will result in immediate development of the Great Lakes-St. Lawrence deep waterway; to the Committee on Interstate and Foreign Commerce.

By Mr. HAWLEY: Memorial of the Legislature of the State of Oregon, opposing further immigration into the United States in excess of the present quota; to the Committee on Immigration and Naturalization.

Also, memorial of the Legislature of the State of Oregon, requesting Congress to construct highways near and adjacent to national forests after appropriating funds from the National Treasury; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGG: A bill (H. R. 14387) granting a pension to Lillian Bolton Miller; to the Committee on Invalid Pensions.

By Mr. GERNERD: A bill (H. R. 14388) to provide for the carrying out of the award of the War Labor Board of July 31, 1918, in favor of certain employees of the Bethlehem Steel Co., at Bethlehem, Pa.; to the Committee on Claims.

By Mr. HAWLEY: A bill (H. R. 14389) granting a pension to Louise P. Glaze; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14390) granting an increase of pension to Eliza M. Trayler; to the Committee on Invalid Pensions.

By Mr. KOPP: A bill (H. R. 14391) granting a pension to Stella E. Rossell; to the Committee on Invalid Pensions.

By Mr. RAKER: A bill (H. R. 14392) for the relief of A. S. Conner; to the Committee on Claims.

Also, a bill (H. R. 14393) granting a pension to Emma Jane Mooers; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7349. By Mr. ANSORGE: Petition of New York League of Unitarian Women, New York City, urging the speedy passage of the child labor measure, Senate Joint Resolution 232; to the Committee on the Judiciary.

7350. By Mr. FROTHINGHAM: Petition from the citizens of the town of Stoughton, Mass., asking legislation to fix a maximum price on coal; to the Committee on Interstate and Foreign Commerce.

7351. By Mr. KISSEL: Petition of Associated Musicians of Greater New York, New York City, N. Y., favoring an amendment to the Volstead Act permitting the use of light wines and beer; to the Committee on the Judiciary.

7352. Also, petition of Schwarzenbach, Huber & Co., New York City, N. Y., opposing the passage of the truth in fabrics bill; to the Committee on Agriculture.

7353. Also, petition of State fire marshal, New Orleans, State of Louisiana, favoring the passage of House bill 13448, to prohibit the transportation of inflammable films in interstate and foreign commerce; to the Committee on Interstate and Foreign Commerce.

7354. By Mr. MICHENER: Petitions of sundry citizens of Michigan, indorsing joint resolution purporting to extend immediate aid to the people of German and Austrian Republics; to the Committee on Foreign Affairs.

7355. By Mr. TAGUE: Petition of 104 laborers of the United States customs service at Boston for action by Congress on House bill 14071, giving the Secretary of the Treasury discretion to adjust compensation and salaries in the customs service; to the Committee on Ways and Means.

7356. By Mr. WATSON: Petition of Spring City Council, No. 500, junior Order United American Mechanics, in opposition to House bill 14273; to the Committee on Immigration and Naturalization.

SENATE.

TUESDAY, *February 20, 1923.*

(Legislative day of Monday, February 19, 1923.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

THE MERCHANT MARINE—FILLED MILK.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes, the pending question being on the motion of Mr. LADD that the Senate proceed to the consideration of the bill (H. R. 8086) to prohibit the shipment of filled milk in interstate or foreign commerce.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	McCumber	Sheppard
Ball	Frelinghuysen	McKellar	Shields
Bayard	George	McKinley	Shortridge
Borah	Glass	McNary	Smith
Brandegee	Hale	Moses	Smoot
Brookhart	Harreld	Nelson	Spencer
Bursum	Harris	New	Sterling
Calder	Harrison	Nicholson	Swanson
Cameron	Heflin	Norbeck	Townsend
Capper	Hitchcock	Norris	Trammell
Caraway	Johnson	Oddie	Wadsworth
Colt	Jones, Wash.	Overman	Walsh, Mass.
Couzens	Kellogg	Page	Walsh, Mont.
Culberson	Keyes	Pepper	Warren
Cummins	King	Phipps	Weller
Curtis	Ladd	Poindexter	Williams
Dial	La Follette	Pomerene	Willis
Dillingham	Lenroot	Ransdell	
Edge	Lodge	Reed, Pa.	
Ernst	McCormick	Robinson	

The PRESIDENT pro tempore. Seventy-seven Senators have answered to their names. A quorum is present. The Senator from Texas [Mr. SHEPPARD] is entitled to the floor.

DEVELOPMENT OF HYDROELECTRIC ENERGY.

Mr. NORRIS. I ask the Senator from Texas if he will not yield to me, in order that I may ask unanimous consent for the reading of a resolution passed by the house of representatives of the Nebraska Legislature and my answer to it.

Mr. JONES of Washington. Mr. President, I want to say to the Senator from Texas that I shall not make any point of order or object to anything like the matter the Senator from Nebraska desires to present. It is a matter of courtesy to Senators.

Mr. SHEPPARD. Very well. With that understanding I yield.

Mr. NORRIS. I send to the desk a resolution certified as having been passed by the house of representatives of the Nebraska Legislature and my reply thereto, which I ask may be read.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The reading clerk read as follows:

Whereas, according to the United States Geological Survey, Nebraska has 366,000 hydroelectric horsepower, the greater part of it still undeveloped;

Whereas the great river system of Nebraska, the Loup rivers, the Niobrara, the Elkhorn, the Plattes, the Blues, the Nemahas, and the Republican, are situated in the midst of a fertile agricultural region easy of access of railroads and market facilities, producing yearly 60,000,000 bushels of wheat, 200,000,000 bushels of corn, with approximately 10,000,000 head of horses, cattle, swine, and sheep, capable of furnishing food to a population of more than 10,000,000 people, in a temperate and healthful climate adapted to the highest development of the human race;

Whereas the present horsepower used in Nebraska industries is approximately 90,000, by far the larger part of which is produced from coal and petroleum, both of which are expensive, diminishing in quantity, and involved in distant transportation and labor difficulties;

Whereas the present available hydroelectric power in Nebraska, if utilized, would save the annual consumption of 4,000,000 tons of coal and furnish more reliable and cheaper industrial basis for the development of the State;

Whereas Henry Ford, of Detroit, has made a proposition to the United States Government for the development of the hydroelectric power at Muscle Shoals, on the Tennessee River, and violent opposition to the acceptance of Mr. Ford's offer renders difficult its adoption;

Whereas the development of Nebraska's water power for industrial purposes would bring to our State millions of industrious people, intermingling manufacture with agriculture in a most desirable manner, enabling our farmers to sell their food products in a home market and producing manufactures which would supply the needs of our farmers and people of the Middle West: Therefore be it

Resolved by the House of Representatives and Senate of Nebraska, That we hereby memorialize Henry Ford to make an industrial survey of the hydroelectric power of Nebraska and to engage in its development, pledging him the most cordial support from our government, State and municipal, and from our people.

Resolved, That we urgently request the Members of Congress from the State of Nebraska to support the passage of the Ford tender for Muscle Shoals before March 4, 1923, so that a precedent can be set for similar developments in Nebraska.

Resolved, That the chief clerk of the house and secretary of the senate transmit to Mr. Ford copies of this memorial, inviting him to fix a date when we may meet with the legislature now in session and enter upon the industrial campaign herein suggested, and that copies of this memorial be forthwith forwarded to every Member of Congress from the State of Nebraska.

I hereby certify that the foregoing resolution was adopted by unanimous vote of the house of representatives this 16th day of February, 1923.

F. P. CARRICK, *Chief Clerk.*

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UNITED STATES SENATE,
Washington, D. C., February 20, 1923.

HOUSE OF REPRESENTATIVES,
Nebraska Legislature, Lincoln, Nebr.

GENTLEMEN: I am just in receipt of a resolution which your chief clerk certifies was unanimously passed by your body on the 16th day of February, 1923. This resolution, it can be fairly stated, has two objects in view: First, it requests the Members of Congress from the State of Nebraska to "support the passage of the Ford tender for Muscle Shoals," and, second, it extends an invitation to Henry Ford to come to Nebraska and make an industrial survey of the hydroelectric power of Nebraska with a view to its development.

The resolution frankly states that the reason why you want the Nebraska Members of Congress to support the Ford offer as to Muscle Shoals is "so that a precedent can be set for similar developments in Nebraska." The reason you give for the support of the Muscle Shoals proposition is one of the many reasons why I have been opposed to the acceptance of Mr. Ford's offer for Muscle Shoals. The acceptance of the Muscle Shoals offer, as you truly state in your resolution, would be a precedent which would be used as a basis for similar action all over the United States, and as a result we would give the control of the development of hydroelectric energy from our navigable streams over entirely to corporations of wealth without retaining any control or regulation whatsoever for the benefit of the people at large.

The reasons you give in your resolution confirm me in the righteousness of my opposition to the acceptance of the Ford offer. I am unwilling to give away the birthright of millions of unborn citizens for the enrichment of private corporations at the expense of the taxpayers of America, and I am unwilling to do this even when requested to do it by so high and honorable body as the House of Representatives of the Nebraska Legislature.

Of course, you gentlemen have studied the Ford offer. You certainly would not ask the Members of Congress to accept it unless you had thoroughly studied and analyzed it, and if you have thus analyzed it, you are aware of the fact that the only obligation Mr. Ford assumes in the Muscle Shoals proposition is that he will organize a corporation with a paid-up capital stock of $10,000,000, and that, as a matter of fact, when he has organized this corporation his responsibility has entirely ceased and we are therefore dealing with a corporation. We turn over to this corporation in absolute fee-simple title property that has cost the taxpayers of America about $90,000,000 for the paltry sum of $5,000,000. Part of this property so turned over consists of property that is not necessary in the development or operation of Muscle Shoals, and which Mr. Ford's corporation will be able to dispose of at once for an amount that can be fairly estimated in excess of the $5,000,000 which the corporation pays to the Government. The buildings on this property were built, it is true, at war prices, but the real estate has enormously enhanced in value since it was purchased. It consists in part of two towns, modern in every respect, equipped with electric light, waterworks, and macadamized streets, all built and constructed in an up-to-date manner. This gift to Mr. Ford's corporation is the smallest part of the transaction. In addition, the Ford offer provides that the United States Government shall give him a lease on the water power at Muscle Shoals for 100 years; that the Government of the United States shall pay all the money necessary to construct and equip the dams necessary to the development of the hydroelectric energy, and in addition to this it is provided that the Government of the United States must keep most of this property in repair during the hundred years for the payment of a very modest and inadequate sum. Mr. Ford assumes no risk for earthquake, high water, or washouts. He pays a small sum annually to the Government, which his shrewd lobbyists advocate is an amortization fund, but when analyzed and Mr. Ford's corporation given credit for every dollar paid at the time it is paid it is found that it amounts to paying interest on the Government's investment at less than 3 per cent annually; and when we consider that this loan to Ford's corporation from the Federal Treasury runs for 100 years, we can easily see that it is giving to this corporation a gift of the American taxpayers' money so elaborate and so great as to make every legislative job of a similar character from the dawn of civilization fade into insignificance.

Taking up now the second proposition contained in your resolution—that Henry Ford be invited to come to Nebraska and look over the water-power sites—I have learned from statements in the daily press that Mr. Ford has declined this invitation, and one of the main purposes of this communication is to give you the benefit of my experience with this business, in order that you may change your invitation in such a way as to secure the assent of Mr. Ford to come to Nebraska and look us over. If you will couple with your invitation an offer to deed him all the water-power sites in fee simple, to give him a lease on the power developed for 100 years, and to loan him the money to make the development at less than 3 per cent per annum, and then provide that the electricity thus developed shall be free from any regulation by the Nebraska Legislature or any other body, I feel confident that Henry could be induced to reconsider his declination of your invitation and come to our great State and make an examination of our water-power resources.

If I can be of any further service to you in the way of inducing Mr. Ford to accept your invitation, please be free to call upon me.

I have the honor, gentlemen, to remain,

Very truly yours,

G. W. NORRIS.

The PRESIDENT pro tempore. The matter which has been read at the desk will be referred to the Committee on Commerce.

Mr. JONES of Washington. Mr. President, as I said, if any Senator desires to present a petition or anything of that kind which would not occupy any time I shall not object; but otherwise I wish to ask that Senators during the day shall not for the purpose of presenting a petition or asking unanimous consent for the transaction of business interrupt the Senator who has the floor.

Mr. SHIELDS. Mr. President, will the Senator from Texas before proceeding yield to me for a moment?

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Tennessee?

Mr. SHEPPARD. The Senator from Washington [Mr. JONES] indicated that he would object to any interruption.

Mr. JONES of Washington. I would not object now if the Senator from Tennessee desires to have anything inserted in the RECORD.

Mr. SHIELDS. I did not hear the statement of the Senator from Washington.

Mr. JONES of Washington. I rather invited any Senator if he had any routine matter to present to present it now, but hereafter I am going to object.

POWER OF THE SUPREME COURT.

Mr. SHIELDS. Mr. President, in view of the discussion of last Saturday with reference to the power of the Supreme Court, I desire to say that I have here an article written by an able lawyer, Mr. F. Dumont Smith, of the Hutchinson, Kans., bar, upon that subject, and published in the American Bar Association Journal. I think the article is very illuminating and instructive, and that it ought to follow the argument of the Senator from Oklahoma [Mr. OWEN] upon that subject. The particular subject of this article is the case of Marbury against Madison, which is reported in First Cranch, page 137, and the great opinion delivered in that case by the then great Chief Justice of the Supreme Court of the United States. I ask unanimous consent that the article may be printed in the regular type in the RECORD, with the exception of the last paragraph, which might be considered as a reflection upon a Senator, and which, therefore, I have stricken out.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the article was ordered to be printed in the RECORD in 8-point type, as follows:

DECISIVE BATTLES OF CONSTITUTIONAL LAW.

I. MARBURY v. MADISON.

(First Cranch, 137.)

(By F. Dumont Smith, of the Hutchinson (Kans.) bar.)

This is the first of a series of articles by F. Dumont Smith, of the Kansas bar, on those crucial decisions of the Supreme Court of the United States which have molded and formed the Federal Government, altered or modified its course, and profoundly affected the happiness and prosperity of the American people. The historical setting of each case will be given, the opposing contentions, the reasoning of the court, with illuminating extracts from the decisions. The busy lawyer will refresh his mind as to all that is important in each in a half-hour's reading. Our readers will, no doubt, find these articles of much interest.

The case of Marbury *v.* Madison, perhaps the most important in the judicial history of this country or any other, involved so small a matter as the right to the office of the justice of the peace for the District of Columbia. Marbury had been appointed by President Adams for a term of five years, an office not revocable at the will of the President. The appointment was duly confirmed, the commission signed and attested with the great seal of the United States by Marshall, who was then Secretary of State, but for some reason, probably carelessness, had not been delivered when Jefferson became President.

Jefferson, conceiving that a commission, like a deed, took effect at the time of its delivery, revoked the appointment and gave it to another. At the December term, 1801, Charles Lee, Attorney General of the United States under Adams, appeared before the court at its first sitting in the city of Washington and the first session at which Marshall presided as Chief Justice, and asked for a rule to James Madison, Jefferson's Secretary of State, to show cause why a writ of mandamus should not issue to him, commanding to deliver this commission to Marbury. Lee made a brief statement to the court and presented affidavits to prove the facts above stated. The rule was granted requiring Madison to show cause why the mandamus should not issue.

The case was unique in several respects. Madison did not appear and no argument was made for him or brief filed on his behalf. No written brief was filed by Lee. The case in effect was ex parte. The court was not aided, as it was in its later constitutional decisions, by the genius and eloquence of such lawyers as Webster, Pinckney, and Wirt. The case was not finally heard until February, 1803. This delay was caused by political maneuvers on the part of the Republican majority in Congress. The triumph of Jefferson had carried with a Republican majority in both branches of the national legislature.

Just before the expiration of Adams's term the Federalists, seeking to reform the old judiciary act of 1789, had provided for 16 new circuit judges to relieve the Justices of the Supreme Court from the onerous labor of riding circuit, a labor which was deemed by the Federalists and most of the Justices themselves unconstitutional. Adams had promptly filled these positions with staunch Federalists, almost in the last moments of his term. "The midnight judges" they were termed by the Republicans. The new judiciary act was repealed by the Republicans, the new judges ousted, and, in order to prevent Marshall and his associates from interfering in any way judicially with the operation of the repeal, the August term, 1802, was discontinued, so there was an interval of 14 months after Marbury *v.* Madison was filed before the court again met.

In the meanwhile the case had been much bruited and had become political in its aspect. The Republicans were determined to purge the Supreme Court of its Federalist majority. Judge Pickering, district judge of New Hampshire, had been impeached for "high crimes and misdemeanors," although it was clearly proven that he was insane. Chase, an associate of Marshall, was then under impeachment, although he was later acquitted by a narrow margin.

In the discussion during the winter of 1801 and 1802 over the repeal of the judiciary act the question of the power of the Supreme Court to declare invalid an act of Congress or to issue a writ of mandamus to a member of the President's Cabinet was warmly debated. It was a cardinal doctrine of the Republican faith that Congress was the sole judge of the constitutionality of its own acts. The Republicans openly declared that if Marshall issued a writ of mandamus to Madison, it would be ignored and Marshall would be impeached.

This was the political situation when Marshall pronounced this decision, a decision which he knew would be rejected and its force denied by the President and his Cabinet, by a majority of both Houses of Congress, and by at least two-thirds of the citizens of the United States. If I shall speak here of the decision as Marshall's decision, I do no injustice to the other justices. Marshall conceived the idea of pinning this great judgment upon the trifling case before the court, and he persuaded the other judges to concur with him. The judgment is Marshall's; the opinion is Marshall's. Nearly 70 years were to elapse before the court was again called upon to declare unconstitutional an act of Congress. If Marshall had not seized this occasion, it is highly probable that long acquiescence in the assertion of the right of Congress to judge of its own acts would have foreclosed the court from ever uttering such a judgment.

Deprived of advice of counsel for the defendant, the court itself acted as counsel for Madison and suggested every possible objection that might be urged to the issuance of the writ, and then answered them. Marshall propounded three questions to be answered. First, "Has the applicant a right to the commission he demands?" Second, "If he has a right, and that right has been violated, do the laws of his country afford him a remedy?" Third, "If they do afford him a remedy, is it a mandamus issuing from this court?"

Upon the first proposition Marshall held that a commission is unlike a deed; that there are three things that constitute a lawful appointment: First, the appointment by the President; second, the confirmation by the Senate; third, the signing of the commission by the President. These three are all voluntary acts, with the exercise of which the court could not interfere; but when the commission is signed all of those things necessary to the appointment which are done in the exercise of a discretion have spent their force. Nothing remains but to attest it with the great seal of the United States by the Secretary of State, and the law makes this his duty. Marshall held that the appointment was complete when the President had signed the commission; that it would be complete without the affixing of the seal, which was simply incontestable proof of the fact that the commission had lawfully issued; that the duty of affixing the seal and delivering the commission were administrative acts which added nothing to the validity of the commission. He showed that universally the tenure of an office dates from the date of the commission and not its delivery; the salary begins at the date of the commission. If the appointee refuses the office after the commission has issued, the new appointee succeeds him and not the prior incumbent.

He held that to make the validity of the commission dependent upon the actual delivery of the commission, through the mails, for instance, was to expose the tenure of office to all the accidents, of theft, fire, etc.

Upon the second branch, whether a mandamus would issue to Madison, Marshall admitted the court was treading upon delicate ground, but he drew that clear distinction, novel then, which has been followed as a conclusive precedent from that date—that the court could not and would not interfere with the political powers of the Executive; that whenever the Secretary of State acted under the orders of the President in the exercise of his political duties the court could not interfere; but when the act is administrative, no officer is too highly placed to be beyond the writ of a court when his failure to perform his administrative act violates the right of a citizen; that no citizen is too humble or his right too minute to deny the relief. So the court held that Marbury was entitled to the office and entitled to a writ of mandamus to the Secretary of State to compel the delivery of his commission.

In closing this branch of the case Marshall said:

"It is not by the office of the person to whom the writ is directed but the nature of the thing to be done that the propriety or impropriety of issuing a mandamus is to be determined. Where the head of a department acts in a case in which executive discretion is to be exercised—in which he is the mere organ of executive will—it is again repeated that any application to a court to control in any respect his conduct would be rejected without hesitation.

"But where he is directed by law to do a certain act affecting the absolute rights of individuals, in the performance of which he is not placed under the particular direction of the President, and the performance of which the President can not lawfully forbid and therefore is never presumed to have forbidden—as, for example, to record a commission or a patent for land which has received all the legal solemnities, or to give a copy of such record—in such cases it is not perceived on

what ground the courts of the country are further excused from the duty of giving judgment that right be done to an injured individual than if the same services were to be performed by a person not the head of a department."

Proceeding to the third branch of the case, the question involved was whether the judiciary act of 1789, which attempted to confer original jurisdiction in mandamus upon the Supreme Court, was valid, or whether the grant in the Constitution of the subjects of original jurisdiction, although in affirmative words, was a limitation and a restriction to the particular jurisdiction there described. It is impossible to abstract or digest Marshall's opinion on this point. I prefer to quote:

"The question whether an act repugnant to the Constitution can become the law of the land is a question deeply interesting to the United States but happily not of an intricacy proportioned to its interest. It seems only necessary to recognize certain principles, supposed to have been long and well established, to decide it.

"That the people have an original right to establish for their future government such principles as in their opinion shall most conduce to their own happiness is the basis on which the whole American fabric has been erected. The exercise of this original right is a very great exertion; nor can it nor ought it to be frequently repeated. The principles, therefore, so established are deemed fundamental. And as the authority from which they proceed is supreme and can seldom act, they are designed to be permanent.

"This original and supreme will organizes the Government and assigns to different departments their respective powers. It may either stop here or establish certain limits not to be transcended by those departments."

The Government of the United States is of the latter description. The powers of the legislature are defined and limited; and that those limits may not be mistaken or forgotten, the Constitution is written. To what purpose are powers limited, and to what purpose is that limitation committed to writing, if these limits may at any time be passed by those intended to be restrained? The distinction between a government with limited and unlimited powers is abolished if those limits do not confine the persons on whom they are imposed and if acts prohibited and acts allowed are of equal obligation. It is a proposition too plain to be contested that the Constitution controls any legislative act repugnant to it or that the legislature may alter the Constitution by an ordinary act.

Between these alternatives there is no middle ground. The Constitution is either a superior paramount law, unchangeable by ordinary means, or it is on a level with ordinary legislative acts and, like other acts, is alterable when the legislature shall please to alter it.

If the former part of the alternative be true, then a legislative act contrary to the Constitution is not law; if the latter part be true, then written constitutions are absurd attempts on the part of the people to limit a power in its own nature illimitable.

Certainly all those who have framed written constitutions contemplate them as forming the fundamental and paramount law of the nation, and consequently the theory of every such government must be that an act of the legislature repugnant to the constitution is void.

This theory is essentially attached to a written constitution, and is consequently to be considered by this court as one of the fundamental principles of our society. It is not, therefore, to be lost sight of in the further consideration of this subject.

If an act of the legislature repugnant to the Constitution is void, does it, notwithstanding its invalidity, bind the courts and oblige them to give it effect? Or, in other words, though it be not law, does it constitute a rule as operative as if it was a law? This would be to overthrow in fact what was established in theory, and would seem at first view an absurdity too gross to be insisted on. It shall, however, receive a more attentive consideration.

It is emphatically the province and duty of the judicial department to say what the law is. Those who apply the rule to particular cases must of necessity expound and interpret that rule. If two laws conflict with each other, the courts must decide on the operation of each.

So, if the law be in opposition to the Constitution—if both the law and the Constitution apply to a particular case, so that the court must either decide that case conformably to the law, disregarding the Constitution, or conformably to the Constitution, disregarding the law—the court must determine which of these conflicting rules governs the case. This is of the very essence of judicial duty.

If, then, the courts are to regard the Constitution—and the Constitution is superior to any ordinary act of the legislature—the Constitution, and not such ordinary act, must govern the case to which they both apply.

Those, then, who controvert the principle that the Constitution is to be considered in court as a paramount law are reduced to the necessity of maintaining that courts must close their eyes on the Constitution and see only the law.

This doctrine would subvert the very foundation of all written constitutions. It would declare that an act which, according to the principles and theory of our Government, is entirely void, is yet, in practice, completely obligatory. It would declare that if the legislature shall do what is expressly forbidden, such act, notwithstanding the express prohibition, is in reality effectual. It would be giving to the legislature a practical and real omnipotence with the same breath which professes to restrict their powers within narrow limits. It is prescribing limits and declaring that those limits may be passed at pleasure.

That it thus reduces to nothing what we have deemed the greatest improvement on political institutions, a written constitution, would of itself be sufficient in America, where written constitutions have been viewed with so much reverence for rejecting the construction. But the peculiar expressions of the Constitution of the United States furnish additional arguments in favor of its rejection.

The judicial power of the United States is extended to all cases arising under the Constitution.

Could it be the intention of those who gave this power to say that in using it the Constitution should not be looked into; that a case arising under the Constitution should be decided without examining the instrument under which it arises?

This is too extravagant to be maintained.

In some cases, then, the Constitution must be looked into by the judges. And if they can open it at all, what part of it are they forbidden to read or to obey?

Why otherwise does it direct the judges to take an oath to support it? This oath certainly applies in an especial manner to their conduct in their official character. How immoral to impose it on them if they were to be used as the instruments, and the knowing instruments, for violating what they swear to support!

The oath of office, too, imposed by the legislature, is completely demonstrative of the legislative opinion on this subject. It is in these words: "I do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich; and that I will faithfully and impartially discharge all the duties incumbent on me as ———, according to the best of my ability and understanding agreeably to the Constitution and laws of the United States."

Why does a judge swear to discharge his duties agreeably to the Constitution of the United States if that Constitution forms no rule for his government, if it is closed upon him and can not be inspected by him?

And he closes with this blow from the hammer of Thor:

"If such be the real state of things, this is worse than solemn mockery. To prescribe or to take this oath becomes equally a crime."

Thousands of pages have been written in support or defense of this decision. Other thousands have been written in criticism or condemnation, not a line of which has added to or detracted from this great opinion. At the time it was rendered the country was tremendously excited over the acquisition of Louisiana, and for a time it was little noted except by the bar. Jefferson denied its validity, declared it was extrajudicial, and anathematized it to the day of his death and his fellow Republicans followed suit, but it remained the law of the land.

Magna Charta, that great achievement of the Anglo-Saxon race, was a limitation upon the power of the Crown only. The power of Parliament remains omnipotent, despotic, with no check or restriction. For hundreds of years after Magna Charta Parliament condemned men without trial, sent them to the block, forfeited their goods, punished the guilty and innocent alike. The peculiar distinction of the American Constitution was that it for the first time protected the individual against the aggression not only of the Executive but of the legislative. But this Constitution would have failed in that particular but for the decision in Marbury against Madison. This feature of the Constitution interpreted by the great Chief Justice is America's contribution to the democracy of the world. It remains to-day the corner stone of American liberty. [From the American Bar Association Journal for February, 1923.]

PETITIONS AND MEMORIALS.

Mr. LODGE presented resolutions adopted at the annual dinner of the Traffic Club of New England, at Boston, Mass.,

favoring the passage of the so-called ship subsidy bill, which were ordered to lie on the table.

He also presented a memorial of the Building Trades Council of Boston, Mass., remonstrating against the passage of the so-called ship subsidy bill, which was ordered to lie on the table.

Mr. McLEAN presented resolutions of the Bridgeport (Conn.) Central Labor Union, protesting against French invasion of German territory and seizure of German property as unwarranted, and favoring mediation by the United States between France and Germany so that permanent peace may be secured, which were referred to the Committee on Foreign Relations.

He also presented petitions of the Women's Christian Association, of Hartford, and the Connecticut League of Women Voters, of Stratford, both in the State of Connecticut, praying an amendment to the Constitution governing the passage of legislation regulating child labor, which were referred to the Committee on the Judiciary.

Mr. LADD presented a petition of sundry citizens of Fargo, N. Dak., praying for the passage of the so-called White bill regulating radio communication, which was referred to the Committee on Interstate Commerce.

Mr. PEPPER presented a memorial of the Philadelphia (Pa.) Board of Trade, remonstrating against the passage of legislation to establish the Government in competition with private enterprise in any form, and especially against the bill (S. 4243) to stimulate trade by providing credit to enable Germany to purchase foodstuffs and raw materials in the United States, which was referred to the Committee on Finance.

Mr. WARREN presented a resolution of John A. Martin Post, No. 153, Grand Army of the Republic, of Soldiers Home, Calif., favoring the passage of legislation granting increased pension benefits to Civil War veterans, which was referred to the Committee on Pensions.

REPORT OF THE COMMITTEE ON EDUCATION AND LABOR.

Mr. BORAH, from the Committee on Education and Labor, to which was referred the bill (S. 4160) to amend the act of Congress entitled "An act to establish a commission for the purpose of securing information in connection with questions relative to interstate commerce in coal, and for other purposes," approved September 22, 1922, reported it without amendment.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McKELLAR:

A bill (S. 4595) granting a pension to William M. Robinson (with the accompanying papers); to the Committee on Pensions.

By Mr. HALE:

A bill (S. 4596) granting a pension to Mary M. Joy; to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 4597) granting a pension to Eliza Jane Scott; to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 4598) granting an increase of pension to Laura A. W. Cumback; to the Committee on Pensions.

By Mr. PEPPER:

A bill (S. 4599) to provide for the carrying out of the award of the War Labor Board of July 31, 1918, in favor of certain employees of the Bethlehem Steel Co., at Bethlehem, Pa.; to the Committee on Claims.

By Mr. WADSWORTH:

A bill (S. 4600) for the relief of the E. Waterman & Co. (Inc.)., of New York City, N. Y.; to the Committee on Claims.

By Mr. McKELLAR:

A bill (S. 4601) for the relief of Lillian Powell Beach; to the Committee on Claims.

By Mr. WILLIS:

A bill (S. 4602) granting an increase of pension to Sarah E. Williams (with accompanying papers); to the Committee on Pensions.

By Mr. PEPPER:

A bill (S. 4603) for the relief of James J. Lucas; to the Committee on Naval Affairs.

AMENDMENT TO THIRD DEFICIENCY APPROPRIATION BILL.

Mr. SHORTRIDGE submitted an amendment providing that the General Accounting Office be authorized and directed to credit, in the accounts of William J. McGee, as Assistant Treasurer of the United States, San Francisco, Calif., the sum of $514.95, etc., intended to be proposed by him to the third deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

COMMITTEE SERVICE.

On motion of Mr. LODGE, and by unanimous consent, it was—

Ordered, That the Senator from New York [Mr. CALDER] be relieved at his own request from further service on the Committee on Finance and that the Senator from Pennsylvania [Mr. REED] be assigned to service on that committee.

WORK OF THE LEAGUE OF NATIONS.

Mr. SHEPPARD resumed the speech begun by him on yesterday. After having spoken for some time,

Mr. SHORTRIDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from California?

Mr. SHEPPARD. With the consent of the Senator from Washington, I yield temporarily.

Mr. JONES of Washington. That is entirely satisfactory.

Mr. HITCHCOCK. But there are others here who may want to have the rules observed. The Senator from Washington is not running the Senate.

Mr. SHEPPARD. The Senator from Washington has stated he would not consent to any further interruptions by unanimous consent.

Mr. HITCHCOCK. Then I shall object to having any interruption.

Mr. SHORTRIDGE. I ask merely to file a report of the Judiciary Committee.

Mr. HITCHCOCK. I object. This is not a one-sided Senate.

The VICE PRESIDENT. The Senator from Nebraska objects, and the Senator from Texas will proceed.

Mr. SHEPPARD resumed his speech. After having spoken for some time,

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed without amendment the following bills and joint resolution of the Senate:

S. 462. An act for the relief of Max B. Baldenburg;

S. 1066. An act to authorize the Commissioners of the District of Columbia to close Piney Branch Road between Seventeenth and Taylor Streets and Sixteenth and Allison Streets NW., rendered useless or unnecessary by reason of the opening and extension of streets called for in the permanent highway plan of the District of Columbia;

S. 2563. An act to provide for the completion of the bridge across the Little Colorado River near Leupp, Ariz.;

S. 3048. An act for the relief of L. D. Riddell and George W. Hardin, trustees of Milligan College, Tennessee;

S. 3103. An act to amend section 2294, United States Revised Statutes, relating to homesteads;

S. 3332. An act to provide for a grant to the city of Boise, in the State of Idaho, of the use of a certain part of the Boise Barracks Military Reservation, under certain conditions;

S. 3593. An act to authorize an exchange of lands with owners of private land holdings within the Glacier National Park;

S. 3611. An act authorizing and directing the Secretary of War to abrogate a contract lease of water power on the Muskingum River;

S. 3614. An act relating to the official bond of the United States marshal for the southern judicial district of the State of New York;

S. 4036. An act to prohibit the unauthorized wearing, manufacture, or sale of medals and badges awarded by the War Department;

S. 4061. An act authorizing the Secretary of the Interior to enter into an agreement with Toole County irrigation district, of Shelby, Mont., and the Cut Bank irrigation district, of Cut Bank, Mont., for the settlement of the extent of the priority to the waters of Two Medicine, Cut Bank, and Badger Creeks, of the Indians of the Blackfeet Indian Reservation;

S. 4113. An act for the relief of Helene M. Layton;

S. 4310. An act for the relief of the owners of the steamship *Mohican;*

S. 4311. An act for the relief of the owners of the steam lighter *Comport;*

S. 4333. An act for the relief of Howard R. Gurney;

S. 4522. An act authorizing the Secretary of State to convey certain land owned by the United States in Santiago, Chile, to the municipality of that city, and to acquire or receive in exchange therefor other land located in the said city; and

S. J. Res. 279. Joint resolution authorizing the Secretary of War to loan 3,000 wooden folding chairs for the use of the United Confederate Veterans at their reunion to be held in New Orleans, La., on April 11, 12, and 13, 1923.

The message also announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 851. An act authorizing the Secretary of War to make settlement with the lessees who erected buildings on a five-year lease on the zone at Camp Funston, Kans., and for other purposes;

S. 1829. An act for the relief of Walter Runke;

S. 3350. An act for the relief of Alice M. Gorman;

S. 3690. An act for the relief of Lowe Hayden Bibby;

S. 4411. An act granting the consent of Congress to the cities of Minneapolis and St. Paul, Minn., or either of them, to construct a bridge across the Mississippi River in section 17, township 28 north, range 23 west of the fourth principal meridian, in the State of Minnesota; and

S. 4468. An act to authorize the coinage of 50-cent pieces in commemoration of the three hundredth anniversary of the settling of New Netherland, the Middle States, in 1624, by Walloons, French and Belgian Huguenots, under the Dutch West India Co.

The message further announced that the House had passed the following bills of the Senate, severally with amendments, in which it requested the concurrence of the Senate:

S. 107. An act for the relief of Robert Edgar Zeigler;

S. 2703. An act to allow the printing and publishing of illustrations of foreign postage and revenue stampe from defaced plates;

S. 3083. An act authorizing the construction of elevated railroad sidings adjacent to steam railroad tracks in the District of Columbia;

S. 3808. An act authorizing the Secretary of the Interior to investigate and report to Congress upon the Columbia Basin irrigation project;

S. 4187. An act to extend the time for payment of charges due on reclamation projects, and for other purposes; and

S. 4358. An act to authorize the American Niagara Railroad Corporation to build a bridge across the Niagara River between the State of New York and the Dominion of Canada.

The message also announced that the House had passed bills and a joint resolution of the following titles, in which it requested the concurrence of the Senate:

H. R. 624. An act for the relief of Albert H. White, Mary E. Fowler, Lorena B. Winkler, E. E. White, and C. A. White;

H. R. 4653. An act for the relief of Allie Melinda Outterside;

H. R. 6428. An act for the enrollment and allotment of members of the Lac du Flambeau Band of Lake Superior Chippewas, in the State of Wisconsin, and for other purposes;

H. R. 7762. An act to provide for soldiers' and sailors' homestead entries in Alaska;

H. R. 8533. An act for the relief of Joe T. White;

H. R. 8625. An act to provide for the cession to the State of Michigan of certain public lands in the county of Keweenaw, State of Michigan;

H. R. 9490. An act to provide for medical and hospital services for the officers and seamen of the Coast and Geodetic Survey;

H. R. 10847. An act for the relief of Jacob Dietch;

H. R. 10848. An act for the relief of Estella W. Dougherty;

H. R. 11353. An act to provide for reopening the accounts of Harry Caden and charging of certain expenses therein to a different appropriation from the one used in payment;

H. R. 11637. An act authorizing the Secretary of the Interior to approve indemnity selections in exchange for described granted school lands;

H. R. 11738. An act for the relief of Maj. Russell B. Putnam;

H. R. 11792. An act for the relief of James J. Meehan;

H. R. 12138. An act for the relief of Frank A. Jahn;

H. R. 12159. An act for the relief of D. H. MacAdam;

H. R. 12171. An act to grant certain lands to the city of Skagway, Alaska, for a public park;

H. R. 13032. An act to authorize the sale of the Montreal River Lighthouse Reservation, Mich., to the Gogebic County board of the American Legion, Bessemer, Mich.;

H. R. 13205. An act for the relief of the American Trust Co.;

H. R. 13208. An act for the relief of Charles F. Peirce;

H. R. 13272. An act granting a license to the city of Miami Beach, Fla., to construct a drain for sewage across certain Government lands;

H. R. 13326. An act in reference to a national military park at Yorktown, Va.;

H. R. 13430. An act to amend section 370 of the Revised Statutes of the United States;

H. R. 13554. An act authorizing the construction, maintenance, and operation of a dam and appurtenant intake and outlet structures across or in the Potomac River at or near Williamsport, Washington County, Md.;

H. R. 13978. An act granting the consent of Congress to the Hudson River Bridge Co. at Albany to maintain two bridges already constructed across the Hudson River;

H. R. 13998. An act making section 1535c of the Code of Law for the District of Columbia applicable to the municipal court of the District of Columbia, and for other purposes;

H. R. 14077. An act to extend the benefits of section 14 of the pay readjustment act of June 10, 1922, to validate certain payments made to National Guard and reserve officers and warrant officers, and for other purposes;

H. R. 14081. An act granting the consent of Congress to the Valley Transfer Railway Co., a corporation, to construct three bridges and approaches thereto across the junction of the Minnesota and Mississippi Rivers at point suitable to the interests of navigation;

H. R. 14087. An act for the creation of an American battle monuments commission to erect suitable memorials commemorating the services of the American soldier in Europe, and for other purposes;

H. R. 14135. An act to amend an act approved September 8, 1916, providing for holding sessions of the United States district court in the district of Maine, and for other purposes;

H. R. 14144. An act to limit and fix the time within which suits may be brought or rights asserted in court arising out of the provisions of subdivision 3 of section 302 of the soldiers and sailors' civil relief act, approved March 18, 1918, being chapter 20, volume 40, General Statutes of the United States;

H. R. 14296. An act to authorize the county of Huron, State of Michigan, to convey a certain described tract of land to the State of Michigan for public park purposes;

H. R. 14309. An act to amend section 206 of the transportation act, 1920;

H. R. 14324. An act to amend section 107 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as heretofore amended; and

H. J. Res. 256. Joint resolution proposing payment to certain employees of the United States.

The message further announced that the House had agreed to a concurrent resolution (H. Con. Res. 83) providing for the printing of 2,000 additional copies of the soil survey of Lauderdale County, Ala., for the use of the House document room, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 2023. An act defining the crop failure in the production of wheat, rye, or oats by those who borrowed money from the Government of the United States in the years 1918 and 1919 for the purchase of wheat, rye, or oats for seed, and for other purposes; and

S. 3220. An act to amend sections 2, 5, 11, 12, 15, 19, 29, and 30 of the United States warehouse act, approved August 11, 1916.

HOUSE BILLS AND JOINT RESOLUTION REFERRED.

The following bills and joint resolution were severally read twice by title and referred as indicated below:

H. R. 624. An act for the relief of Albert H. White, Mary E. Fowler, Lorena B. Winkler, E. E. White, and C. A. White;

H. R. 7762. An act to provide for soldiers' and sailors' homestead entries in Alaska;

H. R. 8625. An act to provide for the cession to the State of Michigan of certain public lands in the county of Keweenaw, State of Michigan;

H. R. 11637. An act authorizing the Secretary of the Interior to approve indemnity selections in exchange for described granted school lands;

H. R. 12171. An act to grant certain lands to the city of Skagway, Alaska, for a public park;

H. R. 14144. An act to limit and fix the time within which suits may be brought or rights asserted in court arising out of the provisions of subdivision 3 of section 302 of the soldiers' and sailors' civil relief act, approved March 18, 1918, being chapter 20, volume 40, General Statutes of the United States; and

H. R. 14296. An act to authorize the county of Huron, State of Michigan, to convey a certain described tract of land to the State of Michigan for public park purposes; to the Committee on Public Lands and Surveys.

H. R. 9490. An act to provide for medical and hospital services for the officers and seamen of the Coast and Geodetic Survey;

H. R. 13032. An act to authorize the sale of the Montreal River Lighthouse Reservation, Mich., to the Gogebic County board of the American Legion, Bessemer, Mich.;

H. R. 13272. An act granting a license to the city of Miami Beach, Fla., to construct a drain for sewage across certain Government lands;

H. R. 13554. An act authorizing the construction, maintenance, and operation of a dam and appurtenant intake and outlet structures across or in the Potomac River at or near Williamsport, Washington County, Md.;

H. R. 13978. An act granting the consent of Congress to the Hudson River Bridge Co. at Albany to maintain two bridges already constructed across the Hudson River; and

H. R. 14081. An act granting the consent of Congress to the Valley Transfer Railway Co., a corporation, to construct three bridges and approaches thereto across the junction of the Minnesota and Mississippi Rivers at points suitable to the interests of navigation; to the Committee on Commerce.

H. R. 4653. An act for the relief of Allie Melinda Outterside;

H. R. 8533. An act for the relief of Joe T. White;

H. R. 10847. An act for the relief of Jacob Dietch;

H. R. 10848. An act for the relief of Estella W. Dougherty;

H. R. 12159. An act for the relief of D. H. MacAdam; and

H. R. 13205. An act for the relief of the American Trust Co.; to the Committee on Claims.

H. R. 6428. An act for the enrollment and allotment of members of the Lac du Flambeau Band of Lake Superior Chippewas, in the State of Wisconsin, and for other purposes;

H. R. 11353. An act to provide for reopening the accounts of Harry Caden and charging of certain expenses therein to a different appropriation from the one used in payment; and

H. R. 13208. An act for the relief of Charles F. Peirce; to the Committee on Indian Affairs.

H. R. 11738. An act for the relief of Maj. Russell B. Putnam;

H. R. 11792. An act for the relief of James J. Meehan; and

H. R. 12138. An act for the relief of Frank A. Jahn; to the Committee on Naval Affairs.

H. R. 13326. An act in reference to a national military park at Yorktown, Va.; and

H. R. 14077. An act to extend the benefits of section 14 of the pay readjustment act of June 10, 1922, to validate certain payments made to National Guard and reserve officers and warrant officers, and for other purposes; to the Committee on Military Affairs.

H. R. 14087. An act for the creation of an American battle monuments commission to erect suitable memorials commemorating the services of the American soldier in Europe, and for other purposes; to the Committee on Foreign Relations.

H. R. 14309. An act to amend section 206 of the transportation act, 1920; to the Committee on Interstate Commerce.

H. R. 13430. An act to amend section 370 of the Revised Statutes of the United States;

H. R. 13998. An act making section 1535c of the Code of Law for the District of Columbia applicable to the municipal court of the District of Columbia, and for other purposes;

H. R. 14135. An act to amend an act approved September 8, 1916, providing for holding sessions of the United States district court in the district of Maine, and for other purposes;

H. R. 14324. An act to amend section 107 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as heretofore amended; and

H. J. Res. 256. A joint resolution proposing payment to certain employees of the United States; to the Committee on the Judiciary.

WALTER RUNKE.

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER (Mr. STERLING in the chair). Does the Senator from Texas yield to the Senator from Arizona?

Mr. SHEPPARD. I yield, with the consent of the Senator from Washington, and also the consent of the Senator from Nebraska [Mr. HITCHCOCK], who has heretofore objected. I will be glad to yield, if they have no objection.

Mr. JONES of Washington. Mr. President, I should like to make my position clear. I do not think the Senator from Nebraska understood my position. I am merely standing on the rules as to no business being transacted since the last call for a quorum. I will make no point, however, against the Senator from Arizona or any other Senator who desires to present a matter that involves no discussion and will consume no time.

Mr. ASHURST. Mr. President, the matter which I wish to call up is a matter of high privilege. I would have the right to call it up at any time, but I thank the Senator from Washington for his courtesy. However, Rule VII, clause 7, provides:

7. The Presiding Officer may at any time lay, and it shall be in order at any time for a Senator to move to lay, before the Senate any bill or other matter sent to the Senate by the President or the House of Representatives, and any question pending at that time shall be suspended for this purpose. Any motion so made shall be determined without debate.

I will not resort to the rule; I prefer to resort to the courtesy that has been extended to me by the Senator from Washington [Mr. JONES]. Therefore I ask that the amendment of the House of Representatives to Senate bill 1829 be laid before the Senate.

The PRESIDING OFFICER laid before the Senate the amendment of the House to the bill (S. 1829) for the relief of Walter Runke, which was, on page 1, line 10, to strike out "months of September, 1916, and March, 1918," and insert "time between his indictment in March, 1916, until his acquittal in March, 1918."

Mr. ASHURST. Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

COINAGE OF COMMEMORATIVE 50-CENT PIECES.

The PRESIDING OFFICER laid before the Senate the amendment of the House to the bill (S. 4468) to authorize the coinage of 50-cent pieces in commemoration of the three hundredth anniversary of the settling of New Netherland, the Middle States, in 1624, by Walloons, French and Belgian Huguenots, under the Dutch West India Co., which was, on page 2, after line 14, to insert:

SEC. 3. That the coins herein authorized shall be issued only upon the request of the Fifth National Bank of New York, and upon payment of the par value of such coins by such bank to the United States Treasury.

Mr. REED of Pennsylvania. Mr. President, will the Senator from Texas yield to me to make a motion in connection with the amendment just laid before the Senate?

Mr. SHEPPARD. I yield to the Senator with the same understanding as before.

Mr. REED of Pennsylvania. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

ELEPHANT BUTTE IRRIGATION PROJECT, N. MEX.

Mr. BURSUM. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from New Mexico?

Mr. SHEPPARD. I yield to the Senator, if it be agreeable to the Senator from Washington and the Senator from Nebraska.

Mr. JONES of Washington. If the matter the Senator from New Mexico desires to present will not take any time or involve any discussion, I shall make no objection.

Mr. BURSUM. If it shall do so, I will withdraw the request I am about to make.

Mr. President, yesterday Senate bill 4232 was reached on the calendar, but, after discussion, objection was made to its consideration. The bill provides for adjusting certain accounts between the Government and the water-users' association. It is very important to the farmers of my State and also to the farmers of a section in Texas who are operating farms under the Elephant Butte Reservoir Dam. Yesterday the Senator from Utah [Mr. SMOOT] objected to the consideration of the bill, but later on, after reading the report of the Secretary of the Interior, he consented that the bill might pass. The morning hour, however, had expired before I could ask to have the bill considered. I desire now to ask unanimous consent for the immediate consideration of the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Mexico?

Mr. JONES of Washington. Mr. President, I feel, so far as the consideration and passage of bills are concerned, that, of course, if I allow one Senator to have an unobjected bill considered and acted upon, other Senators would be entitled to the same privilege. I hope we shall be able to arrange so that we may take these measures from the calendar in a very short while. So I shall have to object to the request of the Senator from New Mexico at this time.

The PRESIDING OFFICER. Objection is made.

Mr. HEFLIN. Mr. President, if we can adjourn this afternoon, we shall have a morning hour to-morrow, and then we can take up these measures.

WORK OF LEAGUE OF NATIONS.

Mr. SHEPPARD resumed his speech. After having spoken for some time,

MISSISSIPPI RIVER BRIDGE.

The PRESIDING OFFICER laid before the Senate an amendment of the House of Representatives to the bill (S. 4411) granting the consent of Congress to the cities of Minneapolis and St. Paul, Minn., or either of them, to construct a bridge across the Mississippi River in section 17, township 28 north, range 23 west of the fourth principal meridian, in the State of Minnesota, which was, on page 1, line 7, after "in," to insert "or near."

Mr. CALDER. I move that the Senate concur in the House amendment.

The motion was agreed to.

LOWE HAYDEN BIBBY.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3690) for the relief of Lowe Hayden Bibby, which was, on page 1, line 12, after "accepted," to insert "but that he shall not be entitled to receive any pay or allowances for the time he has not been in active service."

Mr. HARRISON. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

WORK OF THE LEAGUE OF NATIONS.

Mr. SHEPPARD resumed his speech. After having spoken for some time,

PAYMENT OF CHARGES ON RECLAMATION PROJECTS.

Mr. McNARY. Mr. President, will the Senator from Texas yield, so that the Chair can hand down certain amendments of the House to a Senate bill?

Mr. SHEPPARD. With the consent of the Senator from Washington, I will yield.

Mr. JONES of Washington. This is a message from the House, so the Chair has a right to lay it before the Senate.

The PRESIDING OFFICER (Mr. SPENCER in the chair) laid before the Senate the amendments of the House to the bill (S. 4187) to extend the time for payment of charges due on reclamation projects, and for other purposes, which were, on page 2, to strike out lines 3 to 7, inclusive; on page 2, line 8, to strike out "b" and insert "SEC. 3"; on page 2, line 10, strike out "4" and insert "6"; on page 2, line 20, to strike out "1923, and 1924" and insert "and 1923"; and on page 2, after line 20, to insert:

SEC. 5. That where an individual water user, or individual applicant for a water right under a Federal irrigation project constructed or being constructed under the act of June 17, 1902 (32 Stat. L. 388), or any act amendatory thereof or supplementary thereto, is unable to pay any construction or operation and maintenance charge due, excepting operation and maintenance charges for drainage on the Boise, Idaho, project for the year 1922, or prior thereto, the Secretary of the Interior is hereby authorized in his discretion to add such accrued and unpaid charges to the construction charge of the land of such water user or applicant, and to distribute such accumulated charges equally over each of the subsequent years, beginning with the year 1924, at such rate per year as will complete the payment during the remaining years of the 20-year period of payment of the original construction charge: *Provided*, That upon such adjustment being made, any penalties or interest which may have accrued in connection with such unpaid construction and operation and maintenance charges shall be canceled, and in lieu thereof the amount so due, and the payment of which is hereby extended, shall draw interest at the rate of 6 per cent per annum, paid annually from the time said amount became due to date of payment: *Provided further*, That the applicant for the extension shall first show to the satisfaction of the Secretary of the Interior detailed statement of his assets and liabilities and actual inability to make payment at the time of the application and an apparent ability to meet the deferred charges in 1924 and subsequent years: *And provided further*, That in case the principal and interest herein provided for are not paid in the manner and at the time provided by this act, any penalty now provided by law shall attach from the date the charge was originally due: *And provided further*, That similar relief in whole or in part may be extended by the Secretary of the Interior to a legally organized group of water users of a project, upon presentation of a sufficient number of individual showings made in accordance with the foregoing proviso to satisfy the Secretary of the Interior that such extension is necessary.

Mr. McNARY. I move that the Senate concur in the House amendments.

Mr. HARRISON. I desire to propound an inquiry. Will the Senator from Oregon explain the bill—the Agricultural appropriation bill, is it not?

Mr. McNARY. This is a measure to relieve some of the water users in the far West, who live on irrigation projects. It was reported from the Committee on Irrigation and Reclamation and not from the Committee on Agriculture and Forestry, of which the Senator from Mississippi is an able member.

Mr. HARRISON. Will the Senator explain just what the House amendment is? Of course, so many of these bills are passed that it is hard to keep up with all of them.

Mr. McNARY. That is true. Some months ago the Senate passed a bill giving temporary relief to water users having water rights on reclamation projects. On account of the depressed condition of agriculture it was found necessary to extend the time of the payment of the construction charges on these various projects. The Senate passed a bill which called for a rate of interest of 4 per cent on the deferred payments. The House increased the rate from 4 to 6 per cent. Otherwise the two measures are identical, except in a few minor particulars. I am asking at this time for the concurrence of the Senate in the House amendments, the principal one of which increases the rate on deferred payments for construction charges from 4 to 6 per cent. It does not affect the Senator's part of the country at all; it is confined to the Western and Intermountain States.

Mr. HARRISON. I was just thinking that the increase in the interest rate from 4 to 6 per cent is a pretty large increase.

Mr. McNARY. I thought so. It was not within my heart to exact that large interest rate, but when the bill reached the House I found the Members there not so sympathetic as were Senators.

Mr. HARRISON. What has been the interest rate heretofore?

Mr. McNARY. There has not been a rate, because this is practically the first time those living on the projects have found it necessary to ask for a deferment of the payments on account of the construction charges on the projects.

Mr. JONES of Washington. Let me suggest, too, that under the House amendment the payments on these deferred charges are spread over the remainder of the time until the final construction period, and those on the project are relieved from the penalties which may have accrued under the previous law. So in a way it gives them a relief which probably compensates for the higher interest rate fixed on the deferred payments. I think the penalties amount to 12 per cent.

Mr. HARRISON. The House amendment is satisfactory to all the representatives from the western country who are interested?

Mr. JONES of Washington. I think so.

Mr. WARREN. Mr. President, we would have much preferred the Senate 4 per cent rate, but I think it is impossible to keep that in the bill. If we insisted it would be necessary to take the matter back to conference, and judging from the situation in the House as I have viewed it, I do not believe the House would agree to the 4 per cent. I have taken the pains to telegraph back to one of the most prominent projects in my State in regard to the matter, and the agent of the settlers on that project, who has recently spent a week or two here looking the situation over, has advised us to accept the bill as it is amended and agree to the 6 per cent rate.

The PRESIDING OFFICER. The question is on concurring in the House amendments.

The amendments were concurred in.

RAILROAD SIDINGS IN THE DISTRICT OF COLUMBIA.

The PRESIDING OFFICER laid before the Senate the amendments of the House to the bill (S. 3083) to authorize the construction of elevated railroad sidings adjacent to steam-railroad tracks in the District of Columbia, which were to strike out all after the enacting clause and insert:

That the Baltimore & Ohio Railroad Co. is hereby authorized to construct and maintain elevated sidings in the city of Washington, D. C., across N Street north, between First and Second Streets east, and across Second Street east, between N Street and Florida Avenue north, said sidings to be connected with and to spring from any of its tracks in square No. 711, or from any of its tracks south of Florida Avenue, and to connect with elevated tracks in square No. 710: *Provided*, That such sidings shall not be at a lower grade above the present grade of N Street than the siding in N Street, constructed and maintained under authority of the act of Congress approved June 27, 1906.

And to amend the title so as to read: "A bill authorizing the Baltimore & Ohio Railroad Co. to construct an elevated railroad siding adjacent to its tracks in the city of Washington."

Mr. BALL. I move that the Senate concur in the House amendments.

Mr. HARRISON. Will not the Senator explain just what the House amendments are before the Senate votes on the motion?

Mr. BALL. I ask the Secretary to read the House amendment. It is very short.

Mr. HARRISON. I heard it read, but it is a very complicated matter.

Mr. BALL. This is a bill to permit the Baltimore & Ohio Railroad to construct some bridges over certain streets leading to certain terminals.

Mr. CARAWAY. May I ask the Senator if this is not the very railroad construction against which the Methodist Hospital people were protesting?

Mr. BALL. No; that is the so-called switching bill.

Mr. CARAWAY. This has nothing to do with that?

Mr. BALL. No; nothing.

Mr. HARRISON. Does the Senator think the amendment is all right?

Mr. BALL. I think the bill as amended is all right.

Mr. HARRISON. And that it is very necessary for the welfare of the District as well as the continuation of the Baltimore & Ohio Railroad?

The PRESIDING OFFICER. The question is on concurring in the amendments of the House.

The amendments were concurred in.

ALICE M. GORMAN.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3350) for the relief of Alice M. Gorman, which was, on page 1, line 6, to strike out "$2,500" and insert "$1,000 in full settlement against the Government."

Mr. CAPPER. I move that the Senate concur in the amendment of the House.

Mr. HARRISON. Before the motion is put, this matter is quite important. There is a difference of $1,500 in the amount allowed, if I heard the amendment read correctly.

Mr. CAPPER. The House reduced the amount $1,500.

Mr. HARRISON. What was the original amount?

Mr. CAPPER. The original amount was all right, but $1,000 was as much as the House would allow, and I think the amount agreed upon will be satisfactory to the parties interested.

Mr. HARRISON. It seems that Alice M. Gorman was riding in an automobile, which was run into by an Army truck.

Mr. CAPPER. Yes; it is just a small claim. The committee went into it pretty carefully.

Mr. HARRISON. What is the reason why the House reduced the amount from $2,500 to $1,000?

Mr. CAPPER. I do not think they had a good reason for reducing it.

Mr. HARRISON. They just followed their usual course?

Mr. CAPPER. They simply would not allow the larger amount, and we had to take a thousand dollars or not get anything at all. So the parties who were interested believed they had better take the smaller amount.

Mr. HARRISON. I suppose it will be agreeable to Alice M. Gorman?

Mr. CAPPER. It will be.

The PRESIDING OFFICER. The question is on concurring in the amendment of the House.

The amendment was concurred in.

BUILDINGS AT CAMP FUNSTON, KANS.

The PRESIDING OFFICER also laid before the Senate the amendment of the House to the bill (S. 851) authorizing the Secretary of War to make settlement with the lessees who erected buildings on a five-year lease on the zone at Camp Funston, Kans., and for other purposes, which was, on page 2, line 2, after "holders" to insert "*: Provided*, That in no case the amount paid in settlement shall exceed the actual losses sustained."

Mr. CURTIS. The bill was originally drawn by Secretary of War Baker and indorsed by him and afterwards indorsed by Secretary of War Weeks. It passed the Senate, and an amendment was made in the House which simply carries out the purpose of the bill. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

WORK OF THE LEAGUE OF NATIONS.

Mr. SHEPPARD resumed his speech. After having spoken for some time,

COLUMBIA BASIN IRRIGATION PROJECT.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3808) authorizing the Secretary of the Interior to investigate and report to Congress upon the Columbia Basin irrigation project, which were to strike out all after the enacting clause and insert:

That the following sums are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available for expenditure by the Secretary of the Interior, namely:

For investigations of the feasibility of irrigation by gravity or pumping, water sources, water storage, and related problems on the Columbia River and its tributaries, including the Columbia Basin project, $100,000; the Umatilla Rapids project, $50,000; in all, $150,000.

For cooperative and miscellaneous investigations of the feasibility of reclamation projects, $125,000 annually.

And to amend the title so as to read: "An act authorizing the Secretary of the Interior to investigate the feasibility of reclamation projects on the Columbia River and various other irrigation projects."

Mr. McNARY. I move that the Senate concur in the House amendments.

The motion was agreed to.

FOREIGN POSTAGE AND REVENUE STAMPS.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2703) to allow the printing and publishing of illustrations of foreign postage and revenue stamps from defaced plates, which were, on page 1, line 8, to strike out "of" and insert "in black and white of foreign," and on page 2, to strike out lines 1 and 2 and to insert:

And nothing in said sections shall be construed to forbid or prevent similar illustrations, in black and white only, in philatelic or historical articles, books, journals, albums, or the circulars of legitimate publishers or dealers in such stamps, books, journals, albums, or circulars of such portion of the border of a stamp of the United States as may be necessary to show minor differences in the stamp so illustrated, but all such illustrations shall be at least four times as large as the portion of the original United States stamps so illustrated: *Provided, however*, That no such postage or revenue stamp is printed or published without the printer or publisher thereof first having obtained the written consent of the Secretary of the Treasury for such purpose.

Mr. FRELINGHUYSEN. I move that the Senate disagree to the House amendments and request a conference with the House upon the bill and amendments, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. DILLINGHAM, Mr. CUMMINS, and Mr. SHIELDS conferees on the part of the Senate.

AMERICAN NIAGARA RAILROAD CORPORATION.

The VICE PRESIDENT laid before the Senate the amendments of the House to the bill (S. 4358) to authorize the American Niagara Railroad Corporation to build a bridge across the Niagara River between the State of New York and the Dominion of Canada, which were on page 1, line 7, after "railway," insert the words "and highway"; and on page 2, line 2, after the word "*Provided*," to insert the words "That said bridge shall contain and furnish adequate and suitable ways for the passage in both directions of horse-drawn and motor-driven vehicles and a way for pedestrians: *And provided further*."

Mr. WADSWORTH. I move that the Senate concur in the House amendments.

The motion was agreed to.

WORK OF THE LEAGUE OF NATIONS.

Tuesday, February 20, 1923.

EPIDEMIC COMMISSION.

Mr. SHEPPARD. Mr. President, after a review of the work of the epidemic commission the council resolved on January 14, in pursuance of the decision of the assembly on September 23, 1921, to place the commission under the control of the provisional health organization of the league and especially under the supervision of the medical director, authorizing the commission to continue to act as long as health conditions in Poland and eastern Europe made it necessary, its budgetary independence to be preserved and its staff not to be incorporated in the health section of the secretariat.

INTERNATIONAL INTELLECTUAL COOPERATION.

The council resolved on January 14, pursuant to the resolution of the second assembly, dated September 21, 1921, to form a committee of 12 members, including women, to examine the question of international intellectual cooperation, the personnel of the committee and the date of its meeting to be determined at a subsequent session.

TRAFFIC IN WOMEN AND CHILDREN.

The council on January 14 established the advisory committee referred to in Resolution XI of the final act of the Geneva Conference on the Traffic in Women and Children, providing that the following countries should be invited to name representatives: France, Great Britain, Japan, Poland, Spain, Rumania, Denmark, Italy, and Uruguay; that five assessors should be named, as follows, (a) one appointed by the international office for the suppression of the traffic, (b) one appointed by the international women's organizations, (c) one appointed by the Federation of National Unions for the Protection of Girls, (d) one appointed by the Jewish Association for the Protection of Girls, (e) one appointed by the International Catholic Association for the Protection of Girls; that the council should decide at a subsequent session when the committee should meet.

DRAFT MANDATE FOR PALESTINE; MINORITIES IN ESTHONIA, LATVIA, AND LITHUANIA.

The council decided on January 14 to postpone until its next session the appointment of the president of the committee on religious questions contemplated in article 14 of the draft mandate for Palestine. It also made similar postponement of the question of protection of minorities in Esthonia, Latvia, and Lithuania.

PUBLICITY OF COUNCIL'S PROCEEDINGS.

Considering on January 14 the question of publicity of the council's proceedings, Mr. Wilson Harris and Mr. Filliol, president and vice president of the International Association of Journalists, accredited to the League of Nations, were invited to take seats at the council table.

Mr. Harris submitted a memorandum expressing the views of the association.

The memorandum stated that it should be regarded as axiomatic that the League of Nations depended on public opinion not merely for success but for its existence; that it was essential therefore that information as to every phase of league activity should not only be available to those seeking it but should be widely circulated throughout the world; that it was necessary that the league should cultivate both passive and active publicity, the first meaning the mere elimination of secrecy, the second the taking of affirmative measures to secure world-wide dissemination of important information concerning the league; that both forms of publicity were properly combined when the league proceedings were of such character and so conducted as to attract to its meetings journalists of all nations, and when such journalists were provided with all practicable facilities in connection with their vocation; that the International Association of Journalists recognized that the league had already gone far along these lines; and that it was this fact rather than any idea of complaint or criticism that had led the association to make certain suggestions for further progress in these respects.

The memorandum stated that it was of the highest importance that the council should sit habitually in public, and only as an exception in private; that only such a rule could bring about regular attendance at council meetings of journalists from centers like London, Paris, and Rome; that the council's recent public meeting on Albania showed how valuable such a meeting could be made; that the public was interested in active controversy, not a colorless rehearsal of differences of opinion but the actual expressions and variances characterizing them as they occurred; that the sessions should develop spontaneously before the public eye if the public interest was to be permanently engaged, even at the risk of precipitating the unexpected; that it was the unanticipated and unexpected that aroused popular interest; that when for special reasons a private meeting should be necessary, a communique should be issued promptly, containing a full and lucid account of the proceedings; that the communiques issued by the committees of the recent Washington conference were good examples to follow, as well as most of the reports of the private meetings of subcommittees contained in the assembly journal at the last assembly.

The memorandum suggested that a member of the information section of the league should be on hand at public meetings of the council to advise journalists as to the significance of the proceedings; that few journalists were sufficiently versed in the details of the league's activities to follow unassisted the council's deliberations at any particular time; that a stenographic report of the deliberations, issued sheet by sheet, if practicable, should be available to journalists as soon as possible after a public sitting; that this was the usual case with public meetings in the United States, as well as the French Parliament and high court of justice.

The memorandum stated that the policy of the league as to debates in the assembly was ideal, both from the standpoint of active and passive publicity; that the distribution to journalists of stenographic reports of debates and the speed of distribution were most admirable.

The memorandum stated that inasmuch as so many assembly committees met at the same time it might be well to provide stenographic reports of their proceedings also, as well as a member of the information section for public committee meetings to enable journalists to keep up with them all.

The memorandum requested that a press table be furnished at public meetings of the council and of committees; that during assembly sessions all communiques and other press notices be posted in duplicate at the secretariat and the Hotel Victoria; that journalists had to be sometimes at one of these places and sometimes at the other.

The memorandum praised the decision to establish branch offices of the information section of the league at Paris, London, and Rome; that the representative of this section at Paris had done notable work of great value to the league in connection with the meeting at that place of the commission on Austrian relief credits.

When this memorandum had been presented, the president of the council stated that most of its recommendations had already been adopted; that most of the council's meetings at the present session had been public, the private meetings dealing principally with questions of the council's internal administration; that it was impossible without an increase of staff to issue to the press regular stenographic reports of the meetings of the council and of the committees of the assembly. He suggested that the Association of Journalists consider improved methods for transmission of news to the press by the information section of the secretariat and report results at the next session of the council.

The secretary general announced that press tables would be provided in the council room.

STATISTICAL INQUIRY ON DISARMAMENT.

The secretary general presented a statement on January 14 to the effect that the statistical inquiry on disarmament which the assembly on October 1, 1921, had decided to institute was in process of organization, that considerable work had been done, but it was not yet possible to indicate results. The president was authorized to approve appointments of additional members of the temporary mixed commission on armament by said commission.

INTERNATIONAL CREDITS ORGANIZATION.

The council resolved on January 14 in reference to its resolution of December 14, 1920, regarding the international credits scheme to ask the financial committee to present at the council's next session a report on the work to date of the international credits organization, and on the proposed future activities of the committee.

NEXT SESSION.

It was decided on January 14 that the council's next session should be called for April 25, 1922. Mr. da Cunha, who under the rule would preside at the next session, stated he would not be in Europe at the time. It was agreed that in such event he should notify the secretary general, that Mr. de Leon would then be invited to act as president, and that Mr. da Cunha would be asked to officiate at a subsequent session.

SAAR GOVERNING COMMISSION.

During the sixteenth session of the council Mr. Lambert (Belgian), Count de Moltke-Huitfeldt (Dane), Mr. Rault (French), and Mr. Waugh (Canadian), were reappointed members of the Saar Basin Governing Commission for one year from February 13, 1922, Mr. Rault being reappointed chairman for that time.

COMMITTEE ON PROCEDURE OF CONCILIATION.

During its sixteenth session the council, pursuant to the assembly resolution of October 4, 1921, appointed a committee to investigate procedure of conciliation, as outlined by amendments proposed by the Norwegian and Swedish Governments, composed as follows: Messrs. Adatci (president), Alvarez, Hold von Ferneck, Löfgren, and de Visscher.

COMMITTEE ON ALLOCATION OF LEAGUE EXPENSES.

The council requested the committee on allocation of expenses to continue its work.

ADJOURNMENT.

At the conclusion of its labors on Saturday, January 14, 1922, the sixteenth session of the council ended.

PERMANENT COURT OF INTERNATIONAL JUSTICE.

The official journal of the league shows that on January 12, 1922, Cuba, having ratified the statute of the Permanent Court of International Justice, deposited its deed of ratification with the permanent secretariat of the league, and that on January 21, 1922, Latvia signed the statute of court.

SAAR BASIN.

The league's official journal for March, 1922, contained a special report from the governing commission of the Saar Basin on the economic situation in the Saar territory under date of December 21, 1921, as well as the tenth periodical report of the governing commission under date of January 3, 1922, and covering November and December, 1921. The latter pointed out, among other things, that the administrative work to which the commission had devoted its energies for the last two years was almost completed—that the commission had succeeded in assuring the autonomy of the Saar Basin as prescribed by the treaty of peace.

PROTECTION OF MINORITIES.

The official journal shows that on November 8, 1921, Hungary adhered to the council's resolution of June 27, 1921, regarding the protection of minorities, and that on January 18, 1922, Bulgaria announced its adhesion. It shows also that on January 10, 1922, Latvia submitted a memorandum to the secretary general on the rights and position of minorities within its boundaries. It shows also that on January 23, 1922, the secretary general filed a note on the subject of the protection of German minorities in Poland.

AUTONOMOUS RUTHENIAN TERRITORY SOUTH OF CARPATHIANS.

The official journal contains a report filed for the council on February 8, 1922, by Mr. Hymans, Marquis Imperiali, and Viscount Ishii relating to the autonomous Ruthenian territory south of the Carpathians. The report stated that on September 10, 1921, the political party of Ruthenes in Hungary addressed a petition to the League of Nations complaining that the Czecho-Slovak Government had not yet granted autonomy to the Ruthenian territory south of the Carpathians—as it was obligated to do under articles 10 to 13 of the treaty of St. Germain of September 10, 1919—that the articles of that treaty dealing with the rights of minorities had not been observed so far as Ruthenian territory was concerned.

The report stated further that the Czecho-Slovak Government in its reply of November 18, 1921, pointed out that the treaty obligations as to Ruthenian autonomy had been legally carried out, because they had been incorporated in the constitutional charter of the Czecho-Slovak Republic—that they could be put into operation only by degrees, since the territory lacked the elements essential to self-government, possessing no educated population and no body of competent native officials. The Czecho-Slovak Government then summarized its efforts to educate the people and fit them for self-government. The report then expressed its confidence in the Czecho-Slovak Government and its conviction that this Government would in the near future establish the Ruthenian territory south of the Carpathians as an autonomous country, the Czecho-Slovak State, in accordance with the treaty of September 10, 1919, keeping the league informed of measures taken to this end. The report requested the secretary general to bring its contents to the notice of the Czecho-Slovak Government and the other members of the League of Nations.

RUSSIAN AND UKRAINIAN RELIEF WORK BY CZECHOSLOVAKIA.

The league's official journal contains a memorandum filed with the secretary geheral by the foreign minister of the Czecho-Slovak Republic on January 28, 1922, detailing the relief work carried out by Czechoslovakia on behalf of Russian and Ukrainian emigrants and the famine-stricken population in Russia—a work involving large expenditure of funds and extensive relief measures.

TRAFFIC IN WOMEN AND CHILDREN.

The official journal contains a reply by the German Empire on February 8, 1922, to the league's questionnaire as to measures against the traffic in women and children, and by New South Wales on the same date.

TRAFFIC IN OPIUM.

The journal also contains the program of the second session of the advisory committee on the traffic in opium, which was to be held on April 19, 1922.

INTERNATIONAL LANGUAGE; ESPERANTO.

On January 23, 1923, the secretary general sent a circular letter to league members stating that the second assembly had decided on September 15, 1921, to put the question of teaching Esperanto in schools on the agenda of the third assembly and to request the secretariat in the meantime to prepare a report on experiments already made and results obtained in this direction; that a questionnaire was accordingly inclosed to which a reply was desired; and that also inclosed were copies of the report of the second committee of the first assembly on the question of an international language and of the undersecretary general's report of his official mission to the Thirteenth Universal Esperanto Congress at Prague, August, 1921.

The report of the second committee of the first assembly expressed the committee's belief that on account of the obstacle to direct relations between peoples due to linguistic differences an international language should be taught in all the schools, a simple and easy language, which children could learn in addition to the mother tongue, and which would provide future generations with a general means of international communication. The committee had learned that the World Congress of International Associations at Brussels in September, 1920, had agreed on Esperanto as the most practicable international tongue, and had recommended that a united effort be made in its behalf. It had also been learned from Persian and Chinese representatives in the League of Nations that a widespread popular movement to this end had begun in Asia, while certain States, members of the league, notably Brazil and Czechoslovakia, had already established the teaching of Esperanto in the government schools, as had various municipalities in England and Italy. The committee had also been advised that this auxiliary international language had been successfully used in several important international congresses, speakers from all countries being able to understand each other easily.

The report of the undersecretary general on his attendance at the Esperanto congress at Prague pointed out, among other things, that while an international language was regarded by many as the impracticable hobby of cranks, it had such far-reaching cultural importance as to offer one of the constructive means of realizing the ideals of the league covenant. The report continued to the effect that while the world was shrinking and peoples were coming physically nearer, national languages were growing in number, that the towers of Babel were increasing, making intercommunication and intercommunion more difficult than ever; that in Europe alone 49 languages were in everyday use; that among league members 28 distinct linguistic systems were in use, not including several important dialects; that smaller countries, although anxious to develop national tongues, felt more keenly than the larger nations the need of an auxiliary language; that Czechoslovakia had made Esperanto an optional study in the schools; that the Finnish Parliament had voted a substantial sum to aid the Esperanto movement; that the Swiss were deeply interested in Esperanto; that Bulgaria and the free State of Hesse were encouraging instruction in Esperanto in State schools.

Referring to the need of a common language in commerce, the report set out that this was universally admitted, and that the larger foreign trade became the greater became this need; that a number of chambers of commerce had recommended the use and teaching of an artificial language. The Chamber of Commerce of Paris had, in February, 1921, after carefully comparing Esperanto with French, decided to establish optional instruction in Esperanto in all its commercial schools and to recommend to chambers of commerce in all countries that they facilitate commercial transactions by rapid cultivation of an international auxiliary language. The London Chamber of Commerce had passed a similar resolution within two years past that made Esperanto an optional study in the schools under its management, for which diplomas might be given. At the international meeting of chambers of commerce in London in June, 1921, two committees, one on transit, the other on standardization, had taken up the study of an international language. On account of its commercial utility Esperanto had been introduced into schools in Breslau, Chemnitz, Geneva, Milan, and other cities, while a number of international fairs had been said to have advertised in Esperanto—fairs at Paris, Lyons, Ghent, Frankfort, Breslau, Leipzig, Padua, Helsingfors.

Referring to the need for a common language in science, the report stated this was evident because science was essentially international in character; that science should be provided with an accurate, fertile, and exact means of intercommunication, such as Latin once furnished; that this need had been keenly felt since the beginning of the seventeenth century, when Latin had begun to decline as a scientific language. In 1900 the international congress of learned societies at the Paris Exposition appointed a committee for the choice of an international auxiliary language, largely in the interest of scientific intercommunication. An appeal had recently been signed by 21 members of the French Academy of Science urging adoption of Esperanto in scientific literature and its teaching in schools. The need of a common language is becoming greater as the interchange of ideas and information becomes more extensive in the realm of science. The International Research Council in Brussels in July, 1919, had designated a committee to study an international auxiliary language. Similar committees have since been appointed by the British Association for the Advancement of Science, Classical Association of Great Britain, American Association for the Advancement of Science, American Council on Education, American Classical League, American Philological Association, American Council of Learned Societies.

The report stated that laboring people were taking a pronounced interest in Esperanto, that before the war German and English trade-unionists exchanged visits in Esperanto, that 200 manual workers had attended the Esperanto Congress at Prague as delegates, that the laboring element was to a notable degree beginning to make Esperanto a language for the exchange of their views, that it was thus becoming an instrument

of international democracy, that it would bring the masses in all countries nearer together, that the International Labor Bureau was contemplating the publication of some of its documents in Esperanto.

PERMANENT COURT OF INTERNATIONAL JUSTICE—RATIFICATION BY SIAM.

The League's Official Journal shows that on February 24, 1922, Siam, having ratified the statute for the Permanent Court of International Justice, deposited its deed of ratification with the league secretariat.

PERMANENT COURT OF INTERNATIONAL JUSTICE—MESSAGE FROM FEDERAL COUNCIL OF CHURCHES OF CHRIST IN AMERICA.

The League's Official Journal for April, 1922, contains a message from the Federal Council of the Churches of Christ in America, which was delivered to the Permanent Court of International Justice by Dr. John Bassett Moore, judge of the international court. The message was dated January 6, 1922, and was to the effect that on the occasion of the departure from the United States of Dr. John Bassett Moore to take up his new duties as a judge in the Permanent Court of International Justice the commission on international justice and good will of the Federal Council of the Churches of Christ in America wished to express the gratification felt by millions in the United States in the creation of this new instrument of justice, good will, and peace among the nations; that the commission regarded the new court with the highest hopes, seeing in it the promise of a larger and truer righteousness among men than had before been possible, through the development of a well-considered body of international lawyers and the substitution of reason and law for the savage methods of war in maintaining vital national interests; that the commission desired to express its appreciation of the sentiments of friendship and good will manifested toward our country in the choice of our honored fellow citizen to serve as one of the judges of this court.

The message added that the prayers of millions of Americans would follow him across the sea and would rise continually to heaven for the blessing and guidance of God Almighty, Father of men and Ruler of nations, to the end that this international court might find and follow the eternal principles of justice and righteousness and thus become one of the instruments of His holy will for the establishment of His kingdom on earth and for the advancement of the highest welfare of all mankind; that the commission took pleasure in conveying to the court these greetings by the hand of "our beloved fellow citizen, Dr. John Bassett Moore."

FORMAL OPENING OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE.

The League's Official Journal for April, 1922, notes that the formal opening of the Permanent Court of International Justice took place on February 15, 1922, in the great hall of justice in the peace palace at The Hague during the first preliminary session of the court; that of the 15 judges and deputy judges elected in September, 1921, by the assembly and council of the League of Nations 12 took part in this session, to wit, 9 judges: Altamira (Spain), Anzilotti (Italy), Finlay (Great Britain), Huber (Switzerland), Loder (Netherlands), Moore (United States), Nyholm (Denmark), Oda (Japan), Weiss (France); 8 deputy judges, to wit: Beichmann (Norway), Negulesco (Rumania), Yovanovitch (Serb-Crovat-Slovene State). Two judges, Barboza (Brazil) and de Bustamente (Cuba), were absent on account of illness, and the deputy judge, Wang-Chung-Hui (China), who had been a Chinese delegate to the Washington conference, was prevented from attending.

Doctor Loder was elected president of the court; Mr. Weiss, vice president; Mr. Hammarskjöld, registrar.

The court was then addressed by the following speakers: Mr. da Cunha, Brazilian ambassador to France and member of the Council of the League of Nations; Sir Eric Drummond, secretary general of the League of Nations; Mr. van Karnebeek, foreign minister for the Netherlands; Mr. Patijn, burgomaster of The Hague, and Doctor Loder, president of the court.

Mr. da Cunha said in his address that he had been deeply honored by the invitation to welcome the court in the name of the Council of the League—that for the first time in history men had finally succeeded after many efforts in establishing a Permanent Court of International Justice—that it was difficult to estimate the full significance of such an event—that February 15, 1922, would be one of the great days in the annals of human justice. He said that it gave him great satisfaction to represent the council of the league in the country which had been the home of religious and political freedom, the chosen dwelling place of international justice—that it was needless to dwell upon the ardor and enthusiasm with which all the members of the league had worked together during the past two years for the establishment of the great monument of justice now being inaugurated.

The speaker then asserted that on the American continent, which had suffered from war less than Europe, the idea of international justice was perhaps stronger and more vital than in the rest of the world—that the people of the New World were instinctively attracted toward this ideal now being realized and hoped through it to be protected from terrible catastrophes such as have been suffered in past history.

He then pointed out that at the first assembly of the League of Nations the representatives of Latin America had supported the proposal of the jurists for compulsory jurisdiction for the court, and that the honor of suggesting a compromise acceptable to all belonged to the Brazilian delegation—a compromise to the effect that while the jurisdiction of the court should not be compulsory, an optional clause should be included in the protocol on ratifications permitting States reciprocally to accept the compulsory jurisdiction of the court in any particular class of disputes. He said that 18 States had already signed the compulsory clause—that he hoped others would soon follow, including the great powers—but that the desire to see this last stage achieved and compulsory jurisdiction accepted by all the world should not prevent appreciation of the work already accomplished in the present status of the court. While telegrams of acclamation were being received from almost all countries, the speaker wanted the voice of the New World distinctly heard.

He said that those who long ago had conceived the idea of the court and struggled for it through long years with unconquerable energy should not be forgotten on this occasion; that this sentiment was borne in upon the speaker when the previous day he was leaving Paris and bidding adieu to his eminent friend Mr. Leon Bourgeois, who had been unable to come; that Mr. Bourgeois would have felt intense satisfaction in being present and in recalling The Hague peace conferences of 1899 and 1907 and the difficult struggles through which he had passed in his efforts to bring the court to realization.

The speaker added that mention should be made of his colleagues on the council, who had aided in the great task of establishing the court; that to grasp the importance of their work it should be recalled that all previous attempts had been fruitless, that the conferences assembled at The Hague, although they resulted in setting up a permanent court of arbitration, had failed to establish a supreme tribunal for the trial of international justice—that is, a Permanent Court of International Justice—that the efforts to establish such a court had failed because a powerful international machinery was required to smooth out difficulties, to diminish rivalries, and to assemble the energies of governments and peoples for the achievements of a common purpose; that such machinery had been supplied by the League of Nations; that it was due to the league that the court was now a reality.

Since the court was the fruit of the work of the committee of jurists which met under the auspices of the league at The Hague in 1920, of the council of the league and of the first two assemblies, it was not out of place, the speaker said, to say something in praise of the league. It had already accomplished much in the wide field of international collaboration; in the political field, where it had brought about the settlement of serious disputes; in the economic field, where the conference at Brussels formed an unsurpassed example; in the humanitarian field, where it had aided in repatriating 400,000 prisoners of war and where it was still opposing many evils threatening Europe and other sections of the globe. He said that there had never been a greater tribute to the league or an event of more universal interest than the meeting he now addressed; that nearly all the States of the world were represented, and all would soon be, in the composition of the court. He said that the universality and humanity of the league were matters of pride, and that the council and the assembly intended in no way to maintain authority over the court but expected it to deliver judgment on behalf of all mankind.

Sir Eric Drummond began his address by stating that the Permanent Court of International Justice owed its establishment to article 14 of the covenant of the league, under which the council of the league was authorized to formulate and submit to the members of the league plans for a permanent court; that at one of its earliest meetings the council invited some of the most eminent jurists in the world to come together to prepare a constitution for such a court.

He said that one of these jurists had been elected president of the court, and that it would not be right to pass over without notice the well-known fact that the scheme adopted by this committee of jurists was largely conceived by that great international lawyer, Mr. Elihu Root, a member of the committee. He said that the scheme was placed before the council, where it was carefully considered, and that Mr. Leon Bourgeois,

who had always championed the idea of such a court, became the member of the council chiefly identified with the work of developing and establishing the court. After consideration by the council the scheme, modified in detail but in its broad outline unchanged, had been submitted to the first assembly with the result that a convention was drawn up and ratified by a sufficient number of States, members of the league, to permit the election of judges by the second assembly. He said that thus in less than two years from the creation of the League of Nations a Permanent Court of International Justice was inaugurated and an end achieved for which the world had striven through many years. He said that at The Hague peace conference of 1907 the effort to set up such a court had broken down on the question of the manner of electing the judges; that the subsequent formation of the League of Nations, with its two constituent bodies, assembly and council, had solved this difficulty.

The speaker pointed out that the establishment of the court completed the organization of the league as laid down in the covenant; that it was the greatest and, in his judgment, the most important creative act of the league; that at last a judicial international body had been established which was entirely free from all political control and unfettered as to its decisions by political bodies; that, although it derived its authority from the league, its judgments were in no way subject to advice or revision by council or assembly.

He said that the opening of the court was a landmark in human advancement; that it would prove the greatest landmark; that the ideal of all was that not only individual nations but the whole world should be ruled by law; that the path of world progress was at present enshrouded in fog, but here and there glimpses of light were breaking through and illuminating the way; that this court was such a ray, a ray which should shine the more brilliantly when the gloom was finally dispersed, because it emanated from the sun of justice.

Mr. Van Karnebeek welcomed the court in the name of the Dutch nation, expressing pride and gratitude for the honor conferred on the Netherlands by the nations of the league in establishing the court on Dutch soil. He recalled the two great conferences at The Hague which had laid the foundation of the court of arbitration, as well as memories of Grotius and Bynkershoek, saying that they had awakened to new life with the advent of the Permanent Court of International Justice. He said that the court was a living and concrete manifestation of the international conscience, the most remarkable step upward humanity had taken in the realm of law; that for this progress the world was indebted to the League of Nations, which, with the help of that eminent citizen of the great American Republic who took part in the work of the committee of jurists, had overcome the difficulties that had thwarted the second peace conference at The Hague. He said that in the midst of economic and political dislocation which still prevailed there was raised through the court the standard of moral solidarity among the nations; that it was an act of faith, an act of confidence in the competence and impartiality of the judges elected by the League of Nations.

Dr. J. A. N. Patijn, burgomaster of The Hague, welcomed the court for the municipality of The Hague. He said that beneath the tranquil Dutch exterior was a profound and general satisfaction over the location of the court at The Hague and an immense sympathy with the great international ideal it typified.

He stated that the events of the past 25 years had not been calculated to inspire The Hague public with idealism; that they had seen two peace conferences assemble, each followed by tremendous and terrific wars; that the palace in which the court now gathered, baptized probably with undue haste as the palace of peace, had witnessed during the greater part of its existence wars and revolutions of terrible description. He said, however, that only superficial critics would be discouraged by such happenings; that the greater the achievement the greater the difficulty attending its inception; that there should be no despair; that from the general upheaval in economic, political, financial, and social relations throughout the world a new order would rise happier and more harmonious than the old; that it was to be hoped that in this new order an international system of justice would afford to countries the same benefits afforded in the past to the inhabitants of an individual nation by national systems of justice.

Doctor Loder, president of the court, said that it was by no accidental combination of circumstances that the founders of the court, in the various stages preceding its establishment, had always regarded the Netherlands as in truth its native land; that a gardener about to plant a precious flower selects a soil with the qualities most favorable to its development; that the Permanent Court of International Justice was like this precious plant, its gardener being the whole world, which expected from it a new era of happiness, right, and justice; that if the roots of this plant were to strike deep, if it was to become a tree with a solid trunk, with strong, widespreading branches and thick foliage beneath which the peoples might find rest, it required a fertile soil tilled by long centuries of order and freedom—freedom of mind and of conscience, freedom of action for all, and order respecting the rights of others to the end that this liberty might be no empty form of words but a living reality: that the corner of the earth called Holland was most especially a soil of this kind. He said it was by no chance conjunction of circumstances that Holland had so often been selected as a meeting place for nations gathered in the quest for peace; that for the preparation of this fertile soil long centuries had been required—centuries of struggle, perseverance, of unswerving faith in a future when freedom would triumph.

He said that the court was one of the principal organs of the league, but fulfilled its duties in complete independence. He said that it occupied within the League of Nations a place similar to that of the courts in many States, which were integral parts of the State dependent on the national legislature for its constitution, organization, and maintenance, but recognizing no master in the fulfillment of its duties, possessing in this respect absolute liberty and bound only by the law which it had been fashioned to apply. He asserted that the field of the court's activity was still wider—that it was not only accessible to members of the League of Nations, but, in accordance with its statute, to States which, although not as yet members of the league, recognized the authority of that body in relation to the settlement of their disputes. He regretted the absence of Mr. Leon Bourgeois, who, he asserted, was in spirit the very creator of the court, saying that it was in great measure due to him that the court had been created; that to his perseverance, to the untiring efforts of his creative and constructive energy the court owed its existence; that the victory of the day was his victory; and that to him was due the homage of more than 40 nations.

He said that the court was proud to be established in a country renowned throughout the centuries for its devotion to international law; that at The Hague in the thirteenth century the knights had assembled in the splendid hall still known as the "Hall of the Knights" to consider questions of importance; that at The Hague in 1609 the 12-year truce was negotiated; that there in 1668 the Triple Alliance was concluded; that there in 1717 peace was signed between Spain and Austria; that since that year numerous international congresses and conferences had assembled at The Hague; that at The Hague had lived and died the world-famous man, Cornelius Bynkershoek, renowned for his learning, his uprightness, his determination that a word once given should not be broken, his vigorous defense of international treaties; that his tomb at The Hague had been almost forgotten, but that his spirit of loyalty to truth and justice would ever live and ever inspire the Permanent Court of International Justice.

The speaker stated that the opening of the court was an event full of promise in the history of civilization; that it marked the dawn of a new era in the relations between peoples, an era thoughtfully prepared for, ardently desired, and realized at last by the determined and persevering collaboration of more than 40 nations. He said that since the beginning of historic times force had been mastering right and justice; that the fearful experiences of the recent war, the bloodiest ever known, had given rise in all countries, belligerent as well as neutral, to a determination that such a state of affairs should not continue. He said that the fallacy that right is, after all, nothing but force organized and controlled would henceforth be rejected; that in its place would reign the divine principle that all existence in this world must be based on order and on harmony, an emanation of the Deity Himself, imposed by Him on mankind, on the idea that good really exists and that justice is a living reality. He asserted that justice embodied in human institutions and in relations between man and man, between people and people, is true law.

Guided by these sentiments and principles, he continued, the authors of the treaties of peace created the League of Nations, and its first and principal organ, the Permanent Court of International Justice. The statute of this court had been prepared by jurists nominated by the council of the League of Nations. It was considered by the council, examined by the assembly, and adopted in the form of a treaty duly ratified by the Governments with the approval of the national parliaments. It could not have had, therefore, a more lasting basis.

He pointed out that the jurisdiction of the court was different from that of a court of arbitration; that the judges of

the former were not to be nominated by the parties. On the contrary, they formed a permanent court. The procedure of the former was not to be framed; it was laid down in the statute and in the rules of procedure. He said that the arbitration court and the Permanent Court of International Justice would exist side by side, each fulfilling its special duty, each possessing its own sphere of action, both living peacefully together in the same building.

STATUTE FOR THE PERMANENT COURT OF INTERNATIONAL JUSTICE.

It will be instructive to give at this point the text of the statute for the Permanent Court of International Justice. It is as follows:

Statute for the Permanent Court of International Justice provided for by article 14 of the covenant of the League of Nations.

ARTICLE 1.

"A Permanent Court of International Justice is hereby established, in accordance with article 14 of the covenant of the League of Nations. This court shall be, in addition to the court of arbitration, organized by the conventions of The Hague of 1899 and 1907, and to the special tribunals of arbitration to which States are always at liberty to submit their disputes for settlement.

CHAPTER I—ORGANIZATION OF THE COURT.

ARTICLE 2.

"The Permanent Court of International Justice shall be composed of a body of independent judges, elected regardless of their nationality from amongst persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law.

ARTICLE 3.

"The court shall consist of 15 members—11 judges and 4 deputy judges. The number of judges and deputy judges may hereafter be increased by the assembly, upon the proposal of the council of the League of Nations, to a total of 15 judges and 6 deputy judges.

ARTICLE 4.

"The members of the court shall be elected by the assembly and by the council from a list of persons nominated by the national groups in the court of arbitration, in accordance with the following provisions:

"In the case of members of the League of Nations not represented in the permanent court of arbitration, the lists of candidates shall be drawn up by national groups appointed for this purpose by their Governments under the same conditions as those prescribed for members of the permanent court of arbitration by article 44 of the convention of The Hague of 1907 for the pacific settlement of international disputes.

ARTICLE 5.

"At least three months before the date of the election, the secretary general of the League of Nations shall address a written request to the members of the covenant or to the States which join the league subsequently, and to the persons appointed under paragraph 2 of article 4, inviting them to undertake, within a given time, by national groups, the nomination of persons in a position to accept the duties of a member of the court.

"No group may nominate more than four persons, not more than two of whom shall be of their own nationality. In no case must the number of candidates nominated be more than double the number of seats to be filled.

ARTICLE 6.

"Before making these nominations, each national group is recommended to consult its highest court of justice, its legal faculties and schools of law, and its national academies and national sections of international academies devoted to the study of law.

ARTICLE 7.

"The secretary general of the League of Nations shall prepare a list in alphabetical order of all the persons thus nominated. Save as provided in article 12, paragraph 2, these shall be the only persons eligible for appointment.

"The secretary general shall submit this list to the assembly and to the council.

ARTICLE 8.

"The assembly and the council shall proceed independently of one another to elect, first, the judges, then the deputy judges.

ARTICLE 9.

"At every election the electors shall bear in mind that not only should all the persons appointed as members of the court possess the qualifications required but the whole body also should represent the main forms of civilization and the principal legal systems of the world.

ARTICLE 10.

"Those candidates who obtain an absolute majority of votes in the assembly and in the council shall be considered as elected.

"In the event of more than one national of the same member of the league being elected by the votes of both the assembly and the council, the eldest of these only shall be considered as elected.

ARTICLE 11.

"If after the first meeting held for the purpose of the election one or more seats remain to be filled, a second and, if necessary, a third meeting shall take place.

ARTICLE 12.

"If after the third meeting one or more seats still remain unfilled, a joint conference consisting of six members, three appointed by the assembly and three by the council, may be formed at any time at the request of either the assembly or the council, for the purpose of choosing one name for each seat still vacant to submit to the assembly and the council for their respective acceptance.

"If the conference is unanimously agreed upon any person who fulfills the required conditions, he may be included in its list, even though he was not included in the list of nominations referred to in articles 4 and 5.

"If the joint conference is satisfied that it will not be successful in procuring an election, those members of the court who have already been appointed shall, within a period to be fixed by the council, proceed to fill the vacant seats by election from amongst those candidates who have obtained votes either in the assembly or in the council.

"In the event of an equality of votes amongst the judges, the eldest judge shall have a casting vote.

ARTICLE 13.

"The members of the court shall be elected for nine years.

"They may be reelected.

"They shall continue to discharge their duties until their places have been filled. Though replaced, they shall finish any cases which they may have begun.

ARTICLE 14.

"Vacancies which may occur shall be filled by the same method as that laid down for the first election. A member of the court elected to replace a member whose period of appointment had not expired will hold the appointment for the remainder of his predecessor's term.

ARTICLE 15.

"Deputy judges shall be called upon to sit in the order laid down in a list.

"This list shall be prepared by the court and shall have regard, first, to priority of election, and, secondly, to age.

ARTICLE 16.

"The ordinary members of the court may not exercise any political or administrative function. This provision does not apply to the deputy judges except when performing their duties on the court.

"Any doubt on this point is settled by the decision of the court.

ARTICLE 17.

"No member of the court can act as agent, counsel, or advocate in any case of an international nature. This provision only applies to the deputy judges as regards cases in which they are called upon to exercise their functions on the court.

"No member may participate in the decision of any case in which he has previously taken an active part as agent, counsel, or advocate for one of the contesting parties, or as a member of a national or international court, or of a commission of inquiry, or in any other capacity.

"Any doubt on this point is settled by the decision of the court.

ARTICLE 18.

"A member of the court can not be dismissed unless, in the unanimous opinion of the other members, he has ceased to fulfill the required conditions.

"Formal notification thereof shall be made to the secretary general of the League of Nations by the registrar.

"This notification makes the place vacant.

ARTICLE 19.

"The members of the court, when engaged on the business of the court, shall enjoy diplomatic privileges and immunities.

ARTICLE 20.

"Every member of the court shall, before taking up his duties, make a solemn declaration in open court that he will exercise his powers impartially and conscientiously.

ARTICLE 21.

"The court shall elect its president and vice president for three years; they may be reelected.

"It shall appoint its registrar.

"The duties of registrar of the court shall not be deemed incompatible with those of secretary general of the permanent court of arbitration.

ARTICLE 22.

"The seat of the court shall be established at The Hague.

"The president and registrar shall reside at the seat of the court.

ARTICLE 23.

"A session of the court shall be held every year.

"Unless otherwise provided by rules of court, this session shall begin on June 15, and shall continue for so long as may be deemed necessary to finish the cases on the list.

"The president may summon an extraordinary session of the court whenever necessary.

ARTICLE 24.

"If for some special reason a member of the court considers that he should not take part in the decision of a particular case he shall so inform the president.

"If the president considers that for some special reason one of the members of the court should not sit on a particular case he shall give him notice accordingly.

"If in any such case the member of the court and the president disagree the matter shall be settled by the decision of the court.

ARTICLE 25.

"The full court sit except when it is expressly provided otherwise.

"If 11 judges can not be present, the number shall be made up by calling on deputy judges to sit.

"If, however, 11 judges are not available a quorum of 9 judges shall suffice to constitute the court.

ARTICLE 26.

"Labor cases, particularly cases referred to in Part XIII (labor) of the treaty of Versailles and the corresponding portions of the other treaties of peace, shall be heard and determined by the court under the following conditions:

"The court will appoint every three years a special chamber of five judges, selected so far as possible with due regard to the provisions of article 9. In addition, two judges shall be selected for the purpose of replacing a judge who finds it impossible to sit. If the parties so demand, cases will be heard and determined by this chamber. In the absence of any such demand, the court will sit with the number of judges provided for in article 25. On all occasions the judges will be assisted by four technical assessors sitting with them, but without the right to vote, and chosen with a view to insuring a just representation of the competing interests.

"If there is a national of one only of the parties sitting as a judge in the chamber referred to in the preceding paragraph, the president will invite one of the other judges to retire in favor of a judge chosen by the other party in accordance with article 31.

"The technical assessors shall be chosen for each particular case, in accordance with rules of procedure under article 30, from a list of 'assessors for labor cases' composed of two persons nominated by each member of the League of Nations, and an equivalent number nominated by the governing body of the labor office. The governing body will nominate, as to one-half, representatives of the workers, and, as to one-half, representatives of employers, from the list referred to in article 412 of the treaty of Versailles and the corresponding articles of the other treaties of peace.

"In labor cases the international labor office shall be at liberty to furnish the court with all relevant information, and for this purpose the director of that office shall receive copies of all the written proceedings.

ARTICLE 27.

"Cases relating to transit and communications, particularly cases referred to in part 12 (ports, waterways, and railways) of the treaty of Versailles and the corresponding portions of the other treaties of peace shall be heard and determined by the court under the following conditions:

"The court will appoint every three years a special chamber of five judges, selected so far as possible with due regard to the provisions of article 9. In addition two judges shall be selected for the purpose of replacing a judge who finds it impossible to sit. If the parties so demand, cases will be heard and determined by this chamber. In the absence of any such demand the court will sit with the number of judges provided for in article 25. When desired by the parties or decided by the court, the judges will be assisted by four technical assessors sitting with them, but without the right to vote.

"If there is a national of one only of the parties sitting as a judge in the chamber referred to in the preceding paragraph, the president will invite one of the other judges to retire in favor of a judge chosen by the other party in accordance with article 31.

"The technical assessors shall be chosen for each particular case in accordance with rules of procedure under article 30 from a list of 'Assessors for transit and communications cases,' composed of two persons nominated by each member of the League of Nations.

ARTICLE 28.

"The special chambers provided for in articles 26 and 27 may, with the consent of the parties to the dispute, sit elsewhere than at The Hague.

ARTICLE 29.

"With a view to the speedy dispatch of business, the court shall form annually a chamber composed of three judges, who, at the request of the contesting parties, may hear and determine cases by summary procedure.

ARTICLE 30.

"The court shall frame rules for regulating its procedure. In particular, it shall lay down rules for summary procedure.

ARTICLE 31.

"Judges of the nationality of each contesting party shall retain their right to sit in the case before the court.

"If the court includes upon the bench a judge of the nationality of one of the parties only, the other party may select from among the deputy judges a judge of its nationality, if there be one. If there should not be one, the party may choose a judge, preferably from among those persons who have been nominated as candidates as provided in articles 4 and 5.

"If the court includes upon the bench no judges of the nationality of the contesting parties, each of these may proceed to select or choose a judge as provided in the preceding paragraph.

"Should there be several parties in the same interest, they shall, for the purpose of the preceding provisions, be reckoned as one party only. Any doubt upon this point is settled by the decision of the court.

"Judges selected or chosen as laid down in paragraphs 2 and 3 of this article shall fulfill the conditions required by articles 2, 16, 17, 20, 24 of this statute. They shall take part in the decision on an equal footing with their colleagues.

ARTICLE 32.

"The judges shall receive an annual indemnity to be determined by the assembly of the League of Nations upon the proposal of the council. This indemnity must not be decreased during the period of a judge's appointment.

"The president shall receive a special grant for his period of office, to be fixed in the same way.

"The vice president, judges, and deputy judges shall receive a grant for the actual performance of their duties, to be fixed in the same way.

"Traveling expenses incurred in the performance of their duties shall be refunded to judges and deputy judges who do not reside at the seat of the court.

"Grants due to judges selected or chosen as provided in article 31 shall be determined in the same way.

"The salary of the registrar shall be decided by the council upon the proposal of the court.

"The assembly of the League of Nations shall lay down, on the proposal of the council, a special regulation fixing the conditions under which retiring pensions may be given to the personnel of the court.

ARTICLE 33.

"The expenses of the court shall be borne by the League of Nations in such a manner as shall be decided by the assembly upon the proposal of the council.

CHAPTER II.—COMPETENCE OF THE COURT.

ARTICLE 34.

"Only States or Members of the League of Nations can be parties in cases before the court.

ARTICLE 35.

"The court shall be open to the members of the league and also to States mentioned in the annex to the covenant.

"The conditions under which the court shall be open to other States shall, subject to the special provisions contained in treaties in force, be laid down by the council, but in no case shall such provisions place the parties in a position of inequality before the court.

"When a State which is not a member of the League of Nations is a party to a dispute, the court will fix the amount which that party is to contribute toward the expenses of the court.

ARTICLE 36.

"The jurisdiction of the court comprises all cases which the parties refer to it and all matters specially provided for in treaties and conventions in force.

"The members of the League of Nations and the States mentioned in the annex of the covenant may, either when signing or ratifying the protocol to which the present statute is adjoined or at a later moment, declare that they recognize as compulsory ipso facto and without special agreement in relation to any other member or State accepting the same obligation, the jurisdiction of the court in all or any of the classes of legal disputes concerning—

"(a) The interpretation of a treaty.

"(b) Any question of international law.

"(c) The existence of any fact which if established would constitute a breach of an international obligation.

"(d) The nature or extent of the reparation to be made for the breach of an international obligation.

"The declaration referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain members or States or for a certain time.

"In the event of a dispute as to whether the court has jurisdiction the matter shall be settled by the decision of the court.

ARTICLE 37.

"When a treaty or convention in force provides for the reference of a matter to a tribunal to be instituted by the League of Nations the court will be such tribunal.

ARTICLE 38.

"The court shall apply—

"1. International conventions, whether general or particular, establishing rules expressly recognized by the contesting States;

"2. International custom, as evidence of a general practice accepted as law.

"3. The general principles of law recognized by civilized nations.

"4. Subject to the provisions of article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations as subsidiary means for the determination of rules of law.

"This provision shall not prejudice the power of the court to decide a case ex aequo et bono, if the parties agree thereto.

CHAPTER III.—PROCEDURE.

ARTICLE 39.

"The official languages of the court shall be French and English. If the parties agree that the case shall be conducted in French, the judgment will be delivered in French. If the parties agree that the case shall be conducted in English, the judgment will be delivered in English.

"In the absence of an agreement as to which language shall be employed, each party may, in the pleadings, use the language which it prefers. The decision of the court will be given in French and English. In this case the court will at the same time determine which of the two texts shall be considered as authoritative.

"The court may, at the request of the parties, authorize a language other than French or English to be used.

ARTICLE 40.

"Cases are brought before the court, as the case may be, either by the notification of the special agreement or by a written application addressed to the registrar. In either case the subject of the dispute and the contesting parties must be indicated.

"The registrar shall forthwith communicate the application to all concerned.

"He shall also notify the members of the League of Nations through the secretary general.

ARTICLE 41.

"The court shall have the power to indicate, if it considers that circumstances so require, any provisional measures which ought to be taken to reserve the respective rights of either party.

"Pending the final decision, notice of the measures suggested shall forthwith be given to the parties and the council.

ARTICLE 42.

"The parties shall be represented by agents.

"They may have the assistance of counsel or advocates before the court.

ARTICLE 43.

"The procedure shall consist of two parts—written and oral.

"The written proceedings shall consist of the communication to the judges and to the parties of cases, countercases, and, if necessary, replies; also all papers and documents in support.

"These communications shall be made through the registrar in the order and within the time fixed by the court.

"A certified copy of every document produced by one party shall be communicated to the other party.

"The oral proceedings shall consist of the hearing by the court of witnesses, experts, agents, counsel, and advocates.

ARTICLE 44.

"For the service of all notices upon persons other than the agents, counsel, and advocates the court shall apply direct to the government of the State upon whose territory the notice has to be served.

"The same provision shall apply whenever steps are to be taken to procure evidence on the spot.

ARTICLE 45.

"The hearing shall be under the control of the president or, in his absence, of the vice president; if both are absent, the senior judge shall preside.

ARTICLE 46.

"The hearing in court shall be public, unless the court shall decide otherwise, or unless the parties demand that the public be not admitted.

ARTICLE 47.

"Minutes shall be made at each hearing, and signed by the registrar and the president.

"These minutes shall be the only authentic record.

ARTICLE 48.

"The court shall make orders for the conduct of the case, shall decide the form and time in which each party must conclude its argument, and make all arrangements connected with the taking of evidence.

ARTICLE 49.

"The court may, even before the hearing begins, call upon the agents to produce any document, or to supply any explanations. Formal note shall be taken of any refusal.

ARTICLE 50.

"The court may at any time intrust any individual, body, bureau, commission, or other organization that it may select with the task of carrying out an inquiry or giving an expert opinion.

ARTICLE 51.

"During the hearing any relevant questions are to be put to the witnesses and experts under the conditions laid down by the court in the rules of procedure referred to in article 30.

ARTICLE 52.

"After the court has received the proofs and evidence within the time specified for the purpose it may refuse to accept any further oral or written evidence that one party may desire to present unless the other side consents.

ARTICLE 53.

"Whenever one of the parties shall not appear before the court or shall fail to defend his case the other party may call upon the court to decide in favor of his claim.

"The court must before doing so satisfy itself not only that it has jurisdiction in accordance with articles 36 and 37, but also that the claim is well founded in fact and law.

ARTICLE 54.

"When, subject to the control of the court, the agents, advocates, and counsel have completed their presentation of the case the president shall declare the hearing closed.

"The court shall withdraw to consider the judgment.

"The deliberations of the court shall take place in private and remain secret.

ARTICLE 55.

"All questions shall be decided by a majority of the judges present at the hearing.

"In the event of an equality of votes, the president or his deputy shall have a casting vote.

ARTICLE 56.

"The judgment shall state the reasons on which it is based.

"It shall contain the names of the judges who have taken part in the decision.

ARTICLE 57.

"If the judgment does not represent in whole or in part the unanimous opinion of the judges, dissenting judges are entitled to deliver a separate opinion.

ARTICLE 58.

"The judgment shall be signed by the president and by the registrar. It shall be read in open court, due notice having been given to the agents.

ARTICLE 59.

"The decision of the court has no binding force except between the parties and in respect of that particular case.

ARTICLE 60.

"The judgment is final and without appeal. In the event of dispute as to the meaning or scope of the judgment, the court shall construe it upon the request of any party.

ARTICLE 61.

"An application for revision of a judgment can be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the court and also to the party claiming revision, always provided that such ignorance was not due to negligence.

"The proceedings for revision will be opened by a judgment of the court expressly recording the existence of the new fact, recognizing that it has such a character as to lay the case open to revision, and declaring the application admissible on this ground.

"The court may require previous compliance with the terms of the judgment before it admits proceedings in revision.

"The application for revision must be made at latest within six months of the discovery of the new fact.

"No application for revision may be made after the lapse of 10 years from the date of the sentence.

ARTICLE 62.

"Should a State consider that it has an interest of a legal nature which may be affected by the decision in the case, it may submit a request to the court to be permitted to intervene as a third party.

"It will be for the court to decide upon this request.

ARTICLE 63.

"Whenever the construction of a convention to which States other than those concerned in the case are parties is in question, the registrar shall notify all such States forthwith.

"Every State so notified has the right to intervene in the proceedings; but if it uses this right, the construction given by the judgment will be equally binding upon it.

ARTICLE 64.

"Unless otherwise decided by the court, each party shall bear its own costs."

TEMPORARY MIXED COMMISSION FOR REDUCTION OF ARMAMENTS.

The league's official journal shows that the third session of the temporary mixed commission for reduction of armaments was held at Paris from February 20 to 23, 1921.

A resolution was adopted submitting to the council a list from which it was to choose the countries to which the six new seats on the commission would be allotted.

It was also resolved that each government be asked to furnish a statement of its requirements as to national security, international obligations, geographical situation, and its special circumstances, and to indicate the police and military forces considered essential for the preservation of domestic order, and the expenditure thereby entailed.

It was further resolved that under present circumstances one of the best means of securing control over the private manufacture of arms and munitions of war was the ratification of the arms traffic convention; that the council was accordingly requested to draw the attention of the governments signatories of the treaty of St. Germain, whether league members or not, to the urgent need of ratification; that the league secretariat was requested to ask those governments instructed by the council to approach the Government of the United States on the occasion of the Washington conference as to the results of their inquiries relating to the ratification of the treaty of St. Germain; that the delegates of the temporary mixed commission who took part in the Washington conference be asked to furnish the commission with a report on the question, even from the standpoint of the manufacture of arms and munitions; that it was essential that the preliminary work in connection with the convocation of a general conference on the private manufacture of arms and munitions should be continued; that the secretariat be requested to continue its examination of the points already mentioned in the report of the temporary mixed commission of September, 1921, and be instructed to collect statistics bearing on private manufacture of arms and munitions, especially as to number of workmen employed in war industries and amount of material produced, comparing, wherever possible, pre-war data with post-war data.

A resolution was adopted requesting the permanent advisory commission on military, naval, and air questions and the legal section of the league to study questions of technical and legal character relating to definition of war material and to the private manufacture of armaments and to communicate results of such studies to the temporary mixed commission.

It was resolved that in view of the agreements as to the use of poisonous gases reached at the Washington conference the commission considered that the examination of this question, which was bound up with the general question of the laws of war, had best be undertaken only after the full details of the Washington agreement had been received and circulated.

The secretariat was requested to expedite as much as possible the work of the statistical inquiry relating to examination of official and public documents so that the commission might be able to meet on July 15, 1922, and hold a discussion with a view to laying down the main lines of a scheme for the reduction of armaments.

The council was requested to ask the governments to send in before July 1, 1922, the statement referred to in the report of the third committee of the second assembly.

ARMS TRAFFIC CONVENTION.

The official journal shows that on February 22, 1922, the Norwegian Government replied to the council's inquiry of November 21, 1921, regarding the arms traffic convention, that while it fully appreciated the high principles embodied in the convention it was of opinion that it ought to postpone any decision regarding adherence until the convention had been ratified by a larger number of signatory powers.

FINAL REPORT OF SAAR BASIN FRONTIER DELIMITATION CONVENTION.

The league's official journal shows that on January 21, 1922, the Saar Basin frontier delimitation commission appointed by the council at its first session made a final report to the council and would be dissolved on January 31, 1922.

ALBANIA.

The official journal shows that on February 15, 1922, the commission of inquiry on Albania filed its report with the league secretariat.

RUSSIAN REFUGEES.

The league's official journal for April, 1922, contains a general report on the work accomplished for Russian refugees to March 15, 1922, by Dr. Fridtjof Nansen, high commissioner of the league for such refugees. The report stated there were about a million and a half Russian refugees in Europe; that not all of them by any means were in need of assistance from governments or charitable organizations; that a vast proportion of them, with admirable adaptability and courage, had found employment; that a large number had resources of their own, but that the number for whom intergovernmental action was necessary with a view to securing employment was still very large; that the vast majority had suffered and were suffering in many ways as a result of their enforced departure from their own country.

The report set out that the high commissioner had not been given financial resources for his work by the governments; that if he had been allotted a small part of the sums spent in the past 18 months by governments and by voluntary associations in feeding the refugees and without a solution of the refugee problem, he could have established productive employment for a great proportion of refugees requiring it; that the results obtained by voluntary employment bureaus and by labor exchanges in the Serb-Croat-Slovene State confirmed him in this view; that nevertheless the League of Nations had already accomplished something of real importance; that it had secured some intergovernmental action; that it had laid the foundation for further and more extensive work; that in various ways the condition of the refugees had been improved by the mere fact that the council of the league had been acting on their behalf. The task of the high commissioner had been made extremely difficult by the general economic crisis in Europe. He appealed to the governments for support in connection with proposals he would shortly make concerning the legal status of the refugees, free visas for passports, transit and transport facilities, acceptance and maintenance of Russian students, acceptance of agriculturists, establishment and operation of employment bureaus.

LIQUOR TRAFFIC IN AFRICA.

According to the league's official journal, the Belgian Government on February 11, 1922, announced its compliance with the league's request of January 11, 1922, to continue at Brussels the work performed by the International Bureau for the Suppression of the Liquor Traffic and to take charge of the duties relating to the control of the liquor traffic in Africa as defined in the convention of September 10, 1919.

PERMANENT LABOR ORGANIZATION.

The league's official journal contains a statement, dated February 14, 1922, to the effect that Bulgaria had communicated to the secretary general its formal ratification of the following labor conventions adopted by the International Labor Conference at Washington, held October 29 to November 29, 1919: (1) Convention limiting hours of work in industrial undertakings to 8 in the day and 48 in the week (already ratified by

Greece, Rumania, India, and Czechoslovakia); (2) convention concerning employment of women before and after childbirth (already ratified by Greece and Rumania); (3) convention concerning employment of women during the night (already ratified by Greece, Rumania, British Empire, India, Czechoslovakia, and South African Union); (4) convention fixing minimum age for admission of children to industrial employment (already ratified by Greece, Rumania, Great Britain, and Czechoslovakia); (5) convention concerning night work of young persons employed in industry (already ratified by Greece, Rumania, Great Britain, and India); (6) convention concerning employment (already ratified by Greece, Rumania, Great Britain, India, Sweden, and Denmark, not including Greenland and Finland).

SEVENTEENTH SESSION OF THE COUNCIL, HELD AT PARIS MARCH 24–28, 1922.

The seventeenth session of the council of the League of Nations was held at Paris from March 24 to March 28, 1922, the member countries being represented as follows: Belgium, Mr. Paul Hymans (president); Brazil, Mr. de Castello Branco Clark; China, Mr. Wellington Koo; British Empire, Mr. H. A. L. Fisher; France, Mr. Leon Bourgeois; Italy, Marquis Imperiali; Japan, Viscount Ishii; Spain, Mr. Quinones de Leon.

RUSSIAN REFUGEES.

The council, after debating on March 24 and 25 the proposals of Doctor Nansen, alluded to in his report of March 15, embodied in the special report of March 18, as well as the report of Sir Samuel Hoare on the subject of Russian refugees, decided on March 25 to submit the recommendations for funds in these reports to the various governments, and also the suggestions therein for modification of regulations as to emigration and identification, for transport and transit facilities, means of subsistence, etc.

REDUCTION OF ARMAMENTS.

On March 25 the council also considered the work of the temporary mixed commission on reduction of armaments. Pursuant to the commission's proposal the council instructed its president to ask each Government to furnish a statement as to the requirements of its national security, its international obligations, its geographical situation, and special circumstances, and to indicate the police and military forces it considered essential to the preservation of domestic order and the expenditure thereby entailed. The council took note of the other recommendations and resolutions of the temporary mixed commission, and decided to ask the temporary commission to meet in a short time so as to submit a report to the council before the next assembly.

The secretary general presented a memorandum on resolutions 5, 7, and 10 on the reduction of armaments adopted with others by the assembly on October 1, 1921. The memorandum stated that resolution 5 was to the effect that all members of the league and interested States not members be invited by the council to take part in an international conference on the private manufacture of arms and the trade in arms, to be held as soon as possible, it being highly desirable that the date be prior to the next assembly; that the temporary mixed commission be intrusted with the preparation of a program and a draft convention for the conference. The memorandum suggested that since the temporary mixed commission was already examining the question of private manufacture, and since the conference could not be had until this examination was concluded, it seemed that no action should be taken by the council for the time being.

The memorandum then noted that resolution 7 was to the effect that the assembly, taking note of the view in the report of the temporary mixed commission as to provision for excluding import of arms and munitions in time of peace from countries in which the traffic was uncontrolled, invited the council to prepare a draft and protocol for this purpose for the consideration of the Governments, expressing at the same time the hope that this procedure would not in any way delay the general ratification of the convention of St. Germain—and to the further effect that the steps that might eventually have to be taken for the destruction of the surplus stock of munitions might be considered by the temporary mixed commission.

The memorandum then presented the comment that the question dealt with in the first part of this resolution was closely connected with that of the St. Germain convention, which the temporary mixed commission intended to examine at its next session, when it would be known what action was taken at Washington; that the council might therefore see fit to authorize the temporary mixed commission to consider the first paragraph, asking, if necessary, the cooperation of the permanent armaments commission; and that the permanent commission, on account of the technical character of the subject, might be asked, in the first instance, to examine the question referred to in the second paragraph, that of the destruction of surplus stocks of munitions.

The memorandum then quoted resolution 10, which was to the effect that it was desirable that propaganda in favor of the reduction of armaments, as contemplated in the covenant, should be carried out with earnestness and conviction among all nations.

The memorandum stated that it was not intended by this resolution to impose on the league itself the duty of taking the initiative in organizing general propaganda for the reduction of armaments; that the report of the assembly's committee on disarmament had stated that a policy of disarmament to be successful required the support of the population of the world; that delimitation of armaments would never be imposed by governments on peoples, but by peoples on governments; that earnest and vigorous propaganda should be carried on in all countries to show peoples the urgent necessity for the reduction of armaments, as provided for in article 8 of the covenant; that the various delegates to the assembly should preach this doctrine in their respective countries; that only through an instructed public opinion in each country could the necessary strength of world opinion be obtained.

The memorandum contained the comment that it did not seem that the assembly intended that the league itself should conduct this propaganda, and that the assembly had voted no credits for such an object; that the council might, under these circumstances, refer the examination of this question, with the observations of the memorandum, to the temporary mixed commission.

The council approved the memorandum as to resolutions 5 and 7 and decided merely to communicate resolution 10 to the temporary mixed commission, with the understanding that no action was necessary. It was the thought of the council that members of council and assembly should carry out propaganda for arms reduction on their own initiative in their respective countries.

HEALTH CONFERENCE AT WARSAW.

The council decided on March 26 to ask its president to send to the president of the Genoa conference the conclusions of the health conference at Warsaw, which would not end until March 28.

RUSSIAN FAMINE—TELEGRAM FROM NORWEGIAN GOVERNMENT.

The president of the council read a telegram from the Norwegian Government asking the council to consider the condition of the famine-stricken population in Russia and to appoint a committee of inquiry. A letter and memorandum on the subject referred to in the telegram had not yet arrived. In the absence of these the council decided it could not know the exact wishes of the Norwegian Government and could not therefore take up the question at the time. The Norwegian Government was so notified.

SAAR BASIN GOVERNING COMMISSION.

The council approved on March 26 the establishment by the Saar Basin governing commission of an advisory council and technical committee and a resolution that the commission be assured a tenure of office at least until 1925 in order to give it greater strength and stability.

SAAR BASIN PLEBISCITE.

The council decided on the same day to appoint a rapporteur to propose measures for preservation of information in connection with the drawing up of lists of persons who would have the right to vote when the plebiscite in the Saar territory should occur, and chose Mr. Wellington Koo as such rapporteur.

GERMAN MINORITIES IN POLAND.

The council's committee on German minorities in Poland reported to the council on March 28 that on January 14, 1922, it had examined certain petitions from the Germanic league in Poland; that it had also examined the observations of the Polish Government on one of the questions raised in said petitions, that of the threatened expulsion of several German colonists from their farms; that the committee thought the Polish Government should postpone all measures of expulsion until October 1, 1922, to give the council time to examine the questions involved. The report was adopted by the council, the Polish representative stating that his Government had already postponed action and that he would do all he could to secure further postponement.

GENOA CONFERENCE.

On March 28 a communication from the Italian Government was laid before the council, urging that it send to the Genoa conference representatives of the technical organizations of

the league for transit, for economical, and financial questions to aid the conference in working out such matters, and the council decided to grant the request.

HEALTH CONFERENCE AT WARSAW.

The health conference which had been convened by the Polish Government at Warsaw under the auspices of the league, and at which were represented most European Governments, including these three—Germany, Russia, and Ukrania—notified the council that during 1919 and 1920 about twenty million cases of epidemic disease had occurred in Russia and eastern Europe; that the situation had grown worse to such extent that the future of these countries was endangered; that the technical organizations of the league had been intrusted with the execution of all resolutions passed by the conference. The council, after receiving this information, decided to authorize its president to lay the recommendations of the conference before the Genoa conference.

GENOA CONFERENCE.

Mr. Leon Bourgeois, representative of France, called the attention of the council to the declaration of his Government that the League of Nations should, provided the Geneva conference was agreeable, be intrusted with the application and execution of the recommendations of that conference relative to matters within the sphere of the powers conferred on the league by the covenant.

ADJOURNMENTS.

On completion of business, on March 28, 1922, the seventeenth session of the council adjourned.

NATIONAL ASSOCIATIONS FOR PROMOTION OF LEAGUE.

The league's official journal contains resolutions of a number of national associations formed to promote the league and league ideals, as well as the international association formed by these national bodies, expressing the hope that the Genoa conference would proceed in full recognition of the league's identity and function.

PERMANENT COURT OF INTERNATIONAL JUSTICE.

On March 14, 1922, Austria accepted the compulsory jurisdiction of the permanent court of international justice.

LIMITATION OF ARMAMENTS—GREAT BRITAIN, FRANCE, SWEDEN.

The official journal of the league shows receipt of a letter from the British Government, dated March 21, 1922, stating that it had received and considered the secretary general's letter of January 17, calling attention by direction of the council of the league to the recommendation of the second assembly on October 1, 1921, on the subject of limitation by members of the league of expenditure on naval, military, and air forces during the next two fiscal years; that the further economies foreshadowed in the letter of the British Government, dated June 2, 1921, in response to a similar recommendation of the first assembly had proved capable of realization, and that the forthcoming estimates of armament expenditure would demonstrate considerable reductions in all directions during the succeeding financial year; that, as pointed out in the letter of June 2, 1921, the policy of the British Government on the question would be liable to reconsideration if the recommendation of the second assembly should not be adopted by other powers.

The French Government replied in a letter dated March 22, 1922, that while, for reasons given in its letter of April 20, 1921, it could not assume the obligation requested in the league's letter on armament, an obligation for which its representation in the assembly did not vote, still in compliance with the promise it gave in 1921 the French Government had endeavored to reduce its armaments as far as consistent with its international obligations and its international security; that the credits granted its war department had been reduced from six milliards of francs in 1920 to five billion four hundred millions in 1921 and four billion five hundred million in 1922—that is, by 25 per cent—that naval estimates had been reduced from nine hundred and fifty-two million in 1921 to seven hundred and ninety-seven million in 1922.

The Swedish Government replied in a letter dated March 20, 1922, that the future organization of the national defense of Sweden, mentioned in its prior letter of August 19, 1921, had not yet been completed; that military burdens, however, had been provisionally lightened to such an extent that a large proportion of possible reductions had already been carried into effect; that the Swedish Government was now in position to limit military expenditure in the spirit of the assembly's recommendation.

RESTORATION OF DIPLOMATIC RELATIONS BETWEEN SERB-CROAT-SLOVENE KINGDOM AND ALBANIA.

The secretary general received a letter dated March 27, 1922, from the Government of the Serb-Croat-Slovene kingdom stating that it had received the communication of the secretary general dated January 19 last, relating to request of Albania for the good offices of the league with a view to reestablishment of diplomatic relations between Albania and the Serb-Croat-Slovene kingdom, and stating further that the latter had reorganized de jure the Albanian Government and had appointed a diplomatic representative to Albania.

LITHUANIA AND POLAND.

On February 6, 1922, the president of the council wrote the Government of Lithuania expressing regret that it had been unable to accept the council's recommendation for the substitution of the neutral zone by a provisional line of demarcation, territorial rights in no way to be prejudiced; that he hoped that until Lithuania was prepared to establish diplomatic relations with Poland it would accept the council's suggestion that its interest be confided to a friendly power; that the Lithuanian representative had stated to the council on January 14 that he was prepared to transmit to the council the legislation adopted by Lithuania for protection of religious and racial minorities.

In reply the Lithuanian Government stated that under the circumstances it felt compelled to make resumption of both direct and indirect diplomatic and consular relations with Poland depend on previous reestablishment of the status quo created by the conference of Suwalki of October 7, 1920, and on remedying the consequences following its violation by the Polish General Zeligowski.

LITHUANIA'S PROTEST AGAINST POLISH ANNEXATION OF VILNA.

On April 8, 1922, the Lithuanian Government telegraphed the president of the council stating that in its note of December 14, 1921, it had protested against the organization by the Polish Government of the illegal elections in the district of Vilna; that on March 24, 1922, the Diet of Warsaw, basing its action on a resolution passed by the body established as a result of these elections, had voted the annexation of Vilna to Poland; that the Lithuanian Government desired to protest against this action by the Polish Government which, after disclaiming Zeligowski and declaring him a rebel, proceeded to profit by the results of his high-handed action and his violation of international engagements; that the Lithuanian Government would not recognize this annexation of Lithuanian territory.

ADVISORY AND TECHNICAL COMMITTEE ON COMMUNICATIONS AND TRANSIT.

The league's official journal contains the resolutions adopted by the advisory and technical committee on communications and transit at its second session which was held at Geneva from March 29 to April 1, 1922, resolutions dealing among other things with traveling facilities for the blind, tonnage measurement for inland navigation, tonnage measurement for ocean-going shipping, private law in inland navigation, passports and traveling facilities in general.

The committee decided to ask the governments not signatories of the Barcelona convention whether they intended to sign, and to draw the attention of signatory governments to the expediency of hastening as far as possible the procedure of ratification.

COMMUNICATION FROM UNITED STATES GOVERNMENT RELATING TO TRAFFIC IN WOMEN AND CHILDREN.

On March 8, 1922, the Secretary of State of the United States addressed a letter to the secretary general stating that he had received the communication dated January 23, 1922, in which, in pursuance of article 10 of the convention, and in accordance with the decision of the council of the League of Nations in conformity therewith, the secretary general of the League of Nations transmitted to the Government of the United States, as a State not a member of the League of Nations, a certified copy of the convention concerning the traffic in women and children opened for signature at Geneva on September 30, 1921, and inviting the United States Government to sign the convention before April 1, 1922, or thereafter to accede to it.

The Secretary of State of the United States then called attention to article 1 of the convention providing that the high contracting parties agree that in the event of their not being already parties to the agreement of May 18, 1904, and the convention of May 4, 1910, they would transmit with as little delay as possible their ratification of or adhesion to those instruments, stating that the Government of the United States was already a party to the agreement of May 18, 1904; that as to the convention of May 4, 1910, it contained, as the secretary general was informed through the American consul at Geneva the past June, projects which it was thought pertained under the Constitution of the United States to the police functions of the several States of the Union and which the Federal Government would not be capable of fulfilling; that for this reason the United States Government felt compelled to withhold its adherence to the convention of 1910 and its

signature to the confirmatory convention now open at Geneva; that the Secretary of State would not wish it understood, however, that the United States Government was not in full sympathy with the laudable purpose of the convention; that on the contrary the suppression of the nefarious traffic in women and children was a matter in which that Government was greatly interested, and that to this end Federal statutes had been enacted which were within the purview of congressional action.

SAAR BASIN GOVERNING COMMISSION.

On April 8, 1922, the Saar Basin governing commission transmitted to the secretary general its eleventh periodical report, covering January–March, 1922. After covering questions relating to the economic and political situation, administrative activity, finance and food supply, railways, post, telegraphs and telephones, education, justice and public worship, commerce, industry and labor, social insurance, agriculture, and public relief, the report concludes by stating that the commission was endeavoring to give the population a more direct part in public affairs; that an election would be held in the next three months for the members of the advisory council, and that the members of the technical committee would soon be appointed; that without losing any of its rights or shirking any of its responsibilities under the treaty of Versailles, the governing commission would then be able to appeal for that cooperation of the inhabitants which it declared necessary in its preceding report and which could not fail to help the Saar territory; that at a time when a new period in the administration of the Saar territory was beginning the council's decisions of March 26 had offered the best possible encouragement and support to the commission.

PERMANENT COURT OF INTERNATIONAL JUSTICE.

On April 6, 1922, Finland ratified the statute of the permanent court of international justice and accepted compulsory jurisdiction.

LIMITATION OF ARMAMENTS.

On March 21, 1922, the South African Government replied to the assembly's second armament recommendation, to the effect that, owing to prevalent financial depression, it would make reductions of a third in defense expenditure for the financial year 1922–23, as compared with the previous 12 months, and probably the same reduction for the year ending March 31, 1924; that owing to the transfer of Cape military defense from the Imperial Government to the Government of the Union of South Africa, it might be expedient to make certain additional expenditures to cover service theretofore performed without charge by the Imperial Government, but the increase would not be large.

Latvia replied on April 29, 1922, that it was wholly in sympathy with the assembly's recommendations and was making every effort to bring about a gradual reduction of its military outlay, which, in 1920, amounted to 27 per cent of the total State expenditure, in 1921, 16 per cent, and in 1922, 14 per cent.

The Netherlands replied on April 11, 1922, stating that it had forwarded certain information concerning limitation of its armament expenditure in its note of May 17, 1921, and now transmitted a copy of its military law of February 4, 1922.

PROTECTION OF MINORITIES IN LATVIA AND ESTHONIA.

In March and April, 1922, respectively, Latvia and Esthonia submitted a summary of the legal status of minorities within their borders.

ECONOMIC WEAPON.

On May 5, 1922, Austria, Bulgaria, Italy, Siam, and Sweden had replied to the council's letter, asking members of the league for certain information and for observations on the proposals of the second assembly regarding the economic weapon of the league, in order that the council might be in position to settle the details of its own action, and asking also that replies be made by May 1, 1922.

EIGHTEENTH SESSION OF THE COUNCIL HELD AT GENEVA FROM MAY 11 TO MAY 17, 1922.

The eighteenth session of the council was held at Geneva from Thursday, May 11, to Wednesday, May 17, 1922, the member nations being represented as follows: Spain, Mr. Quinones de Leon (president); Belgium, Mr. Paul Hymans; Brazil, Mr. de Castello Branco Clark; China, Mr. Tang Tsai-Fow; British Empire, Lord Balfour; France, Mr. Leon Bourgeois; Italy, Marquis Imperiali; Japan, Mr. Adatci.

FIRST MEETING (PRIVATE).

QUESTION OF PLACING BRITISH MANDATE FOR PALESTINE ON AGENDA.

Lord Balfour on May 11 asked that the question of the British mandate for Palestine be placed on the agenda for the present session, saying that the council's rules of procedure allowed addition of fresh questions by majority vote. He expressed the hope that the council would approve the British mandate for Palestine at the present session. He said that the mandate had been under discussion a long time by the governments concerned; that the members of the council had agreed, but that the United States had intervened and asked to be consulted; that there had been a discussion between the British Government and the United States, which was not yet over; that they were still discussing the British mandate for Mesopotamia; but that the United States Government had given its cordial assent to the mandate for Palestine, with the sole reservation that should Great Britain cease to be the mandatory power for Palestine the United States Government should be free to return to the system of capitulations in force before the mandate was granted. He urged that the council approve the terms of the mandate, inasmuch as the United States had made no further objection, saying that such approval would have an excellent effect, rendering easier the task of administration. So long as the question of the mandate remained unsettled, unrest would prevail in Palestine. He said also that he had anticipated no difficulty on the part of his colleagues on the council until the Marquis Imperiali told him shortly before the council met that the Italian Government made certain reservations.

Mr. Leon Bourgeois stated that he desired to think the matter over before giving an opinion as to the question of placing the mandate on the agenda.

The Marques Imperiali said he was led to make plain what had occurred between him and Lord Balfour; that the Italian Government had always held that mandates deriving their origin from the treaty of Sevres could not be approved so long as the question of the revision of that treaty was pending; that this principle had been adopted by the second assembly; that under these conditions the Italian Government was awaiting opportunity to present, as it had a right to do, certain observations on some points in the terms of the mandates; that only during the previous week had his Government been informed of the intention of the British Government to ask for the council's approval of the Palestine mandate at the present session; that the time required, therefore, for a preliminary exchange of views on these points had not been available, the Italian Government being ready to discuss them at once and in a most friendly spirit; that it seemed impossible to him for the council to decide the matter at the present session.

Lord Balfour suggested that the Italian Government might be consulted at once, and that if it did not raise an objection that could not be met, the council might reach a decision before the present session ended.

Mr. Bourgeois pointed out that the question of the Palestine mandate raised the whole question of mandates, that the council would have to consider the problem as a whole, and his suggestion that the question of placing the matter on the agenda for the present session be postponed until Saturday, May 13, was adopted by the council.

ATTENDANCE OF DIRECTOR OF INTERNATIONAL LABOR OFFICE.

The council decided to allow Mr. Albert Thomas, director of the international labor office, to attend in an advisory capacity meetings at which questions of interest to that office were to be discussed.

ATTENDANCE OF REPRESENTATIVE OF PERMANENT COURT.

The council decided that whenever advisable during the present session Mr. Hammarskjöld, registrar of the permanent court of international justice, would be heard on questions concerning the court.

TRAFFIC IN WOMEN AND CHILDREN.

The council approved the president's decision fixing June 28 as the opening date of the first session of the advisory committee on traffic in women and children.

INFORMATION BUREAU FOR LEAGUE IN LATIN AMERICA.

The report of the mission authorized by the assembly to visit Latin America and investigate the advisability of establishing an information bureau of the secretariat in Latin America was presented. Its conclusion was that such a bureau was not needed at the present time.

CONTRIBUTION OF SALVADOR TO THE LEAGUE'S EXPENSES.

It was decided to place the question of the contribution of Salvador to the league's expenses on the agenda of the third assembly.

EXPENSES OF PERMANENT COURT OF INTERNATIONAL JUSTICE.

A memorandum of the secretary general on the subject of the expenses of the permanent court of international justice was presented to the council and approved.

The memorandum quoted article 33 of the court statute, which provides that the expenses of the court shall be borne by the League of Nations in such manner as shall be decided by

the assembly on the proposal of the council. The memorandum pointed out that the council should soon formulate a proposal on this subject. It would be of great help, the memorandum contended, in guiding the secretary general in drawing up for submission to the commission of control and the council the provisional budget for 1923. As no new system of allocating league expense, other than that of the Universal Postal Union, had yet been ratified, and as the new system, approved by a majority of the assembly, should it be adopted, could only be of temporary character, and would have to be replaced within a limit of not more than two years, when the committee on allocation of expenses had made a final report, the secretary general proposed that it be suggested to the assembly that the court expenses should for the present be incorporated in the general league budget and paid out of the ordinary league funds.

The budget for 1922, approved by the assembly, had provided the sum of 1,500,000 gold francs for court expenses.

PERMANENT COURT COSTS.

It was decided to ask the permanent court whether a moderate tariff of court charges should not be established on the basis of charges prevalent in various countries.

RANK AND TITLE OF JUDGES OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE.

In reply to a memorandum by the president of the permanent court of international justice on the question of the rank and title of the judges thereof the council directed the secretary general to advise the president of the court that theretofore no steps had been taken to determine the diplomatic rank and title of the representatives of the various States at the assembly or on the council, or any of the other organizations of the League of Nations. It had been thought sufficient to give them their official title such as "the delegate of such-and-such State to the assembly," "representative on the council," and so forth. Questions of precedence had been settled in so far as necessary in each particular case. A similar course was suggested in relation to the permanent court.

WORK OF CALONDER, HODAC, AND HEROLD IN NEGOTIATIONS ON UPPER SIBERIA.

The council decided to send a letter to Mr. Calonder thanking him for his successful work for the league in connection with the upper Siberian negotiations, and to award him a grant of 15,000 Swiss francs as a token of appreciation. It also decided to thank Mr. Hodac and Mr. Herold, who cooperated with Mr. Calonder, and to award each of them 100 pounds.

FINANCIAL SITUATION OF LEAGUE.

The secretary general requested members of council to urge their Governments to ratify as soon as possible the amendment to article 6 of the covenant giving the assembly the right to fix the proportion of expense to be paid by league members.

INDEMNITY TO WIDOW OF COLONEL SCHAEFFER, MEMBER OF ALBANIAN COMMISSION.

The council authorized the secretary general, in consultation with the president of the commission on control, to make a compassionate grant to the widow of Colonel Schaeffer, who died in the service of the league while working on the Albanian commission, if he found on inquiry that she was in necessitous circumstances.

SECOND MEETING (PUBLIC).

ALBANIA.

On May 12 Lord Balfour made a report to the council, presenting the results of the work of the league's commission on inquiry into the Albanian situation. He stated that the Albanian question dated from the end of the Balkan War in 1913; that then for the first time Europe recognized Albania as an independent State; that its frontiers were laid down in general terms and were substantially the same as at the present time; that the World War left the Albanian question in abeyance; that Albania applied to the first assembly for admission to the League of Nations and was unanimously admitted.

He said that Albania then appealed to the council of the league for a settlement of the question of her frontiers; that she suffered grave internal conditions, aggravated by the uncertainty as to her frontiers; that the council, while expressing sympathy, indicated that the matter was beyond its jurisdiction, the question of delimiting frontiers belonging to the conference of ambassadors; that all the council could do was to urge the conference of ambassadors to settle the problem speedily; that in September, 1921, the second assembly recommended at the Albanian Government's suggestion that a commission of inquiry be sent by the council to Albania; that the assembly joined the council in urging the conference of ambassadors to reach a decision as soon as possible.

The council, he continued, appointed the commission of inquiry, which started for Albania in November, when alarming news was received. The British Government, fearing an outbreak of real war in that part of Europe, asked for a special session of the council, to which the Albanian Government and the Serb-Croat-Slovene Government should be invited to send representatives. This special session occurred when the conference of ambassadors was making its decision regarding the northern and other frontiers of Albania. The speaker said that these three events—the decision of the conference of ambassadors, the meeting of the council, and the inquiry by the commission—all helped to bring about a peaceful solution.

He asserted that it was certain that the peaceful settlement of this question was very largely due to the machinery of the League of Nations and to the fact that in accordance with the terms of the covenant the council had invited representatives of the States in controversy to sit as members at its meetings and had handled the question in a spirit of friendly cooperation. He said that both Albania and the Serb-Croat-Slovene State had assisted the council in its pacifying work; that all the Serbian troops were withdrawn from the frontier zone in dispute; and that the league's commission of inquiry was able to report to the council that there was once more a state of general tranquillity in Albanian territory. Thus a situation fraught with danger to the peace of Europe had been changed into a condition of understanding and good will.

He congratulated the commission of inquiry on its work. He said that there was no statesman, nation, or organization in the world that could have done what the League of Nations had done in this matter; that the reason of success lay in the fact that Albania and all others concerned had been convinced that the League of Nations, its assembly, its council, and its commission of inquiry were working for wholly unselfish ends; that the advice of the commission had been taken because the commission represented the League of Nations.

Mr. Medhi Bey Frasheri, Albanian representative, expressed pleasure that, thanks to the League of Nations and the allied powers, Albania had been recognized as an independent, neutral, and sovereign State. He stated that the commission of inquiry had done Albania the greatest service in making the true facts known; that several months previously difficulties had arisen on the northern and eastern frontiers of Albania; that, thanks to the work of the commission of inquiry, these difficulties had been settled in a manner satisfactory to both Albania and the Serb-Croat-Slovene Kingdom; that there were still difficulties, however, in southern Albania; that the Albanian Government greatly desired that the council should send a commissioner to that district to keep in touch with the delimitation commission and to settle difficulties that might become dangerous; that the Albanian Government had been advised that bands had been organized on the other side of the frontier and were moving toward villages in the neutral zone; that the presence of the league commissioner would do much to keep the peace.

At Lord Balfour's suggestion the council decided to communicate the reports of the commission of inquiry to all the members of the league, and to deal later with his proposal that the commission of inquiry should be asked to continue its work.

ECONOMIC EXPERTS FOR ALBANIAN GOVERNMENT.

Mr. Frasheri said that the Albanian Government had decided to select economic advisers to the different ministries and wished the assistance of the league in choosing them. The council decided to take the request under advisement.

MINORITIES IN ALBANIA.

The secretary general presented a memorandum on minorities in Albania, and it was decided that the Brazilian representative should submit a report on the matter at the next session of the council.

MINORITIES IN LITHUANIA.

Stipulations for the protection of minorities in Lithuania were approved by the council and accepted by the Lithuanian representative, who stated that they had all been practically embodied in Lithuanian laws.

NATIONALITY OF INHABITANTS OF B AND C MANDATED AREAS.

The Marquis Theodoli appeared at the council table and presented the report of the subcommittee of the permanent mandates commission on the nationality of inhabitants of B and C mandated areas, receiving the thanks of the council for the report. The council then decided to request the permanent mandates commission to examine this question during its coming session with a view to submitting to the council a suitable solution.

DEPORTATION OF WOMEN AND CHILDREN IN TURKEY.

The council resolved, pending the appointment of a chief commissioner in Turkey, to authorize the League of Nations com-

mission of inquiry to proceed with the work of reclaiming deported women and children in Turkey.

THIRD MEETING (PUBLIC).

ADMISSION TO PERMANENT COURT OF INTERNATIONAL JUSTICE OF STATES NOT MEMBERS OF THE LEAGUE NOR MENTIONED IN THE ANNEX TO THE COVENANT.

The Marquis Imperiali on May 12 read a report on the admission to the Permanent Court of International Justice of States not members of the league nor mentioned in the annex to the covenant. It proposed a resolution to the effect that the council, by virtue of the powers conferred upon it by article 35, paragraph 2, of the statute for the Permanent Court of International Justice, decided (1) that the permanent court should be open to a State not a member of the League of Nations or mentioned in the annex to the covenant on condition that such State should previously have deposited with the registrar of the court a declaration accepting the jurisdiction of the court in accordance with the terms of the covenant of the League of Nations and with the terms and subject to the conditions of the statute and rules of procedure of the court, and should undertake to carry out in full in good faith the decision or decisions of the court and not to resort to war against a State complying therewith; (2) that such declaration might be either particular or general, a particular declaration being one accepting the jurisdiction of the court in respect only of a particular dispute or disputes which had already arisen; a general declaration being one accepting the jurisdiction generally in respect of all disputes or of a particular class or classes of disputes which had already arisen or might arise in the future; that a State in making such a general declaration might accept the jurisdiction of the court as compulsory, ipso facto, and without special convention, in conformity with article 36 of the court statute, but such acceptance might not, without special convention, be relied on as, regards members of the League of Nations or States mentioned in the annex to the covenant which had signed or might thereafter sign the optional clause provided for by the additional protocol of December 16, 1920; (3) that the original declarations made under the terms of this resolution should be kept in custody of the registrar of the court, certified copies to be transmitted to all members of the League of Nations and States mentioned in the annex to the covenant and to such other States as the court might determine and to the secretary general of the league; (4) that the council reserved the right to rescind or amend this resolution by a resolution to be communicated to the court, existing declarations on receipt of such communication by the registrar and to the extent determined by the new resolution to cease to be effective except as to disputes already before the court; (5) that all questions as to validity or effect of a declaration made under this resolution should be decided by the court. This report and resolution were adopted by the council, subject to certain amendments to the resolution proposed by Mr. Bourgeois. It was decided that the revised text of the resolution should be submitted to the council at a subsequent meeting.

ALBANIA.

The council took note of a protest from Greece against the statement by the Albanian representative at the previous meeting that Greek bands were being organized and were moving on villages in the neutral zone.

FOURTH MEETING (PRIVATE).

REPAYMENT OF EXPENSES, SWEDISH AND DANISH VILNA CONTINGENTS.

Mr. de Adlercrentz and Mr. de Oldenburg, designated, respectively, by Sweden and Denmark to represent them during the discussion by the council of the repayment of the expenses of the Swedish and Danish Vilna contingents, took their seats at the council table.

Mr. de Adlercrentz recounted the circumstances under which the Swedish Government, at the request of the league, formed a contingent of a hundred volunteers, on November 30, 1920, to form part of an expeditionary force to be sent into the Vilna district. The force was not sent, however, and the contingent was dissolved in March, 1921. His Government was of opinion that out of its total expenditure of 272,073.30 Swedish crowns on these troops it was entitled to repayment of 147,895 crowns, the excess over the normal cost of maintaining the troops in their own country.

Mr. de Oldenburg said that Denmark was in the same general position and claimed repayment on the same basis of 60,583 crowns.

Mr. Bourgeois expressed the gratitude of the council for the support given the league's request by Sweden and Denmark, and said that the question of reimbursement presented a question of moral obligation having a most important bearing on the future of the league. The payment requested by Sweden and Denmark would be regarded as just and equitable by the States whose assistance had been requested. The Vilna expedition was planned, however, for the benefit of Poland and Lithuania, and it would seem that the sums repaid by the league should be debited to the States for whose benefit the council had intervened.

The council decided, in view of the special character of the expenses incurred by Sweden and Denmark, which were quite exceptional as compared with the normal average expenditure of those countries, the sums in question should be repaid by means of the addition of a credit to the draft budget to be sent to all members on June 4, and that the secretary general should take up with the Polish and Lithuanian Governments the repayment of certain sums for which they had already been asked and of the sums under discussion.

QUESTION TO BE SUBMITTED TO PERMANENT COURT OF INTERNATIONAL JUSTICE INVOLVING COMPETENCE OF INTERNATIONAL LABOR OFFICE AS TO AGRICULTURAL LABOR.

The French Government having asked the council to submit to the permanent court of international justice the question of the competence of the international labor office in the matter of labor conditions of persons employed in agricultural work, the council authorized the secretary-general to present the question to the court, together with documents concerning the matter, to give all necessary assistance in the examination of the question, and to arrange to be represented before the court if necessary, and requested the international labor office to afford the court all the assistance it might require.

APPOINTMENT OF WORKERS' DELEGATE FOR THE NETHERLANDS TO THE THIRD INTERNATIONAL LABOR CONFERENCE.

In reference to the question of the method of appointing a workers' delegate to the third international labor conference by the Netherlands Government, which the international labor office, the third international labor conference, and that Government agreed should be submitted to the permanent court, the council decided (1) to request the permanent court of international justice, in conformity with article 14 of the League of Nations, to give an advisory opinion on this question; (2) to authorize the secretary-general to present this request to the court, together with the letter from the director of the international labor office and the documents relating to the matter; to give all necessary assistance in the examination of the question and to arrange to be represented before the court if necessary; and (3) to request the international labor office to afford the court all assistance it might require.

FIFTH MEETING (PUBLIC), MAY 13, 1922.

RUSSIAN REFUGEES.

Doctor Nansen, high commissioner of the League for Russian Refugees, made a detailed report covering his work to date. He emphasized the need of a contribution of £30,000, a third of which had already been conditionally promised by Great Britain, and conditioned on which were substantial offers by American relief organizations. Mr. Ringland, of the American Relief Administration, and Major Davis, of the American Red Cross in Constantinople, also addressed the council, indicating what further action from the United States could be expected if the sum desired by Doctor Nansen were provided.

WORK OF PROVISIONAL, ECONOMIC, AND FINANCIAL COMMITTEE.

Mr. Leon Bourgeois presented a report on the work of the provisional economic, and financial committee. He said that the economic section at its meeting in Geneva in March, 1922, had been concerned with four main questions—arbitration clauses in private commercial contracts, unification of laws relating to bills of exchange, equitable treatment of commerce arising under article 23 (e) of the covenant, and unfair competition. He stated that the financial section at its meeting in Geneva in February and March, 1922, had considered the question of double taxation, central banks and the institution of an international clearing house, and the recommendations of the council regarding the appointment of technical advisers to be attached to certain governments. The financial section had taken the necessary steps to carry out the recommendation of the second assembly that the governments be urged to reply to inquiries as to measures they had taken to insure the application of the principles laid down by the Brussels conference. It had continued the work undertaken by the league on international credits, a matter intimately connected with any scheme for the reconstruction of Europe. It had concluded its investigation of the question of an international agreement as to lost, stolen, or destroyed securities and had prepared an agreement which ought to be universally agreed to. It had prepared a detailed report on the financial position of Danzig and the financial reconstruction of Austria.

It had not yet been possible to carry out the plan agreed upon by the financial section and the Austrian Government, because one essential condition had not been fulfilled—the suspension of liens. Some of the powers holding general liens

over the whole of the property of the Austrian State had not announced willingness to suspend them. The United States, however, had just consented to the suspension of its liens. At the beginning of the current year the Austrian situation was somewhat improved as the result of credits granted or promised by the Italian, French, British, and Czecho-Slovak Governments. The two latter, desirous of seeing the league plan for Austria put into operation, requested that the financial section be invited to cooperate with the Austrian Government through the appointment of a financial adviser, and the president of the council conveyed the request to the financial section. This section, being anxious to respect Austrian sovereignty, submitted the matter to the Austrian Government, the latter replying that for reasons of internal policy the appointment of a financial adviser was not for the present advisable. In view of this situation the economic and financial committee decided to postpone the appointment, but stood ready to take action whenever Austria, who aided in developing the plan, might so desire.

On motion of Mr. Bourgeois, the council resolved that it noted with satisfaction that the economic section of the provisional economic and financial committee of the League of Nations had begun the examination of the question of the validity of arbitration clauses in commercial contracts, especially those between nationals of different States, and had decided to appoint a special committee of experts to advise on the legal and commercial aspects of the question; that it noted the view of the economic section that a conference sufficiently prepared in advance might cause much progress to be made toward greater unification of the laws relating to bills of exchange, and that it requested the secretary general, in view of the predominant part taken previously by the Netherlands Government in this matter, and in accordance with the views expressed by the economic section, to consult that Government as to its possible collaboration with the economic organization of the league, both for the convocation of a conference and the necessary preliminary work.

The council's resolution in this regard also approved the provisional conclusions of the economic section on the subject of the equitable treatment of commerce arising out of article 23 (e) of the covenant and noted that the section had appointed a subcommittee to study the question further.

It also, in recognition of the fact that the suppression of unfair competition was a step toward more equitable treatment of commerce, (a) approved the proposal to circulate to States members of the league and to principal States nonmembers the report of the economic section on unfair competition, including the tentative draft of articles for a convention which had been proposed as a basis for discussion and criticism; (b) invited the States members of the league to give careful consideration to the report circulated, including the tentative draft submitted for criticism, and to inform the secretariat at a very early date of any amendments or suggestions they might desire to offer, and authorized the economic section and the secretary general, should they deem necessary, to consult the experts of the different Governments for this purpose; (c) recommended that such of the States members of the league as were not already members of the industrial property union to take immediate steps to adhere.

The resolution also noted with satisfaction the procedure which the financial section of the Provisional Economic and Financial Committee had laid down in regard to double taxation; expressed the hope that States members would do their utmost to supply necessary information for an annual publication on public finance; noted with satisfaction that the financial section had undertaken an inquiry to give effect to the resolution adopted by the council on March 21, 1921, concerning appointment of technical advisers to certain Governments; approved the measures taken by the financial section to carry out the request made to it by the Second Assembly to urge the various Governments to reply to the inquiries regarding measures taken by them to insure application of the resolution of the Brussels conference for economic rehabilitation, reconstruction, etc.; approved the measures taken by the financial section to insure continuation of the work of organizing international credits, the foundation of which work has been so successfully laid by Sir Drummond Drummond-Fraser, praising his tireless activity and competence and expressing regret that the period for which he consented to give his services to the league had ended; asked the Governments to consider giving effect in national legislation for a limited period, and in respect to a certain number of destroyed or stolen securities, a list of which would be sent them, to measures analogous to the French law concerning securities destroyed or stolen during the war, and expressing the opinion that the Governments would take all possible steps to facilitate inquiries by holders of securities or coupons which had been protested, instructing the secretariat to communicate these conclusions to the States members of the league, recommending adoption and asking that replies be made as soon as practicable.

The resolution also approved the report of the financial section on the financial reconstruction of Austria, taking note of the fact that the Austrian Government had informed the financial committee at its last meeting that for reasons of internal policy it did not believe the time had come for the appointment of a financial adviser intrusted with the duty of executing the plan of financial reform drawn up by the Austrian Government in agreement with the financial section, stated that out of regard to the opinion of the Austrian Government the Council approved the section's decision not to appoint a financial adviser, and decided to notify to this effect the British and Czecho-Slovak Governments at whose request the appointment of such adviser had been contemplated, and stated that the council would continue to hold itself at the disposal of Austria, in so far as its means permitted, for carrying out the program Austria had laid down.

Reports of the economic and financial sections of the provisional economic and financial committee were presented to the council and served as the basis of the report of Mr. Bourgeois and the above resolution.

That part of the financial section's report dealing with international credits stated that the section had noted the resolution of the council on January 14, inviting the section to present at the council's next session a report on the work which had so far been done by the international credits organization, together with an account of the section's proposals as to future activities. It stated further that in pursuance to the resolution the section had prepared a separate report covering the question of international credits from a general standpoint, as well as the history of the scheme adopted and its results, stating the section's conclusions regarding the present organization of the service which was working in London and asking the council's approval. The report stated that the international credit scheme developed by the financial section is now well known, and was also called the ter Meulen scheme, and that negotiations, official and unofficial, had been begun with certain countries which had intimated a desire to take advantage of its provisions as borrowers—that if these negotiations should result in the application of the scheme to certain countries the present organization would require considerable enlargement. The section considered that until this new phase in the activity of the League of Nations should begin it would be sufficient to keep the present organization in a sufficiently elastic condition to meet all demands. Reference was made to Sir Drummond Drummond-Fraser who had accepted the post of organizer of the international credits scheme for one year and who had retired on finishing his task. The section had decided temporarily to place the current business of the organization in the hands of Mr. Le Nevev, who would cooperate with the secretariat, and who for nearly a year, as one of Sir Drummond Drummond-Fraser's principal assistants, had acquired exceptional experience. The section had also decided that supreme control of the organization should remain with the subcommittee on international credits, consisting of Mr. Averal, Sir Henry Strakosch, and Mr. ter Meulen, appointed in December, 1920. The subcommittee could, when necessary, consult the section on specially important matters. By these arrangements any interruption in the continuous development of this important branch of the activities of the league would be avoided, and the strictest economy in its conduct secured. The members of the section were in constant touch with the business world, and this would enable them then properly to measure any developments in the economic and financial situation of interest in connection with the ter Meulen scheme. The section would in the future submit to the council any recommendations which circumstances might suggest.

THE TER MEULEN PLAN OF INTERNATIONAL CREDIT.

The special report by the financial section on international credits above referred to pointed out that at its meeting on December 14, 1920, the Council of the League of Nations, after examining the report of the International Financial Conference held at Brussels on September 24, 1920, had adopted, on recommendation of the Economic and Financial Committee, the plan for international credits submitted by Mr. ter Meulen, a Dutch banker.

After debating Mr. ter Meulen's proposal, the Conference adopted and developed it in detail. The scheme in full as accepted and perfected by the Conference is as follows:

"1. In order that nations, which under present circumstances are unable to obtain accommodation on reasonable terms in the open market, may be able to command the confidence necessary to attract funds for the financing of their essential imports, an International Commission shall be constituted under the auspices of the League of Nations. 2. The Commission shall consist of bankers and business men of international repute, appointed by the Council of the League of Nations. 3. The Commission shall have the power to appoint subcommissions, and to devolve upon them the exercise of its authority in participating countries or in groups of participating countries. 4. The Governments of countries desiring to participate shall notify the Commission what specific assets they are prepared to assign as security for commercial credits to be granted by the nationals of exporting countries. 5. The Commission, after examination of these assets, shall of its own authority determine the gold value of the credits which it would approve against the security of these assets. 6. The participating Government shall then be authorized to prepare bonds to the gold value approved by the Commission, each in one specific currency to be determined on the issue of the bond. 7. The date of maturity and the rate of interest to be borne by these bonds shall be determined by the participating Government in agreement with the Commission. 8. The service of these bonds shall be secured out of the revenue of the assigned assets.

"9. The assigned assets shall, in the first instance, be administered by the participating Government or by the International Commission as that Commission may in each case determine. 10. The Commission shall at any time have the right of making direct representations to the Council of the League of Nations as to the desirability of transferring the administration of the assigned assets from the participating Government to the Commission. 11. The decision of the Council of the League of Nations on this question shall be binding.

"12. After the preparation of these bonds, the participating Government shall have the right to loan the bonds to its own nationals for use by them as collateral security for importations. 13. The bonds shall be made out in such currencies and in such denominations as are applicable to the particular transaction in respect of which they are issued. 14. The participating Government shall be free to take or not to take security for the loan of these bonds from the nationals to whom they are lent. 15. The maturity and the rate of interest of the loan of the bonds shall be fixed by agreement between the participating Government and the borrower of the bonds; they need not be the same as the maturity and the rate of interest of the bonds themselves.

"16. When making application to his Government for a loan of these bonds, the importer must furnish proof that he has previously obtained from the International Commission express permission to enter into the transaction for which the bonds are to be given as collateral. 17. Each bond, before it is handed over by the participating Government to the importer, shall be countersigned by the Commission in proof of registration. 18. Having obtained the consent of the Commission and received from them countersigned bonds, the importer will pledge these bonds to the exporter in a foreign country for the period of the transaction. 19. The exporter will return to him on their due dates the coupons of the pledged bonds, and the bonds themselves on the completion of the transaction. 20. On receipt of the coupons and the bonds respectively, the importer will return them to his Government. 21. Bonds returned to the participating Government shall be canceled, and may subsequently be replaced by other bonds, either in the same or in a different currency, up to an equivalent amount. 22. The exporter, or if he has pledged the bonds the institution with which he has repledged them, acting on his behalf, would be free, in the event of the importer not fulfilling the terms of his contract, to hold until maturity the bonds given as collateral by the importer, or to sell them in accordance with the custom in his country in case of default. 23. In the second alternative an option of repurchasing the bonds direct must first be given for a short period to the Government which issued them. 24. If a sale is resorted to and results in a surplus beyond what is necessary to cover the claims of the exporter upon the importer, the exporter shall be held accountable for that surplus to the Government which issues the bonds.

"25. The revenues from the assigned assets shall be applied as follows, to the service of the bonds. 26. Out of these revenues, the Commission or the participating Government, as the case may be, shall purchase foreign currencies sufficient to meet at their due date the coupons on all bonds at any time outstanding in the different foreign currencies. 27. In addition, they shall establish abroad in the appropriate currencies a sinking fund calculated to redeem at maturity 10 per cent of the bonds outstanding in each of the different countries. 28. Further, in addition to the amounts provided for payment of coupons and for the endowment of the sinking fund, they shall establish out of the assigned revenues a special reserve in one or more foreign currencies for the redemption of bonds sold in accordance with paragraph 22. 29. The amount to be set aside for the special reserve shall in each case be determined by the Commission. 30. Any surplus remaining at the end of each year after the provision of these services shall be at the free disposal of the participating Government.

"31. A participating Government shall have the right to offer its own bonds as collateral for credits obtained for the purpose of importations on Government account. The previous assent of the Commission will in these cases also be required for the particular importations desired by the participating Government. 32. If a participating Government which has been in control of its assigned revenues should fail to fulfil its obligations, the exporter concerned will notify the Commission, and the Commission will apply to the Council of the League of Nations for the transfer of the management of the assigned revenues to the Commission.

"33. The consent of the Commission is necessary whenever bonds secured on the assigned assets are given as collateral, and shall as a rule be accorded only for the import of raw materials and primary necessities. 34. The Commission may, however, at its discretion, sanction in advance the importation of specified quantities of such goods. 35. Even in the case of imports under such a general sanction a notification of the particular transaction must be registered with the Commission. 36. The assent of the Commission must also be obtained in every case to the term of the credit which it is proposed to open."

The financial section of the provisional economic and financial committee stated in further reference to the above plan in its special report, the summary of which was interrupted by a detailed description of the plan, that it hesitated to ask the council to establish at once a large and expensive organization to carry out this plan, but preferred a procedure which would meet the pressing needs of the international credit situation and be adaptable to any important changes which might become necessary. An international credits department had been established, therefore, in London in March, 1921, under the direction of that well-known business man, Sir Drummond Drummond-Fraser, director of the Manchester Liverpool District Bank, who was instructed to consider the means of putting into practice the plan recommended by the Brussels International Conference, i. e., the ter Meulen plan, to examine the feasibility of the plan and if necessary to draw up statutes for the International Commission. The department had been in operation a year. The report then spoke in praise of the untiring activity, the thorough grasp of the situation, and the unselfish devotion with which Sir Drummond Drummond-Fraser had performed his task, having made both potential borrowers and potential lenders realize the scope and effectiveness of the ter Meulen plan. It had been necessary to call the attention of impoverished countries to the chance of obtaining from more fortunate nations, by means of material as well as moral guaranties, funds for the resumption of pre-war economic activities. It was also necessary to make lenders understand that in accepting credit bonds based on a restoration of public finance and a better use of the national resources of the borrowing country they would get an adequate security for repayment and bring about the stability essential to the world's development and progress. The authors of the ter Meulen scheme had realized that two elements were essential to the stability and prosperity of a country; balance in public finance between income and outgo; development of productivity. The ter Meulen plan implied that countries using it would make an effort to restore equilibrium in budgets and reduce fiduciary circulation. Furthermore, the plan not only covered importation by private persons of products enabling creditor countries to reestablish their production, but also provided for the direct use of credit bonds by the Governments.

The financial section had pointed out to possible borrowers in September, 1921, the advantage of using the ter Meulen plan as a basis for what might be termed reconstruction credits, for the guarantee of credits needed for improvement of means of communication, reorganization of factories, and in other ways for development of means of production, restoring railways, canals, ports, etc. The commercial credits available heretofore to borrowers had not been sufficient. What was needed was not a temporary accommodation but long-term credits, and these could be fully supported by the ter Meulen bonds, a real investment producing revenues in gold.

Sir Drummond Drummond-Fraser had said in his report of Sept. 6, 1921, that the ter Meulen plan could be used to help a government procure funds only for productive expenditure, that it avoided foreign interference and insured the independence of the borrowing country. The report then pointed out that in machinery such as that of the International Commission provided by the ter Meulen plan the League of Nations had at its disposal an organization having the necessary authority and at the same time beyond political control. This organization would strengthen the position of a government in its effort to effect difficult financial reforms, and at the same time inspire confidence in lenders. Potential lenders had on numerous occasions shown a favorable attitude toward the plan, while negotiations had been undertaken with a number of countries manifesting an inclination to use it as borrowers.

Sir Drummond Drummond-Fraser had made the ter Meulen plan universally familiar, and one of his greatest successes had been in impressing the plan on the favorable notice of authoritative representatives of American finance. The Federal Reserve Board of the United States had supported him in his advocacy of this plan, its bulletin of February, 1922, stating that none of the proposals for international credit had any considerable weight of public opinion behind it except the ter Meulen plan, that this plan seemed to have the support and approval of Western European as well as American bankers and financial experts, probably because it met the needs of the various types of foreign trade financing, that if the Genoa Conference could secure recognition by borrowing countries of the necessity of domestic financial reforms and by lenders of the value of the security furnished by the gold bonds the necessary machinery could be made effective almost instantly. The excellence of the ter Meulen plan over other systems lay in the fact that while giving adequate guarantees to lenders it supplied the means of assuring a substantial and constant improvement in the economic and financial condition of borrowing countries.

THE HAGUE AND THE GENOA CONFERENCE.

After making his report on the work of the economic and financial section of the provisional economic and financial committee, Mr. Bourgeois said that this work was partly concerned with discussions taking place at the Genoa conference—that it was known that some questions then under discussion at Genoa were to be referred to the league, that it was evident, therefore, that the league had not lost its prestige and that the Genoa conference had paid a tribute to the achievements of the league. The council approved the report of Mr. Bourgeois as well as the resolution already described.

Mr. Bourgeois then moved a declaration to the effect that should the resolutions taken by the Genoa conference be referred to the league, the president of the council and the secretary general be instructed to transmit them to the league's technical organizations.

SIXTH MEETING (PUBLIC), MAY 13, 1922.

CONSTITUTION OF DANZIG.

The council approved the constitution of Danzig with the addition of the amendment desired, relating to the period of office of senators.

MANUFACTURE OF AIRCRAFT IN DANZIG.

The question of the manufacture of aircraft in Danzig was referred to the permanent advisory commission on military, naval, and air questions.

ALBANIA.

The council adopted a resolution providing (1) that the council, acting on request of the Albanian Government, would retain one member and one secretary of the commission of inquiry on Albania for the present, (2) that the council send the request of the Albanian Government for economic assistance to the provisional economic and financial committee for favorable consideration, and ask said committee to send experts to Albania to report on measures for encouragement of foreign capital, (3) that the council, acting on request of the Albanian Government, request the financial section of the provisional economic and financial committee to propose to the council at the next session a list of candidates for the post of financial adviser to the Albanian Government, and that the request of said government for other technical advisers be postponed to a subsequent session, (4) that the reports of the commission of inquiry now under consideration be sent to the conference of ambassadors, whose attention should be called to the Albanian-Greek frontier, with an expression of hope that it might be defined as soon as possible, (5) that grateful recognition be accorded the commission of inquiry for its work in Albania, which had helped to pacify the country, restore better relations with neighboring people, and increase the prestige of the League of Nations.

REPORTS OF MILITARY COMMISSION OF CONTROL AT VILNA.

The council decided that the reports of the Military Commission of Control at Vilna should be published, leaving to the president of the council and the secretary general the selection of the date for publication, the date, however, to be well before the next assembly.

SEVENTH MEETING (PUBLIC), MAY 15.

COMMITTEE ON QUESTIONS OF INTELLECTUAL COOPERATION.

Pursuant to its decision of January 14, 1922, carrying out the Second Assembly's Resolution of September 21, 1921, the council decided to ask the following persons to be members of a committee to examine questions relating to intellectual cooperation from the international point of view: D. N. Banerjee, professor of political economy at the University of Calcutta; M. H. Bergson, honorary professor of philosophy at the College de France, member of the Académie Française, member of the Académie des Sciences morales et politiques; Mlle. Bonevieve, professor of geology at University of Christiania, delegate to the Assembly of the League of Nations; M. A. de Castro, director of the Faculty of Medicine at the University of Rio de Janeiro; Mme. Curie-Sklodowska, professor of physics at University of Paris and honorary professor of University of Warsaw, member of Académie de Médecine at Paris, and of Scientific Society of Warsaw; M. J. Destru, former minister of sciences and arts, member of the Académie belge de littérature et de langue française; A. Einstein, professor of physics at University of Berlin, member Royal Academy of Amsterdam, Royal Society of London, Academy of Sciences at Berlin; G. A. Murray, professor of Greek philology at Oxford University, member of the Council of the British Academy, delegate of South Africa to the assembly of the League of Nations; M. G. de Reynold, professor of French Literature at the University of Berne; M. F. Ruffini, professor of ecclesiastical law at the University of Turin, former minister of public education, president of the Union of Associations for the League of Nations, vice president of Royal Academy at Turin; M. L. de Torres Quevedo, director of the "Laboratorio Electro-mechanico" at Madrid, member of the committee for the extension of scientific studies, member of the Academy of Sciences of Madrid.

The appointment of the twelfth member was postponed to a later date.

MINORITIES IN LITHUANIA.

The council resolved that it took note of the declaration signed at Geneva on May 12 by the Lithuanian representative in the name of his Government concerning the protection of minorities and that it decided that the stipulations of this declaration, in so far as they affected religious, racial, or linguistic minorities, should be placed under the guarantee of the League of Nations from the date on which they had been ratified by the Lithuanian Government, and that the Lithuanian Government be asked to inform the secretary general of its ratification as soon as possible.

EIGHTH MEETING (PUBLIC), MAY 16.

FAMINE IN RUSSIA; NORWEGIAN PROPOSAL.

After considering the Norwegian Government's proposal that the council appoint a commission of inquiry to report on the famine in Russia, the council resolved to send a recommendation to the Geneva Conference, or to some commission set up by that conference, that careful consideration be given the Norwegian Government's proposal for coordinating the mass of information now available in western Europe respecting the realities of contemporary Russian life as affected by starvation and disease and as to the effect of those conditions on European economic reconstruction.

DISPUTE BETWEEN LITHUANIA AND POLAND.

The council intrusted Mr. Hymans with the task of taking up with representatives of Lithuania and Poland the matter of an administrative line of demarcation in the neutral zones established by the council's military commission, pending a permanent settlement, and also the question of mutual amnesty for the ending of reprisals.

BUDGET FOR 1923.

The council instructed the secretary general to forward the report of the Commission of Control on the Budget of 1923 to the members of the league, the members of the council reserving the right to amend or discuss the budget through their representatives during the next assembly should they in the meantime find it impossible to examine the budget.

LEAGUE'S RELATION TO LOAN BY BARING BROS., LONDON, TO CZECHO-SLOVAKIA.

The secretary general brought to the council's attention clauses in a loan contract, involving the sum of £10,000,000, between Baring Bros., London and Czechoslovakia, making the council an arbitrator in the event of certain contingencies

or difficulties. The contract had been submitted to the council through the secretary general by the parties who stated that it was in line with the council's endeavors to facilitate international credits essential to the economic reconstruction of Europe and in accord with the work done by the financial section of the league's financial and economic committee. The council decided to instruct the financial section to consider what responsibilities the council would incur as a result of the arbitration clauses in the proposed loan arrangement and whether the council should approve it.

NINTH MEETING (PUBLIC), MAY 16.

UPPER SILESIA.

The council on request of the conference of ambassadors appointed Mr. Calonder president of the mixed committee for Upper Silesia, and also, on similar request, appointed Mr. Kaeckenbeeck president of the court of arbitration for Upper Silesia. Following out the German-Polish agreement on Upper Silesia the council placed the stipulations therein regarding protection of minorities under guarantee of the League of Nations, said stipulations to the subject to further consideration by the council at its next session.

REPATRIATION OF PRISONERS OF WAR.

Doctor Nansen, the League's High Commissioner for Repatriation of Prisoners of War, stated that the work was nearly finished, and gave an account of his recent efforts in behalf of Turkish prisoners and prisoners in Russia.

TRAFFIC IN OPIUM.

Mr. Hymans reviewed before the council the work of the advisory committee on the opium traffic. He said that the gravest difficulties attended the problem of controlling the opium traffic, difficulties the committee had not tried to evade or minimize. The committee had pointed out that in some parts of the world the cultivation of the poppy was far in excess of the world's legitimate requirements; that in Europe and America morphine was being manufactured in enormous quantities and was being sent into countries whose natives had never been addicted to this drug until recently. The Chinese delegate had asked the committee why countries permitted their manufacturers to make and export morphine to poison the people of the world, and had asked if this was a policy of civilization. The committee believed that civilized countries must cooperate against the evil; that there must be control of exports and imports by all countries if the trade of the countries exercising supervision was not to suffer; that the countries frankly admitting that they had become centers of illicit traffic could only fulfill their promises for the future if they had the support of exporting countries; that only through a frank exchange of information could the extent of cultivation and manufacture become known. The committee urged the council, therefore, to appeal again to all countries to become parties to the opium convention of 1912, to make an annual report to the league on their cultivation, production, and manufacture of opium, its derivatives and other dangerous drugs; to state their requirements for internal consumption, and to adopt an import certificate which the committee thought should be in use on September 1, 1922, in Europe, America, Africa, and Australia, and by January 1, 1923, in all other countries. The committee had shown that a country remaining outside the convention might be made a center for the illicit traffic; urged the especial importance of Persia and Switzerland, both members of the league, becoming parties to the convention as soon as possible. The committee believed that of those States not members of the league and not parties to the convention, the most important in connection with the opium traffic was Turkey, and had pointed out that the ratification of the opium convention by Turkey was a term of the Sevres treaty, asking that in any fresh treaty with Turkey a similar provision be made.

The committee had given special attention to the increasing abuse of cocaine, and had asked all countries to send information as to annual legitimate requirements. The committee was aware that a large illicit traffic in morphine and cocaine existed in western Europe and America as well as the Far East, that in spite of the activity of the police and the heavy penalties imposed it was difficult to check because the drugs could be secretly conveyed with such ease and because so far it had been impossible to discover the means by which the drugs were obtained or the persons organizing the traffic, that the most effective method of stopping the traffic was to control production, a method which ought not to be difficult in the case of cocaine because its manufacture was an elaborate process and could be undertaken only by expert chemists. Cocaine was employed in a much smaller degree and for much fewer purposes than morphine, and it would be easier to estimate the world's requirements. The committee realized that the world's production of opium, morphine, heroin, cocaine and other drugs must be ascertained, as well as the legitimate requirements of each country for domestic consumption. The next step would be a comprehensive policy enabling the league to aid in striking at the root of the matter by recommending limitation of world supply to needs for legitimate purposes, the control of imports and exports, and effective national legislation in all countries. A large number of countries had recently passed legislation for more effective supervision. Cooperation of countries not yet in the league was essential. Germany had helped by appointing a member of the advisory committee, and the committee hoped that it might yet obtain the active cooperation of the United States, a party to the opium convention, and one of the largest morphine manufacturing and exporting countries in the world.

A resolution had been passed by the committee that the council should, if necessity arose, invite the governments to facilitate investigations in their territories by commissioners appointed partly by governments concerned and partly by the league. The committee had accepted the offer of the league of Red Cross societies to undertake through its National Red Cross societies active propaganda work against the abuse of opium.

Serious objection had been made by one of the members of the committee to certain paragraphs of a resolution adopted by the committee; that it might be necessary for the council to refer these paragraphs back to the advisory committee for further consideration; that in such event they should be discussed at a private meeting.

The council decided on further discussion in private.

TENTH MEETING (PRIVATE), MAY 16, 5.30 P. M.

After eliminating the paragraphs objected to, which reflected on China's handling of the opium problem, it appearing that China was making every effort against it within her power, the council resolved that the Chinese Government be asked to invite the International Anti-Opium Association in Peking to nominate a representative as member of the Chinese Commission of Investigation and authorize this member to transmit through the Chinese Government a report to the league in addition to the general report of the Commission of Investigation. The rest of the report was approved after the objectionable paragraphs had been eliminated.

ELEVENTH MEETING (PUBLIC), MAY 17.

ADMISSION TO PERMANENT COURT OF NONMEMBER STATES, ETC.

The council adopted a revised form of the resolution passed at the third meeting of the present session relating to admission to Permanent Court of International Justice of States not members of the league nor mentioned in the annex to the covenant. The revised form was substantially the same as the original.

RUSSIAN REFUGEES.

Mr. Adatci, representative of Japan, announced that his Government was ready to contribute 30,000 yen to the fund for the assistance of the Russian refugees at Constantinople—a sum equal to one-seventh of the necessary £20,000 yet to be subscribed—the contribution being made on condition that the rest would be given by other members.

DRAFT MANDATE FOR PALESTINE.

Lord Balfour, discussing further the placing of the Palestine mandate on the agenda for the present session, said that he had hoped that progress could have been made at that session toward a final settlement of all mandates in the Middle East; that further delay, however, did not mean that the general policy of the Allied and Associated Powers and of the League had been modified in any way; that the Treaty of Sevres and its remodeling had nothing to do with the policy of mandates in the Middle East or elsewhere.

He regretted the necessity of postponing again the discussion of the Palestine mandate because the task involved was one of great delicacy and difficulty, requiring large pecuniary resources. Little progress could be made until the economic capacities of Palestine had been so developed as to enable it to support a much larger population in much greater comfort than was now possible. The difficulty of obtaining capital made it necessary for the mandate to go into effect as soon as practicable.

The delay in connection with the Palestine mandate had not been generally understood. It was due to no indecision on the part of the allied and associated powers, or of the council, or the mandatory powers. It had always been contemplated, he continued, that the United States, having signed the peace treaties, would also ratify them, and would become, in that sense, a full party to the responsibilities and work of the allied and associated powers; that the United States had not ratified but had naturally claimed that this fact did not interfere with

her rights and duties as one of the allied and associated powers in respect to the territories secured through the victory of said powers. The United States had claimed, he said, a voice in the mandates question, and this had necessitated fresh discussions of the mandate problem. The Palestine mandate had been discussed by the British Government and the United States Government, and the latter had accepted the entire principle of that mandate. This had all to be embodied in a treaty, and it was on the very eve of the present session of the council that the British Government had received a final statement from the United States. For this reason notice had not been given the Governments at an earlier date of the speaker's intention to ask for a discussion at the present session of the mandate. Members of the council naturally wished further time.

The powers of the league regarding mandates, he continued, had not been fully understood by the public. They were not the creations of the league and could not be altered in substance by it. It was the league's function to see that the specific and detailed terms of mandates were in accordance with the decisions taken by the allied and associated powers, the mandatory powers in carrying out these mandates being under the supervision but not the control of the league. The league had the necessary organization to obtain the fullest information as to the method in which each mandatory power was carrying out its mandate.

Mr. SHIELDS. Mr. President——

Mr. SHEPPARD. I yield for a question.

Mr. SHIELDS. I desire to ask the Senator if in his investigations he has found whether or not the League of Nations has exercised any control over these mandates, especially under the provision that periodical, perhaps annual, reports of the action of the power having the mandate should be made to the League of Nations, and whether really these mandates have been treated as annexations, and the term "mandate" really just as a euphonious name for annexation; and is there any difference between an annexation of territory and a mandate in actual practice by the several nations to which the German colonies were allocated?

Mr. SHEPPARD. I shall cover all those points in the proceedings which I am about to describe. The "C" mandates were ratified in 1920. The "A" and "B" mandates were ratified last summer, except——

Mr. SHIELDS. Ratified by whom?

Mr. SHEPPARD. By the league council and declared to be in harmony with the spirit of the covenant; and the proceedings I am now about to relate will cover those points in considerable detail.

Mr. SHIELDS. Do they show that Great Britain and France in any way deferred to the council or the assembly of the League of Nations as to how they should conduct these great territories that were allotted to them as mandates under the treaty? I do not believe they were allotted directly under the treaty, but by the council of the premiers of the great powers, as I remember.

Mr. SHEPPARD. They were submitted to the council, and they have been approved by the council, except perhaps one, Mesopotamia, as to which final action by the council has not yet been taken; but I am setting out in the course of these proceedings a "B" mandate in detail and an "A" mandate in detail, so that the Senator can see the exact provisions; and in my address of October 5, 1921, I set out a "C" mandate in full. Those mandates have met the approval of the council.

The speaker then stated that a mandate was a self-imposed limitation by the conquerors on the sovereignty they exercised over the conquered territory; that in the general interest of mankind the allied and associated powers had placed this limitation on themselves; had asked the league to assist them in seeing that this general policy was put into effect, but that the league was not the author of the policy; that the duty of the league, most responsible and onerous, was, first, to see that the terms of the mandates conformed to the principles of the covenant; and, second, that these terms would in fact regulate the policy of the mandatory powers in the mandated areas.

Fears had been expressed by some, he said, that the Palestine mandate would injuriously affect certain Christian interests. His reply was that he did not see how anyone could suppose that Christian interests would suffer by transfer of power in Palestine from a Mohammedan power to a Christian power, especially when that Christian power was Great Britain. He said that no power had been fairer in its treatment of different religious creeds than Great Britain. Furthermore, whatever was done in Palestine at the moment or in the future was in the full light of day. The machinery of the mandate commission, of the council, and the assembly was so shaped as to direct the full glare of public opinion on all mandatory transactions.

After discussion by several other representatives the council decided to postpone further debate until its next session, which it resolved should assemble not later than July 15; and decided further that at the next session all outstanding mandates would be considered, if possible.

DISPUTE BETWEEN LITHUANIA AND POLAND.

The council, again taking up the Poland-Lithuania dispute, resolved that since difficulties were involved in the maintenance between these two countries of a neutral zone, which was at present deprived of regular administration, and since the council's recommendation of January 13, 1922, to the effect that this zone be abolished and a provisional line of demarcation fixed by agreement between the two Governments, received the consent of Poland, but was not accepted by Lithuania, the council considered it desirable from the military point of view to maintain the neutral zone through its entire extent, but renewed its recommendation as to the need of a provisional line of demarcation crossing this zone, for the purpose of the civil and judicial administration of the communes situated in the zone, and that a commission be sent by the council to study the line which might eventually be adopted and report to the council.

The resolution also requested both Governments, in the interests of peace, to annul, by act of clemency, legal proceedings in Lithuania, Poland, or the disputed territory against all persons detained or expelled for political reasons and not charged with offenses against common law.

The resolution was adopted over the protest of Lithuania, Poland consenting.

RESOLUTIONS OF HEALTH CONFERENCE AT WARSAW.

The secretary general reported that the indications were that the Genoa conference would approve the principles of the resolutions of the Warsaw Health Conference, transmitted by the council, and would recommend to the Governments concerned that they examine forthwith the methods of carrying them into effect; that the resolutions had been placed on the agenda of the Genoa conference and referred to a committee.

The council instructed the secretary-general to keep in touch with the Genoa conference, to report any further action, and to keep in contact with the Governments represented at the Warsaw conference, which had declared an interest in carrying out its program.

Mr. Chodzko, Polish minister of health, came to the council table and reviewed the work of the Warsaw Health Conference, stating that it had been summoned by the health organization of the league at the instance of Poland. Its resolutions had been unanimously adopted, a fact all the more remarkable because this was the first international conference at which representatives of nations formerly enemies had met together.

WORK OF PERMANENT ADVISORY COMMISSION ON MILITARY, NAVAL, AND AIR QUESTIONS.

The Permanent Advisory Commission on Military, Naval, and Air Questions reported through its chairman, Rear Admiral de Magaz, on the three questions submitted to it by the council. The first concerned the definition of the term, "Munitions and implements of war," in paragraph 5, article 8 of the covenant, the definition decided upon by the commission being that the term referred to material used exclusively for fighting. The second question concerned the destruction of surplus stocks of munitions, and these the commission considered had been destroyed or were in process of destruction, the problem having in this way been solved. The third question concerned the private manufacture of arms, and the commission replied that inasmuch as the temporary mixed commission on armaments had in charge preparations for an international conference on this subject and was also considering it, the permanent commission held itself ready to study from the technical viewpoint any specific questions arising in the course of the investigations by the temporary commission which the latter might refer to it.

Lord Balfour, commenting on the report in reference to surplus stocks, said that the ratification of the Arms Traffic Convention lay at the root of every effective measure against the export of arms; that the council could not consider that it was dealing effectively with the export of arms as long as that treaty remained unratified. The Council requested the Secretariat to prepare a report on this matter.

TWELFTH MEETING (PUBLIC), MAY 17, 1922.

MANUFACTURE OF AIR MATERIAL AT DANZIG.

The council, after hearing the report of the air subcommittee of the Permanent Advisory Commission on Military, Naval and Air Questions, decided to sustain the report declining to modify the regulations preventing the making of military aircraft in Danzig and permitting only civil craft, as requested by the president of the Danzig Senate.

POLAND-DANZIG RELATIONS.

General Haking, the league's high commissioner for Danzig, stated that Danzig and Poland had agreed on all questions at issue, such as conduct of Danzig's foreign relations by Poland, status of Polish property in Danzig, etc., and suggested that the council make a rule that after a decision by the high commissioner the two parties come together within the 40 days allowed them and try to agree before appealing to the council. The council agreed to this suggestion.

GERMAN MINORITIES IN POLAND.

The council, after hearing a report on the German minorities in Poland, resolved that a copy be sent the Polish Government with the request that detailed information on the questions of fact and law in the report be forwarded as soon as possible to the council; that a representative of the Polish Government be invited to consider, in company with the secretary general, the questions of law in order to help the council to decide whether, and if so, on what questions the Permanent Court of International Justice should be asked to give an opinion; that the Polish Government be requested to postpone until the council should have an opportunity to reach a decision, any administrative or judicial matters likely to affect persons of German origin engaged in agricultural work who were Polish subjects, or whose status as Polish subjects was dependent on the question of interpretation raised in the report.

ADJOURNMENT.

The council then adjourned its eighteenth session, after agreeing to hold an extraordinary session not later than July 15, and the next regular session, about a week before the opening of the third assembly.

LIMITATION OF ARMAMENT.

The official journal of the league contains replies from Belgium and Denmark to the second assembly's letter on disarmament, saying they had covered the subject in their replies to the letter of the first assembly.

Greece replied on April 10, 1922, that in view of the war with Turkey it was impossible to publish at the moment information regarding its military strength and stores, and to estimate military expenses for 1922 and 1923.

Peru replied that its war expenditure would be 1,000,000 Peruvian pounds for 1921, and 900,000 for 1922.

ARMS TRAFFIC CONVENTION; GREECE, HUNGARY, MEXICO, MONACO, SALVADOR.

As to the Arms Traffic Convention Greece advised the Secretary General that its Government had ratified in 1920.

Hungary replied that its Government was prepared to adhere to the convention on the control of the traffic in arms and munitions and to the protocol signed at St. Germain-en-Lay September 10, 1919, but under the Hungarian constitution had first to obtain legislative sanction and a decision of the governor of Hungary.

Mexico replied that the league's letter of inquiry regarding the Arms Traffic Convention had been referred to the President of Mexico, who would take such action as he deemed appropriate.

Monaco replied that in view of the fact that article 23 of the Arms Traffic Convention limited adhesion to States, members of the league, it was prepared to adhere on admission to the league.

Salvador acknowledged receipt of the letter regarding the Arms Traffic Convention, but did not indicate what action it would take.

LETTER OF SECRETARY OF STATE OF UNITED STATES ON RUSSIAN REFUGEES.

The League's official journal contains a letter from the Secretary of State of the United States to Doctor Nansen, received by him May 23, 1922, stating that he had received a letter from Doctor Nansen, in his capacity as commissioner of the League for Russian refugees, requesting the United States Government to grant Russian students and refugees in the United States permission to attend, without charge, if possible, the institutions of secondary teaching and the universities in the United States, stating further that the colleges and universities in the United States were under private control and that the United States had no direction over them; that there were in the several States free public schools, embracing primary, secondary, intermediate, and high school courses of study; that while these schools were governed by State statutes or municipal ordinances and not by Federal law, the State Department knew of no reason to prevent Russian residents in the United States entering these schools on an equality with other residents of the community.

EVACUATION OF RUSSIAN REFUGEES AT CONSTANTINOPLE.

Toward the desired fund of 30,000 pounds for the evacuation of Russian refugees from Constantinople, the League's journal for July, 1922, shows that Brazil had subscribed 500 pounds, Chinese Government 5,000 French francs, Switzerland 10,000 francs, Belgium 50,000 francs.

MUTUAL INSURANCE OF NATIONS AGAINST PUBLIC CALAMITIES.

The official journal contains a letter from the president of the Geneva Conference to the president of the council transmitting, by direction of the conference, the suggestion of Senator Ciraolo, president of the Italian Red Cross, for a system of mutual insurance of nations against public calamities, under the administration of the Red Cross, the suggestion having been adopted by the Tenth International Conference of the Red Cross.

PERMANENT COURT OF INTERNATIONAL JUSTICE.

The league's official journal for August, 1922, shows that China had ratified the statute of Permanent Court of International Justice and the optional clause for compulsory jurisdiction on May 13, 1922, and Lithuania had done likewise May 16, 1922.

LIMITATION OF ARMAMENTS: INDIA, COLOMBIA, CZECHOSLOVAKIA, POLAND.

India replied to the second inquiry regarding limitation of armament for the two succeeding fiscal years that the budget for military expense in 1921–22 contemplated 622,000,000 rupees, but owing to abnormal frontier conditions had amounted to 650,100,000 rupees; that the estimate for 1922–23 was 621,800,000 rupees, with reductions under consideration.

Colombia replied that it would expend about 1,000,000 gold pesos less for military purposes in 1922 than in 1921; that expenditures for such purposes were amounting to about 10 per cent of its entire budget.

The Czecho-Slovak Republic replied that its military expense amounted in 1919 to 20.20 per cent of the total budget, in 1920 to 15.47 per cent, in 1921 to 14.20 per cent, in 1922 to 15.69 per cent; that a substantial reduction would have been shown but for the pronounced rise in cost of equipment and armaments; that its military budget was well on the way to the goal of the second assembly's resolution, viz, a military expenditure confined to minimum requirements.

Poland replied that on account of its peculiar military position it was unable at present to assume the suggested obligation; that it was nevertheless sparing no effort to reduce its military budget to a reasonable minimum; that its military expenditure had been reduced from $122,400,000 in 1920 to $69,327,696.98 in 1921; that the expense for the current year would not exceed $60,000,000; that Poland was still engaged in creating her army; that she possessed neither stocks of war material nor factories for its manufacture; that in this respect she was more unfavorably situated than other western powers; that in view of these facts her small military budget was convincing proof of her fundamentally pacific intentions; that she believed thoroughly in the mission and spirit of the league.

SAAR BASIN.

The official journal contains the twelfth periodical report of the governing commission for the Saar Basin, covering April to June, 1922. It concludes by stating that the second quarter of 1922 in the Basin had shown distinct recovery in economic activity—that it was hoped that the actitivities of the advisory committee elected on June 25, 1922, would bring about a still better development.

NINETEENTH SESSION OF COUNCIL, LONDON, JULY 17–24, 1922.

At the nineteenth session of the council held at London, July 17–24, 1922, member nations were represented as follows: Spain, Mr. Quinones de Leon (president); Belgium, Mr. Paul Hymans; Brazil, Mr. da Gama; China, Mr. Tang Tsai-Fou; British Empire, Lord Balfour and Mr. H. A. L. Fisher; France, Mr. René Viviani; Italy, Marquis Imperiali; Japan, Viscount Ishii.

FIRST MEETING (PUBLIC), JULY 17.

TRANSFER OF SOCIAL INSURANCE FUNDS FROM GERMANY TO POLAND.

By authority of article 312, Treaty of Versailles, the council approved a report of the commission appointed to arrange the transfer from Germany to Poland of certain social insurance funds for former German territory ceded to Poland.

TRAFFIC IN WOMEN AND CHILDREN.

Mr. da Gama presented a report on the work of the advisory committee on traffic in women and children during its first

session at Geneva, from June 28 to July 1, 1922, a report recommending, among other things, that the United States and Germany be invited to appoint members of the committee—that the council request all Governments to become parties to the convention of 1921 on the traffic, and to ask all governments signatory to the 1904 or 1921 convention to appoint central authorities under article 1 of the 1904 agreement, if they had not already done so.

The report has drawn attention, said the speaker, to the importance of intercommunication between these authorities and urged that the league secretariat keep in closest possible touch with them; had made recommendations in connection with the employment of women, and certain suggestions in connection with emigration for consideration of the International Emigration Commission of the labor office at its next meeting, and had concluded by stating that the suppression of the traffic could be secured only through constant vigilance by all governments and interested voluntary international associations, and their intimate cooperation in carrying out the international agreement and conventions.

The report was adopted and the secretary general instructed to carry into effect its suggestions.

SECOND MEETING (PRIVATE), JULY 18.

PUBLICITY OF PROCEEDINGS.

A letter was read from President Harris, of the Association of Journalists, accredited to the league, protesting against the rumored intention of the council to discuss mandates largely, if not wholly, in private. Reserving the right to hold private meetings where the situation seemed to justify it, the council decided that the B mandates should be considered in public.

THIRD MEETING (PUBLIC), JULY 18.

THE "B" MANDATES.

Viscount Ishii presented a report on the B mandates. He called attention to the fact that the B mandates had been considered at the Paris session of the council in February, 1921, and that the speaker had submitted a report on the drafts then submitted for approval; that various circumstances, especially a note from the United States, induced the council to postpone final decision. He said that at that time the council asked the Government of the United States to be good enough to send a representative to the next session of the council; that at the session held on June 17, 1921, Mr. da Cunha announced that the League of Nations had not received any reply to the invitation nor any information giving accurate knowledge of the views of the United States Government; that Mr. da Cunha then addressed a letter to the principal allied powers asking them on behalf of the council to negotiate with the United States on this subject. He added that at the following session, on September 3, 1921, the situation was still unchanged, and the secretary general was requested to send a new letter to the principal allied powers expressing the council's desire that the negotiations which had been entered into at the council's request with the United States should be speedily concluded.

Viscount Ishii then referred to the fact that on May 11, 1922, at Geneva, Lord Balfour had, in the name of Great Britain, informed the council that the negotiations with the United States, regarding the Palestine mandate, had resulted satisfactorily to both parties; that he had asked the council to meet again at an early date to make a final decision on this mandate; that the council agreed to his request, expressing the hope that an agreement with the United States would soon be made in regard to the other draft mandates which were still undetermined. The speaker then stated that the British and French B mandates had reached the secretariat about a week before; that it was gratifying that the obstacles delaying decision had been removed; that as to the Belgian mandate for Ruanda Urundi in East Africa there was no new text and since he had already commented thereon in a former report he would confine himself at present to the British and French mandates of which modifications had been made.

He said that the new draft mandates resulting from conversations with the Government of the United States differed but slightly from the texts discussed in February, 1921; that he would point out the differences and recall his comments on certain points where it appeared to him, and still did so, that slight changes might properly be made.

The majority of the proposed changes, he continued, were purely verbal, and he would direct attention to those which were substantial, there being five of these.

The first occurred in Art. 7 of the British draft mandate for East Africa and in Art. 6 of the British and French draft mandates for Togoland and the Cameroons, taking the form of additional words designed to add greater precision to the obligation of the mandatory to refrain from granting concessions having the character of monopoly, being in accord, therefore, with the spirit of the covenant and calling for no comment.

The second change was in the article concerning freedom of conscience and free exercise of all forms of worship. Article 8 of the British mandate for East Africa in its new form restricted the rights granted to missionaries only to such as were nationals of States members of the League of Nations and brought the mandate into uniformity with the provisions in this respect in the mandates for Togoland and the Cameroons, which in the earlier drafts were not in complete uniformity. The corresponding article in the mandates for Togoland and the Cameroons was article 7. The new text extends the facilities previously granted to missionaries who were natives of States members of the League of Nations, thus removing a deplorable difference on this point between the two drafts to which the speaker had called attention in his first report.

The third change was in the Togoland and Cameroons mandates. The words "subject to the following provisions" had been replaced by the words "subject to the above provisions" at the end of the first paragraph of article 9. This same condition ought to be placed in article 3 of the British draft for East Africa.

The fourth change was the insertion of the words "provided always that the measures adopted to that end do not infringe the provisions of the present mandate," in the second paragraph of article 9 of the British and French mandates for Togoland and the Cameroons, thus very wisely limiting the scope of preceding provisions regarding the constitution of customs, postal, or administrative unions or federations which might be established between Togoland and the Cameroons and adjacent territories.

The fifth change was the deletion in article 12 of the British draft for East Africa and in article 11 of the British and French drafts for Togoland and the Cameroons of a sentence authorizing the council to approve by majority vote any modification in the mandates proposed by the mandatories. This sentence had already been deleted from the C mandates and the council would doubtless be pleased with its disappearance from the others.

The speaker said that all these changes showed a desire to adhere as faithfully as possible to the spirit of the covenant. He renewed his recommendations of certain changes in the mandates in his report in February, 1921, which he said had not been followed in the new drafts.

It was explained in the discussion following the report that the modifications last referred to were questions of form, and intended to bring the texts of B mandates into conformity with C mandates which had been approved by the council in 1920.

The secretary general suggested that the necessary modifications be intrusted to a drafting committee composed of representatives of the mandatory powers, Viscount Ishii, and the director of the mandates section.

Lord Balfour expressed agreement, but wished to raise another question. Negotiations had occurred regarding mandates between the mandatory Governments on the council and the United States Government. Lord Balfour said he was happy to state that complete agreement had been reached between the British Government and the Government of the United States regarding B mandates and the Palestine mandate. As to the B mandates there remained only the question of the wording of article 8 of the draft mandate for East Africa, providing freedom of conscience and free exercise of their calling by all missionaries who were nationals of any State member of the league. The original text had been as follows:

"Subject to the provisions of any local law for the maintenance of public order and public morals the mandatory shall insure to the territory freedom of conscience and free exercise of all forms of worship and shall, *subject to such control as may be necessary for the maintenance of good government*, allow all missionaries, nationals of any State member of the League of Nations, to enter into, travel, and reside in the territory for the purpose of prosecuting their calling, to acquire and possess property, to erect buildings for religious purposes, and to open schools."

The United States, said Lord Balfour, had interpreted the words "subject to such control as may be necessary for the maintenance of good government," as limiting and almost invalidating the effect of the whole article, holding that they did not cover any situation not already met by the opening words of the clause above quoted, viz., "Subject to the provisions of any local law for the maintenance of public order and public morals." The British Government did not agree to this contention but to avoid prolonged discussion, it was proposed to have recourse to a corresponding article from the Americo-

Japanese treaty concerning Yap and other islands north of the equator, and to substitute it with such changes as might be proper. Said corresponding article seemed identical with the earlier draft of article 8 and as adapted to the mandate under discussion would read:

"The mandatory shall insure in the territory complete freedom of conscience and free exercise of all forms of worship consonant with public order and morality. Missionaries who are nationals of States members of the league shall be free to enter the territory and to travel and reside therein, to acquire and possess property, to erect religious buildings, and to open schools throughout the territory, it being understood, however, that the mandatory shall have the right to exercise such control as may be necessary for the maintenance of public order and good government and to take all measures required for such control."

Lord Balfour then asserted that it was assumed by the British Government that the United States Government could have no possible objection to this text, having already accepted it in the Yap treaty; that he had therefore telegraphed to His Majesty's representative in Washington stating that he was telling his colleagues on the council that the British and United States Governments had agreed on all points of importance affecting the administration of mandated territory in Africa. He said that the British ambassadors in Paris and Brussels had at the same time communicated the revised text to the French and Belgian Governments in the hope that they would agree to corresponding changes in their mandates relating to Togoland, the Cameroons, and German East Africa.

The council then approved the B mandates, subject to such textual changes as might be suggested by the drafting committee which the council authorized in accordance with the proposal of the secretary general.

TEXT OF "B" MANDATE.

It will be of value to insert here the text of a B mandate, and I have selected for this purpose the French mandate for Togoland. The other B mandates are the Belgian mandate for East Africa (comprising the territory of Ruanda-Urundi), the British mandate for the Cameroons, French mandate for the Cameroons (the territory of the Cameroons being divided between British and French mandates), the British mandate for Togoland (Togoland being also divided between British and French mandates), British mandate for East Africa (East Africa being divided between British and Belgian mandates), and the terms of all are alike.

FRENCH MANDATE FOR TOGOLAND.

"The Council of the League of Nations:

"Whereas by article 119 of the treaty of peace with Germany, signed at Versailles on June 28, 1919, Germany renounced in favor of the principal allied and associated powers all her rights over her oversea possessions, including therein Togoland; and

"Whereas the principal allied and associated powers agreed that the Governments of France and Great Britain should make a joint recommendation to the League of Nations as to the future of the said territory; and

"Whereas the Governments of France and Great Britain have made a joint recommendation to the Council of the League of Nations that a mandate to administer in accordance with article 22 of the covenant of the League of Nations that part of Togoland lying to the east of the line agreed upon in the declaration of July 10, 1919, of which mention is made in article 1 below, should be conferred on the French Republic; and

"Whereas the Governments of France and Great Britain have proposed that the mandate be formulated in the following terms; and

"Whereas the French Republic has agreed to accept the mandate in respect of the said territory and has undertaken to exercise it on behalf of the League of Nations;

"Confirming said mandate, defines its terms as follows:

ARTICLE 1.

"The territory over which a mandate is conferred upon France comprises that part of Togoland which lies to the east of the line laid down in the declaration signed on July 10, 1919, of which a copy is annexed hereto.

"This line may, however, be slightly modified by mutual agreement between His Britannic Majesty's Government and the Government of the French Republic where an examination of the localities shows that it is undesirable, either in the interest of the inhabitants or by reason of any inaccuracies in the map, Sprigade 1:200,000, annexed to the declaration, to adhere strictly to the line laid down therein.

"The delimitation on the spot of this line shall be carried out in accordance with the provision of said declaration.

"The final report of the mixed commission shall give the exact description of the boundary line as traced on the spot; maps signed by the commissioners shall be annexed to the report. This report with its annexes shall be drawn up in triplicate: One of these shall be deposited in the archives of the League of Nations, one shall be kept by the Government of the Republic, and one by His Britannic Majesty's Government.

ARTICLE 2.

"The mandatory shall be responsible for the peace, order, and good government of the territory and for the promotion to the utmost of the material and moral well-being and the social progress of its inhabitants.

ARTICLE 3.

"The mandatory shall not establish in the territory any military or naval bases, nor erect any fortifications, nor organize any native military force except for local police purposes and for the defense of the territory.

ARTICLE 4.

"The mandatory:

"(1) Shall provide for the eventual emancipation of all slaves and for as speedy an elimination of domestic and other slavery as social conditions will allow;

"(2) Shall suppress all forms of slave trade;

"(3) Shall prohibit all forms of forced or compulsory labor except for essential public works and services and then only in return for adequate remuneration;

"(4) Shall protect the natives from measures of fraud and force by the careful supervision of labor contracts and the recruiting of labor;

"(5) Shall exercise a strict control over the traffic in arms and ammunition and the sale of spirituous liquors.

ARTICLE 5.

"In the framing of laws relating to the holding or transfer of land the mandatory shall take into consideration native laws and customs, and shall respect the rights and safeguard the interests of the native population.

"No native land may be transferred, except between natives, without the previous consent of the public authorities, and no real rights over native land in favor of nonnatives may be created except with the same consent.

ARTICLE 6.

"The mandatory shall secure to all nationals of States members of the League of Nations the same rights as are enjoyed in the territory by his own nationals in respect of entry into and residence in the territory, the protection afforded to their person and property, and acquisition of property, movable and immovable, and the exercise of their profession or trade, subject only to the requirements of public order, and on condition of compliance with the local law.

"Further the mandatory shall ensure to all nationals of States members of the League of Nations, on the same footing as to his own nationals, freedom of transit and navigation, and complete economic, commercial, and industrial equality; except that the mandatory shall be free to organize essential public works and services on such terms and conditions as he thinks just.

"Concessions for the development of the national resources of the territory shall be granted by the mandatory without distinction on grounds of nationality between the nationals of all States members of the League of Nations, but on such conditions as will maintain intact the authority of the local government.

"Concessions having the character of a general monopoly shall not be granted. This provision does not affect the right of the mandatory to create monopolies of a purely fiscal character in the interest of the territory under mandate and in order to provide the territory with fiscal resources which seem best suited to the local requirements; or, in certain cases, to carry out the development of natural resources, either directly by the State or a controlled agency, provided that there shall result therefrom no monopoly of natural resources for the benefit of the mandatory or his nationals, directly or indirectly, nor any preferential advantage which shall be inconsistent with the economic, commercial, and industrial equality hereinbefore guaranteed.

"The rights conferred by this article extend equally to companies and associations organized in accordance with the law of any of the members of the League of Nations, subject only to the requirements of public order, and on condition of compliance with the local law.

ARTICLE 7.

"The mandatory shall insure in the territory complete freedom of conscience and the free exercise of all forms of worship consonant with public order and morality; missionaries who

are the nationals of state members of the League of Nations shall be free to enter the territory and to travel and reside therein, to acquire and possess property, to erect religious buildings and to open schools throughout the territory; it being understood, however, that the mandatory shall have the right to exercise such control as may be necessary for the maintenance of public order and good government, and to take all measures required for such control.

ARTICLE 8.

"The mandatory shall apply to the territory any general international conventions applicable to his contiguous territory.

ARTICLE 9.

"The mandatory shall have full powers of administration and legislation in the area subject to the mandate. This area shall be administered in accordance with the laws of the mandatory as an integral part of his territory and subject to the above provisions.

"The mandatory shall therefore be at liberty to apply his laws to the territory subject to the mandate with such modifications as may be required by local conditions and to constitute the territory into a customs, fiscal, or administrative union or federation with the adjacent territories under his sovereignty or control, provided always that the measures adopted to that end do not infringe the provisions of this mandate.

ARTICLE 10.

"The mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the council. The report shall contain full information concerning the measures taken to apply the provisions of this mandate.

ARTICLE 11.

"The consent of the Council of the League of Nations is required for the modification of any of the terms of the present mandate.

ARTICLE 12.

"The mandatory agrees that if any dispute whatever should arise between the mandatory and another member of the League of Nations, relating to the interpretation or the application of the provisions of the mandate, such dispute, if it can not be settled by negotiation, shall be submitted to the permanent court of international justice provided for by article 14 of the covenant of the League of Nations.

"The present instrument shall be deposited in original in the archives of the League of Nations. Certified copies shall be forwarded by the secretary general of the League of Nations to all members of the league.

"Done at London, the 20th day of July, 1922."

LIQUOR TRAFFIC.

The council resolved that owing to the danger to the native populations of central Africa, arising from the scourge of alcoholism, it recommend that the mandatory power do everything possible to protect the said populations from such danger, and that the permanent mandates commission investigate most carefully the measures taken by the mandatory powers in this connection and to report to the council on the application of the provisions in the mandates regarding alcoholism.

FOURTH MEETING (PUBLIC), JULY 18.

JURISDICTION OF INTERNATIONAL LABOR OFFICE OVER QUESTIONS OF AGRICULTURAL PRODUCTION.

Mr. Albert Thomas, director of the international labor office of the league, having been invited to the council table in connection with the question of the request of the French Government for a supplementary opinion from the permanent court of international justice as to the jurisdiction of the international labor office in matters relating to agricultural production, stated that the office had never claimed such jurisdiction; that it had discussed the whole question with the International Institute of Agriculture at Rome, and had formed a joint commission with that institute for the examination of the question; that he could not see why the French Government had asked that the permanent court be consulted.

He said that the French Government had based its opinion that the labor office was claiming jurisdiction on an amendment to the text of a recommendation concerning the prevention of unemployment in agriculture proposed by Mr. Zumeta during the third session of the international labor conference; that it was clear, however, that this amendment was much more restricted in scope than seemed apparent on first consideration; that it was merely intended that the labor office should examine certain questions of agricultural production closely connected with questions of unemployment in agriculture, but that these questions were considered exclusively in their bearing on labor problems.

Mr. Viviani asked why the labor office should object to the submission of the question to the permanent court if it had never claimed jurisdiction. He said the international labor conference might some day claim jurisdiction; that the French Government was much concerned, the work of some 7,000,000 agricultural laborers being involved; that a formal decision of the court now would remove all difficulties later on.

Mr. Thomas replied that the labor office did not concern itself with the technical problems of agriculture except as they were bound up in problems affecting protection of workers; that the automatic transmission to the court of every request for an opinion would weaken the authority of court and council; that the reference of the present question to the court would be unjust, because it suggested that the labor office had claimed a jurisdiction it had never sought.

Mr. Viviani contended that failure to submit would constitute a dangerous precedent; that if the French Government found it could not appeal to the court other Governments would be discouraged in other cases; that it would be advantageous to ask the court for an opinion which would establish an adjudication to which States could refer.

The council voted to forward the request of the French Government for the opinion to the permanent court.

REPORT OF COMMITTEE TO CONSIDER NORWEGIAN AND SWEDISH PROCEDURE OF CONCILIATION.

The committee appointed by the council pursuant to the assembly's recommendation of October 4, 1921, and authorized to examine the amendments to the covenant suggested by the Norwegian and Swedish Governments in relation to procedure for conciliation with a view to formulating a body of rules on the subject, reported a draft resolution providing for the voluntary formation of commissions established by conventions between States in dispute, looking to peaceful settlement and providing rules of operation. The draft resolution suggested no amendment to the covenant, but contemplated a machinery to be employed in an attempt at amicable settlement, subject to rights and obligations mentioned in article 15 of the covenant, and before application of said article might become necessary.

FIFTH MEETING (PRIVATE), JULY 19, 1922.

THE "A" MANDATES.

Mr. Viviani asked that the Syrian mandate be discussed before the Palestine mandate, saying the situation would be intolerable for France if the Palestine mandate should be awarded to Great Britain and the discussion of the Syrian mandate postponed, involving administrative difficulties of the gravest nature for the French authorities in Syria.

Lord Balfour replied that the present session was an extraordinary one, called primarily to deal with the Palestine mandate, that he hoped both mandates would be discussed at that session, but did not think the Syrian mandate should be handled first; that he was willing at once, however, to take up the question whether both mandates should be considered during the current session.

The Marquis Imperiali recalled his insistence on the postponement of the Palestine mandate at the last session, so that the Italian and British Governments might exchange views on certain phases of that mandate of serious importance to the former, stating that the exchange had resulted in agreement. He said that he had learned only a few days before that the conversations between the French Government and the United States Government as to the Syrian mandate had been concluded, and that the question would be discussed at the present session; that the mandate was now being debated by the French and Italian Governments; that pending a conclusion he was unable to agree to final action, and asked postponement to allow sufficient time for the exchange of views.

Mr. Viviani replied that this request would precipitate a serious condition for France; that it was nearly two and a half years since the French Government had communicated the Syrian mandate to the Italian Government; that during this time the latter had raised no objections; that the objection now made could refer only to modifications suggested by the United States, which were unimportant and purely matters of detail; that continued delay would have a most prejudicial effect on the territories involved.

The Marquis Imperiali stated that the Italian Government had announced its views on the A mandates two years before; that in its opinion the future of these mandates should be bound up with the fate of the treaty of Sevres, a point of view adopted by the last assembly in accordance with the opinion of the subcommittee on mandates, of which there was a French member. He said that under the circumstances it was but natural that the Italian Government should have awaited a suitable moment to begin conversations on certain points in the mandates between Great Britain and France; that an agreement had been reached with the former, but that

before giving his consent to the Syrian mandate, he would have to await the outcome of the conversations now in progress between Italy and France.

Lord Balfour said that when the question came to be discussed in a public session, as would inevitably be the case, he thought the Marquis Imperiali would agree that his position would not favorably impress the public; that the question of the mandates had been delayed more than two years; that there had been no new factors in the problem, no new proposals; that but for the letter in February, 1921, from the Government of the United States, all mandates would have been then and there awarded; that the intervention of the United States had caused a delay in granting the mandates most regrettable from an administrative point of view, a delay, however, which had given the Italian Government even better opportunities than before for making up its mind.

He was surprised to learn that now the Italian Government objected to a discussion of the Syrian mandate; that the Italian Government must have seen in May last that the French contention that it was impossible to bestow one of these mandates and withhold the other on account of the close historical, national, and geographical relations between the two territories made it inevitable that the question of the Syrian mandate would be presented when the Palestine mandate was taken up. He said that further delay would endanger the Palestine mandate; that every possible counter-influence would be encouraged and the gravest difficulties in administration caused; that the league itself would suffer in public estimation. He urged the Marquis Imperiali to withdraw from his position.

The Marquis Imperiali replied that his Government had made its statement as to the extent to which the fate of the treaty of Sevres was bound up with that of these mandates even prior to the discussion aroused by the intervention of the United States; that he could not bind his Government before the council, especially since the question at issue was one of vital policy, and that above all he must carry out his Government's instructions.

After further debate the council decided to suspend consideration of its mandates until the Marquis Imperiali could get in touch with his Government.

SIXTH MEETING (PUBLIC), JULY 19.

ARMED BANDS IN FRONTIER DISTRICTS OF COUNTRIES BORDERING ON BULGARIA.

In reference to the matter of the incursions of armed bands into the frontier districts of countries bordering on Bulgaria, the council, after hearing a report by Viscount Ishii, adopted on his motion a resolution to the effect that having heard explanations by representatives of Bulgaria, Greece, Rumania, and the Serb-Croat-Slovene State, and having learned that direct conversations as to the means of putting an end to these incursions were in progress among the interested Governments who, through their representatives, had declared themselves ready, in case of disagreement, and if the terms of the covenant should become applicable, to bring the question again before the council, the council expressed the hope that these negotiations might result in ending a situation which might endanger peace, and requested the Governments to inform the council at its next session of the result of the negotiations, placing itself at their disposal should intervention again be required to prevent the possibility of a conflict.

AUSTRO-HUNGARIAN FRONTIER; PROTOCOL OF VENICE.

The council, having been invited by virtue of the protocol of Venice, to settle a question submitted to it by the conference of ambassadors as to whether at certain points indicated by the commission for the delimitation of the Austro-Hungarian frontier certain modifications of the frontier should be made, decided to undertake the task, to authorize the secretariat, under the direction of Mr. Hymans, to study the question with the assistance of technical representatives of the two countries concerned, and to place the subject on the agenda of the next session.

SEVENTH MEETING (PRIVATE), JULY 20.

The secretary general announced that it was of the utmost importance that the first amendment to article 6 of the covenant should be ratified by the members of the league before the third assembly—otherwise the assembly would be unable to fix a new scale of allocation of expenses. He requested the representatives of the various countries to draw attention to this situation.

RELIEF OF RUSSIAN REFUGEES AT CONSTANTINOPLE.

Doctor Nansen announced that the sum of 30,000 pounds for the evacuation of Russian refugees from Constantinople had been collected, that half this amount had been guaranteed by the American Red Cross, and part had come from private sources. League members contributing were Great Britain, Belgium, China, Brazil, Czechoslovakia, and Switzerland. Japan's subscription of 30,000 yen had been conditioned on contributions by all other council members and had been withheld on failure of the condition. The speaker hoped that more league members would contribute so that the American Red Cross donation might be kept in reserve. He requested and was granted authority to transfer a small balance left in the council fund for repatriation of prisoners to the Russian refugee fund.

EXPENSE OF POLAND-LITHUANIA CONTROVERSY.

The secretary general announced that on June 30 the Polish Government had paid the league 200,000 gold francs, or $39,092.66, its share of funds advanced by the league in connection with the Poland-Lithuania controversy.

FRONTIER BETWEEN HUNGARY AND SERB-CROAT-SLOVENE STATE.

The council, having received from the conference of ambassadors a report of the delimitation commission on the boundary between Hungary and the Serb-Croat-Slovene State, and having been requested by Hungary to use its good offices in regard to the modifications proposed by the commission, decided to ask Mr. Hymans in consultation with interested parties and with the assistance of the secretariat, to present a statement at the council's next session on the controversial points involved in the possible exercise by the council of its good offices, and to appeal to the good will of the parties in order that this preparatory work might have its effect.

EIGHTH MEETING (PUBLIC), JULY 20.

RUSSIAN REFUGEES IN CONSTANTINOPLE.

Doctor Nansen reported satisfactory progress in his work in the league's name for the evacuation of the Russian refugees in Constantinople and proposed a resolution to the effect that States members of the league, and Governments of all countries interested in the problem of Russian refugees, be requested to adopt the form of identity certificate and the arrangement attached thereto approved by the conference of Government delegates July 3–5, 1922, for their territory and to recognize similar documents issued by other Governments, and to make known their agreement to the secretary general as soon as practicable. The resolution was adopted by the council.

FAMINE IN RUSSIA; PROPOSAL OF NORWAY.

Doctor Nansen presented the proposal of the Norwegian Government for a commission of inquiry into the economic effects of the famine in Russia and into the probability of reestablishing Russian agriculture.

The council, on motion of the Marquis Imperiali, then enacted a resolution authorizing the secretariat to collect, arrange, and tabulate all information obtainable from the various Governments and the different relief organizations and other agencies working in Russia and other possible sources in order to present to the council as complete a summary as practicable of the actual situation in Russia and to make the information accessible to the public. The resolution further provided that on completion of this work, if the information seemed to justify it, a commission of experts should be appointed to study the material thus obtained, with a view to determining the effect of Russian famine on the Russian situation in general and on the financial, economic, and health situation of Europe as a whole, and the connection between Russian conditions and European reconstruction.

HEALTH COMMITTEE OF THE LEAGUE.

Mr. Viviani presented a report on the work of the Health Committee of the League, which had held its third session at Paris, May 11–16, 1922.

On his motion a resolution was passed by the council (1) taking note of the resolutions of the Health Committee joining with the Office International d'Hygiene Publique in requesting the French Government to convene a new international health conference, and calling the council's attention to the necessity of the earliest possible revision of the International Sanitary Convention of 1912; (2) congratulating the committee on epidemiological inquiry in the Near East and assisting authorities on the important results accomplished in so limited a time; (3) pointing out the great importance of the health conference to be convened by the French Government to the nations members of the League; (4) deciding to forward to the Office International d'Hygiene Publique for consideration the preliminary work of the Health Committee on that part of the convention dealing with epidemics in the Near East; (5) authorizing the secretary general to place the technical organizations of the League at the disposal of the French Government and the forthcoming health conference, and expressing the hope that the conference would strengthen the cooperation between the

Office International d'Hygiene Publique and the Health Committee of the League of Nations.

On Mr. Viviani's motion the council adopted another resolution stating that the council had considered the correspondence exchanged between the Rockefeller Foundation and the Health Organization of the League of Nations; expressing gratitude to the Rockefeller Foundation for its generous assistance in the constructive work undertaken by the Health Organization; requesting the Health Committee to consider in detail at its next meeting the employment and administration of the funds placed at its disposal by the Rockefeller Foundation for the purposes it had proposed.

SANITARY CONVENTION BETWEEN LATVIA AND POLAND.

The council decided, after having noted the Sanitary Convention between Latvia and Poland submitted to it by the Polish Government, to instruct the health section of the League to receive and distribute all sanitary reports transmitted to the Health Organization of the League under article 5 of the convention as soon as such convention was ratified; also to invite the Health Committee to mediate in case of a difference under article 40 of the convention.

TEMPORARY MIXED COMMISSION FOR REDUCTION OF ARMAMENTS.

In the reference to the temporary mixed commission for reduction of armaments Mr. Viviani stated that its work had to some extent been nullified by events; that he thought reduction would be difficult unless simultaneous and universal; that the league had the difficult duty of working out a plan of disarmament while its members were obliged to look to their national security; that the temporary mixed commission at its fourth session, held in Paris July 3–7, 1922, had two proposals on disarmament before it—that by Lord Esher allowing each nation a certain definitely limited number of army corps, and that of Lord Robert Cecil holding no disarmament possible unless simultaneous and universal.

On behalf of the commission, Mr. Viviani, after presenting its report, moved a resolution to the effect (1) that the council invite the committee on intellectual cooperation to consider methods by which the cooperation of scientific men throughout the world be secured with a view to the publication of their discoveries concerning poisonous gases and the development of chemical warfare in order to reduce the possibilities of the use of poisonous gases; (2) that the council once more urge on league members the importance of the Arms Traffic Convention of St. Germain to the cause of universal peace, requesting those not yet ratifying to do so in order that formal ratifications could be deposited as soon as the principal signatory powers, including the United States, were ready to deposit theirs; (3) that governments not yet sending a statement as to national security, geographical situation, etc., be requested to act before August 15 in accordance with the second assembly's request; (4) that governments not yet replying as to limitation of armaments and military budgets in response to the second assembly's inquiry be requested to take action before August 15; (5) that the council noted the suggestion of the commission that the principle of limitation of naval armaments on which the agreement at the Washington conference was based be studied with a view to its application to all States members of the league; (6) that the permanent advisory commission on armaments be invited to consider from a technical point of view Lord Esher's plan for limitation of land armaments.

The resolution was agreed to and it was decided to notify States members to be prepared to have their delegates discuss the extension of the naval armament limitation of the Washington conference at the next meeting of the assembly.

NINTH MEETING (PRIVATE), JULY 21.

THE "A" MANDATES.

Mr. Fisher suggested that on the following day, Saturday, July 22, the Palestine mandate be discussed at a private meeting, final approval to be reserved for a public meeting on Monday morning, July 24, the understanding being that the Palestine and Syrian mandates would be considered together. The Marquis Imperiali called attention to the position in which he was placed on account of the ministerial crisis in Italy, made no objection to the public meeting, but asked that the state of Italian public opinion be kept in mind.

Mr. Fisher's suggestion was adopted.

ARMENIA.

Mr. Hymans announced that he had been visited by certain Armenian delegates who had asked him to request the council to call the attention of the powers to the condition of their country and to the need of establishing a national home for the Armenians, who had expressed the fear that on account of the stress laid on the rights of minorities the main issue, national independence, might be neglected.

Mr. Fisher stated the powers were aware of the difficult situation of Armenia; that the league's sympathy for Armenia had always been widely known; that the Armenian problem was one of the main difficulties of the oriental question and must always be considered in connection with the affairs of the Near East; that the council should hesitate to approach the Governments when it had no practical solution to offer; that the council could not well receive deputations not strictly official.

The secretary general stated that, in accordance with the assembly's decision, the secretariat was continuing to consider the Armenian question and to collect all available documentary information; that the secretariat could receive the Armenian delegates and obtain the information they brought.

No action was had by the council beyond taking note of the announcement of Mr. Hymans.

TENTH MEETING (PUBLIC), JULY 21.

PROVISIONAL ECONOMIC AND FINANCIAL COMMITTEE.

Mr. Viviani made a report covering the recent session of the provisional economic and financial committee at Geneva in June.

As to the economic section, he submitted a resolution approving its efforts and inviting it to continue them, giving special attention to the matters submitted to the league by the economic committee of the Genoa conference.

As to the financial section, he proposed resolutions:

(1) Stating that the council considers the financial section especially fitted to aid in solving international monetary problems without interfering with Governments or other organizations, and invites it to consider methods best suited to foster monetary stability and to avoid difficulties caused by too abrupt changes in value of currency, and too rapid deflation;

(2) Inviting the secretariat to ask a certain number of States for information concerning evasion of taxes, communicating to them the text of a resolution by the Genoa conference on this subject, and asking the opinion of these States as to the advisability of international conventions on this problem;

(3) Congratulating the economic and financial committee of the league on the recognition by the Genoa conference of the value of the committee's publications on public finances and approving the committee's work in connection with current publications and those in preparation;

(4) Approving the transfer to Geneva from London of the department of international credits and putting its administration in the hands of the secretary general; also joining the committee in thanks to Mr. Le Neveu for his faithful and active assistance to the international credits department from its beginning;

(5) Deciding that in future expense of special investigations by the international credits department in any country should be met by its Government;

(6) Thanking the committee for its unceasing efforts to save Austria—stating that the financial scheme adopted was universally regarded as sound—that certain obstacles still barred the way, but they were obstacles no one had yet been able to surmount;

(7) Approving acceptance of arbitration function for league in connection with loan of Baring Bros. to Czechoslovakia;

(8) Approving measures taken by the financial section as to Albania, instructing the expert it sent there to report on the general situation, indicating the best method of appointment of a financial adviser by the league in conjunction with the Albanian Government.

THE GENOA CONFERENCE AND THE LEAGUE OF NATIONS.

Referring to the many important matters submitted to the league by the Genoa conference—such as customs treaties and conventions, trade arbitration, treatment of foreigners in conduct of business, migration of capital, evasion of taxes, international credits, questions of communication and transit, anti-epidemic campaign, etc.—the Marquis Imperiali, in his report on this subject, pointed out that the Genoa conference had given new evidence of the confidence of the Powers in the league. His report was received and noted.

ELEVENTH MEETING (PRIVATE), JULY 22.

THE "A" MANDATES.

The Marquis Imperiali announced that the Italian Government would agree to the Syrian mandate on receipt of assurances from the French Government similar to those received in connection with the Palestine mandate from the British Government.

Lord Balfour stated the general feeling that the adoption of one of these mandates depended on the adoption of the other, and suggested that pending a settlement between the French and Italian Governments the council discuss article 14 of the Palestine mandate, the only point in that mandate which had not been agreed upon.

This course was followed. Article 14 related to religious claims and rights in Palestine. It provided that in order to determine existing rights in the holy places and religious buildings or sites in Palestine, which the mandatory was pledged under article 13 to maintain, a commission of not less than seven members should be appointed by the mandatory subject to the approval of the council of the League of Nations, that the commission should frame a report defining such rights, including rights of ownership, user, and access, the report to be laid before the council, and when confirmed by that body to be binding on the mandatory.

Objection was made to this article on the ground that it was too vague as to the religious faith of the majority, that a majority might under its terms be of a single religion, and that the commission might set up temporarily a new régime in religious customs, reversing the practices of centuries and causing serious complications.

Debate continued and no action was taken at this meeting.

TWELFTH MEETING (PRIVATE), JULY 22.

"A" MANDATES ADOPTED FOR PALESTINE AND SYRIA.

Discussion of the Palestine mandate was resumed.

The president of the council proposed that article 14 be revised so as to provide that a special commission should be appointed by the mandatory to study and define the rights and claims in connection with the holy places, and the rights and claims relating to the different religious communities in Palestine, that the method of nomination, the composition and the functions of this commission should be submitted to the council of the league for its approval, the commission not to be appointed or to enter on its functions until approved by the council. This revision was accepted.

It was understood that the council would at a later session determine the method of appointment of members of the commission, its constitution and duties.

The council decided to approve the mandate for Palestine with the revised text of article 14, and to approve the mandate for Syria, the latter to come into effect automatically as soon as the French and Italian Governments reached an agreement. It was also decided that both mandates would come into effect simultaneously.

THIRTEENTH MEETING (PUBLIC), MONDAY, JULY 24, 1922.

COMMENTS ON WORK OF LEAGUE; THE "A" MANDATES; ADJOURNMENT.

Mr. Viviani said that it was a great day for the League of Nations when in addition to its other achievements it made practical application of the mandate principle; that when the war ended the Great Powers had not wished as in the past violently to annex territories and to oppress their inhabitants; that the mandatory would take the inhabitants under its protection, administer the territories in the interest of all, and would be responsible to the council and the assembly until these people were able to conduct their affairs without further assistance.

He said that the league had made considerable progress since its beginning less than three years before; that the Brussels conference had put forward useful economic and financial principles; that the Permanent Court of International Justice had been set up; that the question of Upper Silesia had been amicably settled; that the league's various committees were at work, and that the league had made this record under conditions without precedent in history.

Lord Balfour indorsed Mr. Viviani's tribute to the league, saying that it had been in existence only a short while but had already done a great work, a work too often overlooked by the public.

The Syrian and Palestine mandates, he said, had been approved at last. He pointed out that the Palestine mandates had two parts, one relating to Palestine and its inhabitants, the other to the holy places. As to the latter, further discussion would be had, long historical controversies being involved requiring careful and earnest consideration. It was the desire of the British Government to administer historic justice as between the communities concerned, to deprive no community of its ancient rights or to overlook the religious interests involved.

Controversies had arisen, he continued, over the first part, also, the part relating to Palestine itself, controversies encouraged by the long delay in settling the mandates. It was claimed that the interests of the Arabs had been neglected but that most anxious attention had been accorded the position and interests of the Arab populations by the British Government, there being no wish or intention that the provision of a Jewish home in Palestine should in any way injure Arab interests. The greatest precaution had been taken to see that the Jewish home project would in no way encroach on the interests or susceptibilities of any part of the population. The course contemplated by the British Government would advance the material prosperity and moral interests of all the people concerned. He appealed for harmony. Discussion and dispute had been inevitable and legitimate while the mandate was being developed, and now that it had been settled it would be a crime to encourage animosities in Palestine and throughout the world by emphasizing racial, religious, and historical differences.

The Marquis Imperiali thought that an agreement would soon be reached between the Italian and French Governments on the Syrian mandate.

The council again approved the mandates for Syria and Palestine, stipulating that they should go into force automatically and at the same time as soon as the Governments of Italy and France notified the president of the council that an agreement had been reached. The council also decided that the next session should be held on August 30, to solve the questions submitted for its decision under article 14 of the Palestine mandate.

The nineteenth session of the council then came to an end.

In order that an accurate idea may be had of the Palestine and Syrian mandates, known as "A" mandates, I shall set them out in full as an appendix to my remarks.

Mr. HARRISON. Mr. President, will not the Senator have those mandates read at the clerk's desk? They come so well in connection with what the Senator is so eloquently presenting that if they could be read at the desk instead of being printed, Senators would more fully understand the situation.

Mr. SHEPPARD. I have not asked that they be printed in the RECORD. I intend to read such parts as I think are of significance.

Mr. HARRISON. I hope the Senator will have them all read.

Mr. SHEPPARD. In describing the council proceedings of December 17, 1920, in my address to the Senate of October 5, 1921, I set out in full one of the "C" mandates. In the present address I have already quoted one of the "B" mandates.

It will be helpful to note, in connection with the subject of mandates, the contents of article 22 of the league covenant, the article defining the spirit and purpose of the mandatory system, and I shall therefore include this article in the appendix with a word of explanation.

This brings the work of the league to July 24, 1922.

I have not had opportunity to bring the account further at this time, but I hope to carry it forward so as to cover the third assembly before the present Congress adjourns, or in the next Congress.

It is apparent that the work of the league within the scope assigned it by the covenant has continued to grow in usefulness and helpfulness to mankind.

It has settled controversies, notably those of Upper Silesia and the Albanian frontier, which might have developed into conflicts of alarming proportions and possibilities.

It has kept a restraining hand and a watchful eye on the long quarrel between Poland and Lithuania, with the result that open hostilities have on many occasions been averted.

Its greatest creation, the Permanent Court of International Justice, has been in operation for a year and gives every promise of permanence, affording history's first illustration of a world court on lasting foundations—the realization of one of the sublimest dreams of the ages.

It has examined and confirmed nearly all the mandates under which the allied powers are administering the vast territories which changed hands as a result of the World War, thus assuring for the first time in history the administration of territory taken through war as a sacred trust for civilization, in the supreme interest of the inhabitants, protecting them against exploitation and oppression, and with a view to their final control of their own countries—administration on a basis of just laws and equal opportunities under the observation of an impartial world tribunal to which annual reports are to be made—administration in the spirit of the league covenant, the spirit of the Lord of Lords and King of Kings.

It has continued to administer with success neutral territories, such as the Saar Basin and the free city of Danzig, assigned it for administrative supervision by the Treaty of Versailles, and has thus kept in peaceful condition areas that would have been sources of danger to international relations.

It has continued to discharge with efficiency and vigilance the task of securing the protection of minorities in various parts of the world—another function assigned it by the Versailles treaty.

It has systematized and coordinated, on a scale more effective than has heretofore been possible, the struggle of private or-

ganizations and governments against the emanation from infected sections of epidemics which threaten the world.

It is directing with increasing effectiveness world efforts against the traffic in habit-forming drugs and the traffic in women and children, two of the chief curses of humanity.

Its labor office continues to enlist nation after nation in the crusade to secure better conditions for the toilers on whose shoulders rests the gigantic and complicated structure of modern civilization.

It has instituted a scientific study of the question of armaments, assembling definite information regarding the situation of each country as to national security, resources, etc.—information essential to any general plan of disarmament or limitation of armament.

It has given comprehensive attention to the question of the world's economic reconstruction developing at the Brussels Conference which it called in 1920, a declaration of principles constituting the last word in sound finance and practical monetary legislation, and also developing the only system of international credits, the ter Meulen plan, which has met the general approval of the business world, including the World Cotton Conference and our own Federal Reserve Board.

Above all, it remains the chief hope of mankind for universal peace, the first example in history, as I have before pointed out, of an organization embracing nearly all the civilized countries devoted to the abolition of war, and giving every indication of steady and beneficent growth.

The fact that the United States still stands aloof from the league while the rest of the world is making so heroic an effort to combat the principal menaces of humanity continues to be one of the overshadowing tragedies of all time.

APPENDIX.

I.—BRITISH MANDATE FOR PALESTINE—(AN "A" MANDATE).

The Council of the League of Nations:

Whereas the principal allied powers have agreed, for the purpose of giving effect to the provisions of Article 22 of the Covenant of the League of Nations, to entrust to a mandatory selected by the said powers the administration of the territory of Palestine, which formerly belonged to the Turkish Empire, within such boundaries as may be fixed by them; and

Whereas the principal allied powers have also agreed that the mandatory should be responsible for putting into effect the declaration originally made on November 2, 1917, by the Government of His Britannic Majesty, and adopted by the said powers, in favor of the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country; and

Whereas, recognition has thereby been given to the historical connection of the Jewish people with Palestine and to the grounds for reconstituting their national home in that country; and

Whereas the principal allied powers have selected His Britannic Majesty as the mandatory for Palestine; and

Whereas the mandate in respect of Palestine has been formulated in the following terms and submitted to the Council of the League for approval; and

Whereas His Britannic Majesty has accepted the mandate in respect of Palestine and undertaken to exercise it on behalf of the League of Nations in conformity with the following provisions; and

Whereas by the aforementioned article 22 (paragraph 8), it is provided that the degree of authority, control or administration to be exercised by the mandatory, not having been previously agreed upon by the members of the league, shall be explicitly defined by the council of the League of Nations;

Confirming the said mandate, defines its terms as follows:

ARTICLE 1.

The mandatory shall have full powers of legislation and of administration, save as they may be limited by the terms of this mandate.

ARTICLE 2.

The mandatory shall be responsible for placing the country under such political administrative and economic conditions as will secure the establishmnet of the Jewish national home, as laid down in the preamble, and the development of self-governing institutions, and also for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion.

ARTICLE 3.

The mandatory shall, so far as circumstances permit, encourage local autonomy.

ARTICLE 4.

An appropriate Jewish agency shall be recognized as a public body for the purpose of advising and cooperating with the administration of Palestine in such economic, social, and other matters as may affect the establishment of the Jewish national home and the interests of the Jewish population in Palestine, and, subject always to the control of the administration, to assist and take part in the development of the country.

The Zionist organization, so long as its organization and constitution are in the opinion of the mandatory appropriate, shall be recognized as such agency. It shall take steps in consultation with His Britannic Majesty's Government to secure the cooperation of all Jews who are willing to assist in the establishment of the Jewish national home.

ARTICLE 5.

The mandatory shall be responsible for seeing that no Palestine territory shall be ceded or leased to, or in any way placed under the control of the government of any foreign power.

ARTICLE 6.

The administration of Palestine, while insuring that the rights and position of other sections of the population are not prejudiced, shall facilitate Jewish immigration under suitable conditions and shall encourage, in cooperation with the Jewish agency referred to in Article 4, close settlement by Jews on the land, including State lands and waste lands not required for public purposes.

ARTICLE 7.

The administration of Palestine shall be responsible for enacting a nationality law. There shall be included in this law provisions framed so as to facilitate the acquisition of Palestinian citizenship by Jews who take up their permanent residence in Palestine.

ARTICLE 8.

The privileges and immunities of foreigners, including the benefits of consular jurisdiction and protection as formerly enjoyed by capitulation or usage in the Ottoman Empire, shall not be applicable in Palestine.

Unless the Powers whose nationals enjoyed the aforementioned privileges and immunities on August 1st, 1914, shall have previously renounced the right to their reestablishment, or shall have agreed to their nonapplication for a specified period, these privileges and immunities shall, at the expiration of the mandate, be immediately reestablished in their entirety or with such modifications as may have been agreed upon between the Powers concerned.

ARTICLE 9.

The mandatory shall be responsible for seeing that the judicial system established in Palestine shall assure to foreigners, as well as to natives, a complete guarantee of their rights.

Respect for the personal status of the various peoples and communities and for their religious interests shall be fully guaranteed. In particular, the control and administration of Wakfs shall be exercised in accordance with religious law and the disposition of the founders.

ARTICLE 10.

Pending the making of special extradition agreements relating to Palestine, the extradition treaties in force between the mandatory and other foreign powers shall apply to Palestine.

ARTICLE 11.

The administration of Palestine shall take all necessary measures to safeguard the interests of the community in connection with the development of the country, and, subject to any international obligations accepted by the mandatory, shall have full power to provide for public ownership or control of any of the natural resources of the country or of the public works, services, and utilities established or to be established therein. It shall introduce a land system appropriate to the needs of the country, having regard, among other things, to the desirability of promoting the close settlement and intensive cultivation of the land.

The administration may arrange with the Jewish agency mentioned in article 4 to construct or operate, upon fair and equitable terms, any public works, services, and utilities, and to develop any of the natural resources of the country, in so far as these matters are not directly undertaken by the administration. Any such arrangements shall provide that no profits distributed by such agency, directly or indirectly, shall exceed a reasonable rate of interest on the capital, and any further profits shall be utilized by it for the benefit of the country in a manner approved by the administration.

ARTICLE 12.

The mandatory shall be intrusted with the control of the foreign relations of Palestine and the right to issue exequaturs to consuls appointed by foreign powers. He shall also be entitled to afford diplomatic and consular protection to citizens of Palestine when outside its territorial limits.

ARTICLE 13.

All responsibility in connection with the holy places and religious buildings or sites in Palestine, including that of preserving existing rights and of securing free access to the holy places, religious buildings and sites and the free exercise of worship, while insuring the requirements of public order and decorum, is assumed by the mandatory, who shall be responsible solely to the League of Nations in all matters connected herewith, provided that nothing in this article shall prevent the mandatory from entering into such arrangements as he may deem reasonable with the administration for the purpose of carrying the provisions of this article into effect; and provided also that nothing in this mandate shall be construed as conferring upon the mandatory authority to interfere with the fabric or the management of purely Moslem sacred shrines, the immunities of which are guaranteed.

ARTICLE 14.

A special commission shall be appointed by the mandatory to study, define, and determine the rights and claims in connection with the holy places and the rights and claims relating to the different religious communities in Palestine. The method of nomination, the composition and the functions of this commission shall be submitted to the Council of the League for its approval, and the commission shall not be appointed or enter upon its functions without the approval of the council.

ARTICLE 15.

The mandatory shall see that complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, are insured to all. No discrimination of any kind shall be made between the inhabitants of Palestine on the ground of race, religion, or language. No person shall be excluded from Palestine on the sole ground of his religious belief.

The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the administration may impose, shall not be denied or impaired.

ARTICLE 16.

The mandatory shall be responsible for exercising such supervision over religious or eleemosynary bodies of all faiths in Palestine as may be required for the maintenance of public order and good government. Subject to such supervision, no measures shall be taken in Palestine to obstruct or interfere with the enterprise of such bodies or to discriminate against any representative or member of them on the ground of his religion or nationality.

ARTICLE 17.

The administration of Palestine may organize on a voluntary basis the forces necessary for the preservation of peace and order, and also for the defense of the country, subject, however, to the supervision of the mandatory, but shall not use them for purposes other than those above specified save with the consent of the mandatory. Except for such purposes, no military, naval, or air forces shall be raised or maintained by the administration of Palestine.

Nothing in this article shall preclude the administration of Palestine from contributing to the cost of the maintenance of the forces of the mandatory in Palestine.

The mandatory shall be entitled at all times to use the roads, railways, and ports of Palestine for the movement of armed forces and the carriage of fuel and supplies.

ARTICLE 18.

The mandatory shall see that there is no discrimination in Palestine against the nationals of any State, member of the League of Nations (including companies incorporated under its laws) as compared with those of the mandatory or of any foreign State in matters concerning taxation, commerce, or navigation, the exercise of industries or professions, or in the treatment of merchant vessels or civil aircraft. Similarly, there shall be no discrimination in Palestine against goods originating in or destined for any of the said States, and there shall be freedom of transit under equitable conditions across the mandated area.

Subject as aforesaid and to the other provisions of this mandate, the administration of Palestine may, on the advice of the mandatory, impose such taxes and customs duties as it may consider necessary, and take such steps as it may think best to promote the development of the natural resources of the country and to safeguard the interests of the population. It may, also, on the advice of the mandatory, conclude a special customs agreement with any State the territory of which in 1914 was wholly included in Asiatic Turkey or Arabia.

ARTICLE 19.

The mandatory shall adhere on behalf of the administration of Palestine to any general international conventions already existing, or which may be concluded hereafter with the approval of the League of Nations, respecting the slave traffic, the traffic in arms and ammunition, or the traffic in drugs, or relating to commercial equality, freedom of transit and navigation, aerial navigation, and postal, telegraphic, and wireless communication, or literary, artistic, or industrial property.

ARTICLE 20.

The mandatory shall cooperate on behalf of the administration of Palestine, so far as religious, social, and other conditions may permit, in the execution of any common policy adopted by the League of Nations for preventing and combating disease, including diseases of plants and animals.

ARTICLE 21.

The mandatory shall secure the enactment within 12 months from this date, and shall insure the execution of a law of antiquities based on the following rules. This law shall insure equality of treatment in the matter of excavations and archæological research to the nationals of all States members of the League of Nations.

(1)

"Antiquity" means any construction or any product of human activity earlier than the year 1700 A. D.

(2)

The law for the protection of antiquities shall proceed by encouragement rather than by threat.

Any person who, having discovered an antiquity without being furnished with the authorization referred to in paragraph 5, reports the same to an official of the competent department, shall be rewarded according to the value of the discovery.

(3)

No antiquity may be disposed of except to the competent department, unless this department renounces the acquisition of any such antiquity.

No antiquity may leave the country without an export license from the said department.

(4)

Any person who maliciously or negligently destroys or damages an antiquity shall be liable to a penalty to be fixed.

(5)

No clearing of ground or digging with the object of finding antiquities shall be permitted, under penalty of fine, except to persons authorized by the competent department.

(6)

Equitable terms shall be fixed for expropriation, temporary or permanent, of lands which might be of historical or archæological interest.

(7)

Authorization to excavate shall only be granted to persons who show sufficient guarantees of archæological experience. The administration of Palestine shall not, in granting these authorizations, act in such a way as to exclude scholars of any nation without good grounds.

(8)

The proceeds of excavations may be divided between the excavator and the competent department in a proportion fixed by that department. If division seems impossible for scientific reasons, the excavator shall receive a fair indemnity in lieu of a part of the find.

ARTICLE 22.

English, Arabic, and Hebrew shall be the official languages of Palestine. Any statement or inscription in Arabic on stamps or money in Palestine shall be repeated in Hebrew and any statement or inscription in Hebrew shall be repeated in Arabic

ARTICLE 23.

The administration of Palestine shall recognize the holy days of the respective communities in Palestine as legal days of rest for the members of such communities.

ARTICLE 24.

The mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the council as to the measures taken during the year to carry out the provisions of the mandate. Copies of all laws and regulations promulgated or issued during the year shall be communicated with the report.

ARTICLE 25.

In the territories lying between the Jordan and the eastern boundary of Palestine as ultimately determined, the mandatory shall be entitled, with the consent of the Council of the League of Nations, to postpone or withhold application of such provisions of this mandate as he may consider inapplicable to the existing local conditions, and to make such provision for the administration of the territories as he may consider suitable to those conditions, provided that no action shall be taken which is inconsistent with the provisions of articles 15, 16, and 18.

ARTICLE 26.

The mandatory agrees that, if any dispute whatever should arise between the mandatory and another member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it can not be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by article 14 of the covenant of the League of Nations.

ARTICLE 27.

The consent of the Council of the League of Nations is required for any modification of the terms of this mandate.

ARTICLE 28.

In the event of the termination of the mandate hereby conferred upon the mandatory, the Council of the League of Nations shall make such arrangements as may be deemed necessary for safeguarding in perpetuity, under guarantee of the league, the rights secured by articles 13 and 14, and shall use its influence for securing, under the guarantee of the league, that the Government of Palestine will fully honor the financial obligations legitimately incurred by the administration of Palestine during the period of the mandate, including the rights of public servants to pensions or gratuities.

The present instrument shall be deposited in original in the archives of the League of Nations and certified copies shall be forwarded by the secretary general of the League of Nations to all members of the league.

Done at London the twenty-fourth day of July, one thousand nine hundred and twenty-two.

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II.—FRENCH MANDATE FOR SYRIA AND THE LEBANON—(AN "A" MANDATE).

The Council of the League of Nations:

Whereas the principal allied powers have agreed that the territory of Syria and the Lebanon, which formerly belonged to the Turkish Empire shall, within such boundaries as may be fixed by the said powers, be entrusted to a mandatory charged with the duty of rendering administrative advice and assistance to the population, in accordance with the provisions of article 22 (paragraph 4) of the covenant of the League of Nations; and

Whereas the principal allied powers have decided that the mandate for the territory referred to above should be conferred on the Government of the French Republic, which has accepted it; and

Whereas the terms of this mandate, which are defined in the articles below, have also been accepted by the Government of the French Republic and submitted to the Council of the League for approval; and

Whereas the Government of the French Republic has undertaken to exercise this mandate on behalf of the League of Nations, in conformity with the following provisions; and

Whereas by the aforementioned article 22 (paragraph 8), it is provided that the degree of authority, control, or administration to be exercised by the mandatory, not having been previously agreed upon by the members of the league, shall be explicitly defined by the Council of the League of Nations;

Confirming the said mandate, defines its terms as follows:

ARTICLE 1.

The mandatory shall frame, within a period of three years from the coming into force of this mandate, an organic law for Syria and the Lebanon.

This organic law shall be framed in agreement with the native authorities and shall take into account the rights, interests, and wishes of all the population inhabiting the said territory. The mandatory shall further enact measures to facilitate the progressive development of Syria and the Lebanon as independent States. Pending the coming into effect of the organic law, the Government of Syria and the Lebanon shall be conducted in accordance with the spirit of this mandate.

The mandatory shall, as far as circumstances permit, encourage local autonomy.

ARTICLE 2.

The mandatory may maintain its troops in the said territory for its defense. It shall further be empowered, until the entry into force of the organic law and the reestablishment of public security, to organize such local militia as may be necessary for the defense of the territory, and to employ this militia for defense and also for the maintenance of order. These local forces may only be recruited from the inhabitants of the said territory.

The said militia shall thereafter be under the local authorities, subject to the authority and the control which the mandatory shall retain over these forces. It shall not be used for purposes other than those above specified save with the consent of the mandatory.

Nothing shall preclude Syria and the Lebanon from contributing to the cost of the maintenance of the forces of the mandatory stationed in the territory.

The mandatory shall at all times possess the right to make use of the ports, railways and means of communication of Syria and the Lebanon for the passage of its troops and of all materials, supplies, and fuel.

ARTICLE 3.

The mandatory shall be entrusted with the exclusive control of the foreign relations of Syria and the Lebanon and with the right to issue exequaturs to the consuls appointed by foreign powers. Nationals of Syria and the Lebanon living outside the limits of the territory shall be under the diplomatic and consular protection of the mandatory.

ARTICLE 4.

The mandatory shall be responsible for seeing that no part of the territory of Syria and the Lebanon is ceded or leased or in any way placed under the control of a foreign power.

ARTICLE 5.

The privileges and immunities of foreigners, including the benefits of consular jurisdiction and protection as formerly enjoyed by capitulation or usage in the Ottoman Empire, shall not be applicable in Syria and the Lebanon. Foreign consular tribunals shall, however, continue to perform their duties until the coming into force of the new legal organization provided for in article 6.

Unless the powers whose nationals enjoyed the aforementioned privileges and immunities on August 1, 1914, shall have previously renounced the right to their reestablishment, or shall have agreed to their nonapplication during a specified period, these privileges and immunities shall at the expiration of the mandate be immediately reestablished in their entirety or with such modifications as may have been agreed upon between the powers concerned.

ARTICLE 6.

The mandatory shall establish in Syria and the Lebanon a judicial system which shall assure to natives as well as to foreigners a complete guarantee of their rights.

Respect for the personal status of the various peoples and for their religious interests shall be fully guaranteed. In particular, the control and administration of Wakfs shall be exercised in complete accordance with religious law and the dispositions of the founders.

ARTICLE 7.

Pending the conclusion of special extradition agreements, the extradition treaties at present in force between foreign powers and the mandatory shall apply within the territory of Syria and the Lebanon.

ARTICLE 8.

The mandatory shall insure to all complete freedom of conscience and the free exercise of all forms of worship which are consonant with public order and morality. No discrimination of any kind shall be made between the inhabitants of Syria and the Lebanon on the ground of differences in race, religion, or language.

The mandatory shall encourage public instruction, which shall be given through the medium of the native languages in use in the territory of Syria and the Lebanon.

The right of each community to maintain its own schools for the instruction and education of its own members in its own language, while conforming to such educational requirements of a general nature as the administration may impose, shall not be denied or impaired.

ARTICLE 9.

The mandatory shall refrain from all interference in the administration of the councils of management (Conseils de fabrique) or in the management of religious communities and sacred shrines belonging to the various religions, the immunity of which has been expressly guaranteed.

ARTICLE 10.

The supervision exercised by the mandatory over the religious missions in Syria and the Lebanon shall be limited to the maintenance of public order and good government; the activities of these religious missions shall in no way be restricted, nor shall their members be subjected to any restrictive measures on the ground of nationality, provided that their activities are confined to the domain of religion.

The religious missions may also concern themselves with education and relief, subject to the general right of regulation and control by the mandatory or of the local government, in regard to education, public instruction, and charitable relief.

ARTICLE 11.

The mandatory shall see that there is no discrimination in Syria or the Lebanon against the nationals, including societies and associations, of any State member of the League of Nations as compared with its own nationals, including societies and associations, or with the nationals of any other foreign State in matters concerning taxation or commerce, the exercise of professions or industries, or navigation, or in the treatment of ships or aircraft. Similarly, there shall be no discrimination in Syria or the Lebanon against goods originating in or destined for any of the said States; there shall be freedom of transit, under equitable conditions, across the said territory.

Subject to the above, the mandatory may impose or cause to be imposed by the local governments such taxes and customs duties as it may consider necessary. The mandatory, or the local governments acting under its advice, may also conclude on grounds of contiguity any special customs arrangements with an adjoining country.

The mandatory may take or cause to be taken, subject to the provisions of paragraph 1 of this article, such steps as it may think best to insure the development of the natural resources of the said territory and to safeguard the interests of the local population.

Concessions for the development of these natural resources shall be granted without distinction of nationality between the nationals of all States members of the League of Nations, but on condition that they do not infringe upon the authority of the local government. Concessions in the nature of a general monopoly shall not be granted. This clause shall in no way limit the right of the mandatory to create monopolies of a purely fiscal character in the interest of the territory of Syria and the Lebanon, and with a view to assuring to the territory the fiscal resources which would appear best adapted to the local needs, or, in certain cases, with a view to developing the natural resources either directly by the State or through an organization under its control, provided that this does not involve either directly or indirectly the creation of a monopoly of the natural resources in favor of the mandatory or its nationals, nor involve any preferential treatment which would be incompatible with the economic, commercial, and industrial equality guaranteed above.

ARTICLE 12.

The mandatory shall adhere, on behalf of Syria and the Lebanon, to any general international agreements already existing, or which may be concluded hereafter with the approval of the League of Nations, in respect of the following: The slave trade, the traffic in drugs, the traffic in arms and ammunition, commercial equality, freedom of transit and navigation, aerial navigation, postal, telegraphic, or wireless communications, and measures for the protection of literature, art, or industries.

ARTICLE 13.

The mandatory shall secure the adhesion of Syria and the Lebanon, so far as social, religious, and other conditions permit, to such measures of common utility as may be adopted by the League of Nations for preventing and combating disease, including diseases of animals and plants.

ARTICLE 14.

The mandatory shall draw up and put into force within twelve months from this date a law of antiquities in conformity with the following provisions. This law shall insure equality of treatment in the matter of excavations and archæological research to the nationals of all States members of the League of Nations.

(The eight subdivisions under this article are the same as under the article relating to excavations in the Palestine mandate.)

ARTICLE 15.

Upon the coming into force of the organic law referred to in article 1, an arrangement shall be made between the mandatory and the local governments for reimbursement by the latter of all expenses incurred by the mandatory in organizing the administration, developing local resources, and carrying out permanent public works, of which the country retains the benefit. Such arrangement shall be communicated to the council of the League of Nations.

ARTICLE 16.

French and Arabic shall be the official languages of Syria and the Lebanon.

ARTICLE 17.

The mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the council as to the measures taken during the year to carry out the provisions of this mandate. Copies of all laws and regulations promulgated during the year shall be attached to the said report.

ARTICLE 18.

The consent of the Council of the League of Nations is required for any modification of the terms of this mandate.

ARTICLE 19.

On the termination of the mandate, the Council of the League of Nations shall use its influence to safeguard for the future the fulfillment by the Government of Syria and the Lebanon of the financial obligations, including pensions and allowances, regularly assumed by the administration of Syria or of the Lebanon during the period of the mandate.

ARTICLE 20.

The mandatory agrees that if any dispute whatever should arise between the mandatory and another member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it can not be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

The present instrument shall be deposited in original in the archives of the League of Nations and certified copies shall be forwarded by the secretary general of the League of Nations to all members of the league.

Done at London on the 24th day of July, 1922.

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III.—ART. XXII OF THE LEAGUE COVENANT RELATING TO MANDATES.

To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization and that securities for the performance of this trust should be embodied in this covenant.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations, who, by reason of their resources, their experience, or their geographical position, can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as mandatories on behalf of the league.

The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized, subject to the rendering of administrative advice and assistance by a mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of a mandatory.

Other peoples, especially those of central Africa, are at such a stage that the mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience or religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic, and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and for the defense of the territory, and will also secure equal opportunities for the trade and commerce of other members of the league.

There are territories such as South-West Africa and certain of the South Pacific Islands which owing to the sparseness of their population or their small size or their remoteness from the centers of civilization, or their geographical contiguity to the territory of the mandatory, and other circumstances can be best administered under the laws of the mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.

In every case of mandate the mandatory shall render to the council an annual report in reference to the territory committed to its charge.

The degree of authority, control, or administration to be exercised by the mandatory shall, if not previously agreed upon by the members of the league, be explicitly defined in each case by the council.

A permanent commission shall be constituted to receive and examine the annual reports of the mandatories and to advise the council on all matters relating to the observance of the mandates.

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IV.—A, B, AND C MANDATES.

The mandates covering the communities formerly belonging to the Turkish Empire and referred to in the fourth paragraph of article 22 of the league covenant set out above have been further defined by the council as the A mandates, those covering territories of Central Africa mentioned in the fifth paragraph of article 22 as the B mandates, and those including territories of South-West Africa and certain South Pacific Islands specified in the sixth paragraph of said article as the C mandates.

Mr. HEFLIN (at 6 o'clock and 5 minutes p. m.). Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	George	McCormick	Shortridge
Ball	Gerry	McKellar	Smith
Bayard	Gooding	McKinley	Smoot
Borah	Hale	McLean	Spencer
Brandegee	Harris	McNary	Stanfield
Brookhart	Harrison	Moses	Stanley
Broussard	Heflin	New	Sterling
Calder	Hitchcock	Nicholson	Swanson
Cameron	Johnson	Norbeck	Townsend
Capper	Jones, N. Mex.	Oddie	Trammell
Caraway	Jones, Wash.	Overman	Underwood
Curtis	Kellogg	Pepper	Wadsworth
Dial	Keyes	Phipps	Warren
Edge	King	Poindexter	Watson
Ernst	Ladd	Ransdell	Weller
Fernald	La Follette	Reed, Mo.	Williams
Fletcher	Lenroot	Reed, Pa.	Willis
France	Lodge	Sheppard	

The VICE PRESIDENT. Seventy-one Senators having answered to their names, a quorum is present.

SOIL SURVEY OF LAUDERDALE COUNTY, ALA.

The VICE PRESIDENT laid before the Senate the following concurrent resolution (H. Con. Res. 83), which was read:

Resolved by the House of Representatives (the Senate concurring), That there be printed 2,000 additional copies of the soil survey of Lauderdale County, Ala., for the use of the House document room.

Mr. MOSES. I move to concur in the resolution of the House.

Mr. HITCHCOCK. I object. I call for the regular order.

The VICE PRESIDENT. The regular order is called for.

THE MERCHANT MARINE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes.

Mr. WILLIAMS. Mr. President, I am always sorry to differ with the senior Senator from Alabama [Mr. UNDERWOOD]. He and I have served the public here together, or have attempted to serve it, for something like 28 years. We have been very warm personal friends and we have agreed, upon the whole, in opinion and in policies; but I must take issue with some things that he said upon yesterday.

I agree to the general idea, of course, that this is a Government of majorities and minorities. That is a truism in any properly organized democracy. But in order to apply it we must determine what majorities and what minorities we are talking about. The majority in a democracy which rules, or ought to rule, is a majority of the people, and not an accidental or incidental left-over majority in either one of the two Houses of Congress or in both of them. When it comes to the question of the justification of Federal legislators delaying legislation, an inquiry into that source and nature of majorities is the very keystone of all of it.

Mr. President, this is the only democratic country in the world where, after the people have spoken at an election and have clearly indicated that they do not want certain legislation, a majority of left overs—"lame ducks," as they are popularly called, why I never knew—can proceed to put over legislation for the express purpose of defeating the will of the people before the new representatives recently elected to take their places can take their seats and be sworn in. There are enough of the "left overs" to hold the balance of power in the voting.

Mr. President, I voted for the joint resolution introduced by the Senator from Nebraska [Mr. NORRIS] providing for a submission to the people of a constitutional amendment for the purpose of changing the time of the meeting of the two Houses of Congress. I have been here now for nearly 30 years, and I have found that nearly every piece of bad legislation and about half of the crooked legislation is always "put over" at the short session of a Congress, after that Congress is about ready, or a great many Members of it are about ready, to go out of office. I am speaking without any bad feelings, for Senators all know I am about ready to go out myself; but, Mr. President, when a man is going out of office, especially if he go out by defeat, there is a certain degree of iron in his soul.

He feels not only a lack of responsibility to a constituency which he thinks has rebuked him or removed him, but he feels to a certain degree in many cases a feeling of anger; in all cases, however, there is a lack of responsibility.

The defect of the American Government as compared with parliamentary democracies all over the world is this: In any other democracy—Great Britain or Canada or Australia or Cape Colony or France, I care not which one be taken—after an election those just elected to the legislature all go into office almost immediately and the will of the people as expressed at the election is enacted into legislation immediately, or very soon. One of the defects that our forefathers left in our institution was the so-called left-over session of Congress.

Mr. President, while I agree thoroughly with the Senator from Alabama that the majority ought to rule, I say that he has what logicians call an ambiguous middle when he speaks that way; he is referring to a majority of the two legislative bodies, but the maxim refers to a majority of the people and their representatives. When he says that a majority of the representatives of the poeple must be heard, that is also true; but not a majority of the misrepresentatives of the people or not a majority of which the misrepresentatives of the people hold a balance of power. Undoubtedly a man who has been defeated is a misrepresentative of his constituency in the opinion of that constituency. Whether properly or improperly, wisely or foolishly, that is their opinion. A man voluntarily retiring is no longer responsible to any constituency, because he expects no future reward and no future punishment. If there be any responsibility, it is that of a high-minded man who wishes to do the right thing as thoroughly as if he had anticipation of punishment or reward before him.

Mr. President, I do not believe that "filibustering," as it is called, is ever justified except in two classes of cases: One of them the Senator from Alabama illustrated when he filibustered against the so-called antilynching bill, because that was a bill which proposed to make murder in a State a Federal offense punishable by a Federal court. Of course, if we once step out on the pathway of making common crimes within the States punishable entirely in the Federal courts, or chiefly there, or at all, we shall have deprived the States of their very life, which is their police power. Whatever else might have been said and however great the abuses which ought to be corrected—and they are great, and I regret them, especially in so far as they apply to my own section—the remedy was not in placing the police power of the States in the hands of the Federal Government. I have grown sick and tired of lynching bees, even if they were justified in some cases, perhaps, or if not justified extenuated by the nature and the gravity of the crime which led and provoked the people to act, as was the case long ago in the history of California, when the Vigilantes acted; but there is no excuse where there is organized government for lynching people for ordinary crimes, whether they be white people or black people or red people or Mongolian people. Rape, to my mind, is the only crime I can now think of which extenuates, if not excuses, it. But a vast majority of the lynchings are not for rape. I say I especially regret that part of it which applies to my section, but I regret it all over the country, and I am sorry to say that it exists all over the country. The only difference is that when a northern mob goes out for a criminal it is not satisfied with getting the criminal and punishing him, but it punishes all of his race, religion, or type against whom the prejudice exists or may, by the passion aflame on the occasion, be aroused at the time.

Mr. President, that was one instance where a filibuster is justified, because I think as we stand here as ambassadors of the States in a Congress, just as much so as delegates in a European congress, where the powers are met in concert, are ambassadors from their several governments, and it is our duty, therefore, to protect the State's rights of our constituents. It is a mistake to assume that there are no States' rights left. They are rapidly disappearing, but there are some

yet remaining. Wherever a great, vital, fundamental constitutional question is presented and a majority is trying to override the organic law of the United States, then, I repeat, a filibuster is justified. That was the case to which the Senator from Alabama referred.

But there is another class of cases, and that is when an accidental and incidental temporary majority in a legislative body tries to forestall the future and defeat the will of the majority of the people as expressed at an election, and as will be expressed by a majority of their recently elected representatives. I dare say there is not a man in this body who will have the hardihood to say that the ship subsidy bill can pass through the next Congress. If there be one who has that amount of hardihood, who is capable of that degree of recklessness of assertion, I should like to hear him now tell me that he thinks I am mistaken about it. Ah, Mr. President, the very reason why this bill is being pushed along to a conclusion at this tail end of an expiring Congress, where the "left overs" hold the balance of power, is because every man, from the President in the White House down to the pages upon the floor of the legislative halls, knows that it can not be passed in the next and recently elected Congress of the United States fresh from the people.

I do not believe in delaying legislation. As the Senator from Alabama said, the legislature "must function"; that is true; but it does not follow that it must function in order to put over things to keep a fair expression of the will of the people, as expressed at the last election, from being functioned. Why do you want to put this bill over at this session? Because if you once get it upon the statute books, it can not be repealed so long as the present administration is in power, at any rate, because the law repealing it could be and would be vetoed, as everybody knows, and it would take not a majority but two-thirds of both Houses to override the veto. That is the reason. Let us speak plainly to one another and let us speak honestly and candidly to the country.

The Senator from Alabama said that the tariff act recently passed, in his opinion, would do more harm than the shipping bill, if enacted. I shall not discuss that assertion, but, grant that it be true, the difference is this: There was a mandate of the people for the passage of the tariff law, however mistaken that mandate may have been. But there is a mandate of the people against the passage of this law, however mistaken that mandate may be. If this be a country where the majority ought to rule, then I can plant myself much more stably upon that principle than the Senator from Alabama can plant himself while I am taking my present position and he is taking his.

Mr. President, the immorality of this thing is great, if you think of it as a political philosopher loving democracy. It is unethical and immoral to put this legislation over at this session of Congress. It is *treason to the spirit of democracy;* that is what it is. There ought to be some way by law to punish it, but there is not. Then, what is the next best thing? It is to prevent it. Prevent it how? By every means within your power; that is all. How else are you going to rebuke an act of treason to the spirit of democracy which is yet legal, technically lawful, but which, once accomplished, can not be undone for a long time?

Mr. President, that is not all. If this bill went upon the statute books, not only could the President veto it as long as his term continued, or, if reelected, during another four years, but such is the nature of our politics in America that after you get through another election nobody could say whether the affirmative or the negative side of the ship-subsidy contention had won; there would be so many other issues involved, some of them overshadowing and outbalancing it. The only way you could tell would be by seeing whether a majority of the newly elected Members were in favor of or opposed to the legislation; that would be all, and even then some of them holding one opinion might have been elected upon some other issue. Still, Mr. President, the fact remains that when you do find out that a majority of the newly elected legislators are opposed to it, as is the case right now, then there can be no question of what the will of the people is upon that issue.

I would not have stood here to attempt to delay the passage of the tariff bill, as bad as I thought it was, and as bad as I think the American people ultimately will find it to be, because the principle of the right of the majority to rule did apply in that case, and it was not an accidental, nor an incidental, nor a *temporary* majority, and it was passed by those who were the representatives of the people upon that question, and were sent here to do that thing among other things; and, to use the language of the Senator from Alabama, these two bodies had a right on that issue to function. Function how? As representatives of the people. *They* had not been superseded. But *misrepresentatives* of the people have no right to function, if I can help it, on a question where they *are* misrepresentatives. Your neighbors to the north of you—the Canadians—stare almost paralyzed with wonderment at the spectacle of a democracy whose popular will as expressed at an election can not be put upon the statute books; aye, whose popular will as expressed at an election can be defeated by left-over misrepresentatives before the real representatives of the people can begin to "function."

That is the difference between the Senator from Alabama and me, and I am awfully sorry to have had to express it. There are few here I love better. He came into public life at the other end of this Capitol only two or four years—I have forgotten which—after I did. We have been working in unison ever since, as far as I know, and as far as I can remember now I believe this is the first great question we have ever differed about—the first fundamental difference of opinion or of policy, either one. He possesses a head that is exceedingly level, and it is very rarely, indeed, that anything carries him wrong, but it has carried him wrong this time. As a logician he is deficient. He has used an ambiguous middle. He has talked about the sacredness of the majority, when he does not tell what a majority is. The majority which is sacred is a majority of the electorate, and the legislative majority which is sacred is that which is representative of the electorate, and not that which has been left at home, either by voluntary retirement or by defeat for nomination or for election.

In order that it may impress itself upon the country, I again say that this effort to pass this bill at this session is immoral and unethical, because it is an attempt to "put over" legislation that the recently elected and true representatives of the people do not want and to rush it through before they can begin to function as the Members of either House; and to impress the other point I repeat that, in my opinion, there is not a man within the sound of my voice with the hardihood even to *pretend* to believe, even to assert that he does believe, that if this legislation does not pass at this session it will pass the next Congress.

Mr. President, if that were true, the special interests that are so much in favor of this bill would not be so anxious to put it over now. They would know that all they had to do was to wait a short time, and it would go through the next Congress. They would know, moreover, that the present incumbent of the White House—a man whom I like very much personally—would not hesitate to call an extra session to have it enacted. It would not be a month before it would go on the statute books, or two months at the most. Now, let us deal honestly with one another and with the people. Is not that true? Does anybody deny it?

Mr. President, bad as this ship subsidy bill is, if conditions were such that it could be heard upon its merits—or rather on its demerits, because it has no merits—by the representatives of the people really representing the people's views upon that particular subject, I would not attempt to delay it. I say this, though, I think it is about the worst thing that could be conceived of. I am opposed always to taxing all the people in order to give the taxes to a part of the people, no matter what the circumstances are, except in cases of great suffering, natural catastrophes, like earthquakes and fires, where charity is appealed to, and not justice.

Those cases are somewhat different; but here gentlemen propose deliberately to subsidize an industry so well protected already by law, so completely fenced in and buttressed about in its special privileges that in several lines of its operations it is a monopoly. It has by nature the monopoly of the lakes and the rivers, and we give it by law the monopoly of the coastwise trade, with all the incidents that follow, to the benefit not only of the masters and owners of ships but of the American builders of them, whereas Great Britain would allow me or the Senator from North Carolina to-morrow, if we chose, to sail or steam a ship from Glasgow to London at the mouth of the Thames and engage in fair competition publicly with any shipowner of its land. Here is a class of people who have been protected already far beyond their deserts, and yet they are seeking more. Then gentlemen tell me: "Well, if you do not give it to them, we will spend more money the way we are doing now than this would come to." My answer is that all you have got to do is to stop it. Quit spending that money and quit it now. Do not keep it as a losing game and purposely continue as a losing game for the purpose of forcing opinion to a ship subsidy.

One more point: A sort of pseudopatriotism is appealed to every now and then. "You want to ship your cotton and your wheat in a cargo boat that is flying the flag of the Ameri-

can Republic." Well, other things being equal, yes; I would rather help a neighbor than an outsider; but the interest that my cotton has and that the Northwestern farmer's wheat has in this controversy is getting to the consumer as quickly and as cheaply as possible. Moreover, Mr. President, all the subsidies in the world are not going to build up in the immediate future any American merchant marine. Why? Because the American boy is not going to do that sort of work. As long as he can get more profitable employment on land, he would rather leave it to Norwegians and Swedes and Dutchmen and Englishmen and Scotchmen. It is true you might pass a law, and have done it, saying that a certain proportion of the sailors shall be American citizens, but the result would be nothing but this: You would find that a majority of the so-called American citizens serving as sailors were naturalized foreigners, and then you would find that the balance, not required to be citizens, were unnaturalized foreigners.

There was a time when young boys now and then liked to go to sea out of romance. I passed through that period once myself, from reading Fenimore Cooper's novels, and Dana's Two Years Before the Mast, and various things of that sort; but that sort of literature has ceased to be popular now even with that sort of reader, so you can not even rely upon sentiment—outside of a few fishing villages in New England, perhaps—to furnish any American men for sea service outside of the Navy, where genuine patriotism and not pseudopatriotism makes an appeal.

Why should a boy want to leave his mother, his sisters, his sweetheart, and probably his wife to live one of the hardest lives in the world, with food not too good, with atmosphere to breathe at night not too unlimited in amount nor pure in character and under a discipline harsh and rigorous, when he could stay on land and earn more money, and be near his kith and kin, with his feet upon his native sod? Do you think you can furnish enough money to overcome that; and do you think that if you once did furnish money enough for you to seem to be overcoming it, all the other nations in the world would not begin to issue subsidies as effective as yours or a little bit more so? It would be the old endless race over again, only in peace instead of in preparation for war, of one nation building more battleships and enlisting more soldiers, and another at the very next meeting of its legislative assembly capping them, "calling the bluff"—the old endless race in armor and armament and land and sea forces. It would be the same thing for a merchant marine race.

You need not think, because the balance of the world just now looks as if it were a bit bankrupt, or nearly bankrupt, and you have money untold in your Treasury and almost unrealizable in potentiality, that therefore they will not spend money to keep you from pushing them out of a legitimate business. They will do it if they have to economize on something more important. Not only is their pride enlisted, but if you take countries like Holland and Norway and Great Britain and several others which I might name, the very livelihood of a great number of their people is enlisted.

For every dollar you put down they could put down a half a dollar, and a half a dollar would go just about as far with them in operating ships as a dollar will with you; or, if that is an overstatement, 75 cents would undoubtedly go just as far. They could put less money down and still be equal with you in the results attained.

But I did not intend to discuss the merits of the bill, or rather, its demerits, because it has no merits, except in the eyes of its beneficiaries, and except in the eyes of gross, maudlin sentimentalists, who think that a flag sanctifies a bushel of wheat or a bale of cotton carried behind it. I did not intend to discuss the bill. I merely intended to make a reply to the line of argument made by my friend from Alabama, which, in my opinion, is not only illogical and mistaken, but would lead to positively unethical political results.

Another Senator says that he fears that if we delay this legislation we might be understood as denying or delaying other legislation. Of course, we can not help what somebody may think, but anybody who would think that can not have very much sense. The thing that is denying and delaying other legislation is the keeping of this bill constantly before this body. The real filibuster in this case is this procedure, and the chief and head of the filibusters is the Senator from Washington [Mr. JONES], who obstinately keeps this legislation before this body all the time, thereby denying an opportunity to the Senate to pass other measures which the people are in favor of. I do not use the word "filibuster" in any insulting or offensive sense, but it has been hurled at men over here, and my friend from Montana says he fears we will be thought guilty of filibustering against other measures. The people who are filibustering against other measures are the men who are keeping this—oh, I started to use an adjective—this measure before this body. They can not plead that they are ignorant of the fact that if they keep this thing up to the end of the session a great many meritorious bills will have to fail. They know it just as well as I do, and if the people have not sense enough to learn it, then they have not sense enough for self-government, and the whole thing might as well go to pot; we might just as well stop the experiment of self-government.

The Senator from Alabama said that one reason why nobody ought to delay the ship subsidy bill was that it was an appropriation for a specific purpose. I would like to know what could be a more indefinite utterance than that. An appropriation; yes. How much? For a specific purpose; yes. What specific purpose? As long as you leave that statement out in the open by itself, subject to be rained upon and snowed upon, it is the most defenseless thing I have witnessed in a long, long time, and when you begin to define it you find there is nothing to it. Of course, everything is an appropriation "for a specific purpose," if it is an appropriation at all. The specific purpose in the heart of the beneficiary in this case is to put money in his purse, and if he does not know how to put it in by honest thrift and industry in open competition, to put it in by taxing my constituents, the farmers of Mississippi, black and white, poor as they can be, the darkies especially, when that beneficiary is rich already. Where is the man who is going to build a ship who is not already worth a quarter of a million or half a million?

"An appropriation for a specific purpose." It is the specific purpose which makes it hellish, and it is the fact that it is an appropriation that makes it a steal. There might be an appropriation for the specific purpose of helping the starving somewhere, in Europe or here at home, and this phrase would apply to it as well as to any other legislation I could conceive of which costs the Government a dollar.

The antilynching bill would have involved sooner or later "an appropriation for a specific purpose," the specific purpose of depriving the States of jurisdiction over cases of murder, because, after all is said or done, a man who is lynched is murdered, and that which can legally be said of those who have lynched him is that in the law they are murderers. If we started once to giving the Federal Government jurisdiction over murder, I do not know where we would stop in the catalogue of crime.

We would go next, I suppose, to arson, and after that to rape, and after that to grand larceny, and in the course of time we would get down to petty larceny. I know a distinction in grade, but I do not know any distinction in character or kind between crimes which have uniformly and universally been supposed to be punishable by the States under their police powers. Yet, if we start out on that pathway we will not only have appropriations for specific purposes but we will have very numerous and very large ones for a great many specific purposes.

Mr. President, I expect I owe somewhat of an apology for having spoken at this time. I have been feeling exceedingly badly all day long. My chief occupation for about a week has been blowing my nose, now and then interrupted by a sneezing spell, and to-day I have a little, dull, mean, bad headache with it, which makes me feel peculiarly stupid. In fact, I do not know of any physical ailment that attacks a man's mind quite as quickly as having his nose stopped up; and if I have not done my subject justice, please attribute it to the fact that my nose is not disciplinable.

REMOVALS FROM THE BUREAU OF ENGRAVING AND PRINTING.

Mr. CARAWAY. Mr. President, I regret to refer to the Senator from New York [Mr. CALDER] in his absence. Some time ago, however, I introduced a resolution asking for an investigation touching the discharge of the director and 27 chiefs of divisions in the Bureau of Engraving and Printing. They were discharged by an Executive order with the statement that it was "for the good of the service," an indictment against them both as to honesty and efficiency. After months of investigation the President gave out an indefinite interview to the effect that possibly in the future he might make a statement. In the meantime he permitted three women, who for 25 or 30 years had toiled faithfully for the Government, to creep back into the Government's employ at half their former salaries, while he put in their former places men of no experience and in some cases men of no character.

Recently the President issued another order restoring to the civil service status the remaining people whom he had stricken from the rolls, with two exceptions, one, Doctor Beach, who had been killed by this unjustifiable charge, the other, the former director, Mr. Wilmeth, whom he seeks to punish because Wil-

meth comes from my State. He has such little respect for other men's reputations that he is willing to damn for all time to come the reputation of Mr. Wilmeth because he imagines thus he is punishing me. Oh, Mr. President, if he wanted to strike me, why did he not strike me and not attempt to do so through a helpless individual who can not strike back?

I said the other day that this discharge was for a division of spoils, and that among the people who were the beneficiaries were some of the Senators who were blocking the investigation. The Senator from New York [Mr. CALDER] immediately asked if I was talking about him. He guessed correctly, because I was talking about him.

I have here a statement which I shall put in the RECORD when the Senator from New York is present, which tends to show that he in fact was awarded one of the places. I thought he got that as his part of the spoils, and now he helps to deny an investigation.

Honestly, now, I think he is inconsistent.

Mr. SHORTRIDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from California?

Mr. CARAWAY. I yield.

Mr. SHORTRIDGE. I wish to file a report on behalf of the Judiciary Committee on a certain resolution.

Mr. CARAWAY. Let me withdraw that consent until the Senator from North Carolina [Mr. OVERMAN] is present. He wants to have something to say. That is on the child-labor question?

Mr. SHORTRIDGE. Yes.

Mr. CARAWAY. I shall have to refuse to yield until the Senator from North Carolina is present, because I know he wants to say something about it. The Senator will pardon me for not yielding?

Mr. SHORTRIDGE. Certainly.

Mr. CARAWAY. I was about to say that the Senator from New York [Mr. CALDER], whom I like, who is a delightful, pleasant gentleman, was named the other day by General Cronkhite, who says he helped smother an investigation into the charges against Captain Rosenbluth, whom he thinks killed his son; and when that charge was made, Senator CALDER said last night that he was willing that there should be an investigation so that all might know he was innocent of this charge, but he smothers an investigation where 28 men and women are laboring under a charge and denies them a forum in which they may be heard to vindicate their names against this charge made against them. He is quick to say, "I am willing to have an investigation of the killing of Major Cronkhite, when they say I induced the Attorney General to desist in the probe to determine who was guilty of the murder. I am willing that there should be a thorough investigation"; but when 28 men and women who are helpless ask and plead for an investigation, he will not let them have it because he does not want to embarrass the President, I understand he says.

I do not know what representations were made to the President to induce him to do this unthinkable thing of striking down the reputations of 28 men and women who heretofore have lived lives that entitled them to the respect and confidence of those who knew them. I do not know what representations were made to him, but I shall always believe, whatever the denials may be, that it was a political doling out of patronage to which the President yielded. I have said let them take the offices. I do not complain about that. Let them have the offices, but let them take them like spoilsmen that they are, and let the administration dole them out as the spoils broker that it is and not take them by robbing the men of their reputations.

This afternoon the President gave out an interview that I shall read. It appears in the Evening Star of this date, and is headed:

Ousted bureau officials will be denied old jobs. President Harding feels no regret over changes and feels matter now closed incident.

I do not think he feels any regret over the incident, because he belongs to that school of politicians who think, if a place is to be had, his friends should get it, whatever the means, and have no regret. He wanted those places for people, some of them, I fear, here in the Senate, who were demanding the jobs for their henchmen, and he now says, "Why, of course, we got the offices. What regret should I feel?"

In the interview he is quoted as saying:

President Harding feels no regret over the changes made at the Bureau of Engraving and Printing, has "laid all his cards" before the Senate Committee on Contingent Expenses, and probably will make no further statement in the matter.

I do not know what cards he laid on the table before the Committee to Audit and Control the Contingent Expenses of the Senate, but I do know, even though he is the President of these United States, that when he does a thing in secret that injures another man he ought not to be content to lay his cards in secret before a secret committee and then say, "I have nothing further to say." Lay them on the table before the public, which is his master and mine, and let the public judge and not let a committee that he knows will not report the resolution and will not make public the facts which he is supposed to have revealed. I understand—and there is a member of that committee sitting present to correct me if I am misinformed—that while he permitted everybody who wanted to crawl up out of the filth and cast their aspersions upon the character of these men to appear before the committee and to make charges indefinite and vague and principally by insinuation, yet when the men and women whose characters have been besmirched pleaded at the committee door to be heard they were denied.

It was explained that the committee was sitting like a grand jury; it would seem like a packed grand jury.

I continue to read:

In making this known at the White House to-day it was said that the President feels that restoration of the civil service status of the dismissed employees was sufficient to satisfy their claims, in the absence of any specific charges against them.

Oh, my goodness, Mr. President, to tell a man he may get a job if he can find it is not sufficient. When he has done that it is sufficient, although he struck them down when they had a job and destroyed their right to be reemployed when they were employed; that because he made no specific charges against them, it is sufficient because a year later he says, "If you can find some other place to work I am satisfied, and if you can not you can starve, and it does not concern me." I am sure the American people will be shocked to know that that is the sentiment of the President of the United States toward the people whom he has ruined.

But that is not all. I read further:

The President was also represented as feeling that it was "neither possible nor desirable" to restore any of the dismissed chiefs to their positions in the bureau.

Whether the Senate committee before which the President laid his facts, according to the statement to-day at the White House, will ever make public further details was problematical. It was thought, however, in view of the developments to-day, that no more official statement may be expected on the dismissals of March 31, last year.

I continue reading the article:

Chairman CALDER of the Senate Committee on Contingent Expenses, following a conference with President Harding at the White House to-day, indicated that the committee might make no report of any kind on the Caraway resolution to investigate the Bureau of Engraving and Printing dismissals.

Hearings have been concluded, Senator CALDER said, the committee calling in only one witness, Charles B. Brewer, special investigator of the Department of Justice. No witnesses were called to represent the dismissed employees, the Senator said. His committee was sitting in the nature of a "grand jury," it was explained, and, although having concluded its hearings, had not definitely decided what to do about it.

The probability is, however, the Senator intimated, that there will be no report at all. "It would be a serious thing," he said, "to investigate the President."

Oh, yes; it would, Mr. President, but the most serious charge ever made against the President of the United States is made in the statement which is quoted from the Senator from New York, that the President has been guilty of some act that it would be a "serious" offense to let the public know what it was the President did. I have said some things that were not exactly complimentary about the President, and suppressed a good many I wanted to say, but I have never thought, much less ever said, anything that so reflects upon the President as his particular friend, who is smothering the resolution to which I have referred. He said, and I want to quote it, because it is in his own language:

It would be a serious thing to investigate the President.

He knows what the President has done, because the President said he has told him, and he knows it. But he said that he will not permit others to know what the President said, because "it would be a serious thing to investigate the President."

Reading further from the article:

Wide difference of opinion exists in the Senate committee, Senator CALDER admitted, over the value of Brewer's testimony. Senator MCKELLAR, Democrat, Tennessee, member of the committee, has stated that Brewer failed utterly to substantiate the charges upon which it is alleged President Harding based his action.

Senator MCKELLAR was understood to-day to be still intent on doing further justice to the dismissed employees, and meant to try to get through the committee a proposed bill to pay the dismissed persons all back pay for the time since March 31, when they were let out, and, further, to replace them in positions similar to those from which they were dismissed.

I shall not read the remainder of the interview. I ask permission to insert the entire interview in my remarks at this point.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

OUSTED BUREAU OFFICIALS WILL BE DENIED OLD JOBS—PRESIDENT HARDING FEELS NO REGRET OVER CHANGES AND FEELS MATTER NOW CLOSED INCIDENT.

President Harding feels no regret over the changes made at the Bureau of Engraving and Printing, has "laid all his cards" before the Senate Committee on Contingent Expenses, and probably will make no further statement in the matter.

In making this known at the White House to-day, it was said that the President feels that restoration of the civil-service status of the dismissed employees was sufficient to satisfy their claims, in the absence of any specific charges against them.

The President was also represented as feeling that it was "neither possible nor desirable" to restore any of the dismissed chiefs to their positions in the bureau.

Whether the Senate committee before which the President laid his facts, according to the statement to-day at the White House, will ever make public further details was problematical. It was thought, however, in view of developments to-day, that no more official statement may be expected on the dismissals of March 31 last year.

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NO REPORT LIKELY.

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Whether Senator CALDER conferred with the President over this phase of the situation it was not learned to-day.

Brewer's testimony impressed members of the committee in various ways, Senator CALDER indicated. The chairman himself had entered the "grand jury" hearings on the Caraway resolution with an open mind, he said, and had learned from Brewer many valuable things, but added that his mind was still open on the question.

From confidential sources close to the committee it was learned further to-day that Brewer was not only asked to present his case, but that he was severely cross-examined by members of the committee as to the reasons why he had gathered the charges which were presented to President Harding, and upon which the President acted, without the knowledge and advice of Secretary of the Treasury Mellon.

Brewer was an early caller at the White House to-day. He refused to discuss his mission there or to make any statement on the Bureau of Engraving matter. Upon leaving the White House he was photographed for the first time since his implication in the bureau matter.

Mr. KING. Mr. President, will the Senator from Arkansas yield to me for a question?

Mr. CARAWAY. I yield for a question.

Mr. KING. I rose to inquire how the resolution reached the committee of which the able Senator from New York [Mr. CALDER] is chairman, and, secondly, if I may be permitted to ask two questions, if it did reach that committee properly, and I assume that it did, what reason has the committee to smother an investigation of a matter which obviously, under all the facts known to the public and known to the Senate, does demand an exhaustive inquiry?

Mr. CARAWAY. There were about two dozen Senators who objected to its immediate consideration, so it went to the Committee to Audit and Control the Contingent Expenses of the Senate. The reason why that committee smothered it is plain. I shall read again from the language of the chairman of that committee, though I read it a moment ago. Here it is again:

It would be a serious thing to investigate the President.

That is the reason why the committee smothered it, because he said, "It would be a serious thing to investigate the President." The resolution did not necessarily mean to investigate the President. The resolution asked that we might know why these people were dismissed, what their reputations and characters were, and what are the reputations and characters of the individuals whom the President put in their places. Now, the Senator from New York said it would be a serious thing to investigate the President. The committee, as I understand, stood on a division on purely political lines. The committee consists of Mr. CALDER, of New York, as chairman; Mr. KEYES, of New Hampshire; and Mr. MCCORMICK, of Illinois; and then the two Democrats, Mr. JONES of New Mexico and Mr. MCKELLAR, of Tennessee.

Mr. KING. Mr. President, before the Senator leaves that point will he yield?

Mr. CARAWAY. I yield for a question.

Mr. KING. I would like to ask the Senator whether, under the procedure of the Senate as he understands it and under the rules of the Senate as he interprets them, the Committee to Audit and Control the Contingent Expenses of the Senate have the right to deny an investigation? My understanding is, by way of interrogation, that they have the right merely to determine whether or not the funds are available to pay for the inquiry. If the object of the inquiry is at all legitimate, and it is for the Senate to determine that question, it is their duty to report back the resolution. Is not that the Senator's understanding?

Mr. CARAWAY. That is the way they have treated every resolution heretofore; but this resolution, for the reasons I have explained, is one tending to prevent people getting together to share the spoils in the way of a division of offices, so I suppose they feel they ought to stand together. Here are 28 helpless men and women, who have spent a lifetime in faithful service as employees of the Government. They have been despoiled of their right to make an honest living. They have had their characters besmirched and reputations destroyed, and yet the people who profit thereby will not even give them back their reputations. They will be compelled to go on down through the years with the finger of suspicion pointed at them. One of them is already dead, having died of a broken heart.

But this I wish to emphasize. Mr. Wilmeth is to be denied restoration altogether, because he comes from my State and I had the bad taste to say anything about his removal. Therefore he is to be perpetually barred because I have offended the President by calling the attention of the country to his unwarranted removal of these people. Mr. Wilmeth went into the Government employ as a messenger. For 30 years he toiled upward, with never a charge against him at any time by anybody. He is never to be restored, because he comes from my State.

Doctor Beach, 30 years with the Government, an educated, cultivated gentleman, was taken out of a little position when he was old, when he was getting $1,600 a year, and sent to his grave with a broken heart, and his place filled by a politician from Pennsylvania at $3,000 a year—a man who had no civil-service status at all and never had been in the employ of the Government before.

Mr. Wilmeth was removed, a man of high character, a Christian gentleman, and in his place was put a Mr. Hill, a man whose wife was then suing him for divorce. Among all the other unmentionable charges against Mr. Hill, which have never been denied so far as I know and have subsequently been sustained by proof, was that he has a daughter who is about grown, and he had the brutality to beat her in the face with his fist because she protested against the life he was living and the indignities he was heaping upon her mother.

Well, I do not much blame them not to want to air the reputation of Mr. Hill, whom the President put in charge of the bureau which has in it more women than are in any other division of the Government; but there are other things about Mr. Hill, to a few of which I wish to call attention.

I want to make the paper which I am preparing to read really interesting. I wish to call attention to the fact that Mr. Hill and his wife were separated, were living separated and apart; that he had thrown the furniture into the street, so that the family could not live with him; no member of his family I am informed, is living with him; and yet I have here the order which he gave for an automobile with certain equipment to which I wish to call attention. I am going to suppress the name of the automobile company to which the order was given, for I do not wish to do them an injury, but I have a copy of the order here and any Senator will be at liberty to see it.

Mr. Hill was appointed director of the bureau on the 1st day of April, 1922. On the 27th day of June following he made this requisition for an automobile, which he wished the Government to buy for him.

Mr. MCKELLAR. Mr. President, will the Senator yield to me?

Mr. CARAWAY. Let me first read this requisition.

Mr. MCKELLAR. Very well.

Mr. CARAWAY. By way of explanation, I desire to say that the Government is expected to furnish the director of the bureau an automobile. This is the automobile for which Mr. Hill asked, and its equipment is what I wish to call to the attention of the Senate. The order is dated June 27, 1922.

I will leave off the name of the company, which is here. I shall also leave off the name of the car, because otherwise it could be identified. Mr. Hill wanted:

One * * * four-door, six-passenger sedan; equipped with cord tires, motometer, and bar cap—

Now, listen—

smoking set, lady's vanity case.

[Laughter.]

I pause to ask who the lady is who was to use the vanity case? Hill was separated from his wife; she was not using the car with him. He had beaten up his daughter as though she were a slave, and she would not ride with him; and yet he wanted his automobile equipped with a lady's vanity case!

Mr. KING. Mr. President, will the Senator yield for an inquiry?

Mr. CARAWAY. I will yield merely for an inquiry.

Mr. KING. Does the Senator mean that Congress appropriated money for a car for a man of that character and for a man holding that office?

Mr. CARAWAY. Well, Congress does not appropriate the money for that particular purpose.

Mr. KING. However, we provided this car?

Mr. CARAWAY. Congress provides the funds and they are used to buy cars.

I desire to digress here long enough to say that Mr. Mellon, in my judgment, however one may criticize his views, is a real man. Of all the master minds, not even excluding Doctor Sawyer, I think that Mellon is the best appointment the President made; and I have in mind that he also appointed Harry Daugherty when I make that statement. However, Mr. Mellon turned this order down, lady's vanity case and all, because Mellon could not understand what Hill needed with a vanity case for a lady when his wife would not live with him. So he did not get the vanity case nor the smoking set.

Mr. Ashworth was also dismissed. He was a man who had been for about 30 years in the employ of the Government. He was at the head of the division which had the custody—he is called the custodian—of dies, rolls, and plates.

He had under his care all the plates from which bonds and currency and stamps are printed and all the rolls and dies. At 4 o'clock in the afternoon he had a letter of commendation from the Treasury Department. It came about in this way: Under the law the Secretary of the Treasury must have a committee appointed once a year to check up that division to ascertain if the custodian has been faithful in his duty as custodian of the rolls and dies and plates. That committee had just concluded its investigation and made its report. Not only had his work been satisfactory but it had been so satisfactory that it transmitted to him a letter of commendation for the intelligent and faithful discharge of his duties. That letter reached him at 4 o'clock. At 6 o'clock he was dismissed from his place and put out of the service altogether "for the good of the service." Let us see what "the good of the service" meant. In his place was put a man named McCauley. McCauley's wife was then suing him for divorce on statutory grounds, naming about half a dozen ladies—well, other folks—as corespondents. Among the exhibits in this case Mrs. McCauley filed with her complaint was a letter that McCauley had written to a 15-year-old girl here in the District, asking her to meet him on Pennsylvania Avenue at 4 o'clock, and that he would give her the money and direct her to a doctor. We all know why she was to go to a doctor. That is the man who was put in the place of Mr. Ashworth "for the good of the service."

As to Mr. Perry, the man who comes from Brooklyn and the man who I think stands in the way of this investigation, his wife had a divorce from him, I am informed. In other words, the notice ought to read: "No man who is living with his own wife need apply, because there will be no place for him. None but 'gentlemen' who have beaten up their daughters and who have debauched children and divorced their wives or been divorced by their wives need apply for employment in this bureau."

Mr. Perry had some other qualifications. He had been dismissed from the service because he was a bookmaker and had solicited gambling bets from other employees, and yet "for the good of the service" he was installed as the custodian of this most important bureau.

I am not through with Mr. Hill, although I think that possibly he has had all the notoriety he is entitled to receive.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. CARAWAY. I yield for an inquiry.

Mr. KING. Does the Senator mean to state to the Senate that the President of the United States is retaining these men in office and keeping out of office men of the character to which the Senator has referred who for 30 years earnestly devoted themselves to the discharge of their duties?

Mr. CARAWAY. Of course, and also women who had toiled up through the years—and the Senator knows what discriminations have been practiced against women in public employment until recently—who had gone in there as girls and had toiled until their hair was as white as the driven snow; women against whom never a word had been uttered until the President of these United States struck their reputations down in the dark with a statement that they were dismissed "for the good of the service," and then allowed like whipped slaves to crawl back into public employment at half their former salary, while men of the character I have described were given their places.

I have another interesting document here that will show why Hill was appointed. It is a photostatic copy. It reads:

Republican State Voters' Association in the District of Columbia.
Application for membership.
Make checks payable to the Republican State Voters' Association.
Republican State Voters' Association.
Temporary headquarters, 808 Colorado Building, Washington, D. C.
I hereby apply for ——— membership in ——— the Republican State Voters' Association.

Then the applicant states what kind of membership he will take; he may be an active member or he may be a half member or he may be a sustaining member, which, I presume, is a "boss"; I do not know what else a "sustaining member" would be.

Then the important thing follows:

I inclose check (or currency) in the amount of $——— for the payment of my dues, pro rata, for the period January 1 to June 30, 1923, consisting of one-half the regular annual dues of the association applicable to my membership.

Here the contributing member will choose whether he will become an active or a half-active or a supporting or a sustaining member. The paper continues:

I am a Republican—

He must say that—

of the city or town—

He must name that—

and county—

Naming that—

and State—

Naming that.

He must also tell in what congressional district he originally had his residence and what voting precinct or ward. Then—

My business or occupation is—

So he must set down here whether he has charge of one machine or another. Then the blank says:

Recommended by L. A. Hill.

Mr. Hill, of course, is the director of the bureau.

In other words, he is having given to every man and woman in the bureau this blank, and they are required to fill it out and contribute toward a campaign fund for some purpose, which is presumed to be to elect Republicans.

The matter does not stop there, but I shall put the other document which I have in mind in the RECORD a little bit later, but not to-day.

After these people had contributed or not contributed, it has been told me, then somebody was to visit each Republican Member of the Senate and each Republican Member of the House and report the names of those who are from his State or district and whether they have contributed all they ought to have contributed. Some have already been visited. And in return for all that Mr. Hill and Mr. McCauley and Mr. Perry and all of that other bunch are to be kept in office. There is a community of interest. "Contribute to the fund and then tell your Senator what State you are from and that you vote the Republican ticket there, and for him to keep us in"; and they will do it until the people get a chance in another election.

That is not all of this interesting document:

If in any branch of the public service, complete the following statements:

I am employed in _____ _____
Government department. Title of position.

The status of my Government employment is _____.
(Classified civil service, unclassified civil service, presidential appointee, elective office) _____

And so on, and so on.

If elected to membership, I agree to support the constitution and observe the by-laws of the association.

Here he signs, and then here is something else:

OFFICE RECORD.

Examined by membership committee _____. Elected to membership _____.
Reported to executive committee _____. Membership card No. _____.
Action by executive committee _____. Membership card mailed _____.

Why, I presume no man could get back to his desk and go to work if he did not have a membership card from Mr. Hill's Republican bureau, showing that he had paid his dues as a half member at least, and if he wants to be promoted he had better be a sustaining member.

Here, on the back of that interesting thing, is article 2 of the constitution:

MEMBERSHIP.

(Definition of classes.)

SEC. 2. The membership of this association shall be of five classes: Active, registered, sustaining, contributing, and honorary.

I presume Mr. Hill is an honorary member.

SEC. 3. Active members in this association shall have the right to vote and a voice in its management, and such other privileges and benefits as prescribed by this constitution.

SEC. 4. Registered members of this association, both sustaining and contributory, who are in the classified service shall take no active part in the management of the association or of its partisan objects, but will otherwise enjoy the privileges and benefits of the association as prescribed in its constitution.

That is, the right to contribute, and the right to hold a job as long as they do contribute.

There is some more of it.

SEC. 5. Sustaining members in this association shall be those active or registered members who pay voluntarily—

I want you to notice that:

Who pay voluntarily.

The other fellow did not pay voluntarily. He paid because they made him pay or lose his job; but—

Sustaining members in this association shall be those active or registered members who pay voluntarily such dues as are hereinafter prescribed by this constitution.

Do you imagine that there was not something meant by that word "voluntarily"? The other fellow was not a voluntary payer at all. He paid because he had a job, and Mr. Hill was the director, and Mr. Hill was organizing and circulating in his department this document; but if you are not employed by the Government, then you may pay voluntarily.

SEC. 6. Contributing members in this association shall be those active or registered members who voluntarily subscribe any sum in excess of $20, biennially, to the association.

SEC. 8. Applications for membership shall be made to the association, setting forth that the applicant is a Republican, the legal residence, Washington address, and character and place of official or business employment. Application shall be referred to the membership committee of the association, whose report thereon shall be submitted to the executive committee and acted upon at its next regular meeting, unless otherwise determined, by a majority vote of those present.

ARTICLE IV OF THE CONSTITUTION.

DUES.

SECTION 1. The annual dues for active membership shall be $3.

SEC. 2. The annual dues for registered membership shall be $2.

SEC. 3. The annual dues for class A—sustaining membership—shall be $10. The annual dues for class B—sustaining membership—shall be $5.

SEC. 4. The fiscal year of this association shall begin on the 1st day of July.

SEC. 5. All dues are payable from July 1, annually in advance, unless otherwise provided for by the executive committee for the period prior to July 1, 1923.

SEC. 6. Payment of membership dues, as hereinbefore prescribed, satisfies obligations to this association, and no increase of dues nor assessments for any purpose shall be made during the period for which membership dues have been paid in advance. No form of coercion shall be used in obtaining or maintaining membership.

Is not that a wonderful thing that they are not going to coerce you? But, you know, it says that you shall be recommended, and on this blank it says:

Recommended by L. A. Hill.

So everybody in his bureau is to be recommended by none but Hill, because Hill's name is in the blank. Nobody else may make a recommendation, and nobody can get into the club without Hill's recommendation, and nobody can work in the bureau, of course, we know, unless Hill recommends him.

Mr. President, we have a law that guarantees civil-service employees against being driven into contributing to campaign funds, but it does not run in the Bureau of Engraving and Printing as long as Mr. Hill is director. We have a law against punishing civil-service employees who do not contribute, but it has no effect as long as Hill is Director of the Bureau of Engraving and Printing, and as long as these people expect to hold a place in that bureau.

Mr. President, the President said in the interview which I have just read that he has no regrets; that is, he is glad he struck down these people's reputations, glad that he made them walk the streets and beg for a place to earn an honest living, glad that he made these women with 30 years of faithful service creep back like whipped slaves and take any place that he would give them at half their previous salary. He is glad he drove Doctor Beech into his grave with a broken heart. He is glad that feelings of injustice are rankling within all these other men, because he thinks they can not reach him, Mr. President.

The immunity against malicious slander does not clothe the Executive. Wisely or otherwise, the Constitution clothes us with the right to express opinions in debate in the Senate and in the House and not be required to answer elsewhere, but such immunity does not run with the President of these United States; and I feel certain, Mr. President, that what never happened before in the history of this country is going to happen now—that one of these discharged employees is going to sue the President of these United States for willful, malicious defamation of character, and the President, like any other citizen, is going before the bar of justice in a court room in the city of Washington and answer that charge. That is their last resort. They hoped that the President would have regard for their rights, and restore their reputations he so ruthlessly destroyed; but he says now: "I will not do it, and I am not sorry for what I did."

Therefore, Mr. President, the mere fact that it never happened is no reason why it is not going to happen; and the President, I fear, must answer to the Senate or to a jury, as he sees fit. There must be a tribunal before which even the President of the United States must answer.

The Senator from New York [Mr. CALDER] said in his interview to-day that it would be a serious thing to investigate the President. Then it must be that the President has done some terrible thing, because if he had done the thing that is right, the President would not object to being investigated, you know. But here is the remarkable thing: The Senator from New York gave out that interview about "how serious it would be to investigate the President" just after he had had an interview with the President on this matter, so I am sure the President said, "Now, there are things about this that I do not want the public to know," so the Senator from New York says, "It would be a serious thing to investigate the President."

Oh, well, the President will be investigated. In spite of all that may be done by the Senator from New York and those with him on the committee who want to smother the investigation, he is now being investigated by hundreds of thousands of people over this country, and they have a feeling of astonishment and indignation that a man, simply because he is the Chief Magistrate of this great country, could strike down the reputations of honest men and women and refuse to tell them why.

Let me tell you, the President can not now say that these people were guilty of any wrongdoing. In the first place, under the law in regard to accessories after a fact, if these men had been guilty of the wrongful things that he intimated that they had done, if they had stolen bonds and duplicated numbers and profited thereby, and he did not reveal it, he himself would be guilty of an offense as an accessory after the fact. So I know they were not guilty of any wrongdoing.

Again, the law requires that a man or woman who enters civil-service employment must be a person of good character, and of some attainments, at least; and since the President has issued another order restoring these people to their former civil-service status he has certified that they are men and women of good characters. Therefore he had no right, no justification, for striking down their standing as civil-service employees, and he is without a defense. So far as Mr. Ashworth is concerned, he never had any reason to believe that he was not an efficient and honorable man, because Brewster, who seems to have been the man who was sent by Mr. Daugherty to help clear the way for these places, himself says he never mentioned Ashworth's name to the President at all; and Ashworth's direct chief, the Secretary of the Treasury, had transmitted to him a letter showing that he was not only a man of good character and efficient, but that he had performed his duties in an extraordinarily efficient and honorable way, and recommended him. So the President did not have any probable grounds for believing that Ashworth was unworthy or incompetent, and he knows it, and the Senator from New York [Mr. CALDER] knows it, and yet he says "it would be a serious thing to investigate the President."

Mr. President, it is a serious thing for the President to have to be investigated; but you can not surround yourself with "certain influences" and escape; you can not incur obligations and pay them at the public expense and escape. Why, who ever suspected that the Attorney General was appointed because he was a lawyer? You could not prove by the court records of Ohio that he tried a lawsuit there in 15 years. He not only has no knowledge of the law but has no curiosity about it. He is going to quit, Mr. President. He got whitewashed by some lame ducks in the House who hope to be appointed to some place where they can get a living without working for it, and now, while he has got whitewash on him as thick as a negro puts on a cabin down in Arkansas, he is going back home, and if anybody says anything about it

will say: "Why, just look at this whitewash all over me! It is just dripping off of me"; and it is going to drip off of him, Mr. President. It is running now. He is going to quit before the Sixty-eighth Congress can have anything to say about his whitewash, and we know it; and there is another member of the Cabinet "fixing" to quit also, Mr. President. Whenever the lid on the Teapot Dome blows off—and it is already stewing—another who was a party to giving away all the naval-reserve fuel this country had, and one man for nothing got a hundred million dollars' worth of it, is going to quit. Fall is not going to have to carry the entire responsibility for giving away all of the national wealth.

He is entitled to only his part of it. The President also "whitewashed" him. He said, "All this thing that Mr. Fall has done I sanctioned." I rather imagine they promised to divide the spoils, including the naval-reserve oils, before he was in a position to appoint a Cabinet. Anyway, there will be but two or three of the master minds when we get back here in December next. The Secretary of State will possibly still be sitting on his iron safe, keeping anybody from finding out what the foreign policy of this country is. He will not even get off it long enough to get a shave. Doctor Sawyer will still be rattling his spurs around, just 2 inches beneath his ears. But all the other master minds will have gone the way of all the earth.

But in conclusion let me say if anybody is being sued by his wife on statutory grounds, and she can prove her case, let him apply and he will be given a place in the Bureau of Engraving and Printing; but if he has a good character he must apply elsewhere; he is not wanted.

THE MERCHANT MARINE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes.

Mr. REED of Missouri obtained the floor.

Mr. McKELLAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. McNARY in the chair). The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	George	McCormick	Robinson
Bayard	Gooding	McKellar	Sheppard
Brandegee	Hale	McKinley	Shortridge
Brookhart	Harreld	McLean	Smith
Bursum	Harris	McNary	Smoot
Calder	Harrison	Moses	Spencer
Capper	Heflin	Norbeck	Sutherland
Caraway	Johnson	Oddie	Townsend
Curtis	Jones, Wash.	Overman	Wadsworth
Dial	Keyes	Pepper	Warren
Edge	King	Phipps	Watson
Ernst	Ladd	Ransdell	Weller
Fernald	Lenroot	Reed, Mo.	Williams
Fletcher	Lodge	Reed, Pa.	Willis

The PRESIDING OFFICER. Fifty-six Senators having answered to their names, a quorum is present.

Mr. REED of Missouri. Mr. President, merely by way of possibly shortening the labors of the Senate, I call attention to the fact that there is some discussion going on about agreeing to adjourn this evening and to vote on the pending motion at some hour to-morrow, to be fixed. If that is to be done, I think it ought to be done now before I begin my remarks.

Mr. JONES of Washington. I think perhaps we had better go on.

Mr. ROBINSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Arkansas?

Mr. REED of Missouri. I do.

Mr. ROBINSON. The Senate has now been in session nine hours to-day, and I think we ought to take a recess until to-morrow at 11. I believe the Senator from Washington ought to make that request.

Mr. CURTIS. The Senator does not mean that that should be done without any agreement to vote?

Mr. ROBINSON. I think we would be willing to vote upon the pending motion at 12 o'clock to-morrow, if a recess could be taken now, and I make that proposal.

Mr. JONES of Washington. Mr. President, it is true that we have been in session since 11 o'clock this morning. We have had just three speeches and not one has touched the pending question. I think we had better go on to-night.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. HARRISON. Mr. President, before the Senator proceeds——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Mississippi?

Mr. REED of Missouri. I do.

Mr. HARRISON. May I suggest, then, if no agreement is to be entered, that the Senator from Missouri is entitled to have a quorum present during his speech this evening? It is an important matter that he is going to discuss, and Senators should stay here to listen to him. Some of us will see to it that there is a quorum present.

Mr. REED of Missouri. Mr. President, anything that is agreeable to the Senate is agreeable to me. I am prepared to proceed. I am not only prepared to vote on the question of substituting the filled milk bill for the ship subsidy bill, but I would like very much to have a vote on the resolution I have offered, and I say that in the best of faith, and very earnestly, because this is probably the last opportunity I will have at this session of Congress to be present and to ask for a vote. I do not believe there will be any opposition to the resolution. There should not be, in my humble judgment, and I am making the suggestion now in order that Senators may consider it.

I ask permission to place here in front of the Senate, where those Senators who are interested in this question may be able to see them, two maps which I have now in the Senate Chamber.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Missouri? The Chair hears none, and the maps will be placed in appropriate places.

PROPOSED CESSION OF CERTAIN WEST INDIAN ISLANDS.

Mr. REED of Missouri resumed the speech begun by him on the 10th ultimo, upon the following resolution (S. Res. 396) submitted by him January 5, 1923:

Resolved, That the President be, and he is hereby, respectfully requested to ascertain whether the Government of the United Kingdom of Great Britain, etc., is willing to discuss the cession by it to the United States of all or any part of its possessions in the West Indies, including the island of Trinidad, and also the Bermuda Islands.

The President is further requested to ascertain whether the Government of the Republic of France is willing to discuss the cession by it to the United States of all or any part of its possessions in the Lesser Antilles, including the islands of Grande Terre, Guadeloupe, Marie Galante, and Martinique.

The speech of Mr. REED of Missouri is, entire, as follows:

Wednesday, January 10, 1923.

Mr. REED of Missouri. Mr. President, a day or two ago the Senate passed a resolution, which I introduced, requesting that the American troops be recalled from Germany. We were promptly told by the official reporter of unofficial news that it had been determined by the White House, notwithstanding the action of the Senate, that the troops should remain in Germany. But the scenes of the international drama now being played upon the stage of the world change nowadays with marvelous rapidity. Accordingly it appears that the logic of events transpiring within a few hours after the passage of the Senate resolution has forced the administration to reverse its defiant attitude and to admit the wisdom and imperative necessity for immediately returning American troops to American soil. I congratulate the country upon the fact that our soldiers are to be withdrawn from a position which every thoughtful man has for the past two years recognized as one of menace to the peace and good will that we desire to maintain with all of the nations of the world.

I remark in this connection that the order of the President should be extended. He should direct his official "unofficial" representative at the Lausanne conference to come home with the troops. An official "unofficial" representative is only an unfrocked meddler. Incapable of bargaining for our benefit, he yet possesses the capacity for incalculable injury. By improvident statements or speeches he may involve our country in the disputes of Europe at least to the extent of engendering all the ill will which an official representative might be able to arouse. It appears that this, our representative, who denies that he is a representative at all and who concedes that he is only a diplomatic cipher, is nevertheless surcharged with a great variety of opinions regarding a multitude of questions, coupled with an irresistible impulse to make speeches and a pronounced delusion that his "unofficial" voice is the voice of the American people. If some one will draw a line between the declaration by an official "unofficial" representative that "the United States regards Germany in default" and a declaration by "official" representative that "the United States regards Germany in default," he will be a better master of logical refinements than Sir Hudibras, whom Butler declared "could distinguish and divide a hair twixt south and southwest side." In very truth the President in the maintenance of his "unofficial representative" at the conference of foreign powers violates the spirit of the law that provides there shall be no American representative on the commission unless and until Congress shall specifically grant the necessary authority. When, therefore, the President sends a man to the conference to do everything or substantially everything that might be done

were Congress to grant the authority to appoint a representative and were the appointment made pursuant to the act, he is proceeding to annul by subterfuge the plain letter of the law. How pitiable that device is will be understood when we remember that the man sent is employed, paid, and accredited by the United States to attend the conference and to take part in the conference, and yet is described as an "unofficial representative." Such an avoidance of the letter and violation of the spirit of the statute is, I submit, unworthy the President of a great Republic. Either America is at the conference or it is not there. The pretense that a man can sit at the conference, listen to its deliberations, take part in them, and assume to express the opinion of the United States with reference thereto and yet that he is not speaking officially for the United States is utterly contemptible. I venture, therefore, to indulge the hope that the change of heart which the President has recently experienced will extend to a recall of this "unofficial" meddler.

[At this point Mr. REED of Missouri yielded the floor for the day.]

Tuesday, February 20, 1923.

Mr. REED of Missouri. Mr. President, let me say to Members of the Senate that I regard it as highly unfortunate that I am compelled to present the question at this time. I beg to assure the Senate that the resolution (S. Res. 396) which I offered and which I intended to discuss on the 10th day of January, would have been pressed upon the attention of the Senate at that time, but, as Senators know, I was compelled to leave the city because of the unfortunate death of my business associate. I have been waiting since my return for an opportunity to call this important matter to the attention of the Senate. I would not present it to-night except that I feel compelled to leave the Senate in the very near future. May I, therefore, ask the Senate to disabuse its mind of any thought that there is any purpose in my remarks except to seek to impress the great importance of the question upon the Congress?

In a word, and merely by way of introduction, it is proposed to ask the State Department to communicate with Great Britain and France in order to ascertain if they will consider the question of transferring to the Government of the United States any or all of their possessions in what is generally called the West Indies.

It seems to me that this is a singularly appropriate time for the consideration of the resolution. It is appropriate in its general sense because we have just voted to ratify an agreement with Great Britain by which we relieve her from her solemn written obligation to pay the United States 5 per cent interest upon her indebtedness of $4,600,000,000 and accept in lieu of that a rate of interest of 3 per cent for the first 10 years and 3½ per cent for the remainder of the time the debt is to run. Moreover, we have varied the terms of the contract in another important respect.

The stipulations of the contract which we now hold with Great Britain were that her bonds must mature at the same time our bonds mature. As we all know, the bonds which we have issued mature within a very few years. We have extended the time of payment to Great Britain so that the final payment will not be made for 62 years. Besides this, we have agreed to relieve Great Britain from her obligation to pay a higher rate of interest, even though the United States shall be obliged to pay a higher rate than was exacted when she negotiated her bonds to the American people.

In addition to that, we have agreed, at the option of Great Britain, to permit her to defer one-half of the interest payments during the first five years and to pay them by additional bonds. On top of this we have agreed that she may mature her indebtedness whensoever she pleases, so that if ever the money market of the world should enable her to borrow at a less rate of interest she can immediately discharge her obligations to the United States. And, finally, we have agreed that she can pay her obligations to us in the bonds of the United States.

Thus we have taken or proposed to take from her obligations that will bear but 3 per cent interest during the next 10 years, one-half of which interest payments can be deferred. We have placed her in the position where, if she sees fit, she can purchase in the open market American bonds at 4¼ per cent and, by carrying them in her treasury and balancing interest against interest, can actually during the first 10 years of her indebtedness escape with a net payment of 1¾ per cent interest.

We made these concessions well knowing that the American taxpayer must pay 4¼ per cent for money upon which Great Britain will only pay 3 per cent interest. We made the contract with full knowledge of the fact that we must be prepared to meet our obligations when they mature, regardless of the money market at that time, but that Great Britain, during the sweep of 62 years, can choose her time to negotiate her new loans and seize the most favorable opportunity to refund her indebtedness in order to discharge her obligations.

When these considerations were urged upon the Senate there was but one reply that I think was worthy the name of reply, namely, that we were bound to Great Britain by ties of amity and good will; that we desired to prolong that feeling of mutual respect and good will; that it would make for the continuance of the friendship of these two great powers if the United States should now, in her fiscal transactions with Great Britain, exhibit a degree of generosity not hitherto shown in any transaction between modern nations. If the transaction we have just concluded, so far as we are concerned, shall bring that amity and good will, and shall cause it to last through the years of the future, then perhaps our action will have been justifiable and our investment wise.

But if that be a sound doctrine and a wise policy for America to pursue, the doctrine of mutuality would seem to indicate that Great Britain might at least be willing to transfer to the United States on some kind of terms those islands which command our waters, which menace our coasts, and which are of no substantial value to Great Britain save as they might be of strategic importance in case of naval conflict. But if we have entered upon a period in which we are to extend and magnify the good will and brotherly affection of the past, and if it be true that we should in recognition of that make heavy financial sacrifices for the benefit of Great Britain, it would appear that mutually she should be willing to concede something to the United States, particularly when it will take from her practically nothing except a strategic advantage which could only be employed practically against the United States, now her sworn brother and her recent benefactor.

With that as a preliminary, in all earnestness, and in the hope that I may have disabused the minds of those who imagine that I am endeavoring merely to take up the time of the Senate this evening, I invite the attention of the Senate to the matter with every assurance that the question will not down; that it must be answered eventually; and that this is the most appropriate time and the best occasion to hope for a favorable answer.

Mr. President, we have returned our troops from Europe. Let us hope we are getting ourselves entirely out of European entanglements, disputes, and conflicts. Is this not also an exceedingly appropriate time to take a preliminary step toward the getting of foreign nations out of American waters and the removal of the guns of foreign nations from positions which command passages of the sea vital to the commerce and defense of our country?

It is not intended, Mr. President, by anything I may say here to-day, or by the resolution which I have introduced, to arouse resentment or to question the friendly attitude of either France or Great Britain. I invite particular attention to the resolution, which reads:

Resolved, That the President be, and he is hereby, respectfully requested to ascertain whether the Government of the United Kingdom of Great Britain, etc., is willing to discuss the cession by it to the United States of all or any part of its possessions in the West Indies, including the island of Trinidad and also the Bermuda Islands.

The President is further requested to ascertain whether the Government of the Republic of France is willing to discuss the cession by it to the United States of all or any part of its possessions in the Lesser Antilles, including the islands of Grande Terre, Guadeloupe, Marie Galante, and Martinique.

The resolution goes no further, be it observed, than to inquire whether these two great and friendly nations will "discuss the proposition." It does not propose to fix or to suggest conditions. It leaves to the State Department a free hand for the opening of negotiations upon the broadest possible lines. It does not contemplate, I repeat, any particular conditions. It does not foreshadow any special line or course of conduct. It simply requests the State Department to ascertain whether either of these countries is willing to discuss the proposition at all. Such a resolution can not by any stretch of construction be tortured into one that will give offense to friendly powers.

Upon the other hand, if the resolution be adopted by the Senate and shall receive favorable consideration by Great Britain and France, the suspicion and distrust which always naturally obtain when a distant foreign power holds positions of advantage near the coast line of another power will give place to sentiments of confidence and amity.

Let it be distinctly understood that the resolution offered is not because of any crisis immediately impending or likely to arrive in the near future. Entirely aside from such considerations there are many reasons why we should now take the initial step toward the acquisition of the land described in the resolution. (1) The islands indisputably are within the zone of our national influence. (2) They are essential to the defense

of the American Republic. (3) They are of slight value to their present holders except for their strategic importance in case of war against the United States. (4) Their possession by foreign powers is repugnant to the spirit of the Monroe Doctrine. (5) They embrace and command the Caribbean Sea, which is as much an American gulf as is the Gulf of Mexico. (6) They lie directly athwart the path of our manifest national destiny. (7) They form a barrier between our own coasts and could be employed to close not only the Panama Canal but as well the mouth of the Mississippi. (8) They dominate all our trade routes to the South American and Central American States. At the same time all European countries have a free and direct access to all South American ports. (9) They form a connecting link between the United States and South America whose protection we have assumed. (10) Their trade naturally flows to the United States despite the influence of these European masters and our own tariff monstrosities. (11) Under foreign rule their commerce and wealth have been for many years decreasing. (12) They can be made a source of wealth to us and their own condition be vastly improved.

Mr. President, a glance at the map will appeal strongly to those patriotic citizens who recognize the plain lesson of history that the security of the future is not guaranteed by the friendship of the past.

The British possessions in Canada and Newfoundland constitute an area substantially as large as the United States, including Alaska. This vast domain stretches along our entire northern border and completely separates us from land communication with Alaska. It embraces on both its eastern and western extremities impregnable harbors in which the combined British navies could lie in safety beneath the protection of almost invincible land fortifications. Such a fleet would be within a few hours of striking distance of Boston and New York City on the Atlantic side and a similar fleet could readily attack our western coast.

It is not proposed in this resolution to in any manner disturb these immense possessions of Great Britain upon the North American Continent. It is well, however, to bear in mind that the resources of Canada are very largely undeveloped and that they are so great as to be incalculable. At the same time, the present population, numbering nearly 9,000,000 souls, can be multiplied several times and not yet have exhausted the natural wealth of the Canadian Dominion.

In this connection also keep in consideration the fact that by agreement with Great Britain we are not to fortify the Canadian border or to place upon the waters of the Great Lakes men-of-war. The contract, of course, is mutual and is based upon the theory of reciprocal good will. Springing out of that doctrine is the very sound argument that Great Britain should not insist upon holding island possessions not essential to her security, although vital to the security of the United States.

Turn again to the map and you will observe that the British Empire holds dominion over the Bermuda Islands. They lie within approximately 1,000 miles of the city of New York and only a little over 500 miles from our coast line. These islands are fortified. They are so situated that they could be made a base of operations against New York and all of our eastern coast cities. They could be used as a point of attack by submarines and airplanes preying upon American commerce. They are of substantially no value to Great Britain except in case of conflict with the United States, when they would at once assume the importance of a deadly menace.

We should not forget that substantially all of our north and south commerce passes between the Bermudas and our own coast, so that our ships bound for the canal or southern ports would be obliged to go either far from their course or to pass through seas infested with submarine and airplanes operating from the Bermuda Islands.

Proceeding southward, the map discloses that opposite the Florida coast begins a chain of islands owned by Great Britain and France which form an immense segment of a circle from a point 50 miles off the Florida coast to the island of Trinidad, which embraces the heavily fortified Port of Spain. These islands include the Bahamas, the British Virgin Islands, the Leeward Islands, the Windward Islands, as well as the island of Trinidad and the island of Jamaica.

In this connection, while not referred to in the resolution, we must not lose sight of the fact that Great Britain holds of the mainland British Honduras, which naturally constitutes a part of the coast line of Guatemala, and British Guiana, which likewise naturally constitutes a part of the Venezuelan coast line.

These island possessions form a barrier which commands the Gulf of Mexico, the Caribbean Sea, the Panama Canal, and every trade route between North and South America. It is not too much to say that in the hands of a hostile power they could be so employed as to close the Panama Canal, rendering it practically useless, and that the Gulf of Mexico, including the mouth of the Mississippi River, could be placed under terrible menace. At the same time, I repeat and shall continue to repeat, these islands are of no substantial value to either France or England save as positions from which America may at some time be attacked.

I invite attention to certain well-established principles of national policy and naval warfare. (1) It is a sound national principle that small areas located near the territory of a great power should belong to it rather than to a distant country. (2) A nation's navy should be concentrated or capable of immediate concentration, as dispersion inevitably leads to disaster. (3) Of almost equal importance—indeed, a part of the foregoing doctrine—is the rule which emphasizes the value of central position and interior lines.

The value of a central position and interior lines arises from the fact that such a position enables a power to throw the forces there located in either direction to the point of attack by proceeding upon shorter lines than can its antagonist.

This one advantage has been decisive in many of the great historic land and naval contests. It is illustrated on a great scale by the position of Germany in the late war, that country being able to withstand for a long time the attacks of Russia upon one front, and of Italy, France, Great Britain, and Belgium upon the others, because she could unite great forces for attack on either front while her antagonists could not thus concentrate their widely scattered armies.

What I have said illustrates the importance of the Panama Canal in the defense of our country. Indeed, one of the chief reasons for building the canal was the argument that we could, through the canal, unite our Atlantic and Pacific fleets in a few days' time and thus be able to meet an enemy in either ocean with the full strength of our Navy. It must, therefore, be manifest that any condition which places the control of the canal in a foreign power is one of extreme gravity.

In this connection I call attention to the warning of Admiral Mahan, perhaps the greatest authority on naval strategy this country has yet produced. He declares:

> One thing is sure. In the Caribbean Sea is the strategic key to the two great oceans, the Atlantic and the Pacific, our chief maritime frontiers.

Of course, the canal itself is the great strategical objective in the Caribbean Sea. In the immense semicircle of islands that embrace the ocean side of the Caribbean Sea from northeast and southeast, Britain controls the following: Bermuda, Bahamas, Vandyke, Tortola, Anegada, Anguilla, Barbuda, St. Kitts, Antigua, Montserrat, Dominica, Santa Lucia, St. Vincent, Barbados, Grenadines, Grenada, Tobago, and Trinidad.

The entrances from the Atlantic into the Caribbean Sea are as follows: Florida Straits between Florida and the Bahamas, Windward Passage between Cuba and Haiti, Mona Passage between Haiti and Porto Rico, Anegada or Virgin Passage between Porto Rico and St. Thomas, and more easterly passages between various islands east and south to Trinidad.

As can be seen from the map, the control of the Florida Straits is shared by Great Britain with America through the control by the former of the Bahamas. This strait, in the event of war with Great Britain, would be infested with British cruisers, British submarines, and British airplanes based on the Bahamas.

I read now from Admiral Mahan's "Naval Strategy":

> A glance at the map will show that the combination of these three conditions, narrowness, length, and difficulty, are all found to the greatest extent about the Straits of Florida and the Windward Passage; while the position of Jamaica, and of its dockyard Kingston, with reference to the Windward and Yucatan Passage, to the rear though somewhat on the right flank of Cuba, regarded as facing the North Atlantic, admirably meets the requirements of a position guarding two defiles; being in the rear, with facility for moving the whole force in either direction.
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> The Bahama Bank and Islands, extending from near the coast of Florida, along the northern shores of Cuba and Haiti, nearly to the longitude of the eastern end of Haiti, will have a strong influence upon the approaches to the western passages, and must be included in the general field for study.

There is a long chapter here devoted to the importance of the Straits of Florida, and some naval authorities at least have arrived at the conclusion that if that passage were controlled the power of the United States to defend itself would be enormously decreased.

Speaking now of the outlying islands, and omitting Jamaica from consideration for the present, the command of the Windward Passage may be said to be like the Florida Straits, divided between Great Britain and the United States, with the advantage on the side of Great Britain.

Speaking now alone of the outlying islands, the command of the Windward Passage may be said to be likewise divided between Great Britain and the United States.

In the Mona Passage we have through the possession of Porto Rico perhaps the advantage so far as mere entrance into the Caribbean Sea is concerned. But that would take us far from our course if we were seeking to enter or leave the canal upon a direct route from New York.

The command of the Virgin Passage between Porto Rico and St. Thomas is as to the mere entrance to the Caribbean Sea divided with Great Britain.

All of the more easterly passages between the various islands east and south to Trinidad are absolutely controlled by Great Britain.

Thus far I have dealt with the mere entrance to the waters of the Caribbean and the Gulf. But, as I shall show, Great Britain holds the key to all these passages and the command of the waters of the Caribbean Sea, as well as the Gulf itself, through the possession of Jamaica.

JAMAICA.

That island furnishes Great Britain a base nearer to the canal than any of our possessions, and affords a point from which, moving along interior lines, all vessels proceeding into the waters of the Caribbean Sea, either to or from the canal, can be successfully attacked. Jamaica is situated only 600 miles from the mouth of the canal. Our closest fortified base, Guantanamo in Cuba, is 750 miles distant; Key West, 1,200 miles; New Orleans, 1,500 miles; and Pensacola, 1,650 miles. Jamaica is, therefore, within four or five hours' airplane distance from the canal and constitutes the strategic key to all of the passages into and through the waters of the Caribbean Sea. Commenting upon this important fact, Admiral Mahan states:

The military and commercial objectives within the Caribbean, as distinguished from points on its circumference, reduce themselves thus to two, namely, Jamaica and the Isthmus. (Mahan's Naval Strategy, p. 351.)

He adds:

Jamaica has this particular advantage over all approaches to the Isthmus, and that against the greatest local power in the Caribbean, namely, Cuba. Ships of war from Jamaica, scarcely venturing out of sight, still less out of support of their base, sweep both the approaches to the Isthmus from the greater island. Jamaica flanks both routes, and when to this we add that it is nearer the Spanish Main by 150 miles than Guantanamo, and so has 300 miles less coal to burn on lines covering the sea in its breadth, it is seen that Jamaica has a decided advantage over Cuba in controlling communications from the edge of the sea to the objectives, including the Isthmus. Both islands flank the routes from the eastern Antilles, but Jamaica is the nearer. (Mahan's Naval Strategy, pp. 354–355.)

The same author further declares:

Every line of communication from Europe to the Isthmus must pass nearer Jamaica than it necessarily does to any particular one of the eastern islands. (Mahan's Naval Strategy, p. 355.)

On pages 356 and 357 he asserts:

Taking all together, control over transit depending upon situation only, other conditions being equal, is greatest with Jamaica, next with Cuba, least with the Lesser Antilles. * * * The situation of Jamaica gives such command over all the approaches to the Isthmus as to make it, in a military sense, the predominant factor in the control of the Caribbean. Jamaica is a preeminent instance of central position, conferring the advantage of interior lines, for action in every direction within the field to which it belongs. Taking into consideration situation only, Jamaica is admirably placed for the control of the Caribbean. It is equidistant from Colon, from the Yucatan Passage, and from the Mona Passage. It shares with Guantanamo and Santiago control of the Windward Passage and of that along the south coast of Cuba, while, with but a slight stretching out of its arm, it reaches the routes from the Gulf of Mexico to the Isthmus. Above all, as toward Cuba, it so blocks the road to the Isthmus that any attempt directed upon the Isthmus from Cuba must first have to account with the military and naval forces of Jamaica.

The author, in dealing with this question in a general way, has referred to Cuba as though it might be regarded as an American possession, but such is not the case. It is easy enough to conceive a condition of affairs in which Cuba might be hostile to the United States and might either be captured or even open her ports to an enemy.

The immense advantage of Jamaica as a base of operations against the canal can not be exaggerated. Airplanes carrying immense bombs now being experimented with and used might be able in a few hours' time to cover the distance between Jamaica and the canal and to completely destroy that artery of communication. In this connection it must not be forgotten that the Port of Spain on the Island of Trinidad completely controls the waters of the Gulf of Paria, in which the entire British fleet could lie at anchor.

NAVAL STATIONS.

It is interesting to note that the British have at Bermuda a naval dockyard equipped with a floating dock capable of receiving a vessel of 17,500 tons. At St. Georges, in the Bermudas, there is a marine slipway capable of caring for smaller craft. She has coast fortifications located at Ireland Island and a dockyard; also at Spanish Point, Prospect Camp, and at St. Georges. She has fortifications at the latter. She has located here two large oil storage tanks of 35,000 barrels capacity each. She also maintains here a battalion of infantry.

At Jamaica she possesses fortifications and keeps stationed there a battalion of troops, but the strength of her fortifications and the type of her guns are not even known to authorities of the American Navy.

The Admiralty is now engaged in building oil-storage tanks and moorings, which for 1922–23 will cost 80,000 pounds sterling.

If it be asserted that these dockyard facilities and fortifications are not presently of great capacity or power, the answer is that they can be increased in size at any time, and that we have no legal right to protest.

The cold, unadulterated truth is that if the American and English Navies were equally matched the possession of these islands would probably turn the balance in favor of Great Britain, and she would be able to effectively deprive us of the use of the canal, and, as indicated by Mahan, might even turn it into an instrumentality for our destruction.

[At this point Mr. FLETCHER raised the point of no quorum, and the roll was called, when various parliamentary motions were made, which were debated, all of which appear following the speech of Mr. REED of Missouri.]

Mr. REED of Missouri. Mr. President, I was speaking of the importance of this semicircle of islands embracing the waters of the Caribbean Sea and the Gulf and was endeavoring to impress upon Senators the importance of these islands to the defense of the canal and of our American waters.

THE VIRGIN ISLANDS.

I challenge attention to one bit of proof that I have not overstated this question. That is the purchase by our Government of the Virgin Islands just preceding our entrance into the war. Those islands are indicated by little specks upon the map, so small that Senators can not distinguish them on the map. They are insignificant and inconsequential compared with the vast mass of island possessions held by the British Empire and by the Republic of France in the West Indies.

We were asked to purchase the Virgin Islands and were told that they were of the highest strategic importance. The Executive department, backed by Army and Navy authorities, joined in this insistence. Accordingly we purchased the islands from Denmark, a friendly power, and at the same time a power which would never menace us. We paid for these islands, which embrace a total territory of 138 square miles, $25,000,000. Turn now to the map and you will find that they are but mere specks compared with the vast West Indies possessions of Great Britain and France. They are located 483 nautical miles farther from the canal than the Island of Jamaica, and they are so situated that they could have been readily attacked from our base in Porto Rico. It should also be borne in mind that Great Britain controls islands which by good naval authorities are believed to command and therefore greatly reduce the value of these islands which we paid $25,000,000 to obtain. No man who voted to pay $25,000,000 to acquire the Virgin Islands from Denmark can consistently oppose the resolution I have offered.

In the purchase of those islands we were deceived, either by the Executive or by our naval and military authorities, for the possession of any one of the larger islands which Great Britain holds is a menace to the United States. The Virgin Islands do not compare in their strategic importance with many other islands controlled by Great Britain.

I have thus far treated the question largely from the standpoint of war. Let me not be misunderstood. I am neither seeking to stir up animosity toward Great Britain nor to arouse a feeling of distrust against that great nation. We all entertain the hope that the great English-speaking race will never be engaged in a death struggle. Reasonable men, however, will concur in the conclusion that if the view I have just expressed is sound, then there is no strategic reason why Great Britain should insist upon holding these islands against us, her friend and brother. They are not necessary for her defense against other countries. If we are to indulge the hope of eternal peace with Great Britain, then they are of no use for attack against us, because we are not to be attacked.

Nothing could so much make for the peace of the present and its perpetuation into the distant future as an expressed willingness by Great Britain to turn these islands over to America upon the broad ground that they are contiguous to our coast and would be of great value to America in case of

any contest with any other foreign power other than herself. Their possession by America would render the canal secure and enable us to keep it open against any nation in the world.

ECONOMIC CONSIDERATIONS.

Let us examine now whether the British or French islands are of any special economic value to their respective proprietors, and in that connection let me a little later discuss briefly the continental possessions of Great Britain in Central and South America.

First, as to the island possessions there was a time when they were a considerable factor in the trade of the parent countries. But that time has long since passed. The London Times of Saturday, January 27, 1923, in an article commenting upon the three hundredth anniversary of the acquisition of the West Indies, after dwelling upon the achievements of her heroic seamen in that quarter of the globe and insisting that the West Indies "make substantial contribution to the wealth of the Empire," is forced to say that "the West Indian trade has been faced with a serious crisis, that neither the generous preferential treatment given by Canada nor the guaranty furnished by the British Government that the existing preference, one-sixth of the duty, will be renewed for another 10 years, has been sufficient to save the situation. Mr. Joseph Chamberlain once referred to the Crown Colonies of the Empire as undeveloped estates which can never be developed without imperial assistance, and in present circumstances the planter may be readily excused for asking that such assistance should be granted on a more generous scale." The article then proceeds to advocate further concessions and expenditure of money in the West Indies, as follows:

However loyal the Jamaican planter may be, it must throw a severe strain on his loyalty to look across the waters to Porto Rico where his American fellow planters ship their sugar to the markets of the United States free of all duty.

In an article submitted to the Royal Colonial Institute, Sir Edward Davson plainly stated the desperate financial condition of the colonies. He insisted that a 50 per cent preference in duties by Canada in dealing with the West Indies was necessary to their prosperity if not to their preservation.

These islands have been in the possession of Great Britain for 300 years. They have for a long time held contiguous continental possessions. The effect of this situation is well summed up by William R. Shepherd, professor of history, Columbia University, in a pamphlet issued in 1917. He said:

As colonization is carried on to-day, the real test of the right of a European nation to retain control of American territories, like those in and around the Caribbean, is determined, not alone by their actual utility to the nation in question, but by the amount of service thus rendered to their inhabitants. For many years past Great Britain, France, and the Netherlands have centered their oversea activities in the eastern hemisphere, in Africa, Asia, Australia, and Polynesia. The islands and parts of continents they hold in the Caribbean region are little more than relics of ancient grandeur, burdensome rather than a source of advantage. No sentimental value worth mentioning attaches to these areas. Few Englishmen, Frenchmen, or Dutchmen reside in them longer than is necessary for commercial purposes. Possibly the colonies may have some strategic value to their owners as naval bases. If so, against what power? This is an obvious question that has an obvious answer—the United States. In that case no doubt remains as to our duty in the premises.

The author continued:

Practically all the Caribbean colonies have fallen long since into a state of absolute or relative neglect. Their population either crowds the means of subsistence or tends steadily to fall off. That any of the areas flourish at all is due mainly to their connection with the United States and to the introduction of Asiatics for work on the plantations. The trade of the British possessions with this country is worth upward of $4,000,000 a year more than that with Great Britain itself, and if British Guiana is excepted, more than $13,000,000. In the case of *British Guiana* the reason for the larger amount of commerce carried on with the mother country is found in the labor of Asiatics. Both here and in Jamaica, as well as in the French and Dutch colonies, the practice of using orientals prevails. However legitimate the bringing over to America of Hindus, Japanese, Siamese, and Chinese by the tens and hundreds of thousands may seem to the British, Dutch, and French owners of the Caribbean region, it is altogether opposed to the principles which the United States has steadfastly championed in defense of the American workingman. Legitimate it may be in point of law, though not in point of morals, for its object is, not the advancement of civilization in the areas concerned, but solely the exploitation of them by the agency of cheap labor.

Railroads, furthermore, almost unknown in the islands, are relatively much scarcer still in the continental sections. British Guiana, which is somewhat smaller than Oregon, has 97½ miles of railway, run on three different gauges; British Honduras has 25 miles; Dutch Guiana, about as big as New York—for which, by the way, it was exchanged back in 1667—has 104 miles; whereas French Guiana, a bit larger than Maine, has no railways at all. Both the French and the Dutch colonies show a declining commerce and they are dependent, also, for their financial existence upon annual subsidies furnished by the home government. To recognize, therefore, that, economically at least, the British territories already form part of the United States, and to relieve the taxpayers of France and the Netherlands of the burden of meeting the deficits of their backward dependencies in America, would not seem on the face of it an unwelcome act.

Nor is this all of the story. None of the British colonies in and around the Caribbean enjoys self-government in anything like the measure of it accorded to Canada and Newfoundland. So far as the privilege is granted at all, the people thus favored stand more or less on a level with the inhabitants of India. In the French and Dutch areas the situation is worse. Even if the French colonists are represented in the home parliament, the representation is illusory rather than otherwise, whereas the folk under Dutch rule have to depend on what the good Queen sends them. Whatever the amount of attention, also, given to education in the British possessions, it is pitiably scant among their French and Dutch neighbors. In partial compensation for the drawbacks, however, many of the inhabitants speak English after the American fashion and use dollars and cents more commonly than they do pounds, shillings, and pence, francs and guilders.

Given these circumstances, it seems clear that, taken as a whole, the colonies in and around the Caribbean are a loss to the European nations that own them and a detriment to the people who live in them. Were they to be made, instead, a part of the United States in the political sense, as essentially they already are a part of it in the geographical, linguistic, and economic sense, their lot would be a happier one and so would ours.

Mr. President, in that connection I desire to call attention to the character of the population of these islands. Professor Shepherd declares:

A more extraordinary mixture of races, colors, and religions, a more singular juxtaposition of oriental and occidental, of folk from Europe, Africa, Asia, and the South Sea Isles, all brought face to face in America, it would be hard to find anywhere in the world. Beneath the thin crust of a few thousand whites, of British, French, Dutch, Spanish, and Portuguese origin, are massed millions of negroes and mulattoes, hundreds of thousands of Hindus, tens of thousands of Javanese, and thousands of Chinese, Siamese, and Indians. Here are black, brown, red, and yellow Christians, Mohammedans, and Jews, devotees of Brahma and Buddha, followers of Confucius, and worshippers of nature, transplanted from Africa and Asia, made dwellers in America, and yet owing allegiance to European masters.

Now, reading from the same distinguished authority, it is interesting to compare this retrograde movement that afflicts these islands that have for 300 years been under foreign rule with the blessings conferred in the island of Porto Rico, which began the moment our flag floated over that island and which continue to this hour. Speaking of the other islands in connection with Porto Rico, Professor Shepherd says:

Were they to be included in the American Union, there is every reason to believe that the benefits which have followed the American occupation of Porto Rico would be extended to them also. What we have accomplished in 19 years—

This book was written in 1917—

for the material, mental, and moral advantage of that island and its American citizenry, needs no expatiation here, for the evidence is too well known. If the destinies of the Caribbean colonies, therefore, were committed to our charge, we could assure to their inhabitants an interest in their welfare which the countries now ruling them can not possibly display.

Additional evidence, Mr. President, of the bad condition of affairs in these islands and of their natural alliance in trade and commerce with America is found in a recent editorial in the London Times printed on Saturday, January 27, last. It is a labored argument in favor of British control, but it contains unwilling admissions of the highest importance. The writer says:

* * * In the present circumstances the planter in Jamaica may be readily excused for asking that such assistance—

That is in the nature of preferential tariffs—

should be granted on a more generous scale. He has before him the strong recommendation contained in the report made by Mr. Edward Wood after his return from his mission to the West Indies last year. Mr. Wood said that, having regard to the political and economic issues advanced by the settlers, their request that the preference rate on West Indian sugar in the United Kingdom should be increased from one-sixth to one-third, and that the rate should be not allowed to fall below the present figure of £3 15s. per ton, was entitled to favorable consideration.

A most important result of the valuable work of Mr. Wood and his colleagues was the increased confidence it gave to the people of the West Indies in the control of the colonial office. If this confidence is not to be betrayed, there must be immediate and practical evidence that the labor of the mission was not in vain, for the "political issues" of which Mr. Wood spoke are inevitably linked up with the economic aspect of the question. In a memorable speech when he was at Port of Spain in 1920 the Prince of Wales referred to the suggestion that the Empire might be willing to part with one or more West Indian islands for a financial consideration. "I should like to say here what I have said before," he stated, "that British subjects are not for sale."

I want to digress a moment. The Prince of Wales says that "British subjects are not for sale." No, Mr. President, they are for exploitation. What does the Prince of Wales care for the mixed population on these islands, which has been degraded and further degraded by the importation of cheap Asiatic labor? It is not the inhabitants he is interested in; it is the land, the harbors, the strategic advantage, the gain to British merchants who maintain an advantage over the traders of other countries as they deal with these British subjects.

This editorial writer continues:

His—

That is, the Prince of Wales's—

words are as true to-day as they were then. But there are other ways—

Notice this language:

But there are other ways of acquiring colonies than by annexation, and, loyal, for instance, as the Jamaican may be, it must throw

a severe strain on his loyalty to look across the waters to Porto Rico, where his American fellow planters ship their sugar to the markets of the United States free of all duty.

Thus recognizing that the superior advantages afforded by America are so important that Great Britain's great editor at least recognizes the fact that if Great Britain retains the loyalty of these subjects she will not sell, she must mete out to them a different treatment than she has in the past.

The editor proceeds:

The West Indies do not ask for "imperial assistance" as a charity. They have already given an example of reciprocal treatment in their existing preference to British goods, and the broad imperial basis on which the recently opened West Indian Agricultural College has been founded is a striking instance of that mutual cooperation so essential to the future of the Empire.

The future of the islands themselves must depend upon their economic prosperity. The members of the mission recognized the benefits that would ensue from a closer federation, and in a series of articles contributed to the Times by Mr. Ormsby-Gore—whose first-hand knowledge should be of infinite value to him in his present office—attention was drawn to the absurd position in the Leeward Islands, where a population of fewer than 150,000 people supports six executive councils and five legislatures. A necessary preliminary to federation is an improvement in communication between the islands, and it is satisfactory to know that the Postmaster General has promised immediate improvement in the cable system. Meanwhile the people of this country owe it to these colonies, who are celebrating their tercentenary to-day, that the most sympathetic treatment be accorded to their aspirations; that alleged grievances as to their administration—unfortunately frequent of late—be satisfactorily settled according to their merits; and, above all, that a definite and logical policy of control, affected neither by change of Government nor change of administrator, be established as a safe and sure foundation upon which they may build their faith in the mother country.

After 300 years of rule, this editorial in fact makes the concession that these people are compelled to grant preferential rates to British trade; that they are taxed upon their sugar at enormous rates when they send it into British dominions; that the advantages of Porto Rico under the American flag are such that they are producing discontent, and alienating the affections, if any they ever had, of the British subjects in Jamaica; and that a reform, or numerous reforms, must be inaugurated by Great Britain. If the Prince of Wales will not sell a British subject, it would seem that his government ought to treat the subject a little better—perhaps liberate him without selling him. We are not engaged in the business of buying subjects.

During the delivery of the speech of Mr. REED of Missouri,

Mr. FLETCHER. Mr. President, I suggest the absence of a quorum.

Mr. JONES of Washington. I make the point of order that no business has been transacted since the last quorum call.

Mr. FLETCHER. Since the last quorum call there was negotiation for a unanimous-consent agreement.

Mr. JONES of Washington. It was simply a conversation between Senators.

Mr. FLETCHER. No; the record will show that there was an offer of a unanimous-consent agreement.

Mr. JONES of Washington. Yes; but no action taken by the Senate.

Mr. FLETCHER. It was declined. I consider that to have been business.

The PRESIDING OFFICER (Mr. MCNARY in the chair). Since the last roll call the present occupant of the chair recalls that the Senator from Arkansas [Mr. ROBINSON] at least tendered the plan of a unanimous-consent agreement to vote at 12 o'clock to-morrow on the pending motion offered by the Senator from North Dakota [Mr. LADD], and upon objection from the Senator from Washington [Mr. JONES] the plan for the proposal was abandoned.

Mr. JONES of Washington. The Senate did not act upon it.

Mr. FLETCHER. It could not act upon it.

Mr. ROBINSON. Mr. President——

The PRESIDING OFFICER. The Senator from Florida has the floor. Does he yield to the Senator from Arkansas?

Mr. FLETCHER. I yield.

Mr. ROBINSON. I was about to observe that the proposition having been submitted and rejected, it constitutes the transaction of business. There was nothing further that could be done. Under the unanimous precedents of the Senate, the roll should be called to ascertain the presence of a quorum.

Mr. JONES of Washington. It was nothing more than conversation between the Senator from Arkansas and myself.

The PRESIDING OFFICER. The present occupant of the chair has in mind the precedents and is firmly convinced after perusal and consideration thereof that no roll call at this time would be pertinent unless there had been the transaction of business in some form. The Chair thinks the rule should be liberally construed. It is the opinion of the present occupant of the chair that business did transpire in the proposal of the plan offered by the Senator from Arkansas. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	McNary	Sheppard
Bayard	Johnson	Moses	Smoot
Brandegee	Jones, Wash.	New	Spencer
Calder	Keyes	Norbeck	Sutherland
Cameron	Ladd	Oddie	Wadsworth
Capper	Lenroot	Pepper	Warren
Curtis	Lodge	Phipps	Watson
Edge	McCormick	Ransdell	Weller
Fernald	McKellar	Reed, Mo.	Willis
Hale	McKinley	Reed, Pa.	
Heflin	McLean	Robinson	

The PRESIDING OFFICER. Forty-two Senators have answered to their names. There is not a quorum present.

Mr. ROBINSON and Mr. HITCHCOCK addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. ROBINSON. I move that the Senate do now adjourn.

Mr. JONES of Washington. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Delaware [Mr. BALL], which I transfer to the Senator from Rhode Island [Mr. GERRY], and vote "yea."

Mr. TOWNSEND (when his name was called). I have a pair for the night with the senior Senator from Virginia [Mr. SWANSON]. I transfer that pair to the junior Senator from Washington [Mr. POINDEXTER] and vote "nay."

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. WILLIAMS]. I am unable to obtain a transfer, and therefore withhold my vote. If permitted to vote, I should vote "nay."

The roll call was concluded.

Mr. EDGE (after having voted in the negative). I have a general pair with the senior Senator from Oklahoma [Mr. OWEN]. I transfer that pair to the junior Senator from Vermont [Mr. PAGE], and allow my vote to stand.

Mr. MCCORMICK (after having voted in the negative). I have a standing pair with the junior Senator from Wyoming [Mr. KENDRICK]. As I am unable to learn how he would vote on this roll call if he were present, I withdraw my vote.

Mr. MOSES (after having voted in the negative). My general pair, the junior Senator from Louisiana [Mr. BROUSSARD], has not voted, but I am reliably informed that if present he would vote as I have voted. I will, therefore, permit my vote to stand.

Mr. WILLIS (after having voted in the negative). I am paired with my colleague, the senior Senator from Ohio [Mr. POMERENE], who is absent. I transfer that pair to the junior Senator from Louisiana [Mr. BROUSSARD], and permit my vote to stand.

Mr. ERNST. I inquire if the senior Senator from Kentucky [Mr. STANLEY] has voted?

The PRESIDING OFFICER. He has not.

Mr. ERNST. As I have a pair with that Senator and am unable to obtain a transfer, I withhold my vote.

Mr. BRANDEGEE (after having voted in the negative). I inquire if the junior Senator from Idaho [Mr. GOODING] has voted?

The PRESIDING OFFICER. He has not.

Mr. BRANDEGEE. I have a pair for the evening with that Senator. Not knowing how he would vote, I withdraw my vote.

Mr. FERNALD (after having voted in the negative). I have a pair with the senior Senator from New Mexico [Mr. JONES]. Not knowing how he would vote, I withdraw my vote.

Mr. LODGE (after having voted in the negative). My pair, the senior Senator from Alabama [Mr. UNDERWOOD], has not voted. Being unable to secure a transfer, I withdraw my vote.

Mr. HARRISON. I inquire if the junior Senator from Minnesota [Mr. KELLOGG] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. HARRISON. I have a pair with the junior Senator from Minnesota. I transfer that pair to the senior Senator from Texas [Mr. CULBERSON] and vote "yea."

Mr. CURTIS. I desire to announce the following pairs:

The Senator from West Virginia [Mr. ELKINS] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Iowa [Mr. CUMMINS] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from Minnesota [Mr. NELSON] with the Senator from Idaho [Mr. BORAH];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Virginia [Mr. GLASS];

The Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Montana [Mr. WALSH]; and

The Senator from South Dakota [Mr. STERLING] with the Senator from South Carolina [Mr. SMITH].

The result was announced—yeas 14, nays 29, as follows:

YEAS—14.

Ashurst	Fletcher	Ladd	Robinson
Bayard	George	McKellar	Sheppard
Capper	Harrison	McNary	
Caraway	Heflin	Norris	

NAYS—29.

Bursum	Keyes	Pepper	Townsend
Calder	Lenroot	Phipps	Wadsworth
Cameron	McKinley	Ransdell	Warren
Curtis	McLean	Reed, Pa.	Weller
Edge	Moses	Shortridge	Willis
Hale	New	Smoot	
Johnson	Norbeck	Spencer	
Jones, Wash.	Oddie	Sutherland	

NOT VOTING—53.

Ball	France	McCormick	Smith
Borah	Frelinghuysen	McCumber	Stanfield
Brandegee	Gerry	Myers	Stanley
Brookhart	Glass	Nelson	Sterling
Broussard	Gooding	Nicholson	Swanson
Colt	Harreld	Overman	Trammell
Couzens	Harris	Owen	Underwood
Culberson	Hitchcock	Page	Walsh, Mass.
Cummins	Jones, N. Mex.	Pittman	Walsh, Mont.
Dial	Kellogg	Poindexter	Watson
Dillingham	Kendrick	Pomerene	Williams
Elkins	King	Reed, Mo.	
Ernst	La Follette	Shields	
Fernald	Lodge	Simmons	

So the Senate refused to adjourn.

The PRESIDING OFFICER. The roll call, which was interrupted by the motion of the Senator from Arkansas, having failed to develop a quorum, the Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Heflin	McNary	Shortridge
Brandegee	Johnson	Moses	Smoot
Bursum	Jones, Wash.	New	Spencer
Calder	Keyes	Norbeck	Townsend
Cameron	Ladd	Oddie	Wadsworth
Capper	Lenroot	Pepper	Warren
Curtis	Lodge	Phipps	Watson
Edge	McCormick	Ransdell	Weller
Ernst	McKellar	Reed, Mo.	Willis
Fernald	McKinley	Reed, Pa.	
Hale	McLean	Sheppard	

The PRESIDING OFFICER. Forty-two Senators having answered to their names, there is not a quorum present. The Secretary will call the names of the absentees.

The reading clerk called the names of the absent Senators, and Mr. SUTHERLAND answered to his name when called.

The PRESIDING OFFICER. Forty-three Senators having answered to their names, there is not a quorum present.

Mr. JONES of Washington. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

Mr. ROBINSON. Mr. President, on that motion I demand the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. EDGE (when his name was called). Making the same announcement as before as to my pair and its transfer, I vote "yea."

Mr. FERNALD (when his name was called). I am unable to get a transfer of my pair, and therefore withhold my vote.

Mr. LODGE (when his name was called). I have a pair with the Senator from Alabama [Mr. UNDERWOOD]. Being unable to obtain a transfer, I am unable to vote. If I were at liberty to vote, I should vote "yea."

Mr. McKELLAR (when his name was called). I transfer my pair with the Senator from Indiana [Mr. NEW] to the Senator from Tennessee [Mr. SHIELDS] and vote "nay."

Mr. MOSES (when his name was called). Repeating the announcement with reference to my pair and his manner of voting, I vote "yea."

Mr. REED of Pennsylvania (when his name was called). Being unable to obtain a transfer, I withhold my vote.

Mr. TOWNSEND (when his name was called). Making the same announcement as before as to my pair and its transfer, I vote "yea."

Mr. WATSON (when his name was called). I am paired with the Senator from Mississippi [Mr. WILLIAMS]. Being unable to obtain a transfer, I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. WILLIS (when his name was called). I am paired with my colleague, the senior Senator from Ohio [Mr. POMERENE]. I transfer that pair to the junior Senator from Louisiana [Mr. BROUSSARD] and will vote. I vote "yea."

The roll call was concluded.

Mr. BRANDEGEE (after having voted in the affirmative). Has the junior Senator from Idaho [Mr. GOODING] voted?

The PRESIDING OFFICER. He has not.

Mr. BRANDEGEE. Having a pair with that Senator, I am compelled to withdraw my vote.

Mr. ROBINSON. I have been requested to announce that the Senator from North Carolina [Mr. OVERMAN] is paired with the Senator from Iowa [Mr. CUMMINS]. If the Senator from North Carolina were present, he would vote "nay."

The result was announced—yeas 29, nays 9, as follows:

YEAS—29.

Bursum	Keyes	Oddie	Townsend
Calder	Lenroot	Pepper	Wadsworth
Cameron	McCormick	Phipps	Warren
Curtis	McKinley	Ransdell	Weller
Edge	McLean	Shortridge	Willis
Hale	Moses	Smoot	
Johnson	New	Spencer	
Jones, Wash.	Norbeck	Sutherland	

NAYS—9.

Ashurst	Heflin	McKellar	Norris
Capper	Ladd	McNary	Sheppard
Caraway			

NOT VOTING—58.

Ball	Fletcher	La Follette	Shields
Bayard	France	Lodge	Simmons
Borah	Frelinghuysen	McCumber	Smith
Brandegee	George	Myers	Stanfield
Brookhart	Gerry	Nelson	Stanley
Broussard	Glass	Nicholson	Sterling
Colt	Gooding	Overman	Swanson
Couzens	Harreld	Owen	Trammell
Culberson	Harris	Page	Underwood
Cummins	Harrison	Pittman	Walsh, Mass.
Dial	Hitchcock	Poindexter	Walsh, Mont.
Dillingham	Jones, N. Mex.	Pomerene	Watson
Elkins	Kellogg	Reed, Mo.	Williams
Ernst	Kendrick	Reed, Pa.	
Fernald	King	Robinson	

So the motion of Mr. JONES of Washington was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

At 9 o'clock and 55 minutes p. m. Mr. CARAWAY entered the Chamber and answered to his name.

Mr. JONES of Washington (at 9 o'clock and 58 minutes p. m.). I move the adoption of the order which I send to the desk.

The PRESIDING OFFICER (Mr. WILLIS in the chair). The Secretary will read the proposed order.

The reading clerk read as follows:

Ordered, That the Sergeant at Arms be directed to use all necessary means to compel the attendance of absent Senators.

Mr. ROBINSON. On that I demand the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). I have a general pair with the Senator from New Mexico [Mr. JONES]. I am unable to obtain a transfer so I withhold my vote. If allowed to vote I would vote "yea."

Mr. LODGE (when his name was called). I am paired with the senior Senator from Alabama [Mr. UNDERWOOD]. I transfer that pair to the Senator from New Mexico [Mr. BURSUM] and vote "yea."

Mr. McCORMICK (when his name was called). I have a standing pair with the junior Senator from Wyoming [Mr. KENDRICK]. Since I can not obtain a transfer I withhold my vote.

Mr. McKINLEY (when his name was called). Has the junior Senator from Arkansas [Mr. CARAWAY] voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. McKINLEY. Having a pair with that Senator and being unable to obtain a transfer, I withhold my vote.

Mr. MOSES (when his name was called). Under the circumstances announced on the previous vote, I vote "yea."

Mr. TOWNSEND (when his name was called). I am paired for the evening with the junior Senator from Virginia [Mr. SWANSON]. I transfer that pair to the junior Senator from Washington [Mr. POINDEXTER] and vote "yea."

Mr. WATSON (when his name was called). I have a pair with the senior Senator from Mississippi [Mr. WILLIAMS]. Being unable to obtain a transfer I withhold my vote. If I were voting, I would vote "yea."

Mr. WILLIS (when his name was called). I am paired with my colleague [Mr. POMERENE]. I transfer that pair to the junior Senator from Louisiana [Mr. BROUSSARD] and vote "yea."

The roll call was concluded.

Mr. ERNST (after having voted in the affirmative). I transfer my general pair with the senior Senator from Kentucky [Mr. STANLEY] to the junior Senator from Oregon [Mr. STANFIELD] and permit my vote to stand.

Mr. EDGE. Making the same announcement as before as to my pair and transfer, I vote "yea."

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). In the absence of the junior Senator from Idaho [Mr. GOODING], with whom I have a pair for the evening, I withhold my vote.

Mr. REED of Pennsylvania (after having voted in the affirmative). In the absence of my pair [Mr. BAYARD], and being unable to obtain a transfer, I withdraw my vote.

Mr. BALL (after having voted in the affirmative). I understand the senior Senator from Florida [Mr. FLETCHER] has not voted. I have a general pair with that Senator. Being unable to obtain a transfer, I withdraw my vote.

Mr. CURTIS. I wish to announce the following general pairs:

The Senator from West Virginia [Mr. ELKINS] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Iowa [Mr. CUMMINS] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from Oklahoma [Mr. HARRELD] with the Senator from Colorado [Mr. NICHOLSON];

The Senator from Minnesota [Mr. NELSON] with the Senator from Idaho [Mr. BORAH];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Virginia [Mr. GLASS];

The Senator from South Dakota [Mr. STERLING] with the Senator from South Carolina [Mr. SMITH];

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS]; and

The Senator from North Dakota [Mr. MCCUMBER] with the Senator from Utah [Mr. KING].

Mr. ROBINSON. I wish to announce that the Senator from North Carolina [Mr. OVERMAN] is paired with the Senator from Iowa [Mr. CUMMINS]. If the Senator from North Carolina were present he would vote "nay."

The roll call resulted—yeas 32, nays 8, as follows:

YEAS—32.

Calder	Jones, Wash.	New	Smoot
Cameron	Kellogg	Norbeck	Spencer
Capper	Keyes	Oddie	Sutherland
Curtis	Lenroot	Pepper	Townsend
Edge	Lodge	Phipps	Wadsworth
Ernst	McKinley	Ransdell	Warren
Hale	McNary	Reed, Mo.	Weller
Johnson	Moses	Shortridge	Willis

NAYS—8.

Ashurst	George	Heflin	Robinson
Caraway	Harrison	McKellar	Sheppard

NOT VOTING—56.

Ball	Fernald	La Follette	Reed, Pa.
Bayard	Fletcher	McCormick	Shields
Borah	France	McCumber	Simmons
Brandegee	Frelinghuysen	McLean	Smith
Brookhart	Gerry	Myers	Stanfield
Broussard	Glass	Nelson	Stanley
Bursum	Gooding	Nicholson	Sterling
Colt	Harreld	Norris	Swanson
Couzens	Harris	Overman	Trammell
Culberson	Hitchcock	Owen	Underwood
Cummins	Jones, N. Mex.	Page	Walsh, Mass.
Dial	Kendrick	Pittman	Walsh, Mont.
Dillingham	King	Poindexter	Watson
Elkins	Ladd	Pomerene	Williams

The PRESIDING OFFICER. On this motion the yeas are 32 and the nays are 8. The motion prevails. The Sergeant at Arms will carry out the instructions of the Senate.

Mr. REED of Missouri. Mr. President, I move to reconsider the vote just taken, and on that I demand the yeas and nays.

Mr. JONES of Washington. I make the point of order against the motion that a motion to reconsider is not in order except when we have a quorum. I cite from page 16 of the Precedents the following:

The Presiding Officer (Mr. Blair in the chair) decided a motion was not in order, in the absence of a quorum, to reconsider a vote directing the Sergeant at Arms to compel the attendance of absent Senators. Decision sustained on appeal.

I make the point of order that the motion to reconsider is out of order.

Mr. REED of Missouri. I do not think a decision by Mr. Blair some years ago is binding upon the Senate at this time. I would like to discuss the question.

Mr. CURTIS. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator from Kansas will state the point of order.

Mr. CURTIS. The question is not debatable.

Mr. LODGE. There is no debate permissible on the motion.

The PRESIDING OFFICER. The Chair is of the opinion that debate is out of order and business can not be transacted without a quorum. Does the Senator from Missouri desire to be heard on the point of order?

Mr. REED of Missouri. I desire to appeal from the decision of the Chair.

Mr. JONES of Washington. I move to lay the appeal on the table.

Mr. REED of Missouri. On that I ask for the yeas and nays.

The PRESIDING OFFICER. Does the Senator from Washington withdraw his point of order?

Mr. JONES of Washington. I made the point of order that the motion to reconsider could not be made until a quorum is present. I do not withdraw that point of order.

The PRESIDING OFFICER. Does the Senator from Missouri desire to be heard on the point of order?

Mr. REED of Missouri. Not at this moment.

Mr. LODGE. All debate is out of order at this time.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. REED of Missouri. I appeal from the decision of the Chair, and on that appeal I ask for the yeas and nays.

Mr. JONES of Washington. I move to lay the appeal on the table.

The PRESIDING OFFICER. The Senator from Washington moves to lay the appeal on the table.

Mr. REED of Missouri. On that I demand the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. EDGE (when his name was called). Making the same announcement as before, I vote "yea."

Mr. FERNALD (when his name was called). Making the same announcement as before, I withhold my vote.

Mr. LODGE (when his name was called). Making the same announcement as before, I vote "yea."

Mr. MOSES (when his name was called). Under the same circumstances as announced on the previous vote, I vote "yea."

Mr. REED of Pennsylvania (when his name was called). In the absence of my pair, the Senator from Delaware [Mr. BAYARD], I withhold my vote.

Mr. TOWNSEND (when his name was called). Making the same announcement as before, I vote "yea."

Mr. WATSON (when his name was called). I have a pair with the Senator from Mississippi [Mr. WILLIAMS]. I am unable to obtain a transfer and therefore withhold my vote. If permitted to vote, I should vote "yea."

Mr. WILLIS. I transfer my pair with my colleague [Mr. POMERENE] to the junior Senator from Louisiana [Mr. BROUSSARD] and vote "yea."

The roll call was concluded.

Mr. BALL (after having voted in the affirmative). I have a general pair with the senior Senator from Florida [Mr. FLETCHER]. I understand that Senator has not voted. I therefore withdraw my vote.

Mr. MCCORMICK. I have a standing pair with the junior Senator from Wyoming [Mr. KENDRICK], who is absent. As I am unable to obtain a transfer, I withhold my vote. If I were voting, I would vote "yea."

The PRESIDING OFFICER. Again announcing my pair with the junior Senator from Idaho [Mr. GOODING], who is absent, I withhold my vote.

Mr. CURTIS. I wish to announce the following general pairs:

The Senator from West Virginia [Mr. ELKINS] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Iowa [Mr. CUMMINS] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from Oklahoma [Mr. HARRELD] with the Senator from Colorado [Mr. NICHOLSON];

The Senator from Minnesota [Mr. NELSON] with the Senator from Idaho [Mr. BORAH];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Virginia [Mr. GLASS];

The Senator from South Dakota [Mr. STERLING] with the Senator from South Carolina [Mr. SMITH];

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS]; and

The Senator from North Dakota [Mr. MCCUMBER] with the Senator from Utah [Mr. KING].

Mr. ROBINSON. I wish to announce that the Senator from North Carolina [Mr. OVERMAN] is paired with the Senator from Iowa [Mr. CUMMINS].

Mr. REED of Missouri. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator from Missouri will state the point of order.

Mr. REED of Missouri. The point of order is that there not being a quorum in the Senate, no business of any kind can take place except that specially authorized by the rules, to wit, the necessary orders to bring in absent Senators or to adjourn. A motion to lay any matter upon the table is in the nature of business. It can no more be enacted by a body of men lacking a quorum than any other business. Neither can the Chair announce the result of the roll call of such a body. I make the point of order that the motion itself was out of order and the Chair is without power or authority to announce the result of the roll call.

The PRESIDING OFFICER. The Chair will state that the motion was made by the Senator from Missouri.

Mr. REED of Missouri. No; the motion was made by the Senator from Washington, and I asked for the yeas and nays.

The PRESIDING OFFICER. The Chair will state that the appeal was taken by the Senator from Missouri from the ruling of the Chair on the point of order.

Mr. REED of Missouri. Certainly.

The PRESIDING OFFICER. And no business could have been transacted because the Senator is arguing that his own motion was out of order.

Mr. REED of Missouri. That may be true, but the question of jurisdiction——

The PRESIDING OFFICER. The Chair overrules the point of order.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HITCHCOCK. Will the Chair permit me to read a precedent?

The PRESIDING OFFICER. The Chair withholds his ruling for that purpose.

Mr. HITCHCOCK. On page 430 of Gilfry's Precedents——

Mr. CURTIS. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. CURTIS. I wish simply to say that I think the position taken by the Senator from Missouri [Mr. REED] is correct. There is no business in order except the securing of a quorum. That was decided by Vice President Marshall upon a point raised by the present occupant of the chair. If the Chair desires the decision, I will call his attention to it. It will be found on page 213 of Gilfry's Precedents, and is as follows:

The roll was called and no quorum responded.

Mr. BRANDEGEE. I make the point of order that until a quorum appears there is nothing in order except to secure a quorum, and that that order has been entered.

The VICE PRESIDENT (Mr. Marshall). The point of order is sustained.

The PRESIDING OFFICER. The Chair would be of the same opinion still. The question, however, in this case arose on a point of order, not in the transaction of ordinary business. No point of order was made against the motion of the Senator from Missouri when the motion was made, and therefore the Chair entertained it.

Mr. HITCHCOCK. Mr. President, the precedent which I have before me is not very complete, but it is quoted as follows on page 430 of Gilfry's Precedents:

During the consideration of the conference report on H. R. 21871 "to amend the national banking laws," Mr. LA FOLLETTE raised a question as to the presence of a quorum.

Mr. Aldrich raised a question of order, viz, that a Senator must be in the possession of the floor, and that he can not take the floor by asking to make a parliamentary inquiry and then make any motion.

The Vice President (Mr. Fairbanks) sustained the question of order.

Mr. LA FOLLETTE appealed.

Mr. Aldrich moved to lay the appeal on the table, and on a division the yeas were 32, nays 14, no quorum voting.

The Vice President (Mr. Fairbanks) counted the Senate and announced that a quorum was present, and so the motion prevailed.

It is sort of a negative statement of the case but it implies evidently that if the Chair had not been able to count a quorum as being present the appeal could not have carried.

Mr. LODGE. I rise to a question of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. LODGE. Under the rules no debate of any kind is in order.

The PRESIDING OFFICER. The roll is in process of being called by the Secretary.

Mr. LODGE. No debate or motion is in order pending the roll call.

Mr. FRELINGHUYSEN, Mr. MCCUMBER, and Mr. NELSON entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty Senators having answered to their names, a quorum of the Senate is present.

Mr. ROBINSON. I move that the Senate take a recess until 12 o'clock to-morrow, and on that I demand the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. EDGE (when his name was called). Making the same announcement as to my pair and its transfer as before, I vote "nay."

Mr. FERNALD (when his name was called). Making the same announcement as before with reference to my pair, I withhold my vote.

Mr. FRELINGHUYSEN (when his name was called). I have a general pair with the junior Senator from Montana [Mr. WALSH]. I observe he is not in the Chamber, and therefore I withhold my vote.

Mr. LODGE (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. UNDERWOOD]. Being unable to secure a transfer of that pair, I am not at liberty to vote. If permitted to vote, I should vote "nay."

Mr. MCCUMBER (when his name was called). I have a general pair with the junior Senator from Utah [Mr. KING]. That Senator being necessarily absent from the Chamber, I withhold my vote.

Mr. MCKINLEY (when his name was called). I inquire if the junior Senator from Arkansas [Mr. CARAWAY] has voted?

The PRESIDING OFFICER. He has not.

Mr. MCKINLEY. As I have a pair with that Senator and am unable to secure a transfer, I withhold my vote.

Mr. MOSES (when his name was called). I have a general pair with the junior Senator from Louisiana [Mr. BROUSSARD], who is absent. I am informed that, if present, he would vote as I intend to vote. I therefore vote "nay."

Mr. REED of Pennsylvania (when his name was called). Making the same announcement as previously with regard to my pair, I withhold my vote.

Mr. TOWNSEND (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. WILLIS (when his name was called). Repeating the announcement as to the transfer of my pair, I vote "nay."

The roll call was concluded.

Mr. ROBINSON. I desire to state that the Senator from North Carolina [Mr. OVERMAN] is paired with the Senator from Iowa [Mr. CUMMINS]. If the Senator from North Carolina were present, he would vote "yea" on the pending motion.

Mr. BALL. I have a pair with the senior Senator from Florida [Mr. FLETCHER]. He being absent, I withhold my vote.

Mr. ERNST (after having voted in the negative). I have a general pair with the senior Senator from Kentucky [Mr. STANLEY]. I transfer that pair to the Senator from Oregon [Mr. STANFIELD] and permit my vote to stand.

Mr. WATSON. I transfer my pair with the Senator from Mississippi [Mr. WILLIAMS] to the Senator from Maryland [Mr. FRANCE] and vote "nay."

Mr. MCCORMICK. I have a general pair with the junior Senator from Wyoming [Mr. KENDRICK], who is absent. Therefore I withhold my vote. If at liberty to vote, I should vote "nay."

The PRESIDING OFFICER (Mr. BRANDEGEE). The present occupant of the chair announces his pair with the junior Senator from Idaho [Mr. GOODING]. Not knowing how that Senator would vote if present, the present occupant of the chair withholds his vote.

Mr. CURTIS. I desire to announce the following pairs:

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Iowa [Mr. CUMMINS] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Virginia [Mr. GLASS];

The Senator from West Virginia [Mr. ELKINS] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Oklahoma [Mr. HARRELD] with the Senator from Colorado [Mr. NICHOLSON];

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS]; and

The Senator from South Dakota [Mr. STERLING] with the Senator from South Carolina [Mr. SMITH].

The result was announced—yeas 9, nays 30, as follows:

YEAS—9.

Ashurst	Heflin	McKellar	Robinson
Capper	Ladd	McNary	Sheppard
George			

NAYS—30.

Bursum	Jones, Wash.	Oddie	Townsend
Calder	Kellogg	Pepper	Wadsworth
Cameron	Keyes	Phipps	Warren
Curtis	Lenroot	Ransdell	Watson
Edge	Moses	Shortridge	Weller
Ernst	Nelson	Smoot	Willis
Hale	New	Spencer	
Johnson	Norbeck	Sutherland	

NOT VOTING—57.

Ball	Fletcher	McCormick	Shields
Bayard	France	McCumber	Simmons
Borah	Frelinghuysen	McKinley	Smith
Brandegee	Gerry	McLean	Stanfield
Brookhart	Glass	Myers	Stanley
Broussard	Gooding	Nicholson	Sterling
Caraway	Harreld	Norris	Swanson
Colt	Harris	Overman	Trammell
Couzens	Harrison	Owen	Underwood
Culberson	Hitchcock	Page	Walsh, Mass.
Cummins	Jones, N. Mex.	Pittman	Walsh, Mont.
Dial	Kendrick	Poindexter	Williams
Dillingham	King	Pomerene	
Elkins	La Follette	Reed, Mo.	
Fernald	Lodge	Reed, Pa.	

The PRESIDING OFFICER. The motion to take a recess is lost.

Mr. ROBINSON. Mr. President, what was the announcement of the Chair?

The PRESIDING OFFICER. The yeas are 9 and the nays are 30.

Mr. ROBINSON. Not a quorum.

The PRESIDING OFFICER. No quorum has developed. The Sergeant at Arms stands instructed to compel the attendance of absent Senators, but no report has been received from the Sergeant at Arms.

Mr. REED of Missouri. Mr. President, with all respect, I make the suggestion to the Chair that the order to the Sergeant at Arms to bring in Senators to develop a quorum was made some time ago, and since then a quorum has been developed and announced by the Chair. If I recollect correctly, that is the situation. A quorum having been developed, that order, of course, is a dead order.

Mr. WATSON. No.

Mr. REED of Missouri. It does not stand for the whole night.

Mr. WATSON. The order is a continuing order until revoked by action of the Senate.

Mr. REED of Missouri. Then there are a thousand of such orders out, for I never heard of one of them being revoked in my life.

Mr. WATSON. The Senator did not stay until they were revoked.

Mr. REED of Missouri. I have been here as long as has the Senator from Indiana, and I say that I never heard of one being revoked. That order was made to develop a quorum. A quorum having been developed, the reason for the order ceases to be. Of course that is the rule.

The PRESIDING OFFICER. The Chair can not rule upon that question with the authority of any precedent, because he has had no time to look up the precedents. The Chair would be of the opinion——

Mr. SHEPPARD. Mr. President, a point of order.

The PRESIDING OFFICER. Just a moment. The Chair would be of the opinion that the order of the Senate to compel the attendance of absent Senators was designed to develop a quorum at the time at which it was made. A quorum was developed. The order can not stand to develop the lack of another quorum occurring subsequently. The Chair distinctly remembers many such orders to the Sergeant at Arms to have been discontinued or revoked. The Senator from Texas is now recognized.

Mr. SHEPPARD. I make the point of order that the last vote having disclosed the lack of a quorum, the roll should be called.

The PRESIDING OFFICER. The Chair will say to the Senator that the presence of a quorum was developed. Then, on the motion to take a recess, the lack of a quorum was shown. At the last session the Chair in a similar circumstance, where the vote disclosed a lack of a quorum, suggested the absence of a quorum and ordered the Secretary to call the roll, and the Senate took exception to that procedure.

Mr. SHEPPARD. I ask the Chair to rule on this point.

The PRESIDING OFFICER. The Chair rules that the vote discloses the absence of a quorum.

Mr. SHEPPARD. Then I make the point, Mr. President, that the Chair should order the roll to be called.

The PRESIDING OFFICER. The Senator from Texas suggests the absence of a quorum?

Mr. SHEPPARD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ball	Curtis	Hale	Ladd
Brandegee	Edge	Heflin	Lenroot
Bursum	Ernst	Johnson	Lodge
Calder	Fernald	Jones, Wash.	McCormick
Cameron	Frelinghuysen	Kellogg	McCumber
Capper	George	Keyes	McKellar
McKinley	Oddie	Shortridge	Warren
McNary	Pepper	Smoot	Watson
Moses	Phipps	Spencer	Weller
Nelson	Ransdell	Sutherland	Willis
New	Reed, Pa.	Townsend	
Norbeck	Sheppard	Wadsworth	

The PRESIDING OFFICER. Forty-six Senators having answered to their names, there is not a quorum present.

Mr. JONES of Washington. I suggest that the names of the absentees be called.

The PRESIDING OFFICER. The Secretary will call the names of the absentees.

The reading clerk called the names of the absent Senators, and Mr. HITCHCOCK, Mr. REED of Missouri, and Mr. ROBINSON answered to their names when called.

Mr. COLT entered the Chamber and answered to his name.

The PRESIDING OFFICER. Fifty Senators having answered to their names, a quorum of the Senate is present.

Mr. JONES of Washington. I call for the regular order.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. The Senator from Kansas.

Mr. CURTIS. While a quorum is here, I desire to call the Chair's attention to a ruling that was made a few moments ago that is clearly erroneous.

Mr. ROBINSON. Mr. President, a point of order.

Mr. CURTIS. I make the statement at this time——

Mr. ROBINSON. I rise to a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. ROBINSON. The pending question is the motion to take a recess.

Mr. WADSWORTH. That is debatable.

The PRESIDING OFFICER. The Senator from Kansas rises to a point of order.

Mr. ROBINSON. The Senator from Kansas did not say so. He said he desired to discuss the ruling of the Chair.

Mr. CURTIS. I am calling the Chair's attention——

The PRESIDING OFFICER. The Chair understood the Senator from Kansas to say that he rose to a point of order.

Mr. CURTIS. That was the intention of the Senator from Kansas. In 1908——

Mr. ROBINSON. Mr. President, a parliamentary inquiry. What is the point of order made by the Senator from Kansas?

The PRESIDING OFFICER. The Chair can not inform the Senator until he has heard it.

Mr. HARRISON. Mr. President, we can not hear the conversation.

The PRESIDING OFFICER. Neither can the Chair. The Senate will be in order.

Mr. CURTIS. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. CURTIS. Is a motion to take a recess debatable?

The PRESIDING OFFICER. The Chair thinks it is.

Mr. ROBINSON. Mr. President, a point of order. The yeas and nays have been ordered and the roll called on the motion to take a recess, and the roll call is in progress. The absence of a quorum developed upon the motion to take a recess, upon the call of the roll.

Mr. CURTIS. Mr. President, I can call the Chair's attention to this matter later.

Mr. ROBINSON. The roll call can not be interrupted.

The PRESIDING OFFICER. The Chair does not recollect about that. The Chair will ask the Secretary whether the motion of the Senator from Arkansas to take a recess was voted upon, a quorum voting. The Chair is informed that a quorum did not vote, so that is the pending motion. Does the Senator demand the yeas and nays on it?

Mr. ROBINSON. The yeas and nays have been demanded, and the roll call is in progress.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. EDGE (when his name was called). Making the same announcement as before, I vote "nay."

Mr. ERNST (when his name was called). Making the same announcement as before, I vote "nay."

Mr. FERNALD (when his name was called). Making the same announcement as before, I withhold my vote.

Mr. FRELINGHUYSEN (when his name was called). I am unable to get a transfer of my general pair, and therefore withhold my vote.

Mr. LODGE (when his name was called). Making the same announcement as before of the transfer of my pair, I vote "nay."

Mr. McCORMICK (when his name was called). I have a standing pair with the Senator from Wyoming [Mr. KENDRICK] and therefore withhold my vote.

Mr. MCCUMBER (when his name was called). Being unable to secure a transfer of my pair, I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. MCKINLEY (when his name was called). Has the junior Senator from Arkansas [Mr. CARAWAY] voted?

The VICE PRESIDENT. He has not.

Mr. MCKINLEY. I withhold my vote. If the Senator from Arkansas were present, I should vote "nay."

Mr. REED of Pennsylvania (when his name was called). Making the same announcement as before, I withhold my vote.

Mr. TOWNSEND (when his name was called). I am paired for the evening with the senior Senator from Virginia [Mr. SWANSON]. I transfer that pair to the junior Senator from Washington [Mr. POINDEXTER], and I desire this announcement to stand for all votes this evening. I vote "nay."

Mr. WATSON (when his name was called). Making the same announcement as on the last roll call, with reference to my pair and its transfer, I vote "nay."

Mr. WILLIS (when his name was called). I am paired with my colleague, the senoir Senator from Ohio [Mr. POMERENE]. I transfer that pair to the junior Senator from Louisiana [Mr. BROUSSARD] and will vote. I vote "nay."

The roll call was concluded.

Mr. BALL (after having voted in the negative). I find that my general pair, the Senator from Florida [Mr. FLETCHER], has not voted, so I withdraw my vote.

Mr. COLT (after having voted in the negative). Has the junior Senator from Florida [Mr. TRAMMELL] voted?

The VICE PRESIDENT. He has not voted.

Mr. COLT. I have a pair with that Senator. Being unable to obtain a transfer, I withdraw my vote.

Mr. LODGE. Mr. President, the Senator to whom I transferred my pair having returned to the Chamber and voted, I withdraw my announcement of transfer and withdraw my vote, and leave my pair standing with the Senator from Alabama [Mr. UNDERWOOD].

Mr. KELLOGG (after having voted in the negative). Has the junior Senator from Mississippi [Mr. HARRISON] voted?

The VICE PRESIDENT. He has not.

Mr. KELLOGG. I have a pair with that Senator, and withdraw my vote.

Mr. ROBINSON. I have been requested to announce that the Senator from North Carolina [Mr. OVERMAN] is paired with the Senator from Iowa [Mr. CUMMINS]. If the Senator from North Carolina were present, he would vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Iowa [Mr. CUMMINS] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from West Virginia [Mr. ELKINS] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Virginia [Mr. GLASS];

The Senator from Oklahoma [Mr. HARRELD] with the Senator from Colorado [Mr. NICHOLSON];

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS]; and

The Senator from South Dakota [Mr. STERLING] with the Senator from South Carolina [Mr. SMITH].

The roll call resulted—yeas 8, nays 30, as follows:

YEAS—8.

Capper	Heflin	McKellar	Robinson
George	Ladd	McNary	Sheppard

NAYS—30.

Brandegee	Johnson	Oddie	Townsend
Bursum	Jones, Wash.	Pepper	Wadsworth
Calder	Keyes	Phipps	Warren
Cameron	Lenroot	Ransdell	Watson
Curtis	Moses	Shortridge	Weller
Edge	Nelson	Smoot	Willis
Ernst	New	Spencer	
Hale	Norbeck	Sutherland	

NOT VOTING—58.

Ashurst	Fletcher	Lodge	Reed, Pa.
Ball	France	McCormick	Shields
Bayard	Frelinghuysen	McCumber	Simmons
Borah	Gerry	McKinley	Smith
Brookhart	Glass	McLean	Stanfield
Broussard	Gooding	Myers	Stanley
Caraway	Harreld	Nicholson	Sterling
Colt	Harris	Norris	Swanson
Couzens	Harrison	Overman	Trammell
Culberson	Hitchcock	Owen	Underwood
Cummins	Jones, N. Mex.	Page	Walsh, Mass.
Dial	Kellogg	Pittman	Walsh, Mont.
Dillingham	Kendrick	Poindexter	Williams.
Elkins	King	Pomerene	
Fernald	La Follette	Reed, Mo.	

The VICE PRESIDENT. On this question the yeas are 8; the nays are 30. There are present and not voting the following Senators who are paired: Mr. KELLOGG, Mr. LODGE, Mr. FERNALD, Mr. FRELINGHUYSEN, Mr. MCCORMICK, Mr. MCCUMBER, Mr. MCKINLEY, Mr. REED of Pennsylvania, Mr. WATSON, Mr. BALL, and Mr. COLT, making a quorum. The motion does not prevail.

Before Mr. REED of Missouri concluded his speech for the day,

Mr. HARRISON. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. REED of Missouri. I yield.

Mr. HARRISON. Some while ago there was an order entered for the Sergeant at Arms to bring in absent Senators. I desire to inquire what report has been made under that order?

The VICE PRESIDENT. The Chair did not understand the inquiry of the Senator.

Mr. HARRISON. Some time ago there was an order made by the Senate for the Sergeant at Arms to bring in absent Senators. Some time has elapsed. A quorum developed. Has there been any report made by the Sergeant at Arms under that order?

The VICE PRESIDENT. The Chair does not recall any report.

Mr. JONES of Washington. Mr. President, I do not desire to take the Senator from Missouri off the floor, and I hope the Senator from Mississippi will not do so.

Mr. HARRISON. I am only propounding a parliamentary inquiry.

The VICE PRESIDENT. The Chair has answered the inquiry.

Mr. HARRISON. The answer was that no report had been made?

The VICE PRESIDENT. The Chair knows of no report that has been made.

Mr. HARRISON. May I ask the Chair if a report may now be made to the Senate on that order?

The VICE PRESIDENT. The Chair knows of no requirement that a report shall be made.

Mr. HARRISON. I call for a report from the Sergeant at Arms.

Mr. JONES of Washington. I want to say that if the Senator from Missouri is yielding for that purpose he is yielding the floor.

Mr. REED of Missouri. I am obliged to yield for a parliamentary inquiry.

Mr. JONES of Washington. I think not for this purpose.

Mr. REED of Missouri. Oh, yes. Otherwise a Senator could be taken off the floor at any moment, because a point of order is always in order.

Mr. JONES of Washington. The Senator from Mississippi rose for the purpose of making a parliamentary inquiry. He has made the parliamentary inquiry and the Chair has answered the parliamentary inquiry.

Mr. HARRISON. I asked the Chair——

Mr. JONES of Washington. I object to the Senator from Missouri yielding for this purpose.

Mr. REED of Missouri. I am not yielding. The Senator from Mississippi rose to a point of order and it is not for me to refuse to yield for that purpose.

Mr. HARRISON. If the Senator from Washington is afraid that a report from the Sergeant at Arms would disclose the fact that a large number of Republican Senators were brought in under the order, I will withdraw the request.

Mr. JONES of Washington. The Senator is not afraid of that, but he does not desire the Senator from Missouri to be taken off the floor. The Senator from Missouri has been taken off the floor once and can only make one more speech on the subject.

Mr. REED of Missouri. I have two speeches on it if I want to make them. I am still making the first one.

Mr. JONES of Washington. Oh, no; the Senator lost the floor awhile ago.

Mr. REED of Missouri proceeded with his speech, as appears earlier in the proceedings, and was interrupted by,

Mr. JONES of Washington. Mr. President, will the Senator yield to me for a moment?

Mr. REED of Missouri. I yield to the Senator from Washington.

Mr. JONES of Washington. I know that the Senator's throat is troubling him, and I do not want to keep him going on unnecessarily. Frankly, some of the older Senators who are here I do not like to keep here, and I do not believe we ought to do it; so Mr. President, I am going to ask unanimous consent that the Senate take a recess until 11 o'clock to-morrow morning.

Mr. REED of Missouri. Mr. President, I do not object to that, but I do object to having it put in the RECORD that my voice is anything but music.

Mr. JONES of Washington. Oh, it was not the Senator's voice; it was his throat. His voice is music; I agree with the Senator about that. Would the Senator like to have that stricken out of the RECORD?

Mr. REED of Missouri. Oh, no; let it stay in. It will be an evidence that I have been serving my country.

The VICE PRESIDENT. Is there objection to the request of the Senator from Washington that the Senate take a recess until 11 a. m. to-morrow? The Chair hears none, and it is so ordered.

Thereupon (at 11 o'clock and 40 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, February 21, 1923, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 20, 1923.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We are still beneath Thy guardian care, blessed Lord. Do Thou mercifully receive of tributes of gratitude. As we come into new days there come also new circumstances and new tasks. Reveal unto us the tide of Thy purpose and may we pursue it with unwavering confidence. If any are in perplexity, clear the way; if any are unduly burdened, help with the load; if any are tempted, be at their side; if any are sick, give them comfort; if any are in sorrow, dry their tears. O make the darkest day of life the path that leads to Thee. Amen.

The Journal of the proceedings of yesterday was read and approved.

RESIGNATION FROM A COMMITTEE.

The SPEAKER laid before the House the following communication, which was read:

FEBRUARY 17, 1923.

Hon. FREDERICK H. GILLETT,
Speaker of the House of Representatives,
Washington, D. C.

MY DEAR MR. SPEAKER: I hereby tender my resignation as a member of the Committee on Labor of the House of Representatives, to take effect immediately.

Very truly yours, JOHN PAUL.

ELECTION TO A COMMITTEE.

Mr. MONDELL. Mr. Speaker, I offer the following resolution, which I send to the desk.

The Clerk read as follows:

House Resolution 546.

Resolved, That JOHN PAUL, a Member of Congress from the seventh Virginia district, be, and he is hereby, elected a member of the District of Columbia Committee of the House of Representatives.

CALL OF THE HOUSE.

Mr. FULLER. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. It is clear there is not.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ansorge	Dyer	Kennedy	Parks, Ark.
Arentz	Echols	Kindred	Paul
Barkley	Edmonds	King	Perkins
Benham	Focht	Kirkpatrick	Perlman
Bowers	French	Kitchin	Petersen
Brennan	Garner	Kline, N. Y.	Pringey
Britten	Goldsborough	Knight	Rainey, Ala.
Brooks, Ill.	Goodykoontz	Lee, N. Y.	Reber
Brooks, Pa.	Gorman	Lineberger	Reed, N. Y.
Burke	Gould	Lyon	Reed, W. Va.
Cable	Graham, Pa.	McArthur	Riddick
Carter	Griffin	McClintic	Riordan
Chandler, N. Y.	Hardy, Colo.	Michaelson	Rodenberg
Chandler, Okla.	Hays	Mills	Rose
Classon	Himes	Moore, Ohio	Rossdale
Codd	Hogan	Morin	Ryan
Connolly, Pa.	Huck	Mudd	Sanders, N. Y.
Copley	Hutchinson	Nolan	Schall
Crowther	Johnson, Ky.	O'Brien	Scott, Mich.
Dale	Johnson, Miss.	O'Connor	Shaw
Davis, Minn.	Jones, Pa.	Olpp	Smith, Mich.
Drane	Kahn	Overstreet	Snell
Drewry	Keller	Park, Ga.	Steenerson
Stiness	Taylor, Colo.	Volk	Woodyard
Stoll	Taylor, N. J.	Ward, N. C.	Zihlman
Sullivan	Thomas	Watson	
Tague	Thorpe	Webster	
Taylor, Ark.	Tucker	Wheeler	

The SPEAKER. Three hundred and nineteen Members have answered to their names, a quorum.

Mr. STAFFORD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

ELECTIONS TO COMMITTEES.

The SPEAKER. The Clerk will report House Resolution 546.

The Clerk again reported the resolution.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. MONDELL. Mr. Speaker, I present the following resolution and ask for its immediate consideration.

The Clerk read as follows:

House Resolution 547.

Resolved, That Mrs. MAE ELLA HUNT NOLAN, a Member of Congress from the fifth California district, be, and she is hereby, elected a member of the following committees of the House:

Committee on Labor,
Committee on Expenditures in the Post Office Department.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4583. An act granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Charles Mix County and Gregory County, S. Dak.;

S. 4579. An act to authorize the Lee County bridge district No. 2 in the State of Arkansas to construct a bridge over the St. Frances River;

S. 4552. An act to incorporate the Belleau Wood Memorial Association;

S. 930. An act for the relief of Thomas J. Temple;

S. 4216. An act authorizing the sale of real property no longer required for military purposes;

S. 3742. An act for the relief of John H. Fesenmeyer, alias John Wills;

Senate Concurrent Resolution 39:

Resolved by the Senate (the House of Representatives concurring), That the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives are hereby authorized and directed to purchase a floral wreath to be placed at the base of the Washington Monument on Washington's Birthday, February 22, 1923, on the occasion of the ceremonies attending upon the silent tribute, the expense of such wreath to be paid in equal proportions from the contingent funds of the Senate and House of Representatives;

S. 4345. An act for the relief of E. J. Reynolds;

S. 2598. An act for the relief of Franklin Gum;

S. 2002. An act for the relief of Charles D. Shay;

S. 3849. An act for the relief of Robert J. Kirk;

S. 4167. An act to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes";

S. 2921. An act to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto; and

S. 3942. An act for the relief of John H. McAtee.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 9049. An act declaring the act of September 19, 1890 (26 Stats., ch. 907, sec. 7), and the act of March 3, 1899 (30 Stats., ch. 425, sec. 9), and all acts amendatory of either thereof, shall not hereafter apply to a portion of the west arm of the south fork of the South Branch of the Chicago River, and for other purposes; and

H. R. 13808. An act granting the consent of Congress to the commissioners of Venango County, their successors and assigns, to construct a bridge across the Allegheny River, in the State of Pennsylvania.

RED RIVER OIL LEASING BILL.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that I may have up to and including to-morrow to file minority views on the bill S. 4197, the Red River oil leasing bill.

The SPEAKER. Is there objection.

There was no objection.

EXTENSION OF REMARKS.

Mr. WILSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the matter of experiments in relation to the cotton-boll weevil, and in that connection I wish to state that there is to-day in session at Atlanta, Ga., a conference of world-wide significance; and I want to print in connection with my remarks a short statement showing the results of experiments with calcium arsenate and of the use of the airplane in connection with the destruction of the boll weevil.

The SPEAKER. Is there objection?

There was no objection.

THE COTTON-BOLL WEEVIL.

Mr. WILSON. Mr. Speaker, a conference is in session in the city of Atlanta Ga., to-day of nation-wide and world-wide importance. This conference is composed of leaders in science, in industry, and in agriculture, and has met for the purpose of devising ways and means for the eradication or control of the cotton-boll weevil.

The boll weevil now covers the entire area of the cotton-production section of the Union, and to all those who have studied the problem of cotton production in the Southern States in connection with the ravages of the boll weevil it must be evident that a most serious condition is confronting that industry.

World cotton production last year was approximately 16,000,000 bales, while world consumption was more than 20,000,000 bales, and this with industry normal nowhere except in America. During the last two years cotton production has fallen about 8,000,000 bales short of the actual consumption. There will be practically no carry over this year from which a deficit in production can be supplied.

The decrease in production is running about 6,000,000 bales annually and is confined to this country and almost solely due to the ravages of the boll weevil. The annual loss to the American cotton farmer, caused by this pest for the year 1922, has been estimated to be $1,000,000,000, and unless it is effectively controlled the huge losses suffered by the cotton farmer will continue, and will be brought to staggering proportions by the added losses to allied industries.

Raw cotton constitutes the Nation's chief export product, and has in one way or another more people dependent upon its continued production than any other industry in the United States, and this Congress should stand united in the support of any measure having for its purpose the preservation of this, the country's chief agricultural asset.

Up to this time the most effective means of controlling the boll weevil developed is the application of powdered calcium arsenate. The experiments resulting in this discovery were made by and under the direction of the Delta Laboratory, at Tallulah, La., which is under the Bureau of Entomology of the Department of Agriculture. The machinery for applying the calcium arsenate was also developed by the Delta Laboratory. For the small farmer a hand-gun duster, capable of poisoning about 8 or 10 acres per day is used, while a power duster, capable of poisoning about 70 acres per day, is available for the farmer with a larger acreage. Bulletins giving detailed information regarding the use and application of calcium arsenate, based upon the tests made by the Delta Laboratory, have been published by the Department of Agriculture.

I have secured reports direct from a few cotton farmers relative to the results obtained by the use of calcium arsenate. These confirm the official statements and set forth in a general way the results obtained. I wish to quote briefly from two of these reports. Mr. P. M. Atkins, of Monroe, La., states:

I got remarkable results from the use of the poison, although I received my machine late and the poisoning was done under great difficulties on account of the continuous rain during the poisoning season. I had approximately 650 acres in cotton, and made 218 bales on that acreage. I poisoned approximately 200 acres, and the poisoned cotton averaged a little better than half a bale of seed cotton per acre, in spite of the fact that we had an extremely poor season for growing cotton due to continuous rain, which prevented proper cultivation.

The cotton in the same field under the same conditions that was not poisoned made an average of approximately a bale of seed cotton to every 4 acres.

I think so well of the poisoning that I am going to buy additional machines and poison my entire crop this year. I expect to plant about 800 acres of cotton, and if it were not for the protection that I can get against the boll weevil by poisoning, I would not plant an acre.

Mr. J. T. Austin, of Monroe, La., states:

My results last year were very satisfactory. Where I used from four to six applications of calcium arsenate I made from one-half to three-fourths of a bale per acre, and where I did no poisoning on cotton raised under exactly the same conditions I made only one bale to five acres on an average.

During the 1922 season the Delta Laboratory made some very interesting experiments in applying calcium arsenate by airplane. While the experiments were not complete enough to be conclusive, they were very encouraging and showed the following results: Under average conditions a plane could poison from two to five hundred acres per hour, and under the best conditions as high as 1,000 acres per hour, with a consumption of about one-half as much poison per acre as the ground machines, at a total cost of operation per acre of less than the labor cost of operating the ground machines.

The airplane might also be used in the control of insects destructive of crops other than cotton. For instance, large orchards require protection against insects, the alfalfa and potato fields require similar protection, and these crops present even more favorable conditions for the use of the airplane than does cotton.

The means should be supplied and every opportunity given for cooperative effort by the Department of Agriculture and the air service for a thorough demonstration of all the uses that may be made of the airplane as a means of insect control.

In addition to this, immediate steps should be taken to guarantee a sufficient supply of calcium arsenate. The shortage is not due, as has been alleged, to any organization having established a monopoly or cornered the available supply for profiteering purposes. The investigation ordered by Congress developed the fact that calcium arsenate did not exist in sufficient amount to supply the needs of the farmers in the Cotton Belt or other sections where this insecticide is necessary.

A resolution is now pending before Congress to make available the sum of $10,000,000 for the purchase of nitrate of soda and calcium arsenate to be sold to the farmer at cost. This, or some similar measure should be passed without delay.

FEDERAL FARM LOAN ACT.

The SPEAKER. The unfinished business is the consideration of the bill (H. R. 14041) to amend certain sections of the Federal farm loan act, reported from the Committee on Banking and Currency, on which the previous question was ordered on Saturday last. A separate vote was demanded on one amendment. Is a separate vote demanded on any other amendment?

Mr. WINGO. Mr. Speaker, I demand a separate vote upon the amendment covering the Porto Rican loan.

The SPEAKER. Is a separate vote demanded on any other amendment? The Clerk will report the first amendment on which a separate vote is demanded.

The Clerk read as follows:

Amendment by Mr. ANDERSON: Page 9, line 23, strike out all of section 5.

The SPEAKER. A separate vote has been demanded on two amendments. Is a separate vote demanded on any other amendment?

Mr. KETCHAM. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KETCHAM. Would it be in order to have read from the Clerk's desk the record and the proceedings on the Anderson amendment, which was agreed to in the Committee of the Whole by a vote of 75 to 48?

Mr. MONDELL. Mr. Speaker, that is not a parliamentary inquiry.

The SPEAKER. The question is on agreeing to the other amendments.

The other amendments were agreed to.

The SPEAKER. The first vote comes upon the Anderson amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. ANDERSON: Page 9, line 23, strike out all of section 5.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken.

Mr. WINGO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 203, nays 117, answered "present" 2, not voting 105, as follows:

YEAS—203.

Abernethy	Bond	Clouse	Denison
Ackerman	Bowling	Cole, Ohio	Driver
Almon	Box	Collier	Dunn
Anderson	Briggs	Collins	Dupré
Andrews, Mass.	Brown, Tenn.	Connally, Tex.	Elliott
Andrews, Nebr.	Browne, Wis.	Cooper, Ohio	Evans
Aswell	Bulwinkle	Cooper, Wis.	Fairchild
Bankhead	Burtness	Coughlin	Fairfield
Beck	Butler	Crago	Favrot
Beedy	Byrns, Tenn.	Cramton	Fess
Begg	Cannon	Curry	Fish
Blakeney	Carter	Dallinger	Fitzgerald
Bland, Ind.	Chindblom	Davis, Tenn.	Focht
Bland, Va.	Clague	Deal	Frear
Blanton	Clark, Fla.	Dempsey	Freeman

Frothingham	Kline, N. Y.	Moore, Ill.	Snell
Fulmer	Kline, Pa.	Moore, Va.	Snyder
Gahn	Knutson	Moores, Ind.	Sproul
Gallivan	Kraus	Mott	Stafford
Green, Iowa	Kreider	Nelson, Me.	Steenerson
Greene, Mass.	Kunz	Nelson, J. M.	Strong, Pa.
Greene, Vt.	Lampert	Newton, Minn.	Summers, Wash.
Griest	Langley	Norton	Sumners, Tex.
Hadley	Lanham	Oldfield	Swank
Hammer	Larsen, Ga.	Oliver	Taylor, Ark.
Hardy, Tex.	Lazaro	Paige	Temple
Henry	Lee, Ga.	Parker, N. J.	Ten Eyck
Herrick	Lehlbach	Parker, N. Y.	Tillman
Hersey	Linthicum	Parks, Ark.	Tilson
Hickey	Logan	Quin	Tinkham
Hicks	London	Radcliffe	Treadway
Hogan	Lowrey	Rainey, Ill.	Tyson
Hooker	Luhring	Rankin	Underhill
Huddleston	McDuffie	Ransley	Upshaw
Humphrey, Nebr.	McKenzie	Rayburn	Vestal
Husted	McLaughlin, Mich.	Ricketts	Voigt
Ireland	McLaughlin, Nebr.	Robsion	Volstead
Jacoway	McLaughlin, Pa.	Rogers	Ward, N. Y.
James	McSwain	Rosenbloom	Wason
Jefferis, Nebr.	MacGregor	Rucker	Watson
Jeffers, Ala.	MacLafferty	Sabath	Weaver
Johnson, S. Dak.	Madden	Sanders, Ind.	Webster
Johnson, Wash.	Magee	Sanders, Tex.	White, Me.
Jones, Tex.	Maloney	Sandlin	Williams, Tex.
Kearns	Mansfield	Sears	Wilson
Kelley, Mich.	Mapes	Shreve	Winslow
Kelly, Pa.	Mead	Siegel	Woodruff
Kendall	Merritt	Sinclair	Woods, Va.
Ketcham	Michener	Sinnott	Wurzbach
Kincheloe	Miller	Sisson	Young
Kleczka	Montague	Smith, Idaho	

NAYS—117.

Anthony	Faust	Larson, Minn.	Shelton
Appleby	Fenn	Lawrence	Smithwick
Atkeson	Fields	Lea, Calif.	Speaks
Barbour	Fisher	Leatherwood	Steagall
Bell	Fordney	Little	Stedman
Bird	Foster	Longworth	Stevenson
Black	Free	Luce	Strong, Kans.
Brand	Fuller	McCormick	Sweet
Buchanan	Funk	McFadden	Swing
Burdick	Garrett, Tenn.	Martin	Taylor, Tenn.
Burton	Gensman	Mondell	Thompson
Byrnes, S. C.	Gernerd	Morgan	Timberlake
Campbell, Pa.	Gifford	Murphy	Tincher
Cantrill	Gilbert	Nelson, A. P.	Towner
Carew	Graham, Ill.	Newton, Mo.	Turner
Chalmers	Hardy, Colo.	O'Connor	Vaile
Christopherson	Haugen	Patterson, Mo.	Vinson
Clarke, N. Y.	Hawley	Patterson, N. J.	Walters
Cole, Iowa	Hayden	Porter	White, Kans.
Colton	Hill	Pou	Williams, Ill.
Crisp	Hoch	Purnell	Williamson
Cullen	Hudspeth	Raker	Wingo
Dale	Hukriede	Ramseyer	Wise
Darrow	Hull	Reece	Wright
Dickinson	Humphreys, Miss.	Rhodes	Wyant
Dominick	Johnson, Ky.	Roach	Yates
Doughton	Kiess	Robertson	Zihlman
Dowell	Kissel	Rouse	
Dunbar	Kopp	Scott, Tenn.	
Ellis	Lankford	Shaw	

ANSWERED "PRESENT"—2.

Bacharach	Cockran

NOT VOTING—105.

Ansorge	French	Lineberger	Rodenberg
Arentz	Garner	Lyon	Rose
Barkley	Garrett, Tex.	McArthur	Rossdale
Benham	Glynn	McClintic	Ryan
Bixler	Goldsborough	McPherson	Sanders, N. Y.
Boies	Goodykoontz	Michaelson	Schall
Bowers	Gorman	Mills	Scott, Mich.
Brennan	Gould	Moore, Ohio	Slemp
Britten	Graham, Pa.	Morin	Smith, Mich.
Brooks, Ill.	Griffin	Mudd	Stephens
Brooks, Pa.	Hawes	Nolan	Stiness
Burke	Hays	O'Brien	Stoll
Cable	Himes	Ogden	Sullivan
Campbell, Kans.	Huck	Olpp	Tague
Chandler, N. Y.	Hutchinson	Overstreet	Taylor, Colo.
Chandler, Okla.	Johnson, Miss.	Park, Ga.	Taylor, N. J.
Classon	Jones, Pa.	Paul	Thomas
Codd	Kahn	Perkins	Thorpe
Connolly, Pa.	Keller	Perlman	Tucker
Copley	Kennedy	Petersen	Volk
Crowther	Kindred	Pringey	Ward, N. C.
Davis, Minn.	King	Rainey, Ala.	Wheeler
Drane	Kirkpatrick	Reber	Wood, Ind.
Drewry	Kitchin	Reed, N. Y.	Woodyard
Dyer	Knight	Reed, W. Va.	
Echols	Layton	Riddick	
Edmonds	Lee, N. Y.	Riordan	

So the amendment was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. Morin with Mr. Garner.

Mr. Reed of New York with Mr. Riordan.

Mr. Bixler with Mr. Kitchin.

Mr. Kahn with Mr. Goldsborough

Mr. Connolly of Pennsylvania with Mr. Barkley.

Mr. McPherson with Mr. McClintic.

Mr. Stephens with Mr. Johnson of Mississippi.

Mr. Kennedy with Mr. Sullivan.

Mr. Perkins with Mr. Ward of North Carolina.

Mr. Graham of Pennsylvania with Mr. Drane.

Mr. Brennan with Mr. Hawes.

Mr. Hutchinson with Mr. Kindred.

Mr. Rose with Mr. Park of Georgia.

Mr. King with Mr. Tague.

Mr. Crowther with Mr. Drewry.

Mr. Stiness with Mr. O'Brien.

Mr. French with Mr. Tucker.

Mr. Davis of Minnesota with Mr. Garrett of Texas.

Mr. Lineberger with Mr. Lyon.

Mr. Brooks of Illinois with Mr. Thomas.

Mr. Olpp with Mr. Taylor of Colorado.

Mr. Edmonds with Mr. Griffin.

Mr. Mudd with Mr. Overstreet.

Mr. Keller with Mr. Rainey of Alabama.

Mr. Taylor of New Jersey with Mr. Stoll.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the other amendment on which a separate vote is demanded.

The Clerk read as follows:

On page 9, line 22, after the word "under," add a new paragraph, as follows: "*Provided further*, That section 4 as amended by the act of February 27, 1921, authorizing the establishment of a branch bank in Porto Rico and providing that 'loans made by such branch bank when so established shall not exceed the sum of $5,000 to any one borrower,' is hereby amended by striking out '$5,000' and substituting therefor '$10,000.'"

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced the noes appeared to have it.

Mr. TOWNER. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 92, noes 21.

So the amendment was agreed to.

Mr. HERRICK. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. HERRICK. Mr. Speaker, I move to strike out the enacting clause, and I make that motion for the purpose of saying that the crying need of the farmer to-day is not more facilities for getting in debt but——

The SPEAKER. The gentleman is out of order; the previous question has been ordered, and the motion is not in order. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time; was read the third time.

Mr. WINGO. Mr. Speaker, I offer the following motion to recommit, and on that I move the previous question.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. WINGO. I am.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. WINGO moves to recommit the bill H. R. 14270 to the Committee on Banking and Currency with instructions to report the same back forthwith with the following amendments:

One page 9, line 11, after the word "seven," strike out all the paragraph and insert in lieu thereof the following: "The amount of loans to any one borrower shall in no case exceed a maximum of $25,000: *Provided*, That preference shall be given to applications for loans of $10,000 and under."

On page 9, after section 4, insert a new section, to read as follows:

"SEC. 5. That section 15 of said act be amended to read as follows:

"'SEC. 15. Federal land banks shall not make any loans through any agency other than the local national farm loan associations: *Provided*, That if any local national farm loan association shall refuse any farmer or farmers in its jurisdiction who are entitled to the benefits of the farm loan system eligible loans, or if no national farm loan association has been formed, or if the local national farm loan association fails, neglects, or refuses to serve properly the needs of its territory in any locality, the Federal Farm Loan Board may, after 30 days' notice to said association or associations, authorize and direct Federal land banks to make such loans direct: *Provided further*, That whenever any national farm loan association located in territory where direct loans are being made shall by resolution declare its willingness to serve the prospective borrowers in said territory and transmits a copy of such resolution to the Federal Farm Loan Board, the board shall at once instruct the Federal land bank of that district to discontinue making such direct loans and shall thereafter only make loans through said associations in said territory as long as it continues to serve its territory properly: *Provided further*, That no secretary-treasurer of a national farm loan association or any one acting for a Federal land bank shall engage in making land-mortgage loans, eligible at a Federal land bank, by, through, or for any other land-mortgage company, association, or agency.

"'Such direct loans shall be subject to the same conditions and restrictions as if the same were made through national farm loan associations, and each borrower shall contribute 5 per cent of the amount of his loan to the capital of the Federal land bank and shall become the owner of as much capital stock of the land bank as such contribution shall warrant.

"'The Federal Farm Loan Board shall, by proper regulations, require each Federal land bank to maintain out of earnings apportionable to stock acquired on direct loans sufficient reserves to cover and pay delinquent payments on such class of loans.

"'Shareholders in a Federal land bank under this provision shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of such bank to the extent of the amount of stock owned by them at par value thereof, in addition to the amount paid in and represented by their shares.

"'Any borrower who acquires stock in the Federal land bank under the provisions of this section shall have one vote in all meetings of shareholders of the bank for each share of stock owned by such borrower not exceeding 20 votes and a like number of votes in the election of directors of such bank, such votes to be cast and canvassed in such manner as the Federal Farm Loan Board shall provide.

"'Any 10 borrowers under this section whose loans aggregate not less than $20,000 may at any time organize themselves into a national farm loan association by filing with the proper Federal land bank their articles of association as originally provided in section 7, and thereupon the stock held by such borrower in the Federal land bank shall be transferred to the association thus organized, and each borrower shall receive a corresponding amount of stock in such association. The stock of the bank and the stock of the association shall each be held subject to the same terms and conditions and the members thereof shall be entitled to the same rights and benefits as if the association had been originally organized under section 7 of this act.'"

Mr. BLANTON. Mr. Speaker, I make the point of order——

Mr. WINGO. I move the previous question on the motion to recommit.

The SPEAKER. The Chair recognizes the gentleman from Pennsylvania [Mr. MCFADDEN].

Mr. McFADDEN. Mr. Speaker, I move the previous question.

Mr. BLANTON. I make a point of order, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. Mr. Speaker, I make the point of order against the motion to recommit because it is a violation of the rules of the House in that it seeks to reopen a matter which the House has just determined by vote on the Anderson amendment. It embraces part of section 5, which the House a few moments ago struck from the bill, it being the Anderson amendment. It is in violation of the rules of the House in this respect, Mr. Speaker: Under the provisions of section 5 there was permitted to individuals outside of farm-loan organizations to make loans from farm-loan banks. That was the main provision of section 5. The amendment of the gentleman from Minnesota [Mr. ANDERSON] sought to remove that provision from the bill and did remove it. The House by an overwhelming vote decided that it should not be done. Now, the motion to recommit seeks to reopen the question, and therefore is in violation of the rules of the House.

Mr. WINGO and Mr. BEGG rose.

The SPEAKER. Does the gentleman from Ohio desire to be heard?

Mr. BEGG. I do.

The SPEAKER. The Chair will hear the gentleman.

Mr. BEGG. I desire to be heard right along the same line as the gentleman from Texas. In the first place, the first part of the motion to recommit restates what is already left in the bill, only in different language, namely, that the maximum loan is $25,000. That is all the amount of money that can be loaned under the bill. Hence that part is a restatement of what is already in the bill. Now, the major portion of the motion to recommit is, judging from the reading of it, half of it was the identical language that was just now cast out. The other half was a restatement, more particularly, namely, that the Federal Farm Loan Board can make loans to individuals without the cooperative feature, and the House has just gone on record as desiring to strike out that part of it which enables the Farm Loan Board to loan direct to individuals. This motion to recommit is just a restatement of that same principle. If you will look into the first half of the motion following the maximum amount of the loan you will see that is so.

The SPEAKER. The Chair thinks it very clear that while this does repeat some of the provisions already stricken out, yet it is coupled with new provisions in such a way as to make it quite different.

Mr. WINGO. Mr. Speaker, both of the gentlemen are in error about the facts. The gentleman from Ohio [Mr. BEGG] is in error. I cut out $16,000 and make the maximum $25,000 direct. Then I leave out all direct provisions for agents and provide for loans direct to farmers who are refused loans arbitrarily on account of religious belief or other reasons by a local association. The rest of my motion covers stock liability of direct borrowers; that is the same that the Clerk read from the printed copy. A man who gets a direct loan under this provision has the same stock liability as association borrowers.

The SPEAKER. The Chair thinks this comes within the precedents that while, of course, you can not insert the same matter that was stricken out, yet it must be very nearly identical in order to have the point of order apply.

Mr. TOWNER. Mr. Speaker, I would like to be heard.

The SPEAKER. The Chair will be glad to hear the gentleman.

Mr. TOWNER. Mr. Speaker, if in any form or to any extent what we do now would be contrary to what we did a few moments ago, then the objection must be sustained, no matter what other matters are coupled with it, because on the motion to recommit we can not, when the House has already passed upon a matter, make that nugatory by again acting on it or inducing to vote for it because of some other matter. That is all.

Mr. BEGG. Does not the gentleman think that the motion to recommit is just a restatement of the principle voted out?

Mr. TOWNER. It certainly does contain some of the matter voted out, although I voted against it. My proposition is this, Mr. Speaker: If, as a matter of fact, this motion should be sustained, it would negative just what we did before; and it seems to me it must be clear that even if stated in different language, the objection must be sustained to the motion to recommit.

Mr. WINGO. Mr. Speaker, if the gentleman will permit me, he is in error about what my motion does. He would not say that because the House has rejected one scheme by which the farmer can get a direct loan, that would preclude the House from considering another plan by which the farmer would get the direct loan.

Mr. TOWNER. No; that does not reach the point.

The SPEAKER. The Chair thinks it very clear that this, while in some measure it repeats what the House has already acted upon, changes it so much that the Chair thinks the House is entitled to say that it prefers the change or prefers to leave it as it was. Of course, it is a matter for the House to decide. The Chair overrules the point of order.

Mr. WINGO. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

Mr. WINGO. On that I demand the yeas and nays.

Mr. STEAGALL. Mr. Speaker, do the rules permit a division of the question?

The SPEAKER. No. The gentleman from Arkansas [Mr. WINGO] demands the yeas and nays. Those in favor of taking this vote by the yeas and nays will rise and stand until they are counted. [After counting.] Forty-one gentlemen have risen—not a sufficient number.

So the yeas and nays were refused.

The SPEAKER. The question is on the motion to recommit.

The question was taken, and the Speaker announced that the noes appeared to have it.

Mr. WINGO. Mr. Speaker, I ask for a division.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 60, noes 153.

Mr. WINGO. Mr. Speaker, I object to the vote on the ground of no quorum. I make the point of no quorum.

Mr. YOUNG. Mr. Speaker, I call for tellers.

The SPEAKER. The Chair will count. [After counting.] There are many more than a quorum present. The point of order is overruled. The "noes" have it, and the motion to recommit is rejected. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the "ayes" appeared to have it.

Mr. WINGO. Mr. Speaker, I ask for a division.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 150, noes 61.

Mr. WINGO. Mr. Speaker, I challenge the vote on the ground that there was not a quorum voting and present.

The SPEAKER. There is clearly a quorum present.

Mr. WINGO. There was not a quorum voting.

The SPEAKER. It is not necessary to have a quorum voting. A quorum is present.

Mr. WINGO. I ask for the yeas and nays.

The SPEAKER. The gentleman from Arkansas asks for the yeas and nays. Those in favor of taking this vote by the yeas and nays will rise and stand until they are counted. [After counting.] Twenty-five gentleman have arisen—not a sufficient number have arisen. The yeas and nays are refused, and the bill is passed.

Mr. COOPER of Wisconsin. Mr. Speaker, I move to reconsider the vote and lay that motion on the table.

Mr. WINGO. I object, Mr. Speaker.

The SPEAKER. The gentleman from Arkansas objects.

WAR DEPARTMENT APPROPRIATIONS.

Mr. ANTHONY. Mr. Speaker, I call up the conference report on the bill (H. R. 13793) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1924, and for other purposes.

The SPEAKER. The gentleman from Kansas calls up a conference report, which the Clerk will report.

The Clerk read the conference report.

[For conference report and statement of House conferees see House proceedings of Monday, February 10, 1923.]

Mr. ANTHONY. Mr. Speaker, the total amount of money carried by this bill as it passed the House was $333,654,000. The Senate increased the amount carried in the bill in the sum of $6,789,000. As the bill now comes back to the House from conference it carries net additions made in conference of $2,693,000, a reduction of approximately $4,000,000 from the figures placed on the bill by the Senate, so that the total of the bill as it now stands before you is $336,347,000. Of this amount the total for military purposes—that is, for the support of the Army—is $251,250,231; for nonmilitary activities of the War Department the sum is $85,096,000, making the sum total $336,347,000.

The situation which your conferees bring back to the House is that of an almost complete agreement on all the items of the bill with one exception. We feel that the result of the conference has been that liberal sums have been provided for all of the various activities. The House conferees have agreed to increases in some of the items for the training activities. We have endeavored to make ample provision for each one of them. For the information of the House I should like to state that increases have been made in some of the items for the support of the National Guard which will permit an increase in the number of horses in certain of the mounted organizations. It will also provide for an increase in the number of caretakers allowed to the different organizations.

Mr. HILL. Does the gentleman care to be interrupted at this time for a question, or shall I wait until later?

Mr. ANTHONY. I shall be glad to yield to the gentleman now or at any time.

Mr. HILL. I should like to ask the gentleman about the number of horses for the mounted units of the National Guard, which is dealt with by amendment No. 89. As I understand it, the House bill appropriated $1,250,000. I offered an amendment providing for $1,465,000, and I understand the conferees have agreed to $1,400,000, which is almost the amount asked for by the War Department.

Mr. ANTHONY. Almost the amount they have asked for.

Mr. HILL. I thank the gentleman.

Mr. CRAGO. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from Pennsylvania.

Mr. CRAGO. In the amount provided for the training of the reserve and the organization of the reserve, is that amount agreed upon sufficient to maintain their headquarters as they have been maintained for the different divisions and brigades?

Mr. ANTHONY. I will say to the gentleman that for the organized reserve the figures have been agreed upon. We find that there is an unexpended balance from the current year of $382,000. It is the plan of the War Department, so we have been informed, to expend this before the expiration of the fiscal year, so that approximately 3,800 officers may receive training in June under this unexpended balance. Under the terms of the bill the appropriation of $900,000 will train 9,000 men during the months of July and August. Under the amount which is carried for the detail of officers in the reserve to active duty it is figured that approximately 1,000 can be given details to active duty, which will be in the civilian training camps for instruction purposes, or to the service schools for the General Staff of the War Department for longer periods than 15 days.

Now in regard to the item for rent of buildings in the various cities and towns, and for clerical forces, we have appropriated $350,000 for expenses in preparation for these camps of instruction. Under the House language they are permitted to rent the necessary buildings and grounds in the work of preparing the camps. They are permitted to use all the clerical help they need for preparing for the training period under that appropriation for preparing for camps. But we found also that during the last year, without any authority in the appropriation bill or any authority of law that we could find anywhere, the department has expended a considerable sum for rent of buildings in the different cities and for hire of clerical forces where there are reserve officers in any number, and they asked us to appropriate approximately $181,000 for that purpose for the next fiscal year. Your conferees felt that as we do not appropriate any money to the National Guard for rent for the meetings of their officers between their training periods, as we appropriate no money to the Reserve Officers' Training Corps for such purposes, as we appropriate no money to the civilian training camps for meeting purposes during the winter, it would be unwise and a waste of money and a useless expenditure to allow $181,000 for the rent of offices in the big cities or the larger towns and for clerical forces for the reserve officers between the periods of their training activities.

Mr. CRAGO. The only question comes up as to how they are to maintain these organizations. They are paper organizations in a way.

Mr. ANTHONY. In my judgment there will be no trouble about maintaining their organizations. All they want to rent these buildings for is for a place to meet in between times, or perhaps for the headquarters for the Regular Army officer who is detailed on duty with the reserve. In every large city in the country, or nearly every large city, there are many National Guard armories or facilities. There are military posts, there are Government headquarters in the big cities, and offices where there is ample room to accommodate any meetings of reserve officers for consultation with the Regular Army officers who are detailed there, and in my opinion it would be absurd for us to provide money to rent separate buildings in each city for a little group of officers to meet in two or three times during the winter.

Mr. CRAGO. That is all true. I am speaking of some office where they can maintain a clerk, or some one to be in charge of the correspondence of this organization. If that can be done under the agreement that you have made I shall be satisfied.

Mr. ANTHONY. I do not see why not. For instance, take the case of the gentleman from Minnesota [Mr. NEWTON], who spoke to me a few minutes ago. He certainly has around St. Paul a number of National Guard armories, and there is Fort Snelling, where there is abundant room for the Regular Army officers detailed to the reserves to maintain an office and abundant room for these officers to meet during the winter. They should meet and they should be instructed, but there are abundant Government facilities now available, I am sure.

Mr. NEWTON of Minnesota. I hope the gentleman will correct his statement so as to refer to Minneapolis instead of St. Paul.

Mr. ANTHONY. St. Paul and Minneapolis, the Twin Cities.

Mr. HULL. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. HULL. Is it not true that if they have headquarters they will use them and they will not pay any rent?

Mr. ANTHONY. That is true.

Mr. HULL. This is only to take care of places where the present Government facilities are not sufficient to furnish headquarters for the company.

Mr. ANTHONY. I am sorry to say that there are no details furnished by the War Department as to the number of buildings they now rent or they propose to rent or the clerical force that they propose to hire for that purpose, and your committee considered that the orderly procedure would be for the War Department to ask the gentleman's committee for legislation authorizing it.

Mr. HULL. That is the reason they have put the authority in this bill. The amount of money is not in dispute. It does not increase the amount, does it?

Mr. ANTHONY. It would be an increase of $180,000 if we gave the complete Budget estimate.

Mr. MONDELL. Will the gentleman yield?

Mr. ANTHONY. Certainly.

Mr. MONDELL. Is not this true?—take the Fort Snelling case. There are quarters at Fort Snelling and facilities there, but it might occur to the War Department that it would be a little more convenient to have quarters in the Twin Cities, one or both of them, perhaps at one of the best hotels. The danger in this proposition is that if you are not a little careful you will provide for a lot of things—comfortable clubs, meeting places—all of which it would be well to have if we could provide for them properly, with due consideration to economy and other demands on the Public Treasury. The moment this authority is granted Congress has no control over it. It may be that the Military Committee in its wisdom may some time determine that this should be done. If it is so important, why has it not determined that it should be done? Why at the closing hours of a session on an appropriation bill should we be asked to legislate in regard to a matter that, to say the least of it, has many sides and presents many problems?

Mr. CRAGO. The answer to that is that they have been doing it without legislation. I think the gentleman from Minnesota is right—that wherever they have quarters provided by the Government they should be forced to use them.

Mr. MONDELL. It is a serious reflection on the War Department if the War Department without authority has been supplying these quarters. If that is true, and the department knew that it had no authority, it should have been here long ago insisting on the legislation, and not coming here at the end of the session and demanding on an appropriation bill what has not been asked for of the legislative committee.

Mr. HILL. I will say in connection with that that wherever it has been possible the War Department has availed itself of public property, but in a great many places it has been impossible. For instance, in Baltimore they have rented one small room on the outskirts of the business district for divisional headquarters for two divisions and five or more reserve regiments. These headquarters are not "luxurious clubs"; they are bare business offices, and there is kept only one clerk and one officer to take care of the records and the current work. Of course, Fort Howard might be used, but it is hard enough to get individuals to go into the Reserve Corps, and they would not go 15 miles from any city to a place like Fort Howard.

Mr. ANTHONY. Has not the National Guard armories in Baltimore?

Mr. HILL. They are all full and all used; that matter was gone over very thoroughly.

Mr. ANTHONY. Is it not true that at the meetings of these reserve officers you would not have over 40 or 50 assembled at one time?

Mr. HILL. They are not used for meeting of reserve officers. They meet at the armories.

Mr. ANTHONY. They use the headquarters for the Regular Army officer detailed with the reserve?

Mr. HILL. They use the headquarters for the reserve units, and the five or more regiments have one office. I know of one reserve regiment where the commanding officer has had no office and he has had the work of his regiment done in his own office, but there is too much of it and it is difficult to do.

Mr. ANTHONY. The reserve regiment has no enlisted men; it is all on paper.

Mr. HILL. The gentleman knows that there shall be no enlistment, except for noncommissioned officers, in the reserve regiments except in case of war.

Mr. ANTHONY. The plan of the War Department was to raise the enlisted reserve at the same time it raised the commission reserve, but the enlisted reserve was an utter failure, for it has been impossible to get the men into the regiments.

Mr. HILL. Last year I offered an amendment to appropriate $250,000 to train the enlisted men in the Reserve Corps and the House passed an amendment appropriating $100. You could not get men into the Reserve Corps unless they are to go to camp and be trained.

Mr. ANTHONY. Will the gentleman yield?

Mr. HILL. Yes.

Mr. ANTHONY. Neither the War Department nor the Budget estimate asked for a dollar for training the enlisted reserve, because we had no reserve. Yet the House put in $5,000 to train enlisted reserve thinking you might have a few.

Mr. HILL. That only applies to the noncommissioned personnel.

As I understand it, the matter of the reserve pay for the 15-day camps of instruction has been settled by the conferees on this basis: The House appropriated $900,000 and the Senate raised it to $1,100,000. I offered an amendment to make it $1,546,709. I understand, and the gentleman from Wisconsin stated in committee——

Mr. STAFFORD. What committee?

Mr. HILL. The Committee of the Whole House on the state of the Union which had this under discussion, that there is $381,000 available for training this year, and therefore it has been agreed—of course there is no chance of now voting on it—that this year for training the reserve officers there is available $1,281,000. Is that a correct statement?

Mr. ANTHONY. That is for the 15-day period. There is also $250,000 available for the reserve officers on duty for a period of more than 15 days.

Mr. NEWTON of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. NEWTON of Minnesota. Just what did the Bureau of the Budget recommend for this specific purpose which the committee originally recommended to the House in the sum of $900,000?

Mr. HILL. One million seven hundred and forty-six thousand seven hundred and nine dollars for that training, but the committee gave $200,000 on another item. The War Department asked for only $1,746,709. I think that is correct.

Mr. NEWTON of Minnesota. Did the Bureau of the Budget have in mind the $381,000 that was not expended?

Mr. ANTHONY. I do not think they knew anything about it. At least no mention was made of it until developed in our hearings. We always make the inquiry as to the unexpended balance, and to our surprise found that there was that amount of money.

Mr. NEWTON of Minnesota. So that there will be for the present season $1,381,000?

Mr. ANTHONY. There will be $1,755,000 directly appropriated in the bill, in addition to which there will be $382,000 unexpended balance, making a total of over $2,000,000 available.

Mr. NEWTON of Minnesota. How many Reserve Corps officers in the summer camps will the amount available train?

Mr. ANTHONY. The unexpended balance will permit the training of 3,800 in the month of June, before the end of the fiscal year. The $900,000 will permit the training of 9,000 for 15 days during July or August, and the $250,000 which we appropriated for longer than 15 days will permit the detailing to active duty of approximately 1,000 men, depending upon the length of the duty to which they are assigned.

Mr. MILLER. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. MILLER. I call the attention of the gentleman to Senate amendment No. 29, on page 17 of the bill, and I would like to know just what that means.

Mr. ANTHONY. The House conferees have accepted the Senate language in regard to taking care of, I think it was, 271 demoted captains who were originally commissioned largely from among the emergency officers under the act of June, 1920.

Mr. MILLER. Under the act of June 30, 1920?

Mr. ANTHONY. Yes. These men are largely of the ages of 30 years up to a high as 47 years. Under the provisions of the Army reorganization act which created a single list for promotion, much to the surprise of those who framed that legislation, these 271 officers who were commissioned to be captains were placed for promotion purposes among the first lieutenants.

Mr. MILLER. They were placed according to length or period of service.

Mr. ANTHONY. According to length of service, but undoubtedly the sound military rule in such a case is to rank a man in his grade according to his age and length of service. Otherwise, if you take a captain over 40 years of age and place him down for promotion among the young lieutenants, it means that his promotion is practically barred as far as his reaching a high rank is concerned, so that under the Senate provision before any promotions to the grade of captain are made, this will demand the promotion of these 271 older men who were originally commissioned as captains.

Mr. MILLER. The 271 men to be promoted were not to be promoted in the order in which they were demoted?

Mr. ANTHONY. No. This corrects their position on the promotion list, and in the judgment of the conferees puts them in the position where they rightfully belong.

Mr. MILLER. Does it put them in the position exactly in the inverse order in which they were demoted?

Mr. ANTHONY. I am not sure about it.

Mr. MILLER. That is the important part of it.

Mr. ANTHONY. They were all squeezed down together, and my opinion is that these men would go back to the foot of the list of captains in the order of their present standing.

Mr. MILLER. The first lieutenants were set back. Are they going to promote these 271 in the inverse order of their demotion?

Mr. HULL. Mr. Speaker, will the gentleman yield?

Mr. MILLER. Yes; I want an answer to this question. I want to know what this is doing.

Mr. ANTHONY. In my opinion they would take their positions at the foot of the list of captains after they received their promotions.

Mr. MILLER. Are they to be promoted according to age or are they to be promoted according to the period of time in the service?

Mr. ANTHONY. As I stated to the gentleman, originally they were placed down among the lieutenants in the promotion list. They were men who had been appointed captains, men of mature years, largely emergency officers, and the War Department placed them on the promotion list among the first lieutenants, submerged them, and the action of this committee will correct the injustice done them at that time.

Mr. MILLER. Here is a case: A young captain in the Army—that is, under 30 years of age—will not be promoted until all of the captains over 30 years of age are promoted.

Mr. ANTHONY. Until these 271 are promoted. The rate of promotions from first lieutenant to captain in the Army is about 227 each year, so that it would take this young captain who is at the top of the list now a year before getting his promotion.

Mr. MILLER. Suppose he is at the bottom of the list, then he will have to wait at least 8 or 10 years.

Mr. ANTHONY. Under the terms of this bill the 271 men who were formerly captains are undoubtedly preferred in their advancement.

Mr. MILLER. The old rule gave them that, and there is nothing new about it.

Mr. ANTHONY. No.

Mr. MILLER. Yes, it did.

Mr. ANTHONY. Oh, no; they are absolutely submerged among the first lieutenants. I yield to the gentleman from Iowa [Mr. HULL], who is the father of that amendment in the House.

Mr. HULL. It is unquestionably true the War Department when it came to pick a new captain would be forced under the amendment of the Senate to pick a captain from those who had been captains.

Mr. MILLER. Do they anyway?

Mr. HULL. And they will pick the one who is highest on the single list among those captains and promote them.

Mr. MILLER. On the basis of age rather than the period of time in the service?

Mr. HULL. No; as they are fixed on the single list. That would be the rule. There is no question about that. What we are trying to do by this amendment—and the amendment goes a little farther than the amendment or limitation that I placed on the bill when it was in the House—is to correct an injustice and at the same time to save money to the Government.

Mr. MILLER. Well.

Mr. HULL. Wait a minute. We have some 270 captains in the Army who were captains and by the appropriation bill were demoted.

Mr. MILLER. Two hundred and seventy-three.

Mr. HULL. Now, those men to-day are drawing the pay, subsistence, and allowance of captains. They are serving as first lieutenants. Now, what we are trying to do, and what we do do by this amendment, is to tell the War Department when they select a new captain not to select one who has not been a captain, but to pick the one who is at the top of the list and has been a captain. They will, unless you pass that amendment, be paying a lot of men for subsistence and allowance and duplicating that along for the next six or seven years.

Mr. MILLER. I understand exactly what the gentleman says and I understand exactly what he is aiming at and endeavoring to cure, but does the amendment of the Senate cure that?

Mr. HULL. Certainly.

Mr. MILLER. Let us see.

Mr. TILSON. How are they fixed on the single list? What determines their position on that list?

Mr. HULL. The length of service determines their position on the single list, and when they picked these captains they picked a lot because they had had experience and had shown great ability in the National Guard or in other ways, and they placed them in as captains. Now, on the single list they have them down below some who are first lieutenants. To be fair with the War Department, they did not expect they would be compelled to demote any, but they were compelled to demote a lot of these men, and when they were demoted from captains to first lieutenants they went down below about 400 first lieutenants on the single list, and unless you pass something like this they will remain there and be drawing the pay and subsistence of a captain and serve while a lot of first lieutenants will be promoted to be captains before they are, and thereby you will work an injustice and duplicate pay, subsistence, and allowance.

Mr. MILLER. And this will compel them to choose many of the 273 demoted captains when they reach the highest on the single list?

Mr. HULL. Certainly. I do not think there is any question about that.

Mr. MILLER. Take the case of a young officer who was overseas and appointed a captain prior to July 1, 1920, or on July 1, and he has subsequently been demoted. Now, will his status be changed?

Mr. HULL. No; his status will not change, because it is fixed by the Army reorganization act of 1920.

Mr. KELLY of Pennsylvania. Mr. Speaker, I should like to ask the gentleman from Kansas for information of the effect of the agreement on Senate amendment 69, page 55, which struck out five lines of the provision provided by the House in reference to exhibitions by the aviation section.

Mr. ANTHONY. Why, the amendment which was agreed to by the House would compel the giving of a bond to the Government as a protection against damages wherever Government fliers give exhibitions on privately owned flying fields. It does not, however, interfere with the giving of exhibition flights on Government fields.

Mr. KELLY of Pennsylvania. Where Army races are held by flying from one point to another, would it prevent their going into those races?

Mr. ANTHONY. It would not prevent such races if they race from a Government flying field, as, for instance, if they should start from Bolling Field and fly to another Government flying field, it would not interfere with such race. It is only on privately owned ground that it is necessary for the managers of that affair to indemnify the Government against possible damage.

Mr. KINCHELOE. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. KINCHELOE. I notice that the river and harbor item of $56,589,910 was retained by the Senate. That is not in conference?

Mr. ANTHONY. No.

Mr. KINCHELOE. I noticed in the Washington papers a statement purporting to come from the White House that if this provision stayed in the bill, notwithstanding the act of Congress, that the President would see to it that this amount was not expended, and I was wondering if the gentleman had any information whether that article appearing in the paper was true or false.

Mr. ANTHONY. I am unable to supply the gentleman with any information except that it is my belief that if the House will agree to the solution that the conferees will offer this afternoon this bill will be a law in a few days.

Mr. KINCHELOE. There will not be any effort to cut out of this bill the river and harbor act?

Mr. ANTHONY. No.

Mr. KINCHELOE. The paper stated that notwithstanding it should become a law with the signature of the President, he, as Commander in Chief of the Army and Navy, was going to see to it that this amount was not expended, and that no amount exceeding that recommended by the Budget would be expended.

Mr. ANTHONY. I do not think there was any authentic statement to that effect.

Mr. KINCHELOE. It was in the paper that is recognized as the exponent of the administration. I was wondering whether or not the gentleman had any accurate information on the subject.

Mr. HILL. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. HILL. I wish to call the gentleman's attention to Senate amendment No. 16, which was agreed upon, in reference to the Officers' Training Corps, providing for 15 days' pay, where $900,000 is carried for that purpose. The chairman stated that there was $381,000 available for training this year, making a total of $1,281,000. How many reserve officers would that pay for 15 days?

Mr. ANTHONY. The approximate cost of training a reserve officer for 15 days is about $100; so that the gentleman will notice that the amount he names, $900,000, appropriated for the 15-day period, will train 9,000 men. The money in this bill, with the unexpended balance of this year, would certainly take care of 13,000 reserve officers during this year. Considering the fact that only 4,500 were trained in the camps last year, this is a very substantial increase.

Mr. HILL. It is a question of whether $106 will be necessary. That would take care of 11,000 officers for a 15-day period, would it not?

Mr. ANTHONY. Yes.

Mr. Speaker, I move the previous question on the adoption of the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first Senate amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 18: Page 10, line 8, after the word "mileage," strike out "$250,000" and insert "$275,000: *Provided*, That the mileage allowance to members of the Officers' Reserve Corps when called into active service for training for 15 days or less shall not exceed 4 cents per mile: *Provided further*, That the laws providing for land-grant deductions shall not apply to travel at 4 cents per mile here-

tofore performed by members of the Officers' Reserve Corps under the War Department appropriation act for the fiscal year 1923, approved June 30, 1922."

Mr. ANTHONY. Mr. Speaker, I move to recede and concur with an amendment, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Kansas moves to recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. ANTHONY moves to recede and concur with an amendment, as follows: In lieu of the sum proposed in said amendment insert "$250,000."

The SPEAKER. The question is on agreeing to the motion of the gentleman from Kansas.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Senate amendment No. 21: Page 10, line 19, after the word "For," insert "divisional and regimental headquarters and the."

Mr. ANTHONY. Mr. Speaker, I move to further insist on the disagreement of the House to the Senate amendment.

The SPEAKER. The gentleman from Kansas moves that the House further insist.

Mr. SISSON. Mr. Speaker, No. 19 is a total. I suppose that has been corrected?

Mr. STAFFORD. Yes; that is a total, and has already been included in the conference report.

Mr. McKENZIE. Mr. Speaker, I offer a preferential motion as to amendment No. 21, that the House recede and concur.

The SPEAKER. The gentleman from Illinois offers a preferential motion that the House recede and concur.

Mr. McKENZIE. And on that I would like to be heard for a moment.

Mr. ANTHONY. Mr. Speaker, I ask for a division of the question.

The SPEAKER. The gentleman from Kansas asks for a division of the question. Does the gentleman from Kansas yield to the gentleman from Illinois?

Mr. ANTHONY. How much time does the gentleman desire?

Mr. McKENZIE. Five minutes.

Mr. ANTHONY. I will yield to the gentleman five minutes, and more later if he desires.

Mr. McKENZIE. Mr. Speaker and gentlemen of the House, I feel that after making this motion I ought to say a few words in explanation of the motion. I want to say to you gentlemen, and you are perhaps familiar with what I shall have to say, that in 1920, when the Committee on Military Affairs of the House undertook the reorganization of the Military Establishment, we provided that the Military Establishment of the United States should be composed of three elements, namely, the Regular Army, the National Guard federalized, and the Organized Reserves. The National Guard, as you understand, is a State force. The State furnishes the armory; the State takes care of them, so far as the State service is concerned. However, under the law passed in 1920 we make the National Guard a part of the first line of defense in our Military Establishment by having it made possible to draft them into the service in time of emergency, and we furthermore pay to the officers of the National Guard and to the enlisted men for drill a small amount out of the Federal Treasury. The third element, the Organized Reserves, which now contains about 70,000 officers, a great many of them World War veterans. And, after all, the great element upon which we must depend always when we get into war is the reserves, who receive no compensation from the Government except their pay when called out for drill and training purposes.

Now, the law further provided that the President should have the power and the right to organize the reserves into tactical units and provide officers for them in the various areas, so that in case war should come the Regular Army, small as it is, backed up with the National Guard of the various States, and then united with the Organized Reserves, would complete the Army of the United States. Under that law these 70,000 men took out their commissions to serve the Government of the United States. All over the country they are trying to build up units, such as companies, regiments, and divisions, and getting men into these various divisions, regiments, and companies, so that in case war comes they can be called out in organizations and immediately begin to function.

In my judgment, it is a wise law. And let me say a word to my friends here in Congress who fought so strenuously on the question of the size of the Regular Army. I am one of those who have not favored a large standing Army, but I want a fairly decent-sized Regular Army. The House has seen fit to cut it down to the minimum. With that I am now in full accord. But the gentlemen who cut it down said, "We have the National Guard and we have the reserve." Now, for God's sake, gentlemen, do not undertake to cripple the National Guard or the Organized Reserves. When we passed this law to which I have referred we had the alternative of compulsory universal military training in this country, carrying with it thousands and thousands of officers, or the plan which we have adopted. The gentleman from Kansas [Mr. ANTHONY] served with me on that committee on which we worked months in writing this law as an alternative against compulsory universal military training in this country. I think the wisdom of our course at that time has been borne out.

Now, what is the proposition here? These men who voluntarily give their services, who take time away from their business, who take pride in this organization for the defense of our country—what are they asking in this bill? They are asking that the people of the United States give them a little money so that they may have headquarters in the cities or towns in which their regiments or divisions are organized. Are these men entitled to that much consideration? Shall we now be so parsimonious, after cutting down the Regular Army, after holding the National Guard in check, as to say that these 70,000 men who are engaged in building up an organization for the defense of our country shall not be entitled to have a little rent money to have a headquarters where they can write to their fellow officers and call them in to hear a lecture occasionally? I hope, gentlemen, for the sake of expediting this bill in the interest of national defense, in justice to those men who are willing to give their services to our country, this House will concur in this Senate amendment and write into the law the language which shall be so plain that they shall have the right to expend whatever amount is appropriated for this purpose, and not be compelled, as the gentleman from Kansas [Mr. ANTHONY] said they did last year, to take a little money from the appropriation for barracks and quarters. They took a little money from the appropriation for general supplies and paid some rentals here and there at the different headquarters in the country. Remember this, my good friend from Kansas, that the reserves are a part of the Federal force of this country and not the National Guard, and that they are entitled to be supported out of appropriations made for the Regular Establishment.

In my judgment it was no violation of good faith for the officers in the Regular Army to say as they did, "We are not the whole thing." You men who have called the Regular Army the domineering force in this country have rebuked them for undertaking, as you said, to assume certain authority. Now, when they undertake to help the reserves of the country, do not get up here and criticize them and say they have committed a crime.

Mr. JOHNSON of South Dakota. Will the gentleman yield?

Mr. McKENZIE. I yield to the gentleman from South Dakota.

Mr. JOHNSON of South Dakota. As a matter of fact, at corps headquarters and a good many other Army headquarters there would be no additional expense at all.

Mr. McKENZIE. Not at all.

Mr. JOHNSON of South Dakota. There would be no additional appropriation whatever.

Mr. McKENZIE. That is true.

Mr. JOHNSON of South Dakota. And this is simply to enable these men who are giving their time and services to have a little place where they can convey information back and forth to each other.

Mr. McKENZIE. Absolutely.

Mr. JOHNSON of South Dakota. How many of these headquarters would there be in the United States?

Mr. McKENZIE. That would be pretty hard to tell.

Mr. STAFFORD. Three hundred and fifty.

Mr. JOHNSON of South Dakota. Does the gentleman mean to say that there are 350 regimental headquarters?

Mr. STAFFORD. In the conference it was stated that at present there are 350 Regular Army officers distributed about the country for these social and functional headquarters.

Mr. JOHNSON of South Dakota. It would be absolutely impossible to have that number of headquarters, would it not?

Mr. McKENZIE. I think so.

Mr. STAFFORD. That is the testimony, that there are 350 Army officers assigned to these divisional and regimental headquarters.

Mr. McKENZIE. That does not mean that many headquarters. Now, gentlemen, we control the purse strings, and we can limit the amount of the appropriation. The only question is how this money shall be expended. The amount is not involved, but simply the question how it shall be expended.

Mr. ANTHONY. I yield 10 minutes to the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. Mr. Speaker, the last remark made by my friend from Illinois [Mr. MCKENZIE] is one that we may well consider, and that is that Congress is called upon in this amendment to control the appropriation. That is what we want Congress to be in a position always to do. So far as the amount of money carried in this item is concerned, the Senate conferees and those who want this language would not only take half, would not only take a third, but they would take a quarter. In fact, they will take any amount that we will name if we give them this language.

Mr. TILSON. What does that indicate? Does it not indicate that they think it is of very vital importance?

Mr. SISSON. In other words, every man who believes in Prussianizing this country wants an item like this, in my judgment. I stated to the conferees, and I do not mind stating to you, that if I knew this plan would not succeed I would not care about the amount of money; but the trouble is I am afraid it may succeed. They propose as a beginning to establish 491 of these regimental and divisional headquarters, 42 of which shall be divisional headquarters and the remainder shall be regimental headquarters, and that in each of these headquarters there shall be at least one Army officer. The most significant thing is that there is no limit on the number of these regiments that may be organized. Now, when you shall legalize the establishment of these offices and place in each of them an Army officer in every district, there will be more than one to every congressional district. It is to be his duty and his business to secure all the membership and to increase the membership of this particular branch of the service as much as he possibly can.

If you invite the boys to these 15-day training camps and have a real good officer in charge, you will not simply have one to every congressional district, but it is possible to have 2,000 of these regimental headquarters, one to each regiment. If you wish to do that you may have 3,000,000 boys in these 15-day training camps. Where are you going to? They estimate now that the expense per man is $100 plus the mileage to these places. If you put an officer in each congressional district advocating this particular plan, get the boys together to frolic 15 days in the year, it will cost you not less than $350,000,000—$300,000,000 for the 15 days training and $50,000,000 to pay for the mileage. But the whole purpose is more than the merely training of the men. If you can get the regimental headquarters established in almost every neighborhood, with the preachment that they want 15 days of training of your boys and mine, you will have built up a sentiment encouraging militarism which, in my judgment, has not been equaled in Prussia. It is true that Prussia's was compulsory, but this is more. It is getting the nose under the tent, and your conferees were not quarreling about the payment of the money; they were quarreling about the principle.

I am not going to criticize how this money is to be expended, because all you gentlemen who vote at this eleventh hour to amend the law—and this is an amendment on an appropriation bill. I urged upon the Senators this law, that conferees always agree to, that the House or body that violates the rule and puts legislation on an appropriation bill, where the conferees in conference vigorously insist, it has always been the rule that the offending House shall recede. They admitted that that was the rule, but insisted that this matter should come back to the House. In other words, they put this down as one of the most important items in the bill. Why? For the reason that they see the picture that I have outlined. That being true, I can not give my consent to this radical departure in America for this un-American system.

Let me say that I have frequently lauded the honesty and integrity of the Army and Navy officers. I do now. But they are ambitious; they are controlled, like other human beings, by their ambition to the extent that other men are in other walks in life. These gentlemen employed by the Government are anxious to extend their influence and control, and they have hit upon a method which means that you gentlemen in two or three years will be absolutely helpless to control the situation, because they will control every congressional district in the United States. The gentleman from Illinois [Mr. MCKENZIE] says, Have not we the right to control the purse strings? We have. But if this system succeeds you will be unable when the Army and the Navy shall agree on the amount of money that shall be expended. I am not willing, directly or indirectly, to give my support to a proposition of this kind. The conferees could agree on all other items except this one item, but your conferees feel that this is not the way to do this. If the gentleman from Illinois and his committee think so much of this proposition, why do not they take it up in a legislative bill and have it properly considered and with proper limitations put upon it? By all the rules of conference, by all the rules of legislation, in a matter of so great importance, it ought not to be put on a bill in the closing hours of a session. By the rules of both Houses it can not be properly put on this appropriation bill. Let the matter go over until December; let the Military Affairs Committee take it up, give it proper consideration, before you take this radical departure and license by law this vast expenditure of money. [Applause.] Mr. Speaker, I reserve the balance of my time.

Mr. ANTHONY. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. NEWTON].

Mr. NEWTON of Minnesota. Mr. Speaker, my good friend from Mississippi [Mr. SISSON] never is more eloquent than when he talks upon his favorite topic, the dangers of militarism and the Prussianizing of our country. For myself I have altogether too high an opinion of the American people to believe that they are in danger of being Prussianized through either a Regular Army, an Organized Reserve, or any other military force.

The gentleman from Kansas [Mr. ANTHONY] seeks to strike out from the Army appropriation bill the provision for the maintenance of regimental and divisional headquarters. What is our attitude four years after the ending of the Great War regarding this question of military preparedness against war? The gentleman's proposition goes to the very heart of the whole business. Is history to repeat itself? Are we, following this war, to lapse back into a policy of military unpreparedness as we have done before? We have only to read history to see that after achieving our independence we immediately forgot that that independence was achieved by our ability to fight for it. We forgot that that independence could only be maintained unless we were willing to spend sufficient moneys to prepare ourselves against any nation's attempt to take it away from us. We practically disbanded our Army and scuttled our Navy.

Then came the War of 1812. We were so unprepared for it upon land that the armed forces of our enemy landed upon our coasts, burned our cities, and even burned our own Capitol. Finally, with the help of a Navy that had been trained in the naval war with France and with the Barbary pirates, we managed to muddle through.

The Mexican War was but little tax upon our resources, either military or otherwise.

Then came the War of the Rebellion. There is no question but what this great civil conflict between the North and the South could have been averted if the statesmen of that day had looked far enough ahead and prepared for it by an adequate military policy. They did not do so. As a result, we are still owing for debts contracted during that war of 60 years ago.

Immediately following the close of that war we disbanded our armies, forgot all about the question of national defense, retaining only a sufficient force to now and then fight the Indians. Military preparedness against war was given practically no consideration from the close of the Civil War until just before the beginning of our next war, the war with Spain in 1898. As a result, that war found us with an army of some 25,000 well-drilled men but practically no trained citizen army of either officers or men.

That taught us a lesson in reference to the necessities of an effective and efficient navy, but very little in reference to the necessity of the maintenance of an adequate policy in reference to our Army.

Then came the Great War. We had advance notice of it so far as our own entry was concerned of two and a half years. Yet we did not anywhere near adequately prepare for it. It was practically a year or more following our entry before our troops were really engaged with the enemy.

During all of this time there have been men who have stood up and told the country of the dangers of not having a military policy. These men have been called militarists, but if the country had followed the counsels given by some of these men we would not have the debt to pay that we have to-day.

With all of this in mind, in 1920, following the Great War, Congress passed the Army reorganization act which materially amended the national-defense act. By this bit of legislation Congress laid down for the first time a real policy of preparedness against war. It was my privilege, as it was the privilege of many in this House, to have participated in the consideration of that great measure; and I for one am not going to stand here to-day and undo or permit others to undo without a protest the work that was there accomplished.

Among other things, it provided for an Army composed of Regulars, the National Guard, and the Organized Reserves. Bear in mind that each and every one of these units were made

part and parcel of the Army itself. The country was divided into corps areas. In each area will be found one or more of these reserve divisions. The divisions in turn are divided up into regimental and other units. These different units from the division down are being built up with a full war-strength complement of reserve officers and a small number of noncommissioned officers. In a division will be found a skeleton organization of officers from the divisional commander down to the company officers. As I understand it, in the event of war it will be the mission of these reserve divisions to rapidly absorb and train the men who will be assigned to them either by draft or otherwise.

For instruction purposes and for the maintenance of a headquarters one or more Regular officers are assigned to these divisional and regimental units. In a way it is a paper organization. An Army division is not a real divison for all purposes, of course, until it has its complement of enlisted men. But in another sense it is not a paper organization at all. These skeleton organizations with a full complement of officers are supposed to function immediately following the outbreak of a war. They can not do so if headquarters are not maintained and if they have not some means of getting together and keep in touch with one another. It is obvious, then, that these regimental and divisional headquarters should be maintained. Sometimes these headquarters cost the Government nothing, for they can be located in public buildings or on Government reservations. That can not be done, however, with all of the units. For example, the Eighty-eighth Reserve Division is spread over the States of Iowa, Minnesota, and North Dakota. The headquarters are in Minneapolis. There is no available space in Minneapolis where these headquarters can be located. The Government has had to rent space itself. Let me say that the public spirit of these reserve officers of the Eighty-eighth Division was such that from September, 1921, until May of 1922 they paid the office rent themselves. Yet we hear talks of Prussianizing the country by reason of commissioning and encouraging men of that sort! They desire to do all in their power to so keep prepared that this country will never get into another war. We ought to help them.

If the motion of the gentleman from Kansas [Mr. ANTHONY] prevails, we strike out this provision. It ought to stay in. You can not have an organized reserve without an organization. This takes offices and a headquarters. What do they do? Some of the gentlemen who have spoken apparently have very little idea of what these headquarters are for and what is accomplished by maintaining them. Let me take the Eighty-eighth Division, for example. The office quarters are extremely modest; the monthly rental is small; the staff of regulars is comprised of some five or six Regular officers. Their first task was to compile a correct list of addresses of the three to four thousand reserve officers residing in the States of Iowa, Minnesota, and North Dakota. In addition I find that by getting together and working together they have induced some 200 veteran officers of the late war to accept commissions in the Officers' Reserve Corps. In further addition to this there is conducted from divisional headquarters a correspondence course which is being taken by some 600 officers in the divisions located throughout the whole divisional area.

These men in the Reserve Corps are young men. Many of them change their homes and places of business. If headquarters were not maintained it would be no time before the present lists would become obsolete and of no account. Furthermore, these headquarters are in themselves sources of information on all matters pertaining to military affairs. They bring the regular into intimate touch and contact with the reserve officer and with the civilian population. This is good for the regular, and it likewise should be the means of acquainting the people generally more intimately with the affairs of the Regular Army.

But why take up the time to outline or attempt to detail the uses to which these headquarters are put? You simply can not have an organization, skeleton or otherwise, without a headquarters and a headquarters staff. You were asked to eliminate them. If we are not careful we will soon be in a position where we might as well strike out the Officers' Reserve Corps from the national defense act.

Mr. STAFFORD. Will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. STAFFORD. Does the gentleman give any value to the eleven and twelve thousand reserve officers training in small communities to keep the organization intact and being instructed by the Army officers in Army maneuvers?

Mr. NEWTON of Minnesota. Yes; I give full value to that, but you only propose to get them there for 15 days——

Mr. STAFFORD. The hearings state that they only propose to have one-third of the entire number every three years, and we are giving them more than that.

Mr. NEWTON of Minnesota. But you only get them to go every third year?

Mr. STAFFORD. We are doing more than that.

Mr. NEWTON of Minnesota. The suggestion has been made that the Eighty-eighth Divisional Headquarters should be at Fort Snelling. Fort Snelling is 8 miles away from the center of the city. You can not get busy men to travel out of the city for any such purpose. You ought not ask it. Our opponents say: Go to the armories. The armories of every State are maintained by the State organizations for National Guard purposes, and the Government has no control over them. In my own city the Government exercises no control over them.

Mr. STAFFORD. The National Government has a representative of the National Army there.

Mr. NEWTON of Minnesota. Yes; but the National Government can not say that we can have this room or that room, and the gentleman from Wisconsin knows that they have no control over the armories there. Then, there is no room. Now, under the pretext of saving $350,000 the conferees come here and ask us to strike out the maintenance of the regimental or divisional headquarters, and to go back, if you will, to the days before the war, when we had nothing like a reserve force at all. Gentlemen, this is the first step toward eliminating the Organized Reserve in our Army system. I for one shall be no willing party to letting this country again lapse into the condition in which it has been before regarding national defense.

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Tennessee makes the point of order that there is no quorum present. It is evident that there is not.

Mr. ANTHONY. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ansorge	Ellis	Langley	Rossdale
Arentz	Fairchild	Layton	Rucker
Atkeson	Fairfield	Lee, N. Y.	Ryan
Barkley	Free	Luhring	Sanders, N. Y.
Bixler	French	Lyon	Scott, Mich.
Blakeney	Funk	McClintic	Shelton
Bond	Garner	McFadden	Sinnott
Bowers	Garrett, Tex.	Martin	Slemp
Brennan	Glynn	Michaelson	Smith, Mich.
Britten	Goldsborough	Mills	Snell
Brooks, Ill.	Gorman	Moore, Ohio	Stephens
Brooks, Pa.	Gould	Morin	Stiness
Brown, Tenn.	Graham, Pa.	Mudd	Stoll
Browne, Wis.	Hays	Newton, Mo.	Sullivan
Burke	Himes	Nolan	Sweet
Burton	Huck	O'Brien	Tague
Cable	Hukriede	Olpp	Taylor, Ark.
Cantrill	Hutchinson	Overstreet	Taylor, Colo.
Carew	Jefferis, Nebr.	Park, Ga.	Taylor, N. J.
Carter	Johnson, Ky.	Parker, N. Y.	Thomas
Chandler, N. Y.	Johnson, Miss.	Patterson, Mo.	Thorpe
Chandler, Okla.	Jones, Pa.	Patterson, N. J.	Timberlake
Clark, Fla.	Kahn	Paul	Tucker
Classon	Keller	Perkins	Upshaw
Codd	Kelly, Pa.	Perlman	Vestal
Connolly, Pa.	Kennedy	Petersen	Voigt
Copley	Kindred	Pringey	Volk
Crowther	King	Rainey, Ala.	Volstead
Davis, Minn.	Kirkpatrick	Reber	Ward, N. C.
Drane	Kitchin	Rhodes	Wheeler
Dunn	Kleczka	Riordan	Woodyard
Dyer	Knight	Rodenberg	Young
Echols	Kraus	Rogers	Zihlman
Edmonds	Kunz	Rose	

The SPEAKER. Two hundred and ninety-five Members have answered to their names, a quorum.

Mr. ANTHONY. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

Mr. ANTHONY. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, the amendment which is pending before the House, and which the House conferees oppose, proposed to appropriate $494,000 to maintain headquarters throughout the United States.

Mr. SWING rose.

Mr. MADDEN. I do not yield.

Mr. HILL. It is $350,000.

Mr. MADDEN. I do not yield. It was $494,000.

Mr. ANTHONY. That is what the War Department wants.

Mr. MADDEN. I shall come to the explanation of it. I am making this speech. Four hundred and ninety-four thousand

dollars was asked to maintain headquarters for the Reserve Officers' Corps throughout the United States, to pay rent, to pay men, to keep up 491 headquarters, divisional and regimental—42 of which are divisional. They will have headquarters in larger number if this amendment of the Senate is voted into the bill than the Regular Army and the National Guard combined. They have no men to command. The only thing there is for them to do is to take training when they are called out; and it is proposed by the Senate amendment to establish headquarters to assemble the men for annual drill and to maintain these headquarters for that purpose. One hundred and eighty-one thousand dollars of the $494,000 asked, which has been cut to $350,000, was expended by the War Department this year without any authority of law, in violation of law, without rime, reason, or justice, without legal authority; and if the $350,000 that I alluded to should be appropriated, the $181,000 would be paid from that.

What do we propose? We propose that there shall be no such headquarters. We propose to drill these men, and we have provided for the training of about 11,000 of them in the coming year. We are training 110,000 men to make them into reserve officers through the colleges of the United States. We are providing for a National Guard of 250,000 men. We are providing for an Army of 137,000 men, including the officers, but we are opposed to the imposition of this additional burden on the taxpayers of the country for which there will be no return received. Three hundred and fifty thousand dollars is not the measure of the amount that we will be called upon to pay if this be once established. These headquarters will become permanent fixtures, and they will be filled to overflowing with men on the Government pay roll, and no man can venture to predict what the aggregate annual cost will be.

Now I am as much for an efficient Army as any man in America. I yield to no man in my patriotic desire to see American interests protected, not even to the most enthusiastic reserve officer who ever wore the uniform. I am for America, and in doing for America I believe we ought to serve the interests of those who pay the taxes [applause] while we are doing the other things. I wonder if the taxpayers have no rights here. Has the time come when we are willing to say they have none? Are we willing to continue imposing untold burdens upon the people of America in order that we may be able to yield to the fancy of men who believe it is necessary to add more employees to the Government pay roll? That is what it means. The responsibility is on you. You are going to decide this question. You will determine the outcome and when you determine it do not forget that there is somebody somewhere in the coal mines, on the farms, on the railroads, in the sewers creating better sanitary conditions for us all, who must pay the burdens. Now, men, think occasionally of those who have no Government pay roll to draw from and consider that the Government expenses are already too high and overburdensome. [Applause.] And if you do, you will stand by the Committee on Appropriations and further disagree to the Senate amendment which proposes this abnormal and unnecessary expense on the Treasury. [Applause.]

Mr. ANTHONY. Mr. Speaker, it is my purpose to yield to two more talks on this question. Does the gentleman from Maryland desire time? If so, I will yield him five minutes.

Mr. HILL. Mr. Speaker and gentlemen of the House, the national defense act provides as follows:

> That the Army of the United States shall consist of the Regular Army, the National Guard while in the service of the United States, and the Organized Reserves, including the Officers' Reserve Corps and the Enlisted Reserve Corps.

Section 3 provides:

> The organized peace establishment, including the Regular Army, the National Guard, and the Organized Reserves, shall include all of those divisions and other military organizations necessary to form the basis for a complete and immediate mobilization for the national defense in the event of a national emergency declared by Congress. The Army shall at all times be organized, so far as practicable, into brigades, divisions, and army corps, and whenever the President may deem it expedient, into armies.

By that act, which the Congress of the United States very wisely passed and which at the present time is on its test, you provided that the reserves should be the third and main line of defense, and necessarily provided that in time of peace they should be organized into definite tactical units.

Under the authority you have given for the creation in time of peace of tactical units, which took you months to create in the recent emergency, there have been created in this country by the War Department and are now being perfected and created 27 Infantry divisions, 6 Cavalry divisions, 108 Infantry regiments, 54 Artillery regiments, 24 Cavalry regiments, 9 nondivisional headquarters, and other units, amounting to 449 in all. You have provided that they shall have only skeleton organizations of officers, and it is provided by the War Department that there shall be noncommissioned officers when a certain number of commissioned officers are enrolled.

It is absolutely certain that where public headquarters are not available, as they are not in many places, there must be a room where the Regular officer and his clerk, who has charge of the records, training, and organization of these units, can perform his duties. I will say that I know of one room in which 10 of these 449 units are administered by one Army officer, who is executive officer and instructor for all of them, and has one clerk. Wherever it is possible armories are used, but it is not possible in many cases to use such existing facilities. These rooms are not intended to be "social headquarters," as one gentleman called them. Gentlemen, the difficulty of getting officers to come into the Reserve Corps is extraordinarily great.

I can expect the opposition of Members of this House who are opposed to the national defense act, who are opposed to the reserve system, and take the point of view which was just presented by the gentleman from Mississippi [Mr. SISSON]. I am not discussing that point of view, but apparently he is against the theory of a reserve organization, because he stated it tended to militarism.

I do not take that view. If you take that view, you will vote with Mr. SISSON to cripple the reserve system by taking away these headquarters. They carry on the correspondence courses and other instruction there, and it is a marvel to me, gentlemen of the House, that you are able to get any men who will go into the Reserve Corps. It is a very difficult thing to recruit. There is no attraction for a reserve officer to go to a sand dump like Camp Meade and spend 15 days in the middle of the summer in the hot sun when he would like to go off on a pleasant vacation elsewhere.

But in regard to this particular item, we are not asking the Government for one more penny for the national defense. The amount of this paragraph is $350,000, and you are not asked by this motion to increase the amount, only a part of which is for headquarters, and I say this House can take care of itself in the future in regard to any amount asked.

What you are asked for at the present time is to permit the War Department, which stands for your safety in the case of any emergency, to organize now efficient units which may be called on and into which your enlisted men may be poured in time of war, with efficient officers to lead and care for them. I hope that you will vote for this motion and give this authority to the War Department, if it does not possess it now. [Applause.]

The SPEAKER. The time of the gentleman from Maryland has expired.

Mr. ANTHONY. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. FIELDS].

The SPEAKER. The gentleman from Kentucky is recognized for five minutes.

Mr. FIELDS. Mr. Speaker, I find by talking with Members that gentlemen who have discussed this proposition so far have failed to make clear the point in controversy to some Members who have not studied it in detail. The provision as it passed the House reads as follows:

> For establishment and maintenance of camps for training Organized Reserves, including transportation, operation of motor cars, water and disposal of sewage, preparation of camp sites, and incidental expenses, $350,000.

Now, that is the provision as it passed the House and as it will stand if the Senate amendment is not agreed to, thereby providing $350,000 for training. The Senate added the words "divisional and regimental headquarters." So that the provision would read:

> For divisional and regimental headquarters and the establishment and maintenance of camps for training of the Organized Reserve, including transportation, operation of motor cars, water and disposal of sewage, preparation of camp sites, and incidental expenses, $494,400.

So the controversy here is over the words "divisional and regimental headquarters," and the question is whether we want to provide for these permanent divisional and regimental headquarters. The training is provided for, whether the Senate amendment is agreed to or not; so that the question that is before the House now is not the question of the training, or whether or not the training of the reserves is to be effective, but is solely the question of whether we are to provide for the maintenance of permanent headquarters throughout the country.

I do not believe that it is necessary. I do not believe that the House should agree to it. If it is necessary, it should be approached in an orderly way, brought in by the committee having jurisdiction, and every phase of it considered.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. FIELDS. Yes.

Mr. STAFFORD. The gentleman is aware, and the House is aware, that this proposal means very shortly the establishment of 491 offices throughout the country, to which a Regular Army officer is to be assigned, 491.

Mr. FIELDS. Four hundred and ninety-one permanent headquarters throughout the country. I do not believe that the military exigencies are such as to warrant the establishment of a system of that kind. I do not believe that it is necessary. I do not believe that the condition of the Treasury warrants it, and I think the Senate amendment should be disagreed to.

Mr. McKENZIE. Mr. Speaker, will the gentleman yield?

Mr. FIELDS. Yes; I yield to the gentleman.

Mr. McKENZIE. I am sure that my colleague from Kentucky does not mean to concede the statement of the gentleman from Wisconsin [Mr. STAFFORD] that there would be a Regular Army officer detailed to every one of these four hundred and some odd headquarters? You do not mean to concede that, do you?

Mr. FIELDS. I do not know that I caught that part of his statement, but I do say that it would result in the establishment of 491 permanent headquarters to be maintained at Federal expense, and I am opposed to it.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield further?

Mr. FIELDS. Yes.

Mr. STAFFORD. At the present time there are 350 Regular Army officers assigned to these divisional headquarters.

Mr. SNYDER. Without pay.

Mr. STAFFORD. They are Regular Army officers. That is the testimony produced before the conference committee.

Mr. FIELDS. Of course, they all get pay, and if we need more regular officers to maintain those headquarters they would be assigned.

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. FIELDS. Will the gentleman from Kansas give me some more time?

Mr. ANTHONY. I yield to the gentleman two minutes more.

Mr. McKENZIE. Mr. Speaker, will the gentleman yield?

Mr. FIELDS. Yes.

Mr. McKENZIE. The gentleman undoubtedly understands that the law as written in the House provided for the establishment of camps, and it is not necessary, as I am informed, to expend over $50,000 for that purpose. Therefore, the other money would be returned to the Treasury, and, as a matter of fact, if you are going to cut this Senate amendment out, this appropriation could be reduced to about $50,000.

Mr. FIELDS. My friend, the acting chairman of the Committee on Military Affairs, knows that when Congress provides a certain amount for the maintenance of permanent regimental headquarters throughout the country that amount will be expended for the maintenance of such permanent regimental headquarters.

Mr. LINTHICUM. Mr. Speaker, will the gentleman yield?

Mr. FIELDS. Yes.

Mr. LINTHICUM. As I understand the gentleman, whether this amendment is adopted or not, it does not affect the amount of the appropriation in the bill?

Mr. FIELDS. It does not affect the amount for training. It does affect the amount of $144,400 for the maintenance of permanent divisional and regimental headquarters. That is the question at issue here.

Mr. LINTHICUM. It increases it by $104,000.

Mr. FIELDS. If the amendment prevails, it will increase the amount appropriated $144,400.

Mr. VAILE. The gentleman is talking about amendment 22.

Mr. LINTHICUM. And the Government expended, legally or otherwise, $106,000 for that purpose in the last year.

Mr. FIELDS. The maintenance of these divisional and regimental headquarters is not necessary, and amendment 21 makes amendment 22 necessary.

Mr. VAILE. The maintenance of these divisional and regimental headquarters does not increase the appropriation one penny, does it?

Mr. FIELDS. I have never seen anything maintained in connection with the Military Establishment that did not cost the taxpayers of this country money. [Applause.]

Mr. VAILE. It is not in this bill.

The SPEAKER. The time of the gentleman from Kentucky has again expired.

Mr. ANTHONY. Mr. Speaker, before asking for a vote on the pending amendment, I think the House ought to understand that the attitude of the conferees is entirely friendly to the idea of affording the reserve officers every reasonable dollar they need for an adequate amount of training.

It is an entirely new undertaking. For the first time last year we gave the officers of the reserve any field training at all. In this bill we are providing that three times as many reserve officers shall be trained this calendar year as were trained in the last calendar year. The only point of difference now between the House and the Senate and pending before you is a thing which of itself is really insignificant and not of such magnitude that it deserves the time that has been given to it in the discussion here.

Mr. STAFFORD. Will the gentleman yield to allow me to confirm the statement I made as to whether or not it was planned to have an Army officer at each one of these regimental and division headquarters?

Mr. ANTHONY. It is planned to have 350 Regular Army officers detailed to these different reserve headquarters and probably more during the next fiscal year, all of whom will be under the full pay of their rank and grade.

Mr. STAFFORD. Will the gentleman yield to allow me to read from the hearings? My statement was challenged by the gentleman from New York [Mr. SNYDER]. I said my statement was confirmed by the record of the hearings. I now wish to read the testimony of Colonel Dickinson, who is sitting in the gallery, who testified as to this matter—

> Now, it is planned by the War Department ultimately to detail one officer of the Regular Army with each organized reserve regiment and a certain number at each reserve division headquarters.

Mr. SNYDER. What I had in mind was what exists to-day.

Mr. STAFFORD. Three hundred and fifty of them exist to-day, according to the statement given us in the hearing.

Mr. SNYDER. Not at each headquarters by any means.

Mr. ANTHONY. Several gentlemen have grown eloquent on the proposition now before us; but, my friends, there is a practical proposition involved. If we permit this amendment to be made and this new language to be placed on the statute books, giving authority for the rental of reserve offices in all the cities of the country, if we give them wide-open authority to hire all the clerks they want for these headquarters, it is liable to grow into an item of expense that will stagger this House. There is practically no limit to the number of organizations that may be proposed in this paper reserve that is being created. If you organize all the man power in this country into paper regiments and appoint reserve officers as colonels of those regiments, and rent headquarters in every town and city for every one of those regiments that exist only on paper, and give them clerical forces, it will not be only $181,000 that the War Department will be asking you for, but it will be two or three million dollars in a few years.

Now, with regard to the Organized Reserves, we have 70,000 officers in the reserve. They are men who, most of them, were trained in the World War; men having the ability and the training and the military knowledge to take and exercise high command if again this country is confronted with the emergency of war. We propose to afford them adequate field training from year to year, and to increase the amount as the Regular Army is able to take care of the training. But if we permit this paper organization of an enlisted reserve corps, if we permit the creation of regiments which exist in name only, with not an enlisted man in any of them but just the officers assigned to duty, and to these imaginary regiments grant headquarters and the rent of buildings in cities, giving them clerical forces and officers, it will be one of the most ridiculous grants of authority to any department of the Government that I have ever known of during my 15 years of service here.

The able gentleman from Illinois [Mr. McKENZIE], if his committee should be asked by the War Department to grant that authority would certainly properly restrict it. He would never dream of giving wide-open authority to the War Department to spend hundreds of thousands of dollars for clerks, to go the limit, as he proposes to do here to-day. I ask the gentleman to surround any amendment which he proposes here with the same business precautions that he himself would use in his own committee instead of coming here and asking us to throw the door wide open to useless waste and extravagance. [Applause.]

Mr. McKENZIE. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman.

Mr. McKENZIE. I wish to say to the gentleman from Kansas that it was my understanding, and I think it was the understanding of the gentleman from Kansas, that the national defense act as amended in 1920 gave this authority to the War Department.

Mr. ANTHONY. It did not give the authority to the War Department, and I challenge the gentleman to point out a single word of law which authorized the War Department to spend a dollar for that purpose last year. Yet the War Department went ahead and expended that money.

Mr. McKENZIE. From the fact that it is a Federal force and a part of the Regular Military Establishment, it is natural to assume that they had the right to spend money to keep this thing up.

Mr. ANTHONY. I call attention to the fact that under the item of barracks and quarters we authorized an expenditure for the enlisted reserve, which, unfortunately, does not exist, but nowhere is there authority for expenditure for the commissioned personnel.

Mr. McKENZIE. Let me say to the gentleman, if he will permit me——

Mr. ANTHONY. I permit the gentleman——

Mr. McKENZIE. I think the gentleman will concede that I have always stood for economy since I have been in this House. I stood for a good Military Establishment, and I want to say to the gentleman that if he is afraid of any part that I may play in the Committee on Military Affairs in the years to come, I will see that this matter is safeguarded; but for the present it is safeguarded by the Appropriations Committee, which has limited the appropriations to $350,000. [Applause.]

Mr. ANTHONY. I want to remind the gentleman that that appropriation is for a necessary purpose, to provide the money for the organization of these training camps where we want to train 11,000 or 12,000 of these men; and if the $350,000 is dissipated for other purposes, for the hire of clerks and the rent of offices in cities, it will interfere with the training of these reserve officers in the summer camps.

Mr. MONDELL. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from Wyoming.

Mr. MONDELL. Does it not occur to the gentleman that it is rather illogical for the legislative committee having jurisdiction of these matters now in the closing days of the Congress to ask the Committee on Appropriations, of whose acts they have been quite jealous in the past, to do something which they themselves have not attempted to do, something that will involve great expenditure, and that involves an entirely new policy?

Mr. ANTHONY. I will say that I am not only surprised but astonished at their attitude. [Laughter.]

Mr. McKENZIE. I want to say in answer to the gentleman from Wyoming that the Committee on Military Affairs now has 30 matters on the calendar, and it has been impossible to get consideration.

Mr. TEMPLE. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. TEMPLE. We are now discussing amendment 21, which authorizes the expenditure of money for divisional headquarters. Is it true that when the Senate inserted that amendment it also provided for an increase up to $490,000? Did they not provide that in amendment 22 and then recede from that amendment?

Mr. ANTHONY. And left it at $350,000.

Mr. TEMPLE. So this amendment will not increase the amount?

Mr. ANTHONY. Let me say that the only danger is that it will be increased by the War Department without any authority; that they will make expenditures from other items in the bill.

Mr. TEMPLE. But agreeing to this amendment will not increase the appropriation?

Mr. ANTHONY. It will increase the amount expended for the purpose if the War Department continues to violate the law.

Mr. TEMPLE. But this will not increase the appropriation?

Mr. ANTHONY. No. Gentlemen of the House, there are ample facilities in every large city. Armories belonging to the National Guard, existing military posts, existing headquarters in all of the nine corps areas where ample office room can be given the Regular Army officers on duty with the reserve corps. There are a number of places where they can have ample room and light and heat in buildings owned by the Government or by the State, where they can have their meetings in the winter between training periods, and I hope the House will not put its approval on this absolutely unnecessary waste of $181,000. [Applause.]

Mr. Speaker, I move the previous question. I understand the question is on the motion of the gentleman from Illinois to recede.

The SPEAKER pro tempore (Mr. CRAMTON). There are two motions—one by the gentleman from Kansas to further insist and one by the gentleman from Illinois to recede and concur, and that question has been divided. The pending question is on the motion of the gentleman from Illinois to recede.

Mr. STAFFORD. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. STAFFORD. If the House votes down the motion to recede, is that tantamount to further insisting?

The SPEAKER pro tempore. It is without further action of the House. The question is on the motion of the gentleman from Kansas for the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Illinois that the House recede.

The question was taken; and on a division (demanded by Mr. McKENZIE) there were 82 ayes and 85 nays.

Mr. McKENZIE. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 164, nays 121, not voting 142, as follows:

YEAS—164.

Andrew, Mass.	Fitzgerald	Lea, Calif.	Ransley
Bacharach	Foster	Leatherwood	Reece
Barbour	Freeman	Lee, Ga.	Rhodes
Beedy	Frothingham	Lehlbach	Ricketts
Bell	Fuller	Linebergér	Riordan
Benham	Gahn	Linthicum	Roach
Bland, Ind.	Gallivan	Longworth	Robertson
Bland, Va.	Garrett, Tex.	McArthur	Rogers
Briggs	Gensman	McCormick	Sanders, Ind.
Burdick	Gifford	McFadden	Scott, Tenn.
Cantrill	Glynn	McKenzie	Shaw
Carew	Graham, Ill.	McLaughlin, Mich.	Shelton
Chalmers	Green, Iowa	McLaughlin, Pa.	Siegel
Chindblom	Greene, Mass.	McPherson	Smithwick
Clague	Greene, Vt.	MacGregor	Snyder
Clarke, N. Y.	Griffin	MacLafferty	Speaks
Cole, Iowa	Hadley	Maloney	Sweet
Cole, Ohio	Hardy, Colo.	Mapes	Swing
Cooper, Ohio	Haugen	Mead	Temple
Coughlin	Hawes	Merritt	Ten Eyck
Crago	Henry	Michener	Thompson
Cullen	Hickey	Miller	Tilson
Curry	Hicks	Montague	Tinkham
Dale	Hill	Moores, Ind.	Treadway
Dallinger	Hooker	Morgan	Tyson
Darrow	Hudspeth	Mott	Underhill
Dempsey	Hull	Nelson, Me.	Upshaw
Denison	James	Nelson, A. P.	Vaile
Dowell	Jeffers, Ala.	Newton, Minn.	Vestal
Drewry	Johnson, Wash.	Newton, Mo.	Ward, N. Y.
Dunbar	Kearns	Nolan	Watson
Dunn	Kelly, Pa.	Norton	Weaver
Dupré	Kendall	O'Connor	Webster
Elliott	Ketcham	Paige	White, Me.
Ellis	Kiess	Parker, N. J.	Winslow
Fairchild	Kissel	Parker, N. Y.	Woodruff
Faust	Kline, N. Y.	Patterson, N. J.	Woods, Va.
Favrot	Kunz	Purnell	Wright
Fenn	Larson, Minn.	Radcliffe	Wurzbach
Fish	Lawrence	Rainey, Ill.	Wyant
Fisher	Lazaro	Raker	Zihlman

NAYS—121.

Abernethy	Davis, Tenn.	Kraus	Sanders, Tex.
Ackerman	Deal	Kreider	Sandlin
Almon	Dickinson	Langley	Shreve
Andrews, Nebr.	Dominick	Lanham	Sinclair
Anthony	Doughton	Lankford	Sinnott
Appleby	Driver	Larsen, Ga.	Sisson
Aswell	Evans	Logan	Slemp
Bankhead	Fess	London	Sproul
Beck	Fields	Lowrey	Stafford
Begg	Focht	Luce	Steagall
Bird	Frear	McDuffie	Stevenson
Black	French	McLaughlin, Nebr.	Strong, Kans.
Blanton	Fulmer	Madden	Strong, Pa.
Boies	Garrett, Tenn.	Magee	Summers, Wash.
Bowling	Gernerd	Mondell	Sumners, Tex.
Box	Gilbert	Moore, Ill.	Swank
Brand	Goodykoontz	Moore, Va.	Tillman
Buchanan	Griest	Nelson, J. M.	Tincher
Burtness	Hardy, Tex.	Ogden	Towner
Byrnes, S. C.	Hawley	Oldfield	Turner
Byrns, Tenn.	Hersey	Oliver	Vinson
Campbell, Kans.	Hoch	Parks, Ark.	Voigt
Campbell, Pa.	Huddleston	Pou	Wason
Cannon	Humphrey, Nebr.	Quin	White, Kans.
Christopherson	Humphreys, Miss.	Rainey, Ala.	Williamson
Clark, Fla.	Jacoway	Rankin	Wilson
Collier	Johnson, S. Dak.	Reed, W. Va.	Wingo
Collins	Kelley, Mich.	Riddick	Wood, Ind.
Cooper, Wis.	Kincheloe	Robsion	
Cramton	Kline, Pa.	Rouse	
Crisp	Kopp	Sabath	

NOT VOTING—142.

Anderson	Brown, Tenn.	Codd	Free
Ansorge	Browne, Wis.	Colton	Funk
Arentz	Bulwinkle	Connally, Tex.	Garner
Atkeson	Burke	Connolly, Pa.	Goldsborough
Barkley	Burton	Copley	Gorman
Bixler	Butler	Crowther	Gould
Blakeney	Cable	Davis, Minn.	Graham, Pa.
Bond	Carter	Drane	Hammer
Bowers	Chandler, N. Y.	Dyer	Hayden
Brennan	Chandler, Okla.	Echols	Hays
Britten	Classon	Edmonds	Herrick
Brooks, Ill.	Clouse	Fairfield	Himes
Brooks, Pa.	Cockran	Fordney	Hogan

Huck	Little	Pringey	Sullivan
Hukriede	Luhring	Ramseyer	Tague
Husted	Lyon	Rayburn	Taylor, Ark.
Hutchinson	McClintic	Reber	Taylor, Colo.
Ireland	McSwain	Reed, N. Y.	Taylor, N. J.
Jefferis, Nebr.	Mansfield	Rodenberg	Taylor, Tenn.
Johnson, Ky.	Martin	Rose	Thomas
Johnson, Miss.	Michaelson	Rosenbloom	Thorpe
Jones, Pa.	Mills	Rossdale	Timberlake
Jones, Tex.	Moore, Ohio	Rucker	Tucker
Kahn	Morin	Ryan	Volk
Keller	Mudd	Sanders, N. Y.	Volstead
Kennedy	Murphy	Schall	Walters
Kindred	O'Brien	Scott, Mich.	Ward, N. C.
King	Olpp	Sears	Wheeler
Kirkpatrick	Overstreet	Smith, Idaho	Williams, Ill.
Kitchin	Park, Ga.	Smith, Mich.	Williams, Tex.
Kleczka	Patterson, Mo.	Snell	Wise
Knight	Paul	Stedman	Woodyard
Knutson	Perkins	Steenerson	Yates
Lampert	Perlman	Stephens	Young
Layton	Petersen	Stiness	
Lee, N. Y.	Porter	Stoll	

So the motion to recede was agreed to.

The Clerk announced the following pairs:

On the vote:

Mr. Brennan (for) with Mr. Carter (against).

Additional general pairs:

Mr. Williams of Illinois with Mr. Johnson of Kentucky.

Mr. Butler with Mr. Martin.

Mr. Browne of Wisconsin with Mr. McClintic.

Mr. Lampert with Mr. Stedman.

Mr. Porter with Mr. Williams of Texas.

Mr. Snell with Mr. Rayburn.

Mr. Burton with Mr. Connally of Texas.

Mr. Crowther with Mr. Bulwinkle.

Mr. Free with Mr. Mansfield.

Mr. Reed of New York with Mr. Jones of Texas.

Mr. Rosenblum with Mr. Wise.

Mr. Davis of Minnesota with Mr. Hammer.

Mr. Edmonds with Mr. Rucker.

Mr. Young with Mr. Taylor of Arkansas.

Mr. Cable with Mr. Tucker.

Mr. Michaelson with Mr. Sears.

Mr. Britten with Mr. Cockran.

Mr. Fordney with Mr. Hayden.

Mr. Keller with Mr. Lyon.

Mr. COCKRAN. Mr. Speaker, I desire to vote.

The SPEAKER pro tempore (Mr. CRAMTON). Was the gentleman present and listening when his name was called?

Mr. COCKRAN. I could not say that I was listening, but I was here. I was listening as far as I could. I certainly was in the Hall.

The SPEAKER pro tempore. If the gentleman states that he was present and listening he is entitled to vote; otherwise not.

Mr. COCKRAN. I am sure I was here part of the time, and I think I was listening most of the time. I would not undertake to say that I was here all of the time.

The SPEAKER pro tempore. The question is whether the gentleman was present and listening.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Illinois to concur.

Mr. ANTHONY. Mr. Speaker, I send to the desk the following motion to concur with an amendment.

The SPEAKER pro tempore. The gentleman from Kansas offers a motion to concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. ANTHONY moves to concur with an amendment as follows: After the word "headquarters" in said amendment insert "*Provided*, That not exceeding $60,000 of the funds appropriated in this act shall be used for the maintenance of divisional and regimental headquarters of the Organized Reserves, nor shall any of such funds be used for the establishment or maintenance of any additional divisional and regimental headquarters of the Organized Reserves unless specifically authorized by law."

Mr. McKENZIE. Mr. Speaker, I make the point of order that the motion that I made to recede and concur is a preferential motion and the vote should come now upon the motion to concur.

The SPEAKER pro tempore. The point of order is overruled. The motion to recede and concur is preferential; but having been divided, a motion to concur with an amendment takes precedence over a motion to concur.

Mr. PARKER of New Jersey. But, Mr. Speaker, I make the point of order that the previous question having been ordered after the motion had been made, no amendment is now in order.

The SPEAKER pro tempore. The Chair would be glad to hear from the gentleman from Kansas as to that point of order.

Mr. ANTHONY. Mr. Speaker, I think that the Speaker has stated the parliamentary situation correctly. The motion having been divided, and the motion to recede having been adopted, therefore I think a motion to concur with an amendment is now in order.

The SPEAKER pro tempore. The point of order made by the gentleman from New Jersey is that the previous question having been ordered the gentleman from Kansas can not now offer a motion to concur with an amendment.

Mr. ANTHONY. But the previous question was ordered upon the motion to recede.

Mr. DOWELL. But the gentleman did not present his amendment at all, and now it is too late.

Mr. ANTHONY. We had to dispose of the motion to recede first.

Mr. PARKER of New Jersey. On the point I made I desire to submit that the previous question was ordered upon the motion to recede and concur, and then it was divided.

Mr. BLANTON. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. There is one point of order pending now.

Mr. BLANTON. I would like to be heard upon the point of order. I think the reporter's notes will show that the motion the gentleman from Kansas made was made first to recede and concur with an amendment, and thereupon the gentleman from Illinois [Mr. McKENZIE] made a preferential motion to recede and concur. Then the question was divided, and the previous question was ordered. I submit that that is the situation.

The SPEAKER pro tempore. The understanding of the Chair is that the motion made by the gentleman from Kansas was to further insist.

Mr. ANTHONY. Mr. Speaker, that is correct.

The SPEAKER pro tempore. And that thereafter the motion to recede and concur was made by the gentleman from Illinois. It is the impression of the Chair that if the motion made by the gentleman from Kansas for the previous question was made upon the whole question, to recede and concur, the gentleman's motion to concur with an amendment is not now in order.

Mr. ANTHONY. Mr. Speaker, I call attention to the fact that the question was divided, whereupon I moved the previous question on the motion to recede.

Mr. STAFFORD. Mr. Speaker, this is rather a peculiar situation. A motion to recede and concur with an amendment could not be entertained until the House has receded; a motion to recede and concur taking precedence while the amendment is in disagreement. To give the motion to recede and concur with an amendment a status at all, it is first necessary to have a division of the question. The House having agreed to recede it puts the question back into the position it occupied originally, where a motion to recede and concur with an amendment is preferential.

Mr. McKENZIE. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. McKENZIE. If the motion to recede had failed, then the motion of the gentleman from Kansas would have been agreed to. In other words, it would have been equivalent to further insist upon the disagreement.

Mr. STAFFORD. The motion to recede being voted down is tantamount to a further insistence on disagreement.

Mr. McKENZIE. Absolutely. The gentleman contends that having been defeated in that, he has an opportunity now to amend.

Mr. STAFFORD. Until the House voted up recession there was no opportunity for any Member to offer a preferential motion to recede and concur with an amendment.

Mr. DOWELL. But the previous question having been ordered the opportunity for amendment is lost, and no amendment is in order after the previous question was ordered.

The SPEAKER pro tempore. The Chair will ask the gentleman from Kansas the nature of his motion for the previous question?

Mr. ANTHONY. As I recollect I moved the previous question on the motion of the gentleman from Illinois to recede. The motion to recede and concur was divided, and if the Chair will permit me, I desire to read now from Cannon's Procedure in the House of Representatives:

However, the motion to recede and concur is divisible and the House having receded, a motion to amend takes precedence over the motion to concur.

Mr. PARKER of New Jersey. Mr. Speaker, my recollection is that the motion was to recede and concur, and debate having taken place while people were still seeking the floor, the gentleman from Kansas moved the previous question and it was carried with some noes, and thereupon a division was made of the question, and——

Mr. ANTHONY. The gentleman is wrong.

Mr. HUSTED. Pending the arrival of the stenographer's minutes and the actual determination of the facts, I desire to submit the proposition that, even if it be found that the previous question was ordered on the motion to recede and concur, the previous question does no operate upon the motion to recede or upon the motion to concur. These two motions, when united, are, of course, identical with the original motion, but neither motion considered separately is the same thing as the original motion, and it is utterly illogical to rule that the previous question operates upon something which is entirely different from the motion to which it was actually offered and to which it was solely intended to apply. If the motions to recede and to concur taken separately are the same thing as the motion to recede and concur there would be no sense in permitting the division of a question. Division is allowed for the very reason that different situations are thus presented and the demand for division always comes from an enemy of the original question who seeks advantage from its division. After the motion to recede and concur has been divided the original question is superseded by its separate divisions and the previous question, which was ordered upon the original motion, is eliminated from parliamentary consideration with the original motion to which it was inseparably attached.

Mr. ANTHONY. If the gentleman will yield, after the motion to recede and concur is divided, as was done on this question, what is the motion before the House?

Mr. HUSTED. It practically eliminates the previous question, because the previous question was not ordered on either the motion to recede or to concur. It was ordered on the gentleman's motion to recede and concur.

Mr. ANTHONY. Not after the motion was divided.

Mr. PARKER of New Jersey. If the gentleman will allow a question, I can not understand the suggestion of the gentleman. Does the gentleman say where there has been a motion for the previous question on a certain motion and that motion is divided that that gets rid of the order for the previous question?

Mr. HUSTED. I think so exactly, because it is not on that motion at all. It was ordered on the motion to recede and concur, and where the motion is divided it is just exactly as if no motion was made.

Mr. MONDELL. If the gentleman will allow me, of course we do not know exactly until we receive the notes of the reporter, but my recollection is that the motion of the previous question was made after the question was divided. It could only apply then to the question squarely before the House.

Mr. HUSTED. Of course.

Mr. MONDELL. I think that is correct.

The SPEAKER pro tempore. The understanding of the Chair of the situation is this: The gentleman from Kansas moved to further insist; the gentleman from Illinois moved to recede and concur, on which a division was demanded, and a division was ordered. The motion pending was the motion of the gentleman from Illinois to recede, upon which, after debate, the gentleman from Kansas moved the previous question, as was stated by the gentleman from Kansas. The Chair has been endeavoring to get the stenographic notes to confirm his recollection as to the form of that motion, but there has been a delay in securing them. The Journal clerk has it that the motion was merely for the previous question, which the Chair would hold had reference only to the question pending immediately at the time, a motion to recede, and the Chair overrules the point of order. The gentleman from Kansas has offered a motion to recede and concur with an amendment, which the Clerk has reported, and which is now pending.

Mr. MONDELL. Mr. Speaker, may we have that again reported?

The SPEAKER pro tempore. Without objection, the amendment will be again reported.

The amendment was again reported.

The SPEAKER pro tempore. If the gentleman from Kansas will permit, the Chair has now the stenographic notes and will read them for the information of the House, confirming the recollection of the Chair:

Mr. ANTHONY. I move the previous question. I understand the question is on the motion of the gentleman from Illinois to recede.

The SPEAKER pro tempore. There are two motions, one by the gentleman from Kansas to further insist and one by the gentleman from Illinois to recede and concur. That question has been divided, and the question is on the motion of the gentleman from Illinois to recede.

Mr. ANTHONY. Mr. Speaker, it must be apparent to the House there is some necessity of limiting the amount of money which should be expended for rental of offices from this item of $350,000, which is intended to pay the expenses of organization of the camps for the field training; $60,000 was the amount discussed by the conferees as being about the proper amount which should be expended out of this item for such purpose. Furthermore, due to the fact that Congress has never previously given its sanction for such an expenditure as this and the necessity of action by Congress at the next session of giving some specific authority for this expenditure, the limitation provides that that should be done.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. NEWTON of Minnesota. It says not exceeding $60,000 of the funds appropriated shall be used for the maintenance of the headquarters, and so forth. Then there is a further limitation, nor shall any of such funds be used for the establishment or maintenance of headquarters.

Mr. ANTHONY. Why, the committee thought we should wait until we received authority of Congress before further increasing the number of these headquarters.

Mr. NEWTON of Minnesota. Then, after July 1, when this new appropriation act takes effect, it means from July 1 on until the next Congress takes action they are going to close down every one of these headquarters unless they happen to be in a military post.

Mr. ANTHONY. No.

Mr. NEWTON of Minnesota. Why, certainly.

Mr. ANTHONY. Some of you gentlemen are a little too enthusiastic. The language of the amendment I offered provides that $60,000 shall be used for that purpose. That is, of funds appropriated for the next fiscal year, beginning on July 1, and for maintaining existing headquarters during the next fiscal year.

Mr. NEWTON of Minnesota. But it does not read that way. That second limitation applies to the whole $350,000.

Mr. ANTHONY. The word "additional" means that no additional headquarters shall be established until Congress next winter gives specific legislative authority for it.

Mr. NEWTON of Minnesota. I have no objection to it if that is just what it means. But I did not read it that way.

Mr. ANTHONY. I think the gentleman ought to construe it that way.

Mr. NEWTON of Minnesota. I want to construe it as the gentleman would have me construe it. I would like to have the opinion of the gentleman from Illinois [Mr. McKENZIE] on that.

Mr. HULL. If that is the construction, you cut that appropriation down to $60,000. You stated awhile ago otherwise.

Mr. ANTHONY. I said that the whole item was $350,000. We did not want to dissipate all of that for officers' headquarters and the hire of clerks. It should be used to organize these camps. That is the essential part.

Mr. TILSON. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. TILSON. The gentleman says it will require $60,000 only to run these headquarters through the period?

Mr. ANTHONY. Sixty thousand dollars would be a reasonable amount.

Mr. TILSON. Would the gentleman then be willing to cut out the second proviso if we accept the first one, that not exceeding $60,000 shall be used for this purpose? Will he be willing to cut out the first one, beginning with the words "for running establishment"?

Mr. ANTHONY. I would be willing to have the same number until Congress changed it.

Mr. TILSON. If we accept that, that practically fixes that. Why tie it up?

Mr. ANTHONY. If the gentleman wants to open it wide that would be a different thing.

Mr. TILSON. Is the gentleman willing to accept the amendment?

Mr. ANTHONY. I am not.

Mr. FIELDS. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. FIELDS. Mr. Speaker, I recall that a moment ago, when gentlemen were supporting the amendment of the gentleman from Illinois (Mr. McKENZIE) they urged that this would result in no charge against the Treasury; but it seems that they have suddenly changed their minds, that they have suddenly reached the conclusion that it will require a good deal of money to carry this on.

Mr. ANTHONY. I think this is a reasonable limitation.

Mr. FIELDS. I know; but they said that a while ago, when they were discussing it.

Mr. McKENZIE. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. McKENZIE. I would like to ask the gentleman from Kansas if it is not a fact, if this amendment is adopted without striking out the last proviso, that it absolutely cripples the reserve?

Mr. ANTHONY. No; it does not.

Mr. McKENZIE. I sympathize with the purpose of the gentleman from Kansas and what he is trying to get at, but if this amendment is adopted as it is now proposed it will absolutely cripple the reserve. And that is not the worst of it, in my judgment. I call it to the attention of the gentleman from Kansas that it is an absolute reflection on the men in the reserves of this country. [Applause.]

Mr. ANTHONY. The gentleman is entirely mistaken.

Mr. TILSON. Mr. Speaker, will the gentleman permit an interruption?

Mr. ANTHONY. No; I can not yield. I move the previous question on the motion.

The SPEAKER pro tempore. The gentleman from Kansas moves the previous question on his motion.

Mr. ANTHONY. I move the previous question on the motion to recede and concur with an amendment.

The SPEAKER pro tempore. The gentleman from Kansas moves the previous question on the motion to recede and concur with an amendment. The question is on that motion for the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The previous question is ordered on the motion of the gentleman from Kansas.

The question was taken, and the Speaker pro tempore announced that the "noes" appeared to have it.

Mr. ANTHONY. A division, Mr. Speaker.

The SPEAKER pro tempore. A division is demanded.

The House divided; and there were—ayes 82, noes 107.

So the amendment was rejected.

Mr. ANTHONY. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. ANTHONY moves to concur with an amendment as follows: After the word "headquarters," in said amendment, insert "*Provided*, That not exceeding $60,000 of the funds appropriated in this act shall be used for the maintenance of divisional and regimental headquarters of the Organized Reserves."

Mr. CONNALLY of Texas. Mr. Speaker, I make the point of order on the motion to concur with an amendment.

The SPEAKER. The gentleman will state his point of order. The Chair is informed that the gentleman moved the previous question on his motion to concur with an amendment. That was disposed of. This is another amendment.

Mr. ANTHONY. Mr. Speaker, I move the previous question.

Mr. HILL. Mr. Speaker, I ask that the amendment be again reported.

The SPEAKER. Without objection, the amendment will again be reported.

The amendment was again read.

The SPEAKER. The gentleman from Kansas moves the previous question on his amendment.

The previous question was ordered.

The SPEAKER. The question is on the motion to concur with an amendment.

The question was taken; and on a division (demanded by Mr. ANTHONY) there were—ayes 112, noes 79.

Accordingly the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment numbered 30: On page 18 of the bill, in line 12, after the word "officers," strike out the following words: "*Provided*, That no part of the funds herein appropriated shall be utilized for the recruiting or enlistment of boys under the age of 21 years without the written consent of the parents or guardians, if any, of such boys, or unless the applicant furnishes a birth certificate or the affidavit of two disinterested witnesses showing such applicant for enlistment to be 21 years of age."

Mr. ANTHONY. Mr. Speaker, this refers to the amendment, which was adopted by the House, which requires the consent of the parent or guardian of any man enlisted in the United States Army under 21 years of age. When considered in conference it was the opinion of the conferees on the part of the House that we should agree to the amendment of the Senate which struck this out of the bill, because of information which was given us by the War Department. However, we have brought it back to the House for consideration, in pursuance of the promise made to do so.

Briefly, the situation is this: Thirty-seven per cent of the recruits taken into the United States Army are under the age of 21. If you prevent the enlistment of boys between the ages of 18 and 21 you strike seriously at the present strength of the Army. You deprive it of the men who compose the most active element of the enlisted force of the establishment. Regardless of the fact that if you deprive the Army of the right to enlist boys under 21 years of age you increase the cost of enlistment at least double, if not more, I think it would be a serious mistake from a military standpoint to deprive the Army of the services of young men between the ages of 18 and 21; because history has shown, ever since we have any record of military establishments, that boys or young men of that age make the best soldiers and the best fighting material.

Mr. FIELDS. Will the gentleman yield for a question?

Mr. ANTHONY. I yield to the gentleman from Kentucky.

Mr. FIELDS. How can it double the cost of enlistment when the gentleman says only 37 per cent of the enlistments are boys under 21 years of age?

Mr. ANTHONY. The War Department made the statement to the Senate conferees that it would not only double but in their opinion treble the cost of enlistments.

Mr. FIELDS. It seems to me that statement is without any foundation to support it.

Mr. ANTHONY. Because in the case of every boy enlisted under 21 years of age, in order to get the papers made out for the consent of his parents or guardians, it would require so many trips on the part of the recruiting officer and it would so delay and hamper enlistments that it would increase every one of the costs entering into it.

Mr. FIELDS. Will the gentleman yield for a further question?

Mr. ANTHONY. I yield to the gentleman from Kentucky.

Mr. FIELDS. Does not the gentleman believe that, in view of the figure to which the Army has been reduced, they can get along without this 37 per cent?

Mr. ANTHONY. I will remind the gentleman that the Army is now much below the maximum which Congress authorizes. There are but 115,000 men in the Army, although we have authorized 125,000. If you should cut out these boys under 21, it would bring the Army down below 100,000 unless redoubled efforts were made to recruit to make up the loss of these younger men, and I do not believe it would be wise to so greatly increase the expense and cost of recruiting the Army at this time.

Mr. CONNALLY of Texas. Will the gentleman yield me some time?

Mr. ANTHONY. Any reasonable amount of time, and I am ready to yield it now.

Mr. NEWTON of Minnesota. Before the gentleman does that will he yield for a question?

Mr. ANTHONY. I yield to the gentleman.

Mr. NEWTON of Minnesota. The language of the bill would mean that the Comptroller General would have the right to pass upon the question whether the money was used in accordance with the provision of the law. It would make recruiting practically impossible.

Mr. ANTHONY. I think it would seriously cripple the War Department in its recruiting service.

Mr. GREENE of Vermont. Will the gentleman yield to me three minutes?

Mr. ANTHONY. After I have yielded to the gentleman from Texas [Mr. CONNALLY]. I yield 10 minutes to the gentleman from Texas.

Mr. SISSON. Before the gentleman from Texas begins, may I ask the gentleman from Kansas if I may have a little time?

Mr. ANTHONY. The gentleman may have all the time he desires.

Mr. CONNALLY of Texas. Mr. Speaker and gentlemen of the House, Senate amendment No. 30, as it appears in the bill, strikes out an amendment which my colleague [Mr. JONES] and myself offered and which the House itself placed on the Army appropriation bill in Committee of the Whole and afterwards adopted in the House. The House conferees evidently, from the language of the gentleman from Kansas [Mr. ANTHONY], had very little regard for the fact that the House put the amendment on the bill by an affirmative vote, because the gentleman says that when the conferees went into conference the House conferees thought they ought to recede from the disagreement of the House to the amendment and agree with the Senate.

Under the existing law the Army has the privilege to enlist men from 18 to 21 years of age without the consent of their parents. The effect of the amendment is to require that in

cases of that kind—of boys from 18 to 21 years of age—the recruiting officer shall not enlist them unless he has the consent of their parents or proof by affidavit that they are 21 years of age.

I am sure that gentlemen in this House have had the same experience that I have had in the matter of enlistments by recruiting officers in the cases of youths without the consent of their parents and absolutely in the face of the desire of their parents that they be not enlisted. Only yesterday I received a letter from a woman saying that a recruiting officer had enlisted her boy; that she had refused to sign a statement of willingness for him to enlist; that they had taken him away against her wishes; that he was then in the Army; that she had a sick husband unable to work and was dependent upon one 15-year-old boy to provide a livelihood for the family.

Now, gentlemen, in the cases of boys between the ages of 18 and 21 who desire to enlist in the Army and who can secure the consent of their parents, it will be an easy matter for the recruiting officers to secure that consent. Secretary of War Weeks writes a letter to the committee in which he says that it would be impracticable and would absolutely hurt the recruiting service, because the recruiting officers would not want to board the applicants until they could confer with their parents and get their consent. Why such a statement? It is not necessary for them to remain at the recruiting station. The officer can simply tell the young man to go back home and procure a written statement from his parents that they are willing to let him enlist and then return, and that when he returns he may enlist in the Army. But, gentlemen of this House, the Army enlists these boys because it is easier to enlist them than it is in the case of men. It appeals to the imagination of these young men with flaming posters advertising "If you will only join the Army you will get to travel in distant parts of the world. You will have educational advantages," and just at the very time of a young man's life when he ought to be either in school or learning a trade or assisting in the support of his family, the recruiting officers, with seductive promises and with allurements and attractive statements as to what the military service affords, appeal to him and transport him to some Army camp.

Within 30 days his dream is over and he wants to go home. They advertise that he gets travel. Yes; he gets travel from the kitchen detail to quarters. He gets travel on the kitchen police and on the fatigue detail, and in about 30 days from the time he enlists, within 30 days from the time his signature is affixed to the enlistment paper, he is writing the old man and his mother, "For God's sake get me out of the Army; they deceived me." I believe the responsibility is on Congress. No other agency of the Government can lay its hand on a boy under 18 years of age and take him away from his parents' control without their consent—no other agency except the Army and the Navy and the Marine Corps. I think it is much more important that a boy at that formative time of his life should have an opportunity to get an education, an opportunity to learn a trade, than to be in an Army camp learning habits of idleness, and perhaps learning things that may be a detriment to his character in the future. Life in the Army in time of peace contributes very little of improvement to character or to habits that is of permanent benefit in his after life.

Mr. KINCHELOE. Will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. KINCHELOE. Provided he is satisfied with his enlistment, does the gentleman think that the Government has a moral right to take a boy under 21 without the consent of his parents?

Mr. CONNALLY of Texas. Absolutely not. Now, I want to quote from the letter of the Secretary of War. Here is what the Secretary says:

Present enlistments are divided, approximately, 32½ per cent reenlistments, 30 per cent new enlistments of men over 21 years of age, and 37½ per cent of new enlistments under 21 years of age.

If the Army when it had 225,000 men some years ago was able to enlist 225,000 men, including minors and grown-ups, it looks like it ought to be able at present to enlist an Army of 115,000 men, including grown-ups and such minors as have their parents' consent, without dragging boys away from home without their parents' consent. [Applause.]

But the Secretary says:

It would be difficult to secure evidence, as a great many communities did not keep birth certificates 21 years ago, and the securing of affidavits would be difficult.

Right now the War Department requires a birth certificate when an attempt is made to get a boy out, and yet he says they are not available when they go in.

What does he further say?

Unless these men are cared for while awaiting evidence they will be lost to the service.

Too bad, too bad. Unless boys 18 years of age are enlisted without the parents' consent they will be lost to the service. Too bad. This Army machine must go on, enlistments must come, even if they have to rob the home and the school of the boys in spite of the protest of the mother and father that want to keep the boys at home.

The SPEAKER. The time of the gentleman has expired.

Mr. ANTHONY. I yield to the gentleman two minutes more.

Mr. CONNALLY of Texas. What else does the Secretary of War say?

Many young men between 18 and 21 years of age enlist for patriotic reasons and to travel, and the pay offered is of no special moment, but to men over 21 years of age the pay offered does affect their decision to join the Army materially and the offer of $21 per month does not impress them greatly, and they are much more difficult to secure than the men from 18 to 21 years of age.

That is why they want to enlist minors—because the Secretary says that they are easier to enlist. Recruiting officers can persuade them more easily, they can excite their enthusiasm and imagination more easily.

Mr. STEAGALL. Will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. STEAGALL. Is not the gentleman afraid to talk about the Secretary of War in that way, in view of his recent condemnation of the Members of the House?

Mr. CONNALLY of Texas. Well, the Constitution protects me, and I am very brave on the floor of the House—some days. [Laughter.] The Secretary of War states the reason that he wants the law to remain as it is—because it is easier to enlist a boy under 21 years of age without the consent of his parents. Why? He does not know as much as a man over 21; he has not had much experience; he has not as much judgment; he is more susceptible to the blandishments of the recruiting sergeant, and therefore they want the law to remain as it is.

Mr. Speaker and gentlemen, that system is a monster, whether it be a naval or military system, that in time of peace has to subsist off the youth and helpless mothers of the land. [Applause.]

Mr. ANTHONY. How much time does the gentleman from Mississippi want?

Mr. SISSON. I do not want any now.

Mr. ANTHONY. I yield five minutes to the gentleman from Vermont [Mr. GREENE].

Mr. GREENE of Vermont. Mr. Speaker, one who has listened to what has been said this afternoon would think that all at once there had been projected into our life something like the method in old England in the days of the early Georges when the press-gang crew rushed out on the unsuspecting youth by the riverside and the wayside, seized and took them away to sea to be gone from home years and years, serving in the British Navy.

Nothing of that kind takes place in this country to-day, nor has it ever been tolerated. As a matter of fact, one would think that suddenly we had had a revelation of a horrible conspiracy on the part of the Regular Army of the United States, with the War Department behind it, against the unprotected youth of the land.

Mr. CONNALLY of Texas. Mr. Speaker, will the gentleman yield?

Mr. GREENE of Vermont. Not at present.

It is a strange thing that a boy who is 18 years old is thought to be old enough to learn a trade which he is to follow all the days of his life, because nobody objects to his being an apprentice to learn a trade. But if he says he wants to go into the Army, which is another trade, then we find that he is too young and that somebody is taking advantage of his inexperience.

Mr. DAVIS of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. GREENE of Vermont. I can not yield. I do not want to be discourteous, but I have not the time.

The peace-time service of men in the Army is that of an occupation—a trade. My good friend from Texas [Mr. CONNALLY], with whom I generally agree on these broader principles, seems to have run a little shy on this one. He says that the peace-time life of an enlisted man in the Army does not contribute to the development of his character and standing, and he rather sought by words of irony and inference to indicate that it is a life of shiftlessness and idleness, with a tendency toward the disruption of morale; whereas the contrary, by every proof around about us, is the fact. The testimony can be given abundantly by the best type of men in

the military service in their degree—those fine old white-haired Regular Army noncommissioned officers, who make up the backbone of our Military Establishment, some of whom have been enlisted in the service for 30 or 40 years. Those men did not lose any character or any morale. Those men did not lose the fiber of their being. They are splendid types of manhood, of good citizenship, and of organized patriotism.

Mr. MILLER. And thousands of those men were officers in the Army during the war.

Mr. GREENE of Vermont. Certainly. We seem to arrive at this thing this afternoon as though it were a sudden moral discovery. We had exactly this same kind of talk four or five years back, when the proposition was made to raise the terms of the selective service act so as to include men between the ages of 18 and 45 years.

At that time we went all around this same hippodrome in the same kind of chariot of rhetoric, and we got off at the very same place where we got on.

Why is that the case? Because ever since the Declaration of Independence it has been in large measure an unwritten part of the fundamental law that the ages of 18 to 45 are the military ages in this land of ours, and everybody for generations has accepted it as a fact. Not only that, but some of the State constitutions have actually put it into writing. Eighteen to forty-five is the military age in this country. Do you want an age different in peace time from what you have in war time? Peace time is the time when you train people, we hope, to prevent war; but at any rate they are trained for service in war if war comes.

Here we are, worried to death about a triviality. We let a boy 18 years of age go out into the world and of his own volition take up any trade and learn it, and no one suggests that he is showing any callowness or inexperience. But when he turns to this other, this military trade, then we suddenly find that his innocence is being conspired against by the War Department.

It seems to me we ought to get back to common sense.

Mr. ANTHONY. Mr. Speaker, I yield 20 minutes to the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. Mr. Speaker, I yield two minutes to the gentleman from Kentucky [Mr. FIELDS].

Mr. FIELDS. Mr. Speaker, the House has passed on this proposition; has adopted the amendment by an overwhelming majority, with all the facts before it that it has before it now. When the House adopted the amendment, it knew that the War Department would be opposed to it. Therefore, the letter of the Secretary of War has not given the House any information that it did not have at the time it adopted the amendment. The question is now, Will the House without any additional information repudiate its former action? I do not believe it will. It has no reason to do it, because, as I said, it had all of the information when it adopted this amendment by an overwhelming majority that it has at this time.

Mr. SISSON. Mr. Speaker, I yield two minutes to the gentleman from Texas [Mr. SUMNERS].

Mr. SUMNERS of Texas. Mr. Speaker, it seems to me there is but one question involved here. Whether or not boys from 18 to 21 years of age shall go into the Army is not involved at all. The House did not exclude from the Army boys between 18 and 21 years of age. It is the consensus of opinion, based upon the test and the knowledge of life, and it is written in the laws of practically all of the States that until a boy reaches the age of 21 years in the important decisions of life he must have the counsel, advice, and direction of his parents before a binding contract be entered into. A boy can not make a binding contract in any State that I know of who is under 21 years of age, and why? Because the boy is immature in his judgment. His parents are his guardian. Why? Because it is known that such guardianship is the best for him and the best for society. It is a monstrous thing that the Army and the Navy shall put out these placards which appeal to the boy who wants to run away from home—and most boys do at some time—and induce the 18-year-old boy who is inclined to roam to run away. That is the sort of boy who needs parental control. He needs the influence of the home. But that is not all. The Army and the Navy make this binding contract with the boy about 18 years old, and his parents can not regain his custody. It amounts to a levy of the Government upon the infant personnel of the family. The boy's contract is no contract at all. It is a farce to hide the wrong of the Government, to hide its invasion of the home in time of peace. If the boy wants to go and it is the judgment of his parents that he go, I have nothing to say. But it is monstrous to say that in peace times this Nation may go into the homes of the country in defiance of the spirit of law and the judgment of mothers and fathers and take 18-year-old boys and put them into military service away from parental control and influence. To say that the boy consents is begging the question. Nowhere else does his consent bind. He is recognized everywhere as not possessing the capacity to contract. To take him, to oust his parents of control prior to his arrival at the age of discretion, at that period of life when the experience of mankind has taught us that the boy is not fit to use his own judgment, is conscription levied upon the personnel of the family. No government has that right in time of peace, and the House should not yield.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. SISSON. Mr. Speaker, I yield three minutes to the gentleman from Texas [Mr. BOX].

Mr. BOX. Mr. Speaker and gentlemen of the House, for the Government of the United States in peace times to take immature boys for its standing Army from their homes, consciously and purposely, without the consent of their parents, in disregard of the parents' will and in disregard of the welfare of the boy, is an improper, not to say a dishonorable, thing. I think it would be preferable to conscript mature men for the Army rather than induce boys to go away from their homes and schools against the will of their parents. I hope the Government will not do anything so thoroughly discreditable.

I yield back the remainder of my time.

Mr. SISSON. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, here is the situation: In every State in this Union in peace time the parents of a boy under 21 years of age are entitled to his services and his earnings during minority. That is undenied and undeniable. These parents in every State in this Union probably have appealed to some Member of Congress to protect them in their rights to the custody of their minor children. Hearing such appeals, this House by a decisive vote adopted an amendment providing that the Army shall not in peace times take a minor boy without the consent of his mother and father. Now, what happens? That was in accordance with the laws of every State in this Union, and what happens? The bill goes to the Senate and Secretary Weeks writes a little letter over there and says that it is easier for him to enlist boys of 18 years of age, and on his letter, in disregard to the House's action, in disregard to the law of every State of this Union, the Senate knocked out that amendment. Now, what are we going to do about it? Just sit quiet and let Secretary Weeks dictate to this Government, dictate to every State in this Union, violate the laws of every State in this Union by taking in peace time their minor boys? I do not believe this House will do it.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. BLANTON. Oh, the gentleman from Vermont [Mr. GREENE], who is soon to leave us, and I am sorry; he said that in the recent war we took 18-year-old boys. So we did. It was under a War Department order that we did it then. It was not by my vote. What was the situation then? We had in this country subject to draft at that time 18,000,000 able-bodied men over the age of 21 years.

Instead of exhausting those 18,000,000 grown men first we, under whip and lash of the War Department, under General Crowder's orders, passed an act taking 670,000 18-year-old boys away from their homes; but, thank God, Congress put them in school first. Thank God, Congress said, "We will put these boys in school, in training, and we shall not take them until a certain time." And the war closed and the armistice came before we had to take them out of school. That was the situation, I will state to the gentleman from Vermont. How much longer are we going to listen to the War Department against the rights of the people back home? How much longer are we going to allow the Secretary of War to dictate to the Congress as against the interest of the people in the States back home? For one I am not going to listen to them. They may have an open sesame to the ear of our distinguished friend from Vermont, but they are not going to pass by my vote on that proposition here in this House. I think we ought to insist on this amendment. I think we ought to go back and tell the Senate conferees and House conferees that we care more for the laws of the 48 States and the wishes of the fathers and mothers back home than we do for the wishes of Secretary Weeks and the War Department. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. ANTHONY. Will the gentleman from Mississippi use some time?

Mr. SISSON. I have eight minutes left, I think.

Mr. ANTHONY. I wish the gentleman would yield some time.

Mr. SISSON. I yield two minutes to the gentleman from New York [Mr. LONDON].

Mr. LONDON. Mr. Speaker and gentlemen, I want to address myself to just one point made by the gentleman from Vermont [Mr. GREENE]. He made reference to the historical tradition of this country that men between 18 and 45 years are subject to military service. He mistook service in the militia for Army service, and there is a world of difference between the militia and the Regular Army. A boy who joins the militia associates with his neighbors. He is not torn away from his home or separated from his community or community influence. The life of the Regular Army is a peculiar life of its own, and there are few parents who are willing to part with their boys at the age of 18 and to remove them from the atmosphere of the home to the barracks of the Regular Army. You would not send your own boy at the age of 18 to the Army; you would not send your own boy in times of peace, why should you permit an Army sergeant to entice the young son of some poor devil? It is a vicious thing to do. No country in the world exacts military service from any young man below the age of 20. [Applause.]

Mr. SISSON. Mr. Speaker and gentlemen of the House, this is the only one of the items in conference that I did not agree with the conferees about. I did not agree to this amendment. There is no hardship, in my judgment, no real hardship done the Army in getting recruits, providing the boys who are under 21 and over 18 can get the permission of their parents to enlist in the Army or the Navy. I am unwilling that Congress shall take from any mother or any father their boy without their permission. I am unwilling that any boys might be ruined by entering the Army, although we hope it will not be. That mother or that father who are compelled to give up their boys to the Army can not have the same regard for their country and the same regard for the Army that they would have if the boy had the permission of the mother and the father to enter the service.

Mr. MONDELL. Will the gentleman from Mississippi permit an inquiry?

Mr. SISSON. Yes.

Mr. MONDELL. Does the gentleman think that the parents are compelled to give up their boy, as he puts it, if the boy of his own free will and accord, 18, 19, or 20 years of age, sees fit to go into the Army, may not have been home for years, may not have been under the control of his parents for years—does he give up anything because that boy saw fit to go into the Army?

Mr. SISSON. I have only a short time, of course, but I would be glad to yield for a question.

Mr. MONDELL. Is this so harmful a service under the flag that the boys are ruined by it?

Mr. SISSON. Oh, the gentleman can not take an isolated case and make a whole drove of crows out of it. [Laughter.]

Mr. MONDELL. That is what the other gentlemen are doing.

Mr. SISSON. I am not doing it. You can not take up one case and make it apply to all the boys. You can not make a snow man and knock him down, and then say that because he enlisted it makes the whole system good. On the contrary, the mother and father, when the boy insists, make up their minds to consent to his going; but it is to be regretted that a boy should enlist when he has had a little discipline applied to him or when something is said to him that he does not like, knowing there is one place where the home does not control, but where the arm of the Government is thrown over him to control him, doing away with the home influence.

I have no objection, if the boy's mother and father want him to have military training, to his going into the military service at 14 years or 15 years, if the Army is willing to accept him. I think the responsibility for the boy is on the mother and father until the boy reaches legal age, and I am somewhat surprised that Members of Congress should be willing to change that responsibility, as it were, and let the boy be taken from the parental roof by the Army or Navy. No; let them have the consent of the mother and father. Do not teach the boy, through the great instrumentality of the Government of the United States, to fail to respect parental authority. There is but one of the Ten Commandments with a promise attached to it, and that is the commandment, "Honor thy father and thy mother, that thy days may be long in the land which the Lord thy God giveth thee." I do not want the great Government of the United States, representing over 100,000,000 people, to come here and violate that commandment, and say to the boys, "You need not respect the wishes of your father and your mother; come on, and the United States Government will take you in, the protest of your mother and father to the contrary notwithstanding."

I can not do that. Let us observe the commandment. Let us honor mother and father. Let us honor our mothers and our fathers by honoring these mothers and fathers of the boys of America. Let us do the right thing; and if we do the right thing, though the heavens fall, this Government will prevail just as long as we are doing the right thing. [Applause.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 2703) to allow the printing and publishing of illustrations of foreign postage and revenue stamps from defaced plates, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. DILLINGHAM, Mr. CUMMINS, and Mr. SHIELDS as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House to bills of the following titles:

S. 3350. An act for the relief of Alice M. Gorman.

S. 3690. An act for the relief of Lowe Hayden Bibby.

S. 3808. An act authorizing the Secretary of the Interior to investigate the feasibility of reclamation projects on the Columbia River and various other irrigation projects.

S. 4187. An act to extend the time for payment of charges due on reclamation projects, and for other purposes.

S. 4358. An act to authorize the American Niagara Railroad Corporation to build a bridge across the Niagara River between the State of New York and the Dominion of Canada.

S. 4411. An act granting the consent of Congress to the cities of Minneapolis and St. Paul, Minn., or either of them, to construct a bridge across the Mississippi River in section 17, township 28 north, range 23 west of the fourth principal meridian, in the State of Minnesota.

S. 4468. An act to authorize the coinage of 50-cent pieces in commemoration of the three hundredth anniversary of the settling of New Netherland, the Middle States, in 1624, by Walloons, French and Belgian Huguenots, under the Dutch West India Co.

S. 1829. An act for the relief of Walter Runke.

S. 851. An act authorizing the Secretary of War to make settlement with the lessees who erected buildings on a five-year lease on the zone at Camp Funston, Kans., and for other purposes.

S. 3083. An act authorizing the Baltimore & Ohio Railroad Co. to construct an elevated railroad siding adjacent to its tracks in the city of Washington.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2598. An act for the relief of Franklin Gum; to the Committee on Military Affairs.

S. 2002. An act for the relief of Charles D. Shay; to the Committee on Claims.

S. 930. An act for the relief of Thomas J. Temple; to the Committee on Military Affairs.

S. 3942. An act for the relief of John H. McAtee; to the Committee on Military Affairs.

S. 3849. An act for the relief of Robert J. Kirk; to the Committee on Claims.

S. 3742. An act for the relief of John H. Fesenmeyer, alias John Wills; to the Committee on Military Affairs.

S. 2921. An act to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

S. 4167. An act to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, in order to extend the benefits of said act to certain employees in the Panama Canal Zone; to the Committee on Reform in the Civil Service.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 13128. An act authorizing an appropriation for the construction of a road within the Fort Apache Indian Reservation, Ariz.; and

H. R. 13481. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1924, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. J. Res. 279. Joint resolution authorizing the Secretary of War to loan 3,000 wooden folding chairs for the use of the United Confederate Veterans at their reunion to be held in New Orleans, La., on April 11, 12, and 13, 1923;

S. 1066. An act to authorize the Commissioners of the District of Columbia to close Piney Branch Road between Seventeenth and Taylor Streets and Sixteenth and Allison Streets NW., rendered useless or unnecessary by reason of the opening and extension of streets called for in the permanent highway plan of the District of Columbia;

S. 3332. An act to provide for a grant to the city of Boise, in the State of Idaho, of the use of a certain part of the Boise Barracks Military Reservation, under certain conditions;

S. 3103. An act to amend section 2294, United States Revised Statutes, relating to homesteads;

S. 3593. An act to authorize an exchange of lands with owners of private land holdings within the Glacier National Park; and

S. 4036. An act to prohibit the unauthorized wearing, manufacture, or sale of medals and badges awarded by the War Department.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills and joint resolutions:

H. R. 369. An act for the relief of the owner of Old Dominion Pier A;

H. R. 7583. An act for the relief of Henry Peters;

H. R. 10529. An act for the relief of Harry E. Fiske;

H. R. 13351. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the Daughters of the American Revolution of the State of South Carolina the silver service which was used upon the battleship *South Carolina;*

H. R. 13926. An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1924, and for other purposes;

H. J. Res. 418. A joint resolution authorizing the use of public parks, reservations, and other public spaces in the District of Columbia, and the use of tents, cots, hospital appliances, flags, and other decorations, property of the United States, by the Almas Temple, Washington, D. C., 1923 Shrine Committee (Inc.), and for other purposes; and

H. J. Res. 440. A joint resolution to satisfy the award rendered against the United States by the arbitral tribunal established under the special agreement concluded June 30, 1921, between the United States of America and the Kingdom of Norway.

DESIGNATION OF SPEAKER PRO TEMPORE.

The SPEAKER. The Chair will designate Mr. HICKS, of New York, to preside this evening.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. LAMPERT, indefinitely, on account of deaths in his family.

To Mr. MONTAGUE, for the 22d day of February, 1923, on account of an engagement to perform an important semipublic duty.

To Mr. CROWTHER (at the request of Mr. SNYDER), for an indefinite period, on account of illness.

To Mr. TUCKER, for the day, on account of illness.

EXTENSION OF REMARKS.

Mr. NEWTON of Minnesota. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the conference report on the Army bill.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

RECESS.

Mr. MONDELL. Mr. Speaker, I move that the House stand in recess until 8 o'clock.

The SPEAKER. The gentleman from Wyoming moves that the House now stand in recess until 8 o'clock. The question is on agreeing to that motion.

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p. m.) the House stood in recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House (at 8 o'clock p. m.) resumed its session, with Mr. HICKS in the chair as Speaker pro tempore.

ORDER OF BUSINESS.

Mr. STAFFORD. Mr. Speaker, I move that the House proceed to the consideration of unobjected-to bills on the Private Calendar, beginning where we left off last night.

The SPEAKER pro tempore. The gentleman from Wisconsin moves that the House proceed to the consideration of unobjected-to bills on the Private Calendar, beginning at the point where we left off last night.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the first bill.

SCHOONER "T. K. BENTLEY."

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent that we refer back to Calendar No. 365, which is H. R. 12315. This is a bill in which I have a particular interest, and is the only one on this calendar that I had before my own committee.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent that we take up for consideration H. R. 12315. Is there objection?

Mr. BLANTON. May we have it reported so that we may know what it is?

The SPEAKER pro tempore. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of the Treasury of the United States, from funds not otherwise appropriated, $4,170.45, under such conditions as the Secretary of the Navy may direct, to J. Newton Pugsley, of Parrsboro, Nova Scotia, managing owner, in full settlement for damages sustained by the schooner *T. K. Bentley* as a result of collision with the United States steamship *North Dakota* on January 3, 1922.

Mr. BLANTON. That was a bill that was objected to last night.

Mr. STAFFORD. Will the gentleman withhold his objection? Reserving the right to object, if the gentleman will permit me to refresh his recollection, the gentleman from Texas objected to it and then I called his attention to the fact that if it had been for less than $3,000 the department could have settled it.

Mr. BLANTON. Yes; I remember.

Mr. STAFFORD. And then, further, another Member from Texas objected, and then later attempted to withdraw his objection.

Mr. BLANTON. I remember. In that connection also there was another bill that I objected to under a misapprehension. I have had more time to investigate it to-day, and I want to withdraw my objection. That was the dredging company bill in which the gentleman from North Carolina [Mr. BULWINKLE] was interested.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

Mr. BLANTON. Mr. Speaker, under a misapprehension of the facts, I objected to a bill reported by the gentleman from Pennsylvania [Mr. EDMONDS]. I withdraw my objection and ask that he be allowed to take it up now.

Mr. BANKHEAD. A point of order, Mr. Speaker. Of course, that can be done by unanimous consent to return to it, but it can not be done otherwise.

The SPEAKER pro tempore. Does the gentleman from Pennsylvania [Mr. EDMONDS] ask unanimous consent to return to it?

Mr. EDMONDS. I do.

Mr. STAFFORD. Regular order, Mr. Speaker. We will probably reach the bill before the end of the session.

The SPEAKER pro tempore. The gentleman from Wisconsin demands the regular order. The Clerk will report the next bill.

CAMP BENNING, GA.

The next business on the Private Calendar was the bill (S. 2853) for the relief of persons suffering damage by reason of proceedings for the condemnation of land for Camp Benning, Ga.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. I ask that the bill be reported, Mr. Speaker.

The Clerk began the reading of the bill.

Mr. BLANTON. Mr. Speaker, I remember that bill. I object.

Mr. WRIGHT. Will the gentleman reserve his objection?

Mr. BLANTON. If the gentleman desires to make a statement I will reserve my objection.

Mr. STAFFORD. We want to make headway with the calendar. If the gentleman is going to object——

Mr. BLANTON. I am going to object.

The SPEAKER pro tempore. The gentleman from Texas objects. The Clerk will report the next bill.

G. DARE HOPKINS.

The next business on the Private Calendar was the bill S. 3351 for the relief of G. Dare Hopkins.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Will the gentleman make some explanation of the bill before it gets by the objectionable stage?

Mr. EDMONDS. Mr. Speaker, this is another casualty in connection with the accident at the Aberdeen grounds. There were two persons injured. We passed one bill last night for the young lady. We have reduced this amount down to the minimum sum, including damages to the automobile.

Mr. STAFFORD. May we have the assurance of the gentleman that if this bill goes through this amount will be insisted on in conference?

Mr. EDMONDS. You surely may.

Mr. STAFFORD. I withdraw my reservation.

The SPEAKER pro tempore. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated by law, to G. Dare Hopkins the sum of $5,000 for injuries received when his automobile collided with an Army truck near North East, Md., April 17, 1921.

With the following committee amendment:

Page 6, after the word "of," strike out the figures "$5,000" and insert in lieu thereof "$2,500 in full settlement against the Government."

The SPEAKER pro tempore. The question is on the committee amendment.

The amendment was agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

The SPEAKER pro tempore. The Clerk will report the next bill.

DAVID B. LANDIS, DECEASED, ET AL.

The next business on the Private Calendar was the bill (S. 1599) for the relief of the estate of David B. Landis, deceased, and the estate of Jacob F. Sheaffer, deceased.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. BLANTON. I ask that the bill be reported.

The SPEAKER pro tempore. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the estate of David B. Landis, deceased, late of Lancaster, Pa., the sum of $11,112.22, and to the estate of Jacob F. Sheaffer, deceased, late of Lancaster, Pa., the sum of $34,055, being the amounts found due said estates by the Court of Claims under the act of Congress approved March 3, 1887, commonly called the Tucker Act, for taxes and penalties collected on distilled spirits that had been destroyed by fire.

With the following committee amendment:

Page 1, line 4, after the word "pay," insert "out of any money in the Treasury not otherwise appropriated."

The SPEAKER pro tempore. The question is on the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

ISAIAH STEPHENS.

The next business on the Private Calendar was the bill (S. 937) to reimburse Isaiah Stephens, postmaster of McMechen, Marshall County, W. Va., for money and postage stamps stolen.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. BLANTON. Reserving the right to object, I would like to ask the gentleman a question. I would like to ask if the requirements that are made mandatory by the Postmaster General in regard to locks and safes were complied with?

Mr. EDMONDS. The man had a fireproof safe, but not a burglar-proof safe. It was a small safe in the post office.

Mr. BLANTON. Why did the Postmaster General turn the claim down?

Mr. EDMONDS. Because under the law he could not pay it. We have paid quite a number of such claims. Here is the proposition: No matter whether the man had a safe that met the requirements of the Post Office Department or not, these people would have gotten through anyhow. We pay such claims. If a man on account of inefficiency or lack of knowledge has not a safe that is anyway right, and left it so that anybody could go in and open it we do not pay the damages. But in this case, as a matter of fact, he had a safe, and these people would have got it anyhow.

Mr. BLANTON. The Postmaster General has prescribed reasonable regulations that there shall be a combination lock and safe, and that whenever the party leaves the office with valuables the combination shall be turned on. In cases where the safe has been blown, if there is no question about it, the Government ought to be held liable. But where the party has been negligent in failing to comply with the reasonable regulations I think we ought to quit paying the claims.

Mr. EDMONDS. Let me read from the report. This may enlighten the gentleman:

The evidence in the case shows that about 1.30 or 2 a. m. on November 12, 1910, burglars effected an entrance to the post office at McMechen, W. Va., by boring holes in the rear door of sufficient size to admit a man's arm reaching through the hole and unlocking the door. They then broke open the safe, which was fireproof but not burglar proof, by drilling holes in the door around the combination lock and damaging the tumblers with a punch and hammer, the safe door being opened without the use of explosives.

No matter what kind of a safe he had had, these men would have got it.

Mr. BLANTON. What was the amount stolen?

Mr. EDMONDS. Two thousand dollars. We have paid similar bills to this.

Mr. BLANTON. There was no question about the integrity of the loss—it could not have been a frame-up?

Mr. EDMONDS. Oh, no; I think this man is entitled to consideration.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Isaiah Stephens, postmaster at McMechen, Marshall County, W. Va., out of any money in the Treasury not otherwise appropriated, the sum of $2,070.58, the same to be in payment of certain money and postage stamps taken from the post office at McMechen, Marshall County, W. Va., November 12, 1910, by unknown persons.

The bill was ordered to be read a third time, was read the third time, and passed.

FRANCIS L. FLANDERS.

The next business on the Private Calendar was the bill (S. 163) for the relief of Francis L. Flanders.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MILLER. Let us have the bill reported.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Francis L. Flanders, out of any money in the Treasury not otherwise appropriated, the sum of $2,000, being the amount paid by Francis L. Flanders in satisfaction of the bond in cause No. 226 in the District Court of the United States for the Western District of Missouri, entitled "United States v. John Blaney and Francis L. Flanders," for the reason that said sum of $2,000 was paid by said Francis L. Flanders under order of the district court of the United States above mentioned for the nonappearance of said defendant, who was afterwards apprehended by the officers of the United States through the efforts of Francis L. Flanders and subsequently convicted and sentenced.

The SPEAKER pro tempore. Is there objection?

Mr. MILLER. I object.

Mr. STAFFORD. Will the gentleman withhold his objection?

Mr. MILLER. No. I will not withhold my objection to a bill of that character.

ALICE LOEBER.

The next business on the Private Calendar was the bill (H. R. 12584) for the relief of Alice Loeber.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Let us have the bill reported.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $10,000 to Alice Loeber, of St. Helena, Calif., on account of the death of her daughter, Grova Loeber, who was killed June 29, 1922, in Stanislaus National Forest, Calif., by a falling tree stump or snag, which had been dislodged by blast set off by employees of the Forest Service who were reconstructing the road upon which she was traveling.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Reserving the right to object, has there been any amendment to reduce the amount?

Mr. CURRY. To $2,500.

Mr. EDMONDS. It will be reduced by amendment to $2,500.

Mr. BLANTON. But the amendment may not be agreed to in the Senate.

Mr. EDMONDS. We will stand by the amendment made by the House or the bill will not pass.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the committee amendment, as follows:

In line 5, strike out the figures "$10,000" and insert in lieu thereof "$2,500."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A. L. GRAMLING.

The next business on the Private Calendar was the bill (S. 3256) for the relief of A. L. Gramling.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to A. L. Gramling, out of any money in the Treasury not otherwise appropriated, the sum of $218.13 as compensation for expenses incurred by him while employed by the Bureau of Internal Revenue, district of Florida, during the months of July and August, 1921.

The bill was ordered to be read a third time, was read the third time, and passed.

HILLSBORO DREDGING CO.

The next business on the Private Calendar was the bill (S. 3171) for the relief of the trustee of the estate of Hillsboro Dredging Co., a corporation, bankrupt.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $4,593.74, for the relief of the trustee of the estate of Hillsboro Dredging Co., a corporation, bankrupt, for extra dredging and blasting in the improvement of the channel from Clearwater Harbor through Boca Ceiga Bay to Tampa Bay, Fla., the same having accrued to the benefit of and having been made necessary by acts of the Government.

Mr. BLANTON. Mr. Speaker, I reserve a point of order on the bill. Why has the committee violated clause 5 of Rule XXI in this bill by making a direct appropriation?

Mr. EDMONDS. Because our committee has the right to do that. It was decided last year, and it has been so decided right along, that our committee has the right to make an appropriation. Every one of these bills is an appropriation. The gentleman will remember the point of order raised in the House, which was decided by the gentleman from Kansas [Mr. CAMPBELL] then occupying chair.

Mr. BLANTON. Then there is left one committee, to wit, the Committee on Claims, and that is the only committee of the House that has not had its power taken away from it?

Mr. EDMONDS. Oh, no; the War Claims Committee and the Public Lands Committee also, I think, have the same right.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

STEAMSHIP "ESPERANZA."

The next business on the Private Calendar was the bill (S. 419) for the relief of the owners of the steamship *Esperanza*.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Chairman, let the bill be reported.

The Clerk read the bill, as follows:

Be it enacted, etc., That the claim of the New York and Cuba Mail Steamship Co., owner of the American steamship *Esperanza*, *v.* The United States for damages alleged to have been caused by collision between said vessel and the United States destroyer *Connor* on the 15th day of February, 1918, off Barnegat Light, New Jersey, may be sued for by the owner of the said American steamship *Esperanza* in the United States District Court for the Southern District of New York, sitting as a court of admiralty, and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the owner of the said American steamship *Esperanza*, or against the owner of the said American steamship *Esperanza* in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read the third time, was read the third time, and passed.

LONG ISLAND RAILROAD CO.

The next business on the Private Calendar was the bill (S. 420) for the relief of the Long Island Railroad Co.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I wish to inquire of the chairman of the committee why this claim can not be passed upon under the general authority of the Navy Department to adjust claims up to the amount of $3,000?

Mr. EDMONDS. I think I can explain to the gentleman.

Mr. STAFFORD. The injury is the result of the action of a naval vessel.

Mr. EDMONDS. The Long Island Railroad Co. made a claim against the department in the sum of $1,825, reported Mr. Coontz, Acting Secretary, but in view of the fact that the amount of its claim was far in excess of the estimate made by the naval authority, responsibility was denied to the extent claimed. He further adds that it is believed, however, that the claimant is entitled to have his claim passed upon by a court of law, and it is therefore respectfully recommended that the bill receive favorable consideration.

Mr. STAFFORD. Is it the policy of the committee that whenever the Navy Department refuses to pay a claim to the extent the claimant thinks is owing that we will have to pass special legislation to have the claims passed on by the court?

Mr. EDMONDS. I think this is the first case that we have had of the kind. We believe that a man is entitled to go to court and have his dispute settled. If there is a dispute between two parties, there must be some place where they can go to have it decided.

Mr. STAFFORD. In some of these cases the Navy Department is firmly of the opinion that their vessel is not at fault, but that the other colliding vessel is at fault. Under the rules of admiralty the Government would be obliged to pay the loss, even though the Navy Department was not at fault, provided that loss was greater, as was sustained by the claimant, than the loss sustained by the Navy Department. Why should we do those things?

Mr. EDMONDS. I do not quite catch what the gentleman is trying to say, but as I understand the matter he is trying to say this——

Mr. STAFFORD. I will either have the reporter read what I said or say it again myself to see whether I am at fault or not. It is pretty early in the evening, and I do not think that I am at fault so early in the evening.

Mr. EDMONDS. The gentleman said that he thought the Navy Department had a right in dispute to say whether the other claimant had a right to go to court. Is that it?

Mr. STAFFORD. Oh, no. As I understand the rule of damages in admiralty cases where both are at fault, the one who suffers the greatest damage is entitled to a claim against the other party.

Mr. EDMONDS. I never heard that rule.

Mr. STAFFORD. I want to say that one of the most eminent lawyers in Philadelphia, and, of course, the gentleman will yield to the opinion of a Philadelphia lawyer, and an admiralty lawyer at that, stated that to me only within a week.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. EDMONDS. Yes.

Mr. BLANTON. The situation is that when the gentleman from Pennsylvania [Mr. EDMONDS] and the gentleman from New York [Mr. SNELL] got their general bill through here conferring power and jurisdiction upon the department to settle these claims under $3,000, it was the position of the gentleman that he wanted to get rid of these claims, that he did not want to be bothered with them any more, and yet the very first one that the Secretary of the Navy turns down, they come back to the gentleman's committee and they get action.

Mr. EDMONDS. Oh, no.

Mr. BLANTON. And the gentleman brings in a favorable report on a bill which the Navy could settle at a smaller amount.

Mr. EDMONDS. The gentleman's statement is not correct. The Navy Department did not turn him down.

Mr. BLANTON. They turned him down in so far as the amount of his claim is concerned; they wanted to pay him a less amount.

Mr. EDMONDS. And now they state they think he has a right to go into court.

Mr. BLANTON. And they determine what they themselves should pay.

Mr. EDMONDS. Does the gentleman agree that the Navy Department is infallible and never makes a mistake?

Mr. BLANTON. I think in this one instance probably the Navy Department was correct, because they reached the conclusion that the whole claim was not just.

Mr. EDMONDS. Do you think they were correct in the Moses case?

Mr. BLANTON. I think it should go back to the Navy Department, and I object.

The SPEAKER pro tempore. Objection is heard.

RELIEF OF PERSONS SUFFERING DAMAGE BY CONDEMNATION OF LAND FOR CAMP BENNING, GA.

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent to return to Calendar No. 377.

The SPEAKER pro tempore. Is there objection? (After a pause.) The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 2853) for the relief of persons suffering damage by reason of proceedings for the condemnation of land for Camp Benning, Ga.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. MILLER. Let us have the bill reported.

The Clerk read as follows:

A bill (S. 2853) for the relief of persons suffering damage by reason of proceedings for the condemnation of land for Camp Benning, Ga.

Mr. MILLER. I would like to have some explanation.

Mr. BLANTON. The gentleman wants the bill reported.

The SPEAKER pro tempore. Does the gentleman desire to have the bill reported?

Mr. MILLER. Yes.

The Clerk read as follows:

Be it enacted, etc., That the sum of $49,901, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated. The Secretary of the Treasury is hereby directed to pay out the same to such persons as the Secretary of War may designate, who were damaged by circumstances arising out of proceeding for the condemnation of certain lands near Camp Benning, Ga., and in such amounts as the Secretary of War may determine, including claims of John T. Davis and the W. C. Bradley Co. for losses suffered by reason of inability of these parties to remove their improvements from lands transferred by deed to the United States, although expressly granted such right of removal by the prior contracts of sale.

The SPEAKER pro tempore. Is there objection?

Mr. MILLER. Reserving the right to object, I would like to have some explanation of this bill, because there are a myriad of these land cases throughout the country. If this is passed, there are a myriad to come.

Mr. WRIGHT. Mr. Speaker, during the war it was found very desirable to establish an Infantry training school, principally in the use of small arms. A territory was selected near Columbus, Ga., in the early fall of 1918, and an emergency officer with others located the site. The original site of the school was just out of the city of Columbus, Ga. Under the blanket condemnation proceedings which were used during the war a proceeding was filed to condemn 115,000 acres of land for this school. Later it was determined that the school could get along with about 98,000 acres of this land, and consequently 17,000 acres were cut out. This was 10 or 12 months after condemnation proceedings had been entered and served. These 17,000 acres subsequently cut out was land on which the original site of the school was fixed. During the time the school functioned there on that 17,000 acres rifle ranges were established over it, and some houses were shot into, and the emergency officer there notified the people in that area to get off their lands; and as a result many moved and left their crops and others were in suspense the following spring, and did not know whether to plant a crop or not, and they suffered a loss. This whole matter was referred to a board of officers at Camp Benning, Ga. They made a finding and report to the War Department, and it was reviewed by the Appraisal Board, Claims Division, of the War Department, and these amounts are the result of the final finding. Of course, the War Department held it had no funds available to pay these claims, although they recognized——

Mr. MILLER. Whose property was destroyed?

Mr. WRIGHT. Quite a number of people.

Mr. MILLER. What kind and character of people?

Mr. WRIGHT. They had crops on the little farms there and they were ordered off, and they went off and left their crops, and in many instances trees were damaged by shot and houses damaged, and it simply put those people in a state of utter consternation. They did not know what to do. I think if my friend will investigate these he will see they are different claims from what he has in mind.

Mr. MILLER. Mr. Speaker, I have a number of claims in mind similar to these. During the war unfortunately officers went out and proceeded to commandeer great tracts of land and proceeded to condemn them. In many instances the officers were unreasonable, in my judgment, in evicting people. In other instances claims are put in for absolutely unreasonable amounts, absolutely unreasonable. Now, whether these claims are of that class or not, I do not know.

Mr. WRIGHT. I will tell the gentleman these are good clean claims.

Mr. MILLER. I am against claims of this character. I am perfectly willing if any proceeding can be outlined by the gentleman where the claimants can have recourse in any way through the Court of Claims, if possible, or in any other way where there can be a report——

Mr. WRIGHT. I do not think that would be possible, and while I do not know the exact number of these claimants, they are principally small farmers, and perhaps there are 50 involved in this finding, and for each one to be relegated to the Court of Claims, of course, would be an unjust matter——

Mr. MILLER. If they are filed for grain or anything else destroyed, of course it is at the maximum value whether there is anything of value or not.

Mr. WRIGHT. These officers, and the appraisal board trimmed it down very closely.

Mr. MILLER. I will not object to these claims, but I want to serve notice that I am going to object to any claims of this character coming after it.

The bill was ordered to be read the third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next one.

OWNERS OF THE STEAMSHIP "LEXINGTON."

The next business on the Private Calendar was the bill (S. 421) for the relief of the owners of the steamship *Lexington*.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. BLANTON. Let it be reported, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report it.

The Clerk read as follows:

Be it enacted, etc., That the claim of Colonial Navigation Co., owner of the American steamship *Lexington*, against the United States for damages alleged to have been caused by collision between said vessel and the United States submarine O-7 on the 6th day of October, 1919, in the East River, New York, near Horns Hook, may be sued for by the owner of the said American steamship *Lexington* in the United States District Court for the Southern District of New York, sitting as a court of admiralty, and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States, in favor of the owner of the said American steamship *Lexington*, or against the owner of the said American steamship *Lexington* in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Reserving the right to object, I notice in the report of the Acting Secretary of the Navy, the Hon. Theodore Roosevelt, that the claim of the owners of this steamship is $75,000, which includes $42,000 for 28 days' demurrage at $1,500 per day. The Navy Department recognizes that the submarine was at fault by reason of defective steering tiller, but it recognizes that they are obligated to pay only $11,191.68. Now, why should we submit this case to the United States district court sitting as a court of admiralty, where there is piled up a claim of $75,000, when the department excludes demurrage charges, and is willing to pay $11,191?

Mr. EDMONDS. Probably because the claimant will not accept the $11,191. A great number of these admiralty cases that

have arisen out of the war activities should be treated by the House in some kind of a general bill, in which a limitation is put on demurrages, or else demurrages are allowed. I am not an attorney, and I may make mistakes, but I know that in ordinary admiralty practice it is the custom to pay demurrage. If you send these cases to the district courts acting as admiralty courts, you are going to pay demurrage. Demurrage is possibly a proper claim, but there should be some limit to the amount of demurrage. In the courts in the past demurrage has been figured as the going value of the steamer. It is manifestly unfair to take advantage of a situation to collect the going value of the steamer. If we would treat these cases under a general bill, describing what should be the demurrage allowed, all of these bills would not come to the Committee on Claims. But we have no other place to pay them to-day. We have no other way to act upon them.

If we bring them into the House we have got to take them up and bring them in for a certain sum, or we have got to send them to a district court. Wherever the sum is not disputed we have brought in a bill with that sum in it. Where the amount is disputed we send it to the admiralty court. When it is sent to the admiralty court demurrage is paid beyond question.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. EDMONDS. Surely.

Mr. STAFFORD. In all the cases reported from the gentleman's committee where the amount of the allowance is fixed, is there any instance where the committee has recommended an allowance for demurrage?

Mr. EDMONDS. I will not say that as to the past, but in the past few years we have cut demurrage out.

Mr. STAFFORD. Speaking of modern times, not ancient?

Mr. EDMONDS. Yes.

Mr. STAFFORD. Is it ever the policy of Congress to allow the claimant interest on the amount of damages incurred by reason of the deprivation of their property?

Mr. EDMONDS. The committee does not allow for that.

Mr. STAFFORD. We have adopted a fixed policy, so far as Congress is concerned, of not allowing demurrage in case of collisions. If this firm wants to receive relief, let them accept the amount fixed by the committee for the guidance of the Navy Department. I object.

The SPEAKER pro tempore. The Clerk will report the next bill.

CHARLES R. O'LEARY.

The next business on the Private Calendar was the bill (H. R. 10280) for the relief of Pay Inspector Charles R. O'Leary, United States Navy.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. MILLER. I object.

The SPEAKER pro tempore. Objection is made. The Clerk will report the next bill.

JOHN H. LANG.

The next business on the Private Calendar was the bill (H. R. 10774) for the relief of John H. Lang.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. I object.

Mr. BLANTON. I object.

Mr. APPLEBY. Mr. Speaker, I hope that the gentleman from Texas will withhold his objection.

The SPEAKER pro tempore. Does the gentleman from Texas withhold?

Mr. BLANTON. I will withhold.

Mr. APPLEBY. Mr. Speaker, this is the case of a boy who enlisted in the Navy, and served two and one-half years, and was discharged for personal disability. The Navy Department refused to give him a certificate to the effect that he was disabled. We have presented to the Naval Committee a clear case from the doctors who knew the boy before he went into the Navy, and also affidavits as to his condition after he came out. I personally met this man last summer and I am fully satisfied that he is entitled to a pension. It has been done in a number of similar cases, so that he can get a pension. The man can not earn a dollar, on account of the injury received in the service of this country. I have affidavits here from Janeway & Carpenter, the leading wall-paper manufacturers of New Brunswick, as well as a great many reliable people in my district.

All that we ask is that this naval boy be allowed to receive a pension. We went before the Naval Committee and presented this case, and they reported favorably upon it, and it seems to me the bill should not be objected to.

Mr. STAFFORD. Mr. Speaker, as warrant for the objection I raised a moment ago, I wish to call attention to the report of the Navy Department, which shows that the disability of this claimant was either by reason of his own misconduct in the service or that he had this trouble prior to his enlistment. I have read all the affidavits that the gentleman refers to, and they do not controvert the fact that he had neurasthenia prior to his entering into the service or that his disability was due to his own misconduct. I object.

The SPEAKER pro tempore. Objection is made. The Clerk will report the next one.

CHARLES L. M'CULLEY.

The next business on the Private Calendar was the bill (H. R. 1263) for the relief of Charles L. McCulley.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Let it be reported.

The SPEAKER pro tempore. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to place the name of Charles L. McCulley, also known as Charles L. McCullough, late of the United States Navy, on the muster rolls of the Navy Department and grant him an honorable discharge, thereby giving him the right of membership in a soldiers' home.

With the following amendment:

Insert at the end of the bill the following:

Provided, That no back pay, allowances, or other emoluments shall be held to have accrued prior to the passage of this act.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Reserving the right to object, I should like to ask the gentleman from California [Mr. CURRY] what is the necessity for this action?

Mr. CURRY. The necessity for this action is the refusal——

Mr. BLANTON. Is this the gentleman's bill?

Mr. CURRY. Yes.

Mr. BUTLER. Mr. Speaker, we all considered that this was an act of mercy, and the bill is all right, to permit a poor old man to go to the soldiers' home.

Mr. BLANTON. Is this a case of desertion?

Mr. BUTLER. No.

Mr. KRAUS. I think it is a case of a lost record.

Mr. BLANTON. Why was an honorable discharge refused this man?

Mr. CURRY. He received an honorable discharge from the Navy. He was a young man, and he lost his discharge. He was in the Navy under the name of McCullough, and the Navy Department refused to give him a certificate in lieu of the lost discharge. The only way that he can enter a soldiers' home is by the passage of this bill.

Mr. BLANTON. The point that struck me as being peculiar was that he served under another name.

Mr. CURRY. This is the same man who served in the Navy. I introduced this bill. I did not know the man when I introduced the bill.

At that time he was living in Napa County, in my district, and Colonel Holderman, who was a congressional medal of honor man in the late war, was the commandant at the home. He looked into this matter, and he said the man was entitled to an honorable discharge and asked me to introduce the bill. I received a letter from Gen. Samuel W. Backus, the president of the board of managers of the home and who served brilliantly during the Civil War, and he asked me to introduce the bill. I also received a letter from Capt. Hugh Burke, who was and is a member of the board of managers of the home. He told me that he knew this man when he was in the Navy and that he was entitled to an honorable discharge.

Mr. BLANTON. This was service during the Civil War?

Mr. CURRY. During the Civil War. The man is 83 years old, and he wants to have the right to go to a soldiers' home.

Mr. BLANTON. What explanation does he offer for having served under an alias?

Mr. CURRY. The reason he served under a different name was because he ran away from home and did not want his people to know that he entered the service.

Mr. BLANTON. He was known for a while as McCulley and later as McCullough?

Mr. BUTLER. That was what bothered us, and that was the point on which we required proof, and they finally satisfied us that he was the same man. He is a poor, miserable old sailor, 83 years old, who will be entitled to go to the home if we pass this bill.

Mr. BLANTON. The great trouble with my friend from Pennsylvania [Mr. BUTLER] is that he has such a warm, kind heart for any man 83 or 84 years old who may have served 50 years ago——

Mr. BUTLER. I will say to my friend that when I am 83 I will come to him and he will have the same feeling for me.

Mr. CURRY. I have served in this House 10 years. I have a soldiers' home in my district, in which there are 3,500 members. There are three or four thousand old soldiers in my district besides that. I have refused to introduce at least 50 bills of this kind.

Mr. BLANTON. I shall not object.

Mr. CURRY. I have introduced only five such bills, and each one of those I knew to be all right.

The SPEAKER pro tempore. The question is on the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

W. B. MOSES & SONS ET AL.

Mr. DEAL. Mr. Chairman, I ask unanimous consent to return to Calendar No. 320.

The SPEAKER pro tempore. The gentleman from Virginia asks unanimous consent that we return to Calendar No. 320. Is there objection?

Mr. STAFFORD. Reserving the right to object——

Mr. BLANTON. Is that the Moses bill?

Mr. DEAL. Yes.

Mr. BLANTON. I object.

Mr. DEAL. I ask the gentleman to withhold his objection until I can make a statement.

The SPEAKER pro tempore. Does the gentleman withhold his objection?

Mr. BLANTON. There are four or five of us who will not let this bill pass, but I will reserve my objection if the gentleman wishes to make a statement.

Mr. DEAL. I should like to make a statement.

Mr. BLANTON. I withhold the objection.

Mr. STAFFORD. I withhold my reservation, so that the gentleman may speak for five minutes.

Mr. DEAL. Mr. Chairman, in 1920 the supply officer of the Navy Department asked for bids for certain furniture that was needed or supposed to be needed by the Navy Department. Bids were submitted and the awards were made to the lowest bidder. The supply officer failed, however, to comply literally with the law. I believe he submitted a written order, but neglected to have the merchants sign the order. They, however, supplied the goods. The Government got the goods. The Government has been using these goods for more than three years. The Navy Department, discovering the technicality, refused to pay the bill, but the Assistant Secretary of the Navy has requested the chairman of the Claims Committee to report a bill for the payment of these claims.

The chairman has reported such a bill from the committee with the recommendation that it pass. Now objection has been made to the passage of this bill on the ground that the Navy Department had indulged in an unusual extravagance; that the parties selling the goods had asked too much money for them and had not complied literally with the law in respect to these matters. I submit that this bill ought to be paid. How can we expect merchants to sell to the Federal Government goods at prices such as they sell to you and me if they are to be kept out of their money indefinitely and perhaps absolutely? The gentleman from Texas says that he shall always object to the bill; that they ought to lose the goods because they did not comply with the law by signing the contract——

Mr. BLANTON. Oh, no; that was not my reason. I have a better reason than that.

Mr. DEAL. The Government got the goods and they have not paid for them.

Mr. BLANTON. Let me state my reason. When there is an authorization to a representativ of this Government to buy goods of merchants, it has done so under a law. The merchant, if he has any sense, will look at the law, and he will find out what the purpose of the purchase is. Here is a case where the naval officer went down and bought 10 fine mahogany chiffoniers at $200 apiece; he bought 10 fine chiffonettes at $200 apiece; he bought fine chairs——

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. I object.

JOHN L. LIVINGSTON.

The next business on the Private Calendar was the bill H. R. 9376, for the relief of John L. Livingston.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Reserving the right to object, I would like to ask whether a naval reservist who is seeking a place on the retired list by reason of injury received in the service is not entitled to a pension?

Mr. VAILE. I am informed by the chairman of the Committee on Naval Affairs that he is not entitled to a pension. I do not know myself how it is. He was injured 11 days after the passage of the resolution declaring the state of war between the United States and Germany at an end. This man had been wounded in action. He had recovered well enough to fight after that. If the injury from which he is now suffering had been received 11 days earlier, he would be retired under the general provisions of the law at three-quarters pay.

Mr. STAFFORD. I would like to ask some member of the Naval Affairs Committee whether a member of the Naval Reserve injured in actual service is not entitled to a pension?

Mr. BUTLER. I want to say that I misled my friend, and did not intend to do it. I thought it was another case; I thought it was another cadet at Annapolis. It turns out that this is a member of the Reserve Corps injured 11 days after the declaration of peace.

Mr. FIELDS. Has he received compensation from the Veterans' Bureau?

Mr. VAILE. He has not.

Mr. FIELDS. Why has he not?

Mr. VAILE. Because he was not entitled to it, because he was not injured during the period of the war; he was in the service, but the war was over.

Mr. MILLER. He was not injured by his own negligence?

Mr. VAILE. Certainly not. There must be something the matter here.

Mr. PARKER of New Jersey. Is not there a law, passed some time ago, under which members of the Naval Reserve are retired?

Mr. KRAUS. Let me state that Lieutenant Livingston would undoubtedly be entitled to compensation, not to a pension, but under the law he would prefer a larger sum which he would receive as a retired officer. As a matter of fact, if he had been in the regular Navy on the 14th of March he would be entitled to retirement, but on account of the peculiar limitations in the law it does not apply to men in the Naval Reserve, although he was on active duty doing precisely the same thing that an officer of the Navy was doing.

Mr. MILLER. And they want to get this man on the retired list of the Navy?

Mr. KRAUS. That would be the effect of this bill.

Mr. MILLER. We are trying to get something done with reference to the Army as an emergency law but Congress will not grant it to them. Here is a man not injured in battle.

Mr. VAILE. This man had been injured in battle.

Mr. MILLER. How badly?

Mr. VAILE. He is in the hospital and is now suffering from a broken back. I think the gentleman will see that in justice he can hardly refuse to put this man on the retired list. This man was twice decorated for gallantry in action by the Serbian Government, and he was decorated by France because he applied the Liberty motor to the seaplane. He served throughout the hottest part of all of our action in the air abroad. Eleven days after the declaration of peace, after the passage of our resolution, at Guantanamo, Cuba, while he was repairing the propeller of an airplane the motor was started by some one else and his back was broken. He is absolutely crippled for life. If that had happened 11 days before he would be in the same position as his friends who rendered no greater service, and not nearly as great in many cases, who are now getting three-quarters pay, but because he went into the Navy only for the purpose of fighting for his country and not for the purpose of making it a profession for life he is condemned to go through life hopeless and helpless with a broken back, and is remitted to such compensation as he can get through the War Risk Bureau.

Mr. MILLER. It is undoubtedly an appealing case, but the principle involved here——

Mr. VAILE. Does principle require keeping that man a cripple through life on a miserable pittance?

Mr. MILLER. He is not a cripple through life because of any principle that we are applying. We are trying to apply his crippled condition to some principle. There are many men who have been decorated for service, just as much as this man

has, and who have been injured probably just as badly. They are at Walter Reed Hospital, a lot of them. They are getting compensation simply. They would like to be put on the retired list, the same as this man would, but Congress will do nothing for them in that respect. We have men out there with both arms off, with both eyes out, and we can not get Congress to do anything for them, and why should we permit one by one others to come in here and get such relief?

Mr. VAILE. Is that a reason for denying justice?

Mr. MILLER. Yes; it is. I say we should treat them all alike.

Mr. FIELDS. Mr. Speaker, I would vote to give this man a pension, but I would not vote to put him on the retired list. I object.

JOSEPHINE H. BARIN.

The next business on the Private Calendar was the bill (H. R. 514), authorizing the payment of an amount equal to six months' pay to Josephine H. Barin.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I wish to inquire whether or not at any time we have ever granted six months' pay to beneficiaries of persons who have died while a member of the Naval Reserve Force?

Mr. McARTHUR. The gentleman from Pennsylvania [Mr. BUTLER] can answer that better than I can.

Mr. BUTLER. Yes; while on active duty. Under the general law while on active duty they are entitled to it. There were extraordinary circumstances here which induced the committee to report this bill. The gentleman from Oregon [Mr. McARTHUR] is interested in it and introduced the bill.

Mr. STAFFORD. Let us have some further information about that. We do not want to establish a precedent here that is going to plague us in the future. We would not hestitate a moment to grant this mother six months' pay if circumstances warranted it.

Mr. BUTLER. I want to say to my friend from Wisconsin that I am not as familiar with all of the facts in the private bills as I should be.

Mr. STAFFORD. Oh, I was not directing that remark to the chairman of the committee; I was directing it to the author of the bill.

Mr. BUTLER. Therefore I hesitate to state positively anything that I am not sure about; but I know the general act was broad enough when men were on active duty, although reserve officers, and were destroyed while in active service, to entitle their widows or next of kin to this gratuity. How it is here I am unable to say.

Mr. McARTHUR. Mr. Speaker, this man was a reserve officer; and understanding that the naval appropriation bill which passed on June 4, 1920, only eight days before his death, provided six months' pay for the widow of deceased officers, he permitted his insurance to lapse. It is hardly possible that the details of an act of Congress could be known to an officer as far away as Santiago within eight days. This man permitted his insurance to lapse. He did not know the contents of the law.

Mr. STAFFORD. I suppose there would be some in this House who would even ask us to grant these people the insurance that a man permitted to lapse through inadvertence or design on his part. We have never passed such a bill as that. I want to direct the attention of gentlemen to the law and have some explanation made as to the interpretation of it. The law is to be found on page 2 of the report, and I read it:

That hereafter, immediately upon official notification of the death from wounds or disease, not the result of his own or her own misconduct, of any officer, enlisted man, or nurse on the active list of the regular Navy or regular Marine Corps, or on the retired list when on active duty, the Paymaster General of the Navy shall cause to be paid to the widow, and if there be no widow, to the child or children, and if there be no widow or child, to any other dependent relative of said officer, enlisted man, or nurse previously designated by him or her an amount equal to six months' pay at the rate received by such officer, enlisted man, or nurse at the date of his or her death. The Secretary of the Navy shall establish regulations requiring each officer and enlisted man or nurse having no wife or child to designate the proper dependent relative to whom this amount shall be paid in case of his or her death. Said amount shall be paid from funds appropriated for the "Pay of the Navy" and "Pay of the Marine Corps," respectively.

I wish to submit this question to the authority on naval matters, the distinguished chairman of the committee, whether a member of the Naval Reserve Force is on the retired list on active duty?

Mr. KRAUS. He is not.

Mr. STAFFORD. I do not think that we have ever recognized the principle of granting pay to naval reservists.

Mr. KRAUS. Mr. Speaker, will the gentleman withhold his objection for a moment?

Mr. STAFFORD. Yes.

Mr. KRAUS. Let me make a brief statement on this subject generally. Prior to October 6, 1917, the law provided that a six months' gratuity pay be paid to the widow or to other dependent relatives of an enlisted man in the Navy. The authorities of the Navy Department, and, I believe, Congress itself did not intend to repeal that law, but the comptroller held that the war risk insurance act, which became effective October 6, 1917, repealed that law by implication. Then, subsequent to that and before March 3, 1921, the date when the resolution was passed declaring war at an end and therefore during the period while legally war was still continued, the Congress reenacted the gratuity law with some modifications, demonstrating thereby that it was not the intention of Congress to repeal the six months' gratuity law, and it is on that theory that the Committee on Naval Affairs in cases in which these facts have been presented to it have recommended favorably the allowance of this gratuity to the widow or next of kin.

Mr. STAFFORD. Let me put this question. Prior to the enactment of the compensation law which the comptroller held negatived the effect of the six months' gratuity, were dependent relatives of members of the Naval Reserve officers entitled to six months' gratuity?

Mr. KRAUS. I think not, but let me state to my friend that I believe he will be unable to find anybody in the Naval Reserve Force prior to that time who had seen active duty. I think Congress unintentionally made the limitation too restrictive in this law, looking upon the situation as if we were not at war, disregarding the fact that hundreds of men, while in the Naval Reserve Force, were in fact on active duty and they should have been protected.

Mr. STAFFORD. When a national guardsman goes to camp for summer training of 15 days and an accident occurs, to carry the logic of the bill out, the dependent parents would be entitled to six months' gratuity?

Mr. KRAUS. No. The Navy has precisely the same situation. My friend from Wisconsin misunderstands the fact that he was on active duty continuously. He was performing active duty in the Navy in training at the temporary training school. The situation is not the same. As a matter of fact this man, although he was not enlisted in the regular Navy, because the authorized enlisted strength was limited to 137,000 and we needed over three times that number, and therefore they enlisted in what is called the Naval Reserve and——

Mr. STAFFORD. How long was he on active duty prior to the accident?

Mr. KRAUS. Three years——

Mr. STAFFORD. Under that statement I guess I will withdraw the reservation of objection.

Mr. BLANTON. Mr. Speaker, reserving the right to object, when the war risk insurance act was passed, it stopped the pay of the six months' gratuity to the wife of an officer.

Mr. KRAUS. Let me say to my friend——

Mr. BLANTON. Just one minute. I want to recite what the facts are. Before the war risk insurance act went into effect this Government paid six months' gratuity to a widow.

Mr. KRAUS. Of an officer or an enlisted man, either one.

Mr. BLANTON. When the war risk insurance act was passed that stopped the pay. Then, June 4, 1920, Congress passed another act reestablishing this pay, and it again put this proviso excepting the Naval Reserve Force; and here is the provision, page 2 of the report:

That nothing in this section or in other existing legislation shall be construed as making the provisions of this section applicable to officers, enlisted men, or nurses of any forces of the Navy of the United States other than of the regular Navy and Marine Corps.

Now, if we are going to change the will of Congress with respect to one reserve officer, why has not the gentleman's committee brought in an act to take out this exception from the act of June 4, 1920, and make it applicable to the wives of all Naval Reserve officers?

Mr. KRAUS. I will say to my friend, for the reason that the number of cases is very small when you compare them with the great number of men in the service.

Mr. BLANTON. This is the third one we have had in the last two years.

Mr. KRAUS. I think there is one more on the calendar.

Mr. BLANTON. This is the third one.

Mr. KRAUS. As a matter of fact, the department has urged this committee to report general legislation. I know it is a good deal of bother for members of the committee, but we feel we had better bring each one of these cases by itself.

Mr. BLANTON. Does the gentleman think that this exception in the act of June 4, 1920, is an unwise one?

Mr. KRAUS. I think it is a bit narrow.

Mr. BLANTON. Why did not the gentleman's committee change it when we had the law up two years after the armistice and passed it?

Mr. KRAUS. I think it was referred to a good committee, but in my judgment the restriction is a bit narrow and it should have been limited to Naval Reserves when not on active duty, because when on active duty a number of these men served through the Great War.

Mr. BLANTON. If the gentleman expects to apply this to all of them, I have no objection in this case; but if he is going to make fish of some and fowl of others, I shall object.

Mr. KRAUS. I will say to my friend from Texas each case of this kind that has come before the committee, and before the special committee of which I happen to be chairman, has been investigated individually, and in each case where we find a valid claim that he would have received a gratuity if the law had continued through this period from October 6, 1917, to June 4, 1920, we recommended an allowance in that case.

Mr. BUTLER. And where we are satisfied as to the disability. That is something.

Mr. BLANTON. If that is going to be the policy of the committee, I shall not object.

Mr. KRAUS. I will only speak for the past two years.

The SPEAKER pro tempore. The objection is withdrawn. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the Paymaster General of the Navy shall cause to be paid to Josephine H. Barin, mother of Lieut. Louis T. Barin, late of the United States Naval Reserve Force, who was killed in an airplane accident at San Diego, Calif., while on active duty on the 12th day of June, 1920, an amount equal to six months' pay at the rate received by that officer at the day of his death.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next bill.

GARNET A. SYLVESTER.

The next business on the Private Calendar was the bill (H. R. 7776) to correct the naval record of Garnet A. Sylvester.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. I object.

Mr. KRAUS. Will the gentleman withhold a moment?

Mr. STAFFORD. I will for a couple of minutes. But we are not making rapid headway.

Mr. KRAUS. I am particularly interested in making this statement in the absence of the gentleman from Michigan [Mr. SCOTT], who reported this bill. I ask the membership of the House present here to view this case sympathetically.

Briefly, this man was a sailor during the World War. He was on the steamship *Terry* at Queenstown. He had a leave of absence to go and get his laundry, as the evidence shows, and when he returned to the place where the ship had been tied it was no longer in the same place. He tried to find the ship and made inquiries as to where it was located. He eventually found it, and within 15 hours returned himself. As the result of that accident the young man was tried and was summarily court-martialed. No penalty, by way of imprisonment, was imposed on him, but all his accumulated pay, $170, was taken from him, and a dishonorable discharge was given him.

Cases of that kind appeal to Members of the House, not for military justice, but for human justice.

Mr. STAFFORD. We are not five years removed from the armistice. This is the first case, to my knowledge, where you are attempting to remove the charge of desertion standing against one of the World War soldiers or sailors. Thirty-five years after the Civil War President Roosevelt said there would never be an instance where the charge of desertion would be removed from Civil War veterans. It is too recent for us to remove the charge of desertion from anyone who served in the World War. I might pick out 15 or 20 in my own district, meritorious cases. I do not think it is right to act on this case at this time.

Mr. KRAUS. Now is the time when the evidence is fresh at hand.

Mr. STAFFORD. I object.

Mr. BLANTON. Will the gentleman from Wisconsin withhold his objection for one minute?

Mr. STAFFORD. One minute.

Mr. BLANTON. This was a young boy from the woods in Michigan?

Mr. STAFFORD. Yes; 35 miles removed from a railroad.

Mr. BLANTON. Yes; 35 miles from the railroad. For that kind of a boy I have more sympathy than for a boy who comes from the city. He was ignorant. It is just as the gentleman from Indiana [Mr. KRAUS] stated. His ship moved, and he could not find it, and, like many other country boys, he was scared to death.

Mr. STAFFORD. There are other cases where there are mitigating circumstances.

Mr. BLANTON. This case ought to appeal to the big heart of the gentleman from Wisconsin.

Mr. STAFFORD. I object.

RESIGNATION OF A SPECIAL EMPLOYEE.

The SPEAKER pro tempore. Objection is made. The Chair submits the following letter, which the Clerk will report.

The Clerk read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., February 20, 1923.

Hon. FREDERICK H. GILLETT,
House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: I hereby resign as special employee of the House of Representatives, to take effect as of this date.

Respectfully,

CLARENCE CANNON.

The SPEAKER pro tempore. The Clerk will report the next bill.

JAMES H. GORDON.

The next business on the Private Calendar was the bill (H. R. 4437) for the relief of James H. Gordon.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. BLANTON. I ask that it be reported.

The SPEAKER pro tempore. The Clerk will report it.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws James H. Gordon, alias James H. Gillan, late of the United States Navy, and Company C, Twelfth Regiment New Hampshire Volunteer Infantry, shall be held to have been honorably discharged from the naval service of the United States.

With a committee amendment, as follows:

Add, after line 7, the following: *Provided*, That no back pension, bounty, or allowance shall be held to have accrued, become due or payable; nor shall any checkages or deductions be made against any pension, bounty, or allowance which he may hereafter receive by virtue of this act.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. I reserve the right to object. If the gentleman from Wisconsin will permit me, I would like to ask him if he knows of any distinction between this case and the preceding one?

Mr. STAFFORD. Oh, yes. This is a man very old in years, who served in the Civil War.

Mr. BLANTON. And the other man was young in years?

Mr. STAFFORD. Yes; the other man was young in years, and we do not wish to set a precedent at this time.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next bill.

BLATTMANN & CO.

The next business on the Private Calendar was the bill (H. R. 13150) for the relief of Blattmann & Co.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. I object.

The SPEAKER pro tempore. Objection is made. The Clerk will report the next bill.

Mr. UPSHAW. Mr. Speaker, will the gentleman withhold?

Mr. BLANTON. Yes; I withhold for a moment.

Mr. UPSHAW. Is that the Blattmann case?

Mr. BLANTON. Yes. Does it amount to more than $500?

Mr. UPSHAW. It pertains to the honor of the country.

Mr. BLANTON. It amounts to $145,500. I object.

The SPEAKER pro tempore. Objection is made. The Clerk will report the next bill.

EDWARD F. DUNNE, JR.

The next business on the Private Calendar was the bill (H. R. 9631) for the relief of Edward F. Dunne, jr.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the sum of $1,028.97, or so much thereof as is necessary, is appropriated out of any money in the Treasury of the United States not otherwise appropriated, to enable the Secretary of Labor to reimburse Edward F. Dunne, jr., the principal and costs actually paid by him on the bond which he furnished in 1911 in the case of the Chinaman Toy Dip, after deducting from that sum the additional expense incurred by the United States incident to handling deportation proceedings the second time against said Chinaman and the additional expense of deporting him from Philadelphia instead of Chicago.

With a committee amendment, as follows:

Line 3, strike out "$1,028.97" and insert in lieu thereof "$880.09."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

Mr. BLANTON. I reserve the right to object, Mr. Speaker.

Mr. DENISON. I make the point of order that that comes too late.

The SPEAKER pro tempore. No objection was made. The question is on the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time.

Mr. BLANTON. Mr. Speaker, I move to strike out the last word. I did not object at the time the bill was called up because I thought the gentleman from Washington [Mr. MILLER] was present.

Mr. MILLER. The gentleman from Washington is present.

Mr. BLANTON. I notice that the gentleman overlooked a bet on this bill, because it is identical——

Mr. MILLER. I was not aware that I had any bet up on this bill.

Mr. STAFFORD. The gentleman from Washington is not a betting man.

Mr. BLANTON. This is a case where one of these bondsmen made a bond for a Chinaman, and the case was pending, as I understand——

Mr. EDMONDS. The gentleman is wrong about this case. The other case was a criminal case. This is simply a deportation case, and the Chinaman has been sent back to China.

Mr. BLANTON. The matter was pending before Judge Landis.

Mr. EDMONDS. The gentleman from Washington [Mr. MILLER] is satisfied to let this case go through, because one Chinaman has been gotten out of the country.

Mr. BLANTON. I was not sure the gentleman from Washington was present. If he is satisfied, I will let it go through.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

E. J. REYNOLDS.

The next business on the Private Calendar was the bill (H. R. 4920) for the relief of E. J. Reynolds.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

There was no objection.

Mr. EDMONDS. I ask unanimous consent to take from the Speaker's table S. 4345, the corresponding Senate bill, and to consider it in lieu of this bill.

Mr. BLANTON. Is the amount the same in the Senate bill?

Mr. EDMONDS. The amount is the same.

The SPEAKER pro tempore. Is there objection to the substitution of the Senate bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to E. J. Reynolds the sum of $471.60 for reimbursement for money collected as duty on a carload of print paper received at the port of Ashtabula, Ohio, May 26, 1920.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

Mr. COOPER of Ohio. I ask unanimous consent that H. R. 4920, the corresponding House bill, be laid on the table.

The SPEAKER pro tempore. Without objection, it will be so ordered.

There was no objection.

THOMAS E. OWEN.

The next business on the Private Calendar was the bill (S. 1502) for the relief of Thomas E. Owen.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MILLER. Let the bill be reported, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $286.67 to Thomas E. Owen, receiver of the land office at Clayton, N. Mex., to reimburse him for moneys paid out by him for clerk hire in the said land office.

The SPEAKER pro tempore. Is there objection.

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

JOHN T. EATON.

The next business on the Private Calendar was the bill (S. 288) for the relief of John T. Eaton.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. I object.

The SPEAKER pro tempore. The gentleman from Wisconsin objects. The Clerk will report the next bill.

ELIZABETH M'KELLER.

The next business on the Private Calendar was the bill (H. R. 11879) for the relief of Elizabeth McKeller.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. I ask that the bill be reported.

Mr. STAFFORD. I object.

Mr. EDMONDS. Will the gentleman reserve his objection?

Mr. STAFFORD. I reserve the right to object.

Mr. EDMONDS. I should like to call the attention of the House to the fact that this bill is for the relief of a person injured in going through a park connected with a national monument.

Mr. STAFFORD. No; through an Indian reservation.

Mr. EDMONDS. An Indian reservation; the gentleman is correct. There was a very deep ravine that crossed the road. On all the automobile route books the map showed a bridge at this point. These people were driving at dusk. They came up a hill. Their lights were thrown upward. They did not see the gully. There was no attempt at all to protect the car.

On taking the matter up with the department they said that some time before they had placed a fence there, and there was a side road where they could have gone around. Of course, they did not notice that. The question in my mind is whether it is right for us to consider the payment of damages to people using national parks or Indian reservations or not. This case has been rather a puzzle to me, because I did not know what to do with it.

Mr. STAFFORD. I had this further difficulty: I went over the seven pages of fine print in this report containing various affidavits, and there is no affidavit by the claimant or by the claimant's wife, who claims to be injured, as to her condition at the time of the accident or her present condition.

Mr. EDMONDS. Yes; look at the statement of Doctor Church.

Mr. STAFFORD. I say that there is no affidavit by the claimant or by the claimant's wife, who claims to be injured, as to her condition at the time of the accident or her present condition.

Mr. EDMONDS. If they were traveling at the time of the accident, I presume they were in good health.

Mr. STAFFORD. I do not question that.

Mr. EDMONDS. Doctor Church on March 9, 1922, states:

Affiant further says that on the 9th day of March, 1922, the date of this affidavit, the said Mrs. R. L. McKellar is still unable to lift anything with the left arm owing to the said injuries, and that it will be a long time before the injury to the left arm is so cured or healed so that Mrs. McKellar will be able to lift anything or perform any act or labor with the left arm.

Mr. STAFFORD. There is nothing in the report to show how this accident really occurred, not one word, not a line from the claimant to say whether they were at fault or not at fault. It is just merely that there was an accident. I object.

The SPEAKER pro tempore. Objection is made. The Clerk will report the next bill.

FRANKLIN A. SWENSON.

The next business on the Private Calendar was the bill (S. 2262) for the relief of Franklin A. Swenson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. STAFFORD. I object.

The SPEAKER pro tempore. The gentleman from Wisconsin objects. The Clerk will report the next bill.

THEODORE F. HOWE.

The next business on the Private Calendar was the bill (H. R. 12158) for the relief of Theodore F. Howe.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. I ask that the bill be reported.

The Clerk read as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to credit the accounts of Theodore F. Howe, chief pay clerk, United States Navy, with the sum of $12,879.98 disallowed in his accounts while performing duty on board the U. S. S. *Rochester*, said sum having been lost without fault or negligence on his part.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. I object.

Mr. ANDREW of Massachusetts. Will the gentleman withhold it until I have made an explanation?

Mr. BLANTON. I will withhold it.

Mr. ANDREW of Massachusetts. This is the result of a pure technicality. This man served the Government for 24 years in the Paymaster's Department. The law passed July, 1919, gave the Secretary of the Treasury authority to relieve any disbursing officer of any deficiency in the account if it appeared that the officer was in line of his duty at that time and that the loss occurred without fault or negligence on his part. In pursuance of that authority given him by law the Secretary of the Treasury declared that this paymaster should be relieved. They found that there was no negligence on his part and that the officer was in the line of duty when the loss occurred. It appeared, however, that when the loss originally occurred in April, 1920, the paymaster was subjected to a court-martial which rendered the decision that he was technically guilty but at the same time said that he was not morally guilty. This was their decision:

In consideration of the long service of the accused, his spotless record, his excellent reputation for honesty and integrity, the absence of any testimony indicating that he converted these funds to his own use or profited by them in any way, or that he was careless or negligent in handling Government funds, and the probability, as shown by the evidence, that these funds were taken by parties other than the accused, we unanimously recommend Lieut (T.) Theodore F. Howe, United States Navy, to the clemency of the reviewing authority.

Mr. BLANTON. Mr. Speaker, under the reservation of the objection, I want to call attention to a part of the decision of the court-martial. He was found guilty. He was charged with the embezzlement of this $12,000. His sentence was a loss of $50 a month of his pay for a period of 12 months and a loss of 50 numbers in his temporary grade of lieutenant and 50 numbers in his permanent grade of chief pay clerk. It is true that they signed a recommendation for leniency. My distinguished colleague has not read the report of the investigating committee that investigated the escape of Grover Cleveland Bergdoll. It has been pigeonholed for months, and has never yet been called up in this Congress, where Army officers were responsible for his escape and condemned by the committee, and yet under these courts-martial they turn them loose, and not a single punishment has been had in that case. They are sometimes lenient toward each other, sometimes disposed to forgive one another in the Army and in the Navy.

Mr. ANDREW of Massachusetts. I would like to say that this man was continued on the job from that day to this as paymaster, and he has paid out thousands and thousands of dollars.

Mr. BLANTON. His own colleagues found him guilty.

Mr. KRAUS. He was found guilty of embezzlement. He was an officer in charge of a number of men, and under the law all the supplies are chargeable to him, and every dollar of the fund, and commodities of every kind that come to the ship are charged to him.

Mr. BLANTON. I do not think that this is a case that should come up under the five-minute debate.

Mr. KRAUS. This is the only way that a man can ever get relief.

Mr. BLANTON. Oh, Congress will probably be in session the 1st of May. [Laughter.]

Mr. KRAUS. I mean in this way. There will be opportunities if the man lives long enough.

Mr. BLANTON. I expect to be here the 1st of May.

Mr. KRAUS. I think it fortunate for Congress. I will say that, although this man was found technically guilty, it was not found that he took a dollar of the money.

Mr. BLANTON. The money disappeared?

Mr. KRAUS. It did.

Mr. BLANTON. Who took it?

Mr. KRAUS. The men under him—men whom he had no voice in the selection of. This man gave a bond. The facts have been investigated in the department; they know that they can not collect a single dollar on the bond. The company is entirely solvent; but no such embezzlement is covered by the bond, because it was not an embezzlement by this man personally.

Mr. BLANTON. We have had that question up before—when bonds are taken that are of no account.

Mr. KRAUS. You could not get any company to bond all the men under this man.

Mr. ANDREW of Massachusetts. The same company rebonded him immediately afterwards.

Mr. BLANTON. Oh, it was safe to do it.

Mr. KRAUS. The only reason in the world why this man is coming to Congress is because having been found guilty, and this case having been approved, as modified by the precedents——

Mr. BLANTON. Oh, I do not think we ought to take this case up to-night.

Mr. KRAUS. If the gentleman is going to insist upon his objection I shall not take any more time.

Mr. BLANTON. I do not think we ought to pass a case like this under the conditions existing to-night.

Mr. KRAUS. It will be only a matter of accounting.

Mr. BLANTON. If there is any merit in the case the gentleman will have plenty of time in the next Congress. I object.

ROBERT G. HILTON.

The next business on the Private Calendar was the bill (H. R. 13373) to permit the correction of the general account of Robert G. Hilton, former assistant treasurer of the United States.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, under a reservation of objection, I ask unanimous consent that the committee amendment be read in lieu of the bill.

Mr. BLANTON. I want to reserve an objection to it.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that the committee amendment be read in lieu of the bill. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury and the Comptroller General of the United States be, and they are hereby, authorized and directed to credit in the accounts of the Treasurer of the United States the sum of $32,000, now carried in the accounts of the office of the assistant treasurer of the United States at Baltimore, Md., and representing a balance due the United States from Robert G. Hilton, former assistant treasurer of the United States, when the subtreasury at Baltimore was discontinued January 14, 1921, in the amount of money belonging to the United States while in the custody of said assisant treasurer, the loss of said money having occurred through no fault or negligence on the part of said assistant treasurer; and for this purpose the sum of $32,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I object.

Mr. ZIHLMAN. Mr. Speaker, will the gentleman withhold that for a moment?

Mr. BLANTON. Yes.

Mr. ZIHLMAN. Mr. Speaker, this bill was prepared by the officials of the Treasury Department, who are reluctant to proceed against the bondsman of the former subtreasurer at Baltimore. At my request, and owing to the fact that this bill was pending, they have three times extended the time within which action should be taken against the bondsmen of Mr. Hilton. It has been shown that there is no negligence upon the part of the subtreasurer.

Mr. BLANTON. Mr. Hilton was the assistant treasurer of the United States in charge of the subtreasury at Baltimore.

Mr. ZIHLMAN. Yes.

Mr. BLANTON. He had in his possession funds of the United States, for which he was held responsible to this Government.

Mr. ZIHLMAN. That is correct.

Mr. BLANTON. While in such custody $32,000 disappeared there.

Mr. ZIHLMAN. No; that is not it exactly.

Mr. BLANTON. Well, there was a shortage?

Mr. ZIHLMAN. Let me explain to the gentleman.

Mr. BLANTON. There was a $32,000 shortage?

Mr. ZIHLMAN. No; let me explain that. The Congress by an act provided that the subtreasury at Baltimore should be closed on January 21, 1921, and the officials of the Treasury Department from Washington went to Baltimore where there was about $23,000,000 in the vaults, and proceeded to take this money out and count it. They picked up in Baltimore, without regard to civil-service regulations, without regard to the reputation of the men, certain laborers to help in transferring this money, coin and paper money, to the United States Treasury, and after they had finished checking out the $23,000,000, chiefly in used and damaged currency, they found a shortage of $32,000. Under the bond of Mr. Hilton he was responsible for every dollar, yet he never handled any of this money. The officials of the United States Treasury here in Washington went to Baltimore and checked the money out. They picked up men on the streets to do it, and when they had finished there was a shortage of $32.000.

Mr. BLANTON. The gentleman, as usual, is very correct, 100 per cent so, but in this instance he is not quite correct. They did not check him out in Washington; they checked him out in Baltimore.

Mr. ZIHLMAN. Yes; with laborers picked up on the street.

Mr. BLANTON. And the money that he had in his possession was counted in Baltimore, and not in Washington.

Mr. ZIHLMAN. That is true.

Mr. BLANTON. If he had had the money there when it was counted in Baltimore, this extra help that the gentleman intimates might have stolen the money between Baltimore and Washington——

Mr. ZIHLMAN. I did not say that.

Mr. BLANTON. That was the intimation.

Mr. ZIHLMAN. No; I said they helped to take the money out of the vaults in the subtreasury.

Mr. BLANTON. He was checked out there and his money counted, and this shortage was discovered.

Mr. ZIHLMAN. There was a shortage after they had taken this $23,000,000 out of the vaults.

Mr. BLANTON. The gentleman knows how a custodian of money is checked out.

Mr. ZIHLMAN. If the gentleman were a subtreasurer of the United States in some town in Texas, and the Treasury people picked up people on the streets of the town, not knowing their reputation, and they found a shortage, the gentleman would be resentful, would he not?

Mr. BLANTON. Does the gentleman from Maryland want to intimate that anybody connected with the Treasury Department of the United States would go to Baltimore and pick up laborers on the street to check out $23,000,000?

Mr. ZIHLMAN. That is what they did.

Mr. BLANTON. If they did that, they ought to be kicked out of the Treasury.

Mr. ZIHLMAN. Yet that is the fact.

Mr. BLANTON. If they did that kind of business with $23,000,000 in the vaults, then they have no business handling the money of the people of this country, and I object.

NEW JERSEY SHIPBUILDING & DREDGING CO.

The next business on the Private Calendar was the bill (S. 3515) for the relief of the New Jersey Shipbuilding & Dredging Co., of Bayonne, N. J.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. I object.

Mr. EDMONDS. Mr. Speaker, will the gentleman reserve his objection?

Mr. BLANTON. Does the gentleman think that a matter of $152,000 ought to be settled here in two minutes and a half?

Mr. BANKHEAD. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. I object.

ELDREDGE & MASON.

The next business on the Private Calendar was the bill (H. R. 10022) for the relief of Eldredge & Mason, of Malone, N. Y.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. FIELDS. Let the bill be reported.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Eldredge & Mason, of Malone, N. Y., the sum of $473.25, erroneously paid into the Treasury of the United States, which was the proceeds of a marshal's sale of an automobile which was seized by the Federal authorities for a violation of the Volstead Act and upon which automobile Eldredge & Mason held a lien.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

CHARLES W. MUGLER.

The next business on the Private Calendar was the bill (H. R. 370) for the relief of Charles W. Mugler.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Let the bill be reported under the reservation of objection.

The Clerk read as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of Charles W. Mugler, postmaster at Newport News, Va., in the sum of $3,496.85, and to certify the said credit to the Auditor for the Post Office Department, being the amount of shortages in money-order accounts, postal account, war-savings accounts, war-revenue accounts, collect-on-delivery accounts, money orders improperly paid, and registry losses, all arising from the embezzlement by, and negligence of, James W. Cheshire, employee in Hill branch of said office.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Reserving the right to object, I wish to inquire how long this clerk who defaulted in the Newport News office was in charge of this station while this postmaster who seeks reimbursement was in office?

Mr. BLAND of Virginia. From October 1, 1917, to February 12, 1919, as I recall. The branch office was opened with two other branch offices at military camps—two other offices—October 1, 1917. There was no trouble until the boys commenced to return from the other side, and then they were getting a number of checks cashed, getting considerable funds, buying postal money orders, and this embezzlement was all in a short time.

Mr. STAFFORD. I realize that during the war, particularly at camps where there were temporary post offices, it was almost impossible for the postmaster in whose district the office was located to give special attention to the branches, and I assume that this bill should pass.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

SCHOONER "ITASCA."

The next bill on the Private Calendar was the bill (H. R. 7871) for the relief of the owner of the schooner *Itasca* and her master and crew.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Reserving the right to object, I understand the owner of this schooner—it is not a Milwaukee schooner; that is a thing of the past—after this collision, instead of beaching the vessel continued on the voyage toward Newport, as I recall, and the greater part of the loss occurred.

Mr. FROTHINGHAM. They were going to Gloucester, and put back into the harbor of Newport, which would have seemed to be the wise thing to do.

Mr. STAFFORD. From the report of the Secretary of the Navy the only damage suffered by the owner, other than the sinking of the vessel, was of a minor character. This matter can be settled under the general authorization of the law that Congress passed recently, and why should they not get relief through the department?

Mr. FROTHINGHAM. It is not my relief, but the schooner did sink and it is no good.

Mr. STAFFORD. I object.

HERBERT ELLIOTT STEVENS.

The next bill on the Private Calendar was the bill (H. R. 13937) for the relief of Paymaster Herbert Elliott Stevens, United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, I object.

NEAH BAY DOCK CO.

The next bill on the Private Calendar was the bill (H. R. 9309) for the relief of the Neah Bay Dock Co., a corporation.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of the money in the Treasury not otherwise appropriated, to the Neah Bay Dock Co., a corpora-

tion, the sum of $4,507.71 as reimbursement for damages caused to the Neah Bay Wharf, the property of said company, by the U. S. S. *Swallow*, a mine sweeper of the United States Navy.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

HAROLD L. M'KINLEY.

The next business on the Private Calendar was the bill (H. R. 8733) for the relief of Harold L. McKinley.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Harold L. McKinley, of St. Ansgar, Mitchell County, Iowa, $634.60, in full compensation for his claim for expenses incurred as a result of sickness while serving in the United States Army.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

STEAMSHIP "BRYNHILD."

The next business on the Private Calendar was the bill (H. R. 5369) to compensate the owners of the steamship *Brynhild* for damages and expenses in repairing the said steamship, and to make an appropriation therefor.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, this claim can be settled under the general authority vested in the Navy Department, and therefore I object.

The SPEAKER pro tempore. Objection is heard.

RELIEF OF OWNERS OF BRITISH STEAMSHIP "PORT PHILLIP."

The next business on the Private Calendar was the bill (H. R. 8051) for the relief of the Commonwealth & Dominion Line (Ltd.), owner of the British steamship *Port Phillip*.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object——

Mr. BLANTON. According to my record here it is a different bill.

Mr. STAFFORD. This is a bill which the present occupant of the Chair introduced and I would like to make some inquiry about the bill.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. I wish to reserve the right to object. I would like to inquire why they can not adjust this claim under the general authorization of law.

Mr. HICKS. It happens to be my bill, and not knowing it was coming up to-night, I left all my papers in my office.

Mr. STAFFORD. I ask unanimous consent that at the next meeting when private bills unobjected to shall be considered, that this be taken up first in order.

Mr. BANKHEAD. The gentleman from New York [Mr. HICKS] has made such an amiable and efficient presiding officer here to-night that it seems to me his negligence in this matter of not bringing the papers with him on this case ought to be excused by allowing him to pass the bill. [Applause.]

Mr. STAFFORD. This bill is entirely different in phraseology from that which the Committee on Claims used for referring these bills to courts of admiralty. This bill is from the Committee on War Claims and it carries an appropriation, and there should be some explanation.

Mr. Speaker, I make that request, that this bill be made in order for consideration first on the Private Calendar when that calendar shall be next considered; at the next meeting when private bills which are unobjected to shall be considered.

The SPEAKER pro tempore (Mr. MCARTHUR). Is there objection to the request of the gentleman from Wisconsin that this bill be in order for consideration first on the Private Calendar when that calendar shall be next taken up?

There was no objection.

The SPEAKER pro tempore (Mr. HICKS). The Clerk will report the next bill.

HERBERT E. MEILSTRUP.

The next business on the Private Calendar was the bill (S. 3118) for the relief of Herbert E. Meilstrup.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Reserving the right to object, the hour is getting late, and yet some special mention should be made of this bill. The amount is very small, only $53.14. It is a claim for reimbursement for property that was appropriated while the soldier was in the hospital. The War Department has made successive findings that the amount is entirely too large, and has recommended that the amount should be $21.90. There is warrant for the position of the War Department, because this claimant asks for reimbursement for a bathing suit of the value of $10. I have bought bathing suits, and perhaps others here have, who have had dips in the Atlantic Ocean on occasions, but I do not think they have ever paid that amount.

Mr. MILLER. How much of a bathing suit?

Mr. STAFFORD. It depends on the size of the wearer. Perhaps the gentleman from Washington, considering his proportions, would have to pay more.

This claimant is persistent. He has been writing and writing, and I am curious to know what Senator has been acting for this claimant as a messenger boy.

Mr. BANKHEAD. Will the gentleman please tell us what this 40 cents is for? [Laughter.]

Mr. STAFFORD. It would be cheaper to pass the bill and get rid of it once for all; so I will withdraw the reservation of objection.

The SPEAKER pro tempore. The objection is withdrawn. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Herbert E. Meilstrup, formerly an enlisted man in the Forty-first Company of Engineers, unassigned, the sum of $53.40, the same being the value of personal property lost in a manner unknown when the said company was discharged from service in the Army, and while the said Herbert E. Meilstrup was confined in General Hospital No. 25, Fort Benjamin Harrison, Ind., suffering from pneumonia, during the month of December, 1918, the said personal property having been reasonable, useful, necessary, and proper for an enlisted man while in quarters, engaged in the public service, in the line of duty, and having been lost without fault or negligence on the part of the owner, and claim for replacement of such property or recoupment of damages having been disallowed by the proper accounting officers of the Treasury, which decision was sustained on review.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. MCCORMICK. Mr. Speaker, I ask for a division on this important bill.

The SPEAKER pro tempore. The gentleman from Montana asks for a division.

The House divided; and there were—ayes 40, noes 0.

So the bill was passed.

The SPEAKER pro tempore. The Clerk will report the next bill.

RELIEF OF THE WIDOW OF RUDOLPH H. VON EZDORF.

The next business on the Private Calendar was the bill (S. 528) for the relief of the widow of Rudolph H. von Ezdorf, deceased.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. ABERNETHY. Mr. Speaker, will the gentleman withhold his objection?

Mr. BLANTON. I will reserve it.

Mr. ABERNETHY. I suppose the gentleman has examined into this matter carefully?

Mr. BLANTON. For years I have examined it carefully. [Laughter.]

Mr. ABERNETHY. I think the gentleman is mistaken about that.

Mr. BLANTON. Let me give the gentleman a brief history of the case.

Mr. ABERNETHY. If the gentleman does not mind, let me tell him——

Mr. BLANTON. Let me tell the gentleman what I know about the case.

Mr. ABERNETHY. I have the floor; and if the gentleman wants to kill the bill, I would like to explain it first and have decent interment, at least.

Mr. Speaker and gentlemen, this was not my bill originally. This bill comes from my district and came up at a time when my distinguished predecessor was very ill and could not give it that consideration that it possibly otherwise would have had. This is a Senate bill, which is backed by a unanimous report from the Senate committee, and it passed the Senate unanimously; and it comes to this House recommended by the unanimous report of the Committee on Claims, and is recommended

by the Public Health Service and is recommended by the Secretary of the Treasury, Mr. Mellon. It provides for a year's salary for the widow of a man who contracted yellow fever in the service of the United States. That gave him heart disease, from which he finally died. He went all through the South and down through Louisiana and North Carolina, and was engaged in the eradication of malaria; and he stands out as a hero.

Right here I want to call the attention of the House—and this is a serious matter, gentlemen—here is a pamphlet which he prepared while living, published by the United States Public Health Service, which is a monument to him, and his widow has gone out since his death as a trained nurse to take care of herself and her only child, and here we find a spectacle in a deliberative body where, by your rules, one man can absolutely deny a hearing on this bill. I can not understand him.

I can not understand it, and although the gentleman from Texas has been fighting this bill for six years, as he says, I can not understand why he should take it upon himself to deny absolutely the right of the House to pass upon this bill. If that is the case in a deliberative body, as far as I am concerned the gentleman from Texas can turn this bill down, but when he does it he is denying one of the widows that he has talked so much about heretofore her absolute right. This man went down as a hero in the Public Health Service of this country. The committee have made a unanimous report, and General Cumming wrote me a special delivery letter to-day showing that this is a deserving case, and I say I ought to have my day in court. [Applause.]

Mr. BLANTON. Mr. Speaker, under the reservation of objection, I want to say that this man did perform some service in yellow-fever investigation. He contracted yellow fever in 1898, 25 years ago. He did not die then, and he did not die for years afterwards. He continued in the service——

Mr. BANKHEAD. Is the gentleman going to object to this bill?

Mr. BLANTON. I want to answer the gentleman from North Carolina.

Mr. BANKHEAD. If the gentleman is going to object, I demand the regular order.

Mr. BLANTON. In that case I think we ought to have a quorum present. I want to answer the strictures of the gentleman from North Carolina, and I have the right to do it. I demand a quorum.

Mr. McARTHUR. I move a call of the House.

Mr. BLANTON. If the gentleman will not let me make an explanation in answer to the strictures of the gentleman from North Carolina——

Mr. BANKHEAD. If the gentleman feels that he is entitled to answer the gentleman, all right.

Mr. BLANTON. I just want a minute. I withdraw the point. This man took yellow fever in 1898, 25 years ago. He continued in this service, drawing a good big salary. To show you that he was not disabled——

Mr. FIELDS. When did he die?

Mr. BLANTON. In 1916. In 1914, 16 years after he had yellow fever, he was in such fine physical condition that the Public Health Service of this Government sent him down to Vera Cruz to investigate yellow-fever conditions in Mexico. That was 16 years after he had yellow fever.

Mr. ABERNETHY. Will the gentleman yield for a question?

Mr. BLANTON. I yield to the gentleman from North Carolina. I will be more courteous to the gentleman than he was to me.

Mr. ABERNETHY. I am courteous to the gentleman. Suppose the gentleman was to die while a Member of the House, would not his widow get $7,500——

Mr. BLANTON. Not if I have anything to do with it. [Laughter.]

Mr. FIELDS. How does the gentleman think he will have anything to do with it?

Mr. BLANTON. If this man had died in 1898, when he had the yellow fever in fighting an epidemic, I would have approved his bill; but that was 25 years ago; and after that he drew a salary from this Government for years and years; and 16 years afterwards he was sent to Vera Cruz to investigate yellow fever there. I do not think this is the kind of a bill that ought to set a precedent here. Talk about a report from the Committee on Claims! I see the distinguished chairman of that committee sitting there now, and he knows that four years ago he and I in that committee led a fight against this bill and succeeded in killing it in the committee. That is what I know about this bill.

Mr. ABERNETHY. Why is not he fighting it now?

Mr. BLANTON. He is afraid of such strictures as the gentleman gave me awhile ago. I am not afraid of them. I am brave enough to stand up here and do my duty, even when gentlemen cast strictures. I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

MRS. VINCENZA DIMONICO.

The next business on the Private Calendar was the bill (H. R. 297) for the relief of Mrs. Vincenza Dimonico.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $30,000 to Mrs. Vincenza Dimonico, of East Boston, Mass., for injuries resulting from the accidental discharge of a machine gun, the property of the War Department, being demonstrated, for recruiting purposes, by a detachment of United States troops at East Boston, Mass., on July 23, 1919.

With the following committee amendments:

Page 1, line 5, strike out "$30 000" and insert "$5,000."
Page 6, strike out "Dimonico" and insert "Diminico."

The SPEAKER pro tempore. The question is on the committee amendments.

The committee amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

Mr. STAFFORD. Mr. Speaker, I should like to address the Members just for a minute. It is absolutely impossible for us to complete the calendar to-night. There is good reason to believe that there will be another evening arranged for the consideration of private bills before the adjournment, very likely the fore part of next week.

Mr. BLANTON. By unanimous consent we could stay here until 11.30 instead of 10.30.

Mr. STAFFORD. There is a limit to human endurance. I intend to move to adjourn.

Mr. BLANTON. This being the last opportunity for the Private Calendar and there being deserving bills on this calendar, I ask unanimous consent that we sit until 11 o'clock.

Mr. STAFFORD. I wish to say that, as I understand it, this is not going to be the last opportunity for the consideration of private bills.

Mr. BLANTON. The Rules Committee have a bunch of rules as long as my arm.

Mr. STAFFORD. Very true, but in conference with the leader of the House, he tells me that he plans to arrange for another night meeting, when we will be able to go through with the calendar.

The SPEAKER pro tempore. Does the gentleman from Texas press his request for unanimous consent?

Mr. BLANTON. This being about the last chance to get private bills considered, and there being meritorious bills on the calendar, I ask unanimous consent that we sit until 11 o'clock.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that the session continue until 11 o'clock.

Mr. STAFFORD. I object, Mr. Speaker.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

By unanimous consent the title of the bill was amended by striking out the word "Dimonico" and inserting the word "Diminico."

Mr. STAFFORD. Mr. Speaker, I move that the House do now adjourn. We can clean up the calendar next time.

The SPEAKER pro tempore. The gentleman from Wisconsin moves that the House do now adjourn.

Mr. UPSHAW. Mr. Speaker, I ask unanimous consent that the House sit until 10.30 o'clock; that is a compromise.

Mr. BLANTON. That was the original order.

Mr. STAFFORD. Mr. Speaker, I withdraw my motion to adjourn.

RELIEF OF CERTAIN EX-SERVICE MEN.

The next business on the Private Calendar was the bill (H. R. 10041) for the relief of certain ex-service men.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. FIELDS. Let the bill be reported.

The Clerk read as follows:

Be it enacted, etc., That in the first opening of lands to settlement, after the date of the approval hereof, within the North Platte Federal irrigation project, Nebraska-Wyoming, the following ex-service men, William D. Nicholas, Howard Evans, Clarence L. Larsen, T. T. Turner, and Jenner H. Mead, who incurred loss through being erroneously advised that they had been successful in the land drawing of September 9, 1921, on said project, shall each have a preference right for not less than 30 days prior to said opening within which to select a farm unit: *Provided*, That this act shall not be considered as entitling any person named to make another homestead entry who shall have received the benefits of the homestead laws since having been advised that he was unsuccessful in the aforesaid land drawing of September 9, 1921.

The SPEAKER pro tempore. Is there objection?

Mr. FIELDS. Reserving the right to object, I think there should be some explanation of this bill.

Mr. SINNOTT. The bill is for the relief of five ex-service men who were notified that they had been successful in drawing upon this project. Perhaps the majority of the House are acquainted with the first name in the bill, William D. Nicholas, who in the late administration was employed in the Sergeant at Arms' office. He was notified when in Washington, and at an expense of $250 he went to Wyoming, and after being there two or three days he was informed by the officer in charge of the drawing that they had made a mistake, and that he was not successful, and that he had no piece of land.

Mr. FIELDS. And the other four were in the same class?

Mr. SINNOTT. The other four were in a similar class.

Mr. FIELDS. Mr. Speaker, I withdraw my reservation of objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

CONVEYANCE OF CERTAIN LAND TO THE ROBERT E. KELLEY POST, SOUTH DAKOTA.

The next business on the Private Calendar was the bill (H. R. 6577) authorizing the conveyance of certain land in the State of South Dakota to the Robert E. Kelley Post No. 79, American Legion, South Dakota.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Reserving the right to object, have we heretofore adopted the policy of deeding land gratuitously to private individuals?

Mr. CHRISTOPHERSON. I can not say as to that, but the facts in this case are these: Many years ago the Government had a warehouse at Flandreau, S. Dak., and they had acquired the property near the river between the city of Flandreau and the school. They had no use for it and the warehouse has since been removed. Some years ago the Government gave the city one-half of the lot for park purposes. The Government has no use for this, and the Robert Kelley Post of service men organized under the American Legion regulations desire the lot for the erection of a building. The Interior Department recommends the grant and the committee has amended the bill so as to safeguard it by reservations.

Mr. STAFFORD. Well, take this instance—it might occur. The Government owns a public building and outgrows its size—a very valuable lot in the city. The policy of the Government has been heretofore to sell the lots to the highest bidders. Shall we now turn around and give it to a private association?

Mr. CHRISTOPHERSON. I think where they have a lot of that kind that is of little value, where it has lain idle for many years, no better use could be made of it than to give it to a soldiers' organization that will put a building on it and use it in the community. I can not see that the Government can make a better use of it.

Mr. STAFFORD. It never has been done in all the history of the Government.

Mr. CHRISTOPHERSON. Why would not this be a good time to start it?

Mr. STAFFORD. Because of the plague that would come upon Congress from people asking us to give away Government property.

Mr. CHRISTOPHERSON. I would not consider that any danger, because Congress can deal with each specific case. Here is a case where they have already given half of it to the city for park purposes, and why not give the other part to this post?

Mr. STAFFORD. The Secretary of War has made a suggestion that so far as public land under his control is concerned he will give a lease so that at any time the Government needs it it can take control of it. I do not think that even the Loyal Legion or the American Legion or the Grand Army post should ask the Government to give away property, and therefore I object.

Mr. McARTHUR. How large is this city?

Mr. CHRISTOPHERSON. About 1,500 population.

The SPEAKER pro tempore. Objection is heard.

RICHARD ANDREWS.

The next business on the Private Calendar was the bill (H. R. 8871) for the relief of Richard Andrews.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, let there be some explanation of the bill.

Mr. SIEGEL. Mr. Speaker, this is a case where a drunken chauffeur in the employ of the United States, driving a mail truck at over 29 miles an hour, ran into a man who was getting off a street car The chauffeur was arrested, held for the grand jury, pleaded guilty. The thumb and forefinger of Mr. Andrews's left hand has been amputated, and the remaining fingers on the hand are stiff. He has lost the use of his left hand. The man is unable to do any work of any kind. The entire hand is useless. He used to earn $25 a week. At the present time he is compelled to live with his wife and children in three rooms.

Mr. STAFFORD. Mr. Speaker, this will relieve at least one poor unfortunate case in the gentleman's district, or, at least, in the city of New York, and I withdraw my reservation of objection.

Mr. BLANTON. Mr. Speaker, I reserve the right to object. It has never been the policy of the Government until lately, and that is when we are relieving injuries that occurred during the war caused by members of the Army and Navy, to make the Government liable for the torts of its employees.

Mr. SIEGEL. I want to say to the gentleman that had this accident occurred when the mail truck drivers were in private employment, a judgment of at least ten to twenty thousand dollars would have been rendered.

Mr. BLANTON. The gentleman is a lawyer. He knows that the Government is not responsible for torts committed by its employees, and never has been.

Mr. SIEGEL. This case is recommended, as the gentleman will find on page 2 of the report, by the Postmaster General personally, and it was recommended by everyone who has investigated the case.

Mr. BLANTON. But the gentleman knows that we have hundreds of just such cases that run back over the last 25 years.

Mr. SIEGEL. Not in cases where we put a drunken driver in charge of a big juggernaut, and where it appears the man had never driven a machine until 30 days previous.

Mr. BLANTON. Does Doctor Work recommend that this be paid?

Mr. SIEGEL. Certainly.

Mr. BLANTON. The committee has reduced it to $2,500.

Mr. SIEGEL. Yes.

Mr. BLANTON. I have no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Richard Andrews, the sum of $5,000 in full compensation for injuries sustained by the said Richard Andrews due to a large auto truck owned and operated by the Post Office Department running him down while boarding a street car at Third Avenue, New York City, passing over his hand, causing the amputation of the thumb and forefinger, fracture of the wrist, and laceration of back of hand, injuring the arm, rendering the arm and hand useless and preventing him from earning his livelihood as a cement worker at which he earned $8 per day, and causing him to expend from the 15th of March, 1920, to the 5th of June, 1920, in the hospital and as an outside patient for five weeks, for doctors, nurse bills, medicine, etc., and rendering his injury permanent.

With the following committee amendment:

Page 1, strike out all after the word "of" in line 5 and insert the following: "$2,500, in full settlement against the Government, in compensation for injuries sustained March 15, 1920, in the city of New York, when struck by a United States mail truck."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

CONVEYANCE OF CERTAIN LANDS IN FLANDREAU, S. DAK.

Mr. CHRISTOPHERSON. Mr. Speaker, I ask unanimous consent to return to the bill H. R. 6577, No. 420 on the calendar.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Mr. Speaker, is that the case that the gentleman from Wisconsin [Mr. STAFFORD] objected to?

The SPEAKER pro tempore. It is.

Mr. STAFFORD. The gentleman has suggested an amendment to have this lot transferred at the appraised value.

Mr. BLANTON. Reserving the right to object, as far as the Government has ever gone yet, and I think they should go that far, is to permit various Legions to construct chapter houses on Government property. They have never transferred the fee of the Government property.

Mr. STAFFORD. But this amendment provides that it shall be transferred at its appraised value.

Mr. BLANTON. Oh, I have no objection to that.

The SPEAKER pro tempore. Is there objection to returning to the bill?

There was no objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to issue patent to the Robert F. Kelley Post, No. 79, American Legion, South Dakota, for the following described land: North half of lot 14 of the southest quarter of section 21, township 107, range 47 west, Moody County, S. Dak., which tract of land is to be used as a site for a memorial building.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the Secretary of the Interior be, and is hereby, authorized and directed to transfer by deed, to be duly executed by him, to the Robert E. Kelley Post, No. 79, American Legion, South Dakota, the following-described land: The north half of lot 14 of the southeast quarter of section 21, township 107 north, range 48 west of the fifth principal meridian, in Moody County, S. Dak., more particularly described as beginning at a point 181½ feet north of a point 896 feet east of the southwest corner of said section, thence north 181½ feet, thence east 120 feet, thence south 181½ feet, thence west 120 feet to the place of beginning, which said tract of land is to be used as a site for a memorial building. Said deed shall contain a clause reserving to the United States all oil, gas, coal, or other minerals in the land, and shall also provide that if said tract shall cease to be used at any time for the purposes for which it is granted it shall revert to the United States."

Mr. CHRISTOPHERSON. Mr. Speaker, I offer an amendment to the committee amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. CHRISTOPHERSON: Page 2, line 15, after the word "beginning" strike out the remainder of the paragraph down to and including line 21 and insert in lieu thereof the following: "On payment of the appraised value of said lot."

The SPEAKER pro tempore. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

FRANK G. EMMES.

The next bill on the Private Calendar was the bill (H. R. 1227) for the relief of Frank G. Emmes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MILLER. Reserving the right to object, let us have the bill reported.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Frank G. Emmes the sum of $887, in full settlement for damages suffered by reason of being shot by a machine gun accidentally discharged on one of the naval boats of the Government, at that time used as a patrol boat in the harbor of Waukegan, Ill.

The committee amendment was read as follows:

Strike out, page 1, line 6, "$5,000," and insert in lieu thereof "$887."

Mr. MILLER. Reserving the right to object, in what capacity was this man employed?

Mr. CHINDBLOM. Mr. Speaker, under the gentleman's reservation, I want to say to the House that it is fair it should be stated now, before the stage for objection is passed, that I am going to offer an amendment increasing this amount. The matter got through the Committee on Claims, I think, rather inadvertently, there being no allowance whatever for the permanent injury which this man sustained. The $887 covers only his actual monetary loss and expenses. I propose to offer an amendment. We passed a bill a moment ago in which we gave a lady $5,000 for a permanent injury; another one in which a man got $2,500. I talked the matter over with the chairman of the committee and with our good and diligent friend, the gentleman from Wisconsin [Mr. STAFFORD], who has done such very valuable service in the consideration of these bills, and I think we all agree that this amount ought to be increased.

Mr. MILLER. What is the character of the injury?

Mr. CHINDBLOM. He was shot in the abdomen by a machine gun on a patrol boat lying in the harbor of Waukegan, Ill., during the war. The shot was not only accidentally fired, as stated in some place in the report, but the board of investigation of the Army admitted that the soldier who was responsible for this accident was unskilled in the use of the machine gun and he did not know that he was maneuvering it in such way that it would fire the shot.

Mr. MILLER. Where was this man at the time?

Mr. CHINDBLOM. On the dock, working in a private capacity. He was an engineer on a gasoline boat and had gone to the wharf for the purpose of securing oil to bring over to the boat which he was running. He was a citizen, an innocent bystander, who, of course, could in no way be held accountable for the accident or even as having contributed to the accident.

Mr. MILLER. I withdraw the reservation of the right to object.

Mr. BOX. Reserving the right to object, and it is not my purpose to object, I think the claim is meritorious; but I want to understand the nature of the injuries, if it can be stated, that the man sustained.

Mr. CHINDBLOM. This man was shot through the abdomen and was in the hospital for many months.

Mr. BOX. What is his present condition?

Mr. CHINDBLOM. From an affidavit, which is in the report, out of 41 months he was able to work off and on approximately 15 months' time.

Mr. BOX. What is he doing now?

Mr. CHINDBLOM. He is up in Wisconsin doing what little service he can.

Mr. BOX. I withdraw the reservation.

Mr. UPSHAW. How much does the gentleman contemplate increasing the amount?

Mr. CHINDBLOM. I was going to propose an addition of $2,500 for the permanent injury.

Mr. UPSHAW. By all means; I wish it might be more.

The SPEAKER pro tempore. Is there objection? [After a pause]. The Chair hears none.

Mr. CHINDBLOM. Mr. Speaker, I offer the following amendment: Instead of "$887" insert "$3,387."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 6, strike out the figures in the committee amendment "$887" and insert in lieu thereof "$3,387."

Mr. EDMONDS. Mr. Speaker, I would like to say for the committee that I believe the committee would accept this amendment, because we did not notice in the consideration of this bill that this man was permanently injured. There is no question about it. He was shot in the abdomen, leaving him a weak side, and he can only walk a short distance and can not perform ordinary work.

Mr. MILLER. What was his occupation?

Mr. EDMONDS. He was an engineer.

The amendment was agreed to.

The committee amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER pro tempore. Gentlemen, the speaker has frequently asked me to preside over the deliberations of this House and has often appointed me Chairman of the Committee of the Whole House on the state of the Union. Both honors I have valued highly.

As my term of service with you is drawing to a close I would feel remiss were I not to acknowledge the debt of gratitude I owe and express the appreciation I feel for the many acts of kindness and generous consideration shown me while occupying the chair.

It has been a high privilege to have been a Member of this body, and the associations formed here, consecrated by fidelity to the Nation and cemented by ties of comradeship and good will, will ever remain happy memories beyond the reach of the fading years. [Applause.]

Mr. SEARS. Mr. Speaker, it is a very unpleasant task that the gentleman from Wisconsin [Mr. STAFFORD] is performing, but it is one that is very valuable to this country. I realize that. Perhaps it makes some of us sore, but we get over it. I realize that he has worked hard and faithfully. I happen to know personally of the industry and the energy he puts forth on these bills. It is exceedingly doubtful whether we shall have another chance to consider these bills. Therefore I would suggest that perhaps it might be well for us to meet in the mornings one hour earlier rather than have night sessions. Certainly each Member who has a bill on the Private Calendar should be given an opportunity to have same considered.

But, aside from that, I want simply to say, in connection with reference to the Acting Speaker [Mr. HICKS] and what he has said, that my first task in Congress was sitting on a contested-election case in which the gentleman from New York was in-

volved. I went into that case very thoroughly, and I never had any cause to regret my action on that occasion. [Applause.]

Mr. UPSHAW. Mr. Speaker, before we adjourn I ask unanimous consent to say this word concerning the committee: When I entered the House to-night I heard some music very unusual to my ears, in a plea coming from the gentleman from Texas [Mr. BLANTON], that something be reconsidered that he had objected to in haste, and I said, "Glory be." Then I thought to myself, "We appreciate the unwearied vigilance of the gentleman, but I wonder how he would feel if he had a worthy case pending; I wonder how the gentleman from Wisconsin [Mr. STAFFORD] would feel if he had a case of real pathos pending." And all at once I heard the unheard-of thing, the gentleman from Wisconsin who watchfully objects to so many claims actually asked somebody to withhold his objection.

Mr. SANDLIN. Mr. Speaker, what is this, anyhow? Is it a revival? [Laughter.]

Mr. UPSHAW. Just another word "for the good of the order" before we go. I thought it would be a fine thing for us to sleep on to-night if we would remember to be grateful perhaps to these "objecting" gentlemen for their vigilance. But I ask them to remember—the gentleman from Wisconsin and the gentleman from Texas—that we have only a few fleeting hours left; the golden sands are running out; and for the honor and comfort of the Committee on Claims, whose chairman has sat up until midnight many a time, trying to do his duty to every claim, let us not have so many objections. It is not quite fair to this able and faithful chairman and his busy comrades on the Claims Committee to turn down so many claims without a hearing. Many of these claims are sacred and worthy.

I think the chairman of this committee and all his comrades have been legislative heroes, trying to pass on these difficult bills. I would be willing to stay here until midnight every night until Congress adjourns in order to clear the calendar of these private claims when so many of them not only involve domestic relief and human happiness on the part of those who have suffered, but actually stand guard at the door of the Nation's honor. Let us give the Claims Committee a square deal.

ADJOURNMENT.

Mr. STAFFORD. Mr. Speaker, I move that the House do now adjourn.

Mr. BLANTON. Let us stay a little later. There will never be another chance to pass any of these bills.

The SPEAKER pro tempore. The gentleman from Wisconsin moves that the House do now adjourn. The question is on agreeing to that motion.

The motion was agreed to; accordingly (at 10 o'clock and 35 minutes p. m.) the House adjourned until to-morrow, Wednesday, February 21, 1923, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1015. A communication from the President of the United States, transmitting a communication from the Secretary of War submitting an estimate of appropriation in the sum of $4,803 to pay claims for damages by collisions, river and harbor work, which have been adjusted and settled by the Chief of Engineers, United States Army (H. Doc. No. 596); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. MOORES of Indiana: Joint Select Committee on Disposition of Useless Executive Papers. H. Rept. No. 1659. A report on the disposition of useless papers in the office of the Comptroller General of the United States Treasury Department. Ordered to be printed.

Mr. RAKER: Committee on the Public Lands. S. 4146. An act permitting the State of Wyoming to reconvey certain lands to the United States and select other lands in lieu thereof and providing for the patenting of certain lands to Natrona County, Wyo., for public-park purposes; without amendment (Rept. No. 1660). Referred to the Committee of the Whole House on the state of the Union.

Mr. NEWTON of Missouri: Committee on Rivers and Harbors. H. R. 13246. A bill for the examination and survey of the Intracoastal Canal from the Mississippi River at or near New Orleans, La., to Corpus Christi, Tex.; with amendments (Rept. No. 1661). Referred to the Committee of the Whole House on the state of the Union.

Mr. COOPER of Ohio: Committee on Interstate and Foreign Commerce. S. 4503. An act granting the consent of Congress to Bethlehem Steel Co. to construct a bridge across Humphreys Creek at or near the city of Sparrows Point, Md.; without amendment (Rept. No. 1662). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 14304. A bill declaring Bear Creek, in Humphreys, Leflore, and Sunflower Counties, Miss., to be a nonnavigable stream; without amendment (Rept. No. 1663). Referred to the House Calendar.

Mr. FOCHT: Committee on the District of Columbia. H. R. 14184. A bill to authorize the closing of a part of Thirty-fourth Place NW. and to change the permanent system of highways plan of the District of Columbia, and for other purposes; without amendment (Rept. No. 1664). Referred to the House Calendar.

Mr. DEMPSEY: Committee on Rivers and Harbors. H. J. Res. 415. A joint resolution for the relief of St. Helens, Oreg., by improving the channel between the harbor of St. Helens and the Columbia River; with amendments (Rept. No. 1666). Referred to the Committee of the Whole House on the state of the Union.

Mr. SINCLAIR: Committee on Agriculture. H. R. 12966. A bill to provide for the purchase and sale of farm products; with amendments (Rept. No. 1667). Referred to the Committee of the Whole House on the state of the Union.

Mr. VOLSTEAD: Committee on the Judiciary. H. J. Res. 455. A joint resolution to amend the China trade act; with an amendment (Rept. No. 1668). Referred to the House Calendar.

Mr. VOLSTEAD: Committee on the Judiciary. S. 425. An act authorizing the Attorney General of the United States to fix the salaries of United States attorneys and United States marshals of the several judicial districts of the United States within certain limits; without amendment (Rept. No. 1669). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. J. Res. 456. A joint resolution authorizing the chairman of the Committee on Agriculture to appoint a subcommittee to consist of not more than eight members of the Committee on Agriculture to join with a like committee of five heretofore appointed by the Senate to investigate problems relating to reforestation, and for other purposes; without amendment (Rept. No. 1670). Referred to the House Calendar.

Mr. HAUGEN: Committee on Agriculture. H. R. 13352. A bill to authorize the Secretary of Agriculture to purchase, store, and sell wheat, and to secure and maintain to the producer a reasonable price for wheat and to the consumer a reasonable price for bread, and to stabilize wheat values; with amendments (Rept. No. 1671). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. R. 7735. A bill to create the American stabilizing commission and to provide for stabilizing the prices of certain farm products; with amendments (Rept. No. 1672). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. KNUTSON: Committee on Pensions. H. R. 14358. A bill for the relief of John R. Kissinger; with amendments (Rept. No. 1658). Referred to the Committee of the Whole House.

Mr. FOCHT: Committee on the District of Columbia. H. R. 13617. A bill to dissolve the Colored Union Benevolent Association, and for other purposes; without amendment (Rept. No. 1665). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HADLEY: A bill (H. R. 14394) to consolidate certain lands within the Snoqualmie National Forest; to the Committee on the Public Lands.

By Mr. KNIGHT: A bill (H. R. 14395) to amend section 100 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as heretofore amended; to the Committee on the Judiciary.

By Mr. PORTER: A bill (H. R. 14396) to amend an act entitled "An act to provide for the registration of with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense,

sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes," approved December 17, 1914, and for other purposes; to the Committee on Ways and Means.

By Mr. FOSTER: A joint resolution (H. J. Res. 458) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. STEENERSON: A joint resolution (H. J. Res. 459) authorizing and requesting the Secretary of State to enter into negotiations with the Dominion of Canada with reference to the straightening and deepening of the channel of the Roseau River north of the international boundary line; to the Committee on Foreign Affairs.

By the SPEAKER (by request): Memorial of the Legislature of the State of Utah, asking for relief to settlers of United States reclamation projects; to the Committee on Irrigation of Arid Lands.

By Mr. VAILE: Memorial of the Legislature of the State of Colorado, expressing the view that the Interstate Commerce Commission should show the value of each interstate carrier in the several States; to the Committee on Interstate and Foreign Commerce.

By the SPEAKER (by request): Memorial of the Legislature of the State of Montana, praying for an appropriation to provide for the construction of public roads leading into and through national forests, Indian reservations, and other public land areas; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FOCHT: A bill (H. R. 14397) granting a pension to Mary L. Peck; to the Committee on Invalid Pensions.

By Mr. HICKS: A bill (H. R. 14398) authorizing the Secretary of War to donate to the village of Bayport, in the State of New York, one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. WASON: A bill (H. R. 14399) granting a pension to Mary Cain; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7357. By Mr. ANSORGE: Petition of the Merchants' Association of New York, N. Y., recommending legislation authorizing the Secretary of State to negotiate with foreign governments in order to bring about reciprocal modifications of existing passport regulations and fees; to the Committee on Foreign Affairs.

7358. Also, petition of Woman's Republican Club (Inc.), New York, urging Congress to pass the ship subsidy bill; to the Committee on the Merchant Marine and Fisheries.

7359. Also, petition of Woman's Republican Club (Inc.), New York, urging the United States Government to limit the import of raw drug material and that the amount used be determined after consultation with the Department of Health of the United States Government; to the Committee on Interstate and Foreign Commerce.

7360. By Mr. CULLEN: Petition of New York League of Unitarian Women, favoring Senate Joint Resolution 232, proposing a constitutional amendment granting Congress the right to regulate child labor; to the Committee on the Judiciary.

7361. By Mr. FULLER: Petition of the Rockford (Ill.) Business and Professional Woman's Club, favoring the McCormick child labor amendment to the Federal Constitution; to the Committee on the Judiciary.

7362. By Mr. GRIEST: Petition from Lancaster County (Pa.) Farm Loan Association, protesting against legislation proposed by House bill 13125 and Senate bill 4130; to the Committee on Banking and Currency.

7363. By Mr. KELLER: Petition of the Exchange Club of St. Paul, Minn., with reference to the immigration problem; to the Committee on Immigration and Naturalization.

7364. By Mr. KELLY of Pennsylvania: Petition of Chamber of Commerce of Pittsburgh, Pa., calling for flood-control legislation; to the Committee on Flood Control.

7365. Also, petition of Monongahela Council, Order of Independent Americans, of Braddock, Pa., urging restriction of immigration; to the Committee on Immigration and Naturalization.

7366. By Mr. KISSEL: Petition of Miss Sara Dean, the Fairmont Hotel, San Francisco, Calif., favoring an allied commission being sent over to Germany to ascertain the economic and military conditions of that country; to the Committee on Foreign Affairs.

7367. Also, petition of Henry J. Gielow (Inc.), New York City, N. Y., favoring an amendment to the law which permits yachts purchased abroad to be admitted without paying ad valorem duty; to the Committee on the Merchant Marine and Fisheries.

7368. Also, petition of New York League of Unitarian Women, requesting the passage of Senate Joint Resolution 232; to the Committee on the Judiciary.

7369. By Mr. MEAD: Petition of 384 citizens of forty-second congressional district of New York, favoring legislation extending aid to the people of the German and Austrian Republics; to the Committee on Foreign Affairs.

7370. By Mr. THOMPSON: Petition of 76 residents of Putnam County, Ohio, urging the passage of House Joint Resolution 412, for the relief of famine-stricken sufferers in Austria and Germany; to the Committee on Foreign Affairs.

SENATE.

WEDNESDAY, *February 21, 1923.*

(Legislative day of Monday, February 19, 1923.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

THE MERCHANT MARINE—FILLED MILK.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes, the pending question being on the motion of Mr. LADD that the Senate proceed to the consideration of the bill (H. R. 8086) to prohibit the shipment of filled milk in interstate or foreign commerce.

Mr. HARRISON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The roll will be called.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Fletcher	McCormick	Reed, Mo.
Bayard	Frelinghuysen	McKellar	Reed, Pa.
Borah	George	McKinley	Robinson
Brandegee	Gerry	McNary	Sheppard
Brookhart	Glass	Moses	Smoot
Broussard	Gooding	Nelson	Spencer
Capper	Hale	New	Sterling
Colt	Harrison	Norbeck	Sutherland
Couzens	Heflin	Norris	Swanson
Culberson	Hitchcock	Oddie	Townsend
Cummins	Johnson	Overman	Trammell
Curtis	Jones, Wash.	Page	Walsh, Mass.
Dial	Kellogg	Phipps	Warren
Dillingham	Keyes	Pittman	Watson
Edge	Ladd	Poindexter	Weller
Ernst	La Follette	Pomerene	Williams
Fernald	Lodge	Ransdell	Willis

The VICE PRESIDENT. Sixty-eight Senators have answered to their names. A quorum is present. The Senator from Missouri [Mr. REED] is entitled to the floor.

Mr. MOSES. Mr. President, will the Senator from Missouri yield to me for a moment?

Mr. REED of Missouri. I was warned on yesterday by the Senator in charge of the bill that I could not yield without losing the floor. I am willing to make any kind of a reasonable concession.

Mr. JONES of Washington. I will say to the Senator from Missouri that I am going to make any reasonable concession. I shall not object to the Senator yielding where it will not take any particular time in discussion.

Mr. HITCHCOCK. Mr. President, we are not disposed to yield to anything.

Mr. JONES of Washington. I am simply standing on my rights under the rule and I am trying to treat everyone fairly.

Mr. HITCHCOCK. That is exactly what we are going to do.

Mr. MOSES. Do I understand that the Senator from Missouri declines to yield to me?

Mr. REED of Missouri. I want to extend every courtesy to my brother Senators, but, of course, I do not want to have advantage taken of that to take me off the floor. I had promised the Senator from Utah [Mr. SMOOT] to yield to him, if I could do so, to make some report.

Mr. SMOOT. Not to submit a report, I will say to the Senator, but——

Mr. McKELLAR. I object to that being done.

Mr. SMOOT. It was simply with reference to a bill which had been wrongly referred.

Mr. McKELLAR. I will relieve the Senator from Missouri by insisting on the objection.

Mr. REED of Missouri. It is not relieving me because I am quite willing to yield.

Mr. MOSES. Has the question been determined that the Senator from Missouri is not to be permitted to yield to anybody?

The VICE PRESIDENT. It is well known a Senator can not yield against an objection.

Mr. REED of Missouri. I am very sorry. Even in a somewhat heated contest there are certain amenities and courtesies that go with it. For instance, I do not think anybody ought to raise the question that a Senator has spoken more than twice merely because he has yielded to a brother Senator to make some interjection as a part of the regular debate. On the other hand, I do not think we ought to refuse to allow a Senator who has some matter to present to come here and present it in order to save time. When I was a boy we had a rule of honor that it was never fair to gouge eyes in a fight, and we might observe some kind of a code even in the United States Senate.

Mr. JONES of Washington. I think we might well do so.

Mr. REED of Missouri. If the Senator will not raise the question when another Senator rises in good faith to interject something—to make a remark—not for the purpose of giving the Senator occupying the floor time to get a rest——

Mr. JONES of Washington. I certainly will not do that.

Mr. REED of Missouri. Then I think we had better allow these matters to be presented.

Mr. JONES of Washington. I have no disposition to prevent them.

Mr. McKELLAR. For the present I object.

Mr. REED of Missouri. Then I am powerless to save the situation.

The VICE PRESIDENT. The Senator from Missouri will proceed.

PROPOSED CESSION OF CERTAIN WEST INDIAN ISLANDS.

Mr. REED of Missouri. Mr. President, when we recessed last evening I was discussing the benefits which would accrue to the people of the West Indies if those islands were to be brought under the American flag. I had cited the instance of Porto Rico, and I quoted from the London Times and other authorities. I had pointed out that the prosperity of Porto Rico and her trade advantages were such that the British authorities were sharply calling attention to the fact that those islands were likely to become Americanized by virtue of the example unless their condition was ameliorated by the British Government. That is not exactly the language; but as I have placed the exact language in the RECORD, my interpretation may go along with it.

Mr. President, in addition to what has already been demonstrated, and to which I have called attention, I invite your attention to the fact that the American citizen, perhaps more than any other citizen, dislikes to remove to any country or even to embark in business in any country which is not under our flag. I have not the slightest doubt, sir, that if the island of Cuba were part of America the population of that beautiful island would be almost doubled by people from Missouri and the other States of the Union who would go there to establish homes. That island would become a place of wonderful beauty and magnificence. I think if the West Indian islands were brought under the American flag that American capital would immediately invest there; that they would be rapidly developed, and that their trade with this country would soon become of vast importance. Given the same trade privileges that we have extended to all of our outlying island possessions or protectorates, there is no reason why this great chain of islands should not become a wonderful source of wealth and all of the population receive the blessings naturally flowing from economic prosperity.

I wish to illustrate this by a concrete example. During the Spanish-American War we took possession of the Isle of Pines. It was understood that it would come under the American flag. Accordingly, Americans immediately flocked to that island. It seems now that our Government, with characteristic indifference to the interests of the people—I do not speak particularly of the present administration—is about to turn over this island to the blessings of Cuban government. Yet, as we all know, the Cuban Government probably would not stand for 48 hours if it were not that it gains shelter in the shadow of Uncle Sam.

I have a letter from a citizen of my own town which is highly instructive regarding the Isle of Pines, and which shows what takes place in the way of the development of a country when it is understood that the American flag is to float there. I send the letter to the desk and ask the Secretary to read it as a part of my remarks.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The reading clerk read as follows:

KANSAS CITY, MO., *February 8, 1923.*

Senator JAMES A. REED,
Care of Hotel Muehlebach, Kansas City, Mo.

DEAR SENATOR: As per our conversation on February 4, relative to Isle of Pines, we give you the following:

POPULATION.

Conservative estimate; no Cuban census is complete, as it does not cover those Americans owning property on the island or using same for 6 to 10 months' residence each year, coming north after crops are harvested or after winter season is over. Estimate also does not include transients or tourists. February, 1916, total population, 11,000.

Americans	6,000
Spaniards	1,500
Cubans	2,500
Jamaicans and Cayman Islanders (colored and English subjects)	1,000

When the United States of America went into the war practically all young American men on the island volunteered and went into service, and many others left to go into war work. Owing to passport regulations, unsettled times in the United States of America and Cuba, high prices, especially railway and steamship rates, Cuban taxes direct and indirect, strikes, rules, and regulations have cut down the winter and summer population of the island, which at the present time, we understand, is estimated as follows: Estimated population, February, 1923, 7,500:

Americans	4,000
Spaniards	1,000
Cubans	2,000
Jamaicans and Cayman Islanders	500
Americans owning registered property	8,000
Americans owning property not registered	2,000

LOCAL ISLAND REVENUES.

Year of 1921 and 1922, municipal properties, land taxes, industry, sundry taxes, special taxes, taxes on luxuries, fines, surcharges, and indemnities, total, $21,299.25.

EXPENDITURES.

Sanitation, charities, public security, municipal properties, urban and rural police, treasury municipal expenses, administration, total, $29,299.25. This above does not cover Cuban Government taxes, land, customs, 1 per cent profit tax, tax on all business. All bill receipts, bank books, deeds, and legal papers must carry Government tax stamp. All outgoing letters 3 cents postage.

I regret that the last import duty charges, which we understand have been changed, have not been received yet—will forward same to you as soon as received. As stated, freight and duties make an article delivered on the island double the retail price in the United States of America. Example: Gasoline is selling at 20 cents in the United States of America; costs 40 to 60 cents on island. Inclosed herewith please find a short article with views of the island. One small map of island showing Sigunea Bay and a smaller map showing relative location of island to Yucatan Channel, Panama Canal, etc.

Sigunea Bay was surveyed and charted by the United States naval survey expedition in 1921; there are no records of this expedition obtainable here; but believe same can be easily procured from Navy Department in Washington, D. C. However, we learned from good authority, while on the island, that the protected portion of the bay averaged 4 miles in width by 5 miles in length, depth from 12 to 36 feet.

In addition to the above, we give you the following facts: The area of the island, not including swamps, lowlands, in which valuable hardwood timber is abundant, is 800 square miles—equivalent to 512,000 acres. Ninety per cent is owned by Americans, or 460,800 acres. The United States Government built the first roads on the island; the Cuban Government, we do not believe, has even paid for these original roads, although they endeavor to maintain them. Americans on Annual Good Roads Day all turn out and help, not only on the roads and streets with teams, trucks, men, and money, but have built and maintain by private American funds 200 miles of graded roads.

Season of 1922 and 1923 to January 27: Total crates of grapefruit and vegetables shipped, 195,881. This will probably exceed 200,000 crates before the season is finished. Most of the crop coming to the United States of America.

The Florida fruit people are active against the island products, but these crops come in six weeks to two months ahead of Florida's, so that they do not interfere with the Florida market. The volcanic ash—the soil of the island rich in iron—produces the best grapefruit known. Tobacco, the finest Cuban leaf, was grown on the island and shipped to Cuba and the United States of America during the Spanish war as a Cuban product, and it is the same soil. Why not reduce the price of cigars in the United States of America, as some of the tobacco people fear? Sugar cane and sugar was also produced on the island during the war, but it did not seem to please the sugar planters of Cuba.

There are churches in each colony, or community center, of the isle—Episcopal, Catholic, Methodist, Adventist, Latter-day Saints, and Lutheran denominations.

Nine American schools are maintained among the American colonies by public subscription and tuition. All grades are taught to and including, high-school studies—English is taught in all of them. Cuban Government maintains nine schools on the island—Spanish is taught in all of them.

There are 3,633 acres of bearing grapefruit on the island, 515 acres bearing oranges and other fruit trees, and 573 acres in 1922 bearing eggplant and peppers; 21 well-equipped modern packing houses care for the island fruits and vegetables.

There are colony or community houses located in every colony, as well as social and fraternal clubhouses, a Masonic temple in Santa Fe, with a thriving lodge of Masons, and chapter masons in Nueva Gerona. There is an active Red Cross unit affiliated with the American Red Cross, with a hospital association and hospital building in Nueva Gerona, and two American-owned and cared-for cemeteries.

Magnesia springs and other mineral waters abound; many excellent bathing beaches. American bank cares for finances of the island; American newspaper, established in 1904, is published, and has been issued weekly (copy of paper, the Isle of Pines Appeal, is inclosed).

There is an active American chamber of commerce, headquarters, and secretary in Nueva Gerona.

The island (via Habana) is 4 days from New York, 2 days from Florida, but a direct line from Key West or Tampa would cut this time down at least 12 hours. A direct line from Tampa is in operation at this time.

Soon after the Spanish War, after numerous petitions, letters, etc., had been sent to Washington, asking that the island be declared American property, several Americans decided to assume the offices, to which they had been elected, as in the organization of a small town in the United States of America; all offices were filled by Americans, from the mayor or governor of the island down to local police.

These efforts caused no trouble, but brought no result in the status of the island. Many times recognition has been asked by petitions to our Government containing several thousand names of those interested, but we trust that at this time some arrangement, either trade or payment of some of Cuba's old debts to the United States of America, will bring the Americans under our own flag at last.

In brief, the island contains about 800 square miles of good land, about the size of Rhode Island; it is a beautiful, mountainous country, well watered with navigable rivers and well-protected deep-water bays. Soil, volcanic ash; best soil known for citrus fruit, tobacco, and sugar cane. Mineral deposits of iron, etc., and many mineral springs, hot and cold.

Under Spanish rule a penal colony for political prisoners and health resort of Spanish Army. No prisoners escaped unless assisted. Island really not in Spanish war, as old Spanish chief of police and governor of island will tell you, but was captured and occupied as American territory after the war; turned over temporarily to Cuba.

Believing it American property, Americans came and have spent money and hard labor on the island, until investments there now amount to about $15,000,000. Cuba has spent little; has taken far more in revenues from Americans than they have spent.

To-day the Americans asks that that which they have made valuable be held as it should be by the United States of America. This will not be desired by Cuban Government on account of large returns from no investment or expenditures, the chance to cancel some of their debt to the United States of America and by tobacco and sugar interests, realizing that under American laws and protection they are creating competition which is not desirable. This is also true of the Florida fruit growers. Therefore, why not tell Cuba, as they really expect, that we will relieve them from further care of our property and let the more than self-supporting, well-organized American community come into the United States of America, where it belongs.

As stated previously, we are giving you the above data and will forward to date additions to the above as soon as obtained. But we trust that you will treat the name of the writer as confidential, for, as stated in our former letter, while we do not believe the authorities in Cuba or the island could or would object to any statement we have made, however, we do not care to stir up matters unless necessary.

We thank you for the opportunity given the writer to discuss the matter with you while in this city. Mr. ——— regrets that he was unable to see and talk with you at that time; we will both be very grateful for any assistance in this matter, tending toward bringing the island into the United States of America, and we are glad to know that you feel with us that it will be to the mutual advantage of all parties concerned.

Very truly yours, ——— ———.

Mr. REED of Missouri. Mr. President, I omit giving the name of this man because of his request. I know him to be a fine business man, a patriotic American, who went to the Isle of Pines, hoping and believing that it would be made part of the American possessions.

Let us consider the lesson there is in this one example. Let us remember that these are questions that must be considered in the most serious way.

This island is about the size of Delaware. Already the majority of all the people are Americans. Of course, the greater part of the property belongs to these Americans. It is an ideal winter resort. It could be made a literal paradise. Its wealth could be multiplied many times. It is of strategic importance.

I could read the description of the plantations, of the hotels, and of the cities that have already sprung up, but, in order to shorten my remarks, I shall ask permission to place a detailed account of them in the RECORD, because I think Senators will find them very interesting to examine.

Mr. OVERMAN. What island is it?

Mr. REED of Missouri. The Isle of Pines, just south of Cuba.

Mr. OVERMAN. How many Americans are there in it?

Mr. REED of Missouri. Six thousand.

Mr. OVERMAN. And they own real estate?

Mr. REED of Missouri. Yes; they own nearly all the real estate. Our Government built roads there while we had possession. Our citizens flocked there. They erected hotels; they acquired property; they extended the plantations, and we are about to turn the island over to Cuba. Will some one tell me why?

We rescued Cuba from the grip of a foreign tyrant, and then we said to the Cubans, "Here is your liberty as a free gift. We bought it with our blood and with our money." I think we did a perfectly idiotic thing when we did not retain at least sovereignty over the island. I would not object to giving them almost any measure of self-government aside from that. We know Cuba has to be so bolstered up and sustained by us that we have now in Habana a man, General Crowder, whose business it is to keep that Government somehow or other on its feet. Yet we propose to turn over to that Government this Isle of Pines, a majority of whose citizens are Americans. What we need is a commission of lunacy. It would seem the principal business of the modern American statesman is to give away something with one hand while he is taking the taxes from the people with the other. You can get up in 15 minutes a propaganda to give away everything we have, and a majority of the excitable people who follow propagandas will be enthusiastically for it immediately. There are people in this country, I confidently believe, who would welcome a movement to give away the liberties of the American people, to make a sort of world pool in which we would contribute our liberties and our rights, and divide with the rest of the nations.

Yet we have the example of the greatest nation on earth except our own—and its people think it is much greater than ours—which has grown to world mastery by pursuing exactly the opposite policy. Thirty-eight million people in the British islands exercise a control and dominance over nearly one-third of the inhabitants of the earth and over nearly one-third of the inhabitable portions of God's footstool. They did not achieve that position of power and importance by giving things away. They obtained it by constantly pursuing a policy of acquisition.

I do not know that it will add to the dignity of this occasion, but I heard a witticism in the theater the other night. A monologist said that an English captain had just captured a German submarine during the war. The captain of the German submarine was enraged and very defiant. He stood alongside of the English vessel and cursed England with utter contempt. The English captain stood rigid, apparently unmoved while he heard his country cursed. The German captain varied the operation by cursing the English flag, and still the English captain stood unmoved. Then the German, evidently determined in some way to arouse in the breast of the Englishman the feeling that he had been insulted, cursed him, the captain, and spat over the side of the vessel into the water to show his contempt. At that the English captain said, "Well, you bloomin' blighter, you can curse Hengland if you want, and you can curse the Union Jack if you want to, and you can curse me if you want, but I'll tell you one thing you can't do—you can't spit in our hocean."

That illustrates the English policy, and I do not speak of it in any unkind way. I repeat what I have often said: I admire the indomitable spirit of the British people. It is time we took a lesson from the experience of history.

Mr. President, when we come to consider the question of turning the Isle of Pines over to Cuba I hope the remarks I have made here to-day and the information contained in this letter may serve to awaken in Senators at least a spirit to investigate the question for themselves.

I ask at this point to be permitted to put in, as addenda to my remarks, the description of the Isle of Pines which I send to the desk, together with such appropriate maps and illustrations as may be permissible under the rules.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. REED of Missouri. The possession of these islands by any European power is not contrary to the word of the Monroe doctrine, but is contrary to its spirit. Let me call attention to that immortal doctrine, as expounded by James Monroe.

The Monroe doctrine dates from the message of President Monroe of December 2, 1823. Brazil had declared its independence of Portugal a year before. Troubles in the latter country had caused a modification of the constitution. In Spain a revolution had occurred, and the dominion of Peru was lost. The Holy Alliance, formed in 1815 by Russia, Austria, and Prussia, was threatening to help Spain recover its control in South America. Russia and the United States were in controversy over their Pacific coast boundaries. Mr. Monroe in his message took up the Russian matter first, saying:

In the discussions to which this interest has given rise, and in the arrangements by which they may terminate, the occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers.

The President then spoke of Spain and Portugal in this wise:

Of events in that quarter of the globe with which we have no intercourse and from which we derive our origin we have always been anxious and interested spectators. The citizens of the United States cherish sentiments the most friendly in favor of the liberty and happiness of their fellow men on that side of the Atlantic. In the wars of the European powers, in matters relating to themselves, we have never taken any part, nor does it comport with our policy to do so.

That is downright good doctrine to remember to-day.

I read again this language of James Monroe:

In the wars of the European powers, in matters relating to themselves, we have never taken any part, nor does it comport with our policy to do so.

It is only when our rights are invaded or seriously menaced that we resent injuries or make preparation for our defense. With the movements in this hemisphere we are of necessity more immediately connected and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective governments. And to the defense of our own, which has been achieved by the loss of so much blood and treasure and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole Nation is devoted. We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety.

With the existing colonies or dependencies of any European power we have not interfered and shall not interfere. But with the governments who have declared their independence and maintained it and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them or controlling in any manner their destiny by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States. In the war between these new governments and Spain we declared our neutrality at the time of their recognition, and to this we have adhered and shall continue to adhere, provided no change shall occur which in the judgment of the competent authorities of this Government shall make a corresponding change on the part of the United States indispensable to their security.

Now, Mr. President, of course candor compels the statement that in the message of James Monroe he expressly stated that it was not the purpose of the United States to interfere with possessions which had already been acquired by European powers in this hemisphere. Manifestly that statement sought to avoid the giving of offense and the raising of an issue which would have immediately involved us in war. But what is the spirit of the doctrine of James Monroe? He could have no justification for saying to European powers that they must not extend their domain upon this hemisphere except that the presence of European powers upon this hemisphere was regarded as inimical to the interests of the United States. If that be the case, then we are equally menaced whether that possession occurred before James Monroe wrote his message or took place afterwards.

The spirit of the Monroe doctrine is, first, that we will not interfere in European affairs at all unless our interests are directly and seriously affected, and then merely to defend our interests. Secondly, that the presence of European powers in this hemisphere, interfering with the affairs of this hemisphere, is regarded as contrary to the interests of the United States.

Although we grant that these islands were excepted in the language of James Monroe at the time, we must admit—having regard to the spirit of his message and to the reasons upon which it was founded—that the possession of these islands by Great Brtain, France, and other countries is in violation of the true spirit of the Monroe doctrine. But stronger than that it is violative of the great laws of progress and development. Nothing any man may ever say, nothing any nation may ever declare, has been able to stand against the natural march of events, the sweep of destiny.

When great economic laws of development are in operation, sooner or later they break down the tiny, ineffective, and artificial barriers of man. The natural place for these islands to trade is with the United States. We are their natural protectors. They lie within the immediate sphere of our influence, and sooner or later they will come under the American flag. I have already called attention to the fact that British publicists have sounded the warning that the sugar planter of Jamaica, beholding the increased prosperity of the sugar planter of Porto Rico and the ability of the latter to market his sugar in America without paying a duty, is growing restive under a Government which compels him to pay a heavy duty for the privilege of sending his sugar to the very country that claims to own it. In that it is doing to him exactly what the same country did to the American colonists, taxing him for the privilege of trading under the flag to which they claim he is subject. Run up the American flag over these islands, open the ports of America to their products, open their ports to our trade, and I have not the slightest question that in 10 years' time their wealth will be doubled. Against this the statesmen who come and go, who rise to power and who therefore imagine they have risen to greatness, may protest, but in the end the protest will prove ineffective.

The Monroe doctrine in its spirit covers all of these island possessions. If I am asked why it then does not cover the Dominion of Canada, I answer that in one sense it does, but I believe that question is solving itself or ultimately will solve itself. I believe, sir, the development of that mighty country, the increase and character of its population, to be such that ultimately it will establish itself as a great free country. In any event, this much we know, that there are 9,000,000 people in Canada, highly intelligent, highly efficient, brave, wonderful people, and I have supreme confidence that they will work out their own destiny along very high lines.

A word more with reference to the Monroe doctrine and the necessity for its emphasis. Venezuela lies almost at our door. Farseeing British statesmen only a few years ago sought to seize that country. Upon the one side they already had their possessions in British Guiana. Immediately off the coast they held the Isle of Trinidad, with its fortress, thereby controlling the waters in which their mighty fleets have hitherto ridden in safety, and where they can again find refuge, if refuge they shall ever need, or where they can rendezvous for purposes of attack, if attack be contemplated. To the west she held British Honduras; and these two jaws of her mighty pincers she proposed to press a little closer together and take a part of Venezuela. Venezuela asked for arbitration. This took place only a few years ago—in 1895. The dispute was as to the boundary between Venezuela and British Guiana, but Great Britain refused every form of arbitration which was proposed. We had an American President then, as we have almost always had American Presidents. Old Grover Cleveland had this to say:

The doctrine (Monroe) upon which we stand is strong and sound, because its enforcement is important to our peace and safety as a Nation, and is essential to the integrity of our free institutions and the tranquil maintenance of our distinctive form of Government. It was intended to apply to every stage of our national life, and can not become obsolete while our Republic endures. If the balance of power is justly a cause for jealous anxiety among the governments of the Old World and a subject of our absolute noninterference, none the less is an observance of the Monroe doctrine of vital concern to our people and their Government. If a European power, by an extension of its boundaries, takes possession of the territory of one of our neighboring Republics against its will and in derogation of its rights, it is difficult to see why to that extent such European power does not thereby attempt to extend its system of government to that portion of this continent which is thus taken. This is the precise action which President Monroe declared to be "dangerous to our peace and safety," and it can make no difference whether the European system is extended to an advance of frontier or otherwise. The Monroe doctrine finds its recognition in those principles of international law which are based upon the theory that every nation shall have its rights protected and its just claims enforced.

If it was inimical to our interests and dangerous to our peace for Great Britain to take a slice of Venezuela, which lies nearly 2,000 miles from the southern point of Florida, then why is it not equally dangerous to our peace and opposed to our interests for Great Britain to hold islands within 50 miles of the Florida coast which command every great ocean highway through which our vessels must pass as they proceed to and from the Panama Canal?

Mr. President, a generation is but an hour in the life of a nation. No man is worthy the name "statesman" who regards the friendships of the present as a guaranty of the security of the future. Neither is he a statesman who fails to survey, so far as is humanly possible, the whole of the horizon of the future, and to have regard for the expansion of the commerce of his country in peace, and its defense in war. The latter must embrace not only probable enemies but all possible enemies. The greatest of all fools is he who folds his hands and supinely trusts the fate of his country to the quicksands of international good will. The siren songs of international friendship have lured many a stout ship of state upon the rocks of destruction. International friendships depend upon conditions. Change the conditions, and the friendships may vanish in a moment of time.

This is exemplified in every page of history. I cite only a few examples, and I do so without intended offense. I might begin this dissertation at the Garden of Eden and follow it down through private controversy and public war to the present day. I shall not go back that far. I will discuss only a very few of the examples of what we may term modern times.

England assisted Holland to throw off the yoke of Spain. Holland and England fought side by side; but the moment Dutch vessels menaced the commerce of England, Cromwell destroyed the Dutch fleet, swept her merchantmen from the seas, and reduced Holland to the condition of a second or third rate power. There ever since she has remained.

But, Mr. President, our own history is sufficient. France was our best friend in the war for independence. Her praises were on all American tongues. In 1793 our fathers were displaying everywhere the tricolor of France and erecting liberty poles in honor of the Revolution. France was equally fervent in her protestations of regard for the United States. There were statesmen then who thought that the bonds of friendship between the United States and France were indissoluble. But within two short years all was changed. Merely because we ventured to conclude a treaty with England, France took offense and sent her cruisers to prey upon American commerce. The

American minister, Pinkney, was received with contumely and denied the right to remain on French soil. Adams declared:

The action of France ought to be repelled with a decision which shall convince her and the world that we are not a degraded people, humiliated under a colonial spirit of fear and a sense of inferiority.

The tricolor banners were destroyed, the liberty poles were cut down. The cry, "Millions for defense, but not one cent for tribute," supplanted the words of adulation and love. The voice of the people was for war. War was actually begun and was fought out. Singularly, it was in the West Indies the *Constitution* and the *Constellation* established at the mouth of the cannon the right of America to make a treaty with any nation with which she saw fit.

In 1823 the Holy Alliance was preparing to crush the new States of South America. To this diabolic plot France, our erstwhile friend, was both party and privy. Against that conspiracy of despotism—to which, I repeat, France was a party—James Monroe hurled the defiance of the Monroe doctrine, to which I have already adverted. Only the fear of war with America and England—for England stood with us on that occasion—prevented the conquest by the tyrants of Europe of the free peoples of South America.

In 1831 France tardily agreed to pay $5,000,000 in settlement of our claims for spoliation. She failed to carry out her agreement, until at last, his patience exhausted, Jackson sent a message to Congress recommending reprisals upon French commerce. Diplomatic relations were severed and war seemed inevitable, but France yielded to the iron will of "Old Hickory."

I ventured to say the other day that the United States could collect her debts if it was made necessary, and a gasp of horror went up. A number of newspapers commented upon it as though the utterance was something unspeakable. But there was a day when all America would have responded to that sentiment, and the sentiment is still in the hearts of the American people. Of course I did not say, and do not say, that such a thing is necessary. The chief reason why it will never come is that France and the others are honorable countries and will meet their obligations as soon as they can. I only answered the argument that we were helpless if they refused to do it. I deny that we are helpless. The man who says we are is a poltroon and a coward, who has no right to live under the American flag.

Mr. President, I have reviewed the incident of 1831. Just 30 years later what happened? Thirty years runs by very rapidly. It is nearly 10 years now since the European war began.

In 1861 France, Spain, and England joined in the invasion of Mexico. They knew it was a violation of the Monroe doctrine. They knew it was a breach of friendship. They sought to take advantage of the fact that the United States was then torn by civil war, that we were temporarily weak. To them the opportunity appeared inviting to establish a new foothold on the soil of this continent and to do so in defiance of America's policy and of America's rights. France placed Maximilian on the throne of Mexico. He or his successors, under French protection, might have been there yet had our Civil War not come to an end or had it resulted in the division of this country in two republics. They might have been there yet, notwithstanding we won the war, had not Seward notified France that "friendly relations would be brought into imminent jeopardy unless France immediately retired from Mexico."

This diplomatic protest would doubtless have been inefficient had it not been backed by the dispatch of Sheridan and his army to Texas, ready to invade Mexico and to drive out the French. Coupled with the advance of Sheridan was the furnishing of 30,000 American guns to the Mexican Army. Maximilian and his Government were driven out, driven out by the menace of an American Army and by guns supplied by America. That near we came to war. Had we been weak we would have come to war.

Let us turn to England. Our experiences here are even more instructive. A long series of oppressions compelled our fathers to rebel. Our liberties, let it never be forgotten, were gained at the point of the sword.

Their story is written in blood drawn from the hearts of men who died to achieve those liberties for themselves and their posterity. But we were weak yet. In 1783 England signed with us a treaty of peace and acknowledged our complete sovereignty. Before a dozen years had passed, in 1794, England was raiding our commerce and confiscating our ships. A resolution of interdiction of all intercourse failed by the single vote of the Vice President. War seemed inevitable. It was avoided by the proclamation of John Jay, but in the treaty, made when we were young and weak and when England was strong, we were forced to accept stipulations for the throttling of our commerce; we were restricted in our right to trade with the West Indies; and we were made to agree, among other things, not to export to any part of the world molasses, sugar, coffee, cocoa, or cotton, while we were to fully open our ports to Great Britain. Southern Senators will recognize in the embargo on American cotton provided in this treaty an early manifestation of British affection.

The treaty thus extorted was so infamous that John Jay was burned in effigy from Massachusetts to Georgia, and Alexander Hamilton, who undertook to defend the treaty in a speech in New York City, was stoned by an indignant crowd of Americans.

Only a few years elapsed before our rights were again outraged. Our commerce was swept from the seas. Our seamen were impressed and enslaved. The American frigate *Chesapeake* was attacked in the Potomac River without warning or warrant. She was totally unprepared for battle. We were at peace with Great Britain, but, nevertheless, the *Chesapeake* was fired upon; a number of her crew were killed; she was searched, and sailors from her decks were taken in custody and placed aboard a British man-of-war. We spoke the same language then, remember, you advocates of the ties of tongue—you who regard that as an insurance policy.

The War of 1812 ensued. We entered it unprepared. England knew we were not prepared; hence English outrages on our commerce and our rights. We had 16 warships; she had 830. We had 6,000 seamen; she had 150,000. We had an untrained Army of 7,000 men; she had vast military resources at her command. Our population was 8,000,000; hers exceeded 20,000,000.

What about the big brother idea then? The big brother idea is all right when you are the big brother but, if you are the little brother, it is wise to take note of history and warning from the past.

In the War of 1812, notwithstanding the vehement and eloquent protests previously uttered by one of her greatest statesmen, one of the greatest men in the world's history, protests against the loosing of savages upon civilized peoples, she called to her aid the redskins of the forest. At Fort Dearborn they were permitted to massacre the American troops, and they slaughtered them to the last man.

At Frenchtown, when it was taken by the Indians, wounded American soldiers were tortured and slaughtered, and this was done by the permission of General Proctor, the commander of the British forces. Here in this city, the Capitol and the White House were burned, and the Congressional Library was destroyed.

Of course American history is being rewritten now. These gentlemen who are rewriting American history and who practically say that George Washington was a traitor against a good and beneficent government are of the same crowd that preach internationalism, an abominable and treasonable doctrine, which has no more place in the soil of American patriotism than a coiled rattlesnake has upon the bosom of a sleeping man.

"Internationalism." You can not be an internationalist and a nationalist. You can not divide your allegiance between America and any other country. You are either altogether a patriot or you are half a traitor.

I do not intend to discuss that phase of the matter to-day, and I resume my discussion of our relations with Great Britain.

In the negotiations for peace, England sought to bar our national westward expansion by demanding the creation of a large buffer State, embracing the principal portions of Ohio, Kentucky, and Tennessee. That State was to be set aside for the Indians. They preferred the redskin of the forest, the barbarians who had butchered our troops and slaughtered our women, to the advance of the civilization of America and of the white man.

The treaty of peace which ended the war of 1812 was scarcely signed when British cruisers began seizing American fishing vessels. This lasted until 1818, when the rights of the fishermen were defined by a treaty which has always been regarded as an agreement in which the United States was worsted.

I pass the Oregon dispute. There may be said to be two sides to that question, but certainly there was not manifested by Great Britain any disposition to assist the United States or its people in the establishment of a great empire in America. England took all she could get, and it was only our weakness which prevented us from claiming, taking, and holding a vast stretch of territory which is now under the British flag.

The invasion of Mexico in 1861 and 1864 I have already referred to. England was party to that violation of American rights, although she withdrew because of discontent with France, for France seemed to have wanted the lion's share. Nevertheless, her attitude was as inimical to our welfare and

to our doctrines as was that of France. But England, then desiring to divide this country into two small and weak republics, seeing then, as her statemen always can, into the future, that if this country became reunited, that if the American people joined hearts and hands again as they had at the first, we would in a short time become one of the powerful nations of the earth and her chief rival in all that makes for greatness, England sought to dismember this Republic, and so she opened her shipyards in violation of her solemn treaty obligations to us for the fitting out of craft to prey upon American commerce.

Singularly enough, again, those vessels, clearing from the yards of England and Scotland, went to the West Indies, where they were fitted out with guns and equipment for battle. I have no doubt that this mistress of the sea, as she loves to call herself, watched with great elation the destruction of American commerce, the capture and sinking of American ships, well knowing that if those depredations were continued at the end of that war England would be supreme upon the oceans, for America, her then great rival, would find all of her ships at the bottom of the ocean.

Let us turn a moment to the Panama Canal. In 1850 and prior thereto England had been interposing obstacles to the construction of the Panama Canal by the United States. She had seized portions of the mainland upon various pretexts. Her title was that of the highwayman, who takes goods at the point of a pistol. She set up pretended claims in Nicaragua. She asserted her dominance of the Mosquito coast. Having put forward these titles, every one of which was based upon fear and assertions of power, she demanded and extorted from us the onerous conditions of the Clayton-Bulwer treaty. These conditions formed the basis of the concessions which were wrung from us in the Hay-Pauncefote treaty. The canal, to be built on American soil, which would benefit the commerce of the world, which was one of the greatest undertakings ever conceived in the brain of man for the benefit of the world, England obstructed. She insisted that she should have, if not a dominant, at least a tremendous interest in the canal, which was 3,000 miles from her own shores. It was because of the conditions written into the Clayton-Bulwer treaty that we were obliged to make or did make the concessions under which England demanded that we should not charge tolls to any foreign ships unless we exacted similar tolls from American ships—a concession which we made and which I think was rather foolish.

We made that concession by repealing the canal tolls act at the demand of Great Britain. How serious that dispute was I do not know, for all the light we ever got on the question was in the statement of the President, which I think I can quote literally: "I shall not know how to deal with other delicate questions unless you ungrudgingly grant this request or grant me this power." So there must have been some pressure exercised, and as the pressure only could have been applied by Great Britain, we may well understand it was of a serious character.

Mr. President, who here has forgotten the Venezuela incident? There are none here so young, I think, that they do not remember it. I know of no better way to present it than to read the impartial account in Mr. LODGE's History of the United States:

An incident of Mr. Olney's diplomacy which attracted wide attention was that growing out of the Venezuelan affair. A long-standing dispute had existed between Great Britain and Venezuela concerning the western boundary of British Guiana. Venezuela had repeatedly offered to submit the dispute to arbitration, and the United States had again and again tendered its good offices to bring about a fair and peaceful settlement of the controversy, but without avail. The insistence of the British Government upon a westward extension of the Guiana boundary seemed to the Venezuelans a wanton aggression upon their sovereignty and a violation of the Monroe doctrine, which had been uniformly interpreted as denying the right of any European power to acquire by force new territorial possessions on this hemisphere or to extend their dominions. They therefore called upon the Government of the United States to support Venezuela in its attitude, and at the same time uphold one of its own cherished traditions. In the summer of 1895 Mr. Olney inquired of the British Government whether it was willing to submit the controversy to arbitration, saying that Great Britain's action was in effect an aggression upon Venezuelan territory. The premier, Lord Salisbury, in reply, declared that the dispute could not be submitted to arbitration, and asserted that the Monroe doctrine was not a part of the "code of international law"—

And he did that in a very offensive way, let me say, too—

that the Monroe doctrine was not a part of the code of international law, nor did it have any applicability to the present question; was, in fact, inapplicable "to the state of things in which we live at the present day."

When Lord Salisbury's answer was received President Cleveland sent in a message (December 17, 1895) which startled the whole country and brought the two great English-speaking peoples of the world to the verge of war.

The message created consternation in financial circles.

Notice this, you internationalists who follow international bankers and get your cue from those who speculate in international securities. Of course, there are none in the Senate. I am talking to those outside. I continue reading from Mr. LODGE's history:

The message created consternation in financial circles, it being estimated that stocks and other securities in the United States fell from $500,000,000 to $300,000,000. In this message Mr. Cleveland asserted that the enforcement of the Monroe doctrine, as he understood it, was "important to our safety as a Nation," "essential to the integrity of our free institutions, and was intended to apply to every stage of our national life, and could not become obsolete while our Republic endures."

Mr. LODGE's history contains this comment:

This vigorous statement was applauded by the people generally, but the money interests of New York especially were alarmed because they thought that Mr. Cleveland had unsettled values, something in their eyes more important than international policy, no matter how vital.

The leopard has not changed his spots nor the Ethiopian his skin nor the banker his conscience. I am speaking of the international bankers, some of whom would to-day sell their country's honor for profits in international bonds just as they were willing to denounce Cleveland as detailed in Mr. LODGE's history.

Now, if I were to say of the money interests of New York what Mr. LODGE said in his history everybody would say, "That is another Missouri radical," but the words come from the pen of the illustrious statesman from Massachusetts, who is always noted not only for his high intelligence but for his judicial poise of mind.

The historian continues—

Congress, forgetful of party differences, with singular unanimity passed an act embodying the President's recommendations with regard to the creation of a commission. At this remarkable exhibition of American sentiment Lord Salisbury gave way and consented to submit the question to arbitration.

Not until we had taken the steps which indicated we would fight did they conclude to arbitrate.

Ultimately award was made sustaining in part the British claim, under the principle—

Of what?—

of prescription that 50 years' actual occupation gives title to the claimant—

It is strange doctrine as applied to an undeveloped country such as Nicaragua and the Mosquito Coast, or the country Great Britain was trying to seize from Venezuela, that 50 years of occupancy by a few men sent into a vast domain as hunters or fishers should take the title away from a country. The author, in discussing this settlement and relating its effect, continues—

but securing to Venezuela the mouths of the Orinoco, which was the main point in importance. Thus, although Great Britain had won much so far as the question of territory between her and Venezuela was concerned, the United States had carried its point completely and a new and more potent meaning had been given to the Monroe doctrine.

Henceforth no one could question the dominant position of the United States on this hemisphere. One effect of the Venezuelan affair was to turn the eyes of the people of Great Britain and the United States toward arbitration as a means of settling disputes.

Mr. President, I have called attention to these historic incidents relating to our controversies with France and Great Britain not for the purpose of stirring anew any embers of dislike or ill will. Such a purpose is farthest from my heart. I desire the good will of France and the good will of England as I desire the good will for our country of every great nation and of every great people.

I offer these illustrations merely for the purpose of shattering, if I may, the glass house in which some statesmen live who imagine we are secure because at the present moment friendly relations exist, hugging to their bosoms the delusion that friendships now existing are solid guaranties of friendships in the future. Mr. President, what I have said and what I am about to say illustrate the fact that in international morals the maxim is "Friendship ceases when there is conflict of interest." The whole story of the world bears that out. It is a picture of nations fighting side by side one day as allies and fighting against each other the next day as antagonists; it is a picture of solemn conventions and treaties signed and sealed, and Almighty God called as a witness, whilst at the very moment the instrument is being signed plans are in preparation looking toward a possible modification of the conditions; and the next day or the next year often finds the nations which were locked in the embrace of love struggling in the throes of deadly conflict. I repeat, nations are governed by their interests, and recent illustrations corroborate my statement.

Down at the southern end of the Continent of Africa were two little Republics. Over many weary miles the Boers had trekked in order that they might establish in the wilderness a home where they could be independent and prosperous. They

sought neither aid nor interference; they lived the free life of the valleys; they were as free a people as there were in the world; theirs was a plain, homely, wholesome life; they were devout worshipers of our God and of England's God; and yet no candid reader of history can doubt that England deliberately struck down the Boer Republics because she desired to control the commerce of that part of the world and because she desired the lands for their strategic value in time of war. There were gold and diamond fields there, and her objects were gold and land and power.

What did the Boer gain as he stood and protested in the name of the god of liberty? What sympathy did he secure as he stood at the door of his house with his wife and children behind him and defended his right to live under the free skies and to enjoy the beneficence of Almighty God? He received bullets in his body and bayonets in his heart.

What did the United States do? We held public meetings of protest; we passed resolutions of sympathy; but at the same time we sold Great Britain all the mules she needed to drag her deadly artillery across the veldts of South Africa to deal death to the gallant defenders of hearth and home. We were governed by self-interest.

Turn, again, to recent events. England and Germany had long been friends. The German Kaiser and the British King were blood cousins. The families were married and intermarried until the strains of their blood crossed and intercrossed so that they could scarcely longer be traced. They professed a deathless love each for the other. The German Kaiser came to visit the English King. They rushed into each other's loving arms and kissed each other like schoolgirls meeting after a long separation or like lovers reunited. But when the interests of their countries collided, when policies came into conflict, when German traders began to invade the markets of the world and German armies began to be massed in great power, England made a secret treaty with France—scarce a treaty, an entente, an understanding by letter—and all the protestations of the past, all the loving phrases and sacred pledges that had been upon the lips of the monarchs of those two nations disappeared in the first puff of smoke from the cannon's mouth.

Rumania, Bulgaria, the other Balkan States, had been the beneficiaries of the protection of Russia for a century of time. It was largely because of Russia's influence and assistance that the Turk was finally compelled to release his grip upon the throats of the Balkan States, including Rumania and Bulgaria. They were bound, therefore, to Russia's interest in any contest by every consideration of gratitude. Rumania, however, was bound to the Central Powers by an alliance; yet when the war ensued, and Rumania thought it to her advantage, she broke her alliance, she violated her treaty, and she joined with the enemies of her allies to whom she had sworn brotherhood.

Bulgaria, the immediate recipient of Russian help through a century of time, did not hesitate, when she considered it to her interest, to cast her lot against Russia, and to join with the Central Powers in their effort to overwhelm and conquer Russia.

Italy was bound to Germany and Austria and Turkey by a solemn agreement. She was to be their friend and their ally and stand by them in case they were attacked. She took a year to consider the question; and then, with German statesmen and British statesmen each standing like wealthy suitors bidding for the hand of a lady, bidding for her favor and offering, each of them, advantages to Italy, when Italy determined which side of the balance was heavier, which would most advantage her, which would get her the most territory, which would leave her strongest as a State, Italy cast her sword in the balance as against her broken promise and her plighted faith.

I think there is a more tragic illustration than all this. Russia had been the ally of France and of England and of Italy, and she became likewise our ally by our entrance into the war. I know not how many windrows of dead Russians are piled across the battle fields of Europe. However, the number of individuals is estimated at from 6,000,000 to 9,000,000. Half armed and half supported, these mighty hosts swept forward to their death. The soldiers were marched upon the field so equipped that but one man in three was possessed of a rifle. It was the business of the other two to stand until the man with the rifle was killed and, if they had survived, to pick up the rifle and carry on the fight. Such a condition would have broken the spirit, the morale, of an army of Spartans, would have broken the spirit of Thermopylæ, for there the Greeks died with sword and shield, not as naked creatures to be butched. So, her spirit broken, Russia ventured to withdraw, but she did not join her enemies. She withdrew to heal her own wounds. Whatsoever method she sought for that healing was not our business; and yet, sir, the troops that had stood and received the fire of the Germans in long and bloody campaigns through long and bloody years, troops that had drawn that fire and left the English and French relieved to that extent, now found themselves facing those same French and British troops, supplemented, let it be said to our eternal shame, by American troops!

The balance of interest had shifted. It had been concluded, somehow or other, that the interests of our country lay in conquering Russia and imposing our will upon her; and the moment that occurred, without act of Congress to justify it, without act of the British Parliament, so far as I know—but I care nothing about that—it is enough that our troops and those of Great Britain and France moved onto the soil of Russia.

Hence, Mr. President, I repeat, the lesson of all history is that nations are governed by their great and vital interests as they conceive them, and that as those interests change the weather vane of friendship shifts.

But we have a more recent illustration. Who would have said four years ago, when the armies of France and of England were joined under one commander, and that commander a Frenchman, when the troops were intermingled in the trenches, when English and Americans and French were standing side by side, when they were charging over the shell-torn fields, when they were fighting for each other and dying for each other, when their blood was mingling in one common stream, that out of that blood-soaked dust there would not be made a cement that would bind the French and British people forever into one common destiny, inspired by common love? But a dispute arises as to how much money France shall take from Germany. England signed a treaty with France agreeing on the means for the ascertainment of the reparations. The reparations were ascertained in accordance with the treaty, and France stands demanding that which Great Britain said when she signed the treaty she should have. But conditions have changed. Great Britain does not now regard it to her interest that the Germans should be pressed to extremity, and so we find the bonds are severed. How wide the breach will become we can not say, but this much we do know, that he, I repeat, is a fool indeed who trusts the fate of his country to the transient friendships which may exist between nations and peoples.

I do not want to say aught which could be construed into a justification of what France is doing or in criticism of her. I do not know the facts. With the amount of British propaganda that is going forth in this country daily from the press, with the amount of money that is being expended, I am no more certain that we know the truth now than that we knew the truth before we entered the last Great War. I do know there are in this country financial influences to-day which would do to our country to-day what they were willing to do in the Venezuelan controversy, as LODGE's history recites. They were willing then to sacrifice American honor and American principle in order that the stock ticker might tell a pleasant story to their ears, and they are willing now to cancel American debts if thereby the bonds they hold shall go to a hundred cents or to a premium. But I have seen none of these gentlemen who advocate the cancellation of the debts of America, which is another way of canceling the debts due the general American people, I have seen none of them propose to cancel the debts they own and which are represented by the bonds in their private boxes.

Mr. President, it is not my purpose to discuss that theme to-day. I return to the proposition that these islands, now held by Great Britain and by France—our friends to-day, let us hope our friends to-morrow—are not essential to their welfare. They are of but slight value except as points from which America might be attacked; and if these countries propose to maintain toward us an eternal friendship, then they will never need the islands for the purpose of attacking us.

If they love us as they so vehemently claim, if they trust us as they ask us to trust them, then these islands, lying in American waters near our coast, commanding the canal which we built and which we must protect, naturally belong under the American flag. If these nations really mean the friendship which their lips proclaim, if their hearts are as warm with sentiments of affection and confidence as the words of their pens picture, then I ask, why should they not cede these islands to the United States of America?

You who have recently voted the contract which gives them 3 and 3½ per cent interest, where they are now bound to pay 5, which makes a difference, if the contract shall run for 62 years, of twenty-seven thousand million dollars; you who have yielded the benefits of this contract because of your confidence in the love of these foreign nations for this country; you who are

willing to tax the American farmer and business man and laborer 4½ per cent to pay the interest upon our bonds given to secure this money, while you release Great Britain, by permitting them to pay only 3 per cent, the amount I have indicated; you who protest that kind of love, will you not join with me now in asking a little of a reciprocity of affection, a little of a mutuality of love, a little of the exchange of benefits?

I have talked of this question at great length, sometimes, I am sorry to say, having wandered slightly from the theme, yet in the main following it, because I want the Senate and the American people to give consideration to what I believe to be the most important matter we have had to settle in our lifetime as a nation, some great question of war excepted. I have talked of it, hoping that we might get a vote upon this resolution at this session; but feeling, if that vote can not be taken, that at least the words I have so poorly spoken may, nevertheless, serve to arouse a sentiment in the hearts of our people which will ultimately result in securing the complete dominance of the United States over all of these outlying islands, so that we shall be secure against the attacks of enemies from these islands as bases, so that the benefits of our civilization, our trade, and our broader and more humane policies may fall upon the unfortunate inhabitants of these islands of the western Atlantic.

Mr. President, I thank the Senate.

APPENDIX.

ISLE OF PINES.

The 50 miles' sail to the Isle of Pines from Batabano on the south coast of Cuba is through waters so shallow and clear that the coral sea floor with all its bright-colored marine vegetation, over which gorgeously tinted fish and great sharks dart and glide, is in full view. Between the islands around about Batabano the sea water has a clouded and milklike appearance, so marked that Columbus, in one of his voyages of discovery, bottled some of it to take home and show King Ferdinand. Outside these islets the Caribbean Sea is deeply blue, almost a sapphire shade, blending imperceptibly into the coloring of the sky, the latter, however, being constantly filled with light, fluffy masses of snow-white, drifting clouds that make the patches of blue sky seen between them seem even bluer by contrast.

Heretofore the Isle of Pines has been associated in many people's mind with land sales, citrus fruit growing, and other industries of the soil, and it has signified but little to them. The Isle of Pines had not then come to its own, and it suffered the neglect of obscurity. To-day, however, the little island is quietly taking its place as one of the coming winter resorts. And for this reason a splendid, absolutely modern hotel has just been opened in Nueva Gerona, where all the conveniences of a metropolitan hotel, except the surroundings, are available, and Santa Fé, an idyllic spot, is well to the fore and will shortly count further additions to its hostelries.

Progress has impressed its mark on every foot of ground around the several prosperous colonies in the northern half of the island, so that one sees on every hand extensive groves of oranges, grapefruit, limes, etc., in fine condition, and field after field of the luscious pineapple; but it is its wonderful climate, and the unquestioned salubrity of the island, that is really making a name for it.

The Isle of Pines abounds in a great variety of means for outdoor life and sport, and its waters afford splendid fishing, which includes the famous tarpon (the silver king), red snapper, cherna, blue fish, and numerous other game fish.

Sea bathing is enjoyed safely all the year round at the beaches of Bibijagua and Nueva Gerona, and motor launching and canoeing on the beautiful Casas River is a pastime popular with many residents and visitors, for which launches may be hired at reasonable rates in Nueva Gerona.

It is an ideal place for the automobiles. There are 100 miles of excellent highways, connecting all the important colonies, and there are nearly 100 more of good by-roads, many of which are simply broadened trails worn through the great fragrant pine forests, but which are ideal for automobiles, nevertheless, as the soil packs hard and no ruts are formed. It is estimated that there are over 100 automobiles on the island, and this number is being constantly augmented.

There are 4,850 registered American property owners and over 2,000 actual American residents and settlers in the Isle of Pines, the total population of which is a little short of 5,000, so that it is no wonder it has become overwhelmingly American in all its leading characteristics, and that tourists from the United States feel entirely at home as soon as they arrive there. The island is now dotted with charming bungalows and handsome residences of wealthy Americans who spend their winters in its superb climate.

There are many springs of mineral waters, chiefly magnesia, all over the island, much of which is bottled and enjoys great fame and an enormous sale throughout Cuba. In fact, mineral water to-day constitutes the principal item of the exports of the island.

Many social and other clubs have been formed at the various colonies, and there is a healthy rivalry for preeminence among the districts which produces satisfactory results in the way of general progress. Fairs and expositions at one town or another are not infrequent events, and the annual exhibition held in the town of Santa Fe early in the month of February is an institution of recognized merit and prestige, and is well worth visiting to see its splendid exhibits of fruit and produce grown in the island.

Communication with the Isle of Pines is effected by the American-owned steamer *Cristobal Colon*, which plies between Batabano and the island. This steamer was especially built for this service and is in every way up to date; the staterooms all have running water and are cool and comfortable. Three trips a week are made, and the passengers may leave Habana on the evening of Mondays, Wednesdays, and Fridays, by taking the train to Batabano, which leaves the new central station at 6.10 p. m., and reach Nueva Gerona early the next morning. There are, perhaps, few other trips in the world so delightful as the one from Batabano to the Isle of Pines, especially on a moonlight night. The calm tropical sea, over which there is always a gentle, cool breeze blowing, and the brilliant constellations overhead glistening brightly in the clear atmosphere of the Tropics, make the night on deck so seductive that, no matter how cool and comfortable the staterooms may be, one feels that the open deck on this occasion provides a rare chapter in life.

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[From the New York Evening Mail, Wednesday, April 9, 1913.]

ISLE OF PINES BELONGS TO UNITED STATES—WAS DESIGNATED AS AMERICAN TERRITORY ON THE OFFICIAL MAPS IN M'KINLEY'S TIME.

The status of the Isle of Pines seems to be generally misunderstood, as indeed it is to an extent uncertain. Nine men out of ten believe to-day that the little island belongs to Cuba, but having been settled by Americans it has become Americanized to such a degree as to make annexation desired.

The fact of the matter is that the Isle of Pines is a United States possession. By the treaty of Paris Spain ceded the island to this country, and on all the official maps of the United States it was so designated during the McKinley administration.

When the Cuban Republic was established the Isle of Pines was omitted from its constitutional boundaries. The only claim that Cuba has ever had to the property is one of proximity and possession and the fact that it was first settled by Cubans. Indeed, eight years ago a treaty was negotiated surrendering the island to Cuba, but the United States Senate has refused to ratify, and the treaty is still pending in that body.

The dispatches recently announced a bitter state of feeling among the anti-American element in Cuba on account of a petition which has been circulated among the residents of the Isle of Pines asking the President and the Senate to take such action as may be required to make their island permanently a possession of the United States. This is far from annexation. The country is already ours by every shadow of legal and moral right, and the fact that the Cuban Government assumed jurisdiction in 1901 does not alter the situation in the slightest degree.

The Isle of Pines was enough of an American possession to warrant American citizens investing there. The War Department encouraged them in this respect. The largest single American colony outside of the United States is now located there. It has a population of about 4,000 to only 1,000 Cubans, who work for the American landholders. And yet the Cubans are the only persons allowed to exercise the right of franchise. Strangely enough, the sovereignty is vested in the peon class, while those who have the larger interests have no say in the affairs of the local government.

The present administration, if its policy is voiced in the Baltimore platform, gives little promise of living up to the traditions and history of the Democratic Party in respect to territorial enlargement. Every addition to the United States from 1803 to 1867 came to us under a Democratic administration. The Bryan program, however, is against anything that savors of enlargement, and it is doubtful if the Americans on the Isle of Pines will be able to get much help from Washington. However, this is not a question of imperialism—of annexation—of colony grabbing; but of protecting or abandoning a colony of American citizens who have been turned over to the political control of an alien people who have not shown the slightest capacity for governing themselves. (Buffalo Commercial.)

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed without amendment the following bills of the Senate:

S. 419. An act for the relief of the owners of the steamship *Esperanza;*

S. 937. An act to reimburse Isaiah Stephens, postmaster of McMechen, Marshall County, W. Va., for money and postage stamps stolen;

S. 1502. An act for the relief of Thomas E. Owen;

S. 2853. An act for the relief of persons suffering damage by reason of proceedings for the condemnation of land for Camp Benning, Ga.;

S. 3118. An act for the relief of Herbert E. Meilstrup;

S. 3171. An act for the relief of the trustee of the estate of Hillsboro Dredging Co., a corporation, bankrupt;

S. 3256. An act for the relief of A. L. Gramling; and

S. 4345. An act for the relief of E. J. Reynolds.

The message also announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 1599. An act for the relief of the estate of David B. Landis, deceased, and the estate of Jacob F. Sheaffer, deceased; and

S. 3351. An act for the relief of G. Dare Hopkins.

The message further announced that the House had passed bills of the following titles, in which it requested the concurrence of the Senate:

H. R. 297. An act for the relief of Mrs. Vincenza Diminico;

H. R. 370. An act for the relief of Charles W. Mugler;

H. R. 514. An act authorizing the payment of an amount equal to six months' pay to Josephine H. Barin;

H. R. 1227. An act for the relief of Frank G. Emmes;

H. R. 1263. An act for the relief of Charles L. McCulley;

H. R. 4437. An act for the relief of James H. Gordon;

H. R. 6577. An act authorizing the conveyance of certain land in the State of South Dakota to the Robert E. Kelley Post, No. 79, American Legion, South Dakota;

H. R. 8733. An act for the relief of Harold L. McKinley;

H. R. 8871. An act for the relief of Richard Andrews;

H. R. 9309. An act for the relief of the Neah Bay Dock Co., a corporation;

H. R. 9631. An act for the relief of Edward F. Dunne, jr.;

H. R. 10022. An act for the relief of Eldredge & Mason, of Malone, N. Y.;

H. R. 10041. An act for the relief of certain ex-service men;

H. R. 12315. An act for the relief of the owners of the schooner *T. K. Bentley;*

H. R. 12584. An act for the relief of Alice Loeber; and

H. R. 14270. An act to amend sections 3, 4, 9, 12, 15, 21, 22, and 25 of the act of Congress approved July 17, 1916, known as the Federal farm loan act.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 39) directing the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives to place a floral wreath at the base of the Washington Monument on Washington's Birthday.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were subsequently signed by the Vice President:

S. 1066. An act to authorize the Commissioners of the District of Columbia to close Piney Branch Road between Seventeenth and Taylor Streets and Sixteenth and Allison Streets NW., rendered useless or unnecessary by reason of the opening and extension of streets called for in the permanent highway plan of the District of Columbia;

S. 3048. An act for the relief of L. D. Riddell and George W. Hardin, trustees of Milligan College, Tennessee;

S. 3103. An act to amend section 2294, United States Revised Statutes, relating to homesteads;

S. 3332. An act to provide for a grant to the city of Boise, in the State of Idaho, of the use of a certain part of the Boise Barracks Military Reservation under certain conditions;

S. 3593. An act to authorize an exchange of lands with owners of private land holdings within the Glacier National Park;

S. 3808. An act authorizing the Secretary of the Interior to investigate the feasibility of reclamation projects on the Columbia River and various other irrigation projects;

S. 4036. An act to prohibit the unauthorized wearing, manufacture, or sale of medals and badges awarded by the War Department;

H. R. 2049. An act for the relief of the Delaware River Lightering Co.;

H. R. 3461. An act for the relief of Eugene Fazzi;

H. R. 3499. An act for the relief of the Atlas Lumber Co., Babcock & Willcox, Johnson, Jackson & Corning Co., and the C. H. Klein Brick Co.;

H. R. 3836. An act for the relief of Nolan P. Benner;

H. R. 4619. An act for the relief of the Link-Belt Co., of Philadelphia, Pa;

H. R. 4620. An act for the relief of Th. Brovig;

H. R. 4622. An act for the relief of the Lloyd Mediterraneo Societa Italiana di Navigazione, owners of the Italian steamer *Titania;*

H. R. 5249. An act for the relief of Ephraim Lederer, collector of internal revenue for the first district of Pennsylvania;

H. R. 5475. An act for the relief of the Standard American Dredging Co.;

H. R. 5648. An act for the relief of Ike T. Boyles;

H. R. 6177. An act for the relief of the owner of the fishing smack *Mary S. Dolbow;*

H. R. 8214. An act to compensate the owners of the American steamship *Vindal* for damages and expenses in repairing the said steamship, and to make an appropriation therefor;

H. R. 9049. An act declaring the act of September 19, 1890 (26 Stat., ch. 907, sec. 7), and the act of March 3, 1899 (30 Stat., ch. 425, sec. 9), and all acts amendatory of either thereof, shall not hereafter apply to a portion of the west arm of the south fork of the South Branch of the Chicago River, and for other purposes;

H. R. 9316. An act for the relief of Robert J. Ashe;

H. R. 9887. An act for the relief of the Pennsylvania Railroad Co.;

H. R. 13128. An act authorizing an appropriation for the construction of a road within the Fort Apache Indian Reservation, Ariz.;

H. R. 13481. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1924, and for other purposes;

H. R. 13808. An act granting the consent of Congress to the commissioners of Venango County, their successors and assigns, to construct a bridge across the Allegheny River, in the State of Pennsylvania; and

S. J. Res. 279. Joint resolution authorizing the Secretary of War to loan 3,000 wooden folding chairs for the use of the United Confederate Veterans at their reunion to be held in New Orleans, La., on April 11, 12, and 13, 1923.

MERCHANT MARINE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes.

Mr. BORAH obtained the floor.

Mr. REED of Missouri. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. REED of Pennsylvania in the chair). The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Fletcher	Lodge	Sheppard
Bayard	Frelinghuysen	McCormick	Smith
Borah	George	McKellar	Smoot
Brandegee	Glass	McKinley	Spencer
Brookhart	Gooding	McNary	Stanfield
Broussard	Hale	Moses	Stanley
Bursum	Harreld	Nelson	Sterling
Cameron	Harris	New	Sutherland
Capper	Harrison	Oddie	Swanson
Caraway	Heflin	Overman	Townsend
Couzens	Hitchcock	Pepper	Trammell
Culberson	Jones, N. Mex.	Phipps	Underwood
Cummins	Jones, Wash.	Pittman	Wadsworth
Curtis	Kellogg	Poindexeter	Walsh, Mass.
Dial	Kendrick	Pomerene	Walsh, Mont.
Dillingham	King	Ransdell	Warren
Edge	Ladd	Reed, Mo.	Watson
Ernst	La Follette	Reed, Pa.	Weller
Fernald	Lenroot	Robinson	Willis

Mr. PHIPPS. I desire to announce that my colleague [Mr. NICHOLSON] is detained on account of illness. I ask that this announcement may stand for the day.

The PRESIDING OFFICER. Seventy-six Senators having answered to their names, a quorum is present.

POLICY REGARDING RUSSIA.

Mr. BORAH. Mr. President, I presume our friends who are anxious to see the pending bill become a law are interested in having some cargoes for the ships after they have been induced to put to sea. I am much more interested in finding something to put on the ships than I am in the subsidy. There are idle ships in every port in the world for want of cargo to carry. The most vital problem which we can have for consideration is the method or the policy by means of which possibly we may open the markets and find goods to carry, or create a demand which will induce the carriage.

I shall discuss at this time a subject which the friends of the measure may not be willing to admit bears directly upon the question, but certainly it bears on it, at least indirectly. It is certainly of much concern to those who are interested in reopening the markets of Europe to the products which are now a surplus upon our hands.

Upon the 17th day of March, 1917, the last of the Romanoffs abdicated. Immediately thereafter was formed what was known as the provisional government of Russia. That continued until about November 7, 1917, when the Kerensky government or the provisional government was supplanted by what has since been known as the Soviet Government of Russia. That Government has now been in existence going on six years—will have been in existence six years in the coming November.

The policy of the Allies and associated powers toward Russia is incomprehensible except upon the theory that it was thought wise to force back upon the Russian people the rule of the old régime or else dismember and break up Russia into small States. If this or either of these was the policy of the Allies, the course which has been pursued for the last three or four years is indeed understandable. Otherwise it is to me incomprehensible.

Upon the 8th day of January, 1918, the President of the United States made this announcement:

> The evacuation of all Russian territories (as one of the conditions in the settlement of the war) and a settlement of all Russian questions such as to insure the best and most untrammeled cooperation of other nations of the world in order to afford Russia a clear and precise opportunity for the independent settlement of her autonomous political development and of her national policy, promising here a cordial welcome in the League of Nations under institutions of her own choice, and, besides a cordial welcome, help and assistance in all that she may need and require. The treatment meted out to Russia by the sister nations in the months to come must be a decisive proof of their good will, of their understanding of her needs as apart from their own interests, and of their intelligent and disinterested sympathy.

So far as that outlined a policy upon the part of this Government toward Russia, it seemed to me at the time to state a sound proposition, and it seems to me to be equally sound at the present time—to permit Russia to work out a system of government of her own choosing, to enable her to adopt such policies and pursue such course, so far as her internal affairs are concerned, as the people of Russia, however expressed, might choose. Why that policy has been changed or why it has undergone such a radical departure from the original announcement I am unable to state. I am very thoroughly satisfied, however,

that in so far as we have departed it has been error upon our part. I am equally satisfied that should we have pursued a different course than the course which was there outlined the conditions in Russia and the conditions with reference to Russia and the other nations of Europe and the world would have been very much more satisfactory than they are at the present time.

But a little different course prevailed. Immediately after the signing of the armistice there began a rigid, persistent blockade of Russia. It might have been designed to bring about a change of government in Russia. It might have been intended for this or that purpose. I hesitate to say that it was intended as a matter of punishment. But whatever the design and whatever the purpose, it accomplished nothing within the realm of reason or justice in international affairs. Instead of weakening, it strengthened those who were in control of affairs in Russia. Instead of undermining, it strengthened the Bolshevists. Instead of punishing those whom it might be supposed it was thought proper to punish, it punished those who were perfectly helpless to protect themselves. It visited untold misery and suffering upon the masses of the Russian people. Even hospital ships were denied admission to the ports of Russia, a thing indefensible from the standpoint of policy or humanitarianism. It was a cruel, ruthless, futile policy, without conscience or common sense behind it.

After the policy with reference to the blockade came the organization of invasion of Russia by outside powers. The forces of Kolchak and of Wrangel and of Denikin were munitioned and financed by outside powers, by those who had been associated with Russia or with whom Russia had been associated only a short time before. These men represented, in the estimation of the Russian people, the old régime. The peasantry, the masses of Russia, looked upon Kolchak and Wrangel as representatives of the old Czar rule, and that their admission to power or the placing of them in power would be but another way of calling back the old rule. So they failed in their purpose; but while they failed to obtain control of affairs in Russia the invasion succeeded in adding demoralization to the Russian situation and greater and deeper misery to the Russian people. Wide spaces of territory were laid waste. War was again pushed upon a people who had been in war for years, and it would be difficult to calculate the great evil brought to the Russian people by reason of those invasions or attacks munitioned and supplied by outside powers.

The result of the policies thus pursued is at the present time bearing fruit in a way that no one could wish to have it. If the policies which have been pursued should finally ripen into what is now indicated, an understanding or combination between Germany and Russia, and possibly Islam, it would present a condition of affairs quite as serious, so far as the peace of the world is concerned, as that which was presented in August, 1914. If the discliplining and organizing power of Germany should unite with the man power of Russia, and the two should be aided by the fanaticism of Islam, it would present as serious a situation as ever confronted Europe in its entire history. And yet that is the legitimate fruit of the policies which have obtained with reference to both Russia and Germany, one of them dealt with as an outlaw by all the nations who were dominant upon the side of the Allies, and the other dealt with in a way which naturally, as Lloyd-George said at Genoa, has bound them together in bonds of despair, and there they are at the present time.

I read a paragraph from an editorial in the Brooklyn Eagle of a few days since:

[From the Brooklyn Daily Eagle.]

FROM ESSEN TO RUSSIA.

While the French were completing their plans for the seizure of Essen the Krupp firm closed a contract with the Soviet Government for the peaceful invasion of Russia. In the most important concession yet issued by the Lenin-Trotski administration the Krupps obtained the right to exploit some 250,000 acres of rich agricultural land in southwestern Russia which was an appanage of the Russian Crown.

The Krupps are sending to Russia a staff of technicians provided with the most modern agricultural machinery. The machines are of the tractor type. They are being turned out in factories which supplied German tanks during the war. The Krupps propose to create a model farm, operated on the most scientific principles. After some wrangling the Soviet Government has conceded the right to export from Russia whatever this land can be made to produce.

And while the French are destroying Germany's capacity to pay with their bootless invasion of the Ruhr the Russo-Asiatic Bank is supplying British capital with the consent of the British Government in order that the Krupps may develop this new market for their merchandise.

Russia's huge land areas have never been properly exploited. The Germans have the agricultural experts and the plants to produce machines which could quintuple Russian production in a decade. The British are wise enough to realize that here is an ideal field for German development. It creates the markets for their manufactured products which they must have; it supplies them with a part of the food they must purchase abroad; it provides no cutthroat competition in existing world markets.

The editorial is based upon news dispatches which had preceded it several days, which disclosed the fact that those two great people were coming together, combining the respective powers, the natural resources and the man power of the one, the technical knowledge and the disciplining of the other, a thing which it was known to have been taking place for the last two years, although strenuously and repeatedly denied in this country. Does anyone look upon such a condition of affairs without the deepest apprehension?

I now read a news paragraph from the New York Times of January 15, 1923:

Rantzeau's ideas have a practical importance. He sees Russia and Germany in a position to help each other. Germany needs food, which she can only buy with gold or goods. Having no gold she must give goods, which automatically bars her from American or British—including the British colonies—markets. But next fall, with average weather, Russia will have upward of 8,000,000 tons of grain surplus. And Russia has terrible need of German goods, for which she, too, can not give gold, but only grain.

Already an arrangement has been concluded between Russia and Germany whereby the former will export immediately from Odessa 30,000 tons of rye in return for German goods. After the harvest the Russians are planning exchange on a huge scale which such optimists as Sokolonikoff, minister of finance, claim will enable them to balance the soviet budget.

On paper the scheme looks excellent. Its mechanism is as follows: After the harvest the Russian peasants have a surplus of, say, 8,000,000 tons. Suppose 2,000,000 thereof are earmarked for export to Germany. Of course under the new policy it is not the property of the Russian Government, but of the peasant cooperatives, acting for the individual peasant owners. But the cooperatives will intrust the sale in Germany to the bureau of foreign trade. This is one of the chief reasons why this monopoly has been retained despite general criticism.

This is not, as I intimated a moment ago, a new development by any means. Those who have undertaken to watch the effect of the policy of the Allies toward Russia have known for the last two and one-half years that those two great powers were coming together—driven together. It is not a natural combination; it is not a natural condition of affairs. Some antipathies and some antagonisms of more than ordinary moment had to be overcome. The true policy, the wise policy would have preserved the friendship which had long existed between the Russian people and the people of the United States and would have preserved our friendly relations with that power which is now being driven by reason of this condition of affairs into alliance with other nations.

I call attention to a pargraph or two from an article which appeared in L'Echo de Paris, a clerical daily, published in France on March 8, 1922, which reads as follows:

* * * early as 1919, to make overtures for business relations with the Soviet Government.

And we ought to bear in mind as we go along that one of the reasons assigned for our failure to do business with Russia is because it was unsafe as a business proposition—

She believed that, although the chaos in Russia might prevent her realizing at once her ultimate political projects in that country, she might open a profitable market there for her manufactures, that would be paid for in gold, precious stones, and the raw materials that Russia still had in stock. It was with this object in view that Germany sent an investigating committee to that country.

* * * * * * *

after February, 1921, there was rapid progress. From this month, in fact, dates the resumption of commercial intercourse between German and Soviet Russia. On the 18th of February a protocol was signed at Moscow by representatives of the German foreign office and of the Soviet foreign office to regulate provisionally relations between the two countries. Commercial delegations were to be attached to the delegations already established at Moscow and Berlin in order to insure free intercourse between the two nations. Among other things, this agreement regulated passports and visés required of citizens of either country when traveling in the other. It guaranteed the inviolability of the property of Germans who might settle in Russia, with the permission of the soviet authorities, in order to engage in business there.

Again, says the article:

On the 11th of January the Rosta, or official Russian telegraph bureau, announced that after the 6th of that month the German National Bank and the Dresden Bank had agreed to recognize the drafts of the Soviet National Bank. At the same time the Soviet National Bank directed its representatives in Berlin to deposit several million marks with the German National Bank. The same day the Soviet National Bank drew its first check against the German National Bank for 15,000,000 marks. Thus, after an interruption of more than seven years, banking relations were restored between Russia and Germany.

The first fruit gathered from this policy, therefore, is the coming together of these two great powers. If they were associating themselves together as friendly nations would ordinarily do, having no antagonism and no reason for antagonism with other nations, it would be a very desirable thing to see; but when we realize, Mr. President, that they are brought together, in a large measure, by reason of the policy obtaining against both of those powers, thereby creating a certain state of mind upon the part of these vast peoples, it presents an entirely different aspect and one not at all desirable. I say it is the fruit of this narrow-visioned, intolerant

policy—a policy which has borne no fruit save that of hunger, misery, estrangement, and may now be conducive to war. I challenge anyone to point to one single advantage, to one benefit, to one fruitful gathering from this policy. It has been a vindictive policy, and such policies are always barren of good results. My interest in this question from the beginning has been not that of recognition of the soviet government because of any sympathy with the principles upon which that government may be founded, nor, indeed, because I believed it would ever in its present form or in the form which first obtained ultimately succeed; but leaving that for them to work out for themselves, the wiser policy, it seemed to me, after the war had closed, was to hold the friendliest possible relations, considering our interests, with this great nation and also with Germany.

Think for a moment of the country which has been outlawed; its population; what it means among the nations of the world and its place among the family of nations as a power when measured by its population and its natural resources. There are in Russia 140,000,000 people—a very industrious, law-abiding, home-loving people, so far as 95 per cent of them are concerned—a people holding the utmost friendliness toward the people of the United States and toward this Government. Russia has an area of 8,166,130 square miles, and, including Kiva and Bokhara, her area is 8,273,130 square miles.

Continental United States has only 3,026,789 square miles, and, including all our territory, continental and insular, 3,743,510—a little less than half the area of a people who are now outlaws among the nations of the world. It can not be a healthy condition of affairs; and if there is a possible way of avoiding such a condition it is our highest duty, in the interest of peace and in the interest of the restoration of sane economic conditions throughout Europe and the world, to avoid it. It can not be other than a menace to the peace of the entire world that a vast people, with vast natural resources and undoubtedly a great future, are outlawed among the nations. Prior to the war Russia comprised one-sixth of the entire land surface of the globe, and her mineral and timber wealth constituted the greatest undeveloped natural resources in the world.

Mr. President, I can understand why it is to the interest of certain powers in Europe to retard the development of Russia. It is not an interest with which I could have any possible sympathy; but, nevertheless, it is such an interest as has predominated to a marked degree in the foreign policies of European nations. I can understand why powers would organize to finance Denekine and Wrangel to break up and destroy the Russian Government or else restore the old régime, but that ought not to be a policy with which the United States could have any possible sympathy. It is not in the interest of humanity and it is certainly not in the interest of the material welfare of the people either of Russia or of the United States.

There seems to be a popular belief—I do not assume, of course, that it obtains in the State Department—that in recognizing a government we, in a measure, approve of the form of government which the people of that government may have at the time of the recognition. I have received an abundance of letters from people of more or less intelligence which say the recognition of Russia would set the stamp of approval by the United States upon that particular form of government which the Russian people are said at this time to have. Such recognition is not an approval or a disapproval of the form of government; it is a recognition of the fact that they have a government.

It it not an approval of their form of government, any more than our recognition of Turkey to-day is an approval of the Turkish form of government or of her acts under it. We, finding a people with a government which they have established, recognize as a fact that a government has been established and invite them to become members of the family of nations by the act of recognition.

Woolsey, in his International Law, says:

> The question of a State's right to exist is an internal one, to be decided by those within its borders who belong to its organization. To bring the question before external powers not only destroys sovereignty but must either produce perpetual war or bring on the despotism of some one strong nation or strong confederacy of nations, requiring all others to conform their constitutions to the will of these tyrants.
>
> If a nation, or set of nations, should act on the plan of withholding their sanction from new nations with certain constitutions, such a plan would justify others who thought differently in refusing to regard the former any longer as legitimate States.

If we should decline to recognize Russia because of her form of government, and should carry that principle into practice, it would necessarily require us to refuse recognition to or withdraw recognition from several nations which I might name.

So far, therefore, as the government from an internal standpoint is concerned, outside of the relationship which it may have with the governments of the earth in its foreign affairs, it is not of the slightest concern to the people of the United States or to the Government of the United States what kind of a government it is. If we shall find in this discussion that, notwithstanding its form of government, it is prepared to discharge its obligations to the other nations of the world, to meet the relationship, and in good faith to discharge the obligations which rest upon it, it is, I say, not of the slightest concern to us what their particular form of government may be.

We are inclined, Mr. President, to forget. Our memories are short. It has not been very long in the life of nations, as we measure the life of nations, since the representatives of this Republic were pathetically hunting their way about the courts of Europe, and being rejected for the same reason that is assigned here—that the young Republic was not prepared to meet its obligations or discharge its duties toward the other nations of the world. Think of Franklin and Jay and Adams going about the courts of Europe, almost kicked from pillar to post, and told that "You have no government. Your obligations we can not expect to be carried out. Your treaties will not be fulfilled." Such were the circumscribed and such was the faith of great powers who looked upon the formation of a great, free government.

John Fiske, in that perfectly fascinating volume in which he recounts what he calls the critical period of American history, has a paragraph which it may not be out of place to read:

> Jefferson, at Paris, was told again and again that it was useless for the French Government to enter into any agreement with the United States, as there was no certainty that it would be fulfilled on our part—

That is, on the part of the United States—

> and the same things were said all over Europe. * * * We were bullied by England, insulted by France and Spain, and looked askance at in Holland. The humiliating position in which our ministers were placed by the beggarly poverty of Congress was something almost beyond credence. It was by no means unusual for the superintendent of finance, when hard pushed for money, to draw upon our foreign ministers and then sell the drafts for cash. This was not only not unusual; it was an established custom. It was done again and again when there was not the smallest ground for supposing that the minister upon whom the draft was made would have any funds wherewith to meet it. He must go and beg for money. That was part of his duty as envoy, to solicit loans without security for a government that could not raise enough money by taxation to defray its current expenses.

Mr. President, I hope we have heard enough about the fact that after six years this government in Russia is unable to meet its obligations; that it has no money; that it may any day fall or fall by the wayside. That is not a matter, under present conditions and circumstances, which ought to weigh in the least.

The preponderating, controlling, dominating fact is that there is a government which has had an existence for nearly six years, performing all the duties and obligations of a government.

What is the first test of a government? It is to keep order at home, and then to deal honorably with foreign powers. Life and property are just as secure to-night in Petrograd and Moscow as in New York or Chicago. The laws of that country are as thoroughly enforced, so far as the protection of human life is concerned, as in any country in Europe. It is true they passed through the cruel, bloody period which characterizes revolution ever and always, for which no man would even attempt to make an apology. They passed through a period characteristic of all great revolutions, and there never has been a revolution upon such a stupendous scale as this; but at the present time and for months and months past they are meeting the supreme test of a government, and that is the protection of property and of life, notwithstanding the venal and corrupt propaganda which is constantly being sent out in this country.

To give you an idea, if I may turn to it hastily, about the manner in which this cause is repeatedly presented to us, Captain Estes, in making a speech a few nights ago in the city of New York before the Republican Club, stated, according to the press dispatch, as follows:

> Capt. W. B. Estes, who was kept in a soviet jail in Moscow for a year during the World War, declared that to his certain knowledge there is in New York banks to the credit of the Lenin-Trotski government $540,000,000.

He said:

> New York banks held at least $180,000,000 in gold while I was locked up in jail, and the deposits are three times that sum now. The most of it is with Kuhn, Loeb & Co. and the Guaranty Trust Co., although many other banks have heavy deposits. Much of it is in old Russian gold rubles.

The intention undoubtedly was to disclose that Lenin and Trotski were not only tyrants but were also engaged in robbing

their people, pushing their money out of the country which they were wrecking, so that in the hour of escape they would have something with which to take care of themselves. It has been repeatedly circulated over this country that this was true and that they were engaged not in an attempt, however unwisely from our viewpoint, to construct a government but in holding power for a sufficient length of time to enable them to take care of themselves financially in proper fashion. I thought, in view of the fact that Captain Estes had mentioned the firms, that we might indeed find out whether they had the money on hand. I telegraphed to these two banks as follows:

Are you free to state to me the facts concerning the statement of Captain Estes relative to Lenin-Trotski government having large deposits in your bank?

Kuhn, Loeb & Co. replied:

We are in receipt of your telegraphic inquiry. We have never had any dealing of any nature with the Lenin-Trotski government, and have no deposit, directly or indirectly, for their account.

The president of the Guaranty Trust Co. says:

I assume your telegram of to-day refers to Captain Estes's statement before National Republican Club, as reported in Sunday's New York Tribune. We have no deposit here to the credit of the Soviet Government, either in gold or otherwise.

Comment is unnecessary. It is a fitting sample of the misinformation which the people in this country are given with reference to Russia. Countless other illustrations might be given. I do not know Captain Estes. I shall assume he was also misinformed. But it certainly seems the statement was without foundation.

Mr. President, let us review briefly, as nearly as we can from accurate statements, the actual present condition of affairs in Russia.

I shall ask, first, the privilege of reading a portion of a letter from Bishop Nuelsen, of the Methodist Episcopal Church, who has been for many months in Russia, and, as I understand, is there now. This letter is addressed to me under date of December 8, 1922. Knowing that Bishop Nuelsen had been for a long time in Russia, and that his business was the occasion of his being there, and knowing something of the standing of Bishop Nuelsen in the Methodist Church, it seemed to me that whatever his view might be it would be one upon which we could reasonably rely, especially as to those things which are open to observation. He says:

As far as I was able to observe, the present government in Russia is as firmly established as any government in Europe. I do not look for a revolution, but I do expect that a gradual evolution will take place. I did not find anybody in Russia who looked forward to a revolution, even among those who were quite outspoken in their criticism. One of the American newspaper correspondents whom I met in Moscow had just returned from a trip through the greater part of the country, and he said to me with reference to the government, "There is not a crack in sight."

The argument often presented to us is that this government does not represent the Russian people at all, that it is a coterie of autocrats who have seized control of affairs, that the people of Russia as a people are not in sympathy with it, and that it does not represent them at all. That is not the view which Bishop Nuelsen gets of the situation.

In fact, Mr. President, it is not the view which anyone would obtain who would make an impartial investigation, and there are good reasons for it. The peasantry constitute from 85 to 90 per cent of the people of Russia. They have been struggling for many, many decades to secure their land, and they have secured the lands under the present régime; not absolute title—and it is a very good thing they have not—but they have possession of the land and are availing themselves of the benefits of working the land and cropping the land just as completely as if the title were in them. The reason why the Russian peasantry were arrayed almost solidly against Denikin, Wrangel, and Kolchak was because they believed that the restoration of the old régime, or of anyone who represented the views of the old régime, would be to deprive them of their lands; and, while Bishop Neulsen says they expect the evolution of this government, the working out of a more satisfactory form of government, they are not in favor of destroying the present government or of accepting as leaders and as governors those who are opposed to this form of government. They prefer to work out their salvation upon the principle of evolution, as other peoples have to do who have changed their government from despotic forms to revolutionary forms of government. Therefore these people are thoroughly behind the government so far as it is opposed by other governments, whatever may be their view as to the necessity of reforming the government itself.

Again, Bishop Neulsen says:

I do not think that anything is gained by refusing to recognize the Soviet Government. The two pivotal points in the whole European situation are Russia and Germany. As long as these two countries can not recover we shall have no stability in the economic life of Europe. Whatever may have happened during the days of the revolution and the following period of terror—and there is no question that terrible things have taken place, just as they took place in every revolution—I discovered that the people think they have reached the turning of the road and can begin now constructive work. The government has practically given up a number of the radical communistic ideas, and I believe the country would be greatly helped in the efforts to reconstruct economic and political life by a sympathetic attitude on the part of America. In fact, as long as we treat the Russians as outlaws we furnish the radical elements ammunition for their propaganda against "capitalistic" States. It seems to me that they have reached a stage where they are open to reason and friendly advice, but they resent being treated as outside of the pale of civilization.

I have not the impression that the government is maintaining itself merely by terrorizing the people. That was the case for a while, but it does not seem to be so now. I took the opportunity to converse with a great many people, representing different classes of society, and I did not at all gain the impression that these people were afraid of expressing their opinions and were fearing acts of terrorism on the part of the government.

While the economic life is absolutely chaotic, I found that they are making strenuous efforts to educate the masses of the people. I was astonished to find thousands of people visiting the art galleries and attending high-class concerts. The department of education is the largest department of any, and while they no doubt undertook some unwise experiments, yet I am impressed with the sincerity of the purpose to lift the masses out of their state of ignorance.

The Methodist Episcopal Church had several congregations in that country before the war, and I found all church property perfectly intact and found that no impediments whatever are put in our way.

Whether we like the Russian government or not, I think it is futile to wait for an overthrow, and I think we can advance the process of reconstruction best by recognizing the government and taking a helpful, sympathetic attitude. I think the moral effect would be tremendous, and I think they would be open to advice and suggestion from us.

In a public address in the city of Boston Bishop Neulsen said:

Whatever may be said, however, against the Soviet Government—and I would not condone its crimes and foolishness—it must be said that order is now being reestablished. One can move along the crowds in Petrograd and Moscow in perfect safety. The railroad furnishes good service, and the trains are on time.

* * * * * * *

The Soviet Government has a department of education larger than any other department, and is making an honest effort to train the people. The equipment of the schools, however, is scant, there being almost no textbooks; but the teachers work with apparent enthusiasm and an earnest desire to educate the coming generation.

What is the attitude of the Soviet Government toward religion? I would reply that there is perfect liberty to preach.

Doubtless all who honor me with their presence will remember the attack which was made some time ago upon the Soviet Government because of its persecution of the church, and it was for that reason that I made particular inquiry of Bishop Neulsen in regard to it.

Suffice it to say that in my opinion there was no persecution of religion. There was prosecution, and, I would admit, if it were deemed essential, persecution of political agitators who were covering themselves under the cloak of religion, men who were opposing the present form of government, who were seeking to agitate against the Government and seeking to protect themselves under the cloak of religion in doing so; but not a persecution or prosecution of the church as such or of religion as such.

Mr. President, I have before me also an article by a commander in the American Navy, some few paragraphs of which I desire to read. He has been in Russia for the last two or three years and was there until a short time ago. He was there when Kolchak and Wrangel were carrying forward their plans for the seizure of the Russian Government. He said:

We have to-day the good will of the great mass of the Russian people, as no other nation has.

* * * * * * *

No country has such prestige in Russia as has the United States, nor are any people as well received there as are Americans. This comes about in the first place because Russians recognize our entire community of interest, and also, in some part, as a result of gratitude for our relief work. Still, perhaps the most important factor is simply that the individual Russian finds it so easy to get along with the individual American; he finds him sympathetic and likes him accordingly.

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It follows then that recognition based not on commercial interest or advantage but on a real regard for the interests of the Russian people will mean a still greater extension of that good will toward the American people—a by-product of a right action on our part to which we will be as clearly entitled as we were to the happy results of Lincoln's great policy toward the South.

* * * * * * *

My own opinion is influenced very largely by another fact, which many people consider almost as irrelevant, but which to me is the deciding weight. It is that under the Soviet Government the Russian people have at last gotten what they have always demanded above all else; what even Czarist governments have promised them but have failed to accomplish; what all the leaders that have since arisen—Kolchak, Denikin, Wrangel—all have promised and all have failed to do; that is, under the Soviet Government the peasants have gotten the land. Under all other governments the peasants got only promises that were never kept.

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And so it is that the great fact for the peasant is that he is in possession of the land, that no one can take it away from him, and that he can use it and work it for his own profit, subject only to the

natural tax, which, though irksome, is no worse than the taxes of the old régime. And the very fact that he wrested the land from the soviet régime, while he could not get it from any other régime, has given him exactly as much interest in the perpetuation of the soviet régime as the Allies have in the perpetuation of the German régime, from which they wrested the treaty of Versailles and acknowledgment of reparations due.

It is a fact that in spite of the increasing amount of evidence to the contrary, practically the entire world has taken it for granted that just as soon as conditions inside of Russia got bad enough the Bolsheviks would automatically fall. But have we not seen exactly the contrary? Is it not at last obvious that as conditions became progressively worse in Russia the Bolsheviks became the more secure in power? But to return to our original question, is it really desirable that the present régime fall? On one point at least all who have any knowledge of Russia are agreed, namely, that there is absolutely no other power in sight that in the event of the fall of the Bolsheviks could take hold of authority and preserve order.

I have also a statement made by ex-Gov. James P. Goodrich, of Indiana, who, as we all know, has been very much in Russia for the last two years. He says:

Out of the present unfortunate situation a settled responsible government shall emerge. It will be a democracy and not an autocracy, either of the Czar or the proletariat. The peasant never did accept communism. He is by instinct, training, and tradition individualistic and capitalistic.

* * * * * * *

One's life and liberty are as safe in Russia to-day as in any other country in Europe, provided always he is not perniciously active in politics. The process of evolution is still going on. When we get far enough away to write an impartial history we will marvel at the swiftness of the change rather than its slowness.

It seems, Mr. President, we have a government which has been in existence now for nearly six years, which, according to those who are certainly in a position to judge and impartially to report, has the support of the Russian people; a government which is maintaining law and order throughout Russia; a government which has withstood all attacks from without and from within; a government which put down three powerful invasions financed by outside powers; a government which has stood alone six years in Europe. It is the only government which came out of the war which could stand alone.

That being true, the next question is, What is the relationship of that government to the other governments? Is it prepared to deal in a way that the other governments can afford to recognize it and undertake to do business with it?

At the present time there are 16 nations trading with Russia, either through treaties or through agreements, either by reason of recognition or by reason of trade treaties or agreements. I do not know of a single instance in which it has been successfully charged that Russia has in any way disregarded these trade agreements. I recall, which perhaps may be in the minds of others, an instance in which it was charged that the Soviet Government disregarded one of the trade agreements. There has been a controversy about that by those who were beneficiaries of the agreement, one of the gentlemen contending that the government discharged its agreement as it was made, another contending that it disregarded it. But if that be an exception it is the only exception of which I have been able to learn in which there has been any charge of a break in the integrity of the contracts with reference to commercial relations between Russia and the governments which have trade agreements with it.

Mr. SWANSON. Mr. President, will the Senator give us the names of the governments with which they have trade agreements?

Mr. BORAH. Those Governments are Great Britain, Germany, Italy, Norway, Sweden, Austria, Turkey, Esthonia, Lithuania, Finland, Serbia, Afghanistan, Poland, Latvia, and, I understand, China, Japan, and Mexico.

I wish now to refer to a dispatch which was printed in the New York Times on the 15th of the present month, a dispatch from Mr. Duranty. Neither the Times nor Mr. Duranty would be charged with conscious bias in favor of the Soviet Government. I assume that they would state the facts as they understood them, and would not be consciously biased in favor of that government. The dispatch, under date of February 15, said:

Moscow, February 15.—Foreigners can do a profitable business in Russia to-day. They are doing it now, and whereas a year ago foreign business men here were mostly represented by fly-by-night firms and were interested in highly speculative, not to say wildcat, transactions, to-day there are Americans, Germans, British, Scandinavians, and even Frenchmen with real money beside them here to look the ground over.

For the government, or, rather, the governmental trading organizations of one kind or another, stick to their contracts, and life and property are as securely guarded and as safe as they would be in America. What is more, the government organizations are willing to guarantee against loss in transit, although the projected system of State insurance has not yet been carried through. For instance, a foreigner here shipped bales of valuable goods to Germany, of which one, worth about $25,000, was lost between Moscow and the Lettish frontier. On discovering his loss he went to the foreign trade monopoly bureau which had given him a permit to buy and ship goods. The bureau took the matter up with the railroad authorities, who admitted their liability, and within two weeks the foreigner received from the railroad a check on the State bank payable in foreign currency for the amount of the purchase money.

Naturally, Mr. President, during and after the period of the revolution there was uncertainty, there was insecurity with reference to trade relations, not any greater, I apprehend, than would have been in any country where such a revolution was going on. It is true also that they changed the status of private property in Russia, which gave additional ground for fear upon the part of traders from the outside. But it seems now beyond question, and it has so appeared for many months, that so far as the trade of foreign governments is concerned, a status is fixed which makes it safe and secure, that property rights are respected and protected, and that the Russian Government is prepared, so far as foreign powers are concerned, to disregard the principle of communism which obtains with reference to the internal affairs of Russia, although it obtains now only in limited degree.

Now, if it be true—and I have an abundance of other material here which I might submit—that a government is there established, doing business, protecting lives, protecting property, and respecting trade relations with other nations, is it not worth while for the United States to establish a friendly relation with those 140,000,000 of people? There can be no peace in Europe as long as Russia is an outlaw.

What is it that makes the Near East situation so full of menace to-day? It is because this great outlaw nation there, with her 140,000,000 people and with her vast man power, is coming in touch, by reason of the situation in which we have placed her, with the disciplining and organizing power of Germany. We risk much in war. We risk much when it comes to engaging in conflict. May we not risk something for the purpose of establishing friendly and amicable relations with these great powers in Europe?

What could we possibly lose? What would be the loss to the United States if we should recognize the Government of Russia?

I can conceive of nothing which could be estimated as a loss, except that which they contend, that the business men of this country would not have their security and therefore might lose some material interests. But there are two answers to that. In the first place, the business men of the country are willing to go into Russia and willing to take the risk, even without recognition. Certainly they would be more secure and safer with their government, our ambassador, and their consuls than they are without them. If there be anything to adjust with Russia or business relations to be strengthened, may we not do so better with our ambassador and consuls and dealing in a friendly way than through estrangement and with a stream of enmity flowing between us?

I have here a paper published under the head of the Amexa News. It is published by the American Manufacturers' Export Association, 160 Broadway, New York. I notice among its officers are Myron W. Robinson, of the Crex Carpet Co.; James A. Farrell, of the United States Steel Corporation; C. P. Coleman, of the Worthington Pump & Machine Corporation; H. J. Fuller, Fairbanks, Morse & Co., and so on, a body of men who are practical business men, to say nothing of anything else, who would naturally look with a scrutinizing eye upon Russia or any other government where their property might be insecure or unsafe. There is a vast amount of material in this publication with reference to business conditions in Russia and the safety or the security which a person would have in doing business with the Russian people. I shall undertake to read but very little of it. Upon page 8 it is said:

The cooperative societies, like a network, cover every town, village, and hamlet throughout the wide, expansive territory of Russia and Siberia.

The cooperative societies passed unscathed through the revolution. They were undisturbed. They continued to do business, and they carried out their contracts both at home and abroad; and they are the basis of the industrial life of Russia at the present time.

The initial efforts of the movement proved such a phenomenal success that it rapidly spread throughout the country. It is a democratic institution, created and managed by the people to supply their needs and to foster their welfare. It was instigated by lofty ideals, but, contrary to most other organizations founded on such idealistic principles, it applied itself to its manifold tasks in a practical manner. An organization so constituted was certain to make rapid strides. It merits the remarkable success it has attained.

As the individual cooperative societies progressed they found that still further economies could be attained by the formation of provincial wholesale cooperative societies. Thus the individual cooperatives of the province of Astrakhan organized and became members of the Astrakhan Regional Union of Consumers Societies, the cooperatives of Archangel organized and became members of Archangel Union of Cooperatives, and so on throughout the various provinces of the country.

On page 9 it is further said:

THE CENTROSOYUS.

In the year of 1898 the All-Russian Central Union of Consumers Societies was established. It is commonly known both in Russia and abroad as centrosoyus—a contraction in the Russian language meaning central union. The Centrosoyus is an organization consisting of all the provincial and individual cooperative societies in Russia and Siberia and might properly be termed a superwholesale cooperative society. All national and international activities of the cooperative societies are concentrated in this body. All imports into Russia and Siberia and exports from Russia and Siberia are handled by this organization. It has established banks, savings banks, insurance and credit societies, operates schools, libraries, hospitals, sanitariums, hotels, theaters, moving pictures, etc., for the benefit of its members.

RELATIONS TO THE GOVERNMENT.

It is a common belief in this country that all organizations now operating in Russia and Siberia are branches of the Soviet Government. While this may be true in a number of instances, it does not apply to the Centrosoyus. The Centrosoyus is a free and independent organization, which the government has seen fit to grant special privileges because of its altruistic ideals. In fact, the Centrosoyus is the only cooperative society in Russia and Siberia operating to-day, having replaced all other cooperative societies which previously existed separately. Direct trade with Russia and Siberia through those functions now existing outside of Russia and Siberia only, which have refused to reconcile themselves to the new order of affairs in Russia and Siberia, is now impossible.

It must be pointed out, however, that the Soviet Government exercises a certain measure of regulation over the Centrosoyus. Just as our Government or any other government exercises a certain measure of regulation over its nationals, so also the Soviet Government exercises the same degree of control over the Centrosoyus. The Centrosoyus is free to import such merchandise as the government tariff permits into Russia and Siberia unhampered and to export such products as are available to foreign countries. In fact, the government in many instances has encouraged them on in their foreign activities rather than to place obstacles in their path.

In the bulletin of the "All Russian Central Union of Consumers Societies—Centrosoyus" dated September 15, 1922, the following paragraph appears, which would seem to indicate quite clearly the attitude of the government toward the Centrosoyus:

"* * * The Soviet Government is facilitating the work of the cooperation which is enjoying the position of 'maximum of preference.' One of the proofs of this is the granting by the government to the cooperatives of a 25 per cent reduction in the taxes levied for the State. * * *."

Most American firms are still unaware of the fact that the United States Government permits exports to Russia and imports to this country from Russia, and that considerable-sized transactions are regularly taking place between Russia and other foreign countries. The Centrosoyus is looming up as a big factor in the trade between Russia and foreign countries, and it would seem that, in view of their past record, they are the proper firm to negotiate with if any American firms are desirous of obtaining any Russian business. They have the facilities within Russia and abroad to transact their business on the most intelligent basis, and it is believed that their capital and resources are such as to permit American firms to consummate business with them with reasonable assurance of safety of capital.

The Centrosoyus, as far as their activities abroad are concerned, enjoy a spotless record, notwithstanding the fact that they have just emerged from a period of time during which they have been obliged to overcome those serious difficulties occasioned by the conditions in Russia. Their transactions in the foreign market, previous to the revolution, were on a considerable scale, and yet, notwithstanding the difficult period they have just passed through, they have never failed to meet a dollar's obligation to any foreign creditor.

This is from an article contributed to the publication by Mr. Valerian E. Greaves, who seems, as I understand, to have spent a great deal of time in Russia as the representative of some business interests.

Since the new economic policy was adopted—

That is, the policy which was announced by Lenin in March, 1921—

the latter repeatedly stated that private enterprise, domestic as well as foreign, was welcome in Soviet Russia, and that enterprisers' rights and interests will be fully protected.

Mr. Sumner, a member of the New York bar, who visited Russia in the interests of business men of New York, also contributes an article upon the situation, and he says:

In a recent address on the Russian evolution, I read a signed statement intrusted to me by George Tchitcherin, the Russian minister of foreign affairs, which, I believe, is important enough to repeat for the benefit of members of the American Manufacturers' Export Association. Confirming his talks with me, he wrote:

"The Russian people and government are genuine in their desire to reestablish commercial relations with America. Russia has to-day practical aims. She will welcome the reestablishing of such trade relations in any form that can be developed along practical lines between herself and American interests. The Russian Government will gladly receive in Russia any serious and properly qualified American business men or commercial and industrial groups who will come with practical aims for preliminary negotiations and discussions preparatory to establishing such ways for restoring trade."

Then he says:

Ask anyone in a position to know—

This is the language of the lawyer—

and you will be told that to date the Soviet Government has kept every formal contract it has made with any foreign interest.

Just a word with reference to the Russian debt. I presume that one of the obstacles to the recognition of Russia has been what is supposed to be her unwillingness to recognize the old Czar debts. I can well understand, Mr. President, the hesitancy of the Russian people as a people to recognize those debts. It has been the firm policy of the Anglo-Saxon people always to treat the financial integrity of a country with the same consideration as one would individual integrity, and therefore nothing I say should be construed as a justification of any hesitancy upon the part of the Russian Government to recognize these debts. Nevertheless, one can well understand why it would be so when he considers the manner in which those debts were incurred.

Those debts were created largely for the purpose of building up a vast bureaucratic and military establishment in Russia, and were a part of the preparations which were going on in Europe for the deluge which came in 1914. However, Mr. President, Russia has signified her willingness to recognize those debts. She did it at Genoa; and I have not the slightest doubt that Russia, if she were recognized and given an opportunity and a position among the nations of the world, would carry out the suggestion which she made at Genoa and would recognize these debts; and I have no doubt but she would agree to pay them in 62 years. If such terms could be granted, from the statements which Tchitcherin and others who are in responsible position have made, I should not have any hesitancy in prophesying that those debts would be unhesitatingly recognized and taken care of. I will read just a line from Mr. Lloyd-George after he returned from Genoa:

That, roughly, is the position which they took with regard to debts—the money which had been advanced to Russia before the revolution. They were prepared to acknowledge those debts; they were prepared to make arrangements for their repayment.

As stated by Tchitcherin at Genoa, they could not well go home and say that they had recognized the debts of the Czar government, which was so very obnoxious to the Russian people, and at the same time say they had been refused recognition by the governments to whom they had recognized those debts. Suppose Mr. Lloyd-George or the representative of France had consented to any such absurd policy upon the part of their governments, their ministries would not have lasted until they got home. As Mr. Lloyd-George very well says, the Russian officers themselves had a situation to deal with at home. They could not any more disregard the public opinion of their country than the Congress of the United States would disregard the opinion of its constituents.

It was a very natural thing for the representatives of Russia to say at Genoa, "We are prepared to recognize these debts; we are prepared to make arrangements for their payment; we are prepared to settle all these matters provided we are given an opportunity which will afford any possibility at all of our carrying out our contract after we have recognized the debts."

Would we have been in any worse position, Mr. President, if recognition had taken place a year ago or two years ago than we are at the present time? It is a speculation of course, and it is also a speculation as to the benefits which would have flowed. But what is the basis of recognition? Why do we recognize governments? To enable us to establish such friendly relations as that we may do business with other members of the family of nations so that we may adjust such matters as debts and commercial affairs and retain friendly relations with them.

Mr. President, suppose the present Government of Russia fails, what then? Suppose that by reason of our failure to recognize Russia, the failure of France to recognize Russia, and the failure of Great Britain to recognize Russia—although quasi recognition has taken place in the case of Great Britain—the present Government of Russia fails and falls, what is there to take its place? What has the future in store for the Russian people in case the only semblance of authority now there disappears? Chaos, hopeless, unending misery, bloodshed, and possibly ultimately a reestablishment of some representative of the old régime. If the present Government of Russia fails, if it falls, and there is nothing to take its place in Russia except that which may come out of the turmoil which may follow and concerning which no man can prophesy, the misery which has already been registered in that country will be repeated again, and even at the end of it who shall prophesy that they will have anything better than they have at the present time?

The present Russian Government has been in existence for six years; it has gone through the chaotic period; it is in the process of evolution; it represents authority; it represents at the present time the support of the Russian people. It is protecting life and property; it is transacting business with foreign nations; it is discharging every duty and obligation which rests upon a government, whether it be according to our idea of what a government should be or not; and if by our con-

nivance or our failure to accord recognition it breaks down, we shall necessarily as a moral proposition become responsible in a large degree for what is to follow. Who is to take its place? Semenoff, or some representative of Wrangel, or some of the refugees whose interest in Russia is to see the old régime restored? In my humble opinion, the Russian peasant will suffer incalculable misery and go through years of turmoil before he will return to the old régime. Is it not infinitely better in a friendly way to undertake to bring Russia to the position which she ought to occupy under a sane and sound democratic form of government? For myself, sir, I do not want to see my Government connive at a policy which will add misery to that great people, which may bring on years of civil war, which may restore the old rule with all its incompetency and corruption and cruelty. Think for a moment what it all means. Let us forget for a time a few individuals and think of the mass of suffering humanity in case of another revolution or counter-revolution, the women and children who must pay with their lives for the wickedness of such a course. We are constantly saying officially we sympathize with the people of Russia. Is it not time to give evidence of that sympathy by deeds?

Mr. President, I wish briefly to refer to a precedent.

Mr. SWANSON. Mr. President, will the Senator pardon an interruption?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Virginia?

Mr. BORAH. I yield.

Mr. SWANSON. I understand that one reason which has been assigned why the Russian Government has not been recognized is that the Soviet Government will not agree not to engage in political propaganda and revolution in countries to which its ambassadors and ministers may be sent when that Government shall be recognized. Has the Senator made any investigation of that situation to enable him to inform us upon that one point?

Mr. BORAH. Mr. President, I do not know as to that. Of course, that has been charged, and it has also been controverted. I have nothing that I could refer to as an official or authoritative expression upon the part of the Russian Government or the officers of the Russian Government as to what that Government will do. But the Minister of Foreign Affairs has declared in the most public way that Russia desires to establish friendly and cordial relations with the United States. Lenin has also declared publicly they desire to deal with all nations on friendly terms. The statements which were made early have repeatedly been discredited by the public declarations of officials since. Let me digress to say that if it is true that they are engaged or would continue to be engaged in propaganda which is designed to present their view of government to the people of the United States, could we not more effectually deal with it if we were upon friendly relations with them than we can now? What possible reason would they have for continuing an unfriendly act upon their part toward this Government after amicable relations had been established, and it was to every interest of the Russian Government and the Russian people to build up the friendliest relations and to accentuate trade relations between the two Governments? They would have no occasion for continuing any such course; and in view of the fact that they have modified their communistic form of government entirely and completely from that which existed at the time the propaganda was going on, they would have no occasion, from the standpoint of an apostle, to continue the advocacy of such doctrines.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. BORAH. I do.

Mr. WILLIAMS. If the Senator will pardon an interruption, is it not also true of this as of any other propaganda that it is much less dangerous when it is in the open and public than when it is kept secret and semisuppressed?

Mr. BORAH. I think so; but, Mr. President, I never have been able to understand the shivering fear which some people in this country entertain with reference to the effect of this propaganda from Russia or elsewhere. Whom is it going to hurt? I do not think it would affect the Senate. I do not think it would affect the House of Representatives. Whom are you afraid of—the farmer? It is the farmer in Russia who has destroyed or modified communism. It is the peasantry in Russia that represents individualism. It is the 85 per cent of people of Russia who have made that propaganda absolutely worthless and futile. You could pile your carloads of propaganda into the center of the agricultural population of the country and they would use it for fuel. Whom is it going to undermine?

Let me tell you. If you will take the tax burdens off the people of this country, if you will restore economic conditions so that they may have an adequate price for their products, if you will lift the burden which is crushing the people of the world through militarism and through armaments, there will be very little soil in which to sow the seeds of Bolshevism. Our conduct toward Russia has fed Bolshevism from the beginning. It has strengthened Lenin and Trotski every day that it continued to exist, so I do not know what they would do; I do not care what they would do. I am perfectly willing to trust the American people against such propaganda. I do not know of any soil so sterile in which to sow and let die the seeds of Bolshevism as the common people of America. I will trust our people to deal with such propaganda.

Let us go back again to the Revolutionary period.

On the 18th day of April, 1793, Washington notified his Cabinet that they would have a Cabinet meeting the next day. On the 19th day of April, 1793, they had a Cabinet meeting. He notified them in the letter that the subject about which they would confer would be whether or not they should recognize the revolutionary government of France. They met upon the 19th; and let us look in upon the Cabinet meeting for a moment.

There was Washington, who was not only a great general but had some knowledge about building governments; Hamilton, who was in many respects the greatest constructive genius who ever dealt with the science of government; and Jefferson, the most wide-ranging political philosopher that the world has ever known. It was the greatest Cabinet that ever sat under the American flag, if not in the world. It was their business to know government. They did know it. It was their business to know the proper relationship between governments, and they did know it, as no other three men in the world who ever assembled at one time knew these things. There, upon the 19th day of April, 1793, in less than a two hours' conference, they unanimously voted to recognize the revolutionary government of France.

What was the revolutionary government of France at the time they recognized it? It consisted of what was known as the Committee of Public Safety, and nothing else. Every foot of property in France and every human life in France were under the control and at the disposal of what was known as the Committee of Public Safety. At its head at that time was Danton, with him was Barrere, and later at its head was Robespierre, whose head it took off on the 28th of July, 1794.

This was the government which Washington and Hamilton and Jefferson recognized. I do not read in the account of that conference that they discussed what possible trade could be built up between France and the United States, or whether property or human life was safe in France. Only a short time before the recognition the King had been beheaded, and only a short time afterwards Marie Antoinette suffered death. The guillotine was running every morning. It was after this that the massacre took place in the prisons; and yet Washington, in his wisdom, supported by Hamilton and Jefferson, said: "These people are working out in their own way their salvation"; and so close were they to the days in which they had purchased their own liberty that they were willing to give the French people an opportunity to work it out in their own way.

Mr. WILLIAMS. Mr. President, if the Senator will pardon me, I am not quite certain about my dates, but I think that at that very time already the lands of the noblesse had been confiscated and a scheme originated to divide them among the peasantry.

Mr. BORAH. The Senator is correct.

Mr. WILLIAMS. It may have been a little later, but I think it was prior to that meeting.

Mr. BORAH. No; the Senator is correct. The confiscation had already taken place.

May I read a letter from Washington, addressed to a friend, found in that very valuable book by the Senate historian?

George Washington, in a letter written to a friend in regard to this matter, said:

> My conduct in public and private life, as it relates to the important struggle (of the French Revolution) in which the latter (France) is engaged, has been uniform from the commencement of it, and may be summed up in a few words: That I have always wished well to the French Revolution—

Mr. President, that does not sound harsh or Bolshevik now, but think of how it must have grated upon the sensitive nerves of this gentleman who had criticized him at the time!

> I have always wished well to the French Revolution.

Bloody and inhuman as it was, cruel and merciless as it was, he wished it well, because it was the process by which they chose to get rid of a government which was worse; and, bad as the Soviet Government may have been in its worst hours,

it is infinitely better than the cruel and unspeakable history of the Czars for the last 150 years.

> That I have always wished well to the French Revolution; that I have always given it as my decided opinion that no nation has a right to intermeddle in the internal concerns of another; that everyone had a right to form and adopt whatever government they liked best to live under themselves.

And at the time that he wrote this letter France was in a condition not better, Mr. President, and scarcely worse, I presume it will be said, too, than Russia in its most distressed period; but that time has passed now. That period has gone by, and order has come out of chaos, and we are in a very much more advantageous position from every standpoint to recognize Russia than Washington and Hamilton and Jefferson were upon the 19th of April, 1793, with reference to France.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Kentucky?

Mr. BORAH. I yield.

Mr. STANLEY. Speaking of the bloodiness of the revolution in Russia and of the French Revolution, is it not true that the loss of life, the inhumanity, the cruelty, and the frenzy of every revolution in the history of the world are but the measure of the tyranny and the oppression of the government and of the ignorance and suffering of the people subject to that government? Wherever you have an oppressive government and it is overthrown by violence, you are going to have resulting disorder and bloodshed. Whether it is the French Revolution or the revolution in Russia, or revolution anywhere else, there is no escaping that travail if you are going to pass from despotism to independence and freedom.

Mr. BORAH. The Senator is quite correct. That is the history of all revolutions.

May I read a single paragraph in description of the Government and the conditions in France at the time it was recognized? This is from Macaulay:

> Then came those days when the most barbarous of all codes was administered by the most barbarous of all tribunals; when no man could greet his neighbors or say his prayers or dress his hair without danger of committing a capital crime; when spies lurked in every corner; when the guillotine was long and hard at work every morning; when the jails were filled as close as the hold of a slave ship; when the gutters ran foaming with blood into the Seine; when it was death to be great-niece of a captain of the royal guards or half brother of a doctor of the Sorbonne, to express a doubt whether assignats would not fall, to hint that the English had been victorious in the action of the 1st of June, to have a copy of one of Burke's pamphlets locked up in a desk, to laugh at Jacobin for taking the name of Cassius or Timoleon, or to call the Fifth Sans-culottide by its old superstitious name of St. Matthew's Day. While the daily wagon loads of victims were carried to their doom through the streets of Paris, the proconsuls whom the sovereign committee had sent forth to the departments reveled in an extravagance of cruelty unknown even in the capital. The knife of the deadly machine rose and fell too slow for their work of slaughter. Long rows of captives were mowed down with grapeshot. Holes were made in the bottom of crowded barges. Lyon was turned into a desert. At Arras even the cruel mercy of a speedy death was denied to the prisoners. All down the Loire, from Saumur to the sea, great flocks of crows and kites feasted on naked corpses twined together in hideous embraces. No mercy was shown to sex or age. The number of young lads and of girls of 17 who were murdered by that execrable government is to be reckoned by hundreds. Babies torn from the breast were tossed from pike to pike along the Jacobin ranks. One champion of liberty had his pockets well stuffed with ears. Another swaggered about with the finger of a little child in his hat. A few months had sufficed to degrade France below the level of New Zealand.

Mr. President, the great statesmen of England who were then at the head of the English Government refused to follow the example of Washington and continued to discuss the question of whether England would recognize the so-called government of France, or treat with it, or in any way assume a relationship with the Government of France such as would even imply recognition. Pitt and Fox continued to discuss the matter for many years after Washington had recognized the Government of France.

What was the effect of the recognition, so far as we were concerned? It immediately established a relationship between this Government and the authorities of France under which Washington was able to say to that Government, "We do not like your representative, Mr. Genêt, who is engaged in"—what we would call now propaganda—"seeking to undermine our theory of government," and upon the suggestion of Washington, Genêt was displaced and another was sent in his place.

The so-called propaganda, which was then quite as rife in this country from France as it ever has been in this country from Russia, and even more so, was discontinued within a very short time after that recognition took place. The relationship which was established continued until it was broken by reason of another incident entirely.

Pitt and Fox continued to discuss the matter, and if Senators will take up Mr. Pitt's speech made upon the 3d day of February, 1800, they will find that the arguments at the present time against the recognition of Russia are nothing new in that regard. Every conceivable question which has been raised as to our recognition of Russia was raised by Pitt in relation to the proposed recognition by England of France. He said that France was an armed system, that it was not a Government at all, that it was irresponsible, that it did not protect property or life, that it would not respect treaties, that the people of England could have no protection against the inroads made by reason of the Jacobin clubs, which were being organized in England itself, and for that reason he argued with great power against dealing with the French Government.

Fox, who has the honor of having been voted down more times in the English House of Commons than any other great leader, opposed the view of Mr. Pitt, referred to the act of Washington, and plead with them to deal with the people who were seeking to establish a democratic form of government, but the contest continued until it finally ended, as we know, after some eight years of struggle, upon the battle field.

Mr. STANLEY. Mr. President, if the Senator will yield, it was continued even after the fall of the so-called revolution and the régime of the first consul. It went into the nineteenth century.

Mr. BORAH. Certainly.

Mr. STANLEY. Recognition was refused to the French Government under any form.

Mr. BORAH. The speech of February 3, 1800, was made after the first consul came into power.

In a late article by Peinleve, the former Prime Minister of France, he said:

> So long as Russia is not restored to the cycle of nations there will be neither economic equilibrium nor security in Europe.
>
> But to imagine that Europe can know any rest while ignoring Russia, or, in the expression of a diplomatist, "letting her stew in her own juice till further notice," is to put up a claim for a comfortable life in a house in which the whole of the wall is missing on the side most exposed to wind and weather.

The ex-Premier of Italy, Orlando, said:

> It is impossible to conceive a normal European existence with a State with over a hundred million inhabitants segregated, and it is unthinkable that a peace treaty can have brought a definite settlement of Europe until it has been ratified and sincerely accepted by the authorized representatives of that State.

What is the situation in Europe to-day? Of course, no one would prophesy that another war is at hand; but it is not aside to say that Europe is in a state of turmoil from side to side, from sea to sea, and by reason of the policies which have continued to be urged there are being driven together the Russian people, the German people, and this morning it looks as if a third were to join—the Mohammedans.

I can not understand why it is not the part of wisdom, in view of the conditions which now confront us, to do the simple thing, perfectly in accord with American traditions, in accord with the best traditions of America, to draw as friendly a relationship between those powers and the United States as possible.

If by the recognition of Russia we can hold our friendship and deal with her in a friendly way, it may be the means, possibly, by which the conditions which now threaten war can be averted. At any rate, why should the United States pursue a policy of enmity, of strife, of contention with a government and a people, which government is satisfactory to those people and which people are friendly to us?

I said a moment ago that we are willing to risk everything in regard to war. We build navies and organize armies, and we go to great expense because we believe in security; but there is another basis of security, in my judgment, more permanent than that of force, and that is a friendly relationship, if it can be arranged, between the nations, which means more to the security of a people than mere armies and navies.

What would be the effect to-morrow morning if it were known throughout the world that the United States had recognized Mexico and established friendly relations with that nation and brought back the sympathetic relation of all the people of South America to the United States? Secondly, that the United States had recognized Russia and established friendly relations with that nation? What would be the psychological effect upon the condition of turmoil which now tortures the human family? Is it not time for us to take some steps, to make some move, to bring back friendly relations among the nations?

Mr. LODGE. Mr. President, I dislike to take any time of the Senate while we are engaged in an effort to pass the shipping bill, but I can not, so far as I am personally concerned, allow such a severe criticism of our attitude in regard to the question of recognition of Russia as has been made by the Senator from Idaho to pass without at least trying to

explain what that policy has been and why it has been adopted by our administration.

Let me say first, that of course I agree to the natural and universally accepted proposition, that it is not for us to pass upon the internal affairs of another country, or regulate our relations to that country by the character of their government, which we may or may not approve. That is one of the conditions and the commonplaces, I believe, of international relations.

But it is also to be remembered—and this is another commonplace which has not been alluded to—that it is the exclusive right of the recognizing power to determine when they shall recognize the country seeking or desiring recognition, or recognize another country whether it seeks it or desires it or not. It rests entirely with the recognizing country itself to decide whether there are other questions affecting recognition beside the internal character of the Government.

For the recognition of a government certain conditions are generally required, especially where a new government has been established. The most important is the ability of the country seeking recognition properly to maintain international relations. Another is the ability to protect the nationals of other governments, and to give them security and safety in their persons or property. In my judgment, those are matters which must be and can only be decided by the government which is giving recognition, according to what they may deem to be for the best interest of their own country and of the world.

No doubt we are desirous of being on the best and most friendly relations with all the nations of the world. I am sure we all are; I know I am. We are now at peace with all the nations of the earth, and the better we can make the relations between us and other nations of the earth the better it will be for us and for the world. But I do not agree with the Senator from Idaho as to conditions existing in Russia as affecting us and as to their warranting recognition at this time.

Let me first remind the Senate exactly what was said by the Secretary of State in regard to our position at the time of the Genoa conference, in a letter dated March 8, 1922, addressed to the Italian ambassador. He said:

I have the honor to acknowledge the receipt of your excellency's note transmitting the invitation addressed by the Italian Government to the Government of the United States to take part in an "economic and financial" conference to be convened at Genoa pursuant to the resolution adopted on January 6, 1922, by the allied Governments in conference at Cannes.

I have also received your later notes with respect to American representation, the proposed agenda, and the postponement of the date of the conference.

Since the receipt of your excellency's first note the question of American participation in the proposed conference has had the most earnest attention. I am sure that you will realize that the Government of the United States must take a deep interest in any conference which holds promise of effective measures to promote the economic rehabilitation of Europe, since not only do we keenly desire the return of prosperity to the peoples who have suffered most severely from the wastes and dislocations of war but it is also manifest that there can be no improvement in world conditions in the absence of European recuperation. It is with this sympathetic spirit and with the utmost reluctance to withhold its support from any appropriate effort to attain this object that the Government of the United States has examined the resolution adopted at Cannes and the suggested agenda for the conference.

I regret to inform your excellency that as a result of this examination it has been found impossible to escape the conclusion that the proposed conference is not primarily an economic conference, as questions appear to have been excluded from consideration without the satisfactory determination of which the chief causes of economic disturbance must continue to operate, but is rather a conference of a political character in which the Government of the United States could not helpfully participate. This Government can not be unmindful of the clear conviction of the American people, while desirous, as has been abundantly demonstrated, suitably to assist in the recovery of the economic life of Europe, that they should not unnecessarily become involved in European political questions.

It may be added, with respect to Russia, that this Government, anxious to do all in its power to promote the welfare of the Russian people, views with the most eager and friendly interest every step taken toward the restoration of economic conditions which will permit Russia to regain her productive power, but these conditions, in the view of this Government, can not be secured until adequate action is taken on the part of those chiefly responsible for Russia's present economic disorder.

It is also the view of this Government—and it trusts that this view is shared by the governments who have called the conference—that while awaiting the establishment of the essential bases of productivity in Russia, to which reference was made in the public declaration of this Government on March 25, 1921, and without which this Government believes all consideration of economic revival to be futile, nothing should be done looking to the obtaining of economic advantages in Russia which would impair the just opportunities of others, but that the resources of the Russian people should be free from such exploitation and that fair and equal economic opportunity in their interest, as well as in the interest of all the powers, should be preserved.

While this Government does not believe that it should participate in the proposed conference, it sincerely hopes that progress may be made in preparing the way for the eventual discussion and settlement of the fundamental economic and financial questions relating to European recuperation which press for solution.

I ask that with that letter may be printed the papers which were published containing an invitation of the Italian Government, so as to make the case clear, and also the further reply as to the conference at The Hague, so that the final position of the Government may be known.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

DEPARTMENT OF STATE,
January 17, 1922.

The Secretary of State to-day received from the Italian ambassador at Washington an invitation to the conference to be convened at Genoa on March 8, 1922, of which the following is a translation:

"By order of my Government and through the kindness of your excellency, I have the honor to convey to the Government of the United States of America the following invitation from the Italian Government:

"'Pursuant to a resolution of the supreme council of the allied powers, I have the honor to forward to you a copy of a resolution adopted on January 6, 1922, by the allied governments assembled in conference at Cannes.

"'In accordance with that decision I have the honor to invite the Government of the United States of America to take part in the economic and financial conference which will be convened at Genoa on March 8, 1922.

"'I beg you kindly to inform me of the names of your delegates and their staff.'

"TORRETTA,
"*Minister of Foreign Affairs.*

"I have the honor to add for your information that the supreme council has decided that each of the small powers shall be represented by two members of their government or two delegates, and that, as regards the great powers, it would be desirable that the number of their representatives be kept between three and five."

—

TEXT OF THE RESOLUTION ADOPTED AT THE CONFERENCE OF CANNES, JANUARY 6, 1922.

The allied powers in conference are unanimously of opinion that an economic and financial conference should be summoned in February or early March to which all the powers of Europe, including Germany, Russia, Austria, Hungary, and Bulgaria, should be invited to send representatives. They regard such conference as an urgent and essential step toward the economic construction of central and eastern Europe and they are strongly of opinion that the prime ministers of every nation should, if possible, attend it in person in order that action may be taken as promptly as possible upon its recommendations. The allied powers consider that the resumption of international trade throughout Europe and the development of the resources of all countries are necessary to increase the volume of productive employment and to relieve the widespread suffering of the European peoples. A united effort by the stronger powers is necessary to remedy the paralysis of the European system. This effort must include the removal of all obstacles in the way of trade, the provision of substantial credits for the weaker countries, and the cooperation of all nations in the restoration of normal prosperity. The allied powers consider that the fundamental conditions, upon which alone this effort can be made with hope of success, may be broadly stated as follows:

1. Nations can claim no right to dictate to each other regarding the principles on which they are to regulate their system of ownership, internal economy, and government. It is for every nation to choose for itself the system which it prefers in this respect.

2. Before, however, foreign capital can be made available to assist a country foreign investors must be assured that their property and rights will be respected and the fruits of their enterprise secured to them.

3. This sense of security can not be reestablished unless the governments of countries desiring foreign credit freely undertake (a) that they will recognize all public debts and obligations which have been or may be undertaken or guaranteed by the State, by municipalities, or by other public bodies, as well as the obligation to restore or compensate all foreign interests for loss or damage caused to them when property has been confiscated or withheld; (b) that they will establish a legal and judicial system which sanctions and enforces commercial and other contracts with impartiality.

4. An adequate means of exchange must be available, and generally there must be cofinancial and currency conditions which offer sufficient security for trade.

5. All nations should undertake to refrain from propaganda subversive of order and the established political system in other countries than their own.

6. All countries should join in an undertaking to refrain from aggression against their neighbor.

In order to secure the conditions necessary for the development of the trade in Russia, the Russian Government demands official recognition. The allied powers will be prepared to accord such recognition only if the Russian Government accept the foregoing stipulations.

—

HAGUE CONFERENCE.

The cabled summary of the plan in pursuance of which the invitation was extended is as follows:

"1. Russian proposal May 11 for commission experts accepted in form in annex June 26, date of meeting.

"2. Powers except Germany and Russia shall be invited send representative to Hague June 15 for preliminary exchange views line of action by commission of experts toward the Russians. President Genoa conference requested to extend similar invitation to America if he ascertains she is willing to attend.

"3. Representatives at Hague will elect commission charged conduct permanently a Russian commission.

"4. Governments at preliminary meeting will intimate unless they have already done so whether willing to participate in commission; unwillingness on the part of a government will not prevent the meeting of the commission on behalf of other governments.

"5. If no joint recommendation can be submitted by commission's experts within three months from June 26 or joint recommendations not accepted by governments concerned one month after date of recommendations each government at liberty make separate agreement with Russians on matters in clause 3 annex.

"6. Delegations recommend respective governments not recognize or support private agreements by their nationals with Russian Government affecting property previously belonging foreigners before conclusion work expert commissions or during month following their joint recommendations, if any."

Annex referred to in above plan:

"1. Powers mentioned agree commission experts be appointed for further consideration outstanding differences with Russian Government and for meeting with Russian commission similarly empowered.

"2. Powers represented in non-Russian commission and names members of the commission will be communicated to the Russian Government and names members Russian commission communicated other governments not later than June 20.

"3. Matters treated by these commissions will comprise all outstanding questions relating to debts, private property, credits.

"4. Members both commissions meet Hague June 26.

"5. Commissions will endeavor to arrive joint recommendations matters clause three.

"6. To enable commissions to be conducted tranquilly and restore mutual confidence engagements will be made binding Russian Government and other participating governments refrain from acts of aggression against respective territories and refrain subversive propaganda."

The Secretary of State has directed Ambassador Child to deliver the following reply for the American Government:

"This Government has carefully considered the invitation extended to it by the president of the Genoa conference, under the conditions set forth in the agreement of the inviting powers, to join the proposed commission to meet at The Hague on June 15. This Government is most desirous to aid in every practicable way the consideration of the economic exigencies in Russia and wishes again to express the deep friendship felt by the people of the United States for the people of Russia and their keen interest in all proceedings looking to the recovery of their economic life and the return of the prosperity to which their capacities and resources entitle them. The American people have given the most tangible evidence of their unselfish interest in the economic recuperation of Russia, and this Government would be most reluctant to abstain from any opportunity of helpfulness.

"This Government, however, is unable to conclude that it can helpfully participate in the meeting at The Hague as this would appear to be a continuance under a different nomenclature of the Genoa conference and destined to encounter the same difficulties if the attitude disclosed in the Russian memorandum of May 11 remains unchanged.

"The inescapable and ultimate question would appear to be the restoration of productivity in Russia, the essential conditions of which are still to be secured and must in the nature of things be provided within Russia herself.

"While this Government has believed that these conditions are reasonably clear, it has always been ready to join with the governments extending the present invitation in arranging for an inquiry by experts into the economic situation in Russia and the necessary remedies. Such an inquiry would appropriately deal with the economic prerequisites of that restoration of production in Russia without which there would appear to be lacking any sound basis for credits. It should be added that this Government is most willing to give serious attention to any proposals issuing from the Genoa conference or any later conference, but it regards the present suggestions, in apparent response to the Russian memorandum of May 11, as lacking, in view of the terms of that memorandum, in the definiteness which would make possible the concurrence of this Government in the proposed plan."

The inviting powers referred to in the cabled summary of the proposed plan are understood to be Italy, Belgium, Great Britain, and Japan.

Mr. LODGE. I now come to the question of conditions in Russia and whether the time has come when we can properly and with advantage to ourselves and to the world give recognition to that government. Russia has a right to her own government. No one questions that, and it is not for us to meddle with her internal affairs. But in order to know conditions in Russia as affecting us we must know something about that government and what the present government has done. The present government differs in no essential respect from the government which Russia has always had. To state the principles of Russian government simply, Russia has always been controlled by a despot or tyrant or a tyranny resting on an army. Russia has no traditions like those of western Europe, of England, and of the United States as to free government. Even in the Middle Ages there were the free cities in Italy. There were the "customs," as they were called, in many parts of Spain, in France; there was a Parliament and local governments in England. There were also the free cities of the low countries. The idea of free and democratic government, though submerged and at times almost completely obliterated, had descended to the people of western Europe from the days of the free cities of Greece and from the traditions of republican Rome. Russia obtained her civilization, if we may call it such, from the Empire of Byzantium—that is, from the Greeks of the lower Empire. The Greeks transliterated the Slavonic and gave Russia her alphabet, one of the most complicated ever devised. It has been somewhat simplified, I think, reduced by 10 letters since, and still is much larger than ours. The missionaries who Christianized Russia, the land of the Scythians or Sarmatians, as they were called in classical days, were Greek missionaries and it was the Greek Church which was established. A conception of freedom as we conceive it never found home or birthplace in the imperial government at Byzantium.

That was the origin of Russian government. How much Rurik brought from the north, who was said to be the founder of the Russian monarchy as the tyrant or Duke of Muscovy, it is impossible to tell, but when Russia became known to western Europe as an actual and living entity she appeared with a tyranny of the most unmitigated kind, which finds its most striking illustration in the person of Ivan the Terrible and the government rested on the army. That was the underlying, dominating principle. That is the Government of Russia to-day. They have changed the despots, but the principles are the same. They rest on an army, and the Government is a despotism, a tyranny. That, however, is their affair and not ours. We had friendly relations with the old Russian Government, which was also a despotism and a tyranny. We have had friendly relations with many countries where that form of government existed. But that which I have described was the origin, and I am not criticizing the present Government of Russia on the ground that it is not the government of the Romanoff. I think it is probably just as good and possibly a good deal better.

I wish briefly to sketch the history of this Government now controlling Russia and then speak of the financial and economic aspects of the question.

The present Soviet Government of Russia had its origin in a "coup d'état" when the soviets of workmen's and soldiers' deputies of Petrograd, aided by certain revolting regiments, overthrew the weak Kerensky government by force of arms at Petrograd in October, 1917. The pre-parliament, which was "an assembly of notables consisting of representatives of all the classes of society, convoked by the Kerensky government to prepare for the opening of the constituent assembly," was dispersed by soldiers and sailors. (Anet, vol. 2, p. 222; see Antonelli, pp. 30–35.)

The "council of people's commissioners" under Lenin was thereupon constituted by the "Second congress of soviets of workmen's and soldiers' deputies," and then assumed the government. (Antonelli, pp. 36–37.)

The next step was to dissolve the Petrograd municipal duma in November, 1917, which body "had been elected only a little while before by universal suffrage and under such conditions of order, quiet, and fairness that its voice was sure to wield indisputable moral authority." The Moscow duma was dissolved under similar circumstances. (Antonelli, pp. 116–119.)

The references are throughout to the following books when not otherwise stated:

"Russia To-day and To-morrow," 1922, by Miliukov (foreign minister under Kerensky government).

Also earlier book by Miliukov, "Bolshevism, an International Danger."

"The Balance Sheet of Sovietism," by Boris L. Brasol, 1922.

"Bolshevist Russia," by Antonelli, 1920 (friendly to Bolshevism).

"Report of British Labor Delegation to Russia," 1920 (friendly to Bolshevists).

"The Greatest Failure in all History," 1920, by John Spargo (American Socialist).

"La Revolution Russe," by Claude Anet, correspondent Petit Parisien.

"Revolt Against Civilization," by Lothrop Stoddard.

Meanwhile in November the elections to the constituent assembly took place, and it should be noticed that this was under the Bolshevik government. The country districts gave "an overwhelming majority" to the social revolutionists, who opposed the Bolshevists (Antonelli, p. 121). Out of 703 deputies in 54 districts only 168 were Bolshevists, while 338 belonged to the Social Revolutionist Party; the Bolshevist Party counted barely 25 per cent out of 36,000,000 votes (Spargo, p. 417). When the assembly convened on January 18, 1918, there were armed sailors and Lettish troops in the hall to intimidate the representatives. Nevertheless the anti-Bolshevik candidate was elected president by a large majority (Antonelli, p. 124; Spargo, p. 420). And subsequently by a similar large majority the assembly voted in favor of the program of the social revolutionists, whereupon the council of commissioners dissolved the constituent assembly as being a counter-revolutionary body (Antonelli, pp. 123–127; Anet, vol. 4, pp. 25–30; Milukov, p. 53).

From that day to this there has never been, I think I am correct in saying, a freely elected assembly in Russia. I have no disposition to criticize them. Events followed the usual course of revolutions followed by despotisms and, as suggested by the Senator from Kentucky [Mr. STANLEY] a few months ago, it was violent in proportion to the oppression under which the people had suffered.

Under the soviet constitution "the All-Russian Congress of Soviets" is composed of representatives of urban soviets and provincial soviet congresses, elected under circumstances of intimidation which are notorious.

Mr. Spargo goes into the matter of suppression of the press at length. He points out (p. 317) that in the beginning, on November 16, 1917, the central executive committee of the soviets resolved that "the reestablishment of the so-called freedom of the press * * * would be an unpermissible surrender to the will of capital," and within a few days 10 important newspapers were suppressed (p. 380). They sometimes reappeared under other names, and would then be suppressed again.

Moreover, another very effective way of suppressing hostile journalism was found in the subsequent decree forbidding the printing of advertisements in any except the official journals and raising postal rates on all except Bolshevist newspapers to prohibitive heights (Spargo, p. 323). The Russian custom was to subscribe for newspapers at the post offices, but the decree forbade, for the future, subscriptions to the "bourgeois and pseudo Socialist" newspapers (Spargo, p. 324). They further compelled each householder to subscribe for the official soviet organ (Spargo, p. 326). They also created, in November, 1918, the revolutionary tribunal of the press, which fined and terrorized any newspapers which criticized the government (Spargo, pp. 328, 329). Mr. Spargo also quotes evidence (pp. 339–341) that "the Bolsheviki are the only ones who are able to hold political meetings in present-day Russia; everybody else is deprived of the right to voice his political opinions, for 'undesirable' speakers are promptly arrested on the spot by the Bolshevist police." And instances of such arrests are annexed (pp. 339–341).

It is safe to say that from the beginning neither freedom of the press nor freedom of speech has existed in Bolshevist Russia.

Antonelli gives a similar account (pp. 218, 219).

All students of Russian affairs refer to the Che-Ka as one of the most terrible features of the present government. The full name of this mysterious institution is the "All Russian extraordinary commission for combating counter revolution, sabotage, and profiteering." It is called for short the "Che-Ka," and its full personnel has never been made known (Spargo, pp. 154, 155). It is passed over in silence by most of the Bolshevist apologists. This extraordinary commission is situated in a huge building in a crowded thoroughfare of old Moscow. A spiral stairway leads down to the cellar, where those condemned to die are kept in small cells cut out of one of the stone walls. Many accounts have been given of the horrors of imprisonment and execution here. Similar Che-Kas exist in the other leading cities (Brasol, pp. 153–157).

The agents of the Che-Ka are described in the most recent book (Brasol, p. 158) as "dressed in leather coats, with Brownings hanging from their belts, and wearing riding boots. They can be seen everywhere. * * * The Che-Ka pass opens all doors to them. With this badge they have the right to raid private apartments at their discretion." Although something has been said about modifying their power, it does not appear that this has been done. A professor of the Harvard Medical School, who traveled through southern Russia in the autumn of 1922, recently stated in a lecture that there was universal terror of the Che-Ka agents with their revolvers, and that it was generally stated and believed that they could shoot at sight any person who expressed counter-revolutionary opinions, and that he was given repeated warnings to this effect.

Professor Muliukov, writing in 1922, speaks of the Che-Ka (p. 69) as having "gradually erected itself into a sinister tribunal of inquisition, with its branches and its torture chambers everywhere in the country," and he further speaks (p. 273) of that "notorious extraordinary commission, the Che-Ka, which in its shooting the 'politically unreliable' is not even constrained by the 'revolutionary conscience' of ordinary tribunals."

Such an institution negatives both safety of life and freedom of speech.

I have no personal knowledge of those conditions in Russia. I have not been in Russia for many years. When I was there, of course, the old régime of the Czars was in full order and operating, and the Czar had behind him, so far as an outside observer could judge, the exact source of support that the peasants, the moujiks, who are 85 per cent of the population, are to-day giving the Bolshevist government.

The Senator from Idaho [Mr. BORAH] is quite right, I think, in his description of the Russian peasant. They are individualists. They have received great benefit from getting the land, and they have stopped the attempts of the government at Moscow to nationalize the land, and they propose to hold it. They are a conservative force and through them, in my judgment, the improvement and evolution, when they arrive, will come. I quite realize there are men who are leading that government or guiding it, men like Krassin and perhaps Tchitcherin—the force will come from the support of the peasants.

The real power to-day is in the hands of the "All Russian Central Executive Committee" (elected by the congress), which is stated in clause 31 of the constitution to be the "supreme legislative, executive, and controlling organ of the Russian Socialist Federal Soviet Republic." This committee has the right to appoint the "Council of People's Commissars" (clause 35), which council by clause 37 "is intrusted with the general management of the affairs of the "Russian Socialist Federal Soviet Republic" (Brasol, pp. 23–25).

The Soviet Government is everywhere recognized as identical with the communist party, although I think within the last two years there has been a movement away from it made necessary by the practical failure of the communist principles in Russia. The report of the British labor delegation in 1920—in the main favorable to the Bolshevists—says (p. 10):

"All possible means are used to secure the dominance of the communist party in the elections to soviets. The actual congresses of soviets are large and unwieldy bodies, and the power tends to be concentrated in the hands of the executive committees and presidiums. Elections become less frequent and more formal, and the party aims by means of organized groups at controlling every department and every institution of the national life."

That is the description taken from the report of the British labor delegation.

That the present Russian Government is, in fact, that of the communist party has been often stated by the Bolshevist leaders. In July, 1918, Lenin said: "The dictatorship of the proletariat is carried out by the party of the Bolsheviki." In February, 1919, the official organ of the communists said: "All the work in the soviet goes on under the influence and the political leadership of our party." Another Bolshevist organ stated: "In the country the highest organ of authority, to which all soviet institution and officials are subordinate, is again the Communist Party." (Spargo, p. 358.)

The Communists are everywhere recognized as being a very small minority of the present population of Russia, which is estimated at about 120,000,000. The Bolsheviks themselves do not claim over 600,000 members of their party, and this includes a very large number who have joined the ranks in order to hold office and avoid starvation. At the end of 1921 the third Communist Internationale—called "Komintern"—gave out an estimate of the membership in the Communist Party, and claimed 550,000 in Russia. (Brasol, p. 241.) As a matter of fact, their members are more probably not over 250,000. (Miliukov, p. 61; Spargo, pp. 362, 363.) I do not think it is necessary to go further into that discussion. The Bolshevists are admittedly a small part of the population; but it is this small minority which controls the Government of Russia. As I have already said, their rule rests, in the last analysis, solely on military force. Special military training is given to the members of the Communist Party who have the right to bear arms. (Report, p. 10.) The instructions to new members state that "every Communist must learn military science, must learn to handle a rifle. * * * He must know that the calling of a Communist imposes on him a special obligation to be ready at any moment, on the call of his party, to come to the defense of the soviet authority against the attacks of its enemies." (Brasol, p. 167.)

In every regiment there is a Communist group which spies upon the others, and the mercenary detachments of Chinese and of Lettish Communists can always be relied upon. In January, 1922, the Red standing army is stated to have been approximately 700,000. (Brasol, pp. 166, 167.) My impression is it is somewhat larger than that.

Mr. STANLEY. Mr. President, will the Senator permit an interruption?

Mr. LODGE. I yield.

Mr. STANLEY. Do I understand the Senator to argue, from the fact that the present Government of Russia represents but a fraction of the population, that for that reason they ought not to be recognized?

Mr. LODGE. No; I am not making that argument at all. I am merely trying now to describe what the government is; and then I shall try briefly to show what the economic situation is and how well the life and property of strangers and of foreigners are preserved. I am making this statement merely to give an idea of what the present Russian Government is and show whether it has instituted or is likely to institute measures which guarantee the safety of the nationals of other countries, and whether it is ready to maintain international relations in a lawful and proper way.

Mr. SWANSON. Mr. President, if the Senator will yield, is he expressing his own conclusions or is he quoting from some one else?

Mr. LODGE. I have used some quotations.

Mr. SWANSON. All the statements made do not, then, represent the conclusions reached by the Senator himself?

Mr. LODGE. No. The instructions which I read, given to the new members of the Communist Party, I took from a book which was sent to me, and which I think is a pretty able book, by a man named Boris L. Brasol. The book is entitled "The Balance Sheet of Sovietism," published in 1922. I have tried only to quote statements of the soviet leaders and officials themselves, and not the opinions of any of the writers of the book.

Continuing as to the army, an article in a recent Fortnightly Review by an Englishman resident in Moscow estimated the present army at over a million, mostly well drilled under German officers.

As to the peasant population, who form 85 per cent or more of the population of Russia, the above figures show that they do not ally themselves with the Communist Party, and there is every reason to suppose that they are at heart hostile to it. The report of the British labor delegation is probably correct in saying (p. 10):

"As to the country population of Russia, it has not been won over to socialism or to anything more than a passive acceptance of the soviet régime."

Now, as to the principles of the Soviet Government as presented to us and to the world.

Class rule has always been the cardinal principle of the Bolshevists, with the corollary of the extermination or subjection of the bourgeoisie, although, as a matter of fact, the government has not been even that of the entire "proletariat" but only of the Communist Party. This principle has never been abandoned. Lenin himself in the official Moscow Pravda stated in August, 1921, at a time when some concessions were being made as to a free market, that all concessions "must be within the limits of what the proletariat can concede without ceasing to be the dominating class." (Miliukov, p. 269.)

Paragraph 9 of the soviet constitution states:

"The fundamental problem of the constitution of the Russian Socialist Federal Soviet Republic involves, in view of the present transition period, the establishment of a dictatorship of the urban and rural proletariat and the poorest peasantry in the form of a powerful all-Russian soviet authority." (Brasol, p. 11.)

This principle of dictatorship of the proletariat has been frequently and continuously emphasized by Lenin and his associates in speeches and writings.

As a consequence the subjection of the middle classes was necessary, and some of the extremists even advocated their annihilation. For example, the Red Gazette, in an editorial of August, 1918, said:

"Enough of mildness. The interest of the revolution necessitates the physical annihilation of the bourgeois class. It is time for us to start." (Brasol, p. 162.)

And similarly a prominent Bolshevik instructing his subordinates in the Che-Ka said, as quoted in the Red Terror, a Bolshevist publication:

"We do not conduct war against individuals. We exterminate the bourgeoisie as a class. When investigating, do not take the trouble to gather material and evidence to the effect that the defendant by word or deed opposed the soviets. The first questions which you must propound to him are: To what class does he belong? What is his birth, etc." (Brasol, p. 152.)

But even where the bourgeoisie, or middle class, have not been annihilated, they have been deprived of all participation in the government of the country. In the sixty-fifth article of the soviet constitution the following persons are deprived of the right to vote:

"A. Persons employing the work of others with a view of deriving benefit therefrom."

This would disfranchise not only manufacturers or persons employing servants but even the peasant employing a single farm hand, and this was probably the intention.

"B. People living on a revenue which is not earned by their personal work.

"C. Tradesmen and commercial agents.

"D. Monks and priests of every religion."

With these four classes are associated people who are mad or idiotic, and people "condemned for infamous crimes." In short, the Soviet Government outlaws all the classes to which I have referred.

All the authorities agree that these are the provisions of the constitution. (Report, p. 58; Brasol, p. 13; Spargo, p. 45.)

As illustrating how the elections are worked in practice, Professor Miliukov quotes (p. 62) an order sent around to the villages by the Bolshevist commissary of the interior in July, 1918, saying:

"The petty bourgeoisie in the villages have dared to participate in the elections and even to be elected. They must be immediately arrested and tried for having violated the law of the Soviet constitution."

Enough has been said to show that there is no semblance of a free or democratic government.

Mr. President, in this connection the well-authenticated fact should be noticed that when the system of food rations was adopted, "the urban population was divided into four categories and the 'parasitic' class, i. e., brain workers and bourgeoisie, were put in the fourth category. They were to receive the minimum of foodstuffs, a real famine ration." (Muliukov, p. 60; Stoddard, p. 195.)

Muliukov further says:

"The most effective means devised by the Bolshevists for 'eliminating' the bourgeoisie was the 'differential food ration.' The population was graded by classes and rationed accordingly, members of the Communist Party faring best, while 'Boorjooy' received least of all—in Lenin's jocose phraseology 'bread enough to prevent them from forgetting its smell.'"

As to that there can be no question. The report of the British labor delegation (p. 9) says: "Personal freedom, together with freedom of speech and of propaganda (including newspapers, the issue of election literature, and the holding of meetings), is severely repressed in the case of all those whose activities are supposed to threaten the Soviet régime."

In the appendices to the British labor delegation report, Appendix 5 gives the speech at a printers' meeting in Moscow in which it is stated that "the thousands of Moscow printers, and behind them scores and hundreds of thousands of Russian workmen, have all of them under this government no right to vote, no right to assemble, no right to print." (Report, p. 64.) As a consequence of this meeting all the members of the administrative council of the printers were arrested (report, p. 71).

Trotski himself in his book called "The Defence of Terrorism" (London, 1921), states, "We are destroying the press of the counter-revolution just as we destroyed its fortified positions, its stores, its communications, and its intelligence system (Brasol, p. 161).

The soviet commission on school reform in its decree of December 8, 1920, negatived also freedom of teaching, stating:

"Under these circumstances the Soviet Government would have committed suicide had it proclaimed freedom of scientific teaching and research. The soviet power during its present phase of material and spiritual development is unable to grant everybody the right to teach anywhere subjects in whatever way one might choose. On the contrary, having proclaimed the dictatorship of the proletariat in political and economic fields, the soviet authority must in equal manner frankly declare that this dictatorship also applies to science." (Brasol, p. 185.)

Then there is an organization to which I have already referred, known as the "All Russian extraordinary commission for combating counter revolution, sabotage, and profiteering." It is called for short the Che-Ka, as I have said, and its full personnel has never been made known. Similar organizations or branches of the main organization exist in many cities in Russia. The Che-Ka proclaimed in February, 1918, that "All enemy agents and counter-revolutionary agitators," and so forth, "will be mercilessly shot by detachments of the commission at the place of the crime" (Spargo, p. 156), and it has well lived up to this proclamation. This body excites universal fear throughout the country. The report of the British labor delegation of 1920 says (p. 9):

"But the terror has left its traces behind it in the form of a pervading fear which is expressed on all hands—a fear sometimes more vague and sometimes more definite—that any expression of opinion adverse to the dominant party will be treated as 'counter-revolutionary,' and will lead to imprisonment or some kind of penalization."

Something has been said here in regard to the comparative cruelty of the French Revolution and the revolution in Russia. I do not think that is a very profitable discussion, but of course the revolution in Russia has been aimed at what is known as the intelligentsia, the middle class. They are the people who have been killed or driven into exile. The remainder, however, are thoroughly cowed. Of course executions are much less frequent now, as became the case in the French Revolution. I will not quote some of the special cases which

I have collated here, as I do not wish unnecessarily to occupy the time of the Senate, but I will ask to print them in 8-point type with my remarks.

The VICE PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

"It is not necessary to discuss the savage character of the Soviet Government at length. As the 'intelligentsia' and middle class have been largely killed, starved, or driven into exile, and the remainder are thoroughly cowed, executions are necessarily much less frequent than in former years.

"Individual cases have often been described, such as the brutal murder of two of Kerensky's ministers, who were in a hospital, by a band of sailors, and the brutal execution of three young French boys—brothers—for having been present at a private gathering wearing shoulder straps (Anet, Vol. IV, p. 36; Spargo, p. 172).

"What is more important to note is that the destruction of adversaries has been and is a basic principle with the Soviet Government. Miliukov well says (p. 68):

"'What I must emphasize here is not isolated facts but principles. And we know already that "crushing the antagonists" is the chief basic principle of Bolshevist tactics. "No dictatorship of the proletariat is to be thought of without terror and violence." Lenin formally declared in the summer of 1920.'

"Zinoviev, the dictator of Petrograd, stated in 1918 that they must win over most of the population of Russia; 'as for the rest, we have nothing to say to them. They must be annihilated.' (Brasol, p. 55). His actions have shown that this was not mere bravado.

"As a detail of what was done it appears, for instance, that the soviet commissioner of railways reported in 1919 that 25 per cent of the trained engineers on the roads had been murdered, while about 50 per cent had fled to escape murder (Brasol, p. 77).

"Direct instances of wholesale massacres of bourgeoise are given by various authors (Spargo, pp. 103, 144, etc.), but it is unnecessary to dwell upon them. It should be mentioned as one of the worst instances of Bolshevik methods that Trotzki issued an order in September, 1918, to arrest as hostages the families of officers, including women and children, who in some cases were thereafter condemned to be shot if the officer deserted (Spargo, pp. 446, 447). What is important to note is that the Soviet Government still has not changed its methods, as is shown by the trial of a number of 'social revolutionists' only last summer, which was so outrageously conducted that the defenders of the accused persons withdrew from the trial (these included the celebrated socialist, Vandervelde). A considerable number of accused, including one woman, subsequently were condemned to death for no other reason than 'antirevolutionary activities.' The accounts of this trial were in all the newspapers. Similarly, in July, 1922, a metropolitan and 10 other dignitaries of the Russian church were sentenced to death merely for interfering with the seizure of church treasures (Brasol, p. 210).

"The Soviet Government is the same bloody tyranny of a small minority which it was in the earlier stages of its history.

"Even if we compare the terror in Russia with the worst period of the terror of the French Revolution, we shall find that Russia has been the more bloody. In Paris, during the terror, 2,625 persons were guillotined (Madelin, p. 328). Whereas in the official report of the Che-Ka, published in 1920, the figures for Moscow and Petrograd only, for 1918 and 1919, are that 9,641 persons were executed by this arbitrary commission, of whom 7,068 were shot for 'counter-revolutionary activities'; that is, for purely political reasons (Miliukov, pp. 69, 70).

"Miliukov well says: 'These figures do not include the work of the numerous provincial extraordinary commissions, and, of course, they do not mention the numerous victims slain here and there throughout Russia without any form of trial. The number of such would probably amount to tens or even hundreds of thousands.'

"This statement is entirely supported by the published accounts of eye witnesses regarding the wholesale executions which have taken place in Kieff, Odessa, and many other places."

Mr. LODGE. I may say that even if we compare the terror in Russia with the worst period of the terror of the French Revolution we shall find that the revolution in Russia has been the more bloody.

In Paris during the terror 2,625 persons were guillotined.

That is from Madelin, who is a very recent historian and high authority.

Of course, I am aware that the figures of the guillotine do not include other persons who perished in the French Revolution from actions of the revolutionary government, the Terror. There were the drownings at Nantes and the shootings at Lyons, and more or less shootings and murders in various of the smaller cities and towns; and in the same way these figures give only the victims in Moscow and Petrograd. I do not think comparison of the bloodiness of the two revolutions leads us anywhere; but no doubt the French Revolution was extremely bloody. They confiscated the property of the nobles and turned it over to the peasants, who have held it, roughly speaking, ever since and who form the great bulwark of French society to-day; but, so far as I know, they never undertook to destroy all property or adopted the communist doctrine. They respected property as an institution, so far as I am aware. They may have changed the ownership of property, but they respected property.

It is true that Washington's administration recognized them in 1793. The French were our allies. I think Washington was entirely right in recognizing the government; but it is also true that, I think, within two years—I have not the exact date here—the representative of France, from whose close alliance we were to make such gains, Mr. Genet, was given his passports by Washington. His government recalled him, but he never went home. The government had changed since he had come to this country, and he thought it safer to remain here; and he remained here, and I think his descendants are still in New York.

Mr. BORAH. Mr. President, our Government notified the French Government that he was no longer desired here.

Mr. LODGE. Oh, yes; certainly they did. They gave him his passports. Washington dismissed him.

Mr. BORAH. I know; and before the dismissal took place Washington communicated with them as to his undesirability.

Mr. LODGE. Oh, certainly; of course he did. That is always done.

Mr. BORAH. I know; but that is the position I took.

Mr. LODGE. That is always done. Then I think Adet was the next one who came. I think the policy was entirely right. I am not contesting the policy. France, as I say, was our ally; but before the end of the century, although we did not declare war against France, we were fighting France; and Truxtun, who commanded the *United States*, captured the French frigate *L'Insurgente*, which was the first of our great frigate victories. The course of our affection did not run perfectly smooth with France at that time, despite the recognition.

The Senator made reference also to the relation to the Government in Russia to religion. I think, so far as I am aware, they were entirely tolerant about religious differences. When I was in Russia—which, as I say, was many years ago—there was no sign that I could see of religious discrimination of any kind, although they were an extremely devout people, with all the outward manifestations of great religious devotion. They have lately, as you have seen in the newspapers, had Christmas celebrations. They circulated among the school-children a tract called "The Failure of God," which was published in one of the Boston papers, and they had a public celebration at Christmas-time for the abolition of the day and of all religions; but I think that is probably the outburst of the young and violent. Early in their career the Soviet Government destroyed the church organization and overturned the hierarchy without apparent resistance from the people who, none the less, I am informed, still thronged the churches. Quite recently the Soviets are reported to have stripped the churches and convents of all their jewels and gold and silver vessels. Nevertheless I do not believe the general character of the Russian people can be essentially changed, and that is that they are naturally a very religious people and devoted to their church. I have not, I repeat, seen any sign of there being religious persecution, which would be, of course, a cause for nonrecognition, if they persecuted the people of other nations and of other religions.

In this connection it may be remarked that the Government is also attacking the institution of the family. Divorce may now be granted upon request of either party sent to the local court. All that the judge has to do is to convince himself that the petition is signed by one party, whereupon he annuls the marriage. (Antonelli, p. 221; Brasol, p. 197.) Not only this, but the law expressly permits abortion. (Brasol, p. 200). All observers, even Bolsheviks, refer to the terrible extension of immorality under such conditions. (Brasol, pp. 202–203).

The Soviet Government has enforced an iron discipline over the workmen in factories, which has never been approached in any other country. This point has been much emphasized by Mr. Gompers and other labor leaders. After the complete breakdown of the system by which the factories were run by committees of the workmen, with resulting idleness and terrible

decrease of production, decrees were issued enrolling the workment in an "army," punishing them severely for striking, and providing for their transfer against their will from one place or one industry to another. This was done in 1920. A brief description is given by Professor Miliukov, pp. 205–207. He says in part:

"But the climax was reached when the Bolsheviks decided to militarize labor. The idea was suggested by three circumstances. In the first place, compulsory labor service had existed from the very beginning of the communist régime. But it was chiefly applied to the bourgeoisie and the intellectuals, with the obvious aim to 'break the will' and to degrade the former 'parasitic' class. The bourgeoisie were forced to remove human refuse, to pave and clean the streets, to unload the coal, to drain the marshes, etc. Now the same principle was to be extended from the 'unproductive' or 'privileged' groups to the whole population on the ground of state necessity."

After speaking of Mr. Trotski's idea of using the demobilized army for industrial purposes, Professor Miliukov explains that "desertion of work" was formidably increasing from the beginning of 1920, and

"Accordingly a decree was published in the spring, 1920, which incorporated the whole population into special labor armies."

A general committee, with affiliated local committees, estimated the number of labor requirements for 1920 in skilled and unskilled workmen, and "extremely severe measures of punishment were announced at the end of May for evasion of labor conscription." Even persons "giving refuge to labor deserters" were to be punished by fines, confiscation of their property, or imprisonment.

"The special 'revolutionary council of labor' was empowered to send the unlisted workingmen to wherever it desired without discrimination of training, in the order of their registration."

No wonder that the Petrograd workers passed a resolution in September, 1920, saying:

"We feel as if we were hard-labor convicts, where everything but our feeding has been made subject to iron rules. We have become lost as human beings and have been turned into slaves." (Miliukov, p. 208.)

Mr. Spargo goes into the matter at much greater length. He refers to the strikes of 1919, which were suppressed by the troops with great brutality and many deaths, the strikers being often shot down by Lettish battalions (pp. 248–250); and he refers to the complete suppression of many unions (p. 252), such as the teachers' union and the printers' union.

He further gave extracts from the Bolshevist newspapers as to forced labor of the bourgeoisie in cleaning the streets, ditch making, and so on (pp. 376, 377), and he quotes in detail (pp. 380–388) the various laws as to "compulsory labor," the carrying of a "labor booklet" by every wage earner, and so on. Trotski openly said in his report before the Third Russian Congress of Soviets of National Economy, January 25, 1920:

"Labor conscription gives the labor state the right to order a workman to leave the village industry in which he is engaged and to work in state enterprises which require his services." (Spargo, p. 400.)

Trotski further said, as reported in the official Bolshevik journal March 21, 1920:

"Under the unified system of economy, the masses of workmen should be moved about, ordered, and sent from place to place, in exactly the same manner as soldiers." (Brasol, p. 116.)

It is perhaps superfluous to notice that the Bolshevik Government has an enormous number of employees who are distinguished for idleness, immorality, and dishonesty, enormous quantities of goods belonging to the Government being stolen. This is not anti-Bolshevist propaganda, but comes from the reports of Bolshevik officials and the official Bolshevik papers. (Spargo, pp. 266–274, where many examples are quoted.)

It is important to notice that the supply of physicians is very inadequate, as so many have been killed or driven out, and that the hospitals are terribly neglected. As a consequence, epidemics and contagious diseases have flourished. The report of the British labor delegation says (p. 22):

"Since 1918 the country has been swept by great epidemics of typhus, of recurrent fever, of Spanish influenza, and of cholera, while local outbreaks of smallpox and other diseases have occurred."

Brasol quotes from medical reports, describing the filth of the streets and apartment houses, and the terrible condition of the hospitals (pp. 175–179), and continues:

"No wonder that under these circumstances epidemics of all kinds ravage Soviet Russia. In 1920–21 spotted typhus killed more people than the Che-Ka did. In 1922 Asiatic cholera broke out, not only in the famine-stricken districts but also in the northwestern parts of Russia."

Doctor Rollins, of the American Relief Administration, reported, May 5, 1922, that—

"Aside from the hunger victims, thousands are affected with different kinds of epidemics—typhus, measles, dysentery, and tuberculosis; recently cholera has been added with a 60 per cent mortality." (Brasol, p. 225).

This is fully confirmed by the Harvard professor who went through southern Russia in the autumn of 1922 on behalf of the American Relief Administration and reported on the filthy condition and neglect of the hospitals in Odessa and other places, where he found cholera and all kinds of infectious diseases. He regarded this as one reason, among others, against recognition of Russia, because he believed that with freedom of intercourse the whole world would be threatened by the spread of these terrible diseases.

I have here some statistics in regard to workmen in factories, which I should like to print without reading, as I do not want to take unnecessary time.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

"The Russian Information and Review, in the article already quoted (June 1, 1922), says:

"'According to figures given by the trade unions, the movement of workers' wages, taking November, 1921, as the normal, fluctuated in the following manner:

November, 1921	100.0
December, 1921	81.5
January, 1922	72.0
February, 1922	61.2
March, 1922	39.0
April, 1922	30.0

"In this connection it should be noticed that there is no real distinction, in fact, between the Soviet Government and the Third or Communist Internationale, which holds its sessions in Moscow, was set up in 1919, and is commonly referred to as the 'Komintern.' This openly revolutionary organization is under the control of the soviet rulers of Russia. Its administrative power is vested in its executive committee, of which Zinoviev (really named Apfelbaum) is president, while Lenin, Trotski, and others of the Bolshevik rulers are among its members. (Brasol, p. 239.) It is therefore impossible for the soviet dictators to claim that they have abandoned interference with other nations while as rulers of the Komintern they are actively seeking the overthrow of other governments.

"From first to last the Soviet Government has regarded the revolution in Russia merely as a means to 'world revolution' (Miliukov, Bolshevism, p. 295), and has expended large sums from the Russian treasury abroad in support of revolutionary communist propaganda. The facts are entirely notorious. Col. Raymond Robbins admitted, in the inquiry into Bolsheviki propaganda by the Committee of the Judiciary of the Senate, that the Bolshevik government had the purpose of destroying all existing governments, including our own Government, and that everybody there (in Russia) knew it. (Miliukov Bolshevism, pp. 269–276.) This purpose is shown by many proofs. In the 'Declaration of Rights of the Laboring and Exploited People,' which is part of the soviet constitution, it is stated that the purposes of establishing the Soviet Republic are, among others:

"'The establishment of a socialist society and the victory of socialists in all lands.' (Brasol, p. 6.)

"In the official 'Program of the Communists,' written by one of the Bolshevik leaders in 1918, it is stated:

"'The program of the Communist Party is a program not only of liberating the proletariat of one country, it is the program for the liberation of the world proletariat, since such is the program of the international revolution.' (Brasol, p. 233).

"In the summer of 1920 Lenin, speaking before the second congress of the Third Internationale, said:

"'This (our) task will be that of leading on to the victory of the world revolution and to the establishment of an international proletarian soviet republic.' (Brasol, p. 235.)

"In the summer of 1921, at the third congress of the Third Internationale Zinoviev stated, in referring to the presence of delegates from foreign countries, that therein was the pledge that the victory of the revolution 'will be not merely a European revolution, but a real world revolution in the precise meaning of the term.' (Brasol, p. 235.)

"In the circular letter of Bukharin (one of the leaders in the Bolshevik government) to communists residing in the United States, early in 1921, it is stated:

"'We believe that one of the foremost problems at present is the formation of communist nuclei among the soldiers and sailors (military party organizations), the duty of which must

be to conduct energetic propaganda for the formation of soldiers and sailors' soviets and the reckless persecution of the officers. * * * Soviets (of workers), before they shall prove able to seize the power, must become fighting organizations, aiming at the seizure of the power of the State and workers' dictatorship. * * * Your chief slogan shall be—

"'(a) Down with the Senate and Congress;

"'(b) Long live the workers' government,' etc. (Brasol, p. 247.)

"In accordance with these instructions from Moscow, the Communist Party of America in February, 1921, in its resolutions, referred to the need of unifying the forces of Communists 'as directed by the Third Internationale,' (i. e., the soviet rulers), and proceeds:

"'The united communist party must prepare the working class for armed insurrection as the final form of mass action by which the workers shall conquer the state.' (The Communist, No. 13, 1921, quoted by Brasol, p. 298.)

Similar quotations from many of the soviet leaders as to bringing about 'world revolution' are given by Spargo, pp. 438–440.

"The soviet rulers financed the propaganda of the Komintern so long as there was money in the treasury. For example, their first appropriation, made on December 13, 1917, signed by Lenin and Trotski, appropriated 2,000,000 rubles (this was before the fall of the ruble) 'for the needs of the foreign internationalist movement' (Brasol, p. 250).

"It must be borne in mind that even if the Soviet Government should offer to refrain from propaganda in return for recognition, such a promise would be perfectly valueless, first, because the propaganda could be continued by the 'alter ego' of the Soviet Government, the Third Internationale, and, second, because the Soviet Government would not regard itself as bound by any such promises and would hold the period, if any, of inactivity as merely a 'truce' to enable them to regain their strength. Lenin very frankly said, in January, 1919, when a discussion of peace was proposed to Moscow by the Paris Peace Conference:

"'I have never hesitated to come to terms with bourgeois governments when by so doing I could weaken the bourgeoisie and strengthen the proletariat in all countries. * * * We must be prepared to make every concession, promise, and sacrifice in order to entice our foes into the conclusion of this peace. * * * We shall know that we have but concluded a truce permitting us to complete our preparations for a decisive onslaught.'

"At that very time, in fact, Lenin was sending an invitation to the communists to come to Moscow to organize the Third Internationale. (Miliukov, pp. 109–110.)

"The Bolshevik diplomacy has never varied in this respect. In Chicherin's instructions to the Bolshevik diplomatists in 1921 the general idea was to foment foreign discords and conflicts, and he proceeded:

"'Official recognition of our representatives, development of trade relations, gradual dissemination of propaganda, and the strengthening of our authority among the proletarian masses—these are the ends of our work.' (Miliukov, pp. 113, 114.)

"Other examples of soviet foreign policy are given by Spargo (pp. 440–442). In February, 1918, Trotski stated that if Russia should be compelled to conclude peace with the Central Powers—

"'It would be a provisional, temporary, and transitory peace, with the revision of which the European revolution will have to concern itself in the first instance. Our whole policy is built upon the expectation of this revolution.'

"Similarly, in February, 1919, Zinoviev, in speaking of the proposed Prinkopo conference, said:

"'We are willing to sign an unfavorable peace with the Allies. * * * It would only mean that we should put no trust whatever in the bit of paper we should sign. We should use the breathing space so obtained in order to gather our strength, in order that the mere continued existence of our government would keep up the world-wide propaganda which Soviet Russia has been carrying on for more than a year.'

"In consonance with the above principles, the Bolshevik envoys have never hesitated to break any agreement to refrain from propaganda. This was true of the Bolshevik envoy to England, Litvinov, who was guilty of using his position, in breach of express agreement, to promote revolutionary agitation. The Bolshevik ambassador, Joffe, was expelled from Berlin for using his diplomatic position to wage a propaganda for the overthrow of the German Government, in express defiance of the treaty of Brest-Litovsk; and Joffe himself subsequently published an article in the Bolshevik official paper on January 1, 1919, confessing and glorying in his breach of an express agreement. (Spargo, pp. 442, 443.)

"Mr. Stoddard points out (p. 186) that the soviet leaders have never modified their fundamental reliance upon violence He says:

"'Lenin's famous "21-point" manifesto laying down the terms upon which socialist groups throughout the world would be admitted to the "third internationale" commands implacable war, open or secret, both against existing society and against all socialists outside the communist fold. And Trotski, in his recent pronouncement significantly entitled "The Defense of Terrorism" (English translation of 1922), freely justifies all Bolshevik acts and policies as alike necessary and right.'

"There is no doubt that the fundamental purpose of the Soviet Government has always been and is the bringing about of the 'world revolution' by the violent overthrow of all 'capitalist governments,' including our own.

Mr. LODGE. This aim of the Soviet Government to overthrow all capitalist governments, of course, affects the question of recognition.

I have no fear whatever about the propaganda that we hear so much of in this country. The kind of propaganda that the Russian communists are putting out here will never, in my judgment, gain any very great ground among the American people. It may do mischief, and probably does do mischief, in some of our great cities, but it is a great deal better to let it come to the surface and be freely discussed than to attempt any suppression. At the same time it is well to remember that their views, as officially expressed, are extremely hostile to our form of government.

Now, Mr. President, I will come to the more immediate question which lies at the bottom of our refusal to recognize them.

In the first place, there is the announcement they made at the beginning of their government that they should not feel bound by any treaty they made. I do not mean to say they have broken any treaty; I do not know whether they have made any treaties, or how well they have kept them, but it is a little difficult to recognize and enter into relations with a government which starts with that proposition as to their debts, a vital question of national good faith. They may be intending to pay their bonded debt, but they have not done it as yet. How much their offer at Genoa amounted to, I do not know. I do not know whether it really was intended as a means of purchasing recognition or not, but the fact remains that they have not paid the debts of the Russian people and Russian Government, without reference to who at any given moment controlled the Government.

I also ought to refer, as affecting our relations with them, to the nationalization that was proposed of private property owned by foreigners in Russia. The best information we can get will be found in connection with a report of the Department of Commerce made on June 12, 1922. I will ask to have printed an extract from the report.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

"DEPARTMENT OF COMMERCE,
"*Washington.*

TRADE WITH RUSSIA.

"The following statement on the Russian trade situation was issued by the Department of Commerce last night:

"'There seems to be some misunderstanding as to the practical character of trade agreements made with Russia by foreign governments. There is nothing in the trade treaties between Russia and England, Germany, Italy, or other countries which permits or establishes trade with private individuals in Russia. In substance, all that the treaties really provide is authority for the Russian government itself to establish buying agencies in the several countries. To be sure, these treaties nominally permitted citizens of the countries making them, under certain restrictions, to enter Russia, but when they arrived there they found that trade was a government monopoly, that they could not sell to private concerns, and that, in fact, the government usually referred them back to its buying agencies in their own countries.'

"In view of the fact that the total present imports of Soviet Russia are small, the interest of foreign concerns in selling goods there would necessarily lie chiefly in the hope of laying foundations for the future. No such hope can be entertained so long as the Soviet Government monopolizes import trade. Under that practice there can be no establishment of business connections, no building up of trade reputation.

"Within the past few months, cooperative institutions, which had been converted into purely government organs, have been restored to some measure of independence, and have been given limited rights to engage in foreign trade at the same offices as the Soviet Government. Still more recently importa-

tion of some agricultural implements has been permitted to private Russian individuals. The great bulk of foreign trade, however, remains in the hands of government organs.

"Uninformed persons often speak of the so-called blockade maintained against Russia. As a matter of fact, for two years' time now no such blockade has existed. The real blockade on trade, not only with us, but with all the world, is that maintained by the Soviet Government itself. By its monopoly of commerce it has hampered the export even of the small quantities of goods which were available and has discouraged the production of more goods. Our Government puts no obstacles whatever upon selling to Russia. One result has been that even in countries having trade agreements no merchants have been able to establish themselves in Russia or to undertake manufacturing enterprises.

"The trade of Russia to-day consists of importing goods and paying out gold from the old imperial reserve. She can not pay for commodities by commodities. The magnitude of these gold-bought imports has been much less than many seem to suppose. According to official soviet statistics, the 1921 imports were valued at 248,000,000 gold rubles, or approximately $125,000,000. This is only one-sixth of the pre-war imports. Exports amounted to the sum of $10,000,000 (20,283,000 gold rubles); in 1913 they were 75 times as great. These exports consisted largely, and probably chiefly, of commodities left over from the pre-Bolshevik régime. The difficulty of exchange of commodities is evident from the fact that before the war two-thirds of Russia's exports in value were foodstuffs, while to-day the country is in the throes of a terrific famine and a large part of its imports are foodstuffs. In February, two-thirds, in weight (values not yet available), of Russian imports were foodstuffs, the larger part of which were furnished by the charity of the American people. There is little prospect that Russia will have any more to export in 1922 than she had in 1921. Meantime, the gold reserve is approaching exhaustion and with it is disappearing what might have furnished a start toward reestablishing a workable currency. The paper money of Russia is hastening to the ultimate catastrophe of utter unacceptability within the country itself. The recent attempt of the Bolshevik leaders to restore something resembling individualistic methods in the conduct of industry, and particularly by payment of wages in money instead of a communistic division of commodities in the form of rations to the workers, has itself hastened the currency debacle. There being a fundamental shortage of foodstuffs and other necessaries, wages paid in money naturally can not buy enough to support life. Prices soar and, though wages are multiplied by constant emissions, they can not catch up with 'galloping prices,' as a leading Bolshevik journal calls them. Prices in Moscow now are doubling every month, which means multiplying 4,000 times in a year. A day's ration of food cost, in April, a million rubles. The time must apparently come soon when paper money will no longer buy. Then, in the absence of precious metal, all business will have to be done by barter—a method so cumbersome that it will almost inevitably check the increase of production which might otherwise be hoped to follow from the so-called 'new economic policy.'

"As a matter of fact, despite the absence of a trade agreement, our exports to Russia compare very favorably with those of our two principal competitors—Great Britain and Germany. For example, in 1913 British exports to the Russian Empire amounted to $135,000,000; in 1921, to $33,500,000, or only one-fourth as much. The United States never had a large share in Russian trade before the war. Our exports to that country in 1913 were $27,000,000. In 1921 they were over two-thirds as much, $19,257,000, and most of this represented sale of goods, though a part consisted of relief supplies, which during the present year, 1922, have become much larger. A considerable fraction of British shipments to Soviet Russia last year consisted of reexported foodstuffs, and these, if they did not come directly from the United States, virtually created a demand for the equivalent quantity from this country.

"The British have been grievously disappointed in the results of their trade treaty. Much had been made of the enormous needs of the huge Russian population so long deprived of goods. It was forgotten that need for goods does not constitute demand for goods. Demand implies ability to produce and pay.

"The really important problem confronting American business men with respect to Russia is not that of trade but that of investment. Without a large investment of foreign capital as a means of restoring production, the prospects are that, at least for some years to come, there will be even less opportunity to sell goods in Russia than in 1921, for with the exhaustion of the gold reserve her means of payment will shrink to a minimum. The feasibility of investing capital in Russia depends essentially on the policy of the Bolshevik government and on the general internal situation and not in any important degree upon action of foreign governments."

Mr. LODGE. This report shows very clearly that although Russian ports are entirely open to us to trade—that is, there is nothing to prevent our people from trading there, and they have tried it—yet trade with Russia has not prospered, because Russia has nothing at present to trade with and it is impossible to get the necessary security. We have traded with Russia; so has England; so has Germany; but the trade has had very little effect on the actual business of any of them, even including Germany.

Mr. President, I will ask to have one more thing printed. It would be too long to read. These are some articles by Mr. Rykov, who belongs to the Bolshevist group, and is, in fact, I think, one of the ministers. It consists of a translation from the Moscow Economic Life of October 1, 1922, and I ask that it be printed. It would take too long to read it.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

ECONOMIC SITUATION OF SOVIET RUSSIA AND CONCLUSIONS CONCERNING THE FUTURE WORK.

[Translation from Moscow Economic Life, No. 221, October 1, 1922.]

"It is not a mere accident that one of the questions which recently has been so much discussed at the sessions of the central executive committee, in partisan circles, at general conferences, and by the press was the question of the export of our grain.

"This question is the corner stone of our whole economic policy.

"In comparing the proportion which existed in pre-war times with that which exists at present as regards the fundamental elements of Russian economic life, i. e., agriculture and 'large industry,' the following facts can be definitely established: At the time when crops of the current year yielded approximately 2,800,000,000 to 3,000,000,000 poods of grain, or 65 to 70 per cent of the pre-war yield, 'large industry' had reduced its production to 20 to 25 per cent in comparison with the pre-war output.

"Since there is a great demand in the villages for the products of 'large industry,' it is quite probable that the villages will reduce the consumption of their own products during this year, according to reduced norms—about 19 to 20 poods per person, including in this number also the food for cattle, instead of 26.5 poods in pre-war times—of the past years in order to satisfy their requirements in industrial products. Thus, in spite of the deficit of more than a billion poods in comparison with peace times, it can be expected that the villages will throw on the market such quantities of grain that the towns will not be able to pay for it with their products. This will result in the abrupt fall of the ruble, perhaps more abruptly than that which we experienced during the past winter, and the extent of this fall will depend upon how much grain the villages will sell and whether the towns will be able to pay for it with their products in quantity and value which would correspond with the quantity of grain turned in by the villages. If our expectation is justified, i. e., that the surplus stock of grain, excluding the tax in kind and other stocks, amounts to 400,000,000 to 500,000,000 poods, then in order to secure an economic balance between the town and village it is necessary that the industrial program for the current year, which was expected to reach 20 to 25 per cent of the pre-war production, shall be executed in full. Experience shows, however, that the execution of a program usually varies between 60 and 70 per cent. There is danger, therefore, that the balance will be disturbed. As a preventive measure, therefore, we must adopt the same system that was used by Czarist Russia—the sale of grain on the foreign market and import of industrial products.

"The future will show how practical this plan is and to what extent it can be materialized. We can only guess at the present time and make more or less tentative plans, since the settlement of this question depends upon a number of things (harvest, village consumption, insurance fund in case of failure of crops, quantity of seed stock which the peasantry will retain for the next sowing, etc.), which it is difficult to ascertain and an error made while ascertaining one of the above items might result in a complete change of the situation. To this must also be added the deficiencies of our statistics on account of which some statisticians, including V. T. Mikhailovsky, think that the probable yield of crops can be estimated at from 3,000,000,000 to 3,500,000,000 poods and the surplus stock of grain for export at 400,000,000 poods. Others estimate the yield at from 2,200,000,000 to 2,300,000,000 poods, the difference thus amounting to 1,000,000,000 poods.

"However, no matter how large are the differences in estimating the crops and how different are the opinions in respect to the question of grain export, it is important to point to the fact that the very discussion of this question means a concealed recognition of a fundamental conclusion, which, in my opinion, can be drawn from the experiences during the past economic year.

"The past year proved that under the conditions of the new economic policy and the change of the requisition system to the tax-in-kind system, agriculture has displayed more powerful tendencies toward regeneration and is getting upon its feet quicker than industry is. There are certainly a number of complaints as to the lack of cattle, lack of agricultural implements and tools, which fact naturally slackens the speed of reconstruction; but at the same time there is an abundance of land, working force, a possibility to cover the lack of cattle by means of a better exploitation of cattle on hand, a better utilization of agricultural implements. Persons familiar with the situation in the villages all agree that the village has become active, tries to enlarge the area of cultivated land, and that every attempt on the part of the people's commissariat of agriculture to procure seed stock and to organize breeding stations, and so forth, is met by the village with open arms, good results thereby being attained sometimes in the course of one year. It is true that we are still very far from complete restitution. It is sufficient to point out that the diagram of the sowing area still shows a descending tendency. But the reason for this is a natural disaster—the failure of crops.

"In the regions which were not visited by famine the growing area of sowing land is noticed. In regions which have not hitherto produced enough for their own use the area of sowing land increased from 8,131,000 dessiatins in 1920 to 9,757,000 dessiatins in 1922; in other words, by 20 per cent.

"The question of industry is more complicated. There have been a number of achievements which we could never have dreamed of attaining under the old economic policy. Principally they are the tremendous increase in the productivity of labor, which, as an average, reached 60 to 70 per cent of the pre-war productivity. In some places it even reached 100 per cent.

"To the number of favorable results of the new economic policy belongs also a better utilization of technical equipment by means of the readjustment of industry.

"A certain increase in the general production of all branches of industry took place as well.

"But if the question is at whose expense the production has increased during the course of the new economic policy, the investigation of industry and all items concerning the various sources prove that the increase of production was attained at the expense of our depreciating economic resources and fundamental capital. The following table confirms the above conclusion:

Stock of metals.

CAST IRON.

January 1, 1921, 22,000,000 poods.
January 1, 1922, 8,263,000 poods.
April 1, 1922, 8,007,000,poods.
July 1, 1922, no exact information.
August 1, 1922, no exact information.

COPPER.

January 1, 1921, over 1,000,000 poods.
January 1, 1922, 891,000 poods.
April 1, 1922, 870,000 poods.
July 1, 1922, no exact information.
August 1, 1922, no exact information.

IRON ORES.

January 1, 1921, south, 86,000,000 poods.
January 1, 1922, Ural, 95,109,000 poods; central, 9,152,000 poods; south, 84,711,000 poods.
April 1, 1922, no information.
July 1, 1922, Ural, 92,724,000 poods; central, 9,808,000 poods; south, 82,925,000 poods.
August 1, 1922, Ural, no information; central, no information; south, 81,111,000 poods.

Stock of naphtha products in Baku.

January 1, 1921, 220,500,000 poods.
January 1, 1922, 133,800,000 poods.
August 16, 1922, 86,100,000 poods.

Stock of cotton.

January 1, 1920, 8,576,257 poods in Turkestan, Trans-Caucasus, and at factories.

January 1, 1921, 7,500,000 poods in Turkestan, Trans-Caucasus, and at the factories.

January 1, 1922, 6,530,000 poods in Turkestan, Trans-Caucasus, and at factories.

August 1, 1922, 4,500,000 poods in Turkestan, Trans-Caucasus, and at factories.

Stock of wool.

January 1, 1920, 1,380,000 poods of washed wool.
January 1, 1921, 1,860,000 poods of washed wool.
January 1, 1922, 1,112,800 poods of washed wool.
September 1, 1922, 731,220 poods of washed wool.

Stock of flax.

January 1, 1921, 5,600,000 poods at the "Flax bureau" and factories.

January 1, 1922, 4,700,000 poods at the "Flax bureau" and factories.

June 1, 1922, 1,460,000 poods at the "Flax bureau" and factories.

Stock of raw skins and hides.

LARGE SKINS.

October 1, 1921, 1,617,470 pieces.
August 1, 1922, 2,041,403 pieces.

SMALL SKINS.

October 1, 1921, 4,402,881 pieces.
August 1, 1922, 2,092,753 pieces.

Stock of rubber.

January 1, 1921, 71,821 poods.
September 15, 1922, 60,000 poods.

Stock of cement.

January 1, 1921, 1,293,891 barrels.
January 1, 1922, 1,126,097 barrels.
July 1, 1922, 1,033,019 barrels.

"Statistics show that only in case of large skins an insignificant increase was attained.

"In all other cases, comparing the old stocks with the present, a considerable decrease is evident.

"As concerns naphtha, there are 20,000,000 poods not suitable for transportation. In regard to the cotton stock, it is probable that the textile industry will continue to work on the level of the first half of 1922 and in a few months the question of cotton import will arise; the stocks of flax and wool have also considerably decreased.

"As concerns the state of the railways, one of the most important facts—the maintenance of the railway bed—shows that in this sphere also an unsatisfactory condition exists. Instead of 18,000,000 crossties, which should be replaced every year, only 4,000,000 were replaced.

"These facts show that our economic situation is grave.

"In describing the state of industry it is necessary to say a few words concerning the wage tariff, inasmuch as an explanation of this question will facilitate the understanding of the general state of industry. It seems that the economic side of this question has not sufficiently attracted the attention of our economists, at least as far as one can judge from a brief review of our press.

"Expenditures for the payment of wages must occupy a definite place in the list of expenditures, constituting a certain percentage in the general balance. And the better the state of production the less will this percentage be. In spite of the importance of this question, our statistics furnish no exact figures, as far as I know, which could enable us to receive a clear perception. But statistics on hand show that the situation is alarming.

"Thus the expenditure for wages in transport can be taken as 60 per cent of the total transport expenditures, whereas in 1913 it constituted but 48.3 per cent for the whole of European Russia. According to the data of the People's Commissariat of Posts and Telegraph, the expenditure (of that department) for wages constitutes 80 per cent of its total expenditures, whereas the state of railways and mail service is demanding tremendous expenditures for repairs and the reestablishment of the most important branches of economic life.

"As concerns industry, I have no definite data on hand, but there is certain 'indirect' information.

"For instance, whereas the average yearly production of a workman in 1913 amounted to 4,410.7 rubles, thus constituting less than 10 per cent of the value of the production, on the basis of experience during the first half of 1922 the State plan commission fixed an average production for the metal industry in 1922 at 636 rubles per workman, or about 14 per cent in comparison with 1913. On the other hand, although the average earning of a metal worker is lower at the present time than it was before the war, it constitutes at any rate a rather high percentage in comparison with production.

"In order to maintain the same proportion between the production and earning of a workman which existed in 1913 and making the same calculations as those relative to the metal industry, the average yearly earning in 1922 of a workman at a soap factory must be about 35 pre-war rubles; at a match factory 19 rubles, and at a glass factory 79 rubles.

"On the other hand, the actual earning is much larger than the above figures. T. V. Schmidt, in his report to the Central Soviet of Trade Unions, stated that the average earning of a workman (nonindustrial?) can be estimated without exaggeration at 10 rubles and in industry at 11 rubles.

"It can not be otherwise in the present situation in industry and it must be admitted that the largest branches of industry—coal, metal, and many others—pay the workmen not from the gained profit, and that the proportion between the expenditures for wages and the expenditures for other requirements went too far from normal and sound principles.

"During the last half year the actual earning has even increased in a number of branches of industry. Naturally further increase of wages is necessary, especially in such industrial branches as coal and metal, but our State and industry can stand this increase only as long as there is an improvement in production and in the productiveness of a workman.

"Unequal amounts of wages in various branches must be regarded as a weak point in the present situation.

"The situation can by no means be considered normal when a tobacco workman, pharmacist, and carpenter receive more than a woodworker or metal worker. But a number of such cases have been registered. The reason for it is naturally that there are numerous small branches of industry and enterprises which gain certain profit from their production. In the present state of our economy these profits could not be ascertained in due time and transferred to other branches of industry and factories, so they were used for the purpose of increasing of wages of the workmen and employees and for repairs and other requirements. (Continuation follows.)

"P. S.—Urgent State work prevents me from devoting more time to a more careful preparation of the present article.

"On this condition only could I comply with the insistent demand of the office of Economic Life to receive from me an article for publication in the present issue of this newspaper devoted to the beginning of the new economic year.

"(Signed) A. RYKOV."

ECONOMIC SITUATION OF THE COUNTRY AND CONCLUSIONS CONCERNING THE FUTURE WORK.

(Article by A. Rykov. Translation from Moscow Economic Life, No. 222, October 3, 1922.)

"One of the tremendous gaps in the otherwise splendid chain of results attained by the new economic policy is the absence of exact statistics. All examinations carried out up to the present time show there is no reliable information which may be used in estimating the cost of production, prices for products, the amount of the foundation capital, running expenses, etc. The economic program can be ascertained only on the basis of this information; only with this information is it possible to obtain an idea as to the work of the industrial enterprises and trusts; only this data can make possible the management of industry, the fixing of prices, etc.

"The struggle for the present 'principles of business efficiency,' for a strict control over production, for an exact account of every kopeck, and a maximum economy in expending the funds must become our motto in the future.

"It is difficult to carry on even a firm trade policy without a strict economic control over production, without figuring out of the cost of production. Industry has sometimes sold at exceedingly cheap prices the products which were left in stock from the former times, and, having no exact data, was fixing at random the prices for goods recently produced.

"The unsteady rate of exchange of our ruble caused great difficulties in connection with the establishment of a strict control over our industry and trade. In the first place, these difficulties could be overcome; and, secondly, we have even no approximate idea of the control which is so necessary for business transactions.

"The State plan commission has been working several months on figuring out the cost of production of fuel, and promises to furnish the necessary information by October 15, when a careful examination carried out at the places of production will be concluded.

"We left our watchword 'to trade' far behind in our commercial sphere, and went over to a specialization in our trade. A troublesome period, when everyone was dealing in everything, is coming to an end; syndicates were organized, and such vital organizations as 'Khleboproduct' and the State Universal Stores became stronger and more active; a considerable commercial experience was accumulated, the stock exchange is becoming active.

"One of the main problems in our trade policy is realizing on the harvest and the struggle against a rise of prices on grain products.

"On account of the 'deficiencies of the soviet system' and on account of the great significance of a successful settlement of this problem, the soviet of labor and defense was compelled to establish a special organ invested with extraordinary rights for grain collection.

"The purchase of grain could not as yet show important results, since up to the present time the villages were busy in turning in the tax in kind, but a number of measures (combating the competition, granting of credits to a small number of organizations, preference of credits on goods, shipment of grain into regions with high prices on grain, etc.) resulted in prices on grain either remaining on the same level or increasing very slowly in comparison with the prices on other products. The prices on industrial products show an ascending tendency to a great extent on account of an increased demand. According to data of the people's commissariat of finance the prices on industrial products, except naphtha, have outstripped the prices on grain.

"As long as the most important products (cloth, salt, kerosene) remain under the control of the State syndicates, possessing a monopoly on these products, there is every possibility of regulating the market under the new economic policy by means of regulating the output of the products and prices.

"An insufficiently developed retail business and a tendency to a tremendous development of private commission operations in trade transactions between the State institutions forms a great obstacle in this respect.

"Private capital was more willing to carry on all kinds of commission operations than to organize trade or industry. Examinations carried out by a number of institutions, and particularly that of the workmen's-peasant inspection, show that the State institutions are often doing business with each other through private commission agents, who usually receive 5 per cent of commission. This 5 per cent is usually paid twice, at the time of the purchase of the raw materials and semimanufactured goods and on the sale of the products, thus making a total of 10 per cent, not including all kinds of 'commissions' for transportation, granting of credits, etc. It is even difficult to figure out how large is the sum which goes into the hands of various private commission agents, but there can be no doubt that this sum is very large.

"An abnormal development of private commission transactions increases the high cost of products, in addition to the waste of State funds, and turns a private commission agent into a force which has a great deal to say in the regulation of our market. It is necessary to issue a decree prohibiting State institutions from concluding any business transactions through private commission agents.

"Private capital can play a great and useful rôle in commerce and can render impossible a sales crisis, which we experienced last spring, because these crises were due not to the absence of buyers but to the fact that we had no well-developed trade. We were unable to, and to a certain extent can not even now, let our goods penetrate into the villages, as well as purchase there the necessary stock of raw materials.

"Cooperative societies and the State trade must attain such positions on the market that no private dealer will be able to fix his own prices and the public be left entirely in the power of the private merchant.

"A private dealer has one great advantage at the present time—which is similar to the period of preliminary accumulation—which consists of comparatively small additional expenses. Additional expenses are also decreasing in cooperative and State trade, and great results have been attained in this respect. These results, however, are insufficient, and still too many cases take place in which the funds are being simply wasted, contrary to business principles.

"As an instance I shall quote a few lines from a letter of an old and experienced comrade, in which he tells how one of our large fuel organizations commenced trade operations in Berlin: 'They started by paying a salary of £6 per month to each employee, which at the present rate of exchange constitutes 1,000,000 reichsmarks. That is the salary of 40 responsible workers of a trade mission. Such "principles of business efficiency" can stand evidently only in Russian commercial enterprises. Yesterday they demanded seven rooms, a room for each person (whereas we have sometimes 10 persons working in one room, in some offices even 25 persons in a room), and declared that they wanted to buy an automobile. Our trade mission was able to buy two automobiles only after two years of work, and also

gave the right to use these machines to the above seven workers, while the Russian ambassador, Comrade Krestinsky, even now has no car. These comrades, on the other hand, think that they should have a car for seven people and pay for it out of the government's funds. I would not like to take your time describing all these "little things," but I think that they are very characteristic and typical. These are exactly the "little things" which "make the music." I have no doubt that similar facts are usual in a number of our other missions in the foreign countries, for the independence of which a number of comrades were struggling in Moscow.'

"I am afraid that this instance is characteristic of our practice in economic policy. We have very small funds; our capital is not large; we are only beginning to reestablish our foundation capital; therefore a strict economy is necessary. This economy must be decisively brought into effect in all operations of our economic institutions, and merciless punishment must be meted out to persons wasting State funds.

"Our budget is being compiled based on the greatest economy. A budget of the State where agriculture turns in but 70 per cent of the pre-war production, and industry—less than 30 per cent can not be large—can not satisfy all of the most necessary requirements of the country. Money emission is certainly not a way to increase the quantity of valuables—otherwise we should have been long ago the richest country in the world—but is a means of redistribution of valuables, an impost to a certain extent. But even this last rôle the emission can play only in case it is not overdone, in case the new emission of paper notes does not result in an abrupt depreciation of the ruble. We have already experienced such a situation last spring and all efforts must be made to prevent it from occurring again.

"Our economic policy must be directed not toward an increase in emission, but toward the reduction of unproductive expenditures, toward the improvement and development of our taxation policy, toward a strict economy in administration, State economy, and toward a greater accumulation of State funds for the settlement of the most important problems. An approximate estimate of the funds which the government can spend within the coming economic year gives a figure of one and one-half billion gold rubles. This figure is almost twice as small as that for the pre-war times. It is true that a number of items in the list of expenditures of the old Russia have been canceled since the revolution, but in their place has come the financing of railways and industry.

"This last item seems to occupy the first place in our budget, though the support and reestablishment of large industry—metallurgical, coal, naphtha, etc.—and transport is becoming our most important problem. Those branches which represent a political and economic base of the proletarian dictatorship must be given first consideration in our budget.

"The financing of the metallurgical industry and of our transport must be carried out by means of granting them State orders. These orders must not only be placed with our largest enterprises, but by means of paying for them at a rate not lower, and, if possible, even higher, than the cost of production—at so-called reestablishment prices—to restitute these branches of industry.

"The first step in this respect was recently taken by the soviet of labor and defense, which increased considerably the prices on coal and naphtha in comparison with those which were established a few months ago. But here also the absence of statistics is clearly manifested. No figures could be obtained as to the cost of production. It is necessary to take all possible measures in order to find a starting point.

"Considerable sums from the budget must be allowed for transport where the destruction of the foundation capital is still going on.

"Concentration of all means and sources on these two problems compels us to draw a number of conclusions in regard to our economic and especially our financial policy. This concentration means in the first place a further decisive reduction of State expenditures for other people's commissariats, and a still greater reduction of their personnel. A number of measures were recently projected, which must be enforced at whatever cost. It is necessary at the same time to increase the productivity of workmen and the quality of products turned out by our institutions, and especially by the commercial ones.

"It is also necessary to develop the local budgets by means of transferring a number of expenditures to such budgets. The improvement of local budgets deserves great attention on the part of our leading organs.

"Finally, we must have a most active foreign policy, increasing at any cost our export, turning in the profits for restoration of the foundation capital in the country.

"Only by a decisive concentration of all means and forces on our principal problems, on fundamental branches of our economy, shall we be able to prevent our foundation capital from further destruction and create a strong foundation for the restoration of our economic life."

Mr. LODGE. As for the present condition of Russia and the safety of life there, if we may judge from the newspaper reports, life may be safe enough in Moscow and Petrograd, provided you do nothing counter-revolutionary; but in the country the well-authenticated report in the press and from travelers is that there are marauding bands—bandits in fact—all over the country, and that the country is not in a peaceful condition. But the main reasons for our delay in recognition have been, and are, that it has been impossible to reach a situation where we could get either safety for our own people or any assurance that any agreements we made would be supported and made good; there is no sufficient evidence that the Soviet Government will observe and carry out their international obligations.

I have partially sketched the government. I think it indicates a government with which it is well to be on one's guard. I think any prudent government ought to be careful in dealing with the Soviet, and I am unable to see how an administration, wisely or in justice to their own people, could do otherwise than wait until they could get sufficient assurances for the safety of their people and for the maintenance of proper international relations. How much good our recognition of Russia would do I do not know. If it will do all the good which the Senator from Idaho thinks, I am sure it will come at the proper time, and I hope it will be as beneficial as he imagines; but at the present time, it seems to me, it would be in a high degree unwise to recognize that government until we have some assurance that they will maintain proper international relations.

That is the whole case as it is set forth by the Secretary of State. We are not refusing recognition on the ground of the character of the government, however much we dislike and condemn it, but on account of its treatment of the people of other nations and Russia's inability to give guaranties for carrying out its own promises and treaties, when it does not even take the trouble to repudiate its original statement that their government did not feel it necessary to observe any treaties.

Mr. President, the United States can be of great service to the peace of the world, and it has been of service. It is the only nation that has as yet rendered any real service toward the return to normal condition and to the advance toward the peace and security of the world; but the return to normal conditions will not be accomplished by foreign alliances or through rash ventures in recognitions where the outlook is so uncertain and the results are so indefinite as in the case of Russia.

We hear it constantly said that "something ought to be done." In this case the something that ought to be done is definitely stated: That we should recognize the Russian Soviet Government, and that proposition it is possible to discuss and deal with; but most of these demands for something to be done avoid entirely a statement of what ought to be done. The difficulty is in finding what it is possible to do. In fact, it is never stated. We are left with a vague demand that "something ought to be done." No responsible body can act on such nebulous demands as that.

The American people have no desire, in my judgment, to enter into war for the purpose of making some other country do something or pay something, and governments can not afford to indulge in threats or in lectures unless they are prepared to carry out the threats or stand behind the advice they give.

I think the United States can be of more service to the world free, as it is to-day, and desiring only to be of service, rendering substantial service whenever opportunity arises, than by any useless complications, without plan or clear intent, in which it might involve itself in Europe.

APPENDIX.

SUMMARY OF ECONOMIC CONDITIONS IN RUSSIA.

"A fundamental question at this time is the preservation of the essential bases of international intercourse through the demand for the recognition of valid titles acquired in accordance with existing law and for the maintenance of the sanctity of contracts and of adequate means of enforcing them. Intercourse, from the standpoint of business, consists in the making of contracts and the acquisition of property rights. Nations may adopt what policies they please for the future conduct of their local affairs, and if these policies are not enlightened the result will inevitably be that production will languish and trade will shrivel up, and they will look in vain for security and confidence. Still they will be within their rights in determing their future policy in local matters. But if they seek

international intercourse, they must perform international obligations. When they have invited intercouse with other nations, have established their laws under which contracts have been made and property rights validly acquired, they put themselves outside the pale of international intercourse if they enter upon a policy of confiscation. International relations proceed upon the postulates of international morality, and the most important principle to be maintained at this time with respect to international relations is that no State is entitled to a place within the family of nations if it destroys the foundation of honorable intercourse by resort to confiscation and repudiation, and fails to maintain an adequate system of government through which valid rights and valid engagements are recognized and enforced. This is in the obvious interest of business, and this is merely a way of saying that this course is vital to the prosperity of all peoples, for the activities of business are those of production and exchange, upon which the welfare of peoples inevitably depend. If profits are anticipated through a departure from this clear path of honorable dealing, they will be found to be illusory.

"The question of relations with Soviet Russia may be approached from two angles; (1) that of the practical benefits which might be expected to flow from a reestablishment of relations; and (2) that of the moral and legal effect of such a step.

"As to the first, there is no doubt that the economic situation in Soviet Russia is desperate and that in its fundamentals it is still retrograding. Note the attached article (annex A) by Rykoff, one of the leading economists and most prominent members of the Bolshevik governing group. A more complete statement of the situation is contained in the pamphlet (annex B) published by the American Bankers' Association and based upon official reports in the files of the Department of Commerce. An article in the Nation for January 3, 1923, entitled 'A Kuzbas Chronicle,' throws interesting side lights on the general situation in Russia. See also London dispatch in the New York Times of December 5, 1922, headed 'Warned Hillman of Risk in Russia.'

"It is clear that the present economic situation in Russia affords no basis for a sustained foreign trade. See statement of June 12, 1922, by Mr. Hoover (annex C). Since 1920 this Government has imposed no restrictions on trade with Soviet Russia, and a certain amount of trade has occurred sporadically. That this trade has not been greater can be explained only by the absence of a basis for trade in Russia. It can not be attributed to the failure of this Government to grant political recognition or conclude a trade agreement. Neither the British trade agreement of March 16, 1921, nor the German-Russian treaty of Rapallo has had important commercial results. The remedy of the situation is not in the power of any foreign government, but awaits action by those who have imposed upon Russia a destructive economic régime.

"As to the moral and legal effect of a reestablishment of relations under present conditions—point (2) above—reference should be made to a statement—Annex D—of the Secretary of State in an address before the Chamber of Commerce of the United States, May 18, 1922. The repudiation of the international obligations of the Russian Government and the nationalization or confiscation, decreed in 1917, of private property of citizens of other States which had been lawfully acquired have not been revoked. The proceedings of the Genoa and Hague conferences disclosed no intention on the part of the present controlling group in Russia to consent to alter effectively their policy in this respect.

"Internal production has reached a fairly stationary point, with agricultural output about two-thirds of pre-war and manufacturing and mining output about one-fourth.

"In the absence of any material change in policy or any extensive incoming of foreign capital, these conditions are likely to continue with no considerable change for a good many years to come, there being no prospect of improvement but a probability that production will decline, only rather slowly.

"1. Unless the Bolsheviks materially change their policy in favor of private operation of industry and unless foreign capital comes in in large quantities—which it will only do if policies so change—there is no prospect of any appreciable increase in either agricultural or industrial production, but decline is likely to be comparatively slow.

"2. Agriculture: The peasants will continue to produce, if they can, enough to feed themselves and will probably try to produce enough to pay the Government taxes and to have a small surplus for exchange for other commodities. The great bulk of the population being agricultural, production will not be allowed to go below a certain minimum if the peasants can help it. Although there has been a great reduction in the number of live stock, there are sufficient, except in the famine regions, to keep up approximately the present output. Although there is lack of new agricultural machinery, either imported from abroad or made in large Russian factories, the peasants can continue, more or less indefinitely, to get plows, scythes, and simple tools which are absolutely necessary by reworking the available old iron in small local shops.

"3. The peasants will continue to lack the incentive for any large increase in production unless the soviet authorities allow them to export on their own account, or unless they change their policy toward private capital, that it can come in, increase domestic production, and provide more goods for the peasants to buy with any surplus. Should this additional incentive be forthcoming, there might be a slow increase in production even without foreign credit for agricultural implements, tractors, live stock, etc.

"4. Little as the peasant cares for the Bolshevik régime, he will try to continue to produce enough to pay moderate taxes rather than to have trouble with the officials. He will also try to produce enough to support the purely local industries of the village and market town which furnish him with goods. However, there is nothing to keep the Russian peasant communities from continuing to exist with very little relation to the outside world.

"Mining and manufacturing: The soviet authorities can keep on running their mining and manufacturing industries after a fashion for a more or less indefinite period. If present policies continue, the production of these industries will probably fall, but not very rapidly. The decline will result chiefly from two causes—gradual wearing out of equipment and shortage of raw materials, due to lack of incentive among the peasants to produce them beyond the requirements of home industries. With the present organization of management and the present methods of paying wages, there is no reason to expect a further decline in the efficiency of management or of labor or a further lowering of incentive. The soviet régime is not likely to have greater difficulty in securing food for the workers or in disposing of the products of industry or in financing than it has had in the past year.

"There is likely, even in the near future, to be a very decided decline in cotton-goods production in Russia. The domestic output of raw cotton is at a minimum and is hardly likely to increase. The soviet régime is likely to use a considerable proportion of its meager resources for foreign purchases in the purchase of cotton.

"Exports. The exports of Russia are likely to increase somewhat above the present extremely small figures, even though domestic production is stationary or declining. The soviet régime, forced to buy certain things from abroad, will concentrate its efforts on production of things which it can send abroad, such as forest products, petroleum, and flax. However, Russian imports are likely to decline because of the exhaustion of the gold supply.

"Transportation. The transportation situation is roughly similar to that of mining and manufacturing industries. The railroads can probably continue to operate after a fashion, with a slow decline in carrying capacity. Just at present the proportion of locomotives out of repair is stationary, or has been improved slightly, but this is largely due to the import of locomotives, which will have to stop soon for lack of means of payment. In fact, no new orders are being placed. The condition of the railroad tracks is gradually deteriorating, especially for lack of ties, but there is no likelihood of any sudden breakdown.

"As yet practically nothing has been done toward restoring property to former owners, domestic or foreign, or toward offering sufficiently attractive terms to new foreign capital. Lenin admitted specifically in a speech in December that concessions to foreign concerns so far had amounted to nothing. There have been practically none of the so-called mixed companies formed in which the Soviet Government and private capital—domestic or foreign—participate.

"The degree of recognition which Soviet Russia has gained from Germany, England, and certain other countries has apparently had little effect on internal conditions in Russia or on the actual business relations between Russia and foreign countries. The fact that there is more trade between Soviet Russia and these countries than between Russia and the United States, France, and other countries which have not taken such steps, is naturally due to primary economic causes. There has been practically no more investment of capital in Russia from countries which have treaties with her than from other countries. It is the condition and policies in Russia itself which limit trade and investment."

Mr. WILLIAMS. Mr. President, this has been, if not a relevant discussion, as far as the pending measure is concerned, one of the most interesting, if not absolutely the most interesting, I have listened to at the present session of Congress. I am a little fond of historical reminiscences myself. I hope the Senator from Idaho is right and that the Soviet Government of Russia is partially repentant and is partially reformed, although I find it somewhat difficult to believe either in their repentance or their reform from what little knowledge I have.

I am heartily in accord with one thing he said—that is, his statement of the general principle of recognizing a de facto government. I do not believe we ought to wait until a government becomes thoroughly de jure, but the moment it has the power of governing its own country, it ought to be recognized. Of course, there are exceptions to that rule.

The practical reasons why the present Russian Government has not been recognized by any civilized power, as far as I now recall, are twofold; in the first place and chiefly because, as the Senator from Massachusetts announced, they declared as a principle of government for themselves that they would not keep faith with capitalistic governments; that no contract with a capitalistic government was binding upon the workingmen and the soldiers of Russia—the soviet—they having a government where nobody rules except the workingmen and the soldiers.

The second great practical trouble in the way has been the French peasant. The French peasants hold millions of rubles of Russian bonds, and no government of France could last over night which recognized the Soviet Government without giving the French peasant some plausible reason to believe that he would be paid the debt which he holds.

Mr. BORAH. Mr. President, the French peasant will not get anything under the present procedure.

Mr. WILLIAMS. That is another question. I am merely dwelling now upon the practical reasons why the recognition has not been given, not upon the wisdom or the folly of the policy. So far as I am concerned, were I czar, or sole ruler, or anything of that sort, I would recognize the de facto government of Russia and allow it to jog along on its way. I do not see how it would do any of us any harm. I am not afraid of Russian propaganda—in Mississippi, at any rate—and I am not afraid of anybody, outside the hotbeds of the proletariats in a few centers in America, and if they run crazy we can hold them down.

The real trouble with Russia is easily stated. The day after the revolution somebody in the cloakroom said something about it and expressed the hope that they had started a régime of freedom and law. I said I hoped so, too. But the trouble with the Russians is that their ruling classes are corrupt and their lower classes are ignorant, and they have no middle class. If you tried to arouse a lot of soldiers and workingmen in America to declare that they alone had the right to govern the country, those of us who belong to the middle class would get down in the gutter with them and shoot them. We would not need an army; we would fight for our own property and for the property of the children to come after us. If a part of this country carried on a very brave warfare for five years, a warfare in which there was a question of doubtful right of property, you can imagine that the people of America would carry on a warfare forever before they would allow a lot of communists to take from their children their heritage.

But that is not the case in Russia. Russia has not any bourgeoisie, although they are always cursing the bourgeoisie. They have no middle class, virtually—not one of any strength, none of any stamina, none of any great numbers, and therefore none of any great courage; none that can defend itself or that has the stamina to defend itself. That is the trouble.

The French peasant was almost as illiterate as the Russian peasant, but the French peasant was not ignorant or stupid. He was one of the quickest human beings on earth. He was not bound up in a little bit of a commune without any knowledge of anything in the world outside. The French peasant had one of the brightest minds that the earth has ever in all its history come in contact with; and many of the French peasants who could not read or write were fit for high military command or for legislative confidence and trust. That is not the case with the Russian peasant.

Heaven only knows what is going to become of Russia. I do not think the Senator from Idaho knows, I do not think the Senator from Massachusetts knows, and I know I do not know. It reminds me a little bit of one of my little grandchildren talking to another, telling a story. This little one said, "Now, John, I am going to tell you a tale that you do not know, and that papa does not know, and that mama does not know, and that grandpa does not know, and even grandma does not know, and that I do not know"; and she proceeded to manufacture a tale.

The discussion is very interesting; but as far as I can see it does not lead to the defeat of the miserable bill which is now before the Senate. I saw, of course, that the Senator from Washington was enjoying it from the very beginning when the Senator from Idaho opened his lips to the very end when the Senator from Massachusetts shut his; and then I thought that he is such a good-natured and patient man and so fond of this discussion of the merchant marine bill that I would perhaps make a few remarks myself if for no other purpose than to express an absolute lack of coffidence in the conclusions drawn by either of the two, thereby putting myself, of course, upon a footing of equality with them in the matter of the expression of opinion, following the example of many Federal courts, where the court is always divided and does not consider itself very august unless it is.

One thing the Senator from Idaho said I want to notice seriously. He said we would drive the Russians into cooperation or alliance with the Germans, and with the Turks, and he might have added, with the Bulgarians. Bless his heart, it is not a question of driving them into it; they have been inviting it all along. They have invited the Turkish cooperation, they have invited the cooperation of the present government of Germany, and they have been inviting Bulgaria to come in. So that, in addition to the fact that they have declared, as a great governmental principle, that a real free government, controlled entirely by workingmen and soldiers and peasants, can not keep faith with capitalistic governments, classing all the balance of the governments on the earth as capitalistic governments, there is further the fact that they have been working for these alliances for quite a long while, not being driven to this sort of thing but working for it. But I believe this far with the Senator from Idaho, I do not think that they would be so prone to invite that sort of thing if we could satisfy their pride, or their vanity, or their sense of justice or right, which ever it may be, by recognizing them as a de facto government, and I do not believe that their being recognized as a de facto government would hurt any sentiment or interest or principle in the United States.

PROPOSED CESSION OF CERTAIN WEST INDIAN ISLANDS.

Mr. President, I did not come into the Senate this evening for the purpose of discussing the Russian situation. I came in not for the purpose of discussing that but to read a reply to the Senator from Missouri [Mr. REED], who wants us to annex most of the West Indian Islands. I happened to come across a little article in a newspaper, the Rocky Mountain News, and its "entitlement," as the darkies say, is, "Who has an island?" It is so apropos as a reply to this island hunger of the Senator from Missouri that I thought the Senate ought to be possessed of a knowledge of it. The article reads:

WHO HAS AN ISLAND?

[From the Rocky Mountain News.]

The British acceptance of the American proposal for funding the debt due us for war loans has somewhat discouraged those who have been advocating the transfer of the British West Indies to American sovereignty. Their desire for the accumulation of insular properties, however, remains, and they now propose the acquirement of an odd lot of French islands, including two off the coast of Newfoundland and two in the Caribbean Sea.

This playful picking up of islands is a harmless amusement for a wet afternoon or a winter evening when the radio set is out of order. All one needs is a good atlas, conveniently spread open beneath a strong light. The latter is essential, because some of the islands are so small that one is apt to mistake a period for a valuable—not to say menacing—foreign possession. The use of a reading glass will be found helpful.

When British and French possibilities have been exhausted the game can be prolonged by hunting for the Dutch islands. There are six of them in the Caribbean, according to an authoritative list. The discovery of the sixth, which has an area of 5 square miles, might properly constitute the winning point.

Now, Mr. President, as an incident to this island-hunting greed that is sought to be cultivated, we would have to annex the populations just as well, and that would involve annexing some millions more of Americans of African descent, West Indies Americans. That might perhaps result in encouraging another favored American game, that of lynching bees. It might be possible to persuade some of the citizens of Illinois to direct their gaze toward the West Indies darkies and quit lynching white folks in their own State. There are a great many possibilities connected with this endless business of piling up islands with their populations.

Mr. President, the Senator from Missouri stated that there was an absolute mania in the United States for giving things away, that the American people wanted to give everything away. Some of the Senators present did not know that that was one of his jokes. I knew it, but they did not know it. There was not a smile upon the countenance of any of them.

How absolutely accurately that accords with our past history. We gave away most of the territory to the Indians as rapidly as we could make treaties with them. Then, under a threat, we gave France the Louisiana territory, and then, under a threat, after old Andrew Jackson invaded the ground, we gave Florida to Spain. Then after a while, under threats, I suppose, I do not know how it happened, somehow or other we added Texas with a view of giving her away, accepting her as trustee. Then, after the Mexican War, we gave away most of the territory of the country in which dwell these western Senators who now form the farm bloc.

Our entire history has been absolutely altruistic and unselfish. We never have grabbed any land, either from the Indian, the white man, or anybody else. Some of our people thought while we had both oceans as boundaries, while we had a friendly country speaking the same language on the north of us as a boundary, and we could not make a second pounce upon Mexico without some good excuse, that now maybe we would suffer. Bless your heart, not a bit of it. We went down into the West Indies and we gave ourselves Porto Rico. Then we went 12,000 miles away from home and we gave ourselves the Philippine Archipelago, including the Moros down in the Sulu Islands.

What a wonderful record we have by any comparison with Great Britain and all other countries for unselfishness. We have never been annexationists. We have annexed nothing. Everything just fell into our laps and we could not refuse it. Somebody said, "Oh, well, having fallen into our laps, who is going to haul down the flag?" Nobody wanted to haul down the flag, and so we went on until we got stepping-stones pretty much around the earth, with some wanting some more. I believe it was Samuel Butler, in Hudibras, who said:

> Compound for sins you are inclined to,
> By damning those you have no mind to.

So the Senator spent a right long time swearing at Great Britain because she was always trying to annex territory.

Mr. HITCHCOCK. The Senator forgot Hawaii.

Mr. WILLIAMS. Oh, yes; the Senator from Nebraska reminds me that Hawaii also fell into our laps. We sent missionaries out there to Christianize and civilize the natives. We gave them Christianity and civilization, and we got all of their other possessions and then we annexed them. [Laughter in the galleries.]

The PRESIDING OFFICER (Mr. MOSES in the chair). The Chair must admonish occupants of the galleries that demonstrations of approval or disapproval are not permitted under the rules of the Senate.

Mr. WILLIAMS. By the way, Mr. President, the Senator talked quite awhile upon the fact that we had given Cuba her freedom. That was an accident. While the Spanish war measure was under consideration some Senator in this body—I have forgotten now just which Senator it was—seeing further ahead than most of them, offered a resolution saying that we had no idea of annexing Cuba and pledging our faith and our honor that we never would. Now, although we belong to the so-called Anglo-Saxon race and although the Latin nations are partially correct in saying that Anglo-Saxon public policies and church professions are very frequently hypocritical, there is a limit at which the Anglo-Saxon stops. He is willing to be hypocritical, but he is not willing to be caught at it. So after the war was over we did not annex Cuba. If it had not been for that resolution we would have done it. Then we concluded that was a mistake, so we quietly annexed Porto Rico and the Philippine Archipelago.

Mr. President, there is nothing like complimenting one's self. A man may compliment himself so often that after a while he will begin to feel that he is really good, that he is pretty nearly an angel, that he is thoroughly altruistic and awfully unselfish. Every race has its faults. Perhaps the racial vice of the negro is lust. Perhaps the vice of the Hindu is a desire to do nothing. But the vice of the white man is greed. All this hypocritical talk about carrying the other man's burden is nonsense. We are the burden and we are on his back, and we carry ourselves wherever we can and make ourselves a burden to him. It is not the white man's burden. It is the other man's burden, and the white man is the burden instead of bearing the burden.

The greediest animal that God has created is the white human being. Perhaps his greed has led to his being in the forefront files of time, just as discontent leads a man to progress. Perhaps if it had not been for his greed some other race would be ruling the world to-day instead of his. But, at any rate, that is his greed. I do not know of any nationality of the white race that has any right to throw the charge of greed in the face of any other. It would be a very delicate intellect, indeed, as delicate as the finest apothecary's scale, that could determine whether the white population of the British Empire or the white population of these United States had been the greediest. The British Empire has a little bit more to show for its greed, because it has been in existence a great deal longer, but that is about all. After we got into the race we gave her 2 and beat her at a game of 3, and we do it all along.

By the way, I almost forgot to mention it. We were not satisfied in our early history with going to the forty-ninth degree in the Pacific, but we also invited the Czar of Russia to give us Alaska, in trust for him, I suppose, or it may be for the Eskimos or somebody else. We are making a very valuable thing out of that.

The Senator from Missouri was particularly dwelling, however, upon the Isle of Pines. Oh, Mr. President, how well do I remember an eloquent Senator from the State of Indiana one day describing how the streams in the Philippines rolled the gold down to the seas when he was persuading the American people to give away to themselves the Philippine Islands.

I remember that when he got through with the picture of it, half of America felt like they would each be about a thousand dollars richer next morning if we could just annex the Philippine Islands. I remember that three-fourths of that half, or nine-tenths of it, never had heard of the Philippine Islands in all their lives except perhaps one day in school when maybe they struck it in a geography lesson, and nine-tenths of the American people did not know anything about it except that Manila hats probably came from Manila, or perhaps Manila straw came from there. Immediately they discovered that the possession of the Philippine Islands was absolutely necessary to our happiness, our stability, and our safety, and that if we did not take them maybe Germany would, forgetful of the fact that the Philippine Islands were thousands of miles farther away from us than Berlin was. But they talked as if the Philippine Islands were right in our backyard and if Germany got them she would be disturbing our hen roost all night long.

But even then the Senator from Indiana was almost outdistanced this morning when my friend from Missouri described the Isle of Pines as a winter resort. Oh, the things that were in it and the things that we might have if we but had it! He finally closed by saying that it was a paradise. Well, Mr. President, it is a paradise right now, but would it be a paradise after we annexed it, with Wheeler, the head of the Anti-Saloon League, down there to govern it? I am inclined to think there would not be so much enthusiasm for the Isle of Pines if it were known it was coming under the Volstead Act.

Mr. President, I hope the Senator from Washington [Mr. JONES] will not think that I am cooperating with him in this wicked effort to filibuster against all the useful legislation needed in the country by consuming all the time possible in the consideration of the shipping bill. I hope he will remember the extreme relevancy of the observations of the Senator from Massachusetts [Mr. LODGE], who is the titular, the nominal, if not the real leader, when he was speaking a longer time than I have been at it.

I merely ask him to measure me by the same standard and to remember if what I have said has had nothing to do with the merchant marine that the remarks of other Senators have not had much to do with it either. But I ask him also to remember that if it was not for my opposition to taking the Isle of Pines very possibly he would have to build three or four or five or six more ships to carry on commerce with the Isle of Pines, and that would lead to an annual charge that might possibly amount to more within an average lifetime than the Isle of Pines would sell at under the hammer.

Everybody who knows me knows how very careful I am about my business. I am not as careful about anything else in the world except, perhaps, my clothes, but I am careful about business; and I always like to cooperate with the Senator from Utah [Mr. SMOOT] or any other real business man. I am opposed to taking the Isle of Pines, because if it has many pines it will conflict with our interests, and a tariff on lumber would not do us any good. I am opposed to it because it would add to the expenses of a shipping board as long as it is in existence or add to the subsidy for shipping after we annexed it.

Mr. President, I am also a little bit opposed to annexing six or eight million more darkies in the West Indies. I like darkies in their place and they like me, but we have just about enough of them right now, and we do not want any more. While we are throwing up bars against the immigration of white people from Europe, I do not want to go out and annex six or eight millions of colored people down in the West Indies, especially that class of colored people who have been taught the very valuable to them and very destructive to the white race lessons of social and political equality.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Idaho?

Mr. WILLIAMS. I yield willingly and gladly.

Mr. BORAH. But the Senator from Mississippi wants to remember that the colored men voted the Democratic ticket in New York last fall.

Mr. WILLIAMS. My heavens, Mr. President, I did not hear of that. [Laughter.] I did not know anything about it. There have been only three elections since the Civil War, I believe, when without the colored vote the Democrats would not have won; possibly there have been four, but certainly three elections were carried by the Republican Party by the white vote without any regard to the darkies in the doubtful States; but, Mr. President, I always did have a certain amount of ultimate confidence in the darkies, especially my own darkies, and I always thought that perhaps some of these days their sentiments, if not their intellects, would cause them to see who were their true friends. It may be that they are going to try the Democratic Party for awhile, and after that disappoints them they may try the Republican Party a little while longer, fluctuating between the two parties in the hopeless effort to secure social equality between whites and blacks. I do not think either party will ever quite establish the fact that the darkies are white men with black skins, any more than they will ever establish the fact that donkeys are mules with longer ears. [Laughter.] I think there are certain inherited and inherent racial differences of which color and kinks of hair are the mere outward and visible signs. A man may have an outward and visible sign of an inward and spiritual disgrace. I believe that is a quotation from the prayer book, or it is very nearly so, though it may be wrong in one syllable.

Mr. SMOOT. It is not literal.

Mr. WILLIAMS. But at any rate, if their object in voting the Democratic ticket was merely to declare their lack of confidence in the Republican Party, for once they were about right, because neither darkey nor white man has any right to have any confidence in it from the way it has been operating in the last two or three years. I believe even the Senator from Idaho [Mr. BORAH] would agree with me about that. [Laughter.] He might not have more confidence in the Democrats, but certainly I do not believe he would say that he had any in his own crowd.

However, Mr. President, I rose partly for the purpose of getting this gem from the Rocky Mountain News into the RECORD. Is not this game of islands a great game? You sit down with a big map spread out in front of you, have a bright electric light thrown on it, then get a large magnifying reading glass and look all over the map, discover all the islands you can, see which ones of them you can take in, how much money you can pay for them, and then just charge off that much debt to France and to Great Britain. Belgium has not any islands, but we might get Holland to help Belgium out by putting a few of her islands in, for there is no telling how far altruism might go.

I forgot to mention a moment ago that we allowed ourselves to give ourselves the Danish Islands, amongst the other possessions that we are giving away all the time, according to the Senator from Missouri. Mr. President, the Senator is exactly right. We are always giving things, but we are always giving them to ourselves, somehow. When we can not give them by fighting we give them in some other way.

The real God's honest truth is, we acquired Louisiana because Mr. Jefferson practically threatened that America would marry herself to British power and the British fleet, and then Napoleon knew that Louisiana would be gone; that America on land and the British fleet together would prevent him from reinforcing it or holding the territory even if he succeeded in getting reinforcements there. We ought not really to speak of the "Louisiana purchase"; it was the Louisiana purchase on the face of the papers, but it was the lessen contained in the secret diplomatic clauses that was in Napoleon's mind. He never would have sold that vast territory for $15,000,000 except for the fact that he knew that if America did not fight to keep Great Britain from seizing the territory Great Britain would seize it; and he foresaw that Great Britain would be very willing for us to take it provided we came in on her side. That was about the truth.

We not only rather coerced the Florida purchase, but old Andy Jackson went down and invaded the territory, fought everything in sight, hung three British subjects, and then afterwards got so mad because the Secretary of State questioned his right to invade foreign territory and hang three British subjects, somebody having censured him for it, that he and Thomas H. Benton spent pretty nearly the balance of their official lives trying to get the censure removed; and finally they did get it removed; so that the Journal of this most august body to-day stands with various lines run through it and others rubbed out.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Kentucky?

Mr. STANLEY. I dislike to take up the Senator's valuable time, but will he kindly yield to me?

Mr. WILLIAMS. I will for a few moments, but not longer, because the Senator from Washington is becoming just a little impatient, although he became impatient before the Senator from Massachusetts [Mr. LODGE] sat down.

Mr. STANLEY. I realize that the time of the Senator is limited and I hesitate to intrude at too great length, but I have always thought a great deal of "Old Hickory," and while I hesitate to question the historical accuracy of a great scholar like the Senator from Mississippi, I think he has given Andy one too many, for my recollection is he hung two and not three British subjects.

Mr. WILLIAMS. Perhaps so, but that was not Andy's fault, for he would have hung another if there had been any more he cared to hang.

Mr. LODGE. They were hanged in Florida.

Mr. WILLIAMS. Yes; they were hanged in Florida, for Andy did not even take the trouble to bring them over the line.

Mr. LODGE. Their names were Arbuthnot and Armbrister.

Mr. WILLIAMS. Yes; one was an Englishman and the other was a Scotchman.

Mr. President, I will inquire if any other Senator can suggest food for thought by asking me a question? [Laughter.]

Mr. President, I seem to have exhausted both subjects, and very nearly exhausted myself; I do not want to exhaust the audience, and therefore I will cut this discussion off without completing it, especially as I have about reached the point which the boy described in a baseball game when he said that the game never was played; they quit it right in the middle; they got to a point where they could not finish it to save their lives.

Mr. President, I hope that no Senator will take up any time unnecessarily. [Laughter.] I hope that all Senators will be considerate of the feelings of Senators on the Democratic side of the Chamber who are anxious to have the Senator from Washington [Mr. JONES] stop the filibuster which he is carrying on by keeping the ship subsidy bill before the Senate, to the delay, if not the denial, of important legislation which concerns the welfare of the people, which will be beneficial to them, and which the newly elected representatives of the people want to see enacted. With that parting prayer and injunction, Mr. President, I surrender the floor.

THE MERCHANT MARINE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes.

The PRESIDING OFFICER. The question is on the motion of the Senator from North Dakota [Mr. LADD] that the Senate proceed to the consideration of the filled milk bill, so called.

Mr. HARRISON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Frelinghuysen	McLean	Spencer
Borah	George	McNary	Stanfield
Brandegee	Hale	Moses	Sterling
Brookhart	Harris	Nelson	Sutherland
Broussard	Harrison	New	Swanson
Calder	Heflin	Norris	Townsend
Cameron	Hitchcock	Oddie	Trammell
Capper	Johnson	Overman	Underwood
Caraway	Jones, Wash.	Pepper	Wadsworth
Colt	Kellogg	Phipps	Walsh, Mass.
Cummins	Kendrick	Poindexter	Walsh, Mont.
Curtis	Keyes	Pomerene	Warren
Dial	King	Ransdell	Watson
Dillingham	Ladd	Reed, Pa.	Weller
Edge	La Follette	Sheppard	Williams
Ernst	Lenroot	Shields	Willis
Fernald	Lodge	Shortridge	
Fletcher	McKellar	Smith	
France	McKinley	Smoot	

The PRESIDING OFFICER. Seventy-three Senators having answered to their names, a quorum is present.

RURAL CREDIT FACILITIES.

Mr. LENROOT. Mr. President, I desire to occupy a few moments of the Senate's time with reference to a letter written yesterday by Secretary Mellon to Mr. MCFADDEN, chairman of the House Committee on Banking and Currency. I have

not a copy of the letter, although I have read it; and in such remarks as I now make I shall have to content myself with such portions as appear in the public press this morning.

Mr. President, Secretary Mellon—as is, of course, within his rights—condemns utterly and completely all those portions of the rural credit bill known as the Lenroot-Anderson bill, recently passed by the Senate with a unanimous vote, that set up in farm-land banks a separate personal-credits department and are designed to afford to the farmers of this country an intermediate credit running from six months to three years.

I pass for the moment the fact that the bill now condemned by the Secretary of the Treasury has been approved by the President of the United States, has been approved by the Federal Reserve Board, has been approved by the Senate of the United States by a unanimous vote, and, last but not least, has been approved in all its essential principles by Mr. Mellon himself. The fact is that the bill has not been changed in its essential particulars, but the views of the Secretary of the Treasury have changed.

Mr. President, in his letter, in which he also incloses a memorandum analyzing the bill in detail, the Secretary condemns that which he himself approved in a letter which I have before me, dated February 16, 1922.

Mr. HARRISON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Mississippi?

Mr. LENROOT. I yield.

Mr. HARRISON. The Senator referred to a letter. Was that published in the morning paper?

Mr. LENROOT. Just extracts from it.

Mr. HARRISON. Has the Senator that letter in full?

Mr. LENROOT. I have not. I have seen it, but I have not yet been able to get a copy of it in full.

In this letter the Secretary makes the statement that the bill as passed by the Senate never received the approval of the Commission on Agricultural Inquiry. Mr. Mellon ignores the fact that five Senators were members of that commission and every one of them voted for the bill as it passed the Senate. If there could be any clearer expression of the views of the Senate members of that commission than their votes for it, I do not know how it could be expressed. In addition, while it is true that the commission has never met and formally approved the bill as it passed the Senate, it has the approval of every Senator, and I happen to know that in its present form it has the approval of a majority of the House members; and yet Mr. Mellon in his letter would have the House understand and the public understand that the Commission on Agricultural Inquiry does not approve the bill.

Mr. BORAH. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Idaho?

Mr. LENROOT. I yield.

Mr. BORAH. I have not seen the letter; but does Secretary Mellon state the ground of his condemnation?

Mr. LENROOT. He does.

Mr. BORAH. I suppose the Senator is going to discuss that.

Mr. LENROOT. I am, in part. As I say, I have not the letter, and I must content myself with using such extracts as appeared in the paper this morning. One of them—quoting from the Washington Post—is as follows:

> Mr. Mellon said that, contrary to current reports, the Joint Agricultural Commission never had indorsed the Lenroot-Anderson bill in its present form, which, he asserted, "differed radically from the bill which the commission indorsed."

He further—

> declared the financial provisions of the Lenroot-Anderson bill to be "dangerous" on the whole, and its administrative provisions to be "unworkable."

Mr. President, what are the essential differences in principle between the bill as passed by the Senate and the bill as originally reported by the Agricultural Commission? There is only one. The bill as reported by the Agricultural Commission did not give the benefits of the bill to cooperative banks nor to agricultural credit companies. The bill as passed by the Senate did give cooperative banks and agricultural credit companies the benefits of the bill. That is the only respect, so far as any principle is concerned, in which it differs from the original bill. There were, however, other material differences. The bill as originally reported, for instance, provided for a capitalization of $1,000,000 for the personal-credit side of each farm-land bank, or a total of $12,000,000 in all, while the bill as passed provided for a capital of $5,000,000 for each bank, or $60,000,000 in all, and with a possibility of that being increased an additional $60,000,000.

It is also true that the commission reported against extending agricultural paper eligible for rediscount in the Federal reserve system from six months to nine months, and the bill makes it nine months; but Mr. Mellon can not complain of that, because he himself approves of that in his letter.

So, Mr. President, there is only one distinction so far as principle is concerned, between the bill when it was approved by Mr. Mellon and the bill which he now condemns. I want to read Mr. Mellon's approval of the bill last year. He said last year in a letter to the chairman of the Agricultural Commission:

> The bill now before the committee, it seems to me, affords a good basis for this sort of permanent legislation, and I think in general it follows sound lines.

To-day he says the lines followed are extremely dangerous. He said:

> I understand that the Federal Reserve Board has already approved it, and the Federal Farm Loan Board, though mindful of the greatly increased responsibilities which it would entail, believes that it can be made workable. The farm-loan commissioner may in this connection wish to make several suggestions as to the details of the bill which relate to the administration of the farm-loan system. The Treasury, as already indicated, would like to see the provision as to subscription of the capital of the farm-credits departments changed so as to throw subscriptions open to the public, and relieve the Treasury to that extent of the obligation to subscribe. With this change, and the minor changes suggested, the Treasury would offer no objections to the bill, and would, in fact, be glad to see it enacted into law.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Ohio?

Mr. LENROOT. I yield.

Mr. POMERENE. Will the Senator point out what the real differences were in principle between the bill which he approved and the one which he now disapproves?

Mr. LENROOT. I thought I just did so. There is only one, and that is that the bill as reported by the commission did not give the benefits of the system to agricultural credit companies and rural credit companies; the bill as passed by the Senate did. But how easy it would have been, if the Secretary thought that was a dangerous provision, to have suggested to the chairman of the House committee that it was dangerous, and that that provision could have been eliminated from the bill.

Mr. HITCHCOCK. Mr. President, I think there is another difference which should be stated, in justice to the Secretary. The Senator has already indicated it. The Secretary repeated it before the committee when he gave his testimony. He made strong objection to the subscription to stock by the Treasury.

Mr. LENROOT. I understand that; but that was in the bill as reported by the commission; it has not been changed. The bill as reported by the commission did not provide for any subscription to stock. Yet the Secretary says in his letter that the bill has been radically changed; and that is the point I make.

Mr. HITCHCOCK. I understand that in discussing the bill as reported by the commission he objected also to that feature of stock subscription by the Treasury.

Mr. LENROOT. Of course. It is fair to the Secretary to say that he has never been in favor of utilizing the Treasury to any extent with reference to furnishing any of this capital, and he has been consistent in that all the way through. But what I do object to is that the Secretary is trying to make it appear by this letter that the bill has been radically changed since it was reported by the commission. It has not been radically changed, except in the one particular as to cooperative banks and rural credit companies. He says in the letter of yesterday:

> The greatest service to agriculture would be by enacting the Capper bill and withholding action on the Lenroot bill until the situation can be more thoroughly investigated. The Capper bill will go far toward satisfying the needs of those sections of the country which have suffered in the past from inadequate credit facilities. At the same time it is financially sound, and avoids exessive centralization, which constitutes a serious defect in the Lenroot bill.

There is no greater centralization in the bill as it passed the Senate than there was in the bill when Secretary Mellon approved it—not a particle.

In this connection I want to repeat what I stated when the Capper bill was up. None, except Mr. Mellon and other enemies, apparently, of real rural credit legislation, have contended that the Capper bill would afford relief to the average farmer of the United States. The interests that pushed the Capper bill were the large live-stock interests of the country, and it was never pretended that it would be of benefit to anybody except the large live-stock interests.

Mr. BROOKHART. I would like to ask the Senator a question.

Mr. LENROOT. I want to make myself plain; I make an exception of the provisions in regard to extending eligibility to the Federal reserve banks.

Mr. BROOKHART. I want to ask the Senator if there is any supervision provided by law over the banks which would be organized under the Capper bill?

Mr. LENROOT. Yes; Federal supervision, similar to that of national banks.

Mr. POMERENE. That was one of the reasons for the Capper bill.

Mr. LENROOT. That was the whole reason, really.

Mr. HITCHCOCK. That is about all there is in the bill, when we come right down to it.

Mr. LENROOT. That is about all there is in the bill. All there is in the world in the Capper bill that is not found in the Lenroot-Anderson bill is the provision that these corporations which can not have a capital of less than $250,000 shall have the benefit of Federal supervision, so as to give their debentures a better standing in the investment world.

Mr. POMERENE. It was conceded before our committee that those corporations could now be organized under the several States, and one of the reasons for organizing them under the Federal Government was to give them this inspection.

Mr. LENROOT. Exactly. That was the purpose of it, and it was conceded by everybody, and must be conceded, that the average farmer in the Middle West and in the South, the man who owns his 80 acres or 160 acres of land, whose land is mortgaged now, the man who needs credit to produce his crop would find it practically impossible to get the money to organize $250,000 corporations.

Mr. FLETCHER. Mr. President, I imagine the Senator from Wisconsin has in mind the question of governmental supervision over the trust companies which are provided for under the Capper bill, not the corporations.

Mr. LENROOT. Both; discount corporations and the corporations created under it for the purpose of making loans.

Mr. FLETCHER. The main provision whereby the Government is supposed to be of help in that connection is the one providing for supervision by the Government, the appointment of inspectors, and that sort of thing.

Mr. LENROOT. Yes.

Mr. FLETCHER. But is it not true that the Secretary's real objection to the Lenroot bill, as we call it, is his disinclination to supply $5,000,000 to each of the Federal land banks? That seems to be the main trouble with the Secretary. He does not feel that we ought to call on the Treasury to furnish the $5,000,000 for each of the Federal land banks.

Mr. LENROOT. I am afraid there is much truth in what the Senator says, because we did not find the Secretary objecting to this bill when it was provided that only $1,000,000 should be taken out of the Treasury for each bank, but we find him objecting now to every part of the bill when it is proposed to secure $5,000,000 for each bank out of the Treasury.

I am not going to take any extended time of the Senate in a discussion of the matter at this time. I have said what I have said because I do not think it fair that this condemnation of the bill, which has passed the Senate, should go to the country without the country at the same time knowing that the same Secretary who now condemns the bill in practically all of its provisions just about a year ago approved in its essentials the same measure he now condemns.

I do not question the Secretary's sincerity, but it is very unfortunate, indeed, if the Secretary can only see, as those needing better credit facilities, the large live-stock men of the West, with large resources. It is unfortunate if the Secretary can not see the needs of the little farmer, with his 40 or 80 or 120 or 160 acres of land. It is unfortunate if the Secretary can not see that the little man, small though he be, and poor in this world's goods though he may be, is not entitled to the same consideration as a business man, as the man whose wealth may be counted in millions. The Capper bill, I repeat, makes no provision for and will be of no benefit to the average farmer of the United States.

It is suggested by the Secretary in this letter that there be no action upon any bill other than the Capper bill, and that further time be taken to investigate the question of additional rural credits for the farmer. The commission to which the Secretary has referred spent over a year in the investigation of this question. I do not know of any question that has been so thoroughly investigated or upon which Members of the Senate are better informed. But I have not heard from the Secretary of the Treasury any expression to the effect that he thought there ought to be a further investigation of the problems connected with ship subsidy, a question tenfold more complicated than is the problem of rural credits. Neither have I heard from the Secretary of the Treasury any objection upon his part to paying out of the United States Treasury the sums which will be paid out under the pending subsidy bill. So far, I only hear objection from the Secretary when we propose not to give the farmer something, but to enable him to have a facility in the use of which he will be able to pay back every dollar to the Government that it will loan him.

Mr. POMERENE. Has the Senator from Wisconsin any objection to saying whether he approves or disapproves paying out money as a subsidy, as provided in the pending bill?

Mr. LENROOT. Mr. President, I will be very glad to answer that question. I would not support the subsidy bill in its present form. It is possible that such amendments might be made to it that it would receive my support, and while I did not intend to touch upon that subject at this time I will take this occasion to say that I believe it is in the interest of the Government, both from an economic and financial standpoint, and to the interest of the people as a whole, to have a merchant marine for the carrying of American products to foreign lands. It is to the interest of the American people that our present Government-owned ships shall be disposed of, and the $50,000,000 loss now accruing to the Government stopped; but I am not in favor of and I should never vote for a bill which would pay enormous subsidies to floating palaces for the carrying of passengers across the Atlantic to Europe at the expense of the United States Treasury.

Mr. CALDER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from New York?

Mr. LENROOT. I yield.

Mr. CALDER. The Senator from Wisconsin said he would not agree to vote to give subsidies to these palatial ships which cross the sea carrying passengers. Has the Senator given any thought as to just how he would operate those vessels?

Mr. LENROOT. I will be very frank with the Senator. There is only one possible reason for paying any kind of subsidy or compensation of any kind to a passenger vessel, and that is upon the theory of service as a naval vessel, and when that time comes, I do not want it put in a bill under the pretense of being a bill for the American merchant marine, but I want it placed just where it ought to be placed if it is going to come as a part of the cost of the naval defense of the country.

Mr. HARRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Georgia?

Mr. LENROOT. I yield.

Mr. HARRIS. In reply to the statement of the Senator from New York with reference to passenger ships, it is a well-known fact that the passenger ships plying between here and Europe have not only paid expenses but have earned a large amount above expenses.

Mr. JONES of Washington. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Washington?

Mr. LENROOT. I yield.

Mr. JONES of Washington. The Senator understands, of course, that there is an amendment in the reprint of the bill which is intended to be offered to place a limit on vessels exceeding 19 knots.

Mr. LENROOT. I understand there is such an amendment, but I do not understand that it would cut off the subsidy to vessels exceeding 19 knots.

Mr. JONES of Washington. No; but they would take the subsidy on the basis of 19 knots.

Mr. SWANSON. Mr. President, I hope the Senator will not be diverted from discussing the rural credits bill by any discussion that might be precipitated with reference to the ship subsidy bill. I would like to ask the Senator what the chances are for the passage of the rural credits bill which received the unanimous vote of the Senate after elaborate discussion here lasting for nearly a week. Has the Senator any information as to the possibility of its passage and what is holding it up in the House?

Mr. LENROOT. I will frankly answer the Senator that I am not very optimistic as to action in the House upon anything other than the Capper bill. I do not for a moment even indicate that I think the House should accept the bill as passed by the Senate. My only contention is that there is a need for legislation upon the subject, which Secretary Mellon has said should not be legislated upon at this time.

Mr. SWANSON. I understand the commission of inquiry was composed of Members of the House and the Senate?

Mr. LENROOT. It was.

Mr. SWANSON. And they were practically unanimous in reporting the bill.

Mr. LENROOT. They were.

Mr. SWANSON. The members of the commission, after a thorough investigation lasting for 12 months, reported the bill unanimously. I understand further that those Senators, some belonging to the farm bloc and others not, were interested in rural-credits legislation, and appointed a committee of five, of which I was a member, to investigate the rural credits bills. That committee, after hearings lasting for five or six months, recommended the Lenroot bill as the most feasible to pass at this session of Congress. It had the indorsement of that committee.

Mr. LENROOT. That is true.

Mr. SWANSON. As I understand now, the Senator thinks that the letter of the Secretary of the Treasury, representing the views of the administration, will preclude any rural credits bill at this session of Congress?

Mr. LENROOT. Permit me to correct the Senator. Secretary Mellon's letter does not represent the views of the administration.

Mr. BORAH. That is a question on which I would like to have a little more light.

Mr. SWANSON. I would like to ask the Senator a question. The President has selected Mr. Mellon as Secretary of the Treasury, and I thought he spoke for him in that respect. If the President disagrees with the Secretary of the Treasury I hope he will send a special communication to Congress to-morrow and urge the House to pass the measure. I can explain to the Senator why I think the Secretary of the Treasury possibly objects to the bill.

The bill, as originally reported, provided for 12 banks with a capital of $1,000,000 each, which would give a total capital of $12,000,000. That would only give $120,000,000 credits for all the farmers of the country to conduct the great agricultural industry. The committee of which I had the honor of being a member recommended that each of the banks should have $10,000,000, which carried 10 to 1, and would give $1,200,000,000 credits for all the banks, which would enable the farming communities and rural borrowers to have a credit to that extent. The committee reported the bill giving $5,000,000 to each of the 12 banks as compulsory and another $5,000,000 optional, which would give a possible credit of $120,000,000 to the farmers of the country. Under the bill recommended by the Secretary of the Treasury they only get $1,500,000,000.

Does the Senator think that that great increase of credit, when there is no difference in principle except in minor matters, as the Senator said, and which would make the bill potential and effective to relieve the distressed condition of the farmers, was what accounted for the Secretary of the Treasury changing his views as to the bill as it passed the Senate? It was an efficient bill and gave a possible credit of $1,200,000,000 for the rural sections of the country, a safe, sound, and reasonable proposition, exactly on the terms of the bill which the Secretary had formerly recommended, except that it went further and gave substantial relief.

Mr. LENROOT. I am not, of course, going to attempt to comment on what motive I think the Secretary of the Treasury may have had. I have already stated that he now condemns the very principles which he indorsed about a year ago in this very bill.

The Senator from Idaho [Mr. BORAH] said he was interested in knowing whether the Secretary of the Treasury represented the views of the administration in this respect or not. I just want to read a paragraph from the President's message.

Mr. SWANSON. Does the Senator from Wisconsin understand that the message of the President, which coupled the ship subsidy with the rural credits measure, really recommended the bill as it went over to the House from the Senate?

Mr. LENROOT. I prefer to read the paragraph and let Senators judge for themselves.

Mr. SWANSON. I have read that, but I did not know whether it was a substantial indorsement of the bill then pending in the House or not. I would like to ask the Senator from Wisconsin another question. I have noticed in the papers a statement that unless the ship subsidy bill passed the Senate there would be no rural credits legislation pass the House of Representatives; that the two were coupled together in the President's message, and the two must be coupled together as enacted legislation. I would like to have the Senator state whether he has any information as to whether the failure of progress of the ship subsidy bill in the Senate has made the condition unfavorable in the House of Representatives for the passage of the rural credits bill which passed the Senate without a dissenting vote?

Mr. LENROOT. I would not say that, but I think perhaps it is fair to say that the shoe can be put upon the other foot. I do not know whether the ship subsidy bill will ever be brought to a vote or not, or if it is brought to a vote whether it will pass; but I think it is safe to say that if the House is not going to act on the rural credits legislation there will be no ship subsidy bill passed at this session.

Mr. SWANSON. I do not think there will be, from the indications here now.

Mr. LENROOT. Probably not. I am simply making that general statement.

Mr. SWANSON. I would like to know if there is any truth in the statement that the rural credits bill is held up in the House for the simple reason that the ship subsidy bill is making slow progress through the Senate.

Mr. LENROOT. I do not know that. I think Mr. Mellon is sincerely and honestly opposed to paying any money out of the Treasury for any such purpose as is proposed in the rural credit bill. I could understand the Secretary's attitude a great deal better if he would take the same position with reference to other matters upon which there is to be a draft upon the Treasury.

Mr. SWANSON. When the bill was making progress through the Senate and the Senator had charge of the measure, did the Senator receive any communication from the President or Secretary Mellon intimating that they opposed the bill then pending in the Senate or after it had passed the Senate by unanimous vote?

Mr. LENROOT. Secretary Mellon appeared before the Committee on Banking and Currency before it had reported the measure and opposed the bill. The President has never opposed the bill, but, on the contrary, my best information is that he has favored the bill and favors it now.

Mr. BROOKHART. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Iowa?

Mr. LENROOT. I yield.

Mr. BROOKHART. The Senator has drawn a comparison between the ship subsidy bill and the means to be used for the farmers under the terms of the Lenroot bill. The money that will be used by the farmers will all be paid back.

Mr. LENROOT. I have already stated that.

Mr. BROOKHART. While the money paid to the ship owners will be retained by them.

Mr. LENROOT. I have already stated that.

Mr. McKELLAR. I hope the Senator will not be deterred from reading what the President had to say. I would like to hear it read.

Mr. LENROOT. I shall be very glad to read it. The President in his message of December 4, speaking of the subject, said:

> The Farm Loan Bureau, which already has proven its usefulness through the Federal land banks, may well have its powers enlarged to provide ample farm production credits as well as enlarged land credits. It is entirely practical to create a division in the Federal land banks to deal with production credits, with the limitations of time so adjusted to the farm turnover as the Federal reserve system provides for the turnover in the manufacturing and mercantile world. Special provision must be made for live-stock production credits, and the limit of land loans may be safely enlarged.

That is the centralization which Secretary Mellon objects to, and he condemns the President at the same time he condemns the bill.

Mr. McKELLAR. It seems to me that that statement of the President is an indorsement of the bill which the Senator had charge of when it passed the Senate.

Mr. LENROOT. That is the reason why I read it. Of course it is. It contains all of the essential features of the bill which passed the Senate by unanimous vote and which the Secretary of the Treasury now so vigorously condemns. Of course, the Secretary of the Treasury has a right to condemn the Senate or the President or anybody else, but I desire again to suggest that the Secretary of the Treasury might at least in the same connection have said that in his opinion he was wrong a year ago when he explicitly indorsed the principles which he now condemns.

Mr. SWANSON. Has the Senator made any effort to reconcile the differences between the Secretary of the Treasury and the President? Has he tried to bring them together to get those differences reconciled so we may get some legislation on the subject?

Mr. LENROOT. No; I do not think that is any part of the duty of the Senator from Wisconsin.

Mr. SWANSON. The Senator would recommend that they do get together and agree on the measure, so we can enact it at this session, would he not?

Mr. LENROOT. No; I would not say that; but I do sincerely hope that the President of the United States, before the week is over, will make his position as clear and as emphatic in favor of the rural-credit legislation, following the Secretary's letter, as he has with reference to his position regarding the ship subsidy bill.

Mr. SWANSON. I fully agree. I hope it will be done.

Mr. BROOKHART. Mr. President——

Mr. LENROOT. I yield to the Senator from Iowa.

Mr. BROOKHART. In the last message the President urged not only the enactment of a law approving of the English debt settlement but also the enactment of the ship subsidy bill. However, he said nothing about the rural-credits legislation. Does not that indicate that the President is also against rural-credits legislation?

Mr. LENROOT. No; I did not take it that way. I think the President assumed at that time that there would be no real contest in the House upon rural credit legislation. He knew there was a contest upon the ship subsidy legislation and he knew there was a contest on the British debt settlement, because he had been given notice of it. But I am going to assume that the President assumed that there would be no contest in the House over the rural credit legislation. I am going to assume that the President did not expect that the Secretary of the Treasury would take the position that he did take yesterday upon the bill.

Mr. SWANSON. The Senator is satisfied the President did not change when the Secretary of the Treasury changed?

Mr. LENROOT. The Secretary of the Treasury, as I said, appeared against the bill before the Committee on Banking and Currency. I think the Secretary of the Treasury has been against the bill practically from the moment that we increased the capitalization from $12,000,000 to $60,000,000, although I may do him an injustice in that. That is merely my supposition.

But, Mr. President, I am not going to pursue the matter further at this time. I only want to say in this connection that I am very much afraid the letter of the Secretary of the Treasury has destroyed any probability, or at least certainty, of legislation upon rural credits at this session of Congress other than the Capper bill. So far as the Capper bill standing alone is concerned, I think it is better that it should not become a law unless we shall at the same time that we are providing benefits for the large live-stock industry of the country do something for the average farmer of the country.

Mr. DIAL. Mr. President——

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. LENROOT. I yield.

Mr. DIAL. I ask the Senator from Wisconsin, Does he not think it would be better for the different departments of the Government to function each in its own capacity? Why is it necessary for Congress to wait for an expression from the Executive?

Mr. LENROOT. Mr. President, that is very good in theory, but I have been in Congress a good many years, and I desire to say that I never saw a Congress so subservient to the Executive department as was the Democratic Party, to which the Senator from South Carolina belongs, during the last administration.

Mr. President, I fear that the letter of the Secretary of the Treasury has destroyed the chance of securing the enactment of legislation upon the question of rural credits at this session. I hope that I am mistaken, but at this time it does appear that such is the case. It does appear that this Congress, now soon to expire, will fail to pass legislation so necessary for the farmers of America. That being so, Mr. President, I have come to the conclusion that we should at least pass such bills as are upon our calendar which are clearly for the benefit of the farmer. So when the pending motion shall be voted upon, to take up the filled milk bill, I purpose to vote in favor of that motion.

Mr. HEFLIN. Mr. President, from the statement of the Senator from Wisconsin, it would seem that we are not to have any farm-credits legislation at this session. I think the friends of the farmer, wherever they come from, ought to get together immediately and prevent all legislation and thereby force an extraordinary session, if necessary. No administration ought to have the unmitigated affrontery to play with the farmers as the present administration has played with them. The farmers have been deflated to the ground, they have been robbed and pillaged right and left. Now when we are trying to give them a breathing spell and get them on their feet again, giving them some sort of legislation which will aid them to obtain money with which to carry on their business, the other branch of Congress, it seems, is about to tie it up; and the mournful notes that come from the Senator from Wisconsin [Mr. LENROOT], the author of one of those bills, are enough to put us on notice and to arouse our fighting spirit. So let us go to work in earnest and cooperate, to the end that nothing more shall be done until this farm-credits legislation is put through.

We have the power here to do it, Senators. There are, I believe, enough friends of agriculture in Congress, if we will get together earnestly and intelligently, to stop everything and force action. And now, instead of discussing the ship subsidy bill, let us proceed to discuss the treatment of the farmers of America by the administration. Let us at least tell the country that Mr. Mellon's suggestions about legislation to grant relief to the farmers of America are not in accord with the views of those who really represent the farmers of the country. I say this with all respect to him. I would not accept a measure which Mr. Mellon would write for the relief of the farmers of the country. Mr. Mellon's environments have been and are such that he is not in sympathy, as I am and some of you are, with the farming class of the people. The small business man, the man in the common walks of life, the little fellow, the cross-roads merchant, the one-horse farmer, never crossed his mental vision. He deals in millions; he himself is an immensely wealthy man, one of the richest in the world; and he has been in that atmosphere so long that he does not know how to sympathize with this class of people who now number in this Government seventy-odd millions out of our 110,000,000 of people.

I merely rose to say this much, Mr. President, that we ought to get together and earnestly do something to force legislation. That is not too strong a term to use. What are we here for? We ought not to permit the two other appropriation or deficiency bills which have got to go through this body to pass; we ought to force the President to call Congress in extraordinary session if that is necessary. Everything that the special interests have desired has gone through except the ship subsidy bill, and we are being held here from 11 o'clock in the morning until midnight as they strive to put that through. The farmers of America, who feed the American people with their toil and with their produce, are about to be kicked out in the cold and Congress is to adjourn with no manner of credit legislation enacted for the farmer. I am willing to join in a movement to enact legislation for their benefit.

RESIDENCE FOR THE VICE PRESIDENT.

Mr. POMERENE. Mr. President, I rise to speak briefly of another than the pending matter.

Several weeks ago a public-spirited, patriotic, generous-hearted woman tendered to the Government of the United States a residence for the Vice President of the United States. This was done in memory of her distinguished husband, Hon. John B. Henderson, who was a Senator of the United States from Missouri during the trying period of the Civil War and in memory of her son, Mr. John B. Henderson, jr., who was a distinguished student and scientist.

I am one of those who have felt for a long time that the Government of the United States, rich as it is, ought to furnish a residence for our Vice President, the second official in dignity in the Government. We pay him, I believe, the munificent sum of $12,000 a year, which is not enough to pay the expenses of himself and family so as to permit them to live consistently with the dignity of his official position. The Government of Haiti, with about 2,000,000 population, pays its president $25,000 a year.

The tender of this edifice for the official residence of the Vice President was referred, if I am rightly informed, to the Committee on Public Buildings and Grounds. The newspapers report that the committee after having duly considered the matter refused the gift because it would entail an additional expense of $15,000. I submit the Government of the United States ought to pay a larger salary to the Vice President than it does, or it ought to furnish a residence for him.

This munificent gift was tendered to the United States; it would cost the Government nothing, and I am a little at a loss to understand why the Committee on Public Buildings and Grounds should refuse the gift. Again, I can not understand how that committee of any other committee has the authority to refuse that gift. It is for the Congress of the United States to determine whether it will receive it or not. With all due respect to the action of the committee, I submit

that whether or not we shall accept that gift is a question to be determined by the Congress, and it ought to have been referred to the Senate for its action upon a report from the committee, whether favorable or unfavorable. I regret that there is this seeming indifference toward the generosity of this very estimable woman.

The PRESIDING OFFICER. The question is on the motion of the Senator from North Dakota [Mr. LADD].

Mr. HARRISON. Mr. President, I am sorry that the Senator from Maine [Mr. FERNALD] is temporarily out of the Chamber, because he has given a great deal of study to the question to which the distinguished Senator from Ohio has referred, and the views of the Senator from Maine in respect to the proposal would be most enlightening to the Senate.

Mr. LENROOT. Mr. President——

Mr. HARRISON. I yield to the Senator from Wisconsin.

Mr. LENROOT. I am a member of the Committee on Public Buildings and Grounds and was present during all the consideration of this question, and I am very frank to give my own views and what I think became the views of the committee. We had before us the sole question as to whether the gift should be accepted. The Committee on Public Buildings and Grounds had no jurisdiction as to the matter of fixing the salary or allowances for the Vice President of the United States. To have accepted the gift unless before it was utilized Congress should make proper provision for its maintenance or increase the salary of the Vice President would mean one of two things: We would bankrupt any man of average means who happened to be Vice President of the United States or in the future make it possible only for millionaires to accept a nomination as Vice President of the United States. The position of the committee was that if Congress will at any time make proper provision for the Vice President of the United States, so that he may maintain such an establishment, the gift would not only be accepted but unanimously accepted.

Mr. CURTIS. Was not the Committee on Public Buildings and Grounds advised that the Committee on Appropriations had been practically polled, and that the indications were that the committee was favorable to making the needed appropriations for the care of the building?

Mr. LENROOT. I did not know that was true; I do not question the Senator's statement, but——

Mr. CURTIS. I understand that is true.

Mr. LENROOT. But, even if that be true, as one member of the committee I was not willing to go to the extent of accepting the gift unless it were settled beforehand that proper provision should be made for the maintenance of the property.

Mr. POMERENE. Mr. President, if I may ask the Senator a question, was it the view of the committee that they had the right to reject that offer or to accept it?

Mr. LENROOT. Oh, no.

Mr. POMERENE. Were they not acting in an advisory capacity, and should not a report on that subject have been made to the Senate?

Mr. LENROOT. I think it would have been very much better. Of course, the committee acted upon that bill as it does upon all other bills. If it does not act favorably upon a bill, it does not report it unless there is some special request for it to be reported.

Mr. POMERENE. I can understand that; but it has seemed to me that the committee rather usurped the power of the Senate itself; and I say that with all due respect. In other words, the Senate, in my judgment, should have acted upon that bill before a communication should be sent to the donor refusing her gift.

Mr. LENROOT. I think the Senator is quite right, especially if the communication was in the nature of a refusal. The communication, of course, should not have gone any further than the committee's action in refusing to report it favorably. Of course, the committee had no power or jurisdiction to refuse the gift, and I am very sure that the chairman of the committee, upon the suggestion, will be very glad to report the bill unfavorably and let the Senate take such action as it sees fit.

Mr. POMERENE. Mr. President, I think some report should be made. I do not say that it should be favorable, although if I had been a member of the committee I should have reported in favor of it, as far as I know; but, in any event, the report should have been made to the Senate and the Senate should have been allowed to act upon it.

Mr. LENROOT. I think the Senafor is right.

Mr. DIAL. Mr. President, out of order, I ask unanimous consent to report a bridge bill, at the request of the Senator from New York [Mr. CALDER].

The PRESIDING OFFICER. The Senator from South Carolina asks unanimous consent——

Mr. HITCHCOCK. Mr. President, carrying out the policy that we have adopted in this contest, I shall have to object.

The PRESIDING OFFICER. Objection is made. The question is on agreeing to the motion made by the Senator from North Dakota [Mr. LADD].

Mr. HARRISON. Mr. President, I think Senators should be here on this matter, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ball	Hale	McNary	Smith
Brandegee	Harreld	Moses	Smoot
Brookhart	Harrison	New	Spencer
Broussard	Heflin	Oddie	Stanley
Bursum	Hitchcock	Overman	Sterling
Cameron	Johnson	Pepper	Sutherland
Capper	Jones, N. Mex.	Phipps	Swanson
Couzens	Jones, Wash.	Pittman	Townsend
Cummins	Kellogg	Poindexter	Trammell
Curtis	Ladd	Pomerene	Wadsworth
Dial	Lenroot	Ransdell	Warren
Dillingham	Lodge	Reed, Mo.	Watson
Edge	McCormick	Reed, Pa.	Weller
Ernst	McCumber	Robinson	Willis
Fernald	McKellar	Sheppard	
France	McKinley	Shields	
George	McLean	Shortridge	

The PRESIDING OFFICER. Sixty-five Senators having answered to their names, there is a quorum present.

Mr. HARRISON. Mr. President, the junior Senator from Wisconsin [Mr. LENROOT] has called the attention of the Senate to the letter written by the Secretary of the Treasury, and which appeared in part in the morning paper, to the effect that he was opposed to the so-called Lenroot-Anderson agricultural credits bill, and in effect pleading with the House to take no action during this Congress.

I want to congratulate the Senator from Wisconsin on the timely suggestion that he has made and the protest that he has entered to this important communication. I am afraid, Mr. President, that there is more behind this proposition than merely the opposition of the Secretary of the Treasury. I am afraid that there are hidden somewhere certain moving causes that are not revealed; and when I say that I am not unaware of the fact that the President of the United States in a message to the two Houses has advocated most strongly and eloquently the passage of agricultural credits legislation during this Congress.

Before I proceed further, Mr. President, if I shall not lose my place if I do this courteous and, if I may say so, generous act, I am willing to yield the floor to the distinguished senior Senator from Maine [Mr. FERNALD] if after he shall have closed I can proceed with what I had to say with respect to the agricultural credits situation in the House.

The PRESIDING OFFICER. The present occupant of the chair will reassure the Senator from Mississippi that if the chair is occupied by the same Senator at the conclusion of the remarks of the Senator from Maine the Senator from Mississippi may resume the floor.

Mr. HARRISON. I thank the Chair. He is always generous and kind.

Mr. FERNALD. Mr. President, for what purpose does the Senator wish me to take the floor?

Mr. HARRISON. I was just going to explain to the Senator from Maine that while he was temporarily absent from the Chamber—because, as I have scanned the Chamber through the day I have seen him in his accustomed seat, patiently attending to the discharge of his duties——

Mr. PITTMAN. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator from Nevada will state his point of order.

Mr. PITTMAN. I understood the Chair to say that he would recognize the Senator from Mississippi after he had lost the floor. I understand the rule of the Senate to be that the Senator who rises first in his place shall be recognized.

The PRESIDING OFFICER. The Chair understood that the Senator from Mississippi would be in his place, and therefore claiming priority.

Mr. PITTMAN. I simply wanted to have an understanding on the subject.

Mr. HARRISON. Now that we have settled that important controversy, I will say to the Senator from Maine that while he was temporarily absent from the Chamber after having been here until 12 o'clock last night, doing about 13 hours of work yesterday by staying in these closed walls, with an atmosphere that is not particularly wholesome, and after he had stayed here in his seat since 11 o'clock this morning—I did not even miss him when lunch time came—the Senator from Ohio [Mr. POMERENE] discussed the very important proposal made by

Mrs. Henderson, which was before the Senator's committee, and occupied a good deal of the committee's attention and time.

I do not know that the Senator is familiar with the position taken by the Senator from Ohio. It was to the effect, in substance, I believe, that we should have accepted the proposal; but I thought it called for an answer from the distinguished chairman of that important committee, because his colleagues are anxious to know his views on the question, and the whole country, with respect to so important a proposal, are entitled to know what are the views of the chairman of that committee. So, if the Senator wants to express himself, I shall yield the floor temporarily.

Mr. FERNALD. Mr. President, I accept very graciously the great compliment paid to me by the Senator from Mississippi. I suppose the country are pretty generally informed as to the very generous gift that was proposed by Mrs. Henderson to the Government of a residence to be used by the Vice President of the United States. The matter has been taken up by the committee and considered in great detail.

In my letter to Mrs. Henderson, written as chairman of the committee, I explained the situation rather fully; that the committee were united in considering the gift as a very generous offer, but we did feel that if the gift were accepted, either an appropriation must be made for the maintenance of the home or an increase in the salary of the Vice President would have to be made, both of which seemed to be inexpedient at this time, and the committee decided to make an adverse report on the proposal.

Mr. LENROOT. Mr. President, the Senator from Ohio also suggested that a report at least be made to the Senate, so that the Senate could take action one way or the other. The Senator, as chairman of the committee, has authority to make an adverse report, and I am sure no objection would be made to his making it.

Mr. FERNALD. I might make such a report now. The time has been so fully occupied during the day that I have had hardly an opportunity to submit a report from the committee, but I intend to do so to-morrow. However, I am prepared to make an adverse report.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. HEFLIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Alabama?

Mr. HARRISON. For a question.

Mr. HEFLIN. Speaking of increasing the salary of the Vice President and accepting a gift from somebody of a home for the Vice President leads me to say that we had better look into these matters very carefully, especially the matter of raising the Vice President's salary. What does the Vice President do to entitle him to more than $12,000 a year? [Laughter in the galleries.]

The PRESIDING OFFICER. The Chair wishes to admonish the occupants of the galleries that expressions of approval or disapproval are contrary to the rules of the Senate, and if those rules are violated the Chair will order the Sergeant at Arms to clear the galleries.

Mr. HEFLIN. Mr. President, that is not the first time that the applause or approval of the people have been interfered with. I know one Vice President who is drawing $12,000 a year who made a ruling here the other night against me, and suppressed free speech in this body, and I am opposed to raising the Vice President's salary, at least until that ruling can be repealed. [Laughter.]

Mr. HARRISON. Mr. President, I desire to ask the Senator from Maine if the proposal of Mrs. Henderson and the reply of the Senator have been placed in the CONGRESSIONAL RECORD?

Mr. FERNALD. I had not made the report until this minute.

Mr. HARRISON. I read the reply which the Senator wrote to Mrs. Henderson which appeared in the papers.

Mr. FERNALD. As I stated, I had intended to make the report at the first opportunity. It has not been made yet.

RURAL CREDIT FACILITIES.

Mr. HARRISON. Getting back to the subject to which I desired to address myself before I was rudely interrupted, namely, the situation with respects to agricultural credits legislation in the House, I stated that I thought there was something hidden behind this letter written to some one in the House by the Secretary of the Treasury. I said that I was not unaware of the position taken by the President in his message to Congress indorsing agricultural credits legislation during this Congress, and putting his O. K., so to speak, on the so-called Anderson-Lenroot bill.

Of course, none of us know—and it would be rather difficult to ascertain—because of the difference of opinion between the President and his Secretary of the Treasury. Usually a Secretary of the Treasury and the President agree upon certain policies, especially when the President has gone so far as to bring his message in a special appeal to Congress and to the American people. There have been few instances in the history of this country, I dare say, when a President has so strongly advocated a proposition, and the Secretary of the Treasury has taken equally as strong a position against the suggestion; but the difference is there, and I hope the House will accept the suggestions of the President, rather than the views and advice of the Secretary of the Treasury.

As stated by the distinguished junior Senator from Wisconsin, the Secretary of the Treasury has changed his views with respect to the so-called Lenroot bill. The distinguished Senator from Wisconsin has already read what the Secretary of the Treasury said some months ago about the bill recommended by the Commission on Agricultural Inquiry, and the Senator showed, from those remarks of the Secretary of the Treasury at that time, that he found favor with the bill. He did not then see the many alleged defects which he has apparently detected in the proposed legislation at this time. I want to say, as one member of the Commission on Agricultural Inquiry, that that commission was practically unanimous; indeed I think every member, Democrat and Republican, after a free exchange of views, after a compromise of differences which arose in the commission, indorsed the proposed bill introduced in January, 1922, a year ago, by the Senator from Wisconsin [Mr. LENROOT].

The Commission on Agricultural Inquiry thought the principles embodied in that bill were probably the best that could be incorporated in legislation, guaranteeing and insuring to the farmers of the country a modern agricultural credits system. It was on the suggestion of the commission that the bill was introduced.

After that commission had thoroughly investigated the subject, after the commission had heard the representatives of the Farm Loan Board, heard a representative from the Treasury Department, heard the heads of the various agricultural associations throughout the country, and heard everyone we thought might throw light upon this important question; then it was, after an exchange of views and a compromise of differences, that we agreed upon that bill. So I say that the Secretary of the Treasury is wrong when he says that this bill, in principle and substance, at least, is not the bill indorsed by the Commission on Agricultural Inquiry.

After this bill was introduced in January, 1922, and referred to the Committee on Banking and Currency in the Senate and its twin note, introduced by Mr. ANDERSON of Minnesota in the House about the same time, was referred to the Committee on Banking and Currency in the House, certain Members of the Senate, associating themselves together in what was known as the "farm bloc," which has aroused the ire not only of the Secretary of War in this administration but of the President of the United States, met in solemn conclave and there, in a spirit of brotherly love, with no thought at that time of doing injury to any other class but to serve the farmers of the country by giving them a good agricultural system, appointed a subcommittee of the farm bloc to take all the bills which had been introduced in the Senate, including the Lenroot bill, and to study those various bills, bring witnesses before that subcommittee, allow experts on agricultural credits from whatever section they might come to appear before the committee and give to the committee the benefit of their views.

That subcommittee of the farm bloc, consisting, I think, of seven Senators, nonpartisan in character, heard all these witnesses and experts and considered for months, working by day and night on this subject, and at last the subcommittee with certain modifications and changes unanimously indorsed the so-called Lenroot bill.

If the Secretary of the Treasury at the time thought the bill as originally framed by the Commission on Agricultural Inquiry was a good bill, he should think that the last bill as amended and modified was much better than the former bill, because the latter bill, O. K'd by the subcommittee of the farm bloc and reintroduced by the distinguished Senator from Wisconsin on January 6, 1923, in its amended or modified form, carried some changes which helped the bill. Those changes have already been alluded to by the Senator from Wisconsin.

In its original form the bill carried an appropriation of only $1,000,000 for each of the 12 Federal districts.

Of course, it had the privelege to loan 10 times that amount, which would have made $10,000,000 for each district, or $120,000,000 in all. But the bill as finally indorsed by the

subcommittee of the farm bloc and which was indorsed also by the Senator from Wisconsin and afterwards introduced by him on January 26, 1922, increased the amount of capital stock for each of the 12 Federal land banks from $1,000,000 to $5,000,000, insuring not merely a capitalization of $12,000,000 for the 12 districts, but a capitalization of $60,000,000, and at the same time permitting loans to be made up to $1,200,000,000.

Not only that, but it added the splendid features to which the Senator has already alluded of extending the time from 6 months to 9 months, and of rediscounting agricultural paper in the member banks of the Federal reserve system. Other changes were added which helped the bill. It was a better bill for the agricultural interests of the country as finally passed by the Senate than it was when it was introduced on January 26, 1922, and when it received the O. K. of the Commission on Agricultural Inquiry.

I know not what has come over the spirit of the dreams of the Secretary of the Treasury. Why should the Committee on Banking of the House of Representatives and the House itself accept the views in this particular of the Secretary of the Treasury when they have so often heretofore turned down his views? I know of no suggestion the Secretary of the Treasury has ever made to the House or to the Senate that has been accepted and incorporated into law.

I recall when the question of surtaxes was before the Senate and before the House the Secretary of the Treasury recommended a reduction from approximately 68 per cent on the large incomes to 25 per cent. Did the House accept it? No; they repudiated the suggestion. Did the Senate accept it? No; they spurned the recommendation. Did the President accept it? He may have indorsed it in the beginning, but he afterwards wrote a letter to Mr. FORDNEY, chairman of the Ways and Means Committee of the House, suggesting a compromise on a much larger figure with reference to the tax on high incomes than that proposed by the Secretary of the Treasury.

When the Secretary of the Treasury suggested the creation of the British Debt Commission, did the Senate and House of Representatives accept his suggestion? No, indeed. The Secretary of the Treasury wanted blanket authority to deal with the question as he saw fit. He did not desire, in the resolution creating the commission, any limitation on the amount of interest that might be exacted by the Government against the British Government. Notwithstanding his opposition to the suggestion, the Senate and the House of Representatives both placed a limitation of 4½ per cent on the interest charge.

Did the Secretary of the Treasury, in his suggestions to the Congress in reference to the creation of the British Debt Commission, want any extension to 62 years or 100 years or 50 years in the debt-payment period? No, indeed; he wanted blanket authority, and yet the Congress of the United States, both the House and the Senate, said that it should be, if I recall correctly, not more than 25 years. Other conditions were imposed in the legislation that met the opposition as well as the protest of the Secretary of the Treasury.

I might follow the argument down the line, and I would not be able to recall any instance when the Congress has accepted the suggestion of the Secretary of the Treasury on any piece of legislation. And yet at this late day, with only 10 days remaining before the Congress expires, when many bills are upon the calendar awaiting action, we find that he has grown powerful, that he has become influential, that he dominates either the steering committee or the powers that be in the House of Representatives.

When I recall the failures of the Secretary of the Treasury heretofore with respect to having his suggestions adopted and looked upon with favor by the Congress, and now realize the picture that confronts the agricultural interests of the country with respect to the Lenroot-Anderson agricultural credits bill, I am surprised—oh, indeed, I am amazed. There must be something behind the proposition more than Mellon. There must be a "nigger in the woodpile." What is it? Can it be that the arm of the President of the United States, that once waxed strong, has become palsied? Can it be that the once eloquent voice is now hushed? What has become of the once beautiful tree beneath the umbrageous branches of which the President once reclined and rested? What change has there been in the administration that is going to destroy the hopes of the farmers of the country for agricultural credit legislation after we promised it to them, after every assurance had been given to them that it would be forthcoming, and after the Senate had passed the bill, not by a small majority—in fact, not after a sharp contest—but by a majority of 62 votes. When I say by a majority of 62 votes I should add that there was not a single Senator out of the 96 composing this body who voted against the proposed legislation. When the roll was called, every Senator who responded answered "yea" on the proposed legislation. So the vote was 62 yeas and no nays when the Lenroot agricultural credits bill was put upon final passage. With this indorsement, we now read that it is not to pass the House; that Mellon has written a letter and holds it up. Pray tell me, you who are on the inside, what moving cause is it that strangles this legislation which the farmers of the country thought they had almost within their grasp?

Mr. President, I hold in my hand the story. The country has read it. Mr. Mellon's letter has just come in, published only this morning, but the story was written and carried in the press of the country on February 6 of this year. Two weeks and a half ago the country was apprised of what was going to happen to the legislation. The newspaper men got onto the situation. Somebody "spilled the beans" and let out the secret, and here it is couched in this item, I believe, by the Associated Press under a Washington headline that explains what is the matter. If this story can be believed, Mellon is not the only influence behind the movement that is withholding from the farmers the Lenroot-Anderson agricultural credits bill.

The bill is now in the House, after it was unanimously O. K'd by the Commission on Agricultural Inquiry and after it was unanimously O. K'd by the subcommittee of the farm bloc, and after it received the consideration of the Banking and Currency Committee of the Senate. When Mellon had made his protest, when he had been patiently heard, when his views had been given to the committee fully, they turned him down and reported the bill out to the Senate. And here in this august body, after days and days of consideration, after a debate hardly equaled in recent months in this body, that bill was passed through the Senate. We heard the Senators from the far West tell of the distress of the agricultural interests of the country. We heard them tell how the transportation facilities had been handicapped, how the high freight rates had depleted their exchequers, how the drought and climatic conditions had in many instances destroyed their crops and had virtually ruined and had brought bankruptcy to the western farmer. We heard Senators representing the Great Lakes region and on to North Dakota, South Dakota, Montana, and Idaho tell of the pitiful condition of the farmers of that section. We heard the melodious and eloquent voice of the distinguished Senator from North Dakota [Mr. MCCUMBER] pleading in behalf of the agricultural interests of his section for the legislation then pending.

I heard him tell how the barberry bush had flourished there and how the wind had taken the spores from the barberry bush and spread them across the level land of the Dakotas and had injured the wheat crop. I heard him tell how the farmers' wheat, which had brought $2.50 and more per bushel under a prosperous Democratic administration, had gone down until now the farmers could realize but little more than $1.12½ a bushel for their wheat. I have heard the Senators from Illinois, Indiana, Ohio, and Iowa tell how corn had depreciated in price; how in happy, good old Democratic days—of course, some of them did not say this right out loud on the floor, but they would whisper it into one's ear—magnificent prices were realized by the corn farmers of Iowa, Illinois, and Indiana; but how the price had fallen so low that some of the farmers had to burn corn for fuel as a substitute for coal; how the price had gone down to 25 and 30 cents a bushel.

Then I heard in committee and on the floor the distinguished Senator from Oregon [Mr. MCNARY] tell how the farmers along the Pacific slope were in distress. I have also seen the distinguished Senator from New Jersey [Mr. FRELINGHUYSEN] come before the committee and heard him tell about some Japanese beetle, I believe it was, had greatly injured the farmers of his State. At the same time the distinguished leader of the majority, the senior Senator from Massachusetts [Mr. LODGE] appeared before the committee, and also spoke on the floor, telling about the ravages of the corn borer.

I think I have also heard an eloquent speech from the distinguished Presiding Officer [Mr. MOSES in the chair] who now presides over the deliberations of this Chamber telling about the ravages of the corn borer in New Hampshire. Tracing the situation all the way from New Hampshire through the Middle West and out to the Pacific slope the farmers have suffered hard times; the prices of their products have declined; their bank balances have diminished, and in many instances poverty has stalked on their farms.

The same condition has prevailed in certain sections of the South, where the bollworm and the boll weevil have ravaged the land, and have been carried from Mississippi into Alabama, from Alabama into Georgia, and from Georgia on into the

Carolinas, leaving distress and poverty and wreck and ruin in their pathway. The Senator from Wisconsin [Mr. LENROOT] has also recalled to my mind the ravages of the sweet-potato weevil. The sweet-potato weevil, of which some people never before heard, has cost my section of the country, consisting of five States of the South, $35,000,000 in the last two or three years. It has greatly effected the sweet-potato crop. What I have depicted is the condition of the American farmer. So it was quite enough to start the heart throbs and the lamentations of some of us when we saw, under this new and so-called modern yet untried and unworkable Budget system, appropriation after appropriation which had been estimated for by the experts of the Agricultural Department decreased by the Budget Bureau through certain men in its employ who did not know whether cotton grew on trees or was dug from the ground.

So it is but natural, Mr. President, that the farmers of the country, confronting such disaster as they have in the past two years, should desire an agricultural credits system; and yet we read in the newspapers that the real reason behind the movement of strangling in the House of Representatives the agricultural credits bill which was passed unanimously by the Senate is disclosed.

Let me read a news item:

No farm credits till ship subsidy passes.

That is the way the article is headed. Ah, the news manager of this paper, away down in Memphis, knew the value of the article. He knew what those lines meant; so he printed them in big type.

No farm credits till ship subsidy passes.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Tennessee?

Mr. HARRISON. I yield.

Mr. McKELLAR. That statement is about the same as that of the Senator from Wisconsin [Mr. LENROOT] this afternoon, except that he reversed it and stated that there would be no ship subsidy bill passed until the farm credits bill was passed.

Mr. HARRISON. Well, I am in favor of that proposition; that suits me exceedingly well—that no ship subsidy bill shall pass here until agricultural credits shall pass the House of Representatives. Indeed, I will go further and say, after the agricultural credits bill shall have passed the House, I am willing that no ship subsidy bill be then passed through the Senate. I am glad that the distinguished Senator from Wisconsin has taken that position, and I wish we could get more recruits on it.

While the lamp holds out to burn,
The vilest sinner may return.

So I believe in a little while the distinguished Senator from Washington will come into the fold, because no Senator here took a greater part or was more enthusiastic for agricultural credits legislation than was he. He served on the subcommittee of the farm bloc and helped to write the provisions of the bill and voted for it; he has spoken for it; and I am sure that he has no part in this alleged conspiracy which is broadcasted throughout the country to the effect that no farm-credits legislation shall be passed in the House of Representatives until the ship subsidy shall pass in the Senate.

Mr. JONES of Washington. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Washington?

Mr. HARRISON. I yield to the Senator.

Mr. JONES of Washington. I have long since learned not to believe everything I see in the newspapers or in the headlines of the newspapers, and I frankly say that if I thought that the rural credits legislation was being held up in the other House by the Republican leadership there because of the delay of the ship subsidy bill the ship subsidy bill would be dropped. I do not believe in legislating in that way, and I am satisfied that there is absolutely no truth in the suggestion to which the Senator from Mississippi refers, that that legislation is being held up in the House for the passage of the ship subsidy bill in the Senate.

Mr. HARRISON. I knew that that was the way the Senator from Washington felt about the matter, and I am glad to have his statement to that effect. I hope it will have influence with those in some other body to withdraw any scheme that might be contemplated or any suggestion such as that which has been made in the newspapers, if there be any.

Mr. JONES of Washington. I, too, certainly hope so.

Mr. HARRISON. I know the Senator from Washington would not be a party to such a scheme. I said that before the Senator made his statement. He is for the ship subsidy bill, and he is about the only Senator of whom I know on the other side who is for it, but he is for it. [Laughter in the galleries.]

The PRESIDING OFFICER. The Chair wishes once more to admonish the occupants of the galleries that under the rules of the Senate confusion or manifestations of approval or disapproval are not permitted. The Chair does not intend to spend the evening admonishing the occupants of the galleries, and unless occupants of the galleries, who are present by courtesy of the Senate, can observe the rules of the Senate the Chair will order the Sergeant at Arms to clear the galleries and close the doors. The Senator from Mississippi will proceed.

Mr. HARRISON. Mr. President, I never had an idea that the Senator from Washington was a party to any such scheme as that to which I have referred, and I do not want the Senator to think that I was even making such an intimation, because while other Senators may have strolled out of the Chamber since the discussion of the ship subsidy bill began—and that time is now so far distant that "the memory of man runneth not to the contrary"—the Senator from Washington has remained here, day in and day out, and through the lonesome hours of the night when others of his colleagues on the other side of the Chamber have forsaken him and gone to some party in the city, some reception, or some banquet that is being given every night in honor of many of our departing friends over there. They can not be held here; their friends want to pay the last sad rites to them, which is a perfectly natural thing. So they have left the Senator from Washington; but every time one scans the other side of the Chamber the distinguished Senator from Washington, like a beacon but far-away light, sits there waiting his turn to speak on the proposition. However, Senators do not give him a chance to speak on it; so many Senators desire to speak on this subject that the contest really is becoming one in which I am afraid animosities may be engendered and bad feeling aroused [Laughter.] I hope, although we have but a few days left before the 4th of March comes, that the contest between the Senator from Washington, in charge of the ship subsidy bill, and the junior Senator from North Dakota [Mr. LADD], in charge of the "spilled" milk bill, who are fighting here like gladiators for position with respect to their proposals will not result in their becoming estranged and falling out over the situation.

Mr. JONES of Washington. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Washington?

Mr. HARRISON. I yield to the Senator.

Mr. JONES of Washington. The Senator from Mississippi may not be aware of it, but the Senator from North Dakota and the Senator from Washington are ready to vote on the proposition at any time; there is no contest at all between them.

Mr. HARRISON. I am glad to hear that statement, because I was afraid that the contest would become so sharp between my friends that bad feeling might become aroused in the end; and just as an humble Democratic member of the minority I have sat here patiently in my seat, always watching the movements of those two Senators, so that at the first sign of an overt act toward each other I could fly between them and prevent the conflict. [Laughter.]

Mr. JONES of Washington. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield further?

Mr. HARRISON. I yield.

Mr. JONES of Washington. What has really disturbed me is this: I have seen some evidence of animosity developing on the other side because some Senators are afraid that some of their colleagues may talk longer than they will. I understand there is quite a contest arising on that side of the Chamber over that matter.

Mr. HARRISON. It is perfectly natural that there should be. Important questions are under consideration; and the distinguished Senator from Wisconsin calls the attention of the Senate to a grave situation that has arisen in the House of Representatives. Democratic Senators are always ready and "clamping at the teeth" to avert threatened wrongs or right grievous mistakes.

Our attention and the attention of the farmers of the country have been called to a situation brought on by Republican leadership in the House that means much to the agricultural interests of the country. We want to discuss these propositions, and when we get ready to discuss them there rises in his place the distinguished Senator from Massachusetts [Mr. LODGE], the leader of the majority, and he occupies minutes and then half hours and goes on into hours, utilizing the time of the Senate in carrying on this alleged filibuster. Then there is the Senator from Idaho [Mr. BORAH], another Republican—he talks for two or three hours—and the Senator from

Wisconsin [Mr. LENROOT]. How can you expect us to help you when you take up so much time here in the discussion of these matters?

I am ready for a vote, but how can we remain quiet when a Republican leader in this body from Wisconsin calls to our attention a situation that is so grave that it threatens the defeat of a piece of legislation as important as the Lenroot agricultural credits bill, and why? Not, as I said, because of the letter written by Mr. Mellon, the Secretary of the Treasury, but, if this reporter is correct, for other causes.

We got the explanation and the disclaimer from the distinguished Senator from Washington. I knew it before he made it. Let me read further, after these big headlines:

No farm credits till ship subsidy passes.

Then it makes this startling statement, part of the headline, placed there by an employee in a newspaper office 1,100 miles away, in Memphis, Tenn. He did not know what had transpired here in Washington with respect to agricultural credits legislation except what this item that was sent over the wires revealed to him, and on the basis of the news that came to his desk he placed this headline there:

No farm credits till ship subsidy passes.
Harding may outmaneuver the blocs after all.

Oh, can it be that the real cause of the tie-up in the House of Representatives to-day is the President of the United States? I do not believe it, I shall not believe it, although here is a news item that hints at it, and the circumstances as disclosed by this news item point that way.

Why did this news editor put here the heading that "Harding may outmaneuver the blocs after all"? Here is the item upon which he based that statement:

WASHINGTON, Feb. 5.—A possibility that the Lenroot-Anderson-Capper farm credits program may be blocked in Congress unless there is some assurance of action on the administration shipping bill was foreseen in some quarters to-day after a series of conferences to discuss the legislative outlook for the remaining four weeks of the Sixty-seventh Congress.

That was over two weeks ago—"conferences to discuss the legislative program in the House of Representatives." What more?

After a talk with President Harding—

Here are circumstances, here are alleged facts, here is the testimony, upon which this news editor placed at the head of this column in his paper:

Harding may outmaneuver the blocs after all.

Let us see when we read it and put the circumstances together whether or not this news editor who put in larger type than the others "Harding may outmaneuver the blocs after all" was acting upon reasonable grounds.

After a talk with President Harding, Representative MONDELL, of Wyoming, Republican leader of the House, declared there were so many "difficulties" in the way of an agreement that it was entirely possible the farm credits measures could not be finally written into law before March 4 despite the fact that legislation on the subject had passed both the Senate and House.

There is your conference, held over two weeks ago, between the President and the leader of the Republicans in the House; and the Republican leader of the House declared that there "are so many difficulties in the way" that perhaps farm-credits legislation will not be passed in the House before March 4 of this year.

What else? That is pretty strong testimony. That calls for an explanation. You know I am fond of the Republican leader of the House of Representatives. I served with him for many years—eight years, I believe. He is a splendid, fearless, upright, able man—it is not violative of these rules when you say something nice about somebody in the other House—but he is smart. He knows what he is about. He knows pretty well how to get the things that he goes after. Of course, it was difficult for him to get to the Senate, because there was KENDRICK in the way; but he is a fine fellow. He sometimes spills the beans, however, and here is one of the times, and I will tell you another time, and at that time the Speaker of the House, the distinguished gentleman from Massachusetts, was very helpful in doing it.

I am sure that the Senator from Washington recalls the incident. It was when, just before we adjourned to go home to administer the late political catastrophe to the other side of the Chamber, just before the storm broke and we were on the eve of an adjournment, Speaker GILLETT and Leader MONDELL went up to see the President, and they came back, and they told some newspaper men after their conferences with the President, or they were so quoted as saying, that immediately following the election an extra session of the Congress would be called to consider the ship subsidy bill; and it took all the other Republican leaders the balance of their time, from the date of that alleged interview with the newspaper men up until the date of the election, to explain what these leaders meant and to deny that there would be an extra session of Congress to consider the ship subsidy bill following the election. The people were mystified as to what would happen, and no assurance was given before the election that there would be an extra session of Congress. Why, it was denied by practically every other Republican leader, but it let the "cat out of the bag"; and I have no doubt that that statement, getting to the people in many of the States of this country, helped to defeat many Senators for reelection and really defeated scores of Representatives in Congress running for reelection. It just naturally caused some of those fellows to say, "Yes; if he calls an extra session of Congress, I will be with my President, and I will vote for the ship subsidy bill"; and at that time they did not know what was in it. They did not know that it taxed the American people to an amount of about $875,000,000 and gave it over to the shipping interests of the country, and so it caused their defeat. That is the way they act sometimes.

You know there are times when silence is golden, and that would have been one of those times, and this would have been another time; but immediately after the leader in the House left the President this news item states that he declared that it is not at all probable that the agricultural credits legislation will pass before March 4, "there are so many difficulties in the way."

Mr. DIAL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from South Carolina?

Mr. HARRISON. I yield.

Mr. DIAL. I call the Senator's attention to the fact that this money will be spent principally for a few large passenger lines on the North Atlantic, not for freight lines.

Mr. HARRISON. Yes. That is the way our Republican friends do things.

This item further says, on which this news editor bases the startling statement that "Harding may outmaneuver the blocs after all":

Mr. MONDELL insisted—

That is a strong word—"insisted." It does not say that he advocated it; it does not say that he acquiesced in it; it does not say that he suggested it; but it says that Mr. MONDELL "insisted." On what?

Mr. MONDELL insisted that the barriers to Senate and House agreement on details were real and important.

He "insisted" they were real and important. Well, there is the Anderson bill, the twin bill of the Lenroot bill, introduced in the House in January, 1922, 13 months ago. On that day it was referred to the Banking and Currency Committee of the House. A majority of that committee is made up of Republican Members of the House. Was it their duty in behalf of the agricultural interests of this country to begin an immediate consideration of the bill? Why should a committee wait for months and then suddenly take a bill up after the President comes to Congress and in a message advocates the passage of it? I ask you, would it not have been wiser for the committee to have taken up the bill in behalf of the agricultural interests of the country within a reasonable time after its introduction, that some action before the adjournment of Congress might be assured? Then we must not overlook the fact, Mr. President, that the Lenroot bill was pending here in the Senate for weeks, being debated and considered, amendment after amendment, and the leadership of the House knew that there was no opposition to the Lenroot bill here. They knew that the Commission of Agricultural Inquiry had given its indorsement to the bill. They knew that the subcommittee of the farm bloc in the Senate had given its indorsement to the bill.

They knew that the Banking and Currency Committee of the Senate had given its indorsement to the bill, and they knew that the bill would pass the Senate. Yet during all that time the House Banking and Currency Committee, if they were having hearings, evidently thought they were not sufficient, and the 4th of March was constantly getting closer and closer.

What are the difficulties which the distinguished leader of the Republican Party in the House would have the country believe would cause nonconsideration of the agricultural credits bill in the House before the 4th of March? What are the details that are so different in the bill which passed the House and that which passed the Senate? Yet this item says that Mr. MONDELL, the leader of the Republican Party in the House, insisted that

the difficulties were too great between the House and the Senate to be ironed out very easily. This item continues:

But some friends of the farm credits program took his statement to mean that the pressure for passage of the ship bill might be greatly augmented during the delay in perfecting legislation for the aid of the farmers.

Where did he get that? Newspaper reporters do not write news without having some basis for it which they believe to be fact. They do not go out and write an article like that on mere suspicion. Yet Mr. MONDELL insisted that the barriers to Senate and House agreement on details were real and important, "but some friends of the farm-credits program took his statement to mean that the pressure for passage of the ship bill might be greatly augmented during the delay in perfecting legislation for the aid of the farmers."

It further says:

Much of the opposition to the shipping measure has come from those who are leading the fight for farmer legislation.

That is an insinuation that is unjustifiable. Sitting before me is the champion of the ship subsidy bill upon this floor, the man who has patiently waited, ready to move its passage at the first opportunity, a man who, without reservations of any kind, without Lodge reservations, or Watsonian reservations, or any other kind, is whole-heartedly for the proposition. He has done his bit in attempting to pass it. All honor to him, if there is any honor in it. He thinks there is; I think there is not, and we never will know what the Senator from Indiana thinks about it.

Mr. WATSON. Yes; the Senator will.

Mr. HARRISON. We are not going to let you off. You can rest assured of this fact, that while this important motion, presented by the distinguished Senator from North Dakota [Mr. LADD], will be fully discussed, and these other important questions which are constantly arising will be fully discussed, you will have to come up to the "lick log,"—that is what they call it down in Mississippi—and vote on some of the important provisions of this bill before the 4th of March.

Do you think we would not let you show to your constituents how you stand on the Madden amendment, for instance? Do you think we are going to let you off without voting on a motion to recommit this obnoxious monstrosity? It might cause you a sleepless night, it might irritate you and worry you, but, listen to me, you have to face it before the 4th of March comes.

If you will accept my advice about it, rather than be caught in a hole, as you have been caught so many times, and have had to explain on so many occasions, I would "get out from under" and come over here and join with us in adopting the Madden amendment, so that future Congresses can take care of the appropriations to operate the ships of the country, and not delegate to a shipping board authority for 10 or 15 years in the matter of appropriations.

That is the reasonable thing for you to do. That is the fair thing for you to do, and it is politically the safest thing for you to do; and I am always trying to keep you out of trouble. But you will not accept my advice. I do not know whether you are going to accept it on this or not. We are going to give you three or four days to study about the proposition.

Mr. WATSON. Will the Senator yield?

Mr. HARRISON. Yes; I yield.

Mr. WATSON. When do the three or four days begin?

Mr. HARRISON. We are going to give you a vote before the 4th of March on some of these amendments. Of course there are so many Republicans over there who are against this proposition that it is hard for us to manage them. If it were just opposition from this side, there would not be any trouble; we would all be together; but it is hard to control a band of insurgent Republicans.

Mr. WATSON. Why does not my friend——

Mr. HARRISON. And I am hopeful still that the Senator from Indiana will come across and class himself as one of us, so that he will save himself future embarrassment.

Mr. WATSON. The only embarrassment that occurs to me, I will say to my very good friend from Mississippi, is the fact that we can not get a vote on this at all.

Mr. HARRISON. You are going to get a vote on the Madden amendment.

Mr. WATSON. We can not get a vote on the Madden amendment or anything else.

Mr. HARRISON. You will get a vote on some other things that you perhaps might not want to vote on.

Mr. WATSON. We want to vote on everything.

Mr. HARRISON. I am glad to hear the Senator say so.

Mr. WATSON. Why does not the Senator permit us to vote and thus disclose the alleged division on our side?

Mr. HARRISON. We are going to.

Mr. WATSON. The Senator says there is discord in our harmonious relationships over here. If the Senator will let us have a vote, it will disclose what it is. Let us find out whether we have discord or not.

Mr. HARRISON. We will. We want you to study about the proposition some more——

Mr. WATSON. We have been studying on it for about four months.

Mr. HARRISON. In the hope that you will get into the fold yet.

Mr. WATSON. My friend may recall that three months ago I asked him whether or not any of his associates on the other side intended that there ever should be a vote on the ship subsidy proposition, and the Senator said then, as he says now, "Oh, yes; we are going to give you a vote."

Mr. HARRISON. I said on certain things.

Mr. WATSON. But it is only 10 days before the session will close, and, as far as I can see, we are no nearer a vote now than we were three months ago.

Mr. HARRISON. If we stay here a few more nights we will be a little closer to it.

Mr. WATSON. I am willing to stay, but while my friend and his associates on the other side continue to talk we are not getting any closer.

Mr. HARRISON. Yes; we are; I am getting closer to the Senator all the time.

Mr. WATSON. The Senator and I are close all the time, but that does not get us to a vote. What we want is a vote.

Mr. HARRISON. We are going to give you a vote.

Mr. WATSON. That is what we want. When is the Senator going to give us a vote?

Mr. HARRISON. You might as well make up your mind to it. I know it is going to worry you and irritate you, but you are going to have to vote on this Madden amendment.

Mr. WATSON. When?

Mr. HARRISON. When we think we can put it over on you. All we need is about one more convert.

I will get back now to the subject I was discussing. Whenever I get to talking about the farmers and agricultural credits I get diverted. I was reading the statement of the Republican leader of the House, Mr. MONDELL, which gave to the news editor the impression, "Harding may outmaneuver the blocs after all," and cause the defeat of the agricultural credits bill.

I shall not allow the adroitness of my distinguished and genial friend—and he is a genius, too—to get me off the track. Here is what Mr. MONDELL further said in this news item:

Much of the opposition to the shipping measure has come from those who are leading in the fight for farmer legislation.

There is a Senator, as I said, sitting on the other side who helped to frame the Lenroot agricultural credits bill, and he is leading the fight for the ship subsidy bill. That ought to be illustration enough to disprove the thought that those alone who are the friends of the farmers in the Senate, or are members of the farm bloc, are obstructing the passage of the ship subsidy bill. I suppose if you would take the vote of all Senators on both sides of the Senate as to whether or not they prefer the passage at this Congress of the agricultural credits bill or the ship subsidy bill, every one of them would say, "Let us pass the agricultural credits bill." Yet we find in this reputable paper a news item sent out from Washington, published not only through the South but in the West and the East, everywhere, in all the papers, to the effect that Harding and MONDELL had a conference, and after that conference the leader of the majority in the House insisted that there were so many difficulties in the way that it was highly improbable that they would get any agricultural credits legislation through the House of Representatives.

Then the newspaper reporter, who carried these lines and broadcasted them everywhere, said that it had something to do with the ship subsidy legislation in the Senate. Then he said that Harding "may outmaneuver the blocs after all."

The item continues:

It has been apparent for some time that President Harding and his administration advisers were preparing to exert their influence for action on the ship bill at the present session, but it was denied generally by administration leaders to-day that any plan had been perfected contemplating undue delay in consideration of the farm credits measure.

There you have it, Mr. President; and I say that it looks very much as if there is more than merely the Mellon letter, sent to the House of Representatives this morning, protesting against the passage by the House of the Lenroot agricultural credits bill. It seems that somebody else is in the background; that there are conferences going on; and that conferences were going on on February 5, the day before this item was written and carried in the press, between the leaders of the Republican Party in the House and the President of the United States;

and that following those conferences the press of the country got the impression that there was a scheme on foot to hold up the agricultural credits bill until the ship subsidy bill could be assured of passage in the Senate.

Ah, Mr. President, this side of the aisle does not play the game that way. Fair-minded men do not play the game that way. We believe that the agricultural credits bill should pass. We have shown it by our votes. This body has cleaned its skirts of the mater by voting 62 strong for this agricultural credits bill, with none against. If it fails, the failure is upon the House Republican leadership.

But if it fails, after articles carried in the press like the one which I have read, after conferences that have been held between the Republican leader of the House and President Harding, and from which these assertions were made, when the leaders of the Republicans in the House insist that the difficulties are so great that agricultural credits legislation is in danger of failure of passage before the 4th of March, they will believe that Harding, Mondell, Lasker & Co. killed the agricultural credits bill. Let that firm operate in that way if they want to. There are some Senators here representing the minority of the Senate, aided and encouraged by some of the stalwart champions of the people on the other side of the Chamber, who themselves, will constitute a firm to help the farmers of the country by saving $875,000,000 for them which is sought to be imposed upon them and others by the passage of this legislative monstrosity, the ship subsidy bill.

Mr. President, I make the point of no quorum.

Mr. JONES of Washington. Mr. President, I raise the point of order that no business has been transacted since the last quorum call.

Mr. HARRISON. I ask unanimous consent, before I yield the floor, that we do now adjourn.

Mr. JONES of Washington. No; that is simply evading the proposition.

Mr. HARRISON. I ask unanimous consent for that purpose.

Mr. JONES of Washington. I asked for a ruling of the Chair on the point of order.

Mr. HARRISON. I asked unanimous consent to adjourn.

Mr. JONES of Washington. I object.

Mr. HARRISON. Mr. President, I suggest the absence of a quorum.

Mr. JONES of Washington. I make the point of order that no business has been transacted since the last quorum call.

Mr. HARRISON. Mr. President——

Mr. TRAMMELL. I move that the Senate now take a recess until 11 o'clock to-morrow.

Mr. JONES of Washington. That is not in order until the point of order is disposed of.

Mr. HARRISON. I made the point of no quorum.

Mr. TRAMMELL. I move that the Senate do now adjourn.

The PRESIDING OFFICER. The Senator from Mississippi has the floor.

Mr. TRAMMELL. A motion to adjourn is always in order.

Mr. HARRISON. I suggested the absence of a quorum, and that was the transaction of business. I made a request for unanimous consent which was objected to, or a point of order was made, so that business has been transacted. I suggest the absence of a quorum.

Mr. JONES of Washington. I ask for a ruling on the point of order made on the previous request for a quorum call.

Mr. HEFLIN (at 8 o'clock and 5 minutes p. m.). Pending that, I move that the Senate adjourn.

Mr. HARRISON. Oh, hold that back a moment.

Mr. HEFLIN. No; I will not hold it. I move that the Senate do now adjourn. That is always in order.

The PRESIDING OFFICER (Mr. BROUSSARD in the chair). The point of order made by the Senator from Washington is sustained.

Mr. HARRISON. Now I suggest the absence of a quorum. Business has intervened.

Mr. HEFLIN. Mr. President, a parliamentary inquiry. Does the Chair hold that a motion to adjourn is not in order?

Mr. JONES of Washington. The Senator can make a motion to adjourn.

The PRESIDING OFFICER. A motion to adjourn is always in order.

Mr. HEFLIN. I move that the Senate do now adjourn.

Mr. JONES of Washington and Mr. HEFLIN demanded the yeas and nays.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Iowa [Mr. CUMMINS]. I transfer that pair to the senior Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. WILLIAMS], which I transfer to the senior Senator from Minnesota [Mr. NELSON], and vote "nay."

The roll call was concluded.

Mr. DILLINGHAM (after having voted in the negative). I observe that the junior Senator from Virginia [Mr. GLASS] has not voted. I have a general pair with that Senator, which I transfer to the junior Senator from Idaho [Mr. GOODING], and allow my vote to stand.

Mr. LODGE (after having voted in the negative). I have a general pair with the Senator from Alabama [Mr. UNDERWOOD]. In his absence I transfer that pair to the junior Senator from Oregon [Mr. STANFIELD] and allow my vote to stand.

Mr. REED of Pennsylvania. I transfer my pair with the junior Senator from Delaware [Mr. BAYARD] to the junior Senator from New Mexico [Mr. BURSUM] and vote "nay."

Mr. WILLIS (after having voted in the negative). I am paired with my colleague, the senior Senator from Ohio [Mr. POMERENE]. I transfer that pair to the senior Senator from Utah [Mr. SMOOT] and allow my vote to stand.

Mr. EDGE. I transfer my general pair with the senior Senator from Oklahoma [Mr. OWEN] to the senior Senator from Maryland [Mr. FRANCE] and vote "nay."

Mr. McCUMBER (after having voted in the negative). I transfer my pair with the junior Senator from Utah [Mr. KING] to the junior Senator from Washington [Mr. POINDEXTER] and allow my vote to stand.

Mr. McCORMICK (after having voted in the negative). My pair, the junior Senator from Wyoming [Mr. KENDRICK], has not entered the Chamber. I therefore transfer my pair with that Senator to the junior Senator from New York [Mr. CALDER] and allow my vote to stand.

Mr. McKINLEY. I transfer my pair with the junior Senator from Arkansas [Mr. CARAWAY] to the senior Senator from South Dakota [Mr. STERLING] and vote "nay."

Mr. CURTIS. I wish to announce the following general pairs:

The Senator from West Virginia [Mr. ELKINS] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Colorado [Mr. NICHOLSON] with the Senator from Rhode Island [Mr. GERRY]; and

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Virginia [Mr. SWANSON].

The result was announced—yeas 18, nays 42, as follows:

YEAS—18.

Brookhart	Harrison	Overman	Stanley
Dial	Heflin	Reed, Mo.	Trammell
Fletcher	Jones, N. Mex.	Robinson	Walsh, Mont.
George	Ladd	Sheppard	
Harris	McKellar	Smith	

NAYS—42.

Ball	Frelinghuysen	McKinley	Reed, Pa.
Borah	Hale	McLean	Shortridge
Brandegee	Harreld	McNary	Spencer
Broussard	Johnson	Moses	Sutherland
Cameron	Jones, Wash.	New	Wadsworth
Capper	Kellogg	Norbeck	Warren
Curtis	Keyes	Oddie	Watson
Dillingham	Lenroot	Page	Weller
Edge	Lodge	Pepper	Willis
Ernst	McCormick	Phipps	
Fernald	McCumber	Ransdell	

NOT VOTING—36.

Ashurst	Elkins	Myers	Simmons
Bayard	France	Nelson	Smoot
Bursum	Gerry	Nicholson	Stanfield
Calder	Glass	Norris	Sterling
Caraway	Gooding	Owen	Swanson
Colt	Hitchcock	Pittman	Townsend
Couzens	Kendrick	Poindexter	Underwood
Culberson	King	Pomerene	Walsh, Mass.
Cummins	La Follette	Shields	Williams

So the Senate refused to adjourn.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13793) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1924, and for other purposes; that the House had receded from its disagreement to the amendments of the Senate numbered 101, 106, 119, and 122 to the said bill and concurred therein; that the House had receded from its disagreement to the amendments of the Senate numbered 18, 21, 34, 36, 38, and 49 to the said bill and concurred therein each

with an amendment, in which it requested the concurrence of the Senate; and that the House had insisted upon its disagreement to the amendment of the Senate numbered 30.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate numbered 124 to the bill (H. R. 13660) making appropriation for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1924, and for other purposes.

The message further announced that the House had agreed to a concurrent resolution (H. Con. Res. 86) providing that in the enrollment of House bill 13793, the War Department appropriation bill, the Clerk of the House be authorized and directed to make a correction, in which it requested the concurrence of the Senate.

WAR DEPARTMENT APPROPRIATIONS.

Mr. WADSWORTH. In the usual course I presume the Senate will proceed to the consideration of the conference report. I move that the Senate proceed to its consideration.

Mr. HARRISON. Will the Senator withhold the motion for a moment? The senior Senator from Nebraska [Mr. HITCHCOCK] is temporarily out of the Chamber and he desires to be present when the motion is made. Will the Senator wait until he returns? He will be here in a few minutes.

Mr. PHIPPS. Will the Senator from New York yield to me for the purpose of calling up the report of the committee of conference on the District of Columbia appropriation bill?

Mr. WADSWORTH. I myself have called up a conference report.

Mr. PHIPPS. I beg the Senator's pardon.

The PRESIDING OFFICER (Mr. MOSES in the chair). The Chair lays before the Senate the action of the House of Representatives on certain amendments of the Senate to House bill 13793, which will be read.

The Assistant Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
February 21, 1923.

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 101, 106, 119, and 122 to the bill (H. R. 13793) entitled "An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1924, and for other purposes," and concur therein.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and concur therein with an amendment as follows: In lieu of the sum proposed in said amendment insert "$250,000."

That the House recede from its disagreement to the amendment of the Senate numbered 21, and concur therein with an amendment as follows: After the word "headquarters," in said amendment, insert: "*Provided*, That not exceeding $60,000 of the funds appropriated in this act shall be used for the maintenance of divisional and regimental headquarters of the Organized Reserves."

That the House recede from its disagreement to the amendment of the Senate numbered 34, and concur therein with an amendment as follows: Strike out the first sentence in said amendment.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and concur therein with an amendment as follows: In line 2 of the matter inserted by said amendment strike out "be construed to."

That the House recede from its disagreement to the amendment of the Senate numbered 38, and concur therein with an amendment as follows:

"None of the money appropriated in this act shall be used to pay any officer on the retired list of the Army who is employed by any individual, partnership, corporation, or association as a sales or contract agent or as the manager or directing head of sales or contracts for the purpose of selling, contracting for the sale of, negotiating for the sale of, or furnishing to the Army or the War Department any supplies, materials, equipment, lands, buildings, plants, vessels, or munitions. And none of the money appropriated in this act shall be used to pay any officer on the retired list of the Army who is employed by any individual, partnership, corporation, or association regularly or frequently engaged in making direct sales of any merchandise or material to the War Department or Army."

That the House recede from its disagreement to the amendment of the Senate numbered 49, and concur therein with an amendment, as follows:

"On and after July 1, 1923, the cost of transportation of material in connection with the manufacturing and purchasing activities of the Signal Corps, Ordnance Department, Chemical Warfare Service, Air Service, Medical Department, Engineer Department, and the Coast Artillery Corps, and in connection with the construction and installation of fire-control projects at seacoast fortifications by the Coast Artillery Corps may be charged to the appropriations for the work in connection with which such transportation charges are required; and the Budget estimates for each of such appropriations shall hereafter carry separately the amounts required for such transportation costs."

That the House insist upon its disagreement to the amendment of the Senate numbered 30.

Mr. WADSWORTH and Mr. FLETCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. FLETCHER. Mr. President, may I ask the Senator from New York a question?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Florida?

Mr. WADSWORTH. I do.

Mr. FLETCHER. The Senator from Nebraska [Mr. HITCHCOCK] requested that if this conference report were presented and unanimous consent were asked for its consideration, that objection be made to it. I realize that under the rule the Senator from New York may move to take up the conference report; I presume that is correct, and, perhaps, that is the motion which he has made, though I am not sure whether he has made a motion that the report be taken up or has asked unanimous consent that it may be taken up. However, I mention the fact that the Senator from Nebraska, who is temporarily absent, having merely gone to get his dinner intending to return directly, has asked that if a unanimous consent request for the consideration of the conference report were made it be not granted until his return.

Mr. WADSWORTH. Mr. President——

The PRESIDING OFFICER. The Chair will state that he understood the Senator from New York to have made the motion to proceed to the consideration of the conference report, which motion is not debatable.

Mr. WADSWORTH. I ask unanimous consent to make a statement.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent to make a statement. Is there objection? The Chair hears none, and the Senator from New York will proceed.

Mr. WADSWORTH. Mr. President, my hesitancy in withholding the motion until the return of the Senator from Nebraska is due to the fact that if it is withheld the matter loses its privileged status, which I do not want lost. I am willing to withhold the motion if I may have the unanimous consent of the Senate to bring the matter before the Senate upon the return of the Senator from Nebraska, and to renew my motion at that time.

Mr. FLETCHER. I think that is reasonable, and I think no objection will be made to that.

Mr. WADSWORTH. Have we the assurance, so far as the Senator may give it, that the Senator from Nebraska will be here in a short time?

Mr. FLETCHER. I have no doubt that he will be here very shortly.

Mr. HARRISON. I wish to say to the Senator——

The PRESIDING OFFICER. Just a moment, if the Senator please. The Senator from New York received unanimous consent to make a statement, but the Chair does not understand that any other Senator has received unanimous consent to make a statement, and the motion is not debatable.

Mr. HARRISON. Will the Senator from New York yield to me?

Mr. WADSWORTH. I yield.

Mr. HARRISON. I wished to say that the Senator from Nebraska left the Chamber with the impression that this report would not be over here until about 10 o'clock, and he expected to return within the next 30 minutes.

Mr. WADSWORTH. The Senator from Nebraska will be here within that time?

Mr. HARRISON. He will be here.

The PRESIDING OFFICER. Does the Chair understand the Senator from Mississippi to ask unanimous consent that at 9 o'clock the motion to proceed to the consideration of the conference report in its privileged status shall be entertained?

Mr. HARRISON. Yes; I thank the Chair.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Nevada?

Mr. WADSWORTH. I yield.

Mr. PITTMAN. I desire to make a point of order.

The PRESIDING OFFICER. The Senator from Nevada will state it.

Mr. PITTMAN. There is a motion pending, and that motion is privileged.

The PRESIDING OFFICER. But it is not debatable.

Mr. PITTMAN. The motion is that the Senate take up what is called the filled milk bill. The presentation of a conference report is privileged, but its consideration is not privileged. I make the point of order that the motion, if there has been a motion—I do not know whether or not the Senator from New York has made a motion——

The PRESIDING OFFICER. The Chair so understood.

Mr. WADSWORTH. I did make the motion.

Mr. PITTMAN. I make the point of order that the motion is out of order, because there is a motion pending.

The PRESIDING OFFICER. Rule XXVII, in its first clause, relative to reports of conference committees, provides that such reports may be received under certain conditions, which existed when this report was received. The rule then goes on to provide:

And when received, the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.

The question was raised by the motion of the Senator from New York, and the Chair was about to put it when the Senator from New York received unanimous consent to make a statement. The point of order raised by the Senator from Nevada is overruled. The question is upon the motion of the Senator from New York to proceed to the consideration of the conference report.

Mr. PITTMAN. If the Chair will bear with me, my point of order is that when there is nothing pending before the Senate the presentation of a conference report is a privileged matter and it may be received by the Senate; but I can not conceive how the Senate, when it is considering action upon an existing motion, without a motion to displace it, can act on some other motion.

Mr. LODGE. A privileged motion can displace it.

The PRESIDING OFFICER. The Chair will read the complete rule. Rule XXVII provides:

REPORTS OF CONFERENCE COMMITTEES.

1. The presentation of reports of committees of conference shall always be in order, except when the Journal is being read, or a question of order or a motion to adjourn is pending, or while the Senate is dividing—

None of those things was in process when the report was received. The rule proceeds—

and when received the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.

The Chair holds that the point of order raised by the Senator from Nevada is not well taken. The question is on the motion of the Senator from New York that the Senate proceed to the consideration of the conference report.

Mr. HARRISON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Mississippi will state his parliamentary inquiry.

Mr. HARRISON. I understand that a unanimous-consent request was made that the motion should be entertained at 9 o'clock.

Mr. LODGE. Without losing its privilege.

Mr. WADSWORTH. Without losing its privileged status.

Mr. HARRISON. Yes; without losing its privileged status.

The PRESIDING OFFICER. The Senator from Mississippi asks unanimous consent that at 9 o'clock the Senator from New York may be permitted to renew the motion to proceed to the consideration of the conference report without losing the privileged status of that motion. Is there objection?

Mr. KING. I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Utah will state his parliamentary inquiry.

Mr. KING. If agreed to, would that displace the important measure now before us, to wit, the ship subsidy bill?

The PRESIDING OFFICER. Does the Senator refer to the request for unanimous consent? If so, the Chair is of the opinion that it would not displace the unfinished business.

Mr. KING. I refer to the consideration of the conference report submitted by the Senator from New York.

The PRESIDING OFFICER. Being under a unanimous-consent proposal, the Chair would think not.

Mr. HARRISON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HARRISON. Did I understand the Chair to say that the unanimous-consent agreement would not displace the unfinished business, but when the motion is made at 9 o'clock, if it should prevail, that would displace it?

Mr. WADSWORTH. Yes; it will.

The PRESIDING OFFICER. That is the Chair's understanding. The Chair understood the Senator from Utah [Mr. KING] to make an inquiry with reference to the present status of the unfinished business, which, of course, will not be disturbed if the unanimous-consent agreement shall be entered into; but if the motion of the Senator from New York when made at 9 o'clock shall prevail, of course the unfinished business will be displaced. Is there objection to the unanimous-consent agreement requested by the Senator from Mississippi? The Chair hears none, and it is so ordered.

DISTRICT OF COLUMBIA APPROPRIATIONS—CONFERENCE REPORT.

Mr. PHIPPS. Mr. President, I ask that the Chair lay before the Senate the conference report on House bill 13660, the District of Columbia appropriation bill.

The PRESIDING OFFICER. The report of the conference committee is privileged and may be presented. The Secretary will read the report.

The Assistant Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 124 to the bill (H. R. 13660) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1924, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 124: That the House recede from its amendment to the amendment of the Senate numbered 124, and in accordance with the authority granted by House Concurrent Resolution No. 84, passed at the present session, agrees to the amendment of the Senate with the following amendment: In lines 6 and 7 of the matter inserted by said Senate amendment strike out the words "at the Virginia end of the Key Bridge"; and the Senate agree to the same.

LAWRENCE C. PHIPPS,
L. HEISLER BALL,
W. L. JONES,
CARTER GLASS,
MORRIS SHEPPARD,
Managers on the part of the Senate.

LOUIS C. CRAMTON,
ROBERT E. EVANS,
Managers on the part of the House.

Mr. PHIPPS. Mr. President, I move the adoption of the report.

Mr. ROBINSON. Mr President——

The PRESIDING OFFICER. Will the Senator from Arkansas permit the Chair to state the question? The question is on agreeing to the motion of the Senator from Colorado. The Senator from Arkansas.

Mr. ROBINSON. Mr. President, the Secretary read a statement concerning this conference report, but it was impossible to understand the effect of the report. I will ask the Senator from Colorado to explain the issues between the two Houses that are to be composed by this conference report, and to discuss what adjustment has been made of the respective issues.

Mr. LODGE. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator from Massachusetts will state his point of order.

Mr. LODGE. My point of order is that we have to determine first the taking up of the report.

The PRESIDING OFFICER. Quite so. That is a motion that is not debatable. The question is on the motion of the Senator from Colorado that the Senate proceed to the consideration of the conference report.

Mr. ROBINSON. I have no objection.

The motion was agreed to; and the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 124 to the bill (H. R. 13660) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1924.

Mr. PHIPPS. Mr. President——

Mr. HARRISON. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Mississippi will state it.

Mr. HARRISON. What is the status now of the ship subsidy bill and the motion of the Senator from North Dakota [Mr. LADD]?

The PRESIDING OFFICER. The Chair understands they have been displaced.

Mr. PHIPPS. Mr. President, I will say that this is the final and complete report of the conferees.

Mr. JONES of Washington. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Washington will state it.

Mr. JONES of Washington. I want to ask whether, in the opinion of the Chair, the shipping bill has been temporarily displaced, or whether it will be necessary to take it up by motion?

Mr. KING. I call for the regular order.

Mr. JONES of Washington. This is a parliamentary inquiry.

The PRESIDING OFFICER. The opinion of the Chair is that since the Senate, by regular motion, has proceeded to the consideration of the conference report, the unfinished business is displaced, and can not resume its place before the Senate except upon motion.

Mr. JONES of Washington. That is what I wanted to know.

Mr. ROBINSON. The Chair is unquestionably correct.

Mr. PHIPPS. Mr. President, continuing my statement——

Mr. ROBINSON. May I ask the Senator from Colorado whether the conference report has been printed? Is it available? Has a print been made of the conference report?

Mr. PHIPPS. Yes; some days since. The Senate agreed to a concurrent resolution which authorized the conferees to eliminate a certain phrase in the wording of an amendment which was in disagreement, eliminating the words "at the Virginia end of the Key Bridge," in amendment No. 124, which extends for one year an appropriation of $25,000 for the purpose of providing a bathing beach for the colored residents of the District of Columbia. That was the only item remaining in dispute. It has now been agreed upon, pursuant to the concurrent resolution already adopted by both Houses. This is merely a matter of form in presenting the report for the RECORD.

Mr. President, I ask to have the question put on the motion.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Colorado that the Senate adopt the conference report.

Mr. KING. Mr. President——

The PRESIDING OFFICER. The Senator from Utah.

Mr. KING. May I inquire as to the first item in the report?

Mr. PHIPPS. I will say, for the information of the Senator, that there is only one item in the report.

Mr. KING. I was diverted for a moment.

Mr. PHIPPS. It relates solely to one item. All others have been disposed of. This is the item with reference to the bathing beach for the colored residents of the District.

Mr. KING. May I inquire of the Senator what disposition was made of the item with respect to parks—the Patterson tract as well as other tracts, as I recall—for which provision was made by the Senate?

Mr. PHIPPS. That was not in dispute at the moment. That was disposed of in the earlier conference. The Senate receded. The House declined to agree to those items, and the Senate was under the necessity of receding, because the Senate had put them in; and, under the rule generally recognized, the House introducing new matter is the one which is compelled to recede when the other House refuses to agree.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. KING. Mr. President, I had the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. KING. May I inquire of the Senator from Colorado what disposition was made of the items respecting schools and school-houses—the appropriations for schools?

Mr. PHIPPS. There were various items, Mr. President. I will say to the Senator that all of the items that were contained in the original bill, and which had been stricken out on the floor of the House under points of order, have been restored to the bill, and have now been approved by the House as suggested by the Senate.

Mr. McKELLAR. Mr. President, may I ask the Senator what became of the Archives Building?

Mr. PHIPPS. That was not an item in the District of Columbia bill. That item, I believe, was carried in the independent offices bill, or some other bill. It was not a feature of this bill.

Mr. McKELLAR. It was not provided for in the conference report, then?

Mr. PHIPPS. No; the District would not be interested in the Archives Building.

Mr. KING. Mr. President, I am not sure that I understood the statement of the Senator, and if I did not it was my fault and not his. My recollection is that there were a number of items dealing with schoolhouses and the purchasing of ground for additional school buildings that were in dispute. May I inquire whether all of those items have been composed by the House receding and accepting the position taken by the Senate?

Mr. PHIPPS. All of those have been. The House receded in every instance, but there were two or three additional items proposed by the Senate which the House was unwilling to accept, and on those the Senate has receded.

Mr. KING. What were those items, may I inquire of the Senator?

Mr. PHIPPS. If the Senator will allow me time to get to my desk, I shall be glad to answer his question. I can not remember them all.

Mr. KING. I shall be very happy to give the Senator such time as he requires.

Mr. PHIPPS. They have been disposed of, however. They are not in dispute and have no effect on the present motion.

Mr. KING. I know, but we shall be very glad to hear from the Senator what disposition was made of those items. I think the Senator will make time by making an explanation at this moment.

Mr. HARRELD. Mr. President——

Mr. KING. I do not yield, Mr. President, if the Senator will pardon me.

Mr. PHIPPS. Mr. President——

Mr. KING. I yield to the Senator from Colorado.

Mr. PHIPPS. Answering the inquiry of the Senator, Mr. President, the Senator will find on page 55 of the bill amendment numbered 80. On that amendment the Senate receded. On amendment numbered 81 the Senate also receded. The first was for the purchase of a site near the Brightwood School, and the second was for the purchase of a site near Rittenhouse and Fifth Streets NW. On amendment numbered 82, for the purchase of a site north of Webster Street and east of Georgia Avenue, the Senate receded. The House receded on the land for the Dunbar High School, which is in amendment numbered 79, and several others which I have mentioned—the extensible building at Georgia Avenue and Sixteenth Street and the Tenley School, including the building, the John F. Cook School, and the site for a 16-room building at Georgia Avenue and Sixteenth Street. The great majority of the items recommended by the Senate have been included in the bill in its approved form and agreed to by the House.

Mr. McKELLAR. Mr. President, will the Senator yield to me to ask a question?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Tennessee?

Mr. KING. I yield.

Mr. McKELLAR. I want to ask the acting chairman of the committee what became of the item on page 108 of the bill in reference to the water supply—the appropriation of $6,150,000?

Mr. PHIPPS. Mr. President, I call the Senator's attention to the fact that the appropriation carried by the bill is $1,500,000. There is a recitation to the effect that the total amount available, either by money appropriation or authorization to contract, up to the present time is $6,150,000.

Mr. McKELLAR. I understand that; but did the House agree to that?

Mr. PHIPPS. Oh, yes; the House agreed to that. The only question involved at all was that of improving the language in the amendment on page 110, providing for the progress of the work, construction under way and proposed within the District. The words "and without" were inserted, so that it reads:

Construction under way and proposed within and without the District.

That was done so as to cover any possibility of their getting into the State of Virginia, which it was intended to cover.

Mr. McKELLAR. Mr. President will the Senator yield to me again?

The PRESIDING OFFICER. Does the Senator from Utah further yield to the Senator from Tennessee?

Mr. KING. I yield to the Senator for the purpose of propounding a question.

Mr. McKELLAR. What was done with amendment No. 126, on page 103, the proviso? Was that included?

Mr. PHIPPS. Yes; on amendment No. 126 the House receded. The purpose of that amendment was simply to take off the cloud which covered this property during the period of time it was under consideration for park purposes. The areas described in that amendment, 126, are those which the Park Commission has decided that it will not acquire and has no use for; and it was determined that they should be cleared of any cloud to their title, so that the owners of the property would be free to sell or otherwise dispose of them as they might see fit. The District would have no further claim to them.

Mr. REED of Missouri and Mr. McKELLAR addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Utah yield further to the Senator from Tennesssee, or does he yield to the Senator from Missouri?

Mr. KING. I yield first to the Senator from Missouri.

Mr. REED of Missouri. I wanted to inquire where the land lies to which the Senator was just referring?

Mr. PHIPPS. In what is popularly known as the Piney Branch section of Rock Creek Park.

Mr. McKELLAR. Mr. President, if the Senator will yield to me——

Mr. KING. I yield for a question.

Mr. McKELLAR. What was done with amendments Nos. 127 and 128, found on pages 105 and 106?

Mr. PHIPPS. Those are the ones on which I have heretofore stated to the Senator from Utah the Senate conferees were under the necessity of receding. The House refused to agree, and therefore the three pieces of property will not be acquired under this bill.

Mr. DIAL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from South Carolina?

Mr. KING. For a question.

Mr. DIAL. Mr. President, I would like to ask the Senator what provision has been made for lighting the school buildings?

Mr. PHIPPS. The House agreed to an addition of $25,000 over and above the amount they had passed for that purpose. In addition to that there was an increase of $35,000 made in the item for repair and upkeep, part of which may be devoted to the same purpose, providing modern lighting for schoolrooms.

Mr. DIAL. Is that sufficient for all the school buildings?

Mr. PHIPPS. I would not like to venture an opinion as to that. I think it would be quite an undertaking to change the lighting in every schoolroom in every building in the District, but this will permit the work to proceed as rapidly as it has to be carried forward.

Mr. DIAL. I did not mean to change the lighting in all of them; I meant, to see that everyone of them had lighting facilities. In some they have no electric light and no gas.

Mr. PHIPPS. I have heard that statement made, but I have not yet been in a school building that did not have some form of lighting. They have not had to resort to tallow candles in any of the schools I have been in.

Mr. DIAL. In some they have very poor gaslight.

Mr. McKELLAR. Will the Senator from Utah yield?

Mr. KING. For a question.

Mr. McKELLAR. I want to ask the Senator in charge of the conference report with reference to the amendment on page 101:

> For improvement and care of public grounds in the District of Columbia, including foremen, gardeners, mechanics, laborers, office rent, maintenance, repair, exchange, and operation of not to exceed three motor-propelled passenger-carrying vehicles, and the maintenance, repair, exchange, and operation of motor cycles and bicycles for division foremen, $343,750.

Was that agreed to by the House?

Mr. PHIPPS. It was not.

Mr. McKELLAR. I want to congratulate the House on not agreeing to it, and I congratulate the Senate conferees on yielding.

Mr. PHIPPS. We were in disagreement, and under the compulsion of yielding.

Mr. KING. Mr. President, just a word or two with respect to this report and some of the subject matters which are comprised within it. I regret that the appropriations made by the Senate committee with reference to the schools, the acquisition of additional lands for the erection of schoolhouses, and the appropriations for the erection of schoolhouses were not all acceded to by the House.

Mr. PHIPPS. Mr. President, I may say to the Senator that the Senator's own remarks on the floor of this Chamber were used by the conferees on the part of the House in opposition to those very items.

Mr. KING. Mr. President, if so, they were distorted. With respect to the park provisions, there was one provision, I think, if I understand the Senator, on which the Senate yielded, as to which, in my opinion, it would have been for the benefit of the District of Columbia if they had not assented to the position of the House. I was in accord with the position which I understand the House took regarding the so-called Patterson tract. There may have been ample justification for the purchase of that tract, but it did seem to me at the time that there were grounds available the title of which was in the District, perhaps subject to some incumbrance or some servitude—as to that, I am not quite clear—which would have been proper and suitable for park purposes for the section of the city which it was presumed that park would serve.

However, as to the other tract, I understand the Senator to say that the Senate yielded, and the House refused to assent to the purchase of the other tract?

Mr. PHIPPS. That is correct.

Mr. KING. I regret that the conferees yielded in regard to that matter. I believe that one of the important duties and functions of a municipality is to provide suitable parks and playgrounds within the municipality. A few years ago our municipalities seemed to ignore the importance of parks. Quite recently civic pride, as well as a desire for the improved condition of the health of the people, have taken possession of municipal bodies, and there has been a very general movement in favor of acquiring lands for suitable parks.

Congress has manifested, in the main, a very commendable spirit in acquiring lands suitable for park purposes, but with the growth of the city, with the development in various other parts, it is quite apparent that we must make further provision for parks in the future. Whatever money is spent in the acquisition of municipal parks, in my judgment, is a very wise investment, not only for the health of the people and the welfare of the people, speaking in a physical sense, but from an artistic and esthetic standpoint. So I regret that as to this particular item the Senate conferees felt constrained to yield.

Mr. McKELLAR. Mr. President, I want to ask the chairman of the committee as to amendments 116 and 117, on pages 93 and 94, for the aid and support of the national library for the blind, and the Columbia Polytechnic Institute for the Blind. Were those two items agreed to in conference?

Mr. PHIPPS. One of them in full, and the other in part. I think the House agreed to $2,500 in one instance, where we proposed $5,000, and in the other they conceded $1,500, the full amount proposed by the Senate.

Mr. McKELLAR. If the Senator will permit me, I want to say that I greatly regret that the full amounts were not allowed in both cases. There could not be anything more deserving than these two institutions, and I regret very much that the amounts were not allowed.

I want to ask about the amendment on page 29, amendment numbered 46.

Mr. KING. I yield for a question.

Mr. McKELLAR. What was done with that amendment in reference to the allowance for automobiles privately owned?

Mr. PHIPPS. The number in the bill was kept down to a total of 48 automobiles and 8 motor cycles, as I recall it, at a monthly allowance of $20 in the case of automobiles and $10 in the case of motor cycles.

Mr. McKELLAR. The Senate yielded and accepted the House provision?

Mr. PHIPPS. It did.

Mr. McKELLAR. Had the House fixed the number?

Mr. PHIPPS. No; the House did not fix the number.

Mr. McKELLAR. But the conferees agreed on a number?

Mr. PHIPPS. They made an inquiry as to the number that should be used, and there was no disagreement as to the number that should be used.

Mr. McKELLAR. All I can say about that is that I am sorry they did not cut it out entirely.

Mr. KING. Mr. President, I want at this time to compliment the distinguished Senator from Colorado, and I do not want him to infer from any observations I have made that I am criticizing in the slightest degree his conduct as a conferee. I think the District of Columbia is to be congratulated upon having upon the important committee that deals with the appropriations for this great District a man who has given so much time and who is so well equipped for the discharge of his duties as the able Senator from Colorado.

I did make a comment with respect to the schools which my friend, as I understand him, has misconstrued. When the bill was under consideration in the Senate, I did call his attention to the fact that a joint committee had been appointed by the House and by the Senate for the consideration of the school question. I suggested that that committee had taken testimony, that it had not yet submitted its report, and I believed the committee, when it reported, would submit a comprehensive plan dealing with the entire subject of education within the District of Columbia, not only the curriculum of the schools, but the mechanics, if I may use that expression.

The members of the committee took testimony as to the condition of the schoolhouses, and the lack of school facilities, and I am not betraying any confidence when I say that the committee were unanimously of the opinion that there should be larger appropriations to build schoolhouses and equip them, to meet the needs of the people of the District. That committee will soon be able, in my opinion, to report to Congress, and I believe the committee will report that land must be acquired upon which to erect other schoolhouses, and that a considerable sum of money should be appropriated in the near future for the erection of buildings so necessary for the education of the young men and women of the District. I am sure that when that plan is reported to the Congress, it will meet with the hearty approval of this body, as well as the body at the other end of the Capitol.

Mr. PHIPPS. Mr. President, first of all I want to thank the Senator for his complimentary remarks, and to take this occasion to say that in my conferences with the Senator on items

of public interest here in the District, I have found him very broad minded, and indeed helpful, and I thoroughly understood his attitude with reference to the Patterson tract, and also with regard to the other tract of land. As I have stated, it was not possible for the Senate to insist on its position, on account of the parliamentary situation.

With reference to the matter of the schools, and my statement that the remarks made on the floor by the Senator were used as an argument to prevent the allowance of the items proposed by the Senate, that was merely in this limited manner. Perhaps I should have stated it at the time.

Mr. HEFLIN. Mr. President, may we have order, so that we may hear the charming eulogies which are being pronounced by Senators?

Mr. PHIPPS. It was simply that these programs should be carried out, and perhaps the placing of the school buildings in advance would kill it. I am for a vote on the report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. HEFLIN. Mr. President, there was so much confusion that I could not hear all that Senators were saying in tribute to each other. I want to hear all that. It delights me to hear them paying tributes to each other in this fashion.

I wanted to know if the provision for the pay of school-teachers was retained in the bill as we passed it through the Senate.

Mr. PHIPPS. There was no change in that item at all.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

DEPARTMENTAL USE OF AUTOMOBILES.

The Vice President laid before the Senate a communication from the Secretary of Commerce, transmitting, in further response to Senate Resolution 399, agreed to January 6, 1923, a report relative to the number and cost of maintenance of motor vehicles in use in the field service, which was ordered to lie on the table.

PETITIONS AND MEMORIALS.

Mr. WARREN presented a petition of sundry railway postal clerks of Cheyenne, Wyo., praying for the passage of the bill (H. R. 13136) to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, which was referred to the Committee on Civil Service.

He also presented a petition of sundry railway postal clerks of Cheyenne, Wyo., praying for the passage of the bill (H. R. 13609) to amend an act entitled "An act to reclassify postmasters and employees of the Postal Service and adjust their salaries and compensation on an equitable basis," approved June 5, 1920, which was referred to the Committee on Post Offices and Post Roads.

Mr. LODGE presented resolutions of the city council of Worcester, Mass., condemning the so-called Ku-Klux Klan, which were ordered to lie on the table.

Mr. McNARY presented a telegram from Sam A. Kozer, secretary of state of Oregon, at Salem, Oreg., transmitting a joint memorial of the Legislature of Oregon, which was referred to the Committee on Military Affairs and ordered to be printed in the RECORD as follows:

SALEM, OREG., *February 21, 1923.*

CHARLES L. MCNARY,
United States Senate Chamber, Washington, D. C.:

Pursuant to the provisions thereof I am transmitting senate joint memorial No. 6, thirty-second legislative assembly, State of Oregon:

Senate joint memorial No. 6.

Whereas at the legislative assembly of the Oregon State Legislature, held in the year 1864, the Government of the United States in the interest of its Military Establishment requested the State of Oregon to cede all of its right, title, and interest in and to certain land in front of Fort Stevens, Point Adams, and also to Sand Island, all of which lands were situated at the mouth of the Columbia River, in Clatsop County, Oreg.; and

Whereas in pursuance of said request said legislative assembly of Oregon at the session held that year passed an act, "An act to grant to the United States all right, title, and interest of the State of Oregon to certain tide lands herein mentioned," the said act passed both the house and senate and was duly approved on the 21st day of October, 1864, by Addison C. Gibbs, Governor of the State of Oregon, bill being house bill No. 65 of said legislature held in 1864; and

Whereas said United States Government has never in any manner whatsoever made use of said Sand Island for military purposes nor for any other purpose except as hereinafter stated; and

Whereas for a great number of years last past the War Department of the Federal Government, through its Engineering Department, has leased said Sand Island to different persons and corporations for the purpose of salmon seining, and has received through the medium of said leases large sums of money approximating several hundred thousand dollars; and

Whereas the Legislative Assembly of the State of Oregon feels that, by reason of the fact that this revenue has been secured from a non-military commercial use of said Sand Island, a use never contemplated at the time this land was ceded by the State of Oregon to the United States, the money belongs really, rightfully, and morally to the State of Oregon, and believes it unfair that the United States Government retains revenue secured from the lease of said Sand Island for purposes other than were originally intended; and

Whereas the State of Oregon desires to assist the city of Astoria, in Clatsop County, Oreg., to rehabilitate itself from the effects of the conflagration which destroyed the business portion of said city on December 8, 1922, and in that connection desires to have the Federal Government repay to the State of Oregon the sums of money morally belonging to the State and secured by the Federal Government through the lease of Sand Island: Now, therefore, be it

Resolved by the Senate of the State of Oregon (the House concurring), That we do hereby petition and memorialize Congress to immediately pass an act which shall provide that all such amounts of revenue heretofore secured by the Federal Government from said leases on Sand Island shall be immediately turned over to the treasurer of the State of Oregon; that when so received by the treasurer of the State of Oregon the secretary of state shall draw a warrant payable to the city of Astoria upon the treasurer of the State of Oregon for the amount of the money so turned over by the Federal Government to the State of Oregon; and be it further

Resolved, That a copy of these resolutions be immediately wired by the secretary of state to the Clerk of the United States Senate and to the Clerk of the United States House of Representatives and to each of the Oregon Members of Congress.

Concurred in by the house February 20, 1923.

K. K. KUBLI,
Speaker of the House.

Adopted by the senate February 16, 1923.

JAY UPTON,
President of the Senate.
SAM A. KOZER,
Secretary of State.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that they presented to the President of the United States the following enrolled bills and joint resolution:

On February 20, 1923:

S. 2023. An act defining the crop failure in the production of wheat, rye, or oats by those who borrowed money from the Government of the United States in the years 1918 and 1919, for the purchase of wheat, rye, or oats for seed, and for other purposes; and

S. 3220. An act to amend sections 2, 5, 11, 12, 15, 19, 29, and 30 of the United States Warehouse Act, approved August 11, 1916.

On February 21, 1923:

S. 1066. An act to authorize the Commissioners of the District of Columbia to close Piney Branch Road between Seventeenth and Taylor Streets and Sixteenth and Allison Streets NW., rendered useless or unnecessary by reason of the opening and extension of streets called for in the permanent highway plan of the District of Columbia;

S. 3048. An act for the relief of L. D. Riddell and George W. Hardin, trustees of Milligan College, Tennessee;

S. 3103. An act to amend section 2294, United States Revised Statutes, relating to homesteads;

S. 3332. An act to provide for a grant to the city of Boise, in the State of Idaho, of the use of a certain part of the Boise Barracks Military Reservation, under certain conditions;

S. 3593. An act to authorize an exchange of lands with owners of private land holdings within the Glacier National Park;

S. 3808. An act authorizing the Secretary of the Interior to investigate the feasibility of reclamation projects on the Columbia River and various other irrigation projects;

S. 4036. An act to prohibit the unauthorized wearing, manufacture, or sale of medals and badges awarded by the War Department; and

S. J. Res. 279. A joint resolution authorizing the Secretary of War to loan 3,000 wooden folding chairs for the use of the United Confederate Veterans at their reunion to be held in New Orleans, La., on April 11, 12, and 13, 1923.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LODGE:

A bill (S. 4604) for the relief of Yvonne Therrien (with an accompanying paper); and

A bill (S. 4605) for the relief of Alice M. Durkee (with accompanying papers); to the Committee on Claims.

THE MERCHANT MARINE.

Mr. McNARY submitted an amendment intended to be proposed by him to the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes, which was ordered to lie on the table and to be printed.

ARMY PAY READJUSTMENT.

Mr. WADSWORTH submitted amendments intended to be proposed by him to the bill (H. R. 14077) to extend the benefits of section 14 of the pay readjustment act of June 10, 1922, to validate certain payments made to the National Guard and reserve officers and warrant officers, and for other purposes, which were referred to the Committee on Military Affairs and ordered to be printed.

AMENDMENT TO THIRD DEFICIENCY APPROPRIATION BILL.

Mr. RANSDELL submitted an amendment proposing to pay $27,800 to Elizabeth White, administratrix of the estate of Samuel N. White, deceased, late of West Feliciana Parish, La., in full satisfaction of her claim as reported by the Court of Claims, etc., intended to be proposed by him to the third deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by title, and referred as indicated below:

H. R. 14270. An act to amend sections 8, 4, 9, 12, 15, 21, 22, and 25 of the act of Congress approved July 17, 1916, known as the Federal farm loan act; to the Committee on Banking and Currency.

H. R. 6577. An act authorizing the conveyance of certain land in the State of South Dakota to the Robert E. Kelley Post, No. 79, American Legion, South Dakota; and

H. R. 10041. An act for the relief of certain ex-service men; to the Committee on Public Lands and Surveys.

H. R. 514. An act authorizing the payment of an amount equal to six months' pay to Josephine H. Barin;

H. R. 1263. An act for the relief of Charles L. McCulley; and

H. R. 4437. An act for the relief of James H. Gordon; to the Committee on Naval Affairs.

H. R. 297. An act for the relief of Mrs. Vincenza Diminico;

H. R. 1227. An act for the relief of Frank G. Emmes;

H. R. 8733. An act for the relief of Harold L. McKinley;

H. R. 8871. An act for the relief of Richard Andrews;

H. R. 9631. An act for the relief of Edward F. Dunne, jr.;

H. R. 10022. An act for the relief of Eldredge & Mason, of Malone, N. Y.;

H. R. 12315. An act for the relief of the owners of the schooner *T. K. Bentley;* and

H. R. 12584. An act for the relief of Alice Loeber; to the Committee on Claims.

WAR DEPARTMENT APPROPRIATIONS.

The PRESIDING OFFICER (Mr. MOSES in the chair). The hour of 9 o'clock having arrived, under the unanimous-consent agreement previously entered into, the question is on the privileged motion made by the Senator from New York [Mr. WADSWORTH] that the Senate proceed to the consideration of the message from the House on certain amendments of the Senate to the Army appropriation bill.

The motion was agreed to.

The PRESIDING OFFICER. The Chair lays before the Senate the action of the House of Representatives, which will be read.

The Assistant Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
February 21, 1923.

Resolved, That the House recede from its disagreement to the amendments of the Senate Nos. 101, 106, 119, and 122 to the bill (H. R. 13793) entitled "An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1924, and for other purposes," and concur therein;

That the House recede from its disagreement to the amendment of the Senate No. 18, and concur therein with an amendment as follows: In lieu of the sum proposed in said amendment insert "$250,000."

That the House recede from its disagreement to the amendment of the Senate No. 21, and concur therein with an amendment as follows: After the word "headquarters," in said amendment, insert: "*Provided*, That not exceeding $60,000 of the funds appropriated in this act shall be used for the maintenance of divisional and regimental headquarters of the Organized Reserves."

That the House recede from its disagreement to the amendment of the Senate numbered 34, and concur therein with an amendment as follows: Strike out the first sentence in said amendment.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and concur therein with an amendment as follows: In line 2 of the matter inserted by said amendment strike out "be construed to."

That the House recede from its disagreement to the amendment of the Senate numbered 38, and concur therein with an amendment as follows:

"None of the money appropriated in this act shall be used to pay any officer on the retired list of the Army who is employed by any individual, partnership, corporation, or association as a sales or contract agent or as the manager or directing head of sales or contracts for the purpose of selling, contracting for the sale of, negotiating for the sale of, or furnishing to the Army or the War Department any supplies, materials, equipment, lands, buildings, plants, vessels, or munitions. And none of the money appropriated in this act shall be used to pay any officer on the retired list of the Army who is employed by any individual, partnership, corporation, or association regularly or frequently engaged in making direct sales of any merchandise or material to the War Department or Army."

That the House recede from its disagreement to the amendment of the Senate No. 49, and concur therein with an amendment as follows:

"On and after July 1, 1923, the cost of transportation of material in connection with the manufacturing and purchasing activities of the Signal Corps, Ordnance Department, Chemical Warfare Service, Air Service, Medical Department, Engineer Department, and the Coast Artillery Corps, and in connection with the construction and installation of fire-control projects at seacoast fortifications by the Coast Artillery Corps may be charged to the appropriations for the work in connection with which such transportation charges are required; and the Budget estimates for each of such appropriations shall hereafter carry separately the amounts required for such transportation costs."

That the House insist upon its disagreement to the amendment of the Senate No. 30.

Mr. WADSWORTH. I move that the Senate recede from its amendment No. 30, and agree to the amendments of the House to the amendments of the Senate Nos. 18, 21, 34, 36, 38, and 49.

Mr. KING. Mr. President, we have not had an opportunity to examine this report, and I should be very glad if the Senator would explain to us those items which he has asked us now to recede from or accede to.

Mr. WADSWORTH. Amendment numbered 30, concerning which I have moved the Senate recede, was an amendment put on while the bill was in the House, requiring recruiting officers of the Army to obtain the written consent of the parents or guardian of a recruit, if the recruit was between the ages of 18 and 21.

Amendment numbered 18, concerning which I have moved the Senate agree to the amendment of the House, provides that reserve officers when attending the 15-day training camps shall receive mileage at the rate of 4 cents a mile.

Mr. KING. May I make an inquiry of the Senator? I understand this was a House provision and the Senate disagreed to it and the Senate conferees receded?

Mr. WADSWORTH. No; this was a Senate amendment.

Mr. KING. Oh, I beg the Senator's pardon.

Mr. WADSWORTH. The conferees suggested it should be amended by decreasing the appropriation from $275,000 to $250,000. Then the Senate added the language concerning 4-cent mileage.

No. 21 refers to the maintaining of divisional and regimental headquarters for the Organized Reserve. The House has amended the Senate amendment in that regard by limiting the amount of money which shall be used for maintenance of those headquarters to $60,000 for the next fiscal year.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Tennessee?

Mr. WADSWORTH. I yield.

Mr. McKELLAR. Will the Senator state to what extent the Senate provision was cut down?

Mr. WADSWORTH. It was not cut down specifically. Maintenance of divisional and regimental headquarters was one of a number of items taken care of by one appropriation. The House has inserted a proviso that not more than $60,000 of the $350,000 appropriation shall be used for the maintenance of headquarters.

Mr. McKELLAR. That merely limits the activities of the Reserves?

Mr. WADSWORTH. It limits the expense of the headquarters.

Mr. OVERMAN. What was the total appropriation for the Reserve Officers' Training Corps?

Mr. WADSWORTH. I was answering the question of the Senator from Utah as to what the particular amendments were. May I finish that?

Mr. OVERMAN. Certainly.

Mr. WADSWORTH. No. 34 relates to the validating of payments heretofore made to 12 retired enlisted men of the Regular Army who are now employed in the Veterans' Bureau or have been employed there up to this time at salaries in excess of $2,500. The comptroller has ruled that these retired enlisted men fall under the prohibition of the statute of 1894 forbidding officers of the Government receiving more than two salaries if the civil salary is in excess of $2,500. This language validates the payments made in the past, so the money shall not be collected from the 12 old soldiers.

No. 36 has to do with the heat and light in kind allowance and straightens out the pay of the Army, Navy, and Marine Corps bill, so it is entirely clear.

Mr. ROBINSON. Mr. President, will the Senator yield to me for a moment in order that there may be discussed the procedure in the Senate after the conference report on the Army appropriation bill has been disposed of?

Mr. WADSWORTH. I yield for that purpose.

Mr. JONES of Washington. I will say, as the Senator has intimated, that in consideration of the disposal of the two conference reports without any unnecessary delay, and after the conference report is disposed of, I shall make my motion to take up the shipping bill and then agree to a recess until 11 o'clock to-morrow morning.

Mr. ROBINSON. With the motion pending to proceed to the consideration of the shipping bill?

Mr. JONES of Washington. Yes.

Mr. HITCHCOCK. I would like to have that distinctly understood. Is this a unanimous-consent agreement?

Mr. JONES of Washington. I was going to ask unanimous consent to recess until 11 o'clock.

Mr. HITCHCOCK. Will the Senator make the request now?

Mr. JONES of Washington. Very well. I ask unanimous consent that immediately upon the disposal of the action of the House on the amendments of the Senate to the War Department appropriation bill I shall be permitted to make a motion to take up the shipping bill and, with that motion pending, the Senate shall take a recess until 11 o'clock to-morrow morning.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The Senator from New York will proceed.

Mr. WADSWORTH. No. 36 makes it entirely clear that the pay law does not permit the giving of heat and light in kind.

No. 38 relates to the activities of retired officers in the employ of concerns which sell goods to the Government.

No. 49 relates to the charging of transportation costs to the appropriations made for the purchase of materials by the division of the War Department named in the amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New York that the Senate recede from its amendment numbered 30 and agree to the amendments of the House to the amendments of the Senate.

The motion was agreed to.

Mr. JONES of Washington. Mr. President, I move that the Senate——

The PRESIDING OFFICER. Will the Senator withhold the motion until the Chair lays before the Senate a concurrent resolution of the House of Representatives?

Mr. HITCHCOCK. This is not in strict accordance with the unanimous-consent agreement; but if there is nothing more, I have no objection.

Mr. JONES of Washington. It was not mentioned, but it was understood that no other business would be transacted. This, I think, is in connection with the War Department appropriation bill.

Mr. WADSWORTH. It is.

The PRESIDING OFFICER. It is for the correction of a clerical error in the bill which has just been disposed of.

Mr. HITCHCOCK. I have no objection, if there is nothing further.

Mr. WADSWORTH. I move the adoption of the concurrent resolution.

The concurrent resolution (H. Con. Res. 86) was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H. R. 13793) entitled "An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1924, and for other purposes," the Clerk of the House is authorized and directed to make the following correction: In line 15 of the matter inserted by Senate amendment No. 29 strike out "Congress). Promotions" and insert "Congress), promotions."

THE MERCHANT MARINE.

Mr. JONES of Washington. I move that the Senate proceed to the consideration of House bill 12817—the shipping bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from Washington that the Senate proceed to the consideration of the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes.

Mr. JONES of Washington. It is not to be voted on this evening.

The PRESIDING OFFICER. The motion is to be left pending, the Chair understands.

Mr. JONES of Washington. It is. Several Senators are apparently anxious to obtain recognition. As I said, it was understood, at the request of Senators on the other side of the aisle, that no other business would be disposed of to-night. Personally I would be perfectly willing to allow it to be done, but that was part of the understanding. It was not mentioned openly. Now, in pursuance of the unanimous-consent agreement, I move that the Senate take a recess until 11 o'clock to-morrow morning.

Mr. HARRISON. What is the motion pending?

The PRESIDING OFFICER. The pending motion is that the Senate proceed to the consideration of House bill 12817—the shipping bill.

Mr. JONES of Washington. I move that the order heretofore entered into be carried out and that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 9 o'clock and 8 minutes p. m.) the Senate, under the order previously entered, took a recess until to-morrow, Thursday, February 22, 1923, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 21, 1923.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O, Lord of all mercy, we bless Thee for the new day. Surely we are encompassed by Thy rich abundance; no good thing dost Thou withhold from us. We find that all Thy ways are pleasantness and all Thy paths are peace. Let us feel the impulse and the restraint of Thy presence. May we trust Thee without doubt or fear, and all the while just know Thee as our dearest Friend. By faith in Thee and fidelity to the right may the blessings of all the Christian virtues rest upon our people and let fall upon the world the hope of a better day. Amen.

The Journal of the proceedings of yesterday was read and approved.

PERSONAL EXPLANATION.

Mr. LITTLE. Mr. Speaker, yesterday during the vote on Senate amendment No. 21 to the Army bill I intended to vote "nay," but got into a little discussion with my colleague, the gentleman from Pennsylvania [Mr. CRAGO], and let it get away from me. I should have voted "nay" on amendment 21 if I had voted.

REVISION OF THE FEDERAL CODE APPROVED BY OUR ABLEST LAWYERS.

Mr. LITTLE. Mr. Speaker, I ask leave to extend my remarks in the Record by printing letters from Mr. John H. Wigmore, letters from Judge Trieber, of the Federal court in Arkansas, and a letter from Mr. John W. Davis, president of the American Bar Association.

Mr. STAFFORD. On what subject?

Mr. LITTLE. On the Federal code revision.

The SPEAKER. The gentleman from Kansas asks unanimous consent to extend his remarks in the RECORD as indicated by him. Is there objection?

There was no objection.

The letters referred to are as follows:

FROM WIGMORE ON EVIDENCE.

NORTHWESTERN UNIVERSITY SCHOOL OF LAW,
OFFICE OF THE DEAN,
Chicago, Ill., October 22, 1921.

Hon. EDWARD C. LITTLE,
House of Representatives, Washington, D. C.

DEAR SIR: I am much interested in learning the progress of congressional action upon your report containing the excellent revision of the laws of the United States. I have admired the speed with which you have made the compilation, and I have lamented the delay in taking action upon it. I am just now trying to bring down to date my book on evidence. I have carefully gone through your revised code and have noted all the present law by references thereto. I am much interested to know whether there is any likelihood of your numbering being changed substantially before the revision is enacted into law. I have assumed that without doubt it would be enacted substantially as presented.

The interval since the last official revision, of 1874–1878 is the longest that has elapsed in any jurisdiction except Illinois. In this State, owing to the small compass and the biannual appearance of a one-volume private edition with the session duly interspersed, the bar has suffered no inconvenience. But in the Federal laws the bulk and contents of the intervening legislation has now piled up into a mess which is a terror to the practitioner and a shocking waste of time. The state of things has now become intolerable. Since the completion of your draft revision the failure to act has become a disgrace on the part of Congress. The shame of leaving the Federal laws in this condition is no longer excusable on any ground.

Sincerely yours,

JOHN H. WIGMORE.

OPINION OF UNITED STATES JUDGE TRIEBER.

UNITED STATES DISTRICT JUDGE'S CHAMBERS,
EASTERN DISTRICT OF ARKANSAS,
Little Rock, Ark., February 12, 1923.

MY DEAR SENATORS: I am not unmindful how valuable your time is at this time, but the importance of the subject is my excuse for writing you this lengthy epistle.

On May 16, 1921, the House of Representatives passed H. R. 12, consolidating and revising the acts of Congress up to that date, but no action has been taken on it by the Senate.

It is one of the most important bills now pending and any assistance you gentlemen can render to have it enacted into a law will be of great benefit to the people.

The last Revised Statutes enacted by Congress as a law, and which repealed all other laws was published in 1873. In 1878 a second edition was published, but this edition is only to be taken prima facie as the law. The act authorizing the publication was approved March 2, 1877 (ch. 82, 19 Stat. 268), as amended by act of March 9, 1878 (ch. 26, 20 Stat. 27). Section 4 of that act provides,

among other things, that this revision "shall not preclude a reference to nor control, in case of discrepancy, the effect of any original act as passed by Congress since the 1st day of December, 1873." Therefore, there has been no revision which makes the laws conclusive since 1873.

Two publishing houses have published compilations of all the laws down to 1919, but they are not official, nor are they absolutely correct. The result is that quite frequently Federal judges must examine the original acts of Congress, as published in the Statutes at Large, to ascertain what the law is. As but few lawyers have a complete set of the Statutes at Large, they can not even make these examinations. Since 1873, Congress has enacted innumerable statutes, many of them new, others amending the Revised Statutes, and still others of such a nature that it is hard to determine whether they repeal existing laws or not, until that question is determined by the Supreme Court.

I will call your attention to one such instance, although I could mention many others. When the Volstead Act was enacted, the question arose whether former acts regulating the internal revenue taxes and offenses were repealed by implication. District courts and circuit courts of appeal differed and the question wasn't finally determined until the Supreme Court, a little over a year ago, in United States *v.* Yuginovich (256 U. S. 450), held that the former laws were repealed by implication.

Mr. LITTLE, who spent a number of years on this bill, kindly sent me a copy thereof, requesting me to examine it carefully and advise him whether there were any errors in it. No doubt he sent copies to other Federal judges also. I spent considerable time in examining the article referring to the judiciary and the penal laws, and found but two slight errors. I called his attention to them, and they were corrected.

The enactment of this bill will save a great deal of time to Federal judges and lawyers practicing in those courts. Nearly every State, including the State of Arkansas, has such a revision published every 10 years, and Congress hasn't made one for 50 years. If you can possibly assist in having this bill enacted before Congress adjourns, it will be a great boon to judges and lawyers and the people at large.

I consider the work of Mr. LITTLE not only of great importance but a work for which he can not be too highly commended.

With highest regards, yours sincerely,

JACOB TRIEBER,
United States District Judge.

Hon. J. T. ROBINSON and Hon. T. C. CARAWAY,
United States Senators, Washington, D. C.

—

FEBRUARY 13, 1923.

MY DEAR MR. LITTLE: Unless your H. R. 12 is identical with H. R. 9389 of the former Congress, I will appreciate very much if you can send me a copy of it. I consider the bill of such value that if I am in doubt as to some matter in the Compiled Statutes of the West Publishing Co. or the Thompson Co.'s Annotated, I refer to your bill.

With kind regards, yours sincerely,

JACOB TRIEBER,
United States District Judge.

Hon. EDWARD C. LITTLE, M. C.,
Washington, D. C.

—

JANUARY 15, 1923.

MY DEAR SENATOR ERNST: I have been very hopeful that the Senate would proceed to the prompt enactment of the new United States code, passed by the House a year ago last May. During the past year I have used the copy of it in preparing a new edition of my "Treatise on Evidence," and have been through every page of the work and find it entirely satisfactory. For 20 months it has lain in the hands of your committee.

Is there any reason you care to give explaining the delay?

Very truly yours,

JOHN H. WIGMORE.

Hon. RICHARD P. ERNST,
Senate Chamber, Washington, D. C.

—

[From president American Bar Association.]

STETSON, JENNINGS & RUSSELL,
New York, January 31, 1923.

MY DEAR MR. LITTLE: Your letter of January 10 reached my office while I was absent attending the midwinter meeting of the executive committee of the American Bar Association. Since my return a few days ago I have been hoping that I might have time to make the critical inspection of the bill which you suggest, but with the pressure of other matters it is quite clear that I shall not be able to do so in time to make my views of any service to you during the present session of Congress. There can be no question on the part of anyone that such a recodification is urgently necessary, and it will be a great pity if Congress adjourns without putting its stamp of approval upon the work. I know, of course, how difficult it is to get attention for such matters in the closing days of a busy session, but after all a bill of this character is distinctly a work for committees rather than for either House as a whole, and the general body, I should think, would be willing to adopt with a minimum of discussion a bill which comes to it with a favorable report.

Believe me, very sincerely yours,

JOHN W. DAVIS.

REQUEST FOR UNANIMOUS CONSENT.

Mr. ROUSE. Mr. Speaker, I ask unanimous consent to discharge the Committee on the Post Office and Post Roads from the further consideration of House Resolution 492, and I ask unanimous consent for its present consideration.

The SPEAKER. The Chair can not recognize the gentleman for that now.

Mr. ROUSE. It is a privileged resolution.

The SPEAKER. Certainly; but there are various other privileged matters demanding recognition. The Chair will recognize the gentleman in due time.

FLORAL WREATH FOR THE WASHINGTON MONUMENT.

Mr. MADDEN. Mr. Speaker, I call up from the Speaker's table Senate Concurrent Resolution 39, directing the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives to place a floral wreath at the base of the Washington Monument on Washington's Birthday.

The SPEAKER. The gentleman from Illinois calls up a concurrent resolution, which the Clerk will report.

The Clerk read as follows:

Senate Concurrent Resolution 39.

Resolved by the Senate (the House of Representatives concurring), That the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives are hereby authorized and directed to purchase a floral wreath to be placed at the base of the Washington Monument on Washington's Birthday, February 22, 1923, on the occasion of the ceremonies attending upon the silent tribute, the expense of such wreath to be paid in equal proportions from the contingent funds of the Senate and House of Representatives.

The SPEAKER. Is there objection to the present consideration of the resolution.

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

WAR DEPARTMENT APPROPRIATIONS.

Mr. ANTHONY. Mr. Speaker, I call up the conference report on the War Department appropriation bill.

The SPEAKER. The gentleman from Kansas calls up the conference report on a bill which the Clerk will report by title.

The Clerk read the title of the bill (H. R. 13793) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1924, and for other purposes.

The SPEAKER. Amendment 30 is pending. The Clerk will report it.

The Clerk read as follows:

Mr. ANTHONY moves to recede and concur in Senate amendment No. 30.

The SPEAKER. On that the time was practically exhausted, as the Chair remembers.

Mr. ANTHONY. How much time remains?

The SPEAKER. There are six minutes remaining of the hour.

Mr. ANTHONY. Practically all the time in the debate was used by gentlemen who were opposed to this motion, and I would like very much to have a vote in a few minutes, if it is agreeable to the gentleman from Mississippi.

Mr. SISSON. It is entirely agreeable to me. I should like to have one short speech on this side.

Mr. COOPER of Wisconsin. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER of Wisconsin. What is the amendment?

The SPEAKER. The Clerk will report the amendment in full, the provision to be stricken out.

The Clerk read as follows:

Amendment No. 30: Page 18, line 12, strike out the following: "*Provided*, That no part of the funds herein appropriated shall be utilized for the recruiting or enlistment of boys under the age of 21 years without the written consent of the parents or guardians, if any, of such boys, or unless the applicant furnishes a birth certificate or the affidavit of two disinterested witnesses showing such applicant for enlistment to be 21 years of age."

Mr. ANTHONY. Mr. Speaker, if the House agrees to the motion which is now before it, it will prevent the enactment into law of the language which has been read. As I stated to the House yesterday, this is a very serious proposition, and should the House amendment be written into the bill the War Department will be confronted with a very critical situation. I think under no circumstances, even under the furthest stretch of sympathy with enlisted men under 21, should the House adopt such a drastic provision.

Mr. HICKS. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from New York.

Mr. HICKS. As I understand, a vote "yea" will be equivalent to a vote against the proposition that passed the House a few weeks ago?

Mr. ANTHONY. It will. It will strike the language from the bill. I yield to the gentleman from Wisconsin [Mr. STAFFORD] such time as he desires.

Mr. COOPER of Wisconsin. May I have two minutes?

Mr. ANTHONY. There are only four minutes remaining.

Mr. BLANTON. Mr. Speaker, I make the point of order that the yielding of unlimited time is not authorized, that the time yielded should be definitely stated.

Mr. STAFFORD. The gentleman yields the remainder of the time.

Mr. BLANTON. No; he said such time as the gentleman desired.

Mr. STAFFORD. That is predicated upon the idea that there are four minutes remaining.

Mr. ANTHONY. Then I yield to the gentleman four minutes.

Mr. SISSON. Mr. Speaker, not to be taken out of the gentleman's time, the gentleman from Kansas [Mr. ANTHONY] and I had an informal agreement that I might yield to one man on this side.

Mr. ANTHONY. There were but six minutes remaining out of the hour, as I understood, and practically all of the time has been used by gentlemen on the other side of the question. I have used two minutes, and I now yield the remainder to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. SISSON. By unanimous consent, I should like to have two or three minutes.

Mr. ANTHONY. That is entirely agreeable to me.

Mr. SISSON. All right.

Mr. STAFFORD. Mr. Speaker, last year we succeeded in cutting down the Army from 150,000 men to 125,000 men, and if you adopt this amendment you virtually cripple the small skeleton Army that we have to-day-. Thirty-seven per cent of all the enlisted men of the Army are under the age of 21. Of course, you can accomplish by indirection what you sometimes accomplish by direction. Some on the other side would have an Army of 100,000 men, some would have an Army of 75,000 men. If you are going to have a skeleton Army of the smallest efficient number, strike out the amendment as agreed to by the Senate.

It is unworkable to have these men between 18 and 21 furnish a certificate of their birth or the written consent of their parents. A large percentage of those who apply between the ages of 18 and 21 do not apply from their homes. They are away from home and willing to enter the Army. What better service can a young man find if he wants to enter the Army than three years' training in that service? Bear in mind that every boy under 18 who misrepresents his age and enlists and desires to leave the Army before he reaches 18 years receives an honorable discharge and has transportation furnished to his home.

Every boy in our Government should be trained, if he wishes, between the years of 18 and 21. Before they reach the age of 21 they have the adventurous spirit, and that is the age when they determine whether they want to make the Army a career, as thousands have made it a career, men of the highest character. I know you can cite cases where boys have misrepresented their age under 18, and in every instance they are discharged upon request.

Mr. HUSTED. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. HUSTED. If we interpose obstacles like this to enlistment, is it not likely that many men would enlist, even though they could obtain their parents' consent?

Mr. STAFFORD. Yes; it hamstrings the enlistment. Do you mean to say that if I was 19 years old I should not have the privilege of enlisting in the Army without my parents' consent? Perhaps it would have been better as far as my physical stature is concerned if I had enlisted instead of grinding away at books into the wee small hours of the morning. The conditions in the country are that it is difficult to get men at present; when the industries are demanding men it is difficult to get men between the ages of 18 and 21. If you are going to place these restrictions on enlistments, you make it unworkable, and all those who vote for it will vote for crippling the Army and depriving it largely of its most efficient part—the young men from 18 to 21.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. SISSON. Mr. Speaker, I ask unanimous consent that I may have four minutes.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that he may have four minutes. Is there objection?

There was no objection.

Mr. SISSON. Mr. Speaker, I yield two minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER of Wisconsin. Mr. Speaker, I shall vote to retain the proviso passed by the House. I disagree entirely with my colleague [Mr. STAFFORD], who has just spoken, and I disagree absolutely with what the gentleman from Wyoming said last night in support of the motion of the gentleman from Kansas to strike out this amendment.

No State in the Union will permit a boy 18 years of age to do anything with property which may have been left him. The law says that he is incompetent to dispose of his property. And yet a boy 18 years of age can go to one of these recruiting offices, covered with posters depicting beautiful landscapes and wonderful sights for travelers to see, and be taken into the Regular Army, although his father and mother both protest that he is of a character and disposition which unfit him for military life and that he ought not to be permitted to go away from the parental roof. The practice of taking a minor child in time of peace away from his father and mother without their knowledge, perhaps over their protest, ought never to be tolerated in this Republic. [Applause.] The House did the right thing when it passed the original proviso prohibiting a wrong like that, and we should not now recede because gentlemen think, as some of them have said here, that to get a boy into the Army is easier than it is to get an adult. The motion of the gentleman from Kansas should be defeated and the original House proviso retained in the bill. [Applause.]

Mr. SISSON. Mr. Speaker, I yield two minutes to the gentleman from Texas [Mr. WURZBACH].

Mr. WURZBACH. Mr. Speaker, I am in favor of the proviso written in the bill by the House which requires the consent of the parent or guardian in enlistments of boys under 21 years and over 18 years of age. No one can accuse me of not being the friend of an adequate Army. In fact, I think I have been accused of being a big Army man. But I am opposed to taking away from the parents in this country the right to decide the occupation of their minor children between the ages of 18 and 21. If it is conceded, as it must be, that a parent has under the laws of every State the care and custody of his child until he arrives at the age of 21 years, then I say that to permit the minor son to enlist in the Army without the parent's consent is, so far as the parent is concerned, a draft or conscription in time of peace.

There is another reason why I favor the House proviso and oppose the Senate amendment. We know that many boys are taken into the Army who are less than 18 years of age. It is easy for them to misrepresent their ages. There are boys in the Army who are 16 and 17 years of age. The House proviso, if it becomes a law, will prevent such enlistments and it will discover those cases where boys are under 18 years of age. Therefore, I am opposed to the Senate amendment striking out the House proviso, and shall vote "no" on the pending motion.

Mr. HUSTED. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for three minutes. Is there objection?

Mr. BLANTON. Mr. Speaker, in that connection I ask for two minutes in which to reply to the gentleman.

Mr. UNDERHILL. Mr. Speaker, reserving the right to object, if this thing is going on indefinitely I object.

Mr. ANTHONY. Mr. Speaker, I move the previous question on the motion to recede and concur.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Kansas that the House recede from its disagreement to the Senate amendment and concur in the same.

The question was taken; and on a division (demanded by Mr. ANTHONY) there were—ayes 58, noes 53.

Mr. BLANTON. Mr. Speaker, I object to the vote and make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. It is clear that there is not. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 134, nays 177, not voting 116, as follows:

YEAS—134.

Ackerman	Cooper, Ohio	Gensman	Husted
Andrew, Mass.	Copley	Gernerd	Ireland
Anthony	Crago	Gifford	Jefferis, Nebr.
Appleby	Cramton	Glynn	Johnson, Ky.
Bacharach	Dale	Graham, Ill.	Johnson, Wash.
Barbour	Darrow	Green, Iowa	Kearns
Beedy	Dempsey	Greene, Mass.	Kelley, Mich.
Begg	Denison	Greene, Vt.	Kelly, Pa.
Bland, Ind.	Dickinson	Griest	Kendall
Bond	Dunn	Griffin	Kiess
Brown, Tenn.	Edmonds	Hadley	Kissel
Burdick	Elliott	Hardy, Colo.	Kline, N. Y.
Butler	Ellis	Hawes	Kline, Pa.
Cable	Evans	Hawley	Kraus
Campbell, Kans.	Fenn	Henry	Lea, Calif.
Campbell, Pa.	Fess	Hickey	Leatherwood
Chalmers	Fish	Hicks	Lehlbach
Chindblom	Fitzgerald	Hill	Lineberger
Clarke, N. Y.	Fordney	Hogan	Longworth
Colton	Frothingham	Hull	Luce

McCormick	Parker, N. J.	Sanders, Ind.	Tincher
McKenzie	Parker, N. Y.	Shreve	Tinkham
McLaughlin, Pa.	Patterson, N. J.	Smith, Idaho	Towner
MacLafferty	Paul	Snyder	Treadway
Madden	Porter	Sproul	Underhill
Magee	Pringey	Stafford	Vestal
Mapes	Purnell	Stephens	Walters
Merritt	Radcliffe	Strong, Kans.	Webster
Miller	Ramseyer	Strong, Pa.	White, Me.
Moores, Ind.	Ransley	Swing	Winslow
Mott	Reece	Taylor, N. J.	Wyant
Newton, Minn.	Rhodes	Temple	Young
Norton	Robertson	Tilson	
Paige	Rogers	Timberlake	

NAYS—177.

Abernethy	Driver	Larson, Minn.	Sabath
Almon	Echols	Lawrence	Sanders, Tex.
Anderson	Fairchild	Lazaro	Sandlin
Andrews, Nebr.	Fairfield	Lee, Ga.	Scott, Tenn.
Aswell	Faust	Little	Sears
Atkeson	Favrot	London	Shaw
Bankhead	Fields	Lowrey	Siegel
Beck	Fisher	McClintic	Sinclair
Bell	Foster	McDuffie	Sisson
Benham	Frear	McFadden	Smithwick
Black	Fuller	McLaughlin, Mich.	Speaks
Blakeney	Fulmer	McLaughlin, Nebr.	Steagall
Bland, Va.	Funk	McSwain	Stedman
Blanton	Gahn	MacGregor	Steenerson
Boies	Gallivan	Maloney	Stevenson
Bowling	Garrett, Tenn.	Martin	Sumners, Tex.
Box	Garrett, Tex.	Mead	Swank
Brand	Gilbert	Michener	Sweet
Briggs	Goldsborough	Montague	Taylor, Colo.
Browne, Wis.	Hammer	Moore, Va.	Taylor, Tenn.
Buchanan	Hardy, Tex.	Morgan	Ten Eyck
Bulwinkle	Haugen	Murphy	Thompson
Burtness	Hayden	Nelson, Me.	Tillman
Byrnes, S. C.	Herrick	Nelson, A. P.	Turner
Byrns, Tenn.	Hersey	Nelson, J. M.	Tyson
Cannon	Hoch	Newton, Mo.	Upshaw
Carew	Hooker	O'Brien	Vinson
Carter	Huddleston	Oldfield	Voigt
Christopherson	Hudspeth	Oliver	Volstead
Clague	Hukriede	Parks, Ark.	Wason
Clark, Fla.	Humphrey, Nebr.	Patterson, Mo.	Watson
Cockran	Humphreys, Miss.	Perlman	Weaver
Cole, Iowa	Jacoway	Pou	White, Kans.
Collier	James	Quin	Williams, Ill.
Collins	Jeffers, Ala.	Rainey, Ill.	Williamson
Connally, Tex.	Jones, Tex.	Raker	Wilson
Cooper, Wis.	Kincheloe	Rankin	Wingo
Crisp	Knutson	Rayburn	Wise
Cullen	Kopp	Reed, N. Y.	Woodruff
Dallinger	Kreider	Reed, W. Va.	Woods, Va.
Davis, Tenn.	Kunz	Ricketts	Wright
Dominick	Langley	Riordan	Wurzbach
Doughton	Lanham	Roach	
Dowell	Lankford	Robsion	
Drewry	Larsen, Ga.	Rouse	

NOT VOTING—116.

Ansorge	Focht	Linthicum	Rucker
Arentz	Free	Logan	Ryan
Barkley	Freeman	Luhring	Sanders, N. Y.
Bird	French	Lyon	Schall
Bixler	Garner	McArthur	Scott, Mich.
Bowers	Goodykoontz	McPherson	Shelton
Brennan	Gorman	Mansfield	Sinnott
Britten	Gould	Michaelson	Slemp
Brooks, Ill.	Graham, Pa.	Mills	Smith, Mich.
Brooks, Pa.	Hays	Mondell	Snell
Burke	Himes	Moore, Ill.	Stiness
Burton	Huck	Moore, Ohio	Stoll
Cantrill	Hutchinson	Morin	Sullivan
Chandler, N. Y.	Johnson, Miss.	Mudd	Summers, Wash.
Chandler, Okla.	Johnson, S. Dak.	Nolan	Tague
Classon	Jones, Pa.	O'Connor	Taylor, Ark.
Clouse	Kahn	Ogden	Thomas
Codd	Keller	Olpp	Thorpe
Cole, Ohio	Kennedy	Overstreet	Tucker
Connolly, Pa.	Ketcham	Park, Ga.	Vaile
Coughlin	Kindred	Perkins	Volk
Crowther	King	Petersen	Ward, N. C.
Curry	Kirkpatrick	Rainey, Ala.	Ward, N. Y.
Davis, Minn.	Kitchin	Reber	Wheeler
Deal	Kleczka	Riddick	Williams, Tex.
Drane	Knight	Rodenberg	Wood, Ind.
Dunbar	Lampert	Rose	Woodyard
Dupré	Layton	Rosenbloom	Yates
Dyer	Lee, N. Y.	Rossdale	Zihlman

So the motion to recede and concur was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. Davis of Minnesota with Mr. Williams of Texas.
Mr. Lampert with Mr. Barkley.
Mr. Bixler with Mr. Dupré.
Mr. Sinnott with Mr. Linthicum.
Mr. Kahn with Mr. O'Connor.
Mr. Burton with Mr. Sullivan.
Mr. Morin with Mr. Ward of North Carolina.
Mr. Perkins with Mr. Kindred.
Mr. Cole of Ohio with Mr. Drane.
Mr. Free with Mr. Logan.
Mr. Connolly of Pennsylvania with Mr. Park of Georgia.
Mr. Brennan with Mr. Stoll.
Mr. Snell with Mr. Cantrill.
Mr. Keller with Mr. Garner.
Mr. Crowther with Mr. Lyon.
Mr. Stiness with Mr. Rucker.
Mr. Michaelson with Mr. Thomas.
Mr. Freeman with Mr. Rainey of Alabama.
Mr. Brooks of Illinois with Mr. Kitchin.
Mr. Graham of Pennsylvania with Mr. Deal.
Mr. Johnson of South Dakota with Mr. Mansfield.
Mr. French with Mr. Tague.
Mr. Coughlin with Mr. Tucker.
Mr. McPherson with Mr. Johnson of Mississippi.
Mr. Bird with Mr. Taylor of Arkansas.
Mr. Rosenbloom with Mr. Overstreet.

The result of the vote was announced as above recorded.

On motion of Mr. CONNALLY of Texas, a motion to reconsider the vote by which the motion to recede and concur was rejected was laid on the table.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 34: Page 20, after line 4, insert: "Section 2 of the legislative, executive, and judicial appropriation act, approved July 31, 1894, is amended by adding at the end thereof a new section to read as follows: 'Retired enlisted men of the Army, Navy, Marine Corps, or Coast Guard shall not be construed to hold an office within the meaning of this section. Payments heretofore made to retired enlisted men of the Army, Navy, Marine Corps, or Coast Guard, under appointments to civil offices with a compensation of $2,500 or more per annum, are hereby validated.'"

Mr. ANTHONY. Mr. Speaker, I move to recede and concur with an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Mr. ANTHONY moves to recede and concur with an amendment as follows: "Strike out the first sentence in said amendment."

Mr. FIELDS. Mr. Speaker, I desire to offer a preferential motion unless we may know what the amendment does.

Mr. ANTHONY. Mr. Speaker, the motion which has just been offered strikes out the first paragraph of the section, and the amendment authorizes the language:

Payments heretofore made to retired enlisted men of the Army, Navy, Marine Corps, or Coast Guard, under appointment to civil offices with a compensation of $2,500 or more per annum, are hereby validated.

The situation is this: There are 12 retired enlisted men of the Army drawing their pay as enlisted men or noncommissioned officers retired in the various noncommissioned grades who are also in receipt of salaries in excess of $2,500, as the heads of divisions in the Veterans' Bureau. Under the law as it exists to-day, under a ruling of the Comptroller General that they are holding an office within the meaning of the law by reason of drawing pay as retired noncommissioned officers of the Army, they would be prohibited from drawing their civil pay. The effect of the language which is offered in this amendment is simply to validate the payments that have previously been made to them. That is as far as it goes; otherwise they would be subject to deductions for the payments in excess of $2,500.

Mr. FIELDS. It will not permit further payments to them.

Mr. ANTHONY. My understanding is that these men have been reemployed since this decision at salaries of $2,490 per annum, to bring them within the meaning of the present law.

Mr. HILL. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. HILL. I have introduced a bill seeking to do precisely the same that this amendment does. I think the amendment which the gentleman offers carries out the purpose that I have in mind.

Mr. ANTHONY. It validates the payments that have already been made to these 12 men.

Mr. FIELDS. Mr. Speaker, I desire to offer a preferential motion to recede and concur and I desire to be heard upon that.

The SPEAKER. The gentleman from Kentucky moves to recede and concur.

Mr. ANTHONY. Mr. Speaker, I demand a division of the question.

The SPEAKER. The question will be divided. Does the gentleman from Kansas yield to the gentleman from Kentucky?

Mr. ANTHONY. Mr. Speaker, I yield five minutes to the gentleman from Kentucky.

Mr. FIELDS. Mr. Speaker, this condition has arisen out of a decision of the Comptroller of the Treasury that a retired enlisted man is an officer of the United States. How many of you believe that the enlisted man is an officer? If you believe that the enlisted man is an officer, you will vote for the motion of the gentleman from Kansas. If you believe the enlisted man is not an officer and desire to be consistent, you will vote for

my motion to recede and concur in the Senate amendment. I want to ask this side how many of you believe that the enlisted man is an officer of the United States? This condition has arisen out of a decision of the Comptroller of the Treasury in which he holds that the enlisted man is an officer of the United States. If you agree with the comptroller that the retired enlisted man is an officer of the United States, you, of course, will vote for the motion of the gentleman from Kansas [Mr. ANTHONY]. If you believe the enlisted man is not an officer, I take it you will vote for my motion to recede and concur in the Senate amendment. Now, why should a retired enlisted man rendering the same service in the Veterans' Bureau that is rendered there by a retired officer be discriminated against? There is a provision in the law, upon which the Comptroller of the Treasury based his decision, that authorizes the employment of retired officers in positions the salary of which does not exceed $2,500 a year. There is no argument as to whether or not the enlisted man is an officer. He is not; he never was; and nobody else but the Comptroller of the Treasury rendered such a decision, and I judge this will not be rendered again.

Mr. LOWREY. Will the gentleman yield?

Mr. FIELDS. I will.

Mr. LOWREY. Does the gentleman know on what grounds he based that decision?

Mr. FIELDS. I do not, and nobody knows. But here is what the House is to do by its vote: If you support the motion of the gentleman from Kansas [Mr. ANTHONY], the House says by its vote that a retired enlisted man is an officer of the United States. I do not believe the House wants to take that position. There is more at stake here, gentlemen, than the question of the position of these 12 enlisted men who have retired and who have been employed in the Veterans' Bureau, and who, because of the decision of the Comptroller of the Treasury, were called upon to return to the Treasury their salary they have received for their service in the Veterans' Bureau for the last 18 months. There is the question whether this House by its vote will confirm the decision of the Comptroller of the Treasury that an enlisted man is an officer of the United States.

Mr. SNYDER. Will the gentleman yield?

Mr. FIELDS. I will.

Mr. SNYDER. If an enlisted man is not an officer under that decision, what is he?

Mr. FIELDS. He is an enlisted man.

Mr. SNYDER. All right.

Mr. FIELDS. Is an enlisted man an officer in the Army?

Mr. SNYDER. I would say that he was.

Mr. FIELDS. Is an enlisted man an officer in the Army?

Mr. SNYDER. I do not mean to say that he is an officer in the Army, but he is a noncommissioned officer of the United States in the service of the Army.

Mr. FIELDS. He is a noncommissioned officer when advanced to that grade; but an enlisted man is not an officer of the United States, and that is the question we must determine.

Mr. ANTHONY. I think, to be fair, the gentleman ought to state that these 12 men are retired as noncommissioned officers, and they draw retired pay of $94 a month.

Mr. FIELDS. The decision is not in that shape. It applies to retired——

Mr. JAMES. If a commissioned officer is entitled to draw compensation, why not a noncommissioned officer?

Mr. FIELDS. As the gentleman from Michigan [Mr. JAMES] has suggested, if the retired commissioned officer is entitled to draw this pay, why not a noncommissioned officer?

Mr. STAFFORD. The commissioned officer is not entitled to draw pay above $2,500.

Mr. FIELDS. Up to $2,500. The motion of the gentleman from Kansas validates the compensation already paid but does not settle the other question.

Mr. ANTHONY. I yield five minutes to the gentleman from Ohio [Mr. KEARNS].

Mr. KEARNS. Mr. Speaker and gentlemen of the House, let me take up the question where the gentleman from Kentucky left off. The law provides that a commissioned officer who is retired can be appointed to another office and draw a salary of any amount, provided he is appointed by the President and confirmed by the Senate. Therefore there is a provision of law by which any retired officer of the United States Army can draw two salaries, and this is an absurd ruling of the Comptroller General when he says that an enlisted man is now holding office under the United States Government. If he holds an office, what authority has he, what duty has he to perform? He does nothing at all except draw the small pittance as a retired enlisted man of the United States Army. Whenever these officers come before this House and ask for relief they almost without exception get it, but when one of these retired enlisted men comes before us they have not the same advocates upon the floor of this House that the officers have.

There are 12 of these men and I wish the House membership to listen to this because it is important—12 of them have been employed in the bureaus here because of their technical military knowledge, and they are performing duty that other men who occupy similar positions are paid for their services from $3,500 to $5,000. These men by this absurd ruling of the Comptroller General will be made to work for less than $2,500 simply because they are drawing a small pittance as retired enlisted men.

Mr. MCKENZIE. Will the gentleman yield?

Mr. KEARNS. I will.

Mr. MCKENZIE. I think it is fair to state to the House there is now pending on the calendar this identical bill reported by the Committee on Military Affairs and introduced by the gentleman from Ohio, and I simply want to call the attention of this House to the fact that this committee, not being a legislative committee, have validated these payments which have been already made, so these men will not have to refund and then permit the House to take action when we get a day.

Mr. KEARNS. I am very thankful to the gentleman from Illinois [Mr. MCKENZIE] for bringing that matter to my attention. This was reported out of the Committee on Military Affairs of the House by a unanimous vote, including the vote of the gentleman from Illinois who has investigated the matter and stated before the Committee on Military Affairs that this ought to have immediate recognition upon the floor of this House. The Senate committee by a unanimous vote voted this amendment into this bill. Therefore both committees—the Military Committee of the House and the Military Committee of the Senate—have said that this is good legislation and ought to pass. If it does not pass in this bill it will go over until the next session of Congress, and these men will be required, if they hold their positions, to work for less than $2,500 a year, when every other man down there who is doing similar work will be paid from $3,500 to $5,000 per annum, and these men have a technical knowledge that the other men have not. The bureau wants them. They are requiring them to work at less salary because the Comptroller General of the United States, as every lawyer will admit that has ever investigated his decision, has rendered a very foolish opinion on the subject.

These men are not officers, and never were officers, except noncommissioned officers, when they were in the service, and every man who has ever passed upon this question, except the gentleman from Wisconsin [Mr. STAFFORD], himself has said that these men ought to be paid for the service they are performing. If this provision in the bill fails, the gentleman from Wisconsin is the man who has been fighting it, and the only man who has been fighting it since this matter came up, and he has never assigned a legitimate reason why these men, with all their technical knowledge, should be discriminated against because they happened to have held in the Army a comparatively lowly position as enlisted men, and that is the only reason he can assign. [Applause.]

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. ANTHONY. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. STAFFORD].

The SPEAKER. The gentleman from Wisconsin is recognized for five minutes.

Mr. STAFFORD. Mr. Speaker, the motion offered by the gentleman from Kansas has the support of both House and Senate conferees. It is to validate the payments of money to these noncommissioned officers on the retired list in the Veterans' Bureau who were receiving $2,500 or more prior to the decision of the Comptroller General, which held that they were not entitled to receive both retirement pay, amounting in most instances to over $1,000, and the civil pay of over $2,500.

Some years ago Congress discovered that certain civilian employees were receiving pay from two or more different appropriations and that they aggregated more than $2,500. The Committee on Appropriations had no control over it, so a limitation was placed on one of the appropriation bills providing that no person should receive, in holding two offices, more than $2,500. The condition was presented to the comptroller that there were certain retired noncommissioned officers whose average retired pay was more than $1,000 and who were employed down in the Veterans' Bureau at $3,500. Since that decision was put into effect it has made them indebted to the Government for the excess pay that they received over $2,500.

I stated to the gentleman from Ohio [Mr. KEARNS], when the provision was originally offered to one of the appropriation bills as a rider, where it had no place at all, that I favored the validation of these back payments. I do not believe it is right, and particularly as to noncommissioned officers, when they are employed under the impression that they were not only going to get retired pay but their salary as well, to withhold payment and to dock them for prior excess salaries.

The motion offered by the gentleman from Kansas [Mr. ANTHONY] is to validate all these payments. These men since that decision have been reemployed in various activities at $2,499 plus their retired pay of $1,000 or more. It will give them $3,500, or thereabouts.

I consider that in the case of the noncommissioned officer who retires at the age of 50 years after 30 years' service and receives employment with the Government, who draws $1,000 retirement pay and then takes employment again in civilian activities, the retired pay of $1,000 should be considered as part and parcel of his aggregate pay; and this amendment seeks to continue the original intent of the law, that a man shall not receive pay from two departments of the Government, and also validates the payments made before the comptroller's decision. No one can criticize my act in seeking to validate the original payments heretofore made, even the gentleman from Ohio [Mr. KEARNS] can not criticize that position. It is the position I have maintained from the beginning. I wish to validate these payments up to the time of the decision of the Comptroller General; and if you adopt this amendment you will allow these men to continue in the service of the Government at $2,499, and still draw in addition their retired pay.

Mr. KEARNS. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. No; I decline to yield.

Mr. KEARNS. Why does the gentleman decline to yield?

Mr. STAFFORD. Because of the gentleman's strictures on my attitude in this matter. But still I will yield.

Mr. KEARNS. Congress has determined that a retired officer of the Army, even if he is retired at as high pay as $5,000, can be appointed to another office and receive the other salary.

Mr. STAFFORD. In the case of General Crowder and those officers employed in the construction of the Panama Canal we have always safeguarded the interests of the Government by providing that they should not receive the pay of their positions plus the retired pay, but they should have their retired pay accounted for in connection with the civilian pay. This is in harmony with the practice of crediting the officer's salary in payment of the stated civilian salary. We do not give him both.

Mr. ANTHONY. Mr. Speaker, I move the previous question. But I promised the gentleman from Texas [Mr. BLANTON] five minutes; so I will withdraw that motion for the present.

Mr. BLANTON. Mr. Speaker, whenever you see as affable a man as our friend from Ohio [Mr. KEARNS] get wrought up on a proposition like this it just illustrates the frame of mind that the House is now in during the closing hours of Congress, when no important legislation ought to be considered, because he gets out of humor with his Republican friends. He condemns them because they are trying to uphold the law. Why, I commend the gentleman from Wisconsin [Mr. STAFFORD] and the gentleman from Kansas [Mr. ANTHONY] instead of condemning them when they try to uphold the law of the country.

Mr. KEARNS. Will the gentleman yield?

Mr. BLANTON. I yield to the gentleman.

Mr. KEARNS. It is not the law. If that was the law, it would estop every retired enlisted man and every pensioner from holding any other job.

Mr. BLANTON. The law of this land says that whenever an officer of this Government receives a salary of $2,500 or more he can not receive another salary from the Government.

Mr. KEARNS. Will the gentleman yield?

Mr. BLANTON. In just a second.

Mr. KEARNS. Here is a good place to yield.

Mr. BLANTON. The gentleman from Ohio later on is going to get into a better frame of mind toward his colleague from Wisconsin and he will laugh about it.

Mr. KEARNS. But these men who are interested will not laugh about the action that this House takes.

Mr. BLANTON. I want to see the gentleman from Wisconsin and the gentleman from Kansas uphold the law without being condemned by their side of the House. I am with them. It is a good law. An officer of this Government has no right to be drawing two salaries, and that is why I supported the proposition of the distinguished gentleman from Iowa [Mr. DICKINSON], to keep the big general who retired last December on $9,000 per year and who is going to head one of the biggest corporations in the country, from drawing the retired pay of a general in the Army and at the same time heading a private corporation with another big salary. That is why I supported it.

Mr. KEARNS. Now will the gentleman yield?

Mr. BLANTON. Yes; I could not resist yielding to the gentleman.

Mr. KEARNS. Will the gentleman from Texas explain to the House why he thinks a retired enlisted man is an officer of the Government of the United States? What office does he hold?

Mr. BLANTON. Does the gentleman from Ohio—I know without asking him the question, because I know what he stands for usually—does the gentleman from Ohio believe in subterfuges?

Mr. KEARNS. No.

Mr. BLANTON. Of course he does not. Here is what is being done now with respect to these 12 noncommissioned officers: There is a subterfuge to get around the law. Their salaries have been reduced down from the sum they are now getting to $2,499 a year so that they can draw two salaries. I will state to the distinguished gentleman from Ohio that that is a subterfuge which he will not indorse.

Mr. KEARNS. Will the gentleman yield?

Mr. BLANTON. I yield to the gentleman from Ohio.

Mr. KEARNS. Please answer my question: What office under the Government of the United States do these enlisted men hold, and what are their duties as such officers?

Mr. BLANTON. Our affable employee in charge of that desk there is an officer of the Government. This telegraph page here is an officer of the Government.

Mr. KEARNS. I will admit that, but I am asking about these retired enlisted men.

Mr. BLANTON. Every man who is employed on the pay roll of the Government is an officer of the Government.

Mr. KEARNS. But as retired men they are not employed.

Mr. BLANTON. They are on the pay roll and draw monthly salaries. The trouble is that the House is now in a mood. It is a mood dangerous for the people of this country. Do you think that the Senate in the kind of a mood it is in—and the House in a similar mood—can pass legislation that benefits the people? I submit that to my colleagues. It pays us to proceed more deliberately than we can under the present circumstances.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. ANTHONY. Mr. Speaker, I move the previous question on the motion to recede.

The SPEAKER. The gentleman from Kansas moves the previous question on the motion to recede.

The previous question was ordered.

The SPEAKER. The question is on the motion to recede.

The motion was agreed to.

The SPEAKER. The question is on the motion of the gentleman from Kansas [Mr. ANTHONY] to recede and concur with an amendment. The Clerk will report it.

The Clerk read as follows:

Mr. ANTHONY moves to recede and concur with an amendment as follows: "Strike out the first sentence in said amendment."

Mr. KEARNS. Mr. Speaker, a parliamentary inquiry. This is the first half of the motion of the gentleman from Kentucky, to recede and concur?

The SPEAKER. No; the House has already voted to recede. The question now comes on the motion of the gentleman from Kansas [Mr. ANTHONY] to concur with an amendment. If that be voted down, then the motion of the gentleman from Kentucky [Mr. FIELDS] would be in order.

Mr. KEARNS. Then the vote of those who believe these men are not officers should be "no"?

The SPEAKER. The gentleman must decide that for himself. The question is on concurring with an amendment to strike out the first sentence of the amendment.

The question being taken, on a division (demanded by Mr. KEARNS and Mr. FIELDS) there were—ayes 69, noes 32.

Accordingly the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 36: On page 22, at the top of the page, insert the following:

"Nothing contained in any existing laws, or regulations or orders promulgated in pursuance of law, shall be construed to authorize on or after July 1, 1922, the issue of heat or light in kind to any person in the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service while such person is receiving an allowance for rental of quarters under the provisions of the act entitled 'An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service,' approved June 10, 1922."

Mr. ANTHONY. Mr. Speaker, I move to recede and concur with an amendment. The amendment corrects a grammatical error.

The SPEAKER. The gentleman moves to recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. ANTHONY moves to recede and concur with an amendment as follows: In line 2 of the matter inserted by said amendment strike out the words "be construed to."

Mr. ANTHONY. I ask for a vote, Mr. Speaker.

The SPEAKER. The question is on the motion of the gentleman from Kansas.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 38: Page 23 of the bill, after line 16, strike out the following: "None of the funds appropriated in this act shall be used for payment of any officer of the Army on the active or retired list while such officer is engaged in the business of selling supplies or services to the United States, or is employed by any individual, partnership, or corporation which engages in such business."

Mr. ANTHONY. Mr. Speaker, I move to recede and concur with an amendment.

The SPEAKER. The gentleman from Kansas moves to recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. ANTHONY moves to recede and concur with an amendment, as follows: Restore the matter stricken out by said amendment amended to read as follows:

"None of the money appropriated in this or any other act shall be used to pay any officer on the retired list of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, or Public Health Service who is employed by any individual, partnership, corporation, or association as a sales or contract agent or as the manager or directing head of sales or contracts for the purpose of selling, contracting for the sale of, negotiating for the sale of, or furnishing to the Army or the War Department, the Navy, Marine Corps, or the Navy Department, the Coast Guard, Coast and Geodetic Survey, or Public Health Service any supplies, materials, equipment, lands, buildings, plants, vessels, or munitions. And none of the money appropriated in this or any other act shall be used to pay any officer on the retired list of any of the services hereinbefore enumerated who is employed by any individual, partnership, corporation, or association regularly or frequently engaged in making direct sales of any merchandise or material to the particular service hereinbefore enumerated from which such officer was retired. The proviso in the act of June 10, 1896, making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes, reading as follows: 'That hereafter no payment shall be made from appropriations made by Congress to any officer in the Navy or Marine Corps on the active or retired list while such officer is employed, after June 30, 1897, by any person or company furnishing naval supplies or war material to the Government; and such employment is hereby made unlawful after said date,' is hereby repealed."

Mr. BLANTON. Mr. Speaker, I make the point of order against the amendment that it brings in new matter that was not in conference at all. It brings in new legislation, matters that neither the House nor the Senate have passed upon and that neither the House nor the Senate submitted to the conferees.

The SPEAKER. The question is whether it is germane or not.

Mr. BLANTON. It is not germane. I call the attention of the Chair to the last clause which seeks to repeal the present law. It was not passed upon in the bill and has no relation whatever to the bill and was not in conference.

Mr. PARKER of New Jersey. Subject to the point of order, I move to recede and concur.

Mr. ANTHONY. Mr. Speaker, if the point of order was made to the joint pay bill last year, the point would be well taken, but, as the House knows, it was a joint pay bill of the Army and the Navy and the Coast Guard and the Public Health Service. This refers to the pay of retired officers provided for in that bill. It is our contention that legislation referring to that would be in order in shape of a limitation.

Mr. BLANTON. It is not a limitation, it is an enlargement; it seeks to repeal the present law that now limits it.

Mr. CHINDBLOM. Mr. Speaker, may I make a suggestion?

The SPEAKER. The Chair will hear the gentleman.

Mr. CHINDBLOM. When the recent omnibus naval bill was before the House I offered an amendment which related to the retired men of the Navy, and the Chairman of the Committee of the Whole House on the state of the Union held that to be out of order, and he held it not to be germane to the subject matter then at issue. The point was raised that the pay bill did not relate to the retired men in this service.

The SPEAKER. It seems to the Chair that certainly the last provision repealing the law which applies to any officer in the Navy or Marine Corps can not be germane when this bill applies only to the Army. The Chair sustains the point of order.

Mr. ANTHONY. Mr. Speaker, I offer it again with the proviso left out.

The SPEAKER. It will be unnecessary for the Clerk to report it again, as it is the former amendment with the proviso omitted.

Mr. CHINDBLOM. May we have it reported?

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment No. 38: Mr. ANTHONY moves to recede and concur with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows:

"None of the money appropriated in this or any other act shall be used to pay any officer on the retired list of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, or Public Health Service, who is employed by any individual, partnership, corporation, or association as a sales or contract agent or as the manager or directing head of sales or contracts for the purpose of selling, contracting for the sale of, negotiating for the sale of, or furnishing to the Army or the War Department, the Navy, Marine Corps, or the Navy Department, the Coast Guard, Coast and Geodetic Survey, or Public Health Service, any supplies, materials, equipment, lands, buildings, plants, vessels, or munitions. And none of the money appropriated in this or any other act shall be used to pay any officer on the retired list of any of the services hereinbefore enumerated who is employed by any individual, partnership, corporation, or association regularly or frequently engaged in making direct sales of any merchandise or material to the particular service hereinbefore enumerated from which such officer was retired."

Mr. CONNALLY of Texas. Mr. Speaker, I make a point of order against the amendment.

The SPEAKER. The gentleman will state it.

Mr. CONNALLY of Texas. The Senate amendment is an amendment striking out the language of the House bill. The amendment to the Senate amendment undertakes to substitute new material in lieu of what the Senate struck out, and is not an amendment to the Senate amendment.

The SPEAKER. The Chair thinks that any amendment that is germane is in order.

Mr. CONNALLY of Texas. The Senate struck out the House amendment.

The SPEAKER. The difference between the two Houses is the House amendment that was stricken out by the Senate, so the House amendment is before the House.

Mr. CONNALLY of Texas. The motion is to concur in the Senate amendment with an amendment.

The SPEAKER. And the Senate amendment is to strike out the House provision which brings the subject before the House. The Chair overrules the point of order.

Mr. PARKER of New Jersey. Mr. Speaker, I move to recede and concur.

Mr. OLIVER. Mr. Speaker, I think the amendment as originally drawn has not been changed in the slightest by the striking out of the last few lines. The purpose of this amendment is to amend the existing law in so far as it applies to the naval officers and certain other services. This bill deals only with the officers of the Army, and surely it is not germane to this bill to include the officers of other services. The mere fact that there was a joint pay bill, as stated by the gentleman from Kansas, in no way liberalizes the rule worked in support of the point of order, because the general pay bill did not deal with this particular matter. The effect of this amendment would be to repeal by indirection the very statute that the Speaker has ruled could not be repealed directly.

The SPEAKER. It seems to the Chair that that point of order is good.

Mr. ANTHONY. Mr. Speaker, I would like to offer the amendment again striking out the reference to other services and apply it only to the Army.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment No. 38: Mr. ANTHONY moves to recede and concur with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows:

"None of the money appropriated in this act shall be used to pay any officer on the retired list of the Army who is employed by any individual, partnership, corporation, or association as a sales or contract agent or as the manager or directing head of sales or contracts for the purpose of selling, contracting for the sale of, negotiating for the sale of, or furnishing to the Army or the War Department, any supplies, materials, equipment, lands, buildings, plants, vessels, or munitions. And none of the money appropriated shall be used to pay any officer on the retired list of any of the services hereinbefore enumerated who is employed by any individual, partnership, corporation, or association regularly or frequently engaged in making direct sales of any merchandise or material to the particular service hereinbefore enumerated from which such officer was retired."

Mr. ANTHONY. Mr. Speaker, so that the House may know just exactly what the modified language will do, it is the intention of the amendment to cover only the retired officers of the Army, according to the draft that the Clerk has just read, and the effect of the first sentence would prohibit the payment of any retired officer of the Army of retired pay who is employed as a sales or contract agent or as manager or directing head of sales

or contracts for the purpose of selling, contracting for the sale of, negotiating for the sale of, or furnishing any supplies, materials, equipment, lands, buildings, plants, vessels, or munitions to the service, and would prohibit also the payment of retired pay to any retired officer who is employed in any capacity by any individual, copartnership, corporation, or association regularly or frequently engaged in making direct sales of any merchandise or material to the service from which the officer was retired.

Mr. FIELDS. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. FIELDS. As I heard the amendment, I got the understanding that a retired officer might be employed in some capacity other than as sales manager or sales director and not be subject to the limitations of this amendment. If I am correct in my understanding, a concern might employ a retired officer in some capacity other than as sales director or manager and have the benefit of his influence. I know the intention of the gentleman and that he does not want that to happen. If this amendment is not broad enough to apply to any position, I think it should be further modified.

Mr. ANTHONY. As the bill left the House it would undoubtedly prevent the employment of any retired officer in any capacity with any firm, copartnership, or corporation that sold anything to the Army, but as the bill comes back from the Senate it prohibits the employment of a retired officer in the capacity of a sales agent who is engaged in the business of making direct sales or who is employed by a firm or corporation as managing head or director of such sales.

Mr. PARKER of New Jersey. Or is employed by any company that from time to time sells.

Mr. HICKS. Hearing the amendment read and the gentleman's explanation, I want to ask him this question: Would it preclude a retired Army officer from going into the railroad business?

Mr. ANTHONY. It would not. It says "making direct sales."

Mr. HICKS. A railroad company sells transportation.

Mr. ANTHONY. But that is not a direct sale. It is a service.

Mr. HICKS. But is not a railroad company selling transportation?

Mr. ANTHONY. We considered that and we thought that it would be an improbable thing to consider as coming under the proposed amendment.

Mr. TILSON. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. TILSON. Under this would a retired Army officer be able to work for a telephone company?

Mr. ANTHONY. Undoubtedly.

Mr. TILSON. A telephone company is undoubtedly selling service to the Government.

Mr. ANTHONY. The idea of the conferees was to broaden the House amendment and make it possible for an officer to accept employment with a business firm, except as a sales agent or as a managing head or director of sales frequently made by the company which employs him.

Mr. TILSON. As the bill left the House an officer could not work for hardly any concern, because there is none of the large concerns but occasionally does some business and in some way comes in contact with the Government.

Mr. ANTHONY. That is true.

Mr. FIELDS. I understand by the gentleman's amendment that a retired officer could not receive his retired pay if employed in the capacity of a sales manager or as a director of sales, but he might be employed as the head of the credit division, or in the purchasing division, or as president, or in a great many other responsible positions where his influence would be just as great as it would be at the head of the sales department; and does not the gentleman think his amendment should be so drawn as to prevent his employment by a concern selling supplies to the Government?

Mr. ANTHONY. The intent of the language is a compromise made with the idea of modifying the original harshness of the House amendment.

Mr. HUSTED. The amendment goes much further than that. The amendment applies to any official, no matter in what capacity employed by any corporation, provided that corporation customarily makes sales to the Government.

Mr. FIELDS. It refers first to the sales division, and, of course, later on speaks of employment by any company, but I infer that that implies to the positions first referred to in the amendment.

Mr. HUSTED. In the case of sales manager or sales agent, it applies only to corporations that incidentally and only incidentally make sales to the Government.

Mr. PARKER of New Jersey. Mr. Speaker, I move to recede and concur.

The SPEAKER. The gentleman from Kansas has the floor.

Mr. McKENZIE. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. McKENZIE. Does the amendment as it is now before the House provide that it shall apply only to retired officers in the Army?

Mr ANTHONY. It does.

Mr. McKENZIE. It is not the purpose, however, of the gentleman from Kansas to further modify that amendment so that an Army officer would be confined in his activities to the Army? As I understood the amendment when it was read, it provided that they should not be permitted to sell to the Army, the Navy, the Marine Corps, the Coast Guard, the Geodetic Survey, or the Public Health Service.

Mr. ANTHONY. The original idea was that they should not be permitted to sell to the branch of the service from which they are retired.

Mr. HUDDLESTON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Alabama makes the point of order that there is no quorum present. Evidently there is not.

Mr. ANTHONY. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

Ansorge	Freeman	Little	Rossdale
Arentz	Garner	Luhring	Rucker
Atkeson	Goodykoontz	Lyon	Ryan
Barkley	Gould	McCormick	Sanders, N. Y.
Benham	Graham, Pa.	McLaughlin, Nebr.	Schall
Bixler	Green, Iowa	McLaughlin, Pa.	Scott, Mich.
Bland, Ind.	Hardy, Tex.	McSwain	Shelton
Bowers	Hawley	Maloney	Slemp
Brand	Hays	Mansfield	Smith, Mich.
Brennan	Himes	Martin	Snell
Brooks, Ill.	Hogan	Michaelson	Stiness
Brooks, Pa.	Huck	Mills	Stoll
Brown, Tenn.	Hukriede	Montague	Sullivan
Burke	Hutchinson	Moore, Ill.	Sumners, Tex.
Burton	Jeffers, Ala.	Moore, Ohio	Tague
Byrnes, S. C.	Johnson, Miss.	Morin	Taylor, Ark.
Cantrill	Johnson, S. Dak.	Mudd	Taylor, Colo.
Carew	Jones, Pa.	Nolan	Thomas
Chandler, N. Y.	Kahn	Ogden	Thorpe
Classon	Keller	Olpp	Tincher
Cockran	Kennedy	Overstreet	Tucker
Codd	Ketcham	Park, Ga.	Voigt
Connolly, Pa.	Kindred	Patterson, Mo.	Volk
Crowther	King	Paul	Ward, N. C.
Davis, Minn.	Kirkpatrick	Perkins	Webster
Drane	Kitchin	Petersen	Wheeler
Dunbar	Kleczka	Rainey, Ala.	Williams, Tex.
Dunn	Knight	Reber	Wise
Dyer	Kunz	Rhodes	Wood, Ind.
Echols	Lampert	Riddick	Yates
Faust	Layton	Rodenberg	
Fitzgerald	Lea, Calif.	Rose	
Free	Lee, N. Y.	Rosenbloom	

The SPEAKER. Two hundred and ninety-eight Members have answered to their names; a quorum is present.

Mr. ANTHONY. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

Mr. ANTHONY. Mr. Speaker, I present a corrected copy of the motion to recede and concur, which I ask the Clerk to read.

The SPEAKER. The Chair will state that the parliamentary situation is that the gentleman from Kansas moves to recede and concur with an amendment, and the gentleman from New Jersey moves to recede and concur. The Clerk will report the motion.

The Clerk read as follows:

Mr. ANTHONY moves to recede and concur with an amendment as follows: "Restore the matter stricken out of said amendment and amend it to read as follows: None of the money appropriated in this act shall be used to pay any officer on the retired list of the Army who is employed by any individual, partnership, corporation, or association as a sales or contract agent, or as a manager or directing head of sales or contracts for the purpose of selling, contracting for the sale of, negotiating for the sale of, or furnishing to the Army or the War Department any supplies, materials, equipment, lands, buildings, plants, vessels, or munitions. And none of the money appropriated in this act shall be used to pay any officer on the retired list of the Army who is employed by an individual, partnership, corporation, or association regularly or frequently engaged in making direct sales of any merchandise or material to the War Department or the Army."

Mr. ANTHONY. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. DICKINSON].

Mr. DICKINSON. Mr. Speaker, this amendment has been redrawn with the hope that we are not imposing a hardship upon anyone. It was the purpose of the amendment as first

presented to make it applicable to four services of the Government, but by reason of the point of order it is now limited to the service in the Army. The first part of the amendment is for no other purpose than if any man becomes a sales agent or salesman of merchandise for some company selling to the Government, we prohibit him from using his influence in the matter of making such sales to the department from which he is retired. The second part of this amendment, and I want to call attention to the fact it is divided, the last part is separated and distinct from the first part, and says that this appropriation shall not be used to pay the retired pay of an officer who is employed by anyone engaged in selling merchandise or material to the department of the Government from which he retired.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. DICKINSON. I will.

Mr. GREENE of Vermont. For instance, would the last amendment cover a case like this, a perfectly innocent transaction, where some officer of junior rank, retired by reason of disability, holds the position of a bookkeeper in some big corporation and incidentally some part of that corporation is making sales to that part of the Army from which this man came? He has no relation to the transaction—would it prevent that man having that employment?

Mr. DICKINSON. If the company was regularly engaged and was a regular customer of the Government and made regular sales to the Government I think it would prevent his employment, but you can not have a rule excepting every case.

Mr. GREENE of Vermont. I understand, but we ought to make it broader than the three or four people we have in mind.

Mr. DICKINSON. This is for the purpose of protecting the Government——

Mr. GREENE of Vermont. I understand.

Mr. DICKINSON. In every limitation of this kind there is always an individual case, and the gentleman is looking at an individual——

Mr. GREENE of Vermont. I have nobody in mind, but I am thinking of the fact that the greater number of retired officers are comparatively junior in service and not men so distinguished that they are likely to come into these important positions in industrial concerns of the country. A man who is retired for disability has not completed his 62 years, and he is employed perhaps in some minor capacity if he gets work outside. These younger men would be likely to have subordinate positions in which they have no influence whatsoever with the policy and affairs of the concern, and possibly would not know that they were doing business with the Government in that particular service from which they came.

Mr. DICKINSON. We are only restricting him from making sales to the department from which he is retired. Now, it is true you can not hit the big fellow without hitting some little fellows. Why, there may be some people engaged in the organization of making sales to the Government and they are employing the men for their influence in making the sales. I think it is proper to restrict it——

Mr. GREENE of Vermont. I agree with the gentleman.

Mr. DICKINSON. And when we restrict that possibility it seems to me we must impose some hardship on some fellow who might be employed further down the line who has not that influence, but the rule must be broad enough to cover both and we are only restricting it to one service of the Government.

I do not think that a man out here ought to be restricted as a retired officer from selling his wheat to a milling concern that happens to sell flour to the Government for the soldiers, and for that reason we are trying to draw this as liberally along that line as we possibly can, and we have restricted this part of the amendment still more by providing that it shall apply to any individual, partnership, or corporation employed regularly or frequently engaged in making contract sales of merchandise or material to the branch of the Government from which he is retired.

Mr. HUSTED. Is this not the situation? The first part of your amendment applies even in the case of incidental sales, where the concern sells incidentally only to the Government. In that case it says the retired officer may not be a sales manager or a sales agent. That applies in every case, even where there is only one sale to the Government. It says that the retired officer may not be a sales manager or a sales agent. In other words, he shall not be directly connected with a single sale to the Government. The second amendment applies only to retired officers who are employed by individuals, corporations, or partnerships that regularly and as a part of their usual where the concern sells incidentally only to the Government. from which the officer was retired. Any retired officer connected in any way with such a concern can not draw retired pay.

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. FIELDS. Mr. Speaker, I desire to offer a substitute for the amendment offered by the gentleman from Kansas [Mr. ANTHONY]. Will the gentleman yield to me?

Mr. ANTHONY. I yield to the gentleman from Kentucky for the purpose of offering his substitute amendment.

Mr. FIELDS. Then I offer the substitute which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the substitute.

The Clerk read as follows:

Amendment offered by Mr. FIELDS as a substitute for the amendment offered by Mr. ANTHONY: "None of the money appropriated in this or any other act shall be used to pay any officer on the retired list of the Army who is employed by any individual, partnership, corporation, or association contracting for the sales of, negotiating for the sales of, or furnishing to the Army or the War Department or any other branch of the Government any supplies, materials, equipment, lands, buildings, plants, vessels, or munitions."

Mr. SWING. Mr. Speaker, I desire to offer a perfecting amendment to the amendment offered by the gentleman from Kansas [Mr. ANTHONY]. It is an amendment to strike out the last sentence.

Mr. FIELDS. I desire to discuss my substitute.

Mr. ANTHONY. Mr. Speaker, I understand the gentleman from California wants to offer a perfecting amendment to my amendment.

Mr. FIELDS. I think we should act upon the substitute first, and if the substitute is rejected, then the perfecting amendment would be in order. Is that correct?

The SPEAKER. The perfecting amendment should be offered first.

Mr. ANTHONY. In the interest of orderly procedure I ask that the gentleman from California [Mr. SWING] be allowed to offer a perfecting amendment.

Mr. SWING. Mr. Speaker, my amendment is to strike out the last sentence of the Anthony amendment.

The SPEAKER. The gentleman from California offers a perfecting amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SWING to the amendment offered by Mr. ANTHONY: Strike out the last sentence of the amendment.

Mr. ANTHONY. Mr. Speaker, I yield five minutes to the gentleman from California.

Mr. SWING. Mr. Speaker and gentlemen of the House, this entire matter has been before the Committee on Naval Affairs for some time, and that committee has given it considerable thought, and my reason for injecting a naval point of view into this discussion at this time is that the same regulation should obtain in both the Army and Navy.

Mr. DICKINSON. Mr. Speaker, will the gentleman yield?

Mr. SWING. Yes.

Mr. DICKINSON. In fact the naval provision is more severe than this one, is it not?

Mr. SWING. Yes. Some years ago there was a scandal, because at that time there was no limitation at all, and under the whip and spur of public opinion arising out of that scandal Congress prohibited retired naval officers from engaging in employment in any capacity with any company selling anything to the Government. But I say, as a matter of public policy, we do not want to establish a policy which will deprive men from engaging in productive activity who still have years of good service left in them. Men who have been educated by the Government in technical lines and who are highly skilled should not be required to live in enforced idleness. We do not want to uphold the policy of maintaining drones in this country. [Applause.] Organized society wants to see every man continue, as long as he has years of service left in him and is physically and mentally fit, to exercise his talents in some creative capacity.

There is a possible danger, of course, from the unrestrained employment of retired officers, and that is from the exercise of undue influence, and that is a species of fraud. We want to safeguard the Government against the bringing of retired officers into direct contact and communication with their former associates, because it might result in some cases in the use of undue influence.

Now, the first sentence in the amendment offered by the gentleman from Kansas absolutely safeguards the Government. It prohibits any retired officer from coming into contact with the department from which he has been retired or with his former associates for the purpose of soliciting an order, making a sale, or advocating a claim. But the second sentence goes too far. It prohibits a man's employment in any capacity. Why, he could not even be a janitor with a firm making regular sales to the Government. He could not be a draftsman or apply himself

in any technical line where it would be absolutely proper for him to work.

I believe the important thing is to safeguard the Government from undue influence, as the first sentence does, but we should allow these men to be employed in proper capacities where they are not brought into direct or indirect contact with the Government or any of their former associates in any capacity whatever. [Applause.]

The SPEAKER. The time of the gentleman from California has expired.

Mr. FIELDS. Mr. Speaker, will the gentleman give me five minutes?

Mr. ANTHONY. Try to make it three. I yield three minutes to the gentleman.

Mr. FIELDS. Mr. Speaker, I want to refer briefly to two points in the substitute I have offered. First it prohibits——

Mr. CHINDBLOM. Mr. Speaker, before the discussion begins I want to make a point of order.

Mr. FIELDS. The discussion has already begun.

The SPEAKER. The Chair thinks it is too late to make a point of order, as the discussion has already begun.

Mr. FIELDS. My substitute would prevent the employment of a retired officer in any capacity by any individual, firm, association, or corporation who is engaged in furnishing supplies to the War Department or to the Government. Now, the amendment of the gentleman from Kansas [Mr. ANTHONY] confines the limitation to those furnishing supplies to the War Department. As far as the Government is concerned, what is the difference between furnishing supplies to the War Department, or to the Navy Department, or the Public Health Service, or the Coast and Geodetic Survey? There is no difference. If it is vicious or undesirable for a retired officer of the Army to be in the employ of a concern furnishing supplies to the War Department while drawing his retired pay, it is equally objectionable for him to be in the employ of a concern furnishing supplies to the Navy Department or to any other branch of the Government.

Mr. DICKINSON. Will the gentleman yield?

Mr. FIELDS. Yes.

Mr. DICKINSON. Is it not true that his acquaintance and his influence would be largely confined to the department with which he was connected?

Mr. BLANTON. Oh, no. The gentleman does not know much about the Army and Navy Club down here if he thinks that.

Mr. FIELDS. No; the gentleman must not overlook the fact that gentlemen of the Army are popular and influential with gentlemen of the Navy.

Mr. BLANTON. And vice versa.

Mr. FIELDS. And vice versa, as the gentleman from Texas suggests

Mr. KINCHELOE. Will the gentleman yield?

Mr. FIELDS. I yield to my colleague.

Mr. KINCHELOE. What is the difference between the gentleman's substitute and the amendment offered by the gentleman from Iowa [Mr. DICKINSON]?

Mr. FIELDS. The amendment of the gentleman from Iowa [Mr. DICKINSON], as I understand it, is an amendment to the amendment of the gentleman from Kansas; but my amendment applies the limitations to the sale of supplies to every branch of the Government instead of to the War Department; and, as I said just a moment ago, if it is undesirable for an officer to be employed by a concern furnishing supplies to the War Department, it is equally objectionable for him to be employed by a concern furnishing material to the Navy Department, to the Public Health Service, or to any other branch of the Federal Government, and that is the only difference between my substitute and the amendment offered by the gentleman from Kansas except one other point. The amendment of the gentleman from Kansas withholds retired pay from an officer employed in the sales division of a concern furnishing supplies to the War Department; my substitute would withhold the retired pay from an officer employed in any division of, or any capacity by, a concern furnishing supplies to the War Department or any other branch of the Government.

Mr. ANTHONY. I yield five minutes to the gentleman from Mississippi [Mr. SISSON]. [Applause.]

Mr. PARKER of New Jersey. Mr. Speaker, I think there should be some time given to the other side. Not all the time should be yielded to those who are on one side of the argument.

Mr. SISSON. Mr. Speaker and gentlemen of the House, the only objection that I have to the provision agreed upon in conference is that I do not think it is quite as strong as it ought to be. I am utterly amazed at the attitude of some gentlemen who are willing that a man in the Army or Navy shall retire and then accept a place with a corporation whose principal business is to sell to the Government. Now, human nature is practically the same all over the world. These men who get these splendid salaries, who leave the Army and Navy and go with concerns with which they have had no sort of previous connection, go to those concerns because of the mental attitude of the men doing business. They believe when they employ that man that he will be more serviceable to them than somebody not connected with the Government.

I am utterly unwilling to deprive a retired Army officer of an opportunity to make the best he can of the remainder of his life, but I am utterly opposed to a man retiring from the Army and being employed by either a corporation, firm, or individual that sells constantly to the Government. Some gentlemen have said that if one of these men was employed by a street car company, and that company should carry an Army officer, it would be a violation of the law. Of course, that is absurd. The street car company is not selling merchandise; nor is the railroad company selling merchandise. Those things are absurd. I do not know that they need to have us take care of them. I believe the combined influence of the Army and Navy officers can command more votes in this House on 30 minutes' notice than any other combined influences in America.

Mr. MACLAFFERTY. They do not seem to be able to do it now.

Mr. SISSON. The gentleman says they do not seem to be able to do it now. I do not know whether they have taken any interest in this matter. I want to say to you that they are a splendid lot of fellows. Here is a man, a graduate of the mechanical college down in my State. He is my intimate friend. He calls me up over the phone and explains a matter to me and gives me his version of it. The result is it is a very natural thing for me to yield to the solicitation of my friend. The same thing would apply if an Army officer or Navy officer who was justly very popular, a man of great ability, should retire from the service of the Government only when he realized that he could get a magnificent position with some company doing business with the Government. I think, gentlemen, you are standing in the way of the best interests of the Government. How can we say we are going to permit these men, educated and trained by the Government, to retire before they reach the retirement age to go and accept employment with an institution that is doing business with the Government? I can not understand it. Now, let us indulge for a moment in the idea that that will not have any influence on human beings. It does have influence, and these business men who employ them know what they do. Let us avoid the very appearance of evil. The English Government would not tolerate it for a second. The English Government and the English people have always been noted for being the most practical people in the world. A man in the civil service in England is not permitted to vote. In other words, a man who is not elected by the votes of the people, but appointed to the civil service in England, is not permitted to vote, because they believe he is liable to vote for his own interests.

Mr. MADDEN. I yield five minutes to the gentleman from Alabama [Mr. OLIVER].

Mr. OLIVER. Mr. Speaker and gentlemen of the House, it will be recalled that the House by a large vote adopted the amendment as it appears on page 23. There was no real opposition to it. After this action of the House the newspapers reported that the Secretary of War was making caustic criticism of Congress because of the action taken. Two Members of the House on the majority side took occasion to reply to that criticism, namely, the gentleman from Iowa [Mr. DICKINSON] and the gentleman from Kansas [Mr. TINCHER], and you will recall that they were liberally applauded on both sides of the aisle in making their replies. Why? Because they stated that the House in adopting the amendment on page 23 did nothing more than apply to officers of the Army the law which has applied to officers of the Navy and the Marine Corps since 1897, and the action of the House could not be construed as singling out any particular Army officer, but was so drawn as to apply alike to all officers of the Army. So long as the law remains unchanged as to officers of the Navy and the Marine Corps, certainly no sound objection can be offered why it should not apply with equal force to the retired officers of the Army.

The House should further insist on its amendment and refuse to recede. It may be that the law applying to the officers of the Navy and Marine Corps and which this amendment extends to the officers of the Army should be modified, but this is not a legislative bill, and we should not here undertake to legislate for these three services in reference to this matter. It is now unwise to undertake to liberalize the former action of the

House only recently taken, since no one denies but that the action of the House was primarily intended and has had the effect of placing retired officers of the Army on the same basis as retired officers of the Navy and Marine Corps.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. OLIVER. Yes.

Mr. NEWTON of Minnesota. It occurred to me in the course of the debate that there is a difference between the Army and the Navy. The Navy officer is apt to go into the ordnance or armor-plate work where the amounts run into large sums.

Mr. OLIVER. I can not yield further in the limit of time allotted. The law in reference to naval officers has been enforced for many years and forbids any officer, active or retired, of the Navy or Marine Corps from accepting employment with any company, corporation, or individual engaged in the business of selling military supplies either to the Navy or to the Army. You will note that it prohibits employment with any company selling military supplies to either Navy or Army.

Mr. NEWTON of Minnesota. No matter whether it is a matter of minor importance or what kind of an article.

Mr. OLIVER. So long as it partakes of a military character, it makes no difference whether it is an article of minor importance or not. The gentleman from Iowa and the gentleman from Kansas properly took the position when the amendment was originally offered and adopted that there was no reason why retired officers of the Army should not be placed on the same basis as the retired officers of the Navy and Marine Corps, and the House seemed to concede with remarkable unanimity the correctness of that position. Congress may decide to modify the law, but it should be done after the matter has been given careful consideration by the proper legislative committee, and if modified it should apply to the officers of the several services alike.

Mr. PARKER of New Jersey. Mr. Speaker, the clause that was struck out ought never to have been on an appropriation bill. It was a change of law. It is no justification that a like clause and change of law applying to the Navy was put on another appropriation bill. It was also a change of law, and no change of law can be properly perfected here in the House as an amendment to an appropriation so as to do what is wanted and not to do more. The House can see the difficulty we are under. Instead of referring this provision to a committee and having it perfected and brought in as a change of law we are asked to do all this here, with limited debate and time for consideration.

Now, the provision that the House put in has already done very much harm, and the amendment now offered to that provision will not help it. A very deserving man was lately made president of a great company that does not as its business sell to the Government. It sells to the people all over the Union, and meanwhile the Government needs some of its goods and takes a little from time to time, and that is all. But under this clause and this proposed amendment (of Mr. ANTHONY), inasmuch as that man is president, and therefore in charge of all the contractors and selling agents of his company, he would be barred by the first part of this substitute, and as he is in this company, although it does not do business with the Government as its main business, and because that company is occasionally making sales he is barred by the second part of the amendment. The result is that the country at large will lose the benefit of this man's abilities in carrying on this splendid business for the benefit of all the people. He will have to be turned out as president or else he will be dropped from the retired list of the Army.

There is not time now to perfect an amendment that would do what we want to do and nothing else, and which would say that a retired officer personally shall not act or exercise his influence with others in making or negotiating sales to the Government.

Mr. Speaker, this matter is historical. During the war with Spain a Member of Congress was president and chief owner of the only factory in the United States that could furnish gauntlet gloves to the Army. The law makes it a penal offense for any Member of Congress to contract with the Government, and the question arose as to whether the Government could buy directly and cheaper from the factory or must be sent to a middleman, who would make another profit. It was determined after careful consideration that being president and owner did not make the sale the man's own contract and that the United States could buy direct from the company.

This is also one of the difficulties that existed all through the Great War. Necessarily we had experts in all of the trades and manufactures employed as officers in the Quartermaster Department. They immediately gave up any direct action for their manufactory firms in supplying iron, machinery, linen, socks, cloths, or whatever it may be, in dealing with the Government. They acted for the Government only, letting other people represent the factories where they had been employed; but it was impossible for the Government to do good work unless it was free to take the right men who knew the business and trust to their honor that they would do what was right, and we have to do that now. [Applause.]

Mr. ANTHONY. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, most of the changes of law applicable to the Army and the Navy are riders on appropriation bills. This is a simple proposition we have here, although there has been an effort to complicate it. What is the proposition? General Harbord on December 29 last, retired. I am informed that he will be under 64 years of age next April.

Mr. ANTHONY. Oh, my understanding is that General Harbord would have had about eight years to serve before he would go to the retirement age of 64.

Mr. BLANTON. Then he is now only 56, and that only emphasizes my argument the more. Since December 29 last he, a vigorous, able-bodied man of 56 years of age, has been retired and has been drawing from the people of this Nation $9,000 a year as retirement pay, which is $1,500 more than a Member of Congress draws, and he has not done one single service for the Government since that time, and will not the rest of his life. He will continue to draw $9,000, a vigorous young man 56 years old, for life, and not do a single service for the Government. What, then, happened? The International Radio Corporation employed him. It had made arrangements to employ him before he retired, I am informed. It has made him its president. What is the International Radio Corporation? It is an adjunct of and an affiliated subsidiary of the American Telephone & Telegraph Co., one of the biggest monopolies in the United States. Why have they got this young 56-year-old retired American general employed down there? Not only to sell their radio stuff to the Government but to manipulate and influence the passage of laws that will help this monopoly continue to be a monopoly in the United States.

My friend from Iowa [Mr. DICKINSON] sought to amend this proposition. He offered a good amendment. The House adopted it. We ought to stand by his amendment.

I am for his amendment, and what is the amendment now submitted by the gentleman from Kansas [Mr. ANTHONY]? Do you know what has to be done before you could reach General Harbord? You have to change both of these clauses in the Anthony amendment. If you pass the Anthony amendment, it will still permit General Harbord, a young man 56 years old, to continue to draw retirement pay of $9,000 a year from the Government without rendering us any service and at the same time on another big salary serve a big monopoly corporation. I say he is a young man, and he is young when we consider the services of our distinguished colleague [Mr. CANNON], who is still serving valiantly in this House now, though in his eighty-seventh year. Under the first clause of the Anthony amendment, in order to reach General Harbord, he would have to be a sales or contracting agent. He is not; he is the president. He would have to be the manager. He is not the manager; he is the president. He does not come within this definition. The first paragraph of the Anthony amendment does not reach him. Let us look at the second paragraph. The second paragraph provides that his corporation must make sales regularly and frequently to the Government in order to reach him. His corporation might not do that, and yet might effect the very purpose for which he was employed. It must regularly and frequently make sales. The Anthony amendment lets him out. It does not reach him. I am for the Fields amendment next to the Dickinson one the House adopted.

Mr. ANTHONY. Mr. Speaker, I move the previous question upon the motion, the amendment and all amendments thereto.

The previous question was ordered.

Mr. BANKHEAD. Is not the amendment of the gentleman from Kansas divisible?

The SPEAKER. The Chair thinks not, but the first vote will come upon the motion of the gentleman from New Jersey to recede and concur.

Mr. BLANTON. Mr. Speaker, I ask for a division of that question.

Mr. PARKER of New Jersey. Mr. Speaker, I do not believe that can be done now, the previous question having been ordered.

Mr. BLANTON. That does not keep this matter from being divided.

Mr. ANTHONY. I think the motion has already been divided.

The SPEAKER. The Chair thinks not. The Chair does not see what will be accomplished by it, but the question will be divided. The question is on the motion to recede.

The question was taken.

Mr. BLANTON. Mr. Speaker, I ask for a division.

The SPEAKER. The Chair has divided the question and put it on the motion to recede.

Mr. BLANTON. I asked for a division of the motion to recede and concur.

The SPEAKER. The Chair has divided the question and has put the question.

Mr. BLANTON. On that, Mr. Speaker, I demand a rising vote.

The SPEAKER. The question is on the motion to recede, and the gentleman from Texas demands a division upon that.

The committee divided; and there were—ayes 46, noes 51.

Mr. ANTHONY. Mr. Speaker, on that I demand tellers.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 158, nays 126, not voting 143, as follows:

YEAS—158.

Ackerman	Evans	Leatherwood	Roach
Anderson	Fairfield	Lehlbach	Robertson
Andrew, Mass.	Favrot	Lineberger	Rogers
Anthony	Fisher	Longworth	Sanders, Ind.
Appleby	Focht	Luce	Scott, Tenn.
Bacharach	Fordney	McArthur	Shaw
Beedy	French	McCormick	Shreve
Begg	Frothingham	McFadden	Siegel
Boies	Fuller	McLaughlin, Nebr.	Snyder
Bond	Funk	McPherson	Sproul
Britten	Gallivan	MacGregor	Stafford
Brown, Tenn.	Gensman	MacLafferty	Steenerson
Burdick	Gifford	Madden	Stephens
Burtness	Greene, Vt.	Magee	Strong, Kans.
Butler	Griest	Mead	Strong, Pa.
Cable	Griffin	Michener	Sweet
Campbell, Kans.	Hadley	Mondell	Swing
Campbell, Pa.	Hardy, Colo.	Moores, Ind.	Taylor, N. J.
Cannon	Henry	Morgan	Ten Eyck
Chalmers	Hersey	Mott	Tilson
Chindblom	Hicks	Nelson, Me.	Tinkham
Christopherson	Hill	Nelson, A. P.	Towner
Clouse	Himes	Newton, Minn.	Treadway
Cole, Iowa	Hoch	Newton, Mo.	Underhill
Cole, Ohio	Hull	Nolan	Vaile
Colton	Humphrey, Nebr.	Norton	Vestal
Crago	Husted	Paige	Volk
Cullen	Jefferis, Nebr.	Parker, N. J.	Ward, N. Y.
Curry	Kearns	Parker, N. Y.	Wason
Dale	Kendall	Patterson, N. J.	Watson
Dallinger	Kiess	Paul	White, Kans.
Darrow	Kissel	Porter	White, Me.
Dempsey	Kline, N. Y.	Purnell	Williamson
Denison	Knutson	Radcliffe	Winslow
Dickinson	Kopp	Rainey, Ill.	Wood, Ind.
Dunn	Kraus	Ramseyer	Wurzbach
Dupré	Kreider	Ransley	Wyant
Edmonds	Langley	Reece	Young
Elliott	Lawrence	Reed, N. Y.	
Ellis	Lea, Calif.	Rhodes	

NAYS—126.

Abernethy	Dowell	Lankford	Robsion
Almon	Drewry	Larsen, Ga.	Rouse
Andrews, Nebr.	Driver	Layton	Sabath
Aswell	Fairchild	Lazaro	Sanders, Tex.
Bankhead	Fields	Lee, Ga.	Sandlin
Barbour	Foster	Linthicum	Sears
Beck	Fulmer	Logan	Sinclair
Bell	Gahn	London	Sisson
Black	Garrett, Tenn.	Lowrey	Smithwick
Blakeney	Garrett, Tex.	McClintic	Speaks
Bland, Va.	Gilbert	McDuffie	Steagall
Blanton	Goldsborough	McKenzie	Stedman
Bowling	Gorman	McLaughlin, Mich.	Stevenson
Box	Graham, Ill.	McSwain	Sumners, Tex.
Briggs	Hammer	Maloney	Swank
Browne, Wis.	Hardy, Tex.	Mapes	Thompson
Buchanan	Hayden	Martin	Tillman
Bulwinkle	Hooker	Miller	Tincher
Byrnes, S. C.	Huddleston	Moore, Va.	Turner
Byrns, Tenn.	Hudspeth	Murphy	Tyson
Cantrill	Humphreys, Miss.	Nelson, J. M.	Vinson
Carter	James	O'Connor	Voigt
Clague	Jeffers, Ala.	Oldfield	Weaver
Collier	Johnson, Ky.	Oliver	Wilson
Connally, Tex.	Johnson, Wash.	Parks, Ark.	Wingo
Cooper, Ohio	Jones, Tex.	Perlman	Wise
Cooper, Wis.	Kelley, Mich.	Pou	Woodruff
Cramton	Kelly, Pa.	Quin	Woods, Va.
Davis, Tenn.	Ketcham	Raker	Wright
Deal	Kincheloe	Rankin	Zihlman
Dominick	Kline, Pa.	Rayburn	
Doughton	Lanham	Ricketts	

NOT VOTING—143.

Ansorge	Bixler	Brooks, Pa.	Clark, Fla.
Arentz	Bland, Ind.	Burke	Clarke, N. Y.
Atkeson	Bowers	Burton	Classon
Barkley	Brand	Carew	Cockran
Benham	Brennan	Chandler, N. Y.	Codd
Bird	Brooks, Ill.	Chandler, Okla.	Collins
Connolly, Pa.	Herrick	Michaelson	Shelton
Copley	Hickey	Mills	Sinnott
Coughlin	Hogan	Montague	Slemp
Crisp	Huck	Moore, Ill.	Smith, Idaho
Crowther	Hukriede	Moore, Ohio	Smith, Mich.
Davis, Minn.	Hutchinson	Morin	Snell
Drane	Ireland	Mudd	Stiness
Dunbar	Jacoway	O'Brien	Stoll
Dyer	Johnson, Miss.	Ogden	Sullivan
Echols	Johnson, S. Dak.	Olpp	Summers, Wash.
Faust	Jones, Pa.	Overstreet	Tague
Fenn	Kahn	Park, Ga.	Taylor, Ark.
Fess	Keller	Patterson, Mo.	Taylor, Colo.
Fish	Kennedy	Perkins	Taylor, Tenn.
Fitzgerald	Kindred	Petersen	Temple
Frear	King	Pringey	Thomas
Free	Kirkpatrick	Rainey, Ala.	Thorpe
Freeman	Kitchin	Reber	Timberlake
Garner	Kleczka	Reed, W. Va.	Tucker
Gernerd	Knight	Riddick	Upshaw
Glynn	Kunz	Riordan	Volstead
Goodykoontz	Lampert	Rodenberg	Walters
Gould	Larson, Minn.	Rose	Ward, N. C.
Graham, Pa.	Lee, N. Y.	Rosenbloom	Webster
Green, Iowa	Little	Rossdale	Wheeler
Greene, Mass.	Luhring	Rucker	Williams, Ill.
Haugen	Lyon	Ryan	Williams, Tex.
Hawes	McLaughlin, Pa.	Sanders, N. Y.	Woodyard
Hawley	Mansfield	Schall	Yates
Hays	Merritt	Scott, Mich.	

So the motion to recede was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. Williams of Illinois with Mr. Crisp.

Mr. Snell with Mr. Cockran.

Mr. Fenn with Mr. Montague.

Mr. Graham of Pennsylvania with Mr. Brand.

Mr. Faust with Mr. Taylor of Colorado.

Mr. Merritt with Mr. Hawes.

Mr. Greene of Massachusetts with Mr. Drane.

Mr. Fish with Mr. Riordan.

Mr. Bixler with Mr. Upshaw.

Mr. Sinnott with Mr. Carew.

Mr. Free with Mr. Johnson of Mississippi.

Mr. Little with Mr. Collins.

Mr. Hawley with Mr. Jacoway.

Mr. King with Mr. O'Brien.

Mr. Frear with Mr. Clark of Florida.

Mr. Mudd with Mr. Kunz.

Mr. Kahn with Mr. Tague.

Mr. SINNOTT. Mr. Speaker, I desire to vote "aye."

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. SINNOTT. I was not.

The SPEAKER. The gentleman does not bring himself within the rule.

The result of the vote was announced as above recorded.

The SPEAKER. The vote first comes on the amendment offered by the gentleman from California [Mr. SWING] to the amendment offered by the gentleman from Kansas. The Clerk will report the amendment.

The amendment was again reported.

The question was taken, and the amendment was rejected.

The SPEAKER. The question is on the substitute offered by the gentleman from Kentucky.

Mr. FIELDS. May we have that substitute again reported?

The SPEAKER. Without objection, the substitute will be again reported.

The substitute was again reported.

The question was taken, and the Chair announced the noes appeared to have it.

Mr. FIELDS. Division, Mr. Speaker.

The House proceeded to divide.

Mr. FIELDS. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from Kentucky demands the yeas and nays. Obviously there is a sufficient number, and the yeas and nays are ordered.

The question was taken; and there were—yeas 120, nays 161, not voting 146, as follows:

YEAS—120.

Abernethy	Bulwinkle	Drewry	Huddleston
Almon	Byrns, Tenn.	Driver	Hudspeth
Anderson	Cantrill	Fields	Humphreys, Miss.
Andrews, Nebr.	Carter	Foster	James
Bankhead	Clague	Fulmer	Jeffers, Ala.
Beck	Clark, Fla.	Garrett, Tex.	Johnson, Ky.
Bell	Collier	Gilbert	Jones, Tex.
Black	Connally, Tex.	Goldsborough	Kelley, Mich.
Bland, Va.	Cooper, Wis.	Gorman	Kelly, Pa.
Blanton	Cramton	Graham, Ill.	Ketcham
Bowling	Davis, Tenn.	Griffin	Kincheloe.
Box	Deal	Hammer	Kline, Pa.
Briggs	Dominick	Hardy, Tex.	Lanham
Browne, Wis.	Doughton	Hayden	Lankford
Buchanan	Dowell	Hooker	Larsen, Ga.

Layton	Moore, Va.	Ricketts	Swank
Lazaro	Morgan	Rouse	Ten Eyck
Lea, Calif.	Murphy	Sabath	Tillman
Lee, Ga.	Nelson, J. M.	Sanders, Tex.	Tincher
Linthicum	O'Connor	Sandlin	Turner
Logan	Oldfield	Sears	Tyson
London	Oliver	Sinclair	Vinson
Lowrey	Parks, Ark.	Sisson	Voigt
McDuffie	Paul	Smithwick	Volstead
McLaughlin, Mich.	Perlman	Speaks	Wilson
McSwain	Pou	Steagall	Wingo
Maloney	Pringey	Stedman	Woodruff
Mapes	Quin	Steenerson	Woods, Va.
Martin	Rankin	Stevenson	Wright
Michener	Rayburn	Sumners, Tex.	Zihlman

NAYS—161.

Ackerman	Fairchild	Lehlbach	Robsion
Andrew, Mass.	Favrot	Lineberger	Rogers
Anthony	Fenn	Little	Sanders, Ind.
Appleby	Fess	Longworth	Scott, Tenn.
Bacharach	Fisher	Luce	Shaw
Barbour	Focht	McArthur	Shreve
Beedy	Fordney	McCormick	Siegel
Begg	French	McKenzie	Sinnott
Bland, Ind.	Frothingham	McLaughlin, Nebr.	Snyder
Boies	Fuller	McPherson	Sproul
Bond	Funk	MacGregor	Stafford
Britten	Gahn	MacLafferty	Stephens
Brown, Tenn.	Gallivan	Madden	Strong, Kans.
Burdick	Gensman	Magee	Strong, Pa.
Burtness	Greene, Vt.	Mead	Sweet
Butler	Griest	Merritt	Swing
Cable	Hadley	Miller	Taylor, N. J.
Campbell, Kans.	Hardy, Colo.	Moore, Ill.	Temple
Campbell, Pa.	Henry	Moores, Ind.	Thompson
Cannon	Hickey	Nelson, A. P.	Tilson
Chalmers	Hicks	Nelson, Me.	Tinkham
Chindblom	Hill	Newton, Mo.	Towner
Christopherson	Hoch	Nolan	Treadway
Clouse	Hull	Norton	Underhill
Cole, Iowa	Humphrey, Nebr.	Ogden	Vaile
Cole, Ohio	Husted	Paige	Vestal
Colton	Ireland	Parker, N. J.	Volk
Cooper, Ohio	Johnson, Wash.	Parker, N. Y.	Ward, N. Y.
Crago	Kearns	Patterson, N. J.	Wason
Cullen	Kendall	Porter	Watson
Curry	Kiess	Purnell	Webster
Dallinger	Kissel	Radcliffe	White, Kans.
Darrow	Kline, N. Y.	Rainey, Ill.	White, Me.
Dempsey	Knutson	Raker	Winslow
Denison	Kopp	Ramseyer	Wood, Ind.
Dickinson	Kraus	Ransley	Wurzbach
Dunn	Kreider	Reece	Wyant
Dupré	Langley	Reed, N. Y.	Young
Edmonds	Larson, Minn.	Rhodes	
Elliott	Lawrence	Roach	
Evans	Leatherwood	Robertson	

NOT VOTING—146.

Ansorge	Fairfield	King	Rosenbloom
Arentz	Faust	Kirkpatrick	Rossdale
Aswell	Fish	Kitchin	Rucker
Atkeson	Fitzgerald	Kleczka	Ryan
Barkley	Frear	Knight	Sanders, N.Y.
Benham	Free	Kunz	Schall
Bird	Freeman	Lampert	Scott, Mich.
Bixler	Garner	Lee, N. Y.	Shelton
Blakeney	Garrett, Tenn.	Luhring	Slemp
Bowers	Gernerd	Lyon	Smith, Idaho
Brand	Gifford	McClintic	Smith, Mich.
Brennan	Glynn	McFadden	Snell
Brooks, Ill.	Goodykoontz	McLaughlin, Pa.	Stiness
Brooks, Pa.	Gould	Mansfield	Stoll
Burke	Graham, Pa.	Michaelson	Sullivan
Burton	Green, Iowa	Mills	Summers, Wash.
Byrnes, S. C.	Greene, Mass.	Mondell	Tague
Carew	Haugen	Montague	Taylor, Ark.
Chandler, N. Y.	Hawes	Moore, Ohio	Taylor, Colo.
Chandler, Okla.	Hawley	Morin	Taylor, Tenn.
Clarke, N. Y.	Hays	Mott	Thomas
Classon	Herrick	Mudd	Thorpe
Cockran	Hersey	Newton, Minn.	Timberlake
Codd	Himes	O'Brien	Tucker
Collins	Hogan	Olpp	Upshaw
Connolly, Pa.	Huck	Overstreet	Walters
Copley	Hukriede	Park, Ga.	Ward, N. C.
Coughlin	Hutchinson	Patterson, Mo.	Weaver
Crisp	Jacoway	Perkins	Wheeler
Crowther	Jefferis, Nebr.	Petersen	Williams, Ill.
Dale	Johnson, Miss.	Rainey, Ala.	Williams, Tex.
Davis, Minn.	Johnson, S. Dak.	Reber	Williamson
Drane	Jones, Pa.	Reed, W. Va.	Wise
Dunbar	Kahn	Riddick	Woodyard
Dyer	Keller	Riordan	Yates
Echols	Kennedy	Rodenberg	
Ellis	Kindred	Rose	

So the amendment was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. Timberlake with Mr. Garrett of Tennessee.

Mr. Dale with Mr. Montague.

Mr. Hutchinson with Mr. Wise.

Mr. Atkeson with Mr. Collins.

Mr. Olpp with Mr. Aswell.

Mr. Patterson of Missouri with Mr. Byrnes of South Carolina.

Mr. Scott of Michigan with Mr. Kincheloe.

Mr. Clarke of New York with Mr. McClintic.

Mr. Fitzgerald with Mr. Weaver.

Mr. Jones of Pennsylvania with Mr. Carew.

The result of the vote was announced as above recorded.

The SPEAKER. The question is now on the motion to concur with an amendment offered by the gentleman from Kansas [Mr. ANTHONY].

The question was taken, and the Speaker announced that the "ayes" seemed to have it.

Mr. FIELDS. Mr. Speaker, I demand a division.

The SPEAKER. A division is demanded.

Mr. FIELDS. Mr. Speaker, I demand the yeas and nays.

Mr. SANDERS of Indiana. Mr. Speaker, I make the point that that demand can not be made when gentlemen are standing.

Mr. BLANTON. It can be made at any time.

The SPEAKER. The Chair thinks the gentleman has the right to make the motion.

Mr. SANDERS of Indiana. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SANDERS of Indiana. Before that question is put must not the count be made to ascertain if the yeas and nays are demanded?

The SPEAKER. Certainly. As many as are in favor of taking this vote by yeas and nays will rise and stand until they are counted. [After counting.] A sufficient number have arisen.

The yeas and nays were ordered.

The SPEAKER. Those in favor of the motion of the gentleman from Kansas [Mr. ANTHONY] will when their names are called answer "yea"; those opposed will answer "nay." The Clerk will call the roll.

The question was taken; and there were—yeas, 246, nays 16, not voting, 164, as follows:

YEAS—247.

Abernethy	Drewry	Kopp	Roach
Ackerman	Driver	Kraus	Robertson
Almon	Dunn	Kreider	Robsion
Andrew, Mass.	Edmonds	Langley	Rouse
Andrews, Nebr.	Elliott	Lanham	Sanders, Ind.
Anthony	Evans	Lankford	Sanders, Tex.
Appleby	Fairchild	Larsen, Ga.	Sandlin
Bacharach	Favrot	Lawrence	Scott, Tenn.
Bankhead	Fenn	Leatherwood	Sears
Barbour	Fess	Lee, Ga.	Shaw
Beck	Fields	Lehlbach	Shreve
Beedy	Fisher	Lineberger	Siegel
Begg	Fordney	Linthicum	Sinclair
Bell	Foster	Longworth	Smith, Idaho
Black	French	Lowrey	Smithwick
Blakeney	Fuller	McArthur	Snyder
Bland, Ind.	Fulmer	McDuffie	Speaks
Bland, Va.	Gallivan	McLaughlin, Nebr.	Sproul
Blanton	Gensman	McPherson	Stafford
Boies	Gernerd	MacGregor	Steagall
Bond	Gifford	MacLafferty	Stedman
Bowling	Gilbert	Madden	Stephens
Box	Glynn	Magee	Stevenson
Briggs	Goldsborough	Maloney	Strong, Kans.
Britten	Gorman	Mapes	Strong, Pa.
Browne, Wis.	Graham, Ill.	Martin	Sumners, Tex.
Buchanan	Greene, Mass.	Mead	Swank
Bulwinkle	Greene, Vt.	Michener	Sweet
Burdick	Griest	Miller	Swing
Burtness	Griffin	Moore, Ill.	Taylor, Tenn.
Butler	Hadley	Moore, Va.	Temple
Byrns, Tenn.	Hammer	Morgan	Ten Eyck
Cable	Hardy, Colo.	Murphy	Thompson
Campbell, Pa.	Hardy, Tex.	Nelson, Me.	Tillman
Cannon	Hayden	Nelson, A. P.	Tincher
Cantrill	Henry	Newton, Minn.	Tinkham
Carter	Hersey	Nolan	Towner
Chalmers	Hicks	Norton	Treadway
Christopherson	Hoch	O'Connor	Turner
Clague	Hooker	Ogden	Tyson
Cole, Iowa	Huddleston	Oldfield	Underhill
Cole, Ohio	Hudspeth	Oliver	Vaile
Collier	Hull	Olpp	Vestal
Colton	Humphrey, Nebr.	Paige	Vinson
Connally, Tex.	Humphreys, Miss.	Parker, N. Y.	Voigt
Cooper, Ohio	Husted	Parks, Ark.	Volk
Cooper, Wis.	Ireland	Patterson, N. J.	Ward, N. Y.
Crago	Jacoway	Perlman	Wason
Cramton	James	Porter	Watson
Crisp	Jeffers, Ala.	Pou	Weaver
Cullen	Johnson, Ky.	Purnell	Webster
Curry	Johnson, S. Dak.	Quin	White, Kans.
Dallinger	Johnson, Wash.	Radcliffe	White, Me.
Darrow	Jones, Tex.	Rainey, Ill.	Wilson
Davis, Tenn.	Kelley, Mich.	Raker	Wingo
Deal	Kelly, Pa.	Ramseyer	Woodruff
Dempsey	Kendall	Rankin	Woods, Va.
Denison	Kincheloe	Ransley	Wright
Dickinson	Kissel	Rayburn	Wurzbach
Dominick	Kline, N. Y.	Reece	Wyant
Doughton	Kline, Pa.	Reed, N. Y.	Young
Dowell	Knutson	Ricketts	

NAYS—16.

Chindblom	London	McLaughlin, Mich.	Rhodes
Frothingham	Luce	Merritt	Rogers
Hickey	McCormick	Moores, Ind.	Tilson
Ketcham	McKenzie	Parker, N. J.	Winslow

NOT VOTING—164.

Anderson	Fairfield	Knight	Rose
Ansorge	Faust	Kunz	Rosenbloom
Arentz	Fish	Lampert	Rossdale
Aswell	Fitzgerald	Larson, Minn.	Rucker
Atkeson	Focht	Layton	Ryan
Barkley	Frear	Lazaro	Sabath
Benham	Free	Lea, Calif.	Sanders, N. Y.
Bird	Freeman	Lee, N. Y.	Schall
Bixler	Funk	Little	Scott, Mich.
Bowers	Gahn	Logan	Shelton
Brand	Garner	Luhring	Sinnott
Brennan	Garrett, Tenn.	Lyon	Sisson
Brooks, Ill.	Garrett, Tex.	McClintic	Slemp
Brooks, Pa.	Goodykoontz	McFadden	Smith, Mich.
Brown, Tenn.	Gould	McLaughlin, Pa.	Snell
Burke	Graham, Pa.	McSwain	Steenerson
Burton	Green, Iowa	Mansfield	Stiness
Byrnes, S. C.	Haugen	Michaelson	Stoll
Campbell, Kans.	Hawes	Mills	Sullivan
Carew	Hawley	Mondell	Summers, Wash.
Chandler, N. Y.	Hays	Montague	Tague
Chandler, Okla.	Herrick	Moore, Ohio	Taylor, Ark.
Clark, Fla.	Hill	Morin	Taylor, Colo.
Clarke, N. Y.	Himes	Mott	Taylor, N. J.
Classon	Hogan	Mudd	Thomas
Clouse	Huck	Nelson, J. M.	Thorpe
Cockran	Hukriede	Newton, Mo.	Timberlake
Codd	Hutchinson	O'Brien	Tucker
Collins	Jefferis, Nebr.	Overstreet	Upshaw
Connolly, Pa.	Johnson, Miss.	Park, Ga.	Volstead
Copley	Jones, Pa.	Patterson, Mo.	Walters
Coughlin	Kahn	Paul	Ward, N. C.
Crowther	Kearns	Perkins	Wheeler
Dale	Keller	Petersen	Williams, Ill.
Davis, Minn.	Kennedy	Pringey	Williams, Tex.
Drane	Kiess	Rainey, Ala.	Williamson
Dunbar	Kindred	Reber	Wise
Dupré	King	Reed, W. Va.	Wood, Ind.
Dyer	Kirkpatrick	Riddick	Woodyard
Echols	Kitchin	Riordan	Yates
Ellis	Kleczka	Rodenberg	Zihlman

So the motion to recede and concur with an amendment was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. Focht with Mr. Hawes.

Mr. Kiess with Mr. Lea of California.

Mr. Anderson with Mr. Dupré.

Mr. Kearns with Mr. Lazaro.

Mr. Newton of Missouri with Mr. Logan.

Mr. Wood of Indiana with Mr. McSwain.

Mr. Fairfield with Mr. Sabath.

Mr. Campbell of Kansas with Mr. Garrett of Texas.

Mr. CAMPBELL of Kansas. Mr. Speaker, I desire to vote "yea."

The SPEAKER pro tempore. Was the gentleman present and listening when his name was called?

Mr. CAMPBELL of Kansas. I can not say that I was.

The SPEAKER pro tempore. The gentleman does not qualify.

Mr. CAMPBELL of Kansas. Then I desire to be recorded as "present."

Mr. HILL. Mr. Speaker, I desire to vote "yea."

The SPEAKER pro tempore. Was the gentleman present and listening when his name was called?

Mr. HILL. I do not know whether I was or not.

The SPEAKER pro tempore. The gentleman does not qualify.

Mr. COUGHLIN. Mr. Speaker, I desire to be recorded "present."

The SPEAKER pro tempore. Was the gentleman present and listening when his name was called?

Mr. COUGHLIN. I desire simply to be recorded "present."

The SPEAKER pro tempore. The gentleman can not be recorded as present unless he was present and listening when his name was called. The gentleman's statement will appear in the RECORD.

Mr. LAZARO. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. LAZARO. No.

The SPEAKER. The gentleman does not qualify.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 49: Page 38, line 1, insert: "Hereafter the cost of transportation of civilian employees and of material in connection with the manufacturing and purchasing activities of the Signal Corps, Air Service, Medical Department, Engineer Department, and the Coast Artillery Corps, and in connection with the construction and installation of fire-control projects at seacoast fortifications by the Coast Artillery Corps may be charged to the appropriations for the work in connection with which such transportation charges are required."

Mr. ANTHONY. Mr. Speaker, I move to recede and concur in Senate amendment 49 with an amendment.

The SPEAKER. The gentleman from Kansas moves to recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. ANTHONY moves to recede and concur in Senate amendment 49, with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"On and after July 1, 1923, the cost of transportation of material in connection with the manufacturing and purchasing activities of the Signal Corps, Ordnance Department, Chemical Warfare Service, Air Service, Medical Department, Engineer Department, and the Coast Artillery Corps, and in connection with the construction and installation of fire-control projects at seacoast fortifications by the Coast Artillery Corps may be charged to the appropriations for the work in connection with which such transportation charges are required, and the Budget estimates for each of such appropriations shall hereafter carry separately the amounts required for such transportation costs."

Mr. ANTHONY. Mr. Speaker, this permits the transportation cost of material to be charged to the specific appropriation which Congress makes for the work.

I ask for a vote.

The SPEAKER. The question is on agreeing to the motion that the House recede and concur in the amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 101: Page 86, line 5, insert: "*Provided*, That the present incumbent, upon the completion of his service, shall be entitled to be placed upon the retired list of the United States Army (with the rank of lieutenant colonel) under the same conditions as are prescribed by law for other officers of the Army."

Mr. ANTHONY. Mr. Speaker, I move to recede and concur.

The SPEAKER. The gentleman from Kansas moves that the House recede from its disagreement to Senate amendment 101 and concur in the same.

Mr. ANTHONY. Mr. Speaker, the motion which I offer permits the retirement of the present master of the sword at the Military Academy, Colonel Keeler. A previous act of Congress, enacted many years ago, was intended to give him this right, but the Judge Advocate General has recently intimated that there is some doubt about the language passed at that time; so this is offered in order to clear that up and, as this officer is nearing the retirement age, it will permit him to retire.

The SPEAKER. The gentleman from Kansas moves to recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 106: Page 100, after line 4, insert: "That no part of the appropriations made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch, or other time-measuring device, a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this act be available to pay any premiums or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant."

Mr. ANTHONY. Mr. Speaker, I move to recede and concur with an amendment.

The SPEAKER. The gentleman from Kansas moves to recede and concur with an amendment which the Clerk will report.

The Clerk read as follows:

Mr. ANTHONY moves to recede and concur in Senate amendment No. 106 with an amendment as follows: "In line 9 of the matter inserted by said amendment, after the word "work," change the semicolon to a period, and strike out the remainder of the amendment.

Mr. HULL. Mr. Speaker, I offer a preferential motion to recede and concur.

Mr. ANTHONY. Mr. Speaker, I should like to make a statement first. As the bill left the House it contained nothing in regard to the prohibition of the use of the stop watch or in regard to the payment of bonuses to arsenal and governmental employees. The Senate inserted the language which has heretofore been carried in the House bill for several years past. In conference the House yielded to the language which prohibits the use of the stop watch or any other time-measuring device, and we have agreed to reinstate that in the bill, and the amendment which I propose would eliminate that part of the prohibition against the payment of a bonus for efficiency to employees should the War Department decide that it desired to do so.

Mr. HULL. Mr. Speaker, I offer a preferential motion to recede and concur.

Mr. ANTHONY. I ask for a division of the question.

The SPEAKER. The gentleman from Kansas asks for a division of the question.

Mr. ANTHONY. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. HULL].

Mr. HULL. Mr. Speaker and gentlemen of the House, I will not take up very much time, but I will be unable to yield. This is an old question. The use of the stop watch in industry is the most inhuman thing that has been devised to drive a man beyond his capacity to produce. The history of it is 15 years old. No industry at the present time is using it. It has been abandoned by the man that proposed it, and they admit that instead of efficiency it is an expense. I can read you an article in the Scientific American along that line, published in October, 1921.

I want to call attention to this, that when they failed in private industry they tried to put it into the arsenals and the navy yards of this country. It failed there; and two committees after investigating it reported adversely, saying that it would increase the cost in the arsenals and navy yards. They proposed a bill to put a stop to it. At that time they found they could get a limitation on an appropriation bill, and they did so, and that stopped the use of the stop watch in the arsenals and navy yards.

The language they propose is the same that we propose in this bill, the same language that has been carried in the House bill for the last eight years, and was carried in the bill——

Mr. FIELDS. The same language that has been carried in every House bill for the last 10 years and was carried in this bill and went out on a point of order.

Mr. HULL. No; the gentleman is all right up to his last statement. But you in this House went on record—all of you, except six, voted on December 21 in favor of the Senate language. You are on record. In what shape are you to-day to reverse that and say that you made a mistake at that time? That was on the naval bill.

Mr. PARKER of New Jersey. Was not that clause put in and was it not defeated on a roll call?

Mr. HULL. No; it was on a point of order that was sustained. You have always sustained the language that is proposed at this time, the language that is in the Senate bill. We want the same language continued, and therefore it is necessary to defeat the motion to recede and concur with an amendment. What we want to do is to recede and concur, and then you will have the prohibition that you have had on all the bills for the last 10 or 12 years. It is the same amendment that you placed on the naval bill. I hope the House will make it emphatic, so that they will understand that the House of Representatives is opposed to this inhuman method of trying to drive men beyond their capacity. [Applause.]

Mr. ANTHONY. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, this is what is known as the Hull-Brookhart proposition. The gentleman from Iowa [Mr. HULL] tried to get it into the House bill, and he failed, and then the distinguished Senator of Iowa [Mr. BROOKHART] put it on for him in the Senate. If we pass it, it will show that the union demand on Congress is greater than the people's demand. This is not merely a stop-watch proposition. The Hull-Brookhart proposition provides that in the arsenals, where thousands of employees are paid by the people's money in salaries, the Government can not even have an observation of their movements. Show me the private business that would last five minutes where the supervision or observation of the movements of the employees are denied. Are the business men of this Nation going to approve of your action if you vote to prevent the Government from supervising the employees in arsenals?

Mr. DALLINGER. Will the gentleman yield?

Mr. BLANTON. I can not; I have only 5 minutes, and this important debate is limited to 10 minutes. Every other employee of the Government has supervision over him. It is no disgrace. We Congressmen have supervision over us and it is no disgrace. The American people sit in the galleries and watch our attitude and our vote, and it is no disgrace. Show me the man who does not court supervision, show me the man who is afraid of supervision, and I will show you a man whose work it not up to the standard.

The distinguished Assistant Secretary of the Navy, Mr. Franklin D. Roosevelt, came before one of your committees and testified that since this provision had been carried in the law it has been the means of not getting more than 67 per cent of efficiency in the men who were working for the Government. That means a loss to this Government of millions of dollars of the taxpayers' money. I want to see it stopped. I am for the American people and I am not under union domination, thank God. I am appealing to you in behalf of the American people who are tax burdened. It produces millions of dollars of waste. Are we not ever going to get back where we can use sound business sense and business judgment? Our colleague, the gentleman from Connecticut [Mr. TILSON], was brave enough and strong enough when this question was put up to him while he was presiding over the House to decide it in favor of the people, and he said a question was never settled until it was settled right. He proceeded to settle it right, and you followed his action by striking out the Hull amendment. It went to the Senate and the distinguished Senator from Iowa had it put back. Now, our friend here, who has the Rock Island Arsenal in his district, wants to put this waste on the American people again. I am not going to vote for it. We ought to vote not to recede, and vote no, and thus vote down both amendments, the one offered by the gentleman from Kansas and the one offered by the gentleman from Iowa, and send it back to the Senate with our further disagreement.

Mr. ANTHONY. Mr. Speaker, I ask for a vote.

Mr. HUDDLESTON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Alabama makes the point of order that there is no quorum present. The Chair will count. [After counting.] Two hundred and two Members, not a quorum.

Mr. ANTHONY. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ansorge	Gahn	Lee, N. Y.	Rucker
Arentz	Garner	Logan	Ryan
Atkeson	Garrett, Tex.	Luhring	Sanders, N. Y.
Barkley	Gernerd	Lyon	Schall
Bird	Glynn	McClintic	Scott, Mich.
Bixler	Goldsborough	McFadden	Scott, Tenn.
Bland, Ind.	Goodykoontz	McLaughlin, Nebr.	Shaw
Bond	Gorman	McSwain	Shelton
Bowers	Gould	Mansfield	Siegel
Brand	Graham, Pa.	Martin	Slemp
Brennan	Green, Iowa	Michaelson	Smith, Mich.
Britten	Hardy, Colo.	Mills	Smithwick
Brooks, Ill.	Hawes	Montague	Snell
Brooks, Pa.	Hays	Moore, Ohio	Steenerson
Brown, Tenn.	Herrick	Moores, Ind.	Stiness
Buchanan	Hill	Morin	Stoll
Burke	Himes	Mott	Sullivan
Burton	Hogan	Mudd	Sweet
Carew	Huck	O'Brien	Tague
Chandler, N. Y.	Hukriede	Olpp	Taylor, Ark.
Classon	Husted	Overstreet	Taylor, Colo.
Clouse	Hutchinson	Park, Ga.	Taylor, Tenn.
Cockran	Jacoway	Parks, Ark.	Thomas
Codd	Jefferis, Nebr.	Patterson, Mo.	Thorpe
Connolly, Pa.	Johnson, Miss.	Paul	Towner
Copley	Jones, Pa.	Perkins	Tucker
Crowther	Kahn	Petersen	Upshaw
Davis, Minn.	Keller	Porter	Voigt
Drane	Kennedy	Pou	Walters
Drewry	Kindred	Rainey, Ala.	Ward, N. C.
Dunbar	King	Reber	Webster
Dyer	Kirkpatrick	Reed, N. Y.	Wheeler
Echols	Kitchin	Reed, W. Va.	White, Kans.
Fairchild	Kleczka	Rhodes	White, Me.
Fairfield	Knight	Riddick	Williams, Ill.
Faust	Kunz	Riordan	Williams, Tex.
Fitzgerald	Lampert	Rodenberg	Wise
Free	Langley	Rose	Woodyard
Freeman	Larson, Minn.	Rosenbloom	Yates
French	Layton	Rossdale	

The SPEAKER. Two hundred and sixty-nine Members have answered to their names, a quorum.

Mr. ANTHONY. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

Mr. ANTHONY. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. Mr. Speaker, I do not see why the stop-watch proposition should be discussed at this time, because the House has receded on the stop-watch provision. The subcommittee that brought this bill into the House brought it in with that provision in the bill. It went out on a point of order. The bill went over to the Senate, and the Senate put back the provision. In conference the House conferees and the Senate conferees agreed on the stop-watch provision. The only thing in controversy under the amendment offered by the gentleman from Kansas [Mr. ANTHONY] is the last clause of the amendment, which provides that business concerns may offer or give a bonus

to any of the Government employees who make an extraordinarily good record. In other words, it enables them to reward efficiency and good service, and that is all there is in the proposition.

Mr. HULL. Mr. Speaker, will the gentleman yield?

Mr. SISSON. And if that is all there is in the proposition, why not confine the discussion to that? Why should gentlemen erect a big straw man and then come in and knock him down with an air of "Oh, I am the man who killed Cock Robin; I am the man who put the stop-watch provision on the map"? They discuss it as if it were something that had just been discovered, as if the conferees had not already agreed to it. I now yield to my friend from Iowa.

Mr. HULL. The gentleman wants to permit a bonus beyond the regular wages that are paid, and that permits the very thing that we are trying to prohibit, and the gentleman knows it very well.

Mr. SISSON. Mr. Speaker, the gentleman attributes to me some knowledge that I think I do not have, but we all have our limitations. I must confess I do not see that that is involved in the stop-watch proposition. I know that if I were engaged in a factory and I did some good work, some efficient work, I would not object at all to their giving me an extra pair of shoes or giving me an extra dollar or two. I do not understand why organized labor should make a fight against anything which tends to bring about efficiency, provided that efficiency is rewarded by extra pay or otherwise. Of course I may be wrong about this matter, but I think the prosperity of this world, our own happiness, our contentment, and the conduct of this Government depends upon the efficiency of every man in every line of labor; and every good man belonging to labor organizations—and many of them are my warm friends—every man who thinks right believes in efficiency; and if this provision, as the conferees have agreed to it, simply brings about efficiency, I do not see why there should be such an enormous controversy about the matter.

Mr. ANTHONY. Mr. Speaker, I move the previous question on all the pending motions.

Mr. LONDON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from New York makes the point of order that there is no quorum present. It is clear there is no quorum present.

Mr. ANTHONY. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ansorge	Free	Luhring	Rucker
Arentz	Freeman	Lyon	Ryan
Atkeson	Frothingham	McArthur	Sanders, N. Y.
Barkley	Garner	McClintic	Schall
Bell	Garrett, Tex.	McFadden	Scott, Mich.
Benham	Gernerd	McLaughlin, Mich.	Sears
Bird	Gifford	McLaughlin, Nebr.	Shaw
Bixler	Glynn	McSwain	Shelton
Bond	Goodykoontz	Madden	Siegel
Bowers	Gorman	Mansfield	Slemp
Brand	Gould	Martin	Smith, Idaho
Brennan	Graham, Pa.	Mead	Smith, Mich.
Britten	Green, Iowa	Michaelson	Snell
Brooks, Ill.	Hardy, Tex.	Mills	Stedman
Brooks, Pa.	Hawes	Montague	Steenerson
Brown, Tenn.	Hays	Moore, Ill.	Stiness
Browne, Wis.	Himes	Moore, Ohio	Stoll
Buchanan	Hogan	Morin	Sullivan
Burke	Huck	Mott	Sweet
Burton	Hukriede	Mudd	Tague
Byrnes, S. C.	Hutchinson	Newton, Mo.	Taylor, Ark.
Carew	Jefferis, Nebr.	O'Brien	Taylor, Colo.
Chandler, N. Y.	Johnson, Miss.	Ogden	Ten Eyck
Clark, Fla.	Jones, Pa.	Olpp	Thomas
Clarke, N. Y.	Kahn	Overstreet	Thorpe
Classon	Keller	Park, Ga.	Tinkham
Clouse	Kelly, Pa.	Parks, Ark.	Tucker
Codd	Kennedy	Patterson, Mo.	Upshaw
Connolly, Pa.	Kindred	Perkins	Voigt
Crisp	King	Petersen	Volk
Crowther	Kirkpatrick	Porter	Ward, N. C.
Dale	Kitchin	Pou	Webster
Davis, Minn.	Kleczka	Rainey, Ala.	Wheeler
Drane	Knight	Ransley	White, Me.
Dunbar	Kunz	Reber	Williams, Ill.
Dyer	Lampert	Rhodes	Williams, Tex.
Echols	Langley	Riddick	Wise
Fairfield	Larson, Minn.	Riordan	Wood, Ind.
Faust	Layton	Rodenberg	Woodyard
Fitzgerald	Lee, Ga.	Rose	Yates
Focht	Lee, N. Y.	Rosenbloom	
Frear	Logan	Rossdale	

The SPEAKER. Two hundred and sixty-four Members have answered to their names; a quorum is present.

Mr. ANTHONY. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors. The question is on the previous question, which the gentleman from Kansas had moved.

The question was taken, and the previous question was ordered.

The SPEAKER. The question comes on the motion of the gentleman from Kansas to recede and concur with an amendment, which the Clerk will report.

Mr. GARRETT of Tennessee. Mr. Speaker, a division of that question is desired.

The SPEAKER. The question is on receding.

The question was taken, and the Speaker announced the "ayes" seemed to have it.

On a division (demanded by Mr. GARRETT of Tennessee) there were—ayes 201, noes 21.

Mr. BLANTON. Mr. Speaker, I ask for the yeas and nays on that proposition.

The SPEAKER. The gentleman from Texas demands the yeas and nays on the motion to recede. Thirty-one gentlemen have arisen, not a sufficient number.

So the motion to recede was adopted.

Mr. HUDDLESTON. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

The SPEAKER. A quorum was present. The question is on the motion of the gentleman from Kansas that the House concur with an amendment.

Mr. HULL. On that I ask for the yeas and nays.

The SPEAKER. The Clerk will report the motion offered by the gentleman from Kansas [Mr. ANTHONY].

The motion was again reported.

The SPEAKER. On that the gentleman from Iowa demands the yeas and nays. Sixty-seven gentlemen have arisen, a sufficient number, and the yeas and nays are ordered.

The question was taken; and there were—yeas 91, nays 180, not voting 156, as follows:

YEAS—91.

Ackerman	Dempsey	Kraus	Reece
Anderson	Drewry	Kreider	Robertson
Andrew, Mass.	Dunn	Leatherwood	Rogers
Anthony	Edmonds	Lehlbach	Sisson
Appleby	Ellis	Little	Snyder
Bacharach	Evans	Longworth	Sproul
Beedy	Fess	Luce	Strong, Pa.
Begg	Fitzgerald	McArthur	Taylor, N. J.
Black	Fordney	McDuffie	Tilson
Blakeney	French	McLaughlin, Mich.	Timberlake
Bland, Ind.	Garrett, Tenn.	McLaughlin, Pa.	Tincher
Bond	Greene, Mass.	McPherson	Treadway
Burtness	Greene, Vt.	MacLafferty	Underhill
Campbell, Kans.	Griest	Madden	Valle
Campbell, Pa.	Hawley	Merritt	Volstead
Chindblom	Henry	Moores, Ind.	Walters
Christopherson	Hicks	Nelson, Me.	Ward, N. Y.
Copley	Hoch	Paige	Wason
Coughlin	Humphreys, Miss.	Parker, N. J.	Watson
Crago	Husted	Parker, N. Y.	Williamson
Cramton	Ireland	Patterson, N. J.	Winslow
Darrow	Kiess	Purnell	Wyant
Deal	Kline, N. Y.	Radcliffe	

NAYS—180.

Abernethy	Dominick	Hooker	Mapes
Almon	Doughton	Huddleston	Mead
Andrews, Nebr.	Dowell	Hudspeth	Michener
Aswell	Driver	Hull	Miller
Bankhead	Fairchild	Humphrey, Nebr.	Moore, Va.
Barbour	Favrot	Jacoway	Morgan
Beck	Fenn	James	Mott
Bell	Fields	Jeffers, Ala.	Murphy
Blanton	Fish	Johnson, Ky.	Nelson, A. P.
Boies	Fisher	Johnson, Wash.	Nelson, J. M.
Bowling	Foster	Jones, Tex.	Newton, Mo.
Box	Frothingham	Kelley, Mich.	Nolan
Briggs	Fuller	Kendall	Norton
Bulwinkle	Fulmer	Ketcham	O'Connor
Burdick	Funk	Kincheloe	Oldfield
Byrns, Tenn.	Gahn	Kissel	Oliver
Cable	Gallivan	Kline, Pa.	Parks, Ark.
Cantrill	Garrett, Tex.	Kopp	Paul
Carew	Gensman	Lanham	Perlman
Carter	Gifford	Lankford	Quin
Chalmers	Gilbert	Larsen, Ga.	Rainey, Ill.
Clague	Goldsborough	Lawrence	Raker
Cockran	Graham, Ill.	Lazaro	Ramseyer
Cole, Iowa	Griffin	Lea, Calif.	Rankin
Cole, Ohio	Hadley	Lee, Ga.	Ransley
Collier	Hammer	Lineberger	Rayburn
Collins	Hardy, Colo.	Linthicum	Reed, N. Y.
Connally, Tex.	Hardy, Tex.	Logan	Reed, W. Va.
Cooper, Ohio	Haugen	London	Rhodes
Cooper, Wis.	Hayden	Lowrey	Ricketts
Cullen	Herrick	McCormick	Riordan
Curry	Hersey	McSwain	Roach
Dallinger	Hickey	MacGregor	Robsion
Davis, Tenn.	Hill	Magee	Rouse
Denison	Hogan	Maloney	Sabath

Sanders, Ind.	Steagall	Ten Eyck	White, Kans.
Sanders, Tex.	Stephens	Thompson	Williams, Ill.
Sandlin	Stevenson	Tillman	Wilson
Sears	Strong, Kans.	Tinkham	Wingo
Shreve	Summers, Wash.	Turner	Wise
Sinclair	Sumners, Tex.	Tyson	Woodruff
Sinnott	Swank	Upshaw	Woods, Va.
Smith, Idaho	Swing	Vestal	Wright
Smithwick	Taylor, Tenn.	Voigt	Wurzbach
Speaks	Temple	Weaver	Zihlman

NOT VOTING—156.

Ansorge	Dyer	Kunz	Rosenbloom
Arentz	Echols	Lampert	Rossdale
Atkeson	Elliott	Langley	Rucker
Barkley	Fairfield	Larson, Minn.	Ryan
Benham	Faust	Layton	Sanders, N. Y.
Bird	Focht	Lee, N. Y.	Schall
Bixler	Frear	Luhring	Scott, Mich.
Bland, Va.	Free	Lyon	Scott, Tenn.
Bowers	Freeman	McClintic	Shaw
Brand	Garner	McFadden	Shelton
Brennan	Gernerd	McKenzie	Siegel
Britten	Glynn	McLaughlin, Nebr.	Slemp
Brooks, Ill.	Goodykoontz	Mansfield	Smith, Mich.
Brooks, Pa.	Gorman	Martin	Snell
Brown, Tenn.	Gould	Michaelson	Stafford
Browne, Wis.	Graham, Pa.	Mills	Stedman
Buchanan	Green, Iowa	Mondell	Steenerson
Burke	Hawes	Montague	Stiness
Burton	Hays	Moore, Ill.	Stoll
Butler	Himes	Moore, Ohio	Sullivan
Byrnes, S. C.	Huck	Morin	Sweet
Cannon	Hukriede	Mudd	Tague
Chandler, N. Y.	Hutchinson	Newton, Minn.	Taylor, Ark.
Chandler, Okla.	Jefferis, Nebr.	O'Brien	Taylor, Colo.
Clark, Fla.	Johnson, Miss.	Ogden	Thomas
Clarke, N. Y.	Johnson, S. Dak.	Olpp	Thorpe
Classon	Jones, Pa.	Overstreet	Towner
Clouse	Kahn	Park, Ga.	Tucker
Codd	Kearns	Patterson, Mo.	Vinson
Colton	Keller	Perkins	Volk
Connolly, Pa.	Kelly, Pa.	Petersen	Ward, N. C.
Crisp	Kennedy	Porter	Webster
Crowther	Kindred	Pou	Wheeler
Dale	King	Pringey	White, Me.
Davis, Minn.	Kirkpatrick	Rainey, Ala.	Williams, Tex.
Dickinson	Kitchin	Reber	Wood, Ind.
Drane	Kleczka	Riddick	Woodyard
Dunbar	Knight	Rodenberg	Yates
Dupré	Knutson	Rose	Young

So the motion to concur with an amendment was rejected.

The Clerk announced the following additional pairs:

Mr. Gernerd with Mr. Martin.

Mr. Butler with Mr. Vinson.

Mr. Langley with Mr. Dupré.

Mr. Elliott with Mr. Bland of Virginia.

Mr. Snell with Mr. Buchanan.

Mr. Moore of Ohio with Mr. Stedman.

Mr. Porter with Mr. Crisp.

Mr. Dickinson with Mr. Tucker.

Mr. Towner with Mr. Drane.

The SPEAKER. The question is on the motion of the gentleman from Iowa [Mr. HULL] that the House recede and concur.

The question was taken, and the Speaker announced that the "ayes" seemed to have it.

Mr. BLANTON. A division, Mr. Speaker.

The SPEAKER. A division is demanded.

The House divided, and the affirmative vote was taken—ayes 132.

Mr. BLANTON. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from Texas demands the yeas and nays. Those in favor of taking this vote by yeas and nays will rise and stand until they are counted. [After counting.] Three gentlemen have risen. The yeas and nays are refused.

Those opposed to the motion will rise and stand until they are counted. [After counting.] On this vote the ayes are 132 and the noes are 48.

So the motion was agreed to.

The SPEAKER. The Clerk will report the next Senate amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 119: Page 117, after line 18, insert: "Notwithstanding the restrictive provisions of the act of February 26, 1896 (29 Stats. p. 21), the Secretary of War is authorized in his discretion to permit without cost to the United States the erection of monuments or memorials to commemorate encampments of Spanish War organizations which were encamped in said park during the period of the Spanish-American War."

Mr. ANTHONY. Mr. Speaker, this will permit the erection of monuments and memorials to Spanish war organizations on grounds that they occupied during the Spanish war. I move to recede and concur in the Senate amendment.

The SPEAKER. The gentleman from Kansas moves to recede and concur in the Senate amendment. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Clerk will report the next Senate amendment.

The Clerk read as follows:

Senate amendment No. 122: Page 125, after line 15, insert: "And the purchase of artificial limbs or other appliances for indigent persons who were injured in the service of the Isthmian Canal Commission or the Panama Canal prior to September 7, 1916."

Mr. ANTHONY. Mr. Speaker, I move to recede and concur in the amendment of the Senate. This is a proposition that involves an expenditure of about $1,000 in money to furnish limbs to persons injured in accidents.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Kansas.

The motion was agreed to.

Mr. ANTHONY. Mr. Speaker, I ask unanimous consent for the present consideration of House Concurrent Resolution 86, to correct a typographical error in the War Department appropriation bill.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Concurrent Resolution 86.

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of House bill 13793 the Clerk of the House is authorized and directed to make the following correction: In line 15 of the matter inserted by Senate amendment No. 29 strike out "(Congress). Promotions" and insert "Congress), promotions."

Mr. GARRETT of Tennessee. Mr. Speaker, I could not understand from the reading what this was.

Mr. ANTHONY. This strikes out the period which was interposed between two words in a sentence.

Mr. GARRETT of Tennessee. In this bill?

Mr. ANTHONY. Yes; in this bill. There ought to be a comma but it is a period, which is set right in the middle of two words which should constitute one sentence.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

DISTRICT OF COLUMBIA SURPLUS.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to have until Monday in which to file minority views on the bill H. R. 14372.

The SPEAKER. The Chair understands that has been arranged and that the majority report will not be made until Monday.

Mr. BLANTON. I want permission to file minority views in regard to that. The report may be handed in earlier.

The SPEAKER. The gentleman from Texas asks unanimous consent to have until Monday in which to file minority views on the bill H. R. 14372.

Mr. MONDELL. On what?

Mr. BLANTON. On the bill H. R. 14372, concerning the so-called surplus of the District of Columbia.

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. CRAMTON. Mr. Speaker, I call up the conference report on the District of Columbia appropriation bill.

The SPEAKER. The gentleman from Michigan calls up the conference report on the District of Columbia appropriation bill.

EVENING SESSION ON THURSDAY.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that it may be in order to-morrow at any time after 5 o'clock to stand in recess until 8 o'clock and remain in session until 10.30 for the consideration of bills on the Private Calendar that are unobjected to, beginning at the point where we left off.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that to-morrow evening it will be in order at any time after 5 o'clock to move to take a recess until 8 o'clock and to remain in session until 10.30 o'clock to consider bills on the Private Calendar that are unobjected to.

Mr. BLANTON. Reserving the right to object, why limit it to 10.30? We may finish the calendar, if there is no objection.

Mr. MONDELL. I have no objection.

Mr. BLANTON. Leave it open.

The SPEAKER. Is there objection to the modification?

There was no objection.

Mr. BRIGGS. That is for the consideration of bills unobjected to?

Mr. MONDELL. Yes.

Mr. BANKHEAD. Reserving the right to object—and I shall not object—if we finish the calendar will we be permitted to go back then to those at the head of the calendar?

Mr. MONDELL. I am not making that request now. I will try to arrange that later.

The SPEAKER. Is there objection to the request?

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATION BILL—CONFERENCE REPORT.

The SPEAKER. The gentleman from Michigan [Mr. CRAMTON] calls up the conference report on the District of Columbia appropriation bill (H. R. 13660). The Clerk will read the conference report.

The Clerk read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 124 to the bill (H. R. 13660) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1924, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 124: That the House recede from its amendment to the amendment of the Senate numbered 124 and, in accordance with the authority granted by House Concurrent Resolution 84, passed at the present session, agree to the amendment of the Senate with the following amendment: In lines 6 and 7 of the matter inserted by said Senate amendment, strike out the words "at the Virginia end of the Key Bridge."

And the Senate agree to the same.

LOUIS C. CRAMTON,
ROBERT E. EVANS,
Managers on the part of the House.
LAWRENCE C. PHIPPS,
L. HEISLER BALL,
W. L. JONES,
CARTER GLASS,
MORRIS SHEPPARD,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 13660) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1924, and for other purposes, submit the following written statement explaining the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On No. 124: Modifies the paragraph with respect to a bathing beach and bathhouse for the colored population of the District so as to prescribe no particular place for the location of such bathing beach and bathhouse.

LOUIS C. CRAMTON,
ROBERT E. EVANS,
Managers on the part of the House.

Mr. CRAMTON. Mr. Speaker, in the District appropriation bill the Senate inserted an amendment reappropriating certain money to establish a colored bathing beach and fixed its location at the south end of the Key Bridge. Some disagreement resulted as to the locating of the beach at that point, and when the matter was before the House the other day the House authorized the conferees to amend the Senate amendment by striking out the location, leaving the location open. Adoption of this report will bring the House and Senate into complete agreement and finally dispose of the bill.

My own investigation shows that not only are many white people in Virginia opposed to the proposed location but the colored persons for whose benefit this beach is being proposed object to the location also, and hence there seemed no reason for the House to further insist on that location.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 9887. An act for the relief of the Pennsylvania Railroad Co.;

H. R. 9316. An act for the relief of Robert J. Ashe;

H. R. 13808. An act granting the consent of Congress to the Commissioners of Venango County, their successors and assigns, to construct a bridge across the Allegheny River, in the State of Pennsylvania;

H. R. 5475. An act for the relief of the Standard American Dredging Co.;

H. R. 6177. An act for the relief of the owner of the fishing smack *Mary S. Dolbow;*

H. R. 5249. An act for the relief of Ephraim Lederer, collector of internal revenue for the first district of Pennsylvania;

H. R. 5648. An act for the relief of Ike T. Boyles;

H. R. 8214. An act to compensate the owners of the American steamship *Vindal* for damages and expenses in repairing the said steamship, and to make an appropriation therefor;

H. R. 9049. An act declaring the act of September 19, 1890 (26 Stats. ch. 907, sec. 7), and the act of March 3, 1899 (30 Stats. ch. 425, sec. 9), and all acts amendatory of either thereof shall not hereafter apply to a portion of the west arm of the South Fork of the South Branch of the Chicago River, and for other purposes;

H. R. 4619. An act for the relief of the Link-Belt Co., of Philadelphia, Pa.;

H. R. 4622. An act for the relief of the Lloyd Mediterraneo Societa Italiana di Navigazione, owners of the Italian steamer *Titania;*

H. R. 3836. An act for the relief of Nolan P. Benner;

H. R. 2049. An act for the relief of the Delaware River Lightering Co.;

H. R. 3461. An act for the relief of Eugene Fazzi;

H. R. 3499. An act for the relief of the Atlas Lumber Co., Babcock & Willcox, Johnson, Jackson & Corning Co., and the C. H. Klein Brick Co.; and

H. R. 4620. An act for the relief of Th. Brovig.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3808. An act authorizing the Secretary of the Interior to investigate the feasibility of reclamation projects on the Columbia River and various other irrigation projects;

S. 3048. An act for the relief of L. D. Riddell and George W. Hardin, trustees of Milligan College, Tennessee;

S. 1829. An act for the relief of Walter Runke;

S. 851. An act authorizing the Secretary of War to make settlement with the lessees who erected buildings on a five-year lease on the zone at Camp Funston, Kans., and for other purposes;

S. 4310. An act for the relief of the owners of the steamship *Mohican;*

S. 4113. An act for the relief of Helene M. Layton;

S. 462. An act for the relief of Max B. Baldenburg;

S. 3350. An act for the relief of Alice M. Gorman;

S. 3611. An act authorizing and directing the Secretary of War to abrogate a contract lease of water power on the Muskingum River;

S. 3614. An act relating to the official bond of the United States marshal for the southern judicial district of the State of New York;

S. 3690. An act for the relief of Lowe Hayden Bibby;

S. 4061. An act authorizing the Secretary of the Interior to enter into an agreement with Toole County irrigation district of Shelby, Mont., and the Cut Bank irrigation district of Cut Bank, Mont., for the settlement of the extent of the priority to the waters of Two Medicine, Cut Bank, and Badger Creeks, of the Indians of the Blackfeet Indian Reservation;

S. 3083. An act authorizing the Baltimore & Ohio Railroad Co. to construct an elevated railroad siding adjacent to its tracks in the city of Washington;

S. 2563. An act to provide for the completion of the bridge across the Little Colorado River near Leupp, Ariz.;

S. 4522. An act authorizing the Secretary of State to convey certain land owned by the United States in Santiago, Chile, to the municipality of that city, and to acquire or receive in exchange therefor other land located in the said city;

S. 4358. An act to authorize the American Niagara Railroad Corporation to build a bridge across the Niagara River between the State of New York and the Dominion of Canada;

S. 4468. An act to authorize the coinage of 50-cent pieces in commemoration of the three hundredth anniversary of the settling of New Netherland, the Middle States, in 1624, by Walloons, French and Belgian Huguenots, under the Dutch West India Co.;

S. 4333. An act for the relief of Howard R. Gurney;

S. 4311. An act for the relief of the owners of the steam lighter *Comport*;

S. 4187. An act to extend the time for payment of charges due on reclamation projects, and for other purposes; and

S. 4411. An act granting the consent of Congress to the cities of Minneapolis and St. Paul, Minn., or either of them, to construct a bridge across the Mississippi River in section 17, township 28 north, range 23 west, of the fourth principal meridian, in the State of Minnesota.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, the following concurrent resolution was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. J. Res. 255. Joint resolution for the relief of sufferers from fire in the city of Astoria, Oreg.; to the Committee on Military Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. KINDRED, indefinitely, on account of illness (at the request of Mr. BOWLING).

To Mr. HOCH, for two days, on account of important business.

To Mr. TUCKER, for to-day, on account of sickness (at the request of Mr. BLAND of Virginia and of Mr. DEAL).

To Mr. WILLIAMS of Texas, indefinitely, on account of illness in his family (at the request of Mr. LANHAM).

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point of no quorum present.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 50 minutes p. m.) the House adjourned until to-morrow, Thursday, February 22, 1923, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1016. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination and survey of Yazoo River, Miss., with a view to the control of its floods (H. Doc. No. 597); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

1017. A letter from the Secretary of the Treasury, transmitting certain information in response to House Resolution 503, adopted by the House of Representatives on February 16, 1923, directing the Secretary of the Treasury to inform the House of Representatives, if not incompatible with the public interest, as to importations of intoxicating liquors by representatives of foreign governments having a diplomatic status in the United States (H. Doc. No. 598); to the Committee on the Judiciary and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. KIESS: Committee on Printing. S. Con. Res. 35. A concurrent resolution authorizing the Attorney General to print all correspondence relative to disorders in the United States during 1922; without amendment (Rept. No. 1673). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. S. 4469. An act to extend the time for the construction of a bridge or bridges and trestles over the navigable channels of the mouth of the Mobile River in the State of Alabama; without amendment (Rept. No. 1674). Referred to the House Calendar.

Mr. LAMPERT: Committee on Patents. H. R. 14111. A bill to amend the patent and trade-mark laws, and for other purposes; with an amendment (Rept. No. 1675). Referred to the Committee of the Whole House on the state of the Union.

Mr. KIESS: Committee on Printing. H. Res. 519. A resolution to print as a House document the Journal of the Fifty-seventh National Encampment of the Grand Army of the Republic for the use of the House and Senate; without amendment (Rept. No. 1676). Referred to the House Calendar.

Mr. ZIHLMAN: Committee on the District of Columbia. S. 3296. An act to authorize the merger of certain street railway corporations in the District of Columbia, and for other purposes; without amendment (Rept. No. 1677). Referred to the Committee of the Whole House on the state of the Union.

Mr. PORTER: Committee on Foreign Affairs. H. J. Res. 453. A resolution requesting the President to urge upon the governments of certain nations the immediate necessity of limiting the production of habit-forming narcotic drugs and the raw materials from which they are made to the amount actually required for strictly medicinal and scientific purposes; with amendments (Rept. No. 1678). Referred to the House Calendar.

Mr. HAWLEY: Committee on Ways and Means. H. J. Res. 449. A joint resolution for the relief of the city of Astoria, Oreg.; without amendment (Rept. No. 1679). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LITTLE: A bill (H. R. 14400) to authorize the Secretary of Agriculture to purchase, store, and sell wheat, and to secure and maintain to the producer a reasonable price for wheat, and to the consumer a reasonable price for bread, and to stabilize wheat values; to the Committee on Agriculture.

By Mr. SWEET: A bill (H. R. 14401) to amend and modify the war risk insurance act; to the Committee on Interstate and Foreign Commerce.

By Mr. VOLSTEAD: A bill (H. R. 14402) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved by the President July 1, 1898, and acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

By Mr. TEN EYCK: A bill (H. R. 14403) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Albany Institute and Historical and Art Society of the city of Albany, N. Y., the silver service which was presented to the United States cruiser *Albany* by citizens of Albany, N. Y.; to the Committee on Naval Affairs.

By Mr. WHITE of Maine: A resolution (H. Res. 548) requesting the Federal Trade Commission to investigate and to report to the House the facts relating to the ownership of radio patents, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. POU: A resolution (H. Res. 549) providing for consideration of Senate Joint Resolution 265; to the Committee on Rules.

By Mr. ROGERS: A resolution (H. Res. 550) providing for the printing of 5,000 copies of the hearings before the Committee on Foreign Affairs of the House of Representatives held February 13, 14, 15, and 16, 1923, on House Joint Resolution 430; to the Committee on Printing.

By the SPEAKER (by request): Memorial of the Legislature of the State of Oregon urging Congress to pass an act to refund to the State of Oregon all revenues collected from leases on Sand Island; to the Committee on Ways and Means.

By Mr. MEAD: Memorial of the Legislature of the State of Oregon urging Congress to amend the Federal grain standards act so that the United States Bureau of Markets shall have authority to prescribe discounts or differentials; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GRIFFIN: A bill (H. R. 14404) granting an increase of pension to Charles H. Ubert; to the Committee on Pensions.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 14405) for the relief of Herbert A. Wilson; to the Committee on the Public Lands.

By Mr. KAHN: A bill (H. R. 14406) granting permission to Col. Harry F. Rethers, Quartermaster Corps, United States Army, to accept the gift of a Sevres statuette, entitled "Le Courage Militaire," tendered by the President of the French Republic; to the Committee on Military Affairs.

By Mr. LEA of California: A bill (H. R. 14407) granting a pension to Mary Ellen Schmidt; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7371. By Mr. ANDREW of Massachusetts: Petition of Boston City Council, requesting passage of ship subsidy bill; to the Committee on the Merchant Marine and Fisheries.

7372. By Mr. BRIGGS: Petition of Mr. L. T. Graves and wife and others, members of Local No. 2104 of the Farm Labor Union of America, urging passage of the Norris-Sinclair bill; to the Committee on Agriculture.

7373. Also, communication dated February 16, 1923, from Mr. Maco Stewart, in opposition to House bill 12955; to the Committee on the District of Columbia.

7374. By Mr. BURTNESS: Petition of Edgar Boyd Post, No. 37, American Legion, Williston, N. Dak., for a total exclusion of immigration law; this not being possible, then a restricted law; to the Committee on Immigration and Naturalization.

7375. By Mr. DALLINGER: Petition of City Council of Boston, Mass., favoring the ship subsidy bill; to the Committee on the Merchant Marine and Fisheries.

7376. By Mr. FROTHINGHAM: Petition of James M. Curley, for favorable action on ship subsidy bill; to the Committee on the Merchant Marine and Fisheries.

7377. By Mr. GALLIVAN: Petition of Boston City Council, urging favorable action on pending ship-subsidy legislation; to the Committee on the Merchant Marine and Fisheries.

7378. By Mr. KAHN: Petition of the Bar Association of San Francisco, urging that an antinarcotic week be proclaimed in 1923; also that an international conference be called, with a view to securing the limitation by treaty of the basic production of poisonous drugs, which constitute a major menace to American life; to the Committee on Foreign Affairs.

7379. By Mr. KISSEL: Petition of the Brunswick-Balke-Collender Co., New York City, N. Y., favoring Senate bill 4303, to amend the joint resolution extending the operation of the immigration act of May 19, 1921; to the Committee on Immigration and Naturalization.

7380. Also, petition of United Singers of Brooklyn, New York City, urging the United States Government to disapprove the acts committed by the French invaders; to the Committee on Foreign Affairs.

7381. Also, petition of Valentine & Co., New York City, N. Y., urging the passage of House bill 12091; to the Committee on the Merchant Marine and Fisheries.

7382. By Mr. LEA of California: Petition of 38 residents of Camptonville, Calif., favoring aboliton of tax on small-arms ammunition and firearms; to the Committee on Ways and Means.

7383. By Mr. SIEGEL: Petition of Woman's Republican Club, New York City, N. Y., urging Congress to limit the import of raw materials from which drugs are made; to the Committee on Foreign Affairs.

7384. Also, petition of Woman's Republican Club, of New York City, N. Y., urging Congress to pass the ship subsidy bill; to the Committee on the Merchant Marine and Fisheries.

7385. By Mr. SINCLAIR: Petition of the Edgar M. Boyd Post, No. 37, of the American Legion, Williston, N. Dak., for the passage of a total exclusion immigration law; to the Committee on Immigration and Naturalization.

7386. By Mr. TEMPLE: Papers to accompany House bill 14265, a bill granting a pension to Lizzie G. Chapman; to the Committee on Invalid Pensions.

7387. By Mr. TINKHAM: Petition of James M. Curley, mayor of Boston, Mass., urging passage of ship subsidy bill; to the Committee on the Merchant Marine and Fisheries.

SENATE.

THURSDAY, *February 22, 1923.*

(Legislative day of Monday, February 19, 1923.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MOSES in the chair). The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Lodge	Reed, Pa.
Ball	France	McCumber	Robinson
Bayard	Frelinghuysen	McKellar	Sheppard
Borah	George	McKinley	Shields
Brandegee	Glass	McLean	Smith
Brookhart	Gooding	McNary	Smoot
Broussard	Hale	Moses	Spencer
Bursum	Harreld	Myers	Stanley
Calder	Harris	Nelson	Sterling
Cameron	Harrison	New	Sutherland
Capper	Heflin	Norbeck	Swanson
Caraway	Hitchcock	Norris	Townsend
Colt	Jones, N. Mex.	Oddie	Underwood
Couzens	Jones, Wash.	Overman	Wadsworth
Culberson	Kellogg	Page	Walsh, Mont.
Cummins	Kendrick	Pepper	Warren
Curtis	Keyes	Phipps	Watson
Dial	King	Poindexter	Weller
Dillingham	Ladd	Pomerene	Williams
Edge	La Follette	Ransdell	Willis
Fernald	Lenroot	Reed, Mo.	

Mr. PHIPPS. I desire to announce that my colleague [Mr. NICHOLSON] is absent on account of illness. I ask that this notice may stand for the day.

The PRESIDING OFFICER. Eighty-three Senators have answered to their names. A quorum is present.

READING OF WASHINGTON'S FAREWELL ADDRESS.

The PRESIDING OFFICER. Under a standing order of the Senate, agreed to January 24, 1901, it is provided that Washington's Farewell Address shall be read in the Senate on this day immediately following the approval of the Journal. The Senate this morning meets in recess, and there is no Journal to be approved. In pursuance of the order, however, the Vice President, January 9, 1923, designated the junior Senator from Virginia [Mr. GLASS] to read the address. The Chair now recognizes the junior Senator from Virginia for that purpose.

Mr. GLASS read the address, as follows:

To the people of the United States:

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to be proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this previous to the last election had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to

mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism,—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquillity at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite moment, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common danger, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest.—Here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry.—The *south*, in the same intercourse benefiting by the same agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in a like intercourse with the *west*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter.—Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its bands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations,—*northern* and *southern*—*Atlantic* and *western*; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations: they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head: they have seen, in the negotiation by the executive, and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to reply for the preservation of these advantages on the union by which they were procured? will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free

in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government.—But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presuppose the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency.—They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your Government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the Constitution, alterations which will impair the energy of the system; and thus to undermine what can not be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions:—that experience is the surest standard by which to test the real tendency of the existing constitution of a country:—that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the dangers of parties in the state, with particular references to the founding of them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and it is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissention, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruptions, which finds a facilitated access to the Government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern; some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates.—But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundations of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is neces-

sary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties,) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favored nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted, or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be *constantly* awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith:—Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the Government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our Nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure

has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views it in the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
17th September, 1796.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 14254) to amend the act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign governments held by the United States of America, and for other purposes," approved February 9, 1922.

The message also announced that the House insisted upon its amendments to the bill (S. 2703) to allow the printing and publishing of illustrations of foreign postage and revenue stamps from defaced plates, disagreed to by the Senate; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. VOLSTEAD, Mr. BOIES, and Mr. SUMNERS of Texas were appointed managers on the part of the House at the conference.

ENROLLED BILLS.

The message further announced that the Speaker of the House had signed the following enrolled bills:

S. 462. An act for the relief of Max B. Baldenburg;

S. 851. An act authorizing the Secretary of War to make settlement with the lessees who erected buildings on a five-year lease on the zone at Camp Funston, Kans., and for other purposes;

S. 1829. An act for the relief of Walter Runke;

S. 2563. An act to provide for the completion of the bridge across the Little Colorado River near Leupp, Ariz.;

S. 3083. An act authorizing the Baltimore & Ohio Railroad Co. to construct an elevated railroad siding adjacent to its tracks in the city of Washington;

S. 3350. An act for the relief of Alice M. Gorman;

S. 3611. An act authorizing and directing the Secretary of War to abrogate a contract lease of water power on the Muskingum River;

S. 3614. An act relating to the official bond of the United States marshal for the southern judicial district of the State of New York;

S. 3690. An act for the relief of Lowe Hayden Bibby;

S. 4061. An act authorizing the Secretary of the Interior to enter into an agreement with Toole County irrigation district, of Shelby, Mont., and the Cut Bank irrigation district, of Cut Bank, Mont., for the settlement of the extent of the priority to the waters of Two Medicine, Cut Bank, and Badger Creeks, of the Indians of the Blackfeet Indian Reservation;

S. 4113. An act for the relief of Helene M. Layton;

S. 4187. An act to extend the time for payment of charges due on reclamation projects, and for other purposes;

S. 4310. An act for the relief of the owners of the steamship *Mohican;*

S. 4311. An act for the relief of the owners of the steam lighter *Comport;*

S. 4333. An act for the relief of Howard R. Gurney;

S. 4358. An act to authorize the American Niagara Railroad Corporation to build a bridge across the Niagara River between the State of New York and the Dominion of Canada;

S. 4411. An act granting the consent of Congress to the cities of Minneapolis and St. Paul, Minn., or either of them, to construct a bridge across the Mississippi River in section 17, township 28 north, range 23 west of the fourth principal meridian, in the State of Minnesota;

S. 4468. An act to authorize the coinage of 50-cent pieces in commemoration of the three hundredth anniversary of the settling of New Netherland, the Middle States, in 1624, by Walloons, French and Belgian Huguenots, under the Dutch West India Co.; and

S. 4522. An act authorizing the Secretary of State to convey certain land owned by the United States in Santiago, Chile, to the municipality of that city, and to acquire or receive in exchange therefor other land located in the said city.

THE MERCHANT MARINE.

The PRESIDING OFFICER. The question is on the motion of the Senator from Washington [Mr. JONES] that the Senate proceed to the consideration of the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes.

PRICE OF WHEAT.

Mr. GOODING. Mr. President, the Committee on Agriculture and Forestry reported favorably Senate bill 4478. The purpose of the bill is to stabilize the price of wheat. It provides for a corporation with a capital stock of $300,000,000 and a board of three members. The Secretary of Agriculture is made chairman of the board, and the other two members of the board are appointed by the President and confirmed by the Senate.

The bill fixes the price of No. 1 northern spring wheat for the crop of 1923 at $1.75 a bushel at the primary markets of the country and authorizes the board on the 1st of July of 1923 to fix the price for the crop of 1924, and on the 1st of July of 1924 to fix the price for the crop of 1925, and directs the board to prescribe rules and regulations for the administration of the act.

An embargo upon wheat and flour is declared until July 1, 1926. Exception to the embargo is made on wheat to be used for seed purposes, and an exception is also made on in-transit shipments of wheat and flour; also on wheat imported in compliance with the tariff act of 1922, which is used in manufacturing flour for reexport.

The bill authorizes the board to charge 5 cents a bushel for handling charges, so that if the bill becomes a law the farmer will receive $1.70 a bushel for his wheat, less the freight rate and the handling charges at his local elevator.

Mr. President, it is not hard to understand how some Senators shy at this bill or any other bill that has for its purpose the stabilization of the prices of farm products by the Government.

It is unfortunate that the condition of the wheat growers is such as to make it necessary to consider such a measure as this, and I am sure, if I had not been a member of the Agricultural Committee and heard the stories of the hardships and privations that the farmers of this country have suffered in the last three years, I should not be in favor of price fixing by the Government. Nor should I be in favor of this measure if I believed that there was any possible chance for the wheat growers of this country to work out of their present financial condition without aid from the Government.

Or, if the farmers were in any way to blame for their present financial condition, I should not be asking the Government to

assist them, but everywhere the farmer in the last three years has worked harder to make both ends meet than at any time for more than a half century. Everywhere he has practiced thrift and economy only to find, when the harvest was over, that he has not received enough from his year's labor to meet his obligations, and, as I see it, unless the Government does something to stabilize the price of wheat there is grave danger of that branch of agriculture breaking down and becoming demoralized.

Mr. President, the distressing condition of the wheat grower has been brought about by the farmer answering his country's call for more farm products during the war, and by legislation made necessary by the World War, and I shall have no trouble in proving that this Government is responsible, in a large measure, for the losses the farmers have met in the last three years.

I am sure we all remember how the Government demanded that the farmer produce more farm products. He was told that bread would win the war; that we must not only feed our own armies in Europe but the armies of our allies and the citizens of those countries as well. Wheat was thought to be such a mighty factor in the World War that the Food Administrator prescribed a lower grade of flour than the country had been accustomed to use.

The American farmer has never failed to answer his country's call, either in peace or in war, and he answered his country's call for more farm products during the war by increasing the acreage production in this country something over 26,000,000 acres. This, together with the surplus of agricultural products that existed at the time we entered the war, made an overproduction of 40,000,000 acres of crop production more than our consumption. It is this overproduction, together with the unfair, unjust, and unreasonable, and, I am going to say, criminal administration of legislation that Congress passed during the war that has brought about the hardships and privations the country has witnessed upon the American farm in the last three years.

For more than two years now the Agricultural Committee has held extended hearings on different bills that the committee has had under consideration for the relief of agriculture. Numerous witnesses have told of the distressing condition of agriculture in different parts of the country, and all have agreed that unless the Government came to the assistance of the wheat growers and gave Government aid it would be impossible for that branch of agriculture to continue to grow wheat at the present high cost of production.

Mr. President, I am satisfied that if all the Senators could have listened to the stories of the hardships and privations that the farmers have suffered in the last three years they would agree with the Agricultural Committee that the Government owes a debt to the farmers of the country, and especially to the wheat growers, which it can only pay by stabilizing the one great agricultural crop for the next three years, so as to enable the farmers to meet their obligations and continue the production of wheat, which is so essential to the life of the Nation.

One of the saddest stories related to the Agricultural Committee was by Mr. John F. Sinclair, who gave his residence as Minneapolis, Minn., and his business as that of a banker and investor.

The question, "Can the farmers work out of their present financial difficulties?" was submitted by Mr. Sinclair to a number of banks in Minnesota, North Dakota, South Dakota, and Montana, and 291 answers were received. All with the exception of 5 stated that it was impossible for the farmers to work out of their present financial condition with the high cost of production unless something was done by the Government to stabilize the price of wheat.

The saddest part of Mr. Sinclair's story was of the suicides that have taken place upon the farm. He stated that last year there were 30 suicides on the farms in Minnesota, 87 in North Dakota, 32 in South Dakota, and 15 in Montana, making 168 suicides that have taken place on the farms in those four States in the last 12 months.

From all over the country come stories of the hardships and privations upon the farm. Everywhere the story is told of the young men leaving the farm. In one county in Idaho 1,500 young men were reported as leaving the farms last year.

The story was told of children in some parts of the country being forced to go barefooted in winter and being denied the benefits of school because there was so little left from the harvest after freight and expenses were paid that in some cases charity had to be extended to some of the farmers in States where the soil was rich and the harvest abundant. This condition was shown to exist to some extent in most all of the Western States.

R. W. Frazier, testifying as to the condition in North Dakota, said that in Divide County last year there were 18 suicides. All of them were farmers with the exception of one. Mr. Frazier exhibited newspapers showing that in some of the counties in North Dakota more than 75 per cent of all the farms were advertised for delinquent taxes. He said that the farmers in some parts of North Dakota were in such distressing circumstances that when there was a death in the family some member of the family was compelled to make a rough wooden box for burial because there was no money to pay funeral expenses.

Mr. President, a representative of organized labor appeared before the committee in favor of the bill. He stated that organized labor recognized the deplorable condition of agriculture to-day. While the bill might increase the cost of bread to some extent, he said organized labor understood that the farmer had not been given a square deal during the war, because the increased cost of labor and freight rates had of necessity increased the cost of production to the farmer far beyond the price fixed by the Government.

Mr. President, I have listened to many sad stories in my life, but, with the exception of the stories I have listened to that came from Russia, I have never heard anything to compare with the distressing conditions that exist on the farms in some parts of our own country to-day.

Of course, I understand that a great many people look upon legislation of this kind as socialistic, and I know just how they feel about it, because I do not have to go back far in my life—not as far back as when I first took my oath of office as a Senator, a little more than two years ago—to understand how they look upon legislation for stabilizing the price of farm products, and I am sure that I should agree with them if I did not feel that this was an emergency matter to meet a condition that was forced upon the country by the great World War.

Mr. President, after all, when we come to look at legislation that Congress has passed we find that Congress has stabilized about everything, with the exception of the price of farm products, or has sat idly by and permitted great industrial institutions to stabilize the price of their own products, until to-day the cost of production for the wheat grower is so great that he is not able to meet his obligations or to buy the comforts and in many cases the necessities of life.

Let me call the attention of the Senate to a few things of which Congress has stabilized the price through legislation, without any consideration of its effect upon agriculture.

Congress stabilized the price of the labor of 1,700,000 men working upon the railroads by enacting legislation that increased the price of labor on the railroads 106 per cent, and when Congress stabilized the price of 1,700,000 men working on the railroads they stabilized the price of labor in every other industry in the country, and upon the farm as well. In 1918, 1919, and 1920 the farmers in some parts of the country were forced to pay as high as $10 a day for labor to harvest their crops.

Mr. President, the greatest mistake this Government ever made in its history—and I call it a crime—was made when, through the Federal control act and the Esch-Cummins Act, horizontal increases of 65 per cent were made in all freight rates, regardless of how long the haul or how short the haul, or how high or how low the rate was originally, and without any investigation or consideration as to what the farmer's products would bear to carry them to market.

Ever since railroads have been a factor in the commerce of this country freight rates have been made somewhere near what the products would bear to carry them to market. More has always been charged for the high-priced products than for the low-priced products, and more has always been charged on a mileage basis for the short haul than for the long haul. But when the horizontal increase of 65 per cent was made under the Federal control act and the Esch-Cummins Act, the increase on the low-priced products, with one or two exceptions, was the same as the increase on the higher-priced products, and the increase on the long haul was the same as the increase on the short haul. No thought or investigation or consideration was given as to how high the rate was originally or what the low-priced products would bear to carry them to market.

In making these horizontal increases every principle ever used by railroads in the past in making freight rates was ignored.

As a result of these horizontal increases the farmer is forced to pay a very much larger percentage of the market price of his products to carry them to market than the manufactured article is forced to pay under the present system of rate making.

For instance, the farmers of my State pay a freight rate to Chicago of 97 per cent of the market price on their potatoes, 52 per cent of the market price on onions, 36 per cent of the market price on wheat, 15 per cent of the market price on hogs, and 13.2 per cent of the market price on beans. They pay 53 per cent of the market price on hay to Kansas City and a freight rate of 9.3 per cent of the market price on wool to Boston.

For comparison, I find that men's shoes pay a freight rate of 2½ per cent of the wholesale price from Chicago to Idaho and women's shoes 2 per cent. Men's suitings pay 1½ per cent, and cotton goods pay a freight rate of 4 per cent of the wholesale price from New York to Idaho; and ginghams pay a rate of 2½ per cent. On some of the higher-class articles the freight rate is so small that it can only be measured in decimals and has no influence on the selling price of the article.

Mr. President, to-day the farmer is paying vastly more than his share on the upkeep and operation of our railroads. To-day, under these horizontal increases, the farmer is paying 1,500 per cent higher freight rates on the market value of his products than is paid on the manufactured articles I have mentioned.

These horizontal increases are best shown by a comparison of what the farmers paid in dollars and cents on carload lots in 1913 to carry their products to market and what they paid after the horizontal increases of 65 per cent were made.

In describing the rates I am using Idaho merely because I am more familiar with our freight rates there than in other Western States, but there is very little difference in the freight rates in all of the Western States; so what I say about the increases in my State applies to all the Western States and generally to the whole country.

On an 80,000-pound carload of wheat from Idaho to Chicago the freight rate in 1914 was $400; in 1921 it was $596, or an increase of 49 per cent.

On a 24,000-pound carload of hay to Chicago the freight rate in 1914 was $132.50; in 1921 it was $240, an increase of 81 per cent.

On a 24,000-pound carload of fruit to New York the freight rate in 1914 was $300; in 1921 it was $500, an increase of 67 per cent.

On a 26,000-pound carload of cattle to Chicago the freight rate in 1914 was $203.80; in 1921 the rate was $295.10, an increase of 45 per cent.

On a 24,000-pound carload of sacked wool to Boston the freight rate in 1914 was $475.20; in 1921 it was $831.60, an increase of 74 per cent.

On a 32,000-pound car of baled wool to Boston the freight rate in 1914 was $547.20; in 1921 it was $960, an increase of 75 per cent.

On the 1st of January, 1922, there was a horizontal reduction of 10 per cent in freight rates, with the exception of wheat. On wheat the reduction was 13 per cent, but the reduction was so small that it has not given the West any relief.

Mr. President, these excessive freight rates have had a most disastrous effect upon the business interests of my State. Out of 191 banks, we have had 40 failures in the last two years. Within the last 30 days three national banks and one State bank have closed their doors.

On one of our irrigation projects that is rated by the Government as one of the best irrigation projects in the West, 10 out of 11 banks have closed their doors in the last 18 months. These bank failures in Idaho are not due to crop failures or to the exhaustion of the soil, for the average yield of farm products per acre in Idaho is as large, if not larger, than in any other State in the Union. It is a common thing to see a yield of 40 or 50 bushels of wheat to the acre on our irrigated farms, from 60 to 70 bushels of oats or barley, and from 4 to 8 tons of hay. On our irrigated farms we never have a crop failure. When we sow, we always reap a full harvest; but in some cases the greater the yield the less the farmer has when the harvest is over, for at times some of his farm products will not pay the cost of the freight rate to carry them to market.

The President, in his message of December 8, 1922, in speaking of the problems of transportation, recognized very fully the serious condition that existed from the increase of freight rates on low-priced commodities and he had this to say:

> This transportation problem can not be waived aside. The demand for lowered costs on farm products and basic materials can not be ignored. Rates horizontally increased to meet increased wage outlays during the war inflation are not easily reduced. When some very moderate wage reductions were effected last summer there was a 10 per cent horizontal reduction in rates. I sought at that time, in a very informal way, to have railway managers go before the Interstate Commerce Commission and agree to a heavier reduction on farm products and coal and other basic commodities and leave unchanged the freight tariffs which a very large portion of the traffic was able to bear.
>
> Neither the managers nor the commission saw fit to adopt the suggestion, so we have the horizontal reduction too slight to be felt by the higher-class cargoes and too little to benefit the heavy tonnage calling most loudly for relief.

If the President was unable to get the railroad managers and the Interstate Commerce Commission to agree to a more liberal reduction on agricultural products than the higher-priced products of the country, in which the freight rates are so small a factor in comparison with their value, it does not seem to me that there is much hope for a reduction in freight rates on wheat and other farm products.

Mr. President, the farmers of this country believed, when the price-fixing committee was called to Washington for the purpose of fixing the price of wheat at the primary markets of the country, that the price fixed at $2.20 by the committee was to be the minimum and not the maximum price as afterwards fixed by the Grain Corporation.

When the Grain Corporation fixed $2.20 a bushel as the maximum price, the farmer was selling his No. 1 northern spring wheat in Minneapolis for $2.72 a bushel. The next day the farmers were selling their wheat in Minneapolis for $2.20 a bushel.

I made an effort to find out from those in charge of the affairs of the Grain Corporation here in Washington just how much profit the Government made out of handling the farmers' wheat during the war. Those in charge seemed to be able to give but very little information on the subject. I have been advised from other sources, however, that the profit of the Government for handling the farmers' wheat was somewhere between $75,000,000 and $100,000,000.

Mr. President, no other country during the war became a speculator and a profiteer in handling the farmers' products.

While the Canadian Government fixed the price of $2.15 at the primary markets, that Government remitted to the Canadian farmer everything that was received above $2.15 a bushel that his wheat brought upon the market, and in 1919 the Canadian farmer received an average of $2.62 for his wheat, while the farmers on this side had to be satisfied with $2.20 a bushel in 1918 and $2.26 a bushel in 1919.

The English Government fixed a minimum price on wheat, but permitted their farmers to sell their wheat for the full market price and besides paid a bonus to her grain growers of something between $40,000,000 and $50,000,000, and for the year of 1921 paid a bonus equivalent to $14 an acre to her grain growers, which was a return greater than was received by the farmers in some of the States that year per acre for their crop.

The Australian Government fixed a minimum price, but permitted the grain growers of that Commonwealth to receive the full market price, and assisted materially in marketing the grain by carrying much of it to market in ships owned by the Government at a very low freight rate. New South Wales paid to her wheat growers a bonus of something over $4,000,000 over the full market price.

Mr. President, the Governments of Great Britain, Canada, and Australia evidently gave some thought and consideration to the increased cost of production that was forced upon the farmers by the great World War. But our own Government seemed to have been afraid that the farmers would enjoy some prosperity. Through legislation we increased labor upon the railroads 106 per cent and freight rates 65 per cent, and then bound the wheat grower down to $2.20 a bushel, the price first fixed by the Grain Corporation in 1919.

Mr. President, through information furnished me by the Agricultural Department, I find that the actual cost of producing a bushel of wheat on the farm in 1918 was $1.53; in 1919, $2.26; and in 1920, $2.56. This was the actual cost to the farmer without any profits, and before the Government paid the $2.26 for the wheat he had to pay the local charge at his elevator and the freight rate to the primary market.

Mr. HEFLIN. Mr. President, will the Senator yield there?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Alabama?

Mr. GOODING. I yield.

Mr. HEFLIN. What price did the farmers obtain after the deflation drive was on in 1920?

Mr. GOODING. I have not those prices before me; but at the time the Government ceased buying wheat it was worth $3.07 a bushel, while in November, 1920, the price had been driven down to $1.75 a bushel. Does that answer the Senator's question?

Mr. HEFLIN. Yes. The Senator, I believe, stated that the cost that year to produce wheat was $2.50 a bushel?

Mr. GOODING. Yes; $2.56.

Mr. HEFLIN. And it sold for about $1.75?

Mr. GOODING. About 25 per cent of our wheat is classed as No. 1 Northern; the remainder is No. 2 and No. 3; so it is safe to say that 75 per cent of the wheat, even when the Government paid $2.26 a bushel at the primary markets, brought the farmer at least 20 cents a bushel less than No. 1 Northern wheat.

So it is not strange that millions of our farmers are in a deplorable condition financially. The farmers of America have a right to feel outraged over being forced to sell their products at less than the cost of production and being forced to pay more for their share of the upkeep and operation of our railroads. The burdens are entirely too great. The wheat growers of this country can not go on under the high cost of production with the present price of wheat.

Some branches of agriculture have been materially benefited through a protective tariff. The emergency tariff bill was a godsend to them; it was a life-saver. The permanent tariff bill has also been a mighty factor in helping some branches of agriculture. Even the wheat grower has been materially benefited, for he has received anywhere from 20 to 30 cents a bushel more for his wheat since the emergency tariff bill was passed than the Canadian farmer has received.

Mr. WATSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. GOODING. Yes.

Mr. WATSON. Over how long a period of time has there been that disparity in the prices of wheat as between this country and Canada?

Mr. GOODING. When the emergency tariff bill was passed No. 1 northern wheat was selling in Canada 5 cents higher than at Minneapolis; but immediately after the passage of the emergency tariff act our farmers received anywhere from 20 to 30 cents a bushel more than the Canadian farmers. For some reason No. 1 northern wheat in Canada—I presume it was because they had newer lands over there and the wheat produced is perhaps of a little higher quality—brings normally anywhere from 5 to 6 cents a bushel more than our No. 1 northern.

Mr. WATSON. How are the prices now?

Mr. GOODING. I have not received the prices in the last few days, but they have been ranging anywhere from 20 to 30 cents a bushel more for the American wheat than the Canadian farmer has been receiving for his wheat.

Mr. President, I think we will all agree that it is impossible to bring about a reduction in freight rates on farm products at this time; and even a liberal reduction in freight rates on wheat will not save the wheat growers from a most appalling disaster. Nothing less, in my judgment, than the stabilization of the price of wheat by the Government at a fair price will give the wheat grower of this country an opportunity to meet his obligations and continue in the production of this most important agricultural crop, that is a vital necessity not only to our own people but to the whole world.

Mr. President, we have never thought in the past that the farmer of this country needed any consideration, and he has had but very little consideration. In fact, it has not been fashionable to stabilize anything that the farmer produces.

If this were the first stabilizing act ever considered by Congress I might feel that I was on dangerous ground, but I find that on April 23, 1918, Congress stabilized the price of silver at $1 an ounce. It was written in the law that the Government should only purchase silver when it was selling at $1 or below a dollar an ounce. When the Pittman Act was passed silver was selling on the markets of this country for 99¼ cents an ounce. It increased steadily in price until November 25, 1919, when it was selling in the markets of this country for $1.37½ an ounce. Silver did not drop to $1 an ounce again until May, 1920.

Under the law the Government protected the miner, and he was permitted to go out into the markets and receive the full benefit of the market price of silver. So the Government did not become a wrecker and a speculator and a profiteer and break down the price of silver, as the Grain Corporation did in the price of wheat.

Mr. KENDRICK. Mr. President——

The PRESIDING OFFICER (Mr. MOSES in the chair). Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. GOODING. I yield.

Mr. KENDRICK. I should like to ask the Senator at this point whether or not he has information to show the cost to the Government of stabilizing the price of silver?

Mr. GOODING. No; I have not that information.

Mr. KENDRICK. The Senator has no information that it cost the Government any considerable sum?

Mr. GOODING. I do not understand that it cost the Government any considerable sum. I understand that the Treasury was instructed through the law not to buy it unless it was below a dollar an ounce. I have not looked up that part of it.

The Pittman Act provided that the Government should purchase 208,000,000 ounces of silver. Up to the present time the Government has purchased 152,000,000 ounces of silver, and there are still 56,000,000 ounces to purchase under that act, which is something more than the annual output of our silver mines.

So the Pittman Act will continue to stabilize the price of silver until some time next year. By that time the Pittman Act will have been in force for something over six years. To-day silver is selling on the markets of the country at 66 cents an ounce, but the Government is paying $1 an ounce for domestic silver. So besides stabilizing labor on the railroads and freight rates we have stabilized the price of silver in this country.

Mr. President, I know something about silver mining, and am satisfied that if the Government had not stabilized the price of silver the silver miners of this country would be in the same condition that the wheat growers are to-day, with the only difference that the silver miners can close down their mines but the wheat grower is forced to go on. He can not stop. The lower the price of wheat the more he must try to grow to meet his obligations and to keep the wolf from the door; but some day, unless this Government treats him with more of a spirit of fairness as far as freight rates are concerned, he may conclude to limit his production and let the wolf wait at the other man's door.

Then I find that we are subsidizing the great newspapers and magazines of this country. Every year the Government is forced to pay out of the Treasury $72,000,000 more than it receives for carrying second-class mail.

This Government pays $150,000 every week for carrying an issue of the Saturday Evening Post to its readers, and, in round numbers, it costs the Government $7,800,000 more annually to distribute that magazine than the owners pay to the Government for its transportation. All of the great newspapers and magazines receive the benefit of our postal laws to the extent of $72,000,000 a year, and yet I anticipate that the great newspapers will be the first to charge that this bill is socialistc and dangerous legislation in the extreme.

Every week the Saturday Evening Post receives something over $1,000,000 for advertising. Beyond a doubt it is one of the best pieces of property in America or in the whole world, and yet the Government is subsidizing this one publication to the extent of $7,800,000 a year. Of course, that is not socialistic; and I anticipate, Mr. President, that any Senators or Congressmen who undertake to change our postal laws will be threatened with political destruction by these guardians of the selfish interests of America.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Michigan?

Mr. GOODING. I do.

Mr. TOWNSEND. I desire to state that they not only will be, but they have been. A short time ago some of these publications issued a statement attacking the Joint Postal Commission because of its efforts to determine the cost to the Government of carrying different classes of mail. We had proceeded with that quite successfully to the extent of determining upon a plan, and it would require an appropriation for additional help for a few months to compile the facts after they had been disclosed. These articles came out with an attack upon the commission, saying that the commission had asked for $800,000, when it had not asked for a dollar, not a cent, and had done only what the Congress had directed it to do, namely, to take steps for the purpose of finding out the facts concerning the Post Office Department. So the Senator is absolutely right in his prophecy, because during the late campaign questions came to candidates—they did to me—asking if I would vote to reduce, not to increase but to reduce, the rate already in existence on second-class mail matter, and that it was important that I give my decision in that matter before election day.

Mr. GOODING. I am very thankful to the Senator for contributing that information.

Mr. President, I am not unmindful that we have just passed an appropriation of $56,000,000 for river and harbor improvement. I voted for that appropriation, because I believe in river and harbor improvement; and if we are going to continue to be a factor in the trade of the world, with the overhigh freight

rates on our railroads, then our rivers must play a greater part in the commerce of this country.

Then, again, Mr. President, I find we have stabilized our banks. Congress passed the Federal reserve act, and in that act it destroyed the farmer's credit to a large extent with the banks, for his note was not subject to rediscount with the Federal reserve bank for a length of time that was of any benefit to him.

To-day our Federal reserve banks are rediscounting paper at 4½ per cent. All through the West this money is being loaned back to the farmer at from 8 to 12 per cent. If we are not subsidizing our banks in America to-day through the Federal reserve act, then I do not know what you would call a subsidy.

Then, Mr. President, I am not unmindful that what we have before us at this time is a ship subsidy bill. I anticipate that some of the Senators who will shy at the wheat stabilization bill will vote for a ship subsidy bill. They are quite willing to stabilize freight rates on the ocean and freight rates on railroads, but in a bill that stabilizes the price of wheat they see the horns of socialism.

Mr. President, it will not be any new departure on the part of this Government if this bill should pass stabilizing the price of wheat; but, after all, the light in which the country looks upon legislation of this kind seems to depend upon whose ox is being gored.

Mr. President, we hear much to-day about extending our foreign trade. I quite agree that every effort should be made to extend our trade in the world; but the trouble with continental Europe to-day is that they have been buying too much from this country as a result of the World War, and any extension of our foreign trade, as far as continental Europe is concerned, only means ruin and disaster for those countries.

Mr. President, for 122 years, beginning with 1790, down to and including 1912, the balance of trade in our favor with the world was about $7,000,000,000, and for the last 10 years the balance of trade with the world has been $21,149,097,144. The balance of trade in our favor last year was $1,091,858,054.

Twenty years ago we were happy when the balance of trade in our favor was from one hundred to two hundred million dollars. Now we are not satisfied when the balance of trade is more than a billion dollars a year in our favor.

Mr. President, I do not believe it is going to be possible for this country to maintain the present balance of trade with continental Europe or with the world. It is an unbalanced condition and only means the pauperizing of many of the countries of Europe. If Europe is going to be prosperous, as I see it, our foreign trade is going to grow very much smaller when Europe finally settles down and the war clouds pass away.

Most of this propaganda about extending our foreign trade comes from the importers who want to break down the bars of protection. We are told that we can not sell to Europe unless we permit Europe to sell us.

In the morning paper I see that the imports broke the record yesterday. We collected on imports $2,107,836 on a total valuation of imports of $8,000,000; and this is in New York City alone, I am advised.

Mr. President, speaking of Europe, I do not know of anything they can sell to us in a greater volume than they are at the present time without closing down some of our industries and throwing thousands out of employment, for all of our great industries are overdeveloped.

Take iron and steel. With our present facilities for the production of iron and steel, we can produce in six months, running full force and full time, all the iron and steel we can consume in a year.

Wonderful strides have been made in the production of iron and steel. In 1850 the average annual production of pig iron was 25 tons per man. The average production to-day in some of our mills is from twelve to fourteen hundred tons per man; so we do not need any importations of iron and steel from Europe.

We are vastly overdeveloped in the boot and shoe business. We have something over 1,400 establishments manufacturing boots and shoes. It is said that 25 per cent of our boot and shoe factories, running full time at full capacity, can produce all the boots and shoes needed in the United States in a year, and that the boot and shoe factories of the United States, taken as a whole, operating full time, can produce five pairs of shoes a year for every man, woman, and child in the world who wears our type of shoes.

The window-glass industry has entered into a contract with its employees for continuous operation for 26 weeks each year, leaving the men free to seek other employment for the balance of the year, so our glass factories are also overdeveloped.

The installed capacity of the sawmills of the United States is 117,500,000,000 feet annually, while the maximum production does not exceed 46,000,000,000—an overproduction of 160 per cent in our sawmills.

We have an overproduction also in the meat-packing industry, in the copper industry, in our flour mills, and in the production of automobiles.

The people of the United States to-day are buying about 36,000,000 automobile tires every year. The plants producing automobile tires are equipped to manufacture 60,000,000 tires a year.

We also have an overproduction in the manufacture of woolen and cotton goods.

It is stated on good authority that 25 per cent of our bituminous coal mines, operating with 60 per cent of the men now employed on full time, could meet all our requirements for coal. The same authority says that there are working in the bituminous coal mines from 240,000 to 300,000 men more than are required for an economic production.

If there is any great industry in America that is not overdeveloped, I have not been able to find it.

Mr. President, with all the great over-development of our industries, strange as it may seem, the prices of many of the products of the industries I have mentioned are increasing to-day. To say that there is any competition in many of our great industries is but irony and sarcasm.

If there is a chance for any reduction in the costs of production on the American farm I am unable to find it. Some of our farm products are much higher than pre-war prices. That is especially true of cotton and wool.

The average price of farm products is 112 per cent of the 1913 prices; the average price of all other commodities in the United States is 169 per cent of the 1913 prices. With freight rates 149 per cent of the pre-war prices, and the farmer's dollar with a purchasing power of only 65 per cent of its pre-war value, nothing but Government aid, in my judgment, can save the wheat growers of this country.

Our 10 years pre-war average export of wheat, including flour, was 109,000,000 bushels a year. Our average export of wheat, including flour, for the years 1921 and 1922 was 322,742,107 bushels.

I sometimes wonder what would have happened to the wheat growers of this country if Russia were still as great a factor in the world's production as in pre-war days, when her wheat crop averaged something over 500,000,000 bushels a year.

Russia's pre-war average of exports for 10 years was 136,000,000 bushels of wheat, 124,000,000 bushels of barley, and 65,000,000 bushels of rye, most of which was used for bread. To-day we are sending wheat and corn to Russia to save her children from starvation.

It is said that Russia is again turning her attention to production, but just how long before she will become a factor in the world's market in wheat no man can tell.

Mr. President, if this bill passes it will repay the farmers only in a small way for the losses this Government has forced upon them.

Taking the value of farm products in this country for the year of 1919 as a basis, in the last three years the farm products have suffered a shrinkage of over $16,000,000,000—more than enough to build all the railroads in America and equip them in better conditions than they are to-day.

Mr. STERLING. Mr. President, will the Senator permit a question?

The PRESIDING OFFICER (Mr. JONES of New Mexico in the chair). Does the Senator from Idaho yield to the Senator from South Dakota?

Mr. GOODING. I yield.

Mr. STERLING. How would the passage of the bill which the Senator is discussing bring about any compensation to the farmers who do not grow wheat? It pertains only to wheat farmers and stabilizes the price of that one farm product; but, of course, other farmers are corn growers, and those who grow corn as well as other crops exclusively would hardly be benefited by it, and yet they, as well as the wheat growers, were the victims of deflation and curtailment of credit by the Federal Reserve Board.

Mr. GOODING. I will say to the Senator that a protective tariff has helped the corn growers very considerably. The livestock industry of the country is in a prosperous condition and cattle prices are somewhat better. Corn has very materially increased in price. There is no question but what the protection goes far enough to help practically all the farmers in the country, and to help the wheat growers to some extent, but not enough, with the increased cost of production which the Gov-

ernment has forced upon him by increased freight rates, to make it anywhere near what it should be. It is safe to say that the wheat growers last year lost $750,000,000 in producing wheat.

Mr. STERLING. Of course, the wheat grower, as well as the corn grower, is protected by a tariff, but the corn grower pays as much in freight rates as the wheat grower pays.

Mr. McCUMBER. Mr. President, if the Senator from Idaho will allow me——

Mr. GOODING. Certainly.

Mr. McCUMBER. For the information of the Senator from South Dakota I will say that, while the wheat grower to-day is receiving pre-war prices for his product and everything that he purchases is very much more expensive, the corn grower and those who use the corn in fattening hogs and cattle are receiving very much above the pre-war price for their products, and therefore the only class that is suffering very seriously from what the Senator from South Dakota calls deflation, but what I say is a lack of demand for the product, is the raiser of small cereals—wheat, oats, barley, and rye. Those products are to-day in price even below the pre-war basis.

Mr. STERLING. The Senator from North Dakota raises a question of fact about which I am not quite certain. It was my impression that the pre-war price of corn was higher than it has been in the last two or three years, and higher than it is now.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. GOODING. I yield.

Mr. WARREN. I wish to say to my good friend from North Dakota that, so far as cattle are concerned, they should be grouped with wheat, because, while it is true that other grains, or some of them, are better in price than wheat, cattle have been lower at various times than before the war and are to-day.

Mr. GOODING. I want to remind the Senator that the Government did not bind down with iron bands the price of cattle during the war, but it did bind down the wheat growers until they lost billions of dollars. It became a profiteer on the wheat growers' labor while every country on earth protected the wheat growers and they enjoyed the full market price and even paid them a bonus. That is the difference between the wheat grower and the cattle grower. God knows I would like to see the cattle grower receive a better price. He has had a hard struggle for a number of years to produce cattle at a price that has been paid in the markets of this country.

Mr. WARREN. What the Senator said of wheat is true and largely brought about, I fear, by those who undertook to befriend wheat. It is true that the Government took no part in the marketing of cattle, and the cattlemen did not ask to have it done. That was the difference between wheat and cattle. Wheat suffered the most, and, as I said, I do not know how much of it, but certainly some part of it, may be chargeable to the mistaken idea of soliciting the Government in fixing the price.

Mr. GOODING. I think it was a wise act on the part of the Government to call a committee here for the purpose of fixing the price of wheat. I think that was all right, but the trouble was that the Grain Corporation was composed of men who had been speculating in wheat for a lifetime, men who had grown rich in handling wheat. Nobody was on the board who had any sympathy with the wheat grower. It is now claimed that they took advantage of the situation and fixed the price of wheat as a maximum price and not a minimum price, as the farmers had the right to believe was the intention of the price-fixing committee that was called to Washington for that purpose.

Mr. McCUMBER. Not only had the farmer the right to assume that it would be but the law declares that it should be the minimum price, leaving to the demand whatever the maximum price might be, but in the operation of the law those in control made the minimum price the maximum price and prohibited the farmer from the benefit of a rising market.

Mr. LADD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from North Dakota?

Mr. GOODING. I yield.

Mr. LADD. It has been stated that the interests representing the farmers demanded price fixation during the war. I think that is not correct. I know of no farmers who asked for price fixing of wheat during the war, but I did receive many, many protests, and when I reached North Dakota after the price fixing was established I found an assembly of 3,000 people who were gathered together as the representatives of the farmers of the State for the purpose of protesting against the fixing of the price of wheat. But instead of protesting they accepted it and passed resolutions, and said if the price of wheat was to be fixed they therefore asked that the price of the products which the farmer purchased should be treated in the same manner.

Mr. GOODING. I would like to have the RECORD show that the Senator from North Dakota was a member of the price-fixing committee.

Mr. LADD. Yes; that is true.

Mr. McCUMBER. I am quite certain that my colleague will remember that all Congress attempted to do was to assure that there would be a good price during the war, and in order to assure that they determined upon a minimum price, so that the farmer would plant his crop, as the war might end at any time. Then, instead of making a minimum price, in the operation it was made the maximum price, and the miller who paid more than that price had his license to do business taken away from him, and then the elevator man or speculator who paid a higher price than that would be deprived of his license to do business. So the operation of the law was entirely different from what was intended and what the law declared it should be.

Mr. GOODING. I am grateful to the Senator for contributing that information.

Mr. KENDRICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. GOODING. I yield.

Mr. KENDRICK. In connection with the question raised by the Senator from South Dakota [Mr. STERLING] as to the necessity of acting in regard to other farm products, I wish to ask the Senator from Idaho if he does not believe that the effect of establishing a price on wheat that would return to the grower of wheat the cost of production at least would be to bring a more satisfactory and stable price to other farm products?

Mr. GOODING. There is no doubt about that at all. I think if any Senator would take the cost of production and study the question at all he would realize that the wheat grower is losing money every year. He lost fully three-quarters of a billion dollars last year and over two billion in the last four years in the production of wheat because of the high cost of production and freight rates. He can not go on with it. The end is coming. He must stop, and there is no question about that. He can not go on year after year producing at a price that is less than the cost of production. Unless something is done he will have to grow something else. He can not leave the farm.

Not long ago, when we had a case before the Interstate Commerce Commission asking for a reduction of the rates on farm products, one of the commissioners asked why the farmer continued to produce wheat below the cost of production. The farmer can not help himself. There is no other place for him to go. There is no other crop he can grow in some parts of the country. All of his machinery is for wheat growing, and he must of necessity continue in that line of agriculture, and it is well that he should go on. Some day we will not produce enough for our own needs if we continue the policy we have been pursuing. By stabilizing the price of wheat we help every farmer in America. It is one thing, to my mind, that is needed to bring back prosperity to the country. With the farmer's dollar worth only 65 per cent of the pre-war price, when he gets through buying the necessities of life his money is all gone, and he has not been able to buy farming machinery for the last four years. That is the condition that we find among the farmers who have been growing wheat for less than cost for a number of years.

Mr. KENDRICK. May I ask the Senator another question? We have heard a good deal recently about a return to better business conditions and increased prosperity. I want to ask the Senator if he believes that anything like general prosperity can come to the country while the agricultural interests are in such a deplorable condition?

Mr. GOODING. In reply to the Senator I will say that I am not sure. Only one reason for the prosperity in America to-day is on account of our tremendous exports, that have given us a balance of trade in the last 10 years of $21,149,097,144 of exports over imports, as compared with $7,000,000,000 in 122 years. That can not go on. It is impossible to go on. Unless the farmers of the country are given the opportunity to make ends meet and be able to purchase again, there is, in my opinion, no hope for prosperity in America to continue very long.

Mr. President, Senators need not be alarmed about any great overproduction of wheat in this country, for we have passed the peak of production. The farmers have been driven so hard to make a living that they have not been able to give their

lands any rest and but very little fertilizer. Everywhere in the wheat-growing section of America the soil is becoming exhausted, and the yield is growing smaller per acre each year in most of the wheat-producing States. Even the war, that brought about an increase of 26,000,000 acres of farm products, failed to bring about any great increase over the average prewar production.

For the information of Senators, I want to read the wheat production in the United States for the past 10 years:

	Bushels.
1913	763, 380, 000
1914	891, 017, 000
1915	1, 025, 801, 000
1916	636, 318, 000
1917	636, 655, 000
1918	921, 438, 000
1919	934, 265, 000
1920	787, 128, 000
1921	814, 905, 000
1922	856, 211, 000

It will be noted that the peak of all, and I doubt if it will ever be reached in America again until we change our method of farming and the farmers are able to buy more fertilizer and have more intensive farming, was in 1915, when the production was 1,025,801,000 bushels.

Unless something is done to assist the wheat growers in the country there is great danger of our soil becoming exhausted and our yield of wheat being reduced until the country will not produce enough for its own needs.

In discussing the bill with a Senator not long ago, he said that the last thing that Rome did before it went down to destruction was to fix farm prices. I reminded him that it was not the fixing of farm prices that destroyed Rome, but the exhaustion of her soil, for in the last years of the Roman Empire the average production of wheat was only 4 bushels to the acre, and all other farm products in proportion.

Mr. President, this country is going to be just as rich as our soil, for, after all, it is from the soil that comes practically all of our new wealth.

There is an old saying, and I think a very true one, that sometimes great public calamities bring a country to a realization of truths that it will learn in no other way. So if out of the great crisis that has overwhelmed agriculture in the last three years the American people learn that agriculture is the basic industry of our Nation, or, as Henry Clay called it, the soul of the Nation, and that upon agriculture rests the prosperity and the future greatness of this Nation; if out of it all, in the future, this Government will give to agriculture the same careful consideration that has been given to other great industries in the past, then the hardships and privations that agriculture has suffered in the last three years will not have been in vain.

Mr. President, I ask to have printed in the RECORD a telegram transmitting a resolution adopted by a delegation of over 300 business men and wheat growers of eight counties of Idaho and Washington indorsing the bill (S. 4478) to promote agriculture by stabilizing the price of wheat.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

LEWISTON, IDAHO, *February 20, 1922.*

Hon. FRANK GOODING,
Senator, Washington, D. C.:

The following resolution was adopted by the delegation of over 800 business men and wheat growers of eight counties of Idaho and Washington, consisting of Asotin, Garfield, and Whitman, in Washington, and Nez Perce, Lewis, Idaho, Clearwater, and Latah Counties in Idaho, called together by the Lewiston Commercial Club at Lewiston, Idaho, this 20th day of February:

"*Resolved*, That we indorse Senate bill 4478, introduced by Senator GOODING in the Senate of the United States and unanimously passed on by the Agricultural Committee, and that we ask our representatives in Congress to use every means at their command to bring about the passage of this bill at the present session. We further express a view that this bill will do more to bring about the general prosperity of the country than any other piece of legislation offered in the past, and as the emergency exists we offer every assistance at our command to help in bringing about the speedy passage of this measure."

CHAS. JANSON, *President.*
ASTOR A. SEABORG, *Secretary.*

FEBRUARY 21, 1923.

REMOVALS FROM BUREAU OF ENGRAVING AND PRINTING.

Mr. McKELLAR. Mr. President, there are several matters I desire to discuss this morning. One of them is the investigation of the discharge of the Bureau of Engraving and Printing employees. Another is the so-called filibuster. A third is the ship subsidy bill itself. A fourth is the filled milk bill. I do not know whether I shall have time to discuss all of these to-day, but I am going to take them up in their order and discuss them as rapidly as I can.

BUREAU OF PRINTING AND ENGRAVING EMPLOYEES.

Sometime ago, to be accurate, on February 5, 1923, the junior Senator from Arkansas [Mr. CARAWAY] introduced the following resolution (S. Res. 432) on the subject of the discharged employees of the Bureau of Engraving and Printing:

"Whereas pursuant to an Executive order of the President of the United States, issued March 31, 1922, and immediately effective, the director and 27 other officials of the Bureau of Engraving and Printing were summarily removed from their positions and stricken from the rolls of the civil service; and

"Whereas it would appear from subsequent investigation that this removal was without just cause; and

"Whereas said removal reflects upon the honor and integrity of the officials so discharged; and

"Whereas those who were given the places from which said employees were removed have been publicly charged as being instrumental in having issued said Executive order; and

"Whereas it would be for the best interest of the service that the whole matter should be made public; and

"Whereas it would be helpful to know the character, reputation, and fitness of those removed and those appointed to succeed them: Now, therefore, be it

"*Resolved*, That the Committee on Civil Service be, and is hereby, directed to inquire into the cause or causes of the removal of said employees; the right of the President to have made the order; the character, reputation, and fitness of the men and women so removed; the power of the President to name their successors; the character, reputation, and fitness of the men and women so designated as their successors, and all other facts and circumstances with reference to the matter, and to report to the Senate its findings and such recommendations as it may see fit before the 1st day of March, 1923.

"The committee is hereby empowered to send for books and papers, to require the attendance of witnesses, to administer oaths, and do all things necessary to carry out the purpose of this resolution.

"That the discharged employees, if they shall desire, may be represented by counsel of their own choosing and by them to be paid. The same privilege, under the same condition, is extended to the director of the bureau and those with him appointed to the places vacated by the said Executive order.

"All expenses not otherwise herein provided for shall be paid out of the contingent expenses of the Senate, such expenses to include a stenographer to be paid not exceeding $1.25 per printed page of said testimony."

Mr. President, whenever an investigation is proposed by a resolution such resolution is referred to the committee of the Senate which is known as the Committee to Audit and Control the Contingent Expenses of the Senate. The purpose of such a resolution being referred to that committee is to ascertain whether or not there is in the contingent fund of the Senate sufficient money to pay for the investigation. In this instance, the resolution submitted by the Senator from Arkansas was very properly referred to the Committee to Audit and Control the Contingent Expenses of the Senate for that purpose. The Civil Service Committee would have jurisdiction over the investigation if it should be ordered, and if an appropriation were not required from the contingent fund of the Senate there would be no point whatsoever in sending the resolution to the Committee to Audit and Control the Contingent Expenses of the Senate, the only function of that committee being, as I have stated, to determine whether or not the Senate has sufficient money at its command to pay for the investigation.

Mr. President, the Committee to Audit and Control the Contingent Expenses of the Senate is presently constituted of the Senator from New York [Mr. CALDER], as its chairman, the Senator from Illinois [Mr. MCCORMICK], the Senator from New Hampshire [Mr. KEYES], the Senator from New Mexico [Mr. JONES], and myself. This resolution was sent to that committee and was kept there for quite a while with no action. Some two weeks ago I went before the committee, of which, I repeat, I am a member, and asked that the resolution be reported out favorably. The chairman of the committee stated that he did not think the resolution should be reported; that he did not think there should be an investigation; that the resolution provided, in effect, for an investigation of the President of the United States, and, therefore, our committee should not furnish the money with which to conduct it.

Later on the chairman of the committee called a meeting of the committee and suggested that the special representative of the Department of Justice, who had conducted the investigation, both before and after the discharges, a man by the

name of Charles B. Brewer, should be summoned before the committee. Well, I said, that was all right, but I thought it was nothing but fair and just that some representative of the discharged employees—just one such representative, if there was going to be only one called for the department—should also be summoned, in order that both sides might be heard, if our committee was going to take the unusual course of investigating into the merits of the case.

That request of mine was denied and Mr. Brewer only was called before the committee.

About that time it was reported in the public prints that Mr. Brewer represented the administration, and would give the committee all the facts upon which the discharges had been made. Since that time a statement has appeared in the Washington Evening Star of day before yesterday which I shall now read. The headlines of the article are as follows:

"Ousted bureau officials will be denied old jobs—President Harding feels no regret over changes and feels matter now closed incident."

The article is as follows:

"President Harding feels no regret over the changes made at the Bureau of Engraving and Printing, has 'laid all his cards' before the Senate Committee on Contingent Expenses, and probably will make no further statement in the matter.

"In making this known at the White House to-day, it was said that the President feels that restoration of the civil-service status of the dismissed employees was sufficient to satisfy their claims, in the absence of any specific charges against them.

"The President was also represented as feeling that it was 'neither possible nor desirable' to restore any of the dismissed chiefs to their positions in the bureau.

"Whether the Senate committee before which the President laid his facts, according to the statement to-day at the White House, will ever make public further details was problematical. It was thought, however, in view of developments to-day, that no more official statement may be expected on the dismissals of March 31, last year.

"Chairman CALDER, of the Senate Committee on Contingent Expenses, following a conference with President Harding at the White House to-day, indicated that the committee might make no report of any kind on the Caraway resolution to investigate the Bureau of Engraving and Printing dismissals.

"Hearings have been concluded, Senator CALDER said, the committee calling in only one witness, Charles B. Brewer, special investigator of the Department of Justice. No witnesses were called to represent the dismissed employees, the Senator said. His committee was sitting in the nature of a 'grand jury,' it was explained, and although having concluded its hearings, had not definitely decided what to do about it.

NO REPORT LIKELY.

"The probability is, however, the Senator intimated, that there will be no report at all. 'It would be a serious thing,' he said, 'to investigate the President.'

"Wide difference of opinion exists in the Senate committee, Senator CALDER admitted, over the value of Brewer's testimony. Senator MCKELLAR, Democrat, Tennessee, member of the committee, has stated that Brewer failed utterly to substantiate the charges upon which it is alleged President Harding based his action.

"Senator MCKELLAR was understood to-day to be still intent on doing further justice to the dismissed employees, and meant to try to get through the committee a proposed bill to pay the dismissed persons all back pay for the time since March 31, when they were let out, and, further, to replace them in positions similar to those from which they were dismissed.

"Whether Senator CALDER conferred with the President over this phase of the situation it was not learned to-day.

"Brewer's testimony impressed members of the committee in various ways, Senator CALDER indicated. The chairman himself had entered the 'grand jury' hearings on the Caraway resolution with an open mind, he said, and had learned from Brewer many valuable things, but added that his mind was still open on the question.

"From confidential sources close to the committee it was learned further to-day that Brewer was not only asked to present his case, but that he was severely cross-examined by members of the committee as to the reasons why he had gathered the charges which were presented to President Harding, and upon which the President acted, without the knowledge and advice of Secretary of the Treasury Mellon.

"Brewer was an early caller at the White House to-day. He refused to discuss his mission there or to make any statement on the Bureau of Engraving matter. Upon leaving the White House he was photographed for the first time since his implication in the bureau matter."

Mr. President, as to what occurred before the committee there seems to be some difference of opinion. I believe it was stated that the deliberations of the committee were to be considered as "executive." As to just what that means I have some doubt; but, inasmuch as other members of the committee have seen fit to discuss the matter and to say that the President had "laid his cards upon the table" before the committee, making the implication very strong that this special investigator, the representative of the Department of Justice, had facts that implicated in some way directly or remotely these employees, I believe that it is my duty to submit, not a statement as to the deliberations of the committee but to submit the outstanding facts in reference thereto.

I am delighted that the chairman of the committee, my good friend the Senator from New York [Mr. CALDER], is present, and I want to say to him now that if I misstate any facts, if I go beyond the bounds in the slightest degree, I want him to correct me.

Mr. President, Mr. Brewer came before the committee and was examined for several hours on two or three different occasions. The members of the committee present were Senators CALDER, KEYES, and myself. There was no charge and not one scintilla of evidence offered by Mr. Brewer against a single one of these discharged employees. Upon cross-examination by me he admitted not only that he had no charge now to make against the dismissed employees or any of them, but that he never had any charge against any one of them, and that if they had been removed, as he knew they had been removed, they had not been removed upon his recommendation. *He made the further statement that he did not have a scintilla of evidence to connect any one of the 27 discharged employees with any wrongful transaction.*

It is fair to say that Mr. Brewer did present a number of bonds which he said were duplicated and which had been issued, and I believe that the Government had paid both the good bond and the bad bond, if one was bad. However, for my part, I do not believe that Mr. Brewer knows whether the so-called duplicated bonds were wrongfully issued or whether the Government was wronged because of their issuance.

Mr. WILLIS. Mr. President——

Mr. MCKELLAR. I hope the Senator will wait until I get through my statement, because I do not want to go beyond it. If the Senator will wait for just a few moments, I will be glad to yield to him.

Mr. Brewer did present one bond especially that seemed to me to be an absolute duplicate of another bond both as to the number of the bond and numbers of the coupons attached. The two bonds bore precisely the same numbers on their face and the coupons also bore exactly the same numbers. What explanation there may be in reference to that, I do not know. Mr. Brewer did not know. He thought the very fact that there were two bonds bearing the same number and that the same numbers appeared on the attached coupons made one fraudulent and the other good, and he may be right about it. I can not say whether he is right or wrong. I have been informed that because these bonds have the same numbers that fact does not necessarily mean that either of the bonds is fraudulent. As to the particular bond which we examined, he said it had come through a perfectly responsible source; that it had been sold by a splendid brokerage firm that stands second to none in this country, a brokerage firm whose word is perfectly good, whose members are Republicans and close to the administration. If they sold a stolen bond they are liable to the Government under the law; and yet no steps have been taken either to collect on the bond if it was fraudulently issued or to ascertain whether the bond was a duplicate other than in number. So that if the particular bond is fraudulent, it could be ascertained by this special examiner of the Department of Justice almost instantly. I suggested that this be ascertained, but not a word or an intimation that any one of these 27 employees had anything whatever to do with that matter.

Then the question very naturally arises, Mr. President, What connection has any one of these 27 employees that were discharged with the duplication of any of such bonds? None that Mr. Brewer knew—not the slightest connection. He made no charges when he was asked the question directly by me. When asked what connection there was between these duplicated bonds, as he called them, and the discharged employees, or any of them, he reiterated the statement that he had no proof against the discharged employees and had no charges to make against them, and had preferred none.

Mr. President, what is the meaning of these dismissals. The meaning, in my judgment, is that some one or more persons with some ax to grind have imposed upon the President of the United States and had him discharge these employees, when, according to the very investigator who investigated it from the beginning and had investigated it before they were discharged, there was not a particle of ground for their discharge.

I served with the President of the United States when he was a Member of this body. I have the highest opinion of his honor and integrity. I believe he is an absolutely honest man. I do not believe that he would knowingly agree that any wrong should be perpetrated upon any official of the Government, however lowly that official might be. I can not find it in my heart to think that merely for the purpose of putting friends in office Warren G. Harding would stoop to take away the character, the good name of his fellow citizens, which good name the Good Book tells us is more to be desired than great riches. I do not believe that the President would do it unless he had been grossly, outrageously imposed upon by men who were seeking to serve their own selfish interests, and I think that is what there is in this contest, Mr. President—that certain gentlemen, desiring the places that these employees had, deliberately put up a job on the President of the United States, and I believe the President was misled into making these discharges.

Mr. President, that is absolutely and conclusively proved by the one single fact that President Harding, in a recent order, restored to the civil service 26 of the 27 discharged employees; and I believe that if he had known that the other one, Mr. Wilmeth, was under civil service, he would have been included in the lot. It shows that the President, when he issued the order restoring these men, did not believe that there was any evidence against them. No man can tell me, from what I know and saw of Mr. Harding when he was a Member of this body, that he would restore to the civil service men and women who were implicated directly or indirectly, nearly or remotely, in the stealing of bonds from the Bureau of Engraving and Printing. I think the President has been imposed upon, and I not only think he has been imposed upon in the past, but I think he is being imposed upon right now by men who are trying to keep positions that they know they ought not to have. I want to give my reasons for this statement.

The public prints of Washington in the latter part of December, I think, stated that there was a conference on a Sunday between this same Mr. Brewer, the investigator, and the President of the United States, and, if my recollection serves me aright, it was stated that the President called Mr. Brewer before him to inquire about these employees; and I believe that Mr. Brewer stated to the President then "I have no proof now, but if you will give me more time I shall yet be able to connect some one or more of these employees with the bond trouble," or the alleged bond trouble; and the President, in the goodness of his heart, gave him the additional time. He was unable to make good, and therefore recently the President issued that order.

To the extent that it did justice, that order was most commendable to the President of the United States. To the extent that it was done, it should have been done; but, Mr. President, the President of the United States should not have stopped where he did. Those 27 employees of the Government in the Bureau of Engraving and Printing are either guilty or they are not guilty. If they are guilty, they never ought to have been restored, any one of them. If they are not guilty, they ought all to have been restored, and restored to the fullest extent. They should first have had their characters, their good names, restored to them. Then they should have had the offices restored to them. And then they should have had all back pay.

[At this point interruptions by Mr. WILLIS and Mr. REED of Missouri took place, which appear later in Mr. MCKELLAR'S speech.]

Mr. MCKELLAR. Mr. President, I am much obliged to the Senator from Missouri for his contribution.

The Senator from Ohio [Mr. WILLIS] was asking my advice about certain bills in which he was interested, other than the ship subsidy bill. I do not know that my advice is worth very much to the Senator, but if I had a number of bills in which I was interested, I believe I would get the ship subsidy bill withdrawn pretty soon if I wanted to get any of those other bills passed at this session.

Now, I was interrupted in the midst of my discussion of an entirely different subject, and I have got to unbuckle my mind long enough to return to it and finish what I desired to say about it. Then I shall come to both the filibuster and the ship subsidy.

When I was interrupted I was speaking of President Harding's dismissal of these 27 employees and his partial restitution. That restitution should be made complete. It should not be partial. Not only is it due to the 27 discharged employees that an investigation be had, but it is due to the good name of the President of the United States that such an investigation be had. The President of the United States is in the peculiar attitude of having been misled by certain friends into issuing an order that never should have been issued. I believe he has been imposed upon, but he must know the facts now, and the responsibility is his. He is in the further attitude of having implied that he discharged 26 of the 27 men in a way that was wholly unwarranted and unjustified, because he never would restore them by Executive order to their civil service status if he believed his action in dismissing them had been justified.

So that I want to say to my distinguished and my very much beloved friend, the junior Senator from New York [Mr. CALDER], that whatever action is taken at this session by the Committee to Audit and Control the Contingent Expenses of the Senate, the investigation can, at best, only be postponed. This great Government of ours is unwilling to do a wrong to its employees.

We are not going to permit it. This Government will not permit it to be done. These men and women have done no wrong. They are honorable men and women. They were discharged without cause, with not a scintilla of proof against them. Discharged between suns, humiliated, disgraced, dishonored without cause. Of course it is just a matter of time when every restitution will be made that can be made by an honorable Government. It ought to be made now. It ought to be cleared up now. If the President, as I believe, was imposed upon by designing or corrupt men to issue the order, it ought to be cleared up at the earliest possible moment. And it is going to be cleared up, as we all know.

One of these 27 men, Doctor Beach, was from my State. A man of higher character and a more honest man or better man perhaps never lived than Doctor Beach—honest as the day is long. His discharge after nearly 30 years of service in the Government broke his heart. He died, and he is in a premature grave to-day because of the injustice that was done to him.

I want to speak of another man who was discharged, Mr. Wilmeth, who was born in my State, but is now a resident of the State of Arkansas, a State represented in part by the Senator who introduced a resolution calling for an investigation, the junior Senator from Arkansas [Mr. CARAWAY].

Mr. Wilmeth started in the employ of the Government at $60 a month as a boy, and by his honesty, efficiency, integrity, and upstanding character, he went up through all the gradations of the civil service, step by step, throughout the years until he became the chief of the Bureau of Engraving and Printing, at a salary of $6,000 per year. He was one of the best and most efficient chiefs of the bureau that ever occupied the place. There was not a scintilla of proof against him, not a discreditable thing about him, and yet he was discharged and turned out and dishonored, and charged with thievery of bonds without a scintilla of evidence to connect him directly or indirectly with it. Will the Congress of the United States stand for that kind of action toward its employees? Will the great Government of the United States stand for that kind of action against its employees? We all know that it will not. Why not do justice and do it now, before some other of these poor employees, like my friend Doctor Beach, may pass into the Great Beyond? Of course, Mr. Wilmeth and all the rest of them should be restored. I want to take another man on the list. By the way, a most remarkable thing happened in reference to the action of the Executive as to this gentleman, Mr. E. H. Ashworth, from Nashville, Tenn., a clean man, a pure man, an efficient man, an upright man. He is a brother-in-law of one of the most distinguished men that Tennessee ever produced, one of the ablest, the late Col. B. A. Enloe. Colonel Ashworth had been in the civil service in the Bureau of Engraving and Printing for 29 years, as I remember. On March 31, last, an examination of his office was completed by a committee of the Treasury Department appointed by the Secretary of the Treasury, consisting of T. H. Braden, S. L'Hommedieu, and John F. Green. His office was found to be absolutely straight, without any fault at all, but worthy of the highest commendation.

At 4 o'clock in the afternoon a copy of the letter prepared by the committee investigating his office, involving all the rolls, dies, and plates, was handed to him, and that splendid gentleman felt that he had been greatly honored by the letter. He felt that life meant a great deal to him on that day when he

left his office at the Bureau of Engraving and Printing. His step was proud, his head was high, because of his consciousness of duty well done and appreciated by his superiors. But he had hardly reached home and his family when the Executive order was issued and served on him separating him in the nighttime from his office. Mr. President, in justice to this faithful employee, this splendid and honest employee, I want to read a copy of the letter which the investigating committee gave him that afternoon just three hours before he was dismissed by the President for alleged implication in the stealing of bonds.

Listen to this, Mr. President:

"MARCH 31, 1922.

"The honorable the SECRETARY OF THE TREASURY.

"SIR: Pursuant to, and in compliance with the instructions of department letter dated the 6th day of January, 1922, your committee consisting of Messrs. T. H. Braden, Samuel L'Hommedieu and John F. Green, appointed by said letter to examine the stock contained in the vault of the custodian of dies, rolls, and plates at the Bureau of Engraving and Printing"—

That was Mr. Ashworths office—

"have the honor to report that the said stock has been examined and checked and your committee submits its report in triplicate herewith.

"Each and every piece of stock, both engraved and otherwise, has been examined and checked by your committee and found to correspond to the records of the custodian of dies, rolls, and plates.

"All the stock which had been canceled in the year of 1921 was destroyed by your committee by causing the same to be melted in the furnaces at the navy yard, with the exception of 25 photonegatives, which, because of their nature, were destroyed at the bureau. The destroyed material consisted of 16,214 pieces and weighed 147,330 pounds. The total stock examined and accounted for was 98,224 pieces.

"Your committee regrets that it found several discrepancies in the records of the comptroller's office"—

In the records of the comptroller's office—

"which were corrected in accordance with the actual plates found in the vault, and made to conform to the records of the custodian.

"Your committee is grateful to both the officials and employees of the bureau alike for the many courtesies shown it and for the splendid cooperation and aid rendered it while engaged in its duties.

"Respectfully,

"T. H. BRADEN.
"S. L'HOMMEDIEU.
"JOHN F. GREEN."

Mr. President, after having received that kind of a letter, certifying that everything within Colonel Ashworth's office had been examined and accounted for, and everything found in exact accord with the records, such little discrepancies as were discovered being entirely in the comptroller's office, in another building, with which Mr. Ashworth had nothing to do, and which were corrected by reference to Mr. Ashworth's books, think of his pride in going home to his family and showing, as he proudly did, that letter approving and commending the management of his office; and then think of what must have been his feelings when, like a bolt out of a clear sky, here came an Executive order, in the nighttime, which order has since been shown to be without the slightest foundation, without a scintilla of evidence to support it, without a charge against the man. Think of what must have been his feelings when he read that order and had to let his family know about it. No wonder when he was talking to me about it a few days ago that the tears welled in his eyes at the great injustice that the greatest Government on earth had done to him, an humble but honest and respected employee of the Government.

Oh, Mr. President, this Congress ought to act in behalf of these men; this committee ought to act on this resolution. It ought to restore not only Colonel Ashworth to his position, but to restore every one of the other 26 employees to their positions. We ought also to pass a bill appropriating the money to pay them their salaries from the time they were discharged to the present. We ought in justice to restore them to their original places in the Government service. If we do less, we shall not only dishonor them with false charges, but we shall dishonor ourselves. If the President, with the proof in the hands of this examiner, does not take that position, he will do much less than I believe he ought to do and much less than I believe he will do. He owes it to himself, he owes it to these employees, he owes it to this Congress, he owes it to the American people to do justice to these men and women who have been wronged. The committee, by a vote of two Republicans to one Democrat, refused to report Senator CARAWAY'S resolution out. I voted to report it out. Senators CALDER and KEYES voted "no."

Mr. President, I should add three fine splendid women, as I have been informed—I do not have the pleasure of knowing any of them, but some of them had been long in the service of the bureau—were dismissed, and several months afterwards were restored, not to their old places but merely to such positions as they could get. They had to work for their living, and they had to take what they could get. They were discharged under circumstances which accused them of theft of bonds, and surely their salaries ought to be restored, and there ought to be made up to them every dollar that they have lost.

I do not know what the women of this country are going to do about it. I was one of those who have believed in the right of women to vote. I voted for woman suffrage in the other House when I was a Member of that body, and I voted for it time and again here. Unless I am very greatly mistaken in the ability and courage of the women, they will demand as a body the restoration of these women who have been injured by this Executive order to their former places, and payment to them all losses in salary. This is as little as can be done. I believe that as to all these employees the Congress should by appropriate legislation express its regret over the injustice done them and take such action as may be necessary to make them whole.

Mr. WILLIS. Mr. President, will the Senator yield?

Mr. McKELLAR. There has been an interruption, and if the Senator from Washington [Mr. JONES] is willing I shall be delighted to yield for a question.

Mr. WILLIS. The Senator has the floor. I desire to ask the Senator a question about another branch of the subject. I am asking permission to interrupt him only because I am compelled to leave the Chamber.

Mr. McKELLAR. I am glad to yield to the Senator.

Mr. WILLIS. There is no disposition to take the Senator off the floor, I should say.

Mr. McKELLAR. The Senator from Washington has very kindly, in that usually pleasant manner of his, indicated that he does not wish to take me off the floor.

Mr. WILLIS. I understand that the Senator announced that he expected in the course of his remarks to discuss the filibuster that is now going on, and has been going on for some time. Did I correctly understand the Senator in that respect?

Mr. McKELLAR. No; the Senator did not correctly understand me in that respect. If there is a filibuster going on, it seems to be going on upon both sides. It looks as if everybody is taking part in it. It is getting so very popular that Senators on both sides are participating in it. For instance, the distinguished Senator from Massachusetts [Mr. LODGE], the distinguished senior Senator from Idaho [Mr. BORAH], and the distinguished junior Senator from Wisconsin [Mr. LENROOT], all took part in it yesterday. This morning the distinguished junior Senator from Idaho [Mr. GOODING], the distinguished senior Senator from Indiana [Mr. WATSON], and several other Senators on the other side of the Chamber seem to be taking part in it. I will say to the Senator that I have been trying for several days to get an opportunity to discuss the discharge of Bureau of Printing and Engraving employees first, and then to discuss the ship subsidy bill in connection with the so-called filibuster, and I have not been able to get the opportunity. I have been crowded out for two or three days, but I have the floor now, and I hope to discuss it, and I am sorry the Senator is going to leave the Chamber.

Mr. WILLIS. I am not leaving because the Senator is going to make a speech. I am compelled to go, otherwise I should remain.

Mr. McKELLAR. I am glad to have that assurance; but, anyhow, I am sorry the Senator is going to leave the Chamber, because it has been charged that no one has offered a substitute measure of relief for our shipping that is as good as, or better than, the so-called cash subsidy shipping bill. I am going to discuss the substitute that I offered some time ago, and I believe I can prove to the Senator from Ohio that my substitute is infinitely better than the cash subsidy plan that has been proposed by the committee. Does the Senator wish to interrupt me further about it?

Mr. WILLIS. If I may, I should like to.

Mr. McKELLAR. With the understanding that I am not to be taken off my feet, I shall be delighted to yield.

Mr. WILLIS. I wanted to be sure I understood the Senator. I am not seeking now to fix the responsibility for the filibuster. The Senator admits that there is a filibuster going on; or, at any rate, I will put it in this way: It is stated in the press of

the country everywhere, and the people believe, that there is a filibuster. Does the Senator deny that there is a filibuster against the shipping bill?

Mr. McKELLAR. Well, I will put it in this way: Of course what is the definition of a filibuster is rather problematical. A filibuster is a filibuster to those Senators who want to put over certain legislation that they are in favor of, but a filibuster is not a filibuster to those Senators who are opposed to legislation that they do not want passed. [Laughter.] Does that answer the Senator?

Mr. WILLIS. No; that does not answer me. I accept the Senator's definition, though, for the purpose of this inquiry.

Mr. McKELLAR. I think I can cut short what the Senator wants to know, and I will tell him right now——

Mr. WILLIS. What I want to ask the Senator is this——

Mr. McKELLAR. Just one moment; I think I can tell the Senator without his asking the question. *The ship subsidy bill is not going to pass at this session of Congress.*

Mr. WILLIS. That is precisely what I wanted to know.

Mr. McKELLAR. All right. I knew it, and I wanted to give that information to the Senator.

Mr. WILLIS. It has been rumored, and the press has stated, that there is an understanding among a number of Senators, not only that they will vote against the ship subsidy bill but that they will exhaust every parliamentary resource to prevent the ship subsidy bill from coming to a vote. Does the Senator know whether that is a fact?

Mr. McKELLAR. I can not speak for the rest of them, but I want to speak for myself. In my campaign last year in Tennessee I told the people of Tennessee that my opponent was in favor of this ship subsidy bill and that I was against it, and that I was not only going to speak against it, I was not only going to work against it, but I was going to use every means in the power of a Senator to defeat this bill. I am going to carry out that pledge, and I believe the bill is going to be defeated.

Mr. WILLIS. Then the Senator himself admits that whether there may be any others or not, he is one of those who will exhaust every parliamentary resource—and he is a master of those things—to prevent this bill coming to a vote?

Mr. McKELLAR. I have already stated my position to the Senator.

Mr. WILLIS. One other question.

Mr. McKELLAR. I want to say this to the Senator: There are at least six members of the Senator's own party who have told me that the bill would not pass if the Democrats did not have anything at all to do with it.

Mr. WILLIS. Can the Senator name the six Senators?

Mr. McKELLAR. I do not care to name them.

Mr. REED of Missouri. Mr. President——

Mr. McKELLAR. I do not think it is necessary to name them. The Senator knows them as well as I do. All you have to do is to make a poll over on your side and you will find them.

Mr. REED of Missouri. Mr. President——

The PRESIDING OFFICER (Mr. BROOKHART in the chair). Does the Senator from Tennessee yield to the Senator from Missouri.

Mr. McKELLAR. I do not want to be taken off my feet. I am perfectly willing to yield to the Senator from Missouri if it does not take me off my feet.

Mr. JONES of Washington. Mr. President, I will not invoke the rule unless I feel at the time that the interruption is being made just to consume time.

Mr. McKELLAR. That is very, very courteous of the Senator from Washington, and I hope he will indicate just before he begins to invoke it.

Mr. JONES of Washington. I certainly will.

Mr. McKELLAR. It will be complied with, of course. I now yield to the Senator from Missouri.

Mr. WILLIS. Will the Senator permit just one more interruption?

Mr. McKELLAR. Will the Senator from Missouri excuse me a moment while I yield further to the Senator from Ohio?

Mr. REED of Missouri. Certainly.

Mr. WILLIS. I am accepting the Senator's statement that there are six Republicans who are prepared to exhaust every parliamentary resource to prevent this bill coming to a vote.

Mr. STANLEY. Mr. President——

Mr. WILLIS. Does the Senator know whether there are any Senators on the other side besides himself who are expecting to take that position?

Mr. McKELLAR. Mr. President, I just want to say this: There are six Members on the other side and nearly all of the Members on this side who think that this bill is so vicious, so inconsistent with the American doctrine of "equal rights to all and special privileges to none," that they are determined individually and collectively to use every honest and fair means to defeat this bill; and, in my judgment, I will say to the Senator, the bill will be defeated.

Mr. STANLEY and Mr. REED of Missouri addressed the Chair.

Mr. WILLIS. If the Senator will permit me——

Mr. McKELLAR. I yield to the Senator from Ohio, and then I will yield to both of the other Senators.

Mr. WILLIS. If the Senator's opinion proves to be well grounded, it seems to me that the statement he has made is a very important one, first, because of the effect that it ought to have, and in my judgment will have, on the course of business in the Senate.

The Senator knows that I am for this bill, but I am for some other bills, too; and if there is such an organization as to prevent this bill coming to a vote I think that fact ought to have some influence upon the conduct of the business of the Senate; and, secondly, it ought to have some bearing upon the question as to whether or not in the next Congress we shall change the rules of the Senate so as to enable the Senate to become a legislative instead of a debating society. I am in favor of such a change of rules.

I thank the Senator.

Mr. McKELLAR. If the Senator has finished, I beg to say that I do not know anything further than that in the opinion of a very large number of Senators—I do not know how many—this question was settled at the polls last November, and we do not propose to permit a violation of the result of the election last November. The subsidy bill might as well be withdrawn.

I now yield to the Senator from Missouri. I will yield to the Senator from Kentucky in a moment.

Mr. REED of Missouri. Mr. President, I rose for the purpose of obtaining some light myself. I was wondering whether the Senator from Ohio really asked these questions for information or whether he has sat here all this time in ignorance of what is going on. [Laughter.] I was about to make the remark which the Senator has just made: If there is a filibuster in progress, it was begun at the polls last November by the American people, when they shortened the majorities in these two bodies. We all know that the reason this bill is now being forced with such tenacity is because the administration well knows that it can not put over this bill in the next Congress; that the representatives of the people elected since the issue was presented to the American people can not be mustered into a majority for it.

Will the Senator yield——

Mr. McKELLAR. I will yield in just one moment. I just want to add to what the Senator from Missouri has said that I do not think there is any more chance of the bill being put into law at this session of Congress than that it will be put into law at the next session.

Mr. REED of Missouri. Will the Senator permit me? I am asking permission to make these interruptions because it will be the only opportunity I shall have to say just a word about this matter.

Mr. McKELLAR. I will yield so long as my good friend from Washington does not interfere.

Mr. REED of Missouri. If we trace the history of the ship subsidy bill in this Congress, we find that it was brought forward as one of the first measures to be passed by this Congress. We know that it was put aside, and that it was finally postponed until after election because there were many Members of Congress who said they did not dare vote for it and go to their people on their votes. Hence it was delayed until after the election in order to permit some of those gentlemen to slip back here without having committed themselves in advance of the vote by the people.

We are told that if we pass the bill, if we turn these ships over to private interests, and if we pay a certain subsidy, then our flag will fly above the waters of every sea and the ships will do a thriving and prosperous business. If that is true, then the trouble is not with the sea and not with the ships and not with commerce but with the management of the fleet. If subsidized parties can run the ships at a profit to themselves, then the Government of the United States, with an equally efficient management, could run the ships without a loss of any more money than the subsidy would amount to. When the plea is made that by turning the ships over to private parties and giving them a subsidy, they can run them and make money, the present governmental management is indicted for inefficiency.

The right remedy would be to appoint men to the board who know something about ships and maritime commerce, instead

of having at the head of our great merchant marine a former advertising man, and for members, gentlemen who would not know starboard from larboard unless it was pointed out to them by a deck hand.

Everybody knows there is an advantage in monopoly. Everybody knows that while there are disadvantages which have relation to the rights of people, yet a common management of a great enterprise has certain economic advantages. Here, then, is this fleet of vessels. Here are the markets of the world. Here is the open sea. When we are told that a number of private parties can operate these boats and make money with them if we give them this subsidy, then the question arises why can not the Government of the United States do the same with no greater loss than the amount of the subsidy? When it is said that they can not run at all even with that much loss, but that the ships must be junked, then it is admitted that our business is in the hands of incompetents. The case is then admittedly out of court. The admission is then made that we have a lot of incompetents for the business. Some one has gone out and picked up an advertising man and started him to running our ships. That is as idiotic as it would be to take an old salt who had sailed before the mast all his life and make him advertising manager for an advertising business. What should have been done was to find the finest talent and experience there is on the American Continent, talent and experience that has grown up out of the actual management of ships upon the sea, business ability that has to do with trade and commerce on the ocean, and then give them a free hand to manage the matter as they would a business enterprise.

But has that been done? Why, away back yonder when we enacted this law under President Wilson's administration—and I do not say it to criticize him—how many weeks or how many months elapsed between the enactment of the law and the appointment of the first board? Then we had the ships for a long time under a distinguished admiral of the Navy. That man had been trained to run fighting ships and to fight, not to trade. One has to know something about trade if he is to enter the *markets in competition* with the world. We put him in, a good man if he had been commanding a war fleet, but we were not engaged in war. We were engaged in trade. Then we went out and found some other absolutely inexperienced men and put them in charge of those great ships. If the worst enemy of American shipping under Government management who ever lived had been placed in charge, he could not have taken a better course to bring this great plan to wreckage. What we need to-day is a board of men who know how to run ships.

I could not run a ship. I would be as worthless in running a shipping business as I would be in trying to sail a ship. If I tried to sail a ship I would run it on the rocks and destroy it, because I would not be competent. We might as well appoint a lot of old sea dogs to run the mining business or the farming business or to run the great steel plants as to appoint an advertising agent or a man of that kind to conduct a business that has to reach all of the parts of the world, and that requires a knowledge of commerce and foreign trade conditions everywhere.

Let us have a little sense about this business. I say that when the administration stands before the American people declaring that ships can be run, that our flag can be kept afloat, and that money can be made by our fleet if we will just pay a subsidy, which they say is very small, then they have to answer the question why they have not run the ships that way, and why they have been so utterly incompetent as to bring about a condition which they say means the destruction of a fleet that cost us thousands of millions of dollars.

Let us kill the bill. Then if the administration does not know enough to select a board composed of men who can run ships, let us enact a law that will demand and require the right kind of board.

The absolute bad faith of this entire performance is clearly demonstrated by the fact that the very men who stand here clamoring that we shall appropriate hundreds of millions of dollars of the taxpayer's money and deliver it as a subsidy to certain favored operators of our ships are the very men who voted to place an embargo on all commerce and who destroyed American shipping when they enacted the present tariff law. That law as applied to shipping can be summed up in this language: We expect American ships to make money by going from the United States ports to the ports of the world loaded with American products but we absolutely insist that they shall come back with empty bottoms. Everybody with the slightest amount of sense knows that the only way ships can make money is by being freighted with goods on return voyages as well as outbound sailings. The real advantage which British merchant vessels have over American ships is found in the fact that they can not only carry a full cargo of English goods to any part of the far-flung British Empire but they can also come back to Great Britain loaded with the products of the countries with which they trade. The absurdity of the present administration's position is that it first destroys shipping by its absurd tariff law, and then proposes to make shipping profitable by taxing the people of America. The vicious tariff law was repudiated by the people at the last election. This blundering and incompetent administration will be repudiated in 1924.

THE FILIBUSTER.

Mr. McKELLAR. I next come to the question of the filibuster. I defined filibustering a while ago, and I think my definition is exactly right. A filibuster is a filibuster to those who want to pass a bill which is very strongly opposed, but it is not a filibuster to those who are attempting to defeat that bill. In that position I find that I am sustained by a very great authority.

As I understand—and if I am mistaken I want to be corrected—the real official organ of the present administration is the Washington Post, a perfectly splendid newspaper, ably edited, vigorous, standing for what it believes is right, at any rate, at times. I read with a great deal of interest, in view of its past record, an editorial in the Post of yesterday.

I take it that that editorial is an expression of the administration's position about the filibuster. It is generally understood that the Washington Post more particularly represents the present administration than any other newspaper in the country. It is on the inside, so to speak, and I can readily understand how it gained the reputation to which I have referred, because it is a great newspaper; it is a powerful newspaper; it is an influential newspaper. I am not here to say aught against it, but I desire to call the attention of the country to the remarkable change that has come about in the expressions of that paper within the last few years on the subject of filibustering. In order that it may be fully understood, I now propose to read the editorial appearing in the Washington Post of the issue of Wednesday, February 21, 1923. The editorial is entitled "Reform of the Senate," and reads as follows:

"The opponents of the shipping bill in the Senate have entered upon a course which may have unexpected and historic results. The filibuster, organized by a minority presumably made up entirely of Democrats, has developed full strength and undisguised character."

I digress here long enough to wonder if the Post is reading anybody out of the Republican Party, for everyone knows that quite a large minority of Republican Senators are fighting this bill very vigorously, and that the majority of them in their hearts are not in favor of this bill; and if there is any filibuster, I presume Republicans opposing it are doing as much of it as or more of it than anybody else.

"Against the advice of Mr. UNDERWOOD, the able and experienced leader of their party in the Senate, the Democrats who oppose the bill are resorting to a parliamentary trick to defeat the will of the majority. It is intended by the filibustering minority to deny to the Senate and the country the right to have a decision upon the shipping bill.

"The reason why the minority resort to a filibuster is because the bill would pass if brought to a vote. If the opponents of the bill were in the majority they would not shrink from a vote, because they could kill the bill outright. Not having the votes, the minority seize upon the rule of the Senate which gives to each Senator the right of unlimited debate, and by violation of the spirit of this rule they hope to kill the shipping bill.

"The vice of this action is so obvious, and its effects are so damaging to the good name of the Senate, that the people of the United States can not fail to direct their attention to the situation that has arisen.

"President Harding foresaw the filibuster, apparently, when he asked the Senate to bring the shipping bill to a vote. He asserted that the country had a right to expect a vote, and he added that the Executive was entitled to know the will of Congress on the subject of the merchant marine. The Executive can not discharge his duties satisfactorily in the absence of a decision by Congress. The mere failure of Congress to decide, as a result of a filibuster, will not throw any light whatever upon national policy with regard to the merchant marine. The President will still be in the dark concerning the wishes of Congress, and the Treasury will still be paying out $50,000,000 a year as a net loss under the existing provisional arrangement.

"The filibuster, if successful, will therefore continue for another year the present arrangement, with an additional loss of $50,000,000, most of which might have been saved if the shipping bill had passed.

"The opposition to the shipping bill offers no alternative plan for the regulation of the merchant marine."

By the way, I will stop reading here long enough to say that I greatly regret that I have not sent my proposed substitute for the pending bill to my good friend the editor of this newspaper. I will send him a copy to-morrow. My substitute shows a very complete plan, which I hope the editor will carefully consider. It has been offered for several months, as I recall; certainly for several weeks.

"The defeat of the shipping bill would save nothing, but on the contrary would insure continued loss. Therefore the opposition, in conducting the filibuster in the Senate, is virtually conducting a raid upon the Treasury. The rambling filibuster speeches seem to cost nothing but the physical vigor and self-respect of the speakers, but actually they are costing the people of the United States millions of dollars.

"The money cost of the filibuster, however, is as nothing compared to the loss of prestige of the Senate."

I call special attention to this portion of the editorial, in view of the position which this newspaper has taken in the past, as I will call attention to in a moment.

"In a country noted for its love of directness and promptness, there is afforded a spectacle which turns the great Senate into a mockery, and which exhibits its members in a contemptible light to the people. Dignity naturally surrounds a chamber from which issues the law governing a mighty nation. The people's reverence for the institutions created by their fathers, in travail and martyrdom, would keep the Senate in high esteem, and the honor of serving in that body would be eagerly sought and dearly prized by any citizen, however nobly gifted. But a scene such as that now being enacted, when one Senator after another speaks to exhaustion on subjects alien to the bill, with the avowed object of misusing the Senate's own rules in order to violate the right of the majority to have its will—a scene like this shocks the public sense of decency and wounds its sense of reverence. Senators become mere tricksters, resorting to methods which would be frowned upon in a police court; and the Senate itself becomes a hissing and a jest.

"So the present filibuster may have results quite unexpected to the gentlemen who are widening the breach between the people and the Senate. The shipping bill may pass or may be defeated by the filibuster—its fate may become subordinate to another question transcending all others until it is settled, and settled right. This question, made acute by the filibuster, will be:

"Will the Senate reform its rules and proceed to fulfill its proper functions, or will the people reform the Senate?

"Superficially, it appears most difficult for the people to reform the Senate, because constitutional amendments must be passed upon by the Senate itself. Actually, however, nothing is easier than the reformation of the Senate by the people, once they are aroused and determined to put an end to the abuse that is making the Senate unpopular. Let the Senate make itself unpopular enough by failing to perform its duty and the people will do the rest. They will not resort to a constitutional amendment, but will act directly, by eliminating the unfit and electing men pledged beforehand to reform the Senate rules. Every filibuster, successful or unsuccessful, hastens the day when the reform of the Senate will be a burning issue."

The date of that editorial is February 21, 1923. I now read an editorial from the same newspaper on the subject of filibustering. I think that this is a matter of very great importance, in view of the function that the Washington Post performs, at least in the city of Washington, as an administration organ. It is virtually the administration organ, and therefore what it says is of vast importance to the people of this country.

On Saturday, January 23, 1915, when another shipping bill was before this body—a Democratic shipping bill—and, depending on what you call a filibuster, a Republican filibuster was on, this editorial appeared in the same paper. Whether or not it was written by the same editor I do not know, but I imagine so. I want to read it. It is on page 6 of the Washington Post of January 23, 1915. It is headed "The filibuster." By the way, I want to say before I start that it indorses my definition of a filibuster, heretofore given, exactly.

Says the editorial:

"It is a rather narrow line that is drawn between honest discussion of the defects of a bill and a filibuster. If a man is against a measure, a three-day speech would naturally be regarded by him as fair discussion in the public interest. If he were in favor of the bill, it would be a filibuster.

"There is a serious question as to whether an actual filibuster may not be more worthy of praise than attempts to jam through a measure by use of the party whip or by physical punishment of those who oppose the measure. If the Democrats themselves were united in favor of the ship purchase bill, there would be some excuse for their present tactics. The fact is, however, that few of the Democrats believe in it, and few of them know what shape the bill will finally take.

"How can the supporters of the bill blame the opponents for their determination to discuss every phase of the measure? Considering their own disagreements and lack of harmony, it is hardly good taste for them to absent themselves from the Senate when the bill is under discussion.

"Questions which are being asked by the opponents of the bill—questions designed to bring out information as to whether or not the measure will work to the public interest—are going unanswered simply because those who have been brought into line for the unperfected measure intend to ignore the merits of the matter.

"Are the Democrats willing to say to the country that they can not make any defense of the ship purchase bill? Are they willing to say that they have abandoned arguments and intend henceforth to resort to technical means of 'gagging' the opponents of the bill? Are they willing to say that they had to resort to night sessions to tire out their opponents, thus establishing merely the fact that human endurance has its limitations?

"Some exceptionally able arguments were made with reference to the ship purchase bill by Secretary McAdoo in his Chicago address. It would be worth while for the advocates of the bill to follow his lead, and at least give full information to the public as to what may be said in favor of the measure. Free discussion can not hurt any meritorious project. Surely the Democrats in the Senate do not want to plead guilty by their silence in the face of the Republican assaults on the bill."

Mr. President, lest we forget, I will stop here long enough to say that in 1915 the Democrats were in control of this body, and they brought forward what was known as the ship purchase bill. It was a bill which afterwards substantially passed, and upon which our merchant marine as it now stands was built. Our Republican friends, at a short session of Congress, just as this is, then said that the bill ought not to pass, and that every honorable means ought to be resorted to to prevent the passage of the bill. I do not see here now the distinguished chairman of the committee, in charge of this bill, but my good friend the Senator from Washington [Mr. JONES] made a little argument—a very fine one, too—of 14 hours against that bill. Of course, that was not filibustering then, because he was on the other side of the question.

My good friend the Senator from Utah [Mr. SMOOT], I think spoke even longer than that, and various other Senators who were opposed to that bill talked not for hours, not for weeks, but for months in order to prevent the passage of that bill; and they were upheld, as I shall show in a few moments, all along the line by the Washington Post, the same paper that tells us now that we are making the Senate unpopular, and we are going to be legislated out of office by the people, because we demand a free discussion of this bill, and a vote upon it by those who were chosen by the people to vote upon it.

Mr. President, they can not scare us in that way. Both our Republican friends on the other side and their official spokesman, the Washington Post, must have a better record on filibustering before they can scare us off by saying that they are going to legislate us out of office if we talk too long and if we discuss this bill. But our friends on the other side say: "Oh, we have a majority for the shipping bill now, including the 10 Senators who will not come back. We do not know whether we will have that majority next year or not, and we want to jam it through now." In the words of the Post editorial: "We know that the people have turned us down at the polls, and we want to put through this subsidy bill regardless of the people, regardless of their expressed will. We have the physical power; we have the physical number of votes."

President Harding comes to the Congress and pleads that this bill shall be voted upon by these men who have been repudiated by the people of their States. I mean no disrespect to them. They are as fine a lot of Republicans as I ever saw. I have nothing but the kindest feelings toward them; but, however that may be, they have been politically repudiated by the people of their several States with the ship subsidy bill as an issue; and yet the President asks us to submit this question to the votes of these men who have been repudiated by the people at the polls, because without their votes there would not be a chance on earth for this bill to pass.

Let me call attention to this very editorial, taking an entirely different course, several years ago.

The editorial says:

"There is a serious question as to whether an actual filibuster may not be more worthy of praise than attempts to jam through a measure by use of the party whip or by physical punishment of those who oppose the measure."

Ah, how pertinent to this question! Here is a political party undertaking to jam through a measure without debate, without argument. I think only two or three Senators on the other side have spoken for this measure. My distinguished and highly esteemed and much-beloved friend, the chairman of this committee, has spoken out in meeting, as he always does; but what others on the other side of the Chamber have given the public the reasons why this bill, which is a departure from every principle that the American people hold dear, should be passed? Who has spoken in favor of it? And yet, by virtue of a physical majority that has been repudiated at the polls, it is sought here, in the closing days of this Congress, at the behest of a political organization, to jam through—in the words of the distinguished editor of the Washington Post—this bill that has been repudiated by the American people!

Oh, how truly did the editor of this paper speak at that time!

I read again:

"If the Democrats themselves were united in favor of the ship purchase bill there would be some excuse for their present tactics."

Mr. President, just strike out the word "Democrats" and insert the word "Republicans," and read it:

"If the Republicans themselves were united in favor of the ship purchase bill there would be some excuse for their present tactics."

And it would fit this situation like a glove.

Mr. President, this editorial says, "United in favor of it." Why, there never was such a difference of opinion on a question of this kind in the Republican Party or any other party. As I remember, when the ship purchase bill was up in 1915 three Democrats objected to it, but with the exception of those three the party was united.

Mr. JONES of Washington rose.

Mr. McKELLAR. Were there more?

Mr. JONES of Washington. I think there were seven.

Mr. McKELLAR. I thank the Senator for the correction, because I want to be absolutely accurate. There were seven, and there are more than that in the Republican Party to-day. When this matter comes to a show-down there will be more than seven Republicans against it, and they are really against it; they are fighting against it; they are determined that it shall not pass at this session, that it shall not pass without being properly debated, that it shall not pass without being considered in its every aspect, this great departure from everything that Americans have been taught in the past to believe was a true policy in reference to such matters.

Mr. President, let us see for a moment how the Republicans are divided. They have a majority here of 22. I saw two or three days ago in the Washington Post—which everybody assumes is an official organ—that the Senate, if it voted at this time, would be 50 votes for it and 46 votes against it. Since that time one Senator who was then counted for it has openly and boldly announced in this body, as he did on yesterday, that he was going to vote against this bill, so that will make it 49 to 47. It is getting very close. It shows what arguments will do. It shows what discussion will do. It shows what careful thought and consideration will do.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER (Mr. MOSES in the chair). Does the Senator from Tennessee yield to the Senator from Florida?

Mr. McKELLAR. I can not yield unless my good friend from Washington permits.

Mr. JONES of Washington. Mr. President, I told the Senator awhile ago that I would notify him before invoking the rule.

Mr. McKELLAR. That still holds good?

Mr. JONES of Washington. Yes.

Mr. McKELLAR. I shall be glad to yield to the Senator from Florida, then.

Mr. FLETCHER. I was going to put my suggestion in the form of a question, but, if it is agreeable, I will state it the other way. As I figure it, out of this alleged majority, small as it is, as claimed even by the proponents of the bill, at least seven of our Republican friends who would vote for the bill will not be here after the 4th of March. They were defeated in the last election.

Mr. McKELLAR. Yes; as I stated a little while ago, the bill could not possibly pass without the votes of those Senators who will not be here in the ensuing Congress; and especially is that important here when nearly all of those who were defeated, unfortunately for them—I say, "unfortunately" because I love them all—were largely defeated upon the issue of the ship subsidy bill. It played an important part in the campaign in every State in this Union, and these gentlemen were defeated on it; and yet the President wants to have this bill—which has been repudiated at the polls—passed by votes that will not be with us after March 4.

Now, Mr. President, I want to call attention to another statement in this editorial:

"How can the supporters of the bill blame the opponents for their determination to discuss every phase of the measure?"

Why, of course we are going to discuss it. We feel greatly encouraged at the result of our discussion of it. We know of one convert that has come over already. He has announced it. It has been growing ever since this bill came before the Senate. It was introduced, I think, about a year ago. The Republican Party could have brought it up before the Senate long ago, but they chose to bring it up here at this special session, and I do not believe they actually took it up until this short session. They were afraid to bring it up before the last election—afraid that if passed it would defeat them. But by introducing it, they were committed to it, and could not avoid the issue, and on that issue largely they were defeated. After defeat, they now want to pass it anyway.

Mr. President, how can they blame us? They have not discussed it themselves. They have not given us any real reasons why we should depart from our historic policy of not giving special subsidies to shipping interests. They have given no good reasons to the country or to the Senate itself. Why should they undertake to pass, and how can they blame us for being opposed to, a bill that they themselves will not discuss, and that has been repudiated by the people of the United States?

Mr. President, I suppose that every Senator who was elected in this last race not only made the statement that he was opposed to the ship subsidy bill, but made the statement that he would take every honorable means to defeat it, including seeing that there was a fair and a full and a frank discussion of the merits of the bill.

Now I come to another suggestion:

"Considering their own disagreements and lack of harmony, it is hardly good taste for them to absent themselves from the Senate when the bill is under discussion."

How that applies to the other side of the Chamber at this time, and not to this! It applies absolutely to the other side of the Chamber. When a Senator on the Democratic side or on the Republican side announces that he is going to discuss the ship subsidy bill, all of the chairs on the other side are vacated immediately. Republican Senators will not listen. They do not want to hear the arguments about it. They have made up their minds under an executive whip that they are going to swallow the bill, and I want to say that while perhaps there are only 10 or 12 Republicans who will vote against this bill, you all know down in your hearts that nearly all of you are opposed to it. You know that you have not any interest in it. You will not deny it. You would give anything in the world, just as the Senator from Ohio [Mr. WILLIS] indicated a while ago, if you did not have to vote for it.

Mr. HEFLIN. There are only two Republicans in their seats now.

Mr. McKELLAR. No; there are three, and there walks in the Senator from Idaho [Mr. BORAH], too. We will count him. I was just talking about the Senators on the other side who are so greatly interested in this bill that they will not come near when it is being discussed by anybody, it does not make any difference who it is. Even the Senator from Idaho [Mr. BORAH] yesterday did not have the audience of Senators that he ought to have had, eloquent, splendid speaker that he is.

Mr. President, as I was saying, we all know that in their hearts the majority as well as the minority over there—I mean, the minority of that party as well as the majority of that party—are opposed to this bill. They do not want it to pass. It will not grieve them if it does not pass, but they do not want to fall out with the Executive. They do not want to come to the parting of the ways with him, of course; but we know here, we who negotiate with them daily, that they have no interest in this bill. We know that they do not want this bill passed. They know that we know that they would be delighted if the bill should fail, as of course it will fail; and they all know that, too.

I do not think there is a Senator on the other side of the Chamber who does not know that the bill is not going to pass at this session, and I doubt if there are a dozen over there who in their hearts believe it ought to pass.

Questions are being asked about the bill by the opponents and there is nobody here to answer those questions.

So it is to-day. But I want to say that I am not confined in any way to just one editorial of the Washington Post standing by the filibuster against the shipping bill of 1915. There are many others. The record is complete. It was the habit in those days for the Washington Post to defend the filibuster. It wrote a beautiful editorial about my friend, the Senator from Washington [Mr. JONES], when he was filibustering against the shipping bill in 1915.

Mr. CARAWAY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Arkansas?

Mr. McKELLAR. I yield.

Mr. CARAWAY. That shipping bill was a bill which was intended to equip us to engage in the World War which we knew we must shortly enter.

Mr. McKELLAR. Yes; but that did not cut any figure in those days. It was presented by the Democratic Party and it was filibustered against, with the hearty approval of the Post. But, oh, what a change! I stop here to digress just a moment to discuss the suggestion of my friend from Arkansas. What a change would have been brought about and what an advantage it would have been to America in the World War if the shipping bill of 1915 had been passed instead of being defeated—defeated by the eloquence of Republican Senators, 14 hours of it by my distinguished and splendid friend, the senior Senator from Washington [Mr. JONES], and about an equal amount by my good friend, the Senator from Utah [Mr. SMOOT].

Mr. HARRISON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Mississippi?

Mr. McKELLAR. I yield.

Mr. HARRISON. That is a very startling statement which the Senator has made. Does he mean that the senior Senator from Washington [Mr. JONES], the Senator in charge of the pending shipping bill, spoke for 14 hours filibustering against the ship purchase bill a few years ago?

Mr. McKELLAR. I mean exactly that, and I mean further to say that he made a very fine speech. I am going to quote from it directly. I indorse much of it.

Mr. CARAWAY. I hope the Senator will let me know when he reaches it, because I want to go out. I do not want to listen to a filibuster.

Mr. McKELLAR. I am coming to it directly. Yes, the Senator from Washington made a splendid argument. It will be remembered that he had much to say about this point—and, by the way, if I make a mistake about it I hope the Senator from Washington will correct me. He said the people from the "amen corner" had not been heard from. I think I have an editorial here praising the Senator from Washington for referring the shipping bill of 1915 to the people in the "amen corners" in the various parts of the United States. He made a splendid speech in favor of the filibuster. He was just as frank about it then as I am to-day. He stated it openly. The Senator from Washington does not conceal things. He is as straight from the shoulder as any man I ever knew. He did not conceal at all. He said the bill was not going to pass, and it did not. The Washington Post, which is now the official organ of the administration, upheld him in every particular.

Mr. HARRISON. May I ask what explanation the Senator from Washington now makes for his attitude at that time?

Mr. McKELLAR. I do not know that he makes any explanation of it. He has just changed his mind, that is all there is to it.

Mr. JONES of Washington. Mr. President——

Mr. McKELLAR. One of the objects of the debate was to have an interesting, open, free, and fair discussion, led by the Senator from Washington. The Senator from Utah [Mr. SMOOT], the Senator from Iowa [Mr. CUMMINS], and others on the other side of the Chamber made speeches at that time upholding the filibuster. Let me suggest here that some explanation is due why it is a high and splendid and patriotic service to filibuster against a shipping bill under those conditions, and yet it is wrong when it comes to a bill which changes the whole course of our merchant-marine policy, when it takes at least $30,000,000 annually out of the pockets of the American people and gives it to the owners of a few fast passenger vessels which really do not need it, because they are doing a good business anyway. We want to know why the Senator from Washington has changed his mind and his attitude, and I know that he will take the time at the proper opportunity to tell us. I now yield to the Senator from Washington.

Mr. JONES of Washington. The Senator wants to know if I have any explanation about my change of mind. I do not understand what he means. I have not changed my mind.

Mr. McKELLAR. I think, perhaps, I did an injustice to the Senator. I do not believe the Senator has complained at all that Senators on this side of the Chamber or the other side of the Chamber have talked about the bill.

Mr. JONES of Washington. The Senator can not point to anything I have said at any time in criticism of the course Senators are taking.

Mr. McKELLAR. I thank the Senator for the correction. I think he is entirely right about it.

Mr. JONES of Washington. I assume that every Senator takes the course on this floor which he conscientiously believes to be right. I have followed that course, and I give every Senator credit for doing the same thing.

Mr. McKELLAR. I am quite sure the Senator from Washington feels just that way and believes just that way. I am glad to hear him say it. I want to say that since I have been in the Senate I have never known a fairer man, a more honest man, a more patriotic man, than the Senator from Washington.

Mr. HARRISON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Mississippi?

Mr. McKELLAR. I yield.

Mr. HARRISON. Of course, it may be that the reason why the Senator has said nothing is because he has not detected as yet that a filibuster is on.

Mr. JONES of Washington. Oh, I think I know a filibuster when I see it. [Laughter in the galleries.]

The PRESIDING OFFICER. The Chair must admonish the occupants of the galleries that manifestations of approval or disapproval are contrary to the rules of the Senate, and if persisted in the Chair will be compelled to order the galleries cleared.

Mr. McKELLAR. I hope the Chair will pardon the occupants of the gallery, because this is a dry matter we are discussing. Let us have a little humor in it occasionally.

While the Senator from Washington is correct in his statement that he has not changed and is not criticizing the filibuster, yet what a change there has been in the official organ of the administration, the Washington Post, giving the views of the administration first-hand. Let me read an editorial from the Washington Post of February 7, 1915:

"The Post is an opponent of Government ownership in all fields of action in which private enterprise and private capital can secure fair and reasonable returns upon such enterprise and capital by rendering efficient, honest, and faithful service to the people at fair and reasonable cost to them.

"But here is a field in which private capital has failed for 50 years to provide such service for the American people."

It now wants to turn all these ships over to private interests—ships that cost the American people three or four billion dollars. It changes its views and now thinks that we are going to abolish the Senate if we do not have a discussion of the matter.

I continue reading:

"Here is a field that American private capital has left open to foreigners for half a century, and now, when it is proposed that its own Government shall become the creator of such a marine, private capital enters a vigorous protest."

I next read from another editorial in the Washington Post. I want to call the especial attention of our Republican friends to this—that is, the three Republicans who are now present in the Chamber. The editorial reads:

A DANGEROUS PRECEDENT.

"If the majority of the Senate, solely because of its numerical strength, were to adopt a cloture rule to shut off debate on the shipping bill, a precedent would be established that would hamper the Democratic Party in all its future actions."

They were talking about a cloture rule then to stop the flight of oratory on the other side of the Chamber, and the Washington Post came out for discussion—open discussion, frank discussion, full discussion, unlimited discussion. The editorial went on to say:

"Apparently the proposal that a cloture amendment be added to the Senate rules on February 19 is made seriously. Perhaps it has been forgotten that the Democratic Party made much capital out of the Cannon rules in the House in the campaign of 1910, and later in the campaign of 1912.

"In all fairness, it must be admitted that there was a great deal of buncombe in the fight against the Cannon rules, as has been shown by the drastic rules brought in by the Democratic Party under the present régime. Nevertheless, the Democrats did make capital out of the supposed arbitrary character of the House rules and went on record in favor of more liberality.

"The advantages of maintaining a consistent record may not appeal to the party in power, but the mere fact that it is put to the necessity of proposing a cloture rule is likely to weaken support for the shipping bill. Something more than expediency is involved. Freedom of discussion has always been the principal instrument of good government, and that freedom is now assailed in the Senate."

Let me read that again:

"The advantages of maintaining a consistent record may not appeal to the party in power, but the mere fact that it is put to the necessity of proposing a cloture rule is likely to weaken support for the shipping bill. Something more than expediency is involved. Freedom of discussion has always been the principal instrument of good government, and that freedom is now assailed in the Senate."

That editorial was published on February 11, 1915.

That was on February 11, 1915. Eight years have gone by, and the same paper which then complained that freedom of speech and debate was about to be shut off in the United States Senate when it ought not to be shut off, when it would ruin the Senate if it were shut off, on yesterday came out with an editorial stating that unless the bill is brought to a vote the Senate is likely to destroy itself by not letting it come to a vote. Which are we going to believe? Are we going to take the advice of the Washington Post given eight years ago, or are we going to take the advice that it gives to-day? The two pieces of advice are diametrically opposed to each other. The Washington Post of 1915 is absolutely denied by the Washington Post of 1923. They said it was a dangerous precedent then. They attempt to frighten us to-day by saying that if the very thing which they then defended is continued by the Senate it will destroy the Senate and defeat the various Members who are following the advice which it gave in 1915.

I read further:

"Proponents of the cloture program should not lose sight of the fact that the Senate of the United States, which had been assailed as a superfluous legislative Chamber a few years ago, has lately been restored completely to popular control. Comment is frequently made that every piece of legislation that has been sent to the Senate in recent years has been materially improved."

Oh, what a splendid thing a filibuster was then in the eyes of the Post, the official organ of the present administration, and what a bad thing it is to-day when there is a piece of legislation before us that the Post and the Executive desire to jam through by the votes of men who have been defeated for reelection. Then a Republican filibuster would restore the Senate to popular confidence. Now a Democratic filibuster on a like bill will destroy the Senate in the popular mind. Consistency, thou art indeed a jewel. Ah, we know that it is true that discussion in this body and careful deliberation in this body has improved the legislation which has been before the Congress, just as the Post then so well stated.

I continue to read:

"Bills passed by the House in two or three days, important bills like the tariff, currency, and antitrust measures, have been debated intelligently in the Senate, with a view to the best interests of the Nation. Can anyone argue that the discussion on these measures was not useful? Senators who now want to cut off debate would have protested vigorously if their own right to discuss measures had been taken from them.

"It is doubtful whether even the advocates of the ship purchase bill will vote for cloture. It would mean the end of free discussion in the Senate for all time. It would tend to destroy the Senate as a useful legislative body."

Mr. President, I put in juxtaposition, if I may so express it, with the expression of the Post to-day that last sentence, indicating its attitude in 1915:

"It would mean the end of free discussion in the Senate for all time. It would tend to destroy the Senate as a useful legislative body."

When it was advocating a filibuster in 1915, when it was defending filibusterers in 1915, that is what the Washington Post had to say—that the Senate was going to destroy itself as a legislative body if the filibuster did not go on—but, eight years afterwards, when it has another ax to grind, when it wants to have passed this bill which has been repudiated by the people, when it wants to have passed this bill by the strength of numbers of men who will not be here after March 4, this year, this is what it has to say:

"Superficially, it appears most difficult for the people to reform the Senate, because constitutional amendments must be passed upon by the Senate itself. Actually, however, nothing is easier than the reformation of the Senate by the people, once they are aroused and determined to put an end to the abuse that is making the Senate unpopular. Let the Senate make itself unpopular enough by failing to perform its duty, and the people will do the rest. They will not resort to a constitutional amendment, but will act directly, by eliminating the unfit and electing men pledged beforehand to reform the Senate rules. Every filibuster, successful or unsuccessful, hastens the day when the reform of the Senate will be a burning issue."

Oh, yes, when it was in favor of a filibuster the statement was made that the Senate was going to destroy itself by interfering with free discussion, but to-day, when it is against a filibuster, the Washington Post, with equal or greater emphasis, says that the Senate is going to destroy itself because it permits free speech!

Mr. President, that was not all. The official organ of the Republican Party in Washington did not stop at that. I now come to the most pleasing part of my task. It is reading the editorial indorsing the distinguished Senator from Washington [Mr. JONES] for conducting the filibuster in 1915. I read an editorial from the Washington Post of date February 14, 1915, which is entitled "The amen corner":

"When Senator JONES, in the course of his 14-hour speech on the shipping bill, announced that his observations were directed primarily to the 'amen corners' of the country, he not only chose a felicitous title, but also indulged in a degree of candor not always expressed by statesmen, who, whatever their avowed disinterestedness, never fail to have those particular gatherings in mind."

Politically speaking, the amen corner has long been known. Its most famous example was found in an earlier storm period, when there was a custom to congregate around the late Thomas C. Platt a group of tried and true followers in a particular corner of a room in the old Fifth Avenue Hotel in New York City. When that rendezvous had mustered a quorum things followed as pertinently and effectively as any that have later emanated from modern conclaves, regarding which the question as to whether they constitute a "conference" or a "secret caucus" still forms the subject matter of earnest and sometimes heated debate.

"The original amen corner belongs, no doubt, to the country meetin' houses of a gone and better era. Yet the spirit has in no wise changed. In religion then, as in politics now, the words of the speakers, whether presidin' elder or newly licensed 'exhorter,' were spoken with a thought to the reception they would be granted at that tribunal of last resort. Were the delivery followed by a solemn silence in that quarter, the exponent of the message properly felt the occasion a failure. Evidences of animation, however, betokened promise of success and led to more vigorous efforts. And when the heights were reached and perfervid pulpit oratory brought forth the sonorous and spontaneous 'amen,' then the speaker and the audience knew that the truth had gone home, nor needed to await the later pronunciamento that the sermon was 'sarchin', powerful 'sarchin'.

"The land is filled with amen corners. Around the blacksmiths' shops, down at the grocery store, in back rooms where sawdust sprinkles the floor, in the neighborhood of the 'cou't-house,' out at the old sawmill, where groups gather on 'stock-sale day,' there still linger the amen corners, listening, analyzing, reflecting. For their delectation, in expectation of their approval, Senators speak, filibusters are carried on, even wars are fought. And until they are heard from the last word on any subject remains to be said."

Mr. President, that statement is very appropriate to the present situation, except that the people from the "amen corners" have already spoken. They were asked their views last November. Advocates of ship subsidy went on every stump in every "amen corner" in the land. They went, as the editorial states, to the blacksmith shops, to the back rooms of stores, to the cross-road meetings, to the "amen corners," throughout the United States. The people spoke from those "amen corners," and with one accord they spoke against the ship subsidy bill. That bill was an issue in every State in the Union, perhaps, where there was a senatorial election, and in every instance the advocates of ship subsidy were repudiated by almost unprecedented majorities. Yet in face of the record, in face of the votes from the "amen corners," throughout the Nation and in every State, the President comes before us and in substance says, "Yes; I know the bill has been repudiated by the people. I know that we can not pass it when the representatives who were elected last November take their seats in Congress, but I want the old Congress to pass it." Let me ask some Senator exactly the ratio of Republicans to Democrats in the present House of Representatives.

Mr. HARRISON. The Republicans have a majority of about 160.

Mr. McKELLAR. The Senator from Mississippi informs me that the present Republican majority in the House is about 160. That is an overwhelming majority, the greatest majority the Republican Party ever had in that body.

Mr. HARRISON. And the greatest majority they ever will have.

Mr. McKELLAR. Yes; the greatest majority they ever will have. Yet under the whip and spur of the Executive, answering his prayer, delivered in person, I believe twice, to pass it, a majority of only 24 in the House of Representatives voted for the bill, and here on this floor we all know that there will be no effort to pass this discredited measure in the new Congress.

Mr. SHEPPARD. Mr. President, I have the exact figures here.

The PRESIDING OFICER (Mr. MOSES in the chair). Does the Senator from Tennessee yield to the Senator from Texas?

Mr. McKELLAR. I yield to the Senator from Texas.

Mr. SHEPPARD. The composition of the present House is Republicans 298, Democrats 130, Socialist 1, vacancies 6; so that the majority at present is 167.

Mr. McKELLAR. It is 167, and still there could not be found but a paltry majority of 24 to pass the shipping bill; and, by the way, my recollection is that of those constituting the number who voted for the bill, sixty-odd of them were defeated in the very election in which this great question was submitted to the people; but they were forced in one way or another, through Executive influence, direct or implied, to vote for a measure in which they did not believe. We all know that the great majority of the present House of Representatives, Republican as it is, are overwhelmingly opposed to the passage of this bill and only voted for it because they were asked to do so by the Executive.

So it is in the Senate. In this body there is a Republican majority of 22; but if the recorded judgment of every Senator could be had, just as it is in his heart, the pending bill would be overwhelmingly defeated, for there are few Senators here who are heart and soul in favor of the bill. Under those circumstances such a bill ought not to be foisted upon the American people, for the reason that a majority of the present representatives of the people are at heart opposed to it, and the people have spoken and spoken against it in no uncertain terms.

But, Mr. President, I had not finished my quotation from this great newspaper, one which I read every morning, whether I agree with it or not, because it gives the news; it has able and distinguished writers on its staff, both editorial and reportorial, who write with spirit and ability and whose articles it is a pleasure to read, whether one agrees with them or not. I have no desire to say anything to the discredit of that newspaper or its representatives in any way, but quite to the contrary. It is, I repeat, a great newspaper, and because it is a great newspaper and because it is the official organ of the administration, I am using the material which its files afford. I now wish to read an editorial published in the Washington Post on February 18, 1915, entitled "The steam roller." Mr. President, I will digress here long enough to ask unanimous consent that all of the quotations from newspapers and books which I have read may be printed in the RECORD in 8-point type, which is very much easier to read than the smaller type. I have reached that point in life where I can read matter printed in 8-point type a great deal better than in the smaller type.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. McKELLAR. The editorial in the Washington Post on February 18, 1915, entitled "The steam roller," reads as follows:

"The manner in which the steam roller was used in the House for the passage of the ship purchase bill simply illustrates how power can be used without efficiency.

"Once there was an outcry in the House against what was called 'Cannonism.' It was argued that the Speaker had too much power. He could use this power, it is true, to keep down appropriations, but he could also use it to give preference to administration measures.

"The rules were changed to take such power away from the Speaker. Probably the principal result of this action has been in the way of unprecedented extravagance. Chairmen of committees not being responsible to the Speaker but owing their election to their popularity with the other Members of the House, have sought to increase their popularity by being liberal with appropriations.

"Whatever there was of evil in the old rules has returned with redoubled power. The Speaker of the House can not be held responsible for the 'gag' rule adopted by the House for the quick passage of the ship purchase bill. A measure which is unlike anything that has been previously discussed, and whose virtues and defects are virtually unknown, was rushed through to passage with scarcely any debate."

What an accurate description of the manner in which the pending ship subsidy bill was jammed through the House a short time ago, when it only got through by the extraordinarily narrow margin of 24 votes, and of the manner in which it is proposed to jam it through this House.

"If the sole effect of the change in rules is to transfer arbitrary power from the Speaker of the House, elected by the Members, to the administration, whose functions are not supposed to be legislative, wherein lies the improvement? The new authority can not restrict appropriations as the Speaker formerly did. It need not even hold itself responsible for any blunder the House may commit under its direction. Freedom of discussion has always been one of the greatest instruments for the making of honest and intelligent legislation. This was the very basis of the attack made on the old rules, all the evils of which and none of the overbalancing virtues of which are now restored.

"Moreover, under the old rules there was always the consciousness that the Senate would give more careful consideration to measures put through under a special rule; but now with debate eliminated almost entirely in the House the Senate calmly contemplates the removal of the final safeguard of representative government by adopting a cloture rule."

Ah, Mr. President, what a change has come over the administration and what a change has come over this organ of the administration. Then when a Republican filibuster was on, if we interfered with the freedom of debate it meant, according to the Post, "the removal of the final safeguard of representative government," but now, when we ask for freedom of debate, when we ask that this vicious measure be discussed in the light of reason before the American public, we are told that the Senate is likely to destroy itself because we demand the very freedom of discussion that the Post so eloquently declared was right on February 18, 1915.

Again, here is what it said on February 27, 1915, under the heading "Reviving the shipping bill":

"Attempts to revive the ship purchase bill in view of the failure of previous determined efforts to pass it can not be regarded in any other light than as a despairing effort to demonstrate the power of personal leadership.

"The ship purchase bill met a natural death. The act came, not as the result of a wound inflicted in the house of its friends, not as a result of the blows rained upon it by its enemies, but solely as a result of the failure of public opinion to rally to its support."

How accurate is that statement of the present measure! This bill is not going to be filibustered to death. This bill is not going to be talked to death. This bill is not going to be voted to death. This bill is already dead, because an outraged public opinion in America has decreed it so. We know that the people have already passed upon it, and that is why it is in the position that it is to-day.

I read:

"Talking the shipping bill to its natural death would not have been possible if there had been any real public sentiment in its favor."

And so we know that that is true to-day. If there were any real public sentiment in favor of this bill in America to-day it could not be talked to death, it could not be filibustered to death, nor could it be voted to death. We know that. Why attempt to fool ourselves? Why attempt to make ourselves believe something that our inner consciousness knows has already been settled and determined, and settled by the voice of the American people themselves? It was settled last November. It can not be undone by this Congress in its closing days. We know that it is impossible.

The Post spoke the truth then, and I commend this editorial to my friends on the other side.

I continue reading:

"There was no such fight against the administration currency bill, or even against the tariff bill, both of which the Democrats were pledged to enact. There was serious complaint against the kind of bills that were enacted, but it was realized that the Democratic Party had to make some sort of revision to comply with its platform.

"There was no such justification, however, for the ship-purchase bill. No one knew where the proposal came from originally."

I stop here long enough to ask the chairman of the committee where this proposal came from originally. I looked over the chairman's splendid speech 15 years ago. I have read other

speeches of his on our merchant marine. He has been a consistent, ardent advocate of an American merchant marine, just as I have been. Heretofore he has never believed in cash subsidy, and I am wondering whether or not this bill originated in the mind of my distinguished friend. I know he introduced it, but I am wondering whether he put it forward as his measure for the correction of evils that he thought existed in regard to our merchant marine.

Mr. JONES of Washington. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Washington?

Mr. McKELLAR. I yield.

Mr. JONES of Washington. I shall be very glad to answer the Senator's question if he desires. I stated in my opening speech on this bill the origin of the bill. I can state it briefly again, if the Senator wishes.

Mr. McKELLAR. I shall be very glad to yield to the Senator for that purpose, because I overlooked that portion of his speech.

Mr. JONES of Washington. After the administration got in I think everybody recognized the situation that confronted us with reference to the shipping that we had bought during the war. After the Shipping Board was appointed and had gotten to work and gotten things in shape, and it was found that certain provisions of the act of 1920 would not be carried out, the board felt that some steps should be taken to meet the situation that confronted us with reference to our shipping, it being the desire and the expressed purpose of the act of 1920 that our ships should be gotten into private hands as soon as possible under ordinary good business methods, it being the policy, as declared in the act of 1920, that we did not intend to carry on permanent Government ownership and operation of these ships. So the Shipping Board began to study the question, and finally, my recollection is, they appointed a committee composed of representatives of business men, representatives of the shipping interests, representatives of financial interests, representatives of labor interets, and representatives of the farming interests, to study the problem and see if they could work out legislation under which we would build up an American merchant marine.

I met that committee at some of its hearings as chairman of the Commerce Committee, and representatives of the House committee also met with them, and we discussed there, you might say, general principles, general policies. Finally, the Shipping Board, in conference with these representatives, worked out this plan, and I understand that a resolution was passed by the Shipping Board unanimously, Democrats and Republicans approving this proposition—that is, approving the general policies and general principles that were to be incorporated in the bill—and then these policies and principles were put into the hands of experts, and the bill was drafted in the Shipping Board.

I will say also that it was submitted to a conference of the Republican members of the Commerce Committee and the Merchant Marine Committee of the House, and the general principles and policies were discussed, some suggestions were eliminated, some other suggestions were adopted, and then the bill was drafted in the Shipping Board and presented to Congress.

That is a brief outline of the drafting of the bill.

Mr. McKELLAR. I am greatly obliged to the Senator. Now may I ask him if the cash subsidy was suggested by him?

Mr. JONES of Washington. Oh, no; it was not suggested by me.

Mr. McKELLAR. I felt quite sure that was the case.

Mr. JONES of Washington. But I have stated several times that I have reached the point where I will support any proposition that gives a reasonable promise of developing and maintaining a permanent American merchant marine, because I consider it of such tremendous importance to the people; and as I had no hope of enforcing the provisions of the act of 1920, which I believed in and still believe in, so far as that is concerned, I was willing to accept this as the conclusion of these experts and of these experienced men as the only other proposal that offered any hope of accomplishing what I so much desired. So I accepted it as an alternative, and I say frankly that is the ground upon which I support it now.

Mr. McKELLAR. Then it is not a proposal of the Senator from Washington, the chairman of the committee, but it is a proposal of the best minds in the Shipping Board and in the shipping interests generally and in financial circles?

Mr. JONES of Washington. And the labor interests were represented, too, as they are represented on the board.

Mr. McKELLAR. And also a representative of the labor interests?

Mr. JONES of Washington. Of course, frankly——

Mr. McKELLAR. The Senator is always frank.

Mr. JONES of Washington. I should say that the representatives of the American Federation of Labor appeared before the joint committee and opposed it; but, as the Senator knows, one of the members of the Shipping Board is a representative of labor. I forget now; I think he is a representative of the Longshoremen's Union.

Mr. McKELLAR. Yes; I recall that.

Mr. JONES of Washington. But a very prominent labor leader and labor representatives were on this committee to which I have referred.

Mr. McKELLAR. Were there any other labor representatives there except the representative on the Shipping Board?

Mr. JONES of Washington. I understand so. I think so; but I could not name them now.

Mr. McKELLAR. As I understand the Senator, his proposal in 1920 of a differential on goods coming in in American ships was a proposal that he thought exceedingly wise if it had been put into practice.

Mr. JONES of Washington. Yes, sir.

Mr. McKELLAR. And that—to use a slang expression—it would have "turned the trick" if it had not been vetoed by the President; first by President Wilson and afterwards by President Harding.

Mr. JONES of Washington. I think so.

Mr. McKELLAR. As the Senator knows, in the substitute bill which I have offered I have proposed exactly the same thing in substance. I want to say to the Senator and to the Senate that an American merchant marine has been a hobby of mine for many, many years. Long before I came to either branch of Congress I made speeches on the subject. I have always been in favor of it. There is no man in this Chamber or elsewhere who is more in favor of building up a merchant marine than I am, and I want to say to the Senator that a great many of the provisions of his bill meet my entire approval. I am inclined to think I would vote for them all if the cash-subsidy provision could be taken out, as I shall explain in a few moments. The reason why I stopped and asked the Senator the question I did about his own views on the merchant marine was that I did not believe that the idea of a cash subsidy originated with the Senator. I felt that it came from other sources, just as the Senator has said, and I am glad to know that it is not his proposal. I want to say to him that it would be a great deal harder for me to vote against it if I knew that it was what the Senator himself proposed originally as a cure for the situation that now confronts our merchant marine, and that is why I stopped to ask that question of the Senator.

I want to finish this editorial. It is short. I must hurry on, for I have a great deal more to say. I have taken up more time now than I ought to have taken. I should welcome the withdrawal of the bill at any time, so that we may not take up more time.

The Post continued, in this editorial of February 27:

"There was no such justification, however, for the ship purchase bill. No one knew where the proposal came from originally. They knew that the President sponsored it, and it proved that his influence was sufficient to rush it through the House under high speed toward the close of the session. But it was indicated at that time that action by the House would be considered sufficient vindication for the principal backer of the measure.

"It is idle for the administration to think that the bill can be pushed through the Senate at this late day in view of the demonstration of the opposition. The word that comes from the White House to make a last attempt can hardly be complied with, even by the most devoted followers of the administration.

"Reports that legislative 'strong arm' methods will be used to obtain a final vote need not be taken seriously. There is not only a strong minority to protest, but there is an actual majority against the bill as it stands. Any further efforts in the measure's behalf will simply demonstrate the weakness of its support."

Mr. CARAWAY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Arkansas?

Mr. McKELLAR. I yield; yes.

Mr. CARAWAY. Was that this bill that they were talking about?

Mr. McKELLAR. Why, no; it was not this bill. That was an editorial when the Post was on the other side of the question. They said that no bill brought in at this late date, just about this ime in the session, could be pushed through.

Mr. CARAWAY. The Senator astonishes me. Has the Post been on two sides of a question?

Mr. McKELLAR. Quite so. I have attempted to demonstrate that that is so from the official organ of the administration.

Mr. CARAWAY. I am honestly pained.

Mr. McKELLAR. I am sure that the Senator is as I am.

Mr. President, I have had handed to me an editorial from the World which I have not read with care; I have just glanced over it, but it is on this very subject. If it says any harsh things I am not going to subscribe to them, because I am not going to say anything harsh about anybody to-day.

Mr. HARRISON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Mississippi?

Mr. McKELLAR. I yield.

Mr. HARRISON. May I ask the Senator whether that is the editorial in this morning's World?

Mr. McKELLAR. It is.

Mr. HARRISON. That does not accuse the distinguished Senator from Washington [Mr. JONES] of filibustering against the ship subsidy bill, does it?

Mr. McKELLAR. I have not read it with care, but I will read it now to the Senate and let the Senator form his own conclusions. It does not say that the Senator from Washington is engaged in a filibuster, though it did look yesterday and this morning a little as if there was some help from his side of the Chamber, but it does call the filibuster by a different name. It calls it "Mr. Harding's filibuster." That is the title of the editorial.

"Mr. Harding alone is responsible for the Senate filibuster and for all the legislative consequences of it. The blame rests wholly with the President, because the President is trying to nullify the verdict of a national election.

"Mr. Harding is determined that a great question of public policy shall be settled by a discredited Congress. He insists that Senators and Representatives who have been defeated by their constituents shall have the deciding voice in controlling Treasury expenditures over a period of 15 years. Going over the heads of the voters, he has appealed to the sheer brute power of party organization plus the patronage that the Executive can use to reward his followers. No more shocking spectacle of downright political immorality has ever been seen in Washington than that which is now presented under the auspices of the President of the United States.

"Like most weak men, Mr. Harding is capable of extreme exhibitions of sheer obstinacy. For reasons that are not clear either to the Republican leaders in Congress or to members of his Cabinet, he has set his heart on a particular piece of ship subsidy legislation to the exclusion of everything else. There is no popular sentiment in support of this bill. For nearly a year eminent Republicans in Congress have been telling him that the country was against it, and the elections last fall confirmed everything they said to him. Nothing, however, has changed the President's personal opinion. Hypnotized by Lasker and Laskerism, he has given himself over to this reckless raid on the Treasury.

"Knowing that he can never obtain his subsidy legislation from the Congress that was elected in November, he is using all his influence to obtain it from the Congress that was repudiated in November. By the votes of 66 defeated Representatives he managed to get it through the House with a majority of only 24. He has now mobilized the defeated Republican Senators, and with plenty of Federal jobs to reward them he thinks that he can get it through the Senate before March 4 if he can bring it to a vote.

"There have been times when a filibuster was a denial of the principle of representative government, but this is a case in which it is a vindication of that principle. The Senators who are blocking a vote in the Senate are the exponents of majority rule. They are fighting for the rights of a newly elected Congress to represent the people of the United States on an important issue of public policy.

"This is no ordinary piece of legislation. It is not a bill that carries an appropriation for a single year, which the next Congress could discontinue; nor is it an act that the next Congress would feel free to repeal if it saw fit. Mr. Harding is trying to establish by law a legal obligation on the part of the United States Government to pay out hundreds of millions of dollars to private interests over a period of 15 years. He is trying to enact a contract. He is trying to tie the hands of eight succeeding Congresses and four succeeding administrations.

"That is something that no President should be permitted to do without a mandate from the people themselves. It is something that no President has a moral or a political right to undertake except in consequence of a definite party pledge which has been ratified at the polls. Mr. Harding is asking a verdict from a packed jury before whose eyes he is dangling the emoluments of Federal office, and a filibuster is the only answer to the methods that the President has adopted."

Mr. President, the President of the United States made a mistake in endeavoring to jam through this legislation at the short session of Congress. It is legislation that ought to be given most careful consideration. It ought to be debated. Senators should stay in their places in the Chamber and consider the measure before they vote. I look over at the other side of the Chamber, and there are now three Republican Senators there; and yet when Senators come in to vote many of them will vote without having examined the bill and without having even read it or even thought about it. I wonder how many Republican Senators have read it at all? I wonder how many have considered it? I wonder how many of them have spoken on it? So far as I recall, only two or three Republican Senators, maybe only one, have spoken in the debate on the ship subsidy bill. If it is a good measure, why are they not willing to come out and fight for it? If it is a good measure, why are they not willing to submit it to any body of men? If it is a good measure, why are they not willing to submit it to a Congress that was elected on that issue?

Oh, Mr. President, Senators on the other side of the Chamber are taking it like a child takes a dose of castor oil. They are holding their noses while they take it. They do not want to vote for it, but most of them could not be pleased better than by getting it out of the way in some manner. They have not examined it, because they are not interested in it. They do not believe in it. Any Senator who believes in a measure and who thinks it is for the best interests of his country and his constituents is delighted to get up and speak for it. If it is a measure that is helpful for the best interests of the Republic, instead of having empty benches on the other side of the Chamber we would find Republican Senators vying with each other to get recognition from the Chair in order to speak for it. They know it has been discredited. They know that the people have repudiated it. They know it ought not to be enacted into law.

THE BILL AND MY SUBSTITUTE.

Now, Mr. President, I next come to a consideration of the bill itself. As I said a little while ago, no person in the United States would more earnestly, more heartily, more sincerely be in favor of building up a great American merchant marine than I. I would go to any reasonable length to get it. I would go to any reasonable length to make our present merchant marine a success. If I honestly and sincerely thought that the way to build up the American merchant marine was to vote for a subsidy for it, I would even vote for the subsidy. But I do not believe that. I believe that the surest, the best, the most perfect way to destroy an American merchant marine is to pass the provision contained in this bill providing for a cash subsidy. Believing that, I would be dishonest if I voted for it. I would be dishonest if I did not use every honorable effort within my power to defeat it.

What is the proposed subsidy bill? Speaking briefly, the purpose of the proposed bill, first, is that it desires to take the Government out of the shipping business at the earliest possible moment by causing the Shipping Board to sell and dispose of our immense merchant marine fleet amounting to some 10,000,000 tons, the second largest in the world, largely now idle—no business for it; shipping lower than it has ever been in history—practically nothing in the way of demand. And yet at this time, with shipping at a lower ebb than it has ever been in the history of the world, with this immense merchant marine fleet that we have, it is deliberately proposed by the proponents of this bill to sell our vessels and get them into the hands of anybody, just so the Government can get rid of them. Sell them if we can, but give them away if necessary. That is virtually what is meant by the bill.

The bill next proposes to have the Shipping Board dismantle something like one-half of our American merchant marine, of the poorer ships; and the purpose of that is to dismantle the poorer ships. I suppose they mean to destroy when they say "dismantle," to sell as junk or sink if necessary. But why? Because they are not good cargo ships? Because they are not as excellent ships as there are on the seas? No; the reason for it is, as stated by Mr. Lasker in the hearings, that he wants to get rid of one half of the tonnage so that the other half which he puts in the hands of those who purchase it may not have the competition that the poorer ships will cause. We are to sell about half of them at a nominal price to private owners and then sink the rest of them, so the others may not be sold in the future and come in competition with those which are sold now.

I wonder what the American people would think if it should be brought to them that here, after years of trial, after years of trouble, after this enormous expense, it is deliberately proposed in the bill to sink one half of our tonnage in order that the other half may make more money in the hands of private owners. Yet that is what the bill proposes to do. Can it be said that any sane, reasonable man, not spurred on by the executive whip, is going to vote for that? That is one of the reasons why there is so little interest taken in the shipping bill by Senators on the other side of the Chamber. It does not meet their approval any more than it meets our approval, if the truth were known.

Next, it is proposed to give subsidies largely to fast ships, passenger ships, while the amounts paid to the freighters will be inconsequential. We all know that the lines between the United States and Germany and England are for the most part highly profitable lines. No other government gives a subsidy to its passenger lines between those points. Yet if this bill passes the principal beneficiary of the bounty or subsidy will be the two lines already established, the great passenger-ship lines now making money, certainly not losing any, running between New York and London and between New York and Bremen. The Bremen line, as I understand, made $700,000 last year under Government control, or quasi Government control, and the other line, by reason of the fact that it can get no cargoes on the return trip from Great Britain, lost about the same amount. But this is the worst year shipping has ever had. No one believes that the present condition is going to continue. It is not going to continue. It is going to get better.

Mr. DIAL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from North Carolina?

Mr. McKELLAR. I yield.

Mr. DIAL. If we are going to give subsidies at all, would it not be better to give them to the freight lines?

Mr. McKELLAR. Of course, the Senator is right. The idea of building up a merchant marine by giving subsidies to the ship lines that need no subsidies and withholding them from the freighters is absolutely without merit in my judgment. Even if I believed in a subsidy I would not believe in giving it to the great passenger lines, these great floating palaces which afford rich people every accommodation at tremendous fares for taking them across the ocean. I do not believe those are the lines that ought to have subsidies, even if I believed in a subsidy at all, which I do not. But if we are to vote any subsidies, if a subsidy is to be paid, if the bill should be passed over my protest and the protest of others who do not believe in it, surely the subsidy should be given to the freight lines that would bring business to the American people and give us trade and commerce with all the world.

Mr. DIAL. As I understand the bill, there are not many of the freight ships that would receive a subsidy under it, not many of the ships owned by the Government.

Mr. McKELLAR. I think some of them would receive something like $10,000, which would mean nothing.

Mr. DIAL. A great number would receive practically nothing.

Mr. McKELLAR. Just a little gift, lagniappe, so to speak, as, I think, they call it down in Louisiana. It would not amount to anything. It is not enough to build up any freight lines.

Mr. DIAL. It would not even help to sell the ships.

Mr. McKELLAR. No; it would not help to sell the ships. We can not sell the ships at this time under any circumstances. The markets of the world are clogged with ships at this time. It is not a good time to sell our ships.

I understand that 65 per cent of the Italian ships are idle to-day and tied up; that 25 per cent of Great Britain's ships are idle to-day and tied up, and various percentages in all countries, running from 25 in Great Britain to 65 in Italy, are tied up. They are tied up all over the world for lack of business. To select a year like this for the sale of 10,000,000 tons of shipping is, to my mind, without any merit whatsoever. It is not a time to sell our ships. I doubt if we could give them away to-day. I doubt if we could sell them with double the subsidy.

I come now to the next thing in the bill itself. In the fourth place, it provides in substance that all of the people shall be taxed to pay a few shipping interests sufficient subsidies to keep their lines going. I think I am hardly accurate about that. I think the two great passenger lines which would get a large part of the subsidy do not need any subsidy to keep them going, but they will get it just the same. They will be the beneficiaries of it.

The great passenger lines that make money now will be the principal beneficiaries of the subsidy. Why should we tax all the American people—tax the farmers, the merchants, the lawyers, the doctors, and the rest of the American people—to pay the owners of these great lines running between New York and London and between New York and Bremen this enormous subsidy? Mr. President, others may take such course as they desire, but I am not going to give my consent to spending of the people's money for any such purpose.

The bill next proposes to devote practically all the proceeds from the sale of our entire merchant marine to constitute a revolving fund to be loaned to favored shipping interests at a very low rate of interest in order to build more ships in the future. If the bill passes, the American Government will never see another dollar of the enormous amount that is now invested in the American merchant marine. I doubt very much whether the fleet that cost the American Government over $3,000,000,000 could be sold for enough to create the $125,000,000 revolving fund that is to be loaned to the shipping interests in the future, as provided in the bill, after all expenses are paid. I doubt it very seriously. I would not be at all surprised, when it comes to a show-down, that after selling the ships, if we establish the revolving fund, we will have to make additions to it through appropriations by taxation upon the American people. Is there any excuse for it? It is absolutely inexcusable.

I next come to some of the vices in the bill. I think the chief vice in the bill is the cash subsidy. Why should we tax a portion of the American people for the benefit of the favored few? What justification can we find for it? What reason can be given for it? In my judgment it is bad in principle and worse in policy, because it will not do what is claimed for it.

I next call attention to the fact that this of all times is not the time to sell ships. The idea of dismantling, as the chairman of the Shipping Board suggests, one-half of the tonnage at this time is wrong. It is said that the ships are not exactly what they ought to be. They do not exactly suit the trade. Besides, if the Government sells half and keeps half, it might sell the other half to other shipowners in the future when the shipping business would get better and take away the profits that the favored few would otherwise receive. Is not that a remarkable proposition? I hope Senators who happen to be listening to me will get the full force of it. Here we have 10,000,000 tons of shipping, depending on how we count them, whether dead-weight tons or other tons. The Shipping Board proposes to sell one half of it and dismantle the other half. The fleet cost this Government over $3,000,000,000, and yet they are going to dismantle one-half so that we might now have too many ships for the favored interests to whom we are going to give the subsidy. Is that the principle? Any Senator who wants to uphold that proposition of course is at liberty to do so, but as for me I shall not vote for any such bill.

Mr. President, I next come to some of the good provisions in the bill, for it is not wholly bad. There are some good provisions in it. The provision providing cheaper insurance is a good one. British ships are insured at a slightly less rate than American rates. The American Government ought to see to it that we are put upon equality with Great Britain in the matter of insurance. A bill has already been passed along that line.

This bill contains provisions proposing to amend the present marine insurance law. I think those are excellent provisions; they are in the future interest of our shipping; I not only have no objection to them, but I think they ought to be enacted into law; and I have no doubt they will be enacted into law.

The next provision proposes that 50 per cent of immigrants coming to this country shall be brought here in American ships. That is a splendid provision. It might be made much better by providing that 100 per cent of the immigrants who come here from abroad, who come here as a privilege which is given to them by us, should be brought in American vessels. They ought to be examined before they reach here; and they ought to be brought here entirely in American vessels. Instead of 50 per cent of them being so brought, I should be in favor of bringing in American vessels all of the immigrants who come into this country. It would give our ships business to which our ships are entitled.

There are other reasons why immigrants ought to be brought here in American ships. Our officers and agents should examine them before they come to this country. As we all know, foreign ships now bring immigrants to Ellis Island in great numbers; great numbers are frequently turned back, and the American Government has to pay the foreign ships for taking them back. Why are they sent back? Because they have not been properly examined before they arrive here. Mr. President, why would it not be good business, and why would it not be a protection to the American people to have these examinations made by our own officers and agents before the

immigrants leave the shores of Europe? We would save millions of dollars a year by pursuing that policy. By the way, it is estimated that if one-half of the immigrants who come to this country each year even under the present law were brought in our ships they would yield a revenue to them of something like $8,000,000. There is no reason why that can not be done.

I am very much in favor of that, because it would be giving not a subsidy to our shipping interests but it would be giving passengers to our ships, furnishing them with business. Our ships do not need, the ships of no nation need, subsidies. What they need is passengers and cargoes. Any ship that has passengers and cargoes does not need a bounty from the Government in order to run.

I will give an illustration of that. A large fleet of ships is owned by the Standard Oil Co., another large fleet of ships is owned by the United Fruit Co., another large fleet of American ships is owned by the United States Steel Co. Those ships do not need a subsidy, for they have business; they carry cargoes and they are making money. The only way we are ever going to build up a merchant marine is, so far as we can by law and by custom, to give our ships passengers and cargoes, to give them business. When we give them business, give them passengers and cargoes, they will need no cash subsidy from the Government. The granting of subsidies is wrong in principle and wrong in policy.

So I say, Mr. President, that this provision of the bill in reference to 50 per cent of immigrants coming to America being brought in American vessels, even though it does not go so far as I think it ought to go—for instead of providing that 50 per cent of those immigrants should be brought here in American ships the provision should be that all immigrants who come to this country should be brought in American vessels—is a good provision. We have a perfect right so to provide. It would not be a discrimination against foreign nations to have such a provision in our law, and I heartily join the Senator from Washington in the proposal which is contained in the pending bill.

I next come, Mr. President, to the provision of the bill which takes over the Army transport service. Of course that service ought to be under the Shipping Board. Such a transfer will mean additional cargoes for our ships; it will help build up business for the American merchant marine. That is a good provision, and I am heartily in favor of it. I am for any provision in the bill which will give to our merchant marine more business, more cargoes. Such provisions ought to be adopted. They ought not, however, to be connected with provisions of the bill for cash bounties and subsidies to a favored few.

I next come to the provision of the bill in reference to coordination between rail and water transportation. Of course that should be enacted. There is but one objection to it, and that is it is not strong enough. We ought to see to it that our railroads, instead of making contracts with foreign shipowners to transport across the water in foreign vessels freights which are carried to our seaboard, shall make contracts with American shipowners to carry those cargoes, when they are delivered at the seaboard, in American bottoms. That, of course, is a good provision. I am afraid that the proposed provision in the bill is not a workable one, but it ought to be made workable. We ought to make our shipping companies and our railroad transportation companies coordinate; we ought to make each of them useful to the other. We ought to see to it that our railroads are not permitted to make contracts with foreign shipowners for the carriage of freight across the ocean in foreign vessels to the detriment of American shipping. I am sorry the Senator from Washington has not made that provision stronger, but I indorse it so far as it goes.

Mr. JONES of Washington. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Washington?

Mr. McKELLAR. I yield with pleasure.

Mr. JONES of Washington. Mr. President, I think I may say that if there is any provision in the pending bill which originated with me it is the provision with reference to the coordination of rail and water transportation.

Mr. McKELLAR. I wish to congratulate the Senator.

Mr. JONES of Washington. I will say to the Senator from Tennessee that the provision does not go nearly so far as I desired that it should go.

Mr. McKELLAR. I again congratulate the Senator.

Mr. JONES of Washington. I am glad to hear the Senator say that he is in favor of bringing about and enforcing, if possible, coordination between the railroads and the water lines; and I hope that we shall be able to amend the bill so that when it is passed it will have a stronger provision in it along that line. We ought to compel coordination between the railroads and the shipping lines.

I am not going to state here why the provision is not stronger; I may do so before we get through; but I will be glad to state to the Senator himself why it is not stronger. It is not the fault of the Shipping Board, however; I will say that much.

Mr. McKELLAR. I feel sure that there is no disagreement between the Senator from Washington and myself on that subject. Knowing the Senator as I do, and knowing what a great friend he is of the merchant marine of the United States, I know that if it were left to him to determine the kind of a bill that would most effectively build up and maintain the American merchant marine he would be for making that policy stronger. We would find him working for it at all times under any administration; and he would not be for the cash subsidy now if it had not been inflicted upon him by outsiders.

Mr. President, the Senator says that, so far as we may be able to do so, we ought to make the railroad carriers and the ocean carriers coordinate. We have absolute authority under the Constitution to do that; there can not be any question of the power of Congress over foreign and domestic commerce, and I have no doubt that all it is necessary to do is for a workable plan to be submitted to Congress, and then this matter can be handled in such a way as to make our merchant marine infinitely prosperous if it were adopted.

Mr. JONES of Washington. Mr. President——

Mr. McKELLAR. I yield to the Senator.

Mr. JONES of Washington. If the Senator will permit me, I do not want to be understood as implying that we do not have the constitutional power to take such action. I think we have, and I believe that we could, merely by changing a word or two, make this provision much stronger than it now is and much more along the line the Senator and I both want.

Mr. McKELLAR. I am quite sure that in a subsequent session, when we have more time to perfect this bill, the Senator and I and others who are interested in building up the American merchant marine will perfect it in such a way as to give our ships cargoes and make those who own the ships and operate them prosperous, as they should be.

Now, Mr. President, I come to the next proposition, namely, the transportation on American vessels of the agents and representatives of the United States who travel abroad. It is a very remarkable thing that, despite all the ships the United States has, it is necessary to pass a law to require the agents and representatives of the American people who are compelled to go abroad to travel in American ships. Yet that is what we have got to do. It is provided for in this bill, and it is a very proper provision. I am heartily in favor of it. The Senator from Washington will remember that to every appropriation bill, I believe, considered during the present session—I do not know whether they were finally adopted in conference—I have sought to have attached amendments providing that our representatives who are compelled to go abroad shall sail on American vessels wherever that is possible. Under present conditions the Government pays millions of dollars to foreign ships for the transportation of our representatives to all parts of the world. Mr. President, Americans ought to have more patriotism, more love of country, than to be willing to sail at Government expense on foreign ships when there are good American ships to carry them; and yet we have got to enact into law a a provision forcing them to travel on American ships.

I recall a short time ago that our great ambassador to London when he was sent for to come home on a matter of business crossed the ocean to this country and returned to England, as I recall, on a British ship; an American ship was not good enough for him. I have not looked to ascertain, and I do not know whether it was finally adopted in conference or not, but on the diplomatic and consular appropriation I secured the adoption of an amendment requiring representatives of the State Department, great and small, to travel on American ships if they travel at Government expense. I hope that amendment was left in the bill. If so, our American ambassador to London and other ambassadors, representatives, and agents, high and low, will all have to travel upon American ships. That is as it ought to be. The amounts paid out by the Government for such purposes run into the millions of dollars a year, and our ships should receive the benefit of that expenditure. Of course, the provision in the bill on that subject is a good provision; I indorse it strongly; and if it were not for the cash subsidy that is provided for in the bill, the remainder of the bill, bad as some parts of it are, would have my approval beyond the shadow of a doubt.

I next come to the provision requiring the transportation of Government supplies on American vessels. Mr. President, it is a remarkable thing that Government supplies are shipped on foreign vessels and not in American vessels. We have nearly a thousand good steel vessels laid up all along the Atlantic seaboard and some on the Pacific coast; many of them are tied up at Jamaica Bay, near New York; others are tied up in the Delaware River and the Chesapeake Bay and in the James River—they are tied up by the hundreds—and yet the American Government is taxing the American people to pay for the transportation of Government supplies to various parts of the world in foreign vessels. I heartily indorse the provision of the bill on this subject.

I also indorse the provision in regard to tonnage dues. I think that is entirely proper.

Mr. President, I have pointed out, as well as I could, some of the faults and defects of the pending bill, and also some of the good provisions of the bill. I have offered a substitute, as the Senator from Washington knows, for the pending bill. By the way, I wish to digress long enough to say that the Washington Post states that no alternative proposal has been submitted for the ship subsidy bill. I am sorry that the Post has not looked into my substitute, which I think is a most excellent one, and I have no doubt that in the next session of Congress I will find that my distinguished friend from Washington will be actively aiding and supporting me in the adoption of some such measure. I do not mean to say the exact measure as proposed in my substitute, but something along similar lines.

I wish to explain exactly what my substitute proposes. It suggests several changes. My proposed substitute accepts all the good provisions of the pending bill to which I have just referred; they are all incorporated bodily, just as they appear in the bill advocated by the Senator from Washington. I do not even propose to change the transportation features, because I thought those provisions really ought to go to a committee and be improved in the way that the Senator has pointed out; but there are two essential differences between my proposal and the bill reported by the committee.

Mr. President, it is one of the most remarkable things in all American history that the only war which we did not win entirely and absolutely was the War of 1812. That was the war in which our Capitol was burned. Great Britain had the advantage. It will be recalled that we went to war because of the impressment of our seamen and the insistence upon the right of search of our vessels. It is remarkable that in the treaty of peace concluded after that war was over not a word was said about the two principal things for which we went to war. England merely granted us a respite or a cessation of hostilities, without making any agreement virtually that bound her, except what I shall relate in a few moments. Students of history will recall that all that saved us in that war was the brilliant and wonderful victory of Andrew Jackson over the British at New Orleans on January 8, 1815. That victory was won after the war had closed, but General Jackson had not been informed that a treaty of peace had been signed, communication in those days being very slow, and, therefore, not knowing that the fighting was over, he won one of the most brilliant victories of our history.

Mr. BROOKHART. Mr. President——

Mr. McKELLAR. I yield to the Senator.

Mr. BROOKHART. Does not the Senator think that the reason this war is not over right now is that Senators on the other side have not heard of it as yet?

Mr. McKELLAR. Does the Senator mean the subsidy war?

Mr. BROOKHART. Yes.

Mr. McKELLAR. The Senator may be right about that. I read editorials a little while ago in which it was stated that this was a Democratic filibuster entirely. The Senator happens to be a Republican from the good State of Iowa, and I have been informed that not only the Senator from Iowa but quite a number of other Republicans were just as determined, if not a little more determined, that this bill should not pass at this session than any of us Democrats. Am I correct about that? I do not want to mislead anybody.

Mr. BROOKHART. I can assure the Senator that he is absolutely correct.

Mr. McKELLAR. I thank the Senator for that assurance.

Mr. President, I have been diverted for a moment. I want to say that it may be wondered why I am referring to the war of 1812 in this way in an argument on the ship subsidy bill. I will tell Senators why. A treaty of peace with Great Britain was eagerly sought by our representatives, and signed in 1815 under the circumstances that I have mentioned, Great Britain assuming that she was the victor, and our representatives virtually assuming that we were the vanquished. What was the result? The result was that we entered into a commercial treaty under which American rights were sacrificed in a marvelous way. Why, in large portions of the British Empire our merchant ships were not allowed to go into the harbors, save for water. They could not trade with the people; they could not obtain cargoes in the harbors along the Indian Ocean or the South African waters or the African waters at all, or even in the Mediterranean Sea. We gave up the right even to trade with those British Provinces; and what was the result?

You would have thought that that treaty would have been annulled by our Government long ago; and yet the remarkable situation exists to-day that that treaty, made in 1815, is still the law of the land, an existing treaty between this country and Great Britain; and recently—I do not know whether it has been changed lately or not—our ships went to Egypt, for instance, loaded with American goods for Egypt, and they had to get sand from the desert of Sahara for ballast to bring the ships back, and you gentlemen recently put a tariff tax on that ballast. Great Britain, by order in council, did not permit the Egyptians to send back their goods in American ships, but they had to come here in British ships, under the provisions of that treaty of more than a hundred years ago. So it is with other colonies, and so it is that these discriminations against our shipping have been practiced. There are other treaties of like kind.

Congress in 1920 passed a bill, under the leadership of the present chairman of this committee, my distinguished friend from Washington [Mr. JONES], which authorized and directed the President of the United States to annul and abrogate that treaty thus discriminating against American rights. President Wilson, who was President at the time, declined to do it, on the ground, I understand, that it was an invasion of the Executive prerogative, and later on President Harding took the same position.

Mr. President, with those treaties in the way we are not in a position to build up our American merchant marine. Those treaties ought to be abrogated. It has been held that the Congress has a perfect right under the Constitution to annul and abrogate commercial treaties of this kind. I call the attention of the present Presiding Officer [Mr. ROBINSON in the chair] to the fact that I believe in 1912, when he and I were Members of the House, Congress passed a bill or a joint resolution abrogating the treaty of 1832, made with Russia, for reasons which were set out at that time. There is no doubt about the power of Congress to abrogate these treaties. There are 26 of them in all. Our Executives have refused to do it, and I am not blaming anybody. They may have been within their rights, but Congress will also be within its rights if those treaties are annulled, as they ought to be. This Government of ours, in building up a merchant marine, ought not to permit any Government to discriminate against the American Government in the matter of its trade and commerce abroad. There ought not to be any discrimination, and yet under these old treaties it is provided that discriminations can be made, and they are made every day.

Mr. President, I submit in the substitute I have offered, in sections 13 and 14, provisions annulling and abrogating and declaring at an end these treaties that militate against the success of our merchant marine. They ought to be abrogated. They are not in consonance with the times. They are out of date. They are discriminative against us. They constitute an outrage upon our business and they should be abrogated, and I propose that the Congress shall abrogate them in the way I have mentioned; and that is one of the principal differences between my substitute and the bill as reported by the committee.

The next principal difference, Mr. President, is a corollary to that provision. I now read it. It is very short:

"SEC. 15. The Secretary of the Treasury is hereby authorized and directed to set aside upon receipt of 5 per cent of the amount of all custom duties paid under law in force at the time of the enactment of this act or under laws subsequently enacted on all goods, wares, and merchandise imported in ships of the United States, and to pay out the same to the importers of goods, wares, and merchandise which shall be imported in such vessels of the United States, said sums to be paid in proportion to the duty collected on the goods thus imported by each importer: *Provided*, That these payments shall not be made prior to a day 15 months after the passage of this act, at which time the treaties mentioned in sections 13 and 14 of this act shall have been abrogated and annulled by this act, unless it shall be determined finally by the courts that this section is not affected by said treaties: *Provided further*, That no such sums shall be paid to any importer who imports any goods now on the free list, or which may hereafter by law be put upon the free list, in

vessels other than in those of the United States, and the Shipping Board shall establish rules and regulations by which the fact of importation of goods on the free list shall be determined: *And provided further*, That persons traveling and returning to the United States bringing goods, wares, or merchandise with them, shall likewise be entitled to 5 per cent of the duties paid by them: *And provided further*, That this section shall not apply to importers transporting their own products in their own vessels."

Mr. President, I want to say in reference to this provision that in my judgment it is infinitely better than the cash-subsidy provision of the pending bill. In so far as we Democrats are concerned, of course it should meet the approval of every one of us, for the reason that it reduces the present high tariff horizontally 5 per cent on all goods brought in American bottoms. No advocate of a low tariff could possibly object to this provision. It saves the 5 per cent, not to any favored interest but to the merchants who import the goods. It allows those persons to sell to the American people those goods thus brought in American bottoms cheaper than those merchants who bring in their goods in foreign bottoms. It gives an advantage to those patriotic Americans who help to build up American shipping, and they ought to have the advantage.

Mr. President, let us see what else it does. A provision like that will mean that the American merchant marine will get cargoes. That is the purpose of it—to get cargoes. Any importer of foreign goods into this country will, of course, take advantage of the law to obtain a 5 per cent reduction in tariff duties by bringing in those goods in American vessels. What will that mean? That will mean business for our American merchant marine. That will mean cargoes for our American merchant marine. That will mean the true building up of our merchant marine. It is not a gift to them. You do not give them a thing. You merely furnish to them cargoes for their ships. I say to the Senator from Washington, in whom I have the greatest confidence, that in my humble judgment a 5 per cent differential on goods brought in in American bottoms will do the American merchant marine a thousandfold more good than three times the subsidy provided in this bill.

Mr. JONES of Washington. Mr. President——

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator from Tennessee yield to the Senator from Washington?

Mr. McKELLAR. I yield to the Senator.

Mr. JONES of Washington. Of course, I recognize the importance of having cargoes for American ships, and, of course, that was the primary object of the discriminating-duty provision; but, while I may not understand it, as I understand the Senator's provision he sets aside in the Treasury 5 per cent of the duties collected upon imported goods, and then he takes that money and pays it to the importer as a subsidy for bringing those goods into this country in American ships. I can not see the difference in principle between that and what we provide. It is a different application, but I do not see that it is a different principle.

Mr. McKELLAR. It is quite the contrary. I do not recall the history of the Senator on the tariff bill. I believe that he is a high-tariff man; but take those of us who believe in a lower tariff than we have. There is not one of us who would not vote for a horizontal reduction of 5 per cent on the present high-tariff duties. It would mean cheaper goods for the American people. I would vote for that whether it provided cargoes for our American merchant marine or not. I would vote for just the bald proposition, and not only vote for it but work for it and support it, because it is in consonance with what I believe about the tariff. I think the present tariff rates are too high. I would vote for a horizontal reduction of the tariff of 5 per cent with nothing else, and even more, perhaps; but when we can couple with that the bringing to our American merchant marine of an enormous amount of business which will make them prosperous, it seems to me that it should meet the approval of practically every one, and it is no form of a subsidy, no form of a bounty. It can not be construed into a bounty. Why? These importers are the ones that pay the tax. It is a lessening by 5 per cent of the taxes now levied upon importers of goods. It can not be said that it is a bounty to them. It is not at all. It is a reduction of tax, and a reduction of tax in such a way that it will force into American bottoms an enormous quantity of goods.

This is no new item. It has been suggested in the past quite frequently. It was enacted, in substance, in a law that was passed by the Congress in 1913, known as the Underwood-Simmons bill, and in that bill there is a provision for a differential of 5 per cent on goods brought in American bottoms, and, as I recall, some court held that it was unconstitutional; but, at any rate, it never has been enforced. The Senator will recall, from the history of our merchant marine, that for nearly a half century after the formation of our Government a differential duty was placed upon goods brought in American bottoms, and our merchant marine before the war was largely built up by this differential duty.

Mr. JONES of Washington. Mr. President, if the Senator will permit me, I remember about that. I remember that I made a speech in behalf of this provision in the Underwood tariff law.

Mr. McKELLAR. I am delighted to know that. The Senator and I are not very apart on this merchant-marine business.

Mr. JONES of Washington. I think that is one of the best speeches I ever made, and I hope the Senator will read it.

Mr. McKELLAR. I will. I am going to read some more of the speeches of the Senator in a little while—part of that 14-hour speech of his.

Mr. JONES of Washington. That will be fine. My point, however, was this: I do not think there will be much controversy between the Senator and me on the principle, except that it seemed to me that the Senator has the provision framed contrary to what he has been arguing with reference to the principle of the subject.

Mr. McKELLAR. Oh, no.

Mr. JONES of Washington. I may be wrong about it, but the Senator takes this money and puts it into the Treasury. It is not remitted as a diminution in the tariff, but he takes the money and puts it into the Treasury, and then out of that fund he pays a certain sum to the importer for bringing goods into this country in American ships. It looks to me as though that is a subsidy. I may be wrong about it.

Mr. CUMMINS. Mr. President——

Mr. McKELLAR. I will discuss that in a minute. I yield to the Senator from Iowa just now.

Mr. JONES of Washington. I may be in full accord with the Senator as far as that is concerned——

Mr. McKELLAR. I am quite sure the Senator will be.

Mr. JONES of Washington. Because I am for subsidies when necessary.

Mr. CUMMINS. Mr. President, I ask the Senator to yield to me only for the purpose of making two reports from the Committee on Interstate Commerce.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent, out of order, to submit two reports from the Committee on Interstate Commerce. Is there objection?

Mr. McKELLAR. Of course, I am not to be taken off my feet.

Mr. FLETCHER. Mr. President, I know there are others who feel that there ought to be an objection, so I object.

The PRESIDING OFFICER. Objection is made.

Mr. CUMMINS. Objection is made?

Mr. FLETCHER. Yes, sir.

Mr. JONES of Washington. Mr. President——

Mr. McKELLAR. I yield now to the Senator from Washington.

Mr. JONES of Washington. I do not want the Senator to be uneasy. I will notify him before I propose to invoke the rule.

Mr. McKELLAR. I thank the Senator very much.

Mr. JONES of Washington. The Senator need not worry about that. All I ask is just a reasonable compliance with the rule. I will not invoke it except when I think it is being violated to consume time or parcel out time.

Mr. McKELLAR. I am undertaking in my feeble way to discuss the provisions of this bill.

Mr. JONES of Washington. The Senator has done it.

Mr. McKELLAR. And I have no desire to do otherwise.

Now, Mr. President, I want to say a word about the provision which the Senator and I have been talking about.

The Senator will recall the inhibition in our Constitution against the Senate initiating revenue legislation; and therefore in the Senate an amendment could not be offered providing for a differential in tariff rates such as the Senator has suggested. That was one consideration in the preparation of this provision in section 15.

Another consideration was that such a differential in tariff duties might be in legal parlance a discrimination. Foreign nations under treaties might be in a position to object to a differential which might discriminate in the matter of bringing goods in American vessels. But no foreign nation can object to our appropriating money for any purpose we see fit. Therefore, if precisely the same result could be accomplished as a differential by directing the 5 per cent to be set aside and paid out, it avoids that difficulty which might otherwise be brought up.

But there is even another consideration to which I will call the Senator's attention, and ask his usual thoughtful considera-

tion of it. A differential such as the Senator from Washington suggested awhile ago in tariff duties would affect only dutiable goods. It would not affect goods on the free list at all. The Senator will see that point. More than half of our goods are now on the free list.

Mr. JONES of Washington. It would be very easy for us to provide that goods otherwise on the free list, if brought in foreign ships, should pay a slight duty.

Mr. McKELLAR. That could be provided, but from our Democratic standpoint I would not want to vote for any such provision as that. Of course, the Senator would have no objection to it, but I would. I do not want a tariff put on any more articles than are now on the dutiable list. But the provision that I propose eliminates that consideration in that there is a proviso that if any importer brings any goods on the free list in ships other than American bottoms, the 5 per cent is not paid. So he is obliged to bring his free goods in the same as his dutiable goods in order to get the 5 per cent on the dutiable goods. I think when the Senator comes to consider that provision he will come to the same conclusion that I have reached, that it would be a reduction of the burden of taxation upon the American consumer by a horizontal reduction of the tariff to the extent of 5 per cent, that it would furnish cargoes of dutiable goods for our merchant marine, and it would at the same time furnish cargoes of free goods, goods on the free list, for our merchant marine.

Mr. FLETCHER. Mr. President——

Mr. McKELLAR. I yield to the Senator from Florida.

Mr. FLETCHER. May I ask the Senator if it is not true that people well informed on the whole subject have been favoring for a great many years the principle of discriminating duties as a sound principle upon which to build a merchant marine? That is an old policy approved by people who have made a study of the subject, and it was in force at one time and produced great results in building up a merchant marine. Even good, strong Republicans and good, strong protectionists like the American Economist, for instance, advocate to-day that same principle as against the subsidy. If that is true, why should we not resort to a method of that kind rather than the method of paying money out of the Treasury?

Mr. McKELLAR. I will say to the Senator from Florida that not only is he correct, but I believe it was in 1789, the first year of our Government under our new Constitution, that a bill was passed which provided for a discriminating duty on goods brought in American vessels, and that has been done continuously. It was an American policy continuously up until the treaty of 1815. Great Britain never accepted the provisions of our commercial treaty putting it in full force and effect until 1848 or 1873, and it was that time that marked the beginning of the decline of American shipping. We built up a splendid merchant marine long before the Civil War by reason of discriminating duties which brought cargoes to our fleet. That is what we need now. I want to impress again upon the Senate that the purpose of the provision is to gain cargoes for American ships so that they may prosper. No one is more in favor of building up the merchant marine than I am.

I come to the next principal provision and, of course, instead of the Senator from Washington agreeing with me about this one, he will disagree very firmly, I have no doubt. I come to one of the principal differences between my substitute and the committee bill. Section 17 of my substitute reads as follows:

"SEC. 17. It is hereby declared the policy of the Congress that all the ships now owned by the Government under the direction of the Shipping Board shall be operated for a period of 10 years, either directly by the Shipping Board or by leasing to independent operators under such terms as the board shall prescribe, to the end that the American merchant marine may be established upon a firm and enduring foundation, provided that no ship shall be leased at a loss to the Government.

"And the Shipping Board is hereby directed to establish trade routes and trade connections as rapidly as possible and wherever in its judgment paying routes can be maintained and to utilize every ship that it can utilize without loss to the Government. The Shipping Board is further directed to make a list of such ships as it does not believe can be profitably utilized by the Government or its lessees and make its recommendation in reference to the disposition thereof to the Congress at its December, 1923, session, giving full data as to each ship recommended to be sold to others than American citizens."

Mr. President, at this point I am going to digress and the reason why I digress is because I want to read to the Senate a very excellent defense of the filibuster delivered by my distinguished friend, the Senator from Iowa [Mr. CUMMINS], who I see is now in the Chamber, and who was not in the Chamber when I reached that point a while ago. I did not want to refer to it when he was absent. As he is now here I want to read what he said in 1915 on the subject of the filibuster. I doubt if he is like some of our other friends who have changed on the proposition; I expect that he holds to the same view now; and, therefore, I am going to digress long enough to quote what he said at that time.

Mr. CUMMINS. Mr. Presdient, I very well remember what I said, and my views are not changed in the least degree.

Mr. McKELLAR. I am very glad to know it.

Mr. CUMMINS. I hope the Senator will not look upon me as discourteous if I do not remain to hear read what I so well remember.

Mr. McKELLAR. Oh, no; I shall not; but I will just read it for a moment. I think it will interest the Senate, in view of the present condition with reference to the pending bill.

On February 16, 1915, the Senator said:

"Mr. CUMMINS. Mr. President, as I was just observing, there is room for a very wide difference of opinion with regard to the propriety or wisdom of imposing a cloture upon the deliberations or debates of the Senate.

"I have given due heed, I think, to the arguments for and against the limitation of debate, and without entering into the reasons which have influenced me, I desire to say that in my opinion the weight of the argument is in favor of a limitation of debate in the Senate. When I say that I am not to be understood as saying that I believe the majority of the Senate should at any time have the power to absolutely foreclose further debate, but I do think that a proportion of the Senate—I have not reached a definite conclusion upon that point, whether it should be a majority or whether two-thirds of the Senate—ought to have the power to put into effect a rule which will automatically close debate after a reasonable time, after every Senator has had an opportunity to reasonably discuss the question before the body."

That is a prelude to the part to which I wish to call particular attention:

"There are, however, two conditions which ought to be excluded from the operation of any such rule. There are two conditions against which a filibuster, so called, is not only justified but, I think, imperatively demanded. Whenever the Chief Executive of the country attempts to impose his will upon the Senate, and thus to preclude or prevent that fair and open mind to which all discussion ought to be directed, when Senators do not feel that they are at liberty to vote upon a particular measure in any way which their judgment and their conscience direct them to vote, then a rebellion in the form of a filibuster is not only justified but, I think, it is absolutely required if we would preserve the freedom and the dignity of the Senate of the United States. I recognize, however, that there is no practicable way in which the existence of that fact or that condition can be shown. I do not know of any method through which proof could be offered of that fact. Therefore I pass it without further consideration.

"But there is another condition, Mr. President, which justifies a political minority in prolonging debate to the uttermost limit of their strength. That condition is a caucus held by Senators which, under a rule adopted by some political organization, binds or attempts to bind all Senators belonging to that political organization to vote in a particular manner."

Those two propositions, I think, can not be gainsaid by anyone. I have read them in order to show——

Mr. CUMMINS. I agree with that, every word of it.

Mr. McKELLAR. I was quite sure the Senator would. The reason why I quote that at this time is because of the commanding place and influence of the Senator in this body. He is respected by every one here. He was chosen by this body as its President pro tempore to preside when the Vice President is absent. We have all learned to know the careful consideration that he gives to all questions that come before him. We all know of his fairness and of his desire to do the right and square thing. So, when I quote him, I feel that it is a very high authority to which other Senators should give very great heed.

Mr. CUMMINS. It depends on each man's conscience.

Mr. McKELLAR. Absolutely. Now, here is a bill which comes virtually from the Executive. The ship subsidy issue was an issue in every campaign last fall. It was decided adversely to the President. The Members of Congress elected and to take their seats in the next Congress would never pass the ship subsidy bill. The only way the ship subsidy bill could possibly be passed would be to bring it to a vote at this session of Congress, where men who were defeated would take part in the vote and help to form a majority for the passage of the bill. It has been repudiated by the people. The new Congress will not pass it.

Yet the Executive undertakes, by a message delivered before the Congress, to impose his will, to impose his views upon the Congress of the United States. Those of us who regard the ship subsidy bill as having been repudiated by the American people believe that for some reason—probably some reason that seems to the President entirely right and sufficient—he desires to impose his will upon the Senate of the United States. And, under the statement made by the distinguished Senator from Iowa, of course every Senator who thus believes has a duty to employ every means to defeat the bill in the present Congress.

Again, under the statement made awhile ago by the distinguished Senator from Washington [Mr. JONES], chairman of the Committee on Commerce, that the bill was submitted first to certain organizations and then afterwards to a caucus of the Republican members of the Senate Committee on Commerce and later to the members of the House committee having the bill in charge there, and they in their caucus undertook to impose upon the Congress of the United States their will, then, under the definition of the Senator from Iowa, not only is it our right but it is our duty—those who do not believe that the bill should be foisted upon us by a secret caucus—to oppose the measure to the limit.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator from Tennessee yield to the Senator from Nebraska?

Mr. McKELLAR. I yield.

Mr. HITCHCOCK. Undoubtedly if the Senator from Iowa had conceived it possible that the President would undertake to force his will upon the Congress after a measure had been repudiated by the people, he would have included this particular situation in his opinion of a filibuster. The present situation is even a little stronger than that which he described so well.

Mr. McKELLAR. Yes; it is very much stronger. I thank the Senator for the interruption. It is very much stronger, because it indicates that then there was no mandate from the people. It had not been submitted to the people previously, but here the very question was submitted to the people of the United States, and they decided adversely; and, nothwithstanding their adverse decision, the President of the United States, simply because eight of the Senators hold only until the 4th of March, undertakes to foist the bill upon the American people which they have repudiated, to jam it through the Congress, to use the excellent expression of the Washington Post, notwithstanding the decision of the American people.

Mr. HARRISON. Mr. President——

Mr. McKELLAR. I yield to the Senator from Mississippi.

Mr. HARRISON. Does not the Senator think that if the Senator from Iowa would really express himself on the proposition at this time—and I see him sitting before me now—he would agree with the view just expressed by the Senator from Tennessee?

Mr. McKELLAR. I have such great respect for the Senator from Iowa that I would not feel like inviting him to do so unless he felt like doing it of his own accord.

Mr. CUMMINS. Mr. President, if the Senator wishes to interrogate me regarding anything, I am perfectly willing to be interrogated.

Mr. McKELLAR. As I said, I feel that that would hardly be proper. If the Senator from Mississippi desires to do so I have no objection.

Mr. CUMMINS. I, of course, can understand the humor of the Senator from Mississippi, but I felt quite sure that the Senator from Tennessee did not feel quite that way.

Mr. McKELLAR. Oh, no; I do not. I would not feel like interrogating the Senator from Iowa unless he desired voluntarily to submit to it.

Mr. HARRISON. Mr. President, will the Senator yield to me?

Mr. McKELLAR. I yield to the Senator from Mississippi.

Mr. HARRISON. I do not think the Senator from Iowa exactly caught the purport of the interruption. The Senator from Tennessee had just paid a very great eulogy, and very properly so, to the great ability of the Senator from Iowa.

Mr. CUMMINS. Which I do not deserve, but which I appreciate very much.

Mr. HARRISON. And he had quoted at length from a speech which the Senator had made contending that when the will of the people was being thwarted the minority had a right to go to any extent, even almost to rebellion, I believe, if I recall the words correctly, in preventing a cruel and unjust act; and the Senator quoted conditions that would warrant such a procedure. The Senator from Tennessee then said that the present situation was even stronger, because there were 7 or 8 so-called "lame ducks" who were being used in order to force through by a very narrow margin this piece of proposed legislation; that it was done after the people had spoken in an election; and that if the Senator from Iowa would now express himself, perhaps, he would add that condition in addition to other conditions which he imposed.

Mr. CUMMINS. Mr. President, I am quite content with the statement I made from which the Senator from Tennessee read. I am a law-abiding man, and so long as the Constitution of the United States permits Senators who may have been defeated for reelection to act as Members of this body, I do not believe in putting any limitation upon their action. That would not be in accord with our institutions.

I am in favor of changing the Constitution, and have been so for many years—I have made some effort in that direction in the past—so that no Congress shall convene save the Congress which has been last elected by the people. I do not believe it is wise to permit one year practically to intervene between the election of a Congress and the time when that Congress shall begin to function. I suppose I feel about that just as the Senator from Mississippi does; but, so long as we are operating under our Constitution, it is idle to speak of limiting in any respect the votes or the scope of the votes of the existing Members of Congress.

Mr. McKELLAR. Mr. President, I wish to say that I agree entirely with the Senator from Iowa that we not only have no legal right but that we have no moral right, in my judgment, in any way to deprive of any right Senators whose terms of office run only until the 4th of March, 1923. They have just as many rights as other Senators have, and I would not attempt to take them away from them. Of course, I again agree with the Senator from Iowa when he says that the Constitution ought to be changed so that after the election, or as shortly after the election as may be reasonable and proper, the new Congress may assemble before any business is transacted after the election; in other words, that after the election is held in November there shall be no session of Congress until the new Congress comes in.

Mr. CUMMINS. I agree with that.

Mr. McKELLAR. We nearly all voted for the constitutional amendment having that object in view just a few days ago, and it is now in the House of Representatives. A very large majority of Senators voted for the amendment on both sides of the Chamber, and I think it commends itself not only to the Congress but to the American people, and it is right.

If there were no other reason for refusal to pass this bill than the fact that Senators who have been elected to the Senate and whose terms have not yet expired might vote on it, of course, there would be nothing in the contention; but here is a bill that comes to us outlawed, so to speak, by the American people, and which many of us believe is wrong both in policy and in principle, but which the Executive asks shall be passed by us. Then, I think under the rule which has been laid down by the Senator from Iowa, which I have just read, that that is an Executive interference that requires those of us who believe that the bill should not pass to prevent its passage in any way that it is honorable and right so to do.

Mr. CUMMINS. Mr. President, if the Senator from Tennessee will allow me, I desire to say that I have expressed myself a great many times on this floor with regard to Executive interference, and I have not changed my mind about that. The Constitution gives to the President of the United States the right to advise Congress of his views and to make his recommendations concerning public affairs. No one can criticize or no one can complain of the President for doing that thing. So far as any other interference is concerned, I abhor it just as much as the Senator from Tennessee possibly can. Every man knows—that is, he can define in his own mind, although he may not be able to put it accurately in words—the influence which an Executive should exercise upon Congress. I have no reason to believe that the present Executive has gone beyond his constitutional privilege, his constitutional duty, if I may put it in that way. If he has done so, whoever knows it ought to disclose it.

I am rather intimate with the President of the United States in a social way; I value his friendship; I think he is a strong, good man; but he has never indicated to me his views in reference to—indeed, we have never even discussed—the so-called shipping bill. I think the notion that he is attempting in any improper way to influence the Members of Congress with

regard to this proposed legislation is a misapprehension; that it is founded upon an error. Does the Senator from Tennessee know of any instance in which the President has made such an attempt?

Mr. McKELLAR. Mr. President, I am very glad to say to the Senator that there can be no question that the President had the constitutional right to make any address and recommendation to Congress that he saw fit to make in reference to this matter, but I doubt his right and the wisdom of it to insist, as the public prints say that he does insist, that this bill which he has recommended shall be voted on in a Congress, that is a kind of left-over Congress, after the American people have decided against the bill. In other words, I am not questioning the high motives of the President, but I am merely questioning his having taken such action and the wisdom of his action. It would be entirely proper for him, it seems to me, to make that recommendation to the new Congress that is to come in, but it seems to me it is just a little out of place for him to insist that the bill should only be acted upon by a Congress such a large part of which has been repudiated.

Mr. CUMMINS. The Senator is in favor of amending the Constitution so that there shall be no intervening session of Congress between the election and the time when the new Representatives and Senators shall take their seats?

Mr. McKELLAR. We all feel that way about it.

Mr. CUMMINS. If that were the law, if that were the Constitution, I agree entirely with the Senator from Tennessee, but that is not the Constitution.

Mr. McKELLAR. I said very frankly to the Senator that I believed a Senator has the constitutional right to act until his term expires.

Mr. CUMMINS. The Senators and Representatives who are going out of office on the 4th of March have the same right exactly to vote upon a public question that they would have if they had been reelected.

Mr. McKELLAR. Of course, I agree to that; there is no difference between us as to that.

Mr. CUMMINS. I can not understand the criticism which has fallen, not upon the President, because I have not heard it expressed in that way, but I heard it said—I think it was proposed in the form of a resolution—that Senators whose terms are about to expire should not vote at all. I think, however, that was speedily withdrawn, because it was recognized that that could not follow. The people elected these Senators for a certain period, and during that period they have a right to exercise all the privileges which attach to the office of a Senator. Ultimately the people will have their way and will send Senators and Representatives who, broadly speaking, represent their views. I think the Senator from Tennessee places undue emphasis upon the fact that some Senators are going out of Congress on the 4th of March, and that we, the Republican side of the Chamber, should not therefore press this legislation because they are going out.

Mr. McKELLAR. I think the Senator from Iowa, if he would give consideration to another feature of the question that we have not discussed as yet, would virtually have the same view that I have. If this were merely ordinary legislation the Senator would be correct about it, of course, but this is extraordinary legislation. It provides that the Shipping Board may enter into contracts to pay subsidies out of the Treasury of the United States not for the next year, but for a period of some 10 to 15 years, and, therefore, it is binding not only upon the present Congress, but it will be binding upon practically eight Congresses in the future, and it will be binding upon four future Presidents, simply because when this Government makes a contract such as is proposed by this bill, granting subsidies over such a long period of time, the Government is going to live up to that contract; it will be obliged to live up to that contract as an honest Government.

Under those circumstances, at a short session of Congress, without due deliberation, with only one or two speeches on the part of the proponents of the bill—I think only one or two such speeches have been made—we ought not to tie up future Congresses and future Presidents in the way that is proposed by this bill.

Mr. CUMMINS. About half the domestic expenses of the Nation, excluding war expenses, are composed of subsidies. We are voting on subsidies all the time. I make no suggestion with regard to my view of this bill, but I can not see any reason for defeating it because it is a subsidy, because we are constantly subsidizing the people of the United States.

Mr. McKELLAR. Not in 10 and 15 year contracts. I think this is the only bill of this kind; certainly it is the only bill that I can now recall during the 12 years that I have been in Congress that has sought to bind the Government for anything like such a period of time.

Mr. CUMMINS. That may be very unwise; I do not say as to that; but it is a thing that everybody can understand. I have been rather surprised to hear the clamor against subsidies when the United States was subsidizing practically every class of citizens in one form or another. I do not believe that a government can be successfully maintained in these days without subsidies. I think there are people who can not take care of themselves for one reason or another and the Government must subsidize them. I am not saying that the Government ought to subsidize shipping; I am only saying that it is not a remarkable thing that the Government shall pay out money in order to maintain people who can not maintain themselves.

Mr. McKELLAR. I want to ask the Senator if he knows of any other government which is subsidizing its shipping with a cash subsidy?

Mr. CUMMINS. I am not going to enter into that question. I have not studied that phase of the situation.

Mr. McKELLAR. As a matter of fact, no other government has passed a cash subsidy bill for its ships.

Mr. CUMMINS. The Senator a few moments ago was speaking about the tariff. Is not the tariff a subsidy?

Mr. McKELLAR. I have always maintained it was, and for that reason have voted against every high-tariff bill.

Mr. CUMMINS. The Senator voted for the Underwood-Simmons bill, did he not?

Mr. McKELLAR. Yes. That was a very different bill.

Mr. CUMMINS. Was not that a subsidy?

Mr. McKELLAR. No.

Mr. CUMMINS. It was a subsidy, but not to such a degree; that is all.

Mr. McKELLAR. No; that was a revenue producer.

Mr. CUMMINS. Precisely; but——

Mr. McKELLAR. Its purpose was to produce revenue and not to afford protection for favored interests.

Mr. CUMMINS. I was in the Senate when the Underwood-Simmons bill was passed, and I think that the debates of that period indicated that most of the Senators believed that the rates in that measure would not have been levied had it not been for the protection they contained. That is my judgment.

Mr. McKELLAR. There is another difference, if the Senator will permit me to make the suggestion, between the tariff and the pending bill. The tariff as a measure raising revenue by reason of the duties on imports is specifically provided for in the Constitution, but I do not think anybody in the world would say that a bill providing for the payment of cash subsidies to ships is provided for in the Constitution.

Mr. CUMMINS. When we come to consider whether a proposed subsidy is wise or not, then that is a matter of individual judgment and individual conscience. But to be very much astonished at the word "subsidy" I can not understand, because we grant subsidies all the time and we have to do so all the time.

Mr. McKELLAR. I do not recall any such subsidy as is proposed here.

Mr. CUMMINS. A different kind of subsidy, of course, but having really the same end—that is, to take care of people who can not take care of themselves. Did the Senator hear the Senator from Idaho [Mr. GOODING] deliver his very eloquent speech this morning?

Mr. McKELLAR. Yes; I heard it.

Mr. CUMMINS. Would the Senator regard the proposal he advocated as a subsidy?

Mr. McKELLAR. I am inclined to think it would be.

Mr. CUMMINS. It may be a very defensible subsidy.

Mr. McKELLAR. I am not so sure of that; I am rather against all subsidies at all times.

Mr. CUMMINS. I am expressing no opinion about that, but I know that we pay out, excluding the Army and Navy, about half of all the money we appropriate in the form of subsidies.

Mr. HITCHCOCK. Mr. President——

Mr. McKELLAR. I yield to the Senator from Nebraska.

Mr. HITCHCOCK. The Senator from Iowa seems to think that presidential interference depends upon the degree. He concedes, as we all do, that the President has the constitutional right to make recommendations. He made a recommendation to Congress upon the ship subsidy bill, and it thereupon became a party measure; but I want now to ask the Senator whether the mere matter of recommendation was not exceeded when the President a few weeks ago, in recommending the passage of the debt settlement bill, used language entirely outside of the subject he called Congress together to discuss? He said:

"Knowing there is abundant time for ample debate, I would be recreant to my belief in the urgency of a decision on the merchant marine bill if I did not renew the request that it be brought to a final disposition. I venture the allusion because it has been threatened that the merchant marine act shall not be allowed to come to a vote."

He carried his insistence further when he gave this criticism of the program:

"Mere avoidance by prolonged debate is a mark of impotence on a vitally important public question."

A direct criticism of Congress during the last few months.

"I plead for a decision. If there is a favorable majority, the bill should be enacted."

Not a majority of the people, but a majority now existing in Congress.

"If a majority is opposed, defeat will be decisive. Then if Congress fails in providing the requested alternative measure the Executive branch of the Government may proceed as best it can to end the losses in liquidation and humiliation."

More or less of a threat to Congress that if it did not do the Executive will in this matter humiliation would come to the country by Executive action.

Mr. CUMMINS. I did not so understand the President's language. It seems to me very respectful and temperate.

Mr. HITCHCOCK. Let me repeat it to the Senator:

"Then if Congress fails in providing the requested alternative measure the Executive branch of the Government may proceed as best it can to end the losses in liquidation and humiliation."

The Executive branch of the Government is going to end the losses in liquidation and humiliation.

Mr. CUMMINS. Precisely. Congress has already given to the President the power to sell these ships.

Mr. HITCHCOCK. That is all right.

Mr. CUMMINS. And all that he says there is that if the law is not modified he may conclude that it is his duty to sell the ships as provided by Congress.

Mr. McKELLAR. Is not that a threat?

Mr. CUMMINS. Not a threat; no.

Mr. McKELLAR. When it comes from the President of the United States?

Mr. CUMMINS. If I were to say what I intended to do under certain circumstances, I would not regard that as a threat. I see no impropriety at all in the language of the President. He has a right to impress upon the Congress his view with respect to the merchant marine law, and I have always thought that he employed very temperate language in conveying his ideas. That is his distinctive style—to speak respectfully.

Mr. McKELLAR. Mr. President, listen to this:

"I speak frankly, because the situation demands frankness. I am trying to emphasize a responsibility which can not be met by one branch of the Government alone."

Is not that a statement that the Congress was not meeting its responsibility?

Mr. CUMMINS. No; that is a statement that it requires Congress and the President to make a law.

Mr. McKELLAR. I submit this sentence to the Senator:

"There is call for congressional expression, not mere avoidance."

Is not that a statement that the Congress is likely to avoid its duty?

Mr. CUMMINS. That is a statement that in his opinion Congress ought to proceed with more rapidity in the disposition of this matter. Does the Senator see any impropriety in that?

Mr. McKELLAR. I think it is not an appropriate message. The President had given his views to a former extra session of Congress. The President had come to Congress and given his views specifically on the merchant marine bill, had urged its passage, and had given all the reasons that he gave for it in this last message. There was no reason for his repeating them. The Congress knew exactly what his views were; and it appears to me that it is in substance a threat to get rid of our entire merchant marine unless they pass the bill providing a cash subsidy; and I say that with all respect to the President, whom I esteem very highly.

Mr. CUMMINS. I do not think it lies within our consistency, anyhow, to criticize a man for saying something twice. There is a good deal of repetition in the Senate, and no one can conduct an argument without it.

Mr. McKELLAR. But it is not saying something twice to make a formal effort under his constitutional prerogative to emphasize the same thing, and not only to emphasize it but, as it appears to me, to be threatening in his words.

Mr. CUMMINS. Well, he believes in it——

Mr. McKELLAR. I am quite sure he does.

Mr. CUMMINS. And he is repeating his belief, I suppose, as often as he gets an opportunity to do it; but there is nothing wrong about that. The wrong would come only when he attempted in some improper way—not publicly, not while performing his constitutional duty—to influence Members of Congress with regard to their votes.

So far as I am concerned, I like to see a man who believes in a proposal just as outspoken in that belief as it is possible to be. That is one of the admirable things about the President of the United States. He does not conceal his beliefs, and he thinks that it is his duty under the Constitution to express what he believes the legislation on this subject should be; and, so far as the threat to dispose of the ships if the bill does not pass is concerned, what would the Senator from Tennessee do?

Mr. McKELLAR. With the ships?

Mr. CUMMINS. With the ships.

Mr. McKELLAR. Why, if I had charge of them I would have the Shipping Board operate them for the benefit of the American people. This is what they ought to have been doing all the time. I would not tie them up; certainly no more of them than was necessary.

Mr. CUMMINS. No matter what it cost to operate them?

Mr. McKELLAR. I would proceed with them under the law, under the powers that I now have, and I would operate them for the benefit of all the American people, without giving subsidies to any of them, or asking Congress to do so.

Mr. CUMMINS. The operation is optional with the President. He does not have to operate the ships.

Mr. McKELLAR. I know; but I would take that option if I were in his place. I would not undertake to put them in private hands for a song, as is attempted to be done here. I would operate those ships for the benefit of all the people, and not ask for authority to turn them over to the hands of a few people, and then give those few people a subsidy to operate them. The Senator asks me what I would do, and I tell him very frankly what I would do.

Mr. CUMMINS. The Senator would operate them no matter at what cost, I suppose? I do not believe the President of the United States has the moral authority, anyhow, to operate these ships and levy $50,000,000 a year upon the people of the country toward their operation.

Mr. McKELLAR. Mr. President, I believe if they were properly and economically operated by a Shipping Board that knew its business, instead of losing $50,000,000 a year the Shipping Board would be making $50,000,000 a year in the operation of those ships.

Mr. CUMMINS. I do not know as to that. I am not able to answer that. I am not an expert in shipping.

Mr. McKELLAR. I am not, either; but the Senator asked me what I believed, and I am telling him.

Mr. CUMMINS. But I think it might be taken for granted that the ships are being operated about as cheaply as they can be.

Mr. McKELLAR. I do not know whether that can be taken for granted or not, under the facts as established in the hearings. I have very great doubt about that. For instance, just take the salaries of three of the vice presidents of this board at $35,000 a year. I think that is a willful waste of the people's money, and they ought not to have any such salaries.

Mr. CUMMINS. That depends. I know of a good many men who can earn $35,000 a year.

Mr. McKELLAR. Oh, yes; perhaps there are such men. But they are not the vice presidents of the Shipping Board.

Mr. CUMMINS. I do not know whether these men earn the money or not.

Mr. McKELLAR. I only know that one of them during the war, as I understand, got $6,500 a year.

Mr. CUMMINS. The amount of a salary does not prove that it is excessive. You must go further than that before you can pass on that matter.

Mr. McKELLAR. The Senator says it is not excessive. Does the Senator know of a single other officer, except the President of the United States alone, who gets as much from the Government as the vice president of the Shipping Board at $35,000?

Mr. CUMMINS. I do not know.

Mr. McKELLAR. Oh, yes; the Senator must know that.

Mr. CUMMINS. No; I do not.

Mr. McKELLAR. The Senator must know that only the President gets a salary larger than $35,000 a year, paid by the Government.

Mr. CUMMINS. Oh! There are a great many larger salaries paid than are paid to officers of the Government.

Mr. McKELLAR. I am talking about governmental salaries. No other governmental salary except the President's is as

high as that. The Chief Justice of the United States gets $15,000, and he is the highest paid, I believe, unless it be the Vice President, who gets $15,000, or maybe it is $12,000.

Mr. CUMMINS. Twelve thousand five hundred dollars, I think.

Mr. BORAH. And we are going to buy him a house.

Mr. McKELLAR. No other officers of the Government than the vice presidents of the Shipping Board get such enormous salaries. Why, take the members of the Shipping Board themselves. They get $12,000 a year, and yet these vice presidents get three times that; and one of them, by the way, in a letter that I had published in the RECORD, directed me to inform my constituent that it would be cheaper for my constituent to ship his goods in a British vessel than it would be for him to charter an American vessel, when he was there as the representative of the American vessel.

Mr. CUMMINS. I do not know anything about those facts.

Mr. McKELLAR. I am giving them to the Senator so that he may know the kind of Shipping Board men to whom we are giving these enormous salaries. You would think that a man to whom we pay the enormous salary of $35,000 a year——

Mr. CUMMINS. I do not even know who it is.

Mr. McKELLAR. Mr. Smull—you would think that when he was applied to for the chartering of a ship by an American citizen he would not say to the American, "You can get your ship cheaper from the British merchant marine."

Mr. CALDER. Maybe he was telling the truth.

Mr. McKELLAR. Well, I believe either the Bible or some other good book says that it is not always expendient to tell the truth.

Mr. BORAH. No; it was not the Bible.

The PRESIDING OFFICER. Senators will please observe the rule. Senators desiring to interrupt the Senator having the floor will address the Chair.

Mr. McKELLAR. Mr. President, joking aside, the facts about that matter were these, and I will state them again: I will put in the RECORD the letters that passed between us a year or two ago. Some constituents of mine, Humphrey Godwin & Co., of Memphis, Tenn., sent me a letter asking me to see upon what terms and when they could charter from the Shipping Board an American ship to carry a shipload of cottonseed meats—the Senator, of course, knows what they are—from a Texas port to two British ports. I read that telegram over the telephone to a man by the name of Robinson, who was in Mr. Smull's office, and Mr. Robinson without any ado replied to me over the telephone: "*Tell your constituents to interview the British people.*" I think he used the word "people" instead of "merchant marine." "We do not want that business. *The British people can do it cheaper than we can.*" He never asked any questions. That was the statement. I telegraphed that statement, by his direction, to my constituents. I wrote to Mr. Smull that night—he happened to be away at that time, he was in New York City, this man to whom we paid $35,000 a year—I wrote him that night, sending him the telegram and my reply to it, and giving him the information, and the next day I got a letter from Mr. Smull upholding Mr. Robinson in saying to my constituents that it was cheaper *to ship on British ships*, without any investigation, without any knowledge of the subject, simply upon the proposition being stated to him, and incidentally stating what the rates were, and he did not even have the rates right, as the correspondence will show, and I will put it in here. It has already been put in the RECORD once, but I want to put it in again right here for the information of the Senate.

Mr. CUMMINS. I can not pass upon the competency of the various men who are employed in the Shipping Board.

Mr. McKELLAR. If that man were in my employ I would not regard him as a $35,000 man.

Mr. CUMMINS. That man was operating for the Government, and it was his duty to do what he believed was right. That is one of the objections I have to Government operation of steamship lines and railroad lines. I do not believe in it, because when the Government operates——

Mr. McKELLAR. They do not care about business.

Mr. CUMMINS. The Government can not be as selfish, and ought not to be as selfish, as the individual corporation. It is not possible that it shall be.

Mr. McKELLAR. Mr. President, I am not going into the discussion of Government ownership to-night.

Mr. CUMMINS. No; I am not, either.

Mr. McKELLAR. I have not time.

Mr. CUMMINS. But I do not believe that the Shipping Board has paid more for its men than it was necessary to pay in order to get the kind of men it wanted.

Mr. McKELLAR. Why, Mr. President, during the war we got this very man for $6,500, according to my recollection, and if I am wrong I want to be corrected.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Utah?

Mr. McKELLAR. I do.

Mr. SMOOT. We got a good many men during the war at a dollar a year, too.

Mr. McKELLAR. Yes; and they were the most expensive men in the world. I think this man was expensive at $6,500 during the war and infinitely more expensive now at $35,000.

Mr. SMOOT. But I want to say to the Senator that the two men he is speaking of now would be delighted if the Government of the United States would relieve them of the positions they are now occupying. I say that because I know it. I do not say it because I have heard it from unreliable sources. They can get more money than $35,000 to-day.

Mr. McKELLAR. Mr. President, if the transaction with my constituents is the kind of a business transaction that they are engaged in as vice presidents and officers of the Shipping Board, I think it would be infinitely better for the United States Government if they should get some other jobs as soon as possible. They ought to be relieved immediately.

Mr. SMOOT. Let us see if that is so, taking the very case that the Senator recites here as an example. Mr. President, the officer of our Government told the absolute truth. A tramp steamer from England could carry that cargo, with his boat here with nothing to take back, very much cheaper than the American boat could carry it there and have nothing with which to return. We could not have put anything else than these products of cottonseed on board. That was the cargo, and a tramp steamer at any time can take——

Mr. McKELLAR. Oh, no; the Senator does not know the facts. The Senator is just absolutely without knowledge as to the facts in the matter. My constituents did not ask him anything in the world except for a price to charter that steamer. They did not fix any limitation. It was not a question of price. They merely asked to charter an American steamer, and they were deprived of the right. Mr. Smull did not make them a price. Indeed, he quoted the British price as being cheaper than the American price without ado. He was looking for the interest of British ships, not American ships.

I say that if we have that kind of officers in the Shipping Board, whether we pay them $1 or whether we pay them $35,000 a year, they ought to be discharged. I have said it before, and I say it again. They ought to be discharged. We ought not to have men of that kind in our employ. Why, that is what is the matter with our Shipping Board. That is what is the matter with our merchant marine, if the Senator will permit me just a moment. It has been charged that the chairman of the board has openly stated that the Shipping Board did not want business; they wanted to get out of business as soon as possible; and it is conceded, I think, that they do not believe in Government operation and do not want it to go on any more.

Mr. SMOOT. I will say to the Senator that the American ships that are operating are operating on regular courses; and as for taking one shipload of stuff to England, with no return freight, and having to secure a complete crew to operate the vessel, they could not possibly do it. They can not take a ship out of the regular advertised course for the purpose of running it upon another course to take just one cargo of merchandise.

Mr. McKELLAR. At the time this gentleman made that reply to me they had over 500 ships tied up in the ports along the Atlantic seaboard.

Mr. SMOOT. But they can not cast off a ship and run it to England and back without some men to run it.

Mr. McKELLAR. Of course; but there were 5,000,000 men out of employment then, under the administration of the Senator's party in this country, men without a job, men who would have been delighted to get a job to sail on the vessels, if the officers of the Government had been up to their proper business qualifications.

Mr. SMOOT. Oh, I did not refer to politics, and the Senator should not bring in politics. When we came into power that had happened; but to-day we have not men enough to fill positions in the Government of the United States. That was the cause of it, and that has been the result of it. But I did not rise to discuss politics. I rose to state to the Senator the exact situation.

Mr. McKELLAR. Now, I want to give full information to the Senator and to the Senate. On August 25, 1921, I received the following telegram:

[Telegram.]

AUGUST 25, 1921.

Senator K. McKELLAR,
Washington, D. C.:

Kindly make diligent inquiries of Shipping Board to ascertain how we may proceed to obtain by charter the services of an American steamer to handle full cargo about 3,000 tons cottonseed cakes late October, loading Houston, Tex., to two United Kingdom ports. We naturally desire secure rates somewhat lower than prevail for lesser quantities. Is there any just reason why we can not charter direct with Shipping Board?

HUGH HUMPHREYS.

On the same day I sent the following telegram:

[Telegram.]

AUGUST 25, 1921.

Mr. HUGH HUMPHREYS,
Memphis, Tenn.:

Telegram received. Called Shipping Board at once. Mr. Smull, in charge of allocation, out of city. Be here to-morrow. Mr. Robinson advises that you can get cakes hauled cheaper by British ships. Will see Mr. Smull when he returns and urge him to let you have ship and at less cost than the British ship.

KENNETH McKELLAR.

Here is the letter I wrote Mr. Smull that very afternoon:

AUGUST 25, 1921.

Mr. J. B. SMULL,
Shipping Board, Washington, D. C.

MY DEAR MR. SMULL: Inclosed please find telegram from Mr. Hugh Humphreys, of Memphis, Tenn., one of the best and most reliable merchants and brokers there, which telegram explains itself.

I have talked to your Mr. Robinson about the matter, and he did not give me much encouragement, saying that the British could haul the freight cheaper than the American ship could be chartered for. If everybody is told this, we might as well sink our ships. It seems to me that every effort should be made to have Mr. Humphreys charter this ship and haul his cottonseed cakes in it. Mr. Robinson told me that you would be back to-morrow, and I will be greatly obliged if you will advise me over the telephone as soon as you come to a conclusion about it.

I am wiring Mr. Humphreys, and inclose you a copy of my telegram.

Very sincerely yours, KENNETH McKELLAR.

It will be seen that this letter and the two telegrams all occurred on the same afternoon. The next day Mr. Smull returned—Mr. Smull, the gentleman to whom we are paying the enormous salary of $35,000 a year to look after the American ships and to look after American business on those ships. Here is the letter which I received from Mr. Smull and which I now read:

AUGUST 26, 1922.

"Hon. KENNETH McKELLAR,
"*United States Senate, Washington, D. C.*

"MY DEAR SENATOR: I have just returned from New York in connection with the United States mail matters"—

He did not say whether they were giving contracts to foreign steamers or not, but at that time the foreign steamers carried the most of our mail. I reread that part of the letter:

"I have just returned from New York in connection with the United States mail matters, and find your letter of yesterday awaiting my attention.

"I regret I was not here to talk to you in person when you called on the phone yesterday. I have taken this matter up with Mr. Robinson, and while he may have explained himself very bluntly, facts are stranger than fiction, and the fact remains that all full-cargo tramp steamers under foreign flags can operate more cheaply than Shipping Board steamers.

"I might add that the conference rate for cottonseed cakes from the Gulf to the United Kingdom ports has been fixed by the American and British interests at $10 per 2,240 pounds. The present market rate for a full-cargo tramp steamer in the same trade is approximately $6.50 to $7 per ton, and your constituent can probably obtain a foreign steamer at this figure. The Shipping Board would lose money on any steamer they put into this trade at this rate.

"Incidentally this explains to you way the Shipping Board is laying up its steamers as fast as they can be laid up, in order to stop losses, and this situation will only adjust itself with an improved condition in the general export situation.

"Very truly yours,

"J. B. SMULL, *Vice President.*"

Here is what my constituent replied on August 29, 1921:

"I agree with you that the letter you sent is a remarkable one and is a complete admission of the inability of the Shipping Board to handle the ships of the country. In my own opinion, the trouble is that they have never handled themselves in a businesslike way and have never entered the shipping business as other shipping companies conduct their affairs. I simply can not understand why the boats are not leased or chartered to various shipping interests of the world, but instead are endeavoring to handle them in a most unbusinesslike way.

"The pre-war rate from Gulf ports to Europe was about 10 shillings. To-day the Shipping Board, with everything at about normal prices, confess they can not operate at more than four times that rate.

"Don't wake up the Washington office of the Shipping Board, but the conference rate, instead of being $10 per ton, as stated in their wire, is $8 per ton, and is being so quoted by all of their agents."

Here was a man operating the ships, being paid $35,000 a year, and he did not know the rates and quoted the wrong rate. But he was careful to assert that British rates were cheaper. How can we fail to lose money when we have officers like that in charge?

Then my constituent went on to say—and he gave me permission to use this:

"We do not wish this mentioned, because it might result in their tying up still more steamers and allowing the American produce to rot or be sold at perfectly ridiculous prices because of their inability to properly operate the steamers.

"I wish you would send the original of the Shipping Board letter and my original telegram over to Senator McKELLAR, who is president of the Mississippi Valley Association, as I would like for him to see the total impossibility of Americans trying to do business in their own ships. The idea of admitting to other countries that we can not compete, and tying up our ships, is simply beyond my process of reasoning.

"With kind regards,

"Yours very truly,

"HUGH HUMPHREYS."

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. McKELLAR. Certainly.

Mr. LENROOT. I would like to ask the Senator who he would have operate our ships?

Mr. McKELLAR. I would certainly be able to find a man at a less salary than that who could manage it a great deal better than he did. I believe almost anybody who was put in charge of operation could go out and get cargoes and would perform better than Mr. Smull and his representatives performed on that occasion. That is the only actual experience I have had about obtaining ships.

Mr. LENROOT. Does the Senator take the position that to have efficient operation we must have men who have had experience with operation?

Mr. McKELLAR. I do.

Mr. LENROOT. Is not the Senator aware that whenever the Shipping Board has put an experienced man in charge of operation the charge was at once made that he has not been serving the Government, but the interests he had theretofore affiliated with?

Mr. McKELLAR. Will the Senator state that question again?

Mr. LENROOT. Whenever an experienced man has been put in charge, has not the charge been at once made that he is not serving the Government, but the private interests which he had theretofore been serving?

Mr. McKELLAR. I do not know. I do not make that kind of charges.

Mr. LENROOT. I know the Senator does not, but he is aware that the charge has been made publicly always.

Mr. McKELLAR. If the Senator says so, I take his word for it, but I have not made any such charge, and, so far as I recall, no one has made it to my knowledge. I think some of those kinds of statements were made in the newspapers occasionally. I never have paid any attention to those things.

But here was one of the leading merchants of my home city who sent me a telegram like that. I do not think there was over half an hour elapsed between our telegrams. I immediately called up the Shipping Board and was given a rebuff like that, *was told to go to the British vessels;* that they could run cheaper than our vessels can; that the board did not want the business anyhow. That was a jar to me, as it would have been to the Senator if it had occurred to him.

Mr. LENROOT. One further question. Assuming that the statement is correct; that whatever may have been the fault of somebody, it could have been carried in a British ship very much cheaper than in an American tramp ship. Was the party who

wrote the letter to the Senator serving the Government or not in saving the Government that money at the same time the Senator's constituent was getting the service?

Mr. McKELLAR. If the Senator will recall the telegram of my constituent, he will remember that my constituent paid very little attention to the price. *He wanted the goods hauled in an American vessel.* He said he thought that the price ought to be less when they took a full cargo, and I imagine that would occur to any business man. With that sort of statement there was no limitation on it. The man of business would have said, "Why, Senator, a tramp steamer like that will cost your constituent so much, and you can wire him that price. If it is satisfactory to him, we will be very glad, indeed, to let him have it." He might have said that much to me anyway. If I was in the shipping business and wanted to get business, I would be very careful about how I turned down a full cargo of anything. This man did not want business.

I would certainly look into it very carefully, and yet here was a man who just off the reel, without any consideration or explanation, without any knowledge, because he did not have any knowledge about it, refused the business. It is in line with what has been done all the time. Every ship they can lay up has been laid up, and we have many hundreds of them tied up. My judgment is that every tramp steamer that could be put to work from the very beginning ought to have been put to work. We ought not to give up the trade to anyone. If we are going to have a merchant marine that is a success, we have got to fight for the business from start to finish. We have great competitors. We have experienced competitors. We have competitors who have been in the ocean-carrying trade for hundreds of years. We have got to fight like Trojans to take part of that business. We will never have an ocean-carrying business until we get men in charge of it who believe we ought to get the business, and who are willing and capable to fight for it.

Mr. LENROOT. Is it the Senator's view that we should operate all of our ships irrespective of the losses incurred?

Mr. McKELLAR. Oh, no; not at all. I do not think we ought to operate any of them at a loss. I believe if a bill was passed such as I have proposed as a substitute for the bill offered by the Senator from Washington, which incorporates probably three-fourths of the provisions of the bill which he has offered, that instead of operating our ships at a loss the Government would make great profit from the operation of them.

Mr. LENROOT. Does the Senator think the Shipping Board can operate ships to-day at a profit?

Mr. McKELLAR. No; I doubt it to-day, although some lines are operating at a profit. The reason why I say no is because the shipping business is at the lowest ebb this year that it has ever been in its history.

Mr. LENROOT. But the Senator criticises the Shipping Board for laying up a ship, and at the same time he says he does not feel that they can be operated at a profit. Therefore, the conclusion must be that the Senator thinks all of these ships should be run at a loss.

Mr. McKELLAR. Oh, no; the Senator does not understand my position at all, and does not state it correctly.

Now, Mr. President, I have digressed for some time and longer than I intended, but I want to call the attention of the Senator from Iowa [Mr. CUMMINS] to another point in connection with the subject of the filibuster. I want to read another excerpt from his language which is a very strong statement from the Senator's excellent speech of February 16, 1915. It applies so very aptly to the pending bill that I can not refrain from quoting it. I read from page 3842 of the RECORD:

"There has never been a moment of real debate in this Chamber upon the bill now before us, because real debate involves a mind that is willing to listen, involves the opportunity at least for conviction and for change of opinion. Since the action of the caucus, so far as those who have regarded themselves as bound by it are concerned, there has never been an hour in which any discussion of the question would avail those who were participating in it. I do not know how many of these Members are in fact opposed to this measure. I do not know that. I do not propose to say. I only say that we are operating under a rule of the caucus which enabled or is intended to allow 36 members of the caucus to control the action of 53 members."

Now, that same condition exists to-day. There has never been any debate on the bill on the part of those who proposed it with the exception of the Senator from Washington. He discussed it on one occasion.

Mr. CUMMINS. The Senator has not given him any chance, has he?

Mr. McKELLAR. Oh, yes. Indeed, I have yielded, hurried through all day to-day. I gave him a great deal of time to-day and am willing to give him more time if he wants it. I am willing to give him all the time he wants. He can take some of my time if he likes. But the Senator from Washington is virtually the only Senator on the other side of the Chamber who has really discussed this bill.

Mr. President, the Senator from Iowa's position is entirely right; I indorse it. There has been no discussion of this bill. The truth of the business is that it has been agreed upon by party leaders, and, in my judgment, the majority of the Senators on the other side of the Chamber are voting for it not because they believe in it, for I do not believe they do, but they are voting for it simply because they have been asked by their own President to vote for it.

Mr. CUMMINS. I understand the Senators on the other side of the Chamber do not care to give anyone a chance to vote on it.

Mr. McKELLAR. I doubt very much whether the bill will be voted on at this session, I will say to the Senator without violating any confidence; but, however that may be, if the President or anyone else wants a vote by the Members of the Congress who have been elected on that issue, there will be no trouble about getting such a vote.

Mr. CUMMINS. We could not do that now, could we?

Mr. McKELLAR. No. We can not do that now until next December, unless an extraordinary session is called. If the ship subsidy bill is so important a matter as the President says it is, if it is important enough to bring the President before the Congress twice within a period of three months, if it seems to him so important, let him call an extraordinary session, although I devoutly hope and pray that he may not do it.

Mr. CUMMINS. I do not understand the Senator. He says he hopes and prays that the President will not call the new Congress together?

Mr. McKELLAR. I have not had a vacation in many years, and, personally, I am very much opposed to an extraordinary session.

Mr. CUMMINS. But the Senator ought not to put his own personal comfort in the way of the public good.

Mr. McKELLAR. I shall not do so. If the President shall call an extraordinary session, I shall be here every day, just as I have been during the present session. I will make my personal comfort entirely subordinate.

Now, Mr. President, I wish to refer to another matter. Why the necessity of pressing this bill at this time? A morning newspaper stated that if we did not pass the bill it would show the lack of the ability of the Senate to do business. Mr. President, this is a Republican Congress and I am a Democrat, but I wish to say that there has not been a short session of Congress since I have been a Member—and I have been a Member for 12 years—that ever transacted the real business before it, which consists of the appropriation bills, any more efficiently, any more quickly, than the present Congress has done. We have done a marvelous business. We Democrats have helped in every way the passage of all supply measures. There never was a time in my recollection when the appropriation bills had all been passed at this stage of the short session of Congress.

Mr. HEFLIN. I am sure that my good friend does not mean to indorse many of the measures which this Congress has passed?

Mr. McKELLAR. Oh, no. I certainly do not. I will come to that. I indorse some of the measures it has passed, but I have indorsed much more the defeat of others. Of course, we have all cooperated, Democrats as well as Republicans, to get the appropriation bills passed. We all wanted them passed, for that was the real business of the session. Perhaps we ought not to have gone beyond them anywhere, but the President insisted that there was other work for us to do.

He presented a Liberian loan bill here which if passed would have voted $5,000,000 in the pockets of a favored few and allowed men whose debts were outlawed to collect them. Congress never did better work than when it defeated that bill. I indorse that defeat. Then came the no less outrageous Dyer antilynching bill. The Senate defeated that bill. I indorse that defeat. Now, if it will cap the climax by defeating this infamous raid upon the Treasury of the United States I shall say that it has done better business than any short session of Congress since I have been a Member of Congress.

I say that with some misgivings, because last week a bill was passed here by an enormous majority to which I was absolutely opposed. I regret its passage. It was a poor business. But tak-

ing it by and large, no short session of Congress has ever gotten along faster with the Nation's business than the present short session has gotten along with it, and all this was brought about by Democratic cooperation.

Mr. HARRISON. Mr. President, before the Senator from Tennessee closes, if he is getting ready to conclude——

Mr. McKELLAR. Mr. President, I have not nearly finished, though I am hurrying on very rapidly.

Mr. HARRISON. If the Senator will permit an interruption, I desire to say that there was a statement made by the senior Senator from Utah [Mr. SMOOT] a few moments ago in his colloquy with the Senator from Tennessee [Mr. McKELLAR] that I think is misleading and inaccurate. It was when the Senator from Tennessee referred to the unemployment situation in this country in 1921. I am sorry the Senator from Utah is not now in his seat, because I am sure he would correct the statement he then made.

The Senator from Utah stated that the Democratic administration handed over to the present administration the great problem of unemployment. If the Senator will permit me to interrupt him further, I desire now to state the facts, and I make the statement merely to keep the record straight.

In August, 1921, some time after the present administration came into the control of the Government, in response to a resolution which was passed by the Senate asking for certain statistics from the Department of Labor, the Secretary of Labor sent a report to this body. I wish merely, for the sake of the RECORD, to read a part of that report, with the permission of the Senator from Tennessee. The Secretary of Labor stated:

"Responding to the requirements of the above resolution the best estimate that can be made from available sources of information is that there are at present 5,735,000 persons unemployed in the United States. These figures relate to the differences in the numbers of employees carried on pay rolls July, 1921, as compared with the peak of employment in 1920. Figures of the unemployed by industries are:

Manufacturing and mechanical industries (including building trades)	3,900,000
Mining	250,000
Transportation	800,000
Trade and clerical workers	450,000
Domestic and personal service	335,000
Total	5,735,000

"No estimates can be given as to the number of ex-service men unemployed, as the reports covering pay roll data do not segregate them. The same applies to women workers.

"This total must be accepted, of course, as an estimate. It is practically impossible to get exact figures of persons out of work except by an actual count upon a given date, which is, of course, prohibitive by reason of its cost. The Department of Labor, through the United States Employment Service, in January, 1921, estimated that there were 3,473,446 less workers employed in January, 1921, than in January, 1920, and that this was a reduction of 36.9 per cent. For the succeeding six months between January and July, 1921, the number of names on the pay rolls covered by that service decreased 7.3 per cent. There was a decrease of 1.1 per cent between June and July, 1921. This reduction, added to the estimate of unemployment for January, 1921, indicates 3,906,450 less workers employed in industry in July, 1921, than in January, 1920."

Mr. CURTIS. Mr. President, if the Senator from Mississippi wishes to give information in answering what the Senator from Utah [Mr. SMOOT] stated, I shall not make any point as to who has the floor.

Mr. HARRISON. Yes; I am sure the Senator desires the information.

Mr. CURTIS. The unemployment situation in 1921 was all brought about by virtue of conditions which were left by the former administration, and we are perfectly willing that the country should know the facts.

Mr. HARRISON. Yes; the Senator says it was by virtue of that; but the Senator from Utah said that there was this great unemployment at the time that the present administration took charge, and yet here is a report made by the Secretary of Labor, of the Senator's own party, in August, 1921, which shows that 5,735,000 men were out of employment. I shall ask that this report be incorporated in the RECORD.

The PRESIDING OFFICER (Mr. SMITH in the chair). Is there objection?

Mr. McKELLAR. I have no objection if it will not take me off the floor.

Mr. CURTIS. It is already in the RECORD, is it not?

Mr. HARRISON. Then I will say that it appears in the CONGRESSIONAL RECORD of August 16, 1921, pages 5037, 5038, and 5039, volume 61, Part V, Sixty-seventh Congress, first session——

Mr. FRELINGHUYSEN. And is in a red bound book.

Mr. HARRISON. With that information anyone who may be interested may turn to the pages and read further. I always like to quote Republican authority.

Mr. CALDER rose.

Mr. HARRISON. I was just going to say to the Senator from New York, who is now on his feet, that I notice from the report from the Secretary of Labor, made at that time, that in the State of New York there were 424,716 persons unemployed.

Mr. CALDER. Mr. President, I was going to ask the Senator from Mississippi a question, if the Senator from Tennessee will permit me.

Mr. McKELLAR. I am willing to yield, if it will not interfere with my right to the floor.

Mr. CALDER. I was just about to ask the Senator to permit me to obtain from the Department of Labor to-morrow a statement as to labor conditions to-day and to incorporate them in the RECORD following his statement as to conditions in 1921.

Mr. HARRISON. Very well. I will be very glad to have that done.

Mr. CALDER. The Senator referred to the unemployment situation in New York. I will say to the Senator that to-day——

Mr. HARRISON. I only referred to what the Secretary of Labor of the Senator's own party had said.

Mr. CALDER. I will say to the Senator that to-day nobody is out of employment in New York.

Mr. HARRISON. I am very glad to hear that, and I hope that will apply to the Senator himself who retires from the Senate on the 4th of March. [Laughter.]

Mr. CALDER. I will say to the Senator in response to his suggestion that the Senator from New York is one of the "lame ducks" who is not looking for a job——

Mr. HARRISON. And who is beloved by all of us.

Mr. CALDER. For he has a job in New York City at his own business waiting for him.

Mr. HARRISON. I knew that.

Mr. McKELLAR. May I say to the Senator from New York that there is not one of the lame ducks or anyone else that I would rather vote to confirm to any position with which the President might honor him than I would to confirm the nomination of the junior Senator from New York.

Mr. CALDER. It is very nice for the Senator to say that but the President will not appoint me, because I do not want any place of any character at this time.

Mr. McKELLAR. It does not need that to get the Senator's vote for the ship subsidy bill.

Mr. CALDER. No; it does not.

Mr. HARRISON. I was going to say further with respect to unemployment that I notice on February 15, 1922, last year a very distinguished Republican Senator, who is now with us no more but is presiding over some judicial tribunal—I refer to former Senator Kenyon, of Iowa—made a speech on the floor of the Senate in which, among other things referring to unemployment, he said:

"The Senator will remember that in the conferences that took place the statement was made that there were over 5,000,000 men out of employment in this country. That was denied; it was disputed. A gentleman connected with the Government, who has made a great study of this matter, told me a couple of weeks ago that there were 7,000,000. There is absolutely no way, apparently, of getting authentic statistics now. This would enable the Secretary of Commerce to utilize every available fact he could get bearing on the question."

I am sorry to have interrupted the Senator from Tennessee, but I wanted these facts to go in the RECORD at this time.

Mr. McKELLAR. Mr. President, I had intended absolutely to substantiate our position on this bill by quoting from some of the speeches which were made in 1915 against the ship subsidy bill by some of our Republican friends, but I have had to hurry along and have not yet had an opportunity to cite the quotations. To-morrow or at some subsequent time I desire to finish what I wish to say and to quote to some extent from these eminent gentlemen, and to comment briefly upon what they have said.

By the way, Mr. President, before I proceed further, may I make a parliamentary inquiry at this time?

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. McKELLAR. If I yield the floor now and desire either to-morrow or the following day to continue, will I have the right to do so?

Mr. CURTIS. I presume that depends upon whether or not the Senator comes within the rules. The rule provides that a Senator shall not speak more than twice on the same day.

Mr. McKELLAR. I have spoken but once.

Mr. LA FOLLETTE. On t[illegible] pending motion.

The PRESIDING OFFICER. The Chair would rule that if it is the same legislative day the Senator would have the privilege of the floor for a second time if he obtained recognition.

Mr. LA FOLLETTE. That is on the pending motion.

The PRESIDING OFFICER. On the pending motion.

Mr. McKELLAR. I may continue to-morrow.

Mr. President, before I conclude there is an authority to which I wish to refer very briefly——

Mr. CURTIS. Could not the Senator complete his remarks this evening? We are all anxious to hear what he has to say.

Mr. McKELLAR. I am quite sure that the Senator is, but that would depend upon whether the Senator would want to adjourn too quickly. If he did not want to recess right away, I might continue.

Mr. CURTIS. We thought we would sit until 4 o'clock in the morning so as to give the Senator plenty of time.

Mr. McKELLAR. We might possibly get along by staying until that time.

Mr. FLETCHER. We might have a somewhat larger attendance if Senators are anxious to hear the Senator.

Mr. McKELLAR. I will forego for the moment the pleasure of quoting from my good friend, the Senator from Massachusetts [Mr. LODGE], so that I may quote from a speech of the chairman of the Committee on Commerce on the very subject concerning which the Senator from Kansas made his inquiry a moment ago. I quote from the speech made by the Senator from Washington [Mr. JONES] on February 8, 1915, when he said:

"If I should occupy this floor from now until the 4th day of March, no matter what the results might be to me, feeling as I do about it, I think I would be doing nothing more than my duty to the people who have honored me with a place on this floor."

I indorse that statement as being applicable to the present situation, as I see it. If I were to occupy the floor until the 4th of March I would be doing what I believe to be for the best interests of the people of the United States. The Senator from Washington went on to say:

"No greater calamity could come to this country than for us to be involved in this struggle, and I want to say, in all frankness, to our friends on the other side that this bill shall not pass if there is any possible way in which I can prevent it."

I quote those words of the distinguished chairman of the Committee on Commerce as applicable to my views on this bill.

Mr. President, before I close I wish to read a short excerpt from a speech made on the same day, namely, the 8th day of February, 1915, by the Senator from Massachusetts [Mr. LODGE]. At that time he said:

"Further, Mr. President, we have been joined in our opposition by seven Senators of an opposite political faith."

We on this side have been joined by more than that many Senators of the opposite political faith. The Senator from Massachusetts continued:

"I have sat here and heard those seven Senators villified as I have never heard Senators attacked in this Chamber before; and yet no man can imagine any motive actuating those men in the course they took which could have any personal advantage. All the personal advantage was the other way. If ever it was clear that men took a position because they felt it to be their duty to do it and did it with the utmost reluctance and were guided by their conscientious convictions, it was those men. I believe and I know they are actuated by the same feelings that we are in presenting the opposition to this bill, namely, that we believe it is a bill dangerous in present conditions to the peace and safety of the United States.

"Some of us, of course, are utterly opposed to Government ownership, especially on the ocean, and, above all, we are opposed to Government ownership at this time. We do not, we can not, tamely accept the proposition that such a bill as this should be passed and its provisions carried out by the purchase of these German ships, which has been the underlying and the stimulating cause of this bill from the beginning, around which there are dark suspicions and sinister stories. With that purpose in view, it seems to us that the passage of this bill would bring this country within measurable distance of war as soon as those ships are set afloat, and the German notice broadens it into a danger to any Government-owned ships."

That is all I desire to say at this moment. I shall take occasion later on to discuss these instructions more fully, more adequately, and as their importance deserves.

In other words, the Senator from Massachusetts, because he believed the shipping bill was wrong, joined in the filibuster against it, and aided in its defeat by a filibuster, and so did the Senator from New Hampshire, Mr. Gallinger, and so did the Senator from Delaware, Mr. du Pont, and so did most of the Republican Party; and they had no mandate of the people to uphold them in that filibuster as we have in this. We have a mandate from the people to defeat this bill. They voted against it in the last election, and it is our duty, as I conceive it, and it is not only my duty to my constituents, but it is in accord with the promises that I made on every stump in Tennessee on the last campaign, that I would vote against it, work against it, speak against it, and, if necessary, filibuster against it.

Mr. President, I have taken longer than I expected, and I now yield the floor.

During the delivery of Mr. McKELLAR's speech,

SWORD OF GEN. RICHARD MONTGOMERY.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed a joint resolution (H. J. Res. 460) accepting the sword of Gen. Richard Montgomery, in which the concurrence of the Senate was requested.

The PRESIDING OFFICER (Mr. MOSES in the chair). The Chair lays before the Senate a joint resolution from the House of Representatives.

The joint resolution (H. J. Res. 460) accepting the sword of Gen. Richard Montgomery was read the first time by its title.

Mr. WADSWORTH. May it be read at length? It is very brief.

Mr. McKELLAR. With the understanding that it is not to interfere with my right to the floor, I will be glad to yield to the Senator from New York for that purpose.

The joint resolution was read the second time at length, as follows:

Resolved, etc., That the sword of Gen. Richard Montgomery, which he wore when he fell at the siege of Quebec, on December 31, 1775, be accepted in the name of the Nation from the donor, Miss Julia Barton Hunt, whose generosity is deeply appreciated, and that the sword be deposited in the National Museum.

Mr. WADSWORTH. I ask unanimous consent that the Senate proceed immediately to the consideration of the joint resolution, without its reference to a committee.

Mr. McKELLAR. With the understanding that it is not to interfere with my right to the floor, I yield.

The PRESIDING OFFICER. Is there objection?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. WADSWORTH. May I impose upon the good nature of the Senator from Tennessee for just a moment longer?

Mr. McKELLAR. With the same understanding, I yield.

Mr. WADSWORTH. I ask that there be printed in the RECORD in this connection in 8-point type an article which appeared in the year 1885 in Harper's Magazine descriptive of General Montgomery's career and of the battle in which he lost his life.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The article is as follows:

[From Harper's New Monthly Magazine, February, 1885.]

GENERAL RICHARD MONTGOMERY.

(By Louise Livingston Hunt.)

Among that small band of military leaders who shared the perils of our early struggle for independence, the name and fame of Richard Montgomery should be held especially dear by the people of New York. He has been dead more than a hundred years, and although his memory is revered by the American people, little is generally known of his personal history.

Sparks's American Biography contains a memoir of Montgomery. This was written by his brother-in-law, John Armstrong, who was Secretary of War in the Cabinet of President

Madison, and was known as a man of distinguished talents, well qualified as a military critic. This biography, however, is wanting in such personal details as the flight of time, and the circumstances of Montgomery's character, no less than his untimely fate, have rendered of uncommon interest to the reader of American history. Another sketch of Montgomery, by Brevet Major General Cullum, United States Army, appeared in 1876. While this is no doubt very valuable, owing to the military reputation of the author and the professional view which he takes of the services of Montgomery, it is largely indebted to the first memoir already noticed. It also is wanting in particulars of his private life.

It is not my province to discuss the professional merits of General Montgomery, or even to attempt any consecutive narration of his campaign in Canada. My purpose is to string together the accounts that have been furnished by the letters and manuscripts preserved at Montgomery Place and to bring my readers into closer acquaintance with the hero of Quebec.

General Montgomery was born on the 2d of December, 1736. He was by birth an Irishman. In his youth he served in the British Army during the French and Indian War. On his return to England after the close of the seven years' conflict he is said to have formed friendships with Fox, Burke, and Barré, becoming deeply imbued with their views of the rights of the Colonies. Superseded and disappointed in the purchase of a majority, he left England forever.

While still a captain in the British Army, Montgomery had met Janet Livingston, the daughter of Robert R. Livingston, one of the judges of the King's Bench. He was on his way to a distant post, and had come on shore with all the officers of his company at Clermont, Judge Livingston's country place on the Hudson. Subsequently, when he returned to settle in America, he renewed his acquaintance with her and, with the approbation of her parents, married her in July, 1773. Among the papers before me are the letter of Montgomery to Judge Livingston asking for the hand of his daughter and Judge Livingston's reply.

KINGSBRIDGE, *May 20, 1773.*

SIR: Although I am extremely anxious to solicit your approbation, together with Mrs. Livingston's, in an affair which nearly concerns my happiness and no less affects your daughter, I have nevertheless been hitherto deterred from this indispensable attention by reflecting that from so short an acquaintance as I had the honor to make with you I could not flatter myself with your sanction in a matter so very important as to influence the future welfare of a child. I therefore wished for some good-natured friend to undertake the kind office of giving a favorable impression; but finding you have already had intimation of my desire to be honored with your daughter's hand, and apprehensive lest my silence should bear an unfavorable construction, I have ventured at last to request, sir, that you will consent to a union which to me has the most promising appearance of happiness, from the lady's uncommon merit and amiable worth. Nor will it be an inconsiderable addition to be favored by such respectable characters with the title of son, should I be so fortunate as to deserve it. And if to contribute to the happiness of a beloved daughter can claim any share with tender parents, I hope hereafter to have some title to your esteem.

I am, sir, with great respect, your most obedient servant,

RICHARD MONTGOMERY.

—

CLAREMONT, *21 June, 1773.*

SIR: I received your polite letter by the hands of Mr. Lawrence at Poughkeepsie, from whence I returned last night.

I was then so engaged in the business of court, both night and day, that I had no time to answer it, and though I would have stolen an hour for that purpose, it required a previous consultation with Mrs. Livingston.

Since we heard of your intentions, solicitous for our daughter's happiness, we have made such inquiries as have given a great deal of satisfaction. We both approve of your proposal and heartily wish your union may yield you all the happiness you seem to expect, to which we shall always be ready to contribute all in our power. Whenever it suits your convenience we hope to have the pleasure of seeing you here, and in the meantime I remain, with due respect,

Your most humble servant, ROBERT R. LIVINGSTON.

Mrs. Montgomery wrote a series of notes to be used for a memoir of her husband. The limits of this article permit only a few gleanings from this quaint and interesting manuscript:

"General Montgomery was born in Dublin, and was educated in the College of Dublin. His father, Thomas Montgomery, of Convoy House, Donegal, had three sons, Alexander, John, and Richard, and one daughter married to Viscount Ranelagh. The eldest son, Alexander, was an officer under Wolfe in the conquest of Canada, and for 40 years member of Parliament for the county of Donegal. John died at Lisbon a noted merchant. Richard was the third son. Their mother was an English lady of fortune whose estate was settled on her younger sons, the eldest son having inherited the estate of his uncle. Richard was placed in the British Army, in the Seventeenth Regiment, by the advice of his brother, Alexander, his senior by many years. Richard was at the taking of Cape Breton with Amherst. Alexander marched to reenforce Wolfe.

"The duty of the Seventeenth Regiment was in America. For this reason, when the stamp act was to be enforced an order was given to employ that regiment, then in England, which Montgomery, receiving with several others, declared publicly that they would throw up their commissions if the order were persisted in. In 1772–73 he came to New York, purchased a farm at Kingsbridge, and in July, 1773, was married. He then removed to Rhinebeck, where he built a mill and laid the foundation of a house.

"Unknown, as his modesty led him to suppose himself to be, he was chosen early in 1775 one of the Council of Fifty to New York from Dutchess County. While thus engaged Congress determined to raise troops in defense of our rights. Philip Schuyler was appointed the major general, and the appointment of brigadier general was tendered to Montgomery. Before accepting it he came into his wife's room and asked her to make up for him the ribbon cockade which was to be placed in his hat. He saw her emotion, and marked the starting tear. With persuasive gentleness he said to her: 'Our country is in danger. Unsolicited, in two instances, I have been distinguished by two honorable appointments. As a politician I could not serve them. As a soldier I think I can. Shall I, then, accept the one and shrink from the other in dread of danger? My honor is engaged.' Mrs. Montgomery took the ribbon, and he continued: 'I am satisfied. Trust me. You shall never blush for your Montgomery.'

"He had hardly received his appointment when it was announced that General Washington was to pass through New York on his way to Boston. On the morning of his expected arrival the whole town was in a state of commotion. All the militia was paraded, bells ringing, drums beating, and in that moment the British Governor Tryon arrived. As he landed he looked with delight at the general excitement that prevailed, and said: 'Is all this for me?' when two of his counselors took him mournfully by the hand and led him to a house where he saw the great Washington pass, attended by a crowd of patriots. At a window next to the City Hotel I was happily so placed that I could see him. Here General Schuyler and General Montgomery received their commissions and instructions. The next day, when Montgomery opened his commission, he found all the commissions of his brigade left in blank. Such was the trust reposed in him."

Two years of quiet and domestic happiness were broken in upon by Montgomery's being sent as a delegate to the First Provincial Convention, held in New York in April, 1775. He never thought himself fit for civil service, and with reluctance took the place assigned him. But his heart was in the movement. With such feelings of ardent devotion did he give himself up to the cause of American liberty, that when called upon by Congress to quit the retirement of his farm in order to become one of the first eight brigadier generals, he wrote to a friend "that the honor, though entirely unexpected and undeserved, he felt to be the will of an oppressed people, which must be obeyed"; and he accordingly went immediately into active service.

Mrs. Montgomery accompanied him on his way as far as Saratoga. In after years their parting was described as follows by his brother-in-law, Edward Livingston, who was at the time a boy of 11: "It was just before General Montgomery left for Canada. We were only three in the room—he, my sister, and myself. He was sitting in a musing attitude between his wife, who, sad and silent, seemed to be reading the future, and myself, whose childish admiration was divided between the glittering uniform and the martial bearing of him who wore it. Suddenly the silence was broken by Montgomery's deep voice, repeating the line, 'Tis a mad world, my masters,' 'I once thought so,' he continued, 'now I know it.' The tone, the words, the circumstances, overawed me, and I noiselessly retired. I have since reflected upon the bearing of this quotation, forcing itself upon the young soldier at that moment. Perhaps he might have been contrasting the sweet quiet of the life he held in his grasp with the tumults and perils of the camp which he had resolved to seek without one regretful glance at what he was leaving behind. These were the last words I heard from his lips, and I never saw him more."

I turn next to the letters written by General Montgomery to his wife during his last brilliant and memorable campaign.

The correspondence was not voluminous; at that time communication between Canada and New York was slow and difficult. In the most favorable weather the sloops which plied the Hudson required a week to go from Albany to New York. On comparison of dates, some of the letters prove to have been two months on the way from Montreal or other parts of Canada to Rhinebeck, where Mrs. Montgomery lived.

These letters show him to have been blunt and straightforward, yet affectionate, and on occasion fond of a joke at home.

"If you find you can be spared," he wrote, June, 1775, "and wish to make a trip to New York, and will not stay too long, I shall be very glad to see you. I dare say Peggy and Kitty"—his wife's sisters—"will not dislike the jaunt."

"FROM TICONDEROGA, *August 24, 1775.*

"I have received yours from Albany and the cask of rusk. Ticonderoga agrees very well with me. I have a great deal of exercise both of body and sword. The New Englanders and I jog on very well together, and I go to prayers every evening with them after exercise is over. The general is gone to the Indian congress, so that for a few days I am in command, though without the difficulties he had to struggle with, as he had before put matters in proper train.

"As for house or home (except yourself), I have hardly time to lend a thought. Be assured of my warmest affection, my dearest girl, and accept my warmest wishes for your happiness."

A letter dated from Camp St. Johns in September, 1775, betrayed a soldier's impatience at his wife's complaints at the prolonged separation from him: "I must entreat the favor of you," he wrote to her, "to write no more of those whining letters. I declare if I receive another in that style, I will lock up the rest without reading them. I don't want anything to lower my spirits; I have abundant use for them all, and at the best of times I have not too much."

The following letter gives evidence of his keen sense of duty in the distribution of office, which no tie of consanguinity could affect in any manner whatsoever:

"This very evening (October 9, 1775, near Camp St. Johns) I received my dear Janet's letters to the 23d of September, which bring me the agreeable news of your recovery. I hope to have the same account of your good father and mother, whose health and happiness I think myself deeply interested in. You are right. I most certainly might have advanced Harry to a majority. Disinterested and generous motives will forever, I hope, prevent me from serving myself or family at the expense of the public. Though a spirited fellow, he has not experience for such an important post. I grant there are others as bad and worse. This is not my doing; nor will I ever have such a weight on my conscience."

The uncommon sympathy that existed between his wife's family and himself is a striking feature of this short correspondence. There are constant messages of remembrance for them, all interwoven with the news from the camp and in the midst of the most harassing events and circumstances.

"I have no time to write to your father," he wrote from Montreal on the eve of his departure for Quebec. "My most affectionate respects attend the old gentleman and lady. My love to the girls. Do they go to town? No husbands this winter? Alas! I live in hopes to see you in six weeks."

The last letter of the collection bears the date of the 5th of December, 1775. It was written just a fortnight before his death and is as follows:

"HOLLAND HOUSE, NEAR QUEBEC, *December 5.*

"MY DEAR JANET: This day I had the pleasure of yours of the 13th of October. I think your letters are a long time on the road. I believe I have now the right to complain, as I am sure you don't write as often as I do.

"I suppose long ere this we have furnished the folks of the united colonies with subject matter of conversation. I should like to see the long faces of my Tory friends. I fancy they look a little cast down, and that the Whig ladies triumph most unmercifully.

"The weather continues so gentle that we have been able, at this late season, to get down by water with our artillery, etc. They are a good deal alarmed in town, and with some reason. The garrison is little to be depended upon, and very weak in proportion to the works. I wish it were well over, with all my heart, and sigh for home like a New Englander.

"I sha'n't forget your beaver blanket if I get safe out of this affair, nor your mother's martin-skins. Present my affectionate duty to her, and make her easy respecting Harry. He has by no means given any offense, though some uneasiness, by some little imprudence. I am glad to hear your house is in such forwardness. May I have the pleasure of seeing you in it soon! Till then, adieu!"

General Schuyler's health did not permit him to conduct this campaign, as had been intended. He relinquished the command of the forces to General Montgomery at Isle aux Noix. There was insubordination among the troops. Montgomery's energy and dauntless will were more than equal to the emergency. He had great trouble with the New Englanders. All seemed thoroughly demoralized, the New Yorkers as well as the others. "O fortunate husbandmen!" wrote Montgomery, "would I were at my plough again!" He was thoroughly disgusted with them all. However, his course through Canada was a triumphant one, and notwithstanding all his difficulties, success followed in his footsteps. "I have courted fortune," he wrote in another letter, "and found her kind. I have one more favor to solicit, and then I have done; till Quebec is taken, Canada is unconquered." Chief Justice Marshall states that Montgomery "had determined to withdraw from the Army, and had signified, before marching from Monteral, his resolution to resign the commission which had been conferred upon him."

Marshall adds, as a probable incentive to the storming of Quebec, that he had "the desire of closing his military career with a degree of brilliancy suited to the elevation of his mind by the conquest of Canada to the United States." "Fortune," he said, "favors the brave." Little had he then contemplated failure, or his own approaching end. In a conversation which he had with one of his aids-de-camp shortly before the storming of Quebec, he had indulged in meditations on his own life and spoke of his loss of ambition, a sense of duty being alone left as his spring of action. He longed to return to the retirement of his country life, though he said he "would always be ready to contribute to the public safety should the scene change and his services be again required." He was convinced that there was, as he said, "a fair prospect of success," and, notwithstanding the perils of his situation, his hopes ran high and his soul was undaunted. It has been said that he knew the fortifications well, because he had been with Wolfe at the taking of Quebec. This is a mistake. He was in the British Army in Canada at the time but not with Wolfe, having been ordered to follow Amherst with his regiment. This error probably originated from the fact that Alexander Montgomery, the general's eldest brother, was with Wolfe at Quebec.

It was at 4 o'clock in the morning of December 31, 1775, during a violent snowstorm, that the attack on Quebec was made. The little American army had undergone inexpressible hardships during the campaign, and the soldiers were half starved and half naked. It took all the magnetic power of Montgomery to stir them into renewed action. "Men of New York," he exclaimed, "you will not fear to follow where your general leads; march on!" Then placing himself in the front he almost immediately received the mortal wound which suddenly closed his career.

Thus fell Richard Montgomery, at the early age of 37. Three weeks before his death he was promoted to the rank of major general. Young, gifted, and brave, he was mourned throughout the country, at whose altar he had offered up his life—apparently in vain; for his fate decided the battle in favor of the British.

The story that he was borne from the field of battle by Aaron Burr, under the continued fire of the enemy, has always been received with doubt. It may now, upon the highest authority, be pronounced to be without foundation.

It was rumored, but not ascertained by the British for some hours, that the American general had been killed. Anxious to ascertain, General Carleton sent an aid-de-camp to the seminary, where the American prisoners were, to inquire if any of them would identify the body. A field officer of Arnold's division, who had been made prisoner near Sault au Matelot barrier, accompanied the aid-de-camp to the Prés de Ville guard and pointed it out among the other bodies, at the same time pronouncing in accents of grief a glowing eulogium on Montgomery's bravery and worth. Besides that of the general, the bodies of his two aids-de-camp were recognized among the slain. All were frozen stiff. General Montgomery was shot through the thigh and through the head. When his body was taken up his features were not in the least distorted, his countenance appeared serene and placid, like the soul that had animated it. His sword, the symbol of his martial honor, lay close beside him on the snow. It was picked up by a drummer boy, but immediately afterwards was given up to James Thompson, overseer of public works and assistant engineer during the siege, who had been intrusted by General Carleton with the interment of the body. Through the courtesy of the British general, Montgomery was buried within the walls of Quebec with the honors of war.

General Montgomery's will had been made at Crown Point on the 30th of August, soon after the commencement of his last campaign. The authenticity of this document is attested by the

signature of Benedict Arnold. It is still in existence, and reads as follows:

THE LAST WILL AND TESTAMENT OF RICHARD MONTGOMERY.

I give to my sister, Lady Ranelagh, of the Kingdom of Ireland, all my personal fortune for her sole use, to be disposed of as she pleases, except such legacies as shall be hereafter mentioned. All my just debts must first be paid. Also, I give my said sister my estate at Kingsbridge, near New York, for her sole use, to be disposed of as she thinks fit. To my dear wife, Janet Montgomery, I give my furniture, farm utensils, carriages of all sorts, horses, cattle, shares, books (to this watch, mathematical and philosophical instruments, and apparatus).

I also leave to my said wife the farm I purchased from Shares, at Rhynbeck, with horses and everything upon it.

The ample fortune which my wife will succeed to makes it unnecessary to provide for her in a manner suitable to her situation in life and adequate to the warm affection I bear her.

My dear sister's large family want all I can spare. I could wish to recommend one or two of her younger children to my Janet's protection.

I must request the Honorable Robert Livingston, my much-esteemed father-in-law, and my brother-in-law Robert, his son (whose good sense and integrity I have all confidence in), to see this my last will and testament executed. Though the hurry of public business and want of knowledge in the law may have rendered this instrument incorrect, yet I believe my intention is plain. I therefore hope no advantage will be taken of any inaccuracy.

My brothers, whom I greatly esteem and respect, will accept of what alone I have in my power to give—my warmest wishes for their happiness.

RICHARD MONTGOMERY.

Witnesses:
ROBERT WALKIN,
EDWARD MOTT.
J. P. TETARD.

AUGUST 30, 1775, *Crown Point.*

This may certify that the foregoing will and testament of the late General Montgomery was found by us among his papers a few days after his death and immediately sealed up.

BENEDICT ARNOLD,
DONALD CAMPBELL.

This certification is in the handwriting of Arnold.

General Montgomery left no descendants. By his will it appears that he bequeathed the greater part of his fortune to his relatives in Ireland. The farm at Kingsbridge would now be of enormous value from its proximity to New York.

A curious inventory of his effects was taken and forwarded to New York. The greater part of his wardrobe was purchased by General Arnold. An account was also sent to Mrs. Montgomery of the manner in which his effects had been disposed of, and a list of the articles marked on the inventory as sold to General Arnold. Governor Carleton sent General Montgomery's gold watch and seal to General Wooster, at Montreal, who sent them to Mrs. Montgomery.

The body of General Montgomery remained in Quebec for 43 years. It was then brought to New York in compliance with a special act of the legislature.

At Mrs. Montgomery's request, Governor Clinton commissioned her nephew, Lewis Livingston, to superintend the removal of the remains to New York. From a minute report which he wrote to his father, Edward Livingston, then in Louisiana, we gather many details of interest hitherto unknown to the public. On account of the great lapse of time since the death of General Montgomery apprehensions were entertained that there would be difficulty in ascertaining the exact spot where he was interred. Such apprehensions were, however, groundless. Mrs. Montgomery had been some time previously informed by Mr. William Smith—the son of the Chief Justice, then deceased—that the person who had buried her husband was still living and had in his possession the sword the general wore when he was so unfortunately slain. Shortly after the arrival of Colonel Livingston in Quebec, James Thompson, then 89 years of age, was pointed out to him as the very person who had been intrusted with the superintendence of the general's burial and who had served in the British Army during the siege. He was ordered to explore the place of interment and dig up the remains. This he accordingly did, in the presence of one of his excellency Governor Sherbrooke's aides de camp, Captain Freer. As Thompson still possessed all his faculties, Colonel Livingston obtained from him full information. Owing to the alteration that had taken place in the appearance of the ground he could not indicate exactly where the body lay. It was found, however, within a few feet of the place he fixed upon, and there was so much circumstantial evidence to corroborate all he said that not a doubt could be entertained of his veracity. He mentioned a number of details respecting the interment and gave a particular description of the coffin in which the body was placed, which corresponded perfectly with the appearance of the one taken up. The coffin was kept exactly in the state in which it was found and placed in a strong wooden case.

Sir John Sherbrooke pursued a very liberal course of action. He did not hesitate one instant to deliver up the remains; he only expressed a desire that the affair should be considered a private rather than a public transaction. Mr. William Smith was extremely useful in furthering the views of Colonel Livingston; he was intimate with the governor, and used his influence to obtain a compliance with the request of which he was the bearer.

Governor Clinton had directed the adjutant general, with Colonel Van Rensselaer and a detachment of Cavalry, to accompany the remains to New York. They left Whitehall on the 2d of July, arriving at Albany on the 4th. Great preparations had been made to receive the remains with all possible splendor and éclat. The procession moved through all the principal streets of Albany, escorted by the military under arms, joined by an immense concourse of citizens. The remains were laid in state in the capitol. In every village on the route similar honors had been paid to the memory of the gallant Montgomery. The skeleton had been placed in a magnificent coffin, which had been sent by the governor. On the 6th of July, at 9 o'clock in the morning, a procession, perhaps still larger than the first, accompanied the coffin to the steamer *Richmond*, on board of which it was put with a large military escort. The boat floated down for several miles under the discharge of minute guns from both shores. It was astonishing to observe the strong sympathies which were everywhere evoked by the arrival of these sacred remains. The degree of enthusiasm that prevailed and the patriotic feeling that evinced itself reflected credit upon the State of New York, and not a voice was heard in disapproval of the tributes of respect thus paid to the memory of this hero of the Revolution.

Governor Clinton had informed Mrs. Montgomery that the body of the general would pass down the Hudson; by the aid of a glass she could see the boat pass Montgomery Place, her estate near Barrytown. I give her own quaint and touching terms as she describes the mournful pageant in a letter to her niece: "At length," she wrote, "they came by with all that remained of a beloved husband, who left me in the bloom of manhood, a perfect being. Alas! how did he return! However gratifying to my heart, yet to my feelings every pang I felt was renewed. The pomp with which it was conducted added to my woe; when the steamboat passed with slow and solemn movement, stopping before my house, the troops under arms, the Dead March from the muffled drum, the mournful music, the splendid coffin, canopied with crêpe and crowned by plumes, you may conceive my anguish; I can not describe it."

At Mrs. Montgomery's own request, she was left alone upon the porch when the *Richmond* went by. Forty-three years had elapsed since she parted with her husband at Saratoga. Emotions too agitating for her advanced years overcame her at this trying moment. She fainted and was found in an insensible condition after the boat had passed on its way. Yet the first wish of her heart was realized after years of deferred hope, and she wrote to her brother in New Orleans, "I am satisfied. What more could I wish than the high honor that has been conferred on the ashes of my poor soldier?"

The remains were finally interred in New York on the 8th of July, 1818, beneath the monument in front of St. Paul's Church. This monument was designed and executed in France, ordered by Benjamin Franklin. * * *

The British chargé d'affaires ad interim to the United States, Victor Drummond, Esq., having recently obtained General Montgomery's sword, presented it to me on the 3d of September, 1881, at Montgomery Place, where it has been added to the other relics of the general. * * *

SENATOR FROM TEXAS.

The PRESIDING OFFICER (Mr. MCNARY in the chair) laid before the Senate the petition and protest of George E. B. Peddy, of Houston, Tex., claimant, against the right of EARLE B. MAYFIELD, of Texas, to a seat in the Senate of the United States from the State of Texas for the term beginning March 4, 1923, which, with the two accompanying exhibits, was ordered to be placed on file.

After the conclusion of Mr. MCKELLAR'S speech,

PETITIONS AND MEMORIALS.

Mr. LODGE presented resolutions adopted by the Oriskany Unit, Steuben Society of America, at Boston, Mass., favoring the calling of an international conference by the United States

to revise and recast the treaty of Versailles, which were referred to the Committee on Foreign Relations.

He also presented a resolution of the board of aldermen of the city of Somerville, Mass., favoring the passage of the so-called Rogers bill, placing an embargo on exportation of coal to the Dominion of Canada, which was ordered to lie on the table.

He also presented a resolution of the Men's Club of the First Methodist Episcopal Church, of Medford, Mass., favoring the passage of adequate legislation to remedy the deplorable coal situation, which was ordered to lie on the table.

Mr. LADD presented a resolution of Edgar M. Boyd Post, No. 37, American Legion, of Williston, N. Dak., favoring the total exclusion of immigration to the United States, which was referred to the Committee on Immigration.

Mr. McNARY presented the following joint memorial of the Legislature of Oregon, which was referred to the Committee on Agriculture and Forestry:

STATE OF OREGON,
THIRTY-SECOND LEGISLATIVE ASSEMBLY, REGULAR SESSION,
Hall of Representatives.

House Joint Memorial 6.

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

Whereas it is desirable that the Congress of the United States amend the Federal grain standards act so that the United States Bureau of Markets shall have authority to prescribe discounts or differentials similar to those prescribed in section 12 of the Oregon grain inspection law: Be it

Resolved by the House of Representatives of the State of Oregon (the Senate concurring), That we most earnestly petition and memorialize the Senate and House of Representatives of the United States, in the name of the State of Oregon, to so amend the Federal grain standards act that the bureau of markets shall have the authority to prescribe discounts or differentials similar to those prescribed in section 12 of the Oregon grain inspection law; and be it further

Resolved, That the secretary of state of the State of Oregon be instructed to forward a copy of this resolution to each Member of the Congress of the United States.

Adopted by the House February 7, 1923.

K. K. KUBLI,
Speaker of the House.

Adopted by the Senate February 9, 1923.

JAY UPTON,
President of the Senate.

Indorsed: House Joint Memorial 6. Introduced by L. L. Mann. W. F. Drager, chief clerk. Filed: February 12, 1923; Sam A. Kozer, secretary of state.

UNITED STATES OF AMERICA,
STATE OF OREGON,
Office of the Secretary of State.

I, Sam A. Kozer, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of House Joint Memorial 6 with the original thereof adopted by the Thirty-second Legislative Assembly of the State of Oregon and filed in the office of the secretary of state of the State of Oregon February 12, 1923, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indorsements thereon.

In testimony whereof, I have hereunto set my hand and affixed hereto the seal of the State of Oregon. Done at the capitol at Salem, Oreg., this 12th day of February, A. D. 1923.

[SEAL.]

SAM A. KOZER,
Secretary of State.

Mr. GOODING presented the following joint memorial of the Legislature of Idaho, which was referred to the Committee on Finance:

STATE OF IDAHO,
Department of State.

I, F. A. Jeter, secretary of state of the State of Idaho and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of House Joint Memorial No. 4 with the original thereof adopted by the senate and house of representatives of the Seventeenth Legislative Assembly of the State of Idaho and filed in the office of the secretary of state of the State of Idaho February 6, 1923, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Idaho. Done at the capitol at Boise, Idaho, this 12th day of February, A. D. 1923.

[SEAL.]

F. A. JETER,
Secretary of State.

IN THE HOUSE OF REPRESENTATIVES.

House Joint Memorial No. 4, introduced by Committee on Military and Indian Affairs.

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Legislature of the State of Idaho, respectfully represent that—

Whereas great services patriotically rendered and sacrifices heroically made by service men and women in the World War places a great obligation upon the people of this Nation; and

Whereas as a result of these services many veterans are now becoming disabled in mind and body and in need of every consideration and assistance; and

Whereas existing laws and regulations do not promote the most satisfactory service to be rendered these disabled veterans; and

Whereas it is the desire of all worthy people that such sacrifices shall not go unrecognized and unrewarded: Now, therefore, be it

Resolved, That the House of Representatives of the State of Idaho, the senate concurring, do earnestly recommend and request that the Congress take up for consideration and early enactment measures now pending and providing for the relief of disabled veterans, and especially do we urge the immediate enactment into law or regulation of the following:

1. The construction of new neuropsychiatric hospitals in sufficient numbers to care for the ever-increasing number of mental patients be immediately undertaken and pushed to completion, and that the staffs of such institutions be ample to care for the existing needs of the patients therein.

2. That veterans hospitalized for any disabilities of service origin (all disabilities of venereal nature or involving moral turpitude excluded) be granted a total temporary compensation status while undergoing hospitalization, this to include disabilities of service origin, or aggravation thereof, of less than 10 per cent.

3. That all beneficiaries of the Veterans' Bureau discharged from a hospital with disabilities duly connected with the service or aggravated thereby be placed on a total temporary compensation status until such time as vocational training becomes feasible for them, or until it becomes evident that the claimant is able to follow some gainful occupation.

4. The amendment of existing law so as to permit all claimants suffering with compensable disabilities of service origin be allowed compensation on hospital basis when so hospitalized.

5. That all disabled ex-service men be given the necessary hospital treatment and care irrespective of the status of his compensation claim.

6. That the two-year time limit, now in force under the amended Sweet Act of August 9, 1921, in which ex-service men suffering from tuberculosis or neuropsychiatric disabilities are entitled to compensation and benefits of the Veterans' Bureau, be extended to five years from date of discharge from active military or naval service.

7. That beneficiaries of the Veterans' Bureau suffering from neuropsychiatric disabilities of service origin, or aggravation thereof, rated 10 per cent or more and declared nonfeasible for vocational training, shall be allowed a 50 per cent compensation during such time as they are adjudged not feasible for training and unable to continually earn a livelihood.

8. That an ex-service man who is shown to have a tubercular condition of the bone, developing within three years after separation from active military or naval service of the United States, shall be considered to have acquired such disability in this service, or to have suffered an aggravation of the preexisting tubercular condition, and nothing should be construed to prevent a claimant from receiving benefits of compensation, medical care, and treatment for disabilities due to this disease, of more than 10 per cent, developing within three years from date of separation from active service, if the facts of the case substantiate his claim.

9. The amendment of section 310, war risk insurance act, so as to allow all disabled veterans compensation from date of discharge, providing they submit evidence showing a disability of compensable degree.

10. The amendment of existing law so as to inaugurate a system of permanent ratings by a board with laymen representation who will consider the man's previous education, earning ability, and general status in life, as well as his physical condition, with the end in view of establishing a permanent disability rating code.

11. That so much of section 300, Public 47, Sixty-seventh Congress, as establishes service connection of men suffering with neuropsychiatric and tuberculosis of a degree of 10 per cent or more, within two years after discharge, be made applicable to the original rehabilitation act, and that claimants having a disability constituting a vocational handicap and who are eligible to compensation of 10 per cent under the authority of this section, be granted section 2 training.

12. The amendment of existing law to make rehabilitation training available to widows and dependents of deceased persons who lost their lives in line of duty in military service.

13. The amendment of existing law to compensate any trainee who is injured while actively pursuing a course of training prescribed by governmental agency.

14. The amendment of section 2 of the rehabilitation act in such manner as to recognize any service connection established under provisions of section 300 of the war risk insurance act, amended, as sufficient for all purposes under the provisions of the rehabilitation act.

15. That a civilian board of appeals composed of three representatives, professional or business men, in each district, be established to pass on the cases of beneficiaries of the Veterans' Bureau who are dissatisfied with the treatment received from the rehabilitation department and desiring further training.

16. That ratings for compensation be made by a medical board, before which the claimant appears in person, and that such ratings be not decreased nor allowance of compensation overruled by central office.

17. That a rating board shall be established in each hospital, with full legal powers to render decisions, adjust awards, and make examinations.

18. That adequate provisions be made for the payment of compensation to claimant's widow and any direct issue of the union, such compensation to be payable to the widow so long as she remains unmarried and payable to the children until they become of legal age.

19. That the Veterans' Bureau immediately discontinue the use of form letters to claimants and in their stead write fully on each claim, giving such full information as claimant may need to complete his case; be it further

Resolved, That we express to the Congress of the United States the hope that some method of extra compensation for the service men and women of the World War may be provided whereby the material sacrifices of those who served may be repaid upon a basis which will be equitable and within the reasonable limit of expenditures which conditions will justify; and be it further

Resolved, That the Secretary of State is hereby instructed to forward this memorial to the Senate and the House of Representatives of the United States of America; that copies be sent the Senators and Representatives in Congress of this State and to the national headquarters of all duly recognized veterans' organizations.

This joint memorial passed the house on the 20th day of January, 1923.

M. A. KIGER,
Speaker of the House of Representatives.

This joint memorial passed the senate on the 24th day of January, 1923.

H. A. BALDRIDGE,
President of the Senate.

I hereby certify that the within Joint Memorial No. 4 originated in the house of representatives during the seventeenth session of the Legislature of the State of Idaho.

DAVE BURRELL,
Chief Clerk of the House of Representatives.

Mr. GOODING presented the following joint memorial of the Legislature of Idaho, which was referred to the Committee on Irrigation and Reclamation:

UNITED STATES OF AMERICA,
STATE OF IDAHO,
Office of the Secretary of State.

I, F. A. Jeter, secretary of state of the State of Idaho, and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of House Joint Memorial No. 6 with the original thereof adopted by the senate and house of representatives of the seventeenth legislative assembly of the State of Idaho and filed in the office of the secretary of state of the State of Idaho February 8, 1923, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Idaho. Done at the capitol at Boise, Idaho, this 10th day of February, A. D. 1923.

[SEAL.] F. A. JETER,
Secretary of State.

IN THE HOUSE OF REPRESENTATIVES.

House Joint Memorial No. 6.

To the honorable Senate and House of Representatives of the United States of America, in Congress assembled:

Your memorialists, the Legislature of the State of Idaho, respectfully represent: That—

Whereas great distress obtains upon Government Federal reclamation projects in the State of Idaho; and

Whereas in the early history of the movement for the construction of Government reclamation projects in the State of Idaho the Government of the United States on April 5, 1904, caused to be published Senate bill No. 247, and at page 20 thereof in said document discloses the representations made by the representatives of the Government of the United States as to the costs of reclamation per acre upon the Boise project, and Mr. Newell, who at the time was director of the Reclamation Service, at a meeting of the citizens of Boise Valley, among other things, made the following representations:

"Replying to another question, he said the cost could not possibly exceed $20 or $25 per acre." The cost referred to by the director was the cost for a water right and completed project to be assessed against the lands of the Boise project; and

Whereas when the first unit of the Boise project had been completed, and the only one that has been completed, the Secretary of the Interior announced an $80 charge per acre for each acre of land; and

Whereas Senate Document No. 247, published by the Government of the United States, was spread broadcast throughout the Middle West and State of Idaho and elsewhere as an inducement for settlers to take up Government land and to enter into contractual relations with the Government of the United States and assume to pay the burden of reclamation; and

Whereas hundreds of settlers went upon Government lands and located within the reclamation projects of the State of Idaho, with the understanding that they would be required to pay from $20 to $25 per acre for the reclamation of their lands, and many of whom waited from five to nine years after their location upon desert lands before any water was furnished to them whatsoever upon their lands from said reclamation project or any other source; and

Whereas hundreds of settlers upon Federal reclamation projects in the State of Idaho have exhausted all of their resources in an effort to meet their obligations to the Government of the United States and at this time are practically penniless; and

Whereas the Federal reclamation projects in the State of Idaho are confronted with one of two alternatives—first, an extension of time must be given and arrangements made for a reasonable distribution of the payments required to be made to the Government; or, second, hundreds of settlers who have spent from 10 to 15 years of the best part of their lives in an attempt to make homes upon Federal reclamation projects in the State of Idaho will be forced to abandon their said homes and seek a living elsewhere, and that, too, in the declining years of their lives; and

Whereas the conditions heretofore stated in this memorial have been greatly augumented on account of excessive freight rates obtaining from the State of Idaho to eastern markets being practically prohibitive until the products grown upon Federal reclamation projects have rotted in the fields for the reason that they would not bring sufficient sums to pay transportation charges; and

Whereas justice and a desire to show our appreciation to those who have struggled for years to subdue the desert and to improve our country and its citizenship impels us to ask that the Congress of the United States of America, by act of Congress, postpone all payments overdue upon reclamation projects and spread all of the remaining payments to fall due, together with said past due payments, over a period of 40 years to the end that the Government may have returned to it by the citizens who have in most instances undertaken to reclaim desert lands on Federal reclamation projects: Now, therefore, be it

Resolved, That we earnestly urge the Congress of the United States of America to immediately enact legislation in harmony with this resolution; and be it

Resolved, That the secretary of state of the State of Idaho is hereby instructed to forward this memorial to the Senate and House of Representatives of the United States of America, and that copies of the same be sent to the Senators and Representatives in Congress from this State.

This memorial passed the house on the 3d day of February, 1923.

M. A. KIGER,
Speaker of the House of Representatives.

This memorial passed the senate on the 5th day of February, 1923.

H. C. BALDRIDGE,
President of the Senate.

I hereby certify that the within House Joint Memorial No. 6 originated in the house of representatives during the seventeenth session of the Legislature of the State of Idaho.

DAVE BURRELL,
Chief Clerk of the House of Representatives.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRANDEGEE:

A bill (S. 4606) granting a pension to Jennie M. Bond; to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 4607) for the allowance of certain claims for indemnity for spoliations by the French prior to July 31, 1801, as reported by the Court of Claims; to the Committee on Claims.

By Mr. ROBINSON:

A bill (S. 4608) for the payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts, and under the provisions of section No. 151 of the Judicial Code; to the Committee on Claims.

THE MERCHANT MARINE.

The Senate resumed the consideration of the motion of the Senator from Washington that the Senate proceed to the consideration of the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes.

Mr. HARRISON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMITH in the chair). The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ball	Frelinghuysen	McCormick	Reed, Pa.
Brandegee	George	McCumber	Sheppard
Brookhart	Gooding	McKellar	Shields
Broussard	Hale	McKinley	Smith
Bursum	Harreld	McLean	Smoot
Calder	Harris	McNary	Stanfield
Cameron	Harrison	Moses	Stanley
Capper	Heflin	New	Sutherland
Curtis	Hitchcock	Norbeck	Swanson
Dial	Johnson	Oddie	Wadsworth
Dillingham	Jones, Wash.	Overman	Warren
Ernst	Kellogg	Pepper	Watson
Fernald	Ladd	Phipps	Weller
Fletcher	Lenroot	Pittman	Williams
France	Lodge	Ransdell	

The PRESIDING OFFICER (Mr. MOSES in the chair). Fifty-nine Senators having answered to their names, a quorum is present. The question is on agreeing to the motion of the Senator from Washington.

Mr. BROOKHART obtained the floor.

Mr. WATSON. Mr. President, will the Senator yield to me to make a report?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Indiana?

Mr. BROOKHART. Just so that I do not give up the floor.

Mr. WATSON. From the Committee on Finance——

Mr. FLETCHER. I object to the reception of the report.

Mr. WATSON. Very well; I am suppressed.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. BROOKHART. The Senator from Indiana did not get his report through? It is too bad.

Mr. President, I think this is a very important motion.

Mr. HARRISON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. BROOKHART. I yield.

Mr. HARRISON. I just wanted to note the fact that there is no order in the Chamber. We can not hear the Senator.

The PRESIDING OFFICER. The Chair thanks the Senator from Mississippi. The Senate will be in order. Senators remaining in the Chamber will please be seated. The Senator from Iowa will suspend until the Senate is in order.

Mr. BROOKHART. Mr. President, I do not think it would make much difference. So I hope the rule will not be too severely enforced.

The PRESIDING OFFICER. The Senator from Iowa will proceed.

Mr. BROOKHART addressed the Senate. After having spoken for some time, he said:

I would like to ask unanimous consent before I leave the floor that when the Senate takes a recess to-day it recess until 12 o'clock to-morrow.

Mr. JONES of Washington. Does the Senator yield the floor for the purpose of submitting that request?

Mr. BROOKHART. No.

Mr. JONES of Washington. If the Senator did that, I make the point of order that the Senator can not submit a request of that kind and hold the floor at the same time.

Mr. HARRISON. I submit that simply because a Senator has the floor he is not precluded from asking for unanimous consent that when the Senate takes a recess to-day it recess until 12 o'clock tomorrow. Of course, the Senator from Washington has a right to object, but he has no right to insist that 95 other Senators have a right to make that request but that

simply because a Senator has the floor he can not make it himself.

Mr. HEFLIN. Mr. President, a parliamentary inquiry. Did not the Senator——

Mr. JONES of Washington. I make the point of order now if the Senator from Iowa yields the floor.

Mr. HEFLIN. I am making a parliamentary inquiry.

Mr. JONES of Washington. I want to ask whether or not the Senator from Iowa yielded the floor when he submitted his request?

Mr. HEFLIN. He has not submitted any request.

Mr. JONES of Washington. But he must do that in order that it may be submitted to the Senate.

Mr. HEFLIN. He said, "before I leave the floor I should like to submit a request." Let the reporter's notes be read.

Mr. JONES of Washington. If he is not submitting it now, all right.

Mr. HARRISON. We are talking now on a point of order. The matter is very clear. The Senator from Iowa——

Mr. JONES of Washington. I make the point of order that the Senator from Mississippi is taking the Senator from Iowa off the floor. I ask for a ruling on the point of order.

Mr. HARRISON. I am only arguing the point of order.

Mr. BROOKHART. I have not yielded the floor to anyone.

Mr. JONES of Washington. I hope the Senator from Iowa will hold the floor.

Mr. HARRISON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. ODDIE in the chair). The Senator from Mississippi will state the inquiry.

Mr. HARRISON. I merely want to see what the parliamentary status is.

Mr. JONES of Washington. I make the point of order that the Senate can not take the Senator from Iowa off the floor by submtiting a parliamentary inquiry.

The PRESIDING OFFICER. The point of order is sustained. The Senator from Iowa has the floor.

Mr. HARRISON. I appeal from the decision of the Chair, and on that appeal I want to be heard.

Mr JONES of Washington. I ask the ruling of the Chair whether the Senator can do so in the time of the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. HARRISON. I know that the Presiding Officer has no desire to run the Senate beyond the orderly rules of the Senate——

Mr. JONES of Washington. Mr. President, I rise to a point of order.

Mr. HARRISON. I submit that I have a right to appeal from the decision of the Chair on the ruling.

Mr. JONES of Washington. The Senator can not do that unless the Senator from Iowa yields.

The PRESIDING OFFICER. Has the Senator from Iowa yielded?

Mr. BROOKHART. No; I have not yielded the floor.

The PRESIDING OFFICER. The Senator from Iowa has the floor He declines to yield, and he will proceed.

Mr. BROOKHART resumed his speech. After having spoken in all for about three hours and a half,

Mr. JONES of Washington. Mr. President, I understand that the Senator from Iowa desires to close his speech at this time.

Mr. BROOKHART. The first section of it.

The PRESIDING OFFICER (Mr. MOSES in the chair). Does the Senator from Iowa yield?

Mr. JONES of Washington. I understand the Senator desires to conclude his remarks at this time.

Mr. BROOKHART. Yes; if that is satisfactory.

Mr. JONES of Washington. I am not asking the Senator to do so.

Mr. HEFLIN. The light is very dim, and I suggest that it is difficult to read the matter from which the Senator from Iowa is quoting.

The PRESIDING OFFICER. The Chair will put the interrogatory, Does the Senator from Iowa yield the floor?

Mr. BROOKHART. If the proposition to recess that the Senator from Nebraska made to me is to be carried out, yes; otherwise, no.

Mr. JONES of Washington. I understand the Senator would like to close. That is agreeable. So I ask unanimous consent, Mr. President, that when the Senate closes its session to-day it recess until 11 o'clock to-morrow morning, with the understanding that we will have a short executive session now.

Mr. HITCHCOCK. What is the understanding the Senator suggests?

Mr. JONES of Washington. That we have a short executive session right now.

Mr. HITCHCOCK. I do not know that I want to agree to any understanding of that sort.

Mr. JONES of Washington. Very well. Some Senators have asked for an executive session. It is a matter of indifference to me.

Mr. HITCHCOCK. I do not want to have that put in the unanimous-consent agreement.

Mr. JONES of Washington. Very well. I thought it was understood that we intended to have an executive session.

Mr. HEFLIN. The Senator can move to go into executive session without unanimous consent.

Mr. JONES of Washington. I ask unanimous consent that when the Senate closes its business it recess until 11 o'clock to-morrow morning.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request propounded by the Senator from Washington?

Mr. HITCHCOCK. I object to it in that form. I will not object to a request for unanimous consent that the Senate take a recess until to-morrow morning at 11 o'clock.

Mr. JONES of Washington. I was going to state that I intended now to move an executive session. Of course, if the Senator does not desire an executive session, it makes no difference to me, but there are several Senators who have asked that we have an executive session. Does the Senator object to that?

Mr. HITCHCOCK. Yes. I think that is not a part of the unanimous consent we arranged. It was to take a recess until to-morrow morning at 11 o'clock.

Mr. JONES of Washington. I want to say to the Senator I did not agree to any such unanimous consent. It was suggested to me over here that we take a recess and have a brief executive session when the Senator from Iowa concluded his address, and I understood that we were to have an executive session. I am indifferent about it, so far as I am concerned, but I hope the Senator will consent.

Mr. HITCHCOCK. We had better carry out what was intended and what has been heretofore agreed to by unanimous consent, namely, to take a recess until to-morrow at 11 o'clock a. m.

Mr. LODGE. We can have an executive session at any time after to-morrow morning at 11 o'clock.

Mr. JONES of Washington. I do not feel like closing the session in view of the situation, and think we had better go on.

The PRESIDING OFFICER. Does the Senator from Iowa continue to yield the floor for the purpose of attempting to reach a unanimous-consent agreement?

Mr. BROOKHART. Yes; I yield for that purpose.

Mr. BROOKHART resumed and concluded his speech, which, entire, is as follows:

Mr. BROOKHART. Mr. President, the developments here to-day have been remarkable in many ways. I am glad to find out that everybody in every way is in favor of a filibuster. It seems like they have all been in it at one time and another. As I look over the RECORD here to-day I find the Senator from Washington [Mr. JONES] holding a little spot on the floor for 14 hours, or such a matter, the Senator from Utah [Mr. SMOOT] for 13 hours, and the Senator from Massachusetts [Mr. LODGE] for I do not know how many hours. I shall have to assure you that I am too new in the Senate to live up to the grand precedents that have gone before me. I am afraid I shall not hold out that long. However, I shall do my level best; I assure you of that.

There is another thing about this occasion that is especially significant to me. This is the natal day of George Washington, the Father of Our Country, the greatest filibusterer in history. Yes; it was George Washington who filibustered the American people clear out of the British Empire. He went farther than a filibuster, even. A filibuster is lawful, I guess, as we learned here to-day. It is constitutional to start with, and nobody has suggested that even the Supreme Court would ever hold a filibuster to be a violation of the Constitution of the United States; but the Father of Our Country did not even have legal sanction for his great filibuster. No. He carried it on into a red, white, and blue revolution.

I remember the little incident that started that filibuster in those old days. I read it back when I was a schoolboy. It related to something about tea, about a tax on tea, and there were some of the compatriots of George Washington who did not like the looks of a tax on tea, and they filibustered that tea over into Boston Harbor. Yes; that occurred up in Boston—dear old Boston—

> The home of the bean and the cod,
> Where the Lowells speak only to the Abbotts.
> And the Abbotts speak only to God.

Mr. CALDER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New York?

Mr. BROOKHART. On the same conditions that I have heretofore mentioned.

Mr. CALDER. I trust the Senator will pardon my suggesting a correction. I think that was the Cabots, not the Abbotts.

Mr. BROOKHART. I accept the correction. I am not very strong on poetry, anyhow.

Yes; that little filibuster conducted by the Father of our Country went on. I remember how the embattled farmers went out along Lexington Road with their guns in their hands in those old days. I also remember a day, on this 7th of November just past, when the embattled farmers of the United States went out with their ballots in their hands. Well we remember the crossing of the Delaware, and we remember Burgoyne, Valley Forge, and those terrible days, and we remember how even George Washington, driven to the wall, contemplated going back into the woods of America with a filibustering party to fight even in that desperate condition; and then finally we remember the days of the victory over Cornwallis at Yorktown. Yes; the French, Lafayette, Pulaski, Von Steuben—all those, we remember—came over and helped us by taking part in that greatest filibuster in the history of the world, the American Revolution. Therefore it is with somewhat of a pride of Americanism that I announce to you plainly and frankly that I am going to try to filibuster a little myself here to-night. You do not need to stay unless you want to. I will excuse all of you except the Senator from Washington. I think he ought to stay.

We had some little plans worked out about this filibuster some time ago. We thought if they would accommodate us fully on these night schools, so that we could present all our matters, we would let the daytime go with legitimate business.

But we had not gone very far until we found they wanted to adjourn about 10 or 11 or 12 o'clock, and we can not possibly make our record upon the proposition before the 4th of March, if these night schools do not run longer than that. Therefore plans have to be changed a little. The Senators who desired to take part in the school got anxious. They had prepared elaborately for the presentation of the subject, and having done that they did not want all that labor to go to waste. They wanted to get some use of it. I was put up as the first one to start the filibuster. I do not know just why that was, unless because the paper published a story about how I wanted to wear overalls in the United States Senate. The farm bloc is going to do that some of these days, so look out for it.

But before I got started to speak in the filibuster the Senator from Oklahoma [Mr. OWEN] showed up. We farmers are good-natured, so, of course, I gave way to him, and he talked about a day and a half explaining the proper place for the Supreme Court of the United States. That explanation is not completed. There will be some further reference to it later, because that is important, too, and will have to be fully figured out.

Now, following him the Senator from Missouri [Mr. REED] blew in, and I have a right to talk about him as I please, because I was originally a Missourian myself, and I sometimes have to be shown, too. It will be remembered that he brought in a map and pointed out the different sections and sectors and segments of the whole world and explained how we ought to get a few more of these sections, or islands, I believe it was. I am considerably in sympathy with that proposition. I would like to have an island myself.

I do not want to review all that happened here, but I kept giving way first to one and then to another. I was sitting on the front bench all the time ready to start this little filibuster. It went on until nearly 7 o'clock to-night before I got a real fair chance to say "Mr. President." Then, strangely enough, the Presiding Officer saw me and recognized me right away.

Here are the rest of our plans. I might as well let everyone know a little about it. The Senator from Michigan [Mr. COUZENS], who sits next to me, has some ideas about the ship subsidy and the filibuster, too. Having given proper attention to the scriptural phases of it, he proposes to aid us in the further proceedings here in this Chamber. He thought he would start probably somewhere about the history of Noah's ark. In fact he said he could demonstrate conclusively by scriptural quotations that Noah's ark never needed a subsidy; that it got by all right without the aid or consent of anybody else in the world.

Then the Senator from North Dakota [Mr. LADD], who is always very patient and always very well prepared, is going to present the scientific phases of the subsidy business. He has looked into the corpuscles of it and seen the red and white fellows who were battling the microbes of disease, and he thinks they got by without any subsidy. So he will be ready to explain that fully during the progress of the night schools in the Senate, provided they run late enough.

Then there is the junior Senator from Nebraska [Mr. NORRIS], who lives out in a semidesert portion of the country. The best part of his State lies next to Iowa. He has been investigating the prehistoric situation as to ship subsidies. He will probably present its geological phases. He found the skeletons of the mammoths, the dinosauria, and a lot of those prehistoric fellows that slid around in the warmth of the ancient seas in those times, and he finds that they also got by without a ship subsidy. It is important, of course, that all of this be put in the RECORD if we have time.

Then there is the senior Senator from Wisconsin [Mr. LA FOLLETTE]. At the beginning of the discussion we really only expected one Senator from Wisconsin to participate in the filibuster, but strange things happen even in a debate on the ship subsidy, and now we have two Senators from that State who have joined us in the discussion, with the announcement that they will both be with us in the vote when we get ready to recommit the shipping bill. The senior Senator from Wisconsin has some very decided views about the ship subsidy. He thinks it is a mark of imperialism, and he will take up its political phases, coming down through the glorious history of Greece, the more glorious history of Rome, and then its decline and fall when it went into the subsidy business.

The senior Senator from the great State of Idaho [Mr. BORAH] joined us in what the headlines determined to call "the battalion of death." At the time he joined we expected that he would also be alone in the proceedings, but miracles happened again, and this morning the junior Senator from Idaho [Mr. GOODING] joined us in a wonderful oration, with lots of fight in it, lots of good farmer stuff in it. I mean to comment more on that than anything else before I get through my part of the proceedings to-night.

As for myself, I had decided principally to take up the question of the cooperative movement in the world. I have some very strong convictions about the development of cooperation, not only in the United States but throughout the world, and I have a few volumes on the subject to which I shall refer occasionally. I understand it has been stated that the Presiding Officer would rule that I could not read straight out of those volumes, since that is not speaking.

I hope he does not do that, because if I have to read a little while and then speak a little while, it will take me about twice as long to get through the volumes. But I have some other subjects also and I do not know of any better time to get rid of them than right now, and if the Doorkeepers will keep the occupants of the gallery in their places and not let them get away, I shall tell them about several of those subjects.

Have I overlooked something? Oh, yes; we only have about 10 days to do all this, and there are six of us Republicans, aided and abetted by about a dozen other Republicans, and the time is very short. Then it may have been noticed that the Democrats are butting in on us all the time and taking the floor away from us. We do not have a clear path. Yes; we listened to the history of the League of Nations in a magnificent address by the junior Senator from Texas [Mr. SHEPPARD]. I will say to the occupants of the gallery that that is good reading if they did not hear all of it. I know some of them could not keep awake during the entire time, but it was accurate and it was reliable. The distinguished Senator from Texas presented it very ably.

I understand the Senator from South Carolina [Mr. SMITH] wants a chance to tell us something about cotton. Even the Senator from Virginia [Mr. GLASS] has asked for a little time on the state of the Union. The Senator from Florida [Mr. FLETCHER] has not had much opportunity up to date to discuss the real merits of the bill, and he desires to do that before we get through with the motion. The Senator from Alabama [Mr. HEFLIN] has collected a new installment, the most delightful installment yet, upon the administration of Federal reserve banks, and I am sure there is nothing can prevent his delivery of that speech before this session is over.

Yes, then we have the Senator from Mississippi [Mr. HARRISON] who always has something to say about the Democratic Party. He has not yet found out that it is dead. So he is going to tell us about how much alive he thinks it is. Nobody would want to stop him even if they could. So there are many difficulties in the way of acting upon the pending motion, and I do not know just when we will get to a vote on it.

The Presiding Officer stated the motion, I believe, to the effect that we should proceed to the consideration of House bill No. —; I have forgotten the number and I have not time to look it up, but it is the ship subsidy bill. I do not think we ought

to proceed very far toward the consideration of that bill. I think there are several other subjects that need our attention that are of more importance to the common people of the United States than a subsidy to a few shipowners.

For instance, I think the transportation question is in a very serious condition. Everything in the world is unsettled, and the worst unsettled proposition we have is railroad transportation. In the early discussion of this subject I had a few words to say about the railroads, about their finances and about their operation, and as quickly as I had finished those remarks I was in trouble. I will say to Senators that I get into a good deal of trouble every once in a while anyhow. Up to date I have always got out some way or other. It was not long until along came the president of the Association of Railway Executives, who lit down upon my speech. I think now is just about as good a time as any to have it out with him. I do not know that there will be much entertainment in it, but it will pass away the time. I am going to be very brief because the time is short.

Out in Iowa we, at times, have been infested with a species of stock promoter who sold his stock through divers methods of false pretense. A favorite method was to donate a stock subscription to a leading bank or a citizen, and on the strength of this subscription secure subscriptions from others. In our State such banker or leading citizen has become designated and well known as a "bird dog." The railroads of the United States have inaugurated a similar system, which they have followed for a long time. Its end and purpose is to deceive the public about their value, their capital, their credits, their net earnings, and their subsidiary profits. In order to promote this deception they have an organized force of experts and high officials who are also experts in the channels of publicity. By their well-calculated system of presenting certain phases of the proposition and omitting others they are able to deceive the public and the press as to the real situation and facts of the railroad problem. In other words, they keep a whole kennel full of these "bird dogs" to attract the public attention while they ruthlessly shoot down the public prosperity with extortionate rates.

At the present time the leading "bird dog" in this kennel is Samuel M. Felton, president of the Chicago Great Western Railway. Mr. Felton is unusually well qualified for this exalted position. He is president of one of the poorest managed and worst waterlogged railroads in the United States. It has the best equipment and the finest facilities for the training of "bird dogs." Since his presidency the principal function of Mr. Felton has been to appear in rate cases as a leading witness, pointing out the inability of his road to earn anything and demanding rates high enough to yield a return upon its great reservoir of dirty water. Incidentally, and true to his species and training, he always insisted that these high rates should be granted to all the other roads, even though their profits arose to an unconscionable level.

During my campaign in Iowa the railroads detailed a small "bird dog" from the Rock Island system to demolish my platform, but since the election they have unleashed the leader of the kennel, and now in the Senate I must face Samuel M. Felton himself.

After I recently spoke in the Senate in reference to railroad matters Felton soon appeared in the press of the United States and said of my speech:

> It is doubtful if any man holding a high public office ever made, in an equal time, more baseless and reckless misstatements than you made regarding railway matters in this speech.

You see he made a world champion out of me the first round.

> An illustration of the way in which you make statements that have no basis in fact, is afforded by your assertion that, largely owing to inability to pay the freight rates, the apple growers of the State of Washington will this year be forced to dump 10,000 carloads of apples into the Columbia River. A telegram from the Wenatchee Valley Association, composed of the growers in the apple district of Washington, says that your statement "is not true," and adds, "the district has already shipped about 8,000 cars, and there remains about 5,000 cars."

I do not know much about Wenatchee or how many apple trees there are there, and, of course, I did not say anything in my speech about Wenatchee. An examination of the CONGRESSIONAL RECORD of December 18 and 19, 1922, on pages 626, 627, and 665—I hope the Senators will remember all those pages—will show in the first place that I made no such statement, but that I did say the Farmers' Union told me they were getting ready to dump 6,000 bushels at one time into the Columbia River and to take a moving picture of those apples as they go into the river. I then asked the Senator from Washington [Mr. JONES] if such was the fact. To this the Senator from Washington replied:

> Six thousand bushels? I would not be surprised if it were 6,000 carloads.

I then told him that my information was there would be 10,000 carloads dumped into the river altogether. To this he replied:

> With regard to that I will say I do not think the condition is overdrawn.

And later in responding to a question from the Senator from Missouri [Mr. REED] the Senator from Washington said:

> The farmers had received about 5 cents a box after the freight was paid and after the expenses of picking, boxing, and packing were paid.

Now Senators will see who it was said it; who gave us the facts. I wonder why the president of this railroad did not jump onto the distinguished Senator from Washington? He is the one who brought in the question of freight rates specifically. Mr. Felton let the Senator from Washington alone and got after me because I am new on the job, and not very well able to take care of myself, as Senators know.

Later I put into the RECORD a telegram from Mr. John Quincy Adams concerning this situation. I believe even the Senator from Massachusetts [Mr. LODGE] would not question a telegram from a man whose name is John Quincy Adams. He is president of the Farmers' Union of Spokane, Wash. Since then I have received a telegram from the master of the State Grange of Washington to the same effect. They corroborate their Senator in his statement that one-third of their apple crop must be destroyed because it does not bring enough money to pay the freight to market. If the railroads want to feed their "bird dogs" apples, I suggest that they transfer Mr. Felton out to the Columbia River.

Mr. Felton is next grievously exercised because of my statement that the securities representing all of the values of all of the railroads can be bought on the market for $12,000,000,000, while under this law we are required to pay in rates on $18,900,000,000. In this repect he does not deny the potent fact that the securities will actually sell for $12,000,000,000; but he criticizes viciously my statement as to things considered by the commission in fixing the value; then quotes Commissioner Hall to the effect that no consideration whatever was given to stocks and bonds, and asserts that it was all based on the valuation law introduced by the Senator from Wisconsin [Mr. LA FOLLETTE] and passed by Congress in 1913. In the first place, I desire to say that the so-called La Follotte law did not lay down a rule of valuation. It laid down elements of investigation, and left the rule of valuation for determination by congressional action. The transportation act of 1920 supplied this deficiency, and caused the commission to use all the fictitious elements of section 19a, as well as the property accounts of the railroads themselves, in determining this value, which exceeds the market value by $7,000,000,000.

At this point I wish to say that when the railroads came through Iowa, and when they went through other States in the Union, when they took our farms to use in the railroad business they condemned them and were able to take them at their fair market value. That is all they paid. Now, when a farmer comes along and says to them, "Your property is only worth the fair market value of the securities that represent all its value," they fly up in the air and light heavily down onto that farmer. He is out to confiscate something.

I have an editorial here from a newspaper in Iowa quoting a speech by Mr. Samuel O. Dunn, the editor of the Railway Age, before the Mason City Chamber of Commerce. I read from the editorial as follows:

> Samuel O. Dunn, editor of the Railway Age, addressing the Mason City Chamber of Commerce, asserted that the proposal of Senator BROOKHART to arbitrarily reduce the established valuation of the railways by $7,000,000,000 would result in financial disaster. Such reduction, he stated, would destroy most of the value of railroad stocks and a large part of the value of railroad bonds. The result would be to throw many railroads into bankruptcy, and with them would go banks, trust, life insurance, and other companies which own railroad bonds. Furthermore, the reduction, Mr. Dunn said, would stop investment in railway securities and render impossible the providing of required facilities—the equipment which the late car shortage showed was so seriously needed.

A little later on in the evening, if Senators will remain long enough, I shall have something to say about that old calamity howl of the railroads, "Our credit is destroyed and we can not sell our bonds; we shall have to have higher rates." That is always the cure. I shall have quite a good deal to say about that.

They also say in their advertisements in the newspapers, "We can not get the funds even to equip and maintain our roads." I shall have something to say about that also. If Senators wait long enough they will get all of this.

> The situation thus created, Mr. Dunn continued, would bring the country quickly face to face with the question as to whether it would abandon its present policy of drastic regulation for a policy of Government ownership of the railroads.

Mr. Dunn contended that an attempt to reduce the valuation of the railroads by legislative fiat, as Senator BROOKHART proposes, "would be to attempt confiscation of property upon the largest scale ever attempted in any country at any time, except in Russia."

Of course, Mr. Dunn knows a great deal about railroad "bird-dogism." He knows a great deal about how to advertise the false statistics and the false combination of figures that will deceive the public; but when it comes to confiscation by Government action, I am going to show Senators to-night, if they will stay long enough to hear me, by quotations from an editorial in the Manufacturers' Record that the railroad law, combined with certain manipulations in the administrations of the Federal reserve banks, confiscated $32,000,000,000 of the farmers' property, and Mr. Dunn has not shed a single tear over the fate of the 7,000,000 farmers, many of them already in bankruptcy and nearly all of them at the verge of it, because of that governmental action.

I may miss some of the points Mr. Dunn made, and I should regret to do that. He speaks of reducing this value by a legislative fiat. I wish to say to him that he has increased the value of those stocks and bonds by all sorts of fraudulent fiats. It is a market that he himself created for those stocks and bonds in his own stock exchange, managed by his own crowd of financiers, that finally found this value of $12,000,000,000 for all the stocks and bonds, as I have quoted. I did not make that market; no law of Congress made that market, and yet he insists upon theoretical schemes of valuation that will impose additional burdens on the farmer, who pays more than half the freight of the country anyway. The farmer always pays the freight. He never adds it in. Other lines of business add it in as a part of the cost of production, as a part of the original cost, and then dispose of their products, not only with freight added in but with a profit and commission for adding in the freight; but the farmer pays the freight; he writes his check for it. When he buys the equipment which is necessary for his person, for his home and for his farm, the freight is all added in after the manner I have described, and he again writes his check for the freight.

Mr. Dunn points out that the radicals who are supporting the policy of confiscation are receiving the support of producers and farmers who are hostile toward the railroads because of the high freight rates, and he speculates briefly concerning the effect of a wholesale policy of confiscation if once entered upon. He says on this point:

"The farmers of this country own more property than any other single class of people. Their farms and other property are valued at almost $80,000,000,000, or four times as much as the railways"—

Yes; they are valued at six and one-half times as much—

and yet they are the class who are being chiefly relied upon by the radicals to enable them to carry through this program of railroad confiscation. It is hardly conceivable that the class of people who own the largest amount of property in the country will be the first to support a policy of wholesale confiscation of property.

That sounds big; that sounds effective; but you know what the farmers want of the Samuel O. Dunns and the Samuel M. Feltons. There is just one thing they want out of those chaps: They want them to be honest. That is the only thing they ask. They took the farms of the farmers at their fair market value, and the farmers want to pay them a return on the fair market value of their property, using their own rule; but they have succeeded in avoiding that in one way and another, and especially by some of the provisions of the rate-making section of the new railroad law which took effect on March 1, 1920.

The New York Times discussed this subject; and, whatever may be said about this subject, they talk about it a little. Yes; I have clippings from every direction about their fear of the confiscation of part of the value of their property. If that be confiscation, I want to say that that outfit of financiers confiscated, as I shall prove to you, more than $32,000,000,000 of the property value of the farmers of the United States.

Mr. President, I have really forgotten where I was in this speech. I will try to see. If I happen to repeat a sentence or two, will that be against the rules?

The PRESIDING OFFICER (Mr. CAMERON in the chair. No.

Mr. BROOKHART. In order that there may be no mistake upon this proposition on valuation, this time I am going to submit to the Senate the opinion of the Interstate Commerce Commission in Ex parte 74, in the matter of the applications of carriers in official southern and western classification territory for authority to increase rates, found on pages 228 and 229 of Fifty-eighth Interstate Commerce Commission. I think I have that case here. Yes; I have it. No; that is not it, either. I am sorry, Mr. President, but I am afraid I shall have to postpone that until the next section of my remarks is delivered, about day after to-morrow; but, at any rate, I promise you it shall be put in the RECORD.

The Senator from Florida [Mr. FLETCHER] is afraid I shall run out of material here because that document is overlooked. I want to reassure the Senator from Florida. I have two desks' full over there yet.

Mr. FLETCHER. Mr. President, it is very important to have that. I wanted to have it go in the RECORD in connection with the Senator's discussion of it.

Mr. BROOKHART. Let me look again. No; that is not the one.

Mr. Felton next says that the valuations of railroad securities were at the lowest ever reached in 1920, because as a result of Government operation the net rate was actually only 1.7 per cent.

The Senator from Texas [Mr. SHEPPARD] thinks I am talking too loud. He thinks my voice will play out. He does not know me at all. I used that voice for nine months, and it was better at the end than it was at the beginning.

He [Felton] then claims that this condition was brought about by Government regulation. I forget whether I said that once before or not. In answer to this I will say that when the railroads condemn a farm for their use they pay for it only the fair market value, and the Government would have the right to condemn the railroad securities under the same rule. Yes; I have a Supreme Court decision on that point, Mr. President, but I have not that with me. I will produce that, though, before the discussion is ended, and we will see that it gets into the RECORD properly.

I deny that they have been reduced in price by Government regulation. The transportation act was not advocated by me nor by the shippers of the country. It is substantially what was demanded by the association of railroad security holders, and it is Mr. Felton's own bill. I think it is unfair for a railroad president to kick on his own bill. I think he ought to stand by it.

If the value of securities has been forced down in the market, it is because of the mismanagement and the treachery to both the people and the Government of such men as Felton.

He next quotes a valuation of $13,969,200,000 made by Clifford Thorne in 1913. As I was associated with Thorne at that time, I know how that valuation was made. The market value of the securities of 35 roads was ascertained, and the percentage of this to the whole capitalization of those roads; then the total capitalization of all the roads was multiplied by this percentage. Mr. Thorne intended that these 35 roads should be above the average and always claimed that his valuation was greater than the actual value of the stocks and bonds of all the roads. His purpose was to be conservative and to get a value well above the market price. It is probable that if he had obtained the actual value it would not much have exceeded $10,000,000,000 at that time. From this basis there is no very great shrinkage in the price to $12,000,000,000 three years later.

Felton says they have invested four and one-half billion dollars of new capital since 1913. These figures are up to date, swelled a quarter of a billion dollars, and three years past the time we are talking about. Altogether, they should be reduced by one and three-fourths billion dollars, which leaves my original statement well sustained.

This "bird dog," Felton, next seeks to attract the attention of the people away from this valuation by the charge that I participated in public gatherings of socialists and was indorsed by the socialists of Iowa for United States Senator. Why, Mr. President, we have not enough socialists in the State of Iowa to wad a popgun. You would not have anything if you had their indorsement.

I never saw a live one myself. I have heard of them occasionally. I do not know whether it would make any difference if a Socialist indorsed you or not. If you were telling the truth, I rather apprehend it would not, and somehow or other I never got afraid of a bird dog when he barked that kind of names at me. I just let him bark. But there is a purpose in all these statements. They are absolutely false and a part of the usual campaign of the railroads against every man who seeks to tell the truth about their iniquitous system of capitalization—the darkest, blackest pages in the economic history of the world.

I was up in New York the other day, and after I had discussed railroads and other matters a distinguished financier said to me: "How about your Iowa country? You are not fair to the railroads." He said: "Why, I was out in Iowa when your land was worth $5 an acre, and we built a railroad along beside it, and it was worth $150 an acre." Then I said: "Yes; Iowa is the best agricultural spot in this big round world. There is not another block of land more than 200 miles square like Iowa, with as little waste land in it as Iowa." I said: "We gave one-

seventh of that princely domain to the railroads, and that one-seventh, at $150 an acre, would more than pay for them. Then we voted taxes on towns and townships, and we voted bonds on counties, and we built railroads, and now," I said to him, "you own them back here in New York."

That is the way they built the railroads for us. Why, look over the history of the Union Pacific, which comes over to the edge of Iowa. They got Government aid for that road to the extent of about $30,000 a mile. Those were the days of subsidies. You know, those days are over now. I want to call the attention of the Senator from Washington [Mr. JONES] to that fact. Then, after getting aid from the Government at $30,000 a mile, they sold bonds to the public at about $30,000 a mile more, and then they sold stock, $200,000,000 of it, to the public at about 10 cents on the dollar. They got about $10,000 a mile more, or $20,000,000, for that stock—about $70,000 a mile altogether that these patriotic and philanthropic gentlemen who managed our railroads secured from the Government and the public to build the Union Pacific Railroad. When we got into the evidence of its cost we found that it cost a little less than $30,000 a mile to build the whole outfit. The rest of it went to New York and other seaports.

That is the trouble with this railroad situation. Oh, yes; they say we want to forget that history; we want to pass all that by. "We are doing better now. We would not do a thing like that at this time." No; but they could do something like Felton did with his road out there. I am going to tell you about that later on in the evening. I have some documents here figuring that all out, and I am going to let you know just how they work things up to date, how they inflate values, and then ask the farmers to pay them rates forever to get a return upon all that dirty water.

Well, you know, we have concluded that if we can get a few more sets of overalls in the United States Senate and in the other House of Congress maybe we can stop that sort of thing; and you know we are perfectly willing to try it, too.

Mr. Felton next seeks to conceal the guaranty provisions of the law because the commission was unable to levy rates high enough to yield the 6 per cent. The failure of the commission to raise the 6 per cent—now 5½ per cent—does not disprove the guaranty, but does prove that the American people have broken down under the burden and can not pay it on any rates under any law.

He next seeks to cover his tracks by the assertion that I prophesied that Government expenses during the war would be $400,000,000 a year cheaper. In answer to this I want to deny that I ever made any such prophecy in regard to the operation of our railroads by the Government under the management of men like Felton. He takes himself out of the service at that time, and then rushes to the defense of the other managers who sought to discredit Government operation and practice the darkest treason against their country; and I want now to cite in this RECORD a few instances of this treason.

Mr. Felton bases his defense of these traitors upon a general statement of William G. McAdoo, and I want to quote the testimony of McAdoo in the hearing before the Interstate Commerce Committee:

Testifying before the Senate Committee on Interstate Commerce February 1, 1922, William Gibbs McAdoo, Director General of Railroads during the first year of the Federal control, after paying tribute to the loyalty of railroad workers, declared:

(1) That some prominent railroad officials did not or would not render loyal and efficient service and were subsequently removed from management.

(2) That the offending officials failed to maintain average earnings for their corporations, thereby incurring heavy deficits that were met by the Government.

(3) That had these faithless officials performed their full duty while they were intrusted with railroad management there would not have been a deficit during the first year of Federal operation.

(4) That pay rolls were padded, thereby imposing an unjust and unnecessary burden upon the Government of hundreds of millions of dollars.

A check was made upon a division of a road from Ottumwa, Iowa, to Kansas City, Mo., and during the two weeks of this check on the management of that railroad there was not a freight train on the division that got over a single major grade on the road without stopping and cutting in two. In other words, an engine had to travel 250 miles to haul the train 100 miles. The facts were presented to the general manager, he stopped that thing in 24 hours, because it was being done under his orders to discredit Government operation of railroads.

There are some people who are peculiarly disloyal to our Government. If there is any business of the Government that ought to be done by the Government, they take the attitude that they would like to have it for themselves, and they immediately set up the howl that "the Government is inefficient and its business can not be done by itself, but you must turn it over to us and we will make profits out of it and do it efficiently," but always forgetting about the size of the profits.

In a letter to President Rea, of the Pennsylvania, Mr. McAdoo said on the 17th of January, 1918:

I would not be candid if I did not tell you that I am fully satisfied with the efficiency of the management—

No; it is "I am not fully satisfied." You see, I almost made a mistake there. I left out that "not," and we want all the "nots" properly preserved in the RECORD. So I will have to read that again, if it will not be against the rules:

I would not be candid if I did not tell you that I am not fully satisfied with the efficiency of the management of the Pennsylvania Railroad. I believe that great improvement can be made, and I look to you and the officers of that system to bring that improvement about at the earliest possible moment. * * * I would not be frank if I did not tell you that unless there is a decided improvement in the efficiency of the Pennsylvania system a change in the management will become inevitable.

[At this point Mr. BROOKHART suggested that when the Senate recess to-day, it recess until 11 o'clock to-morrow, when a point of order was made and ruled upon.]

Mr. BROOKHART. Now, Mr. President, that got me all muddled up, and I do not know how soon I will get straightened out, but I think I will some time during the evening.

Mr. McAdoo wrote a similar warning to President Willard of the Baltimore & Ohio Railroad on the date of January 17, 1918, saying:

I would be less candid if I did not tell you that I am dissatisfied with the management of the Baltimore & Ohio. I think it has proven inefficient and unequal to the present situation. I am sure it can be improved and I expect the improvement. I speak thus frankly, because I feel that you ought to know that a change in the management of the Baltimore & Ohio Railroad will be inevitable unless better results are speedily obtained.

You see, when we find out what Mr. McAdoo really thought and swore to about the management of the railroads, it did not attain to that high and patriotic pinnacle which is pictured by the "bird dogs" of the railroad system.

In a letter to A. T. Dice, president of the Philadelphia & Reading Railroad, dated January 19, 1918, Mr. McAdoo said:

I am not at all satisfied with conditions on the Philadelphia & Reading Railroad. From the reports I get it is not measuring up to the demands of the situation. This appears to be due to lack of efficient management. I would not be candid if I did not tell you that unless there is a prompt improvement in operating conditions—

[At this point a page placed a glass of water on Mr. BROOKHART'S desk.]

Mr. BROOKHART. No; take it away. I never drink anything stronger, but I never drink when I am speaking. And now I have lost my place again. I will have to read that letter over again. This is a mighty good letter, anyway. He said:

I am not at all satisfied with conditions on the Philadelphia & Reading Railroad.

From the reports I get it is not measuring up to the demands of the situation. This appears to be due to a lack of efficient management. I would not be candid if I did not tell you that unless there is a prompt improvement in operating conditions a change in management will become inevitable. This is a time of war, and excuses can not be accepted. I do not expect the impossible, but I am sure that an improvement in your railroad can be made through more efficient management.

Yes; it was in a time of war, when these railroad managers owed a patriotic duty to their country, but they deliberately wanted this inefficient management everywhere in order to discredit Government operation and retain the roads which had yielded them so many enormous fortunes in that dark, black history of railroad finances.

Now, again. Mr. McAdoo seems to have talked to most all these railroad chaps, and they do not mention anything about this talk, either, when they jump on me for being a Bolshevik. They forget all about that. To Mr. W. G. Besler, president of the Central Railroad of New Jersey, on January 19, 1918, he wrote, as follows:

We are in a great war and excuses are not worth anything. The only thing that tells now is results. The public demands them and the life of the Nation demands them. I would not be candid—

You see Mr. McAdoo did not miss that "not" in any case. It was there every time. He said:

I would not be candid if I did not tell you that I am not fully satisfied with the efficiency of the management of the Central Railroad of New Jersey. I believe that great improvement can be made, and I look to you and the other officers of that system to bring about that improvement at the earliest moment. I would not be frank if I did not tell you that unless there is a decided improvement in the efficiency of the Central Railroad of New Jersey system a change in the management will become inevitable. This I should deeply regret.

I should not have regretted it as much as Mr. McAdoo if he had removed Mr. Felton and some of the other bird dogs.

I find I have some more of these, Mr. President. I am afraid I shall not have time to get through, but I will do the best I can

Mr. HEFLIN. Mr. President, will the Senator permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Alabama?

Mr. BROOKHART. I yield for a question, Mr. President.

Mr. HEFLIN. Mr. President, the article which the Senator from Iowa is now reading proves the assertion that I have uttered on this floor time and time again, that there was a conspiracy to bring on deflation. The article which the Senator is now reading from the secret conclave held behind closed doors proves that fact beyond peradventure.

Mr. BROOKHART. Mr. President, I wish to say to the Senator that I have already said that he has hardly yet got started on this Federal reserve bank proposition. The Manufacturers' Record editorial here has some 18,000 words, I believe. It is the longest editorial that was ever written, and it is hotter stuff, I believe, than are the speeches of the Senator from Alabama.

Mr. HEFLIN. I wish to say to the Senator——

The PRESIDING OFFICER. Does the Senator from Iowa yield further to the Senator from Alabama?

Mr. BROOKHART. I yield for a question, Mr. President; but I am not through.

Mr. HEFLIN. The Senator from Iowa was not showing any disposition not to yield when I addressed him. I wish to say to the Senator that I have one of those pamphlets. There were a hundred of them in all and the type was knocked down after the hundred copies were printed. Those copies were to be handed around and secretly used. I obtained one of them the other day, and the Manufacturers' Record also got one of them, upon which that editorial is based. I expect to read from one of them on the floor very soon.

Mr. BROOKHART. I judge from that that the Senator from Alabama has not yet started on this phase of the question. I hope that he may take it up and fully discuss it, because in this first speech of mine I shall not have time fully to present it.

However, Mr. President, I understand the Senator from Washington would like for me to end my first speech now, and I wish merely to finish this quotation. Then I shall yield.

Mr. JONES of Washington. The Senator from Iowa is mistaken.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Washington?

Mr. JONES of Washington. The Senator from Washington is enjoying the speech of the Senator from Iowa very much.

Mr. BROOKHART. I thank the Senator. Just a little bit more and then I shall consider the proposition which was made to me by the Senator from Nebraska [Mr. HITCHCOCK].

> And I think we are all agreed it would be very ill advised to give out any impression that any general overhauling of rates was discussed at this conference. We have discussed the general credit situation in your committee, which has been appointed with plenary powers, will prepare a statement which will be given out to the press to-morrow morning, and we will all see what it is. You can go back to your banks and, of course, tell your fellow directors as frankly as you choose what has happened here to-day, but caution them to avoid any premature discussion of rates as such. We have had an exceedingly interesting day, gentlemen. The suggestions which have been made are valuable, and we have profited by your views. I wish to express on behalf of the board our appreciation of your coming here and to thank you for the unselfish and loyal interest you have taken in the Federal bank situation throughout the country in giving this matter the careful thought and consideration that you have. And I am sure that the spirit which has manifested itself at this meeting here to-day will spread throughout all the country, to the member and nonmember banks; and if it does we can look the future in the face with courage and confidence.

I have made this preliminary statement for the purpose of showing what happened in reference to these railroad rates about which I have been talking to-night at that same meeting.

> Mr. Watts offered the following resolution, which was unanimously adopted:
>
> *Resolved*, That this conference urge as the most important remedies that the Interstate Commerce Commission and the United States Shipping Board give increased rates and adequate facilities such immediate effect as may be warranted under their authority, and that a committee of five be appointed by the chair to present this resolution to the Interstate Commerce Commission and the United States Shipping Board with such verbal presentation as may seem appropriate to the committee.

There was the financial board planning to boost the rates upon the farmers of the United States at the same moment they were planning the most disastrous deflation ever dreamed of in the history of man.

Here is what the Manufacturers' Record says of that deflation. I especially invite this to the attention of the Senator from Alabama when extravagant statements are spoken of. In certain quarters it may have been thought that the Senator from Alabama was extravagant in his statements, but here is what the Manufacturers' Record says:

> As the Manufacturers' Record showed a few weeks ago the decline in the value of farm lands in 1920 and 1921 under deflation amounted to about $18,000,000,000 and the decline in the value of farm products of these two years, as compared with 1919 prices, showed a decrease of over $14,000,000,000, making a total loss to the farmers of upwards of $32,000,000,000.

Mr. President, the Government of the United States, through its Federal Reserve Board, through its commissioners who have put these rates upon the farmers of the United States, brought calamity upon the farmers of this country. Now, it is seeking to add further to the calamity by providing another subsidy for shipping and entirely ignoring the farm legislation that is so essential to give us even a little chance to recover from this great calamity. There never was a situation that so strongly demanded that the shipping bill should be dropped, that this motion be voted down, and that the farm legislation be considered; yet I do not know whether or not it will be done. I do know, however, that whether it is done or not, whether the farmers get any chance or not, some of us in this Chamber are going to keep the pledges we made to the farmers of our States; and if I close my speech at this time. the next time I speak I promise you that I shall make a presentation of what the farmers of the State of Washington and some other States think. I think the farmers are all alike from Boston to Seattle. I think there is no difference in their opinion. I think, yes, I know, every labor organization and every national farm organization has declared against this ship subsidy bill. There is nobody asking for it except those who seem to think they may profit out of the subsidy that will be taken from the Treasury of the United States and turned over to a few private parties for carrying on the shipping enterprise.

Mr. HEFLIN. Mr. President——

The PRESIDING OFFICER. Does the Senator yield to the Senator from Alabama?

Mr. BROOKHART. I yield to the Senator.

Mr. HEFLIN. Just a question in that connection, if the Senator will permit me. The Senator has pointed out that Mr. Edmonds, the editor of the Manufacturers Record, has called attention to the fact that deflation cost the farmers of the United States in the deflation of farm products and of farm lands $32,000,000,000, which is $9,000,000,000 more than the war debt of all the people of the United States, so that the farmers of the United States have been forced to suffer these losses for the benefit of a few people in the United States.

Mr. BROOKHART. And also have to pay the war debt to a large extent.

Mr. CURTIS. I ask if the Senator from Nebraska objects to the unanimous-consent agreement that when the Senate concludes its business to-day it recess until 11 o'clock to-morrow?

Mr. HITCHCOCK. I object to it in that form. I am willing to take a recess until to-morrow morning at 11 o'clock, but I want that to end the evening session. If the Senator wants an executive session, he can move it.

The PRESIDING OFFICER. Objection is made.

Mr. JONES of Washington. If the Senator objects, very well.

Mr. BROOKHART. That is what I understood to be the Senator's proposition.

Mr. HITCHCOCK. It was.

Mr. BROOKHART. It was not a part of the agreement that an executive session would be had.

Mr. HITCHCOCK. That was not a part of the proposed unanimous-consent agreement.

Mr. CURTIS. We do not ask that that be a part of the unanimous-consent agreement.

Mr. JONES of Washington. The proposition was that unanimous consent be given that when the Senate closes its business to-day it recess until 11 o'clock to-morrow.

Mr. HITCHCOCK. The proposition was to recess until to-morrow morning at 11 o'clock.

Mr. JONES of Washington. No suggestion of that kind came to me.

The PRESIDING OFFICER. Objection is made. The Senator from Iowa will proceed.

Mr. HARRISON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. BROOKHART. I yield.

Mr. HARRISON. I suggest the absence of a quorum.

Mr. CURTIS. I make the point of order that there has been no business transacted since the last call for a quorum. This discussion has not been business, and the Senator from Iowa has not yielded the floor for any purpose except to reach an agreement.

Mr. HARRISON. The Senator has yielded the floor.

Mr. HEFLIN. The request has been submitted to the Senate.

Mr. CURTIS. The Senator from Iowa has not yielded the floor; he still holds it to ascertain whether a unanimous-consent agreement can be reached.

Mr. HARRISON. I suggest that the Senator from Iowa yielded the floor so that a unanimous-consent request might be made, to which unanimous-consent request objection was made, which is the transaction of business. Now I suggest the absence of a quorum.

The PRESIDING OFICER. Does the Senator from Kansas raise a point of order?

Mr. CURTIS. I raise the point of order that there has been no transaction of business since the last quorum was called, and the Senator from Iowa has not yielded the floor.

Mr. HEFLIN. Mr. President, the Senator from Washington submitted a unanimous-consent request to the Senate and the Senator from Nebraska objected to it. If that is not business what is it?

The PRESIDING OFFICER. The Chair is ready to rule. This question in almost substantially the same form arose during the night session the other evening, at which time the Chair held that a suggestion for a unanimous-consent agreement had not been perfected unless the Chair had become an element in it and had asked if there was objection, in which case it would constitute business. On this occasion a request was made for unanimous consent, and the Chair asked if there was objection, and an objection was interposed by the Senator from Nebraska. Consequently, the Chair rules that the call for a quorum is in order, and the Secretary will call the roll.

Mr. BALL. Mr. President——

Mr. HARRISON. Without losing the right to call the roll, I think we had better go ahead——

Mr. HITCHCOCK. Mr. President, let us have the roll called. I demand the regular order.

The PRESIDING OFFICER. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst	Frelinghuysen	McCumber	Sheppard
Ball	George	McKinley	Smith
Brandegee	Hale	Moses	Stanley
Brookhart	Harrison	New	Sutherland
Broussard	Heflin	Oddie	Swanson
Bursum	Hitchcock	Pepper	Wadsworth
Calder	Jones, Wash.	Phipps	Warren
Capper	Kendrick	Poindexter	Weller
Curtis	Lenroot	Reed, Pa.	
Edge	Lodge	Robinson	

The PRESIDING OFFICER. Thirty-eight Senators having answered to their names, a quorum is not present. The Secretary will call the names of the absentees.

The Assistant Secretary called the names of the absent Senators, and Mr. CAMERON, Mr. ERNST, Mr. NORBECK, Mr. SHORTRIDGE, Mr. SPENCER, Mr. WALSH of Massachusetts, and Mr. WATSON answered to their names when called.

The PRESIDING OFFICER. Forty-five Senators having answered to their names, a quorum is not present.

Mr. CURTIS. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion made by the Senator from Kansas.

Mr. HARRISON. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. FRELINGHUYSEN (when his name was called). I transfer my general pair with the Senator from Montana [Mr. WALSH] to the senior Senator from Minnesota [Mr. NELSON] and will vote. I vote "yea."

Mr. LODGE (when his name was called). I transfer my pair with the Senator from Alabama [Mr. UNDERWOOD] to the Senator from Oregon [Mr. STANFIELD] and will vote. I vote "yea."

Mr. McKINLEY (when his name was called). Has the junior Senator from Arkansas [Mr. CARAWAY] voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. McKINLEY. Then I withhold my vote.

Mr. NEW (when his name was called). I transfer my pair with the junior Senator from Tennessee [Mr. McKELLAR] to the junior Senator from Idaho [Mr. GOODING] and will vote. I vote "yea."

Mr. REED of Pennsylvania (when his name was called). I transfer my pair to the Senator from Vermont [Mr. PAGE] and will vote. I vote "yea."

Mr. SMITH (when his name was called). I have a general pair with the Senator from South Dakota [Mr. STERLING]. I transfer that pair to the Senator from Nevada [Mr. PITTMAN], and will vote. I vote "nay."

The roll call was concluded.

Mr. EDGE (after having voted in the affirmative). I transfer my pair with the senior Senator from Oklahoma [Mr. OWEN] to the senior Senator from Maryland [Mr. FRANCE], and allow my vote to stand.

Mr. McKINLEY. I transfer my pair to the junior Senator from Minnesota [Mr. KELLOGG], and will vote. I vote "yea."

Mr. BALL (after having voted in the affirmative). I transfer my pair with the senior Senator from Florida [Mr. FLETCHER] to the junior Senator from Oklahoma [Mr. HARRELD], and will allow my vote to stand.

Mr. SWANSON (after having voted in the negative.) Having a pair for the night with the senior Senator from Michigan [Mr. TOWNSEND], I transfer that pair with him to the junior Senator from South Carolina [Mr. DIAL], and will let my vote stand.

Mr. KENDRICK (after having voted in the affirmative). Has the Senator from Illinois [Mr. McCORMICK] voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. KENDRICK. I have a general pair with that Senator, which I transfer to the Senator from Rhode Island [Mr. GERRY], and will allow my vote to stand.

Mr. WATSON. I transfer my general pair with the senior Senator from Mississippi [Mr. WILLIAMS] to the senior Senator from Utah [Mr. SMOOT], and will vote. I vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Louisiana [Mr. RANSDELL] with the Senator from Idaho [Mr. BORAH];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Virginia [Mr. GLASS];

The Senator from West Virginia [Mr. ELKINS] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Kentucky [Mr. ERNST] with the Senator from Kentucky [Mr. STANLEY];

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Maine [Mr. FERNALD] with the Senator from New Mexico [Mr. JONES];

The Senator from North Dakota [Mr. McCUMBER] with the Senator from Utah [Mr. KING];

The Senator from Connecticut [Mr. McLEAN] with the Senator from Montana [Mr. MYERS];

The Senator from Ohio [Mr. WILLIS] with the Senator from Ohio [Mr. POMERENE]; and

The Senator from Iowa [Mr. CUMMINS] with the Senator from North Carolina [Mr. OVERMAN].

The result was announced—yeas 29, nays 8, as follows:

YEAS—29.

Ball	Hale	New	Sutherland
Broussard	Jones, Wash.	Norbeck	Wadsworth
Bursum	Kendrick	Oddie	Warren
Cameron	Keyes	Pepper	Watson
Capper	Lenroot	Phipps	Weller
Curtis	Lodge	Poindexter	
Edge	McKinley	Reed, Pa.	
Frelinghuysen	Moses	Shortridge	

NAYS—8.

Brookhart	Heflin	Robinson	Smith
George	Hitchcock	Sheppard	Swanson

NOT VOTING—59.

Ashurst	Fletcher	McCumber	Shields
Bayard	France	McKellar	Simmons
Borah	Gerry	McLean	Smoot
Brandegee	Glass	McNary	Spencer
Calder	Gooding	Myers	Stanfield
Caraway	Harreld	Nelson	Stanley
Colt	Harris	Nicholson	Sterling
Couzens	Harrison	Norris	Townsend
Culberson	Johnson	Overman	Trammell
Cummins	Jones, N. Mex.	Owen	Underwood
Dial	Kellogg	Page	Walsh, Mass.
Dillingham	King	Pittman	Walsh, Mont.
Elkins	Ladd	Pomerene	Williams
Ernst	La Follette	Ransdell	Willis
Fernald	McCormick	Reed, Mo.	

So Mr. CURTIS's motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will carry out the order of the Senate.

Mr. HARRISON. Mr. President, is my name recorded?

The PRESIDING OFFICER. The Senator is not recorded as having voted.

Mr. HARRISON. I vote "nay."

Mr. WADSWORTH. It is too late.

The PRESIDING OFFICER. The result having been declared, it is too late now for the Senator to be recorded.

Mr. HARRISON. I ask unanimous consent that my name may be recorded in the negative.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Mississippi?

Mr. CURTIS. Mr. President, I object to any business being done until a quorum is secured.

The PRESIDING OFFICER. Objection is made.

After a little delay, Mr. FLETCHER, Mr. KELLOGG, Mr. COLT, and Mr. KEYES entered the Chamber and answered to their names.

to get all of these in before the sun rises in the morning. Oh, there is a lot of time. It is only 17 minutes past 8 right now.

"If, in these circumstances," asks Mr. McAdoo, "there had been no deficit, what becomes of the charge of extravagance and wasteful inefficiency now preferred against Federal control? Do not these figures show that the waste, inefficiency, and incompetency, if any, was shown by the railroad executives when they were operating the railroads for account of the Government during the first five months of 1918?"

* * * * * * *

"What excuse can they offer for their reckless and indiscriminate criticism of the operation of the railroads under Federal control when, figured on any basis, by far the greater part of the deficit for the year 1918 occurred when they were operating the carriers for the account of their Government?"

Again:

To the charge of inefficiency is added that of disloyalty, or worse, made by Frank McManamy, assistant director of operations during Federal control, who declared that railroad officials "have wrongfully paid out millions of dollars" in padded pay rolls. These overpayments, Mr. McManamy said, "were deliberate," and in direct violation of the instructions of the director general.

Now, here is what he says:

The record, then, clearly shows that some railroad officials were incompetent and inefficient, as well as dishonest; and that during the most critical period of the Nation's history they withheld the loyal and willing service that was cheerfully given by the railroad workers.

I shall have to withdraw that last statement as it was not a part of the quotation. I want to get this exactly right, Mr. President. It is important that we be very particular in that respect, especially this evening. It is true, but not the statement of McManamy.

Mr. President, I have pointed out some of the evidence furnished by the Director General showing the disloyalty of the managers of these roads during the war-time operation for the express purpose of discrediting Government operation; yet, bad as that management was during all that time, inexcusable and unpatriotic as it was, nevertheless it was $1,426,000,000 cheaper to the American people than the first year of operation after the Government turned the roads back to private control. I am not going to back away from the statement I made, for it is true. I have talked to railroad workers in many States, and everywhere they have told me the same story; how the management directed them to do things inefficiently in order to muss up the service and disgust the public and also to increase the expenses.

With all that record it is not fit that a Senator of the United States should find out facts! He is a bad man who finds out the truth about that, and he is a terribly bad man if he gets up in the midst of a filibuster and tells the folks about it. I believe the Senator from Mississippi [Mr. HARRISON] would say that I am getting every day in every way worser and worser. [Laughter.]

Mr. President, I want to tell you more about my friend Felton, of the Chicago & Great Western. I promised to do so, and I will do it now.

This Great Western Railway, managed and operated by this same Samuel M. Felton, is a wonderful piece of economic machinery. It has a financial story that is not second to very many. It is almost entitled to a championship place.

The Chicago & Great Western Railroad Co., which was a reorganization of the Chicago & Great Western Railway Co., issued, upon its organization, capital stock of the par value of $86,268,115 and bonds of the par value of $18,500,000.

I hope the Senator from Kansas [Mr. CURTIS] will preserve all those figures, for they are very important.

For the total capital liability thus created the new company received, as shown by the records of the former railroad securities commission, only $33,214,443.31 of consideration.

I think almost anybody can remember that 31 cents.

It is true, however, that from the proceeds of part of the securities delivered to the reorganization managers under the agreement between them and the various stockholders' committees, were paid notes of the old company, together with interest, amounting to $10,653,414.

I wish to say to the Senator from Washington that while he was out of the Chamber I gave some very important figures, and, if the Senator desires to get them, I will repeat them.

Mr. JONES of Washington. I have no objection to that. The Senator from Iowa can use the time that way just as well as in any other.

Mr. BROOKHART. The Senator from Washington is the most accommodating filibusterer in the world. His record is clear on every point.

In a sense this may be considered a consideration received by the new company; or, rather, the stocks of the old company, which were received by the new in exchange for its own capital stock, may rightly be deemed of proportionately higher value with the note obligations of the old company, which had priority over them, extinguished. Adopting this more liberal view of the value behind the stocks and bonds of the new company on its organization, the total increases to $43,867,857.31.

I call the attention of Senators particularly to the fact that the 31 cents stuck all the way through.

For this value received, the company issued its stocks and bonds to the amount of $104,768,115. The market value of the bonds issued, having been at that time $17,020,000, the assets remaining behind the new stock amounted to only $26,847,857.31. There is, therefore, $59,420,257.69 (or about 70 per cent) of "water" in the outstanding stock of the Chicago Great Western Railroad Co.

We lost the 31 cents that time, because we had to subtract it to get that 69 cents; but the big point in the proposition is that my friend Felton's road—this man Felton who calls down governors, Senators, and anybody else who tell about a railroad—is operating a road on a lake of $59,000,000 of water. I think he ought to be changed to a navigation manager. Then I think the Senator from Washington ought to give him a subsidy. However, I think I will show a little later on that he has got a subsidy now. I have some documents upon that question, and, if Senators will remain long enough, I shall try to get to it later in the evening.

There is another thing about Felton and his railroad financing and about his method of getting the farmers to pay freight rates. He goes on the stand in a rate case—I have heard him, and so I know—and swears under oath that they can not earn any percentage on the capitalization of the Great Western Railway. Of course, anybody would know that, for when this $59,000,000 of water comes in sight there would not be much return on that kind of a road, anyhow. Of course, however, he is not particularly asking for the Great Western, because Senators will understand that Mr. Felton is the bird dog of the organization and he is acting for his master. We want to find out who the master was. There is some evidence about that in these same capitalization figures:

The totals of the amount of "water" above shown to exist in both classes of the capital stock of the Chicago Great Western Railroad Co. is $59,420,257.69—

I read that a few moments ago—

That this amount is correct may also be shown without regard to the proportion contained in each class of stock. The total amount of new stock issued directly by the present company under the reorganization was $44,489,078; the amount of stocks and bonds issued to the syndicate were $60,277,937; grand total, $104,767,015. The total consideration received by the company directly and through the syndicate in cash and old securities was $43,867,857.31; excess of par value of new securities above the value received therefor, $60,899,157.69; deducting the difference between the par value and the market value of the $18,500,000 bonds sold, viz, $1,480,000, the true amount of water is again seen to be (after adding the $1,100 (par) of common stock issued and not included in the published reorganization plan), $59,420,257.69.

Mr. President, that is not really what I wanted to explain. I omitted some other figures, and I think I will have to go back and read them. I quote:

Upon analyzing the plan under which the new securities were issued it will be found that the water is distributed as follows:

I wanted to know something about the distribution of that water in the Chicago Great Western Railroad Co. Distribution is an important item. I found that out when we came to distribute the time for this debate, for it took me four days to get the floor, and I do not want to give it up for four days more if I can help it.

I. In the new preferred stock—
(1) $30,884,798 of new preferred stock was issued in exchange for the old debenture stock having a market value of $10,971 757.99. Water was injected, therefore, to the amount of $13,913,040.01—

I would hate to lose that one cent—

(2) $10,136,604 was issued to the reorganization managers and sold to the syndicate formed to provide necessary cash for the new company. This syndicate furnished the company $20,653,414 (including amount paid to the note holders of the old company above referred to). But they received bonds of the company, having a market value of $17,000,020. Therefore, the total consideration applicable to this amount of preferred stock was only $3,633,414, and the water in same is $6,503,190.
Total water in the $41,021,402 of preferred stock outstanding (almost 50 per cent) $20,416,230.01.

That is the water job that is managed by Samuel M. Felton.

II. In the new common stock.
(1) Common stock to the amount of $13,604,280 was issued in exchange for the old preferred stock A, which had a market value of $3,125,810.07.

It was worth $3,000,000, but there were $13,000,000 of common stock issued for it.

Of common, therefore, more than 75 per cent is "water," or $10,478,469.93.

Then there is another item here of $28,525,557.75, making the total "water" in the $45,246,713 of common stock outstanding over 86 per cent—$39,004,027.68.

There is something else in here that I seem to have missed. Here it is. I wanted to find out who was Mr. Felton's boss in all these transactions. I should like to get some of this farm legislation under consideration, if we could do something for the farmers in some way, and Mr. Felton and these chaps who get after me about this question would like to get more

stocks and more bonds and more "water" and more rates and more dividends.

Here they say:

It is worthy of note that in addition to the fee of $500,000 paid to Morgan & Co. under their agreement with the committees of the various stockholders of the old company the Morgan syndicate made a profit of $6,003,190. It is not clear how the syndicate rendered any such service to the new company or to the former stockholders as would justly entitle them to any such profit. Apparently the only detail of the final reorganization plan which necessitated the service of bankers was the sale of $18,500,000 of bonds. As these bonds are secured by an absolute first mortgage on the entire property of the Chicago Great Western Co., it certainly seems that $6,000,000 is an excessive price to pay for underwriting such an issue.

Morgan & Co., who charge us $6,000,000 for getting a mortgage of $18,000,000 on a property worth twice that much, hail from the State of New York, and maybe the Senator from New York can explain to me why they charge our farmers such a figure as that out West. The Senator just smiles. He does not explain.

Mr. CALDER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New York?

Mr. BROOKHART. I yield for a question. I do not yield this floor.

The PRESIDING OFFICER. The Senator yields for a question.

Mr. CALDER. I regret very much that I did not hear the Senator's statement fully as I came in.

Mr. BROOKHART. I will read it over to the Senator.

Mr. CALDER. I am quite sure, however, without knowing anything of the facts, that the statement that 33 per cent was charged for obtaining a loan on a piece of property worth twice the value of the loan would hardly be borne out by the facts when they are all known. I say this without having any knowledge at all of the subject the Senator is discussing.

Mr. BROOKHART. In this case the Senator, then, does state that the farm bloc really has a kick on Morgan & Co.?

Mr. CALDER. I say to the Senator that there is no occasion for anybody anywhere in America, if he has property worth twice the value of what he wishes to borrow, to pay 33 per cent for just the pleasure of giving some one a bonus for lending the money.

Mr. BROOKHART. The Senator says it was all right 25 or 30 years ago, but it would not do now. Is that the idea?

Mr. CALDER. No; I did not say it was all right at any time. I did not say that, and the Senator knows I did not say it.

Mr. BROOKHART. I beg the Senator's pardon. The Senator from Utah interrupted me, and I did not hear all that he said.

Mr. CALDER. I say that there is no property in America, I do not care where it is, where there is any occasion to pay a bonus of 33 per cent, if the property proposed to be mortgaged is worth twice the value of the money desired.

Mr. BROOKHART. On that point I will have to let the Senator know that this was not ancient history of the Great Western. It was its reorganization, the last one they had. That is the way they fixed us out in Iowa. Do you wonder that we are all turning Bolshevik out in that country?

Mr. KING. Mr. President, will the Senator yield for a question?

Mr. BOOKHART. Yes.

Mr. KING. Only a question: I will inquire of the Senator whether, in his examination of the activities of Morgan & Co. and the promoters of the Mercantile Marine Co. he has not discovered that the same persons or the same factions described in the document from which the Senator is now reading promoted the Mercantile Marine Co. with a view to controlling the freight rates upon land as well as the freight rates upon the sea?

Mr. BROOKHART. I shall be very glad to answer the Senator's question about to-morrow afternoon. [Laughter.] I have some very elaborate statistics of the interlocking directorates, and some charts in white and black and red and green and blue, showing how they are all scrambled up together, and you can not unscramble them even with a Supreme Court. Yes; they are all mixed together. They are all after us in the same way. That has been the trouble. Here are about 7,000,000 farmers working 16 hours a day for a living, and here are six or seven million laboring people working the same way, and then nearly all of the net income is going to the combination of a few gentlemen organized in that way. There is something in organization, you see; but I am afraid the Senator got me off my subject a little.

I was talking about one Samuel M. Felton, president of the Chicago & Great Western Railroad Co. Now, let us get that right. It used to be the "railway" company, and then Morgan & Co. came down from New York, changed its name from "railway" company to "railroad" company, and charged us $6,000,000 for doing it; and it is the president of that outfit that has printed my name in all the papers all over the country that would carry it, and a lot of them seem to have carried it. I think maybe they will find out that I am harmless after a while, and I will not be such good news in these papers; but at the present time it makes me an awful lot of trouble explaining these things out, and that is why it is nearly 9 o'clock and I have only gotten about half-way through with Felton yet.

Now, let us see something about the subsidy proposition in reference to this. It seems that there was some question about subsidies in reference to the management of this road. I wonder if I have lost that document. If I have, I will say that you will all have to come back to-morrow night. It will not do to miss that. The document to which I refer related especially to the patriotic action of these railroad presidents. Take this man Felton, for instance. Before the war, when times were good, he only charged us $40,000 a year for the mismanagement of this waterlogged railway out in our country. After the war was over and the times got real bad, he could not live on that, and he raised it $10,000, and we have to pay him $50,000 now for running this road and for paying Morgan $6,000,000 of our money for changing the name from "railway" to "railroad." There is a lot of trouble, I will tell you; and I want to call the attention of the Senator from New York again to the fact that it is not only the farmers of Iowa that are getting roused up about some of these things. I met a bunch of farmers from New York the other day, and, do you know, they were talking the same way as those farmers do out West.

Oh, there is not any section any more in this farm bloc. The farmers of the Pacific coast, the fruit growers out there, the cotton growers of the South, the cattle raisers of the Rocky Mountains, the corn growers of the Middle West, and the dairymen of the East are all talking the same language; and if you read the Washington Star you saw a picture of that language in the cartoon the other night. They figured out how the United States would really look after the farmers got in here, and they are coming. Now, mind that.

The Senator from Alabama [Mr. HEFLIN] has just furnished me a copy of that picture. It is entitled "The Iowa Idea of a United States Senate." I wonder if they are blaming that to me?

Here is one Senator with a document almost as formidable looking as the Evening Star, and it is entitled "Care of Live Stock"; and evidently that Senator has not found out that there is a senatorial barber shop here, from the looks of his whiskers. Then we see "A bill to abolish 'biled' linen." Well, you know, we had an exhibition of that here the other day. I remember that Boston tea party, one of the most celebrated parties ever held in the history of the United States, and that party, as I recollect, was given in jeans, pants, and cowhide boots; but the other night here in the Senate we had to send out the Sergeant at Arms to bring in a social bloc to make a quorum, and they came in their evening togs, too. It will be a different-looking Senate when the farmers get here, and I will tell you, you had better look out for those togs.

The next one down the line has a book on hog hygiene. I want to tell you the State of Iowa has 7,000,000 hogs. We raise three times as many hogs as any other State in the Union. We are experts on that, and I want to say it takes more brains to know all about hogs than it does to know about United States Senators.

The next Senator is speaking. I should judge, from the gesture he is making, that he is in a filibuster. He says: "Mr. President, put that guy out." I do not know which one he referred to in that case. I see he is pointing at the boiled shirt. I did not catch that.

Another one has in his hand a document called "Flapper Weekly." I wonder if the Senator from Kansas [Mr. CAPPER] can explain that? I never saw that paper.

There is another one who says: "Yep, but it killed half o' mine." I do not know whether that is in reference to the paper or not. There are some very deep-seated observations in this cartoon of the United States Senate of the future, when the farm bloc really gets to going. At any rate, I am going to invite that cartoonist out to my State and show him a live farmer some day. He is so used to these social blocs here that I do not believe he ever saw one; but he made a good guess and a good picture.

There is the Senator from Illinois [Mr. MCCORMICK]. He knows a lot about these cartoons. Maybe he could explain how all these farmers got into the United States Senate so suddenly. I will say this much to the Senator from Illinois:

He came out into Iowa and made one speech, and it did not defeat me. [Laughter.]

Mr. McCORMICK. Mr. President, does the Senator mean that he did not want the help of the senatorial committee in the compaign?

Mr. BROOKHART. Oh, no; I was awfully glad to get it. I would not have gotten a silk-stocking vote in the State if the Senator had not come out there.

Mr. McCORMICK. What about the more material assistance that the Senator received?

Mr. BROOKHART. Oh, yes; it was all very welcome. I hope the Senator comes out again. I did not want the Senator to take that so seriously. That worries me a good deal. I was just joking, you know. I will say to the Senator further that they have been making me a lot of trouble here this evening. They have been bothering me a good deal. You know, I am new and quite green, and I get mixed up a good deal as I go along.

Mr. President, I am going now to change and take up another phase of this matter. I want to talk a little bit about this system which they present constantly to the American people in reference to their straitened finances. Whenever you find anybody talking for a railroad he always tells you how their credit is broken down, their earnings are getting less and less, getting worse and worse all the time, and the only cure for it is high rates.

In 1915, on this same line of argument, they conducted a campaign for higher freight rates, a horizontal increase straight up in all rates, and they advertised their condition all over the State of Iowa. I believe there are about 700 newspapers in the State of Iowa. They are the only people in hard lines I ever knew who advertised it and paid for putting it in the newspapers, but they did it; and I want to submit for the consideration of these empty seats here to-night some of their principal advertisements.

Here is one that was published in all these papers out in Iowa. You know, one of the convenient things about a railroad advertising in a newspaper is that the farmers have to pay for it, after all. They never forget to charge rates enough to pay the bill. That makes it a very handy plan, but it is a part of this same plan of publicity that my friend Felton, of the Great Western, used and practiced on me.

It reads:

That the railroads of the United States are to-day confronted by the greatest crisis in their history there is not the slightest question.

That sounds familiar, does it not? It is the same old story.

For some years they have been desperately struggling with an ever-increasing cost of operation in the face of reduced freight and passenger rates. But, serious as this situation was before the European war, which has indefinitely closed to them the foreign money markets, has suddenly brought them face to face with a situation which threatens not merely many new receiverships but the actual paralysis of the entire transportation industry of the Nation.

Now, is not that awful? This was 1915, when they were wanting advanced rates.

It was this state of affairs which compelled the closing of the New York Stock Exchange some months ago. What will happen in the future the future alone can tell. American railroads are valued, in round figures, at $20,000,000,000, and of this vast sum nearly $5,000,000,000 worth of securities are held abroad. Should Europe in its frantic struggle for funds seek to convert these securities into cash during the next few months, where is the money to come from with which to buy them?—

I would not know, I will admit—

And failing to protect the securities, what demoralization will follow, not merely in railroad investments but in all other American industrial values as well?

This is an extract from a paid advertisement in all of the Iowa newspapers.

Mr. CALDER. Is that a recent advertisement?

Mr. BROOKHART. In 1915—just preceding the advanced-rate case of 1915. It is quite recent.

Mr. CALDER. My information is that Europe has disposed of all of its American securities.

Mr. BROOKHART. Yes; and we bought them and loaned Europe ten or eleven billion dollars besides, did we not?

Mr. CALDER. Yes.

Mr. BROOKHART. So there was not much in the great, big scarecrow they hung up on our garden fences out in Iowa, was there?

Mr. CALDER. Well, I do not know. I am inclined to think that if we had been called upon to meet that demand of $5,000,000,000 in a little while without the immense profits that came to us during the early days of the war we would have had a hard job to meet it. We took the $5,000,000,000 worth of securities held in Europe and paid for them with war supplies at extraordinary prices, and they were returned to us without any difficulty and without upsetting market conditions. But in time of peace if Europe had called upon us to pay $5,000,000,000 within a short period I think we would have had some difficulty, and it is possible it might have resulted in a serious panic.

Mr. BROOKHART. The Senator thinks if they offered them for sale and we did not have the money to buy them, they would have to keep them.

Mr. CALDER. No; if they had dumped them upon our market, it would have been a pretty serious condition for the value of American securities of every character.

Mr. BROOKHART. That is an awfully bad thing for railroad securities or anything like that to come down, is it not?

Mr. CALDER. To come down to a considerable extent, yes; because that affects the whole market condition of the country. It always has done so, I will say to the Senator, in the experience of the country in the past.

Mr. BROOKHART. Well, yes; and it is bad when the railroads squeeze the farm values down in the same way.

Mr. CALDER. Oh, I agree with that.

Mr. BROOKHART. I believe the Senator from New York and I will get along pretty well after he gets a little better acquainted with the farm bloc.

Mr. CALDER. If the Senator will permit me, I think perhaps, outside of the State of Iowa and one or two others, we have as many farmers in New York as any State in the Union.

Mr. BROOKHART. But they are not as "blocky" as ours.

Mr. CALDER. They are not as blocky, perhaps, because they, being nearer the markets, do not have the physical difficulties in marketing their products. I know the Senator's farmers have hard times and our farmers have hard times, too; but our nearness to the market makes it easier to turn our products into money than for the Senator's farmers. I have a great deal of sympathy for the farmer, and if the Senator will show me where I can help them at any time he will find me on his side.

Mr. BROOKHART. I am trying to show the Senator now where he can help. That is why I am talking about the railroads to-night. I want to show the Senator that practically always all of this claim that their financing is broken down and their credit destroyed is a false alarm put out by their bird dogs for the purpose of deceiving the public and justifying an increase in rates. That is the theory of it. That is why I am arguing it.

Mr. HEFLIN. Mr. President, in order that the Senator——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Alabama?

Mr. BROOKHART. For a question. Remember, I am holding the floor.

Mr. HEFLIN. I want to help the Senator hold it. In order that the Senator from New York may understand exactly the situation out in Iowa, when the farmer out in Iowa was getting 15 cents a bushel for oats the Senator from New York was paying 50 cents for a saucer of oatmeal at the Willard Hotel.

Mr. BROOKHART. I was never able to stand the dinners at the Willard, but I expect probably that is right. May I ask the Senator if that is correct?

Mr. CALDER. I think the price was 40 cents to-day. [Laughter.]

Mr. HEFLIN. I was quoting from memory what the Senator from New York said at a previous time in an interruption of a speech I was then making.

Mr. BROOKHART. The Senator did not miss it much after all.

Now let us see more about these advertisements of railroad credits. Here is another one that was published in all those papers at our expense. I want Senators to keep that in mind, that all of these luxuries of advertising are at our expense. They are all charged or figured in the operating department in some way.

The net operating income of the railroads of the United States for the year ending June 30, 1914, was $118,554,875 less than for the previous year. The gross earnings for the year were $66,698,486 less than for 1913, while expenses and taxes were $49,535,653 more.

Of course they neglect to show that the comparison which they made was with the greatest year in railroad earnings in all the history of the railroads. These figures are probably correct, but by being arranged in that way, they give an entirely false impression of the situation.

The bond and note obligations which will mature between now and the end of next year, and which the railroads will have to meet in some way, amount to more than $563,000,000, and this does not take a dollar's worth of new improvements or betterments into consideration.

These are obligations which were incurred in the past and which must be met as they fall due if the transportation companies are to be preserved from wholesale receiverships and ruin. Manifestly, therefore, American investors, big and little, will come to the rescue, and before they will consent to do this American railroad securities will have to be reestablished as a sound, respected, and paying investment, and this, on the basis of present railroad earnings, is impossible.

That is another one of those paid advertisements. Now, I want to say about that that to a man not familiar with railroad bookkeeping and experienced in railroad juggling of figures it sounds like a telling argument. To a man who knows, it is simply the shrewdest kind of a scheme of deception.

In the first place, the figures are a comparison of 1914 with 1913. If 1913 was a fat year, then the earnings might very properly be less in 1914, and that was exactly the situation. It was a banner year, in spite of the fact that they juggled their expense accounts to make it a bad one. They spent $100,000,000 more for maintenance in 1913 than they did in 1912. They were asking for higher freight rates, and they wanted to make a bad showing, so they spent the money. This helped them in two ways; they made a permanent improvement of their property at the expense of the people, and its tendency was to make a good showing so they could get still more from the people in freight rates.

Here is a concrete example of the juggling on the Pennsylvania Railroad: In 1909 their expenses decreased and were less than in 1908. In 1910 they were asking for increased freight rates, so their books showed an increase of 27 per cent in expenses. In 1911 there was a decrease, and in 1912 there was a slight increase of 2½ per cent. But in 1913 they wanted higher freight rates again, so their expenses increased 29 per cent, and in spite of all this juggling the eastern group earned 8.07 per cent net in 1913 on the whole stock, water and all.

In 1908 every mile of railroad in the United States earned net $3,171 and every year since has earned more until 1913 when it reached the sum of $4,233.

Now, again as to these paid advertisements, they put in the papers this statement:

In times of acute financial stress private industries are in position to very largely adjust their affairs to meet the emergency. They can advance the price of their commodities, cut the pay roll in half or shut down altogether, and thus permit the storm to blow over without actual shipwreck. The railroads as quasi public enterprises, however, are in an entirely different position. Their rates are regulated by law, and can not be advanced without the consent of the people through their lawmaking body. In order to please the convenience of the public, and not to break down the commerce of the country, they must operate their freight and passenger trains whether they carry a full load or only a quarter of a load. And in view of these facts it is manifestly unfair to put the railroads in the same class with private industries in the present crisis and ask them to shift for themselves as best they can. When the people took over the complete making and regulation of railroad rates they at the same time assumed the solemn implied obligation to see that the railroads got a square deal, for the people are the only power that stands between them and ruin.

That was another paid advertisement at this same time, part of this tale of woe that went out asking for higher rates in order to restore the credit of the 47 western railroads.

In reference to that I want to say that I am not charging the railroads anything for reprinting their advertisements. What I have just read was an attempt to justify the rate increase because the railroads were not in the same class with private industry. They say their trains must run whether they have a half a load or not. But remember this fact, that in every State in the country we know of a reduction of trains was made when there was not enough traffic to fill them. Out in Iowa, in my own home town, it has not been long since the Rock Island had two fast trains at that station, one east at 10 o'clock in the morning and the other west at 3 o'clock in the afternoon, and also two local trains, one east at 4.35 in the morning and the other west at 9.05 in the evening. All four of those trains have been removed.

In addition to this the railroads are permitted to charge rates high enough to accumulate a surplus to cover periods of depression. The last time I checked up this surplus it amounted to over $1,000,000,000. It would take a loss of $166,000,000 a year for six years to eat up the surplus which they have already accumulated. That surplus was also collected from the people, but as soon as it is collected it is forgotten, and when the war comes along, instead of using it, they ask us to put up more money and bear our own losses besides.

Now, Mr. President, I have several more very interesting advertisements here and I am very sorry that I shall not have time enough to read them all to-night. I shall preserve them, however, and perhaps I can present them a little later. However, there are one or two more that I will present now. Here is another one:

It is the American farmer, however, who has no complications ahead of him and whose flour, pork, beef, mutton, and foodstuffs must be depended upon to make up the shortage which is already looming big in the distance because the harvest fields of the most fertile sections of Europe have been converted into a shambles for the contending armies. Exports of breadstuffs from the United States in November were valued at $40,250,000, or almost four times as much as in November, 1913, while meat and cattle exports amounted to nearly $14,000,000, or a gain of over 20 per cent over 1913, and this despite our miserable shipping facilities on the high seas.

In the light of these facts was there ever a time when the farmers of Iowa and other Corn Belt States can view the future with as much assurance or when they can so well afford to treat fairly every other great industry in the Nation as now?

Putting it in the terms of sound business policy, was there ever a time when they should do their part to the end that American labor may be profitably employed in all the great channels of industry and that our transportation system may be kept up to a high point of efficiency so that it may adequately discharge the heavy shipping burdens which will undoubtedly depend upon it in the not distant future?

That is another beautiful story to the farmer and reason why he should come to the relief of these railroads in this moment of distress. In reference to that I want to say that the commission decided that the roads were not entitled to their 5 per cent blanket increase in rates in the eastern case. Then the war began. Then began a line of arguments found in the above article.

The commission allowed an increase upon 45 per cent of the tonnage in the western case.

They admit the war has brought calamity to every line of business except farming. They single out farming, point to its great prosperity, and insist it should pay more taxes to the railroads. As to the cotton farmer they say nothing. Although more than one-fourth of all the farmers in our country are cotton farmers, they are not even mentioned. Why? Because they were ruined by the war. The railroad business is not hit one-tenth as hard. If anybody is to be compelled to help anybody else on account of the war, the railroads ought to be compelled to help the cotton farmers.

And how much better off is the northern farmer? They tell you the exports of meat and cattle increased by over 20 per cent in November. Yes; but the price has declined over $2 per hundred prior to 1915 and since the war began. The larger shipment abroad would give the railroads more business from the farmer, but the lower prices are losing him money. There is not a feeder in the country but who is loser.

That was true up to 1915 and it was true in 1916 and a little in 1917, and 1918 and a part of 1919 were better, and then came the smash of the farmer.

The railroads of the whole country had over a billion dollars of surplus when the war began. And here are a few samples of what they were earning: In 1913 the 35 eastern roads averaged 8.07 per cent on water and all. The Pennsylvania earned 9.50 per cent. In 1912 the Santa Fe earned 6.91 per cent. In 1911 the Chicago, Burlington & Quincy had nearly $17,000,000 of net corporate income after paying all interest on bonds, taxes, and running expenses of every kind, including lawyers, politicians, and newspaper advertisements. Its whole capital stock was a little less than $111,000,000. Therefore its net corporate income on all stock was over 15 per cent.

Mr. President, after all these advertisements were put in the newspapers something happened in the trial of the rate case. Something happened to show up this system of propaganda which the railroads of the country had constantly been putting out to deceive the people with reference to their financial situation. Here is another advertisement which brought that to issue. They said:

There is not a single manager of a central or western railroad who will not admit that the present supply of first-class freight locomotives and box cars could not successfully meet the requirements of several bountiful crop years, and yet they have not the funds with which to supply this equipment and thus be prepared for the emergency when it comes, as it undoubtedly will.

So in this advertisement these western roads claimed a shortage of funds even to maintain and keep up their equipment. Then when we reached the trial we began the proof upon this queston of credit. This question was asked:

Mr. LORENZ. Would not that have to be considered in order to get a fair picture?

Mr. THORNE. Not to cover the point I was covering. I will state the point to you again, as it is stated in the exhibit.

The carriers have claimed that they have not had the money to maintain their property and that they have had to retrench and go backward. Now, that is true as to some carriers, but as to the carriers as a whole it is conclusively shown by the series of exhibits, including what we have already introduced and those to follow, that the carriers are maintaining their property; they have had the money to spend. They are maintaining it at a higher standard as a whole than ever before in their history, and in spite of not having the money to expend they are spending more in the country as a whole; they spent $100,000,000 more in 1913 than ever before in their history.

Mr. WRIGHT—

Mr. Wright was the general attorney of all these railroads; he was appearing for these 47 western roads trying to get this advance in rates. He said:

Who in this case is spending more?

Mr. THORNE. In 1914 they spent $20,000,000 more than that.

Mr. WRIGHT. Who in this case is claiming that they have not had the money to keep up their property?

Mr. THORNE. In the paid advertisements in Iowa—

Some of those were the same advertisements, Mr. President, which I have read to you—

Do you mean to say that—your honor, just a moment. The exhibit was prepared before the introduction of the evidence, and, necessarily, the paid advertisement was drawn forth from a statement by Mr. Wright, asking who had made the claim.

Mr. WRIGHT. In this case?

Mr. THORNE. I say these railroad parties to this case.

Mr. WALTER. Let us waive that. Do you say you have the money?

Mr. WRIGHT. Yes; we have maintained our properties, and we expect to. I have never made any contention of that kind in this case;

and so far as any advertisement in Iowa is concerned, nobody connected with this case in the handling of it has anything to do with it.

Mr. WALTER. My purpose in rising was to get formally on the record the admission—you do have the required money to keep your property in the shape which you think it ought to be in.

Mr. WRIGHT. Yes; I am not going back on that.

Mr. President, I call your attention to that remarkable situation. Here were these railroads putting advertisements in 600 or 700 newspapers in my State, and I presume they did the same—I know they did the same in all of the western section—paid advertisements, marked "paid," all of them advertising the fact that they did not have funds and money with which to maintain their properties; and then when we reached that question at issue in the trial of the rate case before the Interstate Commerce Commission, their attorney, representing all the roads, gets up, repudiates the advertisements for which we had paid and says, "We did have the money, and we have maintained our roads."

Not only that, Mr. President, but after the evidence was introduced the commission passed upon the other proposition.

But before I comment on that I want to say that we introduced to offset their claims of broken-down credit the evidence of the credit of the Government of the United States for the preceding 15 years, evidence of the credit of the four greatest governments—the United States, England, France, and Germany—in combination with 20 of the largest cities in the United States. We called that combined rate of those Governments and cities a pure money rate for convenience. We made a chart of the credit rates that the Governments and the cities had to pay. Then we took the credit rates which these 47 railroads had to pay, and we noted the rise and fall of that credit expense to all those roads. There was a remarkable disclosure when all of that evidence was collected.

That disclosure was, first, that these western railroads had a credit a little bit steadier, one which had not fluctuated quite so much as the credit of all of these great Governments and great cities; and, second, we found that by a small fraction the credits of these railroads had fluctuated a little less than the credit of the Government of the United States. Those facts were undisputed in the record. After we had shown them no railroad company denied them, yet they put out their advertisements and their propaganda to convince the people that their credit was broken down.

Now, here is what the commission say upon this proposition in the decision of 1915, "Western Rate Advance Case. Investigation and Suspension Docket No. 555. Rate increases in Western Classification Territory; submitted June 26, 1915; decided July 30, 1915."

The commission say, upon "The financial evidence":

Under this caption we include, first, testimony relating to the interest rate which the carriers pay on money borrowed; and, second, testimony relating to the return on money invested in their securities. In general, the matters here under consideration are not related, except indirectly, to operating expenses, nor to valuations attaching to the carriers' property, but rather to their securities and their financing.

We can not accept as final or determinative in this connection the recital of failures, no matter how well attested, of particular carriers at particular junctures to borrow except at abnormal or prohibitive rates of interest.

Now, then, the particular carrier they used in this case was the Chicago Great Western Railroad Co., and the particular witness they used in this case was Samuel M. Felton, whom I have described somewhat to you to-night.

Nor can we allow the testimony of financial experts as to the relative credit of railroads and other industries at particular times or in individual instances to weigh heavily as against comprehensive statistical studies such as those presented by the protestants' witness Norton.

Mr. President, that means that they went out among the industries and found particular instances of failure or of high interest rates and, using those particular instances as an example of the whole situation, they proved this bad financial condition, when as a whole it did exist. Witness Norton, whom we used, viewed the whole situation in the way that I have described and the commission approved his finding.

Without a detailed analysis therefore of the financial testimony, as defined above, we proceed to set forth the facts of prime importance that seem indubitably established.

The progressive increase in the ruling rate of interest since 1900 has been demonstrated beyond question, and we do not deem it material to go behind the fact into the causes which have operated to bring about this increase. Railroads in common with industries generally have had to pay a rate of interest higher in 1914 than in 1907, and generally higher in 1907 than in 1900.

J. P. Norton, in his exhibit, has shown that the "pure money rate"—that is, the rate paid on Government securities where there is the minimum of risk involved—has risen from about 3 per cent in 1900 to about 3½ per cent in 1907, and to about 3¾ per cent in 1914. He has also shown that the same phenomenon of a rising interest rate in the period 1900–1914 is instanced by the bonds of other public utilities than railroads—

It will be noticed that this parallel runs through everything; that it is not confined to railroads—

by the bonds of manufacturing and other industrial enterprises, by the municipal bonds of the 20 most populous cities in the United States, as well as by the bonds of 8 Western and 10 Southwestern railroads which are parties to the instant case.

So this parallel runs through everything, and the railroads at the time they were telling all the people of the West that their credit was shattered and broken had the steadiest and the evenest credit of any of these institutions, not excepting the Government of the United States.

A summary of this showing is exhibited in the subjoined table, No. 18, which is based upon various exhibits of this witness.

I shall have to read that table. I want to get it in the RECORD, and it is against the rules to do it without unanimous consent, and everybody is objecting now. I am afraid I shall not have time to read all of these figures, but I will do the best I can. I hope the President will not be too much disappointed if I skip some of them.

The table is as follows:

TABLE 18.—*Average yields of bonds of railways and other industries, 1900–1914.*

AVERAGE YIELD OF BONDS.

Year.	8 western roads.[1]	10 southwestern roads.[2]	Pure money rate (Government and municipal).	Western and southwestern railroads combined.	Municipal bonds, 20 largest cities.	Manufacturing and industrial bonds.	Public utility bonds.
	Per cent.	*Per cent.*	*Per cent.*	*Per cent.*	*Per cent.*	*Per cent.*	*Per cent.*
1900	3.9	4.8	3.02	4.3	3.2	5.4	4.5
1901	3.9	4.4	3.01	4.1	3.2	5.2	4.4
1902	3.9	4.4	3.05	4.1	3.3	5.1	4.4
1903	4.1	4.6	3.08	4.3	3.4	5.2	4.6
1904	4.1	4.5	3.17	4.3	3.5	5.3	4.6
1905	3.9	4.3	3.11	4.1	3.4	5.0	4.4
1906	4.0	4.4	3.22	4.2	3.6	5.1	4.6
1907	4.4	4.7	3.42	4.5	3.9	5.4	4.9
1908	4.3	4.7	3.47	4.5	3.9	5.6	5.1
1909	4.1	4.4	3.41	4.2	3.8	5.2	4.8
1910	4.2	4.6	3.54	4.4	4.0	5.4	5.0
1911	4.2	4.6	3.55	4.4	4.0	5.3	5.0
1912	4.3	4.7	3.59	4.5	4.0	5.3	5.0
1913	4.6	5.0	3.82	4.8	4.3	5.7	5.1
1914	4.5	5.1	3.77	4.8	4.2	5.9	5.1

[1] Chicago, Burlington & Quincy; Chicago, Milwaukee & St. Paul; Chicago & North Western; Chicago, St. Paul, Minneapolis & Omaha; Great Northern; Minneapolis & St. Louis; Northern Pacific; Union Pacific.

[2] Atchison, Topeka & Santa Fe; Chicago, Rock Island & Pacific; Colorado & Southern; Kansas City Southern; Missouri, Kansas & Texas; Missouri Pacific; Southern Pacific; St. Louis & San Francisco; St. Louis Southwestern; Texas & Pacific.

While the selection of the roads covered by the preceding table was not made by the witness, and while the inclusion in the western group of three strong roads—the Great Northern, the Northern Pacific, and the Union Pacific—only slightly interested in the increases under consideration, may somewhat qualify the typical character of that group, we are of opinion that their inclusion does not impair the reliability of the general trend of interest on railroad bonds shown in the above table. The public utilities and the industrial concerns selected by the witness may possibly be subject to the criticism that they are largely located in the eastern and central section, the more mature industrial region of the country, rather than in the territory traversed by the carriers in this case. But whatever allowance may be made for the above considerations, we are of opinion that railroad credit as evidenced by interest on their loans has not been relatively more impaired than credit generally, public or corporate.

That is the decision of the commission.

A comparison of the movement of the actual and relative prices of railroad and industrial stocks based upon this witness's exhibit is printed in the appendix as Table No. 43.

The rise in the rate of interest results from influences that also produce a rise in the general level of prices. The same necessity that requires the carriers to pay a higher rate of interest on capital borrowed compels them to pay also higher prices for certain articles. This double disability rests, it is true, upon other industrial enterprises; although, as we have previously indicated, the ordinary industrial concern may advance the prices upon its own output and thus in a way offset the disability of rising costs with less delay and hindrance than can a public service industry. For the reasons above indicated, the following table, No. 19, from Norton's exhibits is of interest; and the diagram following, based on data taken wholly from the protestants' testimony, and showing the relative movement of prices for 80 articles used by the railroads and of the revenue from the equated traffic unit, is deserving of consideration.

Mr. President, here is an equally interesting table of prices of relative commodities quite as valuable as the comparison of interest rates. I am very sorry that the limited time at my command will not permit me to read all of it into the RECORD this evening. However, I shall try to get permission, some day when we get back to normalcy and get rid of the shipping bill, to insert it in the RECORD. It is an interesting study—a very interesting study indeed. I think I have a chart here somewhere on the proposition. I do not know whether it can be printed in the RECORD or not. At any rate, I want

to present my percentages as I have figured them out from the table which I have just quoted of the pure-money rate, as it is designated, as a combination of the averages of the four Governments, the United States, France, England, and Germany, and the 20 larger cities in the United States. It may be an arbitrary thing to use, but it is a convenient means.

Taking the average of those four Governments and the 20 larger cities of the United States, taking their actual bond sales, actual yields of interest, and averaging them up, with very great labor and investigation, it is found to be true, and an examination of the table shows that the rate of interest to the combined western railroads advanced only five-tenths of 1 per cent in 15 years. The pure money rate, being an average of the four Governments and 20 largest cities in the United States, advanced three-fourths of 1 per cent. So it will be seen that the credits advanced 50 per cent more to the 20 largest cities in the United States than they did to the group of western railroads at the very time they were howling that their credit had broken down. The United States Government rate advanced 0.55 per cent. Therefore the interest rates to the railroads were steadier and advanced less than either the pure-money rate or the United States Government rate.

The table shows that the combined rates of the western railroads exceed the Government rate from 1.67 per cent to 2.32 per cent, and an average of 2.04 per cent for the period. It also shows that the rate of the Northwestern Railroad alone exceeded the Government rate by an average of 1.75 per cent for the period. It is believed this is about the average excess of the whole United States. In other words, during this period the Government of the United States could have borrowed its money at 1.75 per cent less than the railroads paid.

Mr. KING. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. MOSES in the chair). Does the Senator from Iowa yield to the Senator from Utah?

Mr. BROOKHART. For a question, Mr. President. I am very particular about the floor. I do not want to lose it.

Mr. KING. I am sure I do not want to take the Senator from the floor. I want to ask the Senator if he does not believe, and it would seem to be combating the position which he is taking, that if the Government of the United States should take over the railroads and assume the obligations, of course, which it would be required to do if purchasing them at a cost of approximately $20,000,000,000, that the borrowing power of the United States would not be as good as it is now and the rate of interest which it would have to pay for the money which would be required to pay for the railroads would be a greater rate than that which is now paid by the Government to borrow money?

Mr. BROOKHART. If the Government got the property at what the roads were worth, it would have a property equal to all these funds, and it would not impair Government credit in any way. Of course, if the Government took the railroads at a watered value that would be a different story than if it took them at an honest value. The Government, in spite of all the cry against Government inefficiency, in spite of all the talk from people who want to take the Government functions over to themselves in some way, is conceded by all to be the most efficient instrument in the world when it comes to borrowing money. It can get money at a lower rate than anybody else. Nobody has ever disputed that proposition. I do not know but what there would be a saving in the capital charge, according to the tables which I have read to-night, of something like $500,000,000 a year upon that item. Of course what we called Government operation during the war was a different story because the old bonds continued as they were. There was no advantage of Government credit in the operation of the railroads under the Railroad Administration and the Railroad Administration should not be charged with that kind of an item.

Mr. President, I have presented a credit proposition to the vacant seats here in the Senate and to the few Senators who have been kind enough to sit around to help maintain a quorum for the purpose of showing that there is a widespread system in the United States organized and developed in the most efficient way to misrepresent the facts to the people of the country in reference to railroad capitalization and railroad financing and railroad credits.

Nothing could be better organized, nothing could be worked out more systematically, and by advertising these false combinations of figures in the newspapers and everywhere they have educated a lot of our people to believe that they really were in hard lines when it was not true. Even now railroad credit is perhaps the steadiest of any credit we have in the country. The Government credit, because of the war, has varied much more, and the variation has been much more than that of the railroads themselves. Of course, the Government had to give them some subsidies during the war. It had through its rate-making machinery guaranteed them an adequate or reasonable return upon the investment which was determined by the use of artificial theories of value, and which is perhaps $7,000,000,000 above the market value of their stocks and bonds.

As I said, the Government would have the right to condemn, if it took over the roads ultimately, the stocks and bonds. When the Government surrendered the right of eminent domain to the railroads and they exercised it in my State and in every State they took our properties at their reasonable market values. The only measure of damages was the difference in the market value before and after the property was taken. Upon the same rule these roads are not worth now, according to Mr. C. W. Barron, the owner of the Wall Street Journal, over $12,000,000,000.

In a former speech earlier in the session, when I was discussing the railroad question a little bit, I quoted the $12,000,000,000 figure as coming from the editor of the Wall Street Journal. Then the editor of the Wall Street Journal kicked up an awful muss about it and said it was not true, and I do not know what all he did call me. He did not miss anything to make it emphatic that I had no business to charge him with putting out such propaganda. That was the editor who made all the fuss. Then I looked up the situation and I found the statement was made in the March 5 number of the bulletin of the railway executives and by C. W. Barron, who is not the editor of the Wall Street Journal but the owner of it. So I made a very bad mistake, Mr. President, that I want to get fully corrected in the RECORD here to-night. I shall not charge it up to the editor any longer. We will let the owner stand for those figures.

Mr. President, I think I have forgotten several important points on that phase of the matter, but I hope to have an opportunity later before the ship subsidy bill passes to insert them in some way in the RECORD and present them for the consideration of the patient Senator from Washington [Mr. JONES], who never fails us a moment.

There is one other matter. I have a bill prepared, and am about ready to introduce it, to fix a new rule in the valuation of railroads and provide that it shall not exceed the value of the securities. If Mr. Barron's statement is reliable, that will reduce the fictitious value about $7,000,000,000. The farmers, who pay the freight, would like to have the real value fixed for the railroads, not any inflated value or anything of the kind. For this reason the representatives of the railroads denounce me as a socialist who wants to confiscate their property by bringing it down to the real market value on the market which they themselves created and control.

Now I want to call attention to something else that happened to the farmers in this connection. I want to call attention to the confiscations which have been put upon them. My authority for this is the Manufacturers' Record of February 22, 1923. That is to-day, but getting a little closer to to-morrow all the time.

I read:

On May 18, 1920, Federal reserve meeting in Washington discussed deflation, reflection of credit, breaking down of prices, and higher freight rates, but Governor Harding warned those present not to divulge the discussions of the day. The inside story revealed by the stenographic report obtained by the Manufacturers' Record.

The Senator from Alabama [Mr. HEFLIN] has occasionally mentioned in the Senate something about this meeting and has told something of the things with reference to it, but the Senator from Alabama is a long way behind the Manufacturers' Record when it comes to disclosing the full magnitude and the full force of the deflation policy which raised railroad rates and destroyed agriculture. Now, some of the things said are:

After one of the most fateful meetings in the financial history of the world, a meeting which no other organization, including the Interstate Commerce Commission or the Supreme Court of the United States, would ever have dared to hold in secret and reach its conclusions in secret and withhold its conclusions from the public, Governor Harding, of the Federal Reserve Board, in closing that meeting of the Federal Reserve Board, the Federal advisory council, and the class A of directors of Federal reserve banks, said:

These are Governor Harding's own words—

I would suggest, gentlemen, that you be careful not to give out anything about any discussion of discount rates. That is one thing there ought not to be any previous discussion about, because it disturbs everybody, and if people think rates are going to be advanced there will be an immediate rush to get into the banks before the rates are put up, and the policy of the Reserve Board is that that is one thing we never discuss with a newspaper man. If he comes in and wants to know if the board has considered any rates or is likely to do anything about any rates, some remark is made about the weather or something else and we tell him we can not discuss rates at all. I think we are all agreed it would be very ill-advised to give out any impression that any general overhauling of rates was discussed at this conference.

The PRESIDING OFFICER. Forty-nine Senators having answered to their names, a quorum is present.

Mr. ROBINSON. Mr. President, I move that the Senate do now adjourn.

Mr. JONES of Washington. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. EDGE (when his name was called). Making the same announcement as to my pair and transfer, I vote "nay."

Mr. KENDRICK (when his name was called). Making the same announcement as to the transfer of my pair, I vote "yea."

Mr. LODGE (when his name was called). Making the same announcement as before as to my pair and its transfer, I vote "nay."

Mr. McKINLEY (when his name was called). I transfer my pair with the junior Senator from Arkansas [Mr. CARAWAY] to the senior Senator from Oregon [Mr. McNARY] and vote "nay."

Mr. NEW (when his name was called). Announcing the same transfer as on the previous vote, I vote "nay."

Mr. SMITH (when his name was called). Making the same announcement as to my pair and transfer, I vote "yea."

Mr. SWANSON (when his name was called). Making the same transfer that I did on the former vote, I vote "yea."

Mr. WATSON (when his name was called). Transferring my pair as before, I vote "nay."

The roll call was concluded.

Mr. REED of Pennsylvania (after having voted in the negative). Has the junior Senator from Delaware [Mr. BAYARD] voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. REED of Pennsylvania. I transfer my general pair with that Senator to the junior Senator from Vermont [Mr. PAGE], and allow my vote to stand.

Mr. CALDER. I have a general pair with the Senator from Georgia [Mr. HARRIS]. In his absence I withhold my vote.

Mr. COLT (after having voted in the negative). Has the junior Senator from Florida [Mr. TRAMMELL] voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. COLT. I have a general pair with that Senator, which I transfer to the senior Senator from California [Mr. JOHNSON], and allow my vote to stand.

The result was announced—yeas 11, nays 35, as follows:

YEAS—11.

Fletcher	Hitchcock	Sheppard	Swanson
George	Kendrick	Smith	Walsh, Mass.
Heflin	Robinson	Stanley	

NAYS—35.

Ball	Ernst	Lodge	Reed, Pa.
Brandegee	Frelinghuysen	McKinley	Shortridge
Broussard	Hale	Moses	Spencer
Bursum	Harreld	New	Sutherland
Cameron	Harrison	Norbeck	Wadsworth
Capper	Jones, Wash.	Oddie	Warren
Colt	Kellogg	Pepper	Watson
Curtis	Keyes	Phipps	Weller
Edge	Lenroot	Poindexter	

NOT VOTING—50.

Ashurst	France	McLean	Shields
Bayard	Gerry	McNary	Simmons
Borah	Glass	Myers	Smoot
Brookhart	Gooding	Nelson	Stanfield
Calder	Harris	Nicholson	Sterling
Caraway	Johnson	Norris	Townsend
Couzens	Jones, N. Mex.	Overman	Trammell
Culberson	King	Owen	Underwood
Cummins	Ladd	Page	Walsh, Mont.
Dial	La Follette	Pittman	Williams
Dillingham	McCormick	Pomerene	Willis
Elkins	McCumber	Ransdell	
Fernald	McKellar	Reed, Mo.	

So the Senate refused to adjourn.

Mr. HITCHCOCK. No quorum is present?

The PRESIDING OFFICER. That is a self-evident fact.

Mr. HARRISON. I enter a motion to reconsider the vote just taken; but, of course, a quorum must be obtained first. I do not want to lose my right to enter the motion.

The PRESIDING OFFICER. Does the Senator suggest the absence of a quorum?

Mr. HARRISON. No; I do not. I take it that we must get a quorum before we can do anything.

The PRESIDING OFFICER. A quorum was disclosed upon the last call of the Senate.

Mr. HARRISON. Forty-six, I think, was the number announced.

The PRESIDING OFFICER. Upon the last call of the Senate to ascertain a quorum, a quorum was disclosed. On the vote just taken a quorum did not vote.

Mr. HARRISON. Does the Chair hold that a quorum voted on the last vote?

The PRESIDING OFFICER. No, indeed.

Mr. HARRISON. I have moved to reconsider the vote, and on that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SWANSON. Pending that motion, I make the point that there is no quorum present.

The PRESIDING OFFICER. The Secretary will call the roll to ascertain if a quorum is present.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ball	Frelinghuysen	Lodge	Sheppard
Brandegee	George	McKinley	Shortridge
Broussard	Hale	Moses	Spencer
Bursum	Harreld	New	Sutherland
Calder	Harrison	Norbeck	Swanson
Cameron	Heflin	Oddie	Wadsworth
Capper	Hitchcock	Pepper	Walsh, Mass.
Colt	Jones, Wash.	Phipps	Warren
Curtis	Kellogg	Poindexter	Watson
Edge	Kendrick	Reed, Pa.	Weller
Ernst	Lenroot	Robinson	

The PRESIDING OFFICER. Forty-three Senators having answered to their names, a quorum is not present. The Secretary will call the names of the absent Senators.

The Assistant Secretary called the names of the absent Senators, and Mr. BROOKHART and Mr. KEYES answered to their names when called.

Mr. McKELLAR and Mr. KING entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-seven Senators having answered to their names, a quorum is not present.

Mr. CURTIS. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kansas.

Mr. ROBINSON. On that motion I demand the yeas and nays.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. FLETCHER and Mr. STANLEY entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum is present.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

Mr. HARRISON. Will the Senator withhold that for one moment?

Mr. CURTIS. For what purpose?

Mr. HARRISON. The yeas and nays were ordered on a motion to reconsider. I was going to ask to withdraw that motion to reconsider, as I understood that by virtue of so doing there would be a request to recess until 11 o'clock tomorrow.

Mr. CURTIS. Mr. President, the motion made by the Senator was out of order. We could do no business without a quorum, and when the Chair announced there was no quorum there was nothing to do but to get a quorum. I therefore insist upon my motion.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kansas.

Mr. HARRISON. I move that the Senate do now adjourn.

Mr. CURTIS. The motion I have made is a privileged motion.

Mr. HARRISON. I ask for the yeas and nays on my motion.

The PRESIDING OFFICER. The Chair rules that the motion of the Senator from Kansas is privileged.

Mr. HARRISON. I submit——

Mr. ROBINSON. I rise to a point of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. ROBINSON. The motion to adjourn takes precedence by the rules of the Senate over the motion to proceed to the consideration of executive business.

The PRESIDING OFFICER. The point of order is well taken.

Mr. ROBINSON. The motion to adjourn is in order.

The PRESIDING OFFICER. The motion to adjourn is in order. On that motion the yeas and nays have been requested. Is the demand seconded?

The yeas and nays were ordered, and the principal legislative clerk proceeded to call the roll.

Mr. CALDER (when his name was called). I have a general pair with the senior Senator from Georgia [Mr. HARRIS]. In his absence I withhold my vote.

Mr. COLT (when his name was called). Making the same announcement as before with regard to my pair and its transfer, I vote "nay."

Mr. EDGE (when his name was called). Making the same announcement as to the transfer of my pair as previously, I vote "nay."

Mr. KENDRICK (when his name was called). Making the same announcement with regard to the transfer of my pair as on former votes, I vote "yea."

Mr. KING (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. McCUMBER]. In his absence I transfer that pair to the senior Senator from Texas [Mr. CULBERSON] and will vote. I vote "yea."

Mr. LODGE (when his name was called). Making the same announcement as before with reference to the transfer of my pair and its transfer, I vote "nay."

Mr. McKINLEY (when his name was called). Making the same announcement as before with regard to my pair and its transfer, I vote "nay."

Mr. REED of Pennsylvania (when his name was called). Making the same announcement as before with respect to my pair and its transfer, I vote "nay."

Mr. SMITH (when his name was called). Making the same announcement as before with regard to my pair and its transfer, I vote "yea."

Mr. STANLEY (when his name was called). I inquire if my colleague, the junior Senator from Kentucky [Mr. ERNST], has voted?

The PRESIDING OFFICER. The Senator has not voted.

Mr. STANLEY. Not knowing how my colleague would vote, I withhold my vote.

Mr. SWANSON (when his name was called). Making the same announcement as to my pair and its transfer as on the previous roll call, I vote "yea."

Mr. WATSON (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

The roll call was concluded.

Mr. CURTIS. I ask unanimous consent that the motion to adjourn be withdrawn, and that the Senate take a recess until 11 o'clock to-morrow morning, with the understanding that we shall have an executive session to-morrow morning at 11 o'clock.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request proposed by the Senator from Kansas?

Mr. ROBINSON. Pending the request, I desire to say that the suggestion is satisfactory to this side of the Chamber. We have no objection to it.

BALTIMORE & OHIO RAILROAD SIDINGS IN THE DISTRICT.

Mr. BALL. Mr. President, will the Senator from Kansas yield?

Mr. CURTIS. Mr. President, may I ask permission to yield long enough to allow the Senator from Delaware to enter a motion to reconsider a vote? I will withhold the request I have made for a moment, if there be no objection.

Mr. HITCHCOCK. What is the motion of the Senator from Delaware?

Mr. BALL. I ask unanimous consent that I may ask for a reconsideration of the vote by which the Senate concurred in the amendment of the House to the bill (S. 3083) authorizing the Baltimore & Ohio Railroad Co. to construct an elevated railroad siding adjacent to its tracks in the city of Washington.

Mr. ROBINSON. Mr. President, it is necessary under the rules of the Senate that the motion to reconsider be entered within two days of actual session of the Senate after the bill passes the Senate. I think that means two calendar days rather than two legislative days, for reasons that I will not state at this time. I think also that the motion is privileged, and that the Senator from Delaware has a right to make the motion.

Although a situation has developed where a quorum may not be found to be present, I hope that there will be no objection, in view of the fact that a manifest error was made by the Senate in concurring in the House amendment, and the Senate must necessarily correct that mistake.

Mr. McKELLAR. Do I understand that the motion is merely to be entered now and not to be acted upon?

Mr. ROBINSON. It is not to be considered.

Mr. LODGE. It is merely to be entered.

Mr. BALL. That is all.

The PRESIDING OFFICER. The Senator from Delaware asks unanimous consent to enter a motion to reconsider the vote by which the Senate concurred in the amendment of the House to the bill named by him. Is there objection? The Chair hears none, and it is so ordered.

RECESS UNTIL TO-MORROW.

Mr. CURTIS. I ask unanimous consent that the Senate take a recess until 11 o'clock to-morrow morning, and that at 11 o'clock there be an executive session.

The PRESIDING OFFICER. Is there objection to the unanimous consent requested by the Senator from Kansas? The Chair hears none, and it is so ordered.

Thereupon (at 11 o'clock and 40 minutes p. m.) the Senate took a recess until to-morrow, Friday, February 23, 1923, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 22, 1923.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We thank Thee, our Father in heaven, that Thou hast ordained and art administering a providence over Thy children. Sheltered under Thy care, we have a retreat that gives security and blessed quiet. The thought that Thou dost live and love and plan lends courage and sustains us in the hour when hope burns low. We thank Thee that our Nation's history is a great evidence of Thy providence. May we draw to-day new inspiration from the examples of our fathers who struggled in defense of the liberty wherewith they have made us free. Help us to hold in remembrance and appreciation that emergencies can be met, wrongs can be righted, and problems solved by simple obedience to our free Christian institutions. The Lord bless our homeland, which has been consecrated by the prayers, the tears, and the struggles of those who were giants in mind and in conscience, and we will give Thee the praise through Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

DEFICIENCY BILL.

Mr. MADDEN, chairman of the Committee on Appropriations, reported the bill (H. R. 14408, Rept. 1680) making appropriations to supply deficiencies in appropriations for the year 1923 and prior fiscal years, and providing supplementary appropriations for the year 1924, which was ordered printed and referred to the Committee of the Whole House on the state of the Union.

Mr. BYRNS of Tennessee reserved all points of order.

GRANTING CERTAIN LANDS TO CANON CITY, COLO.

Mr. SINNOTT, chairman of the Committee on the Public Lands, presented a conference report for printing under the rule on the bill (H. R. 7053) to grant certain lands to the city of Canon City, Colo., for a public park.

GRANTING CERTAIN LANDS TO ESCAMBIA COUNTY, FLA.

Mr. SINNOTT, chairman of the Committee on the Public Lands, presented a conference report on the bill (H. R. 7967) granting certain lands to Escambia County, Fla., for a public park, for printing under the rule.

SENATE JOINT RESOLUTION 253.

Mr. BULWINKLE. Mr. Speaker, I ask unanimous consent that I may have leave to file minority views on Senate Joint Resolution 253 not later than 12 o'clock Saturday night.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to file minority views on Senate Joint Resolution 253 not later than midnight on Saturday. Is there objection?

There was no objection.

BOARD OF VISITORS TO ANNAPOLIS.

The SPEAKER. The Chair will appoint on the Board of Visitors to Annapolis Mr. DARROW, Mr. HILL, Mr. REECE, Mr. RIORDAN, and Mr. VINSON.

SPEAKERS PRO TEMPORE.

The SPEAKER. The Chair will state that he will be absent to-morrow and perhaps Saturday, and he designates as Speaker pro tempore the gentleman from Kansas, Mr. CAMPBELL. On Sunday, for the memorial exercises, the Chair will designate the gentleman from New Hampshire, Mr. WASON, to preside over the memorial services for Mr. BURROUGHS, Mr. THOMPSON, of Ohio, to preside over the services for Mr. MONTOYA, and the gentleman from California, Mr. CURRY, to preside over the services for Mr. NOLAN and Mr. OSBORNE.

THE SWORD OF MONTGOMERY.

Mr. MOORE of Virginia. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution which I send to the Clerk's desk.

The Clerk read as follows:

House Joint Resolution 460.

Resolved, etc., That the sword of Gen. Richard Montgomery, which he wore when he fell at the siege of Quebec on December 31, 1775, be accepted in the name of the Nation from the donor, Miss Julia Barton Hunt, whose generosity is deeply appreciated, and that the sword be deposited in the National Museum.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

Mr. MOORE of Virginia. Mr. Speaker, the history of the sword mentioned in the resolution is given in the letter to me of Mr. Gaillard Hunt, which I ask to have printed with my remarks.

The career of Montgomery in the early months of the Revolution was closely connected with that of the foremost of all Americans, the anniversary of whose birth is being everywhere celebrated to-day.

The Continental Congress having elected Washington Commander in Chief on June 15, 1775, seven days later elected Montgomery a brigadier general.

Immediately, under a plan of campaign devised by Washington and Doctor Franklin, Generals Montgomery and Schuyler were placed in charge of an expedition against Canada. Schuyler being compelled to withdraw on account of sickness, Montgomery led the American forces against Montreal, which he occupied December 7, 1775. Recognizing the importance of this exploit, the Continental Congress promoted Montgomery to be a major general on December 7, 1775. From Montreal Montgomery pressed on to Quebec, encountering great difficulties and hardships due to the character of the country and the severe winter. On the evening of December 31, 1775, as he led his men through ice and snow in an assault upon the heights of the city he was mortally wounded.

In a letter written in February, 1776, Washington, communicating Montgomery's fate to the Continental Congress, lauded his valor and lamented his untimely end. The death of Montgomery made a profound impression both in Europe and America. The Continental Congress proclaimed for him "their grateful remembrance, profound respect, and high veneration, and desiring to transmit to future ages a truly worthy example of patriotism, conduct, boldness of enterprise, insuperable perseverance, and contempt of danger and death," caused to be erected in his honor a monument of white marble at the front of St. Paul's Church, in the city of New York, bearing an inscription written by Franklin. In 1818 the body of Montgomery was removed from Quebec and buried near this monument.

The action which will probably be taken to-day by the Congress of the United States will correspond with the action of the Continental Congress nearly 150 years ago, when it recorded its glowing tribute to the memory of one of the most gifted and heroic of those who sacrificed themselves in the struggle for American independence. [Applause.]

WASHINGTON, *February 19, 1923.*

Hon. R. WALTON MOORE,
House of Representatives.

MY DEAR MR. MOORE: By the wish of my cousin, Miss Julia Barton Hunt, of New York, and in her behalf, I have the profound honor of presenting to the Government of the United States, through the Congress, the sword which Gen. Richard Montgomery carried when he was killed December 31, 1775, on the Plains of Abraham at the siege of Quebec.

James Thompson gives the following account of Montgomery's sword:

"Holding the situation of overseer of works in the Royal Engineer Department at Quebec, I had the superintendence of the defenses to be erected throughout the place, which brought to my notice almost every incident connected with the military operations of the blockade of 1775; and from the part I had performed in the affair generally I considered that I had some right to withhold the general's sword, particularly as it had been obtained on the battle ground.

"On its having been ascertained that Montgomery's division had withdrawn a party went out to view the effects of the shot, when the only part of the body that appeared above the level of the snow was that of the general himself, whose hand and part of the left arm was in an erected position, but the body itself much distorted, the knees being drawn up toward the head; the other bodies that were found at the moment were those of his aid-de-camps, Cheeseman and McPherson, and one sergeant; the whole hard frozen. Montgomery's sword was close by his side, and as soon as it was discovered, which was first by a drummer boy, who made a snatch at it on the spur of the moment, and no doubt considered it as his lawful prize, but I immediately made him deliver it up to me, and some time after I made him a present of 7*s.* 6*d.* by way of prize money.

"The sword has been in my possession to the present day (August 16, 1828). When found it had no scabbard or sheath, but I soon had the present one made and mounted in silver to correspond."

James Thompson was present at the siege of Louisburg, and came to Quebec with his regiment, the Seventy-eighth Highlanders, and took part in the battle of the Plains of Abraham. Subsequently he was appointed deputy officer of public works in the engineer department. He died in Quebec August 30, 1830, aged 98 years. He bequeathed the sword to his son, James Thompson, deputy commissioner general, who at his death in December, 1830, willed it to his nephew, James Thompson Harrower. * * * It was sold by Mr. Harrower in 1878 to the Marquis of Lorne, governor general of Canada. (Note on Montgomery's Sword, seventh series of Historical Documents, 1905, published by the Literary and Historical Society of Quebec, 1905.)

In 1881 the Marquis of Lorne gave the sword to Victor Drummond, Esq., chargé d'affaires ad interim of the British Legation at Washington, and Mr. Drummond gave it on September 3, 1881, to Miss Louise Livingston Hunt. Miss Hunt, with her brother, the Hon Carleton Hunt, of New Orleans, La., and her sister, Miss Julia Barton Hunt, was the owner as a life estate of Montgomery Place, where General Montgomery's widow had died, and where several of the relics of the general were preserved. It was the intention of Miss Louise Livingston Hunt to give the sword to the Government of the United States, but a prolonged illness before her death on November 19, 1914, prevented her from carrying out her intention. Upon her death, as part of her estate, the sword passed to her brother and sister, and upon the death of Carleton Hunt, August 14, 1921, to Miss Julia Barton Hunt, who, carrying out the wishes of Miss Louise Livingston Hunt, now presents it to the Government of the United States to be placed, if it pleases the Congress of the United States, with the other Revolutionary relics in the National Museum, where it may be seen by the public and recall the memory of the gallant officer who gave his life in defense of the American cause December 31, 1775.

* * * * * * *

Yours very respectfully,

GAILLARD HUNT.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MOORE of Virginia, the motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

Mr. BLAND of Virginia. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Virginia asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. BLAND of Virginia. Mr. Speaker, the district which I have the honor to represent is sacred with memories of Washington. There, at Wakefield, Westmoreland County, he was born. There, at Fredericksburg, Va., he spent a part of his boyhood days and grew to manhood. There he was made a Mason in Fredericksburg Lodge, No. 4, and the Bible used in those ceremonies is still in the possession of the lodge. At Fredericksburg, Va., in that district, the house in which Mary, the mother of Washington, lived and died, still stands, and in that city she lies buried. Patriotic women of this land have marked her last resting place with a stately monument.

Yorktown, Va., in that district, is inseparably linked with the name of Washington, and marks the culmination of his mighty struggle for independence.

Through all the trials, troubles, and disappointments of his long fight for freedom General Washington had the sympathy and encouragement of his devoted and courageous sister, Mrs. Betty Lewis, wife of Col. Fielding Lewis. She was more than sister; she was consoler, comforter, adviser, and friend.

Betty Lewis lived in Fredericksburg, Va. Her old home, known as Kenmore, still stands in that historic city. To this beautiful colonial mansion Col. Fielding Lewis had brought his charming bride, and there she lived until a few years before her death.

Colonel Lewis was a man of wealth and culture and prominent in the city's life. He became an officer in the Revolutionary Army, commanded a division at Yorktown, and after the war he was a magistrate in the town, a member of the city council, and representative in the legislature. Colonel Lewis devoted his activities at crucial periods to the manufacture of firearms for the Revolutionary service, and it is said that his guns armed the Virginia Militia who fought in the Battle of Yorktown. It is said that Colonel Lewis spent all of his money in this patriotic service.

The walls of Kenmore still stand as stanch as when the house was built. The interior stuccowork is said to be probably equal in workmanship to the best in this country. Its decorations were chosen by Washington, and he planned the ceilings and mantels which adorn its rooms.

Within the walls of this historic home have gathered Jefferson, Madison, Monroe, Henry, Richard Henry Lee, John Paul Jones, Light Horse Harry Lee, Count de Rochambeau, and many other men illustrious in the history of the Republic. Here there gathered a brilliant company when Washington went to Fredericksburg after the surrender at Yorktown. This old home has survived the shot and shell of civil strife and brought to the present the simplicity, the grace, and the charm of the past.

This old home has an appropriate location, for in this historic city John Paul Jones once lived. Here also lived Gen. Hugh Mercer and Gen. George Weedon, of Revolutionary fame, James Monroe, whose home and law office in Fredericksburg still stand, and other famous men. In this city still stands the Rising Sun Tavern, whose hospitality embraced Washing-

ton, Jefferson, Madison, Monroe, George Mason, Marshall, and many others.

Though Kenmore had withstood the tempest of war, yet in the past year it became threatened by the onward march of modern commercialism. It was proposed to convert its spacious grounds into building lots, and to transform the old house itself into an apartment house. Then it was that a determined band of heroic women in Fredericksburg rallied to its rescue. Forming themselves into an association, they arranged for its purchase at the price of $30,000, inaugurated a campaign to secure funds, raised $13,000 ($6,000 of which came from their own city), made their initial payment, saved the home, and are now undertaking, by subscriptions of $10 each for life membership in the Kenmore Association for the preservation of the Betty Washington Lewis home, to raise $16,000 to complete the purchase.

This sum will be raised by them; Kenmore will be saved to Virginia and to the Nation. The associations of its past will be preserved for the future. We may visit where Washington was an honored and welcome guest.

In the eloquent language of the Norfolk Virginian-Pilot:

"Kenmore" will be devoted to the memory of its former owner. Her reign there in a sense will be renewed. And "the tender grace of a day that is dead" will preside over that household, never to vanish until time at last takes its inevitable toll and the historic walls crumble to dust.

I mention these facts, believing them to be of interest, and assured that you will join with me in a hearty Godspeed to these patriotic ladies in their worthy work. In the name of these ladies I extend to you a hearty welcome to Kenmore, the home of Betty Lewis, the sister of Washington.

ILLUSTRATIONS OF FOREIGN POSTAGE AND REVENUE STAMPS.

Mr. VOLSTEAD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2703) to allow the printing and publishing of illustrations of foreign postage and revenue stamps from defaced plates, with a House amendment thereto disagreed to, insist on the House amendment and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to take from the Speakers' table the bill S. 2703, with a House amendment disagreed to by the Senate, insist upon the House amendment, and ask for a conference. Is there objection?

There was no objection.

The SPEAKER appointed the following conferees: Mr. VOLSTEAD, Mr. BOIES, and Mr. SUMNERS of Texas.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 124 to the bill (H. R. 13660) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such Disrtict for the fiscal year ending June 30, 1924, and for other purposes.

The message also announced that the Senate had passed without amendment the following House concurrent resolution:

House Concurrent Resolution 86.

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H. R. 13793) entitled "An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1924, and for other purposes," the Clerk of the House is authorized and directed to make the following correction: In line 15 of the matter inserted by Senate amendment No. 29 strike out "Congress). Promotions" and insert "Congress), promotions."

The message also announced that the Senate had receded from its amendment numbered 30 to the bill (H. R. 13793) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1924, and for other purposes, and had agreed to the amendments of the House of Representatives to the amendments of the Senate numbered 18, 21, 34, 36, 38, and 49 to the bill.

EXTENSION OF REMARKS.

Mr. MACGREGOR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein, in 8-point type, the letter of the Secretary of the Treasury to the gentleman from Pennsylvania [Mr. MCFADDEN] in respect to the so-called Lenroot-Anderson agricultural bill.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD, in 8-point type, in the manner indicated. Is there objection?

There was no objection.

The letter is as follows:

FEBRUARY 19, 1923.

MY DEAR CONGRESSMAN MCFADDEN: I received your letter of February 17, 1923, requesting my opinion on the bill (S. 4287) to provide credit facilities for the agricultural and live-stock industries of the United States; to amend the Federal farm loan act; to amend the Federal reserve act, and for other purposes, which was recently approved by the Senate and is now under consideration by your committee. I have been particularly concerned to see whether the bill conforms to sound banking principles and whether its administrative features are workable.

I have had prepared and send you herewith a detailed memorandum analyzing the bill from these points of view, and commenting also upon some other features which seem to be important. This memorandum points out grave defects in the bill, not only in matters of draftsmanship but in its larger outlines and policies as well. It seems to me that a careful study of the measure in the light of this memorandum leads necessarily to the conclusion that its financial provisions, as now drawn, are unsound and dangerous, and that its administrative features are unworkable.

I realize that some support has been given to the bill in the belief that it will assist the farmers of the country in obtaining credit accommodation, adapted to the needs of agriculture, and in sufficient amounts to avoid the disastrous effect of a credit stringency similar to the one through which this country has recently passed. With this object I am in the heartiest accord. I feel that the students of our banking structure have given too much attention in the past to the commercial and industrial needs of the country and not enough attention to the vital problem of fitting our banking structure to the needs of agriculture. I am convinced, however, that no benefits will enure to the farmer from a system which is financially unsound. The farmer has suffered enough in the past from unsafe banking systems. Let us not now add to this source of danger to the farmer by giving the sanction of the United States Government to a system which violates every canon of sound banking to which this Government has been committed since the establishment of the national banking system.

Some support has also been given upon the assumption that this bill was indorsed by the Joint Commission of Agricultural Inquiry, which conducted an elaborate investigation and has published a valuable report upon agricultural conditions. This, however, is a misapprehension, for the bill in its present form differs radically from the bill which the joint commission indorsed. Many of the features, especially criticized in the accompanying memorandum, were not contained in the bill indorsed by the joint commission, but were added in subsequent revisions. The indorsements given to the bill in its original form, therefore, are not applicable to the bill as it passed the Senate.

In my opinion the greatest service could be rendered to agriculture by enacting into law at the present session the Capper bill (S. 4280) and withholding action upon the Lenroot bill until the situation can be more thoroughly investigated. The Capper bill has the indorsement of the live-stock industry and of the great cooperative-marketing movement. It will go far, in my opinion, in satisfying the needs of those sections of the country which have suffered in the past from inadequate credit facilities. At the same time it is financially sound and in its administrative features avoids the excessive centralization, which, in my opinion, constitutes a serious defect in the Lenroot bill. The Capper bill carries with it important amendments to the Federal reserve act. It also includes a provision extending for nine months the time during which the War Finance Corporation can make loans for agricultural purposes, thus bringing assurance that any unforeseen credit needs will be amply taken care of during the coming crop season. Until the results of further investigation and experience are available, it seems to me that this is a complete and adequate program of agricultural credits legislation.

There are certain features of the Lenroot bill which have great merit and should, in my opinion, be incorporated in the Capper bill by your committee. The farm-credits departments contemplated in the Lenroot bill are, for instance, authorized to make loans direct to cooperative-marketing associations upon warehouse-receipt security. It seems to me that similar powers could well be given to the rediscount corporations contemplated in the Capper bill. The Lenroot bill also renders eligible for rediscount with Federal reserve banks the paper of factors based upon agricultural products in their raw state. It seems to me that this provision is sound, and I recommend its insertion in the Capper bill. I should also suggest including in the

Capper bill the section of the Lenroot bill which repeals the amendment to the Federal reserve act authorizing progressive rediscount rates.

If I may sum up briefly the reason why, in my opinion, the Capper bill is preferable to the Lenroot bill, it is this: The Lenroot bill attempts to create a separate and independent rediscount system for agriculture. Necessarily this will be a secondary and, in all probability, an inadequate rediscount system. It seems to me, on the other hand, that the agricultural interests can properly demand that they be given the benefit, upon sound lines, of the best and most adequate rediscount system which the country can furnish, and that, in my opinion, is the Federal reserve system, liberalized and extended as proposed in the Capper bill. The Capper bill aims at strengthening and developing the existing banking structure and the Federal reserve system and rendering them more useful and more suited to the needs of agriculture.

Very truly yours, A. W. MELLON,
Secretary of the Treasury.

Hon. L. T. MCFADDEN,
Chairman Committee on Banking and Currency,
House of Representatives, Washington, D. C.

MEMORANDUM ON S. 4287.

FEBRUARY 19, 1923.

Sections 1 to 6 of the Lenroot-Anderson bill (S. 4287) provide for the organization and operation of farm-credits departments in the Federal land banks throughout the United States. Sections 7 to 13, inclusive, contain amendments to the Federal reserve act similar to those embodied in part 2 of the Capper-McFadden bill. It is the purpose of this memorandum to discuss those sections of the Lenroot-Anderson bill which relate to the organization of farm-credits departments.

The purpose of these sections appears to be to establish a separate rediscount facility for certain types of agricultural and live-stock paper.

The bill provides in effect for 12 agricultural rediscount banking departments, one in each of the existing Federal land banks. Each such department would have a capital of $5,000,000 (to which an additional $10,000,000 might be added with the approval of the President), to be subscribed and paid in by the United States Government. The aggregate capital of all the farm-credits departments might therefore reach $120,000,000.

To a considerable extent the proposed new rediscount system would perform functions which are already being performed by the Federal reserve banks. Federal reserve banks are now authorized to rediscount for member banks agricultural paper with a maturity up to six months. Under other pending legislation this maximum maturity will be extended to nine months. Under the Lenroot-Anderson bill, however, the farm-credits departments of Federal land banks could discount, for national banks, State banks, trust companies, and certain other enumerated kinds of credit institutions, agricultural paper with a maturity of not less than six months nor more than three years. As far as concerns agricultural paper having a maturity from six to nine months, inclusive, offered by national banks or State banks which are members of the Federal reserve system, the two systems would, therefore, be overlapping.

The main purpose of the bill, however, appears to be to establish a rediscount system for agricultural paper which is not eligible for rediscount in the Federal reserve system, either because of its maturity or because it does not carry the indorsement of a member bank. It is contemplated that such longer term paper shall be made the basis for the issuance of collateral trust debentures, which would be sold in the investment market in the same manner that farm-loan bonds are now sold. These debentures would be exempt from all taxation, State or Federal, including surtaxes, and would be secured by the agricultural paper discounted or purchased by the farm-credits department.

The capital of the farm-credits departments would be completely supplied by the United States Government, and these departments would be operated by directors appointed by the Government. In effect, therefore, the system contemplates a policy of Government ownership and operation of an agricultural banking system through the medium of subsidiary corporations owned and operated by the United States.

It does not appear to be contemplated that the United States shall be legally liable upon the debentures or other obligations of farm-credits departments. Yet the moral obligation would be a strong one, for it is hardly conceivable that the United States Government could permit a corporate subsidiary owned and operated by it to default upon its just debts. In estimating the liability which the Government would assume in enacting the bill, we must therefore consider not only the technical liability which under the bill might reach $120,000,000 but also the potential moral liability, which might be in any amount up to $1,200,000,000.

Before launching the United States Government in a business venture which involves an investment of $120,000,000 in cash and a possible moral obligation of $1,200,000,000, the proposed plan should be studied not only with a view to ascertaining whether it is drawn upon sound lines and with proper safeguards sufficient to insure its financial integrity but also to see whether it is effective in accomplishing the purposes which its authors have in mind.

I. THE SYSTEM IS FINANCIALLY UNSOUND.

The farm-credits departments organized under the act are expected to operate principally upon borrowed capital. It is provided that they may issue collateral trust debentures up to ten times the amount of their paid-in capital and surplus. These debentures would be secured by at least a like face amount of agricultural paper bearing the indorsement of the discounting bank or other institution. The financial integrity of the system would depend, therefore, upon three factors: (1) The financial strength of the farm-credits departments primarily and secondarily liable upon the debentures; (2) the financial strength of the bank or other rediscounting institution; (3) the nature and value of the primary paper pledged as collateral.

(1) The farm-credits departments: The capital supplied by the United States Government is expected to stand as a guaranty fund to protect holders of debentures. In estimating the value of this guaranty certain elements of weakness must be considered. There is no requirement that any part of this capital be maintained in liquid form or that a cash reserve be maintained. All the capital might be invested in nonliquid agricultural paper. There is no limit to the amount of paper which may be taken from any one discounting agency in relation to the capital of the farm-credits department; so far as legal limitations are concerned, the whole capital or even more than the whole capital could be invested in paper bearing the indorsement of one bank or other discounting agency. Considering that the liabilities of the farm-credits departments may be as high as ten times the capital and surplus, it is apparent that the value of the guaranty of the farm-credits department would depend to a very large extent upon the value of the agricultural paper in which its assets are invested.

It is true that the debentures of each farm-credits department would be protected by a pro rata guaranty of all other farm-credits departments. The value of this guaranty, however, appears to be overestimated. It is not a joint guaranty. If the assets of a farm-credits department should prove insufficient to pay all its outstanding debentures, the deficiency may be assessed against other "solvent farm-credits departments," but only in proportion to the amount of debentures which each such department has outstanding at the time of the assessment.

A farm-credits department which has issued no debentures but has operated solely upon its capital, although to a high degree solvent would assume no liability for the debentures of any other department. On the other hand, the larger the liability of any department upon its own debentures the larger would be its liability as guarantor of other debentures. Moreover, it is obvious that the guaranty could be enforced only against the unpledged assets of a farm-credits department. Its pledged assets would go primarily to satisfy the debentures which they secure. If, therefore, a farm-credits department had issued its full limit of $10 of debentures for each dollar of capital and surplus and had pledged, as would, no doubt, generally be required on account of this very liability, agricultural paper of a face value 10 per cent in excess of the face amount of its debentures, it would have no unpledged assets against which its guaranty could be enforced. In general, as a farm-credits department becomes more extended and as its unpledged assets diminish, it would automatically assume a larger share of liability as guarantor. It does not seem that much reliance can be placed upon such a guaranty.

2. The discounting institution: It is apparent, therefore, that unless the paper in which the assets of the farm-credits departments are invested is financially sound, little reliance can be placed upon the liability or guaranty of these departments. The paper will bear the indorsement of the discounting institutions, and the next step in our analysis is to determine the value of this indorsement.

In the original Lenroot-Anderson bill, which had the approval of the Joint Commission of Agricultural Inquiry, the discounting institution could be a national or State bank or a

trust company, savings institution, or incorporated live-stock loan company. In the bill as it passed the Senate there are added rural-credit corporations, incorporated farm-credit companies, cooperative banks, and cooperative credit or marketing associations. The additions are important.

National banks and, to a large degree, State banks, savings institutions, and trust companies are subject to limitations under State or national law and to periodic inspection by State or national examiners. They are required to keep a minimum cash reserve; their investments are frequently limited; there is usually double liability on the part of stockholders; and any tendency toward unsound practices can be quickly checked by State or national banking authorities. Incorporated live-stock loan companies are generally formed on a substantial scale and take only secured paper. In the original bill, therefore, some reliance could have been placed on the indorsement of the discounting institution.

No such safeguards surround the operations of the institutions added by the revised Lenroot-Anderson bill. Rural-credit corporations, incorporated farm-credit companies, cooperative banks, or cooperative credit or marketing associations are enumerated but not defined in the new bill; hence it is impossible to ascertain under what limitations they will operate. There is no requirement that they be subject to periodic inspection, State or national. There is no requirement that they maintain a cash reserve or maintain their capital in liquid form. There is no limitation on the amount which such an institution may lend to one borrower—a limitation essential to sound banking. There is no requirement that capital be paid in in cash. In the case of cooperative credit association—a vague and undefined term—there is no requirement that there be any capital at all.

As amended in the Senate, the bill contains certain limitations on the amount of paper which may be discounted for any one institution, but upon examination it appears that these limitations could hardly be effective. No paper may be discounted for any agricultural credit corporation, incorporated live-stock loan company, or farm-credit company, "which has rediscounted paper equal to or exceeding ten times the paid-up capital and surplus of such company." It will be observed, however, that the limitation refers only to rediscounted paper. A company may be indebted upon its own promissory notes or bonds or other primary obligations in any conceivable amount, and yet it would not be debarred from discounting paper with the farm-credits department. Moreover, there is nothing in the bill to prevent a company from incurring liabilities in any amount which unsound finance might dictate after it has discounted its limit with the farm-credits department. A company with $10,000 capital could discount $100,000 of paper with a farm-credits department and the next day borrow $100,000 more from some other source.

As far as "cooperative credit associations" are concerned, there is no limit whatever upon the amount which they may discount.

Even if the limits which the bill attempts to place were effective, they would be far too high to afford adequate protection. A company taking the best quality of real-estate mortgages or paper secured by live stock or commodities with a safe margin can properly borrow a maximum of ten times its capital. The discounting agencies may, however, do a miscellaneous agricultural business and may make loans without security, or upon questionable security, such as crop mortgages or second or third mortgages on land. For such companies the limit of ten to one is much too high. For banks the limit—unless further restricted by State or Federal law—is five to one. A bank already has demand or short-time deposit liabilities which often exceed ten times its capital and surplus. A law which encourages such banks, in addition, to incur rediscount liabilities equal to five times their capital and surplus, is an invitation to unsound banking and a menace to the public welfare.

It follows, therefore, that no great reliance can be placed upon the indorsement of the discounting institutions contemplated by the bill, since they are not surrounded by the restrictions and safeguards which experience has shown to be essential to sound banking.

3. The agricultural paper: We are thrown back, then, upon the primary agricultural paper upon which the whole system is built. Not only the proceeds of debentures but the whole capital reserve of the discounting institutions, as well as of the farm-credits departments, may be invested in this paper. If the paper is unsound the system is unsound. One might expect to find, therefore, safeguards and limitations thrown about such paper comparable to the safeguards thrown around the farm-mortgage paper upon which the existing Federal farm-loan system is based.

No such limitations or safeguards are provided. Only in the case of direct loans to cooperative producing or marketing associations is there any requirement as to security. Such direct loans must be upon live stock or commodities and must not exceed 75 per cent of their value. These limitations are not applicable to paper rediscounted for banks, rural-credit corporations, live-stock loan or farm-credit companies, or cooperative credit associations.

A farm-credit corporation could invest ten times its capital in crop-mortgage paper, with all its hazards and uncertainties. A cooperative credit association, without a dollar of capital, could make unlimited loans to its members without any security whatever. And such paper, discounted with a farm-credit department, could form the security for debentures issued under Government auspices and sold to investors.

It is apparent, therefore, that the most elementary principles of sound finance have been overlooked in drafting the bill. In its national banking laws the United States Government has set up a standard of sound banking which is regarded as a model among the States. Through the Federal Reserve Board it endeavors to promote sound banking practices on the part of State banks which are members of the system. In its Federal farm-loan system it has set a standard of conservatism and soundness which has won the confidence of investors. It is difficult to conceive that Congress should now stand sponsor for a system which violates every sound banking principle and contains not even the rudiments of safety.

II. THE ADMINISTRATIVE FEATURES OF THE BILL UNWORKABLE.

The discussion heretofore has been of the financial features of the bill. Even the soundest financial plan, however, must depend upon good administration for its success. It is important to examine, therefore, the administrative structure which the bill contemplates, both with respect to the management of the farm-credits departments and with respect to their supervision by the Federal Farm Loan Board.

Nominally, the new powers conferred by the bill are vested in the Federal land banks. These are corporations organized under the farm loan act for the exclusive purpose of making mortgage loans upon farm lands. The last annual report of the Secretary of the Treasury showed that the Government on October 31, 1922, owned somewhat over $4,000,000 out of a total of approximately $35,000,000 of the capital stock of these banks, the remainder being owned by local farm-loan associations and to a small extent by individual borrowers. Under the farm loan act the temporary management of these banks is placed in the hands of five directors appointed by the Federal Farm Loan Board. The permanent management was to be in a board of nine directors, of which six, known as local directors, were to be selected by the stockholding farm-loan associations and three, known as district directors, were to be appointed by the Farm Loan Board. In fact, however, the permanent organization has never been effected, a joint resolution, approved January 18, 1918, authorizing the Secretary of the Treasury to purchase farm-loan bonds from the Federal land banks, and continuing the temporary organization as long as any such bonds are held. The Strong bill, recently reported by the House Banking and Currency Committee, provides for termination of the temporary management and substitution of a permanent board composed of three local directors chosen by the farm-loan associations, three district directors appointed by the Farm Loan Board, and a seventh director appointed by the Farm Loan Board out of three nominees selected by the farm-loan associations.

These boards of directors, whether permanent or temporary, are authorized to elect the president, vice president, secretary and treasurer, and other officers and employees of the Federal land banks, to define their duties, and to dismiss them at pleasure.

Upon this existing structure the Lenroot-Anderson bill superimposes an auxiliary organization designed to exercise the powers conferred in the bill. It is provided that each Federal land bank shall establish "under the supervision of its temporary directors and, after the establishment of the permanent organization, under the supervision of its district directors," a farm-credits department. During the temporary organization, therefore, the five directors appointed by the Government to carry on the farm-loan business will also operate the farm-credits department. Under the permanent organization the three directors appointed by the Government will act, apparently, as a separate board of directors in charge of farm credits. There will, therefore, be one corporation with two boards of directors. Such a situation can hardly promote efficient administration, since the same set of officials and employees will be subject to the orders of two boards of directors.

The most serious objection to the plan, however, is that in either event the operation of the farm-credit rediscount system will be placed in the hands of men who have no special qualifications for the positions. The temporary directors of the Federal land banks have already been selected and are now in office. They were selected, it may be assumed, because of their experience in passing upon real-estate mortgage loans, and not because of their familiarity with loans upon live stock, agricultural products, or growing crops. These directors are to be required to undertake the administration of an entirely new business, enormous in scope, technical, and difficult in its details, and very much more hazardous than the mortgage-loan business which they are now carrying on.

If the Strong bill is adopted at this session—it has not yet passed the House, and has not even been considered by the Senate Banking and Currency Committee—it will be possible to organize the system under the direction of the three "district directors" to be appointed by the Farm Loan Board. These same district directors, however, will constitute the Government representatives upon the board of directors in connection with farm-mortgage loans. Unless an entirely new set of district directors should be appointed, it would be necessary to find among the existing directors of the Federal land banks men who combine the qualifications necessary for both positions. It is by no means certain that such men can be found.

The same difficulty of adapting an existing institution to new and unfamiliar uses will be encountered when we consider the provisions made for supervision of the farm-credits departments. The supervision is placed in the hands of the Federal Farm Loan Board. It has power to make rules and regulations governing the execution of the act, and has virtual control over the operations of the farm-credits departments and their debenture issues. The executive officer of the board has stated at a public hearing that the board does not want to administer the act. None of its members were appointed with a view to their qualifications in administering a rediscount banking system. Nor is it contemplated, in the present draft of the bill, that any new members be appointed for the purpose.

Apart from the difficulty of personnel, the bill contains administrative features which even with the best possible personnel would appear to be unworkable. The provisions of Title I of the farm loan act, relating to the preparation and issue of farm-loan bonds, are made to govern, "so far as applicable," the preparation and issue of debentures issued by farm-credits departments. Under Title I the following procedure is prescribed in connection with issuance of farm-loan bonds: Land banks must first, through the "registrar" of the district (an official appointed by the board), make written application for approval of an issue, tendering with the application the collateral security to be offered.

With the security there must be a schedule and description thereof. It must be checked by the "registrar" and forwarded to the Federal Farm Loan Board. The board is required to "cause to be made such investigation and appraisement of the securities tendered as it shall deem wise" and grant or reject the application in whole or in part. The registrar then attends to the issuance and execution of the bonds and assumes custody of the collateral. The bonds are engraved by the Treasury Department according to prescribed forms.

It is apparent that this machinery, while perhaps appropriate in the case of farm-loan bonds, is not adapted to the needs of short-term or "intermediate" farm credits. It contemplates that the Farm Loan Board shall itself, through agents and inspectors, satisfy itself as to the safety and adequacy of all collateral. A bank in Idaho or a loan company in Oregon may desire to discount a block of paper with the local land bank. The land bank, for fear of tying up its capital in unacceptable loans, will generally be unwilling to discount the paper until it receives the approval of the Farm Loan Board. The paper, comprising perhaps the notes of a hundred or more farmers, is put into shape, financial statements are executed, chattel mortgages and crop mortgages are analyzed and described, and the material delivered to the land bank. It is checked by the registrar and shipped, with his report, to Washington. The board sends out its appraisers, analyzes the hundred or more statements, inspects the chattels and crops, has the debentures prepared, and ships the material back with its approval. By the time the loan is approved and the debentures issued several months may have expired. Such an amount of centralization is not, in the long run, workable in a business in which promptness, flexibility, and adaptation to local needs are as essential as they are in the business of rediscount banking. It is doubtful whether the sponsors of the bill realize, moreover, that it will necessitate a permanent credit and clerical staff in Washington of several hundred men. The War Finance Corporation, doing a similar business on a smaller scale than is contemplated and with an effective field organization, required a staff of 300 employees in Washington. The 12 land banks may do a business of more than a billion dollars. It is impracticable to operate such a centralized system upon sound lines and yet give satisfaction to the agricultural communities.

III. THE SYSTEM WILL BE INELASTIC.

A fundamental defect in the Lenroot-Anderson bill, from the point of view of the farmers whom it is intended to benefit, will be in its inelasticity. The Federal reserve system is based upon the theory of an elastic currency. As long as reserve requirements are met the Federal reserve banks can issue all the currency that is required for legitimate commercial or agricultural needs. The farm-credits system created by the Lenroot-Anderson bill, however, depends upon the sale of debentures in the investment market. In a time of difficulty debentures may be unsalable. Yet, it is in periods of stress that the farmer is generally most in need of credit. During the collapse in agricultural prices in 1921 the situation was greatly aggravated by a general calling of loans on the part of the banks, due to reduced deposits. A bank has a strong incentive to accommodate its customers in a time of stringency. The investors holding farm-credit debentures will have no such incentive. They will expect that the debentures be paid when due, regardless of the needs of the farmers. To protect their debentures the land banks will be compelled to liquidate their paper, to press it for collection, regardless of the hardships to the farmer. Far from supplying a reserve facility in times of deflation and stringency, the Lenroot-Anderson bill will, therefore, tend to accentuate the stringency and accelerate the contraction of credit.

IV. THE SYSTEM RESTS UPON TAX EXEMPTION.

In its promise of cheap money to the farmer the bill relies mainly upon exemption of debentures from Federal and State taxes. Yet the House has recently passed a resolution for a constitutional amendment prohibiting the issuance of tax-exempt obligations. A proviso exempting farm-loan bonds from the prohibition was rejected. It is difficult to see how the House could consistently within a few weeks authorize the issuance of a large amount of new tax-exempt securities, nor is a possible additional billion of tax-exempt securities to be contemplated without grave concern.

V. OTHER DEFECTS.

There are other defects in the Lenroot-Anderson bill, largely due to faulty draftsmanship, which will be alluded to only briefly:

(a) By providing that debentures shall be payable only out of the assets of farm credits departments the bill might render them nonnegotiable, in view of the provisions of the negotiable instruments law.

(b) The bill provides that discount rates shall not exceed by more than 1 per cent the rate borne by the last preceding issue of debentures. (Sec. 202.) It also contemplates that collateral may be segregated, so that high-grade paper, e. g., warehouse receipt paper, may be made the basis of a separate issue, and thus obtain the benefit of the lower interest rate to which its credit standing entitles it. (Sec. 201 (b).) If the last previous issue was based on such high-grade paper, this would set a standard for discount rates for all paper, whether high grade or otherwise. In a period of rising rates the banks might find their operations paralyzed by this limitation.

(c) Moreover, the makers of the high-grade paper would not get the benefit of the lower rate to which their paper is entitled, since discount rates must apparently be uniform to all.

(d) The provision which purports to limit to 1½ per cent the amount which a discounting institution may charge for its indorsement is inaptly drawn. Any paper upon which the borrower "has been charged" more than 1½ per cent in excess of the discount rate is ineligible. There is no criminal penalty for any evasion of the act. Moreover, a bank which has paper upon which a greater rate has been charged can not make such paper eligible by rebating the excess to the borrower. Unless the discount rate is high there will, therefore, probably be but little eligible paper in the Western and Southern agricultural States, where interest rates are often as high as 10 and 12 per cent.

(e) The provision relating to distribution of earnings is incomplete. No disposition is made of earnings above dividends and above the 25 per cent to be used to retire stock.

(f) There is no provision for liquidation of farm credits departments or administration in the event of insolvency.

(g) No provision is made for suits by or against farm credits departments.

(h) Agricultural paper is not correctly defined. Only paper the proceeds of which have been used for an agricultural purpose is eligible. Paper "issued" for an agricultural purpose, such as fertilizer notes or notes evidencing purchase of live stock or farm supplies, is apparently not eligible, since "proceeds" of such notes are not generally used for an agricultural purpose. The corresponding definition in the Federal reserve act covers both types of paper.

FUNDING OF FOREIGN DEBT.

Mr. FORDNEY. Mr. Speaker, I call up from the Speaker's table the bill (H. R. 14254) to amend the act entitled "An act to create a commission authorized under certain conditions to refund or convert the obligations of foreign governments held by the United States of America, and for other purposes," approved February 9, 1922, with Senate amendments thereto, and I move that the Senate amendments be agreed to.

The SPEAKER. The gentleman from Michigan calls up the bill H. R. 14254, with Senate amendments thereto, which the Clerk will report.

The Senate amendments were read.

Mr. FORDNEY. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. BURTON].

Mr. BURTON. Mr. Speaker, there are four amendments to this bill which were added by the Senate. Two of those amendments pertain to form merely, and two to substance. The first amendment was made necessary by the fact that the report of the commission to the President, which was by him transmitted to the Congress, was not clear in its statement of the interest to be paid upon the bonds to be given by the British Government. To correct this an amendment was proposed while the bill was under consideration in the House, and that amendment was adopted. When it was adopted, however, it was not in line with reference to the report of the commission and the message of the President, so the first amendment strikes out the reference to the report and to the message and independently states the terms of settlement with Great Britain.

The second amendment is merely one of quotation marks.

As the bill originally passed the House double quotation marks were required, because there was one quotation and in that quotation was a quotation of other material. It was made simple.

The third amendment, however, goes to the substance. Instead of the House provision, that—

similar settlements, but not more favorable in terms, with other governments indebted to the United States are hereby authorized to be made, subject to the approval of the President—

The provision is made—

that there may be settlements with other governments indebted to the United States upon such terms as the commission created by the act approved February 9, 1922, believe to be just, subject to the approval of the Congress by act or joint resolution.

In other words, the commission does not have the power to conclude any settlement with the approval of the President. Whatever settlements it judges to be proper and just must be submitted to the Congress for approval by joint resolution or by act. I may say that the commission has no objection whatever to this amendment. There is, however, one objection which might assume considerable importance. We have just made a settlement with Great Britain, which is a favorable one, and that would naturally act as a spur to other governments to conclude settlements. Action upon such possible settlements is now postponed until Congress meets again next December. However, I do not regard that as a very serious objection. It will be remembered that the House voted by about 180 to 130 on the 24th of October, 1921, against bringing back these settlements to Congress for approval; but in our consideration here a couple of weeks ago I think it worked well to leave it to the House, because the Members, instead of tearing the settlements to pieces, took it up as a general proposition, as an entirety. Then there is one other thing which I think is very much to the credit of this body; there was a nonpartisan spirit manifested, and a large majority of those on the other side voted in favor of the settlement. I think those who voted against it did it more as a perfunctory act, with the view that in so doing they were performing the duties of a minority.

The fourth amendment, which is also one of substance, changes the commission in its membership from five to eight, providing that the Secretary of the Treasury shall be ex officio a member and that the other seven shall have not more than four of any one political party. That leaves on the commission the present members and requires the appointment of three others, whom I fancy it is intended shall be of the Democratic Party. That will evoke the applause of some, and personally I have no objection to it, though I really think five a better number for such a commission than eight. The controlling fact in favoring acceptance of the amendments is this: This is a great international settlement which has to do with the stability, financial and political, of the whole world. When the proposition was put up to the British cabinet, the Chancellor of the Exchequer arriving from this country on Friday night, the British cabinet on the following Tuesday, only three or four days later, agreed to it; and it is well for us to agree to it promptly without any delay such as would be incident to the appointment of a conference committee, and without any further discussion in the Senate, where discussion, free to all, has already expanded to what some think—and I share that opinion—to unreasonable limits. One other point: I trust, Mr. Speaker, if similar settlements with other nations are referred again to Congress there will be an absence in the discussions here and in the other body of those attacks upon the country with which we are dealing, which characterized some of the discussion of the settlement with the British Empire. Such attacks as were made, if they were taken seriously in diplomatic circles, might strain our relations with other countries.

We are not doing credit to ourselves as a legislative body when any of us gives free rein to these expressions of criticism and expressions of dislike of other countries. There are certain standards of politeness and comity between nations which we should preserve in all our transactions. I trust if the commission should agree upon other settlements to be brought back here the discussion will be free from the animadversions which developed in another body in the discussion of this subject. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. FORDNEY. Mr. Speaker, I yield 10 minutes to the gentleman from Mississippi [Mr. COLLIER].

Mr. COLLIER. Mr. Speaker. [Applause.] This is a unanimous report from the Committee on Ways and Means to agree to the Senate amendments and it is very gratifying, I may say, in the brief time at my disposal this morning, to us who in October, a year and some months ago, fought so hard to have the final disposition of this matter referred to the Congress to find that this has now been done. I also want to congratulate the country that there has been a return to some semblance of fair play by bringing in a provision whereby three Members of the minority may be represented on the commission charged with the duty of making settlements in which thousands of American people who belong to the minority are interested. I yield the remainder of my time to the gentleman from Arkansas [Mr. OLDFIELD]. [Applause.]

Mr. OLDFIELD. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. OLDFIELD. Mr. Speaker, when this bill passed the House on February 9 I made an argument on the floor in opposition to its terms. I felt then that I made a legitimate argument against the bill and feel so yet. The crux of my argument was that the British taxpayers should pay the same rate of interest on the bonds they issue, with which to pay their obligations to us, that our taxpayers must pay on the bonds we issued when we loaned the money to Great Britain. As I said, I feel that this is not only a legitimate argument but a reasonable and sound argument. I was taken severely to task by the Wall Street Journal of date February 10, and was criticized and abused by this great representative of Wall Street financiers and international bankers, and I shall place this article in the RECORD to show how the representatives of Wall Street interests abused me for my attitude.

[From the Review and Outlook.]

CRITICS OF BRITISH REFUNDING.

Representative OLDFIELD, of Arkansas, speaking of the British plan for refunding the debt to us, is reported as declaring, "While it is said that this settlement comprises the best terms possible, I do not know whether they are or not." There is not space in this column, or perhaps in this whole newspaper, to discuss so vast a subject as what Representative OLDFIELD doesn't know. What he does know could be dismissed in about three lines, after deducting the things he knows which are not so. He speaks of taking the "people's" money at 4½ per cent to lend it to the British at 3 per cent. He estimates this difference at some figure approximating $1,000,000,000, apparently by multiplying 1½ per cent by the extreme limit of the period, and doing it incorrectly.

But the American people are buying their own 4½ per cent bonds in the market through the Secretary of the Treasury, and he is doing his necessary new borrowing at lower rates. To exact a usurious interest from the British for more than half a century, on the theory that we once paid 4½ per cent ourselves, may sound like good finance in the Ozarks and it would be popular in Hester Street, New York. But whatever we may have paid for money under the pressure of war, we can not charge more than the rate of interest on a credit as good as that of the British, which credit will be at less than 3 per cent long before the first 10 years are over.

And what Mr. OLDFIELD, of Arkansas, did not learn at the crossroads grocery, where he obtained his conceptions of international

finance, is that the period he uses with which to multiply the difference of 1¼ per cent in interest includes the complete amortization of the loan. (Amortization means the provision for repayment, Mr. OLDFIELD.) One of the greatest weaknesses of popular government is that it is average government and never expert government. It is necessary to get it down to the intelligence of a Congress of OLDFIELDS. But the OLDFIELD has always the first characteristic of ignorance. It by turns despises, distrusts, and fears what it does not understand. Thus Congress adds another interest limitation to the refunding bill, totally unnecessary and operating as a bar to settlement with other nations, exactly as the meddlesome and unintelligent limitation of 4¼ per cent over 25 years acted in the present case.

Nothing could have done more to stimulate international good will and also to relieve the burdens of the American taxpayer, with their hampering restrictions upon American business and credit, than a unanimous acceptance of the Debt Commission's terms by a rising vote. This was the gracious thing to do. The American taxpayer will not lose a penny by the difference in bond interest, because the Treasury can buy Liberty bonds in the market and refinance at whatever the current rate of interest may be. To what a point have we come when we confuse boorish insolence with democracy?

When you have read this article you will realize that the Wall Street Journal made no argument in refutation of the argument which I made, but confined its statement to the lowest sort of criticism and abuse. In my reply I shall not stoop to the level of the Wall Street Journal. I have no desire to enter into a controversy with this paper, but my advice would be that when they criticize a Member of Congress they should refute the arguments of the Member of Congress, instead of descending to the low level of this article. Mr. Speaker, I have been in Congress now 14 years. I was born and reared in my district within 25 miles of where I now reside. No better people live than the people of my district. I did not come here to represent the ideas of Wall Street, the international bankers, or the Wall Street Journal, but, on the contrary, I came here to represent the plain people of my district and State, and the honest taxpayers of the country. I still contend that we should not be any more generous to the taxpayers of a foreign country than we are to the taxpayers of our own country. [Applause.]

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. OLDFIELD. I will yield.

Mr. BLANTON. I want to ask the gentleman from Arkansas if this commission that made this settlement with the British Government had not been lenient and generous, how could the British Government pay these £100,000 gratuities to these big admirals and generals and lesser gratuities to these lesser officers? We had to make some kind of provision out of the American exchequer so that these gratuities could be paid in England.

Mr. OLDFIELD. In answer to the gentleman I will say that in the speech that I delivered on the 9th I used practically this language, that I thought if there had not been so much drum beating around the world by England she would probably have more money with which to pay her debts. I have heard the statement made in regard to this piece of legislation that we are helping our own people indirectly when we are giving a generous treatment to Great Britain, because then they will have money with which to purchase our surplus products, and it would thus be of indirect benefit. In the language of my friend from New York [Mr. COCKRAN], I would be very glad to see Congress begin to help the people directly instead of helping them indirectly. [Applause.]

Mr. STEAGALL. Will the gentleman yield?

Mr. OLDFIELD. I will.

Mr. STEAGALL. If we are going to start out showing favors at the expense of this Government to the other governments based on the idea that it will revive international trade, had not we better get busy and pass the bills now pending in both Houses of the Congress to provide for the lending of a couple of billions to Germany in order that they may begin to pay?

Mr. OLDFIELD. Well, the one argument is just about as sound as the other. I will say to the gentleman, however, I would not be in favor of lending any more money to foreign governments. [Applause.]

Mr. FORDNEY. Mr. Speaker and gentlemen of the House [applause], the two principal amendments to this bill do two things. First of all, it retains to the Congress of the United States the right finally to approve future settlements made by the commission with foreign governments. Secondly, it removes absolutely from the commission any possibility of politics. I hope that the amendments will be agreed to unanimously in the House. And, Mr. Speaker, I ask unanimous consent to print as a part of my remarks a statement recently made by a Presbyterian minister of Toronto, Canada, a very dear and long-time friend of mine, in which is pointed out the differentiations between socialism, communism, Bolshevism, anarchism, and nihilism, and such "isms." It is information to me, and it is a very clear explanation of the sentiments found in those different "isms," and I would like to have it printed for general use for the public because it is valuable information.

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD in 8-point type for the purpose indicated. Is there objection?

Mr. BLANTON. Reserving the right to object, Mr. Speaker, does this Presbyterian minister condemn these "isms" or adopt them?

Mr. FORDNEY. He condemns them where they are un-American.

Mr. BLANTON. That is, he condemns them?

Mr. FORDNEY. Yes; he condemns them severely.

Mr. BLANTON. I have no objection. [Applause.]

The SPEAKER. Is there objection?

There was no objection.

Following is the document referred to:

THE MENACE OF BOLSHEVISM, ITS CAUSE AND CURE.

[A sermon preached in the First Presbyterian Church, Victoria, British Columbia, Sunday evening, April 6, 1919, by Rev. John Gibson Inkster, B. A. The first of a series of sermons on "The crisis and the Christ," or "Reconstruction and religion."]

"Then said Jesus unto his disciples, if any man will come after me, let him deny himself and take up his cross and follow me." (Matthew, 16–24.)

—

"And one of the company said unto him, Master, speak to my brother, that he divide the inheritance with me." (St. Luke, 12–13.)

—

"We then that are strong ought to bear the infirmities of the weak, and not to please ourselves." (Romans, 15–1.)

—

"For the love of Christ constraineth us; because we thus judge, that if one died for all, then were all dead." (II Corinthians, 5–14.)

—

"In discussing this subject it is well for us first to give the definition and meaning of the word 'Bolsheviki' and also the word 'soviet,' for a good deal of confusion exists in the public mind on the meaning of these two terms.

"The term 'soviet' means 'the council of workers, soldiers, and peasants'—it is a political institution by means of which an empire, province, city, town, or village may be governed. The term 'Bolsheviki' means 'those of the majority'—it is a political party in the soviet—that party which controls the government of Russia to-day. Bolshevism is the principles, methods, and rules which dominate this party. As the word implies, it represents the great mass of the Russian peasantry, than which there is no finer peasantry in the world.

"Russia for the first time in her history has a government of the people, for the people, and by the people. This is the thing which the socialists of America, Britain, and Germany, the communists of France, and the anarchists of Russia have been trying to get for many years. In this sense Bolshevism is simply a new name for an old movement. It is in reality anarchy realized which means the abolition of existing institutions—social, industrial, and political—and the substitution therefor of government by the majority.

"Now, some may wonder why I, a Presbyterian minister, should discuss this subject in a church on Sunday night. My answer is: This is a subject which is vitally interesting and affecting the people in the church, and I consider it my duty to deal with such a subject in the light of the teaching of God's word. I am dealing to-night with the great theme of 'The crisis and the Christ' or 'Reconstruction and religion,' and surely it is necessary to discuss Bolshevism in the light of that theme. For that reason my address to-night is not a disquisition on philosophy, economy, or society, but a sermon on religion.

"As already hinted, in dealing with Bolshevism we are really dealing with a phase of socialism—a phase which is largely determined by the influence of time and place. As a rule socialists believe somewhat differently from Bolshevists, but they have this in common at least—as Pat is reputed to have said—'We are agin' the government'; both are thoroughly dissatisfied with the present order of private ownership. And let me say in passing, there are millions who are neither socialists nor Bolshevists who are dissatisfied and disgusted with this present order of things. As we witness the selfish avarice, the unscrupulous profiteering, and the consequent vulgar display on the one hand, and on the other the intolerable inconveniences, the grinding poverty, and the unbearable suffering, no one with an atom of human feeling can remain silent or inactive under the present order.

"It so happened in Russia that the people got an opportunity of dealing successfully with these conditions, and at the same time with the persons large responsible, namely, the landowners, the aristocrats, and plutocrats. When the people of Rus-

sia got that chance they dealt with these conditions and classes in one tremendous blow. They had a real, live revolution, turned things upside down and inside out. Their act was extreme, but their answer was: We have suffered for centuries under these conditions and at the hands of these tyrants.

"This last remark suggests that we should now consider the causes which brought Bolshevism into existence. In order to do that, let me in a word differentiate between socialism, communism, anarchism, nihilism, and Bolshevism.

"Socialism is an economic theory which proposes the abolition of private capital and the substitution of collective ownership in carrying on the industrial work of the world. Communism advocates the collective ownership of all wealth. Anarchism advocates in addition the abolition of all government, by force if necessary. Nihilism is an extreme form of anarchism, *if that* were possible, and advocates the violent abolition of all existing institutions, social and political. It is difficult to determine just what Bolshevism advocates. Some say it is simply 'Marxian socialism plus machine guns.' We do know that it advocates all that socialism advocates, and in addition demands the abolition of all class distinctions and all government by the classes. The constitution of July, 1918, may be summarized thus: 'They demand not reform but reconstruction. Regeneration of the individual is useless, for the cause of the evil is not sin but poverty. Therefore, the present material conditions must be changed.'

"The cause which brought Bolshevism into existence is existing wrongs, and Bolshevism in Russia is a successful protest against these wrongs. In so far as Bolshevism is a protest against existing wrongs, the protest of Bolshevism is the protest of all organized, vital Christianity. Further, where no organized, vital Christianity exists there is not, never has been, and never can be any protest. I will not permit, so far as I am concerned, organized, vital Christianity—which is the church of the living God—to be identified with or tied up to any political, social, economic, or other party. The church of God must not be the slave or even servant of capital or labor in any of its organized forms. She must make her own protest, and when alive she does make it.

"Not only is the protest at the heart of Bolshevism the protest of the Christian church, but, further, many of the principles of Bolshevism are the principles of the church—principles which Christ propounded when on earth—e. g., liberty, fraternity, and equality. But when the socialistic alliance 'declares itself atheist and demands the abolition of all worship, of marriage, of classes, and the right of inheritance'; when the Soviet of Saratoff, Russia, declares that 'from March 1, 1919, the right to possess women of the ages of 17 to 32 is abolished'; when H. G. Wells declares 'the socialist no more regards the institution of marriage as a permanent thing than he regards a state of industrial competition as permanent'; when Bebel, another socialist, declares 'the idea of God must be destroyed; atheism is the root of liberty, equality, and fraternity'—when such representative men and institutions proclaim such pagan perversions of principles, I, as a minister of the church of Jesus Christ, repudiate such teaching, denounce such leaders, and, in so far as any community is misled by them, I absolutely disassociate myself from them.

"But I am now at the point where I must state, as I understand it, the position and attitude of the church of God to Bolshevism in all its aspects and phases. And in doing so I want to do it in as kind, firm, and unmistakable a fashion as I am capable of. My whole-hearted sympathies are with the workers among whom I was born, among whom I have lived, and among whom I hope to die, and all my feeble efforts have been and will be put forth on behalf of that class. In doing this, I pray God to help me to be kind and fair to all men, but my sympathies and efforts are with the struggling, suffering, sorrowing common people.

"Having said that, let me proceed to say the church of God must, in these days of reconstruction, place far greater emphasis on the social principles of Jesus Christ. She must never neglect the great salvation of the immortal soul but she must reaffirm 'the sacredness of the state and the truth that government is a divine institution; this means a new emphasis in the duties of Christian citizenship.' Further, the church must proclaim anew the teaching of the stewardship of wealth. There are many so-called Christians and church members who persistently demand a 'simple gospel' and are uneasy when anything is said about money and stewardship. The fact is the church has been allowing hundreds—yes, thousands—to steal and thieve and rob not only from their fellow men but also from God himself, and she has never even uttered a protest. No wonder the world and the workingman say the church has failed. As a minister belonging to the church, I know the church has not failed, but I can easily understand how the man in the street or even the man in the pew (whose religion consists in going to church once a Sunday when the weather is fine and he has nothing else to do) would not only think so and say so but believe so.

"But when we are allowing fair criticism of the church what shall we say by way of criticism of Bolshevism? In so far as Bolshevism expresses the protest of the people of Russia against the injustice and oppression of the autocrats I have only words of commendation to offer. On the other hand, when the Bolsheviki place themselves in the hands of or allow themselves to be led by such men as Lenin and Trotski, then I have a different matter to consider. These two men, when my country was in a death struggle with an unscrupulous enemy and gasping for existence, were plotting with the enemy or conspiring against my country; therefore I must denounce these men and repudiate the party which is following them. These men can not be trusted, and the Bolsheviki whom they lead—in so far as they follow—can not be trusted. This is a matter which admits of no compromise. As at present constituted the Bolsheviki in Russia are not only the enemies of the empire, they are the enemies of the church of Jesus Christ and of God himself. Therefore I resist them to the limit of my power.

"Another matter which makes Bolshevism a menace is its teaching and practices regarding marriage. Some may say the rank and file of the Bolsheviki don't seek to abolish marriage. I answer: 'Their leaders do, and they follow their leaders.' Further, the teaching of the leaders on marriage is the only logical outcome of their first principles. If there is to be no private ownership, we can not stop at a certain point; we must go the whole way and, as Wells says, abolish marriage as we abolish industrial competition.

"The most serious criticism which I have to offer against Bolshevism—and Marxian socialism which lies back of it—is the avowed and practical denial of God. It is a most serious matter when it is deliberately declared that 'the idea of God must be destroyed—atheism is the true root of liberty, equality, and fraternity.' We who are believers must resist this with might and main.

"If there be no God, then man is without hope and is indeed lost, with all the awful meaning of that word. Not only so; but, if this doctrine can be successfully propagated, instead of liberty we will get lawlessness, instead of equality we will get inequity, and instead of fraternity we will get fatalism. If these are to be the principles of our future democracy, then we must begin at once to make the world safe not for but from democracy. By God's help I shall not only resist but denounce and seek to destroy all such doctrines to the limit of my ability. If the workers, soldiers, and peasants identify themselves with such doctrine, then the old corrupt order is infinitely to be preferred.

"The question may now be fairly asked: 'Has the church any positive constructive contribution to make in this crisis?' I answer: 'Thank God, yes! The church has still enough vitality to make a tremendous contribution.'

"The State can do something in this crisis—but acts of parliament can not reconstruct society. The problem with which Bolshevism is struggling to-day—the problem which is facing us, for we have a similar problem here in Canada—is a political, economic, and educational problem, it is true. But it is far more. It is first and foremost a religious problem. It must begin with the individual, and the first lesson which the individual must learn is the lesson which the Master taught Nicodemus—'You must be born again.' That must be man's starting point, and upon that he must proceed. In other words, the old and almost forgotten doctrine of conversion must be revived and enforced. Unless church people and other people believe in and demand regeneration as a sine qua non of reconstruction there can be no stability for the present nor hope for the future.

"Thank God, there are men to-day in every walk in life who still believe in the necessity and possibility of conversion. A short time ago the Wall Street Journal (a financial paper) declared: 'What we need to-day more than railway extension, western irrigation, a low tariff, a bigger wheat crop, and a merchant marine is a revival of piety—the kind that mother and father used to have, the kind that counted in good business.' That conversion is possible has been made abundantly clear from a scientific viewpoint in a recent book on psychology by Professor Ward, of Cambridge, in which he states that 'Conversion is a fact and is common in human experience.' That conversion is possible and necessary has been made more abundantly clear in that wonderful book on 'Twice Born

Again,' by Harold Begbie. There he tells of 12 men who, by the grace of God and through the Salvation Army, were born again—converted.

"A selection from the record of one will suffice. He is taken from the class to which Bolshevism is making an appeal and is supposed to minister. Begbie calls him 'the plumber.'

"At 16 years of age he was 'earning a tradesman's wage; an income sufficient to provide for a family, but not enough to satisfy his craving for drink after he got married. Every Saturday night meant a drunken bout and a beating for his wife and young family. In despair his poor wife entered the bar where he was drinking and tried to get him home. Maddened with drink he cried: 'For God's sake, woman, go * * * or I'll sign the pledge.' 'You've done that often enough already and you've wetted it every time.' For some reason the retort brought him to his senses. That night he sought out a converted chum and went with him to the Salvation Army meeting. 'Charlie,' he said, 'I want to get out of what I am in.' Said his chum, 'Well, just get down and tell God that; tell God you are up again it and He's got to help you or you are doomed and will shortly be damned.' The plumber knelt in prayer and was gloriously saved. When his drinking chums heard it they turned against him. When sneers and jeers failed they demanded and got him discharged. For months he hunted a job, but failed. The only thing which encouraged him so far as human help was concerned was the kiss and affection which he got from his wife and children. At last, in despair, he cried, 'Oh, God, don't forsake me. You know I love you and I am going to do my best.' By the help of God he won against the world, the flesh, and the devil. Begbie tells us: When he went to visit that home he found a neat, clean place and a happy family. The plumber said: 'I used to hang pictures on my wife's face that were heartbreaking to look at; I have taken them off and instead I have put smiles on her face and lovely pictures on the wall.'

"This story will illustrate the possibility and necessity of conversion in reconstruction. As Begbie concludes: 'Surely this story must bring home to the politician and sociologist the great truth that the one hope of regeneration is in the Christian religion—the one guaranty for a noble posterity—and there is really no other hope.'"

Mr. FORDNEY. Mr. Speaker, I move the previous question on the Senate amendments.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

ASTORIA, OREG.

Mr. COLLIER. Mr. Speaker, I ask unanimous consent that the minority members of the Committee on Ways and Means may have two days in which to file a minority report on House Joint Resolution 449, which was reported by the Committee on Ways and Means yesterday; two days.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that the minority of the Committee on Ways and Means may have two days in which to file a minority report on House Joint Resolution 449.

Mr. GREEN of Iowa. What is that resolution?

Mr. COLLIER. That is the Astoria bill.

The SPEAKER. Is there objection?

There was no objection.

READING WASHINGTON'S FAREWELL ADDRESS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that immediately after the adoption of the rule to be presented by the chairman of the Committee on Rules, it may be in order for the Speaker to recognize some Member of the House to read Washington's Farewell Address.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that immediately after the adoption of the rule to be presented by the chairman of the Committee on Rules it may be in order for the Speaker to recognize some Member of the House to read Washington's Farewell Address. Is there objection?

Mr. RAYBURN. Reserving the right to object, Mr. Speaker, I desire to ask the gentleman from Wyoming a question. What rule does he refer to?

Mr. MONDELL. The rule that will be presented immediately by the chairman of the Committee on Rules.

Mr. RAYBURN. On what?

Mr. MONDELL. I believe the rule relates to the Alien Property Custodian's office.

Mr. RAYBURN. That is exactly what I intended to remark about. I do not think there are more than two or three members of the committee that had any idea that this bill was likely to come up. We had a session of the committee this morning, and nothing was said about it. It is of tremendous importance. We should certainly have liked to have received a day's notice.

Mr. MONDELL. Mr. Speaker, that has nothing to do with my request. My request was simply with regard to the reading of the Farewell Address of the Father of the Country.

Mr. RAYBURN. I know; but I thought the time was a little short; a rule presented here when the minority has had no notice whatever of what was coming up.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

TRADING WITH THE ENEMY ACT.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged resolution from the Committee on Rules.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House Resolution 514.

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 14222) entitled "A bill to amend the trading with the enemy act." That after general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled between those for and against the bill, it shall be read for amendment under the five-minute rule. At the conclusion of such consideration, the committee shall report the bill back to the House and the previous question shall be considered ordered on the bill and amendments to final passage.

Mr. CAMPBELL of Kansas. Mr. Speaker, this rule provides for the consideration of what is known as the Alien Property Custodian legislation. In short and in substance the bill provides for the return of property belonging to alien Germans seized during the war to the amount of $10,000. If an entire estate seized amounted to $10,000, the entire estate will be returned under the provisions of the bill, and otherwise $10,000 of any estate will be returned to the owners.

At present it does not seem wise to give four hours of general debate to a matter that must be decided to-day. The bill contains some 15 pages. General debate rarely settles anything with respect to the provisions of a bill, and I therefore ask unanimous consent to change the time for general debate provided in the rule, as agreed upon by the Committee on Rules, from four hours to two hours.

Mr. GARRETT of Tennessee. I object.

The SPEAKER. Objection is made.

Mr. CAMPBELL of Kansas. Then, Mr. Speaker, I move to amend the rule by inserting "two" hours instead of "four."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Kansas.

The Clerk read as follows:

Amendment offered by Mr. CAMPBELL of Kansas: Page 1, line 7, strike out "four" and insert in lieu thereof "two."

Mr. CAMPBELL of Kansas. Mr. Speaker, I move the previous question on the amendment.

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point of order that the gentleman, when he offers an amendment, loses the floor, and that I or some one else is entitled to recognition in opposition.

The SPEAKER. The Chair does not see why; but the Chair will hear the gentleman on that. If he yields the floor to another to offer an amendment he loses the floor, but not if he offers the amendment himself.

Mr. GARRETT of Tennessee. Mr. Speaker, is not the gentleman entitled to be heard against the amendment? Can the gentleman take the floor, offer an amendment, and move the previous question on that amendment?

The SPEAKER. Of course the gentleman is entitled to be heard if the House wishes to hear him, if the House votes down the previous question; but the Chair thinks the House has the right to decide whether it will hear debate.

Mr. GARRETT of Tennessee. Of course I yield to the decision of the Chair. I just want to say this——

The SPEAKER. The Chair will hear the gentleman from Tennessee.

Mr. GARRETT of Tennessee. I just want to say this, that there will not be any two hours gained by this sort of procedure.

Mr. BLANTON. May I call the attention of the Chair to a direct precedent on the matter? During the Sixty-sixth Congress——

The SPEAKER. The Chair would like the gentleman to cite the precedent.

Mr. BLANTON. I will cite the precedent. In the Sixty-sixth Congress, when I had certain resolutions of inquiry before the House and on one of them I offered an amendment, the

gentleman from South Carolina [Mr. STEVENSON] claimed the floor, and Mr. Speaker Clark held that by offering the amendment to the resolution I lost the floor, and he recognized the gentleman from South Carolina [Mr. STEVENSON].

The SPEAKER. The Chair can not see any logic in such a decision.

Mr. BLANTON. But that is the precedent, and Mr. Speaker Clark stated that it was based upon a long line of precedents.

The SPEAKER. Mr. Clark was not Speaker in the Sixty-sixth Congress.

Mr. BLANTON. At the time I offered the resolution Mr. Clark was Speaker and was in the chair.

The SPEAKER. The Chair overrules the point of order.

Mr. GARRETT of Tennessee. I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Tennessee makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

Ansorge	Dyer	Kreider	Ryan
Arentz	Elliott	Kunz	Sanders, N. Y.
Barkley	Fairfield	Lampert	Schall
Beedy	Fitzgerald	Lee, Ga.	Scott, Mich.
Benham	Freeman	Lee, N. Y.	Scott, Tenn.
Bird	Funk	Lyon	Shaw
Bland, Ind.	Garner	McFadden	Shelton
Bond	Gifford	McPherson	Siegel
Bowers	Goodykoontz	Martin	Slemp
Brand	Gould	Michaelson	Smith, Mich.
Brennan	Graham, Pa.	Mills	Snell
Britten	Hays	Moore, Ohio	Stiness
Brooks, Ill.	Henry	Moores, Ind.	Stoll
Burdick	Hicks	Morgan	Sullivan
Burke	Hoch	Morin	Summers, Wash.
Byrnes, S. C.	Huck	Mudd	Swing
Cantrill	Hutchinson	Nolan	Taylor, Ark.
Carew	Johnson, Miss.	O'Brien	Thomas
Chandler, N. Y.	Johnson, Wash.	Olpp	Thorpe
Clague	Jones, Pa.	Overstreet	Tucker
Classon	Kahn	Park, Ga.	Upshaw
Clouse	Keller	Petersen	Voigt
Codd	Kelly, Pa.	Pringey	Volk
Collins	Kennedy	Rainey, Ala.	Ward, N. C.
Connolly, Pa.	Kiess	Reber	Watson
Cooper, Ohio	Kindred	Riddick	Webster
Cramton	King	Rodenberg	Wheeler
Crowther	Kitchin	Rose	Williams, Tex.
Davis, Minn.	Kleczka	Rossdale	Wise
Drane	Knight	Rucker	Wood, Ind.

The SPEAKER. Three hundred and seven Members have answered to their names. A quorum is present.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Connecticut moves to dispense with further proceedings under the call. Without objection, it will be so ordered.

There was no objection.

LEAVE OF ABSENCE.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask unanimous consent that Mr. LAMPERT be given indefinite leave of absence because of a death in his family. He went to Wisconsin yesterday.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that his colleague [Mr. LAMPERT] be given indefinite leave of absence. Is there objection?

There was no objection.

TRADING WITH THE ENEMY ACT.

Mr. GARRETT of Tennessee. Mr. Speaker, before the gentleman from Kansas moves the previous question will the gentleman yield to me?

Mr. CAMPBELL of Kansas. I want to make a statement that I think will satisfy the gentleman. When I offered the amendment cutting down the time for general debate from four hours to two hours it was with a view to securing action on the bill to-day. It was stated on yesterday that the House would recess somewhere around 5 o'clock this afternoon until 8 o'clock in the evening to consider bills on the Private Calendar. That would give only in the neighborhood of an hour for the consideration for amendment of a bill of 15 pages covering very important legislation; but I understand that it is agreeable to gentlemen to remain in session until as late as half past 6 in order to secure final action upon this bill. In view of that I withdraw the amendment that I offered.

Mr. COOPER of Wisconsin. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER of Wisconsin. Did the gentleman from Kansas say that all debate would be closed at half past 6?

Mr. CAMPBELL of Kansas. No; I said that the resolution provides for four hours of general debate, and we hope to have the bill concluded by half past 6.

Mr. GARRETT of Tennessee. Will the gentleman yield to me a minute?

Mr. CAMPBELL of Kansas. I yield to the gentleman from Tennessee.

Mr. GARRETT of Tennessee. Mr. Speaker, this bill involves one of the most important subjects that has been before this Congress, and, so far as I know, there has been no disposition among members of the minority either on the Committee on Interstate and Foreign Commerce or on the Committee on Rules to try to prevent in any way the consideration of this measure. Its consideration to-day did come as a surprise to the minority members of the Committee on Interstate and Foreign Commerce. There had been an agreement in the Committee on Rules, after discussion with members of the Committee on Interstate and Foreign Commerce, both formally and informally, that there should be four hours of general debate. I think the importance of the subject, compared with other subjects that I know are scheduled, justifies four hours of debate, and it was for that reason that I felt disposed to take the course I did.

Now, let me say, speaking for myself and myself only, I have no objection to remaining in session until 6.30, but I do not profess to try to bind others to that agreement.

Mr. CAMPBELL of Kansas. Mr. Speaker, I ask for a vote on the resolution.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

WASHINGTON'S FAREWELL ADDRESS.

The SPEAKER. Under the unanimous-consent agreement, the Chair will designate the gentleman from Oregon [Mr. HAWLEY] to read Washington's Farewell Address.

Mr. HAWLEY read Washington's Farewell Address, as follows:

To the people of the United States.

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority,

of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism,—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home: your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite moment, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest.—Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry.—The *south*, in the same intercourse, benefiting by the same agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in a like intercourse with the *west*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter.—Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its bands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations,—*northern* and *southern*—*Atlantic* and *western;* whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head; they have seen, in the negotiation by the executive, and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfac-

tion at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government.—But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presuppose the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency.—They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the Constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions:—that experience is the surest standard by which to test the real tendency of the existing constitution of a country:—that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding of them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind.—It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism.—But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one part against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern; some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates.—But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religon and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? and let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence

of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties,) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be *constantly* awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith:—Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the Government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation.

It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
17th September, 1796.

[Applause, Members rising.]

AMENDING THE TRADING WITH THE ENEMY ACT.

Mr. NEWTON of Minnesota. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 14222) to amend the trading with the enemy act.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. ANDERSON in the chair.

The Clerk read the title to the bill.

Mr. NEWTON of Minnesota. Mr. Chairman, I move to dispense with the first reading of the bill.

The motion was agreed to.

Mr. NEWTON of Minnesota. Mr. Chairman, in general the major purpose of the bill before us is to make partial return of alien enemy property seized during the war by the Alien Property Custodian under the trading with the enemy act.

The Great War broke out in Europe the forepart of August, 1914. From that date on and until April 6, 1917, the United States was a neutral power and as such enjoyed certain rights under international law and also by virtue of certain treaties theretofore made with the German Government. The first of these treaties was a treaty of "amity and commerce," concluded between the United States and Prussia in 1785. I quote from article 12 thereof, as follows:

> If one of the contracting parties should be engaged in war with any other power, the free intercourse of commerce of the subjects or citizens of the party remaining neuter with the belligerent power shall not be interrupted. On the contrary, in that case, as in full peace, the vessels of the neutral party may navigate freely to and from the ports and on the coasts of the belligerent parties, free vessels making free goods, in so much that all things shall be adjudged free which shall be on board any vessel belonging to the neutral party, although such things belong to an enemy of the other; and the same freedom shall be extended to persons who shall be on board a free vessel, although they should be enemies to the other party, unless they be soldiers in actual service of such enemy.

The next treaty was concluded in 1799 and was entitled "A treaty of amity and commerce." I quote article 23 thereof:

> If war should arise between the two contracting parties, the merchants of either country then residing in the other shall be allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carrying off all their effects without molestation or hindrance; and all women and children, scholars of every faculty, cultivators of the earth, artisans, manufacturers, and fishermen, unarmed and inhabiting unfortified towns, villages, or places, and in general all others whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments, and shall not be molested in their persons, nor shall their houses or goods be burnt or otherwise destroyed nor their fields wasted by the armed force of the enemy into whose power by the events of war they may happen to fall; but if anything is necessary to be taken from them for the use of such armed force, the same shall be paid for at a reasonable price.

Next was the treaty of commerce and navigation concluded in 1828. Article 12 of this treaty adopts article 12 of the treaty of 1785 and articles 13 to 24, inclusive, of the treaty of 1799. This treaty was likewise with Prussia. Both Germany and the United States have held that the German Empire succeeded to all of the rights set forth in those treaties and accepted all of the responsibilities and obligations contained therein. Therefore the treaty of 1828, confirming the treaties of 1785 and 1799, remained in full force and effect when the Great War broke out in Europe on August 2, 1914.

It is a matter of history now as to just how Germany kept its obligations. It is unnecessary to go into the details of her conduct which finally forced us into the war. We can all recall the ruthless manner in which Germany treated our own citizens and their rights of persons and property, and especially upon the high seas. Several hundred American citizens, including women and children, lost their lives and millions upon millions of dollars worth of property belonging to our citizens was destroyed. Article 23, you will note, makes specific reference to the right of women and children. They "shall not be molested in their person." What a mockery Germany made of this provision! Article 12 of the treaty of 1785 provided for intercourse and commerce of the neutral nations which was to be permitted to navigate freely to and from the ports of the belligerent parties. This portion of the treaty was torn into shreds, and the whole world knows it. Finally, she became so bold in her violations that she made us stay off the sea, excepting as to certain zones in which we were to be permitted to operate one ship a week or something of that sort.

War came. The official recognition of that fact was given on April 6, 1917. On December 7 of the same year similar recognition was given by a declaration of a state of war existing between this country and Austria-Hungary.

On the 19th of April, 1917, Germany passed an alien property custodian act, which will be found on page 363 of the Imperial Laws. Under it she seized property of American citizens aggregating over $100,000,000 in value.

We waited. Finally, on October 6, 1917, Congress passed the trading with the enemy act. This act made it unlawful for any person in this country, except upon certain conditions, to trade with an alien enemy or ally of that enemy. The office of Alien Property Custodian was created, with the power to seize all money and property in the United States belonging to an alien enemy or an ally of an alien enemy. Under this act and certain amendments thereto, the Alien Property Custodian came into possession of property belonging to nonresident enemy aliens aggregating in value about $550,000,000. The

law authorized the seizure of all alien enemy property. As a matter of fact, the seizures were confined to alien enemy property where the alien enemy was a nonresident. There were some exceptions, but these were applied to residents who were interned or who were in some way or other guilty of misbehavior.

Of this amount, about $200,000,000 has been returned, by virtue of certain amendments made to the act. For example, property belonging to Alsatians or citizens of Poland, Czechoslovakia, Yugoslavia, and so forth, have been returned. The trusts now number about 31,000. Almost all of them are small claims. Claims that are under $10,000 in value number 28,144. Under the terms and provisions of this bill, we propose to return to each and every claimant, providing his claim amounts to that much, the sum of $10,000. If this idea is adopted we will turn back in full 93 per cent of the claims. The value in the aggregate will be about $45,000,000. Of this amount, 50 per cent will be covered by claims under $10,000 in value per claim, while the remaining amount will be payments on account, so to speak, on claims larger than $10,000.

Let me say this at this particular time: The law as it was amended shortly following its enactment authorized the Alien Property Custodian to sell under certain circumstances and conditions. In this event the proceeds realized from the sale were to await the disposition of Congress. Sales were made. This was particularly true as to patents. Some of these sales have been criticized most severely. Many are in litigation. I think that several thousand patents are in litigation growing out of the sale of these patents by Mr. Mitchell Palmer, the first Alien Property Custodian. I want to stress the fact that there is no intention whatever upon the part of the committee to in any way validate these sales by the enactment of this or any other legislation. There is absolutely nothing whatever in the bill now before us which can be construed in any way as validating any one of these transactions. Furthermore, we have expressly reserved from the distribution under this act all patents and patent rights which have been licensed or sold or which are in litigation to which the Government is a party.

The armistice was signed November 11, 1918. This was followed by peace negotiations between the belligerent countries, ultimately resulting in certain agreements which were embodied in the treaty of Versailles, concluded on June 28, 1919; the treaty of St. Germain-en-Laye, concluded September 10, 1919 (this was the treaty with Austria); and the treaty of Trianon, which was concluded June 4, 1920 (this was the treaty with Hungary). This country, however, refused to ratify these treaties, which thereby resulted in our continuing in a technical state of war with Germany, Austria, and Hungary.

To end this technical state of war pending the negotiating of separate treaties of peace with these countries, Congress passed the peace resolution on July 2, 1921, which terminated the war between this country and Germany, Austria, and Hungary.

In the treaty of Versailles (and similar provisions were set forth in the treaties with Austria and Hungary) Germany agreed to make reparation for and to indemnify the citizens of the allied and associated powers who had sustained damages to either persons or property growing out of the unlawful acts of the German Government either during the war, or as in the case of the United States, before our entering into the war. So far as we were concerned, the principal reason why we entered the war was due to the violations by Germany of the rights of our citizens as to their persons and property.

The combined losses of the citizens of the allied and associated powers were so great that Germany could not pay the bill then and there. It was impossible. She was unable to pay the just claims of American citizens growing out of the unlawful sinking of our ships, the killing of crews and passengers, the destruction of cargoes, and the destruction and confiscation of the property of American nationals in Belgium. There was one particular instance submitted to the committee in the hearings. An American concern had a large industrial plant in Belgium. The property was taken over by the Germans after Belgium was occupied. The equipment of the plant was carried away. The place was dismantled. This was not due to shell fire but was due to the fact that this large plant was a successful competitor of German industry. It was to the advantage of their German competitor that the place be put out of commission and destroyed.

There is not any question but what it was the duty of our commissioners at Versailles to acquaint the German commissioners with the losses of our citizens growing out of these unlawful acts of the German Government and demand restitution. A glance through the treaty of Versailles will show provisions indicating clearly that that is what our representatives did. What was Germany to do? She could not pay in cash the great bill that the allied nations presented to her. Her sins had been to great. Neither could she pay in kind. She could not bring back the dead to life. Neither could she return the hundreds and hundreds of ships that had been destroyed nor replace the millions upon millions of dollars' worth of cargoes that had been sent to the bottom of the sea. The only remaining thing, therefore, for Germany to do was to admit her inability to then and there pay the loss either in cash or in kind, but to tender security for the ultimate payment of the claims. She was in the position of a debtor that was either insolvent or nearly insolvent. She was without cash or property that could be liquidated into cash. The available assets consisted of property, real and personal, located in Germany and in real and personal property located outside of Germany but belonging to German nationals residing in Germany. In other words, the real and personal property situated in the United States, but the title to which rested in German nationals, was an asset of the German Government. As a sovereign power she had control over her nationals and the right that any government has over the personal property at least belonging to her nationals, no matter where that personal property may be situated. The right of a sovereign nation is exercised in the power of taxation, which our great Chief Justice has said is the power to destroy. In other words, the right to tax is the right to tax so greatly as to take it all. Then there is the right of eminent domain.

Therefore, when Germany found itself unable to then and there make restitution for her wrongs, she made provision in the treaty of Versailles for the allied or associated powers to retain the property of her nationals as security for the payment of all just and lawful claims.

Mr. HAWES. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. HAWES. Is not the gentleman mistaken in the statement that we presented any claim to Germany? As I understand it, the American Government has not yet granted any claims to Germany of any kind.

Mr. NEWTON of Minnesota. Our peace commissioners did not ask of Germany as a Government the payment of anything to us as a Government, but it is my understanding, and I should hate to think otherwise, that our commissioners of peace did present to Germany the fact that our nationals had claims against the German Government growing out of violations of international law and treaty obligations, and that the United States would expect the German Government to make restitution for that damage. With that in mind the President of the United States and those associated with him had embodied in the treaty of Versailles, article 297, and annex (4), the provisions I have described.

Mr. HAWES. As a matter of fact no claims have been presented against Germany by the American Government. No claims can be presented until the Mixed Claims Commission has reported.

Mr. NEWTON of Minnesota. The gentleman is talking about the presentation of a detailed statement and claim of a particular individual or number of individuals. I am talking about the general proposition that our commissioners presented the German commissioners at Versailles, that they were in duty bound to protect the rights of our citizens and that they expected Germany to make proper restitution. The details were to be carried out later and provision was made for doing so. The gentleman from Missouri will not deny that our commissioners and the President of the United States subscribed to the very proposition which is in the treaty.

Mr. HAWES. I do deny that statement most emphatically.

Mr. NEWTON of Minnesota. I have a very vivid recollection of seeing it and all you have to do is to refer to the treaty of peace with Germany to see the signature of the President of the United States, and article 297 and annex 4 is a part of that treaty. I insert them in the RECORD as follows:

Section 4, article 297, paragraph (b):

Subject to any contrary stipulations which may be provided for in the present treaty, the allied and associated powers reserve the right to retain and liquidate all property, rights, and interests belonging at the date of the coming into force of the present treaty to German nationals or companies controlled by them within their territories, colonies, possessions, and protectorates, including territory ceded to them by the present treaty.

Annex 4:

All property, rights, and interests of German nationals within the territory of any allied or associated power and the net proceeds of their sale, liquidation, or other dealing therewith may be charged by that allied or associated power in the first place with payment of amounts due in respect of claims by the nationals of that allied or associated power with repard to their property, rights, and interests, including companies and associations in which they are interested, in German territory, or debts owing to them by German nationals, and

with payment of claims growing out of acts committed by the German Government or by any German authorities since July 31, 1914, and before that allied or associated power entered into the war.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. BANKHEAD. The gentleman has asserted that our commissioners made representations to the Government of Germany that we would expect the Government of Germany to take care of these claims involved in the violation of international law. I want to ask the gentleman if our commissioners took the position in their negotiations that the private property of nationals of Germany located in this country would be held answerable for the payment of those claims?

Mr. NEWTON of Minnesota. Absolutely.

Mr. BANKHEAD. Does the majority of the committee take the position in this controversy that it is a correct principle, either in international law or of international morals, to confiscate the private property of German nationals to enforce the settlement of a debt of the Government of Germany itself?

Mr. NEWTON of Minnesota. The majority of the committee takes the position that it is the duty and the obligation of this Government first to look after the interests of its own citizens. Our Government did so when it presented the matter to the German Government for settlement. Germany then said, "This is all we have to offer." Our commissioners felt that was the best they could do, and these provisions were then embodied in the treaty.

Our commissioners at Versailles, with a knowledge of Germany's condition and her ability to make payment therefore in the future, must have figured that the only sure way to secure the payment of these claims was by impounding the property of German nationals in this country and retaining it for the purpose of eventually securing the payment of the claims of our citizens. These terms certainly must have met the approval of Congress for the peace resolution specifically refers to the rights and privileges we acquired by virtue of the treaty of Versailles and reserves those rights. I quote from section 2 thereof as follows:

That in making this declaration, and as a part of it, there are expressly reserved to the United States of America and its nationals any and all rights, privileges, indemnities, reparations, or advantages, together with the right to enforce the same, to which it or they have become entitled under the terms of the armistice signed November 11, 1918, or any extensions or modifications thereof; or which were acquired by or are in the possession of the United States of America by reason of its participation in the war or to which its nationals have thereby become rightfully entitled; or which, under the treaty of Versailles, have been stipulated for its or their benefit; or to which it is entitled as one of the principal allied and associated powers; or to which it is entitled by virtue of any act or acts of Congress; or otherwise.

I feel that it is the duty of the American Congress in all matters of legislation pertaining to this property to bear in mind that our first duty is to safeguard and protect the rights of American claimants until the German Government shall have satisfied them in full. [Applause.]

Mr. BANKHEAD. If the gentleman will permit another question, I think it is important for us to clarify the respective attitudes on this proposition, because it involves a fundamental question, pursuing the policy the gentleman has stated to its legitimate conclusion, if a settlement were not made by the German Government, say, in the course of 50 years because of its inability to raise the cash to pay it, this property would be held in trust by the Alien Property Custodian for that period and the real owners denied its possession for that period of time.

Mr. NEWTON of Minnesota. Why, certainly, that is my own position upon it. We did not confiscate this, but Germany, with all the power of a sovereign nation, with the right of eminent domain, with the right in its own constitution of expropriation, has said, "We are going to take for the time being the property of our own nationals and place it as security for the payment of debts which we justly owe." In addition to that they also say, "We ourselves will compensate our own citizens for any damages that may result to them by reason of our seizure for that purpose." This provision will be found in paragraph (1) of article 297 of the treaty of Versailles.

Mr. BANKHEAD. Then, followed to its ultimate analysis, it resolves itself into this, that if the German Government per se can not pay these obligations when they are established, then these private properties of German nationals in America shall be held and confiscated for the purpose of paying the public debt of Germany. Is not that the logical conclusion?

Mr. NEWTON of Minnesota. We would have the right to do so—certainly—and in accordance with the practices of nations.

The CHAIRMAN. The gentleman has consumed 20 minutes.

Mr. RAYBURN. In accordance with the usage of nations?

Mr. NEWTON of Minnesota. Why, certainly.

Mr. RAYBURN. Is that the gentleman's interpretation of our stand and the stand of civilized nations?

Mr. NEWTON of Minnesota. Why, there is no question of the right of a nation to take the property of its citizens in accordance with its own laws and devote it to a particular purpose. This is what Germany has done.

Mr. RAYBURN. Does the gentleman contend that that is the usage under international law?

Mr. NEWTON of Minnesota. Yes; and I say to the gentleman, as the gentleman knows, that in our treaty of peace with Spain there was a similar provision regarding the claims of our own citizens against Spain.

Mr. RAYBURN. That was an offset of a claim against a government—against a claim against a government—and it did not involve——

Mr. NEWTON of Minnesota. It was an appropriation by this Government of an asset belonging to an American national consisting of a claim against Spain. We appropriated it for our own use. Then we became obligated to our own citizens to make restitution therefor. A provision was made authorizing him to go before the Court of Claims. You will find a case of that kind in Meade *v.* United States, 2 Court of Claims, 224.

Mr. RAYBURN. Exactly. That is an offset of a claim against a claim. We would be willing to offset a claim against a claim with the German Government, but here is a specific confiscation of the private property of citizens of other governments.

Mr. NEWTON of Minnesota. There is no distinction.

Mr. SWEET. But the gentleman does not contend that this bill is in accordance with the policy that he announces here, or in accordance with the policy this bill was framed upon?

Mr. NEWTON of Minnesota. Only to a degree, but if we have the right—we are talking about the abstract right—by reason of Germany's action in the treaty, to take and hold a part, we have the legal right to take and hold all.

Mr. SWEET. But neither does the gentleman contend that position is in accordance with international law?

Mr. NEWTON of Minnesota. The gentleman contends he is on solid foundation so far as international law is concerned.

Mr. LONDON. Will the gentleman yield?

Mr. NEWTON of Minnesota. I will.

Mr. LONDON. The gentleman from Minnesota does not place reliance upon the treaty of Versailles because we have not ratified that treaty.

Mr. NEWTON of Minnesota. I was about to proceed to that when these numerous interruptions followed. Germany in an agreement with our allies granted this right to us as well as to them. We did not have to sign ourselves. To avoid any doubt, however, we reserved all rights when we passed the peace resolution.

Mr. LONDON. Will the gentleman yield further?

Mr. SANDERS of Indiana. The gentleman said peace resolution. In the peace resolution we reserved our rights in reference to this property, but did not mention the Versailles treaty, but in the Berlin treaty which was negotiated we reserved our rights under the Knox-Porter resolution, but the Knox-Porter resolution did not mention the Versailles treaty.

Mr. NEWTON of Minnesota. The gentleman, who is usually correct, is not in this one instance; section 2 of the resolution has reference to the treaty of Versailles.

Mr. SANDERS of Indiana. I am sorry I was inaccurate in my statement, but the Berlin treaty expressly does include the Versailles treaty.

Mr. NEWTON of Minnesota. Yes.

Mr. SANDERS of Indiana. And the Knox-Porter resolution.

Mr. NEWTON of Minnesota. Yes; and the Knox-Porter resolution.

Mr. LINEBERGER. Does the gentleman contend that the German Government as a sovereign power, exercising the rights of a sovereign power over its own citizens, has set aside this property as security for the payment of the debts of that country?

Mr. NEWTON of Minnesota. Yes.

Mr. LINEBERGER. And if confiscation ultimately results it will be confiscation by the German Government, and not by our own Government?

Mr. NEWTON of Minnesota. That is the case exactly.

Mr. TEMPLE. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. TEMPLE. I am glad the gentleman [Mr. LINEBERGER] who has just taken his seat has made that point. It is not a question of international law. Germany does it for its own people by domestic law.

Mr. NEWTON of Minnesota. Yes. The action taken, call it what you will, is the action not of the United States, but of the German Government. I was trying to bring home to the Members of the House this fact: That this procedure by Germany, and which we have approved by congressional enactment and by treaty, is not unusual. In so approving it, we merely followed out previous practices and customs heretofore in effect among the nations of the world.

Mr. TEMPLE. I would like to bring out a little more fully our rights as defined by a treaty to which we were not a party—the treaty of Versailles. As I understand it, the treaty of Versailles was ratified by Great Britain and several other powers to bring it into operation as between those powers. In that treaty there was a provision that certain territory should be ceded to the principal associated and allied powers, naming the five of them, in which the United States is concerned. We have the rights of a third party in a compact to which we are not a party. Germany agreed to grant Great Britain, France, Italy, and other powers—five powers—certain rights, and we claim those rights, not because we are a party to the treaty but it is a treaty direct between Germany and those other powers in which we have an interest.

Mr. NEWTON of Minnesota. Yes. In addition to that, following the passage of the peace resolution, we signed the treaty of Berlin, in which we entered into an agreement with Germany wherein they confirmed the rights that we had acquired in the treaty of Versailles, so that our rights rest upon two propositions. This will be found in section 5 of the treaty. Similar provisions exist in the other treaties as to Austria and Hungary.

Mr. LONDON. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. LONDON. Did not the peace treaty specifically refer to this property?

Mr. NEWTON of Minnesota. You mean the treaty of Berlin?

Mr. LONDON. Yes. Did it not specifically refer to this property?

Mr. NEWTON of Minnesota. Yes. If the gentleman will turn to section 5 of the treaty of Berlin, between the United States and Germany, and the similar treaty with Austria, he will find that provision. I will read it:

SEC. 5. All property of the Imperial German Government, or its successor or successors, and of all German nationals which was, on April 6, 1917, in or has since that date come into the possession or under control of, or has been the subject of a demand by the United States of America or of any of its officers, agents, or employees, from any source or by any agency whatsoever, and all property of the Imperial and Royal Austro-Hungarian Government or its successor or successors, and of all Austro-Hungarian nationals which was on December 7, 1917, in or has since that date come into the possession or under control of, or has been the subject of a demand by the United States of America or any of its officers, agents, or employees, from any source or by any agency whatsoever, shall be retained by the United States of America and no disposition thereof made, except as shall have been heretofore or specifically hereafter shall be provided by law until such time as the Imperial German Government and the Imperial and Royal Austro-Hungarian Government, or their successor or successors, shall have respectively made suitable provision for the satisfaction of all claims against said Governments, respectively, of all persons, wheresoever domiciled, who owe permanent allegiance to the United States of America and who have suffered, through the acts of the Imperial German Government or its agents, or the Imperial and Royal Austro-Hungarian Government, or its agents, since July 31, 1914, loss, damage, or injury to their persons or property, directly or indirectly, whether through the ownership of shares of stock in German, Austro-Hungarian, American, or other corporations, or in consequence of hostilities or of any operations of war, or otherwise—

It is not necessary to read further. The section is set forth in entirety in the report.

The CHAIRMAN. The time indicated by the gentleman from Minnesota has expired.

Mr. NEWTON of Minnesota. I yield myself five minutes more.

Mr. LONDON. The question, then, of taking possession of the property of individual nations in consonance with international law becomes an academic question in view of the specific terms of the peace treaty relating to that subject?

Mr. NEWTON of Minnesota. Yes. It is a matter of contract.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. TILSON. The gentleman in revising his remarks, especially in the colloquy between himself and the gentleman from Alabama, should, I think, give attention to this, because I believe in that colloquy he propounded a doctrine that he would not wish to maintain here. He should make it appear that all he meant was that such rights as we claimed, we claimed by reason of a treaty with Germany, and that we claim the right to take the property of individuals.

Mr. NEWTON of Minnesota. I did not understand that the question of the gentleman from Alabama involved the subscribing by me to any doctrine of confiscation by our Government. Under this arrangement, if there is confiscation, it is by Germany, not by us.

Mr. TILSON. I was afraid the gentleman's language would indicate that.

Mr. NEWTON of Minnesota. I thought that I had made it clear that I was merely calling attention to this particular practice, which practice has been heretofore used by nations in settling similar differences following a war.

Mr. LONDON. The gentleman does not advocate the idea that the Government has the right to confiscate the property of nationals?

Mr. NEWTON of Minnesota. Our Government? Certainly not.

Mr. LONDON. Governments as a rule protect the property of noncombatants even in the territory of the enemy. Is not that true?

Mr. NEWTON of Minnesota. Yes.

Mr. LINEBERGER. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. LINEBERGER. But the gentleman does subscribe to the doctrine that the German Government, having exercised the right of eminent domain over the property of its nationals or citizens, has the right to hypothecate that property as security for the amounts contained in this treaty?

Mr. NEWTON of Minnesota. Articles 7 and 153 of the German constitution so provide. There can be no question about it. I quote therefrom the material portions, as follows:

ART. 7. The Federal State has jurisdiction over: * * * matters concerning expropriation.

ART. 153. The constitution guarantees the right of private property. Its nature and limitations are defined by law. Expropriation shall take place only for the common good and shall be subject to due process of law. There shall be appropriate compensation, unless otherwise provided by Federal law * * * property rights impose certain duties. The use of property shall serve for the common good.

Mr. LINEBERGER. The question of international law right here is purely an academic one and does not enter into this transaction?

Mr. NEWTON of Minnesota. So far as this particular transaction is concerned, no.

Mr. HAWES. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. HAWES. It seems to me it is important to clear up this point. The gentleman does not assert that Germany by any act of hers has segregated the property of her nationals in this country for the payment of her war debt or any other debt?

Mr. NEWTON of Minnesota. Yes; certainly.

Mr. HAWES. She has simply given the United States the option, if the United States exercises that option, but by no act of hers has she taken any such position.

Mr. NEWTON of Minnesota. The German Government has set this property aside as a pledge for the payment of those claims.

Mr. HAWES. The gentleman can not point to a statement in the hearings before our committee on the part of the State Department or any other witness that sustains that contention.

Mr. NEWTON of Minnesota. All the gentleman has to do is to refer to the treaty of Versailles and the treaty of Berlin. It will be found first in the treaty of Versailles and then in the treaty of Berlin.

Mr. HAWES. I have read those treaties, but the only thing that Germany has done or that the United States has done has been to appoint a mixed commission. Germany has not decided that her nationals' property in this country should be used, and the United States has not so decided.

Mr. NEWTON of Minnesota. Oh, well, the gentleman has simply gone back to the position which he had taken before. The Mixed Claims Commission has been agreed upon by this country and Germany in order to carry out the details of the provisions of the treaty of Versailles as confirmed by the treaty of Berlin.

Mr. LONDON. Will the gentleman yield?

Mr. NEWTON of Minnesota. I am sorry I can not yield further. I must conclude and let my colleagues have an opportunity to be heard.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NEWTON of Minnesota. I yield myself five minutes more.

The gentleman from Missouri has referred to the Mixed Claims Commission. This is the result of an agreement entered into by Germany and the United States following the negotiating of peace with Germany as embodied in the treaty of

Berlin. Germany appoints a representative to that commission. We appoint one. The two agree upon an umpire. This commission is now engaged in the hearing of the claims of American citizens against the German Government growing out of her unlawful acts preceding our entry into the war. This commission is the court or tribunal agreed upon by Germany and the United States to pass upon the questions of law and fact pertaining to all the claims that may be submitted before it. It is up to this tribunal to say just what particular claims shall be paid and the amounts to be paid. Several thousand of these claims have been already presented. They are still coming in. On the 1st of January the face of the claims amounted to about $500,000,000. The present estimate—and it is only an estimate—is about $1,000,000,000. We have so drafted this bill as not to in any way impair the security and thereby prevent the ultimate collection of all just American claims that may be agreed upon by this Mixed Claims Commission.

I quote from article 1 of the Mixed Claims Commission treaty, reading as follows:

The commission shall pass upon the following categories of claims, which are more particularly defined in the treaty of August 25, 1921, and in the treaty of Versailles:

(1) Claims of American citizens arising since July 31, 1914, in respect of damage to, or seizure of, their property, rights, and interests, including any company or association in which they are interested, within German territory as it existed on August 1, 1914.

(2) Other claims for loss or damage to which the United States or its nationals have been subjected with respect to injuries to persons, or to property, rights, and interests, including any company or association in which American nationals are interested, since July 31, 1914, as a consequence of the war.

(3) Debts owing to American citizens by the German Government or by German nationals.

In conclusion, the treaty of Versailles provided for the retention of this property by the United States. This Congress approved that by expressly reserving that right in the peace resolution. When peace was negotiated with Germany by the signing of the treaty of Berlin specific reference was made to the peace resolution, and the portion regarding the retention of property was set forth in the treaty. In addition, it was further provided that this property should be retained until Germany "shall have made suitable provision" for the satisfaction of all claims against the United States of all persons who owe permanent allegiance to the United States and who have suffered damage through the acts of the German Government.

What provision has Germany made? None whatever. She has agreed to the appointment of a Mixed Claims Commission to ascertain the amount of the claims against her, but she has made no provision whatever for the payment of those claims. If, then, we are to perform the first duty of a government—and that is to protect the interests of its own citizens—we ought not to return this property, which Germany placed with us as security, and which, in accordance with her laws, she had a right to so place with us, until the claims of our own citizens are paid.

As a matter of abstract right, we are under no obligation to return any part or portion of the property at the present time. However, there are a large number of these claims. Many of the claims are small; 93 per cent of them are less than $10,000 in value. Many instances of distress have been submitted to the committee. Some of these are set forth in the hearings. The amount that will be returned under this bill is but a little over 10 per cent of the total amount of the property held by the Alien Property Custodian. Your committee, therefore, feels that property up to the amount included in this bill can be returned without in any way impairing this security.

While the amount of the claims before the Mixed Claims Commission is in doubt and they are still coming in, we are not in a position to recommend to the House the return of any greater amount than included in the terms of this bill. Furthermore, if we should do so, the danger of impairing the security would be such that we feel certain that it would meet with most serious objection in another legislative body. Let us remind those who feel that we should return all of the property that we can that we have this practical question to determine and decide. If we seek to return more than what we have returned in this bill, we will in all probability prevent the return of any property for months to come. Therefore we feel that until Germany makes "suitable provision" we should continue, for the present at least, to retain all property held except that which we recommend in this bill to be returned. Only in this way can our Government carry out the obligations that it has to protect the interests of its own citizens. [Applause.]

Mr. ELLIS. Will the gentleman yield?

Mr. NEWTON of Minnesota. I yield to the gentleman from Missouri.

Mr. ELLIS. How will we meet the point that this bill is premature at this time?

Mr. NEWTON of Minnesota. The cost to the Government in time and trouble involved in fooling around with any number of these smaller claims is such that that is an item to be considered. And then, the committee, after going over the matter with the State Department and the Alien Property Custodian, felt that there is no danger whatever of impairing our security by turning back this amount.

I reserve the remainder of my time.

Mr. HUSTED. Will the gentleman yield?

Mr. NEWTON of Minnesota. I am sorry, but I must conclude.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HAWLEY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment House Joint Resolution 460, accepting the sword of Gen. Richard Montgomery.

AMENDING THE TRADING WITH THE ENEMY ACT.

The committee resumed its session.

Mr. RAYBURN. Mr. Chairman, I yield to myself 30 minutes. [Applause.]

Mr. Chairman and gentlemen of the committee, of course we are all surprised—I think I may include every member of the Committee on Interstate and Foreign Commerce—that this matter has come upon the floor to-day. At 12 o'clock we came over here and found that this measure was to come up for consideration in a few minutes. We had been given to understand that it would not come up this week and that we would all be given ample time to prepare ourselves for the debate. Some gentlemen who are vitally interested in this measure have left the city with what they thought was the assurance that this measure would not come up to-day.

Mr. NEWTON of Minnesota. Will the gentleman yield there?

Mr. RAYBURN. I do.

Mr. NEWTON of Minnesota. Will the gentleman be sure to make it clear, as I know he wishes to make it clear, that it was a surprise to all the members of the committee, on this side as well as on that?

Mr. RAYBURN. I began my statement by saying, as I now repeat, that no member of the committee on either side of the House had any idea that this matter would come up to-day. The gentleman from Virginia [Mr. MONTAGUE], who reported the first bill to take over this property, is vitally interested in this matter. He is out of the city, not knowing it was coming up. Mr. HOCH of Kansas, one of the able Representatives on the majority of this committee, who feels as I do upon this question, believing this measure would not come up to-day, is also out of the city. But we may expect anything now, it seems.

Mr. Chairman, in all my life I was never more certain of the ground I take than I am upon this bill. Following every precedent of international law, following every Secretary of State of the United States from Jefferson down to Knox and Lansing, following every decision of the Supreme Court of the United States from its beginning to now, I know that in honor there is only one thing for this Congress to do, and that is to do the clean thing, the thing that will be understood the world over, and that is to return all of this property, and return it at an early date. [Applause.]

The gentleman from Minnesota allowed himself to be backed into the compromising position that any man will allow himself to be backed into who straddles an issue. I say this, that no civilized nation in this world to-day will countenance for a moment the doctrine that private property should be taken for the satisfaction of a public obligation. [Applause.] Every member of the committee in the hearings and in the consideration of this bill protested loudly that he did not intend that any of this property should ever be confiscated. But they use the term "security," they use the term "pledge." What is the difference between them? If a man owes me a debt and I take his property as security for that amount, and if the man does not pay the money I will take the property in satisfaction of the debt. I say that when any man here says that he is against confiscation in one breath and in the next breath says that he is for holding private property as security for the satisfaction of public obligations, he is for confiscation and it can mean nothing less.

Every Secretary of State that we have had from Jefferson to Lansing has announced the doctrine that no country should confiscate private property of enemy nationals. Mr Hughes's representative came before our committee and sought to create the impression that Mr. Hughes also believed that, but Mr. Hughes in one of his letters to the chairman of the Interstate

and Foreign Commerce Committee was unfortunate in the use of the following language:

It is understood that this bill has been introduced upon the assumption that it would require the return of a relatively small amount of property and that the security for the settlement of American claims would not be substantially impaired.

Why hold this property as security if you say you never intend to confiscate it? If this Congress announces the doctrine that it does not intend to confiscate this property under any conditions, then it is not security at all. The majority of the committee claim that they do not intend to violate the precedents of international law by confiscating any of this property, and yet an amendment offered in committee providing that it should be the declared policy of the United States that this property should never be confiscated was voted down by 10 to 7.

I hold also to the doctrine that an unlimited holding, that a continued holding, of property that is not your own, property being withheld from the rightful owner, is in itself confiscation. The gentleman from Minnesota allowed himself, by the questions of the gentleman from Alabama [Mr. BANKHEAD] and the gentleman from Missouri [Mr. HAWES], to be placed in the position by his direct answers that he would be in favor of confiscating this property if the German Government did not pay the claims of the American nationals. That is the only logical ground that any man can take who stands to-day for holding this private property as security for a public debt.

Mr. J. M. NELSON. Will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. J. M. NELSON. In view of the situation in Germany to-day and, as we all know, probably will be for 50 years to come, is there any likelihood of Germany's being able to pay these debts—so would it not be confiscation?

Mr. RAYBURN. I doubt if I have an opinion upon that subject. My contention in this matter goes beyond men that claim against individuals for claims against the Government. My contention goes to this: I want the honor and the tradition and the glory of this Republic upheld by the vote in this Congress upon this occasion. [Applause.] Nothing except a compliance with our unbroken customs will do that.

Mr. HARDY of Texas. Will the gentleman yield?

Mr. RAYBURN. I yield.

Mr. HARDY of Texas. Is it or not our unbroken tradition, and have we not made a positive pledge in our treaties with Germany and our allies to protect their property?

Mr. RAYBURN. I was coming to that. These people came to America, invested their money, not only upon their own volition but upon the earnest solicitation of the American people, under laws that we held up to every man in this land of the hope of equal rights and equal opportunity. Shall we at this time set a precedent that means confiscation of private property—and it can mean nothing else—when more American money is going to-day to foreign countries to be invested than ever before? Do we, if war should come between our country and those countries, want to be met by having those countries assert the savage doctrine of confiscation that we to-day will assert if we do not vote for the amendment which I will offer to return all the property? [Applause.]

Why do we not recognize Mexico to-day? What reason does the State Department give that we do not recognize Mexico and the Soviet Government of Russia? It is that the Government of Mexico and the Government of Russia have not yet given assurances that they will regard the interests of American citizens. Do we want the United States of America to be placed in that kind of a compromising position before the civilized world? I say our precedents have been unbroken. To go back in the history of this country to its earliest days, we call to the attention of the House the minority report. As early as 1796, in the case of Ware *v.* Hilton (3 Dallas, 199), the Chief Justice of the Supreme Court said that the doctrine of confiscation had been exploded and was frowned upon by all the civilized world. Another justice said confiscation has long been considered as disreputable.

The gentleman from Minnesota [Mr. NEWTON] talks about the power of Congress to confiscate. Nobody denies that a great, strong Government like the United States can confiscate the private property of nationals of a Government like Germany when it is on its back. It has the power, but I assert that under every rule of international law, under every rule of our courts, under every rule of decency it has not the right to do it and should not do it. [Applause.]

Mr. John Marshall in one of the leading and celebrated cases said that the Government had the power but that long since the practice had been looked upon with obliquy. Let me read to some of you Republican Members who believe in confiscating this property what your patron saint said upon this question more than a hundred years ago. Alexander Hamilton, in commenting upon this very thing, used the following terse language:

No power of language at my command can express the abhorrence I feel at the idea of violating the property of individuals which in an authorized intercourse in time of peace has been confided to the faith of our Government and laws on account of controversies between nation and nation. In my view every moral and every political sense unites to consign it to execration.

Mr. John Bassett Moore is to-day our greatest authority on international law. Speaking on this subject, he sums up with this statement:

Property belonging to enemy nationals which is found by a belligerent within its own jurisdiction, except property entering territorial waters after the commencement of war, may be said to enjoy practical immunity from confiscation.

Yet these gentlemen who stand up here and take the compromising position that they will not return all of this property, that they will return the paltry amount of $44,000,000 out of $350,000,000, not including the $200,000,000 worth of ships, fly in the very face of every decision of our courts that I have referred to and many more, of the statement of every writer on international law that I have referred to and many more. They put themselves away and above any interest—and we might as well say it here and now—of American claimants, and I understand that when the thing is sifted 70 per cent of the American claims against the German Government will be by the American insurance companies who grew richer during the war than in any time in all of their history.

Mr. LANHAM. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. LANHAM. If there is a principle which justifies or demands the release of a part of this property, would not the application of the same principle justify or demand the release of all of the property?

Mr. RAYBURN. That is what we ask in our minority report. If $10,000, why not $20,000? Why not $50,000? Why not $100,000? Why not all? As a matter of putting this country right before the nations of the world, I would rather this Congress would return none of the property than to return the paltry amount that it is returning.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. MOORE of Virginia. When does the majority of the committee promise that it will deal with the excess over $10,000, and on what conditions? Does it state any time or fix any conditions upon which it promises to deal with the excess?

Mr. RAYBURN. It does not. The gentleman from Minnesota [Mr. NEWTON] indicated that it might run on for 50 years, but if this matter runs on for even 25 years it will be confiscation as far as the people who now own it are concerned, for more than half of them will have died within 25 years.

Mr. NEWTON of Minnesota. Does the gentleman want the claims of American nationals against Germany to run on for not only 50 years but possibly 100 or more years before they are settled?

Mr. RAYBURN. I am going to settle one of these questions at a time, and I am going to settle the first one we take up right, if I have my way about it.

Mr. NEWTON of Minnesota. Does the gentleman think the claims of Americans should be settled first?

Mr. RAYBURN. No. I think the claims of American citizens against the German Government should be settled at the same time the claims of German citizens against the American Government are settled. These are not war claims. This is the concrete property that these people made here, having worked and invested on the faith of this Government.

Mr. WURZBACH. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. WURZBACH. I understand the gentleman from Texas takes the position that a national of Germany has a right to claim his rights under international law without the intervention of his own government, that international law in itself guarantees to the national his rights, and that his government can not foreclose him in the assertion of his claim.

Mr. RAYBURN. I do contend that; and it would be the most savage doctrine ever announced in any civilized government if it were otherwise.

Mr. J. M. NELSON. Upon what basis have they made this arbitrary choice of $10,000?

Mr. RAYBURN. I will tell the gentleman what made it, in my opinion. It was made because it covered a majority of the individual claims, and that is all. If the political end of this

thing had not got to pinching so hard, they would not have returned even the $10,000, if they had been listening to these insurance companies and to other people who have piled up claims amounting to about a billion dollars. It is the history of war claims that not more than 8 per cent of them are ever allowed.

Mr. HAWES. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. HAWES. The property under discussion is the property of individuals.

Mr. RAYBURN. That is true.

Mr. HAWES. Under the jurisdiction of the United States, brought here at the invitation of the United States, and no act of Germany can remove the responsibility of the United States to return that property. She is not bound by anything that Germany does, is she?

Mr. RAYBURN. Not at all.

Mr. HAWES. It is our responsibility.

Mr. RAYBURN. That is what I contend.

Mr. ROACH. Mr. Chairman, if I understand the statement of the gentleman from Minnesota [Mr. NEWTON] as well as the statement of the gentleman who now has the floor, it is claimed by both the majority and the minority that there is no serious intention upon the part of the Government of the United States to ever confiscate this property.

As I understand the statement of the gentleman, it is his contention that so long as our Government holds this property as a pledge or security that we are in a way or in effect confiscating it for a period of time which we so hold it.

Mr. RAYBURN. Not only are we confiscating it for the time we hold it, but when such high authority as the Secretary of State says we must hold it as security I contend that those who stand with him stand for confiscation.

Mr. ROACH. This in a sense is not confiscation——

Mr. RAYBURN. We say in our minority report, and I repeat again what I repeated a moment ago, that the indefinite holding of private property from its rightful owner is confiscation; and in the case of these people even holding for 25 years, much less 50 years, will be a confiscation as far as they are concerned.

Mr. HARDY of Texas. Will the gentleman yield?

Mr. RAYBURN. I will.

Mr. HARDY of Texas. In respect to property held as security the only way you can realize on the security is to sell it and does it not mean that we are to sell?

Mr. RAYBURN. I say if this property is held as security and it is security, then it can mean nothing but that we are going to confiscate it.

Mr. HARDY of Texas. Because you can not realize otherwise.

Mr. ROBSION. Will the gentleman yield?

Mr. RAYBURN. I will.

Mr. ROBSION. I understand that the British and Italian Governments and other Governments of our allies took over property of German nationals. What disposition have these other Governments made; what action have they taken?

Mr. RAYBURN. Well, I do not know.

Mr. GRAHAM of Illinois. I can answer the question.

Mr. RAYBURN. I wish the gentleman would answer.

Mr. GRAHAM of Illinois. It is going through a process of liquidation. In pursuance of the provision of the treaty of Versailles they are liquidating those claims by a liquidating commission; it is a sort of clearing house.

Mr. ROBSION. Is that on the same basis?

Mr. GRAHAM of Illinois. Not the same basis as this; it is an international clearing house, that is what it is.

Mr. KINCHELOE. Will the gentleman yield?

Mr. RAYBURN. I will.

Mr. KINCHELOE. If it is the contention of the entire membership of the gentleman's committee that this country will never subject the property of these nationals to the payment of debts against the German Government, what is the reason for wanting to hold any of this amount, even to the extent of $10,000?

Mr. RAYBURN. Well, the gentleman will have to ask them.

Mr. KINCHELOE. I was just wondering.

Mr. RAYBURN. They asked the gentleman from Minnesota some time ago, and before he was extricated by the gentleman from Pennsylvania and others he had admitted that he would be in favor of confiscating this property ultimately unless the claims of Americans were met.

Mr. MACLAFFERTY. Will the gentleman yield?

Mr. RAYBURN. I will.

Mr. MACLAFFERTY. I ask this question in absolutely good faith. During the San Francisco fire, when hundreds and hundreds of acres were devastated, when people were standing in bread lines and drinking hot soup out of tomato cans, when all they had in the world were claims against the German insurance companies, these same companies walked out of the State of California with their claims unpaid. Should not those claims be paid before the insurance companies have handed back to them their funds?

Mr. RAYBURN. I do not know whether Congress had the power to go back of the statute of limitations——

Mr. MACLAFFERTY. They walked out of California; simply walked out and said, "You can come to Germany and sue if you want to get the money."

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. RAYBURN. I will.

Mr. NEWTON of Minnesota. In reference to the gentleman's reference a moment ago to "confiscation" and in connection with the colloquy with the gentleman from Alabama, there was no other "confiscation" in mind than that which is involved in carrying out the principles of this legislation.

Mr. RAYBURN. If the gentleman will read his remarks carefully, I think he will agree with me that he probably inadvertently answered that he would be in favor of confiscation.

Mr. DENISON. Will the gentleman yield?

Mr. RAYBURN. I will.

Mr. DENISON. The gentleman keeps referring to our retention of this property and has made the statement that our retention of the property is confiscation. Now, if the gentleman will read the books on international law and treaties that this country has engaged in, and where it is discussed he will find the term "confiscation" is never applied to the appropriation of private property of a citizen of one country for the payment of claims of citizens of another by treaty agreement. Not one time is it called confiscation, and not only that but the gentleman will find, if he reads the books on international law, that the term "confiscation" includes the appropriation of the property for the use of the government.

Mr. RAYBURN. Exactly; and that is what I read, the decision of the courts. I have read the treaty; I have read books on international law, and that is why I am contending against the doctrine of confiscation here to-day, which the gentleman by voting for not returning this property is contending for.

Mr. DENISON. The gentleman understands that we are not taking this property for the use of the Government if we do it. That is confiscation. That is what confiscation always means.

Mr. RAYBURN. Who can take this property from its rightful owners except the Government of the United States?

Mr. DENISON. The Government of Germany can, and has done so.

Mr. FISH. Mr. Chairman, will the gentleman from Texas yield?

Mr. RAYBURN. Yes.

Mr. FISH. Why do we quibble here about this word "confiscation"? Is not the proper word "robbery"?

Mr. RAYBURN. Well, I think the word "confiscation" is savage enough. I think it is enough in violation of all that we have ever stood for.

The CHAIRMAN. The gentleman from Texas has consumed 30 minutes.

Mr. RAYBURN. I will allow myself five minutes more.

Mr. MANSFIELD. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. MANSFIELD. I want to ask the gentleman from Illinois [Mr. DENISON], who spoke just a moment ago, if our Government is taking the ships of Germany for Government use and not to satisfy private claims?

Mr. RAYBURN. That is true.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. I yield to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. I would like to ask the gentleman what he thinks of the term that should be applied to the disposition of millions of dollars' worth of German patents sold for so grossly an inadequate price that the President himself said that the inadequacy of price constituted a badge of fraud? It was a sale made by this Government, and a sale which was attempted to be ratified and confirmed and maintained forever in the peace resolution. What was that but confiscation pure and simple?

Mr. RAYBURN. I think so, and I think the courts of the United States are going to set that sale aside. I think they ought to, so far as I am concerned. I think when they sold those patents to this Chemical Foundation for a small amount, a nominal amount—I forget just how much; I think it was $250,000 only, many, many patents, one of which is conceded by everybody to be worth $10,000,000—I think it was one of

the most disgraceful things that has ever happened in this country, and I think our courts will set it aside. [Applause.]

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. RANKIN. The gentleman from Illinois [Mr. DENISON] seems to think this is not confiscation, because this property was not taken for the use of the Government itself but was being taken for the use of private individuals. I want to ask the gentleman if he does not think that is a worse form of confiscation than if it were taken for the use of the Government?

Mr. RAYBURN. Yes; I think so.

Mr. HUSTED. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. HUSTED. I think we are all agreed that this private property should not be taken to satisfy Government claims. I think we are all agreed on that.

Mr. RAYBURN. I do not know, but I doubt that; I am agreed to that.

Mr. HUSTED. What I would like to ask the gentleman is this: What has the gentleman got to say against the propriety of taking private property of German nationals to protect the claims of American nationals against Germany?

Mr. RAYBURN. I have got this to say: How are you going to protect them unless you confiscate and sell this property and apply the money to those claims?

Mr. HUSTED. Well, if you sell this property and apply it to those claims, you do not apply the money in satisfaction of any Government claims.

Mr. RAYBURN. Yes; and it is less justifiable; it is worse than to apply it in satisfaction of a Government claim. For the Government to take the property of an individual and give it to another individual is incomparably worse than taking the private property of an individual to satisfy an obligation of the Government.

Mr. DENISON. That statement would be entirely true if the Government did not take it in pursuance of a solemn treaty. But when the Government takes that action in pursuance of a solemn treaty, of course the gentleman from Texas can not complain.

Mr. RAYBURN. We are legislating here now. I said of the Knox-Porter resolution when it passed that it was a monstrosity, and I say so yet. You talk about a treaty with Germany. Germany had not anything else to do but sign it when they showed them where the dotted line was. They could not do anything else.

Mr. LONDON. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. LONDON. Taking the property of an individual by superior force amounts to conducting war against an individual, does it not?

Mr. RAYBURN. Yes.

Mr. LONDON. And that is wrong, whether it applies to the payment of a Government claim or an individual claim?

Mr. RAYBURN. Yes.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. BRITTEN. Has the gentleman pointed out during this debate that the private property which the Government seized for its own use and which it is now using is much more than adequate to take care of the private American claims?

Mr. RAYBURN. There is no doubt in the world about that.

Mr. SABATH. Some gentleman on the other side a moment ago asked the question, What is being done by Great Britain with the property that Great Britain has seized? and the gentleman from Illinois [Mr. GRAHAM] answered. I would like to know what has been done by the Austrian Government with the property that the Austrian Government seized belonging to American citizens.

Mr. RAYBURN. Austria never seized the property of American citizens, and I intended to call attention to that. This committee refused to return the property of Austrian nationals. Germany has returned all the property it ever seized from American citizens. She has only retained some money, and the only reason for delay in returning that is the disputed value of the German mark.

Mr. HAWES. Will the gentleman yield?

Mr. RAYBURN. I yield to the gentleman from Missouri.

Mr. HAWES. The gentleman from Texas wants to be accurate, I know. Austria-Hungary never took over any American property. All American property taken over by Germany, excepting certain bank accounts which are in dispute as to the value of the mark, have been released by Germany.

Mr. RAYBURN. That was my statement.

Mr. LINTHICUM. Will the gentleman yield?

Mr. RAYBURN. I yield to the gentleman from Maryland.

Mr. LINTHICUM. I wish to ask the gentleman whether alien enemy property is not really being confiscated now by the shrinkage in value and wastefulness in its use?

Mr. RAYBURN. I think so. Mr. Chairman and gentlemen, I close with this extract from the minority report:

> Congress is confronted with a plain, simple, and understandable proposition. Will it scrap all precedents of international law? Will it repudiate the uniform decisions of our courts? Will it repudiate all of the Presidents from Washington to and including Wilson? Will it repudiate all our Secretaries of State from Jefferson to Knox and Lansing? Will it support the march of civilization or support Secretary Hughes in his demand that private property should be held and used as security for the payment of public debt?
>
> Shall we in this age of our Republic take a backward step and hold ourselves up to obloquy and scorn the world over? We can not afford to even be mistrusted, much less commit an overt act that will lose for us the respect of the civilized world. If we are not to do this we must by our action show to the world that we expect to live up to our own traditions and up to the high standards of modern civilization.

[Applause.]

Mr. WINSLOW. Mr. Chairman, I ask that the hour remaining to this side be assigned to me.

The CHAIRMAN. The gentleman from Massachusetts [Mr. WINSLOW] is recognized for one hour.

Mr. WINSLOW. I yield 10 minutes to the gentleman from Pennsylvania [Mr. TEMPLE].

Mr. TEMPLE. Mr. Chairman and gentlemen, I have been very much interested in the discussion of this question, especially the discussion by the gentleman who has just taken his seat [Mr. RAYBURN].

The whole question of the treatment of property of citizens or subjects of an enemy country by a belligerent which finds that property within its own boundaries at the outbreak of war is interesting, and it has had a development that we have not the time here to review, except to say that the treatment of such property has been growing more generous as civilization advanced. As to our own precedents, I think the gentleman who said we had never confiscated any enemy property has forgotten that when the Revolutionary War was going on 11 of the 13 Colonies confiscated the property of those of their citizens who remained loyal to Great Britain, and that after the war was over Great Britain appropriated money to compensate the loyalists and sent a court over to this side of the Atlantic. This court met in St. John, New Brunswick, and in Quebec, and in Montreal, and as far west as Niagara.

The minutes of that court—"minutes" is the word used of these records—the manuscript minutes are in the Congressional Library. The Canadian Government has had them printed. I have spent a great deal of time in analyzing some 1,700 or 1,800 cases considered by the court.

T. J. Lawrence, the author of an exceedingly valuable discussion of international law, says that only one instance of such confiscation can be found in the history of warfare since Napoleonic times, and that was in the heat of a civil war which we in America would like to forget, and consisted of confiscation by the Confederate Government of the property of those living within its borders who remained loyal to the North.

The United States Government in dealing with the property of German and Austrian nationals within the boundaries of the United States did not at first do anything that looked like confiscation. We provided an Alien Property Custodian to act as trustee.

I am very happy to say that I voted for that bill when it passed the House during the war, and I am also rather proud to say that I worked and voted against the amendment to that law afterwards that authorized the Alien Property Custodian to sell the German patents. [Applause.] That was in the heat of war.

Mr. CHINDBLOM. When was that amendment passed?

Mr. TEMPLE. I think it was in 1917. It was legislation in one of the appropriation bills. We could not avoid voting for the bill after that language was put into it, because we could not run the Government without passing the appropriation bill. If we voted for the appropriation bill, we were forced to vote for that item, but I did all I could to keep that item from getting into the bill.

Private property is not, however, sacred under the customs of war. Private enemy property at sea is subject to confiscation. An enemy ship—that is, a privately owned ship, owned by an enemy—is subject to confiscation simply because it is enemy property. Enemy cargo on an enemy ship is also subject to confiscation, no matter who the private owner may be. War is hell. International law has attempted to restrain some of its barbarities, but you can not get rid of them. Killing itself is contrary to all our moral senses, and yet it is one of the essential necessities of war.

Property within our own boundaries, however, does occupy a different position from property in an enemy country or enemy property on the high seas. The customs of the nations had grown lenient, had grown civilized to such an extent that enemy property within the boundaries of any belligerent would be respected; always, however, remembering that when the enemy government does unlawful things, reprisals are lawful.

Many millions of the American claims are for property sunk with the *Lusitania*, an unlawful act of Germany. There is no way to compel a government to make reparation for its unlawful acts except by doing what force gives the opportunity to do. The treaty of Versailles is not binding upon us, because we did not ratify it, but it is binding on Germany as a contract between that Government and the Allies that did sign it—England, France, Italy, and others. That treaty provides that the privately owned cables—not only the cables owned by the German Government but the cables owned by German corporations, German private property—shall be turned over. The United States will get its share of those cables.

Mr. STAFFORD. Will the gentleman yield?

Mr. TEMPLE. I regret that I must confine myself to the one line that I am discussing.

The CHAIRMAN. The gentleman from Pennsylvania declines to yield.

Mr. TEMPLE. The privately owned property found in our territory is not to be confiscated; it is to be retained. The gentleman asks how long. Let me read from the treaty to show how long it will be retained. I am speaking of the treaty of peace between the United States and Germany, not the treaty of Versailles. In section 5 it says:

> It is further provided that the property of all German and Austro-Hungarian nationals coming into the possession of the United States following the declaration of war should be retained by this Government, except as provided by law, until the enemy Governments shall have made suitable provision for the satisfaction of all claims arising against said Government on behalf of American citizens who had suffered damages to their persons or property through the acts of the German or Austro-Hungarian Government.

The question is not whether we are going to turn back all of this property. That question is not before us. If the amendment turning all of the property back should be put into the bill the whole bill will be lost. Men whose consciences require them to return this property now rather than to follow out the terms of the treaty will kill the whole project.

Mr. BRITTEN. Will the gentleman yield?

Mr. TEMPLE. I will yield.

Mr. BRITTEN. I would like to ask the gentleman if he does not think the United States Government has acquired for its own use enough property to care for these private claims?

Mr. TEMPLE. I presume that was taken into consideration during the negotiation of the treaty and when the treaty was drawn up, but the German Government evidently did not think so, for it agreed to the provisions I have just read.

The question is whether to turn back the claims under $10,000 or to turn it all back. Why do we propose to turn back the small claims under $10,000? They amount to 95 per cent in number, but not 95 per cent in value, of all the claims.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. WINSLOW. Mr. Chairman, I yield to the gentleman five minutes more.

Mr. TEMPLE. We turn back the small claims; why do we not turn back the larger claims? All these claims, large and small, become a question between the German Government and its own nationals. What is the German Government to do about privately owned property of its citizens which it has turned over to this Government under the terms I read from the treaty a few minutes ago? If the time should come when we would have to sell the property to make good the claims of our people against Germany, then the German owners would hold the claim against their own Government. Our people now have a claim against the German Government. This treaty authorizes the United States Government to hold the property of the German owners until the German Government pays the American claims. If we should even sell the property the German nationals would have a claim on their own Government. The small owners whose claims are under $10,000 may not be able to put much pressure on the German Government to hasten the time specified in the treaty, but the large owners can put pressure on that Government, and they are doing it. If they learn definitely that we are going to hold this property until the claims are settled, the German Government will come to time as soon as possible. That is the point. It is not a question of the confiscation of that property by the American Government. If we sell it the owners have a claim against their own Government.

I would rather the Germans would have a claim against the German Government now than leave the American citizen without any guaranty to collect a claim against the German Government. [Applause.] They will deal with their own people in a way they might not deal with the people of our Government. I am not raising the question of good faith, but their own people, powerful influences in Germany, will be able to put a pressure on the German Government for the settlement of these claims of the American citizen which might not otherwise be paid for a very long time. There is no dishonesty in what we are doing. Reprisals, in the first place, would be recognized in all systems of international law. If it was taking property in compensation of unlawful acts committed by the German Government, the policy of it might be questionable, but it would not be a departure from the principles of reprisals. We did not do that. But the German Government has agreed that we may hold the property until the German Government makes good. I am in favor of the bill. I shall be opposed to the amendment that will turn the remainder of the property over. I think such an amendment would kill the bill. [Applause.] Mr. Chairman, I yield back the remainder of my time.

Mr. RAYBURN. Mr. Chairman, I yield 30 minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Chairman, I do not think I can make much of a speech on this bill. Really, I have not the patience to discuss it. I never have had much heart for a sham battle.

I trust that the Members of the House will not think me ill-mannered to again refer to this Congress as a "bunk Congress"—always pretending to do something, never really doing anything; always stalling; always grand-standing; always playing for political advantage; never responding to the public interest or dealing courageously and patriotically with the issues that come before it. Feeling this way, surely instead of being ill-mannered I am polite in restraining myself to such a moderate expression as "a bunk Congress."

There is not the slightest chance that this bill will pass the Senate. Those who put it forward know that it can not become a law. There is to be no honest effort upon the part of the administration to put it through the Senate. It is brought here merely as a little partisan play to satisfy certain elements that feel that this situation ought now to be dealt with.

Instead of dealing with the final disposition of the seized property of German subjects in a courageous, whole-hearted way, we find merely a straddle, a palliative, a hedging, a compromise. Instead of taking the property and confiscating it and applying it to the payment of American claims in full, which, whatever one may think of its morality, would be a consistent and logical policy, the administration proposes to give back a little of it in order to hush up some of the clamors that are being made. Instead of giving all the property back to its true owners and ending the matter, those who are in political power are afraid to do it, even though they wanted to do it.

They are afraid to affront the *Lusitania* claimants and other American claimants who want the money on their claims against Germany. Therefore they propose this compromise. Bunk!

If it is right to give any of this property back to its owners it is right to give it all back. If it be moral to confiscate a part of the property of private citizens of Germany and apply it to the payment of claims against that Government, then we should take all of this property and make that application of it. But with characteristic cowardice the administration proposes a middle course which will hush up the largest possible number of German claimants and their friends and at the same time not frighten those Americans who have claims against Germany into thinking they are about to lose their debts. Bunk!

I am amazed that gentlemen should argue upon this subject as though it were a mere question of law. They juggle with legal quips and subtleties—they point to the treaties of Versailles and Berlin—they quote the cold letter of the law like attorneys for the plaintiff in an action on a promissory note. They seem to think it is a sufficient answer to moral arguments to point to our agreement with the conquered German Government and say, "it is not so nominated in the bond," and therefore we will confiscate the private property. The Shylockian philosophy of these gentlemen is indeed surprising in dealing with questions which involve our Nation's honor and the integrity of the Republic.

I am surprised that gentlemen should argue this question wholly from a legalistic standpoint, as though it were a mere question of law. Pardon me, my friends, but from my point of view the legal aspect of the subject is the least of all its aspects, and of the very least importance. It is a matter of

great national policy, touching our relations in the future with all of the nations of the world. That is its first important aspect. The other is that it is a matter of our national honor and of our Nation's integrity.

Oh, the gentleman from Pennsylvania, Doctor TEMPLE, for whom I have great respect, knows a lot about theology, so I am told, and, of course, he knows that the old rule of an eye for an eye and a tooth for a tooth was abolished by the New Dispensation. It makes no difference to me what Germany has done or what Germany is. The things with which I am concerned is: What has my country done? What shall my country do? What shall my country be? [Applause.] I am not willing to test the standards of American national honor by the standards of Germany, Great Britain, or of any other nation of the world, whatever they may be, and without disparagement to any of them.

The gentleman from Pennsylvania [Mr. TEMPLE] thinks that it is not immoral to take this property!

Of course the gentleman is entirely conscientious in that view, and far be it from me to assert that he is wrong. I must speak only from my own standpoint and express only my own opinion. I never have any trouble in deciding what is the honorable thing for my country to do. It has never troubled me to determine what the standard of integrity for my country should be. All I need for my own satisfaction to do in such cases is to ask, What would my personal honor require of me as an individual under the given circumstances—what should be my personal standard of integrity as applied to the situation? The principle is old. It is not at all modern. The standard of honesty has been laid down for a long time. I do not have to invent it. Thank God there is authority—authority old as the hills—it comes to us in the divine commandment, "Thou shalt not steal!" It is just as wrong for nations as it is for individuals to steal.

That is the way I determine what my country ought to do under such circumstances. We were engaged in war with Germany. We declared through our official spokesmen time and again, as it was also declared upon this floor, that our war was not against the German people as individuals but against the Imperial German Government. We assured the people of Germany even when the war was near its hour of closing that if they would overthrow their autocratic Government and inaugurate a rule of democracy we would be ready to accept them back upon terms of peace as friends. Oh, I suppose we were liars when we told them that, were we? Very well, then, in that case of course we do not have to be consistent.

We declared war against the Imperial German Government. We did not declare war against private German citizens and individuals. Under our declaration of war against Germany it was honest and permissible for us to take the property of the German National Government, but it was not moral that we should take advantage of the fact that citizens of Germany had invested their money and their property in this country, to confiscate it merely because we were at war with their country. "Thou shalt not steal" is as applicable to governments as to individuals.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. BRITTEN. The gentleman has referred to the "bunk" of the present administration.

Mr. HUDDLESTON. Oh, yes; and I called this "the bunk Congress."

Mr. BRITTEN. Let me call the gentleman's attention to one thing. The word "confiscation" is used. The present administration is attempting to return at least a margin of its so-called confiscation. What has the gentleman to say about the former administration, which confiscated property and then under a "bunk" sale sold something worth hundreds of millions of dollars for a paltry few dollars? That property can never be returned.

Mr. HUDDLESTON. The former administration did not confiscate property. If the gentleman means to ask me what I think of the transaction with the Chemical Foundation, I will say to him that I think everyone who participated in that deal ought right now to be in the penitentiary. Is that sufficiently direct to satisfy the gentleman?

Mr. BRITTEN. That satisfies me. It was done by the gentleman's administration.

Mr. HUDDLESTON. Why does the gentleman lug in that kind of partisan stuff? It is bad enough to have a "bunk" administration on hand now. For God's sake let us forget, if we can, the "bunk" of the past.

Mr. BRITTEN. I was trying to draw a comparison.

Mr. HUDDLESTON. Surely, with this administration in front of us and with this Congress in front of us, the gentleman ought not to be talking about past administrations and past Congresses. The Chemical Foundation steal to which he refers and condemns did have in it a certain element of courage, which is a thing that neither this administration nor this Congress has had. I have some sort of respect for the highwayman who meets me on the road and holds a pistol to my head, much more than the cowardly sneak thief who slips behind me and dives his hand into my pocket. [Applause.]

Now, we had a treaty when we went to war with Germany, a mere "scrap of paper," of course, and article 23 of that treaty reads as follows. This is the treaty which came down from 1799 and was in effect with Germany when war was declared on April 6, 1917.

If war should arise between the two contracting parties, the merchants of either country then residing in the other shall be allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carrying off all their effects without molestation or hindrance; and all women and children, scholars of every faculty, cultivators of the earth, artisans, manufacturers, and fishermen, unarmed and inhabiting unfortified towns, villages, or places, and in general all others whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employment and shall not be molested in their persons, nor shall their houses or goods be burnt or otherwise destroyed nor their fields wasted by the armed force of the enemy into whose power by the events of war they may happen to fall; but if anything is necessary to be taken from them for the use of such armed force the same shall be paid for at a reasonable price.

Then as the closing sentence of the next article I find this:

And it is declared that neither the pretense that war dissolves all treaties, nor any other whatever, shall be considered as annulling or suspending this and the next preceding article; but, on the contrary, that the state of war is precisely that for which they are provided and during which they are to be as sacredly observed as the most acknowledged articles in the law of nature and nations.

Mr. HUSTED. What has the gentleman to say to the provisions of section 5 of the existing treaty between Germany and America—that is, the treaty which terminated the war? This provision, as I understand it——

Mr. HUDDLESTON. I am entirely familiar with it.

Mr. HUSTED. Permitted the doing of everything that is proposed to be done under this legislation.

Mr. HUDDLESTON. I must have been very obscure and confused in the beginning of my remarks in which I devoted myself to those gentlemen who take a purely legalistic view of this situation—those who say "the letter of the law gives the right to take this property and therefore we will take it." I regret my argument was entirely lost on the gentleman from New York. Surely I ought not to be expected to go back and repeat what I said from the beginning of my remarks.

Mr. HUSTED. I am not asking the gentleman to do that.

Mr. HUDDLESTON. From the beginning of this debate gentlemen have been making the same legalistic argument which the gentleman now puts forward as against the moral argument I am presenting, and making it with the same art with which the gentleman from New York now seeks to place the letter against the spirit of the law, legal quirks and subtleties against the morals of the situation. They also have sought to obscure the aspects of national honor and policy that we have the legal right to confiscate.

Mr. HUSTED. I have not put forward that argument at all.

Mr. HUDDLESTON. I will acknowledge the gentleman has not presented any argument at all. Will he not allow me to proceed?

Mr. HUSTED. I asked a question, which the gentleman did not answer.

Mr. HUDDLESTON. I answered the gentleman. He must not expect me to make him understand my answer.

Mr. HUSTED. I do not think anybody else understood it.

Mr. HUDDLESTON. The gentleman is in error to assume to measure the understanding of others by his own.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. HUDDLESTON. I will.

Mr. NEWTON of Minnesota. The provision the gentleman read in the Prussian treaty applies to merchants in this country. The seizure by the Alien Property Custodian was the property of nonresidents of enemy aliens. That is the property involved in this legislation.

Mr. HUDDLESTON. Really these fellows who argue these superfine legal points make me laugh. They seem unable to comprehend that morality and good faith are more worth while. I read the articles from the treaty merely for the purpose of indicating some idea of the liberal and enlightened spirit of that time and the spirit which characterized the treaty. Yet the gentleman returns to drive through a legal wilderness and wriggle in and out between the trees in the effort to find some safe course for what he wants to do. I am appealing to the spirit of the treaty. I have no doubt that had there been such conditions existing when the old treaty was written as there was in 1917 it would have covered by its clear letter every situation that has been pointed out. I submit that we ought

not to approach this subject like a special pleader in a case in court and to undertake by these legalistic arguments to dull the qualms of good conscience before the nations of the world. Now, if the gentleman will permit me to make my point——

Mr. HARDY of Texas. Will the gentleman yield?

Mr. HUDDLESTON. If the gentleman will permit me to make my point, then I will yield.

We had Germans in this country who were interned without trial upon a mere suspicion. Those Germans had their property seized by the Alien Property Custodian and it is still withheld from them. They were strictly within the protection of the letter of this treaty. No good lawyer who examines the subject will deny this statement, yet we are holding their property now. That is the fact.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. In a moment. But I have just asked that I be let alone for a moment or two.

Mr. DENISON. If the gentleman does not care to yield I hope he will not scold.

Mr. HUDDLESTON. How can I help scolding at gentlemen who take the position the gentleman takes? I have no patience to answer the stuff they put out. I really have no heart for this discussion. I am merely trying to oblige my friends on the committee and take up a little time. [Laughter.]

As I said, here is our treaty of 1799. We made a solemn agreement. We deliberately made it applicable to a condition of war. What is the spirit of the treaty? It is that we invited the people of Germany to come to the United States and locate among us and do business here. We invited them to make their investments here. By this treaty we called upon every German subject to come to the United States and buy property, whether he wanted to live here or not. After we got them here and got their money invested and got them to help us develop our great new country, along comes a war, and, forsooth, because we think there is some sharp legalistic ground upon which we may confiscate their property, we do it. Such a proceeding must be shocking to the enlightened conscience of mankind.

Now I yield to the gentleman from Texas [Mr. HARDY].

Mr. HARDY of Texas. I think the gentleman has perhaps covered the proposition I had in mind. But I think the truth to be that if there is an obligation standing between you and me I can not get away from that obligation by making an agreement with some other party. And so if we have had a moral or legal obligation with German nationals individually we can not nullify that or evade it by entering into a treaty with the German Government.

Mr. HUDDLESTON. That is true. I am in full harmony with the gentleman's statement. But what is the use to argue with the Republican majority, with its evasive policies? It always faces both ways. Go ahead with your bunk Congress and pass your bunk bill. [Applause.]

Mr. NEWTON of Minnesota. Mr. Chairman, how much time has been consumed?

The CHAIRMAN. The gentleman from Minnesota has one minute remaining. The gentleman from Massachusetts [Mr. WINSLOW] has 46 minutes, and one hour remains in opposition to the bill.

Mr. NEWTON of Minnesota. I yield 15 minutes to the gentleman from Illinois [Mr. DENISON].

The CHAIRMAN. The gentleman from Illinois is recognized for 15 minutes.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield for a question before he enters on his speech?

Mr. DENISON. Yes.

Mr. DEMPSEY. It appeals to many of us that the soundness of the argument of the gentleman from Pennsylvania [Mr. TEMPLE] depends on this question: Gentlemen on the other side, including the gentleman from Texas [Mr. HARDY], contend that Germany had no right, in representing its own nationals, to make this treaty of peace as to its own nationals in this country. Now, it appeals to us on this side that, prima facie, Germany represents its nationals, and we can not go back of that representation at all. We are bound by their representations that they act for them, and they have a right to act for them, and we can not inquire into their rights. And so they are bound by the treaty.

Mr. DENISON. That question anticipates a matter that I was going to discuss. And I want to say, gentlemen, that I have looked into this matter very carefully from the international and legal standpoints.

I am not going to discuss the so-called higher and moral propositions, because I do not think they are pertinent to the question here. So long as we do what is legally right, the moral proposition takes care of itself. The gentleman from Alabama [Mr. HUDDLESTON] speaks to the House in the way I have often heard lawyers speak in trials at court when they say to the jury it does not make any difference what the law is, but the question is whether you ought to do this or do that. He appeals to Congress and says, "I do not want to pay any attention to this treaty or the legalistic questions," as he calls them, "but I am talking about a higher moral principle." That is what is called an "argumentum ad hominem" instead of appealing to the intelligence of Members of Congress.

In reply to the question of the gentleman from New York [Mr. DEMPSEY] I am going to ask leave to extend my remarks in the RECORD by including some references to legal authorities and precedents.

Briefly stated, here are a few of the principles which I have developed, and I hope that the Members, if they have time, will follow them in the RECORD as they may appear: The first is that we have seized this property as a war measure, and we had a perfect legal right under the rules of war to seize it; we seized it for the purpose of preventing its being used by our enemies in the war against us. That was the justification for it, and that was the reason for it.

Now, another principle is that all that the German citizens have, as a result of that seizure, is a claim against the Government. The alien property law authorized the Alien Property Custodian to dispose of this property as he saw fit, and he has disposed of a great deal of it and has converted it into money and the money has been turned into the Treasury, and all that these citizens now have that is recognized by international law is a claim for the value of that property.

The same is true with respect to the American property seized in Germany and Belgium by the German Government and the claims of the people whose property or families were destroyed on the *Lusitania*. They have what is known in international law as a claim against the Government for the value of property taken.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. BRITTEN. The gentleman referred to the wisdom of sequestrating this property so as to prevent its use against us in the war. The gentleman will recall that the principal argument made in favor of the act creating the Alien Property Custodian was that we were going to take the alien enemy property and hold it in trust for the rightful owners and in due time return it to them.

Mr. DENISON. I know you heard of it, but you never knew of any nation holding alien enemy property simply for the benefit of the enemy. We took the property to prevent its being used against us by our enemies, and that is the only reason we had a right to take it.

Here is another legal principle: There are no such things as claims of the citizens of one country against another government that are recognized in law. I mean by that there is no such thing as a collectible claim.

Governments do not deal with the citizens of other governments except by express consent. That is well settled in international law. This Government does not deal with the citizens of Germany as citizens, and the German Government does not deal with the citizens of this country as citizens. All these matters are arranged by the Governments between themselves, and if the citizens of America have claims against the German Government or any other government, they can not collect them. They must depend upon this Government to collect them for them, and the same is true as to the claims of German citizens and the citizens of Austria and other nations against the United States. These claims of individual citizens against other governments are matters that have always been and always will be, so far as we can now tell, matters for discussion and settlement between the governments themselves as governments.

So we have this situation, that the citizens of Germany have claims against our Government which they can not collect except through their Government. The citizens of the United States have claims against Germany and Austria which they can not collect, which are not recognized in international law, except as they may be collected by our own Government. These are matters for disposition between the two Governments themselves.

Mr. SABATH. Will the gentleman yield for a question?

Mr. DENISON. I am afraid I will not have time. I will yield a little later if I may have the time.

Mr. Chairman, the soundness of any argument by which we reach our conclusions must depend as much upon the truth of the premises with which we start as upon the accuracy of the reasoning we pursue. I have found that our differences of opin-

ion on important questions of public policy result not so much from fallacies in our reasoning as from errors in the facts we assume as a basis for our reasoning.

Gentlemen assume as a fact that our retention of this property of our German and Austrian enemies or the appropriation of it for the payment of just claims of our own nationals against those countries amounts to a confiscation of the property. Of course, if we admit that fact to be true, then it reasonably follows that to retain it or so appropriate it would be at least unconscionable if not illegal.

But therein lies the error and the fallacy of the whole argument. I deny that we are confiscating any of this property. Whether we simply retain it or a part of it as security for the payment of American claims, or appropriate a part of it for the payment of such claims, we would not be confiscating it within the accepted meaning of that term. If it would not amount to confiscation, then what becomes of the arguments we have heard that are based upon that assumption?

Now, what constitutes "confiscation" of private property? The term has but one definition in the textbooks and judicial decisions.

In domestic law confiscation means taking private property for public use without due process of law or without just compensation. Due process of law means in accordance with the recognized procedure and principles of the law of the land, and just compensation means just what the words imply.

In the law of nations "confiscation" means seizing or taking the property of an enemy State or its subjects and appropriating it to the public use.

In Pope's Legal Definitions of Words and Phrases, the term "confiscate" is defined to mean "To appropriate to the use of the State. Especially used of the goods and property of alien enemies found in a State in time of war." And that definition is taken from Kent's Commentaries (Vol. I, p. 52).

Rapalje and Lawrence's Law Dictionary defines it as "appropriation to the use of the State. As where the State seizes property belonging to another State or its subjects and appropriates it."

Corpus Jures says "confiscation" means "in international law, where a State seizes property belonging to another State or its subjects and appropriates it to public use."

Now, I contend, and, if I have the time, can prove, I think, that we are in no sense confiscating any of this property within the meaning of that term in international law.

First, we seized the property lawfully.

Second, we are holding it and can use so much of it as may be necessary to pay American claims, according to the provisions of our treaties of peace with Germany and Austria, and in accordance with a usage well recognized in international law and in the precedents of our own Government.

Third, we are not holding and will not appropriate the property for public use, but rather for the use of private American claimants against Germany and Austria, who have by treaty authorized us to do so.

So whether we merely retain this property as security, or ultimately use a part of it for the purpose indicated, there is not one single element of confiscation involved in our action.

Preliminary to further discussing the subject, I want to pause long enough to refer again to certain incidental questions that are merely incidental, but that may nevertheless be confusing and obscure our understanding of the real questions involved.

I have said we seized or took possession of this property lawfully. It was seized while we were at war as a war measure, and we were justified in doing so for one purpose only, namely, that we might prevent its being used by the enemy against us, and that we might thereby cripple the enemy and the more easily defeat him. We took this property just as we took the enemy's ships and just as we would have taken the money or other property of his nationals if our armies had captured the enemy's possessions or had invaded his home territory. Nations at war are justified under the rules of war in seizing the enemy's resources so as to deprive him of the means of carrying on the war and thereby the sooner end the conflict. The method of taking over the enemy's property is a mere incidental and not an essential factor in the question involved.

In this war it happens that our Government followed a new procedure heretofore practically unknown in the history of warfare. Instead of taking the enemy's property and destroying it or using it, Congress provided for an official whom we called the Alien Property Custodian, to take possession of it and hold it until such time after the conclusion of peace as Congress should dispose of it. And whether we choose to designate the Alien Property Custodian as a mere common-law trustee or simply as an agent of the Government to hold and conserve and manage the property is wholly immaterial.

Some who testified at the hearings referred to the discussions in the Congress when the trading with the enemy act was under consideration to show that this Representative or that Senator stated that we were taking over the enemy's property merely to conserve it and save it from loss or deterioration, and argued from those statements that we were merely holding this property as a trustee or agent for the German nationals, and that we have no right to deal with it from any other point of view. It may be true that some Members of the House and some Senators had that thought in mind and were governed by that purpose.

But others believed and so expressed themselves that we were taking over this property as the property of our enemies and for the purpose of preventing its being used against us by the enemy. But whatever may have been the view of one individual Member of Congress or another, or whatever may have been the purpose of a majority of the Congress at that time, the fact remains that we did take possession of this property of our enemy as a war measure; that we were wholly justified in doing so, and that we now have it in our possession as a result of the exigencies of war, and we have the right to and must dispose of it in accordance with our duty to our own citizens as well as the citizens of Germany and Austria, and in accordance with the recognized principles of international law.

There are certain fundamental facts which we must admit, as I have stated.

One is that the German and Austrian nationals whose property we seized have only what is known in international law as claims against our Government for the value of the property seized. The Alien Property Custodian is not now in possession of all the property that was seized; much of it has been liquidated; part of it has been converted from real estate and personal property into money; other parts of it have been sold and the proceeds turned into the Treasury. All of it might properly have been converted into money. The form in which this property now exists in the hands of the custodian is a mere incident. His duty was to conserve it, and he had the right under the law to convert any part or all of it or dispose of it if he thought it wise to do so. So all the German nationals have to-day for the property that was seized is a claim against our Government for its value. Now, this claim is a mere chose in action. If it is a valid claim, it is a vested property right. That question has been adjudicated many times by the courts of last resort in this country.

In 1828 Mr. Justice Story, delivering the opinion of the Supreme Court of the United States in the case of Comegys *v.* Vasse (1 Pet., p. 193), held that the just claims of American citizens against foreign governments for property taken or destroyed are choses in action and are vested property rights, which may be assigned or transferred. Of course, the government against whom the claims exist may not recognize such assignments if it chooses not to do so, and in our trading with the enemy act Congress made such a provision. The decision of Justice Story in the case just cited has been since that time recognized as the law, so far as this Government is concerned, and has been followed in numerous decisions of the Supreme Court.

On the other hand, during the war Germany took possession of the money and the factories and the real estate and other property of American citizens in Germany and in Belgium and in parts of France, and during the period preceding our entry into the war Germany sank American ships and destroyed American lives on the high seas. And as a result of all these acts American citizens simply have claims against the German Government for the value of the property taken or the damage inflicted, and these claims are mere choses in action, although they are recognized as vested property rights.

So, in dealing with this question we must keep in mind the fundamental fact that we are not dealing with the specific or identical property of the German citizens seized or destroyed by our Government or with the specific or identical property of American citizens seized or destroyed by Germany. We are dealing with certain claims of the German nationals against our Government and with certain claims of our nationals against the German Government for the value of property seized or for property or lives destroyed.

Another fundamental principle that I have already referred to and should be kept in mind is that while the claims of the nationals of one country against a foreign government are recognized as vested property rights, they are not such claims as can be enforced or collected by the nationals themselves without the consent of the foreign government. Citizens of Germany or other countries can not enforce their claims, however just, against the United States without the consent of the Congress. Our courts are not open to them. They can not even be pre-

sented unless Congress by legislation gives its consent, nor can our own citizens present or collect their claims against Germany without the consent of the German Government.

Congress has at various times by express legislation consented for citizens of foreign countries to present their claims against the United States through the Court of Claims or through mixed commissions or arbitration tribunals, but this has always been done by treaty agreements between the two Governments. Sovereign nations do not deal with the citizens of other governments in their individual capacity. There is no principle more universally recognized in the law of nations and more frequently stated by law writers than this.

If our citizens have claims against foreign governments or if the citizens of other governments have claims against the United States, they can not themselves take them up for adjustment with the governments. They must do so through their own government, and claims of this kind are always adjusted between the respective governments and not by the governments and the citizens of the other government.

It follows from the principle just stated that in the adjustment of claims of the citizens of one country against the government of another the governments themselves may make such disposition or adjustment of the claims as justice and their mutual interests may require. They may provide by treaty agreement for the arbitration of the claims before an arbitration tribunal or may provide for their adjudication before mixed claims commissions, or the governments may, by treaty, absolutely destroy the claims of their own citizens against the other government or may provide for the mutual cancellation of such claims where there are existing claims of the citizens of each government against the other.

In Volume II of Butler's work on the Treaty Making Power of the United States, page 293, the author says:

> Notwithstanding the fact that these claims are property rights, on numerous instances claims of citizens have been absolutely destroyed, so far as they existed against the foreign government, by the action of the Executive in making a treaty and of the Senate in ratifying it. In such cases no further action of Congress appears to be necessary so far as the complete extinguishment of the claim against the other government is concerned, but congressional action is necessary in order that the American citizens whose property has been confiscated may prove their claims against the United States and be indemnified for the loss they have sustained.

So our Government can properly, by treaty, completely extinguish or destroy the claims of American citizens against foreign governments, and the German Government may likewise do so. For more than a hundred years this practice has been recognized and followed among the nations of the world and it is now well settled in the admitted principles of international law.

I could, if I had the time, refer to many instances in which our Government by treaties with other governments has provided for the mutual adjustment of claims of their respective nationals against the other governments, and I could cite a few instances in which such treaties have provided for the absolute extinguishment or destruction of such claims.

In John Bassett Moore's History of International Arbitrations more than 50 instances are cited, I believe, in which the United States has entered into treaties with other governments providing for the disposition of claims of our citizens against such governments, or the claims of their citizens against the United States. Several of these treaties provided for the adjustment of claims arising out of or connected with wars in which our Government was involved.

I might refer first to the treaty of the United States with France, made on the 31st of July, 1801, and ratified by the Senate on the 21st of December following, in which our Government settled what has subsequently been known as the French spoliation claims.

During the French Revolution the French men-of-war destroyed many ships of commerce belonging to American citizens on the high seas and appropriated their cargoes to their own use. And more especially during the later years when Napoleon rose to power, Great Britain and many other governments of Europe declared war on France and announced that they would starve the French nation into submission. At that time, as in the late war, Great Britain employed her navy to drive the French from the high seas and starve her into submission by a blockade. The French seized American ships wherever they could be found and appropriated their cargoes of foods bound for other countries in Europe, and out of this situation, which continued through a number of years and which came near resulting in a declaration of war against France by the United States, American citizens had just claims against the French Government for the loss of life and property taken or destroyed.

On the other hand, France had claims against our Government growing out of the violation of the treaty of 1778, under which we guaranteed the French possessions in America and growing out of the loans which France had made us during the Revolutionary War. In brief, this treaty provided that the claims of the citizens of the United States should be set off against the claims which the French Government had against the United States for the money it had loaned us and for our failure to fulfill our treaty obligations whereby we guaranteed the integrity of the French possessions in America. The United States by this treaty used the claims of American citizens against France, amounting to many millions of dollars, to settle admittedly just claims of the Government of France against the United States, and thereby relinquished and destroyed them.

The result of this settlement of the claims was that in 1864 and at later dates Congress considered legislation for the payment by this Government of all those claims of American citizens against France which our Government had by treaty canceled and which were known as the French spoliation claims.

Mr. EDMONDS. And the United States has not paid her citizens that lost those ships yet.

Mr. DENISON. I was going to say that the United States made that solemn treaty and agreed to cancel all of the claims of American citizens, and did so—just wiped them right out—in consideration for France agreeing to cancel the debt that we owed her. That is the way we got rid of that debt for the money which France had loaned and the other debt that we owed her.

Mr. BANKHEAD. Does the gentleman want to use that precedent of alleged repudiation on the part of our Government as a precedent to follow here?

Mr. DENISON. Not in the way the gentleman from Alabama states it.

Mr. BANKHEAD. The construction which the gentleman from Pennsylvania [Mr. EDMONDS] put upon it, and which the gentleman from Illinois [Mr. DENISON] acceded to, certainly puts us in that light.

Mr. DENISON. Do not understand me as acceding to anything unless I say so. I am using it as a precedent to show how our own Government settled its claims against France and the claims that France had against our Government.

Mr. DEMPSEY. The question whether we have paid our own citizens or not is an entirely different matter.

Mr. DENISON. That is an entirely different question.

The report of the Senate Committee on Foreign Affairs, prepared by Senator Sumner and filed April 4, 1864, reviews the history and the disposition of the French spoliation claims. The Members, I am sure, would enjoy reading this report, for it is historic and contains a very learned discussion of the whole subject, and can be found in part 1 of Senate Document 231 of the Fifty-sixth Congress, second session. Speaking of the treaty between this country and France, Senator Sumner said:

> Thus closed a protracted controversy where each power was persistent to the last. Nothing could be more simple than the mode of adjustment and nothing more equitable if we regard the two nations only. The claims of each were treated as a set off to the claims of the other, and mutual releases were interchanged, so that each, while losing what it claimed, triumphed over its adversary. But the triumph of the United States was at the expense of American citizens. Nothing is without its price, and new duties, originating in the triumph, at once sprang into being.

I might also refer to the treaty of Washington, concluded in 1871 between United States and Great Britain, in which the two countries agreed to settle by the Geneva tribunal all claims of American citizens against Great Britain growing out of damages caused to American commerce by the depredations of the Confederate cruisers *Alabama* and *Florida* which had either been built or sheltered in British harbors during the Civil War.

And if time permitted I could refer to a number of other treaties between the United States and foreign governments in which the United States disposed of claims of her own citizens against foreign governments, either by requiring payment of the claims by foreign governments or by releasing or destroying such claims and assuming them, or agreeing that they should be paid by our own Government.

The point I wish to emphasize, and that would be made clear if the Members could but hastily review the many treaties between the United States and other Governments in which the claims of American nationals against foreign governments and of foreign nationals against the American Government were settled, is that it is entirely in harmony with the past history of our Government and with well-recognized principles of international law for the governments to settle by treaty the claims of their citizens against foreign governments; and that it has been a not infrequent custom in such treaties for the governments to mutually release and destroy the claims of their nationals against the other governments.

Let me cite the treaty between the United States and Spain at the close of the Spanish-American War. As a result of that war, citizens of Spain in Cuba and in the Philippines had many claims against the United States for property commandeered or destroyed, and many citizens of the United States had claims against Spain for property destroyed in Cuba, both before and after the declaration of war, including the claims of those who were injured and the dependents of those who lost their lives on the battleship *Maine*. Article 7 of the treaty of peace between this country and Spain contained the following provision:

The United States and Spain mutually relinquish all claims for indemnity, national and individual, of every kind of either Government or of its citizens or subjects against the other Government that may have arisen since the beginning of the late insurrection in Cuba and prior to the exchange of ratification of the peace treaty, including all claims for indemnity for the cost of the war. The United States will adjudicate and settle the claims of its citizens against Spain relinquished in this article.

Thus the United States by treaty canceled the just claims of American citizens against Spain for lives lost and property damaged and destroyed and agreed to adjust and pay them herself, and Spain did the same with reference to the claims of her citizens against the United States.

Now, when the World War was formally closed by the treaty of Versailles, what provision was made for the payment of private claims growing out of the war?

Part 10, chapter 5, section 4, article 297, page 369 of the treaty of Versailles was as follows:

The nationals of allied and associated powers shall be entitled to compensation in respect of damage or injury inflicted upon their property, rights, or interests, including any company or association in which they are interested, in German territory as it existed on August 1, 1914, by the application either of the exceptional war measures or measures of transfer mentioned in paragraphs 1 and 3 of the annex hereto. The claims made in this respect by such nationals shall be investigated, and the total of the compensation shall be determined by the mixed arbitral tribunal provided for in section 6 or by an arbitrator appointed by that tribunal. This compensation shall be borne by Germany, and may be charged upon the property of German nationals within the territory or under the control of the claimant's State. This property may be constituted as a pledge for enemy liabilities under the conditions fixed by paragraph 4 of the annex hereto. The payment of this compensation may be made by the allied or associated State, and the amount will be debited to Germany.

And, on page 373, the treaty provided as follows:

Germany undertakes to compensate her nationals in respect of the sale or retention of their property, rights, or interests in allied or associated States.

And on page 379 thereof is found the following provision:

All property, rights, and interests of German nationals within the territory of any allied or associated power and the net proceeds of their sale, liquidation, or other dealing therewith may be charged by that allied or associated power in the first place with payment of amounts due in respect of claims by the nationals of that allied or associated power with regard to their property rights and interests, including companies and associations in which they are interested, in German territory, or debts owing to them by German nationals, and with payment of claims growing out of acts committed by the German Government or by any German authorities since July 31, 1914, and before that allied or associated power entered into the war. The amount of such claims may be assessed by an arbitrator appointed by Mr. Gustave Ador, if he is willing, or if no such appointment is made by him, by an arbitrator appointed by the mixed arbitral tribunal provided for in section 6. They may be charged in the second place with payment of the amounts due in respect of claims by the nationals of such allied or associated power with regard to their property, rights, and interests in the territory of other enemy powers, in so far as those claims are otherwise unsatisfied.

Now, while the United States did not sign or ratify the treaty of Versailles, yet we afterwards, by the treaty of Berlin, signed August 25, 1921, and the treaty of Vienna, signed August 24, 1921, in which we made peace with Germany and Austria, received all the benefits with respect to the claims of our citizens against Germany that we would have received under the treaty of Versailles.

The purpose and intention of our Government to secure a just settlement of the claims of American citizens against the German and Austrian Governments has been made clear and precise from the beginning.

In the joint resolution of Congress, approved by the President July 2, 1921, known as the Knox-Porter resolution, we provided as follows:

That in making this declaration, and as a part of it, there are expressly reserved to the United States of America and its nationals any and all rights, privileges, indemnities, reparations, or advantages, together with the right to enforce the same to which it or they have become entitled under the terms of the armistice signed November 11, 1918, or any extensions or modifications thereof; or which were acquired by or are in the possession of the United States of America by reason of its participation in the war or to which its nationals have thereby become rightfully entitled; or which, under the treaty of Versailles, have been stipulated for its or their benefit; or to which it is entitled as one of the principal allied and associated powers; or to which it is entitled by virtue of any act or acts of Congress, or otherwise. * * *

SEC. 5. All property of the Imperial German Government, or its successor or successors, and of all German nationals, which was, on April 6, 1917, in or has since that date come into the possession or under control of or has been the subject of a demand by the United States of America or of any of its officers, agents, or employees, from any source or by any agency whatsoever, and all property of the Imperial and Royal Austro-Hungarian Government, or its successor or successors, and of all Austro-Hungarian nationals which was on December 7, 1917, in or has since that date come into the possession or under control of, or has been the subject of a demand by the United States of America or any of its officers, agents, or employees, from any source or by any agency whatsoever shall be retained by the United States of America and no disposition thereof made, except as shall have been heretofore, or specifically hereafter shall be, provided by law until such time as the Imperial German Government and the Imperial and Royal Austro-Hungarian Government, or their successor or successors, shall have respectively made suitable provision for the satisfaction of all claims against said Governments, respectively, of all persons, wheresoever domiciled, who owe permanent allegiance to the United States of America, and who have suffered through the acts of the Imperial German Government, * * * and until the Imperial German Government and the Imperial and Royal Austro-Hungarian Government, or their successor or successors, shall have respectively confirmed to the United States of America during the war, whether in respect to the property of the Imperial German Government or German nationals or the Imperial and Royal Austro-Hungarian Government or Austro-Hungarian nationals, and shall have waived any and all pecuniary claims against the United States of America.

This resolution reserved for the United States and its nationals the rights accorded them under the treaty of Versailles and the treaty of St. Germain. Nowhere in either treaty, however, was any right given to any American citizen to enforce Congress to use enemy property held by the Alien Property Custodian in payment for, or as security for, his claim for damages against the German or the Austrian Government. The very statement of such a proposition is its own answer. The power of Congress after the war to dispose of this property as it should direct remained untrammeled as far as the treaty of Versailles and the treaty of St. Germain were concerned.

And in the treaty of Berlin, signed on August 25, 1921, in which he made formal peace with Germany, article 1 thereof provided as follows:

Germany undertakes to accord to the United States, and the United States shall have and enjoy all the rights, privileges, indemnities, reparations, or advantages specified in the aforesaid joint resolution of the Congress of the United States of July 2, 1921, including all the rights and advantages stipulated for the benefit of the United States in the treaty of Versailles which the United States shall fully enjoy, notwithstanding the fact that such treaty has not been ratified by the United States.

And in the treaty of August 24, 1921, in which the United States made formal peace with Austria, article 1 thereof was as follows:

Austria undertakes to accord to the United States and the United States shall have and enjoy all the rights, privileges, indemnities, reparations, or advantages specified in the aforesaid joint resolution of the Congress of the United States of July 2, 1921, including all the rights and advantages stipulated for the benefit of the United States in the treaty of St. Germain-en-Laye, which the United States shall fully enjoy, notwithstanding the fact that such treaty has not been ratified by the United States. The United States, in availing itself of the rights and advantages stipulated in the provisions of that treaty, will do so in a manner consistent with the rights accorded to Austria under such provisions.

So by solemn treaties between the United States and Germany and Austria we are entitled to the benefits of the provisions of the treaty of Versailles and the treaty of St. Germain with reference to the claims of American citizens against Germany and Austria, and with reference to the property of German and Austrian citizens now held by the United States and the claims of those citizens resulting therefrom.

The German and Austrian Governments have agreed by treaty to pay the just claims of American citizens against them, and for that purpose have agreed that the United States may retain the property now held by us belonging to the German and Austrian nationals until such time as the claims of American citizens against those Governments can be satisfactorily adjusted and paid; and they have agreed by treaty that this property of their nationals may be used to pay the just claims of American citizens against them, and have agreed that they would themselves compensate their nationals in respect of the sale or retention of their property rights or interests held by the United States.

No one can deny that the German Government had a perfect right to enter into that kind of a treaty.

No one can deny that such a treaty was in accordance with precedents and well-recognized principles of international law applicable to such cases.

The United States had entered into similar treaties with other governments before that.

The principle involved in our treaties with Germany and Austria follows the precedent of our treaty of peace with Spain following the Spanish-American War. Spain and the United States agreed each to compensate their own nationals for the

claims they had against the other. In this case Germany and Austria agreed to compensate their own nationals in such amounts as should be found necessary to meet the just claims of American citizens against them.

It is true that where a government by treaty destroys or relinquishes the claims of its own citizens against a foreign government it thereby exercises the high right of eminent domain. It confiscates the property of its own citizens; and where the United States Government takes that course it should, in turn, compensate its own citizens for the property rights which it has destroyed, because in this country there is a constitutional limitation on the right of the Government to take the property of its citizens without due process of law and without just compensation.

When the United States in the treaty of peace with Spain agreed to cancel or relinquish the claims of our citizens against Spain it had to agree to pay such claims itself because of this constitutional limitation.

And when the United States by the treaty with France in 1801 agreed to mutually cancel and set off the just claims of American citizens against France against the claims of France against the United States that amounted to a confiscation by our Government of the American claims, and under our Constitution the Government was bound to itself compensate American citizens for their claims which had been sacrificed. And that was the view taken by Congress, the result of which was we paid out of our own Treasury all of the French spoliation claims.

Germany and Austria have by these treaties agreed that the property of their citizens now held by this Government may be used to pay the just claims of American citizens against them. The execution of those treaties may result in a confiscation of this property by Germany and Austria, but it is not a confiscation of it by the United States. Following many precedents and in harmony with international practices, we have the right to retain this property as security for the payment of American claims and, if necessary, to appropriate it for that purpose; and in doing so we are not confiscating it.

We have by solemn treaties entered into with the German and Austrian Governments secured from them their solemn agreements that they will themselves compensate their own nationals in such amounts as may be necessary to use their property to pay just American claims. That is not confiscation by the United States. It is in international law the substitution of the guaranty and agreement of their own Governments for the obligation of our Government in favor of their nationals, to the extent to which the appropriation of their property may be needed to satisfy just American claims.

The fact that the German Government may be in a faltering or failing condition financially does not make any difference so far as legal principles are concerned. If a man brings suit against a railroad for damages due to personal injuries received in the service, the trial is conducted under the same procedure and judgment is rendered according to the same principles, regardless of whether the railroad is prosperous or is in a bankrupt condition.

And the treaties between this Government and Germany and Austria, touching these property rights of American citizens and of German and Austrian citizens, is just as solemn, just as binding, and entitled to just as much respect as they would be if Germany and Austria were the victors instead of the vanquished. Germany and Austria have solemnly agreed to pay their own nationals for the loss they may sustain by the use of their property to pay the American claimants. They have the same security for the fulfillment of that obligation as have France, Belgium, and the other Allies for the fulfillment of Germany's other obligations to them.

This bill provides for the payment of a certain amount and a very large number of the claims of German citizens against our Government. We should understand that we are doing this in a manner not heretofore followed by the nations of the world in international dealings. We are doing this voluntarily and, as a matter of grace, without any request or any treaty requirement with the Governments of Germany and Austria. We are holding the balance until the claims of American citizens against Germany and Austria can be adjusted and determined and satisfactory arrangements made for their payment. If satisfactory arrangement is not eventually made by those Governments for the payment of the American claims, then we will have the *right without confiscation*, but in accordance with precedents and principles of international law, as I have shown, to use such amount as may be necessary to pay American claims. Personally, I hope that may never be necessary, as a matter of course.

But right there, be it understood now, that if we should not do so, if the United States should eventually release this property and return it or its equivalent to the German and Austrian nationals and thereby deprive our Government and our citizens of the security which Germany has pledged for the payment of their claims, we will thereby come very nearly depriving our own citizens of their property rights without just compensation, and claims for every dollar of the American claims against Germany and Austria will sooner or later be filed against our own Government, and more than likely they will have to be paid from the Federal Treasury.

Mr. RAYBURN. Mr. Chairman, I yield 25 minutes to the gentleman from Missouri [Mr. HAWES].

Mr. HAWES. Shortly after the United States entered into the war with Germany and Austria it was proposed by the executive department of the Government that the property of German nationals should be placed in the custody of an official called a custodian. The object of the creation of that office was twofold—one was to prevent the use of that property against the United States and the other was to preserve the property for its owners.

Mr. Lansing, Mr. Redfield, and every witness that appeared before the committee of the House and the committee of the Senate stated that such was the intention. The property was to be returned to its original owners. In the debate in this House Mr. COOPER, Mr. HILL, Governor MONTAGUE, Mr. STAFFORD, and without a single exception, all stated that it would be the policy of the Government to temporarily conserve this property, and that it would be returned to its original owners. In making these statements they were carrying out the American policy enunciated by Thomas Jefferson, carried down through all the Secretaries of State to and including Mr. Knox and Mr. Lansing.

Now, what is the situation to-day? It is not what the German Government has done nor what the treaty contains. All the officials that came before our committee stated that this property was taken over by the American Congress, and the manner of its return should be decided solely by the American Congress.

Mr. CHINDBLOM. Would it disturb the gentleman if I asked him a question?

Mr. HAWES. No, sir.

Mr. CHINDBLOM. Can the gentleman state in what connection Secretary Knox may have enunciated that view?

Mr. HAWES. Mr. Knox not only made a statement but he joined with the gentleman from Pennsylvania [Mr. PORTER] in presenting the resolution of peace, and on the 11th day of June, 1921, Mr. Knox wrote a letter, and I hope every Member will absorb every word of it:

Prof. EDWIN M. BORCHARD,
Yale University, New Haven, Conn.

MY DEAR MR. BORCHARD: I am in entire sympathy with your views relative to the seizure of German property during the war. I have expressed on the floor of the Senate the opinion that in order to follow our traditions and be decent this property should be returned; that our only proper function was to conserve it during the period of hostilities, and in the peace resolution I introduced there is a clear indication that our retention of such property shall continue only until the adjustments of the terms upon which we are to live with Germany in peace are satisfactorily determined.

Very sincerely yours, P. C. KNOX.

Mr. CHINDBLOM. That is in the report of the minority of the committee and relates to the discussion which Senator Knox entered into on the floor of the Senate. My question in regard to the proposition is whether Mr. Knox as Secretary of State was ever called upon to express his views in this matter.

Mr. COCKRAN. No such question ever came up while he was Secretary of State.

Mr. CHINDBLOM. The gentleman said that the policy had been followed by every Secretary of State, including Mr. Knox and Mr. Lansing. I want to know when Secretary Knox enunciated the policy. I know he so stated on the floor of the Senate.

Mr. COCKRAN. He was still the same man.

Mr. HAWES. He was the same Mr. Knox that drew the treaty of peace.

Mr. RAYBURN. Mr. Chairman, will the gentleman yield?

Mr. HAWES. Yes.

Mr. RAYBURN. Most any sane person would interpret that letter to mean that if he had been asked while he was Secretary of State he would have been of the same opinion.

Mr. CHINDBLOM. As to the matter of sanity——

Mr. RAYBURN. Oh, I did not mean to apply that to the gentleman from Illinois; I never mean to be offensive.

Mr. CHINDBLOM. There might be some question as to the value of a man's opinion in a legislative debate where he discusses the matter and his opinion when he was called upon as an official.

When it is said that this policy has been followed by every Secretary of State, if the gentleman had some act which occurred during the incumbency of office of the Secretary of State, Mr. Knox, that would be more in point, would it not, than the letter which he wrote to a private citizen?

Mr. HAWES. Mr. Chairman, the gentleman can place his own construction upon the letter of Mr. Knox. My opinion is that it is very clear. He states in very understandable English what he thinks, and it is related to exactly this subject which, of course, had not arisen while he was Secretary of State. I assert again that there is not a decision of the Supreme Court of the United States that will uphold the theory of the confiscation of private property to pay a public debt; that there is not a writer on international law who has ever written on the subject who has not positively denied the right of a government to confiscate private property for a public debt.

The first thing to be made clear is that we are not dealing with the property of Germany. This is the property of private citizens who were invited to make their investments in the United States. The investments were made many years ago, in most cases upon the solicitation of friends and relatives living in this country. The established policy of our Nation was known to the people of the world. It was known to the people of Germany. We find in the first place that Austria-Hungary never took property from any American during the war, and in the second place we find that all the private property taken over by Germany during the war has been returned to American nationals excepting certain sums of money now in dispute in balancing bank accounts between the banks of Germany and the United States. If you will read the record, you will find that the Alien Property Custodian says they are fast approaching an adjustment of that subject, agreeing on 18 cents for the mark.

Mr. HUSTED. Mr. Chairman, will the gentleman yield?

Mr. HAWES. Yes.

Mr. HUSTED. I will put the question to the gentleman from Missouri that I propounded to the gentleman from Alabama [Mr. HUDDLESTON], which he declined to answer. What effect, if any, does the gentleman think the provisions of section 5 of the existing treaty between the United States and Germany have on the moral side of this question?

Mr. HAWES. My opinion is that under the provisions of that treaty, if the United States desires to take possession of the property of these enemy nationals, it has the right to do so. The treaty gives our Government that right. There is no doubt about it; but while it gives us the right, we are not directed to do it, and it is a matter of option for Congress alone to decide.

Mr. HUDDLESTON. Mr. Chairman, will the gentleman yield?

Mr. HAWES. In just a moment. We can under that treaty seize the property, but there is nothing in the treaty that makes it compulsory upon us to seize it.

Mr. HUDDLESTON. Does it give us the moral right or the legal right?

Mr. HAWES. The legal right. The moral right is simply this: The gentleman from New York [Mr. HUSTED], we will say, visits my place of business, and he leaves some of his property there in my custody. He goes away, and a claim is presented against me, and I confiscate his property to pay my debt. That is the moral proposition as I see it.

Mr. HUSTED. Will the gentleman be gracious enough to yield further?

Mr. HAWES. Certainly.

Mr. HUSTED. Does not the gentleman think that the framers of the treaty between Germany and the United States, which terminated the war between that country and the United States, when they inserted the provisions of section 5, had this very identical situation in contemplation?

Mr. HAWES. No.

Mr. HUSTED. The gentleman does not think they had?

Mr. HAWES. I am confident they did not. They and Germany signed up quickly, and left that question for our Congress to decide. I do not think it was contemplated, certainly not by Mr. Knox, whose letter I have read, that we would ever confiscate this property or hold it as security, because security means ultimate confiscation, with which statement every lawyer will agree.

Mr. CRISP. Does not my friend think that makes the difference? A large part of this property was invested here under a treaty made in peace times and that treaty provided that if we ever went to war with Germany, the nationals of Germany would have the right to leave this country and have their property here protected, whereas section 5 of the treaty of Berlin, which our friends insist gives the legal right to confiscate this property if we see fit to do it—and I agree with them that we have the legal right—was made after a war when Germany was defeated. In other words, does the gentleman not think duress had something to do with the terms of the treaty, and is not a treaty made in time of peace, when the contracting parties are equal, of higher moral dignity than a treaty made under duress?

Mr. SNYDER. But the gentleman would have to recognize that there was not peace until the treaty was signed.

Mr. HAWES. Mr. Chairman, as we proceeded with the war with Germany Mr. Wilson repeatedly issued messages stating that we were not at war with the German people; that we were warring with the military autocracy of Germany. Our military intelligence branch of the Army dropped thousands of tons of literature over the battle fields into Germany promising the German people proper treatment. It was a question which would break first, the military or the civil morale of Germany, and it is a disputed question to-day which did break first; but it was our continued promise, and in July, 1918, the commander of the American forces in France repeated the old Prussian treaty, written by Benjamin Franklin and presented by Adams and Jefferson, as to the rights of civilians, and it was ordered read on the battle fields of France by General Pershing. There is a clear, undisputed record in law, in history, in the promises on this floor, and in every conceivable way, that the American Government was acting as custodian.

So far as I am concerned, the amount of money to be returned is of secondary importance, whether it be $10,000 or 50 per cent or all of it. I shall ask, even if you vote for the return of the $10,000, to place somewhere in this bill the statement that there will be no ultimate confiscation.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. HAWES. Yes.

Mr. BRITTEN. Answering both the gentlemen a moment ago regarding section 5 of the Berlin treaty, does not the gentleman think it was not a matter of duress so much, after a great war, as it was a matter of confidence in America by the German Government, just as it was confidence in America when she said:

> You, America, name the umpire in this Mixed Claims Commission; we do not care to name him, we have confidence in you to do the right thing.

Does not the gentleman think it was a matter of confidence that went into that section 5 and not duress or fear we might not be fair with them?

Mr. HAWES. I agree with the gentleman, and that is an interesting incident. When the question of the amount of these claims was to be ascertained, the United States and Germany agreed upon what was called a Mixed Claims Commission. One member of the Mixed Commission was selected by the United States and the other member was selected by Germany, and Germany waived her right to select a citizen of a neutral country and permitted the appointment of Judge Day. So on this Mixed Claims Commission there are two Americans and one German, and nobody can make me believe that when the Mixed Claims Commission makes its report of awards but that Germany will pay them. She dare not resist. It is the one thing she can not do.

Now, let us examine some of these claims for a moment. The total loss of life on the *Lusitania* was 128. Three or four more lives were lost on the *Essex* and *Sussex*. If we allow a total of $100,000 for each one of these claims, and then put in the one big claim we have for the Pittsburgh Plate Glass Co. of a million and a half, the total American claims would only approximate $14,000,000.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. HAWES. I will.

Mr. MADDEN. I just want to say to the gentleman in the hearings before the Committee on Appropriations the other day we had the American agent of the commission before us, and he testified they had 10,000 of such claims before the commission and the aggregate amount of the claims on their face amounted to over a billion dollars.

Mr. HAWES. I am glad the gentleman brought out that point. I have stated the two characters of claims—loss of life, loss of property in Belgium—and the total, approximate, is about $15,000,000. Now, what are the other claims? The other claims are by marine insurance companies. I know that one of the necessary agents of civilization is insurance, and we know that the insurance company will gamble on a man's life; it gambles on the act of God, on the storm, on the tornado, on the wreck at sea; it gambles on sickness, gambles on everything; and it charges a certain interest upon the risk it assumes, and during the war it charged an enormous risk, and I assert that from 75 to 80 per cent of the claims before the Mixed Claims

Commission are for insurance companies who have collected their premiums and made money out of the war.

Mr. WINSLOW. Will the gentleman yield?

Mr. HAWES. I will.

Mr. WINSLOW. Will the gentleman kindly tell the House the extent of inquiry he has made to substantiate the statement as to the nature of the investigation?

Mr. HAWES. Yes, sir; and I will say that when the matter came before our committee one or two witnesses stated the character of claims to be even higher than I have put them, at 90 per cent, and that the chairman of our committee did not summon a single representative of insurance companies to testify, and I asked at the conclusion of the hearings, and before we passed on the bill, that insurance men should be brought in to substantiate or deny the statement I have just made, and no insurance man appeared before our committee. I wanted them to appear because I desired to show that the man who shipped, for instance, a bale of cotton from Texas added to the bale of cotton the cost of insurance. He did not lose money; and if the cargo got through, it was not the man who got the bale of cotton but the man who wore the shirt or the woman who wore the gown who paid for this insurance.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAWES. I would like to have a few minutes more.

Mr. RAYBURN. I yield the gentleman an additional five minutes.

Mr. WINSLOW. Will the gentleman kindly permit me to refresh his memory as to the nature of my question, as a good deal has been said since I asked the question, but the gentleman has not answered the question?

Mr. HAWES. I have answered the best I may. I have stated that one or two witnesses made that statement, and it is in the record and is not to be contradicted.

Mr. WINSLOW. I will not contradict that; but I understood the gentleman to say gentlemen were prepared to assert that the claims were so-and-so, and I asked if he would kindly tell what investigation the gentleman made to verify the statement.

Mr. HAWES. I made an attempt to carry on the investigation, as the Chairman well knows, and I was not assisted by the Chairman to make one.

Mr. WINSLOW. I am not getting into a wrangle over it——

Mr. HAWES. It is a fact.

Mr. WINSLOW. Then the gentleman does not know what investigation he has made to which he referred?

Mr. HAWES. Everything I have stated here is from witnesses that came before our committee, and one of those witnesses made the statement that 90 per cent of all these claims were insurance company claims, and in the matter of Austria I asked the Alien Property Custodian what was the character of those claims and he said insurance company claims against Austria. That is in the record.

Mr. WINSLOW. I think the gentleman wants to be perfectly fair and will bear in mind the statement——

Mr. HAWES. Well——

Mr. WINSLOW. I merely wanted to make sure that we got the facts.

Mr. HAWES. I am speaking from the record, I am bound by the record, and I talk from the record.

Mr. SNYDER. I desire to ask the gentleman a couple of questions, if I may. I have been very much interested in what the gentleman has had to say; he seems to understand the question fully. As I understand this proposition now there are certain properties in the hands of the Alien Property Custodian against which there are certain alien German claims against the custodian and this Government.

Mr. HAWES. Yes.

Mr. SNYDER. This bill proposes to pay back to certain of them $10,000.

Mr. HAWES. Yes.

Mr. SNYDER. Is that going to affect the validity of any claimant receiving $10,000 on account or receiving $10,000 in full?

Mr. HAWES. This is the first time I have heard of an American Congress drawing a distinction between $5,000 and $50,000.

Mr. SNYDER. Will the gentleman yield further?

Mr. HAWES. Yes.

Mr. SNYDER. Is any claimant injured in any way by reason of receiving $10,000 either in full or on account?

Mr. HAWES. I understand the gentleman now.

Mr. SNYDER. I think that is all there is to it. I think there is nothing more involved in it right now than that, unless somebody can show it.

Mr. RAYBURN. This bill does not close it.

Mr. HAWES. Now, I want to use some of my five minutes.

Mr. SNYDER. I can not see that there is anything more in it than that.

Mr. HAWES. I think the gentleman is disposed to be perfectly fair.

Mr. SNYDER. Yes; I like to be fair.

Mr. HAWES. We now have in our possession $350,000,000 of alien money, and ships to the amount of $200,000,000 more, making the sum of $550,000,000, approximately, and we are returning under this bill only $44,000,000, and we are holding all the balance. The question that I want to see determined is, whether we turn back 10 per cent or 50 per cent, a clean-cut declaration on the part of Congress that it is not going to confiscate the rest of it.

Mr. SNYDER. The gentleman hopes to add that to the measure?

Mr. HAWES. Yes.

Now, I have tried to answer questions. I would like for you to look at this map [indicating]. It is a tragedy. This region marked in red was originally Austria-Hungary. The blue spot is Austria-Hungary to-day. She was a nation of 52,000,000 people. She is now a nation of 6,500,000 people. Out of her territory have been carved six different nations [indicating], and when the question of the return of this property was taken up with the Alien Property Custodian I asked him the question whether he favored the return of that property, and he answered that he did.

Mr. MADDEN. We have no agreement with Austria on this question, have we?

Mr. NEWTON of Minnesota. Yes; identical with the German treaty.

Mr. HAWES. In withholding this property there is no criticism of the Alien Property Custodian; but all of the people who lived in this portion of Serbia, Rumania, Poland, and Czechoslovakia have had their money returned to them by the Alien Property Custodian.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. RAYBURN. Mr. Chairman, I yield to the gentleman two minutes more.

The CHAIRMAN. The gentleman from Missouri is recognized for two minutes more.

Mr. HAWES. But we are holding that little strip of blue, containing 6,500,000 people, responsible for the act of 52,000,000, and it can not be justified on any ground whatever. [Applause.]

The Alien Property Custodian, if you will read his statement, will tell you that there are thousands of claims for loss of life out West that he wants to give back, and there is nothing left of Austria but 2,000,000 people in its capital of Vienna and a region of mountains. The agricultural country is gone. And yet the Great United States, violating all its great principles of 100 years, is holding 6,500,000 people responsible for the conduct of 52,000,000 people.

Gentlemen, I realize that I have not been permitted to discuss this matter with any degree of logic, but it all ultimately gets down to the question of whether the Congress at this time will violate all American theory regarding confiscation of private property; that is, provided that we, as lawyers and business men, agree that the ultimate end of security means confiscation. [Applause.]

We are not dealing with the property of the German Republic, but with that of private citizens who accepted our invitation to make their investments here.

There is absolutely nothing in the Knox-Porter resolution which attempts to prescribe the course of Congress. Congress is an independent body now attempting to return the property which it took over as custodian, and to return it to whom? Is it intended that it is to be taken away from the private citizens who invested it here at our invitation and given to the German Government to pay its debts? Have we forgotten our provisions in the Constitution relating to due process of law and opposing the passage of ex post facto laws?

Our duty is one existing between the American Government and the citizens of foreign nations who made their investments here. It is not a relation existing between the American Government and the German Nation but between our Government and the private citizens whom we invited to make investments.

One reading the letter of the Secretary of State will be impressed by two things:

1. The demand that the private property of citizens should be held as security for a public debt.

2. That he places the responsibility solely upon Congress.

No other branch of the Government has taken this position. The opposition comes exclusively from one source—the Secretary of State's office.

Read the testimony of the Alien Property Custodian; the testimony of Mr. Galloway, representing the Attorney General's office, and you will find that with the single and sole exception of Mr. Carr, speaking for Mr. Hughes, this is the one opposition; and if the English language remains understandable, we find that Mr. Knox, who helped draw the treaty, who helped promulgate it, and whose name it bears, is in direct opposition to the views entertained by the present Secretary of State.

There is not a single authority on international law in the United States who agrees with the conclusion of the Secretary of State. There is not an opinion of our Supreme Court—and a number of them are written by John Marshall—which does not disagree with the doctrine of confiscation, because security carried to its logical conclusion means confiscation.

Even in the statement of Mr. Carr, illustrated by the following questions and answers, given very reluctantly, we find that for the first time in American history all of our traditions of the past are to be violated.

I insert the following questions and answers:

Question by Mr. HAWES. Well, I will repeat my question, Mr. Carr, and you can refuse to answer if you want to. I think it is perfectly clear. You are here representing an important branch of the Government, and what you say will have great weight in my determination of this subject. If we hold this property, to be paid either for an enemy's debts or damages, or hold it as security, do we not, for the first time in our history, change an established American policy of international law?

Mr. CARR. Perhaps we may; but if we do, it has been done because Congress has directed that it should be done.

Mr. HAWES. No; Congress has not decided that question, and under the peace resolution, while we have the power to retain it, there is nothing in the treaty that directs us to assume that policy; and I again ask you, if we do take the action intimated by you and hold the property of these nationals, do we not violate all American precedents on that subject?

Mr. CARR. But Congress has directed that the property shall be held temporarily, and until Congress says to the contrary the property has to be held.

Mr. HAWES. Will you decline to answer that question?

Mr. CARR. I think I have in effect answered the question.

Mr. HAWES. Well, I will state it again: Suppose Congress does act and does hold this property as security, or does hold it subject to litigation, then does not Congress for the first time in the history of the American Congress violate an established principle?

Mr. CARR. I do not know whether for the first time exactly in the history of our country or not. Perhaps it is, but——

Mr. HAWES (interposing). Are you not quite sure that it is?

Mr. CARR. It is, so far as I now recall.

Mr. RAYBURN. What is your interpretation, then, of the word "guaranty"—holding this property as a guaranty?

Mr. CARR. I did not use the word "guaranty." I merely used the word "security." The Secretary used the word "security."

Mr. RAYBURN. What is your interpretation of the meaning of "holding this property as security"?

Mr. CARR. As a pledge.

Mr. RAYBURN. What do you mean by the word "pledge"?

Mr. CARR. To be held until the other Governments have satisfied these claims in accordance with the purpose of the Knox resolution.

Mr. RAYBURN. Well, "guaranty" and "pledge" and "security" in a debt are about the same thing, aren't they?

Mr. CARR. They are related to each other very closely.

* * * * * * *

Private property is respected even in the theater of war itself, where actual combat takes place. There are certain rules of civilized warfare found in our traditions and conventions, and especially in The Hague agreements, providing for the protection of private property. If private property has this protection in the actual scene of war, where necessity seems to be the first rule, how much more important and how much more compelling should it be when it relates to private property of nationals thousands of miles away from the theater of war?

Immovable private property can not under any circumstances be appropriated by an invading belligerent. Should he confiscate and sell private property and buildings, the buyer would acquire no right whatever to the property. All private railroad stock, ships, carts, horses, and so forth, seized for military purposes by an invading belligerent, must be returned at the conclusion of peace or compensation must be paid for them.

Alexander Hamilton made this statement:

Will justice sanction, upon the breaking out of a war, the confiscation of a property which during peace serves to augment the resources and nourish the prosperity of the State? The property of a foreigner placed in another country by permission of its laws must justly be regarded as a deposit of which the society is the trustee. How can it be reconciled with the idea of a trust to take the property from its owner when he has personally given no cause for its deprivation?

President Taft, in his annual message of 1909, in considering whether American enterprise should be encouraged in a particular war, said:

The Government should give full weight to the fact whether or not the government of the country in question is in its administration and in its diplomacy faithful to the principles of moderation, comity, equity, and justice, upon which alone depend international credit in diplomacy, as well as in finance.

In the hearings before our committee there will not be found a single witness, excepting the representative of the State Department, who is demanding the holding of this property as a matter of security.

The position of the Alien Property Custodian is described in these questions and answers:

Mr. HAWES. And I understand, Mr. Miller, that you do not believe the United States Government should take the position that property seized by the Alien Property Custodian from private individuals should be used by the American Government in the enforcement of its claims against Germany?

Mr. MILLER. I have stated here to-day a number of times that personally I would be opposed to the confiscation of private property to pay claims against the enemy government.

Mr. Herman J. Galloway, representative of the Attorney General's office:

Mr. HAWES. Upon the successful prosecution of the suit to whom will the property be returned?

Mr. GALLOWAY. Our authority is that the property should be put back where Congress intended it should be, namely, in the custody of the Alien Property Custodian, to let Congress dispose of it as they see fit. That was the intention of the original law, and that is the way we look at it.

Mr. HAWES. So that the object of the suit, then, is to take from this Chemical Foundation these patents and restore them to the possession of the Alien Property Custodian?

Mr. GALLOWAY. That is right.

Mr. HAWES. For him to decide, subject to enactment by Congress.

Mr. GALLOWAY. Well, I don't think he has any decision as to what should be done with them. I think Congress is the sole judge of that. The law was intended according to my theory of the original law, and that must determine what shall be done.

Mr. HAWES. And it is your opinion that all of these patents ultimately are to be restored to the original German nationals who own them, is it not?

Mr. GALLOWAY. I should not like to express my official opinion on that, but my personal opinion is that it is contrary to enlightened policy of international law to confiscate private property, of course.

The following questions and answers made by the Alien Property Custodian throw the calcium light upon the question of property now held by him belonging to the Austrian-Hungarian Republic:

Mr. HAWES. So the status of the Austria-Hungary portion of this bill is this: In the first place, they did not seize the property of Americans during the war, and, in the second place, what was Austria-Hungary is now six different republics or monarchies; and we are trying to hold the Austrian Government responsible, in an indirect way, for the conduct of five other governments over which they have no control.

Mr. MILLER. Yes, sir. That is the situation, and I have recommended to the chairman, in response to his letters to me, as chairman, action on the Austrian-Hungarian property as I have outlined.

Mr. HAWES. And you would recommend an amendment in this bill which would release all property of the former Empire of Austria-Hungary that is held?

Mr. MILLER. I do; and a number of those cases are pathetic cases. We hold hundreds of death benefits which we have collected on account of their nationals who were killed out in the steel mills and in the mines of the West, and we would like to give that back to them.

Mr. HAWES. So we are violating the traditions of international law, the opinion of Marshall and the dictates of humanity and all spirit of equity in holding these claims?

Mr. MILLER. May I put in there so anyone reading this testimony will understand my position? I am willing to recommend this, but, on the other hand, if the State Department comes to the hearings and through their representatives say that there are claims against Austria, I do not want to be criticized for suggesting this, but I have done it personally.

* * * * * * *

Mr. HAWES. As to the character of those claims against the Austrian Government, are not nearly all of these made by insurance companies?

Mr. MILLER. I think they are, sir; but I am not certain.

Former Austria-Hungary comprised an area of 261,107 square miles and had a population of about 52,000,000 people.

The present Republic of Austria has an area of only 32,400 square miles and a population of about 6,500,000 people.

These questions and answer prove conclusively the following things:

1. That Austria-Hungary did not seize any American property during the war.

2. That Austria-Hungary has been reduced from a population of 52,000,000 to 6,500,000, and that all property formerly held by the Alien Property Custodian of those people composing the 45,500,000 taken from the whole empire of Austria-Hungary has been returned.

3. That if this property is held, it is holding 6,500,000 people responsible for the acts committed by 52,000,000 people.

4. That the original sum seized from the Empire of Austria-Hungary was approximately $30,000,000; that $20,000,000 of this has been returned to the citizens of the new States carved out of the old empire; and that $10,000,000 is still retained by the custodian.

5. That there are practically no American claims against Austria-Hungary excepting those of insurance companies, and these are in dispute.

If American precedent, if the opinion of our statesmen, if our national policy and all appeal against the brutal, savage, and medieval doctrine of confiscation apply to Germany, how much stronger are the equities and justice in the claim for the restoration of the Austria-Hungarian property?

If Congress announces the new doctrine of holding private property for security for public debt, what is to prevent any other nation from adopting the same policy, and even in time of peace will some one not arise and urge that we take over the private property of French citizens in this country for the purpose of liquidating French obligations, that we shall take over the private property of Italians in this country to liquidate the Italian obligations, take over the private property of the English in this country to liquidate the English obligations?

Once we start a new precedent we do not know where it will stop.

We must remember that this property was not seized on the battle field but as the private investment of the peaceful citizens in a country which had invited them to invest.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. NEWTON of Minnesota. I yield the five minutes that remain to me to the gentleman from Massachusetts [Mr. WINSLOW].

Mr. WINSLOW. Mr. Chairman, how many minutes will that give me?

The CHAIRMAN. The gentleman practically has 51 minutes, including the five minutes yielded to him by the gentleman from Minnesota [Mr. NEWTON].

Mr. WINSLOW. I will yield one minute to the gentleman from Minnesota [Mr. STEENERSON].

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. STEENERSON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The extension of remarks referred to is here printed in full as follows:

Mr. STEENERSON. Mr. Speaker, the act "to authorize the improvement of Red Lake and Red Lake River, in the State of Minnesota, for navigation, drainage, and flood-control purposes," authorized the Red Lake conservancy district of the State of Minnesota to construct the improvements authorized to be deepen, widen, and straighten the Red Lake River and tributaries thereof, and specified that the work should be of a nature—

indicated and outlined in the report of the Chief of Engineers to the Secretary of War on March 28, 1919. (House Document 61, Sixty-sixth Congress, first session.)

The act further provided that unless the drainage and conservancy district, to which authority to do the work was granted, should within—

two years from and after the date of the approval of this act submit to the Secretary of War and the Secretary of the Interior, respectively, satisfactory detailed plans and agreements covering the works authorized to be constructed hereby, then, and in that event, all rights hereunder shall cease and terminate.

It is greatly to be regretted that the drainage conservancy district has failed to comply with the provisions of this act. This is indicated by the decision of the district court of the State of Minnesota, which is printed herewith, and also by the letter of the Secretary of the Interior. This project concerns chiefly the Red Lake Indian Reservation, and consequently legislation in regard thereto, in order to receive favorable consideration of Congress, should have his approval. It is indicated by the Secretary that he does not approve of an extension of time until the plans have been altered to comply with the purposes of the act of Congress, but that at any time in the future when there is a prospect that the work can be done as originally planned the extension can be granted.

It is now more than 15 years since I first secured legislation in Congress looking toward the initiation and completion of this project, which work culminated in the act of February 21, 1921, above quoted. It is now up to the State authorities and the drainage conservancy district to show that they are prepared in good faith to carry out in spirit and intent the act of Congress above cited, and when they are the extension of time required can no doubt be obtained.

COURT DENIES PETITION TO RED LAKE PROJECT—JUDGES GRINDELAND AND STANTON ISSUE ORDER DENYING PETITION IN SAID MATTER AND STATE REASONS THEREFOR.

STATE OF MINNESOTA,
County of Pennington:

In district court, fourteenth judicial district.

In re petition of C. O. Elg et al. for the improvement of the channel of the Red Lake River, in the State of Minnesota, by deepening, straightening, and widening the same, regulating the flow thereof, and for the improvement of the Red Lake in said State by the construction of a dam at the outlet thereof into Red Lake River and the construction of such improvements as may be necessary to secure the control of the waters of said Red Lake River and Red Lake and the tributaries.

ORDER DENYING SAID PETITION.

Hearing having been duly had at the City of Thief River Falls, in said county, before the undersigned, Andrew Grindeland, one of the judges of the fourteenth judicial district, and C. W. Stanton, one of the judges of the fifteenth judicial district, both sitting, pursuant to notice duly given as required by law, upon the petition of the board of directors of the Red Lake drainage and conservancy district, filed in the above-entitled proceeding, at which said hearing Messrs. C. E. Boughton, Julius J. Olson, and E. E. McDonald appeared as attorneys for the said petitioner, the Red Lake Drainage and Conservancy Board; Mr. Daniel B. Henderson appeared as attorney for the Red Lake Band of Chippewa Indians; and Messrs. William J. Brown, Theodore Quale, and O. A. Naplin appeared as attorneys for a large number of objectors. And careful consideration having been given the reports of the engineers and viewers filed herein, the evidence submitted, the arguments of counsel and all of the files and the whole record herein, the court finds as follows:

FACTS.

1. That the actual benefits resulting from the proposed improvements will not be greater than the cost of the construction thereof and damages.

2. That the actual benefits, as shown by the report of the viewers, would impose a burdensome and unwarranted assessment upon many of the tracts of land involved.

From the facts as hereinbefore recited, and for the reasons stated in the memorandum appended hereto, which it hereby made a part hereof, the court finds as conclusions of law—

That the petition herein should be denied and this proceeding be dismissed.

It is so ordered.

Stay of 30 days ordered.

Dated February 10, 1923.

By the court.

(Signed) A. GRINDELAND,
(Signed) C. W. STANTON,
District Judges.

MEMORANDUM.

It is with no little regret that we make the foregoing order of dismissal of this proceeding. The public improvement sought is vastly important, and much effort and a considerable expenditure of money has been devoted to preliminary work and in providing the means, through both Federal and State legislation, to make it possible to carry out the project.

It is our opinion, though, that the conclusion is inevitable from the record now before us that the establishment of the project can not justly be made in the manner now contemplated. It throws the burden of the entire cost upon the lands included in the viewers' report, while the conceded facts are that a considerable part of the entire assessment is for benefits which are not special to the lands assessed, but general to the large area tributary to Red Lake and Red Lake River, and that water-power interests and certain municipalities are to be specially benefited; and, further, that certain lands in the Clearwater River watershed, now subject to overflow from the Red Lake River and not included in the report, will be specially benefited.

In this connection it is pertinent and interesting to refer to House Document No. 61, Sixty-sixth Congress, first session, which forms a part of the petition for this project. This document includes the report of the United States Board of Engineers for Rivers and Harbors, approved by the War Department, from which it appears that the estimated cost of this project was $779,300, and the recommendation is made that the apportionment of cost among the "interests concerned" be as follows:

	Improvement.	Maintenance and operation.
Water powers	$240,000	$3,700
Indian lands	236,800	3,650
Lands outside Indian reservation	248,500	3,850
Municipal water supply	39,000	600
Federal Government for navigation	15,000	200
Total	779,300	12,000

And the report of George W. Freeman, United States district engineer, which also forms a part of this document, states:

"An equitable apportionment would be based upon the proportionate benefits to be received by the various interests. In paragraph 7 it has been shown that if the four developed water powers could utilize the whole of the increased low-water flow they would benefit by about $12,000 per month during months of natural low water. It would appear from inspection of the discharge record that such a saving would result in at least an average of three months per year, making a saving of $36,000 per year. This would be equivalent to a return of 15 per cent annually on an investment of $240,000, a return sufficient to pay off the bonds, interest on bonds, dividends, and an annual proportionate allotment toward maintenance and operation of the work of improvement. * * *

"Municipal water supply would receive benefits at Crookston and Grand Forks. As a tentative measure of benefit, take the 26,000 inhabitants as forming 6,500 families and assess their benefit at 10 cents per family per month for three ordinary low-water months per year, giving a charge of $1,950 per year, which for the 20 years the land-assessment bonds would run would produce $39,000 for the project."

At the hearing at which this petitioner, the Red Lake Drainage and Conservancy District was created, which was attended by several hundred of the settlers whose lands are now sought to be assessed for the whole cost of this project, it was stated and distinctly understood that the apportionment of the cost would be approximately as set forth in House Document No. 61. Now, however, the plan is to make no assessments against water powers, either developed or undeveloped, but instead to rely upon exacting rentals from the water-power interests for the use of water in the future. The trouble with this plan is that, under the law (sec. 15, chap. 13, special session laws of 1919) such rentals can not be applied on the assessments against the lands or in payment of the bonds. In other words, under the viewers' report the water-power interests are not assessed, but the assessment thereof is to be left to the judgment of the board of directors in the future. The court would have no objection to allowing the board to exercise this judgment, knowing that, with its present members, such power would be properly exercised. But conceding that after the improvement is made the water-power interests could and would be assessed, under the law as it now stands the money would go into the general treasury of the district. There is nothing in the law by which the person who paid the original amount could be reimbursed. True, remedial legislation could be enacted to that effect, but the court must deal with the situation as it now exists and not with what may happen in the future. If such proper remedial legislation is enacted, there is nothing to prevent the board from again bringing this matter before the court.

It is significant, too, that the fixing of the water levels of Red Lake is made with apparent disregard of the lands bordering the lake and its tributaries and wholly in the interests of water-power development. True, these lands are not reported as lands benefited, from which omis-

sion it can pretty safely be assumed that they are lands to be damaged, but no provision is suggested for the protection of the vested rights of these landowners.

It is a conspicuous fact that nearly all of the resident landowners whose lands are included in the viewers' report, except those residents in the town of Hickory and vicinity, are opposing the establishment of this project and many of them took the witness stand and made vigorous protest. Many of them are now burdened with ditch assessments and other indebtedness and are in bad financial condition. They ought, in justice, to have the controlling voice in saying whether the actual benefits to their lands to result from this project are such as to justify the imposition of its cost upon them. It is idle talk to say that only the interest will be exacted for the first five years. The fact remains that the total assessment will be a lien on the land until both the principal and accrued interest are paid.

This project, if ever constructed, must be fairly and equitably financed, requiring every interest concerned and benefited to come forth with its proportionate share. To require one of these interests to provide the cash for the enterprise and then await the volition of the others or the uncertainty of future legislative enactment for reimbursement would be as absurd and ridiculous as it is illegal and unjust.

To summarize briefly, it must be conceded:

1. That a large part of the assessment is for benefits which are not special to the lands assessed, but general to the community See in re Judicial Ditch No. 2, Itasca County (139 Minn. 332).

2. That the majority of the resident-owners of the land assessed are opposed to the project.

3. That the assessments of benefits and damages are not fair and equitable.

4. That to require the farmers and other landowners to bear the total cost and leave water-power interests and others exempt from assessment is to take the property of one for the benefit of another.

5. That in the present period of agricultural depression and high taxation it would be not only unjust but against public policy and interest to add to the financial burdens of the landowners unless the reasons for doing so are strong and convincing, besides clearly equitable and legal.

6. That the law under which this proceeding is authorized (ch 13, Special Session Laws, 1919) should be amended so as to provide: (1) For the application of the revenue from the use of water to the payment of bonds issued for the improvement made and refundment to the persons who have paid assessments; (2) for the limitation of the authority to levy a sum greater than 10 per cent in excess of the engineer's estimate of the cost of any project; and (3) for the issuance of bonds to run 30 years or more, all substantially as recommended by resolutions adopted by the board of directors of the Red Lake drainage and conservancy district on December 29, 1922.

For these reasons, and others disclosed by the record, we feel impelled to deny the petition.

Dated February 10, 1923.

ANDREW GRINDELAND,
C. W. STANTON,
District Judges.

DEPARTMENT OF THE INTERIOR,
Washington, February 10, 1923.

Hon. H. STEENERSON,
House of Representatives.

MY DEAR MR. STEENERSON: Further reference is made to your communication of January 16, 1923, inclosing telegram addressed to you by Mr. C. G. Selvig, president of the Red Lake Drainage and Conservancy Board, of Crookston, Minn., relative to having section 5 of an act approved February 21, 1921, entitled "An act to authorize the improvement of Red Lake and Red Lake River, in the State of Minnesota, for navigation, drainage, and flood-control purposes," amended to authorize the drainage and conservancy district to submit to the Secretary of War and the Secretary of the Interior, respectively, satisfactory detailed plans and agreements covering the works authorized to be constructed within a period of three years from the date of approval of said act instead of two years as now provided by law.

In view of information that I have and surrounding circumstances concerning conditions, I do not deem it advisable at this time to recommend the enactment of legislation as requested. It would seem the better plan would be to await final action by the State court and by the State legislature to amend the State laws as referred to in Mr. Selvig's telegram; and then should it be deemed advisable to proceed with the drainage scheme, the necessary additional legislation could, no doubt, be obtained.

Sincerely,

ALBERT B. FALL, *Secretary.*

THIEF RIVER FALLS, MINN., *January 20, 1923.*

Hon. HALVOR STEENERSON,
Washington, D. C.

DEAR SIR: I have to-day received your favor of the 16th instant regarding Red Lake drainage project and inclosing copy of telegram from Mr. Selvig, of Crookston.

As you are perhaps aware, this conservation district was originally organized for the purpose of improving Red Lake River in accordance with Document 61 of the Sixty-sixth Congress, which document provided for payment of practically one-third of the cost by the water powers, one-third by the farm lands, and one-third by the Indian lands on the reservation. The conservation board has apparently made a muss of the whole proposition and brought before the court for hearing a plan where the whole cost is assessed as benefits against the farm lands and the Indian lands, and whereby it will become necessary that bonds be issued on these assessments for the construction of the whole project, the farmers' holdings and the Indian lands thereby financing the whole original cost. A visionary plan was outlined by Meyers, whereby in the future the water-power companies were to be compelled to pay rentals for the improved use of the water, but no provision is made for any reduction of the assessment of any farmer because of such expected payment by the water-power company.

Eight townships in Pennington County and a portion of a township in Marshall County are assessed for benefits, the assessments being as high as $8 an acre. Outside of a small segregated bunch down in the town of Hickory, in what is alleged to be the old Hickory swamp, the opposition to the project is absolutely unanimous, except for one party, so far as we are able to discover. The seven towns in Pennington County are fighting the proposition, as townships and every resident of the seven towns in opposition, and of the one town in Marshall County, are unanimous except one, and are unalterable in their opposition to the project.

I represent all the opposition, and we have had our hearing in court; and it does not seem to the writer even remotely possible that the court will establish the project. I am now advised that the decision of the court will be made early in February, and would have been made before this had it not been for the fact that there was great delay in presenting the briefs of petitioner to the court. The petitioner is the Red Lake Conservancy Board.

The writer did have a talk with Senator Cliff, wherein Senator Cliff asked the writer of his opinion if any adjustment could be made, and I told Mr. Cliff that I would have to consult the committee who represent the farmers and would express no opinion for them as to the possibility of a compromise, and Senator Cliff now and has at all times understood the matter that way, and will so state. I have consulted with the committee in regard to the matter, and they will listen to no compromise. One reason for this is that they advised me that they have lost all confidence in the conservancy board and do not desire any further proceedings to be taken by this board. I am writing Senator Cliff to that effect to-day.

Concerning the extension of the enabling act in Congress by further congressional legislation at this time is a matter of indifference to these people unless it will result in further activity by the conservancy board. In such case they would be strictly opposed to any such legislation.

Mr. Henderson has a copy of my brief in this matter, which outlines our views in regard to the whole proceeding, and I am sure that Mr. Henderson would be glad to send you his copy if you desire. I have not an available copy at this time, but will gladly supply you one later if you desire it.

I thank you very much for your courtesy in writing me in regard to the matter, and would further heartily thank you for information as to further activities of the conservancy board or others in regard to the matter.

Yours very truly,

WM. J. BROWN.

FIRST NATIONAL BANK BUILDING,
THIEF RIVER FALLS, MINN.,
February 17, 1923.

Hon. HALVOR STEENERSON, M. C.,
Washington, D. C.

DEAR SIR: You are doubtless advised before this time that the court decided against the establishment of the Red Lake drainage project. A perusal of the opinion leads one to the belief that it is the acts of the conservancy board that were condemned by the court's decision. In other words, while the court expressed confidence in the personnel of the conservancy board, yet the opinion itself constitutes an indictment for poor management and bad judgment that should lead the chairman of the conservancy board to resign his office. * * *

* * * * * * *

The proposition of the board to load this whole cost upon the farmers and the Indian lands was so arbitrarily unjust that we felt impelled to use every method of defeating it. Now, that this proposition is out of the way, we again recognize the worth of the proposition for drainage if rightly handled, and would like to have matters in as favorable a condition as possible, to the end that when better times come, the project can be again initiated if those interested so desire.

Thanking you very much for your extreme courtesy in this matter, I am,

Yours very truly,

WM. J. BROWN.

Mr. WINSLOW. Mr. Chairman, I yield six minutes to the gentleman from California [Mr. LEA].

The CHAIRMAN. The gentleman from California is recognized for six minutes.

Mr. LEA of California. Mr. Chairman, I am in favor of the passage of this bill as it is written. I distinguish between our right and the question of what we ought to do. As I view the situation, there is no question about the right of the United States to apply this property to the satisfaction of claims of American citizens against Germany. We have that right by international law. It is true the exercise of that right has been denounced as immoral for several centuries. But as a legal right under international law America can lawfully confiscate the property in the custody of the Alien Property Custodian and apply it to the satisfaction of American claims. Regardless of international law that can be done, because that right is given by the terms of the treaty, by the provisions of the treaty of Versailles, embodied in the treaty of Berlin, which specifically gives us that right.

But I am entirely willing to meet this question from the broad standpoint of what is right, what is moral, and what is the diplomatic and appropriate thing for this Government to do. The treaty of Berlin gives us the right to establish the clearing-house system for the settlement of these claims. There is abundant authority for the clearing-house system. It was followed during the Revolutionary War. It was followed with France in 1831. It was applied in the settlement of the Alabama claims and in the settlements that followed the war with Spain. Under the clearing-house system Germany has agreed to compensate her nationals for their claims against this country, and she has conceded that the property now in the hands of our Alien Property Custodian shall be applied in satisfaction of the claims of American citizens against Germany.

For four years this property has been held under solemn agreement for this purpose, with a provision that it shall not be turned back until "provision" has been made for the satisfaction of American claims. Suppose we turn all this property back, what have we? It is a proposal that after having held this property for four years to secure the settlement of Amer-

ican claims we should turn it back without even having made an agreement on a plan by which American citizens are to be indemnified. It would be a course that could be explained only on the theory of incompetence, indifference to the rights of our own citizens who suffered outrageous indignities at the hands of Germany, or of trifling with the rights of aliens whose property we hold. We can never expect other nations to regard and respect the rights of American citizens unless our Government is jealous of those rights; quick and sure to defend those rights and slow to sacrifice or yield them.

What is international law and what determines our conduct toward other nationals? It is the rule of international conduct based on comity, on the practice of nations and agreements called treaties. International duties are based upon reciprocal rights mutually recognized. The rights we grant to others we claim for our own citizens.

We do not propose an eye for an eye and a tooth for a tooth as has been declared here. But if we turn this property back without any provision being agreed upon for the satisfaction of American claims it will be a case of Uncle Sam turning the other cheek.

So I believe that the diplomatic thing to do is to retain the bulk of this property until satisfaction or proper provision has been made for the settlement of American claims. That does not mean that we will confiscate this property. As to the property we do not now return, we simply maintain the existing status. If there be any offense it is only the continuation of an offense already committed. I am willing to concede that when we took the property of these aliens we assumed an obligation to them that is not fully discharged by turning them over to Germany, a bankrupt debtor. And for the purpose of this argument, I am willing to concede that we should not confiscate this property. But as a diplomatic proposition, and as insisting upon the proper treatment of our own nationals, I maintain that it is perfectly right and consistent with the practice of nations in their relations, so far as modern civilization has been known, for America to insist that before we surrender this security our own citizens shall be provided for. [Applause.] We may justly say to Germany, "We hold this property of your citizens. You have agreed we may take it and apply it to the settlement of American claims. We do not want to do that. We want to return it to your citizens at the earliest possible date, but before we do that we want you to provide for the settlement of the claims of our people." Can Germany complain at that?

When we return as high as $10,000 of each trust, as this bill proposes, we settle in full, 93 per cent of all the trusts in number; we ameliorate the hardships of retaining this property, and at the same time we will not substantially impair any purpose for which it is held.

Mr. DAVIS of Tennessee. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAYBURN. I yield 10 minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER of Wisconsin. Mr. Chairman, I have here a work of authority on international law. It is the Wilson and Tucker book—George Grafton Wilson, professor of international law in Harvard University, and George Fox Tucker, late reporter of decisions of the Supreme Judicial Court of Massachusetts, a volume used in Georgetown University and in many other of the great schools of the country as a textbook. I read from page 249:

> Many modern treaties provide that in case of war between the parties to the treaties subjects of each State may remain in the other, "and shall be respected and maintained in the full and undisturbed enjoyment of their personal liberty and property so long as they conduct themselves peaceably and properly and commit no offense against the laws." The most recent practice has been to exempt personal property of the subject of one belligerent State from all molestation, even though it was within the territory of the other at the outbreak of war. Of course, such property is liable to the taxes, etc., imposed upon others not enemy subjects.

I now invite attention to the rules of war issued by our own War Department:

> Instructions for the government of the Armies of the United States in the field.
> War Department, Adjutant General's office, April 24, 1863.

Here is section 38:

> Private property, unless forfeited by crimes or by offenses of the owner, can be seized only by way of military necessity for the support or other benefit of the Army or of the United States.
> If the owner has not fled, the commanding officer shall cause receipt to be given, which may serve the spoliated owner to obtain indemnity.

Under these rules of war, laid down by our own War Department, there can be no confiscation of private property.

In this book is also a copy of the convention for the pacific settlement of international disputes known as The Hague Convention of 1907. An annex to that convention is entitled "Regulations respecting the laws and customs of war on land."

One of these regulations is:

> ART. 46. * * * Private property can not be confiscated.

These statements of the law are in exact accord with the views of Senator Knox. Now, the gentleman from Illinois [Mr. CHINDBLOM], with something of criticism in his tone, asked the gentleman from Missouri [Mr. HAWES] if Secretary Knox meant what he wrote or if he would have said something different had he been Secretary of State instead of a United States Senator.

Mr. CHINDBLOM. That is not what I said.

Mr. COOPER of Wisconsin. That is precisely what the gentleman intimated.

Mr. CHINDBLOM. That is not what I said.

Mr. COOPER of Wisconsin. The gentleman intimated that there might have been a different expression of opinion.

Mr. CHINDBLOM. I asked the gentleman if he knew of any act of Secretary Knox while he was Secretary of State. If he did, I wanted to know it as a matter of information.

Mr. COOPER of Wisconsin. And the gentleman from Illinois also asked the gentleman from Missouri [Mr. HAWES] more than once if he knew whether if Knox had then been Secretary of State he would have said what he did.

Mr. CHINDBLOM. I did not say that, sir.

Mr. COOPER of Wisconsin. Then I entirely misunderstood the gentleman from Illinois.

Mr. FIELDS. The gentleman said something very similar to it.

Mr. COOPER of Wisconsin. Yes; something very similar, half a dozen gentlemen over here say.

Senator Knox wrote in his letter to Professor Borchard, of Yale University:

> I am in entire sympathy with your views relative to the seizure of German private property during the war. I have expressed on the floor of the Senate the opinion that in order to follow our traditions, and be decent, this property should be returned.

Our traditions! What traditions? The traditions of the Senate? No; not at all; but the traditions of the National Government—the great traditions of the State Department, of which he had been an illustrious Secretary. Our traditions and common decency, said the Senator and former great Secretary of State, demand that this property be returned. He declared also in the same letter that respecting the seized property, our only proper function was to conserve it during the period of hostilities and retain possession of it only until the adjustment of the terms of treaty of peace with Germany.

Mr. KELLEY of Michigan. Will the gentleman yield?

Mr. COOPER of Wisconsin. I can not yield, I regret, as I have only 10 minutes. I have here a letter from a friend in my district.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. COOPER of Wisconsin. I can not unless I can get my time extended. Here is a letter, dated January 15 last, from one of my constituents. Let me read a part of it:

> The custodian has had investment interests and real estate turned over to him in the Fannie Kords matter aggregating nearly $37,000.
> Personally it would please me to have everything returned and the office of Alien Property Custodian abolished, but I suppose there are powerful influences who bought German patents from the custodian who would fight that desperately.
> The reason Mrs. Kords is still in Germany is that she has no money to buy transportation and the necessary clothing. I have advanced her nearly $4,000, which she used in paying debts contracted during the war and living expenses since 1918; but there is a limit to what I can do.

Let no person rise here and tell me that you and I have the right—not the power, but in justice and honor, the right—by our votes, to give to any man the authority to hold the property of that aged widow, a refined, delightful woman, as security for something which a government may owe to somebody else.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. GRAHAM of Illinois. Is this woman an American citizen?

Mr. COOPER of Wisconsin. No.

Mr. GRAHAM of Illinois. Had she resided in the United States?

Mr. COOPER of Wisconsin. Yes. I knew her.

Mr. GRAHAM of Illinois. She went to Germany and was detained there?

Mr. COOPER of Wisconsin. She was caught there by the war and could not come to the United States.

Mr. GRAHAM of Illinois. Well, she will get $10,000, and she will not only get $10,000 but the income on all the rest.

Mr. COOPER of Wisconsin. That makes no difference at all. You have no right to confiscate any part of that woman's property under the rules which for 100 years have governed civilized warfare.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. COOPER of Wisconsin. I would like to have a minute more.

Mr. RAYBURN. I yield to the gentleman one minute.

Mr. COOPER of Wisconsin. What is now being done here is in accord with what has been before attempted. The original peace resolution—I hold in my hand a copy of it—after reciting that peace had come between the United States and Germany, provided, among other things, that "all fines, forfeitures, penalties, seizures, and sales imposed or made by the United States of America are hereby ratified, confirmed, and maintained."

That was a deliberate attempt to ratify the sales made by the Alien Property Custodian, A. Mitchell Palmer, when he disposed of the German patents, sales in which, as President Harding has declared, the inadequacy of price was so gross as to constitute a badge of fraud. That resolution (H. J. Res. 126) was introduced in the House on May 20, 1921.

Mr. ELLIS. Was it passed?

Mr. COOPER of Wisconsin. No; but it was introduced by the chairman of the Committee on Foreign Affairs after consultation with the present Alien Property Custodian, and plainly shows the custodian's attitude toward the property.

Under leave granted I desire to add a word that I was by lack of time prevented from saying to gentlemen here who demand that this Government do everything that it has the power to do in accordance with the letter of the law—gentlemen who insist on the letter of the bond.

These gentlemen this afternoon loudly cheered at the conclusion of the reading of Washington's Farewell Address; I wish now to invite their especial attention to a passage in that immortal document which may have escaped their notice:

> It will be worthy of a free, enlightened, and at no distant period a great nation to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that in the course of time and things the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it?

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. WINSLOW. Mr. Chairman, I yield eight minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Chairman and gentlemen of the committee, there is little difference between us regarding the law. The United States has always stood for justice with regard to this class of controversies. The United States has always stood and insisted that when private property of aliens was taken in war that it should be returned or its value accounted for. The United States has often gone further than that. As the gentleman from Pennsylvania stated, very early in the history of our country we tried to apply that proposition to the taking of property upon the seas as well as on the land. We stand committed to that doctrine. We have never violated it throughout our entire international history. We stand for it to-day.

Now, what is the situation that we have confronting us now? During the war with Germany, property belonging to German citizens in our territory was taken over by the United States Government. Gentlemen now say that it was wrongfully taken over. Gentlemen now say that we had no right to do it, and, strange to say, the gentlemen who most loudly proclaim that doctrine belong to the party of the administration that took over the property. It was not the present administration that was responsible for taking the property; it was the last administration.

This present administration is trying to do its very best to see that no wrong shall come because of that taking over, if any wrong was done, of the last administration, and I ask you gentlemen to remember this fact: That if wrong was done by the last administration, either in taking over the property, in handling it, or disposing of it, this administration is called upon to right the wrong and make restitution, because if property taken over by the last administration was sold for a price less than its value, then this administration will have to account for it, for the reason that it is not what the property sells for, it is what the property absolutely is worth that the National Government will be called upon to account for when it comes to final settlement.

What has this administration done with regard to the matter? The United States and its nationals have claims against the German Government for probably over $100,000,000. The German Government and German nationals have claims against the United States amounting now to about $350,000,000. We say to Germany, "Let us settle these claims in an amicable way," and we enter into negotiations with Germany, and a commission is appointed for the settlement and ascertainment of those claims. Is not that a good thing to do? Do gentlemen not agree to that? Within three years after the war had closed, not at a time when we could impose or sought to impose a treaty upon Germany, we made a declaration with regard to peace between this country and Germany, and entered into negotiations with Germany asking that the settlement should be deferred until there could be an adjustment of claims on both sides, and that the property should be retained until it could be settled on both sides. Was that a wrong thing to do? Gentlemen say that we are now holding this property and by that means are confiscating it. No; very far from that. By arranging to pay the claims, by entering into an agreement as to a means of paying them, we acknowledge our liability, not disclaim it. To adjust conflicting claims is an arrangement to pay them, not to repudiate them.

It is a reasonable thing, it is a fair thing. It is international law, and it will be respected in any international court. An arrangement has been made that pending ascertainment and adjustment of conflicting claims the United States shall hold the property until the claims of the United States and its nationals shall be ascertained and settled. That is not confiscation. And now we go further; we voluntarily say by this legislation that as we have more than enough to satisfy German claims we will relinquish a fair surplus to claimants. We offer to pay all claims up to $10,000. That will pay in full over 90 per cent of the claims, about 27,000 of the 30,000 filed. Gentlemen complain of that. They declare that by not paying all we declare a policy of confiscation. They declare that making a payment on 90 per cent of the claims in full and of $10,000 on all others is repudiation. They declare that a contract that an adjustment of conflicting claims shall be made is bad policy and that with German property in our hands which Germany agrees shall be held until our claims are fully paid we should surrender it all and trust the chance that a bankrupt and dismembered government may some time pay our claims. That is unreasonable. It is foolish. It is unjust. We are by this legislation not only doing the fair thing, we are acting generously. No man of any party can justify a vote against this bill.

Mr. RAYBURN. Mr. Chairman, I yield one minute to the gentleman from Texas [Mr. HARDY].

Mr. HARDY of Texas. Mr. Chairman, I want that one minute to say that the whole argument of the gentleman from Iowa [Mr. TOWNER] was based on the statement that on this side we had asserted that the original taking of this property was unlawful or wrong. I have not heard a single soul make that statement.

Mr. RAYBURN. Mr. Chairman, I yield 10 minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. I am very glad, indeed, that the gentleman from Texas corrected the statement of the gentleman from Iowa with reference to the attitude of the minority upon the question of the original right of our Government to seize this alien property. We admit that the Government had the right to do it. We admit that it was proper for the Government to seize this property, but upon what theory was it seized? Surely not to dispossess the owners of the title to their property. It was seized upon well-recognized principles of international law, in order that the property itself during the conflict might not be used by alien enemies, or its custody withdrawn from our territory to be used by the enemy elsewhere. It was seized upon that principle, and when it was seized what position legally did the Government of the United States assume with respect to it? Purely that of a custodian or a trustee.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. BANKHEAD. No; I can not yield. I have only a limited time.

It was taken over also in order to protect it against waste and seizure, possibly, by those who had no right to take it in the absence of its owner. So that when it was seized the Government of the United States in its legal aspect assumed the position of a trustee to guarantee that it should be conserved and not destroyed for the period of the war. The war has been over for a number of years. This trustee, this Government of ours, still has possession of the property, but I have not heard any advocate of this bill so bold as to make the argument here that when we seized the property we acquired title to it and, therefore, the right to confiscate its use. We should look at this problem from the broad aspect of what is the proper moral, as well as the legal, disposition to make of it.

Mr. KELLEY of Michigan. Mr. Chairman, will the gentleman yield to me?

Mr. BANKHEAD. Yes.

Mr. KELLEY of Michigan. The gentleman from Pennsylvania [Doctor TEMPLE] asserted a doctrine which I think would appeal to the gentleman from Alabama, in that the German Government had agreed that this arrangement should be made. Does the gentleman from Alabama think that the German Government had no authority to make such an arrangement with the United States with respect to this property?

Mr. BANKHEAD. I think it had the right to make an arrangement with the United States undoubtedly.

Mr. KELLEY of Michigan. If it had, then it becomes responsible to its own citizens for the claim.

Mr. BANKHEAD. But because the now existing Government of Germany made an arrangement with the Government of the United States in a treaty of peace, it could not, either by international law or in good conscience or morals, thereby deprive the owners of the property of the inherent right they would have as owners in the property.

Mr. KELLEY of Michigan. Without its becoming liable to those owners.

Mr. BANKHEAD. In no event, as I look at the proposition.

Mr. DAVIS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. DAVIS of Tennessee. I call attention to the fact that in order that article 5 of the Berlin treaty may prevail against German nationals it is necessary to treat it as retroactive, because it changes previous treaties and the previous status of nationals and their property.

Mr. BANKHEAD. Of course. What disposition should we make of this property? This is not a partisan question, although an effort has been made to criticize the former administration.

The question is, What in equity and in good conscience as a matter of practical statesmanship should we do with this German property? Why, I asked the gentleman in charge of this bill, the gentleman from Minnesota [Mr. NEWTON], if he believed in confiscation, and he said, "no"; he repudiated the doctrine. I asked him if Germany did not settle those claims, how long were they to hold this property, fifty years, and he said probably so, if these claims were not settled. Gentlemen, does not that mean the practical confiscation of this property? If you deny the legal owners of this property the right of its possession and use for a long period of time—say, 25 or 50 years—is not that tantamount to its absolute confiscation, because the interest upon it, they being deprived of its possession for that period of time, would more than amount to the principal, and in the long run it would be confiscation. So that, gentlemen, the position I take is that as trustee of this property, the question as it now comes is, What disposition shall we make of it? The treaty of Berlin provides that it shall be held by the Government of the United States until the question of its disposition shall be determined by law, and assuredly the law referred to is such law as we shall enact at this time, now that we are undertaking to deal with the subject. Otherwise it will simply resolve itself into the question of shall we hold it, denying any claim of ultimate confiscation, or shall we return it to the owners and allow them to use it as they see fit as their own property. If it is correct in principle, as has been asserted here on this subject, to return a part of the property, why should it not be equally right to return the whole property at this time and settle this whole problem and get rid of the tremendous expense and annoyance of taking care of and conserving these various estates? Why hand out to these alien property owners a mere dime when we admit that we owe them a dollar and when we admit in the same breath that it is our purpose ultimately to return to them the whole dollar?

It is admitted even on the other side that we should not permanently retain the other 90 per cent of the dollar and attempt to sequestrate it and sell this property in order to collect these debts owed to our private citizens. That is the whole proposition, as I see it, involved in this controversy, and that is the reason why I think the amendment that has been suggested by the gentleman from Texas, when it comes up, should be adopted. What policy have you announced here, the responsible leaders of the majority in favor of this bill, as to what we are going to do with this other 90 per cent of the property? How long are you going to hold it; what terms are you going ultimately to make in reference to its disposition? You have not asserted any policy. You have given us no light on this subject as to what you ultimately propose to do with reference to its future disposition, but here and now we have an opportunity to settle this whole problem in one action and to settle it upon terms of good conscience, equity, and law. Some gentlemen have asserted here that there have been international precedents for this action as proposed by the majority, and my attention has been called to the fact that the settlement of the controversy with France, cited by the gentleman from Illinois [Mr. DENISON], was not at all the matter of taking property in rem, not actual tangible property which has been seized and was being held by the Government as trustee, but one relating to the settlement en bloc of mutual claims which had not been adjusted and did not involve the actual seizure of either personal or real property. There is written in the Constitution of the United States a provision, "Nor shall private property be taken for public use without just compensation to the owner." We are jealous of that right, of course, in reference to our own citizens, and, as has been suggested here, although I have absolutely no patience with the Prussian dynasty with which we combatted during the war, I might say incidentally I have no resident in my district who is a national of Germany who has one dollar's worth of property held by the Government as an alien, yet by the ordinary rules of procedure and hospitality and international policy it seems to me that if we are so zealous of the protection of the rights of our own citizens as to write it into our law that they shall not be deprived of property for public use without compensation, surely we are responsible to those visitors who have come into our midst and invested in property here, under the promise of our protection of their property, to the same character of protection that we give to our own citizens under the Constitution. As a matter of law, the provision of the Constitution to which I have referred protects alien property from seizure for public use as much as it protects that of our own citizens. [Applause.]

Mr. WINSLOW. Mr. Chairman, I yield eight minutes to the gentleman from Missouri [Mr. NEWTON].

Mr. NEWTON of Missouri. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none.

Mr. NEWTON of Missouri. Mr. Chairman, I am one of those who believes it is right to return all the property. I introduced a bill into this House providing for the return of all this property 18 months ago. But if it was right to return all the property then, certainly it is right to return a part of the property now. [Applause.] I am for this bill because, in my judgment, it is the most feasible undertaking that is possible at this late day. From reliable information I am convinced that if we include all the property now, the bill will not pass the Senate. There are millions of people in Germany and Austria who are starving. If we pass this bill 30,000 trusts will be paid in full and $10,000 will be paid on each of the remaining claims; $45,000,000 will be released and that would give a world of relief over there. I called upon the Secretary of State a few days ago for information as to the real conditions in central Europe as reported to him by our diplomatic and consular representatives. The Secretary of State replied to me under date of January 5, 1923, in which he says in part:

> The following information and statistics have been submitted to the Department of State by official American representatives in Germany charged with the compilation of such material.

Mr. Hughes then proceeds to quote from a number of reports submitted by our consular representatives.

A report dated September 20, 1922, gives a quantitative estimate of grain crops in Germany as follows:

November, 1913: The crop for 1913 was 3,532,617 tons of winter wheat. In 1922 it had fallen to 1,637,157 tons.

In 1913 the summer-wheat yield was 510,467 tons. That fell down in 1922 to 268,566 tons. These reports are from our American consuls.

In 1913 winter spelt—that is a species of rye growing in southern Germany—yielded 437,787 tons, which fell in 1922 to 127,957 tons.

Rye, which is their staple for breadstuffs, had a yield in 1913 of 9,087,150 tons, which fell in 1922 to 5,285,231 tons.

The Secretary of State says that in a report from the consul dated November 23, 1922, the following statement is made:

> It is now thought that the grain supply on hand in Germany will last until February instead of January, 1923, as heretofore reported.

I had information to the effect that the Reparation Commission had stated that the grain supply would only last until January, and it would take 2,000,000 tons of grain to feed the people and keep them from starving during the winter. They had evidently made the same statement in a former report, but later information indicates that their bread supply will last until February.

This is due to the importation of large quantities of grain from abroad.

It is clear that the food supply of Germany for the current year is not more than one-half of what it was in 1913. Then one of our consuls reports to the State Department, November 23, as follows:

At present much distress prevails in Germany. The papers are full of appeals for aid to the poor and the people are urged to do everything possible to relieve the great suffering. The fuel situation remains unsatisfactory. Coal prices had to be increased, which is due in no small measure to the fact that a million tons of coal have had to be imported from England each month, the exact figure for October being 918,598 tons. Fortunately for the poorer classes, the winter so far has been quite mild, making the use of coal for heating purposes practically unnecessary. Should colder weather set in, however, the suffering of the poor and of the middle classes will probably be very great, since the price of coal is practically beyond their reach.

Mark you, that report was dated November 23 last. I am advised that cold weather since then has brought untold suffering.

Then I want to call your attention to a statement which the Secretary of State quotes from our ambassador in Berlin. Here is what he says under date of December 21 last:

The milk supply of Berlin is only one-half its former quantity. The bread consumption per capita is 104 units to-day as against 240 units in 1914. In many wards of the city more than one-half of the children are tubercular, and a considerable portion of the population there are wholly without fuel. The ambassador adds that he believes there will be great distress among the population before the middle of February when the food supply will run short and regards the possibilities as appalling.

Gentlemen, imagine, if you can, a situation in a great city like Berlin, with more than 50 per cent of the children in large areas of the city tubercular, without adequate milk; and then imagine the same children undernourished and sick and without fuel to produce heat to keep their bodies warm. If there ever was a time when we ought to act, it is now, and we yet are holding away from 30,000 of those starving, suffering people, to whom we pledged our friendship when the war began, the money that belongs to them.

Oh, you can talk about confiscation and about charging their claims against a bankrupt German Government if you will, but those people came to this country under a treaty agreement which guaranteed protection to their property.

It is interesting to study the provisions of Article XXIII of the treaty in force during the war between the United States and Germany. It reads as follows:

If war should arise between the two contracting parties, the merchants of either country then residing in the other shall be allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carrying off all their effects without molestation or hindrance; and all women and children, scholars of every faculty, cultivators of the earth, artisans, manufacturers, and fishermen unarmed and inhabiting unfortified towns, villages, or places, and, in general, all others whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments and shall not be molested in their persons nor shall their houses or goods be burnt or otherwise destroyed nor their fields wasted by the armed force of the enemy into whose power by the events of war they may happen to fall; but if anything is necessary to be taken from them for the use of such armed force the same shall be paid for at a reasonable price.

The office of the Alien Property Custodian was created within six months after the declaration of war, and I do not know of any German national who was ever permitted to carry off any of his effects which happened to be in this country when war was declared.

The only justification for the creation of the office of Alien Property Custodian was to prevent the nationals who were then our enemies from using their property in this country against us during the war. That was the reason which justified our action at that time, but that reason ceased to exist over four years ago, and still we are holding the property, in the face of our treaty obligations to the German national—a treaty obligation entered into in time of peace when the blood was cool—a treaty obligation which the nationals of Germany and Austria had the right to assume we would faithfully keep, an obligation which plainly provides that the merchant has nine months to carry off all his property, without molestation or hindrance; that all women and children, scholars of every faculty, cultivators of the earth, artisans, manufacturers, and fishermen, unarmed, inhabiting unfortified towns, villages, and places, and, in general, all others whose occupations are for the common subsistence and benefit of mankind should be allowed to continue their employments without molestation.

Could anything be clearer as to the obligation of this Government to protect the national who did not start the war, who could not control the war, who had no power to stop the war?

I have read the debate at the time the alien property bill was passed, and the statements of those who contended that war terminates all treaties. I have read article 23 of the treaty with Germany. In order to show how determined they were that war should not terminate the treaty, let us read article 24 of that document:

And it is declared that neither the pretense that war dissolves all treaties nor any other whatever shall be considered as annulling or suspending this and the next preceding article, but on the contrary, the state of war is precisely that for which they are provided and during which they are to be as sacredly observed as the most acknowledged articles in the law of nature and nations.

Then, too, our President in his message delivered on the day preceding the declaration of war renewed our pledge of friendship to the people of Germany. Let us examine his words:

We have no quarrel with the German people. We have no feeling toward them but one of sympathy and friendship. It was not upon their impulse that the Government acted in entering into this war. It was not with their previous knowledge or approval. It was a war determined upon as wars used to be determined upon in the old, unhappy days when the people were nowhere consulted by their rulers.

That was our declaration, and through the President we declared further:

We are glad, now that we see the facts with no veil of false pretense about them, to fight thus for the ultimate peace of the world and for the liberation of its people, the German people included.

We made a distinction always between the kaiser's government and the German people. We declared that with the people of Germany we had no quarrel over the war; that they did not start it; that they could not stop it; that they could only carry its burdens. Those people had nothing to do with the depredations committed by the kaiser's government, and yet it is those same people with whom we are dealing now.

The declarations of our President, which I have quoted, were scattered by the thousands of copies, printed in German, over the trenches occupied by the German soldiers. Those are the sentiments also that we fed into the German prisoners who were captured, and many of whom were permitted to escape to carry this propaganda back into the German trenches, and it broke the morale of the German Army.

This Congress is not in an enviable position to deny this relief. If there was one man of all the Germans more despicable than all the rest; if there was one German who brought down on his head the condemnation of all Americans, it was Count von Bernstorff, who violated every rule of hospitality, who took advantage of his presence here to violate our neutrality. And yet this Congress passed a law which turned back to his wife, an American heiress, who went to Germany to marry a German title, $1,000,000, while we withhold this money from these humble German girls who never had a chance to marry an American boy. We have paid hundreds of millions of dollars to these rich American women. I contend that that should have been the last to be paid. I hope this bill will be passed without material amendment, because unless it is passed in its present form, if the amount is substantially increased at this late day, it will not pass the Senate, and there will not be a chance on earth to give relief to these suffering people. [Applause.]

Mr. RAYBURN. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. ROACH].

The CHAIRMAN. The gentleman from Missouri is recognized for five minutes.

Mr. ROACH. Mr. Chairman and gentlemen of the committee, if I correctly understood the closing remarks of my colleague from Missouri, who has just yielded the floor, he perhaps has inside information upon the subject under discussion which we do not have. I am not willing to sacrifice, for the sake of expediency, a national principle, and there is certainly a national principle involved in this legislation to which we must not close our eyes. To my mind, the question before us is one simple of solution. The proposition before us is plain and understandable, and why we should complicate it with lengthy discussions of treaties, diplomatic relations, and all that is beyond my understanding. As has been stated by my colleague from Missouri [Mr. HAWES], we are not dealing with property of the German Government but considering the disposition of the private property of individuals.

This property was seized by our Government during the war. The law which authorized its seizure had only one purpose in view, and that one purpose was to prevent any chance of any portion of this property being used against our Government during the war. We all know that in many instances where property was so seized under the provisions of this law that there was not even the slightest of danger of the property or money being used by its owners against our Government, but, of course, the law authorized its seizure just the same. The sole cause upon which the law was bottomed has long ago ceased to exist. The war has closed for lo, these many years,

and all thinking people are devoting their energies in an effort to bring back some semblance of order out of the disorder created by the war. The property seized belonged to thousands of individuals and in the aggregate amounts to multiplied millions of dollars in value. The property in the main is represented by investments small and large made long prior to our entry in the war and at a time when peace and cordial relations existed between our Government and Germany. These investments were made because our own people solicited them. They were made principally through relatives or friends in this country, ofttimes by children for their parents, brother for sister, and so on, and always in the best of faith and with no thought of their property ever being confiscated by our Government. No one contends for a single moment that the property of these private individuals, many of whom are residents of the United States, should be confiscated by our Government for any public debt that may be due from Germany. It is my judgment that the time is now here when all of this property and money should be returned by our Government to its rightful owners. [Applause.]

The only argument that has been advanced for longer withholding the property from its rightful owners is to the effect that it should be held as a guaranty or security for what the German Empire may owe to citizens of the United States. It is generally conceded by every Member who has spoken that we would violate a time-honored and ancient principle of our own Government if we confiscated private property for a public debt due to our citizens from another Government; that such an act upon our part would violate a principle that has run through our form of government since its very foundation. To do otherwise than to return this property would violate an established American doctrine which has been concurred in by our own Presidents from Washington down to Harding, approved by all international law and lawyers, and indorsed by our Secretaries of State from Jefferson to Knox. To continue to hold this private property, even under the pretense that we are holding it as security, is to that extent confiscating it; and any confiscation whatsoever is a clear violation of the ancient and time-honored policies of our Government to which I have referred. The contention that we should hold this property as security, when carried to its logical conclusion, means eventual confiscation of the property. In other words, if the debt was not paid we would expect to take the property—foreclose our security, as it were. I do not believe there is a Member here that has given any study to the subject who would be willing to do that, and in so doing trample down a principle of our own Government that is so old that the memory of man runneth not to the contrary. However, to those who insist upon holding this property as a pledge or security, let me inquire: Why should we hold so large an amount?

The highest estimates that have ever been placed upon the amounts due to citizens of the United States from Germany, including the loss of life from the sinking of the *Lusitania*, is $174,000,000, the major portion of which claims—to be exact, 90 per cent—are based upon insurance claims. Everyone knows that the insurance companies were in the business for the money they could make out of it. Owing to the perils of war they charged and received a high rate of insurance. The premiums were paid—high premiums at that—the shipper delivered his cargo and collected for both his wares and the insurance premiums which he had paid out. If his cargo was lost, he collected his insurance. The premiums were paid. Who, oh who, is now to be paid on account of these insurance claims? And they constitute 90 per cent of the total amount of claims against Germany which have been so much discussed here this afternoon as valid claims. No court or jury on earth would make you or me pay a dollar's worth of claims that have already been paid. Now the actual indebtedness is on account of loss of life on the *Lusitania* and other similar claims, the total amount of which claims are less than $15,000,000; yet it is argued we should hold this entire amount of $350,000,000 worth of private properties as security for a total debt of only $15,000,000. This, too, in the face of the fact that our Government now holds approximately $300,000,000 worth of ships and other property belonging to Germany, which is independent of and has no connection with the $350,000,000 worth of private property which I now insist should be returned to its rightful owners.

The ships and other property of the German Government which we hold is more than ample security, if we must have security, for what the German Government owes to private individuals in this country. A fair deal and a square deal is not going to hurt anyone, and the fair and decent thing for Congress to do is to return this private property to its owners, many of whom are in shamefully destitute circumstances, faced with want and poverty, because of our failure to return their properties to them sooner. Our failure to return this property is fast becoming a national scandal. I wish I had the time to call to your attention in detail some of the instances of privation, want, and hardships to which these people are being subjected. Many Members of Congress have received the most heart-rending appeals upon this subject. Let me read from the testimony of the Alien Property Custodian himself, on page 12, Part I, of the hearings on this bill. Mr. Miller, Alien Property Custodian, in testifying before the Committee on Interstate and Foreign Commerce, said:

> I do think that some legislation of this character should be passed by the present Congress in order to alleviate the hardships of thousands of people whose paltry property is being held by us, and which in the end will undoubtedly be returned to them, especially the small ones. I am not going to take the time of the committee to-day, unless they want to bring it out in questions, to describe to you the letters that we receive and the pathetic appeals that come to us. And if you saw some of the property we are holding belonging to these former enemy subjects you would wonder why the Government ever wanted to hold it a day longer and why we are put to the expense of administering it.

It is time that we performed the simple act of justice of returning this money and property to its rightful owners and to that extent relieve the distressed conditions to which the Alien Property Custodian has referred. Those who have given any thought or attention to the conditions now prevailing in Germany realize that the distress is much greater among their people than the public generally realize. I again quote, and this time from a letter from one of my own constituents:

> I have been a citizen of the United States since about 30 years, and I am proud of it, for I remember so many instances where our United States showed their magnanimity and compassion when, during catastrophes not only of ours but also of other nations, it extended its helping hand to the sufferers as the good Samaritan, not only by private but very often by Government aid. Should we not be loyal now to this old and good usage? What reasons would justify the closing of our hands in this present need, where thousands and millions of our brethren—most of them Christians like you and I, and just as innocent regarding the origin of the Great War—are in the greatest danger to perish, and when they cry to us for help? I give you a quotation of a letter received of recent date from one of my church members by a friend of his in Silesia, which will give you an idea in what mood they are out there at present and what conditions are dominant there, especially in cities. The party is writing (in translation) as follows:
>
> "DEAR FRIENDS: It looks pitiful here in Germany. We are standing at an abyss, and the French are determined to toss us down in order to destroy us forever. Dear friends, please intercede in favor of us with your fellow citizens! We always are reading in papers—America is going to help us. Oh, how we wish that it may come true! The misery is almost unbearable. People walking on the streets in Neustadt (Silesia) look like walking corpses. In cities it is not uncommon for poor people to use borrowed coffins. There is nothing but misery, lamentation, and distress. In many a family children as well as grown persons have no shirt, no clothing, no shoes, no stockings since a long time."

These quotations are typical of the conditions. The millions of money and property which we are now holding without rhyme or reason would greatly alleviate much of this poverty and distress. Private citizens of this country have gone down in their own pockets and advanced some of the claimants of this property temporary assistance in the belief that a just and honorable Government would soon return to them their own properties. We can not longer justify ourselves in withholding it. Why harp upon the subject of diplomatic relations or secret reasons as to why this property can not be returned. Not a single sound reason has been forthcoming from any source. Our Secretary of State was given every opportunity to present reasons before the committee. I am now ready to vote to return every dollars' worth of this property to its rightful owners. No one can successfully argue that such a thing will ultimately not be done. Why not do it now? Shall we be less punctual in the performance of a national duty than Germany? Germany has by legislation long ago returned every dollars' worth of property held by Germany belonging to citizens of the United States. Surely our own Government will no longer delay doing that which everyone concedes should eventually be done. Again let me quote from the testimony of the Alien Property Custodian, Mr. Miller, before the Interstate and Foreign Commerce Committee on page 17 of the hearings in which the following colloquy occurred between Mr. Miller and Mr. LEA of California, who is a member of the committee:

> Mr. LEA. Mr. Miller, suppose that Congress should now definitely determine that it will not take private property for the satisfaction of claims. Would you then know of any reason why Congress should any longer hold this property?
>
> Mr. MILLER. No; if that policy is arrived at there would not be any further reason why we should.

Then, further on in his testimony, as shown on page 19, this colloquy occurred between Mr. Miller and Representative HUDDLESTON, also a member of the committee:

> Mr. MILLER. * * * but I know it is not the desire nor the policy of this administration to resort to confiscation of this private property to pay American claims. It is merely held as a guaranty.
>
> Mr. HUDDLESTON. Well, what is a guaranty worth if you do not intend to enforce it? If the administration has decided definitely upon a policy of not applying in any event this property to the payment of claims, it has no effect as a guaranty and has no effect of

any kind. Are you able to advise us that that is the policy of the administration?

Mr. MILLER. Not to resort to confiscation?

Mr. HUDDLESTON. Yes.

Mr. MILLER. Yes; I am safe in making that statement here to-day.

Mr. HUDDLESTON. Then, if that is correct, there would seem to be no reason for not returning all the property?

Mr. MILLER. That is absolutely so.

Mr. Chairman and gentlemen of the committee, I have considered every scintilla of evidence taken at these hearings and my mind was never clearer upon a subject in my life. Fairness, honesty, upright and straightforward dealing, and every instinct of justice that I have prompt me to urge a return of this property and thereby keep faith with our forefathers in sustaining a principle of this Government that has been steadfastly adhered to by each and every one of our statesmen without regard to their political affiliations. President Wilson said that "we had no war with the German people." When he made that statement he was applauded by the Members of Congress. Let us remember that our part in the World War was said to be for the purpose of pushing back the hand of autocracy. Our first efforts were devoted to breaking down the military machine and destroying its morale. Our airplanes flew over the German lines and dropped tons of literature to do this—urging upon the German people that they would receive fair and decent treatment at the hands of the American Government

The war is now over. We should keep faith with our own pledges, and I for one feel it to be our conscientious duty to not only keep faith with our pledges but to keep faith with our conscience, the traditions of our Government, and sustain in all respects our national principles. We should not compromise upon this matter. A compromise in this case means the continuance of an expensive bureau of our Government that is costing the already overburdened taxpayers multiplied thousands of dollars to support. I would blush with shame to think that we continued to support an unnecessary agency of the Government at the expense of the taxpayers for the mere sake of providing some one with employment, while at the same time doing a gross injustice by withholding from a people the control of their own property, much of which is urgently needed at this time to relieve suffering, want, and distress. [Applause.]

The CHAIRMAN. The gentleman's time has expired.

Mr. ROACH. I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BANKHEAD. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. WINSLOW. Is it in order to extend the time, Mr. Chairman?

The CHAIRMAN. The Chair thinks not.

Mr. WINSLOW. The next speaker on this side to whom I will yield time is the gentleman from Illinois [Mr. GRAHAM]. As I understand it, we have 28 minutes left.

The CHAIRMAN. The gentleman has 28 minutes left.

Mr. WINSLOW. I yield that time to the gentleman from Illinois [Mr. GRAHAM]. [Applause.]

The CHAIRMAN. The gentleman from Illinois [Mr. GRAHAM] is recognized for 28 minutes.

Mr. GRAHAM of Illinois. Mr. Chairman and gentlemen of the committee, I appreciate that it is getting late, and it may be rather hard to hold the attention of the members of the committee to what I want to say. I have some things that I hope may be of some interest.

The principal argument that is made against this bill is the argument that we are doing something immoral by passing it; that we ought to give all the property back; that in not doing so we are violating international law and doing a thing that is nationally immoral. I do not coincide with that theory. In order to get any sort of an idea of what rights a nation has in this matter it may be well for us briefly to go over this proposition from the beginning to see what the rights of this country are, what has been done, and what these acts amount to in a legal sense and in a moral way.

I do not intend to weary you with any long and verbose reading of law, but I want to call your attention to a sentence or two found in the authorities which the minority themselves cite as authorities for their position in this matter. In doing so I want to say to the members of the committee that, as I understand it, it has been the international law, well established and announced by our Supreme Court from the beginning of the history of our Government, that a nation does have the right to confiscate the property of nationals of other countries in times of war, whether they reside within or outside of its country. I read first a brief sentence or two from the case found in Third Dallas, 226 (Ware *v.* Hylton), an authority which is cited by these gentlemen in their minority views. Judge Chace says:

> It appears to me that every nation at war with another is justifiable, by the general and strict law of nations, to seize and confiscate all movable property of its enemy, of any kind and nature whatever, wherever found, whether within its territory or not.

Justice Iredell, in a separate opinion in the same case, stated this—I want to call your special attention to it:

> The right acquired by war—detached from customs, which I am not now considering, or any express stipulation, if there be such—depends on the power of seizing the enemy's effects. It is not grounded on any antecedent claim of property but, on the contrary, the property is admitted to be the enemy's, in the very act of seizing it. Its sole justification is that being forced into a state of hostility—

Notice this, gentlemen—

> by any injury for which no satisfaction could be obtained in a peaceable manner, reprisals may be made use of, as a means to compel justice to be done or to enable the injured party to obtain satisfaction for itself.

Which is just exactly the doctrine enunciated by the gentleman from Pennsylvania [Mr. TEMPLE].

The case of Brown against United States, found in Eighth Cranch's Report, 109, is also cited by these gentlemen of the minority. In that case Chief Justice Marshall held, and it is undoubtedly the law, that the confiscation of enemy property as an act of reprisal in times of war is always justifiable and is sustained by the principles of international law. I quote his language:

> Respecting the power of government no doubt is entertained. That war gives to the sovereign full right to take the persons and confiscate the property of the enemy wherever found is conceded. The mitigations of this rigid rule, which the humane and wise policy of modern times has introduced into practice, will more or less affect the exercise of this right, but can not impair the right itself. That remains undiminished, and when the sovereign authority shall choose to bring it into operation, the judicial department must give effect to its will. But until that will shall be expressed, no power of condemnation can exist in the court. * * * On a review of authorities, I am entirely satisfied that, by the rigor of the law of nations and of the common law, the sovereign of a nation may lawfully confiscate the debts of his enemy during war or by way of reprisal; and I will add, that I think this opinion fully confirmed by the judgment of the Supreme Court in Ware *v.* Hylton (3 Dall. 199), where the doctrine was explicitly asserted by some of the judges, reluctantly admitted by others, and denied by none.

Now, I am not asking for confiscation at all. It is not necessary to do so. That question does not arise in the consideration of this bill. It is not at all a matter for our consideration, but rather a matter of contract rights openly entered into between our Government and the Government of Germany to which I desire to call your attention. Before I go into the facts leading up to the Knox-Porter resolution I want to call your attention to the treaty of 1785 with Prussia. Section 23 of that treaty has been cited by the gentleman from Alabama, I believe, and others, in which section it is stated that merchants of the two contracting countries shall have the right to leave the other country with their goods and have nine months in which to do it. Did you know that also in this treaty is this language? And, gentlemen of the minority, I would like to have you give your careful attention to this:

> ART. 12. If one of the contracting parties should be engaged in war with any other power, the free intercourse and commerce of the subjects or citizens of the party remaining neuter with the belligerent powers shall not be interrupted. On the contrary, in that case, as in full peace, the vessels of the neutral party may navigate freely to and from the ports and on the coasts of the belligerent parties, free vessels making free goods, insomuch that all things shall be adjudged free which shall be on board any vessel belonging to the neutral party, although such things belong to an enemy of the other; and the same freedom shall be extended to persons who shall be on board a free vessel, although they should be enemies to the other party, unless they be soldiers in actual service of such enemy.

That was also a part of the treaty of 1785; and I put it to you now directly, Was not that violated by the German Government repeatedly before the war began, before we entered into it? "Free vessels make free goods." And yet they went upon the high seas and, in the case of the *Lusitania*, the *Sussex*, and the *Essex*, and many others, destroyed our vessels without warning and against our protest, and therefore voided every provision of the treaty of 1785 by their own deliberate act.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. GRAHAM of Illinois. I yield to the gentleman from Minnesota.

Mr. NEWTON of Minnesota. And these claims of American claimants, practically all of them, arise out of the violation of this treaty which the gentleman has cited.

Mr. GRAHAM of Illinois. Yes. Now, let me tell you where these claims come from. Most of these claims arise from that violation of article 12 of the treaty of 1785 before we got into the war. What were they? Claims of the *Lusitania* sufferers amounting to $15,000,000; claims of those who were sunk on the *Sussex* and *Essex*, to the horror and almost to the stupefaction of our whole people. What else? When the war broke out there were in German banks over $40,000,000 of American deposits; and now, at this time, when it is said they have turned back all of our property, do you know that they are offering to pay that money, those deposits, in depreciated German marks? With marks at many thousands to the dollar, you will observe that these claims of American citizens are practically destroyed unless some aid comes from our Government.

The insurance claims also were claims contracted before we entered the war and on account of the German Empire violating the terms of the treaty I have mentioned.

Now, what right did we have to enter into the Knox-Porter resolution and what right did the German Government have to enter into such a negotiation? The treaty of Versailles is familiar to all of us, but perhaps not all of the provisions. But this is in the treaty of Versailles:

Germany undertakes to compensate her nationals in respect to the sale or retention of their property rights or interests.

Germany undertakes to take care of the claims of her nationals, and so provided in the treaty of Versailles.

When the Senate refused to confirm and ratify the treaty of Versailles, desiring to end the technical state of war, the Congress passed the Knox-Porter resolution. I quote from its language:

All property of the Imperial German Government, or its successor or successors, and of all German nationals which was on April 6, 1917, in or has since that date come into the possession or under control of or has been the subject of a demand by the United States of America or of any of its officers, agents, or employees from any source or by any agency whatsoever, and all property of the Imperial and Royal Austro-Hungarian Government, or its successor or successors, and of all Austro-Hungarian nationals which was on December 7, 1917, in or has since that date come into possession or under control of or has been the subject of a demand by the United States of America or any of its officers, agents, or employees, from any source or by any agency whatsoever, shall be retained by the United States of America, and no disposition thereof made except as shall have been heretofore or specifically hereafter shall be provided by law, until such time as the Imperial German Government and the Imperial and Royal Austro-Hungarian Government, or their successor or successors, shall have respectively made suitable provision for the satisfaction of all claims against said governments, respectively, of all persons, wheresoever domiciled, who owe permanent allegiance to the United States of America and who have suffered through the acts of the Imperial German Government, or its agents, or the Imperial and Royal Austro-Hungarian Government, or its agents, since July 31, 1914, loss, damages, or injury to their persons or property, etc.

The Knox-Porter resolution was approved by the President July 2, 1921. On August 25, 1921, the treaty of Berlin was signed, and afterwards ratified on November 11, 1921. This treaty, in part, recited the language of the Knox-Porter resolution, just quoted, and then the following language was used:

ARTICLE 1. Germany undertakes to accord to the United States, and the United States shall have and enjoy, all the rights, privileges, indemnities, reparations, or advantages specified in the aforesaid joint resolution of the Congress of the United States of July 2, 1921, including all the rights and advantages stipulated for the benefit of the United States in the treaty of Versailles which the United States shall fully enjoy, notwithstanding the fact that such treaty has not been ratified by the United States.

Now, that sort of a treaty having been entered into between the two nations, the question is whether the German Government had the right to make such a treaty, and if so, how far did it bind its nationals in so doing?

I want to call attention to the constitution of the new German Republic. How far, if you please, can any nation take the property of its citizens and apply the same in satisfaction of the claims of other nations? The law is plain and has been held in almost every civilized country in the world that a nation has such a right. Not only has it such a right in Germany but this right has been written expressly in the constitution of the new German Republic. Let me read the first section, 153, of the constitution of the German Republic, established August 11, 1919:

The constitution guarantees the right of private property. Its nature and limitations are defined by law. Expropriation—

That is what we are talking about—

shall take place only for the common good and shall be subject to due process of law.

There shall be appropriate compensation, unless otherwise provided by Federal law. Property rights impose certain duties. The use of property shall serve for the common good.

Article 7 of the constitution says:

The Federal State has jurisdiction over: * * * matters concerning expropriation.

Therefore in the most explicit language the German people have written into their fundamental law the right of the German Republic to use their property and money in satisfaction of the claims of other nationals.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. HUDDLESTON. I would like to ask whether the gentleman considers that the owners of this property now held by the Alien Property Custodian had their property taken by the German Government under due process of law?

Mr. GRAHAM of Illinois. Does the gentleman think that he and I and the other Members of this Congress have the right to pass upon that question? We must assume that when the German Government has entered into a treaty which has been signed by properly designated agents that these agents have the proper authority. To do otherwise would be to possibly repudiate every treaty that we ever entered into.

Mr. HUDDLESTON. Have they been compensated as required by that constitution?

Mr. GRAHAM of Illinois. I do not know, but that question is a question to be settled between the German Republic and its citizens.

Mr. HUDDLESTON. The gentleman has argued that this property has been legally taken.

Mr. GRAHAM of Illinois. Legally, so far as we are concerned.

Mr. HUDDLESTON. In order to have been legally taken, there must have been a day in court, and due process of law, and compensation therefor. It is upon the gentleman to establish those things.

Mr. GRAHAM of Illinois. The Congress, when this treaty has been entered into by properly accredited representatives and has been ratified by the two nations, need not use its time in passing upon the question of whether some citizen in Germany has had his day in court. There is no day in court as between nations. Nations deal with each other in one of two ways, either by treaties or by wars. In this case they have made an agreement which is before us, and which is to us the law of the land.

I want to read now what the supreme court of Germany holds on this matter. On October 8, 1918—B. against Konkurs—in a case involving this same proposition, that court said:

Thus * * * the compensation in regard to all rights in property or in the use of the same shall take the place of the expropriated object. * * * By virtue of a Federal law, the owner is to be compensated for the thing expropriated on account of public interest.

Thus further announcing the policy which I have stated, which is developed more in Germany than in this country, because, so far as I know, our courts have not yet in this country passed on the right of a nation to take private property and devote it to a public use of this kind, but I have no doubt as to the right to do so. The citations of German law I have given are from a brief submitted to the committee by counsel for the *Lusitania* victims, Mr. George Whitefield Betts, jr., and his associate counsel.

Mr. RAYBURN. I think we all agree that the power exists, but has any nation in the world in the last hundred years exercised that power?

Mr. GRAHAM of Illinois. Oh, yes; we ourselves have.

Mr. RAYBURN. And has any international writer indorsed that doctrine?

Mr. GRAHAM of Illinois. If I have the time I shall show you that we have done it time and time again. Reading now from Butler's Treaty Making Power of the United States, which is one of the most modern works upon the subject, volume 2, page 283:

The third instance referred to is the right of eminent domain; the treaty-making power of the United States has frequently been exercised in the settlement of international disputes in such manner that claims of citizens of the United States against foreign governments have been wiped out and absolutely surrendered, so that they can never be asserted by the citizens either in the courts of this country or in the courts of the debtor government; and this without providing any remedy, or prospect of indemnity, except such as Congress may thereafter provide, at its own time and convenience.

In support of that proposition the author cites precedent after precedent, and let me call the attention of gentlemen to the following treaties which the United States has ratified in our time, or at least within recent times, in which American claims were wiped out and the Government of the United States agreed to stand good for them, just as Germany has agreed in this. During the last 20 years these treaties have been entered into:

Under the convention of 1880 with France, under the agreement of 1885 with Haiti, under the agreement of 1885 with Venezuela, under the protocol of 1891 between Great Britain, Portugal, and the United States, under the convention of 1892 with Chile, under the convention of 1892 with Venezuela, under

the treaty of 1898 with Spain, and some other instances; but during the last 20 years there are eight or ten times when we did that thing; that is, destroyed the right of our citizens to collect their claims from other countries. Those claims have been pending in the Congress of the United States; perhaps many of them have been adjusted; but I judge from what I have heard here to-day that many of them are yet pending in which we are responsible to the citizens of the country for wrongs done and injuries committed by other nations. Germany has done that thing here, and Germany has the right to do it under the principles of law and under her constitution and decisions of her supreme court. We have come here to-day asking simply to carry out the contract which Germany made.

Mr. GRIFFIN. If the German Republic has assumed responsibility for these claims, does the gentleman not think that this bill goes too far in even paying the claims to the extent of $10,000?

Mr. GRAHAM of Illinois. No; I do not think so.

Mr. GRIFFIN. How does the gentleman justify that?

Mr. GRAHAM of Illinois. I do not attempt to justify the $10,000 any more than I would justify $11,000 or $9,000. Ten thousand dollars was taken as an arbitrary figure, which was thought to include most of them, and would give back to these people enough to tide them over this time of temporary need and would not impair at all this pledged property which is now in our hands.

Mr. GRIFFIN. This is only an indulgence?

Mr. GRAHAM of Illinois. It is simply to help them out. That is the size of it. To be frank about it, let me say this: If you do not pass this bill, we are not apt to get anything, because gentlemen will understand that there is a spirited opposition to even this small amount of indulgence which the bill will meet elsewhere, and it is better to give these people all we can and at the same time retain the pledge, so that our American citizens will be protected, than it is to do nothing. Therefore, I say, as a practical matter the thing to do is to pass this bill, and even if you put on such an amendment as the gentleman from Texas [Mr. RAYBURN] has suggested and declare that ultimately it will all be returned, it will mean defeat of the legislation entirely. I can not make up my mind that I can say that all of this property ought to go back to the citizens of Germany, in view of what has occurred, in view of the pledges and promises and treaties that have been made. I can not forget the screams and wails of the victims of the *Lusitania* when she plunged into the Atlantic on that sad day in our history. So far as I am concerned, I do not propose to adopt any scuttling policy when it comes to protecting the rights of Americans in matters of this kind.

Mr. RAYBURN. If there were no other way of collecting those claims, the gentleman would confiscate this property?

Mr. GRAHAM of Illinois. I would look after American citizens first. During the last two years in this country there has been a policy promoted—some of it fathered by the administration that preceded this—by which claims of American citizens in foreign countries have been somewhat lightly regarded. This vacillating and weak policy has been the source of a great deal of international trouble. I would wipe out that policy and do what I could to look after Americans first.

Mr. RAYBURN. The gentleman says, then, his answer is that he would confiscate this property?

Mr. GRAHAM of Illinois. I said nothing of the kind. It is not necessary for me to cross that river until I get to it. I am talking about the situation as it exists. I am talking about a contract which Germany and the United States have entered into and which we are simply trying to put into practical operation by this legislation. It seems to me a question of a charitable act to people in other countries who now need succor and assistance.

Mr. TILSON. Can the gentleman tell us about the per cent in number of these claims that this will take care of?

Mr. GRAHAM of Illinois. Ninety per cent.

Mr. TILSON. So there will be only 10 per cent——

Mr. NEWTON of Minnesota. Ninety-three per cent.

Mr. GRAHAM of Illinois. All right; 93 per cent. It will do this further thing. Gentlemen have lost sight of one provision of this bill. This bill not only gives back the $10,000 but gives all persons whose property was seized the net income of all their property. I believe the German who had his property seized and which is now in the hands of the Alien Property Custodian is better off than if he had had the property himself.

Mr. SABATH. How about the resident alien; would he be better off?

Mr. GRAHAM of Illinois. The same law applies to him.

Mr. SABATH. Well, Germany could not seize the property?

Mr. GRAHAM of Illinois. Why, the right of the German Government extends to any German any place, anywhere, just as our right extends to our citizens any place in the world. This includes the right of taxation, the right of levying any sort of a tax that they can collect from the property of their own nationals.

Mr. SABATH. Is the gentleman contending that the German Government could take the property of a German resident in the United States?

Mr. GRAHAM of Illinois. A German citizen?

Mr. SABATH. Yes.

Mr. GRAHAM of Illinois. If they can get hold of the property, they can.

Mr. SABATH. Ah, getting hold of it.

Mr. GRAHAM of Illinois. The right exists. It is only a matter of getting jurisdiction over the property.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. GRAHAM of Illinois. I will.

Mr. SANDERS of Indiana. As a matter of fact, under the alien property law we never seized any property except aliens who were living in Germany and other countries. We did not seize the property of aliens living in this country.

SEVERAL MEMBERS. Oh, yes.

Mr. SANDERS of Indiana. Except those who were interned.

Mr. GRAHAM of Illinois. The situation, as I understand it, is that we seized the property of those whom we thought to be dangerous.

Mr. SANDERS of Indiana. Those who were interned.

Mr. GRAHAM of Illinois. Where we thought they were dangerous aliens, whether resident or not; but there are a good many aliens in this country whose property we did not take at all, and much of the alien property has never been under control of the Alien Property Custodian. Now, this is a measure of relief that ought to be given. It will help a lot. Forty-five million dollars in Germany will do these people a lot of good. Now I want to say something in reference to Austria-Hungary. Some gentlemen have a wrong impression about it. It is a sad condition, as Mr. HAWES has demonstrated to you, but there are claims pending before the Mixed Claims Commission of approximately $15,000,000 against Austria-Hungary and there are only assets of about nine or ten millions seized from nationals of that country. It is claimed by the Secretary of State in a letter which is in the record that most of these claims are those that originated from submarines that occurred in the Mediterranean Sea.

A part of the letter of the Secretary of State about these Austro-Hungarian trusts is as follows:

> In so far as shown by the records of the department, 61 claims have been filed by American citizens against the Imperial and Royal Austro-Hungarian Government for compensation for losses resulting from the torpedoing of vessels by submarines of that Government, for military requisitions made by that Government, and for damage or injury to persons and property. The total amount of these claims is approximately $13,043,913.
>
> In addition to the foregoing claims filed with the department against the Imperial and Royal Austro-Hungarian Government, it is not unlikely that many of the claims of American citizens filed with the department against the Government of Germany may, upon investigation, be found to be claims for losses for which the Imperial and Royal Austro-Hungarian Government should be responsible. This possibility arises from the fact that claims for losses resulting from submarine warfare have been filed against Germany in cases where the government responsible for the act has not been determined.
>
> The treaties concluded with Austria and Hungary to reestablish friendly relations with those nations contain provisions securing to the United States all the rights, privileges, indemnities, reparations, and advantages specified in the joint resolution of Congress of July 2, 1921, declaring the state of war terminated, including all rights and advantages stipulated for the benefit of the United States in the treaties of Versailles, St. German en Laye, and Trianon. The resolution of July 2, 1921, provided, among other things, that sequestrated property should be retained by the United States until such time as the enemy governments made suitable provision for the settlement of claims growing out of the war.
>
> It appears that the proposed bill is based upon the assumption that the claims of American citizens against the Imperial and Royal Austro-Hungarian Government for losses suffered by reason of the acts of that Government or its agents have been suitably settled, or that no such claims ever existed. As seen from the foregoing, this assumption is incorrect.
>
> I am, my dear Mr. WINSLOW, very sincerely yours,
>
> CHARLES E. HUGHES.

So it will be seen that if you turn this property back you may deprive a great many American citizens, who otherwise might have some hope of getting their just claims paid, of that right.

Mr. EDMONDS. Does the gentleman think it would help the program on the other side if we simply amend the bill so as to return Bergdoll his money?

Mr. GRAHAM of Illinois. We have got a provision in the bill which I think will stop Grover Cleveland.

Mr. GARRETT of Tennessee. I want to ask the gentleman if these claims which he mentions in reference to Austria-Hungary were by insurance companies?

Mr. GRAHAM of Illinois. No; they are claims for loss of life and loss of property.

Mr. GARRETT of Tennessee. By insurance companies?

Mr. GRAHAM of Illinois. No; I think not.

Mr. HAWES. The gentleman will remember I asked the Alien Property Custodian the character of these claims, and he said to the best of his knowledge they were insurance claims from Austria-Hungary.

Mr. GRAHAM of Illinois. I did not so understand it.

Mr. WINSLOW. That is what he said, but the other man said something else.

Mr. GRAHAM of Illinois. Whatever may have been his statement, the Secretary of State has given us a very definite idea of their nature in his letter I have just quoted. I trust the bill will pass in its present form.

The CHAIRMAN. The time of the gentleman has expired; all time has expired.

Mr. GRAHAM of Illinois. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. NEWTON of Minnesota. Mr. Chairman, I make the same request.

Mr. HAWES. I make the same request.

The CHAIRMAN. Is there objection? [After a pause.] the Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That section 9 of the "trading with the enemy act," as amended, is amended to read as follows:

Mr. LONDON. Mr. Chairman——

The CHAIRMAN. The Clerk has not finished reading the section. The bill is being read by sections.

Mr. TILSON. That section extends to page 13, line 7.

The CHAIRMAN. The Clerk will read.

Mr. LONDON. I make the point of order, Mr. Chairman, that there is no quorum present.

The CHAIRMAN. The gentleman from New York makes the point of order that there is no quorum present. The Chair will count.

Mr. LONDON. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The gentleman withdraws the point of order. The Clerk will read.

The Clerk continued to read, as follows:

"SEC. 9. (a) That any person not an enemy or ally of enemy claiming any interest, right, or title in any money or other property which may have been conveyed, transferred, assigned, delivered, or paid to the Alien Property Custodian or seized by him hereunder and held by him or by the Treasurer of the United States, or to whom any debt may be owing from an enemy or ally of enemy whose property or any part thereof shall have been conveyed, transferred, assigned, delivered, or paid to the Alien Property Custodian or seized by him hereunder and held by him or by the Treasurer of the United States, may file with the said custodian a notice of his claim under oath and in such form and containing such particulars as the said custodian shall require; and the President, if application is made therefor by the claimant, may order the payment, conveyance, transfer, assignment, or delivery to said claimant of the money or other property so held by the Alien Property Custodian or by the Treasurer of the United States, or of the interest therein to which the President shall determine said claimant is entitled: *Provided*, That no such order by the President shall bar any person from the prosecution of any suit at law or in equity against the claimant to establish any right, title, or interest which he may have in such money or other property. If the President shall not so order within 60 days after the filing of such application, or if the claimant shall have filed the notice as above required and shall have made no application to the President, said claimant may institute a suit in equity in the Supreme Court of the District of Columbia or in the district court of the United States for the district in which such claimant resides, or, if a corporation, where it has its principal place of business (to which suit the Alien Property Custodian or the Treasurer of the United States, as the case may be, shall be made a party defendant), to establish the interest, right, title, or debt so claimed, and if so established the court shall order the payment, conveyance, transfer, assignment, or delivery to said claimant of the money or other property so held by the Alien Property Custodian or by the Treasurer of the United States or the interest therein to which the court shall determine said claimant is entitled. If suit shall be so instituted, then such money or property shall be retained in the custody of the Alien Property Custodian, or in the Treasury of the United States, as provided in this act, and until any final judgment or decree which shall be entered in favor of the claimant shall be fully satisfied by payment or conveyance, transfer, assignment, or delivery by the defendant, or by the Alien Property Custodian, or Treasurer of the United States on order of the court, or until final judgment or decree shall be entered against the claimant or suit otherwise terminated.

"(b) In respect of all money or other property conveyed, transferred, assigned, delivered, or paid to the Alien Property Custodian or seized by him hereunder and held by him or by the Treasurer of the United States, if the President shall determine that the owner thereof at the time such money or other property was required to be so conveyed, transferred, assigned, delivered, or paid to the Alien Property Custodian, or at the time when it was voluntarily delivered to him or was seized by him, was—

Mr. BLANTON. Mr. Chairman, a point of order. I make the point of order that we are proceeding in violation of the order of the House in that by unanimous consent it was ordered that at any time after 5 o'clock it would be in order to move to recess until 8 o'clock.

The CHAIRMAN. The Chair suggests to the gentleman that it is after 5 o'clock and before 8 o'clock, so that there is no violation of the order.

Mr. BLANTON. In conformity with that order, so that the House may recess in time to meet at 8 o'clock, I move that the committee do now rise.

Mr. TILSON. The gentleman can not interrupt the reading.

Mr. BLANTON. I can interrupt the reading at any time.

Mr. MONDELL. The Clerk is reading the first section of the bill. As soon as he has concluded that we shall move that the committee rise.

The CHAIRMAN. The Chair is of the opinion that the motion of the gentleman from Texas is in order. The question is on agreeing to the motion that the committee do now rise.

The question was taken; and the Chairman announced that the "noes" appeared to have it.

Mr. BLANTON. Mr. Chairman, I ask for a division.

The committee divided, and the affirmative vote was taken—ayes 5.

Mr. BLANTON. Mr. Chairman, I withdraw that motion.

Mr. CHINDBLOM. Mr. Chairman, the motion is withdrawn.

The CHAIRMAN. The Chair thinks that the motion can not be withdrawn at this stage.

Mr. BLANTON. I make the point of no quorum. I presume I can do that.

The CHAIRMAN. The gentleman will get his opportunity.

The negative vote was taken—noes 65.

The CHAIRMAN. On this motion the ayes are 5 and the noes are 65.

So the motion was rejected.

The CHAIRMAN. Does the gentleman from Texas insist on his point of order that there is no quorum present?

Mr. BLANTON. I understand that the committee is not going to sit after the reading of this section is completed. I will withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn. The Clerk will read.

The Clerk continued to read, as follows:

(1) A citizen or subject of any nation or State or free city other than Germany or Austria or Hungary or Austria-Hungary and is at the time of the return of such money or other property hereunder a citizen or subject of any such nation or State or free city; or

(2) A woman who, at the time of her marriage, was a subject or citizen of a nation which has remained neutral in the war, or of a nation which was associated with the United States in the prosecution of said war, and who, prior to April 6, 1917, intermarried with a subject or citizen of Germany or Austria-Hungary and that the money or other property concerned was not acquired by such woman, either directly or indirectly, from any subject or citizen of Germany or Austria-Hungary subsequent to January 1, 1917; or

(3) A woman who at the time of her marriage was a citizen of the United States, and who prior to April 6, 1917, intermarried with a subject or citizen of Germany or Austria-Hungary, and that the money or other property concerned was not acquired by such woman, either directly or indirectly, from any subject or citizen of Germany or Austria-Hungary subsequent to January 1, 1917; or

(4) A citizen or subject of Germany or Austria or Hungary or Austria-Hungary and was at the time of the severance of diplomatic relations between the United States and such nations, respectively, accredited to the United States as a diplomatic or consular officer of any such nation, or the wife or minor child of such officer, and that the money or other property concerned was within the territory of the United States by reason of the service of such officer in such capacity; or

(5) A citizen or subject of Germany or Austria-Hungary, who, by virtue of the provisions of sections 4067, 4068, 4069, and 4070 of the Revised Statutes and of the proclamations and regulations thereunder, was transferred, after arrest, into the custody of the War Department of the United States for detention during the war and is at the time of the return of his money or other property hereunder living within the United States; or

(6) A partnership, association, or other unincorporated body of individuals outside the United States, or a corporation incorporated within any country other than the United States, and was entirely owned at such time by subjects or citizens of nations, States, or free cities other than Germany or Austria or Hungary or Austria-Hungary and is so owned at the time of the return of its money or other property hereunder; or

(7) The Government of Bulgaria or Turkey, or any political or municipal subdivision thereof; or

(8) The Government of Germany or Austria or Hungary or Austria-Hungary, and that the money or other property concerned was the diplomatic or consular property of such Government; or

(9) An individual who was at such time a citizen or subject of Germany, Austria, Hungary, or Austria-Hungary, or who is not a citizen or subject of any nation, State, or free city, and that such money or other property, or the proceeds thereof, if the same has been converted, does not exceed in value the sum of $10,000, or although exceeding in value the sum of $10,000 is nevertheless suceptible of division, and the part thereof to be returned hereunder does not exceed in value the sum of $10,000: *Provided*, That an individual shall not be entitled, under this paragraph, to the return of any money or other property owned by a partnership, association, unincorporated body of

individuals, or corporation at the time it was conveyed, transferred, assigned, delivered, or paid to the Alien Property Custodian, or seized by him hereunder; or

(10) A partnership, association, other unincorporated body of individuals, or corporation, and that it is not otherwise entitled to the return of its money or other property, or any part thereof, under this section, and that such money or other property, or the proceeds thereof, if the same has been converted, does not exceed in value the sum of $10,000, or although exceeding in value the sum of $10,000, is nevertheless susceptible of division, and the part thereof to be returned hereunder does not exceed in value the sum of $10,000; or

(11) A partnership, association, or other unincorporated body of individuals, having its principal place of business within any country other than Germany, Austria, Hungary, or Austria-Hungary, or a corporation, organized or incorporated within any country other than Germany, Austria, Hungary, or Austria-Hungary, and that the control of, or more than 50 per cent of the interests or voting power in, any such partnership, association, other unincorporated body of individuals, or corporation, was at such time, and is at the time of the return of any money or other property, vested in citizens or subjects of nations, States, or free cities other than Germany, Austria, Hungary, or Austria-Hungary.

Then the President, without any application being made therefor, may order the payment, conveyance, transfer, assignment, or delivery of such money or other property held by the Alien Property Custodian or by the Treasurer of the United States, or of the interest therein to which the President shall determine such person entitled, either to the said owner or to the person by whom said property was conveyed, transferred, assigned, delivered, or paid over to the Alien Property Custodian: *Provided*, That no person shall be deemed or held to be a citizen or subject of Germany or Austria or Hungary or Austria-Hungary for the purposes of this section, even though he was such citizen or subject at the time first specified in this subsection, if he has become or shall become, ipso facto or through exercise of option, a citizen or subject of any nation or State or free city other than Germany, Austria, or Hungary, (first) under the terms of such treaties of peace as have been or may be concluded subsequent to November 11, 1918, between Germany or Austria or Hungary (of the one part) and the United States and/or three or more of the following-named powers: The British Empire, France, Italy, and Japan (of the other part), or (second) under the terms of such treaties as have been or may be concluded in pursuance of the treaties of peace aforesaid between any nation, State, or free city (of the one part) whose territories, in whole or in part, on August 4, 1914, formed a portion of the territory of Germany or Austria-Hungary and the United States and/or three or more of the following-named powers: The British Empire, France, Italy, and Japan (of the other part). For the purposes of this section any citizen or subject of a State or free city which at the time of the proposed return of money or other property of such citizen or subject hereunder forms a part of the territory of any one of the following nations: Germany, Austria, or Hungary, shall be deemed to be a citizen or subject of such nation. And the receipt of the said owner or of the person by whom said money or other property was conveyed, transferred, assigned, delivered, or paid over to the Alien Property Custodian shall be a full acquittance and discharge of the Alien Property Custodian or the Treasurer of the United States, as the case may be, and of the United States in respect to all claims of all persons heretofore or hereafter claiming any right, title, or interest in said money or other property, or compensation or damages arising from the capture of such money or other property by the President or the Alien Property Custodian: *Provided further, however*, That except as herein provided no such action by the President shall bar any person from the prosecution of any suit at law or in equity to establish any right, title, or interest which he may have therein.

(c) Any person whose money or other property the President is authorized to return under the provisions of subsection (b) hereof may file notice of claim for the return of such money or other property, as provided in subsection (a) hereof, and thereafter may make application to the President for allowance of such claim and/or may institute suit in equity to recover such money or other property, as provided in said subsection, and with like effect. The President or the court, as the case may be, may make the same determinations with respect to citizenship and other relevant facts that the President is authorized to make under the provisions of subsection (b) hereof.

(d) Whenever a person, deceased, would have been entitled, if living, to the return of his money or other property hereunder, then his legal representative may proceed for the return of such money or other property as provided in subsection (a) hereof: *Provided, however*, That the President or the court, as the case may be, before granting such relief shall impose such conditions by way of security or otherwise as the President or the court, respectively, shall deem sufficient to insure that such legal representative will redeliver to the Alien Property Custodian such portion of the money or other property so received by him as shall be distributable to any person not eligible as a claimant under subsections (a) or (c) hereof.

(e) No money or other property shall be returned nor any debt allowed under this section to any person who is a citizen or subject of any nation which was associated with the United States in the prosecution of the war, unless such nation in like case extends reciprocal rights to citizens of the United States; nor in any event shall a debt be allowed under this section unless it was owing to and owned by the claimant prior to October 6, 1917, and as to claimants other than citizens of the United States unless it arose with reference to the money or other property held by the Alien Property Custodian or Treasurer of the United States hereunder.

(f) Except as herein provided, the money or other property conveyed, transferred, assigned, delivered, or paid to the Alien Property Custodian shall not be liable to lien, attachment, garnishment, trustee process, or execution, or subject to any order or decree of any court.

(g) The legal representative (duly appointed by a court in the United States) of a person, deceased, whose money or other property has been conveyed, transferred, assigned, delivered, or paid to the Alien Property Custodian or seized by him hereunder and held by him or by the Treasurer of the United States, may (if not entitled to proceed under subsection (d) of this section) proceed under subsection (a) for the recovery of any interest, right, or title in any such money or other property which has, by reason of the death of such person, become the interest, right, or title of a citizen of the United States, unless such citizenship was acquired through naturalization proceedings in which the declaration of intention was filed after November 11, 1918. Such legal representative shall give a bond, in a penal sum and with sureties satisfactory to the President or the court, as the case may be, conditioned that he will redeliver to the Alien Property Custodian all such money or other property not distributed to such citizen, or, if deceased, to his heirs or legal representatives.

(h) The aggregate value of the money or other property returned under paragraphs (9) and (10) of subsection (b) to any one person, irrespective of the number of trusts involved, shall in no case exceed $10,000.

(i) For the purposes of paragraphs (9) and (10) of subsection (b) of this section accumulated net income, dividends, interest, annuities, and other earnings, shall be considered as part of the principal.

(j) Subsection (g) and paragraphs (9) and (10) of subsection (b) of this section shall not apply to any patent, trade-mark, print, label, copyright, or right therein or claim thereto, conveyed, transferred, assigned, or delivered to the Alien Property Custodian, or seized by him, or to the proceeds received from the sale, license, or other disposition of any such patent, trade-mark, print, label, copyright, or right therein or claim thereto; but the Alien Property Custodian is authorized and directed to return to the person entitled thereto, whether or not an enemy or ally of enemy and regardless of the value, any patent, trade-mark, print, label, copyright, or right therein or claim thereto, which has been conveyed, transferred, assigned, or delivered to the Alien Property Custodian, or seized by him, and which (1) has not been sold, licensed, or otherwise disposed of under the provisions of this act, and (2) is not involved (at the time this subsection takes effect) in litigation in which the United States, or any agency thereof, is a party.

(k) This section shall not apply, however, to money paid to the Alien Property Custodian under section 10 hereof.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

Mr. BLANTON. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. NEWTON of Minnesota. Mr. Chairman, I move that the committee do now rise.

Mr. GARRETT of Tennessee. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARRETT of Tennessee. I understand that this section, if the committee now rises, is subject to amendment?

Mr. NEWTON of Minnesota. Yes.

The CHAIRMAN. The section will be pending when the bill is again taken up. The question is on agreeing to the motion of the gentleman from Minnesota [Mr. NEWTON] that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. ANDERSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 14222) to amend the trading with the enemy act, had come to no resolution thereon.

REFERENCE OF THE BILL S. 3968—OIL POLLUTION OF NAVIGABLE WATERS.

Mr. DEMPSEY. Mr. Speaker, I move that the bill S. 3968, No. 284 on the House Calendar, be rereferred to the Committee on Rivers and Harbors for further consideration.

The SPEAKER. The gentleman from New York moves that the bill S. 3968 be rereferred to the Committee on Rivers and Harbors. The Clerk will report it by title.

The Clerk read as follows:

A bill (S. 3968) to improve the navigability of the waters of the United States by preventing oil pollution thereof.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, is this by the request of the committee?

Mr. DEMPSEY. Yes.

Mr. GARRETT of Tennessee. I understand this bill has been reported from the committee and is now on the calendar.

Mr. DEMPSEY. I will say to the gentleman from Tennessee that the purpose of it is this: This bill deals with all the navigable waters of the United States, and the committee has decided to recall this bill and deal only with salt water at the seashore.

Mr. STAFFORD. It is not the intention of the committee to load it down with numerous amendments, as was done by the Naval Committee on a bill relating to one subject, so as to make it a vehicle of omnibus legislation?

Mr. DEMPSEY. Not at all.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. It will be rereferred to the Committee on Rivers and Harbors.

EXTENSION OF REMARKS.

Mr. KELLEY of Michigan. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. JAMES] may extend his remarks in the RECORD on the bill H. R. 11903.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The extension of remarks referred to is here printed in full as follows:

Mr. JAMES. Mr. Speaker, the members of the House Committee on Military Affairs began their studies of the Muscle Shoals problem early in February of last year. The Secretary of War's report transmitting the offer of Henry Ford was the first document received. This was dated February 1, 1922, and on February 8 the committee had its first meeting. In all there were five proposals before the committee. Four of these received detailed consideration.

PURPOSES OF CONGRESS IN BUILDING NITRATE PLANTS.

The purposes of Congress in providing for the construction of nitrate plants was clearly expressed in section 124 of the national defense act in these words:

The President of the United States is * * * further authorized to construct, maintain, and operate, at or on any site or sites so designated, dams, locks, improvements to navigation, power houses, and other plants and equipment or other means than water power as in his judgment is the best and cheapest, necessary, or convenient for the generation of electrical or other power, and for the production of nitrates or other products needed for munitions of war and useful in the manufacture of fertilizers and other useful products. (Public, No. 85, 64th Cong.)

There were, therefore, two principal reasons for the establishment of the nitrate plants.

First. The need for an adequate supply of nitrates for explosives for the national defense.

Second. A sufficient supply of nitrogen for use in fertilizers for the benefit of American agriculture.

Senator NORRIS well expressed these purposes of Congress when he said:

We have just two objects in view. One is to get cheap fertilizers and the other is to be prepared to make explosives in time of war. (B. p. 278.)

Replying to Senator NORRIS, Mr. W. B. Mayo, chief engineer for Mr. Ford, said:

Yes, sir. That plan is what he (Mr. Ford) has tried to carry out in this offer. (B. p. 278.)

As a committee we agreed with Senator NORRIS that these were the reasons why these plants should be built, and we agreed with him that these plants should be operated. We merely disagreed as to how this should be done.

THE MILITARY VALUE OF THE NITRATE PLANT.

Mr. Speaker, our committee was unanimous in the opinion that it is no less important to-day than it was in 1916, when the national defense act was passed, that this country should keep up with world progress in the art of securing nitrogen for explosives from the atmosphere. During the war the United States was the one great Nation which depended wholly upon Chile for its nitrates. What was the result? At a time when the need for ships was vital we used German vessels and took over Dutch steamers, and by means of these and chartered Scandinavian and Japanese tonnage we built up a transport fleet which, on November 1, 1918, totaled 327 ships, comprising some 3,400,000 tons.

As a result of our policy of depending upon Chile for nitrates, however, we found it necessary to divert 128 of these vessels, aggregating 700,000 tons, or nearly 20 per cent of our fleet, for the sole purpose of bringing this one material, nitrate of soda, from Chile.

Testifying before the Senate Committee on Agriculture, Maj. J. H. Burns, the former chief of the Nitrate Division, stated:

As an indication of the importance of this plant (nitrate plant No. 2) from a military standpoint, it will fix enough nitrogen to supply constantly some 12 divisions fighting in accordance with the organization in existence at the time of the armistice. When our Army was engaged in the Meuse-Argonne offensive the maximum number of divisions available in the American Army was 30. So No. 2 plant would have been capable of fixing over one-third of the nitrogen required by a force equal to the maximum military effort that America was able to put forth in the World War. (B. p. 60.)

The value of such a plant to this Nation in time of war was well described by Senator NORRIS in the following language:

It would have been a wonderful thing. It is almost impossible to estimate, without drawing on the imagination, just what that would have meant in this war, because I understand the Allies were right to the verge on munitions. They didn't have a 30 days' supply, and 30 days' continuous war would have taken everything they had and left them without ammunition. It was really that desperate condition that induced the Government to go into this. I am told, too, that one of the reasons the expenses are so great is that they worked 24 hours a day at times, three shifts, in order to hurry it and get it ready. (B. p. 304.)

THE AGRICULTURAL NEED FOR THE NITRATE PLANT.

As to the need for fertilizers it is a well-known fact that statistics show that in our agricultural yields per acre the United States of America, far from being a leader among the nations, is trailing along with such backward countries as Austria and European Russia. Yet this production, small as it is, is being maintained by taking from American soil millions upon millions of tons of those three plant foods of which our supply is most limited—nitrogen, phosphoric acid, and potash. It is this mining of the soil, so destructive to American agriculture, that has brought about a decrease averaging 30 per cent in the acreage of farm lands under cultivation in the New England States during the past 40 years. This process of shipping away the fertility of the soil, which has resulted in the abandoning of 70 per cent of the farm lands in such a thrifty State as New Hampshire, is now going on in the Middle West. The question of a sufficient supply of fertilizer at low cost is no longer a question only for the East and South, but is a matter of national concern.

There is a third and also a fourth benefit of great importance which follow directly from this enterprise.

THE VALUE OF THE POWER DEVELOPMENT.

While the testimony shows that Mr. Ford expects to use the Muscle Shoals power for fertilizer production and for manufacturing purposes, in the evident belief that this power can be made of greater general service by distributing it in the form of cheapened fertilizer and other products at reduced cost, in accordance with his well-known policies, rather than by distributing it on a copper wire, there is, however, a public-utility advantage in the Ford offer.

This third benefit is the Ford amortization plan which ultimately eliminates 80 per cent of the cost of hydroelectric power by setting up a sinking fund which refunds the original investment and thereby eliminates the interest which constitutes this 80 per cent of the cost of the power.

When it is remembered that it has been estimated by the United States Geological Survey that more than 200,000,000 horsepower of hydroelectric equipment can be profitably installed in the United States it is evident that a policy under which this vast undeveloped water power can be made as cheap in the United States as it is in such favored countries as Norway and Canada is a great step forward in hydroelectric-power economics. This principle when applied generally to the development of hydroelectric power in the United States ultimately means cheap power to reduce the labor of the farmer and of the farmer's wife; it means cheap power for manufacturers and for the economical production of a long list of electrochemical and electrometallurgical products which are absolute necessities in time of war and are the basis of our industrial leadership among the nations in time of peace.

THE VALUE TO NAVIGATION.

The fourth benefit is the improvement of the navigation on the Tennessee River, which with modern steel barges and towboats and with the modern terminal and transfer equipment that is being installed on our inland streams will undoubtedly result in a large water-borne traffic.

Millions of tons of coal lie adjacent to the Tennessee River and its tributaries above Muscle Shoals. Millions of tons of phosphate rock are within reach of certain of these tributaries. Raw materials for scores of industrial processes lie dormant in the upper valley awaiting only the cheap transportation of the Tennessee River to make them available to the great markets of the Mississippi Valley.

This result, however much to be desired, can not come about until there is a permanent 6-foot channel between the upper Tennessee River Valley and the Ohio River. Such a channel has never been practicable because of its enormous cost at Muscle Shoals, where both Dam No. 2 and Dam No. 3 are necessary for an adequate improvement. With the acceptance of the Ford offer this heretofore insurmountable obstacle is wiped out, and the revival of modern inland waterway transportation will be afforded an opportunity to extend its benefits 400 miles up the Tennessee River into this comparatively undeveloped region.

THE REQUIREMENTS OF THE SUCCESSFUL BID.

With these questions in mind, the committee felt that there were certain requirements which should be met by the successful bidder.

First, the nitrate plant must be maintained ready for immediate use in time of war. No offer which failed to do that could reasonably be approved by the committee. The committee also felt that it would be an immense advantage if some provision should be made whereby the country would be assured that this great nitrate plant would not only be maintained but would be remodeled from time to time and kept in modernized, up-to-date condition, for it requires no great study of history to appreciate the fact that victorious armies in modern warfare are not the armies which employ obsolete guns or obsolete plants to make their munitions.

Since it is undoubtedly true that the controlling reason for the location of the nitrate plant at Muscle Shoals was an economic one and had to do with the cost of production, it was

evident that one of the ruling considerations was the great possibility of fertilizer manufacture at this plant in time of peace, in accordance with the expression of Congress which I have quoted.

The committee felt, therefore, that any offer was fatally defective which did not provide a sound, businesslike guaranty that these possibilities would be worked out—not at the expense of the United States Government on a cost-plus basis but at the expense of the bidder.

In the matter of the water-power lease the committee did not feel that the United States Government should undertake to make money out of this power project at the expense of the consumer, but that this power should be developed as cheaply as possible and its benefits made available to the largest possible number of people.

All of us realized that any arbitrary charges which would become a part of the cost of the power production would merely be passed on to the consumer, no matter whether the power was used for fertilizer manufacture or distributed by a public utility or used in any form of manufacture. Such arbitrary charges are merely a form of taxation. We did not seek to tax the people of Alabama and Tennessee, but merely to obtain a fair return on the investment and at the same time passing on the benefits of this cheap power over the greatest possible area. We did not feel that this was necessarily accomplished by transmitting this power over a wire. On the contrary, it was generally appreciated that if this cheap power could be utilized for a large-scale production of cheap fertilizers in concentrated form that would stand a long haul by water or rail this was the way to make these benefits available to the greatest number of people.

NO PROSPECT OF FERTILIZER IN PARSONS'S PROPOSAL.

The offer of Charles L. Parsons was a proposal to purchase nitrate plant No. 1 for $600,000 and lease the carbide and liquid air portions of nitrate plant No. 2 for $50,000 per annum and to purchase the Waco quarry complete for $200,000 or lease the same for $20,000 per annum. Mr. Parsons made no promise that he would produce any fertilizer. Furthermore, he offered no definite financial responsibility, while the testimony is that nitrate plant No. 1 was not a success (Maj. J. H. Burns, Chief of the Nitrate Division, Ordnance Office, War Department, before House Committee on Military Affairs February 13, 1922, p. 208), and it had been estimated that an investment of some $4,000,000 would be required to remodel the plant in order to make its operation possible (Major Burns before Senate Committee on Agriculture, April 12, 1922, hearings, p. 59). There was not even a statement in his offer that commercial fertilizers would be produced by Mr. Parsons or his company at all, Mr. Speaker, and the conviction was general in the committee that a mere offer to operate nitrate plant No. 1 as an air nitrogen fixation plant did not constitute a solution of the Muscle Shoals problem, for fixed nitrogen has many industrial uses wholly apart from its use in fertilizers. Since, at most, nitrate plant No. 1 was merely an experimental plant, with a capacity of only 9,000 tons of fixed nitrogen annually, the committee felt, Mr. Speaker, that the prospects for securing any reasonable fertilizer tonnage under the Parsons offer were very remote.

ENGSTRUM OFFER A COST-PLUS PROPOSAL.

We had an offer from Frederick E. Engstrum to construct the dams and to rebuild the nitrate plants on a cost-plus basis. He also agreed to operate nitrate plants "to the extent permitted by the proceeds of the sale of fertilizers."

The ones who made that offer did not intend to put in one dollar of their own money. They wanted to go into a partnership with us. They were willing to sell the electric power for us and to take their share of the profits. They were willing to manufacture fertilizer—at the expense of Uncle Sam! If any money was made, they took their share of the proceeds; if any loss resulted, they shared none of the losses. Uncle Sam shouldered it all. It was a case of "Heads I win, tails you lose."

These gentlemen were not even willing to add the proceeds from the sale of electrical power to the proceeds from the sale of fertilizer and then deduct the combined cost of producing power and fertilizer. They were very sure that there would be a profit made on the sale of power and a loss on the sale of fertilizer, and being very cautious gentlemen they were taking no chances.

Of course, the committee could not take such a proposal seriously. To read some of the newspaper accounts, however, one would imagine that this was an offer that meant the investment of real money for the operation of the nitrate plants by private capital; so it was; but it was Government money.

They did not guarantee to manufacture a single pound of fertilizer, nor did they guarantee to keep the nitrate plant No. 2 in a going condition for any length of time, to say nothing of 100 years.

Under this proposal, not only was there no guaranty of fertilizer production, but there was not even a good business prospect that any considerable amount of fertilizer would be produced. The committee felt that the Government had had ample experience with this class of contracts during the war and quickly consigned it to the wastebasket.

ALABAMA POWER CO. SOUGHT TO TAKE ADVANTAGE OF GOVERNMENT.

Our experience with the Alabama Power Co. in connection with the Warrior steam plant shows that we would be wise in having no further business dealings with them.

In brief, they had a cost-plus contract with the United States. They had not one dollar invested. The United States—I came near saying their own country; I had forgotten their foreign stockholders—made an investment of $4,979,782.33 on their property. They acted as agents for their own country—I mean the United States. Their representatives inveigled or outmaneuvered, or something else, the ones who were supposed to be looking after our interests and got them into a contract by which we could sell to no one but them. On their part, however, they did not have to buy at our price but could ask for arbitration, they to select one man, we to select one, and the third to be selected by these two.

If two of the arbitrators were to agree on a fair price, their decision was not binding on the Alabama Power Co.; and in case they did not accept the decision of the arbitrators—and I want you to pay special attention to this—if they did not agree to accept the arbitration figures we would have six months in which to dismantle and remove our property from their land—property in which we had invested nearly $5,000,000.

THE OPINION OF THE ATTORNEY GENERAL.

The committee found that the Alabama Power Co.'s methods had been well described by the Attorney General when he reported that—

> No one can carefully analyze the long and rather complex contract made with this company without being impressed with the harsh and even drastic provisions which it imposes on the Government. When its intricate provisions are closely scrutinized and their full significance realized it becomes at once apparent that the company lost no opportunity of turning to its own advantage every possible change of circumstances.

This policy appears to have been adopted by the Alabama Power Co. throughout the whole course of its negotiations with the Government, Mr. Speaker. When called upon by General Beach to submit an offer for the Muscle Shoals project the company evaded a definite reply by saying that they were "about to construct an important additional hydroelectric development on the Coosa River"; and that "while it is true that the power thus secured will be completely absorbed and new sources required by the time the Muscle Shoals Dam could be completed," nevertheless "this company would scarcely be justified in depending upon Muscle Shoals to take care of even more remote demands." (Hearings before House Committee on Military Affairs, pp, 791, 792.)

POWER COMPANY DECLINED TO COMMIT THEMSELVES.

General Beach again brought the matter to their attention June 18, 1921, in a letter asking—

> What power the Alabama Power Co. would desire or be willing to take from Muscle Shoals two years from this date, and also three years from this date, if one year's advance notice of actual date at which power could be delivered could be given and a satisfactory price is guaranteed.

The company merely referred to their former letter, explaining that they were about to develop 120,000 horsepower on the Coosa River "because it did not seem at all possible that the Muscle Shoals hydro development could produce any power during 1923 or 1924," and the company stated:

> We must make our plans for several years in advance of actual power needs, and longer notice than one year in advance of actual date at which the Muscle Shoals power could be delivered would be necessary for this company to commit itself for the taking of definite amounts of power.

So, Mr. Speaker, this company was entirely willing for the United States Government to go ahead and construct the great power dam in their distributing territory because they well knew that there was no prospect of a market for any such amount of power, and they did not propose to relieve the predicament of the Government in any degree by committing themselves to purchase any portion of the power which the Government would find on its hands when the dam was completed.

POWER COMPANY MAKES OFFER TWO WEEKS AFTER FORD'S OFFER GOES TO CONGRESS.

When Mr. Ford made his offer for the Muscle Shoals project it was to the Alabama Power Co. like a bolt from the blue.

They instantly recognized that here was prospective real competition—competition which might result disastrously to their virtually complete monopoly of electrical-power business in the State of Alabama.

It seemed evident that an effective way to checkmate Mr. Ford at Muscle Shoals was simply to put in a competitive offer and secure its acceptance, and so on February 15, 1922, just two weeks after the Ford offer had been transmitted to Congress, the Alabama Power Co. made their proposal to the Secretary of War.

THE ALABAMA POWER CO. OFFER RECEIVED UNDER FAVORABLE CIRCUMSTANCES.

The offer of the Alabama Power Co., coming as it did to our committee with its alleged advantages, pointed out in detail by the Secretary of War and heralded by a controlled portion of the technical press of the country as an offer far superior to that of Henry Ford, why did it not receive more favorable attention at the hands of the committee?

It is true that they offered to complete Dam No. 2 and to install in the power house about one-quarter of the full equipment at their own expense, but they offered to do this under the terms of the Federal power act, which meant that we were donating to them the $17,000,000 which we have spent on our dam, and at the end of 50 years we would find that if we wanted to get our dam back from the Alabama Power Co. we would have to pay for it out of the Federal Treasury, and no provision for an amortization fund was made by the Alabama Power Co. to provide us with means for buying back this property. Their offer meant, so far as the dam was concerned, that we solved the power problem at Muscle Shoals by giving our dam away. And as for their offer to purchase the steam power plant at Muscle Shoals, it was pointed out (House hearings, p. 632) that their apparent offer of $5,000,000 had a "joker" attached which reduced the real amount offered to one-tenth of that amount, or $500,000.

FERTILIZER PROVISIONS OF POWER COMPANY OFFER WERE CHEAP SKULLDUGGERY.

As for the operation of the nitrate plant for the production of fertilizer, the Alabama Power Co., with their characteristic legal shrewdness, carefully kept clear from this obligation. Did they propose to undertake the risk and expense that must be undertaken if the farmers are to be provided with cheaper fertilizer from the Muscle Shoals plant? You may depend upon it, Mr. Speaker, they did not. On the contrary they proposed no arrangement or plan for operating the nitrate plant, and their president who appeared before our committee flatly declined to get under this burden. (House hearings, p. 813.)

It is true that they proposed to donate 100,000 secondary horsepower to the Government to be used for the operation of nitrate plant No. 2 if the Government could find anyone who would undertake to use it for that purpose. But, Mr. Speaker, I have been in Congress for eight years; I have seen some pretty cheap skullduggery at times, but never in my experience have I seen a cheaper or more disgusting attempt to fool the public, and particularly the farmers, than this brazen provision in the offer of the Alabama Power Co.

What is secondary power? Why, Mr. Speaker, it is simply that part of the power that is furnished by the occasional high-water periods scattered through the year. It is power that is irregular and so unreliable that even when it is available for a total of as much as 10 months out of the year it has little or no commercial value, according to the joint statement of the four great southeastern power companies in their letter to the Chief of Engineers. (House hearings, p. 118.)

DONATION OF POWER A MERE GESTURE.

Even if the great plant could be run on such an irregular power supply, the donation of this power is a mere gesture on the part of the Alabama Power Co., Mr. Speaker. This power comes from the same power house, manned by the same force, that would operate the plant for the Alabama Power Co.'s own purpose. What would be the result? Why, Mr. Speaker, the cost of this power is merely an indistinguishable part of the power company's annual operating cost. The cost of this power is completely submerged in the cost of other power produced by this company, and whatever its cost may be that cost is borne not by the Alabama Power Co. but by their customers, for it is merely a part of the general operating expenses of the company which are passed along to the consumer.

DID THE ALABAMA POWER CO. EXPECT THE NITRATE PLANT TO BE OPERATED UNDER THEIR OFFER?

Did the Alabama Power Co., or did the special interests allied with them in their fight on the Ford offer—the fertilizer combination, the packers, and the by-product coke-oven interests—did these allied schemers expect to see some one come forward with a proposal to operate this great nitrate plant on secondary power, even when they later offered to supplement it with 10 per cent of primary or continuous power? Of course, they did not, Mr. Speaker. They had no such idea, and they had no fears of the competition that might result from any such attempted operation.

But, Mr. Speaker, they knew that no offer which ignored the fertilizer possibilities at Muscle Shoals would be considered by the committee as an adequate solution of the Muscle Shoals problem, so they resorted to this cheap trick, hoping that because committees of Congress are not technical experts they, therefore, might put one over on us.

COMMITTEE NOT FOOLED.

But, Mr. Speaker, they did not fool the members of our committee. Every important provision was soon measured at its true value, and when the majority of the committee realized the responsibility that Mr. Ford squarely shouldered and which the Alabama Power Co. evaded in this plausible way, the committee set this company down as a lot of cheap tricksters, Mr. Speaker, and consigned their unworthy offer to the waste-basket along with the others.

FORD OFFER MET EVERY REQUIREMENT.

The Ford offer met all the requirements in every particular—not only met them but exceeded them. Mr. Ford agreed to maintain the nitrate plant No. 2, or its equivalent, ready for immediate use for the Government for the production of explosives for 100 years. How much would that cost? Nobody knows. Mr. Ford agreed to keep this nitrate plant up to date, for he agreed to research the most improved methods and to adopt these processes. How much would that cost? How often must nitrate plant No. 2 be rebuilt under such a guaranty? Nobody knows. Compared with such valuable obligations on the part of such a responsible party, the $5,000,000 cash payment which Mr. Ford offered became an insignificant part of the consideration.

FORD AGREED TO OPERATE PLANT TO MAKE FERTILIZERS.

The outstanding feature, however, which recommended the Ford offer was his definite obligation to operate nitrate plant No. 2, or its equivalent, as a fertilizer plant to its full capacity. What did that mean? It meant, Mr. Speaker, that he would have to produce as much nitrates at Muscle Shoals as all American farmers together had been importing from Chile in normal years before or after the Great War. It meant nitrates enough to furnish nitrogen for 2,000,000 tons of 2-8-2 commercial fertilizer, and Mr. Ford agreed to make this fertilizer in mixed or unmixed form to meet the market demand.

VOLUNTARY LIMITATION ON PROFITS.

As is well known, Mr. Ford agreed to limit his profit on fertilizer production to a maximum of 8 per cent on the "fair actual annual cost of production," and provided a board of farmers to determine what was meant by the word "fair," and to examine his books and see what this cost of production has been. No pretense of matching this feature of the offer has ever been made by any member of the opposition. The fertilizer industry does not open its books to its customers, nor does it limit its profits to 8 per cent, and no amount of abusing of the Ford offer will blind our eyes to this fact.

CYANAMID PROCESS OBSOLETE.

When it is remembered that the cyanamid process is obsolete and that this great plant must be rebuilt before it can be successfully used commercially, and when it is also remembered that the small experimental plant was a failure, there is little wonder, Mr. Speaker, that bidders for this project were few and that none of them have agreed to the terms of the Ford offer. All they can do is to stay in their glass houses and throw stones.

NO EFFECT ON FEDERAL WATER POWER ACT.

An important part of this proposal to purchase, operate, and maintain the nitrate plant is the lease of the water power. The first objection about the water-power lease that has been raised by the opposition is the length of it, but, Mr. Speaker, if it is a good thing to use this power to reduce the cost of fertilizers to the farmers of the United States for a period of 50 years, I contend it is a good thing to use it for this purpose for 100 years, and as for the calamity to the Federal water power act, which has been freely predicted if the Ford offer is accepted, I want to say that I see no connection between the two. The Federal water power act has to do with strictly power propositions, and the operation of two hydroelectric plants under the Ford offer is accompanied by such heavy obligations that this project is in a class by itself.

FORD MORE SEVERELY REGULATED THAN ANY LICENSEE.

Does the Federal water power act require licensees to manufacture 250,000 tons of nitrate of soda annually? Does it require them to maintain the greatest nitrate plant in the world

in an up-to-date condition, ready for immediate use of the Government in time of war? Does it require them to limit their profit on their principal product to 8 per cent on the fair actual annual cost of production? Of course not. The Federal power act is confined to strictly water-power developments, and the acceptance of the Ford offer does not constitute a precedent which can be applied to any other water-power development, large or small, in the United States. If any other licensee is willing to undertake at his power site obligations that would be comparable with the obligations of Henry Ford at Muscle Shoals, then I want to say, Mr. Speaker, I am willing to give that licensee his license for 100 years also.

THE FINANCIAL RETURN FOR THE POWER.

Mr. Ford offers 4 per cent interest on whatever amount the Government has expended, since his offer was made, in the completion of the hydroelectric project, and provides annuities which applied to a sinking fund, as any other sinking fund is administered, according to the testimony of the Secretary of War (Hearings, p. 7) would return to the Government more than $70,000,000 if invested at only 4½ per cent, and such a fund could be administered by the Federal Reserve Board at practically no additional cost to the Government whatever. As to those who say that Mr. Ford does not pay enough because he does not begin his interest payments in full as soon as the work of construction begins, I reply, who is paying the United States interest on its construction investment now? Who will pay the United States 4 per cent interest on this water power as soon as the dams are completed?

NO BETTER OFFER WAS MADE BY ANYONE.

Mr. Speaker, this is not time for theorizing. The dam is being built and no one has offered better terms than those of the Ford proposal. If it was so wonderfully profitable a proposition, if there were the millions and billions to be made out of it which the opposition has represented could be made, then why have the American captains of industry held back? Has American enterprise become indifferent to such a marvelous opportunity? Mr. Speaker, the question carries its own answer. It is not that the American capitalists are less enterprising than they ever were, but the marvelous opportunity for piling up these millions and billions of profit from the Muscle Shoals project is simply not there.

MUSCLE SHOALS AN OPPORTUNITY TO SPEND MONEY.

Mr. Ford does not need to go to Muscle Shoals to make money. He has several excellent plants for that purpose in Detroit and vicinity. Mr. Ford knows that if he goes to Muscle Shoals he must spend money and take large risks in the hope of accomplishing a great good to agriculture, and so he reasonably has withheld any promise to return 4 per cent interest to the Government until he has had a reasonable opportunity to rebuild the nitrate plants and to provide an outlet for the power which is being developed. He offers a fair return, but he surrounds his offer with those conditions which are necessary if the project is to have a reasonable expectation of financial success, and if it is financially unsuccessful then neither Mr. Ford nor the farmers nor the Government will secure the great benefits which we all expect.

NO POWER BONANZA FOR FORD AT SHOALS.

It was shown beyond question before the committees of Congress that more than 200,000 continuous horsepower, the bulk of the useful power at Muscle Shoals, will be required in the manufacture of fertilizer. (Maj. J. H. Burns in Senate hearings, p. 929.) If Mr. Ford builds storage dams and stabilizes the irregular flow of the river so that an additional amount of power is made useful, he must do this at his own expense, and what he does with such additional power concerns him alone, and I for one have no desire to dictate. But this Congress should understand, as our committee well understood, that because 850,000 horsepower of generating equipment are installed at Muscle Shoals it does not follow that 850,000 horsepower of electrical energy will become available for Mr. Ford or anyone else. No matter how much generating machinery is installed the power developed is limited by the flow of the river, and until the flow of the Tennessee River is equalized by great storage reservoirs it will require nearly all of the useful hydroelectric power at both dams, supplemented as required by the steam power, merely to carry out the fertilizer obligations of the Ford offer. The record on this point is clear for anyone to see who will examine it for himself, and the Ford offer is not a hard bargain driven by a sharp trade as the opposition has maintained, but it is an offer to take an abandoned, unsuccessful, and obsolete property and to utilize in its operation the flow of a stream which is one of the most irregular in the United States.

FORD'S OFFER THE ONLY ONE WHICH PROVIDED FOR THE PURPOSES OF CONGRESS IN BUILDING THE NITRATE PLANTS.

Summing up, then, there was only one offer before our committee which met the military purposes of the nitrate plant and at the same time made provisions for its greatest possible use to agriculture. From any angle the Ford offer is not only a favorable offer for the United States but it offers far more than this Government had any reason to expect, and if we will consult our own interests at Muscle Shoals we will accept Henry Ford's proposal without further delay.

S. 4280—RURAL CREDITS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency may have leave until midnight to file their report on the bill (S. 4280) relating to rural credits.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that the Committee on Banking and Currency may have until midnight to file their report on the bill (S. 4280) relating to rural credits. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, I am not advised; does the gentleman know whether there are any minority views?

Mr. MONDELL. I understand not, but the ranking minority member suggested that I submit this request.

Mr. WINSLOW. I should like to ask what is the subject matter of that bill?

Mr. MONDELL. Rural credits.

The SPEAKER. Is there objection?

There was no objection.

CHINESE EASTERN RAILWAY.

Mr. EDMONDS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an article on the history and present condition of the Chinese Eastern Railway by Carl J. Mayer, our trade commissioner over there.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD for the purpose indicated. Is there objection?

There was no objection.

The article referred to is as follows:

[Special Report No. 36.]

HARBIN, MANCHURIA, *December 3, 1922.*

THE CHINESE EASTERN RAILWAY.

(Trade Commissioner C. J. Mayer.)

A favorable condition is observable in the maintenance, operation, and finances of the Chinese Eastern Railway for the period beginning early in 1921 up to the present time, as compared with 1914. The road is still in process of struggle against the dire effects of the Great War and the Russian revolution, but it must be recognized that it is finally commencing to disentangle itself from its position of severe and prolonged paroxysm.

Owing to the Great War and the revolution in Russia the Chinese Eastern Railway, which up to that time served as an artery connecting Russia with the Pacific Ocean, particularly from the military viewpoint, lost all Russian transit freight. In order to subsist it was forced to rely almost entirely on the transport of Manchurian grain. The railway before the Russian revolution was under State jurisdiction, State subsidy, and served State ends. After the revolution it was confronted with the necessity of solving the problems of management in accordance with new economic and social conditions.

The general economic policy of the Chinese Eastern Railway since 1921 has undergone radical change. It is the purpose of this report to present this policy as clearly as possible, the apparent reasons for its being, and its probable trend as it may affect future economic development in eastern Siberia.

THE RAILWAY BEFORE THE WAR.

The underlying motive for the building of the Chinese Eastern Railway was to tie the Ussuri Railway with the Trans-Siberian Railway and its Trans-Baikal branch for strategic purposes. Commercially it was designed to be common carrier of transit freight and of exports of Russian manufactures and raw materials to Manchuria and other countries. Transportation for products of Russian origin was made cheap on the railway, so that they could compete in the Manchurian market, while tariff barriers were erected for competing foreign commodities.

It was considered by the Czar régime that the Chinese Eastern Railway should, in the first instance, serve the general political and economic aim of the Russian Empire and that all other considerations should be made subservient to this end. There were introduced as a consequence special reduced rates on the railway giving preference to Russian commodities. These rates brought losses to the railway, and in itself it never balanced income with expenditure. Under the old Russian Government the railroad depended on subsidy, and from the commercial standpoint was not a paying proposition.

The traffic of the road practically from its beginning took the form of export as the most important factor, increasing from 1906 to 1913 by 11 times. In 1906 the export traffic of the railway was 12.8 per cent of the total traffic, and in 1913, 47.6 per cent. The principal route of this traffic was via the Ussuri Railway to Vladivostok, while the export via the South Manchuria Railway to Dairen had not yet become an important factor in the operations of the road.

Maintenance of way, rolling stock, and all accouterments of the road were before the war kept up in good fashion, though at expenditure out of proportion to revenue, for the reasons above outlined.

DURING THE CRISIS.

When the anti-Bolshevist forces were warring in Siberia, in 1919–20, against the Bolshevists, a great burden fell upon the Chinese Eastern

Railway. It was expected that by the utilization of the road anti-Bolshevist success in Siberia would result, and there was built in the railway zone a Russian State in which military staffs and troops were prepared to fight the anti-Bolshevist cause. The then railway administration inaugurated at Harbin several State institutions of military and civil character and included some of them into the management scheme of the railway.

When the hopes of the anti-Bolshevists were blasted with the fall of Omsk, when the Russian ruble fell so disastrously in 1920, and the world witnessed a general economic depression, a period of disorganization, disuse, and neglect set in for the Chinese Eastern Railway. Freight traffic almost completely collapsed. Communication with the Japanese and Chinese railways had been discontinued, and communication westward from Manchuli ceased entirely, the then administration believing also that resumption of this traffic from Manchuli would be politically dangerous. Freight traffic to Vladivostok declined heavily. In the meantime the Chinese cart traffic along the railway increased by leaps and bounds, so much so that in 1920 it reached the startling figure of 62,000,000 poods, more than 50 per cent of the total grain export of the territory.

The coffers of the railway were empty. Although high freight rates were in force, no profits were derived, because collections could be made only in depreciated paper currency, and traffic was at a very low ebb. Prices for fuel rose to such outrageous figures as 60 gold rubles for 1 square sajen of firewood and 24 gold kopecks per pood for coal. The indebtedness of the road to fuel contractors reached 20,000,000 gold rubles. Exchange operations on rates of paper money caused speculation by commission agents of the railway, to its great detriment. Corruptive practices by officials of the railway were common. The indebtedness of the road to the interallied technical board and purchasing committee reached several million dollars. Indebtedness to employees became a chronic disease. An enormous staff of employees and workmen, causing terrific overhead, was on the pay roll of the road. This personnel, too, apparently became demoralized and lost its balance as to its duties and responsibilities. The railway was lacking a controlling hand and every department attempted to regulate its affairs, without any basic plan or estimate, as it deemed best.

Technical decay also set in. The conditions of track, rolling stock, and general operation became deplorable. Material management of the track was subject to many abuses, owing to lack of supervision. Hauling of trains was subject to irregular distribution of locomotives, which caused waste of power, and to technical defects in rolling stock owing to neglect. The destruction of the property of the railroad amounted to many thousands of dollars.

THE NEW MANAGEMENT.

After the overturn in Russia China was desirous of fortifying her rights to the Chinese Eastern Railway. The Russo-Asiatic Bank, because of its formal rights to the railroad, raised a protesting voice, which resulted in the signing of an agreement between representatives of the bank and the Chinese Government on October 2, 1920, whereby the legal authority over the railway was acknowledged to belong to a board of directors consisting of equal representation by Chinese and Russian members. It was decided that the railway immediately needed a strong controlling force to pull it out of its plight. This decision resulted in the assumption in February, 1921, of the general managership of the road by B. V. Ostroumoff, an energetic and prominent Russian railroad engineer.

As the Great War served to connect north Manchuria with the world market when prices on this market fell at the end of 1920 the effect was acutely felt by the country, especially since it had lost virtually all connection with Russia's markets. Trade and industry came to a standstill. Prices on commodities for export in Manchuria fell to such a degree that the Chinese Eastern Railway was a heavy loser. The rates charged for the transportation of this export lost all proportion to the prices prevailing on foreign markets. In the meantime the railroad was also confronted with the task of combating Chinese cart traffic, which had suddenly sprung up to pretentious proportions. The cart system was handling both export and import.

In 1913, 15,000,000 poods of export grain were handled by this traffic via Chang-Chung. In 1917 it increased to 25,000,000 poods and in 1919 to 50,000,000 poods. When the figure reached 62,000,000 poods in 1920, it was considered by the management of the railway that unless steps were taken to combat the situation the railway would be doomed to serve merely as an auxiliary to the cartage system, and a revision of tariffs was considered the paramount problem.

The tariffs of the railway up to this time were based mainly on those established in 1908, which were doubled in 1920, owing to increased cost of operation. Up to December of that year Russian paper rubles were accepted in payment of freights, and the increase in tariffs met with little objection until the acceptance of these paper rubles was discontinued after December 4, 1920. The traffic of the railway then experienced its slump. This was during the season when shipments invariably are the heaviest of the year. The transportation of grain on the railway almost ceased, while transportation by carts increased to the high figure above mentioned.

The first revision of tariffs on the railway went into effect in March, 1921, under the new management, with a view to attracting traffic. This move resulted in a remarkable increase in traffic. In February, 1921, the traffic was 5,000,000 poods; in March, 11,200,000 poods; in June, 15,900,000 poods; and in December, in the height of the grain-shipping season, 17,500,000 poods, a figure greatly in excess of any previous monthly traffic record in the history of the railroad. The competing cart traffic was enormously lowered.

With the gradual revision of the rates on all principal classes of commodities the railway took a new lease on life. It transported in 1921, 126,149,527 poods of freight. This figure, in view of the fact, also, that the Russian market was cut off, breaks all previous records on the railroad. The income of the road amounted to 39,785,677 gold rubles in 1921, as compared with 33,302,494 gold rubles estimated revenue for the year. In the meantime the cart system handled about 5,000,000 poods of cereals, as against 30,000,000 for the corresponding period of the year previous. Exports increased by 49½ per cent and imports by 29 per cent over the preceding year, while for certain classes of commodities, such as beans, the increase in comparison to the previous year ran as high as 145 per cent. Exports to Vladivostok were 3,175,460 poods in 1920, and increased to 23,403,418 poods in 1921, while in the next half year of 1922 the figure had already reached 20,000,000 poods.

At the same time the policy of reducing the tariffs was inaugurated a program of economic reconstruction of the railway was put into force. The main features of this program included reducing expenditure by the gradual discharge of superfluous employees and the instilling of esprit de corps into the employees remaining. The deteriorated condition of the railway made it imperative to make certain capital expenditures in improvement of rolling stock and way in order to properly handle the increase of traffic. Such improvements were calculated to permanently enhance the valuation of the property.

Comparison of 1921 figures as to the financial condition of the road should be with 1914, the nearest normal pre-war year. At that time the railway had no burden of military and political events. Comparison with 1920 is also not feasible in order to obtain a correct idea of the financial condition of the road at the end of 1921, for the reason that it was operative in 1920 under paper currency and since 1921 under gold currency.

In comparison to 1914 the gross income of the railway is officially given out as increased by 76 per cent and the expenditures as increased by 120 per cent. This great discrepancy between increased revenue and expenditure is due to the enormous undertakings incident to the reconstruction of the road. The cost of fuel, one of the big items of expense in the maintenance of the road, for instance, while having been greatly reduced from the figures of 1920, in 1921 was 29.44 gold rubles per 1 cubic sajen, as compared with 13 to 14 gold rubles in 1914, and from 10 to 17 kopecks for one pood of coal, as compared with 3½ kopecks in 1914. High wages incommensurate with the productiveness of labor were also a burden on the finances of the road in 1921 as compared with 1914. It was not until 1922 that the new management succeeded in scaling wages in accordance with production.

While showing a deficit, the analysis also shows that the reforms instituted on the Chinese Eastern Railway were calculated to demonstrate and vindicate themselves not immediately, but after an extended period of time. All indications point to such vindication within a comparatively short period from the present. The analysis shows as well that notwithstanding enormous handicap the new management succeeded in increasing the net income of the railway to the level of pre-war time. It placed the traffic operation of the road, which is the backbone of the railroad business, not only in an immeasurably improved condition, but also on a good foundation for the future.

THE PRESENT ECONOMIC POLICY.

The tariff measures taken by the administration of the Chinese Eastern Railway in the beginning of 1921 were calculated to cope with an immediate problem, but these measures were, of course, subject to change, in accordance with a general basic tariff policy to be worked out later.

The first step of the railway management toward the creation of such a general tariff policy was to organize the economic bureau. The essential task of this bureau was to study economic conditions and to make available facts and figures regarding this condition. The economic bureau reported the fundamental fact that North Manchuria produces annually 660,000,000 poods of raw materials, 220,000,000 poods of which constitutes a surplus. It was, therefore, deemed that the tariff policy of the road should be based around the idea that the railway should attract all the surplus production of North Manchuria. Summed up, the following general policy was evolved, which, as will be explained later on in this report, has been subject to serious change, owing to political developments in the maritime Province of Siberia near the close of 1922: (a) To combat the competition of cart transportation; (b) to support and foster local industries; (c) to construct grain elevators; (d) to organize facilities for the pooling of grain, beans, and bean oil; (e) to foster imports through Vladivostok by means of liberal rates on imports; (f) to increase exports via Vladivostok.

The railway by virtue of an agreement entered into with the South Manchuria Railway regarding freight rates began to find itself in a peculiarly unfavorable position. At the 1921 conference between representatives of the South Manchuria Railway and the Chinese Eastern Railway the latter road obtained such beneficial terms that the former intended to cancel the agreement before its expiration. Owing to this agreement the South Manchuria Railway was obliged to make a reduction for the period November 1, 1921, to May, 1922, of 34 per cent on the usual rates for grain coming from stations of the Chinese Eastern Railway to Yaomin. While there was, therefore, a reduction of rates in the through traffic, the rates on the local traffic of the South Manchuria Railway remained unchanged. This caused the transportation of grain by carts to Chang-Chung and other neighboring stations of the South Manchuria Railway to be fruitless. The agreement on account of its apparent one-sidedness was canceled upon its expiration.

The representatives of the South Manchuria Railway declared at the conference held in Chang-Chung in June, 1922, with representatives of the Chinese Eastern Railway that all special reduced rates on through traffic of the Chinese Eastern Railway could no longer be granted, and terms were agreed upon by which it was calculated rates would be equalized on the Chinese Eastern Railway in both directions of the line, namely, to Dairen in the southern and to Vladivostok in the eastern.

In a report dated September 4, 1922, to the board of directors of the Chinese Eastern Railway, B. V. Ostroumoff, the general manager, confidentially stated as follows regarding the new agreement concluded with the South Manchuria Railway in June, 1922:

"In the years 1918–1920, a period of downfall, when the railway was unable to transport the total amount of freight and congestion of traffic was a frequent occurrence, the transport of freight by carts was carried on in the shortest directions up to the point from whence further transport was easy for purposes of export, namely, to Chang-Chung.

"The traffic by cartage withdrew from the railway more than half its grain freight, this amount during the season of 1920 being 62,000,000 poods.

"The railway itself in transporting as well as it could manage the remaining 44 per cent of the grain freights likewise directed the freights along the southern line as the shortest and most available one in point of service.

"The railway did not start immediate transport of freights and, disregarding the terms of the season for transportation, continued the same work during the years 1920 and 1921.

"Owing to the inadequacy of the facilities of the railway, to the lack of shipping facilities, transport in the direction of Vladivostok, notwithstanding the favorable correlation of the tariff rates, which during all these years of the downfall of the activity of the railway, including the year 1920, was two and one-half times cheaper by pood-verst in the Vladivostok direction than in the southern direction, fell to the amount of 3,000,000 poods.

"Thus, the transport service of the western line, up to the time of my taking up the management of the railway, was as regards passenger and freight traffic less than 10 cars per day. During the whole month of December, 1920, there were transported in the Vladivostok direction 30 cars, and during the month of January, 1921, 19 cars.

"Two problems lay before me from a commercial point of view, as well as from consideration of the technical and economic aspect. These were: (1) To regain to the railway the maximum of freight traffic; (2) to reestablish activity on all the branch lines of the railway, both on the eastern and southern lines, and lastly on the western line.

"These problems were, and always are, uppermost in my general plan of all measures to be taken for the betterment of the railway, and I submit them among other questions to the enlightened attention and for the decision of the board of directors.

"Further development of these problems would be: Contending against transportation by carts; reestablishing railway traffic to Vladivostok; developing communication with the West and undertaking all measures for the establishment of transport facilities to the profit of trade and industry.

"So as to facilitate the work of the railway all appertaining lines should develop transportation activity to the highest point, and in accordance with their possibilities take up the freights of the Chinese Eastern Railway.

"When, during last year, it was found that, thanks to those tariff rates which were then established and to different technical and economic measures undertaken by the railway, freights were again regained to the line in all directions, I took care that all the lines should be prepared for the needs of transportation service during the winter season of 1921–22, so that freights could be accepted from shippers without delay.

"It was formerly supposed that during the first year it would be possible to transport to Vladivostok 12,000,000 poods. But, as a matter of fact, the reinforced activity of the railway in the Vladivostok direction, the perfected conditions at Egersheld, the cheaper tariff for reshipment at that port, the advertising of all advantages of the railway resulted in that about 25,000,000 poods were transported to Vladivostok. Also, there was introduced a new way of transporting bean oil by the use of tanks.

"Along with this, the administration took care to reestablish the crossing stations which had been destroyed on the southern line owing to the Japanese war, to lay out a whole series of new railway lines at the stations of the southern line, to demand of the South Manchuria Railway that it should take over up to 700 cars of freight daily against the former amount of 100 to 170 cars. These developments made it urgent to reconstruct both the stations of Chang-Chung and Kouanchendze.

"These measures, as proved by the following transportation season, were absolutely requisite. On some days the export service demanded up to 900 cars, of which number 250 cars were directed eastward and 650 cars southward.

"The increase of freights via Vladivostok was regarded with apprehension by the neighboring railway, and all measures were taken so as to impede export via Vladivostok. In spite of this the administration of the railway contended with all the difficulties lying in its way to the purpose of achieving further development of the Vladivostok traffic.

"As matters stand at the present time, even with that additional work which has been carried out during the summer season and which is now nearing its end, the carrying capacity of the eastern section of the line is 360 to 320 cars and of the southern line 700 cars daily. Thus, the maximum carrying capacity of the railway per day is on an average 1,000 cars.

"The transport service of last year has proved the excessive tension of the work, even at the time when figures were slightly on the decrease, namely, 250 cars in the eastern direction and 650 cars southward.

"I firmly hope that the results obtained during the previous year and the additional preparation undertaken in the current year will allow us to accomplish unbroken export traffic during the winter season to the extent of 1,000 cars per day.

"If it happens that it should be necessary to transport 700 cars to Vladivostok daily and 300 cars to the south, the results would be that on the eastern line there would be a congestion of traffic amounting to 400 cars daily, while the same number of cars would remain unbenefited by the southern line. Besides this, the returns of the railway would show figures lower than those of the estimates, these being figured out quite correctly in accordance with the maximum carrying capacity of the different parts of the line.

"In order to give possibility to the eastern section of the railway to carry on work under the existing unfavorable conditions politically in Vladivostok, the Chinese Eastern Railway was forced to agree to leaving a less profitable rate for the eastern direction, which is one thirty-fifth kopeck per pood-verst against one-fifteenth kopeck on the southern line for the transportation of beans.

"In the whole range of the activity of the railway it is not only possible but it is necessary to be reconciled to the fact that the sending of each pood of freight in the eastern direction gives a net profit of 5 kopecks less as against the sendings in the southward direction.

"It is necessary to uphold the traffic to Vladivostok not only on the ground of the above-mentioned consideration and for the regularity of the service on the whole length of the line but likewise so as not to be left—with the single exit in the southern direction, via Dairen—in a state of dependence regarding the South Manchuria Railway. But to consider that the eastern direction is more important and more desirable for traffic than the southern direction would be erroneous, not only because of what has been hereinabove stated as to the through carrying capacity of the railway but also because of economic returns. Thus, when during the previous year at the sixth conference we had to stand up in defense of reestablishing traffic service in the direction of Vladivostok we were opposed to an increase of tariff rates to Vladivostok.

"But as a result of measures undertaken by us and owing to menaces on the part of the Japanese to increase, beginning from the month of April, the favorable anticart tariff of the through traffic of the Chinese Eastern-South Manchuria Railways it was found that exporters decidedly turned all shipments toward Vladivostok. At the time of the seventh Chang-Chung conference matters stood in such a state that 53 per cent of the whole amount of the export was directed to Vladivostok and only 47 per cent south.

"These facts, resulting in excessive increase of export to Vladivostok, were most disadvantageous to the railway, and the loss to the railway already amounts to about 3,000,000 rubles, with an average decrease of returns per pood-verst of from one-seventh to one twenty-first.

"For the future, if such influx of freight traffic in the Vladivostok direction continues, it is likely that we shall have a considerable deficit of returns against the total amount of earnings as per estimate and also that we shall find ourselves under the embarrassment of not being able to fulfill all export requirements, which will result in congestion of traffic and of great loss to shippers, who would in that case all make their claims.

"All this was clearly foreseen by me before the seventh Chang-Chung conference, and as I reported to the board of directors just before my departure it was absolutely necessary to put a stop to the extreme increase of the influx of freight transportation in the Vladivostok direction and also to establish normal conditions of traffic to the south. We ought really to have done this without any conference at all, so as not to diminish the returns of our budget. But the moment of the opening of the conference proved favorable to us, inasmuch as we succeeded in putting to profit this increase of tariff rates to Vladivostok by giving it out as a grant to the South Manchuria Railway at the same time conserving in force the anticart tariff No. 31, and even getting it under our own control, by which the South Manchuria Railway has paid us the cost of her participation in this arrangement.

"As the attempts to obtain decrease of influx of transportation of freights to Vladivostok had to be dealt with cautiously so as not to be in error on the reverse and to avoid weakening Vladivostok activities, it was suggested at the conference that tariff rates should be increased first from Harbin only, leaving aside the arrangements of the western line.

"When the representatives of the South Manchuria Railway insisted that this increase should also include in the arrangement the station of Anda, we refused this point, leaving ourselves free to act as would be best concerning this station.

"The two months following the close of the conference have proved that the increase of the tariff rate from Harbin is a measure still insufficient to regulate as desired the transportation traffic in all directions and that it is necessary to establish the same increase of tariff rates for the stations of the western line. The result of this measure would be that the deficit of returns of the railway in the eastern direction would be lessened and that normal percentage of exploitation in the southern direction would be reestablished.

"I consider that the necessity, the advantageousness, and the correctness of all these measures settled at the Chang-Chung conference are not to be doubted. We merely availed ourselves of an opportune moment for deciding on these arrangements which were absolutely necessary and unavoidable to introduce even without the help of the Chang-Chung conference.

"Returning to the question of the projected raising of the tariff rates in the Vladivostok direction, I must point out that the measures which are necessary to be established coincide with the insistence of the Chinese merchants of Harbin and of Fudziadzian, and that the Chinese authorities consider that these insistent requests should outweigh the remonstrances advanced by the merchants of Anda.

"I am of the opinion, therefore, that we can effect this increase by presenting it under the form of our yielding in the question in favor of the interests of such an important trading center as Harbin.

"As this arrangement coincides with the desire of the South Manchuria Railway, it would, perhaps, be better to exact a certain compensation from the South Manchuria Railway for the introduction of this measure, which compensation could be exacted on the lines of localizing transportation by carts and of contending against the turning away of the freight along the main line of the railway in favor of cartage transportation."

At the time of the seventh Chang-Chung conference close much criticism was expressed regarding the policy of the Chinese Eastern Railway toward the South Manchuria Railway. The fear was expressed that the Chinese Eastern Railway had virtually sold its birthright to Japan, and that it was the aim of Japan to gradually absorb the whole of north Manchuria by getting control of the Chinese Eastern Railway and replacing the track by its own narrow gauge. However, this criticism has since been dispelled, and it seems that the merits of the Chang-Chung agreement are being recognized. Japan evacuated her troops, and in the meantime a new element entered into the general situation when the Russian Soviet Government took over the maritime province of Siberia, which would indicate that any fears regarding Japanese aggression in north Manchuria at this time are groundless.

After the Chang-Chung conference the percentage of hauls in the eastern direction continued quite normally until September, 1922, and the succeeding months. However, it is claimed by the management of the railway that in practice the Chang-Chung agreement would have benefited Vladivostok in accordance with the plan that it assume its proportion of freight traffic in accordance with its maximum carrying capacity, had not the new political condition in Vladivostok intervened.

In order to increase freight traffic on the western line, negotiations were entered into by representatives of the Chinese Eastern Railway with those of the Chita Railway concerning through passenger and freight traffic. A number of meetings were held by the representatives of both railways, in the course of which a member of the interallied technical board played a prominent part. It was decided that the Chita Railway should send to the Chinese Eastern Railway a certain stock of freight cars, and that communication be established. The Chinese Eastern Railway would not undertake responsibility as to further passage of freight beyond the Chinese Eastern Railway zone, but proposed that the Chita Railway deposit a certain sum in metal currency in one of the foreign banks in Harbin, upon whose warrant the shipper might be able to feel assured as to the security of shipment. The agreement was closed but not ratified on the part of the Chita Railway.

After the Russian Soviet Government came into power, at the close of 1922, in the maritime province, which up to that time had been ruled by a "white" government, another serious change to hamper the economic policy of the Chinese Eastern Railway took place, the eventual outcome of which is problematical.

The Russian Soviet Government in December commandeered Egersheld, Vladivostok, which by an old imperial order was given over for the use of the Chinese Eastern Railway and used by the latter ever since. Egersheld consists of 42 warehouses and 5 piers. The capacity of the warehouses is approximately 5,500,000 poods of freight. The

seizure meant that the Chinese Eastern Railway was not considered by the Soviet Government as having further authority or ownership over this section of the port of Vladivostok and that the railway would lose its revenues from that source.

Within a week from the seizure export via Vladivostok greatly fell off, Harbin exporters expressing great alarm over the new situation, and all parties interested being quite at sea as to how to cope with this seeming overt act. Although calm though would indicate that some amicable arrangement might be reached whereby the Chinese Eastern Railway and the Soviet Government could agree on continuation of through traffic, another element arises which gives doubt to such a possibility on the part of the Chinese Eastern Railway interests. This element consists in the fact that the Soviet Government of late demanded that the Chinese authorities turn over the railway to the Russian Government and made loud protestations against the present management. This was considered for the most part as a bluff until the seizure of Egersheld took place, but has assumed a more serious aspect since. It is believed certain that if the Russian Soviet Government were reasonably assured of the success of the plan, it would seize the Chinese Eastern Railway.

Thus, again, in the height of the grain-shipping season of north Manchuria, export via Vladivostok has been seriously curtailed and a new problem has confronted the railway management. The comparative progress of the Chinese Eastern Railway since 1921 is bound to suffer a serious setback unless proper measures are found to adjust the situation.

TECHNICAL CONDITION OF THE RAILWAY.

In studying the expenditure estimates and the work of the Chinese Eastern Railway in 1921, a series of productive technical improvements is noticeable, as well as a systematic reduction of expense, due to the cooperation of the inter-allied technical board and the management. Official figures show a reduction of expenses for 1921 as against 1920 by about $7,000,000, with a simultaneous increase in the operation of the road from 77,955,571 of pood-versts in 1920 to 85,244,247 of pood-versts in 1921. The staff of the railway was considerably cut down. In 1920 11,340 persons were employed by the road and in 1921 this figure was reduced by 10.78 per cent. Since 1922 the management has introduced measures to further adjust the number of employees of the road to the minimum required for its proper conduct. A close touch has been kept by the general manager of the road with its rank and file, his practice being to frequently make personal trips of inspection. Repairs of track, buildings, rolling stock, workshops, and buildings were effected to such a degree as to leave little doubt that the technical condition of the railway has been immeasurably improved.

THE TRACK.

The condition of the track and other equipment of the Chinese Eastern Railway and the shortage of funds at the disposal of the management in 1921 made it a very difficult task to properly improve the matter. It was decided that the plan for improvement of the situation should systematically cover a period of years.

In 1921, 84.29 versts of track were replaced by new rails and about 9,000 cubic feet of ballast removed. The southern line over a stretch of 110 versts was ballasted with crushed rock. Sidings were built at the Harbin terminals, wooden bridges replaced by stone, the Sungari River banks reinforced, lots raised, etc. The improvements effected on the track in 1921 permitted an increase of speed of trains, the average now being for mail and passenger trains from 65 to 70 versts per hour. In 1922 further improvements on the track made a decided change. Drainage was laid underneath all junctions, the ballasting with crushed rock of the southern line, and the ballasting of a great portion of the main line having also been completed.

BUILDINGS.

A similar program for the improvement of the buildings of the railway was put in force in 1921. It was deemed that to begin with preference should be given to repair of buildings having service importance and destined for public use. Passenger waiting rooms, premises for officials on duty, schools, clubs, roundhouses, as well as dwellings of employees were repaired. The management also revised the dwelling-allotment system so that the number of homeless employees of the road was decreased by almost 50 per cent and the evils of favoritism eliminated. This work was further extended in 1922.

FREIGHT AND PASSENGER SERVICE.

With regard to passenger service, the improvements effected since 1921 are beyond all comparison with 1920. Mail trains were provided with electric lighting, dining cars, and sleeping cars. A train de luxe was also put into operation.

The schedules of movement of passenger and mail trains were radically changed. The stopping time at stations was reduced and the interstation speed brought up to 65 versts per hour on the main line and 70 versts on the southern line. Traveling time for mail trains from Manchuli to Pogranichnaya was reduced by 7 hours and 55 minutes, and from Harbin to Chang-Chung by 1 hour and 45 minutes. The practice of dispatching trains on time became strict law.

The improvement of the freight service of the railway is well proved by the fact that it handled with success the tremendous requirements of the exporting season of 1921. In December, 1921, the monthly figures of freight operation broke all records with a daily average of 1,029 cars. This operation was made possible by speeding up repair of cars. In October, 1921, the percentage of cars needing repair was only 15 per cent. The loading capacity per axle rose from 372.37 in 1920 to 417.94 in 1921. The average daily haul of a working car increased from 34.38 in 1920 to 39 in 1921. The turnover of a working car declined in 1921 by 0.1 for 24 hours as against 1920. In connection with the freight service a redistribution of locomotives took place in order to respond most efficiently to the current of traffic. This resulted in an increase of the composition and net weight of freight trains. In 1920 the composition of freight trains averaged 28.54 cars, the net weight of the trains being 16,729 poods, but in 1921 the average composition of freight trains increased to 34.47 cars, the net weight being 19,992 poods. This average increased in 1922. The amount of freight carried increased by 26 per cent as against estimates. Freight trains became subject to the same strict surveillance as to schedules as the passenger and mail trains, so that the commercial speed was raised from 12.78 versts per hour in 1920 to 13.90 in 1921. The personnel of the traffic department was reduced in accordance with demand. In 1920, 3,368 persons were employed, but only 2,609 were maintained in this department in 1921. In July, 1922, this number was reduced to 2,215.

The following table of official fignres gives a comparative idea of the work of the freight service of the railway in 1920, 1921, and the first six months of 1922:

Year and month.	Speed.	Turnover of a working car.	Net weight of a freight train, poods.	Loading per axle.		Per centage of haul of empties to total hauling.	Composition of freight train by axles.	Haul of working car.
				Loaded car.	Loaded cars and empties.			
1920	12.78	10.8	16,729	372.87	250.85	37.5	67.56	34.38
1921	13.90	10.7	19,992	417.94	254.15	39.4	79.17	39.00
1922.								
January	10.2	12.8	21,178	472.08	294.10	33.4	75.14	37.1
February	12.7	10.3	19,333	452.89	259.89	39.0	77.35	47.5
March	15.7	7.6	20,069	395.70	268.04	27.7	79.18	51.6
April	16.0	7.5	22,886	405.74	280.47	28.0	85.69	47.4
May	15.8	7.3	24,936	417.94	296.86	29.4	87.12	46.4
June	15.9	7.2	25,679	420.99	297.70	25.4	88.87	44.0

ROLLING STOCK AND FUEL.

In 1921 capital repairs were effected on 79 locomotives instead of 65 as provided by the estimates for the year, the average number of locomotives turned out per month being 4 to 9 as against 1 to 5 in 1920.

The expenditure for fuel for locomotives, according to official figures, declined in 1921 as compared with the previous year, as follows:

Firewood, cub, sajen:	
1920	51,305
1921	46,851
Coal, poods:	
1920	18,601,075
1921	13,597,262

Thus the consumption of firewood declined by 6.7 per cent and that of coal by 26.9 per cent. On the basis that the consumption of coal converted into the equivalent of firewood exceeds the latter by more than one and one-half times the general percentage of the reduction of fuel consumption by locomotives is figured at 18 per cent. The operation of the railway expressed in millions of gross pood-versts increased, according to the official figures, by 13.7 per cent in 1921, as compared with the previous year, yet a reduction of the haul of locomotives was effected amounting to 9.15 per cent in 1921 as compared with the previous year. The consumption of lubricating oils was also considerably reduced by an enforced control and the introduction of a bonus system. The following table shows the consumption of lubricants in pounds for 1920 and 1921:

For 1,000 versts haul:	
1920	13.56– 18.24
1921	9.68– 14.86
For 1,000,000 pood-versts:	
1920	233.8 –311.1
1921	204.8 –270.0

Repairs of cars, according to the new system inaugurated in 1921, meet the same requirements which existed in pre-war times. The productiveness of the chief workshops rose from 1,426 cars in 1920 to 2,624 cars in 1921. In the shops superintendents were required to check exactly and in time the cost of a unit and to economize all expenses.

However, the greatest items of economy in expense were obtained by a reduction of the cost of supplies and by their more careful consumption. Fuel prices had reached an abnormal height, and its supply was monopolized by certain interests fighting the railway. Expenses for fuel in 1920 reached the exorbitant figure of 38.3 per cent of the whole expenditure of the railway budget. Through rigorous measures the management succeeded in remedying this situation, according to the following official figures:

	Quantity firewood for locomotives (cubic sagene).	For other.	Quantity coal for locomotives (poods).	For other.	Total cost in rubles.	Percentage to total expenditure under estimates.
1920	51,306.70	115,159.50	18,601,075	7,137,688	18,035,961	38.3
1921	46,851.78	70,497.81	13,597,262	6,411,107	8,740,695	26.9

REVALUATION.

The railway management in 1921 readjusted the prices of its stocks which had previously been marked down by varying abnormal high prices of preceding years. The process of the general decline of prices, which for several classes of materials even meant a return to pre-war figures, led to a divergence between market prices and prices of materials stored by the railway which was so marked that an invoicing based on previous prices, according to the management, would have meant a fictitious increase of revenue which would have prevented a regular completion of the provisions of the estimates and a regulation of expenses. The management thus considered it correct to reconsider the value of all stocks of materials according to actual ruling prices and to calculate the difference arising from such reduction of the working capital. It was considered that this loss item was fictitious and merely registers the previous actual losses sustained by the road when it paid abnormal prices for materials in former years, which no doubt, in a large measure, is true.

The result of the reconsidered valuation of stocks of the road is shown by the following official figures:

	Profit.	Loss.
	Rubles.	*Rubles.*
From readjustment of prices	51,958.14	2,758,927.04
From adjustment of nomenclatures and prices under estimates	159,343.67	160,491.07
Total	211,301.81	2,919,418.11
Balance		2,708,116.30

In so far as the railway had used in 1921 materials with readjusted prices, it is considered to be relieved of a fictitious exaggeration of expense.

CONCLUSION.

In any forecast of the probable rôle of the Chinese Eastern Railway in the future of Siberia it must be borne in mind that the present policy of the Russian Soviet Government is to secure control of the railway. The Chinese Government is and has been controlling the road since 1920, and the contention of the Chinese Government is that it should be returned to none but a recognized Russian Government. The exact future status of the road, therefore, is difficult to determine.

If the Soviet Government succeeds in its aim to control the railway and adopts the high-handed procedure of red tape and vacillation which characterizes its present economic measures, undoubtedly the road will for a time at least fall into its old deplorable state and economic benefit to Manchuria and Siberia be impaired.

It is interesting to note the outstanding fact that since the present management assumed control the life of the railway has been dependent solely upon Manchuria. The normal function of the road includes Siberia, and under improved and intelligent management this function admits of enormous economic development. The present management, in view of the recent political change in East Siberia, has been quick to see the probable results of this change as it might affect the railway, and negotiations are now being conducted with soviet authorities as to the possibilities of cooperation in operation of the line. It has even been suggested by the management that the Soviet Government have representatives on the board of directors of the railway. Provided, of course, that the Soviet Government took a conciliatory attitude and placed faith in a scheme of cooperation, the results of any such arrangement would be probably very beneficial. At the present time the result of these negotiations is an unknown quantity. On the surface, little faith can be placed in any conciliatory attitude which might be assumed by the Soviet Government, in view of its recent action concerning Egersheld (see special report No. 37) and its pronouncements at Peking, yet the Chinese Eastern Railway hopes that the action will be rescinded and the way paved for better relations, and it is working hard to accomplish this end.

Aside from the complications arising from the recent political change in East Siberia, notwithstanding the indebtedness of the road to foreign powers, if the present management were to have the good fortune to continue for another period of two years, there can be little doubt but that the measures it has adopted to improve the road would be amply justified. It is recognized that the general manager of the railway has been readjusting its affairs and redeeming part of its debts. This has been carried on under stress. The road went into a period of convalescence, however, and in order to become normal needs time.

Having been personally over the Chinese Eastern Railway from the station Pogranichnaya to the station Manchuli, having personally visited all of the railroad shops at Harbin, the headquarters of the line, I can personally testify to the excellent condition of the entire road, taking into consideration the extraordinary difficult times through which the country is passing. I can also testify to the efficient work being done in all of the shops, putting the old rolling stock and engines in perfect condition again, all to be credited to the efficient and conscientious work carried out under the personal direction of the road's present manager. Although this gentleman is being fought and besmeared by his political enemies and a bunch of jealous grafters, he has brought the road under all these difficulties into excellent condition, as can be seen by a careful study of this report and the accompanying diagrams.

The many improvements made in the city of Harbin for the benefit of the railroad's employees, the improvements made all along the road for the same purpose and for the comfort of the traveling public, after everything had been practically ruined by the armies of occupation, the retreating armies of Kolchak, etc., can not but astonish one. These enormous improvements were made in a short time under the present general manager, for all of which he receives no credit from the discharged surplus employees and grafters who can no longer steal the road blind. He is being accused by these people of having squandered the road's money. This accusation is absolutely unjustified. All the money spent has been spent for the benefit of the road.

The present general manager has not only not used any of the road's funds for his own use but has spent large sums of money of his own for the benefit of the employees of the road and their families, and he himself is, comparatively speaking, a poor man to-day. He no doubt, made some mistakes, most of which can be summarized by saying that he has been too lenient with many of his jealous adversaries and too good hearted toward a lot of shiftless employees.

C. J. MAYER,
American Trade Commissioner.

LEAVE TO WITHDRAW PAPERS—BERTRAND HEIM.

Mr. KIRKPATRICK, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in connection with H. R. 993, for the relief of Bertrand Heim, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted—

To Mr. TUCKER, for to-day, on account of sickness (at the request of Mr. BLAND of Virginia).

To Mr. PATTERSON of Missouri, for two days, on account of important business.

To Mr. BIRD, for eight days, on account of urgent business.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that February 21 they had presented to the President of the United States, for his approval, the following bills:

H. R. 2049. An act for the relief of the Delaware River Lightering Co.;

H. R. 3461. An act for the relief of Eugene Fazzi;

H. R. 3499. An act for the relief of the Atlas Lumber Co., Babcock & Willcox, Johnson, Jackson & Corning Co., and the C. H. Klein Brick Co.;

H. R. 4619. An act for the relief of the Link-Belt Co., of Philadelphia, Pa.;

H. R. 4620. An act for the relief of Th. Brovig;

H. R. 4622. An act for the relief of the Lloyd Mediterraneo Societa Italiana di Navigazione, owners of the Italian steamer *Titania;*

H. R. 5249. An act for the relief of Ephraim Lederer, collector of internal revenue for the first district of Pennsylvania;

H. R. 5475. An act for the relief of the Standard American Dredging Co.;

H. R. 5648. An act for the relief of Ike T. Boyles;

H. R. 6177. An act for the relief of the owner of the fishing smack *Mary S. Dolbow;*

H. R. 8214. An act to compensate the owners of the American steamship *Vindal* for damages and expenses in repairing the said steamship, and to make an appropriation therefor;

H. R. 9049. An act declaring the act of September 19, 1890 (26 Stat., ch. 907, sec. 7), and the act of March 3, 1899 (30 Stat., ch. 425, sec. 9), and all acts amendatory of either thereof, shall not hereafter apply to a portion of the west arm of the south fork of the South Branch of the Chicago River, and for other purposes;

H. R. 9316. An act for the relief of Robert J. Ashe;

H. R. 9887. An act for the relief of the Pennsylvania Railroad Co.;

H. R. 13808. An act granting the consent of Congress to the commissioners of Venango County, their successors and assigns, to construct a bridge across the Allegheny River, in the State of Pennsylvania;

H. R. 3836. An act for the relief of Nolan P. Benner;

H. R. 13128. An act authorizing an appropriation for the construction of a road within the Fort Apache Indian Reservation, Ariz.; and

H. R. 13481. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1924, and for other purposes.

DEATH OF MRS. JOHN A. LOGAN.

Mr. DENISON. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. The gentleman from Illinois asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. DENISON. Mr. Speaker, this morning at 4 o'clock there passed away in this city one of the Nation's great characters, Mrs. Gen. John A. Logan. Eighty-five years ago next August Mrs. Logan was born in the little town in southern Illinois which happens to be my home. Early in her life she was united in marriage with General Logan, then a rising young lawyer, and from that time until the death of the general their lives were so closely and so beautifully intertwined that the public services and the name and the fame of the one can not be separated from those of the other.

General Logan was one of the world's greatest volunteer soldiers, one of this Nation's greatest generals, and one of our most illustrious statesmen; and through all the troubled and critical years of the Civil War, as well as the turbulent and critical years of reconstruction following the war, Mrs. Logan was his constant companion, his helpmate, and his inspiration.

Mrs. Logan first came to Washington, I believe, in 1858, when General Logan was elected to Congress from the district I now have the honor to represent; and during most of the years since then she has been a resident of this city. Her home here has ever been a shrine for those who from experience recalled the eventful days when our Republic trembled, as well as for many thousand others to whom the services and the sacrifices of the heroic men and women of those days have been an inspiration. By her splendid character, her devotion to the highest ideals, and her patriotic endeavors Mrs. Logan has contributed much good to the city and to the Nation.

I am informed that on next Saturday afternoon funeral services will be held, and her remains will be laid to rest be-

side those of General Logan at the Soldiers' Home here in Washington. I am sure many of the Members of the House will take advantage of the privilege to attend. I feel, Mr. Speaker, that by the death of Mrs. Logan our country has lost one of its greatest and most honored characters.

Mr. GARRETT of Tennessee. Mr. Speaker, probably the fact that he was a great man was because he had so great a consort.

LEAVE TO EXTEND REMARKS.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

RECESS.

Mr. MONDELL. Mr. Speaker, I move that the House stand in recess until 8 o'clock p. m.

The SPEAKER. The gentleman from Wyoming moves that the House stand in recess until 8 o'clock p. m.

The motion was agreed to; accordingly (at 6 o'clock and 15 minutes p. m.) the House stood in recess.

EVENING SESSION.

The recess having expired, the House (at 8 o'clock p. m.) resumed its session, with the Speaker in the chair.

Mr. STAFFORD. Mr. Speaker, I move that the consideration of bills on the Private Calendar unobjected to be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Wisconsin moves that bills on the Private Calendar unobjected to be considered in the House as in the Committee of the Whole.

The motion was agreed to.

THE MICHIGAN BOULEVARD BUILDING CO.

Mr. EDMONDS. Mr. Speaker, I present a conference report on the bill (H. R. 5918) for the relief of the Michigan Boulevard Building Co., for printing under the rules.

Mr. BLANTON. Reserving the right to object, has there been any extraneous matter placed upon it by the Senate?

Mr. EDMONDS. No; the bill is agreed to as it passed the House.

Mr. BLANTON. Nothing placed on it as a rider?

Mr. EDMONDS. No.

The report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5918) for the relief of the Michigan Boulevard Building Co., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments.

G. W. EDMONDS,
JAMES P. GLYNN,
H. B. STEAGALL,
Managers on the part of the House.

ARTHUR CAPPER,
F. R. GOODING,
PARK TRAMMELL,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5918) for the relief of the Michigan Boulevard Building Co. submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

The amount is reduced from $31,931.69 to $18,931.69.

G. W. EDMONDS,
JAMES P. GLYNN,
H. B. STEAGALL,
Managers on the part of the House.

The SPEAKER. The Clerk will report the first bill in order on the calendar.

The first business on the Private Calendar was the bill (H. R. 8051) for the relief of the Commonwealth & Dominion Line (Ltd.), owner of the British steamship *Port Phillip*.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, I ask that the bill be passed over without prejudice until the author of the bill can be present.

Mr. BLANTON. A point of order, Mr. Speaker. The calendar which I have shows a star where we left off the other night.

The SPEAKER. The Chair is informed that there was a special order for taking up this bill first.

Mr. EDMONDS. We agreed at the meeting the other night that this should be taken up first.

Mr. REED of New York. I want to say to the gentleman from Wisconsin that the gentleman from New York [Mr. HICKS] was suddenly called out of town. He is anxious that the bill should pass.

Mr. STAFFORD. This bill does not follow the established form adopted by the Committee on Claims for referring claims of this character to the United States District Court sitting as a court of admiralty. It further provides in section 2, which is very exceptional, an appropriation. Besides that I do not think any of these bills should be referred to the admiralty court with claims for demurrage for the delay in the use of the vessel. The other night I objected to one bill because the limitation was not incorporated. There is a bill on the calendar, No. 457, which contains the form of bill which the Committee on Claims has been reporting in these cases. I ask that this bill be passed without prejudice.

Mr. REED of New York. If the gentleman objects, of course there is nothing else to do.

Mr. STAFFORD. I do not object, but I ask that it be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

COMPAGNIE FRANCAISE DES CABLES TELEGRAPHIQUES.

The next business on the Private Calendar was the bill (H. R. 14091) for the relief of the Compagnie Francaise des Cables Telegraphiques.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, I would like to inquire of the chairman of the committee why the committee did not follow the recommendation of the Acting Secretary of Commerce and submit this bill to the United States District Court for determination of damages and not to the court sitting as a court of admiralty?

Mr. EDMONDS. I call attention to the fact that the department sent us the bill to be entered in this way. I do not know why, but I think because there was some controversy as to the amount.

Mr. STAFFORD. I take issue with the gentleman. On page 2 of the report is the draft of the bill and it is not the bill reported by the committee. It is a bill substantially in the form the committee has been following this session in reference to bills referring to the district court sitting as a court of admiralty. I direct the gentleman's attention to the difference between the recommended bill and this bill which is reported. The bill from the Acting Secretary of Commerce says that it "be referred to the district court of the United States in the district of Massachusetts with jurisdiction and authority to determine the liability of the United States therefor."

Mr. EDMONDS. The gentleman wishes to have judgment given against the United States. We changed it because it is not the practice in the House to have judgment rendered. There is no demurrage. It is damage to a cable. If the gentleman wishes to have judgment against the United States I want to say that that is against the practice of the House.

Mr. STAFFORD. The gentleman says there is no demurrage charge that can arise?

Mr. EDMONDS. I understand not; it is damage to cables.

Mr. STAFFORD. Could there not arise in that connection damage by reason of business that has been interfered with by reason of the breaking of the cable? The cable company makes a claim against the Government of $11,000. That the Department of Commerce disputes.

Mr. EDMONDS. That is right.

Mr. BLANTON. Mr. Speaker, I am going to object, and it will save time if I object now.

The SPEAKER. Objection is heard.

ALASKA COMMERCIAL CO.

The next business on the Private Calendar was the bill (S. 2294) to confer jurisdiction upon the Court of Claims to ascertain the cost to the Alaska Commercial Co., a corporation, and the amount expended by it from November 5, 1920, to April 18, 1921, in repairing and rebuilding the wharf belonging to said

company at Dutch Harbor, Alaska, which wharf was damaged and partially destroyed on or about November 5, 1920, through collision therewith of the United States steamship *Saturn*, United States Navy, and to render judgment therefor.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, why can not the Navy Department pay the damages under the blanket authority which we recently vested in them in such cases as this?

Mr. EVANS. Because the sum is too large.

Mr. STAFFORD. Is there any claim for demurrage arising in this case?

Mr. EDMONDS. I do not believe so.

Mr. STAFFORD. As I recall, there was a dispute as to the amount of damages.

Mr. EDMONDS. They made a claim of $13,000, and in the opinion of the department the bill was excessive. I doubt if any claim for demurrage could arise on this claim. We drew the bill up in the ordinary form.

Mr. STAFFORD. As I recall this case, it was a poorly constructed wharf, the piles being in the water only 3 or 4 feet. A storm came up and the wharf collapsed. Why should we be responsible for damages to a wharf if the vessel was properly there, when a storm arose which is an act of God?

Mr. EDMONDS. I do not believe the gentleman's statement is quite accurate. The wharf was probably useful to these people, and in an endeavor to get out of bad weather this Government boat tied up at the wharf and broke it down.

Mr. STAFFORD. While the Government boat was moored to the wharf a squall came up, and in confirmation of my position that the wharf was in poor condition, I note that the Acting Secretary of the Navy, Theodore Roosevelt, states that in his opinion the wharf was not properly built; that the piles were in the water only 3 feet. Mr. Speaker, I object to this bill.

BUFFKIN & GIRVIN.

The next business on the Private Calendar was the bill (S. 1670) for the relief of Buffkin & Girvin.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Buffkin & Girvin, of Jacksonville, Fla., out of any money in the Treasury not otherwise appropriated, the sum of $2,114, in settlement of their claim for funds paid by them to the Government under protest, for manure, which was never delivered by the Government under certain contracts the said firm had with the Government for the purchase of manure at certain Army camps during the recent war.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

F. J. BELCHER.

The next business on the Private Calendar was the bill (S. 3609) for the relief of F. J. Belcher, jr., trustee for Ed Fletcher.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BLANTON. Mr. Speaker, let us have the bill reported.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to F. J. Belcher, jr., trustee for the benefit of Ed Fletcher, out of any money in the Treasury not otherwise appropriated, the sum of $21,838, in full payment for damage to lands owned by said Ed Fletcher inflicted thereon by the Government while occupying said lands as an Army training camp.

Mr. BLANTON. Mr. Speaker, I object.

Mr. SWING. Mr. Speaker will the gentleman withhold his objection for a moment?

Mr. BLANTON. Yes.

Mr. SWING. I sincerely hope that the gentleman will not object to this bill. From my own investigation into the case and from my personal knowledge, because I have been over the ground and was there before the Army camp was located at that point, and also since, I regard this as an exceedingly meritorious claim. I introduced a companion bill which went to the Committee on Claims and to the subcommittee of which the gentleman from Massachusetts [Mr. UNDERHILL] was the chairman. That subcommittee has also reported favorably.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. SWING. Yes.

Mr. BLANTON. This bill embraces $21,000?

Mr. SWING. Yes.

Mr. BLANTON. Does the gentleman know anything about the bill which we just passed without objection?

Mr. SWING. No.

Mr. BLANTON. The preceding bill, instead of calling for $21,000 called for $2,100. It passed without objection or debate. It involves a claim for a lot of manure which the parties claim they were entitled to, but a part of which was distributed by soldiers and sold to somebody else instead of being delivered to them. One report shows that there was only $361 due upon it. I doubt whether the Government owed more than $361. I let the bill pass to save time. I thought perhaps we could save more by saving time and then killing some of these big bills than in wasting time on $2,100 bills.

Mr. LOWREY. Mr. Speaker, will the gentleman yield?

Mr. SWING. Yes.

Mr. LOWREY. I just want to say as a member of that Committee on Claims that I feel sure if the gentleman from Texas could have examined the evidence thoroughly he would not object to this bill. I was on the subcommittee that considered it, and on the main committee.

Mr. BLANTON. And the gentleman considered a lot of ex parte statements and affidavits.

Mr. LOWREY. I did it with what integrity I had, as a member of the committee.

Mr. BLANTON. The gentleman never saw the witnesses and was not able to judge whether their testimony was correct or not. I have seen ex parte statements and affidavits come in bundles where the evidence of one present witness would refute the whole bundle.

Mr. LOWREY. I just offer my statement for what it is worth.

Mr. SWING. It is a large claim, but that is not the controlling question. The controlling question is how much damage was done.

Mr. BLANTON. My idea is just this: This is a night when bills are considered that are unobjected to, bills that are supposed to be small bills or bills where there could be no objection at all. Some of the new Members do not understand why one man should stop a bill to-night. There are days of each session for the consideration of the Private Calendar when one man can not stop a bill. It is only on such nights as this in the closing hours of Congress that that can be done, and a $21,000 claim against this Government ought to have more than five minutes' consideration of this House at all times.

Mr. SWING. Let me just state the case on the United States Government's own investigation, not on ex parte statement. This man, out of his sense of patriotism, at the Government's request, turned over to the Government 3,000 acres of land for use for five years by the United States Government.

Mr. BLANTON. Yes; and the land is still there. It never has moved.

Mr. SWING. The Government moved 6 miles of it. It dug trenches over 6 feet deep extending over 6 miles in length. It put concrete emplacements at one end of it and a whole battery of cannon there and practiced artillery firing from one end to the other.

Mr. BLANTON. Did they not have the right to do it under the lease?

Mr. SWING. Certainly; the lease was free, $1 for five years or 20 cents a year, and he is paying out over $1,000 a year taxes.

Mr. BLANTON. He merely entered into a bad contract.

Mr. SWING. It is not a contract. He was in New York and they wired him that the Government wanted it and he wired back that the Government could have anything he had, and being patriotic——

Mr. BLANTON. In other words, he commercialized his patriotism.

Mr. SWING. No; but he ought not to be punished because of it. Should a man's patriotism be used to inflict punishment on him? If you borrowed a man's bicycle, would you return it to him with a wheel broken? The Government had it. They dug 6 miles of trenches; they shot it full of big pits—the dugs are there—they left them and left the trenches as they were. They said they are willing to pay, and then they went to work and found out by actual test what it would cost to fill them up, and they estimated that it would actually cost more to fill the trenches than is included in this bill.

Mr. BLANTON. Will the gentleman yield? This patriotic citizen was in New York, and the Government represented that it wanted some of his land—about 3,000 acres—and he proceeded to let it to them for five years under certain stipulations.

Mr. SWING. They wired him with reference to the land, and he wired to them that "they can have anything I have got."

Mr. BLANTON. Without any strings; and the Government used it, and after the Government used it——

Mr. SWING. They abused it.

Mr. FIELDS. Do I understand the amount carried in this bill was what the War Department estimated it would cost to fill the trenches and put them back in condition?

Mr. SWING. Absolutely.

Mr. FIELDS. Such as when they received it from him?

Mr. SWING. Let me read you what the judge advocate says:

When the property was abandoned, excavations to the extent of 17,480 cubic yards, consisting of trenches, dugouts, gun pits, etc., were left thereon. That the Government had a valid right to make these excavations is indisputable, but that right does not carry with it the right to leave them upon relinquishing possession of the land in a condition which not only makes the land unsafe but constitutes a permanent damage thereto so long as they are left undestroyed. This claim has been investigated by a local board and the cost of refilling these trenches, etc., was found to be slightly more than $1.25 per cubic yard. This cost was determined by the filling of some 1,500 yards of trenches, etc., by the Government, and is also the lowest figure procurable from commercial contractors. To refill these holes will require by actual measurements the removing of 17,480 cubic yards of earth. At $1.25 per cubic yard, this would cost $21,850. The claimant, however, has agreed to accept the sum of $21,838, and the local board recommends the payment of this sum. This recommendation is concurred in.

Mr. FIELDS. He asks for no rental on the land, but asks that the Government put it back in the condition in which they found it.

Mr. SWING. He asks them no rental money, but he said that if they would fill the trenches and put it in the same condition that it was before they took it he would be satisfied. They said they would rather make a cash settlement.

Mr. BLANTON. Let me give my view. If this bill was for the Government to place the land back in the shape in which it found it I would not object for one minute, but it is a bill to pay a man $21,000 in cash. Now, the land for the purpose for which it is suitable or desired may not be damaged at all by having these trenches and holes in it. Suppose a man in New York wants to make a golf course of it. Would he not want some holes and mounds on it, if he wanted to use it for a golf course? That is one of the main purposes for which most men in New York want some land.

Mr. SWING. He was only in New York temporarily.

Mr. STAFFORD. Mr. Speaker, I demand the regular order.

Mr. BLANTON. Mr. Speaker, I object.

HUGH MARSHALL MONTGOMERY.

The next business on the Private Calendar was the bill (H. R. 13724) for the relief of Hugh Marshall Montgomery.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BLANTON. May we have it reported?

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patent for lot 4, containing 54 acres, of section 3, in township 17 north, and range 5 west, Choctaw meridian, in the State of Mississippi, to Hugh Marshall Montgomery.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

GREAT LAKES ENGINEERING WORKS.

The next business on the Private Calendar was the bill (H. R. 6601) for the relief of the Great Lakes Engineering Works.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, this bill is entirely satisfactory so far if it does not require the United States District Court to sit as a court of admiralty if there be a limitation inserted excepting claims for demurrage.

Mr. EDMONDS. I will offer such an amendment.

Mr. STAFFORD. With that understanding I will be glad to withdraw the reservation of objection.

The Clerk read as follows:

Be it enacted, etc., That the claim of the Great Lakes Engineering Works, a corporation organized under the laws of the State of Michigan, with its principal place of business in the city of Detroit, in said State, owner of the steamship *Frank H. Goodyear*, and certain docks on the Detroit River, at Ecorse, Mich., against the United States for damages alleged to have been caused by collision between the United States steamship *Isla de Luzon* and said steamship *Frank H. Goodyear* on May 24, 1917, in the Detroit River at Ecorse, Mich., may be sued for by the Great Lakes Engineering Works in the District Court of the United States for the Eastern District of Michigan sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the Great Lakes Engineering Works, or against the Great Lakes Engineering Works in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by the order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

Mr. EDMONDS. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 2, line 3, after the word "suit," insert "to the extent only of such damages suffered other than claims for demurrage to said vessel."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

C. M. RIEVES.

The next business on the Private Calendar was the bill (S. 3154) for the relief of C. M. Rieves.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SANDERS of Indiana). Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That there is hereby relinquished to C. M. Rieves, of Marion, Ark., all right, title, and interest of the United States in the unsurveyed part of the east one-half of section 11, lying south of the unsurveyed north half of the northeast quarter of said section, in township 8 north of range 8 east of the fifth principal meridian in the State of Arkansas.

The bill was ordered to be read a third time, was read the third time, and passed.

AUGUST NELSON.

The next business on the Private Calendar was the bill (H. R. 13024) for the relief of August Nelson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the homestead entry No. 027376, Cheyenne, Wyo., made by August Nelson on October 11, 1920, under the act of February 19, 1909 (35 Stat. L., p. 639), for lots 3 and 4, east half of the southwest quarter, and southeast quarter of section 30, township 25 north, range 81 west, sixth principal meridian, be, and the same is hereby, validated, and the Secretary of the Interior is hereby authorized to issue patent thereon upon the submission of satisfactory proof of compliance with the law under which the entry was allowed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next bill.

MILES J. DAVIS, DECEASED.

The next business on the Private Calendar was the bill (H. R. 13612) authorizing the issuance of patent to the legal representatives of Miles J. Davis, deceased.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the consideration of this bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue a patent to the legal representatives of Miles J. Davis, deceased, upon homestead entry, Buffalo, Wyo., No. 014165, made August 2, 1920, for the east half of the west half, west half of the east half of section 34, south half of the south half of section 27, and south half of the south half of section 26, township 54 north, range 75 west, sixth principal meridian, upon which proof of compliance with law has been filed.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next one.

WYATT A. MARSHALL.

The next business on the Private Calendar was the bill (H. R. 13614) for the relief of Wyatt A. Marshall.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the homestead entry No. 038158, made by Wyatt A. Marshall on February 23, 1921, under the act of December

29, 1916 (39 Stats. L. p. 862), for the south half of section 28, township 4 north, range 12 east, New Mexico principal meridian, be, and the same is hereby, validated, subject to future compliance with the law.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next bill.

JOSEPH H. LOKKEN.

The next business on the Private Calendar was the bill (H. R. 14028) for the relief of Joseph H. Lokken.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the consideration of this bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to certify to the Secretary of the Treasury the amount paid as purchase money by Joseph H. Lokken in connection with commutation proof on his homestead entry made at Glasgow, Mont., office serial 050325, west half northeast quarter, section 27, township 29 north, range 48 east, Montana meridian.

SEC. 2. That upon receipt of the certificate from the Secretary of the Interior, as provided in section 1 of this act, the Secretary of the Treasury is hereby authorized and directed to make payment of the amount so certified out of "Proceeds of Fort Peck Indian lands, act of May 30, 1908," and issue his warrant in settlement thereof.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next bill.

RAYMON B. HARRISON.

The next business on the Private Calendar was the resolution (H. J. Res. 222) authorizing the President of the United States to amend the discharge certificate issued Ramon B. Harrison, formerly captain, Infantry, United States Army.

The title of the resolution was read.

The SPEAKER pro tempore. Is there objection?

Mr. FIELDS. May we have the resolution reported, Mr. Speaker?

The SPEAKER pro tempore. The Clerk will report the resolution.

Mr. TILSON. Mr. Speaker, I ask unanimous consent that the amendment may be read instead of the preamble, which is striken out, and the original matter contained in the bill.

The SPEAKER pro tempore. The Clerk will report the resolution without the preamble.

The Clerk read as follows:

Resolved, etc., That the President of the United States be, and he is hereby, authorized and empowered to revoke the certificate of discharge from the military service given, on December 23, 1920, at Governors Island, New York, to the said Ramon B. Harrison, then holding the rank of captain, Infantry, United States Army, under the provisions of the act of Congress entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917, and issue in lieu thereof and as of date of January 21, 1921, date of his acquittal and release from military custody, an honorable discharge: *Provided*, That upon his being granted an honorable discharge from the military service as provided for herein, the said Ramon B. Harrison shall be entitled to the payment of $60, as provided in section 1406 of the act of Congress entitled "An act to provide revenue, and for other purposes," approved February 24, 1919, and also to the payment of full pay and allowances to which his rank of captain, Infantry, United States Army, entitled him at Governors Island, N. Y., up to and including January 21, 1921, not otherwise paid to him.

With a committee amendment, as follows: Strike out all from line 3, page 1, to line 2, page 3, and after line 2, page 3, insert:

That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged officers, Ramon B. Harrison, who was a captain of Infantry, United States Army, shall hereafter be held and considered to have been discharged honorably from the military service of the United States on the 23d day of December, 1921.

Mr. FIELDS. Reserving the right to object, Mr. Speaker, may we have the resolution explained?

Mr. WURZBACH. Mr. Speaker, this bill was reported out of the Committee on Military Affairs by Mr. HILL, who is not present to-night, but I know something of the facts of the case. This officer was discharged without honor while he was awaiting trial by court-martial. Under the law of 1920 emergency officers were required to be discharged on or before December 31, 1920, and this man was, in accordance with that law, discharged without honor on, I think, December 23. Thereafter, in January, he was tried and acquitted.

Mr. FIELDS. I remember the case now. It was a very meritorious case.

Mr. WURZBACH. Yes; it was a meritorious case.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. I reserve the right to object.

Is that the only explanation the gentleman could give about the merits of the bill? There have been men charged with offenses, I submit to my colleague; for instance, a well-known case that has been before the Congress, that of the officers connected with the escape of Grover Cleveland Bergdoll. They were tried by court-martial and honorably acquitted. Yet they let a deserter escape purposely, designedly.

Mr. WURZBACH. I will say in reply to the gentleman that I think we have got to assume that in the case of judgments in courts-martial, the same as with judgments in courts of law, they ought to carry with them some validity.

Mr. BLANTON. We ought to quit chousing Grover, then, if we are going to pursue that policy. We have choused him in another bill, on a bill that applies to everybody in the United States except Bergdoll. I agree with the bill. I do not think we ought to give him any quarter whatever. But if we are to carry out that policy, we would assume that every court-martial acquittal means innocence, but in fact it sometimes means guilt.

Mr. WURZBACH. If this trial had taken place before December 31, 1920, and he had been acquitted——

Mr. FIELDS. If he had been acquitted 10 days earlier he would have had an honorable discharge.

Mr. TILSON. Yes; he would have had an honorable discharge.

Mr. BLANTON. I have investigated some of the bills coming out of the Committee on Naval Affairs and out of other committees when court-martial proceedings were pending, and the man was discharged before the court-martial proceeding was had.

Mr. TILSON. He was forced out by the law.

Mr. FIELDS. He was forced out.

Mr. TILSON. The law compelled him to be discharged at that time, and therefore he had to be.

Mr. BLANTON. Have either of the gentlemen investigated this case personally?

Mr. FIELDS. I have.

Mr. BLANTON. Does the gentleman think it is meritorious?

Mr. FIELDS. I think it is very meritorious.

Mr. BLANTON. I withdraw the reservation. My colleague has investigated the case.

The SPEAKER pro tempore. The question is on the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill was ordered to a third reading, and was accordingly read the third time, and passed.

By unanimous consent the title of the bill was amended to conform to the text.

COMMONWEALTH & DOMINION LINE.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent to return to Calendar No. 415, the first bill considered this evening, and passed over temporarily, to allow the gentleman from New York [Mr. REED] to offer a substitute.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent to return to Calendar No. 415. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill by title.

The Clerk read the title of the bill (H. R. 8051) for the relief of the Commonwealth & Dominion Line (Ltd.), owner of the British steamship *Port Phillip*.

Mr. STAFFORD. Under reservation of objection I ask unanimous consent that the substitute to be offerd by the gentleman from New York [Mr. REED] may be read in lieu of the House bill.

The SPEAKER pro tempore. The gentleman asks unanimous consent that the substitute to be offered by the gentleman from New York [Mr. REED] be read in lieu of the bill. Is there objection?

There was no objection.

Mr. REED of New York. Mr. Speaker, I offer a substitute.

The SPEAKER pro tempore. The gentleman from New York [Mr. REED] offers an amendment in the nature of a substitute, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the claim of the Commonwealth & Dominion Line (Ltd.), owner of the British steamer *Port Phillip*, against the United States for damages and loss alleged to have been caused by the collision of said vessel with the U. S. collier *Proteus*, in New York Harbor, on October 16, 1918, may be sued for by the said owner of the British steamer *Port Phillip* in the District Court of the United States for the Eastern District of New York, sitting as a court of admiralty

and acting under the rules governing such court; and said court shall have jurisdiction to hear and determine such suit to the extent only of such damages suffered, other than claims for demurrage to said vessel, and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the owners of the British steamer *Port Phillip* or against said owners in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court; and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The question is on the adoption of the amendment of the gentleman from New York [Mr. REED].

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

ANNA M. TOBIN.

Mr. HUDSPETH. Mr. Speaker, I ask unanimous consent to return to calendar No. 203 (S. 2323).

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to return to calendar No. 203. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Anna M. Tobin, independent executrix of the estate of Frank R. Tobin, deceased, the sum of $1,000, in full settlement for damages to said estate by soldiers of the United States Army in 1916 and 1917 near El Paso, Tex.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

The SPEAKER pro tempore. The Clerk will report the next bill on the calendar.

CHARLES SWANSON.

The next business on the Private Calendar was the bill (H. R. 10682) authorizing issuance of patent to Charles Swanson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I reserve the right to object. This bill proposes to grant a patent to an individual for part of an abandoned military reservation. Is the gentleman in charge of the bill present? There being no one present in charge of the bill, I will object.

The SPEAKER pro tempore. The gentleman from Texas objects. The Clerk will report the next bill.

ANTON ROSPOTNIK.

The next business on the Private Calendar was the bill (S. 3594) for the relief of Anton Rospotnik and the exchange of certain lands owned by the Northern Pacific Railway Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, will any Member have any objection to an amendment providing that the exchanged lands shall be of approximately the same value? We have had some abuses in the exchange of lieu lands out in the Northwestern States, where they took land of the same area but of much greater value. I do not think there will be any objection to the amendment, and I withdraw the reservation of objection.

The SPEAKER pro tempore. The gentleman withdraws the reservation of objection. The Clerk will report the bill.

The bill was read as follows:

Be it enacted, etc., That the Northern Pacific Railway Co., upon its filing with the Secretary of the Interior a proper relinquishment disclaiming in favor of the United States all title and interest in or to the north half northwest quarter, section 15, township 8 south, range 20 east, in the Bozeman (Mont.) land district, under its mineral indemnity selection, list No. 146, embracing said tract, shall be entitled to select and receive a patent for other vacant unreserved nonmineral public lands of an equal area in that State; and the Secretary of the Interior is hereby authorized and directed to permit, after the filing of such relinquishment by said railway company, the homestead entry of Anton Rospotnik, to be reinstated as though said entry had been properly allowed, the same to remain subject to compliance with the laws governing entries of like character.

Mr. STAFFORD. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Wisconsin offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 1, line 12, after the word "State," insert "and of approximately the same value."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

The SPEAKER pro tempore. The Clerk will report the next bill.

LEGAL REPRESENTATIVES OF THOMAS JOHNSON.

The next business on the Private Calendar was the bill (H. R. 10825) for the relief of the heirs, assigns, and legal representatives of Thomas Johnson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. I ask that the bill be reported, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the bill.

The bill was read as follows:

Be it enacted, etc., That the location numbered 20, township 6 north, range 9 west, second principal meridian, Indiana, which has been surveyed in the name of Thomas Johnson, as appears from the field notes of survey on file in the General Land Office, be, and the same is hereby, confirmed to the said Thomas Johnson, and the Commissioner of the General Land Office shall issue his certificate as register ex officio and cause a patent to be issued for said claim to Thomas Johnson, his heirs, assigns, and legal representatives: *Provided*, That this act and the patent which may be granted in pursuance of the same shall only operate as a relinquishment on the part of the United States and shall in no way prejudice any valid adverse right, if such exist, to the said land; the intent being that title shall inure to the true owners of the land under the laws of Indiana, including laws of limitation and prescription, as though patent had issued during the lifetime of said Thomas Johnson.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

PENSIONS.

The next bill on the Private Calendar was the bill (H. R. 14200) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Mr. Speaker, this bill has been passed upon, has it not?

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice until the end of the calendar is reached.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that this bill may be passed over until the end of the calendar is reached. Is there objection?

Mr. BLANTON. Reserving the right to object, this committee has a special status where it can bring up a bill at any time?

Mr. FULLER. That is not correct. There are two Fridays of the month as days on which private pension bills may be considered.

Mr. BLANTON. And to-morrow is one of them.

Mr. FULLER. To-morrow would be the day, but our experience is that it is a day when private pension bills can not always be considered, because something else is in the way.

Mr. BLANTON. If you can get the recognition of the Speaker, you can consider it.

Mr. FULLER. Yes; but it will take less time now than it will then.

Mr. GARRETT of Tennessee. Invalid pension bills are privileged, but bills from the Pension Committee are not privileged.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. ROBSION. I trust that the gentleman will not press his objection.

Mr. FULLER. It will take less time now than it will to-morrow to consider it.

Mr. STAFFORD. This is the only day that these private bills can be considered. Let us proceed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

NEW YORK STATE FAIR COMMISSION.

The next business on the Private Calendar was the bill (H. R. 13903) for the relief of the New York State Fair Commission.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. I object.

Mr. MAGEE. Will the gentleman reserve his objection?

Mr. BLANTON. I will reserve it.

Mr. MAGEE. There is no question about this amount found by a board of auditors of the War Department. There were two claims filed by the commission, one for 1918 and one for 1917. The claim for 1918 was taken up first, because the officers who knew about the claims for 1917 were in France. The award fixed something like $8,000 for the claim of 1918, which was paid. When the officers who knew about the 1917 claim returned from France the claim for that year was heard, and this award was made. The claim of the commission was for $28,517.86, and the amount of the award was $12,098.25. Now, I had charge of this claim under the former administration in New York when we had a Republican administration. The administration has now changed, and I want to show the same diligence in behalf of Democratic administration that I showed for the former administration. [Laughter.] Nobody raises any question as to the merits of the claim.

Mr. BLANTON. The "gentleman from Texas" would try to stop a Democratic bill just as quick as he would a Republican claim. They all look alike when they take money out of the Treasury. I make no distinction at all.

Mr. MAGEE. There is no question about the claim.

Mr. BLANTON. The claim amounts to $12,000.

Mr. STAFFORD. What was the payment of the seven thousand and some odd dollars for?

Mr. MAGEE. That was for damages during 1918. It was during the mobilization of the United States soldiers that damaged the fairgrounds in Syracuse.

Mr. STAFFORD. What is the payment of $12,000 for?

Mr. MAGEE. For the damages of 1917.

Mr. EDMONDS. The department said if they had not run short of money it would have been paid.

Mr. BLANTON. If it was not for the fact that I am afraid we are going to run short of money, I would not object. The fairground was used by the Government in mobilizing troops. I imagine that it benefited New York more than any other part of the United States, because if the troops had not been mobilized, instead of a commercial submarine rising up out of the water in the New York Harbor some morning, as it did during the war, there would have been a war submarine rise up and the fairgrounds would have been about the first place that the kaiser would take for mobilizing his troops.

Mr. EDMONDS. The only navy that can go to Syracuse would be the Swiss navy. [Laughter.]

Mr. MAGEE. I will say that the State offered the fairgrounds to the Federal Government.

This is not money to be paid for the use of the fairgrounds. During the mobilization the soldiers appropriated and destroyed property of the State Fair Commission, and the claim is for damages to property.

Mr. BLANTON. My colleague, the gentleman from Texas [Mr. Box], who is on the committee, advises me that he investigated the matter and knows that it is all right. I take his judgment for it.

Mr. MAGEE. I would not tell the gentleman that the claim was all right unless I believed it to be so.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $12,098.25 to the New York State Fair Commission for damages to property and buildings on the State fairgrounds, Syracuse, N. Y., by United States troops during the mobilization in 1917, being the amount heretofore duly ascertained and awarded by the War Department.

With the following committee amendment:

In line 6, after the word "commission," insert the words "in full settlement against the Government."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

WILLIAM COLLIE NABORS.

The next business on the Private Calendar was the bill (S. 1405) for the relief of William Collie Nabors.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I understand that there will be an amendment offered reducing the amount to $3,000.

Mr. EDMONDS. The amendment is already printed in the bill.

Mr. BLANTON. And the committee is going to insist upon the amendment?

Mr. EDMONDS. Yes.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William Collie Nabors the sum of $5,000 for damages suffered by reason of his being struck and seriously injured by a Government motor cycle which was ridden or driven by a regularly enlisted soldier of the United States Army.

With the following committee amendment:

Line 6, strike out the figures "$5,000" and insert in lieu thereof "$3,000, in full settlement against the Government."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

JOHN N. HALLADAY.

The next business on the Private Calendar was the bill (S. 4028) for the relief of John N. Halladay.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I am frank to say to gentlemen interested in this bill that I have had some difficulty in bringing myself to the conclusion that the bank did not have notice of the wrongdoing of this wholesale crook, who married the acting postmistress, in the issuing of these postal money orders, 74 of which were for $100 each and 4 for $50 each, all cashed by one bank. I never knew of a case where the facts reeked with such open violation of the postal regulations. The acting postmistress was the daughter of the postmaster at Oak, Ala.

Mr. EDMONDS. The daughter was the guilty party.

Mr. STAFFORD. Yes. She was the acting postmistress. Her father was invalided. She would go around with the regular blanks, postal money orders, and buy automobiles, and have the orders circulated and then cashed. Only six months was the punishment for openly defrauding the Government.

Mr. McDUFFIE. But that is only in one case. The other case is yet to be tried.

Mr. STAFFORD. Of course, we are not concerned with the question of punishment at this time. All I am concerned with is whether the bank was put on notice by reason of the frequency with which these money orders were presented.

Mr. SMITHWICK. It ran over a period of nearly a year, from October, 1920, to June, 1921. The money orders were always paid. There was no evidence that the bank had notice at all. The orders were always paid and, of course, there was no reason why they should go around and inquire whether they were good.

Mr. STAFFORD. They were all issued by the acting postmistress, the wife of the crook Mendel, who was going around in joy parties all over the South, buying automobiles and hootch, and issuing money orders for them.

Mr. McDUFFIE. I agree with the gentleman that she was a crook and that the husband was a crook, but I do not agree with the gentleman that we ought to make the postmaster and the bank suffer for the reason that these others were crooks.

Mr. STAFFORD. Oh, no; but the only question is whether the bank should have had notice that these were being issued fraudulently.

Mr. SMITHWICK. They were always paid.

Mr. STAFFORD. Issued always for $100 by the same person.

Mr. SMITHWICK. I understand; but it was a large bank with a great many clerks handling these orders. How could they know? They would go to the local post office and get the money on them.

Mr. STAFFORD. Mr. Speaker, I shall give the benefit of the doubt to the bank, and I withdraw the reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the account of John N. Halladay, former postmaster at Oak, Ala., with $8,012.13, and to certify said credit to the General Accounting Office, said sum being a balance due the United States which is chargeable to the embezzlement of funds and theft of money-order forms which were printed for and stolen from the post office at Oak, Ala., and unlawfully uttered in Pensacola, Fla., and Mobile, Ala., by Mr. and Mrs. Leon W. Mendel.

The SPEAKER. The question is on the third reading of the bill.

Mr. BLANTON. Mr. Speaker, I move to strike out the last word. If this money, or any part of it, went to this postmaster or his assistant, I should have objected to the bill. Here is the case: The postmaster permitted his married daughter to issue postal money orders. She had a crook for a husband, and under his domination and influence she issued postal money orders promiscuously to this crook and sent them to him in two States. He cashed them and spent the money. The postmaster ought to have been held responsible, and was held so far as his bond would go, but his bond did not go far enough. It lacked $8,000 of paying the Government back the money that it lost when it had to pay the money orders. If the matter concerned only the postmaster, his daughter, and a crook husband, I would see to it that they never got a cent, but all of this money goes to the Post Office Department in settlement of amounts it has had to pay for the Government. The only reason I take any time at all is to bring this to your attention. We ought to take some steps to stop this sort of stealing. Embezzlement is going on in various post offices scattered all over the United States, and the bonds are not sufficient to protect the Government.

Just such cases as this come up not merely from Alabama, but they come up in Texas, they come up in New York State, they come up in California and Oregon, they come up everywhere, and how long are we going to let it go helter-skelter, public money being paid out to pay defalcations? We must see that the Post Office Department takes steps to see that the Government's rights are protected and proper bonds are taken in amounts and terms sufficient to cover defalcation by crooks, many of whom are still in the Post Office Service, and I say we ought to take steps, especially the Post Office Committee, in conjunction with the Post Office Department and the Department of Justice, to see if Congress can not stop the loss of the people's money.

The bill was ordered to be read the third time, was read the third time, and passed.

FIRST NATIONAL BANK OF NEW CARLISLE, IND.

The next business on the Private Calendar was the bill (H. R. 4667) for the relief of the First National Bank of New Carlisle, Ind.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. I object; there is an adverse report on this bill.

SHERMAN MILES.

The next business on the Private Calendar was the bill (H. R. 10177) for the relief of Sherman Miles.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Maj. Sherman Miles, United States Army, the sum of $380.55, in reimbursement of the said amount paid by him for the storage from January 1, 1917, to June 30, 1918, of household effects and professional books used by him when first lieutenant, Field Artillery, United States Army, military attaché at Sofia, Bulgaria.

The committee amendments were read, as follows:

Page 1, line 6, strike out "the sum" and insert "so much of the amount."

The question was taken, and the amendment was agreed to.

Page 1, line 7, after the figures insert the words "as has been refunded by him."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

ROBERT E. WYCHE.

The next business on the Private Calendar was the bill (H. R. 13751) authorizing the Secretary of the Interior to sell and patent certain lands to Robert E. Wyche, a resident of Caddo Parish, La.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That upon the payment of $1.25 per acre the Secretary of the Interior be, and is hereby, authorized to sell and patent to Robert E. Wyche, a resident of Caddo Parish, La., the southwest quarter of northeast quarter and southeast quarter of northwest quarter of section 15, township 20 north, range 11 west, Louisiana meridian, containing 80 acres, more or less, land which he and his grantors have occupied under claim and color of title, and of which they have had actual possession, beneficial use, and enjoyment, believing themselves to be owners in good faith, for more than 30 years: *Provided*, That application for the purchase of the described tract of land be filed at the United States land office at Baton Rouge, La., within 90 days after the passage and approval of this act, and that no adverse claim thereto be officially of record as pending when the application is allowed and the sale consummated.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

D. C. DARROCH.

The next business on the Private Calendar was the bill (S. 2946) for the relief of D. C. Darroch.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Reserving the right to object——

Mr. PARKER of New Jersey. Mr. Speaker, I desire to say there were seven to six and I filed a minority report, and I am ready to argue and to fight the bill right here.

Mr. STAFFORD. Mr. Speaker, under those circumstances, I object.

JESSE C. DENNIS AND WILLIAM RHETT ELEAZER.

The next business on the Private Calendar was the bill (S. 2168) for the relief of Jesse C. Dennis and William Rhett Eleazer.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FULMER. I would like to inform the House that I propose to amend this bill, and I think the House should be informed before we pass the objection stage.

Mr. STAFFORD. Which one is that?

Mr. FULMER. Calendar No. 446.

Mr. BLANTON. Reserving the right to object, in what particular does the gentleman intend to amend it?

Mr. FULMER. By striking out the figures in line 7 of "$2,500" and increasing the amount——

Mr. BLANTON. That being the case, I object.

Mr. FULMER. Will the gentleman reserve it?

Mr. BLANTON. I will reserve it.

Mr. FULMER. Mr. Speaker, this claim was made by two men in the city of Columbia who entered into a competitive bid for a mail route in South Carolina. The contract was awarded to these men—Dennis and Eleazer—for carrying the mail during peace time in 1916. They continued to carry that mail for about a year or a little over, and then about the middle of 1917 the Government established Camp Jackson at that place.

Not known to them at the time they accepted this contract, and, of course, the Government at that time did not know that they proposed to establish a camp there; but they continued for about seven and a half months after the camp had been established at a considerable loss until they had exhausted all of their means and had to give up the route in March, 1918.

Mr. BOX. Will the gentleman explain to the House by what error the amount called for in the bill was reduced so that it is found necessary to amend it? I think that is important for the House to understand.

Mr. FULMER. I want to lead up to that, and I was going to explain that. So they continued about seven and a half months at a tremendous loss, and finally, after they had exhausted their means, they gave up the contract March 7, 1918, forfeited their bonds, and the bonding company turned over to the Government the amount of the bond for the balance of the time, something like two years, $3,420.

These people put in their claim, and the Senate passed the bill on the strength of a letter from Mr. Barrett, and when the bill came over to the Committee on Claims they did not

have anything to show that these people had really paid this $3,420 to the bonding company, and they reported only $2,500. In the meantime they agreed with me that if I could get the proper papers to show that these people had paid the $3,420 an amendment would be put on from the floor. Mr. Barrett said, however, that he had no way of telling how much had been paid, but he said that the seven and a half or eight months would amount to $2,500. That is the only information he gave to the committee, and that is the amount the committee reported.

Mr. EDMONDS. Mr. Speaker, I want to say that the fixing of this amount was through a mistake in the committee, and I think the only equitable way to pay this man would be to pay him $4,285.

Mr. BLANTON. Mr. Speaker, I would like to call the gentlemen's attention to one or two matters. On July 1, 1916, which was the end of certain carriers' contracts for carrying the mail all over the United States, the Post Office Department advertised for new bids, and they let new four-year contracts. The contractors in almost every State in the Union entered into new four-year contracts. The war then came on in the next year. Gasoline went up, Ford automobiles went up, Ford tires went up, Ford inner tubes went up, lubricating oil went up, the parts to the cars went up, everything went up. It cost them all more money. They all lost money.

Now, if the gentleman's bill were a bill to relieve all of these contractors I would support it. But here is a little isolated case where the gentleman imagines that his particular constituents are the only ones that lost. I know two of the best men in the United States who had exactly the same kind of a contract.

They were under bond to carry the mail. They carried it up to the time that it broke them, and then they went to the Post Office Department and said, "Here, we want to give it up. We have got two more years to carry the mail. We will pay the bond. We will borrow the money and pay the bond if you will relieve us." The Postmaster General said, "No; we can not relieve you. You are under contract. If you do not carry that mail, we are going to hire somebody to do it, and you will have to pay it." The department hired somebody else to do it and paid them $6.50 a day each more than the contractors ever received, and it broke them both.

Mr. TILSON. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. TILSON. Does not the gentleman recall that some time in 1918, in the midst of the war, there were so many of these cases of hardship that we authorized the Postmaster General by law to adjust these cases, and he did adjust a number of them?

Mr. BLANTON. Yes; but there was a limitation to that law, and there were many of them that did not come within the terms of it. I can cite case after case from numerous States that we have had under investigation which did not come under that law at all, and the Postmaster General did not give any relief.

Mr. TILSON. This was a case in bankruptcy.

Mr. BLANTON. There is a case down in Tennessee where they put a post, where the men claim that they lost $23,000 on the contract.

Mr. STAFFORD. Mr. Speaker, I must demand the regular order.

Mr. BLANTON. I feel I must object. I object.

The SPEAKER. The gentleman from Texas objects.

The Clerk will report the next bill.

AMBROSE I. MORIARTY.

The next business on the Private Calendar was the bill (S. 2750) to provide for the advancement on the retired list of the Regular Army of Second Lieut. Ambrose I. Moriarity.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. STAFFORD. I object.

Mr. MILLER. Will the gentleman withhold that?

Mr. STAFFORD. I will.

Mr. MILLER. Mr. Speaker, this is one of the most pathetic cases I have ever heard of. Lieutenant Moriarity was graduated at West Point in the class of 1887. He was a classmate of General Hersey, of the United States Army, and General Russell, and his class was one of the most famous classes that ever was graduated at the Military Academy.

The man has lain for 21 years in a hospital unable to move a joint of his body. Every joint in the man's body has grown solid. His teeth were removed so that they could feed him with a tube. He is suffering from that dreaded disease called arthritis deformans. He is unable to dress himself. He is unable to grasp his pen in his hand. There is not a joint in the man's body that is not absolutely and solidly grown, so that the entire flexibility is gone.

He was retired from the Army as second lieutenant, drawing the pay of $138.12 per month. There is no Army hospital that will receive him, because Army hospitals are not made for the care of incurables.

He has gone about from one hospital to another with his attendant. The amount of money that he receives is not sufficient to pay the care of this attendant and the board of himself. He inherited a few thousand dollars from his father's estate, which he spent completely in undertaking to cure himself of this dread disease. He contracted the disease in the service of the United States Government. In the winter of 1887 he and his company were encamped on the cold shores of Lake Michigan, sent there by the United States Government to be in readiness to protect the city and citizens of Chicago at the time of the execution of the Haymarket rioters or anarchists. Afterwards he resigned from the Army and entered Yale University. A brilliant student, he graduated in the law class and entered upon the practice of the law with probably as bright a future as any young man who ever came from that famous university. Thus he was a graduate not only of West Point but of Yale. His old love for the Army returned and he went back into the Army as a second lieutenant in the Ninth Infantry, and was stationed in Arizona, amid the awful extremes of heat and cold, as he was sent about in the Indian campaigns in that country.

The exposure to extremes of weather there resulted in this disease, and he was retired from the Army as a second lieutenant on the pay that I have stated. He has no means of his own, and his pay is insufficient for an attendant to feed him and take care of him. The Senate has passed this bill increasing his retired rank to that of a captain. It was hoped that it would pass him with the retired rank of a major, because that would keep him comfortably, but the Senate reduced it and retired him with the rank of a captain, which will give him approximately $230 a month, a meager livelihood for a man so helpless and dependent as he is.

I tell you, my friends of the House, any man whose service for his country has resulted in such a physical condition as that of this man deserves to have this measure of relief afforded him, and I hope the House will join with the Senate in retiring him at this grade.

Mr. FIELDS. I understand he can not even help himself to a drink of water.

Mr. MILLER. He can not reach out his hand to get a drink of water; can not move a joint of his body. I am hopeful that the gentleman from Wisconsin will let this bill go through.

Mr. STAFFORD. Mr. Speaker, under reservation of objection, I am aware of the distressing circumstances that the gentleman has stated, because I have very carefully read the report. But we must have some harmony in the award of gratuities to persons afflicted like this unfortunate Army officer. In the early part of this Congress a case was presented where a man in civilian life, employed in the Post Office Department as a postal clerk, was struck and injured, and the result of the injury was the same as in the case of this unfortunate officer. That man is not able to move a joint of his body. He has to be fed, and all we voted for him was a pension of $60 a month. This man is receiving $128.

Mr. MILLER. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. MILLER. It is possible that the man of whom you speak has some friends or relatives. This man has not a relative in the world, no one to give him a friendly hand or a drink of water.

Mr. STAFFORD. There is no certainty that this trouble grew out of the man's Army service. There is a presumption to that effect. One hundred and twenty-eight dollars a month is a pretty liberal pension, and I feel constrained to object.

Mr. MILLER. I am very sorry.

The SPEAKER pro tempore. The gentleman from Wisconsin objects. The Clerk will report the next bill.

JOHN A. DOUGLAS.

The next business on the Private Calendar was the bill (H. R. 1252) to remove the charge of desertion from the military record of John A. Douglas.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. I object.

Mr. MILLER. I suppose there is no use in my making a statement.

Mr. STAFFORD. I will reserve the objection. A few moments ago the gentleman from New Jersey called attention to one of these desertion cases where the vote in the committee was 7 to 6. I am quite well acquainted with the facts in this case. Perhaps the gentleman is better acquainted with them. Here was a boy taken ill in the Army, who went home to be cared for, and was prevailed upon by his mother not to return to the Army but to go to Canada to avoid service in the Army. Now he wishes to have an honorable discharge. Is that a correct statement of the facts?

Mr. MILLER. Not all.

Mr. STAFFORD. I mean in short, is it?

Mr. MILLER. This boy was 17 years of age. He enlisted in the Army against the wishes of his parents. He went to the front. It seems that his Army life was overshadowed with distressing sickness. He was furloughed and sent home. While he was home his regiment and company were mustered out of the service, and the muster roll bears the indorsement "Absent on sick leave at Davisville, Mich.," which was the boy's home.

Mr. STAFFORD. Will my friend kindly point out in the report where that statement is made? I have read the report twice quite thoroughly, although not every line of it.

Mr. MILLER. There is quite a long report from the Adjutant General on this case. It says here—

On February 28, 1865, and April 30, 1865, he was reported absent on sick furlough, and on the muster-out roll of the company, dated June 26, 1865, he was reported a deserter with remark: "Went on sick furlough at Davisville, Mich., February 18, 1865."

That is at the top of page 2.

Mr. STAFFORD. Where does it state about the company's record?

Mr. MILLER. I can simply read to the gentleman from Wisconsin the report of The Adjutant General of the War Department:

The records show that John Douglas was enrolled February 26, 1864, at Pontiac, Mich., and was mustered into service February 29, 1864, as a private in Company G, Twenty-second Michigan Volunteer Infantry, to serve three years. On February 28, 1865, and April 30, 1865, he was reported absent on sick furlough, and on the muster-out roll of the company, dated June 26, 1865, he was reported a deserter, with remark: "Went on sick furlough at Davisville, Mich., February 18, 1865."

Applying to this department for removal of the charge of desertion and for an honorable discharge, John Douglas under date of January 14, 1890, testified as follows:

"That he served faithfully until on or about the 17th day of January, 1865, when, without any intention of deserting, he left the regiment under the following circumstances: That for about two months previous to January 17, 1865, at Chattanooga, he was sick, and on or about said January 17, 1865, or a few days previously, Doctor McConnell, regimental surgeon there, examined him and ordered him sent home, and on or about said day he was given a furlough by said doctor on account of sickness and disability, and came home. That after coming home he was examined by one Doctor Anderson, a Government physician then at Lexington aforesaid, and when his furlough run out it was extended in time by said Doctor Anderson. That he continued sick and unable to do any work and entirely unfit for service in the Army or labor of any kind until along in the early part of the summer of 1865. That he was not able to do soldier duty until long after the Army was disbanded. That he was young and inexperienced and was unadvised as to the proper course to pursue in the premises and did not know the necessity of a discharge and never asked for one. That he never deserted the Army or intended to desert it, but simply came home on the order of the regimental physician, Doctor McConnell, as aforesaid."

Mr. STAFFORD. Let me read what I based my statement on:

He was taken ill at Atlanta, remained with the regiment until it went into winter quarters at Chattanooga, Tenn., was sent home on a furlough for 30 days; the time of furlough was extended for 20 days, but his mother insisted that he go to Canada with an uncle who was then visiting at his home. He remained there until the close of the war.

Mr. MILLER. Yes; it seemed that an uncle or some relation came from Canada and asked permission of the mother to take the boy home to see if he could not be cured and restored to health. There is nothing in the record, I submit to the gentleman from Wisconsin, showing that this man was a deserter, but, on the contrary, that he was one of these unfortunate men whose Army career seemed to be full of sickness. I think the man is entitled to the relief which the committee recommends.

Mr. GLYNN. Will the gentleman yield?

Mr. MILLER. Yes.

Mr. GLYNN. The 30 days' furlough carried it beyond the date of the armistice, and so presumably the soldier thought there was nothing more to do.

Mr. MILLER. Yes; like many others.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion standing on the records of the War Department against John A. Douglas, late of Company G, Twenty-second Regiment Michigan Volunteer Infantry, and grant him an honorable discharge as of date of February 18, 1865.

The following committee amendment was read:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, John A. Douglas, who was a member of Company G, Twenty-second Regiment Michigan Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 18th day of February, 1865."

Mr. STAFFORD. Mr. Speaker, I offer the following amendment to the committee amendment:

The Clerk read as follows:

Page 2, at the end of line 6, add the following: "*Provided*, That no pension pay, bounty, or other allowance shall accrue prior to the passage of this act."

The SPEAKER. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The committee amendment as amended was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

JESSE C. DENNIS AND WILLIAM RHETT ELEAZER.

Mr. BLANTON. Mr. Speaker, with the understanding that not more than the amount stated in the original bill will be allowed, I withdraw objection to Calendar No. 446.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that we return to Calendar No. 441.

The SPEAKER. The Clerk will report the title to the bill.

The Clerk read as follows:

S. 2168. An act for the relief of Jesse C. Dennis and William Rhett Eleazer.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The next business on the Private Calendar was the bill (S. 2168) for the relief of Jesse C. Dennis and William Rhett Eleazer.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Jesse C. Dennis and William Rhett Eleazer, of the county of Richland and State of South Carolina, in the sum of $4,590 in full compensation for loss and damage suffered by the said Jesse C. Dennis and William Rhett Eleazer under their contract for transporting United States mail at Columbia, S. C., said loss having been brought about by the establishment of Camp Jackson in the vicinity of Columbia subsequent to the execution of said contract.

With the following committee amendment:

In line 7, strike out the figures "$4,950" and insert in lieu thereof "$2,500."

Mr. BLANTON. Mr. Speaker, the gentleman who has the bill in charge and members of the committee stated that the committee amendment ought to be voted down and the amount $4,590 left in the bill.

Mr. MONDELL. Mr. Speaker, after a bill has come up by unanimous consent and there is a demand for the original sum—if that is going to be the practice I do not think we will get much further along with the Calendar.

Mr. BLANTON. That was understood.

Mr. FIELDS. The gentleman gave notice that he would ask for the original sum in the bill.

Mr. MONDELL. I did not hear it.

Mr. STAFFORD. I understood the position taken was that the gentleman was going to withdraw the objection by reason of the gentleman from South Carolina agreeing to take the amount of $2,500.

Mr. BLANTON. The gentleman from South Carolina was going to offer an amendment to increase it to over $5,000, and I told him I would object if he did it. He agreed to limit the amount to $4,590, the amount stated in the bill, and I withdrew the objection. By voting down the committee amendment it will leave the amount $4,590. I gave notice, and I thought everybody understood it.

Mr. MONDELL. I did not understand it. This is a very doubtful claim at any rate. I should have objected in the first instance if I had known there was going to be any increase in the amount.

Mr. EDMONDS. As a matter of fact, this loss was occasioned by the fact that there was a camp established there.

Mr. BLANTON. And the chairman of the committee was one of those who convinced me that this is a just claim in $4,590.

Mr. EDMONDS. We have passed claims of this character before, and this amount will be the correct amount, I think. These men were carrying the mail ordinarily. A camp was established in the neighborhood, and the extra cost of carrying the mail is what has caused their loss. If we vote down the committee amendment, it will leave what I think is the correct amount.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was rejected.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

MARTIN CLETNER.

The next business on the Private Calendar was the bill (S. 2632) to correct the military record of Martin Cletner.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MONDELL. Mr. Speaker, I object.

Mr. MILLER. Mr. Speaker, will the gentleman withhold his objection?

Mr. CURRY. Mr. Speaker, I hope the gentleman will withhold his objection.

Mr. MONDELL. I reserve the objection.

Mr. CURRY. Mr. Speaker, this is a bill that I think ought to be approved by the unanimous consent of the House. A couple of days ago we adopted an amendment to the Army appropriation bill prohibiting the enlistment of persons under 21 years of age. Of course, I did not believe in that amendment, but, nevertheless, it was adopted. During the Civil War, both North and South, the boys were fired with patriotism and enlisted on both sides. In Pennsylvania a young man a little over 16 years of age wished to enlist in the Army.

Mr. MILLER. Nineteen years of age.

Mr. CURRY. He was 19 years old when he was discharged. His father objected, and he ran away from home, and under an assumed name he enlisted. He served faithfully, and while with his company and regiment on the Potomac River near Harpers Ferry, not having much to do at the time, he went fishing on the river. He got a little way away from the camp and was captured by Mosby's men. He was such a child that after they had him for two or three days they took the uniform off him and put on a Confederate uniform and told him to go home.

He tried to find his company, but could not do it. He went home at last, and his father told him that he had secured his release from the Army. He stayed home about a year. He found that what his father told him was not true. He ran away from home again and enlisted under his right name and served to the end of the war, and had an honorable discharge. During his second enlistment he was in several engagements and was captured for nine months. He was a prisoner of war in Andersonville prison. I know this old man very well.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. CURRY. Yes.

Mr. BLANTON. The report shows that he first enlisted in July, 1862.

Mr. CURRY. Yes.

Mr. BLANTON. He served for four months and deserted, and he was a deserter from November, 1862, until January, 1864?

Mr. CURRY. Yes.

Mr. BLANTON. When he reenlisted under an assumed name.

Mr. CURRY. No; under his own name. He enlisted originally under an assumed name.

Mr. BLANTON. He stayed in the service from January until May, 1864?

Mr. CURRY. Until the end of the war.

Mr. BLANTON. No; the report shows that on May 27, 1864, he was again missing in the line of march.

Mr. CURRY. He was again missing in the line of march, and he was captured and was in Andersonville Prison. After he got out of prison he reported to his regiment and received an honorable discharge. He did not desert the first time. It is simply a technical desertion.

Mr. BLANTON. I am sure the gentleman is right in his position, but I want him to explain a statement in the report. After he enlisted in July, 1862, and deserted four months afterwards, the report shows that Martin Cletner was enrolled January 5, 1864, was mustered into the service January 22, 1864, and that on the roll of his company dated June 30, 1864, he was reported as missing on the march from Wright Tavern, May 27, 1864, and on the roll dated October 31, 1864, as having deserted on the above-mentioned march on May 27, 1864.

Mr. CURRY. Let the gentleman read the rest of it.

Mr. TILSON. He was in Andersonville prison about that time.

Mr. BLANTON. The record shows that he was captured June 3, 1864.

Mr. CURRY. Yes.

Mr. BLANTON. He was missing May 27, and he was captured June 3.

Mr. CURRY. There was no desertion at all in the second enlistment.

Mr. BLANTON. There were several days from his desertion until his capture.

Mr. CURRY. There was no desertion at all in his second enlistment and he received an honorable discharge.

Mr. STAFFORD. Mr. Speaker, I shall have to insist upon the regular order.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of Martin Cletner, late of the First Independent Company, Pennsylvania Volunteer Engineers, and of Company C, Third Regiment New Jersey Volunteer Cavalry, and grant him an honorable discharge.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Martin Cletner, who served under the name of Martin Cubbler as a member of Captain Wrigley's independent company, Pennsylvania Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on or about the 24th day of November, 1862."

The SPEAKER. The question is on agreeing to the committee amendment.

Mr. STAFFORD. Mr. Speaker, I move to amend the committee amendment by an amendment which I send to the desk.

The Clerk read as follows:

Amendment by Mr. STAFFORD: At the end of the committee amendment insert: *"Provided*, That no pay, pension, bounty, or other allowance shall accure prior to the passage of this act."

The SPEAKER. The question is on agreeing to the amendment to the committee amendment.

The amendment to the amendment was agreed to.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

The title was amended to read: "An act for the relief of Martin Cletner."

HARRIET B. CASTLE.

The next business on the Private Calendar was the bill (H. R. 14089) granting six months' pay to Harriet B. Castle.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized and directed to cause to be paid, from the appropriation for beneficiaries of officers who die while on the active list of the Navy, to Harriet B. Castle, widow of Guy W. S. Castle, late lieutenant commander, United States Navy, an amount equal to six months' pay at the rate the said Guy W. S. Castle was receiving at the date of his death.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

MRS. JOHN D. HALL.

The next business on the Private Calendar was the bill (S. 3412) for the relief of Mrs. John D. Hall.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. STAFFORD. I object.

Mr. EDMONDS. Will the gentleman reserve that?

Mr. STAFFORD. For one minute.

Mr. EDMONDS. I would like to call the attention of the gentleman to the fact that every other officer who had property damaged was paid the damages except Colonel Hall, who happened to be traveling throughout the country and could not get his claim in time.

Mr. STAFFORD. Mr. Speaker, the facts are these: The property of this Army officer was in storage over a year in San Francisco. He was retired one month before the earthquake. He left there and was traveling over the country. Why should he not have insured the property rather than have the Government pay for it. I object.

CHARLES B. STRECKER.

The next business on the Private Calendar was the bill (H. R. 6108) to permit the correction of the general account of Charles B. Strecker, former Assistant Treasurer of the United States.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, I object.

TRYGVE KRISTIAN LODE.

The next business on the Private Calendar was the bill (H. R. 8291) for the relief of Trygve Kristian Lode.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, this is a bill that seems to have been hurried through by the energetic action of the very active and distinguished gentleman from Minnesota [Mr. NEWTON]. I find on reading the report the committee acted upon the statement of the gentleman rather than the report of the department that this Jens Lode was not receiving the credit for the money that had been paid at the time of the entry by the original Lode.

Mr. NEWTON of Minnesota. Yes. That question was not put up to the department by the correspondence that had preceded. The matter was presented to me through Mr. Honeycutt by mail and the committee was having a meeting very shortly following and that question came up, and I said I did not know anything but what was in the letter that came to me but that I would call up the Public Land Office and get the facts.

I called them up, and they looked into the matter and called my office and advised me that the Government had $224 that the man had paid in and that there was no assignment or anything of that kind, so the Government had every dollar that was paid in and in addition got the money coming from the man who had succeeded to the interest of the soldier, who went in the Army shortly after he filed on the claim.

Mr. STAFFORD. This successor in title, so to speak, Jens, paid the entrance fee and all the other fees?

Mr. NEWTON of Minnesota. Yes.

Mr. STAFFORD. I withdraw the objection.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to certify to the Secretary of the Treasury the amount paid as fees, commissions, and purchase money by Trygve Kristian Lode in connection with homestead entry at the United States land office, Glasgow, Mont., as follows: Serial No. 048301, made May 8, 1917, for the southeast quarter of section 28, township 30 north, range 52 east.

SEC. 2. That upon receipt of the certificate from the Secretary of the Interior, as provided in section 1 of this act, the Secretary of the Treasury is hereby authorized and directed to make payment of the amounts so certified out of any moneys not otherwise appropriated and issue his warrant in settlement thereof.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

PENSIONS, ETC.

The next business on the Private Calendar was the bill (H. R. 14288) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. I ask unanimous consent that this bill take its place at the foot of the calendar and be considered after these bills have been considered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

LEASE OF CERTAIN LAND, MILITARY RESERVATION, FORT LEAVENWORTH, KANS.

The next business on the Private Calendar was the bill (H. R. 13004) authorizing the Secretary of War to lease to the Kansas Electric Power Co., its successors and assigns, a certain tract of land in the military reservation at Fort Leavenworth.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BLANTON. Mr. Speaker, I ask that the bill be reported, subject to objection.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and empowered to lease to the Kansas Electric Power Co., a corporation, its successors and assigns, for a consideration and under terms and conditions to be determined by said Secretary of War, the following-described tract of real estate in the military reservation at Fort Leavenworth, in the State of Kansas:

Beginning at a point which is located as follows: Starting from the northeast corner of the east coping of concrete bridge on Grant Avenue over the Leavenworth, Kansas & Western Railroad; thence north 71° 6' east, a distance of 1,073.8 feet, to the northwest corner of the United States Government motor transport building; thence north 72° east along the line parallel to the north side of said United States Government motor transport building, a distance of 1,026.3 feet to the aforesaid point of beginning; thence south 18° east, a distance of 847 feet; thence north 72° east, a distance of 433 feet, more or less, to a point located on the west right-of-way line of the said Leavenworth, Kansas & Western Railroad. Returning to the original point of beginning; thence north 18° west, a distance of 850 feet, to a point; thence north 72° east, a distance of 543 feet, more or less, to a point located on the west right-of-way line of the Missouri Pacific Railroad; thence in a southerly direction along the west boundary of the Missouri Pacific Railroad right of way to said point above mentioned on the west right-of-way line of the said Leavenworth, Kansas & Western Railroad; exclusive of the rights of way granted to said Leavenworth, Kansas & Western Railroad and said Missouri Pacific Railroad, and containing, exclusive of said railroad rights of way, 15.5 acres, more or less; reserving, however, to the United States, or its assigns, the coal, or royalty for the coal, underlying said lands; for the purpose of constructing and maintaining thereon an electric power plant and such other works as may be necessary or proper to enable said corporation, its successors or assigns, to furnish Fort Leavenworth, the disciplinary barracks, the Federal prison, the soldiers' home, and the motor transport shops, together with the city of Leavenworth and such other communities and patrons as may be served by said plant, with an adequate supply of electrical energy.

SEC. 2. That said corporation, the Kansas Electric Power Co., its successors and assigns, shall have the continuous and uninterrupted use of said real estate for the uses and purposes herein above set out, under the direction and control of the Secretary of War and subject to the terms and conditions of the lease to be executed by said Secretary of War as herein provided, so long as said tract shall be used for the purposes herein specified: *Provided, however*, That if said corporation, its successors or assigns, shall cease to use and occupy said premises for such purposes, then and in that event said lease shall become null and void.

SEC. 3. That this act shall take effect and be in force from and after its passage.

Mr. BLANTON. Mr. Speaker, reserving the right to object, there are several points of proper objection to this bill I will state to my friend from Kansas, and I would like for him to explain. The way the bill is written you can see it is contemplated that the continuous use of this property—15½ acres—for all time and eternity is to be granted to this corporation. We do not know what we are going to get for it. There is no stipulation as to the time. It is not for a term of years. It is just left entirely to the discretion of the Secretary. You see what I contend for. The coal royalty is reserved to the Government. Why should it not be that oil and other minerals royalty be reserved to the Government? Usually where you find coal you find oil and valuable gas and other valuable minerals.

Mr. ANTHONY. Coal is the only mineral known to exist in that part of the country.

Mr. CLARKE of New York. I would like to know why there should not be a general mineral reservation in there, applying to all minerals. I think that is a very proper reservation.

Mr. BLANTON. And there ought to be a fixed term of years here, and there ought to be something else besides furnishing power at a stipulated price. It is something to have power.

Mr. CLARKE of New York. Unless the gentleman will assure us that there will be an amendment in there for a general mineral reservation I shall have to object.

Mr. ANTHONY. I have no objection to that.

Mr. STAFFORD. I will say that I intend to offer an amendment following the suggestion of the Secretary of War, that it shall be for a term of 50 years with the privilege in the discretion of the Secretary of renewal for a like term.

Mr. BLANTON. What does the Secretary of War say?

Mr. STAFFORD. Secretary Weeks goes into it and says this will be an advantage to the Government.

Mr. BLANTON. Except furnishing power at the same price that they charge everybody else. I am glad to see that the new majority whip is onto his business and is going to see to it that these limitations are placed on these bills.

Mr. STAFFORD. There are two aspirants for that post tonight.

Mr. ANTHONY. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. ANTHONY. This is an authorization of a lease. It places in the hands of the Secretary of War the full power for properly protecting the Government and prescribing the terms of the lease. The fact is this company wants 15 acres of ground on the reservation, which is low and swampy, of no governmental use. It has been investigated by the commanding officer at Leavenworth, and by a Quartermaster officer sent out by the Secretary of War, and it is fully approved by him, and his approval is fully set forth in the report.

Mr. BLANTON. If it were any other Member than our colleague here from Kansas, I should not be so disposed to object. [Laughter.] Because of all the Members of the House he least of all needs to carry home any bacon. [Laughter.] It looks to me like 15½ acres of Government land bacon.

Mr. ANTHONY. You will notice that the Secretary of War proposes to exact a rental return equivalent to the estimated value of the 15 acres of land, and he says the corporation has agreed to make a material reduction in the present rates charged for electricity, so that he says the lease will be of material advantage to the Government at this time. My own estimate is that there will be reductions in the electrical rates for the four governmental institutions mentioned in the bill. If they take electricity from this new plant, that will amount to not less than a $10,000 saving. The Government is now paying about $60,000 a year for electricity.

Mr. BLANTON. The gentleman will not object to placing in here a limitation in addition, to the effect that the Secretary of War will not make the term longer than 25 years at a time?

Mr. ANTHONY. In my opinion 50 years will be short enough, because undoubtedly the company intends to bond itself for the erection of a plant.

Mr. BLANTON. We should treat them as we do foreigners, and make it 62 years. [Laughter.]

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, I offer the following amendment on page 1, line 4.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 1, line 4, after the word "lease," insert "for a term of 50 years, with the privilege, in the discretion of the Secretary of War, of renewal for a like term."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. BLANTON. Mr. Speaker, there is another amendment that the gentleman from Kansas is going to offer. If he does not offer it, I will offer it. On page 3, line 3, after the word "coal," insert "and other minerals," and after "royalty" strike out the words "for the coal" and insert "on same."

Mr. PARKER of New Jersey. Are oil and gas regarded as minerals?

Mr. TINCHER. Yes.

Mr. CLARKE of New York. That is so.

The SPEAKER. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 3, line 3, after the word "coal," insert the words "and other minerals"; and after the word "royalty," strike out the words "for the coal" and insert "on the same."

Mr. STAFFORD. Mr. Speaker, will the Clerk please report the latter part of the amendment?

The SPEAKER. The Clerk will again report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 3, line 3, after the word "coal," insert the words "and other minerals," and after the word "royalty," in the same line, strike out the words "for the coal" and insert "on the same."

Mr. BLANTON. Mr. Speaker, I ask leave to so modify it.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

FORE RIVER SHIPBUILDING CO.

The next business on the Private Calendar was the bill (S. 1298) to carry out the findings of the Court of Claims in the case of the Fore River Shipbuilding Co.

The title of the bill was read.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. BLANTON. I object.

The SPEAKER. The gentleman from Texas objects.

Mr. EDMONDS. Will the gentleman reserve his objection?

LEAVE TO EXTEND REMARKS.

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the seventy-odd proposed amendments to the Constitution of the United States.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection?

There was no objection.

Mr. McSWAIN. Mr. Speaker, we are told that there are now pending over 70 different propositions to amend the Constitution of the United States. As I am not the author nor am I especially interested in any such proposals, I feel that I can discuss the general demand for such amendments without any personal bias or concern. I feel that I am in a position to consider the matter from a nation-wide aspect, having in view at one glance the entire past history of our country and looking forward with faith and confidence to a still greater future for the American people. We must remember that formal and written constitutions are relatively a very modern invention. We must also remember that constitutions are but statutes speaking the sovereign will of all the people in a solemn manner for the purpose of organizing the government itself. Therefore constitutions are the law fixed by the people to govern the government and to prescribe its relations to the people collectively and individually.

NEARLY EVERYBODY WANTS SOME CHANGE.

The amendments now pending may be grouped into two general classes: First. Those that seem to indicate some sort of dissatisfaction with the Federal organic law as it now exists. These wish a change to meet what they consider to be changed conditions. Second. The second group of proposed amendments represents the attitude of those who do not wish any change and, therefore, seek to make any future changes more difficult. Paradoxical as it seems, the second group who seek changes are most earnestly opposed to any change except the changes proposed by themselves. This group proposes to change the article of the Constitution with reference to amendments to the Federal Constitution by providing that any State may require that any amendment to the Federal Constitution in future shall be submitted to a popular vote in order to constitute ratification by such State.

AS PEOPLE CHANGE, SO MAY CONSTITUTIONS.

It seems to be assumed by some that it was a mistake on the part of the makers of the Constitution to provide for any change whatever in the future except by well-nigh unanimous consent. The argument assumes that if the Constitution had not contained a clause prescribing the manner in which the same might be amended that therefore it could never have been amended. Such an assumption is unfounded. The very power of the people that created the Constitution, acting through the several States, could change it just as they created it. It is beyond the power of one generation to bind the hands of future generations by any constitution or law. Just as it is beyond the power of one Congress to pass any law which can not be repealed or amended by a future Congress, so the people acting in a sovereign capacity at one time can not bind the same people acting in the same way for all future time.

Mr. Speaker, some superficial text-writers in discussing our constitutional system have left the impression that the Federal Constitution was and is the foundation of all government in America, and they have stated positively and clearly that the several State governments and constitutions are modeled and framed after the fashion of the Federal Constitution. Many historians, being caught by the laudatory phrases of Gladstone with reference to our Federal Constitution being the "most wonderful work ever struck off by the brain and purpose of man at a given time," have left the impression that the Federal Constitution was something entirely and completely new at the time it was set up. This false assumption has led to the impression by many unthinking and impressionable people that the men who sat in the convention at Philadelphia from May until September, 1787, and framed the draft of the Federal Constitution to propose to the States were so wise and so learned and so patriotic as to be practically inspired by divine wisdom and power.

I yield to no man, Mr. Speaker, in my respect for the heroic men of that period. But it is not necessary to show one's admiration and prove one's patriotism by obscuring the actual historical facts. The facts are that the men in that convention were hard-headed, practical men of affairs. That Constitution represents many compromises and is the result of many conflicts. That Constitution was the most matter-of-fact, nonsentimental, utilitarian instrument that the men of that period could execute. In fact, about 50 years after the Constitution became operative there developed a cult so profoundly moved by a conviction of duty to abolish chattel slavery in negroes that when they saw provisions in the Federal Constitution recognizing the existence of slavery and pledging the Federal Government to exercise its power in some respects to protect the slave owner in his prop-

erty, they declared that Constitution of the fathers to be "A league with death and a covenant with hell." William Lloyd Garrison, the author of this denunciation, is honored in many parts of our country, not only in the textbooks but his form and features perpetuated in bronze and marble in the most public places.

This remark quoted above of the great Gladstone was a part of a bright epigram in order to contrast the difference between the British constitution as a "growing organism" as against the American Constitution as a "fixed organism." In the same breath he described the British constitution as "the most subtle organism which has proceeded from progressive history." But rhetorical expressions employed for the purpose of emphasis must not be relied upon as historical facts. In truth both the American Constitution and the British Constitution are the products of progressive history. They are both living organisms and are both constantly changing in two ways: First, by practice and interpretation, and next by conscious amendment or addition.

In fact, Mr. Speaker, there is very little room for originality in matter relating to governments. Most of us are apt to believe that the Declaration of Independence was an original composition inspired by the heart and brain and formulated by the pen of Thomas Jefferson alone. As a matter of fact, a little digging into the prior history shows that the stately phrases and lordly sentences of that immortal document are largely accumulated from a variety of sources extending over many years. Many of the thoughts and some of the words are to be found in the famous charge to the grand jury by Judge Drayton at Cheraw, S. C., in 1765. The sturdy frontiersmen of western North Carolina had met at Charlotte, N. C., on May 20, 1775, and promulgated the "Mecklenburg Declaration of Independence." The stalwart lovers of liberty in Virginia in May and June, 1776, led by George Mason, formulated the first Bill of Rights to find place in any American Constitution. The most casual reading of that epoch-making Virginia document will show that Thomas Jefferson was debtor to George Mason. James Otis in Boston was thundering forth the same immortal sentiments. Scores of newspapers and magazines and pamphlets were scattering the principles of free government amongst the Colonists for at least five years before they were all concentrated and boiled down into one single eloquent utterance on July 4, 1776.

HISTORIC ROOT OF DEMOCRACY.

But back of all this feeling and thought and discussion was a universal evolution of ideals respecting the fundamental principles of government. John Milton had gathered but a mustard seed of truth from Plato and Thomas More and Oliver Cromwell and from hundreds of other sources and had produced a living, vigorous plant of literature upon the subject. John Locke had discussed the subject with philosophic abstraction and with a decorous deference to existing institutions so as not to render insecure his own place and fortune, but those who read between the lines and those who made logical application of his propositions could but see that they inevitably led to the conclusion that government rests upon the consent of the governed; that the majority of the governed have the right to alter their government at will; and that there rests upon the majority the obligation so as to administer to the government as to secure the life, the liberty, and the opportunity to pursue happiness to all the people.

THE PEOPLE, NOT PAPERS, PRESERVE LIBERTY.

Mr. Speaker, I notice recently a cult that ascribes something like inspired significance to the abstractions contained in the preamble to the Federal Constitution. One writer says "the preamble contains the key to the Constitution, it utters its spirit, and unfolds its deep philosophy." Mr. Speaker, such superficial sentimentality is more apt to be hurtful than helpful. Sensible people do not have to set up idols in order to worship. Reasonable people know that God Almighty did not hand down the Constitution of the United States along with the Ten Commandments from the glorious heights of Sinai. People with common sense know that the matter-of-fact framers of the Federal Constitution were human and with limited human vision, and that the permanence and stability of their work is not due to any peculiar and God-given power, nor to any sudden stroke of superior genius, but is due to the traditions of liberty and order that rest in the people themselves of these States, and is further due to the enlightenment and to the devotion to the ideals of civilization that the succeeding generations have entertained. From early times men have argued that because the preamble contained these words, "to promote the general welfare," then the Federal Government can and should enact any legislation and enter into any activity that may conceivably promote the general welfare. Of course, a sober second thought will reveal to such hasty thinkers that the purpose of the people in establishing the Federal Constitution was to promote the general welfare in so far as such promotion was possible by the exercise by the Federal Government of those powers expressly conferred upon it by the Constitution.

I wonder what these rhapsodists would say about the expression "to secure the blessings of liberty to ourselves and to our posterity"? How would they define liberty? Where is that liberty defined in the Constitution? I well imagine that nearly every person has a different conception of liberty. The bootlegger has one conception and the consistent prohibitionist another conception. As a matter of fact, the terms "liberty" and "freedom" and "justice" can not be completely defined by anyone and the mind can only partially conceive of their meaning by a comprehensive study, not only of existing law and of existing institutions but of the evolutionary processes by which Anglo-Saxon institutions have developed.

THE TRIPARTITE DIVISION OF POWERS.

It is falsely assumed that the framers of the Federal Constitution were the first to divide the powers of government into three equal and coordinate divisions, known, respectively, as the legislative, executive, and judicial departments. As a matter of fact, 11 of the 13 original States had very shortly after independence was declared in 1776, and at least one and maybe others before the Declaration of Independence, had proceeded to frame State constitutions in which the tripartite division of powers was clearly outlined. The constitution of Massachusetts, framed in 1780, is an orderly and systematic distribution of these three chief governmental powers. The men of that period who read at all were usually very familiar with the writings of Montesquieu on the "Spirit of Laws," published about 1758, and he clearly outlines the division of the powers of government into legislative, executive, and judicial.

It is also stated upon apparently good authority that Montesquieu obtained his ideas from reading the works of John Locke, which were published about the year 1691. However, a consideration of Locke's "Treatise on Government" discloses the fact that Locke seems to have ignored the judicial department of government. He divides the powers of government into legislative and executive and then he subdivides the executive powers into domestic and federative. By domestic he means the enforcement of laws among the people at home, and by federative he means handling the diplomatic affairs of the government in its relation with all foreign governments. I assume that in the classification of Locke the judicial powers would be included within the classification of "domestic executive powers." In other words, he would consider the courts as but agencies by which the government executes the laws enacted by the legislative branch. As a matter of fact, there is a very close and intimate contact between the executive and judicial departments. In the first place, so far as criminal laws are concerned, the executive department of the government must first institute criminal proceedings and then prosecute them before the courts and after judgment is rendered must take charge of the convicted person and enforce the judgment of the court. In other words, the court is powerless to act except upon cases affirmatively brought before it by the executive department, and the court is powerless to enforce its judgments except by the power lent it by the executive department.

The court is like a man without either hand. It can not stretch out its right hand to grasp offenders and bring them into court, and it can not stretch out its left hand and punish offenders duly convicted. The court is personified by the brain and the heart of the person without either hand. It has the brain to perceive the facts and judgment to weigh the facts, and the conscience to do what truth demands and the lips to pronounce the decision of head and heart, and there the court stops. How tremendously important it is, therefore, that the court should never decide except upon full hearing into all the facts, and that its decisions should reflect a conscience free from passion and void of selfish interest.

THE ONLY ORIGINAL FEATURE.

There is not a single original idea in the Federal Constitution so far as government in general is concerned, though there is an original application of a well-established governmental principle as applied to Federal Government. This original feature is the fact that under Federal Government, in contrast with that existing under the former Articles of Confederation and in contrast with all other federated governments, it was to have the power of directly taxing the citizens of the whole country for the support of the Federal Government, and the laws of this Federal Government were to be directly and im-

mediately obligatory upon the citizens of all the States within the confederation. Consequently we have the original and novel situation of two entirely separate and distinct governments operating at the same time upon the same people and within the same territory. It is not to be wondered at that there should have developed misunderstandings and conflicts between these two separate and distinct governments, and therefore the student of history and of government is not surprised that these controversies resulted in the War of Cessation, commonly called the Civil War, but more properly and appropriately designated as the War between the States.

LET CONGRESS STOP PASSING UNCONSTITUTIONAL LAWS.

Mr. Speaker, the matter of the power of the courts to declare an act of the legislative department, having received Executive approval, to be void because of unconstitutionality is receiving a great deal of consideration at this time. Without discussing the merits of that question one way or the other, I desire to present a consideration which should eliminate the question just mentioned to the realms of academic discussion. If the Members of Congress and the President would do their duty, then no Supreme Court would ever have a chance to declare an act of Congress unconstitutional. It is the habit of "passing the buck" by Members of Congress that has brought about a situation that is giving concern to many people. Let me remind the Congress and the country that there is the same high obligation upon the Members of Congress to protect and defend the Constitution that there is upon the President and the members of the Supreme Court. As a matter of fact, the constitutional oath administered to the President requires him "to protect and defend the Constitution." The oath taken by every Member of Congress binds him "to protect and defend the Constitution," but when you come to the oath prescribed by law to be taken by every judge of the United States courts from the Chief Justice of the Supreme Court down, you find that it binds the judge "to administer justice without respect to persons and to do equal right to the poor and the rich agreeably to the Constitution and laws of the United States." So there is the chief and primary obligation on the Members of both Houses of Congress to say whether the bill proposed to be enacted into law is constitutional. In fact, that ought to be the first question asked.

If that question is answered affirmatively, then the question of the wisdom and policy of the proposed legislation may be considered. It should make no difference with a Member as to his sympathy with the aim and object of the legislation. The question of constitutionality or unconstitutionality meets him at the very threshold if he is to remember his oath. I fear that too many are apt to say: "Oh, the constitutionality is a matter for the courts. We think the legislation will do good and it may never get into court, and if it does at least five of the members of the Supreme Court may be so much in sympathy with the object of the legislation that they will do as Congress is doing, to wit, sacrifice the Constitution for some economic or social or political purpose."

CONGRESS BEST JUDGE OF CONSTITUTION.

Mr. Speaker, the courts have a great deal to say about what was the intention and the purpose of the framers of the Constitution. I feel satisfied that the framers of the Constitution never intended that the Members of Congress would neglect their duty in passing conscientiously and deliberately upon the constitutionality of proposed legislation. The framers of the Constitution knew that future Members of the Congress could know as much about the purpose and intent and plan and scope of Federal Government and the Federal Constitution as any members of the Supreme Court. The framers of the Federal Constitution knew that it was not any cryptic, or mysterious, or unnatural instrument with some hidden and weird and puzzling meaning that could be ascertained only by being juggled over and "conjured" in a dark room. On the contrary, they knew that the words of the Constitution were a rather inadequate expression of its spirit and purpose. They knew that the principles of liberty, if they are to endure, must reside in the breasts and brain of the people rather than in musty and mysterious documents.

The framers of the Constitution knew that when all their language was taken together it would plainly reveal, especially when construed by the rule fixed in the tenth amendment, that it was to be and is a government of limited powers, and that unless a power were expressly conferred or fairly implied as necessary and proper for the execution of the express powers, then all such was denied to the Federal Government and must be exercised by the States and by the States alone. Surely they knew that all the Members of Congress for all future time would be able to understand the English language, and they had reason to assume that many Members of the future Congress would be trained lawyers, and therefore there was good reason for the framers of the Constitution to believe that all the Members of Congress in both Houses could and would understand the Constitution and would abide by it.

CONSTITUTIONAL PRINCIPLES CAN BE GENERALLY UNDERSTOOD.

Mr. Speaker, constitutions must be and are susceptible of being understood in their broad principles and outlines by all the people. Our universally accepted system of popular sovereignty declares that the Constitution is made by the people. If, therefore, the people made it, surely the people understand it. If the people understand it, then surely their more than 500 representatives freshly elected by the people can understand the Constitution better than nine judges who have not been elected by the people to their office, and some of whom have never been elected by the people to any office and whose lives have been given to the study of mere controversies between persons.

The only trouble is that these Members of Congress have gotten in the habit of failing to study the Constitution. They have overlooked their duty to study the Constitution. But if the Members of Congress would do their duty in this respect, and if the President, who should, above all persons, understand the Constitution, and who is sworn especially to protect and defend the Constitution, should do his duty and strike down by the veto every bill that he regards as unconstitutional—if Congress and the President would do these things, then the Supreme Court would have no fair nor reasonable opportunity to say that there is a real conflict in any case between the Constitution and the statute, and that as between these two in conflict the statute must yield and the Constitution must stand.

WHAT WE MEAN BY "AMERICANISM."

When we speak of "Americanism" and of the "American system," and when we urge loyalty to the "American Constitution," we must remember all that is implied within these terms. The great underlying and fundamental proposition implied by Americanism, after the preliminary conception of popular sovereignty, is our dual division of governmental powers between the States and the National Government. Some people seem disposed to feel that such a reminder is out of date and that talk about "State rights" is an anachronism, and seem to feel that to be loyal to this dual system of Government implies some sort of disloyalty to the National Government. As a matter of fact, Mr. Speaker, the Federal Government and the Federal Constitution are as much dedicated and obligated to the preservation of the States in their full reserved powers as to the preservation of the Federal power in its fullest constitutional extent.

The 13 States existed before the Federal Government existed. Undoubtedly they created the Federal Government. It is true that 35 other States, nearly 75 per cent of all the States, have since been created by the authority and power and permission of the Federal Government. But be it said to the credit of the strength and vigor of American ideals that those in control of the Federal Government conferred upon these 35 States admitted into the Union after the original 13 had created this great Federal system the same full and complete enjoyment of local State sovereignty, under the Constitution, that the original 13 States had. This fact is a fine tribute to the firm conviction of those who later administered the Federal Government that the full integrity and vigor and independence in all internal matters of the States themselves are essential to the peace and progress and power of the American people.

"AN INDESTRUCTIBLE UNION OF INDESTRUCTIBLE STATES."

Mr. Speaker, so many are the advantages that we have derived from the division of governmental power between the States and the Nation that even if such a system had not been created by the States it would be wise and politic for us now to adopt that system. It seems that Providence has guided the American people ever since the discovery of this continent. The settlement of different parts of the country by different classes and groups and religious sects of the English people is now seen to have been a happy and fortunate disposition.

The mingling with these English elements of the Dutch of New York, the French of Louisiana, the Germans of Pennsylvania, the Spanish of Florida, and the patches of Scandinavians and Swiss and other nationalities here and there has brought about a tolerance, a breadth, a liberality, and a generosity distinctly and exclusively American. But there remained enough of provincialism and localism and selfishness of the people of the different colonies to compel them to be chary about surrendering all the powers of government to a single central agency. They had left the homes of their fathers in Europe to enjoy religious freedom and civil liberty amidst the hardships and dangers and loneliness of a new country. They

divined what we now see, the dangers and tyrannies of a huge bureaucracy, consequently they grudgingly gave up to the Federal Government only those powers that bitter trials in war and grim necessity in peace had shown to be essential to the preservation of their dearly bought and much beloved liberties. The results have been marvelous. In the main the people have enjoyed the greatest possible freedom consistent with State and national obligations. Though the population has been multiplied by fifty and though the area has been multiplied by more than three and though the wants of civilization and the creations of modern science have multiplied a thousandfold the activities and interests of the people, the individual citizens in South Carolina and in Texas and in Wisconsin, with certain inevitable exceptions, enjoy the same personal liberty that the Pilgrim Fathers in Massachusetts did or that the cavaliers in Virginia did.

OUR DUAL SYSTEM INSURES SAFETY.

Mr. Speaker, the safety of American institutions rests with the States. Modern experience has shown that the greatest precaution for the safety of students in colleges and of patients in hospitals and of inmates in asylums is to have them scattered in a number of different buildings disconnected, so that fire originating in one place may be localized before widespread damage is done. It is like the device of the unsinkable ship that has a number of separate water-tight compartments. Though the ship be rammed by another ship or be torpedoed by a submarine, yet the entire ship is not sunk because the inrush of water is confined to the particular compartment broken in. So it is with the American "Ship of State." Each of these 48 States, in the language of Mr. Justice Holmes, is "an isolated chamber of experiment." Though excessive socialistic ideas take possession of one State, their dangers are perceived by others and the evil checked before widespread harm is done. Though the baleful and damning power of corporate wealth get possession of one State, yet the evils are confined to the single State affected and the example becomes a warning lesson to other States. If all the powers of government for the 110,000,000 of Americans scattered over this entire part of the continent were concentrated in the hands of one government at Washington, then the enemies of that government, by whatever name those enemies may be called, whatever may be their motives, could concentrate and multiply their assaults upon that single place and might overthrow the Government itself to the everlasting distress of the people and the destruction of national ideals and power and prosperity.

WHAT MEANS OUR MONROE DOCTRINE?

Mr. Speaker, in these times of turmoil, of agitation, and of world disorder, it seems that nearly every platform and pulpit sends forth a warning that for this reason or for that reason "civilization is trembling in the balance; that if something happens, or does not happen, the human race will reenter an epoch of stagnation and decline, like the 'dark ages'; and that out of this through the slow centuries the peoples must eventually grope to a new day." Personally I share no such gloomy apprehension. A little study of the history of former periods of agitation and of unrest will show that similar direful predictions were then made also. And yet a comprehensive view of history demonstrates that every revolution, made necessary by undesirable conditions, such as our forefathers endured for years before they threw off the claims of British authority, has in fact been one of the processes of evolution. For Americans who love to breathe the spirit of freedom, liberty, justice, and democracy these days are filled with high hopes. Americans have been the champions of human freedom since before the American Revolution. The principles of governmental independence, as announced in the Declaration of Independence, reacted upon the people of France, and in a few years, and after much blood and suffering, lasting through scores of years, that people have stepped out into the full light of liberty. But well do we remember the "jeremiads" of Edmund Burke, who poured forth his powerful and eloquent denunciations of the excesses prevailing in France, and from being the champion and defender of justice and liberty, as he had been during our controversy with England, he became the spokesman for reaction and for autocracy and despotism.

The Bourbons and their friends argued that if such a liberal as Edmund Burke was disgusted at the failure of democracy to function and the suicidal crimes of democracy, as evidenced by the "reign of terror" in Paris, then all others were justified in concluding that man could be safely and sanely governed only upon the principle of the "divine right of kings," and the divine right of the favorites of kings, and the divine ordination that all other men are proscribed to a life of servitude and servility. But Americans did not lose their faith in democracy. When Napoleon, that child of revolution, was finally caught and curbed, then the despots of Europe decided that it was time to restore the power of royal prerogatives among those South American peoples who had won their independence by the sword from their mother country at a time when she and her royalistic allies were kept busy trying to outflank "the Little Corporal." So Spain said that she would regain her lost provinces in South America. Then the American people rose to the last man and backed the sentiment of the Monroe doctrine to the effect that the North American Republic would consider the restoration of kingly power in South America as an unfriendly act. The Monroe doctrine means and can mean only this—that if Spain by the assistance of other hereditary rulers could overthrow democracy in South America, then England by the same token and by the same assistance could overthrow democracy in North America and reestablish her dominion in this land which had been "dedicated to the proposition that all men are created equal and endowed by their Creator with certain inalienable rights, among which are life, liberty, and the pursuit of happiness, and that to secure these things governments are instituted among men, deriving their just powers from the consent of the governed."

When America was in the throes of a great Civil War for four years, undecided whether or not her Government or any government was dedicated to the principles of liberty, justice, and democracy, European autocracy stealthily conspired against the rights of free men and established a monarchy by the power of their military machines in our sister Republic of Mexico. When peace was reestablished amongst the States, and with peace returned power, then we notified France and the world that Maximilian must move from Mexico.

We were the friends of humanity in 1898 when the oppressed Cuban people were driven hither and thither like cattle by the bayonets of a Spanish bully. We have declared—and I believe we mean still to keep our pledge—that the people of the Philippine Islands shall in due season enjoy the inalienable right of any nation to decide upon the form of their own government, to determine its policies, and to control all their affairs, internal and external.

We have watched the overthrow of despotism in China, and we have rejoiced when that people seemed to be waking from their age-long sleep. We have seen an unspeakable and indescribable despotism in Russia that sent without cause or trial its victims by the thousands to freeze in Siberia broken by the power of a popular uprising; and though for a time at least the old hereditary czardom is replaced by a more numerous oligarchy, yet we have faith to believe that out of sovietism will ultimately grow representative democracy and that the patient, faithful, honorable Russian people will finally come into their own. If the French could survive a reign of terror and could upon the ruins of a commune rear the form of a stable and liberal Republic, then surely we should not lose hope in the possibility of Russia to do the same thing. People with liberal minds were happy when the German masses drove from their borders the imperial impersonation of hereditary military power. People who genuinely love freedom in America love to find other peoples coming into the possession of the same blessing. If every nation were as America is, truly representative of the will and interests of the masses, then international and world peace would prevail forever.

We have no selfish designs upon the lands, or the resources, or the labors of any people on the globe. We rejoice that fully three-fourths of all the people of the world have followed our example since 1776, and have set up for themselves governments that represent the feelings, and needs, and the desires of the great masses of the people who produce the wealth, who perform the labor, and who fight the battles for those nations.

WE NEED PATIENCE; DEMOCRACIES ARE SLOW.

So, Mr. Speaker, we should have faith in the permanence and the final universal triumph of the fundamental principles of Americanism. When we have faith then we will have patience. It is entirely obvious that there is too much impatience at this time. The extreme progressives chafe at the restraints and requirements of orderly and settled constitutional government. The reactionaries are impatient of every step and expression that promises a change toward liberalism. Some people wish legislation of a particular kind and hurry to procure it, irrespective of the means or agency employed. The result is that many rush to Congress with propaganda that counts into the thousands and weighs by the tons, when as a matter of fact they ought to be employing their propaganda on the State legislatures. Why, Mr. Speaker, I have known people to urge upon me that Congress should enact such and such legislation, and when I told them that Congress does not have the power to legislate upon the subject mentioned, and recommended that

they approach their representative in the State legislature upon the subject, they would then say that they hardly considered it worth while to bother the State legislature. If an idea is good and worth while, then its champions should be patient enough to ascertain the proper constitutional method for enacting the idea into law. As a result of this impatience we find intolerance and mutual distrust.

The ultra progressive would wipe out the Constitution where it stands in his way. The ultra reactionary would fix the Constitution so it never could be changed. What we need above all is for our people to grasp the fundamental principles of "Americanism" which implies the divine right of a settled, well ascertained majority to govern under the Constitution and the right of the requisite constitutional majority to change the Constitution itself. But at the same time, we need to warn our people from the forum and by the press about the unspeakable dangers certain to follow in the wake of this widespread powerful tendency to concentrate power in the hands of Federal bureaucrats. I believe that the people are already realizing that the pendulum for the first half century after the Civil War had swung too far in the direction of federalization and centralization. I believe that the pendulum is now beginning to swing back, and that the people are realizing the wisdom of Thomas Jefferson's warning and are willing to follow his precepts when he taught us that just as much of the governmental power should be kept just as close to the people as possible. Jefferson shows us how the township should hug to its bosom township affairs, and the county be jealous of county rights, and the State should guard all of its powers and prerogatives, so that the Nation could not suck into a mighty maelstrom of red tape and bureaucracy the vast volume of business that comes home to the bosoms and breasts of men.

So, Mr. Speaker, I patiently march on the highway of progress. I have confidence that the future of America is safe and that the world itself will come through the throes of many sorrows and griefs to a yet fuller realization of human power and of human happiness than ever before. Since early manhood I have rejoiced to see the rising tide of democracy throughout the world. To my mind, as I have read history, it has confirmed my faith in America. It has been to me a triumph of American ideals. As I have viewed it, America became a world power when she planted her feet upon the bedrock of eternal truth proclaimed in the Declaration of Independence. I have followed through the pages of history the action and reaction of that truth from nation to nation and have felt a joyful thrill at witnessing the world bear testimony to the power of America. We are too apt to forget that the power of America does not consist merely in her resources; nor in her Army and Navy; nor yet in her man power by the millions; nor in her fields, forests, and mines; but the real power of America consists in the force of her ideals, in the truth of her principles, and in the confidence that all mankind has in her unselfish devotion to the principles of a righteous and just representative government. There may be eddies along the banks of the stream; there have been reigns of terror, and communes, and soviet savagery; but he must be blind who can not see that the great stream of human history bears upon its bosom the ever-accumulating volume of representative government and the indisputable evidence of the final and complete triumph of democracy. "The individual withers, but the races progress more and more." As the tide of democratic progress advances certain individuals and certain special class interests may suffer here and there, and the writhing victims may raise a cry of protest against the forces that crush them. But it has ever been thus.

It is the inexorable law of human progress. It is the will of God as revealed in His word. But just so sure as God is good and just and true, just so surely are all nations upon the face of the earth coming finally and gloriously into the complete possession of their own. Mankind has raised the question, voiced by the English masses seeking for more complete control of their own affairs, and asks with the British poet:

When wilt Thou save the people? O Lord of Mercy, when?
Not thrones and crowns, but nations;
Not kings and lords, but men.
Flowers of Thy heart are they;
Let them not pass like grass away;
Let them rule, who work and fight, and pay;
God save the people!

SCHOONER "MOUNT HOPE."

The next business on the Private Calendar was the bill (H. R. 14249) for the relief of the owners of the American schooner *Mount Hope*.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. I understand the chairman of the committee is going to offer an amendment as to demurrage charges. I have no objection to the bill with that amendment.

The SPEAKER. The Chair hears no objection. The Clerk will report the bill.

The bill was read, as follows.

Be it enacted, etc., That the claim of the owners of the American schooner *Mount Hope* against the United States for damages and loss alleged to have been caused by the collision of said vessel with the United States steamship *Navesink*, off Pollocks Rip Lightship, on November 21, 1916, may be sued for by the said owners of the American schooner *Mount Hope* in the district court of the United States for the eastern district of New York, sitting as a court of admiralty and acting under the rules governing such court; and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the owners of the American schooner *Mount Hope* or against said owners in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

Mr. EDMONDS. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. EDMONDS: Page 2, line 1, after the word "suit," insert "to the extent only of such damages suffered other than claims for demurrage to said vessel."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

MRS. R. S. ABERNETHY.

The next business on the Private Calendar was the bill (H. R. 7267) granting permission to Mrs. R. S. Abernethy, of Lincolnton, N. C., to accept the decoration of the bust of Bolivar.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. I object.

Mr. MOORE of Virginia. Will not the gentleman reserve his objection for a minute?

Mr. STAFFORD. Yes.

Mr. MOORE of Virginia. This bill has been carefully considered by the Committee on Foreign Affairs, which has made a unanimous report after very mature consideration. The only purpose of the bill is to enable the sister of a sailor who rendered valuable service in connection with operations in South American waters to receive a mere decoration. It is not to receive a bust, but it is to receive a ribbon which is denominated in the bill as the decoration of the bust of Bolivar.

Mr. STAFFORD. Why should we recognize that at this late day?

Mr. MOORE of Virginia. Why should we not?

Mr. STAFFORD. I do not care at this late hour to go into the merits of this question, but I remember the distinguished gentleman from Texas [Mr. CONNALLY] made a very earnest fight against the policy of allowing the German Government—I think it was the German Government—to recognize some of our consular and diplomatic officers with gifts and the like. I do not know what became of that bill.

Mr. MOORE of Virginia. If the gentleman would read the report which was very carefully prepared by my colleague on the committee [Mr. COLE of Iowa] I think it would go far toward removing his objections to the bill.

Mr. STAFFORD. It is a very illuminating and a full historical report, as I can see by glancing at it, but I confess that I have not had the time to read it.

Mr. MOORE of Virginia. I think my friend often reaches conclusions without having had the time to read reports on bills.

Mr. STAFFORD. I beg the gentleman's pardon. I read the reports very carefully, and when I have not had the time to do so, I am always open to conviction. I keep an open mind. If I had read the report perhaps I would be more positive as to my position.

Mr. MOORE of Virginia. If the distinguished gentleman will allow me, this is a very simple matter. The lady is anxious to receive this ribbon. I have no interest in the bill. The lady is not a resident of my State. It is my friend, the

gentleman from North Carolina [Mr. BULWINKLE] who introduced the bill. I trust the gentleman will find it in his heart to withdraw his objection.

Mr. STAFFORD. I withdraw the objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That Mrs. R. S. Abernethy, of Lincolnton, N. C., be authorized to accept the decoration of the bust of Bolivar tendered by the Government of Venezuela to her brother, Lieut. Commander Rufus Z. Johnston, United States Navy, and that the Department of State be permitted to deliver the decoration to Mrs. R. S. Abernethy.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

CERTAIN LANDS AT CAMP JACKSON, S. C.

The next business on the Private Calendar was the bill (S. 4404) authorizing the Secretary of War to transfer to trustees to be named by the Chamber of Commerce of Columbia, S. C., certain lands at Camp Jackson, S. C.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. I reserve the right to object. This bill authorizes the transfer of 1,192 acres of land in the military reservation at Camp Jackson. Why should we transfer 1,192 acres of land to some trustees and let them sell it or dispose of it for charitable or educational purposes? Why can not the United States Government perform its own charity work?

Mr. FULMER. If my friend from Texas will allow me, I will be glad to tell him the reason why.

Mr. BLANTON. That is what I would like to have—an explanation.

Mr. FULMER. I will be glad to explain it to the gentleman. In 1917 various public-spirited citizens in South Carolina by public subscription bought and paid for 1,192 acres of land and presented it as a gift to the Government without any cost whatsoever.

Mr. BLANTON. Why?

Mr. FULMER. For camp purposes.

Mr. STAFFORD. Will the gentleman permit?

Mr. FULMER. Yes.

Mr. STAFFORD. Here was a committee of public-spirited citizens who donated certain land for the purpose of having a United States camp located at Camp Jackson.

Mr. BLANTON. For commercial benefit.

Mr. STAFFORD. Having donated it, they now want the Government to return it gratis.

Mr. FULMER. If the gentleman will allow me to explain, I do not think he will have any objection. If you will read the report of the Subcommittee on Military Affairs under date of January 5, 1922, you will find that they recommended that this land be given back to the donors free of any expense. This land was given to the Government by a corporation. This corporation is not asking that the land be given back to them, but the welfare board, in connection with the chamber of commerce, ask that they may have this land given back to them, to be placed in the hands of trustees, for educational purposes, agriculture, and so forth. If you will read the letter of the Secretary of War, you will see that he recommends this.

Mr. STAFFORD. But after receiving property from private individuals for certain purposes, why should the Government give it back for nothing?

Mr. FULMER. I should like to read the letter of the Secretary of War.

Mr. STAFFORD. I have read the letter as set forth in the report.

Mr. MILLER. The Government had had the use of it.

Mr. FULMER. Yes; and it is nothing now but an expense to the Government. They got the use of it.

Mr. MILLER. Will the gentleman yield?

Mr. FULMER. Yes.

Mr. MILLER. It was the opinion of the committee that where patriotic citizens subscribed for a tract of land and it was the disposition of the Government to return it, it having served all the purposes the Government had for it or ever will have, that the property given in this patriotic way should be returned to those citizens.

Mr. STAFFORD. Is that going to be the policy where a private association has donated land to the Government which the Government has improved by expending large sums of money for highways——

Mr. MILLER. There is nothing of the kind on this land.

Mr. STAFFORD. There are highways on the land.

Mr. MILLER. Yes; for Government use.

Mr. FULMER. There are no improvements on it and the part of the original tract they retain. They are giving back on the outside 1,192 acres that are not nearly so valuable.

Mr. STAFFORD. Are they giving land in exchange for this?

Mr. FULMER. No.

Mr. BLANTON. Mr. Speaker, I want to state to the gentleman that the pople made this donation for the benefit that this military camp would bring to their community. It brought a great horde of soldiers there. Merchants were able to sell large supplies and they reaped a great benefit, like every other community in the United States that had a military camp. The Government spent lots of money there that they never will get back. It would sell the buildings for about 5 per cent of what they cost—that is what they usually get on them—it will not get one cent back for roads, they will not get one cent for sidewalks, for the light system, the water system.

Mr. FIELDS. There is nothing of that kind on this land.

Mr. BLANTON. If it is not, it is the first military camp that I have heard of that did not have them.

Mr. McSWAIN. This bill does not include the whole camp.

Mr. BLANTON. It includes 1,192 acres, which is almost two sections of land.

The SPEAKER. Is there objection?

Mr. BLANTON. I object.

Mr. FIELDS. I want to state——

Mr. MONDELL. If there is to be objection, Mr. Speaker, I think that we should pass on to the next bill.

Mr. BLANTON. The gentleman from Wisconsin will object if I do not. Mr. Speaker, I withdraw my objection.

Mr. STAFFORD. I object.

CAPT. NORMAN RANDOLPH.

The next business on the Private Calendar was the bill (H. R. 14317) granting permission to Capt. Norman Randolph, United States Army, to accept the decoration of the Spanish Order of Military Merit of Alfonzo XIII.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, we have just passed a bill reported by the distinguished gentleman from Virginia [Mr. MOORE], granting the bust of Bolivar as a decoration. This is for the decoration of an Army officer by the King of Spain?

Mr. FISH. The Spanish ambassador.

Mr. STAFFORD. How many requests are there pending of that kind?

Mr. FISH. Only two altogether. This was reported out from the Committe on Foreign Affairs, and it is similar to the one that just went through. I hope the gentleman from Wisconsin will not object.

Mr. STAFFORD. Mr. Speaker, I withdraw my reservation of objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That Capt. Norman Randolph, United States Army, be authorized to accept the decoration of the Spanish Order of Military Merit of Alfonso XIII, tendered by his excellency the Count of Vinaza, the ambassador of Spain at the Peruvian Centennial, and that the Department of State be permitted to deliver the decoration to Capt. Norman Randolph, United States Army.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

JOHN W. STANTON.

The next business on the Private Calendar was the bill (S. 2934) to provide for the issuance to John W. Stanton by the Secretary of the Interior of patent to certain land upon payment therefor at the rate of $1.25 per acre.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized, in his discretion, to issue patent to John W. Stanton, of Great Falls, Mont., for the west half of the southwest quarter of section 2, the north half of the northwest quarter of section 11, and the northeast quarter of the southeast quarter of section 3, all in township 23 north of range 4 east, principal meridian of Montana, upon payment by said John W. Stanton therefor at the rate of $1.25 per acre.

The bill was ordered to be read a third time, was read the third time, and passed.

FEDERAL BUILDING SITE, DUQUOIN, ILL.

The next business on the Private Calendar was the bill (H. R. 14183) to authorize the Secretary of the Treasury to sell a portion of the Federal building site in the city of Duquoin, Ill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and empowered, in his discretion, to sell to the Christian Church of Duquoin, Ill., that portion of the Federal building site in said city, fronting 30 feet on the eastern boundary of said site extending eastwardly of that width, 100 feet, along the entire northern boundary of said church property; at such time and upon such terms as he may deem to be to the best interests of the United States; to convey the land to said Christian Church by the usual quitclaim deed; and to deposit the proceeds of such sale in the Treasury of the United States as a miscellaneous receipt derived from the sale of public property.

Mr. DENISON. Mr. Speaker, I offer an amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Page 1, line 10, after the word "terms," insert "but at not less than the appraised value, to be determined by him."

Mr. BLANTON. Mr. Speaker, I hope the gentleman will not offer that amendment.

Mr. DENISON. I have offered it at the suggestion of the gentleman from Wisconsin [Mr. STAFFORD].

Mr. BLANTON. We let these bills pass upon the report and the bill. I understand they are going to get a great deal more than the land has ever been appraised for. That is the reason I let the bill go by. The land cost $3,000 when it was originally purchased by the Government.

Mr. STAFFORD. Here is a bill authorizing the Secretary of the Treasury to sell these lands.

Mr. BLANTON. I would rather leave it to him to fix the terms.

Mr. STAFFORD. That is what we are doing—at not less than the appraised value, to be determined by him.

Mr. BLANTON. But if you insert that language it is going to authorize him to take it at the appraised value which may have been made 20 years ago.

Mr. STAFFORD. I think this is safeguarding the interests of the Government.

Mr. BLANTON. I would rather leave it as it is.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

BIG ROCK STONE & CONSTRUCTION CO.

The next business on the Private Calendar was the bill (H. R. 12751) to convey to the Big Rock Stone & Construction Co. a portion of the hospital reservation of United States Veterans' Hospital No. 78 (Fort Logan H. Roots) in the State of Arkansas.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, on reading the bill I notice that its purpose is to give title to some of the property which is now under lease by this stone and construction company.

Mr. JACOWAY. Yes.

Mr. STAFFORD. The authorization for the lease was made within a year or two?

Mr. JACOWAY. As I recall, it was in 1912.

Mr. STAFFORD. What is the land being used for now?

Mr. JACOWAY. The stone is being used for the construction of roads and for riprapping the Mississippi and for streets and other purposes, both public and private.

Mr. STAFFORD. Is it a hard stone?

Mr. JACOWAY. It is a very hard stone, and is especially adapted to the construction of roads.

Mr. STAFFORD. How far is the quarry removed from the hospital?

Mr. JACOWAY. I would say from 3,000 to 4,000 feet farther from the hospital than are the operations at the present time. That is my recollection.

Mr. STAFFORD. Are there any buildings between the hospital and where they are quarrying?

Mr. JACOWAY. No. This land that is sought by the Big Rock Stone & Construction Co. is a rocky piece of ground on the banks of the Arkansas River. It is of no value to the fort. The least price at which it can be purchased under this bill is $150 an acre. I can not state this with certainty, but I think the land originally cost the Government about $5 an acre. This is 20 acres of the portion of the land on which is located the hospital, and is adjacent to the 3,000 acres owned by the Government, deeded in fee by the city of Little Rock to the Federal Government when Camp Pike was located.

Mr. STAFFORD. Are there any other competitors for this land?

Mr. JACOWAY. Not that I know of.

Mr. STAFFORD. The gentleman is acquainted with the land?

Mr. JACOWAY. I am in a general way.

Mr. STAFFORD. My fear was that it might disturb the purpose of the hospital grounds.

Mr. JACOWAY. No. In answer to his question, will say a special agent was sent there by the Veterans' Bureau, and he and the officer in charge made a report upon it, which the gentleman will see in the report.

Mr. STAFFORD. The trouble about the report is that it is too short, and I have to get the information elsewhere.

Mr. JACOWAY. Both of these gentlemen say that it will not interfere with the running of the hospital and interpose no objection to the Big Rock Stone & Construction Co. purchasing this land set out by metes and bounds in my bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Director of the United States Veterans' Bureau be, and he is hereby, authorized and directed, upon the payment by the Big Rock Stone & Construction Co., a corporation existing under the laws of the State of Arkansas, of such sum as he may determine to be the reasonable value of the premises (but not less than $150 per acre), to convey to the said company the following-described portions of the hospital reservation of the United States Veterans' Hospital No. 78, North Little Rock, Ark. (Fort Logan H. Roots), near the city of Little Rock, State of Arkansas, to wit:

Beginning at a stone corner common to sections 20, 21, 28, and 29, township 2 north, range 12 west; thence north along section line 300 feet; thence west approximately 810 feet to east bank of Arkansas River; thence in a southeasterly direction along bank of river to intersection with section line between sections 20 and 29; thence east along said section line approximately 670 feet to point of beginning, same being a strip of land 300 feet in width, located in section 20, township 2 north, range 12 west, lying immediately north of the present property of the Big Rock Stone & Construction Co. and containing approximately 5 acres:

Beginning at a stone corner common to sections 20, 21, 28, and 29, township 2 north, range 12 west; thence east along section line 529.2 feet; thence north 60 degrees 27 minutes west 608.3 feet to intersection with section line between sections 20 and 21; thence south along said section line 300 feet to point of beginning, same being a triangular tract of land lying entirely within section 21, township 2 north, range 12 west, and lying directly northeast of the present property of the Big Rock Stone & Construction Co., and containing 1.82 acres.

Beginning at a stone corner common to sections 20, 21, 28, and 29, township 2 north, range 12 west; thence east along the section line 529.2 feet; thence south 1,927.8 feet to a point on the east boundary line of an 18.75-acre tract purchased from the United States by the Big Rock Stone & Construction Co., approved by an act of Congress August 14, 1912; thence north 31 degrees 5 minutes west along said east boundary line 1,025 feet; thence north along section line between sections 28 and 29 1,050 feet to point of beginning, same being a strip of land lying entirely within section 28, township 2 north, range 12 west, and lying along the east side of the present property of the Big Rock Stone & Construction Co., and containing 18.09 acres; beginning at the southeast corner of a 2-acre tract of land purchased from the United States by the Big Rock Stone & Construction Co. under authority of an act of Congress approved August 14, 1912; thence south 33 degrees and 30 minutes east 500 feet; thence south 54 degrees and 30 minutes west approximately 200 feet to the east bank of the Arkansas River; thence in a northwesterly direction along the bank of the river to the south boundary line of the hereinbefore mentioned 2-acre tract of land; thence north 54 degrees and 30 minutes east along said boundary line approximately 200 feet to the point of beginning, same being a strip of land located in section 28, township 2 north, range 12 west, lying on the south side of the present property of the Big Rock Stone & Construction Co. and containing approximately 2.29 acres, this 2.29-acre tract being now occupied by the Big Rock Stone & Construction Co. under lease from the United States Government authorized by the act of Congress approved May 26, 1920.

Upon the further condition that the two and twenty-nine one-hundredths-acre tract of land hereinbefore described shall not be used for any blasting operations or for any other purpose detrimental to the use by the United States of the remainder of said reservation, and that the Big Rock Stone & Construction Co. shall not use for any blasting operations or any other purpose that will interfere with the use by the United State of the remainder of said hospital reservation the 1-acre tract of land acquired from the United States Government by purchase authorized by an act of Congress entitled "An act to convey to the Big Rock Stone & Construction Co. a portion of the military reservation at Fort Logan H. Roots in the State of Arkansas," approved May 26, 1920; and upon the further condition that the United States shall have the privilege of using the Arkansas River front of the property heretofore conveyed by the United States Government to the Big Rock Stone & Construction Co., and of property conveyed under the authority of this act for the construction of any revetments, piers, wharves, or similar structures along the banks of the Arkansas River abutting on the land and the free passage over the land to such revetments, piers, or wharves; and that the United States Government shall also have the right of passageway on, over, or under any portion of the land owned by the Big Rock Stone & Construction Co. already ac-

quired or which may be acquired by said company under authority of this act for roads, pipe lines, wires, and other purposes which may be deemed necessary for the use of the said hospital reservation by the United States Government.

SEC. 2. That this act shall take effect and be enforced from and after its passage and approval.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

FRANK J. SIMMONS.

The next business on the Private Calendar was the bill (H. R. 7810) for the relief of First Lieut. Frank J. Simmons, Quartermaster Corps, United States Army.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. I object.

GEORGE EMERSON.

The next business on the Private Calendar was the bill (S. 726) for the relief of George Emerson.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to George Emerson, of Great Falls, Mont., late a second lieutenant in the Air Service, Division of Aeronautics, United States Army, out of any money in the Treasury not otherwise appropriated, the sum of $235, to reimburse him for money withheld from salary due him, upon his discharge from the Army, on or about October 31, 1919, and still so withheld; and there is hereby appropriated for such purposes, out of any money in the United States Treasury, not otherwise appropriated, the sum of $235.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

ELI N. SONNENSTRAHL.

The next business on the Private Calendar was the bill (S. 1280) for the relief of Eli N. Sonnenstrahl.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, I object.

LEWIS W. FLAUNLACHER.

The next business on the Private Calendar was the bill (S. 1516) for the relief of Lewis W. Flaunlacher.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I find that the Committee on War Claims has one standard as to the amount of damages that should be awarded to persons injured in accident, and the Committee on Claims another, the amount of the Committee on War Claims being about twice that from the Committee on Claims. My attention was not called to that until after we had gotten along with the calendar quite a way night before last. In this case, if the gentleman is willing to accept what the Senate considered was a reasonable amount and get this bill out of the way it is acceptable, but if he is going to increase the pay of a wealthy man because he is injured in an accident there will be an objection interposed.

Mr. REED of New York. Mr. Speaker, I would be willing to accept an amendment, but I would like to make this statement in justice to the committee. I want those who are present to understand the situation. Mr. Flaunlacher was a man of large earning capacity, a real estate man in New York. He was traveling out the road to Camp Upton, had tire trouble, and drew his car alongside the road with all the lights on. A colored sergeant, driving company troops to Camp Upton, came along, admittedly drunk, turned, and drove into Mr. Flaunlacher's car. He is now absolutely crippled for life as a result of this collision. The testimony of the doctors show that his limb is withered and he will always be lame. The amount that we allowed was $4,000, and the Senate allowed $2,000. The amount allowed by the Senate does not even equal his earning capacity during the time he was in the hospital.

Mr. STAFFORD. Of course the earnings would run into the thousands for rich men, and this man has an earning capacity of $10,000 a year.

The SPEAKER. Is there objection?

Mr. STAFFORD. Not with the Senate amendment.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lewis W. Flaunlacher, as reimbursement for expenses actually incurred by him as the direct result of personal injuries received by him on September 3, 1917, near Camp Upton, Long Island, when he was struck by an automobile operated by the United States Army, the sum of $719.53, and as full compensation for loss of earnings, pain, and suffering from said injury and resulting surgical operation, and permanent disability of the right leg resulting from said injury, the sum of $1,280.47; in all, $2,000.

The committee amendments were read, as follows:

Page 2, line 2, strike out "$1,280.47" and insert "$3,280.47" and strike out the figures "$2,000" and insert "$4,000."

The question was taken, and the amendments were rejected.

The bill was ordered to be read a third time, was read the third time, and passed.

LIEUT. HENRY N. FALLON, RETIRED.

The next business on the Private Calendar was the bill (S. 3553) for the relief of the family of Lieut. Henry N. Fallon, retired.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, I object.

Mr. STAFFORD. Mr. Speaker, I object.

Mr. FOCHT. I will ask the gentleman if he will withhold his objection for a minute?

The SPEAKER. Two gentlemen objected.

Mr. BLANTON. I will withhold it if the gentleman from Wisconsin will.

Mr. STAFFORD. I will withhold it.

Mr. FOCHT. As the report indicates, this soldier has been confined in St. Elizabeths and made his escape. He was really a ward of the Government at the time. His mother sent after him and paid all the expenses of bringing him back, paid money which otherwise would have had to have been paid by the Government. She and her daughter are in the city now in order to be near this boy, and living in a small room. This bill was reported by the chairman of the War Claims Committee [Mr. SNELL]. I have just had word that Senator PEPPER, who is interested in this, and who has absolute confidence——

Mr. BLANTON. Having had word from Senator PEPPER, the gentleman rises to try to get this bill through?

Mr. FOCHT. I think it would be ample, but we have the report of Mr. SNELL——

Mr. BLANTON. What does the gentleman personally know about the bill? I personally investigated it and I know my colleague from Wisconsin has.

Mr. FOCHT. Mr. SNELL makes a report which is here which says that we ought to pay this woman this money. I have been on the committee with Mr. SNELL for many years, and I know——

Mr. STAFFORD. Let me say that this lieutenant was confined in St. Elizabeths Hospital. The superintendent was considering the granting of a parole and had decided to grant it. Just the night before the parole was to go into effect he took French leave and now we are called upon to reimburse the family for trying to locate him and bring him back.

Mr. FOCHT. Would not the Government have been obligated to find him?

Mr. STAFFORD. No. As the superintendent of the hospital says, if we would attempt this policy it would cost the Government thousands and thousands of dollars. I object.

Mr. FOCHT. I know where they have done it repeatedly.

The SPEAKER. Objection is made. The Clerk will report the next bill.

CLAIMS FOR DAMAGES INCIDENT TO THE OPERATION OF THE ARMY.

The next business on the Private Calendar was the bill (S. 4313) for the payment of claims for damages to and loss of private property incident to the training, practice, operation, or maintenance of the Army.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. STAFFORD. This is an omnibus claims bill. It includes claims that have been passed to-night. I object.

The SPEAKER. The gentleman from Wisconsin objects. The Clerk will report the next one.

THOMAS J. ROSE.

The next business on the Private Calendar was the bill (H. R. 1859) for the relief of Thomas J. Rose.

The title of the bill was read.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. STAFFORD. Reserving the right to object, is there anyone here to give some information about this case? If not, I object.

The SPEAKER. Objection is made. The Clerk will report the next bill.

VALLEY TRANSFER RAILWAY CO.

The next business on the Private Calendar was the bill (H. R. 14082) to authorize the Valley Transfer Railway Co., a corpora-

tion, to construct and operate a line of railway in and upon the Fort Snelling Military Reservation in the State of Minnesota.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, this is a companion bill to the authorization that was passed on Monday, authorizing them to build bridges across the Mississippi River. Now it is proposed to grant them a right of way on the lowland approximate to the Mississippi River adjoining to and on the property of the Fort Snelling Military Reservation. As I understand the report, there is a railroad right of way there.

Mr. NEWTON of Minnesota. Yes; that of the Chicago, Milwaukee & St. Paul.

Mr. STAFFORD. How much valuable space is there on the low ground along the Mississippi?

Mr. NEWTON of Minnesota. I should say from 150 to 175 yards in width down to possibly 75 yards in width at the narrowest point.

Mr. STAFFORD. Is not this a very valuable way of getting access to these places?

Mr. NEWTON of Minnesota. It is about the only way in which Pike Island can be approached from the city of Minneapolis; so that, it being the only way that it can be approached, it is valuable to that extent. Now, just how valuable this island is going to be when it is developed after buildings are put upon it, I am unable to inform the gentleman.

Mr. STAFFORD. It has been some years since I have visited Fort Snelling. It was merely a visit. I can not carry the details in my mind. If it is a right of way that would be valuable to other railroads entering the city by way of Pike Island, I do not think it should be granted to one company, because these rights of way become more valuable as the years go on.

Mr. NEWTON of Minnesota. I would say to the gentleman that the only use to which this could be put, speaking from my knowledge of the ground, would be for the purpose of a belt line running on the island.

The location is not adapted to running any extended series of tracks there. The Milwaukee road only runs the Iowa Short Line through there because it is not adapted to that purpose. It would not be adapted to anything except a mere line of railroad to get on to this island to connect with that bridge. As the Secretary of War says, it is only about 100 yards in width.

Mr. STAFFORD. What is the idea of developing the island?

Mr. NEWTON of Minnesota. For manufacturing purposes.

Mr. STAFFORD. It could not be used as a means of ingress and egress from the city?

Mr. NEWTON of Minnesota. No. My information is that what I have stated is the sole purpose of it.

Mr. STAFFORD. This would not impair the value of Fort Snelling?

Mr. NEWTON of Minnesota. No; and you will notice it is a revocable permit, and it is under conditions that the Secretary of War shall prescribe.

Mr. STAFFORD. I withdraw my reservation.

The SPEAKER. The reservation is withdrawn. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized to give to the Valley Transfer Railway Co., a corporation organized under the laws of the State of Minnesota, its successors and assigns, a permit to locate, construct, maintain, and operate a line of railway, with single or double tracks, across the Fort Snelling Military Reservation in the State of Minnesota, upon such location and under such regulations and conditions as shall be approved by the Secretary of War.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With a committee amendment, as follows:

Line 6, before the word "permit," insert the word "revocable."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

PACIFIC COMMISSARY CO.

The next business on the Private Calendar was the bill (S. 84) for the relief of the Pacific Commissary Co.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, I wish to inquire of some gentleman making this report as to the reason why we should reimburse this commissary company for a business loss in connection with the feeding of officers at this post—Camp Lewis, I believe—during the war?

Mr. McSWAIN. This claim I would describe as an equitable claim. When the first training camp was instituted at the Presidio, Fort Smith, 17 miles from Tacoma, then recently constructed, the Government ordered 1,500 commissioned Army officers to report there. When the commandant of the camp learned that they were on their way, he realized that there was no way in camp to feed these men. There were no troops there at the time, and the buildings that constitute the cantonment were under construction. If they had been required to go back 17 miles each night they would have lost an enormous amount of time.

Mr. STAFFORD. They went ahead and fed these 1,500 officers and fixed the price that the officers should pay?

Mr. McSWAIN. Yes.

Mr. STAFFORD. In the Army the officers get a certain allowance for rations. They received that money from the officers. After the war was over they found that they had made their rates to the officers too low, and now they are seeking to come to the Government to recover on account of an erroneous estimate that they made in charging the officers for meals.

Mr. McSWAIN. Let me explain the case to the gentleman. This private concern—a little $2,000 corporation—was under no obligation to take care of these officers. When the war burst most civilians, including myself, assumed that the commandant of a big camp spoke for the Government. This man Sullivan, representing the Pacific Commissary Co., was approached by the commanding officer of the camp and asked if he would help him take care of these men and feed them, saying that they had to eat.

Mr. McARTHUR. He was very urgently solicited to do it, was he not?

Mr. McSWAIN. Yes.

Mr. STAFFORD. But, nevertheless, he did it under a business arrangement. The price was fixed, and he made a wrong estimate as to price.

Mr. McARTHUR. The price was not fixed.

Mr. STAFFORD. The price was fixed for the officers' meals.

Mr. McSWAIN. Fixed at a dollar a day, with the understanding that the Pacific Commissary Co. would not net any profit but that the Government would bear any loss, with the understanding that this commanding officer would authorize an increase in the price in the future if it was found that it was too low a price.

Mr. McARTHUR. The Pacific Commissary Co. did not seek at any time to make any profit out of this.

Mr. McSWAIN. That is what I say. They were not to make any profit out of it, and were to be indemnified against loss. Therefore they would not have sustained any loss but for the fact that the quartermaster at the camp kept on for five or six months before he rendered an account. In the meantime the price of rations was going up, and when he rendered his account it was found that they had lost on the feeding of the officers and certain other losses about $30,000.

Mr. STAFFORD. I will be very frank with the gentleman, I do not like this bill at all. I think this company took a business chance and lost. The gentleman says it is a case of equity. If we allow this bill at the amount recommended by the committee, what assurance have we that it will not be increased in conference? Will the gentleman fight to the end to keep down the amount?

Mr. McSWAIN. I have no authority to speak for anyone. My friend, the gentleman from Oregon [Mr. McARTHUR], is personally acquainted with the claimants.

Mr. McARTHUR. I think I can reasonably assure the gentleman that the Senate will accept the House amendment.

Mr. STAFFORD. With the assurance that this bill will not be increased in conference, and that it will not come back with an increased amount, I will withdraw the objection. They can not make out any claim for $31,000. These are the closing days of the session. With that understanding I will not object, and will allow the amendment to be adopted.

Mr. BLANTON. I reserve the right to object. I want to ask a question. Here is the way I understand this matter: These officers got this commissary company to furnish them just a little bit better meals than the Government was paying for. They put in a claim at first for $31,000, and the committee in passing on that matter found that that claim was unjust and reduced the amount by $22,916.26. To that extent, at least, the committee held that the company was trying to gouge the Gov-

ernment. I am sure the gentleman from South Carolina would not approve of anything like that, because I know him too well.

Mr. McSWAIN. I acted for the committee. I literally went through hundreds of pages of testimony and five or six account books in order to try to find out what was the truth of the situation. The claimants very earnestly insisted that they were equitably entitled to the whole amount, and, as a matter of fact, they did lose on the whole transaction at Camp Lewis about $31,000; but I, looking at it from the civilian point of view and the point of view of the taxpayers, concluded that in equity they ought to receive a refund of about $9,000. The effect of that would be that while they fed these officers and incurred a loss of $30,000, only 6 days of that will fall upon the Government and 15 days will fall upon the Pacific Commissary Co.

Mr. BLANTON. But this extended over four long months in 1917. Now I want to submit this proposition to my colleague. In war time there are petty officers all over the United States who are in control of such situations. The Congress fixes a certain price at which meals can be purchased.

Mr. McARTHUR. But there was no price fixed.

Mr. BLANTON. The law fixes the price. We fix the rations for the Army and Navy. We do that in peace time as well as in war time.

Mr. McARTHUR. Will the gentleman yield to me?

Mr. BLANTON. I yield.

Mr. McARTHUR. The Pacific Commissary Co. did this as a mere matter of accommodation. They did not stand to make anything.

Mr. BLANTON. These officers were not satisfied with the kind of rations that their own Government fixed for them. They wanted something a little better. It cost a little more money. After the whole proposition was over, after peace came, they wanted to gouge the Government for this amount.

Mr. McARTHUR. The gentleman is in error about that.

Mr. McSWAIN. I think the gentleman is looking at it from the wrong point of view. I was very much opposed to the claim until I studied it over a period of several months.

Mr. BLANTON. I commend the gentleman for cutting down the claim $22,000.

Mr. McSWAIN. The gentleman's proposition is based on the assumption that the Government rations officers. It does not do so. The Government was under no legal obligation to feed these men.

Mr. McARTHUR. It was an emergency.

Mr. McSWAIN. The Pacific Commissary Co. for years has been feeding railroad laborers and construction forces generally. It was feeding the construction force that was building the camp. When these 1,500 officers came there the camp commander rushed up to these men and said: "Here, you have got to help me feed these men."

Mr. BLANTON. They knew that the Government allowed officers a certain amount in lieu of subsistence.

Mr. STAFFORD. Mr. Speaker, I think I will have to demand the regular order.

Mr. MONDELL. This is a perfectly just claim as reduced.

The SPEAKER. Is there objection?

Mr. BLANTON. I object, Mr. Speaker; but on the statement of my colleague [Mr. BULWINKLE], who has made an investigation, I would like to withdraw the objection to the Fallon case, calendar No. 468.

Mr. McARTHUR. I hope the gentleman will withdraw his objection to this bill.

Mr. FOCHT. Mr. Speaker, I ask unanimous consent to return to the Fallon case.

Mr. BOX. I object.

THURSTON W. TRUE.

The next business on the Private Calendar was the bill (S. 2984) for the relief of Thurston W. True.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, I can not see where this man is entitled to more than $794.

Mr. FULMER. I will accept that amount.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to Thurston W. True, of Columbia, S. C., the sum of $1,000, out of any money in the Treasury not otherwise appropriated, in full satisfaction of all claims for damages against the United States arising out of the vacating by such Thurston W. True of his premises for several months during the war against Germany, in compliance with an order issued under authority of the War Department that such premises were to be used by the United States Government for a military camp.

Mr. STAFFORD. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 1, line 5, strike out the amount of "$1,000" and insert "$794."

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

JOHN R. KISSINGER.

The next business on the Private Calendar was the bill (H. R. 14358) for the relief of John R. Kissinger.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, this matter has been partially corrected in the War Department appropriation bill, and I object.

COLORED UNION BENEVOLENT ASSOCIATION.

The next business on the Private Calendar was the bill (H. R. 13617) to dissolve the Colored Union Benevolent Association, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, I see the chairman of the Committee on the District of Columbia here at this late hour, always attending to the duties of his committee. I would like to know what is the purpose of this bill that seeks to vest authority in three trustees with the right to disinter the remains in a colored cemetery and have them transferred to some other tract of land, allow them to sell the property and receive 5 per cent as the commission for services?

Mr. FOCHT. This is an old colored association which has a cemetery for the burial of colored persons out beyond Rock Creek Park. They want to make improvements and they want to get rid of it.

Mr. STAFFORD. I have known of persons objecting to living beside colored people, but I did not know that they objected to the colored dead that had been buried.

Mr. FOCHT. They want to dissolve a corporation.

Mr. STAFFORD. It is a serious matter to disinter the remains of any person.

Mr. BLANTON. Would the gentleman mind telling us whether this involves the cemetery or any of the graves that were concerned or figured in the campaign in the gentleman's district during the last year?

Mr. FOCHT. I am not going to make a retort to that, but after the bill is passed I may reply. We have had numerous instances where cemetery associations have been dissolved in the city, where they wanted to make improvements.

Mr. STAFFORD. How many are buried in this cemetery?

Mr. FOCHT. Perhaps 30 or 40.

Mr. STAFFORD. Who are these trustees?

Mr. FOCHT. They are to be named by the commissioners, and they will be under rules and regulations.

Mr. STAFFORD. No; they are designated by the bill.

Mr. FOCHT. They are the ones that have had the control of the association. They will be under the direction of the commissioners.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

A bill (H. R. 13617) to dissolve the Colored Union Benevolent Association, and for other purposes.

Be it enacted, etc., That from and after the passage of this act the charter of the Colored Union Benevolent Association of the District of Columbia shall cease and determine except as to the following-named trustees, namely, George E. Emmons, Harry A. Clarke, and Whitefield McKinlay, all of whom are citizens of the United States and residents of the District of Columbia, and their successors, are hereby continued as such corporation for the purposes hereinafter stated, with full power to fill any and all vacancies of said trustees which may occur by death or resignation until the sale, distribution, and winding up of the affairs of the said corporation as hereinafter directed shall have been effected.

SEC. 2. That the said trustees be, and they are hereby, authorized, empowered, and directed, under such regulations as the Commissioners of the District of Columbia may prescribe, to transfer the bodies interred in said cemetery to some other public cemetery or cemeteries or place within the District of Columbia, to be reinterred at the expense of the Colored Union Benevolent Association. And the said trustees, after qualifying by giving such bond as may be required and approved by the probate court of the District of Columbia, be, and they are hereby, authorized, empowered, and directed to sell and convey in fee simple the land known as the cemetery of the Colored Union Benevolent Association and the buildings thereon, and any other tract or parcel of land purchased for cemetery purposes and the buildings thereon of the said association, and apply the proceeds of such sales, together with all other moneys and assets of the said association, as hereinafter directed.

SEC. 3. That the said trustees be, and they are hereby, authorized, empowered, and directed to convey the said real estate by mortgage or deed of trust to secure a loan or loans, at such time and at such rate of interest as may be practicable, which money so raised shall

be used by them for the purpose of carrying out the provisions of this act, for which they shall be accountable as for other moneys coming into their hands as trustees under this act.

SEC. 4. That after paying all obligations and liabilities of the said association, including a compensation to the said trustees of 5 per cent of the gross amount of sales aforesaid, together with reasonable attorney's fees and other necessary expenses in the discharge of the duties imposed upon them by this act, the said trustees shall distribute the remainder of such amount, per stirpes, to the heirs at law or next of kin of the owners of the said real estate and the personal property of the said association, as such ownership may be evidenced by the records of said association. Before making any distribution, however, the said trustees shall first receive the approval of the probate court of the District of Columbia.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

WILLIAM HOWARD MAY AND OTHERS.

Mr. EDMONDS. Mr. Speaker, I ask unanimous consent to return to Calendar No. 214, S. 2746, an act for the relief of William Howard May, ex-marshal of the Canal Zone; William K. Jackson, ex-district attorney of the Canal Zone; and John H. McLean, ex-paymaster of the Panama Canal, now deceased.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund to William Howard May the sum of $280.32, being the amount collected from the said William Howard May for rent of quarters while holding the office of marshal of the district of the Canal Zone.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund to William K. Jackson the sum of $77.13, being the amount collected from the said William K. Jackson for rent of quarters while holding the office of district attorney of the Canal Zone, said refunds to be made out of the appropriation for maintenance and operation of the Panama Canal.

That the Comptroller General of the United States be, and he is hereby, authorized and directed to reopen the accounts of John H. McLean, former paymaster of the Panama Canal, and allow credit to the said John H. McLean, for payments made by him, as follows: $470.12 paid to Charles R. Williams as a refund of the amount collected from him for rent of quarters while holding the office of district attorney of the Canal Zone; $403.33 paid to Miguel A. Otero as a refund to him of the amount collected for rent of quarters while holding the office of marshal of the Canal Zone: $214.83 paid to Burt New as a refund of the amount collected from him for rent of quarters while a land commissioner in the Canal Zone; and $114.68 paid to George A. Connolly as a refund of the amount collected from him for rent of quarters while a land commissioner in the Canal Zone.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. MILLER. Mr. Speaker, I ask unanimous consent to return to No. 447 on the Private Calendar.

Mr. STAFFORD. I object.

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 10 o'clock and 58 minutes p. m.) the House adjourned until to-morrow, Friday, February 23, 1923, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

1018. Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of West Fork of White River, Ind., was taken from the Speaker's table and referred to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ZIHLMAN: Committee on Labor. H. R. 14185. A bill to make an investigation of the needs of the Nation for public works to be carried on by Federal, State, and municipal agencies in periods of business depression and unemployment; without amendment (Rept. No. 1684). Referred to the Committee of the Whole House on the state of the Union.

Mr. MOORES of Indiana: Joint Select Committee on Disposition of Useless Executive Papers. H. Report 1685. A report on disposition of useless papers in the Department of Commerce. Ordered to be printed.

Mr. WHITE of Maine: Committee on the Merchant Marine and Fisheries. H. Res. 548. A resolution requesting the Federal Trade Commission to investigate and to report to the House the facts relating to the ownership of radio patents, and for other purposes; without amendment (Rept. No. 1686). Referred to the House Calendar.

Mr. HERSEY: Committee on the Judiciary. H. R. 14084. A bill to amend section 1025 of the Revised Statutes; without amendment (Rept. No. 1687). Referred to the House Calendar.

Mr. HERSEY: Committee on the Judiciary. H. R. 14085. A bill to amend section 284 of the Judicial Code of the United States; without amendment (Rept. No. 1688). Referred to the House Calendar.

Mr. LEHLBACH: Committee on Reform in the Civil Service. S. 4167. An act to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, in order to extend the benefits of said act to certain employees in the Panama Canal Zone; with an amendment (Rept. No. 1689). Referred to the Committee of the Whole House on the state of the Union.

Mr. ANDREWS of Nebraska: Committee on Election of President, Vice President, and Representatives in Congress. S. J. Res. 253. Joint resolution proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress and fixing the time of the assembling of Congress; with an amendment (Rept. No. 1690). Referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MADDEN: A bill (H. R. 14408) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1923, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes; committed to the Committee of the Whole House on the state of the Union.

By Mr. SUMMERS of Washington: A bill (H. R. 14409) authorizing the use of the vessels of the United States in the prevention of smuggling; to the Committee on Ways and Means.

By Mr. CAMPBELL of Kansas: A resolution (H. Res. 551) providing for the consideration of S. J. Res. 265; to the Committee on Rules.

By Mr. HUDSPETH: A resolution (H. Res. 552) for the immediate consideration of H. R. 13550; to the Committee on Rules.

By Mr. ANDREWS of Nebraska: A resolution (H. Res. 553) for the immediate consideration of S. J. Res. 253; to the Committee on Rules.

By Mr. HAWLEY: A resolution (H. Res. 554) for the immediate consideration of H. J. Res. 449; to the Committee on Rules.

By the SPEAKER (by request): Memorial of the Legislature of the State of Idaho, urging Congress to fix a minimum price for wheat at $1.50 per bushel at shipping points; to the Committee on Agriculture.

Also (by request), memorial of the Legislature of the State of Idaho, petitioning Congress to give careful consideration to the situation of the silver-mining industry; to the Committee on Mines and Mining.

Also (by request), memorial of the Legislature of the State of Oregon, favoring an amendment to the Federal grain standard act; to the Committee on Agriculture.

By Mr. McARTHUR: Memorial of the Legislature of the State of Oregon, urging an amendment to the Federal grain standards act; to the Committee on Agriculture.

Also, memorial of the Legislature of the State of Oregon requesting Congress to appropriate money for the construction of a system of highways through and adjacent to the national forests; to the Committee on Roads.

Also, memorial of the Legislature of the State of Oregon opposing further immigration into the United States in excess of the present quota; to the Committee on Immigration and Naturalization.

By Mr. McCLINTIC: Memorial of the Legislature of the State of Oklahoma relating to the matter of the disposal of the water rights and matters connected therewith at Muscle Shoals, Ala.; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BELL: A bill (H. R. 14410) for the relief of Emory Lord; to the Committe on Appropriations.

Also, a bill (H. R. 14411) for the relief of Hoyt G. Barnett; to the Committee on Appropriations.

Also, a bill (H. R. 14412) for the relief of Arthur McRee; to the Committee on Appropriations.

Also, a bill (H. R. 14413) granting a pension to Mrs. C. S. Giles; to the Committee on Pensions.

By Mr. CABLE: A bill (H. R. 14414) granting an increase of pension to Scott Fitzgerald; to the Committee on Pensions.

By Mr. SHELTON: A bill (H. R. 14415) granting a pension to Nancy Morgan; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7388. By the SPEAKER (by request): Petition of Joseph Melendez, jr., of Hormingueros, P. R., urging a congressional investigation of the condition of Porto Rico; to the Committee on Insular Affairs.

7389. By Mr. COLE of Ohio: Petition of citizens of Sycamore, Ohio, asking for the abolishment of paragraph 7, section 900, of the internal revenue bill, providing for a tax on ammunition and firearms; to the Committee on Ways and Means.

7390. By Mr. GALLIVAN: Petition of Suffolk County Council, Veterans of Foreign Wars, William C. Sweeney, secretary, Boston, Mass., urging immediate and favorable action on the Bursum bill, S. 1565; to the Committee on Military Affairs.

7391. By Mr. KISSEL: Petition of Emergency Committee on Near East Refugees, New York City, favoring legislation to alleviate conditions prevailing in the Near East; to the Committee on Foreign Affairs.

7392. Also, petition of International Typographical Union, Indianapolis, Ind., opposing the passage of the ship subsidy bill; to the Committee on the Merchant Marine and Fisheries.

7393. Also, petition of C. Kenyon Co. (Inc.), Brooklyn, N. Y., favoring the construction of a dam by the Federal Government in the Imperial Valley; to the Committee on Flood Control.

7394. Also, petition of National Council of Farmers' Cooperative Marketing Association, Louisville, Ky., urging Congress to accept the terms recommended by the American commission of the funding of the British debt; to the Committee on Ways and Means.

7395. By Mr. LAYTON: Petition of the George Paul Farrel Camp, No. 1, United Spanish War Veterans, Wilmington, Del., favoring the passage of House bill 13298, to extend the benefits of the war risk insurance act; to the Committee on Interstate and Foreign Commerce.

7396. By Mr. MEAD: Petition of Chamber of Commerce of Buffalo, N. Y., supporting the Winslow bill covered by civil aeronautics act of 1923 (H. R. 13715); to the Committee on Interstate and Foreign Commerce.

7397. By Mr. PATTERSON of New Jersey: Petition of Lillian Council, No. 85, Sons and Daughters of Liberty, of Glassboro, N. J., indorsing restricted immigration; to the Committee on Immigration and Naturalization.

7398. By Mr. STRONG of Pennsylvania: Petition of Ford City Council, Order of Independent Americans, protesting against any increase of the 3 per cent quota in the restriction of immigration; to the Committee on Immigration and Naturalization.